

HOUSE JOURNAL
OF THE
SIXTY FIRST LEGISLATURE
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, THE STATE CAPITOL

2009 Regular Session
Convened January 12, 2009
Adjourned Sine Die April 26, 2009



Frank Chopp, Speaker
Jeff Morris, Speaker Pro Tempore
Barbara Baker, Chief Clerk

Compiled and edited by House Workroom Staff
Mary F. Mackey, Journal Clerk

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SIXTY-FIRST LEGISLATURE - REGULAR SESSION**FIRST DAY**

House Chamber, Olympia, Monday, January 12, 2009

The House was called to order at 12:00 Noon by Chief Clerk Barbara Baker.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard. The National Anthem was sung by Sergeant Patti Lankford. The Chief Clerk led the Chamber in the Pledge of Allegiance. The prayer was offered by Rabbi Seth Goldstein, Temple Beth Hatfiloh, Olympia.

Rabbi Goldstein: *Rabono Shel Olam* Source of all Life, we ask for your blessing upon this assembly. These men and women assembled here have gathered to fulfill your sacred purpose of earth, to care for their fellow human beings, to do the work of the community, to pursue justice, righteousness and peace. The people of the State of Washington have entrusted the affairs of our state to their hands. May they be worthy of that trust, and may they find support and blessing in the light of your Presence so they can, together, build a better society for all of us.

For those new to this body, may the spirit of service which motivated you to pursue this office and brought you here to this hall continue to inspire you in the work ahead. May you adapt quickly to your duty, and flourish in your new role. May you be open to learn and to grow.

To those returning to this body, may you continue to ascend in wisdom as you recommit to the tasks at hand. May the experience gained from past service inform your work ahead, and may you share your knowledge with those around you. And may you be open to learn and to grow.

And as we gather, we remember those who are no longer with us. We call to mind Representative Bill Grant and Representative Steve Hailey. While they are no longer with us in body, may their dedication to public service continue to inspire us and animate our lives. May their memories be a blessing always.

To all assembled, may you have the strength to stand by your principles, and humility to bend and compromise when necessary. May you have the fortitude to face the many challenges which confront us, and the creativity to find solutions to them. May you have the clarity to recognize where brokenness exists in our world, and the vision to work to repair that brokenness.

Therefore, God, may it be your will that we never forget that we are all created in your image, deserving of respect, equality and honor and that we are commanded to love our fellow human beings as ourselves, both those like and different from us. May any hatred and enmity be replaced with love and fellowship, so that we may earn your blessing.

We offer our blessings and thanks for this ability to come together again in sacred service. As we begin a new journey of governance and leadership, we offer gratitude to You for giving us life, sustaining us and allowing us to reach this important occasion.

As we face the work ahead, may we remember and be inspired by the words of Your prophet Micah: He has told you, humanity, what is good, and what God requires of you: only to do justice, to love goodness, and to walk humbly with your God.

Amen."

The Chief Clerk requested that Representatives Probst and Priest escort Justice Charles Johnson of the Supreme Court of the State of Washington to the rostrum.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington

Mr. Speaker:

I, Sam Reed, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of persons elected to the office of State Representative at the State General Election held in the State of Washington on the fourth day of November, 2008, as shown by the official returns of said election now on file in the office of the Secretary of State:

format change to accommodate text

REPRESENTATIVES ELECTED NOVEMBER 4, 2008

District	Counties Represented	Name	Party
1	King*, Snohomish*	Al O'Brien Mark Ericks	(Prefers Democratic Party) (Prefers Democratic Party)
2	Pierce*, Thurston*	Jim McCune Tom Campbell	(Prefers G.O.P. Party) (Prefers Republican Party)
3	Spokane* Alex Wood	(Prefers Democratic Party) Timm Ormsby	(Prefers Democratic Party)
4	Spokane* Larry Crouse	(Prefers Republican Party) Matt Shea	(Prefers Republican Party)
5	King*	Jay Rodne Glenn Anderson	(Prefers Republican Party) (Prefers Republican Party)
6	Spokane* Kevin Parker	(Prefers Republican Party) John F. Driscoll	(Prefers Democratic Party)
7	Ferry, Lincoln, Okanogan*, Pend Oreille, Spokane*, Stevens	Shelly Short Joel Kretz	(Prefers Republican Party) (Prefers Republican Party)
8	Benton*	Brad Klippert Larry Haler	(Prefers Republican Party) (Prefers G.O.P. Party)
9	Adams, Asotin, Franklin*, Garfield, Spokane*, Whitman	Steve Hailey Joe Schmick	(Prefers G.O.P. Party) (Prefers Republican Party)
10	Island, Skagit*, Snohomish*	Norma Smith Barbara Bailey	(Prefers G.O.P. Party) (Prefers Republican Party)
11	King*	Zack Hudgins Bob Hasegawa	(Prefers Democratic Party) (Prefers Democratic Party)
12	Chelan, Douglas, Grant*, Okanogan*	Cary Condotta Mike Armstrong	(Prefers Republican Party) (Prefers Republican Party)
13	Grant*, Kittitas, Yakima*	Judith (Judy) Warnick Bill Hinkle	(Prefers Republican Party) (Prefers G.O.P. Party)
14	Yakima* Norm Johnson	(Prefers Republican Party) Charles Ross	(Prefers Republican Party)
15	Clark*, Klickitat, Skamania, Yakima* Dan Newhouse	Bruce Chandler (Prefers Republican Party)	(Prefers Republican Party)
16	Benton*, Columbia, Franklin*, Walla Walla	Maureen Walsh Bill Grant	(Prefers Republican Party) (Prefers Democratic Party)
17	Clark*	Tim Probst Deb Wallace	(Prefers Democratic Party) (Prefers Democratic Party)
18	Clark*, Cowlitz*	Jaime Herrera Ed Orcutt	(Prefers Republican Party) (Prefers Republican Party)
19	Cowlitz*, Grays Harbor*, Pacific, Wahkiakum	Dean Takko Brian E. Blake	(Prefers Democratic Party) (Prefers Democratic Party)
20	Lewis, Thurston*	Richard DeBolt Gary C. Alexander	(Prefers G.O.P. Party) (Prefers G.O.P. Party)
21	Snohomish*	Mary Helen Roberts Marko Liias	(Prefers Democratic Party) (Prefers Democratic Party)
22	Thurston*	Brendan Williams Sam Hunt	(Prefers Progressive Dem. Party) (Prefers Democratic Party)
23	Kitsap*	Sherry V. Appleton Christine Rolfes	(Prefers Democratic Party) (Prefers Democratic Party)
24	Clallam, Grays Harbor*,	Kevin Van De Wege	(Prefers Democratic Party)

	Jefferson Lynn Kessler	(Prefers Democratic Party)	
25	Pierce*	Bruce Dammeier Dawn Morrell	(Prefers Republican Party) (Prefers Democratic Party)
26	Kitsap*, Pierce*	Jan Angel Larry Seaquist	(Prefers G.O.P. Party) (Prefers Democratic Party)
27	Pierce*	Dennis Flannigan Jeannie Darneille	(Prefers Democratic Party) (Prefers Democratic Party)
28	Pierce*	Troy Kelley Tami Green	(Prefers Democratic Party) (Prefers Democratic Party)
29	Pierce*	Steve Conway Steve Kirby	(Prefers Democratic Party) (Prefers Democratic Party)
30	King*	Mark Miloscia Skip Priest	(Prefers Democratic Party) (Prefers Republican Party)
31	King*, Pierce*	Dan Roach Christopher Hurst	(Prefers Republican Party) (Prefers Democratic Party)
32	King*, Snohomish*	Maralyn Chase Ruth Kagi	(Prefers Democratic Party) (Prefers Democratic Party)
33	King*	Tina L. Orwall Dave Upthegrove	(Prefers Democratic Party) (Prefers Democrat Party)
34	King*	Eileen L. Cody Sharon K. Nelson	(Prefers Democratic Party) (Prefers Democratic Party)
35	Grays Harbor*, Kitsap*, Mason, Thurston*	Kathy Haigh Fred Finn	(Prefers Democratic Party) (Prefers Democratic Party)
36	King*	Reuven Carlyle Mary Lou Dickerson	(Prefers Democratic Party) (Prefers Democratic Party)
37	King*	Sharon Tomiko Santos Eric Pettigrew	(Prefers Democratic Party) (Prefers Democratic Party)
38	Snohomish*	John R. McCoy Mike Sells	(Prefers Democratic Party) (Prefers Democratic Party)
39	King*, Skagit*, Snohomish*, Whatcom*	Dan Kristiansen Kirk Pearson	(Prefers R Party) (Prefers Republican Party)
40	San Juan, Skagit*, Whatcom*	Dave Quall Jeff Morris	(Prefers Democratic Party) (Prefers Democratic Party)
41	King*	Marcie Maxwell Judy Clibbom	(Prefers Democratic Party) (Prefers Democratic Party)
42	Whatcom*	Doug Ericksen Kelli Linville	(Prefers Republican Party) (Prefers Democratic Party)
43	King*	Jamie Pedersen Frank Chopp	(Prefers Democratic Party) (Prefers Democratic Party)
44	Snohomish*	Hans Dunshee Mike Hope	(Prefers Democratic Party) (Prefers Republican Party)
45	King*	Roger Goodman Larry Springer	(Prefers Democratic Party) (Prefers Democratic Party)
46	King*	Scott White Phyllis G. Kenney	(Prefers Democratic Party) (Prefers Democratic Party)
47	King*	Geoff Simpson Pat Sullivan	(Prefers Democratic Party) (Prefers Democratic Party)
48	King*	Ross Hunter Deb Eddy	(Prefers Democratic Party) (Prefers Democratic Party)

49 Clark*

Jim Jacks
Jim Moeller

(Prefers Democratic Party)
(Prefers Democratic Party)

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

Sam Reed, Secretary of State

The Clerk called the roll and a quorum was present.

OATH OF OFFICE

Justice Charles Johnson administered the oath of office to the members of the House of Representatives.

"I, MEMBER'S NAME, do hereby affirm that I will uphold the Constitution and laws of the United States of America, the Constitution and laws of the State of Washington, and that I will faithfully and impartially discharge the duties of the office of a Washington State Representative to the best of my ability."

The Certificates of Office were distributed to the members.

RESOLUTION

HOUSE RESOLUTION NO. 4600 by Representatives Kessler and Kretz

BE IT RESOLVED, That no later than Friday, January 23, 2009, the twelfth legislative day, the House of Representatives shall meet to consider adoption of permanent House Rules for the Sixty-first Legislature; and

BE IT FURTHER RESOLVED, That temporary House Rules for the Sixty-first Legislature be adopted as follows:

TEMPORARY RULES OF THE HOUSE OF REPRESENTATIVES SIXTY-FIRST LEGISLATURE 2009-2010

HOUSE RULE NO.

Rule 1	Definitions
Rule 2	Chief Clerk to Call to Order
Rule 3	Election of Officers
Rule 4	Powers and Duties of the Speaker
Rule 5	Chief Clerk
Rule 6	Duties of Employees
Rule 7	Admission to the House
Rule 8	Absentees and Courtesy
Rule 9	Bills, Memorials and Resolutions - Introductions
Rule 10	Reading of Bills
Rule 11	Amendments
Rule 12	Final Passage
Rule 13	Hour of Meeting, Roll Call and Quorum
Rule 14	Daily Calendar and Order of Business
Rule 15	Motions
Rule 16	Members Right to Debate
Rule 17	Rules of Debate
Rule 18	Ending of Debate - Previous Question
Rule 19	Voting
Rule 20	Reconsideration
Rule 21	Call of the House
Rule 22	Appeal from Decision of Chair
Rule 23	Standing Committees
Rule 24	Duties of Committees
Rule 25	Standing Committees - Expenses - Subpoena Power
Rule 26	Vetoed Bills
Rule 27	Suspension of Compensation
Rule 28	Smoking
Rule 29	Liquor
Rule 30	Parliamentary Rules
Rule 31	Standing Rules Amendment
Rule 32	Rules to Apply for Assembly
Rule 33	Legislative Mailings

Definitions

Rule 1. "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article 2 § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Fiscal committee" means the capital budget, education appropriations, finance, general government appropriations, health & human services appropriations, transportation, and ways & means committees.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

Chief Clerk to Call to Order

Rule 2. It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

Election of Officers

Rule 3. The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

Rule 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

Chief Clerk

Rule 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Duties of Employees

Rule 6. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 7. It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

- The governor or designees, or both;
- Members of the senate;
- State elected officials;
- Officers and authorized employees of the legislature;
- Former members of the house who are not advocating any pending or proposed legislation;
- Representatives of the press;
- Other persons with the consent of the speaker.

(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

Absentees and Courtesy

Rule 8. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

Rule 9. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

Reading of Bills

Rule 10. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) FIRST READING. The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) SECOND READING. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) SUBSTITUTE BILLS. When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) THIRD READING. Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) SUSPENSION CALENDAR. Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) HOUSE RESOLUTIONS. House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee.

If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. No more than one resolution per day may be scheduled for consideration by the house except by mutual agreement of the majority leader and minority leader: PROVIDED, That this limit does not apply to resolutions necessary for the operation of the house nor to resolutions scheduled for consideration on pro forma session days.

(G) CONCURRENT RESOLUTIONS. Reading of concurrent resolutions may be advanced by majority vote.

Amendments

Rule 11. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:

(A) AMENDMENTS TO BE OFFERED IN PROPER FORM. The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) COMMITTEE AMENDMENTS. When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) SENATE AMENDMENTS TO HOUSE BILLS. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) AMENDMENTS TO BE GERMANE. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) SCOPE AND OBJECT NOT TO BE CHANGED. No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) NO AMENDMENT BY REFERENCE. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) TITLE AMENDMENTS. The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule 12. Rules relating to bills on final passage are as follows:

(A) RECOMMITMENT BEFORE FINAL PASSAGE. A bill may be recommitted at any time before its final passage.

(B) FINAL PASSAGE. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(C) BILLS PASSED - CERTIFICATION. When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

Hour of Meeting, Roll Call and Quorum

Rule 13. (A) HOUR OF MEETING. The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) ROLL CALL AND QUORUM. Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

Daily Calendar and Order of Business

Rule 14. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor, and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

(1) The order of business may be changed by a majority vote of those present.

(2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

Motions

Rule 15. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- (1) Privileged motions:
 - Adjourn
 - Adjourn to a time certain
 - Recess to a time certain
 - Reconsider
 - Demand for division

- Question of privilege
- Orders of the day
- (2) Subsidiary motions:
 - First rank: Question of consideration
 - Second rank: To lay on the table
 - Third rank: For the previous question
 - Fourth rank: To postpone to a day certain
 - To commit or recommit
 - To postpone indefinitely
 - Fifth rank: To amend
- (3) Incidental motions:
 - Points of order and appeal
 - Method of consideration
 - Suspension of the rules
 - Reading papers
 - Withdraw a motion
 - Division of a question

(C) **THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT.** Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) **MOTIONS DECIDED WITHOUT DEBATE.** A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) **MOTION TO ADJOURN.** A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

Members Right to Debate

Rule 16. The methods by which a member may exercise his or her right to debate are as follows:

(A) **RECOGNITION OF MEMBER.** When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) **ORDER OF SPEAKING.** When two or more members arise at once, the speaker shall name the one who is to speak.

(C) **LIMITATION OF DEBATE.** No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

Rules of Debate

Rule 17. The rules for debate in the house are as follows:

(A) **QUESTION OF PRIVILEGE.** Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) **WITHDRAWAL OF MOTION, BILL, ETC.** After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) **READING OF A PAPER.** When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) **DISTRIBUTION OF MATERIALS.** Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) **ORDER OF QUESTIONS.** All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) **DIVISION OF POINTS OF DEBATE.** Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) **DECORUM OF MEMBERS.** While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) **REMARKS CONFINED.** A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) **EXCEPTION TO WORDS SPOKEN IN DEBATE.** If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) **TRANSGRESSION OF RULES - APPEAL.** If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 18. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main

question privileged over all other business, whether new or unfinished.

Voting

Rule 19. (A) **PUTTING OF QUESTION.** The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) **ALL MEMBERS TO VOTE.** Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) **CHANGE OF VOTE.** When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) **PRIVATE INTEREST.** No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) **INTERRUPTION OF ROLL CALL.** Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) **YEAS AND NAYS - RECORDED VOTES.** Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) **TIE VOTE, QUESTION LOSES.** In case of an equal division, the question shall be lost.

(H) **DIVISION.** If the speaker is in doubt, or if division is called for by any member, the house shall divide.

Reconsideration

Rule 20. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

Call of the House

Rule 21. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) **DOORS TO BE CLOSED.** When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) **SERGEANT AT ARMS TO BRING IN THE ABSENTEES.** The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) **HOUSE UNDER CALL.** While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

Appeal from Decision of Chair

Rule 22. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 23. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1	Agriculture & Natural Resources	13
2	Appropriations	34
3	Appropriations Subcommittee on Education	19
4	Appropriations Subcommittee on General Government & Audit Review	15
5	Capital Budget	22
6	Commerce & Labor	8
7	Community & Economic Development & Trade	9
8	Early Learning & Children's Services	7
9	Ecology & Parks	9
10	Education	9
11	Finance	9
12	Health Care & Wellness	13
13	Higher Education	10
14	Housing	7
15	Human Services	8
16	Insurance, Financial Services & Consumer Protection	9
17	Judiciary	11
18	Local Government	7
19	Public Safety & Emergency Preparedness	7
20	Rules	24
21	State Government & Tribal Affairs	8
22	Technology, Energy & Communications	13
23	Transportation	27

1	Agriculture & Natural Resources	13
2	Audit Review & Oversight	16
3	Capital Budget	13

4	Commerce & Labor	8
5	Community & Economic Development & Trade	9
6	Early Learning & Children's Services	7
7	Ecology & Parks	15
8	Education	13
9	Education Appropriations	14
10	Environmental Health	10
11	Finance	9
12	Financial Institutions & Insurance	11
13	General Government Appropriations	14
14	Health & Human Services Appropriations	15
15	Health Care & Wellness	13
16	Higher Education	9
17	Human Services	8
18	Judiciary	11
19	Local Government & Housing	11
20	Public Safety & Emergency Preparedness	9
21	Rules	24
22	State Government & Tribal Affairs	8
23	Technology, Energy & Communications	16
24	Transportation	29
25	Ways & Means	23

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

Duties of Committees

Rule 24. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee

votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage. (~~For purposes of this subsection, fiscal committee means the appropriations, capital budget, finance, and transportation committees.~~)

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

Standing Committees - Expenses - Subpoena Power

Rule 25. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

Vetoed Bills

Rule 26. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

Suspension of Compensation

Rule 27. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

Smoking

Rule 28. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

Liquor

Rule 29. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule 30. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 31. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

Rules to Apply for Assembly

Rule 32. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Mailings

Rule 33. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

Representative Kessler moved adoption of the House Floor Resolution No. 4600.

Representatives Kessler and Kretz spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4600 was adopted.

ELECTION OF THE SPEAKER

Representative Cody: "Thank you, Madam Chief Clerk. I would like to place the name of Frank Vana Chopp in nomination for Speaker of the House.

Well, as all of you know we all know and love Frank. We've all heard and have discussed his many virtues for many years. So it is hard for me to actually expound on that. So I decided this time instead of really trying to tell everybody about how he takes care of the poor and all of the good things he has done and work on childrens' health, that this time I would come up with the top ten

reasons for why Frank Chopp so be re-elected Speaker of the House. With apologies to David Letterman and his writers:

- Number ten: He tries to make sure that everyone has a title.
 Number nine: Who else would shave his moustache for a good cause even though our caucus won the bet?
 Number eight: He has already created every committee he has come up with.
 Number seven: He needs to clear the name of the Croatian politicians everywhere.
 Number six: After ten years on the job, he is finally getting it down.
 Number five: He roasts a mean lamb.
 Number four: We will all be able to say 'we've served with the longest serving speaker in the history of Washington State.
 Number three: Who else would cry when you give him a trip to Spain?
 Number two: It's the only way we will get another lesson in Croatian folk dancing.

And the number one reason Frank Chopp should be re-elected speaker – after fourteen years he still hasn't passed a bill. I urge your support. Thank you."

MOTIONS

Representative Kessler moved that the nominations for the Office of Speaker of the House of Representatives be closed. The motion was carried.

Representative Kessler moved that Representative Frank Chopp be elected to the position of Speaker of the House of Representatives. The motion was carried. Speaker Frank Chopp was escorted to the rostrum by Representative Cody.

OATH OF OFFICE

Justice Johnson administered the Oath of Office to Speaker Frank Chopp.

The Chief Clerk congratulated Speaker Chopp and turned the gavel over to him.

SPEAKER'S REMARKS

Mr. Speaker: "Welcome to the People's House. Thank you Eileen, for your nomination. And thank all of you for the opportunity to serve as your Speaker.

Doing the people's business requires a constructive dialogue between representatives of both parties, as well as with the Senate and the Governor. We need the creativity and perspective of all House members. So please join me in recognizing our Republican Leader, Richard DeBolt.

I also want to thank our Majority Leader, Lynn Kessler, for her leadership.

All of us come here -- ready to serve -- thanks to the support and sacrifices of our families. I would like to recognize my wife, Nancy Long. Nancy helps me keep the long view when daily pressures start to crowd out that perspective. You have many family members here today, and more watching at home. Please rise to honor them and thank them for their support.

With the recent passing of two members of our legislative family, Representatives Steve Hailey and Bill Grant, these are sad days for us. Please join me in a moment of silence to remember Representative Steve Hailey, who served his country, his community, and our state with honor. Thank you.

I want to take a few minutes to talk about our Democratic Caucus Chair, Bill Grant. As he was for many of you, Bill was my friend, and my mentor. He was the only person outside of my immediate family who could call me Frankie. I am sure he called me some other things too, but I won't repeat them here. I was Frankie to him and he was Uncle Bill to so many of us. He was wise and generous. He was fun...and he was funny. He loved the legislature.

Bill Grant never forgot what the word Representative really means. He worked tirelessly for his district. As a wheat farmer, he made sure that we understood the importance of agriculture to everyone in Washington State. To Bill, agriculture meant the food on our table, tough but good jobs, and pride. His love of the land and the Walla Walla community brought him to Olympia, where his knowledge and straight-forward style built understanding about the importance of agriculture to our state.

Ten years ago, we were considering suggestions that would summarize our philosophy and agenda. When we went down the list and came to the words "One Washington," Bill said, "that's it!" And that was that. Since then, we have been working to give life to that philosophy: to look at the needs all across the state, work to unify our people, and to move everyone in Washington forward! With Bill gone, we will all need to work harder to truly see the needs of our communities, and to move everyone forward together! Please take a moment of silence to remember Bill Grant.

As we begin our work this session, I am heartened to see a new approach emerging in our nation's capital. During the campaign, President-elect Obama spoke of "One Nation". We have great hope for a partnership with the other Washington! We are One Washington! And we are... One Nation! We have to be very careful this year not to let a budget problem rob us of our vision and values.

Thoreau said: "In the long run, men hit only what they aim at." We can choose to react to this economic downturn by shrinking our hopes for our state, or we can keep our eyes on the horizon and direct our attention and resources to what is truly important. There is no doubt that these are difficult times for many families. To get through these troubled times, it is best to have a clear vision of the future.

This last year, I have seen glimpses of that future as I have travelled all across our state. We can see the future in the investments we have already made:

- In the classrooms of the community college in Walla Walla
- In the improving test scores of our students
- In affordable nonprofit housing for working families in Spokane
- In the revitalized downtown and new transit station in Burien

We can continue to make these investments by creating jobs today and better communities for tomorrow.

We can see our future in the processing plant that I visited in Wenatchee, where highly sophisticated technology helps to sort and crate the best apples in the world. At that plant, the manager told me that one of his priorities is housing for farmworkers.

We can respond to this and other needs of our agricultural communities. We see a promising future for our state in the U.S. News and World Report naming Washington as the best state to start a business and the state with the most productive workers in the nation. That is why we will act on an economic stimulus program, creating jobs now that have lasting benefits for years to come.

We can see the future in the workers in Ephrata, building the tall towers for new wind turbines -- part of the first wave of green jobs.

We learn this lesson many times over: good stewardship of our environment is good for communities and for business. That is why we will continue our Evergreen Agenda to enhance our environment and our economy.

We see a better future in the commitment of citizen activists across the state, advocating populist and progressive reforms. By taking action on these reforms, and by utilizing our new Audit Review and Oversight Committee, we will encourage the contributions of other citizens, for ideas that will help us use state resources more efficiently.

We can see our future in the faces of the 5th graders in Tacoma who are being taught about civic involvement through their efforts to create the Zina Linnick Park, next to their school.

Despite our budget limitations, we must remember: the most effective investment in our economy is the education of our people, beginning with Head Start and extending to Opportunity Grants. Basic education is both a constitutional imperative and a popular mandate. Let us re-dedicate ourselves to funding the fundamentals of education, and supporting quality teaching, inspiring students, and involving parents and communities.

I have seen our future in the eyes of the children in Yakima, who are among the hundreds of thousands of children enrolled in our Apple Health program. Values are what guide us when we have to

make difficult decisions and we will keep our promise that all our children will have health care.

In the next 105 days we will pour over thousands of line items in the state budget. But the budget is not just a financial book of numbers. It is a moral document of our values. Behind the acronyms in the budget, there are real people, facing a real struggle for survival. So, we must ensure the survival of our state's safety net. As we build our future, we also remember our past.

This past week, I've asked myself: if Bill Grant were with us today, what would he say? He would probably say: 'Listen to people all across the state. Remember: One Washington'.....and then he would say...'Ah,... enough words. Let's go run some bills!'

So, let's get to work! Thank you very much!"

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Thank you, Mr. Speaker. It is with real respect that I rise today for this institution and for you, Mr. Speaker as we head into this session.

I want to say that our family did shrink by two members this year. And I don't think that everyone understands the bond that we share as legislators. We see the things on which we disagree all the time. We read about them in the papers but the eighty or ninety percent of things that we do agree upon pass by quietly. We had two legislators that helped us with that process who showed courage. They were always willing to work with each other. And it was a great opportunity to serve with them. We will miss them dearly in our family.

And it is also, Mr. Speaker, an opportunity now for us to think about redefining 'One Washington'. What does 'One Washington' mean? We need to solve the big problem that we are facing together. There is no time to point blame for the past on how we got to this situation we are in today. Whether you like it or not, we are facing a huge budget crisis. There are ideas on this side of the aisle that can help solve those problems, Mr. Speaker. And we would like to be a part of the solution.

Normally, as we go through this process, we have some ceremonies in here. One of them normally is that the minority nominates a speaker. This year we didn't do that, Mr. Speaker. I didn't have the votes anyway but that's okay. But the main reason was because this year we can't afford the games and the partisanship. Our problems are too big. We have problems that we have to solve. We have to get them done. And as we solve these problem we have to think of the people back home, the taxpayers and what they are going through and how they are struggling. Every time we pass a bill this year we should think of the implication it has on them. Sometimes ideals are fantastic but sometimes real solutions are necessary. This is a session of real solutions, Mr. Speaker. We have to dig deep; we have to think about the economy; we have to think about the promises we make because if we promise people something and we can't deliver it, it makes them even more disenfranchised today than they ever were. We cannot afford in our nation today to disenfranchise any more people. We have done that. We can't do that anymore. So as I see this great opportunity for change and with our new nation evolving in a new direction, it gives us in Washington an opportunity to evolve in a new direction too. And we are looking forward to the challenge ahead of us this year. We will provide input. We will work with you diligently. We have our commitment to solve a problem that we are really extremely concerned about.

Thank you very much, Mr. Speaker."

ELECTION OF SPEAKER PRO TEMPORE

Representative Quall: "Thank you, Mr. Speaker. It is my pleasure to nominate my colleague, my seatmate and my friend, Representative Jeff Morris for Speaker Pro Tempore. I think we learned last year that Representative Morris has the capacity of being very fair, to be knowledgeable and to have an enormous amount of concentration. That's what impresses my wife. And Representative Morris has great respect for the institution.

Since Representative Morris was elected twelve years ago, he has demonstrated his leadership in this body over and again – as a

floor leader, as the chairman of the Finance Committee and also the chairman of the Energy Committee.

Representative Morris is not only respected in this institution in this State, he is actually respected regionally and internationally. Jeff was the chair of the Pacific Northwest Economic Organization which includes the Western States and Canada. The person who helped form that organization, a senator from this State told me one time that Representative Morris has done more to advance the cause of PNWER than any man in history.

Also Representative Morris was the president of the Council of State Government - West, these are thirteen western States – I saw him operate in that capacity. I was blown away. He was better than I thought he was.

Getting back to that fairness issue, I need to point out that he did gavel me down one time last year.

But finally we realize that there is going to be a lot of tense debate this year on the floor. And I can think of no better person than Representative Morris, who has that cool hand and has the capability of directing the discussion on this floor. So it is with great pride that I stand here today to nominate my friend for Speaker Pro Tempore."

MOTIONS

Representative Kessler moved that the nominations for the Office of Speaker Pro Tempore of the House of Representatives be closed. The motion was carried.

Representative Kessler moved that Representative Jeff Morris be elected to the position of Speaker Pro Tempore of the House of Representatives. The motion was carried. Speaker Pro Tempore Jeff Morris was escorted to the rostrum by Representative Quall.

OATH OF OFFICE

Justice Johnson administered the Oath of Office to Speaker Pro Tempore Jeff Morris.

SPEAKER PRO TEMPORE'S REMARKS

Speaker Pro Tempore Morris: "I want to ask you all to smile for a second. Say 'economic recovery'. Thank you very much. We are going to be blogging from the rostrum this session and that will be the first photo I'm going to publish online is of all of you looking at us up here.

I want to thank you very much for your vote to be your Speaker Pro Tempore. I want to thank my children, Miranda, Trevor, Madison and Fira for understanding my wanting to serve the public by being down here in Olympia and away from them. I would also like to thank my wife Jenny for trying to understand American politics. And I particularly want to thank TVW for providing closed captioning so our hearing impaired can also join her in trying to understand it as well.

Together we have a daunting 105-day journey that lays before us. The days will be long and the decisions will be hard. Here on this floor, we'll decide what support Washington State government gives our people in their pursuit of happiness – the education our children shall have, the roads to conduct commerce, the minimum amount of health care we shall have, the cost to stay warm and dry, the basic safety of our homes and the quality of the environment in which our citizens will pursue their ambitions. Our ideas will be many on these subjects and our ideas will differ. Many times we will have strong feelings on why we should pursue these ideals in different ways. As one of your presiding officers, it is my duty to ensure that those differences are expressed in ways that promote discussion and discourse on this floor. Comments that direct us away from that goal will be out of order. My commitment to you is that I will be impartial and equal enforcing the rules of the House. When your passions stray away from the decorum of this institution, I will point out in what way that happened and ask that you return to promoting debate on this floor.

Having grown up on an island in the San Juan Islands, I learned quite young that you can have vigorous disagreements with your neighbors but that you do indeed have to live next to each other the

next day. The Pig War might be the best example of that principle gone wrong. Tired of a marauding British pig, an American decided to shoot the pig. Tensions rose, frigates and brigades were dispatched, and forts were built all because they didn't want to live next to each other the next day. In the end, instead of the third American-British war, Kaiser Wilhelm determined that San Juan Island should belong to the United States and the British were asked to leave.

At a lunch this past December with some of our incoming legislators, I shared my view – that being in the Legislature is a lot like our Thanksgiving, a day when a lot of extended family come together and not all those family members are people that we necessarily chose to be with. That day you see people that have formed the character of who you are today and you also see some people that you don't want to be in the same room along with for very long. Thanksgiving is that day where all our extended family drama, mourning, celebrations and tensions of life are lived together. Session is a 105-day Thanksgiving of sorts. We ask to be here; we didn't realize it was a packaged deal when we signed up.

As noted by the Speaker, this session has already started with much mutual mourning as we have lost members who have made us better people by just knowing them. An individual who mentored me also passed away in the last few weeks. His name was Andy Anderson. Andy received respect and admiration in two different professions. I watched him growing up as an anchor on KVOS TV in Bellingham. But I met him when he interviewed me for an internship on the staff of Congressman Al Swift. I would not be here today had Andy not picked this puppies out of a pack of puppy at the pound. Even at remembrances last Saturday, he left something that I want to share with you. He was a fan of William O. Douglas and I want to leave you with this passage from Douglas that was shared with us.

"I am reminded of many canoe trips I have taken in my lifetime. Those that start down a water course may be strangers at the beginning but almost friends at the end. There were strong head winds to overcome, and there were rainy as well as sun drenched days to travel. The portages were long and many and some were very strenuous but there was always a pleasant camp and a stand of white birchbark and water concerts held at night to the music of the loons. Inevitably, there came that last campfire, the last breakfast over last night's fire and the parting was always sad. And yet in fact there was no parting because in each happy memory of the choice parts of the journey and of the end of journey was a harmonious unified effort filled with fulfilling and beautiful hours as well as dull and dreary ones. The greatest journey I've made has been with you, my brethren who were strangers at the start but warm and fast friends at the end."

Thank you."

ELECTION OF DEPUTY SPEAKER PRO TEMPORE

Representative Williams: "I nominate Jim Moeller for the office of Deputy Speaker Pro Tempore, Mr. Speaker.

It was a year ago that we lost to the Office of Snohomish County Sheriff an iron man so inexhaustible in his assistance to you, Mr. Speaker that we actually replaced his role with two people. I cannot think of any better person to serve in the capacity of Deputy Speaker Pro Tempore than my friend Jim Moeller – the pride of America's Vancouver; the senior representative from the 49th District; someone who conducts himself and this body with dignity and grace; truly deserves to have the "honorable" prefacing his name; as active today in his home community of Vancouver as he was when he was a Vancouver city council member; a real progressive social conscience and a leader on a great many issues including veterans' affairs. Mr. Speaker, it is with considerable pride that I nominate Jim Moeller."

MOTIONS

Representative Kessler moved that the nominations for the Office of Deputy Speaker Pro Tempore of the House of Representatives be closed. The motion was carried.

Representative Kessler moved that Representative Jim Moeller be elected to the position of Deputy Speaker Pro Tempore of the House of Representatives. The motion was carried. Deputy Speaker Pro Tempore Jim Moeller was escorted to the rostrum by Representative Williams.

OATH OF OFFICE

Justice Johnson administered the Oath of Office to Deputy Speaker Pro Tempore Jim Moeller.

DEPUTY SPEAKER PRO TEMPORE'S REMARKS

Deputy Speaker Pro Tempore Moeller: "Thank you. Before I get started I would like to thank my family who was not able to join me today. My mom is watching from America's Vancouver – hi, Mom. I was going to bring my notes up here in a big three ring binder but I didn't want to scare everybody.

President Truman is a fan of mine – I mean I am a fan of President Truman; I'm starting this off really well. Actually he pointed out that if Moses had taken a poll he would probably still be sitting by the waters of Egypt. In other words, there are times to lead, and there are times to sit back and let events take the lead. And my fellow members of the House, this is the time to lead.

I am privileged today to be among you and to be chosen by you for this important office. I thank all of you for your support and your confidence in me. This office would be high honor on its own but because of you, the members of the House, this office is very special.

Many of you here have actually distinguished yourself in leadership of a profession, in business, in the fine arts and science and teaching, as well as in public office and other offices. Some of you have already made history in this House. This is not a regular time. All by itself and even before we begin, this session is already historic. Whether you were looking for it or not, everyone here just found their way in to the history and lore of this State. The only question before us is what type of memory will that be and how will it be made. I know that this session can be and will be and my fellow members, must be the session that sets a new standard, a new benchmark in governance. What we do here in the next few weeks will mark everyone from now on and I know it will be a mark of distinction and achievement.

Just a few moments ago, we walked into this great assembly from different doors, from different caucuses, from different parts of the State, from different parties, from the right and from the left, from urban and from rural. But now we walk here together linked forever for what we do and what we do not do. We already have enough common ground to get the job done. Everybody here can name at least ten businesses once bedrocks of the community we represent that have fallen or are teetering. We can name a hundred families and probably many more that know unemployment, income loss, foreclosure or worst. Everyone here without exception to region has heard from our constituents you never thought who would need our help. Families, businesses, cities, school districts, community colleges, hospitals, you name it, the problems are everywhere except this time we are all hurting from the same crisis.

It is in that spirit that I pledge to work for everyone in this House just as hard as everyone in the House works for the people of this State. In my work with you I will not forget that the people, this State and this Nation come before all things. These may not be the easiest 105 days of our lives but I think they can turn out to be our best.

God bless you and may God bless this honorable House. Thank you."

ELECTION OF CHIEF CLERK

Representative Simpson: "Thank you, Mr. Speaker. I rise to place the name of Barbara Baker in nomination for Chief Clerk of the Washington State House of Representatives.

There are a lot of new freshman on the floor today and they are probably wondering what does the Chief Clerk of the State House of Representatives do. So all I can tell you is that I'm not really sure what she does. I've been here eight years and so I looked it up this

morning. I looked at the Washington State Constitution and it is nowhere to be found in there. It is not in the Washington State Constitution. It is in the rules that we adopted earlier. The Chief Clerk's roles and responsibilities – there are a lot of them there. You'll see Barbara and her colleagues pushing papers up there all session long and it says in the Rules that nobody will attach an amendment to a bill unless it is first drawn up in the proper manner and presented to the Chief Clerk. It has lots of flowery words in there. And actually one time I got summoned to the Chief Clerk's Office because somebody in the other party thought I'd done something wrong in a committee – I know Maureen, Representative Walsh, that's shocking. The Chief Clerk wanted me to apologize. But it is not really important to me what the Chief Clerk does. I think that we have all seen what Barbara Baker is capable of doing and this place runs smoothly because of her. And if you want you can go home and read the rules of the House which apparently eight years later I've never done and figure out exactly what she is supposed to do but what matters to me is how she does it. I think we have all been witness to the fact that Barbara Baker has been a Chief Clerk that has held a certain set of values that we all find to be valuable in a Chief Clerk and those are honesty, compassion, fairness, integrity, respect for this institution, respect for other people and the people she works with, the people who work for her, wisdom and spirit of service and humility.

Like I said, it doesn't matter to me so much the nuts and bolts of what she does. I really think the world of her values. I hope you will join me today in electing Barbara Baker the Chief Clerk of the House of Representatives."

Representative Hinkle: "Thank you, Mr. Speaker. I rise in support of the nomination of Barbara Baker for Chief Clerk. I've actually watched what she does since I've been here for six years. She reminds me of this guy I played football with in high school. He was like one of those utility players. This guy could do anything. He was a flanker normally and he played middle linebacker and if we needed somebody to play wide receiver, he could do that. I watched him come into the lineman's drill one day and knock every lineman down except me. I was the only bigger guy than him. The guy was the toughest guy in the world. We loved him because he could do anything, play any spot.

I have watched Barbara Baker be a policy person, policy analyst. I've watched her be counsel to the Speaker. I've watched her sit up there where Cathy is sitting. I've watched her sit down as Chief Clerk now. And I've watched her solve problems in this House. I've watched her solve problems between members when there were some of us that think we were more important than we are. If you think you are really important stick your finger in a glass of water and pull it out and see how fast the hole is filled. She remembers that but she also maintains the integrity of this place as the people's House. She makes sure that one we know what to do, where we are going, where we are parking and many other issues, and that we have furniture but most of all as we go through the zillions of bills here every year, that we put on the table, she and her staff do a fantastic job for us. I think of three words, the good gentleman from District No. 47 already used these words, fair is most of all and as you know this is a partisan appointment. The majority gets to nominate the person and usually they win but in reality we all vote and this is one of those that we all would probably nominate – each one of us because we've watched her work. She is fair, she is honest, she is hardworking, she is smart and she is really classy. And so it is my pleasure to again support Barbara Baker for Chief Clerk. Thank you, Mr. Speaker."

MOTIONS

Representative Kessler moved that the nominations for the Office of Chief Clerk of the House of Representatives be closed. The motion was carried.

Representative Kessler moved that Barbara Baker be elected to the position of Chief Clerk of the House of Representatives. The motion was carried. Chief Clerk Barbara was escorted to the rostrum by Representatives Simpson and Hinkle.

OATH OF OFFICE

Justice Johnson administered the Oath of Office to Chief Clerk Barbara Baker.

CHIEF CLERK REMARKS

Chief Clerk Baker: "Thank you. My acceptance remarks will be limited to two quick points:

First, as many of you know, the first election to a new and big job is fun and exciting and a little scary. But the second election is more personally rewarding because it is a validation. And this year that means everything to me because it is a difficult time and we here in the House, like all Washingtonians, have had to make changes and choices regarding the uses of scarce resources. Thank you for electing me even though our office hasn't been able to say "yes" as often as we have in the past. And to thank you in advance for your indulgence in whatever is to come.

Second and obviously, this is a package deal. A vote for me is a vote for our deputy chief clerk, Bernard Dean, and every other staff person here in the House. They commit their hearts and souls to this job so I'm sure you won't be disappointed. In the very old days, members voted for each and every staff position. Chief Clerk elections were often contested. In some ways, I regret the passage of this tradition because, as a lawyer, I believe that sometimes constructive conflict can result in better choices. You all are the embodiment of that principle. So today I am very happy to stand here and say that we will do our part to make this session as productive and painless as possible.

Thanks again."

Speaker Chopp thanked Justice Johnson and called upon Representatives Probst and Priest to escort the Justice from the Chamber.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4601, by Representatives Kessler and Kretz

BE IT RESOLVED, That the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Senate that the House of Representatives is now organized and ready to conduct business.

Representative Kessler moved adoption of House Resolution No. 4601.

Representatives Kessler and Kretz spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4601 was adopted.

The Speaker appointed Representatives Appleton, Ericks, Herrera and Schmick to notify the Senate that the House was organized and ready to do business.

INTRODUCTION AND FIRST READING

HB 1000 by Representatives Haler, Klippert and Wood

AN ACT Relating to state route number 397; and amending RCW 47.17.577.

Referred to Committee on Transportation.

HB 1001 by Representatives Parker, Hurst, McCune, Moeller, Ross, Kelley, Morrell, Chase, Green, Schmick, Sullivan, Conway, Dickerson, Kenney, Campbell, Kristiansen, Driscoll, VanDeWege, Orwall, O'Brien, Roach, Wallace, Simpson, Bailey, Kretz and Warnick

AN ACT Relating to veterans' burials; and amending RCW 68.50.230.

Referred to Committee on Judiciary.

HB 1002 by Representatives Appleton and Hasegawa

AN ACT Relating to allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location; amending RCW 9.94A.637; and creating a new section.

Referred to Committee on Judiciary.

HB 1003 by Representatives Warnick, O'Brien and Moeller

AN ACT Relating to responsible parties for issuing notice and summons in proceedings involving the dissolution of ports and other districts and in dependency matters; and amending RCW 53.48.030, 13.34.070, and 13.34.080.

Referred to Committee on Judiciary.

HB 1004 by Representatives Morris, Chase, Morrell, Upthegrove, Hudgins and Moeller

AN ACT Relating to adding products to the energy efficiency code; and amending RCW 19.260.030, 19.260.040, and 19.260.050.

Referred to Committee on Technology, Energy & Communications.

HB 1005 by Representatives Morris, Chase, Green, Hasegawa, Upthegrove, Williams, Hudgins and Moeller

AN ACT Relating to internet privacy policies; and adding a new chapter to Title 19 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1006 by Representatives Morris, Chase, Kelley, Kagi, Upthegrove, Hudgins and Moeller

AN ACT Relating to labeling identification devices; amending RCW 19.300.010; and adding a new section to chapter 19.300 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1007 by Representatives Morris, Chase, Morrell, Liias, Anderson, Upthegrove, Seaquist, Hudgins and Moeller

AN ACT Relating to creating a sustainable energy trust; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1008 by Representatives Morris, Chase, Upthegrove, Seaquist and Morrell

AN ACT Relating to small wind permitting standards; and adding a new chapter to Title 70 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1009 by Representatives Morris, Chase, Liias, Anderson, Orcutt, Seaquist, Hudgins and Moeller

AN ACT Relating to extending the expiration dates for existing sales and use tax exemptions related to certain electricity generation; amending RCW 82.08.02567 and 82.12.02567; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1010 by Representatives Morris, Chase and Moeller

AN ACT Relating to the definition of a biofuel; and amending RCW 19.112.010.

Referred to Committee on Technology, Energy & Communications.

HB 1011 by Representatives Morris, Chase, Hasegawa, Kagi, Darneille, Upthegrove, Hudgins and Moeller

AN ACT Relating to regulating the use of identification devices; amending RCW 19.300.010; and adding new sections to chapter 19.300 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1012 by Representatives Campbell, O'Brien, Kelley and Liias

AN ACT Relating to marketing controlled substances to minors; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1013 by Representatives Haler, O'Brien, Pearson, Chase, Campbell and Roach

AN ACT Relating to protecting registered school students from sexual misconduct by school employees; amending RCW 9A.44.093 and 9A.44.096; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1014 by Representatives Campbell, Hudgins, Hunt, Chase, Morrell, Nelson, Hasegawa, Wood and White

AN ACT Relating to the duties of the office of waste reduction and sustainable production within the department of ecology; amending RCW 70.95C.010, 70.95C.020, 70.95C.030, 70.95C.040, and 70.95C.070; and adding new sections to chapter 70.95C RCW.

Referred to Committee on Environmental Health.

HB 1015 by Representatives Simpson, O'Brien, Haler, Ericks, Seaquist, Conway, Haigh, Hurst, Chase, Morrell, Nelson, Sells, Williams, Liias and Moeller

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

Referred to Committee on Commerce & Labor.

HB 1016 by Representative Hunt

AN ACT Relating to changing the membership on the capitol campus design advisory committee; and amending RCW 43.34.080.

Referred to Committee on State Government & Tribal Affairs.

HB 1017 by Representatives Kessler, Ross, Johnson, Parker, Springer, Miloscia, Chandler, Newhouse, Armstrong, Williams, Morrell, Liias, Anderson, Sullivan, Blake, Hudgins and Wallace

AN ACT Relating to studying the feasibility of creating a board with public records act and open public meetings act responsibilities; creating a new section; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 1018 by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz and Condotta

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

Referred to Committee on State Government & Tribal Affairs.

HB 1019 by Representatives Hunt, Appleton, Chandler, Armstrong, Haigh, Newhouse, Rolfes, Hinkle, Green, Herrera, Sells, Blake, Kenney, Orcutt, Ross, Bailey, Short, Kretz and Condotta

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

Referred to Committee on State Government & Tribal Affairs.

HB 1020 by Representatives Sells, McCoy, Blake, Smith, Kelley, Morrell, Eddy, Chase, Miloscia, Ericks, O'Brien, Wallace, Simpson, McCune, Liias, Hunter, Nelson, Moeller, Rolfes, Sullivan, Conway, Kagi, Dickerson, Shea, Angel, Short, Parker, Upthegrove, Williams, Campbell, Hope, Haigh, VanDeWege, Orcutt, Hudgins, Seaquist, Dammeier and White

AN ACT Relating to an Afghanistan-Iraq war memorial; adding a new section to chapter 73.40 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1021 by Representatives Campbell, Morrell and Moeller

AN ACT Relating to prior notice of hospital surveys and audits; and amending RCW 70.41.045.

Referred to Committee on Health Care & Wellness.

HB 1022 by Representatives Williams, Warnick, Kelley, Rodne, Dickerson and Moeller

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

Referred to Committee on Judiciary.

HB 1023 by Representatives Sullivan, Williams, Dickerson, Green, Quall, Sells, Appleton, Ormsby, Conway, Priest, Santos, Haigh, Hunt, Kenney, Liias, Seaquist, Kagi, Chase, Morrell and Simpson

AN ACT Relating to educational staff associates; and amending RCW 28A.150.410.

Referred to Committee on Ways & Means.

HB 1024 by Representatives Armstrong, Lias and Williams

AN ACT Relating to designating Aplets and Cotlets as the state candy; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1025 by Representatives Armstrong, Uptegrove and Wallace

AN ACT Relating to cost savings on course materials; and amending RCW 28B.10.590.

Referred to Committee on Higher Education.

HB 1026 by Representatives Armstrong, Anderson, Newhouse, Orcutt, Short, Kretz and Warnick

AN ACT Relating to verification that applicants for drivers' licenses and identicards are lawfully within the United States; amending RCW 46.20.035; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1027 by Representatives Armstrong, Pearson, Campbell, Shea, Bailey and McCune

AN ACT Relating to eliminating the state property tax levy; amending RCW 84.52.065, 84.52.043, 84.52.050, 36.58.150, 36.60.040, 36.69.145, 36.73.060, 36.83.030, 36.100.050, 67.38.130, 84.52.010, and 84.69.020; and crating a new section.

Referred to Committee on Finance.

HB 1028 by Representative Armstrong

AN ACT Relating to services provided by television reception improvement districts; and amending RCW 36.95.010 and 36.95.140.

Referred to Committee on Technology, Energy & Communications.

HB 1029 by Representatives Armstrong, Hunt, Appleton, Chandler, Miloscia, Kelley and Uptegrove

AN ACT Relating to reorganizing and making technical clarifications to campaign contribution and disclosure laws; amending RCW 42.17.020, 42.17.367, 42.17.369, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.135, 42.17.561, 42.17.565, 42.17.570, 42.17.575, 42.17.510, 42.17.520, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.070, 42.17.095, 42.17.125, 42.17.660, 42.17.720, 42.17.740, 42.17.790, 42.17.680, 42.17.130, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, and 42.56.010; reenacting and amending RCW 42.17.2401; adding a new chapter to Title 42 RCW; creating new sections; recodifying RCW 42.17.010, 42.17.020, 42.17.035, 42.17.440, 42.17.367, 42.17.369, 42.17.460, 42.17.461, 42.17.463, 42.17.350, 42.17.360, 42.17.370, 42.17.690, 42.17.380, 42.17.405, 42.17.420, 42.17.430, 42.17.450, 42.17.030, 42.17.040, 42.17.050, 42.17.060, 42.17.065, 42.17.067, 42.17.080, 42.17.090, 42.17.3691, 42.17.093, 42.17.100, 42.17.103, 42.17.105, 42.17.550, 42.17.135, 42.17.561, 42.17.565,

42.17.570, 42.17.575, 42.17.510, 42.17.520, 42.17.530, 42.17.540, 42.17.110, 42.17.610, 42.17.640, 42.17.645, 42.17.700, 42.17.070, 42.17.095, 42.17.120, 42.17.125, 42.17.650, 42.17.660, 42.17.670, 42.17.720, 42.17.730, 42.17.740, 42.17.770, 42.17.780, 42.17.790, 42.17.680, 42.17.760, 42.17.128, 42.17.130, 42.17.710, 42.17.750, 42.17.245, 42.17.150, 42.17.155, 42.17.160, 42.17.170, 42.17.172, 42.17.175, 42.17.180, 42.17.190, 42.17.200, 42.17.210, 42.17.220, 42.17.230, 42.17.240, 42.17.2401, 42.17.241, 42.17.242, 42.17.390, 42.17.395, 42.17.397, 42.17.400, 42.17.410, 42.17.900, 42.17.910, 42.17.911, 42.17.912, 42.17.920, 42.17.930, 42.17.940, 42.17.945, 42.17.950, 42.17.955, 42.17.960, 42.17.961, 42.17.962, 42.17.963, 42.17.964, 42.17.965, and 42.17.966; repealing RCW 42.17.131, 42.17.362, 42.17.365, 42.17.375, 42.17.465, 42.17.467, 42.17.469, 42.17.471, 42.17.562, 42.17.620, and 42.17.647; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1030 by Representatives Appleton, Chandler, Hunt, Lias, Angel, Hope, Dammeier and Moeller

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

Referred to Committee on State Government & Tribal Affairs.

HB 1031 by Representatives Roberts, Kagi, Hunt, Appleton, Chase, Wood, Kenney and Moeller

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

Referred to Committee on Early Learning & Children's Services.

HB 1032 by Representatives Campbell, Morrell and Chase

AN ACT Relating to requiring a study of holistic medicine; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1033 by Representatives Campbell, Morrell, Hudgins, Hunt, Chase, Wood and Dickerson

AN ACT Relating to requiring the use of alternatives to lead wheel weights that reduce environmental health impacts; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

HB 1034 by Representatives Morrell, Moeller, Kelley, Hurst, Miloscia, Hunt, Appleton and Chase

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

Referred to Committee on State Government & Tribal Affairs.

HB 1035 by Representatives Hurst, Morrell, Moeller, Kelley, Miloscia, Hunt, Appleton, Chase and Campbell

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

Referred to Committee on State Government & Tribal Affairs.

HB 1036 by Representatives Kelley, Morrell, Moeller, Rodne, Seaquist, McCoy, Green, Goodman, Kirby, McCune,

Hurst, Miloscia, Hunt, Appleton, Chase, Conway, Williams, Campbell, Ross and Bailey

AN ACT Relating to the Washington code of military justice; amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760, 38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW.

Referred to Committee on Judiciary.

HB 1037 by Representatives Hurst, Sullivan, Roach and Simpson

AN ACT Relating to designating state route number 164 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 1038 by Representatives Orcutt, Blake, Kretz, VanDeWege, Warnick, McCune, Pearson, Kristiansen and Kessler

AN ACT Relating to forest products addressed by chapter 76.48 RCW; amending RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.902, and 76.48.910; adding new sections to chapter 76.48 RCW; creating a new section; recodifying RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.900, 76.48.902, and 76.48.910; decodifying RCW 76.48.901; and repealing RCW 76.48.070, 76.48.086, 76.48.096, and 76.48.075.

Referred to Committee on Agriculture & Natural Resources.

HB 1039 by Representatives Driscoll, Ericks, Haler, Seaquist, Simpson, Conway, Hurst, Haigh, Goodman, O'Brien, Morrell, Kelley, Wood, Kenney, Hunt and White

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

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1040 by Representatives Wood, Alexander, Simpson, Green, Hudgins, Conway and Kenney

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

Referred to Committee on Commerce & Labor.

HB 1041 by Representatives Morrell, Warnick, O'Brien, McCune, Liias, Kagi, Kenney and Wallace

AN ACT Relating to the authority of occupational therapists to purchase, store, and administer medications; and adding a new section to chapter 18.59 RCW.

Referred to Committee on Health Care & Wellness.

HB 1042 by Representatives O'Brien, Warnick, Goodman, Rodne, Kelley and Williams

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

Referred to Committee on Judiciary.

HB 1043 by Representatives Morris and Chase

AN ACT Relating to metropolitan park districts; amending RCW 35.61.010, 35.61.020, 35.61.001, and 35.61.130; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Local Government & Housing.

HB 1044 by Representatives Morris, Wood, Upthegrove, Chase, Hudgins and Moeller

AN ACT Relating to developing state standards for radio frequency identification; amending RCW 43.105.041; and adding new sections to chapter 43.105 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1045 by Representatives Williams, Dunshee, Nelson, Simpson, Moeller, Hasegawa, Chase, Roberts, Kirby, Appleton, Hunt and Upthegrove

AN ACT Relating to residential real property; amending RCW 64.50.010; adding new sections to chapter 64.50 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1046 by Representatives Rolfes, Roberts, Morrell, Kagi and Moeller

AN ACT Relating to human immunodeficiency virus testing of infants placed in out-of-home care under chapter 13.34 RCW; and amending RCW 13.34.315 and 70.24.330.

Referred to Committee on Health Care & Wellness.

HB 1047 by Representatives Hasegawa, Chase, Appleton, Kagi, Kenney, Seaquist, Moeller and Morrell

AN ACT Relating to establishing the family medicine residency training grant program; amending RCW 43.72.900; reenacting and amending RCW 43.79A.040; adding a new section to chapter 82.24 RCW; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1048 by Representatives Simpson, Hudgins, Nelson, Santos, Chase and Kenney

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

Referred to Committee on Local Government & Housing.

HB 1049 by Representatives Rolfes, Appleton, Angel, Kelley, Smith, Conway, Hope, Hunt, Dammeier, Dunshee, Herrera, Seaquist, Armstrong, Moeller, Parker, VanDeWege, Johnson, Simpson, Rodne, Orwall, Haler, Liias, Short, Kirby, Green, Kenney, Goodman, Williams, Dickerson, McCoy, Chase, Morrell, Sullivan, Sells,

Newhouse, Upthegrove, Kessler, Roach, Wallace, Bailey, Maxwell, McCune, Kretz, Condotta and Campbell

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

Referred to Committee on State Government & Tribal Affairs.

HB 1050 by Representatives Kelley, Hope, Rolfes, Johnson, Angel, Dammeier, Conway, Ross, Hunt, Herrera, Smith, Armstrong, Moeller, Parker, Rodne, Haler, Short, Shea, Chase, Morrell, Green, Sullivan, Newhouse, Upthegrove, Campbell, Kristiansen, VanDeWege, Wallace, Simpson, Bailey, Maxwell, McCune and Condotta

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

Referred to Committee on State Government & Tribal Affairs.

HB 1051 by Representatives Morrell, Dammeier, Kelley, Angel, Rolfes, Johnson, Smith, Ross, Conway, Hope, Hunt, Armstrong, Moeller, Herrera, Parker, Rodne, Haler, Short, Chase, Appleton, Green, Nelson, Sullivan, Sells, Dickerson, Newhouse, Kenney, Campbell, Kristiansen, VanDeWege, Orwall, Kessler, Seaquist, Wallace, Simpson, Bailey, Maxwell, McCune, Condotta and Upthegrove

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

Referred to Committee on State Government & Tribal Affairs.

HB 1052 by Representatives Moeller, Williams, Blake, Chase and Kretz

AN ACT Relating to firearm licenses for persons from different countries; amending RCW 9.41.070 and 9.41.097; adding a new section to chapter 9.41 RCW; repealing RCW 9.41.170; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1053 by Representatives Moeller, Williams, Conway, Wood, Chase and Hunt

AN ACT Relating to raffle ticket prices; and amending RCW 9.46.0277.

Referred to Committee on Commerce & Labor.

HB 1054 by Representatives Moeller, Chase, Appleton, Williams, Rolfes, Kirby, Hasegawa, Blake and Dickerson

AN ACT Relating to notification of parents, guardians, and custodians when a juvenile is taken into custody by law enforcement; and adding a new section to chapter 13.40 RCW.

Referred to Committee on Human Services.

HB 1055 by Representatives Moeller, Williams, Conway, Wood and Simpson

AN ACT Relating to requiring workers to have licenses, certificates, or permits in their possession when performing work in certain construction trades; amending RCW 18.106.020, 18.106.070, 18.106.090, 18.106.170, 19.28.271, 19.28.211, 19.28.231, 70.87.230, and 70.87.250; reenacting and amending RCW 19.28.161; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1056 by Representatives Takko, Orcutt, Condotta, O'Brien, Sells, Blake, Newhouse, Haigh, Simpson and Short

AN ACT Relating to annual revaluations of property for property tax purposes; amending RCW 84.41.030 and 84.41.041; adding new sections to chapter 84.41 RCW; creating a new section; making appropriations; and providing expiration dates.

Referred to Committee on Finance.

HB 1057 by Representatives Orcutt, O'Brien, Condotta and McCune

AN ACT Relating to ballot title information; and amending RCW 29A.36.071, 29A.36.210, 84.52.054, and 84.55.050.

Referred to Committee on State Government & Tribal Affairs.

HB 1058 by Representatives Goodman and Rodne

AN ACT Relating to editorial standards for the publication of the Revised Code of Washington; and amending RCW 1.08.015 and 1.08.017.

Referred to Committee on Judiciary.

HB 1059 by Representatives Goodman, Kelley and Rodne

AN ACT Relating to technical corrections to the Revised Code of Washington; reenacting and amending RCW 13.40.210 and 79A.55.020; and reenacting RCW 43.185.070, 43.185A.030, 46.09.170, 49.60.040, 66.20.310, and 70.105D.070.

Referred to Committee on Judiciary.

HB 1060 by Representatives Liias, Walsh, Simpson, Ericks, Ormsby, Miloscia, Nelson, Rolfes, Conway, Wood, Kenney, Chase, Moeller and Upthegrove

AN ACT Relating to updating the weatherization statute to reflect evolving green building and energy conservation practices; and amending RCW 70.164.020, 70.164.040, 70.164.050, and 70.164.060.

Referred to Committee on Local Government & Housing.

HB 1061 by Representatives Campbell, Seaquist, Chase and Moeller

AN ACT Relating to the composition of the Washington state dental quality assurance commission; amending RCW 18.32.0351, 18.32.0355, and 18.32.0357; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health Care & Wellness.

HB 1062 by Representatives Takko, Warnick, Blake, Orcutt, Ericks and Morris

AN ACT Relating to the expiration date, goals, and legislative reporting provisions of the electrolytic processing business tax exemption; and amending RCW 82.16.0421 and 82.32.560.

Referred to Committee on Technology, Energy & Communications.

HB 1063 by Representatives Takko, Simpson and Moeller

AN ACT Relating to the termination date for a salmon and steelhead recovery program; and amending RCW 77.85.200.

Referred to Committee on Agriculture & Natural Resources.

HB 1064 by Representatives O'Brien, Warnick and Wallace

AN ACT Relating to the unauthorized occupation of rental units; and amending RCW 59.12.030.

Referred to Committee on Judiciary.

HB 1065 by Representatives O'Brien, McCune, Warnick and Morrell

AN ACT Relating to siting new mobile home parks and manufactured housing communities; amending RCW 82.02.090; adding a new section to chapter 36.70A RCW; and adding a new section to chapter 43.21C RCW.

Referred to Committee on Local Government & Housing.

HB 1066 by Representatives Rolfes, Appleton and Moeller

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

Referred to Committee on Local Government & Housing.

HB 1067 by Representatives Pedersen and Rodne

AN ACT Relating to the uniform limited partnership act; adding new sections to chapter 25.10 RCW; repealing RCW 25.10.005, 25.10.010, 25.10.020, 25.10.030, 25.10.040, 25.10.050, 25.10.060, 25.10.070, 25.10.080, 25.10.090, 25.10.100, 25.10.110, 25.10.120, 25.10.130, 25.10.140, 25.10.150, 25.10.160, 25.10.170, 25.10.180, 25.10.190, 25.10.200, 25.10.210, 25.10.220, 25.10.230, 25.10.240, 25.10.250, 25.10.260, 25.10.270, 25.10.280, 25.10.290, 25.10.300, 25.10.310, 25.10.320, 25.10.330, 25.10.340, 25.10.350, 25.10.360, 25.10.370, 25.10.390, 25.10.400, 25.10.410, 25.10.420, 25.10.430, 25.10.440, 25.10.450, 25.10.453, 25.10.455, 25.10.457, 25.10.460, 25.10.470, 25.10.480, 25.10.490, 25.10.500, 25.10.510, 25.10.520, 25.10.530, 25.10.540, 25.10.550, 25.10.553, 25.10.555, 25.10.560, 25.10.570, 25.10.580, 25.10.590, 25.10.600, 25.10.610, 25.10.620, 25.10.630, 25.10.640, 25.10.650, 25.10.660, 25.10.670, 25.10.680, 25.10.690, 25.10.800, 25.10.810, 25.10.820, 25.10.830, 25.10.840, 25.10.900, 25.10.905, 25.10.910, 25.10.915, 25.10.920, 25.10.925, 25.10.930, 25.10.935, 25.10.940, 25.10.945, 25.10.950, and 25.10.955; and providing effective dates.

Referred to Committee on Judiciary.

HB 1068 by Representatives Pedersen and Rodne

AN ACT Relating to the Washington business corporation act; amending RCW 23B.01.410, 23B.02.020, 23B.02.050, 23B.02.060, 23B.06.020, 23B.06.040, 23B.06.210, 23B.06.220, 23B.06.260, 23B.06.310, 23B.06.400, 23B.07.030, 23B.07.040, 23B.07.060, 23B.07.070, 23B.07.200, 23B.07.250, 23B.07.260, 23B.07.270, 23B.07.280, 23B.07.320, 23B.08.030, 23B.08.210, 23B.08.230, 23B.08.240, 23B.08.250, 23B.08.500, 23B.08.550, 23B.08.700, 23B.10.020, 23B.10.060, 23B.10.070, 23B.10.080, 23B.10.200, 23B.10.205, 23B.10.210, 23B.11.030, 23B.11.040, 23B.12.020, 23B.13.020, 23B.13.200, 23B.13.210, 23B.13.220, 23B.13.240, 23B.13.260, 23B.13.270, 23B.13.280, 23B.14.010, 23B.14.020, 23B.14.030, 23B.14.040, 23B.14.050, 23B.16.010, 23B.16.020, and 23B.19.040; and reenacting and amending RCW 23B.01.400.

Referred to Committee on Judiciary.

HB 1069 by Representatives Hunt, Kagi, Nelson, VanDeWege, Hasegawa, Williams, Dunshee, McCoy, Appleton, Liias, Takko, Simpson, Darneille, Rolfes, Dickerson, Kenney, White and Chase

AN ACT Relating to light pollution; amending RCW 19.27.020, 19.27.031, and 47.42.062; adding a new section to chapter 70.95M RCW; and adding a new chapter to Title 70 RCW.

Referred to Committee on Local Government & Housing.

HB 1070 by Representatives Moeller, Williams, Blake, Sells and Morrell

AN ACT Relating to veteran lottery games; amending RCW 67.70.240; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

HB 1071 by Representatives Green, Morrell, Dickerson and Kenney

AN ACT Relating to advanced registered nurse practitioners; and amending RCW 71.05.210, 71.05.230, 71.05.290, 71.05.300, 71.05.360, 71.05.390, 71.05.420, 71.05.630, 71.05.660, 71.06.040, 71.12.540, 71.32.140, 71.32.250, 71.32.260, 71.34.355, 71.34.720, 71.34.730, 71.34.750, and 71.34.770.

Referred to Committee on Health Care & Wellness.

HB 1072 by Representatives Simpson, Kelley, Pearson, Chase, VanDeWege, Hudgins, Seaquist, Morrell and Williams

AN ACT Relating to prohibiting certain sex offenders on community custody from accessing the internet; adding new sections to chapter 9.94A RCW; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1073 by Representatives Appleton and Nelson

AN ACT Relating to small loans; amending RCW 31.45.010, 31.45.073, 31.45.084, and 31.45.088; creating new sections; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1074 by Representatives Rolfes, Williams, Nelson, Hudgins and Upthegrove

AN ACT Relating to enhancing public notice requirements for vegetation management in freshwater lakes; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1075 by Representatives Rolfes, Seaquist, Appleton, Green, McCoy, Conway, Darneille, Williams, Campbell, McCune, Simpson and Morrell

AN ACT Relating to the interstate compact on educational opportunity for military children; amending RCW 28A.225.330, 28A.225.160, 28A.185.030, 28A.180.040, 28A.225.210, and 28A.225.225; adding a new section to chapter 28A.225 RCW; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

HB 1076 by Representatives Rolfes, Eddy, Kelley, Pearson, Simpson, Moeller, Orcutt, Morrell and Upthegrove

AN ACT Relating to allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release; adding a new section to chapter 72.09 RCW; and providing an effective date.

Referred to Committee on Human Services.

HB 1077 by Representatives Blake, Warnick, O'Brien, McCune, Alexander and Roach

AN ACT Relating to aquatic lands lease rates for marinas; amending RCW 79.105.060, 79.105.240, and 79.105.360; and adding a new section to chapter 79.105 RCW.

Referred to Committee on Ecology & Parks.

HB 1078 by Representatives Kelley, Roach, Kirby, Warnick, Bailey and Sells

AN ACT Relating to exchange facilitators; and adding a new chapter to Title 19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1079 by Representatives Simpson, Nelson, Springer, White and Moeller

AN ACT Relating to substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury; and amending RCW 36.70A.260 and 36.70A.270.

Referred to Committee on Local Government & Housing.

HB 1080 by Representatives Simpson and Williams

AN ACT Relating to allowing impact fees to be used for all fire protection facilities; and amending RCW 82.02.090.

Referred to Committee on Local Government & Housing.

HB 1081 by Representatives Wallace, Ericksen, Clibborn, Armstrong, Moeller and Jacks

AN ACT Relating to local improvement district financing of railroad crossing protection devices; and amending RCW 35.43.040.

Referred to Committee on Local Government & Housing.

HB 1082 by Representatives Appleton and Rolfes

AN ACT Relating to the expiration of monetary value of fare media; and amending RCW 47.60.315.

Referred to Committee on Transportation.

HB 1083 by Representative Appleton

AN ACT Relating to the reduction of Washington state ferries' fares; and amending RCW 46.68.090 and 47.60.315.

Referred to Committee on Transportation.

HB 1084 by Representatives Appleton and Rolfes

AN ACT Relating to creating a Washington state ferries commission; amending RCW 47.60.005; adding new sections to chapter 47.60 RCW; and providing an effective date.

Referred to Committee on Transportation.

HB 1085 by Representatives Appleton, Green and Dickerson

AN ACT Relating to preventing the spread of disease in body piercing practices through standard universal precautions and sterilization requirements; amending RCW 5.40.050; adding

new sections to chapter 70.54 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1086 by Representatives McCoy, Chase, Hudgins and Morris

AN ACT Relating to requiring certain providers of electric service to purchase electricity from eligible distributed generators; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 1087 by Representatives Kenney, Pettigrew, Hasegawa, Darneille, Chase, Nelson, Sullivan, Dickerson, Hudgins, White and Upthegrove

AN ACT Relating to improving the effectiveness of the office of minority and women's business enterprises; amending RCW 39.19.041; and adding new sections to chapter 39.19 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 1088 by Representative Hunter

AN ACT Relating to prospectively clarifying the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW; amending RCW 54.28.011; and creating a new section.

Referred to Committee on Finance.

HB 1089 by Representatives Hunter and Condotta

AN ACT Relating to harmonizing excise tax statutes with the streamlined sales and use tax agreement; and amending RCW 82.32.730, 82.08.050, 82.02.230, and 82.32.291.

Referred to Committee on Finance.

HB 1090 by Representatives McCoy, Appleton, Chase, VanDeWege, Hunt and Moeller

AN ACT Relating to human remains; amending RCW 68.50.645, 27.44.055, 43.334.075, and 68.60.055; adding a new section to chapter 27.44 RCW; adding a new section to chapter 68.60 RCW; adding new sections to chapter 43.334 RCW; and providing expiration dates.

Referred to Committee on State Government & Tribal Affairs.

HB 1091 by Representatives McCoy and Chase

AN ACT Relating to withdrawals of public groundwaters for stock-watering purposes; and amending RCW 90.44.050.

Referred to Committee on Agriculture & Natural Resources.

HB 1092 by Representatives Takko, Blake, Simpson and Moeller

AN ACT Relating to property tax valuation change notices; amending RCW 84.40.045; and creating a new section.

Referred to Committee on Finance.

HB 1093 by Representatives Moeller, Orcutt, Blake, Herrera, Jacks and Wallace

Concerning the creation of a historical parks and historic reserves tax incentive program.

Referred to Committee on Ecology & Parks.

HB 1094 by Representatives Herrera, Wallace, Orcutt and Moeller

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

Referred to Committee on Transportation.

HB 1095 by Representatives Hasegawa, Green, Nelson, Kelley, Kenney, Chase, Conway and Hudgins

AN ACT Relating to increasing small business access to state contracting opportunities; amending RCW 39.29.006, 39.29.011, 39.29.018, 39.29.065, 43.19.1905, 43.19.1908, 43.78.110, and 43.105.041; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

HB 1096 by Representatives Hasegawa, Green, Kenney, Chase, Hudgins and Moeller

AN ACT Relating to enhancing small business participation in state purchasing; amending RCW 43.19.1905, 28B.10.029, 39.29.050, and 43.19.1901; adding a new section to chapter 43.19 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Community & Economic Development & Trade.

HB 1097 by Representatives Kirby and Chase

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

Referred to Committee on Agriculture & Natural Resources.

HB 1098 by Representative Hunt

AN ACT Relating to computing the rate of vacation leave accrual for employees formerly employed by a school district; and amending RCW 43.01.040.

Referred to Committee on State Government & Tribal Affairs.

HB 1099 by Representatives Kelley, Green, Angel, Hope, Dammeier and Simpson

AN ACT Relating to logging the telephone calls of residents of the special commitment center; adding a new section to chapter 71.09 RCW; adding a new section to chapter 42.56 RCW; and creating new sections.

Referred to Committee on Public Safety & Emergency Preparedness.

HJM 4000 by Representatives O'Brien, Warnick, Takko, Morrell, Hasegawa, Simpson and Moeller

Requesting passage of the federal act to restore payment of county health care costs.

Referred to Committee on Human Services.

HJM 4001 by Representatives O'Brien, McCoy, Roberts, Darneille, Dickerson, Morrell, Liias, Appleton, Simpson and Moeller

Requesting the state and the legislative authorities of each county to promote the recognition and celebration of older adults.

Referred to Committee on State Government & Tribal Affairs.

HJR 4200 by Representative Armstrong

Limiting the assessed value of real property.

Referred to Committee on Finance.

HCR 4400 by Representatives Kessler and Kretz

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

HCR 4401 by Representatives Kessler and Kretz

Calling four joint sessions of the Legislature.

HCR 4402 by Representatives Kessler and Kretz

Establishing cutoff dates.

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4400 was read the first time, and under suspension of the rules was placed on the second reading calendar.

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

SECOND READING

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

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

The resolution was read the second time

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

Representative Kessler spoke in favor of adoption of the resolution.

The Speaker stated the question before the House to be the final passage of House Concurrent Resolution No. 4400.

HOUSE CONCURRENT RESOLUTION NO. 4400 was adopted.

The Speaker appointed Representatives Darneille and Smith to notify the Governor that the Legislature was organized and ready to conduct business.

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

INTRODUCTION AND FIRST READING

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4401 was read the first time, and under suspension of the rules, the resolution was placed on the second reading calendar.

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

SECOND READING

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

Calling four joint sessions of the Legislature.

The resolution was read the second time

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

Representative Kessler spoke in favor of adoption of the resolution.

The Speaker stated the question before the House to be the final passage of House Concurrent Resolution No. 4401.

HOUSE CONCURRENT RESOLUTION NO. 4401 was adopted.

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

INTRODUCTION AND FIRST READING

There being no objection, HOUSE CONCURRENT RESOLUTION NO. 4402 was read the first time, and under suspension of the rules, the bill was placed on the second reading calendar.

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

SECOND READING**HOUSE CONCURRENT RESOLUTION NO. 4402, by Representatives Kessler and Kretz****Establishing cutoff dates.**

The resolution was read the second time

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

Representatives Kessler and Kretz spoke in favor of adoption of the resolution.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Concurrent Resolution No. 4402.

HOUSE CONCURRENT RESOLUTION NO. 4402 was adopted.

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

COMMITTEE APPOINTMENTS

The Speaker announced the following committee appointments:

Alexander, Gary
*Ways & Means; State Government & Tribal Affairs
Anderson, Glenn
*Higher Education; Education Appropriations; Local Government & Housing
Angel, Jan
*Local Government & Housing; Early Learning & Children's Services; Higher Education
Appleton, Sherry

State Government & Tribal Affairs, Vice Chair; Health & Human Services Appropriations; Public Safety & Emergency Preparedness

Armstrong, Mike
*Housing; *State Government & Tribal Affairs; General Government Appropriations; Rules; Transportation

Bailey, Barbara
*Financial Institutions & Insurance; **Ways & Means; Health Care & Wellness

Blake, Brian
Agriculture & Natural Resources, Chair; Capital Budget; General Government Appropriations

Campbell, Tom
Environmental Health, Chair; Health Care & Wellness; Transportation

Carlyle, Reuven
Education Appropriations; Higher Education; Technology, Energy & Communications

Chandler, Bruce
*Agriculture & Natural Resources; Commerce & Labor; Ways & Means

Chase, Maralyn
Environmental Health, Vice Chair; Capital Budget; Community & Economic Development & Trade; Ecology & Parks

Chopp, Frank
Rules, Chair; Audit Review & Oversight

Clibborn, Judy
Transportation, Chair; Health Care & Wellness

Cody, Eileen
Health Care & Wellness, Chair; Health & Human Services Appropriations; Ways & Means

Condotta, Cary
*Commerce & Labor; Education Appropriations; Finance; Technology, Energy & Communications

Conway, Steve
Commerce & Labor, Chair; Finance; Ways & Means

Crouse, Larry
*Technology, Energy & Communications; Commerce & Labor; General Government Appropriations

Dammeier, Bruce
*Human Services; **Ways & Means; Education

Darneille, Jeannie
General Government Appropriations, Chair; Ways & Means

DeBolt, Richard
*Rules; Audit Review & Oversight

Dickerson, Mary Lou
Human Services, Chair; Ecology & Parks; Environmental Health; Health & Human Services Appropriations; Transportation

Driscoll, John
Health Care & Wellness, Vice Chair; Higher Education; Transportation

Dunshee, Hans
Capital Budget, Chair; Ecology & Parks; Environmental Health; General Government Appropriations

Eddy, Deborah
Technology, Energy & Communications, Vice Chair; Ecology & Parks; Rules; Transportation

Ericks, Mark
Ways & Means, Vice Chair; Finance; Rules

Ericksen, Doug
*Health Care & Wellness; **Local Government & Housing; Health & Human Services Appropriations; Transportation

Finn, Fred
Audit Review & Oversight; Ecology & Parks; Environmental Health; Technology, Energy & Communications; Transportation

Flannigan, Dennis
Judiciary; State Government & Tribal Affairs; Transportation

Goodman, Roger

* Ranking minority member.

** Assistant ranking minority member.

- Judiciary, Vice Chair; Early Learning & Children's Services; Public Safety & Emergency Preparedness
- Green, Tami
Audit Review & Oversight; Commerce & Labor; Health Care & Wellness; Human Services; Rules
- Haigh, Kathy
Education Appropriations, Chair; Ways & Means
- Haler, Larry
*Early Learning & Children's Services; **Technology, Energy & Communications; Education Appropriations
- Hasegawa, Bob
Finance, Vice Chair; Audit Review & Oversight; Higher Education; Rules; Technology, Energy & Communications
- Herrera, Jaime
**Health & Human Services Appropriations; Technology, Energy & Communications; Transportation
- Hinkle, Bill
**General Government Appropriations; Health Care & Wellness; Technology, Energy & Communications; Ways & Means
- Hope, Mike
**Education; **Education Appropriations; Capital Budget
- Hudgins, Zack
Ecology & Parks; Environmental Health; Rules; State Government & Tribal Affairs; Technology, Energy & Communications
- Hunt, Sam
State Government & Tribal Affairs, Chair; Education; Ways & Means
- Hunter, Ross
Finance, Chair; Education Appropriations; Ways & Means
- Hurst, Christopher
Public Safety & Emergency Preparedness, Chair; Agriculture & Natural Resources; Financial Institutions & Insurance
- Jacks, Jim
Agriculture & Natural Resources, Vice Chair; Capital Budget; Technology, Energy & Communications
- Johnson, Norm
*Audit Review & Oversight; Education; Health & Human Services Appropriations; Rules; Transportation
- Kagi, Ruth
Early Learning & Children's Services, Chair; Education Appropriations; Ways & Means
- Kelley, Troy
Financial Institutions & Insurance, Vice Chair; Audit Review & Oversight; Health Care & Wellness; Judiciary; Rules
- Kenney, Phyllis
Community & Economic Development & Trade, Chair; General Government Appropriations; Ways & Means
- Kessler, Lynn
Rules; Ways & Means
- Kirby, Steve
Financial Institutions & Insurance, Chair; Judiciary; Public Safety & Emergency Preparedness
- Klippert, Brad
**Public Safety & Emergency Preparedness; Human Services; Transportation
- Kretz, Joel
Agriculture & Natural Resources; Ecology & Parks; Environmental Health; Rules
- Kristiansen, Dan
Ecology & Parks; Rules; Transportation
- Liias, Marko
Transportation, Vice Chair; Community & Economic Development & Trade; Education; Housing
- Linville, Kelli
Ways & Means, Chair; Audit Review & Oversight
- Maxwell, Marcie
Community & Economic Development & Trade, Vice Chair; Capital Budget; Education
- McCoy, John
Technology, Energy & Communications, Chair; Agriculture & Natural Resources; Financial Institutions & Insurance
- McCune, Jim
*General Government Appropriations; Capital Budget; Housing; Technology, Energy & Communications
- Miloscia, Mark
Audit Review & Oversight, Chair; Housing, Chair; Health & Human Services Appropriations; Local Government & Housing; State Government & Tribal Affairs
- Moeller, Jim
Commerce & Labor; Health Care & Wellness; Rules; Transportation
- Morrell, Dawn
Health & Human Services Appropriations; Health Care & Wellness; Human Services; Rules
- Morris, Jeff
Audit Review & Oversight; Ecology & Parks; Rules; Technology, Energy & Communications; Transportation
- Nelson, Sharon
Local Government & Housing, Vice Chair; Agriculture & Natural Resources; Financial Institutions & Insurance
- Newhouse, Daniel
**Ecology & Parks; Rules; State Government & Tribal Affairs
- O'Brien, Al
Public Safety & Emergency Preparedness, Vice Chair; Health & Human Services Appropriations; Human Services
- Orcutt, Ed
*Finance; **Environmental Health; Community & Economic Development & Trade; Ecology & Parks
- Ormsby, Timm
Capital Budget, Vice Chair; Agriculture & Natural Resources; Housing; Judiciary
- Orwall, Tina
Human Services, Vice Chair; Capital Budget; Education
- Parker, Kevin
**Finance; **Financial Institutions & Insurance; Community & Economic Development & Trade
- Pearson, Kirk
*Public Safety & Emergency Preparedness; **Capital Budget; Agriculture & Natural Resources
- Pedersen, Jamie
Judiciary, Chair; General Government Appropriations; Health Care & Wellness
- Pettigrew, Eric
Health & Human Services Appropriations, Chair; Ways & Means
- Priest, Skip
*Education; *Education Appropriations; Ways & Means
- Probst, Tim
Education, Vice Chair; Community & Economic Development & Trade; Education Appropriations
- Quall, Dave
Education, Chair; Education Appropriations
- Roach, Dan
*Transportation; Audit Review & Oversight; Financial Institutions & Insurance
- Roberts, Mary Helen
Early Learning & Children's Services, Vice Chair; Health & Human Services Appropriations; Judiciary; Public Safety & Emergency Preparedness
- Rodne, Jay
*Judiciary; **Transportation; Financial Institutions & Insurance
- Rolfes, Christine
Ecology & Parks, Vice Chair; Education Appropriations; Environmental Health; Transportation
- Ross, Charles
Judiciary; Public Safety & Emergency Preparedness; Ways & Means
- Santos, Sharon Tomiko

* Ranking minority member.

** Assistant ranking minority member.

Education; Finance; Financial Institutions & Insurance; Rules
 Schmick, Joe
 *Health & Human Services Appropriations; **Higher
 Education; Rules; Ways & Means
 Seaquist, Larry
 Health & Human Services Appropriations, Vice Chair; Early
 Learning & Children's Services; Ways & Means
 Sells, Mike
 Higher Education, Vice Chair; General Government
 Appropriations; Transportation
 Shea, Matthew
 *Environmental Health; **Judiciary; Ecology & Parks;
 Transportation
 Short, Shelly
 *Ecology & Parks; Audit Review & Oversight; General
 Government Appropriations; Local Government & Housing
 Simpson, Geoff
 Local Government & Housing, Chair; Financial Institutions &
 Insurance; Transportation
 Smith, Norma
 *Community & Economic Development & Trade;
 **Agriculture & Natural Resources; **Audit Review &
 Oversight; Capital Budget
 Springer, Larry
 Housing, Vice Chair; Finance; Local Government & Housing;
 Rules; Transportation
 Sullivan, Pat
 Education Appropriations, Vice Chair; Community & Economic
 Development & Trade; Education; Ways & Means
 Takko, Dean
 General Government Appropriations, Vice Chair; Technology,
 Energy & Communications; Transportation
 Uptegrove, Dave
 Ecology & Parks, Chair; Local Government & Housing;
 Transportation
 Van De Wege, Kevin
 Agriculture & Natural Resources; General Government
 Appropriations; Rules; Technology, Energy & Communications
 Wallace, Deb
 Higher Education, Chair; Audit Review & Oversight; Education
 Appropriations; Transportation
 Walsh, Maureen
 **Early Learning & Children's Services; Health & Human
 Services Appropriations; Human Services
 Warnick, Judy
 *Capital Budget; Audit Review & Oversight; Judiciary; Rules
 White, Scott
 Capital Budget; Higher Education; Local Government &
 Housing
 Williams, Brendan
 Audit Review & Oversight, Vice Chair; Commerce & Labor;
 General Government Appropriations; Local Government &
 Housing; Transportation
 Wood, Alex
 Commerce & Labor, Vice Chair; Health & Human
 Services Appropriations; Transportation

The Sergeant at Arms announced that the delegates from the Senate had arrived. The delegates were escorted to the rostrum of the House and Senators Holmquist, Jarrett, King and Ranker reported the Senate was organized and ready for business.

The Sergeant at Arms announced that the House delegates to the Senate had returned. The delegates were escorted to the rostrum and Representatives Appleton, Ericks, Herrera and Schmick reported to the body.

MESSAGE FROM THE SENATE

January 12, 2009

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION 8400, and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

INTRODUCTION AND FIRST READING

SCR 8400 by Senators Murray and Parlette

Adopting joint rules.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8400 was read the first time, and under suspension of the rules, the bill was placed on the second reading calendar.

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

SECOND READING

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

Adopting joint rules.

The resolution was read the second time

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

Representatives Kessler and Kretz spoke in favor of adoption of the resolution.

The Speaker stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8400.

SENATE CONCURRENT RESOLUTION NO. 8400 was adopted.

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

INTRODUCTIONS & FIRST READING

On motion of Representative Kessler, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Sergeant at Arms announced that the House delegates to the Governor had returned. The delegates were escorted to the rostrum and Representatives Darneille and Smith reported to the body.

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

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 13, 2009, the second day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SECOND DAY

House Chamber, Olympia, Tuesday, January 13, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

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

INTRODUCTION AND FIRST READING

HB 1100 by Representatives Upthegrove, Rolfes, Nelson, White and Simpson

AN ACT Relating to protecting the natural marine ecosystem from the potential risks of petroleum extraction; and amending RCW 43.143.005, 43.143.010, and 90.58.550.

Referred to Committee on Ecology & Parks.

HB 1101 by Representatives Roberts, Kagi and Kenney

AN ACT Relating to modifying a foster parent license due to a change of residence; and amending RCW 74.15.100.

Referred to Committee on Early Learning & Children's Services.

HB 1102 by Representatives Moeller, Green and Conway

AN ACT Relating to the property tax revenue limit for the county veterans' assistance levy; amending RCW 73.08.080 and 84.55.005; and creating a new section.

Referred to Committee on Finance.

HB 1103 by Representatives Moeller, Green, Morrell and Kenney

AN ACT Relating to the estates of vulnerable adults; amending RCW 11.84.010, 11.84.020, 11.84.025, 11.84.030, 11.84.040, 11.84.050, 11.84.060, 11.84.070, 11.84.080, 11.84.090, 11.84.100, 11.84.110, 11.84.120, 11.84.130, 26.16.120, 41.04.273, and 11.96A.030; and adding new sections to chapter 11.84 RCW.

Referred to Committee on Judiciary.

HB 1104 by Representatives Roberts, O'Brien and McCune

Concerning vendor rates for supported living providers.

Referred to Committee on Human Services.

HB 1105 by Representatives Williams and Moeller

AN ACT Relating to the public disclosure of records relevant to a controversy to which an agency is a party; and amending RCW 42.56.290.

Referred to Committee on State Government & Tribal Affairs.

HB 1106 by Representatives Williams and Moeller

AN ACT Relating to an agency's access to superior court for the purposes of the public disclosure act; and amending RCW 42.56.540.

Referred to Committee on State Government & Tribal Affairs.

HB 1107 by Representative Williams

AN ACT Relating to local government self-insurance programs; and amending RCW 48.62.011 and 48.62.101.

Referred to Committee on Financial Institutions & Insurance.

HB 1108 by Representatives Williams and Moeller

AN ACT Relating to the definition of criminal act for crime victims compensation purposes; and amending RCW 7.68.020.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1109 by Representatives Sullivan, Liias, Upthegrove, Simpson and Moeller

AN ACT Relating to the use of the local infrastructure financing tool for downtown development and redevelopment; repealing RCW 82.14.475, 39.102.020, 39.102.040, 39.102.070, and 39.102.904; repealing 2008 c 209 s 2 (uncodified); repealing 2007 c 229 s 17 (uncodified); and providing expiration dates.

Referred to Committee on Community & Economic Development & Trade.

HB 1110 by Representatives Sullivan, Liias, Upthegrove, Orwall and Simpson

AN ACT Relating to prohibiting advertising and marketing to students receiving home-based instruction; and adding a new section to chapter 28A.320 RCW.

Referred to Committee on Education.

HB 1111 by Representatives Eddy, Blake, Williams, Kenney and Moeller

AN ACT Relating to exempting telecommunications trucks from crane safety requirements; amending RCW 49.17.410; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1112 by Representatives Eddy, Roberts, Seaquist, Blake, White, Williams, Jacks, Dunshee, Simpson and Moeller

AN ACT Relating to constraints on the installation of solar energy systems; amending RCW 64.32.010, 64.34.020, 64.34.240, 64.34.304, and 64.38.010; adding new sections to chapter 64.32 RCW; adding a new section to chapter 64.34 RCW; adding new sections to chapter 64.38 RCW; and creating a new section.

Referred to Committee on Judiciary.

HJM 4002 by Representatives Sullivan, Simpson and Kenney

Requesting reauthorization of the No Child Left Behind Act to include health and fitness.

Referred to Committee on Education.

No

800,733

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Senate appeared at the Chamber doors. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, Senate President Pro Tempore Paull Shin and Deputy Republican Leader Mike Carrell to the rostrum. The Senators were invited to seats within the Chamber.

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

format change to accommodate text.

JOINT SESSION

The Speaker (Representative Morris presiding) called the Joint Session to order. The Clerk called the roll of the members of the House. The Clerk called the roll of the members of the Senate. A quorum of the Legislature was present.

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

MESSAGE FROM THE SECRETARY OF STATE

CANVASS OF THE RETURNS OF THE GENERAL ELECTION HELD ON NOVEMBER 4, 2008

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

Initiative Measure No. 985

"Initiative Measure No. 985 concerns transportation.

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

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

Initiative Measure No. 1000

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

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

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

Initiative Measure No. 1029

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

Yes	2,113,773
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		Votes
President/Vice President		
Barack Obama / Joe Biden	(Democratic Party Nominees)	1,750,848
John McCain / Sarah Palin	(Republican Party Nominees)	1,229,216
Ralph Nader / Matt Gonzalez	(Independent Candidates)	29,489
Gloria La Riva / Eugene Puryear	(Socialism & Liberation Party Nominees)	705
James E. Harris / Alyson Kennedy	(Socialist Workers Party Nominees)	641
Bob Barr / Wayne A. Root	(Libertarian Party Nominees)	12,728
Chuck Baldwin / Darrell L. Castle	(Constitution Party Nominees)	9,432
Cynthia McKinney / Rosa Clemente	(Green Party Nominees)	3,819
U.S. Congressional District 1 - Representative		
Jay Inslee	(Prefers Democratic Party)	233,780
Larry Ishmael	(Prefers G.O.P. Party)	111,240
U.S. Congressional District 2 - Representative		
Rick Larsen	(Prefers Democratic Party)	217,416
Rick Bart	(Prefers Republican Party)	131,051
U.S. Congressional District 3 - Representative		
Brian Baird	(Prefers Democratic Party)	216,701
Michael Delavar	(Prefers Republican Party)	121,828
U.S. Congressional District 4 - Representative		
Doc Hastings	(Prefers Republican Party)	169,940
George Fearing	(Prefers Democratic Party)	99,430
U.S. Congressional District 5 - Representative		
Cathy McMorris Rodgers	(Prefers Republican Party)	211,305
Mark Mays	(Prefers Democratic Party)	112,382
U.S. Congressional District 6 - Representative		
Norm Dicks	(Prefers Democratic Party)	205,991
Doug Cloud	(Prefers Republican Party)	102,081
U.S. Congressional District 7 - Representative		
Jim McDermott	(Prefers Democratic Party)	291,963
Steve Beren	(Prefers Republican Party)	57,054
U.S. Congressional District 8 - Representative		
Dave Reichert	(Prefers Republican Party)	191,568
Darcy Burner	(Prefers Democratic Party)	171,358
U.S. Congressional District 9 - Representative		
Adam Smith	(Prefers Democratic Party)	176,295
James Postma	(Prefers Republican Party)	93,080
Governor		
Christine Gregoire	(Prefers Democratic Party)	1,598,738
Dino Rossi	(Prefers G.O.P. Party)	1,404,124
Lieutenant Governor		
Brad Owen	(Prefers Democratic Party)	1,718,033
Marcia McCraw	(Prefers Republican Party)	1,107,634
Secretary of State		
Sam Reed	(Prefers Republican Party)	1,644,587
Jason Osgood	(Prefers Democratic Party)	1,175,086
State Treasurer		
Allan Martin	(Prefers Republican Party)	1,360,063
Jim McIntire	(Prefers Democratic Party)	1,420,022
State Auditor		
Brian Sonntag	(Prefers Democratic Party)	1,770,977
J. Richard (Dick) McEntee	(Prefers Republican Party)	1,016,396
Attorney General		
Rob McKenna	(Prefers Republican Party)	1,689,764
John Ladenburg	(Prefers Democratic Party)	1,152,174
Commissioner of Public Lands		
Doug Sutherland	(Prefers Republican Party)	1,385,903

Peter J. Goldmark	(Prefers Democratic Party)	1,416,904
Superintendent of Public Instruction		
Teresa (Terry) Bergeson		1,211,909
Randy Dorn		1,333,290
Insurance Commissioner		
Mike Kreidler	(Prefers Democratic Party)	1,679,696
John R. Adams	(Prefers Republican Party)	1,056,693
Legislative District 1 - State Senator		
Rosemary McAuliffe	(Prefers Democratic Party)	36,628
Dennis Richter	(Prefers Republican Party)	26,583
Legislative District 1 - State Representative Pos. 1		
Al O'Brien	(Prefers Democratic Party)	48,791
Legislative District 1 - State Representative Pos. 2		
Mark Ericks	(Prefers Democratic Party)	47,846
Legislative District 2 - State Senator		
Marilyn Rasmussen	(Prefers Democratic Party)	30,206
Randi Becker	(Prefers Republican Party)	32,244
Legislative District 2 - State Representative Pos. 1		
Jim McCune	(Prefers G.O.P. Party)	36,417
JeanMarie Christenson	(Prefers Democratic Party)	24,540
Legislative District 2 - State Representative Pos. 2		
Tom Campbell	(Prefers Republican Party)	35,502
Michael C. Powell	(Prefers Democratic Party)	25,424
Legislative District 7 - State Representative Pos. 1		
Shelly Short	(Prefers Republican Party)	30,356
Sue Lani Madsen	(Prefers Republican Party)	22,544
Legislative District 7 - State Representative Pos. 2		
Joel Kretz	(Prefers Republican Party)	46,486
Legislative District 9 - State Senator		
Mark G. Schoesler	(Prefers G.O.P. Party)	41,263
Legislative District 9 - State Representative Pos. 1		
Steve Hailey	(Prefers G.O.P. Party)	32,022
Kenneth E. Caylor	(Prefers Democratic Party)	17,195
Legislative District 9 - State Representative Pos. 2		
Joe Schmick	(Prefers Republican Party)	31,611
Tyana Kelley	(Prefers Democratic Party)	18,258
Legislative District 10 - State Senator		
Mary Margaret Haugen	(Prefers Democratic Party)	36,835
Linda Haddon	(Prefers Republican Party)	31,917
Legislative District 10 - State Representative Pos. 1		
Norma Smith	(Prefers G.O.P. Party)	34,038
Tim Knue	(Prefers Democratic Party)	33,558
Legislative District 10 - State Representative Pos. 2		
Barbara Bailey	(Prefers Republican Party)	37,068
Patricia J. Terry	(Prefers Democratic Party)	29,833
Legislative District 12 - State Senator		
Linda Evans Parlette	(Prefers G.O.P. Party)	43,993
Legislative District 12 - State Representative Pos. 1		
Cary Condotta	(Prefers Republican Party)	40,662
Legislative District 12 - State Representative Pos. 2		
Mike Armstrong	(Prefers Republican Party)	28,020
Courtney Cox	(Prefers Republican Party)	21,789

Legislative District 13 - State Representative Pos. 1 Judith (Judy) Warnick	(Prefers Republican Party)	39,597
Legislative District 13 - State Representative Pos. 2 Bill Hinkle	(Prefers G.O.P. Party)	38,616
Legislative District 15 - State Representative Pos. 1 Bruce Chandler John (Jobs) Gotts	(Prefers Republican Party) (Prefers Democratic Party)	23,807 15,228
Legislative District 15 - State Representative Pos. 2 Dan Newhouse Tao Berman	(Prefers Republican Party) (Prefers Democratic Party)	24,637 14,647
Legislative District 16 - State Senator Mike Hewitt	(Prefers Republican Party)	42,811
Legislative District 16 - State Representative Pos. 1 Maureen Walsh Dante Lee Montoya	(Prefers Republican Party) (Prefers Democratic Party)	36,697 13,885
Legislative District 16 - State Representative Pos. 2 Bill Grant Terry R. Nealey	(Prefers Democratic Party) (Prefers Republican Party)	27,648 23,673
Legislative District 18 - State Senator Joseph Zarelli Jon Haugen	(Prefers Republican Party) (Prefers Democratic Party)	39,311 32,127
Legislative District 18 - State Representative Pos. 1 Jaime Herrera Vanessa Duplessie	(Prefers Republican Party) (Prefers Democratic Party)	42,355 28,226
Legislative District 18 - State Representative Pos. 2 Ed Orcutt Jonathan Fant	(Prefers Republican Party) (Prefers Democratic Party)	45,268 25,196
Legislative District 19 - State Senator Brian Hatfield	(Prefers Democratic Party)	41,073
Legislative District 19 - State Representative Pos. 1 Dean Takko	(Prefers Democratic Party)	39,935
Legislative District 19 - State Representative Pos. 2 Brian E. Blake	(Prefers Democratic Party)	39,521
Legislative District 20 - State Senator Dan Swecker Chuck Bojarski	(Prefers Republican Party) (Prefers Democratic Party)	39,650 22,428
Legislative District 20 - State Representative Pos. 1 Richard DeBolt Mike Rechner	(Prefers G.O.P. Party) (Prefers Democratic Party)	35,457 26,605
Legislative District 20 - State Representative Pos. 2 Gary C. Alexander Jim Cutler	(Prefers G.O.P. Party) (Prefers Democratic Party)	38,942 22,605
Legislative District 24 - State Senator Jim Hargrove	(Prefers Democratic Party)	52,742
Legislative District 24 - State Representative Pos. 1 Kevin Van De Wege Thomas Thomas	(Prefers Democratic Party) (Prefers G.O.P. Party)	44,256 23,503
Legislative District 24 - State Representative Pos. 2 Lynn Kessler Robert (Randy) Dutton	(Prefers Democratic Party) (Prefers Republican Party)	44,338 24,274
Legislative District 26 - State Representative Pos. 1 Jan Angel Kim Abel	(Prefers G.O.P. Party) (Prefers Democratic Party)	33,602 29,407

Legislative District 26 - State Representative Pos. 2		
Larry Seaquist	(Prefers Democratic Party)	36,183
Marlyn Jensen	(Prefers Republican Party)	26,059
Legislative District 31 - State Representative Pos. 1		
Dan Roach	(Prefers Republican Party)	33,862
Ron Weigelt	(Prefers Democratic Party)	22,550
Legislative District 31 - State Representative Pos. 2		
Christopher Hurst	(Prefers Democratic Party)	32,405
Sharon Hanek	(Prefers Republican Party)	22,806
Legislative District 32 - State Representative Pos. 1		
Maralyn Chase	(Prefers Democratic Party)	40,916
Alex Rion	(Prefers G.O.P. Party)	18,604
Legislative District 32 - State Representative Pos. 2		
Ruth Kagi	(Prefers Democratic Party)	47,197
Legislative District 35 - State Representative Pos. 1		
Kathy Haigh	(Prefers Democratic Party)	38,267
Marco Brown	(Prefers Republican Party)	23,788
Legislative District 35 - State Representative Pos. 2		
Fred Finn	(Prefers Democratic Party)	34,684
Randy Neatherlin	(Prefers (G.O.P.) Party)	27,185
Legislative District 39 - State Senator		
Val Stevens	(Prefers Republican Party)	36,118
Fred Walser	(Prefers Democratic Party)	25,570
Legislative District 39 - State Representative Pos. 1		
Dan Kristiansen	(Prefers R Party)	33,629
Scott Olson	(Prefers Democratic Party)	27,175
Legislative District 39 - State Representative Pos. 2		
Kirk Pearson	(Prefers Republican Party)	37,455
David E. Personius	(Prefers Democratic Party)	23,088
Legislative District 40 - State Senator		
Steve Van Luven	(Prefers Republican Party)	27,028
Kevin Ranker	(Prefers Democratic Party)	38,200
Legislative District 40 - State Representative Pos. 1		
Dave Quall	(Prefers Democratic Party)	51,568
Legislative District 40 - State Representative Pos. 2		
Jeff Morris	(Prefers Democratic Party)	44,168
Howard Pellett	(Prefers Green Party)	13,683
Supreme Court - Justice Position 3		
Mary Fairhurst		2,015,433
Supreme Court - Justice Position 4		
Charles W. Johnson		2,017,077
Supreme Court - Justice Position 7		
Debra L. Stephens		1,999,584
Court of Appeals, Division 2, District 2 - Judge Position 1		
(Joyce) Robin Hunt		242,562
Court of Appeals, Division 3, District 1 - Judge Position 2		
Kevin M. Korsmo		186,287
Court of Appeals, Division 3, District 3 - Judge Position 1		
Stephen M. Brown		104,922
Asotin, Columbia, Garfield Superior Court - Judge Position 1		
William D. (Bill) Acey		10,406
Benton, Franklin Superior Court - Judge Position 1		
Bruce Spanner		47,245

Salvador Mendoza Jr.	37,292
Ferry, Pend Oreille, Stevens Superior Court - Judge Position 1 Rebecca M. Baker	20,998
Ferry, Pend Oreille, Stevens Superior Court Judge Position 2 Allen C. Nielson	20,736
Klickitat, Skamania Superior Court - Judge Position 1 E. Thompson (Tom) Reynolds	10,943
Pacific, Wahkiakum Superior Court - Judge Position 1 Mike Sullivan	9,840

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

SAM REED
Secretary of State

The Speaker (Representative Morris presiding): "In view of the election results previously read, certified to by the Secretary of State, the Joint Session now declares the following qualified citizens to be the duly elected constitutional officers of the State of Washington:

Christine Gregoire	Governor
Brad Owen	Lieutenant Governor
Sam Reed	Secretary of State
Jim McIntire	State Treasurer
Brian Sonntag	State Auditor
Rob McKenna	Attorney General
Randy Dorn	Superintendent of Public Instruction
Mike Kreidler	Insurance Commissioner
Peter Goldmark	Commissioner of Public Lands

The Speaker and the President of the Senate signed the Certificates of Election for the duly elected constitutional officers. The Speaker (Representative Morris presiding) called upon President Owen to preside.

The President introduced the State elected officials seated on the rostrum:

Christine Gregoire	Governor
Sam Reed	Secretary of State
Mike Murphy	State Treasurer
Brian Sonntag	State Auditor
Terry Bergeson	Superintendent of Public Instruction
Doug Sutherland	Commissioner of Public Lands

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Phoebe Sinclair and Erik Anderson. The President led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

Reverend Erlandson: "Gracious Lord, I come to you on behalf of this assembly, offering both praise and thanksgiving. Also to pause and ask you, the creator of all things to be spiritually present in today's tasks.

I offer You thanks for all of the gift of freedom; the freedom to speak, the freedom to travel, the freedom to object or to agree with those around us, the freedoms hard won by patriots who have preceded us and freedoms which are now, in part, the responsibility of those here.

I also offer You thanks for the wonderful natural resources with which you have given this State. Not only the mineral, agricultural and geographic blessings we enjoy, but also the people and their talents that give identity and character to our culture. Thank you especially for those who are being honored today. They have given service to the people of this State that is above and beyond expectation. Bless them in their ongoing public and private lives.

Please provide your continued blessing in the endeavors of this day and this session. Bless this body in its process of decision making, that the results may provide equity and prosperity. Bless the members and their staff who have all made significant sacrifices of time and energy to serve their fellow citizens. Bless the families of the many members separated from home and hearth in order to do the work of governance. And, may You bless the process of legislation that the result may be well crafted laws that improve the quality of life for the residents of this great State.

Amen."

HONORING STATE ELECTED OFFICIALS LEAVING OFFICE

The President: "As the Speaker has announced, this occasion provides all of us with the opportunity to recognize our friends who are leaving office."

"Ladies and gentlemen, the President has the great privilege of being able to share some information about these distinguished public servants we are honoring today. They have served with great distinction over the years.

I am going to start with Commissioner of Public Lands, Doug Sutherland.

As our state's twelfth Lands Commissioner, Doug Sutherland has overseen the management of our state's 5.6 million acres of forest, range, agricultural, aquatic and commerce lands. Throughout his tenure, these resources have generated more than 200 million dollars a year in revenue, much of which has gone to support public schools, state institutions and county services. Doug was the first Commissioner of Public Lands to permanently protect the old growth forest. He led the development and the signing of the forest practices habitat conservation plan. He improved and diversified management of Washington's trust land portfolio by completing major land exchanges that resulted in the creation of two new State forests, the Ahtanum Multiple Use Area west of Yakima and the Naneum Ridge State Forest north of Ellensburg. He eliminated environmental and public safety hazards from state-owned aquatic lands by removing more than 200 sinking or sunken vessels plus nearly 11 million pounds of toxic creosote-laden materials from the beaches and waters of Puget Sound and from other bodies of water in Washington State.

I was privileged to serve with Commissioner Sutherland for many years on the State Capitol Committee which provides oversight of buildings and grounds projects on our splendid capitol campus and I will miss the keen perspectives and insights he provided to this group.

Prior to these impressive accomplishments as Public Lands Commissioner, Doug was a city council member, a mayor of Tacoma, the first city manager for the City of SeaTac and the Pierce County Executive. He has also been active on a wide variety of local boards, commissions and charities including the Pierce County Chapter of the American Heart Association, the Tacoma Youth Symphony and the Tacoma Urban League.

Commissioner, thank you very much for your incredible service to the people of the State of Washington. I hope we will still see you around working with us in the future."

Doug Sutherland: "Madam Governor, Mr. President, Mr. Speaker of the House, members of the House and Senate, I am delighted to be here and to enjoy today's celebrations.

I have over the past eight years been blessed with significant and incredible opportunities. Opportunities to be able to serve the people of this State and to be able to serve it in such a way that not only were we able to provide significant financial, ecological, environmental and social opportunities and benefits but also to be able to serve with an incredible group of people who work in the Department of Natural Resources. This group of people, and they are only just part of the 1500 who work day in and day out, are like no other agency that I have ever been associated with. The successes that the President has outlined are not because of the things that I have done necessarily but because of the strength and the vision and the capabilities of the people who work in the Department of Natural Resources.

You folks have an incredible challenge in front of you. The lands that we manage are under your trusteeship. You have this incredible 8 to 10 billion dollar asset in which every year we are able to provide significant benefits to the people of this State – financially, socially, ecologically and environmentally. These benefits come as a result of the recognition of the historical nature of these trust lands. Do not lose the vision of the people that wrote our state constitution and those who developed the enabling acts of this State. Those legislatures which were here before, have continually provided significant direction. You must maintain that valuable vision that has been created and developed. As this State continues to grow, the demands on these lands are going to continue to grow as well. I see that as a most critical part of being able to maintain the financial, ecological, environmental and social benefits that can accrue from these lands.

This State has a great future. You have a great challenge. This year is going to be very difficult for you. And I wish you all the very best luck. God's speed and thank you so very much for your support and help in making my career here in these past years successful. We didn't always agree but in the end the decisions that were made were made based on good information, based on what and how does it

benefit the people of this State. I appreciate the support you have given me and members of our staff.

Thank you."

The President: "Next I have the privilege of introducing Superintendent of Public Instruction, Terry Bergeson. During her twelve years as Washington Superintendent of Public Instruction, Dr. Terry Bergeson has striven to transform the teaching profession in our state and to ensure all students achieve a diploma which prepares them for success in the twenty first century.

Terry's distinguish career has covered every aspect of the education profession during which she worked tirelessly to build a partnership between legislators, educators, parents and community leaders. She has been active as a classroom teacher and counselor in public schools. Within the National Education Association and Washington Education Association she has been active. She has served as the Executive Director of the Central Kitsap School District and then the Washington State Commission on Student Learning.

As our Superintendent of Public Instruction, Dr. Bergeson worked to strengthen standards and accountability, and to improve student achievement and make Washington a national leader in its professional support for our teachers. Under her leadership, students in every ethnic group have improved their academic performance with the most notable improvements coming from students in traditionally underperforming populations. For the sixth consecutive year, Washington has the highest SAT scores for states where more than half of all students take the test.

We have worked closely with Superintendent Bergeson in recent years on the Legislative Youth Advisory Council. The young men and women in that program are a very active group and will serve as an important voice in the proceedings of the Legislature especially as legislative proposals relate to young people.

She has also been very supportive and an advocate for international teacher and student exchange programs especially with Spain. Dozens of Washington teachers have gone to the University of Castilla-La Mancha in Spain to improve their Spanish language teaching skills as well as to immerse themselves and learn more about the Spanish culture. Many of our schools have welcomed teachers from Spain as well under her leadership. Students of the State of Washington have truly been the beneficiaries of these exchanges.

So I would like to thank you, Terry Bergeson, for your incredible service to our state and most importantly for your dedication to our kids."

Terry Bergeson: "Thank you very much, Lieutenant Governor, Speaker Pro Tem, our wonderful Governor Gregoire, all of my fellow elected officials – those who will be staying, and my congratulations to Randy Dorn and to the other newly elected officials taking the new roles they are taking. And to those of you who are here in the House and the Senate – thank you. Congratulations to the people who just arrived. There are some wonderful new additions to the group. To those of you who are continuing to serve I wish you well this year.

For me, thank you for doing this today. It's a wonderful thing to recognize our service to the people of the State of Washington. There has been nothing that has been a more exciting challenge and a greater honor in my life than to be the State Superintendent of Public Instruction. To be the constitutional officer who oversees the paramount duty of the State of Washington, which is in our wonderful constitution, the strongest language in the United States of America. To protect the able education of children regardless of where they live in our state, regardless of their background. I have tremendously enjoyed the partnership which I have had with the House and the Senate, with you, Chris and with Gary Locke and the governors before you. In joining forces to improve the opportunities for the children of this State. We have done a great job. I have many people in the audience who I have worked with in the House and Senate who have a deep caring for children with disabilities, for the gifted children who sometimes are forgotten because we think they are so strong. But they are only strong if they have the opportunity to fly, to find their way in this world. We need to get access for those children – particularly poor children and children of color. I used to run the gifted program in Central Kitsap. At first I didn't like gifted

education because the kids I had always taught never got into the programs. Well today they do. Today we have hundreds of young people in advanced placement programs because of the grants you have helped me get from the Federal government and because of the money which you have invested in advanced placement. We have children from our migrant communities and children from rural and intercity poverty taking and passing advanced placement exams because they are getting access to strong academic programs. They are going to soar. We have children from military families and children who are in foster care who we have worked so hard to make sure that they have an opportunity to have some stability in the schools by changing some of our rules and providing transportation and support. The new building bridges program that we just passed is really for the first time concentrating on ways to find the early warning systems of children who are beginning to disengage in our schools, catch them before we lose them and intervene in ways that are powerful. There are consortia all across the State of wonderful people from the Social and Health Services community and school people working together to keep these kids, to educate them well and to keep them engaged and interested, and knowing that we love them, that we care about them in our schools.

There are so many things that come through the State Superintendent's Office which relate to children from all different backgrounds, their safety, the schools that they are in, the capital construction. We have wonderful new career and technical legislation which you passed last year which is going to change the face of education and open pathways for young people who need a rigorous future but they need a hands-on learning environment. We have done miracles in our state in the last decade and a half. It has been our partnership together which has made that happen. I want to thank you for the support that you have given me and the strength that you have had to stay with our standards because as I talk about all these different groups of children, the big thing we have done is to take our school system from a place where many kids fell through the cracks because everyone taught what they thought they wanted to teach. Now we have really strong academic standards. We had a really good fight about math and science. And we have revised those standards and now we have great math and science standards. They are going to take kids to a whole new level of heights. Over 93% of our kids met the reading and writing standards, and you had the courage to stay with me and with the educators on the graduation requirements that people thought would be very difficult and were very challenging. But children made it. And kids made it that no one thought would make it. We had three thousand teachers this week at the yearly conference I started when I was with the Commission on Student Learning. A young woman from Selah came up to me. She told me her school district had fifty children last fall who were not going to make it. The teachers started working with those children and all fifty of those children graduated. She found one young man who could not read or write at all. They worked together for eight weeks after school and during the school day, and it just popped. He learned to read and he learned to write. It was in there and this young man connected. No one knew how bad off he was, he passed both the tests and now he is on his way to college. You have helped me and everyone in the State make that happen. I thank you for that because we are better because of it. Our future is brighter because of it.

Doug said it, and I love my work with Doug on the Board of Natural Resources but as we look into the future that this is going to be such a challenging year for you. I hate to leave the work and the people but I don't miss having to make some of the decisions you are going to be struggling with, with the budget crisis which we are in. But we are going to come out of the crisis because we are Americans. We are going to have something new at the national level. We have dug a hole for ourselves and we cannot leave our kids in that hole. We are going to find our way out of it. This State is strong and resilient, and we will come back. As you make your decisions about education funding, we have good information now about how to fund schools. A group of your colleagues have helped to create that new structure. There will not be a lot of money to do anything about it at this point other than to get the policy direction set. But our schools need to remain an island of safety and stability and place of learning for every child in our state. The most vulnerable families are going

to have the most difficulty in the times which we face. So as you struggle with your decisions, I would urge you to keep your hearts where I believe they always are for the children and their education in the State of Washington.

Thank you for giving me the opportunity to serve this State. I'm not done, I don't have a Plan B because I didn't plan to lose. But I am making my Plan B. I would love to help our new president fix 'No Child Left Behind'. He says 'mend it, don't end it'. I don't know where I'm going but I will still be involved with children and education. I will never forget you.

Thank you. And thank you for doing this for all of us today."

The President introduced Teri Murphy wife of retiring State Treasurer Mike Murphy.

Mr. President: "Mike Murphy's distinguished career of public service began with a tour of duty in the military after which he was hired by the Office of the State Treasurer where he served in various capacities for fifteen years. He was appointed to the position of Thurston County Treasurer in the Spring of 1987 and was subsequently elected and re-elected to that office where he served until he was elected Washington's twenty-first State Treasurer in 1996. As State Treasurer, Mike Murphy has been responsible for our state's treasury portfolio and the local government investment pool. As the chair of the State Finance Committee, he has been responsible for the management of the State's outstanding debt and has served as one of ten voting members of the State Investment Board which manages more than 81.9 billion dollars in investments.

Treasurer Murphy helped institute innovative new ways to help local governments take advantage of the services of the State Treasurer for their debt issuance. He also oversaw the development of the Guaranteed Education Tuition or GET program which is the fastest growing pre-paid college tuition program in the nation. During the last twelve years, Mike has proposed smart financing packages for projects like the new Tacoma Narrows Bridge where the State saved over 416 million dollars by using bond insurance rather than concession financing through a public-private partnership.

He also spoke out strongly against the public financing proposals which he felt were unsound. In fact, he has been more than willing to take on politicians and issues, myself included, and not think twice about it. When Treasurer Murphy felt the financing being considered was not in the best interest of the State, he was often the first to speak up. In the case against me he was wrong. Whether constituent, reporter, lobbyist or politician - they knew that with Mike Murphy what you see is what you get and what you get is straight talk.

Since I also sit on the Finance Committee and have had the opportunity over the years to work with Treasurer Murphy, I know firsthand that he keeps things very interesting despite what can be some dry topics. You might say he puts a little fire in finance. Taking the boring out of bond sales. I think he wrote this. In fact no one moves money like Mike Murphy and we will owe him a great deal of gratitude. Actually in truth, Mike, you've done an incredible job; your integrity and innovative style and your dedication to service is second to none."

Mike Murphy: "Thank you, Brad. I am not going to do the normal protocol thing. I am just going to say 'dear friends'.

I started in these halls in 1972. And true to the 'Murphy Tradition' I'm about ready to cry so please bear with me. I have had a really fun time here. I must thank my wife Teri. And most importantly the staff of the State Treasurer's Office. These are the folks who invest billions, borrow hundred of millions for all of us. We just recently had a bond issued last week. We were wanting to issue 860 million dollars. You had already authorized that amount. After evaluating where the markets are today, we had to issue a smaller number. So we issued 400 million dollars instead of the 860 million dollars. We did get you a good rate though. And our bond rating was reaffirmed. I was very pleased to see that, because given the future budget deficit issues, they could very well have downgraded our state. But we worked very hard to ensure we are a strong AA State. We are good so far.

I wanted to give a special thank you to the Speaker, Mr. Chopp. When I came in office in 1997, the Legislature had already decided what you were going to do with the Tacoma Narrows Bridge. I got a briefing by the DOT and they said 'Murph, it's not your deal'. I said 'thanks, I have other things to do'. So I went about my business until I started getting sued. I don't know why they were suing me because it was somebody else's deal. Well, as it turned out, I didn't like being sued, whether as an individual or as an elected official. So I went to a number of my colleagues in the Legislative branch and said 'okay I can do this a little cheaper than what you planned'. And they said 'Murphy, the train left town a long time ago, you weren't on it, forget it'. But I said 'I can save you a whole lot of money'. They said 'we don't care, we are not revisiting that issue. That issue has been done. We're over it'. So finally I got to thinking about what was the next mega-project coming down the road. That's probably the 520 highway, who's district is on the western end of that? Frank Chopp. So I went up and had a chat with Frank and I was prohibited by SEC regulations from speaking publicly about that because I act as an issuer for the State. So we helped Frank, we gave him the numbers and we were so pleased to be able to help with that financing because by going publicly funded, we saved you 416 million dollars. That was a whole lot of fun, and Frank, thank you so much for leadership.

I have had a very fun time working in government. We are leaving this afternoon. I'm taking the afternoon off. Heading down through California to our home in Arizona. I wish you all very much luck during this session. I thank you much for your kindnesses. I think I have friends wherever I look out here. We have tried to disagree without being disagreeable. We hope we have succeeded. Thank you."

The President invited everyone to the State reception room to greet the honorees.

MOTION

On motion of Representative Kessler, the Joint Session was dissolved.

The Speaker (Representative Morris presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant of Arms of the Senate escorted President of the Senate Owen and members of the Washington State Senate from the House Chamber.

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

MOTION

On motion of Representative Kessler, the House adjourned until 11:15 a.m., January 14, 2009, the 3rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRD DAY

House Chamber, Olympia, Wednesday, January 14, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

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

MESSAGES FROM THE SENATE

January 12, 2009

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

January 12, 2009

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8400, and the same is herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 1113 by Representatives Driscoll, Warnick, Dunshee, Probst, Carlyle, Wallace, White, Chase, Ormsby, Seaquist, Simpson, Goodman, Wood, Sullivan, Maxwell, Orwall, Hinkle and Santos

AN ACT Relating to financing the school construction assistance grant program; amending 2008 c 328 s 5001 (uncodified); adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1114 by Representatives Blake, Orcutt, Green, Springer, Van De Wege, Rolfes, McCune, Simpson, Goodman, Herrera, Warnick and Conway

AN ACT Relating to hunters under the age of fourteen; and amending RCW 77.32.010, 77.32.155, and 77.08.010.

Referred to Committee on Agriculture & Natural Resources.

HB 1115 by Representatives Blake, Orcutt, Takko, Goodman, Warnick, Van De Wege, Green, Ericks, McCune, Herrera and Hinkle

AN ACT Relating to trapping; amending RCW 77.08.010 and 77.65.450; adding a new chapter to Title 77 RCW; creating a new section; repealing RCW 77.15.190, 77.15.191, 77.15.192, 77.15.194, 77.15.196, 77.15.198, 77.32.545, and 77.65.460; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1116 by Representatives Blake, Pearson and Warnick

AN ACT Relating to visible clothing requirements for individuals recreating in a mixed-use area during hunting season; amending RCW 77.15.160 and 77.08.010; adding a new section to chapter 77.15 RCW; adding a new section to chapter 77.12 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1117 by Representatives Blake, Green and Ormsby

AN ACT Relating to enforcement of the requirements of chapter 77.55 RCW when a construction project is commenced without first obtaining a hydraulic project approval; amending RCW 77.55.291 and 77.15.300; adding new sections to chapter 77.55 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1118 by Representatives Blake, Orcutt, Green, Ormsby, Van De Wege and Herrera

AN ACT Relating to requirements of signs on public land; amending RCW 77.12.210, 79.10.210, 79.71.070, and 79A.05.305; reenacting and amending RCW 79.10.125; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1119 by Representatives Pedersen, Rodne, Goodman and Kelley

AN ACT Relating to the management of funds held by nonprofit institutions; adding a new chapter to Title 24 RCW; and repealing RCW 24.44.010, 24.44.020, 24.44.030, 24.44.040, 24.44.050, 24.44.060, 24.44.070, 24.44.080, 24.44.090, and 24.44.900.

Referred to Committee on Judiciary.

HB 1120 by Representatives Pedersen, Rodne and Goodman

AN ACT Relating to uniform laws; amending RCW 43.56.010, 43.56.020, and 43.56.040; and repealing RCW 43.56.050.

Referred to Committee on Judiciary.

HB 1121 by Representatives Rodne, Bailey, Kelley, Moeller, Ross, Simpson, McCoy, Hope, Green, Ormsby, Johnson, Morrell, Smith, Campbell, Armstrong and Conway

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

Referred to Committee on State Government & Tribal Affairs.

HB 1122 by Representatives Campbell, Flannigan and McCune

AN ACT Relating to procedures for resolving boundary disputes; and amending RCW 58.04.020.

Referred to Committee on Judiciary.

HB 1123 by Representatives Campbell, Morrell, Hunter, Pedersen, Chase, Ormsby, Simpson, Wood and Conway

AN ACT Relating to reducing the spread of methicillin-resistant staphylococcus aureus; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 1124 by Representative Hurst

AN ACT Relating to the acceptance of gifts By state officers and employees; and amending RCW 42.52.150.

Referred to Committee on State Government & Tribal Affairs.

HB 1125 by Representatives Hurst and Conway

AN ACT Relating to health insurance for enlisted members of the Washington national guard; and adding a new section to chapter 38.24 RCW.

Referred to Committee on Ways & Means.

HB 1126 by Representatives Hurst and Wallace

AN ACT Relating to business and occupation tax credits for employers of certain military personnel; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1127 by Representative Hurst

AN ACT Relating to financial information; and amending RCW 19.200.010 and 63.14.123.

Referred to Committee on Financial Institutions & Insurance.

HB 1128 by Representatives Kenney, Bailey, Pettigrew, Chase, Hudgins, Haler, Hasegawa, Darneille, Kelley and Sullivan

AN ACT Relating to innovation partnership zones; and amending RCW 43.330.270 and 43.330.280.

Referred to Committee on Community & Economic Development & Trade.

HB 1129 by Representatives Kenney, Pettigrew, Ericks, Liias, Hudgins, Rolfes, Sells, Hasegawa, O'Brien, Chase, Dunshee, Wallace, Ormsby, Sullivan and Nelson

AN ACT Relating to lifelong learning accounts; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

HB 1130 by Representatives Kenney, Haigh, Sells, Hudgins, Dunshee, Chase, Hasegawa, Darneille, Ormsby, Morrell and Nelson

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

Referred to Committee on Higher Education.

HB 1131 by Representatives Kenney, Pettigrew, Haler, Ericks, Bailey, Liias, Hasegawa, Hudgins, Darneille, Chase, Dunshee, Kelley, Sullivan and Nelson

AN ACT Relating to the Washington state economic development commission; amending RCW 43.162.010 and 43.162.020; and adding a new section to chapter 43.162 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 1132 by Representatives Goodman, Rodne, Pedersen, Warnick, Maxwell, Ross, Eddy, Springer, Johnson, Kelley and Hinkle

AN ACT Relating to distressed property conveyances; amending RCW 61.34.020; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1133 by Representatives McCoy and Eddy

AN ACT Relating to modifying the renewable energy and energy conservation requirements of the energy independence act; and amending RCW 19.285.010, 19.285.030, 19.285.040, 19.285.050, and 19.285.080.

Referred to Committee on Technology, Energy & Communications.

HB 1134 by Representatives McCoy, Chase, Armstrong, Hinkle, Condotta and Warnick

AN ACT Relating to creating customer rebates and public utility tax credits for light and power businesses and gas companies; adding new sections to chapter 82.16 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1135 by Representatives McCoy, Chase, Kenney, Hinkle and Nelson

AN ACT Relating to exempting agricultural anaerobic digesters from solid waste handling permitting; amending RCW 70.95.170; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Ecology & Parks.

HB 1136 by Representatives McCoy and Chase

AN ACT Relating to incorporating considerations of impacts to plant species identified By the natural heritage program in local government permitting processes; amending RCW 79.70.030; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; and adding a new section to chapter 36.01 RCW.

Referred to Committee on Local Government & Housing.

HB 1137 by Representatives Finn, Blake, Orcutt, Ormsby, McCune, Morrell, Van De Wege, Sullivan and Herrera

AN ACT Relating to protecting landowners' investments in Christmas trees; amending RCW 79.02.300, 79.02.310, 79.02.320, and 64.12.030; and repealing RCW 79.02.340 and 79.02.350.

Referred to Committee on Agriculture & Natural Resources.

HB 1138 by Representatives Liias, Clibborn, Moeller, Green, Cody, Driscoll, Morrell and Pedersen

AN ACT Relating to allowing persons with certain medical conditions to access the restroom in a retail establishment; adding a new section to chapter 70.54 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1139 by Representative Liias

AN ACT Relating to increasing the membership of public transportation benefit area authorities; and amending RCW 36.57A.050.

Referred to Committee on Transportation.

HB 1140 by Representatives Liias, Morrell, Ericks, Miloscia, Ormsby, Rolfes, Simpson and Nelson

AN ACT Relating to the manufactured/mobile home dispute resolution program; amending RCW 59.30.040; and adding new sections to chapter 59.30 RCW.

Referred to Committee on Judiciary.

HB 1141 by Representatives Liias, Sells, Chase, Springer, Ormsby, Simpson, Miloscia, Williams, Nelson, Dickerson, White, Goodman and Hinkle

AN ACT Relating to a sales and use tax rebate for materials and services related to the construction of affordable housing; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an expiration date.

Referred to Committee on Local Government & Housing.

HB 1142 by Representatives O'Brien, Sells, Chase, Hurst, Springer, McCune, Kelley, Simpson and Maxwell

AN ACT Relating to electronic monitoring of sex offenders; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1143 by Representatives O'Brien, Pearson, Sells, Ericks, Springer, Ormsby and Simpson

AN ACT Relating to increasing the availability of safe sex offender housing; creating new sections; and providing an expiration date.

Referred to Committee on Human Services.

HB 1144 by Representatives O'Brien, Sells, Chase, Ericks, Springer, Simpson and Goodman

AN ACT Relating to crimes against property; amending RCW 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, and 9A.56.170; reenacting and amending RCW 9.94A.535; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1145 by Representatives O'Brien, Pearson, Sells, Chase, Wallace and Kelley

AN ACT Relating to creating the new crime of wrongfully removing or tampering with an electronic monitoring device; amending RCW 9.94A.507; reenacting and amending RCW 9.94A.515; adding a new section to chapter 9A.76 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1146 by Representatives O'Brien, Sells and Chase

AN ACT Relating to the possession of inhalants; adding a new section to chapter 69.50 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1147 by Representatives Hunt, Alexander, Williams, Orwall, DeBolt and Simpson

AN ACT Relating to modifying provisions of local option taxes; amending RCW 82.14.460, 82.14.450, and 84.55.050; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1148 by Representatives Williams, Rodne, Simpson, Upthegrove, Haigh, Nelson, Rolfes, Sullivan, Hunt, Liias, Chase, Moeller, Goodman, Ormsby, Hurst, Kenney, KirBy, Eddy, Conway, Pedersen, Dunshee, Dickerson, Hasegawa, Sells, Appleton, Campbell and Herrera

AN ACT Relating to protecting animals from perpetrators of domestic violence; amending RCW 26.50.060 and 26.50.110; and creating a new section.

Referred to Committee on Judiciary.

HB 1149 by Representatives Williams, Roach, Simpson, KirBy, Dunshee, Nelson and Ormsby

AN ACT Relating to protecting consumers from breaches of security; amending RCW 19.255.010; adding new sections to chapter 19.255 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1150 by Representatives Williams, Simpson, Upthegrove, Ormsby, Campbell and Goodman

AN ACT Relating to civil remedies for damages to a companion animal; and amending RCW 4.24.320.

Referred to Committee on Judiciary.

HB 1151 by Representatives Williams, Simpson, Hunt, Roberts, Eddy and Green

AN ACT Relating to operating a motor vehicle while smoking; adding a new section to chapter 46.61 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1152 by Representatives Williams, Roach, Wallace, Orcutt, Moeller, Upthegrove, Simpson and Wood

AN ACT Relating to providing notification stickers to drivers with certain disabilities or impairments; adding a new section to chapter 46.16 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1153 by Representatives Takko, Blake and Haigh

AN ACT Relating to special purpose districts; amending RCW 86.09.175, 86.09.178, 86.09.181, 86.09.259, 86.09.268, 86.09.271, and 86.09.466; adding a new section to chapter 86.09 RCW; adding a new section to chapter 85.38 RCW; and repealing RCW 86.09.274, 86.09.277, and 86.09.280.

Referred to Committee on Local Government & Housing.

HB 1154 by Representatives Takko, Van De Wege, Blake, Kessler, Sells, Orcutt, Herrera and Hinkle

AN ACT Relating to prohibiting local governments from imposing fees, taxes, or other charges on the transfer of disposable shopping bags; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.82 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 82.14 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 1155 by Representatives Hinkle, Green, Cody and Wallace

AN ACT Relating to billing for medical services provided through special education programs; and repealing RCW 74.09.5241, 74.09.5243, 74.09.5245, 74.09.5247, 74.09.5249, 74.09.5251, 74.09.5253, 74.09.5254, 74.09.5255, and 74.09.5256.

Referred to Committee on Health Care & Wellness.

HB 1156 by Representatives Anderson, Sullivan, Priest, Haigh, Quall, Dammeier, McCune, Wallace, Kelley and Herrera

AN ACT Relating to creating a preference in the alternative route certification program for veterans and national guard members; amending RCW 28A.660.040 and 28A.660.050; and adding a new section to chapter 28A.660 RCW.

Referred to Committee on Education.

HB 1157 by Representatives Anderson and Morris

AN ACT Relating to a statewide enhanced 911 emergency radio network to improve public notification during an ongoing emergency; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1158 by Representatives Goodman, Rodne, Pedersen, Warnick and Klippert

AN ACT Relating to electronic signatures for juror questionnaires; and amending RCW 2.36.072.

Referred to Committee on Judiciary.

HB 1159 by Representatives Goodman, Rodne, Pedersen, White and Upthegrove

AN ACT Relating to increasing the number of district court judges in King county; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

HB 1160 by Representatives Condotta, Chandler and Crouse

AN ACT Relating to eliminating the family leave insurance program; amending RCW 51.44.033; reenacting and amending RCW 43.79A.040 and 43.79A.040; repealing RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.040, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.150, 49.86.160, 49.86.170, 49.86.180, 49.86.190, 49.86.200, 49.86.210, 49.86.900, 49.86.901, and 49.86.902; providing an effective date; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1161 by Representatives Dickerson, Darneille, Hunt, Pettigrew, O'Brien, Roberts, Kagi, Pedersen, Conway, Simpson, Goodman, Kenney, Quall, Santos and Nelson

AN ACT Relating to early intervention services for children with disabilities; amending RCW 43.88C.010; adding new sections to chapter 70.195 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services.

HB 1162 by Representatives Dickerson, Quall, Sullivan, Haigh, Orwall, Liias, Takko, Kagi, Green, Simpson, Kenney and Nelson

AN ACT Relating to social emotional learning in public schools; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 1163 by Representatives Blake, Morrell, McCune and Hinkle

AN ACT Relating to creating incentives for the construction of improved fish passage projects; amending RCW 19.285.030, 77.57.010, 77.57.030, and 77.55.021; adding new sections to chapter 77.85 RCW; and adding a new section to chapter 77.55 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1164 by Representatives Dunshee, Ormsby, Kenney and Sullivan

AN ACT Relating to loans to local governments for public works projects; amending RCW 43.155.050, 43.155.068, and 43.155.070; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1165 by Representatives Morrell, Campbell, Priest, Dickerson, Hudgins, Rodne, Cody, Nelson, Chase, O'Brien, Dunshee, Kenney, Wood, Hunt, McCoy, Upthegrove, Hasegawa, Anderson, Appleton, Pedersen, Hunter, Darneille, Roberts, Rolfes, White, Kagi, Ormsby, Conway, Orwall, Simpson, Goodman, Van De Wege and Santos

AN ACT Relating to providing safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program; reenacting and amending RCW 69.41.030; adding a new chapter to Title 70 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Environmental Health.

HB 1166 by Representatives Hasegawa, Kenney, Simpson, Chase, Ormsby and Santos

AN ACT Relating to allowing loans to community development financial institutions under the linked deposit program; and amending RCW 43.86A.060.

Referred to Committee on Financial Institutions & Insurance.

HB 1167 by Representatives Hasegawa, Kenney, Simpson, Chase and Santos

AN ACT Relating to the linked deposit program; creating new sections; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

HB 1168 by Representatives Simpson and Wood

AN ACT Relating to reducing the environmental health impact of cleaning in state facilities; and adding a new chapter to Title 70 RCW.

Referred to Committee on Environmental Health.

HB 1169 by Representative Simpson

AN ACT Relating to fire department vehicle use of lights designated for certain law enforcement purposes; and amending RCW 46.37.190.

Referred to Committee on Transportation.

HB 1170 by Representatives McCoy, Rodne, Kelley, Warnick, Seaquist, Angel, Green, Shea, Sells, McCune, Kagi, Ormsby and Smith

AN ACT Relating to the modification of parenting plans based on the military service of a parent; and amending RCW 26.09.004, 26.09.010, and 26.09.260.

Referred to Committee on Judiciary.

HB 1171 by Representatives Sullivan and Newhouse

AN ACT Relating to the Washington beer commission; and amending RCW 15.89.020, 15.89.040, 15.89.050, 15.89.070, 15.89.100, 15.89.110, and 66.28.010.

Referred to Committee on Agriculture & Natural Resources.

HB 1172 by Representatives Simpson, Nelson and Rolfes

AN ACT Relating to the implementation of a regional transfer of development rights program; amending RCW 43.362.005 and 43.362.010; and adding new sections to chapter 43.362 RCW.

Referred to Committee on Local Government & Housing.

HB 1173 by Representatives Miloscia, Simpson, Chase, Ormsby, Hasegawa, Williams, Roberts, Goodman and Sullivan

AN ACT Relating to providing affordable housing for all; amending RCW 43.185B.040, 36.22.178, 43.185A.100, 43.185C.005, 43.185C.010, 43.185C.020, 43.185C.040, 43.185C.050, 43.185C.070, 43.185C.080, 43.185C.090, 43.185C.100, 43.185C.130, 43.185C.160, 43.185C.900, 36.22.179, 36.22.1791, 43.185C.170, 43.185C.180, 43.185B.030, 43.20A.790, and 43.185C.150; reenacting and amending RCW 43.185.070; adding new sections to chapter 43.185C RCW; adding a new chapter to Title 43 RCW; creating new sections; and recodifying RCW 36.22.179, 36.22.1791, 43.20A.790, 43.63A.650, 36.22.178, 43.185A.100, and 43.185B.040.

Referred to Committee on Local Government & Housing.

HB 1174 by Representatives Miloscia, Chase, Armstrong, Ormsby, Goodman, Hasegawa and Williams

AN ACT Relating to independent assessments of agency quality management programs; and amending RCW 43.17.390.

Referred to Committee on State Government & Tribal Affairs.

HB 1175 by Representatives Miloscia, Chase, Hasegawa, Williams, Green and Simpson

AN ACT Relating to improving ethics and integrity; amending RCW 42.52.320 and 42.52.360; adding new sections to chapter 42.52 RCW; adding a new section to chapter 44.28 RCW; and adding a new section to chapter 43.09 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1176 by Representatives Upthegrove and Orwall

AN ACT Relating to the Washington state veterinary board of governors; amending RCW 18.92.021, 18.92.046, 18.130.050, and 18.130.060; and adding a new section to chapter 18.92 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1177 by Representatives Upthegrove, Williams, Moeller, Appleton, Pedersen, Ormsby, Dickerson, Carlyle, Roberts, Wood, Cody and Nelson

AN ACT Relating to reclassifying possession of forty grams or less of marijuana from a misdemeanor to a class 2 civil infraction; amending RCW 69.50.4014, 69.50.408, 69.50.412, and 10.31.100; adding a new section to chapter 69.50 RCW; repealing RCW 69.50.425; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1178 by Representatives Upthegrove, Nelson, Rolfes and Simpson

AN ACT Relating to the enforcement of environmental permits affecting aquatic resources; amending RCW 77.15.300; adding new sections to chapter 77.55 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1179 by Representatives Upthegrove, Williams and Simpson

AN ACT Relating to a permit to withdraw public groundwaters; and amending RCW 90.44.050.

Referred to Committee on Agriculture & Natural Resources.

HB 1180 by Representatives Dickerson, Hudgins, Campbell, Dunshee, Pedersen, Hunt, Rolfes, Appleton, Moeller, Kagi, Van De Wege, Hunter, Cody, Chase, Green, Morrell, Pettigrew, White, Williams, Simpson and Kenney

AN ACT Relating to the use of bisphenol A; reenacting and amending RCW 70.105D.070; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

HB 1181 by Representatives Ross, Lias, Johnson, Ericks, Van De Wege, Hurst, O'Brien, Hunt, Parker, Kessler, Simpson, Hinkle and Kelley

AN ACT Relating to access to public records by persons serving criminal sentences in correctional facilities; and adding a new section to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1182 by Representatives Goodman, Rodne, Miloscia, Williams and Ormsby

AN ACT Relating to the uniform child abduction prevention act; and adding a new chapter to Title 26 RCW.

Referred to Committee on Judiciary.

HB 1183 by Representatives Goodman, Rodne, Pettigrew, Roberts, Williams, Appleton and Wood

AN ACT Relating to legal representation of children in dependency proceedings; amending RCW 13.34.100; and creating a new section.

Referred to Committee on Judiciary.

HB 1184 by Representative Chase

AN ACT Relating to modifying the loan repayment period for conservation projects funded By municipal utilities; and amending RCW 35.92.360.

Referred to Committee on Technology, Energy & Communications.

HB 1185 by Representative Chase

AN ACT Relating to the siting of new personal wireless service facilities on school property; amending RCW 28A.335.040; and adding a new section to chapter 28A.335 RCW.

Referred to Committee on Education.

HB 1186 by Representative Chase

AN ACT Relating to small-scale powered equipment; adding a new chapter to Title 70 RCW; adding a new chapter to Title 82 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Ecology & Parks.

HB 1187 by Representatives Chase and Hunt

AN ACT Relating to solar water heater systems; and adding new sections to chapter 19.27 RCW.

Referred to Committee on Local Government & Housing.

HB 1188 by Representatives Chase, Hinkle, Kagi and Ormsby

AN ACT Relating to providing tax exemptions for solar hot water components; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1189 by Representatives Chase and Campbell

AN ACT Relating to retail store carryout bags; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

HB 1190 by Representative Chase

AN ACT Relating to construction standards for state construction projects; and adding a new chapter to Title 43 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1191 by Representatives Chase, Morris, Simpson, Wallace, Williams, Van De Wege, Takko, Nelson, Sullivan, Orwall, Hasegawa, Linville, Kenney, Roberts, Rolfes, Dickerson, Kristiansen, Dunshee, O'Brien, Sells, Ormsby, Miloscia, Conway, Kagi, Lias, Driscoll, White, Darneille, Kessler, KirBy, Moeller, Ericks, Quall, Eddy, Finn, Hinkle, Jacks, Crouse, Flannigan, Morrell, Condotta, Appleton, Green, Campbell, Seaquist, Wood, McCoy, Pettigrew, Hurst, Cody, McCune, Pedersen and Goodman

AN ACT Relating to providing incentives to support renewable energy; adding a new chapter to Title 82 RCW; creating a new

section; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1192 by Representatives Morrell, Parker, Kenney and Kelley

AN ACT Relating to unsolicited goods and the promotional advertising of prizes; amending RCW 19.56.020, 19.170.010, 19.170.020, 19.170.030, and 19.170.040; adding new sections to chapter 19.56 RCW; and adding a new section to chapter 19.170 RCW.

Referred to Committee on Commerce & Labor.

HB 1193 by Representatives Lias, Roberts, Ormsby, Simpson, Goodman and Van De Wege

AN ACT Relating to creating a program to allow youth to preregister to vote; and adding a new section to chapter 29A.08 RCW.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402,
SENATE CONCURRENT RESOLUTION NO. 8400,

The Speaker called upon Representative Morris to preside.

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, President Pro Tempore Rosa Franklin, and Deputy Minority Leader Mike Carrell to seats on the rostrum. The Senators were invited to sit within the Chamber.

JOINT SESSION

The Speaker (Representative Morris presiding) called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The Speaker (Representative Morris presiding) called upon President Owen to preside.

President Owen: "The purpose of the Joint Session is to administer the oath of office to statewide elected officials and to receive the inaugural address from Her Excellency, Governor Christine Gregoire."

The President appointed a special committee to escort the Supreme Court Justices to the House Chamber: Representatives Driscoll and Shea, and Senators Franklin and Parlette.

The President appointed a special committee to escort the Statewide elected officials to the House Chamber: Representatives Conway and Parker, and Senators Pflug and Pridemore.

The President appointed a special committee to advise Her Excellency, Governor Christine Gregoire, that the joint session had assembled and to escort her to the House Chamber: Representatives Dammeier and Jacks, and Senators Hobbs and Becker.

The Supreme Court Justices arrived, were escorted to the floor of the House Chamber and were introduced: Chief Justice Gerry L. Alexander, and Justices Charles W. Johnson, Barbara A. Madsen, Richard B. Sanders, Tom Chambers, Susan J. Owens, Mary E. Fairhurst, James M. Johnson and Debra L. Stephens.

The Statewide elected officials arrived, were escorted to the floor of the House Chamber and were introduced: Secretary of State Sam Reed and wife Margie, State Treasurer Jim McIntire with guest Kristina Koons, State Auditor Brian Sonntag and wife Jann, Attorney General Rob McKenna and wife Marilyn, Superintendent of Public Instruction Randy Dorn and wife Kaye, Insurance Commissioner Mike Kreidler and wife Lela, and Commissioner of Public Lands Peter Goldmark and wife Wendy.

The President introduced the special guests present in the Chambers: Governors Al Rosellini, Mike Lowry, Booth Gardner and Dan Evans, Brian Cladoosby, Swinomish Tribe, Herman Dillon, Puyallup Tribe, Melvin Sheldon, Tulalip Tribe, Charlotte Williams, Muckleshoot Tribe, Snohomish County Executive Aaron Reardon, Snohomish County Sheriff and former Speaker Pro Tempore of the House of Representatives John Lovick and former Secretary of State Ralph Munro.

The President introduced the members of the Consular Association of Washington: H. Ronald Masnik, Consul of Belgium and President of the Consular Association of Washington; Daravuth Huoth, Consul of Cambodia; Peter Lloyd, Consul General of Canada; Jorge Gilbert, Consul of Chile; Petra Walker, Consul of Germany; Helen Szablya, Consul of Hungary and Vice President of the Consular Association of Washington; Enid Dwyer, Consul of Jamaica; Yasuo Ishii, Consul of Japan; Haryong Lee, Consul General of the Republic of Korea; Stephen Zirschky, Consul of Latvia; Victor Lapatinskas, Consul of Lithuania; Marisela Quijano, Deputy Consul of Mexico; Kim Nesselquist, Consul of Norway; Miguel Angel Velasquez, Consul of Peru; Emityr Repkov, Consul of Russian Federation; Luis Fernando Esteban, Consul of Spain; Lars Jonsson, Consul of Sweden; John Gokchen, Consul General of Turkey; and Daniel Liao, Director General, Taipei Economic and Cultural Office. The President introduced Lu, Wenxiang, Deputy Consul General of the People's Republic of China in San Francisco.

Governor Christine Gregoire and her husband Mike Gregoire, daughters Courtney and Michelle Gregoire and son-in-law Scott Lindsey arrived, were escorted to the rostrum, and were introduced.

The flags were escorted to the rostrum by the Washington State Patrol Color Guard, commanded by Sergeant John Sager. The National Anthem was sung by Kate Elwanger of Olympia, a senior at Charles Wright Academy. The President led the Chamber in the Pledge of Allegiance. The prayer was offered by Father Michael J. Ryan, formerly of St. Michael's Parish, Olympia.

Father Ryan: "My sisters and brothers, generous and compassionate God, You have revealed Your glory to all the nations. God of power and might, wisdom and justice, through You authority is rightly administered, laws enacted and judgment is decreed. We pray today for Christine Gregoire, the governor of the great State of Washington, for the members of the Legislature, the judges and the elected civil officials and all others who are entrusted to guard our political welfare. May they be enabled by Your powerful protection to discharge their responsibilities with honesty and ability. And like Solomon of old, who was faced with the opportunity to enjoy unmediated power, he elected instead to ask of Heaven the gift of an understanding heart that he might discern between good and evil, and therefore judge rightly amongst the various demands and expectations of his people. No leader could ask for more but only a foolish one would ask for less.

And so as these newly elected officials begin their challenging times ahead, we ask You, God our Creator, to bless them with courage, with understanding hearts and we pray that all of the citizens of this State take the responsibility in the care of our human

family. We are all one human family. Life is not about us, we are about life. So may we drop today any negative attitudes, cynicisms and come together in the care and the concern of one human family. Together we can do this. Apart we cannot.

And so we pray to You our Lord and God forever and ever. Amen."

OATHS OF OFFICE

Justice Debra L. Stephens administered the Oath of Office to Peter Goldmark, Commissioner of Public Lands.

Justice James Johnson administered the Oath of Office to Mike Kreidler, Insurance Commissioner.

Justice Mary E. Fairhurst administered the Oath of Office to Randy Dorn, Superintendent of Public Instruction.

Justice Susan Owens administered the Oath of Office to Rob McKenna, Attorney General.

Justice Charles Johnson administered the Oath of Office to Brian Sonntag, State Auditor.

Justice Tom Chambers administered the Oath of Office to Jim McIntire, State Treasurer.

Justice Richard B. Sanders administered the Oath of Office to Sam Reed, Secretary of State.

Justice Barbara Madsen administered the Oath of Office to Brad Owen, Lieutenant Governor.

Chief Justice Gerry Alexander administered the Oath of Office to Christine Gregoire, Governor.

GOVERNOR'S INAUGURAL ADDRESS

Governor Gregoire: "Thank you, Father Ryan, for that beautiful prayer and blessing. And thank you, Kate Elwanger, for your wonderful performance of the National Anthem.

Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished justices of the court, honored officials, members of the Washington State Legislature, former governors, tribal leaders, local government officials, members of the Consular Association of Washington, my fellow citizens: Good afternoon.

I first want to express my condolences at the passing of Representative Steve Hailey of the 9th District. His career ended much too soon. I also want to share my personal sadness at the passing last week of Representative Bill Grant. All of us, this chamber, Bill's beloved 16th District, Bill's family — and the people of Washington — are the poorer for his loss. Bill brought to this chamber a sense of bipartisanship, humor and compassion that we will sorely miss.

I am deeply honored to stand before you in the first moments of my second term as governor of the Great State of Washington. I am grateful and humbled that the people of Washington have chosen me to lead this state through the most difficult and trying times maybe since the Great Depression.

I know all of us in this chamber are honored to be here, and are ready to take on a crisis the likes of which our generation has never seen, let alone imagined. All of us, Democrats and Republicans — the newly elected and the seasoned — have a huge opportunity — the opportunity to bring Washington more firmly into the 21st century. For us — and for all Washingtonians — there are two words that will define us as we confront the challenge and seize the opportunity. Those words are Courage and Generosity.

The people of Washington are looking to us to act with remarkable courage. In turn, I believe Washingtonians will respond with very personal compassion and generosity for their neighbors. And more than ever, the people of Washington do not want partisan politics! They want us to work together to build a better state for them and their children. So I will challenge all of us today — and

throughout the session — to join together. Let's use this crisis! Let's summon the courage to make the hard decisions. And let's make sure Washington emerges better positioned to create jobs, prepare our kids for the future and provide affordable health care. Let's make sure we improve our ranking from third best place to do business — to number one!

With me today is my family: My husband Mike, who plans to continue his work on behalf of veterans and children's literacy; our daughter Courtney, and, of course, our brand-new son-in-law Scott; and our daughter Michelle. My family is here not only to share this important day with me, but to remind us of just what we have at stake this legislative session — and it's the well-being of all Washington families. Too many of our families are struggling just to put food on the table and a roof over their heads. They are worried about keeping a job or finding one. They lose sleep wondering if they can save the business where they have poured their sweat and their savings. And last week, Mother Nature laid on another layer of misery, forcing thousands of people from their homes when our rivers rose and hillsides came down. Our highway transportation system and the commerce that depends on it ground to a halt. But it could have been worse if Washingtonians had not responded so quickly and wisely to the warnings and evacuated by the hundreds. For that, we owe a huge debt of gratitude to the skill of local responders, and our own state and federal agencies. I also want to thank the hundreds of Washingtonians who stepped up to help their suffering neighbors and friends. But the misery continues, and we're working very hard to help with recovery.

Last fall, a different kind of storm rolled over the nation's incredibly mismanaged mortgage and credit markets. That financial storm is now parked over Washington and almost every other state, and it's raining buckets of hardship for families and businesses. We've all worked to create a world-class education system and affordable, accessible health care, and to rapidly build on our already amazing, diverse economy. I promise you we cannot and will not forget that work. But today, our work is more basic and urgent. Our work is to help our families and businesses survive at a time when they are forced to juggle bills and cut back spending ... when too many stores, restaurants and car dealerships are struggling for customers ... and last month, when 75 percent more Washington workers filed for unemployment benefits than a year ago.

We all know our state didn't make this economic crisis, and we all know we can't unilaterally solve it. But we cannot just ride out the hard times and then go back to business as usual. Instead, we must renew hope for Washingtonians who are suffering today, and lay — for them — a platform for a better tomorrow.

First, we can and must quickly create new jobs for working families by rebuilding roads and schools, and creating a green economy for the 21st century — all in partnership with President-elect Barack Obama's "American Recovery and Reinvestment" plan.

Second, like our struggling families and businesses, we can and will tighten our belts, balance our budget and focus on basic needs — protection of our children, our schools and colleges, our public safety, our environment and our economy. Third, we won't waste this crisis! We can and must reform state government. In this moment of clarity, we must grab the opportunity to reform so we can respond to the evolving needs of this century.

Fourth, we can and must approach all our challenges as a computer engineer might. Let's build a new platform that makes Washington unique — that can support the exciting possibilities of the 21st century rather than the fading possibilities of the last. And finally, this is the time for generosity among all Washingtonians.

Real solutions to many of our problems will come from partnerships with our families, our communities, our faith-based organizations and our service groups. This is our time. A time like no other. Our time to show courage. Our time to reach across the aisle — Democrats and Republicans — to help our people. Our time for all to light the lamp of generosity.

And if we need an example of this can-do spirit, we can reach back 76 years to an even worse time — the Great Depression — a time of breadlines, massive unemployment, despair and hope for a better day. The first thing President Franklin Roosevelt did was get people back to work, and by the way, so did Governor Clarence

Martin right here in Washington. Indeed, the most visible Northwest project built under Roosevelt's jobs plan was the world-famous Grand Coulee Dam. Tomorrow, I will introduce the "Washington Jobs Now" plan. It is nowhere near as big as the Grand Coulee Dam project back in the 20th century, but it will leave a legacy of roads, schools and green-collar jobs to thrust our state firmly into the 21st century! And I urge you to help me do it — and in the first days of this new session.

This is our moment to act with courage — boldly and urgently — as our President-elect is doing — to speed up a recovery. We can quickly create thousands of new jobs this year and next by accelerating nearly \$1 billion in public works projects. These projects will build new roads and schools, and create green-collar jobs to lay more groundwork for the prosperity to come.

The time to act is now! My "Washington Jobs Now" plan will stretch over the next two years — even as we undertake the largest transportation construction cycle in state history! We now have 1,400 transportation projects under way, or about to start, worth \$3 billion. By combining this historic transportation package with my "Washington Jobs Now" plan, we will provide nearly 20,000 jobs in the next two years.

Franklin Roosevelt did more than create jobs. And so must we.

That's why I'm urging you to also act on an unemployment insurance proposal I'll soon introduce to help laid-off workers and struggling businesses. Our state has the healthiest Unemployment Trust Fund in the country. We need to put these funds to work through a temporary increase in benefits for workers and a temporary tax cut for businesses. Unemployment benefits are a uniquely powerful tool to benefit our economy. Benefits go directly to folks who need help and they are spent locally to boost business. Every dollar of benefits results in another \$1.64 of buying power in our economy. And the tax break will help businesses weather the downturn.

And we must help ease the suffering of families struggling to feed their kids. Last fall, we greatly expanded eligibility for food stamps, which brings to our state \$825 million in federal funding this year. Every \$5 spent in food stamps ultimately means \$9.20 circulating through our economy.

And finally, I have an urgent proposal to keep families in their homes. We helped homeowners last year, and this year, I'm asking you to approve legislation to help struggling homeowners work out ways to avoid foreclosure with time extensions. My "Washington Jobs Now" plan and the recovery proposals address some short-term needs, but they amount to more than a short-term fix. They help us build that new foundation to prepare Washington for the future.

I welcome a new dawn in Washington, D.C. — where Barack Obama and the new Congress are ready to create jobs, rebuild our nation, and help working people and businesses. Next week President-elect Obama will introduce his plan to get Americans back to work. His plan includes funding for schools, infrastructure and expansion of a green economy. I am working with the President-elect to make sure his plan includes ready-to-go projects here in Washington. The President-elect's plan will double our commitment to renewable energy production — a huge opportunity for Washington, which is already leading in renewable energy production.

Let's join that new dawn with our own plan to accelerate jobs and economic recovery. I know many of you have ideas for an economic recovery plan. I want to work with you, and with everyone else, for an effective package that will quickly pass. There is no reason to delay. The sooner we do it, the better it will be for working Washington families and businesses. When this recession ends, and it will end, we must be ready for a new economy. We need to preserve our education system to make sure we provide workers skilled in science, math, engineering and technology. We need to nurture and cultivate our growing life sciences and global health sectors. We need to deliver on the promise of a green economy and thousands of green collar-jobs. This is the economic future for our children and our state. Economic recovery also means tightening our belts and living within our means. We must do what the people who sent us here are doing.

There is a growing number of Washington families out there right now who suddenly find themselves living on an unemployment

check. They know what it means to tighten their belts. I have proposed a two-year spending plan that addresses the largest budget gap in state history. This budget contains as much care and compassion as we could muster. But it still hurts real people, and with each cut I chose, I saw their faces. I don't like this budget, but I proposed it for one simple reason — I must.

Let's face it. We were dealt a terrible hand by forces beyond our control. We are forced to make unprecedented and difficult choices.

Ladies and gentlemen, this is a time for real courage! I sent you a budget that rests on our basic values. And we lay the foundation to reap the results when the recovery comes. And so we will — all of us — Democrats and Republicans — working together to make the wisest, most compassionate decisions. I'm ready to work with all of you. This is what the people expect.

And one thing we have to do together is reform state government to bring it into the 21st century, and soon. At very basic levels, businesses are struggling to reform, to change the way they do business because they simply must to survive. And our business leaders tell me that American companies, large and small, will emerge from this recession forever changed.

We have to do the same. And that's government reform. This is our chance to reform state government to make it a more nimble and relevant partner in a new state economy. Ladies and gentlemen, we need to reboot! Over the decades, state government has evolved — layer upon layer upon layer. But too much of what served the people well in 1940 or 1960 or 1990 does not serve the people well in the 21st century. There are sacred cows standing in the way. There are political roadblocks. But let's step up to the challenge for the people who sent us here. For example, we have some 470 separate boards and commissions across numerous agencies.

Is there anybody in this chamber, or this state, who believes we need any more than half of 470 boards and commissions to serve the people of Washington? There are almost 60 involved with the Department of Social and Health Services alone.

And that's not the only issue we face. For instance, we have three agencies managing natural resources, each with its own scientist standing in the same Washington stream. We need to reform, and we will. We need a lean, nimble state government serving our people in the 21st century.

We know we can do it because in some cases we already have. Today, almost 40 percent of license tabs are renewed online, saving hassles and gas. We can close 26 licensing offices across the state while extending hours of operation at the 10 most popular locations. We are finding new ways to serve our customers. And customer service is what it's all about.

Today, 18,000 full-time students at our community and technical colleges are earning course credits online. It would take an additional four community colleges to offer all those classes the old-fashioned way. Thousands of people go online to check the balance on their food stamp debit card. And more than half of small business owners are filing their state taxes online. I ask you, if we can serve our motorists, our businesses, our students and our poor with 21st century technology, why can't we serve all citizens in ways that are more convenient for them, and cheaper and more effective for government? The answer is, we can. The answer is, we will!

I'm putting the finishing touches on a package of reforms for you to consider this session. I'm asking you to act on them this year. It will take courage. But the time has come to put our sacred cows out to pasture forever.

I can't reform government all by myself. For starters, I've asked Auditor Sonntag to help us figure out ways to sunset boards and commissions and to help us establish a 21st century way of doing business. I am also partnering with business and labor, state employees, citizens, and you, to get the job done. We need to make sure we have a government for the 21st century so our workers and businesses can compete with anyone in the world.

Finally this afternoon, I issue an urgent call to all Washingtonians — each and every one of us — to come together to help our neighbors in a spirit of shared generosity.

First, please join me by recognizing the men and women, who, for the past five years, have sacrificed by putting their lives on hold to fight in distant wars — and who, in some cases, have sacrificed their very lives. In Iraq last week, I met, among others, Sergeant

First Class Gerald Frazier of the Washington National Guard's Heavy Brigade Combat Team. Jerry is typical of the Washington men and women helping Iraq rebuild into a democracy — focused, committed and above all, generous. Jerry and his fellow soldiers run the American combat base at Ramadi. Let me describe their lives to you. They live in a dusty, barren desert, and they work 12 to 14-hour days, seven days a week. Jerry and his fellow soldiers definitely don't come home to home-cooked meals — one of the seasonings on their food is dust, a lot of it. They live in retro-fitted shipping containers, and for recreation, they have a little temporary building with a TV and some weights. Because they're in a combat zone, they don't go outside the camp. They were tickled pink when I gave them a Washington state flag to hang alongside their 12th Man flag. Let us thank them for their generosity — to the people of Iraq and to all of us.

So today, I am honored to introduce to you Jerry Frazier's wife Val, and their two children, Caitlin and Jerry Junior, who are here to represent all the families of the dedicated men and women of the 81st Brigade. These families care enough about this world to see their spouses and parents off to a dangerous war in order to help others, and us, maintain the freedoms we have. Val and your children, please stand for a well-deserved round of applause.

Thank you, each of you, for your generosity to our country and our community. Let your spirit of giving be our spirit too. Let's help our neighbors in need, as the Frazier family has, and as our grandparents and great-grandparents did during the Great Depression so long ago. We must find and embrace the generous spirit of those times. Let's recognize the suffering of our neighbors.

With the terrible flooding last week, we saw once again the spark of generosity in the hearts of Washingtonians. We saw it from the people of Spokane, who turned out in huge numbers to help the city clear storm drains to ease flooding. We saw it in Snohomish where neighbors are still helping neighbors clean up, in Orting where townspeople packed sandbags, and in Lewis County where a hotel cut its room rates in half to accommodate people fleeing their homes.

Today, I want to issue a challenge. I ask every Washingtonian right now, today, to commit to at least one hour a month to help other Washingtonians in need. I personally embrace that challenge. And so does every member of my family. Will you join us? Mother Teresa once said, "If you can't feed a hundred people, then feed just one."

And please know that we are in a time when for too many people, the things that matter most are incredibly basic — food, shelter, utilities and something deeper — the knowledge that somebody cares about them. There is no shortage of things we can do — help build shelter for poor families ... volunteer at a food bank or homeless shelter ... check "yes" on our utility bills to donate heat and lights to a fellow customer. And we can start by looking around — knocking on a neighbor's door to see if they need help — and by opening our hearts. You know, the Jewish faith teaches that any society in which people care only for themselves is a society that — literally — is headed for poverty. I believe that, too. As Mother Teresa says, no one person can do it all. But just think what we can do for each other if everybody takes responsibility.

I also want to challenge each person — if you have the means — to commit to donating four non-perishable food items each month to a food bank, or the equivalent in cash. I asked Northwest Harvest what it would mean if even one in four Washingtonians answered the challenge for just one month. Here's what it said: The donations would feed more than 4,200 people for a month! That's a lot of food for hungry kids, seniors and families if we all stepped up to the challenge.

And there is another challenge we can embrace next Monday — the holiday celebrating the birth of Dr. Martin Luther King, Jr. President-elect Obama is calling for a national day of service, and I urge all who can take part to do it. Let us join hands, and let us help each other through these difficult times.

Ladies and gentlemen, we will get through this hard time and open the door to a better, brighter day. We are Democrats and Republicans. But we are so much more. We are the sons and daughters of our gleaming high-tech cities ... of our rolling wheat fields and lush orchards ... of our fishing and timber towns. We are from small hamlets and far-flung suburbs. We are teachers, lawyers, salesmen, homemakers, cops, retirees, engineers, nurses, firefighters,

computer experts. We are the people of Washington. We represent all the people of Washington, and we share a distinction that transcends who we are and what we are. We are One Washington and we come to serve. We are here in the year 2009 to make hard choices with courage and political will. We are here to protect families, get people back to work and prepare for the 21st century. We are here to reform our government to better serve our future, and we are here together as a family is together — to help and support each other, and to build for tomorrow.

This is the time for courage, and this is the time for generosity among all Washingtonians.

Let's do it, ladies and gentlemen, let's get to work!

God bless you all.

And God bless the Great State of Washington!"

The President asked the special committee to escort Governor Gregoire and her family from the House Chamber.

The President asked the special committee to escort the Statewide elected officials from the House Chamber.

The President asked the special committee to escort the Supreme Court Justices from the House Chamber.

MOTION

On motion of Representative Kessler, the Joint Session was dissolved. The Speaker (Representative Morris presiding) assumed the chair.

The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Owen, President Pro Tempore Franklin and Deputy Minority Leader Carrell, and members of the Washington State Senate from the House Chamber.

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

MOTION

On motion of Representative Kessler, the House adjourned until 9:55 a.m., January 13, 2005, the 4th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FOURTH DAY

House Chamber, Olympia, Thursday, January 15, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

INTRODUCTION AND FIRST READING

HB 1194 by Representatives O'Brien, Ericks, Klippert, Hurst, Ormsby, Green, Kelley and Kenney

AN ACT Relating to crisis referral services for criminal justice and correctional personnel; and adding new sections to chapter 43.101 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1195 by Representatives Haigh, Kristiansen and Hunt

AN ACT Relating to payment of undisputed claims; and adding a new section to chapter 39.04 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1196 by Representatives Haigh, Kristiansen, Hunt and Armstrong

AN ACT Relating to increasing the dollar limits for small works roster projects; and amending RCW 39.04.155 and 53.08.120.

Referred to Committee on State Government & Tribal Affairs.

HB 1197 by Representatives Haigh, Kristiansen, Hunt and Armstrong

AN ACT Relating to alternative public works; amending RCW 39.10.230, 39.10.250, 39.10.270, 39.10.300, 39.10.330, 39.10.360, and 39.10.420; and repealing RCW 39.10.310.

Referred to Committee on State Government & Tribal Affairs.

HB 1198 by Representatives Haigh, Kristiansen, Hunt and Armstrong

AN ACT Relating to public works bid limits; and amending RCW 28B.50.330, 28B.10.350, 35.22.620, 35.23.352, 35A.40.210, 36.32.235, and 36.32.250.

Referred to Committee on State Government & Tribal Affairs.

HB 1199 by Representatives Haigh, Kristiansen, Hunt and Armstrong

AN ACT Relating to retainage of funds on public works projects; amending RCW 39.04.901, 39.12.040, 39.12.050, 39.12.065, 39.76.020, 60.28.040, and 60.28.080; reenacting and amending RCW 60.28.011; and repealing RCW 39.04.140, 39.76.010, 60.28.010, 60.28.020, and 60.28.050.

Referred to Committee on State Government & Tribal Affairs.

HB 1200 by Representatives Haigh, Hunt and Kenney

AN ACT Relating to expanding the ability to negotiate an adjustment to a bid price on public works to municipalities; and amending RCW 39.04.015.

Referred to Committee on State Government & Tribal Affairs.

HB 1201 by Representatives O'Brien, Dickerson, Hurst and Appleton

AN ACT Relating to the community integration assistance program; and amending RCW 71.24.470, 71.24.480, and 72.09.370.

Referred to Committee on Human Services.

HB 1202 by Representatives Hurst, Bailey, Kelley, Roach, Kirby and Parker

AN ACT Relating to noninsurance benefits included in life insurance policies; adding a new section to chapter 48.23 RCW; and adding a new section to chapter 48.24 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1203 by Representatives O'Brien and Chase

AN ACT Relating to the definition of relative for purposes of the crime of rendering criminal assistance; and amending RCW 9A.76.060.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1204 by Representatives Klippert, Goodman, Haler, Walsh and Williams

AN ACT Relating to increasing the number of district court judges in Benton county; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

HB 1205 by Representatives VanDeWege, Rolfes, Haigh and Williams

AN ACT Relating to changing the number of court of appeals judges; and amending RCW 2.06.020.

Referred to Committee on Judiciary.

HB 1206 by Representatives Anderson, Wallace, Orcutt, Takko, Sullivan, Ericksen, Green, Kelley and Schmick

AN ACT Relating to eliminating prepayment requirements as a condition to contesting a tax or related penalty and interest; and amending RCW 82.32.150, 82.32.180, and 82.32.190.

Referred to Committee on Finance.

HB 1207 by Representative Simpson

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

Referred to Committee on Local Government & Housing.

HB 1208 by Representatives Takko and Alexander

AN ACT Relating to property tax administration; and amending RCW 84.40.042, 84.56.070, 86.09.490, 84.60.050, 87.03.265, 87.03.270, 85.08.480, 82.45.090, and 84.69.030.

Referred to Committee on Local Government & Housing.

HB 1209 by Representatives Ericksen, Roach, Bailey and Rolfes

AN ACT Relating to providing funding for passenger-only ferry construction; adding a new section to chapter 47.60 RCW, creating a new section; and making an appropriation.

Referred to Committee on Transportation.

HB 1210 by Representatives Williams, Roach, O'Brien, Kirby, Anderson, Pettigrew, Appleton, Dickerson, Dunshee, Dunshee, Darneille, White, Pedersen, Goodman, Campbell, McCune, Rodne, Haler, Priest, Sells, Green, Morrell, Hunt, Blake, Upthegrove, Wood, Orwall, Conway, Ericks, Moeller, Flannigan, Kenney, Ormsby, Hasegawa, Eddy, Rolfes, Liias, Roberts, Takko, Seaquist, Chase, Hurst, Sullivan, Wallace, Carlyle, Clibborn, Springer, Kelley, Ross, McCoy, Maxwell and Miloscia

AN ACT Relating to insurance coverage for autism spectrum disorders; adding a new section to chapter 41.05 RCW; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1211 by Representative Kirby

AN ACT Relating to eliminating the industrial insurance offset for social security retirement benefits; and repealing RCW 51.32.225.

Referred to Committee on Commerce & Labor.

HB 1212 by Representatives Kirby, Green, Williams, Roberts, Ormsby, Appleton and Wood

AN ACT Relating to industrial insurance death benefits for the surviving spouses of members of the law enforcement officers' and firefighters' retirement system and the state patrol retirement system; amending RCW 51.32.050; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1213 by Representative Kirby

AN ACT Relating to debt management services; adding a new chapter to Title 18 RCW; repealing RCW 18.28.010, 18.28.080, 18.28.090, 18.28.100, 18.28.110, 18.28.120, 18.28.130, 18.28.140, 18.28.150, 18.28.165, 18.28.180, 18.28.185, 18.28.190, 18.28.200, 18.28.210, 18.28.220, 18.28.900, and 18.28.910; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1214 by Representatives O'Brien, Goodman, Hurst and Roberts

AN ACT Relating to establishing the volunteer search and rescue account; amending RCW 38.52.010 and 77.32.050; and adding new sections to chapter 38.52 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1215 by Representatives Wood, Chandler, Kirby, Ormsby and Morrell

AN ACT Relating to modifying motor vehicle warranty provisions; amending RCW 19.118.021, 19.118.031, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.095, 19.118.100, 19.118.120, and 19.118.160; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1216 by Representatives Dunshee, Warnick and Ormsby

AN ACT Relating to the capital budget; making appropriations and authorizing expenditures for capital improvements; amending RCW 43.155.050, 43.155.068, 43.155.070, 40.14.024, 43.09.282, 67.40.040, 79.17.010, 79.17.020, 43.19.501, and 43.99N.060; amending 2008 c 328 s 5001 (uncodified); amending 2007 c 520 s 6013 (uncodified); creating new sections; repealing 2007 c 520 s 6006 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1217 by Representatives Simpson, Alexander, Conway and Wood

AN ACT Relating to providing the gambling commission with authority to determine locations where amusement games may be conducted; and amending RCW 9.46.0331.

Referred to Committee on Commerce & Labor.

HB 1218 by Representatives Goodman, Klippert, O'Brien, Ross, Simpson and Williams

AN ACT Relating to imprisonment for contempt of court cases; and amending RCW 7.21.040 and 7.21.050.

Referred to Committee on Judiciary.

HB 1219 by Representatives Green, Armstrong, Hunt, Appleton, Newhouse, Miloscia, Chase, Alexander and Hudgins

AN ACT Relating to mailing information to certain members of the state retirement systems; and adding a new section to chapter 41.50 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1220 by Representatives O'Brien, Warnick, Rodne, Moeller, Hope, Blake, Hasegawa, Smith, Eddy, Klippert, Ericks, Bailey, Rolfes, Kelley, Maxwell, Schmick and Morrell

AN ACT Relating to punishment for domestic violence offenders; amending RCW 9.94A.525; reenacting and amending RCW 9.94A.030 and 9.94A.535; creating a new section; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1221 by Representatives Maxwell, Hurst, O'Brien, Rodne, Hope, Pedersen, Smith, McCoy, Bailey, Williams, Kirby and Dickerson

AN ACT Relating to the availability of crime victims' compensation funds for witnesses in civil commitment proceedings; and amending RCW 7.68.060 and 7.68.070.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1222 by Representatives Appleton, Hurst, O'Brien and Goodman

AN ACT Relating to prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1223 by Representatives O'Brien, Pearson, Ross, Klippert, Kelley, Schmick and Herrera

AN ACT Relating to creating an electronic statewide unified sex offender registry program; and amending RCW 36.28A.040.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1224 by Representatives Klippert, O'Brien, Ross, Pearson, Hurst, Hope and Herrera

AN ACT Relating to law enforcement access to driver's license photographs for the purposes of identity verification; and reenacting and amending RCW 46.20.118.

Referred to Committee on Transportation.

HB 1225 by Representatives Liias, Rodne, Upthegrove, Roach, Simpson and Rolfes

AN ACT Relating to the effect of special fuel taxes on publicly owned or operated urban passenger transportation systems; and amending RCW 82.38.080.

Referred to Committee on Transportation.

HB 1226 by Representatives Dickerson, Roberts, Walsh, Kagi and Kenney

AN ACT Relating to intensive behavior support services for children with developmental disabilities; and adding a new chapter to Title 71A RCW.

Referred to Committee on Human Services.

HB 1227 by Representatives Springer, Warnick, Johnson, Liias, McCune, Ormsby and Morrell

AN ACT Relating to recreational vehicles used as primary residences in manufactured/mobile home communities; amending RCW 35.21.684, 35A.21.312, and 36.01.225; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 1228 by Representatives O'Brien and Warnick

AN ACT Relating to the disposition of a deceased tenant's personal property; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

HB 1229 by Representatives O'Brien and Warnick

AN ACT Relating to an authorization directing the disposition of personal property; and amending RCW 59.18.310.

Referred to Committee on Judiciary.

HB 1230 by Representatives Armstrong and Hunt

AN ACT Relating to construction or improvements for special purpose districts; amending RCW 52.14.110 and 35.61.135; and reenacting and amending RCW 57.08.050.

Referred to Committee on State Government & Tribal Affairs.

HB 1231 by Representatives Nelson, Priest, Miloscia, Upthegrove, Cody, Orwall, Roberts and Rolfes

AN ACT Relating to controlling saltwater algae; amending RCW 88.02.050; adding a new section to chapter 43.21A RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1232 by Representatives Hinkle, Quall, Bailey, Ross, Cody, Newhouse, DeBolt, Herrera, Moeller, Nelson, Warnick, Shea, Morrell, Smith, Kristiansen, Pearson and Schmick

AN ACT Relating to defining commercial agricultural purposes to include current farming practices and activities related to the raising, harvesting, feeding, breeding, managing, selling, care, or training of a farm product; amending RCW 84.34.020; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1233 by Representatives Hinkle, Kretz, McCune, Herrera, Klippert, Roach, Ross, Short and Warnick

AN ACT Relating to requiring recipients of temporary assistance for needy families to participate in activities designed to reduce and eliminate barriers to employment; and amending RCW 74.08A.260.

Referred to Committee on Early Learning & Children's Services.

HB 1234 by Representatives Morrell, O'Brien, Appleton, Kelley, Ericks, Liias, Pedersen, Williams, Kenney and Moeller

AN ACT Relating to creating the new crime of abandonment of a dependent person in the fourth degree; adding a new section to chapter 9A.42 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1235 by Representatives Wallace, Anderson and Kenney

AN ACT Relating to tuition fees for students other than resident undergraduates; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

HB 1236 by Representatives Wallace, Campbell, Morrell, Moeller and Ormsby

AN ACT Relating to classifying ephedrine, pseudoephedrine, and phenylpropanolamine as Schedule III controlled substances; amending RCW 69.50.4013; adding a new section to chapter 69.50 RCW; repealing RCW 69.43.105, 69.43.110, 69.43.120, 69.43.130, and 69.43.170; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1237 by Representatives Hinkle and Cody

AN ACT Relating to modifying the implementation date, the benefit design, and the obligations of participating managed

health care systems for nonsubsidized state health coverage for children by amending RCW 74.09.470(5)(b); and amending RCW 74.09.470.

Referred to Committee on Health Care & Wellness.

HB 1238 by Representatives Appleton, Goodman and Rodne

AN ACT Relating to access to juvenile case records for the Washington state center for court research and the Washington office of public defense; and amending RCW 13.50.010.

Referred to Committee on Judiciary.

HB 1239 by Representatives Kagi, Walsh, Goodman, Haler, Roberts, Appleton, Moeller and Kenney

AN ACT Relating to parenting plans and residential schedules in dependency proceedings; amending RCW 13.34.155; and reenacting and amending RCW 13.04.030 and 13.34.062.

Referred to Committee on Early Learning & Children's Services.

HB 1240 by Representatives Dammeier, Priest, Haler, Roach, McCune and Herrera

AN ACT Relating to crimes that require dismissal or certificate revocation for school employees; amending RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090, 28A.410.110, 9.96A.020, and 43.43.845; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Education.

HB 1241 by Representatives Morrell, Priest, Simpson, Miloscia, Dammeier and Williams

AN ACT Relating to authorizing certain areas in cities or towns to annex to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and 52.04.131.

Referred to Committee on Local Government & Housing.

HB 1242 by Representatives Morrell, Blake, Green, Williams, Kenney, Miloscia and Nelson

AN ACT Relating to added protection against the waste of agricultural crops; and amending RCW 4.24.320.

Referred to Committee on Judiciary.

HB 1243 by Representatives Linville, Alexander and Ericks

AN ACT Relating to fiscal matters; amending RCW 28A.500.040, 41.45.230, 43.72.900, 43.79.460, 43.79.465, 43.79.485, 49.86.170, 49.86.190, 50.16.010, 70.146.030, 74.31.060, 82.14.495, and 90.56.500; amending 2008 c 329 ss 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 401, 402, 501, 502, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 515, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 701, 702, 703, 704, 705, 706, 707, 708, 714, 801, 802, and 803 (uncodified); amending 2008 c 3 s 4 (uncodified); amending 2007 c 522 ss 145, 709, 712, 715, 802,

803, and 804 (uncodified); adding new sections to 2007 c 522 (uncodified); repealing 2007 c 357 s 25 (uncodified); making appropriations; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1244 by Representatives Linville, Alexander and Ericks

AN ACT Relating to fiscal matters; amending RCW 28A.300.380, 28A.400.205, 28A.405.415, 28A.415.250, 28A.415.315, 28A.500.030, 28A.500.040, 28A.505.220, 28B.50.465, 28B.50.468, 28B.105.110, 41.48.060, 43.08.190, 43.10.180, 43.79.460, 43.215.125, 70.93.180, 74.08A.340, 74.31.060, 79.64.040, 79.105.150, and 84.52.0531; reenacting and amending RCW 43.135.045 and 70.105D.070; creating new sections; making appropriations; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1245 by Representatives Ericks, Wood, Moeller, Springer, Liias and Williams

AN ACT Relating to the termination date of collective bargaining agreements; and amending RCW 41.56.123.

Referred to Committee on Commerce & Labor.

HB 1246 by Representatives Pearson, Shea, Hurst, Parker, O'Brien, Ross, Hope, Smith, Kirby, Kelley, Kristiansen, Dammeier and Morrell

AN ACT Relating to the commitment of sexually violent predators; amending RCW 71.09.020, 71.09.025, 71.09.030, 71.09.040, 71.09.050, 71.09.060, 71.09.080, 71.09.090, 71.09.092, 71.09.096, 71.09.098, 71.09.112, and 71.09.350; and adding new sections to chapter 71.09 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1247 by Representatives Pearson, Shea, Ericks, Parker, O'Brien, Ross, Miloscia, Kirby, Hope, Kelley, Kristiansen, Dammeier, Short and Morrell

AN ACT Relating to viewing sexually explicit depictions of minors on the internet; amending RCW 9.68A.110 and 9.68A.070; reenacting and amending RCW 9.94A.030 and 9.94A.515; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1248 by Representatives O'Brien, Ericks, Hope, Goodman, Klippert, Miloscia, Kelley and Morrell

AN ACT Relating to evaluating the need for a digital forensic crime lab; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1249 by Representatives Cody, Bailey, Dickerson, Roberts, Moeller, Kelley, Kenney and Morrell

AN ACT Relating to internet and mail order sales of certain tobacco products; adding a new chapter to Title 70 RCW; repealing RCW 70.155.105; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1250 by Representatives Orwall, Miloscia, Springer, Dunshee, Ormsby and Dickerson

AN ACT Relating to allowing capital appropriations for the housing trust fund to be used for project application, review, selection, contracting, and project development; amending RCW 43.185.050; and reenacting and amending RCW 43.185A.030.

Referred to Committee on Capital Budget.

HB 1251 by Representatives Shea, Goodman, Ross, O'Brien, Rodne, Simpson and Kelley

AN ACT Relating to the release of certified abstracts of full driving records; and amending RCW 46.52.130 and 46.01.260.

Referred to Committee on Judiciary.

HB 1252 by Representatives Kenney, Smith, Bailey, Seaquist, Haler, Kristiansen, Kelley and Herrera

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

Referred to Committee on Community & Economic Development & Trade.

HB 1253 by Representative Upthegrove

AN ACT Relating to state environmental policy act exemptions for air operating permits; and amending RCW 43.21C.0381.

Referred to Committee on Ecology & Parks.

HJM 4003 by Representatives Wallace and Hinkle

Petitioning the government of Turkey to respect the property rights and human rights of the Ecumenical Patriarchate.

Referred to Committee on State Government & Tribal Affairs.

HJR 4201 by Representatives O'Brien, Liias, Appleton, Hunt, Rolfes, Dickerson, Roberts and Kenney

Authorizing current use valuation for property taxes for land with mobile homes or similar structures.

Referred to Committee on Finance.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 11:15 a.m., January 16, 2009, the 5th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTH-FIRST LEGISLATURE - REGULAR SESSION

FIFTH DAY

House Chamber, Olympia, Friday, January 16, 2009

The House was called to order at 11:15 a.m. by the Speaker (Representative Morris presiding).

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

MESSAGES FROM THE SENATE

January 14, 2008

Mr. Speaker:

The Senate has adopted CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

Thomas Hoemann, Secretary

January 15, 2009

Mr. Speaker:

The President has signed the following:

HOUSE CONCURRENT RESOLUTION NO. 4400,
HOUSE CONCURRENT RESOLUTION NO. 4401,
HOUSE CONCURRENT RESOLUTION NO. 4402,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 1254 by Representatives Schmick, Blake, Ormsby, Walsh, Sullivan, Parker and Kretz

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

Referred to Committee on Agriculture & Natural Resources.

HB 1255 by Representatives Moeller, Sells, Upthegrove, Hudgins, Williams, Morrell, Springer, Roberts, O'Brien, Carlyle, Kenney, Liias, Green and Wood

AN ACT Relating to eliminating the business and occupation tax deduction for initiation fees and dues; and amending RCW 82.04.4282.

Referred to Committee on Finance.

HB 1256 by Representatives Chase, Appleton, Miloscia, Hunt and Nelson

AN ACT Relating to ethical conduct with regard to private gain; and amending RCW 42.52.160.

Referred to Committee on State Government & Tribal Affairs.

HB 1257 by Representatives Goodman, Rodne, O'Brien, Simpson and Moeller

AN ACT Relating to deferred prosecution files; and amending RCW 10.05.060.

Referred to Committee on Judiciary.

HB 1258 by Representatives Appleton, Dickerson and Kenney

AN ACT Relating to the definition of a juvenile; and amending RCW 13.40.020.

Referred to Committee on Human Services.

HB 1259 by Representatives Appleton and Dickerson

AN ACT Relating to juvenile sex and kidnapping offender registration; and amending RCW 9A.44.140 and 9A.44.145.

Referred to Committee on Human Services.

HB 1260 by Representatives Appleton and Dickerson

AN ACT Relating to the transfer of juveniles to adult court; amending RCW 13.40.110; and reenacting and amending RCW 13.04.030.

Referred to Committee on Human Services.

HB 1261 by Representatives Goodman, Moeller, Green, Williams, Pedersen, Appleton, Morrell and Ormsby

AN ACT Relating to adult guardianship and protective proceedings jurisdiction; and adding a new chapter to Title 11 RCW.

Referred to Committee on Judiciary.

HB 1262 by Representatives Sells, McCoy, Upthegrove, Dunshee, Appleton, O'Brien, Williams, Conway, Chase, Roberts, Goodman, Takko, Hope, Morrell, Kenney, Miloscia, Rolfes, Sullivan, Santos, Nelson, Wood and Moeller

AN ACT Relating to video monitoring in public schools; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 1263 by Representatives Goodman, Rodne and Moeller

AN ACT Relating to technical corrections to ensure accurate sentences for offenders; amending RCW 2.24.040, 9.41.045, 9.92.151, 9.94A.190, 9.94A.505, 9.94A.633, 9.94A.6332, 9.94A.670, 9.94A.701, 9.94A.703, 9.94A.704, 9.94A.731, 9.94A.771, 9.94A.835, 9.94A.850, 9.94B.030, 9.94B.060, 9.94B.070, 9.95.011, 9.95.017, 9.95.055, 9.95.070, 9.95.090, 9.95.110, 9.95.121, 9.95.122, 9.95.140, 9.95.425, 9.95.900, 9A.76.115, 13.40.135, 72.09.335, 72.09.340, 72.09.370, 72.09.714, 72.09.716, 72.09.718, and 72.09.720; reenacting and amending RCW 9.94A.030; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.94B RCW; recodifying RCW 9.94A.602, 9.94A.605, and 9.94A.771; repealing RCW 9.94A.545 and 9.94A.715; and providing an effective date.

Referred to Committee on Human Services.

HB 1264 by Representatives Springer, Rodne and Eddy

AN ACT Relating to creation and registration of entities formed by public agencies; amending RCW 24.03.050,

24.06.050, 25.05.005, 25.10.040, and 25.15.020; and reenacting RCW 39.34.030.

Referred to Committee on Judiciary.

HB 1265 by Representatives Warnick, Hinkle, Short, Ross, McCune, Johnson, Blake, Newhouse, Kretz and Condotta

AN ACT Relating to outdoor burning; and amending RCW 70.94.743.

Referred to Committee on Environmental Health.

HB 1266 by Representatives Warnick, Chandler, Hinkle, Newhouse, Blake, Ross, Johnson, Kretz, McCune and Condotta

AN ACT Relating to sufficient cause for the nonuse of water; and reenacting and amending RCW 90.14.140.

Referred to Committee on Agriculture & Natural Resources.

HB 1267 by Representatives Warnick, Chandler, Hinkle, Newhouse, Blake, Ross, Johnson, Kretz and McCune

AN ACT Relating to the nonuse of a water right; and reenacting and amending RCW 90.14.140.

Referred to Committee on Agriculture & Natural Resources.

HB 1268 by Representatives Warnick, Chandler, Hinkle, Newhouse, Blake, Ross, Johnson, Smith, McCune, Condotta and Kretz

AN ACT Relating to eliminating the partial relinquishment of water rights; and amending RCW 90.14.130, 90.14.160, 90.14.170, and 90.14.180.

Referred to Committee on Agriculture & Natural Resources.

HB 1269 by Representatives Warnick, Chandler, Hinkle, Newhouse, Blake, Ross, Johnson and McCune

AN ACT Relating to clarifying the definition of "crop rotation" in RCW 90.14.140; and reenacting and amending RCW 90.14.140.

Referred to Committee on Agriculture & Natural Resources.

HB 1270 by Representatives Green, Cody, Dickerson, Ericksen, Upthegrove, Springer, Roberts and Nelson

AN ACT Relating to permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority; amending RCW 74.08.055; and adding a new section to chapter 41.05 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 1271 by Representatives Haigh, Finn, Crouse, Green, Liias, Springer, O'Brien, Goodman, Morris, Ormsby, Blake, Van De Wege, Moeller, Cody, Conway, Hurst, Walsh, McCune, Hinkle, Nelson and Kenney

AN ACT Relating to dispensing and administration of drugs by registered or licensed veterinary personnel; and amending RCW 18.92.013.

Referred to Committee on Agriculture & Natural Resources.

HB 1272 by Representatives Dunshee and White

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

Referred to Committee on Capital Budget.

HB 1273 by Representatives Condotta and Armstrong

AN ACT Relating to allowing counties, cities, and towns to conduct raffles under certain terms and conditions; and amending RCW 9.46.0209.

Referred to Committee on Commerce & Labor.

HB 1274 by Representatives Condotta, Chandler, Crouse and Herrera

AN ACT Relating to the corporate officer provisions of the employment security act; amending RCW 50.12.070, 50.04.165, 50.04.310, 50.04.080, and 50.04.090; creating a new section; and repealing RCW 50.24.230.

Referred to Committee on Commerce & Labor.

HB 1275 by Representatives Dickerson, O'Brien, Cody, Hurst, Green and Dammeier

AN ACT Relating to consideration of respondents' recent and past acts in involuntary commitment proceedings; amending RCW 71.05.212, 71.05.245, and 71.05.157; creating a new section; and providing an effective date.

Referred to Committee on Human Services.

HB 1276 by Representatives Conway, Green, Moeller and Ormsby

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

Referred to Committee on Commerce & Labor.

HB 1277 by Representatives Pearson, O'Brien, Smith, Orcutt, Dammeier, Kretz and Simpson

AN ACT Relating to protecting the public from sex offenders released into the community; amending RCW 72.09.340, 72.09.270, 72.09.712, 9.94A.703, and 9.94A.540; reenacting and amending RCW 9.94A.515; adding a new section to chapter 72.09 RCW; adding a new section to chapter 9A.76 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1278 by Representatives Pearson and Hurst

AN ACT Relating to establishing a process for providing notice to a contact persons in the event a person is injured and requires emergency care; and adding a new section to chapter 43.24 RCW.

Referred to Committee on Judiciary.

HB 1279 by Representatives Pearson, Kristiansen, O'Brien and Smith

AN ACT Relating to increasing the seriousness level for manslaughter in the second degree; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1280 by Representatives Condotta, Chandler, Crouse, Kretz, Kristiansen and Armstrong

AN ACT Relating to the expiration of explosives licenses; and amending RCW 70.74.380, 70.74.120, 70.74.137, 70.74.140, 70.74.142, 70.74.144, and 70.74.146.

Referred to Committee on Commerce & Labor.

HB 1281 by Representatives Hurst, Pearson, Appleton, O'Brien, Goodman, Orcutt, Morrell, Ormsby, Simpson and Orwall

AN ACT Relating to the rights of victims, survivors, and witnesses of crimes to be heard before the indeterminate sentence review board and clemency and pardons board; amending RCW 9.95.420, 9.95.420, 9.94A.885, and 7.69.030; adding a new section to chapter 7.69 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services.

HB 1282 by Representatives White, Rodne, Cody and Kenney

AN ACT Relating to creating a school-based influenza vaccination pilot program; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1283 by Representatives Rolfes, Campbell, Kretz, Upthegrove and Ormsby

AN ACT Relating to public water supply system operators; amending RCW 70.119.020, 70.119.030, 70.119.110, 70.119.130, and 70.119.160; and adding new sections to chapter 70.119 RCW.

Referred to Committee on Environmental Health.

HB 1284 by Representatives Kelley, Ericks, Probst, Green, Smith, Sullivan, Morrell, Rolfes, Springer, Goodman, Jacks, Nelson, Simpson, Driscoll and Orwall

AN ACT Relating to property tax relief for senior citizens and persons retired because of physical disability; amending RCW 84.36.381; and creating a new section.

Referred to Committee on Finance.

HB 1285 by Representatives Kelley, Ericks, Probst, Green, Van De Wege, Williams, Sullivan, Morrell, Seaquist, Jacks, Maxwell, Simpson, Driscoll and Orwall

AN ACT Relating to community revitalization financing; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

HB 1286 by Representatives Miloscia, Appleton, Armstrong, Hunt, Newhouse, White, Smith, Rolfes, Roberts, Nelson, Hinkle and Ormsby

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

Referred to Committee on State Government & Tribal Affairs.

HB 1287 by Representatives Morris, Bailey, Ericks, Hinkle, Sullivan and Priest

AN ACT Relating to sales and use tax exemptions in respect to aircraft used in intrastate commuter operations; and amending RCW 82.08.0262 and 82.12.0254.

Referred to Committee on Finance.

HB 1288 by Representatives Upthegrove, McCune, Simpson, Herrera, Newhouse, Armstrong, Roach, Quall, Orwall, Pettigrew, Bailey, Shea, Smith, Orcutt, Sullivan, Eddy, Johnson, Nelson, Ormsby, Kretz and Kristiansen

AN ACT Relating to exempting the annual parental declaration of intent to home school from the public disclosure act; and amending RCW 42.56.320.

Referred to Committee on State Government & Tribal Affairs.

HB 1289 by Representatives Nelson, Upthegrove, Chase, Hasegawa, Cody, Williams and Miloscia

AN ACT Relating to campaign contributions to candidates for public lands commissioner; adding a new section to chapter 43.12 RCW; and prescribing penalties.

Referred to Committee on State Government & Tribal Affairs.

HB 1290 by Representatives Maxwell, Rodne, Kenney, Green, Clibborn, Lias, Anderson and Hunter

AN ACT Relating to local tourism promotion areas; amending RCW 35.101.010, 35.101.050, 35.101.070, and 35.101.080; and adding a new section to chapter 35.101 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 1291 by Representatives Maxwell, Simpson, Green, Rodne, Clibborn, Hasegawa, Ormsby, Orwall, Lias, Hudgins, Johnson, Sullivan and Hunter

AN ACT Relating to library district annexations; and amending RCW 27.12.360.

Referred to Committee on Local Government & Housing.

HB 1292 by Representatives Newhouse, Chandler and Simpson

AN ACT Relating to waivers from the one hundred eighty-day school year; amending RCW 28A.655.180; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.145; and providing an expiration date.

Referred to Committee on Education.

HB 1293 by Representatives Lias, Hunt, Armstrong, Miloscia, Nelson, Morrell and Orwall

AN ACT Relating to whistleblower protection; amending RCW 42.40.010, 42.40.020, 42.40.030, and 42.40.050; amending 2008 c 266 s 1 (uncodified); and adding a new section to chapter 42.40 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1294 by Representative Blake

AN ACT Relating to energy resources; and amending RCW 19.285.010, 19.285.030, 19.285.040, 19.285.050, 19.285.060, and 19.285.080.

Referred to Committee on Technology, Energy & Communications.

HB 1295 by Representatives Warnick and Uptegrove

AN ACT Relating to annexing areas used for agricultural fairs; amending RCW 35.13.010 and 35A.14.010; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1296 by Representatives Williams, Warnick, Goodman, McCune, Rodne, Simpson and Kelley

AN ACT Relating to limitations on rental housing inspections; and amending RCW 59.18.150.

Referred to Committee on Local Government & Housing.

HB 1297 by Representatives Simpson, Orcutt, Sullivan, Warnick and McCune

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

Referred to Committee on Finance.

HB 1298 by Representatives O'Brien, Warnick, Williams, McCune, Rodne, Simpson, Kelley and Ormsby

AN ACT Relating to utility liens against rental property; and amending RCW 35.21.290, 35.67.200, and 36.94.150.

Referred to Committee on Local Government & Housing.

HB 1299 by Representatives O'Brien, Warnick, Williams, McCune, Rodne and Simpson

AN ACT Relating to local government crime-free rental housing programs; adding new sections to chapter 35.21 RCW; adding a new section to chapter 59.18 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 1300 by Representatives Hurst, Dickerson, Pearson, Klippert, O'Brien and Smith

AN ACT Relating to access to information on mental health services received by persons who have been committed for custody or supervision or who have been civilly committed after being found incompetent to stand trial for a felony; amending RCW 71.05.020, 71.05.390, 71.05.445, and 71.05.630; adding a new section to chapter 71.05 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 1301 by Representative McCune

AN ACT Relating to designating an official state Christmas tree; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1302 by Representatives McCune and Campbell

AN ACT Relating to excluding a portion of state route number 7 from the scenic system; and amending RCW 47.42.025.

Referred to Committee on Transportation.

HB 1303 by Representatives Moeller, Green and Roberts

AN ACT Relating to child mortality review; and amending RCW 70.05.170.

Referred to Committee on Health Care & Wellness.

HB 1304 by Representatives Springer, Orcutt, Takko, Eddy and Herrera

AN ACT Relating to the property taxation of organizations operated exclusively for art, scientific, or historical purposes or engaged in the production and performance of musical, dance, artistic, dramatic, or literary works; and amending RCW 84.36.060.

Referred to Committee on Finance.

HB 1305 by Representatives Kretz, Blake, Pearson, Schmick, Short, Kristiansen, Herrera and Condotta

AN ACT Relating to absence from work resulting from incarceration; amending RCW 50.29.021; adding a new section to chapter 50.20 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1306 by Representatives Kretz, Warnick and Short

AN ACT Relating to the applicability of open range laws on public lands; and amending RCW 16.24.065.

Referred to Committee on Agriculture & Natural Resources.

HB 1307 by Representatives Moeller, Hunt, Pedersen, Jacks, Darneille, Hudgins, Dunshee, Blake, Chase, Kenney, Haigh, Conway and Dickerson

AN ACT Relating to public health financing; amending RCW 43.70.514, 43.70.516, and 43.70.518; adding a new section to chapter 82.14 RCW; adding new sections to chapter 43.70 RCW; creating a new section; and repealing RCW 43.70.512 and 43.70.522.

Referred to Committee on Health Care & Wellness.

SCR 8401 by Senators Brown, Hewitt and Honeyford

Calling a joint session to honor deceased former members.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of SENATE CONCURRENT RESOLUTION NO. 8401 which was read the first time, and under the suspension of the rules, was placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES

January 14, 2009

HB 1048 Prime Sponsor, Representative Simpson: Repealing provisions addressing the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel,

Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committees so designated.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 8401, by Senators Brown, Hewitt and Honeyford

Calling a joint session to honor deceased former members.

The resolution was read the second time

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

Representative Kessler spoke in favor of adoption of the resolution.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of Senate Concurrent Resolution No. 8401.

SENATE CONCURRENT RESOLUTION NO. 8401 was adopted.

The Speaker (Representative Morris presiding) appointed Representatives Walsh and Santos to the joint committee arranging the Memorial Service.

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen, Majority Caucus Chair Ed Murray and Republican Deputy Leader Mike Carrell to seats on the rostrum. The Senators were invited to seats within the Chamber.

JOINT SESSION

The Speaker (Representative Morris presiding) called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The Speaker (Representative Morris presiding) called upon President of the Senate Owen to preside.

The President appointed a special committee to escort the Supreme Court Justices to the Chamber: Representatives Klippert and Ormsby, and Senators Kline and Stevens.

The President appointed a special committee to escort the Statewide elected officials to the Chamber: Representatives Maxwell and Short, and Senators Fraser and Delvin.

The President appointed a special committee to advise her Excellency, Governor Christine Gregoire that the Joint Session had assembled and to escort her to the Chamber: Representatives Johnson and Orwall, and Senators McDermott and Holmquist.

The President appointed a special committee to escort Chief Justice Gerry Alexander to the Chamber: Representatives Hope and Pedersen, Senators Rockerfeller and King.

The Supreme Court Justices arrived, were escorted to the front of the Chamber and were introduced: Justice Charles W. Johnson,

Justice Barbara A. Madsen, Justice Richard B. Sanders, Justice Tom Chambers, Justice Susan Owens, Justice Mary E. Fairhurst, Justice James M. Johnson and Justice Debra L. Stephens.

State Treasurer Jim McIntire arrived, was escorted to the rostrum and was introduced.

Governor Christine Gregoire arrived, was escorted to the rostrum and was introduced.

Supreme Court Chief Justice Gerry Alexander arrived, was escorted to the rostrum and was introduced.

The flags were escorted to the rostrum by the Olympia Marine Corps League Detachment 482, commanded by David Ball. The President led the Chamber in the Pledge of Allegiance. Prayer was offered by Sandra Kreis, retired Olympia Lutheran Pastor.

Pastor Kreis: "Let us pray. Our Creator and God, You have called your servants here as Senators, Representatives and Judges to bear the concerns of many on their shoulders. Keep them from growing weary. Help them not to rely on their own insight but to trust in You to direct their path. We call on Your insight for the Judiciary especially the State Supreme Court and Chief Justice Gerry Alexander as they meet with us today. Support them in their difficult task of interpreting the law with grace and mercy.

Dear God, You have given these bodies responsibility to govern this State. Grant them patience and wisdom to discern the best action to take among the competing claims that are present. May they show courage in the crafting and interpretation of laws. May their actions renew hope for those suffering economically with unemployment, foreclosure, the basics of life. As many in our state struggle with economics, some with flooding, inspire us to find ways to help one another.

Oh God, you made us in Your image. At this time of economic uncertainty and war, look with compassion on the whole human family. Break down the walls that separate us. Work through our struggles and confusion to accomplish Your purpose on Earth – that all nations and races may serve in You in harmony. We especially remember today the wars in the Middle East – Iraq and Afghanistan. We ask that you preserve lives, deliver all from terror, give all reconciliation and peace. Grant health and favor to all that bear office in our land and especially President-elect Barack Obama, Governor Chris Gregoire and all Representatives, Senators and Judges of our fair State. Guide them with Your wisdom and love as they provide for the needs of all citizens.

For all this we pray. Amen."

Mr. President: "The purpose of this joint session is to receive the State of the Judiciary address from Chief Justice Gerry Alexander."

STATE OF THE JUDICIARY

Chief Justice Alexander: "Thank you President Owen. Governor Gregoire, Speaker Chopp, state elected officials, members of the House and Senate, fellow justices and judges, ladies and gentlemen. Good morning.

Let me first extend my thanks to the members of the legislature for the warm welcome you have accorded me and my fellow justices of the Washington Supreme Court on this and other occasions. We are very honored to be here for the purpose of allowing me to present, on behalf of our court and Washington's judiciary, the biennial State of the Judiciary address. This is the fifth time I have been accorded the privilege of presenting such an address since I was first elected chief justice in January 2001.

My judicial colleagues and I are aware that time is precious to the Legislature during sessions, and we are most grateful for this opportunity to speak to you as well as to our state's elected officials and the people of the state of Washington. While the halls of this Legislature are in close proximity to the offices of our statewide elected officials and the home of the Supreme Court, our respective branches of government have very different functions and we do not

have many opportunities like this to gather together. While some may feel that this is as it should be under the doctrine of separation of powers, it is my view that occasions like this, the various oath taking sessions and the Governor's inaugural address, can lead us all to better appreciate the important role that each branch performs in our democracy.

Before I speak to you about the state of the Judiciary as a whole, allow me to say a word about the court on which I now sit, the State Supreme Court. I can tell you that I am very proud of all of my colleagues and very honored to have been elected by them as chief justice for the third time. All of us on our court are unified in our desire to work with our judicial colleagues around the state to deliver equal and quality justice to all in a system that is administered, in the words of our state constitution, "openly". Our court is currently very experienced. Each of us practiced public or private law in this state earlier in our careers and collectively we have over 135 years of judicial service. I am pleased to say also that the relationship between all of the justices is collegial. At the same time, though, we are all free thinking individuals who come from a variety of backgrounds. Thus, it is not surprising that we are not unanimous on every issue that comes before us.

Although most of you are somewhat familiar with the veteran members of the Supreme Court, I would like to say a word about our newest member, Justice Debra Stephens. Justice Stephens was appointed to our court by Governor Gregoire in December 2007 and she was sworn in at a ceremony at our court on the 7th of January 2008. Justice Stephens, of course, had to stand for election to that position in the fall of 2008, and, happily, she was unopposed. Justice Stephens is a Spokane native, who obtained her B.A. degree from Gonzaga University, magna cum laude, and then went on to law school at the same university as a Thomas More Scholar, graduating summa cum laude. Following graduation, she practiced law in Spokane with primary emphasis on appellate practice. She appeared before our court over 125 times, which is remarkable, and she did all of this while also serving as an adjunct member of the law school faculty at Gonzaga. Justice Stephens' judicial career actually began earlier in 2007 when Governor Gregoire appointed her to the Court of Appeals, Division Three, in Spokane. When Justice Stephens came to our court early in 2008, she obtained the double distinction of being the first judge of Division Three and the first woman from Eastern Washington to serve on the Washington Supreme Court. We are delighted to have Justice Stephens as a colleague and look forward to working with her in the years to come.

Let me now, in my capacity as chief justice, speak to you more directly about our state's justice system. As you all know, Washington's justice system is present in every county in our state as well as in most of our cities and towns. The system is presided over by nine justices of the Supreme Court, 22 judges of the state court of appeals, 188 superior court judges, and 204 full and part-time judges of our district and municipal courts. These justices and judges can't, of course, manage the system alone and, fortunately, they have the assistance of dedicated court commissioners, county clerks, and court staff that work hard managing caseloads that collectively total more than two million filings each year--more than one filing for every three citizens of our state. I can tell you that from my perspective, as one who has served as a judge in this state for over 35 years, that our judiciary and its staff has never been more skilled and hardworking than it is right now.

I wish I could have invited every judicial officer in the state to be here today, but, as you can tell from my remarks, they have plenty of work to do at home. I did, though, ask a few judges to be present in the gallery--allow me to introduce them to you. Representing the district and municipal court judges of our state is Judge Marilyn Paja of the Kitsap County District Court. Judge Paja is a veteran judge and is currently president of the District and Municipal Court Judges' Association. Representing the superior courts, we have the very able Richard McDermott, president of the Superior Court Judges' Association. Judge McDermott sits on our state's largest court, the King County Superior Court. Representing the 22 judges of our Court of Appeals, we have Judge C.C. Bridgewater. Judge Bridgewater, who hails from Castle Rock in Cowlitz County, is the chief presiding judge of the Court of Appeals. We also have other judges in the audience who are here to attend this afternoon's monthly meeting of

the Board for Judicial Administration. These judges represent Washington's judiciary and I am immensely proud of them all.

Each level of court that these judges represent has a direct affect on the lives of individuals. This is particularly true of our trial courts--the superior courts, district courts, and municipal courts. At the superior court, judges determine child custody issues, protect victims of domestic violence from harm, preside over felony criminal cases and all manner of significant civil disputes. At the limited jurisdiction level, judges handle misdemeanor and gross misdemeanor cases, traffic infractions, and a myriad of other matters, including, at the district court, small claims cases and other civil actions where \$75,000 or less is sought. Our limited jurisdiction trial court judges see huge numbers of persons in their courts each year and these courts can truly be called our "people's courts."

When reflecting upon the important work of each level of court in our state, and the challenges they face, I am reminded of the old saying that, "If we do not maintain justice, justice will not maintain us." These words go to the very essence of our great republic and contribute to the pride we feel about our nation, our state, and our system of government. Americans have always revered justice, and we demonstrate that when we face our nation's flag and recite those well known words: "justice for all." Maintaining a strong and fair justice system is, I believe, of great concern to all of our citizens.

Unfortunately, we have not done the best job as a state government in maintaining our justice system at the trial level. Many of you have heard me say before that since we first became a state in 1889, our trial courts have been funded almost entirely by local governments--our counties and cities. This means of funding our trial courts was not problematic in earlier times because our state's court system was relatively small and local governments did not have huge demands placed on their resources. But as the years have gone by the number of cases flowing into our courts has risen dramatically as our population has increased and a variety of new laws and regulations have been enacted at the state and local level. At the same time local governments have assumed financial obligations that were unknown to their predecessors. As a consequence, our trial courts have been severely challenged as they have endeavored to keep up with their increasing and more complex caseloads. In some jurisdictions, particularly in our metropolitan areas, we have seen delays in getting cases to trial due to crowded court calendars, difficulties in obtaining qualified interpreters for non-English speakers, criminal defense attorneys and prosecutors with caseloads that are too large, and large numbers of persons going without representation in civil cases, particularly in family court matters. I must add that these problems always become more pronounced as the budgets of local government are affected adversely by an economic downturn, such as the one we are currently experiencing.

A few years ago, our state's Board for Judicial Administration addressed the funding crisis facing our trial courts in what we called the Justice in Jeopardy Initiative. We first presented the initiative to you in 2005. The initiative flowed out of the hard work of the Court Funding Task Force, a body that was formed in 2002 by the Board for Judicial Administration. This effort engaged more than 100 persons from across the state and from all backgrounds--significantly, it included five members of the Legislature.

Some of you will recall that when we first spoke to you about the Justice in Jeopardy Initiative, we relayed a startling statistic from the task force's report--that Washington State ranked last among the state's of the union, in terms of state government participation in the funding of trial courts, indigent defense and prosecution.

Today, despite the advent of additional and much needed state funding in the last four years, Washington is still in last place in the nation in terms of state funding, with budget-strapped local governments still bearing more than 80 percent of the costs of maintaining our trial courts. Although state government funds the rest, less than one percent of the state budget goes to maintain our justice system and our courts, which compose the key component of that system, courts that are provided for in our state constitution--a constitution that says that justice is to be administered "without unnecessary delay."

The report of the Court Funding Task Force and the other studies that have been done over the years have recommended that optimally, the State should pay 50 percent of the cost of trial court

operations and indigent criminal defense, and it should assume a substantially greater role in funding civil legal aid services for Washington's low-income residents. We think that this "partnership approach" between state and local government makes more sense than a complete state takeover of the cost of our trial courts, the path that states like California and Oregon have followed. We say this because we believe that local jurisdictions should have a stake in how the courts operate within their jurisdictions. We recognized, however, that obtaining an increase in state funding of the magnitude we envisioned would be a major change, and, thus, we opted for recommending an incremental approach.

I must tell you that the Judiciary has been immensely gratified by the support that the Legislature has provided since we first approached you with the Justice in Jeopardy Initiative. In the legislative sessions of 2005, 2006, and 2007, you recognized by your action that state government does have a responsibility to pay a higher proportion of the costs of the state's justice system than it has in the past. In those sessions, you appropriated significant funds, much of which were derived from higher user fees, and you applied it to the support of our trial courts, public defense and civil legal aid. We are most grateful for that show of support.

Let me be more specific about what you have done: In 2005, you provided, for the first time, state funding for a portion of the salaries of district court judges and elected municipal court judges, and for trial court improvement accounts. You also appropriated funds to provide legal representation for indigent parents in termination and dependency cases as well as funding for indigent criminal defense at the trial level. You also created the Office of Civil Legal Aid as an independent agency of the judicial branch and increased the amount of dollars going to civil legal aid. This was truly historic action by the Legislature. In the 2006 session, you maintained the momentum established in the previous session by funding a pilot jury pay research project and expanding the parents' representation program. Again you provided additional funds for civil legal aid programs. In 2007, you appropriated supplemental funds to complete the jury pay research project in addition to providing funds for court interpreters at the trial level. At the same time you provided additional funds for CASA representatives, civil legal aid, criminal indigent defense, and parental representation. Although we did not ask for any new funding in 2008, a supplemental budget year, it was our intention to ask you to continue the march toward implementation of the goals of the Justice in Jeopardy Initiative in this session. Specifically, we anticipated requesting additional state funding to assist local governments in covering the ever burgeoning costs of providing court interpreters at the trial level. We also planned to seek additional funding for civil legal aid, public defense, parental representation, the Commission on Children in Foster Care, and the Washington Family and Juvenile Plan--an ambitious agenda.

We have since decided to shelve these requests for time-being. We took this action because we recognized the problems you face in the Legislature this year as a consequence of the current economic crisis that faces our state and the nation. Bottom line, we concluded that this is not a propitious time to seek enlargement of the budget of the judicial branch. That does not mean that we have lost our zeal for the goals we set forth in the Justice in Jeopardy Initiative. It simply means that we have taken a time out. We want you to know, though, that we strongly urge you to not dismantle the progress we have made since 2005. I can also promise you that we will be back seeking your support for the goals of the initiative when the economic situation in our state and nation is rosier. Relevant to the current fiscal situation, I wish to point out that we have endeavored in the last several months to cut back our spending in the remaining months of the current biennium and it appears that we have done so to the tune of about \$672,000. Because of this effort we will be able to leave a much greater amount of money in the treasury at the end of the biennium than we otherwise would have.

Since we are not asking for any funding of new programs, I suppose I could stand down now and head back across the street. But I don't want to do that without addressing a familiar issue that we believe deserves attention by this Legislature. It is an issue that I have highlighted in each of the previous State of the Judiciary addresses I have presented to you. It concerns Washington's low rate of pay for our jurors. Let me quickly add that we have not set forth

any amount in our proposed budget to fund an increase in the attendance fee for the reasons I have already given. We will, though, seek introduction of a bill that would provide for an increase in the fee.

To refresh your memory, the daily attendance fee for jury service is set by statute at no less than \$10 per day and no more than \$25. Significantly, almost every jurisdiction in the state pays the minimum of \$10. That fee was established in 1958, a time when \$10 was roughly equivalent to the minimum wage for a day's work. It is clear that today the fee is woefully inadequate and its meagerness is evidenced by the fact that for a five-day trial, Washington ranks 45th out of 50 states in terms of jury compensation.

To the Legislature's great credit, you did fund the pilot project that allowed us to raise the fee in three jurisdictions to an amount akin to the current minimum wage. You also underwrote the cost of a study of the effect of the fee increase on the response to the jury summons by persons called for jury duty, juror satisfaction, and the diversity of our jury panels. While the study, a copy of which you should have received this week, does reveal greater juror satisfaction on the part of those who received the higher fee, it was not entirely clear what effect the increase had on responses to the jury summons--that may have been due, in part, to the fact that many, if not most, prospective jurors were not entirely aware of the fact that the attendance fee had been increased.

But regardless of whether an increase in the fee will get more citizens to fulfill this important responsibility of American citizenship, the fee should be increased as a matter of equity. Even though we are getting jurors to serve, we believe that it is simply not fair to pay them such a low fee, particularly those who devote more than one day to jury service.

In light of the current economic situation, the proposed legislation, which will be before you, is much more modest than what we were initially inclined to propose. Basically, we are suggesting that the fee stay at \$10 for the first day of jury service, on the theory that everyone should be willing to give one day of service at little or no cost to the government, but that it should increase on the second and subsequent days of jury service and that the State, as opposed to local government, should bear the cost of the increase. Again, with a view toward the current economic situation, we are asking that the proposed increase be phased in over a period of about four years. We recognize that obtaining an increase in the jury fee is a tough sell in this session. We believe, though, that this issue needs to be kept at the forefront and, thus, we will strongly advocate support for the proposal in this session.

I am about to close, but before I do I want you to know that we in the Judiciary fully appreciate the immense challenges the 61st Legislature faces. As Governor Gregoire pointed out in her address on Wednesday, we are facing an economic upheaval of proportions unseen for many years. As a consequence, this Legislature is going to have to make some tough and painful decisions about how the State's smaller revenue pie will be divided. I know that you will receive much advice on how to do that, and I am hesitant as the spokesperson for the Judiciary to kibitz, other than to say just a couple of things.

First, I implore you to resist the temptation to reduce the appropriation for civil legal services for the poor and criminal public defense below current levels. I make this plea because it is our view that the demand for the services that our legal aid attorneys and public defenders provide is almost certainly going to increase in the hard economic times we are likely to experience in the coming biennium. The persons who benefit from these services, including the increasing numbers of our citizens who face foreclosure, eviction, or debt collection, are among the most vulnerable in our population and they are often without a voice in the halls of government--so we wish to speak for them.

The other thing I would say is that when you are looking for possible ways to reduce the cost of government spending in order to accommodate decreased revenues, you should take a look at Washington's current sentencing regime. I say that because even the most ardent fan of our current determinate sentencing scheme would have to concede that under this system, which is very rigid and inflexible and vests very little discretion in the sentencing judge, the number of persons in our state prisons and county jails has increased

substantially and it would appear that this increase will continue for the foreseeable future.

As you know, the costs attendant to housing this large number of persons in our jails and prisons is huge. Let me just briefly give you some numbers. Right now, we have 18,000 inmates in Washington's prisons, state-supervised work release, or rented space in county jails or prisons outside the state. This compares to 16,000 in confinement just five years ago, and approximately 14,000 ten years ago. Those numbers are, of course, in addition to the thousands who are confined on any one day in our county and city jails. Significantly, the increase in our prison population, which exceeds the state's population growth during the same period, has occurred during a period in which Washington's overall crime rate and violent crime rate has declined substantially.

Although most of the persons who are confined within our prisons need and deserve to be there, most judges will tell you, if asked, that there are a significant number of persons in our prisons who could be treated outside of the prison walls at a cost much lower than the cost of imprisonment, and that this could be done without jeopardizing the public's safety and security.

Having said that, I hasten to add that we in the Judiciary are not proposing at this time a wholesale revision of our state's determinate sentencing scheme for those convicted of felonies. We do think, though, that it is time for the Legislature to take a close look at this system that came out of the so-called Sentencing Reform Act of 1981 to see if these massive costs of incarceration cannot be reduced. I want you to know that if you undertake such a long-term project, the Judiciary stands ready to assist you in any way that we can.

In the short run, we ask you to give favorable consideration to some proposed legislation that is being advocated by our superior court judges, the persons who impose the sentences in felony cases and who know a bit about the subject. They propose that you increase the number of community-based DOSA beds. DOSA stands for the Drug Offender Sentencing Alternative, for defendants who would otherwise be sent to prison. Experience shows this alternative to imprisonment, like drug courts, works and has the effect of reducing crime and saving dollars.

The superior court judges will also propose that you restore to sentencing judges something we could do when I was a young superior court judge, and that is the ability to suspend, in appropriate cases, part or all of a felony sentence of a defendant facing a determinate jail sentence and no imprisonment. This would not apply to persons charged with a sex or violent offense. Such a step, we believe, would be of great value to fiscally strapped counties and would not impinge on public safety.

Although these are relatively modest proposals, they are ones that make sense. We hope, also, that confronting them in this session will serve as a catalyst to open dialogue which could lead to broader sentencing reform in the future. We are aware that reform of our sentencing practices would not be popular with everyone, but these are challenging times and such times call for boldness and innovation.

Let me close where I began by thanking all of you for allowing me to speak to you today and for the graciousness with which you have received me and my colleagues. Please accept our very best wishes for a successful legislative session."

The President thanked Chief Justice Alexander for his remarks.

The President asked the special committee to escort Chief Justice Alexander from the rostrum.

The President asked the special committee to escort the Governor from the rostrum.

The President asked the special committee to escort the Statewide elected officials from the Chamber.

The President asked the special committee to escort the Supreme Court Justices from the Chamber.

On motion of Representative Kessler, the Joint Session was dissolved.

The President thanked the Speaker (Representative Morris presiding) and members of the House for their hospitality, and returned the gavel to him.

The Speaker (Representative Morris presiding) asked the Sergeant at Arms of the House and the Sergeant at Arms of the Senate to escort President of the Senate Owen, Majority Caucus Chair Murray, Republican Deputy Leader Carrell, and members of the Senate from the Chamber.

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

MOTION

On motion of Representative Kessler, the House adjourned until 10:00 a.m., January 19, 2009, the 8th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

MOTION

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTH DAY

House Chamber, Olympia, Monday, January 19, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Madison Morris and Deseree Zamora. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Amos Landry, People's Institutional Baptist Church, Seattle. Derrick Keys of Olympia performed "Lift Every Voice" and "Every Mountain" as part of the House's celebration of the life and work of Dr. Martin Luther King, Jr.

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

RESOLUTIONS

HOUSE RESOLUTION NO. 2009-4604, by Representatives Orwall, Orcutt, Sells, Maxwell, Schmick, Springer, Moeller, Driscoll, Kelley, Halder, McCoy, Smith, Hope, White, Probst, Jacks, Short, Chase, Haigh, Warnick, Simpson, Rolfes, Dammeier, Johnson, Ross, Ormsby, Quall, Eddy, and Nelson

WHEREAS, We in this body work every day with an eye toward the future; this day is different – our future is sitting right here, looking up at us; and

WHEREAS, Our distinguished guests are a small selection of our state's 1.5 million children, but serve as a powerful reminder as to what is at stake with each decision we make; and

WHEREAS, It is not only our duty, but the duty of these children's parents and of every citizen, to ensure the Washington they inherit provides even more opportunities and prosperity than the state bequeathed from those who proceeded us; and

WHEREAS, We are all obligated to ensure our children access to the best education available, while keeping schools and neighborhoods safe; and

WHEREAS, We also ask much of our children: Work hard in school, volunteer within your community, and do your part to make Washington a better place for us all; and

WHEREAS, We welcome to the House of Representatives every child that has joined us here today, and bid a special salutation to the high school students serving as pages this session. We hope your experiences over the coming months only serve to stoke your passion in the democratic process; and

WHEREAS, The House of Representatives welcomes children into the chamber one day each year so they may witness the legislative process; and

WHEREAS, All of these children bring hope to their communities and their state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate the children of the state of Washington and encourage every citizen to join in the commemoration of Children's Day not just today, but every day. Spend quality time with your children, make sure they understand their special place in your life.

Representative Orwall moved adoption of House Resolution No. 4604.

Representatives Orwall, Carlyle, Probst and Hope spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4604 was adopted.

HOUSE RESOLUTION NO. 2009-4603, by Representatives White, Jacks, Maxwell, Kenney, Johnson, Newhouse, Orwall, Liias, Pedersen, Parker, Walsh, Roberts, Williams, Moeller, Santos, Sells, McCoy, Carlyle, Morrell, Wallace, Eddy, Blake, Hunter, Hunt, Rolfes, Sullivan, Seaquist, Dammeier, Orcutt, Conway, Schmick, Springer, Driscoll, Kelley, Halder, Smith, Probst, Short, Chase, Haigh, Warnick, Simpson, Ross, Ormsby, Quall, Hope, Nelson, Appleton and Darneille

WHEREAS, Today, January 19, 2009, we join with the people of the state of Washington and throughout our nation in celebration, and in reflection, of the life and legacy of the Reverend Dr. Martin Luther King Jr.; and

WHEREAS, We recall his words some 46 years ago when he stood at our nation's capital in the shadow of the Great Emancipator and reminded all Americans that, "We cannot walk alone. And as we walk, we must make the pledge that we shall always march ahead. We cannot turn back."; and

WHEREAS, We remember those words and his unwavering commitment in the face of tyranny and oppression, in abuse and incarceration, and we thank him for his sacrifice; and

WHEREAS, Dr. King's work, and the mere mention of his name, are synonymous with peace and equality; and

WHEREAS, He changed America by suggesting we are justified when disobeying injustice, that it is our moral obligation to do so; and

WHEREAS, Dr. King and his followers helped change the status quo through nonviolent means, with protests at lunch counters and a march in Selma; and

WHEREAS, He worked with his detractors to alter the destiny of all Americans; and

WHEREAS, Dr. King helped bring an end to segregation and a new beginning to America, fulfilling the promise of a democracy available to every American. The Civil Rights Act of 1964 and the Voting Rights Act of 1965 became law because of the blood and tears shed by Dr. King and his followers; and

WHEREAS, We wonder what Dr. King would think today as we stand here on the eve of history, just hours before the first African-American is sworn in as our 44th president; and

WHEREAS, We reflect on what would have been Dr. King's 80th year on Earth. We contemplate how far we've come and how far we still must travel; and

WHEREAS, We wonder if he would approve of our deeds and how we have behaved in our own lives since his ended 41 years ago;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, on behalf of the people of our state, recognize the importance of the life and work of Dr. Martin Luther King Jr. to the civil society and freedoms of the United States of America and of the state of Washington; and

BE IT FURTHER RESOLVED, That the House of Representatives honor Dr. King's memory by remembering that we, too, must remain resolute in our pursuit of his dream. We encourage every citizen to envision the kind of world for which Dr. King yearned, one of equality and justice where differences are settled through dialogue rather than discord.

Representative White moved adoption of House Resolution No. 4603.

Representatives White, Johnson, Jacks, Parker and Maxwell spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4603 was adopted.

INTRODUCTION AND FIRST READING

HB 1308 by Representatives Driscoll, Hinkle, Cody, Sells, Wood, Morrell, Kelley, Clibborn, Moeller, Pedersen, Hudgins, Ormsby, Parker, Chase, Kenney, Goodman, Bailey, Simpson, Herrera and Nelson

AN ACT Relating to reducing organ transplant benefit waiting periods based upon prior creditable coverage; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1309 by Representatives Green, Ericksen, Appleton, Hinkle, Morrell, Rolfes, Cody, Moeller, Chase, Conway, Kenney, Goodman, Nelson and Roberts

AN ACT Relating to dental hygiene; and amending RCW 18.29.056 and 18.29.220.

Referred to Committee on Health Care & Wellness.

HB 1310 by Representatives Kirby, Bailey, Ormsby, Morrell, Simpson, Nelson and Kelley

AN ACT Relating to placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans; and amending RCW 31.45.082.

Referred to Committee on Financial Institutions & Insurance.

HB 1311 by Representatives Kirby, Bailey, Morrell, Sullivan, Kenney, Simpson and Nelson

AN ACT Relating to reverse mortgage lending; amending RCW 31.04.015 and 31.04.115; and adding new sections to chapter 31.04 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1312 by Representatives Sells, Schmick, Wallace, Anderson, Driscoll, McCoy, Chase, Kenney, Carlyle, White and Roberts

AN ACT Relating to the authority to offer engineering programs at regional comprehensive universities; and amending RCW 28B.10.115 and 28B.20.060.

Referred to Committee on Higher Education.

HB 1313 by Representatives Clibborn and Liias

AN ACT Relating to transportation funding and appropriations; amending 2008 c 121 ss 103, 201, 202, 203, 205, 206, 208, 209, 210, 211, 212, 213, 215, 218, 219, 221, 222, 223, 224, 225, 302, 303, 305, 306, 307, 308, 309, 310, 311, 401, 402, 403, 404, 405, 406, 407, and 605 (uncodified); adding new sections to 2007 c 518 (uncodified); repealing 2007 c 518 s 603 (uncodified); making appropriations and authorizing capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1314 by Representatives Clibborn and Liias

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.170, 47.12.244, 46.16.685, and 70.95.521; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1315 by Representatives Quall, Conway, Sullivan, Simpson and Wood

AN ACT Relating to the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account; amending RCW 67.16.102, 67.16.175, and 67.16.275; reenacting and amending RCW 43.79A.040; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1316 by Representatives Kessler, Rodne, Simpson, O'Brien, Hunt, Hurst, Ormsby, Morrell and Chase

AN ACT Relating to court protection of public records; and amending RCW 42.56.540.

Referred to Committee on State Government & Tribal Affairs.

HB 1317 by Representatives Kessler, Rodne, Simpson, O'Brien, Hunt, Hurst, Ormsby, Moeller, Chase, Sullivan and Kelley

AN ACT Relating to disclosure of public records containing information used to locate or identify employees of criminal justice agencies; and amending RCW 42.56.230.

Referred to Committee on State Government & Tribal Affairs.

HB 1318 by Representatives Kirby, Conway, Flannigan, Miloscia, Simpson, Moeller, Chase and Wood

AN ACT Relating to allowing a six percent property tax limit for emergency medical care and service levies; amending RCW 84.55.0101; and providing for submission of this act to a vote of the people.

Referred to Committee on Finance.

HB 1319 by Representatives Sullivan, Anderson, Miloscia, Dammeier, Hunt, Armstrong, Priest, Orwall, Morrell, Kenney, Simpson and Kelley

AN ACT Relating to the application of certain ethics provisions to school district employees; and adding a new section to chapter 28A.400 RCW.

Referred to Committee on Education.

HB 1320 by Representatives Van De Wege, Kessler, Takko, Blake, Morrell and Smith

AN ACT Relating to sexual misconduct by school employees; and amending RCW 9A.44.093 and 9A.44.096.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1321 by Representatives Kenney, McCoy, Haler, Chandler, Ericks, Ormsby, Hasegawa, Pettigrew, Walsh, Klippert and Armstrong

AN ACT Relating to the tax on cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development; amending RCW 82.04.263; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 1322 by Representatives Green, Morrell, Hinkle, Kirby, Kelley, Moeller, Blake, Seaquist, Rolfes, Cody and Simpson

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

Referred to Committee on Health Care & Wellness.

HB 1323 by Representatives Kenney, Lias, Haler, Sullivan, Sells, Hasegawa, Maxwell, Chase, Ormsby, Conway, Goodman, Morrell, Driscoll, Simpson and Orwall

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

Referred to Committee on Community & Economic Development & Trade.

HB 1324 by Representatives O'Brien, Ericks, Goodman, Crouse and Wood

AN ACT Relating to psychological examinations for peace officer certification; and amending RCW 43.101.095.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1325 by Representatives O'Brien, Ericks, Goodman and Crouse

AN ACT Relating to certification actions of Washington peace officers; and amending RCW 43.101.380.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1326 by Representatives Blake, Van De Wege, Kretz and Nelson

AN ACT Relating to the establishment of a license limitation program for the harvest and delivery of Pacific sardines into the state; amending RCW 77.65.200; and adding new sections to chapter 77.70 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1327 by Representatives Blake, Van De Wege, Kretz and Nelson

AN ACT Relating to the fish and wildlife equipment revolving account; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1328 by Representatives Carlyle, Morrell, Maxwell, Eddy, Anderson, Green, Van De Wege, Sells, White, Hasegawa, Wallace, Dunshee, Priest, McCoy, Dickerson, Williams, Ormsby, Finn, Lias, Kelley, Probst, Kenney, Hunt, Kessler, Pettigrew, Haigh, Goodman, Ericks, Blake, Jacks, Angel, Driscoll, Schmick, Hudgins, Hunter, Moeller, Chase, Springer, Conway, Sullivan, Rolfes, Simpson, Campbell, Santos and Roberts

AN ACT Relating to allowing public technical colleges to offer associate transfer degrees; amending RCW 28B.50.140; and creating a new section.

Referred to Committee on Higher Education.

HB 1329 by Representatives Pettigrew, Conway, Kagi, Hunt, Seaquist, Sells, Priest, Kenney, Ormsby, Wood, Haigh, White, Chase, Herrera, Morrell, Lias, Green, Cody,

Appleton, Hasegawa, Carlyle, Simpson, McCoy, Sullivan, Orwall, Goodman, Campbell, Hudgins, Moeller, Nelson and Santos

AN ACT Relating to improving quality, access, and stability of child care through providing collective bargaining for child care center directors and workers; amending RCW 41.56.028, 41.56.030, 41.56.113, 41.56.465, 41.04.810, 43.01.047, 43.215.350, and 74.15.020; reenacting and amending RCW 43.215.010; adding a new section to chapter 43.215 RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 74.12 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1330 by Representatives Morrell, Green, Chase, Moeller, Conway, Kenney, Rolfes and Santos

AN ACT Relating to supporting care for the elderly; amending RCW 74.38.040, 74.41.050, and 74.09.710; adding a new section to chapter 74.39A RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1331 by Representatives Rodne, Pedersen and Kelley

AN ACT Relating to exempting certified public accountants from the restrictions on marketing estate distribution documents for certain purposes; and amending RCW 19.295.005, 19.295.010, and 19.295.020.

Referred to Committee on Judiciary.

HB 1332 by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter and Maxwell

AN ACT Relating to the authority of a watershed management partnership to exercise powers of its forming governments; and adding a new section to chapter 39.34 RCW.

Referred to Committee on Judiciary.

HB 1333 by Representatives O'Brien and Miloscia

AN ACT Relating to the installation of carbon monoxide alarms in dwelling units; amending RCW 59.18.060 and 59.18.130; adding a new section to chapter 43.44 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 1334 by Representatives Blake, Chandler, Haler, Van De Wege, Ericks, Hinkle, Warnick, Schmick, Condotta, Kretz, Ormsby, Smith, Kessler, Newhouse, Walsh, Nelson, Pearson, Moeller and Short

AN ACT Relating to water resource management on the mainstem of the Columbia and lower Snake rivers; amending RCW 90.90.005, 90.03.380, and 90.90.030; reenacting and amending RCW 90.14.140; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1335 by Representatives Goodman, Upthegrove and Warnick

AN ACT Relating to removing the penalty language from natural resource civil infractions; and amending RCW 7.84.030.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1336 by Representatives Anderson, Hunter and Green

AN ACT Relating to discouraging precollege courses at public four-year institutions of higher education; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1337 by Representatives Green, Goodman, Kagi, Walsh, Roberts, Seaquist, Morrell, Appleton, Kenney, Simpson, Nelson and Santos

AN ACT Relating to developmental screenings through the medicaid program; adding a new section to chapter 74.09 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1338 by Representatives Conway, Condotta, Wood, Armstrong, Hunt, Green, Williams, Crouse, Moeller, Chandler, Chase, Simpson and Kelley

AN ACT Relating to expanding industries that qualify for good cause for late filing of reports, contributions, penalties, or interest; amending RCW 50.29.010; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1339 by Representatives Conway, Wood, Armstrong, Hunt, Condotta, Green, Williams, Crouse, Moeller and Chandler

AN ACT Relating to correcting statutory references in the calculation of predecessor and successor employer contribution rates; amending RCW 50.29.062 and 50.29.063; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1340 by Representatives Conway, Sells, Kenney, Sullivan, Hunt, Haigh, Appleton, Hasegawa, Pettigrew, Quall, Rolfes, Seaquist, Chase, Simpson, Campbell, Nelson, Hudgins, Ormsby, McCoy, Van De Wege, Moeller and Santos

AN ACT Relating to modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges; and amending RCW 28B.52.035 and 28B.50.140.

Referred to Committee on Commerce & Labor.

HB 1341 by Representatives Santos, Haler, Hasegawa, Sells, Seaquist, Goodman, Appleton, Hunt, Chase, Kenney, Simpson, Campbell, Nelson, McCoy and Van De Wege

AN ACT Relating to motivating students through incentives to pursue postsecondary education by eliminating the use of statewide assessments as a high school graduation requirement; amending RCW 28A.655.070, 28A.655.061, 28A.655.066, 28A.180.100, 28A.195.010, 28A.200.010, 28A.230.090, 28A.305.130, 28A.600.310, 28B.15.520, 28B.15.067, and 28A.155.170; reenacting and amending RCW 28A.230.125; creating new sections; and repealing RCW 28A.155.045, 28A.655.063, 28A.655.065, 28A.655.0611, 28B.50.534, and 28A.600.405.

Referred to Committee on Education.

HB 1342 by Representatives Hudgins, Chase, Goodman, Roberts and Wood

AN ACT Relating to screening for elevated levels of lead in children under six years old in Washington; and creating new sections.

Referred to Committee on Environmental Health.

HB 1343 by Representatives Hudgins and Moeller

AN ACT Relating to property tax limitations for port districts; amending RCW 84.55.092; and creating new sections.

Referred to Committee on Local Government & Housing.

HB 1344 by Representatives Hudgins and Moeller

AN ACT Relating to enclosed, three-wheeled passenger vehicles; amending RCW 46.04.330; reenacting and amending RCW 46.20.500; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 44.28 RCW.

Referred to Committee on Transportation.

HB 1345 by Representatives Hudgins, Campbell, Hunt and Chase

AN ACT Relating to lead blood level assessments; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Environmental Health.

HB 1346 by Representatives Hudgins, Chase and Moeller

AN ACT Relating to labeling of lead-containing products; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Environmental Health.

HB 1347 by Representatives Santos, Roach, Morrell, Moeller, Chase and Roberts

AN ACT Relating to financial education; amending RCW 28A.300.450, 28A.300.460, 28A.300.465, and 28A.655.070; adding new sections to chapter 28A.300 RCW; and repealing RCW 28A.300.455, 28A.300.470, and 28A.230.205.

Referred to Committee on Education.

HB 1348 by Representatives Green, Conway and Sullivan

AN ACT Relating to professional athletics regulated by the department of licensing; amending RCW 67.08.002, 67.08.007, 67.08.015, 67.08.017, 67.08.030, 67.08.050, 67.08.055, 67.08.060, 67.08.080, 67.08.110, 67.08.140, 67.08.160, 67.08.170, 67.08.180, 67.08.200, and 67.08.300; reenacting and amending RCW 67.08.090 and 67.08.100; adding new sections to chapter 67.08 RCW; repealing RCW 67.08.010, 67.08.040, 67.08.130, 67.08.220, and 67.08.240; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1349 by Representatives Green, Moeller, Dickerson, Cody and Kenney

AN ACT Relating to additional grounds for renewal of orders for less restrictive treatment; amending RCW 71.05.320; and creating a new section.

Referred to Committee on Human Services.

HB 1350 by Representatives Goodman, Hunt, Ormsby, Williams, Appleton, Ericks, Kagi, Moeller, Morrell, Flannigan, Morris, Green, Hasegawa, Sells, Lias, Upthegrove, Finn, Takko, Blake, Orwall, White, Dunshee, Roberts, Chase, Conway, Simpson and Nelson

AN ACT Relating to electing the president of the United States by national popular vote; amending RCW 29A.56.320; adding a new section to chapter 29A.56 RCW; and providing a contingent effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1351 by Representatives Wallace, Moeller, Wood, Ormsby and Kenney

AN ACT Relating to industrial insurance coverage for the owners of drywall installation or finishing businesses; amending RCW 51.12.020 and 51.08.070; adding a new section to chapter 51.12 RCW; adding a new section to chapter 51.04 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1352 by Representatives Morris, Hope and Moeller

AN ACT Relating to dispute resolution and registration in manufactured and mobile home communities; creating a new section; and repealing RCW 59.30.010, 59.30.020, 59.30.030, 59.30.040, 59.30.050, 59.30.060, 59.30.070, and 59.30.080.

Referred to Committee on Judiciary.

HB 1353 by Representatives Nelson, Cody, Sells, Sullivan, Haigh, Simpson, Seaquist, Campbell, Carlyle, Hunt, Roberts and Liias

AN ACT Relating to employment opportunities at institutions of higher education; adding new sections to chapter 28B.52 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1354 by Representatives Kretz, Short and Kristiansen

AN ACT Relating to damage caused by wildlife; amending RCW 77.36.005, 77.36.010, 77.36.040, 77.36.050, 77.36.060, 77.36.070, and 77.36.080; and adding a new section to chapter 77.36 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1355 by Representatives Probst, Quall, Kessler, Sullivan, Wallace, Maxwell, Rolfes, Springer, Green, Jacks, Carlyle, Kenney, Ormsby, Seaquist, Liias, Sells, Priest, Dammeier, Hunt, Hudgins, Morrell, Van De Wege, Moeller, Chase, Conway, Goodman, Driscoll, Simpson, Santos and Kelley

AN ACT Relating to establishing the opportunity internship program for high school students; amending RCW 28B.92.030, 28B.92.060, 28B.92.080, and 28B.92.110; adding new sections to chapter 28C.18 RCW; adding a new section to chapter 28B.92 RCW; adding a new section to chapter 82.04 RCW; and creating new sections.

Referred to Committee on Education.

HB 1356 by Representatives Alexander, Quall, Haigh, Anderson, Sullivan, Priest, Hunter, Ormsby, Chase, Morrell, Moeller, Conway, Kenney, Goodman, Carlyle, Hunt, Maxwell, Driscoll, Simpson and Kelley

AN ACT Relating to middle school career and technical education; amending RCW 28A.230.130; adding a new section to chapter 28A.660 RCW; creating a new section; and providing an effective date.

Referred to Committee on Education.

HB 1357 by Representatives Pettigrew, Dickerson, Orwall, Walsh, Moeller, Kenney and Wood

AN ACT Relating to protecting consumers by assuring persons using the title of social worker have graduated with a degree in social work from an educational program accredited by the council on social work education; adding a new section to chapter 28B.85 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1358 by Representatives Hasegawa, Appleton, Chase, Moeller, Hudgins, Hunter, Ormsby, Green, Sullivan and Goodman

AN ACT Relating to allowing credit unions to participate in the linked deposit program; and amending RCW 43.86A.010, 43.86A.030, 43.86A.060, and 43.86A.070.

Referred to Committee on Financial Institutions & Insurance.

HB 1359 by Representatives Williams and Ormsby

AN ACT Relating to the practice of landscape architecture; amending RCW 18.96.010, 18.96.020, 18.96.030, 18.96.040, 18.96.060, 18.96.070, 18.96.080, 18.96.090, 18.96.100, 18.96.110, 18.96.120, 18.96.140, 18.96.150, 18.96.180, and 18.96.190; adding new sections to chapter 18.96 RCW; creating a new section; repealing RCW 18.96.050, 18.96.160, and 18.96.170; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1360 by Representatives Ormsby, Orcutt, Simpson, Smith, Dunshee, Springer, Liias, Upthegrove, Eddy, Takko, Chase, Morrell, Moeller and Sullivan

AN ACT Relating to funding for residential infrastructure development; amending RCW 82.45.060 and 82.45.180; reenacting and amending RCW 43.84.092; adding a new section to chapter 43.135 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Local Government & Housing.

HB 1361 by Representatives Goodman, Rodne, Williams, Dickerson, Walsh, Kagi, Roberts, Pettigrew, O'Brien, Armstrong, Appleton, Ericks, Warnick, Haigh, Moeller, Rolfes, Carlyle, Wallace, Seaquist and Morrell

AN ACT Relating to county supervised community options; and amending RCW 9.94A.680.

Referred to Committee on Human Services.

HB 1362 by Representatives Goodman, Rodne, Sullivan, Williams, Orwall, O'Brien, Kirby, Chase and Conway

AN ACT Relating to conveyances used in prostitution-related offenses; and amending RCW 9.68A.120, 9.68A.101, 9.68A.102, and 9A.88.140.

Referred to Committee on Judiciary.

HJM 4004 by Representatives Van De Wege, Kessler, Rodne, Liias, Takko, Hurst, Jacks, Hasegawa, Kelley, Eddy, Seaquist, McCoy, Appleton, Hudgins, Morrell, Hope, Sullivan and Nelson

Naming a certain portion of state route number 110 the "Operations Desert Shield and Desert Storm Memorial Highway."

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 15, 2009

HB 1042 Prime Sponsor, Representative O'Brien: Concerning notices of dishonor. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Passed to Committee on Rules for second reading.

January 15, 2009

HB 1058 Prime Sponsor, Representative Goodman: Revising editorial standards for the RCW. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Passed to Committee on Rules for second reading.

January 15, 2009

HB 1059 Prime Sponsor, Representative Goodman: Making technical corrections to various statutes at the request of the statute law committee. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Passed to Committee on Rules for second reading.

January 15, 2009

HB 1066 Prime Sponsor, Representative Rolfes: Regarding special elections for changing the form of government of a noncharter code city. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

January 15, 2009

HB 1068 Prime Sponsor, Representative Pedersen: Revising the Washington business corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 1224, and the bill was referred to the Committee on Public Safety & Emergency Preparedness.

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

There being no objection, the House adjourned until 9:55 a.m., January 20, 2009, the 9th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINTH DAY

House Chamber, Olympia, Tuesday, January 20, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

**MESSAGE FROM
BOARDS OF COUNTY COMMISSIONERS
OF THE 9TH LEGISLATIVE DISTRICT**

January 19, 2009

Speaker of the House of Representatives
Legislative Building
Olympia WA

Due to the midterm resignation of the Honorable Steve Hailey for the 9th Legislative District of the State of Washington, and pursuant to Article 11, Section 15, Amendment 32 of the Constitution of the State of Washington, the Boards of County Commissioners for the Counties of Adams, Asotin, Franklin, Garfield, Spoke and Whitman, met in joint session on the 19th day of January 2009, in Whitman County, for the purpose of appointing a district resident nominee to fill the House of Representatives position vacated by Mr. Steve Hailey. In attendance were: Rudy Plager, Adams County District 1, Jeffrey W. Stevens, Adams County District 3, Doug Matton, Asotin County District 1, Don F. Brown, Asotin County District 2, Robert E. Lane, Asotin County District 3, Brad Peck, Franklin County District 1, Bob Koch, Franklin County District 2, Rick Miller, Franklin County District 3, Robert K. Johnson, Garfield County District 1, Dean D. Burton, Garfield County District 3, Todd Mielke, Spokane County District 1, Greg Partch, Whitman County District 1, Pat O'Neill, Whitman County District 2, and Michael Largent, Whitman County District 3.

Michael Largent, was elected Chairperson for the joint session and by the rules adopted is authorized on behalf of all the county commissioners to certify the results of the meeting.

I, Michael Largent, the elected Chairperson for the joint session of the Boards of County Commissioners of the 9th Legislative District of the State of Washington, hereby certify that by majority vote DON COX is appointed to the Washington State House of Representatives for the 9th Legislative District as of this 19th day of January 2009.

Michael Largent, Chairperson

INTRODUCTION AND FIRST READING

HB 1363 by Representatives Hunt, Armstrong, Newhouse, Alexander and Appleton

AN ACT Relating to candidate filing; and amending RCW 29A.24.070 and 29A.24.091.

Referred to Committee on State Government & Tribal Affairs.

HB 1364 by Representatives Hunt, Armstrong, McCoy and Kenney

AN ACT Relating to technical corrections to election provisions; amending RCW 28A.343.300 and 35.02.086; adding a new section to chapter 29A.20 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1365 by Representative Ericksen

AN ACT Relating to food service rules; and amending RCW 43.20.145.

Referred to Committee on Health Care & Wellness.

HB 1366 by Representatives Wood, Conway, Condotta, Chandler and Ormsby

AN ACT Relating to making technical changes to boiler and unfired pressure vessel statutes; amending RCW 70.79.060, 70.79.070, 70.79.080, 70.79.090, and 70.79.240; and repealing RCW 70.79.210.

Referred to Committee on Commerce & Labor.

HB 1367 by Representatives Herrera, Eddy, Haler, Wallace, Smith, Takko, Orcutt, Short, Bailey, Condotta, Warnick, Goodman, Kretz, Johnson, Ross, Newhouse, Shea, Pearson, Rolfes, Dammeier, Kristiansen, Schmick, Carlyle, McCune, Driscoll, Moeller and Kelley

AN ACT Relating to eliminating the license plate retention fee; and reenacting and amending RCW 46.16.233.

Referred to Committee on Transportation.

HB 1368 by Representatives Herrera, Eddy, Haler, Takko, Orcutt, Van De Wege, Smith, Short, Bailey, Condotta, Warnick, Goodman, Kretz, Johnson, Ross, Newhouse, Shea, Pearson, Hasegawa, Rolfes, Sells, Kristiansen, Schmick, Carlyle, McCune, Springer, Kessler, Driscoll, Moeller, Kelley and Probst

AN ACT Relating to the requirement to periodically replace license plates; and reenacting and amending RCW 46.16.233.

Referred to Committee on Transportation.

HB 1369 by Representatives Haler, Takko and Klippert

AN ACT Relating to county elected officials keeping offices at the county seat; and amending RCW 36.23.080, 36.28.160, 36.29.170, and 36.80.015.

Referred to Committee on Local Government & Housing.

HB 1370 by Representatives Dunshee, Moeller, Ormsby and Nelson

AN ACT Relating to creating a new credentialing standard for registered retired counselors; amending RCW 18.19.020, 18.19.060, 18.19.090, and 18.130.040; and adding a new section to chapter 18.19 RCW.

Referred to Committee on Health Care & Wellness.

HB 1371 by Representatives Armstrong, Hunt, Ross, Walsh, Ormsby, Miloscia, Van De Wege, Shea, Priest, Hasegawa, Hope and Upthegrove

AN ACT Relating to limitations on the use of intermediate licenses; and amending RCW 46.20.075.

Referred to Committee on Transportation.

HB 1372 by Representatives Anderson, Rodne, Ericksen, Armstrong, Roach and Kristiansen

AN ACT Relating to a mid-year revaluation of real property upon a substantial decline in residential property values; amending RCW 84.40.020, 84.12.270, and 84.36.005; and creating a new section.

Referred to Committee on Finance.

HB 1373 by Representatives Dickerson, Kagi, Green, Cody, Darneille, Dunshee, Roberts, Goodman, Appleton, Kenney, Orwall, Hurst, Moeller, Takko, Chase, Rolfes, Carlyle, Simpson, Nelson, Conway and Ormsby

AN ACT Relating to equitable access to appropriate and effective children's mental health services; amending RCW 71.24.025, 71.24.055, and 74.09.521; reenacting and amending RCW 71.24.035; and making appropriations.

Referred to Committee on Early Learning & Children's Services.

HB 1374 by Representatives Dunshee and Warnick

AN ACT Relating to the local government archives account; amending RCW 40.14.024 and 36.22.175; and amending 2008 c 328 s 6010(uncodified).

Referred to Committee on Capital Budget.

HB 1375 by Representatives Roberts, Appleton, Walsh, Kagi, Liias, Upthegrove and Kenney

AN ACT Relating to eliminating foster care citizen review boards; amending RCW 13.34.210; reenacting and amending RCW 13.34.138; and repealing RCW 13.70.003, 13.70.010, 13.70.020, 13.70.030, 13.70.040, 13.70.050, 13.70.060, 13.70.070, 13.70.080, 13.70.090, 13.70.100, 13.70.110, 13.70.120, 13.70.130, 13.70.140, and 13.70.150.

Referred to Committee on Early Learning & Children's Services.

HB 1376 by Representatives Hope, O'Brien, Warnick, Pearson, Haler, McCune, Bailey, Johnson, Hinkle, Kristiansen and Newhouse

AN ACT Relating to removing the requirement to purchase art for public buildings during the 2009-2011 biennium; amending RCW 28A.335.210, 28B.10.027, and 43.17.200; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1377 by Representatives Klippert, Haler, Angel and Walsh

AN ACT Relating to the authority of towns, cities, and counties to form public facilities districts for recreational facilities when one or more of the towns, cities, or counties have previously formed public facility districts; amending RCW 35.57.010 and 82.14.048; and reenacting and amending RCW 35.57.020.

Referred to Committee on Community & Economic Development & Trade.

HB 1378 by Representatives Green, Kelley, McCune, Kirby, Morrell and Moeller

AN ACT Relating to a city sales and use tax to fund the acquisition and processing of land designated as a clear zone areaby the federal government; and amending RCW 82.14.415.

Referred to Committee on Local Government & Housing.

HB 1379 by Representatives Seaquist, Angel and Liias

AN ACT Relating to moratoria and other interim official controls adopted under the shoreline management act; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1380 by Representatives Liias, Sells, O'Brien, Dunshee, Kirby and Kagi

AN ACT Relating to county authority to lease with an option to purchase; and amending RCW 36.34.205.

Referred to Committee on Local Government & Housing.

HB 1381 by Representatives Miloscia, Priest, Rodne, Kirby, Johnson, Simpson, Sullivan, Ormsby and Kelley

AN ACT Relating to assault of a law enforcement officer or other employee of a law enforcement agency; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1382 by Representatives Miloscia, Hurst, O'Brien and Kelley

AN ACT Relating to expansion of the DNA identification system; amending RCW 43.43.735, 43.43.754, and 43.43.7532; reenacting and amending RCW 46.63.110; adding a new section to chapter 43.43 RCW; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1383 by Representatives Miloscia, Priest, Chase, Orwall, Ormsby, Williams, Sells, Johnson and Wood

AN ACT Relating to equalizing school district salary allocations; amending RCW 84.52.0531 and 84.52.0531; adding a new section to chapter 28A.150 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 1384 by Representatives Miloscia, O'Brien, Appleton, Springer, Ormsby, Liias, Chase, Flannigan, Sells, Simpson, Santos and Wood

AN ACT Relating to increasing the debt limit of the housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Capital Budget.

HB 1385 by Representatives Haler, Van De Wege, Kessler, Pearson, Takko, Klippert, Blake, Morrell, Dammeier, Warnick, Smith and Johnson

AN ACT Relating to sexual misconduct by school employees; and amending RCW 9A.44.093 and 9A.44.096.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1386 by Representatives Condotta, Ericks, Chandler, Springer, Blake, Hinkle and Kristiansen

AN ACT Relating to the use of industrial insurance funds; amending RCW 51.44.010, 51.44.020, and 51.44.033; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce & Labor.

HB 1387 by Representatives Wallace, Ormsby, Moeller and Flannigan

AN ACT Relating to repealing nonresident exemptions from tax on retail sales; repealing RCW 82.08.0265, 82.08.0268, 82.08.0269, and 82.08.0273; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1388 by Representatives Jacks, McCoy, Crouse and Morris

AN ACT Relating to changing the date for setting the amount of pipeline safety fees; and amending RCW 80.24.060 and 81.24.090.

Referred to Committee on Technology, Energy & Communications.

HB 1389 by Representatives Blake, Conway, Sells, Ormsby, McCoy, Kessler, Van De Wege, Green, Simpson and Wood

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

HB 1390 by Representatives Campbell, Kenney and Moeller

AN ACT Relating to modifying the name of and titles within the acupuncture profession; amending RCW 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.080, 18.06.120, 18.06.130, 18.06.140, 18.06.190, 4.24.240, 4.24.290, 7.70.020, 18.120.020, 18.130.040, and 43.70.110; adding a new section to chapter 18.06 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1391 by Representatives Springer, Alexander and Williams

AN ACT Relating to land surveyors; amending RCW 18.43.020; and adding a new section to chapter 18.43 RCW.

Referred to Committee on Commerce & Labor.

HB 1392 by Representatives Springer, Driscoll, Kessler, Probst, Ericks, Sullivan, Dunshee, Takko, Blake, McCoy, Eddy, Clibborn, Dickerson, Williams, Sells, Goodman, Kenney and Moeller

AN ACT Relating to eminent domain; amending RCW 8.25.020, 28A.335.120, 35.58.340, 35.80A.030, 35.94.040, 36.68.010, 43.43.115, 43.82.010, 47.12.063, 47.12.283, 47.52.050, 53.08.090, 53.25.040, 70.44.300, 79.36.330, 80.28.230, 80.40.030, and 81.112.080; adding new sections to chapter 8.25 RCW; adding a new section to chapter 39.33 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 1393 by Representatives Springer, Kessler, Eddy, Ormsby, Van De Wege, Liias, Morrell, Roberts, Upthegrove and Sullivan

AN ACT Relating to improving residential real property construction by creating a home construction consumer education office, strengthening warranty protections applicable to residential real property construction, enhancing contractor registration requirements, and establishing worker certification standards; amending RCW 18.27.030; adding a new section to chapter 43.10 RCW; adding new sections to chapter 64.50 RCW; adding a new section to chapter 18.27 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1394 by Representatives White, Kenney, Wallace, Orwall, Carlyle, Anderson, Sells, Chase and Sullivan

AN ACT Relating to changing the timeline for the state comprehensive plan for workforce training and education; and amending RCW 28C.18.080.

Referred to Committee on Higher Education.

HB 1395 by Representatives Wallace, Anderson, Hasegawa, Sells, Chase and Kenney

AN ACT Relating to clarifying terms for workforce and economic development; amending RCW 28B.50.030, 28B.50.273, 50.22.130, 50.22.150, 51.32.099, and 74.08A.250; and providing an expiration date.

Referred to Committee on Higher Education.

HB 1396 by Representatives Green, Ericksen, Cody, Hinkle, Morrell, Moeller, Bailey, Williams and Nelson

AN ACT Relating to referral procedures for medical eye care; and amending RCW 48.43.515.

Referred to Committee on Health Care & Wellness.

HB 1397 by Representatives Moeller, Ericksen, Cody, Green, Hinkle, Morrell, Bailey, Williams, Nelson and Wood

AN ACT Relating to the delegation of authority to registered nurses; and amending RCW 18.79.260.

Referred to Committee on Health Care & Wellness.

HB 1398 by Representatives Green, Campbell, Seaquist, Appleton and Rolfes

AN ACT Relating to creating the Washington state acupuncture quality assurance commission; amending RCW 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.060, 18.06.070, 18.06.080, 18.06.110, 18.06.130, 18.06.140, 18.06.160, 18.06.190, and 18.130.040; and adding a new section to chapter 18.06 RCW.

Referred to Committee on Health Care & Wellness.

HB 1399 by Representatives Chase, Campbell, McCoy, Moeller, Kirby, Conway, Williams, Upthegrove, Sells, O'Brien, Carlyle, Pedersen, Green, Cody, Haigh, Miloscia, Kenney, Rolfes, Appleton, Dunshee, Roberts, Sullivan, Quall, Dickerson, Hudgins, Nelson, Goodman, Simpson and Ormsby

AN ACT Relating to renewable energy system cost recovery; and amending RCW 82.16.110, 82.16.120, and 82.16.130.

Referred to Committee on Technology, Energy & Communications.

HB 1400 by Representatives Cody, Hinkle, Green, Morrell, Ericksen, Nelson and Moeller

AN ACT Relating to the uniform emergency volunteer health practitioners act; amending RCW 38.52.010, 38.52.180, and 43.70.250; and adding a new chapter to Title 38 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1401 by Representatives Cody, Hinkle, Morrell, Ericksen, Green, Moeller and Kelley

AN ACT Relating to the standard health questionnaire; and reenacting and amending RCW 48.43.018.

Referred to Committee on Health Care & Wellness.

HB 1402 by Representatives Williams, Campbell, Conway, Moeller and Green

AN ACT Relating to contact with medical providers after appeals have been filed under industrial insurance; adding a new section to chapter 51.52 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1403 by Representatives Williams, DeBolt, Rolfes, Hinkle, Upthegrove, Blake, Moeller, Newhouse, Takko, Green, Walsh, Short, Haler, Kelley, Hurst, Van De Wege, McCune, Kristiansen, Condotta, Warnick, Hunt, Goodman, Johnson, Simpson and Sullivan

AN ACT Relating to vehicle-activated traffic control signals; adding a new section to chapter 47.36 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1404 by Representatives Armstrong, Miloscia, Appleton, Conway, Anderson, Newhouse, Moeller and Ormsby

AN ACT Relating to naming public spaces in the Washington state heritage center; and amending RCW 43.34.090.

Referred to Committee on State Government & Tribal Affairs.

HB 1405 by Representatives Campbell, Flannigan, McCune, Dammeier, Darneille, Simpson and Moeller

AN ACT Relating to excluding social security disability payments from the calculation of disposable income for the property tax exemption for senior citizens and persons retired by reason of disability; reenacting and amending RCW 84.36.383; and creating a new section.

Referred to Committee on Finance.

HB 1406 by Representatives Williams, Moeller, Dunshee, Upthegrove, Simpson, Anderson, Hunt, Dickerson, Takko, Nelson, McCoy, O'Brien, Flannigan, Conway, Roberts and Santos

AN ACT Relating to providing assistance to spay and neuter certain animals; amending RCW 15.53.9018, 15.53.9044, and 18.92.260; adding a new chapter to Title 16 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

HB 1407 by Representatives Williams and Goodman

AN ACT Relating to intermediate care facilities for persons with developmental disabilities; and amending RCW 70.129.005, 70.129.010, 70.129.105, 70.129.110, 70.129.160, and 70.129.170.

Referred to Committee on Human Services.

HB 1408 by Representatives Morrell, Hudgins, Upthegrove, Rolfes, Goodman, Pedersen, Green, Roberts, O'Brien, Dickerson, Cody, Takko, Moeller, Kenney, Kelley and Nelson

AN ACT Relating to victim impact panels; amending RCW 46.61.5152; and adding a new section to chapter 10.01 RCW.

Referred to Committee on Judiciary.

HB 1409 by Representatives Van De Wege, Kessler, Upthegrove, Rolfes, Blake, Dunshee, Campbell, Jacks, Orwall, Seaquist, Appleton, Nelson, Roberts, Morris, Takko, Cody, Carlyle, McCoy, Goodman, Quall, Sullivan, Liias, Chase, Pedersen, Williams, Kagi, Kenney, Simpson, Conway and Moeller

AN ACT Relating to providing an emergency response system for the Strait of Juan de Fuca; amending RCW 88.46.130, 88.46.068, and 88.46.010; and adding a new section to chapter 88.46 RCW.

Referred to Committee on Ecology & Parks.

HB 1410 by Representatives Sullivan, Priest, Hunter, Anderson, Carlyle, Haler, Maxwell, Pedersen, Rolfes, Quall, Springer, Dammeier, Hope, Eddy, Liias, Clibbom, Goodman, Williams, Van De Wege, Chase, Morris, Morrell, McCoy, Kagi, Kessler, Newhouse, Simpson, Darneille, Rodne, Nelson, Probst, Miloscia, Driscoll, White, Moeller, Ormsby, Kelley and Wood

AN ACT Relating to creating a comprehensive system of public education programs, finance, and accountability; amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.315, 28A.230.090, 28A.190.030, 28A.150.410, 28A.405.415, 28A.400.200, 41.59.935, 28A.405.100, 28A.405.220, 28A.305.130, 28A.505.120, 84.52.0531, 28A.185.020, 28B.102.040, 84.52.067, 83.100.230, 28A.150.350, 28A.150.290, 28A.150.400, 28A.150.275, 28A.150.310, 28A.150.230, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, 28A.180.090, 28A.600.310, 28A.600.405, 28A.320.190, 28A.195.010, 28A.225.200, 28A.415.020, 28A.415.024, 28A.415.025, 28A.400.205, 28A.410.210, 28A.410.220, and 28A.410.240; reenacting and amending RCW 28A.150.370 and 28A.415.023; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.415 RCW; adding a new section to chapter 28A.405 RCW; adding new sections to chapter 28A.400 RCW; adding a new section to chapter 41.59 RCW; adding new sections to chapter 28A.655 RCW; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 28A.500 RCW; adding a new chapter to Title 28A RCW; creating new sections; recodifying RCW 28A.150.200, 28A.150.210, 28A.150.211, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.315, 28A.150.370, 28A.150.230, 28A.150.240, 28A.150.410, 28A.150.350, 28A.150.290, 28A.150.400, 28A.150.275, 28A.150.270, 28A.150.360, and 28A.150.420; repealing RCW 28A.655.200, 28A.655.130, 28A.655.010, 28A.500.010, 28A.500.020, 28A.500.030, 28A.500.040, 28A.500.900, 28A.505.210, 28A.505.220, 28A.150.380, 84.52.068, 28A.150.030, 28A.150.205, 28A.150.060, 28A.150.100, 28A.150.040, 28A.305.140, 28A.305.145, 28A.655.180,

28A.155.180, 28A.415.250, 28A.415.260, and 28A.410.250; providing effective dates; and providing expiration dates.

Referred to Committee on Education Appropriations.

HB 1411 by Representatives Alexander, Williams, McCune and Moeller

AN ACT Relating to sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment; amending RCW 82.08.0283, 82.12.0277, 82.08.803, 82.12.803, 82.08.945, and 82.12.945; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1412 by Representatives Kagi, Roach, Cody, Roberts, Dickerson, Appleton, Walsh, Green, Hunt, Seaquist, Chase, Morrell, Kessler, Kenney, Simpson and Nelson

AN ACT Relating to health benefit plan coverage of neurodevelopmental therapies; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.43 RCW; creating new sections; repealing RCW 41.05.170, 48.21.310, 48.44.450, and 48.46.520; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1413 by Representatives McCoy, Nelson, Quall and Blake

AN ACT Relating to water discharge fees; amending RCW 90.48.465; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

HB 1414 by Representatives Driscoll, Moeller, Hinkle, Cody, Sullivan, Nelson and Ormsby

AN ACT Relating to the practice of health care assistants; amending RCW 18.135.010, 18.135.020, and 18.135.065; adding a new section to chapter 18.135 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1415 by Representatives Hasegawa, Haler, Hunt, Armstrong, Eddy, Newhouse, Conway, Wood, Williams, Johnson, Chase, Upthegrove, Condotta, Moeller and Ormsby

AN ACT Relating to sales of wine at the legislative gift center; adding new sections to chapter 44.73 RCW; and adding a new section to chapter 66.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1416 by Representatives Sullivan, Pettigrew, Walsh, Roberts, Haigh, Chase, Seaquist, Ormsby, Miloscia, Kagi, Haler, Hudgins, Morrell, O'Brien, Hinkle, Hunt, Priest, Green, Wallace, Conway, Dickerson, Kenney, Santos, Appleton, Hasegawa, Rolfes, Williams, Van De Wege, Maxwell, Carlyle, Goodman, Darneille, Simpson, Nelson, Driscoll, Moeller and White

AN ACT Relating to feeding hungry children through school breakfast and lunch programs and summer food service programs; amending RCW 28A.235.150 and 28A.235.155; and creating new sections.

Referred to Committee on Education.

HCR 4403 by Representatives Wallace, Anderson, Sells, Hasegawa, Chase, Kenney and Sullivan

Providing for the 2008-2018 state comprehensive plan for workforce training.

Referred to Committee on Higher Education.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 16, 2009

HB 1034 Prime Sponsor, Representative Morrell: Concerning rental or lease of armories. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hudgins; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

January 16, 2009

HB 1049 Prime Sponsor, Representative Rolfes: Concerning veterans' relief. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hudgins; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

January 16, 2009

HB 1050 Prime Sponsor, Representative Kelley: Adjusting veterans' scoring criteria. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hudgins; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

January 15, 2009

HB 1067 Prime Sponsor, Representative Pedersen: Creating the uniform limited partnership act. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Referred to Committee on General Government Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., January 21, 2009, the 10th Day of the Regular Session.

FRANK CHOPP, Speaker BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

TENTH DAY

House Chamber, Olympia, Wednesday, January 21, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Mario Baron and George Baron. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Kirk Pearson.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4605, by Representatives Johnson, Ross, Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

WHEREAS, It is the policy of the Washington State Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Mary Skinner has exhibited true excellence throughout her personal, professional, and public life; and

WHEREAS, Mary Skinner has exhibited the highest levels of excellence during her tenure as State Representative for the citizens of the 14th Legislative District, comprised of a portion of Yakima County and including the cities of Yakima, Naches, Tieton, Gleeed, Selah, Union Gap, Ahtanum, Tampico, and other wonderful communities throughout Yakima County; and

WHEREAS, Mary Skinner was born in Los Angeles, California, but at the tender age of three months came with her parents to Wapato, Washington; and

WHEREAS, Mary Skinner was raised in the Yakima, Washington area as the daughter of migrant workers, and is the great niece of the late president of Mexico, Venustiano Carranza; and

WHEREAS, Mary Skinner's first language was Spanish and she learned English in the public schools and used her bilingual abilities to help people throughout the Yakima Valley; and

WHEREAS, Mary Skinner's parents taught her the importance of public service, which she demonstrated with earnest devotion throughout her life; and

WHEREAS, Mary Skinner attended Yakima Public Schools and graduated from Davis High School in Yakima, attended Yakima Valley Community College, and graduated from Central Washington University with a B.A. in education; and

WHEREAS, Mary Skinner and her husband of forty years, Dr. Harlow "Hal" Skinner, whom she loved with undying affection, lived in Walla Walla and Thurston counties, but resided the majority of their lives in Yakima – a community dearly loved by Mary; and

WHEREAS, Mary Skinner has been employed as a nurses' aide and later taught junior high school in the Yakima School District; and

WHEREAS, Mary Skinner has served as a volunteer in many community groups and activities, including the Allied Arts Council of Yakima Valley, the American Association of University Women (past branch president), Yakima Junior League, the League of Women Voters, and PEO; and

WHEREAS, Mary Skinner served in many community leadership positions, including director and cofounder of the Washington State Medical Association Auxiliary Foundation, president of the Washington State Medical Association Auxiliary, member of the Yakima Valley Community College Board, Yakima Valley Community College Foundation Board, Heritage College Board, the St. Elizabeth Hospital (Providence Yakima Medical Center/Yakima Regional Medical Center) Community Board, past vice-president of the Yakima Schools Foundation, cofounder of Olympia Junior League, member of the Capitol Theatre Board and Capitol Furnishings Preservation Committee, founding member of the Yakima County Health Care Coalition, along with volunteer roles in at least eighteen organizations; and

WHEREAS, Mary Skinner was appointed as a 3rd Congressional District member to the Washington State Board of Education; and

WHEREAS, Mary Skinner served for many years as a board member of the Washington Arts Commission and was an impassioned supporter of the arts; and

WHEREAS, Mary Skinner served as State Representative from the 14th Legislative District from January 1995 to January 2009, as a Ranking Member of the House Economic Development, Housing and Trade Committee, a member of the House Transportation Committee, the House Higher Education Committee, and the House Health Care Committee, and as a member of the National Conference of State Governments' Executive Committee, and past chair of the Council of State Governments WEST Committee on Aging, the cochair of the Council of State Governments Health Capacity Task Force, Council of State Governments' 2004 Henry Toll Fellowship Leader, and as vice-chair of the Washington House Republican Caucus from January 2005 to January 2009; and

WHEREAS, Mary Skinner during her seven terms in elected office was responsible for the passage of: Double fines in school zones, Anton's Law – the most comprehensive child passenger safety restraint law in the nation, numerous laws to assist senior citizens and long-term care, the creation of a state poet laureate, and extension of insurance coverage for colon cancer screening; and

WHEREAS, Mary Skinner helped to secure many important projects for the 14th District, including the Millennium Arts Plaza in downtown Yakima, funding for the Selah Overpass and Valley Mall Boulevard extension, preservation of the historic Capitol Theatre, downtown Yakima redevelopment, and assisted in the creation of a Yakima Valley Community College higher education center; and

WHEREAS, Mary Skinner is respected for her sincerity, her honesty, her kindness, and her friendship; and

WHEREAS, Mary Skinner has a true servant's heart and always puts the interests of others above those of her own; and

WHEREAS, Mary Skinner has a deep and abiding faith in God and loves to share her faith with anyone who will listen; and

WHEREAS, Mary Skinner never fails to give a word of hope and encouragement to those who are discouraged or hurting; and

WHEREAS, Mary Skinner through all her health challenges never complains but rather expresses the joys she finds in life and in her faith; and

WHEREAS, Mary Skinner is deeply admired for her dedicated and sacrificial service to this institution, her family, friends and colleagues, her community, her constituents, and citizens throughout this state; and

WHEREAS, Mary Skinner is the epitome of a well-rounded and dedicated wife, step-mother, sister to Marti and Gloria, community leader, public official, and friend;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Mary Skinner for her years of dedicated service, her personal and professional integrity, and her faithfulness to the principles and ideals that she worked so diligently for; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mary Skinner.

Representative Johnson moved adoption of House Resolution No. 4605.

Representatives Johnson, Walsh, Kenney, Orcutt, Ross, Hunt and DeBolt spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4605 was adopted.

INTRODUCTION AND FIRST READING

HB 1417 by Representatives Kenney, Rodne, Pedersen and Morrell

AN ACT Relating to the office of public guardianship; and amending RCW 2.72.030.

Referred to Committee on Judiciary.

HB 1418 by Representatives Kagi, Priest, Sullivan, Walsh, Pettigrew, Roberts, Dickerson, Quall, Seaquist, Sells, Appleton, Hunt, Haler, Pedersen, Orwall, Ormsby, Hasegawa, Conway, Kenney, Maxwell, Santos, Probst, Driscoll, Goodman and Nelson

AN ACT Relating to establishing a statewide dropout reengagement system; amending RCW 28A.310.180, 28A.305.190, 28B.50.030, 28B.50.535, and 28B.15.067; adding new sections to chapter 28A.175 RCW; and creating a new section.

Referred to Committee on Education.

HB 1419 by Representatives Kagi, Dickerson, Walsh, Roberts, Hunt and Appleton

AN ACT Relating to sexually aggressive youth; amending RCW 26.44.160 and 74.13.075; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 1420 by Representatives Conway, Condotta, Maxwell, Williams, Chandler, Wood, Hinkle and Kelley

AN ACT Relating to real estate seller disclosure; and amending RCW 64.06.005, 64.06.010, 64.06.015, 64.06.020, and 64.06.040.

Referred to Committee on Commerce & Labor.

HB 1421 by Representatives Anderson, Hasegawa, Chandler, Eddy and White

AN ACT Relating to a feasibility study of a Puget Sound port authority; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1422 by Representatives Conway, Hasegawa, Springer, Santos and Kenney

AN ACT Relating to the taxation of brokered natural gas and manufactured gas; amending RCW 82.12.010 and 82.14.230; and creating a new section.

Referred to Committee on Finance.

HB 1423 by Representatives Sells, Wallace, Kenney, Hasegawa, Carlyle, Appleton, Morrell, White, Ormsby, Hudgins, Conway, Wood, Nelson and Dickerson

AN ACT Relating to academic employee salary increments for community and technical colleges; adding new sections to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1424 by Representatives Appleton, Roberts, Nelson, Green, Uptegrove and Morrell

AN ACT Relating to health professions discipline; and amending RCW 18.130.110, 18.130.170, and 18.130.172.

Referred to Committee on Health Care & Wellness.

HB 1425 by Representatives Appleton, Nelson, Seaquist, Hasegawa, Morrell, Haigh, Dunshee, Cody, Dickerson, Green, Flannigan, Kagi, Miloscia, Rolfes and Van De Wege

AN ACT Relating to prohibiting small loans; amending RCW 31.45.010, 31.45.030, 31.45.040, 31.45.050, 31.45.070, 31.45.105, and 42.56.450; and repealing RCW 31.45.073, 31.45.077, 31.45.079, 31.45.082, 31.45.084, 31.45.086, 31.45.088, and 31.45.210.

Referred to Committee on Financial Institutions & Insurance.

HB 1426 by Representatives Hunt and Condotta

AN ACT Relating to the use of certified mail; and amending RCW 1.12.060.

Referred to Committee on Judiciary.

HB 1427 by Representatives Hunt, Johnson, Finn and Armstrong

AN ACT Relating to a pilot program using automated school bus stop signal cameras; amending RCW 46.63.030 and 46.63.075; creating a new section; prescribing penalties; and providing expiration dates.

Referred to Committee on Transportation.

HB 1428 by Representatives Chandler, Wallace, Bailey, Newhouse, Morrell, Kelley and Rodne

AN ACT Relating to establishing the field of dreams program; amending RCW 28B.95.060; reenacting and amending RCW 43.79A.040; adding a new section to chapter 28B.95 RCW; adding a new chapter to Title 28B RCW; providing an effective date; and providing expiration dates.

Referred to Committee on Higher Education.

HB 1429 by Representatives O'Brien, Bailey, Sells, Hinkle, Cody, Kessler, Hudgins, Ericks, Moeller, Morrell and Ormsby

AN ACT Relating to respite care for primary care providers of persons with developmental disabilities; and amending RCW 71A.12.161.

Referred to Committee on Human Services.

HB 1430 by Representatives O'Brien, Sells, Ericks, Moeller, Hope and Kelley

AN ACT Relating to sex offender residence approval; amending RCW 72.09.340; and providing an effective date.

Referred to Committee on Human Services.

HB 1431 by Representatives Sells, Liias, Morris, Clibborn, Eddy, McCoy and Kenney

AN ACT Relating to the designation of certain state routes as highways of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

HB 1432 by Representatives Liias, Eddy, Clibborn and Wood

AN ACT Relating to modifying the existing commute trip reduction tax credit; amending RCW 82.70.040 and 82.70.025; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1433 by Representatives Liias, Sells, Eddy and Clibborn

AN ACT Relating to liability for damages to state property resulting from the illegal operation of a vehicle; and amending RCW 46.44.110.

Referred to Committee on Transportation.

HB 1434 by Representatives Conway, Condotta, Wood and Kenney

AN ACT Relating to a spirits, beer, and wine nightclub license; amending RCW 66.04.010, 66.08.180, 66.08.220, 66.24.010, 66.24.440, 66.40.030, and 66.40.130; reenacting and amending RCW 66.20.310, 66.24.420, and 68.50.107; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1435 by Representatives Condotta and Conway

AN ACT Relating to licensing administration for cigarettes and tobacco products; and amending RCW 82.24.510, 82.24.550, 82.26.150, 82.26.180, 82.26.190, 82.26.210, and 82.26.220.

Referred to Committee on Commerce & Labor.

HB 1436 by Representatives Moeller and Hunt

AN ACT Relating to electronic filing of lobbying reports required by chapter 42.17 RCW by lobbyists, lobbyists' employers, and agencies; amending RCW 42.17.369 and 42.17.3691; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

HB 1437 by Representatives Dammeier, O'Brien, Pearson, Chandler, Miloscia, Haler, Armstrong, Morrell, Green, Kessler, Kristiansen and Smith

AN ACT Relating to a volunteer chaplain for the department of fish and wildlife; and amending RCW 77.15.075 and 41.22.020.

Referred to Committee on Agriculture & Natural Resources.

HB 1438 by Representatives Hunter, Hunt and Rolfes

AN ACT Relating to filing reports electronically to the legislature; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1439 by Representatives Kelley, Seaquist, Orwall, Green, Morrell, Rolfes, Dickerson and Driscoll

AN ACT Relating to property tax deferral eligibility for senior citizens and persons retired because of disability; and amending RCW 84.38.030.

Referred to Committee on Finance.

HB 1440 by Representative Kelley

AN ACT Relating to assault of a law enforcement officer or other employee of a law enforcement agency; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1441 by Representatives Conway, Condotta, Armstrong, White and Eddy

AN ACT Relating to the contractual relationships between distributors and producers of malt beverages; and amending RCW 19.126.010, 19.126.020, 19.126.030, 19.126.040, 19.126.060, and 19.126.080.

Referred to Committee on Commerce & Labor.

HB 1442 by Representatives Kelley, Seaquist, Probst, Orwall, Green, Hope, Van De Wege, Rolfes, Roach, Herrera, Maxwell, Parker and Driscoll

AN ACT Relating to a business and occupation tax exemption for new small businesses; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 1443 by Representatives Hurst, Roach, Goodman, Conway and Kelley

AN ACT Relating to a Washington state patrol retirement system deferred option plan; adding a new section to chapter 43.43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1444 by Representatives Hurst, Roach, O'Brien, Goodman, Conway and Kelley

AN ACT Relating to the administration of the Washington state patrol retirement system; amending RCW 41.04.278 and 43.43.120; reenacting and amending RCW 44.44.040; and adding a new chapter to Title 43 RCW.

Referred to Committee on Ways & Means.

HB 1445 by Representatives Simpson, O'Brien, Van De Wege, Goodman, Sullivan, Hunt, Ormsby, Conway and Santos

AN ACT Relating to domestic partners under the Washington state patrol retirement system; amending RCW 43.43.120, 43.43.260, 43.43.270, 43.43.271, 43.43.278, 43.43.280, and 43.43.295; and reenacting and amending RCW 43.43.285.

Referred to Committee on Ways & Means.

HB 1446 by Representatives Williams, Goodman, Roach and Conway

AN ACT Relating to encouraging training for medical students, nurses, and medical technicians and assistants to work with adult patients with developmental disabilities; and adding a new section to chapter 28B.115 RCW.

Referred to Committee on Higher Education.

HB 1447 by Representatives Hurst, Roach, Simpson, McCoy, Hunt, Goodman, Appleton and Ormsby

AN ACT Relating to naming state ferries; and amending RCW 47.01.420.

Referred to Committee on State Government & Tribal Affairs.

HB 1448 by Representatives Hurst, Roach, Simpson, McCoy, Sullivan, Hunt, Goodman, Appleton, Ormsby and Nelson

AN ACT Relating to speed limits on nonlimited access state highways within tribal reservation boundaries; and adding a new section to chapter 46.61 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1449 by Representatives Rolfes, Appleton, Seaquist, Haigh and Finn

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

Referred to Committee on Finance.

HB 1450 by Representatives Takko and Blake

AN ACT Relating to modifying the definition of "public facilities"; and reenacting and amending RCW 43.160.020.

Referred to Committee on Community & Economic Development & Trade.

HB 1451 by Representative Dunshee

AN ACT Relating to economic stimulus bonds and related accounts; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1452 by Representatives Dunshee, Seaquist, White, Kenney, Maxwell and Driscoll

AN ACT Relating to the economic stimulus capital budget; amending 2007 c 520 ss 2062, 2076, 2057, 3177, 5042, 5050, 5071, 5092, 5115, 5201, 5243, 5268, 5267, 5266, and 5270 (uncodified); creating new sections; making appropriations; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1453 by Representative Dunshee

AN ACT Relating to the elimination of the health services account, violence reduction and drug enforcement account, and water quality account; amending RCW 41.05.068, 43.41.260, 43.79.480, 70.05.125, 70.47.015, 74.09.053, 82.24.028, 9.41.110, 69.50.505, 70.96A.350, 70.190.010, 70.190.100, 82.64.020, 36.70A.130, 70.146.010, 70.146.020, 70.146.040, 70.146.075, 82.24.027, 90.71.370, 43.135.025, 66.24.210, 66.24.290, 82.08.150, 82.24.026, and 82.26.020; reenacting and amending RCW 43.84.092, 48.14.0201, 82.04.260, 70.146.060,

and 82.24.020; creating a new section; repealing RCW 43.72.900, 69.50.520, 70.146.030, 70.146.080, and 82.32.390; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1454 by Representative Dunshee

AN ACT Relating to having one debt limit by eliminating the statutory debt limit; amending RCW 28A.525.210, 28B.142.010, 28B.142.030, 39.94.010, 39.94.030, 43.99H.060, 43.99N.110, 43.99Q.120, and 43.99Q.130; repealing RCW 39.42.060; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 1455 by Representatives Dunshee, Hope and Kelley

AN ACT Relating to increasing the seriousness level of assault of a child in the first degree; reenacting and amending RCW 9.94A.515; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1456 by Representative Dunshee

AN ACT Relating to preventing the conversion of natural resource lands; amending RCW 36.70A.350; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1457 by Representatives Nelson and Simpson

AN ACT Relating to limiting the authority of boundary review boards to expand an annexation to twice the area of the proposed annexation; and amending RCW 36.93.150.

Referred to Committee on Local Government & Housing.

HB 1458 by Representatives Bailey, O'Brien, Alexander, Haigh, Haler, Johnson, Chandler, Kristiansen, Erickson, Shea, Short, Orcutt, Warnick, Kretz, Hinkle, Parker, Dammeier, Condotta and Kelley

AN ACT Relating to fiscal notes; amending RCW 43.88A.010, 43.88A.030, and 43.132.060; adding a new section to chapter 43.88A RCW; adding a new section to chapter 43.132 RCW; and repealing RCW 43.88A.900.

Referred to Committee on Ways & Means.

HB 1459 by Representatives Green, Hinkle, Campbell, Bailey, Pedersen, Kelley, Morrell, Seaquist and Conway

AN ACT Relating to payment arrangements involving direct practices; and amending RCW 48.150.010, 48.150.040, and 48.150.050.

Referred to Committee on Health Care & Wellness.

HB 1460 by Representatives Morrell, Anderson, Bailey and Cody

AN ACT Relating to critical access hospitals not subject to certificate of need reviews; and amending RCW 70.38.105.

Referred to Committee on Health Care & Wellness.

HB 1461 by Representatives Bailey, Hunt, Alexander, Hinkle, Haigh, Johnson, Haler, Erickson, Chandler, Orcutt, Kretz and Kelley

AN ACT Relating to options for determining the pay periods for county employees; and amending RCW 36.17.042.

Referred to Committee on Local Government & Housing.

HB 1462 by Representatives Williams, Chandler, Newhouse, Moeller and Upthegrove

AN ACT Relating to beer and wine specialty shops; and amending RCW 66.24.371, 66.28.200, and 66.28.220.

Referred to Committee on Commerce & Labor.

HB 1463 by Representatives Seaquist, Angel and Finn

AN ACT Relating to the deferral of sales and use taxes due on the state route number 16 corridor improvements project; and amending RCW 47.46.060.

Referred to Committee on Finance.

HB 1464 by Representatives Springer, Ormsby, Orwall, Eddy, Ericks, Nelson, Kagi, Dickerson, Morrell, Wood and Goodman

AN ACT Relating to affordable housing incentive programs; and amending RCW 36.70A.540.

Referred to Committee on Local Government & Housing.

HB 1465 by Representatives White, Sullivan, Priest, Upthegrove, Nelson and Kenney

AN ACT Relating to facilities for local governments; and amending RCW 84.55.050 and 35.42.070.

Referred to Committee on Local Government & Housing.

HB 1466 by Representatives Williams, Anderson, White, Hunt, Wallace, Sells, Angel, Moeller, Upthegrove, Priest, Armstrong, Appleton, Carlyle and Santos

AN ACT Relating to student fees, charges, and assessments; and adding a new section to chapter 28B.15 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1467 by Representatives Sells, McCoy, Liias, Dunshee, Roberts and O'Brien

AN ACT Relating to a University of Washington branch campus in Snohomish county; and amending RCW 28B.45.010, 28B.45.012, and 28B.45.020.

Referred to Committee on Higher Education.

HB 1468 by Representatives Sullivan, Rodne and Goodman

AN ACT Relating to the appointment of trustees for rural county library districts located in counties with a population of one million five hundred thousand or more; amending RCW 27.12.190; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1469 by Representatives Hunt, Campbell, Dickerson, Anderson, Chase, Carlyle, Hudgins, Kagi, Darneille, Sells, Van De Wege, Appleton, Dunshee, Upthegrove, Rolfes, Nelson, Morrell, Wood, Liias, O'Brien, Goodman, Hasegawa, White, Conway, Kenney and Pedersen

AN ACT Relating to establishing product stewardship recycling programs for mercury-containing lights; adding a new chapter to Title 70 RCW; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Environmental Health.

HB 1470 by Representatives Hope, O'Brien, Herrera, McCoy, Sells, Warnick, Parker, Smith, Kristiansen, Pearson, Dunshee, Liias, Rolfes, Orcutt, Appleton, Orwall, Ormsby, Finn, Conway, Roach, Kelley, McCune, Dammeier and Bailey

AN ACT Relating to honoring recipients of the purple heart through exemptions from vehicle licensing fees; amending RCW 46.16.237, 46.16.270, and 46.16.305; and creating a new section.

Referred to Committee on Transportation.

HB 1471 by Representatives Chandler, Kretz, Kristiansen and Anderson

AN ACT Relating to deliberative process exemption in the public records act; and amending RCW 42.56.280.

Referred to Committee on State Government & Tribal Affairs.

HB 1472 by Representatives Orcutt, Haigh and Armstrong

AN ACT Relating to the time limit for state officials to solicit or accept contributions; reenacting and amending RCW 42.17.710; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1473 by Representatives Orcutt, Ericks, Johnson and Kelley

AN ACT Relating to adding a requirement to sexual health education to include legal elements of and consequences of conviction for sexual offenses where a minor is the victim; and amending RCW 28A.300.475.

Referred to Committee on Education.

HB 1474 by Representatives Orcutt, Wallace, Herrera and Moeller

AN ACT Relating to the border county higher education opportunity project; and amending RCW 28B.76.685 and 28B.15.0139.

Referred to Committee on Higher Education.

HB 1475 by Representatives Orcutt, Probst, McCune, Eddy, Herrera, Johnson, Short and Kelley

AN ACT Relating to state agency rule-making information; and adding a new section to chapter 34.05 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1476 by Representatives Orcutt, Rolfes, McCune, Takko, Parker, Probst, Herrera, Johnson, Anderson and Kelley

AN ACT Relating to victims of crime; and adding a new section to chapter 7.69 RCW.

Referred to Committee on Judiciary.

HB 1477 by Representatives Orcutt, Springer and Herrera

AN ACT Relating to the use by noneligible entities of tax exempt property owned by certain organizations; and amending RCW 84.36.060.

Referred to Committee on Finance.

HB 1478 by Representatives Orcutt, Takko, McCune, Hurst, Herrera, Campbell, Johnson, Kelley and Dammeier

AN ACT Relating to vehicle registrations for deployed military personnel; and amending RCW 46.16.006.

Referred to Committee on Transportation.

HB 1479 by Representatives Orcutt, Blake, McCune, Herrera and Hudgins

AN ACT Relating to the prohibition of adverse possession claims; amending RCW 4.16.020 and 7.28.150; adding a new section to chapter 7.28 RCW; and repealing RCW 7.28.050, 7.28.060, 7.28.070, 7.28.080, 7.28.085, 7.28.090, 7.28.100, 7.28.160, 7.28.170, and 7.28.180.

Referred to Committee on Judiciary.

HB 1480 by Representatives Orcutt, Ericks, Herrera, Hinkle, Anderson, Kelley and Bailey

AN ACT Relating to providing additional time to appeal property assessed valuation; amending RCW 84.40.038; and creating a new section.

Referred to Committee on Finance.

HB 1481 by Representatives Eddy, Crouse, McCoy, Haler, Carlyle, Armstrong, Hunt, White, Dunshee, Priest, Appleton, Orwall, Rolfes, Hudgins, Hinkle, Upthegrove, Clibborn, Morrell, Ormsby, Kenney, Maxwell, Dickerson and Pedersen

AN ACT Relating to electric vehicles; amending RCW 43.19.648 and 43.330.310; adding a new section to chapter 84.36 RCW; adding a new section to chapter 82.29A RCW; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 79.13 RCW; adding new sections to chapter 43.19 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 43.21C RCW; adding new sections to chapter 19.27 RCW; adding a new section to chapter 36.70A RCW; adding a new section to chapter 43.63A RCW; adding a new chapter to Title 43 RCW; and providing expiration dates.

Referred to Committee on Technology, Energy & Communications.

HB 1482 by Representatives McCoy, Chandler, Blake, Van De Wege, Kretz, Upthegrove and Nelson

AN ACT Relating to reclaimed water permitting; amending RCW 90.46.010, 90.46.015, 90.46.040, 90.46.080, 90.46.120, 90.48.465, 43.21B.110, 43.21B.300, and 43.21B.310; adding new sections to chapter 90.46 RCW; creating new sections; repealing RCW 90.46.060; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1483 by Representatives Jacks, Chandler, Van De Wege, Takko, Kretz, Pearson, Hurst, Orcutt, McCoy, Blake and McCune

AN ACT Relating to protecting the ability of forest landowners to continue active forestry operations; amending RCW 7.48.305 and 7.48.310; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1484 by Representatives Van De Wege, Orcutt, Hurst, McCoy and Blake

AN ACT Relating to habitat open space; and amending RCW 76.09.040.

Referred to Committee on Agriculture & Natural Resources.

HB 1485 by Representatives Ericks, Orcutt, Wallace, Herrera, Jacks, Warnick, McCune and Bailey

AN ACT Relating to sales and use tax exemptions for prescribed durable medical equipment used in the home and prescribed mobility enhancing equipment; amending RCW 82.08.0283 and 82.12.0277; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1486 by Representatives Green, Hinkle, Bailey, Cody and O'Brien

AN ACT Relating to evidence at proceedings involving persons with mental illnesses; and amending RCW 71.05.212, 71.05.240, and 71.05.310.

Referred to Committee on Human Services.

HB 1487 by Representatives Hunter, Anderson, Kessler, Wallace and Eddy

AN ACT Relating to classification as a resident student; amending RCW 28B.15.012; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1488 by Representatives Miloscia, Sullivan, Goodman, Ormsby and Blake

AN ACT Relating to eliminating the discharge of vulnerable populations from state institutions into homelessness; amending RCW 72.09.270, 72.09.270, 9.94A.760, 9.94A.760, 43.63A.305, 71.05.350, and 71.24.045; reenacting and amending RCW 13.40.210; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.20A RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 1489 by Representatives Blake, Chandler, Schmick, Kretz, Walsh, Warnick, Hinkle, Short, Haler, Newhouse, Ross and McCune

AN ACT Relating to water resource management; amending RCW 90.44.035 and 90.44.050; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1490 by Representatives Nelson, Pedersen, Goodman, Simpson, Upthegrove, Appleton, Dickerson, Liias, Morris, Roberts, White, Ormsby, McCoy and Miloscia

AN ACT Relating to reducing greenhouse gas emissions through land use and transportation requirements; amending RCW 36.70A.020, 36.70A.070, 36.70A.100, 36.70A.108, 36.70A.190, 36.70A.210, 36.70A.490, 36.70A.500, 47.80.030, 43.21C.240, 81.104.015, and 82.14.0455; adding a new section to chapter 36.70A RCW; adding a new section to chapter

43.21C RCW; adding a new section to chapter 81.112 RCW; and providing an effective date.

Referred to Committee on Local Government & Housing.

HB 1491 by Representatives Pedersen, Rodne, Rolfes, Seaquist, Kenney, Upthegrove, Cody, Chase, Nelson, Moeller, Carlyle, Hunter, Roberts, Morrell, White, Wood, Dickerson and Goodman

AN ACT Relating to vehicles overtaking and passing pedestrians or bicycles; and amending RCW 46.61.100 and 46.61.110.

Referred to Committee on Transportation.

HB 1492 by Representatives Pedersen, Pettigrew, Haler, Kagi, Walsh, Darneille, Dickerson, Nelson, Moeller, Appleton, Roberts, Ormsby and Kenney

AN ACT Relating to the independent youth housing program; and amending RCW 43.63A.305 and 43.63A.307.

Referred to Committee on Local Government & Housing.

HB 1493 by Representatives Pedersen, Hinkle, Cody, Clibborn, Morrell, Campbell, Green, DeBolt, Seaquist, Nelson, Moeller, Ericks, Appleton, Hudgins, Hasegawa, Conway, Kagi and Kenney

AN ACT Relating to prohibiting the use of patient health care information for prescription drug marketing; amending RCW 70.02.010, 70.02.050, 70.02.170, and 19.86.090; adding a new section to chapter 70.02 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1494 by Representatives Blake, Chandler, Van De Wege, Kretz, Newhouse and Upthegrove

AN ACT Relating to improving the effectiveness of water bank authorization and exchange provisions; amending RCW 90.42.100, 39.34.200, 90.42.080, 90.03.255, and 90.44.055; adding new sections to chapter 90.42 RCW; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1495 by Representatives Pettigrew, Nelson, Kenney, White and Ormsby

AN ACT Relating to real estate excise tax exemptions to stabilize neighborhoods; adding new sections to chapter 82.45 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Local Government & Housing.

HJM 4005 by Representatives Santos, Hasegawa, McCune, Hurst, Campbell, Pedersen, Hunter, Rodne, Warnick, Smith, Anderson, Ross, Angel, Walsh, Bailey, Roach, Shea, Upthegrove, Morrell, Ormsby, Hudgins, Conway, Rolfes, Kelley and Kenney

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

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 19, 2009

HB 1113 Prime Sponsor, Representative Driscoll: Financing the school construction assistance grant program. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Blake; Chase; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committees so designated.

The Speaker (Representative Moeller presiding) called upon Representative Simpson to preside.

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

There being no objection, the House adjourned until 9:55 a.m., January 22, 2009, the 11th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ELEVENTH DAY

House Chamber, Olympia, Thursday, January 22, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

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

INTRODUCTION AND FIRST READING

HB 1496 by Representatives Roberts, Hurst, O'Brien, Simpson, Hinkle, Van De Wege, Ericks and Sells

AN ACT Relating to changing the membership of the state interoperability executive committee; and amending RCW 43.105.330.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1497 by Representatives Hunter and Seaquist

AN ACT Relating to eliminating state boards and commissions; repealing RCW 70.128.225, 43.20A.680, 70.195.010, 18.20.260, 43.121.020, 74.13.031, 43.330.210, 70.198.020, 72.23.025, 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, 70.190.920, 13.24.011, 43.185B.020, 43.113.010, 43.03.028, 43.63A.760, 43.117.030, 36.93.051, 19.27.070, 39.10.220, 43.34.080, 43.34.010, 27.48.040, 36.70A.250, 43.31.504, 43.63A.068, 43.136.035, 43.03.305, 41.04.033, 43.160.030, 72.78.030, 67.40.020, 43.105.055, 82.33.010, 43.162.010, 43.163.020, 29A.04.510, 38.52.040, 41.50.086, 80.50.030, 38.52.530, 18.44.500, 43.33.010, 43.33.030, 43.33.040, 43.33.130, 39.42.010, 39.42.020, 39.42.030, 39.42.040, 39.42.050, 39.42.060, 39.42.070, 39.42.080, 39.42.090, 39.42.100, 39.42.110, 39.42.120, 39.42.900, 9.46.040, 43.31.425, 70.37.030, 43.115.020, 79A.30.030, 67.16.012, 43.330.090, 43.105.032, 48.32.040, 43.33A.020, 43.105.800, 41.26.715, 48.32A.055, 66.08.012, 67.70.030, 48.87.040, 19.146.280, 43.110.010, 43.52A.010, 43.43.850, 13.60.120, 41.04.276, 43.09.435, 41.06.110, 81.88.140, 48.62.041, 39.58.030, 42.17.350, 41.58.010, 36.100.020, 42.56.140, 43.155.030, 44.05.030, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 43.210.020, 82.03.010, 43.336.020, 43.56.010, 48.22.070, 80.01.010, 74.32.100, 41.24.060, 36.70A.250, 28B.108.030, 28B.50.1404, 28B.50.100, 28B.50.1403, 28B.50.1406, 28B.35.100, 28B.50.1405, 28B.50.010, 28B.95.020, 28B.50.050, 28B.04.085, 28B.40.100, 28B.116.040, 28B.115.050, 28B.76.010, 28B.76.100, 28B.76.280, 28B.12.040, 43.105.810, 43.30.820, 28B.50.140, 28B.10.922, 28B.50.1402, 28A.600.130, 28B.50.040, 28B.38.010, 28B.20.100, 28B.30.100, 28B.35.100, 28B.12.040, 18.04.035, 18.08.330, 18.250.030, 70.79.010, 68.05.040, 19.16.280, 18.16.050, 18.30.050, 18.43.030, 18.39.173, 18.220.030, 18.280.040, 18.96.040, 18.210.040, 18.140.230, 18.85.071, 70.94.650, 15.60.010, 15.24.020, 16.67.040, 15.89.030, 43.97.015, 76.15.080, 89.08.030, 15.44.015, 43.21L.040, 15.76.170, 89.10.020, 79A.25.220, 77.04.030, 77.04.040, 77.04.055, 77.04.060, 77.04.090, 77.04.130, 77.04.150, 77.75.040, 76.09.210, 76.09.030, 15.100.030, 15.28.015, 43.126.025, 15.74.010, 70.105E.090, 15.62.030, 77.55.301, 79A.25.310, 79.19.070, 16.57.015, 77.12.690,

70.105D.030, 77.85.250, 79.70.070, 43.30.205, 43.145.010, 43.145.020, 17.10.030, 70.149.040, 90.56.120, 79A.05.015, 79A.75.010, 17.21.230, 15.92.090, 43.21B.010, 90.71.250, 79A.25.110, 77.95.120, 77.85.200, 77.85.110, 15.49.111, 90.58.170, 76.13.110, 70.95.040, 58.24.020, 18.104.190, 15.66.010, 15.66.015, 15.66.017, 15.66.023, 15.66.030, 15.66.040, 15.66.050, 15.66.053, 15.66.055, 15.66.060, 15.66.070, 15.66.080, 15.66.090, 15.66.093, 15.66.097, 15.66.100, 15.66.105, 15.66.110, 15.66.113, 15.66.120, 15.66.123, 15.66.130, 15.66.140, 15.66.141, 15.66.142, 15.66.143, 15.66.145, 15.66.150, 15.66.153, 15.66.157, 15.66.160, 15.66.170, 15.66.180, 15.66.185, 15.66.190, 15.66.200, 15.66.210, 15.66.220, 15.66.230, 15.66.240, 15.66.245, 15.66.250, 15.66.260, 15.66.263, 15.66.270, 15.66.275, 15.66.280, 15.66.900, 15.66.901, 15.66.030, 28B.50.254, 43.46.015, 43.215.090, 70.112.030, 27.34.405, 27.34.250, 43.180.040, 72.41.020, 27.34.360, 28C.18.020, 28C.04.390, 49.04.010, 18.205.080, 74.13.096, 51.36.150, 18.25.0151, 9.94A.880, 72.09.070, 43.101.020, 18.29.110, 18.32.0351, 18.34.050, 19.28.311, 70.87.220, 70.168.020, 18.73.040, 72.09.345, 18.83.035, 43.22.420, 48.62.051, 70.37.030, 43.20.270, 41.05.035, 70.47A.100, 48.41.040, 43.20.030, 18.35.150, 74.39A.230, 49.60.050, 51.52.010, 49.17.055, 10.98.210, 36.110.030, 43.101.310, 18.108.020, 18.71.015, 18.50.140, 18.36A.070, 18.79.070, 18.52.040, 18.59.120, 70.118.100, 70.118.110, 18.54.020, 18.200.060, 18.57.003, 70.104.070, 70.104.080, 70.104.090, 70.14.050, 18.64.001, 18.74.020, 18.22.013, 70.14.060, 41.05.055, 41.05.065, 74.18.070, 9.94A.850, 9.94A.8673, 18.155.050, 43.340.020, 74.31.020, 43.60A.080, 43.60A.170, 18.92.021, 70.119A.160, 28A.305.011, 28A.305.219, 28A.195.050, 28A.525.025, 46.66.010, 70.94.537, 47.06B.020, 36.78.030, 35.78.020, 46.82.300, 47.60.310, 43.43.932, 43.103.030, 47.06A.020, 47.64.280, 46.20.520, 46.09.280, 88.16.010, 46.16.705, 43.59.010, 47.01.051, and 47.26.121; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1498 by Representatives Hunter, Blake, Kretz, Pedersen, Goodman, Williams, Carlyle, Roberts, McCune, Ericks, White, Hasegawa, Kagi, Nelson and Warnick

AN ACT Relating to provisions governing firearms possession by persons who have been involuntarily committed; and amending RCW 9.41.040, 9.41.047, 71.05.230, 71.05.240, 71.05.300, 71.34.730, and 71.34.740.

Referred to Committee on Judiciary.

HB 1499 by Representatives Eddy, Hudgins, Springer, Anderson, Herrera, Haler, Hasegawa, McCune and Crouse

AN ACT Relating to notice of relocation of utility facilities; amending RCW 35.99.060; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1500 by Representatives Eddy, Hasegawa, McCune, Crouse, Nelson and Uptegrove

AN ACT Relating to recording devices in motor vehicles; amending RCW 46.63.020; adding a new section to chapter 48.30 RCW; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 1501 by Representatives Appleton, Roberts, Moeller, Goodman, Ormsby, Green, Sells, Nelson, Hasegawa and Kagi

AN ACT Relating to mitigating factors in sentencing juveniles sentenced as adults; and reenacting and amending RCW 9.94A.535.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1502 by Representatives Green, Kenney, Morrell, Appleton, Blake, Pettigrew, Seaquist, Ormsby, Chase, Haigh, Liias, Quall, Cody, Roberts, Goodman, White, Santos, Conway and Simpson

AN ACT Relating to school nurses; amending RCW 28A.150.260; adding a new section to chapter 28A.210 RCW; and creating a new section.

Referred to Committee on Education.

HB 1503 by Representatives Dickerson, Campbell, Green, Morrell and Moeller

AN ACT Relating to medically intensive home health care rates; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Ways & Means.

HB 1504 by Representatives Liias, Williams, Clibborn, Uptegrove, Hasegawa and Simpson

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

Referred to Committee on Transportation.

HB 1505 by Representatives Dickerson, Dammeier, Green, Appleton, Roberts, Carlyle, Morrell, Orwall, Nelson, Johnson and Hasegawa

AN ACT Relating to a diversion program for sexually exploited juveniles; amending RCW 13.40.070; adding a new section to chapter 13.40 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Human Services.

HB 1506 by Representatives Conway, Bailey, Chase, Kirby, O'Brien, Kenney, Simpson, Carlyle, Hinkle, Goodman, Williams, Uptegrove, White and Kelley

AN ACT Relating to benefits for the survivors of certain firefighters; amending RCW 41.18.080 and 41.18.100; and adding a new section to chapter 41.18 RCW.

Referred to Committee on Ways & Means.

HB 1507 by Representatives Roberts, Appleton, Dickerson, Carlyle, Flannigan, Darneille, Hasegawa, Williams, Goodman, Pedersen, Hunt, Kagi, McCoy, Moeller, Nelson, Simpson, Chase and Wood

AN ACT Relating to ending sentences of life imprisonment without the possibility of release or parole for certain juveniles;

amending RCW 10.95.030, 9.94A.537, and 10.95.020; and reenacting and amending RCW 9A.20.021.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1508 by Representatives Sullivan, Nelson and Simpson

AN ACT Relating to property enrolled in current use property tax programs; and amending RCW 84.34.070.

Referred to Committee on Finance.

HB 1509 by Representatives Ross, Klippert, Takko, Armstrong, Warnick, Schmick, Smith, Hinkle, McCune and Johnson

AN ACT Relating to clarifying the provisions of existing stock watering purposes as authorized under chapter 90.44 RCW; and amending RCW 90.44.035.

Referred to Committee on Agriculture & Natural Resources.

HB 1510 by Representatives Ross, Klippert and Johnson

AN ACT Relating to the disclosure of confidential information on birth certificates; and amending RCW 70.58.055.

Referred to Committee on Health Care & Wellness.

HB 1511 by Representatives Ross, Chandler, Johnson, Warnick, Armstrong, Pearson and Newhouse

AN ACT Relating to mandatory drug testing of peace officers; adding new sections to chapter 43.101 RCW; and creating a new section.

Held on first reading.

HB 1512 by Representatives Haler, Roach and Klippert

AN ACT Relating to funding rail freight service through grants; and amending RCW 47.76.250.

Referred to Committee on Transportation.

HB 1513 by Representative Haler

AN ACT Relating to municipal participation in financing the construction of water or sewer facilities; and amending RCW 35.91.020.

Referred to Committee on Local Government & Housing.

HB 1514 by Representatives Green, Hinkle, Cody and Morrell

AN ACT Relating to adding and deleting counseling professions subject to the authority of the secretary of health under the uniform disciplinary act; amending RCW 18.130.040 and 18.130.040; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1515 by Representatives Driscoll, Ericksen, Cody, Ross, Morrell, Green, Uptegrove, Kelley, Johnson, Maxwell and Wood

AN ACT Relating to allowing electronic approval of vital records; and amending RCW 70.58.005, 70.58.170, 70.58.180, 70.58.230, 70.58.240, 70.58.250, and 70.58.260.

Referred to Committee on Health Care & Wellness.

HB 1516 by Representatives Blake and Kretz

AN ACT Relating to recovering gear used in the coastal Dungeness crab fisheries; and amending RCW 77.65.220.

Referred to Committee on Agriculture & Natural Resources.

HB 1517 by Representatives Darneille, Green, Dickerson, Goodman, Ormsby, Roberts, Flannigan, Pedersen, Appleton, Upthegrove, Simpson, Hasegawa, Chase, Liiias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall

AN ACT Relating to the restoration of the right to vote for people who were convicted of felonies; amending RCW 29A.08.520, 9.92.066, 9.94A.637, 10.64.140, and 9.94A.885; reenacting and amending RCW 9.96.050; and repealing RCW 10.64.021.

Referred to Committee on State Government & Tribal Affairs.

HB 1518 by Representatives Conway, Condotta, Green, Kelley and Wood

AN ACT Relating to prohibited practices in accountancy; and amending RCW 18.04.345.

Referred to Committee on Commerce & Labor.

HB 1519 by Representatives Hasegawa, Green, Morrell, Roberts, Nelson, Upthegrove, Santos, Simpson and Chase

AN ACT Relating to language access services in health care; amending RCW 70.47.060; adding new sections to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 48.02 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1520 by Representatives Hudgins, Morris, Morrell, Hasegawa and Chase

AN ACT Relating to streamlining the implementation and coordination of state energy policies and programs; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 1521 by Representatives Hudgins, Morris, Hasegawa and Chase

AN ACT Relating to developing more effective streamlining of technology and innovation in the state of Washington; and adding a new chapter to Title 43 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1522 by Representatives Hudgins, Dunshee, Hunt, Hasegawa, Williams and Chase

AN ACT Relating to repair and reuse of electronic products by registered collectors; and adding a new section to chapter 70.95N RCW.

Referred to Committee on Environmental Health.

HB 1523 by Representatives Ericks, Orcutt, Springer, Chandler, Morrell, Armstrong, Sells, Alexander, Eddy, Roberts,

Hinkle, Ross, Roach, Kelley, Johnson, Kristiansen and Simpson

AN ACT Relating to the burden of proof for corrections to property tax valuations made by public officials; and amending RCW 84.40.0301.

Referred to Committee on Finance.

HB 1524 by Representatives Wallace, Simpson and Sullivan

AN ACT Relating to the construction of a state boundary bridge; and amending RCW 47.56.042.

Referred to Committee on Transportation.

HB 1525 by Representatives Kelley, Probst, Conway, Ericks, Herrera, Orcutt, Sullivan, Jacks, Wallace, Springer, Blake, Goodman, Morrell, Maxwell and Simpson

AN ACT Relating to amending and expanding the community revitalization financing act; amending RCW 39.89.020, 39.89.030, 39.89.050, 39.89.060, 39.89.070, and 39.89.080; adding new sections to chapter 39.89 RCW; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

HB 1526 by Representatives Santos, Simpson, McCoy, Sullivan and Nelson

AN ACT Relating to removing essential government services as a condition to exempt from taxation property belonging to any federally recognized Indian tribe located in the state; and amending RCW 82.29A.010, 82.29A.020, 84.36.010, 84.36.451, and 84.40.230.

Referred to Committee on State Government & Tribal Affairs.

HB 1527 by Representatives Kessler, Rolfes, Williams and Santos

AN ACT Relating to medicaid payment rates for boarding homes; and amending RCW 74.39A.030.

Referred to Committee on Health Care & Wellness.

HB 1528 by Representatives Sells, Conway, Green, Kenney, Hasegawa, Miloscia, Morrell, Van De Wege, Cody, Appleton, Dickerson, O'Brien, Simpson, Chase, Williams, Moeller, Goodman, Ormsby, Nelson, Eddy, Hunt, Dunshee, Roberts, McCoy, Blake, Kirby, Jacks, Hurst, Wood, Takko, Ericks, Campbell, Seaquist, Kagi, Haigh, White, Flannigan, Rolfes, Wallace, Quall, Sullivan, Darneille, Orwall, Finn, Morris, Hudgins and Santos

AN ACT Relating to prohibiting certain employer communications about political or religious matters; and adding new sections to chapter 49.44 RCW.

Referred to Committee on Commerce & Labor.

HB 1529 by Representatives Seaquist, Hinkle, Morrell, Bailey, Moeller, Clibborn, Green and Cody

AN ACT Relating to the delivery of home health care services through telemedicine; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Health Care & Wellness.

HB 1530 by Representatives Kirby and Bailey

AN ACT Relating to creating the guaranteed asset protection waiver model act; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1531 by Representatives McCune, Angel, Haler, Campbell, Hinkle, Bailey, Condotta, Shea, Crouse, Chandler, Pearson, O'Brien, Williams, Johnson, Kristiansen and Smith

AN ACT Relating to requiring background checks for those providing locksmith services; amending RCW 18.27.010 and 18.27.030; and adding a new section to chapter 18.27 RCW.

Referred to Committee on Commerce & Labor.

HB 1532 by Representatives Rolfes, Chandler, Seaquist, Johnson, Upthegrove, Blake and Miloscia

AN ACT Relating to authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for wastewater reclamation; and amending RCW 57.08.005, 57.08.007, 57.08.044, 57.08.047, and 57.16.010.

Referred to Committee on Local Government & Housing.

HB 1533 by Representatives Clibborn and Morris

AN ACT Relating to bond amounts for department of transportation highway contracts; amending RCW 39.08.030; and providing an expiration date.

Referred to Committee on Transportation.

HB 1534 by Representatives Upthegrove, Takko and Williams

AN ACT Relating to local utility district response to well notification; and amending RCW 18.104.030.

Referred to Committee on Agriculture & Natural Resources.

HB 1535 by Representatives Wood, Upthegrove and Williams

AN ACT Relating to traffic control at thoroughfare work sites; and amending RCW 47.36.200.

Referred to Committee on Transportation.

HB 1536 by Representatives Clibborn, Roach, Eddy, Morris and Simpson

AN ACT Relating to permits for and advertising by household goods carriers; amending RCW 81.80.010, 81.80.040, 81.80.070, 81.80.357, and 81.80.280; adding new sections to chapter 81.80 RCW; and prescribing penalties.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, with the exception of HOUSE BILL NO. 1511 which was held on first reading.

REPORTS OF STANDING COMMITTEES

January 20, 2009

HB 1024 Prime Sponsor, Representative Armstrong: Designating Aplets and Cotlets as the state candy. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan and Miloscia.

MINORITY recommendation: Without recommendation. Signed by Representative Hudgins.

Passed to Committee on Rules for second reading.

January 20, 2009

HB 1053 Prime Sponsor, Representative Moeller: Increasing raffle ticket prices. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 20, 2009

HB 1217 Prime Sponsor, Representative Simpson: Providing the gambling commission with authority to determine locations where amusement games may be conducted. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1049
HOUSE BILL NO. 1050

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

There being no objection, the House adjourned until 9:55 a.m., January 23, 2009, the 12th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

TWELFTH DAY

House Chamber, Olympia, Friday, January 23, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4607, by Representatives Pettigrew, Carlyle, Appleton, Pedersen, Roberts, Hunter, Nelson, Maxwell, Hudgins, Dameille, White, Driscoll, Hasegawa, Green, McCoy, Quall, Eddy, Sells, Dammeier, Williams, Seaquist, Johnson, Hunt, O'Brien, Finn, Ross, Upthegrove, Kenney, Chase, Goodman, Schmick, Simpson, and Orwall

WHEREAS, The cost of tuition makes it difficult for many young people to achieve the dream of a higher education; and

WHEREAS, High school students who have overcome adversity and have exemplified the values of Dr. Martin Luther King, Jr. deserve recognition for their accomplishments and assistance in their effort to attend college; and

WHEREAS, Twenty-five years ago, the Mount Baker neighborhood in Seattle, Washington organized as a community to honor Dr. Martin Luther King, Jr. by creating a scholarship program for South Seattle students of color who wish to obtain a higher education; and

WHEREAS, Scholarships are awarded to high school students who, although they may not be at the top of their class, have shown the perseverance and potential to allow them to succeed and contribute to their communities; and

WHEREAS, Many of the scholarship recipients are the first in their families to attend college, and receipt of the scholarship may be pivotal in a student's decision to continue their education; and

WHEREAS, The Mount Baker Martin Luther King, Jr. scholarship program is the only grassroots, community-based, all-volunteer scholarship program of its kind today in the United States; and

WHEREAS, Since its inception, the Mount Baker Martin Luther King, Jr. scholarship program has grown in size and scope and remains supported by hundreds of generous Mount Baker neighbors and local businesses; and

WHEREAS, On Friday, January 23, 2009, the Mount Baker Martin Luther King, Jr. scholarship program is celebrating its 25th year of awarding college scholarships;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Mount Baker community for its support of deserving youth and the Mount Baker Martin Luther King, Jr. scholarship program for 25 years of leadership in helping students of color achieve the dream of a higher education.

HOUSE RESOLUTION NO. 4607 was adopted.

INTRODUCTION AND FIRST READING

HB 1511 by Representatives Ross, Chandler, Johnson, Warnick, Armstrong, Pearson and Newhouse

AN ACT Relating to mandatory drug testing of peace officers; adding new sections to chapter 43.101 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1537 by Representatives Appleton, McCune and Rolfes

AN ACT Relating to requiring notification to property owners of emergency responses to property titled in their name; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 43.43 RCW; and adding a new section to chapter 52.30 RCW.

Referred to Committee on Local Government & Housing.

HB 1538 by Representatives O'Brien, Warnick and Johnson

AN ACT Relating to the reporting requirements of small domestic wineries; and amending RCW 66.24.230.

Referred to Committee on Commerce & Labor.

HB 1539 by Representatives Springer, O'Brien, Warnick, Hasegawa and Ormsby

AN ACT Relating to the sale of used manufactured/mobile homes; adding a new section to chapter 46.70 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1540 by Representatives Orwall, Armstrong, Hunt, Alexander, Appleton, Williams, Roberts, Upthegrove and Ormsby

AN ACT Relating to making technical corrections to gender-based terms; amending RCW 4.24.040, 9A.08.010, 9A.76.010, 11.28.090, 11.28.140, 14.12.010, 15.65.020, 18.64.011, 19.06.010, 19.210.010, 38.04.020, 38.16.030, 49.24.140, 49.24.150, 49.24.220, 62A.7-204, 62A.7-309, 69.04.009, 69.04.010, 69.04.024, 69.04.394, 69.04.396, 69.04.480, 69.41.010, 70.87.200, 70.104.020, 70.105.010, 77.55.011, 79A.05.600, 81.40.080, 81.48.050, 81.64.090, 82.75.010, 84.36.260, 85.08.310, 35.07.090, 35.07.120, 35.07.130, 35.07.140, 35.07.150, 35.07.170, 35.07.190, 35.07.200, 35.07.220, 35.13.171, 35.13A.090, 35.14.030, 35.14.060, 35.17.060, 35.17.070, 35.17.080, 35.17.150, 35.17.280, 35.18.010, 35.18.040, 35.18.050, 35.18.060, 35.18.070, 35.18.090, 35.18.110, 35.18.120, 35.18.130, 35.18.150, 35.18.170, 35.18.180, 35.18.190, 35.18.200, 35.18.280, 35.20.105, 35.20.131, 35.20.150, 35.20.170, 35.20.180, 35.20.190, 35.20.220, 35.20.240, 35.21.260, 35.21.850, 35.22.130, 35.22.210, 35.22.280, 35.22.610, 35.23.010, 35.23.111, 35.23.131, 35.23.144, 35.23.410, 35.23.440, 35.27.030, 35.27.050, 35.27.090, 35.27.120, 35.27.170, 35.27.190, 35.27.230, 35.27.280, 35.27.310, 35.27.330, 35.27.340, 35.32A.020, 35.32A.060, 35.33.011, 35.33.055, 35.33.135, 35.33.170, 35.36.010, 35.36.050, 35.36.060, 35.37.120, 35.38.050, 35.39.060, 35.44.190, 35.44.220, 35.44.230, 35.44.270, 35.45.080, 35.45.090, 35.45.130, 35.45.150, 35.49.010, 35.49.040, 35.49.090, 35.49.100, 35.50.005, 35.50.225, 35.53.070, 35.54.100, 35.55.070, 35.56.040, 35.56.080, 35.56.140, 35.58.070, 35.58.100, 35.58.130, 35.58.140, 35.58.150, 35.58.160, 35.58.210, 35.58.230, 35.58.265, 35.58.270, 35.58.370, 35.58.390, 35.58.400, 35.58.460, 35.58.530, 35.61.230, 35.63.020, 35.63.030, 35.63.040, 35.63.100, 35.68.020, 35.69.030, 35.70.030, 35.70.040, 35.70.060, 35.71.050, 35.77.030, 35.82.050, 35.82.060, 35.82.180, 35.84.050, 35.86A.060, 35.88.050, 35.88.060, 35.88.090, 35.92.260, 35.94.020,

35.94.030, 35.96.050, 35A.02.055, 35A.08.020,
 35A.08.040, 35A.08.050, 35A.12.010, 35A.12.030,
 35A.12.065, 35A.12.070, 35A.12.080, 35A.12.100,
 35A.12.110, 35A.12.120, 35A.12.130, 35A.12.150,
 35A.12.170, 35A.13.010, 35A.13.020, 35A.13.030,
 35A.13.033, 35A.13.035, 35A.13.040, 35A.13.050,
 35A.13.060, 35A.13.070, 35A.13.080, 35A.13.100,
 35A.13.120, 35A.13.130, 35A.13.140, 35A.14.190,
 35A.21.030, 35A.33.010, 35A.33.052, 35A.33.135,
 35A.33.160, 35A.36.010, 35A.36.050, 35A.36.060,
 35A.42.010, 35A.42.030, 35A.63.020, 35A.63.110,
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 36.18.060, 36.18.070, 36.18.080, 36.18.090, 36.18.130,
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 36.53.130, 36.54.040, 36.54.060, 36.55.050, 36.57.050,
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 36.88.300, 36.88.330, 36.88.450, 36.90.030, 36.92.030,
 36.93.070, 36.93.110, 36.93.160, 36.94.060, 36.94.290,
 36.94.340, 36.95.060, 36.95.100, 36.95.110, 36.95.150,
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 43.17.050, 43.17.060, 43.17.100, 43.19.180, 43.19.1915,
 43.19.1937, 43.19.200, 43.19.595, 43.19.600, 43.19.620,
 43.19.630, 43.19.635, 43.20.030, 43.20A.040, 43.20A.110,
 43.20A.310, 43.20A.320, 43.20A.415, 43.20A.605,
 43.20A.635, 43.20A.660, 43.21A.050, 43.21A.067,
 43.21A.090, 43.21A.100, 43.21A.140, 43.21A.600,
 43.21A.605, 43.21A.610, 43.21A.620, 43.21A.630,
 43.21B.020, 43.21B.050, 43.21B.060, 43.21B.080,
 43.21C.010, 43.21C.020, 43.21E.010, 43.21F.405,
 43.21G.080, 43.22.310, 43.22.400, 43.22.485, 43.23.015,
 43.23.090, 43.23.110, 43.23.120, 43.23.130, 43.23.160,
 43.24.090, 43.24.115, 43.27A.190, 43.33.040, 43.37.050,
 43.37.120, 43.37.150, 43.37.160, 43.37.170, 43.41.060,
 43.41.100, 43.41.106, 43.41.360, 43.43.040, 43.43.110,
 43.43.120, 43.43.130, 43.43.135, 43.43.330, 43.43.350,
 43.43.370, 43.43.735, 43.43.750, 43.43.815, 43.43.860,
 43.46.090, 43.52.290, 43.52.374, 43.52.375, 43.52.378,
 43.52A.050, 43.56.040, 43.59.010, 43.59.030, 43.59.060,

43.59.080, 43.70.210, 43.78.010, 43.78.020, 43.78.070,
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 43.130.040, 43.130.050, 43.336.020, 44.04.100, 44.04.120,
 44.16.010, 44.16.030, 44.16.040, 44.16.070, 44.16.080,
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 48.02.060, 48.02.080, 48.02.090, 48.02.100, 48.02.110,
 48.02.130, 48.02.140, 48.02.150, 48.02.170, 48.03.030,
 48.04.030, 48.05.110, 48.05.150, 48.05.160, 48.05.210,
 48.05.290, 48.05.370, 48.06.050, 48.06.070, 48.06.100,
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 48.08.090, 48.08.100, 48.08.110, 48.08.120, 48.08.130,
 48.08.140, 48.08.170, 48.09.130, 48.09.160, 48.09.220,
 48.09.230, 48.09.270, 48.10.140, 48.10.170, 48.10.200,
 48.10.250, 48.10.260, 48.10.270, 48.10.280, 48.10.300,
 48.10.330, 48.10.340, 48.11.080, 48.12.010, 48.12.080,
 48.12.140, 48.13.350, 48.14.070, 48.15.100, 48.15.110,
 48.15.120, 48.15.170, 48.16.080, 48.16.100, 48.17.430,
 48.18.020, 48.18.050, 48.18.070, 48.18.090, 48.18.120,
 48.18.130, 48.18.293, 48.18.340, 48.18.375, 48.18.400,
 48.18.410, 48.18.420, 48.18.440, 48.18.450, 48.18A.020,
 48.19.080, 48.19.090, 48.19.100, 48.19.110, 48.19.120,
 48.19.180, 48.19.190, 48.19.220, 48.19.250, 48.19.290,
 48.19.310, 48.19.330, 48.19.340, 48.19.350, 48.19.360,
 48.19.370, 48.19.410,

Referred to Committee on Judiciary.

HB 1541 by Representatives Seaquist, Conway, Crouse and Simpson

AN ACT Relating to granting half-time service credit for half-time educational employment prior to January 1, 1987, in plans 2 and 3 of the school employees' retirement system and the public employees' retirement system; adding a new section to chapter 41.35 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

HB 1542 by Representatives Seaquist, Conway, Bailey and Crouse

AN ACT Relating to repealing certain obsolete state retirement system statutes; and repealing RCW 41.32.360 and 41.32.366.

Referred to Committee on Ways & Means.

HB 1543 by Representatives Crouse and Conway

AN ACT Relating to lowering the general salary increase assumption from 4.5 percent to 4.25 percent for the actuarial funding of the public employees' retirement system, the teachers' retirement system, plan 1 of the law enforcement officers' and firefighters' retirement system, the school employees' retirement system, the public safety employees' retirement system, and the Washington state patrol retirement system; amending RCW 41.45.035; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1544 by Representatives Crouse, Conway, Bailey and Seaquist

AN ACT Relating to the state actuary's recommendations for assumptions used in the actuarial funding of the state retirement systems; and amending RCW 41.45.030 and 41.45.090.

Referred to Committee on Ways & Means.

HB 1545 by Representatives Conway, Seaquist, Bailey, Crouse, Hasegawa, Kenney, Simpson, Morrell and Ormsby

AN ACT Relating to higher education employees' annuities and retirement income plans; and amending RCW 28B.10.400.

Referred to Committee on Ways & Means.

HB 1546 by Representatives Conway, Seaquist and Crouse

AN ACT Relating to the transfer of public employees' retirement system plan 2 members to the school employees' retirement system plan 2; and amending RCW 41.40.750.

Referred to Committee on Ways & Means.

HB 1547 by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Simpson and Ormsby

AN ACT Relating to increasing the duty-related death benefit for public employees; amending RCW 41.04.017, 41.24.160, 41.26.048, 41.32.053, 41.35.115, 41.37.110, 41.40.0931, and 41.40.0932; reenacting and amending RCW 43.43.285; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1548 by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Kelley, Simpson, Morrell and Ormsby

AN ACT Relating to interruptive military service credit within plans 2 and 3 of the public employees' retirement system, plans 2 and 3 of the school employees' retirement system, plans 2 and 3 of the teachers' retirement system, plan 2 of the law enforcement officers' and firefighters' retirement system, plan 2 of the Washington state patrol retirement system, and the public safety employees' retirement system; and amending RCW 41.40.710, 41.40.805, 41.37.260, 41.35.470, 41.35.650, 41.32.810, 41.32.865, 41.26.520, and 43.43.260.

Referred to Committee on Ways & Means.

HB 1549 by Representatives Conway, Crouse, Seaquist and Simpson

AN ACT Relating to a study of disability benefit options for members of the public employees' retirement system plan 2 and plan 3, the teachers' retirement system plan 2 and plan 3, and the school employees' retirement system plan 2 and plan 3; and creating a new section.

Referred to Committee on Ways & Means.

HB 1550 by Representatives Seaquist, Conway, Crouse, Bailey and Simpson

AN ACT Relating to extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service; and amending RCW 41.40.270.

Referred to Committee on Ways & Means.

HB 1551 by Representatives Conway, Bailey, Crouse, Seaquist, Kenney, Simpson, Morrell and Ormsby

AN ACT Relating to the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war; and amending RCW 41.26.160, 41.26.510, 43.43.270, 43.43.295, 41.32.520, 41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.37.250, 41.40.270, 41.40.700, and 41.40.835.

Referred to Committee on Ways & Means.

HB 1552 by Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove and McCune

AN ACT Relating to public access at open public meetings; and amending RCW 42.30.020, 42.30.030, and 42.30.060.

Referred to Committee on State Government & Tribal Affairs.

HB 1553 by Representatives Takko, Goodman, Williams, Hurst, Pedersen and Campbell

AN ACT Relating to claims for damages against the state and local governmental entities; and amending RCW 4.96.020, 4.92.100, and 4.92.110.

Referred to Committee on Judiciary.

HB 1554 by Representatives Conway, Chase, Dickerson, Green, Goodman, Rolfes, Morrell, Cody, Simpson, Campbell, Ormsby, Van De Wege, Appleton, Flannigan, Seaquist, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Priest, Sullivan, Eddy, White, Hasegawa and Wood

AN ACT Relating to authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions; and adding a new section to chapter 51.48 RCW.

Referred to Committee on Commerce & Labor.

HB 1555 by Representatives Conway, Chase, Green, Dickerson, Rolfes, Goodman, Campbell, Morrell, Cody, Simpson, Ormsby, Van De Wege, Seaquist, Appleton, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Sullivan, Priest, Eddy and Wood

AN ACT Relating to the recommendations of the joint legislative task force on the underground economy in the construction industry; amending RCW 18.27.030, 18.27.020, 18.27.060, 60.28.010, 60.28.040, and 50.12.070; adding new sections to chapter 18.27 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 39.12 RCW; adding a new section to chapter 51.04 RCW; adding a new chapter to Title 43 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1556 by Representatives Warnick and Hinkle

AN ACT Relating to the docks on state-owned aquatic lands; and amending RCW 79.105.430.

Referred to Committee on Ecology & Parks.

HB 1557 by Representatives Warnick, Blake, Kretz, Hinkle, Chandler, McCune and Johnson

AN ACT Relating to permit and inspection fees for new farm structures; amending RCW 19.27.100; adding a new section to chapter 19.27 RCW; adding a new section to chapter 36.40 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1558 by Representatives Haigh, Finn, Quall and Rolfes

AN ACT Relating to calculating full-time equivalent enrollment for certain K-12 programs based on a three-year average of

annual enrollment; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Ways & Means.

HB 1559 by Representatives Haigh, Kirby and Chase

AN ACT Relating to the application of motor vehicle warranty provisions to motor homes; and amending RCW 19.118.021.

Referred to Committee on Commerce & Labor.

HB 1560 by Representatives Conway, Wood and Simpson

AN ACT Relating to collective bargaining for employees of institutions of higher education; and amending RCW 41.80.010.

Referred to Committee on Commerce & Labor.

HB 1561 by Representatives Morrell, Priest, Simpson, Miloscia and Dammeier

AN ACT Relating to authorizing certain areas in cities or towns with a population greater than five thousand but less than ten thousand to annex to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and 52.04.131.

Referred to Committee on Local Government & Housing.

HB 1562 by Representatives Liias, Priest, Quall, Sullivan, Kenney, Simpson, McCune and Ormsby

AN ACT Relating to graduation without a certificate of academic achievement or a certificate of individual achievement; amending RCW 28A.655.0611; and declaring an emergency.

Referred to Committee on Education.

HB 1563 by Representatives Kirby, Williams, Hasegawa, Simpson and Morrell

AN ACT Relating to the suitability of annuities sold in Washington; adding a new section to chapter 48.23 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1564 by Representatives Rodne, Kirby, Kelley, Roach, Williams, Hasegawa, Simpson and Nelson

AN ACT Relating to flood insurance coverage; and adding a new section to chapter 48.27 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1565 by Representatives Kirby, Kelley, Williams and Simpson

AN ACT Relating to business continuity plans for domestic insurers; amending RCW 48.07.160, 48.07.170, 48.07.180, 48.07.190, and 48.07.200; and adding a new section to chapter 48.07 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1566 by Representatives Kirby, Williams and Simpson

AN ACT Relating to granting the insurance commissioner certain authority when the governor declares a state of emergency; amending RCW 48.02.060; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 1567 by Representatives Bailey, Kirby and Roach

AN ACT Relating to insurance; and amending RCW 48.02.190, 48.13.450, 48.14.020, 48.14.090, and 48.66.045.

Referred to Committee on Financial Institutions & Insurance.

HB 1568 by Representatives Bailey, Kirby, Rodne, Roach, Kelley and Simpson

AN ACT Relating to persons selling, soliciting, or negotiating insurance; amending RCW 48.03.020, 48.14.010, 48.15.070, 48.15.073, 48.15.100, 48.15.140, 48.17.010, 48.17.060, 48.17.090, 48.17.110, 48.17.150, 48.17.160, 48.17.170, 48.17.173, 48.17.250, 48.17.270, 48.17.380, 48.17.565, 48.30.260, 48.30.270, 48.31.111, 48.31.141, 48.62.121, 48.62.151, 48.99.030, 48.135.010, and 51.12.020; reenacting and amending RCW 82.04.260; adding new sections to chapter 48.15 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1569 by Representatives Liias, O'Brien, Hope, Sells, Dunshee, Kagi, McCoy, Morrell and Ormsby

AN ACT Relating to establishing local public works assistance funds; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government & Housing.

HB 1570 by Representatives Liias, Hope and O'Brien

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

Referred to Committee on Finance.

HB 1571 by Representatives Blake and Chandler

AN ACT Relating to the adjudication of water rights; amending RCW 90.03.105, 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.160, 90.03.180, 90.03.200, 90.03.240, 90.03.243, 90.03.245, 90.44.220, and 43.21B.110; adding new sections to chapter 90.03 RCW; creating a new section; and repealing RCW 90.03.170 and 90.03.190.

Referred to Committee on Agriculture & Natural Resources.

HB 1572 by Representatives Hunt, Liias, Appleton, Miloscia and Williams

AN ACT Relating to all mail elections; amending RCW 29A.04.008, 29A.04.019, 29A.04.128, 29A.04.031, 29A.04.220, 29A.04.255, 29A.04.580, 29A.04.470, 29A.08.113, 29A.08.130, 29A.08.140, 29A.08.145, 29A.08.430, 29A.08.440, 29A.08.720, 29A.08.775, 29A.08.810, 29A.08.820, 29A.12.085, 29A.12.090, 29A.12.110, 29A.12.160, 29A.16.010, 29A.16.040, 29A.16.060, 29A.16.120, 29A.16.130, 29A.24.081, 29A.24.131, 29A.28.021, 29A.28.061, 29A.32.031, 29A.32.241, 29A.36.115, 29A.36.131, 29A.36.161, 29A.40.061, 29A.40.070, 29A.40.080, 29A.40.091, 29A.40.100, 29A.40.120, 29A.44.010, 29A.44.030, 29A.44.040, 29A.44.050, 29A.44.060, 29A.44.070, 29A.44.090, 29A.44.140, 29A.44.150, 29A.44.160, 29A.44.170, 29A.44.190, 29A.44.205, 29A.44.207, 29A.44.210, 29A.44.221, 29A.44.225, 29A.44.231, 29A.44.260, 29A.44.265, 29A.44.270, 29A.44.280, 29A.44.410, 29A.44.430, 29A.44.490, 29A.44.530, 29A.46.260, 29A.48.010, 29A.48.040, 29A.48.060, 29A.52.141, 29A.52.311, 29A.52.351, 29A.53.080, 29A.56.010, 29A.56.490, 29A.60.010, 29A.60.030, 29A.60.040, 29A.60.050, 29A.60.110, 29A.60.120, 29A.60.160, 29A.60.160, 29A.60.170, 29A.60.180, 29A.60.190, 29A.60.190, 29A.60.230, 29A.60.235, 29A.64.041, 29A.80.041, 29A.84.050,

29A.84.510, 29A.84.550, 29A.84.730, 36.83.110, 85.38.125, and 90.72.040; reenacting and amending RCW 29A.04.611, 29A.08.620, 29A.40.110, 29A.60.070, and 29A.60.165; adding new sections to chapter 29A.04 RCW; adding new sections to chapter 29A.48 RCW; adding a new section to chapter 29A.80 RCW; recodifying RCW 29A.40.061, 29A.40.070, 29A.40.080, 29A.40.091, 29A.40.100, 29A.40.110, 29A.40.120, 29A.40.150, and 29A.44.430; repealing RCW 29A.16.020, 29A.16.030, 29A.16.110, 29A.16.140, 29A.16.150, 29A.16.170, 29A.40.010, 29A.40.020, 29A.40.030, 29A.40.040, 29A.40.050, 29A.40.130, 29A.40.140, 29A.44.020, 29A.44.080, 29A.44.110, 29A.44.120, 29A.44.130, 29A.44.180, 29A.44.201, 29A.44.250, 29A.44.290, 29A.44.310, 29A.44.320, 29A.44.330, 29A.44.340, 29A.44.350, 29A.44.420, 29A.44.450, 29A.44.460, 29A.44.470, 29A.44.480, 29A.44.510, 29A.44.520, 29A.48.020, 29A.48.030, 29A.60.060, 29A.60.200, 29A.84.540, 29A.84.545, and 29A.84.680; providing effective dates; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 1573 by Representatives Appleton, Newhouse, Conway, Hunt, Green, Armstrong, Condotta and Kelley

AN ACT Relating to protecting financial and medical information presented to the board of accountancy; and amending RCW 18.04.405.

Referred to Committee on State Government & Tribal Affairs.

HB 1574 by Representatives Kagi and Rodne

AN ACT Relating to motor carrier compliance review; amending RCW 46.32.100; and prescribing penalties.

Referred to Committee on Transportation.

HB 1575 by Representatives Sells, McCoy, Kristiansen, Hope, Pearson, Dunshee and Liias

AN ACT Relating to a state route number 2 route development plan; creating a new section; making an appropriation; and providing an expiration date.

Referred to Committee on Transportation.

HB 1576 by Representatives Clibborn, Liias, Roach and Rodne

AN ACT Relating to determining the amount of motor vehicle fuel tax moneys derived from tax on marine fuel; and amending RCW 79A.25.030, 79A.25.040, and 79A.25.070.

Referred to Committee on Transportation.

HB 1577 by Representatives Driscoll, Ormsby, Wood and Williams

AN ACT Relating to adding questions about wood burning appliances to the seller's disclosure statement for residential real property transfers; amending RCW 64.06.020; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1578 by Representatives Driscoll, Ormsby, Wood and Williams

AN ACT Relating to the board of directors of an air pollution control authority; and amending RCW 70.94.100 and 70.94.120.

Referred to Committee on Local Government & Housing.

HB 1579 by Representatives Appleton, Hasegawa and Nelson

AN ACT Relating to a business and occupation tax exemption for nonprofit organizations that provide legal services to low-income individuals; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Finance.

HB 1580 by Representatives Kessler, Walsh, Santos, Morris, Blake, Takko, Chandler, McCoy, Newhouse, Kretz, Linville, Jacks, Ormsby, Van De Wege, Hurst, Warnick, Nelson, Hinkle, Springer and Kenney

AN ACT Relating to establishing a pilot local water management program in one qualified jurisdiction; amending RCW 90.03.380, 90.44.100, and 43.21B.110; reenacting and amending RCW 90.14.140; adding a new chapter to Title 90 RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1581 by Representatives Liias, Priest, Nelson, Miloscia, Rolfes, Ormsby, Morrell, Green, Simpson, Appleton and Kenney

AN ACT Relating to minimum terms for closure or conversion notices for mobile home parks and manufactured housing communities; amending RCW 59.20.060, 59.20.080, 59.21.030, and 59.20.073; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1582 by Representatives Rolfes, Priest, Miloscia, Ormsby, Nelson, White, Morrell, Liias, Green, Simpson and Appleton

AN ACT Relating to a property tax exemption for manufactured/mobile home communities; adding a new section to chapter 84.36 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1583 by Representatives Alexander, Simpson, Angel, Miloscia, Short and Nelson

AN ACT Relating to county auditors; amending RCW 36.17.045, 36.17.050, 36.22.010, 36.22.090, 36.22.170, 36.32.210, 36.40.010, 36.40.030, 36.40.050, 36.40.130, 36.40.210, 36.96.020, 36.96.090, 43.09.280, 28A.330.080, 28A.330.230, and 28A.325.030; reenacting and amending RCW 36.40.040; and repealing RCW 28A.350.010, 28A.350.020, 28A.350.030, 28A.350.040, 28A.350.050, 28A.350.060, 28A.350.070, 36.18.110, 36.18.120, and 36.18.130.

Referred to Committee on Local Government & Housing.

HB 1584 by Representative Upthegrove

AN ACT Relating to limiting the scope of the state environmental policy act exemption to air operating permits so that steps leading up to the issuance of an air operating permit are not exempt; and amending RCW 43.21C.0381.

Referred to Committee on Ecology & Parks.

HB 1585 by Representatives Finn, McCoy, Crouse, Eddy, Hinkle, Van De Wege, Takko, Carlyle, Dunshee, Ericks, Haler, Liias, Clibborn, Kenney, Ericks, Bailey, Sells, Springer, Morris, Kessler, Williams, Upthegrove, Kelley, Simpson and Morrell

AN ACT Relating to internet protocol services; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1586 by Representatives Kirby, Bailey, Hurst, Roach and Santos

AN ACT Relating to nontraditional mortgages; and amending RCW 19.144.010 and 19.144.030.

Referred to Committee on Financial Institutions & Insurance.

HB 1587 by Representatives Kirby, Bailey, Hurst, Roach and Simpson

AN ACT Relating to the consideration of mitigating factors for enforcement actions under the mortgage broker practices act; amending RCW 19.146.220; and adding a new section to chapter 19.146 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1588 by Representatives Kirby, Bailey, Hurst, Roach, Simpson and Morrell

AN ACT Relating to residential mortgage loan fees; and adding a new section to chapter 19.144 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1589 by Representatives Green, Dickerson and O'Brien

AN ACT Relating to venue for hearings to modify or revoke an order for conditional release; and amending RCW 71.05.340.

Referred to Committee on Human Services.

HJM 4006 by Representatives Wamick, McCune and Johnson

Requesting that the words "under God" remain in the Pledge of Allegiance.

Referred to Committee on Judiciary.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 21, 2009

HB 1028 Prime Sponsor, Representative Armstrong: Concerning services provided by television reception improvement districts. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Jacks; McCune; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representative Hudgins.

Passed to Committee on Rules for second reading.

January 21, 2009

HB 1033 Prime Sponsor, Representative Campbell: Requiring the use of alternatives to lead wheel weights. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member and Kretz.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1034, and the bill was placed on the second reading calendar.

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

COMMITTEE APPOINTMENTS

The Speaker (Representative Morris presiding) announced the following committee appointment:

Representative Warnick was appointed to the Committee on Agriculture and Natural Resources.

There being no objection, the House adjourned until 10:00 a.m., January 26, 2009, the 15th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE – REGULAR SESSION**FIFTEENTH DAY**

House Chamber, Olympia, Monday, January 26, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Washington Army National Guard Color Guard comprised of Master Sergeant Travis Austin, Sergeant First Class Trish Jennings, Staff Sergeant William Graak and Sergeant Ramon Castro. The National Anthem was performed by the 133rd Washington Army National Guard Band comprised of Sergeant First Class Jared Beck, Staff Sergeant Shawnee Phillips, Sergeant Patrick O'Hara, Sergeant Chris Walker and Sergeant Richard Little. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Chaplain Major Don Brewer, Washington Army National Guard.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4602, by Representatives Shea, Driscoll, Rodne, Kelley, Klippert, Sells, Hope, Pettigrew, Armstrong, Sullivan, Crouse, Hunt, Johnson, Simpson, McCune, Orwall, Smith, Darneille, Warnick, Wallace, Campbell, Eddy, Ross, Seaquist, Orcutt, Nelson, Miloscia, Newhouse, Clibborn, Ericksen, Takko, Haler, McCoy, Maxwell, Blake, Morrell, Springer, Finn, Cody, Conway, Goodman, Probst, and Rolfes

WHEREAS, Over eighty-six hundred men and women of the Washington National Guard continue to serve the country as guardians of American interests at home and abroad; and

WHEREAS, These recognized leaders in state, regional, and national preparedness reside in every legislative district throughout Washington and volunteer their time and personal efforts to best serve the needs of the people of Washington state; and

WHEREAS, The Washington National Guard have answered the state's call numerous times in response to firefighting and flood support efforts and to protect lives and property in both civil and natural emergencies and disasters, including the most recent challenges in Western Washington; and

WHEREAS, The Washington Army and Air National Guard have provided critical mission support in both personnel and equipment to Operation Iraqi Freedom and Operation Enduring Freedom in Iraq and Afghanistan, respectively, and Operation Noble Eagle here at home; and

WHEREAS, Members of the First Infantry Battalion, 161st Division of the Washington Army National Guard located in the cities of Kent, Bellingham, Spokane, Bremerton, Pasco, Moses Lake, Wenatchee, and Pullman are currently serving in support of Operation Iraqi Freedom in Iraq; and

WHEREAS, The Washington Army and Air National Guard answered the call in support of hurricane relief efforts on the Gulf Coast resulting from Hurricanes Katrina, Rita, and Wilma and others; and

WHEREAS, The Washington National Guard continues to train and prepare for both natural disasters and threats to our national security; and

WHEREAS, The Washington National Guard continues to promote positive lifestyles and activities for Washington's youth through involvement in and support of highly effective drug prevention programs with school-aged children and community-based organizations, and now the work in preparation for the opening of the Washington Youth Academy; and

WHEREAS, The Washington National Guard continues to actively participate in the state's counterdrug efforts by providing soldiers, airmen, and specialized equipment to over thirty-five local, state, and federal law enforcement agencies; and

WHEREAS, The Washington National Guard adds value to communities by opening its readiness centers for public use, food banks, and other community and youth activities, and continues to build upon these readiness centers and armories throughout the state to enhance education, add to quality of life, and increase economic vitality;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize the value and dedication of a strong Washington National Guard to the viability, economy, safety, security, and well-being of this state, both through the outstanding performance of its state emergency and disaster relief mission, and through the continued benefit to local communities by the presence of productively employed, drug-free, well-equipped, and trained Guard units and the readiness centers and armories that house them; and

BE IT FURTHER RESOLVED, That the House of Representatives of the State of Washington honor the outstanding men and women of the Washington National Guard who have sacrificially dedicated their time, their resources, and their lives to ensure the future and well-being of the citizens of Washington state and this nation; and

BE IT FURTHER RESOLVED, That the House of Representatives of the State of Washington express its thanks and appreciation to the devoted families and dedicated employers of our Washington National Guard soldiers and airmen for their support, without whom the Guard's missions could not be successful; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Adjutant General of the Washington National Guard, the Governor of the State of Washington, the Secretaries of the United States Army and Air Force, and the President of the United States.

Representative Shea moved adoption of House Resolution No. 4602.

Representatives Shea, Driscoll, Klippert and Finn spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4602 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) welcomed Major General Timothy Lowenberg, thanked him for his service to the State of Washington and asked the members to acknowledge him.

The Speaker (Representative Morris presiding) welcomed Mike Gregoire and asked the members to acknowledge him.

The Speaker (Representative Morris presiding) recognized members of the Washington National Guard and asked the members to acknowledge them for their service to the State of Washington.

SPEAKER'S RULING

The Speaker (Representative Morris presiding): "The rules for House protocol have been handed out to your desks. In particular, I want to mention two or three items that will be monitored a bit closer this session than in past sessions.

When you are speaking on the floor, the protocol is to address the Speaker at the rostrum. Through the pomp and circumstance of

the first week and half a lot of people were looking up at the galleries and so forth. This is against the House Rules as is applauding after speeches.

The most notable change – we will be monitoring the reading from the House Floor during speeches. The rule is you are not supposed to read. I am going to be looking for about 50% eye contact as the benchmark we are looking for up here when you are making your remarks on the floor before we call you out of order and try to bring you into the proper protocol."

HOUSE FLOOR PROTOCOL
A Summary of Significant Precepts

House Rule 4(B): *The Speaker shall preserve order and decorum ... and may order the sergeant-at-arms to remove any person creating a disturbance within the House chamber ...*

- (1) Debate rules (to ensure that debate provides for a comparison of views and does not degenerate into a dispute):
 - When wishing to speak, stand and wait until recognized by the Speaker. If another member is recognized first, sit and wait for the next opportunity. If recognized, respond "Thank you, Mister/Madam Speaker." (If two or more members stand, the Speaker determines the order.)
 - Remarks are addressed to the Speaker.
 - Request permission from the Speaker before reading any material (and, if objected to by any member, the question is determined by a vote of the House).
 - Confine remarks to the debate at hand and avoid personalities.
 - Attack arguments, not persons.
 - Do not impute or impugn the motive of any member's vote or argument.
 - Refrain from harsh expressions or expressions of disrespect.
 - Allude to other members by description (e.g., the lady from the Xth District).
 - Do not refer to the Senate.
 - Refrain from applause.
 - No conversations at your desk when a member is speaking. Please retire to the wings.
 - Do not interrupt the member speaking, except to address the Speaker for the purpose of raising a point of order.
 - Do not read newspapers or use the computer for unrelated purposes.
 - No cell phones.
 - Do not pass between the Speaker and the member speaking. When the Speaker is putting the question, do not walk across or out of the House.
 - Enter and leave the chamber quietly.
 - Be aware of the TVW cameras.
- (2) A member may speak no more than twice and no longer than 10 minutes on a question, except with consent of the House or when allowed by rules to close debate after the previous question has been ordered. (During the last six days of session and the last four days before floor cutoff, the time limit is reduced to three minutes.)
- (3) Except for materials normally distributed by the Chief Clerk, distribution of materials to members' desk on the floor requires the signature of the "sponsoring" member and the approval of the Speaker (through the Chief Clerk's office).
- (4) Once begun, a roll call may not be interrupted. Do not approach the rostrum during a roll call.
- (5) All members within the chamber when a vote is commenced are required to vote, unless excused for special reasons.
- (6) While the House is in session:
 - Only members, pages, sergeants-at-arms, and clerks are permitted on the floor.
 - Lobbying is prohibited in the House chamber and wings.

Guests are not permitted in the House chamber or wings, with some exceptions. Only the Speaker may introduce and recognize guests in the galleries.
A dress code applies, and proper dress requirements are enforced."

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

INTRODUCTION AND FIRST READING

HB 1590 by Representatives Appleton, Simpson, Sells, Green, Hasegawa, Sullivan, Conway, Goodman, Nelson, Hudgins and Ormsby

AN ACT Relating to requiring the appointment of an organized labor member with full voting rights and privileges to the governing bodies of public transportation entities; amending RCW 35.58.270, 36.57.030, and 36.57A.050; and adding a new section to chapter 35.21 RCW.

Referred to Committee on Local Government & Housing.

HB 1591 by Representatives Upthegrove, Clibbom, Simpson and Liias

AN ACT Relating to the use of certain transportation benefit district funds; and amending RCW 36.73.015, 36.73.120, and 82.14.0455.

Referred to Committee on Transportation.

HB 1592 by Representatives Pedersen, Rodne, Kelley and Kenney

AN ACT Relating to business entities and associations registered with the secretary of state; amending RCW 25.15.270, 25.15.290, 25.05.500, and 25.05.560; adding a new section to chapter 25.15 RCW; adding new sections to chapter 24.12 RCW; adding new sections to chapter 25.05 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1593 by Representatives Appleton and Roberts

AN ACT Relating to the use of juvenile prior offenses in the offender score; and amending RCW 9.94A.525.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1594 by Representatives Hudgins, Hunt, Rolfes, Hasegawa, White, Eddy, McCoy, Wood, Conway and Kenney

AN ACT Relating to the creation of the environmental cleanup opportunity grant program; reenacting and amending RCW 70.105D.070; adding a new chapter to Title 28B RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1595 by Representatives Blake and Chandler

AN ACT Relating to creating a mechanism to transfer state forest lands with harvest encumbrances located in counties with a certain population to a different public land status; amending RCW 79.22.060 and 79.64.110; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1596 by Representatives Green, Hunt, Hudgins, Williams, Rolfes, Morrell, Campbell, Roberts, Kagi, Dickerson,

Goodman, Upthegrove, Simpson, Moeller, Ormsby and Nelson

AN ACT Relating to protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement; amending RCW 49.60.030 and 49.60.215.

Referred to Committee on State Government & Tribal Affairs.

HB 1597 by Representatives Springer and Hunter

AN ACT Relating to improving the administration of state and local tax programs without impacting tax collections by providing greater consistency in numerous tax incentive programs, revising provisions relating to the confidentiality and disclosure of tax information, and amending statutes to improve clarity and consistency, eliminate obsolete provisions, and simplify administration; amending RCW 82.04.240, 82.04.2404, 82.04.250, 82.04.2909, 82.04.294, 82.04.426, 82.04.4266, 82.04.4268, 82.04.4269, 82.04.4452, 82.04.4461, 82.04.4463, 82.04.448, 82.04.4481, 82.04.4483, 82.04.4484, 82.04.449, 82.08.805, 82.08.965, 82.08.9651, 82.08.970, 82.08.980, 82.12.022, 82.12.805, 82.12.965, 82.12.9651, 82.12.970, 82.12.980, 82.16.0421, 82.29A.137, 82.60.020, 82.60.070, 82.63.020, 82.63.045, 82.74.040, 82.74.050, 82.75.010, 82.75.020, 82.75.040, 82.82.020, 82.82.040, 84.36.645, 84.36.655, 42.56.230, 82.16.120, 82.32.330, 82.32.480, 82.60.100, 82.62.080, 82.63.070, 82.74.070, 82.75.060, 83.100.210, 39.100.050, 82.36.440, 82.38.280, 82.04.3651, 82.08.02573, 82.08.0273, 82.08.0293, 82.08.865, 82.12.035, 82.12.040, 82.12.865, 82.80.120, 83.100.040, 83.100.046, 82.04.280, 82.04.280, 29A.36.210, 36.68.525, 36.69.145, 82.03.140, 84.34.020, 84.36.040, 84.36.381, 84.37.030, 84.37.902, 84.40.042, 84.48.050, 84.52.030, 84.52.070, 84.52.080, 84.56.070, 84.60.050, 86.09.490, 87.03.265, and 87.03.270; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.04.260, 82.32.590, 82.32.600, 82.04.050, and 84.36.383; adding new sections to chapter 82.32 RCW; adding a new section to chapter 82.75 RCW; adding a new section to chapter 35.102 RCW; creating new sections; repealing RCW 82.32.535, 82.32.5351, 82.32.545, 82.32.560, 82.32.570, 82.32.610, 82.32.620, 82.32.630, 82.32.645, 82.32.650, 82.16.140, and 84.55.080; repealing 2005 c 301 s 5 (uncodified); providing a contingent effective date; and providing expiration dates.

Referred to Committee on Finance.

HB 1598 by Representatives Goodman, Hunt, Ormsby, Williams, Kagi, Kessler, Roberts, Upthegrove, Simpson and Moeller

AN ACT Relating to approving the entry of Washington into the agreement among the states to elect the president by national popular vote on the same terms and conditions as entered into by the states of Hawaii, Illinois, Maryland, and New Jersey; amending RCW 29A.56.320; adding a new section to chapter 29A.56 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1599 by Representatives Sullivan, Appleton, Hunt, Sells, Simpson, Conway, Williams, White and Ormsby

AN ACT Relating to providing retirement benefits at earlier ages in the plans 2 and 3 of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system; amending RCW 41.40.630, 41.40.820, 41.32.765, 41.32.875, 41.35.420, and 41.35.680; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1600 by Representatives Simpson, Appleton, Conway, Hunt, Green, Sells, Sullivan, Williams, Kenney, Hasegawa and Ormsby

AN ACT Relating to vesting after five years of service in the defined benefit portion of the public employees' retirement system, the school employees' retirement system, and the teachers' retirement system plan 3; and amending RCW 41.32.875, 41.35.680, and 41.40.820.

Referred to Committee on Ways & Means.

HB 1601 by Representatives Cody, Conway, Green, Hunt, Appleton, Kagi, Sells, Simpson, Sullivan, Kenney and Ormsby

AN ACT Relating to participating in insurance plans and contracts by separated plan 2 members of certain retirement systems; amending RCW 41.05.011; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1602 by Representatives Conway, Appleton, Hunt, Green, Kagi, Sells, Simpson, Sullivan, Kenney and Ormsby

AN ACT Relating to postretirement employment; and amending RCW 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.630, and 41.40.820.

Referred to Committee on Ways & Means.

HB 1603 by Representatives Condotta, Hinkle, Haler, Chandler, Orcutt, Kristiansen, Crouse, Ross and Armstrong

AN ACT Relating to the minimum hourly wage; and amending RCW 49.46.020.

Referred to Committee on Commerce & Labor.

HB 1604 by Representatives Condotta, Kretz, Crouse, Ross, Armstrong and Upthegrove

AN ACT Relating to firearm noise suppressors; and amending RCW 9.41.250.

Referred to Committee on Judiciary.

HB 1605 by Representatives Springer, Rodne, Hinkle, Takko, Anderson, Eddy, Liias, Sullivan, Upthegrove and Simpson

AN ACT Relating to allocating projected population growth for planning purposes among cities sharing common borders and located in the same county for the purpose of addressing requirements in the land use and housing elements by designating and identifying land for residential and commercial, industrial, and other nonresidential development needs under the growth management act; amending RCW 36.70A.070; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 1606 by Representatives Simpson, Ericks, Flannigan, Rodne, Wood, Sullivan and Morrell

AN ACT Relating to unlawful transit conduct; amending RCW 7.80.090, 9.91.025, 81.112.020, 81.112.210, 81.112.220, and 81.112.230; adding a new section to chapter 81.112 RCW; and prescribing penalties.

Referred to Committee on Transportation.

HB 1607 by Representatives Chase, Haler, Kagi, Dunshee, Haigh, Green, Kessler, Roberts, Kenney, Rolfes, Morrell and Ormsby

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.004 and 26.10.160; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.09.240.

Referred to Committee on Judiciary.

HB 1608 by Representatives Williams, Campbell, Dickerson, Green and Ormsby

AN ACT Relating to the practice of interior design; and adding a new chapter to Title 18 RCW.

Referred to Committee on Commerce & Labor.

HB 1609 by Representatives Dickerson, Conway, Pettigrew, Williams, Green, Ormsby, Kagi, Dunshee, Appleton, Van De Wege, Upthegrove, Darneille, Simpson, Hasegawa and Nelson

AN ACT Relating to the family security act; amending RCW 49.86.005, 49.86.010, 49.86.020, 49.86.030, 49.86.050, 49.86.060, 49.86.070, 49.86.080, 49.86.090, 49.86.100, 49.86.110, 49.86.120, 49.86.130, 49.86.140, 49.86.160, 49.86.170, 49.86.180, 49.86.190, 49.86.210, and 50.29.021; reenacting and amending RCW 43.79A.040; adding new sections to chapter 49.86 RCW; adding a new section to chapter 82.04 RCW; creating a new section; repealing RCW 49.86.040; providing an effective date; providing an expiration date; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Commerce & Labor.

HB 1610 by Representatives Takko, Ericks, Kretz, Orcutt, Kessler, Short, Crouse, Blake, Ericksen, Wood, Herrera, Kristiansen, Kenney and Ormsby

AN ACT Relating to creating incentives for the use of biomass in renewable energy production; amending RCW 19.285.030; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 1611 by Representatives Morrell, Hinkle, Green, Ericksen and Kelley

AN ACT Relating to online access to the University of Washington health sciences library by certain health care providers; amending RCW 43.70.110; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

HB 1612 by Representatives Cody, Chase, Walsh, Clibborn, Green, Anderson, Morrell, Pedersen, Moeller, Roberts, Seaquist, Darneille, Hunter, Goodman, Carlyle, Haler, Appleton, Hudgins, Kagi, Sullivan, Maxwell, White, Kenney, Upthegrove, Simpson, Rolfes and Ormsby

AN ACT Relating to programs for the prevention of unintended pregnancies and sexually transmitted diseases; amending RCW 74.12.410; adding a new section to chapter 70.54 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1613 by Representatives Ormsby, Kretz, Blake, Hinkle, Pearson, Warnick, Parker, Schmick, Short, Walsh, Springer, Haler, Orcutt, Sullivan, Kristiansen, Conway, Kenney, Rolfes and Morrell

AN ACT Relating to meat and poultry inspection programs; adding a new chapter to Title 16 RCW; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1614 by Representatives Ormsby, Priest, Rodne, Eddy, Hunt, Pettigrew, Upthegrove, Blake, Nelson, Appleton, Pedersen, Simpson, Darneille, Williams, Hudgins, Dunshee, McCoy and Wood

AN ACT Relating to petroleum pollution in storm water; adding new sections to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1615 by Representatives Liias, Campbell, Hasegawa, Upthegrove, Miloscia, Moeller, Springer, Eddy, Sells, Simpson, Flannigan, Goodman, Kenney and Ormsby

AN ACT Relating to drug overdose prevention; adding a new section to chapter 69.50 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1616 by Representative Simpson

AN ACT Relating to the state pension benefits of certain domestic partners; and amending RCW 41.05.080, 41.05.195, 41.26.030, 41.26.048, 41.26.460, 41.26.470, 41.26.510, and 41.26.520.

Referred to Committee on Ways & Means.

HB 1617 by Representatives Smith, Chandler, Eddy, Orcutt, Pearson, Ross, Bailey, Seaquist, Johnson, Armstrong, Rodne, Herrera, Van De Wege, Warnick, Kelley, Kessler, Kristiansen and Morrell

AN ACT Relating to regulatory reform; amending RCW 34.05.570, 28A.300.040, 41.50.050, 43.06A.030, 43.19.011, 43.21A.064, 43.24.016, 43.27A.090, 43.30.215, 43.31C.060, 43.33.040, 43.33A.110, 43.59.070, 43.61.040, 43.63A.475, 43.70.580, 43.101.085, 43.115.040, 43.117.050, 43.121.050, 43.155.040, 43.160.050, 43.163.100, 43.180.040, 43.200.070, 43.210.060, 43.250.090, 43.320.040, 43.330.040, 47.01.071, 48.02.060, 48.44.050, 48.46.200, 66.08.0501, 77.04.055, and 80.01.040; reenacting and amending RCW 34.05.328; adding a new section to chapter 43.17 RCW; adding a new section to chapter 34.05 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1618 by Representatives White, Nelson, Hudgins, Kenney, Sullivan, Carlyle, Hasegawa, Santos, Green, Miloscia, Orwall, Pedersen, Cody, Dickerson, Liias, Kelley, Pettigrew, Goodman, Simpson, Morrell and Ormsby

AN ACT Relating to community and surplus schools; amending RCW 43.63A.135, 28A.525.050, 28A.335.120, and 28A.335.130; adding new sections to chapter 43.63A RCW; adding a new section to chapter 28A.525 RCW; and creating new sections.

Referred to Committee on Capital Budget.

HB 1619 by Representatives White, Kenney, Sullivan, Carlyle, Nelson, Hasegawa, Lias, Green, Miloscia, Orwall, Maxwell and Simpson

AN ACT Relating to use of capital projects funds by school districts; amending RCW 84.52.053; reenacting and amending RCW 28A.320.330; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 1620 by Representatives Kenney, Ericksen, Driscoll, Seaquist, Hunt, Armstrong and Simpson

AN ACT Relating to community health care collaborative grants; amending RCW 41.05.220; adding new sections to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1621 by Representatives Kirby, Bailey, Rodne, Nelson, Simpson and Moeller

AN ACT Relating to regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 31.04.015, 31.04.025, 31.04.035, 31.04.045, 31.04.102, 31.04.105, 31.04.145, and 31.04.165; adding new sections to chapter 31.04 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1622 by Representatives Appleton, Hunt and Miloscia

AN ACT Relating to voter registration; amending RCW 29A.04.079, 29A.04.109, 29A.04.163, 29A.04.210, 29A.08.010, 29A.08.030, 29A.08.105, 29A.08.107, 29A.08.110, 29A.08.115, 29A.08.125, 29A.08.130, 29A.08.135, 29A.08.140, 29A.08.210, 29A.08.230, 29A.08.260, 29A.08.310, 29A.08.330, 29A.08.350, 29A.08.410, 29A.08.420, 29A.08.430, 29A.08.440, 29A.08.510, 29A.08.520, 29A.08.610, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.640, 29A.08.720, 29A.08.760, 29A.40.010, 29A.40.020, 29A.40.061, 29A.40.091, 29A.60.235, and 46.20.155; reenacting and amending RCW 29A.04.611, 29A.08.620, and 29A.40.110; and repealing RCW 29A.04.103, 29A.08.040, 29A.08.113, 29A.08.145, 29A.08.360, 29A.08.605, 29A.08.651, and 29A.08.780.

Referred to Committee on State Government & Tribal Affairs.

HB 1623 by Representatives Appleton and Hudgins

AN ACT Relating to absentee ballots; amending RCW 29A.40.091, 29A.48.050, 29A.60.190, and 29A.60.190; reenacting and amending RCW 29A.40.110; adding a new section to chapter 29A.40 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 1624 by Representatives Appleton, Armstrong, Hunt, Alexander, Hurst, Rodne, Darneille, Herrera, Finn, Smith and Ormsby

AN ACT Relating to internet voting for service voters and overseas voters; and adding a new section to chapter 29A.40 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1625 by Representatives Green, Conway, Appleton, Seaquist, Pettigrew, Chase, Hasegawa, Wood, Moeller, Hunt, Kessler and Rolfes

AN ACT Relating to for hire vehicles and for hire vehicle operators; amending RCW 82.16.010, 82.16.040, and 82.16.020; adding new sections to chapter 51.08 RCW; adding new sections to chapter 51.12 RCW; and adding a new section to chapter 51.16 RCW.

Referred to Committee on Commerce & Labor.

HB 1626 by Representatives Kretz, Blake, Chandler, Warnick, Van De Wege, McCune, Kessler and Ross

AN ACT Relating to wildlife interactions; amending RCW 77.36.010, 77.36.070, 77.36.080, 77.36.030, and 77.12.240; adding new sections to chapter 77.36 RCW; creating new sections; decodifying RCW 77.36.900 and 77.36.901; repealing RCW 77.36.005, 77.36.020, 77.36.040, 77.36.050, 77.36.060, and 77.12.260; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1627 by Representatives Kretz, Chandler and Ross

AN ACT Relating to the purchase of property for potential water storage; amending RCW 77.12.220, 77.12.037, 79A.05.170, 79.70.040, and 43.82.010; and reenacting and amending RCW 43.41.270.

Referred to Committee on Agriculture & Natural Resources.

HB 1628 by Representative Kretz

AN ACT Relating to good cause reasons to leave work; amending RCW 50.20.050; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 1629 by Representatives Eddy, Hasegawa, Kessler and Springer

AN ACT Relating to appeals under the growth management act; amending RCW 36.70A.290; adding new sections to chapter 43.330 RCW; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 1630 by Representatives Eddy, Springer, Hudgins, Simpson and Hasegawa

AN ACT Relating to energy conservation in public education institutions; adding a new chapter to Title 39 RCW; and providing an effective date.

Referred to Committee on Technology, Energy & Communications.

HB 1631 by Representatives Clibborn and Bailey

AN ACT Relating to speech-language pathology assistants; amending RCW 18.35.010, 18.35.040, 18.35.095, 18.35.150, 18.35.205, and 18.35.260, and 18.130.040; adding new sections to chapter 18.35 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 1632 by Representatives Seaquist, Moeller, Cody and Morrell

AN ACT Relating to annual school performance reporting; amending RCW 28A.655.100 and 28A.655.110; and creating a new section.

Referred to Committee on Education.

HB 1633 by Representatives Conway, Kretz, Orcutt, Van De Wege, Kessler, Blake, Kristiansen and Herrera

AN ACT Relating to excise tax relief for hog fuel used for production of electricity, steam, heat, or biofuel; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 1634 by Representatives White, Jacks, Rolfes, Chandler, Carlyle, Liias, Crouse, Dunshee and Conway

AN ACT Relating to architects; amending RCW 18.08.310, 18.08.320, 18.08.330, 18.08.340, 18.08.350, 18.08.360, 18.08.370, 18.08.410, 18.08.420, and 18.08.430; and providing effective dates.

Referred to Committee on Commerce & Labor.

HB 1635 by Representatives Williams, Rolfes, Blake and Green

AN ACT Relating to freshwater lakes management; amending RCW 43.21A.662; adding a new section to chapter 43.21A RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

HB 1636 by Representatives Chase, Upthegrove, Dickerson, Pedersen, Rolfes, Nelson and Ormsby

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

Referred to Committee on Agriculture & Natural Resources.

HB 1637 by Representatives Orcutt, Blake, Kretz and Herrera

AN ACT Relating to forest practices regulations applicable to small forest landowners; amending RCW 76.13.120 and 76.13.140; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 1638 by Representatives Green, Seaquist, Kelley and Kenney

AN ACT Relating to colon hydrotherapy; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1639 by Representatives Hunter, Anderson, Priest, Sullivan and Rodne

AN ACT Relating to the investment expenses of counties; and amending RCW 36.29.024.

Referred to Committee on Local Government & Housing.

HB 1640 by Representatives Kessler, Armstrong, Hunt, Sells, Alexander, Appleton and Kenney

AN ACT Relating to private financial and commercial investment information received by the University of Washington for purposes of the consolidated endowment fund; amending RCW 42.56.270; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1641 by Representatives Haigh, Armstrong, Hunt, Sells, Wallace, Ormsby and Appleton

AN ACT Relating to the University of Washington's public works contracting procedures; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1642 by Representatives Conway, Green, Wood, Moeller, Williams, Cody, Morrell, Sullivan, Kenney, Simpson and Hudgins

AN ACT Relating to meal and rest periods for employees of health care facilities; amending RCW 49.28.150; and adding a new section to chapter 49.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1643 by Representatives Sells, Moeller, Quall, Wallace, Simpson, Haigh, Dickerson and Ormsby

AN ACT Relating to prevention of harassment, intimidation, and bullying; adding a new section to chapter 28B.35 RCW; and prescribing penalties.

Referred to Committee on Higher Education.

HB 1644 by Representatives Maxwell, Miloscia, Clibborn, Ormsby, Hurst, Green and Orwall

AN ACT Relating to reconveyances of deeds of trust; and amending RCW 61.24.005 and 61.24.110.

Referred to Committee on Judiciary.

HB 1645 by Representatives McCune and Haler

AN ACT Relating to designating English as the official language of the state; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1646 by Representatives Sullivan, Priest, Kenney, Morrell and Ormsby

AN ACT Relating to making adjustments pertaining to the high school Washington assessment of student learning in mathematics and science; amending RCW 28A.655.0611, 28A.655.066, and 28A.655.061; and creating new sections.

Referred to Committee on Education.

HB 1647 by Representatives Driscoll, Morrell, Green, Clibborn, Moeller, Williams, Wood, Simpson, Kenney and Ormsby

AN ACT Relating to establishing streamlined and uniform administrative procedures for payors and providers of health care services; amending RCW 70.47.130; adding a new section to chapter 70.14 RCW; adding a new section to chapter 18.122 RCW; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1648 by Representatives Hope, Liias, O'Brien, Rodne, Haler, Priest, Kelley, Smith and Morrell

AN ACT Relating to state contracts with veteran-owned businesses; amending RCW 43.60A.010, 43.19.536, 39.80.040, and 47.28.030; adding new sections to chapter 43.60A RCW;

adding a new section to chapter 43.19 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 39.04 RCW; adding a new section to chapter 39.29 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

HB 1649 by Representatives Hope, Kagi, Kristiansen, Van De Wege and Hasegawa

AN ACT Relating to including financial education in social studies courses required for high school graduation; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HJR 4202 by Representatives Hudgins, Hunt, Green, Williams, Kessler, Goodman, Upthegrove, Moeller and Ormsby

Amending the Constitution to allow seventeen year olds to vote in a primary if they will be eighteen years old by the next general election, and the primary is being held to select the candidates for the November general election.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 22, 2009

HB 1021 Prime Sponsor, Representative Campbell: Concerning prior notice of hospital surveys and audits. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

January 22, 2009

HB 1079 Prime Sponsor, Representative Simpson: Authorizing the substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

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

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1119 Prime Sponsor, Representative Pedersen: Concerning the management of funds held by nonprofit institutions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority

Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1120 Prime Sponsor, Representative Pedersen: Concerning uniform laws. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1127 Prime Sponsor, Representative Hurst: Securing credit and debit card information. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1132 Prime Sponsor, Representative Goodman: Regulating distressed property conveyances. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1158 Prime Sponsor, Representative Goodman: Allowing electronic signatures on juror questionnaires. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1159 Prime Sponsor, Representative Goodman: Adding five district court judges in King county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1204 Prime Sponsor, Representative Klippert: Adding two district court judges in Benton county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1205 Prime Sponsor, Representative Van De Wege: Adding one judge to division two of the court of appeals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING

HOUSE BILL NO. 1049, by Representatives Rolfes, Angel, Kelley, Smith, Conway, Hope, Hunt, Dammeier, Dunshee, Herrera, Seaquist, Armstrong, Moeller, Parker, Van De Wege, Johnson, Simpson, Rodne, Orwall, Haler, Lias, Short, Kirby, Green, Kenney, Goodman, Williams, Dickerson, McCoy, Appleton, Chase, Morrell, Sullivan, Sells, Newhouse, Upthegrove, Kessler, Roach, Wallace, Bailey, Maxwell, McCune, Kretz, Condotta and Campbell

Concerning veterans' relief.

The bill was read the second time

Representative Rolfes moved the adoption of amendment (001):

On page 2, line 20, after "in" strike "active duty" and insert "to serve in an armed conflict"

Representatives Rolfes and Armstrong spoke in favor of adoption of the amendment.

Amendment (001) was adopted. The bill was ordered engrossed.

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

Representatives Rolfes and Angel spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1049.

MOTION

On motion of Representative Santos, Representative Simpson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1049 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Simpson.

ENGROSSED HOUSE BILL NO. 1049, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1050, by Representatives Kelley, Hope, Rolfes, Johnson, Angel, Dammeier, Conway, Ross, Hunt, Herrera, Smith, Armstrong, Moeller, Parker, Rodne, Haler, Short, Shea, Chase, Morrell, Green, Sullivan, Newhouse, Upthegrove, Campbell, Kristiansen, Van De Wege, Wallace, Simpson, Bailey, Maxwell, McCune and Condotta

Adjusting veterans' scoring criteria.

The bill was read the second time

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

Representatives Kelley and Hope spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1050.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1050 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Simpson.

HOUSE BILL NO. 1050, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1034, by Representatives Morrell, Moeller, Kelley, Hurst, Miloscia, Hunt, Appleton and Chase

Concerning rental or lease of armories.

The bill was read the second time

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1034.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1034 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Simpson.

HOUSE BILL NO. 1034, having received the necessary constitutional majority, was declared passed.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4608, by Representatives Kessler and Kretz

BE IT RESOLVED, That permanent House Rules for the Sixty-first Legislature be adopted as follows:

PERMANENT RULES OF THE HOUSE OF REPRESENTATIVES SIXTY-FIRST LEGISLATURE 2009-2010

HOUSE RULE NO.

- Rule 1** Definitions
- Rule 2** Chief Clerk to Call to Order
- Rule 3** Election of Officers
- Rule 4** Powers and Duties of the Speaker
- Rule 5** Chief Clerk
- Rule 6** Duties of Employees
- Rule 7** Admission to the House
- Rule 8** Absentees and Courtesy
- Rule 9** Bills, Memorials and Resolutions - Introductions
- Rule 10** Reading of Bills
- Rule 11** Amendments
- Rule 12** Final Passage
- Rule 13** Hour of Meeting, Roll Call and Quorum
- Rule 14** Daily Calendar and Order of Business
- Rule 15** Motions
- Rule 16** Members Right to Debate
- Rule 17** Rules of Debate
- Rule 18** Ending of Debate - Previous Question

- Rule 19** Voting
- Rule 20** Reconsideration
- Rule 21** Call of the House
- Rule 22** Appeal from Decision of Chair
- Rule 23** Standing Committees
- Rule 24** Duties of Committees
- Rule 25** Standing Committees - Expenses - Subpoena Power
- Rule 26** Vetoed Bills
- Rule 27** Suspension of Compensation
- Rule 28** Smoking
- Rule 29** Liquor
- Rule 30** Parliamentary Rules
- Rule 31** Standing Rules Amendment
- Rule 32** Rules to Apply for Assembly
- Rule 33** Legislative Mailings

Definitions

Rule 1. "Absent" means an unexcused failure to attend.

"Term" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the house in accordance with Article 2 § 12 of the state Constitution.

"Committee" means any standing, conference, joint, or select committee as so designated by rule or resolution.

"Fiscal committee" means the capital budget, education appropriations, finance, general government appropriations, health & human services appropriations, transportation, and ways & means committees.

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

Chief Clerk to Call to Order

Rule 2. It shall be the duty of the chief clerk of the previous term to call the house to order and to conduct the proceedings until a speaker is chosen.

Election of Officers

Rule 3. The house shall elect the following officers at the commencement of each term: Its presiding officer, who shall be styled speaker of the house; a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker; a deputy speaker pro tempore, who shall serve in absence or in case of the inability of the speaker and speaker pro tempore; and a chief clerk of the house. Such officers shall hold office during all sessions until the convening of the succeeding term: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided. In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art. II § 27)

Powers and Duties of the Speaker

Rule 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting and if a quorum be

present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall sign all bills in open session. (Art. II § 32)

(E) The speaker shall sign all writs, warrants, and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall neither extend beyond adjournment nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) The speaker, in open session, shall appoint committee chairs as selected by the majority party caucus, and shall appoint members to committees in the same ratio as the membership of the respective parties of the house, unless otherwise provided by law or house rules.

(H) The speaker shall serve as chair of the rules committee.

(I) The speaker shall have charge of and see that all officers, attaches, and clerks perform their respective duties.

(J) The speaker pro tempore shall exercise the duties, powers, and prerogatives of the speaker in the event of the speaker's death, illness, removal, or inability to act until the speaker's successor shall be elected.

Chief Clerk

Rule 5. The chief clerk shall perform the usual duties pertaining to the office, and shall hold office until a successor has been elected.

The chief clerk shall employ, subject to the approval of the speaker, all other house employees; the hours of duty and assignments of all house employees shall be under the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same. In the event of the chief clerk's death, illness, removal, or inability to act, the speaker may appoint an acting chief clerk who shall exercise the duties and powers of the chief clerk until the chief clerk's successor shall be elected.

Duties of Employees

Rule 6. Employees of the house shall perform such duties as are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services. No house employee shall seek to influence the passage or rejection of proposed legislation.

Admission to the House

Rule 7. It shall be the general policy of the house to keep the chamber clear as follows:

(A) The sergeant at arms shall admit only the following individuals to the wings and adjacent areas of the house chamber for the period of time beginning one-half hour prior to convening and ending one-half hour following the adjournment of the house's daily session:

The governor or designees, or both;
Members of the senate;
Statewide elected officials;
Officers and authorized employees of the legislature;
Former members of the house who are not advocating any pending or proposed legislation;
Representatives of the press;
Other persons with the consent of the speaker.

(B) Only members, pages, sergeants at arms, and clerks are permitted on the floor while the house is in session.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

Absentees and Courtesy

Rule 8. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

Bills, Memorials and Resolutions - Introductions

Rule 9. Any member desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 10:00 a.m. shall be introduced at the next daily session, in the order filed: PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal. (Art. II § 36)

Any returning member or member-elect may prefile a bill with the chief clerk commencing the first Monday in December preceding any regular session or twenty (20) days before any special session. Prefiled bills shall be introduced on the first legislative day.

All bills shall be endorsed with a statement of the title and the name of the member or members introducing the same. The chief clerk shall attach to all bills a substantial cover bearing the title and sponsors and shall number each bill in the order filed. All bills shall be printed unless otherwise ordered by the house.

Any bill introduced at any session during the term shall be eligible for action at all subsequent sessions during the term.

Reading of Bills

Rule 10. Every bill shall be read on three separate days: PROVIDED, That this rule may be temporarily suspended at any time by a two-thirds (2/3) vote of the members present; and that on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended by a majority vote.

A bill may be returned to second reading for the purpose of amendment by a suspension of the rules: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, this rule may be suspended and a bill returned to second reading for the purpose of amendment by a majority vote.

(A) **FIRST READING.** The first reading of a bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the bill shall be referred to an appropriate committee.

Upon being reported out of committee, all bills shall be referred to the rules committee, unless otherwise ordered by the house.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) **SECOND READING.** Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No amendment shall be considered by the house until it has been sent to the chief clerk's desk in writing, distributed to the desk of each member, and read by the clerk. All amendments adopted during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) **SUBSTITUTE BILLS.** When a committee reports a substitute for an original bill with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed. A motion for the substitution shall not be in order until the second reading of the original bill.

(D) **THIRD READING.** Only the last line of bills shall be read on third reading unless a majority of the members present demand a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) **SUSPENSION CALENDAR.** Bills may be placed on the second reading suspension calendar by the rules committee if at least two minority party members of the rules committee join in such motion. Bills on the second reading suspension calendar shall not be subject to amendment or substitution except as recommended in the committee report. When a bill is before the house on the suspension calendar, the question shall be to adopt the committee recommendations and advance the bill to third reading. If the question fails to receive a two-thirds vote of the members present, the bill shall be referred to the rules committee for second reading.

(F) **HOUSE RESOLUTIONS.** House resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. If a rules committee meeting is not scheduled to occur prior to a time necessitated by the purpose of a house resolution, the majority leader and minority leader by agreement may waive transmission to the rules committee to permit consideration of the resolution by the house. The rules committee may adopt house resolutions by a sixty percent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house. No more than one resolution per day may be scheduled for consideration by the house except by mutual agreement of the majority leader and minority leader: PROVIDED, That this limit does not apply to resolutions necessary for the operation of the house nor to resolutions scheduled for consideration on pro forma session days.

(G) **CONCURRENT RESOLUTIONS.** Reading of concurrent resolutions may be advanced by majority vote.

Amendments

Rule 11. The right of any member to offer amendments to proposed legislation shall not be limited except as provided in Rule 10(E) and as follows:

(A) **AMENDMENTS TO BE OFFERED IN PROPER FORM.** The chief clerk shall establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) **COMMITTEE AMENDMENTS.** When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house before any amendments that may be offered from the floor.

(C) **SENATE AMENDMENTS TO HOUSE BILLS.** A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to the appropriate committee and shall take the same course as for original bills unless a motion not to concur is adopted prior to the bill being referred to committee.

(D) **AMENDMENTS TO BE GERMANE.** No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) **SCOPE AND OBJECT NOT TO BE CHANGED.** No amendment to any bill shall be allowed which shall change the scope and object of the bill. This objection may be raised at any time an amendment is under consideration. The speaker may allow the person raising the objection and the mover of the amendment to provide brief arguments as to the merits of the objection. (Art. II § 38)

(F) **NO AMENDMENT BY REFERENCE.** No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) **TITLE AMENDMENTS.** The subject matter portion of a bill title shall not be amended in committee or on second reading. Changes to that part of the title after the subject matter statement shall either be presented with the text amendment or be incorporated by the chief clerk in the engrossing process.

Final Passage

Rule 12. Rules relating to bills on final passage are as follows:

(A) **RECOMMITMENT BEFORE FINAL PASSAGE.** A bill may be recommitted at any time before its final passage.

(B) **FINAL PASSAGE.** No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. (Art. II § 22)

(C) **BILLS PASSED - CERTIFICATION.** When a bill passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

Hour of Meeting, Roll Call and Quorum

Rule 13. (A) **HOUR OF MEETING.** The speaker shall call the house to order each day of sitting at 10:00 A.M., unless the house shall have adjourned to some other hour.

(B) **ROLL CALL AND QUORUM.** Before proceeding with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent

members in the manner provided in Rule 21(B). For the purpose of determining if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8)

(C) The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

Daily Calendar and Order of Business

Rule 14. The rules relating to the daily calendar and order of business are as follows:

(A) DAILY CALENDAR. Business of the house shall be disposed of in the following order:

- First: Roll call, presentation of colors, prayer, and approval of the journal of the preceding day.
- Second: Introduction of visiting dignitaries.
- Third: Messages from the senate, governor, and other state officials.
- Fourth: Introduction and first reading of bills, memorials, joint resolutions, and concurrent resolutions.
- Fifth: Committee reports.
- Sixth: Second reading of bills.
- Seventh: Third reading of bills.
- Eighth: Floor resolutions and motions.
- Ninth: Presentation of petitions, memorials, and remonstrances addressed to the Legislature.
- Tenth: Introduction of visitors and other business to be considered.
- Eleventh: Announcements.

(B) UNFINISHED BUSINESS. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

(C) EXCEPTIONS. Exceptions to the order of business are as follows:

- (1) The order of business may be changed by a majority vote of those present.
- (2) By motion under the eighth order of business, a bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.
- (3) House resolutions and messages from the senate, governor, or other state officials may be read at any time.

Motions

Rule 15. Rules relating to motions are as follows:

(A) MOTIONS TO BE ENTERTAINED OR DEBATED. No motion shall be entertained or debated until announced by the speaker and every motion shall be deemed to have been seconded. A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated and by the consent of the house may be withdrawn before amendment or action.

(B) MOTIONS IN ORDER DURING DEBATE. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

- 1 Privileged motions:
 - Adjourn
 - Adjourn to a time certain
 - Recess to a time certain
 - Reconsider
 - Demand for division
 - Question of privilege

Orders of the day

2 Subsidiary motions:

- First rank: Question of consideration
- Second rank: To lay on the table
- Third rank: For the previous question
- Fourth rank: To postpone to a day certain
- To commit or recommit
- To postpone indefinitely
- Fifth rank: To amend

3 Incidental motions:

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

(C) THE EFFECT OF POSTPONEMENT - MOTIONS TO POSTPONE OR COMMIT. Once decided, no motion to postpone to a day certain, to commit, or to postpone indefinitely shall again be allowed on the same day and at the same stage of the proceedings. When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) MOTIONS DECIDED WITHOUT DEBATE. A motion to adjourn, to recess, to lay on the table and to call for the previous question shall be decided without debate.

All incidental motions shall be decided without debate, except that members may speak to points of order and appeal as provided in Rule 22.

A motion for suspension of the rules shall not be debatable except that the mover of the motion may briefly explain the purpose of the motion and one member may briefly state the opposition to the motion.

(E) MOTION TO ADJOURN. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

Members Right to Debate

Rule 16. The methods by which a member may exercise his or her right to debate are as follows:

(A) RECOGNITION OF MEMBER. When any member desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker and pause until recognized.

(B) ORDER OF SPEAKING. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) LIMITATION OF DEBATE. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent

of the house. No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate if it is consistent with Rule 18 (Previous Question).

Rules of Debate

Rule 17. The rules for debate in the house are as follows:

(A) QUESTION OF PRIVILEGE. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) WITHDRAWAL OF MOTION, BILL, ETC. After a motion is stated by the speaker or a bill, memorial, resolution, petition, or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) READING OF A PAPER. When the reading of any paper is called for and is objected to by any member, it shall be determined by a vote of the house.

(D) DISTRIBUTION OF MATERIALS. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(E) ORDER OF QUESTIONS. All questions, whether in committee or in the house, shall be propounded in the order in which they are named except that in filling blanks, the largest sum and the longest time shall be put first.

(F) DIVISION OF POINTS OF DEBATE. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(G) DECORUM OF MEMBERS. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(H) REMARKS CONFINED. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(I) EXCEPTION TO WORDS SPOKEN IN DEBATE. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

(J) TRANSGRESSION OF RULES - APPEAL. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall prevail.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

Ending of Debate - Previous Question

Rule 18. The previous question may be ordered by a two-thirds (2/3) vote of the members present on all recognized motions or amendments which are debatable.

The previous question is not debatable and cannot be amended. The previous question shall be put in this form: "Representative _____ demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

Voting

Rule 19. (A) PUTTING OF QUESTION. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) ALL MEMBERS TO VOTE. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

(C) CHANGE OF VOTE. When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When an oral roll call is taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) PRIVATE INTEREST. No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

(E) INTERRUPTION OF ROLL CALL. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain at the clerk's desk while the yeas and nays are being called.

(F) YEAS AND NAYS - RECORDED VOTES. Upon the final passage of any bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21)

The speaker may vote last when the yeas and nays are called. When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present. A request for a recorded vote must be made before the vote is commenced.

(G) TIE VOTE, QUESTION LOSES. In case of an equal division, the question shall be lost.

(H) DIVISION. If the speaker is in doubt, or if division is called for by any member, the house shall divide.

Reconsideration

Rule 20. Notice of a motion for reconsideration on the final passage of bills shall be made on the day the vote to be reconsidered was taken and before the house has voted to transmit the bill to the senate.

Reconsideration of the votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED, That on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a bill must be reported from the house as established by concurrent resolution, then reconsideration of votes on the final passage of bills must be taken on the same day as the original vote was taken.

A motion to reconsider an amendment may be made at any time the bill remains on second reading.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

Call of the House

Rule 21. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) DOORS TO BE CLOSED. When call of the house has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) SERGEANT AT ARMS TO BRING IN THE ABSENTEES. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) HOUSE UNDER CALL. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house, a motion to excuse absentees, or a motion to dispense with the call of the house. The motion to proceed with business under the call of the house and the motion to excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof. The motion to dispense with the call of the house may be adopted by a majority of the members present.

Appeal from Decision of Chair

Rule 22. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

Standing Committees

Rule 23. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1	Agriculture & Natural Resources	13
2	Audit Review & Oversight	16
3	Capital Budget	15
4	Commerce & Labor	8
5	Community & Economic Development & Trade	9
6	Early Learning & Children's Services	7
7	Ecology & Parks	15
8	Education	13
9	Education Appropriations	14
10	Environmental Health	10
11	Finance	9
12	Financial Institutions & Insurance	11
13	General Government Appropriations	15
14	Health & Human Services Appropriations	15
15	Health Care & Wellness	13
16	Higher Education	11
17	Human Services	8
18	Judiciary	11
19	Local Government & Housing	11
20	Public Safety & Emergency Preparedness	9
21	Rules	24
22	State Government & Tribal Affairs	8
23	Technology, Energy & Communications	16
24	Transportation	29
25	Ways & Means	22

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs.

Duties of Committees

Rule 24. House committees shall operate as follows:

(A) NOTICE OF COMMITTEE MEETING. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That when less than eight (8) days remain for action on a bill, the Speaker may authorize a reduction of the five-day notice period when required by the circumstances, including but not limited to the time remaining for action on the bill, the nature of the subject, and the number of prior hearings on the subject.

(B) COMMITTEE QUORUM. A majority of any committee shall constitute a quorum for the transaction of business.

(C) SESSION MEETINGS. No committee shall sit while the house is in session without special leave of the speaker.

(D) DUTIES OF STANDING COMMITTEES.

(1) Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial, or resolution may be reported out: PROVIDED, That by motion under the eighth order of business, a majority of the members elected to the house may

relieve a committee of a bill and place it on the second reading calendar.

Majority recommendations of a committee can only be "do pass," "do pass as amended," or that "the substitute bill be substituted therefor and that the substitute bill do pass."

(3) Members of the committee not concurring in the majority report may prepare a written minority report containing a recommendation of "do not pass" or "without recommendation," which shall be signed by those members of the committee subscribing thereto, and submitted with the majority report.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report. Any member may call for a recorded vote, which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct appropriation shall be referred to the appropriate fiscal committee before their final passage.

(7) No standing committee shall vote by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution, or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

(9) A standing committee to which a bill was originally referred shall, prior to voting the bill out of committee, consider whether the bill authorizes rule-making powers or requires the exercise of rule-making powers and, if so, consider:

(a) The nature of the new rule-making powers; and

(b) To which agencies the new rule-making powers would be delegated and which agencies, if any, may have related rule-making powers.

Standing Committees - Expenses - Subpoena Power

Rule 25. Regardless of whether the legislature is in session, members of the house may receive from moneys appropriated for the legislature, reimbursement for necessary travel expenses, and payments in lieu of subsistence and lodging for conducting official business of the house.

The standing committees of the house may have the powers of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW. Before a standing committee of the house may issue any process, the committee chairperson shall submit for approval of the executive rules committee a statement of purpose setting forth the name or names of those subject to process. The process shall not be issued prior to approval by the executive rules committee. The process shall be limited to the named individuals.

Vetoed Bills

Rule 26. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house. Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the term, after which they shall be filed with the secretary of state.

Suspension of Compensation

Rule 27. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, office space facilities, and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities, and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since sentencing shall be forthwith paid, and the member shall thereafter have the rights and privileges of other members.

Smoking

Rule 28. Smoking of cigarettes, pipes, or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within House facilities.

"No smoking" signs shall be posted so as to give notice of this rule.

Liquor

Rule 29. The House of Representatives shall strictly adhere to the liquor laws of the state of Washington, including provisions relating to banquet and special occasion permits. The proper permits must always be obtained before consumption of liquor in any house facility.

Parliamentary Rules

Rule 30. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

Standing Rules Amendment

Rule 31. Any standing rule may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof. Any standing rule may be suspended temporarily by a two-thirds (2/3) vote of the members present except as provided in Rule 10.

Rules to Apply for Assembly

Rule 32. The permanent house rules adopted at the beginning of the term are to govern all acts of the house during the course of the term unless amended or repealed.

Legislative Mailings

Rule 33. The House of Representatives directs the house executive rules committee to adopt procedures and guidelines to ensure that all legislative mailings at public expense are for legitimate legislative purposes.

Representative Kessler moved adoption of House Resolution No. 4608.

Representatives Kessler and Kretz spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4608 was adopted.

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

COMMITTEE APPOINTMENTS

The Speaker (Representative Morris presiding) announced the following committee appointments:

Representative Bailey was appointed to the Committee on Rules.

Representative Liias was appointed to the Committee on Rules.

Representative Cox was appointed to the Committee on Education, to the Committee on Transportation, and to the Committee on Local Government & Housing, replacing Representative Anderson, and to the Committee on Education Appropriations, replacing Representative Condotta.

Representative Hudgins was appointed to the Committee on General Government Appropriations.

Representative Hurst was appointed to the Committee on State Government & Tribal Affairs, replacing Representative Hudgins.

Representative Liias was appointed to the Committee on Agriculture & Natural Resources, replacing Representative Hurst.

POINT OF PERSONAL PRIVILEGE

Representative Ericks took a moment personal privilege to welcome the newly appointed Representative from the 9th District, Don Cox, back to the House of Representatives.

There being no objection, the House adjourned until 9:55 a.m., January 27, 2009, the 16th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTEENTH DAY

House Chamber, Olympia, Tuesday, January 27, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4609, by Representatives Quall, McCoy, Miloscia, Klippert, Pettigrew, Roberts, Walsh, Alexander, Cody, O'Brien, Anderson, Hinkle, Rodne, Roach, Santos, Haler, Priest, Hasegawa, McCune, Shea, Short, Hudgins, Probst, Finn, and Warnick

WHEREAS, Catholic schools will be celebrating Catholic Schools Week 2009 by recognizing that "Catholic Schools Celebrate Service"; and

WHEREAS, Across the United States, close to half of students enrolled in private schools attend Catholic schools; and

WHEREAS, A quality education is the foundation of a child's future and this week recognizes one of the many types of education choices available to our children; and

WHEREAS, With their emphasis on academic excellence and moral values, Catholic schools enjoy high satisfaction rates among students and parents in addition to high achievement rates, including high school graduation rates of more than ninety-nine percent; and

WHEREAS, Catholic schools encourage parent and community involvement in schools via a school board, commission, council, or parent organization; and

WHEREAS, Close to 200,000 teachers and staff have answered the call to service in Catholic schools; and

WHEREAS, The 7,800 Catholic schools in the United States, both elementary and secondary, save the government and taxpayers up to twenty billion dollars a year in public school expenses; and

WHEREAS, Catholic education is an integral part of the mission of the Catholic Church, and its strong commitment to students and educational excellence is of great value to the state of Washington; and

WHEREAS, Catholic schools have been enriching students' lives in Washington State for more than one hundred fifty years; and

WHEREAS, Washington State has close to 30,000 students in ninety-three Catholic schools; and

WHEREAS, Catholic schools encourage and prepare students to obtain high levels of achievement through religious, academic, and cocurricular programs, and the schools are committed to serving students of diverse backgrounds; and

WHEREAS, With a commitment to service, Catholic schools have produced many of our state's and our nation's finest leaders, including members of the Legislature and Catholic Schools Week provides an opportunity to celebrate the contributions of the schools to our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the Catholic schools of Washington State and honors their academic excellence and faith-based instruction during this celebration of Catholic Schools Week, January 25 through January 31, 2009; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the school departments at the Archdiocese of Seattle, the Diocese of Spokane, the Diocese of Yakima, and the Washington State Catholic Conference.

HOUSE RESOLUTION NO. 4609 was adopted.

MESSAGE FROM THE SENATE

January 21, 2009

Mr. Speaker:

The President has signed SENATE CONCURRENT RESOLUTION NO. 8401, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SIGNED BY THE SPEAKER

The Speaker signed SENATE CONCURRENT RESOLUTION NO. 8401.

INTRODUCTION AND FIRST READING

HB 1650 by Representatives Probst, Driscoll, Kelley, Goodman, Carlyle, Hurst, Sullivan, Ericks, Green, Maxwell, Upthegrove, Hudgins, Morrell, Finn, Moeller, Jacks, White, Takko, Nelson, Smith, Simpson, Kenney, Hope, Ormsby and Herrera

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

Referred to Committee on State Government & Tribal Affairs.

HB 1651 by Representatives Kelley, Ericks, Sullivan, Ormsby, Carlyle and Simpson

AN ACT Relating to community economic revitalization board programs; amending RCW 82.14.475, 39.102.020, 39.102.040, 39.102.040, 43.160.030, and 39.102.904; repealing 2008 c 209 s 2 (uncodified); repealing 2007 c 229 s 17 (uncodified); providing expiration dates; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

HB 1652 by Representatives Rolfes, Morris, Eddy, Takko, Ericksen, Nelson, Van De Wege, Quall, Kessler, Haigh and Moeller

AN ACT Relating to eliminating a requirement that certain ferry vessels be constructed within the boundaries of the state of Washington; amending RCW 47.56.780; and declaring an emergency.

Referred to Committee on Transportation.

HB 1653 by Representative Simpson

AN ACT Relating to clarifying the integration of shoreline management act policies with the growth management act; amending RCW 36.70A.480 and 90.58.090; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1654 by Representatives Alexander, Bailey, Herrera, Angel, Kristiansen, Newhouse, Hope, McCune, Walsh, Short, Ross, Haler, Anderson, Smith, Klippert, Roach, Ericksen, Shea, Pearson, Schmick, Orcutt, Condotta, Johnson, Cox, Priest, Hinkle, Parker, Warnick, Dammeier, Kretz, Rodne, Williams, Campbell and Armstrong

AN ACT Relating to establishing a period of public and legislative review of appropriations legislation; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 1655 by Representatives Alexander, Bailey, Kristiansen, Angel, Newhouse, Anderson, Walsh, Hope, Ross, Haler, Schmick, Smith, Klippert, Shea, Herrera, McCune, Roach, Ericksen, Cox, Pearson, Short, Orcutt, Condotta, Johnson, Priest, Hinkle, Parker, Warnick, Dammeier, Kretz, Rodne, Campbell, Armstrong and Simpson

AN ACT Relating to requiring a balanced legislative budget; and amending RCW 43.88.080.

Referred to Committee on Ways & Means.

HB 1656 by Representatives Dammeier, Alexander, Bailey, Herrera, Angel, Newhouse, Hope, Kristiansen, McCune, Walsh, Short, Ross, Schmick, Haler, Roach, Smith, Klippert, Shea, Ericksen, Condotta, Pearson, Cox, Orcutt, Johnson, Anderson, Priest, Hinkle, Warnick, Kretz, Parker, Rodne, Campbell and Armstrong

AN ACT Relating to the near general fund and requiring revenue forecasts thereof; amending RCW 82.33.020, 43.135.025, 43.79.460, 43.79.465, 43.08.250, 43.72.900, 70.146.030, and 83.100.230; reenacting and amending RCW 69.50.520 and 43.135.045; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1657 by Representatives Anderson, Priest, Parker, Ross, Smith, Haler, Herrera, Klippert, Cox, Dammeier, Orcutt, Angel, Johnson, McCune, Bailey, Walsh, Ericksen, Schmick, Short, Pearson, Roach, Rodne, Hope, Newhouse and Armstrong

AN ACT Relating to prioritizing basic education expenditures within the state appropriations process; amending RCW 28A.150.380; adding new sections to chapter 44.04 RCW; and providing a contingent effective date.

Referred to Committee on Ways & Means.

HB 1658 by Representatives Ericksen and Rodne

AN ACT Relating to creating an incentive for utilities to promote renewable energy; and reenacting and amending RCW 19.29A.090.

Referred to Committee on Technology, Energy & Communications.

HB 1659 by Representatives Ericksen, Angel, Smith, Haler, Bailey, Hope and Ross

AN ACT Relating to allowing counties to use existing revenues for public trails; adding a new section to chapter 82.14 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1660 by Representatives Ericksen, Smith, Bailey and Pearson

AN ACT Relating to using environmental mitigation moneys for agricultural preservation; adding a new section to chapter 47.12 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1661 by Representatives Ericksen, Orcutt and McCune

AN ACT Relating to reducing the authority of the state board of health with regard to small-scale sewage systems; and amending RCW 43.20.050.

Referred to Committee on Environmental Health.

HB 1662 by Representative Ericksen

AN ACT Relating to food service rules; and amending RCW 43.20.145.

Referred to Committee on Health Care & Wellness.

HB 1663 by Representatives Goodman, Springer, Simpson, Roberts, Miloscia, Nelson, Ormsby and Santos

AN ACT Relating to creating relocation assistance rights for nontransient residents of hotels, motels, or other places of transient lodging that are shut down by government action; and amending RCW 59.18.085.

Referred to Committee on Judiciary.

HB 1664 by Representatives Wood, Conway, Hinkle and Ormsby

AN ACT Relating to termination, cancellation, or nonrenewal of motorsports manufacturer and dealer franchise agreements; and amending RCW 46.93.080.

Referred to Committee on Commerce & Labor.

HB 1665 by Representatives Blake, Orcutt, Kretz, Alexander and Van De Wege

AN ACT Relating to alternate harvest restrictions for forest practices; amending RCW 76.09.368; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1666 by Representatives Kenney, Simpson, Haler, Walsh, Kessler, Dickerson, White, Pedersen, Santos and Pettigrew

AN ACT Relating to authorizing the creation of cultural access authorities; amending RCW 36.96.010; adding a new chapter to Title 36 RCW; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

HB 1667 by Representatives Springer, Ericks, Kretz and Moeller

AN ACT Relating to making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee; amending RCW 43.08.290; and creating a new section.

Referred to Committee on Finance.

HB 1668 by Representatives Liias, Roach, Condotta and Armstrong

AN ACT Relating to the fuel tax rate used to determine fuel tax distributions to the snowmobile account; and amending RCW 46.10.170.

Referred to Committee on Transportation.

HB 1669 by Representatives Hunt, Hasegawa, Appleton, Miloscia, Warnick, Kirby, Williams and Ormsby

AN ACT Relating to the deposit of public funds; and amending RCW 39.58.010, 35.38.060, 35.58.510, 36.48.060, and 43.08.280.

Referred to Committee on Financial Institutions & Insurance.

HB 1670 by Representatives Williams and Moeller

AN ACT Relating to underwriting actions for insurance on residential property; and adding a new section to chapter 48.18 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1671 by Representatives Anderson, Schmick and Angel

AN ACT Relating to higher education accountability; amending RCW 43.41.400; and creating a new section.

Referred to Committee on Higher Education.

HB 1672 by Representatives Anderson, Schmick and Angel

AN ACT Relating to administration of the collegiate learning assessment; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1673 by Representatives Anderson, Schmick and Angel

AN ACT Relating to a consumer report card with information about institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1674 by Representatives Anderson, Schmick and Angel

AN ACT Relating to improving the effectiveness and efficiency of institutions of higher education; and adding a new section to chapter 28B.76 RCW.

Referred to Committee on Higher Education.

HB 1675 by Representatives Sells, Anderson, Wallace, Upthegrove and Kenney

AN ACT Relating to work experience as an entry requirement for the alternative route partnership grant program; and amending RCW 28A.660.040.

Referred to Committee on Higher Education.

HB 1676 by Representatives Kessler, Miloscia, Ross and Kelley

AN ACT Relating to the open public meetings act; and amending RCW 42.30.030, 42.30.120, and 42.30.210.

Referred to Committee on State Government & Tribal Affairs.

HB 1677 by Representatives Moeller, Clibborn, Jacks, Wood, Ormsby and Simpson

AN ACT Relating to high capacity transportation service; amending RCW 81.104.015, 81.104.150, 81.104.160, 81.104.170, 81.104.180, and 81.104.190; and adding new sections to chapter 81.104 RCW.

Referred to Committee on Transportation.

HB 1678 by Representatives Van De Wege, Simpson, Ericks, Williams, Kelley, Sells, Ross, Hope and Conway

AN ACT Relating to members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001; and amending RCW 41.26.470.

Referred to Committee on Ways & Means.

HB 1679 by Representatives Simpson, Van De Wege, Ericks, Williams, White, Kelley, Sells, Ross, Hope and Conway

AN ACT Relating to access to catastrophic disability medical insurance under plan 2 of the law enforcement officers' and firefighters' retirement system; and amending RCW 41.05.080 and 41.05.195.

Referred to Committee on Ways & Means.

HB 1680 by Representatives Green, Conway, Appleton, Wood, Campbell, Morrell, Hasegawa, Darneille, Crouse, Seaquist, Williams, Cody, Moeller, Priest, Smith, Sullivan, Kenney and Ormsby

AN ACT Relating to limiting the exceptions to the prohibition on mandatory overtime for employees of health care facilities; and amending RCW 49.28.130 and 49.28.140.

Referred to Committee on Commerce & Labor.

HB 1681 by Representatives Newhouse, Chandler, Upthegrove, Johnson and Ross

AN ACT Relating to the fruit and vegetable district fund; and amending RCW 15.17.243.

Referred to Committee on Agriculture & Natural Resources.

HB 1682 by Representatives Newhouse, Kretz, Chandler, Upthegrove, Johnson and Ross

AN ACT Relating to horticultural pest and disease boards; and amending RCW 15.09.030.

Referred to Committee on Agriculture & Natural Resources.

HB 1683 by Representatives Kirby, Goodman, Nelson, Campbell, Williams, Orwall, Green, Ormsby, Moeller and Pedersen

AN ACT Relating to modifying provisions relating to consumer protection act violations; amending RCW 19.86.090; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Judiciary.

HB 1684 by Representatives Kirby and Santos

AN ACT Relating to restricting and enforcing eligibility for small loans by including a cap of thirty percent of the borrower's gross monthly income on the combined outstanding principal balances of all small loans; amending RCW 31.45.073 and 42.56.230; and adding a new section to chapter 31.04 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1685 by Representative Kirby

AN ACT Relating to adding an additional sixty day payment plan option for small loans; and amending RCW 31.45.084.

Referred to Committee on Financial Institutions & Insurance.

HB 1686 by Representatives McCune, Haler and Crouse

AN ACT Relating to recognizing load growth as an exception for qualifying utilities in meeting existing energy conservation and renewable energy targets; amending RCW 19.285.040; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1687 by Representatives Shea, Miloscia, Armstrong, Crouse, Short, Herrera, McCune, Hope, Kristiansen, Kretz, Ericksen, O'Brien, Campbell and Pearson

AN ACT Relating to ensuring health care provider right of conscience; adding new sections to chapter 9.02 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1688 by Representatives Shea, Miloscia, Short, Schmick, Crouse, Hope, McCune, Kristiansen, Kretz, O'Brien, Ericksen, Warnick and Roach

AN ACT Relating to abortion procedures and treatments performed on minor females and females subject to guardianship; amending RCW 9.02.100, 9.02.110, 9.02.120, and 9.02.140; adding new sections to chapter 9.02 RCW; creating new sections; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1689 by Representatives Goodman, Hurst, Seaquist, Roberts, Appleton, Kirby, O'Brien, Nelson, Ericks, Dickerson, Kagi and Darneille

AN ACT Relating to creating an evidence-based community custody system for adult felons; and creating new sections.

Referred to Committee on Human Services.

HB 1690 by Representatives Hasegawa, Hunt, Hudgins, Anderson and Kenney

AN ACT Relating to authorizing alternative public works contracting procedures; amending RCW 28B.20.140, 39.10.200, 39.10.230, 39.10.210, and 43.131.408; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1691 by Representatives Rolfes, Campbell, Kagi, Moeller, Ormsby, Dickerson, Dunshee, Kenney and Conway

AN ACT Relating to limiting the use of certain solid fuel burning devices; and amending RCW 70.94.477.

Referred to Committee on Environmental Health.

HB 1692 by Representatives Driscoll, Wood, Crouse and Ormsby

AN ACT Relating to authority of the board of directors of a public facilities district; and amending RCW 36.100.160 and 35.57.060.

Referred to Committee on Community & Economic Development & Trade.

HB 1693 by Representatives Haler, Klippert, McCune and Crouse

AN ACT Relating to creating a waiver from renewable energy targets related to integration into the electrical grid; and amending RCW 19.285.060.

Referred to Committee on Technology, Energy & Communications.

HB 1694 by Representatives Linville, Moeller, Hunter and Darneille

Addressing fiscal matters for the 2007-2009 biennium.

Referred to Committee on Ways & Means.

HB 1695 by Representatives Kagi, Roberts, Dickerson, Goodman, Upthegrove, Darneille and Kenney

AN ACT Relating to the possession of controlled substances; amending RCW 69.50.4013 and 69.50.4014; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1696 by Representatives Kenney, Springer, Moeller, Ormsby, Simpson and Nelson

AN ACT Relating to tax relief to promote employer-assisted housing; adding new sections to chapter 82.04 RCW; adding a new section to chapter 43.180 RCW; and providing expiration dates.

Referred to Committee on Local Government & Housing.

HB 1697 by Representatives Lias, Priest, Sullivan, Quall, Upthegrove, Santos, Kenney and Ormsby

AN ACT Relating to career and technical student organizations; and amending RCW 28A.300.380.

Referred to Committee on Education.

HB 1698 by Representatives Hudgins and McCoy

AN ACT Relating to broadband adoption and deployment; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.29A RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1699 by Representatives Hudgins, McCoy, Hasegawa and Moeller

AN ACT Relating to implementing high-speed internet adoption recommendations for the state; adding new sections to chapter 43.105 RCW; creating new sections; and repealing RCW 43.105.350.

Referred to Committee on Technology, Energy & Communications.

HB 1700 by Representatives Hudgins, McCoy and Hasegawa

AN ACT Relating to conducting an inventory of publicly owned high-speed internet infrastructure; adding a new section to chapter 43.105 RCW; creating a new section; and repealing RCW 43.105.350.

Referred to Committee on Technology, Energy & Communications.

HB 1701 by Representatives Hudgins, McCoy and Hasegawa

AN ACT Relating to authorizing the department of information services to engage in high-speed internet activities; adding new

sections to chapter 43.105 RCW; and repealing RCW 43.105.350.

Referred to Committee on Technology, Energy & Communications.

HB 1702 by Representatives Bailey, Kelley, Rodne, Roach, Angel, Chandler, Hinkle, Kristiansen, Smith, Herrera and Short

AN ACT Relating to the identification and review of new programs; amending RCW 43.88.090; and adding new sections to chapter 43.09 RCW.

Referred to Committee on Ways & Means.

HB 1703 by Representatives Cody, Pedersen, Green, White, Wood, Bailey, Moeller, Morrell, Walsh, Nelson and Kenney

AN ACT Relating to child immunization exemptions; and amending RCW 28A.210.090.

Referred to Committee on Health Care & Wellness.

HB 1704 by Representatives Conway, Chandler, Wood and Santos

AN ACT Relating to the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers; amending RCW 46.96.080; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1705 by Representatives Shea, Roach, Parker, Kretz, Short, Crouse, Rodne and Herrera

AN ACT Relating to prioritizing funding for special category C projects; and amending RCW 46.68.090.

Referred to Committee on Transportation.

HB 1706 by Representatives Quall, Kenney, Hunter, Sullivan, Upthegrove, Santos, Pettigrew, Dunshee and Hasegawa

AN ACT Relating to residency requirements for the state need grant; and amending RCW 28B.92.010.

Referred to Committee on Higher Education.

HB 1707 by Representatives Kirby, Shea, Rodne, Pettigrew, Roach and Kelley

AN ACT Relating to actions by insurance companies against violators; and amending RCW 48.135.070.

Referred to Committee on Judiciary.

HB 1708 by Representatives Nelson, Simpson, Chase, White, Cody, Upthegrove, Williams, McCoy, Appleton, Dickerson, Darneille and Goodman

AN ACT Relating to wells on lands adjacent to the Maury Island aquatic reserve; amending RCW 90.44.050 and 78.44.380; and adding a new section to chapter 78.44 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1709 by Representatives Nelson, White, Cody, Carlyle, Orwall, McCoy, Darneille and Ormsby

AN ACT Relating to fee and installment plan assistance for borrowers at risk of default on small loans; amending RCW 31.45.010, 31.45.073, and 31.45.084; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1710 by Representatives Cody, Nelson and Simpson

AN ACT Relating to the local sales and use tax that is credited against the state sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Finance.

HB 1711 by Representatives Miloscia and Morrell

AN ACT Relating to computing the median wage; and amending RCW 50.04.355.

Referred to Committee on Commerce & Labor.

HB 1712 by Representatives Cody, Green, Morrell, Moeller and Kenney

AN ACT Relating to association health plans; and amending RCW 48.21.047, 48.44.024, 48.46.068, 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health Care & Wellness.

HB 1713 by Representatives Cody, Green and Moeller

AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.060, 48.41.100, and 48.41.100; creating a new section; and providing contingent effective dates.

Referred to Committee on Health Care & Wellness.

HB 1714 by Representatives Cody, Morrell, Green and Moeller

AN ACT Relating to association health plans; amending RCW 48.21.047, 48.44.024, and 48.46.068; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Health Care & Wellness.

HB 1715 by Representative Miloscia

AN ACT Relating to reporting requirements in the growth management act; and amending RCW 36.70A.070, 36.70A.210, and 36.70A.215.

Referred to Committee on Local Government & Housing.

HB 1716 by Representatives Miloscia, Appleton, Morrell, Moeller and Conway

AN ACT Relating to providing living wages on public contracts; adding a new section to chapter 43.19 RCW; adding a new section to chapter 47.28 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Commerce & Labor.

HB 1717 by Representatives Clibborn, Armstrong, Wood, Warnick and Klippert

AN ACT Relating to extending the time period for a franchise agreement for a rail line over the Milwaukee Road corridor; amending RCW 79A.05.115, 79A.05.120, 79A.05.125, and 79A.05.130; providing an effective date; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Transportation.

HB 1718 by Representatives Upthegrove, Williams, Hudgins, McCoy, Dickerson, Hunt, Dunshee and Nelson

AN ACT Relating to reducing greenhouse gases in Washington; amending RCW 19.27A.020, 35.92.360, 54.16.280, 36.94.460, 70.164.020, 70.164.040, 70.164.050, 70.164.060, 36.70A.108, 36.70A.030, 84.14.020, 84.14.100, 47.66.030, 36.120.180, 43.185A.110, 43.185A.120, 43.185.050, 39.92.040, 43.82.010, 39.33.010, 47.12.063, 53.08.090, 70.44.300, 28A.335.120, 35.61.132, 35.94.040, 47.80.030, 47.80.050, 47.01.440, 47.56.830, 47.56.820, 47.56.785, 82.08.813, 70.95.010, 70.95.020, 70.95.030, 70.95.080, 70.95.090, 70.95.092, 70.95.100, 70.95.110, 70.95.167, 70.95.212, 70.95.260, 70.95.263, 70.95.285, 81.77.185, 42.56.270, 43.19A.020, 36.70A.020, 36.70A.070, 36.70A.100, 36.70A.190, 36.70A.210, 36.70A.490, 36.70A.500, 43.21C.240, 81.104.015, and 82.14.0455; amending 2005 c 296 s 6 (uncodified); reenacting and amending RCW 84.14.010; adding a new section to chapter 35.92 RCW; adding new sections to chapter 19.27A RCW; adding new sections to chapter 36.70A RCW; adding new sections to chapter 47.01 RCW; adding new sections to chapter 43.31 RCW; adding a new section to chapter 39.92 RCW; adding a new section to chapter 47.80 RCW; adding a new section to chapter 19.112 RCW; adding new sections to chapter 70.95 RCW; adding a new section to chapter 43.21C RCW; adding a new section to chapter 81.112 RCW; adding a new chapter to Title 47 RCW; adding new chapters to Title 70 RCW; creating new sections; prescribing penalties; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Ecology & Parks.

HB 1719 by Representatives Hasegawa and Hudgins

AN ACT Relating to electricity generation sales and use tax exemptions; amending RCW 82.08.02567 and 82.12.02567; adding a new section to chapter 82.32 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Technology, Energy & Communications.

HJR 4203 by Representatives Anderson, Priest, Parker, Ross, Smith, Haler, Herrera, Klippert, Schmick, Cox, Dammeier, Orcutt, Johnson, McCune, Angel, Walsh, Ericksen, Short, Bailey, Pearson, Roach, Rodne and Newhouse

Amending the Constitution to prioritize basic education expenditures within the state appropriations process.

Referred to Committee on Ways & Means.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 22, 2009

HB 1000 Prime Sponsor, Representative Haler: Extending state route number 397 to Interstate 82. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1037 Prime Sponsor, Representative Hurst: Designating state route number 164 as a highway of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

January 22, 2009

HB 1081 Prime Sponsor, Representative Wallace: Authorizing local improvement district financing of railroad crossing protection devices. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

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

Referred to Committee on Transportation.

January 22, 2009

HB 1139 Prime Sponsor, Representative Liias: Increasing the authority membership of single county public transportation benefit areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace and Wood.

Passed to Committee on Rules for second reading.

January 23, 2009

HB 1273 Prime Sponsor, Representative Condotta: Allowing counties, cities, and towns to conduct raffles under certain terms and conditions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 23, 2009

HB 1315 Prime Sponsor, Representative Quall: Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

January 23, 2009

HB 1338 Prime Sponsor, Representative Conway: Qualifying for good cause for late filing of reports, contributions, penalties, or interest. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 23, 2009

HB 1339 Prime Sponsor, Representative Conway: Correcting statutory references. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 23, 2009

HB 1366 Prime Sponsor, Representative Wood: Making technical changes to boiler and unfired pressure vessel statutes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1066
HOUSE BILL NO. 1113

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

COMMITTEE APPOINTMENTS

The Speaker (Representative Moeller presiding) announced the following committee appointments:

Representative Anderson is appointed to the Committee on Capital Budget.

Representative Haler is appointed to the Committee on Higher Education.

There being no objection, the House adjourned until 10:00 a.m., January 28, 2009, the 17th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTEENTH DAY

House Chamber, Olympia, Wednesday, January 28, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Isabella Fegueroa and Adam Kirkby. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Tony Irving, St. Benedict's Episcopal Church, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4610, by Representatives Hunt, Alexander, and Williams

WHEREAS, The City of Olympia celebrates its 150th birthday, its sesquicentennial, on January 28, 2009; and

WHEREAS, President Franklin Pierce designated Isaac I. Stevens Washington's first Territorial Governor; and

WHEREAS, Governor Stevens issued a proclamation naming Olympia as Washington's provisional territorial capital on November 28, 1853, confirmed by the Territorial Legislature in 1855; and

WHEREAS, The City of Olympia has served as Washington's capital continuously since 1853; and

WHEREAS, The first Territorial Legislature met in the Parker and Colter Store, near present day Olympia Avenue and Capitol Way, on February 28, 1854; and

WHEREAS, The City of Olympia was first incorporated by the Territorial Legislature on January 28, 1859, thirty-six years prior to statehood; and

WHEREAS, Washington became the forty-second state on November 11, 1889; and

WHEREAS, Olympia takes pride in being the state capital, and its capitol building being one of the largest capitol buildings in the nation, having the fourth largest free-standing masonry dome in the world, surpassed only by St. Peter's Cathedral in Rome, St. Paul's Cathedral in London, and St. Isaac's Cathedral in St. Petersburg; and

WHEREAS, Olympia pioneer Edmund Sylvester donated the land for the capitol building at its current location; and

WHEREAS, Olympia is located at the south end of Puget Sound, with breathtaking views of Mt. Rainier, Puget Sound, and the Olympic Mountains; and

WHEREAS, The name "Olympia" was selected by resident Isaac N. Ebey to reflect the view of the majestic Olympic Mountains; and

WHEREAS, The peninsula on which Olympia was founded was known as "Cheetwoot" or "the black bear place" by the Puget Sound Native Americans who occupied the site; and

WHEREAS, Budd Inlet was a favorite shellfish gathering site for many tribes including the Nisqually and Squaxin; and

WHEREAS, The City of Olympia is a regional showcase and center for music, theater, and the other performing and visual arts; and

WHEREAS, Through its long history, Olympia has steadily prospered, flourished, and overcome disasters and challenges such as fires, earthquakes, and economic recessions; and

WHEREAS, The people of Olympia and surrounding areas celebrate Olympia's modern-day role as a thriving city with a high quality of life recognized in multiple national surveys, an international port, and regional center for commerce, education, and health care, and the state capital; and

WHEREAS, Citizens, elected officials, and community leaders celebrated Olympia's historic sesquicentennial with a 150th birthday gala on January 17, 2009;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives commemorate the City of Olympia and its citizens on the occasion of its sesquicentennial; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Olympia Mayor Doug Mah, Mayor Pro-Tem Jeff Kingsbury, and to Olympia Councilmembers Joe Hyer, Joan Machlis, Karen Messmer, Craig Ottavelli, and Rhenda Iris Strub.

Representative Hunt moved adoption of House Resolution No. 4610.

Representatives Hunt and Alexander spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4610 was adopted.

The Speaker (Representative Moeller presiding) introduced current and former City of Olympia officials and asked the Chamber to acknowledge them.

INTRODUCTION AND FIRST READING

HB 1720 by Representatives Appleton, Roberts, Williams, Dickerson and Hasegawa

AN ACT Relating to the sentencing grid; amending RCW 9.94A.505, 9.94A.530, 9.94A.589, and 9.94A.480; reenacting and amending RCW 9.94A.515; adding new sections to chapter 9.94A RCW; repealing RCW 9.94A.510; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1721 by Representatives Springer, Armstrong, Hudgins, Condotta and Simpson

AN ACT Relating to two-wheeled and three-wheeled vehicles; and amending RCW 46.04.304, 46.04.330, 46.04.336, 46.37.530, 46.44.050, 46.61.610, 46.61.688, and 46.61.710.

Referred to Committee on Transportation.

HB 1722 by Representatives Crouse, Conway, Seaquist and Simpson

AN ACT Relating to plan membership default provisions in the public employees' retirement system; and amending RCW 41.40.785.

Referred to Committee on Ways & Means.

HB 1723 by Representatives Green, Cody, Morrell, Appleton, Pedersen, Goodman and Ormsby

AN ACT Relating to genetic counselors; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1724 by Representatives Hope, O'Brien, Kretz, Klippert, Smith, Ericks, Pearson, Rodne, Bailey, Campbell, Sells, Herrera, Kelley, Kristiansen, Warnick, Armstrong, Simpson and Johnson

AN ACT Relating to increasing the punishment for assault of a child in the first degree; amending RCW 9.94A.540 and 9.94A.703; reenacting and amending RCW 9.94A.515; creating new sections; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1725 by Representatives Van De Wege, Orcutt, Takko, Kretz, Blake and Kessler

AN ACT Relating to directing the forest practices board to develop a single-tier buffer rule for small acreage timber harvests; and amending RCW 76.09.368.

Referred to Committee on Agriculture & Natural Resources.

HB 1726 by Representatives Maxwell, Anderson, Carlyle, Rodne, Eddy, Springer, Hunter, Clibborn, Goodman, Hasegawa and Hudgins

AN ACT Relating to creating Bellevue College; amending RCW 28B.10.020, 28B.10.022, 28B.10.025, 28B.10.280, 28B.10.300, 28B.10.350, 28B.10.400, 28B.10.401, 28B.10.405, 28B.10.407, 28B.10.410, 28B.10.415, 28B.10.417, 28B.10.420, 28B.10.485, 28B.10.487, 28B.10.500, 28B.10.550, 28B.10.560, 28B.10.567, 28B.10.590, 28B.10.600, 28B.10.605, 28B.10.640, 28B.10.650, 28B.10.685, 28B.10.700, 28B.10.703, 28B.15.005, 28B.15.014, 28B.15.025, 28B.15.041, 28B.15.051, 28B.15.067, 28B.15.100, 28B.15.520, 28B.15.522, 28B.15.526, 28B.15.527, 28B.15.540, 28B.15.543, 28B.15.545, 28B.15.555, 28B.15.556, 28B.15.558, 28B.15.605, 28B.15.725, 28B.15.730, 28B.15.740, 28B.15.750, 28B.15.756, 28B.15.794, 28B.15.820, 28B.15.910, 28B.15.915, 28B.35.370, 28B.35.710, 28B.35.751, 28B.35.790, 28B.50.030, 28B.50.252, 28B.50.465, 28B.76.020, and 28B.76.230; reenacting and amending RCW 28B.15.515 and 28B.15.621; adding a new chapter to Title 28B RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education.

HB 1727 by Representatives Pedersen, Walsh, Moeller, Johnson, Carlyle, Quall, Sullivan, Maxwell, Roberts, Chase, Upthegrove, White, Conway, Nelson, Cody, Hudgins, Morris, Eddy, Lias, Kagi, Omsby, Rolfes, Clibborn, Dunshee, Pettigrew, Springer, Hunter, Williams, Blake, Darneille, Goodman, Dickerson, Hasegawa, Linville, Kenney, Appleton, Van De Wege, Kessler, Santos, Sells, O'Brien, Ericks, Wallace, McCoy, Kirby, Haigh, Takko, Hurst, Seaquist, Wood, Flannigan, Orwall, Jacks, Finn, Hunt, Simpson and Driscoll

AN ACT Relating to further expanding the rights and responsibilities of state registered domestic partners; amending RCW 2.10.030, 6.27.140, 9A.44.010, 10.77.205, 11.88.030, 26.60.040, 26.60.090, 41.05.066, 41.16.010, 41.18.010, 49.78.020, 65.12.035, 71.05.425, 72.09.015, 72.09.712, 72.36.115, 77.36.010, 83.100.046, 83.100.047, and 84.04.050; adding a new section to chapter 26.60 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 2.10 RCW; adding a new section to chapter 2.12 RCW; adding a new section to chapter 2.14 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 4.28 RCW; adding a new section to chapter 5.44 RCW; adding a new section to chapter 6.15 RCW; adding a new section to chapter 6.27 RCW; adding a new section to chapter 7.08 RCW; adding a new section to chapter 7.68 RCW; adding a new section to chapter 9.58 RCW;

adding a new section to chapter 9.68 RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9A.16 RCW; adding a new section to chapter 9A.40 RCW; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 10.77 RCW; adding a new section to chapter 10.95 RCW; adding a new section to chapter 10.99 RCW; adding a new section to chapter 10.101 RCW; adding a new section to chapter 11.40 RCW; adding a new section to chapter 11.42 RCW; adding a new section to chapter 11.68 RCW; adding a new section to chapter 11.88 RCW; adding a new section to chapter 11.94 RCW; adding a new section to chapter 11.95 RCW; adding a new section to chapter 11.98 RCW; adding a new section to chapter 11.104A RCW; adding a new section to chapter 11.108 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 13.64 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.96 RCW; adding a new section to chapter 18.118 RCW; adding a new section to chapter 18.120 RCW; adding a new section to chapter 19.09 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 19.36 RCW; adding a new section to chapter 19.40 RCW; adding a new section to chapter 19.120 RCW; adding a new section to chapter 19.205 RCW; adding a new section to chapter 19.220 RCW; adding a new section to chapter 19.225 RCW; adding a new section to chapter 21.20 RCW; adding a new section to chapter 21.35 RCW; adding a new section to chapter 23B.08 RCW; adding a new section to chapter 23B.19 RCW; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.18 RCW; adding a new section to chapter 26.21A RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.27 RCW; adding a new section to chapter 26.33 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 30.22 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.54 RCW; adding a new section to chapter 35A.01 RCW; adding a new section to chapter 36.17 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 38.42 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.05 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 41.20 RCW; adding a new section to chapter 41.24 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.28 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.34 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.44 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 41.54 RCW; adding a new section to chapter 41.68 RCW; adding a new section to chapter 42.23 RCW; adding a new section to chapter 42.52 RCW; adding a new section to chapter 43.20B RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.56 RCW; adding a new section to chapter 43.180 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 43.235 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 48.17 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.21A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 48.23 RCW; adding a new section to chapter 48.24 RCW; adding a new section to chapter 48.25 RCW; adding a new section to chapter 48.29 RCW; adding a new section to chapter 48.30 RCW; adding a new section to chapter 48.41 RCW; adding a new section to chapter 48.43 RCW; adding a

new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.66 RCW; adding a new section to chapter 48.76 RCW; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.74 RCW; adding a new section to chapter 49.77 RCW; adding a new section to chapter 49.78 RCW; adding a new section to chapter 49.86 RCW; adding a new section to chapter 50.04 RCW; adding a new section to chapter 51.08 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 59.20 RCW; adding a new section to chapter 59.21 RCW; adding a new section to chapter 59.22 RCW; adding a new section to chapter 62A.1 RCW; adding a new section to chapter 65.12 RCW; adding a new section to chapter 66.24 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 68.04 RCW; adding a new section to chapter 70.02 RCW; adding a new section to chapter 70.24 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 70.47A RCW; adding a new section to chapter 70.122 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 70.190 RCW; adding a new section to chapter 71.05 RCW; adding a new section to chapter 71.09 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 71.32 RCW; adding a new section to chapter 71A.20 RCW; adding a new section to chapter 72.01 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 72.23 RCW; adding a new section to chapter 72.36 RCW; adding a new section to chapter 72.64 RCW; adding a new section to chapter 73.16 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 74.09A RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 74.20 RCW; adding a new section to chapter 74.20A RCW; adding a new section to chapter 74.34 RCW; adding a new section to chapter 74.41 RCW; adding a new section to chapter 77.08 RCW; adding a new section to chapter 79A.05 RCW; adding a new section to chapter 80.28 RCW; adding a new section to chapter 81.28 RCW; adding a new section to chapter 81.80 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 81.28 RCW; adding a new section to chapter 81.80 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 83.100 RCW; adding a new section to chapter 83.110A RCW; adding a new section to chapter 84.04 RCW; adding a new section to chapter 85.38 RCW; adding a new section to chapter 91.08 RCW; repealing RCW 26.60.050 and 26.60.055; and providing effective dates.

Referred to Committee on Judiciary.

HB 1728 by Representatives Takko, Haler, Ericks, Angel, Carlyle and Van De Wege

AN ACT Relating to the issuance of checks by joint operating agencies and public utility districts; and amending RCW 43.52.375 and 54.24.010.

Referred to Committee on Local Government & Housing.

HB 1729 by Representatives Carlyle, Pedersen, Hunt, Ericks, Crouse, Hunter, Haler, White, Dunshee, Seaquist, Liias, Takko, Anderson, Kelley, Goodman, Eddy, Jacks, Van De Wege, Roberts, Orwall, Upthegrove, Rolfes, Hasegawa, Moeller, Wallace, Priest, Dickerson, Hudgins, Darneille, Appleton, Kenney, Conway and Nelson

AN ACT Relating to the enhancement of legislative web sites; amending RCW 42.52.180; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1730 by Representatives Linville, Kretz, Ericks, Hunt, Armstrong and Short

AN ACT Relating to the office of regulatory assistance; amending RCW 43.42.005, 43.42.020, 43.42.030, 43.42.050, 43.42.060, 43.42.070, 43.21A.690, 43.70.630, 43.300.080, and 70.94.085; reenacting and amending RCW 43.42.010 and 43.30.490; and adding a new section to chapter 43.42 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1731 by Representatives Hunt, Armstrong, Appleton, Newhouse, Flannigan, Miloscia and Hudgins

AN ACT Relating to clarifying party preference on primary ballots; and amending RCW 29A.52.112.

Referred to Committee on State Government & Tribal Affairs.

HB 1732 by Representatives Goodman and Ericks

AN ACT Relating to the ignition interlock device revolving account; and amending RCW 46.68.340.

Referred to Committee on Transportation.

HB 1733 by Representatives Goodman, Blake, Springer, Eddy, Dunshee, Rolfes and Kessler

AN ACT Relating to the property tax current use valuation programs; and amending RCW 84.34.020, 84.34.108, and 84.33.140.

Referred to Committee on Finance.

HB 1734 by Representative Chase

AN ACT Relating to developing a program to allow Washington to be a leader in the conversion of plug-in hybrid vehicles; creating a new section; and making an appropriation.

Referred to Committee on Education Appropriations.

HB 1735 by Representatives Miloscia, Flannigan, Appleton, Nelson, Green, Hasegawa, Darneille, Dickerson, Chase, Dunshee, Ormsby, Williams, Cody, Kenney, Sells, Kagi and White

AN ACT Relating to achieving economic security through income sufficient to meet basic needs; amending RCW 49.46.005 and 49.46.020; and providing for submission of this act to a vote of the people.

Referred to Committee on Commerce & Labor.

HB 1736 by Representatives Takko and Short

AN ACT Relating to limiting the period of time in which level of service standards for local transportation facilities may be used to prohibit development under local comprehensive plans; and amending RCW 36.70A.070.

Referred to Committee on Local Government & Housing.

HB 1737 by Representatives Green, Campbell and Pedersen

AN ACT Relating to the legal presumption from certification of medical records; and amending RCW 70.02.070.

Referred to Committee on Judiciary.

HB 1738 by Representatives Liias, Goodman, Appleton, Carlyle, Probst, Nelson, Hasegawa, Orwall, Rolfes, Dickerson, Hunt, Pettigrew, Cody, Darneille, White, Chase, Kenney, Dunshee, Ormsby, Miloscia, Moeller, Roberts, Simpson, Sells, Flannigan, Eddy, McCoy, Wood, Kagi, Wallace, Williams and Green

AN ACT Relating to public funding for supreme court campaigns; amending RCW 42.17.390; adding new sections to chapter 42.17 RCW; creating new sections; and prescribing penalties.

Referred to Committee on State Government & Tribal Affairs.

HB 1739 by Representatives Wallace, Campbell, Williams, Moeller, Jacks, Pettigrew and Ormsby

AN ACT Relating to promoting accessible communities for persons with disabilities; amending RCW 29A.46.260 and 38.52.070; reenacting and amending RCW 46.16.381 and 43.79A.040; adding a new section to chapter 50.40 RCW; adding a new section to chapter 36.01 RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services.

HB 1740 by Representatives Cody and Hinkle

AN ACT Relating to issuance of licenses to practice dentistry; and reenacting and amending RCW 18.32.195.

Referred to Committee on Health Care & Wellness.

HB 1741 by Representatives Darneille, Quall, Liias, Santos, Van De Wege, Goodman, Dickerson, Jacks, Hurst, Haigh, Pettigrew, Kenney, Dammeier and Morrell

AN ACT Relating to crimes that require dismissal or certificate revocation for school employees; amending RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090, 28A.410.110, 9.96A.020, and 43.43.845; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Education.

HB 1742 by Representatives Goodman, Pedersen, Williams, Conway, Rodne and Ormsby

AN ACT Relating to public retirement benefits for employees of the supreme court, court of appeals, or superior, district, or municipal courts; amending RCW 41.45.207; adding new sections to chapter 41.40 RCW; adding a new section to chapter 41.45 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1743 by Representatives Takko, McCoy, Van De Wege and Kessler

AN ACT Relating to tax incentives for the production, distribution, sale, and use of alcohol fuel, wood biomass fuel, biodiesel fuel, and biodiesel feedstock; amending RCW 82.04.4335, 82.08.960, 82.12.960, 82.29A.135, 84.36.635, and 84.36.640; reenacting and amending RCW 82.04.260, 82.32.590, and 82.32.600; adding a new section to chapter 82.32 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1744 by Representatives Ericks, Springer and Clibborn

AN ACT Relating to real estate excise tax expenditures for parks and capital projects; and reenacting and amending RCW 82.46.035.

Referred to Committee on Local Government & Housing.

HB 1745 by Representatives Moeller, Williams, Walsh, Hunt, Takko, Upthegrove, Sells, Springer, Simpson, Darneille, Liias, Eddy, Pedersen, Jacks, Cody, Chase, Dunshee, Kirby, Kenney, Ericks, Haigh, McCoy, Roberts, Appleton, Hasegawa, Santos, Rolfes, Conway, Wood, Clibborn, Hudgins, Morris, Nelson, Carlyle, Quall, Flannigan, Dickerson, White, Ormsby and Kagi

AN ACT Relating to civil marriage equality, recognizing the right of all citizens of Washington state, including couples of the same sex, to obtain civil marriage licenses; amending RCW 26.04.010, 26.04.020, and 26.60.010; and creating a new section.

Referred to Committee on Judiciary.

HB 1746 by Representatives Van De Wege, Kessler and Kelley

AN ACT Relating to vehicular homicide sentencing provisions; amending RCW 46.61.5055; and reenacting and amending RCW 9.94A.533.

Referred to Committee on Judiciary.

HB 1747 by Representatives Rolfes, Chase, Upthegrove, Hasegawa, Eddy, Liias, Ormsby, Pedersen, Dunshee, McCoy, Morris, Carlyle, Dickerson, Hudgins, Moeller, Sells, Kenney, White and Nelson

AN ACT Relating to reducing climate pollution in the built environment; amending RCW 19.27A.020, 35.92.360, 54.16.280, 36.94.460, 70.164.020, 70.164.040, 70.164.050, and 70.164.060; adding a new section to chapter 35.92 RCW; adding new sections to chapter 19.27A RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1748 by Representatives Walsh, Blake, Morrell and Hasegawa

AN ACT Relating to senior fishing licenses; and amending RCW 77.32.480 and 77.08.010.

Referred to Committee on Agriculture & Natural Resources.

HB 1749 by Representatives Bailey and Kirby

AN ACT Relating to regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008; amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.205, 19.146.228, 19.146.235, 19.146.300, and 19.146.310; adding new sections to chapter 19.146 RCW; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1750 by Representatives Wamick and Hinkle

AN ACT Relating to the installation of boat lifts on state-owned aquatic lands; and amending RCW 79.105.430.

Referred to Committee on Ecology & Parks.

HB 1751 by Representatives Kessler, Van De Wege, Takko, Kenney, Finn, Haigh and Blake

AN ACT Relating to the time period during which sales and use tax for public facilities in rural counties may be collected; reenacting and amending RCW 82.14.370; and creating a new section.

Referred to Committee on Finance.

HB 1752 by Representatives Hurst and Hunt

AN ACT Relating to the observation of election procedures; amending RCW 29A.60.120, 29A.60.125, and 29A.64.041; and adding a new section to chapter 29A.60 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1753 by Representatives Hunter, Hunt, Green, Armstrong, Kessler, Appleton and Alexander

AN ACT Relating to filing reports electronically to the legislature and the governor; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1754 by Representatives Pettigrew, Walsh, Goodman, Kagi, Roberts, Priest, Dunshee, Sullivan, Appleton, Green, Kenney, Morrell, Nelson and Ormsby

AN ACT Relating to promoting continuity of care for children enrolled in early learning and care programs receiving working connections child care subsidies; amending RCW 74.08A.340; adding a new section to chapter 43.215 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 1755 by Representatives Williams, Rodne and Uptegrove

AN ACT Relating to including correctional employees who have completed government-sponsored law enforcement firearms training to the lists of law enforcement personnel that are exempt from certain firearm restrictions; and amending RCW 9.41.060 and 9.41.300.

Referred to Committee on Judiciary.

HB 1756 by Representatives Kelley, Seaquist, Green, Morrell and Conway

AN ACT Relating to military improvement zones; adding new sections to chapter 43.330 RCW; adding a new section to chapter 82.32 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Local Government & Housing.

HB 1757 by Representatives Haigh, Haler, Kessler, Takko, Hinkle, Sullivan, McCune, Hunter, Cox, Finn, Priest and Van De Wege

AN ACT Relating to establishing a small school district contingency fund; and adding new sections to chapter 28A.300 RCW.

Referred to Committee on Education Appropriations.

HB 1758 by Representatives Quall, Hope, Wallace, Sullivan, Goodman, Kagi, Santos, Morrell, Hasegawa and Ormsby

AN ACT Relating to expanding options for students to earn high school diplomas; amending RCW 28B.50.535, 28A.225.290, 28A.600.320, and 28A.655.061; and creating a new section.

Referred to Committee on Education.

HB 1759 by Representatives Quall and Kagi

AN ACT Relating to minors in need of lifesaving medical treatment; and amending RCW 26.44.030, 26.44.053, and 26.44.056.

Referred to Committee on Early Learning & Children's Services.

HB 1760 by Representative Ormsby

AN ACT Relating to civil service commissions for sheriffs' offices; and amending RCW 41.14.020 and 41.14.030.

Referred to Committee on Local Government & Housing.

HB 1761 by Representatives Hasegawa, Appleton and Hurst

AN ACT Relating to the ethical use of legislative web sites; and amending RCW 42.52.180.

Referred to Committee on State Government & Tribal Affairs.

HB 1762 by Representatives Santos, Kenney and Morrell

AN ACT Relating to increasing parental and community involvement in public education; adding a new section to chapter 28A.320 RCW; adding a new section to chapter 43.06B RCW; adding a new section to chapter 28A.150 RCW; and creating new sections.

Referred to Committee on Education.

HB 1763 by Representatives Uptegrove, Darneille, Chase, Takko, Kenney, Williams, Hudgins, Eddy and Nelson

AN ACT Relating to higher education admissions policies; adding a new section to chapter 28B.10 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1764 by Representatives McCune, Campbell and Hope

AN ACT Relating to property tax relief for senior citizens, persons retired because of physical disability, and veterans; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

HB 1765 by Representatives Moeller, Campbell and Morrell

AN ACT Relating to the license surcharge for the impaired physician program; and amending RCW 18.71.310 and 18.71A.020.

Referred to Committee on Health Care & Wellness.

HB 1766 by Representatives Ormsby, Darneille, Chase, Miloscia, Nelson, Green, Kagi, Kenney, Morrell and Hasegawa

AN ACT Relating to discrimination based on lawful source of income; amending RCW 49.60.030, 49.60.222, 49.60.223, 49.60.224, and 49.60.225; and reenacting and amending RCW 49.60.040.

Referred to Committee on Judiciary.

HB 1767 by Representatives Ericks and Hunter

AN ACT Relating to requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information; and amending RCW 82.32.135, 82.32.080, 82.32.085, 82.32.060, and 82.32.087.

Referred to Committee on Finance.

HB 1768 by Representatives Pearson, Shea, Hope, Smith, Ross, Kristiansen, Warnick, Armstrong and Bailey

AN ACT Relating to preventing sex offenders from being released within fifty miles of or in the same county as their victims; amending RCW 72.09.340 and 72.09.270; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1769 by Representatives Orwall, White, Dammeier, Clibborn, Nelson, Liias, Carlyle, Eddy, Upthegrove, Green, Chase, Sequist, Miloscia, Kagi, Roberts, Kenney and Morrell

AN ACT Relating to orders for housing assistance in dependency matters; and reenacting and amending RCW 13.34.138.

Referred to Committee on Early Learning & Children's Services.

HB 1770 by Representatives Appleton, Goodman and Hurst

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

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1771 by Representatives Pettigrew, Walsh and Dickerson

AN ACT Relating to the child support license suspension program; amending RCW 74.20A.320; and adding new sections to chapter 74.20A RCW.

Referred to Committee on Judiciary.

HB 1772 by Representatives Williams, Wood, Nelson, Darneille, Green and McCoy

AN ACT Relating to protecting consumers in the purchase of motor vehicles; amending RCW 46.70.011, 46.70.070, and 46.70.180; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Commerce & Labor.

HB 1773 by Representatives Springer, Williams, Goodman, Nelson, Sells, Miloscia, Simpson, Ormsby, Roberts and Flannigan

AN ACT Relating to increasing the length of notice provided to a tenant and the type of notice to be provided when terminating month to month or other periodic tenancies governed by the residential landlord-tenant act; and amending RCW 59.18.200.

Referred to Committee on Judiciary.

HB 1774 by Representatives Haigh, Armstrong, Van De Wege, Morris, Blake, Orcutt and Kristiansen

AN ACT Relating to state forest land revenues for school districts; and amending RCW 28A.150.250.

Referred to Committee on Education Appropriations.

HB 1775 by Representatives White, Carlyle, Nelson, Upthegrove and Simpson

AN ACT Relating to the regulation of certain limousine carriers; amending RCW 46.72.010, 46.72A.010, 46.72A.030, and 46.72A.040; and adding a new section to chapter 46.72A RCW.

Referred to Committee on Transportation.

HB 1776 by Representatives Ericks, Haigh, Priest, Hunter, Liias, Sullivan, Pedersen, Maxwell, White and Kenney

AN ACT Relating to school district levies; amending RCW 84.52.0531 and 84.52.053; adding a new section to chapter 84.52 RCW; repealing 2004 c 21 s 3 (uncodified); and repealing 2006 c 119 s 3 (uncodified).

Referred to Committee on Education Appropriations.

HJM 4007 by Representatives Chase, Hasegawa, Liias and Hudgins

Urging the Washington state utilities and transportation commission to rehear the Puget Sound energy/puget holdings merger proposal.

Referred to Committee on Technology, Energy & Communications.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1066, by Representatives Rolfes, Appleton and Moeller

Regarding special elections for changing the form of government of a noncharter code city.

The bill was read the second time

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

Representatives Rolfes and Angel spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1066.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1066 and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 0.

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

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

Voting nay: Representatives Chandler and Orcutt.

HOUSE BILL NO. 1066, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1113, by Representatives Driscoll, Warnick, Dunshee, Probst, Carlyle, Wallace, White, Chase, Ormsby, Seaquist, Simpson, Goodman, Wood, Sullivan, Maxwell, Orwall, Hinkle and Santos

Financing the school construction assistance grant program.

The bill was read the second time

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

Representatives Driscoll, Warnick, Dunshee and Herrera spoke in favor of passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1113.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1113 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1113, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Driscoll on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

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

There being no objection, the House adjourned until 9:55 a.m., January 29, 2009, the 18th Day of the Regular Session.

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTEENTH DAY

House Chamber, Olympia, Thursday, January 29, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

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

INTRODUCTION AND FIRST READING

HB 1777 by Representatives Cody, Orcutt, Herrera, Green, Morrell, Jacks, Probst and Moeller

AN ACT Relating to requiring certificates of need for certain hospitals; and amending RCW 70.38.105 and 70.38.111.

Referred to Committee on Health Care & Wellness.

HB 1778 by Representative Blake

AN ACT Relating to modernizing certain provisions in Title 77 RCW regarding fish and wildlife; amending RCW 77.15.050, 77.15.700, 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370, 77.65.440, 77.15.510, 77.65.480, and 77.15.552; and repealing RCW 77.12.065.

Referred to Committee on Agriculture & Natural Resources.

HB 1779 by Representatives Appleton, Roach, Wood, Liias and Quall

AN ACT Relating to clarifying rental car company charges, surcharges, and fees to be included in rental car agreements; adding a new section to chapter 48.115 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1780 by Representatives Priest, O'Brien, Moeller, Johnson, Morrell, Pedersen, Green, Appleton, Goodman and Sullivan

AN ACT Relating to repealing the expiration date for the version of RCW 70.48.130 that provides for the continuation of current practice regarding the financial responsibility for costs of medical care provided to arrestees; repealing 2007 c 259 s 76 (uncodified); and declaring an emergency.

Referred to Committee on General Government Appropriations.

HB 1781 by Representatives Goodman, Moeller, O'Brien, Green, Ormsby and Wood

AN ACT Relating to increasing the proportion of state public defense funding that constitute city moneys; and amending RCW 10.101.070 and 10.101.080.

Referred to Committee on Judiciary.

HB 1782 by Representatives Goodman, Roberts, Walsh, Dickerson, Darneille, Kagi and Nelson

AN ACT Relating to encouraging early and consistent engagement of parents in children's dependency matters; reenacting and amending RCW 13.34.062; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 1783 by Representatives Liias, Williams, Hunt, White, Pedersen, Darneille, Appleton, Green, Santos and Ormsby

AN ACT Relating to the legislative youth advisory council; amending RCW 28A.300.801; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 1784 by Representatives Liias, Chase, Hasegawa, Appleton and Ormsby

AN ACT Relating to expanding the authority of the public disclosure commission to include the open public meetings act and the public records act; amending RCW 42.17.360, 42.17.365, 42.17.367, 42.17.369, 42.17.3691, 42.17.370, 42.17.375, 42.17.380, 42.30.120, 18.25.210, 18.32.765, 18.71.430, 18.79.390, 29A.04.225, 42.17.020, 42.17.3691, 42.17.395, 42.17.647, 42.17.660, 42.17.690, 43.70.695, 43.370.050, and 70.168.090; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 43 RCW; creating a new section; recodifying RCW 42.17.350, 42.17.360, 42.17.362, 42.17.365, 42.17.367, 42.17.369, 42.17.3691, 42.17.370, 42.17.375, and 42.17.380; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 1785 by Representatives Armstrong, O'Brien, Condotta and Kelley

AN ACT Relating to the Washington state patrol chief for a day program; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1786 by Representatives Ormsby, Campbell, Hunt, Hasegawa, Dunshee, Conway, Sullivan, Van De Wege, Chase and Wood

AN ACT Relating to defining independent contractor for purposes of prevailing wage; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

HB 1787 by Representative Kelley

AN ACT Relating to political advertising sponsor identification; amending RCW 42.17.510; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1788 by Representatives O'Brien, Bailey, Smith, Blake, Herrera, Warnick, Sells, Hope, Morrell and McCune

AN ACT Relating to vulnerable adults; amending RCW 30.22.210, 74.34.020, 74.34.035, 74.34.050, 74.34.063, 74.34.067, 74.34.080, and 74.34.095; reenacting and amending

RCW 9.94A.533; adding new sections to chapter 74.34 RCW; creating a new section; repealing RCW 74.34.021 and 74.34.068; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1789 by Representatives Dammeier, O'Brien, Dickerson, Hurst, Klippert, Morrell, Orwall, Green, Walsh and Darneille

AN ACT Relating to allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders; amending RCW 9.94A.728; and providing an effective date.

Referred to Committee on Human Services.

HB 1790 by Representatives O'Brien, Hurst, Dickerson, Orwall, Green, Morrell, Dammeier, Klippert, Walsh, Darneille, Kelley, Probst and Hudgins

AN ACT Relating to including domestic violence court order violations to the list of offenses eligible for notification; amending RCW 72.09.712 and 72.09.714; and providing an effective date.

Referred to Committee on Human Services.

HB 1791 by Representatives Dickerson, O'Brien, Hurst, Green, Dammeier, Morrell, Orwall, Walsh and Wood

AN ACT Relating to clarifying certain community custody and drug offender sentencing alternative sentencing provisions; amending RCW 9.94A.505 and 9.94A.660; and providing an effective date.

Referred to Committee on Human Services.

HB 1792 by Representatives Dickerson, O'Brien, Hurst, Morrell, Orwall, Green, Dammeier, Klippert, Walsh, Kelley and Ormsby

AN ACT Relating to establishing search and arrest authority provisions of offenders by department of corrections personnel; and amending RCW 9.94A.631.

Referred to Committee on Human Services.

HB 1793 by Representatives Williams, Goodman, Nelson, White, Pedersen, Roberts, Upthegrove and Eddy

AN ACT Relating to alternative student transportation; amending RCW 47.30.050; and adding new sections to chapter 47.04 RCW.

Referred to Committee on Transportation.

HB 1794 by Representative Moeller

AN ACT Relating to calculating child support; and amending RCW 26.19.020, 26.19.065, 26.19.071, 26.19.075, and 26.19.080.

Referred to Committee on Judiciary.

HB 1795 by Representatives Liias, Roach, Rodne, Goodman and Sullivan

AN ACT Relating to establishing chapter 46.55 RCW as the exclusive remedy for any claims resulting from the impoundment of a motor vehicle; amending RCW 46.55.120; and creating a new section.

Referred to Committee on Judiciary.

HB 1796 by Representatives Goodman, Green and Ormsby

AN ACT Relating to drug-related overdose prevention and treatment; and adding new sections to chapter 69.50 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1797 by Representatives White, Priest, Springer, Anderson, Miloscia, Nelson, McCoy, Rodne, Simpson and Sullivan

AN ACT Relating to a rural and resource lands study; adding a new section to chapter 43.79 RCW; and creating new sections.

Referred to Committee on Local Government & Housing.

HB 1798 by Representatives Miloscia, Hunt, Seaquist, Green, Darneille, Liias, Pettigrew, Conway, Kenney and Hudgins

AN ACT Relating to allowing voter registration up to and on election day; amending RCW 29A.08.145 and 29A.08.820; reenacting and amending RCW 29A.04.611; adding a new section to chapter 29A.08 RCW; and providing an effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 1799 by Representatives Campbell, Pettigrew, Moeller, Chase and Wood

AN ACT Relating to mercury reduction; amending RCW 70.95M.010, 70.95M.020, 70.95M.050, and 70.95M.080; adding a new section to chapter 70.95M RCW; creating a new section; repealing RCW 70.95M.090; and providing an expiration date.

Referred to Committee on Environmental Health.

HB 1800 by Representatives Green, O'Brien, McCune, Anderson and Sullivan

AN ACT Relating to limiting mandatory overtime for corrections officers and sergeants employed by a city or county jail; and amending RCW 49.28.130 and 49.28.140.

Referred to Committee on Commerce & Labor.

HB 1801 by Representatives Green, Williams, McCune, O'Brien and Sullivan

AN ACT Relating to interest arbitration for employees of juvenile court services administered under 13.20.060; and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

HB 1802 by Representatives Hudgins, Simpson, Sullivan and Moeller

AN ACT Relating to collector vehicles; amending RCW 46.16.015; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 1803 by Representatives Hudgins, Hasegawa, Santos, Chase and Ormsby

AN ACT Relating to protecting persons with disabilities from harassment; and amending RCW 9A.46.020.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1804 by Representatives Hudgins, Morris and Van De Wege

AN ACT Relating to tax incentives for the production, distribution, sale, and use of alcohol fuel, wood biomass fuel, biodiesel fuel, and biodiesel feedstock; amending RCW 82.04.4335, 82.08.960, 82.12.960, 82.29A.135, 84.36.635, and 84.36.640; reenacting and amending RCW 82.04.260, 82.32.590, and 82.32.600; adding a new section to chapter 82.32 RCW; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 1805 by Representatives Kirby and Chase

AN ACT Relating to limiting fees on small loans when a licensee has loaned a borrower an aggregate of seven hundred dollars in the previous thirty days; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions & Insurance.

HB 1806 by Representatives Kirby, Santos and Chase

AN ACT Relating to limiting the amount of small loans to an aggregate of seven hundred dollars; and amending RCW 31.45.073.

Referred to Committee on Financial Institutions & Insurance.

HB 1807 by Representative Kelley

AN ACT Relating to small loan rollovers; and amending RCW 31.45.010 and 31.45.073.

Referred to Committee on Financial Institutions & Insurance.

HB 1808 by Representatives Hinkle, Morrell, Bailey, Green and Kelley

AN ACT Relating to an interdisciplinary work group with faculty from a paramedic training program and an associate degree in nursing program; and creating a new section.

Referred to Committee on Higher Education.

HB 1809 by Representatives Chase and Moeller

AN ACT Relating to mercury reduction; amending RCW 70.95M.010, 70.95M.020, 70.95M.050, and 70.95M.080; adding a new section to chapter 70.95M RCW; creating a new section; repealing RCW 70.95M.090; and providing an expiration date.

Referred to Committee on Environmental Health.

HB 1810 by Representatives Flannigan, Campbell, Green, Conway, Morrell, Kirby and McCune

AN ACT Relating to local retail sales and use tax for parks and recreation, trails, and open space allocation; and adding a new section to chapter 82.14 RCW.

Referred to Committee on Finance.

HB 1811 by Representatives Hinkle, Haler, Short, Kretz, Chandler, Ericksen, Kristiansen, Chase and McCune

AN ACT Relating to including small hydroelectric generation as eligible renewable resources; and amending RCW 19.285.030.

Referred to Committee on Technology, Energy & Communications.

HB 1812 by Representatives Newhouse, Conway, Chandler, Moeller and Sullivan

AN ACT Relating to wine labels; and amending RCW 66.28.110.

Referred to Committee on Commerce & Labor.

HB 1813 by Representatives Hunt, Probst, Priest, Sullivan, Lias, Quall, Carlyle, Kelley, Santos and Ormsby

AN ACT Relating to a statewide effort to establish and meet graduation and reengagement goals; amending RCW 28A.305.130, 28A.175.075, 28C.18.060, 28B.50.090, 43.330.050, and 70.190.100; adding new sections to chapter 28A.175 RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Education.

HB 1814 by Representatives Kenney, Wood, Green, Conway, Hunt, Hasegawa, Simpson, Ormsby, Williams, Sells, Miloscia, Darneille, Santos, Chase and Hudgins

AN ACT Relating to farm labor contracting activities; amending RCW 19.30.010, 19.30.030, 19.30.040, 19.30.045, 19.30.050, 19.30.060, 19.30.110, 19.30.120, 19.30.170, 19.30.190, and 19.30.200; adding new sections to chapter 19.30 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1815 by Representatives Sullivan, Orcutt, Hinkle, Simpson, Blake, Kristiansen, Haigh, Ericks, Van De Wege, Hope, Newhouse, Roach, Armstrong, Morrell, Takko, Campbell, McCune and Rolfes

AN ACT Relating to current use valuation under the property tax open space program; and amending RCW 84.34.020 and 84.34.108.

Referred to Committee on Finance.

HB 1816 by Representatives Morrell, Bailey, Eddy, Rodne, Crouse and Hudgins

AN ACT Relating to changing provisions related to wireless phone numbers used by directory providers; amending RCW 19.250.030, 19.250.070, and 19.250.050; and repealing RCW 19.250.020 and 19.250.060.

Referred to Committee on Technology, Energy & Communications.

HB 1817 by Representatives Hunt, Cox, Appleton, Conway, Dunshee, Green, Moeller, Williams, Chase and Quall

AN ACT Relating to education; amending RCW 28A.150.210, 28A.150.220, 28A.150.315, 28A.150.250, 28A.150.260, 28A.150.380, 28A.150.410, 28A.160.150, 28A.165.055, 28A.180.080, 84.52.043, 84.55.005, 84.52.0531, and 84.52.0531; reenacting and amending RCW 28A.150.370; adding new sections to chapter 28A.150 RCW; adding new sections to chapter 43.79 RCW; creating new sections; providing an effective date; and providing expiration dates.

Referred to Committee on Education Appropriations.

HB 1818 by Representatives Dickerson, Orcutt, Hunter and Carlyle

AN ACT Relating to clarifying the application of the high technology retail sales and use tax deferral provided by chapter 82.63 RCW; amending RCW 82.63.010, 82.63.020, and 82.63.045; adding new sections to chapter 82.63 RCW; and creating new sections.

Referred to Committee on Finance.

HB 1819 by Representatives Upthegrove, Dunshee, Dickerson, McCoy, Rolfes, Eddy, Hunt, White, Appleton, Carlyle, Darnelle, Kagi, Pedersen, Conway, Sells, Nelson, Chase and Ormsby

AN ACT Relating to reducing greenhouse gas emissions; amending RCW 70.235.005, 70.235.010, 70.235.030, 70.94.151, and 43.21B.110; adding new sections to chapter 70.235 RCW; creating a new section; prescribing penalties; and providing expiration dates.

Held on first reading.

HJM 4008 by Representatives Wallace, Simpson, Clibborn, Morris, Liias, Dameille, Moeller, Santos and Wood

Requesting increased funding and legislative actions to advance transportation services to those with special transportation needs.

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1819 which was held on first reading.

REPORTS OF STANDING COMMITTEES

January 28, 2009

HB 1076 Prime Sponsor, Representative Rolfes: Allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

January 27, 2009

HB 1097 Prime Sponsor, Representative Kirby: Regarding special assessments for conservation district activities and programs. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

January 27, 2009

HB 1322 Prime Sponsor, Representative Green: Repealing scoliosis screening in schools. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen,

Ranking Minority Member; Bailey; Green; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 28, 2009

HJM 4000 Prime Sponsor, Representative O'Brien: Requesting passage of the federal act to restore payment of county health care costs. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Morrell; O'Brien and Walsh.

MINORITY recommendation: Without recommendation. Signed by Representative Klippert.

Passed to Committee on Rules for second reading.

January 27, 2009

HJM 4004 Prime Sponsor, Representative Van De Wege: Naming a certain portion of state route number 110 the "Operations Desert Shield and Desert Storm Memorial Highway." Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Morris; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

COMMITTEE APPOINTMENTS

The Speaker (Representative Morris presiding) announced the following committee appointments:

Representative Alexander was appointed to the Committee on Health & Human Services Appropriations as Assistant Ranking Minority Member, replacing Representative Herrera.

Representative Herrera was appointed to the Committee on Health Care & Wellness.

There being no objection, the House adjourned until 10:00 a.m., January 30, 2009, the 19th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETEENTH DAY

House Chamber, Olympia, Friday, January 30, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Britta Janssen and Gregory Sklar. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Minister Becky Eichner, First United Methodist Church, Vancouver.

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

MESSAGE FROM THE SENATE

January 28, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5102,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5460,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 1819 by Representatives Uptegrove, Dunshee, Dickerson, McCoy, Rolfes, Eddy, Hunt, White, Appleton, Carlyle, Darneille, Kagi, Pedersen, Conway, Sells, Nelson, Chase, Ormsby, Kenney and Williams

AN ACT Relating to reducing greenhouse gas emissions; amending RCW 70.235.005, 70.235.010, 70.235.030, 70.94.151, and 43.21B.110; adding new sections to chapter 70.235 RCW; creating a new section; prescribing penalties; and providing expiration dates.

HB 1820 by Representatives Moeller, Pedersen, Dickerson, Nelson, Darneille and Ormsby

AN ACT Relating to public health financing; amending RCW 43.70.514, 43.70.516, and 43.70.518; adding new sections to chapter 43.70 RCW; creating a new section; and repealing RCW 43.70.512 and 43.70.522.

Referred to Committee on Health Care & Wellness.

HB 1821 by Representatives Seaquist, Moeller, Wallace, Hinkle, Walsh, Alexander, Morrell, Conway, Cody, Dunshee and Kenney

AN ACT Relating to the department of social and health services' audit program for pharmacy payments; amending RCW 74.09.200; adding a new section to chapter 74.09 RCW; and creating new sections.

Referred to Committee on Health & Human Services Appropriations.

HB 1822 by Representatives Conway, Wood and Ormsby

AN ACT Relating to interest arbitration for certain general authority Washington peace officers; and amending RCW 41.56.030.

Referred to Committee on Commerce & Labor.

HB 1823 by Representatives Springer, O'Brien, Moeller, Goodman, Green and Morrell

AN ACT Relating to recovering costs of prosecuting cases that meet the statutory definition of felony; and amending RCW 39.34.180.

Referred to Committee on Judiciary.

HB 1824 by Representatives Rodne, Quall, Anderson, Liias, Walsh, Pettigrew, Priest, Simpson, Kessler, Rolfes, Johnson, Sullivan and Morrell

AN ACT Relating to requiring the adoption of policies for the management of concussion and head injury in youth sports; amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

HB 1825 by Representatives Rodne and Anderson

AN ACT Relating to identifying specific facilities planning requirements under the growth management act; and amending RCW 36.70A.110, 36.70A.210, and 36.70A.115.

Referred to Committee on Local Government & Housing.

HB 1826 by Representatives Rodne, Pedersen and Santos

AN ACT Relating to the proceeds from foreclosure sales; and amending RCW 61.12.150.

Referred to Committee on Judiciary.

HB 1827 by Representatives Rodne, Anderson, Herrera and Smith

AN ACT Relating to signage requirements in the growth management act; adding new sections to chapter 36.70A RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1828 by Representatives Rodne, Takko, Anderson and Herrera

AN ACT Relating to prohibiting restrictions under the growth management act that regulate, impose conditions upon, or restrict the removal of potentially harmful trees and vegetation; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

HB 1829 by Representatives Santos and Nelson

AN ACT Relating to establishing the financial services intermediary; and adding a new chapter to Title 43 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1830 by Representative Santos

AN ACT Relating to business definitions for public contracting; and amending RCW 39.04.010, 39.04.155, and 39.29.006.

Referred to Committee on Community & Economic Development & Trade.

HB 1831 by Representatives Short, Williams, Johnson, Campbell, Blake, Warnick, McCune, Kretz and Kristiansen

AN ACT Relating to the rights of pet and livestock owners residing in unincorporated areas subject to annexation by a city or town; adding a new section to chapter 35.10 RCW; and adding a new section to chapter 35A.14 RCW.

Referred to Committee on Local Government & Housing.

HB 1832 by Representatives Herrera, Blake, Orcutt, Takko, Short, McCune, Kristiansen, Hope and Pearson

AN ACT Relating to protecting the constitutionally guaranteed right to the lawful possession of firearms during an emergency; amending RCW 43.06.220; and creating a new section.

Referred to Committee on Judiciary.

HB 1833 by Representatives Herrera, Takko, Haler, Crouse, Van De Wege, Kessler and McCune

AN ACT Relating to recognizing conservation efforts to meet load growth for purposes of existing state renewable energy targets; and amending RCW 19.285.040.

Referred to Committee on Technology, Energy & Communications.

HB 1834 by Representatives Angel, O'Brien, Shea, Seaquist, Crouse, Smith, McCune, Kretz, Orcutt, Haler, Rolfes, Short, Warnick, Finn, Pearson, Walsh, Kelley, Carlyle, Driscoll, Kristiansen, Hope, Johnson and Bailey

AN ACT Relating to requiring the electronic monitoring of all registered sex offenders who are classified as risk level III, have registered as homeless or transient, or have a prior conviction for failure to register as a sex offender; adding a new section to chapter 72.09 RCW; adding a new section to chapter 43.43 RCW; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1835 by Representatives Angel, Rolfes, Hinkle, Anderson, Haler, Short, Parker, Johnson, Bailey, Pedersen and Warnick

AN ACT Relating to using respectful language in state laws; and amending RCW 44.04.280.

Referred to Committee on State Government & Tribal Affairs.

HB 1836 by Representatives Ormsby, Wood, Dunshee, Campbell, Moeller, Van De Wege, Simpson, Driscoll, Chase and Conway

AN ACT Relating to public works involving off-site prefabrication; adding a new section to chapter 39.12 RCW; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 1837 by Representatives Ormsby, Conway, Sullivan, Hunt, Simpson, Eddy, Green, Chase, Haigh, Hasegawa, Miloscia, Kenney and Rolfes

AN ACT Relating to listing subcontractors on public works projects; amending RCW 39.30.060; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 1838 by Representatives Orcutt and Blake

AN ACT Relating to the creation of a raffle-only limited recreational rainbow trout fishery in Spirit Lake; amending RCW 77.32.050 and 77.08.010; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 1839 by Representatives Pearson, Dammeier, Priest, Hinkle, Kristiansen, Smith, McCune, Ross, Walsh, Schmick, Cox, Haler, Klippert, Orcutt, Bailey, Rodne, Newhouse, Chandler, Roach, Warnick, Angel, Hope and Johnson

AN ACT Relating to improving the resources and tools community corrections officers and law enforcement need to perform their duties protecting the public; amending RCW 9.94A.631, and 9.94A.737; adding new sections to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; adding a new section to chapter 72.04A RCW; creating new sections; and providing an effective date.

Referred to Committee on Human Services.

HB 1840 by Representatives Pearson, Dammeier, Priest, Hinkle, Kristiansen, Smith, McCune, Ross, Walsh, Schmick, Cox, Haler, Klippert, Orcutt, Bailey, Rodne, Newhouse, Chandler, Roach, Warnick, Angel, Hope and Johnson

AN ACT Relating to increasing the flexibility of community corrections officers to make searches of offenders in the community; amending RCW 9.94A.631; adding new a section to chapter 9.94A RCW; adding new sections to chapter 72.09 RCW; creating a new section; and providing an effective date.

Referred to Committee on Human Services.

HB 1841 by Representatives White, Warnick, Wallace, Angel, Sells, Hasegawa, Hinkle, Goodman, Liias, Ormsby, Anderson, Haigh, Sullivan, Haler, Priest, Morris, Kenney, Schmick, Hudgins and Conway

AN ACT Relating to the modification of the governing boards of state colleges and universities; amending RCW 28B.20.100, 28B.30.100, 28B.35.100, and 28B.40.100; and creating a new section.

Referred to Committee on Higher Education.

HB 1842 by Representatives Condotta, Armstrong, Erickson and Hinkle

AN ACT Relating to definitions regarding school district employee benefits; and amending RCW 28A.400.270.

Referred to Committee on Ways & Means.

HB 1843 by Representatives Kagi, Rodne and Kenney

AN ACT Relating to motor carrier regulation and compliance review; amending RCW 46.32.080, 46.32.085, 46.32.090, and 46.32.100; adding a new section to chapter 46.32 RCW; and repealing 2007 c 419 s 18 (uncodified).

Referred to Committee on Transportation.

HB 1844 by Representatives Moeller, Ericksen, Finn, Hudgins, Driscoll, Kelley and Morrell

AN ACT Relating to criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards; and amending RCW 46.01.130.

Referred to Committee on Transportation.

HB 1845 by Representatives Rodne and Pedersen

AN ACT Relating to medical support obligations; amending RCW 26.09.004, 26.09.105, 26.18.170, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date.

Referred to Committee on Judiciary.

HB 1846 by Representatives Jacks, Dunshee, Ormsby, Upthegrove and Warnick

AN ACT Relating to removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account; and amending RCW 79A.15.060 and 79A.15.120.

Referred to Committee on Capital Budget.

HB 1847 by Representative Haigh

AN ACT Relating to bid limits; amending RCW 28B.50.330, 28B.10.350, 35.22.620, 35.23.352, 35A.40.210, 36.32.235, 36.32.250, 52.14.110, and 35.61.135; and reenacting and amending RCW 57.08.050.

Referred to Committee on State Government & Tribal Affairs.

HB 1848 by Representatives Condotta, Blake and Armstrong

AN ACT Relating to boating safety; and creating new sections.

Referred to Committee on Ecology & Parks.

HB 1849 by Representatives Wamick, Hinkle and McCune

AN ACT Relating to crimes against livestock belonging to another person; adding a new section to chapter 16.52 RCW; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1850 by Representatives Green, Appleton, Miloscia, Sells, Conway, Cody, Chase, Sullivan and Morrell

AN ACT Relating to expanding the application of the prohibition on mandatory overtime for employees of health care facilities; and amending RCW 49.28.130.

Referred to Committee on Commerce & Labor.

HB 1851 by Representatives Kelley and Nelson

AN ACT Relating to alternatives to a small loan; and adding a new section to chapter 31.45 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1852 by Representatives Appleton and Hinkle

AN ACT Relating to record checks using fingerprints; and amending RCW 43.43.838.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1853 by Representatives Bailey, Chandler, Ross, Schmick, Alexander, Dammeier, Short, McCune, Kristiansen, Smith and Orcutt

AN ACT Relating to the governor's signature on significant legislative rules; and amending RCW 34.05.360.

Referred to Committee on State Government & Tribal Affairs.

HB 1854 by Representatives Morris and Chase

AN ACT Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW; and amending RCW 80.80.010, 80.80.040, and 80.80.060.

Referred to Committee on Technology, Energy & Communications.

HB 1855 by Representatives Anderson, Morris, Crouse and Hudgins

AN ACT Relating to tax information on customer billings; amending RCW 82.16.090; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; recodifying RCW 82.16.090; and providing expiration dates.

Referred to Committee on Technology, Energy & Communications.

HB 1856 by Representatives Kessler, Pedersen, Flannigan, Roberts, Kirby, Nelson, Ormsby, Carlyle, Green, Moeller, Springer, Williams, Appleton, Goodman, Kelley, Maxwell, Rodne, Driscoll, Kenney, Santos, O'Brien, Darneille and Morrell

AN ACT Relating to protecting victims of sexual assault, sexual harassment, and stalking; and amending RCW 59.18.570 and 59.18.575.

Referred to Committee on Judiciary.

HB 1857 by Representative Chase

AN ACT Relating to solar water heating tax exemptions; amending RCW 82.08.835 and 82.12.835; repealing 2006 c 218 s 4 (uncodified); and providing expiration dates.

Referred to Committee on Technology, Energy & Communications.

HB 1858 by Representatives Chase and Moeller

AN ACT Relating to maximum capital and reserves accumulations by health care service contractors and health maintenance organizations; amending RCW 48.31C.060 and 48.43.305; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1859 by Representative Chase

AN ACT Relating to petroleum-based beverage bottles; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Ecology & Parks.

HB 1860 by Representative Chase

AN ACT Relating to the use of mercury in the practice of dentistry; adding a new section to chapter 70.95M RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1861 by Representative Chase

AN ACT Relating to the protection of consumer access to complementary and alternative health care practitioners; adding a new chapter to Title 18 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1862 by Representatives Ormsby, Driscoll, Parker, Shea and Wood

AN ACT Relating to services provided by hosting jurisdictions; and amending RCW 3.50.003, 3.50.020, 3.50.125, and 3.50.815.

Referred to Committee on Judiciary.

HB 1863 by Representatives Chase, Anderson, Orcutt, Dunshee, Kristiansen and Williams

AN ACT Relating to solid waste collection companies; adding a new section to chapter 81.77 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

HB 1864 by Representatives Newhouse, Hunt and Armstrong

AN ACT Relating to supplemental income requirements for air pollution control authorities; and amending RCW 70.94.093.

Referred to Committee on State Government & Tribal Affairs.

HB 1865 by Representatives Ericksen, Hinkle and Condotta

AN ACT Relating to health insurance; and amending RCW 48.21.045, 48.44.023, 48.46.066, and 48.43.041.

Referred to Committee on Health Care & Wellness.

HB 1866 by Representatives Ericksen, Bailey, Hinkle, Chandler, Anderson, McCune, Condotta, Haler, Ross, Newhouse, Kristiansen and Schmick

AN ACT Relating to health insurance options; amending RCW 48.43.041, 48.44.022, 48.46.064, 48.20.029, and 70.47.020; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 1867 by Representatives Ericksen, Bailey, Hinkle, Chandler, Condotta, Schmick and Pedersen

AN ACT Relating to repealing the state certificate of need process; creating a new section; repealing RCW 43.370.040, 70.38.015, 70.38.018, 70.38.025, 70.38.095, 70.38.105, 70.38.111, 70.38.115, 70.38.118, 70.38.125, 70.38.128, 70.38.135, 70.38.155, 70.38.156, 70.38.157, 70.38.158, 70.38.220, 70.38.230, 70.38.250, 70.38.905, 70.38.910, 70.38.911, 70.38.914, 70.38.915, 70.38.916, 70.38.918, and 70.38.920; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1868 by Representatives Bailey, Hinkle, Ericksen, Anderson, Chandler, McCune, Condotta, Haler, Ross, Newhouse, Kristiansen and Schmick

AN ACT Relating to access to health insurance for small employers and their employees; and amending RCW 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health Care & Wellness.

HB 1869 by Representatives Bailey, Hinkle, Anderson, Ericksen and Kelley

AN ACT Relating to transparency of health care cost information; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Health Care & Wellness.

HB 1870 by Representatives Condotta, Bailey, Ericksen, Hinkle, McCune, Chandler, Hope, Haler, Kristiansen, Ross, Newhouse and Kelley

AN ACT Relating to employee health care options; and reenacting and amending RCW 41.05.065.

Referred to Committee on Health Care & Wellness.

HB 1871 by Representatives Herrera, Bailey, Ericksen, Hinkle, Anderson, Chandler, McCune, Condotta, Haler, Ross, Kristiansen, Newhouse and Schmick

AN ACT Relating to health insurance coverage provided by out-of-state health carriers; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1872 by Representatives Hinkle, Bailey, Ericksen, Angel, Anderson, McCune, Chandler, Orcutt, Newhouse, Condotta, Ross, Haler, Kristiansen, Schmick and Kelley

AN ACT Relating to providing tax incentives for the purchase of health care plans; adding new sections to chapter 82.04 RCW; adding a new section to chapter 48.14 RCW; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 1873 by Representatives Ericksen, Haler, Priest, Rodne, Hinkle, Anderson, Parker, Bailey, Hope, Johnson, Herrera, Warnick and Smith

AN ACT Relating to establishing a joint select committee on high-speed rail; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

HB 1874 by Representatives Sells, Condotta, Orcutt, Upthegrove, Lias, Kelley and Bailey

AN ACT Relating to compliance with sales, use, and business and occupation tax requirements; amending RCW 35.22.280, 35.23.440, 35.27.370, 35.102.050, 35A.21.335, and 82.14.055; and adding new sections to chapter 82.32 RCW.

Referred to Committee on Finance.

HB 1875 by Representatives Eddy, Orcutt, Parker, Kelley and Hinkle

AN ACT Relating to research and development tax incentives and reporting requirements for economic development purposes; amending RCW 82.04.4452; and providing an effective date.

Referred to Committee on Finance.

HB 1876 by Representatives McCune, Miloscia, Haler, Klippert, Campbell, Rodne, Schmick, O'Brien, Roach, Warnick, Short, Conway, Cox and Orcutt

AN ACT Relating to providing funds for disabled veterans through voluntary donations; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Transportation.

HB 1877 by Representatives McCune, Miloscia, Haler, Klippert, Schmick, Campbell, Roach, O'Brien, Warnick, Short, Rodne, Kristiansen and Cox

AN ACT Relating to "In God We Trust" special license plates; amending RCW 46.16.316; reenacting and amending RCW 46.16.313; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.04 RCW; and adding a new section to chapter 43.60A RCW.

Referred to Committee on Transportation.

HJM 4009 by Representatives Shea, Klippert, Condotta, Kretz, Anderson, McCune and Kristiansen

Claiming state sovereignty under the Tenth Amendment.

Referred to Committee on State Government & Tribal Affairs.

HJM 4010 by Representatives Condotta, Shea, Klippert, Kretz and McCune

Preventing unprecedented losses in the value of take-home pay, retirement income, insurance policies, and investments as a result of the federal reserve's ongoing inflation of un-backed paper money.

Referred to Committee on Financial Institutions & Insurance.

HJR 4204 by Representatives Shea, Kretz, Condotta, Klippert, Kristiansen, McCune, Herrera, Short and Orcutt

Ensuring only a marriage between a man and a woman is valid and recognized in Washington.

Referred to Committee on Judiciary.

HJR 4205 by Representatives Bailey, Chandler, Ross, Schmick, Alexander, Dammeyer, Anderson, McCune and Kristiansen

Requiring a sixty percent vote for emergency clauses.

Referred to Committee on State Government & Tribal Affairs.

SB 5102 by Senators Hewitt, Delvin and Kline

AN ACT Relating to increasing the number of district court judges in Benton county; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

ESSB 5460 by Senate Committee on Ways & Means (originally sponsored by Senators Tom, Zarelli, Prentice, Hewitt and Kline)

AN ACT Relating to reducing the administrative cost of state government during the 2007-2009 and 2009-2011 fiscal biennia; amending RCW 41.06.070, 41.06.133, 41.06.500, 43.03.030, and 43.03.040; creating new sections; and declaring an emergency.

Referred to Committee on Ways & Means.

There being no objection, the bills, memorials and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1819.

MOTIONS

Representative Kessler moved that House Bill No. 1819 be referred to the Committee on Ecology, Parks and Recreation.

Representative Herrera moved to amend the motion to refer House Bill No. 1819 to the Committee on Technology, Energy and Communications.

Representatives Herrera, Short, Orcutt and Ericksen spoke in favor of the motion to amend the motion.

Representative Kessler spoke against the motion to amend the motion.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to amend the motion to refer House Bill No. 1819 to the Committee on Technology, Energy and Communications.

The motion to amend the motion was not adopted.

HOUSE BILL NO. 1819 was referred to the Committee on Ecology, Parks and Recreation.

REPORTS OF STANDING COMMITTEES

January 29, 2009

HB 1019 Prime Sponsor, Representative Hunt: Eliminating the requirement that auditors send a ballot or an application to receive a ballot to inactive voters. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

January 29, 2009

HB 1030 Prime Sponsor, Representative Appleton: Concerning the exemption of the special commitment center under the public records act. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

January 29, 2009

HB 1035 Prime Sponsor, Representative Hurst: Concerning militia records, property, command, and administration. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

January 28, 2009

HB 1087 Prime Sponsor, Representative Kenney: Improving the effectiveness of the office of minority and women's

business enterprises. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker and Probst.

Passed to Committee on Rules for second reading.

January 29, 2009

HB 1098 Prime Sponsor, Representative Hunt: Regarding computing the rate of vacation leave accrual for state employees formerly employed by a school district. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Referred to Committee on Ways & Means.

January 28, 2009

HB 1108 Prime Sponsor, Representative Williams: Changing the definition of criminal act for crime victims compensation purposes. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman; Kirby and Roberts.

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

Referred to Committee on Health & Human Services Appropriations.

January 29, 2009

HB 1219 Prime Sponsor, Representative Green: Authorizing the department of retirement systems to assist with mailing information to certain members of the state retirement systems. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

January 29, 2009

HB 1286 Prime Sponsor, Representative Miloscia: Prohibiting false and defamatory statements about candidates for public office. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

January 28, 2009

HB 1694 Prime Sponsor, Representative Linville: Addressing fiscal matters for the 2007-2009 biennium. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Ross.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 1694 which was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 2, 2009, the 22nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

TWENTY SECOND DAY

House Chamber, Olympia, Monday, February 2, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tamara Bellisle and Megan Cote. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Douglas Lee, Rainier Chapel, Rainier.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4611, by Representatives Uptegrove and Rolfes

WHEREAS, The Washington State Legislature recognizes February 2, 2009, as Civic Education Day; and

WHEREAS, Civic education is the foundation of a representative democracy and an educated citizenry; and

WHEREAS, It is important to have strong educational resources aimed at teaching students and the public about government to encourage meaningful participation in our democratic institutions and processes; and

WHEREAS, The National Conference of State Legislatures partners with the Center for Civic Education to promote the Project Citizen Program; and

WHEREAS, Civic education is a vital tool to promote greater understanding of the legislative process and the role of legislators; and

WHEREAS, Civic Education Day establishes a forum for civic educators from across the state to collaborate with legislators and other supporters; and

WHEREAS, Many organizations such as the Administrative Office of the Courts, Washington Association of Student Councils, Washington State Bar Association, Washington State Heritage Center, Women's History Consortium, Washington State Historical Society, the Legislative Scholars, League of Women Voters, Legislative Page School, Legislative Youth Advisory Council, Northwest Indian College, Office of the Secretary of State, Office of the Superintendent of Public Instruction, Project Citizen, TVW, We the People Foundation, and YMCA Youth & Government are dedicated to making civic education a priority for Washington State and its citizens; and

WHEREAS, The Washington State Legislative Internship Program is one organization that illustrates the commitment of the House of Representatives to civic education; and

WHEREAS, The 2009 House Intern Program includes twenty-nine students from many of Washington State's public and private institutions of higher learning, including Central Washington University, Eastern Washington University, The Evergreen State College, Pacific Lutheran University, University of Washington, Washington State University, and Western Washington University; and

WHEREAS, Interns leave the Legislature prepared to participate in their communities, return to school as stronger students, and lead their lives as engaged citizens; and

WHEREAS, It is important to recognize the value of civic education and the importance of supporting civic education opportunities for our youth and the general public; and

WHEREAS, The House of Representatives celebrates Civic Education Day and recognizes the contributions of committed

teachers, principals, community leaders, parents, state employees, interns, and volunteers as they help to create an engaged citizenry;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor, thank, and celebrate the civic educators of the state; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the civic education organizations participating in Civic Education Day and colleges and universities participating in the Washington State Legislative Internship Program.

Representative Uptegrove moved adoption of House Resolution No. 4611.

Representatives Uptegrove and Ross spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4611 was adopted.

MESSAGE FROM THE SENATE

January 30, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5040,

SUBSTITUTE SENATE BILL NO. 5042,

SENATE BILL NO. 5107,

SENATE BILL NO. 5554,

SUBSTITUTE SENATE BILL NO. 5616,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 1878 by Representatives Jacks, Driscoll, Maxwell, Wallace, Quall, Green, Darneille, Moeller and Kenney

AN ACT Relating to transfers of accumulated leave of employees of the state school for the blind and the school for the deaf; and amending RCW 28A.310.240 and 28A.400.300.

Referred to Committee on Ways & Means.

HB 1879 by Representatives Jacks, Kagi, Moeller, Orcutt, Wallace, Appleton and Kenney

AN ACT Relating to the delivery of educational services to children who are deaf and hearing impaired; amending RCW 72.40.010, 72.40.019, 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031, 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.022, 72.40.070, 72.40.090, 72.40.220, 72.40.230, 72.40.240, 72.40.250, 72.40.260, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter 72.42 RCW; creating new sections; repealing RCW 72.40.023; providing an expiration date; and declaring an emergency.

Referred to Committee on Early Learning & Children's Services.

HB 1880 by Representatives Armstrong, Hunt, Appleton, Alexander and Nelson

AN ACT Relating to ballot envelopes; and amending RCW 29A.40.091.

Referred to Committee on State Government & Tribal Affairs.

HB 1881 by Representatives Williams, Wood, Hunt, Morris and Nelson

AN ACT Relating to soil and wetland scientists; amending RCW 18.235.020 and 43.24.150; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1882 by Representatives Santos, Hunter and Kenney

AN ACT Relating to providing a property tax exemption for real and personal property leased to public hospitals established under chapter 36.62 RCW; amending RCW 84.36.040; and creating new sections.

Referred to Committee on Finance.

HB 1883 by Representatives Morris and Quall

AN ACT Relating to creating regulatory restrictions applicable to metropolitan park districts; amending RCW 35.61.010, 35.61.020, 35.61.001, and 35.61.130; and adding a new section to chapter 35.61 RCW.

Referred to Committee on Local Government & Housing.

HB 1884 by Representatives Ericksen, Roach, Takko, Johnson, Hinkle, Cox, Walsh, Dunshee, Sells, McCoy, Hope, Van De Wege, Goodman and McCune

AN ACT Relating to creating a task force to review the process of Western Washington University's decision to terminate its one hundred five year old football program and to make recommendations about how to potentially reinstate the program prior to the 2009 season; creating new sections; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1885 by Representatives Van De Wege, Blake, Warnick, Takko, Ormsby and Liias

AN ACT Relating to feeding wildlife; amending RCW 77.15.160; adding a new section to chapter 77.15 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

HB 1886 by Representative Takko

AN ACT Relating to flood control districts; amending RCW 86.09.175, 86.09.178, 86.09.181, 86.09.259, 86.09.268, 86.09.271, and 86.09.466; adding new sections to chapter 86.09 RCW; and repealing RCW 86.09.274, 86.09.277, and 86.09.280.

Referred to Committee on Local Government & Housing.

HB 1887 by Representative Takko

AN ACT Relating to diking districts; amending RCW 85.38.190; and adding new sections to chapter 85.38 RCW.

Referred to Committee on Local Government & Housing.

HB 1888 by Representatives Springer and Angel

AN ACT Relating to repealing RCW 46.12.295; and repealing RCW 46.12.295.

Referred to Committee on Local Government & Housing.

HB 1889 by Representatives Sullivan, Priest, Ormsby, Santos and Simpson

AN ACT Relating to paraeducator tutors; adding a new section to chapter 28A.400 RCW; and creating a new section.

Referred to Committee on Education.

HB 1890 by Representatives Sullivan, Santos, Pettigrew, Kenney, McCoy, Hunt, Appleton, Ormsby, Simpson and Nelson

AN ACT Relating to basic education allocations for tribal schools; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1891 by Representatives Chase, Hudgins and Nelson

AN ACT Relating to incorporating human health analysis into environmental review; amending RCW 43.21C.030, 43.21C.031, 43.21C.034, 43.21C.060, 43.21C.075, 43.21C.110, and 43.21C.240; and creating a new section.

Referred to Committee on Environmental Health.

HB 1892 by Representatives Appleton and Williams

AN ACT Relating to health care financing; amending RCW 41.05.130, 66.24.290, 82.26.020, 82.08.150, 43.79.480, and 41.05.220; reenacting and amending RCW 41.05.120 and 82.24.020; adding new sections to chapter 82.02 RCW; adding a new chapter to Title 43 RCW; creating new sections; repealing RCW 82.04.260 and 48.14.0201; making an appropriation; providing effective dates; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 1893 by Representatives Pettigrew, Ericks, Kagi, Darneille, Appleton, Ormsby, Dunshee, Nelson, Conway, Hunt, Simpson, Dickerson, Alexander, Morrell, Moeller, Santos, Kenney and Wood

AN ACT Relating to creating the Washington voluntary retirement accounts program; and adding new sections to chapter 41.50 RCW.

Referred to Committee on Ways & Means.

HB 1894 by Representatives Seaquist and Angel

AN ACT Relating to jurisdictional public highway transfers between a city or county and the state; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 1895 by Representatives Finn, Appleton, Seaquist and Rolfes

AN ACT Relating to the development of clean technology within port district properties; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1896 by Representatives Chandler, Springer, Condotta, Pedersen, Newhouse, Haigh, Armstrong, Moeller and Kretz

AN ACT Relating to the Washington state essential worker pilot program; adding a new chapter to Title 50 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1897 by Representatives Simpson, Shea, Takko and Miloscia

AN ACT Relating to assumption of water-sewer districts by cities; and amending RCW 35.13A.020, 35.13A.030, and 35.13A.050.

Referred to Committee on Local Government & Housing.

HB 1898 by Representatives Dunshee, Warnick and Pearson

AN ACT Relating to setting priorities for higher education capital projects; and amending RCW 43.88D.010.

Referred to Committee on Capital Budget.

HB 1899 by Representatives Warnick and Hinkle

AN ACT Relating to physicians holding a retired active license; amending RCW 18.71.080 and 18.130.250; adding a new section to chapter 18.71 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 1900 by Representatives Kelley and Hurst

AN ACT Relating to the disclosure of vehicle owner information; and reenacting and amending RCW 46.12.380.

Referred to Committee on Transportation.

HB 1901 by Representatives Johnson, Warnick, Chandler, Ross, Cody, Newhouse, Wood, Moeller, Pedersen, Appleton, Ericksen, Cox, Finn, Liias, Quall, Dammeier, Haler, Hunt, Angel, Schmick, Armstrong, Jacks, Maxwell, Probst, Morrell and Hinkle

AN ACT Relating to establishing additional health sciences and services authorities in certain areas; and amending RCW 35.104.010 and 35.104.040.

Referred to Committee on Higher Education.

HB 1902 by Representatives Dammeier, Walsh, Rodne, Warnick, Alexander, Schmick, Herrera, Orcutt, Smith, Johnson, Bailey, McCune, Kristiansen, Shea, Kretz and Hinkle

AN ACT Relating to consolidating accounts into the state general fund; amending RCW 3.50.100, 3.62.020, 3.62.040, 7.68.030, 7.68.035, 7.68.085, 9A.82.110, 9.41.110, 9.68A.120, 10.82.090, 10.105.010, 28A.150.380, 28A.505.210, 28A.505.220, 35.20.220, 36.18.012, 36.18.025, 36.70A.130, 39.42.070, 41.05.068, 43.08.250, 43.17.150, 43.41.260, 43.79.480, 43.99H.060, 43.99K.030, 43.99L.040, 43.135.025, 46.61.5058, 66.24.210, 66.24.290, 67.70.240, 67.70.340, 69.50.505, 70.05.125, 70.47.015, 70.190.010, 70.190.100, 70.96A.350, 70.146.010, 70.146.020, 70.146.040, 70.146.075, 70.190.010, 72.09.111, 74.09.053, 77.12.201, 82.08.150, 82.24.026, 82.24.027, 82.24.028, 82.26.020, 82.64.020, 83.100.220, 84.52.067, and 90.71.370; reenacting and amending RCW 2.56.030, 36.18.020, 43.84.092, 43.135.045, 48.14.0201, 70.146.060, 72.09.480, 82.04.260, and 82.24.020; creating new

sections; repealing RCW 41.45.230, 41.45.233, 43.72.900, 69.50.520, 70.146.030, 70.146.080, 82.32.390, 83.100.230, and 84.52.068; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1903 by Representatives Crouse, McCoy, Eddy, Armstrong and McCune

AN ACT Relating to marine and aviation fuel; amending RCW 19.112.120; and adding a new section to chapter 19.112 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1904 by Representatives Parker, Wallace, Anderson, Warnick, Miloscia and Kretz

AN ACT Relating to high-cost critical programs; and amending RCW 28B.76.290 and 28B.76.020.

Referred to Committee on Higher Education.

HB 1905 by Representatives Morrell, Moeller, Seaquist, Conway and Santos

AN ACT Relating to insurance coverage of pharmacy services; adding new sections to chapter 48.43 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 1906 by Representatives Conway, Kenney, Wood, Moeller, Green, Hudgins, Williams, Dickerson, Sells, Sullivan, Appleton, Morrell, Hasegawa, Darneille, Ormsby, Kagi, Van De Wege, Santos, Goodman, McCoy, Cody, Simpson and Nelson

AN ACT Relating to improving economic security through unemployment compensation; amending RCW 50.20.120, 50.22.150, 50.60.020, 50.60.030, 50.60.060, 50.60.070, 50.60.090, 50.60.100, and 50.29.021; adding a new section to chapter 50.20 RCW; adding new sections to chapter 50.22 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1907 by Representatives Rolfes, O'Brien, Liias, Appleton, Ormsby, Sells, Miloscia, Nelson, Sullivan and Morrell

AN ACT Relating to strict compliance with notice provisions when manufactured/mobile home communities are offered for sale; and amending RCW 59.20.300.

Referred to Committee on Judiciary.

HB 1908 by Representatives Liias, Sullivan, Nelson, Priest, Ormsby and Morrell

AN ACT Relating to protecting consumers who live in manufactured/mobile home communities by clarifying the manufactured/mobile home landlord-tenant act; and amending RCW 59.20.030, 59.20.045, 59.20.073, 59.20.080, 59.20.130, 59.20.135, and 59.20.210.

Referred to Committee on Judiciary.

HB 1909 by Representatives Williams, Carlyle, Chase, Hunt, Hasegawa, Appleton, Darneille, Nelson, Cody, Moeller, Dickerson, Wood, Pedersen, Hudgins, Miloscia, Ormsby, White, Kagi, Santos and Goodman

AN ACT Relating to reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration; amending RCW 10.95.030; creating new sections; repealing RCW 10.95.040, 10.95.050, 10.95.060, 10.95.070, 10.95.080, 10.95.090, 10.95.100, 10.95.110, 10.95.120, 10.95.130, 10.95.140, 10.95.150, 10.95.160, 10.95.170, 10.95.180, 10.95.185, 10.95.190, 10.95.200, and 10.95.900; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1910 by Representatives Wallace, Orcutt, Herrera and Moeller

AN ACT Relating to authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines; reenacting and amending RCW 82.46.035; and providing an expiration date.

Referred to Committee on Local Government & Housing.

HB 1911 by Representatives Probst, Morris, Ericks, Jacks, Kelley, Conway and Orcutt

AN ACT Relating to modifying the business and occupation tax on wholesalers of solar energy systems and sales and use tax treatment of semiconductor materials; amending RCW 82.04.294, 82.08.965, 82.08.9651, and 82.12.9651; and amending 2006 c 300 s 12 (uncodified).

Referred to Committee on Technology, Energy & Communications.

HB 1912 by Representatives Armstrong, Hunt and Moeller

AN ACT Relating to maintenance and construction activities in support of facilities used to house sexually violent predators; amending RCW 71.09.2501, 43.21C.270, 90.58.390, and 77.55.071; providing expiration dates; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1913 by Representatives Wamick, Flannigan and Simpson

AN ACT Relating to process servers; and amending RCW 18.180.010 and 46.12.370.

Referred to Committee on Judiciary.

HB 1914 by Representatives Sullivan, Kenney, Simpson and Nelson

AN ACT Relating to the use of certificates of participation to finance maintenance and operations of institutions of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Education Appropriations.

HB 1915 by Representatives Sullivan, Priest, Wallace, Nelson, Conway, Morrell, Ormsby, Kagi, Kenney and Simpson

AN ACT Relating to the running start program; amending RCW 28A.600.310 and 28A.600.370; and creating a new section.

Referred to Committee on Higher Education.

SSB 5040 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Delvin, Prentice, King and Kohl-Welles)

AN ACT Relating to clarifying and prescribing penalties for gambling under the age of eighteen; amending RCW 9.46.0305;

adding a new section to chapter 9.46 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 5042 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kilmer, Holmquist, Berkey, Schoesler, Kauffman, Marr, Rockefeller, Haugen, Eide, Kastama, Hatfield, Swecker, Tom, McAuliffe, Benton, Parlette and Roach)

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

Referred to Committee on State Government & Tribal Affairs.

SB 5107 by Senator Honeyford

AN ACT Relating to energy overlay zones; and amending RCW 36.70C.020 and 36.70C.130.

Referred to Committee on Technology, Energy & Communications.

SB 5554 by Senators Kilmer, Hobbs, Kastama, King, Jarrett, Marr, McAuliffe, Shin and Pridemore

AN ACT Relating to the job skills program; and amending RCW 28C.04.410 and 28C.04.420.

Referred to Committee on Higher Education.

SSB 5616 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Shin, Kastama and Kilmer)

AN ACT Relating to connecting business expansion and recruitment to customized training; amending RCW 28B.67.020, 28B.67.030, and 82.04.449; and declaring an emergency.

Referred to Committee on Higher Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 29, 2009

HB 1001 Prime Sponsor, Representative Parker: Concerning veterans' burials. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2009

HB 1022 Prime Sponsor, Representative Williams: Changing provisions regarding statutory costs. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1036 Prime Sponsor, Representative Kelley: Concerning the Washington code of military justice. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1052 Prime Sponsor, Representative Moeller: Concerning firearm licenses for persons from other countries. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Referred to Committee on General Government Appropriations.

January 29, 2009
HB 1150 Prime Sponsor, Representative Williams: Providing civil remedies for damages to a companion animal. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 28, 2009
HB 1165 Prime Sponsor, Representative Morrell: Providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Hudgins and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Finn and Kretz.

Referred to Committee on General Government Appropriations.

January 29, 2009
HB 1167 Prime Sponsor, Representative Hasegawa: Studying the linked deposit program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority

Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1170 Prime Sponsor, Representative McCoy: Modifying parenting plans based on the military service of a parent. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1218 Prime Sponsor, Representative Goodman: Changing the requirement that contempt of court sanctions be served in the county jail. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1238 Prime Sponsor, Representative Appleton: Allowing the Washington center for court research and the office of public defense to access juvenile case records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1251 Prime Sponsor, Representative Shea: Addressing the release of certified abstracts of full driving records. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1264 Prime Sponsor, Representative Springer: Regarding the creation and registration of entities formed by public agencies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1311 Prime Sponsor, Representative Kirby: Regulating reverse mortgage lending practices. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Referred to Committee on General Government Appropriations.

January 29, 2009
HB 1331 Prime Sponsor, Representative Rodne: Exempting certified public accountants from the restrictions on marketing estate distribution documents for certain purposes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 30, 2009
HB 1389 Prime Sponsor, Representative Blake: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

January 29, 2009
HB 1498 Prime Sponsor, Representative Hunter: Concerning provisions governing firearms possession by persons who have been involuntarily committed. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING

HOUSE BILL NO. 1694, by Representatives Linville, Moeller, Hunter and Darneille

Addressing fiscal matters for the 2007-2009 biennium.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1694 was substituted for House Bill No. 1694 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1694 was read the second time.

Format changed to accommodate text.

Representative Alexander moved the adoption of amendment (005):

On page 9, line 17, increase the general fund--state appropriation for fiscal year 2009 by \$55,000
 On page 9, line 30, correct the total
 On page 18, after line 24, insert the following:

"Election Account--State Appropriation \$122,000"

On page 19, line 29, correct the total.
 On page 24, line 26, increase the legal services revolving account--state by \$500,000
 On page 24, line 30, correct the total.

On page 126, after line 12, insert the following:
 "General Fund--State Appropriation (FY 2009) \$500,000"

On page 126, line 27, correct the total.
 On page 129, after line 29, insert the following:

"(15) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for defense costs in the case of HCA v.

Moore."

On page 188, line 21, increase the general fund--state appropriation for FY 2009 by \$16,750,000
 On page 189, line 19, correct the total.
 On page 189, line 29, strike "\$13,542,000" and insert "~~(\$13,542,000)~~ \$30,292,000"
 On page 202, line 20, increase the general fund--state appropriation in FY 2009 by \$3,895,000.
 On page 203, line 9, correct the total.
 On page 301, after line 14, insert the following:

"Sec. 705. 2008 c 329 s 707 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) George E. Linkenhoker, claim number SCJ 2008-01 \$24,628
 - (b) Charles A. Gardner, claim number SCJ 2008-02 \$ 2,715
 - (c) Judd Hurst, claim number SCJ 2008-03 \$ 2,000
 - (d) Thomas J. Nelson, claim number SCJ 2008-04 \$ 5,000
 - (e) William R. Sauters, Jr., claim number SCJ 2008-05 \$11,408
 - (f) Michael E. Greene, claim number SCJ 2008-06 \$ 1,500
 - (g) Jeffery A. Cobb, claim number SCJ 2008-08 \$ 7,600
 - (h) Robert R. Park, claim number SCJ 2008-09 \$26,385
 - (i) Donald Willett, claim number SCJ 2008-11 \$6,600
 - (j) Antonio Perez, claim number SCJ 2009-01 \$7,179
 - (k) James D. Romans, claim number SCJ 2009-02 \$4,481
 - (l) Michael V. Shong, claim number SCJ 2009-03 \$15,118
 - (m) Gerald A. Tinkess, claim number SCJ 2009-04 \$68,865
 - (n) Linh D. Hguyen, claim number SCJ 2009-05 \$4,000
 - (o) Rafael R. Robinson, claim number SCJ 2009-06 \$7,200
 - (p) Anthony J. Magnesi, claim number SCJ 2009-07 \$74,888
 - (q) Jerry Startzell, claim number 99970000 \$12,975
- (2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:
 - (a) David Guenther, claim number 99970001 \$3,660
 - (b) Wilbur Eaton, claim number 99970002 \$3,069
 - (c) Eaton Brothers, claim number 99970003 \$2,809
 - (d) Travis Eaton, claim number 99970004 \$1,532

NEW SECTION. Sec. 706. A new section is added to 2007 c 522 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CLARKE-MCNARY ACCOUNT

General Fund--State Appropriation (FY 2009) \$1,353,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Clarke-McNary account.

Sec. 707. 2008 c 329 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation ~~(\$8,500,000)~~
\$9,500,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for any Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

Sec. 708. 2008 c 329 s 706 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2008) \$6,500,000

General Fund--State Appropriation (FY 2009) ~~(\$2,000,000)~~
\$3,000,000

TOTAL APPROPRIATION ~~(\$8,500,000)~~
\$9,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purpose of making allocations to the Washington state patrol for any Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

NEW SECTION. Sec. 709. A new section is added to 2007 c 522 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--HELP AMERICA VOTE ACT

General Fund--State Appropriation (FY 2009) \$122,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the election account."

Correct the title.

Representative Alexander spoke in favor of adoption of the amendment.

Representative Ericks spoke against adoption of the amendment.

Amendment (005) was not adopted.

Representative Linville moved the adoption of amendment (003):

On page 46, line 20, increase the general fund--state appropriation for fiscal year 2009 by \$85,000

On page 46, line 32, correct the total

On page 47, line 13, strike "\$75,000" and insert "\$505,000"

On page 47, line 18, strike "\$50,000" and insert "\$270,000"

On page 48, line 11, strike "\$500,000" and insert "\$331,000"

Representative Linville spoke in favor of adoption of the amendment.

Amendment (003) was adopted.

Representative Pettigrew moved the adoption of amendment (006):

On page 96, after line 28, insert "(q) The department shall not reduce and shall continue to provide subsidies to clients of residential habilitation center professional providers to support the treatment of developmentally disabled clients who do not reside in a residential habilitation center, but shall not expand eligibility for these services."

Representatives Pettigrew and Hinkle spoke in favor of adoption of the amendment.

Amendment (006) was adopted.

Representative Linville moved the adoption of amendment (002):

On page 81, line 18, after "~~(\$104,080,000)~~" strike "\$118,504,000" and insert "\$118,528,000"

On page 81, line 20, after "program." strike "These funds" and insert "~~(These funds)~~Fiscal year 2009 rate reductions"

On page 81, line 22, after "population." insert

"To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance."

On page 86, line 6, after "~~(\$3,031,000)~~" strike "\$2,905,000" and insert "\$2,881,000"

Representative Linville spoke in favor of adoption of the amendment.

Representative Alexander spoke against adoption of the amendment.

Amendment (002) was adopted.

Representative Alexander moved the adoption of amendment (004):

Strike everything after the enacting clause and insert the following:

**"PART I
GENERAL GOVERNMENT**

Sec. 101. 2008 c 329 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2008) \$34,807,000

General Fund--State Appropriation (FY 2009) ~~(\$36,010,000)~~

\$35,053,000

Pension Funding Stabilization Account Appropriation \$560,000

TOTAL APPROPRIATION ~~(\$71,377,000)~~

\$70,420,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals

pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

Sec. 102. 2008 c 329 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2008)	\$26,990,000
General Fund--State Appropriation (FY 2009)	(\$29,434,000)
	<u>\$28,506,000</u>
Pension Funding Stabilization Account Appropriation	\$467,000
TOTAL APPROPRIATION	(\$56,891,000)
	<u>\$55,963,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
- (3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

Sec. 103. 2008 c 329 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2008)	\$3,378,000
General Fund--State Appropriation (FY 2009)	(\$3,355,000)
	<u>\$2,912,000</u>
Pension Funding Stabilization Account Appropriation	\$36,000
TOTAL APPROPRIATION	(\$6,769,000)
	<u>\$6,326,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.
- (2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.
- (3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$50,000)~~ \$16,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.
- (4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs that support both hunting and fishing programs as well as nongame programs, including appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and shall provide the results of its analysis to the legislature by January 2008.
- (5) \$164,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as directed by Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (6) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children's administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative to the other states. The findings shall be reported to the legislature by December 1, 2007.
- (7) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.
- (8) ~~(\$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of)~~ Within the amounts appropriated in this section, the joint legislative audit and review committee shall implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 1488 (oil spill program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) Within the amounts provided in this section, the committee shall review the constitutional, case law, and statutory objectives and obligations of the department of natural resources' management of state-owned aquatic lands. The review will include an assessment of the degree to which the management practices of the department and other agencies are meeting these objectives and complying with legal obligations.

(11) ~~(\$38,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of)~~ Within the amounts appropriated in this section, the joint legislative audit and review committee shall implement Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct a preaudit for a comprehensive review of boards and commissions. The preaudit study will inventory the existing boards/commissions, identify criteria for selecting entities for further review, propose the scope and objectives of those reviews, and identify resource and schedule options for the committee to consider before proceeding.

(13) The joint legislative audit and review committee shall develop a framework for future efforts to quantify and analyze health care spending across all sectors of the state. This effort would focus on identifying the relevant types of spending in the public and private sectors, the availability of information on each of those types of spending, and the extent to which that available information could be tracked over time. In conducting this work, the committee shall work with the legislative evaluation and accountability program committee and the University of Washington's institute for health metrics and evaluation, as appropriate. The committee shall provide a report by January 2009.

Sec. 104. 2008 c 329 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2008)	\$1,843,000
General Fund--State Appropriation (FY 2009)	(\$2,038,000)
	<u>\$1,590,000</u>
Pension Funding Stabilization Account Appropriation	\$41,000
TOTAL APPROPRIATION	(\$3,922,000)
	<u>\$3,474,000</u>

Sec. 105. 2008 c 329 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund--State Appropriation (FY 2009)	\$25,000
Department of Retirement Systems Expense Account--State Appropriation	(\$3,491,000)
	<u>\$3,310,000</u>
TOTAL APPROPRIATION	(\$3,516,000)
	<u>\$3,335,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for 2009 is provided solely for the purchase of actuarial services to assist in the evaluation of the fiscal impact of health benefit proposals.

Sec. 106. 2008 c 329 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2008)	\$9,057,000
General Fund--State Appropriation (FY 2009)	(\$9,151,000)
	<u>\$8,432,000</u>
Pension Funding Stabilization Account Appropriation	\$92,000
TOTAL APPROPRIATION	(\$18,300,000)
	<u>\$17,581,000</u>

Sec. 107. 2008 c 329 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2008)	\$4,811,000
General Fund--State Appropriation (FY 2009)	(\$5,220,000)
	<u>\$5,066,000</u>
Pension Funding Stabilization Account Appropriation	\$75,000
TOTAL APPROPRIATION	(\$10,106,000)
	<u>\$9,952,000</u>

Sec. 108. 2008 c 329 s 108 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2008)	\$7,392,000
General Fund--State Appropriation (FY 2009)	(\$7,598,000)
	<u>\$7,542,000</u>
TOTAL APPROPRIATION	(\$14,990,000)
	<u>\$14,934,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 109. 2008 c 329 s 109 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2008)	\$2,268,000
General Fund--State Appropriation (FY 2009)	((\$2,269,000))
	<u>\$2,168,000</u>
TOTAL APPROPRIATION	((\$4,537,000))
	<u>\$4,436,000</u>

Sec. 110. 2008 c 329 s 110 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2008)	\$16,092,000
General Fund--State Appropriation (FY 2009)	((\$17,145,000))
	<u>\$17,141,000</u>
TOTAL APPROPRIATION	((\$33,237,000))
	<u>\$33,233,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).

Sec. 111. 2008 c 329 s 111 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2008)	\$1,117,000
General Fund--State Appropriation (FY 2009)	((\$1,134,000))
	<u>\$1,133,000</u>
TOTAL APPROPRIATION	((\$2,251,000))
	<u>\$2,250,000</u>

Sec. 112. 2008 c 329 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2008)	\$30,659,000
General Fund--State Appropriation (FY 2009)	((\$33,447,000))
	<u>\$33,446,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$22,558,000
Public Safety and Education Account--State Appropriation (FY 2009)	((\$24,199,000))
	<u>\$23,694,000</u>
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$3,175,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$3,175,000
Judicial Information Systems Account--State Appropriation	\$40,923,000
TOTAL APPROPRIATION	((\$158,136,000))
	<u>\$157,630,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to supplant existing local funding for the court-appointed special advocates program.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) \$830,000 of the general fund--state appropriation for fiscal year 2008 and \$1,170,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, \$170,000 for fiscal year 2008 and \$170,000 for fiscal year 2009 are provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account-- state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

(9) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2008 and \$102,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(11) \$800,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2822 (family and juvenile court). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$90,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2903 (access coordinator). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 113. 2008 c 329 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2008)	\$17,814,000
General Fund--State Appropriation (FY 2009)	(\$18,137,000)
	<u>\$17,689,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$7,066,000
Public Safety and Education Account--State Appropriation (FY 2009)	(\$7,013,000)
	<u>\$7,012,000</u>
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$2,250,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$2,251,000
TOTAL APPROPRIATION	(\$54,531,000)
	<u>\$54,082,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.

~~((3))~~ (2) Starting with fiscal year 2009, the office shall adjust its monthly, annual, and biennial accounting records so that the expenditures by fund, object, and subobject are attributed to the following programs: (a) Appellate indigent defense; (b) representation of indigent parents qualified for appointed counsel in dependency and termination cases; (c) trial court criminal indigent defense; (d) other grants or contracted services; and (e) costs for administering the office. The office may consult with the administrator for the courts, the office of financial management, and the legislative evaluation and accountability program committee for guidance in adjusting its accounting records.

~~((4))~~ (3) \$235,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well- being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 114. 2007 c 522 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2008)	\$5,923,000
General Fund--State Appropriation (FY 2009)	(\$7,009,000)
	<u>\$6,987,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$2,326,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$2,378,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$927,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$927,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,494,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,493,000
TOTAL APPROPRIATION	(\$22,477,000)
	<u>\$22,455,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$120,000)~~ \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue support for the existing agricultural dispute resolution system funded through the office of civil legal aid for disputes between farmers and farm workers. The office of civil legal aid shall report to the appropriate legislative committees on the effectiveness of this program by December 31, 2008.

(2) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2008 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2009 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

Sec. 115. 2008 c 329 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2008)	\$6,615,000
General Fund--State Appropriation (FY 2009)	(\$6,959,000)
	<u>\$6,349,000</u>
Economic Development Strategic Reserve Account--State Appropriation	\$6,000,000
Oil Spill Prevention Account--State Appropriation	\$715,000
TOTAL APPROPRIATION	(\$20,289,000)
	<u>\$19,679,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5224 (salmon office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((3))~~ (2) \$2,000,000 of the economic development and strategic reserve account--state appropriation for fiscal year 2009 is provided solely to provide support and assistance to victims of the December 2007 storms and floods in Chehalis and Centralia.

Sec. 116. 2008 c 329 s 115 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2008)	\$798,000
General Fund--State Appropriation (FY 2009)	(\$821,000)
	<u>\$793,000</u>
General Fund--Private/Local Appropriation	\$90,000
TOTAL APPROPRIATION	(\$1,709,000)
	<u>\$1,681,000</u>

Sec. 117. 2008 c 329 s 116 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,546,000
General Fund--State Appropriation (FY 2009)	(\$2,448,000)
	<u>\$2,360,000</u>
TOTAL APPROPRIATION	(\$4,994,000)
	<u>\$4,906,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 is for a feasibility study to determine the cost of designing, developing, implementing, and maintaining: (a) Software or other applications to accommodate electronic filing by lobbyists reporting under RCW 42.17.150 and 42.17.170, by lobbyist employers reporting under RCW 42.17.180, and by public agencies reporting under RCW 42.17.190; (b) a database and query system that results in data

that is readily available to the public for review and analysis and that is compatible with current computer architecture, technology, and operating systems, including but not limited to Windows and Apple operating systems. The commission shall contract for the feasibility study and consult with the department of information services. The study may include other elements, as determined by the commission, that promote public access to information about lobbying activity reportable under chapter 42.17 RCW. The study shall be provided to the legislature by January 2008.

Sec. 118. 2008 c 329 s 117 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2008)	\$33,863,000
General Fund--State Appropriation (FY 2009)	(\$21,816,000)
	<u>\$20,782,000</u>
General Fund--Federal Appropriation	\$7,279,000
General Fund--Private/Local Appropriation	\$132,000
Archives and Records Management Account--State Appropriation	(\$8,339,000)
	<u>\$8,337,000</u>
Department of Personnel Service Account--State Appropriation	\$760,000
Local Government Archives Account--State Appropriation	(\$15,344,000)
	<u>\$15,342,000</u>
Election Account--Federal Appropriation	\$31,511,000
Charitable Organization Education Account--State Appropriation	\$122,000
TOTAL APPROPRIATION	(\$119,166,000)
	<u>\$118,128,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,290,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,556,000 of the general fund--state appropriation for fiscal year 2008 and \$3,965,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) ~~(\$122,000 of the charitable organization education account-- state appropriation is provided solely for implementation of Substitute House Bill No. 1777 (charitable organizations). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.~~

~~(7))~~ \$575,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for settlement costs and attorney fees resulting from the resolution of *Washington Association of Churches, et al. v. Reed*, United States District Court Western District of Washington at Seattle, Case No. CV06-0726RSM.

Sec. 119. 2008 c 329 s 118 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$348,000
General Fund--State Appropriation (FY 2009)	(\$463,000)
	<u>\$437,000</u>
TOTAL APPROPRIATION	(\$811,000)
	<u>\$785,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the office to engage a contractor to conduct a detailed analysis of the achievement gap for Native American students; analyze the progress in developing effective government-to-

government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the tribal leader congress on education, the Washington state school directors association, and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 120. 2008 c 329 s 119 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$257,000
General Fund--State Appropriation (FY 2009)	(((\$548,000))
	<u>\$543,000</u>
TOTAL APPROPRIATION	(((\$805,000))
	<u>\$800,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Asian American students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the former members of the Asian Pacific Islander American think tank and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Pacific Islander American students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the former members of the Asian Pacific Islander American think tank and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 121. 2008 c 329 s 120 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation	(((\$15,539,000))
	<u>\$15,538,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$183,000 of the state treasurer's service account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 122. 2008 c 329 s 121 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2008)	\$794,000
General Fund--State Appropriation (FY 2009)	(((\$806,000))
	<u>\$738,000</u>
State Auditing Services Revolving Account--State Appropriation	(((\$15,312,000))
	<u>\$15,303,000</u>
TOTAL APPROPRIATION	(((\$16,912,000))
	<u>\$16,835,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and ~~(((\$762,000))~~ \$698,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$1,000 of the appropriation from the auditing services revolving account--state is provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes Center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes Center effective July 1, 2007.

(4) \$313,000 of the auditing services revolving account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 123. 2008 c 329 s 122 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2008)	\$159,000
General Fund--State Appropriation (FY 2009)	(((\$225,000))
	<u>\$222,000</u>
TOTAL APPROPRIATION	(((\$384,000))

\$381,000

Sec. 124. 2008 c 329 s 123 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2008)	\$6,262,000
General Fund--State Appropriation (FY 2009)	(\$6,973,000)
	<u>\$5,541,000</u>
General Fund--Federal Appropriation	\$3,960,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,143,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,228,000
New Motor Vehicle Arbitration Account--State Appropriation	\$1,312,000
Legal Services Revolving Account--State Appropriation	(\$229,849,000)
	<u>\$229,579,000</u>
Tobacco Prevention and Control Account--State Appropriation	\$270,000
TOTAL APPROPRIATION	(\$250,997,000)
	<u>\$249,295,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((7))~~ (6) \$110,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((8))~~ (7) \$346,000 of the legal services revolving account--state appropriation is provided solely for implementation of sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((9))~~ (8) \$492,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((10))~~ (9) The agency shall submit a staffing model that supports the need for increased resources due to casework associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature by October 31, 2008.

~~((11))~~ (10) The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2-06098-5). These moneys shall be expended pursuant to legislative appropriation consistent with the terms of the consent decree.

Sec. 125. 2008 c 329 s 124 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2008)	\$815,000
General Fund--State Appropriation (FY 2009)	(\$793,000)
	<u>\$768,000</u>
TOTAL APPROPRIATION	(\$1,608,000)
	<u>\$1,583,000</u>

Sec. 126. 2008 c 329 s 125 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2008)	(\$63,420,000)
	<u>\$63,399,000</u>
General Fund--State Appropriation (FY 2009)	(\$73,998,000)
	<u>\$66,135,000</u>
General Fund--Federal Appropriation	(\$252,994,000)
	<u>\$252,991,000</u>
General Fund--Private/Local Appropriation	\$14,657,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$2,775,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,750,000
Public Works Assistance Account--State Appropriation	\$2,956,000
Tourism Promotion and Development Account--State Appropriation	\$1,000,000
Drinking Water Assistance Administrative Account--State Appropriation	\$405,000

Lead Paint Account--State Appropriation	\$18,000
Building Code Council Account--State Appropriation	\$1,211,000
Low-Income Weatherization Assistance Account--State Appropriation	\$8,381,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$3,644,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$3,650,000
Community and Economic Development Fee Account--State Appropriation	\$1,837,000
Washington Housing Trust Account--State Appropriation	(\$26,777,000)
	<u>\$26,776,000</u>
Public Facility Construction Loan Revolving Account--State Appropriation	\$630,000
Affordable Housing Account--State Appropriation	\$14,650,000
Community Preservation and Development Authority Account--State Appropriation	\$350,000
Home Security Fund Account--State Appropriation	\$16,700,000
Independent Youth Housing Account--State Appropriation	\$1,000,000
Administrative Contingency Account--State Appropriation	\$1,800,000
Manufacturing Innovation and Modernization Account--State Appropriation	\$306,000
TOTAL APPROPRIATION	(\$496,909,000)
	<u>\$489,021,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(3) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to fund domestic violence legal advocacy.

(4) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(5) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(6) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(8) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to implement the innovation partnership zone program.

(a) The director shall designate innovation partnership zones on the basis of the following criteria:

(i) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(A) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(B) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(C) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone;

(ii) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(iii) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(iv) The innovation partnership zone shall designate a zone administrator, which must be an economic development council, port, workforce development council, city, or county.

(b) By October 1, 2007, and October 1, 2008, the director shall designate innovation partnership zones on the basis of applications that meet the criteria in this subsection, estimated economic impact of the zone, and evidence of forward planning for the zone.

(c) If the innovation partnership zone meets the other requirements of the fund sources, then the innovation partnership zone is encouraged to use the local infrastructure financing tool program, the sales and use tax for public facilities in rural counties, the job skills program and other state and local resources to promote zone development.

(d) The department shall convene at least one information sharing event for innovation partnership zone administrators and other interested parties.

(e) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(9) \$430,000 of the general fund--state appropriation for fiscal year 2008 and \$2,200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the economic development commission to work with the higher education coordinating board and research institutions to: (a) Develop a plan for recruitment of ten significant entrepreneurial researchers over the next ten years to lead innovation research teams, which plan shall be implemented by the higher education coordinating board; and (b) develop comprehensive entrepreneurial programs at research institutions to accelerate the commercialization process.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 1422 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$430,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for KCTS public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington; multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided for Substitute House Bill No. 1276 (creating a public/private tourism partnership). Of this amount, \$280,000 is for the department of fish and wildlife's nature tourism infrastructure program; \$450,000 is for marketing the 2010 Olympic games; and \$50,000 is for the Washington state games.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

(15) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

(16) \$80,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

(17) \$513,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$2,463,000)~~) \$2,443,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot program to provide transitional housing assistance to offenders who are reentering the community and are in need of housing as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). The department shall operate the program through grants to eligible organizations as described in RCW 43.185.060. A minimum of two programs shall be established in two counties in which community justice centers are located. The pilot programs shall be selected through a request for proposal process in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(a) The pilot program shall:

(i) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(ii) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(iii) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections; and

(iv) Provide housing assistance for a period of up to twelve months for a participating offender.

(b) The department may also use up to twenty percent of the funds in this subsection to support the development of additional supportive housing resources for offenders who are reentering the community.

(c) The department shall collaborate with the department of corrections in the design of the program and development of criteria to determine who will qualify for housing assistance, and shall report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing.

(18) \$288,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for community transition coordination networks and county service inventories as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Funds are provided for: (a) Grants to counties to inventory services and resources available to assist offenders reentering the community; (b) a grant to the Washington institute for public policy to develop criteria for conducting the inventory; and (c) the department of community, trade, and economic development to assist with the inventory and implement a community transition coordination network pilot program.

(19) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

(20) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

(21) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

(22) \$408,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$623,000)~~) \$423,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

(23) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5995 (economic development commission).

(25) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

(26) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to time-of-use pricing, (b) meter savings from direct load control programs, (c) manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

(27) ~~(\$500,000)~~ \$18,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute House Bill No. 1273 (financial fraud). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.

(29) \$112,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$113,000)~~ \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.

(30) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Benton and Franklin county juvenile and drug courts. The grant is contingent upon the counties providing equivalent matching funds.

(31) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.

(32) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.

(33) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Washington state association of counties for the county training program.

(34) \$495,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$495,000)~~ \$395,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the northwest agriculture business center.

(35) \$40,000 of the general fund appropriation for fiscal year 2008 and \$160,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted through a competitive process to community land trusts with assets under one million dollars, and these funds shall be used for operating costs, technical assistance, and other eligible capacity building expenses to be determined by the department.

(36) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to centro latino to provide adult basic education that includes but is not limited to: English as a second language, Spanish literacy training, work-readiness training, citizenship classes, programs to promote school readiness, community education, and entrepreneurial services.

(37) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that all citizens have access to a low-cost resolution process as an alternative to litigation. Of the fiscal year 2009 funding, \$300,000 is to assist the centers in providing mediation services for parties with parenting plan disputes who either (a) are currently involved in dissolution proceedings or (b) completed a dissolution within the past year. The funding provided by this subsection does not constitute state funding to counties for the purposes of RCW 26.09.015(2)(b).

(38) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$2,000,000)~~ \$1,945,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute House Bill No. 1303 (cleaner energy). Of these amounts, \$487,000 of the general fund--state appropriation for fiscal year 2008 is provided solely as pass-through funding to the department of ecology to conduct the climate advisory team stakeholder process and related staffing, analysis, and public outreach costs. The department shall retain \$1,013,000 for expenditures related to the operations of the energy freedom authority, and the support of the vehicle workgroup and the carbon market stakeholder workgroup and any other activities required of the department by the bill. The department shall enter into interagency agreements with other agencies to implement the bill in the following amounts: (a) \$1,500,000 shall be provided to the climate impacts group at the University of Washington for climate assessments; (b) ~~(\$200,000)~~ \$175,000 shall be provided to the University of Washington college of forest resources for identification of barriers to using the state's forest resources for fuel production; and (c) ~~(\$800,000)~~ \$770,000 shall be provided to the Washington State University for analyzing options for market incentives to encourage biofuels production. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(39) \$347,000 of the general fund--state appropriation for fiscal year 2008 and \$348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to Western Washington University to support small business development centers and underserved economic development councils with secondary research services. Of the amounts in this subsection, \$500,000 is intended for research services and shall be divided evenly between 25-50 small business development centers and underserved economic development councils and \$195,000 shall be used to develop infrastructure, training programs, and marketing materials.

(40) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study on improving the effectiveness of the growth management act. Topics may include but are not limited to: How best to meet and finance infrastructure and service needs of growing communities; how to provide incentives to accommodate projected growth and protect resource lands and critical areas; and how local governments are prepared to address land use changes associated with climate change.

(41) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Poulsbo marine science center.

(42) \$1,625,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,625,000)~~ \$1,249,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating and capital equipment and facility grants to the following public television and radio stations: KPBX/KSFC, \$863,525; KPLU, ~~(\$733,525)~~ \$371,525; KVTI, \$108,550; KDNA, ~~(\$29,205)~~ \$15,205; KSER, \$338,325; KNHC, \$146,620; KSPS, \$568,750; and KBTC, \$461,500.

(43) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safe and drug free schools and communities program.

(44) \$102,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$103,000)~~) \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington's college of forest resources center for international trade in forest products.

(45) \$471,000 of the general fund--state appropriation for fiscal year 2008 and \$471,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as pass-through funding to Walla Walla community college for its water and environmental center.

(46) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(47)(a) \$200,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to examine the fiscal health of counties. The study shall address spending and revenues, as well as the demographic, geographic, social, economic, and other factors contributing to or causing financial distress. The study shall also examine the financial efficiencies, cost savings, and improved levels of service that may be gained by authorizing noncharter counties greater flexibility in altering their forms of governance, including consolidating or merging constitutional or statutory functions or structures.

(b) The department of community, trade, and economic development may contract or consult with any agency, organization, or other public or private entity as it deems necessary in order to complete the study required under this section. The study may contain options and actions for consideration by the governor and the legislature, but at minimum shall recommend the changes to constitutional and statutory law necessary to provide counties with the legal authority required to implement the changes in governmental structures and functions needed to promote optimum financial efficiency and improved services. The study shall be transmitted to the appropriate committees of the legislature and the governor by December 1, 2007.

(48) \$2,136,000 of the general fund--state appropriation for fiscal year 2008 and \$2,136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expense of the "closing the achievement gap-flight program" of the Seattle public schools during the 2007-09 biennium. The funds will be used in support of a collaboration model between the Seattle public schools and the community. The primary intent for this program is to close the academic achievement gap for students of color and students in poverty by promoting parent and family involvement and enhancing the social- emotional and the academic support for students. By June 30, 2009, the Seattle public schools will provide and evaluation of the impact of the activities funded on class size, graduation rates, student attendance, student achievement, and closing the achievement gap.

(49) \$1,000,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$1,000,000)~~) \$700,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for crime victim service centers.

(50) \$41,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$36,000)~~) \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for House Bill No. 1038 (electric transmission lines). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(51) \$1,000,000 of the independent youth housing account is provided for Second Substitute House Bill No. 1922 (youth housing program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(52) \$227,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute House Bill No. 1636 (development rights). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(53) \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Substitute House Bill No. 1037 (electrical transmission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(54) \$131,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Engrossed Second Substitute House Bill No. 1705 (health sciences and services).

(55) \$881,000 of the general fund--state appropriation for fiscal year 2008 and \$882,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to: (a) Work with a statewide asset building coalition to design, implement, and fund a public education and outreach campaign; and (b) initiate, expand, and strengthen community-based asset building coalitions by providing them with technical assistance and grants. The department shall conduct an application process and select at least twelve sites by October 31, 2007. Of the amounts provided in this subsection, no more than 10 percent may be used by the department to administer the technical assistance and grant program. The department shall report to the appropriate committees of the legislature on the status of the grant and technical assistance program by December 1, 2008.

(56) \$15,200,000 of the affordable housing account--state appropriation and \$16,200,000 of the home security fund account--state appropriation are provided solely for Engrossed Second Substitute House Bill No. 1359 (affordable housing). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(57) \$350,000 of the community preservation and development authority account--state appropriation is provided solely for Substitute Senate Bill No. 6156 (development authorities). If this bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(58) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for distribution to community sexual assault programs by the office of crime victims advocacy for the purpose of enhancing services provided to child victims of sexual abuse and their families. Enhanced services may include expanded hours of medical and legal advocacy, expanded hours of therapy for the child victim, increased support to nonoffending family members, and the development of a standardized child-centered approach to service delivery.

(59) \$750,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim- witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(60) \$75,000 of the public safety and education account appropriation for fiscal year 2009 is provided solely for the update of statewide sexual assault victim assistance protocols through a coordinated effort led by the Washington coalition of sexual assault programs.

(61) (~~(\$2,500,000)~~) \$20,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the transitional housing operating and rent program.

(~~(63)~~) (62) \$344,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington New Americans program to provide naturalization assistance for legal permanent residents who are eligible to become citizens. The department shall conduct a competitive process to contract with an entity to provide this assistance, which shall include, but is not limited to: Curriculum design, counseling, outreach to immigrant communities, application processing and legal screening, and citizenship preparation services. The state funding is contingent upon receipt, by the contractor(s) of at least a twenty-five percent match of nonstate funding. The department and the contractor(s) shall develop performance measures for the program and within sixty days of the close of each fiscal year for which state funding is provided, shall report to the governor and the legislature on the outcome of the program and the performance measures. The department may

retain up to five percent of the funds provided in this subsection to administer the competitive process and the contract. It is the intent of the legislature that \$2,000,000 be provided in the 2009-11 fiscal biennium to conclude this program.

~~((64))~~ (63) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to the Island county associate development organization and is contingent upon the enactment of, and provides specific funding for, Substitute Senate Bill No. 6195 (definition of rural county for economic development purposes). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((65) \$150,000)~~ (64) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of sections 1 through 7 of Engrossed Second Substitute Senate Bill No. 6111 (tidal and wave energy). If these sections of this bill are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((66))~~ (65) \$41,000 of the building code council account--state appropriation is provided solely for implementation of Substitute House Bill No. 2575 (fire sprinkler systems). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((67) \$100,000)~~ (66) \$37,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((68))~~ (67) \$207,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). The amount provided in this subsection includes \$50,000 for the analysis under section 9(3)(b) of the bill. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((69) \$50,000)~~ (68) \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute House Bill No. 3120 (construction tax incentive). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((70))~~ (69) \$350,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6483 (local farms and healthy kids). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((71))~~ (70) \$134,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((72))~~ (71) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the Lucy Lopez center for "the good citizen" bilingual radio programming pilot project.

~~((73))~~ (72) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the pacific science center to support the "Lucy of Laetoli" exhibit.

~~((74))~~ (73) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the local organizing committee of 2008 Skate America to support the international skating union grand prix series at the Everett events center in October, 2008.

~~((75))~~ (74) \$225,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for development of the Lewis county watershed planning and economic development demonstration project. The purpose of the project is to identify lands and resources suitable for economic development within Lewis county and outside of the floodplains of Chehalis and Cowlitz river watersheds. It is the intent of the legislature that \$725,000 to complete this project will be provided in the 2009-11 fiscal biennium.

(a) Of this amount, the department shall provide \$75,000 each to the department of fish and wildlife and the department of ecology to develop a watershed characterization and to conduct a local habitat assessment, develop recommendations, and provide technical assistance in support of a demonstration watershed planning and economic development project in Lewis county.

(b) \$75,000 of the amount provided in this subsection is provided solely for a grant to Lewis county to fund development of a subarea plan, consistent with the provisions of chapter 36.70A RCW, for rural economic development that is based on the watershed characterization and local habitat assessment funded in (a) of this subsection. The department may retain no more than thirty percent for grant administration and technical assistance.

(c) The subarea plan to be funded shall be developed by a broad-based local stakeholder group with state agency technical assistance, and shall include the following:

(i) Defined area or areas for future economic development outside the 100-year floodplain. Areas planned for economic development requiring urban levels of service must be designated on the land use map as an urban growth area consistent with RCW 36.70A.110;

(ii) Defined area or areas of designated agricultural, forestry, wildlife habitat, and other critical area lands;

(iii) Mechanisms to achieve long-term conservation of important aquatic and terrestrial resources in the subarea;

(iv) Defined mitigation and restoration areas;

(v) Identification of capital facility improvements needed to implement the plan, and a plan to finance such capital facilities within projected funding capacities;

(vi) Discussion of the relationship between the plan and other existing, adopted plans and regulations including but not limited to county and city comprehensive plans, as appropriate, critical areas and shoreline regulations, transportation, salmon recovery, watershed, and water resource inventory area plans;

(vii) A plan for monitoring and adaptive management; and

(viii) Adoption by the local government affected as an amendment to its comprehensive plan pursuant to chapter 36.70A RCW, after review and recommendations on the plan by a broad-based local stakeholder group.

~~((77))~~ (75) \$306,000 of the manufacturing innovation and modernization account--state appropriation is provided solely to implement Substitute Senate Bill No. 6510 (manufacturing extension services). \$75,000 of this amount shall be to develop a rural manufacturer export outreach program in collaboration with the small business export finance assistance center and to contract with the center to provide outreach services to rural manufacturing businesses in Washington to inform them of the importance of, and opportunities in, international trade and to inform them of the export assistance programs available to assist these businesses to become exporters. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((79) \$200,000)~~ (76) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to HistoryLink to develop Alaska-Yukon-Pacific exposition commemoration exhibits and programs.

~~((80) \$126,000)~~ (77) \$76,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 3142 (rapid response loan program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((81))~~ (78) \$100,000 of the prostitution prevention and intervention account--nonappropriated is for distribution as grants by the office of crime victims advocacy. The grants shall be prioritized to law enforcement training including law enforcement training regarding the availability of services for minors under chapter 13.32A RCW, community outreach and education and treatment and services to address the problems of minors who have a history of engaging in sexual conduct for a fee or who are victims of commercial sexual abuse of a minor or both, including but not limited to mental health and chemical dependency services, parenting services, housing assistance, education and vocational training, or intensive case management services.

~~((82))~~ (79) \$5,000 of the general fund--state appropriation for fiscal year 2008 and \$20,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for tourism promotion in Keystone.

~~((83))~~ (80) \$5,000 of the general fund--state appropriation for fiscal year 2008 and \$20,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for tourism promotion in Port Townsend.

~~((85))~~ (81) \$317,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Substitute Senate Bill No. 6580 (climate change), including sections 2 and 3 of the bill. If the bill and sections 2 and 3 are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 127. 2008 c 329 s 126 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2008)	\$726,000
General Fund--State Appropriation (FY 2009)	((827,000))
	<u>\$805,000</u>
TOTAL APPROPRIATION	((1,553,000)) <u>\$1,531,000</u>

The appropriations in this section are subject to the following conditions and limitations: The economic and revenue forecast council, in its quarterly revenue forecasts, shall forecast the total revenue for the state general fund and near general fund, as those funds are determined by the legislative evaluation and accountability program committee.

Sec. 128. 2008 c 329 s 127 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2008)	\$24,110,000
General Fund--State Appropriation (FY 2009)	((35,290,000))
	<u>\$33,790,000</u>
General Fund--Federal Appropriation	\$23,934,000
General Fund--Private/Local Appropriation	\$1,269,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$123,000
((Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009))	\$123,000
Economic Development Strategic Reserve Account--State Appropriation	\$175,000
TOTAL APPROPRIATION	((85,049,000)) <u>\$83,426,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund--state appropriation for fiscal year 2008 and \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$254,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and ~~((580,000))~~ \$505,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and ~~((320,000))~~ \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$190,000 of the general fund--state appropriation for fiscal year 2008 and \$90,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement chapter 139, Laws of 2007 (student transportation funding) which requires development of two options for a new K-12 pupil transportation funding formula.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 ~~((and \$175,000 of the general fund--state appropriation for fiscal year 2009 are))~~ is provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) \$474,000 of the general fund--state appropriation for fiscal year 2008 and ~~((831,000))~~ \$331,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 ~~((and \$54,000 of the general fund--state appropriation for fiscal year 2009 are))~~ is provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy-protected student-level data.

~~((13))~~ (11) \$250,000 of the general fund--state appropriation for fiscal year 2008 ~~(and \$250,000 of the general fund--state appropriation for fiscal year 2009 are)~~ is provided solely for the office of financial management to establish and provide staff support for the Washington citizens' work group on health care reform, pursuant to Engrossed Substitute Senate Bill No. 6333.

~~((14))~~ (12) \$11,372,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development and implementation of the Washington assessment of student learning (WASL) and related activities and is in addition to the funding amounts provided in section 511 of this act. The funding provided in this subsection is subject to the following conditions and limitations: The office of financial management shall develop an interagency agreement with the office of the superintendent of public instruction for the expenditure of these funds based on a quarterly allotment schedule. Before releasing funds to the office of the superintendent of public instruction each quarter, the office of financial management shall ensure compliance with this subsection. Effective with the 2009 administration of the Washington assessment of student learning, while maintaining the reliability and validity of the assessment, the office of the superintendent of public instruction shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration, reducing the number of short answer and extended response questions, and potentially decreasing the number of items utilized in the assessment, particularly in grades tested under the requirements of the federal no child left behind act. In selecting and developing the new contractual obligations for the assessment contractor beginning in fiscal year 2009, the office of the superintendent of public instruction shall preserve legislative authority to set the student learning assessment policy and potentially make minor or significant changes to that policy in the future with the least amount of adverse fiscal and other impacts to the state as possible. In doing this, the office of the superintendent of public instruction shall advise and consult with the appropriate policy and fiscal committees of the legislature and the Washington assessment of student learning work group created in this subsection. Within the amounts appropriated in this subsection, a legislative work group on the Washington assessment of student learning is established. The work group will consist of a maximum of nine members. Legislative members shall be appointed by the president of the senate and the speaker of the house of representatives and shall represent the two largest caucuses of both the senate and the house of representatives. The purpose of this work group is to review and evaluate the current assessment system by January 1, 2009, and potentially make recommendations to improve it. Of the amount provided in this section, \$150,000 is provided solely for costs associated with hiring independent technical experts to advise the Washington assessment of student learning work group created in this subsection.

~~((15))~~ (13) Through prior legislation, many state activities that protect the general public by safeguarding health, safety, employees, and consumers are supported by fees assessed on items such as licensing, registration, certification, and inspections. Moreover, higher education, workforce training, and a number of other government services are supported at least in part by fees assessed on those who participate in these programs. Therefore, the office of financial management shall conduct a review and analysis of all fees for which the legislature has delegated to state agencies and institutions of higher education the ability to establish and determine the amount, either upon initial establishment or subsequent increases. Fees, as used in this subsection, has the same meaning as used in RCW 43.135.055. The objective of the review and analysis is to document the level of fees paid over the past five years, the cost of those programs over that same time period, and, to the extent available, the effectiveness of the activity in meeting its performance targets. The review and analysis shall include the following information:

- (a) Information about the program, including the statutory authority for the program, date enacted, and the parties that benefit from the program; and
- (b) Information about the program fees, including name and description of the fees, the parties that bear the cost of the fees, the methodology for determining the fees, and whether the fees directly fund the program; and
- (c) Financial related information, including an assessment of the program's fee amount assessed over the past five years, the scope of the program and related costs over the past 5 years, and whether the program's expenditures are subject to appropriation or allotment procedures under chapter 43.88 RCW; and
- (d) To the extent available, information on the program activities and related performance measures that may assist in assessing the effectiveness of the program in achieving its goals.

The office of financial management shall report its findings to the governor and the fiscal committees of the legislature by October 1, 2008.

Sec. 129. 2008 c 329 s 128 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State Appropriation	(\$32,703,000)
	<u>\$32,702,000</u>

Sec. 130. 2008 c 329 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

General Fund--State Appropriation (FY 2008)	\$96,000
Department of Personnel Service Account--State Appropriation	(\$23,618,000)
	<u>\$23,587,000</u>
Higher Education Personnel Services Account--State Appropriation	(\$1,780,000)
	<u>\$1,776,000</u>
TOTAL APPROPRIATION	(\$25,494,000)
	<u>\$25,459,000</u>

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to- government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 131. 2008 c 329 s 130 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation	(\$26,086,000)
	<u>\$26,075,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

Sec. 132. 2008 c 329 s 131 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2008)	\$261,000
General Fund--State Appropriation (FY 2009)	(\$422,000)
	<u>\$417,000</u>
TOTAL APPROPRIATION	(\$683,000)
	<u>\$678,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Hispanic students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the Latino/a educational achievement project and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 133. 2008 c 329 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$257,000
General Fund--State Appropriation (FY 2009)	(\$262,000)
	<u>\$257,000</u>
TOTAL APPROPRIATION	(\$519,000)
	<u>\$514,000</u>

Sec. 134. 2008 c 329 s 133 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

General Fund--State Appropriation (FY 2008)	\$200,000
General Fund--State Appropriation (FY 2009)	(\$250,000)
	<u>\$126,000</u>
Dependent Care Administrative Account--State Appropriation	\$237,000
Department of Retirement Systems Expense Account--State Appropriation	(\$48,556,000)
	<u>\$48,419,000</u>
TOTAL APPROPRIATION	(\$49,243,000)
	<u>\$48,982,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (5) \$315,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. As part of this process, the director shall consult with the department of financial institutions, the state investment board, private sector retirement plan administrators and providers and other relevant sectors of the financial services industry, organizations promoting increased economic opportunities for individuals, employers, workers, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for implementing and operating the program. As part of this process, the director shall evaluate the most efficient methods for providing this service and ways to avoid competition with existing private sector vehicles. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.
- (9) \$81,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of Engrossed House Bill No. 2887 (judges' service credit purchases). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
- (10) \$51,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of House Bill No. 3019 (partial year service credit for school district employees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to contract with a skilled facilitator to mediate discussions to identify and document all outstanding issues related to the funding of retiree medical benefits in the law enforcement officers' and fire fighters' retirement system plan 1 and for staff resources to be used to conduct research in support of this effort. The stakeholder group shall include representatives of retired members of the law enforcement officers' and fire fighters' retirement system plan 1, local government employers, the department of retirement systems, and other groups as deemed necessary by the director of the department of retirement systems.

Sec. 135. 2008 c 329 s 134 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2008)	\$98,150,000
General Fund--State Appropriation (FY 2009)	(\$105,951,000)
	<u>\$103,217,000</u>
Timber Tax Distribution Account--State Appropriation	\$5,788,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$128,000
Waste Tire Removal Account--State Appropriation	\$2,000
Real Estate Excise Tax Grant Account--State Appropriation	(\$3,900,000)
	<u>\$3,000,000</u>
State Toxics Control Account--State Appropriation	\$87,000
Oil Spill Prevention Account--State Appropriation	\$16,000
Pension Funding Stabilization Account Appropriation	\$2,370,000
TOTAL APPROPRIATION	(\$216,392,000)
	<u>\$212,758,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

(4) ~~(\$1,250,000)~~ \$250,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Engrossed Substitute Senate Bill No. 6809 (working families tax exemption). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse. This subsection does not constitute approval of the exemption under section 2, chapter . . . (ESSB 6809), Laws of 2008 or authorize payments of remittances.

(5) \$22,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Second Substitute House Bill No. 3104 (domestic partnerships). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse.

Sec. 136. 2008 c 329 s 135 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State Appropriation	(\$24,333,000)
	<u>\$24,332,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,500,000 of the state investment board expense account--state appropriation is provided solely for development of an investment data warehouse. This funding is intended to replace existing funding from nonbudgeted funds, with the intent that further expenditures for this project be made only by appropriation.

(2) \$1,791,000 of the state investment board expense account is for compensation and incentives for investment officers. Of this amount, \$852,000 is provided solely for implementation of Substitute House Bill No. 3149 (state investment board personnel compensation). The state

investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal.

Sec. 137. 2008 c 329 s 136 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2008)	\$1,502,000
General Fund--State Appropriation (FY 2009)	(\$1,354,000)
	<u>\$1,343,000</u>
TOTAL APPROPRIATION	(\$2,856,000)
	<u>\$2,845,000</u>

Sec. 138. 2008 c 329 s 137 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation	\$847,000
City and Town Research Services--State Appropriation	(\$4,458,000)
	<u>\$4,457,000</u>
General Fund--State Appropriation (FY 2008)	\$200,000
General Fund--State Appropriation (FY 2009)	\$225,000
TOTAL APPROPRIATION	(\$5,736,000)
	<u>\$5,729,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 139. 2008 c 329 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	(\$3,615,000)
	<u>\$3,614,000</u>

The appropriation(s) in this section ((are)) is subject to the following conditions and limitations: \$19,000 of the OMWBE enterprise account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1512 (linked deposit program).

Sec. 140. 2008 c 329 s 139 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$591,000
General Fund--State Appropriation (FY 2009)	(\$590,000)
	<u>\$557,000</u>
General Fund--Federal Appropriation	\$3,651,000
General Administration Service Account--State Appropriation	(\$36,929,000)
	<u>\$36,893,000</u>
TOTAL APPROPRIATION	(\$41,761,000)
	<u>\$41,692,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

(2) Within the appropriations in this section, specific funding is provided to implement Second Substitute House Bill No. 1332 (affordable housing).

(3) \$391,000 of the general administration services account--state appropriation for fiscal year 2009 is provided solely for implementation of costs associated with the planning of agency moves out of the general administration building.

(4) The department shall work with the office of financial management to develop a plan that balances revenues and expenditures for each line of business within the general administration services account. State agency rates developed for the 2009-2011 biennium must equitably and reasonably reflect the actual cost of services provided to state agencies including the appropriate allocation of agency overhead costs. By August 31, 2008, the department shall submit to the office of financial management and the fiscal committees of the legislature financial statements for each line of business that shall inform the basis for agency rate development for the forthcoming biennium.

(5) The department shall submit a report to the office of financial management and the fiscal committees of the legislature that responds to each of the state auditor's motor pool audit recommendations by August 31, 2008. This report shall consist of recommendations that have been adopted by the department, progress made towards achieving those recommendations not yet completed, and justification for why the department is unable to fulfill any of the recommendations in the report.

Sec. 141. 2008 c 329 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2008)	\$2,762,000
General Fund--State Appropriation (FY 2009)	(\$4,623,000)
	<u>\$3,416,000</u>
General Fund--Federal Appropriation	\$1,920,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$695,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$698,000
Data Processing Revolving Account--State Appropriation	\$6,377,000
TOTAL APPROPRIATION	(\$17,075,000)

\$15,868,000

The appropriations in this section are subject to the following conditions and limitations:

(1) (~~(\$2,340,000)~~) \$1,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.

(2) (~~(\$1,250,000)~~) \$1,151,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.

(3) \$1,012,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$338,000)~~) \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of the information technology infrastructure capacity for institutions operated by the department of social and health services, department of veterans affairs, and department of corrections. The evaluation will detail the status of the participating institutions' infrastructure and recommend an improvement strategy that includes the use of electronic medical records. The department shall report back to the appropriate committees of the legislature on its findings by January 1, 2009.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$250,000)~~) \$120,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

(5) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6438 (internet deployment/adoption), including sections 1 through 5 of the bill. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 142. 2008 c 329 s 141 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	\$1,564,000
Insurance Commissioners Regulatory Account--State Appropriation	((\$45,442,000))
	<u>\$45,404,000</u>
TOTAL APPROPRIATION	((\$47,006,000))
	<u>\$46,968,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account-- state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account-- state appropriation is provided solely for the implementation of section 17 (reduce health care administrative costs) in accordance with Senate Bill No. 5930 (blue ribbon commission on health care). If the section is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$286,000 of the insurance commissioner's regulatory account-- state appropriation for fiscal year 2009 is provided solely for the insurance commissioner to convene a work group of health care providers, carriers, and payers, to identify and develop strategies to achieve savings through streamlining administrative requirements and procedures, as recommended in the report submitted pursuant to section 17, chapter 259, Laws of 2007. By December 1, 2008, the commissioner shall submit a report to the governor and the legislature that identifies the five highest priority goals for achieving significant efficiencies and reducing health care administrative costs, and a plan to accomplish these goals.

Sec. 143. 2008 c 329 s 142 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation	((\$2,575,000))
	<u>\$2,574,000</u>

Sec. 144. 2008 c 329 s 143 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State Appropriation	((\$5,441,000))
	<u>\$5,387,000</u>

The appropriation in this section is subject to the following conditions and limitations: During the 2007-2009 fiscal biennium, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

Sec. 145. 2008 c 329 s 144 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2008)	\$1,910,000
(General Fund--State Appropriation (FY 2009))	(\$1,912,000)
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$13,430,000
Liquor Revolving Account--State Appropriation	((\$194,799,000))
	<u>\$194,556,000</u>
TOTAL APPROPRIATION	((\$212,051,000))
	<u>\$209,896,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores

opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

Sec. 146. 2008 c 329 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation	((\$1,042,000))
	<u>\$1,041,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$9,000 of the volunteer firefighters' and reserve officers' administrative account appropriation is provided solely to implement House Bill No. 1475 (additional board members). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 147. 2008 c 329 s 146 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$160,000
Public Service Revolving Account--State Appropriation	((\$31,118,000))
	<u>\$31,071,000</u>
Pipeline Safety Account--State Appropriation	((\$3,167,000))
	<u>\$3,163,000</u>
Pipeline Safety Account--Federal Appropriation	((\$1,535,000))
	<u>\$1,533,000</u>
TOTAL APPROPRIATION	((\$35,980,000))
	<u>\$35,927,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.

(2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.

(3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband technologies. The survey must collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its findings to the appropriate legislative committees by December 31, 2007.

Sec. 148. 2008 c 329 s 147 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2008)	\$12,430,000
General Fund--State Appropriation (FY 2009)	((\$13,195,000))
	<u>\$11,353,000</u>
General Fund--Federal Appropriation	((\$129,336,000))
	<u>\$129,334,000</u>
General Fund--Private/Local Appropriation	\$2,000
Enhanced 911 Account--State Appropriation	\$42,293,000
Disaster Response Account--State Appropriation	\$24,454,000
Disaster Response Account--Federal Appropriation	\$86,757,000
Military Department Rent and Lease Account--State Appropriation	\$814,000
Worker and Community Right-to-Know Account--State Appropriation	\$337,000
Nisqually Earthquake Account--State Appropriation	\$556,000
Nisqually Earthquake Account--Federal Appropriation	\$1,269,000
TOTAL APPROPRIATION	((\$311,443,000))
	<u>\$309,599,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,454,000 of the disaster response account--state appropriation and \$86,757,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account-- federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly

to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

(6) \$200,000 of the enhanced 911 account--state appropriation is provided solely for the department to recommend an appropriate funding mechanism for the implementation of next generation 911. The department shall consult with the utilities and transportation commission, the department of revenue, local governments, and representatives from companies providing telecommunications services in order to complete the report required under this subsection. The department may also consult with other public safety and medical associations in order to complete the study. The department shall submit the report to the finance committee and the technology, energy, and communications committee of the house of representatives, and the ways and means committee and the water, energy, and telecommunications committee of the senate, by December 1, 2008.

Sec. 149. 2008 c 329 s 148 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2008)	\$3,247,000
General Fund--State Appropriation (FY 2009)	(\$3,296,000)
	<u>\$3,180,000</u>
Department of Personnel Service Account--State Appropriation	\$3,287,000
TOTAL APPROPRIATION	(\$9,830,000) <u>\$9,714,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$107,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for implementation of Substitute House Bill No. 2361 (higher education exempt employees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 150. 2008 c 329 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2008)	\$1,114,000
General Fund--State Appropriation (FY 2009)	(\$1,755,000)
	<u>\$1,541,000</u>
General Fund--Federal Appropriation	\$1,641,000
General Fund--Private/Local Appropriation	\$14,000
TOTAL APPROPRIATION	(\$4,524,000) <u>\$4,310,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2115 (heritage barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) ~~(\$571,000)~~ \$368,000 of the general fund--state appropriation for fiscal year 2009 and \$500,000 of the nonappropriated skeletal human remains assistance account are provided solely for implementation of Engrossed Second Substitute House Bill No. 2624 (human remains). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to conduct a preliminary assessment to determine the feasibility of seeking federal heritage area designation for Washington state's maritime regions. The department shall establish an advisory committee for the study. The department shall submit a report of the preliminary assessment findings to the appropriate policy and fiscal committees of the legislature and to the governor by January 1, 2010.

Sec. 151. 2008 c 329 s 150 (uncodified) is amended to read as follows:

FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2008)	\$1,893,000
General Fund--State Appropriation (FY 2009)	(\$1,928,000)
	<u>\$1,878,000</u>
TOTAL APPROPRIATION	(\$3,821,000) <u>\$3,771,000</u>

**PART II
HUMAN SERVICES**

Sec. 201. 2008 c 329 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$316,353,000
General Fund--State Appropriation (FY 2009)	(\$345,840,000)
	<u>\$338,197,000</u>
General Fund--Federal Appropriation	(\$489,938,000)
	<u>\$490,314,000</u>
General Fund--Private/Local Appropriation	\$2,187,000
Domestic Violence Prevention Account--State Appropriation	\$1,000,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$3,251,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,254,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$2,934,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$2,934,000
Pension Funding Stabilization Account--State Appropriation	\$2,298,000
TOTAL APPROPRIATION	(\$1,169,989,000)
	<u>\$1,162,722,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$3,063,000)~~ \$2,993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,020 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, \$37,000 of the general fund--state appropriation for fiscal year 2009, and \$34,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child welfare).

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children

entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, \$407,000 of the general fund--state appropriation for fiscal year 2009, and \$48,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$49,000 of the general fund--state appropriation for fiscal year 2008, \$24,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 384, Laws of 2007.

(23) The department shall work with the exclusive bargaining representative for the children's administration social workers to prioritize social worker tasks and devise methods by which to alleviate from the social workers' workload lower priority tasks. Discussions on methods shall include the use of contracting services and home support specialists. The department and the bargaining representative shall jointly report their efforts to the appropriate committees of the legislature by submitting a progress report no later than July 1, 2008, and a final report by November 15, 2008.

(24) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with the largest nonprofit organization in the state conducting education and outreach on RCW 13.34.360, the safety of newborn children law.

(25) \$616,000 of the general fund--state appropriation for fiscal year 2009 and \$184,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$400,000 of this amount is for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$400,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

~~((28))~~ (26) \$42,000 of the general fund--state appropriation for fiscal year 2009 and \$29,000 of the general fund--federal appropriation are provided solely for the department to implement Second Substitute Senate Bill No. 6206 (child fatality). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((29))~~ (27) \$857,000 of the general fund--state appropriation for fiscal year 2009 and \$140,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 3145 (foster parent licensing). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((30))~~ (28) \$415,000 of the general fund--state appropriation for fiscal year 2008, \$469,000 of the general fund--state appropriation for fiscal year 2009, and \$264,000 of the general fund--federal appropriation are provided solely for the hiring of staff to expedite the phase-in of the state's policy of a private and individual face-to-face visit each month with children in out-of-home care and in-home dependencies and their caregivers.

~~((31))~~ (29) \$109,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the general fund--federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((32))~~ (30) The appropriations in this section provide specific funds to implement Engrossed Substitute Senate Bill No. 6792 (dependency matters).

~~((35))~~ (31) \$812,000 of the general fund--state appropriation for fiscal year 2009 and \$256,000 of the general fund--federal appropriation are provided solely for the department to hire additional staff to perform child health education and tracking screens.

~~((37))~~ (32) \$1,829,000 of the general fund--state appropriation for fiscal year 2009 and \$578,000 of the general fund--federal appropriation are provided solely for the department to contract with nonprofit organizations to facilitate twice-monthly visits between siblings living apart from each other in out-of-home care.

Sec. 202. 2008 c 329 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008)	\$87,822,000
General Fund--State Appropriation (FY 2009)	(\$88,715,000)
	<u>\$83,791,000</u>
General Fund--Federal Appropriation	\$5,662,000
General Fund--Private/Local Appropriation	\$1,898,000
Reinvesting in Youth--State Appropriation	\$1,414,000
Washington Auto Theft Prevention Authority Account--State Appropriation	\$171,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$21,975,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$22,078,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$2,510,000
Pension Funding Stabilization Account--State Appropriation	\$2,200,000
TOTAL APPROPRIATION	(\$234,445,000)
	<u>\$229,521,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$3,066,000)~~) \$2,299,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$1,287,000)~~) \$787,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including: (i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 203. 2008 c 329 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2008)	((\$305,747,000))
	\$305,732,000
General Fund--State Appropriation (FY 2009)	((\$328,783,000))
	\$302,014,000
General Fund--Federal Appropriation	((\$382,032,000))
	\$395,388,000
General Fund--Private/Local Appropriation	\$16,157,000
TOTAL APPROPRIATION	((\$1,032,719,000))
	<u>\$1,019,291,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$104,080,000)~~) \$118,504,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. These funds shall be distributed proportionally to each regional support network's percentage of the total state population.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(f) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(g) (~~(\$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection.~~

~~(h))~~ The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

~~((†))~~ (h) The department is authorized to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

~~((††))~~ (i) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

~~((†††))~~ (j) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((††††))~~ (k) \$2,981,000 of the general fund--state appropriation for fiscal year 2008, \$3,248,000 of the general fund--state appropriation for fiscal year 2009, and \$2,016,000 of the general fund--federal appropriation are provided solely to modify the department's proposed new payment rates for medicaid inpatient psychiatric services. Under the department's proposed rate system, effective August 1, 2007, each hospital's inpatient psychiatric payment rate would have been set at a percentage of that hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year. Within the amount provided in this subsection (l)(m), beginning August 1, 2007, each hospital's inpatient psychiatric payment rate shall instead be set at the greater of a percentage of: (i) The hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year; or (ii) the statewide average per diem cost for psychiatric inpatient care during the most recent rebasing year, adjusted for regional wage differences and for differences in medical education costs. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

~~(m)~~ \$6,267,000 of the general fund--state appropriation for fiscal year 2008 and \$6,462,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase nonmedicaid psychiatric inpatient payment rates over fiscal year 2005 levels. It is expected that nonmedicaid rates will be set at approximately 85 percent of each hospital's medicaid psychiatric inpatient rate. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.

~~(n)~~ \$7,396,000 of the general fund--state appropriation for fiscal year 2008, \$15,146,000 of the general fund--state appropriation for fiscal year 2009, and \$13,927,000 of the general fund--federal appropriation are provided solely to increase regional support network medicaid capitation rates, or fee-for-service rates paid instead of those capitation rates, and nonmedicaid allocations by 3.0 percent effective July 1, 2007, and by an additional 3.0 percent effective July 1, 2008. The federal portion of these rate increases is contingent upon federal approval. (i) The legislature intends and expects that regional support networks and community mental health agencies will use at least 67 percent of the amounts provided in this subsection (l)(o) to increase compensation for direct care personnel above and beyond usual and customary wage increases. To this end, regional support networks shall report to the department by October 15, 2007, on planned uses of the rate increases within their network area. The report shall describe the direct care job classifications to which increases are to be provided; the number of full-time equivalent personnel employed in each classification; the annualized dollar and percentage increases to be provided each classification; the

annualized dollar value of the direct care compensation increases provided, in total and as a percentage of the total rate increase; and the number of personnel in each job classification covered by a collective bargaining agreement. The department shall summarize and analyze the regional plans, and report findings, options, and recommendations to the legislature by December 1, 2007. (ii) Regional support networks shall maintain documentation of how the rate increases have been applied. Such documentation shall be subject to audit by the department. (iii) For purposes of this subsection (1)(o), "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance. In agencies that provide both mental health and chemical dependency services, nonmedicaid funds may also be used for compensation increases for direct care staff whose primary responsibility is direct care and treatment for people with chemical dependency problems.

— (o) \$2,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,683,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.

— ((p)) (k) \$135,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$3,031,000)~~) \$2,905,000 of the general fund--state appropriation for fiscal year 2009, and \$1,289,000 of the general fund--private/local appropriation are provided solely to enable the department to contract with Pierce county human services for the provision of community mental health services to include crisis triage, evaluation and treatment, and mobile crisis services. The legislature intends this to be one-time funding while a replacement regional support network is being secured. The department is authorized to reserve \$402,000 general fund--state and \$201,000 general fund--local of these amounts for reasonable costs incurred by Pierce county for the provision of mental health crisis and related services that exceed reimbursement levels contracted by the department. In order to receive these funds, Pierce county must demonstrate to the department that the total cost of mental health services provided by the county in accordance with formal agreements has exceeded the revenues received from the department and third-party payers for these services. The department shall determine the documentation that is required.

— ((q)) (l) \$504,000 of the general fund--state appropriation for fiscal year 2008 and \$1,529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

— ((r)) (m) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Spokane regional support network to implement a comprehensive plan for reducing its utilization of eastern state hospital. Key elements of the plan, which shall be developed and implemented in consultation with and with the assistance of the department, may include but shall not be limited to development of additional crisis triage, crisis stabilization, and evaluation and treatment beds; provision of housing assistance for high-utilizers of hospital and jail services who are at risk of homelessness; implementation of an intensive outpatient treatment team for persons with co-occurring disorders and other special needs; and delivery of respite care to assist elderly individuals avoid or return home after hospitalization. Spokane regional support shall receive a proportional share of the fiscal year 2009 nonmedicaid rate reduction out of its base funding distribution.

— ((s) ~~\$6,250,000~~ of the general fund--state appropriation for fiscal year 2009 is provided solely for regional support networks to increase and improve delivery of nonmedicaid services. These funds shall be distributed to regional support networks, other than Spokane and Pierce county, proportional to each network's share of total population among those networks.

— (t) ~~\$215,000~~ of the general fund--state appropriation for fiscal year 2008 is provided solely to assist nongovernmental mental health agencies in Pierce county with start-up and other extraordinary administrative costs required by the conversion from a capitated to a unit fee-based service delivery and billing system.)

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$138,340,000
General Fund--State Appropriation (FY 2009)	(\$131,973,000)
	<u>\$129,272,000</u>
General Fund--Federal Appropriation	(\$145,602,000)
	<u>\$145,552,000</u>
General Fund--Private/Local Appropriation	\$66,302,000
Pension Funding Stabilization Account--State Appropriation	\$7,058,000
TOTAL APPROPRIATION	(\$489,275,000)
	<u>\$486,524,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(f) \$133,000 of the general fund--state appropriation for fiscal year 2008 and \$2,145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to pilot a direct care nurse staffing plan for two high incident wards at eastern state hospital and four high incident

wards at western state hospital. The pilot provides funding to fully staff registered nurses, licensed practical nurses, and mental health technicians in accordance with the state psychiatric hospitals direct care staffing review and recommendations. The department shall have the authority to fill the positions with any mix of these direct care nursing staff so long as a good faith effort is made to first hire and recruit positions in accordance with the direct care nurse staffing plan. The department shall monitor outcomes for improved patient and staff safety and provide a written report to the legislature by October 1, 2009.

(g) \$617,000 of the general fund--state appropriation for fiscal year 2008 and \$334,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to cover additional operating costs related to the October 11, 2007, laundry fire at western state hospital.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	(\$1,917,000)
	<u>\$1,892,000</u>
General Fund--State Appropriation (FY 2009)	(\$2,319,000)
	<u>\$2,269,000</u>
General Fund--Federal Appropriation	\$3,276,000
TOTAL APPROPRIATION	(\$7,512,000)
	<u>\$7,437,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.

~~((e))~~ (b) \$80,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the general fund--federal appropriation are provided solely as one-time funding to make available a mental health train the trainer first aid course consisting of twelve hours of instruction based upon a program created by the department of psychiatry, University of Melbourne in Australia. The course will provide training to members of the public related to: (i) Giving appropriate initial help and support to a person suffering from a mental disorder and responding to mental health crisis situations; and (ii) depression, anxiety disorders, psychosis, and substance use disorder, including recognizing symptoms, possible causes or risk factors, and evidenced-based treatment options. Participants in the first aid course will train others to provide the training.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$4,966,000
General Fund--State Appropriation (FY 2009)	(\$5,177,000)
	<u>\$4,500,000</u>
General Fund--Federal Appropriation	\$7,557,000
TOTAL APPROPRIATION	(\$17,700,000)
	<u>\$17,023,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

~~((e))~~ (b) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with a facilitator to coordinate a review and make recommendations on:

- (i) Ward sizes at eastern and western state hospitals and patient case mix by ward;
- (ii) Discharge practices for state hospitals to include the child and study treatment center; and
- (iii) Community placements to include placements for adults and children.

By October 15, 2008, the department shall provide to the legislature recommendations for system improvement to include a cost/benefit analysis. The department shall include representation from regional support networks in the review and development of recommendations for discharge practices and community placements.

Sec. 204. 2008 c 329 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008)	\$348,327,000
General Fund--State Appropriation (FY 2009)	(\$380,811,000)
	<u>\$362,150,000</u>
General Fund--Federal Appropriation	(\$636,595,000)
	<u>\$653,545,000</u>
Health Services Account--State Appropriation (FY 2008)	\$452,000
Health Services Account--State Appropriation (FY 2009)	\$452,000
TOTAL APPROPRIATION	(\$1,366,637,000)
	<u>\$1,364,926,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,399,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$8,849,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,198,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), \$696,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) \$1,692,000 of the general fund--state appropriation for fiscal year 2008, \$3,645,000 of the general fund--state appropriation for fiscal year 2009, and \$2,397,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. The legislature finds that some waiver clients are not receiving employment services that are authorized under their waivers. Within the amounts appropriated in this section, waiver clients must receive services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall work with the counties to establish a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, time frames for seeking paid employment, and services provided under pathway to employment while paid employment is sought. The department shall report to the office of financial management and the appropriate committees of the legislature on this proposal by November 1, 2008, including estimated fiscal impacts and an option for making the policy budget neutral for the current level of clients served. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h)(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.

(ii) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(iii) Amounts provided in this section and in section 206 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

(i) \$921,000 of the general fund--state appropriation for fiscal year 2009 and \$963,000 of the general fund--federal appropriation are provided solely for the development and implementation of a federal home and community-based care waiver to provide intensive behavior support services to up to one hundred children with developmental disabilities who have intense behaviors, and their families.

(i) To receive services under the waiver, the child must have a developmental disability and: (A) Meet an acuity measure, as determined by the department, indicating that the child is at high risk of needing an out-of-home placement; (B) be eligible for developmental disabilities services and a home and community-based care waiver program; (C) reside in his or her family home or temporarily in an out-of-home placement with a plan to return home; and (D) have family that demonstrates the willingness to participate in the services offered through the waiver, and is not subject to a pending child protective services referral.

(ii) The department shall authorize, contract for, and evaluate the provision of intensive in-home services that support the ability of the child to remain at home with their parents or relatives. Intensive behavior support services under the waiver shall be provided directly or by contract, and may include, but are not limited to: (A) behavior consultation and management, therapies and respite care; (B) minor home or motor vehicle modifications and transportation; (C) specialized nutrition and clothing; (D) training of families and other individuals working with the child; and (E) inclusion in community activities.

(j) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the purpose of settling all claims in the *Washington Federation of State Employees, et. al v. State of Washington*, Thurston County Superior Court Cause No. 05-2-02422-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the appropriation in this subsection (j). If settlement is not executed by June 30, 2008, the appropriation in this subsection (j) shall lapse.

(k) Within the amounts appropriated in this section, the department shall review current infant-toddler early intervention services statewide and report to the office of financial management by November 1, 2008, and the appropriate committees of the legislature on a recommended consistent funding approach per child for the 2009-11 biennium, recognizing the new level of funding anticipated by school district participation. The recommendations must also include a budget neutral option for the current level of clients served.

(l) \$325,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for state-only employment services for young adults with developmental disabilities who need employment opportunities and assistance after high school graduation.

(m) The department shall adopt emergency rules to redefine in-home personal benefits based on client assessment data. Clients whose assessments demonstrate they are able to manage their own plan of care shall be eligible for personal care through an individual provider. Clients whose assessments demonstrate the need for assistance with managing their plan of care shall be eligible for personal care through agency providers or an individual provider if they have someone to assist them in managing their plan of care.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$80,469,000
General Fund--State Appropriation (FY 2009)	(\$80,668,000)
	\$69,795,000
General Fund--Federal Appropriation	(\$172,332,000)
	\$179,338,000
General Fund--Private/Local Appropriation	(\$22,203,000)
	\$21,629,000
Pension Funding Stabilization Account--State Appropriation	\$5,614,000
TOTAL APPROPRIATION	(\$361,286,000)
	<u>\$356,845,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(c) \$642,000 of the general fund--state appropriation for fiscal year 2008 and \$721,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$2,262,000
General Fund--State Appropriation (FY 2009)	(\$2,328,000)
	\$2,302,000
General Fund--Federal Appropriation	(\$2,812,000)
	\$2,788,000
TOTAL APPROPRIATION	(\$7,402,000)
	<u>\$7,352,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$17,000
General Fund--State Appropriation (FY 2009)	\$15,000
General Fund--Federal Appropriation	\$16,809,000
TOTAL APPROPRIATION	\$16,841,000

Sec. 205. 2008 c 329 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$700,332,000
General Fund--State Appropriation (FY 2009)	(\$753,881,000)
	\$706,461,000
General Fund--Federal Appropriation	(\$1,534,175,000)
	\$1,569,187,000
General Fund--Private/Local Appropriation	\$19,525,000
Pension Funding Stabilization Account--State Appropriation	\$1,448,000
Health Services Account--State Appropriation (FY 2008)	\$2,444,000

Health Services Account--State Appropriation (FY 2009)	\$2,444,000
Traumatic Brain Injury Account--State Appropriation	\$1,212,000
TOTAL APPROPRIATION	(\$3,015,461,000) \$3,001,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$159.34 for fiscal year 2008 and shall not exceed ~~(\$165.04)~~ \$163.72 for fiscal year 2009, including the rate add-on described in subsection (9) of this section. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions solely by 3.2 percent effective July 1, 2007~~((For all nursing facilities, adjustments for economic trends and conditions effective July 1, 2008, shall be as specified in subsection (10)(c) of this section)), and by 1.99 percent effective July 1, 2008; adjustment factors for economic trends and conditions from prior fiscal years shall not be accumulated. There shall be no additional adjustment to the July 1, 2007, or the July 1, 2008, rates established in accordance with chapter 74.46 RCW for economic trends and conditions. The economic trends and conditions factors defined in this act shall not be compounded with economic trends and conditions factors defined in any prior biennium appropriations act.~~

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 and \$3,134,000 of the general fund--federal appropriation are provided solely to increase compensation for low-wage workers in nursing homes beginning July 1, 2008. Within the funds provided, the department shall provide an add-on per resident day per facility based on the total funding divided by the total number of fiscal year 2009 medicaid patient days as forecasted by the caseload forecast council, not to exceed \$1.57. The department may reduce the level of add-on if necessary to fit within this appropriation if the caseload forecasted days increase from the February 2008 forecast. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2006, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall implement reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(10) ~~(\$2,115,000 of the general fund--state appropriation for fiscal year 2008, \$6,640,000 of the general fund--state appropriation for fiscal year 2009, and \$9,152,000 of the general fund--federal appropriation are provided solely to increase nursing facility payment rates.~~

~~(a) Of the amounts provided in this subsection, \$297,000 of the general fund--state appropriation for fiscal year 2008, \$364,000 of the general fund--state appropriation for fiscal year 2009, and \$691,000 of the general fund--federal appropriation are provided solely to provide funding for direct care rates required by Senate Bill No. 6629 (nursing facility payment systems). If the bill is not enacted by June 30, 2008, then the amounts provided in this subsection (10)(a) shall lapse.~~

~~(b) Of the amounts provided in this subsection, \$1,818,000 of the general fund--state appropriation for fiscal year 2008, \$1,552,000 of the general fund--state appropriation for fiscal year 2009, and \$3,526,000 of the general fund--federal appropriation are provided solely to fund projected increases in the weighted average nursing facility payment rates for fiscal years 2008 and 2009 due to appeals, client acuity, capital projects, bed changes, and other adjustments to cost projections deemed necessary by the department.~~

~~(c) The remaining amounts provided in this subsection of \$4,724,000 general fund--state for fiscal year 2009 and \$4,935,000 general fund--federal are provided solely for an adjustment for economic trends and conditions of 1.99 percent for direct care, therapy care, support services, and operations effective July 1, 2008.~~

(11) \$180,000 of the general fund--state appropriation for fiscal year 2009 and \$170,000 of the general fund--federal appropriation are provided solely for a review of the costs and benefits of a fair rental system to reimburse capital expenditures. The department must report its findings to the fiscal committees of the legislature and the office of financial management by July 1, 2009.

(12) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100

beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

~~((13))~~ \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$816,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2111 (adult family homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((14))~~ ~~(11)~~ \$1,212,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((15))~~ Within amounts appropriated in this section and in section 205 of this act, the department of social and health services shall:

- ~~(a)~~ Determine how geographic differences in community residential provider payments affect provider and workforce turnover;
- ~~(b)~~ Examine alternative community residential provider payment systems that account for differences in direct care labor costs in various areas of the state, including alternative peer groupings in its payment systems that take such factors into account; and
- ~~(c)~~ Submit a report of its findings and recommendations to the office of financial management and to the appropriate fiscal committees of the legislature by June 30, 2008.

~~(16)~~ ~~(a)~~ Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.

~~(b)~~ The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

~~(c)~~ Amounts provided in this section and in section 205 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

~~(17)~~ \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--federal appropriation are provided solely for the department contract for an evaluation of training requirements for long-term care workers as generally described in Second Substitute House Bill No. 2284 (training of care providers):

~~((18))~~ ~~(12)~~ The department shall implement phase one of the full implementation of a seventeen CARE level payment system for community residential providers. The department shall reduce fiscal year 2009 payment levels by 3.0 percent for boarding homes, boarding homes contracted as assisted living, and adult family homes, including any residential provider currently receiving exceptional care rates.

~~(13)~~ The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

~~((19))~~ ~~(14)~~ \$2,463,000 of the general fund--state appropriation for fiscal year 2009 and \$1,002,000 of the general fund--federal appropriation are provided solely to implement sections 4 and 8 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((20))~~ ~~(15)~~ \$40,000 of the general fund--state appropriation for fiscal year 2009 and \$40,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((22))~~ ~~(16)~~ Within the funds appropriated in the section, the department shall establish one statewide hourly rate to reimburse home care agencies for the costs related to state clients for hours worked by direct care workers in receiving mandatory training. The statewide hourly rate shall be based on the hourly wage paid to individual providers plus mandatory taxes plus an adjustment based on the formula created under RCW 74.39A.310.

(17) The department shall adopt emergency rules to redefine in-home personal benefits based on client assessment data. Clients whose assessments demonstrate they are able to manage their own plan of care shall be eligible for personal care through an individual provider. Clients whose assessments demonstrate the need for assistance with managing their plan of care shall be eligible for personal care through agency providers or an individual provider if they have someone to assist them in managing their plan of care.

Sec. 206. 2008 c 329 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$586,369,000
General Fund--State Appropriation (FY 2009)	((619,066,000))
	\$463,846,000
General Fund--Federal Appropriation	((1,037,038,000))
	\$1,168,223,000
General Fund--Private/Local Appropriation	((30,833,000))
	\$33,233,000
Pension Funding Stabilization Account--State Appropriation	\$4,592,000
TOTAL APPROPRIATION	((2,277,898,000))
	\$2,256,263,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,694,000 of the general fund--state appropriation for fiscal year 2008, ~~((363,284,000))~~ \$362,304,000 of the general fund--state appropriation for fiscal year 2009, and \$733,276,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy

committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;

(e) For fiscal year 2009, increase the temporary assistance for needy families grant standard by three percent to account for increased housing costs.

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection (1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$850,000 of the general fund--federal appropriation are provided solely to increase the gross income limits for eligibility for programs authorized under RCW 74.04.500 and 74.08A.120 to 200 percent of the federal poverty level. The department shall adjust its rules and information technology systems to make the eligibility change effective October 1, 2008.

(14) The department, in conjunction with the House Bill No. 1290 work group, shall identify and analyze barriers preventing city, county, and state referrals of persons potentially eligible for expedited application processing authorized under RCW 74.09.555. The department, in conjunction with the House Bill No. 1290 work group, shall report its findings and recommendations to the appropriate committees of the legislature no later than November 15, 2008.

(15) ~~(\$656,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the department to increase immigration and naturalization services. These funds shall not supplant state and federal resources currently provided by the department for this purpose.)~~ The department shall increase the child care copayment by ten dollars per month for families above 82 percent of the federal poverty level.

Sec. 207. 2008 c 329 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2008)	\$69,252,000
General Fund--State Appropriation (FY 2009)	(\$74,467,000)
	\$41,854,000
General Fund--Federal Appropriation	(\$149,196,000)
	\$168,949,000
General Fund--Private/Local Appropriation	\$6,083,000

Criminal Justice Treatment Account--State Appropriation	\$18,555,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$22,186,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$22,186,000
Problem Gambling Account--State Appropriation	\$1,464,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$3,396,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,395,000
Pension Funding Stabilization Account--State Appropriation	\$146,000
TOTAL APPROPRIATION	<u>(\$370,326,000)</u> <u>\$357,466,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$1,060,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: (a) To continue an existing pilot program in Pierce county limited to individuals who began chemical dependency treatment using the prometa protocol prior to March 11, 2008; and (b) to contract with an independent evaluator who will, to the extent possible, evaluate the Pierce county pilot, as well as summarize other research on the efficacy of the prometa protocol.

(5) \$4,449,000 of the general fund--state appropriation for fiscal year 2009 and \$1,000,000 of the criminal justice treatment account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6665 (crisis response), to continue existing pilot programs and to expand the intensive crisis response pilot to Spokane county. The continuation and expansion of the pilot programs expires June 30, 2009. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 208. 2008 c 329 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008)	\$1,602,827,000
General Fund--State Appropriation (FY 2009)	<u>(\$1,669,581,000)</u> <u>\$1,533,352,000</u>
General Fund--Federal Appropriation	<u>(\$4,344,748,000)</u> <u>\$4,430,011,000</u>
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,076,000
Health Services Account--State Appropriation (FY 2008)	\$388,946,000
Health Services Account--State Appropriation (FY 2009)	<u>(\$421,762,000)</u> <u>\$392,857,000</u>
Tobacco Prevention and Control Account--State Appropriation	\$1,883,000
Pension Funding Stabilization Account--State Appropriation	\$646,000
TOTAL APPROPRIATION	<u>(\$8,447,469,000)</u> <u>\$8,367,598,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be

at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund-- federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2007, and by November 1, 2008, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed within two years after the end of the related fiscal year. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$61,728,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and \$57,894,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) \$4,399,000 of the general fund--state appropriation for fiscal year 2008, \$6,391,000 of the general fund--state appropriation for fiscal year 2009, and \$55,384,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection (13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$6,728,000 of the general fund--state appropriation for fiscal year 2008 and \$8,563,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$268,000)~~ \$134,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department

to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) \$1,529,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$2,871,000)~~) \$1,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children).

(a) By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

(i) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;

(ii) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;

(iii) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;

(iv) Outreach contracts with local governmental entities, community based organizations, and tribes;

(v) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;

(vi) Results of efforts to maximize federal matching funds, wherever possible; and

(vii) Plans for sustaining outreach programs proven to be successful.

(b)(i) Within the amounts provided under this subsection (19), sufficient funding is provided to the department to develop and implement in conjunction with the employment security department a plan that would:

(A) Allow applicants and recipients of unemployment insurance to request assistance with obtaining health coverage for household members; and

(B) Authorize the exchange of information between the employment security department and the department of social and health services to more efficiently determine eligibility for health coverage under chapter 74.09 RCW.

(ii) The plan developed in (b)(i) of this subsection should address permissible uses of federal employment security funding and infrastructure, identification of any necessary statutory changes, and cost information. The department shall submit the plan in a report to the governor and the appropriate committees of the legislature by November 15, 2008.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$616,000)~~) \$308,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) The department may not transition to managed care delivery any population that has been primarily served under fee-for-service delivery unless the department first conducts a cost-effectiveness evaluation of the transition, including an evaluation of historical data on utilization patterns, and finds that the transition would result in a more effective and cost-efficient form of service delivery, pursuant to RCW 74.09.470. Any such finding must be provided to the governor and the legislature no less than ninety days before the transition begins.

(22) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

(25) \$1,883,000 of the tobacco prevention and control account-- state appropriation and \$1,742,000 of the general fund--federal appropriation are for the provision of smoking cessation benefits pursuant to Senate Bill No. 6421 (smoking cessation). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(26) As part of the five-year plan on state purchasing to improve health care quality under chapter 259, Laws of 2007, the department, in collaboration with the department of health, shall provide a report to the appropriate committees of the legislature outlining a strategy to

improve immunization rates for all children in the state, including but not limited to vaccine administration fee increases and pay-for-performance incentives. The department shall submit the report to the governor and the health policy and fiscal committees of the legislature by November 1, 2008.

(27) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2008.

(28)(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a feasibility study to examine processes and systems that would expeditiously link persons released from confinement in state and local correctional facilities and institutions for mental diseases to medical assistance benefits for which they qualify. The study shall present an analysis of the costs and benefits associated with:

(i) Suspending eligibility for persons who were receiving medical assistance at the time their confinement began, such that upon the person's release from confinement, medical assistance benefits would immediately resume without the filing of a new application. In the evaluation of eligibility suspension, the department shall examine process modifications that would allow confined persons to recertify eligibility before or immediately after release from confinement;

(ii) Improving the efficiency and expanding the scope of the expedited medical assistance reinstatement and eligibility determination process established under RCW 74.09.555, including extending the process to persons other than those with mental disorders, both for persons who had been previously eligible before confinement and for persons who had not been eligible before confinement;

(iii) Providing medical and mental health evaluations to determine disability for purposes of the medical assistance program before the person's release from confinement; and

(iv) Notifying the department in a timely manner when a person who has been enrolled in medical assistance is confined in a state correctional institution or institution for mental diseases or is released from confinement.

(b) In conducting the study, the department shall collaborate with the Washington association of sheriffs and police chiefs, the department of corrections, the regional support networks, department field offices, institutions for mental diseases, and correctional institutions. The department shall submit the study to the governor and the legislature by November 15, 2008.

~~((30))~~ (29) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((31) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for the senior dental access project pursuant to Engrossed Second Substitute House Bill No. 2668 (long term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.)~~

(30) The department shall continue children's health coverage outreach and education efforts. These efforts shall rely on existing relationships and systems developed to implement the program under RCW 74.09.470, such as those with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that may become available to provide on-going support for outreach and education efforts.

(31) The department shall reduce expenditures on pharmaceuticals and durable medical equipment.

Sec. 209. 2008 c 329 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008)	\$11,543,000
General Fund--State Appropriation (FY 2009)	((12,323,000))
	<u>\$8,182,000</u>
General Fund--Federal Appropriation	((92,975,000))
	<u>\$95,975,000</u>
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,975,000
Pension Funding Stabilization Account--State Appropriation	\$116,000
TOTAL APPROPRIATION	((118,932,000))
	<u>\$117,791,000</u>

Sec. 210. 2008 c 329 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2008)	\$52,506,000
General Fund--State Appropriation (FY 2009)	((54,549,000))
	<u>\$52,216,000</u>
TOTAL APPROPRIATION	((107,055,000))
	<u>\$104,722,000</u>

Sec. 211. 2008 c 329 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$40,502,000
General Fund--State Appropriation (FY 2009)	((41,125,000))
	<u>\$38,596,000</u>
General Fund--Federal Appropriation	((64,805,000))
	<u>\$62,737,000</u>
General Fund--Private/Local Appropriation	\$1,526,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$700,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,752,000
Pension Funding Stabilization Account--State Appropriation	\$1,408,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$913,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$917,000
TOTAL APPROPRIATION	((153,648,000))
	<u>\$149,051,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$250,000)~~) \$230,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the expansion of the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$1,750,000)~~) \$1,676,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and additional community networks supporting counties or groups of counties in evaluating programs funded through a block grant by the juvenile rehabilitation administration. Funds not used for grants to community networks supporting counties or groups of counties participating in the decategorization block grants shall lapse.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(5) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the continuation of the postpartum depression campaign, including the design and production of brochures in various languages, a radio public service announcement, and other outreach and training efforts.

(6) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand and enhance the juvenile detention alternatives initiative. This funding is intended to add three new program sites, support the addition of a data analyst, and to provide resources for the state to participate in annual national conferences.

(7) \$95,000 of the general fund--state appropriation for fiscal year 2008, \$87,000 of the general fund--state appropriation for fiscal year 2009, and \$101,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$12,000 of the general fund--state appropriation for fiscal year 2009 and \$7,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007.

(9) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$804,000 of the general fund--state appropriation for fiscal year 2009, and \$581,000 of the general fund--federal appropriation are provided solely for the development of a project plan, time line, and budget plan for a more flexible payment system for independent home care providers and others who collectively bargain for wages and benefits. The legislature finds the amounts provided are sufficient to fund the following related to a timely and expeditious transition to a more flexible provider payroll system: (a) An appropriate request for proposal; and (b) collection of the information necessary to develop the budget proposal needed to seek budget authority for the system.

Sec. 212. 2008 c 329 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2008)	\$59,085,000
General Fund--State Appropriation (FY 2009)	(\$60,121,000)
	<u>\$52,540,000</u>
General Fund--Federal Appropriation	(\$57,438,000)
	<u>\$53,302,000</u>
TOTAL APPROPRIATION	(\$176,644,000)
	<u>\$164,927,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$235,000 of the general fund--state appropriation for fiscal year 2009 and \$111,000 of the general fund-- federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 213. 2008 c 329 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2008)	\$1,000,000
General Fund--Federal Appropriation	(\$4,937,000)
	<u>\$4,934,000</u>
State Health Care Authority Administrative Account--State Appropriation	(\$41,543,000)
	<u>\$41,497,000</u>
State Health Care Authority Administrative Account--Private/Local Appropriation	\$100,000
Medical Aid Account--State Appropriation	\$527,000
Health Services Account--State Appropriation (FY 2008)	\$271,478,000
Health Services Account--State Appropriation (FY 2009)	(\$302,832,000)
	<u>\$291,795,000</u>
TOTAL APPROPRIATION	(\$622,417,000)
	<u>\$611,331,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~(4) (\$4,062,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.~~

~~(5))~~ Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

~~((6))~~ (5) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

~~((7))~~ (6) \$784,000 of the health services account--state appropriation for fiscal year 2008, ~~(\$1,676,000 of the health service account--state appropriation for fiscal year 2009;)~~ \$540,000 of the general fund--federal appropriation, and \$8,200,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

~~((8))~~ (7) \$2,000,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the authority to provide one-time competitive grants to community health centers to increase the number of adults served on an ongoing basis. Each clinic receiving grant funding shall report annually, beginning December 2008, on key adult access indicators established by the authority, including but not limited to increases in the number of low-income adults served.

~~((9))~~ (8) \$1,639,000 of the health services account--state appropriation for fiscal year 2008 ~~(and \$2,988,000 of the health services account--state appropriation for fiscal year 2009 are)~~ is provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). ~~((An additional \$750,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for premium subsidies to low-income employees of small employers participating in the health insurance partnership, as generally described in Second Substitute House Bill No. 2537 (modifications to the health insurance partnership).))~~

~~((10))~~ (9) \$664,000 of the health services account--state appropriation for fiscal year 2008 ~~(and \$664,000 of the health services account--state appropriation for fiscal year 2009 are)~~ is provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

~~((11))~~ (10) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

~~((12))~~ (11) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

~~((13))~~ (12) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

~~((14))~~ (13) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

~~((15))~~ (14) \$100,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 214. 2008 c 329 s 215 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2008)	\$3,377,000
General Fund--State Appropriation (FY 2009)	(\$3,699,000)
	<u>\$3,580,000</u>
General Fund--Federal Appropriation	\$1,523,000
TOTAL APPROPRIATION	(\$8,599,000) <u>\$8,480,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$190,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 215. 2008 c 329 s 216 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	(\$18,330,000)
	<u>\$17,963,000</u>
Medical Aid Account--State Appropriation	(\$18,331,000)
	<u>\$17,964,000</u>

TOTAL APPROPRIATION (~~\$36,681,000~~)
\$35,947,000

Sec. 216. 2008 c 329 s 217 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2009) \$306,000
 Public Safety and Education Account--State Appropriation (FY 2008) \$15,680,000
 Public Safety and Education Account--State Appropriation (FY 2009) (~~\$21,464,000~~)
\$21,445,000
 Death Investigations Account--State Appropriation \$148,000
 Municipal Criminal Justice Assistance Account--State Appropriation \$460,000
 Washington Auto Theft Prevention Authority Account--State Appropriation \$12,322,000
 TOTAL APPROPRIATION (~~\$50,380,000~~)
\$50,361,000

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,809,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and nine additional basic law enforcement academies in fiscal year 2009.

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to deliver multi-disciplinary team training sessions aimed at improving the coordination of, and communication between, agencies involved in the investigation of child fatality, child sexual abuse, child physical abuse, and criminal neglect cases.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$5,000,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

- (A) For level I offenders, every twelve months;
- (B) For level II offenders, every six months; and
- (C) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program.

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by September 1, 2009.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

(11) \$750,000 of the public safety and education fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$306,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant program to pay for the costs of local law enforcement agencies participating in specialized crisis intervention training.

Sec. 217. 2008 c 329 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2008) \$8,716,000
 General Fund--State Appropriation (FY 2009) (~~\$9,314,000~~)

	<u>\$8,624,000</u>
General Fund--Federal Appropriation	\$100,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$15,393,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$16,525,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$908,000
Electrical License Account--State Appropriation	\$41,104,000
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$1,941,000
Public Works Administration Account--State Appropriation	\$3,948,000
Manufactured Home Installation Training Account--State Appropriation	\$192,000
Accident Account--State Appropriation	((\$232,730,000))
	<u>\$232,295,000</u>
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	((\$235,880,000))
	<u>\$235,445,000</u>
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	((\$2,002,000))
	<u>\$1,634,000</u>
Pressure Systems Safety Account--State Appropriation	\$3,646,000
TOTAL APPROPRIATION	((\$599,235,000))
	<u>\$597,307,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.
- (2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.
- (4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.
- (5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.
- (6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (11) \$74,000 of the accident account--state appropriation and \$74,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (12) \$605,000 of the accident account--state appropriation for fiscal year 2008 is provided solely for a study of the incidence of permanent total disability pensions in the state's workers' compensation system. To conduct the study, the department shall contract with an independent researcher that has demonstrated expertise in workers' compensation systems. When selecting the independent researcher, the department shall consult the labor and business members of the workers' compensation advisory committee and, if the labor and business members of the workers' compensation advisory committee agree on a particular independent researcher, the department shall select that independent researcher. The study must consider causes of the recent increase in permanent total disability cases, future anticipated permanent total disability trends, a comparison of Washington's permanent total disability claims experience and injured workers with other states and jurisdictions, the impact of the standard for finding workers employable on the incidence of permanent total disability pensions, and the impact of vocational rehabilitation under RCW 51.32.095 on the incidence of permanent total disability pensions. The department shall report to the workers' compensation advisory committee, the house of representatives commerce and labor committee, and the senate labor, commerce, research and development committee on the results of the study on or before July 1, 2008.
- (13) \$1,089,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 27, Laws of 2007 (ESHB 2171, crane safety).

(14) \$100,000 of the general fund--federal appropriation and \$192,000 of the manufactured home installation training account--state appropriation are provided solely for Substitute House Bill No. 2118 (mobile/manufactured homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$107,000 of the accident account--state appropriation and \$107,000 of the medical aid account--state appropriation are provided solely to implement Senate Bill No. 6839 (workers' compensation coverage). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(16) \$224,000 of the general fund--state appropriation for fiscal year 2009, \$741,000 of the accident account--state appropriation, and \$741,000 of the medical aid account--state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$408,000 of the accident account--state appropriation and \$72,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 2602 (victims' employment leave). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(18) \$3,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$3,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 6246 (industrial insurance claims). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((21))~~ (19) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of licensing shall report their findings to the appropriate committees of the legislature.

~~((22))~~ The department of labor and industries shall enter into an interagency agreement with the employment security department to expend funds from the family leave insurance account for the implementation of the family leave insurance program.

~~((23))~~ (20) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section and by not more than 5.53 percent in fiscal year 2008: Boiler inspection permits and fees; boiler permit fees; plumbers' continuing education; and plumbers' licensing and examination fees.

Sec. 218. 2008 c 329 s 219 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2008)	\$1,876,000
General Fund--State Appropriation (FY 2009)	(\$2,012,000)
	<u>\$1,937,000</u>
TOTAL APPROPRIATION	(\$3,888,000)
	<u>\$3,813,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$224,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1220 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 219. 2008 c 329 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2008)	\$2,124,000
General Fund--State Appropriation (FY 2009)	(\$2,142,000)
	<u>\$1,926,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	(\$4,276,000)
	<u>\$4,060,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2008)	\$5,264,000
General Fund--State Appropriation (FY 2009)	(\$5,593,000)
	<u>\$5,318,000</u>
General Fund--Federal Appropriation	\$1,025,000
General Fund--Private/Local Appropriation	\$3,317,000
Veterans Innovations Program Account Appropriation	\$1,437,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,062,000
TOTAL APPROPRIATION	(\$17,698,000)
	<u>\$17,423,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$7,948,000
General Fund--State Appropriation (FY 2009)	(\$5,984,000)
	<u>\$5,484,000</u>
General Fund--Federal Appropriation	(\$43,126,000)
	<u>\$43,120,000</u>
General Fund--Private/Local Appropriation	(\$31,574,000)

	<u>\$31,569,000</u>
TOTAL APPROPRIATION	((\$88,632,000))
	<u>\$88,121,000</u>

Sec. 220. 2008 c 329 s 221 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2008)	\$1,721,000
General Fund--State Appropriation (FY 2009)	((\$1,731,000))
	<u>\$1,537,000</u>
TOTAL APPROPRIATION	((\$3,452,000))
	<u>\$3,258,000</u>

Sec. 221. 2008 c 329 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2008)	((\$81,352,000))
	<u>\$81,232,000</u>
General Fund--State Appropriation (FY 2009)	((\$86,258,000))
	<u>\$79,786,000</u>
General Fund--Federal Appropriation	((\$477,072,000))
	<u>\$477,065,000</u>
General Fund--Private/Local Appropriation	((\$119,919,000))
	<u>\$119,875,000</u>
Hospital Commission Account--State Appropriation	\$144,000
Health Professions Account--State Appropriation	((\$68,877,000))
	<u>\$68,726,000</u>
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$12,606,000
Safe Drinking Water Account--State Appropriation	\$3,041,000
Public Health Services Account--State Appropriation	\$1,000,000
Drinking Water Assistance Account--Federal Appropriation	\$19,027,000
Waterworks Operator Certification--State Appropriation	\$1,513,000
Drinking Water Assistance Administrative Account--State Appropriation	\$326,000
Water Quality Account--State Appropriation (FY 2008)	\$1,975,000
Water Quality Account--State Appropriation (FY 2009)	\$1,983,000
State Toxics Control Account--State Appropriation	\$3,460,000
Medical Test Site Licensure Account--State Appropriation	((\$2,057,000))
	<u>\$2,055,000</u>
Youth Tobacco Prevention Account--State Appropriation	\$1,512,000
Public Health Supplemental Account--Private/Local Appropriation	\$3,918,000
Accident Account--State Appropriation	\$291,000
Medical Aid Account--State Appropriation	\$48,000
Health Services Account--State Appropriation (FY 2008)	\$42,122,000
Health Services Account--State Appropriation (FY 2009)	((\$51,429,000))
	<u>\$49,729,000</u>
Tobacco Prevention and Control Account--State Appropriation	\$52,846,000
TOTAL APPROPRIATION	((\$1,033,376,000))
	<u>\$1,024,880,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is further authorized to increase fees in its fee-supported programs as necessary to meet the actual costs of conducting business and the appropriation levels in this section, as specifically authorized in LEAP Document DOH-2008, as developed by the legislative evaluation and accountability program on March 11, 2008.
- (2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.
- (3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.
- (6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department. Priority will be given to testing children and increasing the registry in the lead surveillance program.

(10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$5,000,000 of the general fund--state appropriation for fiscal year 2009, and \$1,000,000 of the public health services account--state appropriation are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Funds appropriated and expended under this subsection for fiscal year 2009 shall be distributed in a manner that allocates funding to department of health-funded family planning clinics based upon the percentage of medical assistance family planning waiver clients in calendar year 2005 who received services from a provider located in the geographic area served by the department of health-funded clinic. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level of funding of twenty-five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008.

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

~~(32) (\$680,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the prescription monitoring program under chapter 70.225 RCW to monitor the prescribing and dispensing of drugs to reduce the likelihood of adverse drug effects, particularly for senior citizens taking multiple medications. The attorney general shall deposit to the health services account at least \$680,000 from the cy pres monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2-06098-5). The amount provided in this subsection may be expended only to the extent that the attorney general deposits these moneys to the health services account, to be expended consistent with the terms of the consent decree.~~

~~(33) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(34) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the senior falls prevention pilot program, pursuant to section 7 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs).~~

~~(35) \$585,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state breast and cervical health program to increase the provider reimbursement rate for digital mammographies to the medicare equivalent rate.~~

~~(36) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the child death review program. The program shall be transferred from the community and family health division to the injury prevention division within the department.~~

~~(37) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest sickle cell collaborative program.~~

~~(38) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$154,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the restoration of maxillofacial/cleft palate teams in Yakima, Spokane, Seattle, and Tacoma.~~

~~(39) \$17,000 of the health professions account--state appropriation is provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(40) \$11,000 of the health professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 6439 (radiologist assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(41) \$115,000 of the general fund--state appropriation for fiscal year 2009 and \$4,261,000 of the health professions account--state appropriation are provided solely for implementation of Fourth Substitute House Bill No. 1103 (health professions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.~~

~~(42) \$558,000 of the health professions account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 2674 (counselor credentialing). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(43) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.~~

~~((45))~~ (43) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

~~((47))~~ (44) \$35,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the state toxics control account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((48) \$26,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute House Bill No. 2431 (cord blood banking). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(49))~~ (45) \$143,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6340 (water system program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((50) \$309,000)~~ (46) \$194,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2549 (patient-centered care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((52))~~ (47) \$96,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2881 (practice of dentistry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((54))~~ (48) \$130,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

Sec. 222. 2008 c 329 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS.(1) The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2008, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2008 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) The department may transfer up to \$15,000,000 of the general fund--state appropriation for fiscal year 2009 into fiscal year 2008, if deemed necessary by the department and approved in advance by the director of financial management. The director of financial management shall notify the fiscal committees of the legislature in writing seven days prior to approving a transfer under this subsection. The written notification shall include a narrative explanation and justification of the transfer including allotment detail by program, budget object, and budget unit for both fiscal years, both before and after any transfers.

Sec. 223. 2008 c 329 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2008)	\$57,545,000
General Fund--State Appropriation (FY 2009)	\$52,652,000
Washington Auto Theft Prevention Authority Account--State Appropriation	\$169,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$13,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$13,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,467,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,481,000
Pension Funding Stabilization Account--State Appropriation	\$1,280,000
TOTAL APPROPRIATION	\$114,620,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

(g) \$32,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6244 (conversion of facilities to house violators of community supervision). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

((†)) (h) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008)	\$601,402,000
General Fund--State Appropriation (FY 2009)	(\$647,718,000)
	<u>\$647,608,000</u>
General Fund--Federal Appropriation	\$4,157,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,050,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,350,000
Washington Auto Theft Prevention Authority Account--State Appropriation	\$1,338,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,492,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,492,000
Pension Funding Stabilization Account--State Appropriation	\$11,800,000
TOTAL APPROPRIATION	(\$1,271,799,000)
	<u>\$1,271,689,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:

(i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;

(ii) A description of the offender's education, certifications, work experience, skills, and training; and

(iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.

(iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008)	\$133,157,000
General Fund--State Appropriation (FY 2009)	(\$145,956,000)
	<u>\$145,881,000</u>
General Fund--Federal Appropriation	\$416,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$9,319,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$9,370,000

Pension Funding Stabilization Account--State Appropriation	\$2,800,000
TOTAL APPROPRIATION	<u>(\$301,018,000)</u>
	<u>\$300,943,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(c) \$1,167,000 of the general fund--state appropriation for fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:

(i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(ii) An employment opportunity program to assist an offender in finding employment;

(iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and

(iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.

(v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$1,001,000
General Fund--State Appropriation (FY 2009)	\$2,357,000
TOTAL APPROPRIATION	<u>\$3,358,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$124,000 of the general fund--state appropriation for fiscal year 2008 and \$132,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008)	\$35,036,000
General Fund--State Appropriation (FY 2009)	<u>(\$35,192,000)</u>
	\$28,082,000
TOTAL APPROPRIATION	<u>(\$70,228,000)</u>
	<u>\$63,118,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 224. 2008 c 329 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2008)	\$2,566,000
General Fund--State Appropriation (FY 2009)	<u>(\$2,608,000)</u>
	\$2,362,000
General Fund--Federal Appropriation	\$17,584,000
General Fund--Private/Local Appropriation	\$20,000
TOTAL APPROPRIATION	<u>(\$22,778,000)</u>
	<u>\$22,532,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.

Sec. 225. 2008 c 329 s 226 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2008)	\$937,000
General Fund--State Appropriation (FY 2009)	<u>(\$1,233,000)</u>
	\$1,151,000
TOTAL APPROPRIATION	<u>(\$2,170,000)</u>
	<u>\$2,088,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$295,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6596 (sex offender policy board). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 226. 2008 c 329 s 227 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2008)	\$60,000
General Fund--State Appropriation (FY 2009)	((\$282,000))
	<u>\$272,000</u>
General Fund--Federal Appropriation	((\$265,114,000))
	<u>\$264,967,000</u>
General Fund--Private/Local Appropriation	\$33,578,000
Unemployment Compensation Administration Account--Federal Appropriation	((\$252,925,000))
	<u>\$252,907,000</u>
Administrative Contingency Account--State Appropriation	((\$26,131,000))
	<u>\$22,802,000</u>
Employment Service Administrative Account--State Appropriation	\$33,843,000
Family Leave Insurance Account--State Appropriation	((\$6,218,000))
	<u>\$1,764,000</u>
TOTAL APPROPRIATION	((\$618,151,000))
	<u>\$610,193,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.

(2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).

(3) \$23,162,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.

(6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.

(7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

(8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.

(9) \$2,331,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for hardware and software to ensure the ongoing, reliable operation of the telecenters.

(10) \$488,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for the relocation of the WorkSource office in Lakewood.

(11) \$6,218,000 of the family leave insurance account--state appropriation is provided solely for implementation of the family leave insurance program.

(a) The amount provided in this subsection assumes that, in developing the information technology systems to support the payment of benefits, the department will incorporate the claim filing and benefit payment efficiencies recommended by the joint legislative task force on family leave insurance in Part III of its final report dated January 23, 2008, including:

(i) Eliminating the option for awarding attorney fees and costs for administrative hearings;

(ii) Authorizing claims for benefits to be filed in the six-week period beginning on the first day of the calendar week in which the individual is on family leave;

(iii) Not requiring claimants to verify the birth of a child or the placement of a child for adoption;

(iv) Including an attestation from the claimant that written notice has been provided to the employer of the intention to take family leave; and

(v) Not deducting and withholding federal income taxes from benefit payments.

(b) In addition, the department shall incorporate the following claim filing and benefit payment efficiencies:

(i) Define "qualifying year" to mean the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar immediately preceding the first day of the application year;

(ii) Allow individuals to file a claim for benefits in the six-week period beginning on the first day of the calendar year in which the individual is on family leave; and

(iii) After an initial family leave insurance benefit is paid, subsequent payments must be made biweekly, rather than semimonthly, thereafter.

(12) \$222,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(13) \$155,000 of the unemployment compensation administration account--federal appropriation is provided solely to implement Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**PART III
NATURAL RESOURCES**

Sec. 301. 2008 c 329 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2008)	\$524,000
General Fund--State Appropriation (FY 2009)	(\$537,000)
	<u>\$509,000</u>
General Fund--Federal Appropriation	\$9,000
General Fund--Private/Local Appropriation	(\$1,045,000)
	<u>\$1,044,000</u>
TOTAL APPROPRIATION	(\$2,115,000) <u>\$2,086,000</u>

Sec. 302. 2008 c 329 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2008)	\$50,109,000
General Fund--State Appropriation (FY 2009)	(\$51,827,000)
	<u>\$45,748,000</u>
General Fund--Federal Appropriation	(\$83,017,000)
	<u>\$83,013,000</u>
General Fund--Private/Local Appropriation	\$13,618,000
Special Grass Seed Burning Research Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	\$4,207,000
Flood Control Assistance Account--State Appropriation	\$4,151,000
Aquatic Lands Enhancement Account--State Appropriation	\$400,000
State Emergency Water Projects Revolving Account--State Appropriation	\$390,000
Waste Reduction/Recycling/Litter Control--State Appropriation	(\$19,607,000)
	<u>\$19,588,000</u>
State Drought Preparedness--State Appropriation	\$115,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	\$421,000
Vessel Response Account--State Appropriation	(\$1,649,000)
	<u>\$1,604,000</u>
Freshwater Aquatic Algae Control Account--State Appropriation	\$509,000
Site Closure Account--State Appropriation	\$694,000
Water Quality Account--State Appropriation (FY 2008)	\$15,137,000
Water Quality Account--State Appropriation (FY 2009)	(\$17,086,000)
	<u>\$16,493,000</u>
Wood Stove Education and Enforcement Account--State Appropriation	\$370,000
Worker and Community Right-to-Know Account--State Appropriation	\$2,247,000
State Toxics Control Account--State Appropriation	(\$99,383,000)
	<u>\$99,235,000</u>
State Toxics Control Account--Private/Local Appropriation	\$381,000
Local Toxics Control Account--State Appropriation	\$20,952,000
Water Quality Permit Account--State Appropriation	(\$37,101,000)
	<u>\$34,022,000</u>
Underground Storage Tank Account--State Appropriation	(\$3,750,000)
	<u>\$3,635,000</u>
Biosolids Permit Account--State Appropriation	\$1,396,000
Hazardous Waste Assistance Account--State Appropriation	\$5,834,000
Air Pollution Control Account--State Appropriation	\$6,306,000
Oil Spill Prevention Account--State Appropriation	(\$12,519,000)
	<u>\$12,205,000</u>
Air Operating Permit Account--State Appropriation	(\$2,780,000)
	<u>\$2,680,000</u>
Freshwater Aquatic Weeds Account--State Appropriation	\$1,690,000
Oil Spill Response Account--State Appropriation	\$7,078,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	\$464,000
Water Pollution Control Revolving Account--Federal Appropriation	\$2,271,000
Columbia River Water Delivery Account--State Appropriation	\$2,150,000
TOTAL APPROPRIATION	(\$469,637,000) <u>\$459,141,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.

(3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.

(4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, the department is further authorized to increase the following fees in fiscal year 2009 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 5.57 percent; dam periodic inspection permit, not more than 5.57 percent; dam construction permit, not more than 5.57 percent; and mixed waste management, not more than 14.14 percent.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) \$831,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,169,000)~~ \$669,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, \$313,650 of the general fund--state appropriation for fiscal year 2008 and ~~(\$646,350)~~ \$529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the implementation of the WRIA 1 watershed plan and the Bertrand watershed improvement district plan, including but not limited to implementation of the Nooksack River basin stream gauging program, study of the feasibility of a public utility district pipeline in the Bertrand watershed, study and construction of water storage and augmentation in the Bertrand watershed, and preparation and development of the next subbasin watershed plan agreed to by the Bertrand instream flow policy group.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) \$464,000 of the general fund--state appropriation for fiscal year 2008 and \$136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fautleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) \$693,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to continue the pilot water pathways project through the remainder of the biennium. The department will work with the northwest Indian fisheries commission and the U.S. institute on environmental conflict resolution to find resolution on persistent water policy issues between tribes and nontribal entities.

(23) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

(26) Within the appropriations provided in this section for the development of water supplies in the Columbia river basin, the department shall assist county governments located east of the crest of the Cascade mountain range that: Have an international border; or border a county with an international boundary and a county with four hundred thousand or more residents, to identify water supply projects to compete for funding from the Columbia river basin water management program. The department shall provide technical assistance as needed to further refine priority projects identified by these counties. The department shall consider and balance regional water supply needs in its funding allocation decisions made as a part of this program.

~~((28))~~ (27) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for coordinating with the University of Washington to assess the current energy profile of Washington state pulp and paper mills. The energy consumption and energy generation capability will be determined for both steam and electrical power. In addition, the sources and types of fuels used in various boilers will be assessed.

~~((29))~~ (28) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support a collaborative process to design a proposed comprehensive water management structure for the Walla Walla river basin. The proposed structure should address the allocation of functions, authorities, resource requirements, and issues associated with interstate watershed management of the basin. Invited participants should include but not be limited to the confederated tribes of the Umatilla Indian reservation; appropriate state agencies; and Walla Walla basin interests such as municipalities, irrigation districts, conservation districts, fisheries, agriculture, economic development, and environmental representatives. A report outlining the proposed governance and water management structure shall be submitted to the governor and the appropriate committees of the legislature by November 15, 2008.

~~((30))~~ (29) \$333,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((31))~~ (30) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$1,027,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 2815 (reducing greenhouse gases emissions in the Washington economy). In participating in the western climate initiative under Engrossed Second Substitute House Bill No. 2815, the director of the department shall seek to ensure that the design for a regional multisector market-based system confers equitable economic benefits and opportunities to electric utilities operating in Washington by having that system recognize at least the following: (a) Voluntary investments made by Washington utilities in energy efficiency measures; (b) emission reduction benefits that other state and provincial participants in the western climate initiative derive from consuming renewable energy generated in Washington; and (c) adverse impacts that climate change uniquely has upon the capabilities of hydroelectric power generation. Washington state's representatives to the western climate initiative process shall advocate for a regional multisector market-based design that addresses competitive disadvantages that could be experienced by in-region industries as compared to industries in states or countries that do not have greenhouse gas reduction programs that are substantively equivalent to the system designed under the western climate initiative process. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((34))~~ (31) Within the appropriations provided in this section the department shall ensure that standard statewide protocols for surface water monitoring are developed and included in status and trends monitoring to utilize information from other entities, including other state agencies, local governments, and volunteer groups.

~~((35))~~ (32)(a) \$2,000,000 of the Columbia river water delivery account appropriation is provided solely for distribution to affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water) to mitigate for negative impacts caused by releases of Lake Roosevelt water for the purposes described in that bill. The criteria for allocating these funds shall be developed by the department in consultation with affected local governments.

(b) \$150,000 of the Columbia river water delivery account appropriation is provided solely for the department to retain a contractor to perform an independent analysis of legislative options to protect rural communities in northeast Washington from disproportionate economic, agricultural, and environmental impacts when upstream water rights are purchased and transferred for use, or idled and used as mitigation, in a downstream watershed or county. Before retaining a contractor, the department shall consult with affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water). The contractor selected shall conduct the independent analysis and develop a report describing options and recommended actions. The department of ecology shall provide the report to the appropriate committees of the legislature by December 1, 2008.

(c) If Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water delivery) is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((36))~~ (33) \$210,000 of the local toxics control account--state appropriation is provided solely to clean up naturally occurring asbestos from Swift Creek.

~~((38))~~ (34) \$80,000 of the state toxics control account--state appropriation is provided solely for the department to create a stakeholder advisory committee to review and develop recommendations to help businesses achieve a fifty percent toxics reduction use goal. The committee shall: (a) Review and make recommendations to improve the effectiveness and delivery of technical assistance in pollution prevention planning; (b) develop recommendations for strategies to encourage moving away from "end-of-pipe" pollution reduction approaches to increase hazardous waste prevention throughout the state; and (c) review and make recommendations on revising the hazardous waste planning fee under RCW 70.95E.030, including opportunities to provide incentives that reward businesses for toxic use reduction successes in meeting a fifty percent toxics use reduction goal. The committee shall report its findings and recommendations to the fiscal and policy committees of the senate and house of representatives by November 1, 2008.

~~((40))~~ (35) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6805 (relating to promoting farm and forest land preservation and environmental restoration through conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 303. 2008 c 329 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$48,970,000
General Fund--State Appropriation (FY 2009)	(\$49,187,000)
	<u>\$45,373,000</u>
General Fund--Federal Appropriation	\$5,731,000
General Fund--Private/Local Appropriation	\$73,000
Winter Recreation Program Account--State Appropriation	\$1,559,000
Off-Road Vehicle Account--State Appropriation	\$234,000
Snowmobile Account--State Appropriation	\$4,829,000
Aquatic Lands Enhancement Account--State Appropriation	\$363,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$23,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$24,000
Parks Renewal and Stewardship Account--State Appropriation	(\$36,534,000)
	<u>\$37,334,000</u>
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
TOTAL APPROPRIATION	(\$147,827,000)
	<u>\$144,813,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.

(4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.

(5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely for replacing vehicles and equipment.

(7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.

(8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.

(9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

(10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$217,000)~~ \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009.

(14) \$455,000 of the general fund--state appropriation for fiscal year 2008 and \$10,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long-range plan for Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and facilities use plan, and for the department to convene a task force to recommend alternative governance structures for the park.

(15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$58,000 of the general fund--state appropriation for fiscal year 2008 and \$73,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time financial assistance to the northwest weather and avalanche center, administered by the United States forest service, to keep the center operational through the remainder of the biennium.

~~((19))~~ (18) ~~(\$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for)~~ Funds in this section are sufficient for continued implementation of Engrossed Substitute Senate Bill No. 5010 (foster home pass). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 304. 2008 c 329 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2008)	\$1,557,000
General Fund--State Appropriation (FY 2009)	(\$1,592,000)
	<u>\$1,514,000</u>
General Fund--Federal Appropriation	\$18,382,000

General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$275,000
Water Quality Account--State Appropriation (FY 2008)	\$100,000
Water Quality Account--State Appropriation (FY 2009)	\$100,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation	(\$2,773,000)
	<u>\$2,772,000</u>
Nonhighway and Off-Road Vehicles Activities Program Account--State Appropriation	\$1,004,000
Boating Activities Account--State Appropriation	\$2,000,000
TOTAL APPROPRIATION	(\$28,070,000)
	<u>\$27,991,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.
- (2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).
- (3) \$2,000,000 of the boating activities account--state appropriation is provided solely to implement Substitute House Bill No. 1651 (boating activities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 305. 2008 c 329 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2008)	\$1,144,000
General Fund--State Appropriation (FY 2009)	(\$1,142,000)
	<u>\$1,109,000</u>
TOTAL APPROPRIATION	(\$2,286,000)
	<u>\$2,253,000</u>

The appropriations in this section are subject to the following condition and limitation: \$10,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for employee retirement buyout costs.

Sec. 306. 2008 c 329 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,889,000
General Fund--State Appropriation (FY 2009)	(\$3,107,000)
	<u>\$3,063,000</u>
General Fund--Federal Appropriation	\$1,178,000
Water Quality Account--State Appropriation (FY 2008)	\$5,301,000
Water Quality Account--State Appropriation (FY 2009)	(\$5,316,000)
	<u>\$5,315,000</u>
TOTAL APPROPRIATION	(\$17,791,000)
	<u>\$17,746,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.
- (2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (3) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the pioneers in conservation program to provide grants through a competitive process to agricultural landowners for projects that benefit fish and wildlife restoration and farm operations. Grants must be matched by an equal amount or more from nonstate sources with priority for projects identified in the Puget Sound Chinook salmon recovery plan and the Puget Sound partnership strategy.
- (4) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).
- (5) \$250,000 of the water quality account--state appropriation for fiscal year 2009 is provided solely for livestock nutrient program cost share for the poultry industry.
- (6) \$35,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for support of conservation resource management.
- (7) \$174,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6805 (conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 307. 2008 c 329 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2008)	\$56,158,000
General Fund--State Appropriation (FY 2009)	(\$54,319,000)
	<u>\$49,062,000</u>
General Fund--Federal Appropriation	(\$52,273,000)

	<u>\$52,270,000</u>
General Fund--Private/Local Appropriation	((\$37,189,000))
	<u>\$37,184,000</u>
Off-Road Vehicle Account--State Appropriation	\$413,000
Aquatic Lands Enhancement Account--State Appropriation	\$6,022,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$268,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$323,000
Recreational Fisheries Enhancement--State Appropriation	\$3,600,000
Warm Water Game Fish Account--State Appropriation	\$2,992,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$753,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$842,000
Wildlife Account--State Appropriation	((\$63,589,000))
	<u>\$63,549,000</u>
Wildlife Account--Federal Appropriation	\$34,279,000
Wildlife Account--Private/Local Appropriation	\$13,187,000
Game Special Wildlife Account--State Appropriation	\$2,478,000
Game Special Wildlife Account--Federal Appropriation	\$8,911,000
Game Special Wildlife Account--Private/Local Appropriation	\$483,000
Water Quality Account--State Appropriation (FY 2008)	\$160,000
Water Quality Account--State Appropriation (FY 2009)	\$160,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$5,001,000
Oil Spill Prevention Account--State Appropriation	\$1,093,000
Oyster Reserve Land Account--State Appropriation	\$416,000
Wildlife Rehabilitation Account--State Appropriation	\$270,000
TOTAL APPROPRIATION	((\$345,383,000))
	<u>\$340,078,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

(8) \$609,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program.

(a) For the purposes of the pilot project:

(i) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(ii) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(iii) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(iv) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(v) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(b) The director, in collaboration with the Colville Tribes, shall provide an interim report to the office of financial management and the appropriate committees of the legislature by December 31, 2008. The report shall describe the status of the pilot project, and make recommendations as needed to fully implement the project, pursuant to the state and tribal agreement on Lake Rufus Woods.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall

report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account-- state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(21)(a) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property.

(b) Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site. Up to \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development of the Beebe springs natural interpretive site. The department shall not expend more than the amount received from the sale proceeds.

(22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life. The department shall report to the appropriate committees of the legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

(24) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and \$610,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.

(25) \$245,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$245,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

(26) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(28) During the 2007-09 biennium, the department shall not make a permanent closure of any hatchery facility currently in operation.

(29) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2008.

(30) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((33))~~ (31) The department shall complete an inventory of department purchased or leased lands acquired for mixed agriculture and fish and wildlife habitat and provide for each purchase or lease agreement the cost and date of the agreement, the previous use of the land, any agreement or deed specifying continuing use of the land, and the current management cost and status of each parcel of purchased or leased lands. The department shall provide the inventory to the appropriate committees of the legislature by December 1, 2008.

~~((34))~~ (32) \$289,000 of the general fund--state appropriation for fiscal year 2008 and \$301,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for selective fisheries.

~~((35))~~ (33) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for removal of derelict gear in Washington waters.

~~((36))~~ (34) \$135,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a review of the effectiveness of the department's existing hydraulic project approval process and environmental outcomes.

~~((37))~~ (35) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the 2008 Wiley Slough restoration project report to the legislature recommendation to establish a private farmland, public recreation partnership that would provide farmland preservation, waterfowl management, and public recreational access.

~~((38))~~ (36) \$95,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Ebey Island property management costs.

~~((39))~~ (37)(a) A work group on Electron dam salmon passage is established, with members as provided in this subsection.

(i) The speaker of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The department of fish and wildlife shall appoint at least one representative from each of the following entities: The department of fish and wildlife, Puyallup Tribe of Indians, and Puget Sound energy.

(b) The department of fish and wildlife shall provide staff support to the work group.

(c) The work group shall study possible enhancements for improving outbound juvenile salmon passage at Electron dam on the Puyallup river.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(e) The expenses of the work group, other than travel expenses of legislative members, shall be paid within existing funds from the department of fish and wildlife.

(f) The work group shall present its findings and recommendations to the appropriate committees of the legislature by January 1, 2009.

(g) This subsection expires January 1, 2009.

~~((40))~~ (38) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

~~((41))~~ (39) Within the appropriations in this section, specific funding is provided to implement Engrossed Senate Bill No. 6821 (fish and wildlife information).

~~((42))~~ (40) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6227 (outer coast marine resources committees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((43))~~ (41) \$115,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6231 (marine protected areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 308. 2008 c 329 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2008)	\$50,328,000
General Fund--State Appropriation (FY 2009)	((51,345,000))
	<u>\$48,695,000</u>
General Fund--Federal Appropriation	\$27,855,000
General Fund--Private/Local Appropriation	\$1,408,000
Forest Development Account--State Appropriation	((57,616,000))
	<u>\$57,603,000</u>
Off-Road Vehicle Account--State Appropriation	\$4,196,000
Surveys and Maps Account--State Appropriation	((2,524,000))
	<u>\$2,523,000</u>
Aquatic Lands Enhancement Account--State Appropriation	((7,899,000))
	<u>\$7,897,000</u>
Resources Management Cost Account--State Appropriation	((95,326,000))
	<u>\$94,633,000</u>
Surface Mining Reclamation Account--State Appropriation	((3,280,000))
	<u>\$3,279,000</u>
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$7,000,000
Water Quality Account--State Appropriation (FY 2008)	\$1,348,000
Water Quality Account--State Appropriation (FY 2009)	((1,349,000))
	<u>\$1,348,000</u>
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$1,335,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$80,000
Air Pollution Control Account--State Appropriation	\$567,000
Nonhighway and Off-Road Vehicle Activities Program Account--State Appropriation	\$982,000
Derelict Vessel Removal Account--State Appropriation	\$3,650,000
Agricultural College Trust Management Account--State Appropriation	((2,047,000))
	<u>\$2,046,000</u>
TOTAL APPROPRIATION	((325,169,000))
	<u>\$321,807,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,043,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$13,920,000 of the general fund--state appropriation for fiscal year 2008, \$13,542,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse. The department shall compile the outcomes of these grants annually and submit them to the office of financial management by September 1 of 2008 and 2009.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$34,000 of the general fund--state appropriation for fiscal year 2008 and \$34,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic

retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$191,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to coordinate with the Puget Sound partnership to complete a final habitat conservation plan for state-owned aquatic lands and an environmental impact statement by June 2009.

(26) \$251,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((28))~~ (27) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to complete maps of lower Hood Canal, including subsurface geologic layers, lithology, digital layers, and maps to identify liquifiable sediments for hazard mitigation. The department shall provide a report to the appropriate committees of the legislature on maps that were produced by December 1, 2008.

~~((29))~~ (28) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

~~((30))~~ (29) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to supplement other available funds for an analysis of whether forest practices rules (including rules for harvest on potentially unstable slopes, road construction and maintenance, and post-harvest slash treatment) effectively protect public resources and public safety from landslides, and other storm- related impacts. The analysis is to be accomplished using the forest practices board adaptive management process. The cooperative monitoring, evaluation, and research (CMER) committee of the adaptive management program shall submit a report of its preliminary analysis and conclusions to the appropriate committees of the legislature by December 1, 2008. The forest practices board shall submit a complete report of the CMER study on the effectiveness of current prescriptions and practices by June 30, 2009. This amount is ongoing solely to make improvements to the state's geological survey.

~~((31))~~ (30) \$26,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2472 (recreational opportunities).

Sec. 309. 2008 c 329 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2008)	\$14,073,000
General Fund--State Appropriation (FY 2009)	(\$14,555,000)
	\$13,020,000
General Fund--Federal Appropriation	(\$11,329,000)
	\$11,325,000
General Fund--Private/Local Appropriation	\$420,000
Aquatic Lands Enhancement Account--State Appropriation	(\$2,052,000)
	\$2,051,000
Energy Freedom Account--State Appropriation	\$500,000
Water Quality Account--State Appropriation (FY 2008)	\$604,000
Water Quality Account--State Appropriation (FY 2009)	(\$605,000)
	\$604,000
State Toxics Control Account--State Appropriation	(\$4,100,000)
	\$4,098,000
Water Quality Permit Account--State Appropriation	\$59,000
TOTAL APPROPRIATION	(\$48,297,000)
	\$46,754,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, during fiscal year 2009 the department is further authorized to increase the apple pest certification assessment by up to \$0.015 per hundredweight of fruit.

(2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(3) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

(5) \$275,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for direct allocation, without deduction, to the Washington tree fruit research commission, established under chapter 15.26 RCW, for development and implementation of a pest management transition program to reduce the use by the tree fruit industry of certain organophosphate insecticides.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$225,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties with weed boards to control invasive weeds. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to control Japanese knotweed in counties with weed boards.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$162,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for pass through funding to the nonprofit opportunities industrialization center to provide training to agricultural workers related to farm skills, English as a second language, and other skills.

(8) \$65,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the aquatic lands enhancement account appropriation are provided solely for funding to the Pacific county noxious weed control board to continue its planning and implementation of spartina eradication activities.

(9) ~~(\$290,000)~~ \$148,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) ~~(\$57,000)~~ \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2815 (greenhouse gases emissions). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 310. 2008 c 329 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account--State Appropriation ~~(\$737,000)~~
\$707,000

Sec. 311. 2008 c 329 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2008) \$370,000
 General Fund--State Appropriation (FY 2009) ~~(\$654,000)~~
\$560,000
 General Fund--Federal Appropriation \$2,655,000
 General Fund--Private/Local Appropriation \$2,500,000
 Aquatic Lands Enhancement Account--State Appropriation \$500,000
 Water Quality Account--State Appropriation (FY 2008) \$3,660,000
 Water Quality Account--State Appropriation (FY 2009) \$4,098,000
 State Toxics Account--State Appropriation ~~(\$1,710,000)~~
\$1,510,000
 TOTAL APPROPRIATION ~~(\$16,147,000)~~
\$15,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the water quality account--state appropriation for fiscal year 2008, \$1,400,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$370,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$630,000)~~ \$560,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in LEAP document PSAT-2007.

(4) \$305,000 of the water quality account--state appropriation for fiscal year 2009 and \$305,000 of the general fund--federal appropriation are provided solely for an outcome monitoring program first for Puget Sound and Washington's coastline and then across the remaining salmon recovery regions across the state.

~~(\$852,000)~~ (5) \$852,000 of the water quality account--state appropriation for fiscal year 2008, \$231,000 of the water quality account--state appropriation for fiscal year 2009, and \$900,000 of the state toxics control account appropriation are provided solely for development and implementation of the 2020 action agenda.

**PART IV
 TRANSPORTATION**

Sec. 401. 2008 c 329 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2008) \$1,730,000

General Fund--State Appropriation (FY 2009)	((\$2,055,000))
	<u>\$1,686,000</u>
Architects' License Account--State Appropriation	\$754,000
Cemetery Account--State Appropriation	\$237,000
Professional Engineers' Account--State Appropriation	\$3,457,000
Real Estate Commission Account--State Appropriation	\$9,163,000
Master License Account--State Appropriation	\$14,311,000
Uniform Commercial Code Account--State Appropriation	\$3,063,000
Real Estate Education Account--State Appropriation	\$276,000
Real Estate Appraiser Commission Account--State Appropriation	\$1,667,000
Business and Professions Account--State Appropriation	((\$11,680,000))
	<u>\$11,201,000</u>
Real Estate Research Account--State Appropriation	\$320,000
Funeral Directors And Embalmers Account--State Appropriation	\$588,000
Geologists' Account--State Appropriation	\$56,000
Data Processing Revolving Account--State Appropriation	\$29,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION	((\$49,417,000))
	<u>\$48,569,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs. Pursuant to RCW 43.135.055 and 43.24.086, the department is further authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Real estate appraiser certification, by not more than \$30 in fiscal year 2009; real estate appraiser certification, original via reciprocity, by not more than \$30 in fiscal year 2009; security guard license, original, by not more than \$30 in fiscal year 2009; security guard license, renewal, by not more than \$30 in 2009; and skills testing fee, a new fee may be established of not more than \$100 for most drivers and \$75 for nonprofit ECEAP or head start program.

(2) \$230,000 of the master license account--state appropriation is provided solely for Engrossed Second Substitute House Bill No. 1461 (manufactured/mobile home dispute resolution). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$64,000 of the business and professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6437 (bail bond agents). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(4) \$210,000 of the business and professions account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6606 (home inspectors). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(5) \$87,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of labor and industries shall report their findings to the appropriate committees of the legislature.

(6) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(7) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

Sec. 402. 2008 c 329 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2008)	\$38,968,000
General Fund--State Appropriation (FY 2009)	((\$31,262,000))
	<u>\$28,334,000</u>
General Fund--Federal Appropriation	\$5,629,000
General Fund--Private/Local Appropriation	\$1,223,000
Death Investigations Account--State Appropriation	\$5,680,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,476,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$2,687,000
Enhanced 911 Account--State Appropriation	\$572,000
County Criminal Justice Assistance Account--State Appropriation	\$3,133,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,222,000
Fire Service Trust Account--State Appropriation	\$131,000
Disaster Response Account--State Appropriation	\$2,000
Fire Service Training Account--State Appropriation	\$8,010,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation	\$495,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$3,007,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$4,429,000
Fingerprint Identification Account--State Appropriation	\$10,057,000
TOTAL APPROPRIATION	((\$118,037,000))

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

(4) \$350,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for efforts to reduce the number of convicted offender biological samples awaiting DNA analysis.

(6) Within the appropriations in this section, specific funding is provided to implement Second Substitute Senate Bill No. 5642 (cigarette ignition).

**PART V
EDUCATION**

Sec. 501. 2008 c 329 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

~~((1)) STATE AGENCY OPERATIONS))~~

General Fund--State Appropriation (FY 2008)	(\$22,161,000)
	\$36,444,000
General Fund--State Appropriation (FY 2009)	(\$25,223,000)
	\$38,830,000
General Fund--Federal Appropriation	(\$21,292,000)
	\$77,182,000
TOTAL APPROPRIATION	(\$68,676,000)
	\$152,456,000

The appropriations in this section are subject to the following conditions and limitations:

~~((a))~~ (1) A maximum of \$11,920,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$12,019,000 of the general fund--state appropriation for fiscal year 2009 are ~~((provided solely))~~ for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

~~((b))~~ (2) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including: ~~((a))~~ (a) Develop a comprehensive set of recommendations for an accountability system; ~~((b))~~ (b) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and ~~((c))~~ (c) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

~~((c))~~ (3) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and \$6,248,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

~~((i))~~ (a) \$930,000 in fiscal year 2008 and ~~(\$1,284,000)~~ \$1,257,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection ~~((d))~~ (3)(a), the professional educator standards board shall: ~~((i))~~ (i) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; ~~((ii))~~ (ii) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; ~~((iii))~~ (iii) create a new professional level teacher assessment; ~~((iv))~~ (iv) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; ~~((v))~~ (v) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and ~~((vi))~~ (vi) test implementation of a revised teacher preparation program approach that is classroom experience-intensive and performance-based;

~~((b))~~ (b) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$4,289,000)~~ \$3,966,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection ~~((d))~~ (3)(b):

~~((i))~~ (i) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

~~((ii))~~ (ii) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special

education or bilingual education ((as follows: (i) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified subject areas; and (ii) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas);

~~((C))~~ (iii) Remaining amounts in this subsection ~~((+)(d)(ii))~~ (3)(b) shall be used to continue existing alternative routes to certification programs; and

~~((D))~~ (iv) Candidates seeking math and science endorsements under ~~((A))~~ (i) and ~~((B))~~ (ii) of this subsection (3)(b) shall receive priority for funding;

~~((iii))~~ (c) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation);

~~((iv))~~ (d) \$100,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$200,000)~~ \$110,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection ~~((+)(d))~~ (3) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

~~((v))~~ (e) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

~~((d))~~ \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$867,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased attorney general fees related to education litigation;

~~((c))~~ \$67,000 of the general fund--state appropriation for fiscal year 2009 is provided solely) (4) Within the amounts appropriated in this section, funding is for the professional educator standards board (PESB) to convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students, pursuant to Second Substitute Senate Bill No. 6673 (student learning opportunities). ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((f))~~ (5) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$1,975,000 of the general fund--state appropriation for fiscal year 2009 are ~~(provided solely)~~ for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

~~((g))~~ \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide) (6) Within the amounts appropriated in this section, funding is for direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

~~((h))~~ \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (7) Within the amounts appropriated in this section, funding is for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

~~((i))~~ \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (8) Within the amounts appropriated in this section, funding is for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

~~((j))~~ \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (9) Within the amounts appropriated in this section, funding is to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

~~((k))~~ \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (10) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((l))~~ \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (11) Within the amounts appropriated in this section, funding is for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((m))~~ \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (12) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((n))~~ \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (13) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((o))~~ \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (14) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((p))~~ \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.

~~((q))~~ \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (15) Within the amounts appropriated in this section, funding is ~~((to support))~~ for a program to recognize the work of outstanding classified staff in school districts throughout the state.

~~((r))~~ \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (16) Within the amounts appropriated in this section, funding is ~~((to support))~~ for a full-time director of skills centers within the office of the superintendent of public instruction.

~~((s) \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$475,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (17) Within the amounts appropriated in this section, funding is ~~((t))~~ for the office of the superintendent of public instruction to contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

~~((t))~~ (a) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and

~~((t))~~ (b) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.

~~((t) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (18) Within the amounts appropriated in this section, funding is ~~((t))~~ for the office of the superintendent of public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct to educational research studies. The WSU-SESRC shall:

~~((t))~~ (a) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: ~~((A))~~ (i) Whether the policies have been developed and implemented in all elementary, middle, and high schools; ~~((B))~~ (ii) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; ~~((C))~~ (iii) whether there are still issues that need to be addressed in light of the original intent of the legislation; and ~~((D))~~ (iv) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.

~~((t))~~ (b) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.

~~((t) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (19) Within the amounts appropriated in this section, funding is for additional costs incurred by the state board of education in reviewing proposed math standards and curriculum.

~~((t))~~ (20) During the 2007-09 biennium, to the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

~~((w) \$142,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (21) Within the amounts appropriated in this section, funding is for ~~((the conducting of))~~ a comprehensive analysis of math and science teacher supply and demand issues by the professional educator standards board. By December 1, 2008, the professional educator standards board shall submit a final report to the governor and appropriate policy and fiscal committees of the legislature, that includes, but is not limited to: ~~((t))~~ (a) Specific information on the current number of math and science teachers assigned to teach mathematics and science both with and without appropriate certification in those subjects by region and statewide; ~~((t))~~ (b) projected demand information by detailing the number of K- 12 mathematics and science teachers needed by the 2010-11 school year by region and statewide; ~~((t))~~ (c) specific recommendations on how the demand will be met through recruitment programs, alternative route certification programs, potential financial incentives, retention strategies, and other efforts; and ~~((t))~~ (d) identification of strategies, based on best practices, to improve the rigor and productivity of state-funded mathematics and science teacher preparation programs. As part of the final report, the professional educator standards board and the Washington state institute for public policy shall provide information from a study of differential pay for teachers in high-demand subject areas such as mathematics and science, including the design, successes, and limitations of differential pay programs in other states. In order for the professional educator standards board to quantify demand, each school district shall provide to the board, by a date and in a format specified by the board, the number of teachers assigned to teach mathematics and science, both with and without appropriate certification and endorsement in those subjects, and the number of mathematics and science teaching vacancies needing to be filled, and the board shall include this data, by district, in its analysis.

~~((x) \$45,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (22) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6556 (anaphylactic policy). ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((y) \$44,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (23) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6742 (guidelines for students with autism) and Substitute Senate Bill No. 6743 (training for students with autism). ~~((If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((z))~~ (24) Within the appropriations in this section, specific funding is provided for the implementation of Second Engrossed Substitute Senate Bill No. 5100 (health insurance information for students).

~~((aa) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (25) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2722 (achievement gap for African-American students). The center for the improvement of student learning will convene an advisory committee to conduct a detailed analysis of the achievement gap for African-American students; recommend a comprehensive plan for closing the gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. A study update shall be submitted by September 15, 2008, and the committee's final report shall be submitted by December 30, 2008, to the superintendent of public instruction, the state board of education, the governor, the P-20 council, the basic education finance task force, and the education committees of the legislature. ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((bb))~~ (26) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2598 (online mathematics curriculum).

~~((cc))~~ (27) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2635 (school district boundaries and organization).

~~((dd))~~ (28) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 3129 (online learning programs for high school students to earn college credit).

~~((cc) \$136,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ (29) Within the amounts appropriated in this section, funding is for the office of superintendent of public instruction to assign at least one full-time equivalent staff position to serve as the world language supervisor.

~~((2) STATEWIDE PROGRAMS~~

General Fund--State Appropriation (FY 2008)	\$14,283,000
General Fund--State Appropriation (FY 2009)	\$16,128,000
General Fund--Federal Appropriation	\$55,890,000
TOTAL APPROPRIATION	\$86,301,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

~~((a) HEALTH AND SAFETY~~

~~((i) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (30) Within the amounts appropriated in this section, funding is for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

~~((ii) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (31) Within the amounts appropriated in this section, funding is for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

~~((A))~~ (a) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

~~((B))~~ (b) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

~~((iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (32) Within the amounts appropriated in this section, funding is for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

~~((iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (33) Within the amounts appropriated in this section, funding is for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

~~((v) \$10,344,000)~~ (34) \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

~~((vi) \$271,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (35) Within the amounts appropriated in this section, funding is for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

~~((vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (36) Within the amounts appropriated in this section, funding is for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

~~((viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (37) Within the amounts appropriated in this section, funding is for programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools ~~((A))~~ (a) conduct at least one lockdown and one shelter in place safety drill each school year, and ~~((B))~~ (b) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.

~~((ix) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ (38) Within the amounts appropriated in this section, funding is for the Washington state school directors' association to mediate and facilitate a school disciplinary action task force to review and make recommendations on a model policy regarding the use of physical force in schools. The model policy shall be submitted to the appropriate policy committees of the legislature by November 1, 2008.

~~((b) TECHNOLOGY~~

~~((i) \$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (39) Within the amounts appropriated in this section, funding is for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

~~((ii))~~ (40) The office of the superintendent of public instruction shall coordinate, in collaboration with educational service districts, a system of outreach to school districts not currently maximizing their eligibility for federal e-rate funding through the schools and libraries program administered by the federal communications commission. By December 15, 2008, the office of the superintendent of public instruction shall issue a report to the fiscal committees of the legislature identifying school districts that were eligible but did not apply for e-rate funding for the last two years, and an estimate of the amounts for which they were eligible in those years. The report shall also include

recommendations for following-up on the findings relative to the e-rate program contained in the state auditor's performance audit of educational service districts completed September, 2007.

~~((c))~~ GRANTS AND ALLOCATIONS

~~((i))~~ \$652,000 of the general fund--state appropriation for fiscal year 2008 and \$1,329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (41) Within the amounts appropriated in this section, funding is to expand the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016. ~~((Of the amounts provided, \$11,000 of the general fund--state appropriation for fiscal year 2008 and \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided for the office of the superintendent of public instruction to conduct a study of the expanded special services pilot.~~

~~((ii))~~ \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (42) Within the amounts appropriated in this section, funding is for operation of the Cispus environmental learning center.

~~((iii))~~ \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (43) Within the amounts appropriated in this section, funding is ~~((to support))~~ for vocational student leadership organizations.

~~((iv))~~ \$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (44) Within the amounts appropriated in this section, funding is for the Washington civil liberties education program.

~~((v))~~ \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (45) Within the amounts appropriated in this section, funding is for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

~~((vi))~~ \$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (46) Within the amounts appropriated in this section, funding is for the Lorraine Wajahn dyslexia pilot reading program in up to five school districts.

~~((vii))~~ \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (47) Within the amounts appropriated in this section, funding is for developing and disseminating curriculum and other materials documenting women's role in World War II.

~~((viii))~~ \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (48) Within the amounts appropriated in this section, funding is for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

~~((ix))~~ \$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (49) Within the amounts appropriated in this section, funding is for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

~~((x))~~ \$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (50) Within the amounts appropriated in this section, funding is for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

~~((xi))~~ \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (51) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((xii))~~ \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (52) Within the amounts appropriated in this section, funding is for the communities in school program in Pierce county.

~~((xiii))~~ \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (53) Within the amounts appropriated in this section, funding is ~~((to))~~ for support and ~~((expand))~~ expansion of the mentoring advanced placement program in current operation in southwest Washington.

~~((xiv))~~ \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (54) Within the amounts appropriated in this section, funding is for program initiatives to address the educational needs of Latino students and families. ~~((Using the full amounts of the appropriations under this subsection;))~~ The office of the superintendent of public instruction shall contract with the Seattle community coalition of compaña quetzal to provide for three initiatives: ~~((A))~~ (a) Early childhood education; ~~((B))~~ (b) parent leadership training; and ~~((C))~~ (c) high school success and college preparation programs. Campana quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high school drop- out rates and college readiness rates, for Latino students.

~~((xvii))~~ \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (55) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2870 (professional development for instructional assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((xix))~~ \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (56) Within the amounts appropriated in this section, funding is for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. ~~((Using the full amounts of the appropriation under this subsection;))~~ The office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

Sec. 502. 2008 c 329 s 502 (unmodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2008)	\$4,436,719,000
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General Fund--State Appropriation (FY 2009)	\$4,477,998,000
Education Legacy Trust Account--State Appropriation	\$9,373,000
Pension Funding Stabilization Account Appropriation	\$341,624,000
TOTAL APPROPRIATION	\$9,265,714,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and

(iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade

4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;

(A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty average annual full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty average annual full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.11 percent in the 2007-08 school year and 16.75 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.04 percent in the 2007-08 school year and 18.72 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$10,178 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,999 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$19,395 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment). ~~((If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.))~~

(10) The superintendent may distribute a maximum of \$16,620,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$567,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$393,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$9,373,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

~~(f) ((\$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). ((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.))~~

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 6.0 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) The appropriation levels in part V of this act assume implementation of the reimbursement provisions of Senate Bill No. 6450 (school district reimbursement of performance audits).

Sec. 503. 2008 c 329 s 507 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2008)	\$7,519,000
General Fund--State Appropriation (FY 2009)	(\$10,248,000)
	<u>\$8,530,000</u>
TOTAL APPROPRIATION	(\$17,767,000)
	<u>\$16,049,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,662,000 of the general fund--state appropriation in fiscal year 2008 and \$3,355,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 504. 2008 c 329 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2008)	\$66,272,000
General Fund--State Appropriation (FY 2009)	(\$89,985,000)
	<u>\$85,135,000</u>
Education Legacy Trust Account--State Appropriation	(\$120,790,000)
	<u>\$117,890,000</u>
General Fund--Federal Appropriation	\$152,568,000
TOTAL APPROPRIATION	(\$429,615,000)
	<u>\$421,865,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,716,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$21,996,000)~~ \$20,948,000 of the general fund--state appropriation for fiscal year 2009, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. In addition to the amounts provided for the Washington assessments of student learning in this subsection, \$11,372,000 is also included in the appropriations to the office of financial management in this act for an interagency agreement with the office of superintendent of public instruction for the expenditure of those funds based on compliance with certain requirements.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute House Bill No. 3166 (design of the state assessment system and the Washington assessment of student learning), including section 3 of the act providing for end-of-course tests in math. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$4,400,000)~~ \$1,630,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, subject to the following terms and conditions:

(a) A maximum of \$2,540,000 of the funding provided in this subsection shall support the development and implementation of voluntary classroom-based diagnostic assessments and progress monitoring tools for all subject areas included in the WASL by the office of the superintendent of public instruction; and

(b) \$2,360,000 of the funding provided in this subsection is for allocations to school districts to purchase assessment tools which supplement the system of diagnostic tests developed by the office of the superintendent of public instruction as described in (a) of this subsection.

(4) ~~(\$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ Within the amounts appropriated in this section, funding is for ~~(the)~~ second grade assessments.

(5) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,414,000 of the general fund--state appropriation for fiscal year 2009 are)~~ is provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(6) ~~(\$2,267,000)~~ \$1,966,000 of the general fund--state appropriation for fiscal year 2009 and ~~(\$2,367,000)~~ \$2,337,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials

that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:

(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in mathematics.

(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.

(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.

(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.

(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members.

(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.

(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

(7) \$8,950,000 of the education legacy trust account appropriation is ~~((provided solely))~~ for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(8) \$13,058,000 of the education legacy trust fund appropriation is ~~((provided solely))~~ for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(9) \$17,491,000 of the education legacy trust fund appropriation is ~~((provided solely))~~ for allocations to districts for specialized professional development in math for one math teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

(10) \$5,376,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

(11) \$1,133,000 of the general fund--state appropriation for fiscal year 2008 and \$1,133,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). ~~((If the bill~~

is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.) The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(12) (~~(\$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~) Within the amounts appropriated in this section, funding is for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(13) (~~(\$5,303,000 of the general fund--state appropriation for fiscal year 2008 and \$5,303,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~) Within the amounts appropriated in this section, funding is for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(14) \$51,701,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20 percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

(15) (~~(\$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~) Within the amounts appropriated in this section, funding is (~~(to)~~) for support of a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

(16) (~~(\$3,047,000 of the education legacy trust account--state appropriation is provided solely)~~) Within the amounts appropriated in this section, funding is for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

(17) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(18) (~~(\$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~) Within the amounts appropriated in this section, funding is for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

(19) (~~(\$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely)~~) Within the amounts appropriated in this section, funding is for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(20) (~~(\$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~) Within the amounts appropriated in this section, funding is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(21) (~~(\$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~) Within the amounts appropriated in this section, funding is for the leadership internship program for superintendents, principals, and program administrators.

(22) \$105,765,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(23) (~~(a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~) Within the amounts appropriated in this section, funding is for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: ~~((+))~~ (a) Development of an individualized professional growth plan for a new principal or principal candidate; and ~~((+))~~ (b)

participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

~~((b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (24) Within the amounts appropriated in this section, funding is ~~((to))~~ for the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

~~((24) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (25) Within the amounts appropriated in this section, funding is for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

~~((25) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided))~~ (26) Within the amounts appropriated in this section, funding is for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

~~((26) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided))~~ (27) Within the amounts appropriated in this section, funding is for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

~~((27) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (28) Within the amounts appropriated in this section, funding is for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

- (i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;
- (ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;
- (iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;
- (iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;
- (v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;
- (vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and
- (vii) Other assistance to schools and school districts intended to improve student mathematics learning.

~~((28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (29) Within the amounts appropriated in this section, funding is for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

~~((29))~~ (30) \$30,706,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

~~((a))~~ (31) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

~~((b))~~ (a) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

~~((c))~~ (b) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

~~((d))~~ (c) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

~~((30) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (32) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((31) \$1,643,000 of the general fund--state appropriation for fiscal year 2008 and \$1,667,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (33) Within the amounts appropriated in this section, funding is ~~((to eliminate))~~ for the elimination of the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

~~((32) \$400,000 of the education legacy trust account--state appropriation is provided solely))~~ (34) Within the amounts appropriated in this section, funding is for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

~~((33) \$5,222,000 of the general fund--state appropriation for fiscal year 2008 and \$5,285,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (35) Within the amounts appropriated in this section, funding is for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

~~((34) \$1,056,000 of the general fund--state appropriation for fiscal year 2008 and \$1,056,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (36) Within the amounts appropriated in this section, funding is for the Washington reading corps. The superintendent shall allocate reading corps members to low- performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

~~((35) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (37) Within the amounts appropriated in this section, funding is for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((36) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (38) Within the amounts appropriated in this section, funding is for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

~~((37) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided))~~ (39) Within the amounts appropriated in this section, funding is for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

~~((38) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (40) Within the amounts appropriated in this section, funding is for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

~~((39) \$12,400,000 of the education legacy trust account--state appropriation is provided solely))~~ (41) Within the amounts appropriated in this section, funding is for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

~~((40) \$250,000 of the education legacy trust account--state appropriation is provided solely))~~ (42) Within the amounts appropriated in this section, funding is for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((41(a) \$9,747,000 of the general fund--state appropriation for fiscal year 2008 and \$16,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (43)(a) Within the amounts appropriated in this section, funding is for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009. Beginning in the 2007-2008 school year and thereafter, national board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification;

(ii) During the 2007-2008 school year, for national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum. Beginning in the 2008-2009 school year and thereafter, an additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. Unless Senate Bill No. 6657 (salary bonuses for individuals certified by the national board for professional teaching standards) is enacted by June 30, 2008, the annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "the percent of the student headcount enrollment eligible for the federal free or reduced price lunch program" shall be defined as: (i) For the 2007-08 and the 2008- 09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program meets the criteria specified in subsection (41)(a)(ii) of this section; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington

school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

~~((42) \$2,750,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (44) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6377 (career and technical education). ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(43) \$4,000,000))~~ (45) \$3,900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for an allocation of four dollars and nine cents per full-time equivalent student, or as much as the funding in this subsection will allow, to maintain and improve library materials, collections, and services. The funding provided in this subsection shall be used to augment current funding for librarian programs provided through basic education and other existing funding mechanisms. In order to receive allocations under this section, school districts must agree that to the maximum extent possible they will ensure that library programs and services are equitably provided throughout the district.

~~((44) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (46) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6483 (local farms-healthy kids and communities). ~~((Of the amount provided in subsection, up to \$30,000 is provided for administrative costs associated with implementing the legislation and at least \$570,000 is provided for grants to school districts associated with implementing the legislation. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(45) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (47) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which requires the office of the superintendent of public instruction to explore online curriculum support in languages other than English. ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(47) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (48) Within the amounts appropriated in this section, funding is for grants to five skills centers to develop and plan for implementation of integrated English language development/career skills programs that pair English language development teachers with career/technical education instructors in the classroom. The office of the superintendent of public instruction and skill center staff shall work with the state board for community and technical colleges I-BEST program staff and local community and technical college program staff to develop the program to assure critical program elements are included and that the skill center programs provide a seamless transition for high school students to the community and technical college programs for students choosing that pathway. The request for proposal or grant application shall be issued no later than May 1, 2008, so that grant recipients can begin program planning and development efforts on July 1, 2008. The superintendent of public instruction shall provide the resulting implementation plans to the governor and the appropriate committees of the legislature by November 1, 2008.

(49) ~~((\$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ Within the amounts appropriated in this section, funding is ~~((to))~~ for support of public high schools' participation in the FIRST robotics program. The office of the superintendent of public instruction shall issue grants not to exceed \$10,000 per school to be used for teacher stipends, registration fees, equipment, and other costs associated with direct participation in the program. High-poverty schools and schools starting up robotics programs shall be given priority in funding.

Sec. 505. 2008 c 329 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008)	\$68,381,000
General Fund--State Appropriation (FY 2009)	\$84,654,000
General Fund--Federal Appropriation	\$360,660,000
Education Legacy Trust Account--State Appropriation	45,953,000
TOTAL APPROPRIATION	\$559,648,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$220.34 per funded student for the 2007-08 school year and \$265.08 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K- 12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(e) If Second Substitute Senate Bill No. 6673 (student learning opportunities) is enacted by June 30, 2008, in addition to the amounts allocated in (b), (c), and (d) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students beginning in the 2008- 2009 school year, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (e)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (e)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

(6) ~~(\$15,065,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which establishes the extended learning program to provide additional instructional services for eligible students in grades eight, eleven, and twelve during the regular school day, evenings, on weekends, or at other times in order to meet the needs of these students. This funding is in addition to the estimated \$986,000 of associated compensation increases associated with this legislation in section 504 of this act. ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.))~~

Sec. 506. 2008 c 329 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation (FY 2008)	\$423,369,000
Student Achievement Account--State Appropriation (FY 2009)	(\$444,970,000)
	<u>\$436,910,000</u>
TOTAL APPROPRIATION	(\$868,339,000)
	<u>\$860,279,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007- 08 school year and \$458.10 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly ~~((apportionment))~~ schedule defined in RCW ~~((28A.510.250))~~ 28A.505.220.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2008 c 329 s 604 (uncodified) is amended to read as follows:

(1) The appropriations in sections 603 through 609 of this act, ~~((and))~~ sections 605 through 611 of this 2008 act, and sections 602 through 608 of this 2009 act, provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
<u>University of Washington</u>		
<u>Main campus</u>	33782	34197
<u>Bothell campus</u>	1760	1980
<u>Tacoma campus</u>	2109	2349
<u>Washington State University</u>		
<u>Main campus</u>	19112	19272
<u>Tri-Cities campus</u>	800	865
<u>Vancouver campus</u>	1888	2113
<u>Central Washington University</u>	8952	9322
<u>Eastern Washington University</u>	8996	9184
<u>The Evergreen State College</u>	4165	4213
<u>Western Washington University</u>	12022	12175
<u>State Board for Community and Technical Colleges</u>	136, 102	139, 237

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needed by the forecast division for tracking and monitoring state- supported college enrollment.

Sec. 602. 2008 c 329 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2008)	\$617,805,000
General Fund--State Appropriation (FY 2009)	((\$665,052,000))
	<u>\$631,586,000</u>
Education Legacy Trust Account--State Appropriation	((\$105,432,000))
	<u>\$105,429,000</u>
Pension Funding Stabilization Account Appropriation	\$49,800,000
Administrative Contingencies Account--State Appropriation	\$2,950,000
TOTAL APPROPRIATION	((\$1,441,039,000))
	<u>\$1,407,570,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 900 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) \$5,720,000 of the education legacy trust account--state appropriation and \$11,440,000 of the general fund--state appropriation for fiscal year 2009 are to expand high-demand enrollments by 650 student FTEs in fiscal year 2008 and by an additional 650 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics and health sciences. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,960,000 of the education legacy trust account--state appropriation is to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

(5) \$3,813,000 of the education legacy trust account--state appropriation and \$7,625,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted enrollment levels shall increase by 625 student FTEs each year.

(6) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase relative to full-time faculty salaries after all salary increases are collectively bargained.

(7) \$7,350,000 of the education legacy trust account appropriation is to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.

(8) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the establishment of a single math placement test to be used at colleges and universities statewide.

(9) \$2,835,000 of the education legacy trust account appropriation is to increase enrollment in apprenticeship training programs by 150 student FTEs in each fiscal year.

(10) \$4,000,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65 percent for TRIO students and other low-income and first-generation students served through this appropriation.

(11)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

(i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;

(ii) Increase the percentage and number of students prepared for work to 23,490; and

(iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(12) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

(13) \$2,502,000 of the general fund--state appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional

development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(15) \$2,725,000 of the general fund--state appropriation for fiscal year 2008 and \$2,725,000 of the ~~((general fund--state appropriation))~~ administrative contingency account for fiscal year 2009 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

(16) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.

(17) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$4,000,000 of the general fund--state appropriation for fiscal year 2009, and \$15,000,000 of the education legacy trust account--state appropriation are provided solely for implementation of Second Substitute House Bill No. 1096 (postsecondary opportunities). The state board shall seek additional private sector involvement and support for the opportunity grants program. If the bill is not enacted by June 30, 2007, the education legacy trust account--state appropriation shall lapse. Remaining amounts in this subsection shall be used for an opportunity grant program to provide grants covering community and technical college tuition and fees for up to 45 credits and books or other materials to be awarded to eligible students. Program participants will earn credentials or certificates in industry- defined occupations with a need for skilled employees.

(18) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by an average of 3.7 percent effective July 1, 2007, and by an average of 3.9 percent effective July 1, 2008.

(19) \$1,717,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for employees who are subject to the provisions of Initiative Measure No. 732 by an average of one-half of one percent effective July 1, 2008.

(20) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2 percent effective September 1, 2007, and by an average of 2.0 percent effective September 1, 2008.

(21) \$1,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for competitive grants to labor, management, and college partnerships to develop or expand and evaluate innovative training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care fields. The board shall report to appropriate policy and fiscal committees of the legislature by November 1, 2008, on the initial implementation of the program, including components of the program created, the program sites, and program enrollments including student background and early progress. By November 2009, the board shall provide a follow up report that additionally includes information on student progress and outcomes.

(22) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the gateway center pilot project at Highline community college for coaching and managing student participants in the pilot program. The coach will be responsible for credentials interpretation, evaluating prior learning experience, ensuring licensure guidance, providing academic advising and translation services, and helping establish employer relationships.

~~((25))~~ (23) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the design, development, training, and related expenses associated with a joint labor/management apprenticeship program established under the auspices of an international union representing aerospace workers, which will include but not be limited to training in composite technology. Of this amount, \$2,150,000 may be used for program development, curriculum development and equipment, training, and related expenses; and \$850,000 shall be used to support 130 enrollment slots at no more than three community and technical colleges with at least one college being located east of the Cascade mountains, for related supplemental instruction and related expenses. The state board for community and technical colleges shall select the colleges using a joint selection process between the state board and the joint labor/management apprenticeship program.

~~((26))~~ (24) \$1,178,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to Edmonds community college for operating expenses related to leasing the employment resource center.

~~((27))~~ (25) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Renton technical college to implement workplace-based instructional programs that will enable low- wage working immigrants to improve their English language and work-related skills.

~~((28))~~ (26) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to convert classes taught by faculty employed in part-time positions to classes taught by faculty employed in full-time, tenure-track positions. Particular emphasis shall be placed upon increasing the number of full-time faculty in the departments of mathematics, science, adult basic education, early childhood education, and English. The state board shall determine the distribution of these funds among the colleges in consultation with representatives of faculty unions.

~~((29))~~ (27) The appropriations in this section include specific funding to implement Substitute Senate Bill No. 5104 (applied baccalaureate degrees).

(28) When implementing reductions in fiscal year 2009, the state board for community and technical colleges shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 603. 2008 c 329 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2008)	\$373,726,000
General Fund--State Appropriation (FY 2009)	(\$375,998,000)
	<u>\$358,727,000</u>
General Fund--Private/Local Appropriation	\$300,000
Education Legacy Trust Account--State Appropriation	\$43,181,000
Accident Account--State Appropriation	\$6,513,000
Medical Aid Account--State Appropriation	\$6,371,000
TOTAL APPROPRIATION	(\$806,089,000)
	<u>\$788,818,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(8) \$3,830,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;
- (d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;
- (f) Improve the freshman retention rate to 93.0 percent;
- (g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

- (a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:
 - (i) Variable costs such as fuel, etc;
 - (ii) Quasi-variable costs such as:
 - (A) Tires, brakes, wrappers, and other safety related equipment;
 - (B) Vehicle insurance, taxes, fees, etc;

- (C) Maintenance costs such as oil, lubrication, and minor repairs; and
- (D) Depreciation and replacement costs;
- (b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;
- (c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;
- (d) An evaluation of comparable trucking services; and
- (e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

- (i) A financial summary of the endowment program;
- (ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;
- (iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and
- (iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(22) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((25))~~ (23) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to establish an e-Science institute that will provide infrastructure and consulting expertise to university researchers in advanced computational techniques needed to capture, store, organize, access, mine, visualize, and interpret massive data sets.

~~((28))~~ (24) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for incentive grants to support medical research or medical training projects focused upon improvement of services to persons with developmental disabilities. The university shall report to appropriate committees of the legislature by December 1, 2008, on incentive grants awarded, and other efforts to improve training for medical students in treating persons with developmental disabilities.

(25) When implementing reductions in fiscal year 2009, the University of Washington shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 604. 2008 c 329 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$232,201,000
General Fund--State Appropriation (FY 2009)	(\$235,108,000)
	<u>\$223,819,000</u>
Education Legacy Trust Account--State Appropriation	\$33,884,000
Pension Funding Stabilization Account Appropriation	\$2,450,000
TOTAL APPROPRIATION	(\$503,643,000)
	<u>\$492,354,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,315,000 of the education legacy trust account--state appropriation is to expand general enrollments by 290 student FTEs in fiscal year 2008 and by an additional 300 student FTEs in fiscal year 2009.

(2) \$3,525,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high-demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$2,356,000 of the education legacy trust account appropriation is to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.

(4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(10) \$6,360,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(12) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;
- (d) Improve the six-year graduation rate for baccalaureate students to 63.2 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4 percent;
- (f) Improve the freshman retention rate to 84.8 percent;
- (g) Improve time to degree for baccalaureate students to 92 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(13) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(14) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the unified agriculture initiative at Washington State University. Funds are provided for competitive agriculture grant funds, of which \$400,000 is provided for biological intensive and organic agriculture grants; for operating and program support for the university's research and extension centers, of which \$735,000 is for maintenance and operations support for the Mount Vernon research facility; and for positions to fill research gaps in the development of value-added agricultural products and economically and environmentally sustainable food production.

(15) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Washington State University to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(18) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((20))~~ (19) \$160,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for administrative resources and personnel necessary for the implementation of Substitute House Bill No. 2963 (WSU collective bargaining). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((21))~~ (20) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement a teacher preparation program at Washington State University-Vancouver that will prepare currently- licensed teachers to more effectively educate K-12 students who are deaf or hearing-impaired. The program will use a variety of distance learning instructional methods and delivery formats in order to reach teachers throughout the state.

~~((24))~~ (21) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of section 6 of Senate Bill No. 6438 (high speed internet deployment). If section 6 of Senate Bill No. 6438 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((25))~~ (22) The appropriations in this section include specific funding to implement Senate Bill No. 6187 (food animal veterinarians).

(23) When implementing reductions in fiscal year 2009, Washington State University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 605. 2008 c 329 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$48,911,000
General Fund--State Appropriation (FY 2009)	(\$48,959,000)
	<u>\$45,771,000</u>
Education Legacy Trust Account--State Appropriation	(\$14,753,000)
	<u>\$14,748,000</u>
Pension Funding Stabilization Account Appropriation	\$4,758,000
TOTAL APPROPRIATION	(\$117,381,000)
	<u>\$114,188,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$930,000 of the education legacy trust account--state appropriation is to expand general enrollments by 130 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$1,170,000 of the education legacy trust account--state appropriation is to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2035;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 550;
- (d) Improve the six-year graduation rate for baccalaureate students to 50.0 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0 percent;
- (f) Improve the freshman retention rate to 76.0 percent;
- (g) Improve time to degree for baccalaureate students to 81.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

~~((8))~~ (7) \$62,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the institute for public policy and economic analysis to conduct an assessment of the likely medical, health care delivery, and economic consequences of the proposed sale of a major eastern Washington health care delivery system.

~~((9))~~ (8) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest autism center to increase child diagnostic services and teacher training services.

(9) When implementing reductions in fiscal year 2009, Eastern Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 606. 2008 c 329 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$47,691,000
General Fund--State Appropriation (FY 2009)	((\$47,978,000))
	<u>\$45,272,000</u>
Education Legacy Trust Account--State Appropriation	\$16,219,000
Pension Funding Stabilization Account Appropriation	\$4,330,000
TOTAL APPROPRIATION	((\$116,218,000))
	<u>\$113,512,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;
- (f) Improve the freshman retention rate to 78.2 percent;
- (g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(8) When implementing reductions in fiscal year 2009, Central Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 607. 2008 c 329 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2008)	\$29,747,000
General Fund--State Appropriation (FY 2009)	((\$29,403,000))
	<u>\$27,973,000</u>
Education Legacy Trust Account--State Appropriation	((\$4,758,000))
	<u>\$4,725,000</u>
TOTAL APPROPRIATION	((\$63,908,000))
	<u>\$62,445,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$562,000 of the education legacy trust account--state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.

(2) \$260,000 of the education legacy trust account--state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 1182;
- (b) Increase the number of advanced degrees conferred per year at all campuses to 92;
- (c) Improve the six-year graduation rate for baccalaureate students to 57.0 percent;
- (d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8 percent;
- (e) Improve the freshman retention rate to 73.9 percent;
- (f) Improve time to degree for baccalaureate students to 97.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy (WSIPP) to assist the joint task force on basic education finance created pursuant to Engrossed Second Substitute Senate Bill No. 5627 (requiring a review and development of basic education funding). The institute shall assist the joint task force in a review of the definition of basic education and the development of options for a new funding structure for K-12 public schools. The task force on basic education as created in chapter 399, Laws of 2007 shall consider the ruling of the King County Superior Court in the matter of *Federal Way School District v. The State of Washington* in developing recommendations for a new basic education school finance formula. The recommendations should include proposals that directly address the issue of equity in salary allocations in the new school finance formula.

(8) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(10) \$133,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(11) Notwithstanding other provisions in this section, the Washington state institute for public policy may adjust due dates for projects included on the institute's 2007-09 workplan as necessary to efficiently manage workload.

(12) \$19,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) to (a) conduct a national review of state programs for youth transitioning out of foster care and analyze state policies on eligibility requirements for continued foster care, age thresholds for transition services, types of services provided, and use of state funds to supplement federal moneys; and (b) survey foster youth and foster parents in Washington regarding how well current services are meeting the needs of youth transitioning out of foster care to independence. The institute shall issue a preliminary report by September 1, 2008, with a final report by December 31, 2008.

~~((14))~~ (13) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((15))~~ (14) \$69,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to study the status of adult literacy education in Washington. The study shall include an analysis of literacy rates by county; a review of the research literature; a description of literacy-related services provided by state agencies and community-based organizations; and an analysis of the characteristics of persons receiving those services. The institute shall report its findings to the governor, appropriate committees of the legislature, and to the state board for community and technical colleges by December 1, 2008.

~~((16))~~ (15) \$23,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the evaluation required by Senate Bill No. 6665 (crisis response programs). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

~~((17))~~ (16) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to conduct a review of research on service and support programs for children and adults with developmental disabilities, excluding special education, and an economic analysis of net program costs and benefits. The institute shall submit a preliminary report of findings by January 1, 2009, and a final report by June 30, 2009.

~~((18))~~ (17) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to analyze local practices regarding RCW 28A.225.020, 28A.225.025, and 28A.225.030.

(a) The institute shall: (i) Sample school districts' and superior courts' expenditures in fiscal years 2005, 2006, 2007, and 2008 used to comply with RCW 28A.225.020, 28A.225.025, and 28A.225.030; (ii) evaluate evidence-based, research-based, promising, and consensus-based truancy intervention and prevention programs and report on local practices that could be designated as such; (iii) survey school district truancy petition and intervention programs and services currently available and report on any gaps in accessing services; (iv) survey the districts'

definitions of "absence" and "unexcused absence"; (v) survey the courts' frequency of use of contempt proceedings and barriers to the use of proceedings; and (vi) analyze the academic impact of RCW 28A.225.030 by sampling school districts' student academic records to ascertain the students' post-petition attendance rate, grade progression, and high school graduation for students where the school district filed a truancy petition in superior court.

(b) In conducting its analysis, the institute may consult with employees and access data systems of the office of the superintendent of public instruction and any educational service district or school district and the administrative office of the courts, each of which shall provide the institute with access to necessary data and administrative systems.

(18) When implementing reductions in fiscal year 2009, The Evergreen State College shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 608. 2008 c 329 s 611 (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$66,774,000
General Fund--State Appropriation (FY 2009)	(\$68,085,000)
	<u>\$64,450,000</u>
Education Legacy Trust Account--State Appropriation	\$11,845,000
TOTAL APPROPRIATION	(\$146,704,000)
	<u>\$143,069,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations, and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,968;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 375;
- (d) Improve the six-year graduation rate for baccalaureate students to 62.8 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4 percent;
- (f) Improve the freshman retention rate to 85.0 percent;
- (g) Improve time to degree for baccalaureate students to 95.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Western Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

(8) \$444,000 of the general fund--state appropriation for fiscal year 2008 and \$611,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of the biomedical research activities in neuroscience (BRAIN) program. The program shall link biology and chemistry curriculum to prepare students for biomedical research positions in academia and industry.

(9) When implementing reductions in fiscal year 2009, Western Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 609. 2008 c 329 s 612 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$7,008,000
General Fund--State Appropriation (FY 2009)	(\$7,231,000)
	<u>\$6,533,000</u>

General Fund--Federal Appropriation	\$4,333,000
TOTAL APPROPRIATION	(\$18,572,000)
	<u>\$17,874,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of conditional scholarships.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(6) \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The higher education coordinating board shall:

(a) Develop the study in collaboration with the state board for community and technical colleges, four-year universities, and the Washington independent colleges;

(b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;

(c) Estimate operational and capital costs of the additional capacity; and

(d) Report findings to the legislature on October 1, 2008.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to prepare a program and operating plan for a higher education center in the Kitsap county area. The plan shall be developed in consultation with an advisory committee of civic, business, and educational leaders from Clallam, Jefferson, Kitsap, and Mason counties. It shall include a projection of lower and upper division and graduate enrollment trends in the study area; a review of assessments of employer needs; an inventory of existing and needed postsecondary programs; recommended strategies for promoting active program participation in and extensive program offerings at the center by public and private baccalaureate institutions; and an estimate of operating and capital costs for the creation and operation of the center. The board shall submit its findings and recommendations to the governor and legislature by December 1, 2008.

~~((H))~~ (8) \$60,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((H))~~ (9) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

~~((H))~~ (10) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the higher education coordinating board to convene interested parties from Snohomish, Island, and Skagit counties to consider the November 2007 site options and recommendations for a new campus of the University of Washington in Snohomish county. The three local communities shall develop a consensus recommendation on a single preferred site and present the recommendation to the higher education coordinating board. The higher education coordinating board shall then present the single preferred site recommendation to the appropriate legislative fiscal and policy committees by December 1, 2008.

Sec. 610. 2008 c 329 s 613 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2008)	\$163,286,000
General Fund--State Appropriation (FY 2009)	(\$188,998,000)
	<u>\$188,498,000</u>
General Fund--Federal Appropriation	\$13,113,000
Education Legacy Trust Account--State Appropriation	\$108,188,000
TOTAL APPROPRIATION	(\$473,585,000)
	<u>\$473,085,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$154,760,000 of the general fund--state appropriation for fiscal year 2008, \$178,707,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) \$2,336,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the health professional scholarship and loan program. The funds provided in this subsection (a) shall be prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) shall be allocated between loan repayments and scholarships proportional to current program allocations.

Sec. 611. 2008 c 329 s 614 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2008)	\$1,757,000
General Fund--State Appropriation (FY 2009)	(\$1,736,000)
	<u>\$1,698,000</u>
General Fund--Federal Appropriation	(\$53,996,000)
	<u>\$53,995,000</u>
TOTAL APPROPRIATION	(\$57,489,000)
	<u>\$57,450,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$340,000 of the general fund--state appropriation for fiscal year 2008 and \$340,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

(a) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and

(b) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

(2) \$53,000 of the general fund--state appropriation for fiscal year 2008 and \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the oversight of private vocational and career schools.

(3) The appropriations in this section include specific funding to implement Substitute Senate Bill No. 5254 (industry skills panels) and Substitute Senate Bill No. 6261 (adult youth).

(4) The appropriations in this section include sufficient funds to implement section 2 of Engrossed Substitute Senate Bill No. 6295 (workplace e-learning).

Sec. 612. 2008 c 329 s 615 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2008)	\$1,718,000
General Fund--State Appropriation (FY 2009)	(\$1,745,000)
	<u>\$1,668,000</u>
TOTAL APPROPRIATION	(\$3,463,000)
	<u>\$3,386,000</u>

Sec. 613. 2008 c 329 s 616 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2008)	\$62,362,000
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General Fund--State Appropriation (FY 2009)	(\$76,304,000)
	\$68,720,000
General Fund--Federal Appropriation	\$192,192,000
General Fund--Private/Local Appropriation	\$6,000
TOTAL APPROPRIATION	(\$330,864,000)
	\$323,280,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and (~~\$4,225,000~~) \$1,425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to ~~(a) develop a quality rating and improvement system~~ ~~(; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008. Prior to statewide implementation of the quality rating and improvement system, the department of early learning shall present the system to the legislature and the legislature shall formally approve the implementation of the system through the omnibus appropriations act or by statute or concurrent resolution).~~

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

(11) (~~\$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 3168 (Washington head start program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(12))~~ The department, in conjunction with the early learning advisory council, shall report by June 30, 2009, to the governor and the appropriate committees of the legislature regarding the following:

(a) Administration of the state training and registry system, including annual expenditures, participants, and average hours of training provided per participant; and

(b) An evaluation of the child care resource and referral network in providing information to parents and training and technical assistance to child care providers.

~~(13))~~ (12) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

~~(14))~~ (13) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department of early learning to work with the office of the superintendent of public instruction, and collaborate with thrive by five Washington, to study and make recommendations regarding the implementation of a statewide kindergarten entry assessment. The department and the office of the superintendent of public instruction shall jointly submit a report with recommendations for implementing the kindergarten entry assessment to the governor and the appropriate committees of the legislature by December 15, 2008. In the study and development of the recommendations, the department shall:

(a) Consult with early learning experts, including research and educator associations, early learning and kindergarten teachers, and Washington Indian tribes;

(b) Identify a preferred kindergarten entry assessment based on research and examples of other assessments, and which is sensitive to cultural and socioeconomic differences influencing the development of young children;

(c) Recommend a plan for the use of the assessment in a pilot phase and a voluntary use phase, and recommend a time certain when school districts must offer the assessment;

(d) Recommend how to report the results of the assessment to parents, the office of the superintendent of public instruction, and the department of early learning in a common format, and for a methodology for conducting the assessments;

(e) Analyze how the assessment could be used to improve instruction for individual students entering kindergarten and identify whether and how the assessment results could be used to improve the early learning and K-12 systems, including the transition between the systems;

(f) Identify the costs of the assessment, including the time required to administer the assessment; and

(g) Recommend how to ensure that the assessment shall not be used to screen or otherwise preclude children from entering kindergarten if they are otherwise eligible.

~~((+5))~~ (14) \$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for encouraging private match investment for innovative, existing local early learning coalitions to achieve one or more of the following:

(a) Increase communities' abilities to implement their business plans for comprehensive local and regional early learning systems;

(b) Involve parents in their children's education;

(c) Enhance coordination between the early childhood and K-12 system; or

(d) Improve training and support for raising the level of child care givers' professional skills to ensure that children are healthy and ready to succeed in school and life.

Sec. 614. 2008 c 329 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2008)	\$5,969,000
General Fund--State Appropriation (FY 2009)	(\$6,105,000)
	<u>\$6,069,000</u>
General Fund--Private/Local Appropriation	\$1,561,000
TOTAL APPROPRIATION	(\$13,635,000)
	<u>\$13,599,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to defend the state's interpretive position in the case of *Delyria & Koch v. Washington State School for the Blind*.

(2) \$5,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 615. 2008 c 329 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2008)	\$8,858,000
General Fund--State Appropriation (FY 2009)	(\$8,915,000)
	<u>\$8,764,000</u>
General Fund--Private/Local Appropriation	\$316,000
TOTAL APPROPRIATION	(\$18,089,000)
	<u>\$17,938,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$84,000 of the general fund--private/local appropriation for fiscal year 2009 is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

(2) \$9,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 616. 2008 c 329 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,548,000
General Fund--State Appropriation (FY 2009)	(\$2,541,000)
	<u>\$2,454,000</u>
General Fund--Federal Appropriation	\$1,382,000
General Fund--Private/Local Appropriation	\$154,000
TOTAL APPROPRIATION	(\$6,625,000)
	<u>\$6,538,000</u>

Sec. 617. 2008 c 329 s 620 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008)	\$3,558,000
General Fund--State Appropriation (FY 2009)	(\$3,798,000)
	<u>\$3,696,000</u>
TOTAL APPROPRIATION	(\$7,356,000)
	<u>\$7,254,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state Holocaust education resource center for the purposes of preserving Washington's historical connection to the Holocaust and expanding understanding of the Holocaust and genocide. Grant moneys may be used to develop and disseminate education and multimedia curriculum resources; provide teacher training; acquire and maintain primary source materials and Holocaust artifacts; collect and preserve oral accounts from Washington state Holocaust survivors, liberators, and witnesses; and build organizational capacity.

Sec. 618. 2008 c 329 s 621 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008)	\$1,918,000
General Fund--State Appropriation (FY 2009)	(\$2,069,000)
	<u>\$2,016,000</u>
TOTAL APPROPRIATION	(\$3,987,000)
	<u>\$3,934,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$88,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to catalog the American Indian collection.

**PART VII
SPECIAL APPROPRIATIONS**

Sec. 701. 2007 c 522 s 709 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT

General Fund--State Appropriation (FY 2008)	\$1,188,000
General Fund--State Appropriation (FY 2009)	\$1,509,000
TOTAL APPROPRIATION	\$2,697,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

Sec. 702. 2007 c 522 s 715 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT

General Fund--State Appropriation (FY 2008)	\$525,000
General Fund--State Appropriation (FY 2009)	\$525,000
TOTAL APPROPRIATION	\$1,050,000

The appropriation((s)) in this section ((are)) is subject to the following conditions and limitations: The appropriation((s-are)) is provided solely for expenditure into the reading achievement account.

Sec. 703. 2008 c 329 s 708 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER QUALITY CAPITAL ACCOUNT

Water Quality Account--State Appropriation (FY 2008)	\$19,274,000
Water Quality Account--State Appropriation (FY 2009)	(\$3,000,000)
	<u>\$2,000,000</u>
TOTAL APPROPRIATION	(\$22,274,000)
	<u>\$21,274,000</u>

The appropriations in this section ((ts)) are subject to the following conditions and limitations: The appropriations ((ts)) are provided solely for expenditure into the water quality capital account.

Sec. 704. 2008 c 3 s 4 (uncodified) is amended to read as follows:

(1) The sum of seven hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2008, from the general fund to the department of financial institutions for homeownership prepurchase outreach and education and postpurchase counseling and support.

(2) The sum of ~~(eight hundred)~~ seven hundred eighty-two thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2009, from the general fund to the department of financial institutions for homeownership prepurchase outreach and education and postpurchase counseling and support.

OTHER TRANSFERS AND APPROPRIATIONS

Sec. 801. 2008 c 329 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$7,654,000
General Fund Appropriation for public utility district excise tax distributions	\$47,557,000
General Fund Appropriation for prosecuting attorney distributions. Of this amount, \$903,000 is provided solely for the implementation of Substitute Senate Bill No. 6297 (prosecuting attorney salaries) If the bill is not enacted by June 30, 2008, the amount provided shall lapse.	\$4,902,000
General Fund Appropriation for boating safety and education distributions	\$4,400,000
General Fund Appropriation for other tax distributions	\$48,000
General Fund Appropriation for habitat conservation program distributions	\$1,245,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation. This amount is provided solely for implementation of Engrossed Substitute Senate Bill No. 6874 (Columbia River water delivery). If the bill is not enacted by June 30, 2008, this amount shall lapse.	\$3,775,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians. This amount is provided solely for implementation of Engrossed Substitute Senate Bill No. 6874 (Columbia River water delivery). If the bill is not enacted by June 30, 2008, this amount shall lapse.	\$2,250,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$2,192,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$148,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$77,753,000

County Criminal Justice Assistance Appropriation	\$62,127,000
Municipal Criminal Justice Assistance Appropriation	\$24,636,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$49,397,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$82,148,000
City-County Assistance Account Appropriation for local government financial assistance distribution; PROVIDED: That the legislature, in making this appropriation for distribution under the formula prescribed in RCW 43.08.290 for the 2007-09 biennium, ratifies and approves the prior distributions, as certified by the department of revenue to the state treasurer, made for the 2005-07 biennium from the appropriation in section 801, chapter 372, Laws of 2006 as amended by section 1701, chapter 522, Laws of 2007	\$29,865,000
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes	(\$31,600,000) \$22,980,000
TOTAL APPROPRIATION	(\$431,697,000) \$423,077,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2008 c 329 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS.

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2008 and (\$21,000,000) <u>\$31,000,000</u> for fiscal year 2009	(\$31,000,000) \$41,000,000
Education Legacy Trust Account: For transfer to the state general fund for fiscal year 2009	\$67,000,000
Pension Funding Stabilization Account: For transfer to the state general fund for fiscal year 2009	\$10,000,000
Economic Development Strategic Reserve Account: For transfer to the state general fund for fiscal year 2009	\$4,000,000
State Convention and Trade Center Operations Account: For transfer to the state general fund on June 30, 2009	\$5,000,000
State Convention and Trade Center Capital Account: For transfer to the state general fund on June 30, 2009	\$52,000,000
After the transfers in this section are made from the state convention and trade center operations and capital accounts, these accounts will have sufficient funds for: (1) A ten million dollar requirement for the retrofit of the museum of history and industry; (2) the requirements of RCW 67.40.040(5) and 67.40.040(6); and (3) a sufficient capital reserve. After the transfer is made, the capital reserve may be applicable for payment of debt service or operating shortfalls.	
Department of Retirement Systems Expense Account: For transfer to the state general fund for fiscal year 2009	(\$5,000,000) \$11,200,000
General Fund: For transfer to the water quality account, \$12,200,000 for fiscal year 2008 and \$12,201,000 for fiscal year 2009	\$24,401,000
Education Legacy Trust Account: For transfer to the student achievement account for fiscal year 2009	\$90,800,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	\$25,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$7,200,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009	\$10,800,000
Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009	\$50,000,000
State Toxics Control Account: For transfer to the oil spill prevention account for fiscal year 2009	\$2,400,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account	\$168,111,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account	\$70,000,000
Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009	\$6,932,000
Health Services Account: For transfer to the tobacco prevention and control account, \$10,523,000 for fiscal year 2008 and \$10,168,000 for fiscal year 2009	\$20,691,000
General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009	\$31,600,000
General Fund: For transfer to the health services account for fiscal year 2009	\$53,000,000
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2008	\$3,000,000
Public Safety and Education Account: For transfer to the state general fund for fiscal year 2009	\$6,000,000
<u>Reading Achievement Account: For transfer to the state general fund, an amount not to exceed the actual balance of the reading achievement account. This transfer is intended to liquidate the reading achievement account</u>	<u>\$1,691,000</u>
<u>Family Leave Insurance Account: For transfer to the state general fund, an amount not to exceed the actual balance of the family leave insurance account. This transfer is intended to liquidate</u>	

the family leave insurance account	\$4,458,000
Streamline Sales Tax Account: For transfer to the state general fund on June 30, 2009, an amount not to exceed the actual balance of the streamline sales tax account	\$8,620,000
Savings Incentive Account: For transfer to the state general fund for fiscal year 2009	\$9,204,000
Education Savings Account: For transfer to the state general fund for fiscal year 2009	\$51,088,000

**PART IX
MISCELLANEOUS**

Sec. 901. RCW 28A.505.220 and 2008 c 170 s 401 are each amended to read as follows:

(1) Total distributions from the student achievement fund to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year. The superintendent of public instruction shall ensure that moneys generated by skill center students are returned to skill centers.

(2) The allocation rate per full-time equivalent student shall be three hundred dollars in the 2005-06 school year, three hundred seventy-five dollars in the 2006-07 school year, and four hundred fifty dollars in the 2007-08 school year. For each subsequent school year, the amount allocated per full-time equivalent student shall be adjusted for inflation as defined in RCW 43.135.025(8). These allocations per full-time equivalent student from the student achievement fund shall be supported from the following sources:

- (a) Distributions from state property tax proceeds deposited into the student achievement fund under RCW 84.52.068; and
- (b) Distributions from the education legacy trust account created in RCW 83.100.230.

(3) Any funds deposited in the student achievement fund under RCW 43.135.045 shall be allocated to school districts on a one-time basis using a rate per full-time equivalent student. These funds are provided in addition to any amounts allocated in subsection (2) of this section.

(4) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.

(5) However, during the 2008-09 school year, the school district annual amounts as defined in this section shall be distributed as follows:

<u>September:</u>	<u>9.0 percent;</u>
<u>October:</u>	<u>9.0 percent;</u>
<u>November:</u>	<u>5.5 percent;</u>
<u>December:</u>	<u>9.0 percent;</u>
<u>January:</u>	<u>9.0 percent;</u>
<u>February:</u>	<u>9.0 percent;</u>
<u>March:</u>	<u>9.0 percent;</u>
<u>April:</u>	<u>9.0 percent;</u>
<u>May:</u>	<u>5.5 percent;</u>
<u>June:</u>	<u>4.2 percent;</u>
<u>July:</u>	<u>11.8 percent; and</u>
<u>August:</u>	<u>10.0 percent.</u>

Sec. 902. RCW 43.79.460 and 1998 c 302 s 1 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

- (a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;
- (b) Enrollments in state institutions of higher education;
- (c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;
- (d) Debt service on state obligations; and
- (e) State retirement system obligations.

(4) The office of (~~fiscal~~ ~~financial~~) financial management, after consulting with the legislative fiscal committees, shall report to the treasurer the amount of savings incentives achieved. By December 1, 1998, and each December 1st thereafter, the office of financial management shall submit a report to the fiscal committees of the legislature on the implementation of this section. The report shall (a) evaluate the impact of this section on agency reversions and end-of-biennium expenditure patterns, and (b) itemize agency expenditures from the savings recovery account. The office of financial management is relieved from having to submit a report by December 1, 2008.

(5) For fiscal year 2009, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

Sec. 903. RCW 43.79.465 and 2004 c 275 s 64 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.76.565; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.76.610; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, (b) technology improvements in the common schools, ~~((and))~~ (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions, and (d) during the 2007-2009 fiscal biennium, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the excess fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

Sec. 904. RCW 43.79.485 and 2006 c 120 s 1 are each amended to read as follows:

(1) The reading achievement account is created in the custody of the state treasurer. The purposes of the account are to establish a depository for state and other funds made available for reading achievement, and to ensure that unspent amounts appropriated for reading achievement continue to be available for that purpose in future biennia.

(2) The director of early learning shall deposit in the account all appropriations to the department and nonstate moneys received by the department for reading achievement, including reading foundations and implementation of research-based reading models.

Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the director may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account may be used only for reading achievement, including reading foundations, implementation of research-based reading models, and grants to school districts. During the 2007- 2009 fiscal biennium, the legislature may transfer from the reading achievement account to the state general fund such amounts as reflect the excess fund balance of the account.

(4) Only the director of early learning or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 905. RCW 49.86.170 and 2007 c 357 s 19 are each amended to read as follows:

The family leave insurance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes of the family leave insurance program. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments. During the 2007-2009 fiscal biennium, the legislature may transfer from the family leave insurance account to the state general fund such amounts as reflect the excess fund balance of the account.

NEW SECTION. Sec. 906. RCW 49.86.190 (Initial program administration--Loans.) and 2007 c 357 s 22 are each repealed.

NEW SECTION. Sec. 907. 2007 c 357 s 25 (uncodified) is repealed.

Sec. 908. RCW 50.16.010 and 2008 c 329 s 915 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for the (i) cost of the job skills program at the community and technical colleges and worker retraining programs at the community and technical colleges or administered by the state board for community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 909. RCW 82.14.495 and 2007 c 6 s 902 are each amended to read as follows:

(1) The streamlined sales and use tax mitigation account is created in the state treasury. The state treasurer shall transfer into the account from the general fund amounts as directed in RCW 82.14.500. Expenditures from the account may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020. During the 2007-2009 fiscal biennium, the legislature may transfer from the streamlined sales and use tax mitigation account to the state general fund such amounts as reflect the excess fund balance of the account.

(2) Beginning July 1, 2008, the state treasurer, as directed by the department, shall distribute the funds in the streamlined sales and use tax mitigation account to local taxing jurisdictions in accordance with RCW 82.14.500.

(3) The definitions in this subsection apply throughout this section and RCW 82.14.390 and 82.14.500.

(a) "Agreement" means the same as in RCW 82.32.020.

(b) "Local taxing jurisdiction" means counties, cities, transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, and regional transit authorities under chapter 81.112 RCW, that impose a sales and use tax.

(c) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW (~~(82.14.020)~~ 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020.

(d) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons registering through the central registration system authorized under the agreement.

(f) "Working day" has the same meaning as in RCW 82.45.180.

Sec. 910. RCW 84.52.0531 and 2006 c 119 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through 2011, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 84.52.068. The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004; and

(b) The difference between the allocations the district would have received the prior school year had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess. and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 911. Section 910 of this act expires January 1, 2012.

NEW SECTION. Sec. 912. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 913. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representatives Alexander and Anderson spoke in favor of adoption of the amendment.

Representative Linville spoke against adoption of the amendment.

Amendment (004) was not adopted.

The bill was ordered engrossed.

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

Representatives Linville, Alexander, Hinkle, DeBolt and Ericks spoke in favor of passage of the bill.

Representatives Armstrong, Chandler and Anderson spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1694.

MOTION

On motion of Representative Santos, Representative Wallace was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1694 and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Crouse, Ericksen, Hasegawa, Johnson, Rodne, Ross, Shea, Simpson and Williams.

Excused: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 1694, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 9:55 a.m., February 4, 2009, the 23rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

TWENTY THIRD DAY

House Chamber, Olympia, Tuesday, February 3, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

INTRODUCTION AND FIRST READING

HB 1916 by Representatives Hunt, Armstrong, Sells, Wallace, Haigh, Appleton and Ormsby

AN ACT Relating to the state universities' public works contracting procedures; adding a new section to chapter 28B.20 RCW; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1917 by Representatives Shea, Armstrong, Short, Orcutt, Kristiansen and Condotta

AN ACT Relating to counting original ballots in the event of a manual recount; and amending RCW 29A.64.021 and 29A.64.041.

Referred to Committee on State Government & Tribal Affairs.

HB 1918 by Representatives Lias, Warnick, Ericksen, Kagi, Hunt, Hinkle, Dammeier and Santos

AN ACT Relating to physical therapy; amending RCW 18.74.010 and 18.74.035; adding a new section to chapter 18.74 RCW; and repealing RCW 18.74.085.

Referred to Committee on Health Care & Wellness.

HB 1919 by Representatives Kagi, Goodman, Pedersen, Rodne, Roberts, Hinkle, Dickerson, Moeller, Santos and Wood

AN ACT Relating to drug court funding; and amending RCW 70.96A.350.

Referred to Committee on Human Services.

HB 1920 by Representatives Hunt, Hasegawa, Williams, Hudgins, Simpson, Santos, Van De Wege and Ormsby

AN ACT Relating to public employees' attendance at informational or educational meetings regarding legislative issues; and adding a new section to chapter 42.52 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1921 by Representatives Lias, Chandler, Pearson, Blake, Chase, Ormsby, Pettigrew, Walsh, Condotta and Appleton

AN ACT Relating to geoduck diver licenses; amending RCW 77.65.410; creating a new section; and declaring an emergency.

Referred to Committee on Agriculture & Natural Resources.

HB 1922 by Representatives Roach, Rodne, O'Brien, Klippert, Hope, Lias, Kelley and Morrell

AN ACT Relating to prohibiting certain convicted felons from possessing body armor; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1923 by Representatives Condotta, Kretz, McCune, Ross, Kristiansen and Warnick

AN ACT Relating to reducing property taxes; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 1924 by Representatives Dickerson, O'Brien, Darneille, Appleton and Ormsby

AN ACT Relating to continuing availability of fifty percent earned release for certain nonviolent offenders; amending RCW 9.94A.728; and providing an effective date.

Referred to Committee on Human Services.

HB 1925 by Representatives Cody, Ericksen and Conway

AN ACT Relating to creating an exemption for Christian Science treatment of vulnerable adults; and adding a new section to chapter 74.34 RCW.

Referred to Committee on Health Care & Wellness.

HB 1926 by Representatives Cody, Ericksen, Appleton, Pettigrew, Kenney, Moeller and Ormsby

AN ACT Relating to exempting from certificate of need requirements hospice agencies that serve the unique cultural or religious needs of religious groups or ethnic minorities; and amending RCW 70.38.111.

Referred to Committee on Health Care & Wellness.

HB 1927 by Representatives Armstrong, Hunt, Newhouse, Hurst, Alexander and Simpson

AN ACT Relating to motor vehicle dealer disclosure of damage and repairs in the sale of new motor vehicles; and amending RCW 46.70.180.

Referred to Committee on Commerce & Labor.

HB 1928 by Representatives Armstrong, Kretz, Warnick, Ross, Newhouse, Hinkle, Shea, Orcutt, Schmick, Kristiansen, Klippert and Cox

AN ACT Relating to the minimum wage rate for minors; and amending RCW 49.46.020.

Referred to Committee on Commerce & Labor.

HB 1929 by Representative Williams

AN ACT Relating to the regulation of polygraph examiners; amending RCW 18.235.020; adding a new chapter to Title 18

RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1930 by Representatives Green, Campbell, Morrell, Hinkle and Kenney

AN ACT Relating to identifying mental health professionals authorized to work with persons with serious mental illnesses; and amending RCW 71.05.020.

Referred to Committee on Health Care & Wellness.

HB 1931 by Representative Hunter

AN ACT Relating to enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency; amending RCW 82.32.330; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

HB 1932 by Representatives Williams, Hinkle, Appleton, O'Brien, Conway, Simpson, Lias, Moeller and Van De Wege

AN ACT Relating to presumptive occupational diseases affecting firefighters with respect to methicillin-resistant staphylococcus aureus and esophageal cancer; and amending RCW 51.32.185.

Referred to Committee on Commerce & Labor.

HB 1933 by Representatives Goodman, O'Brien, Kagi, Kirby, Appleton, Carlyle, Roberts and Ormsby

AN ACT Relating to county supervised community options for offenders with a standard sentence range under one year; amending RCW 9.94A.500; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1934 by Representatives Appleton, Simpson, Williams, Hasegawa, Miloscia, Haigh and Ormsby

AN ACT Relating to a surcharge to fund affordable housing; and adding a new section to chapter 36.22 RCW.

Referred to Committee on Local Government & Housing.

HB 1935 by Representatives Morrell, Walsh, Cody, Orwall, Kenney, Bailey, Miloscia, Green, Kelley and Williams

AN ACT Relating to adult family homes; amending RCW 70.128.040; and adding a new section to chapter 70.128 RCW.

Referred to Committee on Health Care & Wellness.

HB 1936 by Representatives Appleton, Dunshee, Sells, Upthegrove, Morrell and Simpson

AN ACT Relating to providing humanitarian requirements for certain dog breeding practices; adding a new section to chapter 16.52 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 1937 by Representatives Appleton, Flannigan and Ormsby

AN ACT Relating to reimbursement by the state for juror expenses; and amending RCW 2.36.150, 3.50.135, and 35.20.090.

Referred to Committee on Judiciary.

HB 1938 by Representatives Roberts, Kagi, Angel, Walsh, Dunshee, Pettigrew, Green, Goodman, Haler and Kenney

AN ACT Relating to children's interests in maintaining postadoption contact with their siblings; amending RCW 26.33.295 and 26.33.190; and adding a new section to chapter 26.33 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 1939 by Representatives Takko, Armstrong, Morris, Springer, Eddy, Wood, Wamick, Ericksen, Sells, Kenney, Simpson, Moeller and Ormsby

AN ACT Relating to vehicle dealer documentary service fees; and amending RCW 46.70.180.

Referred to Committee on Transportation.

HB 1940 by Representatives Bailey, Morrell, Alexander, Hinkle and Chandler

AN ACT Relating to requiring that school district and educational service district employees' basic benefits be determined and administered by the state health care authority; amending RCW 28A.400.270, 28A.400.275, 28A.400.350, 41.05.011, and 41.05.050; and reenacting and amending RCW 41.05.021 and 41.05.065.

Referred to Committee on Ways & Means.

HB 1941 by Representatives Nelson, Appleton, Hasegawa, Kenney, Campbell, Cody, Green, Sells, Hudgins, Morrell, Conway, Simpson and Ormsby

AN ACT Relating to including a member from labor on community college boards of trustees; and amending RCW 28B.50.100.

Referred to Committee on Higher Education.

HB 1942 by Representatives Orwall, Rodne, Kirby, Hasegawa, Pedersen, Jacks, Morrell, Van De Wege, Appleton, Lias, Moeller, Darneille, Sells, Ormsby, Miloscia, Upthegrove, Carlyle, Dickerson, Conway, Kenney, Simpson, Goodman, Kagi and Santos

AN ACT Relating to foreclosures on deeds of trust; amending RCW 61.24.130, 61.24.010, 61.24.040, and 61.24.060; adding new sections to chapter 61.24 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1943 by Representatives Kagi, Goodman, Priest, Walsh, Probst, Quall, Rolfes, Kenney, Dickerson, Kelley and Santos

AN ACT Relating to creating a comprehensive statewide integrated pathway of preparation and professional development for the early learning and school-age program workforce; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 1944 by Representatives Kagi, Walsh, Sullivan, Haigh, Carlyle, Quall, Kenney and Ormsby

AN ACT Relating to developing and implementing a kindergarten assessment; adding a new section to chapter 43.215 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.320 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 1945 by Representatives Kagi, Walsh, Cody, Hunter, Green, Carlyle, Williams and Kenney

AN ACT Relating to notifying the legislature of significant changes to allotments of appropriations; and amending RCW 43.88.110.

Referred to Committee on Ways & Means.

HB 1946 by Representatives Carlyle, Anderson, Wallace, Angel, White, Schmick, Hasegawa, Goodman, Sullivan, Haigh, Hudgins, Kenney and Maxwell

AN ACT Relating to higher education online technology; adding a new section to chapter 28B.10 RCW; and creating new sections.

Referred to Committee on Higher Education.

HB 1947 by Representatives Simpson, Wood, Flannigan, Upthegrove and Ormsby

AN ACT Relating to the regulation and preservation of urban streets through a local option street utility; amending RCW 82.80.070; adding a new chapter to Title 35 RCW; creating a new section; repealing RCW 82.80.040, 82.80.050, and 82.80.060; and providing an effective date.

Referred to Committee on Transportation.

HB 1948 by Representatives Green, Morrell and Miloscia

AN ACT Relating to state-funded personal care services purchased by the department of social and health services; adding a new section to chapter 74.39A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 1949 by Representatives Liias, Sells, Hasegawa, Upthegrove, Quall, Conway, Simpson and Ormsby

AN ACT Relating to appointing student members on the board of trustees for community colleges; amending RCW 28B.50.100; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1950 by Representative Orcutt

AN ACT Relating to requiring assessors to give notice of the true and fair value of real property regardless of whether there was a change in value; and amending RCW 84.40.045.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 29, 2009

HB 1002 Prime Sponsor, Representative Appleton: Allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1040 Prime Sponsor, Representative Wood: Clarifying and prescribing penalties for gambling under the age of eighteen. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1041 Prime Sponsor, Representative Morrell: Authorizing the purchase, storage, and administration of medications by occupational therapists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1063 Prime Sponsor, Representative Takko: Removing the termination date for the salmon and steelhead recovery program under RCW 77.85.200. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1071 Prime Sponsor, Representative Green: Concerning advanced registered nurse practitioners. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

January 28, 2009

HB 1095 Prime Sponsor, Representative Hasegawa: Increasing small business access to state contracting opportunities. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt and Probst.

MINORITY recommendation: Do not pass. Signed by Representative Parker.

Referred to Committee on General Government Appropriations.

January 30, 2009

HB 1101 Prime Sponsor, Representative Roberts: Modifying foster parent licenses. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

January 29, 2009

HB 1103 Prime Sponsor, Representative Moeller: Concerning the estates of vulnerable adults. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 28, 2009

HB 1129 Prime Sponsor, Representative Kenney: Establishing a lifelong learning account steering committee. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Parker and Probst.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on Education Appropriations.

January 29, 2009

HB 1148 Prime Sponsor, Representative Williams: Protecting animals from perpetrators of domestic violence. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 29, 2009

HB 1257 Prime Sponsor, Representative Goodman: Eliminating the requirement that courts segregate deferred prosecution files. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1270 Prime Sponsor, Representative Green: Permitting electronic signatures on applications for public assistance and for benefits administered by the health care authority. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1280 Prime Sponsor, Representative Condotta: Regarding the expiration of explosives licenses issued under chapter 70.74 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 4, 2009, the 24th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

TWENTY FOURTH DAY

House Chamber, Olympia, Wednesday, February 4, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christia Anderson and Marina Bankowski. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Christian Science Practitioner Dorothea Lehuta, First Church of Christ, Scientist, Olympia.

The Speaker (Representatives Moeller, presiding) introduced State of Washington Poet Laureate Samuel Green who honored the Chamber with two of his poems.

EXEMPLAR

When the old-timers cleared
their fields for the plow
they sometimes found boulders
too big for horse & skid. They
covered these over with brush
& waited for weather
safe enough to burn, then lugged
seawater in buckets up the steep bluff
from the beach & poured it
over the hot rock
which would rapidly hiss,
contract, & split.

They did this
again & again, until the stones
were small enough
to manage. These they hauled or
tossed to the boundaries of their lives'
work, the seeds they broadcast
with their best place upon
the turned earth against the coming
push of frost.

**POEM TO ACCOMPANY THE GIFT
OF AN AMISH RUG**

Here is affection born of care, the lines
of a well-kept garden & fields
cleared of stone. Here
are the sighs of animals tended
in their turn, the filled hours
of evenings before rest, the braids
of silent prayer.

You can believe the woman who made this
believed the message of her hands:
that if you live well, you work well
& the only sin is separation. Spread
on the floor by our bed, it is something
on which we both can stand.

The Speaker (Representative Moeller presiding) thanked Mr. Green and asked the Chamber to acknowledge him.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4613, by Representative Rolfes, Nelson and Dammeier.

WHEREAS, Participation in athletics is one of the most effective ways for girls and women in the United States to develop leadership skills, discipline, initiative, and self-confidence; and

WHEREAS, Sport and fitness activities contribute to girls' and women's emotional and physical well-being; and

WHEREAS, Girls and women who participate in sports tend to have higher levels of self-esteem, fewer incidents of depression, and a reduced risk for heart disease, breast cancer, and other illnesses; and

WHEREAS, The bonds built among girls and women through athletics help to break down the social barriers of prejudice and discrimination; and

WHEREAS, The National Girls and Women in Sports Coalition, established in 1987, has declared February 4, 2009, to be National Girls and Women in Sports Day; and

WHEREAS, 60,703 female athletes participate in high school sports in Washington, constituting 42 percent of the total number of athletes; and

WHEREAS, High school girls' athletic teams in the state of Washington have achieved many accomplishments that serve as an inspiration to young women to promote the values of teamwork and cooperation; and

WHEREAS, Washington high schools foster outstanding achievements in girls' and women's sports, such as volleyball, soccer, tennis, softball, and basketball. These include state volleyball champions Seattle Academy, Fife, Everett, Skyline, Colfax, and LaCross/Washtucna; state soccer champions King's, Tumwater, Shadle Park, Lewis and Clark, and La Salle; state tennis champions Freeman, Meade, Davenport, Lynden, Kamiakin, and Central Kitsap; state softball champions Eastlake, Kennedy, Othello, Montesano, Toutle Lake, and Touchet; and state basketball champions Lewis & Clark, Auburn Riverside, River Ridge, Lynden Christian, La Salle, and Garfield-Palouse; and

WHEREAS, The number of funded research projects focusing on the specific needs of female athletes is limited and the information provided by the projects is imperative to the health and performance of future female athletes; and

WHEREAS, Washington colleges and universities have fostered outstanding achievements by women in sports; and

WHEREAS, Washington State was proud to have several female participants at the 2008 Olympic Games in Beijing, China; and

WHEREAS, Washington is honored to host the Seattle Storm, the only women's professional basketball team in the Northwest and the first major professional sports team in Seattle to bring home a championship in more than 25 years;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor Washington girls and women in sports on February 4, 2009, and encourage others to observe the day with appropriate ceremonies and activities; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to all of the aforementioned athletes and their respective institutions.

Representative Rolfes moved adoption of House Resolution No. 4613.

Representatives Rolfes and Roach spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4613 was adopted.

INTRODUCTION AND FIRST READING

HB 1951 by Representatives Finn, Short, Takko, Walsh, Blake, Johnson, McCune, Pearson, Williams and Van De Wege

AN ACT Relating to creating a program for public-private partnerships for the operation and management of salmonid hatcheries now closed or scheduled for closure by the department of fish and wildlife during the 2009-2011 biennium; adding a new section to chapter 77.95 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1952 by Representatives Kenney, Ormsby, Blake, Flannigan, Maxwell, Pettigrew, Springer, Hudgins, Lias, Morrell, White, Conway, Hasegawa, Chase, Sullivan, Dickerson, Wood and Santos

AN ACT Relating to the building communities fund program competitive process; and amending RCW 43.63A.125.

Referred to Committee on Community & Economic Development & Trade.

HB 1953 by Representatives Conway, Bailey, Seaquist, Hurst, Van De Wege, Green, Simpson, Crouse, Orcutt, Ormsby, Williams and Hinkle

AN ACT Relating to allowing department of fish and wildlife enforcement officers to transfer service credit; and adding a new section to chapter 41.26 RCW.

Referred to Committee on Ways & Means.

HB 1954 by Representative Dickerson

AN ACT Relating to sealing juvenile records; and amending RCW 13.40.127.

Referred to Committee on Human Services.

HB 1955 by Representatives Haler, Hinkle, Crouse and Takko

AN ACT Relating to stabilizing renewable energy resources; amending RCW 19.280.030; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 1956 by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson and Simpson

AN ACT Relating to the housing of homeless persons on property owned or controlled by a church; adding a new section to chapter 43.185C RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1957 by Representatives Jacks, Warnick and Van De Wege

AN ACT Relating to qualified applicants and procedures within the Washington wildlife and recreation program; and amending RCW 79A.15.010, 79A.15.030, 79A.15.060, 79A.15.120, 79A.15.130, and 84.34.250.

Referred to Committee on Capital Budget.

HB 1958 by Representatives Cody, Campbell, Van De Wege, Dickerson and Wood

AN ACT Relating to establishing the office of the health care authority ombudsman; and adding a new section to chapter 48.02 RCW.

Referred to Committee on Health Care & Wellness.

HB 1959 by Representatives Simpson, Rodne, Williams and Armstrong

AN ACT Relating to land use and transportation planning for marine container ports; reenacting and amending RCW 47.06.140; adding a new section to chapter 36.70A RCW; and creating new sections.

Referred to Committee on Local Government & Housing.

HB 1960 by Representatives Sullivan, Simpson and Blake

AN ACT Relating to liability of countywide flood control zone districts; and amending RCW 86.12.037.

Referred to Committee on Judiciary.

HB 1961 by Representatives Roberts, Haler, Pettigrew, Kagi, Carlyle, Pedersen and Wood

AN ACT Relating to implementing the federal fostering connections to success and increasing adoptions act of 2008; amending RCW 74.13.031, 74.13.020, 74.13.031, and 13.34.234; adding a new section to chapter 13.34 RCW, creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Early Learning & Children's Services.

HB 1962 by Representative Miloscia

AN ACT Relating to quality management; and amending RCW 41.06.400.

Referred to Committee on State Government & Tribal Affairs.

HB 1963 by Representative Miloscia

AN ACT Relating to housing self-sufficiency income standards; amending RCW 36.22.179; adding new sections to chapter 43.185C RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 1964 by Representatives Kretz, DeBolt, Hinkle and Uptegrove

AN ACT Relating to motorcycle helmet use; and amending RCW 46.37.530 and 46.37.535.

Referred to Committee on Transportation.

HB 1965 by Representatives Hunt, Uptegrove, Dickerson and Simpson

AN ACT Relating to leave for service animal training; and adding a new chapter to Title 49 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 1966 by Representatives McCoy, Ormsby and Simpson

AN ACT Relating to adding wheelchair users to the types of individuals for whom drivers must take additional precautions; amending RCW 70.84.040; and providing an effective date.

Referred to Committee on Transportation.

HB 1967 by Representatives White, Campbell, Nelson, Simpson, Williams, Wallace, Dunshee, Dickerson, Hunt, Ormsby and Sullivan

AN ACT Relating to prohibiting expansions of urban growth areas into one hundred year floodplains; and amending RCW 36.70A.110.

Referred to Committee on Local Government & Housing.

HB 1968 by Representatives Williams, Campbell, Kirby, Dunshee, Upthegrove, Ormsby, Hunt, Dickerson, Simpson and Haigh

AN ACT Relating to prevention of animal cruelty; and amending RCW 16.52.011, 16.52.085, and 16.52.200.

Referred to Committee on Judiciary.

HB 1969 by Representatives Haigh, Appleton, Kagi, Seaquist, Hurst, O'Brien, Morrell, Green, Dickerson and Sullivan

AN ACT Relating to promoting predictable funding for school districts that provide residential education; and adding a new section to chapter 28A.190 RCW.

Referred to Committee on Education Appropriations.

HB 1970 by Representatives Blake, Chandler, Williams and Pearson

AN ACT Relating to marine transportation facilities for sand and gravel; amending RCW 78.44.031; adding new sections to chapter 78.44 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 1971 by Representatives Hunter, Carlyle, Eddy, Priest, Maxwell, Ericks and Sullivan

AN ACT Relating to authorizing certain school districts and educational service districts to designate a district treasurer; amending RCW 28A.320.300, 28A.320.310, 28A.320.320, 28A.510.270, 28A.310.370, 28A.310.410, 28A.160.130, 28A.220.040, 28A.320.080, 28A.323.100, 28A.325.030, 28A.330.080, 28A.350.010, 28A.350.050, 28A.410.060, 28A.530.030, 28A.530.050, and 28A.535.060; adding a new section to chapter 28A.320 RCW; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Education.

HB 1972 by Representatives Dunshee, Blake and Williams

AN ACT Relating to accessing land for outdoor recreation; amending RCW 77.32.380 and 77.12.880; creating a new section; and repealing RCW 77.12.065.

Referred to Committee on Agriculture & Natural Resources.

HB 1973 by Representatives Nelson, Kagi, Simpson, Springer, Ormsby, Eddy, Sullivan and Dickerson

AN ACT Relating to affordable housing financing; adding a new section to chapter 82.14 RCW; and adding a new chapter to Title 43 RCW.

Referred to Committee on Local Government & Housing.

HB 1974 by Representative Santos

AN ACT Relating to restricting the ability of collection agencies to report public debt to consumer reporting agencies; and amending RCW 19.16.500.

Referred to Committee on Financial Institutions & Insurance.

HB 1975 by Representatives Santos and Williams

AN ACT Relating to the time limits of school impact fee expenditures; amending RCW 82.02.070; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Local Government & Housing.

HB 1976 by Representative Santos

AN ACT Relating to redesigning the statewide student assessment system; amending RCW 28A.655.061, 28A.655.066, and 28A.655.0611; adding new sections to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 1977 by Representatives Santos, Sullivan and Rolfes

AN ACT Relating to a sales and use tax exemption for home heating fuel; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 1978 by Representatives Clibborn, Lias and White

AN ACT Relating to economic stimulus transportation funding and appropriations; creating new sections; making appropriations and authorizing capital improvements; and declaring an emergency.

Referred to Committee on Transportation.

HB 1979 by Representatives Takko and Blake

AN ACT Relating to current use valuation for crops under the property tax open space program; and amending RCW 84.34.020 and 84.34.108.

Referred to Committee on Finance.

HB 1980 by Representatives McCune, Shea, Crouse, Schmick, Cox, Roach, Hinkle and Kristiansen

AN ACT Relating to reaffirming and protecting the institution and benefits of marriage as a union between a man and a woman; amending RCW 26.04.020; adding a new section to chapter 26.04 RCW; creating new sections; repealing RCW 26.60.010, 26.60.020, 26.60.030, 26.60.040, 26.60.050, 26.60.060, 26.60.070, and 43.07.400; and declaring an emergency.

Referred to Committee on Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

January 30, 2009

HB 1114 Prime Sponsor, Representative Blake: Regarding youth hunting privileges. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Kretz.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1137 Prime Sponsor, Representative Finn: Protecting landowners' investments in Christmas trees. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1254 Prime Sponsor, Representative Schmick: Creating the Washington grain commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

January 30, 2009

HB 1401 Prime Sponsor, Representative Cody: Concerning the standard health questionnaire. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 5, 2009, the 25th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

TWENTY FIFTH DAY

House Chamber, Olympia, Thursday, February 5, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

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

INTRODUCTION AND FIRST READING

HB 1981 by Representatives Driscoll, Parker, Wood and Ormsby

AN ACT Relating to modifying the rural county tax credit provided in chapter 82.62 RCW; amending RCW 82.62.010, 82.62.045, and 82.62.050; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 1982 by Representatives Wallace, Kessler, Blake, Hurst, Roach, Rodne, Moeller and Johnson

AN ACT Relating to shared parental responsibility; amending RCW 26.09.002, 26.09.004, and 26.09.187; adding a new section to chapter 26.09 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1983 by Representatives Finn, Appleton and Kirby

AN ACT Relating to providing training for park rangers employed by the state parks and recreation commission; and amending RCW 79A.05.160.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 1984 by Representatives Finn, Armstrong, Uptegrove and Wood

AN ACT Relating to motor vehicle air conditioning equipment; and amending RCW 46.37.470.

Referred to Committee on Ecology & Parks.

HB 1985 by Representatives Moeller and Pedersen

AN ACT Relating to public health financing; amending RCW 43.70.514, 43.70.516, and 43.70.518; adding new sections to chapter 43.70 RCW; creating a new section; and repealing RCW 43.70.512 and 43.70.522.

Referred to Committee on Health Care & Wellness.

HB 1986 by Representatives Hasegawa, Anderson, Wallace, White and Sells

AN ACT Relating to peer mentoring; adding a new section to chapter 28B.12 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 1987 by Representatives Takko, Herrera and Ross

AN ACT Relating to outdoor burning; and amending RCW 70.94.743.

Referred to Committee on Environmental Health.

HB 1988 by Representatives Wood, Condotta, Conway and Green

AN ACT Relating to alcoholic beverage regulation; amending RCW 66.24.452, 66.24.170, 66.28.010, 66.24.371, 66.28.200, 66.28.220, 66.28.180, and 15.89.070; reenacting and amending RCW 66.28.040; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Labor.

HB 1989 by Representatives Wamick, O'Brien and Hinkle

AN ACT Relating to immunity to public agencies regarding the use of navigational aids to mark hazards; adding a new section to chapter 4.24 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1990 by Representatives Clibborn, Anderson, Darneille and Williams

AN ACT Relating to exempting language service providers from the definition of employment and worker for the purposes of unemployment compensation and industrial insurance; adding a new section to chapter 50.04 RCW; and adding a new section to chapter 51.08 RCW.

Referred to Committee on Commerce & Labor.

HB 1991 by Representative Kirby

AN ACT Relating to the disclosure of vehicle owner information; and reenacting and amending RCW 46.12.380.

Referred to Committee on Judiciary.

HB 1992 by Representatives Conway, Simpson, Wood, Moeller, Williams, Liias, Sullivan and Chase

AN ACT Relating to the application of chapter 39.12 RCW to construction projects that involve tax incentives, loans, or public land or property that is sold or leased; and amending RCW 39.12.020.

Referred to Committee on Commerce & Labor.

HB 1993 by Representatives Cox, Schmick, Kenney, Flannigan, Hope, Hunt, Chase, Kristiansen, McCune, Ross, Sullivan, Roach and Johnson

AN ACT Relating to allowing the use of two fishing poles per fishing license holder; and amending RCW 77.32.470.

Referred to Committee on Agriculture & Natural Resources.

HB 1994 by Representatives Finn and Chase

AN ACT Relating to informing electric customers of the carbon dioxide emissions associated with their electricity consumption; and adding a new section to chapter 19.29A RCW.

Referred to Committee on Technology, Energy & Communications.

HB 1995 by Representative Blake

AN ACT Relating to providing a mechanism by which the department of fish and wildlife can accept applications submitted after the application deadline; and amending RCW 77.65.030.

Referred to Committee on Agriculture & Natural Resources.

HB 1996 by Representatives Armstrong and Eddy

AN ACT Relating to locating underground facilities; amending RCW 19.122.020 and 19.122.030; adding a new section to chapter 19.122 RCW; and prescribing penalties.

Referred to Committee on Technology, Energy & Communications.

HB 1997 by Representatives Finn, Rolfes, Smith, Dunshee, Upthegrove, Kretz, Chase, Dickerson, Liias, Kagi, Nelson, Kessler, Hunt and Blake

AN ACT Relating to Puget Sound scientific research; and amending RCW 90.71.110 and 90.71.280.

Referred to Committee on Ecology & Parks.

HB 1998 by Representatives Sullivan, Rodne, Simpson and Anderson

AN ACT Relating to public water systems; and amending RCW 70.116.020, 70.116.030, 70.116.040, 70.116.050, and 70.116.060.

Referred to Committee on Environmental Health.

HB 1999 by Representatives Blake and Chase

AN ACT Relating to exemption from sales and use tax for tribal administration and programs of any landless Washington state federally recognized Indian tribe; amending RCW 82.14.050 and 82.14.060; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2000 by Representatives Priest, Wallace, Anderson and Sullivan

AN ACT Relating to creating an adequate supply of well-qualified mathematics and science teachers; amending RCW 28A.410.210 and 28B.50.020; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28A.310 RCW; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education.

HB 2001 by Representatives Kenney, Anderson, Sells, Hasegawa, Wallace and Conway

AN ACT Relating to insurance requirements for higher education students participating in study or research abroad; and amending RCW 28B.10.660.

Referred to Committee on Higher Education.

HB 2002 by Representatives Klippert, Morris, Blake and Haler

AN ACT Relating to the generation of electricity in carbonless energy parks; amending RCW 80.50.300; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Held on first reading.

HB 2003 by Representatives Orwall, Sullivan, Quall, Priest and Maxwell

AN ACT Relating to the professional educator standards board membership and duties; amending RCW 28A.410.200, 28A.410.100, and 28A.410.210; adding a new section to chapter 28A.410 RCW; and providing an effective date.

Referred to Committee on Education.

HB 2004 by Representative Green

AN ACT Relating to indirect supervision of certain health care services provided through naturopathic doctors; amending RCW 18.36A.050; adding a new section to chapter 18.36A RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 2005 by Representative Simpson

AN ACT Relating to allowing qualifying counties and cities to forgo the requirements of one review and revision cycle mandated under the growth management act; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

HB 2006 by Representatives Simpson and Chase

AN ACT Relating to granting counties and cities two additional years to comply with review and revision requirements of the growth management act; and amending RCW 36.70A.130.

Referred to Committee on Local Government & Housing.

HB 2007 by Representatives Ericksen, McCune, Pearson, Roach and Kristiansen

AN ACT Relating to the removal of gravel from waterways to reduce the impact of flooding; amending RCW 36.32.290, 79.140.110, 77.55.271, and 77.55.021; adding a new section to chapter 86.09 RCW; adding a new section to chapter 85.05 RCW; adding a new section to chapter 77.55 RCW; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2008 by Representative Ericksen

AN ACT Relating to allowing a tax credit for unemployment contributions paid for services performed by corporate officers who are not eligible for unemployment benefits; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Finance.

HB 2009 by Representatives Ericksen and Herrera

AN ACT Relating to allowing purchases under the voluntary green power program to count towards the state's existing renewable energy targets; and amending RCW 19.285.040.

Referred to Committee on Technology, Energy & Communications.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 4, 2009

HB 1004 Prime Sponsor, Representative Morris: Adding products to the energy efficiency code. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Carlyle; Finn; Hasegawa; Herrera; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Haler, Assistant Ranking Minority Member; Condotta; Hinkle and McCune.

Passed to Committee on Rules for second reading.

February 2, 2009

HB 1060 Prime Sponsor, Representative Liias: Updating the weatherization statute. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox and Short.

Passed to Committee on Rules for second reading.

February 2, 2009

HB 1080 Prime Sponsor, Representative Simpson: Allowing impact fees to be used for all fire protection facilities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Ericksen, Assistant Ranking Minority Member; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox and Short.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1088 Prime Sponsor, Representative Hunter: Clarifying prospectively the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1089 Prime Sponsor, Representative Hunter: Harmonizing excise tax statutes with the streamlined sales and use tax agreement. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1110 Prime Sponsor, Representative Sullivan: Prohibiting advertising and marketing to students receiving home-based instruction. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 2, 2009

HB 1161 Prime Sponsor, Representative Dickerson: Concerning early intervention services for children with disabilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Green; Morrell and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member; Klippert and Walsh.

Referred to Committee on Ways & Means.

February 2, 2009

HB 1172 Prime Sponsor, Representative Simpson: Implementing a transfer of development rights program. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox and Short.

Referred to Committee on General Government Appropriations.

February 2, 2009

HB 1226 Prime Sponsor, Representative Dickerson: Establishing intensive behavior support services. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Health & Human Services Appropriations.

February 2, 2009

HB 1263 Prime Sponsor, Representative Goodman: Making technical corrections to community custody provisions. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on General Government Appropriations.

February 2, 2009

HB 1281 Prime Sponsor, Representative Hurst: Addressing the rights of victims, survivors, and witnesses of crimes. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 2, 2009

HB 1361 Prime Sponsor, Representative Goodman: Regarding county supervised community options. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1566 Prime Sponsor, Representative Kirby: Granting the insurance commissioner certain authority when the governor declares a state of emergency. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

On page 2, line 4, after "governor" strike "declares" and insert "proclaims"

Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1567 Prime Sponsor, Representative Bailey: Addressing insurance, generally. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1568 Prime Sponsor, Representative Bailey: Regulating persons selling, soliciting, or negotiating insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey,

Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 1900, and the bill was referred to the Committee on Judiciary.

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 5, 2009

HB 1906 Prime Sponsor, Representative Conway: Improving economic security through unemployment compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendations: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green, Moeller and Williams.

MINORITY recommendation: Without recommendation. Signed by Representative Condotta, Ranking Minority Member; Chandler and Crouse.

There being no objection, HOUSE BILL NO. 1906 was placed on the second reading calendar.

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

There being no objection, the House adjourned until 10:00 a.m., February 6, 2009, the 26th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

TWENTY SIXTH DAY

House Chamber, Olympia, Friday, February 6, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages McKenzie Phillips and Keenan Ordon-Bakalian. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Jim Cammack, BAHAT's of Mason County.

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

INTRODUCTION AND FIRST READING

HB 2002 by Representatives Klippert, Morris, Blake, Haler and McCune

AN ACT Relating to the generation of electricity in carbonless energy parks; amending RCW 80.50.300; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Technology, Energy & Communications.

HB 2010 by Representatives Dunshee and Nelson

AN ACT Relating to state funding for local projects; amending RCW 43.155.070, 43.160.060, 43.160.900, 39.102.040, and 47.26.282; and creating a new section.

Referred to Committee on Capital Budget.

HB 2011 by Representatives Chase, Orcutt, Herrera, Kristiansen, Campbell, Newhouse, Simpson, Kenney, Pearson, Klippert, Kretz, Cox, Hasegawa, Smith, Warnick, Sullivan, Morrell, Kelley and Ormsby

AN ACT Relating to firearms safety education programs; and adding a new section to chapter 28A.230 RCW.

Referred to Committee on Education.

HB 2012 by Representatives Bailey, Cody, Moeller and Morrell

AN ACT Relating to creating the Washington health care discount plan organization act; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

HB 2013 by Representatives Green, Roach, Kirby, Warnick and Morrell

AN ACT Relating to self-service storage specialty producers; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2014 by Representatives Kelley, Ericksen, Green and Morrell

AN ACT Relating to tamper-resistant prescription pads; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care & Wellness.

HB 2015 by Representatives Liias, Upthegrove, Haler, Pedersen, Walsh, Maxwell, Nelson, Ormsby, Rolfes, Kagi, Carlyle, Probst, Orwall, Hasegawa, Morrell, Kenney, Quall, Moeller, Hunt, Sells, Williams, Sullivan, Dickerson, Van De Wege, Darneille, Santos, Chase, White and Kessler

AN ACT Relating to enhancing antiharassment strategies in public schools; amending RCW 28A.300.285; adding a new section to chapter 43.06B RCW; and creating a new section.

Referred to Committee on Education.

HB 2016 by Representatives Flannigan, Appleton, Hurst, Miloscia and Hunt

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

Referred to Committee on State Government & Tribal Affairs.

HB 2017 by Representatives Kretz and Newhouse

AN ACT Relating to contractor registration for property owners; and amending RCW 18.27.010 and 18.27.090.

Referred to Committee on Commerce & Labor.

HB 2018 by Representatives Simpson, Miloscia and Chase

AN ACT Relating to state funding for low-income housing; amending RCW 43.180.080; reenacting and amending RCW 43.185.070; adding a new section to chapter 43.185 RCW; adding a new section to chapter 36.22 RCW; and declaring an emergency.

Referred to Committee on Local Government & Housing.

HB 2019 by Representatives McCoy, Chase and Kenney

AN ACT Relating to creating the office of archaeology and historic preservation; amending RCW 43.334.010, 43.334.020, 43.334.060, 43.334.070, 43.334.075, 43.334.077, 43.334.080, 27.34.020, 27.34.220, 27.34.230, 27.34.240, 27.34.270, 27.34.280, 27.34.330, 27.34.415, 27.44.055, 41.06.095, 43.17.010, 43.17.020, 68.50.645, 68.60.030, 68.60.055, 90.48.366, 90.48.368, 27.53.020, 27.53.030, 27.53.060, 27.53.080, 27.53.090, 27.53.095, 27.53.100, 27.53.110, 27.53.120, 27.53.130, 27.53.140, and 79A.05.075; reenacting and amending RCW 27.53.070; creating a new section; and repealing RCW 43.334.030, 43.334.040, 43.334.050, and 43.334.900.

Referred to Committee on State Government & Tribal Affairs.

HB 2020 by Representatives Simpson, Chase, Hunter and Van De Wege

AN ACT Relating to the annexation of unincorporated areas served by fire protection districts; amending RCW 35.10.360, 35.10.365, 35.13.130, 35.13.215, and 35.13.225; adding new sections to chapter 35.13 RCW; adding a new section to chapter 35.103 RCW; adding new sections to chapter 35A.14 RCW; and adding a new section to chapter 35A.92 RCW.

Referred to Committee on Local Government & Housing.

HB 2021 by Representatives Kenney, Probst, Wallace, Sullivan, Priest, Maxwell, Chase, Ormsby, Hudgins, Jacks, Liias, White, Sells, Morrell, Kelley, Darneille, Wood and Roberts

AN ACT Relating to revitalizing student financial aid; amending RCW 28B.92.060, 28B.92.030, 28B.15.543, 28B.76.660, 28B.76.665, 28B.15.0681, 28B.76.500, 28B.15.820, and 28B.12.030; adding a new section to chapter 28B.101 RCW; adding new sections to chapter 28B.92 RCW; adding a new section to chapter 28A.600 RCW; adding a new section to chapter 28C.04 RCW; adding a new section to chapter 28B.15 RCW; adding new sections to chapter 28B.12 RCW; creating a new section; repealing RCW 28B.76.670, 28C.04.520, 28C.04.525, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.545, 28C.04.550, 28B.101.005, 28B.101.010, 28B.101.020, 28B.101.030, and 28B.101.040; providing effective dates; and providing expiration dates.

Referred to Committee on Higher Education.

HB 2022 by Representatives Chandler, Blake, Kristiansen, Pearson, Hope and Warnick

AN ACT Relating to setting instream flows; and amending RCW 90.54.020.

Referred to Committee on Agriculture & Natural Resources.

HB 2023 by Representatives Appleton, Chase, Ormsby and Darneille

AN ACT Relating to ending sentences of life imprisonment without the possibility of release or parole for certain juveniles; amending RCW 10.95.030, 9.94A.537, and 10.95.020; and reenacting and amending RCW 9A.20.021.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2024 by Representatives Orwall, Hunt, Newhouse, Hope, Klippert, Johnson, McCune, Sullivan and Kelley

AN ACT Relating to the authority of the Washington state patrol to accept donations; and adding a new section to chapter 43.43 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2025 by Representatives Orwall, Hinkle, Dickerson, Green, Appleton, Driscoll, Morrell, Kagi, Van De Wege and Kenney

AN ACT Relating to sharing of health care information to promote coordination of behavioral and medical care services; and amending RCW 71.05.630.

Referred to Committee on Human Services.

HB 2026 by Representatives Seaquist, Smith, Bailey, Angel, Morris, Van De Wege, Appleton, Haigh, Finn, Roberts, Rolfes, Cody and Carlyle

AN ACT Relating to directing the use of design-build and commercial, off-the-shelf procurement methods by the Washington state ferry system; amending RCW 47.56.030; adding new sections to chapter 47.60 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 2027 by Representatives Smith, O'Brien, Bailey, Pearson, Hope, Warnick, Sullivan, Johnson, Takko, Short, Klippert, Kristiansen, Blake, Priest, McCune, Kretz, Orcutt, Kelley and Angel

AN ACT Relating to making it a felony to drive or be in physical control of a vehicle while under the influence of intoxicating liquor or any drug when the person has two or more prior offenses within seven years; amending RCW 46.61.502, 46.61.504, 46.61.5055, 9.94A.525, and 9.94A.640; creating a new section; prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2028 by Representatives Smith, O'Brien, Bailey, Pearson, Hope, Johnson, Sullivan, Kristiansen, Takko, Klippert, Short, Blake, Priest, McCune, Kessler, Orcutt, Kelley, Warnick and Angel

AN ACT Relating to vehicular homicide and assault; amending RCW 46.61.520 and 46.61.522; reenacting and amending RCW 9.94A.515, 9.94A.030, 9.94A.533, and 13.04.030; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

HB 2029 by Representatives Ericks, Morris, McCoy, Ormsby, Hudgins, Hunt, Takko, Springer, Van De Wege, Conway, Eddy, Hasegawa, Finn, Dunshee, Haigh, Kenney, Kessler, Morrell and Goodman

AN ACT Relating to enhanced 911 emergency communications service; amending RCW 82.04.065; amending 2001 c 128 s 1 (uncodified); adding a new chapter to Title 82 RCW; repealing RCW 38.52.500, 38.52.501, 38.52.505, 38.52.510, 38.52.520, 38.52.525, 38.52.530, 38.52.532, 38.52.535, 38.52.540, 38.52.545, 38.52.550, 38.52.561, 82.14B.010, 82.14B.030, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.070, 82.14B.090, 82.14B.100, 82.14B.150, 82.14B.160, 82.14B.200, and 82.14B.210; repealing 2007 c 6 s 1707 (uncodified); prescribing penalties; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2030 by Representatives Hunt and Williams

AN ACT Relating to creating a capitol city district; adding a new section to chapter 43.34 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2031 by Representatives O'Brien, Appleton and Chase

AN ACT Relating to establishing the emergency management, preparedness, and assistance account; amending RCW 48.18.170 and 48.18.180; adding new sections to chapter 38.52 RCW; creating new sections; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2032 by Representatives Chandler, Ericks, Newhouse and Kessler

AN ACT Relating to creating the community agricultural worker safety grant program; adding a new section to chapter 15.04 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Commerce & Labor.

HB 2033 by Representatives Appleton, Armstrong, Hunt, Newhouse, Miloscia and Nelson

AN ACT Relating to membership on the Washington citizens' commission on salaries for elected officials; and amending RCW 43.03.305.

Referred to Committee on State Government & Tribal Affairs.

HB 2034 by Representatives Klippert, Hope, Johnson, McCune, Kretz, Orcutt, Warnick and Angel

AN ACT Relating to making residential burglary a crime against persons; and reenacting and amending RCW 9A.44.411.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2035 by Representatives Klippert, O'Brien, Shea, Haler, Roach, Armstrong, Pearson, McCune, Condotta, Orwall, Ross, Hurst, Smith, Kristiansen, Kretz, Orcutt, Kelley, Warnick and Angel

AN ACT Relating to requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2036 by Representatives Erickson, Roach, Kristiansen, Newhouse, Kretz and Angel

AN ACT Relating to financing the state contribution to replacement of a viaduct through the creation of a transportation infrastructure improvement zone; adding a new section to chapter 82.32 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Transportation.

HB 2037 by Representatives Roach, Bailey, Haler, McCune, Kristiansen, Dammeier and Kretz

AN ACT Relating to making traffic congestion relief a higher priority of the state transportation system; and amending RCW 47.04.280.

Referred to Committee on Transportation.

HB 2038 by Representatives Roach, Haler, Kristiansen, Shea, Newhouse, McCune, Kretz and Kelley

AN ACT Relating to opening high occupancy vehicle lanes during nonpeak hours; and amending RCW 46.61.165 and 47.52.025.

Referred to Committee on Transportation.

HB 2039 by Representatives Roach, Bailey, Kristiansen, Johnson, Haler, McCune, Newhouse and Kretz

AN ACT Relating to providing an expedited permit process for transportation projects of statewide significance; adding a new section to chapter 47.01 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2040 by Representatives Conway and Condotta

AN ACT Relating to the work of the joint select committee on beer and wine regulation; amending RCW 66.28.180; adding new sections to chapter 66.28 RCW; creating a new section; and repealing RCW 66.28.010.

Referred to Committee on Commerce & Labor.

HB 2041 by Representatives Finn, Cox, Haigh, Priest, Hunt, Sullivan, Van De Wege, Ormsby and Goodman

AN ACT Relating to student transportation funding; amending RCW 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, and 28A.160.190; adding new sections to chapter 28A.160 RCW; creating new sections; and providing effective dates.

Referred to Committee on Education Appropriations.

HB 2042 by Representatives Kenney, Parker, Hasegawa, Chase and Ormsby

AN ACT Relating to the incentive in the motion picture competitiveness programs; and amending RCW 43.365.020.

Referred to Committee on Community & Economic Development & Trade.

HB 2043 by Representatives DeBolt, Alexander, Smith, Johnson, Kristiansen, Chandler, Rodne, Roach, Dammeier, Kretz, Orcutt, Anderson, Warnick, Angel and Pearson

AN ACT Relating to establishing consistent standards for agency decision making; amending RCW 70.94.181, 77.55.021, 78.44.081, 86.16.025, 70.95.205, 15.54.820, 43.21C.033, 77.115.040, 16.65.030, 70.119A.110, 90.03.350, 90.03.370, 90.58.140, and 70.118B.030; reenacting and amending RCW 76.09.060; adding a new section to chapter 70.94 RCW; adding a new section to chapter 90.48 RCW; adding a new section to chapter 90.76 RCW; adding a new section to chapter 18.104 RCW; adding a new section to chapter 69.30 RCW; adding a new section to chapter 90.64 RCW; adding a new section to chapter 15.58 RCW; adding a new section to chapter 17.21 RCW; adding a new section to chapter 70.95J RCW; and adding a new section to chapter 90.66 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2044 by Representatives Seaquist, Smith, Angel, Nelson, Morris, Finn, Appleton, Roberts, Rolfes, Cody and Carlyle

AN ACT Relating to Washington state ferries incident and accident investigation policies; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

HB 2045 by Representatives Herrera, Wallace, Orcutt, Schmick and Jacks

AN ACT Relating to clarifying the use of impact fees imposed by voter-approved transportation benefit districts; and amending RCW 36.73.120.

Referred to Committee on Transportation.

HB 2046 by Representatives Darneille, Cody, Dickerson, Moeller, Chase, Nelson and Santos

AN ACT Relating to medical marijuana; and amending RCW 69.51A.005, 69.51A.010, 69.51A.030, and 69.51A.060.

Referred to Committee on Health Care & Wellness.

HB 2047 by Representatives Darneille and Morrell

AN ACT Relating to charitable organizations; amending RCW 19.09.076, 19.09.520, and 19.09.530; adding new sections to chapter 19.09 RCW; and adding a new section to chapter 24.03 RCW.

Referred to Committee on Judiciary.

HB 2048 by Representatives Klippert, Rodne, Ross, Warnick and Kelley

AN ACT Relating to preventing the possession on school facilities of certain nonfirearm-related weapons that have the capacity to inflict death or substantial bodily harm; and amending RCW 9.41.280.

Referred to Committee on Judiciary.

HB 2049 by Representatives Seaquist, Appleton, Hunt, Armstrong, Chandler, Chase and Miloscia

AN ACT Relating to personnel practices regarding exempt employment; amending RCW 41.06.133 and 41.06.170; and repealing RCW 41.06.022.

Referred to Committee on State Government & Tribal Affairs.

HB 2050 by Representative Santos

AN ACT Relating to property tax relief for senior citizens and persons retired by reason of disability; amending RCW 84.36.381, 84.38.030, and 84.64.050; reenacting and amending RCW 84.36.383; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2051 by Representatives Hunter, Priest, Sullivan, Pettigrew, Springer, Clibborn, Anderson, Ericks, Pedersen, Roach, White, Goodman, Nelson, Hurst, Carlyle, Eddy, Rodne, Kenney, Kessler, Kagi and Santos

AN ACT Relating to removing an expiration date applicable to heritage and arts program funding; amending RCW 67.28.180; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 4, 2009

HB 1010 Prime Sponsor, Representative Morris: Modifying the definition of "biofuel" for chapter 19.112 RCW, the motor fuel quality act. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Halder, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 4, 2009

HB 1134 Prime Sponsor, Representative McCoy: Creating customer rebates and public utility tax credits for light and power businesses and gas companies. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Halder, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 4, 2009

HB 1184 Prime Sponsor, Representative Chase: Extending the loan repayment period for municipally funded conservation projects. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Halder, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle;

Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 2, 2009

HB 1291 Prime Sponsor, Representative Maxwell: Changing library district annexation provisions. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 2, 2009

HB 1369 Prime Sponsor, Representative Haler: Addressing county elected officials keeping offices at the county seat. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1371 Prime Sponsor, Representative Armstrong: Modifying limitations on the use of intermediate licenses. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1384 Prime Sponsor, Representative Miloscia: Increasing the debt limit of the housing finance commission. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Jacks; Maxwell; Orwall and White.

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

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1478 Prime Sponsor, Representative Orcutt: Addressing vehicle registrations for deployed military personnel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority

Member; Armstrong; Cox; Dickerson; Driscoll; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1504 Prime Sponsor, Representative Liias: Eliminating the handling loss deduction for the motor vehicle fuel tax. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Driscoll; Finn; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

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

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1648 Prime Sponsor, Representative Hope: Increasing state contracts with veteran-owned businesses. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING

HOUSE BILL NO. 1906, by Representatives Conway, Kenney, Wood, Moeller, Green, Hudgins, Williams, Dickerson, Sells, Sullivan, Appleton, Morrell, Hasegawa, Darneille, Ormsby, Kagi, Van De Wege, Santos, Goodman, McCoy, Cody, Simpson and Nelson

Improving economic security through unemployment compensation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1906 was substituted for House Bill No. 1906 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1906 was read the second time.

Representative Probst moved the adoption of amendment (010):

On page 5, beginning on line 28, after "(ii)" strike all material through "(iii)" on line 33 and insert "Served in the United States military or the Washington national guard during the twelve-month period prior to the application date, was honorably discharged from military service or the Washington national guard and, after assessment, is determined to need job-related training to find suitable employment in the individual's labor market;

(iii) Is currently serving in the Washington national guard and, after assessment, is determined to need job-related training to find suitable employment in the individual's labor market; or

(iv)"

Representatives Probst and Condotta spoke in favor of adoption of the amendment.

Amendment (010) was adopted.

Representative Anderson moved the adoption of amendment (009):

Strike everything after the enacting clause and insert the following:

"PART I - BENEFITS

Sec. 1. RCW 50.04.030 and 1991 c 117 s 1 are each amended to read as follows:

ELIGIBILITY. "Benefit year" with respect to each individual, means the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual files an application for an initial determination and thereafter the fifty-two consecutive week period beginning with the first day of the calendar week in which the individual next files an application for an initial determination after the expiration of the individual's last preceding benefit year: **PROVIDED, HOWEVER,** That the foregoing limitation shall not be deemed to preclude the establishment of a new benefit year under the laws of another state pursuant to any agreement providing for the interstate combining of employment and wages and the interstate payment of benefits nor shall this limitation be deemed to preclude the commissioner from backdating an initial application at the request of the claimant either for the convenience of the department of employment security or for any other reason deemed by the commissioner to be good cause.

An individual's benefit year shall be extended to be fifty-three weeks when at the expiration of fifty-two weeks the establishment of a new benefit year would result in the use of a quarter of wages in the new base year that had been included in the individual's prior base year.

Before July 4, 2010, no benefit year will be established unless it is determined that the individual earned wages in "employment" in not less than six hundred eighty hours of the individual's base year. On or after July 4, 2010, no benefit year will be established unless it is determined that the individual earned wages in "employment" in not less than one thousand three hundred hours of the individual's base year. (~~(- PROVIDED, HOWEVER, That)~~) However, a benefit year cannot be established if the base year wages include wages earned prior to the establishment of a prior benefit year unless the individual worked and earned wages since the last separation from employment immediately before the application for initial determination in the previous benefit year if the applicant was an unemployed individual at the time of application, or since the initial separation in the previous benefit year if the applicant was not an unemployed individual at the time of filing an application for initial determination for the previous benefit year, of not less than six times the weekly benefit amount computed for the individual's new benefit year.

If an individual's prior benefit year was based on the last four completed calendar quarters, a new benefit year shall not be established until the new base year does not include any hours used in the establishment of the prior benefit year.

If the wages of an individual are not based upon a fixed duration of time or if the individual's wages are paid at irregular intervals or in such manner as not to extend regularly over the period of employment, the wages for any week shall be determined in such manner as the commissioner may by regulation prescribe. Such regulation shall, so far as possible, secure results reasonably similar to those which would prevail if the individual were paid his or her wages at regular intervals.

Sec. 2. RCW 50.04.310 and 2007 c 146 s 5 are each amended to read as follows:

CORPORATE OFFICER ELIGIBILITY. (1) An individual is "unemployed" in any week during which the individual performs no services and with respect to which no remuneration is payable to the individual, or in any week of less than full time work, if the remuneration payable to the individual with respect to such week is less than one and one-third times the individual's weekly benefit

amount plus five dollars. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary.

(2) An individual is not "unemployed" during any week which falls totally within a period during which the individual, pursuant to a collective bargaining agreement or individual employment contract, is employed full time in accordance with a definition of full time contained in the agreement or contract, and for which compensation for full time work is payable. This subsection may not be applied retroactively to an individual who had no guarantee of work at the start of such period and subsequently is provided additional work by the employer.

(3)(a) An officer of a corporation who owns ten percent or more of the outstanding stock of the corporation, or a corporate officer who is a family member of an officer who owns ten percent or more of the outstanding stock of the corporation, whose claim for benefits is based on any wages with that corporation, is:

~~((a))~~ (i) Not "unemployed" in any week during the individual's term of office or ownership in the corporation, even if wages are not being paid;

~~((b))~~ (ii) "Unemployed" in any week upon dissolution of the corporation or if the officer permanently resigns or is permanently removed from their appointment and responsibilities with that corporation in accordance with its articles of incorporation or bylaws.

(b) This subsection does not apply to officers of corporations with annual revenues of less than two million five hundred thousand dollars.

(4) As used in this section, "family member" means persons who are members of a family by blood or marriage as parents, stepparents, grandparents, spouses, children, brothers, sisters, stepchildren, adopted children, or grandchildren.

Sec. 3. RCW 50.20.099 and 2000 c 2 s 10 are each amended to read as follows:

VERIFICATION. (1) To ensure that unemployment insurance benefits are paid in accordance with RCW 50.20.098, the employment security department shall verify that an individual is eligible to work in the United States and has a social security account number before the individual receives ~~((training))~~ unemployment benefits under ~~((RCW 50.22.150))~~ this title. The department may use the e-verify program administered by the United States citizenship and immigration services for this purpose.

(2) By July 1, 2002, the employment security department shall:

(a) Develop and implement an effective method for determining, where appropriate, eligibility to work in the United States for individuals applying for unemployment benefits under this title;

(b) Review verification systems developed by federal agencies for verifying a person's eligibility to receive unemployment benefits under this title and evaluate the effectiveness of these systems for use in this state; and

(c) Report its initial findings to the legislature by September 1, 2000, and its final report by July 1, 2002.

(3) Where federal law prohibits the conditioning of unemployment benefits on a verification of an individual's status as a qualified or authorized alien, the requirements of this section shall not apply.

Sec. 4. RCW 50.20.050 and 2008 c 323 s 1 are each amended to read as follows:

LEAVING WORK VOLUNTARILY. (1) With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
- (ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2) With respect to claims that have an effective date on or after January 4, 2004, and before July 4, 2010:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii)(A) With respect to claims that have an effective date before July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (1) Is outside the existing labor market area; and (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (II) remained employed as long as was reasonable prior to the move;

(B) With respect to claims that have an effective date on or after July 2, 2006, and before July 4, 2010, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the existing labor market area; and (II) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

(3) With respect to claims that have an effective date on or after July 4, 2010, an individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner

shall consider factors including but not limited to the following: (a) The duration of the work; (b) the extent of direction and control by the employer over the work; and (c) the level of skill required for the work in light of the individual's training and experience.

Sec. 5. RCW 50.20.066 and 2006 c 13 s 13 are each amended to read as follows:

GROSS MISCONDUCT. With respect to claims that have an effective date on or after January 4, 2004:

(1) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has been discharged or suspended for misconduct connected with his or her work and thereafter for ten calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to ten times his or her weekly benefit amount. Alcoholism shall not constitute a defense to disqualification from benefits due to misconduct.

(2)(a) With respect to claims that have an effective date on or after January 4, 2004, and before July 4, 2010, an individual who has been discharged from his or her work because of gross misconduct shall have all hourly wage credits based on that employment or six hundred eighty hours of wage credits, whichever is greater, canceled.

(b) With respect to claims that have an effective date on or after July 4, 2010, an individual who has been discharged from his or her work because of gross misconduct shall have all hourly wage credits based on that employment or one thousand three hundred hours of wage credits, whichever is greater, canceled.

(3) The employer shall notify the department of a felony or gross misdemeanor of which an individual has been convicted, or has admitted committing to a competent authority, not later than six months following the admission or conviction.

(4) The claimant shall disclose any conviction of the claimant of a work-connected felony or gross misdemeanor occurring in the previous two years to the department at the time of application for benefits.

(5) All benefits that are paid in error based on this section are recoverable, notwithstanding RCW 50.20.190 or 50.24.020 or any other provisions of this title.

Sec. 6. RCW 50.20.120 and 2006 c 13 s 1 are each amended to read as follows:

BENEFIT AMOUNTS. (1)(a) Subject to the other provisions of this title, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of thirty times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title: PROVIDED, That as to any week which falls in an extended benefit period as defined in RCW 50.22.010(1), an individual's eligibility for maximum benefits in excess of twenty-six times his or her weekly benefit amount will be subject to the terms and conditions set forth in RCW 50.22.020.

(b) With respect to claims that have an effective date on or after the first Sunday of the calendar month immediately following the month in which the commissioner finds that the state unemployment rate is six and eight-tenths percent or less and before July 4, 2010, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(c) With respect to claims that have an effective date on or after July 4, 2010, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to one-third of the individual's base year wages. In no case shall benefits paid during the individual's benefit year be more than fifty thousand dollars.

(2)(a) For claims with an effective date before January 4, 2004, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) With respect to claims with an effective date on or after January 4, 2004, and before January 2, 2005, an individual's weekly benefit amount shall be an amount equal to one twenty-fifth of the average quarterly wages of the individual's total wages during the

three quarters of the individual's base year in which such total wages were highest.

(c)(i) With respect to claims with an effective date on or after January 2, 2005, except as provided in (c)(ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to one percent of the total wages paid in the individual's base year.

(ii) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, and before July 4, 2010, an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(d) With respect to claims with an effective date on or after July 4, 2010, an individual's weekly benefit amount shall be as follows:

(i) During the first nine weeks of benefits, the weekly benefit amount shall be an amount equal to five percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(ii) During the nine weeks of benefits following the nine weeks of benefits subject to (d)(i) of this subsection, the weekly benefit amount shall be an amount equal to three percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(iii) During the remaining eight weeks of benefits, the weekly benefit amount shall be an amount equal to one percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a)(i) With respect to claims that have an effective date before January 4, 2004, the maximum amount payable weekly shall be seventy percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) With respect to claims that have an effective date on or after January 4, 2004, and before July 4, 2010, the maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(iii) With respect to claims that have an effective date on or after July 4, 2010, the maximum amount payable weekly shall be: (A) One thousand eight hundred seventy-five dollars during the first nine weeks of benefits; (B) one thousand one hundred twenty-five dollars during the nine weeks of benefits following the nine weeks of benefits subject to subsection (2)(d)(i) of this section; and (C) three hundred seventy-five dollars during the remaining eight weeks of benefits.

(b)(i) With respect to claims that have an effective date before July 4, 2010, the minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(ii) With respect to claims that have an effective date on or after July 4, 2010, the minimum amount payable weekly shall be one hundred twenty-five percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

Sec. 7. RCW 50.22.150 and 2002 c 149 s 2 are each amended to read as follows:

TRAINING BENEFITS PROGRAM. (1) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits and who:

(a) Is a dislocated worker as defined in RCW 50.04.075;

(b) Except as provided under subsection (2) of this section, has demonstrated, through a work history, sufficient tenure in an

occupation or in work with a particular skill set. This screening will take place during the assessment process;

(c) Is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job-related training to find suitable employment in his or her labor market. Beginning July 1, 2001, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the local workforce development councils, in cooperation with the employment security department and its labor market information division, under subsection (10) of this section;

(d) Develops an individual training program that is submitted to the commissioner for approval within ~~((sixty))~~ ninety days after the individual is notified by the employment security department of the requirements of this section;

(e) Enters the approved training program ~~((by ninety days after the date of the notification, unless the employment security department determines that the training is not available during the ninety-day period, in which case the individual enters training))~~ as soon as it is available, but not later than the academic term beginning after the commissioner approves the individual training plan; and

(f) Is enrolled in training approved under this section on a full-time basis as determined by the educational institution, and is making satisfactory progress in the training as certified by the educational institution.

(2) Until June 30, 2002, the following individuals who meet the requirements of subsection (1) of this section may, without regard to the tenure requirements under subsection (1)(b) of this section, receive training benefits as provided in this section:

(a) An exhaustee who has base year employment in the aerospace industry assigned the standard industrial classification code "372" or the North American industry classification system code "336411";

(b) An exhaustee who has base year employment in the forest products industry, determined by the department, but including the industries assigned the major group standard industrial classification codes "24" and "26" or any equivalent codes in the North American industry classification system code, and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment; or

(c) An exhaustee who has base year employment in the fishing industry assigned the standard industrial classification code "0912" or any equivalent codes in the North American industry classification system code.

(3) An individual is not eligible for training benefits under this section if he or she:

(a) Is a standby claimant who expects recall to his or her regular employer;

(b) Has a definite recall date that is within six months of the date he or she is laid off; or

(c) Is unemployed due to a regular seasonal layoff ~~((which demonstrates a pattern of unemployment consistent with the provisions of RCW 50.20.015))~~. Regular seasonal layoff does not include layoff due to permanent structural downsizing or structural changes in the individual's labor market.

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

(a) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410, including equivalent educational institutions in other states.

(b) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base year and at least two of the four twelve-month periods immediately preceding the base year.

(c) "Training benefits" means additional benefits paid under this section.

(d) "Training program" means:

(i) An education program determined to be necessary as a prerequisite to vocational training after counseling at the educational institution in which the individual enrolls under his or her approved training program; or

(ii) A vocational training program at an educational institution:

(A) That is targeted to training for a high demand occupation. Beginning July 1, 2001, the assessment of high demand occupations authorized for training under this section must be substantially based on labor market and employment information developed by local workforce development councils, in cooperation with the employment security department and its labor market information division, under subsection (10) of this section;

(B) That is likely to enhance the individual's marketable skills and earning power; and

(C) That meets the criteria for performance developed by the workforce training and education coordinating board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220.

"Training program" does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(5) Benefits shall be paid as follows:

(a)(i) Except as provided in (a)(iii) of this subsection, for exhaustees who are eligible under subsection (1) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(ii) For exhaustees who are eligible under subsection (2) of this section, for claims filed before June 30, 2002, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(iii) For exhaustees eligible under subsection (1) of this section from industries listed under subsection (2)(a) of this section, for claims filed on or after June 30, 2002, but before January 5, 2003, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.

(c) Training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(6) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(7)(a) Except as provided in (b) of this subsection, individuals who receive training benefits under this section or under any previous additional benefits program for training are not eligible for training benefits under this section for five years from the last receipt of training benefits under this section or under any previous additional benefits program for training.

(b) With respect to claims that are filed before January 5, 2003, an individual in the aerospace industry assigned the standard industrial code "372" or the North American industry classification system code "336411" who received training benefits under this section, and who had been making satisfactory progress in a training program but did not complete the program, is eligible, without regard to the five-year limitation of this section and without regard to the requirement of subsection (1)(b) of this section, if applicable, to receive training benefits under this section in order to complete that training program. The total training benefit amount that applies to the individual is seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits paid, or deemed paid, with respect to the benefit year in which the training program resumed and, if applicable, reduced by the amount of

training benefits paid, or deemed paid, with respect to the benefit year in which the training program commenced.

(8) An individual eligible to receive a trade readjustment allowance under chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to receive emergency unemployment compensation, so called, under any federal law, shall not be eligible to receive benefits under this section for each week the individual receives such compensation.

(9) All base year employers are interested parties to the approval of training and the granting of training benefits.

(10) By July 1, 2001, each local workforce development council, in cooperation with the employment security department and its labor market information division, must identify occupations and skill sets that are declining and occupations and skill sets that are in high demand. For the purposes of RCW 50.22.130 through 50.22.150 and section 9, chapter 2, Laws of 2000, "high demand" means demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area. Local workforce development councils must use state and locally developed labor market information. Thereafter, each local workforce development council shall update this information annually or more frequently if needed.

(11) The commissioner shall adopt rules as necessary to implement this section.

PART II - FINANCING

Sec. 8. RCW 50.29.021 and 2008 c 323 s 2 are each amended to read as follows:

EXPERIENCE RATING. (1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050(2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(2)(b) (v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer. However, when a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust

fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050(2)(b) (iv) or (xi), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection does not apply with respect to the calculation of contribution rates for rate year 2010 and thereafter.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.06 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 9. RCW 50.29.025 and 2007 c 51 s 1 are each amended to read as follows:

CONTRIBUTION RATES. (1) Except as provided in subsections (2) and (3) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this subsection.

(a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the

fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (e) of this subsection shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A
1.70 to 2.09	B
1.40 to 1.69	C
1.00 to 1.39	D
0.70 to 0.99	E
Less than 0.70	F

(c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (i) Identification number; (ii) benefit ratio; (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (v) the percentage equivalent of the cumulative total of taxable payrolls.

(d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (e) of this subsection: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls			Schedules of Contributions Rates for Effective Tax Schedule						
From	To	Rate Class	AA	A	B	C	D	E	F
0	5	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
10.01	15	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20	4	0.57	0.73	1.11	1.51	1.9	2.4	2.98
20.01	25	5	0.72	0.92	1.3	1.7	2.09	2.59	3.08
25.01	30	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35	7	1	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47

40.01	45	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70	14	2.4	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75	15	2.68	2.9	3.21	3.62	4.02	4.43	4.63
75.01	80	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37
95.01	100	20	5.4	5.4	5.4	5.4	5.4	5.4	5.4

(f) The contribution rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year; and

(ii) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent.

(2) ~~((Beginning with))~~ For contributions assessed for rate years 2005 through 2009, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio	Rate Class	Rate (percent)
At least	Less than	
	0	1
0	0.00125	2
		0
		0.13

0.00125	0.0025	3	0.25
0.0025	0.00375	4	0.38
0.00375	0.005	5	0.5
0.005	0.00625	6	0.63
0.00625	0.0075	7	0.75
0.0075	0.00875	8	0.88
0.00875	0.01	9	1
0.01	0.01125	10	1.15
0.01125	0.0125	11	1.3
0.0125	0.01375	12	1.45
0.01375	0.015	13	1.6
0.015	0.01625	14	1.75
0.01625	0.0175	15	1.9
0.0175	0.01875	16	2.05
0.01875	0.02	17	2.2
0.02	0.02125	18	2.35
0.02125	0.0225	19	2.5
0.0225	0.02375	20	2.65
0.02375	0.025	21	2.8
0.025	0.02625	22	2.95
0.02625	0.0275	23	3.1
0.0275	0.02875	24	3.25
0.02875	0.03	25	3.4
0.03	0.03125	26	3.55
0.03125	0.0325	27	3.7
0.0325	0.03375	28	3.85
0.03375	0.035	29	4
0.035	0.03625	30	4.15
0.03625	0.0375	31	4.3
0.0375	0.04	32	4.45
0.04	0.0425	33	4.6
0.0425	0.045	34	4.75

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least twelve months but less than fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent, except that, for employers in rate class 1, the minimum shall be forty-five hundredths of one percent.

(ii)(A) Except as provided in (b)(ii)(B) of this subsection, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed six percent through rate year 2007 and may not exceed five and seven-tenths percent for rate year 2008 and thereafter:

- (I) Rate class 1 - 78 percent;
- (II) Rate class 2 - 82 percent;
- (III) Rate class 3 - 86 percent;
- (IV) Rate class 4 - 90 percent;
- (V) Rate class 5 - 94 percent;
- (VI) Rate class 6 - 98 percent;
- (VII) Rate class 7 - 102 percent;

- (VIII) Rate class 8 - 106 percent;
- (IX) Rate class 9 - 110 percent;
- (X) Rate class 10 - 114 percent;
- (XI) Rate class 11 - 118 percent; and
- (XII) Rate classes 12 through 40 - 120 percent.

(B) For contributions assessed beginning July 1, 2005, through December 31, 2007, for employers whose North American industry classification system code is "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," the graduated social cost factor rate is zero.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(d) For all other employers not qualified to be in the array:

(i) For rate years 2005, 2006, and 2007:

(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40; and

(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) Beginning with contributions assessed for rate year 2008:

(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;

(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection; and

(C) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (c) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one-hundredths or more, in which case the second decimal place

shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:

	History Ratio		History Factor (percent)
	At least	Less than	
(I)		0.95	90
(II)	0.95	1.05	100
(III)	1.05		115

(3) For contributions assessed for rate year 2010 and thereafter, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio	Rate Class		Rate (percent)
	At least	Less than	
	<u>0</u>	<u>1</u>	<u>0</u>
<u>0</u>	<u>0.00125</u>	<u>2</u>	<u>0.09</u>
<u>0.00125</u>	<u>0.0025</u>	<u>3</u>	<u>0.18</u>
<u>0.0025</u>	<u>0.00375</u>	<u>4</u>	<u>0.28</u>
<u>0.00375</u>	<u>0.005</u>	<u>5</u>	<u>0.37</u>
<u>0.005</u>	<u>0.00625</u>	<u>6</u>	<u>0.46</u>
<u>0.00625</u>	<u>0.0075</u>	<u>7</u>	<u>0.55</u>
<u>0.0075</u>	<u>0.00875</u>	<u>8</u>	<u>0.64</u>
<u>0.00875</u>	<u>0.01</u>	<u>9</u>	<u>0.74</u>
<u>0.01</u>	<u>0.01125</u>	<u>10</u>	<u>0.83</u>
<u>0.01125</u>	<u>0.0125</u>	<u>11</u>	<u>0.92</u>
<u>0.0125</u>	<u>0.01375</u>	<u>12</u>	<u>1.01</u>
<u>0.01375</u>	<u>0.015</u>	<u>13</u>	<u>1.11</u>
<u>0.015</u>	<u>0.01625</u>	<u>14</u>	<u>1.2</u>
<u>0.01625</u>	<u>0.0175</u>	<u>15</u>	<u>1.29</u>

<u>0.0175</u>	<u>0.01875</u>	<u>16</u>	<u>1.38</u>
<u>0.01875</u>	<u>0.02</u>	<u>17</u>	<u>1.47</u>
<u>0.02</u>	<u>0.02125</u>	<u>18</u>	<u>1.57</u>
<u>0.02125</u>	<u>0.0225</u>	<u>19</u>	<u>1.66</u>
<u>0.0225</u>	<u>0.02375</u>	<u>20</u>	<u>1.75</u>
<u>0.02375</u>	<u>0.025</u>	<u>21</u>	<u>1.84</u>
<u>0.025</u>	<u>0.02625</u>	<u>22</u>	<u>1.93</u>
<u>0.02625</u>	<u>0.0275</u>	<u>23</u>	<u>2.03</u>
<u>0.0275</u>	<u>0.02875</u>	<u>24</u>	<u>2.12</u>
<u>0.02875</u>	<u>0.03</u>	<u>25</u>	<u>2.21</u>
<u>0.03</u>	<u>0.03125</u>	<u>26</u>	<u>2.3</u>
<u>0.03125</u>	<u>0.0325</u>	<u>27</u>	<u>2.39</u>
<u>0.0325</u>	<u>0.03375</u>	<u>28</u>	<u>2.49</u>
<u>0.03375</u>	<u>0.035</u>	<u>29</u>	<u>2.58</u>
<u>0.035</u>	<u>0.03625</u>	<u>30</u>	<u>2.67</u>
<u>0.03625</u>	<u>0.0375</u>	<u>31</u>	<u>2.76</u>
<u>0.0375</u>	<u>0.04</u>	<u>32</u>	<u>2.86</u>
<u>0.04</u>	<u>0.0425</u>	<u>33</u>	<u>2.95</u>
<u>0.0425</u>	<u>0.045</u>	<u>34</u>	<u>3.04</u>
<u>0.045</u>	<u>0.0475</u>	<u>35</u>	<u>3.13</u>
<u>0.0475</u>	<u>0.05</u>	<u>36</u>	<u>3.22</u>
<u>0.05</u>	<u>0.0525</u>	<u>37</u>	<u>3.32</u>
<u>0.0525</u>	<u>0.055</u>	<u>38</u>	<u>3.41</u>
<u>0.055</u>	<u>0.0575</u>	<u>39</u>	<u>3.5</u>
<u>0.0575</u>		<u>40</u>	<u>5.4</u>

(iii) Each employer may deduct from the pay of each individual ten percent of the amount of contributions that may be attributed to that individual's employment.

(b) On the fifteenth day of the first month of each calendar quarter, an amount equaling twenty-five percent of the total social cost shall be transferred from the general fund into the unemployment compensation fund. The maximum amount of the total social cost transfer in any rate year shall be two and five-tenths percent of the taxable wage base. Before January 1, 2011, adjustments to the maximum amount of the total social cost transfer are prohibited, except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature. For the purposes of this section, "total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar

quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40.

(d) For all other employers not qualified to be in the array, the contribution rate shall be the contribution rate specified in this subsection, but not less than one percent:

(i) In the first two consecutive rate years in which an employer is not qualified, the array calculation factor rate shall be a rate equal to fifty percent of the average industry array calculation factor rate as determined by the commissioner;

(ii) In the second two consecutive rate years in which an employer is not qualified, the array calculation factor rate shall be a rate equal to seventy-five percent of the average industry array calculation factor rate as determined by the commissioner.

(4) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found ((in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or)) in the North American industry classification system code.

NEW SECTION, Sec. 10. A new section is added to chapter 82.04 RCW to read as follows:

B&O TAX CREDIT. (1) In computing the tax imposed under this chapter, a credit is allowed for eighty-five percent of contributions paid under chapter 50.24 RCW for the prior rate year.

(2) Credit under this section may be claimed against taxes due under this chapter for any tax reporting period by the person claiming credit under this section. The credit may not exceed the tax otherwise due under this chapter for the tax reporting period. Unused credit may be carried over and used in subsequent tax reporting periods. No refunds shall be granted for credits under this section.

(3) This section applies to tax reports due on or after January 1, 2011.

Sec. 11. RCW 50.29.062 and 2006 c 47 s 2 are each amended to read as follows:

SUCCESSOR RATES. Except as provided in RCW 50.29.063, predecessor and successor employer contribution rates shall be computed in the following manner:

(1) If the successor is an employer, as defined in RCW 50.04.080, at the time of the transfer of a business, the following applies:

(a) The successor's contribution rate shall remain unchanged for the remainder of the rate year in which the transfer occurs; and

(b) Beginning January 1st following the transfer, the successor's contribution rate for each rate year shall be based on a combination of the following:

(i) The successor's experience with payrolls and benefits; and

(ii) Any experience assigned to the predecessor involved in the transfer. If only a portion of the business was transferred, then the experience attributable to the acquired portion is assigned to the successor.

(2) If the successor is not an employer at the time of the transfer, the following applies:

(a) For transfers before January 1, 2005:

(i) Except as provided in (ii) of this subsection (2)(a), the successor shall pay contributions at the lowest rate determined under either of the following:

(A) The contribution rate of the rate class assigned to the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience relating to the assignment of that rate

class attributable to the predecessor is transferred to the successor. Beginning with the January 1st following the transfer, the successor's contribution rate shall be based on a combination of the transferred experience of the acquired business and the successor's experience after the transfer; or

(B) The contribution rate equal to the average industry rate as determined by the commissioner, but not less than one percent, and continuing until the successor qualifies for a different rate in its own right. Assignment of employers by the commissioner to industrial classification, for purposes of this subsection, must be in accordance with established classification practices found in the North American industry classification system issued by the federal office of management and budget to the fourth digit provided in the North American industry classification system.

(ii) If the successor simultaneously acquires the business or a portion of the business of two or more employers in different rate classes, its rate from the date the transfer occurred until the end of that rate year and until it qualifies in its own right for a new rate, shall be the rate of the highest rate class applicable at the time of the acquisition to any predecessor employer who is a party to the acquisition, but not less than one percent.

(b) For transfers on or after January 1, 2005:

(i) Except as provided in (ii) and (iii) of this subsection (2)(b), the successor shall pay contributions:

(A) At the contribution rate assigned to the predecessor employer at the time of the transfer and not the new employer rate for the remainder of that rate year, so long as the successor retains at least sixty percent of the predecessor's employees. Any experience attributable to the predecessor relating to the assignment of the predecessor's rate class is transferred to the successor.

(B) Beginning January 1st following the transfer, the successor's contribution rate for each rate year shall be based on an array calculation factor rate that is a combination of the following: The successor's experience with payrolls and benefits; and any experience assigned to the predecessor involved in the transfer. If only a portion of the business was transferred, then the experience attributable to the acquired portion is assigned to the successor if qualified under RCW 50.29.010(6) by including the transferred experience. If not qualified under RCW 50.29.010(6), the contribution rate shall equal the sum of the rates determined by the commissioner under RCW 50.29.025(2) ~~((c)(ii) and (d)(ii))~~ (d)(i), and 50.29.041, if applicable, and continuing until the successor qualifies for a different rate, including the transferred experience.

(ii) If there is a substantial continuity of ownership, control, or management by the successor of the business of the predecessor, the successor shall pay contributions at the contribution rate determined for the predecessor employer at the time of the transfer for the remainder of that rate year. Any experience attributable to the predecessor relating to the assignment of the predecessor's rate class is transferred to the successor. Beginning January 1st following the transfer, the successor's array calculation factor rate shall be based on a combination of the transferred experience of the acquired business and the successor's experience after the transfer.

(iii) If the successor simultaneously acquires the business or a portion of the business of two or more employers with different contribution rates, the successor's rate from the date the transfer occurred until the end of that rate year and until it qualifies in its own right for a new rate, shall be the sum of the rates determined by the commissioner under RCW 50.29.025(2) (a) and (b), and 50.29.041, applicable at the time of the acquisition, to the predecessor employer who, among the parties to the acquisition, had the largest total payroll in the completed calendar quarter immediately preceding the date of transfer, but not less than the sum of the rates determined by the commissioner under RCW 50.29.025(2) ~~((c)(ii) and (d)(ii))~~ (d)(i), and 50.29.041, if applicable.

(3) With respect to predecessor employers:

(a) The contribution rate on any payroll retained by a predecessor employer shall remain unchanged for the remainder of the rate year in which the transfer occurs.

(b) In all cases, beginning January 1st following the transfer, the predecessor's contribution rate or the predecessor's array calculation factor for each rate year shall be based on its experience with payrolls and benefits as of the regular computation date for that rate year

excluding the experience of the transferred business or transferred portion of business as that experience has transferred to the successor: PROVIDED, That if all of the predecessor's business is transferred to a successor or successors, the predecessor shall not be a qualified employer until it satisfies the requirements of a "qualified employer" as set forth in RCW 50.29.010.

(4) For purposes of this section, "transfer of a business" means the same as RCW 50.29.063(4)(c).

Sec. 12. RCW 50.16.010 and 2008 c 329 s 915 are each amended to read as follows:

FUNDS. (1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) All amounts transferred from the general fund to the account pursuant to RCW 50.29.025;

(iii) Any property or securities acquired through the use of moneys belonging to the fund;

~~((iii))~~ (iv) All earnings of such property or securities;

~~((iv))~~ (v) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

~~((v))~~ (vi) All money recovered on official bonds for losses sustained by the fund;

~~((vi))~~ (vii) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

~~((vii))~~ (viii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

~~((viii))~~ (ix) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for the (i) cost of the job skills program at the community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet

received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

PART III - RENT SUBSIDIES AND MORTGAGE ASSISTANCE

Sec. 13. RCW 43.185.050 and 2006 c 371 s 236 are each amended to read as follows:

HOUSING ASSISTANCE ACCOUNT. (1) The department shall use moneys from the housing trust fund and other legislative appropriations to finance in whole or in part any loans or grant projects that will provide housing for persons and families with special housing needs and with incomes at or below fifty percent of the median family income for the county or standard metropolitan statistical area where the project is located. At least thirty percent of these moneys used in any given funding cycle shall be for the benefit of projects located in rural areas of the state as defined by the department. If the department determines that it has not received an adequate number of suitable applications for rural projects during any given funding cycle, the department may allocate unused moneys for projects in nonrural areas of the state.

(2) Activities eligible for assistance from the housing trust fund and other legislative appropriations include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of low and very low-income housing units;

(b) Rent subsidies, including rent subsidy programs that give preference to individuals receiving unemployment benefits under title 50 RCW, who earned wages in employment in not less than one thousand three hundred hours of each of the past three calendar years, and whose income is less than two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services;

(c) Matching funds for social services directly related to providing housing for special-need tenants in assisted projects;

(d) Technical assistance, design and finance services and consultation, and administrative costs for eligible nonprofit community or neighborhood-based organizations;

(e) Administrative costs for housing assistance groups or organizations when such grant or loan will substantially increase the recipient's access to housing funds other than those available under this chapter;

(f) Shelters and related services for the homeless, including emergency shelters and overnight youth shelters;

(g) Mortgage subsidies, including temporary rental and mortgage payment subsidies to prevent homelessness, and mortgage subsidy programs that give preference to individuals receiving unemployment benefits under title 50 RCW, who earned wages in employment in not less than one thousand three hundred hours of each of the past three calendar years, and whose income is less than two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services;

(h) Mortgage insurance guarantee or payments for eligible projects;

(i) Down payment or closing cost assistance for eligible first-time home buyers;

(j) Acquisition of housing units for the purpose of preservation as low-income or very low-income housing;

(k) Projects making housing more accessible to families with members who have disabilities; and

(1) During the 2005-2007 fiscal biennium, a manufactured/mobile home landlord-tenant ombudsman conflict resolution and park registration program.

(3) During the 2005-2007 fiscal biennium, revenues generated under RCW 36.22.178 may be used for the development of affordable housing projects and other activities funded in section 108, chapter 371, Laws of 2006.

(4) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2)(a), (i), and (j) of this section, and not for the administrative costs of the department.

(5) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the housing assistance program except for activities authorized under subsection (2)(b) and (c) of this section.

(6) Administrative costs of the department shall not exceed five percent of the annual funds available for the housing assistance program.

Sec. 14. RCW 43.185A.030 and 2005 c 518 s 1803 are each reenacted amended to read as follows:

AFFORDABLE HOUSING PROGRAM. (1) Using moneys specifically appropriated for such purpose, the department shall finance in whole or in part projects that will provide housing for low-income households.

(2) Activities eligible for assistance include, but are not limited to:

(a) New construction, rehabilitation, or acquisition of housing for low-income households;

(b) Rent subsidies in new construction or rehabilitated multifamily units, including rent subsidy programs that give preference to individuals receiving unemployment benefits under title 50 RCW, who earned wages in employment in not less than one thousand three hundred hours of each of the past three calendar years, and whose income is less than two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services;

(c) Down payment or closing costs assistance for first-time home buyers;

(d) Mortgage subsidies for new construction or rehabilitation of eligible multifamily units, including mortgage subsidy programs that give preference to individuals receiving unemployment benefits under title 50 RCW, who earned wages in employment in not less than one thousand three hundred hours of each of the past three calendar years, and whose income is less than two hundred percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services; and

(e) Mortgage insurance guarantee or payments for eligible projects.

(3) Legislative appropriations from capital bond proceeds may be used only for the costs of projects authorized under subsection (2) (a), (c), (d), and (e) of this section, and not for the administrative costs of the department.

(4) Moneys from repayment of loans from appropriations from capital bond proceeds may be used for all activities necessary for the proper functioning of the affordable housing program except for activities authorized under subsection (2)(b) of this section.

(5) Administrative costs of the department shall not exceed four percent of the annual funds available for the affordable housing program, except in fiscal year 2005 when administrative costs shall not exceed five percent.

PART IV - MISCELLANEOUS

NEW SECTION. Sec. 15. FEDERAL SEVERABILITY. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state

or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 16. STATE SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. DISCLAIMER. As used in this act, part headings and captions constitute no part of the law."

Correct the title.

POINT OF ORDER

Representative Hudgins requested a scope and object ruling on amendment (009) to Substitute House Bill No. 1906.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Hudgins has raised a point of order requesting a scope and object ruling on amendment (009) to Substitute House Bill No. 1906.

The substitute bill before the House is titled an act relating to "improving economic security through unemployment compensation". It amends and creates new sections to Chapter 50 of the Revised Code of Washington, relating to unemployment compensation.

The substitute bill provides for a temporary increase in unemployment benefits for unemployed workers and expands eligibility for training benefits to low-wage workers, honorably discharged military personnel and workers who are disabled. It also eliminates restrictions on shared work programs and provides that employers will not be charged in unemployment compensation tax rates for the benefits provided in the bill.

The scope of the bill, as expressed in the title, is the unemployment compensation system. The object of the bill is to assist unemployed workers under the unemployment compensation system.

While portions of Amendment (009) relate to unemployed worker benefits under the unemployment compensation system, other provisions relate to business and occupation tax rates under RCW 82.04 and housing programs under the direction of the Department of Community, Trade and Economic Development.

The amendment clearly exceeds both the scope and object of the bill.

Representative Hudgins, your point of order is well taken."

The bill was ordered engrossed.

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

Representatives Conway, Ross, Orwall, Newhouse, Kenney, Condotta, Seaquist and Walsh spoke in favor of passage of the bill.

Representative Chandler spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1906.

MOTIONS

On motion of Representative Santos, Representatives Driscoll and Hunter were excused. On motion of Representative Walsh, Representatives Herrera and Hinkle were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1906 and the bill passed the House by the following vote: Yeas, 91; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille,

DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Omsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Chandler.

Excused: Representatives Driscoll, Herrera, Hinkle and Hunter.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 11:30 a.m., February 9, 2009, the 29th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

TWENTY NINTH DAY

House Chamber, Olympia, Monday, February 9, 2009

The House was called to order at 11:30 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rose Hopper and Emily Hunter. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Randy McKown, Christian Science Church, Olympia.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4606, by Representatives Warnick, Hinkle, Wallace, and Sells

WHEREAS, Dr. Jerilyn S. McIntyre, the 13th president of Central Washington University, has retired from the Office of the President on December 31, 2008; and

WHEREAS, Dr. McIntyre is the first woman to have served as the university's president, a post she assumed in July 2000; and

WHEREAS, Dr. McIntyre earned her Bachelor of Arts in History and Master of Arts in Journalism at Stanford University and received her Doctor of Philosophy in History and Communications from the University of Washington; and

WHEREAS, Dr. McIntyre served on the faculty at California State University at Chico, at the University of Iowa, and at the University of Utah, where she also served as vice-president for academic affairs and as interim president; and

WHEREAS, Dr. McIntyre, has led the university through a period of unprecedented growth in enrollment, which has increased 26 percent since 2001; and

WHEREAS, Dr. McIntyre has made diversity a priority, increasing the percentage of students of color from 12.9 percent in 2000 to 20.6 percent in fall 2007; and

WHEREAS, Dr. McIntyre established the Performing Arts and Presidential Speaker Series, which has brought nationally renowned speakers and artists to central Washington; and

WHEREAS, Dr. McIntyre's commitment to stewardship of public facilities has won national recognition, beautified CWU's residential and University Center campuses, and energized student life and enriched programs; and

WHEREAS, President McIntyre launched the university's first comprehensive fund-raising campaign, a 21.7 million dollar initiative over the span of three years;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives extend to Dr. Jerilyn S. McIntyre their sincere thanks for her service to the people of Washington and her work to expand educational opportunity for the citizens of our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Chief Clerk of the House of Representatives to Dr. Jerilyn S. McIntyre and the Board of Trustees of Central Washington University.

Representative Warnick moved adoption of House Resolution No. 4606.

Representatives Warnick, Sells and Hinkle spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4606 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced Dr. Jerilyn McIntyre and her husband David Smith, and asked the Chamber to acknowledge her.

INTRODUCTION AND FIRST READING

HB 2052 by Representative Cody

AN ACT Relating to delaying implementation of the health insurance partnership; amending RCW 70.47A.030, 70.47A.040, and 70.47A.070; and repealing 2007 c 260 s 11 (uncodified).

Referred to Committee on Health Care & Wellness.

HB 2053 by Representatives Cox and Schmick

AN ACT Relating to exempting certain cities from the national pollutant discharge elimination system municipal separate storm sewer systems permit program; adding a new section to chapter 90.48 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2054 by Representative Kirby

AN ACT Relating to asbestos-related liabilities and consumer and worker injuries; adding a new chapter to Title 23 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2055 by Representative Chase

AN ACT Relating to community college global affairs centers; adding a new section to chapter 28B.50 RCW; and creating a new section.

Referred to Committee on Higher Education.

HB 2056 by Representatives Chase and Condotta

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.240 and 26.10.160; and adding new sections to chapter 26.10 RCW.

Referred to Committee on Judiciary.

HB 2057 by Representatives Hope, Bailey, Haler, McCune, Rodne, Schmick, Kristiansen, Pearson, Kelley and Condotta

AN ACT Relating to reducing sales tax on new home construction to increase economic activity; and amending RCW 82.08.020.

Referred to Committee on Finance.

HB 2058 by Representatives Hope, Kristiansen, Haler, Pettigrew, McCune, Pearson, Warnick, Cox, Schmick, Hinkle, Rodne, Smith, Bailey, Johnson, Kelley and Condotta

AN ACT Relating to an annual sales and use tax holiday to assist families with educational supplies; amending RCW 82.12.040; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2059 by Representatives Hope, Ericksen, Johnson, McCune, Haler, Bailey, Kristiansen, Cox, Warnick, Schmick, Rodne, Smith and Kelley

AN ACT Relating to tax incentives for motor vehicle purchases to reduce air pollution; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Finance.

HB 2060 by Representatives Hope, Kristiansen, Haler, Cox, McCune, Rodne, Smith, Warnick, Schmick, Bailey, Johnson, Armstrong and Condotta

AN ACT Relating to providing tax relief to motor vehicle dealers; amending RCW 82.08.020; adding a new section to chapter 82.04 RCW; and providing an expiration date.

Referred to Committee on Finance.

HB 2061 by Representative Kirby

AN ACT Relating to the modernization and clarification of the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositaries; amending RCW 39.58.010, 39.58.040, 39.58.050, 39.58.060, 39.58.100, 39.58.103, 39.58.105, 39.58.108, 39.58.130, 39.58.135, 39.58.140, and 39.58.750; adding new sections to chapter 39.58 RCW; creating a new section; repealing RCW 39.58.065; and declaring an emergency.

Referred to Committee on Financial Institutions & Insurance.

HB 2062 by Representative Pearson

AN ACT Relating to the definition of a professional archaeologist; and amending RCW 27.53.030.

Referred to Committee on State Government & Tribal Affairs.

HB 2063 by Representatives Orcutt, McCune, Herrera, Smith, Hope, Kelley and Morrell

AN ACT Relating to notice of the incarcerated status of a convicted felon in any solicitation posted on the internet by or on behalf of the incarcerated felon; adding a new chapter to Title 9 RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2064 by Representatives Orcutt, Morrell, Angel and Cody

AN ACT Relating to requiring continuing education for pharmacy technicians; and amending RCW 18.64A.020.

Referred to Committee on Health Care & Wellness.

HB 2065 by Representatives Orcutt, Blake and Maxwell

AN ACT Relating to issuing firearms certificates to retired law enforcement officers; and amending RCW 36.28A.090.

Referred to Committee on Judiciary.

HB 2066 by Representatives Orcutt, Newhouse, Hope, McCune, Warnick, Kelley and Chandler

AN ACT Relating to excluding the value of rebates from sales and use taxation; amending RCW 82.08.010; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2067 by Representatives Orcutt, Anderson, Warnick, McCune and Herrera

AN ACT Relating to allowing valuation increases to be spread over time; amending RCW 84.04.030, 84.40.020, 84.40.030, 84.40.040, 84.40.045, 84.41.041, 84.48.010, 84.48.065, 84.48.075, 84.48.080, 84.12.270, 84.12.280, 84.12.310, 84.12.330, 84.12.350, 84.12.360, 84.16.040, 84.16.050, 84.16.090, 84.16.110, 84.16.120, 84.36.041, 84.52.063, and 84.70.010; adding a new section to chapter 84.04 RCW; adding a new section to chapter 84.40 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2068 by Representatives Goodman, Hurst, Priest, O'Brien, Miloscia, Seaquist, Cody, Appleton, Roberts, Campbell and Morrell

AN ACT Relating to criminal background checks; amending RCW 74.39A.009, 43.20A.710, and 43.43.837; providing an effective date; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

HB 2069 by Representative Sullivan

AN ACT Relating to creating community facilities districts; amending RCW 84.52.052; adding new sections to chapter 84.52 RCW; adding a new section to chapter 82.02 RCW; adding a new title to the Revised Code of Washington; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

HB 2070 by Representatives Sullivan, Dammeier and Kenney

AN ACT Relating to the state board of health adopting rules that impact school districts; adding a new section to chapter 28A.210 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2071 by Representatives Green, Kagi, Miloscia, Pettigrew, Nelson, Haler, Priest, Goodman, Conway, Ormsby, Santos and Kenney

AN ACT Relating to increasing the earning potential of parents of needy families; amending RCW 74.08A.260; adding a new section to chapter 74.08A RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2072 by Representatives Wallace, Clibborn and Wood

AN ACT Relating to advancing effective transportation for persons with special transportation needs; amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.050, 36.57A.060, 35.58.2795, 36.57.070, 35.58.240, 81.112.030, 36.73.020, and 47.80.023; adding new sections to chapter 47.06B RCW; adding new sections to chapter 43.20A RCW; adding new sections to

chapter 43.70 RCW; adding a new section to chapter 28A.300 RCW; adding new sections to chapter 47.01 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 36.57 RCW; adding new sections to chapter 35.58 RCW; adding a new section to chapter 81.112 RCW; creating a new section; and repealing RCW 47.06B.900 and 47.06B.901.

Referred to Committee on Transportation.

HB 2073 by Representatives Wallace, Flannigan, Moeller, Kagi and Dickerson

AN ACT Relating to consent to medical care by a minor; and adding a new section to chapter 70.01 RCW.

Referred to Committee on Judiciary.

HB 2074 by Representatives Hunter and Springer

AN ACT Relating to annexations in counties with more than one million five hundred thousand residents; amending RCW 35.13.130 and 35A.14.120; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; adding a new section to chapter 35.13A RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2075 by Representative Hunter

AN ACT Relating to the excise taxation of certain products and services provided or furnished electronically; amending RCW 82.04.190, 82.08.010, 82.12.010, 82.12.020, 82.04.060, 82.04.070, 82.04.110, 82.04.120, 82.04.2907, 82.04.297, 82.04.363, 82.04.4282, 82.04.470, 82.04.480, 82.04.065, 82.08.02525, 82.08.0253, 82.08.02535, 82.08.02537, 82.08.0256, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.805, 82.08.995, 82.12.0251, 82.12.02525, 82.12.0255, 82.12.0257, 82.12.0258, 82.12.0259, 82.12.02595, 82.12.0272, 82.12.0284, 82.12.0345, 82.12.0347, 82.12.805, 82.12.860, 82.12.995, 82.32.730, 82.08.195, 48.14.080, 82.02.020, 82.04.44525, 82.08.040, 82.08.130, 82.12.035, 82.12.040, 82.14.465, 82.16.010, 82.32.020, and 82.32.023; reenacting and amending RCW 82.04.050; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; creating new sections; repealing RCW 82.08.705, 82.12.705, and 35.21.717; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2076 by Representatives Hope, O'Brien, Kristiansen, Haler, Warnick, McCune, Alexander, Cox, Schmick, Rodne, Smith, Bailey, Johnson and Armstrong

AN ACT Relating to returning savings to the motor vehicle fund by suspending the requirement to purchase art for transportation buildings; and amending RCW 43.17.200.

Referred to Committee on Transportation.

HB 2077 by Representatives Goodman, O'Brien, Kirby, Kagi, Roberts and Chase

AN ACT Relating to delayed sentencing for offenders with a standard range under one year; amending RCW 9.94A.500; and adding a new section to chapter 9.94A RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2078 by Representatives Roberts, O'Brien, Walsh, Jacks, Appleton, Goodman, Dickerson, Green, Kagi, Chase, Wood, Kenney and Haler

AN ACT Relating to persons with developmental disabilities who are in correctional facilities or jails; and adding a new chapter to Title 71A RCW.

Referred to Committee on Human Services.

HB 2079 by Representatives Cody, Erickson and Morrell

AN ACT Relating to the office of financial management's access to health professional licensing information; and amending RCW 43.370.020.

Referred to Committee on Health Care & Wellness.

HJR 4206 by Representatives Orcutt, Anderson, Warnick, McCune and Herrera

Providing for value averaging.

Referred to Committee on Finance.

HJR 4207 by Representatives Orcutt, Alexander, Hope, Warnick, McCune, Herrera, Shea, Short, Bailey, Dammeier, Chandler, Newhouse and Kristiansen

Amending the state Constitution to include an expenditure limit.

Referred to Committee on Ways & Means.

HJR 4208 by Representatives Orcutt, Hope, Herrera, Warnick, McCune, Armstrong and Kristiansen

Placing restrictions on tax increases.

Referred to Committee on Finance.

HJR 4209 by Representatives Bailey, Alexander, Dammeier, Smith, Ross, Chandler, Warnick, Newhouse, Kristiansen and Haler

Requiring extraordinary revenue growth to be transferred to the budget stabilization account.

Referred to Committee on Ways & Means.

There being no objection, the bills and resolutions listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 5, 2009

HB 1018 Prime Sponsor, Representative Appleton: Modifying when a special election may be held. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1051 Prime Sponsor, Representative Morrell: Improving veterans' access to services. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1121 Prime Sponsor, Representative Rodne: Creating the Washington state flag account. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1195 Prime Sponsor, Representative Haigh: Regarding payment of undisputed claims. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Referred to Committee on Capital Budget.

February 5, 2009

HB 1196 Prime Sponsor, Representative Haigh: Increasing the dollar limit for small works roster projects. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1197 Prime Sponsor, Representative Haigh: Regarding alternative public works contracting procedures. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Referred to Committee on Capital Budget.

February 5, 2009

HB 1199 Prime Sponsor, Representative Haigh: Regarding retainage of funds on public works projects. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1363 Prime Sponsor, Representative Hunt: Modifying provisions relating to candidate filing. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1364 Prime Sponsor, Representative Hunt: Making technical corrections to election provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1404 Prime Sponsor, Representative Armstrong: Naming public spaces in the Washington state heritage center. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1431 Prime Sponsor, Representative Sells: Designating certain state routes as highways of statewide significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Erickson; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 3, 2009

HB 1433 Prime Sponsor, Representative Lias: Addressing liability for damages to state property resulting from the illegal operation of a vehicle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Erickson; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Williams and Wood.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1580 Prime Sponsor, Representative Kessler: Establishing a pilot local water management program in one qualified jurisdiction. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority

Member; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson;
Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 9:55 a.m., February 10, 2009, the 30th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRTIETH DAY

House Chamber, Olympia, Tuesday, February 10, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

INTRODUCTION AND FIRST READING

HB 2080 by Representatives Driscoll, Shea, Johnson and Ormsby

AN ACT Relating to suncreening devices; and amending RCW 46.37.430.

Referred to Committee on Transportation.

HB 2081 by Representatives Hunt, Kessler, Wallace, McCoy, Carlyle, Ormsby, Chase and Wood

AN ACT Relating to shorelines of statewide significance; amending RCW 90.58.030; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2082 by Representatives Hunt, Kessler, Wallace, McCoy, Carlyle, Ormsby, Chase and Kenney

AN ACT Relating to the state capitol campus special height district; adding a new section to chapter 35A.63 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2083 by Representatives White, Kenney, Carlyle, Nelson, Moeller, Williams, Pettigrew, Pedersen, Ormsby, Hunt, Springer, Upthegrove, Dunshee, Kagi and Chase

AN ACT Relating to requiring consideration of impacts to tree canopies in large cities through rules implementing the state environmental policy act; and amending RCW 43.21C.110.

Referred to Committee on Ecology & Parks.

HB 2084 by Representatives Kagi, Dickerson, Walsh and Chase

AN ACT Relating to forensic investigations; amending RCW 68.50.104 and 43.103.040; adding a new section to chapter 68.50 RCW; and providing an effective date.

Referred to Committee on Early Learning & Children's Services.

HB 2085 by Representatives Walsh, Kagi and Kenney

AN ACT Relating to promoting more efficient and prompt relative searches for children requiring out-of-home placement in dependency proceedings; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2086 by Representatives Short, Dunshee, Kretz, Williams, Morris, Shea, Blake, Ormsby, Smith, Roach, Pearson, McCune, Takko, Orcutt, Warnick and Kristiansen

AN ACT Relating to voluntary participation in a state or national animal identification system; and adding a new section to chapter 16.57 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2087 by Representatives Springer, Hunter and Kelley

AN ACT Relating to eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009; amending RCW 18.06.080, 43.121.100, 46.20.100, 46.82.280, 46.82.330, 46.82.420, 70.128.163, 18.44.011, 18.44.195, 18.44.221, 18.44.251, 43.70.056, 13.40.462, 13.40.510, 43.08.250, 43.70.555, 74.14A.060, 74.14C.050, 19.146.225, 46.20.520, 70.149.040, 79A.75.900, 70.14.060, 4.92.130, 18.84.040, 18.84.070, 70.104.090, 15.92.070, 17.21.020, 90.56.005, 90.56.060, 70.94.524, 70.94.527, 70.94.528, 70.94.534, 70.94.537, 70.94.541, 70.94.551, 70.94.996, 82.70.060, 47.06.050, 47.60.286, 47.60.290, 47.60.330, 28B.116.020, 28B.12.040, 46.01.325, 46.01.140, and 43.15.020; reenacting and amending RCW 69.50.520; creating new sections; repealing RCW 43.121.010, 43.121.015, 43.121.020, 43.121.030, 43.121.040, 43.121.050, 43.121.060, 43.121.070, 43.121.080, 43.121.110, 43.121.120, 43.121.130, 43.121.140, 43.121.150, 43.121.160, 43.121.170, 43.121.175, 43.121.180, 43.121.910, 28B.04.085, 46.82.300, 70.128.225, 18.20.260, 70.96A.070, 18.44.500, 18.44.510, 70.190.005, 70.190.010, 70.190.020, 70.190.030, 70.190.040, 70.190.050, 70.190.060, 70.190.065, 70.190.070, 70.190.075, 70.190.080, 70.190.085, 70.190.090, 70.190.100, 70.190.110, 70.190.120, 70.190.130, 70.190.150, 70.190.160, 70.190.170, 70.190.180, 70.190.190, 70.190.910, 70.190.920, 79A.25.220, 19.146.280, 43.09.430, 43.09.435, 43.09.440, 43.09.445, 43.09.450, 43.09.455, 43.09.460, 4.92.230, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 17.15.040, 17.21.230, 17.21.240, 17.21.250, 17.21.260, 17.21.270, 70.104.070, 70.104.080, 90.56.120, 90.56.130, 70.94.544, 43.360.040, 47.60.310, 28B.116.040, 46.01.320, 18.155.050, 74.32.100, 74.32.110, 74.32.120, 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170, and 74.32.180; repealing 2008 c 311 s 1 (uncodified); repealing 2008 c 311 s 2 (uncodified); repealing 2008 c 311 s 3 (uncodified); repealing 2008 c 311 s 4 (uncodified); repealing 1997 c 406 s 1 (uncodified); providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2088 by Representatives Darneille, Clibborn, Morrell, Wallace, Kenney, Simpson, Wood and Conway

AN ACT Relating to improving access to facilities for persons with special transportation needs; amending RCW 47.06B.040 and 47.80.023; adding new sections to chapter 47.06B RCW; creating a new section; and providing a contingent effective date.

Referred to Committee on Transportation.

HB 2089 by Representative Chase

AN ACT Relating to food service products; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Ecology & Parks.

HB 2090 by Representatives Hope, Angel, Pearson, Ericks, McCune, Kristiansen, Newhouse, Kelley, Johnson and Simpson

AN ACT Relating to providing a property tax exemption for first-time home buyers; adding a new section to chapter 84.36 RCW; adding a new section to chapter 84.55 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2091 by Representatives Short and Warnick

AN ACT Relating to visitation rights for grandparents; amending RCW 26.09.004 and 26.10.160; adding a new section to chapter 26.09 RCW; creating a new section; and repealing RCW 26.09.240.

Referred to Committee on Judiciary.

HB 2092 by Representatives Short, Chase, Warnick and McCune

AN ACT Relating to specifying that qualified grandparents are the priority placement option for children needing out-of-home care in dependency proceedings; and adding a new section to chapter 13.34 RCW.

Referred to Committee on Early Learning & Children's Services.

HB 2093 by Representatives Roach, Blake, Shea, Haler, DeBolt, Crouse, McCune, Schmick, Orcutt, Rodne, Campbell, Kelley, Warnick, Bailey, Johnson and Condotta

AN ACT Relating to motorcycle toll rates; and amending RCW 47.56.850.

Referred to Committee on Transportation.

HB 2094 by Representatives Carlyle, Kenney, White, Cody, Nelson, Dickerson, Pettigrew, Morris, Pedersen, Hunt, Hasegawa, Hudgins and Dunshee

AN ACT Relating to limiting the use of capital levy proceeds to support direct costs associated with technology systems and support; amending RCW 84.52.053; and adding a new section to chapter 41.59 RCW.

Referred to Committee on Education.

HB 2095 by Representatives Orwall, Finn, Upthegrove, Simpson, Rodne and Quall

AN ACT Relating to clarifying the permitting, training, and licensing process for driver training schools; and amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, and 46.82.360.

Referred to Committee on Transportation.

HB 2096 by Representatives Rolfes, Wood, Herrera, Eddy and Van De Wege

AN ACT Relating to the attachment of vehicle license plates; and amending RCW 46.16.240.

Referred to Committee on Transportation.

HB 2097 by Representatives McCoy, Blake, Van De Wege, Nelson, Jacks, Liias, Ormsby, Eddy, Carlyle, Chase and Kessler

AN ACT Relating to rainwater collection facilities; amending RCW 90.03.250 and 90.03.370; and adding a new section to chapter 90.03 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2098 by Representative Anderson

AN ACT Relating to creating a single need-based financial aid program with completion and job placement incentives; adding new sections to chapter 28B.92 RCW; creating a new section; and providing an effective date.

Referred to Committee on Higher Education.

HB 2099 by Representatives Conway, Condotta, Chase and Simpson

AN ACT Relating to allowing out-of-state online wine retailers to ship to consumers in the state; amending RCW 66.20.375 and 66.20.390; and adding a new section to chapter 66.20 RCW.

Referred to Committee on Commerce & Labor.

HB 2100 by Representative Clibborn

AN ACT Relating to the certification of a driver's visual acuity by an ophthalmologist or optometrist; amending RCW 46.20.041 and 46.20.305; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Judiciary.

HB 2101 by Representatives Condotta, McCune, Kristiansen, Hope, Roach, Warnick and Pearson

AN ACT Relating to increasing distributions of off-road vehicle moneys; amending RCW 46.10.170 and 79A.25.070; reenacting and amending RCW 46.09.170; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

HB 2102 by Representatives Morrell, Smith, Dammeier, Newhouse, Blake, Rolfes, Moeller, Dunshee, Van De Wege, Haigh and Warnick

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

Referred to Committee on Agriculture & Natural Resources.

HB 2103 by Representatives Miloscia, O'Brien, Hasegawa, McCoy, Kessler, Chase and Conway

AN ACT Relating to the taxation of adult entertainment materials and services; amending RCW 82.08.020, 82.08.010, 82.12.010, 82.12.020, and 82.12.035; adding a new section to chapter 82.32 RCW; creating a new section; and providing an effective date.

Referred to Committee on Finance.

HB 2104 by Representatives Jacks, Wallace, Pettigrew, Dunshee, McCune, Cody, Morrell, Kessler, Kenney, Nelson, Simpson and Ormsby

AN ACT Relating to sales and use tax exemptions for prescribed power wheelchairs; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2105 by Representatives Cody and Morrell

AN ACT Relating to diagnostic imaging services; and adding a new chapter to Title 70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2106 by Representatives Kagi, Roberts, Kenney and Morrell

AN ACT Relating to improving child welfare outcomes through the phased implementation of strategic and proven reforms; adding a new section to chapter 74.13 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2107 by Representatives Kagi, Roberts, Kessler, Kenney and Santos

AN ACT Relating to delivery of early learning home visitation programs; adding new sections to chapter 43.215 RCW; creating a new section; and repealing RCW 43.121.170, 43.121.175, and 43.121.180.

Referred to Committee on Early Learning & Children's Services.

HB 2108 by Representatives Kagi, Morrell, Kenney, Quall and Ormsby

AN ACT Relating to reducing administrative and regulatory burdens on public schools; amending RCW 43.09.460, 43.20.050, 28A.650.015, 28A.230.095, and 28A.655.061; creating a new section; and providing an expiration date.

Referred to Committee on Education.

HB 2109 by Representatives Upthegrove and Chase

AN ACT Relating to state parks and recreation funding; amending RCW 79A.05.085; adding a new section to chapter 90.74 RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

HB 2110 by Representatives Hasegawa, Chase, Simpson, Santos and Ormsby

AN ACT Relating to tax expenditure reports; and amending RCW 43.06.400 and 43.88.030.

Referred to Committee on Finance.

HB 2111 by Representatives Hasegawa, Chase and Santos

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

Referred to Committee on Higher Education.

HB 2112 by Representatives Hasegawa, Green, Chase and Santos

AN ACT Relating to prepaid postage for primary and general election ballots; amending RCW 29A.04.420, 29A.40.091, and 29A.48.050; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2113 by Representatives Kagi, Chase, Quall and Morrell

AN ACT Relating to placements of students in residential habilitation centers; adding new sections to chapter 28A.190 RCW; and creating a new section.

Referred to Committee on Education.

HB 2114 by Representatives Seaquist and Cody

AN ACT Relating to establishing a forum for testing primary care medical home reimbursement pilot projects; adding a new section to chapter 70.54 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

HB 2115 by Representative O'Brien

AN ACT Relating to allowing booking photographs and electronic images at jails to be open to the public; and amending RCW 70.48.100.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2116 by Representatives Maxwell, Dunshee, Upthegrove, Jacks, Lias and Simpson

AN ACT Relating to funding for water pollution control; amending RCW 90.50A.020, 90.50A.030, 90.50A.040, and 90.50A.060; adding a new section to chapter 90.50A RCW; and declaring an emergency.

Referred to Committee on Capital Budget.

HB 2117 by Representatives Cody, Morrell, Kenney and Conway

AN ACT Relating to the basic health plan; amending RCW 70.47.020, 70.47.030, 70.47.060, and 70.47.100; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2118 by Representatives Wallace, Carlyle, Sullivan and Kenney

AN ACT Relating to long-term tuition policy; creating a new section; and providing an expiration date.

Referred to Committee on Higher Education.

HB 2119 by Representatives Wallace, Carlyle, Sullivan, Morrell, Quall, Santos and Ormsby

AN ACT Relating to expanding dual credit opportunities; amending RCW 28A.225.290, 28A.600.160, 28A.600.300, and 28A.600.310; adding new sections to chapter 28A.600 RCW; and creating a new section.

Referred to Committee on Education.

HB 2120 by Representative Ericksen

AN ACT Relating to pilotage tariffs; amending RCW 88.16.035; and adding a new section to chapter 81.04 RCW.

Referred to Committee on Transportation.

HB 2121 by Representatives Morrell, Green, Hunt, Hudgins, Kenney, Darneille, Miloscia, Lias, Simpson, Hasegawa, McCoy, Goodman, Williams, Chase, Nelson, Conway and Ormsby

AN ACT Relating to providing preventive and catastrophic health coverage through a guaranteed health benefit program for permanent residents of this state; amending RCW 48.14.020, 48.02.190, and 70.47.020; reenacting and amending RCW 48.14.0201 and 43.79A.040; adding a new section to chapter 42.56 RCW; adding a new chapter to Title 70 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Health Care & Wellness.

HB 2122 by Representatives Kessler, Blake, Ericks, Takko, Wallace, Morris, Lias, Hunt, Kelley, Quall, Sullivan and Van De Wege

AN ACT Relating to reducing the business and occupation tax burden on the newspaper industry; amending RCW 82.04.280, 82.04.280, 35.102.150, and 82.08.806; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.04.260, 82.32.590, and 82.32.600; adding a new section to chapter 82.32 RCW; providing an effective date; providing a contingent effective date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 2123 by Representatives Kessler, Blake, Ericks, Takko, Wallace, Morris, Lias, Hunt, Kelley, Green, Quall, Sullivan, Miloscia, Van De Wege and Ormsby

AN ACT Relating to reducing the business and occupation tax rate on the business of printing, and of publishing newspapers, magazines, or periodicals; amending RCW 82.04.280, 82.04.280, 35.102.150, 82.08.806, 82.08.820, 82.08.820, and 82.12.020; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.04.260, 82.04.050, 82.32.590, and 82.32.600; adding a new section to chapter 82.32 RCW; providing effective dates; providing a contingent effective date; providing an expiration date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Finance.

HB 2124 by Representatives Rolfes, Simpson and Santos

AN ACT Relating to prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex; adding new sections to chapter 49.60 RCW; adding a new section to chapter 43.110 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HB 2125 by Representatives Santos and Kenney

AN ACT Relating to community preservation and development authorities; amending RCW 43.167.010, 43.167.020, 43.167.030, and 43.167.050; adding new sections to chapter 43.167 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

HB 2126 by Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Lias and Kenney

AN ACT Relating to consolidating and modifying the duties of the cemetery board and the board of funeral directors and embalmers; amending RCW 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.800, 18.235.020, 68.04.190, 68.05.020,

68.05.095, 68.05.100, 68.05.105, 68.05.175, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.44.150, 68.46.010, 68.46.090, 68.46.130, 68.50.230, 68.60.030, 68.60.050, and 68.60.060; and repealing RCW 68.05.040, 68.05.050, 68.05.060, and 68.05.080.

Held on first reading.

HB 2127 by Representatives Seaquist, Kenney and Simpson

AN ACT Relating to meeting the goal of all children in Washington state having health care coverage by 2010; amending RCW 74.09.470 and 74.09.480; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2128 by Representatives Seaquist and Simpson

AN ACT Relating to meeting the goal of all children in Washington state having health care coverage by 2010; amending RCW 74.09.470 and 74.09.480; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2129 by Representative Eddy

AN ACT Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW; and amending RCW 80.80.060.

Referred to Committee on Technology, Energy & Communications.

HB 2130 by Representatives Probst, Jacks, Morris, Morrell, Kenney, Conway and Ormsby

AN ACT Relating to tax incentives for renewable energy manufacturing facilities; amending RCW 82.32.535; amending 2006 c 300 s 12 (uncodified); reenacting and amending RCW 82.32.600; adding a new section to chapter 82.04 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 5, 2009

HB 1069 Prime Sponsor, Representative Hunt: Restricting light pollution. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox and Short.

Referred to Committee on General Government Appropriations.

February 4, 2009

HB 1096 Prime Sponsor, Representative Hasegawa: Enhancing small business participation in state purchasing. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Smith, Ranking Minority Member.

Referred to Committee on General Government Appropriations.

February 4, 2009
HB 1128 Prime Sponsor, Representative Kenney: Changing innovation partnership zone provisions. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Passed to Committee on Rules for second reading.

February 4, 2009
HB 1180 Prime Sponsor, Representative Dickerson: Regarding the use of bisphenol A. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

Referred to Committee on General Government Appropriations.

February 5, 2009
HB 1201 Prime Sponsor, Representative O'Brien: Establishing the community integration assistance program. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 5, 2009
HB 1202 Prime Sponsor, Representative Hurst: Allowing noninsurance benefits as part of life insurance policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 6, 2009
HB 1212 Prime Sponsor, Representative Kirby: Regarding industrial insurance death benefits for the surviving spouses of members of the law enforcement officers' and firefighters' retirement system and the state patrol retirement system. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 4, 2009
HB 1227 Prime Sponsor, Representative Springer: Concerning recreational vehicles used as primary residences in manufactured/mobile home communities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

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

Passed to Committee on Rules for second reading.

February 5, 2009
HB 1275 Prime Sponsor, Representative Dickerson: Concerning the consideration of respondents' recent and past acts in involuntary commitment proceedings. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Ways & Means.

February 4, 2009
HB 1290 Prime Sponsor, Representative Maxwell: Concerning local tourism promotion areas. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Finance.

February 4, 2009
HB 1295 Prime Sponsor, Representative Warnick: Annexing areas used for agricultural fairs. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 4, 2009

HB 1296 Prime Sponsor, Representative Williams: Providing limitations on rental housing inspections. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 4, 2009

HB 1298 Prime Sponsor, Representative O'Brien: Limiting utility liens against rental property. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Ericksen, Assistant Ranking Minority Member; Cox; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1300 Prime Sponsor, Representative Hurst: Accessing mental health information. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Health & Human Services Appropriations.

February 5, 2009

HB 1304 Prime Sponsor, Representative Springer: Providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Santos and Springer.

Passed to Committee on Rules for second reading.

February 4, 2009

HB 1323 Prime Sponsor, Representative Kenney: Providing for coordination of workforce and economic development. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Referred to Committee on Education Appropriations.

February 5, 2009

HB 1349 Prime Sponsor, Representative Green: Renewing orders for less restrictive treatment. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1512 Prime Sponsor, Representative Haler: Authorizing the funding of rail freight service through grants. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Johnson; Klippert; Kristiansen; Moeller; Morris; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1562 Prime Sponsor, Representative Liias: Changing the requirements for graduating without a certificate of individual achievement or a certificate of individual achievement. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1564 Prime Sponsor, Representative Rodne: Requiring the disclosure of information on flood insurance coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1576 Prime Sponsor, Representative Clibborn: Determining the amount of motor vehicle fuel tax moneys derived from tax on marine fuel. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Johnson; Klippert; Kristiansen; Moeller; Morris; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1589 Prime Sponsor, Representative Green: Addressing venue for hearings to modify or revoke an order for conditional release. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 5, 2009

HB 1829 Prime Sponsor, Representative Santos: Establishing the financial services intermediary. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Roach and Rodne.

Referred to Committee on General Government Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Agriculture & Natural Resources was relieved of HOUSE BILL NO. 2116, and the bill was referred to the Committee on Capital Budget.

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

There being no objection, the House adjourned until 10:00 a.m., February 11, 2009, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRTY FIRST DAY

House Chamber, Olympia, Wednesday, February 11, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding).

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

INTRODUCTION AND FIRST READING

HB 2126 by Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Liias and Kenney

AN ACT Relating to consolidating and modifying the duties of the cemetery board and the board of funeral directors and embalmers; amending RCW 18.39.010, 18.39.173, 18.39.175, 18.39.217, 18.39.800, 18.235.020, 68.04.190, 68.05.020, 68.05.095, 68.05.100, 68.05.105, 68.05.175, 68.05.205, 68.05.285, 68.24.090, 68.40.040, 68.44.115, 68.44.150, 68.46.010, 68.46.090, 68.46.130, 68.50.230, 68.60.030, 68.60.050, and 68.60.060; and repealing RCW 68.05.040, 68.05.050, 68.05.060, and 68.05.080.

Referred to Committee on Commerce & Labor.

HB 2131 by Representative Morris

AN ACT Relating to providing a credit under the public utility tax for sales and use taxes paid for the development of eligible renewable resources in the state that provide renewable energy to a qualifying utility; adding a new section to chapter 82.16 RCW; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2132 by Representatives Quall, Anderson, Carlyle, Dammeier, Probst, Sullivan, Johnson, Hudgins, Kelley, Chase, Wood and Santos

AN ACT Relating to instruction in civics; amending RCW 28A.230.090; adding a new section to chapter 28A.230 RCW; and creating a new section.

Referred to Committee on Education.

HB 2133 by Representatives White, Hunt, Kenney, Maxwell, Uptegrove, Hudgins, Rolfes and Wood

AN ACT Relating to the use of accumulated sick leave for volunteer work; adding a new section to chapter 41.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 2134 by Representative McCoy

AN ACT Relating to the consideration of impacts to plant species identified by the natural heritage program; amending RCW 79.70.030; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 43.30 RCW; adding a new section to chapter 77.12 RCW; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Local Government & Housing.

HB 2135 by Representative Chase

AN ACT Relating to renewable energy; adding a new chapter to Title 80 RCW; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2136 by Representatives Parker, Quall, Dammeier and Hurst

AN ACT Relating to safe house program requirements; and adding a new section to chapter 10.97 RCW.

Referred to Committee on Judiciary.

HB 2137 by Representatives Kagi and Haler

AN ACT Relating to improving the delivery of residential and other services to adolescents who are at risk, in need of services, or in crisis; amending RCW 74.13.032, 74.13.033, and 74.13.034; reenacting and amending RCW 13.32A.130; adding a new section to chapter 74.13 RCW; creating a new section; and repealing RCW 74.13.0321.

Referred to Committee on Early Learning & Children's Services.

HB 2138 by Representatives Simpson and Chase

AN ACT Relating to the use of surplus property for the development of affordable housing; and amending RCW 43.63A.510, 47.12.063, 47.12.064, 53.08.090, 43.20A.037, 72.09.055, 43.19.19201, 79A.05.170, 79A.05.175, 36.34.137, 35.21.687, 79.11.005, 79.22.060, 54.16.180, and 57.08.016.

Referred to Committee on Local Government & Housing.

HB 2139 by Representative Simpson

AN ACT Relating to vesting of short subdivisions; and amending RCW 58.17.033.

Referred to Committee on Local Government & Housing.

HB 2140 by Representatives Kristiansen, Liias, Pearson, Sells, Ericks and Hope

AN ACT Relating to providing funding for state route number 2 through implementation of cost savings from performance audits; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 2141 by Representatives Ericks, Condotta, Springer, Newhouse, Eddy, Armstrong and Conway

AN ACT Relating to registration of lottery tickets and shares; and amending RCW 67.70.040.

Referred to Committee on Commerce & Labor.

HB 2142 by Representatives Roach, Santos and Priest

AN ACT Relating to school plant funding; amending RCW 28A.335.230, 28A.525.040, 28A.525.090, 28A.525.162, 28A.525.166, and 28A.525.168; and creating a new section.

Referred to Committee on Capital Budget.

HB 2143 by Representatives Cox, Ormsby, Wallace, Armstrong, Schmick, Dunshee, Roach, McCune, Chase and Johnson

AN ACT Relating to reducing the postretirement employment restrictions for members of the teachers' retirement system, school employees' retirement system, and the public employees' retirement system that retire after earning thirty or more years of service; and amending RCW 41.32.765, 41.32.875, 41.35.420, 41.35.680, 41.40.630, and 41.40.820.

Referred to Committee on Ways & Means.

HB 2144 by Representative Condotta

AN ACT Relating to defining the term employ for minimum wage purposes; amending RCW 49.46.010; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2145 by Representative Condotta

AN ACT Relating to industrial insurance final settlement agreements; and adding new sections to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 2146 by Representatives Ericks, Johnson, Eddy and Liias

AN ACT Relating to contract requirements for water or sewer facilities; and amending RCW 35.91.020.

Referred to Committee on Local Government & Housing.

HB 2147 by Representatives Liias, Pettigrew, Quall, McCoy, Chase and Kenney

AN ACT Relating to closing the achievement gap in order to provide all students an excellent and equitable education; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2148 by Representatives Pettigrew and Hudgins

AN ACT Relating to implementing strategies to address the achievement gap; amending RCW 28A.150.210, 28A.410.210, and 28A.660.010; reenacting and amending RCW 28A.415.023; adding new sections to chapter 28A.300 RCW; adding a new section to chapter 28A.305 RCW; and creating new sections.

Referred to Committee on Education.

HB 2149 by Representatives McCoy, Pettigrew and Quall

AN ACT Relating to millennium schools; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

HB 2150 by Representatives Chase, Dunshee and White

AN ACT Relating to hazardous waste releases and cleanup at facilities in substantial noncompliance with chapter 70.105 RCW; adding new sections to chapter 70.105 RCW; and creating a new section.

Referred to Committee on Environmental Health.

HB 2151 by Representatives Springer and Kelley

AN ACT Relating to eliminating boards and commissions on June 30, 2010; amending RCW 28C.18.050, 28C.18.090, 18.106.010, 18.106.040, 18.106.050, 18.106.070, 43.03.027, 43.03.028, 34.12.100, 42.17.370, 43.03.040, 43.63A.760, 18.250.010, 18.250.020, 18.250.060, 70.47.040, 43.70.665, 39.10.210, 39.10.230, 39.10.250, 39.10.270, 39.10.280, 39.10.290, 39.10.320, 39.10.350, 39.10.430, 39.10.460, 43.131.408, 39.04.350, 18.205.020, 18.205.060, 28A.300.520, 43.215.065, 72.09.495, 74.04.800, 74.13.031, 74.15.050, 74.15.060, 41.04.033, 41.04.0331, 41.04.0332, 43.101.380, 43.105.052, 72.23.025, 43.330.280, 43.160.060, 43.330.080, 43.330.250, 43.330.270, 82.33A.020, 39.102.040, 43.160.900, 43.330.050, 43.330.082, 43.330.310, 82.33A.010, 70.168.030, 70.168.050, 70.168.060, 70.168.130, 18.76.050, 38.52.030, 38.52.070, 38.52.240, 38.52.330, 46.48.170, 18.73.030, 18.73.101, 15.76.110, 15.76.150, 70.112.010, 70.112.020, 43.43.934, 43.43.962, 38.52.530, 49.26.120, 48.62.061, 41.05.035, 28B.76.280, 18.280.010, 18.280.030, 18.280.050, 18.280.060, 18.280.070, 18.280.080, 18.280.110, 18.280.120, 18.280.130, 43.330.090, 43.105.020, 43.105.041, 43.105.805, 43.105.820, 18.225.010, 18.225.040, 16.57.353, 18.50.045, 18.50.060, 18.50.105, 77.12.670, 77.08.045, 18.36A.020, 18.36A.080, 18.36A.110, 46.09.020, 43.30.820, 18.210.010, 18.210.050, 18.210.060, 70.118.110, 43.43.866, 43.10.240, 18.200.010, 18.200.050, 18.200.070, 13.60.110, 90.71.010, 90.71.210, 90.71.230, 90.71.240, 90.71.270, 90.71.310, 18.140.010, 18.140.030, 18.140.160, 18.140.170, 77.95.100, 77.95.180, 77.95.190, 82.58.020, 70.95.030, 43.21A.520, 70.105.010, 70.105.160, 46.16.316, 46.16.715, 46.16.725, 46.16.745, 46.16.755, 46.16.775, 46.16.30901, 46.16.30903, 46.16.30905, 46.16.30907, 46.16.30909, 46.16.30911, 46.16.30913, 46.16.30914, 46.16.30916, 46.16.30918, 46.16.30920, 46.16.30922, 46.16.30924, 46.16.30926, 46.16.30928, 70.119A.180, 90.86.030, 18.104.040, 18.104.043, 18.104.049, 18.104.100, 18.104.200, 28C.04.390, 28C.04.420, and 43.15.020; amending 2007 c 465 s 3 (uncodified); amending 2005 c 158 s 3 (uncodified); reenacting and amending RCW 74.15.030, 18.71.205, 77.12.690, and 46.16.233; creating new sections; repealing RCW 28B.50.254, 18.106.110, 18.250.030, 39.10.220, 39.10.240, 39.10.260, 43.34.080, 18.205.080, 43.63A.068, 43.101.310, 43.101.315, 43.101.320, 43.101.325, 43.101.330, 43.101.335, 43.101.340, 43.101.345, 43.105.055, 70.198.010, 43.215.090, 43.162.005, 43.162.010, 43.162.015, 43.162.020, 43.162.025, 43.162.030, 70.168.020, 38.52.040, 18.73.040, 18.73.050, 15.76.170, 70.112.030, 70.112.040, 70.112.050, 43.43.932, 43.43.936, 70.105E.070, 70.105E.090, 48.62.051, 48.62.041, 28B.76.100, 18.280.040, 10.98.200, 10.98.210, 10.98.220, 10.98.230, 10.98.240, 43.105.800, 43.105.810, 18.225.060, 18.225.070, 16.57.015, 71.09.320, 18.50.140, 18.50.150, 77.12.680, 18.36A.070, 46.09.280, 18.210.040, 18.210.070, 70.118.100, 43.43.858, 43.43.860, 43.43.862, 43.43.864, 10.29.030, 10.29.040, 10.29.080, 10.29.090, 18.200.060, 72.09.800, 13.60.120, 42.56.140, 90.71.250, 18.140.230, 18.140.240, 18.140.250, 77.95.110, 77.95.120, 70.95.040, 70.95.050, 70.95.070, 70.105.060, 46.16.705, 50.12.200, 70.119A.160, 18.104.190, 27.34.360, 27.34.365, 27.34.370, 27.34.375, and 27.34.380; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 2152 by Representative Chase

AN ACT Relating to public health financing; amending RCW 29A.36.210, 84.52.010, and 84.52.043; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Finance.

HB 2153 by Representatives Chase and Kenney

AN ACT Relating to the Washington's economic gardening program; and adding a new section to chapter 28B.50 RCW.

Referred to Committee on Community & Economic Development & Trade.

HB 2154 by Representative Chase

AN ACT Relating to prohibiting work under state contracts from being performed at locations outside the United States; amending RCW 39.29.008, 41.06.142, and 43.19.1911; adding a new section to chapter 43.19 RCW; adding a new section to chapter 39.29 RCW; and creating new sections.

Referred to Committee on State Government & Tribal Affairs.

HB 2155 by Representatives Seaquist, Wallace, Kenney, Goodman and Santos

AN ACT Relating to meeting the goal of all children in Washington state having health care coverage by 2010; amending RCW 74.09.470 and 74.09.480; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2156 by Representatives Orwall and Dickerson

AN ACT Relating to revising the authority for certification by the criminal justice training commission; amending RCW 43.101.220; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Human Services.

HB 2157 by Representative Springer

AN ACT Relating to the consolidation of certain salmon recovery activities and programs within the recreation and conservation office; amending RCW 77.85.030, 77.85.020, 77.85.250, 77.85.140, and 77.85.005; adding new sections to chapter 79A.25 RCW; creating new sections; recodifying RCW 77.85.020, 77.85.030, and 77.85.250; repealing RCW 77.85.100; and providing expiration dates.

Referred to Committee on Agriculture & Natural Resources.

HB 2158 by Representatives Green, Cody, Walsh, Conway, Kenney and Morrell

AN ACT Relating to the collective bargaining of adult family home providers' health benefits; and amending RCW 41.05.011 and 41.56.029.

Referred to Committee on Commerce & Labor.

HB 2159 by Representatives Cody and Seaquist

AN ACT Relating to the Washington state quality forum; amending RCW 70.56.030; and repealing RCW 41.05.029.

Referred to Committee on Health Care & Wellness.

HB 2160 by Representatives Driscoll, Hinkle, Cody, Bailey, Kelley, Wood and Morrell

AN ACT Relating to health carrier payment of wellness incentives; and amending RCW 48.30.140 and 48.30.150.

Referred to Committee on Health Care & Wellness.

HB 2161 by Representatives Cody, Darneille, Seaquist and Kenney

AN ACT Relating to support services provided under the maternity care access program; and amending RCW 74.09.790 and 74.09.800.

Referred to Committee on Health Care & Wellness.

HB 2162 by Representatives Conway, Condotta, Green, Chase, Wood and Goodman

AN ACT Relating to permitting local governments to limit house-banked social card games within their jurisdictions; amending RCW 9.46.295; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2163 by Representative Van De Wege

AN ACT Relating to the liability of an electric utility; and amending RCW 64.12.035.

Referred to Committee on Judiciary.

HB 2164 by Representatives Pettigrew, Haler, Santos, McCoy, Miloscia, Kagi, Hunt, Kenney, Sullivan, Darneille, Seaquist, Roberts, Chase, Hasegawa, Dickerson and Goodman

AN ACT Relating to evaluating selected child welfare practices to determine their impact on remediating racial disproportionality in Washington's child welfare system; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

HB 2165 by Representatives Van De Wege, Haler, Blake, Kretz, McCoy, Hinkle, Ormsby, Nelson, Eddy, Hasegawa, Takko, Chase, Kenney, Warnick and Morrell

AN ACT Relating to authorizing the department of natural resources to conduct a forest biomass energy demonstration project; amending RCW 76.06.150 and 43.30.020; adding new sections to chapter 43.30 RCW; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

HB 2166 by Representatives Darneille, Pedersen, Kenney, Kirby and Hasegawa

AN ACT Relating to an additional document recording surcharge to fund certain affordable housing and homeless purposes; amending RCW 43.185C.190; and adding a new section to chapter 36.22 RCW.

Referred to Committee on Local Government & Housing.

HB 2167 by Representatives Maxwell, Priest, Green, Quall, Moeller, White, Orwall, Sullivan, Van De Wege, Liias and Probst

AN ACT Relating to flexibility in the education system; amending RCW 28A.165.025, 28A.165.045, 28A.175.010, 28A.180.040, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.080, 28A.210.110, 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.230.097, 28A.230.205, 28A.300.040, 28A.300.118, 28A.300.150, 28A.300.525, 28A.320.160, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061, 28A.655.075, and 17.21.415; reenacting and amending RCW 28A.230.125; repealing RCW

28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, 28A.230.092, 28A.230.185, 28A.300.412, and 28A.600.320; and providing an expiration date.

Referred to Committee on Education.

HB 2168 by Representatives Green, Morrell, Ericks, Kessler, Dunshee, Pettigrew and Kenney

AN ACT Relating to limiting the fees charged to license midwives; amending RCW 43.70.250; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Health Care & Wellness.

HB 2169 by Representatives Ericksen and Kelley

AN ACT Relating to the basic health plan; and amending RCW 70.47.060.

Referred to Committee on Health Care & Wellness.

HB 2170 by Representatives Hudgins and McCoy

AN ACT Relating to broadband adoption and deployment; amending RCW 28B.32.010, 28B.32.020, and 28B.32.030; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.29A RCW; adding new chapters to Title 43 RCW; recodifying RCW 28B.32.010, 28B.32.020, 28B.32.030, 28B.32.900, and 28B.32.901; repealing RCW 43.105.350; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2171 by Representatives Hudgins and McCoy

AN ACT Relating to developing a statewide map of high-speed internet availability and adoption; amending RCW 43.105.020; adding new sections to chapter 43.105 RCW; creating new sections; repealing RCW 43.105.350; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2172 by Representative Hunter

AN ACT Relating to water and/or sewer district assumptions by cities in counties with more than one million five hundred thousand residents; and adding a new section to chapter 35.13A RCW.

Referred to Committee on Local Government & Housing.

HB 2173 by Representative Hunter

AN ACT Relating to facilitating annexations in counties with more than one million five hundred thousand residents by modifying and establishing annexation methods; amending RCW 35.13.130 and 35A.14.120; adding new sections to chapter 35.13 RCW; adding new sections to chapter 35A.14 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2174 by Representatives Eddy, Seaquist, Ericksen, Hinkle, Takko, Herrera, Sullivan, Pettigrew, Springer, Blake, Wallace and Ericks

AN ACT Relating to health care; amending RCW 48.05.010, 48.43.041, 48.44.022, 48.46.064, 48.20.029, 70.47.060,

48.21.045, and 48.44.023; adding new sections to chapter 48.05 RCW; adding a new section to chapter 48.43 RCW; adding new sections to chapter 70.41 RCW; adding a new section to chapter 70.02 RCW; adding a new section to chapter 70.01 RCW; adding a new section to chapter 70.14 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

HB 2175 by Representatives Kessler and Van De Wege

AN ACT Relating to volunteer firefighter special license plates; amending RCW 46.16.725, 46.16.601, 46.16.745, and 46.16.316; reenacting and amending RCW 46.16.313; and adding new sections to chapter 46.16 RCW.

Referred to Committee on Transportation.

HB 2176 by Representatives Conway, Chase, Kenney and Wood

AN ACT Relating to minimum wage and overtime compensation complaints; and adding a new section to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

HB 2177 by Representatives Wallace, Quall and Chase

AN ACT Relating to requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority; and amending RCW 28A.400.350, 41.05.011, 41.05.022, and 41.05.050.

Referred to Committee on Ways & Means.

HB 2178 by Representatives White and Kenney

AN ACT Relating to the convention place station expansion of the state convention and trade center; amending RCW 67.40.130, 67.40.170, 67.40.190, 67.40.045, and 67.40.090; adding new sections to chapter 67.40 RCW; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

HB 2179 by Representative Eddy

AN ACT Relating to authorizing cities to provide and contract for supplemental transportation improvements; amending RCW 36.73.015; adding a new section to chapter 35.21 RCW; adding a new section to chapter 36.73 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 36.57A RCW; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Transportation.

HB 2180 by Representatives Eddy, McCoy, Carlyle, Upthegrove and Chase

AN ACT Relating to sales and use tax exemptions for certain plug-in hybrid electric vehicles; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

HB 2181 by Representatives Moeller, Rolfes, Wallace, Quall, Sullivan, Dickerson, Hunt and Kenney

AN ACT Relating to creating a bi-state partnership for teachers of children with visual impairments; adding a new section to chapter 28B.30 RCW; creating a new section; and making and appropriation.

Referred to Committee on Higher Education.

HJM 4011 by Representatives Angel, Kirby, Cox, Shea, Dammeier, Johnson, Bailey, Orcutt, Hinkle, Warnick, Campbell, Wallace, Armstrong and Pearson

Requesting that the new Tacoma Narrows bridge be named the Bob Oke bridge.

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 6, 2009

HB 1075 Prime Sponsor, Representative Rolfes: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 6, 2009

HB 1085 Prime Sponsor, Representative Appleton: Concerning body piercing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1138 Prime Sponsor, Representative Liias: Concerning access to employee restrooms in retail stores. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1155 Prime Sponsor, Representative Hinkle: Concerning billing for medical services provided through special education programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1261 Prime Sponsor, Representative Goodman: Enacting the adult guardianship and protective proceedings jurisdiction act. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1282 Prime Sponsor, Representative White: Creating a school-based influenza vaccination pilot program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bailey; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen, Ranking Minority Member.

Referred to Committee on Health & Human Services Appropriations.

February 6, 2009

HB 1303 Prime Sponsor, Representative Moeller: Collecting child mortality reviews into a database. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 6, 2009

HB 1329 Prime Sponsor, Representative Pettigrew: Providing collective bargaining for child care center directors and workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Crouse; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member and Chandler.

Referred to Committee on Ways & Means.

February 9, 2009

HB 1332 Prime Sponsor, Representative Goodman: Granting authority of a watershed management partnership to exercise powers of its forming governments. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1347 Prime Sponsor, Representative Santos: Regarding financial education. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

On page 8, after line 2, insert the following:

"NEW SECTION. Sec. 7. A new section is added to chapter 28A.230 RCW to read as follows: By July 1, 2010, the state board of education shall, under RCW 28A.230.090, amend high school graduation requirements to include required content in financial literacy and personal financial education without increasing the total number of credits required. The required content shall be based on the standards adopted under section 3 of this act. The requirement must permit the content to be completed as part of social studies, career and technical education, or mathematics coursework."

Signed by Representatives Quall, Chair; Probst, Vice Chair; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Santos and Sullivan.

Referred to Committee on Ways & Means.

February 6, 2009

HB 1348 Prime Sponsor, Representative Green: Concerning professional athletics regulated by the department of licensing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on Judiciary.

February 6, 2009

HB 1355 Prime Sponsor, Representative Probst: Establishing the opportunity internship program for high school students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Santos and Sullivan.

Referred to Committee on Ways & Means.

February 6, 2009

HB 1357 Prime Sponsor, Representative Pettigrew: Regarding the designation of "social worker." Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Bailey; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representative Erickson, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1359 Prime Sponsor, Representative Williams: Regarding the practice of landscape architecture. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

February 5, 2009

HB 1360 Prime Sponsor, Representative Ormsby: Concerning funding for infrastructure that supports dense, affordable development in transit-oriented areas. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

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

Referred to Committee on Ways & Means.

February 6, 2009

HB 1375 Prime Sponsor, Representative Roberts: Eliminating foster care citizen review boards. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1397 Prime Sponsor, Representative Moeller: Concerning the delegation of authority to registered nurses. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1417 Prime Sponsor, Representative Kenney: Concerning the office of public guardianship. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Referred to Committee on General Government Appropriations.

February 6, 2009

HB 1419 Prime Sponsor, Representative Kagi: Revising provisions affecting sexually aggressive youth. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Health & Human Services Appropriations.

February 6, 2009

HB 1420 Prime Sponsor, Representative Conway: Revising real estate seller disclosure requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1426 Prime Sponsor, Representative Hunt: Regarding the use of certified mail. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1437 Prime Sponsor, Representative Dammeier: Authorizing a volunteer chaplain for the department of fish and wildlife. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1514 Prime Sponsor, Representative Green: Regarding counseling professions subject to the authority of the secretary of health. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 6, 2009

HB 1518 Prime Sponsor, Representative Conway: Regarding prohibited practices in accountancy. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1584 Prime Sponsor, Representative Uptegrove: Regarding state environmental policy act exemptions for air operating permits. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Uptegrove, Chair; Rolfes, Vice Chair; Short,

Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Kristiansen and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Newhouse, Assistant Ranking Minority Member; Kretz; Orcutt and Shea.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1592 Prime Sponsor, Representative Pedersen: Registering business entities and associations with the secretary of state. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 6, 2009

HB 1634 Prime Sponsor, Representative White: Regarding architects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

COMMITTEE APPOINTMENTS

The Speaker announced (Representative Moeller presiding) the following committee appointment:

Representative Cox was appointed as the assistant ranking minority member of the Committee on Local Government, replacing Representative Ericksen.

The Senate appeared at the Chamber doors and requested admission. The Sergeant at Arms of the House and the Sergeant at Arms of the Senate escorted President of the Senate Brad Owen to the rostrum. The Senators were invited to sit within the Chamber.

JOINT SESSION

The Speaker (Representative Moeller presiding): "It is our privilege to host the Medal of Merit ceremonies. We welcome you, President Owen, our colleagues from the Senate and all other guests who are with us today. It is now my pleasure to call upon President of the Senate Brad Owen to preside over the joint session."

The President called the Joint Session to order. The Clerk called the roll of House members. The Clerk called the roll of Senate members. A quorum of the Legislature was present.

The President appointed a special committee to escort the Statewide elected officials and Supreme Court Justices to the House Chamber: Representatives Finn and Rodne, and Senators Kline and Becker.

The President appointed a special committee to advise her Excellency, Governor Chris Gregoire that the joint session has

assembled and escort her to the House Chamber: Representative Carlyle and Senator Shin.

The President appointed a special committee to escort Corky Mattingly (on behalf of Medal honoree Emma Smith DeVoe and May Arkwright Hutton) to the House Chamber: Representative Bailey and Senator Fraser.

The President appointed a special committee to escort Medal of Merit Honoree Wilfred Woods to the House Chamber: Representative Armstrong and Senator Evans Parlette.

The President appointed a special committee to escort Medal of Merit Honoree William H. Gates, Sr. to the House Chamber: Representative White and Senator Brown.

The Supreme Court Justices arrived and were escorted to the rostrum. The President introduced Chief Justice Gerry Alexander and Justice Jim Johnson.

The Statewide elected officials arrived and were escorted to the rostrum. The President introduced Secretary of State Sam Reed; State Treasurer Jim McIntire; State Auditor Brian Sonntag; Attorney General Rob McKenna; Superintendent of Public Instruction Randy Dorn and Insurance Commissioner Mike Kriedler.

Her Excellency Governor Christine Gregoire and Mike Gregoire arrived and were escorted to the rostrum.

Corky Mattingly (on behalf of Medal honoree Emma Smith DeVoe and May Arkwright Hutton) arrived and was escorted to the rostrum.

Medal of Merit honoree Wilfred Woods arrived and was escorted to the rostrum.

Medal of Merit honoree William H. Gates, Sr. arrived and was escorted to the rostrum.

The President introduced Medal of Merit honorees, Corky Mattingly (on behalf of Medal honoree Emma Smith DeVoe and May Arkwright Hutton), Wilfred Woods and William H. Gates Sr.

The Flags were escorted to the rostrum by the Washington State Patrol Honor Guard. The President led the Chamber in the Pledge of Allegiance. The National Anthem was sung by Marla Beth Elliott. The Prayer was offered by Pastor John Rosenberg, Lutheran Church of the Good Shepherd, Olympia.

Pastor John Rosenberg: "Gracious God, We know You by many names and Your image is reflected in the marvelous diversity of Your people and Your creation. Today we thank You for calling forth citizens who have performed outstanding service to the people of our state. Emma Smith DeVoe and May Arkwright Hutton, for their tireless efforts on behalf of voting rights for women; William H. Gates, Sr, committed volunteer, philanthropist and educator; Wilfred Woods, community builder, journalist, and historian. May we be inspired by their example and join our efforts to theirs in working for the common good of our state, our nation, and our world.

We also lift before You this day all elected and appointed leaders who govern our state. May those who hold power understand that it is a trust from You to be used, not for personal glory or profit, but for the common good and for the service of all people. Drive away from us cynicism, despair, selfishness, and corruption; in Your compassion, grant just and honest government; and give us grace to live together in unity and peace. Amen."

President Owen: "The purpose of this Joint Session is to present the Washington State Medal of Merit Awards to very deserving individuals. It is now my pleasure to present Governor Chris Gregoire."

Governor Gregoire: "Good afternoon. I'm privileged and I'm touched to be part of this ceremony. Today we are honoring not just four truly generous Washingtonians, we are honoring the spirit of generosity itself. And if ever we, the people of Washington, need to renew that spirit, it's now.

We're in tough times, and they're getting tougher. We need to find ways to help our neighbors. We need to find ways to help the stranger down the street. We need to find ways to lean a little more on each other, and more ways to be generous.

As Winston Churchill put it, you make a living by what you get, but you make a life by what you give. The four Washingtonians we are honoring today have given so much to their fellow human beings in so many ways. They did it with important ideas to make this State and this world a better place. They did it with material resources to ease suffering, and they did it with something all too rare, a strong belief that their work is not all about them, but all about their fellow human beings. These are, and were, incredibly generous Washingtonians!

Bill Gates Sr., through his work as co-chair of the Bill and Melinda Gates Foundation to ease the suffering of people all around the globe. Wilfred Woods, through his newspaper, "The Wenatchee World", and his tireless activism to promote economic development in North-Central Washington from public power to highways. The late Emma Smith DeVoe, and May Arkwright Hutton, who gave Washington a great gift, Women's Suffrage, and empowered the movement for women's rights that continues even today.

I want to thank these four Washingtonians, and their families. We're honoring them at an especially significant time, a time unseen since the Great Depression. These four Washingtonians exemplify the kind of spirit that we very much need to get through these times. Thank you, and congratulations to the medal honorees."

Secretary of State Sam Reed: "It is indeed an honor and privilege that the Legislature has placed the Medal of Merit program into the Office of Secretary of State. I am grateful to all of you attending today, and to the families and friends of the recipients.

The medal is awarded by a committee consisting of the Governor, the Lieutenant Governor, the Speaker of the House of Representatives and the Chief Justice of the Washington State Supreme Court. The Deputy Speaker Pro Tempore represented the Speaker and did an outstanding job. I want to thank the four of them because they took very strong personal interest in this and helped make this happen.

Along with choosing the recipients, the committee also chose the design and layout of the medal and the accompanying certificates. The Medal of Merit was produced and designed by the Washington State-based Territorial Mint in Auburn using guidelines laid out in the Revised Code of Washington. They are of the highest quality and are testaments to the professionalism and attention to detail of the people who made them.

The Medal of Merit is solid bronze displaying the seal of the State of Washington, surrounded by a raised laurel wreath and suspended from a ring attached by a dark green ribbon. The reverse of the decoration within the raised laurel wreath is inscribed with the recipient's name and the words: "For exceptionally meritorious conduct in performing outstanding services to the people of the State of Washington."

The certificate, accompanying the medals, are signed by each committee member representing three branches of our government: Executive, Judicial and Legislative. It is my honor as the Keeper of the State Seal to affix the Seal of the State of Washington along with my signature to each of the certificates. Like the medals, each certificate bears the name of the recipient and why they have been awarded this prestigious honor.

I wish to thank all of those who made this auspicious occasion possible -- the staff of the Secretary of State's Office, particularly Megan Moreno and the Legislative staff, especially Patty Moore. I really appreciate the efforts that were made. And a special thanks to all of those who had a hand in making the event a success from the Washington State Patrol and the State Capitol Tours Office.

I especially want to thank and congratulate each recipient being nominated and chosen for this honor.

Finally, I want to thank their family and their friends who traveled to Olympia to be here today for their support and consideration.

Thank you very much."

MEDAL OF MERIT

Mr. President: "We will now honor the Medal of Merit recipients. The Medal of Merit is to honor those who have been distinguished by exceptionally meritorious conduct in performing outstanding service to the people and State of Washington."

EMMA SMITH DEVOE AND MAY ARKWRIGHT HUTTON

Deputy Speaker Pro Tempore Moeller: "It's a great honor and privilege for me to introduce and express our respect and recognition for Emma Smith DeVoe and May Arkwright Hutton. And thank you very much, to Corky Mattingly, for being here today to receive this award on behalf of two of our state's most courageous and forward-thinking pioneers.

You, yourself, Ms. Mattingly, are certainly to be commended for the time you take from your work as Yakima County Auditor to serve on the Advisory Board of the Women's History Consortium. Thank you for your selfless service in guarding the interests of Washingtonians today and tomorrow as well as celebrating the lives of yesterday's Washingtonians.

Suffragists Emma Smith DeVoe and May Arkwright Hutton were the paramount champions in the struggle toward securing the ballot for Washington women. It was through the untiring perseverance of these two women that we lay claim to the status of being the fifth of the then forty six states to establish women's suffrage. In representing the two geographic halves of our Evergreen State, these two women led the historic enterprise that culminated in our 1910 enactment of women's suffrage. That our state is a national leader today in electing women to local, statewide, and national offices is a testament to the perseverance and farsightedness of Emma Smith DeVoe and May Arkwright Hutton.

In 2000, Emma Smith DeVoe was named to the National Women's Hall of Fame, a fitting recognition for her achievements in the fight for women's suffrage. Newspaper headlines mourned her passing in 1927 as the death of a "Mother of Woman's Suffrage."

Before she and her family moved to the State of Washington in the early 1900's, May Arkwright Hutton had in fact already helped win the ballot for women in Idaho. A tireless philanthropist on top of her great standing in the suffrage movement, she passed in 1915 – a wonderful life wonderfully led.

We stand today just a year ahead of the centennial of women's suffrage in the State of Washington. How very appropriate that the 2009 Medal of Merit be awarded to two Washington suffragettes whose lives were dedicated to a just, historic and rightful cause."

The Governor presented to Corky Mattingly, on behalf of May Arkwright Hutton and Emma Smith DeVoe, the Medals of Merit and certificates.

Corky Mattingly: "As Washington approaches the 2010 centennial of women's suffrage, it seems fitting that the two women who spearheaded the victory be recognized with the Washington Medal of Merit. As a voting woman and elected official, I am pleased to accept these medals as a proud descendant of their work and ideals of equal rights for women.

As leaders in the final suffrage victory in 1910, May Arkwright Hutton of Spokane and Emma Smith DeVoe of Tacoma, embody the single minded efforts of Washington women to achieve the vote. Hutton and DeVoe were the outstanding figures of the 1909-1910 campaign which employed the strategies of appealing to western men for justice for their wives, mothers, and sisters while forming coalitions and conducting a modern media campaign. After authorization from the legislature in 1909, Washington women campaigned for the ratification of the amendment to the Washington Constitution which culminated in a wide majority vote on November 8, 1910. As the fifth state and the first state in the 20th century to

enact women's suffrage, Washington's stunning victory in 1910 is widely credited with re-invigorating the national movement.

These two women, May Arkwright Hutton and Emma Smith DeVoe, did not always agree on tactics but they used their own political savvy to organize women east and west of the Cascades.

Born in Ohio, May Arkwright Hutton came to Northern Idaho in the 1880s and married Levi Hutton, a railroad engineer. Together they purchased a minor interest in a mine that paid off when they struck high grade silver ore in 1901 and they moved to Spokane in 1906. At first aligned with Emma Smith DeVoe, Hutton later formed the Washington Political Equality League during the 1909-10 ratification campaign. Hutton had a distinctive, direct, democratic style and approach, believing in the power of the vote for working women and equality for women taxpayers. In 1912, she was one of the first women delegates to the Democratic National Convention. She died in 1915 at the age of 55. Levi Hutton continued the Hutton's charitable legacy, establishing the Hutton Settlement for children in Spokane in 1919, which endures today.

Emma Smith DeVoe was born in Illinois and when she was eight years old, she attended a speech by Susan B. Anthony on women's suffrage and when the crowd was asked who was for women voting, she rose to her feet. Well educated, DeVoe worked as an organizer for the national suffrage movement, traveling to many states. She came to Washington and began organizing in earnest in 1906. She headed the Washington Equal Suffrage Association. Emma Smith DeVoe was the great organizer for the Washington campaign and has been credited with its victory in 1910 but not without controversy because of her sometimes autocratic style.

She was appointed to a position on the Republican National Committee in the early 1920s. At the age of seventy six, Emma Smith DeVoe was elected to the National Women's Hall of Fame in 2000. The Washington State Historical Society and Washington Women's History Consortium cordially invites everyone to attend the opening of the Women's Suffrage Centennial Exhibit, Women's Votes, Women's Voices, Saturday, February 28th, 11:30am, at the Tacoma Washington State History Museum. The exhibit will travel and features rare women's history, documents and artifacts from across the United States."

WILFRED WOODS

Mr. President: "Retired publisher Wilfred Woods hails from North Central Washington, the region that for many years his newspaper has boldly proclaimed as the "Apple Capital of the World and the Buckle of the Power Belt of the Great Northwest." The accomplishments of our honoree today are nearly as grand, even if he has been quiet about touting them. So we are doing that today. This lifelong Wenatchee resident has been a grand champion of civic and economic concerns of North Central Washington.

His father, Rufus Woods, was publisher of the "Wenatchee Daily World" from 1907 until his death in 1950 and forever made his mark as the chief proponent of the Grand Coulee Dam. Following his father's passing, Wilfred became editor and publisher of that newspaper, which shortened its name to the "Wenatchee World" in 1971. During his 47 years as the newspaper's publisher, Wilfred Woods continued his father's efforts to promote economic development. Wilfred dedicated many stories and personal columns to the public power, highways, port districts and the history of natural resources in North Central Washington. In 1997, Mr. Woods retired as publisher, giving control of the newspaper to his son, Rufus.

Mr. Woods has been a dedicated historian and community educator and has written many articles informing readers of resource development, agriculture and orchard growth, geography, climate, archaeology, Native American history, education and environmental concerns. The Woods family helped found Wenatchee Valley College, where Mr. Woods and his wife, Kathy, have attended and participated in many educational lectures and forums by scholars, activists and influential leaders. He has been a philanthropic leader in the region, especially with the arts. He helped to establish the Woods Conservatory of Music, and he was part of a group of local business people, artists and government representatives that led the drive for a Performing Arts Center of Wenatchee.

Mr. Woods has been involved in many statewide projects, serving several years on the State Parks Commission and the State Centennial Commission, and 10 years on the board of the American Forestry Association. He is a former trustee of the Washington State Historical Society.

Wilfred and Kathleen Woods have been married for 56 years. They have one son, Rufus, and two daughters, Gretchen Woods and Kara Hunnicutt, and three grandchildren. I'm told that at nearly 89, Mr. Woods hasn't really slowed down at all. He is truly a powerhouse of the region and of Washington State, and is very deserving of this Medal of Merit. On behalf of the committee, I would like to thank you, Wilfred Woods, for your lifetime of public service."

The Governor presented Wilfred Woods with the Medal of Merit and certificate.

Wilfred Woods: "Thank you. I had this opportunity thanks to a business that allowed me the opportunity to help serve Central Washington, and the State of Washington. And all with the help of my wife Kathy.

We looked for opportunities for state and local people to participate. I thank my stars I came along at a time when I was able to participate. I hope that our future generations have the same opportunity, and the education and cultural advantages which help make the State of Washington the great state it is today.

Thank you very much."

WILLIAM H. GATES, SR.

Chief Justice Gerry Alexander: "Thank you, President Owen. The Washington State Medal of Merit is not awarded very frequently, and as you've heard it goes only to a person who has displayed exceptionally meritorious conduct in performing outstanding service to the people of the State of Washington. Today, I have the very great honor and privilege of presenting to you, Governor Gregoire, and all those present today, such a person, William H. Gates Sr.

Bill Gates is truly a man for all seasons – patriot, distinguished attorney at law, bar and civic leader, philanthropist, and exemplary husband and parent. In the time allotted to me I can only skim the surface in describing the career accomplishments of this outstanding Washingtonian, and knowing Bill Gates, he would probably be very uncomfortable if I went on too long in doing that, but let me just tell you a little about this man.

Bill Gates was raised in Bremerton and went to high school there. During his school years, he was active in scouting, achieving the Eagle Scout award in 1941. Like many of his generation, the generation Tom Brokaw called the "Greatest American Generation", Bill's plans to further his education were put on a serious hold after graduation of high school and one year of college. They were put on hold due to the advent of World War II. Indeed, in 1943 after graduating high school and attending the University of Washington for one year, Bill enlisted in the United States Army and fought in that war until it ended. Upon receiving his discharge from the Army in 1946, Bill Gates returned to the University of Washington and like many of his contemporaries, he received help in completing his education from the GI Bill. Bill's re-enrollment at the University of Washington resumed a long association with that University, one which benefitted him, and as I will explain in a minute, greatly benefitted the University of Washington and the State of Washington. Bill obtained his B.A. degree in 1949 and his law degree, also from the University of Washington, in 1950.

Upon graduating and passing the state bar examination, Bill entered the private practice of law in Seattle with a firm he co-founded and which was known for many years as Preston, Gates and Ellis. Today it is one of the Nation's largest law firms currently known as K and L Gates. During the years in which Bill Gates actively practiced law, he was one of the State's foremost leaders of the Bar serving a term as the president of the Seattle/King County Bar Association followed by service as governor and president of the Washington State Bar association. In addition, Bill Gates headed up numerous committees and commissions that were devoted to and succeeded in improving the administration of justice in this State.

Notably he served on the Board for Judicial Administration of the State of Washington, and the Board for the National Center for State Courts.

On top of his bar activities, Bill Gates has, to put it mildly, been very active in the broader community, serving on boards and as officer of numerous charitable organizations such as the Chief Seattle Council of the Boy Scouts of America, and the board of the United Way for King County. His service for the United Way included the challenging task of heading up the United Way's King County fund raising campaign of 1989.

In recent years, particularly since his retirement from the active practice of law in 1998, Bill has devoted huge amounts of his time to two institutions that mean a great deal to him, institutions which have had a great impact on our state, our Nation, and the World.

The first is his alma mater, the University of Washington. As I mentioned, Bill's relationship with the University of Washington began actually in the early 1940s and continued in 1946 when he re-enrolled there. It has continued and it has flourished over the years. Bill has served the university in many ways including service as a member of the Board of Regents of the University of Washington. As an alum of the University of Washington myself, I am proud that Bill was named a distinguished alumnus of the University of Washington Law School and that the law school I attended is now named William Gates Hall. In my opinion, Bill's most notable service to the University of Washington has been through his work with the University of Washington Foundation and particularly his chairing of a fund raising campaign that raised 2.6 billion – not million – 2.6 billion dollars for the University of Washington. If that was not the largest fund raising campaign ever for a publicly funded university it came awfully close I'm sure. In a letter to the Medal of Merit Committee, University of Washington President Mark Emmert said this about Bill's effort, and I quote, "Bill's contributions to the University of Washington are simply unparalleled. He has witnessed and influenced all phases of the University's history over the last 65 years, from his days of student activism to his selfless service on numerous committees and boards. A regent since 1997, he recently chaired 'Campaign UW Creating Futures', the University's largest fundraising campaign ever. The campaign was a phenomenal success, exceeding its original goal and raising more than 2.6 billion over eight years. While this is an impressive amount by any standards, its true value lies in the impact it has on our students, faculty and staff, and their ability to make our state and our world a better place."

The other institution that has benefitted immeasurably from Bill's time and talent has been the Gates' Foundation. As most of you know, the largesse for this foundation has been provided by Bill's son and daughter-in-law. But much of the vision and strategic direction for the Foundation has been provided by the man we are here to honor today. How this came about is described in a letter by former Governor Daniel Evans, and I'm glad he is here today. Governor Evans himself is a recipient of the Washington Medal of Merit as you will remember. Governor Evans says this in his letter about Bill Gates, and I quote, "at the age when most of us think about retiring, Bill began a demanding new career in philanthropy. Years ago when his son Bill said to his dad in exasperation, "what do I do with all these requests for charity?" Bill Sr. said 'let me help you out' and took a cardboard box full of the requests. That was the birth of the Bill and Melinda Gates Foundation. He has built the Foundation into the largest charitable foundation in the world. But not just from the head office; he has traveled the world to see for himself where needs exist and how the Gates Foundation can use its resources most effectively. From Bangladesh to Central Africa, he has traipsed through poverty stricken villages at a pace few can match." Governor Evans goes on to say, "I think I am pretty active, but I am merely trotting while Bill Gates still runs at full speed." While the Gates Foundation is famous for its work to improve health and education for some of the world's most impoverished people, it is also at work in our state. Just a few examples: Sound Families a partnership with agencies in Pierce, King and Snohomish counties, that provides transitional housing and support services to almost 1500 homeless families; Thrive by Five the Washington Early Learning Fund; a public-private partnership to ensure that children in our state have the greatest chance at success in school and life. Washington

State Achievers Scholarship, a partnership with high schools that serve low income populations to re-design the high school experience, create early college awareness in students, and provide scholarships to successful students.

The last hallmark of Bill Gates' life that I would like to mention, and I'll close with this. This is one I noted at the outset of my remarks – the fact that he has been an exemplary husband and parent. Bill and his late wife Mary Maxwell Gates, met at the University of Washington. They raised three children, Kristianne, Bill and Libby. Mary Gates died in 1994, and in 1996 Bill married Mimi Gardner Gates, who is the director of the Seattle Art Museum. I know that Bill and Mimi and Mary, during her life, have been very proud of their children, just as their children and the entire community of the State of Washington are proud of William Gates Sr.

Governor Gregoire, I am very honored to present William H. Gates Sr. to you to receive the Washington State Medal of Merit."

The Governor presented William H. Gates Sr. with the Medal of Merit and certificate.

William H. Gates Sr.: "Thank you, Governor for those very kind words, and Chief Justice for the very wonderful introduction. It's really quite humbling, but of course I have a lot to be humble about. This morning was such a perfect icon for my life, seated behind and located in the shadow of a great woman, who is my life. Thank you, Mimi.

I thought that the most admirable impulse of human kind was our desire to change things for the better. Lord knows we haven't got it all figured out yet, but we keep trying. The impulse to make improvements is what motivated me to become active in civic affairs and I'm really pleased and proud to be recognized for the small things I've done in the last 60 years. Looking back, I'm confident in the fact, besides my family, the one factor that made it possible for me to develop such abilities I may have had, is the public education I received from the State of Washington. My father left school in the 8th grade. I grew up in Bremerton during the Great Depression. Even so, I received an excellent public education – from first grade all the way through law school. Without it, I could not have done any of the things I am being recognized for today.

Poor kids nowadays, they don't get that chance. I just learned this fact from my son, who is in the Chamber with us today, that low income young people are more likely to go to jail than to earn a four year college degree. That is a gross violation of the values that make this country so great. For the past decade I have been working with my son and daughter-in-law to advance their foundation's mission in guaranteeing that all students get the high quality education they deserve. Our society as a whole should set the same goal. If we succeed, then that success, that success, will be the really meritorious thing any of us could accomplish. Thank you."

The Sergeant at Arms escorted the Medal of Merit recipients from the Chambers.

The Sergeant at Arms escorted the Governor and Mr. Gregoire from the Chambers.

The Sergeant at Arms escorted the Statewide elected officials, Chief Justice Gerry Alexander and the Supreme Court Justices from the Chambers.

MOTION

On motion of Representative Kessler, the joint session was dissolved.

President Owen returned the gavel to the Speaker (Representative Moeller presiding). The Speaker (Representative Moeller presiding) thanked the President and asked the Sergeant at Arms to escort the President and members of the Senate from the Chambers.

There being no objection, the House adjourned until 9:55 a.m., February 11, 2009, the 31st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRTY SECOND DAY

House Chamber, Olympia, Thursday, February 12, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

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

MESSAGE FROM THE SENATE

February 11, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1066,
HOUSE BILL NO. 1113,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2182 by Representatives Condotta, Ericks, Blake, Hope, Dammeier, Kelley and Kristiansen

AN ACT Relating to reducing the business and occupation tax rate for retailers, wholesalers, and service providers of motor vehicles; reenacting and amending RCW 82.04.260; and providing an effective date.

Referred to Committee on Finance.

HB 2183 by Representatives Roach, Takko, Newhouse, Eddy and Kelley

AN ACT Relating to establishing the small business employee wellness program; adding a new section to chapter 82.04 RCW; adding a new chapter to Title 70 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

HB 2184 by Representatives Schmick, Wood, Ross, Pearson and Chandler

AN ACT Relating to privately operated manlifts; and amending RCW 70.87.010 and 70.87.120.

Referred to Committee on Commerce & Labor.

HB 2185 by Representatives McCoy and Chase

AN ACT Relating to encouraging the use of solar water heating systems by retail customers of light and power businesses and gas companies; and adding a new chapter to Title 80 RCW.

Referred to Committee on Technology, Energy & Communications.

HB 2186 by Representative Williams

AN ACT Relating to public policy; amending RCW 49.60.210 and 49.60.120; reenacting and amending RCW 49.60.040; and creating new sections.

Referred to Committee on Judiciary.

HB 2187 by Representative Williams

AN ACT Relating to day care expenses in child support obligations; and amending RCW 26.19.080.

Referred to Committee on Judiciary.

HB 2188 by Representatives Ross, Schmick and Johnson

AN ACT Relating to early deportation of illegal alien offenders; and amending RCW 9.94A.685.

Referred to Committee on Human Services.

HB 2189 by Representatives Ross, Johnson and Smith

AN ACT Relating to parking and business improvement areas; and amending RCW 35.87A.010, 35.87A.030, 35.87A.060, and 35.87A.100.

Referred to Committee on Local Government & Housing.

HB 2190 by Representative Seaquist

AN ACT Relating to use of state bond proceeds for certain public- private transportation projects; and amending RCW 47.46.130.

Referred to Committee on Transportation.

HB 2191 by Representative Seaquist

AN ACT Relating to the Tacoma Narrows toll bridge account; and amending RCW 47.56.165.

Referred to Committee on Transportation.

HB 2192 by Representative Seaquist

AN ACT Relating to prohibiting the reduction of toll penalties for infractions detected through the use of a photo enforcement system; and reenacting and amending RCW 46.63.160.

Referred to Committee on Transportation.

HB 2193 by Representatives Seaquist, Rolfes, Morris and Nelson

AN ACT Relating to improving Washington state ferry service by modernizing ferry fleet and organization; and creating new sections.

Referred to Committee on Transportation.

HB 2194 by Representative Appleton

AN ACT Relating to extraordinary medical placement for offenders; amending RCW 9.94A.728; and providing an effective date.

Referred to Committee on Human Services.

HB 2195 by Representative Pearson

AN ACT Relating to the interest rates of credit cards; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 2196 by Representatives Ericks and Ormsby

AN ACT Relating to including service credit transferred from the law enforcement officers' and firefighters' retirement system plan 1 in the determination of eligibility for military service credit; and amending RCW 41.26.195.

Referred to Committee on Ways & Means.

HB 2197 by Representatives Armstrong, Angel, Haler, Appleton, Short, Morris, Johnson, Hunt, Kretz, Newhouse, Eddy, Liias, Warnick, McCune, Hurst, Roach, Rodne, Rolfes, Blake, Ericksen, Upthegrove, Simpson, Campbell, Takko, Moeller, Cox, Sells, Hope, Springer, Williams, Chase, Pearson and Kristiansen

AN ACT Relating to the department of social and health services; amending RCW 43.17.010 and 43.17.020; reenacting and amending RCW 42.17.2401; adding new sections to chapter 41.06 RCW; adding new chapters to Title 43 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

HB 2198 by Representatives Hudgins, Hinkle, Van De Wege, Hasegawa, Takko, Jacks, Appleton, Williams, Chase, Eddy, Morris, Roberts and White

AN ACT Relating to requiring the availability of child restraint systems by rental car businesses; amending RCW 46.87.023; and providing an effective date.

Referred to Committee on Transportation.

HB 2199 by Representatives Newhouse and Hudgins

AN ACT Relating to regulatory relief for properties impacted by shifts in shoreline location due to habitat restoration projects; adding a new section to chapter 90.58 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2200 by Representatives Williams and Takko

AN ACT Relating to intercounty rural library districts; amending RCW 27.12.190, 27.12.355, and 27.12.222; and adding new sections to chapter 27.12 RCW.

Referred to Committee on Local Government & Housing.

HB 2201 by Representatives Hinkle, Pettigrew and Warnick

AN ACT Relating to child support pass through funds; amending RCW 26.23.035; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2202 by Representative Hunter

AN ACT Relating to ensuring the minimum proper veterinarian care standard for young dogs; adding new sections to chapter 16.08 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 13, 2009, the 33rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRTY-THIRD DAY

House Chamber, Olympia, Friday, February 13, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Micah Atwood and Emma Tremblay. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Mary Olney-Loyd, First Christian Church, Disciples of Christ, Olympia.

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

MESSAGE FROM THE SENATE

February 12, 2009

Mr. Speaker:

The Senate has passed: SUBSTITUTE SENATE BILL NO. 5899, and the same is herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2009-4614, by Representatives Armstrong, Orcutt, Ross, Haler, Hope, Johnson, Appleton, Driscoll, Dammeier, and Green

WHEREAS, Washington is the only state named for an American president, George Washington, the father of our country, and as such, we Washingtonians hold the presidency and presidents in especially high regard; and

WHEREAS, For many years our state and nation have set aside the third Monday in February to celebrate Presidents' Day, which honors President George Washington, President Abraham Lincoln, and other former presidents of the United States of America; and

WHEREAS, Both February 22nd, the actual birthday of President George Washington, and February 12th, the actual birthday of President Abraham Lincoln, were kept and observed, until 1971, as the anniversaries of the births of these two great American presidents; and

WHEREAS, It was in 1968 when federal legislation, the "Monday Holidays Act," was passed to install the Presidents' Day celebration that we have come to know and respect; and

WHEREAS, Although many Americans celebrate Presidents' Day as a time for specifically honoring the specific legacies of Presidents Washington, the first American president, and Abraham Lincoln, the 16th American president, many other Americans celebrate Presidents' Day as a time for honoring the legacies of former presidents John Adams, Thomas Jefferson, James Madison, John Quincy Adams, Martin Van Buren, Andrew Johnson, Ulysses Grant, James Garfield, and Teddy Roosevelt, as well as the presidents of later decades; and

WHEREAS, In 1985, the Washington state legislature singled out the third Monday in February as a day for commemorating the births of Presidents Washington and Lincoln; and

WHEREAS, It is recognized that this diverse, wonderful land of ours has been fashioned into a land of freedom and opportunity thanks to the tireless efforts of our forefathers, especially Presidents George Washington and Abraham Lincoln; and

WHEREAS, The first eight American presidents, comprising over a fifth of our forty-four presidents to date, did not begin their lives as Americans because there was no America when they were born, thus in a special way our reputation as a land of opportunity was established; and

WHEREAS, Presidents' Day celebration would not be complete without recognizing the invaluable service of the first ladies in our American presidential history; and

WHEREAS, The first ladies of our nation have not only provided citizens with role models who exemplify what it means to be an American but first ladies such as Abigail Adams, Dolly Madison, Eleanor Roosevelt, Jacqueline Kennedy, and Nancy Reagan have served as symbols of strength in times of adversity throughout our history;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives salute and celebrate Presidents' Day 2009, a time for recognizing and paying tribute to the tireless dedication of Presidents Washington and Lincoln and all our former presidents and first ladies; and

BE IT FURTHER RESOLVED, In recognition of the fact that any young person can grow up to be President of the United States of America, that copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Office of the Superintendent of Public Instruction for effective distribution among the schools of Washington state to help our young people strengthen their knowledge of our presidents and first ladies.

Representative Armstrong moved adoption of House Resolution No. 4614.

Representatives Armstrong, Maxwell and Parker spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4614 was adopted.

INTRODUCTION AND FIRST READING

HB 2203 by Representative Wood

AN ACT Relating to display requirements for vending machines located in places of employment; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

HB 2204 by Representatives Conway, Condotta, Kenney and Chase

AN ACT Relating to unemployment insurance; amending RCW 50.29.021, 50.29.025, and 50.20.050; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 2205 by Representatives Conway and Chase

AN ACT Relating to the structure and authority of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.022, 66.08.050, 66.08.051, 66.08.150, and 66.08.166; adding a new section to chapter 66.08 RCW; repealing RCW 66.08.020; providing an effective date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2206 by Representative Darneille

AN ACT Relating to authorized expenditures from the OASI revolving fund and OASI contribution account; and amending RCW 41.48.065 and 41.48.080.

Referred to Committee on Ways & Means.

HB 2207 by Representative Santos

AN ACT Relating to exempting from public disclosure certain records relating to the conflict resolution process of the office of the education ombudsman; and amending RCW 43.06B.040 and 42.56.320.

Referred to Committee on State Government & Tribal Affairs.

HB 2208 by Representatives Hope, Kristiansen, Newhouse and McCune

AN ACT Relating to the return or cancellation of new motorsports vehicles; and amending RCW 46.93.170.

Referred to Committee on Commerce & Labor.

HB 2209 by Representatives Pearson, Hope, Orcutt, Ross, Schmick and Bailey

AN ACT Relating to limiting special sex offender sentencing alternatives to the immediate victim's family members; amending RCW 9.94A.670; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2210 by Representatives Chandler, McCune and Bailey

AN ACT Relating to the economic impact of department of ecology draft general permits; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2211 by Representatives Clibborn, Eddy, Maxwell and Liias

AN ACT Relating to the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor; amending RCW 47.56.810, 46.61.690, 46.63.030, 46.63.040, and 46.63.075; adding new sections to chapter 47.56 RCW; adding a new section to chapter 46.63 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

HB 2212 by Representatives Hasegawa, Chase and Appleton

AN ACT Relating to clarifying that tax expenditures are excluded from the requirements for raising taxes under the state revenue limitations; reenacting and amending RCW 43.135.035; and creating a new section.

Referred to Committee on Finance.

HB 2213 by Representative Green

AN ACT Relating to health care contracts; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

HB 2214 by Representative Simpson

AN ACT Relating to the reasonable costs of financing consolidated rental car facilities and common use transportation equipment and facilities; and amending RCW 14.08.120.

Referred to Committee on Transportation.

HB 2215 by Representatives Klippert and Hope

AN ACT Relating to diversions for offenses in juvenile court; and amending RCW 13.40.070.

Referred to Committee on Human Services.

HB 2216 by Representatives Shea, DeBolt, Kristiansen, McCune, Newhouse, Short, Klippert, Ross, Herrera, Schmick, Kretz, Warnick, Angel, Cox, Condotta, Crouse and Orcutt

AN ACT Relating to transferring all mandatory, regulatory, licensing, and disciplinary functions of the Washington state bar association to the Washington state supreme court; adding new sections to chapter 2.04 RCW; repealing RCW 2.48.010, 2.48.020, 2.48.021, 2.48.030, 2.48.035, 2.48.040, 2.48.050, 2.48.060, 2.48.070, 2.48.080, 2.48.090, 2.48.100, 2.48.110, 2.48.130, 2.48.140, 2.48.150, 2.48.160, 2.48.165, 2.48.166, 2.48.170, 2.48.180, 2.48.190, 2.48.200, 2.48.210, 2.48.220, and 2.48.230; and providing an effective date.

Referred to Committee on Judiciary.

HJM 4012 by Representatives Blake and Warnick

Requesting support for Phase II of the Columbia Basin Project.

Referred to Committee on Agriculture & Natural Resources.

HJR 4210 by Representatives Shea, DeBolt, Kristiansen, McCune, Newhouse, Short, Klippert, Ross, Herrera, Schmick, Kretz, Warnick, Angel, Cox, Condotta, Crouse and Orcutt

Requiring that all mandatory, regulatory, licensing, and disciplinary functions regarding the practice of law and administration of justice reside exclusively in the supreme court.

Referred to Committee on Judiciary.

SSB 5899 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Franklin, Kastama, Shin, Marr, McAuliffe, Haugen, Brown, Berkey, Prentice, Fairley, Regala, Keiser, Eide, Rockefeller, Murray, Hatfield, Hargrove, Sheldon, Oemig and Kline)

AN ACT Relating to providing a business and occupation tax credit for qualified employment positions; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Community & Economic Development & Trade.

There being no objection, the bills, memorial and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 10, 2009

HB 1038 Prime Sponsor, Representative Orcutt: Regarding specialized forest products. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

On page 10, beginning on line 3, after "(iv)" strike all material through "number" on line 5 and insert "If the products were harvested within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW, a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application number"

On page 12, line 23, after "harvested" insert "or huckleberries sold"

On page 16, beginning on line 25, after "(ii)" strike all material through "number" on line 27 and insert "If the products were harvested within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW, a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application number"

On page 17, line 27, after "buyers" insert "and huckleberry buyers"

On page 17, beginning on line 29, after "applicable," strike all material through "number" on line 31 and insert "a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application or notification number"

On page 17, beginning on line 33, after "chapter" strike all material through "act)" on line 35 and insert "as provided in RCW 76.48.100 (as recodified by this act), due to its harvest within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW"

On page 25, beginning on line 9, after "harvested" strike all material through "number" on line 13 and insert "within the operational areas as defined by a valid forest practices application or notification under chapter 76.09 RCW, and when the person harvesting is able to provide a sequentially numbered load ticket provided by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application or notification number"

Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

February 10, 2009

HB 1162 Prime Sponsor, Representative Dickerson: Providing for social emotional learning in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Liias; Maxwell; Orwall and Sullivan.

Referred to Committee on Education Appropriations.

February 9, 2009

HB 1250 Prime Sponsor, Representative Orwall: Concerning the housing trust fund. Reported by Committee on Capital Budget

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

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

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1288 Prime Sponsor, Representative Upthegrove: Exempting the annual parental declaration of intent to home school from

the public disclosure act. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1356 Prime Sponsor, Representative Alexander: Providing for career and technical education opportunities for middle school students. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Orwall and Sullivan.

Referred to Committee on Ways & Means.

February 9, 2009

HB 1362 Prime Sponsor, Representative Goodman: Concerning conveyances used in prostitution-related offenses. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1374 Prime Sponsor, Representative Dunshee: Concerning the local government archives account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Referred to Committee on Ways & Means.

February 9, 2009

HB 1380 Prime Sponsor, Representative Liias: Changing the county population requirement in order for a county to lease space with an option to purchase. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove and White.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1388 Prime Sponsor, Representative Jacks: Changing the date for setting the amount of pipeline safety fees. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority

Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1456 Prime Sponsor, Representative Dunshee: Preventing the conversion of certain natural resource lands. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove and White.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1461 Prime Sponsor, Representative Bailey: Regarding options for determining the pay periods for county employees. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove and White.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1464 Prime Sponsor, Representative Springer: Concerning affordable housing incentive programs. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove and White.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1465 Prime Sponsor, Representative White: Concerning facilities for local governments. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove and White.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on Finance.

February 9, 2009

HB 1468 Prime Sponsor, Representative Sullivan: Requiring rural county library district boards in counties with populations of one million five hundred thousand or more to have seven appointed members. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority

Member; Ericksen; Miloscia; Short; Springer; Upthegrove and White.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1483 Prime Sponsor, Representative Jacks: Concerning forestry operations. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1484 Prime Sponsor, Representative Van De Wege: Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

February 9, 2009

HB 1492 Prime Sponsor, Representative Pedersen: Addressing the independent youth housing program. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove and White.

Referred to Committee on General Government Appropriations.

February 10, 2009

HB 1506 Prime Sponsor, Representative Conway: Providing benefits for the survivors of certain firefighters. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1513 Prime Sponsor, Representative Haler: Allowing municipalities to participate in financing the development of water or sewer facility projects. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove and White.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1541 Prime Sponsor, Representative Seaquist: Granting half-time service credit for half-time educational employment prior to January 1, 1987, in plans 2 and 3 of the school employees' retirement system and the public employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1542 Prime Sponsor, Representative Seaquist: Repealing certain obsolete state retirement system statutes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1544 Prime Sponsor, Representative Crouse: Addressing the state actuary's recommendations for assumptions used in the actuarial funding of the state retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1546 Prime Sponsor, Representative Conway: Transferring public employees' retirement system plan 2 members to the school employees' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1547 Prime Sponsor, Representative Bailey: Increasing the duty-related death benefit for public employees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1548 Prime Sponsor, Representative Bailey: Addressing interruptive military service credit within plans 2 and 3 of the public employees' retirement system, plans 2 and 3 of the school employees' retirement system, plans 2 and 3 of the teachers' retirement system, plan 2 of the law enforcement officers' and firefighters' retirement system, plan 2 of the Washington state patrol retirement system, and the public safety employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1550 Prime Sponsor, Representative Seaquist: Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1551 Prime Sponsor, Representative Conway: Addressing the survivor benefits of employees who die while honorably serving in the national guard or military reserves during a period of war. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1569 Prime Sponsor, Representative Liias: Establishing local public works assistance funds. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority

Member; Ericksen; Miloscia; Short; Springer; Upthegrove and White.

Passed to Committee on Rules for second reading.

February 9, 2009

HB 1578 Prime Sponsor, Representative Driscoll: Regarding the board of directors of an air pollution control authority. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove and White.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1595 Prime Sponsor, Representative Blake: Regarding the transfer of certain state forest lands. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Liias; McCoy; Nelson; Ormsby; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz and Pearson.

Referred to Committee on Capital Budget.

February 9, 2009

HB 1618 Prime Sponsor, Representative White: Concerning community and surplus schools. Reported by Committee on Capital Budget

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

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

Referred to Committee on General Government Appropriations.

February 9, 2009

HB 1619 Prime Sponsor, Representative White: Concerning the use of capital projects funds by school districts. Reported by Committee on Capital Budget

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

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1743 Prime Sponsor, Representative Takko: Concerning tax incentives for the production, distribution, sale, and use of alcohol fuel, wood biomass fuel, biodiesel fuel, and

biodiesel feedstock. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 10, 2009

HB 1785 Prime Sponsor, Representative Armstrong: Concerning the chief for a day program. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1852 Prime Sponsor, Representative Appleton: Modifying provisions relating to record checks using fingerprints. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1911 Prime Sponsor, Representative Probst: Modifying the business and occupation tax rate on wholesalers of solar energy systems and including semiconductor materials. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 11, 2009

ESSB 5460 Prime Sponsor, Committee on Ways & Means: Reducing the administrative cost of state government during the 2007-2009 and 2009-2011 fiscal biennia. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.06.070 and 2002 c 354 s 209 are each amended to read as follows:

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

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

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to

any employee of, or position in the judicial branch of state government;

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

(d) The officers of the Washington state patrol;

(e) Elective officers of the state;

(f) The chief executive officer of each agency;

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

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

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

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

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

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

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

(j) Assistant attorneys general;

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

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

(m) The public printer or to any employees of or positions in the state printing plant;

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

(o) Officers and employees of the Washington ((state)) apple ((advertising)) commission;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position exempt from classification under this chapter.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be

afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

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

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

Sec. 2. RCW 41.06.133 and 2002 c 354 s 204 are each amended to read as follows:

The director shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(1) The reduction, dismissal, suspension, or demotion of an employee;

(2) Training and career development;

(3) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

(4) Transfers;

(5) Promotional preferences;

(6) Sick leaves and vacations;

(7) Hours of work;

(8) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

(9) The number of names to be certified for vacancies;

(10) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

(11) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service. For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any exempt position under this chapter;

(12) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

(13) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given.

However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

Rules adopted by the director under this section may be superseded by the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The supersession of such rules shall only affect employees in the respective collective bargaining units.

Sec. 3. RCW 41.06.500 and 2002 c 354 s 243 are each amended to read as follows:

(1) Except as provided in RCW 41.06.070, notwithstanding any other provisions of this chapter, the director is authorized to adopt, after consultation with state agencies and employee organizations, rules for managers as defined in RCW 41.06.022. These rules shall not apply to managers employed by institutions of higher education or related boards or whose positions are exempt. The rules shall govern recruitment, appointment, classification and allocation of positions, examination, training and career development, hours of work, probation, certification, compensation, transfer, affirmative action, promotion, layoff, reemployment, performance appraisals, discipline, and any and all other personnel practices for managers. These rules shall be separate from rules adopted for other employees, and to the extent that the rules adopted under this section apply only to managers shall take precedence over rules adopted for other employees, and are not subject to review by the board.

(2) In establishing rules for managers, the director shall adhere to the following goals:

(a) Development of a simplified classification system that facilitates movement of managers between agencies and promotes upward mobility;

(b) Creation of a compensation system that provides flexibility in setting and changing salaries, and shall require review and approval by the director in the case of any salary changes greater than five percent proposed for any group of employees;

(c) Establishment of a performance appraisal system that emphasizes individual accountability for program results and efficient management of resources; effective planning, organization, and communication skills; valuing and managing workplace diversity; development of leadership and interpersonal abilities; and employee development;

(d) Strengthening management training and career development programs that build critical management knowledge, skills, and abilities; focusing on managing and valuing workplace diversity; empowering employees by enabling them to share in workplace decision making and to be innovative, willing to take risks, and able to accept and deal with change; promoting a workplace where the overall focus is on the recipient of the government services and how these services can be improved; and enhancing mobility and career advancement opportunities;

(e) Permitting flexible recruitment and hiring procedures that enable agencies to compete effectively with other employers, both public and private, for managers with appropriate skills and training; allowing consideration of all qualified candidates for positions as managers; and achieving affirmative action goals and diversity in the workplace;

(f) Providing that managers may only be reduced, dismissed, suspended, or demoted for cause; and

(g) Facilitating decentralized and regional administration.

(3) For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

Sec. 4. RCW 43.03.030 and 1965 c 8 s 43.03.030 are each amended to read as follows:

(1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of

compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

(3) For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

Sec. 5. RCW 43.03.040 and 1993 sp.s. c 24 s 914 are each amended to read as follows:

The directors of the several departments and members of the several boards and commissions, whose salaries are fixed by the governor and the chief executive officers of the agencies named in RCW 43.03.028(2) as now or hereafter amended shall each severally receive such salaries, payable in monthly installments, as shall be fixed by the governor or the appropriate salary fixing authority, in an amount not to exceed the recommendations of the committee on agency officials' salaries. ~~((Beginning July 1, 1993, through June 30, 1995, the salary paid to such directors and members of boards and commissions shall not exceed the amount paid as of April 1, 1993.))~~ For the twelve months following the effective date of this section, a salary or wage increase shall not be granted to any position under this section.

NEW SECTION. Sec. 6. STATE EMPLOYMENT. (1) From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not establish new staff positions or fill vacant existing staff positions except as specifically authorized by this section.

(2) The following activities of state agencies are exempt from subsection (1) of this section:

(a) Direct custody, supervision, and patient care in corrections, juvenile rehabilitation, institutional care of veterans, the mentally ill, developmentally disabled, state hospitals, the special commitment center, and the schools for the blind and the deaf;

(b) Direct protective services to children and other vulnerable populations in the department of social and health services;

(c) Washington state patrol investigative services and field enforcement;

(d) Hazardous materials response and emergency cleanup;

(e) Emergency public health and patient safety response and the public health laboratory;

(f) Military operations and emergency management within the military department;

(g) Firefighting;

(h) Enforcement officers in the department of fish and wildlife, the liquor control board, the gambling commission, and the department of natural resources;

(i) Park rangers at the parks and recreation commission;

(j) Seasonal employment by natural resources agencies to the extent that employment levels do not exceed the prior fiscal year;

(k) Seasonal employment in the department of transportation maintenance programs to the extent that employment levels do not exceed the prior fiscal year;

(l) Employees hired on a seasonal basis by the department of agriculture for inspection and certification of agricultural products and for insect detection;

(m) Activities directly related to tax and fee collection, revenue generation, auditing, and recovery;

(n) In institutions of higher education, any positions directly related to academic programs, as well as positions not funded from state funds or tuition;

(o) Operations of the state lottery and liquor control board business enterprises;

(p) The unemployment insurance program of the employment security department; and

(q) Activities that are necessary to receive or maintain federal funds by the state.

(3) The exemptions specified in subsection (2) of this section do not require the establishment of new staff positions or the filling of vacant existing staff positions in the activities specified.

(4) Exceptions to this section may be granted under section 10 of this act.

NEW SECTION. Sec. 7. PERSONAL SERVICES CONTRACTS. From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not enter into any contracts or other agreements for the acquisition of personal services not related to an emergency or other catastrophic event that requires government action to protect life or public safety. This section does not apply to personal services contracts or other agreements for the acquisition of personal services where the costs are funded exclusively from private or federal grants, where the costs are for tax and fee collection, where the costs are for revenue generation and auditing activities, where the costs are necessary to receive or maintain federal funds by the state, or, in institutions of higher education, where the costs are not funded from state funds or tuition. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department.

NEW SECTION. Sec. 8. EQUIPMENT PURCHASES. From the effective date of this section until July 1, 2009, and consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not enter into any contracts or other agreements for the acquisition of any item of equipment the cost of which exceeds five thousand dollars and is not related to an emergency or other catastrophic event that requires government action to protect life or public safety. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department, to costs that are for tax and fee collection, for revenue generation and audit activities, or for receiving or maintaining federal funds by the state, or, in institutions of higher education, to costs not funded from state funds or tuition.

NEW SECTION. Sec. 9. STATE EMPLOYEE TRAVEL AND TRAINING. Consistent with the governor's directive dated August 4, 2008, state agencies of the legislative, executive, and judicial branches shall not make expenditures for the cost or reimbursement of out-of-state travel or out-of-state training by state employees where the travel or training is not related to (1) an emergency or other catastrophic event that requires government action to protect life or public safety, or (2) direct service delivery, and the travel or training occurs after the effective date of this section and before July 1, 2009. This section does not apply to travel expenditures when the costs are funded exclusively from private or federal grants. Exceptions to this section may be granted under section 10 of this act. This section does not apply to the unemployment insurance program of the employment security department, to costs that are for tax and fee collection, for revenue generation and audit activities, or for receiving or maintaining federal funds by the state, or, in institutions of higher education, to costs not funded from state funds or tuition.

NEW SECTION. Sec. 10. EXCEPTIONS. (1) Exceptions to sections 6 through 9 of this act may be granted for the critically necessary work of an agency as provided in this section.

(2) For agencies of the executive branch, the exceptions shall be subject to approval by the director of financial management. For agencies of the judicial branch, the exceptions shall be subject to approval of the chief justice of the supreme court. For the house of representatives and the senate, the exceptions shall be subject to approval of the chief clerk of the house of representatives and the secretary of the senate, respectively, under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives. For other legislative agencies, the exceptions shall be subject to approval of both the chief clerk of the house of representatives and the secretary of the senate under the direction of the senate committee on facilities and operations and the executive rules committee of the house of representatives.

(3) Exceptions approved under subsection (2) of this section shall take effect no sooner than five business days following notification of the chair and ranking minority member of the ways and means committees in the house of representatives and the senate. The person approving exceptions under subsection (2) of this section shall send the exceptions to the legislature for consideration every thirty days from the effective date of this section, or earlier should volume or circumstances so necessitate.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 12. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Dameille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Schmick; Seaquist and Sullivan.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5460 which was placed on second reading.

MESSAGE FROM THE SENATE

February 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906 with the following amendment:

On page 20, line 23, after (h), insert "With respect to claims where the minimum amount payable weekly is increased to one hundred fifty-five dollars pursuant to section 2(3) of this act, benefits paid that exceed the benefits that would have been paid if the minimum amount payable weekly had been calculated pursuant to RCW 50.20.120 shall not be charged to the experience rating account of any contribution paying employer. (i)"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1906, as amended by the Senate.

MOTIONS

On motion of Representative Santos, Representative Van De Wege was excused. Representative Campbell was excused from the bar.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1906, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Representatives Anderson and Chandler.

Excused: Representatives Campbell and Van De Wege.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, by Senate Committee on Ways & Means (originally sponsored by Senators Tom, Zarelli, Prentice, Hewitt and Kline)

Reducing the administrative cost of state government during the 2007-2009 and 2009-2011 fiscal biennia.

The bill was read the second time

There being no objection, the committee amendment by the Committee on Ways and Means was adopted. (For committee amendment, see Journal, Day 33, February 13, 2009.)

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

Representatives Linville and Alexander spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5460, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5460, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt,

Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Condotta, Hasegawa, Hunt, Rodne and Williams.

Excused: Representatives Campbell and Van De Wege.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1000, by Representatives Haler, Klippert and Wood

Extending state route number 397 to Interstate 82.

The bill was read the second time

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1000.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1000 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

HOUSE BILL NO. 1000, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1001, by Representatives Parker, Hurst, McCune, Moeller, Ross, Kelley, Morrell, Chase, Green, Schmick, Sullivan, Conway, Dickerson, Kenney, Campbell, Kristiansen, Driscoll, Van De Wege, Orwall, O'Brien, Roach, Wallace, Simpson, Bailey, Kretz and Warnick

Concerning veterans' burials.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1001 was substituted for House Bill No. 1001 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1001 was read the second time.

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

Representatives Parker and Hurst spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1001.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1001 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

SUBSTITUTE HOUSE BILL NO. 1001, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ross congratulated Representative Parker on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 1002, by Representatives Appleton and Hasegawa

Allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1002 was substituted for House Bill No. 1002 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1002 was read the second time.

Representative Appleton moved the adoption of amendment (008):

On page 3, beginning on line 37, strike all material through ", the" on line 38 and insert "~~((4))~~ Except as provided in subsection (5) of this section, the) (5) The"

Representative Appleton spoke in favor of adoption of the amendment.

Amendment (008) was adopted. The bill was ordered engrossed.

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

Representative Appleton spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1002.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1002 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1028, by Representative Armstrong

Concerning services provided by television reception improvement districts.

The bill was read the second time

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

Representatives Armstrong and McCoy spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1028.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1028 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

HOUSE BILL NO. 1028, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1036, by Representatives Kelley, Morrell, Moeller, Rodne, Seaquist, McCoy, Green, Goodman,

Kirby, McCune, Hurst, Miloscia, Hunt, Appleton, Chase, Conway, Williams, Campbell, Ross and Bailey

Concerning the Washington code of military justice.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1036 was substituted for House Bill No. 1036 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1036 was read the second time.

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

Representatives Kelley and Rodne spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1036.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1036 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

SUBSTITUTE HOUSE BILL NO. 1036, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1037, by Representatives Hurst, Sullivan, Roach and Simpson

Designating state route number 164 as a highway of statewide significance.

The bill was read the second time

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

Representatives Hurst and Roach spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1037.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1037 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Carlyle, Chandler, Chase,

Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, Newhouse, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Campbell and Van De Wege.

HOUSE BILL NO. 1037, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1041, by Representatives Morrell, Warnick, O'Brien, McCune, Liias, Kagi, Kenney and Wallace Authorizing the purchase, storage, and administration of medications by occupational therapists.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1041 was substituted for House Bill No. 1041 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1041 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1041.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1041 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

SUBSTITUTE HOUSE BILL NO. 1041, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1042, by Representatives O'Brien, Warnick, Goodman, Rodne, Kelley and Williams

Concerning notices of dishonor.

The bill was read the second time

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

Representatives O'Brien and Warnick spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1042.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1042 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

HOUSE BILL NO. 1042, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1048, by Representatives Simpson, Hudgins, Nelson, Santos, Chase and Kenney

Repealing provisions addressing the sale, lease, or conveyance of municipal property in commercial areas to private parties for free public parking facilities in cities with populations over three hundred thousand.

The bill was read the second time

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

Representatives Simpson and Angel spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1048.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1048 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

HOUSE BILL NO. 1048, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1063, by Representatives Takko, Simpson and Moeller

Removing the termination date for the salmon and steelhead recovery program under RCW 77.85.200.

The bill was read the second time

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

Representative Takko spoke in favor of passage of the bill.

Representative Orcutt spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1063.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1063 and the bill passed the House by the following vote: Yeas, 70; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Condotta, Cox, Crouse, DeBolt, Eddy, Ericksen, Haler, Herrera, Hope, Johnson, Klippert, Kretz, Kristiansen, Moeller, Newhouse, Orcutt, Pearson, Roach, Ross, Schmick, Shea, Short and Walsh.

Excused: Representatives Campbell and Van De Wege.

HOUSE BILL NO. 1063, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1071, by Representatives Green, Morrell, Dickerson and Kenney

Concerning advanced registered nurse practitioners.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1071 was substituted for House Bill No. 1071 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1071 was read the second time.

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

Representatives Green and Ericksen spoke in favor of passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1071.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1071 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Van De Wege.

SUBSTITUTE HOUSE BILL NO. 1071, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed:

HOUSE BILL NO. 1066
HOUSE BILL NO. 1113
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906

The Speaker called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

February 13, 2009

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1906, and the same is herewith transmitted.

Thomas Hoemann, Secretary

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "This year keeps getting more and more interesting as we move along. Today an announcement was made that one of our own from the floor is going to be leaving us to join the Governor's cabinet as the Director of the Department of Agriculture. On behalf of our caucus, we've appreciated the time that Representative Newhouse has spent with our caucus. He will be dearly missed, Mr. Speaker. He has been a remarkable statesman and will continue to fight for agriculture and he knew the best way he could serve his constituents and the people of the State of Washington was to take on this tough task. On behalf of the floor, and on behalf of my caucus, we all wish you the best of luck."

POINT OF PERSONAL PRIVILEGE

Representative Newhouse: "Thank you for recognizing me, Mr. Speaker. It is with mixed emotions that this announcement comes today. I appreciate the challenges that have been offered to me by our governor. I must tell you that this is the hardest decision I've had to make as a legislator, to leave a position that I truly love, to represent my district and to work with, I think, one of the finest group of people that I have ever had the privilege of knowing. I will not be a stranger to you, I can assure you that the lobbying has already started. I am assured that our relationship will continue. Take this as an example that this is an amazing place. Every day we wake up to new challenges and each of us rise up to things that we never dreamed of the day before. Because of that, I sincerely wish

every one of you the very best and I will always treasure my time here in this chamber. Thank you Mr. Speaker."

SPEAKER'S PRIVILEGE

Mr. Speaker (Representative Morris presiding): "Thank you, and as an officer of the House, you did indeed make this place run well. I think above that for all of us up here at the rostrum and on both sides of the aisle, it was actually a pleasure to work with you in making this place run well, so you will be missed, but it is agriculture's gain in the State of Washington. Thank you Representative Newhouse."

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

There being no objection, the House adjourned until 10:00 a.m., February 16, 2009, the 36th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRTY SIXTH DAY

House Chamber, Olympia, Monday, February 16, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding).

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

MESSAGES FROM THE SENATE

February 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, and the same is herewith transmitted.

Thomas Hoemann, Secretary

February 16, 2009

Mr. Speaker:

The President has signed the following:

HOUSE BILL NO. 1066,
HOUSE BILL NO. 1113,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READINGHB 2217 by Representative Simpson

AN ACT Relating to the appointment of an expert review panel for the Alaskan Way viaduct deep bore tunnel project by the transportation commission; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

HB 2218 by Representatives Morris, Hope, Conway, Morrell and Nelson

AN ACT Relating to increasing property tax relief for senior citizens and persons retired by reason of physical disability to qualify for property tax relief; amending RCW 84.36.381 and 84.38.030; and creating a new section.

Referred to Committee on Finance.

HB 2219 by Representatives Moeller, Upthegrove, White, Hunt, Lias, Cox, Johnson, Pedersen, Williams, Carlyle, Nelson, Kenney and Maxwell

AN ACT Relating to modifying the definition of "sexual orientation" for malicious harassment prosecution purposes; and amending RCW 9A.36.080.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2220 by Representatives Simpson and White

AN ACT Relating to time limitation for approval of plats; amending RCW 58.17.140 and 58.17.170; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2221 by Representatives Eddy and Williams

AN ACT Relating to excise taxation of certain cosmetic medical services; amending RCW 82.12.020, 82.04.060, 82.04.190, 82.12.010, 82.12.035, and 82.12.0251; reenacting and amending RCW 82.04.050; adding a new section to chapter 82.32 RCW; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Finance.

HB 2222 by Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler

AN ACT Relating to conditioning industrial storm water general discharge permits; amending RCW 90.48.555, 90.48.560, and 90.48.565; creating a new section; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

HB 2223 by Representatives Clibborn, Johnson and Morrell

AN ACT Relating to commercial driver's license applicants who operate commercial motor vehicles for agribusiness purposes; and amending RCW 46.25.060.

Referred to Committee on Transportation.

HB 2224 by Representative Simpson

AN ACT Relating to installation of residential fire sprinkler systems; amending RCW 18.160.050, 82.02.100, and 70.119A.180; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

HB 2225 by Representatives Driscoll, Clibborn, Wood, Moeller, Lias, Rolfes, Williams, Simpson, Eddy, Finn, Parker, Carlyle, White, Sells, Morrell, Ormsby and Van De Wege

AN ACT Relating to a project at the intersection of state route number 195 and Cheney-Spokane Road; adding a new section to chapter 47.01 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 2226 by Representatives Orcutt, Blake, Maxwell, Williams and Hope

AN ACT Relating to issuing firearms certificates to retired law enforcement officers; and amending RCW 36.28A.090.

Referred to Committee on Judiciary.

HB 2227 by Representatives Probst, Orwall, Santos, Nelson, Sullivan, Lias, Williams, Carlyle, Maxwell, Conway, Morrell, White, Goodman, Jacks, Kenney and Seaquist

AN ACT Relating to green jobs; amending RCW 43.330.310; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 28C.18 RCW; adding a new section to

chapter 49.04 RCW; adding a new section to chapter 43.330 RCW; and creating new sections.

Referred to Committee on Community & Economic Development & Trade.

HB 2228 by Representatives Bailey, Johnson, Dammeier, Alexander and Chandler

AN ACT Relating to sustainable operating budgets; adding new sections to chapter 43.88 RCW; and creating new sections.

Referred to Committee on Ways & Means.

HB 2229 by Representatives Parker, Driscoll and Kelley

AN ACT Relating to modifying the definition of "manufacturer" for tax purposes to exclude persons who contract with other persons to reproduce content on a tangible medium for retail or wholesale distribution; and amending RCW 82.04.110.

Referred to Committee on Finance.

HCR 4404 by Representatives Wallace, Carlyle, Sells, Morrell, White and Kenney

Commending the higher education coordinating board for its initiative to develop a higher education system plan.

Referred to Committee on Higher Education.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 12, 2009

HB 1007 Prime Sponsor, Representative Morris: Creating a sustainable energy trust. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Carlyle; Finn; Hasegawa; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Haler, Assistant Ranking Minority Member; Condotta and Herrera.

Referred to Committee on Capital Budget.

February 11, 2009

HB 1039 Prime Sponsor, Representative Driscoll: Establishing a statewide CBRNE response program. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman and Kirby.

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

Referred to Committee on Ways & Means.

February 13, 2009

HB 1156 Prime Sponsor, Representative Anderson: Creating a preference in the alternative route certification program for

veterans and national guard members. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1171 Prime Sponsor, Representative Sullivan: Changing Washington beer commission provisions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1221 Prime Sponsor, Representative Maxwell: Concerning counseling for witnesses in civil commitment proceedings under chapter 71.09 RCW. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1224 Prime Sponsor, Representative Klippert: Allowing law enforcement access to driver's license photographs for the purposes of identity verification. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Referred to Committee on General Government Appropriations.

February 12, 2009

HB 1271 Prime Sponsor, Representative Haigh: Regarding dispensing and administration of drugs to registered or licensed veterinary personnel. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1324 Prime Sponsor, Representative O'Brien: Modifying the requirements of psychological examinations for peace officer certification. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1385 Prime Sponsor, Representative Haler: Modifying provisions relating to sexual misconduct by school employees. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Goodman.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1399 Prime Sponsor, Representative Chase: Concerning renewable energy system cost recovery. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

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

Referred to Committee on Finance.

February 11, 2009

HB 1429 Prime Sponsor, Representative O'Brien: Concerning respite care. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Health & Human Services Appropriations.

February 10, 2009

HB 1475 Prime Sponsor, Representative Orcutt: Requiring state agency rule-making information to be posted on each state agency's web site. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1505 Prime Sponsor, Representative Dickerson: Authorizing diversion for sexually exploited juveniles. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 10, 2009

HB 1575 Prime Sponsor, Representative Sells: Requiring a state route number 2 route development plan. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Armstrong; Campbell; Cox; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1596 Prime Sponsor, Representative Green: Protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1681 Prime Sponsor, Representative Newhouse: Regarding the fruit and vegetable district fund. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

February 12, 2009

HB 1682 Prime Sponsor, Representative Newhouse: Concerning horticultural pest and disease boards. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1698 Prime Sponsor, Representative Hudgins: Creating a state broadband adoption and deployment authority. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority

Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 12, 2009

HB 1699 Prime Sponsor, Representative Hudgins: Implementing a high-speed internet deployment and adoption strategy for the state. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Ways & Means.

February 12, 2009

HB 1700 Prime Sponsor, Representative Hudgins: Conducting an inventory of publicly owned high-speed internet infrastructure. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on General Government Appropriations.

February 12, 2009

HB 1701 Prime Sponsor, Representative Hudgins: Authorizing the department of information services to engage in high-speed internet activities. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Ways & Means.

February 12, 2009

HB 1707 Prime Sponsor, Representative Kirby: Establishing provisions for actions by insurance companies against violators. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1749 Prime Sponsor, Representative Bailey: Regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Referred to Committee on General Government Appropriations.

February 12, 2009

HB 1789 Prime Sponsor, Representative Dammeier: Allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1790 Prime Sponsor, Representative O'Brien: Including domestic violence court order violations to the list of offenses eligible for notification. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1826 Prime Sponsor, Representative Rodne: Addressing the proceeds from foreclosure sales. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 10, 2009

HJM 4001 Prime Sponsor, Representative O'Brien: Requesting the state and the legislative authorities of each county to promote the recognition and celebration of older adults. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst; Miloscia and Newhouse.

Passed to Committee on Rules for second reading.

February 13, 2009

HJM 4002 Prime Sponsor, Representative Sullivan: Requesting reauthorization of the No Child Left Behind Act to include health and fitness. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorials listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

RESOLUTIONS

HOUSE RESOLUTION NO. 2009-4622, by Representatives Pettigrew, Eddy, Carlyle, Liias, Maxwell, Finn, Hunter, Hudgins, Pedersen, Wallace, Sells, Williams, Wood, Orwall, Green, Goodman, White, Johnson, Walsh, Nelson, Dammeier, Haler, and Jacks

WHEREAS, Our nation was founded upon the notion that freedom and equality are inseparable; and

WHEREAS, The fight for freedom and equality is celebrated each February as our nation recognizes Black History Month; and

WHEREAS, Black Americans survived nearly 400 years of slavery and human bondage, earning their freedom with President Abraham Lincoln's Emancipation Proclamation, only to face another century of segregation and discrimination in the South; and

WHEREAS, In February 1926, Carter G. Woodson founded "Negro History Week" which was later expanded to Black History Month, in the hope that Americans would learn about forgotten chapters of our nation's history and develop mutual respect for people of all color, race, and creed; and

WHEREAS, George Washington Bush came to the Northwest with his wife and family seeking a place free of prejudice, and homesteaded a 640-acre parcel that later became Bush Prairie, now known as Tumwater; and

WHEREAS, George Washington Bush founded the city of Centerville, now known as Centralia, and single-handedly saved the city from bankruptcy and starvation during the closing of iron works and local lumber mills, by providing food for the local citizens and making interest free loans to residents of the community; and

WHEREAS, Representatives Charles Stokes and Marjorie Pitter King were the first Black American man and woman to serve in the Legislature following the proclamation of Washington statehood, and Charles Z. Smith was the first Black American to serve on the Washington State Supreme Court; and

WHEREAS, The Washington State Legislature is honored to have among its former members the following elected Black American representatives and senators: Sam Smith, Michael Ross, Peggy Joan Maxie, George Fleming, Bill Smitherman, Jesse Wineberry, Vivian Caver, Dawn Mason, W.O. Bush, Charles Stokes, and John Lovick; and

WHEREAS, Black Americans have made significant contributions to Washington state history, including: Civil rights leader Edwin T. Pratt; poet Mona Lake Jones; artists Jacob Lawrence and James Worthington; historian Esther Mumford; and musicians Quincy Jones, Ernestine Anderson, and Jimi Hendrix; and

WHEREAS, On January 20, 2009, President Barack Obama was sworn in as the first Black American president of the United States of America;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize during this month of remembering Black history the Americans of African descent who have contributed to the vitality of Washington State; and

BE IT FURTHER RESOLVED, That the members of the Washington State House of Representatives do hereby recognize and appreciate the many benefits of Black History Month to our citizenry and to our culture in general, and that we urge all citizens of the state of Washington to join with us in taking the opportunity this month to explore this rich history.

HOUSE RESOLUTION NO. 4622 was adopted.

HOUSE RESOLUTION NO. 2009-4621, by Representatives Kessler and Kretz

WHEREAS, The House of Representatives adopted permanent rules for the Sixty-first Legislature (2009-2010) under House Resolution No. 2009-4608;

NOW, THEREFORE, BE IT RESOLVED, That Rule 23 as set forth in House Resolution No. 2009-4608 is amended to read as follows:

"Standing Committees

Rule 23. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1	Agriculture & Natural Resources	13
2	Audit Review & Oversight	16
3	Capital Budget	15
4	Commerce & Labor	8
5	Community & Economic Development & Trade	9
6	Early Learning & Children's Services	7
7	Ecology & Parks	15
8	Education	13
9	Education Appropriations	14
10	Environmental Health	10
11	Finance	9
12	Financial Institutions & Insurance	11
13	General Government Appropriations	15
14	Health & Human Services Appropriations	15
15	Health Care & Wellness	13
16	Higher Education	11
17	Human Services	8
18	Judiciary	11
19	Local Government & Housing	11
20	Public Safety & Emergency Preparedness	(9) (8)
21	Rules	24
22	State Government & Tribal Affairs	8
23	Technology, Energy & Communications	16
24	Transportation	29
25	Ways & Means	22

Committee members shall be selected by each party's caucus. The majority party caucus shall select all committee chairs."

HOUSE RESOLUTION NO. 4621 was adopted.

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

COMMITTEE APPOINTMENTS

The Speaker (Representative Morris presiding) announced the following committee appointment change:

Representative Roberts was removed from the Committee on Public Safety & Emergency Preparedness.

The House was declared to be at ease for the purpose of Joint Session in the Senate.

JOINT SESSION

The House arrived at the doors of the Senate. The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Speaker Frank Chopp, Speaker Pro Tempore Jeff Morris, Majority Leader Lynn Kessler, and Minority Leader Richard DeBolt to seats on the rostrum. The Representatives were invited to seats within the Chamber.

The President called the Joint Session to order. The Secretary called the roll of the House members. The Secretary called the roll of Senate members. A quorum of the Legislature was present.

The Secretary called the roll of former members present: Del Bausch, Mike Cooper, Wayne Ehlers, Stuart Halsan, Joan Houchen, Dick King, Bill Kiskaddon, R.H. "Bob" Lewis, Gary Nelson, Lena Swanson, Sid Snyder and Joe Taller.

The Secretary introduce the Statewide elected officials: Sam Reed, Secretary of State; Randy Dorn, Superintendent of Public Instruction; and Peter Goldmark, Commissioner of Public Lands.

The Flags were escorted to the rostrum by a Color Guard of members of the Washington State Patrol and the Olympia Detachment of the Marine Corps League. The President led the Chamber in the Pledge of Allegiance.

President Owen: "Honored members of the Legislature, ladies and gentlemen, the purpose of this joint session is to conduct a memorial service in memory of departed former members of the Legislature. This has been our longstanding custom. For more than a century the Senate and House have met as we meet today – to pay special and fitting tribute to the lives and service of these valued public servants, and to express our sympathies to their families and friends. On behalf of the Senate and the House of Representatives, I would like to extend a warm welcome to the family members, friends and colleagues who are with us today."

The President called upon Speaker Pro Tempore Jeff Morris to preside.

The Invocation was offered by Pastor Sandra Kreis of Shelton. "We gather this day to honor and remember legislators of Washington State who have served these august bodies. We grieve their passing, but we honor them for their service and give thanks for all they have given to the state and to us personally. I believe they may have been familiar with this passage from the Prophet Micah in the Old Testament: "God has told you O mortal, what is good; and what does the Lord require of you, but to do justice, love kindness, and walk humbly with your God?"

Holding the position of lawmaker in this place means that one would be about doing justice, living and acting with compassion and certainly realizing their place as a part of a larger body. We praise these men and women who served in this way understanding that respect and compromise were their greatest gifts.

As we continue to live on this earth, we are reminded by the Old Testament writer of the book of Ecclesiastes that our time here is a gift from our creator and has its season:

" time to be born and a time to die;
A time to plant and a time to pluck what is planted;
A time to break down and a time to build up;
A time to weep and a time to laugh'
A time to mourn and a time to dance;
For everything there is a season,
And a time for every matter under heaven."

So we gather to remember these your servants:

Let us pray: Gracious God, we give thanks for these persons who have toiled with care and diligence in this place of governance. We thank you for guiding them with the love of justice and compassion for all. May their example encourage those gathered here who continue their legacy. May they too find ways to show compassion for those in need and serve the people of this great state with honor. Comfort and bless those here who have lost a colleague, a friend, a family member, may their lives be richer for knowing your child. May we continue to live lives of service and sacrifice emulating those we have lost. May their example encourage and strengthen us in our daily walk. And now o God we ask that you bless these moments as we remember and honor those who have left our side...help us to learn from their lives. Thanks be to God. Amen."

Sergeant Patty Lankford of the Washington State Patrol sang "Ave Maria."

Speaker Pro Tempore Morris: "We gather today to pay tribute to the contributions of the distinguished former members of the

Washington State Senate and House of Representatives who have passed from among us. The people of our state are grateful for their service.

The Sixty-First Legislature conveys its respects to these deceased legislators. They once sat in these chambers, answered roll calls on critical bills, attended committee meetings, and through it sought always to make our state a better place to live. While their journey in this life is complete, their achievements, public record, and valued service are recorded in the journals of the Senate and House, and are forever a permanent part of our state's history."

We express our sympathies the families, friends and colleagues of these public servants. We also share with them on this memorable occasion the fond and happy memories of these legislators. They leave a legacy of dedicated service that remains always in our hearts, our memories and the history of our state.

We will now call the roll of the deceased former members of the Senate and House of Representatives."

ROLL CALL OF MEMBERS MEMORIALIZED

Robert F. Brachtenbach House 1963-67 Memorialized by Senator Curtis King	14th District
Virginia Clocksin House 1967-69 Memorialized by Representative Kevin Van De Wege	24th District
Paul H. Conner House 1959-1977 Senate 1977-93 Memorialized by Senator Rosa Franklin	24th District
Floyd Conway House 1969-73 Memorialized by Senator Karen Fraser	22nd District
Ellen Craswell House 1977-81 Senate 1981-1993 Memorialized by Senator Phil Rockefeller	23rd District
Lyle J. Dickie House 1980-85 Memorialized by Senator Jim Honeyford	15th District
Jeff Douthwaite House 1971-1979 Memorialized by Representative Scott White	32nd, 43rd District
Don Eldridge House 1953-1970 Memorialized by Representative David Quall	40th District
Harold A. "Barney" Goltz House 1973-75 Senate 1975-1987 Memorialized by Representative Kelli Linville	42nd District
William A. "Bill" Grant House 1987-2009 Memorialized by Speaker Frank Chopp and Representative Maureen Walsh	16th District
Steve Hailey House 2007-2008 Memorialized by Representative Don Cox	9th District
Fred O. May 1985-1993 Memorialized by Senator Fred Jarrett	41st District
Jack Metcalf	2nd Congressional District

Congress 1995-2001
 10th, 21st, 38th Legislative Districts
 House 1961-65
 Senate 1967-75; 1981-93
 Memorialized by Senator Rosemary McAuliffe

Don Miles 22nd District
 House 1963-65
 Memorialized by Representative Gary Alexander

John S. Murray 36th District
 Senate 1971-79
 Memorialized by Senator Jeanne Kohl-Welles

John L. O'Brien 33rd, 35th, 37th District
 House 1939-47; 1949-73; 1973-83; 1983-93
 Memorialized by Representative Sharon Tomiko Santos

Bob Oke 26th District
 Senate 1991-2007
 Memorialized by Senator Paull Shinn

Eugene A. Prince 9th District
 House 1981-93
 Senate 1993-99
 Memorialized by Senator Mark Schoesler

Dr. Robert W. Randall 23rd District
 House 1969-77
 Memorialized by Representative Christine Rolfes

David M. Roderick 35th District
 House 1949-53
 Memorialized by Representative Fred Finn

Michael K. Ross 37th District
 House 1971-73
 Memorialized by Representative Eric Pettigrew

Gerald L. "Jerry" Saling 5th District
 House 1965-71
 Senate 1985-93
 Memorialized by Senator Chris Marr

Mary Skinner 14th District
 House 1995 - 2008
 Memorialized by Representative Norm Johnson

Nat W. Washington 13th District
 House 1949-51
 Senate 1951-75
 Memorialized by Representative Judy Warnick

Simeon R. "Sim" Wilson 10th District
 House 1973-1993
 Memorialized by Representative Senator Mary Margaret Haugen

Rabbi Cheski Edelman of the Jewish Discovery Center of Olympia delivered the Memorial Prayer: "A fascinating exchange between two rabbis is recorded in the Talmud, the Jewish book of law and lore.

Rabbi Nachman said to Rabbi Yitzchak: "So said Rabbi Yochanan: The patriarch Jacob did not die."

Asked Rabbi Yitzchak: "Was it for no reason that the eulogizers eulogized, the embalmers embalmed and the buriers buried?"

The conversation continues, examining the nature of life, teaching us an important lesson about our time here on earth.

Life cannot die. Only existence can die. To exist means one takes up space, and does not allow a focus on others, as two things cannot exist in the same space. Existence is selfish. Life is not about existence, it is about purpose, life is about making a contribution to the world.

In other words, for a person to whom life means the pursuit and attainment of material gains, life indeed ceases when the soul departs from the body. But one for whom life is defined in terms of what he does for others, is no less alive after physical death, for their influence continues to uplift and benefit others.

Today we honor the lives, not merely the existence, of the Washington State Legislators who selflessly dedicated themselves to the service of the citizens of this State. These great men and women were not satisfied with merely existing and bettering themselves, but they chose to live and to contribute to the world, dedicating themselves to serving others. Existence can die. But life is eternal. Life is growth and these remarkable men and women sacrificed of themselves to ensure the growth of others. Our gathering here today is testimony to the lives they have lived, and we honor them by following in their footsteps, and living to help others and make this world a better place.

Dear God and God of our fathers, today as we reflect upon the lives of these leaders of our communities, their accomplishments and the lessons in life they passed on, we pray for the strength to emulate their good deeds and their legacy of concern for the welfare of others. May we perpetuate the legacies of the departed and ensure that they also live on through our actions. May their memories be for a blessing and a guiding light for us all. Amen."

Lt. Keith Huntley of the Washington State Patrol played "Amazing Grace."

An Honor Guard composed of members of the Veterans of Foreign Wars, Olympia and the Marine Corps League, Olympia Detachment performed the "Flag Folding Ceremony" while Taps was played by Gilman Pilkey, Marine Corps League, Olympia Detachment.

Reverend Aaron Williams of Mt. Zion Baptist Church of Seattle gave the Closing Prayer: "Most gracious and everlasting God, we thank you for this day and we thank you for this hour. As we honor those who have gone before us, public servants who have served this country and served you. May they serve father as a beacon light a beacon of hope which we will pursue in light of what they have done. We thank you father for what they've done and may we continue their legacy and move forward in the same spirit. In the name of the father, son and holy spirit. Amen."

Speaker Pro Tempore Morris returned the gavel to President Owen, and thanked the Senate for their hospitality.

President Owen: "Thank you, Speaker Morris. Thank you to the members of our memorial committee. Our deepest gratitude to all who have participated in the service today. Our special thanks to the members of the State Patrol, the Veterans of Foreign Wars, and the Marine Corps League and our participating clergy. The President hopes that the loved ones of those we honor today will draw comfort from today's observance."

On motion of Senator Eide, the joint session was dissolved.

The Sergeant at Arms of the Senate and the Sergeant at Arms of the House escorted Speaker Frank Chopp, Speaker Pro Tempore Jeff Morris, Majority Leader Lynn Kessler and Minority Leader Richard DeBolt from the rostrum, and the members of the House retired from the Senate Chamber.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

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

There being no objection, the House adjourned until 9:55 a.m., February 17, 2009, the 37th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRTY SEVENTH DAY

House Chamber, Olympia, Tuesday, February 17, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

INTRODUCTION AND FIRST READING

HB 2230 by Representatives Angel, Seaquist, Finn, Nelson, Dammeier, Walsh, Anderson and Bailey

AN ACT Relating to changing the name of the Washington state ferries to the Washington state marine highway system; amending RCW 47.60.015, 47.04.250, 47.56.030, 47.56.032, 47.56.860, 47.60.135, 47.60.140, 47.60.145, 47.60.170, 47.60.290, 47.60.310, 47.60.335, 47.60.500, 47.60.505, 47.60.530, 47.60.560, 47.60.649, 47.60.680, 47.60.800, 47.60.814, 47.61.010, 49.46.010, and 82.70.010; and creating a new section.

Referred to Committee on Transportation.

HB 2231 by Representatives Miloscia and Priest

AN ACT Relating to authorizing a property tax levy to reimburse taxing districts for property taxes refunded under chapter 84.69 RCW and property taxes abated under RCW 84.70.010; amending RCW 84.55.070; adding a new section to chapter 84.69 RCW; and creating a new section.

Referred to Committee on Finance.

HB 2232 by Representatives Hinkle, Pearson, Hope, O'Brien, Klippert, McCune, Kelley and Kristiansen

AN ACT Relating to imposing a minimum fine for furnishing liquor to a minor; amending RCW 66.44.270; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 2233 by Representatives Hinkle, Pearson, Hope, O'Brien, Klippert, McCune, Morrell and Kristiansen

AN ACT Relating to driving under the influence of liquor or drugs while transporting a person under age eighteen; adding a new section to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2234 by Representatives Takko and Blake

AN ACT Relating to creating a sentence for treatment program for juvenile offenders; amending RCW 13.40.0357; reenacting and amending RCW 13.40.0357; adding a new section to chapter 13.40 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Human Services.

HB 2235 by Representative Blake

AN ACT Relating to improving water management; amending RCW 43.27A.130; reenacting and amending RCW 90.14.140;

adding a new section to chapter 90.54 RCW; creating a new section; and recodifying RCW 43.27A.130.

Referred to Committee on Agriculture & Natural Resources.

HB 2236 by Representatives Condotta, Chandler, Crouse, Kelley and Kristiansen

AN ACT Relating to providing relief from unemployment contribution payments; amending RCW 50.29.025; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 2237 by Representatives Condotta, Rolfes, McCune, Blake, Upthegrove, Armstrong, Dunshee, Short, Warnick, Eddy, Chase, Takko, Pearson, Hinkle, Appleton, Ericksen, Bailey, Finn, Seaquist, Herrera, Kristiansen, Crouse and Nelson

AN ACT Relating to improving boating programs; adding a new section to chapter 79A.05 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

HB 2238 by Representatives Rodne, Anderson, Roach and Ericksen

AN ACT Relating to establishing a financing policy to build the state route number 520 floating bridge first using previously allocated funding; amending RCW 47.56.785, 47.01.412, and 47.01.417; amending 2008 c 270 s 1 (uncodified); adding a new section to chapter 47.01 RCW; adding a new section to chapter 47.56 RCW; and declaring an emergency.

Referred to Committee on Transportation.

HB 2239 by Representatives Wallace, Sells and Kenney

AN ACT Relating to creating a state student loan program with a dedicated revenue source; and creating a new section.

Referred to Committee on Higher Education.

HB 2240 by Representatives Haler and Santos

AN ACT Relating to compensation of the presidents of the four-year institutions of higher education; and amending RCW 28B.20.130, 28B.30.150, 28B.35.120, and 28B.40.120.

Referred to Committee on Higher Education.

HB 2241 by Representatives Kenney, Conway, Chase, Morrell and Wood

AN ACT Relating to protecting the long-term viability of Washington's agricultural economy; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2242 by Representatives Kenney, Probst, Maxwell, Hunt, Liias, Ormsby, Kelley, Sullivan, Hasegawa, Quall, White and Chase

AN ACT Relating to creating a department of commerce; amending RCW 43.330.007, 43.330.010, 43.330.020, 43.330.092, 43.330.094, 43.330.125, 43.330.135, 43.330.167, 43.330.170, 43.330.210, 43.330.240, 43.330.250, 43.330.280, 43.330.290, 43.330.300, 43.330.900, 19.260.020, 19.280.020, 19.285.030, 35.105.010, 36.70A.030, 39.86.110, 43.17.010, 43.17.020, 43.21F.025, 43.31.455, 43.31.522, 43.31.800, 43.31C.010, 43.105.020, 43.155.020, 43.157.010, 43.168.020, 43.185.020, 43.185A.010, 43.185B.010, 43.185C.010, 43.325.010, 43.336.010, 43.338.010, 43.360.010, 43.362.010, 43.365.010, 59.21.010, 59.22.020, 70.103.020, 70.125.030, 70.164.020, 70.190.010, 80.36.005, 80.80.010, and 82.73.010; reenacting and amending RCW 42.17.2401 and 43.160.020; creating a new section; decodifying RCW 43.330.005 and 43.330.904; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

HB 2243 by Representatives Hunt, Ormsby and Wood

AN ACT Relating to water cleanup planning and implementation; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

HB 2244 by Representative Haigh

AN ACT Relating to a comprehensive restructuring of education finance and programs; and creating new sections.

Referred to Committee on Education Appropriations.

HJM 4013 by Representatives Kenney, Green, Cody, Dickerson, Darneille, Kessler, Kagi, Chase, Morrell and Santos

Urging adoption of a treaty fighting discrimination against women.

Referred to Committee on Judiciary.

ESSB 5288 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala and Shin)

AN ACT Relating to the supervision of offenders; amending RCW 9.94A.501, 9.94A.501, 9.95.210, 9.95.214, 9.95.220, and 9.92.060; amending 2008 c 231 s 6 (uncodified); reenacting and amending RCW 9.94A.030 and 9.95.204; creating a new section; repealing RCW 9.95.206 and 9.95.212; repealing 2008 c 231 s 60 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 13, 2009

HB 1015 Prime Sponsor, Representative Simpson: Prohibiting the sale or distribution of certain novelty lighters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

February 13, 2009

HB 1055 Prime Sponsor, Representative Moeller: Requiring workers to have licenses, certificates, or permits in their possession when performing work in certain construction trades. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1131 Prime Sponsor, Representative Kenney: Concerning the Washington state economic development commission. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on General Government Appropriations.

February 13, 2009

HB 1135 Prime Sponsor, Representative McCoy: Exempting agricultural anaerobic digesters from solid waste handling permitting. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Kretz; Kristiansen; Morris and Shea.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt.

Referred to Committee on General Government Appropriations.

February 12, 2009

HB 1141 Prime Sponsor, Representative Liias: Concerning a sales and use tax rebate for materials and services related to the construction of affordable housing. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on Finance.

February 10, 2009

HB 1152 Prime Sponsor, Representative Williams: Providing notification stickers to drivers with certain disabilities or impairments. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Dickerson; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 12, 2009
HB 1173 Prime Sponsor, Representative Miloscia: Creating programs to increase affordable housing and end homelessness. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on General Government Appropriations.

February 11, 2009
HB 1208 Prime Sponsor, Representative Takko: Concerning property tax administration. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer and White.

Referred to Committee on Finance.

February 13, 2009
HB 1215 Prime Sponsor, Representative Wood: Modifying motor vehicle warranty provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 10, 2009
HB 1225 Prime Sponsor, Representative Liias: Clarifying the effect of special fuel taxes on publicly owned or operated urban passenger transportation systems. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Dickerson; Eddy; Finn; Johnson; Moeller; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Cox; Ericksen; Herrera; Klippert; Kristiansen; Rolfes and Shea.

Passed to Committee on Rules for second reading.

February 13, 2009
HB 1276 Prime Sponsor, Representative Conway: Placing symphony orchestras, operas, and performing arts theaters under the jurisdiction of the public employment relations commission for purposes of collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Crouse; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member and Chandler.

Passed to Committee on Rules for second reading.

February 13, 2009
HB 1309 Prime Sponsor, Representative Green: Regarding dental hygiene. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 13, 2009
HB 1312 Prime Sponsor, Representative Sells: Eliminating the exclusive authority of the University of Washington and Washington State University to offer certain engineering courses. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 13, 2009
HB 1319 Prime Sponsor, Representative Sullivan: Prohibiting school district employees from using public assets for private gain. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 13, 2009
HB 1326 Prime Sponsor, Representative Blake: Establishing a license limitation program for harvest and delivery of Pacific sardines into the state. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority

Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson and Warnick.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1327 Prime Sponsor, Representative Blake: Creating the fish and wildlife equipment revolving account. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson and Warnick.

Referred to Committee on General Government Appropriations.

February 12, 2009

HB 1378 Prime Sponsor, Representative Green: Providing a city sales and use tax to fund the acquisition and processing of land designated as a clear zone area by the federal government. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Springer.

Referred to Committee on Finance.

February 11, 2009

HB 1379 Prime Sponsor, Representative Seaquist: Regarding moratoria and other interim official controls adopted under the shoreline management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Springer and White.

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

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1408 Prime Sponsor, Representative Morrell: Establishing minimum standards for victim impact panels. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1412 Prime Sponsor, Representative Kagi: Concerning health benefit plan coverage of neurodevelopmental therapies. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Green; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey and Herrera.

Referred to Committee on Health & Human Services Appropriations.

February 13, 2009

HB 1434 Prime Sponsor, Representative Conway: Creating a spirits, beer, and wine nightclub license and eliminating the cap on spirits, beer, and wine restaurant licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

February 13, 2009

HB 1435 Prime Sponsor, Representative Condotta: Modifying licensing provisions for cigarettes and tobacco products. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on Finance.

February 11, 2009

HB 1457 Prime Sponsor, Representative Nelson: Limiting the authority of boundary review boards. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Ericksen; Miloscia; Springer and White.

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

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1462 Prime Sponsor, Representative Williams: Regarding malt liquor sold by beer and/or wine specialty shops. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1488 Prime Sponsor, Representative Miloscia: Restricting the release of persons from state institutions. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove; White and Williams.

Referred to Committee on Ways & Means.

February 12, 2009

HB 1495 Prime Sponsor, Representative Pettigrew: Providing real estate excise tax exemptions to stabilize neighborhoods. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

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

Referred to Committee on Finance.

February 11, 2009

HB 1496 Prime Sponsor, Representative Roberts: Changing the membership to the state interoperability executive committee. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1515 Prime Sponsor, Representative Driscoll: Allowing electronic approval of vital records. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1532 Prime Sponsor, Representative Rolfes: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for wastewater reclamation. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer and White.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1553 Prime Sponsor, Representative Takko: Addressing claims for damages against the state and local governmental entities. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Ross and Warnick.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1561 Prime Sponsor, Representative Morrell: Authorizing certain areas in cities or towns to annex to a fire protection district. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer and White.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1572 Prime Sponsor, Representative Hunt: Adopting all mail voting. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member; Alexander and Newhouse.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1583 Prime Sponsor, Representative Alexander: Modifying provisions relating to county auditors. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer and White.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1605 Prime Sponsor, Representative Springer: Requiring cooperation when planning to accommodate projected population growth and the resulting development needs under the growth management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1621 Prime Sponsor, Representative Kirby: Regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Referred to Committee on General Government Appropriations.

February 12, 2009

HB 1624 Prime Sponsor, Representative Appleton: Authorizing internet voting for service voters and overseas voters. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst; Miloscia and Newhouse.

Referred to Committee on General Government Appropriations.

February 13, 2009

HB 1626 Prime Sponsor, Representative Kretz: Regarding wildlife interactions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Ormsby; Pearson and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives McCoy and Nelson.

Referred to Committee on General Government Appropriations.

February 12, 2009

HB 1639 Prime Sponsor, Representative Hunter: Regarding investment expenses of counties. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair and Uptegrove.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1653 Prime Sponsor, Representative Simpson: Clarifying the integration of shoreline management act policies with the growth management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member and Ericksen.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1680 Prime Sponsor, Representative Green: Limiting the exceptions to the prohibition on mandatory overtime for employees of health care facilities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Crouse; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member and Chandler.

Referred to Committee on Ways & Means.

February 12, 2009

HB 1696 Prime Sponsor, Representative Kenney: Concerning tax relief to promote employer-assisted housing. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on Finance.

February 13, 2009

HB 1714 Prime Sponsor, Representative Cody: Concerning health insurance. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1727 Prime Sponsor, Representative Pedersen: Expanding the rights and responsibilities of state registered domestic partners. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Referred to Committee on Ways & Means.

February 12, 2009

HB 1728 Prime Sponsor, Representative Takko: Regarding the issuance of checks by joint operating agencies and public utility districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel,

Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer and White.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1760 Prime Sponsor, Representative Ormsby: Creating a five-member option for civil service commissions for sheriffs' offices. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer and White.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1762 Prime Sponsor, Representative Santos: Increasing parental and community involvement in public education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Lias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 13, 2009

HB 1813 Prime Sponsor, Representative Hunt: Regarding establishing and meeting graduation and reengagement goals. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Lias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 13, 2009

HB 1824 Prime Sponsor, Representative Rodne: Requiring the adoption of policies for the management of concussion and head injury in youth sports. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Lias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1825 Prime Sponsor, Representative Rodne: Identifying specific facilities planning requirements under the growth management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1841 Prime Sponsor, Representative White: Adding a faculty member to the governing board of each four-year institution of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Driscoll; Haler; Hasegawa and White.

MINORITY recommendation: Do not pass. Signed by Representative Carlyle.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1879 Prime Sponsor, Representative Jacks: Providing for the delivery of educational services to children who are deaf and hearing impaired. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Education Appropriations.

February 11, 2009

HB 1888 Prime Sponsor, Representative Springer: Repealing RCW 46.12.295. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer and White.

Passed to Committee on Rules for second reading.

February 11, 2009

HB 1897 Prime Sponsor, Representative Simpson: Regarding assumption of water-sewer districts by cities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer and White.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1943 Prime Sponsor, Representative Kagi: Requiring recommendations for preparation and professional development for the early learning and school-age program workforce. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

February 12, 2009

HB 1952 Prime Sponsor, Representative Kenney: Regarding the building communities fund program competitive process. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liiias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Capital Budget.

February 13, 2009

HJM 4003 Prime Sponsor, Representative Wallace: Petitioning the government of Turkey to respect the property rights and human rights of the Ecumenical Patriarchate. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 13, 2009

HJM 4005 Prime Sponsor, Representative Santos: Requesting the Postal Service to issue a postage stamp commemorating Nisei veterans. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

February 13, 2009

HCR 4403 Prime Sponsor, Representative Wallace: Providing for the 2008-2018 state comprehensive plan for workforce training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler and White.

MINORITY recommendation: Do not pass. Signed by Representative Hasegawa.

Passed to Committee on Rules for second reading.

There being no objection, the bills, memorials and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE JOINT MEMORIAL NO. 4005 which was placed on the second reading calendar.

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

There being no objection, the Committee on Health Care & Wellness was relieved of HOUSE BILL NO. 1147, and the bill was referred to the Committee on Finance.

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

There being no objection, the House adjourned until 10:00 a.m., February 18, 2009, the 38th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRTY EIGHTH DAY

House Chamber, Olympia, Wednesday, February 18, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Nisei Veterans' Committee Color Guard. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Sam Mitsui, Nisei Veterans' Committee Chaplain.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4617, by Representatives Hasegawa, Santos, Johnson, Warnick, Kenney, Hudgins, Dammeier, Newhouse, Van De Wege, Cox, Sells, Rolfes, and Nelson

WHEREAS, On February 19, 1942, President Franklin D. Roosevelt issued Executive Order 9066, which authorized the forced assembly, evacuation, and internment of approximately 12,000 Japanese-Americans residing in the state of Washington; and

WHEREAS, The order for assembly and detention at Camp Harmony in Puyallup, Washington, prior to evacuation and subsequent internment, caused Japanese-Americans from the state of Washington to lose millions of dollars in property and assets, to suffer immeasurable physical and psychological damage, and to be deprived of their constitutional liberties without due process of law; and

WHEREAS, The alleged purpose of this drastic course of action was to prevent Japanese-Americans, all of whom were deemed disloyal and untrustworthy, from committing acts of espionage and sabotage against the United States during its involvement in World War II; and

WHEREAS, An overwhelming number of Japanese-Americans from the state of Washington responded to questions of their loyalty and patriotism by volunteering from within barbed wire camps to serve in the United States Military Intelligence Service and the United States Army's 442nd Regimental Combat Team, the latter of which became the most decorated unit of its size in American history with seven Presidential Unit Citations, 21 Congressional Medals of Honor, 52 Distinguished Service Crosses, 1 Distinguished Service Medal, 588 Silver Stars, 4,000 Bronze Stars, 9,486 Purple Hearts, and a total of 18 decorations from France and Italy; and

WHEREAS, A few equally patriotic Japanese-Americans, such as Gordon Hirabayashi, then a student at the University of Washington, were willing to face imprisonment to seek justice by challenging the constitutionality of the evacuation and internment orders; and

WHEREAS, Through the fact-finding work of the Commission on Wartime Relocation and Internment of Civilians, the United States Congress later found that "there was no military or security reason for the internment" of individuals of Japanese ancestry and that the internment "was caused by racial prejudice, war hysteria, and a failure of political leadership"; and

WHEREAS, On August 10, 1988, President Ronald Reagan signed H.R. 442, the Civil Liberties Act, which recognized the injustice of the relocation and internment of American citizens of Japanese ancestry and provided token monetary redress; and

WHEREAS, Japanese-American internees from the state of Washington endured economic, physical, and psychological hardship and suffered in silence for more than forty years before the state of Washington provided monetary redress and reparations to municipal and state employees;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives, along with the people of Washington, pause to acknowledge the sixty-seventh anniversary of the signing of Executive Order 9066, to recognize the Japanese-American internees and WWII veterans from the state of Washington, to honor their patience, heroism, sacrifice, and patriotic loyalty, and to remember the lessons and blessings of liberty and justice for all; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Nisei Veterans Committee, the Military Intelligence Service - Northwest Association, the Japanese-American Citizens League, and the Japanese-American Cultural & Community Center.

Representative Hasegawa moved adoption of House Resolution No. 4617.

Representatives Hasegawa, Orcutt and Santos spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4617 was adopted.

INTRODUCTION AND FIRST READING

HB 2245 by Representative Cody

AN ACT Relating to clarifying public employees' benefits board eligibility; amending RCW 41.05.008, 41.05.011, 41.05.050, and 41.05.055; reenacting and amending RCW 41.05.021 and 41.05.065; adding a new section to chapter 41.05 RCW; repealing RCW 41.05.053; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2246 by Representatives Carlyle, Sells, Kenney, White, Hasegawa, Green, Hunt, Conway and Maxwell

AN ACT Relating to establishing a University of Washington center for human rights; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Higher Education.

HB 2247 by Representative Miloscia

AN ACT Relating to housing program reports; adding a new section to chapter 35.82 RCW; adding a new section to chapter 36.01 RCW; and adding a new section to chapter 43.185C RCW.

Referred to Committee on Local Government & Housing.

HB 2248 by Representatives Ericks and Armstrong

AN ACT Relating to sales and use tax exemption of the nonhighway use of propane by farmers; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; providing an effective date; providing a contingent effective date; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 2249 by Representative Hunter

AN ACT Relating to modifying local government revenue options in counties with a population of one million five hundred thousand or more; amending RCW 82.14.415, 82.14.030, 84.55.050, and 82.14.450; reenacting and amending RCW 82.46.035; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.82 RCW; adding a new section to chapter 43.09 RCW; adding a new chapter to Title 36 RCW; creating a new section; and providing expiration dates.

Referred to Committee on Finance.

HB 2250 by Representative Hunter

AN ACT Relating to modifying state and local lodging taxes used for convention and trade facilities; amending RCW 67.40.130 and 67.40.090; and providing an expiration date.

Referred to Committee on Finance.

HB 2251 by Representatives Sullivan and Priest

AN ACT Relating to leases of facilities by school districts; amending RCW 28A.335.170; reenacting and amending RCW 28A.320.330; and creating a new section.

Referred to Committee on Capital Budget.

HB 2252 by Representatives Hunter and Goodman

AN ACT Relating to sales and use taxes on car rentals, restaurants, and lodging to fund arts and heritage programs, regional centers, human services, low-income housing, and community development in a county with a population of one million five hundred thousand or more; amending RCW 67.28.180, 82.14.049, and 82.14.360; adding a new section to chapter 67.28 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2253 by Representative Hope

AN ACT Relating to rights of consumers receiving in-home care services; and amending RCW 70.127.140 and 74.39A.095.

Referred to Committee on Health Care & Wellness.

HB 2254 by Representatives White, Dunshee and Kenney

AN ACT Relating to construction financing for state colleges and universities; and amending RCW 28B.15.210, 28B.15.310, 28B.35.370, and 28B.50.360.

Referred to Committee on Capital Budget.

HB 2255 by Representatives Rolfes, Appleton, Seaquist, Smith and Williams

AN ACT Relating to ferry fuel tax exemptions; amending RCW 82.08.0255 and 82.12.0256; and providing an effective date.

Referred to Committee on Finance.

HB 2256 by Representatives Conway, Williams, Green, Wood, Simpson, Moeller and Kenney

AN ACT Relating to the handling of employee information for workers' compensation purposes; amending RCW 51.36.060; and adding a new section to chapter 51.14 RCW.

Referred to Committee on Commerce & Labor.

HJM 4014 by Representatives Kessler, DeBolt and Orcutt

Requesting that House Resolution 6922 or substantially similar legislation be enacted to help stabilize the trucking industry.

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 13, 2009

HB 1235 Prime Sponsor, Representative Wallace: Making certain current higher education tuition-setting practices permanent. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Carlyle; Driscoll and White.

MINORITY recommendation: Do not pass. Signed by Representatives Angel; Haler and Hasegawa.

Referred to Committee on Ways & Means.

February 13, 2009

HB 1249 Prime Sponsor, Representative Cody: Concerning internet and mail order sales of tobacco products. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on General Government Appropriations.

February 17, 2009

HB 1310 Prime Sponsor, Representative Kirby: Placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1328 Prime Sponsor, Representative Carlyle: Allowing public technical colleges to offer associate transfer degrees. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 13, 2009

HB 1394 Prime Sponsor, Representative White: Changing the timeline for the state comprehensive plan for workforce

training and education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1395 Prime Sponsor, Representative Wallace: Clarifying terms for workforce and economic development. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1474 Prime Sponsor, Representative Orcutt: Changing border county opportunity program provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 17, 2009

HB 1530 Prime Sponsor, Representative Kirby: Creating the guaranteed asset protection waiver model act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Roach.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1675 Prime Sponsor, Representative Sells: Changing the work experience provisions of the alternative route partnership grant program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1703 Prime Sponsor, Representative Cody: Concerning child immunization exemptions. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Cody, Chair; Driscoll, Vice Chair; Green; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey and Herrera.

Passed to Committee on Rules for second reading.

February 13, 2009

HB 1808 Prime Sponsor, Representative Hinkle: Creating an interdisciplinary work group with faculty from a paramedic training program and an associate degree nursing program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 6, after "shall" strike all material through "to" on line 8

On page 1, beginning on line 8, after "with" strike all material through "program" on line 9 and insert "faculty from a paramedic training program, faculty from an associate degree nursing program, faculty from a bachelors degree nursing program, a representative of the Washington center for nursing, and a representative of the Washington state nursing association"

On page 1, at the beginning of line 10, strike "of both" and insert "of the"

On page 1, line 12, after "by" strike "December 1, 2009" and insert "July 1, 2010"

On page 1, line 14, after "any" insert "proposals for"

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 16, 2009

HB 1816 Prime Sponsor, Representative Morrell: Regarding wireless phone numbers used by directory providers. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1857 Prime Sponsor, Representative Chase: Concerning solar water heating tax exemptions. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 16, 2009

HB 1903 Prime Sponsor, Representative Crouse: Regarding marine and aviation fuel. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Transportation.

February 13, 2009

HB 2021 Prime Sponsor, Representative Kenney: Revitalizing student financial aid. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Hasegawa and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.

Referred to Committee on Education Appropriations.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING

HOUSE JOINT MEMORIAL NO. 4005, by Representatives Santos, Hasegawa, McCune, Hurst, Campbell, Pedersen, Hunter, Rodne, Warnick, Smith, Anderson, Ross, Angel, Walsh, Bailey, Roach, Shea, Upthegrove, Morrell, Ormsby, Hudgins, Conway, Rolfes, Kelley and Kenney

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

The joint memorial was read the second time.

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

Representatives Santos and Johnson spoke in favor of the adoption of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4005.

MOTION

On motion of Representative Van De Wege, Representatives Eddy and Flannigan were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4005 and the joint memorial passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Finn, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen,

Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.
Excused: Representatives Eddy and Flannigan.

HOUSE JOINT MEMORIAL NO. 4005, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694 with the following amendment:

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

**PART I
GENERAL GOVERNMENT**

Sec. 101. 2008 c 329 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2008)	\$34,807,000
General Fund--State Appropriation (FY 2009)	(\$36,010,000)
	<u>\$35,053,000</u>
Pension Funding Stabilization Account Appropriation	\$560,000
TOTAL APPROPRIATION	(\$71,377,000)
	<u>\$70,420,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
- (3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

Sec. 102. 2008 c 329 s 102 (uncodified) is amended to read as follows:

FOR THE SENATE

General Fund--State Appropriation (FY 2008)	\$26,990,000
General Fund--State Appropriation (FY 2009)	(\$29,434,000)
	<u>\$28,506,000</u>
Pension Funding Stabilization Account Appropriation	\$467,000
TOTAL APPROPRIATION	(\$56,891,000)
	<u>\$55,963,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
- (3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

Sec. 103. 2008 c 329 s 103 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2008)	\$3,378,000
General Fund--State Appropriation (FY 2009)	(\$3,355,000)
	<u>\$2,912,000</u>
Pension Funding Stabilization Account Appropriation	\$36,000
TOTAL APPROPRIATION	(\$6,769,000)
	<u>\$6,326,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Notwithstanding the provisions in this section, the committee may adjust the due dates for projects included on the committee's 2007-09 work plan as necessary to efficiently manage workload.
- (2) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to conduct a review of the method used to determine lease rates for state-owned aquatic lands. The review shall include classification of current lease base and lease rates by category of use such as marinas; a review of previous studies of formulas for state-owned aquatic land leases; and identification of pros and cons of alternative approaches to calculating aquatic lands lease rates. The committee shall complete the review by June 2008.
- (3) \$100,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$50,000)~~ \$16,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the joint legislative audit and review committee to conduct an evaluation and comparison of the cost efficiency of rental housing voucher programs versus other housing projects intended to assist low-income households, including construction and rehabilitation of housing units. The study will consider factors including administrative costs, capital costs, and other operating costs involved in operating voucher and other housing programs. The study will compare the number of households that can be served by voucher and other housing programs, given a set amount of available funds. The department of community, trade, and economic development, the housing finance commission, housing authorities, community action agencies, and local governments shall provide the joint legislative audit and review committee with information necessary for the study. The joint legislative audit and review committee shall solicit input regarding the study from interested parties, including representatives from the affordable housing advisory board, the department of community, trade, and economic development, the housing finance commission, representatives from the private rental housing industry, housing authorities, community action agencies, county and city governments, and nonprofit and for-profit housing developers. The joint legislative audit and review committee shall present the results of the study to the legislature by December 31, 2008.
- (4) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a cost analysis of the programs and activities administered by the department of fish and wildlife. In conducting the study, the committee shall specifically identify the total costs

that support both hunting and fishing programs as well as nongame programs, including appropriate shares of the agency's administrative and indirect costs. The committee shall compare the cost analysis to revenues that currently support the programs, including the level of support received from game licenses and fees. The committee shall base its analysis on available management information and shall provide the results of its analysis to the legislature by January 2008.

(5) \$164,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the joint legislative audit and review committee to analyze gaps throughout the state in the availability and accessibility of services identified in the federal adoption and safe families act as directed by Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct an analysis of the qualifications required to become a social worker I, II, III, or IV within the department of social and health services children's administration. The committee shall conduct an analysis of the qualifications used by other states for equivalent categories of social workers. The committee shall analyze the strengths and weaknesses of Washington's qualifications relative to the other states. The findings shall be reported to the legislature by December 1, 2007.

(7) Within amounts provided in this section, the committee shall conduct a review of the eligibility requirements and eligibility review processes that apply to any state program that offers individual health care coverage for qualified recipients.

(8) ~~(\$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of)~~ Within the amounts appropriated in this section, the joint legislative audit and review committee shall implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 1488 (oil spill program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) Within the amounts provided in this section, the committee shall review the constitutional, case law, and statutory objectives and obligations of the department of natural resources' management of state-owned aquatic lands. The review will include an assessment of the degree to which the management practices of the department and other agencies are meeting these objectives and complying with legal obligations.

(11) ~~(\$38,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of)~~ Within the amounts appropriated in this section, the joint legislative audit and review committee shall implement Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) Within the amounts appropriated in this section, the joint legislative audit and review committee shall conduct a preaudit for a comprehensive review of boards and commissions. The preaudit study will inventory the existing boards/commissions, identify criteria for selecting entities for further review, propose the scope and objectives of those reviews, and identify resource and schedule options for the committee to consider before proceeding.

(13) The joint legislative audit and review committee shall develop a framework for future efforts to quantify and analyze health care spending across all sectors of the state. This effort would focus on identifying the relevant types of spending in the public and private sectors, the availability of information on each of those types of spending, and the extent to which that available information could be tracked over time. In conducting this work, the committee shall work with the legislative evaluation and accountability program committee and the University of Washington's institute for health metrics and evaluation, as appropriate. The committee shall provide a report by January 2009.

Sec. 104. 2008 c 329 s 104 (uncodified) is amended to read as follows:

FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2008)	\$1,843,000
General Fund--State Appropriation (FY 2009)	(\$2,038,000)
	<u>\$1,590,000</u>
Pension Funding Stabilization Account Appropriation	\$41,000
TOTAL APPROPRIATION	(\$3,922,000)
	<u>\$3,474,000</u>

Sec. 105. 2008 c 329 s 105 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE STATE ACTUARY

General Fund--State Appropriation (FY 2009)	\$25,000
Department of Retirement Systems Expense Account--State Appropriation	(\$3,491,000)
	<u>\$3,310,000</u>
TOTAL APPROPRIATION	(\$3,516,000)
	<u>\$3,335,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for 2009 is provided solely for the purchase of actuarial services to assist in the evaluation of the fiscal impact of health benefit proposals.

Sec. 106. 2008 c 329 s 106 (uncodified) is amended to read as follows:

FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2008)	\$9,057,000
General Fund--State Appropriation (FY 2009)	(\$9,151,000)
	<u>\$8,432,000</u>
Pension Funding Stabilization Account Appropriation	\$92,000
TOTAL APPROPRIATION	(\$18,300,000)
	<u>\$17,581,000</u>

Sec. 107. 2008 c 329 s 107 (uncodified) is amended to read as follows:

FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2008)	\$4,811,000
General Fund--State Appropriation (FY 2009)	(\$5,220,000)
	<u>\$5,066,000</u>
Pension Funding Stabilization Account Appropriation	\$75,000
TOTAL APPROPRIATION	(\$10,106,000)

\$9,952,000

Sec. 108. 2008 c 329 s 108 (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2008)	\$7,392,000
General Fund--State Appropriation (FY 2009)	(\$7,598,000)
	<u>\$7,542,000</u>
TOTAL APPROPRIATION	(\$14,990,000)
	<u>\$14,934,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely to implement the task force on domestic violence as requested by section 306 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 109. 2008 c 329 s 109 (uncodified) is amended to read as follows:

FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2008)	\$2,268,000
General Fund--State Appropriation (FY 2009)	(\$2,269,000)
	<u>\$2,168,000</u>
TOTAL APPROPRIATION	(\$4,537,000)
	<u>\$4,436,000</u>

Sec. 110. 2008 c 329 s 110 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2008)	\$16,092,000
General Fund--State Appropriation (FY 2009)	(\$17,145,000)
	<u>\$17,141,000</u>
TOTAL APPROPRIATION	(\$33,237,000)
	<u>\$33,233,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).

Sec. 111. 2008 c 329 s 111 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2008)	\$1,117,000
General Fund--State Appropriation (FY 2009)	(\$1,134,000)
	<u>\$1,133,000</u>
TOTAL APPROPRIATION	(\$2,251,000)
	<u>\$2,250,000</u>

Sec. 112. 2008 c 329 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2008)	\$30,659,000
General Fund--State Appropriation (FY 2009)	(\$33,447,000)
	<u>\$33,446,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$22,558,000
Public Safety and Education Account--State Appropriation (FY 2009)	(\$24,199,000)
	<u>\$23,694,000</u>
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$3,175,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$3,175,000
Judicial Information Systems Account--State Appropriation	\$40,923,000
TOTAL APPROPRIATION	(\$158,136,000)
	<u>\$157,630,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to supplant existing local funding for the court-appointed special advocates program.

(2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving

petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) \$830,000 of the general fund--state appropriation for fiscal year 2008 and \$1,170,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, \$170,000 for fiscal year 2008 and \$170,000 for fiscal year 2009 are provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account-- state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

(9) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2008 and \$102,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(11) \$800,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2822 (family and juvenile court). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
 (12) \$90,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2903 (access coordinator). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 113. 2008 c 329 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2008)	\$17,814,000
General Fund--State Appropriation (FY 2009)	(\$18,137,000)
	<u>\$17,689,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$7,066,000
Public Safety and Education Account--State Appropriation (FY 2009)	(\$7,013,000)
	<u>\$7,012,000</u>
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$2,250,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$2,251,000
TOTAL APPROPRIATION	(\$54,531,000)
	<u>\$54,082,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The amounts provided from the public safety and education account appropriations include funding for expert and investigative services in death penalty personal restraint petitions.

~~((3))~~ (2) Starting with fiscal year 2009, the office shall adjust its monthly, annual, and biennial accounting records so that the expenditures by fund, object, and subobject are attributed to the following programs: (a) Appellate indigent defense; (b) representation of indigent parents qualified for appointed counsel in dependency and termination cases; (c) trial court criminal indigent defense; (d) other grants or contracted services; and (e) costs for administering the office. The office may consult with the administrator for the courts, the office of financial management, and the legislative evaluation and accountability program committee for guidance in adjusting its accounting records.

~~((4))~~ (3) \$235,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 114. 2007 c 522 s 115 (uncodified) is amended to read as follows:

FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2008)	\$5,923,000
General Fund--State Appropriation (FY 2009)	(\$7,009,000)
	<u>\$6,987,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$2,326,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$2,378,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$927,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$927,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,494,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,493,000
TOTAL APPROPRIATION	(\$22,477,000)
	<u>\$22,455,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$120,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$120,000)~~ \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue support for the existing agricultural dispute resolution system funded through the office of civil legal aid for disputes between farmers and farm workers. The office of civil legal aid shall report to the appropriate legislative committees on the effectiveness of this program by December 31, 2008.

(2) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2008 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2009 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2)(a) through (k) regardless of household income or asset level.

Sec. 115. 2008 c 329 s 114 (uncodified) is amended to read as follows:

FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2008)	\$6,615,000
General Fund--State Appropriation (FY 2009)	(\$6,959,000)
	<u>\$6,349,000</u>
Economic Development Strategic Reserve Account--State Appropriation	\$6,000,000
Oil Spill Prevention Account--State Appropriation	\$715,000
TOTAL APPROPRIATION	(\$20,289,000)
	<u>\$19,679,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5224 (salmon office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((3))~~ (2) \$2,000,000 of the economic development and strategic reserve account--state appropriation for fiscal year 2009 is provided solely to provide support and assistance to victims of the December 2007 storms and floods in Chehalis and Centralia.

Sec. 116. 2008 c 329 s 115 (uncodified) is amended to read as follows:

FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2008)	\$798,000
General Fund--State Appropriation (FY 2009)	(\$821,000)
	<u>\$793,000</u>
General Fund--Private/Local Appropriation	\$90,000
TOTAL APPROPRIATION	(\$1,709,000)
	<u>\$1,681,000</u>

Sec. 117. 2008 c 329 s 116 (uncodified) is amended to read as follows:

FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,546,000
General Fund--State Appropriation (FY 2009)	(\$2,448,000)
	<u>\$2,360,000</u>
TOTAL APPROPRIATION	(\$4,994,000)
	<u>\$4,906,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$100,000 of the general fund--state appropriation for fiscal year 2008 is for a feasibility study to determine the cost of designing, developing, implementing, and maintaining: (a) Software or other applications to accommodate electronic filing by lobbyists reporting under RCW 42.17.150 and 42.17.170, by lobbyist employers reporting under RCW 42.17.180, and by public agencies reporting under RCW 42.17.190; (b) a database and query system that results in data that is readily available to the public for review and analysis and that is compatible with current computer architecture, technology, and operating systems, including but not limited to Windows and Apple operating systems. The commission shall contract for the feasibility study and consult with the department of information services. The study may include other elements, as determined by the commission, that promote public access to information about lobbying activity reportable under chapter 42.17 RCW. The study shall be provided to the legislature by January 2008.

Sec. 118. 2008 c 329 s 117 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2008)	\$33,863,000
General Fund--State Appropriation (FY 2009)	(\$21,816,000)
	<u>\$20,782,000</u>
General Fund--Federal Appropriation	\$7,279,000
General Fund--Private/Local Appropriation	\$132,000
Archives and Records Management Account--State Appropriation	(\$8,339,000)
	<u>\$8,337,000</u>
Department of Personnel Service Account--State Appropriation	\$760,000
Local Government Archives Account--State Appropriation	(\$15,344,000)
	<u>\$15,342,000</u>
Election Account--Federal Appropriation	\$31,511,000
Charitable Organization Education Account--State Appropriation	\$122,000
TOTAL APPROPRIATION	(\$119,166,000)
	<u>\$118,128,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,290,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,556,000 of the general fund--state appropriation for fiscal year 2008 and \$3,965,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) ~~(\$122,000 of the charitable organization education account-- state appropriation is provided solely for implementation of Substitute House Bill No. 1777 (charitable organizations). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.~~

—(7)) \$575,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for settlement costs and attorney fees resulting from the resolution of *Washington Association of Churches, et al. v. Reed*, United States District Court Western District of Washington at Seattle, Case No. CV06-0726RSM.

Sec. 119. 2008 c 329 s 118 (uncodified) is amended to read as follows:

FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$348,000
General Fund--State Appropriation (FY 2009)	(((\$463,000))
	<u>\$437,000</u>
TOTAL APPROPRIATION	(((\$81,000))
	<u>\$785,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the office to engage a contractor to conduct a detailed analysis of the achievement gap for Native American students; analyze the progress in developing effective government-to-government relations and identification and adoption of curriculum regarding tribal history, culture, and government as provided under RCW 28A.345.070; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the tribal leader congress on education, the Washington state school directors association, and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 120. 2008 c 329 s 119 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$257,000
General Fund--State Appropriation (FY 2009)	(((\$548,000))
	<u>\$543,000</u>
TOTAL APPROPRIATION	(((\$805,000))
	<u>\$800,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Asian American students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the former members of the Asian Pacific Islander American think tank and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

(2) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Pacific Islander American students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the former members of the Asian Pacific Islander American think tank and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 121. 2008 c 329 s 120 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation	(((\$15,539,000))
	<u>\$15,538,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$183,000 of the state treasurer's service account--state appropriation is provided solely for implementation of Engrossed Substitute House Bill No. 1512 (linked deposit program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 122. 2008 c 329 s 121 (uncodified) is amended to read as follows:

FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2008)	\$794,000
General Fund--State Appropriation (FY 2009)	(((\$806,000))
	<u>\$738,000</u>
State Auditing Services Revolving Account--State Appropriation	(((\$15,312,000))
	<u>\$15,303,000</u>
TOTAL APPROPRIATION	(((\$16,912,000))
	<u>\$16,835,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$752,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$762,000)~~) \$698,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) \$1,000 of the appropriation from the auditing services revolving account--state is provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes Center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes Center effective July 1, 2007.

(4) \$313,000 of the auditing services revolving account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 123. 2008 c 329 s 122 (uncodified) is amended to read as follows:

FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2008)	\$159,000
General Fund--State Appropriation (FY 2009)	(\$225,000)
	<u>\$222,000</u>
TOTAL APPROPRIATION	(\$384,000)
	<u>\$381,000</u>

Sec. 124. 2008 c 329 s 123 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2008)	\$6,262,000
General Fund--State Appropriation (FY 2009)	(\$6,973,000)
	<u>\$5,541,000</u>
General Fund--Federal Appropriation	\$3,960,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,143,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,228,000
New Motor Vehicle Arbitration Account--State Appropriation	\$1,312,000
Legal Services Revolving Account--State Appropriation	(\$229,849,000)
	<u>\$229,579,000</u>
Tobacco Prevention and Control Account--State Appropriation	\$270,000
TOTAL APPROPRIATION	(\$250,997,000)
	<u>\$249,295,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

~~((7))~~ (6) \$110,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((8))~~ (7) \$346,000 of the legal services revolving account--state appropriation is provided solely for implementation of sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((9))~~ (8) \$492,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((10))~~ (9) The agency shall submit a staffing model that supports the need for increased resources due to casework associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature by October 31, 2008.

~~((11))~~ (10) The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2-06098-5). These moneys shall be expended pursuant to legislative appropriation consistent with the terms of the consent decree.

Sec. 125. 2008 c 329 s 124 (uncodified) is amended to read as follows:

FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2008)	\$815,000
General Fund--State Appropriation (FY 2009)	(\$793,000)
	\$768,000
TOTAL APPROPRIATION	(\$1,608,000)
	<u>\$1,583,000</u>

Sec. 126. 2008 c 329 s 125 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2008)	(\$63,420,000)
	\$63,399,000
General Fund--State Appropriation (FY 2009)	(\$73,998,000)
	\$69,691,000
General Fund--Federal Appropriation	(\$252,994,000)
	\$252,991,000
General Fund--Private/Local Appropriation	\$14,657,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$2,775,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,750,000
Public Works Assistance Account--State Appropriation	\$2,956,000
Tourism Promotion and Development Account--State Appropriation	\$1,000,000
Drinking Water Assistance Administrative Account--State Appropriation	\$405,000
Lead Paint Account--State Appropriation	\$18,000
Building Code Council Account--State Appropriation	\$1,211,000
Low-Income Weatherization Assistance Account--State Appropriation	\$8,381,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$3,644,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$3,650,000
Community and Economic Development Fee Account--State Appropriation	\$1,837,000
Washington Housing Trust Account--State Appropriation	(\$26,777,000)
	\$26,776,000
Public Facility Construction Loan Revolving Account--State Appropriation	\$630,000
Affordable Housing Account--State Appropriation	\$14,650,000
Community Preservation and Development Authority Account--State Appropriation	\$350,000
Home Security Fund Account--State Appropriation	\$16,700,000
Independent Youth Housing Account--State Appropriation	\$1,000,000
Administrative Contingency Account--State Appropriation	\$1,800,000
Manufacturing Innovation and Modernization Account--State Appropriation	\$306,000
TOTAL APPROPRIATION	(\$496,909,000)
	<u>\$492,577,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,838,000 of the general fund--state appropriation for fiscal year 2008 and \$2,838,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities. The center shall not pay any increased indirect rate nor increases in other indirect charges above the absolute amount paid during the 1995-97 fiscal biennium.

(2) \$1,658,000 of the general fund--state appropriation for fiscal year 2008 and \$1,658,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for multijurisdictional drug task forces.

(3) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to fund domestic violence legal advocacy.

(4) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(5) \$145,000 of the general fund--state appropriation for fiscal year 2008 and \$144,000 of the general fund--state appropriation for fiscal year 2009 are provided to support a task force on human trafficking.

(6) \$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute Senate Bill No. 5092 (associate development organizations). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the community services block grant program.

(8) \$70,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to implement the innovation partnership zone program.

(a) The director shall designate innovation partnership zones on the basis of the following criteria:

(i) Innovation partnership zones must have three types of institutions operating within their boundaries, or show evidence of planning and local partnerships that will lead to dense concentrations of these institutions:

(A) Research capacity in the form of a university or community college fostering commercially valuable research, nonprofit institutions creating commercially applicable innovations, or a national laboratory;

(B) Dense proximity of globally competitive firms in a research-based industry or industries or of individual firms with innovation strategies linked to (a)(i) of this subsection. A globally competitive firm may be signified through international organization for standardization 9000 or 1400 certification, or other recognized evidence of international success; and

(C) Training capacity either within the zone or readily accessible to the zone. The training capacity requirement may be met by the same institution as the research capacity requirement, to the extent both are associated with an educational institution in the proposed zone;

(ii) The support of a local jurisdiction, a research institution, an educational institution, an industry or cluster association, a workforce development council, and an associate development organization, port, or chamber of commerce;

(iii) Identifiable boundaries for the zone within which the applicant will concentrate efforts to connect innovative researchers, entrepreneurs, investors, industry associations or clusters, and training providers. The geographic area defined should lend itself to a distinct identity and have the capacity to accommodate firm growth;

(iv) The innovation partnership zone shall designate a zone administrator, which must be an economic development council, port, workforce development council, city, or county.

(b) By October 1, 2007, and October 1, 2008, the director shall designate innovation partnership zones on the basis of applications that meet the criteria in this subsection, estimated economic impact of the zone, and evidence of forward planning for the zone.

(c) If the innovation partnership zone meets the other requirements of the fund sources, then the innovation partnership zone is encouraged to use the local infrastructure financing tool program, the sales and use tax for public facilities in rural counties, the job skills program and other state and local resources to promote zone development.

(d) The department shall convene at least one information sharing event for innovation partnership zone administrators and other interested parties.

(e) An innovation partnership zone shall provide performance measures as required by the director, including but not limited to private investment measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation.

(9) \$430,000 of the general fund--state appropriation for fiscal year 2008 and \$2,200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the economic development commission to work with the higher education coordinating board and research institutions to: (a) Develop a plan for recruitment of ten significant entrepreneurial researchers over the next ten years to lead innovation research teams, which plan shall be implemented by the higher education coordinating board; and (b) develop comprehensive entrepreneurial programs at research institutions to accelerate the commercialization process.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the cascade land conservancy to develop and demonstrate one or more transfer of development rights programs. These programs shall involve the purchase or lease of development rights or conservation easements from family forest landowners facing pressure to convert their lands and who desire to keep their land in active forest management. The grant shall require the conservancy to work in collaboration with family forest landowners and affected local governments, and to submit an interim written progress report to the department by September 15, 2008, and a final report by June 30, 2009. The department shall transmit the reports to the governor and the appropriate committees of the legislature.

(11) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 1422 (addressing children and families of incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$430,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for KCTS public television to support programming in the Spanish language. These funds are intended to support the addition of a bilingual outreach coordinator to serve Latino adults, families and children in western and central Washington; multimedia promotion on Spanish-language media and website integration; the production of targeted public affairs programs that seek to improve education and the quality of life for Latinos; and to establish partnerships with city and county library systems to provide alternative access to the v-me Spanish language channel via the internet.

(13) \$1,000,000 of the tourism and promotion account--state appropriation is provided for Substitute House Bill No. 1276 (creating a public/private tourism partnership). Of this amount, \$280,000 is for the department of fish and wildlife's nature tourism infrastructure program; \$450,000 is for marketing the 2010 Olympic games; and \$50,000 is for the Washington state games.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the African chamber of commerce of the Pacific Northwest to support the formation of trade alliances between Washington businesses and African businesses and governments.

(15) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the emergency food assistance program.

(16) \$80,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the energy facility site evaluation council to contract for a review of the status of pipeline utility corridor capacity and distribution for natural gas, petroleum and biofuels in southwest Washington. The council shall submit its findings and recommendations to the legislature by December 1, 2007.

(17) \$513,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$2,463,000)~~) \$2,443,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot program to provide transitional housing assistance to offenders who are reentering the community and are in need of housing as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). The department shall operate the program through grants to eligible organizations as described in RCW 43.185.060. A minimum of two programs shall be established in two counties in which community justice centers are located. The pilot programs shall be selected through a request for proposal process in consultation with the department of corrections. The department shall select the pilot sites by January 1, 2008.

(a) The pilot program shall:

(i) Be operated in collaboration with the community justice center existing in the location of the pilot site;

(ii) Offer transitional supportive housing that includes individual support and mentoring available on an ongoing basis, life skills training, and close working relationships with community justice centers and community corrections officers. Supportive housing services can be provided directly by the housing operator, or in partnership with community-based organizations;

(iii) In providing assistance, give priority to offenders who are designated as high risk or high needs as well as those determined not to have a viable release plan by the department of corrections; and

(iv) Provide housing assistance for a period of up to twelve months for a participating offender.

(b) The department may also use up to twenty percent of the funds in this subsection to support the development of additional supportive housing resources for offenders who are reentering the community.

(c) The department shall collaborate with the department of corrections in the design of the program and development of criteria to determine who will qualify for housing assistance, and shall report to the legislature by November 1, 2008, on the number of offenders seeking housing, the number of offenders eligible for housing, the number of offenders who receive the housing, and the number of offenders who commit new crimes while residing in the housing.

(18) \$288,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for community transition coordination networks and county service inventories as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Funds are provided for: (a) Grants to counties to inventory services and resources available to assist offenders reentering the community; (b) a grant to the Washington institute for public policy to develop criteria for conducting the inventory; and (c) the department of community, trade, and economic development to assist with the inventory and implement a community transition coordination network pilot program.

(19) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a grant to the center for advanced manufacturing to assist domestic businesses to compete globally.

(20) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the developmental disabilities council to contract for legal services for individuals with developmental disabilities entering or currently residing in the department of social and health services division of developmental disabilities community protection program.

(21) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Safe Havens to provide supervised visitation for families affected by domestic violence and abuse.

(22) \$408,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$623,000)~~) \$423,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts to expand the number of participants in juvenile drug courts consistent with the conclusions of the Washington state institute for public policy evaluation of effective programs to reduce future prison populations.

(23) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5652 (microenterprise development), including grants to microenterprise organizations for organizational capacity building and provision of training and technical assistance. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5995 (economic development commission).

(25) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support international trade fairs.

(26) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to survey best practices for smart meters/smart grid/smart appliance technology and the range of applications for smart meters around the country. The survey shall include, but is not limited to, utilities using smart meters to: (a) Meter responses to time-of-use pricing, (b) meter savings from direct load control programs, (c) manage operations costs, (d) identify power outages, (e) meter voluntary interruptible power programs, (f) facilitate pay-as-you-go programs, and (g) enhance billing operations. The study will compare the survey results with Washington's electric utility power system including considerations of electricity price variations between peak and off-peak prices, seasonal price variations, forecast demand, conservation goals, seasonal or daily distribution or transmission constraints, etc., to identify the applications where smart meters may provide particular value to either individual consumers, individual Washington electric utility power systems, or the overall electric power grid in Washington, and to meeting state conservation and energy goals. The department shall complete the study and provide a report to the governor and the legislature by December 1, 2007.

(27) (~~(\$500,000)~~) \$18,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute House Bill No. 1273 (financial fraud). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to Grays Harbor county for activities associated with southwest Washington coastal erosion investigations and demonstrations.

(29) \$112,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$113,000)~~) \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the retired senior volunteer program.

(30) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Benton and Franklin county juvenile and drug courts. The grant is contingent upon the counties providing equivalent matching funds.

(31) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant to the Seattle aquarium for a scholarship program for transportation and admission costs for classrooms with lower incomes, English as second language or special needs.

(32) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$256,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the long-term care ombudsman program.

(33) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$425,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Washington state association of counties for the county training program.

(34) \$495,000 of the general fund--state appropriation for fiscal year 2008 and \$495,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the northwest agriculture business center. The department shall continue to fund these services and funding shall not be reduced.

(35) \$40,000 of the general fund appropriation for fiscal year 2008 and \$160,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a program to build capacity and promote the development of nonprofit community land trust organizations in the state. Funds shall be granted through a competitive process to community land trusts with assets under one million dollars, and these funds shall be used for operating costs, technical assistance, and other eligible capacity building expenses to be determined by the department.

(36) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to centro latino to provide adult basic education that includes but is not limited to: English as a second language, Spanish literacy training, work-readiness training, citizenship classes, programs to promote school readiness, community education, and entrepreneurial services.

(37) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to resolution Washington to build statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that all citizens have access to a low-cost resolution process as an alternative to litigation. Of the fiscal year 2009 funding, \$300,000 is to assist the centers in providing mediation services for parties with parenting plan disputes who either (a) are currently involved in dissolution proceedings or (b) completed a dissolution within the past year. The funding provided by this subsection does not constitute state funding to counties for the purposes of RCW 26.09.015(2)(b).

(38) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$2,000,000)~~) \$1,945,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute House Bill No. 1303 (cleaner energy). Of these amounts, \$487,000 of the general fund--state appropriation for fiscal year 2008 is provided solely as pass-through funding to the department of ecology to conduct the climate advisory team stakeholder process and related staffing, analysis, and public outreach costs. The department shall retain \$1,013,000 for expenditures related to the operations of the energy freedom authority, and the support of the vehicle workgroup and the carbon market stakeholder workgroup and any other activities required of the department by the bill. The department shall enter into interagency agreements with other agencies to implement the bill in the following amounts: (a) \$1,500,000 shall be provided to the climate impacts group at the University of Washington for climate assessments; (b) (~~(\$200,000)~~) \$175,000 shall be provided to the University of

Washington college of forest resources for identification of barriers to using the state's forest resources for fuel production; and (c) ~~(\$800,000)~~ \$770,000 shall be provided to the Washington State University for analyzing options for market incentives to encourage biofuels production. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(39) \$347,000 of the general fund--state appropriation for fiscal year 2008 and \$348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to Western Washington University to support small business development centers and underserved economic development councils with secondary research services. Of the amounts in this subsection, \$500,000 is intended for research services and shall be divided evenly between 25-50 small business development centers and underserved economic development councils and \$195,000 shall be used to develop infrastructure, training programs, and marketing materials.

(40) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study on improving the effectiveness of the growth management act. Topics may include but are not limited to: How best to meet and finance infrastructure and service needs of growing communities; how to provide incentives to accommodate projected growth and protect resource lands and critical areas; and how local governments are prepared to address land use changes associated with climate change.

(41) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Poulsbo marine science center.

(42) \$1,625,000 of the general fund--state appropriation for fiscal year 2008 and \$1,625,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating and capital equipment and facility grants to the following public television and radio stations: KPBX/KSFC, \$863,525; KPLU, \$733,525; KVTI, \$108,550; KDNA, \$29,205; KSER, \$338,325; KNHC, \$146,620; KSPS, \$568,750; and KBTC, \$461,500. The department shall contract with all the organizations listed in this subsection in the specified amounts.

(43) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the safe and drug free schools and communities program.

(44) \$102,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$103,000)~~ \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington's college of forest resources center for international trade in forest products.

(45) \$471,000 of the general fund--state appropriation for fiscal year 2008 and \$471,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as pass-through funding to Walla Walla community college for its water and environmental center.

(46) \$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(47)(a) \$200,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for a study to examine the fiscal health of counties. The study shall address spending and revenues, as well as the demographic, geographic, social, economic, and other factors contributing to or causing financial distress. The study shall also examine the financial efficiencies, cost savings, and improved levels of service that may be gained by authorizing noncharter counties greater flexibility in altering their forms of governance, including consolidating or merging constitutional or statutory functions or structures.

(b) The department of community, trade, and economic development may contract or consult with any agency, organization, or other public or private entity as it deems necessary in order to complete the study required under this section. The study may contain options and actions for consideration by the governor and the legislature, but at minimum shall recommend the changes to constitutional and statutory law necessary to provide counties with the legal authority required to implement the changes in governmental structures and functions needed to promote optimum financial efficiency and improved services. The study shall be transmitted to the appropriate committees of the legislature and the governor by December 1, 2007.

(48) \$2,136,000 of the general fund--state appropriation for fiscal year 2008 and \$2,136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expense of the "closing the achievement gap-flight program" of the Seattle public schools during the 2007-09 biennium. The funds will be used in support of a collaboration model between the Seattle public schools and the community. The primary intent for this program is to close the academic achievement gap for students of color and students in poverty by promoting parent and family involvement and enhancing the social-emotional and the academic support for students. By June 30, 2009, the Seattle public schools will provide and evaluation of the impact of the activities funded on class size, graduation rates, student attendance, student achievement, and closing the achievement gap.

(49) \$1,000,000 of the general fund--state appropriation for fiscal year 2008, \$1,000,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for crime victim service centers. The department shall contract with the centers for provision of these services.

(50) \$41,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$36,000)~~ \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for House Bill No. 1038 (electric transmission lines). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(51) \$1,000,000 of the independent youth housing account is provided for Second Substitute House Bill No. 1922 (youth housing program). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(52) \$227,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Second Substitute House Bill No. 1636 (development rights). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(53) \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Substitute House Bill No. 1037 (electrical transmission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(54) \$131,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for Engrossed Second Substitute House Bill No. 1705 (health sciences and services).

(55) \$881,000 of the general fund--state appropriation for fiscal year 2008 and \$882,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to: (a) Work with a statewide asset building coalition to design, implement, and fund a public education and outreach campaign; and (b) initiate, expand, and strengthen community-based asset building coalitions by providing them with technical assistance and grants. The department shall conduct an application process and select at least twelve sites by October 31, 2007. Of the amounts provided in this subsection, no more than 10 percent may be used by the department to administer the technical assistance and grant program. The department shall report to the appropriate committees of the legislature on the status of the grant and technical assistance program by December 1, 2008.

(56) \$15,200,000 of the affordable housing account--state appropriation and \$16,200,000 of the home security fund account--state appropriation are provided solely for Engrossed Second Substitute House Bill No. 1359 (affordable housing). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(57) \$350,000 of the community preservation and development authority account--state appropriation is provided solely for Substitute Senate Bill No. 6156 (development authorities). If this bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(58) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for distribution to community sexual assault programs by the office of crime victims advocacy for the purpose of enhancing services provided to child victims of sexual abuse and their families. Enhanced services may include expanded hours of medical and legal advocacy, expanded hours of therapy for the child victim, increased support to nonoffending family members, and the development of a standardized child-centered approach to service delivery.

(59) \$750,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(60) \$75,000 of the public safety and education account appropriation for fiscal year 2009 is provided solely for the update of statewide sexual assault victim assistance protocols through a coordinated effort led by the Washington coalition of sexual assault programs.

(61) \$2,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the transitional housing operating and rent program. The department shall continue to fund these services and funding shall not be reduced.

~~((63))~~ (62) \$344,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington New Americans program to provide naturalization assistance for legal permanent residents who are eligible to become citizens. The department shall conduct a competitive process to contract with an entity to provide this assistance, which shall include, but is not limited to: Curriculum design, counseling, outreach to immigrant communities, application processing and legal screening, and citizenship preparation services. The state funding is contingent upon receipt, by the contractor(s) of at least a twenty-five percent match of nonstate funding. The department and the contractor(s) shall develop performance measures for the program and within sixty days of the close of each fiscal year for which state funding is provided, shall report to the governor and the legislature on the outcome of the program and the performance measures. The department may retain up to five percent of the funds provided in this subsection to administer the competitive process and the contract. It is the intent of the legislature that \$2,000,000 be provided in the 2009-11 fiscal biennium to conclude this program.

~~((64))~~ (63) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to the Island county associate development organization and is contingent upon the enactment of, and provides specific funding for, Substitute Senate Bill No. 6195 (definition of rural county for economic development purposes). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((65) \$150,000)~~ (64) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of sections 1 through 7 of Engrossed Second Substitute Senate Bill No. 6111 (tidal and wave energy). If these sections of this bill are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((66))~~ (65) \$41,000 of the building code council account--state appropriation is provided solely for implementation of Substitute House Bill No. 2575 (fire sprinkler systems). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((67) \$100,000)~~ (66) \$37,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((68))~~ (67) \$207,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). The amount provided in this subsection includes \$50,000 for the analysis under section 9(3)(b) of the bill. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((69) \$50,000)~~ (68) \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute House Bill No. 3120 (construction tax incentive). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((70))~~ (69) \$350,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6483 (local farms and healthy kids). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((71))~~ (70) \$134,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((72))~~ (71) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the Lucy Lopez center for "the good citizen" bilingual radio programming pilot project.

~~((73))~~ (72) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the pacific science center to support the "Lucy of Laetoli" exhibit.

~~((74))~~ (73) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to the local organizing committee of 2008 Skate America to support the international skating union grand prix series at the Everett events center in October, 2008.

~~((75))~~ (74) \$225,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for development of the Lewis county watershed planning and economic development demonstration project. The purpose of the project is to identify lands and resources suitable for economic development within Lewis county and outside of the floodplains of Chehalis and Cowlitz river watersheds. It is the intent of the legislature that \$725,000 to complete this project will be provided in the 2009-11 fiscal biennium.

(a) Of this amount, the department shall provide \$75,000 each to the department of fish and wildlife and the department of ecology to develop a watershed characterization and to conduct a local habitat assessment, develop recommendations, and provide technical assistance in support of a demonstration watershed planning and economic development project in Lewis county.

(b) \$75,000 of the amount provided in this subsection is provided solely for a grant to Lewis county to fund development of a subarea plan, consistent with the provisions of chapter 36.70A RCW, for rural economic development that is based on the watershed characterization and local habitat assessment funded in (a) of this subsection. The department may retain no more than thirty percent for grant administration and technical assistance.

(c) The subarea plan to be funded shall be developed by a broad-based local stakeholder group with state agency technical assistance, and shall include the following:

(i) Defined area or areas for future economic development outside the 100-year floodplain. Areas planned for economic development requiring urban levels of service must be designated on the land use map as an urban growth area consistent with RCW 36.70A.110;

(ii) Defined area or areas of designated agricultural, forestry, wildlife habitat, and other critical area lands;

(iii) Mechanisms to achieve long-term conservation of important aquatic and terrestrial resources in the subarea;

(iv) Defined mitigation and restoration areas;

(v) Identification of capital facility improvements needed to implement the plan, and a plan to finance such capital facilities within projected funding capacities;

(vi) Discussion of the relationship between the plan and other existing, adopted plans and regulations including but not limited to county and city comprehensive plans, as appropriate, critical areas and shoreline regulations, transportation, salmon recovery, watershed, and water resource inventory area plans;

(vii) A plan for monitoring and adaptive management; and
(viii) Adoption by the local government affected as an amendment to its comprehensive plan pursuant to chapter 36.70A RCW, after review and recommendations on the plan by a broad-based local stakeholder group.

~~((77))~~ (75) \$306,000 of the manufacturing innovation and modernization account--state appropriation is provided solely to implement Substitute Senate Bill No. 6510 (manufacturing extension services). \$75,000 of this amount shall be to develop a rural manufacturer export outreach program in collaboration with the small business export finance assistance center and to contract with the center to provide outreach services to rural manufacturing businesses in Washington to inform them of the importance of, and opportunities in, international trade and to inform them of the export assistance programs available to assist these businesses to become exporters. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((79) \$200,000)~~ (76) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant to HistoryLink to develop Alaska-Yukon-Pacific exposition commemoration exhibits and programs.

~~((80) \$126,000)~~ (77) \$76,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 3142 (rapid response loan program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((81))~~ (78) \$100,000 of the prostitution prevention and intervention account--nonappropriated is for distribution as grants by the office of crime victims advocacy. The grants shall be prioritized to law enforcement training including law enforcement training regarding the availability of services for minors under chapter 13.32A RCW, community outreach and education and treatment and services to address the problems of minors who have a history of engaging in sexual conduct for a fee or who are victims of commercial sexual abuse of a minor or both, including but not limited to mental health and chemical dependency services, parenting services, housing assistance, education and vocational training, or intensive case management services.

~~((82))~~ (79) \$5,000 of the general fund--state appropriation for fiscal year 2008 and \$20,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for tourism promotion in Keystone.

~~((83))~~ (80) \$5,000 of the general fund--state appropriation for fiscal year 2008 and \$20,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for tourism promotion in Port Townsend.

~~((85))~~ (81) \$317,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Substitute Senate Bill No. 6580 (climate change), including sections 2 and 3 of the bill. If the bill and sections 2 and 3 are not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 127. 2008 c 329 s 126 (uncodified) is amended to read as follows:

FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2008)	.....	\$726,000
General Fund--State Appropriation (FY 2009)	.....	((827,000))
		<u>\$805,000</u>
TOTAL APPROPRIATION	.....	((1,553,000))
		<u>\$1,531,000</u>

The appropriations in this section are subject to the following conditions and limitations: The economic and revenue forecast council, in its quarterly revenue forecasts, shall forecast the total revenue for the state general fund and near general fund, as those funds are determined by the legislative evaluation and accountability program committee.

Sec. 128. 2008 c 329 s 127 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2008)	.....	\$24,110,000
General Fund--State Appropriation (FY 2009)	.....	((35,290,000))
		<u>\$33,705,000</u>
General Fund--Federal Appropriation	.....	\$23,934,000
General Fund--Private/Local Appropriation	.....	\$1,269,000
State Auditing Services Revolving Account--State Appropriation	.....	\$25,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	.....	\$123,000
(Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009))	.....	\$123,000
Economic Development Strategic Reserve Account--State Appropriation	.....	\$175,000
TOTAL APPROPRIATION	.....	((85,049,000))
		<u>\$83,341,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund--state appropriation for fiscal year 2008 and \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$254,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and ~~((580,000))~~ \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and ~~((320,000))~~ \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$190,000 of the general fund--state appropriation for fiscal year 2008 and \$90,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement chapter 139, Laws of 2007 (student transportation funding) which requires development of two options for a new K-12 pupil transportation funding formula.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$175,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) \$474,000 of the general fund--state appropriation for fiscal year 2008 and (~~\$831,000~~) \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$54,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy-protected student-level data.

~~((+3))~~ (11) \$250,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$250,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely for the office of financial management to establish and provide staff support for the Washington citizens' work group on health care reform, pursuant to Engrossed Substitute Senate Bill No. 6333.

~~((+4))~~ (12) \$11,372,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development and implementation of the Washington assessment of student learning (WASL) and related activities and is in addition to the funding amounts provided in section 511 of this act. The funding provided in this subsection is subject to the following conditions and limitations: The office of financial management shall develop an interagency agreement with the office of the superintendent of public instruction for the expenditure of these funds based on a quarterly allotment schedule. Before releasing funds to the office of the superintendent of public instruction each quarter, the office of financial management shall ensure compliance with this subsection. Effective with the 2009 administration of the Washington assessment of student learning, while maintaining the reliability and validity of the assessment, the office of the superintendent of public instruction shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration, reducing the number of short answer and extended response questions, and potentially decreasing the number of items utilized in the assessment, particularly in grades tested under the requirements of the federal no child left behind act. In selecting and developing the new contractual obligations for the assessment contractor beginning in fiscal year 2009, the office of the superintendent of public instruction shall preserve legislative authority to set the student learning assessment policy and potentially make minor or significant changes to that policy in the future with the least amount of adverse fiscal and other impacts to the state as possible. In doing this, the office of the superintendent of public instruction shall advise and consult with the appropriate policy and fiscal committees of the legislature and the Washington assessment of student learning work group created in this subsection. Within the amounts appropriated in this subsection, a legislative work group on the Washington assessment of student learning is established. The work group will consist of a maximum of nine members. Legislative members shall be appointed by the president of the senate and the speaker of the house of representatives and shall represent the two largest caucuses of both the senate and the house of representatives. The purpose of this work group is to review and evaluate the current assessment system by January 1, 2009, and potentially make recommendations to improve it. Of the amount provided in this section, \$150,000 is provided solely for costs associated with hiring independent technical experts to advise the Washington assessment of student learning work group created in this subsection.

~~((+5))~~ (13) Through prior legislation, many state activities that protect the general public by safeguarding health, safety, employees, and consumers are supported by fees assessed on items such as licensing, registration, certification, and inspections. Moreover, higher education, workforce training, and a number of other government services are supported at least in part by fees assessed on those who participate in these programs. Therefore, the office of financial management shall conduct a review and analysis of all fees for which the legislature has delegated to state agencies and institutions of higher education the ability to establish and determine the amount, either upon initial establishment or subsequent increases. Fees, as used in this subsection, has the same meaning as used in RCW 43.135.055. The objective of the review and analysis is to document the level of fees paid over the past five years, the cost of those programs over that same time period, and, to the extent available, the effectiveness of the activity in meeting its performance targets. The review and analysis shall include the following information:

- (a) Information about the program, including the statutory authority for the program, date enacted, and the parties that benefit from the program; and
- (b) Information about the program fees, including name and description of the fees, the parties that bear the cost of the fees, the methodology for determining the fees, and whether the fees directly fund the program; and
- (c) Financial related information, including an assessment of the program's fee amount assessed over the past five years, the scope of the program and related costs over the past 5 years, and whether the program's expenditures are subject to appropriation or allotment procedures under chapter 43.88 RCW; and
- (d) To the extent available, information on the program activities and related performance measures that may assist in assessing the effectiveness of the program in achieving its goals.

The office of financial management shall report its findings to the governor and the fiscal committees of the legislature by October 1, 2008.

Sec. 129. 2008 c 329 s 128 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State Appropriation	((\$32,703,000))
	<u>\$32,702,000</u>

Sec. 130. 2008 c 329 s 129 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

General Fund--State Appropriation (FY 2008)	\$96,000
Department of Personnel Service Account--State Appropriation	((\$23,618,000))
	<u>\$23,587,000</u>

Higher Education Personnel Services Account--State Appropriation	((\$1,780,000))
	<u>\$1,776,000</u>
TOTAL APPROPRIATION	((\$25,494,000))
	<u>\$25,459,000</u>

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

Sec. 131. 2008 c 329 s 130 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation	((\$26,086,000))
	<u>\$26,075,000</u>

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section may not be expended by the Washington state lottery for any purpose associated with a lottery game offered through any interactive electronic device, including the internet.

Sec. 132. 2008 c 329 s 131 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2008)	\$261,000
General Fund--State Appropriation (FY 2009)	((\$422,000))
	<u>\$417,000</u>
TOTAL APPROPRIATION	((\$683,000))
	<u>\$678,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the commission to engage a contractor to conduct a detailed analysis of the achievement gap for Hispanic students; recommend a comprehensive plan for closing the achievement gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. The contractor shall conduct the analysis starting with the call to action paper by the multi-ethnic think tank and as guided by the Latino/a educational achievement project and other appropriate groups. The contractor shall submit a study update by September 15, 2008, and submit a final report by December 30, 2008, to the governor, the superintendent of public instruction, the state board of education, the P-20 council, the basic education finance task force, and the education committees of the legislature.

Sec. 133. 2008 c 329 s 132 (uncodified) is amended to read as follows:

FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2008)	\$257,000
General Fund--State Appropriation (FY 2009)	((\$262,000))
	<u>\$257,000</u>
TOTAL APPROPRIATION	((\$519,000))
	<u>\$514,000</u>

Sec. 134. 2008 c 329 s 133 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

General Fund--State Appropriation (FY 2008)	\$200,000
General Fund--State Appropriation (FY 2009)	((\$250,000))
	<u>\$126,000</u>
Dependent Care Administrative Account--State Appropriation	\$237,000
Department of Retirement Systems Expense Account-- State Appropriation	((\$48,556,000))
	<u>\$48,419,000</u>
TOTAL APPROPRIATION	((\$49,243,000))
	<u>\$48,982,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$15,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1261 (duty disability service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$43,000 of the department of retirement systems expense account appropriation is provided solely to implement House Bill No. 1680 (emergency medical technician service credit). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (3) \$72,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1649 (judges' past service credit purchases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (4) \$33,000 of the department of retirement systems expense account appropriation is provided solely to implement Substitute House Bill No. 1262 (plan 1 post retirement employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (5) \$315,000 of the department of retirement systems expense account appropriation is provided solely to implement Engrossed House Bill No. 2391 (gainsharing revisions). If neither bill is enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (6) \$12,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5014 (contribution rates). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (7) \$17,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Senate Bill No. 5175 (retirement annual increases). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$200,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$250,000)~~) \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to design a plan for the operation of a universal voluntary retirement accounts program, and then seek approval from the federal internal revenue service to offer the plan to workers and employers in Washington on a tax qualified basis. Features of Washington voluntary retirement accounts plan include a defined contribution plan with a limited pre-selected menu of investment options, administration by the department of retirement systems, investment oversight by the state investment board, tax-deferred payroll deductions, retirement account portability between jobs, and a two-tier system with workplace based individual retirement accounts open to all workers, and a deferred compensation 401(k)-type program or SIMPLE IRA-type program open to all employers who choose to participate for their employees. As part of this process, the director shall consult with the department of financial institutions, the state investment board, private sector retirement plan administrators and providers and other relevant sectors of the financial services industry, organizations promoting increased economic opportunities for individuals, employers, workers, and any other individuals or entities that the director determines relevant to the development of an effective and efficient method for implementing and operating the program. As part of this process, the director shall evaluate the most efficient methods for providing this service and ways to avoid competition with existing private sector vehicles. The director shall undertake the legal and development work to determine how to implement a universal voluntary retirement accounts program, managed through the department of retirement systems directly or by contract. By December 1, 2008, the director shall report to the legislature on the program's design and any required changes to state law that are necessary to implement the program.

(9) \$81,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of Engrossed House Bill No. 2887 (judges' service credit purchases). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$51,000 of the department of retirement systems expense account--state appropriation is provided solely for implementation of House Bill No. 3019 (partial year service credit for school district employees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to contract with a skilled facilitator to mediate discussions to identify and document all outstanding issues related to the funding of retiree medical benefits in the law enforcement officers' and fire fighters' retirement system plan 1 and for staff resources to be used to conduct research in support of this effort. The stakeholder group shall include representatives of retired members of the law enforcement officers' and fire fighters' retirement system plan 1, local government employers, the department of retirement systems, and other groups as deemed necessary by the director of the department of retirement systems.

Sec. 135. 2008 c 329 s 134 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2008)	\$98,150,000
General Fund--State Appropriation (FY 2009)	(\$105,951,000)
	<u>\$103,217,000</u>
Timber Tax Distribution Account--State Appropriation	\$5,788,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$128,000
Waste Tire Removal Account--State Appropriation	\$2,000
Real Estate Excise Tax Grant Account--State Appropriation	(\$3,900,000)
	<u>\$3,000,000</u>
State Toxics Control Account--State Appropriation	\$87,000
Oil Spill Prevention Account--State Appropriation	\$16,000
Pension Funding Stabilization Account Appropriation	\$2,370,000
TOTAL APPROPRIATION	(\$216,392,000)
	<u>\$212,758,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

(4) ~~(\$1,250,000)~~ \$250,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Engrossed Substitute Senate Bill No. 6809 (working families tax exemption). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse. This subsection does not constitute approval of the exemption under section 2, chapter . . . (ESSB 6809), Laws of 2008 or authorize payments of remittances.

(5) \$22,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Second Substitute House Bill No. 3104 (domestic partnerships). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse.

Sec. 136. 2008 c 329 s 135 (uncodified) is amended to read as follows:

FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State Appropriation	(\$24,333,000)
	<u>\$24,332,000</u>

The appropriation in this section is subject to the following conditions and limitations:

(1) \$2,500,000 of the state investment board expense account--state appropriation is provided solely for development of an investment data warehouse. This funding is intended to replace existing funding from nonbudgeted funds, with the intent that further expenditures for this project be made only by appropriation.

(2) \$1,791,000 of the state investment board expense account is for compensation and incentives for investment officers. Of this amount, \$852,000 is provided solely for implementation of Substitute House Bill No. 3149 (state investment board personnel compensation). The state investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal.

Sec. 137. 2008 c 329 s 136 (uncodified) is amended to read as follows:

FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2008)	\$1,502,000
General Fund--State Appropriation (FY 2009)	(\$1,354,000)
	<u>\$1,343,000</u>
TOTAL APPROPRIATION	(\$2,856,000)
	<u>\$2,845,000</u>

Sec. 138. 2008 c 329 s 137 (uncodified) is amended to read as follows:

FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation	\$847,000
City and Town Research Services--State Appropriation	(\$4,458,000)
	<u>\$4,457,000</u>
General Fund--State Appropriation (FY 2008)	\$200,000
General Fund--State Appropriation (FY 2009)	\$225,000
TOTAL APPROPRIATION	(\$5,730,000)
	<u>\$5,729,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 139. 2008 c 329 s 138 (uncodified) is amended to read as follows:

FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation	(\$3,615,000)
	<u>\$3,614,000</u>

The appropriation(s) in this section (are) is subject to the following conditions and limitations: \$19,000 of the OMWBE enterprise account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1512 (linked deposit program).

Sec. 140. 2008 c 329 s 139 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$591,000
General Fund--State Appropriation (FY 2009)	(\$590,000)
	<u>\$557,000</u>
General Fund--Federal Appropriation	\$3,651,000
General Administration Service Account--State Appropriation	(\$36,929,000)
	<u>\$36,893,000</u>
TOTAL APPROPRIATION	(\$41,761,000)
	<u>\$41,692,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

(2) Within the appropriations in this section, specific funding is provided to implement Second Substitute House Bill No. 1332 (affordable housing).

(3) \$391,000 of the general administration services account--state appropriation for fiscal year 2009 is provided solely for implementation of costs associated with the planning of agency moves out of the general administration building.

(4) The department shall work with the office of financial management to develop a plan that balances revenues and expenditures for each line of business within the general administration services account. State agency rates developed for the 2009-2011 biennium must equitably and reasonably reflect the actual cost of services provided to state agencies including the appropriate allocation of agency overhead costs. By August 31, 2008, the department shall submit to the office of financial management and the fiscal committees of the legislature financial statements for each line of business that shall inform the basis for agency rate development for the forthcoming biennium.

(5) The department shall submit a report to the office of financial management and the fiscal committees of the legislature that responds to each of the state auditor's motor pool audit recommendations by August 31, 2008. This report shall consist of recommendations that have been adopted by the department, progress made towards achieving those recommendations not yet completed, and justification for why the department is unable to fulfill any of the recommendations in the report.

Sec. 141. 2008 c 329 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2008)	\$2,762,000
General Fund--State Appropriation (FY 2009)	(\$4,623,000)
	<u>\$3,416,000</u>
General Fund--Federal Appropriation	\$1,920,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$695,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$698,000
Data Processing Revolving Account--State Appropriation	\$6,377,000
TOTAL APPROPRIATION	(\$17,075,000)
	<u>\$15,868,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,340,000)~~ \$1,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to connect eastern state hospital to the integrated hospital information system, which is intended to improve operations and allow greater interactions between the hospital and community clinics, including electronic transmission of inpatient data to outpatient clinics that will provide care following discharge. Connection to this network will allow consultation with specialists and provide access to training for staff. Prior to any purchase of goods or services, a feasibility plan must be approved by the information services board.

(2) ~~(\$1,250,000)~~ \$1,151,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support the operations of the digital learning commons.

(3) \$1,012,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$338,000)~~ \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of the information technology infrastructure capacity for institutions operated by the department of social and health services, department of veterans affairs, and department of corrections. The evaluation will detail the status of the participating institutions' infrastructure and recommend an improvement strategy that includes the use of electronic medical records. The department shall report back to the appropriate committees of the legislature on its findings by January 1, 2009.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$120,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the data processing revolving account.

(5) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6438 (internet deployment/adoption), including sections 1 through 5 of the bill. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 142. 2008 c 329 s 141 (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation	\$1,564,000
Insurance Commissioners Regulatory Account--State Appropriation	(\$45,442,000)
	<u>\$45,404,000</u>
TOTAL APPROPRIATION	(\$47,006,000)
	<u>\$46,968,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$464,000 of the insurance commissioners regulatory account-- state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 5717 (market conduct oversight). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$71,000 of the insurance commissioners regulatory account-- state appropriation is provided solely for the implementation of section 17 (reduce health care administrative costs) in accordance with Senate Bill No. 5930 (blue ribbon commission on health care). If the section is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$286,000 of the insurance commissioner's regulatory account-- state appropriation for fiscal year 2009 is provided solely for the insurance commissioner to convene a work group of health care providers, carriers, and payers, to identify and develop strategies to achieve savings through streamlining administrative requirements and procedures, as recommended in the report submitted pursuant to section 17, chapter 259, Laws of 2007. By December 1, 2008, the commissioner shall submit a report to the governor and the legislature that identifies the five highest priority goals for achieving significant efficiencies and reducing health care administrative costs, and a plan to accomplish these goals.

Sec. 143. 2008 c 329 s 142 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation	(\$2,575,000)
	<u>\$2,574,000</u>

Sec. 144. 2008 c 329 s 143 (uncodified) is amended to read as follows:

FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State Appropriation	(\$5,441,000)
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\$5,387,000

The appropriation in this section is subject to the following conditions and limitations: During the 2007-2009 fiscal biennium, the commission may increase license fees in excess of the fiscal growth factor as provided in RCW 43.135.055.

Sec. 145. 2008 c 329 s 144 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2008)	\$1,910,000
General Fund--State Appropriation (FY 2009)	\$1,912,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$13,430,000
Liquor Revolving Account--State Appropriation	(\$194,799,000)
	<u>\$194,556,000</u>
TOTAL APPROPRIATION	(\$212,051,000)
	<u>\$209,896,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

Sec. 146. 2008 c 329 s 145 (uncodified) is amended to read as follows:

FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation	(\$1,042,000)
	<u>\$1,041,000</u>

The appropriation in this section is subject to the following conditions and limitations: \$9,000 of the volunteer firefighters' and reserve officers' administrative account appropriation is provided solely to implement House Bill No. 1475 (additional board members). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 147. 2008 c 329 s 146 (uncodified) is amended to read as follows:

FOR THE UTILITIES AND TRANSPORTATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$160,000
Public Service Revolving Account--State Appropriation	(\$31,118,000)
	<u>\$31,071,000</u>
Pipeline Safety Account--State Appropriation	(\$3,167,000)
	<u>\$3,163,000</u>
Pipeline Safety Account--Federal Appropriation	(\$1,535,000)
	<u>\$1,533,000</u>
TOTAL APPROPRIATION	(\$35,980,000)
	<u>\$35,927,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) In accordance with RCW 81.66.030, it is the policy of the state of Washington that the costs of regulating the companies transporting persons with special needs shall be borne by those companies. For each company or class of companies covered by RCW 81.66.030, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating the companies or classes of companies. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of supervision and regulation.
- (2) In accordance with RCW 81.70.350, it is the policy of the state of Washington that the cost of regulating charter party carrier and excursion service carriers shall be borne by those entities. For each charter party carrier and excursion service carrier covered by RCW 81.70.350, the commission shall set fees at levels sufficient to fully cover the cost of supervising and regulating such carriers. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the commission may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the cost of the program's supervision and regulation.
- (3) The general fund--state appropriation for fiscal year 2008 is provided solely to conduct a survey to identify factors preventing the widespread availability and use of broadband technologies. The survey must collect and interpret reliable geographic, demographic, cultural, and telecommunications technology information to identify broadband disparities in the state. The commission shall consult appropriate stakeholders in designing the survey. The names and identification data of any person, household, or business participating in the survey are exempt from public disclosure under chapter 42.56 RCW. The commission shall report its finding to the appropriate legislative committees by December 31, 2007.

Sec. 148. 2008 c 329 s 147 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2008)	\$12,430,000
General Fund--State Appropriation (FY 2009)	(\$13,195,000)
	<u>\$11,353,000</u>
General Fund--Federal Appropriation	(\$129,336,000)
	<u>\$129,334,000</u>
General Fund--Private/Local Appropriation	\$2,000

Enhanced 911 Account--State Appropriation	\$42,293,000
Disaster Response Account--State Appropriation	\$24,454,000
Disaster Response Account--Federal Appropriation	\$86,757,000
Military Department Rent and Lease Account--State Appropriation	\$814,000
Worker and Community Right-to-Know Account--State Appropriation	\$337,000
Nisqually Earthquake Account--State Appropriation	\$556,000
Nisqually Earthquake Account--Federal Appropriation	\$1,269,000
TOTAL APPROPRIATION	<u>(\$311,443,000)</u>
	<u>\$309,599,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$24,454,000 of the disaster response account--state appropriation and \$86,757,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) \$556,000 of the Nisqually earthquake account--state appropriation and \$1,269,000 of the Nisqually earthquake account-- federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

(6) \$200,000 of the enhanced 911 account--state appropriation is provided solely for the department to recommend an appropriate funding mechanism for the implementation of next generation 911. The department shall consult with the utilities and transportation commission, the department of revenue, local governments, and representatives from companies providing telecommunications services in order to complete the report required under this subsection. The department may also consult with other public safety and medical associations in order to complete the study. The department shall submit the report to the finance committee and the technology, energy, and communications committee of the house of representatives, and the ways and means committee and the water, energy, and telecommunications committee of the senate, by December 1, 2008.

Sec. 149. 2008 c 329 s 148 (uncodified) is amended to read as follows:

FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2008)	\$3,247,000
General Fund--State Appropriation (FY 2009)	<u>(\$3,296,000)</u>
	\$3,180,000
Department of Personnel Service Account--State Appropriation	\$3,287,000
TOTAL APPROPRIATION	<u>(\$9,830,000)</u>
	<u>\$9,714,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$112,000 of the general fund--state appropriation for fiscal year 2008 and \$107,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for implementation of Substitute House Bill No. 2361 (higher education exempt employees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 150. 2008 c 329 s 149 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2008)	\$1,114,000
General Fund--State Appropriation (FY 2009)	<u>(\$1,755,000)</u>
	\$1,541,000
General Fund--Federal Appropriation	\$1,641,000
General Fund--Private/Local Appropriation	\$14,000
TOTAL APPROPRIATION	<u>(\$4,524,000)</u>

\$4,310,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2115 (heritage barn preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(2) ~~(\$571,000)~~ \$368,000 of the general fund--state appropriation for fiscal year 2009 and \$500,000 of the nonappropriated skeletal human remains assistance account are provided solely for implementation of Engrossed Second Substitute House Bill No. 2624 (human remains). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(3) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to conduct a preliminary assessment to determine the feasibility of seeking federal heritage area designation for Washington state's maritime regions. The department shall establish an advisory committee for the study. The department shall submit a report of the preliminary assessment findings to the appropriate policy and fiscal committees of the legislature and to the governor by January 1, 2010.

Sec. 151. 2008 c 329 s 150 (uncodified) is amended to read as follows:

FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2008)	\$1,893,000
General Fund--State Appropriation (FY 2009)	(\$1,928,000)
	<u>\$1,878,000</u>
TOTAL APPROPRIATION	(\$3,821,000)
	<u>\$3,771,000</u>

**PART II
HUMAN SERVICES**

Sec. 201. 2008 c 329 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$316,353,000
General Fund--State Appropriation (FY 2009)	(\$345,840,000)
	<u>\$338,197,000</u>
General Fund--Federal Appropriation	(\$489,938,000)
	<u>\$490,314,000</u>
General Fund--Private/Local Appropriation	\$2,187,000
Domestic Violence Prevention Account--State Appropriation	\$1,000,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$3,251,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,254,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$2,934,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$2,934,000
Pension Funding Stabilization Account--State Appropriation	\$2,298,000
TOTAL APPROPRIATION	(\$1,169,989,000)
	<u>\$1,162,722,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$3,063,000)~~ \$2,993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse- affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,020 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, \$37,000 of the general fund--state appropriation for fiscal year 2009, and \$34,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child welfare).

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, \$407,000 of the general fund--state appropriation for fiscal year 2009, and \$48,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$49,000 of the general fund--state appropriation for fiscal year 2008, \$24,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 384, Laws of 2007.

(23) The department shall work with the exclusive bargaining representative for the children's administration social workers to prioritize social worker tasks and devise methods by which to alleviate from the social workers' workload lower priority tasks. Discussions on methods shall include the use of contracting services and home support specialists. The department and the bargaining representative shall jointly report their efforts to the appropriate committees of the legislature by submitting a progress report no later than July 1, 2008, and a final report by November 15, 2008.

(24) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with the largest nonprofit organization in the state conducting education and outreach on RCW 13.34.360, the safety of newborn children law.

(25) \$616,000 of the general fund--state appropriation for fiscal year 2009 and \$184,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$400,000 of this amount is for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$400,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

~~((28))~~ (26) \$42,000 of the general fund--state appropriation for fiscal year 2009 and \$29,000 of the general fund--federal appropriation are provided solely for the department to implement Second Substitute Senate Bill No. 6206 (child fatality). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((29))~~ (27) \$857,000 of the general fund--state appropriation for fiscal year 2009 and \$140,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 3145 (foster parent licensing). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((30))~~ (28) \$415,000 of the general fund--state appropriation for fiscal year 2008, \$469,000 of the general fund--state appropriation for fiscal year 2009, and \$264,000 of the general fund--federal appropriation are provided solely for the hiring of staff to expedite the phase-in of the state's policy of a private and individual face-to-face visit each month with children in out-of-home care and in-home dependencies and their caregivers.

~~((31))~~ (29) \$109,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the general fund--federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((32))~~ (30) The appropriations in this section provide specific funds to implement Engrossed Substitute Senate Bill No. 6792 (dependency matters).

~~((35))~~ (31) \$812,000 of the general fund--state appropriation for fiscal year 2009 and \$256,000 of the general fund--federal appropriation are provided solely for the department to hire additional staff to perform child health education and tracking screens.

~~((37))~~ (32) \$1,829,000 of the general fund--state appropriation for fiscal year 2009 and \$578,000 of the general fund--federal appropriation are provided solely for the department to contract with nonprofit organizations to facilitate twice-monthly visits between siblings living apart from each other in out-of-home care.

Sec. 202. 2008 c 329 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008)	\$87,822,000
General Fund--State Appropriation (FY 2009)	((88,715,000))
	<u>\$83,791,000</u>
General Fund--Federal Appropriation	\$5,662,000
General Fund--Private/Local Appropriation	\$1,898,000
Reinvesting in Youth--State Appropriation	\$1,414,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$171,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$21,975,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$22,078,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$2,510,000
Pension Funding Stabilization Account--State Appropriation	\$2,200,000
TOTAL APPROPRIATION	((234,445,000))
	<u>\$229,521,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and ~~((3,066,000))~~ \$2,299,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and ~~((1,287,000))~~ \$787,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including:

(i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation

administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 203. 2008 c 329 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2008)	((\$305,747,000))
	\$305,732,000
General Fund--State Appropriation (FY 2009)	((\$328,783,000))
	\$303,162,000
General Fund--Federal Appropriation	((\$382,032,000))
	\$395,388,000
General Fund--Private/Local Appropriation	\$16,157,000
TOTAL APPROPRIATION	((\$1,032,719,000))
	\$1,020,439,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and ((~~\$104,080,000~~)) \$118,504,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. These funds shall be distributed proportionally to each regional support network's percentage of the total state population.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(f) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(g) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and ((~~\$1,500,000~~)) \$1,091,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection. The department shall not terminate early any grant that was contracted under this subsection prior to January 1, 2009, for the use of funds during fiscal year 2009.

(h) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

(i) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(j) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(k) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

~~((h))~~ ~~\$2,981,000 of the general fund--state appropriation for fiscal year 2008, \$3,248,000 of the general fund--state appropriation for fiscal year 2009, and \$2,016,000 of the general fund--federal appropriation are provided solely to modify the department's proposed new payment rates for medicaid inpatient psychiatric services. Under the department's proposed rate system, effective August 1, 2007, each hospital's inpatient psychiatric payment rate would have been set at a percentage of that hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year. Within the amount provided in this subsection (1)(m), beginning August 1, 2007, each hospital's inpatient psychiatric payment rate shall instead be set at the greater of a percentage of: (i) The hospital's estimated per diem cost for psychiatric inpatient care during the most recent rebasing year, or (ii) the statewide average per diem cost for psychiatric inpatient care during the most recent rebasing year, adjusted for regional wage differences and for differences in medical education costs. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.~~

~~(m)~~ ~~\$6,267,000 of the general fund--state appropriation for fiscal year 2008 and \$6,462,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase nonmedicaid psychiatric inpatient payment rates over fiscal year 2005 levels. It is expected that nonmedicaid rates will be set at approximately 85 percent of each hospital's medicaid psychiatric inpatient rate. At least thirty days prior to implementing adjustments to regional support network medicaid capitation rates and nonmedicaid allocations to account for changes in psychiatric inpatient payment rates, the department shall report on the proposed adjustments to the appropriations committee of the house of representatives and the ways and means committee of the senate.~~

~~(n)~~ ~~\$7,396,000 of the general fund--state appropriation for fiscal year 2008, \$15,146,000 of the general fund--state appropriation for fiscal year 2009, and \$13,927,000 of the general fund--federal appropriation are provided solely to increase regional support network medicaid capitation rates, or fee-for-service rates paid instead of those capitation rates, and nonmedicaid allocations by 3.0 percent effective July 1, 2007, and by an additional 3.0 percent effective July 1, 2008. The federal portion of these rate increases is contingent upon federal approval. (i) The legislature intends and expects that regional support networks and community mental health agencies will use at least 67 percent of the amounts provided in this subsection (1)(o) to increase compensation for direct care personnel above and beyond usual and customary wage increases. To this end, regional support networks shall report to the department by October 15, 2007, on planned uses of the rate increases within their network area. The report shall describe the direct care job classifications to which increases are to be provided; the number of full-time equivalent personnel employed in each classification; the annualized dollar and percentage increases to be provided each classification; the annualized dollar value of the direct care compensation increases provided, in total and as a percentage of the total rate increase; and the number of personnel in each job classification covered by a collective bargaining agreement. The department shall summarize and analyze the regional plans, and report findings, options, and recommendations to the legislature by December 1, 2007. (ii) Regional support networks shall maintain documentation of how the rate increases have been applied. Such documentation shall be subject to audit by the department. (iii) For purposes of this subsection (1)(o), "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance. In agencies that provide both mental health and chemical dependency services, nonmedicaid funds may also be used for compensation increases for direct care staff whose primary responsibility is direct care and treatment for people with chemical dependency problems.~~

~~(o)~~ ~~\$2,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,683,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1456 (mental health professionals). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. For purposes of organizing and delivering training as required by the bill, the department may retain up to fifteen percent of the amount appropriated for fiscal year 2008, and up to ten percent of the amount appropriated for fiscal year 2009. The remainders shall be distributed to regional support networks proportional to each network's percentage of the total state population.~~

~~(p))~~ ~~(l)~~ ~~\$135,000 of the general fund--state appropriation for fiscal year 2008, ((~~\$3,031,000~~)) \$2,905,000 of the general fund--state appropriation for fiscal year 2009, and \$1,289,000 of the general fund--private/local appropriation are provided solely to enable the department to contract with Pierce county human services for the provision of community mental health services to include crisis triage, evaluation and treatment, and mobile crisis services. The legislature intends this to be one-time funding while a replacement regional support network is being secured. The department is authorized to reserve \$402,000 general fund--state and \$201,000 general fund--local of these amounts for reasonable costs incurred by Pierce county for the provision of mental health crisis and related services that exceed reimbursement levels contracted by the department. In order to receive these funds, Pierce county must demonstrate to the department that the total cost of mental health services provided by the county in accordance with formal agreements has exceeded the revenues received from the department and third-party payers for these services. The department shall determine the documentation that is required.~~

~~((~~q~~))~~ ~~(m)~~ ~~\$504,000 of the general fund--state appropriation for fiscal year 2008 and \$1,529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.~~

~~((~~r~~))~~ ~~(n)~~ ~~\$750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Spokane regional support network to implement a comprehensive plan for reducing its utilization of eastern state hospital. Key elements of the plan, which shall be developed and implemented in consultation with and with the assistance of the department, may include but shall not be limited to development of additional crisis triage, crisis stabilization, and evaluation and treatment beds; provision of housing assistance for high-utilizers of hospital and jail services who are at risk of homelessness; implementation of an intensive outpatient treatment team for persons with co-occurring disorders and other special needs; and delivery of respite care to assist elderly individuals avoid or return home after hospitalization. Spokane regional support shall receive a proportional share of the fiscal year 2009 nonmedicaid rate reduction out of its base funding distribution.~~

~~((~~s~~))~~ ~~\$6,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for regional support networks to increase and improve delivery of nonmedicaid services. These funds shall be distributed to regional support networks, other than Spokane and Pierce county, proportional to each network's share of total population among those networks.~~

~~(t)~~ ~~\$215,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to assist nongovernmental mental health agencies in Pierce county with start-up and other extraordinary administrative costs required by the conversion from a capitated to a unit fee-based service delivery and billing system.)~~

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$138,340,000
General Fund--State Appropriation (FY 2009)	((\$131,973,000))
	<u>\$129,272,000</u>
General Fund--Federal Appropriation	((\$145,602,000))

	<u>\$145,552,000</u>
General Fund--Private/Local Appropriation	\$66,302,000
Pension Funding Stabilization Account--State Appropriation	\$7,058,000
TOTAL APPROPRIATION	<u>(\$489,275,000)</u>
	<u>\$486,524,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.
- (b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.
- (c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.
- (d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.
- (e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.
- (f) \$133,000 of the general fund--state appropriation for fiscal year 2008 and \$2,145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to pilot a direct care nurse staffing plan for two high incident wards at eastern state hospital and four high incident wards at western state hospital. The pilot provides funding to fully staff registered nurses, licensed practical nurses, and mental health technicians in accordance with the state psychiatric hospitals direct care staffing review and recommendations. The department shall have the authority to fill the positions with any mix of these direct care nursing staff so long as a good faith effort is made to first hire and recruit positions in accordance with the direct care nurse staffing plan. The department shall monitor outcomes for improved patient and staff safety and provide a written report to the legislature by October 1, 2009.
- (g) \$617,000 of the general fund--state appropriation for fiscal year 2008 and \$334,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to cover additional operating costs related to the October 11, 2007, laundry fire at western state hospital.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	<u>(\$1,917,000)</u>
	\$1,892,000
General Fund--State Appropriation (FY 2009)	<u>(\$2,319,000)</u>
	\$2,269,000
General Fund--Federal Appropriation	\$3,276,000
TOTAL APPROPRIATION	<u>(\$7,512,000)</u>
	<u>\$7,437,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.
- ~~((c))~~ (b) \$80,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the general fund--federal appropriation are provided solely as one-time funding to make available a mental health train the trainer first aid course consisting of twelve hours of instruction based upon a program created by the department of psychiatry, University of Melbourne in Australia. The course will provide training to members of the public related to: (i) Giving appropriate initial help and support to a person suffering from a mental disorder and responding to mental health crisis situations; and (ii) depression, anxiety disorders, psychosis, and substance use disorder, including recognizing symptoms, possible causes or risk factors, and evidenced-based treatment options. Participants in the first aid course will train others to provide the training.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$4,966,000
General Fund--State Appropriation (FY 2009)	<u>(\$5,177,000)</u>
	\$4,500,000
General Fund--Federal Appropriation	\$7,557,000
TOTAL APPROPRIATION	<u>(\$17,700,000)</u>
	<u>\$17,023,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.
- ~~((c))~~ (b) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with a facilitator to coordinate a review and make recommendations on:

- (i) Ward sizes at eastern and western state hospitals and patient case mix by ward;
- (ii) Discharge practices for state hospitals to include the child and study treatment center; and
- (iii) Community placements to include placements for adults and children.

By October 15, 2008, the department shall provide to the legislature recommendations for system improvement to include a cost/benefit analysis. The department shall include representation from regional support networks in the review and development of recommendations for discharge practices and community placements.

Sec. 204. 2008 c 329 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008)	\$348,327,000
General Fund--State Appropriation (FY 2009)	(\$380,811,000)
	<u>\$362,290,000</u>
General Fund--Federal Appropriation	(\$636,595,000)
	<u>\$653,680,000</u>
Health Services Account--State Appropriation (FY 2008)	\$452,000
Health Services Account--State Appropriation (FY 2009)	\$452,000
TOTAL APPROPRIATION	(\$1,366,637,000)
	<u>\$1,365,201,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,399,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$8,849,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,198,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with developmental disabilities. Of the amounts provided in this subsection (e), \$696,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund--state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) \$1,692,000 of the general fund--state appropriation for fiscal year 2008, \$3,645,000 of the general fund--state appropriation for fiscal year 2009, and \$2,397,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. The legislature finds that some waiver clients are not receiving employment services that are authorized under their waivers. Within the amounts appropriated in this section, waiver clients must receive services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall work with the counties to establish a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, time frames for seeking paid employment, and services provided under pathway to employment while paid employment is sought. The department shall report to the office of financial management and the appropriate committees of the legislature on this proposal by November 1, 2008, including estimated fiscal impacts and an option for making the policy budget neutral for

the current level of clients served. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h)(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.

(ii) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(iii) Amounts provided in this section and in section 206 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

(i) \$921,000 of the general fund--state appropriation for fiscal year 2009 and \$963,000 of the general fund--federal appropriation are provided solely for the development and implementation of a federal home and community-based care waiver to provide intensive behavior support services to up to one hundred children with developmental disabilities who have intense behaviors, and their families.

(i) To receive services under the waiver, the child must have a developmental disability and: (A) Meet an acuity measure, as determined by the department, indicating that the child is at high risk of needing an out-of-home placement; (B) be eligible for developmental disabilities services and a home and community-based care waiver program; (C) reside in his or her family home or temporarily in an out-of-home placement with a plan to return home; and (D) have family that demonstrates the willingness to participate in the services offered through the waiver, and is not subject to a pending child protective services referral.

(ii) The department shall authorize, contract for, and evaluate the provision of intensive in-home services that support the ability of the child to remain at home with their parents or relatives. Intensive behavior support services under the waiver shall be provided directly or by contract, and may include, but are not limited to: (A) Behavior consultation and management, therapies and respite care; (B) minor home or motor vehicle modifications and transportation; (C) specialized nutrition and clothing; (D) training of families and other individuals working with the child; and (E) inclusion in community activities.

(j) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the purpose of settling all claims in the *Washington Federation of State Employees, et. al v. State of Washington*, Thurston County Superior Court Cause No. 05-2-02422-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the appropriation in this subsection (j). If settlement is not executed by June 30, 2008, the appropriation in this subsection (j) shall lapse.

(k) Within the amounts appropriated in this section, the department shall review current infant-toddler early intervention services statewide and report to the office of financial management by November 1, 2008, and the appropriate committees of the legislature on a recommended consistent funding approach per child for the 2009-11 biennium, recognizing the new level of funding anticipated by school district participation. The recommendations must also include a budget neutral option for the current level of clients served.

(l) \$325,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for state-only employment services for young adults with developmental disabilities who need employment opportunities and assistance after high school graduation.

(m) The department shall transfer all medicaid qualified individuals who currently receive services under the existing state-only employment and day program to the basic waiver. The department shall ensure that all individuals currently receiving services under the state-only employment and day program who are not transferred to the basic waiver will continue to receive services under this program.

(n) The department shall not reduce and shall continue to provide adult day health services.

(o) The department shall adopt emergency rules to redefine in-home personal benefits based on client assessment data. Clients whose assessments demonstrate they are able to manage their own plan of care shall be eligible for personal care through an individual provider. Clients whose assessments demonstrate the need for assistance with managing their plan of care shall be eligible for personal care through agency providers or an individual provider if they have someone to assist them in managing their plan of care.

(p) The department shall implement phase one of the full implementation of a seventeen CARE level payment system for community residential providers. The department shall reduce fiscal year 2009 payment levels by 3.0 percent for boarding homes, boarding homes contracted as assisted living, and adult family homes, including any residential provider currently receiving exceptional care rates.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$80,469,000
General Fund--State Appropriation (FY 2009)	(\$80,668,000)
	\$69,825,000
General Fund--Federal Appropriation	(\$172,332,000)
	\$179,338,000
General Fund--Private/Local Appropriation	(\$22,203,000)
	\$21,629,000
Pension Funding Stabilization Account--State Appropriation	\$5,614,000
TOTAL APPROPRIATION	(\$361,286,000)
	\$356,875,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(c) \$642,000 of the general fund--state appropriation for fiscal year 2008 and \$721,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide

transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$2,262,000
General Fund--State Appropriation (FY 2009)	(\$2,328,000)
	\$2,302,000
General Fund--Federal Appropriation	(\$2,812,000)
	\$2,788,000
TOTAL APPROPRIATION	(\$7,402,000)
	\$7,352,000

The appropriations in this subsection are subject to the following conditions and limitations: As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$17,000
General Fund--State Appropriation (FY 2009)	\$15,000
General Fund--Federal Appropriation	\$16,809,000
TOTAL APPROPRIATION	\$16,841,000

Sec. 205. 2008 c 329 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$700,332,000
General Fund--State Appropriation (FY 2009)	(\$753,881,000)
	\$707,620,000
General Fund--Federal Appropriation	(\$1,534,175,000)
	\$1,569,187,000
General Fund--Private/Local Appropriation	\$19,525,000
Pension Funding Stabilization Account--State Appropriation	\$1,448,000
Health Services Account--State Appropriation (FY 2008)	\$2,444,000
Health Services Account--State Appropriation (FY 2009)	\$2,444,000
Traumatic Brain Injury Account--State Appropriation	\$1,212,000
TOTAL APPROPRIATION	(\$3,015,461,000)
	\$3,004,212,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$159.34 for fiscal year 2008 and shall not exceed ~~(\$165.04)~~ \$163.72 for fiscal year 2009, including the rate add-on described in subsection (9) of this section. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with chapter 74.46 RCW shall be adjusted for economic trends and conditions solely by 3.2 percent effective July 1, 2007 (~~For all nursing facilities, adjustments for economic trends and conditions effective July 1, 2008, shall be as specified in subsection (10)(c) of this section~~), and by 1.99 percent effective July 1, 2008; adjustment factors for economic trends and conditions from prior fiscal years shall not be accumulated. There shall be no additional adjustment to the July 1, 2007, or the July 1, 2008, rates established in accordance with chapter 74.46 RCW for economic trends and conditions. The economic trends and conditions factors defined in this act shall not be compounded with economic trends and conditions factors defined in any prior biennium appropriations act.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009; and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010.

(4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW. The department shall not reduce and shall continue to provide adult day health services.

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPEs) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 and \$3,134,000 of the general fund--federal appropriation are provided solely to increase compensation for low-wage workers in nursing homes beginning July 1, 2008. Within the funds provided, the department shall provide an add-on per resident day per facility based on the total funding divided by the total number of fiscal year 2009 medicaid patient days as forecasted by the caseload forecast council, not to exceed \$1.57. The department may reduce the level of add-on if necessary to fit within this appropriation if the caseload forecasted days increase from the February 2008 forecast. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2006, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall implement reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

~~(10) (\$2,115,000 of the general fund--state appropriation for fiscal year 2008, \$6,640,000 of the general fund--state appropriation for fiscal year 2009, and \$9,152,000 of the general fund--federal appropriation are provided solely to increase nursing facility payment rates.~~

~~(a) Of the amounts provided in this subsection, \$297,000 of the general fund--state appropriation for fiscal year 2008, \$364,000 of the general fund--state appropriation for fiscal year 2009, and \$691,000 of the general fund--federal appropriation are provided solely to provide funding for direct care rates required by Senate Bill No. 6629 (nursing facility payment systems). If the bill is not enacted by June 30, 2008, then the amounts provided in this subsection (10)(a) shall lapse.~~

~~(b) Of the amounts provided in this subsection, \$1,818,000 of the general fund--state appropriation for fiscal year 2008, \$1,552,000 of the general fund--state appropriation for fiscal year 2009, and \$3,526,000 of the general fund--federal appropriation are provided solely to fund projected increases in the weighted average nursing facility payment rates for fiscal years 2008 and 2009 due to appeals, client acuity, capital projects, bed changes, and other adjustments to cost projections deemed necessary by the department.~~

~~(c) The remaining amounts provided in this subsection of \$4,724,000 general fund--state for fiscal year 2009 and \$4,935,000 general fund--federal are provided solely for an adjustment for economic trends and conditions of 1.99 percent for direct care, therapy care, support services, and operations effective July 1, 2008.~~

~~(11) \$180,000 of the general fund--state appropriation for fiscal year 2009 and \$170,000 of the general fund--federal appropriation are provided solely for a review of the costs and benefits of a fair rental system to reimburse capital expenditures. The department must report its findings to the fiscal committees of the legislature and the office of financial management by July 1, 2009.~~

~~(12)) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100 beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.~~

~~((13) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$816,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Substitute House Bill No. 2111 (adult family homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~(14)) (11) \$1,212,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.~~

~~((15) Within amounts appropriated in this section and in section 205 of this act, the department of social and health services shall:~~

~~(a) Determine how geographic differences in community residential provider payments affect provider and workforce turnover;~~

~~(b) Examine alternative community residential provider payment systems that account for differences in direct care labor costs in various areas of the state, including alternative peer groupings in its payment systems that take such factors into account; and~~

~~(c) Submit a report of its findings and recommendations to the office of financial management and to the appropriate fiscal committees of the legislature by June 30, 2008.~~

~~(16)(a) Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.~~

~~(b) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.~~

~~(c) Amounts provided in this section and in section 205 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.~~

~~(17) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--federal appropriation are provided solely for the department contract for an evaluation of training requirements for long-term care workers as generally described in Second Substitute House Bill No. 2284 (training of care providers).~~

~~(18)) (12) The department shall implement phase one of the full implementation of a seventeen CARE level payment system for community residential providers. For the remainder of the fiscal year 2009, the department shall reduce fiscal year 2009 payment levels by 3.0 percent for boarding homes, boarding homes contracted as assisted living, and adult family homes, including any residential provider currently receiving exceptional care rates.~~

~~(13) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.~~

~~((19)) (14) \$2,463,000 of the general fund--state appropriation for fiscal year 2009 and \$1,002,000 of the general fund--federal appropriation are provided solely to implement sections 4 and 8 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.~~

~~((20))~~ (15) \$40,000 of the general fund--state appropriation for fiscal year 2009 and \$40,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((22))~~ (16) Within the funds appropriated in the section, the department shall establish one statewide hourly rate to reimburse home care agencies for the costs related to state clients for hours worked by direct care workers in receiving mandatory training. The statewide hourly rate shall be based on the hourly wage paid to individual providers plus mandatory taxes plus an adjustment based on the formula created under RCW 74.39A.310.

(17) The department shall adopt emergency rules to redefine in-home personal benefits based on client assessment data. Clients whose assessments demonstrate they are able to manage their own plan of care shall be eligible for personal care through an individual provider. Clients whose assessments demonstrate the need for assistance with managing their plan of care shall be eligible for personal care through agency providers or an individual provider if they have someone to assist them in managing their plan of care.

Sec. 206. 2008 c 329 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$586,369,000
General Fund--State Appropriation (FY 2009)	(\$619,066,000)
	<u>\$465,102,000</u>
General Fund--Federal Appropriation	(\$1,037,038,000)
	<u>\$1,168,223,000</u>
General Fund--Private/Local Appropriation	(\$30,833,000)
	<u>\$33,233,000</u>
Pension Funding Stabilization Account--State Appropriation	\$4,592,000
TOTAL APPROPRIATION	(\$2,277,898,000)
	<u>\$2,257,519,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$344,694,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$363,284,000)~~ \$362,304,000 of the general fund-- state appropriation for fiscal year 2009, and \$733,276,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;

(e) For fiscal year 2009, increase the temporary assistance for needy families grant standard by three percent to account for increased housing costs.

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection (1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$850,000 of the general fund--federal appropriation are provided solely to increase the gross income limits for eligibility for programs authorized under RCW 74.04.500 and 74.08A.120 to 200 percent of the federal poverty level. The department shall adjust its rules and information technology systems to make the eligibility change effective October 1, 2008.

(14) The department, in conjunction with the House Bill No. 1290 work group, shall identify and analyze barriers preventing city, county, and state referrals of persons potentially eligible for expedited application processing authorized under RCW 74.09.555. The department, in conjunction with the House Bill No. 1290 work group, shall report its findings and recommendations to the appropriate committees of the legislature no later than November 15, 2008.

(15) \$656,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the department to increase immigration and naturalization services. These funds shall not supplant state and federal resources currently provided by the department for this purpose.

(16) The department shall not increase the child care copayment for families above 82 percent of the federal poverty level.

Sec. 207. 2008 c 329 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2008)	\$69,252,000
General Fund--State Appropriation (FY 2009)	((\$74,467,000))
	<u>\$53,948,000</u>
General Fund--Federal Appropriation	((\$149,196,000))
	<u>\$168,949,000</u>
General Fund--Private/Local Appropriation	\$6,083,000
Criminal Justice Treatment Account--State Appropriation	\$18,555,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$22,186,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$22,186,000
Problem Gambling Account--State Appropriation	\$1,464,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$3,396,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,395,000
Pension Funding Stabilization Account--State Appropriation	\$146,000
TOTAL APPROPRIATION	((\$370,326,000))
	<u>\$369,560,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$1,060,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: (a) To continue an existing pilot program in Pierce county limited to individuals who began chemical dependency treatment using the prometa protocol prior to March 11, 2008; and (b) to contract with an independent evaluator who will, to the extent possible, evaluate the Pierce county pilot, as well as summarize other research on the efficacy of the prometa protocol.

(5) \$4,449,000 of the general fund--state appropriation for fiscal year 2009 and \$1,000,000 of the criminal justice treatment account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6665 (crisis response), to continue existing pilot programs

and to expand the intensive crisis response pilot to Spokane county. The continuation and expansion of the pilot programs expires June 30, 2009. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(6) The department shall not reduce and shall continue to provide adult care and low-income treatment and detoxification services.

(7) The department shall not reduce and shall continue to support the families in recovery program.

(8) The department shall not reduce and shall continue the student employment program.

(9) The department shall not reduce and shall continue to provide funding for living allowances to clients in treatment under RCW 74.50.050.

(10) The department shall not reduce and shall continue to provide funding to drug courts for treatment.

Sec. 208. 2008 c 329 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008)	\$1,602,827,000
General Fund--State Appropriation (FY 2009)	(\$1,669,581,000)
	<u>\$1,534,493,000</u>
General Fund--Federal Appropriation	(\$4,344,748,000)
	<u>\$4,439,060,000</u>
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,076,000
Health Services Account--State Appropriation (FY 2008)	\$388,946,000
Health Services Account--State Appropriation (FY 2009)	(\$421,762,000)
	<u>\$392,857,000</u>
Tobacco Prevention and Control Account--State Appropriation	\$1,883,000
Pension Funding Stabilization Account--State Appropriation	\$646,000
TOTAL APPROPRIATION	(\$8,447,469,000)
	<u>\$8,377,788,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund-- federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2007, and by November 1, 2008, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, and (b) disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount.

Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed within two years after the end of the related fiscal year. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$61,728,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and (~~(\$57,894,000)~~) \$47,745,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) \$4,399,000 of the general fund--state appropriation for fiscal year 2008, \$6,391,000 of the general fund--state appropriation for fiscal year 2009, and \$55,384,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection (13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$6,728,000 of the general fund--state appropriation for fiscal year 2008 and \$8,563,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$268,000)~~) \$134,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) \$1,529,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$2,871,000)~~) \$1,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children).

(a) By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

(i) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;

(ii) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;

(iii) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;

(iv) Outreach contracts with local governmental entities, community based organizations, and tribes;

(v) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;

(vi) Results of efforts to maximize federal matching funds, wherever possible; and

(vii) Plans for sustaining outreach programs proven to be successful.

(b)(i) Within the amounts provided under this subsection (19), sufficient funding is provided to the department to develop and implement in conjunction with the employment security department a plan that would:

(A) Allow applicants and recipients of unemployment insurance to request assistance with obtaining health coverage for household members; and

(B) Authorize the exchange of information between the employment security department and the department of social and health services to more efficiently determine eligibility for health coverage under chapter 74.09 RCW.

(ii) The plan developed in (b)(i) of this subsection should address permissible uses of federal employment security funding and infrastructure, identification of any necessary statutory changes, and cost information. The department shall submit the plan in a report to the governor and the appropriate committees of the legislature by November 15, 2008.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely ~~((to))~~ for a medicare advantage program. The department shall:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) The department may not transition to managed care delivery any population that has been primarily served under fee-for-service delivery unless the department first conducts a cost-effectiveness evaluation of the transition, including an evaluation of historical data on utilization patterns, and finds that the transition would result in a more effective and cost-efficient form of service delivery, pursuant to RCW 74.09.470. Any such finding must be provided to the governor and the legislature no less than ninety days before the transition begins.

(22) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

(25) \$1,883,000 of the tobacco prevention and control account-- state appropriation and \$1,742,000 of the general fund--federal appropriation are for the provision of smoking cessation benefits pursuant to Senate Bill No. 6421 (smoking cessation). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(26) As part of the five-year plan on state purchasing to improve health care quality under chapter 259, Laws of 2007, the department, in collaboration with the department of health, shall provide a report to the appropriate committees of the legislature outlining a strategy to improve immunization rates for all children in the state, including but not limited to vaccine administration fee increases and pay-for-performance incentives. The department shall submit the report to the governor and the health policy and fiscal committees of the legislature by November 1, 2008.

(27) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2008.

(28)(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a feasibility study to examine processes and systems that would expeditiously link persons released from confinement in state and local correctional facilities and institutions for mental diseases to medical assistance benefits for which they qualify. The study shall present an analysis of the costs and benefits associated with:

(i) Suspending eligibility for persons who were receiving medical assistance at the time their confinement began, such that upon the person's release from confinement, medical assistance benefits would immediately resume without the filing of a new application. In the evaluation of eligibility suspension, the department shall examine process modifications that would allow confined persons to recertify eligibility before or immediately after release from confinement;

(ii) Improving the efficiency and expanding the scope of the expedited medical assistance reinstatement and eligibility determination process established under RCW 74.09.555, including extending the process to persons other than those with mental disorders, both for persons who had been previously eligible before confinement and for persons who had not been eligible before confinement;

(iii) Providing medical and mental health evaluations to determine disability for purposes of the medical assistance program before the person's release from confinement; and

(iv) Notifying the department in a timely manner when a person who has been enrolled in medical assistance is confined in a state correctional institution or institution for mental diseases or is released from confinement.

(b) In conducting the study, the department shall collaborate with the Washington association of sheriffs and police chiefs, the department of corrections, the regional support networks, department field offices, institutions for mental diseases, and correctional institutions. The department shall submit the study to the governor and the legislature by November 15, 2008.

~~((30))~~ (29) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((31))~~ \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for the senior dental access project pursuant to Engrossed Second Substitute House Bill No. 2668 (long term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.)

(30) The department shall not reduce and shall continue to provide family planning nurses and supplies at community services offices.

- (31) The department shall not eliminate and shall continue to provide a nurse hotline for foster parents.
- (32) The department shall not reduce and shall continue to provide medical assistance to children under three-hundred percent of the federal poverty level.
- (33) The department shall not reduce and shall continue to provide maternity support services to pregnant and postpartum women.
- (34) The department shall not reduce and shall continue to provide transportation services to patients receiving adult day health services.
- (35) The department shall continue children's health coverage outreach and education efforts. These efforts shall rely on existing relationships and systems developed to implement the program under RCW 74.09.470, such as those with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that may become available to provide on-going support for outreach and education efforts.
- (36) The department shall reduce expenditures on pharmaceuticals and durable medical equipment.
- (37) The department shall not reduce hospital rates.

Sec. 209. 2008 c 329 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008)	\$11,543,000
General Fund--State Appropriation (FY 2009)	(\$12,323,000)
	<u>\$8,182,000</u>
General Fund--Federal Appropriation	(\$92,975,000)
	<u>\$95,975,000</u>
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,975,000
Pension Funding Stabilization Account--State Appropriation	\$116,000
TOTAL APPROPRIATION	(\$118,932,000)
	<u>\$117,791,000</u>

Sec. 210. 2008 c 329 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2008)	\$52,506,000
General Fund--State Appropriation (FY 2009)	(\$54,549,000)
	<u>\$52,216,000</u>
TOTAL APPROPRIATION	(\$107,055,000)
	<u>\$104,722,000</u>

Sec. 211. 2008 c 329 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$40,502,000
General Fund--State Appropriation (FY 2009)	(\$41,125,000)
	<u>\$38,596,000</u>
General Fund--Federal Appropriation	(\$64,805,000)
	<u>\$62,737,000</u>
General Fund--Private/Local Appropriation	\$1,526,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$700,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,752,000
Pension Funding Stabilization Account--State Appropriation	\$1,408,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008)	\$913,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2009)	\$917,000
TOTAL APPROPRIATION	(\$153,648,000)
	<u>\$149,051,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$230,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the expansion of the Washington state mentors program, which provides technical assistance and training to mentoring programs that serve at-risk youth.
- (2) \$1,750,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,750,000)~~ \$1,676,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington council for prevention of child abuse and neglect to expand its home visitation program.
- (3) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the family policy council for distribution as grants to community networks in counties with county juvenile courts participating in decategorization of funding through the juvenile rehabilitation administration. The council shall provide grants of up to \$50,000 per fiscal year to the Pierce County-Tacoma urban community network and additional community networks supporting counties or groups of counties in evaluating programs funded through a block grant by the juvenile rehabilitation administration. Funds not used for grants to community networks supporting counties or groups of counties participating in the decategorization block grants shall lapse.
- (4) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.
- (5) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the continuation of the postpartum depression campaign, including the design and production of brochures in various languages, a radio public service announcement, and other outreach and training efforts.
- (6) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand and enhance the juvenile detention alternatives initiative. This funding is intended to add three new program sites, support the addition of a data analyst, and to provide resources for the state to participate in annual national conferences.

(7) \$95,000 of the general fund--state appropriation for fiscal year 2008, \$87,000 of the general fund--state appropriation for fiscal year 2009, and \$101,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) \$12,000 of the general fund--state appropriation for fiscal year 2009 and \$7,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007.

(9) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$804,000 of the general fund--state appropriation for fiscal year 2009, and \$581,000 of the general fund--federal appropriation are provided solely for the development of a project plan, time line, and budget plan for a more flexible payment system for independent home care providers and others who collectively bargain for wages and benefits. The legislature finds the amounts provided are sufficient to fund the following related to a timely and expeditious transition to a more flexible provider payroll system: (a) An appropriate request for proposal; and (b) collection of the information necessary to develop the budget proposal needed to seek budget authority for the system.

Sec. 212. 2008 c 329 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2008)	\$59,085,000
General Fund--State Appropriation (FY 2009)	(\$60,121,000)
	<u>\$52,540,000</u>
General Fund--Federal Appropriation	(\$57,438,000)
	<u>\$53,302,000</u>
TOTAL APPROPRIATION	(\$176,644,000)
	<u>\$164,927,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$235,000 of the general fund--state appropriation for fiscal year 2009 and \$111,000 of the general fund-- federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 213. 2008 c 329 s 214 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2008)	\$1,000,000
General Fund--Federal Appropriation	(\$4,937,000)
	<u>\$4,934,000</u>
State Health Care Authority Administrative Account-- State Appropriation	(\$41,543,000)
	<u>\$41,497,000</u>
State Health Care Authority Administrative Account--Private/Local Appropriation	\$100,000
Medical Aid Account--State Appropriation	\$527,000
Health Services Account--State Appropriation (FY 2008)	\$271,478,000
Health Services Account--State Appropriation (FY 2009)	(\$302,832,000)
	<u>\$291,795,000</u>
TOTAL APPROPRIATION	(\$622,417,000)
	<u>\$611,331,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

~~(4) (\$4,062,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for additional enrollment in the basic health plan. If available basic health plan slots are exceeded, the authority shall maintain a waiting list and provide for notification when slots become available.~~

~~(5))~~ Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

~~((6))~~ (5) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

~~((7))~~ (6) \$784,000 of the health services account--state appropriation for fiscal year 2008, ~~(\$1,676,000 of the health service account--state appropriation for fiscal year 2009;)~~ \$540,000 of the general fund--federal appropriation, and \$8,200,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

~~((8))~~ (7) \$2,000,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the authority to provide one-time competitive grants to community health centers to increase the number of adults served on an ongoing basis. Each clinic receiving

grant funding shall report annually, beginning December 2008, on key adult access indicators established by the authority, including but not limited to increases in the number of low-income adults served.

~~((9))~~ (8) \$1,639,000 of the health services account--state appropriation for fiscal year 2008 ~~(and \$2,988,000 of the health services account--state appropriation for fiscal year 2009 are)~~ is provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). ~~((An additional \$750,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for premium subsidies to low-income employees of small employers participating in the health insurance partnership, as generally described in Second Substitute House Bill No. 2537 (modifications to the health insurance partnership).))~~

~~((10))~~ (9) \$664,000 of the health services account--state appropriation for fiscal year 2008 ~~(and \$664,000 of the health services account--state appropriation for fiscal year 2009 are)~~ is provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

~~((11))~~ (10) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

~~((12))~~ (11) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

~~((13))~~ (12) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

~~((14))~~ (13) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

~~((15))~~ (14) \$100,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 214. 2008 c 329 s 215 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2008)	\$3,377,000
General Fund--State Appropriation (FY 2009)	(\$3,699,000)
	<u>\$3,580,000</u>
General Fund--Federal Appropriation	\$1,523,000
TOTAL APPROPRIATION	(\$8,599,000) <u>\$8,480,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$190,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 215. 2008 c 329 s 216 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	(\$18,330,000) <u>\$17,963,000</u>
Medical Aid Account--State Appropriation	(\$18,331,000) <u>\$17,964,000</u>
TOTAL APPROPRIATION	(\$36,681,000) <u>\$35,947,000</u>

Sec. 216. 2008 c 329 s 217 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2009)	\$306,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$15,680,000
Public Safety and Education Account--State Appropriation (FY 2009)	(\$21,464,000) <u>\$21,445,000</u>
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account-- State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$12,322,000
TOTAL APPROPRIATION	(\$50,380,000) <u>\$50,361,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,809,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and nine additional basic law enforcement academies in fiscal year 2009.

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to deliver multi-disciplinary team training sessions aimed at improving the coordination of, and communication between, agencies involved in the investigation of child fatality, child sexual abuse, child physical abuse, and criminal neglect cases.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$5,000,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

- (A) For level I offenders, every twelve months;
- (B) For level II offenders, every six months; and
- (C) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program.

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by September 1, 2009.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

(11) \$750,000 of the public safety and education fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$306,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant program to pay for the costs of local law enforcement agencies participating in specialized crisis intervention training.

Sec. 217. 2008 c 329 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$8,716,000
General Fund--State Appropriation (FY 2009)	(\$9,314,000)
	<u>\$8,624,000</u>
General Fund--Federal Appropriation	\$100,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$15,393,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$16,525,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$908,000
Electrical License Account--State Appropriation	\$41,104,000
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$1,941,000
Public Works Administration Account--State Appropriation	\$3,948,000
Manufactured Home Installation Training Account-- State Appropriation	\$192,000
Accident Account--State Appropriation	(\$232,730,000)
	<u>\$232,295,000</u>
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	(\$235,880,000)
	<u>\$235,445,000</u>
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	(\$2,002,000)
	<u>\$1,634,000</u>
Pressure Systems Safety Account--State Appropriation	\$3,646,000
TOTAL APPROPRIATION	(\$599,235,000)
	<u>\$597,307,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$74,000 of the accident account--state appropriation and \$74,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$605,000 of the accident account--state appropriation for fiscal year 2008 is provided solely for a study of the incidence of permanent total disability pensions in the state's workers' compensation system. To conduct the study, the department shall contract with an independent researcher that has demonstrated expertise in workers' compensation systems. When selecting the independent researcher, the department shall consult the labor and business members of the workers' compensation advisory committee and, if the labor and business members of the workers' compensation advisory committee agree on a particular independent researcher, the department shall select that independent researcher. The study must consider causes of the recent increase in permanent total disability cases, future anticipated permanent total disability trends, a comparison of Washington's permanent total disability claims experience and injured workers with other states and jurisdictions, the impact of the standard for finding workers employable on the incidence of permanent total disability pensions, and the impact of vocational rehabilitation under RCW 51.32.095 on the incidence of permanent total disability pensions. The department shall report to the workers' compensation advisory committee, the house of representatives commerce and labor committee, and the senate labor, commerce, research and development committee on the results of the study on or before July 1, 2008.

(13) \$1,089,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 27, Laws of 2007 (ESHB 2171, crane safety).

(14) \$100,000 of the general fund--federal appropriation and \$192,000 of the manufactured home installation training account--state appropriation are provided solely for Substitute House Bill No. 2118 (mobile/manufactured homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$107,000 of the accident account--state appropriation and \$107,000 of the medical aid account--state appropriation are provided solely to implement Senate Bill No. 6839 (workers' compensation coverage). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(16) \$224,000 of the general fund--state appropriation for fiscal year 2009, \$741,000 of the accident account--state appropriation, and \$741,000 of the medical aid account--state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$408,000 of the accident account--state appropriation and \$72,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 2602 (victims' employment leave). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(18) \$3,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$3,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 6246 (industrial insurance claims). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((21))~~ (19) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of licensing shall report their findings to the appropriate committees of the legislature.

~~((22))~~ (20) The department of labor and industries shall enter into an interagency agreement with the employment security department to expend funds from the family leave insurance account for the implementation of the family leave insurance program.

~~((23))~~ (21) Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section and by not more than 5.53 percent in fiscal year 2008: Boiler inspection permits and fees; boiler permit fees; plumbers' continuing education; and plumbers' licensing and examination fees.

Sec. 218. 2008 c 329 s 219 (uncodified) is amended to read as follows:

FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2008)	\$1,876,000
General Fund--State Appropriation (FY 2009)	(\$2,012,000)
	<u>\$1,937,000</u>
TOTAL APPROPRIATION	(\$3,888,000)
	<u>\$3,813,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$224,000 of the general fund--state appropriation for fiscal year 2008 and \$210,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1220 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 219. 2008 c 329 s 220 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2008)	\$2,124,000
General Fund--State Appropriation (FY 2009)	(\$2,142,000)
	<u>\$1,926,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	(\$4,276,000)
	<u>\$4,060,000</u>

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2008)	\$5,264,000
General Fund--State Appropriation (FY 2009)	(\$5,593,000)
	<u>\$5,476,000</u>
General Fund--Federal Appropriation	\$1,025,000
General Fund--Private/Local Appropriation	\$3,317,000
Veterans Innovations Program Account Appropriation	\$1,437,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,062,000
TOTAL APPROPRIATION	(\$17,698,000)
	<u>\$17,581,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(b) The department shall not reduce field service contracts.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$7,948,000
General Fund--State Appropriation (FY 2009)	(\$5,984,000)
	<u>\$5,484,000</u>
General Fund--Federal Appropriation	(\$43,126,000)
	<u>\$43,120,000</u>
General Fund--Private/Local Appropriation	(\$31,574,000)
	<u>\$31,569,000</u>
TOTAL APPROPRIATION	(\$88,632,000)
	<u>\$88,121,000</u>

Sec. 220. 2008 c 329 s 221 (uncodified) is amended to read as follows:

FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2008)	\$1,721,000
General Fund--State Appropriation (FY 2009)	(\$1,731,000)
	<u>\$1,537,000</u>
TOTAL APPROPRIATION	(\$3,452,000)
	<u>\$3,258,000</u>

Sec. 221. 2008 c 329 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2008)	(\$81,352,000)
	<u>\$81,232,000</u>
General Fund--State Appropriation (FY 2009)	(\$86,258,000)
	<u>\$80,686,000</u>
General Fund--Federal Appropriation	(\$477,072,000)
	<u>\$477,065,000</u>

General Fund--Private/Local Appropriation	(\$119,919,000)
	<u>\$119,875,000</u>
Hospital Commission Account--State Appropriation	\$144,000
Health Professions Account--State Appropriation	(\$68,877,000)
	<u>\$68,726,000</u>
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$12,606,000
Safe Drinking Water Account--State Appropriation	\$3,041,000
Public Health Services Account--State Appropriation	\$1,000,000
Drinking Water Assistance Account--Federal Appropriation	\$19,027,000
Waterworks Operator Certification--State Appropriation	\$1,513,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$326,000
Water Quality Account--State Appropriation (FY 2008)	\$1,975,000
Water Quality Account--State Appropriation (FY 2009)	\$1,983,000
State Toxics Control Account--State Appropriation	\$3,460,000
Medical Test Site Licensure Account--State Appropriation	(\$2,057,000)
	<u>\$2,055,000</u>
Youth Tobacco Prevention Account--State Appropriation	\$1,512,000
Public Health Supplemental Account--Private/Local Appropriation	\$3,918,000
Accident Account--State Appropriation	\$291,000
Medical Aid Account--State Appropriation	\$48,000
Health Services Account--State Appropriation (FY 2008)	\$42,122,000
Health Services Account--State Appropriation (FY 2009)	(\$51,429,000)
	<u>\$49,729,000</u>
Tobacco Prevention and Control Account--State Appropriation	\$52,846,000
TOTAL APPROPRIATION	(\$1,033,376,000)
	<u>\$1,025,780,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is further authorized to increase fees in its fee-supported programs as necessary to meet the actual costs of conducting business and the appropriation levels in this section, as specifically authorized in LEAP Document DOH-2008, as developed by the legislative evaluation and accountability program on March 11, 2008.

(2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.

(6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department. Priority will be given to testing children and increasing the registry in the lead surveillance program.

(10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$5,000,000 of the general fund--state appropriation for fiscal year 2009, and \$1,000,000 of the public health services account--state appropriation are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Funds appropriated and expended under this subsection for fiscal year 2009 shall be distributed in a manner that allocates funding to department of health-funded family planning clinics based upon the percentage of medical assistance family planning waiver clients in calendar year 2005 who received services from a provider located in the geographic area served by the department of health-funded clinic. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level of funding of twenty-five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008.

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

~~(32) (\$680,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the prescription monitoring program under chapter 70.225 RCW to monitor the prescribing and dispensing of drugs to reduce the likelihood of adverse drug effects, particularly for senior citizens taking multiple medications. The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2-06098-5). The amount provided in this subsection may be expended only to the extent that the attorney general deposits these moneys to the health services account, to be expended consistent with the terms of the consent decree.~~

~~(33))~~ (33) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(34))~~ (33) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the senior falls prevention pilot program, pursuant to section 7 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs).

~~(35))~~ (34) \$585,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state breast and cervical health program to increase the provider reimbursement rate for digital mammographies to the medicare equivalent rate.

~~(36))~~ (35) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the child death review program. The program shall be transferred from the community and family health division to the injury prevention division within the department.

~~(38))~~ (36) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest sickle cell collaborative program.

~~(39))~~ (37) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$154,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the restoration of maxillofacial/cleft palate teams in Yakima, Spokane, Seattle, and Tacoma.

~~(40))~~ (38) \$17,000 of the health professions account--state appropriation is provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(41))~~ (39) \$11,000 of the health professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 6439 (radiologist assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(42))~~ (40) \$115,000 of the general fund--state appropriation for fiscal year 2009 and \$4,261,000 of the health professions account--state appropriation are provided solely for implementation of Fourth Substitute House Bill No. 1103 (health professions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~(43))~~ (41) \$558,000 of the health professions account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 2674 (counselor credentialing). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(44))~~ (42) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

~~(45))~~ (43) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

~~(47))~~ (44) \$35,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the state toxics control account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~(48) \$26,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute House Bill No. 2431 (cord blood banking). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(49))~~ (45) \$143,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6340 (water system program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(50) \$309,000)~~ (46) \$194,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2549 (patient-centered care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(52))~~ (47) \$96,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2881 (practice of dentistry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(54))~~ (48) \$130,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(49) \$900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington colon health program. Through the program, the department shall provide grants to participating counties to provide free colorectal screening exams to individuals fifty to sixty-four years old who are below two hundred fifty percent of the federal poverty level.

Sec. 222. 2008 c 329 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS.(1) The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, 2008, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2008 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

(2) The department may transfer up to \$15,000,000 of the general fund--state appropriation for fiscal year 2009 into fiscal year 2008, if deemed necessary by the department and approved in advance by the director of financial management. The director of financial management shall notify the fiscal committees of the legislature in writing seven days prior to approving a transfer under this subsection. The written notification shall include a narrative explanation and justification of the transfer including allotment detail by program, budget object, and budget unit for both fiscal years, both before and after any transfers.

Sec. 223. 2008 c 329 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2008)	\$57,545,000
General Fund--State Appropriation (FY 2009)	\$52,652,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$169,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$13,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$13,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,467,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,481,000
Pension Funding Stabilization Account--State Appropriation	\$1,280,000
TOTAL APPROPRIATION	\$114,620,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

(g) \$32,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6244 (conversion of facilities to house violators of community supervision). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

((f)) (h) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008)	\$601,402,000
General Fund--State Appropriation (FY 2009)	(\$647,718,000)
	<u>\$647,608,000</u>
General Fund--Federal Appropriation	\$4,157,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,050,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,350,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$1,338,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,492,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,492,000
Pension Funding Stabilization Account--State Appropriation	\$11,800,000

TOTAL APPROPRIATION (~~(\$1,271,799,000)~~)
\$1,271,689,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.
- (b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.
- (c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.
- (d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.
- (e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.
- (f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:
 - (i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;
 - (ii) A description of the offender's education, certifications, work experience, skills, and training; and
 - (iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.
 - (iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008)	\$133,157,000
General Fund--State Appropriation (FY 2009)	((\$145,956,000))
	<u>\$145,881,000</u>
General Fund--Federal Appropriation	\$416,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$9,319,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$9,370,000
Pension Funding Stabilization Account--State Appropriation	\$2,800,000
TOTAL APPROPRIATION	((\$301,018,000))
	<u>\$300,943,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.
- (b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.
- (c) \$1,167,000 of the general fund--state appropriation for fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:
 - (i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;
 - (ii) An employment opportunity program to assist an offender in finding employment;

(iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and

(iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.

(v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$1,001,000
General Fund--State Appropriation (FY 2009)	\$2,357,000
TOTAL APPROPRIATION	<u>\$3,358,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$124,000 of the general fund--state appropriation for fiscal year 2008 and \$132,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008)	\$35,036,000
General Fund--State Appropriation (FY 2009)	(\$35,192,000)
	<u>\$28,082,000</u>
TOTAL APPROPRIATION	(\$70,228,000)
	<u>\$63,118,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 224. 2008 c 329 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2008)	\$2,566,000
General Fund--State Appropriation (FY 2009)	(\$2,608,000)
	<u>\$2,375,000</u>
General Fund--Federal Appropriation	\$17,584,000
General Fund--Private/Local Appropriation	\$20,000
TOTAL APPROPRIATION	(\$22,778,000)
	<u>\$22,545,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.

(2) The department shall not reduce and shall continue to provide funding for contracted services that provide employment support and help with life activities for deaf and blind individuals in King county.

Sec. 225. 2008 c 329 s 226 (uncodified) is amended to read as follows:

FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2008)	\$937,000
General Fund--State Appropriation (FY 2009)	(\$1,233,000)
	<u>\$1,151,000</u>
TOTAL APPROPRIATION	(\$2,170,000)
	<u>\$2,088,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$295,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6596 (sex offender policy board). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 226. 2008 c 329 s 227 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2008)	\$60,000
General Fund--State Appropriation (FY 2009)	(\$282,000)
	<u>\$272,000</u>
General Fund--Federal Appropriation	(\$265,114,000)
	<u>\$264,967,000</u>
General Fund--Private/Local Appropriation	\$33,578,000
Unemployment Compensation Administration Account--Federal Appropriation	(\$252,925,000)
	<u>\$252,907,000</u>
Administrative Contingency Account--State Appropriation	(\$26,131,000)
	<u>\$22,802,000</u>
Employment Service Administrative Account--State Appropriation	\$33,843,000
Family Leave Insurance Account--State Appropriation	(\$6,218,000)

TOTAL APPROPRIATION	\$1,764,000 (\$618,151,000) <u>\$610,193,000</u>
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The appropriations in this subsection are subject to the following conditions and limitations:

- (1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.
- (2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).
- (3) \$23,162,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.
- (4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.
- (6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.
- (7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.
- (8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.
- (9) \$2,331,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for hardware and software to ensure the ongoing, reliable operation of the telecenters.
- (10) \$488,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for the relocation of the WorkSource office in Lakewood.
- (11) \$6,218,000 of the family leave insurance account--state appropriation is provided solely for implementation of the family leave insurance program.
 - (a) The amount provided in this subsection assumes that, in developing the information technology systems to support the payment of benefits, the department will incorporate the claim filing and benefit payment efficiencies recommended by the joint legislative task force on family leave insurance in Part III of its final report dated January 23, 2008, including:
 - (i) Eliminating the option for awarding attorney fees and costs for administrative hearings;
 - (ii) Authorizing claims for benefits to be filed in the six-week period beginning on the first day of the calendar week in which the individual is on family leave;
 - (iii) Not requiring claimants to verify the birth of a child or the placement of a child for adoption;
 - (iv) Including an attestation from the claimant that written notice has been provided to the employer of the intention to take family leave;
 - and
 - (v) Not deducting and withholding federal income taxes from benefit payments.
 - (b) In addition, the department shall incorporate the following claim filing and benefit payment efficiencies:
 - (i) Define "qualifying year" to mean the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar immediately preceding the first day of the application year;
 - (ii) Allow individuals to file a claim for benefits in the six-week period beginning on the first day of the calendar year in which the individual is on family leave; and
 - (iii) After an initial family leave insurance benefit is paid, subsequent payments must be made biweekly, rather than semimonthly, thereafter.
- (12) \$222,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.
- (13) \$155,000 of the unemployment compensation administration account--federal appropriation is provided solely to implement Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**PART III
NATURAL RESOURCES**

Sec. 301. 2008 c 329 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2008)	\$524,000
General Fund--State Appropriation (FY 2009)	(\$537,000)
	<u>\$509,000</u>
General Fund--Federal Appropriation	\$9,000
General Fund--Private/Local Appropriation	(\$1,045,000)
	<u>\$1,044,000</u>
TOTAL APPROPRIATION	(\$2,115,000) <u>\$2,086,000</u>

Sec. 302. 2008 c 329 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2008)	\$50,109,000
General Fund--State Appropriation (FY 2009)	(\$51,827,000)
	<u>\$45,748,000</u>
General Fund--Federal Appropriation	(\$83,017,000)
	<u>\$83,013,000</u>
General Fund--Private/Local Appropriation	\$13,618,000
Special Grass Seed Burning Research Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	\$4,207,000
Flood Control Assistance Account--State Appropriation	\$4,151,000
Aquatic Lands Enhancement Account--State Appropriation	\$400,000
State Emergency Water Projects Revolving Account--State Appropriation	\$390,000
Waste Reduction/Recycling/Litter Control--State Appropriation	(\$19,607,000)
	<u>\$19,588,000</u>
State Drought Preparedness--State Appropriation	\$115,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	\$421,000
Vessel Response Account--State Appropriation	(\$1,649,000)
	<u>\$1,604,000</u>
Freshwater Aquatic Algae Control Account--State Appropriation	\$509,000
Site Closure Account--State Appropriation	\$694,000
Water Quality Account--State Appropriation (FY 2008)	\$15,137,000
Water Quality Account--State Appropriation (FY 2009)	(\$17,086,000)
	<u>\$16,493,000</u>
Wood Stove Education and Enforcement Account--State Appropriation	\$370,000
Worker and Community Right-to-Know Account--State Appropriation	\$2,247,000
State Toxics Control Account--State Appropriation	(\$99,383,000)
	<u>\$99,235,000</u>
State Toxics Control Account--Private/Local Appropriation	\$381,000
Local Toxics Control Account--State Appropriation	\$20,952,000
Water Quality Permit Account--State Appropriation	(\$37,101,000)
	<u>\$34,022,000</u>
Underground Storage Tank Account--State Appropriation	(\$3,750,000)
	<u>\$3,635,000</u>
Biosolids Permit Account--State Appropriation	\$1,396,000
Hazardous Waste Assistance Account--State Appropriation	\$5,834,000
Air Pollution Control Account--State Appropriation	\$6,306,000
Oil Spill Prevention Account--State Appropriation	(\$12,519,000)
	<u>\$12,205,000</u>
Air Operating Permit Account--State Appropriation	(\$2,780,000)
	<u>\$2,680,000</u>
Freshwater Aquatic Weeds Account--State Appropriation	\$1,690,000
Oil Spill Response Account--State Appropriation	\$7,078,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	\$464,000
Water Pollution Control Revolving Account--Federal Appropriation	\$2,271,000
Columbia River Water Delivery Account--State Appropriation	\$2,150,000
TOTAL APPROPRIATION	(\$469,637,000)
	<u>\$459,141,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.

(3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.

(4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, the department is further authorized to increase the following fees in fiscal year 2009 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 5.57 percent; dam periodic inspection permit, not more than 5.57 percent; dam construction permit, not more than 5.57 percent; and mixed waste management, not more than 14.14 percent.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the

region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) \$831,000 of the general fund--state appropriation for fiscal year 2008 and (~~\$1,169,000~~) \$669,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, \$313,650 of the general fund--state appropriation for fiscal year 2008 and (~~\$646,350~~) \$529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the implementation of the WRIA 1 watershed plan and the Bertrand watershed improvement district plan, including but not limited to implementation of the Nooksack River basin stream gauging program, study of the feasibility of a public utility district pipeline in the Bertrand watershed, study and construction of water storage and augmentation in the Bertrand watershed, and preparation and development of the next subbasin watershed plan agreed to by the Bertrand instream flow policy group.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) \$464,000 of the general fund--state appropriation for fiscal year 2008 and \$136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fautleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) \$693,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to continue the pilot water pathways project through the remainder of the biennium. The department will work with the northwest Indian fisheries commission and the U.S. institute on environmental conflict resolution to find resolution on persistent water policy issues between tribes and nontribal entities.

(23) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

(26) Within the appropriations provided in this section for the development of water supplies in the Columbia river basin, the department shall assist county governments located east of the crest of the Cascade mountain range that: Have an international border; or border a county with an international boundary and a county with four hundred thousand or more residents, to identify water supply projects to compete for funding from the Columbia river basin water management program. The department shall provide technical assistance as needed to further refine priority projects identified by these counties. The department shall consider and balance regional water supply needs in its funding allocation decisions made as a part of this program.

~~((28))~~ (27) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for coordinating with the University of Washington to assess the current energy profile of Washington state pulp and paper mills. The energy consumption and energy generation capability will be determined for both steam and electrical power. In addition, the sources and types of fuels used in various boilers will be assessed.

~~((29))~~ (28) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support a collaborative process to design a proposed comprehensive water management structure for the Walla Walla river basin. The proposed structure should address the allocation of functions, authorities, resource requirements, and issues associated with interstate watershed management of the basin. Invited participants should include but not be limited to the confederated tribes of the Umatilla Indian reservation; appropriate state agencies; and Walla Walla basin interests such as municipalities, irrigation districts, conservation districts, fisheries, agriculture, economic development, and environmental representatives. A report outlining the proposed governance and water management structure shall be submitted to the governor and the appropriate committees of the legislature by November 15, 2008.

~~((30))~~ (29) \$333,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((31))~~ (30) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$1,027,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 2815 (reducing greenhouse gases emissions in the Washington economy). In participating in the western climate initiative under Engrossed Second Substitute House Bill No. 2815, the director of the department shall seek to ensure that the design for a regional multisector market-based system confers equitable economic benefits and opportunities to electric utilities operating in Washington by having that system recognize at least the following: (a) Voluntary investments made by Washington utilities in energy efficiency measures; (b) emission reduction benefits that other state and provincial participants in the western climate initiative derive from consuming renewable energy generated in Washington; and (c) adverse impacts that climate change uniquely has upon the capabilities of hydroelectric power generation. Washington state's representatives to the western climate initiative process shall advocate for a regional multisector market-based design that addresses competitive disadvantages that could be experienced by in-region industries as compared to industries in states or countries that do not have greenhouse gas reduction programs that are substantively equivalent to the system designed under the western climate initiative process. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((34))~~ (31) Within the appropriations provided in this section the department shall ensure that standard statewide protocols for surface water monitoring are developed and included in status and trends monitoring to utilize information from other entities, including other state agencies, local governments, and volunteer groups.

~~((35))~~ (32)(a) \$2,000,000 of the Columbia river water delivery account appropriation is provided solely for distribution to affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water) to mitigate for negative impacts caused by releases of Lake Roosevelt water for the purposes described in that bill. The criteria for allocating these funds shall be developed by the department in consultation with affected local governments.

(b) \$150,000 of the Columbia river water delivery account appropriation is provided solely for the department to retain a contractor to perform an independent analysis of legislative options to protect rural communities in northeast Washington from disproportionate economic, agricultural, and environmental impacts when upstream water rights are purchased and transferred for use, or idled and used as mitigation, in a downstream watershed or county. Before retaining a contractor, the department shall consult with affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water). The contractor selected shall conduct the independent analysis and develop a report describing options and recommended actions. The department of ecology shall provide the report to the appropriate committees of the legislature by December 1, 2008.

(c) If Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water delivery) is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((36))~~ (33) \$210,000 of the local toxics control account--state appropriation is provided solely to clean up naturally occurring asbestos from Swift Creek.

~~((38))~~ (34) \$80,000 of the state toxics control account--state appropriation is provided solely for the department to create a stakeholder advisory committee to review and develop recommendations to help businesses achieve a fifty percent toxics reduction use goal. The committee shall: (a) Review and make recommendations to improve the effectiveness and delivery of technical assistance in pollution prevention planning; (b) develop recommendations for strategies to encourage moving away from "end-of-pipe" pollution reduction approaches to increase hazardous waste prevention throughout the state; and (c) review and make recommendations on revising the hazardous waste planning fee under RCW 70.95E.030, including opportunities to provide incentives that reward businesses for toxic use reduction successes in meeting a fifty percent toxics use reduction goal. The committee shall report its findings and recommendations to the fiscal and policy committees of the senate and house of representatives by November 1, 2008.

~~((40))~~ (35) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6805 (relating to promoting farm and forest land preservation and environmental restoration through conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 303. 2008 c 329 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$48,970,000
General Fund--State Appropriation (FY 2009)	(\$49,187,000)
	<u>\$45,503,000</u>
General Fund--Federal Appropriation	\$5,731,000
General Fund--Private/Local Appropriation	\$73,000
Winter Recreation Program Account--State Appropriation	\$1,559,000
Off-Road Vehicle Account--State Appropriation	\$234,000
Snowmobile Account--State Appropriation	\$4,829,000
Aquatic Lands Enhancement Account--State Appropriation	\$363,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$23,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$24,000
Parks Renewal and Stewardship Account--State Appropriation	(\$36,534,000)
	<u>\$37,334,000</u>
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
TOTAL APPROPRIATION	(\$147,827,000)

\$144,943,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.
- (2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.
- (3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.
- (4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.
- (5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.
- (6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely for replacing vehicles and equipment.
- (7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.
- (8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.
- (9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and \$1,007,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.
- (10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (12) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and \$217,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009. The department shall fully implement this program as intended in this subsection.
- (14) \$455,000 of the general fund--state appropriation for fiscal year 2008 and \$10,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long-range plan for Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and facilities use plan, and for the department to convene a task force to recommend alternative governance structures for the park.
- (15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (16) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
- (17) \$58,000 of the general fund--state appropriation for fiscal year 2008 and \$73,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time financial assistance to the northwest weather and avalanche center, administered by the United States forest service, to keep the center operational through the remainder of the biennium.
- ~~((19))~~ (18) ~~(\$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for)~~ Funds in this section are sufficient for continued implementation of Engrossed Substitute Senate Bill No. 5010 (foster home pass). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 304. 2008 c 329 s 304 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2008)	\$1,557,000
General Fund--State Appropriation (FY 2009)	(\$1,592,000)
	<u>\$1,514,000</u>
General Fund--Federal Appropriation	\$18,382,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$275,000
Water Quality Account--State Appropriation (FY 2008)	\$100,000
Water Quality Account--State Appropriation (FY 2009)	\$100,000
Firearms Range Account--State Appropriation	\$37,000
Recreation Resources Account--State Appropriation	(\$2,773,000)
	<u>\$2,772,000</u>
Nonhighway and Off-Road Vehicles Activities Program Account--State Appropriation	\$1,004,000
Boating Activities Account--State Appropriation	\$2,000,000
TOTAL APPROPRIATION	(\$28,070,000)
	<u>\$27,991,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$16,025,000 of the general fund--federal appropriation is provided solely for implementation of the forest and fish agreement rules. These funds shall be allocated to the department of natural resources and the department of fish and wildlife.

(2) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).
 (3) \$2,000,000 of the boating activities account--state appropriation is provided solely to implement Substitute House Bill No. 1651 (boating activities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

Sec. 305. 2008 c 329 s 305 (uncodified) is amended to read as follows:

FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2008)	\$1,144,000
General Fund--State Appropriation (FY 2009)	(\$1,142,000)
	<u>\$1,109,000</u>
TOTAL APPROPRIATION	(\$2,286,000)
	<u>\$2,253,000</u>

The appropriations in this section are subject to the following condition and limitation: \$10,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for employee retirement buyout costs.

Sec. 306. 2008 c 329 s 306 (uncodified) is amended to read as follows:

FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,889,000
General Fund--State Appropriation (FY 2009)	(\$3,107,000)
	<u>\$3,063,000</u>
General Fund--Federal Appropriation	\$1,178,000
Water Quality Account--State Appropriation (FY 2008)	\$5,301,000
Water Quality Account--State Appropriation (FY 2009)	(\$5,316,000)
	<u>\$5,315,000</u>
TOTAL APPROPRIATION	(\$17,791,000)
	<u>\$17,746,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for supplementary basic funding grants to the state's lowest-income conservation districts. The supplementary grant process shall be structured to aid recipients in becoming financially self-sufficient in the future.
- (2) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 5108 (office of farmland preservation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (3) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the pioneers in conservation program to provide grants through a competitive process to agricultural landowners for projects that benefit fish and wildlife restoration and farm operations. Grants must be matched by an equal amount or more from nonstate sources with priority for projects identified in the Puget Sound Chinook salmon recovery plan and the Puget Sound partnership strategy.
- (4) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).
- (5) \$250,000 of the water quality account--state appropriation for fiscal year 2009 is provided solely for livestock nutrient program cost share for the poultry industry.
- (6) \$35,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for support of conservation resource management.
- (7) \$174,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6805 (conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 307. 2008 c 329 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2008)	\$56,158,000
General Fund--State Appropriation (FY 2009)	(\$54,319,000)
	<u>\$49,062,000</u>
General Fund--Federal Appropriation	(\$52,273,000)
	<u>\$52,270,000</u>
General Fund--Private/Local Appropriation	(\$37,189,000)
	<u>\$37,184,000</u>
Off-Road Vehicle Account--State Appropriation	\$413,000
Aquatic Lands Enhancement Account--State Appropriation	\$6,022,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$268,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$323,000
Recreational Fisheries Enhancement--State Appropriation	\$3,600,000
Warm Water Game Fish Account--State Appropriation	\$2,992,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$753,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$842,000
Wildlife Account--State Appropriation	(\$63,589,000)
	<u>\$63,549,000</u>
Wildlife Account--Federal Appropriation	\$34,279,000

Wildlife Account--Private/Local Appropriation	\$13,187,000
Game Special Wildlife Account--State Appropriation	\$2,478,000
Game Special Wildlife Account--Federal Appropriation	\$8,911,000
Game Special Wildlife Account--Private/Local Appropriation	\$483,000
Water Quality Account--State Appropriation (FY 2008)	\$160,000
Water Quality Account--State Appropriation (FY 2009)	\$160,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$5,001,000
Oil Spill Prevention Account--State Appropriation	\$1,093,000
Oyster Reserve Land Account--State Appropriation	\$416,000
Wildlife Rehabilitation Account--State Appropriation	\$270,000
TOTAL APPROPRIATION	(\$345,383,000) <u>\$340,078,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

(8) \$609,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program.

(a) For the purposes of the pilot project:

(i) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(ii) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(iii) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(iv) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(v) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(b) The director, in collaboration with the Colville Tribes, shall provide an interim report to the office of financial management and the appropriate committees of the legislature by December 31, 2008. The report shall describe the status of the pilot project, and make recommendations as needed to fully implement the project, pursuant to the state and tribal agreement on Lake Rufus Woods.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account-- state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(21)(a) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property.

(b) Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site. Up to \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development of the Beebe springs natural interpretive site. The department shall not expend more than the amount received from the sale proceeds.

(22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life. The department shall report to the appropriate committees of the legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

(24) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and \$610,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.

(25) \$245,000 of the general fund--state appropriation for fiscal year 2008 (~~and \$245,000 of the general fund--state appropriation for fiscal year 2009 are~~) is provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

(26) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(28) During the 2007-09 biennium, the department shall not make a permanent closure of any hatchery facility currently in operation.

(29) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2008.

(30) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((33))~~ (31) The department shall complete an inventory of department purchased or leased lands acquired for mixed agriculture and fish and wildlife habitat and provide for each purchase or lease agreement the cost and date of the agreement, the previous use of the land, any agreement or deed specifying continuing use of the land, and the current management cost and status of each parcel of purchased or leased lands. The department shall provide the inventory to the appropriate committees of the legislature by December 1, 2008.

~~((34))~~ (32) \$289,000 of the general fund--state appropriation for fiscal year 2008 and \$301,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for selective fisheries.

~~((35))~~ (33) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for removal of derelict gear in Washington waters.

~~((36))~~ (34) \$135,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a review of the effectiveness of the department's existing hydraulic project approval process and environmental outcomes.

~~((37))~~ (35) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the 2008 Wiley Slough restoration project report to the legislature recommendation to establish a private farmland, public recreation partnership that would provide farmland preservation, waterfowl management, and public recreational access.

~~((38))~~ (36) \$95,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Ebey Island property management costs.

~~((39))~~ (37)(a) A work group on Electron dam salmon passage is established, with members as provided in this subsection.

(i) The speaker of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The department of fish and wildlife shall appoint at least one representative from each of the following entities: The department of fish and wildlife, Puyallup Tribe of Indians, and Puget Sound energy.

(b) The department of fish and wildlife shall provide staff support to the work group.

(c) The work group shall study possible enhancements for improving outbound juvenile salmon passage at Electron dam on the Puyallup river.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(e) The expenses of the work group, other than travel expenses of legislative members, shall be paid within existing funds from the department of fish and wildlife.

(f) The work group shall present its findings and recommendations to the appropriate committees of the legislature by January 1, 2009.

(g) This subsection expires January 1, 2009.

~~((40))~~ (38) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

~~((41))~~ (39) Within the appropriations in this section, specific funding is provided to implement Engrossed Senate Bill No. 6821 (fish and wildlife information).

~~((42))~~ (40) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6227 (outer coast marine resources committees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((43))~~ (41) \$115,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6231 (marine protected areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 308. 2008 c 329 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2008)	\$50,328,000
General Fund--State Appropriation (FY 2009)	((51,345,000))
	<u>\$48,695,000</u>
General Fund--Federal Appropriation	\$27,855,000
General Fund--Private/Local Appropriation	\$1,408,000
Forest Development Account--State Appropriation	((57,616,000))
	<u>\$57,603,000</u>
Off-Road Vehicle Account--State Appropriation	\$4,196,000
Surveys and Maps Account--State Appropriation	((2,524,000))
	<u>\$2,523,000</u>
Aquatic Lands Enhancement Account--State Appropriation	((7,899,000))
	<u>\$7,897,000</u>
Resources Management Cost Account--State Appropriation	((95,326,000))
	<u>\$94,633,000</u>
Surface Mining Reclamation Account--State Appropriation	((3,280,000))
	<u>\$3,279,000</u>
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$7,000,000
Water Quality Account--State Appropriation (FY 2008)	\$1,348,000
Water Quality Account--State Appropriation (FY 2009)	((1,349,000))
	<u>\$1,348,000</u>
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$1,335,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$80,000
Air Pollution Control Account--State Appropriation	\$567,000
Nonhighway and Off-Road Vehicle Activities Program Account--State Appropriation	\$982,000
Derelict Vessel Removal Account--State Appropriation	\$3,650,000
Agricultural College Trust Management Account--State Appropriation	((2,047,000))
	<u>\$2,046,000</u>
TOTAL APPROPRIATION	((325,169,000))
	<u>\$321,807,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,043,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$13,920,000 of the general fund--state appropriation for fiscal year 2008, \$13,542,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse. The

department shall compile the outcomes of these grants annually and submit them to the office of financial management by September 1 of 2008 and 2009.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$34,000 of the general fund--state appropriation for fiscal year 2008 and \$34,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$191,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to coordinate with the Puget Sound partnership to complete a final habitat conservation plan for state-owned aquatic lands and an environmental impact statement by June 2009.

(26) \$251,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((28))~~ (27) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to complete maps of lower Hood Canal, including subsurface geologic layers, lithology, digital layers, and maps to identify liquifiable sediments for hazard mitigation. The department shall provide a report to the appropriate committees of the legislature on maps that were produced by December 1, 2008.

~~((29))~~ (28) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

~~((30))~~ (29) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to supplement other available funds for an analysis of whether forest practices rules (including rules for harvest on potentially unstable slopes, road construction and maintenance, and post-harvest slash treatment) effectively protect public resources and public safety from landslides, and other storm- related impacts. The analysis is to be accomplished using the forest practices board adaptive management process. The cooperative monitoring, evaluation, and research (CMER) committee of the adaptive management program shall submit a report of its preliminary analysis and conclusions to the appropriate committees of the legislature by December 1, 2008. The forest practices board shall submit a complete report of the CMER study on the effectiveness of current prescriptions and practices by June 30, 2009. This amount is ongoing solely to make improvements to the state's geological survey.

~~((31))~~ (30) \$26,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2472 (recreational opportunities).

Sec. 309. 2008 c 329 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2008)	\$14,073,000
General Fund--State Appropriation (FY 2009)	(\$14,555,000)
	<u>\$13,020,000</u>
General Fund--Federal Appropriation	(\$11,329,000)
	<u>\$11,325,000</u>
General Fund--Private/Local Appropriation	\$420,000
Aquatic Lands Enhancement Account--State Appropriation	(\$2,052,000)
	<u>\$2,051,000</u>
Energy Freedom Account--State Appropriation	\$500,000
Water Quality Account--State Appropriation (FY 2008)	\$604,000
Water Quality Account--State Appropriation (FY 2009)	(\$605,000)
	<u>\$604,000</u>
State Toxics Control Account--State Appropriation	(\$4,100,000)
	<u>\$4,098,000</u>
Water Quality Permit Account--State Appropriation	\$59,000
TOTAL APPROPRIATION	(\$48,297,000)
	<u>\$46,754,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees and assessments approved by the department in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, during fiscal year 2009 the department is further authorized to increase the apple pest certification assessment by up to \$0.015 per hundredweight of fruit.

(2) Within funds appropriated in this section, the department, in addition to the authority provided in RCW 17.26.007, may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(3) \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$72,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(4) \$62,000 of the general fund--state appropriation for fiscal year 2008 and \$63,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study to evaluate the use of sugar beets for the production of biofuels.

(5) \$275,000 of the general fund--state appropriation for fiscal year 2008 and \$275,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for direct allocation, without deduction, to the Washington tree fruit research commission, established under chapter 15.26 RCW, for development and implementation of a pest management transition program to reduce the use by the tree fruit industry of certain organophosphate insecticides.

(6) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$225,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties with weed boards to control invasive weeds. Of this amount, \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to control Japanese knotweed in counties with weed boards.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$250,000)~~ \$162,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for pass through funding to the nonprofit opportunities industrialization center to provide training to agricultural workers related to farm skills, English as a second language, and other skills.

(8) \$65,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the aquatic lands enhancement account appropriation are provided solely for funding to the Pacific county noxious weed control board to continue its planning and implementation of spartina eradication activities.

(9) (~~(\$290,000)~~) \$148,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) (~~(\$57,000)~~) \$25,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2815 (greenhouse gases emissions). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 310. 2008 c 329 s 310 (uncodified) is amended to read as follows:

FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account--State Appropriation (~~(\$737,000)~~)
\$707,000

Sec. 311. 2008 c 329 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2008) \$370,000
 General Fund--State Appropriation (FY 2009) (~~(\$654,000)~~)
\$560,000
 General Fund--Federal Appropriation \$2,655,000
 General Fund--Private/Local Appropriation \$2,500,000
 Aquatic Lands Enhancement Account--State Appropriation \$500,000
 Water Quality Account--State Appropriation (FY 2008) \$3,660,000
 Water Quality Account--State Appropriation (FY 2009) \$4,098,000
 State Toxics Account--State Appropriation (~~(\$1,710,000)~~)
\$1,510,000
 TOTAL APPROPRIATION (~~(\$16,147,000)~~)
\$15,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the water quality account--state appropriation for fiscal year 2008, \$1,400,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$370,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$630,000)~~) \$560,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in LEAP document PSAT-2007.

(4) \$305,000 of the water quality account--state appropriation for fiscal year 2009 and \$305,000 of the general fund--federal appropriation are provided solely for an outcome monitoring program first for Puget Sound and Washington's coastline and then across the remaining salmon recovery regions across the state.

(~~(5)~~) (5) \$852,000 of the water quality account--state appropriation for fiscal year 2008, \$231,000 of the water quality account--state appropriation for fiscal year 2009, and \$900,000 of the state toxics control account appropriation are provided solely for development and implementation of the 2020 action agenda.

**PART IV
 TRANSPORTATION**

Sec. 401. 2008 c 329 s 401 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2008) \$1,730,000
 General Fund--State Appropriation (FY 2009) (~~(\$2,055,000)~~)
\$1,686,000
 Architects' License Account--State Appropriation \$754,000
 Cemetery Account--State Appropriation \$237,000
 Professional Engineers' Account--State Appropriation \$3,457,000
 Real Estate Commission Account--State Appropriation \$9,163,000
 Master License Account--State Appropriation \$14,311,000
 Uniform Commercial Code Account--State Appropriation \$3,063,000
 Real Estate Education Account--State Appropriation \$276,000
 Real Estate Appraiser Commission Account--State Appropriation \$1,667,000
 Business and Professions Account--State Appropriation (~~(\$11,680,000)~~)
\$11,201,000
 Real Estate Research Account--State Appropriation \$320,000
 Funeral Directors And Embalmers Account--State Appropriation \$588,000
 Geologists' Account--State Appropriation \$56,000
 Data Processing Revolving Account--State Appropriation \$29,000

Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION	(\$49,417,000)
	<u>\$48,569,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) In accordance with RCW 43.24.086, it is the policy of the state of Washington that the cost of each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. For each licensing program covered by RCW 43.24.086, the department shall set fees at levels sufficient to fully cover the cost of administering the licensing program, including any costs associated with policy enhancements funded in the 2007-09 fiscal biennium. Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs. Pursuant to RCW 43.135.055 and 43.24.086, the department is further authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Real estate appraiser certification, by not more than \$30 in fiscal year 2009; real estate appraiser certification, original via reciprocity, by not more than \$30 in fiscal year 2009; security guard license, original, by not more than \$30 in fiscal year 2009; security guard license, renewal, by not more than \$30 in 2009; and skills testing fee, a new fee may be established of not more than \$100 for most drivers and \$75 for nonprofit ECEAP or head start program.

(2) \$230,000 of the master license account--state appropriation is provided solely for Engrossed Second Substitute House Bill No. 1461 (manufactured/mobile home dispute resolution). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$64,000 of the business and professions account--state appropriation is provided solely for implementation of Engrossed Substitute Senate Bill No. 6437 (bail bond agents). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(4) \$210,000 of the business and professions account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 6606 (home inspectors). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(5) \$87,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of labor and industries shall report their findings to the appropriate committees of the legislature.

(6) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(7) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

Sec. 402. 2008 c 329 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2008)	\$38,968,000
General Fund--State Appropriation (FY 2009)	(\$31,262,000)
	<u>\$28,334,000</u>
General Fund--Federal Appropriation	\$5,629,000
General Fund--Private/Local Appropriation	\$1,223,000
Death Investigations Account--State Appropriation	\$5,680,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,476,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$2,687,000
Enhanced 911 Account--State Appropriation	\$572,000
County Criminal Justice Assistance Account--State Appropriation	\$3,133,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,222,000
Fire Service Trust Account--State Appropriation	\$131,000
Disaster Response Account--State Appropriation	\$2,000
Fire Service Training Account--State Appropriation	\$8,010,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation	\$495,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$3,007,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$4,429,000
Fingerprint Identification Account--State Appropriation	\$10,057,000
TOTAL APPROPRIATION	(\$118,037,000)
	<u>\$115,109,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

(3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.

- (4) \$350,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (5) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for efforts to reduce the number of convicted offender biological samples awaiting DNA analysis.
- (6) Within the appropriations in this section, specific funding is provided to implement Second Substitute Senate Bill No. 5642 (cigarette ignition).

**PART V
EDUCATION**

Sec. 501. 2008 c 329 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

~~((1) STATE AGENCY OPERATIONS))~~

General Fund--State Appropriation (FY 2008)	(\$22,161,000)
	\$36,444,000
General Fund--State Appropriation (FY 2009)	(\$25,223,000)
	\$38,830,000
General Fund--Federal Appropriation	(\$21,292,000)
	\$77,182,000
TOTAL APPROPRIATION	(\$68,676,000)
	<u>\$152,456,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((a))~~ (1) A maximum of \$11,920,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$12,019,000 of the general fund--state appropriation for fiscal year 2009 are ~~((provided solely))~~ for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

~~((b))~~ (2) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and \$815,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including: ~~((a))~~ (a) Develop a comprehensive set of recommendations for an accountability system; ~~((b))~~ (b) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and ~~((c))~~ (c) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

~~((c))~~ (3) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and \$6,248,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

~~((a))~~ (a) \$930,000 in fiscal year 2008 and ~~(\$1,284,000)~~ \$1,257,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection ~~((1)(d)(i))~~ (3)(a), the professional educator standards board shall: ~~((A))~~ (i) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; ~~((B))~~ (ii) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; ~~((C))~~ (iii) create a new professional level teacher assessment; ~~((D))~~ (iv) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; ~~((E))~~ (v) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and ~~((F))~~ (vi) test implementation of a revised teacher preparation program approach that is classroom experience-intensive and performance-based;

~~((b))~~ (b) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$4,289,000)~~ \$3,966,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection ~~((1)(d)(ii))~~ (3)(b):

~~((A))~~ (i) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

~~((B))~~ (ii) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education ((as follows: (I) For route one interns (those currently holding associates of arts degrees), in fiscal year 2008, 120 interns seeking endorsements in the specified subject areas and for fiscal year 2009, an additional 120 interns in the specified subject areas; and (II) for all other routes, funding is provided each year for 140 interns seeking endorsements in the specified subject areas));

~~((C))~~ (iii) Remaining amounts in this subsection ~~((1)(d)(ii))~~ (3)(b) shall be used to continue existing alternative routes to certification programs; and

~~((D))~~ (iv) Candidates seeking math and science endorsements under ~~((A))~~ (i) and ~~((B))~~ (ii) of this subsection (3)(b) shall receive priority for funding;

~~((iii))~~ (c) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation);

~~((iv))~~ (d) \$100,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$200,000)~~ \$110,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection ~~((1)(d))~~ (3) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

~~((c))~~ (c) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

~~((d))~~ \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$867,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased attorney general fees related to education litigation.

~~((e))~~ \$67,000 of the general fund--state appropriation for fiscal year 2009 is provided solely) (4) Within the amounts appropriated in this section, funding is for the professional educator standards board (PESB) to convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students, pursuant to Second Substitute Senate Bill No. 6673 (student learning opportunities). ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((f))~~ (5) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$1,975,000 of the general fund--state appropriation for fiscal year 2009 are ~~((provided solely))~~ for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

~~((g))~~ \$78,000 of the general fund--state appropriation for fiscal year 2008 and \$78,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide) (6) Within the amounts appropriated in this section, funding is for direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

~~((h))~~ \$1,336,000 of the general fund--state appropriation for fiscal year 2008 and \$1,227,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (7) Within the amounts appropriated in this section, funding is for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

~~((i))~~ \$325,000 of the general fund--state appropriation for fiscal year 2008 and \$325,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (8) Within the amounts appropriated in this section, funding is for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

~~((j))~~ \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (9) Within the amounts appropriated in this section, funding is to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

~~((k))~~ \$204,000 of the general fund--state appropriation for fiscal year 2008 and \$66,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (10) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((l))~~ \$114,000 of the general fund--state appropriation for fiscal year 2008 and \$114,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (11) Within the amounts appropriated in this section, funding is for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((m))~~ \$162,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (12) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((n))~~ \$28,000 of the general fund--state appropriation for fiscal year 2008 and \$27,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (13) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~((o))~~ \$46,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (14) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((p))~~ \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of superintendent of public instruction to convene a workgroup to develop school food allergy guidelines and policies for school district implementation. The workgroup shall complete the development of the food allergy guidelines and policies by March 31, 2008, in order to allow for school district implementation in the 2008-2009 school year. The guidelines developed shall incorporate state and federal laws that impact management of food allergies in school settings.

~~((q))~~ \$42,000 of the general fund--state appropriation for fiscal year 2008 and \$42,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (15) Within the amounts appropriated in this section, funding is ~~((to support))~~ for a program to recognize the work of outstanding classified staff in school districts throughout the state.

~~((r))~~ \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$98,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (16) Within the amounts appropriated in this section, funding is ~~((to support))~~ for a full-time director of skills centers within the office of the superintendent of public instruction.

~~((s))~~ \$555,000 of the general fund--state appropriation for fiscal year 2008 and \$475,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (17) Within the amounts appropriated in this section, funding is ~~((to))~~ for the office of the superintendent of public instruction to contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

~~((t))~~ (a) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and

~~((t))~~ (b) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.

~~((t))~~ \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely) (18) Within the amounts appropriated in this section, funding is ~~((to))~~ for the office of the superintendent of

public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct to educational research studies. The WSU-SESRC shall:

~~((††))~~ (a) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: ~~((††))~~ (i) Whether the policies have been developed and implemented in all elementary, middle, and high schools; ~~((††))~~ (ii) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; ~~((††))~~ (iii) whether there are still issues that need to be addressed in light of the original intent of the legislation; and ~~((††))~~ (iv) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.

~~((††))~~ (b) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.

~~((††))~~ ~~(\$150,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (19) Within the amounts appropriated in this section, funding is for additional costs incurred by the state board of education in reviewing proposed math standards and curriculum.

~~((††))~~ (20) During the 2007-09 biennium, to the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

~~((††))~~ ~~(\$142,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ (21) Within the amounts appropriated in this section, funding is for ~~((††))~~ (a) a comprehensive analysis of math and science teacher supply and demand issues by the professional educator standards board. By December 1, 2008, the professional educator standards board shall submit a final report to the governor and appropriate policy and fiscal committees of the legislature, that includes, but is not limited to: ~~((††))~~ (a) Specific information on the current number of math and science teachers assigned to teach mathematics and science both with and without appropriate certification in those subjects by region and statewide; ~~((††))~~ (b) projected demand information by detailing the number of K- 12 mathematics and science teachers needed by the 2010-11 school year by region and statewide; ~~((††))~~ (c) specific recommendations on how the demand will be met through recruitment programs, alternative route certification programs, potential financial incentives, retention strategies, and other efforts; and ~~((††))~~ (d) identification of strategies, based on best practices, to improve the rigor and productivity of state-funded mathematics and science teacher preparation programs. As part of the final report, the professional educator standards board and the Washington state institute for public policy shall provide information from a study of differential pay for teachers in high-demand subject areas such as mathematics and science, including the design, successes, and limitations of differential pay programs in other states. In order for the professional educator standards board to quantify demand, each school district shall provide to the board, by a date and in a format specified by the board, the number of teachers assigned to teach mathematics and science, both with and without appropriate certification and endorsement in those subjects, and the number of mathematics and science teaching vacancies needing to be filled, and the board shall include this data, by district, in its analysis.

~~((††))~~ ~~(\$45,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ (22) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6556 (anaphylactic policy). ~~((††))~~ ~~(If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((††))~~ ~~(\$44,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ (23) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6742 (guidelines for students with autism) and Substitute Senate Bill No. 6743 (training for students with autism). ~~((††))~~ ~~(If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((††))~~ (24) Within the appropriations in this section, specific funding is provided for the implementation of Second Engrossed Substitute Senate Bill No. 5100 (health insurance information for students).

~~((††))~~ ~~(\$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ (25) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2722 (achievement gap for African-American students). The center for the improvement of student learning will convene an advisory committee to conduct a detailed analysis of the achievement gap for African-American students; recommend a comprehensive plan for closing the gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. A study update shall be submitted by September 15, 2008, and the committee's final report shall be submitted by December 30, 2008, to the superintendent of public instruction, the state board of education, the governor, the P-20 council, the basic education finance task force, and the education committees of the legislature. ~~((††))~~ ~~(If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((††))~~ (26) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2598 (online mathematics curriculum).

~~((††))~~ (27) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2635 (school district boundaries and organization).

~~((††))~~ (28) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 3129 (online learning programs for high school students to earn college credit).

~~((††))~~ ~~(\$136,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)~~ (29) Within the amounts appropriated in this section, funding is for the office of superintendent of public instruction to assign at least one full-time equivalent staff position to serve as the world language supervisor.

~~((2)) STATEWIDE PROGRAMS~~

General Fund--State Appropriation (FY 2008)	\$14,283,000
General Fund--State Appropriation (FY 2009)	\$16,128,000
General Fund--Federal Appropriation	\$55,890,000
TOTAL APPROPRIATION	\$86,301,000

The appropriations in this subsection are provided solely for the statewide programs specified in this subsection and are subject to the following conditions and limitations:

~~((a)) HEALTH AND SAFETY~~

~~((i) \$2,541,000 of the general fund--state appropriation for fiscal year 2008 and \$2,541,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (30) Within the amounts appropriated in this section, funding is for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.~~

~~((ii) \$96,000 of the general fund--state appropriation for fiscal year 2008 and \$96,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (31) Within the amounts appropriated in this section, funding is for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:~~

~~((A)) (a) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.~~

~~((B)) (b) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.~~

~~((iii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (32) Within the amounts appropriated in this section, funding is for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.~~

~~((iv) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (33) Within the amounts appropriated in this section, funding is for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.~~

~~((v) \$10,344,000)) (34) \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.~~

~~((vi) \$271,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (35) Within the amounts appropriated in this section, funding is for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.~~

~~((vii) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (36) Within the amounts appropriated in this section, funding is for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.~~

~~((viii) \$800,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (37) Within the amounts appropriated in this section, funding is for programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools ~~((A)) (a) conduct at least one lockdown and one shelter in place safety drill each school year, and ((B)) (b) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.~~~~

~~((ix) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely)) (38) Within the amounts appropriated in this section, funding is for the Washington state school directors' association to mediate and facilitate a school disciplinary action task force to review and make recommendations on a model policy regarding the use of physical force in schools. The model policy shall be submitted to the appropriate policy committees of the legislature by November 1, 2008.~~

~~((b) TECHNOLOGY~~

~~((i) \$1,939,000 of the general fund--state appropriation for fiscal year 2008 and \$1,939,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (39) Within the amounts appropriated in this section, funding is for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.~~

~~((ii)) (40) The office of the superintendent of public instruction shall coordinate, in collaboration with educational service districts, a system of outreach to school districts not currently maximizing their eligibility for federal e-rate funding through the schools and libraries program administered by the federal communications commission. By December 15, 2008, the office of the superintendent of public instruction shall issue a report to the fiscal committees of the legislature identifying school districts that were eligible but did not apply for e-rate funding for the last two years, and an estimate of the amounts for which they were eligible in those years. The report shall also include recommendations for following-up on the findings relative to the e-rate program contained in the state auditor's performance audit of educational service districts completed September, 2007.~~

~~((c) GRANTS AND ALLOCATIONS~~

~~((i) \$652,000 of the general fund--state appropriation for fiscal year 2008 and \$1,329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (41) Within the amounts appropriated in this section, funding is to expand the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016. ~~((Of the amounts provided, \$11,000 of the general fund--state appropriation for fiscal year 2008 and \$11,000 of the general fund--state appropriation for fiscal year 2009 are provided for the office of the superintendent of public instruction to conduct a study of the expanded special services pilot.~~~~

~~((ii) \$31,000 of the general fund--state appropriation for fiscal year 2008 and \$31,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (42) Within the amounts appropriated in this section, funding is for operation of the Cispus environmental learning center.~~

~~((iii) \$97,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (43) Within the amounts appropriated in this section, funding is ~~((to support))~~ for vocational student leadership organizations.~~

~~((iv))~~ ~~\$146,000 of the general fund--state appropriation for fiscal year 2008 and \$146,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (44) Within the amounts appropriated in this section, funding is for the Washington civil liberties education program.

~~((v))~~ ~~\$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (45) Within the amounts appropriated in this section, funding is for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

~~((vi))~~ ~~\$294,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (46) Within the amounts appropriated in this section, funding is for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.

~~((vii))~~ ~~\$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (47) Within the amounts appropriated in this section, funding is for developing and disseminating curriculum and other materials documenting women's role in World War II.

~~((viii))~~ ~~\$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (48) Within the amounts appropriated in this section, funding is for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

~~((ix))~~ ~~\$3,220,000 of the general fund--state appropriation for fiscal year 2008 and \$3,220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (49) Within the amounts appropriated in this section, funding is for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.

~~((x))~~ ~~\$36,000 of the general fund--state appropriation for fiscal year 2008 and \$36,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (50) Within the amounts appropriated in this section, funding is for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.

~~((xi))~~ ~~\$2,500,000 of the general fund--state appropriation for fiscal year 2008 and \$2,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (51) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((xii))~~ ~~\$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (52) Within the amounts appropriated in this section, funding is for the communities in school program in Pierce county.

~~((xiii))~~ ~~\$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (53) Within the amounts appropriated in this section, funding is ~~((to))~~ for support and ~~((expand))~~ expansion of the mentoring advanced placement program in current operation in southwest Washington.

~~((xiv))~~ ~~\$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (54) Within the amounts appropriated in this section, funding is for program initiatives to address the educational needs of Latino students and families. ~~((Using the full amounts of the appropriations under this subsection,))~~ The office of the superintendent of public instruction shall contract with the Seattle community coalition of compana quetzal to provide for three initiatives: ~~((A))~~ (a) Early childhood education; ~~((B))~~ (b) parent leadership training; and ~~((C))~~ (c) high school success and college preparation programs. Campana quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high school drop- out rates and college readiness rates, for Latino students.

~~((xvii))~~ ~~\$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (55) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2870 (professional development for instructional assistants). ~~If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~((xix))~~ ~~\$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (56) Within the amounts appropriated in this section, funding is for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. ~~((Using the full amounts of the appropriation under this subsection,))~~ The office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

Sec. 502. 2008 c 329 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2008)	\$4,436,719,000
General Fund--State Appropriation (FY 2009)	\$4,477,998,000
Education Legacy Trust Account--State Appropriation	\$9,373,000
Pension Funding Stabilization Account Appropriation	\$341,624,000
TOTAL APPROPRIATION	\$9,265,714,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:
 - (a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:
 - (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

- (ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;
 - (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and
 - (iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;
- (A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;
- (B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;
- (C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;
- (b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;
- (c)(i) On the basis of full-time equivalent enrollment in:
 - (A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and
 - (B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;
 - (ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and
 - (iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;
- (d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:
- (i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and
 - (ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;
- (e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:
- (i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and
 - (ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;
- (f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:
- (i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;
 - (ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.
- Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;
- (g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and
- (i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.
- (3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:
- (a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;
 - (b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.11 percent in the 2007-08 school year and 16.75 percent in the 2008- 09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.04 percent in the 2007-08 school year and 18.72 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$10,178 per certificated staff unit in the 2008- 09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,999 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$19,395 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment). ~~((If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.))~~

(10) The superintendent may distribute a maximum of \$16,620,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$567,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$393,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) \$9,373,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

~~(f) ((\$2,991,000 of the general fund--state appropriation for fiscal year 2008 and \$4,403,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.))~~~~

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 6.0 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) The appropriation levels in part V of this act assume implementation of the reimbursement provisions of Senate Bill No. 6450 (school district reimbursement of performance audits).

Sec. 503. 2008 c 329 s 507 (unclassified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2008)	\$7,519,000
General Fund--State Appropriation (FY 2009)	(\$10,248,000)
	<u>\$8,530,000</u>
TOTAL APPROPRIATION	(\$17,767,000)
	<u>\$16,049,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$1,662,000 of the general fund--state appropriation in fiscal year 2008 and \$3,355,000 of the general fund--state appropriation in fiscal year 2009 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. For each educational service district, \$184,933 is provided in fiscal year 2008 for professional development activities related to mathematics curriculum and instruction and \$372,357 is provided in fiscal year 2009 for professional development activities related to mathematics and science curriculum and instruction. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

Sec. 504. 2008 c 329 s 511 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2008)	\$66,272,000
General Fund--State Appropriation (FY 2009)	(\$89,985,000)
	<u>\$85,135,000</u>
Education Legacy Trust Account--State Appropriation	(\$120,790,000)
	<u>\$117,890,000</u>
General Fund--Federal Appropriation	\$152,568,000
TOTAL APPROPRIATION	(\$429,615,000)
	<u>\$421,865,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,716,000 of the general fund--state appropriation for fiscal year 2008, ~~(\$21,996,000)~~ \$20,948,000 of the general fund--state appropriation for fiscal year 2009, \$1,350,000 of the education legacy trust account--state appropriation, and \$15,870,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. In addition to the amounts provided for the Washington assessments of student learning in this subsection, \$11,372,000 is also included in the appropriations to the office of financial management in this act for an interagency agreement with the office of superintendent of public instruction for the expenditure of those funds based on compliance with certain requirements.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute House Bill No. 3166 (design of the state assessment system and the Washington assessment of student learning), including section 3 of the act providing for end-of-course tests in math. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and ~~(\$4,400,000)~~ \$1,630,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, subject to the following terms and conditions:

(a) A maximum of \$2,540,000 of the funding provided in this subsection shall support the development and implementation of voluntary classroom-based diagnostic assessments and progress monitoring tools for all subject areas included in the WASL by the office of the superintendent of public instruction; and

(b) \$2,360,000 of the funding provided in this subsection is for allocations to school districts to purchase assessment tools which supplement the system of diagnostic tests developed by the office of the superintendent of public instruction as described in (a) of this subsection.

(4) ~~(\$70,000 of the general fund--state appropriation for fiscal year 2008 and \$70,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ Within the amounts appropriated in this section, funding is for ~~(the)~~ second grade assessments.

(5) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,414,000 of the general fund--state appropriation for fiscal year 2009 are)~~ is provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(6) ~~(\$2,267,000)~~ \$1,966,000 of the general fund--state appropriation for fiscal year 2009 and ~~(\$2,367,000)~~ \$2,337,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:

(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in mathematics.

(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.

(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.

(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.

(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members.

(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.

(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

(7) \$8,950,000 of the education legacy trust account appropriation is ~~((provided solely))~~ for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(8) \$13,058,000 of the education legacy trust fund appropriation is ~~((provided solely))~~ for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(9) \$17,491,000 of the education legacy trust fund appropriation is ~~((provided solely))~~ for allocations to districts for specialized professional development in math for one math teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

(10) \$5,376,000 of the education legacy trust account-- state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

(11) \$1,133,000 of the general fund--state appropriation for fiscal year 2008 and \$1,133,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.))~~ The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(12) ~~(\$143,000 of the general fund--state appropriation for fiscal year 2008 and \$139,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(13) ~~(\$5,303,000 of the general fund--state appropriation for fiscal year 2008 and \$5,303,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ Within the amounts appropriated in this section, funding is for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(14) \$51,701,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20 percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

~~(15) (\$65,000 of the general fund--state appropriation for fiscal year 2008 and \$65,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ Within the amounts appropriated in this section, funding is ~~((to))~~ for support of a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

~~(16) (\$3,047,000 of the education legacy trust account--state appropriation is provided solely)~~ Within the amounts appropriated in this section, funding is for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

(17) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

~~(18) (\$661,000 of the general fund--state appropriation for fiscal year 2008 and \$684,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ Within the amounts appropriated in this section, funding is for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

~~(19) (\$548,000 of the fiscal year 2008 general fund--state appropriation and \$548,000 of the fiscal year 2009 general fund--state appropriation are provided solely)~~ Within the amounts appropriated in this section, funding is for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

~~(20) (\$2,348,000 of the general fund--state appropriation for fiscal year 2008 and \$2,348,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ Within the amounts appropriated in this section, funding is provided for mentor teacher assistance, including state support activities, under RCW 28A.41.5.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

~~(21) (\$705,000 of the general fund--state appropriation for fiscal year 2008 and \$705,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ Within the amounts appropriated in this section, funding is for the leadership internship program for superintendents, principals, and program administrators.

(22) \$105,765,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

~~(23) ((a) \$488,000 of the general fund--state appropriation for fiscal year 2008 and \$488,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ Within the amounts appropriated in this section, funding is for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: ~~((+))~~ (a) Development of an individualized professional growth plan for a new principal or principal candidate; and ~~((+))~~ (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

~~((b) \$3,046,000 of the general fund--state appropriation for fiscal year 2008 and \$3,046,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (24) Within the amounts appropriated in this section, funding is ~~((to))~~ for the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

~~((24) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)~~ (25) Within the amounts appropriated in this section, funding is for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection

(25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

~~((25) A maximum of \$375,000 of the general fund--state appropriation for fiscal year 2008 and a maximum of \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided)) (26) Within the amounts appropriated in this section, funding is for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.~~

~~((26) \$515,000 of the general fund--state appropriation for fiscal year 2008 and \$515,000 of the general fund--state appropriation for fiscal year 2009 are provided)) (27) Within the amounts appropriated in this section, funding is for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.~~

~~((27) \$1,764,000 of the general fund--state appropriation for fiscal year 2008 and \$1,764,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (28) Within the amounts appropriated in this section, funding is for the mathematics helping corps subject to the following conditions and limitations:~~

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

~~((28) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (29) Within the amounts appropriated in this section, funding is for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.~~

~~((29)) (30) \$30,706,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.~~

~~((30)) (31) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.~~

~~((31)) (a) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.~~

~~((32)) (b) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.~~

~~((33)) (c) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.~~

~~((30) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (32) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~((31) \$1,643,000 of the general fund--state appropriation for fiscal year 2008 and \$1,667,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (33) Within the amounts appropriated in this section, funding is ~~((to eliminate))~~ for the elimination of the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.~~

~~((32) \$400,000 of the education legacy trust account--state appropriation is provided solely)) (34) Within the amounts appropriated in this section, funding is for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.~~

~~((33) \$5,222,000 of the general fund--state appropriation for fiscal year 2008 and \$5,285,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (35) Within the amounts appropriated in this section, funding is for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.~~

~~((34) \$1,056,000 of the general fund--state appropriation for fiscal year 2008 and \$1,056,000 of the general fund--state appropriation for fiscal year 2009 are provided solely)) (36) Within the amounts appropriated in this section, funding is for the Washington reading corps. The~~

superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

~~((35) \$3,594,000 of the general fund--state appropriation for fiscal year 2008 and \$3,594,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (37) Within the amounts appropriated in this section, funding is for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

~~((36) \$1,959,000 of the general fund--state appropriation for fiscal year 2008 and \$1,959,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (38) Within the amounts appropriated in this section, funding is for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

~~((37) \$126,000 of the general fund--state appropriation for fiscal year 2008 and \$126,000 of the general fund--state appropriation for fiscal year 2009 are provided))~~ (39) Within the amounts appropriated in this section, funding is for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

~~((38) \$333,000 of the general fund--state appropriation for fiscal year 2008 and \$333,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (40) Within the amounts appropriated in this section, funding is for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

~~((39) \$12,400,000 of the education legacy trust account--state appropriation is provided solely))~~ (41) Within the amounts appropriated in this section, funding is for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

~~((40) \$250,000 of the education legacy trust account--state appropriation is provided solely))~~ (42) Within the amounts appropriated in this section, funding is for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). ~~((If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.~~

~~(41)(a) \$9,747,000 of the general fund--state appropriation for fiscal year 2008 and \$16,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely))~~ (43)(a) Within the amounts appropriated in this section, funding is for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009. Beginning in the 2007-2008 school year and thereafter, national board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification;

(ii) During the 2007-2008 school year, for national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum. Beginning in the 2008-2009 school year and thereafter, an additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. Unless Senate Bill No. 6657 (salary bonuses for individuals certified by the national board for professional teaching standards) is enacted by June 30, 2008, the annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "the percent of the student headcount enrollment eligible for the federal free or reduced price lunch program" shall be defined as: (i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program meets the criteria specified in subsection (41)(a)(ii) of this section; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

~~((42) \$2,750,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (44) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6377 (career and technical education). ~~((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(43) \$4,000,000))~~ (45) \$3,900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for an allocation of four dollars and nine cents per full-time equivalent student, or as much as the funding in this subsection will allow, to maintain and improve library materials, collections, and services. The funding provided in this subsection shall be used to augment current funding for librarian programs provided through basic education and other existing funding mechanisms. In order to receive allocations under this section, school districts must agree that to the maximum extent possible they will ensure that library programs and services are equitably provided throughout the district.

~~((44) \$600,000 of the general fund--state appropriation for fiscal year 2009 is provided solely))~~ (46) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6483 (local farms-healthy kids and communities). ~~((Of the amount provided in subsection, up to \$30,000 is provided for administrative costs associated with implementing the legislation and at least~~

~~\$570,000 is provided for grants to school districts associated with implementing the legislation. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(45) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely) (47) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which requires the office of the superintendent of public instruction to explore online curriculum support in languages other than English. ((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(47) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely) (48) Within the amounts appropriated in this section, funding is for grants to five skills centers to develop and plan for implementation of integrated English language development/career skills programs that pair English language development teachers with career/technical education instructors in the classroom. The office of the superintendent of public instruction and skill center staff shall work with the state board for community and technical colleges I-BEST program staff and local community and technical college program staff to develop the program to assure critical program elements are included and that the skill center programs provide a seamless transition for high school students to the community and technical college programs for students choosing that pathway. The request for proposal or grant application shall be issued no later than May 1, 2008, so that grant recipients can begin program planning and development efforts on July 1, 2008. The superintendent of public instruction shall provide the resulting implementation plans to the governor and the appropriate committees of the legislature by November 1, 2008.~~

(49) ~~(\$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely) Within the amounts appropriated in this section, funding is ((to)) for support of public high schools' participation in the FIRST robotics program. The office of the superintendent of public instruction shall issue grants not to exceed \$10,000 per school to be used for teacher stipends, registration fees, equipment, and other costs associated with direct participation in the program. High-poverty schools and schools starting up robotics programs shall be given priority in funding.~~

Sec. 505. 2008 c 329 s 513 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008)	\$68,381,000
General Fund--State Appropriation (FY 2009)	\$84,654,000
General Fund--Federal Appropriation	\$360,660,000
Education Legacy Trust Account--State Appropriation	45,953,000
TOTAL APPROPRIATION	\$559,648,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$220.34 per funded student for the 2007-08 school year and \$265.08 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K- 12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(e) If Second Substitute Senate Bill No. 6673 (student learning opportunities) is enacted by June 30, 2008, in addition to the amounts allocated in (b), (c), and (d) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students beginning in the 2008- 2009 school year, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (e)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (e)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

(6) ~~(\$15,065,000 of the general fund--state appropriation for fiscal year 2009 is provided solely) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which establishes the extended learning program to provide additional instructional services for eligible students in grades eight, eleven, and twelve during the regular school day, evenings, on weekends, or at other times in order to meet the needs of these students. This funding is in addition to the estimated \$986,000 of associated compensation increases associated with this legislation in section 504 of this act. ((If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.))~~

Sec. 506. 2008 c 329 s 515 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation (FY 2008)	\$423,369,000
Student Achievement Account--State Appropriation (FY 2009)	(\$444,970,000)
	\$436,910,000
TOTAL APPROPRIATION	(\$868,339,000)
	\$860,279,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007- 08 school year and \$458.10 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly (~~apportionment~~) schedule defined in RCW (~~28A.510.250~~) 28A.505.220.

**PART VI
HIGHER EDUCATION**

Sec. 601. 2008 c 329 s 604 (uncodified) is amended to read as follows:

(1) The appropriations in sections 603 through 609 of this act, (~~and~~) sections 605 through 611 of this 2008 act, and sections 602 through 608 of this 2009 act, provide state support for full-time equivalent student enrollments at each institution of higher education. Listed below are the annual full-time equivalent student enrollments by institutions assumed in this act.

	2007-08 Annual Average	2008-09 Annual Average
<u>University of Washington</u>		
<u>Main campus</u>	33,782	34197
<u>Bothell campus</u>	1,760	1980
<u>Tacoma campus</u>	2,109	2349
<u>Washington State University</u>		
<u>Main campus</u>	19,112	19272
<u>Tri-Cities campus</u>	800	865
<u>Vancouver campus</u>	1,888	2113
<u>Central Washington University</u>	8,952	9322
<u>Eastern Washington University</u>	8,996	9184
<u>The Evergreen State College</u>	4,165	4213
<u>Western Washington University</u>	12,022	12175
<u>State Board for Community and Technical Colleges</u>	136, 102	139, 237

(2) For the state universities, the number of full-time equivalent student enrollments enumerated in this section for the Bothell, Tacoma, Tri-Cities, and Vancouver campuses are the minimum levels at which the universities should seek to enroll students for those campuses. At the start of an academic year, the governing board of a state university may transfer full-time equivalent student enrollments among campuses. Intent notice shall be provided to the office of financial management and reassignment of funded enrollment is contingent upon satisfying data needed by the forecast division for tracking and monitoring state- supported college enrollment.

Sec. 602. 2008 c 329 s 605 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2008)	\$617,805,000
General Fund--State Appropriation (FY 2009)	(\$665,052,000)
	\$631,586,000
Education Legacy Trust Account--State Appropriation	(\$105,432,000)
	\$105,429,000
Pension Funding Stabilization Account Appropriation	\$49,800,000
Administrative Contingencies Account--State Appropriation	\$2,950,000
TOTAL APPROPRIATION	(\$1,441,039,000)
	\$1,407,570,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,040,000 of the education legacy trust account--state appropriation and \$10,920,000 of the general fund--state appropriation for fiscal year 2009 are to expand general enrollments by 900 student FTEs in academic year 2008 and by an additional 1,050 student FTEs in academic year 2009.

(2) ~~(\$5,720,000)~~ \$21,678,000 of the education legacy trust account--state appropriation and ~~(\$11,440,000)~~ \$19,569,000 of the general fund--state appropriation for fiscal year 2009 are to expand ~~(high-demand)~~ targeted enrollments by ~~(650)~~ 1,175 student FTEs in fiscal year 2008 and by an additional ~~(650)~~ 1,905 student FTEs in fiscal year 2009. The programs expanded shall include, but are not limited to, mathematics ~~(and)~~; health sciences; early childhood education programs with a focus on early math awareness; basic skills education; integrated basic education, skills and language program (IBEST); apprenticeship training programs; and the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW. The state board shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) ~~(\$1,960,000 of the education legacy trust account--state appropriation is to expand early childhood education programs with a focus on early math and science awareness by 100 student FTEs in fiscal year 2008 and by an additional 150 student FTEs in 2009. The board shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.~~

~~(4))~~ (4) \$28,761,000 of the general fund--state appropriation for fiscal year 2008 and \$28,761,000 of the general fund--state appropriation for fiscal year 2009 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support up to 6,200 full-time equivalent students in each fiscal year.

~~((5))~~ (5) \$3,813,000 of the education legacy trust account--state appropriation and \$7,625,000 of the general fund--state appropriation for fiscal year 2009 are for basic skills education enrollments at community and technical colleges. Budgeted enrollment levels shall increase by 625 student FTEs each year.

~~(6))~~ (4) \$3,750,000 of the general fund--state appropriation for fiscal year 2008 and \$7,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase salaries and related benefits for part-time faculty. It is intended that part-time faculty salaries will increase relative to full-time faculty salaries after all salary increases are collectively bargained.

~~((7))~~ (7) \$7,350,000 of the education legacy trust account appropriation is to increase enrollment levels in the integrated basic education, skills, and language program (I-BEST) by 250 student FTEs per year. Each student participating on a full-time basis is budgeted and shall be reported as a single FTE for purposes of this expansion.

~~(8))~~ (5) \$375,000 of the general fund--state appropriation for fiscal year 2008 and \$375,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the transitions math project. This phase of work shall include the establishment of a single math placement test to be used at colleges and universities statewide.

~~((9))~~ (9) \$2,835,000 of the education legacy trust account appropriation is to increase enrollment in apprenticeship training programs by 150 student FTEs in each fiscal year.

~~(10))~~ (6) \$4,000,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the community and technical college system by 1,700 students each year. TRIO eligible students include low-income, first-generation, and college students with disabilities. The state board for community and technical colleges shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 65 percent for TRIO students and other low-income and first-generation students served through this appropriation.

~~((11))~~ (7)(a) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures and targets in 2006. By July 31, 2007, the state board for community and technical colleges and the higher education coordinating board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

(b) The targets previously agreed by the state board and the higher education coordinating board are enumerated as follows:

(i) Increase the percentage and number of academic students who are eligible to transfer to baccalaureate institutions to 18,700;

(ii) Increase the percentage and number of students prepared for work to 23,490; and

(iii) Increase the percentage and number of basic skills students who demonstrate substantive skill gain by 22,850.

The state board for community and technical colleges shall report their progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

~~((12))~~ (8) \$452,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for start-up and planning funds for two applied baccalaureate degree programs at community and technical colleges, of which one degree program must be at a technical college. The applied baccalaureate degrees shall be specifically designed for individuals who hold associate of applied science degrees, or equivalent, in order to maximize application of their technical course credits toward the applied baccalaureate degree.

~~((13))~~ (9) \$2,502,000 of the general fund--state appropriation for fiscal year 2008 and \$5,024,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for faculty salary increments and associated benefits and may be used in combination with salary and benefit savings from faculty turnover to provide salary increments and associated benefits for faculty who qualify through professional development and training. To the extent general salary increase funding is used to pay faculty increments, the general salary increase shall be reduced by the same amount. The state board shall determine the method of allocating to the community and technical colleges the appropriations granted for academic employee increments, provided that the amount of the appropriation attributable to the proportionate share of the part-time faculty salary base shall only be accessible for part-time faculty.

~~((14))~~ (10) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

~~((15))~~ (11) \$2,725,000 of the general fund--state appropriation for fiscal year 2008 and \$2,725,000 of the ~~(general fund--state appropriation)~~ administrative contingency account for fiscal year 2009 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.

~~((16))~~ (16) \$504,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for 80 student FTEs in the existing four applied baccalaureate degree programs at community and technical colleges as authorized in chapter 28B.50 RCW.

~~((17))~~ (12) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$4,000,000 of the general fund--state appropriation for fiscal year 2009, and \$15,000,000 of the education legacy trust account--state appropriation are provided solely for implementation of Second Substitute House Bill No. 1096 (postsecondary opportunities). The state board shall seek additional private sector involvement and support for the opportunity grants program. If the bill is not enacted by June 30, 2007, the education legacy trust account--state appropriation shall lapse. Remaining amounts in this subsection shall be used for an opportunity grant program to provide grants covering community and technical college tuition and fees for up to 45 credits and books or other materials to be awarded to eligible students. Program participants will earn credentials or certificates in industry- defined occupations with a need for skilled employees.

~~((18))~~ (13) From within the funds appropriated in this section, community and technical colleges shall increase salaries for employees subject to the provisions of Initiative Measure No. 732 by an average of 3.7 percent effective July 1, 2007, and by an average of 3.9 percent effective July 1, 2008.

~~((19))~~ (14) \$1,717,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for employees who are subject to the provisions of Initiative Measure No. 732 by an average of one-half of one percent effective July 1, 2008.

~~((20))~~ (15) From within the funds appropriated in this section, community and technical colleges shall increase salaries for exempt professional staff by an average of 3.2 percent effective September 1, 2007, and by an average of 2.0 percent effective September 1, 2008.

~~((21))~~ (16) \$1,500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for competitive grants to labor, management, and college partnerships to develop or expand and evaluate innovative training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care fields. The board shall report to appropriate policy and fiscal committees of the legislature by November 1, 2008, on the initial implementation of the program, including components of the program created, the program sites, and program enrollments including student background and early progress. By November 2009, the board shall provide a follow up report that additionally includes information on student progress and outcomes.

~~((22))~~ (17) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the gateway center pilot project at Highline community college for coaching and managing student participants in the pilot program. The coach will be responsible for credentials interpretation, evaluating prior learning experience, ensuring licensure guidance, providing academic advising and translation services, and helping establish employer relationships.

~~((25))~~ (18) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the design, development, training, and related expenses associated with a joint labor/management apprenticeship program established under the auspices of an international union representing aerospace workers, which will include but not be limited to training in composite technology. Of this amount, \$2,150,000 may be used for program development, curriculum development and equipment, training, and related expenses; and \$850,000 shall be used to support 130 enrollment slots at no more than three community and technical colleges with at least one college being located east of the Cascade mountains, for related supplemental instruction and related expenses. The state board for community and technical colleges shall select the colleges using a joint selection process between the state board and the joint labor/management apprenticeship program.

~~((26))~~ (19) \$1,178,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to Edmonds community college for operating expenses related to leasing the employment resource center.

~~((27))~~ (20) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Renton technical college to implement workplace-based instructional programs that will enable low- wage working immigrants to improve their English language and work-related skills.

~~((28))~~ (21) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to convert classes taught by faculty employed in part-time positions to classes taught by faculty employed in full-time, tenure-track positions. Particular emphasis shall be placed upon increasing the number of full-time faculty in the departments of mathematics, science, adult basic education, early childhood education, and English. The state board shall determine the distribution of these funds among the colleges in consultation with representatives of faculty unions.

~~((29))~~ (22) The appropriations in this section include specific funding to implement Substitute Senate Bill No. 5104 (applied baccalaureate degrees).

(23) When implementing reductions in fiscal year 2009, the state board for community and technical colleges shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 603. 2008 c 329 s 606 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2008)	\$373,726,000
General Fund--State Appropriation (FY 2009)	(\$375,998,000)
	<u>\$358,727,000</u>
General Fund--Private/Local Appropriation	\$300,000
Education Legacy Trust Account--State Appropriation	\$43,181,000
Accident Account--State Appropriation	\$6,513,000
Medical Aid Account--State Appropriation	\$6,371,000
TOTAL APPROPRIATION	(\$806,089,000)
	<u>\$788,818,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(8) \$3,830,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;
- (d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;
- (f) Improve the freshman retention rate to 93.0 percent;

(g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

(a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:

(i) Variable costs such as fuel, etc;

(ii) Quasi-variable costs such as:

(A) Tires, brakes, wrappers, and other safety related equipment;

(B) Vehicle insurance, taxes, fees, etc;

(C) Maintenance costs such as oil, lubrication, and minor repairs; and

(D) Depreciation and replacement costs;

(b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;

(c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;

(d) An evaluation of comparable trucking services; and

(e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

(i) A financial summary of the endowment program;

(ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;

(iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and

(iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(22) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((25))~~ (23) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to establish an e-Science institute that will provide infrastructure and consulting expertise to university researchers in advanced computational techniques needed to capture, store, organize, access, mine, visualize, and interpret massive data sets.

~~((28))~~ (24) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for incentive grants to support medical research or medical training projects focused upon improvement of services to persons with developmental disabilities. The university shall report to appropriate committees of the legislature by December 1, 2008, on incentive grants awarded, and other efforts to improve training for medical students in treating persons with developmental disabilities.

(25) When implementing reductions in fiscal year 2009, the University of Washington shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 604. 2008 c 329 s 607 (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$232,201,000
General Fund--State Appropriation (FY 2009)	(\$235,108,000)
	<u>\$223,819,000</u>
Education Legacy Trust Account--State Appropriation	\$33,884,000
Pension Funding Stabilization Account Appropriation	\$2,450,000
TOTAL APPROPRIATION	(\$503,643,000)
	<u>\$492,354,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,315,000 of the education legacy trust account--state appropriation is to expand general enrollments by 290 student FTEs in fiscal year 2008 and by an additional 300 student FTEs in fiscal year 2009.

(2) \$3,525,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 65 student FTEs in fiscal year 2008, and by an additional 90 FTE students in fiscal year 2009, of which 15 FTEs in each fiscal year are expected to be graduate enrollments. The programs expanded shall include mathematics, engineering, and the physical sciences. Fifty student FTEs in each year will be shifted from general enrollments to high-demand, high-cost fields, and thus do not affect the enrollment levels listed in section 602 of this act. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$2,356,000 of the education legacy trust account appropriation is to expand bachelors-level, masters-level, and PhD enrollment at the Tri-Cities and Spokane campuses by 45 FTE students in fiscal year 2008, and by an additional 40 FTEs in fiscal year 2009.

(4) \$2,000,000 of the general fund--state appropriation for fiscal year 2008 and \$2,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for research and commercialization in bio-products and bio-fuels. Of this amount, \$2,000,000 shall be

targeted at the development of new crops to be used in the bio-products facility at WSU-Tri-Cities. The remainder shall be used for research into new bio-products created from agricultural waste to be conducted in the Tri-Cities in a joint program between Washington State University and Pacific Northwest national laboratories.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Washington State University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to promote the development of the Spokane-based applied sciences laboratory into a strong, self-sustaining research organization. The state funds shall be used to recruit and retain at least three senior research scientists; to employ business development and administrative personnel; and to establish and equip facilities for computational modeling and for materials and optical characterization.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, under chapter 70.220 RCW.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(9) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(10) \$6,360,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences offerings in Spokane. The university shall enroll 20 student FTEs in fiscal year 2009 in a University of Washington medical school extension program at the Riverpoint campus of WSU in Spokane. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and shall do their clinical rotations and other upper level training in the inland northwest.

(11) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for start-up and ongoing operation of the Vancouver campus-based electrical engineering program.

(12) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Washington State University are enumerated as follows:

(a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 4,170;

(b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 630;

(c) Increase the combined number of advanced degrees conferred per year at all campuses to 1,090;

(d) Improve the six-year graduation rate for baccalaureate students to 63.2 percent;

(e) Improve the three-year graduation rate for students who transfer with an associates degree to 65.4 percent;

(f) Improve the freshman retention rate to 84.8 percent;

(g) Improve time to degree for baccalaureate students to 92 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Washington State University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(13) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(14) \$3,000,000 of the general fund--state appropriation for fiscal year 2008 and \$3,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the unified agriculture initiative at Washington State University. Funds are provided for competitive agriculture grant funds, of which \$400,000 is provided for biological intensive and organic agriculture grants; for operating and program support for the university's research and extension centers, of which \$735,000 is for maintenance and operations support for the Mount Vernon research facility; and for positions to fill research gaps in the development of value-added agricultural products and economically and environmentally sustainable food production.

(15) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for support of basic operations and research at the university's grizzly bear study center.

(16) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the energy development center to establish certification standards and to process applications for renewable energy cost recovery incentives, as provided in chapters 300 and 301, Laws of 2005.

(17) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Washington State University to gather data and conduct research associated with preparing the basin-wide assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(18) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

~~((20))~~ (19) \$160,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for administrative resources and personnel necessary for the implementation of Substitute House Bill No. 2963 (WSU collective bargaining). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((21))~~ (20) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement a teacher preparation program at Washington State University-Vancouver that will prepare currently- licensed teachers to more effectively educate K-12 students

who are deaf or hearing-impaired. The program will use a variety of distance learning instructional methods and delivery formats in order to reach teachers throughout the state.

~~((24))~~ (21) \$500,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of section 6 of Senate Bill No. 6438 (high speed internet deployment). If section 6 of Senate Bill No. 6438 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((25))~~ (22) The appropriations in this section include specific funding to implement Senate Bill No. 6187 (food animal veterinarians). (23) When implementing reductions in fiscal year 2009, Washington State University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 605. 2008 c 329 s 608 (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$48,911,000
General Fund--State Appropriation (FY 2009)	(\$48,959,000)
	<u>\$45,771,000</u>
Education Legacy Trust Account--State Appropriation	(\$14,753,000)
	<u>\$14,748,000</u>
Pension Funding Stabilization Account Appropriation	\$4,758,000
TOTAL APPROPRIATION	(\$117,381,000)
	<u>\$114,188,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$930,000 of the education legacy trust account--state appropriation is to expand general enrollments by 130 student FTEs in fiscal year 2009. Of these, 30 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$1,170,000 of the education legacy trust account--state appropriation is to expand high-demand undergraduate enrollments by 50 student FTEs in each fiscal year. The programs expanded shall include, but are not limited to, mathematics, engineering, and health sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Eastern Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(4) \$1,021,000 of the education legacy trust account--state appropriation is provided solely for the RIDE program. The program shall enroll eight student FTEs in the University of Washington school of dentistry in fiscal year 2009. Students shall take the first year of courses for this program at the Riverpoint campus in Spokane, and their second and third years at the University of Washington school of dentistry.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Eastern Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2035;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 405;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 550;
- (d) Improve the six-year graduation rate for baccalaureate students to 50.0 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.0 percent;
- (f) Improve the freshman retention rate to 76.0 percent;
- (g) Improve time to degree for baccalaureate students to 81.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and
- (h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Eastern Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

~~((8))~~ (7) \$62,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the institute for public policy and economic analysis to conduct an assessment of the likely medical, health care delivery, and economic consequences of the proposed sale of a major eastern Washington health care delivery system.

~~((9))~~ (8) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest autism center to increase child diagnostic services and teacher training services.

(9) When implementing reductions in fiscal year 2009, Eastern Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 606. 2008 c 329 s 609 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$47,691,000
General Fund--State Appropriation (FY 2009)	(\$47,978,000)
	<u>\$45,272,000</u>
Education Legacy Trust Account--State Appropriation	\$16,219,000
Pension Funding Stabilization Account Appropriation	\$4,330,000
TOTAL APPROPRIATION	(\$116,218,000)

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;
- (f) Improve the freshman retention rate to 78.2 percent;
- (g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(8) When implementing reductions in fiscal year 2009, Central Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 607. 2008 c 329 s 610 (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2008)	\$29,747,000
General Fund--State Appropriation (FY 2009)	(\$29,403,000)
	<u>\$27,973,000</u>
Education Legacy Trust Account--State Appropriation	(\$4,758,000)
	<u>\$4,725,000</u>
TOTAL APPROPRIATION	(\$63,908,000)
	<u>\$62,445,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$562,000 of the education legacy trust account--state appropriation is to expand upper division math and science enrollments by 22 student FTEs in fiscal year 2008 and by an additional 28 student FTEs in fiscal year 2009.

(2) \$260,000 of the education legacy trust account--state appropriation for fiscal year 2009 is for 20 student FTE graduate enrollments in the masters in education program.

(3) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at The Evergreen State College by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(4) \$614,000 of the education legacy trust account appropriation is provided solely to increase the number and value of tuition waivers awarded to state-supported students.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the college and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and The Evergreen State College are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 1182;
- (b) Increase the number of advanced degrees conferred per year at all campuses to 92;
- (c) Improve the six-year graduation rate for baccalaureate students to 57.0 percent;
- (d) Improve the three-year graduation rate for students who transfer with an associates degree to 72.8 percent;
- (e) Improve the freshman retention rate to 73.9 percent;
- (f) Improve time to degree for baccalaureate students to 97.0 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(g) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

The Evergreen State College shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(7) \$435,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the Washington state institute for public policy (WSIPP) to assist the joint task force on basic education finance created pursuant to Engrossed Second Substitute Senate Bill No. 5627 (requiring a review and development of basic education funding). The institute shall assist the joint task force in a review of the definition of basic education and the development of options for a new funding structure for K-12 public schools. The task force on basic education as created in chapter 399, Laws of 2007 shall consider the ruling of the King County Superior Court in the matter of *Federal Way School District v. The State of Washington* in developing recommendations for a new basic education school finance formula. The recommendations should include proposals that directly address the issue of equity in salary allocations in the new school finance formula.

(8) \$180,000 of the general fund--state appropriation for fiscal year 2008 and \$180,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to study the program effectiveness and cost-benefit of state-funded programs that meet the criteria of evidence-based programs and practices, and emerging best practice/promising practice, as defined in RCW 71.24.025 (12) and (13) for adult offenders in the department of corrections, and juvenile offenders under state and local juvenile authority.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Washington state institute for public policy to evaluate the effectiveness of current methods for screening and treating depression in women who receive temporary assistance for needy families (TANF), and to make recommendations for their improvement.

(10) \$133,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Substitute House Bill No. 1472 (child welfare). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(11) Notwithstanding other provisions in this section, the Washington state institute for public policy may adjust due dates for projects included on the institute's 2007-09 workplan as necessary to efficiently manage workload.

(12) \$19,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) to (a) conduct a national review of state programs for youth transitioning out of foster care and analyze state policies on eligibility requirements for continued foster care, age thresholds for transition services, types of services provided, and use of state funds to supplement federal moneys; and (b) survey foster youth and foster parents in Washington regarding how well current services are meeting the needs of youth transitioning out of foster care to independence. The institute shall issue a preliminary report by September 1, 2008, with a final report by December 31, 2008.

~~((+4))~~ (13) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy (WSIPP) for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((+5))~~ (14) \$69,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to study the status of adult literacy education in Washington. The study shall include an analysis of literacy rates by county; a review of the research literature; a description of literacy-related services provided by state agencies and community-based organizations; and an analysis of the characteristics of persons receiving those services. The institute shall report its findings to the governor, appropriate committees of the legislature, and to the state board for community and technical colleges by December 1, 2008.

~~((+6))~~ (15) \$23,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the evaluation required by Senate Bill No. 6665 (crisis response programs). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

~~((+7))~~ (16) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to conduct a review of research on service and support programs for children and adults with developmental disabilities, excluding special education, and an economic analysis of net program costs and benefits. The institute shall submit a preliminary report of findings by January 1, 2009, and a final report by June 30, 2009.

~~((+9))~~ (17) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state institute for public policy to analyze local practices regarding RCW 28A.225.020, 28A.225.025, and 28A.225.030.

(a) The institute shall: (i) Sample school districts' and superior courts' expenditures in fiscal years 2005, 2006, 2007, and 2008 used to comply with RCW 28A.225.020, 28A.225.025, and 28A.225.030; (ii) evaluate evidence-based, research-based, promising, and consensus-based truancy intervention and prevention programs and report on local practices that could be designated as such; (iii) survey school district truancy petition and intervention programs and services currently available and report on any gaps in accessing services; (iv) survey the districts' definitions of "absence" and "unexcused absence"; (v) survey the courts' frequency of use of contempt proceedings and barriers to the use of proceedings; and (vi) analyze the academic impact of RCW 28A.225.030 by sampling school districts' student academic records to ascertain the students' post-petition attendance rate, grade progression, and high school graduation for students where the school district filed a truancy petition in superior court.

(b) In conducting its analysis, the institute may consult with employees and access data systems of the office of the superintendent of public instruction and any educational service district or school district and the administrative office of the courts, each of which shall provide the institute with access to necessary data and administrative systems.

(18) When implementing reductions in fiscal year 2009, The Evergreen State College shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 608. 2008 c 329 s 611 (uncodified) is amended to read as follows:
FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$66,774,000
General Fund--State Appropriation (FY 2009)	(\$68,085,000)
	<u>\$64,450,000</u>
Education Legacy Trust Account--State Appropriation	\$11,845,000
TOTAL APPROPRIATION	(\$146,704,000)
	<u>\$143,069,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$281,000 of the education legacy trust account--state appropriation is to expand math and science enrollments by 8 student FTEs in fiscal year 2008 and by an additional 8 student FTEs in fiscal year 2009. Programs expanded include cell and molecular biology. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and the employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(2) \$4,013,000 of the education legacy trust account--state appropriation is to expand general enrollments by 235 student FTEs in fiscal year 2008 and by an additional 130 student FTEs in fiscal year 2009. Of these, 24 FTEs in each fiscal year are expected to be graduate student FTEs.

(3) \$920,000 of the education legacy trust account--state appropriation is to expand high demand enrollments by 50 FTE students in fiscal year 2008 and by an additional 15 FTE students in fiscal year 2009. Programs expanded include early childhood education and teaching English as a second language. The university shall provide data to the office of financial management regarding high-demand enrollments, graduations, and employment of college graduates related to state investments in high demand enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of low-income and first-generation students served in the student outreach services program at Western Washington University by 500 students over the biennium. The student outreach services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 80 percent for students served in this program, with a goal of reaching a retention rate in excess of 85 percent.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Western Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,968;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 371;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 375;
- (d) Improve the six-year graduation rate for baccalaureate students to 62.8 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 61.4 percent;
- (f) Improve the freshman retention rate to 85.0 percent;
- (g) Improve time to degree for baccalaureate students to 95.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Western Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, the university shall report progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations to the higher education coordinating board by October 1st of each year.

(7) \$1,169,000 of the education legacy trust account appropriation is for the advanced materials science and engineering program. The program shall develop the advanced materials science and engineering center for research, teaching, and development which will offer a minor degree in materials science and engineering beginning in the fall 2009.

(8) \$444,000 of the general fund--state appropriation for fiscal year 2008 and \$611,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of the biomedical research activities in neuroscience (BRAIN) program. The program shall link biology and chemistry curriculum to prepare students for biomedical research positions in academia and industry.

(9) When implementing reductions in fiscal year 2009, Western Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 609. 2008 c 329 s 612 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$7,008,000
General Fund--State Appropriation (FY 2009)	(\$7,231,000)
	<u>\$6,533,000</u>
General Fund--Federal Appropriation	\$4,333,000
TOTAL APPROPRIATION	(\$18,572,000)
	<u>\$17,874,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

(2) \$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(3) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of conditional scholarships.

(5) Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(6) \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The higher education coordinating board shall:

(a) Develop the study in collaboration with the state board for community and technical colleges, four-year universities, and the Washington independent colleges;

(b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;

(c) Estimate operational and capital costs of the additional capacity; and

(d) Report findings to the legislature on October 1, 2008.

(7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to prepare a program and operating plan for a higher education center in the Kitsap county area. The plan shall be developed in consultation with an advisory committee of civic, business, and educational leaders from Clallam, Jefferson, Kitsap, and Mason counties. It shall include a projection of lower and upper division and graduate enrollment trends in the study area; a review of assessments of employer needs; an inventory of existing and needed postsecondary programs; recommended strategies for promoting active program participation in and extensive program offerings at the center by public and private baccalaureate institutions; and an estimate of operating and capital costs for the creation and operation of the center. The board shall submit its findings and recommendations to the governor and legislature by December 1, 2008.

~~((H))~~ (8) \$60,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((H))~~ (9) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

~~((H))~~ (10) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the higher education coordinating board to convene interested parties from Snohomish, Island, and Skagit counties to consider the November 2007 site options and recommendations for a new campus of the University of Washington in Snohomish county. The three local communities shall develop a consensus recommendation on a single preferred site and present the recommendation to the higher education coordinating board. The higher education coordinating board shall then present the single preferred site recommendation to the appropriate legislative fiscal and policy committees by December 1, 2008.

Sec. 610. 2008 c 329 s 613 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2008)	\$163,286,000
General Fund--State Appropriation (FY 2009)	(\$188,998,000)
	<u>\$188,498,000</u>
General Fund--Federal Appropriation	\$13,113,000
Education Legacy Trust Account--State Appropriation	\$108,188,000
TOTAL APPROPRIATION	(\$473,585,000)
	<u>\$473,085,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$154,760,000 of the general fund--state appropriation for fiscal year 2008, \$178,707,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) \$2,336,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the health professional scholarship and loan program. The funds provided in this subsection (a) shall be prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) shall be allocated between loan repayments and scholarships proportional to current program allocations.

Sec. 611. 2008 c 329 s 614 (uncodified) is amended to read as follows:

FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2008)	\$1,757,000
General Fund--State Appropriation (FY 2009)	(\$1,736,000)
	<u>\$1,698,000</u>
General Fund--Federal Appropriation	(\$53,996,000)
	<u>\$53,995,000</u>
TOTAL APPROPRIATION	(\$57,489,000)
	<u>\$57,450,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$340,000 of the general fund--state appropriation for fiscal year 2008 and \$340,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to:

(a) Allocate grants on a competitive basis to establish and support industry skill panels. Grant recipients shall provide an employer match of at least twenty-five percent, and identify work force strategies to benefit employers and workers across the industry; and

(b) Establish industry skill panel standards that identify the expectations for industry skill panel products and services.

(2) \$53,000 of the general fund--state appropriation for fiscal year 2008 and \$53,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the oversight of private vocational and career schools.

(3) The appropriations in this section include specific funding to implement Substitute Senate Bill No. 5254 (industry skills panels) and Substitute Senate Bill No. 6261 (adult youth).

(4) The appropriations in this section include sufficient funds to implement section 2 of Engrossed Substitute Senate Bill No. 6295 (workplace e-learning).

Sec. 612. 2008 c 329 s 615 (uncodified) is amended to read as follows:

FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2008)	\$1,718,000
General Fund--State Appropriation (FY 2009)	(\$1,745,000)
	<u>\$1,668,000</u>
TOTAL APPROPRIATION	(\$3,463,000)
	<u>\$3,386,000</u>

Sec. 613. 2008 c 329 s 616 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2008)	\$62,362,000
General Fund--State Appropriation (FY 2009)	(\$76,304,000)
	<u>\$69,120,000</u>
General Fund--Federal Appropriation	\$192,192,000
General Fund--Private/Local Appropriation	\$6,000
TOTAL APPROPRIATION	(\$330,864,000)
	<u>\$323,680,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$4,225,000)~~ \$1,825,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to: (a) Develop a quality rating and improvement system; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008. Prior to statewide implementation of the quality rating and improvement system, the department of early learning shall present the system to the legislature and the legislature shall formally approve the implementation of the system through the omnibus appropriations act or by statute or concurrent resolution.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and \$1,100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

(11) ~~(\$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 3168 (Washington head start program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(12))~~ The department, in conjunction with the early learning advisory council, shall report by June 30, 2009, to the governor and the appropriate committees of the legislature regarding the following:

(a) Administration of the state training and registry system, including annual expenditures, participants, and average hours of training provided per participant; and

(b) An evaluation of the child care resource and referral network in providing information to parents and training and technical assistance to child care providers.

~~((13))~~ (12) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

~~((14))~~ (13) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department of early learning to work with the office of the superintendent of public instruction, and collaborate with thrive by five Washington, to study and make recommendations regarding the implementation of a statewide kindergarten entry assessment. The department and the office of the superintendent of public instruction shall jointly submit a report with recommendations for implementing the kindergarten entry assessment to the governor and the appropriate committees of the legislature by December 15, 2008. In the study and development of the recommendations, the department shall:

(a) Consult with early learning experts, including research and educator associations, early learning and kindergarten teachers, and Washington Indian tribes;

(b) Identify a preferred kindergarten entry assessment based on research and examples of other assessments, and which is sensitive to cultural and socioeconomic differences influencing the development of young children;

(c) Recommend a plan for the use of the assessment in a pilot phase and a voluntary use phase, and recommend a time certain when school districts must offer the assessment;

(d) Recommend how to report the results of the assessment to parents, the office of the superintendent of public instruction, and the department of early learning in a common format, and for a methodology for conducting the assessments;

(e) Analyze how the assessment could be used to improve instruction for individual students entering kindergarten and identify whether and how the assessment results could be used to improve the early learning and K-12 systems, including the transition between the systems;

(f) Identify the costs of the assessment, including the time required to administer the assessment; and

(g) Recommend how to ensure that the assessment shall not be used to screen or otherwise preclude children from entering kindergarten if they are otherwise eligible.

~~((15))~~ (14) \$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for encouraging private match investment for innovative, existing local early learning coalitions to achieve one or more of the following:

(a) Increase communities' abilities to implement their business plans for comprehensive local and regional early learning systems;

- (b) Involve parents in their children's education;
- (c) Enhance coordination between the early childhood and K-12 system; or
- (d) Improve training and support for raising the level of child care givers' professional skills to ensure that children are healthy and ready to succeed in school and life.

Sec. 614. 2008 c 329 s 617 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2008)	\$5,969,000
General Fund--State Appropriation (FY 2009)	(\$6,105,000)
	<u>\$6,069,000</u>
General Fund--Private/Local Appropriation	\$1,561,000
TOTAL APPROPRIATION	(\$13,635,000)
	<u>\$13,599,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to defend the state's interpretive position in the case of *Delyria & Koch v. Washington State School for the Blind*.
- (2) \$5,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 615. 2008 c 329 s 618 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2008)	\$8,858,000
General Fund--State Appropriation (FY 2009)	(\$8,915,000)
	<u>\$8,764,000</u>
General Fund--Private/Local Appropriation	\$316,000
TOTAL APPROPRIATION	(\$18,089,000)
	<u>\$17,938,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$84,000 of the general fund--private/local appropriation for fiscal year 2009 is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.
- (2) \$9,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 616. 2008 c 329 s 619 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,548,000
General Fund--State Appropriation (FY 2009)	(\$2,541,000)
	<u>\$2,454,000</u>
General Fund--Federal Appropriation	\$1,382,000
General Fund--Private/Local Appropriation	\$154,000
TOTAL APPROPRIATION	(\$6,625,000)
	<u>\$6,538,000</u>

Sec. 617. 2008 c 329 s 620 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008)	\$3,558,000
General Fund--State Appropriation (FY 2009)	(\$3,798,000)
	<u>\$3,696,000</u>
TOTAL APPROPRIATION	(\$7,356,000)
	<u>\$7,254,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state Holocaust education resource center for the purposes of preserving Washington's historical connection to the Holocaust and expanding understanding of the Holocaust and genocide. Grant moneys may be used to develop and disseminate education and multimedia curriculum resources; provide teacher training; acquire and maintain primary source materials and Holocaust artifacts; collect and preserve oral accounts from Washington state Holocaust survivors, liberators, and witnesses; and build organizational capacity.

Sec. 618. 2008 c 329 s 621 (uncodified) is amended to read as follows:

FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2008)	\$1,918,000
General Fund--State Appropriation (FY 2009)	(\$2,069,000)
	<u>\$2,016,000</u>
TOTAL APPROPRIATION	(\$3,987,000)
	<u>\$3,934,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$88,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to catalog the American Indian collection.

SPECIAL APPROPRIATIONS

Sec. 701. 2007 c 522 s 709 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--SEX OFFENDER SENTENCING IMPACT

General Fund--State Appropriation (FY 2008)	\$1,188,000
((General Fund--State Appropriation (FY 2009))	\$1,509,000
TOTAL APPROPRIATION	\$2,697,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for distribution to counties to pay for the costs of implementing chapter 176, Laws of 2004, which makes amendments to the special sex offender sentencing alternative.

Sec. 702. 2007 c 522 s 715 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--READING ACHIEVEMENT ACCOUNT

General Fund--State Appropriation (FY 2008)	\$525,000
((General Fund--State Appropriation (FY 2009))	\$525,000
TOTAL APPROPRIATION	\$1,050,000

The appropriation(s) in this section ((are)) is subject to the following conditions and limitations: The appropriation((s are)) is provided solely for expenditure into the reading achievement account.

Sec. 703. 2008 c 329 s 708 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--WATER QUALITY CAPITAL ACCOUNT

Water Quality Account--State Appropriation (FY 2008)	\$19,274,000
Water Quality Account--State Appropriation (FY 2009)	(\$3,000,000)
	<u>\$2,000,000</u>
TOTAL APPROPRIATION	(\$22,274,000)
	<u>\$21,274,000</u>

The appropriations in this section ((s)) are subject to the following conditions and limitations: The appropriations ((s)) are provided solely for expenditure into the water quality capital account.

Sec. 704. 2008 c 3 s 4 (uncodified) is amended to read as follows:

(1) The sum of seven hundred thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2008, from the general fund to the department of financial institutions for homeownership prepurchase outreach and education and postpurchase counseling and support.

(2) The sum of ~~((eight hundred))~~ seven hundred eighty-two thousand dollars, or as much thereof as may be necessary, is appropriated for the fiscal year ending June 30, 2009, from the general fund to the department of financial institutions for homeownership prepurchase outreach and education and postpurchase counseling and support.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 801. 2008 c 329 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	\$7,654,000
General Fund Appropriation for public utility district excise tax distributions	\$47,557,000
General Fund Appropriation for prosecuting attorney distributions. Of this amount, \$903,000 is provided solely for the implementation of Substitute Senate Bill No. 6297 (prosecuting attorney salaries). If the bill is not enacted by June 30, 2008, the amount provided shall lapse.	\$4,902,000
General Fund Appropriation for boating safety and education distributions	\$4,400,000
General Fund Appropriation for other tax distributions	\$48,000
General Fund Appropriation for habitat conservation program distributions	\$1,245,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation. This amount is provided solely for implementation of Engrossed Substitute Senate Bill No. 6874 (Columbia River water delivery). If the bill is not enacted by June 30, 2008, this amount shall lapse.	\$3,775,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians. This amount is provided solely for implementation of Engrossed Substitute Senate Bill No. 6874 (Columbia River water delivery). If the bill is not enacted by June 30, 2008, this amount shall lapse.	\$2,250,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	\$2,192,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	\$148,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	\$77,753,000
County Criminal Justice Assistance Appropriation	\$62,127,000
Municipal Criminal Justice Assistance Appropriation	\$24,636,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	\$49,397,000
Liquor Revolving Account Appropriation for liquor profits distribution	\$82,148,000
City-County Assistance Account Appropriation for local government financial assistance distribution; PROVIDED: That the legislature, in making this Appropriation for distribution under the formula prescribed in RCW 43.08.290 for the 2007-09 biennium, ratifies and approves the prior	

distributions, as certified by the department of revenue to the state treasurer, made for the 2005-07 biennium from the appropriation in section 801, chapter 372, Laws of 2006 as amended by section 1701, chapter 522, Laws of 2007	\$29,865,000
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes	((\$31,600,000)) <u>\$22,980,000</u>
TOTAL APPROPRIATION	((\$431,697,000)) <u>\$423,077,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 802. 2008 c 329 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS.

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2008 and ((\$21,000,000)) <u>\$31,000,000</u> for fiscal year 2009	((\$31,000,000)) <u>\$41,000,000</u>
Education Legacy Trust Account: For transfer to the state general fund for fiscal year 2009	\$67,000,000
Pension Funding Stabilization Account: For transfer to the state general fund for fiscal year 2009	\$10,000,000
Economic Development Strategic Reserve Account: For transfer to the state general fund for fiscal year 2009	\$4,000,000
State Convention and Trade Center Operations Account: For transfer to the state general fund on June 30, 2009	\$5,000,000
State Convention and Trade Center Capital Account: For transfer to the state general fund on June 30, 2009	\$52,000,000
After the transfers in this section are made from the state convention and trade center operations and capital accounts, these accounts will have sufficient funds for: (1) A ten million dollar requirement for the retrofit of the museum of history and industry; (2) the requirements of RCW 67.40.040(5) and 67.40.040(6); and (3) a sufficient capital reserve. After the transfer is made, the capital reserve may be applicable for payment of debt service or operating shortfalls.	
Department of Retirement Systems Expense Account: For transfer to the state general fund for fiscal year 2009	((\$5,000,000)) <u>\$11,200,000</u>
General Fund: For transfer to the water quality account, \$12,200,000 for fiscal year 2008 and \$12,201,000 for fiscal year 2009	\$24,401,000
Education Legacy Trust Account: For transfer to the student achievement account for fiscal year 2009	\$90,800,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	\$25,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$7,200,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009	\$10,800,000
Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009	\$50,000,000
State Toxics Control Account: For transfer to the oil spill prevention account for fiscal year 2009	\$2,400,000
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account	\$168,111,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account	\$70,000,000
Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009	\$6,932,000
Health Services Account: For transfer to the tobacco prevention and control account, \$10,523,000 for fiscal year 2008 and \$10,168,000 for fiscal year 2009	\$20,691,000
General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009	\$31,600,000
General Fund: For transfer to the health services account for fiscal year 2009	\$53,000,000
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2008	\$3,000,000
Public Safety and Education Account: For transfer to the state general fund for fiscal year 2009	\$6,000,000
<u>Reading Achievement Account: For transfer to the state general fund, an amount not to exceed the actual balance of the reading achievement account. This transfer is intended to liquidate the reading achievement account</u>	<u>\$1,691,000</u>
<u>Family Leave Insurance Account: For transfer to the state general fund, an amount not to exceed the actual balance of the family leave insurance account. This transfer is intended to liquidate the family leave insurance account</u>	<u>\$4,458,000</u>
<u>Streamline Sales Tax Account: For transfer to the state general fund on June 30, 2009, an amount not to exceed the actual balance of the streamline sales tax account</u>	<u>\$8,620,000</u>
<u>Savings Incentive Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$9,204,000</u>
<u>Education Savings Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$51,088,000</u>

**PART IX
MISCELLANEOUS**

Sec. 901. RCW 28A.505.220 and 2008 c 170 s 401 are each amended to read as follows:

(1) Total distributions from the student achievement fund to each school district shall be based upon the average number of full-time equivalent students in the school district during the previous school year as reported to the office of the superintendent of public instruction by August 31st of the previous school year. The superintendent of public instruction shall ensure that moneys generated by skill center students are returned to skill centers.

(2) The allocation rate per full-time equivalent student shall be three hundred dollars in the 2005-06 school year, three hundred seventy-five dollars in the 2006-07 school year, and four hundred fifty dollars in the 2007-08 school year. For each subsequent school year, the amount allocated per full-time equivalent student shall be adjusted for inflation as defined in RCW 43.135.025(8). These allocations per full-time equivalent student from the student achievement fund shall be supported from the following sources:

(a) Distributions from state property tax proceeds deposited into the student achievement fund under RCW 84.52.068; and

(b) Distributions from the education legacy trust account created in RCW 83.100.230.

(3) Any funds deposited in the student achievement fund under RCW 43.135.045 shall be allocated to school districts on a one-time basis using a rate per full-time equivalent student. These funds are provided in addition to any amounts allocated in subsection (2) of this section.

(4) The school district annual amounts as defined in subsection (2) of this section shall be distributed on the monthly apportionment schedule as defined in RCW 28A.510.250.

(5) However, during the 2008-09 school year, the school district annual amounts as defined in this section shall be distributed as follows:

September:	9.0 percent;
October:	9.0 percent;
November:	5.5 percent;
December:	9.0 percent;
January:	9.0 percent;
February:	9.0 percent;
March:	9.0 percent;
April:	9.0 percent;
May:	5.5 percent;
June:	4.2 percent;
July:	11.8 percent; and
August:	10.0 percent.

Sec. 902. RCW 43.79.460 and 1998 c 302 s 1 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of (~~fiscal~~ ~~financial~~) financial management, after consulting with the legislative fiscal committees, shall report to the treasurer the amount of savings incentives achieved. By December 1, 1998, and each December 1st thereafter, the office of financial management shall submit a report to the fiscal committees of the legislature on the implementation of this section. The report shall (a) evaluate the impact of this section on agency reversions and end-of-biennium expenditure patterns, and (b) itemize agency expenditures from the savings recovery account. The office of financial management is relieved from having to submit a report by December 1, 2008.

(5) For fiscal year 2009, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

Sec. 903. RCW 43.79.465 and 2004 c 275 s 64 are each amended to read as follows:

The education savings account is created in the state treasury. The account shall consist of all moneys appropriated to the account by the legislature.

(1) Ten percent of legislative appropriations to the education savings account shall be distributed as follows: (a) Fifty percent to the distinguished professorship trust fund under RCW 28B.76.565; (b) seventeen percent to the graduate fellowship trust fund under RCW 28B.76.610; and (c) thirty-three percent to the college faculty awards trust fund under RCW 28B.50.837.

(2) The remaining moneys in the education savings account may be appropriated solely for (a) common school construction projects that are eligible for funding from the common school construction account, (b) technology improvements in the common schools, (~~and~~) (c) during the 2001-03 fiscal biennium, technology improvements in public higher education institutions, and (d) during the 2007-2009 fiscal biennium, the legislature may transfer from the education savings account to the state general fund such amounts as reflect the excess fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

Sec. 904. RCW 43.79.485 and 2006 c 120 s 1 are each amended to read as follows:

(1) The reading achievement account is created in the custody of the state treasurer. The purposes of the account are to establish a depository for state and other funds made available for reading achievement, and to ensure that unspent amounts appropriated for reading achievement continue to be available for that purpose in future biennia.

(2) The director of early learning shall deposit in the account all appropriations to the department and nonstate moneys received by the department for reading achievement, including reading foundations and implementation of research-based reading models.

Moneys deposited in the account do not lapse at the close of the fiscal period for which they were appropriated. Both during and after the fiscal period in which moneys were deposited in the account, the director may expend moneys in the account only for the purposes for which they were appropriated, and the expenditures are subject to any other conditions or limitations placed on the appropriations.

(3) Expenditures from the account may be used only for reading achievement, including reading foundations, implementation of research-based reading models, and grants to school districts. During the 2007- 2009 fiscal biennium, the legislature may transfer from the reading achievement account to the state general fund such amounts as reflect the excess fund balance of the account.

(4) Only the director of early learning or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 905. RCW 49.86.170 and 2007 c 357 s 19 are each amended to read as follows:

The family leave insurance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the purposes of the family leave insurance program. Only the director of the department of labor and industries or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW. An appropriation is required for administrative expenses, but not for benefit payments. During the 2007-2009 fiscal biennium, the legislature may transfer from the family leave insurance account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 906. RCW 50.16.010 and 2008 c 329 s 915 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for the (i) cost of the job skills program at the community and technical colleges and worker retraining programs at the community and technical colleges or administered by the state board for community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 907. RCW 82.14.495 and 2007 c 6 s 902 are each amended to read as follows:

(1) The streamlined sales and use tax mitigation account is created in the state treasury. The state treasurer shall transfer into the account from the general fund amounts as directed in RCW 82.14.500. Expenditures from the account may be used only for the purpose of mitigating the negative fiscal impacts to local taxing jurisdictions as a result of RCW 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020. During the 2007-2009 fiscal biennium, the legislature may transfer from the streamlined sales and use tax mitigation account to the state general fund such amounts as reflect the excess fund balance of the account.

(2) Beginning July 1, 2008, the state treasurer, as directed by the department, shall distribute the funds in the streamlined sales and use tax mitigation account to local taxing jurisdictions in accordance with RCW 82.14.500.

(3) The definitions in this subsection apply throughout this section and RCW 82.14.390 and 82.14.500.

(a) "Agreement" means the same as in RCW 82.32.020.

(b) "Local taxing jurisdiction" means counties, cities, transportation authorities under RCW 82.14.045, public facilities districts under chapters 36.100 and 35.57 RCW, public transportation benefit areas under RCW 82.14.440, and regional transit authorities under chapter 81.112 RCW, that impose a sales and use tax.

(c) "Loss" or "losses" means the local sales and use tax revenue reduction to a local taxing jurisdiction resulting from the sourcing provisions in RCW (~~(82.14.020)~~) 82.14.490 and the chapter 6, Laws of 2007 amendments to RCW 82.14.020.

(d) "Net loss" or "net losses" means a loss offset by any voluntary compliance revenue.

(e) "Voluntary compliance revenue" means the local sales tax revenue gain to each local taxing jurisdiction reported to the department from persons registering through the central registration system authorized under the agreement.

(f) "Working day" has the same meaning as in RCW 82.45.180.

Sec. 908. RCW 84.52.0531 and 2006 c 119 s 2 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through 2011, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess. and the allocation the district received in the current school year pursuant to RCW 84.52.068. The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004; and

(b) The difference between the allocations the district would have received the prior school year had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess. and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are

or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

(8) For the purposes of this section, "current school year" means the year immediately following the prior school year.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules and regulations and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 909. Section 908 of this act expires January 1, 2012.

NEW SECTION. Sec. 910. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 911. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Linville, Alexander and Ericks spoke in favor of the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1694, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1694, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 80; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Finn, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Cox, Crouse, Ericksen, Hasegawa, Johnson, Rodne, Ross, Shea, Simpson and Williams.

Excused: Representatives Eddy and Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

February 18, 2009

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5460, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5460,

The Speaker called upon Representative Moeller to preside.

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

There being no objection, the Committee on Health Care & Wellness was relieved of HOUSE BILL NO. 2168, and the bill was referred to the Committee on Health & Human Services Appropriations.

There being no objection, the Committee on General Government Appropriations was relieved of HOUSE BILL NO. 1484, and the bill was referred to the Committee on Capital Budget.

MESSAGES FROM THE SENATE

February 18, 2009

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1694, and the same is herewith transmitted.

Thomas Hoemann, Secretary
February 18, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 5044, and the same is herewith transmitted.

Thomas Hoemann, Secretary

February 18, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5043,
SUBSTITUTE SENATE BILL NO. 5048,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

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

There being no objection, the House adjourned until 9:55 a.m., February 19, 2009, the 39th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

THIRTY NINTH DAY

House Chamber, Olympia, Thursday, February 19, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

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

INTRODUCTION AND FIRST READING

HB 2257 by Representatives Williams and Green

AN ACT Relating to prohibiting the sale of tobacco in a facility where a health care clinic is on the same premises; adding a new section to chapter 70.54 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

HB 2258 by Representatives Roach, Clibborn and Liias

AN ACT Relating to the exclusion of certain vehicles from the definition of "junk vehicle"; and amending RCW 46.79.010.

Referred to Committee on Transportation.

HB 2259 by Representatives Pearson and Kristiansen

AN ACT Relating to the application of public records act to persons working or serving sentences at correctional facilities and criminal justice agencies; and adding new sections to chapter 42.56 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2260 by Representatives McCoy, Warnick, Chandler, Nelson and Liias

AN ACT Relating to protecting public safety by airport trapping; amending RCW 77.12.240; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

HB 2261 by Representatives Sullivan, Priest, Hunter and Anderson

AN ACT Relating to education; and adding a new section to chapter 28A.150 RCW.

Referred to Committee on Education Appropriations.

HB 2262 by Representatives Anderson and Rodne

AN ACT Relating to law enforcement services in counties with a population of one million five hundred thousand or more; and amending RCW 82.46.010.

Referred to Committee on Finance.

HB 2263 by Representative Appleton

AN ACT Relating to the sentencing grid; amending RCW 9.94A.510, 9.94A.505, 9.94A.530, 9.94A.589, and 9.94A.480; reenacting and amending RCW 9.94A.515; adding new sections to chapter 9.94A RCW; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2264 by Representative Williams

AN ACT Relating to the sale of firearms at gun shows and events; amending RCW 9.41.010; adding a new section to chapter 9.41 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2265 by Representative Williams

AN ACT Relating to removing the requirement that a violation of the prohibition on a person operating a motor vehicle while holding a wireless communications device to his or her ear be enforced only as a secondary action; amending RCW 46.61.667; and providing an effective date.

Referred to Committee on Transportation.

HB 2266 by Representatives Simpson, Orcutt, Dunshee, Upthegrove and Priest

AN ACT Relating to commercial salmon fishing gear; amending RCW 77.04.012, 77.50.030, and 77.50.050; creating a new section; and repealing RCW 77.50.110 and 77.50.120.

Referred to Committee on Agriculture & Natural Resources.

HJR 4211 by Representatives Chandler and Condotta

Ensuring the right of individuals to vote by secret ballot.

Referred to Committee on Commerce & Labor.

SSB 5043 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Kauffman, Shin, Rockefeller, Kastama, Kohl-Welles, Jarrett, Tom and McAuliffe)

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

Referred to Committee on Higher Education.

SSB 5044 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Berkey, Kastama, Schoesler, Marr, Shin, Rockefeller, Eide, Jarrett, Keiser, Tom and Kohl-Welles)

AN ACT Relating to the state work-study program; and amending RCW 28B.12.060.

Referred to Committee on Higher Education.

SSB 5048 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Kastama, Schoesler, Shin, Delvin, Kauffman, King and Pridemore)

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

Referred to Committee on Community & Economic Development & Trade.

There being no objection, the bills and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 16, 2009

HB 1011 Prime Sponsor, Representative Morris: Regulating the use of identification devices by governmental and business entities. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Finn; Hasegawa; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Haler, Assistant Ranking Minority Member; Carlyle; Condotta and Herrera.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1052 Prime Sponsor, Representative Moeller: Concerning firearm licenses for persons from other countries. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute be substituted therefor and the second substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Short, Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1067 Prime Sponsor, Representative Pedersen: Creating the uniform limited partnership act. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong, Blake, Dunshee, Hudgins, Kenney, Pedersen, Sells, Short, Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1078 Prime Sponsor, Representative Kelley: Concerning exchange facilitators. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member Parker, Assistant Ranking Minority Member.

Referred to Committee on General Government Appropriations.

February 17, 2009

HB 1149 Prime Sponsor, Representative Williams: Protecting consumers from breaches of security. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member Parker, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1166 Prime Sponsor, Representative Hasegawa: Allowing loans to community development financial institutions under the linked deposit program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Hurst; McCoy; Nelson; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Roach.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1311 Prime Sponsor, Representative Kirby: Regulating reverse mortgage lending practices. Reported by Committee on General Government Appropriations

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

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1315 Prime Sponsor, Representative Quall: Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account. Reported by Committee on General Government Appropriations

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

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1377 Prime Sponsor, Representative Klippert: Regarding public facilities district formation and authority. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Referred to Committee on Finance.

February 13, 2009

HB 1414 Prime Sponsor, Representative Driscoll: Concerning health care assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 17, 2009

HB 1423 Prime Sponsor, Representative Sells: Providing for academic employee salary increments for community and technical colleges. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Angel; Carlyle; Driscoll; Hasegawa and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member and Haler.

Referred to Committee on Ways & Means.

February 16, 2009

HB 1481 Prime Sponsor, Representative Eddy: Regarding electric vehicles. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 17, 2009

HB 1526 Prime Sponsor, Representative Santos: Removing essential government services as a condition to exempt from taxation property belonging to federally recognized Indian tribes. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

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

Referred to Committee on Finance.

February 17, 2009

HB 1669 Prime Sponsor, Representative Hunt: Addressing the deposit of public funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representatives Roach and Santos.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1671 Prime Sponsor, Representative Anderson: Regarding higher education accountability. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

On page 3, beginning on line 32, strike all of section 2

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 17, 2009

HB 1709 Prime Sponsor, Representative Nelson: Providing fee and installment plan assistance for borrowers at risk of default on small loans. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1730 Prime Sponsor, Representative Linville: Regarding the office of regulatory assistance. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1758 Prime Sponsor, Representative Quall: Expanding options for students to earn high school diplomas. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 16, 2009

HB 1791 Prime Sponsor, Representative Dickerson: Clarifying certain community custody and drug offender sentencing alternative sentencing provisions. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

There being no objection, the House adjourned until 10:00 a.m., February 20, 2009, the 40th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1819 Prime Sponsor, Representative Upthegrove: Reducing greenhouse gas emissions. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Kretz; Kristiansen; Orcutt and Shea.

Referred to Committee on General Government Appropriations.

February 17, 2009

HB 1986 Prime Sponsor, Representative Hasegawa: Authorizing a peer mentoring pilot program at Western Washington University and a community or technical college. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

On page 2, line 16, after "(3)" strike "To the extent funds are appropriated for this specific purpose and within" and insert "Within"
On page 2, line 35, after "(5)" strike "The" and insert "Within existing resources, the"

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 17, 2009

HB 2061 Prime Sponsor, Representative Kirby: Concerning the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositories. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

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

COMMITTEE APPOINTMENTS

The Speaker (Representative Morris presiding) announced the following committee appointments:

Representative Hinkle was appointed to the Committee on Rules.

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FORTIETH DAY

House Chamber, Olympia, Friday, February 20, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alexis Klippert and Elizabeth Harkson. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Dave Edler, Mayor of Yakima and Pastor of Yakima Four Square Church.

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

RESOLUTION

HOUSE RESOLUTION NO. 2009-4618, by Representatives Bailey, Dickerson, Herrera, Kessler, and Rolfes

WHEREAS, In 1910, Washington became the fifth state to enact a state constitutional amendment granting the right to vote to women, and the first state to do so in the 20th century; and

WHEREAS, Washington's enactment revitalized the national women's suffrage movement, culminating in approval of the nineteenth amendment to the United States Constitution in 1920 to grant this right to women nationwide; and

WHEREAS, To commemorate the centennial of the 1909 legislature adopting a proposed constitutional amendment, chapter 18 (House Bill 59), Laws of 1909, to grant the right to vote to Washington women in all elections, which was placed on the 1910 general election ballot and approved in November of 1910, reprinted below are key provisions from that measure:

AN ACT to amend article six (VI) of the Constitution of the State of Washington relating to the qualification of voters within the state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

SECTION 1. That at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1910, there shall be submitted to the qualified electors of this state for their adoption and approval an amendment to article six (VI) of the Constitution of the State of Washington, and it is hereby proposed that said article six (VI) be amended, by striking from said article six (VI) all of sections one (1) and (2) and inserting in lieu thereof the following, to be known as section one (1): Section 1. All persons of the age of twenty-one years or over . . . shall be entitled to vote at all elections . . . There shall be no denial of the elective franchise at any election on account of sex. . . .

SECTION 3. There shall be printed on all ballots provided for the said election the words: "For the proposed amendment of article six (VI) of the Constitution relating to the qualifications of voters within this state"; "Against the proposed amendment to article six (VI) of the Constitution, relating to the qualifications of voters within this state." . . .

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington express its appreciation to the male members of the 1909 Legislature, the male voters of 1910, and the thousands of advocates, both women and men, for this major advance in expanding the implementation of the great principles of democracy; and

BE IT FURTHER RESOLVED, That the House of Representatives express its appreciation to the Washington Women's History Consortium and the Washington State Historical Society for its leadership in commemorating this historic advancement, including preparation of traveling displays and encouraging local commemorative activities throughout the state; and

BE IT FURTHER RESOLVED, That the House of Representatives further encourage citizens to organize and participate in educational and celebratory activities throughout the state during 2009 and 2010 to commemorate this historic advancement, thereby encouraging voter registration and involvement in democratic processes.

Representative Bailey moved adoption of House Resolution No. 4618.

Representatives Bailey and Dickerson spoke in favor of adoption of the resolution.

HOUSE RESOLUTION NO. 4618 was adopted.

INTRODUCTION AND FIRST READING

HB 2267 by Representatives Conway, Haigh, Hunt and Kenney

AN ACT Relating to protecting the collective bargaining rights of certain exempt employees; amending RCW 41.06.070 and 41.06.133; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2268 by Representative McCoy

AN ACT Relating to renewable energy, energy efficiency, and energy technologies; amending RCW 43.325.001, 43.325.005, 43.325.020, 43.325.030, 43.325.040, and 43.325.070; and providing an expiration date.

Referred to Committee on Technology, Energy & Communications.

HB 2269 by Representative Anderson

AN ACT Relating to reforming the unemployment compensation system; amending RCW 50.04.030, 50.04.310, 50.20.099, 50.20.050, 50.20.066, 50.20.120, 50.22.150, 50.29.021, 50.29.025, 50.29.062, 50.16.010, and 43.185.050; reenacting and amending RCW 43.185A.030; adding a new section to chapter 82.04 RCW; and creating new sections.

Referred to Committee on Commerce & Labor.

HB 2270 by Representatives Finn, Takko and Haigh

AN ACT Relating to the powers of public corporations; amending RCW 35.21.747, 35.21.750, and 35.21.745; and adding new sections to chapter 35.21 RCW.

Referred to Committee on Local Government & Housing.

HB 2271 by Representatives Liias, Rodne, Sells, Clibborn, Johnson, Takko, Van De Wege, Springer, Williams, Finn, Nelson, Seauquist and Simpson

AN ACT Relating to work performed by state forces on ferry vessels or terminals; and amending RCW 47.28.030.

Referred to Committee on Transportation.

HB 2272 by Representatives Morrell, Pettigrew and Cody

AN ACT Relating to repealing agency parity; and repealing RCW 74.39A.310.

Referred to Committee on Health & Human Services Appropriations.

HB 2273 by Representatives Smith, Kretz, Nelson, Pearson, Chandler and Bailey

AN ACT Relating to requiring certain persons convicted of negligent driving to retake and successfully pass the driver licensing examination in order to keep a driver's license; and amending RCW 46.61.5249 and 46.61.525.

Referred to Committee on Transportation.

HB 2274 by Representatives Flannigan and Simpson

AN ACT Relating to local improvement districts and utility local improvement districts comprised of property in more than one city or town; and amending RCW 35.43.030 and 35.43.035.

Referred to Committee on Local Government & Housing.

HB 2275 by Representatives Kretz, Springer, Shea, Sullivan, Blake, Jacks, Warnick, Short, Hinkle, Schmick, Armstrong, Parker and McCune

AN ACT Relating to a sales and use tax exemption for the nonhighway use of propane by farmers; amending RCW 82.08.865 and 82.12.865; and providing an effective date.

Referred to Committee on Finance.

HB 2276 by Representatives Short, Quall, Ormsby, Kretz, Walsh, Cox, Priest, Sullivan and Warnick

AN ACT Relating to school construction funding assistance; adding a new section to chapter 28A.525 RCW; and creating new sections.

Referred to Committee on Capital Budget.

HB 2277 by Representatives Moeller, Williams, Clibborn, Sells and Jacks

AN ACT Relating to fuel taxes on exported fuel; amending RCW 82.36.020, 82.36.060, 82.36.230, 82.36.280, 82.36.300, 82.38.030, 82.38.080, and 82.38.180; adding a new section to chapter 82.36 RCW; adding a new section to chapter 82.38 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 18, 2009

HB 1009 Prime Sponsor, Representative Morris: Extending the expiration dates for existing sales and use tax exemptions related to certain electricity generation. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 17, 2009

HB 1016 Prime Sponsor, Representative Hunt: Changes membership on the capitol campus design advisory committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1234 Prime Sponsor, Representative Morrell: Creating the new crime of abandonment of a dependent person in the fourth degree. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1416 Prime Sponsor, Representative Sullivan: Feeding hungry children through school breakfast and lunch programs and summer food service programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Ways & Means.

February 18, 2009

HB 1418 Prime Sponsor, Representative Kagi: Establishing a statewide dropout reengagement system. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Ways & Means.

February 18, 2009

HB 1543 Prime Sponsor, Representative Crouse: Lowering the general salary increase assumption for the actuarial funding of certain public retirement systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander,

Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1560 Prime Sponsor, Representative Conway: Regarding collective bargaining at institutions of higher education. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

February 17, 2009

HB 1563 Prime Sponsor, Representative Kirby: Requiring annuities sold in Washington to be suitable to the age and financial situation of the purchaser. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

MINORITY recommendation: Do not pass. Signed by Representative Bailey, Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1565 Prime Sponsor, Representative Kirby: Expanding the scope of business continuity plans for domestic insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Santos and Simpson.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1664 Prime Sponsor, Representative Wood: Addressing the termination, cancellation, or nonrenewal of motorsports manufacturer and dealer franchise agreements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1678 Prime Sponsor, Representative Van De Wege: Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system

plan 2 who were disabled in the line of duty before January 1, 2001. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1695 Prime Sponsor, Representative Kagi: Modifying provisions relating to the possession of controlled substances. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman and Kirby.

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

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1704 Prime Sponsor, Representative Conway: Addressing the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1716 Prime Sponsor, Representative Miloscia: Providing living wages on public contracts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

February 18, 2009

HB 1722 Prime Sponsor, Representative Crouse: Addressing plan membership default provisions in the public employees' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

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

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1778 Prime Sponsor, Representative Blake: Modifying various provisions of Title 77 RCW. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

February 18, 2009

HB 1792 Prime Sponsor, Representative Dickerson: Establishing search and arrest authority provisions of offenders by department of corrections personnel. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1822 Prime Sponsor, Representative Conway: Authorizing interest arbitration for certain general authority Washington peace officers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Crouse; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Green.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1838 Prime Sponsor, Representative Orcutt: Creating a raffle-only limited recreational rainbow trout fishery in Spirit Lake. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Jacks, Vice Chair.

Referred to Committee on General Government Appropriations.

February 16, 2009

HB 1843 Prime Sponsor, Representative Kagi: Addressing motor carrier regulation and compliance review. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Cox; Dickerson; Driscoll; Eddy; Finn; Johnson; Moeller; Rolfes; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong; Herrera; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1886 Prime Sponsor, Representative Takko: Concerning flood control districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1887 Prime Sponsor, Representative Takko: Concerning diking districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 17, 2009

HB 1912 Prime Sponsor, Representative Armstrong: Concerning facilities to house sexually violent predators. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman and Ross.

MINORITY recommendation: Do not pass. Signed by Representative Appleton.

Referred to Committee on Capital Budget.

February 17, 2009

HB 1951 Prime Sponsor, Representative Finn: Regarding the operation and management of salmonid hatcheries. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

February 18, 2009

HB 1975 Prime Sponsor, Representative Santos: Concerning school impact fees. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Cox, Assistant Ranking Minority Member; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 2000 Prime Sponsor, Representative Priest: Providing a coordinated approach to creating an adequate supply of well-qualified mathematics and science teachers. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Ways & Means.

February 17, 2009

HB 2013 Prime Sponsor, Representative Green: Allowing the owner of a self-service storage facility to offer self-service storage insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach and Simpson.

MINORITY recommendation: Without recommendation. Signed by Representative Santos.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 2025 Prime Sponsor, Representative Orwall: Sharing health care information. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 2035 Prime Sponsor, Representative Klippert: Requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representative Appleton.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 2132 Prime Sponsor, Representative Quall: Regarding instruction in civics. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 2156 Prime Sponsor, Representative Orwall: Revising the authority for certification by the criminal justice training commission. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on General Government Appropriations.

February 18, 2009

HB 2180 Prime Sponsor, Representative Eddy: Concerning sales and use tax exemptions for certain plug-in hybrid electric vehicles. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Finn; Herrera; Hinkle; Jacks; McCune; Morris and Takko.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta; Hasegawa; Hudgins and Van De Wege.

Referred to Committee on Finance.

February 18, 2009

HB 2185 Prime Sponsor, Representative McCoy: Concerning solar water heating systems. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 18, 2009

HCR 4404 Prime Sponsor, Representative Wallace: Commending the higher education coordinating board for its initiative to develop a higher education system plan. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING

HOUSE BILL NO. 1033, by Representatives Campbell, Morrell, Hudgins, Hunt, Chase, Wood and Dickerson

Requiring the use of alternatives to lead wheel weights.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1033 was substituted for House Bill No. 1033 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1033 was read the second time.

Representative Campbell moved the adoption of amendment (016):

On page 2, beginning on line 9, strike "0.1" and insert "0.5"

On page 2, line 10, after "WAC" strike "or more than ten percent zinc by weight"

On page 2, line 23, after "distributors" strike ", retailers, and auto manufacturers" and insert "and retailers"

On page 3, line 6, after "wholesale," strike "retail, and auto manufacturing" and insert "and retail"

On page 3, line 10, after "retail," strike "auto manufacturing,"

Representatives Campbell, Chase, Shea and Cox spoke in favor of adoption of the amendment.

Amendment (016) was adopted. The bill was ordered engrossed.

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

Representatives Campbell and Chase spoke in favor of the passage of the bill.

Representative Shea spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1033.

MOTIONS

On motion of Representative Santos, Representatives Haigh and Hasegawa were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1033 and the bill passed the House by the following vote: Yeas, 66; Nays, 28; Absent, 0; Excused, 2.

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

Voting nay: Representatives Alexander, Anderson, Armstrong, Blake, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler,

Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Walsh and Warnick.

Excused: Representatives Haigh and Hasegawa.

HOUSE BILL NO. 1033, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1079, by Representatives Simpson, Nelson, Springer, White and Moeller

Authorizing the substitution of growth management hearings board members in the case of vacancy, disqualification, illness, or injury.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1079 was substituted for House Bill No. 1079 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1079 was read the second time.

Representative Angel moved the adoption of amendment (012):

On page 3, line 8, after "must" strike "attempt to"

Representative Angel spoke in favor of adoption of the amendment.

Representative Simpson spoke against adoption of the amendment.

Amendment (012) was not adopted.

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

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

Representatives Angel and Hinkle spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1079.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1079 and the bill passed the House by the following vote: Yeas, 58; Nays, 36; Absent, 0; Excused, 2.

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

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

Excused: Representatives Haigh and Hasegawa.

SUBSTITUTE HOUSE BILL NO. 1079, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1087, by Representatives Kenney, Pettigrew, Hasegawa, Darneille, Chase, Nelson, Sullivan, Dickerson, Hudgins, White and Upthegrove

Improving the effectiveness of the office of minority and women's business enterprises.

The bill was read the second time

Representative Kenney moved the adoption of amendment (018):

On page 3, beginning on line 13, strike all of subsection (5)

Representative Kenney spoke in favor of adoption of the amendment.

Amendment (018) was adopted. The bill was ordered engrossed.

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

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1087.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1087 and the bill passed the House by the following vote: Yeas, 86; Nays, 8; Absent, 0; Excused, 2.

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

Voting nay: Representatives Anderson, Chandler, Hinkle, Klippert, Kretz, Shea, Short and Walsh.

Excused: Representatives Haigh and Hasegawa.

ENGROSSED HOUSE BILL NO. 1087, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1089, by Representatives Hunter and Condotta

Harmonizing excise tax statutes with the streamlined sales and use tax agreement.

The bill was read the second time

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

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1089.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1089 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Haigh and Hasegawa.

HOUSE BILL NO. 1089, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1103, by Representatives Moeller, Green, Morrell and Kenney

Concerning the estates of vulnerable adults.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1103 was substituted for House Bill No. 1103 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1103 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1103.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1103 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Haigh and Hasegawa.

SUBSTITUTE HOUSE BILL NO. 1103, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1110, by Representatives Sullivan, Liias, Upthegrove, Orwall and Simpson

Prohibiting advertising and marketing to students receiving home-based instruction. Revised for 1st Substitute: Prohibiting advertising and marketing to students receiving home-based instruction and their parents.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1110 was substituted for House Bill No. 1110 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1110 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1110.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1110 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Haigh and Hasegawa.

SUBSTITUTE HOUSE BILL NO. 1110, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1127, by Representatives Hurst and Hinkle

Securing credit and debit card information.

The bill was read the second time

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

Representatives Hurst and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1127.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1127 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Ericksen, Finn, Flannigan, Goodman, Green, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Haigh and Hasegawa.

HOUSE BILL NO. 1127, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

HOUSE BILL NO. 1004, by Representatives Morris, Chase, Morrell, Upthegrove, Hudgins and Moeller

Adding products to the energy efficiency code.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1004 was substituted for House Bill No. 1004 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1004 was read the second time.

Representative Morris moved the adoption of amendment (011):

On page 1, line 13, after "(e)" strike all material through "(f)" reletter the remaining subsections consecutively and correct any internal references accordingly.

Beginning on page 5, line 30, after "(5)" strike all material through "(6)" on page 6, line 6 renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 18, after "6311(1)" strike "(F)"

On page 12, beginning on line 17, after "(b)" strike all material through "(c)" on line 19 reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 12, beginning on line 30, after "(b)" strike all material through "(c)" on line 32 reletter the remaining subsections consecutively and correct any internal references accordingly.

Representatives Morris and Crouse spoke in favor of adoption of the amendment.

Amendment (011) was adopted. The bill was ordered engrossed.

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

Representatives Morris and Crouse spoke in favor of the passage of the bill.

Representative Haler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1004.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1004 and the bill passed the House by the following vote: Yeas, 76; Nays, 18; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse,

Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Armstrong, Chandler, Condotta, Cox, DeBolt, Haler, Herrera, Johnson, Klippert, Kristiansen, Orcutt, Pearson, Roach, Ross, Schmick, Shea and Warnick.

Excused: Representatives Haigh and Hasegawa.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004, having received the necessary constitutional majority, was declared passed.

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

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 18, 2009

HB 1062 Prime Sponsor, Representative Takko: Modifying the electrolytic processing business tax exemption. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 18, 2009

HB 1070 Prime Sponsor, Representative Moeller: Concerning veteran lottery games. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

February 18, 2009

HB 1086 Prime Sponsor, Representative McCoy: Requiring certain providers of electric service to purchase electricity from eligible distributed generators. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Without recommendation. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; Herrera; Hinkle and McCune.

Referred to Committee on General Government Appropriations.

February 19, 2009

HB 1115 Prime Sponsor, Representative Blake: Concerning animal trapping. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Pearson; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Jacks, Vice Chair; Nelson and Ormsby.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1140 Prime Sponsor, Representative Liias: Addressing the manufactured/mobile home dispute resolution program. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Goodman, Vice Chair; Shea, Assistant Ranking Minority Member and Warnick.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1292 Prime Sponsor, Representative Newhouse: Authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 1308 Prime Sponsor, Representative Driscoll: Reducing organ transplant benefit waiting periods based upon prior creditable coverage. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1340 Prime Sponsor, Representative Conway: Modifying collective bargaining law to authorize providing additional compensation to academic employees at community and technical colleges. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

February 19, 2009

HB 1393 Prime Sponsor, Representative Springer: Addressing residential real property construction improvements through consumer education, warranty protections, contractor registration requirements, and worker certification standards. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Referred to Committee on Ways & Means.

February 18, 2009

HB 1402 Prime Sponsor, Representative Williams: Restricting contact with medical providers after appeals have been filed under industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1413 Prime Sponsor, Representative McCoy: Concerning water discharge fees. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Liias; McCoy; Nelson; Ormsby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Referred to Committee on General Government Appropriations.

February 19, 2009

HB 1448 Prime Sponsor, Representative Hurst: Granting tribal authorities limited control over speed limits on nonlimited access state highways within tribal reservation boundaries. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1460 Prime Sponsor, Representative Morrell: Regarding critical access hospitals not subject to certificate of need review. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1516 Prime Sponsor, Representative Blake: Regarding the recovery of gear used in the coastal Dungeness crab fishery. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1527 Prime Sponsor, Representative Kessler: Concerning medicaid payment rates for boarding homes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1591 Prime Sponsor, Representative Uptegrove: Concerning the use of certain transportation benefit district funds. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Driscoll; Eddy; Finn; Flannigan; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Erickson; Herrera; Johnson; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1598 Prime Sponsor, Representative Goodman: Approving the entry of Washington into the agreement among the states to elect the president by national popular vote. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

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

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1614 Prime Sponsor, Representative Ormsby: Reducing the amount of petroleum pollution in storm water. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Liias; McCoy; Nelson; Ormsby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Referred to Committee on Capital Budget.

February 18, 2009

HB 1651 Prime Sponsor, Representative Kelley: Concerning community economic revitalization board programs. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Chase and Parker.

Referred to Committee on Finance.

February 19, 2009

HB 1663 Prime Sponsor, Representative Goodman: Creating relocation assistance rights for nontransient residents of hotels, motels, or other places of transient lodging that are shut down by government action. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

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

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1666 Prime Sponsor, Representative Kenney: Authorizing the creation of cultural access authorities. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member and Parker.

Referred to Committee on Finance.

February 19, 2009

HB 1683 Prime Sponsor, Representative Kirby: Modifying provisions relating to consumer protection act violations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1690 Prime Sponsor, Representative Hasegawa: Authorizing alternative public works contracting procedures. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on Capital Budget.

February 16, 2009

HB 1715 Prime Sponsor, Representative Miloscia: Addressing reporting requirements in the growth management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on General Government Appropriations.

February 17, 2009

HB 1717 Prime Sponsor, Representative Clibborn: Extending the time period for the department of transportation to enter into an agreement for a rail line over the Milwaukee Road corridor. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Wallace and Wood.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1719 Prime Sponsor, Representative Hasegawa: Concerning the electricity generation sales and use tax exemptions. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; Herrera; Hinkle; McCune and Morris.

Referred to Committee on Finance.

February 18, 2009

HB 1741 Prime Sponsor, Representative Darneille: Expanding the list of crimes that require dismissal or certificate revocation for school employees. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1744 Prime Sponsor, Representative Ericks: Concerning real estate excise tax expenditures for parks and capital projects. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Cox, Assistant Ranking Minority Member; Miloscia; Springer; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Ericksen; Short and Upthegrove.

Referred to Committee on Finance.

February 19, 2009

HB 1753 Prime Sponsor, Representative Hunter: Regarding electronic filing of reports to the legislature and the governor. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on General Government Appropriations.

February 16, 2009

HB 1756 Prime Sponsor, Representative Kelley: Creating a military improvement zone program. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on Finance.

February 18, 2009

HB 1757 Prime Sponsor, Representative Haigh: Establishing a small school district contingency fund. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Cox; Haler; Kagi; Probst; Quall and Rolfes.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1765 Prime Sponsor, Representative Moeller: Concerning the license surcharge for the impaired physician program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 19, 2009

HB 1766 Prime Sponsor, Representative Ormsby: Prohibiting discrimination based on lawful source of income. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1796 Prime Sponsor, Representative Goodman: Addressing drug-related overdose prevention and treatment. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman and Kirby.

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

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1797 Prime Sponsor, Representative White: Examining rural and resource lands. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Springer; Upthegrove; White and Williams.

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

Referred to Committee on General Government Appropriations.

February 19, 2009

HB 1831 Prime Sponsor, Representative Short: Concerning the rights of pet and livestock owners residing in unincorporated areas subject to annexation by a city or town. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1835 Prime Sponsor, Representative Angel: Concerning the use of respectful language in state statutes. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1883 Prime Sponsor, Representative Morris: Creating regulatory restrictions applicable to metropolitan park districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Ericksen; Miloscia; Springer; Uptegrove; White and Williams.

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

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1900 Prime Sponsor, Representative Kelley: Modifying the notice requirement when an attorney or private investigator requests vehicle owner information. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1910 Prime Sponsor, Representative Wallace: Authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Springer; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen and Short.

Referred to Committee on Finance.

February 18, 2009

HB 1946 Prime Sponsor, Representative Carlyle: Regarding higher education online technology. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 1956 Prime Sponsor, Representative Williams: Authorizing the housing of homeless persons on property owned or controlled by a church. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1959 Prime Sponsor, Representative Simpson: Concerning land use and transportation planning for marine container ports. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Uptegrove; White and Williams.

Referred to Committee on General Government Appropriations.

February 19, 2009

HB 1965 Prime Sponsor, Representative Hunt: Granting leave to employees with sensory disabilities to attend service animal training. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1972 Prime Sponsor, Representative Dunshee: Regarding access to information for outdoor recreation and wildlife viewing opportunities. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

February 18, 2009

HB 1983 Prime Sponsor, Representative Finn: Providing training for park rangers employed by the state parks and recreation

commission. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Klippert, Assistant Ranking Minority Member; Appleton; Goodman and Kirby.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member and Ross.

Referred to Committee on General Government Appropriations.

February 18, 2009

HB 2003 Prime Sponsor, Representative Orwall: Changing professional educator standards board provisions. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 18, 2009

HB 2015 Prime Sponsor, Representative Liias: Enhancing antiharassment strategies in public schools. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 2018 Prime Sponsor, Representative Simpson: Regarding state funding for low-income housing. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Uptegrove; White and Williams.

Referred to Committee on Capital Budget.

February 19, 2009

HB 2029 Prime Sponsor, Representative Ericks: Concerning enhanced 911 emergency communications service. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; Herrera; Hinkle and McCune.

Referred to Committee on Finance.

February 18, 2009

HB 2030 Prime Sponsor, Representative Hunt: Creating a capitol city district. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Ericksen; Miloscia; Springer; White and Williams.

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

Referred to Committee on Finance.

February 18, 2009

HB 2115 Prime Sponsor, Representative O'Brien: Allowing booking photographs and electronic images at jails to be open to the public. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representative Appleton.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 2118 Prime Sponsor, Representative Wallace: Convening an advisory committee on tuition policy. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 6, after "policy," strike all material through "presidents." on line 12 and insert "The committee shall include one member from each of the public baccalaureate institutions; one member from a community college; one member from a technical college; one undergraduate student attending a baccalaureate institution; one graduate student attending an institution of higher education other than the institution attended by the undergraduate student member; one student attending a community or technical college; two faculty members; and one member each from the higher education coordinating board, the state board for community and technical colleges, the council of presidents, and the independent colleges of Washington."

On page 2, line 10, after "policies" insert "and total cost of attendance"

On page 2, line 11, after "undergraduate" insert "and graduate"

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 2130 Prime Sponsor, Representative Probst: Concerning tax incentives for renewable energy manufacturing facilities. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Jacks; McCune; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representative Hudgins.

Referred to Committee on Finance.

February 18, 2009

HB 2131 Prime Sponsor, Representative Morris: Providing a credit under the public utility tax for sales and use taxes paid for the development of eligible renewable resources in the state that provide renewable energy to a qualifying utility. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 19, 2009

HB 2199 Prime Sponsor, Representative Newhouse: Providing regulatory relief for properties impacted by shifts in shoreline location due to habitat restoration projects. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 19, 2009

HB 1263 Prime Sponsor, Representative Goodman: Making technical corrections to community custody provisions. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1382 Prime Sponsor, Representative Miloscia: Expanding the DNA identification system. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Goodman.

Referred to Committee on Ways & Means.

February 18, 2009

HB 1450 Prime Sponsor, Representative Takko: Modifying the definition of "public facilities." Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Parker; Probst and Sullivan.

Referred to Committee on Capital Budget.

February 19, 2009

HB 1581 Prime Sponsor, Representative Liias: Requiring a minimum of three years' notice on closures or conversions of mobile home parks and manufactured housing communities. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1747 Prime Sponsor, Representative Rolfes: Reducing climate pollution in the built environment. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; Herrera; Hinkle and McCune.

Referred to Committee on Ways & Means.

February 19, 2009

HB 1771 Prime Sponsor, Representative Pettigrew: Modifying the child support license suspension program. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1776 Prime Sponsor, Representative Ericks: Changing school levy provisions. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest,

Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Referred to Committee on Ways & Means.

February 19, 2009

HB 1794 Prime Sponsor, Representative Moeller: Concerning the calculation of child support. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 16, 2009

HB 1844 Prime Sponsor, Representative Moeller: Requiring criminal history record checks of current and prospective department of licensing employees who issue or may issue enhanced drivers' licenses and identicards. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liiias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Dickerson; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1845 Prime Sponsor, Representative Rodne: Concerning medical support obligations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Referred to Committee on Health & Human Services Appropriations.

February 19, 2009

HB 1876 Prime Sponsor, Representative McCune: Providing funds for disabled veterans through voluntary donations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liiias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2006 Prime Sponsor, Representative Simpson: Granting counties and cities two additional years to comply with review and revision requirements of the growth management act. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel,

Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Without recommendation. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2044 Prime Sponsor, Representative Seaquist: Requiring Washington state ferries to create a comprehensive incident and accident investigation policy. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liiias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2079 Prime Sponsor, Representative Cody: Concerning the office of financial management's access to health professional licensing information. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 19, 2009

HB 2146 Prime Sponsor, Representative Ericks: Modifying contract requirements for water or sewer facilities. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Springer; Upthegrove; White and Williams.

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

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designed.

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

There being no objection, the House adjourned until 10:00 a.m., February 23, 2009, the 43rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FORTY THIRD DAY

House Chamber, Olympia, Monday, February 23, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Tina Patel and Yolanda Jimenez. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Brian Wiele, River Ridge Covenant Church, Lacey.

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

**MESSAGE FROM WALLA WALLA COUNTY
BOARD OF COMMISSIONERS**

February 20, 2009

Mr. Speaker:

Please find Oath of Office to the Washington State House of Representatives, as sworn and subscribed this date pursuant to the appointment of Laura Grant-Herriot to fill the position of the 16th Legislative District State Representative left vacant due to the death of the Honorable Bill Grant.

Connie R. Vinti, Clerk of the Board

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced the Representative from District 16, Laura Grant-Herriot and asked the Chamber to welcome her.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced a delegation of officials from Gunpo City, South Korea. They included Mayor Jae-Young Ro and his wife Joung-Hyun Jo; Dong-Byul Kim; Woo-Keun Han; Kil-Woo Nam; Yoon-Seob Ham; Young-Mi Cho; Ji-Hye Park; Je-Hoo Lee and Jung-Soo Han. The Chamber welcomed its visitors.

MESSAGE FROM THE SENATE

February 20, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5316,
SUBSTITUTE SENATE BILL NO. 5553,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5555,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2278 by Representatives Pettigrew, Chandler, Blake, Johnson, Bailey and Schmick

AN ACT Relating to the sales and use tax exemption for livestock nutrient management equipment and facilities; and amending RCW 82.08.890 and 82.12.890.

Referred to Committee on Finance.

HB 2279 by Representatives Hurst, Hope, Dunshee, Kelley and Roach

AN ACT Relating to the offense of assault of a child in the first degree by requiring the review of the sentencing of offenders and modifying the conditions of release; amending RCW 9.94A.703; creating a new section; and providing an effective date.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2280 by Representatives Seaquist, Simpson, Takko and Green

AN ACT Relating to nursing home medicaid reimbursement rate setting in nonurban counties; and amending RCW 74.46.533.

Referred to Committee on Health & Human Services Appropriations.

HB 2281 by Representative Pettigrew

AN ACT Relating to providing local revenue options for cities over five hundred thousand in population to fund a visitor destination campus.

Referred to Committee on Finance.

HB 2282 by Representatives Cox, McCune and Schmick

AN ACT Relating to extending the length of commercial and farm vehicle permits; and amending RCW 46.16.162 and 46.44.095.

Referred to Committee on Transportation.

HB 2283 by Representatives Santos, Armstrong, Condotta, Ericks, Ormsby and Kelley

AN ACT Relating to providing sales and use tax exemptions to eligible data centers located in a rural county as defined in RCW 82.14.370(5); adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2284 by Representatives Darneille, Cody and Kenney

AN ACT Relating to medical care for incarcerated individuals; and creating a new section.

Referred to Committee on General Government Appropriations.

HB 2285 by Representatives Flannigan and Simpson

AN ACT Relating to local improvement districts and utility local improvement districts comprised of property in more than one city or town; and amending RCW 35.43.030.

Referred to Committee on Transportation.

HB 2286 by Representatives Bailey, O'Brien, Campbell, Kristiansen, Miloscia, Crouse, Hope, Chandler, Shea, McCune, Hinkle, Warnick, Kretz, Haler, Schmick, Parker, Kelley and Roach

AN ACT Relating to the safety and well-being of children; adding new sections to chapter 9.68 RCW; repealing RCW 9.68.015, 9.68.050, 9.68.060, 9.68.070, 9.68.080, 9.68.090, 9.68.100, 9.68.110, 9.68.120, 9.68.130, and 9.68A.150; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 2287 by Representatives Kessler and Van De Wege

AN ACT Relating to requiring state agencies to use one hundred percent recycled content paper; adding a new section to chapter 70.95C RCW; and creating a new section.

Referred to Committee on Ways & Means.

HJM 4015 by Representatives Chase and Morris

Supporting California's motor vehicle emissions standards.

Referred to Committee on Ecology & Parks.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING SUSPENSION

HOUSE BILL NO. 1030, by Representatives Appleton, Chandler, Hunt, Liias, Angel, Hope, Dammeier and Moeller

Concerning the exemption of the special commitment center under the public records act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1030.

MOTIONS

On motion of Representative Hinkle, Representative Campbell was excused. On motion of Representative Santos, Representatives Chase and Darneille were excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1030, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz,

Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Campbell, Chase and Darneille.

HOUSE BILL NO. 1030, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1055, by Representatives Moeller, Williams, Conway, Wood and Simpson

Requiring workers to have licenses, certificates, or permits in their possession when performing work in certain construction trades.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1055 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1055.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1055, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Darneille.

SUBSTITUTE HOUSE BILL NO. 1055, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1101, by Representatives Roberts, Kagi and Kenney

Modifying foster parent licenses.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Roberts and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1101.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1101, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Darneille.

HOUSE BILL NO. 1101, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1120, by Representatives Pedersen, Rodne, Goodman and Morrell

Concerning uniform laws.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1120.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1120, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Darneille.

HOUSE BILL NO. 1120, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1121, by Representatives Rodne, Bailey, Kelley, Moeller, Ross, Simpson, McCoy, Hope, Green, Ormsby, Johnson, Morrell, Smith, Campbell, Armstrong and Conway

Creating the Washington state flag account.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Rodne and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1121.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1121, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Campbell and Darneille.

HOUSE BILL NO. 1121, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1158, by Representatives Goodman, Rodne, Pedersen, Warnick and Klippert

Allowing electronic signatures on juror questionnaires.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1158.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1158, and the bill passed the House by the following vote: 1158. Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh,

Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Campbell.

HOUSE BILL NO. 1158, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1171, by Representatives Sullivan and Newhouse

Changing Washington beer commission provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Sullivan and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1171.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1171, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Campbell.

HOUSE BILL NO. 1171, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1196, by Representatives Haigh, Kristiansen, Hunt and Armstrong

Increasing the dollar limit for small works roster projects.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Haigh and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1196.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1196, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Representative Anderson.

Excused: Representative Campbell.

HOUSE BILL NO. 1196, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1221, by Representatives Maxwell, Hurst, O'Brien, Rodne, Hope, Pedersen, Smith, McCoy, Bailey, Williams, Kirby and Dickerson

Concerning counseling for witnesses in civil commitment proceedings under chapter 71.09 RCW.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1221 was read the second time.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1221.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1221, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Campbell.

SUBSTITUTE HOUSE BILL NO. 1221, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Maxwell on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

SECOND READING

HOUSE BILL NO. 1324, by Representatives O'Brien, Ericks, Goodman, Crouse and Wood

Modifying the requirements of psychological examinations for peace officer certification.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives O'Brien and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1324.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1324, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Campbell.

HOUSE BILL NO. 1324, having received the necessary constitutional majority, was declared passed.

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

Correcting statutory references.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1339.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1339, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Campbell.

HOUSE BILL NO. 1339, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1366, by Representatives Wood, Conway, Condotta, Chandler and Ormsby

Making technical changes to boiler and unfired pressure vessel statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1366.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1366, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Campbell.

HOUSE BILL NO. 1366, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1375, by Representatives Roberts, Appleton, Walsh, Kagi, Liias, Upthegrove and Kenney

Eliminating foster care citizen review boards.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Roberts and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1375.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1375, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Campbell.

HOUSE BILL NO. 1375, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1388, by Representatives Jacks, McCoy, Crouse and Morris**Changing the date for setting the amount of pipeline safety fees.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1388 was read the second time.

The bill was placed on final passage.

Representatives Jacks and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1388.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1388, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy,

McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Campbell.

SUBSTITUTE HOUSE BILL NO. 1388, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Jacks on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING**HOUSE BILL NO. 1426, by Representatives Hunt and Condotta****Regarding the use of certified mail.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1426.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1426, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Roach.

HOUSE BILL NO. 1426, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1433, by Representatives Liias, Sells, Eddy and Clibborn**Addressing liability for damages to state property resulting from the illegal operation of a vehicle.**

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1433.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1433, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1433, having received the necessary constitutional majority, was declared passed.

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

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

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dammeier and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1437.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1437, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Hunter.

HOUSE BILL NO. 1437, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ericksen congratulated Representative Dammeier on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 1462, by Representatives Williams, Chandler, Newhouse, Moeller and Upthegrove

Regarding malt liquor sold by beer and/or wine specialty shops.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Williams and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1462.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1462, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1462, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1478, by Representatives Orcutt, Takko, McCune, Hurst, Herrera, Campbell, Johnson, Kelley and Dammeier

Addressing vehicle registrations for deployed military personnel.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Orcutt and Takko spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1478.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1478, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1478, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1505, by Representatives Dickerson, Dammeier, Green, Appleton, Roberts, Carlyle, Morrell, Orwall, Nelson, Johnson and Hasegawa

Authorizing diversion for sexually exploited juveniles.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1505 was read the second time.

The bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1505.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1505, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1505, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1518, by Representatives Conway, Condotta, Green, Kelley and Wood

Regarding prohibited practices in accountancy.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1518 was read the second time.

The bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1518.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1518, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1518, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1589, by Representatives Green, Dickerson and O'Brien

Addressing venue for hearings to modify or revoke an order for conditional release.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Green and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1589.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1589, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy,

McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1589, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1682, by Representatives Newhouse, Kretz, Chandler, Upthegrove, Johnson and Ross

Concerning horticultural pest and disease boards.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Chandler and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1682.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1682, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1682, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1785, by Representatives Armstrong, O'Brien, Condotta and Kelley

Concerning the chief for a day program.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Armstrong and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1785.

accommodate text.

The Clerk called the roll on the final passage of House Bill No. 1785, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1785, having received the necessary constitutional majority, was declared passed.

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

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

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative O'Brien spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1790.

accommodate text.

The Clerk called the roll on the final passage of House Bill No. 1790, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1790, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1852, by Representatives Appleton and Hinkle

Modifying provisions relating to record checks using fingerprints.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Appleton and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1852.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1852, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1852, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

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

REPORTS OF STANDING COMMITTEES

February 19, 2009

HB 1008 Prime Sponsor, Representative Morris: Concerning permit requirements for small wind energy systems. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1025 Prime Sponsor, Representative Armstrong: Requiring disclosure of certain information relating to higher education course materials. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

February 20, 2009

HB 1077 Prime Sponsor, Representative Blake: Regarding aquatic lands lease rates for marinas. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt and Shea.

Referred to Committee on General Government Appropriations.

February 19, 2009

HB 1195 Prime Sponsor, Representative Haigh: Regarding payment of undisputed claims. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1197 Prime Sponsor, Representative Haigh: Regarding alternative public works contracting procedures. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1239 Prime Sponsor, Representative Kagi: Addressing parenting plans and residential schedules in dependency proceedings. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1252 Prime Sponsor, Representative Kenney: Concerning the community economic revitalization board's project selection criteria. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Referred to Committee on Capital Budget.

February 19, 2009

HB 1283 Prime Sponsor, Representative Rolfes: Modifying provisions regarding the operators of public water supply

systems. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Finn; Hudgins and Rolfes.

Passed to Committee on Rules for second reading.

February 20, 2009
HB 1353 Prime Sponsor, Representative Nelson: Regarding employment opportunities at institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Hasegawa and White.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.

Referred to Committee on Ways & Means.

February 20, 2009
HB 1409 Prime Sponsor, Representative Van De Wege: Providing an emergency response system for the Strait of Juan de Fuca. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Uptegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kristiansen; Orcutt and Shea.

Passed to Committee on Rules for second reading.

February 18, 2009
HB 1415 Prime Sponsor, Representative Hasegawa: Providing for the sales of wine at the legislative gift center. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Green and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 20, 2009
HB 1441 Prime Sponsor, Representative Conway: Concerning the contractual relationships between distributors and producers of malt beverages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 19, 2009
HB 1454 Prime Sponsor, Representative Dunshee: Eliminating the statutory debt limit. Reported by Committee on Capital Budget

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

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

Passed to Committee on Rules for second reading.

February 19, 2009
HB 1469 Prime Sponsor, Representative Hunt: Establishing the product stewardship recycling act for mercury-containing lights. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member and Kretz.

Referred to Committee on General Government Appropriations.

February 20, 2009
HB 1487 Prime Sponsor, Representative Hunter: Regarding resident student classification. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Haler and White.

MINORITY recommendation: Do not pass. Signed by Representatives Driscoll and Hasegawa.

Referred to Committee on Education Appropriations.

February 19, 2009
HB 1490 Prime Sponsor, Representative Nelson: Reducing greenhouse gas emissions through land use and transportation requirements. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on Transportation.

February 19, 2009
HB 1492 Prime Sponsor, Representative Pedersen: Addressing the independent youth housing program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune,

Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Short; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1499 Prime Sponsor, Representative Eddy: Concerning notice of utility facilities relocations. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

On page 2, line 32, after "gas," insert "hazardous liquids,"

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1522 Prime Sponsor, Representative Hudgins: Regarding repair and reuse of electronic products by registered collectors. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Dunshee; Finn; Hudgins; Kretz and Rolfes.

Referred to Committee on General Government Appropriations.

February 20, 2009

HB 1528 Prime Sponsor, Representative Sells: Prohibiting certain employer communications about political or religious matters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1554 Prime Sponsor, Representative Conway: Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1555 Prime Sponsor, Representative Conway: Addressing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on Ways & Means.

February 19, 2009

HB 1595 Prime Sponsor, Representative Blake: Regarding the transfer of certain state forest lands. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1642 Prime Sponsor, Representative Conway: Regarding meal and rest periods for employees of health care facilities. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Crouse; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member and Chandler.

Referred to Committee on Ways & Means.

February 19, 2009

HB 1644 Prime Sponsor, Representative Maxwell: Concerning reconveyances of deeds of trust. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1646 Prime Sponsor, Representative Sullivan: Making adjustments pertaining to the high school Washington assessment of student learning in mathematics and science. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 1691 Prime Sponsor, Representative Rolfes: Regarding the use of certain solid fuel burning devices. Reported by Committee on Environmental Health

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member and Kretz.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1692 Prime Sponsor, Representative Driscoll: Addressing the authority of the board of directors of a public facilities district. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1739 Prime Sponsor, Representative Wallace: Promoting accessible communities for persons with disabilities. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Ways & Means.

February 20, 2009

HB 1750 Prime Sponsor, Representative Warnick: Regarding the installation and maintenance of boat lifts on state-owned aquatic lands. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Uptegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Eddy; Finn; Morris; Orcutt and Shea.

MINORITY recommendation: Do not pass. Signed by Representatives Dickerson; Dunshee and Hudgins.

Referred to Committee on General Government Appropriations.

February 19, 2009

HB 1769 Prime Sponsor, Representative Orwall: Concerning housing assistance in dependency matters. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Health & Human Services Appropriations.

February 18, 2009

HB 1786 Prime Sponsor, Representative Ormsby: Defining independent contractor for purposes of prevailing wage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1799 Prime Sponsor, Representative Campbell: Reducing the release of mercury into the environment. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Dunshee; Hudgins; Kretz and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representative Finn.

Referred to Committee on Ways & Means.

February 20, 2009

HB 1801 Prime Sponsor, Representative Green: Providing interest arbitration for employees of juvenile court services administered under RCW 13.20.060. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green and Moeller.

MINORITY recommendation: Do not pass. Signed by Representatives Conway, Chair and Williams.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1812 Prime Sponsor, Representative Newhouse: Concerning wine labels. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1836 Prime Sponsor, Representative Ormsby: Regarding public works involving off-site prefabrication. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1854 Prime Sponsor, Representative Morris: Modifying provisions of the greenhouse gas emissions standards under chapter 80.80 RCW. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Finn; Hasegawa; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1856 Prime Sponsor, Representative Kessler: Providing certain procedures for tenants who are victims of sexual assault, sexual harassment, and stalking. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1889 Prime Sponsor, Representative Sullivan: Regarding paraeducator tutor certification. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 1898 Prime Sponsor, Representative Dunshee: Setting priorities for higher education capital projects. Reported by Committee on Capital Budget

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

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1901 Prime Sponsor, Representative Johnson: Establishing additional health sciences and services authorities in certain areas. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Haler; Hasegawa and White.

Referred to Committee on Finance.

February 19, 2009

HB 1919 Prime Sponsor, Representative Kagi: Operating and administering a drug court program. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Ways & Means.

February 19, 2009

HB 1938 Prime Sponsor, Representative Roberts: Considering postadoption contact between siblings in adoption proceedings. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Health & Human Services Appropriations.

February 19, 2009

HB 1944 Prime Sponsor, Representative Kagi: Regarding the development and implementation of a kindergarten assessment. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 1954 Prime Sponsor, Representative Dickerson: Sealing juvenile records under certain conditions. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on General Government Appropriations.

February 19, 2009

HB 1957 Prime Sponsor, Representative Jacks: Identifying qualified applicants and procedures within the Washington wildlife and recreation program. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick,

Ranking Minority Member; Blake; Chase; Hope; Jacks; Maxwell; Orwall; Smith and White.

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

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1971 Prime Sponsor, Representative Hunter: Authorizing certain school districts and educational service districts to designate a district treasurer. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Liias; Maxwell; Orwall and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt; Johnson and Santos.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1984 Prime Sponsor, Representative Finn: Authorizing the use of a safe alternative refrigerant in motor vehicle air conditioning equipment. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Orcutt and Shea.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1994 Prime Sponsor, Representative Finn: Informing electric customers of the carbon dioxide emissions associated with the customer's electricity consumption. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; Herrera; Hinkle and McCune.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1996 Prime Sponsor, Representative Armstrong: Concerning the ability to locate underground facilities. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1997 Prime Sponsor, Representative Finn: Regarding Puget Sound scientific research. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Morris; Orcutt and Shea.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2002 Prime Sponsor, Representative Klippert: Concerning the generation of electricity in carbonless energy parks. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on Finance.

February 19, 2009

HB 2010 Prime Sponsor, Representative Dunshee: Concerning state funding for local projects. Reported by Committee on Capital Budget

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

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

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2020 Prime Sponsor, Representative Simpson: Concerning the annexation of unincorporated areas served by fire protection districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Short and Upthegrove.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2040 Prime Sponsor, Representative Conway: Concerning the work of the joint select committee on beer and wine regulation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta,

Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2042 Prime Sponsor, Representative Kenney: Concerning the incentive in the motion picture competitiveness programs. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2069 Prime Sponsor, Representative Sullivan: Creating community facilities districts. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Finance.

February 19, 2009

HB 2078 Prime Sponsor, Representative Roberts: Concerning persons with developmental disabilities who are in correctional facilities or jails. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009

HB 2083 Prime Sponsor, Representative White: Requiring consideration of impacts to tree canopies in large cities through rules implementing the state environmental policy act. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Eddy; Orcutt and Shea.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2089 Prime Sponsor, Representative Chase: Regarding the use of certain food service products. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt and Shea.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2106 Prime Sponsor, Representative Kagi: Improving child welfare outcomes through the phased implementation of strategic and proven reforms. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

February 20, 2009

HB 2109 Prime Sponsor, Representative Upthegrove: Concerning state parks and recreation funding. Reported by Committee on Ecology & Parks

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Orcutt and Shea.

MINORITY recommendation: Do not pass. Signed by Representative Morris.

Referred to Committee on General Government Appropriations.

February 20, 2009

HB 2113 Prime Sponsor, Representative Kagi: Regarding placements of students in residential habilitation centers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 2116 Prime Sponsor, Representative Maxwell: Concerning water pollution control. Reported by Committee on Capital Budget

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

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2119 Prime Sponsor, Representative Wallace: Expanding dual credit opportunities. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Ways & Means.

February 19, 2009

HB 2125 Prime Sponsor, Representative Santos: Addressing community preservation and development authorities. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2126 Prime Sponsor, Representative Orwall: Consolidating the cemetery board and the board of funeral directors and embalmers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green and Moeller.

MINORITY recommendation: Do not pass. Signed by Representative Williams.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2129 Prime Sponsor, Representative Eddy: Regarding the greenhouse gas emissions performance standard under chapter 80.80 RCW. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2138 Prime Sponsor, Representative Simpson: Concerning the use of surplus property for the development of affordable housing. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2142 Prime Sponsor, Representative Roach: Renaming components of the formula for allotment of appropriations for school plant facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2147 Prime Sponsor, Representative Liias: Closing the achievement gap in order to provide all students an excellent and equitable education. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

February 19, 2009

HB 2153 Prime Sponsor, Representative Chase: Regarding an entrepreneurial program known as Washington's economic gardening. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Education Appropriations.

February 20, 2009

HB 2162 Prime Sponsor, Representative Conway: Regulating house-banked social card games. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2165 Prime Sponsor, Representative Van De Wege: Authorizing the department of natural resources to conduct a forest biomass energy demonstration project. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hinkle; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Referred to Committee on General Government Appropriations.

February 19, 2009

HB 2166 Prime Sponsor, Representative Darneille: Imposing an additional document recording surcharge to fund certain affordable housing and homeless purposes. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on Ways & Means.

February 20, 2009

HB 2167 Prime Sponsor, Representative Maxwell: Providing flexibility in the education system. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Ways & Means.

February 19, 2009

HB 2178 Prime Sponsor, Representative White: Concerning the convention place station expansion. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Finance.

February 19, 2009

HB 2188 Prime Sponsor, Representative Ross: Changing the provisions relating to the early deportation of illegal alien offenders. Reported by Committee on Human Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Ways & Means.

February 19, 2009

HB 2194 Prime Sponsor, Representative Appleton: Modifying provisions relating to extraordinary medical placement for offenders. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Morrell; O'Brien and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Referred to Committee on Ways & Means.

February 20, 2009

HB 2208 Prime Sponsor, Representative Hope: Prohibiting new motorsports vehicle dealers from having to pay for returning or canceling orders of new motorsports vehicles under certain conditions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2220 Prime Sponsor, Representative Simpson: Extending the time limitations for approval of plats. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2224 Prime Sponsor, Representative Simpson: Concerning the installation of residential fire sprinkler systems. Reported by Committee on Local Government & Housing

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

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

Passed to Committee on Rules for second reading.

February 19, 2009

HB 2227 Prime Sponsor, Representative Probst: Enacting the evergreen jobs act. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Referred to Committee on Education Appropriations.

February 20, 2009

HB 2237 Prime Sponsor, Representative Condotta: Improving boating programs. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Morris; Orcutt and Shea.

Referred to Committee on General Government Appropriations.

February 20, 2009

HB 2239 Prime Sponsor, Representative Wallace: Concerning the creation of a student loan program with a dedicated revenue source. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Hasegawa and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.

Referred to Committee on Ways & Means.

February 19, 2009

HB 2242 Prime Sponsor, Representative Kenney: Creating a department of commerce. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Liiias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Passed to Committee on Rules for second reading.

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 20, 2009

HB 1090 Prime Sponsor, Representative McCoy: Concerning human remains. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on General Government Appropriations.

February 20, 2009

HB 1436 Prime Sponsor, Representative Moeller: Regarding electronic filing of lobbying reports. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

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

Referred to Committee on General Government Appropriations.

February 20, 2009

HB 1517 Prime Sponsor, Representative Darneille: Changing requirements for the restoration of the right to vote for people convicted of felonies. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

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

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1552 Prime Sponsor, Representative Kretz: Regarding public access at open public meetings. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1640 Prime Sponsor, Representative Kessler: Modifying disclosure requirements for private investment information received by the University of Washington consolidated endowment fund. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1752 Prime Sponsor, Representative Hurst: Regarding the observation of election procedures. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

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

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1761 Prime Sponsor, Representative Hasegawa: Addressing the ethical use of legislative web sites. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 19, 2009

HB 1830 Prime Sponsor, Representative Santos: Establishing business definitions for public contracting. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Chase; Lias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Smith, Ranking Minority Member; Orcutt and Parker.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1847 Prime Sponsor, Representative Haigh: Regarding bid limits. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1864 Prime Sponsor, Representative Newhouse: Exempting certain municipalities from the supplemental income requirements of RCW 70.94.093. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1880 Prime Sponsor, Representative Armstrong: Concerning ballot envelopes. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1916 Prime Sponsor, Representative Hunt: Regarding the University of Washington's and Washington State University's public works contracting procedures. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on Capital Budget.

February 20, 2009

HB 1920 Prime Sponsor, Representative Hunt: Clarifying that public employees may attend informational or educational meetings regarding legislative issues. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1967 Prime Sponsor, Representative White: Prohibiting expansions of urban growth areas into one hundred year floodplains. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1973 Prime Sponsor, Representative Nelson: Creating a housing everyone financing tool program. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Ericksen and Short.

Referred to Committee on Finance.

February 19, 2009

HB 2016 Prime Sponsor, Representative Flannigan: Concerning campaign contribution and disclosure laws. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

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

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2049 Prime Sponsor, Representative Seaquist: Concerning personnel practices regarding exempt employment. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2197 Prime Sponsor, Representative Armstrong: Abolishing the department of social and health services and creating new departments to take over its functions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong,

Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on Health & Human Services Appropriations.

**SECOND SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES**

February 18, 2009

HB 1081 Prime Sponsor, Representative Wallace: Authorizing local improvement district financing of railroad crossing protection devices. Reported by Committee on Transportation

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Cox, Driscoll, Eddy, Finn, Flannigan, Herrera, Johnson, Moeller, Rolfes, Sells, Simpson, Springer, Takko, Wallace, Williams and Wood.

MINORITY Recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Ericksen, Klippert, Kristiansen and Shea.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1123 Prime Sponsor, Representative Campbell: Reducing the spread of multidrug resistant organisms. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1232 Prime Sponsor, Representative Hinkle: Defining commercial agricultural purposes to include current farming practices and activities related to the raising, harvesting, feeding, breeding, managing, selling, care, or training of a farm product. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on Finance.

February 18, 2009

HB 1302 Prime Sponsor, Representative McCune: Excluding a portion of state route number 7 from the scenic system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Sells; Shea; Springer; Takko; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Rolfes and Simpson.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1334 Prime Sponsor, Representative Blake: Concerning water resource management on the Columbia and Snake rivers. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; Ormsby; Pearson and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Jacks, Vice Chair; McCoy; Nelson and Van De Wege.

Referred to Committee on Ways & Means.

February 20, 2009

HB 1373 Prime Sponsor, Representative Dickerson: Concerning children's mental health services. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Health & Human Services Appropriations.

February 18, 2009

HB 1403 Prime Sponsor, Representative Williams: Addressing the detection of motorcycles and bicycles at vehicle-activated traffic control signals. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1482 Prime Sponsor, Representative McCoy: Concerning reclaimed water permitting. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Liias; McCoy; Nelson; Ormsby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Referred to Committee on General Government Appropriations.

February 20, 2009

HB 1489 Prime Sponsor, Representative Blake: Regarding water resource management. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Lias; McCoy; Nelson; Pearson; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Ormsby.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1493 Prime Sponsor, Representative Pedersen: Marketing prescription drugs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Campbell; Clibborn; Green; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Herrera; Hinkle and Kelley.

Passed to Committee on Rules for second reading.

February 18, 2009

HB 1500 Prime Sponsor, Representative Eddy: Concerning recording devices in motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Erickson; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1510 Prime Sponsor, Representative Ross: Regarding disclosure of confidential information on birth certificates. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1529 Prime Sponsor, Representative Seaquist: Concerning telemedicine. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 18, 2009

HB 1536 Prime Sponsor, Representative Clibborn: Concerning permits for and advertising by household goods carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Erickson; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Finn.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1571 Prime Sponsor, Representative Blake: Regarding the adjudication of water rights. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1579 Prime Sponsor, Representative Appleton: Concerning a business and occupation tax exemption for nonprofit organizations that provide legal services to low-income individuals. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Santos and Springer.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1637 Prime Sponsor, Representative Orcutt: Regarding the payment of compensation to small forest landowners participating in the forest riparian easement program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on Capital Budget.

February 20, 2009

HB 1647 Prime Sponsor, Representative Driscoll: Concerning administrative procedures for payors and providers of health care services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson,

Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1708 Prime Sponsor, Representative Nelson: Concerning wells on lands adjacent to the Maury Island aquatic reserve. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Liias; McCoy; Nelson; Ormsby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1713 Prime Sponsor, Representative Cody: Concerning the Washington state insurance pool. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1740 Prime Sponsor, Representative Cody: Regarding the issuance of licenses to practice dentistry. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1754 Prime Sponsor, Representative Pettigrew: Concerning continuity of child care. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

February 20, 2009

HB 1782 Prime Sponsor, Representative Goodman: Concerning parent participation in dependency matters. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1818 Prime Sponsor, Representative Dickerson: Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Santos and Springer.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1869 Prime Sponsor, Representative Bailey: Concerning the transparency of health care cost information. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1882 Prime Sponsor, Representative Santos: Providing a property tax exemption for real and personal property leased to public hospitals established under chapter 36.62 RCW. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Santos and Springer.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1885 Prime Sponsor, Representative Van De Wege: Regarding the feeding of wildlife. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Liias; McCoy; Nelson; Ormsby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 1899 Prime Sponsor, Representative Warnick: Concerning physicians holding a retired active license. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009
HB 1926 Prime Sponsor, Representative Cody: Exempting certain hospice agencies from certificate of need requirements. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009
HB 1935 Prime Sponsor, Representative Morrell: Concerning adult family homes. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009
HB 1961 Prime Sponsor, Representative Roberts: Implementing the federal fostering connections to success and increasing adoptions act of 2008. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

February 19, 2009
HB 1966 Prime Sponsor, Representative McCoy: Adding wheelchair users to the types of individuals for whom drivers must take additional precautions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 20, 2009
HB 1985 Prime Sponsor, Representative Moeller: Concerning public health financing. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Ways & Means.

February 20, 2009
HB 2004 Prime Sponsor, Representative Green: Authorizing the indirect supervision of certain health care services

provided through naturopathic doctors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Kelley; Moeller and Pedersen.

MINORITY recommendation: Without recommendation. Signed by Representatives Hinkle and Morrell.

Passed to Committee on Rules for second reading.

February 20, 2009
HB 2014 Prime Sponsor, Representative Kelley: Requiring tamper-resistant prescription pads. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009
HB 2052 Prime Sponsor, Representative Cody: Delaying the implementation of the health insurance partnership. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Herrera; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey and Hinkle.

Referred to Committee on Ways & Means.

February 20, 2009
HB 2068 Prime Sponsor, Representative Goodman: Concerning criminal background checks. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Herrera; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey and Hinkle.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009
HB 2071 Prime Sponsor, Representative Green: Concerning education for parents of needy families. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009

HB 2085 Prime Sponsor, Representative Walsh: Concerning searching for relatives of children in out-of-home placements. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009

HB 2102 Prime Sponsor, Representative Morrell: Creating a mobile custom farm slaughtering unit loan program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

February 20, 2009

HB 2105 Prime Sponsor, Representative Cody: Concerning diagnostic imaging services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009

HB 2107 Prime Sponsor, Representative Kagi: Regarding the delivery of early learning home visitation programs. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Ways & Means.

February 20, 2009

HB 2114 Prime Sponsor, Representative Seaquist: Establishing a forum for testing primary care medical home reimbursement pilot projects. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Erickson, Ranking Minority Member; Bailey; Herrera; Hinkle and Kelley.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009

HB 2117 Prime Sponsor, Representative Cody: Modifying the basic health plan. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2128 Prime Sponsor, Representative Seaquist: Concerning health care coverage for children. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Erickson, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2157 Prime Sponsor, Representative Springer: Consolidating certain salmon recovery activities and programs within the recreation and conservation office. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Smith, Assistant Ranking Minority Member; Liias; McCoy; Nelson; Ormsby; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Kretz and Pearson.

Referred to Committee on General Government Appropriations.

February 20, 2009

HB 2160 Prime Sponsor, Representative Driscoll: Concerning health carrier payment of wellness incentives. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

February 20, 2009

HB 2164 Prime Sponsor, Representative Pettigrew: Remediating racial disproportionality in child welfare practices. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Goodman and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representatives Walsh, Assistant Ranking Minority Member and Angel.

Referred to Committee on Health & Human Services Appropriations.

February 20, 2009

HB 2222 Prime Sponsor, Representative Blake: Concerning construction and industrial storm water general permits. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; McCoy; Ormsby; Pearson; Van De Wege and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Jacks, Vice Chair; Liias and Nelson.

Passed to Committee on Rules for second reading.

February 19, 2009

HJM 4008 Prime Sponsor, Representative Wallace: Requesting increased funding and legislative actions to advance transportation services to those with special transportation needs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial on the day's committee reports and first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING SUSPENSION

HOUSE BILL NO. 1010, by Representatives Morris, Chase and Moeller

Modifying the definition of "biofuel" for chapter 19.112 RCW, the motor fuel quality act. Revised for 1st Substitute: Regarding the definition of a biofuel.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1010 was read the second time.

The bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1010.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1010, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1010, having received the necessary constitutional majority, was declared passed.

There being no objection, HOUSE BILL NO. 1326 was placed on the second reading calendar.

There being no objection, HOUSE BILL NO. 1040 was returned to the Committee on Rules.

SECOND READING

HOUSE BILL NO. 1060, by Representatives Liias, Walsh, Simpson, Ericks, Ormsby, Miloscia, Nelson, Rolfes, Conway, Wood, Kenney, Chase, Moeller and Upthegrove

Updating the weatherization statute.

The bill was read the second time.

Representative Angel moved the adoption of amendment (017):

On page 2, line 17, after "(9)" strike "'Sustainable residential weatherization" or "weatherization"' and insert "(a) "Weatherization"

On page 2, line 19, after "residence)" strike all material through "technologies" on line 27 and insert "replacing, repairing or installing one or more of the following:

- (i) Caulking and weatherstripping of doors and windows;
 - (ii) Furnace efficiency modifications, including, but not limited to: (A) Replacement burners, furnaces, or boilers or any combination thereof; (B) devices for minimizing energy loss through heating system, chimney, or venting devices; and (C) electrical or mechanical furnace ignition systems which replace standing gas pilot lights;
 - (iii) Clock thermostats;
 - (iv) Ceiling, attic, wall, floor, and duct insulation;
 - (v) Water heater insulation;
 - (vi) Storm windows and doors, multiglazed windows and doors, heat-absorbing or heat-reflective window and door materials;
 - (vii) Cooling efficiency modifications, including, but not limited to, replacement air-conditioners, ventilation equipment, screening, window films, and shading devices;
 - (viii) Wood-heating appliances; or
 - (ix) Other insulating or energy conserving devices or technologies allowed under federal weatherization programs and the energy matchmakers program.
- (b) Incidental repairs necessary for the effective performance or preservation of weatherization installations are a permitted use of funds administered by the department. Such repairs include, but are not limited to, framing or repairing windows and doors that could not otherwise be caulked or weather stripped, and providing protective materials, such as paint, to seal materials installed under this program"

Representative Angel spoke in favor of adoption of the amendment.

Representative Simpson spoke against adoption of the amendment.

Amendment (017) was not adopted.

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

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

Representative Angel spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1060.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1060 and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

HOUSE BILL NO. 1060, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1132, by Representatives Goodman, Rodne, Pedersen, Warnick, Maxwell, Ross, Eddy, Springer, Johnson, Kelley and Hinkle

Regulating distressed property conveyances.

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1132.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1132 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien,

Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1132, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Finn on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 1139, by Representative Liias

Increasing the authority membership of single county public transportation benefit areas.

The bill was read the second time

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1139.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1139 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Anderson.

HOUSE BILL NO. 1139, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1148, by Representatives Williams, Rodne, Simpson, Upthegrove, Haigh, Nelson, Rolfes, Sullivan, Hunt, Liias, Chase, Moeller, Goodman, Ormsby, Hurst, Kenney, Kirby, Eddy, Conway, Pedersen, Dunshee, Dickerson, Hasegawa, Sells, Appleton, Campbell and Herrera

Protecting animals from perpetrators of domestic violence.

The bill was read the second time.

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

Representatives Williams and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1148.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1148 and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Cox and Schmick.

HOUSE BILL NO. 1148, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1170, by Representatives McCoy, Rodne, Kelley, Warnick, Seaquist, Angel, Green, Shea, Sells, McCune, Kagi, Ormsby and Smith

Modifying parenting plans based on the military service of a parent.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1170 was substituted for House Bill No. 1170 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1170 was read the second time.

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

Representatives McCoy and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1170.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1170 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1170, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1204, by Representatives Klippert, Goodman, Haler, Walsh and Williams

Adding two district court judges in Benton county.

The bill was read the second time.

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

Representatives Klippert, Rodne and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1204.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1204 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Anderson.

HOUSE BILL NO. 1204, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Herrera congratulated Representative Klippert on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 1217, by Representatives Simpson, Alexander, Conway and Wood

Providing the gambling commission with authority to determine locations where amusement games may be conducted.

The bill was read the second time.

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

Representatives Simpson and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1217.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1217 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Anderson.

HOUSE BILL NO. 1217, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1238, by Representatives Appleton, Goodman and Rodne**Allowing the Washington center for court research and the office of public defense to access juvenile case records.**

The bill was read the second time.

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

Representatives Appleton and Rodne spoke in favor of the passage of the bill.

Representative Shea spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1238.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1238 and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Armstrong, Chandler, Cox, Crouse, DeBolt, Herrera, Hope, Johnson, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Ross, Schmick, Shea, Short and Walsh.

HOUSE BILL NO. 1238, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1254, by Representatives Schmick, Blake, Ormsby, Walsh, Sullivan, Parker and Kretz**Creating the Washington grain commission.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1254 was substituted for House Bill No. 1254 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1254 was read the second time.

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

Representatives Schmick and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1254.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1254 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1254, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1264, by Representatives Springer, Rodne and Eddy**Regarding the creation and registration of entities formed by public agencies.**

The bill was read the second time.

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

Representatives Springer and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1264.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1264 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby,

Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

HOUSE BILL NO. 1264, having received the necessary constitutional majority, was declared passed.

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

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

The bill was read the second time.

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

Representatives Green and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1270.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1270 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1270, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1273, by Representatives Condotta and Armstrong

Allowing counties, cities, and towns to conduct raffles under certain terms and conditions.

The bill was read the second time.

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

Representatives Condotta and Conway spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1273.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1273 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1273, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1280, by Representatives Condotta, Chandler, Crouse, Kretz, Kristiansen and Armstrong

Regarding the expiration of explosives licenses issued under chapter 70.74 RCW. Revised for 1st Substitute: Regarding explosives licenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1280 was substituted for House Bill No. 1280 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1280 was read the second time.

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

Representatives Condotta and Wood spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1280.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1280 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1280, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1322, by Representatives Green, Morrell, Hinkle, Kirby, Kelley, Moeller, Blake, Seaquist, Rolfes, Cody and Simpson

Repealing scoliosis screening in schools.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1322.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1322 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1322, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1331, by Representatives Rodne, Pedersen and Kelley

Exempting certified public accountants from the restrictions on marketing estate distribution documents for certain purposes.

The bill was read the second time.

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

Representatives Rodne and Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1331.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1331 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest,

Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1331, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1338, by Representatives Conway, Condotta, Wood, Armstrong, Hunt, Green, Williams, Crouse, Moeller, Chandler, Chase, Simpson and Kelley

Qualifying for good cause for late filing of reports, contributions, penalties, or interest.

The bill was read the second time.

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

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1338.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1338 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Ormsby.

HOUSE BILL NO. 1338, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1401, by Representatives Cody, Hinkle, Morrell, Ericksen, Green, Moeller and Kelley

Concerning the standard health questionnaire.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1401 was substituted for House Bill No. 1401 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1401 was read the second time.

Representative Cody moved the adoption of amendment (015):

Beginning on page 2, line 30, after "(d)" strike all material through "(e)" on page 3, line 4 and insert "~~(If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee following disenrollment from a health plan that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health~~

~~questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous group coverage including church plans immediately prior to disenrollment; (ii) application is made no more than ninety days prior to the date of disenrollment; and (iii) the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.~~

~~(f)) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., but the person's employer is exempt under federal law from the requirement to offer such coverage, completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.~~

~~(e)"~~

Representatives Cody and Ericksen spoke in favor of adoption of the amendment.

Amendment (015) was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1401.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1401 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1567, by Representatives Bailey, Kirby and Roach

Addressing insurance, generally.

The bill was read the second time.

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

Representatives Bailey and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1567.

MOTION

On motion of Representative Santos, Representative Hunter was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1567 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Hunter.

HOUSE BILL NO. 1567, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1568, by Representatives Bailey, Kirby, Rodne, Roach, Kelley and Simpson

Regulating persons selling, soliciting, or negotiating insurance.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (014):

On page 48, after line 17, insert the following:

"NEW SECTION. Sec. 36. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

Correct the title.

Representatives Kirby and Bailey spoke in favor of adoption of the amendment.

Amendment (014) was adopted. The bill was ordered engrossed.

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

Representatives Bailey and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1568.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1568 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Hunter.

ENGROSSED HOUSE BILL NO. 1568, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4000, by Representatives O'Brien, Warnick, Takko, Morrell, Hasegawa, Simpson and Moeller

Requesting passage of the federal act to restore payment of county health care costs.

The joint memorial was read the second time.

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

Representatives O'Brien and Dammeier spoke in favor of the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4000.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4000 and the joint memorial passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Representative Anderson.

Excused: Representative Hunter.

HOUSE JOINT MEMORIAL NO. 4000, having received the necessary constitutional majority, was declared passed.

HOUSE JOINT MEMORIAL NO. 4004, by Representatives Van De Wege, Kessler, Rodne, Liias, Takko, Hurst, Jacks, Hasegawa, Kelley, Eddy, Seaquist, McCoy, Appleton, Hudgins, Morrell, Hope, Sullivan and Nelson

Naming a certain portion of state route number 110 the "Operations Desert Shield and Desert Storm Memorial Highway."

The joint memorial was read the second time.

There being no objection, Substitute House Joint Memorial No. 4004 was substituted for House Joint Memorial No. 4004 and the substitute joint memorial was placed on the second reading calendar.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004 was read the second time.

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

Representatives Van De Wege and Roach spoke in favor of the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Joint Memorial No. 4004.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 4004 and the joint memorial passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Hunter.

SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1389, by Representatives Blake, Conway, Sells, Ormsby, McCoy, Kessler, Van De Wege, Green, Simpson and Wood

Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW.

The bill was read the second time.

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

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

Representative Klippert spoke against passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1389.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1389 and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 1.

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

Voting nay: Representatives Anderson, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Hunter.

HOUSE BILL NO. 1389, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

HOUSE BILL NO. 1076, by Representatives Rolfes, Eddy, Kelley, Pearson, Simpson, Moeller, Orcutt, Morrell and Upthegrove

Allowing crime victims to submit input to the department of corrections regarding an offender's placement in work release.

The bill was read the second time.

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

Representatives Rolfes and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1076.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1076 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Hunter.

HOUSE BILL NO. 1076, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1119, by Representatives Pedersen, Rodne, Goodman and Kelley

Concerning the management of funds held by nonprofit institutions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1119 was substituted for House Bill No. 1119 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1119 was read the second time.

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

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1119.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1119 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Hunter.

SUBSTITUTE HOUSE BILL NO. 1119, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1128, by Representatives Kenney, Bailey, Pettigrew, Chase, Hudgins, Haler, Hasegawa, Darneille, Kelley and Sullivan

Changing innovation partnership zone provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1128 was substituted for House Bill No. 1128 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1128 was read the second time.

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

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1128.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1128 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Hunter.

SUBSTITUTE HOUSE BILL NO. 1128, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1155, by Representatives Hinkle, Green, Cody and Wallace

Concerning billing for medical services provided through special education programs.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1155.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1155 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Hunter.

HOUSE BILL NO. 1155, having received the necessary constitutional majority, was declared passed.

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

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

The bill was read the second time.

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

Representatives Anderson and Quall spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1156.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1156 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Hunter.

HOUSE BILL NO. 1156, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1167, by Representatives Hasegawa, Kenney, Simpson, Chase and Santos

Studying the linked deposit program.

The bill was read the second time.

Representative Hasegawa moved the adoption of amendment (007):

On page 1, line 16, after "shall," insert "in consultation with the state treasurer and"

Representatives Hasegawa and Bailey spoke in favor of adoption of the amendment.

Amendment (007) was adopted. The bill was ordered engrossed.

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

Representatives Hasegawa and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1167.

MOTION

On motion of Representative Hinkle, Representative Anderson was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1167 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Anderson and Hunter.

ENGROSSED HOUSE BILL NO. 1167, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1218, by Representatives Goodman, Klippert, O'Brien, Ross, Simpson and Williams

Changing the requirement that contempt of court sanctions be served in the county jail.

The bill was read the second time.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1218.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1218 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Anderson and Hunter.

HOUSE BILL NO. 1218, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1271, by Representatives Haigh, Finn, Crouse, Green, Liias, Springer, O'Brien, Goodman, Morris, Ormsby, Blake, Van De Wege, Moeller, Cody, Conway, Hurst, Walsh, McCune, Hinkle, Nelson and Kenney

Regarding dispensing and administration of drugs to registered or licensed veterinary personnel. Revised for 1st Substitute: Regarding the preparing and administration of drugs by registered or licensed veterinary personnel.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1271 was substituted for House Bill No. 1271 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1271 was read the second time.

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

Representatives Haigh and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1271.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1271 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Anderson and Hunter.

SUBSTITUTE HOUSE BILL NO. 1271, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1286, by Representatives Miloscia, Appleton, Armstrong, Hunt, Newhouse, White, Smith, Rolfes, Roberts, Nelson, Hinkle and Ormsby

Prohibiting false and defamatory statements about candidates for public office.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1286 was substituted for House Bill No. 1286 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1286 was read the second time.

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

Representatives Miloscia and Armstrong spoke in favor of the passage of the bill.

Representative Chandler spoke against passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1286.

MOTION

On motion of Representative Santos, Representative Wallace was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1286 and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 3.

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

Voting nay: Representatives Chandler and Pedersen.

Excused: Representatives Anderson, Hunter and Wallace.

SUBSTITUTE HOUSE BILL NO. 1286, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 1291, by Representatives Maxwell, Simpson, Green, Rodne, Clibborn, Hasegawa, Ormsby, Orwall, Liias, Hudgins, Johnson, Sullivan and Hunter

Changing library district annexation provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1291 was substituted for House Bill No. 1291 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1291 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1291.

MOTIONS

On motion of Representative Santos, Representative Morris was excused. On motion of Representative Hinkle, Representative DeBolt was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1291 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz,

Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1291, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1295, by Representatives Warnick and Upthegrove

Annexing areas used for agricultural fairs.

The bill was read the second time.

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

Representatives Warnick and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1295.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1295 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

HOUSE BILL NO. 1295, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1304, by Representatives Springer, Orcutt, Takko, Eddy and Herrera

Providing a limited property tax exemption for the use of facilities by artistic, scientific, and historical organizations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1304 was substituted for House Bill No. 1304 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1304 was read the second time.

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

Representatives Springer and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1304.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1304 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1304, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1309, by Representatives Green, Ericksen, Appleton, Hinkle, Morrell, Rolfes, Cody, Moeller, Chase, Conway, Kenney, Goodman, Nelson and Roberts

Regarding dental hygiene.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1309 was substituted for House Bill No. 1309 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1309 was read the second time.

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

Representatives Green and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1309.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1309 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short,

Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1309, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1332, by Representatives Goodman, Anderson, Springer, Clibborn, Eddy, Simpson, Rodne, Pedersen, Hunter and Maxwell

Granting authority of a watershed management partnership to exercise powers of its forming governments.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1332 was substituted for House Bill No. 1332 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1332 was read the second time.

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

Representatives Goodman, Rodne and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1332.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1332 and the bill passed the House by the following vote: Yeas, 88; Nays, 4; Absent, 0; Excused, 5.

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

Voting nay: Representatives Alexander, Ericksen, Orcutt and Roach.

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1332, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1369, by Representatives Haler, Takko and Klippert

Addressing county elected officials keeping offices at the county seat.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1369 was substituted for House Bill No. 1369 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1369 was read the second time.

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

Representatives Haler and Takko spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1369.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1369 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1369, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1371, by Representatives Armstrong, Hunt, Ross, Walsh, Ormsby, Miloscia, Van De Wege, Shea, Priest, Hasegawa, Hope and Upthegrove

Modifying limitations on the use of intermediate licenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1371 was substituted for House Bill No. 1371 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1371 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1371.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1371 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler,

Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1371, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1380, by Representatives Liias, Sells, O'Brien, Dunshee, Kirby and Kagi

Changing the county population requirement in order for a county to lease space with an option to purchase.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1380.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1380 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

HOUSE BILL NO. 1380, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1408, by Representatives Morrell, Hudgins, Upthegrove, Rolfes, Goodman, Pedersen, Green, Roberts, O'Brien, Dickerson, Cody, Takko, Moeller, Kenney, Kelley and Nelson

Establishing minimum standards for victim impact panels.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1408 was substituted for House Bill No. 1408 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1408 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1408.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1408 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1408, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1461, by Representatives Bailey, Hunt, Alexander, Hinkle, Haigh, Johnson, Haler, Ericksen, Chandler, Orcutt, Kretz and Kelley

Regarding options for determining the pay periods for county employees.

The bill was read the second time.

Representative Bailey moved the adoption of amendment (031):

On page 1, line 6, after "36.17.040," strike "the" and insert the following:

"~~(the)~~ counties may pay county officers and employees using the following methods:

(1) The"

On page 1, line 10, after "that pay period" insert the following: ", except as authorized under subsection 3 of this section"

On page 1, at the beginning of line 11, strike "However, in" and insert "~~((However, in))~~ (2) In"

On page 1, after line 17, insert the following:

"(3) The legislative authority of any county that currently uses a semimonthly pay period under RCW 36.17.040 may adopt a biweekly pay period. In such counties, county officers and employees shall receive their compensation not later than thirteen days following the end of each pay period for services rendered during that pay period."

Representatives Bailey and Simpson spoke in favor of adoption of the amendment.

Amendment (031) was adopted. The bill was ordered engrossed.

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

Representatives Bailey and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1461.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1461 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

ENGROSSED HOUSE BILL NO. 1461, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1475, by Representatives Orcutt, Probst, McCune, Eddy, Herrera, Johnson, Short and Kelley

Requiring state agency rule-making information to be posted on each state agency's web site.

The bill was read the second time.

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

Representatives Orcutt and Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1475.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1475 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

HOUSE BILL NO. 1475, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1483, by Representatives Jacks, Chandler, Van De Wege, Takko, Kretz, Pearson, Hurst, Orcutt, McCoy, Blake and McCune

Concerning forestry operations.

The bill was read the second time.

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

Representatives Jacks and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1483.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1483 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

HOUSE BILL NO. 1483, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1506, by Representatives Conway, Bailey, Chase, Kirby, O'Brien, Kenney, Simpson, Carlyle, Hinkle, Goodman, Williams, Upthegrove, White and Kelley

Providing benefits for the survivors of certain firefighters.

The bill was read the second time.

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

Representatives Conway and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1506.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1506 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen,

Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

HOUSE BILL NO. 1506, having received the necessary constitutional majority, was declared passed.

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

Allowing electronic approval of vital records.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1515.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1515 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

HOUSE BILL NO. 1515, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1532, by Representatives Rolfes, Chandler, Seaquist, Johnson, Upthegrove, Blake and Miloscia

Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for wastewater reclamation. Revised for 1st Substitute: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1532 was substituted for House Bill No. 1532 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1532 was read the second time.

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

Representatives Rolfes and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1532.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1532 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1532, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1547, by Representatives Bailey, Conway, Seaquist, Crouse, Kenney, Simpson and Ormsby

Increasing the duty-related death benefit for public employees.

The bill was read the second time.

Representative Bailey moved the adoption of amendment (023):

Beginning on page 7, line 33, strike all of section 10
Correct the title.

Representatives Bailey and Conway spoke in favor of adoption of the amendment.

Amendment (023) was adopted. The bill was ordered engrossed.

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

Representatives Bailey and Conway spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1547.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1547 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

ENGROSSED HOUSE BILL NO. 1547, having received the necessary constitutional majority, was declared passed.

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

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

The bill was read the second time.

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

Representatives Bailey and Conway spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1548.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1548 and the bill passed the House by the following vote: Yeas, 91; Nays, 1; Absent, 0; Excused, 5.

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

Voting nay: Representative Kenney.

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

HOUSE BILL NO. 1548, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on HOUSE BILL NO. 1548.

PHYLLIS KENNEY, 46th District

SECOND READING

HOUSE BILL NO. 1561, by Representatives Morrell, Priest, Simpson, Miloscia and Dammeier

Authorizing certain areas in cities or towns to annex to a fire protection district.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1561.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1561 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

HOUSE BILL NO. 1561, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1575, by Representatives Sells, McCoy, Kristiansen, Hope, Pearson, Dunshee and Liias

Requiring a state route number 2 route development plan.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1575 was substituted for House Bill No. 1575 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1575 was read the second time.

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

Representatives Sells and Kristiansen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1575.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1575 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

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

Excused: Representatives Anderson, DeBolt, Hunter, Morris and Wallace.

SUBSTITUTE HOUSE BILL NO. 1575, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the Committee on Health Care & Wellness was relieved of HOUSE BILL NO. 1412, and the bill was referred to the Committee on Ways & Means.

There being no objection, the Committee on Transportation was relieved of HOUSE BILL NO. 1490, and the bill was referred to the Committee on General Government Appropriations.

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

There being no objection, the House adjourned until 9:55 a.m., February 26, 2009, the 44th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FORTY FOURTH DAY

House Chamber, Olympia, Tuesday, February 24, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

INTRODUCTION AND FIRST READING

HB 2288 by Representatives Morrell, Linville, Kenney and Conway

AN ACT Relating to eligibility for senior citizen and disabled persons property tax exemptions; and reenacting and amending RCW 84.36.383.

Referred to Committee on Finance.

HB 2289 by Representative McCoy

AN ACT Relating to expanding the energy freedom program; amending RCW 43.325.001, 43.325.005, 43.325.020, 43.325.030, 43.325.040, and 43.325.070; and providing an expiration date.

Referred to Committee on Capital Budget.

HB 2290 by Representatives Cody and Morrell

AN ACT Relating to the nursing facility medicaid payment system; amending RCW 74.46.421, 74.46.800, 74.46.431, 74.46.485, and 74.46.835; adding new sections to chapter 74.46 RCW; creating a new section; repealing RCW 74.46.010, 74.46.020, 74.46.030, 74.46.040, 74.46.050, 74.46.060, 74.46.080, 74.46.090, 74.46.100, 74.46.155, 74.46.165, 74.46.190, 74.46.200, 74.46.220, 74.46.230, 74.46.240, 74.46.250, 74.46.270, 74.46.280, 74.46.290, 74.46.300, 74.46.310, 74.46.320, 74.46.330, 74.46.340, 74.46.350, 74.46.360, 74.46.370, 74.46.380, 74.46.390, 74.46.410, 74.46.431, 74.46.433, 74.46.435, 74.46.437, 74.46.439, 74.46.441, 74.46.445, 74.46.475, 74.46.485, 74.46.496, 74.46.501, 74.46.506, 74.46.508, 74.46.511, 74.46.515, 74.46.521, 74.46.531, 74.46.533, 74.46.600, 74.46.610, 74.46.620, 74.46.625, 74.46.630, 74.46.640, 74.46.650, 74.46.660, 74.46.680, 74.46.690, 74.46.700, 74.46.711, 74.46.770, 74.46.780, 74.46.790, 74.46.820, 74.46.835, 74.46.900, 74.46.901, 74.46.902, 74.46.905, 74.46.906, and 74.46.907; providing effective dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 5316 by Senators Jarrett, Kilmer, Delvin, Kastama, Jacobsen, Shin and Pflug

AN ACT Relating to changing the timeline for the state comprehensive plan for workforce training and education; and amending RCW 28C.18.080.

Referred to Committee on Higher Education.

SSB 5553 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kilmer, Delvin, Kastama, Shin, Hobbs, Marr, Tom, McAuliffe, Kohl-Welles and Pridemore)

AN ACT Relating to promoting economic development through promoting innovation and the commercialization of technologies; amending RCW 28B.20.297, 28B.20.289, and 28B.20.293; and providing an effective date.

Referred to Committee on Community & Economic Development & Trade.

ESSB 5555 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Shin, King, Marr, Jarrett, McAuliffe, Hobbs, Tom and Kohl-Welles)

AN ACT Relating to lifelong learning accounts; adding new sections to chapter 28C.18 RCW; and creating a new section.

Referred to Committee on Higher Education.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 25, 2009, the 45th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FORTY-FIFTH DAY

House Chamber, Olympia, Wednesday, February 25, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

INTRODUCTION AND FIRST READING

HB 2291 by Representatives Blake and Chandler

AN ACT Relating to exempting the agricultural commodity commissions from certain administrative cost reductions; adding a new section to chapter 5, Laws of 2009; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2292 by Representatives Blake and Chandler

AN ACT Relating to exempting the agricultural commodity commissions from certain administrative cost reductions; amending RCW 41.06.070; adding a new section to chapter 5, Laws of 2009; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2293 by Representatives Ericks, Williams and Kelley

AN ACT Relating to providing a state sales and use tax exemption for emergency medical equipment; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Finance.

HB 2294 by Representatives Pearson, O'Brien, Ross, Haler, Walsh, Dammeier, Ormsby, Klippert, Schmick, Green, Kelley, Hinkle, McCune, Roach and Chandler

AN ACT Relating to improving public safety by improving the sentencing and supervision of criminal offenders in confinement and in the community; amending RCW 9.94A.501; amending 2008 c 231 s 6 (uncodified); adding a new chapter to Title 9 RCW; repealing 2008 c 231 s 24; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services.

HB 2295 by Representatives Cody, Williams, Seaquist and Darneille

AN ACT Relating to the organization of the department of social and health services; amending RCW 43.20A.090 and 71.24.360; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Health & Human Services Appropriations.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the Committee on Health & Human Services Appropriations was relieved of HOUSE BILL NO. 2068, and the bill was referred to the Committee on Ways & Means.

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

There being no objection, the House adjourned until 9:55 a.m., February 26, 2009, the 46th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FORTY SIXTH DAY

House Chamber, Olympia, Thursday, February 26, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

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

MESSAGE FROM THE SENATE

February 25, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5055,
SENATE BILL NO. 5221,
SENATE BILL NO. 5289,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READINGHJM 4016 by Representative Klippert

Supporting medical pregnancy resource centers.

Referred to Committee on Health Care & Wellness.

SSB 5055 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Brown, Fraser, Ranker and Kline)

AN ACT Relating to protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission; amending RCW 80.12.010, 80.12.020, and 80.12.030; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

SB 5221 by Senators Tom, Honeyford, Kohl-Welles, Haugen, Kilmer and Holmquist

AN ACT Relating to distressed property conveyances; amending RCW 61.34.020; and declaring an emergency.

Referred to Committee on Judiciary.

SB 5289 by Senators Ranker, Haugen, Swecker, King, Marr, Jarrett, Hargrove and Shin

AN ACT Relating to an addition to the scenic and recreational highway system; and amending RCW 47.39.020.

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

There being no objection, the House adjourned until 10:00 a.m., February 27, 2009, the 47th Day of the Regular Session.

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FORTY SEVENTH DAY

House Chamber, Olympia, Friday, February 27, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Abbie Younkin and Dane Litchfield. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Brian Wiele, River Ridge Covenant Church, Lacey.

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

MESSAGE FROM THE SENATE

February 26, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5015,
SENATE BILL NO. 5076,
ENGROSSED SENATE BILL NO. 5135,
SUBSTITUTE SENATE BILL NO. 5136,
SENATE BILL NO. 5153,
SENATE BILL NO. 5156,
SENATE BILL NO. 5164,
SUBSTITUTE SENATE BILL NO. 5190,
SENATE BILL NO. 5218,
SUBSTITUTE SENATE BILL NO. 5268,
SUBSTITUTE SENATE BILL NO. 5273,
SUBSTITUTE SENATE BILL NO. 5290,
SUBSTITUTE SENATE BILL NO. 5388,
SENATE BILL NO. 5731,
SENATE JOINT MEMORIAL NO. 8006,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2296 by Representatives Green and Moeller

AN ACT Relating to fees for initial medicare certification surveys conducted by the department of health; and amending RCW 43.70.125.

Referred to Committee on Ways & Means.

SB 5015 by Senators Franklin, Hargrove and Kauffman

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

Referred to Committee on Early Learning & Children's Services.

SB 5076 by Senators Schoesler and Hatfield

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

Referred to Committee on Agriculture & Natural Resources.

ESB 5135 by Senators Kline, Tom, McDermott and Kohl-Welles

AN ACT Relating to the number of district court judges in King county and Spokane county; and amending RCW 3.34.010.

Referred to Committee on Judiciary.

SB 5156 by Senators Brandland, McCaslin and Keiser

AN ACT Relating to certification actions of Washington peace officers; and amending RCW 43.101.380.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 5164 by Senators Berkey, Benton, Hobbs and Parlette

AN ACT Relating to placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans; and amending RCW 31.45.082.

Referred to Committee on Financial Institutions & Insurance.

SSB 5190 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala and Shin)

AN ACT Relating to technical corrections to ensure accurate sentences for offenders; amending RCW 2.24.040, 9.41.045, 9.92.151, 9.94A.190, 9.94A.505, 9.94A.633, 9.94A.6332, 9.94A.670, 9.94A.701, 9.94A.703, 9.94A.704, 9.94A.731, 9.94A.771, 9.94A.835, 9.94A.850, 9.94B.030, 9.94B.060, 9.94B.070, 9.95.011, 9.95.017, 9.95.055, 9.95.070, 9.95.090, 9.95.110, 9.95.121, 9.95.122, 9.95.140, 9.95.425, 9.95.900, 9A.76.115, 13.40.135, 72.09.335, 72.09.340, 72.09.370, 72.09.714, 72.09.716, 72.09.718, and 72.09.720; reenacting and amending RCW 9.94A.030; adding new sections to chapter 9.94A RCW; adding a new section to chapter 9.94B RCW; recodifying RCW 9.94A.602, 9.94A.605, and 9.94A.771; repealing RCW 9.94A.545 and 9.94A.715; and providing an effective date.

Referred to Committee on Human Services.

SSB 5268 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Swecker, Jacobsen and Shin)

AN ACT Relating to the fish and wildlife equipment revolving account; and adding a new section to chapter 77.12 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5273 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Murray, Jacobsen, McDermott, Franklin and Kohl-Welles)

AN ACT Relating to the practice of landscape architecture; amending RCW 18.96.010, 18.96.020, 18.96.030, 18.96.040, 18.96.060, 18.96.070, 18.96.080, 18.96.090, 18.96.100, 18.96.110, 18.96.120, 18.96.140, 18.96.150, 18.96.180, 18.96.190, 43.24.150, and 18.235.020; adding new sections to chapter 18.96 RCW; creating a new section; repealing RCW

18.96.050, 18.96.160, and 18.96.170; prescribing penalties; providing effective dates; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 5388 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Parlette, Murray, Swecker, Carrell, King, Tom, Kohl-Welles and Franklin)

AN ACT Relating to motor vehicle dealer disclosure of damage and repairs in the sale of new motor vehicles; and amending RCW 46.70.180.

Referred to Committee on Commerce & Labor.

SJM 8006 by Senator Zarelli

Requesting that state route number 502 be named the "Battle Ground Highway" and that a portion of state route number 503 be named the "Lewisville Highway."

Referred to Committee on Transportation.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 24, 2009

HJM 4014 Prime Sponsor, Representative Kessler: Requesting that House Resolution 6922 or substantially similar legislation be enacted to help stabilize the trucking industry. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

There being no objection, HOUSE JOINT MEMORIAL 4014 was placed on the second reading calendar.

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

SECOND READING

There being no objection, the following bills were removed from the second reading suspension calendar, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2044
HOUSE BILL NO. 1792

HOUSE JOINT MEMORIAL NO. 4014, by Representatives Kessler, DeBolt and Orcutt

Requesting that House Resolution 6922 or substantially similar legislation be enacted to help stabilize the trucking industry.

The joint memorial was read the second time

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

Representatives Kessler, DeBolt and Conway spoke in favor of the passage of the joint memorial.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Joint Memorial No. 4014.

MOTIONS

On motion of Representative Walsh, Representatives Chandler, Crouse and Shea were excused

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 4014 and the joint memorial passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

HOUSE JOINT MEMORIAL NO. 4014, having received the necessary constitutional majority, was declared passed.

SECOND READING SUSPENSION

HOUSE BILL NO. 1016, by Representative Hunt

Changes membership on the capitol campus design advisory committee.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1016.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1016, and the bill passed the House by the following vote: Yeas, 90; Nays, 4; Absent, 0; Excused, 3.

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

Voting nay: Representatives Anderson, DeBolt, Ericksen and Hinkle.

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1016, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1058, by Representatives Goodman and Rodne

Revising editorial standards for the RCW.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1058.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1058, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1058, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1068, by Representatives Pedersen and Rodne

Revising the Washington business corporation act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1068.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1068, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1068, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1257, by Representatives Goodman, Rodne, O'Brien, Simpson and Moeller

Eliminating the requirement that courts segregate deferred prosecution files.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1257.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1257, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1257, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1261, by Representatives Goodman, Moeller, Green, Williams, Pedersen, Appleton, Morrell and Ormsby

Enacting the adult guardianship and protective proceedings jurisdiction act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1261 was read the second time.

The bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1261.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1261, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1261, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1431, by Representatives Sells, Lias, Morris, Clibborn, Eddy, McCoy and Kenney

Designating certain state routes as highways of statewide significance.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Sells and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1431.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1431, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall,

Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1431, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1448, by Representatives Hurst, Roach, Simpson, McCoy, Sullivan, Hunt, Goodman, Appleton, Ormsby and Nelson

Granting tribal authorities limited control over speed limits on nonlimited access state highways within tribal reservation boundaries.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hurst and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1448.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1448, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1448, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1592, by Representatives Pedersen, Rodne, Kelley and Kenney

Registering business entities and associations with the secretary of state.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1592 was read the second time.

The bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1592.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1592, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

SUBSTITUTE HOUSE BILL NO. 1592, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1730, by Representatives Linville, Kretz, Ericks, Hunt, Armstrong and Short

Regarding the office of regulatory assistance.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1730 was read the second time.

The bill was placed on final passage.

Representatives Linville and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1730.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1730, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

SUBSTITUTE HOUSE BILL NO. 1730, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1791, by Representatives Dickerson, O'Brien, Hurst, Green, Dammeier, Morrell, Orwall, Walsh and Wood

Clarifying certain community custody and drug offender sentencing alternative sentencing provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1791 was read the second time.

The bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1791.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1791, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

SUBSTITUTE HOUSE BILL NO. 1791, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1835, by Representatives Angel, Rolfes, Hinkle, Anderson, Halder, Short, Parker, Johnson, Bailey, Pedersen and Warnick

Concerning the use of respectful language in state statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Angel and Rolfes spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1835.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1835, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase,

Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1835, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1943, by Representatives Kagi, Goodman, Priest, Walsh, Probst, Quall, Rolfes, Kenney, Dickerson, Kelley and Santos

Requiring recommendations for preparation and professional development for the early learning and school-age program workforce.

The bill was read the second time.

There being no objection, the committee recommendation was adopted and SUBSTITUTE HOUSE BILL NO. 1943 was read the second time.

The bill was placed on final passage.

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1943.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1943, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

SUBSTITUTE HOUSE BILL NO. 1943, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2025, by Representatives Orwall, Hinkle, Dickerson, Green, Appleton, Driscoll, Morrell, Kagi, Van De Wege and Kenney

Sharing health care information.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Orwall and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2025.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2025, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 2025, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Orwall on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

SECOND READING

HOUSE BILL NO. 2132, by Representatives Quall, Anderson, Carlyle, Dammeier, Probst, Sullivan, Johnson, Hudgins, Kelley, Chase, Wood and Santos

Regarding instruction in civics.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2132.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2132, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn,

Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 2132, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1281, by Representatives Hurst, Pearson, Appleton, O'Brien, Goodman, Orcutt, Morrell, Ormsby, Simpson and Orwall

Addressing the rights of victims, survivors, and witnesses of crimes.

The bill was read the second time.

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

Representatives Hurst and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1281.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1281 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1281, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1053, by Representatives Moeller, Williams, Conway, Wood, Chase and Hunt

Increasing raffle ticket prices

The bill was read the second time.

Representative Moeller moved the adoption of amendment (020):

On page 1, beginning on line 8, after "each" strike all material through "rule" on line 9

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

Amendment (020) was adopted. The bill was ordered engrossed.

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1053.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1053 and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 3.

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

Voting nay: Representative Anderson.

Excused: Representatives Chandler, Crouse and Shea.

ENGROSSED HOUSE BILL NO. 1053, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1578, by Representatives Driscoll, Ormsby, Wood and Williams

Regarding the board of directors of an air pollution control authority.

The bill was read the second time.

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

Representatives Driscoll and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1578.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1578 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove,

Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Crouse and Shea.

HOUSE BILL NO. 1578, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1583, by Representatives Alexander, Simpson, Angel, Miloscia, Short and Nelson

Modifying provisions relating to county auditors.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1583 was substituted for House Bill No. 1583 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1583 was read the second time.

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

Representatives Alexander and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1583.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1583 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Chandler, Crouse and Shea.

SUBSTITUTE HOUSE BILL NO. 1583, having received the necessary constitutional majority, was declared passed.

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

STATEMENT FOR THE JOURNAL

Had I not been excused, I would have voted as indicated on the following bills:

YEA HOUSE JOINT MEMORIAL NO. 4014,
 YEA HOUSE BILL NO. 1016,
 YEA HOUSE BILL NO. 1058,
 YEA HOUSE BILL NO. 1068,
 YEA HOUSE BILL NO. 1257,
 YEA SUBSTITUTE HOUSE BILL NO. 1261,
 YEA HOUSE BILL NO. 1431,
 YEA HOUSE BILL NO. 1448,
 YEA SUBSTITUTE HOUSE BILL NO. 1592,
 YEA SUBSTITUTE HOUSE BILL NO. 1730,
 YEA SUBSTITUTE HOUSE BILL NO. 1791,
 YEA HOUSE BILL NO. 1835,
 YEA SUBSTITUTE HOUSE BILL NO. 1943,

YEA HOUSE BILL NO. 2025,
 YEA HOUSE BILL NO. 2132,
 YEA HOUSE BILL NO. 1281,
 YEA ENGROSSED HOUSE BILL NO. 1053,
 YEA HOUSE BILL NO. 1578,
 YEA SUBSTITUTE HOUSE BILL NO. 1583,
 YEA MATTHEW SHEA, 4th District

There being no objection, the House adjourned until 9:55 a.m., March 2, 2009, the 50th Day of the Regular Session.

FRANK CHOPP, Speaker
 BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTIETH DAY

House Chamber, Olympia, Monday, March 2, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

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

MESSAGE FROM THE SENATE

February 27, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5060,
SENATE BILL NO. 5125,
SUBSTITUTE SENATE BILL NO. 5171,
SENATE BILL NO. 5180,
SUBSTITUTE SENATE BILL NO. 5269,
SENATE BILL NO. 5305,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READINGHB 2297 by Representatives White and Kenney

AN ACT Relating to the convention place station expansion of the state convention and trade center; and adding new sections to chapter 67.40 RCW.

Referred to Committee on Capital Budget.

HB 2298 by Representative Haler

AN ACT Relating to crane inspectors; amending RCW 49.17.420; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 2299 by Representatives Klippert, Driscoll, Haler, Kenney and Grant-Herriot

AN ACT Relating to the formation, operation, and nonstate funding of public facilities districts; amending RCW 35.57.010 and 82.14.048; and reenacting and amending RCW 35.57.020.

Referred to Committee on Finance.

HB 2300 by Representatives Ericks, Condotta, Conway and Kenney

AN ACT Relating to allowing the state lottery to enter into agreements to conduct multistate shared games; and amending RCW 67.70.040, 67.70.044, and 67.70.340.

Referred to Committee on Ways & Means.

HB 2301 by Representative Nelson

AN ACT Relating to authorizing the department of community, trade, and economic development to approve comprehensive plans and development regulations; amending RCW 36.70A.290; and adding a new section to chapter 36.70A RCW.

Referred to Committee on Local Government & Housing.

SB 5060 by Senator Jacobsen

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

Referred to Committee on Commerce & Labor.

SB 5125 by Senators Hewitt and Kohl-Welles

AN ACT Relating to the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account; amending RCW 67.16.102, 67.16.175, and 67.16.275; reenacting and amending RCW 43.79A.040; and providing an effective date.

Referred to Committee on Commerce & Labor.

SSB 5136 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Rockefeller, Fairley, Tom, Marr, Fraser, McDermott, Shin, Sheldon, McAuliffe, Jacobsen, Kline and Hatfield)

AN ACT Relating to the use of solar energy panels by members of homeowners' associations; and adding a new section to chapter 64.38 RCW.

Referred to Committee on Judiciary.

SB 5153 by Senators Kline, Rockefeller and Shin

AN ACT Relating to creating the uniform foreign-country money judgments recognition act; adding a new chapter to Title 6 RCW; and repealing RCW 6.40.010, 6.40.020, 6.40.030, 6.40.040, 6.40.050, 6.40.060, 6.40.070, 6.40.900, 6.40.905, 6.40.910, and 6.40.915.

Referred to Committee on Judiciary.

SSB 5171 by Senate Committee on Judiciary (originally sponsored by Senators Kline and Rockefeller)

AN ACT Relating to modifying the Washington principal and income act of 2002; amending RCW 11.104A.180 and 11.104A.290; adding a new section to chapter 11.104A RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 5180 by Senators Haugen and Parlette

AN ACT Relating to public transit vehicle stops at unmarked stop zones; and amending RCW 46.61.560.

Referred to Committee on Transportation.

SB 5218 by Senators Carrell, Hargrove, Swecker, Regala, Brandland, Hewitt, King, Stevens, Schoesler, Pridemore, Delvin, Pflug, Tom, Kilmer and Shin

AN ACT Relating to controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives; and amending RCW 71.09.080 and 71.09.092.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5269 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Swecker and Hatfield)

AN ACT Relating to the establishment of a license limitation program for the harvest and delivery of Pacific sardines into the state; amending RCW 77.65.200; and adding new sections to chapter 77.70 RCW.

Referred to Committee on Agriculture & Natural Resources.

SSB 5290 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Franklin, Brown, Fraser, Kauffman, McAuliffe, Shin, Murray, Eide, Keiser, Berkey and Regala)

AN ACT Relating to requests made by a party concerning gas or electrical company discounts for low-income senior customers and low-income customers; and amending RCW 80.28.068.

Referred to Committee on Technology, Energy & Communications.

SB 5305 by Senators Schoesler, Fraser, Holmquist and Parlette

AN ACT Relating to repealing certain obsolete state retirement system statutes; and repealing RCW 41.32.360 and 41.32.366.

Referred to Committee on Ways & Means.

SB 5731 by Senators Keiser and Pflug

AN ACT Relating to distribution of health plan information; and amending RCW 48.43.510.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

February 25, 2009

HB 1015 Prime Sponsor, Representative Simpson: Prohibiting the sale or distribution of certain novelty lighters. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1021 Prime Sponsor, Representative Campbell: Concerning prior notice of hospital surveys and audits. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Pettigrew, Chair;

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1025 Prime Sponsor, Representative Armstrong: Requiring disclosure of certain information relating to higher education course materials. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1038 Prime Sponsor, Representative Orcutt: Regarding specialized forest products. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on General Government Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1075 Prime Sponsor, Representative Rolfes: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Education Appropriations

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

MINORITY recommendation: Do not pass. Signed by Representative Hunter.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1078 Prime Sponsor, Representative Kelley: Concerning exchange facilitators. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Financial Institutions & Insurance. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Hinkle, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1090 Prime Sponsor, Representative McCoy: Concerning human remains. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on State Government & Tribal Affairs. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1095 Prime Sponsor, Representative Hasegawa: Increasing small business access to state contracting opportunities. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1131 Prime Sponsor, Representative Kenney: Concerning the Washington state economic development commission. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development & Trade be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1135 Prime Sponsor, Representative McCoy: Exempting agricultural anaerobic digesters from solid waste handling permitting. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Ecology & Parks be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Armstrong.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1165 Prime Sponsor, Representative Morrell: Providing for the safe collection and disposal of unwanted drugs from residential sources through a producer provided and funded product stewardship program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1172 Prime Sponsor, Representative Simpson: Implementing a transfer of development rights program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government & Housing. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1180 Prime Sponsor, Representative Dickerson: Regarding the use of bisphenol A. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1226 Prime Sponsor, Representative Dickerson: Establishing intensive behavior support services. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1292 Prime Sponsor, Representative Newhouse: Authorizing waivers from the one hundred eighty-day school year

requirement in order to allow four-day school weeks.
Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Carlyle; Cox; Haler; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Hope, Assistant Ranking Minority Member; Anderson and Hunter.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1300 Prime Sponsor, Representative Hurst: Accessing mental health information. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1303 Prime Sponsor, Representative Moeller: Collecting child mortality reviews into a database. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1312 Prime Sponsor, Representative Sells: Eliminating the exclusive authority of the University of Washington and Washington State University to offer certain engineering courses. Reported by Committee on Education Appropriations

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1323 Prime Sponsor, Representative Kenney: Providing for coordination of workforce and economic development. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Community & Economic Development & Trade be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1328 Prime Sponsor, Representative Carlyle: Allowing public technical colleges to offer associate transfer degrees. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1359 Prime Sponsor, Representative Williams: Regarding the practice of landscape architecture. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1373 Prime Sponsor, Representative Dickerson: Concerning children's mental health services. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill by Committee on Health & Human Services Appropriations be substituted therefor and the second substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Referred to Committee on Ways & Means.

February 26, 2009

HB 1413 Prime Sponsor, Representative McCoy: Concerning water discharge fees. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1414 Prime Sponsor, Representative Driscoll: Concerning health care assistants. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1417 Prime Sponsor, Representative Kenney: Concerning the office of public guardianship. Reported by Committee on General Government Appropriations

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

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1419 Prime Sponsor, Representative Kagi: Revising provisions affecting sexually aggressive youth. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1429 Prime Sponsor, Representative O'Brien: Concerning respite care. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 24, 2009

HB 1445 Prime Sponsor, Representative Simpson: Providing benefits to domestic partners under the Washington state patrol retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1469 Prime Sponsor, Representative Hunt: Establishing the product stewardship recycling act for mercury-containing lights. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1474 Prime Sponsor, Representative Orcutt: Changing border county opportunity program provisions. Reported by Committee on Education Appropriations

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1482 Prime Sponsor, Representative McCoy: Concerning reclaimed water permitting. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1487 Prime Sponsor, Representative Hunter: Regarding resident student classification. Reported by Committee on Education Appropriations

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

MINORITY recommendation: Do not pass. Signed by Representatives Hope, Assistant Ranking Minority Member; Cox and Rolfes.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1490 Prime Sponsor, Representative Nelson: Reducing greenhouse gas emissions through land use and transportation requirements. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1514 Prime Sponsor, Representative Green: Regarding counseling professions subject to the authority of the secretary of health. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1522 Prime Sponsor, Representative Hudgins: Regarding repair and reuse of electronic products by registered collectors. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environmental Health. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Armstrong.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1529 Prime Sponsor, Representative Seaquist: Concerning telemedicine. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1580 Prime Sponsor, Representative Kessler: Establishing a pilot local water management program in one qualified jurisdiction. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture &

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

Passed to Committee on Rules for second reading.

February 24, 2009

HB 1616 Prime Sponsor, Representative Simpson: Addressing the state pension benefits of certain domestic partners. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1618 Prime Sponsor, Representative White: Concerning community and surplus schools. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Capital Budget. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1621 Prime Sponsor, Representative Kirby: Regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1634 Prime Sponsor, Representative White: Regarding architects. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009
HB 1646 Prime Sponsor, Representative Sullivan: Making adjustments pertaining to the high school Washington assessment of student learning in mathematics and science. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

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

Passed to Committee on Rules for second reading.

February 25, 2009
HB 1700 Prime Sponsor, Representative Hudgins: Conducting an inventory of publicly owned high-speed internet infrastructure. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2009
HB 1749 Prime Sponsor, Representative Bailey: Regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Financial Institutions & Insurance be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2009
HB 1753 Prime Sponsor, Representative Hunter: Regarding electronic filing of reports to the legislature and the governor. Reported by Committee on General Government Appropriations

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

Passed to Committee on Rules for second reading.

February 26, 2009
HB 1758 Prime Sponsor, Representative Quall: Expanding options for students to earn high school diplomas. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009
HB 1762 Prime Sponsor, Representative Santos: Increasing parental and community involvement in public education. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Hope, Assistant Ranking Minority Member; Carlyle; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Anderson; Cox and Haler.

Passed to Committee on Rules for second reading.

February 25, 2009
HB 1765 Prime Sponsor, Representative Moeller: Concerning the license surcharge for the impaired physician program. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member and Ericksen.

Passed to Committee on Rules for second reading.

February 25, 2009
HB 1769 Prime Sponsor, Representative Orwall: Concerning housing assistance in dependency matters. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Children's Services be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

March 2, 2009
HB 1774 Prime Sponsor, Representative Haigh: Excluding certain state forest land revenues from the basic education allocation. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Referred to Committee on Ways & Means.

February 25, 2009

HB 1778 Prime Sponsor, Representative Blake: Modifying various provisions of Title 77 RCW. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1797 Prime Sponsor, Representative White: Examining rural and resource lands. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government & Housing. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1808 Prime Sponsor, Representative Hinkle: Creating an interdisciplinary work group with faculty from a paramedic training program and an associate degree nursing program. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representative Carlyle.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1819 Prime Sponsor, Representative Upthegrove: Reducing greenhouse gas emissions. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Ecology & Parks. Signed by Representatives Darneille, Chair; Dunshee; Hudgins; Kenney; Pedersen; Sells; Van De Wege and Williams.

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1838 Prime Sponsor, Representative Orcutt: Creating a raffle-only limited recreational rainbow trout fishery in Spirit Lake. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1845 Prime Sponsor, Representative Rodne: Concerning medical support obligations. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1879 Prime Sponsor, Representative Jacks: Providing for the delivery of educational services to children who are deaf and hearing impaired. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1889 Prime Sponsor, Representative Sullivan: Regarding paraeducator tutor certification. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Carlyle; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson and Cox.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1899 Prime Sponsor, Representative Warnick: Concerning physicians holding a retired active license. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1914 Prime Sponsor, Representative Sullivan: Regarding eligibility for higher education institutions' maintenance and operations funding. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Education Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Referred to Committee on Ways & Means.

February 26, 2009

HB 1935 Prime Sponsor, Representative Morrell: Concerning adult family homes. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen; Johnson and Walsh.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1938 Prime Sponsor, Representative Roberts: Considering postadoption contact between siblings in adoption proceedings. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1944 Prime Sponsor, Representative Kagi: Regarding the development and implementation of a kindergarten assessment. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

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

Referred to Committee on Ways & Means.

February 26, 2009

HB 1946 Prime Sponsor, Representative Carlyle: Regarding higher education online technology. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 1951 Prime Sponsor, Representative Finn: Regarding the operation and management of salmonid hatcheries. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Kenney; Pedersen; Sells; Short and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Hudgins and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1954 Prime Sponsor, Representative Dickerson: Sealing juvenile records under certain conditions. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1959 Prime Sponsor, Representative Simpson: Concerning land use and transportation planning for marine container ports.

Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1969 Prime Sponsor, Representative Haigh: Promoting predictable funding for school districts that provide residential education. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1972 Prime Sponsor, Representative Dunshee: Regarding access to information for outdoor recreation and wildlife viewing opportunities. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 1986 Prime Sponsor, Representative Hasegawa: Authorizing a peer mentoring pilot program at Western Washington University and a community or technical college. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. (For committee amendment, see Journal, Day 37, February 19, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2003 Prime Sponsor, Representative Orwall: Changing professional educator standards board provisions. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2021 Prime Sponsor, Representative Kenney: Revitalizing student financial aid. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Carlyle; Haler; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson and Cox.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2041 Prime Sponsor, Representative Finn: Concerning student transportation funding. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Carlyle; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Do not pass. Signed by Representatives Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Cox and Haler.

Referred to Committee on Ways & Means.

February 25, 2009

HB 2071 Prime Sponsor, Representative Green: Concerning education for parents of needy families. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Early Learning & Children's Services be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2078 Prime Sponsor, Representative Roberts: Concerning persons with developmental disabilities who are in correctional facilities or jails. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Human Services. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 2079 Prime Sponsor, Representative Cody: Concerning the office of financial management's access to health professional licensing information. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2105 Prime Sponsor, Representative Cody: Concerning diagnostic imaging services. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2109 Prime Sponsor, Representative Uptegrove: Concerning state parks and recreation funding. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Ecology & Parks be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2113 Prime Sponsor, Representative Kagi: Regarding placements of students in residential habilitation centers. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 2114 Prime Sponsor, Representative Seaquist: Establishing a forum for testing primary care medical home reimbursement pilot projects. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2118 Prime Sponsor, Representative Wallace: Convening an advisory committee on tuition policy. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. (For committee amendment, see Journal, Day 38, February 20, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2147 Prime Sponsor, Representative Liias: Closing the achievement gap in order to provide all students an excellent and equitable education. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2157 Prime Sponsor, Representative Springer: Consolidating certain salmon recovery activities and programs within the recreation and conservation office. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

February 25, 2009

HB 2164 Prime Sponsor, Representative Pettigrew: Remediating racial disproportionality in child welfare practices. Reported by Committee on Health & Human Services Appropriations

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

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member Alexander, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2165 Prime Sponsor, Representative Van De Wege: Authorizing the department of natural resources to conduct a forest biomass energy demonstration project. Reported by Committee on General Government Appropriations

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

Passed to Committee on Rules for second reading.

February 26, 2009

HB 2227 Prime Sponsor, Representative Probst: Enacting the evergreen jobs act. Reported by Committee on Education Appropriations

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Do not pass. Signed by Representative Anderson.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2295 Prime Sponsor, Representative Cody: Concerning the organization of the department of social and health services. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Health & Human Services Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

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

COMMITTEE APPOINTMENTS

The Speaker (Representative Moeller presiding) announced the following committee appointment:

Representative Hinkle was appointed to the Committee on Local Government & Housing replacing Representative Ericksen. Representative Hinkle was removed from the Committee on Technology, Energy & Communications.

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

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

February 27, 2009

HB 1007 Prime Sponsor, Representative Morris: Creating a sustainable energy trust. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology,

Energy & Communications. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1205 Prime Sponsor, Representative Van De Wege: Adding one judge to division two of the court of appeals. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Darneille.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1393 Prime Sponsor, Representative Springer: Addressing residential real property construction improvements through consumer education, warranty protections, contractor registration requirements, and worker certification standards. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1418 Prime Sponsor, Representative Kagi: Establishing a statewide dropout reengagement system. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Education be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member and Chandler.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1450 Prime Sponsor, Representative Takko: Modifying the definition of "public facilities." Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1484 Prime Sponsor, Representative Van De Wege: Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture & Natural Resources. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1491 Prime Sponsor, Representative Pedersen: Addressing when vehicles overtake and pass pedestrians or bicycles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Campbell; Cox; Dickerson; Driscoll; Eddy; Finn; Flannigan; Johnson; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Armstrong; Erickson; Herrera and Klippert.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1614 Prime Sponsor, Representative Ormsby: Reducing the amount of petroleum pollution in storm water. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Jacks; Maxwell; Orwall and White.

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

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1690 Prime Sponsor, Representative Hasegawa: Authorizing alternative public works contracting procedures. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick,

Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1802 Prime Sponsor, Representative Hudgins: Concerning collector vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Driscoll; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Erickson; Herrera; Johnson and Klippert.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1912 Prime Sponsor, Representative Armstrong: Concerning facilities to house sexually violent predators. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1919 Prime Sponsor, Representative Kagi: Operating and administering a drug court program. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1952 Prime Sponsor, Representative Kenney: Regarding the building communities fund program competitive process. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1961 Prime Sponsor, Representative Roberts: Implementing the federal fostering connections to success and increasing

adoptions act of 2008. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1978 Prime Sponsor, Representative Clibborn: Concerning economic stimulus transportation funding and appropriations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Campbell; Dickerson; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Moeller; Morris; Sells; Springer; Takko; Upthegrove; Wallace and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Armstrong; Cox; Ericksen; Klippert; Rolfes; Simpson and Williams.

February 27, 2009

HB 2254 Prime Sponsor, Representative White: Concerning construction financing for colleges and universities. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2289 Prime Sponsor, Representative McCoy: Expanding the energy freedom program. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; Orwall; Smith and White.

MINORITY recommendation: Do not pass. Signed by Representative McCune.

Passed to Committee on Rules for second reading.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 2, 2009

HB 1009 Prime Sponsor, Representative Morris: Extending the expiration dates for existing sales and use tax exemptions

related to certain electricity generation. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1062 Prime Sponsor, Representative Takko: Modifying the electrolytic processing business tax exemption. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1147 Prime Sponsor, Representative Hunt: Modifying provisions of local option taxes. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1208 Prime Sponsor, Representative Takko: Concerning property tax administration. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government & Housing. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1252 Prime Sponsor, Representative Kenney: Concerning the community economic revitalization board's project selection criteria. Reported by Committee on Capital Budget

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Blake; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

MINORITY recommendation: Without recommendation. Signed by Representative Anderson.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1287 Prime Sponsor, Representative Morris: Concerning sales and use tax exemptions in respect to aircraft used in intrastate commuter operations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1290 Prime Sponsor, Representative Maxwell: Concerning local tourism promotion areas. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1321 Prime Sponsor, Representative Kenney: Concerning the tax on cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1422 Prime Sponsor, Representative Conway: Concerning the taxation of brokered natural gas and manufactured gas. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1435 Prime Sponsor, Representative Condotta: Modifying licensing provisions for cigarettes and tobacco products. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority

Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1463 Prime Sponsor, Representative Seaquist: Addressing the deferral of sales and use taxes due on the state route number 16 corridor improvements project. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representative Orcutt, Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1481 Prime Sponsor, Representative Eddy: Regarding electric vehicles. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1508 Prime Sponsor, Representative Sullivan: Concerning the reclassification of property enrolled in current use property tax programs. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1570 Prime Sponsor, Representative Lias: Concerning the conservation of forest lands. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1597 Prime Sponsor, Representative Springer: Concerning the administration of state and local tax programs. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1667 Prime Sponsor, Representative Springer: Making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1698 Prime Sponsor, Representative Hudgins: Creating a state broadband adoption and deployment authority. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1710 Prime Sponsor, Representative Cody: Concerning the local sales and use tax that is credited against the state sales and use tax for cities to offset municipal service costs to newly annexed areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1733 Prime Sponsor, Representative Goodman: Concerning the property tax current use valuation programs. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1744 Prime Sponsor, Representative Ericks: Concerning real estate excise tax expenditures for parks and capital projects. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1751 Prime Sponsor, Representative Kessler: Concerning the time period during which sales and use tax for public facilities in rural counties may be collected. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1767 Prime Sponsor, Representative Ericks: Requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1815 Prime Sponsor, Representative Sullivan: Concerning current use valuation under the property tax open space program. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1916 Prime Sponsor, Representative Hunt: Regarding the University of Washington's and Washington State University's public works contracting procedures. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Blake; Grant-Herriot; Jacks; Maxwell; Orwall; Smith and White.

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

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1931 Prime Sponsor, Representative Hunter: Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1950 Prime Sponsor, Representative Orcutt: Requiring assessors to give notice of the true and fair value of real property regardless of whether there was a change in value. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1981 Prime Sponsor, Representative Driscoll: Modifying the rural county tax credit provided in chapter 82.62 RCW. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2051 Prime Sponsor, Representative Hunter: Removing an expiration date applicable to heritage and arts program funding. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2075 Prime Sponsor, Representative Hunter: Concerning the excise taxation of certain products and services provided or furnished electronically. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Hunter, Chair; Hasegawa, Vice Chair; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Parker, Assistant Ranking Minority Member; Condotta and Conway.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2110 Prime Sponsor, Representative Hasegawa: Requiring a tax expenditure report as part of the biennial budget documents. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Referred to Committee on General Government Appropriations.

March 2, 2009

HB 2122 Prime Sponsor, Representative Kessler: Reducing the business and occupation tax burden on the newspaper industry. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Parker, Assistant Ranking Minority Member; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Hasegawa, Vice Chair; Orcutt, Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2130 Prime Sponsor, Representative Probst: Concerning tax incentives for renewable energy manufacturing facilities. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2231 Prime Sponsor, Representative Miloscia: Authorizing a property tax levy to reimburse taxing districts for property taxes refunded under chapter 84.69 RCW and property taxes abated under RCW 84.70.010. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2249 Prime Sponsor, Representative Hunter: Modifying local government revenue options in counties with a population of one million five hundred thousand or more. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2250 Prime Sponsor, Representative Hunter: Modifying state and local lodging taxes used for convention and trade facilities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2252 Prime Sponsor, Representative Hunter: Funding for arts and heritage programs, regional centers, human services, low-income housing, and community development in a county with a population of one million five hundred thousand or more. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2261 Prime Sponsor, Representative Sullivan: Concerning the state's education system. Reported by Committee on Education Appropriations

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Haler; Hunter; Kagi; Quall; Rolfes and Wallace.

MINORITY recommendation: Do not pass. Signed by Representative Cox.

Referred to Committee on Ways & Means.

March 2, 2009

HB 2275 Prime Sponsor, Representative Kretz: Providing a sales and use tax exemption for the nonhighway use of propane by farmers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2278 Prime Sponsor, Representative Pettigrew: Concerning the sales and use tax exemption for livestock nutrient management equipment and facilities. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2281 Prime Sponsor, Representative Pettigrew: Relating to the visitor destination campus act of 2009. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2283 Prime Sponsor, Representative Santos: Providing sales and use tax exemptions to eligible data centers located in a rural county as defined in RCW 82.14.370(5). Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2297 Prime Sponsor, Representative White: Concerning the convention place station expansion of the state convention and trade center. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2299 Prime Sponsor, Representative Klippert: Concerning formation, operation, and nonstate funding of public facilities districts. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

**THIRD SUPPLEMENTAL
REPORTS OF STANDING COMMITTEES**

February 27, 2009

HB 1098 Prime Sponsor, Representative Hunt: Regarding computing the rate of vacation leave accrual for state employees formerly employed by a school district. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on State Government & Tribal Affairs be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1235 Prime Sponsor, Representative Wallace: Making certain current higher education tuition-setting practices permanent. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Conway.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1329 Prime Sponsor, Representative Pettigrew: Providing collective bargaining for child care center directors and workers. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1347 Prime Sponsor, Representative Santos: Regarding financial education. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Ways & Means be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1355 Prime Sponsor, Representative Probst: Establishing the opportunity internship program for high school students. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1373 Prime Sponsor, Representative Dickerson: Concerning children's mental health services. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill by Committee on Health & Human Services Appropriations be substituted therefor and the second substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1374 Prime Sponsor, Representative Dunshee: Concerning the local government archives account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1555 Prime Sponsor, Representative Conway: Addressing the recommendations of the joint legislative task force on the underground economy in the construction industry. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority

Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1560 Prime Sponsor, Representative Conway: Regarding collective bargaining at institutions of higher education. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Commerce & Labor. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1677 Prime Sponsor, Representative Moeller: Establishing high capacity transportation corridor areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Ericksen; Herrera; Johnson and Klippert.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1679 Prime Sponsor, Representative Simpson: Providing access to catastrophic disability medical insurance under plan 2 of the law enforcement officers' and firefighters' retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1701 Prime Sponsor, Representative Hudgins: Authorizing the department of information services to engage in high-speed internet activities. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology,

Energy & Communications. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1727 Prime Sponsor, Representative Pedersen: Expanding the rights and responsibilities of state registered domestic partners. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Judiciary. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1747 Prime Sponsor, Representative Rolfes: Reducing climate pollution in the built environment. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Kessler; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1774 Prime Sponsor, Representative Haigh: Excluding certain state forest land revenues from the basic education allocation. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1775 Prime Sponsor, Representative White: Concerning the regulation of certain limousine carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Driscoll; Finn; Flannigan; Johnson; Klippert; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Eddy; Ericksen; Herrera and Morris.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1776 Prime Sponsor, Representative Ericks: Changing school levy provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Education Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1793 Prime Sponsor, Representative Williams: Addressing alternative student transportation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Campbell; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Armstrong and Cox.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1799 Prime Sponsor, Representative Campbell: Reducing the release of mercury into the environment. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representative Hunt.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1878 Prime Sponsor, Representative Jacks: Authorizing the transfer of accumulated leave of employees of the state school for the blind and the school for the deaf. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1914 Prime Sponsor, Representative Sullivan: Regarding eligibility for higher education institutions' maintenance and operations funding. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Education Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 1939 Prime Sponsor, Representative Takko: Concerning vehicle dealer documentary service fees. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Cox and Flannigan.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1940 Prime Sponsor, Representative Bailey: Requiring that school district and educational service district employees' basic benefits be determined and administered by the state health care authority. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Hinkle; Kagi; Kessler; Priest; Ross; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Conway; Haigh; Hunt; Kenney; Pettigrew and Sullivan.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1953 Prime Sponsor, Representative Conway: Allowing department of fish and wildlife enforcement officers to transfer service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 1985 Prime Sponsor, Representative Moeller: Concerning public health financing. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Health Care & Wellness. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Chandler.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2052 Prime Sponsor, Representative Cody: Delaying the implementation of the health insurance partnership. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2072 Prime Sponsor, Representative Wallace: Concerning transportation for persons with special transportation needs. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2088 Prime Sponsor, Representative Darneille: Improving access to facilities for persons with special transportation needs. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2095 Prime Sponsor, Representative Orwall: Clarifying the permitting, training, and licensing process for driver training schools. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2106 Prime Sponsor, Representative Kagi: Improving child welfare outcomes through the phased implementation of strategic and proven reforms. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Early Learning & Children's Services. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2107 Prime Sponsor, Representative Kagi: Regarding the delivery of early learning home visitation programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2166 Prime Sponsor, Representative Darneille: Imposing an additional document recording surcharge to fund certain affordable housing and homeless purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Local Government & Housing be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2167 Prime Sponsor, Representative Maxwell: Providing flexibility in the education system. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2179 Prime Sponsor, Representative Eddy: Authorizing cities to provide and contract for supplemental transportation improvements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Eddy; Finn; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Cox; Ericksen; Flannigan and Simpson.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2188 Prime Sponsor, Representative Ross: Changing the provisions relating to the early deportation of illegal alien offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Human Services be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2194 Prime Sponsor, Representative Appleton: Modifying provisions relating to extraordinary medical placement for offenders. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2196 Prime Sponsor, Representative Ericks: Including service credit transferred from the law enforcement officers' and firefighters' retirement system plan 1 in the determination of eligibility for military service credit. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2198 Prime Sponsor, Representative Hudgins: Requiring rental car businesses to have a sufficient number of child restraint systems available to their customers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox and Ericksen.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2206 Prime Sponsor, Representative Darneille: Including costs as authorized expenditures from the OASI revolving fund and OASI contribution account. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2214 Prime Sponsor, Representative Simpson: Concerning the reasonable costs of airport operators financing consolidated rental car facilities and common use transportation equipment and facilities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by

Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Upthegrove.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2223 Prime Sponsor, Representative Clibborn: Exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Without recommendation. Signed by Representative Klippert.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2245 Prime Sponsor, Representative Cody: Clarifying public employees' benefits board eligibility. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kenney; Pettigrew; Priest; Ross; Schmick and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Kagi; Kessler and Seaquist.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2267 Prime Sponsor, Representative Conway: Protecting the collective bargaining rights of certain exempt employees. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2271 Prime Sponsor, Representative Liias: Authorizing state forces to perform work on ferry vessels or terminals when

estimated costs are less than one hundred twenty thousand dollars. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

February 27, 2009

HB 2285 Prime Sponsor, Representative Flannigan: Addressing the formation of local improvement districts and utility local improvement districts comprised of property in more than one city or town. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Ericksen; Herrera; Johnson and Klippert.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2287 Prime Sponsor, Representative Kessler: Requiring state agencies to use one hundred percent recycled content paper. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2291 Prime Sponsor, Representative Blake: Exempting the agricultural commodity commissions from certain administrative cost reductions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 2, 2009

HB 2295 Prime Sponsor, Representative Cody: Concerning the organization of the department of social and health services. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Health & Human Services Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody;

Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney;
Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by
Representatives Alexander, Ranking Minority Member; Bailey,
Assistant Ranking Minority Member; Dammeier, Assistant
Ranking Minority Member; Chandler; Hinkle; Ross and
Schmick.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's first and
second supplemental standing committee reports under the fifth order
of business were referred to the Committees on Rules with the
exception of HOUSE BILL NO. 1978 which was placed on the
second reading calendar.

There being no objection, the House adjourned until 10:00 a.m.,
March 3, 2009, the 51st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTY FIRST DAY

House Chamber, Olympia, Tuesday, March 3, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sophie DeBolt and Bailey Stonecipher. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Larry Haler.

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

MESSAGE FROM THE SENATE

March 3, 2009

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5009,
- SENATE BILL NO. 5184,
- SUBSTITUTE SENATE BILL NO. 5195,
- SUBSTITUTE SENATE BILL NO. 5199,
- ENGROSSED SENATE BILL NO. 5200,
- SENATE BILL NO. 5205,
- SENATE BILL NO. 5233,
- SUBSTITUTE SENATE BILL NO. 5267,
- SENATE BILL NO. 5298,
- SENATE BILL NO. 5348,
- SUBSTITUTE SENATE BILL NO. 5350,
- SENATE BILL NO. 5370,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5406,
- SUBSTITUTE SENATE BILL NO. 5469,
- SENATE BILL NO. 5673,
- SENATE BILL NO. 5739,
- SUBSTITUTE SENATE BILL NO. 5797,
- SENATE BILL NO. 5989,
- SENATE JOINT MEMORIAL NO. 8003,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2302 by Representative Nelson

AN ACT Relating to restructuring ferry districts and the property tax levied by such districts for certain countywide transit projects to also include countywide public health, safety, and welfare projects.

Referred to Committee on Finance.

HB 2303 by Representative Nelson

AN ACT Relating to restructuring ferry districts and the property tax levied by such districts for certain countywide transit projects.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1596, by Representatives Green, Hunt, Hudgins, Williams, Rolfes, Morrell, Campbell, Roberts, Kagi, Dickerson, Goodman, Upthegrove, Simpson, Moeller, Ormsby and Nelson

Protecting a woman's right to breastfeed in a place of public resort, accommodation, assemblage, or amusement.

The bill was read the second time.

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

Representatives Green and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1596.

MOTIONS

On motion of Representative Santos, Representatives Clibborn, Eddy and Pettigrew were excused. On motion of Representative Hinkle, Representative Rodne was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1596 and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 4.

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

HOUSE BILL NO. 1596, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I not been excused, I would have voted YEA on HOUSE BILL NO. 1596.

JAY RODNE, 5th District

SECOND READING

HOUSE BILL NO. 1789, by Representatives Dammeier, O'Brien, Dickerson, Hurst, Klippert, Morrell, Orwall, Green, Walsh and Darneille

Allowing the department of corrections to rely upon jail certification in the calculation of release dates for offenders.

The bill was read the second time.

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

Representatives Dammeier and Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1789.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1789 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Clibborn, Eddy and Pettigrew

HOUSE BILL NO. 1789, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1825, by Representatives Rodne and Anderson

Identifying specific facilities planning requirements under the growth management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1825 was substituted for House Bill No. 1825 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1825 was read the second time.

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

Representatives Rodne and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1825.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1825 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn,

Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Clibborn and Pettigrew.

SUBSTITUTE HOUSE BILL NO. 1825, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 1826, by Representatives Rodne, Pedersen and Santos

Addressing the proceeds from foreclosure sales.

The bill was read the second time.

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

Representatives Rodne and Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1826.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1826 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Clibborn

HOUSE BILL NO. 1826, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1841, by Representatives White, Warnick, Wallace, Angel, Sells, Hasegawa, Hinkle, Goodman, Lias, Ormsby, Anderson, Haigh, Sullivan, Haler, Priest, Morris, Kenney, Schmick, Hudgins and Conway

Adding a faculty member to the governing board of each four-year institution of higher education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1841 was substituted for House Bill No. 1841 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1841 was read the second time.

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

Representatives White and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1841.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1841 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

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

Voting nay: Representative Carlyle.

Excused: Representative Clibborn.

SUBSTITUTE HOUSE BILL NO. 1841, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative White on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

MESSAGE FROM THE SENATE

March 3, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5001,
ENGROSSED SENATE BILL NO. 5013,
SENATE BILL NO. 5017,
SENATE BILL NO. 5038,
SENATE BILL NO. 5074,
SUBSTITUTE SENATE BILL NO. 5130,
SUBSTITUTE SENATE BILL NO. 5232,
SUBSTITUTE SENATE BILL NO. 5261,
SENATE BILL NO. 5356,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5437,
SENATE BILL NO. 5452,
SUBSTITUTE SENATE BILL NO. 5561,
SENATE BILL NO. 5717,
SENATE BILL NO. 5720,
SENATE BILL NO. 5767,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1052, by Representatives Moeller, Williams, Blake, Chase and Kretz

Concerning firearm licenses for persons from other countries.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1052 was substituted for House Bill No. 1052 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1052 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1052.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1052 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE HOUSE BILL NO. 1052, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1311, by Representatives Kirby, Bailey, Morrell, Sullivan, Kenney, Simpson and Nelson

Regulating reverse mortgage lending practices.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (046):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "FHA-approved reverse mortgage" means a "home equity conversion mortgage" or other reverse mortgage product guaranteed or insured by the federal department of housing and urban development.

(2) "Owner-occupied residence" is the borrower's residence and includes a life estate property the legal title for which is held in the name of the borrower in a reverse mortgage transaction or in the name of a trust, provided the occupant of the property is the beneficiary of that trust.

(3) "Proprietary reverse mortgage loan" is any reverse mortgage loan product that is not a home equity conversion mortgage loan or other federally guaranteed or insured loan.

(4) "Reverse mortgage broker or lender" means a licensee under the Washington state consumer loan act, chapter 31.04 RCW, or a person exempt from licensing pursuant to federal law.

(5) "Reverse mortgage loan" means a nonrecourse consumer credit obligation in which:

(a) A mortgage, deed of trust, or equivalent consensual security interest securing one or more advances is created in the borrower's dwelling;

(b) Any principal, interest, or shared appreciation or equity is due and payable, other than in the case of default, only after:

(i) The consumer dies;

(ii) The dwelling is transferred; or

(iii) The consumer ceases to occupy the dwelling as a dwelling;

and

(c) The broker or lender is licensed under Washington state law or exempt from licensing under federal law.

NEW SECTION. Sec. 2. (1) For purposes of sections 1 through 9 of this act, in addition to any other requirements, licensees must comply with the following requirements before offering proprietary reverse mortgage loans:

(a) Maintain an irrevocable standby letter of credit approved by the director from a financial institution approved by the director in favor of the licensee in an amount necessary to fund all reverse mortgage loan requirements anticipated over the next twelve months for loans then on the licensee's books and those expected to be made over the next twelve months or three million dollars, whichever is greater. The initial term of the letter of credit must be at least two years.

(b) The financial institution that provides the letter of credit as required in (a) of this subsection may not be affiliated with the licensee.

(c) A licensee with a rating of either 4A1 or 5A1 from Dun & Bradstreet credit services for three consecutive years is exempt from the requirements set forth in (a) of this subsection.

(2) The licensee shall maintain a minimum capital of ten million dollars.

(3) A licensee may rely on the capital of its parent to satisfy the requirement of subsection (2) of this section. However, for any year in which a licensee seeks to so rely, it shall provide to the director a certified financial statement of the parent showing a net worth of at least one hundred million dollars as of the close of its most recent fiscal year and a binding written commitment from the parent to the licensee to make a minimum of ten million dollars available to the licensee as a capital contribution in connection with its reverse mortgage lending program.

(4) Subsections (2) and (3) of this section do not apply to a licensee that:

(a) Only originates proprietary reverse mortgage loans the proceeds of which are fully disbursed at the loan closing; or

(b) Only originates proprietary reverse mortgage loans that are sold into the secondary market to an investor with either a 4A1 or 5A1 rating from Dun & Bradstreet credit services. A licensee that makes such a sale shall obtain a written commitment to purchase the loans from the investor prior to closing and shall arrange for the delivery of the loans to the investor within ten days of the loan closing.

NEW SECTION. Sec. 3. The department of financial institutions has specific authority to develop rules regarding the interpretation and implementation of this section. A proprietary reverse mortgage loan must comply with all of the following requirements:

(1) For the purposes of this section prepayment, in whole or in part, or the refinancing of a reverse mortgage loan, is permitted without penalty at any time during the term of the reverse mortgage loan. For the purposes of this section, penalty does not include any fees, payments, or other charges, not including interest, that would have otherwise been due upon the reverse mortgage being due and payable. However, when a reverse mortgage lender has paid or waived all of the usual fees or costs associated with a reverse mortgage loan, a prepayment penalty may be imposed, provided the penalty does not exceed the total amount of the usual fees or costs that were initially absorbed or waived by the reverse mortgage lender. A mortgagee may not impose a prepayment penalty under

this subsection if the prepayment is caused by the occurrence of the death of the borrowers. A borrower must be provided prior written notice of any permissible prepayment penalty under this section;

(2) A reverse mortgage loan may provide for a fixed or adjustable interest rate or combination thereof, including compound interest, and may also provide for interest that is contingent on the value of the property upon execution of the loan or at maturity, or on changes in value between closing and maturity;

(3) The lender shall pay a late charge to the borrower for any late advance. If the lender does not mail or electronically transfer a scheduled monthly advance to the borrower on the first business day of the month, or within five business days of the date the lender receives the request, or such other regularly scheduled contractual date, the late charge is ten percent of the entire amount that should have been paid to the borrower for that month or as a result of that request. For each additional day that the lender fails to make the advance, the lender shall pay interest on the late advance at the interest rate stated in the loan documents. If the loan documents provide for an adjustable interest rate, the rate in effect when the late charge first accrues is used. Any late charge is paid from the lender's funds and may not be added to the unpaid principal balance. Additionally, the lender forfeits the right to interest and a monthly servicing fee for any months in which the advance has not been timely made. This section does not affect the department of financial institution's ability to impose other sanctions to protect consumers of reverse mortgage loans;

(4) The reverse mortgage loan may become due and payable upon the occurrence of any one of the following events:

(a) The home securing the loan is sold or title to the home is otherwise transferred;

(b) All borrowers cease occupying the home as a principal residence, except as provided in subsection (5) of this section; or

(c) A defaulting event occurs which is specified in the loan documents;

(5) Repayment of the reverse mortgage loan is subject to the following additional conditions:

(a) Temporary absences from the home not exceeding one hundred eighty consecutive days do not cause the mortgage to become due and payable;

(b) Extended absences from the home exceeding one hundred eighty consecutive days, but less than one year, do not cause the mortgage to become due and payable if the borrower has taken prior action that secures and protects the home in a manner satisfactory to the lender, as specified in the loan documents;

(c) The lender's right to collect reverse mortgage loan proceeds is subject to the applicable statute of limitations for written loan contracts. Notwithstanding any other provision of law, the statute of limitations shall commence on the date that the reverse mortgage loan becomes due and payable as provided in the loan agreement; and

(d) Using conspicuous, bold sixteen-point or larger type, the lender shall disclose in the loan agreement any interest rate or other fees to be charged during the period that commences on the date that the reverse mortgage loan becomes due and payable, and that ends when repayment in full is made;

(6) The first page of any deed of trust securing a reverse mortgage loan must contain the following statement in sixteen-point boldface type: "This deed of trust secures a reverse mortgage loan;"

(7) A lender or any other party that participates in the origination of a reverse mortgage loan shall not require an applicant for a reverse mortgage to purchase an annuity, insurance, or another product as a condition of obtaining a reverse mortgage loan. A reverse mortgage lender or a broker arranging a reverse mortgage loan shall not:

(a) Offer an annuity to the borrower prior to the closing of the reverse mortgage or before the expiration of the right of the borrower to rescind the reverse mortgage agreement;

(b) Refer the borrower to anyone for the purchase of an annuity prior to the closing of the reverse mortgage or before the expiration of the right of the borrower to rescind the reverse mortgage agreement; or

(c) Provide marketing information or annuity sales leads to anyone regarding the prospective borrower or borrower, or receive any compensation for such an annuity sale or referral;

(8)(a) A lender or any other party that participates in the origination of a reverse mortgage loan shall maintain safeguards, acceptable to the department of financial institutions, to ensure that individuals offering reverse mortgage loans do not provide reverse mortgage borrowers with any other financial or insurance products and that individuals participating in the origination of a reverse mortgage loan have no ability or incentive to provide the borrower with any other financial or insurance product;

(b) The borrower shall not be required, directly or indirectly, as a condition of obtaining a reverse mortgage under this section, to purchase any other financial or insurance products;

(9) Prior to accepting a final and complete application for a reverse mortgage loan or assessing any fees, a lender shall refer the prospective borrower to an independent housing counseling agency approved by the federal department of housing and urban development for counseling. The counseling must meet the standards and requirements established by the federal department of housing and urban development for reverse mortgage counseling. The lender shall provide the borrower with a list of at least five independent housing counseling agencies approved by the federal department of housing and urban development, including at least two agencies that can provide counseling by telephone. Telephone counseling is only available at the borrower's request;

(10) A lender shall not accept a final and complete application for a reverse mortgage loan from a prospective applicant or assess any fees upon a prospective applicant without first receiving a certification from the applicant or the applicant's authorized representative that the applicant has received counseling from an agency as described in subsection (9) of this section. The certification must be signed by the borrower and the agency counselor, and must include the date of the counseling and the names, addresses, and telephone numbers of both the counselor and the borrower. Electronic facsimile copy of the housing counseling certification satisfies the requirements of this subsection. The lender shall maintain the certification in an accurate, reproducible, and accessible format for the term of the reverse mortgage;

(11) A reverse mortgage loan may not be made for a Washington state resident unless that resident is a minimum of sixty years of age as of the date of execution of the loan; and

(12) Except for the initial disbursement of moneys to the closing agent, advances by the lender to the borrower must be issued directly to the borrower, or his or her legal representative, and not to an intermediary or third party.

NEW SECTION. Sec. 4. The borrower in a proprietary reverse mortgage transaction has the same right to rescind the transaction as provided in the truth in lending act, Regulation Z, 12 C.F.R. Sec. 226.

NEW SECTION. Sec. 5. (1) This section does not apply to a home equity conversion mortgage or other federally administered reverse mortgage product. A proprietary reverse mortgage loan product may not be offered without preapproval by the department of financial institutions.

(2) The director may make rules regarding the preapproval process, and may require any documentation, information, standards, or data deemed necessary by the director. The director may disapprove any proprietary reverse mortgage loan products that contain or incorporate by reference any inconsistent, ambiguous, or misleading provisions or terms, or exceptions and conditions which unreasonably or deceptively affect the reverse mortgage contract. Additional grounds for disapproval may include, without limitation, the existence in the proprietary product of any benefits provided to the borrower that are contrary to public policy.

NEW SECTION. Sec. 6. (1) A proprietary reverse mortgage loan application may not be taken by a lender unless the loan applicant has received from the lender the following plain language statement in conspicuous bold sixteen-point type or larger, advising the prospective borrower about counseling prior to obtaining the reverse mortgage loan within three business days of receipt of the completed loan application:

"Important notice to reverse mortgage loan applicant

A reverse mortgage is a complex financial transaction that provides a means of using the equity you have built up in your home, or the value of your home, as a way to access home equity.

If you decide to obtain a reverse mortgage loan, you will sign binding legal documents that will have important legal, tax, and financial implications for you and your estate.

It is very important for you to understand the terms of the reverse mortgage and its effect. Before entering into this transaction, you are required by law to consult with an independent loan counselor. A list of approved counselors will be provided to you by the lender or broker. You may also want to discuss your decision with family members or others on whom you rely for financial advice."

(2) As part of the disclosure required under this section, the lender or servicer shall provide an annual, or more frequent, disclosure statement to the borrower, providing details of the loan advances, balance, other terms, and the name and telephone number of the lender's employee or agent who has been specifically designated to respond to inquiries concerning reverse mortgage loans.

(3) In addition to any other loan documentation or disclosure, prior to execution of the loan and at the end of the loan term, the lender may either obtain an independent appraisal of the property value or use the current year's tax assessment valuation of the property. Copies of these appraisals must be timely provided to the borrower within five days of the borrower's written request, provided the borrower has paid for the appraisal.

NEW SECTION. Sec. 7. (1) In addition to any other remedies, if a lender defaults on any of the reverse mortgage loan terms and fails to cure an actual default after notice as specified in the loan documents, the borrower, or the borrower's estate, is entitled to treble damages.

(2) An arrangement, transfer, or lien subject to this chapter is not invalidated solely because of the failure of a lender to comply with any provision of this chapter. However, this section does not preclude the application of any other existing civil remedies provided by law.

(3) A violation of federal legal requirements for an FHA-approved reverse mortgage as defined in section 1(1) of this act constitutes a violation of this chapter.

NEW SECTION. Sec. 8. (1) To the extent that implementation of this section does not conflict with federal law resulting in the loss of federal funding, proprietary reverse mortgage loan advances made to a borrower must be treated as proceeds from a loan and not as income for the purpose of determining eligibility and benefits under means-tested programs of aid to individuals.

(2) Undisbursed reverse mortgage funds must be treated as equity in the borrower's home and not as proceeds from a loan, resources, or assets for the purpose of determining eligibility and benefits under means-tested programs of aid to individuals.

(3) This section applies to any law or program relating to payments, allowances, benefits, or services provided on a means-tested basis by this state including, but not limited to, optional state supplements to the federal supplemental security income program, low-income energy assistance, property tax relief, general assistance, and medical assistance only to the extent this section does not conflict with Title 19 of the federal social security act.

NEW SECTION. Sec. 9. The director of the department of financial institutions may take the necessary steps to ensure that this act is implemented on its effective date.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act may be known and cited as the Washington state reverse mortgage act.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act are each added to chapter 31.04 RCW and codified with the subchapter heading of "reverse mortgage lending."

Sec. 12. RCW 31.04.015 and 2001 c 81 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires a different meaning.

(1) "Person" includes individuals, partnerships, associations, limited liability companies, limited liability partnerships, trusts, corporations, and all other legal entities.

(2) "License" means a single license issued under the authority of this chapter with respect to a single place of business.

(3) "Licensee" means a person to whom one or more licenses have been issued.

(4) "Director" means the director of financial institutions.

(5) "Insurance" means life insurance, disability insurance, property insurance, involuntary unemployment insurance, and such other insurance as may be authorized by the insurance commissioner.

(6) "Add-on method" means the method of precomputing interest payable on a loan whereby the interest to be earned is added to the principal balance and the total plus any charges allowed under this chapter is stated as the loan amount, without further provision for the payment of interest except for failure to pay according to loan terms. The director may adopt by rule a more detailed explanation of the meaning and use of this method.

(7) "Simple interest method" means the method of computing interest payable on a loan by applying the annual percentage interest rate or its periodic equivalent to the unpaid balances of the principal of the loan outstanding for the time outstanding with each payment applied first to any unpaid penalties, fees, or charges, then to accumulated interest, and the remainder of the payment applied to the unpaid balance of the principal until paid in full. In using such method, interest shall not be payable in advance nor compounded, except that on a loan secured by real estate, a licensee may collect at the time of the loan closing up to but not exceeding forty-five days of prepaid interest. The prohibition on compounding interest does not apply to reverse mortgage loans made in accordance with the Washington state reverse mortgage act. The director may adopt by rule a more detailed explanation of the meaning and use of this method.

(8) "Applicant" means a person applying for a license under this chapter.

(9) "Borrower" means any person who consults with or retains a licensee or person subject to this chapter in an effort to obtain or seek information about obtaining a loan, regardless of whether that person actually obtains such a loan.

(10) "Loan" means a sum of money lent at interest or for a fee or other charge and includes both open-end and closed-end loan transactions.

(11) "Loan originator" means a person employed, either directly or indirectly, or retained as an independent contractor by a licensee, to make or assist a person in applying to obtain a loan.

(12) "Making a loan" means closing a loan in a person's name, or advancing, offering to advance, or making a commitment to advance funds to a borrower for a loan.

(13) "Mortgage broker" means the same as defined in RCW 19.146.010, except that for purposes of this chapter, a licensee or person subject to this chapter cannot receive compensation as both a consumer loan licensee making the loan and as a mortgage broker in the same loan transaction.

(14) "Officer" means an official appointed by the company for the purpose of making business decisions or corporate decisions.

(15) "Principal" means any person who controls, directly or indirectly through one or more intermediaries, alone or in concert with others, a ten percent or greater interest in a partnership; company; association or corporation; or a limited liability company, and the owner of a sole proprietorship.

(16) "Senior officer" means an officer of a licensee at the vice president level or above.

(17) "Third party service provider" means any person other than the licensee or a mortgage broker who provides goods or services to the licensee or borrower in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, real estate brokers or salespersons, title insurance companies and agents, appraisers, structural and pest inspectors, or escrow companies.

Sec. 13. RCW 31.04.115 and 1994 c 92 s 168 are each amended to read as follows:

(1) As used in this section, "open-end loan" means an agreement between a licensee and a borrower that expressly states that the loan is made in accordance with this chapter and that provides that:

(a) A licensee may permit the borrower to obtain advances of money from the licensee from time to time, or the licensee may advance money on behalf of the borrower from time to time as directed by the borrower;

(b) The amount of each advance and permitted charges and costs are debited to the borrower's account, and payments and other credits are credited to the same account;

(c) The charges are computed on the unpaid principal balance, or balances, of the account from time to time; and

(d) The borrower has the privilege of paying the account in full at any time without prepayment penalty or, if the account is not in default, in monthly installments of fixed or determinable amounts as provided in the agreement.

(2)(a) Interest charges on an open-end loan shall not exceed twenty-five percent per annum computed in each billing cycle by any of the following methods:

((a)) (i) By converting the annual rate to a daily rate, and multiplying the daily rate by the daily unpaid principal balance of the account, in which case each daily rate is determined by dividing the annual rate by three hundred sixty-five;

((b)) (ii) By multiplying a monthly rate by the average daily unpaid principal balance of the account in the billing cycle, in which case the monthly rate is one-twelfth of the annual rate, and the average daily unpaid principal balance is the sum of the amount unpaid each day during the cycle divided by the number of days in the cycle; or

((c)) (iii) By converting the annual rate to a daily rate, and multiplying the daily rate by the average daily unpaid principal balance of the account in the billing cycle, in which case the daily rate is determined by dividing the annual rate by three hundred sixty-five, and the average daily unpaid principal balance is the sum of the amount unpaid each day during the cycle divided by the number of days in the cycle.

For all of the methods of computation specified in this subsection (2)(a), the billing cycle shall be monthly, and the unpaid principal balance on any day shall be determined by adding to the balance unpaid, as of the beginning of that day, all advances and other permissible amounts charged to the borrower, and deducting all payments and other credits made or received that day. A billing cycle is considered monthly if the closing date of the cycle is on the same date each month, or does not vary by more than four days from that date.

(b) Reverse mortgage loans made in accordance with the Washington state reverse mortgage act are not subject to the interest charge computation restrictions or billing cycle requirements in this section.

(3) In addition to the charges permitted under subsection (2) of this section, the licensee may contract for and receive an annual fee, payable each year in advance, for the privilege of opening and maintaining an open-end loan account. Except as prohibited or limited by this section, the licensee may also contract for and receive on an open-end loan any additional charge permitted by this chapter on other loans, subject to the conditions and restrictions otherwise pertaining to those charges.

(4)(a) If credit life or credit disability insurance is provided, the additional charge for credit life insurance or credit disability insurance shall be calculated in each billing cycle by applying the current monthly premium rate for the insurance, at the rate approved by the insurance commissioner to the entire outstanding balances in the borrower's open-end loan account, or so much thereof as the insurance covers using any of the methods specified in subsection (2)(a) of this section for the calculation of interest charges; and

(b) The licensee shall not cancel credit life or disability insurance written in connection with an open-end loan because of delinquency of the borrower in the making of the required minimum payments on the loan, unless one or more of the payments is past due for a period of ninety days or more; and the licensee shall advance to the insurer the amounts required to keep the insurance in force during that period, which amounts may be debited to the borrower's account.

(5) A security interest in real or personal property may be taken to secure an open-end loan. Any such security interest may be

retained until the open-end account is terminated. The security interest shall be promptly released if (a) there has been no outstanding balance in the account for twelve months and the borrower either does not have or surrenders the unilateral right to create a new outstanding balance; or (b) the account is terminated at the borrower's request and paid in full.

(6) The licensee may from time to time increase the rate of interest being charged on the unpaid principal balance of the borrower's open-end loans if the licensee mails or delivers written notice of the change to the borrower at least thirty days before the effective date of the increase unless the increase has been earlier agreed to by the borrower. However, the borrower may choose to terminate the open-end account and the licensee shall allow the borrower to repay the unpaid balance incurred before the effective date of the rate increase upon the existing open-end loan account terms and interest rate unless the borrower incurs additional debt on or after the effective date of the rate increase or otherwise agrees to the new rate.

(7) The licensee shall deliver a copy of the open-end loan agreement to the borrower at the time the open-end account is created. The agreement must contain the name and address of the licensee and of the principal borrower, and must contain such specific disclosures as may be required by rule of the director. In adopting the rules the director shall consider Regulation Z promulgated by the board of governors of the federal reserve system under the federal consumer credit protection act.

(8) Except in the case of an account that the licensee deems to be uncollectible, or with respect to which delinquency collection procedures have been instituted, the licensee shall deliver to the borrower at the end of each billing cycle in which there is an outstanding balance of more than one dollar in the account, or with respect to which interest is imposed, a periodic statement in the form required by the director. In specifying such form the director shall consider Regulation Z promulgated by the board of governors of the federal reserve system under the federal consumer credit protection act."

Correct the title.

Representative Kirby spoke in favor of the adoption of amendment (046).

Amendment(046) was adopted. The bill was ordered engrossed.

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

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1311.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1311 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 1311, having received the necessary constitutional majority, was declared passed.

POINT OF PARLIAMENTARY INQUIRY

Representative Ericksen: "Mr. Speaker, I am considering having an amendment drafted to one of today's second reading calendar, House Bill No. 1504 but in order to draft the amendment I need to find out if a bill such as House Bill No. 1504 which removes a tax exemption will be considered to have raised taxes as that term is defined in Initiative Measure 960. I would point specifically, Mr. Speaker, to how the term "raises taxes" is defined in RCW 43.135.035 Section 6 as meaning 'any action or combination of actions by the Legislature that increases State tax revenue deposited in fund, budget or account regardless of whether revenues are deposited in the General Fund.'

As currently drafted, Mr. Speaker, does House Bill No. 1504 require a two-third vote of the full House to pass? Thank you for any guidance you can offer."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you, Representative Ericksen for your point of parliamentary inquiry.

The Speaker would rule that because we do not have a final question before the body, which would be on third reading and final passage, the ruling would have to be speculative in nature. The Speaker does not issue advisory opinions or speculative options on bills before they have reached a final question before the body. Because your motion is not one that is timely with the final consideration of the bill, it is out of order.

Your point is not well taken."

SECOND READING

HOUSE BILL NO. 1564, by Representatives Rodne, Kirby, Kelley, Roach, Williams, Hasegawa, Simpson and Nelson

Requiring the disclosure of information on flood insurance coverage.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1564 was substituted for House Bill No. 1564 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1564 was read the second time.

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

Representatives Rodne and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1564.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1564 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy,

McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1564, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1816, by Representatives Morrell, Bailey, Eddy, Rodne, Crouse and Hudgins

Regarding wireless phone numbers used by directory providers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1816 was substituted for House Bill No. 1816 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1816 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1816.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1816 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1816, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1956, by Representatives Williams, Chase, Ormsby, Darneille, Van De Wege, Dickerson and Simpson

Authorizing the housing of homeless persons on property owned or controlled by a church. Revised for 1st Substitute: Authorizing the housing of homeless persons on property owned or controlled by a church

The bill was read the second time.

There being no objection, Substitute House Bill No. 1956 was substituted for House Bill No. 1956 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1956 was read the second time.

Representative Williams moved the adoption of amendment (041):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there are many homeless persons in our state that are in need of shelter and other services that are not being provided by the state and local governments. The legislature also finds that in many communities churches play an important role in providing needed services to the homeless, including the provision of shelter upon church property. By providing such shelter, the religious institutions in our communities perform a valuable public service that, for many, offers a temporary, stop-gap solution to the larger social problem of increasing numbers of homeless persons.

NEW SECTION. Sec. 2. A new section is added to chapter 36.01 RCW to read as follows:

(1) A church may host temporary encampments for the homeless on property owned or controlled by the church whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A county may not enact an ordinance or regulation or take any other action that:

(a) Unreasonably interferes with the decisions or actions of a church regarding the location of housing or shelter for homeless persons on property the church owns or controls;

(b) Unreasonably prohibits or attempts to regulate the housing of homeless persons on church property based upon the property's proximity to a school or day care center; or

(d) Requires a church to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on church property or otherwise requires the church to indemnify the municipality against such liability.

(3) For the purposes of this section, "church" means a building or buildings and adjacent real property that is used as a place of worship by a religious denomination and that is owned or controlled by the denomination.

NEW SECTION. Sec. 3. A new section is added to chapter 35.21 RCW to read as follows:

(1) A church may host temporary encampments for the homeless on property owned or controlled by the church whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A city or town may not enact an ordinance or regulation or take any other action that:

(a) Unreasonably interferes with the decisions or actions of a church regarding the location of housing or shelter for homeless persons on property the church owns or controls;

(b) Unreasonably prohibits or attempts to regulate the housing of homeless persons on church property based upon the property's proximity to a school or day care center; or

(d) Requires a church to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on church property or otherwise requires the church to indemnify the municipality against such liability.

(3) For the purposes of this section, "church" means a building or buildings and adjacent real property that is used as a place of worship by a religious denomination and that is owned or controlled by the denomination.

NEW SECTION. Sec. 4. A new section is added to chapter 35A.21 RCW to read as follows:

(1) A church may host temporary encampments for the homeless on property owned or controlled by the church whether within buildings located on the property or elsewhere on the property outside of buildings.

(2) A code city may not enact an ordinance or regulation or take any other action that:

(a) Unreasonably interferes with the decisions or actions of a church regarding the location of housing or shelter for homeless persons on property the church owns or controls;

(b) Unreasonably prohibits or attempts to regulate the housing of homeless persons on church property based upon the property's proximity to a school or day care center; or

(d) Requires a church to obtain insurance pertaining to the liability of a municipality with respect to homeless persons housed on church property or otherwise requires the church to indemnify the municipality against such liability.

(3) For the purposes of this section, "church" means a building or buildings and adjacent real property that is used as a place of worship by a religious denomination and that is owned or controlled by the denomination.

NEW SECTION. Sec. 5. Nothing in this act is intended to change applicable law or be interpreted to prohibit a county, city, town, or code city from applying zoning and land use regulations allowable under established law to real property owned by a church, regardless of whether the property owned by the church is used to provide shelter or housing to homeless persons."

Representative Williams moved the adoption of amendment (071) to amendment (041):

On page 3 of the striking amendment, beginning on line 23, after "worship" strike all material through "denomination" on line 24 and insert "by any religious group, congregation, or denomination and that is owned or controlled by such group, congregation, or denomination"

Representative Williams spoke in favor of the adoption of the amendment to amendment (041).

Amendment (071) to amendment (041) was adopted.

Representative Williams spoke in favor of the adoption of amendment (041) as amended.

Amendment (041) as amended was adopted. The bill was ordered engrossed.

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

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

Representatives Angel and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1956.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1956 and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, Lias, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956, having received the necessary constitutional majority, was declared passed.

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

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

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1844.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1844 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1844, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2013, by Representatives Green, Roach, Kirby, Warnick and Morrell

Allowing the owner of a self-service storage facility to offer self-service storage insurance.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2013 was substituted for House Bill No. 2013 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2013 was read the second time.

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

Representatives Green and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2013.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2013 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2013, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2061, by Representative Kirby

Concerning the powers of the public deposit protection commission in regard to banks, savings banks, and savings associations as public depositaries.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2061 was substituted for House Bill No. 2061 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2061 was read the second time.

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

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2061.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2061 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2061, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1794, by Representative Moeller

Concerning the calculation of child support.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1794 was substituted for House Bill No. 1794 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1794 was read the second time.

Representative Moeller moved the adoption of amendment (038):

Beginning on page 1, line 5, strike all material through "873" on page 12, line 36 and insert the following:

"Sec. 1. RCW 26.19.020 and 1998 c 163 s 2 are each amended to read as follows:

Format change to accommodate text.

ECONOMIC TABLE
 MONTHLY BASIC SUPPORT OBLIGATION
 PER CHILD
 KEY: A= AGE 0-11 B= AGE 12-18

COMBINED MONTHLY NET INCOME	ONE CHILD FAMILY		TWO CHILDREN FAMILY	
	A	B	A	B
((0				
100				
200				
300				
400	For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month except when allowed by RCW 26.19.065(2).			
500				
600	133	164	103	127
700	155	191	120	148
800	177	218	137	170
900	199	246	154	191))
	<u>For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).</u>			
1000	220	272	171	211
1100	242	299	188	232
1200	264	326	205	253
1300	285	352	221	274
1400	307	379	238	294
1500	327	404	254	313
1600	347	428	269	333
1700	367	453	285	352
1800	387	478	300	371
1900	407	503	316	390
2000	427	527	331	409
2100	447	552	347	429
2200	467	577	362	448
2300	487	601	378	467
2400	506	626	393	486
2500	526	650	408	505
2600	534	661	416	513
2700	542	670	421	520
2800	549	679	427	527
2900	556	686	431	533
3000	561	693	436	538
3100	566	699	439	543
3200	569	704	442	546
3300	573	708	445	549
3400	574	710	446	551
3500	575	711	447	552
3600	577	712	448	553
3700	578	713	449	554
3800	581	719	452	558
3900	596	736	463	572
4000	609	753	473	584
4100	623	770	484	598
4200	638	788	495	611
4300	651	805	506	625
4400	664	821	516	637
4500	677	836	525	649
4600	689	851	535	661
4700	701	866	545	673
4800	713	882	554	685
4900	726	897	564	697
5000	738	912	574	708
5100	751	928	584	720
5200	763	943	593	732
5300	776	959	602	744
5400	788	974	612	756

5500	800	989	622	768
5600	812	1004	632	779
5700	825	1019	641	791
5800	837	1035	650	803
5900	850	1050	660	815
6000	862	1065	670	827
6100	875	1081	680	839
6200	887	1096	689	851
6300	899	1112	699	863
6400	911	1127	709	875
6500	924	1142	718	887
6600	936	1157	728	899
6700	949	1172	737	911
6800	961	1188	747	923
6900	974	1203	757	935
7000	986	1218	767	946
7100	998	1233	776	958
7200	1009	1248	785	971
7300	1021	1262	794	982
7400	1033	1276	803	993
7500	1044	1290	812	1004
7600	1055	1305	821	1015
7700	1067	1319	830	1026
7800	1078	1333	839	1037
7900	1089	1346	848	1048
8000	1100	1360	857	1059
8100	1112	1374	865	1069
8200	1123	1387	874	1080
8300	1134	1401	882	1091
8400	1144	1414	891	1101
8500	1155	1428	899	1112
8600	1166	1441	908	1122
8700	1177	1454	916	1133
8800	1187	1467	925	1143
8900	1198	1481	933	1153
9000	1208	1493	941	1163
9100	1219	1506	949	1173
9200	1229	1519	957	1183
9300	1239	1532	966	1193
9400	1250	1545	974	1203
9500	1260	1557	982	1213
9600	1270	1570	989	1223
9700	1280	1582	997	1233
9800	1290	1594	1005	1242
9900	1300	1606	1013	1252
10000	1310	1619	1021	1262
10100	1319	1631	1028	1271
10200	1329	1643	1036	1281
10300	1339	1655	1044	1290
10400	1348	1666	1051	1299
10500	1358	1678	1059	1308
10600	1367	1690	1066	1318
10700	1377	1701	1073	1327
10800	1386	1713	1081	1336
10900	1395	1724	1088	1345
11000	1404	1736	1095	1354
11100	1413	1747	1102	1363
11200	1422	1758	1110	1371
11300	1431	1769	1117	1380
11400	1440	1780	1124	1389
11500	1449	1791	1131	1398
11600	1458	1802	1138	1406
11700	1467	1813	1145	1415
11800	1475	1823	1151	1423
11900	1484	1834	1158	1431
12000	1492	1844	1165	1440

COMBINED

MONTHLY

NET

INCOME

THREE
CHILDREN
FAMILY

A

B

FOUR
CHILDREN
FAMILY

A

B

FIVE
CHILDREN
FAMILY

A

B

((@
+00

200						
300						
400	For income less than \$600 the obligation is based upon the resources and living expenses of each household. Minimum support shall not be less than \$25 per child per month except when allowed by RCW 26.19.065(2).					
500						
600	86	106	73	90	63	78
700	100	124	85	105	74	91
800	115	142	97	120	84	104
900	129	159	109	135	95	118))
	<u>For income less than \$1000 the obligation is based upon the resources and living expenses of each household. Minimum support may not be less than \$50 per child per month except when allowed by RCW 26.19.065(2).</u>					
1000	143	177	121	149	105	130
1100	157	194	133	164	116	143
1200	171	211	144	179	126	156
1300	185	228	156	193	136	168
1400	199	246	168	208	147	181
1500	212	262	179	221	156	193
1600	225	278	190	235	166	205
1700	238	294	201	248	175	217
1800	251	310	212	262	185	228
1900	264	326	223	275	194	240
2000	277	342	234	289	204	252
2100	289	358	245	303	213	264
2200	302	374	256	316	223	276
2300	315	390	267	330	233	288
2400	328	406	278	343	242	299
2500	341	421	288	356	251	311
2600	346	428	293	362	256	316
2700	351	435	298	368	259	321
2800	356	440	301	372	262	324
2900	360	445	305	376	266	328
3000	364	449	308	380	268	331
3100	367	453	310	383	270	334
3200	369	457	312	386	272	336
3300	371	459	314	388	273	339
3400	372	460	315	389	274	340
3500	373	461	316	390	275	341
3600	374	462	317	391	276	342
3700	375	463	318	392	277	343
3800	377	466	319	394	278	344
3900	386	477	326	404	284	352
4000	395	488	334	413	291	360
4100	404	500	341	422	298	368
4200	413	511	350	431	305	377
4300	422	522	357	441	311	385
4400	431	532	364	449	317	392
4500	438	542	371	458	323	400
4600	446	552	377	467	329	407
4700	455	562	384	475	335	414
4800	463	572	391	483	341	422
4900	470	581	398	491	347	429
5000	479	592	404	500	353	437
5100	487	602	411	509	359	443
5200	494	611	418	517	365	451
5300	503	621	425	525	371	458
5400	511	632	432	533	377	466
5500	518	641	439	542	383	473
5600	527	651	446	551	389	480
5700	535	661	452	559	395	488
5800	543	671	459	567	401	495
5900	551	681	466	575	407	502
6000	559	691	473	584	413	509
6100	567	701	479	593	418	517
6200	575	710	486	601	424	524
6300	583	721	493	609	430	532
6400	591	731	500	617	436	539
6500	599	740	506	626	442	546

<u>6600</u>	607	750	513	635	448	554
<u>6700</u>	615	761	520	643	454	561
<u>6800</u>	623	770	527	651	460	568
<u>6900</u>	631	780	533	659	466	575
<u>7000</u>	639	790	540	668	472	583
<u>7100</u>	647	800	547	677	478	591
<u>7200</u>	654	809	554	684	484	598
<u>7300</u>	662	818	560	693	490	605
<u>7400</u>	670	828	567	701	496	613
<u>7500</u>	677	837	574	709	502	620
<u>7600</u>	685	846	581	718	507	627
<u>7700</u>	692	855	587	726	513	634
<u>7800</u>	700	865	594	734	519	642
<u>7900</u>	707	874	601	742	525	649
<u>8000</u>	714	883	607	750	531	656
<u>8100</u>	722	892	614	759	536	663
<u>8200</u>	729	901	620	767	542	670
<u>8300</u>	736	910	627	775	548	677
<u>8400</u>	743	919	633	783	553	684
<u>8500</u>	750	928	640	791	559	691
<u>8600</u>	758	936	646	799	565	698
<u>8700</u>	765	945	653	807	570	705
<u>8800</u>	772	954	659	815	576	712
<u>8900</u>	779	962	665	822	582	719
<u>9000</u>	786	971	672	830	587	726
<u>9100</u>	792	980	678	838	593	732
<u>9200</u>	799	988	684	846	598	739
<u>9300</u>	806	996	691	854	604	746
<u>9400</u>	813	1005	697	861	609	753
<u>9500</u>	820	1013	703	869	614	759
<u>9600</u>	826	1021	709	877	620	766
<u>9700</u>	833	1030	716	884	625	773
<u>9800</u>	840	1038	722	892	631	779
<u>9900</u>	846	1046	728	900	636	786
<u>10000</u>	853	1054	734	907	641	793
<u>10100</u>	859	1062	740	915	647	799
<u>10200</u>	866	1070	746	922	652	806
<u>10300</u>	872	1078	752	930	657	812
<u>10400</u>	879	1086	758	937	662	819
<u>10500</u>	885	1094	764	944	668	825
<u>10600</u>	891	1102	770	952	673	832
<u>10700</u>	898	1109	776	959	678	838
<u>10800</u>	904	1117	782	966	683	844
<u>10900</u>	910	1125	788	974	688	851
<u>11000</u>	916	1132	794	981	693	857
<u>11100</u>	922	1140	799	988	698	863
<u>11200</u>	928	1147	805	995	703	869
<u>11300</u>	934	1155	811	1002	708	876
<u>11400</u>	940	1162	817	1009	714	882
<u>11500</u>	946	1170	822	1017	719	888
<u>11600</u>	952	1177	828	1024	723	894
<u>11700</u>	958	1184	834	1031	728	900
<u>11800</u>	964	1191	839	1038	733	906
<u>11900</u>	970	1199	845	1045	738	912
<u>12000</u>	975	1206	851	1051	743	919""

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

Amendment (038) was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1794.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1794 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1397, by Representatives Moeller, Ericksen, Cody, Green, Hinkle, Morrell, Bailey, Williams, Nelson and Wood

Concerning the delegation of authority to registered nurses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1397 was substituted for House Bill No. 1397 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1397 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1397.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1397 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh,

Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1397, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1510, by Representatives Ross, Klippert and Johnson

Regarding disclosure of confidential information on birth certificates.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1510 was substituted for House Bill No. 1510 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1510 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1510.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1510 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1510, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1022, by Representatives Williams, Warnick, Kelley, Rodne, Dickerson and Moeller

Changing provisions regarding statutory costs. Revised for 1st Substitute: Modifying statutory cost provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1022 was substituted for House Bill No. 1022 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1022 was read the second time.

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

Representatives Williams and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1022.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1022 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1022, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1138, by Representatives Liias, Clibborn, Moeller, Green, Cody, Driscoll, Morrell and Pedersen

Concerning access to employee restrooms in retail stores.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1138 was substituted for House Bill No. 1138 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1138 was read the second time.

Representative Liias moved the adoption of amendment (068):

On page 2, line 19, after "section" insert "and may require that an employee accompany the customer to the employee restroom facility"

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

Amendment (068) was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1138.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1138 and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Wood

Voting nay: Representatives Armstrong, Chandler, Condotta, DeBolt, Ericksen, Hope and Ross.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1225, by Representatives Liias, Rodne, Upthegrove, Roach, Simpson and Rolfes

Clarifying the effect of special fuel taxes on publicly owned or operated urban passenger transportation systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1225 was substituted for House Bill No. 1225 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1225 was read the second time.

Representative Ericksen moved the adoption of amendment (051):

On page 4, line 20, after "include" insert "school buses, whether operated by a school district or a commercial chartered bus service."

POINT OF ORDER

Representative Hudgins requested a scope and object ruling on amendment (051) to Substitute House Bill No. 1225.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Substitute House Bill 1225 is titled an act relating to "the effect of special fuel taxes on publicly owned or operated urban passenger transportation systems". The object of the bill is narrow – to provide transit agencies with an exemption from the diesel tax.

The amendment, extending the exemption to school buses, goes beyond this narrow objective and is therefore beyond the scope and object of the bill.

Representative Hudgins, your point of order is well taken."

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

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

Representatives Ericksen and Cox spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1225.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1225 and the bill passed the House by the following vote: Yeas, 69; Nays, 28; Absent, 0; Excused, 0.

Voting yea: Representatives Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chopp, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams and Wood

Voting nay: Representatives Alexander, Anderson, Chandler, Chase, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Ross, Schmick, Shea, Short and Warnick.

SUBSTITUTE HOUSE BILL NO. 1225, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1225.

KEVIN PARKER, 6th District

SECOND READING

HOUSE BILL NO. 1288, by Representatives Upthegrove, McCune, Simpson, Herrera, Newhouse, Armstrong, Roach, Quall, Orwall, Pettigrew, Bailey, Shea, Smith, Orcutt, Sullivan, Eddy, Johnson, Nelson, Ormsby, Kretz and Kristiansen

Exempting the annual parental declaration of intent to home school from the public disclosure act.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1288.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1288 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Moeller.

HOUSE BILL NO. 1288, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1308, by Representatives Driscoll, Hinkle, Cody, Sells, Wood, Morrell, Kelley, Clibborn, Moeller, Pedersen, Hudgins, Ormsby, Parker, Chase, Kenney, Goodman, Bailey, Simpson, Herrera and Nelson

Reducing organ transplant benefit waiting periods based upon prior creditable coverage.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1308 was substituted for House Bill No. 1308 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1308 was read the second time.

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

Representatives Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1308.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1308 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1308, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1394, by Representatives White, Kenney, Wallace, Orwall, Carlyle, Anderson, Sells, Chase and Sullivan

Changing the timeline for the state comprehensive plan for workforce training and education.

The bill was read the second time.

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

Representatives White and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1394.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1394 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1394, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1420, by Representatives Conway, Condotta, Maxwell, Williams, Chandler, Wood, Hinkle and Kelley

Revising real estate seller disclosure requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1420 was substituted for House Bill No. 1420 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1420 was read the second time.

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

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1420.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1420 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1420, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 1011, by Representatives Morris, Chase, Hasegawa, Kagi, Darneille, Upthegrove, Hudgins and Moeller

Regulating the use of identification devices by governmental and business entities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1011 was substituted for House Bill No. 1011 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1011 was read the second time.

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

Representatives Morris and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1011.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1011 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Carlyle.

SUBSTITUTE HOUSE BILL NO. 1011, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1008, by Representatives Morris, Chase, Upthegrove, Seaquist and Morrell

Concerning permit requirements for small wind energy systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1008 was substituted for House Bill No. 1008 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1008 was read the second time.

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

Representatives Morris and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1008.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1008 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1008, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1527, by Representatives Kessler, Rolfes, Williams and Santos**Concerning medicaid payment rates for boarding homes.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1527.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1527 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1527, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1541, by Representatives Seaquist, Conway, Crouse and Simpson

Granting half-time service credit for half-time educational employment prior to January 1, 1987, in plans 2 and 3 of the school employees' retirement system and the public employees' retirement system.

The bill was read the second time.

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

Representatives Seaquist and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1541.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1541 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1541, having received the necessary constitutional majority, was declared passed.

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

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

The bill was read the second time.

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

Representatives Conway and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1551.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1551 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1551, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1562, by Representatives Liias, Priest, Quall, Sullivan, Kenney, Simpson, McCune and Ormsby**Changing the requirements for graduating without a certificate of academic achievement or a certificate of individual achievement.**

The bill was read the second time.

Representative Bailey moved the adoption of amendment (019):

On page 2, beginning on line 26, strike all of section 2
Correct the title.

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

Representative Liias spoke against the adoption of the amendment.

Amendment (019) was not adopted.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1562.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1562 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1562, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1569, by Representatives Liias, O'Brien, Hope, Sells, Dunshee, Kagi, McCoy, Morrell and Ormsby**Establishing local public works assistance funds.**

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1569.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1569 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1569, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1675, by Representatives Sells, Anderson, Wallace, Upthegrove and Kenney**Changing the work experience provisions of the alternative route partnership grant program.**

The bill was read the second time.

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

Representatives Sells and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1675.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1675 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1675, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1678, by Representatives Van De Wege, Simpson, Ericks, Williams, Kelley, Sells, Ross, Hope and Conway**Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001.**

The bill was read the second time.

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

Representative Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1678.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1678 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1678, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1717, by Representatives Clibborn, Armstrong, Wood, Warnick and Klippert

Extending the time period for the department of transportation to enter into an agreement for a rail line over the Milwaukee Road corridor.

The bill was read the second time.

Representative Bailey moved the adoption of amendment (043):

On page 4, beginning on line 32, strike all of section 5
Correct the title.

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

Representative Clibborn spoke against adoption of the amendment.

Amendment (043) was not adopted.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1717.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1717 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter,

Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1717, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1728, by Representatives Takko, Haler, Ericks, Angel, Carlyle and Van De Wege

Regarding the issuance of checks by joint operating agencies and public utility districts.

The bill was read the second time.

Representative Takko moved the adoption of amendment (042):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.52.375 and 1982 1st ex.s. c 43 s 7 are each amended to read as follows:

(1) The board of each joint operating agency shall by resolution appoint a treasurer. The treasurer shall be the chief financial officer of the operating agency, who shall report at least annually to the board a detailed statement of the financial condition of the operating agency and of its financial operations for the preceding fiscal year. The treasurer shall advise the board on all matters affecting the financial condition of the operating agency. Before entering upon his or her duties the treasurer shall give bond to the operating agency, with a surety company authorized to write such bonds in this state as surety, in an amount which the board finds by resolution will protect the operating agency against loss, conditioned that all funds which he or she receives as such treasurer will be faithfully kept and accounted for and for the faithful discharge of his or her duties. The amount of such bond may be decreased or increased from time to time as the board may by resolution direct.

(2) The board shall also appoint an auditor and may require him or her to give a bond with a surety company authorized to do business in the state of Washington in such amount as it shall by resolution prescribe, conditioned for the faithful discharge of his or her duties. The auditor shall report directly to the board and be responsible to it for discharging his or her duties.

(3) The premiums on the bonds of the auditor and the treasurer shall be paid by the operating agency. The board may provide for coverage of said officers and other persons on the same bond.

(4) All funds of the joint operating agency shall be paid to the treasurer and shall be disbursed by ~~(him)~~ the treasurer only on checks or warrants issued by the auditor upon orders or vouchers approved by the board: PROVIDED, That the board by resolution may authorize the managing director or any other bonded officer or employee as legally permissible to approve or disapprove vouchers presented to defray salaries of employees and other expenses of the operating agency arising in the usual and ordinary course of its business, including expenses incurred by the board of directors, its executive committee, or the executive board in the performance of their duties. All moneys of the operating agency shall be deposited forthwith by the treasurer in such depositories, and with such securities as are designated by rules of the board. The treasurer shall establish a general fund and such special funds as shall be created by the board, into which he or she shall place all money of the joint operating agency as the board by resolution or motion may direct.

(5) The board may adopt a policy for the payment of claims or other obligations of the operating agency, which are payable out of solvent funds, and may elect to pay such obligations by check or warrant. However, if the applicable fund is not solvent at the time payment is ordered, then no check may be issued and payment shall be by warrant. When checks are to be used, the board shall designate the qualified public depository upon which the checks are to be drawn as

well as the officers required or authorized to sign the checks. For the purposes of this chapter, "warrant" includes checks where authorized by this subsection.

Sec. 2. RCW 54.24.010 and 1999 c 18 s 6 are each amended to read as follows:

(1) The treasurer of the county in which a utility district is located shall be ex officio treasurer of the district: PROVIDED, That the commission by resolution may designate some other person having experience in financial or fiscal matters as treasurer of the utility district. The commission may require a bond, with a surety company authorized to do business in the state of Washington, in an amount and under the terms and conditions which the commission by resolution from time to time finds will protect the district against loss. The premium on any such bond shall be paid by the district.

(2) All district funds shall be paid to the treasurer and shall be disbursed by him or her only on warrants issued by an auditor appointed by the commission, upon orders or vouchers approved by it. The treasurer shall establish a public utility district fund, into which shall be paid all district funds, and he or she shall maintain such special funds as may be created by the commission, into which he or she shall place all money as the commission may, by resolution, direct.

(3) If the treasurer of the district is the treasurer of the county all district funds shall be deposited with the county depositories under the same restrictions, contracts, and security as provided for county depositories; if the treasurer of the district is some other person, all funds shall be deposited in such bank or banks authorized to do business in this state as the commission by resolution shall designate, and with surety bond to the district or securities in lieu thereof of the kind, no less in amount, as provided in RCW 36.48.020 for deposit of county funds.

(4) Such surety bond or securities in lieu thereof shall be filed or deposited with the treasurer of the district, and approved by resolution of the commission.

(5) All interest collected on district funds shall belong to the district and be deposited to its credit in the proper district funds.

(6) A district may provide and require a reasonable bond of any other person handling moneys or securities of the district: PROVIDED, That the district pays the premium thereon.

(7) If the treasurer of the district is some other person than the treasurer of the county, the commission may adopt a policy for the payment of claims or other obligations of the utility district, which are payable out of solvent funds, and may elect to pay such obligations by check or warrant. However, if the applicable fund is not solvent at the time payment is ordered, then no check may be issued and payment shall be by warrant. When checks are to be used, the commission shall designate the qualified public depository upon which the checks are to be drawn as well as the officers required or authorized to sign the checks. For the purposes of this chapter, "warrant" includes checks where authorized by this subsection.

Correct the title.

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

Amendment(042) was adopted. The bill was ordered engrossed.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1728.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1728 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 1728, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1757, by Representatives Haigh, Haler, Kessler, Takko, Hinkle, Sullivan, McCune, Hunter, Cox, Finn, Priest and Van De Wege

Establishing a small school district contingency fund.

The bill was read the second time.

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

Representatives Haigh and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1757.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1757 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1757, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1831, by Representatives Short, Williams, Johnson, Campbell, Blake, Warnick, McCune, Kretz and Kristiansen

Concerning the rights of pet and livestock owners residing in unincorporated areas subject to annexation by a city or town.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1831 was substituted for House Bill No. 1831 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1831 was read the second time.

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

Representatives Short and Williams spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1831.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1831 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Simpson.

SUBSTITUTE HOUSE BILL NO. 1831, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ericksen congratulated Representative Short on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

SECOND READING

HOUSE BILL NO. 1876, by Representatives McCune, Miloscia, Haler, Klippert, Campbell, Rodne, Schmick, O'Brien, Roach, Warnick, Short, Conway, Cox and Orcutt

Providing funds for disabled veterans through voluntary donations.

The bill was read the second time.

Representative McCune moved the adoption of amendment (073):

On page 2, beginning on line 12, strike all of subsections (4) and (5) and insert the following:

"(4) All moneys deposited into the account must be used by the department for activities that benefit veterans including, but not limited to, providing programs and services that assist veterans with the procurement of durable medical equipment, mobility enhancing equipment, emergency home or vehicle repair, or emergency food or emergency shelter. The first priority for assistance provided through the account must be given to veterans who are experiencing a financial hardship and do not qualify for other federal or state veterans programs and services. Funds from the account may not be used to supplant existing funds received by the department.

(5) For the purposes of this section, "veteran" has the same meaning as in RCW 41.04.005 and 41.04.007, and also means an actively serving member of the national guard or reserves, or is active duty military personnel."

Representatives McCune and Miloscia spoke in favor of the passage of the amendment

Amendment (073) was adopted. The bill was ordered engrossed.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1876.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1876 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 1876, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1888, by Representatives Springer and Angel

Repealing RCW 46.12.295.

The bill was read the second time.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1888.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1888 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1888, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2035, by Representatives Klippert, O'Brien, Shea, Haler, Roach, Armstrong, Pearson, McCune,

Condotta, Orwall, Ross, Hurst, Smith, Kristiansen, Kretz, Orcutt, Kelley, Warnick and Angel

Requiring registered sex and kidnapping offenders to submit information regarding any e-mail addresses and any web sites they create or operate.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2035 was substituted for House Bill No. 2035 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2035 was read the second time.

Representative Klippert moved the adoption of amendment (035):

On page 3, line 37, after "(b)" strike everything through "person" on page 4, line 9 and insert the following:

"(i) Any person who lacks a fixed residence shall provide the following information when registering: ((+)) (A) Name; ((+)) (B) date and place of birth; ((+)) (C) place of employment; ((+)) (D) crime for which convicted; ((+)) (E) date and place of conviction; ((+)) (F) aliases used; ((+)) (G) social security number; ((+)) (H) photograph; ((+)) (I) fingerprints; and ((+)) (J) where he or she plans to stay.

(ii) Law enforcement may request the person's electronic mail address information or any other internet communication name or identity information including, but not limited to, instant message, chat, or social networking names or identities, if any; and the uniform resource locator of any personal website created or operated by the person, and if requested by law enforcement, the person shall provide the information"

On page 15, line 21, after "(b)" strike everything through "person" on line 31 and insert the following:

"(i) Any person who lacks a fixed residence shall provide the following information when registering: ((+)) (A) Name; ((+)) (B) date and place of birth; ((+)) (C) place of employment; ((+)) (D) crime for which convicted; ((+)) (E) date and place of conviction; ((+)) (F) aliases used; ((+)) (G) social security number; ((+)) (H) photograph; ((+)) (I) fingerprints; and ((+)) (J) where he or she plans to stay.

(ii) Law enforcement may request the person's electronic mail address information or any other internet communication name or identity information including, but not limited to, instant message, chat, or social networking names or identities, if any; and the uniform resource locator of any personal website created or operated by the person, and if requested by law enforcement, the person shall provide the information"

Representatives Klippert and Hurst spoke in favor of the adoption of the amendment.

Amendment(035) was adopted. The bill was ordered engrossed.

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

Representatives Klippert and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2035.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2035 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2185, by Representatives McCoy and Chase

Concerning solar water heating systems.

The bill was read the second time.

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

Representatives McCoy and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2185.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2185 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2185, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2199, by Representatives Newhouse and Hudgins

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

The bill was read the second time.

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2199.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2199 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2199, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

HOUSE BILL NO. 1566, by Representatives Kirby, Williams and Simpson

Granting the insurance commissioner certain authority when the governor declares a state of emergency.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (084):

On page 2, line 4, after "governor" strike "declares" and insert "proclaims"

On page 2, line 19, after "extension." insert "An order of the commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the governor under RCW 43.06.210."

Representatives Kirby and Bailey spoke in favor of the adoption of the amendment.

Amendment (084) was adopted.

Representative Bailey moved the adoption of amendment (021):

Beginning on page 2, line 34, strike all of section 2
Correct the title.

Representatives Bailey and Kirby spoke in favor of the adoption of the amendment.

Amendment (021) was adopted. The bill was ordered engrossed.

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

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1566.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1566 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 1566, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1215, by Representatives Wood, Chandler, Kirby, Ormsby and Morrell

Modifying motor vehicle warranty provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1215 was substituted for House Bill No. 1215 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1215 was read the second time.

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

Representatives Wood and Condotta spoke in favor of the passage of the bill.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1215 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Hinkle.

SUBSTITUTE HOUSE BILL NO. 1215, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1319, by Representatives Sullivan, Anderson, Miloscia, Dammeier, Hunt, Armstrong, Priest, Orwall, Morrell, Kenney, Simpson and Kelley

Prohibiting school district employees from using public assets for private gain.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1319 was substituted for House Bill No. 1319 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1319 was read the second time.

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

Representatives Sullivan and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1319.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1319 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1319, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1513, by Representative Haler

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

The bill was read the second time.

Representative Hope moved the adoption of amendment (027):

On page 2, beginning on line 21, after "fee" strike all material through line 23 and insert "for the infrastructure or facilities that were constructed under the applicable ordinance, contract, or agreement. This does not prevent the collection of amounts for services or infrastructure that are additional expenditures not subject to such ordinance, contract, or agreement."

Representatives Hope and Simpson spoke in favor of the adoption of the amendment.

Amendment (027) was adopted. The bill was ordered engrossed.

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

Representatives Haler and Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1513.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1513 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 1513, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1619, by Representatives White, Kenney, Sullivan, Carlyle, Nelson, Hasegawa, Liias, Green, Miloscia, Orwall, Maxwell and Simpson

Concerning the use of capital projects funds by school districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1619 was substituted for House Bill No. 1619 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1619 was read the second time.

Representative White moved the adoption of amendment (039):

On page 2, line 31, after "renovation" strike ", including (i) the" and insert "~~(, including the)~~ and"

On page 2, line 32, after "economical" strike "and (ii)" and insert "or"

On page 2, at the beginning of line 33, strike "renovation of facilities and systems that extends" and insert "extend"

On page 2, line 34, after "life." strike "Major" and insert "~~(Major)~~ Such"

On page 2, line 36, after "replacement" strike ",."

Representatives White and Warnick spoke in favor of the adoption of the amendment.

Amendment (039) was adopted. The bill was ordered engrossed.

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

Representatives White and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1619.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1326, by Representatives Blake, Van De Wege, Kretz and Nelson

Establishing a license limitation program for harvest and delivery of Pacific sardines into the state.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1326 was substituted for House Bill No. 1326 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1326 was read the second time.

Representative Rolfes moved the adoption of amendment (040):

On page 2, line 27, after "population" insert ", the impact of removal of sardines and other forage fish to the marine ecosystem, including the effect on endangered marine species,"

On page 3, line 13, after "licenses." insert the following:

"(8) The director shall adopt rules that require a person fishing under a Washington Pacific sardine purse seine fishery license or a temporary annual permit to minimize by-catch, and to the extent by-catch cannot be avoided, to minimize the mortality of such by-catch.

(9) The director shall report annually to the legislature on the amount of lost and derelict gear that remains in Washington waters as a result of purse seine fisheries and the effects that gear has caused on the marine ecosystem."

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

Amendment (040) was adopted. The bill was ordered engrossed.

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1326.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1326 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1018, by Representatives Appleton, Herrera, Chandler, Armstrong, Haigh, Newhouse, Hinkle, Green, Sells, Orcutt, Ross, Bailey, Short, Kretz and Condotta

Modifying when a special election may be held.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1018 was substituted for House Bill No. 1018 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1018 was read the second time.

Representative Hunt moved the adoption of amendment (034):

On page 2, line 21, after "The" strike "~~((fourth))~~ first" and insert "fourth"

On page 2, line 21, after "in" strike "~~((April))~~ May" and insert "April"

On page 2, at the beginning of line 22, strike all material through "~~May~~;" and insert "~~((t))~~ (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 4, after "The" strike "~~((fourth))~~ first" and insert "fourth"

On page 4, line 4, after "in" strike "~~((April))~~ May" and insert "April"

On page 4, at the beginning of line 5, strike all material through "~~May~~;" and insert "~~((t))~~ (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hunt, Appleton, and Miloscia spoke in favor of the adoption of the amendment.

Representatives Armstrong, Alexander, Chandler and Hererra spoke against the adoption of the amendment.

Amendment (034) was adopted. The bill was ordered engrossed.

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

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

Representatives Armstrong, Alexander and Johnson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1018.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1018 and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 1.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1080, by Representatives Simpson and Williams

Allowing impact fees to be used for all fire protection facilities.

The bill was read the second time.

Representative Angel moved the adoption of amendment (070):

On page 2, line 24, after "~~district~~)." insert "Nothing in this subsection (7)(d) authorizes or otherwise permits impact fees to be imposed or spent for fire protection facilities in developed areas where fire protection services are provided by, and within the capacity of, existing fire protection facilities."

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

Representative Simpson spoke against the adoption of the amendment.

Amendment (070) was not adopted.

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

Representatives Simpson and Hinkle spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1080.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1080 and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 1.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Eddy, Grant-Herriot, Haler, Herrera, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Flannigan.

HOUSE BILL NO. 1080, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1361, by Representatives Goodman, Rodne, Williams, Dickerson, Walsh, Kagi, Roberts, Pettigrew, O'Brien, Armstrong, Appleton, Ericks, Warnick, Haigh, Moeller, Rolfes, Carlyle, Wallace, Seaquist and Morrell

Regarding county supervised community options.

The bill was read the second time.

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

Representatives Goodman and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1361.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1361 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

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

Excused: Representative Flannigan.

HOUSE BILL NO. 1361, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., March 4, 2009, the 52nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTY SECOND DAY

House Chamber, Olympia, Wednesday, March 4, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Michael Ramsey and Tanner Brotherton. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Kyle Rasmussen, Bethel Assembly of God, Chehalis.

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

MESSAGE FROM THE SENATE

March 3, 2009

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5012, ENGROSSED SENATE BILL NO. 5014, SENATE BILL NO. 5028, SUBSTITUTE SENATE BILL NO. 5117, SUBSTITUTE SENATE BILL NO. 5166, SENATE BILL NO. 5193, SUBSTITUTE SENATE BILL NO. 5252, SUBSTITUTE SENATE BILL NO. 5270, SUBSTITUTE SENATE BILL NO. 5276, SENATE BILL NO. 5277, SENATE BILL NO. 5354, SUBSTITUTE SENATE BILL NO. 5367, SENATE BILL NO. 5378, SUBSTITUTE SENATE BILL NO. 5383, SENATE BILL NO. 5412, SUBSTITUTE SENATE BILL NO. 5431, SUBSTITUTE SENATE BILL NO. 5436, SUBSTITUTE SENATE BILL NO. 5481, SUBSTITUTE SENATE BILL NO. 5551, ENGROSSED SENATE BILL NO. 5581, SENATE BILL NO. 5661, SUBSTITUTE SENATE BILL NO. 5752, SUBSTITUTE SENATE BILL NO. 5826, SENATE JOINT MEMORIAL NO. 8001,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2304 by Representatives Jacks, Appleton, Goodman and Williams

AN ACT Relating to child victims and witnesses; and amending RCW 7.69A.030.

Referred to Committee on Judiciary.

SSB 5001 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Jacobsen and Kauffman)

AN ACT Relating to the American Indian endowed scholarship program; amending RCW 28B.108.020 and 28B.108.060; and repealing RCW 28B.108.050 and 28B.108.070.

Referred to Committee on Higher Education.

SSB 5009 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by

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

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

Referred to Committee on Commerce & Labor.

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

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

Referred to Committee on Judiciary.

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

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

Referred to Committee on State Government & Tribal Affairs.

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

AN ACT Relating to making technical corrections to gender-based terms; amending RCW 4.24.040, 9A.08.010, 9A.76.010, 11.28.090, 11.28.140, 14.12.010, 15.65.020, 18.64.011, 19.06.010, 19.210.010, 38.04.020, 38.16.030, 49.24.140, 49.24.150, 49.24.220, 62A.7-204, 62A.7-309, 69.04.009, 69.04.010, 69.04.024, 69.04.394, 69.04.396, 69.04.480, 69.41.010, 70.87.200, 70.104.020, 70.105.010, 77.55.011, 79A.05.600, 81.40.080, 81.48.050, 81.64.090, 82.75.010, 84.36.260, 85.08.310, 35.07.090, 35.07.120, 35.07.130, 35.07.140, 35.07.150, 35.07.170, 35.07.190, 35.07.200, 35.07.220, 35.13.171, 35.13A.090, 35.14.030, 35.14.060, 35.17.060, 35.17.070, 35.17.080, 35.17.150, 35.17.280, 35.18.010, 35.18.040, 35.18.050, 35.18.060, 35.18.070, 35.18.090, 35.18.110, 35.18.120, 35.18.130, 35.18.150, 35.18.170, 35.18.180, 35.18.190, 35.18.200, 35.18.280, 35.20.105, 35.20.131, 35.20.150, 35.20.170, 35.20.180, 35.20.190, 35.20.220, 35.20.240, 35.21.260, 35.21.850, 35.22.130, 35.22.210, 35.22.280, 35.22.610, 35.23.010, 35.23.111, 35.23.131, 35.23.144, 35.23.410, 35.23.440, 35.27.030, 35.27.050, 35.27.090, 35.27.120, 35.27.170, 35.27.190, 35.27.230, 35.27.280, 35.27.310, 35.27.330, 35.27.340, 35.32A.020, 35.32A.060, 35.33.011, 35.33.055, 35.33.135, 35.33.170, 35.36.010, 35.36.050, 35.36.060, 35.37.120, 35.38.050, 35.39.060, 35.44.190, 35.44.220, 35.44.230, 35.44.270, 35.45.080, 35.45.090, 35.45.130, 35.45.150, 35.49.010, 35.49.040, 35.49.090, 35.49.100, 35.50.005, 35.50.225, 35.53.070, 35.54.100, 35.55.070, 35.56.040, 35.56.080, 35.56.140, 35.58.070, 35.58.100, 35.58.130, 35.58.140, 35.58.150, 35.58.160, 35.58.210, 35.58.230, 35.58.265, 35.58.270, 35.58.370, 35.58.390, 35.58.400, 35.58.460, 35.58.530, 35.61.230, 35.63.020, 35.63.030, 35.63.040, 35.63.100, 35.68.020, 35.69.030, 35.70.030, 35.70.040, 35.70.060, 35.71.050, 35.77.030, 35.82.050, 35.82.060, 35.82.180, 35.84.050, 35.86A.060, 35.88.050, 35.88.060, 35.88.090, 35.92.260, 35.94.020,

35.94.030, 35.96.050, 35A.02.055, 35A.08.020, 35A.08.040, 35A.08.050, 35A.12.010, 35A.12.030, 35A.12.065, 35A.12.070, 35A.12.080, 35A.12.100, 35A.12.110, 35A.12.120, 35A.12.130, 35A.12.150, 35A.12.170, 35A.13.010, 35A.13.020, 35A.13.030, 35A.13.033, 35A.13.035, 35A.13.040, 35A.13.050, 35A.13.060, 35A.13.070, 35A.13.080, 35A.13.100, 35A.13.120, 35A.13.130, 35A.13.140, 35A.14.190, 35A.21.030, 35A.33.010, 35A.33.052, 35A.33.135, 35A.33.160, 35A.36.010, 35A.36.050, 35A.36.060, 35A.42.010, 35A.42.030, 35A.63.020, 35A.63.110, 36.08.020, 36.08.070, 36.08.090, 36.09.020, 36.09.040, 36.13.040, 36.16.040, 36.16.060, 36.16.070, 36.16.087, 36.16.120, 36.17.045, 36.17.050, 36.18.030, 36.18.050, 36.18.060, 36.18.070, 36.18.080, 36.18.090, 36.18.130, 36.18.160, 36.18.180, 36.22.030, 36.22.040, 36.22.050, 36.22.120, 36.22.150, 36.23.020, 36.23.040, 36.23.080, 36.24.010, 36.24.020, 36.24.040, 36.24.070, 36.24.080, 36.24.090, 36.24.110, 36.24.155, 36.24.170, 36.24.180, 36.26.050, 36.26.060, 36.26.070, 36.26.080, 36.27.010, 36.27.030, 36.27.040, 36.27.050, 36.27.070, 36.28.010, 36.28.020, 36.28.030, 36.28.040, 36.28.050, 36.28.090, 36.28.130, 36.28.150, 36.28.160, 36.28.170, 36.28.180, 36.29.025, 36.29.130, 36.32.050, 36.32.060, 36.32.100, 36.32.135, 36.32.310, 36.32.330, 36.33.070, 36.33.080, 36.33.190, 36.34.070, 36.34.150, 36.34.200, 36.35.180, 36.35.190, 36.35.220, 36.35.230, 36.35.240, 36.38.020, 36.40.010, 36.40.130, 36.40.210, 36.48.040, 36.48.050, 36.53.030, 36.53.040, 36.53.060, 36.53.100, 36.53.120, 36.53.130, 36.54.040, 36.54.060, 36.55.050, 36.57.050, 36.57.090, 36.57A.050, 36.57A.120, 36.63.255, 36.64.090, 36.67.530, 36.68.060, 36.69.120, 36.69.230, 36.69.370, 36.70.020, 36.70.080, 36.70.090, 36.70.110, 36.70.120, 36.70.150, 36.70.160, 36.70.170, 36.70.180, 36.70.250, 36.70.260, 36.70.400, 36.70.600, 36.70.850, 36.70.880, 36.71.020, 36.71.040, 36.71.050, 36.71.070, 36.76.120, 36.77.070, 36.78.090, 36.78.110, 36.79.160, 36.79.170, 36.80.015, 36.80.020, 36.80.030, 36.80.050, 36.80.060, 36.81.050, 36.81.060, 36.82.100, 36.87.040, 36.88.040, 36.88.130, 36.88.150, 36.88.200, 36.88.250, 36.88.270, 36.88.300, 36.88.330, 36.88.450, 36.90.030, 36.92.030, 36.93.070, 36.93.110, 36.93.160, 36.94.060, 36.94.290, 36.94.340, 36.95.060, 36.95.100, 36.95.110, 36.95.150, 36.95.160, 43.01.040, 43.01.050, 43.01.070, 43.03.011, 43.03.015, 43.03.020, 43.03.030, 43.03.110, 43.03.120, 43.03.170, 43.03.180, 43.03.200, 43.06.020, 43.06.040, 43.06.050, 43.06.055, 43.06.070, 43.06.080, 43.06.090, 43.06.110, 43.06.120, 43.06.200, 43.06.270, 43.07.010, 43.07.020, 43.07.030, 43.07.040, 43.07.050, 43.07.090, 43.07.110, 43.08.010, 43.08.020, 43.08.030, 43.08.040, 43.08.050, 43.08.062, 43.08.066, 43.08.068, 43.08.070, 43.08.080, 43.08.100, 43.08.120, 43.08.130, 43.08.135, 43.08.150, 43.10.010, 43.10.020, 43.10.030, 43.10.060, 43.10.080, 43.10.090, 43.10.110, 43.10.115, 43.10.120, 43.10.130, 43.10.160, 43.10.170, 43.17.030, 43.17.040, 43.17.050, 43.17.060, 43.17.100, 43.19.180, 43.19.1915, 43.19.1937, 43.19.200, 43.19.595, 43.19.600, 43.19.620, 43.19.630, 43.19.635, 43.20.030, 43.20A.040, 43.20A.110, 43.20A.310, 43.20A.320, 43.20A.415, 43.20A.605, 43.20A.635, 43.20A.660, 43.21A.050, 43.21A.067, 43.21A.090, 43.21A.100, 43.21A.140, 43.21A.600, 43.21A.605, 43.21A.610, 43.21A.620, 43.21A.630, 43.21B.020, 43.21B.050, 43.21B.060, 43.21B.080, 43.21C.010, 43.21C.020, 43.21E.010, 43.21F.405, 43.21G.080, 43.22.310, 43.22.400, 43.22.485, 43.23.015, 43.23.090, 43.23.110, 43.23.120, 43.23.130, 43.23.160, 43.24.090, 43.24.115, 43.27A.190, 43.33.040, 43.37.050, 43.37.120, 43.37.150, 43.37.160, 43.37.170, 43.41.060, 43.41.100, 43.41.106, 43.41.360, 43.43.040, 43.43.110, 43.43.120, 43.43.130, 43.43.135, 43.43.330, 43.43.350, 43.43.370, 43.43.735, 43.43.750, 43.43.815, 43.43.860, 43.46.090, 43.52.290, 43.52.374, 43.52.375, 43.52.378, 43.52A.050, 43.56.040, 43.59.010, 43.59.030, 43.59.060, 43.59.080, 43.70.210, 43.78.010, 43.78.020, 43.78.070, 43.79.074, 43.79.280, 43.79.303, 43.79.313, 43.79.323, 43.79.343, 43.79.393, 43.79A.020, 43.80.130, 43.82.140, 43.83B.220, 43.84.041,

43.84.120, 43.85.070, 43.85.190, 43.86A.020, 43.88.100, 43.89.040, 43.101.040, 43.101.050, 43.101.070, 43.115.040, 43.117.040, 43.117.050, 43.117.090, 43.126.025, 43.126.065, 43.130.040, 43.130.050, 43.336.020, 44.04.100, 44.04.120, 44.16.010, 44.16.030, 44.16.040, 44.16.070, 44.16.080, 44.16.090, 44.16.100, 44.16.120, 44.16.140, 44.16.160, 44.16.170, 44.20.060, 44.39.050, 44.39.060, 44.48.050, 44.48.060, 44.48.110, 48.02.010, 48.02.020, 48.02.030, 48.02.060, 48.02.080, 48.02.090, 48.02.100, 48.02.110, 48.02.130, 48.02.140, 48.02.150, 48.02.170, 48.03.030, 48.04.030, 48.05.110, 48.05.150, 48.05.160, 48.05.210, 48.05.290, 48.05.370, 48.06.050, 48.06.070, 48.06.100, 48.06.110, 48.06.180, 48.07.080, 48.07.150, 48.08.020, 48.08.090, 48.08.100, 48.08.110, 48.08.120, 48.08.130, 48.08.140, 48.08.170, 48.09.130, 48.09.160, 48.09.220, 48.09.230, 48.09.270, 48.09.270, 48.10.140, 48.10.170, 48.10.200, 48.10.250, 48.10.260, 48.10.270, 48.10.280, 48.10.300, 48.10.330, 48.10.340, 48.11.080, 48.12.010, 48.12.080, 48.12.140, 48.13.350, 48.14.070, 48.15.100, 48.15.110, 48.15.120, 48.15.170, 48.16.080, 48.16.100, 48.17.430, 48.18.020, 48.18.050, 48.18.070, 48.18.090, 48.18.120, 48.18.130, 48.18.293, 48.18.340, 48.18.375, 48.18.400, 48.18.410, 48.18.420, 48.18.440, 48.18.450, 48.18A.020, 48.19.080, 48.19.090, 48.19.100, 48.19.110, 48.19.120, 48.19.180, 48.19.190, 48.19.220, 48.19.250, 48.19.290, 48.19.310, 48.19.330, 48.19.340, 48.19.350, 48.19.360, 48.19.370, 48.19.410,

Referred to Committee on Judiciary.

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

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

Referred to Committee on Health Care & Wellness.

SSB 5130 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Hargrove, Swecker, Hatfield, Holmquist, Brandland, Sheldon, Tom, King, Hobbs, McCaslin, Stevens and Marr)

AN ACT Relating to access to public records by persons serving criminal sentences in correctional facilities; adding a new section to chapter 42.56 RCW; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

SB 5184 by Senators Brandland, Hobbs, McAuliffe, Regala, Stevens, Pflug, Hewitt, King, Swecker and Roach

AN ACT Relating to evaluating the need for a digital forensic crime lab; and creating a new section.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5195 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Swecker, Kauffman, Hobbs, King, Marr, Haugen, Franklin, Parlette, Schoesler and Shin)

AN ACT Relating to adopting the life settlements model act; reenacting and amending RCW 42.56.400; adding new sections to chapter 48.102 RCW; repealing RCW 48.102.005, 48.102.010, 48.102.015, 48.102.020, 48.102.025, 48.102.030, 48.102.035, 48.102.040, 48.102.045, 48.102.050, 48.102.055, 48.102.900, and 48.102.901; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

SSB 5199 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Morton, Rockefeller and Shin)

AN ACT Relating to public water supply system operators; amending RCW 70.119.020, 70.119.030, 70.119.110, 70.119.130, and 70.119.160; and adding new sections to chapter 70.119 RCW.

Referred to Committee on Environmental Health.

ESB 5200 by Senator Brandland

AN ACT Relating to marauding dogs; and repealing RCW 16.08.030.

Referred to Committee on Judiciary.

SB 5205 by Senators Hargrove, Sheldon, Fraser and Kline

AN ACT Relating to changing the number of court of appeals judges; and amending RCW 2.06.020.

Referred to Committee on Judiciary.

SSB 5232 by Senate Committee on Judiciary (originally sponsored by Senators Delvin, Holmquist, Hewitt, Schoesler, Carrell, King, Swecker, Pflug, Shin, Kastama, Benton, Kohl-Welles and Roach)

AN ACT Relating to protecting enrolled school students from sexual misconduct by school employees; and amending RCW 9A.44.093 and 9A.44.096.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 5233 by Senators Delvin, Hewitt, Schoesler, Carrell, Swecker, Parlette, Stevens and Honeyford

AN ACT Relating to county elected officials keeping offices at the county seat; and amending RCW 36.16.090, 36.23.080, 36.28.160, 36.29.170, and 36.80.015.

Referred to Committee on Local Government & Housing.

SSB 5261 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Stevens, Hargrove and Shin)

AN ACT Relating to creating an electronic statewide unified sex offender notification and registration program; and amending RCW 36.28A.040.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5267 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Sheldon, Berkey, Morton, Kastama and Delvin)

AN ACT Relating to the issuance of checks by joint operating agencies and public utility districts; and amending RCW 43.52.375 and 54.24.010.

Referred to Committee on Local Government & Housing.

SB 5298 by Senators Regala and Kline

AN ACT Relating to removing the penalty language from natural resource civil infractions; and amending RCW 7.84.030.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 5348 by Senators Swecker, Haugen, Jacobsen, Parlette, Rockefeller and Shin

AN ACT Relating to removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account; and amending RCW 79A.15.060 and 79A.15.120.

Referred to Committee on Capital Budget.

SSB 5350 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Ranker and Hatfield)

AN ACT Relating to special permits for poultry slaughter, preparation, and sale; and amending RCW 69.07.103.

Referred to Committee on Agriculture & Natural Resources.

SB 5356 by Senators Haugen and Jacobsen

AN ACT Relating to direct retail endorsements issued by the department of fish and wildlife; and amending RCW 77.65.510.

Referred to Committee on Agriculture & Natural Resources.

SB 5370 by Senators Franklin, Becker, Fairley, Keiser, Marr and Murray

AN ACT Relating to allowing electronic approval of vital records; and amending RCW 70.58.005, 70.58.170, 70.58.180, 70.58.230, 70.58.240, 70.58.250, and 70.58.260.

Referred to Committee on Health Care & Wellness.

ESSB 5406 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Pflug, Kohl-Welles and Parlette)

AN ACT Relating to the standard health questionnaire; reenacting and amending RCW 48.43.018; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

ESSB 5437 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Haugen)

AN ACT Relating to the state conservation commission; and amending RCW 89.08.040, 89.08.050, and 89.08.070.

Referred to Committee on Agriculture & Natural Resources.

SB 5452 by Senators Kauffman, Kohl-Welles, Tom, Delvin, Kline, Honeyford, Kilmer, Jarrett, McCaslin, Fraser, Prentice, Shin and McDermott

AN ACT Relating to increasing the debt limit of the housing finance commission; and amending RCW 43.180.160.

Referred to Committee on Capital Budget.

SSB 5469 by Senate Committee on Transportation (originally sponsored by Senators Parlette, Eide, Jarrett and McCaslin)

AN ACT Relating to limitations on the use of intermediate licenses; and amending RCW 46.20.075.

Referred to Committee on Transportation.

SSB 5561 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kline, Fairley and Kohl-Welles)

AN ACT Relating to the installation of carbon monoxide alarms in dwelling units; adding a new section to chapter 19.27 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

SB 5673 by Senators Pridemore, Zarelli, Keiser, Murray, Rockefeller, Hobbs, Regala and Shin

AN ACT Relating to requiring certificates of need for certain hospitals; and amending RCW 70.38.105 and 70.38.111.

Referred to Committee on Health Care & Wellness.

SB 5717 by Senators Schoesler and Sheldon

AN ACT Relating to distributions of tax proceeds from thermal electric generating facilities; and amending RCW 54.28.010 and 54.28.055.

Referred to Committee on Technology, Energy & Communications.

SB 5720 by Senators Hewitt, Hobbs, Brandland and Shin

AN ACT Relating to tuition waivers for stepchildren of veterans and national guard members; and reenacting and amending RCW 28B.15.621.

Referred to Committee on Higher Education.

SB 5739 by Senators King, Hobbs, Holmquist, Kastama, Swecker, Sheldon, Morton, Shin, Berkey and Honeyford

AN ACT Relating to renewing a concealed pistol license by members of the armed forces; and amending RCW 9.41.070.

Referred to Committee on Judiciary.

SB 5767 by Senators Rockefeller, Pridemore, Regala and Shin

AN ACT Relating to nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act; amending RCW 70.94.775, 70.94.743, 70.94.755, 70.94.760, 70.94.765, 70.94.745, 70.94.750, 70.94.650, 70.94.654, 70.94.656, 70.94.660, 70.94.670, 70.94.690, 70.94.700, and 70.94.651; adding new sections to chapter 70.94 RCW; creating new sections; and recodifying RCW 70.94.775, 70.94.743, 70.94.780, 70.94.755, 70.94.760, 70.94.765, 70.94.745, 70.94.750, 70.94.650, 70.94.654, 70.94.656, 70.94.660, 70.94.665, 70.94.670, 70.94.690, 70.94.700, and 70.94.651.

Referred to Committee on Environmental Health.

SSB 5797 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Ranker, Brandland and Hatfield)

AN ACT Relating to exemptions from solid waste handling permit requirements; amending RCW 43.21B.300, 43.21B.310, 70.95.170, and 70.95.315; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Ecology & Parks.

SB 5989 by Senator Sheldon

AN ACT Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW; and amending RCW 80.80.060.

Referred to Committee on Technology, Energy & Communications.

SJM 8003 by Senators Pflug, Keiser and Parlette

Requesting that Congress issue a date at which health information technology must comply with a uniform national standard of interoperability.

Referred to Committee on Health Care & Wellness.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) introduced a group of visitors with the U.S. Department of State's Afghan Legal Educators Program, implemented by the Asian Law Center at the University of Washington School of Law. The group included participants from the faculty of Law and Political Science and the faculty of Islamic Law from Kabut University, Herat University and Balkh University in Mazar-e-Sharif. The Speaker welcomed our guests and asked the members to acknowledge them.

MESSAGE FROM THE SENATE

March 4, 2009

Mr. Speaker::

The Senate has passed SENATE BILL NO. 5629, and the same is herewith transmitted.

Thomas Hoemann, Secretary

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

SECOND READING

HOUSE BILL NO. 1824, by Representatives Rodne, Quall, Anderson, Liias, Walsh, Pettigrew, Priest, Simpson, Kessler, Rolfes, Johnson, Sullivan and Morrell

Requiring the adoption of policies for the management of concussion and head injury in youth sports.

The bill was read the second time

Representative Quall moved the adoption of amendment (026):

On page 3, line 6, strike "consort" and insert "concert"
On page 3, line 14, strike "return to" and insert "initiating"

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

Amendment (026) was adopted. The bill was ordered engrossed.

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

Representatives Rodne, Quall and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1824.

MOTIONS

On motion of Representative Santos, Representatives Flannigan and Driscoll were excused. On motion of Representative Hinkle, Representative Ericksen was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1824 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

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

Excused: Representatives Driscoll, Ericksen and Flannigan.

ENGROSSED HOUSE BILL NO. 1824, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) introduced Zachery Lystedt and his father, Victor, to the Chamber and asked the members to acknowledge them.

HOUSE BILL NO. 1978, by Representatives Clibborn, Liias and White

Concerning economic stimulus transportation funding and appropriations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1978 was substituted for House Bill No. 1978 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1978 was read the second time.

Representative Clibborn moved the adoption of amendment (049):

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

"ECONOMIC STIMULUS FUNDING

NEW SECTION. Sec. 1. (1) The legislature finds that President Barack Obama and the 111th Congress have enacted the American Recovery and Reinvestment Act of 2009 in an effort to stimulate the American economy, create and save jobs, and speed recovery from one of the deepest economic recessions in recent history. The investment of federal funds will help alleviate some of the economic burdens the states face, and create jobs for the unemployed. The act includes \$492 million in federal transportation funding for Washington state and local highway projects and \$179 million for local transit agency improvement projects. In addition, the act includes over \$11 billion in new funding for competitive national grant programs for highways of regional significance, ferries, and rail priorities. The legislature also finds that Washington state is well positioned to deliver infrastructure projects in one hundred twenty days, as is required for at least half of the state's share of federal stimulus highway funds, and expects to receive additional funds that other states are unable to use in this time frame. The legislature further finds that the state's work to date on projects funded through the "nickel" and "transportation partnership" funding acts mean that many regionally significant projects are poised to compete well for nationally available funds.

(2) Therefore, it is the intent of the legislature to revitalize Washington's economy and reduce the state's unemployment rate by quickly putting people to work around the state on projects that promote safety, relieve traffic congestion, and preserve long-term investments that will provide benefits into the future. Such projects will be constructed quickly and will generate a significant number of jobs, thereby strengthening Washington's economy and its families seeking work.

NEW SECTION. Sec. 2. FOR THE DEPARTMENT OF TRANSPORTATION-- AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

Motor Vehicle Account--Federal Appropriation \$341,400,000

The appropriation in this section is subject to the following conditions and limitations:

(1) The entire appropriation in this section is provided solely for the projects and amounts listed in ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009. Funds under this section may be reallocated among projects shown in the document to the extent that the department finds it necessary for the purposes of facilitating completion of the projects with the highest priority or to maintain maximum federal funds eligibility.

(2) To achieve the legislative objectives provided in section 1(2) of this act with respect to highway projects, it is the intent of the legislature that the appropriation in this section be used for: Transportation 2003 account (nickel account) projects and transportation partnership account (TPA) projects that would have otherwise been delayed due to decreased revenues, so as to advance project completion dates similar to those envisioned in the enacted 2008 legislative list of projects; projects that preserve or rehabilitate Washington state highways and roads; and projects that modify roadway alignments and conditions to create safer roads for the traveling public.

(3)(a) The department of transportation shall obligate at least fifty percent of the funds no later than one hundred twenty days after surface transportation program funds under the American Recovery and Reinvestment Act of 2009 have been apportioned to the states;

(b) The department shall obligate all funds no later than one year after surface transportation program funds under the American Recovery and Reinvestment Act of 2009 have been apportioned to the states;

(c) The department shall place the first priority for allocating funds on those projects listed as "First Tier" projects on ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009. The department shall place the second priority on projects listed as "Second Tier" projects on the document; and

(d) Within each tier of projects on ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009, the department shall place the highest priority for allocating funds on the transportation 2003 account (nickel account) projects and transportation partnership account (TPA) projects listed to advance their completion. The department shall prioritize funding for other projects within the tier according to how soon the contract for the project could be awarded.

(4) By June 30, 2009, the department of transportation shall report to the legislative standing committees on transportation and the office of financial management on the status of federal stimulus funds including, but not limited to, identifying the projects shown in ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009, for which federal stimulus funding has already been obligated, the amount of federal recovery funds estimated to be obligated to the projects, and the completion status of each project. Subsequent status reports are due to the legislative standing committees on transportation and the office of financial management on August 31, 2009, and December 1, 2009.

NEW SECTION. Sec. 3. If the department of transportation receives additional funding pursuant to the American Recovery and Reinvestment Act of 2009, including funding redistributed from other states, the department shall apply such funds to projects on ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009, as prioritized by section 2(3) (c) and (d) of this act. If the funds are in excess of the amounts shown on ARRA Washington State Project LEAP document 2009, as developed on February 24, 2009, additional funds must be applied to improvement, preservation, ferries, and rail capital projects identified in the LEAP transportation documents in the enacted 2009-11 omnibus transportation appropriations act. However, if the funds received may not be used for any of the purposes enumerated in this section, then the department may program the funds for other transportation-related activities. The department shall notify the legislative standing committees on transportation and the office of financial management of the amount of funds received and the projects receiving funding through this process.

NEW SECTION. Sec. 4. To the extent practicable, the department of transportation shall apply to the competitive grant programs created by the American Recovery and Reinvestment Act of 2009 for all transportation modes including, but not limited to, rail, projects of regional significance, and ferries, as well as other grant programs created by the act that may provide funding for transportation-related activities. Concurrent with the submission of these applications, the department of transportation shall report on these applications to the legislative standing committees on transportation and the office of financial management.

NEW SECTION. Sec. 5. For the distribution of funds that are suballocated within the state pursuant to the American Recovery and Reinvestment Act of 2009 to areas of the state outside of the transportation management areas, the department of transportation shall convene a local oversight and accountability panel, which shall include representation from, at a minimum, the associations of Washington cities and counties, the Washington public ports association, and the transportation improvement board. The panel, chaired by the executive director of the transportation improvement board, shall ensure rapid project delivery and accountability for funds. The panel shall proceed with an expedited statewide process utilizing the metropolitan planning organization and county lead agency prioritized listing of local projects. The department shall monitor the projects selected to receive stimulus funding to ensure that Washington state is successful in obligating all of its funding.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act are for the period ending June 30, 2011.

GENERAL GOVERNMENT AGENCIES--OPERATING

Sec. 101. 2008 c 121 s 103 (uncodified) is amended to read as follows:

FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation	((\$434,000))
	<u>\$433,000</u>

The appropriation in this section is subject to the following conditions and limitations: A maximum of \$22,000 may be expended to pay the department of personnel for conducting the 2007 salary survey.

TRANSPORTATION AGENCIES--OPERATING

Sec. 201. 2008 c 121 s 201 (uncodified) is amended to read as follows:

FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation	\$2,605,000
Highway Safety Account--Federal Appropriation	((\$15,845,000))
	<u>\$15,844,000</u>
School Zone Safety Account--State Appropriation	\$3,376,000
TOTAL APPROPRIATION	((\$21,826,000))
	<u>\$21,825,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$76,000 of the school zone safety account--state appropriation is provided solely for contracting with the office of the superintendent of public instruction (OSPI) to conduct pilot programs in three school districts for road safety education and training for children, in order to teach children safe walking, bicycling, and transit use behavior. The pilot projects shall be conducted during the 2008-09 academic year, and shall be modeled after a program and curriculum successfully implemented in the Spokane school district. Funds are provided for curriculum resources, bicycle purchases, teacher training, other essential services and equipment, and OSPI administrative expenses which may include contracting out pilot program administration. The participating school districts shall be located as follows: One in Grant county, one in Island county, and one in Kitsap county. The OSPI shall evaluate the pilot programs, and report to the transportation committees of the legislature no later than December 1, 2009, on the outcomes of the pilot programs. The report shall include a survey identifying barriers to, interest in, and the likelihood of students traveling by biking, walking, or transit both prior to and following completion of the pilot program.

Sec. 202. 2008 c 121 s 202 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$900,000
Motor Vehicle Account--State Appropriation	((\$2,058,000))
	<u>\$2,057,000</u>
County Arterial Preservation Account--State Appropriation	\$1,388,000
TOTAL APPROPRIATION	((\$4,346,000))
	<u>\$4,345,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$481,000 of the county arterial preservation account--state appropriation is provided solely for continued development and implementation of a maintenance management system to manage county transportation assets.

Sec. 203. 2008 c 121 s 203 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	\$1,778,000
Transportation Improvement Account--State Appropriation	((\$1,780,000))
	<u>\$1,779,000</u>
TOTAL APPROPRIATION	((\$3,558,000))
	<u>\$3,557,000</u>

Sec. 204. 2008 c 121 s 205 (uncodified) is amended to read as follows:

FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation	((\$2,513,000))
	<u>\$2,512,000</u>
Multimodal Transportation Account--State Appropriation	\$550,000
TOTAL APPROPRIATION	((\$3,063,000))
	<u>\$3,062,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$750,000~~)) \$950,000 of the motor vehicle account--state appropriation is for establishing a work group to implement Engrossed Substitute House Bill No. 2358 (regarding state ferries) and review other matters relating to Washington state ferries. The cochairs of the committee shall establish the work group comprising committee members or their designees, an appointee by the governor, and other stakeholders as appointed by the cochairs, to assist in the committee's work. The work group shall report on its tasks to the transportation committees of the legislature by December 2008. The work group is tasked with the following:

(a) Implementing the recommendations of Engrossed Substitute House Bill No. 2358 (regarding state ferries). As directed by Engrossed Substitute House Bill No. 2358, the committee work group shall participate in and provide a review of the following:

- (i) The Washington transportation commission's development and interpretation of a survey of ferry customers;
- (ii) The department of transportation's analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration must be given to whether boat wait is the appropriate measure;
- (iii) The department's development of pricing policy proposals. In developing these policies, the policy, in effect on some routes, of collecting fares in only one direction must be evaluated to determine whether one-way fare pricing best serves the ferry system;
- (iv) The department's development of operational strategies;
- (v) The department's development of terminal design standards; and
- (vi) The department's development of a long-range capital plan;

- (b) Reviewing the following Washington state ferry programs:
 - (i) Ridership demand forecast;
 - (ii) Updated life cycle cost model, as directed by Engrossed Substitute House Bill No. 2358;
 - (iii) Administrative operating costs, nonlabor and nonfuel operating costs, Eagle Harbor maintenance facility program and maintenance costs, administrative and systemwide capital costs, and vessel preservation costs; and
 - (iv) The Washington state ferries' proposed capital cost allocation plan methodology, as described in Engrossed Substitute House Bill No. 2358;

- (c) Making recommendations regarding:

(i) The most efficient timing and sizing of future vessel acquisitions beyond those currently authorized by the legislature. Vessel acquisition recommendations must be based on the ridership projections, level of service standards, and operational and pricing strategies reviewed by the committee and must include the impact of those recommendations on the timing and size of terminal capital investments and the state ferries' long range operating and capital finance plans; and

(ii) Capital financing strategies for consideration in the 2009 legislative session. This work must include confirming the department's estimate of future capital requirements based on a long range capital plan and must include the department's development of a plan for codevelopment and public private partnership opportunities at public ferry terminals; and

(d) Evaluate the capital cost allocation plan methodology developed by the department to implement Engrossed Substitute House Bill No. 2358.

(2) \$250,000 of the motor vehicle account--state appropriation and \$250,000 of the multimodal transportation account--state appropriation are for the continuing implementation of chapter 514, Laws of 2007.

(3) \$300,000 of the multimodal transportation account--state appropriation is for implementing Substitute House Bill No. 1694 (coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$150,000 of the motor vehicle account--state appropriation is for the Puget Sound regional council to conduct a pilot program for multimodal concurrency analysis. This pilot program will analyze total trip needs for a regional growth center based on adopted land use plans, identify the number of trips which can be accommodated by planned roadway, transit service, and nonmotorized investments, and identify gaps for trips that cannot be served and strategies to fill those gaps. The purpose of this pilot is to demonstrate how this type of multimodal concurrency analysis can be used to broaden and strengthen local concurrency programs.

(5) \$236,000 of the motor vehicle account--state appropriation is for a comprehensive analysis, as stated in Senate Bill No. 5689, of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

Sec. 205. 2008 c 121 s 206 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	((\$2,322,000))
	\$2,321,000
Multimodal Transportation Account--State Appropriation	\$112,000
TOTAL APPROPRIATION	((\$2,434,000))
	<u>\$2,433,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the motor vehicle account--state appropriation is provided solely for the commission to conduct a survey of ferry customers as described in Engrossed Substitute House Bill No. 2358. Development and interpretation of the survey must be done with participation of the joint transportation committee work group established in section 205(1) of this act.

(2) The commission shall conduct a planning grade tolling study that is based on the recommended policies in the commission's comprehensive tolling study submitted September 20, 2006.

(3) Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the transportation commission shall establish, periodically review, and, if necessary, modify a schedule of toll charges applicable to the state route 167 high-occupancy toll lane pilot project, as required by RCW 47.56.403.

(4) Pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the transportation commission shall periodically review, and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created by RCW 47.46.091.

(5) \$205,000 of the motor vehicle account--state appropriation is provided solely for a study of potential revenue sources for the Washington state ferry system. The study must model and assess the revenue generating potentials of feasible alternative funding sources. The revenue forecasting models must be dynamic and ownership of these models must be retained by the commission. The commission shall develop revenue source recommendations that will generate revenue equal to or greater than the funding level identified by the ferries finance study of the joint transportation committee referenced in section 205 of this act, and shall report its recommendations to the transportation committees of the legislature by November 15, 2008.

Sec. 206. 2008 c 121 s 208 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account-- Appropriation	((\$226,924,000))
	\$220,920,000
State Patrol Highway Account--Federal Appropriation	\$10,602,000
State Patrol Highway Account--Private/Local Appropriation	\$410,000
TOTAL APPROPRIATION	((\$237,936,000))
	<u>\$231,932,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) In addition to the user fees, the patrol shall transfer into the state patrol nonappropriated airplane revolving account under RCW 43.79.470 no more than the amount of appropriated state patrol highway account and general fund funding necessary to cover the costs for the patrol's use of the aircraft. The state patrol highway account and general fund--state funds shall be transferred proportionately in accordance with a cost allocation that differentiates between highway traffic enforcement services and general policing purposes.

(3) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the governor and transportation committees of the senate and house of representatives by September 30th of each year.

~~(4) ((\$1,662,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (commercial vehicle enforcement). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.~~

~~(5))~~ During the 2007-2009 biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston, Mason, and Lewis county roads when requested to do so by the respective county; however, the counties shall conduct traffic accident investigations on county roads beginning July 1, 2009.

~~((6) \$100,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1417 (health benefits for surviving dependents). If Substitute House Bill No. 1417 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.~~

~~(7) \$3,300,000)~~ (5) \$1,832,767 of the state patrol highway account--state appropriation is provided solely for the salaries and benefits associated with accretion in the number of troopers employed above 1,158 authorized commissioned troopers, or solely for training new cadets; however, the amount provided in this subsection is contingent on the Washington state patrol submitting a 2009-11 budget request that fully funds field force operations without reliance on a projected vacancy rate. The Washington state patrol shall perform a study with a final report due to the legislative transportation committees by December 1, 2008, on the advantages and disadvantages of staffing the commercial vehicle enforcement section with commissioned officers instead of commercial vehicle enforcement officers.

(8) By July 1, 2008, the Washington state patrol shall assign six additional troopers to the Monroe detachment from among troopers requesting transfer to Monroe or graduating cadet classes.

Sec. 207. 2008 c 121 s 209 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation	((\$1,552,000))
	<u>\$1,535,000</u>

Sec. 208. 2008 c 121 s 210 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE PATROL--TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation	((\$102,726,000))
	<u>\$98,873,000</u>
State Patrol Highway Account--Private/Local Appropriation	\$2,008,000
TOTAL APPROPRIATION	((\$104,734,000))
	<u>\$100,881,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

~~(2) ((\$9,981,000 of the total appropriation is provided solely for automobile fuel in the 2007-2009 biennium.~~

~~(3) \$7,461,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.~~

~~(4) \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.~~

~~(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.~~

~~(6))~~ The Washington state patrol may submit information technology related requests for funding only if the patrol has coordinated with the department of information services as required by section 602 of this act.

~~((7))~~ (3) \$630,000 of the total appropriation is provided solely for the ongoing software maintenance and technical support for the digital microwave system. The Washington state patrol shall coordinate with the other members of the Washington state interoperability executive committee to ensure compatibility between emergency communication systems.

NEW SECTION. Sec. 209. A new section is added to 2007 c 518 (uncodified) to read as follows:

FOR THE WASHINGTON STATE PATROL. The appropriations to the Washington state patrol in chapter 121, Laws of 2008 and this act must be expended for the programs and in the amounts specified in this act. However, after May 1, 2009, unless specifically prohibited, the state patrol may transfer state patrol highway account--state appropriations for the 2007-2009 fiscal biennium between operating programs after approval by the director of financial management. However, the state patrol shall not transfer state moneys that are provided solely for a specified purpose. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing prior to approving any allotment modifications or transfers under this section.

Sec. 210. 2008 c 121 s 211 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation	\$32,000
Motorcycle Safety Education Account--State Appropriation	((\$3,898,000))
	<u>\$3,865,000</u>
Wildlife Account--State Appropriation	((\$830,000))
	<u>\$819,000</u>
Highway Safety Account--State Appropriation	((\$145,444,000))
	<u>\$144,531,000</u>
Highway Safety Account--Federal Appropriation	\$233,000
Motor Vehicle Account--State Appropriation	((\$78,235,000))
	<u>\$77,030,000</u>
Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
Motor Vehicle Account--Federal Appropriation	\$1,354,000
Department of Licensing Services Account-- Appropriation	((\$4,639,000))

Washington State Patrol Highway Account-- Appropriation	\$3,115,000 (\$1,145,000)
	<u>\$625,000</u>
TOTAL APPROPRIATION	(\$237,182,000) <u>\$232,976,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$2,941,000)~~ \$2,933,000 of the highway safety account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1267 (modifying commercial driver's license requirements). If Substitute House Bill No. 1267 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. The department shall informally report to the legislature by December 1, 2008, with measurable data indicating the department's progress in meeting its goal of improving public safety by improving the quality of the commercial driver's license testing process.

(2) ~~(\$716,000)~~ \$663,000 of the motorcycle safety education account--state appropriation is provided solely for the implementation of Senate Bill No. 5273 (modifying motorcycle driver's license endorsement and education provisions). If Senate Bill No. 5273 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3)(a) ~~(\$12,422,000)~~ \$10,685,000 of the highway safety account-- state appropriation is provided solely for costs associated with the processing costs of issuing enhanced drivers' licenses and identicards.

(b) Of the amount provided in (a) of this subsection, up to \$1,000,000 is for a statewide educational campaign, which must include coordination with existing public and private entities, to inform the Washington public of the benefits of the new enhanced drivers' licenses and identicards. Funds may be spent on educational campaigns only after the caseload for enhanced drivers' licenses and identicards falls below levels that can be reasonably processed by the department within the appropriation provided by this subsection. \$300,000 of the \$1,000,000 is for the department to partner with cross-border tourism businesses to create an educational campaign.

(c) Of the amount provided in (a) of this subsection, ~~(\$10,722,000)~~ \$8,985,000 is provided solely for costs associated with providing enhanced driver's license processing at 14 licensing services offices.

(d) Of the amount provided in (a) of this subsection, \$700,000 is provided solely for costs associated with extending hours beyond current regular business hours at the 14 licensing service offices that provide enhanced driver's license processing services.

(4) ~~(\$91,000)~~ \$6,000 of the motor vehicle account--state appropriation and ~~(\$152,000)~~ \$10,000 of the highway safety account-- state appropriation are provided solely for contracting with the office of the attorney general to investigate criminal activity uncovered in the course of the agency's licensing and regulatory activities. Funding is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with measurable data indicating the department's progress in meeting its goal of increased prosecution of illegal activity.

(5) \$350,000 of the highway safety account--state appropriation is provided solely for the costs associated with the systems development of the interface that will allow insurance carriers and their agents real time, online access to drivers' records. If Substitute Senate Bill No. 5937 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) ~~(\$1,145,000)~~ \$625,000 of the state patrol highway account-- state appropriation is provided solely for the implementation of Substitute House Bill No. 1304 (modifying commercial motor vehicle carrier provisions). If Substitute House Bill No. 1304 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(7) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

(8) ~~(\$116,000)~~ \$81,000 of the motor vehicle account--state appropriation is provided solely for the department to prepare draft legislation that streamlines title and registration statutes to specifically address apparent conflicts, fee distribution, and other relevant issues that are revenue neutral and which do not change legislative policy. The department shall submit the draft legislation to the transportation committees of the legislature by the end of the biennium.

(9) \$246,000 of the department of licensing services account--state appropriation is provided solely for the implementation of Substitute House Bill No. 3029 (secure vehicle licensing system). If Substitute House Bill No. 3029 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(10) \$200,000 of the highway safety account--state appropriation is provided solely for the implementation of Senate Bill No. 6885 (driving record abstracts). If Senate Bill No. 6885 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(11) ~~(\$417,000)~~ \$413,000 of the highway safety account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 3254 (ignition interlock drivers' license). If Engrossed Second Substitute House Bill No. 3254 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$100,000 of the department of licensing services account--state appropriation is provided solely for the implementation of Engrossed Second Substitute House Bill No. 2817 (contaminated vehicles). If Engrossed Second Substitute House Bill No. 2817 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) The department shall investigate instituting a program whereby individual registered vehicle owners may have license plates tested for reflectivity to determine whether the department's requirement that the license plates be replaced after seven years can be waived for that particular set of license plates.

(14)(a) By November 1, 2009, the department of licensing, in consultation with the department of revenue, must analyze and plan for the transfer, by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law from the department of licensing to the department of revenue. By November 1, 2009, the departments must report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.

(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:

(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature;

(ii) Identification and analysis of relevant factors including, but not limited to:

(A) Taxpayer reporting and payment processes;

(B) The international fuel tax agreement and the international registration program;

(C) Computer systems;

(D) Best management practices and efficiencies;

(E) Costs; and

(F) Personnel matters;

(iii) Development of recommended actions to accomplish the transfer; and

(iv) An implementation plan and schedule.

(c) The report must include draft legislation that transfers administration to the department of revenue on July 1, 2010, and amends existing law as needed.

NEW SECTION. Sec. 211. A new section is added to 2007 c 518 (uncodified) to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION. (1) The appropriations to the department of transportation in chapter 121, Laws of 2008 and this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2009, unless specifically prohibited, the department may transfer state appropriations for the 2007-2009 fiscal biennium among operating programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose.

(2) The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate transportation committees of the legislature prior to approving any allotment modifications or transfers under this section. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by program and appropriation, both before and after any allotment modifications or transfers.

Sec. 212. 2008 c 121 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High-Occupancy Toll Lanes Account-- Appropriation	\$2,253,000
Motor Vehicle Account--State Appropriation	\$600,000
Tacoma Narrows Toll Bridge Account-- Appropriation	(\$28,322,000)
	<u>\$27,626,000</u>
TOTAL APPROPRIATION	(\$31,175,000)
	<u>\$30,479,000</u>

The appropriations in this section are subject to the following conditions and limitations:

~~((2))~~ The department shall solicit private donations to fund activities related to the opening ceremonies of the Tacoma Narrows bridge project.

Sec. 213. 2008 c 121 s 213 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account-- Appropriation	(\$5,892,000)
	\$5,142,000
Motor Vehicle Account--State Appropriation	(\$67,710,000)
	\$66,850,000
Motor Vehicle Account--Federal Appropriation	(\$1,096,000)
	\$856,000
Puget Sound Ferry Operations Account-- Appropriation	\$9,143,000
Multimodal Transportation Account-- Appropriation	\$363,000
Transportation 2003 Account (Nickel Account)-- Appropriation	(\$5,337,000)
	\$4,587,000
TOTAL APPROPRIATION	(\$89,541,000)
	<u>\$86,941,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to ensure that (a) the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

~~(3) (\$3,300,000 of the motor vehicle account--state appropriation is provided solely for preliminary work needed to transition the department to the state government network. In collaboration with the department of information services the department shall complete an inventory of the current network infrastructure, develop an implementation plan for transition to the state government network, improve security, and initiate connection to the state government network.~~

~~((4))~~ \$1,000,000 of the motor vehicle account--state appropriation, ~~(\$5,892,000)~~ \$5,142,000 of the transportation partnership account--state appropriation, and ~~(\$5,337,000)~~ \$4,587,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. Beginning September 1, 2007, and on a quarterly basis thereafter, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. The first report shall include a detailed work plan for the development and integration of the system including timelines and budget milestones. At a minimum the ensuing reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

~~((5))~~ (4) The department may submit information technology related requests for funding only if the department has coordinated with the department of information services as required by section 602 of this act.

~~((6))~~ (5) \$1,600,000 of the motor vehicle account--state appropriation is provided solely for the critical application assessment implementation project. The department shall submit a progress report on the critical application assessment implementation project to the house of representatives and senate transportation committees on or before December 1, 2007, and December 1, 2008, with a final report on or before June 30, 2009.

Sec. 214. 2008 c 121 s 214 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation	(\$33,982,000)
	<u>\$33,988,000</u>

Sec. 215. 2008 c 121 s 215 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--AVIATION--PROGRAM F

Aeronautics Account--State Appropriation	((\$7,866,000))
	<u>\$7,659,000</u>
Aeronautics Account--Federal Appropriation	\$2,150,000
Multimodal Transportation Account--State Appropriation	\$631,000
TOTAL APPROPRIATION	((\$10,647,000))
	<u>\$10,440,000</u>

The appropriations in this section are subject to the following conditions and limitations: The entire multimodal transportation account--state appropriation and ((~~\$400,000~~)) \$350,000 of the aeronautics account--state appropriation are provided solely for the aviation planning council as provided for in RCW 47.68.410.

Sec. 216. 2008 c 121 s 216 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Transportation Partnership Account-- Appropriation	\$2,422,000
Motor Vehicle Account--State Appropriation	((\$52,275,000))
	<u>\$50,425,000</u>
Motor Vehicle Account--Federal Appropriation	\$500,000
Multimodal Transportation Account-- Appropriation	\$250,000
Transportation 2003 Account (Nickel Account)-- Appropriation	\$2,422,000
TOTAL APPROPRIATION	((\$57,869,000))
	<u>\$56,019,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$2,422,000 of the transportation partnership account appropriation and \$2,422,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for consultant contracts to assist the department in the delivery of the capital construction program by identifying improvements to program delivery, program management, project controls, program and project monitoring, forecasting, and reporting. The consultants shall work with the department of information services in the development of the project management and reporting system.

The consultants shall provide an updated copy of the capital construction strategic plan to the legislative transportation committees and to the office of financial management on June 30, 2008, and each year thereafter.

The department shall coordinate its work with other budget and performance efforts, including Roadmap, the findings of the critical applications modernization and integration strategies study, including proposed next steps, and the priorities of government process.

The department shall report to the transportation committees of the house of representatives and senate, and the office of financial management, by December 31, 2007, on the implementation status of recommended capital budgeting and reporting options. Options must include: Reporting against legislatively-established project identification numbers and may include recommendations for reporting against other appropriate project groupings; measures for reporting progress, timeliness, and cost which create an incentive for the department to manage effectively and report its progress in a transparent manner; and criteria and process for transfers of funds among projects.

Sec. 217. 2008 c 121 s 218 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--HIGHWAY MAINTENANCE--PROGRAM M

Motor Vehicle Account--State Appropriation	((\$331,342,000))
	<u>\$350,320,000</u>
Motor Vehicle Account--Federal Appropriation	((\$5,000,000))
	<u>\$25,000,000</u>
Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
TOTAL APPROPRIATION	((\$342,139,000))
	<u>\$381,117,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) \$5,000,000 of the motor vehicle account--federal appropriation is provided for unanticipated federal funds that may be received during the 2007-09 biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) Funding is provided for maintenance on the state system to deliver service level targets as listed in LEAP Transportation Document 2007-C, as developed April 20, 2007. In delivering the program and aiming for these targets, the department should concentrate on the following areas:

(a) Eliminating the number of activities delivered in the "f" level of service at the region level; and

(b) Evaluating, analyzing, and potentially redistributing resources within and among regions to provide greater consistency in delivering the program statewide and in achieving overall level of service targets.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs.

(8) The department shall prepare a comprehensive listing of maintenance backlogs and related costs and report to the office of financial management and the transportation committees of the legislature by December 31, 2008.

(9) ((~~\$76,026,000~~)) \$92,526,000 of the motor vehicle account--state appropriation is for snow and ice related expenses, within which ((~~is~~ α)) are one-time increases of ((~~\$3,250,000~~)) \$17,250,000 provided solely for extraordinary snow and ice removal expenses and \$2,500,000 provided solely for winter storm damage repair costs incurred during the winters of 2007-08 and 2008-09.

Sec. 218. 2008 c 121 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- OPERATING

Motor Vehicle Account--State Appropriation	((\$51,340,000))
	<u>\$51,354,000</u>
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$127,000
TOTAL APPROPRIATION	((\$53,517,000))
	<u>\$53,531,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$654,000 of the motor vehicle account--state appropriation is provided solely for the department to time state-owned and operated traffic signals. This funding may also be used to program incident, emergency, or special event signal timing plans.

(2) \$346,000 of the motor vehicle account--state appropriation is provided solely for the department to implement a pilot tow truck incentive program. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks.

(3) \$6,800,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By January 1, 2008, and January 1, 2009, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(4) The department, in consultation with the Washington state patrol, may conduct a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present.

(a) In order to ensure adequate time in the 2007-09 biennium to evaluate the effectiveness of the pilot program, any projects authorized by the department must be authorized by December 31, 2007.

(b) The department shall use the following guidelines to administer the program:

(i) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(ii) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(iii) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(iv) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(v) For purposes of the 2007-09 biennium pilot project, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.46.120, 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state highway account;

(vi) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction will be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use; and

(vii) By June 30, 2009, the department shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding the pilot project.

(5) The traffic signal operations along 164th Street SE at the intersections of Mill Creek Boulevard and SR 527 should be optimized to minimize vehicle delay on both corridors based on traffic volumes and not only on functional classification or designation.

Sec. 219. 2008 c 121 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	((\$27,757,000))
	<u>\$27,264,000</u>
Motor Vehicle Account--Federal Appropriation	((\$19,163,000))
	<u>\$18,932,000</u>
Multimodal Transportation Account-- Appropriation	\$1,760,000
Multimodal Transportation Account--Federal Appropriation	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation	\$100,000
TOTAL APPROPRIATION	((\$51,589,000))
	<u>\$50,865,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,559,000 of the motor vehicle account--state appropriation is provided solely for costs incurred for the 2007 regional transportation investment district election.

(2) \$800,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(3) ~~(\$320,000)~~ \$77,000 of the motor vehicle account--state appropriation and ~~(\$128,000)~~ \$47,000 of the motor vehicle account-- federal appropriation are provided solely for development of a freight database to help guide freight investment decisions and track project effectiveness. The database will be based on truck movement tracked through geographic information system technology. TransNow will contribute an additional \$192,000 in federal funds which are not appropriated in the transportation budget. The department shall work with the freight mobility strategic investment board to implement this project.

(4) By December 1, 2008, the department shall require confirmation from jurisdictions that plan under the growth management act, chapter 36.70A RCW, and that receive state transportation funding under this act, that the jurisdictions have adopted standards for access permitting on state highways that meet or exceed department standards in accordance with RCW 47.50.030. The objective of this subsection is to encourage local governments, through the receipt of state transportation funding, to adhere to best practices in access control applicable to development activity significantly impacting state transportation facilities. By January 1, 2009, the department shall submit a report to the appropriate committees of the legislature detailing the progress of the local jurisdictions in adopting the highway access permitting standards.

(5) ~~(\$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.~~

~~(6))~~ The department shall add a position within the freight systems division to provide expertise regarding the trucking aspects of the state's freight system.

~~(7))~~ (6) The department shall evaluate the feasibility of developing a freight corridor bypass from Everett to Gold Bar on US 2, including a connection to SR 522. US 2 is an important freight corridor, and is an alternative route for I-90. Congestion, safety issues, and flooding concerns have all contributed to the need for major improvements to the corridor. The evaluation shall consider the use of toll lanes for the project. The department must report to the transportation committees of the legislature by December 1, 2007, on its analysis and recommendations regarding the benefit of a freight corridor and the potential use of freight toll lanes to improve safety and congestion in the corridor.

~~(8))~~ (7) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures and municipal and state rules in regard to maximizing the use of recycled asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2008, with recommendations on increasing the use of recycled asphalt at the state and local level.

~~(9))~~ (8) \$140,000 of the multimodal transportation account-- state appropriation is provided solely for a full-time employee to develop vehicle miles traveled and other greenhouse gas emissions benchmarks as described in Engrossed Second Substitute House Bill No. 2815. If Engrossed Second Substitute House Bill No. 2815 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~(10))~~ (9) \$80,000 of the motor vehicle account--state appropriation is provided solely to study the feasibility of a new interchange on interstate 5 between the city of Rochester and Harrison Avenue.

~~(11))~~ (10) \$100,000 of the multimodal transportation account--state appropriation is provided solely to support the commuter rail study between eastern Snohomish county and eastern King county as defined in Substitute House Bill No. 3224. Funds are provided to the Puget Sound regional council for one time only. If Substitute House Bill No. 3224 is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 220. 2008 c 121 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--CHARGES FROM OTHER AGENCIES-- PROGRAM U

Motor Vehicle Account--State Appropriation	((\$66,102,000))
	<u>\$60,507,000</u>
Motor Vehicle Account--Federal Appropriation	\$400,000
Multimodal Transportation Account-- Appropriation	\$259,000
TOTAL APPROPRIATION	((\$66,761,000))
	<u>\$61,166,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$36,665,000)~~ \$29,958,000 of the motor vehicle fund--state appropriation is provided solely for the liabilities attributable to the department of transportation. The office of financial management must provide a detailed accounting of the revenues and expenditures of the self-insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES ...	\$1,520,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR	\$1,153,000
(c) FOR PAYMENT OF COSTS OF DEPARTMENT OF GENERAL ADMINISTRATION FACILITIES AND SERVICES AND CONSOLIDATED MAIL SERVICES	\$4,859,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL	\$7,593,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	((\$36,665,000))
	<u>\$29,958,000</u>

(f) FOR PAYMENT OF THE DEPARTMENT OF GENERAL ADMINISTRATION CAPITAL PROJECTS SURCHARGE

(g) FOR ARCHIVES AND RECORDS MANAGEMENT

(h) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES

(i) FOR USE OF FINANCIAL SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT

(j) FOR POLICY ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES

(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE

(l) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE

SECOND PHASE OF THE BOLDT LITIGATION

(~~(\$158,000)~~)

\$271,000

(3) \$1,000,000 of the motor vehicle account--state appropriation is provided solely for the purposes of settling all claims that were found against the state in the verdict and judgment issued in the case of *Marable v. Nitchman* (WSF), United States District Court, Western District of Washington, Cause No. 05-01270MJP.

Sec. 221. 2008 c 121 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC TRANSPORTATION--PROGRAM V

Regional Mobility Grant Program Account-- Appropriation	((\$40,000,000))
	<u>\$12,732,000</u>

Multimodal Transportation Account-- Appropriation	(\$85,601,000)
	<u>\$80,583,000</u>
Multimodal Transportation Account--Federal Appropriation	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation	\$659,000
TOTAL APPROPRIATION	(\$128,842,000)
	<u>\$96,556,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2005 as reported in the "Summary of Public Transportation - 2005" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the Summary of Public Transportation - 2005 published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(3) \$8,600,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; no operating costs for public transit agencies are eligible for funding under this grant program. No additional employees may be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. Additional criteria for selecting grants must include leveraging funds other than state funds.

(4) (~~(\$40,000,000)~~) \$12,732,000 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007. The department shall provide annual status reports on December 15, 2007, and December 15, 2008, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants.

(5) (~~(\$17,168,087)~~) \$12,150,087 of the multimodal transportation account--state appropriation is reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2006-D, regional mobility grant program projects as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility shall be used only to fund projects on the LEAP Transportation Document 2007-B as developed April 20, 2007, or the LEAP Transportation Document 2006-D as developed March 8, 2006.

(6) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to study and then develop pilot programs aimed at addressing commute trip reduction strategies for K-12 students and for college and university students. The department shall submit to the legislature by January 1, 2009, a summary of the program results and recommendations for future student commute trip reduction strategies. The pilot programs are described as follows:

(a) The department shall consider approaches, including mobility education, to reducing and removing traffic congestion in front of schools by changing travel behavior for elementary, middle, and high school students and their parents; and

(b) The department shall design a program that includes student employment options as part of the pilot program applicable to college and university students.

(7) \$2,400,000 of the multimodal account--state appropriation is provided solely for establishing growth and transportation efficiency centers (GTEC). Funds are appropriated for one time only. The department shall provide in its annual report to the legislature an evaluation of the GTEC concept and recommendations on future funding levels.

(8) \$381,000 of the multimodal transportation account--state appropriation is provided solely for the implementation of Substitute House Bill No. 1694 (reauthorizing the agency council on coordinated transportation). If Substitute House Bill No. 1694 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$504,000 of the multimodal transportation account-- private/local appropriation is provided solely for the implementation of Senate Bill No. 5084 (updating rail transit safety plans). If Senate Bill No. 5084 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$60,000 of the multimodal transportation account--state appropriation is provided solely for low-income car ownership programs. The department shall collaborate with interested regional transportation planning organizations and metropolitan planning organizations to determine the effectiveness of the programs at providing transportation solutions for low-income persons who depend upon cars to travel to their places of employment.

(11) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for additional funding for the trip reduction performance program, including telework enhancement projects. Funds are appropriated for one time only.

(12) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

(13) \$150,000 of the multimodal transportation account--state appropriation is provided solely as a grant for a telework pilot project to be developed, administered, and monitored by the Kitsap regional coordinating council. Funds are appropriated for one time only. The primary purposes of the pilot project are to educate employers about telecommuting, develop telework policies and resources for employers, and reduce traffic congestion by encouraging teleworking in the workplace. As part of the pilot project, the council shall recruit public and private sector

employer participants throughout the county, identify telework sites, develop an employer's toolkit consisting of teleworking resources, and create a telecommuting template that may be applied in other communities. The council shall submit to the legislature by July 1, 2009, a summary of the program results and any recommendations for future telework strategies.

Sec. 222. 2008 c 121 s 224 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--MARINE--PROGRAM X

Puget Sound Ferry Operations Account-- Appropriation	((\$426,761,000))
	<u>\$441,485,000</u>
Multimodal Transportation Account--State Appropriation	((\$1,914,000))
	<u>\$3,035,000</u>
TOTAL APPROPRIATION	((\$428,675,000))
	<u>\$444,520,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$90,299,000~~)) \$96,443,000 of the Puget Sound ferry operations--state appropriation is provided solely for auto ferry vessel operating fuel in the 2007-2009 biennium.

(2) The Washington state ferries must work with the department's information technology division to implement an electronic fare system, including the integration of the regional fare coordination system (smart card). Each December and June, semiannual updates must be provided to the transportation committees of the legislature concerning the status of implementing and completing this project, with updates concluding the first December after full project implementation.

(3) The Washington state ferries shall continue to provide service to Sidney, British Columbia.

(4) \$1,914,000 of the multimodal transportation account--state appropriation is provided solely to provide passenger-only ferry service. The ferry system shall continue passenger-only ferry service from Vashon Island to Seattle through June 30, 2008. Ferry system management shall continue to implement its agreement with the inlandboatmen's union of the pacific and the international organization of masters, mates and pilots providing for part-time passenger-only work schedules.

(5) ((~~\$932,000~~)) \$674,000 of the Puget Sound ferries operations account--state appropriation is provided solely for compliance with department of ecology rules regarding the transfer of oil on or near state waters. Funding for compliance with on-board fueling rules is provided for the 2008 fiscal year. The department may request funding for the 2009 fiscal year if the request is submitted with an alternative compliance plan filed with the department of ecology, as allowed by rule.

(6) ((~~\$1,116,000~~)) \$1,006,000 of the Puget Sound ferry operations account--state appropriation is provided solely for ferry security operations necessary to comply with the ferry security plan submitted by the Washington state ferry system to the United States coast guard. The department shall track security costs and expenditures. Ferry security operations costs shall not be included as part of the operational costs that are used to calculate farebox recovery.

(7) \$378,000 of the Puget Sound ferry operations account--state appropriation is provided solely to meet the United States coast guard requirements for appropriate rest hours between shifts for vessel crews on the Bainbridge to Seattle and Edmonds to Kingston ferry routes.

(8) \$694,000 of the Puget Sound ferries operating account--state appropriation is provided solely for implementing Engrossed Substitute House Bill No. 2358 as follows:

(a) The department shall allow the joint transportation committee work group established in section 205(1) of this act to participate in the following elements as they are described in Engrossed Substitute House Bill No. 2358:

(i) Development and implementation of a survey of ferry customers;

(ii) Analysis and reestablishment of vehicle level of service standards. In reestablishing the standards, consideration shall be given to whether boat wait is the appropriate measure. The level of service standard shall be reestablished in conjunction with or after the survey has been implemented;

(iii) Development of pricing policy proposals. In developing these policies, the policies, in effect on some routes, of collecting fares in only one direction shall be evaluated to determine whether one-way fare pricing best serves the ferry system. The pricing policy proposals must be developed in conjunction with or after the survey has been implemented;

(iv) Development of operational strategies. The operational strategies shall be reestablished in conjunction with the survey or after the survey has been implemented;

(v) Development of terminal design standards. The terminal design standards shall be finalized after the provisions of subsections (a)(i) through (iv) and subsection (b) of this section have been developed and reviewed by the joint transportation committee; and

(vi) Development of a capital plan. The capital plan shall be finalized after terminal design standards have been developed by the department and reviewed by the joint transportation committee.

(b) The department shall develop a ridership demand forecast that shall be used in the development of a long-range capital plan. If more than one forecast is developed they must be reconciled.

(c) The department shall update the life cycle cost model to meet the requirements of Engrossed Substitute House Bill No. 2358 no later than August 1, 2007.

(d) The department shall develop a cost allocation methodology proposal to meet the requirements described in Engrossed Substitute House Bill No. 2358. The proposal shall be completed and presented to the joint transportation committee no later than August 1, 2007.

(9) \$200,000 of the Puget Sound ferry operations account--state appropriation is provided solely for the initial acquisition of transportation worker identification credentials required by the United States department of homeland security for unescorted access to secure areas of ferries and terminals.

(10) The legislature finds that a rigorous incident investigation process is an essential component of marine safety. The department is directed to review its accident and incident investigation procedures and report the results of its review with any proposals for changes to the legislature by November 1, 2008.

(11) The department shall allow the use, by two separate drivers, of fare media allowing for multiple discounted vehicle trips aboard Washington state ferries vessels.

((~~13~~)) (12) While developing fare and pricing policy proposals, the department may consider the desirability of reasonable fares for persons using the ferry system to commute daily to work and other frequent users who live in ferry-dependent communities.

Sec. 223. 2008 c 121 s 225 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account-- Appropriation	((\$37,010,000))
	<u>\$35,096,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) The department shall publish a final long-range plan for Amtrak Cascades by September 30, 2007. By December 31, 2008, the department shall submit to the office of financial management and the transportation committees of the legislature a midrange plan for Amtrak Cascades that identifies specific steps the department would propose to achieve additional service beyond current levels.
- (2)(a) ~~(\$29,091,000)~~ \$28,577,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.
- (b) The department shall negotiate with Amtrak and Burlington Northern Santa Fe to adjust the Amtrak Cascades schedule to leave Bellingham at a significantly earlier hour.
- (c) When Amtrak Cascades expands the second roundtrip between Vancouver, B.C. and Seattle, the department shall negotiate for the second roundtrip to leave Bellingham southbound no later than 8:30 a.m.
- (3) No Amtrak Cascade runs may be eliminated.
- (4) \$40,000 of the multimodal transportation account--state appropriation is provided solely for the produce railcar program. The department is encouraged to implement the produce railcar program by maximizing private investment.
- (5) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

TRANSPORTATION AGENCIES--CAPITAL

Sec. 301. 2008 c 121 s 302 (uncodified) is amended to read as follows:

FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$64,000,000
Motor Vehicle Account--State Appropriation	(\$2,370,000)
	<u>\$1,555,000</u>
County Arterial Preservation Account-- Appropriation	(\$32,641,000)
	<u>\$31,541,000</u>
TOTAL APPROPRIATION	(\$99,011,000)
	<u>\$97,096,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) ~~(\$2,370,000)~~ \$1,555,000 of the motor vehicle account--state appropriation may be used for county ferry projects as set forth in RCW 47.56.725(4).
- (2) The appropriations contained in this section include funding to counties to assist them in efforts to recover from ~~((winter storm and flood damage))~~ federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning them in its next annual report to the legislature.

Sec. 302. 2008 c 121 s 303 (uncodified) is amended to read as follows:

FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account-- Appropriation	\$5,900,000
Urban Arterial Trust Account--State Appropriation	(\$126,600,000)
	<u>\$106,600,000</u>
Transportation Improvement Account-- Appropriation	(\$87,143,000)
	<u>\$77,495,000</u>
TOTAL APPROPRIATION	(\$219,643,000)
	<u>\$189,995,000</u>

~~((The appropriations in this section are subject to the following conditions and limitations:~~

- ~~(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.~~
- ~~(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.)~~

Sec. 303. 2008 c 121 s 305 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation	(\$6,255,000)
	<u>\$6,265,000</u>

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$584,000 of the motor vehicle account--state appropriation is for statewide administration.
- (2) \$803,000 of the motor vehicle account--state appropriation is for regional minor projects.
- (3) \$568,000 of the motor vehicle account--state appropriation is for the Olympic region headquarters property payments.
- (4) By September 1, 2007, the department shall submit to the transportation committees of the legislature predesign plans, developed using the office of financial management's predesign process, for all facility replacement projects to be proposed in the facilities 2008 budget proposal.
- (5) \$1,600,000 of the motor vehicle account--state appropriation is for site acquisition for the Tri-cities area maintenance facility.
- (6) \$2,700,000 of the motor vehicle account--state appropriation is for site acquisition for the Vancouver light industrial facility.
- (7) The department shall work with the office of financial management and staff of the transportation committees of the legislature to develop a statewide inventory of all department-owned surplus property that is suitable for development for department facilities or that should be sold. By December 1, 2008, the department shall report to the joint transportation committee on the findings of this study.
- (8) \$10,000 of the motor vehicle account--state appropriation is provided solely for reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

Sec. 304. 2008 c 121 s 306 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation Partnership Account--State Appropriation	(\$1,109,593,000)
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	<u>\$900,809,000</u>
Motor Vehicle Account--State Appropriation	((\$87,210,000))
	<u>\$67,416,000</u>
Motor Vehicle Account--Federal Appropriation	((\$457,580,000))
	<u>\$538,126,000</u>
Motor Vehicle Account--Private/Local Appropriation	((\$64,487,000))
	<u>\$65,902,000</u>
Special Category C Account--State Appropriation	((\$29,125,000))
	<u>\$29,772,000</u>
(Multimodal Transportation Account--Federal Appropriation	(\$86,100,000)
Tacoma Narrows Toll Bridge Account-- Appropriation	((\$32,277,000))
	<u>\$26,045,000</u>
Transportation 2003 Account (Nickel Account)-- Appropriation	((\$1,147,529,000))
	<u>\$1,052,094,000</u>
Freight Mobility Multimodal Account-- Appropriation	((\$208,000))
	<u>\$189,000</u>
TOTAL APPROPRIATION	((\$3,014,109,000))
	<u>\$2,680,353,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ~~(fund,)~~ project ~~(and amount)~~ in LEAP Transportation Document 2008-1, Highway Improvement Program (I) as developed March 10, 2008. ~~(However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.)~~ Federal funds may be transferred between programs I and P.

(2) The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) Within the amounts provided in this section, ~~((~~\$1,895,000~~))~~ \$11,363 of the transportation partnership account--state appropriation, ~~((~~\$2,147,000~~))~~ \$505,099 of the motor vehicle account--federal appropriation, and ~~((~~\$10,331,000~~))~~ \$11,031,179 of the transportation 2003 account (nickel account)--state appropriation are for project 109040T as identified in the LEAP transportation document referenced in subsection (1) of this section: I-90/Two Way Transit-Transit and HOV Improvements - Stage 1. Expenditure of the funds on construction is contingent upon revising the access plan for Mercer Island traffic such that Mercer Island traffic will have access to the outer roadway high occupancy vehicle (HOV) lanes during the period of operation of such lanes following the removal of Mercer Island traffic from the center roadway and prior to conversion of the outer roadway HOV lanes to high occupancy toll (HOT) lanes. Sound transit may only have access to the center lanes when alternative R8A is complete.

(4) The Tacoma Narrows toll bridge account--state appropriation includes up to ~~((~~\$18,000,000~~))~~ \$26,045,000 in proceeds from the sale of bonds authorized by RCW 47.10.843.

(5) The funding described in this section includes ~~((~~\$36,693,000~~))~~ \$46,693,000 of the transportation 2003 account (nickel account)--state appropriation ~~(and ~~\$208,000~~))~~, \$188,357 of the freight mobility multimodal account--state appropriation, and \$20,000 of the motor vehicle account--private/local appropriation, which are for the SR 519 project identified as project number 851902A in the LEAP Transportation Document referenced in subsection (1) of this section. The total project is expected to cost no more than ~~((~~\$74,400,000~~))~~ \$84,467,000 including ~~((~~\$10,610,000~~))~~ \$10,792,000 in contributions from project partners, including Burlington Northern Santa Fe railroad.

(6) To promote and support community-specific noise reduction solutions, the department shall:

(a) Prepare a draft directive that establishes how each community's priorities and concerns may be identified and addressed in order to allow consideration of a community's preferred methods of advanced visual shielding and aesthetic screening, for the purpose of improving the noise environment of major state roadway projects in locations that do not meet the criteria for standard noise barriers. The intent is for these provisions to be supportable by existing project budgets. The directive shall also include direction on the coordination and selection of visual and aesthetic options with local communities. The draft directive shall be provided to the standing transportation committees of the legislature by January 2008; and

(b) Pilot the draft directive established in (a) of this subsection in two locations along major state roadways. If practicable, the department should begin work on the pilot projects while the directive is being developed. One pilot project shall be located in Clark county on a significant capacity improvement project. The second pilot project shall be located in urban King county, which shall be on a corridor highway project through mixed land use areas that is nearing or under construction. The department shall provide a written report to the standing transportation committees of the legislature on the findings of the Clark county pilot project by January 2009, and the King county pilot project by January 2010. Based on results of the pilot projects, the department shall update its design manual, environmental procedures, or other appropriate documents to incorporate the directive.

(7) If the "Green Highway" provisions of Engrossed Second Substitute House Bill No. 1303 (cleaner energy) are enacted, the department shall erect signs on the interstate highways included in those provisions noting that these interstates have been designated "Washington Green Highways."

(8) If on the I-405/I-90 to SE 8th Street Widening project the department finds that there is an alternative investment to preserve reliable rail accessibility to major manufacturing sites within the I-405 corridor that are less expensive than replacing the Wilburton Tunnel, the department may enter into the necessary agreements to implement that alternative provided that costs remain within the approved project budget.

(9) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(10) \$250,000 of the motor vehicle account--state appropriation and \$226,000 of the motor vehicle account--federal appropriation are provided solely for an inland pacific hub study to develop an inland corridor for the movement of freight and goods to and through eastern Washington; and \$500,000 of the motor vehicle account--state appropriation is provided solely for the SR3/SR16 corridor study to plan and

prioritize state and local improvements needed over the next 10-20 years to support safety, capacity development, and economic development within the corridor.

(11) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(12) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the SR 520 bridge replacement and HOV project. The federal funds described in this subsection shall not include those federal transit administration funds distributed by formula.

(13) Funding provided by this act for the Alaskan Way Viaduct project shall not be spent for preliminary engineering, design, right-of-way acquisition, or construction on the project if completion of the project would more likely than not reduce the capacity of the facility. Capacity shall be measured by including the consideration of the efficient movement of people and goods on the facility.

(14) The governor shall convene a collaborative process involving key leaders to determine the final project design for the Alaskan Way Viaduct.

(a) The process shall be guided by the following common principles: Public safety must be maintained; the final project shall meet both capacity and mobility needs; and taxpayer dollars must be spent responsibly.

(b) The state's project expenditures shall not exceed \$2,800,000,000.

(c) A final design decision shall be made by December 31, 2008.

(15) During the 2007-09 biennium, the department shall proceed with a series of projects on the Alaskan Way Viaduct that are common to any design alternative. Those projects include relocation of two electrical transmission lines, Battery Street tunnel upgrades, seismic upgrades from Lenora to the Battery Street tunnel, viaduct removal from Holgate to King Street, and development of transit enhancements and other improvements to mitigate congestion during construction.

(16) The transportation 2003 account (nickel account)--state appropriation includes up to (~~(\$874,610,000)~~) \$740,839,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(17) The transportation partnership account--state appropriation includes up to (~~(\$900,000,000)~~) \$642,100,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(18) The special category C account--state appropriation includes up to \$21,497,000 in proceeds from the sale of bonds authorized in Substitute House Bill No. 2394. If Substitute House Bill No. 2394 is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) \$4,500,000 of the motor vehicle account--federal appropriation is provided solely for cost increases on the SR 304/Bremerton tunnel project.

(20) \$2,071,000 of the motor vehicle account--federal appropriation is provided solely for initial design and right of way work on a new southbound SR 509 to eastbound SR 518 freeway-to-freeway elevated ramp.

(21) \$500,000 of the motor vehicle account--federal appropriation to the SR 543/I-5 to Canadian border project is provided solely for retaining wall fascia improvements.

(22) (~~(\$950,000)~~) \$846,700 of the motor vehicle account--federal appropriation and (~~(\$24,000)~~) \$17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

(23) (~~(\$1,600,000)~~) \$1,567,600 of the motor vehicle account--state appropriation is provided solely for two noise walls on SR 161 in King county.

(24) (~~(\$20,000)~~) \$10,640 of the motor vehicle account--state appropriation and (~~(\$280,000)~~) \$252,300 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A street and tank farm road.

(25) The funding described in this section includes (~~(\$19,939,000)~~) \$19,928,000 of the transportation partnership account--state appropriation, (~~(\$29,000)~~) \$26,000 of the motor vehicle account--state appropriation, (~~(\$308,000)~~) \$6,747,000 of the motor vehicle account--private/local appropriation, and (~~(\$17,900,000)~~) \$17,821,000 of the motor vehicle account--federal appropriation for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes up to \$15,000,000 awarded to Washington and Oregon jointly through the U.S. department of transportation corridors of the future program in the 2007 federal highway authority discretionary fund allocations.

(26) The department shall study any outstanding issues, including financial issues that may apply to the I-5/Columbia river crossing/Vancouver project. The department's efforts must include an analysis of current bi-state efforts in planning, coordination, and funding for the project; opportunities for the joining of state and local government agencies and the private sector in a strong partnership that contributes to the completion of the project; and opportunities to work with the congressional delegations of Oregon and Washington to provide federal funding and other assistance that will advance this project of national and regional significance.

(27) (~~(\$1,500,000)~~) \$1,928,232 of the motor vehicle account--federal appropriation (~~and \$4,908,000~~), \$2,611,000 of the transportation partnership account--state appropriation, and \$14,682 of the transportation 2003 account (nickel account)--state appropriation are provided solely for project 109040Q as identified in the LEAP transportation document in subsection (1) of this section: I-90/Two-Way Transit-Transit and HOV Improvements, Stages 2 and 3. Of these amounts, up to \$550,000 of the transportation partnership account--state appropriation is to provide funding for an independent technical review, overseen by the joint transportation committee, of light rail impacts on the Interstate 90 - Homer Hadley Floating Bridge. The technical review shall complement sound transit's current and planned engineering design work to expand light rail in the central Puget Sound region. The department shall coordinate its work with sound transit and seek contributions from sound transit for the review.

(28) (~~(\$1,400,000)~~) \$800,000 of the motor vehicle account--state appropriation is provided solely for safety improvements on US Highway 2 between Monroe and Gold Bar. Additional project funding of (~~(\$8,600,000)~~) \$9,200,000 is assumed in the 2009-2011 biennium, bringing the total project funding to \$10,000,000. This high priority safety project will provide safety enhancements on US Highway 2 between Gold Bar and Monroe, such as a passing lane or interchange/turning lane improvements. The department shall seek input from the US Highway 2 safety coalition to select projects that will help reduce fatalities on this corridor.

(29) (~~(\$2,267,000)~~) \$1,663,700 of the motor vehicle account-- federal appropriation, (~~(\$218,500)~~) \$234,000 of the motor vehicle account--state appropriation, and \$1,500,000 of the motor vehicle account--private/local appropriation are provided solely for installing centerline rumble strips and related improvements on US Highway 2 between Monroe and Sultan. The section of US Highway 2 from Monroe to Deception

Creek has a high frequency of centerline crossover collisions. By installing centerline rumble strips, the project will reduce the risk of crossover collisions. This project will also place shoulder rumble strips between Monroe and Sultan.

(30) ~~(\$1,500,000)~~ \$688,000 of the motor vehicle account--state appropriation is provided solely for the SR 28/E End of the George Sellar bridge (202802V) for the purpose of funding a pedestrian tunnel connection. This funding is provided in anticipation of a federal grant specific to this project, which, if received, must be used to reimburse the state funding provided in this subsection.

(31) For the period of preconstruction tolling on the state route 520 bridge, the department shall develop improvements of traffic flow from the eastern Lake Washington shoreline to 108th avenue northeast in Bellevue including:

(a) Near-term, low-cost enhancements which relocate the high- occupancy vehicle lanes to the inside of the alignment; and

(b) A plan for an accelerated improvement project for the construction of median flyer stops, reconfiguration of interchanges, addition of direct access ramps, community enhancement lids, and pedestrian/bike path connections.

The department shall report to the joint transportation committee by September 1, 2008, on the short-term low-cost improvement plans and include in their budget submittal to the office of financial management a proposal for the accelerated improvement project.

Sec. 305. 2008 c 121 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--PRESERVATION--PROGRAM P

Transportation Partnership Account-- Appropriation	((\$181,666,000)) \$181,316,000
Motor Vehicle Account--State Appropriation	((\$86,540,000)) \$94,784,000
Motor Vehicle Account--Federal Appropriation	((\$463,338,000)) \$462,427,000
Motor Vehicle Account--Private/Local Appropriation	((\$18,138,000)) \$19,049,000
Transportation 2003 Account (Nickel Account)-- Appropriation	((\$11,136,000)) \$15,399,000
Puyallup Tribal Settlement Account-- Appropriation	((\$12,500,000)) \$6,000,000
TOTAL APPROPRIATION	((\$773,318,000)) \$778,975,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by ~~(fund,)~~ project ~~(-and amount)~~ in LEAP Transportation Document 2008-1, Highway Preservation Program (P) as developed March 10, 2008. ~~((However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.))~~ Federal funds may be transferred between programs I and P.

(2) \$287,000 of the motor vehicle account--federal appropriation and \$11,000 of the motor vehicle account--state appropriation are provided solely for the department to determine the most cost efficient way to replace the current Keller ferry. Options reviewed shall not include an expansion of the current capacity of the Keller ferry.

(3) \$5,308,000 of the transportation partnership account--state appropriation is provided solely for the purposes of settling all identified and potential claims from the Lower Elwha Klallam Tribe related to the construction of a graving dock facility on the graving dock property. In the matter of *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, the Lower Elwha Klallam Tribe and the state of Washington entered into a settlement agreement that settles all claims related to graving dock property and associated construction and releases the state from all claims related to the construction of the graving dock facilities. The expenditure of this appropriation is contingent on the conditions and limitations set forth in subsections (a) and (b) of this subsection.

(a) \$2,000,000 of the transportation partnership account--state appropriation is provided solely for the benefit of the Lower Elwha Klallam Tribe to be disbursed by the department in accordance with terms and conditions of the settlement agreement.

(b) \$3,308,000 of the transportation partnership account--state appropriation is provided solely for the department's remediation work on the graving dock property in accordance with the terms and conditions of the settlement agreement.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P, including, but not limited to, the SR 518, SR 519, SR 520, and Alaskan Way Viaduct projects.

(5) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. Other projects may be reported on a programmatic basis. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) \$13,257,000 of the motor vehicle account--federal appropriation and \$5,000,000 of the motor vehicle account--state appropriation are for expenditures on damaged state roads due to flooding, mudslides, rock fall, or other unforeseen events.

(8) ~~(\$188,000)~~ \$213,000 of the motor vehicle account--state appropriation, ~~(\$28,749,000)~~ \$52,930,000 of the motor vehicle account--federal appropriation, and ~~(\$105,653,000)~~ \$117,544,000 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

(9) ~~(\$12,500,000)~~ \$6,000,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street Bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street Bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. In no event shall the department's participation exceed \$39,953,000. No funds may be expended unless

the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(10) Within the amounts provided in this section, \$190,000 of the motor vehicle account--state appropriation is provided solely for rehabilitation of the SR 532/84th Ave NW bridge deck. It is the intent of the legislature that an additional \$1,510,000 will be provided in the 2009-11 omnibus transportation appropriations act to complete this project.

Sec. 306. 2008 c 121 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation	((\$9,462,000))
	\$7,588,000
Motor Vehicle Account--Federal Appropriation	((\$15,951,000))
	\$14,809,000
Motor Vehicle Account--Private/Local Appropriation	\$74,000
TOTAL APPROPRIATION	((\$25,487,000))
	\$22,471,000

The appropriations in this section are subject to the following conditions and limitations: The motor vehicle account--state appropriation includes ((~~\$8,959,335~~)) \$7,085,335 provided solely for state matching funds for federally selected competitive grant or congressional earmark projects. These moneys shall be placed into reserve status until such time as federal funds are secured that require a state match.

Sec. 307. 2008 c 121 s 309 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account-- Appropriation	((\$142,250,000))
	\$105,182,000
Puget Sound Capital Construction Account--Federal Appropriation	((\$45,259,000))
	\$40,174,000
Puget Sound Capital Construction Account--Private/Local Appropriation	\$2,089,000
Multimodal Transportation Account-- Appropriation	\$4,100,000
Transportation 2003 Account (Nickel Account)-- Appropriation	((\$59,469,000))
	\$38,402,000
TOTAL APPROPRIATION	((\$253,167,000))
	\$189,947,000

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$36,500,000~~)) \$27,380,000 of the Puget Sound capital construction account--state appropriation is provided solely for project 944470A as identified in the LEAP Transportation Document 2008- 1, Ferries Construction Program (W) as developed March 10, 2008, for the construction of ((~~three~~)) one marine vessel((s)) to replace the steel electric auto ferry vessels. The document includes a total of ((~~\$84,500,000~~)) \$76,930,000 for ((~~these~~)) this replacement vessel((s)).

(2) ((~~\$21,460,823~~)) \$17,812,000 of the Puget Sound capital construction account--state appropriation, \$4,100,000 of the multimodal transportation account--state appropriation, \$5,410,000 of the transportation 2003 account (nickel account)--state appropriation, ((~~\$4,490,000~~)) \$1,002,000 of the Puget Sound capital construction account--federal appropriation, and \$2,089,000 of the Puget Sound capital construction account--private/local appropriation are provided solely for the terminal projects listed:

- (a) Anacortes ferry terminal - utilities work; ((~~right-of-way purchase for a holding area during construction;~~)) and completion of design and permitting on the terminal building, pick-up and drop-off sites, and pedestrian and bicycle facilities;
- (b) Bainbridge Island ferry terminal - environmental planning and a traffic signalization project in the vicinity of SR 305 Harborview drive;
- (c) Bremerton ferry terminal - overhead loading control system and moving the terminal agent's office;
- (d) Clinton ferry terminal - septic system replacement;
- (e) Edmonds ferry terminal - right-of-way acquisition costs, federal match requirements, and removal of Unocal Pier;
- (f) Friday Harbor ferry terminal - parking resurfacing;
- (g) Keystone and Port Townsend ferry terminals - route environmental planning;
- (h) Kingston ferry terminal - transfer span retrofit and overhead vehicle holding control system modifications;
- (i) Mukilteo ferry terminal - right-of-way acquisition, archaeological studies, environmental planning, and additional vehicle holding;
- (j) Orcas ferry terminal - dolphin replacement;
- (k) Port Townsend ferry terminal - wingwall replacement((~~interim holding, tie-up slip;~~)) and initial reservation system;
- (l) Seattle ferry terminal - environmental planning, coordination with local jurisdictions, coordination with highway projects, and contractor payment for automated re-entry gates;
- (m) Southworth ferry terminal - ((~~federal grant to~~)) conduct preliminary studies and planning for ((~~a 2nd~~)) second operating slip; and
- (n) Vashon Island and Seattle ferry terminals - modify the passenger-only facilities.

(3) ((~~\$46,020,666~~)) \$31,036,000 of the transportation 2003 account (nickel account)--state appropriation and \$3,750,000 of the Puget Sound capital construction account--federal appropriation are provided solely for the procurement of up to three 144-vehicle auto-passenger ferry vessels.

(4) ((~~\$18,716,000~~)) \$5,867,000 of the Puget Sound capital construction account--state appropriation is provided solely for the Eagle Harbor maintenance facility preservation project. These funds may not be used for relocating any warehouses not currently on the Eagle Harbor site.

(5) The department shall research an asset management system to improve Washington state ferries' management of capital assets and the department's ability to estimate future preservation needs. The department shall report its findings regarding a new asset management system to the governor and the transportation committees of the legislature no later than January 15, 2008.

(6) The department shall sell the M.V. Chinook and M.V. Snohomish passenger-only fast ferries as soon as practicable and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645. Once the department ceases to provide passenger-only ferry service, the department shall sell the M.V. Kalama and M.V. Skagit passenger-only ferries and deposit the proceeds of the sales into the passenger ferry account created in RCW 47.60.645.

(7) The department shall, on a quarterly basis beginning July 1, 2007, provide to the office of financial management and the legislature reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2007-09 fiscal biennium. Elements shall include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS).

(8) \$1,105,000 of the Puget Sound capital construction account--state appropriation and ~~(\$8,038,000)~~ \$1,956,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for a dolphin replacement project at the Vashon Island ferry terminal. The department shall submit a predesign study to the joint transportation committee before beginning design or construction of this project.

(9) The department of transportation is authorized to sell up to ~~(\$105,000,000)~~ \$68,178,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

(10) The department shall review the costs and benefits of continued use of the primavera scheduling system in the Washington state ferries marine division and include that review with its 2009- 2011 budget submittal.

(11) The department shall review staffing in its capital engineering divisions to ensure core competency in, and a focus on, terminal and vessel preservation, with staffing sufficient to implement the preservation program in the capital plan. Until the completion of the capital plan, the department shall maintain capital staffing levels at or below the level of staffing on January 1, 2008.

(12) The department shall sell, be in the process of selling, or otherwise dispose of the four steel electric auto-ferry vessels in the most cost effective way practicable no later than June 1, 2008.

Sec. 308. 2008 c 121 s 310 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--RAIL--PROGRAM Y--CAPITAL

(Essential Rail Assistance Account--State Appropriation	(\$500,000)
Transportation Infrastructure Account-- Appropriation	(\$1,713,000)
	<u>\$1,580,000</u>
(Transportation Infrastructure Account--Federal Appropriation	\$787,000)
Multimodal Transportation Account-- Appropriation	(\$165,512,000)
	<u>\$104,564,000</u>
Multimodal Transportation Account--Federal Appropriation	(\$33,906,000)
	<u>\$20,165,000</u>
Multimodal Transportation Account--Private/Local Appropriation	(\$2,659,000)
	<u>\$363,000</u>
TOTAL APPROPRIATION	(\$205,077,000)
	<u>\$126,672,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by ~~(fund;)~~ project ~~(and amount)~~ in LEAP Transportation Document 2008-1, Rail Capital Program (Y) as developed March 10, 2008. ~~(However, limited transfers of specific line item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.)~~

(b) Within the amounts provided in this section, ~~(\$1,713,000)~~ \$1,080,000 of the transportation infrastructure account--state appropriation ~~(and \$787,000 of the transportation infrastructure account--federal appropriation are)~~ is for low-interest loans for rail capital projects through the freight rail investment bank program. The department shall issue a call for projects based upon the legislative priorities specified in subsection (7)(a) of this section. Application must be received by the department by October 1, 2008. By November 1, 2008, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature. The department shall award low-interest loans to the port of Moses Lake in the amount of ~~(\$213,000)~~ \$150,000, and based upon the prioritized list of rail capital projects most recently submitted to the legislature pursuant to this subsection, as follows: Port of Benton County (\$250,000); Port of Everett (\$250,000); ~~(Central Terminals, LLC (\$250,000);)~~ Tacoma Rail--Maintenance Facility (\$250,000); ~~(NW Container Service (\$250,000); Port of Chehalis (\$250,000); Ballard Terminal Railroad (\$250,000); Eastern Washington Gateway Railroad (\$36,875);)~~ Spokane County ~~(\$250,000)~~ (\$150,000); Tacoma Rail--Locomotive Idling ~~(\$250,000)~~ (\$30,000).

(c) Within the amounts provided in this section, \$2,561,000 of the multimodal transportation account--state appropriation is for statewide-emergent freight rail assistance projects as listed in LEAP Transportation Document 2008-1, Rail Capital Program (Y) as developed March 10, 2008. ~~(However, the department shall perform a cost/benefit analysis of the projects according to the legislative priorities specified in subsection (7)(a) of this section, and shall give priority to the following projects: Rail - Tacoma rail yard switching upgrades (\$500,000); Rail - Port of Ephrata spur rehabilitation (\$127,000); Rail - Lewis and Clark rail improvements (\$1,100,000); Rail - Port of Grays Harbor rail access improvements (\$543,000); and Rail - Port of Longview rail loop construction (\$291,000). If the relative cost of any of the six projects identified in this subsection (1)(c) is not substantially less than the public benefits to be derived from the project, then the department shall not assign the funds to the project, and instead shall use those funds toward those projects identified by the department in the attachments to the "Washington State Department of Transportation FREIGHT RAIL ASSISTANCE FUNDING PROGRAM: 2007-2009 Prioritized Project List and Program Update" dated December 2006 for which the proportion of public benefits to be gained compared to the cost of the project is greatest.)~~

(d) Within the amounts provided in this section, \$339,000 of the multimodal transportation account--state appropriation is for rescoping and completion of required environmental documents for the Kelso to Martin's Bluff - 3rd Mainline and Storage Tracks project. The rescoped project may include funds that are committed to the project by local or private funding partners. However, the rescoped project must be capable of being completed with not more than \$49,470,000 in future state funding, inclusive of inflation costs. Subject to this funding constraint, the rescoped project must maximize capacity improvements along the rail mainline.

(e) Within the amounts provided in this section, \$3,600,000 of the multimodal transportation account--state appropriation is for work items on the Palouse River and Coulee City Railroad lines.

(2) The multimodal transportation account--state appropriation includes up to ~~(\$144,500,000)~~ \$91,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.867.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Program Y, including, but not limited to the "Tacoma -- bypass of Pt. Defiance" project.

(4) If new federal funding for freight or passenger rail is received, the department shall consult with the transportation committees of the legislature and the office of financial management prior to spending the funds on existing or additional projects.

(5) The department shall sell any ancillary property, acquired when the state purchased the right-of-ways to the PCC rail line system, to a lessee of the ancillary property who is willing to pay fair market value for the property. The department shall deposit the proceeds from the sale of ancillary property into the transportation infrastructure account.

(6)(a) The department shall develop and implement the benefit/impact evaluation methodology recommended in the statewide rail capacity and needs study finalized in December 2006. The benefit/impact evaluation methodology shall be developed using the following priorities, in order of relative importance:

(i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;

- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(b) The department shall convene a work group to collaborate on the development of the benefit/impact analysis method to be used in the evaluation. The work group must include, at a minimum, the freight mobility strategic investment board, the department of agriculture, and representatives from the various users and modes of the state's rail system.

(c) The department shall use the benefit/impact analysis and priorities in (a) of this subsection when submitting requests for state funding for rail projects. The department shall develop a standardized format for submitting requests for state funding for rail projects that includes an explanation of the analysis undertaken, and the conclusions derived from the analysis.

(d) The department and the freight mobility strategic investment board shall collaborate to submit a report to the office of financial management and the transportation committees of the legislature by September 1, 2008, listing proposed freight highway and rail projects. The report must describe the analysis used for selecting such projects, as required by this act for the department and as required by chapter 47.06A RCW for the board. When developing its list of proposed freight highway and rail projects, the freight mobility strategic investment board shall use the priorities identified in (a) of this subsection to the greatest extent possible.

(7) The department shall apply at the earliest possible date for grants, pursuant to the new competitive intercity rail grant program announced by the federal railroad administration on February 19, 2008, for any projects that may qualify for such federal grants and are currently identified on the project list referenced in subsection (1)(a) of this section.

(8) Up to \$8,500,000 of any underexpenditures of state funding designated on the project list referenced in subsection (1)(a) of this section for the "Vancouver-Rail Bypass and W 39th Street Bridge" project may be used to upgrade, to class 2 condition, track owned by Clark county between Vancouver and Battle Ground.

(9) Up to \$400,000 of the multimodal transportation account--state appropriation is contingent upon the port of Chehalis submitting a full copy of the FEMA application packet to the department in order to assist the department in verifying the scope of the repairs and the rail transportation value of the project identified on the project list referenced in subsection (1)(a) of this section as "Port of Chehalis-Track Rehabilitation" (F01002A).

(10) \$500,000 of the transportation infrastructure account--state appropriation is provided solely for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements include such items as levels of service and business operating plans, but shall not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts shall be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district shall be on such terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2009.

Sec. 309. 2008 c 121 s 311 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z-- CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal Appropriation	\$1,602,000
Freight Mobility Investment Account-- Appropriation	(\$12,378,000)
	\$5,630,000
Transportation Partnership Account-- Appropriation	(\$3,906,000)
	\$2,543,000
Motor Vehicle Account--State Appropriation	(\$12,870,000)
	\$7,545,000
Motor Vehicle Account--Federal Appropriation	(\$63,823,000)
	\$30,916,000
Freight Mobility Multimodal Account-- Appropriation	(\$12,750,000)
	\$4,848,000
Freight Mobility Multimodal Account--Private/Local Appropriation	(\$3,755,000)
	\$750,000
Multimodal Transportation Account--Federal Appropriation	(\$4,224,000)
	\$3,520,000
Multimodal Transportation Account-- Appropriation	(\$32,134,000)
	\$17,517,000
Transportation 2003 Account (Nickel Account)-- Appropriation	(\$2,721,000)
	\$2,012,000
Passenger Ferry Account--State Appropriation	(\$8,500,000)
	\$2,879,000
TOTAL APPROPRIATION	(\$158,870,000)
	\$79,969,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) ~~(\$8,500,000)~~ \$2,879,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(4) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(5) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2007, and December 1, 2008.

(6) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account--state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(7) ~~((11,591,224))~~ \$4,052,968 of the multimodal transportation account--state appropriation ~~((8,640,239 of the motor vehicle account--federal appropriation))~~ and ~~((4,000,000))~~ \$3,412,837 of the motor vehicle account--federal appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed April 20, 2007, and the LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(8) ~~((Up to a maximum of \$5,000,000 of the multimodal transportation account--state appropriation and up to a maximum of \$2,000,000 of the motor vehicle account--federal appropriation are reappropriated for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in the LEAP transportation document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, shall be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.~~

~~((9))~~ \$3,500,000 of the multimodal transportation account--federal appropriation is provided solely for the Museum of Flight pedestrian bridge safety project.

~~((10))~~ \$250,000 of the multimodal transportation account--state appropriation is provided solely for the icicle rail station in Leavenworth.

~~((11))~~ \$1,500,000 of the motor vehicle account--state appropriation is provided solely for the Union Gap city road project.

~~((12))~~ \$250,000 of the motor vehicle account--state appropriation is provided solely for the Saltwater state park bridge project and off-site traffic control costs.

~~((13))~~ \$1,000,000 of the motor vehicle account--state appropriation and ~~((4,688,000))~~ \$5,374,000 of the motor vehicle account--federal appropriation are provided solely for the coal creek parkway project.

~~((14))~~ \$250,000 of the multimodal transportation account--state appropriation is provided solely for a streetcar feasibility study in downtown Spokane.

~~((15))~~ \$500,000 of the motor vehicle account--~~(federal)~~ state appropriation is provided solely for slide repairs completed during 2007 and 2008 at or in the vicinity of marine view drive bridge on Marine View Drive and on Des Moines Memorial Drive in Des Moines.

~~((16))~~ \$1,100,000 of the motor vehicle account--state appropriation is provided solely for local road improvements that connect to the I-82 valley mall boulevard project (5082010). ~~((Planned funding of an additional \$2,000,000 shall be made available to this project in the 2009-11 biennium.~~

~~((17))~~ \$2,400,000 of the motor vehicle account--state appropriation is provided solely for completion of the riverside avenue extension project in the city of Spokane.

~~((18))~~ It is the intent of the legislature that an additional \$2,875,000 will be provided in the 2009-11 omnibus transportation appropriations act to complete this project.

(16) For the 2007-09 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board, in order for the board to manage project spending and efficiently deliver all projects in the respective program.

TRANSFERS AND DISTRIBUTIONS

Sec. 401. 2008 c 121 s 401 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	((544,061,000)) \$515,861,000
Ferry Bond Retirement Account Appropriation	\$37,380,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	((26,822,000)) \$26,462,000
Nondebt-Limit Reimbursable Account Appropriation	((13,059,000)) \$8,248,000
Transportation Partnership Account-- Appropriation	((1,823,000)) \$2,223,000
Motor Vehicle Account--State Appropriation	((457,000)) \$301,000

Transportation Improvement Account--State Appropriation	\$68,000
Multimodal Transportation Account-- Appropriation	(\$675,000)
	<u>\$337,000</u>
Transportation 2003 Account (Nickel Account)-- Appropriation	(\$2,003,000)
	<u>\$2,503,000</u>
Urban Arterial Trust Account--State Appropriation	\$113,000
Special Category C Account Appropriation	(\$99,000)
	<u>\$78,000</u>
TOTAL APPROPRIATION	(\$626,560,000)
	<u>\$593,574,000</u>

Sec. 402. 2008 c 121 s 402 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account-- Appropriation	(\$243,000)
	<u>\$369,000</u>
Motor Vehicle Account--State Appropriation	(\$61,000)
	<u>\$49,000</u>
Transportation Improvement Account--State Appropriation	\$5,000
Multimodal Transportation Account--State Appropriation	(\$90,000)
	<u>\$55,000</u>
Transportation 2003 Account (Nickel Account)-- Appropriation	(\$267,000)
	<u>\$406,000</u>
Urban Arterial Trust Account--State Appropriation	\$38,000
Special Category C Account--State Appropriation	\$13,000
TOTAL APPROPRIATION	(\$717,000)
	<u>\$935,000</u>

Sec. 403. 2008 c 121 s 403 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Reappropriation:

For transfer to the Tacoma Narrows Toll Bridge Account	(\$19,133,000)
	<u>\$12,717,000</u>

The department of transportation is authorized to sell up to ~~(\$18,000,000)~~ \$12,717,000 in bonds authorized by RCW 47.10.843 for the Tacoma Narrows bridge project. Proceeds from the sale of the bonds shall be deposited into the motor vehicle account. The department of transportation shall inform the treasurer of the amount to be deposited.

NEW SECTION. Sec. 404. A new section is added to 2007 c 518 (uncodified) to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation:

For transfer to the Puget Sound Capital Construction Account	\$68,178,000
--	--------------

The state treasurer is authorized to sell up to \$68,178,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

Sec. 405. 2008 c 121 s 404 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties
 ~~(\$501,783,827)~~ || | \$491,628,000 |

Sec. 406. 2008 c 121 s 405 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers
 ~~(\$902,982,000)~~ || | \$854,291,000 |

Sec. 407. 2008 c 121 s 406 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers
 ~~(\$445,345,000)~~ || | \$480,666,000 |

Sec. 408. 2008 c 121 s 407 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State	\$4,505,000
(2) License Plate Technology Account--State Appropriation: For transfer to the Multimodal Transportation Account--State	\$4,500,000
(3) Motor Vehicle Account--State Appropriation: For transfer to the High-Occupancy Toll Lanes Operations--State Account	\$3,000,000
(4) (Motor Vehicle Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State	\$20,000,000
(5)) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Ferry Operations Account--State	(\$66,000,000)
	<u>\$88,000,000</u>

~~((6))~~ (5) Advanced Right-of-Way Revolving Account--State Appropriation:

For transfer to the Motor Vehicle Account--State	((\$30,000,000))
	<u>\$24,000,000</u>
((7)) (6) Waste Tire Removal Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State	\$5,600,000
((8) Motor Vehicle Account--State Appropriation:	
For transfer to the Puget Sound Ferry Operations Account--State	\$3,000,000
(9) Multimodal Transportation Account--State	
Appropriation: For transfer to the Transportation Infrastructure Account--State	\$6,600,000
((10)) (7) Highway Safety Account--State Appropriation:	
For transfer to the Multimodal Transportation Account--State	((\$9,500,000))
	<u>\$14,000,000</u>
((11) Urban Arterial Trust Account--State Appropriation:	
For transfer to the Small City Pavement and Sidewalk	
Account--State	\$1,400,000))
(8) Motor Vehicle Account--State Appropriation: For	
transfer to the State Patrol Highway Account--State	<u>\$4,000,000</u>
(9) Motorcycle Safety Education Account--State Appropriation: For transfer to the Multimodal	
Transportation Account--State	<u>\$2,500,000</u>
(10) Department of Licensing Services Account--State	
Appropriation: For transfer to the Motor Vehicle Account--State	<u>\$3,000,000</u>
(11) Motor Vehicle Account--State Appropriation:	
For transfer to the Special Category C Account--State	<u>\$2,000,000</u>
(12) Passenger Ferry Account--State Appropriation:	
For transfer to the Multimodal Transportation Account--State	<u>\$1,121,000</u>
(13) Multimodal Transportation Account--State	
Appropriation: For transfer to the Puget Sound Capital Construction Account--State	<u>\$12,000,000</u>
(14) Transportation Partnership Account--State Appropriation: For transfer to the Transportation	
2003 Account (Nickel Account)--State	<u>\$30,000,000</u>

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (3) of this section may be spent only on "highway purposes" as that term is construed in Article II, section 40 of the Washington state Constitution.

MISCELLANEOUS 2007-09 BIENNIUM

Sec. 501. 2008 c 121 s 605 (uncodified) is amended to read as follows:

SPECIAL APPROPRIATIONS TO THE GOVERNOR--INSURANCE ACCOUNTING SYSTEM

Aeronautics Account--State Appropriation	\$2,000
State Patrol Highway Account--State Appropriation	\$338,000
Puget Sound Capital Construction Account-- Appropriation	\$24,000
Transportation Partnership Account--State Appropriation	\$44,000
Highway Safety Account--State Appropriation	\$120,000
Motor Vehicle Account--State Appropriation	\$882,000
Puget Sound Ferry Operating Account--State Appropriation	\$294,000
Urban Arterial Trust Account--State Appropriation	\$2,000
Transportation Improvement Account--State Appropriation	\$2,000
Department of Licensing Services Account-- Appropriation	\$2,000
Multimodal Transportation Account--State Appropriation	\$12,000
Tacoma Narrows Bridge Toll Account--State Appropriation	\$10,000
Transportation 2003 Account (Nickel Account)-- Appropriation	\$120,000
TOTAL APPROPRIATION	\$1,852,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section fund various state transportation agencies to support the state insurance accounting system. ~~((From the applicable accounts, the office of financial management shall reduce allotments to the respective agencies by an amount that conforms with the insurance accounting system special appropriations enacted in the 2008 supplemental omnibus appropriations act, Engrossed Substitute House Bill No. 2687 (chapter ..., Laws of 2008). The allotment reductions under this section shall be placed in reserve status and remain unexpended.))~~ The appropriations in this section are provided solely for expenditure into the health care authority administrative account.

Sec. 502. RCW 46.68.065 and 2001 c 285 s 1 are each amended to read as follows:

There is hereby created the motorcycle safety education account in the highway safety fund of the state treasury, to the credit of which shall be deposited all moneys directed by law to be credited thereto. All expenses incurred by the director of the department of licensing in administering RCW 46.20.505 through 46.20.520 shall be borne by appropriations from this account, and moneys deposited into this account shall be used only for the purposes authorized in RCW 46.20.505 through 46.20.520. During the 2007-2009 fiscal biennium, the legislature may transfer from the motorcycle safety education account such amounts as reflect the excess fund balance of the account.

Sec. 503. RCW 46.68.220 and 1992 c 216 s 5 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities. During the 2007-2009 fiscal biennium, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

Sec. 504. RCW 47.60.645 and 2008 c 45 s 2 are each amended to read as follows:

There is hereby established in the transportation fund the passenger ferry account. Money in the account shall be used for operating or capital grants for ferry systems as provided in chapters 36.54, 36.57A, and 53.08 RCW. Moneys in the account shall be expended with legislative appropriation. During the 2007-2009 fiscal biennium, the legislature may transfer from the passenger ferry account such amounts as reflect the excess fund balance of the account.

NEW SECTION. Sec. 505. A new section is added to chapter 46.68 RCW to read as follows:

During the 2007-2009 fiscal biennium, the legislature may transfer from the transportation partnership account to the transportation 2003 account (nickel account) such amounts as reflect the excess fund balance of the transportation partnership account.

NEW SECTION. Sec. 506. 2008 c 121 s 604 and 2007 c 518 s 713 (uncodified) are each repealed.

NEW SECTION. Sec. 507. 2007 c 518 s 108 (uncodified) is repealed.

NEW SECTION. Sec. 508. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 509. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representative Roach moved the adoption of amendment (061) to amendment (049):

On page 9, beginning on line 3 of the amendment, strike all of subsection (5)

Representatives Roach and Priest spoke in favor of the adoption of the amendment to amendment (049).

Representative Clibborn spoke against the adoption of the amendment to amendment (049).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (061) to amendment (049) to Substitute House Bill No. 1978.

ROLL CALL

The Clerk called the roll on the adoption of amendment (061) to amendment (049) to Substitute House Bill No. 1978, and the amendment was not adopted by the following vote: Yeas: 36; Nays: 59; Absent: 0; Excused: 2

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Kelley, Klippert, Kretz, Kristiansen, Maxwell, McCune, Orcutt, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

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

Excused: Representatives Driscoll and Flannigan.

Amendment (061) to amendment (049) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (061) to amendment (049) to SUBSTITUTE HOUSE BILL NO. 1978.

KEVIN PARKER, 6th District

Amendment (049) was adopted. The bill was ordered engrossed.

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

Representatives Clibborn, Campbell, Dickerson, Liias and Liias (again) and Eddy spoke in favor of the passage of the bill.

Representatives Ericksen, Simpson, Armstrong and Anderson spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "I rise to ask your opinion on whether the debate about Federal bailouts is pertinent to our stimulus transportation supplemental budget bill in front us. It seems to me that they are not attached."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative Anderson, the title of the bill is concerning economic

stimulus transportation funding and appropriations. Representative Hudgins, your point is well taken."

Representative Anderson (again) spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "I rise for the same point of order. The bill before us I believe before us is 340 million dollars for transportation projects in Washington State, not trillions of dollars at the Federal level."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The Speaker would like to remind the good gentleman to keep his remarks to the bill before us. Your point is well taken."

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

POINT OF ORDER

Representative Anderson: "Mr. Speaker, we have already determined by a previous ruling from the rostrum, that talking about the Federal government is out of line in the debate."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative Anderson, on further reflection from the rostrum, I would rule that there is a connection between the congressional action and the policy being debated here today. And I apologize for ruling you out of order previously. You may speak again if you so choose."

Representatives Liias (again) and Eddy spoke in favor of the passage of the bill.

Representatives Hinkle, Shea and Roach spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1978.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1978 and the bill passed the House by the following vote: Yeas, 67; Nays, 28; Absent, 0; Excused, 2.

Voting yea: Representatives Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Ross, Santos, Sells, Springer, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Hinkle, Klippert, Kretz, Kristiansen, McCune, Parker, Roach, Rolfes, Schmick, Seaquist, Shea, Short, Simpson, Smith, Sullivan and Williams.

Excused: Representatives Driscoll and Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1166, by Representatives Hasegawa, Kenney, Simpson, Chase, Ormsby and Santos

Allowing loans to community development financial institutions under the linked deposit program.

The bill was read the second time

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

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1166.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1166 and the bill passed the House by the following vote: Yeas, 62; Nays, 33; Absent, 0; Excused, 2.

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

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representatives Driscoll and Flannigan.

HOUSE BILL NO. 1166, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

Mr. Speaker: March 4, 2009

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978.

The Speaker called upon Representative Moeller to preside.

MESSAGES FROM THE SENATE

Mr. Speaker: March 4, 2009

The President has signed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1978, and the same is herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker: March 4, 2009

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2061, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 4, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5056,
SUBSTITUTE SENATE BILL NO. 5151,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,
SUBSTITUTE SENATE BILL NO. 5504,
SENATE BILL NO. 5642,
SUBSTITUTE SENATE BILL NO. 5725,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 3, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5485, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1227, by Representatives Springer, Warnick, Johnson, Liias, McCune, Ormsby and Morrell

Concerning recreational vehicles used as primary residences in manufactured/mobile home communities.

The bill was read the second time.

Representative Springer moved the adoption of amendment (082):

On page 2, beginning on line 19, after "communities" strike ", as defined in RCW 59.20.030, which" and insert "~~(as defined in RCW 59.20.030, which)~~ that"

On page 2, line 29, after "(3)" strike "A" and insert "Except as provided under subsection (4) of this section, a"

On page 2, beginning on line 32, after "communities" strike all material through "vehicles" on line 35

On page 2, line 36, after "(4)" insert "Subsection (3) of this section does not apply to any local ordinance or state law that:

(a) Imposes fire, safety, or other regulations related to recreational vehicles;

(b) Requires utility hookups in manufactured/mobile home communities to meet state or federal building code standards for manufactured/mobile home communities; or

(c) Includes both of the following provisions:

(i) A recreational vehicle must contain at least one internal toilet and at least one internal shower; and

(ii) If the requirement in (c)(i) of this subsection is not met, a manufactured/mobile home community must provide toilets and showers.

(5) For the purposes of this section, "manufactured/mobile home community" has the same meaning as in RCW 59.20.030.

(6)"

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

On page 3, beginning on line 35, after "communities" strike ", as defined in RCW 59.20.030, which" and insert "~~(as defined in RCW 59.20.030, which)~~ that"

On page 4, line 8, after "(3)" strike "A" and insert "Except as provided under subsection (4) of this section, a"

On page 4, beginning on line 11, after "communities" strike all material through "vehicles" on line 14

On page 4, line 15, after "(4)" insert "Subsection (3) of this section does not apply to any local ordinance or state law that:

(a) Imposes fire, safety, or other regulations related to recreational vehicles;

(b) Requires utility hookups in manufactured/mobile home communities to meet state or federal building code standards for manufactured/mobile home communities or recreational vehicle parks; or

(c) Includes both of the following provisions:

(i) A recreational vehicle must contain at least one internal toilet and at least one internal shower; and

(ii) If the requirement in (c)(i) of this subsection is not met, a manufactured/mobile home community must provide toilets and showers.

(5) For the purposes of this section, "manufactured/mobile home community" has the same meaning as in RCW 59.20.030.

(6)"

Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representatives Springer and Warnick spoke in favor of the adoption of the amendment.

Amendment (082) was adopted.

Representative Bailey moved the adoption of amendment (022):

On page 5, beginning on line 28, strike all of section 4
Correct the title.

Representatives Bailey and Springer spoke in favor of the adoption of the amendment.

Amendment (022) was adopted. The bill was ordered engrossed.

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

Representatives Springer and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1227.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1227 and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 2.

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

Voting nay: Representatives Anderson, Condotta, DeBolt, Ericksen, Klippert, Kretz and Schmick.

Excused: Representatives Driscoll and Flannigan.

ENGROSSED HOUSE BILL NO. 1227, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2044, by Representatives Seaquist, Smith, Angel, Nelson, Morris, Finn, Appleton, Roberts, Rolfes, Cody and Carlyle

Requiring Washington state ferries to create a comprehensive incident and accident investigation policy.

The bill was read the second time

With the consent of the House, amendment (048) was withdrawn.

Representative Seaquist moved the adoption of amendment (098):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Recognizing the paramount importance of sustaining the highest levels of ferry system safety, the legislature finds that a rigorous, open incident and accident investigation policy is essential to the safe and reliable operation of the Washington state ferry system. Drawing on information provided in response to previous legislative direction, and noting recent accident/incident history, the legislature finds an urgent need to upgrade Washington state ferries' accident/incident investigation policies and procedures.

(2) After fully considering proposed upgraded accident/incident investigation policies and procedures, it is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system is enjoined to exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act.

NEW SECTION. Sec. 2. A new section is added to chapter 47.60 RCW to read as follows:

As a priority task, the Washington state ferries is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. The policy must contain, at a minimum:

(1) The definition of an incident and an accident and the type of investigation that is required by both types of events;

(2) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or officers must:

(a) Have the appropriate training and experience as determined by the policy;

(b) Not have been involved in the incident or accident so as to avoid any conflict of interest;

(c) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;

(d) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and

(e) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;

(3) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

(4) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;

(5) The process for review, approval, and implementation of any approved recommendations within the department; and

(6) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW."

Correct the title.

Representatives Seaquist and Smith spoke in favor of the adoption of the amendment.

Amendment (098) was adopted. The bill was ordered engrossed.

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

Representatives Seaquist, Smith and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2044.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2044 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

ENGROSSED HOUSE BILL NO. 2044, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1152, by Representatives Williams, Roach, Wallace, Orcutt, Moeller, Upthegrove, Simpson and Wood

Providing notification stickers to drivers with certain disabilities or impairments.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1152 was substituted for House Bill No. 1152 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1152 was read the second time.

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

Representatives Williams and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1152.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1152 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1152, having received the necessary constitutional majority, was declared passed.

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

Regarding payment of undisputed claims.

The bill was read the second time

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

Representatives Haigh and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1195.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1195 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

HOUSE BILL NO. 1195, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1239, by Representatives Kagi, Walsh, Goodman, Haler, Roberts, Appleton, Moeller and Kenney

Addressing parenting plans and residential schedules in dependency proceedings.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1239 was substituted for House Bill No. 1239 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1239 was read the second time.

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

Representatives Kagi and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1239.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1239 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1239, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1250, by Representatives Orwall, Miloscia, Springer, Dunshee, Ormsby and Dickerson

Concerning the housing trust fund.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1250 was substituted for House Bill No. 1250 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1250 was read the second time.

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

Representatives Orwall, Dunshee and Ormsby spoke in favor of the passage of the bill.

Representatives Warnick, Pearson, Cox, Ross, Orcutt and Herrera spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1250.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1250 and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 2.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse,

Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1250, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1456, by Representative Dunshee

Preventing the conversion of certain natural resource lands.

The bill was read the second time.

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

Representatives Dunshee and Simpson spoke in favor of the passage of the bill.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "I would ask that the good gentleman from the 47th District to refrain your remarks to House Bill No. 1456, preventing the conversion of certain natural resource lands."

Representatives Simpson (again) and Nelson spoke in favor of the passage of the bill.

Representatives Angel, Ericksen, Orcutt and Hinkle spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1456.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1456 and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 2.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representatives Driscoll and Flannigan.

HOUSE BILL NO. 1456, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1464, by Representatives Springer, Ormsby, Orwall, Eddy, Ericks, Nelson, Kagi, Dickerson, Morrell, Wood and Goodman

Concerning affordable housing incentive programs.

The bill was read the second time.

With the consent of the House, amendment (089) was withdrawn.

Representative Springer moved the adoption of amendment (075):

On page 3, line 7, after "this" strike "chapter" and insert "section"

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

Amendment (075) was adopted. The bill was ordered engrossed.

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

Representatives Springer and Simpson spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1464.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1464 and the bill passed the House by the following vote: Yeas, 63; Nays, 32; Absent, 0; Excused, 2.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Walsh and Warnick.

Excused: Representatives Driscoll and Flannigan.

ENGROSSED HOUSE BILL NO. 1464, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1492, by Representatives Pedersen, Pettigrew, Haler, Kagi, Walsh, Darneille, Dickerson, Nelson, Moeller, Appleton, Roberts, Ormsby and Kenney

Addressing the independent youth housing program.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1492.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1492 and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 2.

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

Voting nay: Representatives Anderson, Klippert and Shea.

Excused: Representatives Driscoll and Flannigan.

HOUSE BILL NO. 1492, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1516, by Representatives Blake and Kretz

Regarding the recovery of gear used in the coastal Dungeness crab fishery.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1516 was substituted for House Bill No. 1516 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1516 was read the second time.

Representative Blake moved the adoption of amendment (060):

On page 2, line 31, after "under" strike "chapter 77.70 RCW" and insert "section 1 of this act"

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

Amendment (060) was adopted. The bill was ordered engrossed.

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

Representatives Blake and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1516.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1516 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1536, by Representatives Clibborn, Roach, Eddy, Morris and Simpson

Concerning permits for and advertising by household goods carriers.

The bill was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1536.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1536 and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Representatives Anderson and Finn.

Excused: Representatives Driscoll and Flannigan.

HOUSE BILL NO. 1536, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1552, by Representatives Kretz, Blake, Short, Nelson, Smith, Upthegrove and McCune

Regarding public access at open public meetings.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1552 was substituted for House Bill No. 1552 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1552 was read the second time.

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

Representatives Kretz and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1552.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1552 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1552, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1595, by Representatives Blake and Chandler

Regarding the transfer of certain state forest lands.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1595 was substituted for House Bill No. 1595 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1595 was read the second time.

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

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1595.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1595 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1595, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1740, by Representatives Cody and Hinkle

Regarding the issuance of licenses to practice dentistry.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1740 was substituted for House Bill No. 1740 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1740 was read the second time.

Representative Bailey moved the adoption of amendment (057):

On page 3, beginning on line 9, strike all of section 2
Correct the title.

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

Representative Cody spoke against the adoption of the amendment.

Amendment (057) was not adopted.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1740.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1740 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1740, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1761, by Representatives Hasegawa, Appleton and Hurst

Addressing the ethical use of legislative web sites.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1761 was substituted for House Bill No. 1761 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1761 was read the second time.

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

Representatives Hasegawa, Carlyle and Armstrong spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 1761, and the bill held its place on the third reading calendar.

HOUSE BILL NO. 1812, by Representatives Newhouse, Conway, Chandler, Moeller and Sullivan

Concerning wine labels.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1812 was substituted for House Bill No. 1812 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1812 was read the second time.

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

Representatives Wood, Chandler and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1812.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1812 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1812, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1843, by Representatives Kagi, Rodne and Kenney

Addressing motor carrier regulation and compliance review.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1843 was substituted for House Bill No. 1843 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1843 was read the second time.

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

Representatives Kagi, Roach and Hasegawa spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1843.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1843 and the bill passed the House by the following vote: Yeas, 80; Nays, 15; Absent, 0; Excused, 2.

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

Voting nay: Representatives Armstrong, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Klippert, Kretz, Kristiansen, Pearson, Ross, Schmick, Shea and Short.

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1843, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1847, by Representative Haigh

Regarding bid limits.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1847 was substituted for House Bill No. 1847 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1847 was read the second time.

Representative Armstrong moved the adoption of amendment (074):

On page 8, line 31, after "of" strike "one million" and insert "~~((one million))~~ four hundred thousand"

On page 11, line 6, after "of" strike "one million" and insert "~~((one million))~~ four hundred thousand"

On page 12, after line 24, insert the following:

"Sec. 7. RCW 36.32.240 and 1996 c 219 s 1 are each amended to read as follows:

(1) In any county the county legislative authority may by resolution establish a county purchasing department.

(2) In each county with a population of less than ~~((one million))~~ four hundred thousand which exercises this option, the purchasing department shall contract on a competitive basis for all public works, enter into leases of personal property on a competitive basis, and purchase all supplies, materials, and equipment, on a competitive basis, for all departments of the county, as provided in this chapter and chapter 39.04 RCW, except that the county purchasing department is not required to make purchases for the county hospital, or make purchases that are paid from the county road fund or equipment rental and revolving fund."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Armstrong and Hunt spoke in favor of the adoption of the amendment.

Amendment (074) was adopted. The bill was ordered engrossed.

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

Representatives Haigh and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1847.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1847 and the bill passed the House by the following vote: Yeas, 89; Nays, 6; Absent, 0; Excused, 2.

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

Voting nay: Representatives Angel, Ericksen, Herrera, Hinkle, Kristiansen and Pearson.

Excused: Representatives Driscoll and Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1869, by Representatives Bailey, Hinkle, Anderson, Ericksen and Kelley

Concerning the transparency of health care cost information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1869 was substituted for House Bill No. 1869 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1869 was read the second time.

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1869.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1869 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias,

Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1869, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1880, by Representatives Armstrong, Hunt, Appleton, Alexander and Nelson

Concerning ballot envelopes.

The bill was read the second time

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

Representatives Armstrong and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1880.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1880 and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 2.

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

Voting nay: Representatives Anderson and Hasegawa.

Excused: Representatives Driscoll and Flannigan.

HOUSE BILL NO. 1880, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1898, by Representatives Dunshee, Warnick and Pearson

Setting priorities for higher education capital projects.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1898 was substituted for House Bill No. 1898 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1898 was read the second time.

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

Representatives Dunshee and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1898.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1898 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1898, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1984, by Representatives Finn, Armstrong, Upthegrove and Wood.

Authorizing the use of a safe alternative refrigerant in motor vehicle air conditioning equipment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1984 was substituted for House Bill No. 1984 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1984 was read the second time.

Representative Orcutt moved the adoption of amendment (091):

On page 1, line 14, after "agency" strike ",as it exists on the effective date of this section,"

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

Representative Upthegrove spoke against the adoption of the amendment.

Amendment (091) was not adopted.

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

Representatives Finn and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1984.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1984 and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representatives Driscoll and Flannigan.

SUBSTITUTE HOUSE BILL NO. 1984, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1996, by Representatives Armstrong and Eddy

Concerning the ability to locate underground facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1996 was substituted for House Bill No. 1996 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1996 was read the second time.

Representative Armstrong moved the adoption of amendment (099):

On page 4, beginning on line 1, strike all of subsection (21) and insert "(21) "Service lateral" means only that portion of an individual customer service line that is owned or operated by the owner of the underground facility."

On page 5, line 7, after "occur" strike "as a result of" and insert "after"

On page 6, beginning on line 18, strike all of section 3. Correct the title.

Representatives Armstrong and McCoy spoke in favor of the adoption of the amendment.

Amendment (099) was adopted. The bill was ordered engrossed.

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

Representatives Armstrong and McCoy spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1996.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1996 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne,

Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.
Excused: Representatives Driscoll and Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2014, by Representatives Kelley, Ericksen, Green and Morrell

Requiring tamper-resistant prescription pads.

The bill was read the second time

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

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

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2014.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2014 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

HOUSE BILL NO. 2014, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1856, by Representatives Kessler, Pedersen, Flannigan, Roberts, Kirby, Nelson, Ormsby, Carlyle, Green, Moeller, Springer, Williams, Appleton, Goodman, Kelley, Maxwell, Rodne, Driscoll, Kenney, Santos, O'Brien, Darneille and Morrell

Providing certain procedures for tenants who are victims of sexual assault, sexual harassment, and stalking. Revised for 1st Substitute: Providing certain procedures for tenants who are victims of sexual assault, unlawful harassment, and stalking.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1856 was substituted for House Bill No. 1856 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1856 was read the second time.

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

Representatives Kessler and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1856.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1856 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

SUBSTITUTE HOUSE BILL NO. 1856, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2049, by Representatives Seaquist, Appleton, Hunt, Armstrong, Chandler, Chase and Miloscia Concerning personnel practices regarding exempt employment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2049 was substituted for House Bill No. 2049 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2049 was read the second time.

Representative Seaquist moved the adoption of amendment (067):

On page 3, line 33, after "classified" strike "and nonclassified" and insert "Washington management service, and exempt"

Representatives Seaquist and Armstrong spoke in favor of the adoption of the bill.

Amendment (067) was adopted. The bill was ordered engrossed.

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

Representatives Seaquist and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2049.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2049 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera,

Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker. Excused: Representatives Driscoll and Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed :
SUBSTITUTE HOUSE BILL NO. 2061.

The Speaker called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 2129, by Representative Eddy

Regarding the greenhouse gas emissions performance standard under chapter 80.80 RCW.

The bill was read the second time

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

Representatives Eddy and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2129.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2129 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

HOUSE BILL NO. 2129, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2142, by Representatives Roach, Santos and Priest

Renaming components of the formula for allotment of appropriations for school plant facilities.

The bill was read the second time

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

Representatives Roach and Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2142.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2142 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

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

Excused: Representatives Driscoll and Flannigan.

HOUSE BILL NO. 2142, having received the necessary constitutional majority, was declared passed.

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

There being no objection, the House adjourned until 10:00 a.m., March 5, 2009, the 53rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTY THIRD DAY

House Chamber, Olympia, Thursday, March 5, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Hailey Beres and Lauren Epperson. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Zachary Hudgins.

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

RESOLUTION

HOUSE RESOLUTION NO. 4620, by Representative Eddy

WHEREAS, The greater Seattle area is home to over forty-five video game companies, making the video game industry in Washington one of the largest in the nation; and

WHEREAS, Jerry Holkins, a comic writer, and Mike Krahulik, a cartoonist and artist, both originally from Spokane, Washington, collaborated to create an online comic about video games called Penny Arcade in the fall of 1998; and

WHEREAS, Jerry Holkins and Mike Krahulik, together with a team of talented men and women, created Penny Arcade Incorporated which has since become a highly influential consumer voice and renowned within the gaming industry; and

WHEREAS, Jerry Holkins and Mike Krahulik recently celebrated the comic's tenth anniversary; and

WHEREAS, In 2004, Jerry Holkins and Mike Krahulik launched the first annual Penny Arcade Expo, a gaming festival in Bellevue, Washington; and

WHEREAS, By 2008, the Penny Arcade Expo has grown to become the largest game convention in the United States, with over 58,500 video game enthusiasts attending the Penny Arcade Expo at the Washington State Convention and Trade Center in August 2008; and

WHEREAS, The Penny Arcade Expo attracts thousands of tourists from around the globe to visit the city of Seattle while attending the convention, and has served to further reinforce Seattle's status as a leading locale of the game industry; and

WHEREAS, In 2003, Jerry Holkins and Mike Krahulik created the Child's Play Charity, an organization which raises contributions of money and toys to donate to children's hospitals worldwide; and

WHEREAS, Child's Play Charity has raised over 4.5 million dollars for sixty different children's hospitals since it was established, including Washington's Seattle Children's Hospital and Sacred Heart Children's Hospital, and children's hospitals in six countries, including the United States and Canada;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the accomplishments of Jerry Holkins and Mike Krahulik in leading the computer and video game industries, encouraging industry growth through scholarships, and advancing Washington state as a hub of the gaming industry through the presence of Penny Arcade Expo; and

BE IT FURTHER RESOLVED, That the House of Representatives honor Jerry Holkins and Mike Krahulik for their hard work and dedication to improving the lives of hospitalized children worldwide through their creation and continued work with Child's Play Charity; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jerry Holkins and Mike Krahulik.

Representative Eddy moved adoption of House Resolution No. 4620.

Representatives Eddy and Hinkle spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4620 was adopted.

MESSAGES FROM THE SENATE

March 4, 2009

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5007,
- SUBSTITUTE SENATE BILL NO. 5026,
- SENATE BILL NO. 5031,
- SECOND SUBSTITUTE SENATE BILL NO. 5045,
- SENATE BILL NO. 5315,
- SENATE BILL NO. 5320,
- SECOND SUBSTITUTE SENATE BILL NO. 5346,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5414,
- SUBSTITUTE SENATE BILL NO. 5510,
- SENATE BILL NO. 5548,
- SUBSTITUTE SENATE BILL NO. 5574,
- SUBSTITUTE SENATE BILL NO. 5613,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5768,
- SENATE BILL NO. 5832,
- SUBSTITUTE SENATE BILL NO. 5881,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,
- SENATE BILL NO. 5909,
- SENATE BILL NO. 5974,
- SUBSTITUTE SENATE BILL NO. 6036,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 4, 2009

Mr. Speaker:

The Senate has passed:

- ENGROSSED SUBSTITUTE SENATE BILL NO. 5011,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

SSB 5012 by Senate Committee on Judiciary (originally sponsored by Senators Kilmer, Swecker, Haugen, King, Sheldon, Marr, Kauffman, McAuliffe, Parlette and Roach)

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

Referred to Committee on Public Safety & Emergency Preparedness.

ESB 5014 by Senators McAuliffe, Hargrove, Brandland and Stevens

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

Referred to Committee on State Government & Tribal Affairs.

SB 5028 by Senator Haugen

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

Referred to Committee on Transportation.

SSB 5056 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Brandland, Regala, Keiser and McAuliffe)

AN ACT Relating to health care professionals reporting violent injuries; adding a new section to chapter 18.73 RCW; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5117 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Hargrove, Kauffman, Stevens, Kline and Marr)

AN ACT Relating to intensive behavior support services for children with developmental disabilities; and adding a new chapter to Title 71A RCW.

Referred to Committee on Human Services.

SSB 5151 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Rockefeller and Kohl-Welles)

AN ACT Relating to the appointment of court commissioners to assist with criminal cases; and amending RCW 2.24.010.

Referred to Committee on Judiciary.

SSB 5166 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Stevens and Kline)

AN ACT Relating to license suspension for the failure to pay child support; amending RCW 74.20A.320 and 46.20.342; adding new sections to chapter 74.20A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5193 by Senators Delvin, Hewitt, Kastama, Carrell, Kilmer, Zarelli, Stevens, King, Schoesler, Swecker, Pridemore, Roach and Holmquist

AN ACT Relating to weapons possession by an alien when hunting with a Washington-licensed hunter; and amending RCW 9.41.170.

Referred to Committee on Judiciary.

ESSB 5238 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Keiser, Roach, Swecker, Fraser, McCaslin, Kohl-Welles, Honeyford, Pridemore, McDermott, Fairley, Benton and Shin)

AN ACT Relating to mailing information to certain members of the state retirement systems; and adding a new section to chapter 41.50 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 5252 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove and Shin)

AN ACT Relating to correctional facility policies regarding medication management; amending RCW 70.48.020; adding a new section to chapter 18.64 RCW; adding a new section to chapter 70.48 RCW; and creating new sections.

Referred to Committee on Human Services.

SSB 5270 by Senate Committee on Government Operations & Elections (originally sponsored by Senators McDermott, Swecker, Fairley, Oemig, Tom and Shin)

AN ACT Relating to voter registration; amending RCW 29A.04.079, 29A.04.109, 29A.04.163, 29A.04.210, 29A.08.010, 29A.08.030, 29A.08.105, 29A.08.107, 29A.08.110, 29A.08.115, 29A.08.125, 29A.08.130, 29A.08.135, 29A.08.140, 29A.08.210, 29A.08.230, 29A.08.260, 29A.08.310, 29A.08.330, 29A.08.350, 29A.08.410, 29A.08.420, 29A.08.430, 29A.08.440, 29A.08.510, 29A.08.520, 29A.08.610, 29A.08.625, 29A.08.630, 29A.08.635, 29A.08.640, 29A.08.720, 29A.08.760, 29A.40.010, 29A.40.020, 29A.40.061, 29A.40.091, 29A.60.235, and 46.20.155; reenacting and amending RCW 29A.04.611, 29A.08.620, and 29A.40.110; and repealing RCW 29A.04.103, 29A.08.040, 29A.08.113, 29A.08.145, 29A.08.360, 29A.08.605, 29A.08.651, and 29A.08.780.

Referred to Committee on State Government & Tribal Affairs.

SSB 5276 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Schoesler, Jarrett, Oemig, Shin and Holmquist)

AN ACT Relating to increasing the availability of engineering programs in public universities; and amending RCW 28B.10.115 and 28B.20.060.

Referred to Committee on Higher Education.

SB 5277 by Senators Hatfield, Kline and Delvin

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

Referred to Committee on Judiciary.

SB 5354 by Senators Haugen and Ranker

AN ACT Relating to public hospital capital facility areas; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Local Government & Housing.

SSB 5367 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senator Kohl-Welles)

AN ACT Relating to a spirits, beer, and wine nightclub license; amending RCW 66.04.010, 66.08.180, 66.08.220, 66.24.010, 66.24.440, 66.40.030, and 66.40.130; reenacting and amending RCW 66.20.310, 66.24.420, and 68.50.107; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

SB 5378 by Senator Eide

AN ACT Relating to digital learning program accreditation; and amending RCW 28A.150.262.

Referred to Committee on Education.

SSB 5383 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Swecker, Stevens, Hargrove, Schoesler, Pflug and King)

AN ACT Relating to wolf-hybrids; amending RCW 16.30.010 and 16.30.030; and adding a new section to chapter 16.30 RCW.

Referred to Committee on Judiciary.

SB 5412 by Senators Eide, McDermott, Honeyford, Keiser, Jacobsen and Shin

AN ACT Relating to controlling saltwater algae; amending RCW 88.02.050; adding a new section to chapter 43.21A RCW; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5431 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Regala, McAuliffe, Carrell, Brandland and King)

AN ACT Relating to subsequent foster family home placements; and amending RCW 74.13.290.

Referred to Committee on Early Learning & Children's Services.

SSB 5436 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray, Keiser, Pflug, Marr, Parlette, Kastama and Roach)

AN ACT Relating to payment arrangements involving direct practices; amending RCW 48.150.010, 48.150.040, and 48.150.050; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5481 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Marr, Becker, Hobbs, Haugen, Franklin, Parlette, Eide, Rockefeller, Hatfield, Jarrett, Jacobsen, Kilmer, Berkey, Tom, Swecker, King, Kastama, Shin, McDermott, Prentice, Fairley, Holmquist, Brandland, McCaslin, Ranker, McAuliffe, Roach, Honeyford and Kauffman)

AN ACT Relating to veterans' burials; and amending RCW 68.50.230.

Referred to Committee on Judiciary.

ESSB 5485 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Rockefeller, Honeyford, Pridemore and Kilmer)

AN ACT Relating to authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water; and amending RCW 57.08.005, 57.08.044, 57.08.047, and 57.16.010.

Referred to Committee on Local Government & Housing.

SSB 5504 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Honeyford, Rockefeller, Marr, Kline and Morton)

AN ACT Relating to reclaimed water permitting; amending RCW 90.46.010, 90.46.015, 90.46.040, 90.46.080, 90.46.120, 90.48.465, 43.21B.110, 43.21B.300, and 43.21B.310; adding

new sections to chapter 90.46 RCW; creating new sections; repealing RCW 90.46.060; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SSB 5551 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Franklin, Keiser, Kastama, Marr, Murray, McDermott, Shin, McAuliffe, Fairley, Kline, Pridemore, Oemig, Regala, Kauffman and Kohl-Welles)

AN ACT Relating to recess periods for elementary school students; and creating new sections.

Referred to Committee on Education.

ESB 5581 by Senators Delvin, Marr and Shin

AN ACT Relating to suncreening devices; amending RCW 46.37.430; and adding a new section to chapter 46.04 RCW.

Referred to Committee on Transportation.

SB 5629 by Senators Kohl-Welles, Keiser, Fairley, Kline, Marr, Prentice, Franklin, Murray, King and Brown

AN ACT Relating to programs for the prevention of unintended pregnancies and sexually transmitted diseases; amending RCW 74.12.410; adding a new section to chapter 70.54 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SB 5642 by Senators Kauffman, Berkey and Sheldon

AN ACT Relating to designating state route number 164 as a highway of statewide significance; and adding a new section to chapter 47.05 RCW.

Referred to Committee on Transportation.

SB 5661 by Senators Pridemore, Roach, King, Zarelli, Swecker, Hargrove, Fairley, Stevens, Kastama, Oemig, Shin, McAuliffe and Benton

AN ACT Relating to exempting the annual parental declaration of intent to home school from the public disclosure act; and amending RCW 42.56.320.

Referred to Committee on State Government & Tribal Affairs.

SSB 5725 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

AN ACT Relating to organ transplant lifetime limits; and adding a new section to chapter 48.43 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5752 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Marr, Pflug, Hobbs and Keiser)

AN ACT Relating to cost recovery in disciplinary proceedings involving dentists; and adding a new section to chapter 18.32 RCW.

Referred to Committee on Health Care & Wellness.

SSB 5826 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser and Parlette)

AN ACT Relating to tamper-resistant prescription pads; and adding a new section to chapter 18.64 RCW.

Referred to Committee on Health Care & Wellness.

SJM 8001 by Senators Hatfield and Haugen

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

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

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

SECOND READING

HOUSE BILL NO. 1088, by Representative Hunter

Clarifying prospectively the measure of the taxes imposed on public utility districts as provided in chapter 54.28 RCW.

The bill was read the second time.

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

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

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1088.

MOTION

On motion of Representative Santos, Representative Pettigrew was excused

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1088 and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 1.

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

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

Excused: Representative Pettigrew.

HOUSE BILL NO. 1088, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 1088.
CHRISTOPHER HURST, 31st District

SECOND READING

HOUSE BILL NO. 1212, by Representatives Kirby, Green, Williams, Roberts, Ormsby, Appleton and Wood

Regarding industrial insurance death benefits for the surviving spouses of members of the law enforcement officers' and firefighters' retirement system and the state patrol retirement system.

The bill was read the second time.

With the consent of the House, amendment (080) was withdrawn.

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

Representatives Kirby and Conway spoke in favor of the passage of the bill.

Representatives Condotta and Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1212.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1212 and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Ericksen, Grant-Herriot, Johnson, Klippert, Kretz, Orcutt, Ross, Schmick, Shea, Short and Walsh.

HOUSE BILL NO. 1212, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1212 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1212 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1212 on reconsideration, and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Ericksen, Grant-Herriot, Johnson, Klippert, Kretz, Orcutt, Ross, Schmick, Shea, Short and Walsh.

HOUSE BILL NO. 1212, on reconsideration, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 1310, by Representatives Kirby, Bailey, Ormsby, Morrell, Simpson, Nelson and Kelley

Placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans.

The bill was read the second time.

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

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1310.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1310 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1310, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1647, by Representatives Driscoll, Morrell, Green, Clibborn, Moeller, Williams, Wood, Simpson, Kenney and Ormsby

Concerning administrative procedures for payors and providers of health care services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1647 was substituted for House Bill No. 1647 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1647 was read the second time.

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

Representatives Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1647.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1647 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1647, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1752, by Representatives Hurst and Hunt

Regarding the observation of election procedures.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1752 was substituted for House Bill No. 1752 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1752 was read the second time.

Representative Hunt moved the adoption of amendment (069):

On page 3, at the beginning of line 5, strike "oversight" and insert "monitoring"

On page 3, line 32, after "meaningful" strike "oversight" and insert "monitoring"

Representatives Hunt and Armstrong spoke in favor of the adoption of the amendment.

Amendment (069) was adopted. The bill was ordered engrossed.

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

Representatives Hurst, Armstrong and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1752.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1752 and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Armstrong, Cox, DeBolt and Schmick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1752, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1864, by Representatives Newhouse, Hunt and Armstrong

Exempting certain municipalities from the supplemental income requirements of RCW 70.94.093.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1864 was substituted for House Bill No. 1864 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1864 was read the second time.

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

Representatives Chandler and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1864.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1864 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Orcutt.

SUBSTITUTE HOUSE BILL NO. 1864, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1997, by Representatives Finn, Rolfes, Smith, Dunshee, Upthegrove, Kretz, Chase, Dickerson, Liias, Kagi, Nelson, Kessler, Hunt and Blake

Regarding Puget Sound scientific research.

The bill was read the second time.

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

Representatives Finn and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1997.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1997 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1997, having received necessary the constitutional majority, was declared passed.

HOUSE BILL NO. 2116, by Representatives Maxwell, Dunshee, Upthegrove, Jacks, Liias and Simpson

Concerning water pollution control.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2116 was substituted for House Bill No. 2116 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2116 was read the second time.

Representative Smith moved the adoption of amendment (115):

On page 1, line 14, after "(b) strike "Any" and insert "Until July 1, 2014, any"

On page 2, line 17, after "and" insert ", until July 1, 2014,"

On page 2, line 30, after "and" insert ", until July 1, 2014,"

On page 4, beginning on line 12, strike "~~((5)) The department may not use the moneys in the water pollution control revolving fund for grants.))"~~ and insert "~~((5))~~(7) On or after July 1, 2014, the department may not use the moneys in the water pollution control revolving fund for grants."

Renumber the subsections consecutively and correct any internal references accordingly.

On page 5, after line 8, insert the following: "~~(8)~~ Subsections (3), (4), and (7) of this section expire on July 1, 2014."

On page 5, line 15, after "loans," strike "grants, forgiveness of principal, and negative interest" and insert "and until July 1, 2014, for grants, forgiveness of principal, and negative interest."

On page 6, after 13, insert the following: "This section expires July 1, 2014."

On page 6, line 33, after "(a)" strike "The" and insert "Until July 1, 2014, the"

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

Representative Dunshee spoke against the adoption of the amendment.

Amendment (115) was not adopted.

Representative Dunshee moved the adoption of amendment (066):

On page 5, line 18, after "1987," strike "and" and insert "~~((and))~~"

On page 5, line 19, after "act" insert ", and for separate competitive programs relating to stormwater systems, sewer systems, and septic systems prioritized on a worst case first need"

Representatives Dunshee and Warnick spoke in favor of the adoption of the amendment.

Amendment (066) was adopted.

Representative Bailey moved the adoption of amendment (055):

On page 8, beginning on line 15, strike all of section 7
Correct the title.

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

Representative Dunshee spoke against the adoption of the amendment.

Amendment (055) was not adopted.

The bill was ordered engrossed.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2116.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2116 and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 0.

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

Voting nay: Representatives Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Klippert, Kretz, Schmick and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2146, by Representatives Ericks, Johnson, Eddy and Liias

Modifying contract requirements for water or sewer facilities.

The bill was read the second time.

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

Representatives Ericks and Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2146.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2146 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 2146, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2116 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2116 on reconsideration, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwell, Parker, Pearson, Pedersen, Pettigrew, Priest,

Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, on reconsideration, having received the necessary constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 2208, by Representatives Hope, Kristiansen, Newhouse and McCune

Prohibiting new motorsports vehicle dealers from having to pay for returning or canceling orders of new motorsports vehicles under certain conditions. Revised for 1st Substitute: Prohibiting new motorsports vehicle dealers from having to pay a fee for canceling orders of new motorsports vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2208 was substituted for House Bill No. 2208 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2208 was read the second time.

With the consent of the House, amendment (056) was withdrawn.

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

Representatives Hope and Wood spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2208.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2208 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 2208, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Ericksen congratulated Representative Hope on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 2117, by Representatives Cody, Morrell, Kenney and Conway

Modifying the basic health plan.

The bill was read the second time.

Representative Ericksen moved the adoption of amendment (110):

On page 3, line 22, after "services;" strike "and" and insert "~~((and))~~"

On page 3, line 23, after "(vi)" insert "Who is not between the ages of nineteen and thirty-four and does not qualify for health plans for young adults as provided in RCW 48.43.041, 48.44.022, 48.46.064, or 48.20.029; and

(vii)"

On page 3, line 27, strike "(vi)" and insert "~~((vi))~~ (vii)"

On page 3, line 35, strike "(vi)" and insert "~~((vi))~~ (vii)"

On page 14, after line 35, insert the following:

"Sec. 6. RCW 48.43.041 and 2000 c 79 s 26 are each amended to read as follows:

(1) All individual health benefit plans, other than catastrophic health plans, ~~((offered or renewed on or after October 1, 2000))~~ and plans for young adults described in subsection (3) of this section, shall include benefits described in this section. Nothing in this section shall be construed to require a carrier to offer an individual health benefit plan.

(a) Maternity services that include, with no enrollee cost-sharing requirements beyond those generally applicable cost-sharing requirements: Diagnosis of pregnancy; prenatal care; delivery; care for complications of pregnancy; physician services; hospital services; operating or other special procedure rooms; radiology and laboratory services; appropriate medications; anesthesia; and services required under RCW 48.43.115; and

(b) Prescription drug benefits with at least a two thousand dollar benefit payable by the carrier annually.

(2) If a carrier offers a health benefit plan that is not a catastrophic health plan to groups, and it chooses to offer a health benefit plan to individuals, it must offer at least one health benefit plan to individuals that is not a catastrophic health plan.

(3) Carriers may design and offer a separate health plan targeted at young adults between nineteen and thirty-four years old. The plan may include the benefits required under subsections (1) and (2) of this section. The health plan designed for young adults is exempt from the requirements of RCW 48.43.045(1), 48.43.515(5), 48.44.327, 48.20.392, 48.46.277, 48.43.043, 48.20.580, 48.21.241, 48.44.341, and 48.46.291. Carriers that choose to exclude maternity services from a young adult plan offered under this section must allow enrollees who become pregnant to transfer to another health benefit plan with similar cost-sharing provisions that provides coverage for maternity services, once pregnancy is confirmed by a licensed provider. Carriers shall allow the transfer to occur without applying a preexisting condition waiting period or other limitation or penalty including, but not limited to, satisfying a new deductible or stop-loss requirement.

Sec. 7. RCW 48.44.022 and 2006 c 100 s 3 are each amended to read as follows:

(1) Except for health benefit plans covered under RCW 48.44.021, premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, except individuals purchasing coverage under RCW 48.44.021, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.44.023. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single-banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(d) of this section.

(3) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 8. RCW 48.46.064 and 2006 c 100 s 5 are each amended to read as follows:

(1) Except for health benefit plans covered under RCW 48.46.063, premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(i) Geographic area;

(ii) Family size;

(iii) Age;

(iv) Tenure discounts; and

(v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(i) Changes to the family composition;

(ii) Changes to the health benefit plan requested by the individual; or

(iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, except individuals purchasing coverage under RCW 48.46.063, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single-banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(d) of this section.

(3) As used in this section and RCW 48.46.066, "health benefit plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 9. RCW 48.20.029 and 2006 c 100 s 2 are each amended to read as follows:

(1) Premiums for health benefit plans for individuals who purchase the plan as a member of a purchasing pool:

(a) Consisting of five hundred or more individuals affiliated with a particular industry;

(b) To whom care management services are provided as a benefit of pool membership; and

(c) Which allows contributions from more than one employer to be used towards the purchase of an individual's health benefit plan; shall be calculated using the adjusted community rating method that spreads financial risk across the entire purchasing pool of which the individual is a member. All such rates shall conform to the following:

(i) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

(A) Geographic area;

(B) Family size;

(C) Age;

(D) Tenure discounts; and

(E) Wellness activities.

(ii) The adjustment for age in (c)(i)(C) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(iii) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer, and coverage for which medicare is not the primary payer. Both rates are subject to the requirements of this subsection.

(iv) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(v) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(vi) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

(A) Changes to the family composition;

(B) Changes to the health benefit plan requested by the individual; or

(C) Changes in government requirements affecting the health benefit plan.

(vii) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(viii) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single-banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(c)(iv) of this section.

(3) As used in this section, "health benefit plan," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

NEW SECTION, Sec. 10. A new section is added to chapter 48.43 RCW to read as follows:

The office of the insurance commissioner shall make available educational and outreach materials targeted to young adults age nineteen to thirty-four years old, as funding becomes available. Education and outreach efforts shall focus on educating young consumers on the importance and value of health insurance, including educational materials, public service messages, and other outreach activities. The commissioner is authorized to fund these activities with grants, donations, in-kind contributions, or other funding that may be available."

Correct the title.

POINT OF ORDER

Representative Hudgins requested a scope and object ruling on amendment (110) to House Bill No. 2117.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "House Bill No. 2117 is titled "an act relating to the basic health plan." The bill amends several sections of RCW 70.47.

The bill would create a new category of nonsubsidized Basic Health Plan enrollee, an economic recovery enrollee. To qualify, the enrollee must be recently involuntarily unemployed, or be receiving unemployment compensation benefits. Economic recovery enrollees would receive their coverage through managed health care systems contracting with the Basic Health Plan.

Amendment (110) would exclude persons between the ages of nineteen and thirty-four who qualify for coverage under newly authorized health plans for young adults in the private health insurance market from coverage as a subsidized Basic Health Plan enrollee. It amends the statutes governing the individual market under Title 48 RCW.

The amendment would exceed the scope and title of House Bill No. 2117 by authorizing a new individual health plan option that will be offered in the private health insurance market under Title 48 RCW. The new health plan option would not be offered through, or limited to, Basic Health Plan enrollees.

The good gentleman's point of order is well taken."

Representative Ericksen moved the adoption of amendment (103):

On page 8, after line 7, insert the following:

"(h) To provide subsidized and economic recovery enrollees a stipend sufficient to provide the same level of subsidy as would otherwise have been available through the basic health plan for

subsidized and economic recovery enrollees who wish to purchase coverage through an employer's plan, or the individual health insurance market, including a high deductible health plan in conjunction with a health savings account."

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

Representative Cody spoke against the adoption of the amendment.

The Speaker (Representative Morris presiding) divided the House. The result was 35 – YEAS; 62 – NAYS.

The amendment was not adopted.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2117.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2117 and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 0.

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

Voting nay: Representatives Condotta, Crouse, Klippert and Shea.

HOUSE BILL NO. 2117, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1792, by Representatives Dickerson, O'Brien, Hurst, Morrell, Orwall, Green, Dammeier, Klippert, Walsh, Kelley and Ormsby

Establishing search and arrest authority provisions of offenders by department of corrections personnel.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1792 was substituted for House Bill No. 1792 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1792 was read the second time.

With the consent of the House, amendments (094) and (095) were withdrawn.

Representative Pearson moved the adoption of amendment (096):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.631 and 1984 c 209 s 11 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court or a department of corrections hearing officer. If there is reasonable cause to believe that an offender has violated a condition or requirement of the sentence, a community corrections officer may require an offender (~~may be required~~) to submit to a search and seizure of the offender's person, residence, automobile, or other personal property.

(2) For the safety and security of department staff, an offender may be required to submit to pat searches, or other limited security searches, by community corrections officers, correctional officers, and other agency approved staff, without reasonable cause, when in or on department premises, grounds, facilities, or vehicles, or while preparing to enter department premises, grounds, facilities, or vehicles. Pat searches of offenders shall be conducted only by staff who are the same gender as the offender, except in emergency situations.

(3) A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court or department of corrections hearing officer.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court or authorized department staff, pursuant to a written order."

Representatives Pearson and Dickerson spoke in favor of the adoption of the amendment.

Amendment (096) was adopted. The bill was ordered engrossed.

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

Representatives Dickerson, Dammeier and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1792.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1792 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1025, by Representatives Armstrong, Upthegrove and Wallace

Requiring disclosure of certain information relating to higher education course materials.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1025 was substituted for House Bill No. 1025 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1025 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1025.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1025 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE HOUSE BILL NO. 1025, having received the necessary constitutional majority, was declared passed.

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

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

The bill was read the second time.

Representative Goodman moved the adoption of amendment (128):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.40.210 and 2007 c 203 s 1 and 2007 c 199 s 13 are each reenacted and amended to read as follows:

(1) The secretary shall set a release date for each juvenile committed to its custody. The release date shall be within the prescribed range to which a juvenile has been committed under RCW 13.40.0357 or 13.40.030 except as provided in RCW 13.40.320 concerning offenders the department determines are eligible for the juvenile offender basic training camp program. Such dates shall be determined prior to the expiration of sixty percent of a juvenile's

minimum term of confinement included within the prescribed range to which the juvenile has been committed. The secretary shall release any juvenile committed to the custody of the department within four calendar days prior to the juvenile's release date or on the release date set under this chapter. Days spent in the custody of the department shall be tolled by any period of time during which a juvenile has absented himself or herself from the department's supervision without the prior approval of the secretary or the secretary's designee.

(2) The secretary shall monitor the average daily population of the state's juvenile residential facilities. When the secretary concludes that in-residence population of residential facilities exceeds one hundred five percent of the rated bed capacity specified in statute, or in absence of such specification, as specified by the department in rule, the secretary may recommend reductions to the governor. On certification by the governor that the recommended reductions are necessary, the secretary has authority to administratively release a sufficient number of offenders to reduce in-residence population to one hundred percent of rated bed capacity. The secretary shall release those offenders who have served the greatest proportion of their sentence. However, the secretary may deny release in a particular case at the request of an offender, or if the secretary finds that there is no responsible custodian, as determined by the department, to whom to release the offender, or if the release of the offender would pose a clear danger to society. The department shall notify the committing court of the release at the time of release if any such early releases have occurred as a result of excessive in-residence population. In no event shall an offender adjudicated of a violent offense be granted release under the provisions of this subsection.

(3)(a) Following the release of any juvenile under subsection (1) of this section, the secretary may require the juvenile to comply with a program of parole to be administered by the department in his or her community which shall last no longer than eighteen months, except that in the case of a juvenile sentenced for rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, or indecent liberties with forcible compulsion, the period of parole shall be twenty-four months and, in the discretion of the secretary, may be up to thirty-six months when the secretary finds that an additional period of parole is necessary and appropriate in the interests of public safety or to meet the ongoing needs of the juvenile. A parole program is mandatory for offenders released under subsection (2) of this section and for offenders who receive a juvenile residential commitment sentence of theft of a motor vehicle ((+)), possession of a stolen motor vehicle, or taking a motor vehicle without permission 1. The decision to place an offender on parole shall be based on an assessment by the department of the offender's risk for reoffending upon release. The department shall prioritize available parole resources to provide supervision and services to offenders at moderate to high risk for reoffending.

(b) The secretary shall, for the period of parole, facilitate the juvenile's reintegration into his or her community and to further this goal shall require the juvenile to refrain from possessing a firearm or using a deadly weapon and refrain from committing new offenses and may require the juvenile to: (i) Undergo available medical, psychiatric, drug and alcohol, sex offender, mental health, and other offense-related treatment services; (ii) report as directed to a parole officer and/or designee; (iii) pursue a course of study, vocational training, or employment; (iv) notify the parole officer of the current address where he or she resides; (v) be present at a particular address during specified hours; (vi) remain within prescribed geographical boundaries; (vii) submit to electronic monitoring; (viii) refrain from using illegal drugs and alcohol, and submit to random urinalysis when requested by the assigned parole officer; (ix) refrain from contact with specific individuals or a specified class of individuals; (x) meet other conditions determined by the parole officer to further enhance the juvenile's reintegration into the community; (xi) pay any court-ordered fines or restitution; and (xii) perform community restitution. Community restitution for the purpose of this section means compulsory service, without compensation, performed for the benefit of the community by the offender. Community restitution may be performed through public or private organizations or through work crews.

(c) The secretary may further require up to twenty-five percent of the highest risk juvenile offenders who are placed on parole to participate in an intensive supervision program. Offenders participating in an intensive supervision program shall be required to comply with all terms and conditions listed in (b) of this subsection and shall also be required to comply with the following additional terms and conditions: (i) Obey all laws and refrain from any conduct that threatens public safety; (ii) report at least once a week to an assigned community case manager; and (iii) meet all other requirements imposed by the community case manager related to participating in the intensive supervision program. As a part of the intensive supervision program, the secretary may require day reporting.

(d) After termination of the parole period, the juvenile shall be discharged from the department's supervision.

(4)(a) The department may also modify parole for violation thereof. If, after affording a juvenile all of the due process rights to which he or she would be entitled if the juvenile were an adult, the secretary finds that a juvenile has violated a condition of his or her parole, the secretary shall order one of the following which is reasonably likely to effectuate the purpose of the parole and to protect the public: (i) Continued supervision under the same conditions previously imposed; (ii) intensified supervision with increased reporting requirements; (iii) additional conditions of supervision authorized by this chapter; (iv) except as provided in (a)(v) and (vi) of this subsection, imposition of a period of confinement not to exceed thirty days in a facility operated by or pursuant to a contract with the state of Washington or any city or county for a portion of each day or for a certain number of days each week with the balance of the days or weeks spent under supervision; (v) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the offense for which the offender was sentenced is rape in the first or second degree, rape of a child in the first or second degree, child molestation in the first degree, indecent liberties with forcible compulsion, or a sex offense that is also a serious violent offense as defined by RCW 9.94A.030; and (vi) the secretary may order any of the conditions or may return the offender to confinement for the remainder of the sentence range if the youth has completed the basic training camp program as described in RCW 13.40.320.

(b) The secretary may modify parole and order any of the conditions or may return the offender to confinement for up to twenty-four weeks if the offender was sentenced for a sex offense as defined under RCW 9A.44.130 and is known to have violated the terms of parole. Confinement beyond thirty days is intended to only be used for a small and limited number of sex offenders. It shall only be used when other graduated sanctions or interventions have not been effective or the behavior is so egregious it warrants the use of the higher level intervention and the violation: (i) Is a known pattern of behavior consistent with a previous sex offense that puts the youth at high risk for reoffending sexually; (ii) consists of sexual behavior that is determined to be predatory as defined in RCW 71.09.020; or (iii) requires a review under chapter 71.09 RCW, due to a recent overt act. The total number of days of confinement for violations of parole conditions during the parole period shall not exceed the number of days provided by the maximum sentence imposed by the disposition for the underlying offense pursuant to RCW 13.40.0357. The department shall not aggregate multiple parole violations that occur prior to the parole revocation hearing and impose consecutive twenty-four week periods of confinement for each parole violation. The department is authorized to engage in rule making pursuant to chapter 34.05 RCW, to implement this subsection, including narrowly defining the behaviors that could lead to this higher level intervention.

(c) If the department finds that any juvenile in a program of parole has possessed a firearm or used a deadly weapon during the program of parole, the department shall modify the parole under (a) of this subsection and confine the juvenile for at least thirty days. Confinement shall be in a facility operated by or pursuant to a contract with the state or any county.

(5) A parole officer of the department of social and health services shall have the power to arrest a juvenile under his or her

supervision on the same grounds as a law enforcement officer would be authorized to arrest the person.

(6) If so requested and approved under chapter 13.06 RCW, the secretary shall permit a county or group of counties to perform functions under subsections (3) through (5) of this section.

Sec. 2. RCW 46.09.170 and 2007 c 522 s 953 and 2007 c 241 s 16 are each reenacted to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2007-09 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources for planning and designing consistent off-road vehicle signage at department-managed recreation sites, and for planning recreation opportunities

on department-managed lands in the Reiter block and Ahtanum state forest. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

Sec. 3. RCW 49.60.040 and 2007 c 317 s 2 and 2007 c 187 s 4 are each reenacted to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Person" includes one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons; it includes any owner, lessee, proprietor, manager, agent, or employee, whether one or more natural persons; and further includes any political or civil subdivisions of the state and any agency or instrumentality of the state or of any political or civil subdivision thereof.

(2) "Commission" means the Washington state human rights commission.

(3) "Employer" includes any person acting in the interest of an employer, directly or indirectly, who employs eight or more persons, and does not include any religious or sectarian organization not organized for private profit.

(4) "Employee" does not include any individual employed by his or her parents, spouse, or child, or in the domestic service of any person.

(5) "Labor organization" includes any organization which exists for the purpose, in whole or in part, of dealing with employers concerning grievances or terms or conditions of employment, or for other mutual aid or protection in connection with employment.

(6) "Employment agency" includes any person undertaking with or without compensation to recruit, procure, refer, or place employees for an employer.

(7) "Marital status" means the legal status of being married, single, separated, divorced, or widowed.

(8) "National origin" includes "ancestry".

(9) "Full enjoyment of" includes the right to purchase any service, commodity, or article of personal property offered or sold on, or by, any establishment to the public, and the admission of any person to accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement, without acts directly or indirectly causing persons of any particular race, creed, color, sex, sexual orientation, national origin, or with any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability, to be treated as not welcome, accepted, desired, or solicited.

(10) "Any place of public resort, accommodation, assemblage, or amusement" includes, but is not limited to, any place, licensed or unlicensed, kept for gain, hire, or reward, or where charges are made for admission, service, occupancy, or use of any property or facilities, whether conducted for the entertainment, housing, or lodging of transient guests, or for the benefit, use, or accommodation of those seeking health, recreation, or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property, or for the rendering of personal services, or for public conveyance or transportation on land, water, or in the air, including the stations and terminals thereof and the garaging of vehicles, or where food or beverages of any kind are sold for consumption on the premises, or where public amusement, entertainment, sports, or recreation of any kind is offered with or without charge, or where medical service or care is made available, or where the public gathers, congregates, or assembles for amusement, recreation, or public purposes, or public halls, public elevators, and public washrooms of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps: PROVIDED, That nothing contained in this definition shall be construed to include or apply to any institute, bona fide club, or place of accommodation, which is by its nature distinctly private, including fraternal organizations, though where public use is permitted that use shall be covered by this chapter; nor shall anything contained in this definition apply to any educational facility, columbarium, crematory, mausoleum, or cemetery operated or maintained by a bona fide religious or sectarian institution.

(11) "Real property" includes buildings, structures, dwellings, real estate, lands, tenements, leaseholds, interests in real estate cooperatives, condominiums, and hereditaments, corporeal and incorporeal, or any interest therein.

(12) "Real estate transaction" includes the sale, appraisal, brokering, exchange, purchase, rental, or lease of real property, transacting or applying for a real estate loan, or the provision of brokerage services.

(13) "Dwelling" means any building, structure, or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(14) "Sex" means gender.

(15) "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.

(16) "Aggrieved person" means any person who: (a) Claims to have been injured by an unfair practice in a real estate transaction; or (b) believes that he or she will be injured by an unfair practice in a real estate transaction that is about to occur.

(17) "Complainant" means the person who files a complaint in a real estate transaction.

(18) "Respondent" means any person accused in a complaint or amended complaint of an unfair practice in a real estate transaction.

(19) "Credit transaction" includes any open or closed end credit transaction, whether in the nature of a loan, retail installment transaction, credit card issue or charge, or otherwise, and whether for personal or for business purposes, in which a service, finance, or interest charge is imposed, or which provides for repayment in scheduled payments, when such credit is extended in the regular course of any trade or commerce, including but not limited to transactions by banks, savings and loan associations or other financial lending institutions of whatever nature, stock brokers, or by a merchant or mercantile establishment which as part of its ordinary business permits or provides that payment for purchases of property or service therefrom may be deferred.

(20) "Families with children status" means one or more individuals who have not attained the age of eighteen years being domiciled with a parent or another person having legal custody of such individual or individuals, or with the designee of such parent or other person having such legal custody, with the written permission of such parent or other person. Families with children status also applies to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen years.

(21) "Covered multifamily dwelling" means: (a) Buildings consisting of four or more dwelling units if such buildings have one or more elevators; and (b) ground floor dwelling units in other buildings consisting of four or more dwelling units.

(22) "Premises" means the interior or exterior spaces, parts, components, or elements of a building, including individual dwelling units and the public and common use areas of a building.

(23) "Dog guide" means a dog that is trained for the purpose of guiding blind persons or a dog that is trained for the purpose of assisting hearing impaired persons.

(24) "Service animal" means an animal that is trained for the purpose of assisting or accommodating a sensory, mental, or physical disability of a person with a disability.

(25)(a) "Disability" means the presence of a sensory, mental, or physical impairment that:

- (i) Is medically cognizable or diagnosable; or
- (ii) Exists as a record or history; or
- (iii) Is perceived to exist whether or not it exists in fact.

(b) A disability exists whether it is temporary or permanent, common or uncommon, mitigated or unmitigated, or whether or not it limits the ability to work generally or work at a particular job or whether or not it limits any other activity within the scope of this chapter.

(c) For purposes of this definition, "impairment" includes, but is not limited to:

(i) Any physiological disorder, or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitor-urinary, hemic and lymphatic, skin, and endocrine; or

(ii) Any mental, developmental, traumatic, or psychological disorder, including but not limited to cognitive limitation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(d) Only for the purposes of qualifying for reasonable accommodation in employment, an impairment must be known or shown through an interactive process to exist in fact and:

(i) The impairment must have a substantially limiting effect upon the individual's ability to perform his or her job, the individual's ability to apply or be considered for a job, or the individual's access to equal benefits, privileges, or terms or conditions of employment; or

(ii) The employee must have put the employer on notice of the existence of an impairment, and medical documentation must establish a reasonable likelihood that engaging in job functions without an accommodation would aggravate the impairment to the extent that it would create a substantially limiting effect.

(e) For purposes of (d) of this subsection, a limitation is not substantial if it has only a trivial effect.

(26) "Honorably discharged veteran or military status" means a person who is:

(a) A veteran, as defined in RCW 41.04.007; or

(b) An active or reserve member in any branch of the armed forces of the United States, including the national guard, coast guard, and armed forces reserves.

Sec. 4. RCW 66.20.310 and 2008 c 94 s 11 and 2008 c 41 s 3 are each reenacted to read as follows:

(1)(a) There shall be an alcohol server permit, known as a class 12 permit, for a manager or bartender selling or mixing alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(b) There shall be an alcohol server permit, known as a class 13 permit, for a person who only serves alcohol, spirits, wines, or beer for consumption at an on-premises licensed facility.

(c) As provided by rule by the board, a class 13 permit holder may be allowed to act as a bartender without holding a class 12 permit.

(2)(a) Effective January 1, 1997, except as provided in (d) of this subsection, every alcohol server employed, under contract or otherwise, at a retail licensed premise shall have issued to them a class 12 or class 13 permit.

(b) Every class 12 and class 13 permit issued shall be issued in the name of the applicant and no other person may use the permit of another permit holder. The holder shall present the permit upon request to inspection by a representative of the board or a peace officer. The class 12 or class 13 permit shall be valid for employment at any retail licensed premises described in (a) of this subsection.

(c) Except as provided in (d) of this subsection, no licensee holding a license as authorized by RCW 66.24.320, 66.24.330, 66.24.350, 66.24.400, 66.24.425, 66.24.450, and 66.24.570 may employ or accept the services of any person without the person first having a valid class 12 or class 13 permit.

(d) Within sixty days of initial employment, every person whose duties include the compounding, sale, service, or handling of liquor shall have a class 12 or class 13 permit.

(e) No person may perform duties that include the sale or service of alcoholic beverages on a retail licensed premises without possessing a valid alcohol server permit.

(3) A permit issued by a training entity under this section is valid for employment at any retail licensed premises described in subsection (2)(a) of this section for a period of five years unless suspended by the board.

(4) The board may suspend or revoke an existing permit if any of the following occur:

(a) The applicant or permittee has been convicted of violating any of the state or local intoxicating liquor laws of this state or has been convicted at any time of a felony; or

(b) The permittee has performed or permitted any act that constitutes a violation of this title or of any rule of the board.

(5) The suspension or revocation of a permit under this section does not relieve a licensee from responsibility for any act of the employee or agent while employed upon the retail licensed premises. The board may, as appropriate, revoke or suspend either the permit of the employee who committed the violation or the license of the licensee upon whose premises the violation occurred, or both the permit and the license.

(6)(a) After January 1, 1997, it is a violation of this title for any retail licensee or agent of a retail licensee as described in subsection (2)(a) of this section to employ in the sale or service of alcoholic beverages, any person who does not have a valid alcohol server permit or whose permit has been revoked, suspended, or denied.

(b) It is a violation of this title for a person whose alcohol server permit has been denied, suspended, or revoked to accept employment in the sale or service of alcoholic beverages.

(7) Grocery stores licensed under RCW 66.24.360, the primary commercial activity of which is the sale of grocery products and for which the sale and service of beer and wine for on-premises consumption with food is incidental to the primary business, and employees of such establishments, are exempt from RCW 66.20.300 through 66.20.350.

Sec. 5. RCW 70.105D.070 and 2008 c 329 s 921, 2008 c 329 s 920, 2008 c 329 s 919, and 2008 c 328 s 6009 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

~~(c) ((Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.~~

~~(d))~~ To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. ~~((However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded~~

grants if their cumulative grant awards under this section exceed two hundred thousand dollars.) No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 fiscal biennium, the legislature may transfer from the local toxics control account to the state toxics control account such amounts as reflect excess fund balance in the account.

(9) During the 2007-2009 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay.

Sec. 6. RCW 79A.55.020 and 1999 c 249 s 802 and 1999 c 151 s 1702 are each reenacted and amended to read as follows:

(1) The commission shall develop and adopt management policies for publicly owned or leased land on the rivers designated by the legislature as being a part of the state's scenic river system and within the associated river areas. The commission may adopt rules identifying river classifications which reflect the characteristics common to various segments of scenic rivers and may adopt management policies consistent with local government's shoreline management master plans appropriate for each such river classification. All such policies shall be adopted by the commission in accordance with the provisions of chapter 34.05 RCW, as now or hereafter amended. Any variance with such a policy by any public agency shall be authorized only by the approval of the ~~((department))~~ commission and shall be made only to alleviate unusual hardships unique to a given segment of the system.

(2) Any policies developed pursuant to subsection (1) of this section shall include management plans for protecting ecological, economic, recreational, aesthetic, botanical, scenic, geological, hydrological, fish and wildlife, historical, cultural, archaeological, and scientific features of the rivers designated as being in the system. Such policies shall also include management plans to encourage any nonprofit group, organization, association, person, or corporation to develop and adopt programs for the purpose of increasing fish propagation.

(3) The ~~((department))~~ commission shall identify on a river by river basis any publicly owned or leased lands which could be included in a river area of the system but which are developed in a manner unsuitable for land to be managed as part of the system. The commission shall exclude lands so identified from the provisions of any management policies implementing the provisions of this chapter.

(4) The ~~((department))~~ commission shall determine the boundaries which shall define the river area associated with any included river. With respect to the rivers named in RCW ~~((79.72.080))~~ 79A.55.070, the ~~((department))~~ commission shall make such determination, and those determinations authorized by subsection (3) of this section, within one year of September 21, 1977.

(5) Before making a decision regarding the river area to be included in the system, a variance in policy, or the excluding of land from the provisions of the management policies, the ~~((department))~~ commission shall hold hearings in accord with chapter 34.05 RCW, with at least one public hearing to be held in the general locale of the river under consideration. The commission shall cause to be published in a newspaper of general circulation in the area which includes the river or rivers to be considered, a description, including a map showing such river or rivers, of the material to be considered at the public hearing. Such notice shall appear at least twice in the time period between two and four weeks prior to the public hearing.

The ~~((department))~~ commission shall seek and receive comments from the public regarding potential additions to the

system, shall initiate studies, and may submit to any session of the legislature proposals for additions to the state scenic river system. These proposals shall be accompanied by a detailed report on the factors which, in the ~~((department's))~~ commission's judgment, make an area a worthy addition to the system."

Correct the title.

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

Amendment (128) was adopted. The bill was ordered engrossed.

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

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1059.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1059 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED HOUSE BILL NO. 1059, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1067, by Representatives Pedersen and Rodne

Creating the uniform limited partnership act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1067 was substituted for House Bill No. 1067 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1067 was read the second time.

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

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1067.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1067 and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Ericksen and Herrera.

SUBSTITUTE HOUSE BILL NO. 1067, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1085, by Representatives Appleton, Green and Dickerson

Concerning body piercing.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1085 was substituted for House Bill No. 1085 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1085 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1085.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1085 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Anderson.

SUBSTITUTE HOUSE BILL NO. 1085, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1140, by Representatives Liias, Morrell, Ericks, Miloscia, Ormsby, Rolfes, Simpson and Nelson

Addressing the manufactured/mobile home dispute resolution program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1140 was substituted for House Bill No. 1140 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1140 was read the second time.

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

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1140.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1140 and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Finn, Goodman, Herrera, Hinkle, Hope, Johnson, Kristiansen, McCune, Morris, Orcutt, Pearson, Roach, Ross, Schmick, Shea, Short, Upthegrove and Warnick.

SUBSTITUTE HOUSE BILL NO. 1140, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 5, 2009

Mr. Speaker:

The President has signed SUBSTITUTE HOUSE BILL NO. 2061, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 5, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5211,
SUBSTITUTE SENATE BILL NO. 5212,
SENATE BILL NO. 5297,
SUBSTITUTE SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5451,
SENATE BILL NO. 5511,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1180, by Representatives Dickerson, Hudgins, Campbell, Dunshee, Pedersen, Hunt, Rolfes, Appleton, Moeller, Kagi, Van De Wege, Hunter, Cody, Chase, Green, Morrell, Pettigrew, White, Williams, Simpson and Kenney

Regarding the use of bisphenol A.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1180 was substituted for House Bill No. 1180 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1180 was read the second time.

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

Representatives Dickerson, Hunter, Chase, Campbell and Rolfes spoke in favor of the passage of the bill.

Representatives Shea, Orcutt, Hinkle and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1180.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1180 and the bill passed the House by the following vote: Yeas, 76; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Chandler, Condotta, Cox, Crouse, DeBolt, Haler, Hinkle, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Ross, Schmick, Shea, Short and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1180, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SECOND SUBSTITUTE HOUSE BILL NO. 1180.

CHRISTOPHER HURST, 31st District

SECOND READING

HOUSE BILL NO. 1234, by Representatives Morrell, O'Brien, Appleton, Kelley, Ericks, Liias, Pedersen, Williams, Kenney and Moeller

Creating the new crime of abandonment of a dependent person in the fourth degree.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1234 was substituted for House Bill No. 1234 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1234 was read the second time.

Representative Hope moved the adoption of amendment (077):

On page 2, line 7, after "of" strike "six" and insert "eight"

Representatives Hope and Morrell spoke in favor of the adoption of the amendment.

Amendment (077) was adopted.

With the consent of the House, amendment (081) was withdrawn.

The bill was ordered engrossed.

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

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

Representatives Kagi and Goodman spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1234.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1234 and the bill passed the House by the following vote: Yeas, 70; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Haigh, Haler, Herrera, Hope, Hudgins, Hunter, Hurst, Jacks, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Liias, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Appleton, Armstrong, Carlyle, Condotta, Cox, Dickerson, Finn, Flannigan, Goodman, Grant-Herriot, Green, Hasegawa, Hinkle, Hunt, Kagi, Kenney, Kirby, Linville, Maxwell, Nelson, Ormsby, Roberts, Santos, Seaquist, Walsh, Warnick and Wood.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1234, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1075, by Representatives Rolfes, Seaquist, Appleton, Green, McCoy, Conway, Darneille, Williams, Campbell, McCune, Simpson and Morrell

Enacting the interstate compact on educational opportunity for military children.

The bill was read the second time.

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

Representatives Rolfes and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1075.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1075 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 1; Excused, 0.

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

Absent: Mr. Speaker.

HOUSE BILL NO. 1075, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1090, by Representatives McCoy, Appleton, Chase, Van De Wege, Hunt and Moeller

Concerning human remains.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1090 was substituted for House Bill No. 1090 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1090 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1090.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1090 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE HOUSE BILL NO. 1090, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1095, by Representatives Hasegawa, Green, Nelson, Kelley, Kenney, Chase, Conway and Hudgins

Increasing small business access to state contracting opportunities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1095 was substituted for House Bill No. 1095 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1095 was read the second time.

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

Representatives Hasegawa and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1095.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1095 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SECOND SUBSTITUTE HOUSE BILL NO. 1095, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1135, by Representatives McCoy, Chase, Kenney, Hinkle and Nelson

Exempting agricultural anaerobic digesters from solid waste handling permitting. Revised for 1st Substitute: Regarding exemptions from solid waste handling permit requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1135 was substituted for House Bill No. 1135 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1135 was read the second time.

Representative Orcutt moved the adoption of amendment (137):

On page 2, line 19, after "section;" strike "and"

On page 2, line 20, after "(g)" insert "The jurisdictional health department must approve all nonmanure material prior to its processing; and
(h)"

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

Representative Rolfes spoke against the adoption of the amendment.

Amendment (137) was not adopted.

Representative Shea moved the adoption of amendment (138):

On page 2, line 19, after "section;" strike "and"

On page 2, line 23, after "testing" insert "; and

(h) The anaerobic digester must not process any fish or fish products that are listed under the federal endangered species act"

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

Representative Rolfes spoke against the adoption of the amendment.

Amendment (138) was not adopted.

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

Representatives McCoy and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1135.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1135 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1135, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1202, by Representatives Hurst, Bailey, Kelley, Roach, Kirby and Parker

Allowing noninsurance benefits as part of life insurance policies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1202 was substituted for House Bill No. 1202 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1202 was read the second time.

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

Representatives Hurst and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1202.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1202 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1202, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1205, by Representatives Van De Wege, Rolfes, Haigh and Williams

Adding one judge to division two of the court of appeals.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1205 was substituted for House Bill No. 1205 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1205 was read the second time.

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

Representatives Van De Wege and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1205.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1205 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Anderson.

SUBSTITUTE HOUSE BILL NO. 1205, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1208, by Representatives Takko and Alexander

Concerning property tax administration.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1208 was substituted for House Bill No. 1208 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1208 was read the second time.

Representative Orcutt moved the adoption of amendment (143):

On page 10, beginning on line 1, strike "~~(Except in cases wherein the county legislative authority acts upon its own motion, No)~~" and insert "Except in cases wherein the county legislative authority acts upon its own motion, no"

Representatives Orcutt and Takko spoke in favor of the adoption of the amendment.

Amendment (143) was adopted. The bill was ordered engrossed.

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

Representatives Takko and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1208.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1208 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1251, by Representatives Shea, Goodman, Ross, O'Brien, Rodne, Simpson and Kelley

Addressing the release of certified abstracts of full driving records.

The bill was read the second time.

Representative Shea moved the adoption of amendment (078):

On page 3, beginning on line 11, after "attorney," strike all material through "agencies," on line 12

Representatives Shea and Pedersen spoke in favor of the adoption of the amendment.

Amendment (078) was adopted. The bill was ordered engrossed.

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

Representatives Shea and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1251.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1251 and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Liias and Williams.

ENGROSSED HOUSE BILL NO. 1251, having received the necessary constitutional majority necessary majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Herrera congratulated Representative Shea on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 1252, by Representatives Kenney, Smith, Bailey, Seaquist, Haler, Kristiansen, Kelley and Herrera

Concerning the community economic revitalization board's project selection criteria.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1252 was substituted for House Bill No. 1252 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1252 was read the second time.

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

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1252.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1252 and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 0.

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

Voting nay: Representatives Anderson and Condotta.

SECOND SUBSTITUTE HOUSE BILL NO. 1252, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1283, by Representatives Rolfes, Campbell, Kretz, Upthegrove and Ormsby

Modifying provisions regarding the operators of public water supply systems.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1283 was substituted for House Bill No. 1283 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1283 was read the second time.

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

Representatives Rolfes and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1283.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1283 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Anderson.

SUBSTITUTE HOUSE BILL NO. 1283, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1292, by Representatives Newhouse, Chandler and Simpson

Authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1293 was substituted for House Bill No. 1292 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1292 was read the second time.

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

Representatives Chandler, Haigh and Cox spoke in favor of the passage of the bill.

Representative Hunter spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1292.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1292 and the bill passed the House by the following vote: Yeas, 87; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Goodman, Hope, Hudgins, Hunter, Kristiansen, McCune, Morrell, Pearson, Roberts and Ross.

SUBSTITUTE HOUSE BILL NO. 1292, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1302, by Representatives McCune and Campbell

Excluding a portion of state route number 7 from the scenic system.

The bill was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1302.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1302 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Green.

HOUSE BILL NO. 1302, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1303, by Representatives Moeller, Green and Roberts**Collecting child mortality reviews into a database.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1303 was substituted for House Bill No. 1303 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1303 was read the second time.

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

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

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1303.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1303 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1303, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1312, by Representatives Sells, Schmick, Wallace, Anderson, Driscoll, McCoy, Chase, Kenney, Carlyle, White and Roberts**Eliminating the exclusive authority of the University of Washington and Washington State University to offer certain engineering courses.**

The bill was read the second time.

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

Representatives Sells and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1312.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1312 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

HOUSE BILL NO. 1312, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1323, by Representatives Kenney, Liias, Haler, Sullivan, Sells, Hasegawa, Maxwell, Chase, Ormsby, Conway, Goodman, Morrell, Driscoll, Simpson and Orwall**Providing for coordination of workforce and economic development.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1323 was substituted for House Bill No. 1323 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1323 was read the second time.

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

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1323.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1323 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

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

Voting nay: Representative Hinkle.

SUBSTITUTE HOUSE BILL NO. 1323, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1328, by Representatives Carlyle, Morrell, Maxwell, Eddy, Anderson, Green, Van De Wege, Sells, White, Hasegawa, Wallace, Dunshee, Priest, McCoy, Dickerson, Williams, Ormsby, Finn, Liias, Kelley, Probst, Kenney, Hunt, Kessler, Pettigrew, Haigh, Goodman, Ericks, Blake, Jacks, Angel, Driscoll, Schmick, Hudgins, Hunter, Moeller, Chase, Springer, Conway, Sullivan, Rolfes, Simpson, Campbell, Santos and Roberts

Allowing public technical colleges to offer associate transfer degrees. Revised for 1st Substitute: Allowing public technical colleges to offer degrees that prepare students to transfer to certain bachelor degree programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1328 was substituted for House Bill No. 1328 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1328 was read the second time.

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

Representatives Carlyle and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1328.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1328 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1328, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Carlyle on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

SECOND READING

HOUSE BILL NO. 1355, by Representatives Probst, Quall, Kessler, Sullivan, Wallace, Maxwell, Rolfes, Springer, Green, Jacks, Carlyle, Kenney, Ormsby, Seaquist, Liias, Sells, Priest, Dammeier, Hunt, Hudgins, Morrell, Van De Wege, Moeller, Chase, Conway, Goodman, Driscoll, Simpson, Santos and Kelley

Establishing the opportunity internship program for high school students.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1355 was substituted for House Bill No. 1355 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1355 was read the second time.

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

Representatives Probst, Haigh, McCoy and Quall spoke in favor of the passage of the bill.

Representatives Priest, Alexander, Hinkle and Smith spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1355.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1355 and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1355, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Green congratulated Representative Probst on the passage of his first bill through the House, and asked the Chamber to acknowledge his accomplishment.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2116 on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2116 on reconsideration, and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 0.

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

Voting nay: Representatives Armstrong, Condotta, Crouse, DeBolt, Hinkle, Klippert, Kretz and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 5, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5030,
SUBSTITUTE SENATE BILL NO. 5131,
SUBSTITUTE SENATE BILL NO. 5326,
SUBSTITUTE SENATE BILL NO. 5340,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344,
SUBSTITUTE SENATE BILL NO. 5368,
SUBSTITUTE SENATE BILL NO. 5391,
SENATE BILL NO. 5492,
SENATE BILL NO. 5540,
SUBSTITUTE SENATE BILL NO. 5659,
SUBSTITUTE SENATE BILL NO. 5765,
SUBSTITUTE SENATE BILL NO. 5795,
SUBSTITUTE SENATE BILL NO. 6095,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1414, by Representatives Driscoll, Moeller, Hinkle, Cody, Sullivan, Nelson and Ormsby

Concerning health care assistants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1414 was substituted for House Bill No. 1414 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1414 was read the second time.

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

Representatives Cody, Hinkle and Driscoll spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1414.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1414 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

SUBSTITUTE HOUSE BILL NO. 1414, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1441, by Representatives Conway, Condotta, Armstrong, White and Eddy

Concerning the contractual relationships between distributors and producers of malt beverages.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1441 was substituted for House Bill No. 1441 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1441 was read the second time.

Representative Conway moved the adoption of amendment (131):

On page 6, beginning on line 9, after "termination" strike "pursuant to subsection (2) of this section"

On page 6, line 15, after "(8)" insert "Unless the parties otherwise agree, or the arbitrator for good cause shown orders otherwise, an arbitration conducted pursuant to subsection (7) of this section must proceed as follows: (a) The notice of intent to arbitrate must be served within forty days after the terminated distributor receives notice of terminated distribution rights; (b) The arbitration must be conducted within ninety days after service of the notice of intent to arbitrate; and (c) The arbitrator or arbitrators must issue an order within thirty days after completion of the arbitration."

(9)"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (131) was adopted. The bill was ordered engrossed.

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

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1441.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1441 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1457, by Representatives Nelson and Simpson

Limiting the authority of boundary review boards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1457 was substituted for House Bill No. 1457 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1457 was read the second time.

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

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

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1457.

ROLL CALL

The Clerk called the roll on the final passage of and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 0.

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

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Rodne, Ross, Schmick, Shea, Short, Smith, Wallace, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 1457, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1468, by Representatives Sullivan, Rodne and Goodman

Requiring rural county library district boards in counties with populations of one million five hundred thousand or more to have seven appointed members.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1468.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1468 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

HOUSE BILL NO. 1468, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1474, by Representatives Orcutt, Wallace, Herrera and Moeller

Changing border county opportunity program provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Wallace spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1474.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1474 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1474, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1484, by Representatives Van De Wege, Orcutt, Hurst, McCoy and Blake

Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1484 was substituted for House Bill No. 1484 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1484 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van De Wege and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1484.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1484 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1484, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1498, by Representatives Hunter, Blake, Kretz, Pedersen, Goodman, Williams, Carlyle, Roberts, McCune, Ericks, White, Hasegawa, Kagi, Nelson and Warnick

Concerning provisions governing firearms possession by persons who have been involuntarily committed.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1498.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1498 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1498, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1499, by Representatives Eddy, Hudgins, Springer, Anderson, Herrera, Haler, Hasegawa, McCune and Crouse

Concerning notice of utility facilities relocations.

The bill was read the second time. There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was adopted. (For committee amendment, see Journal, Day 43, February 23, 2009.)

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Eddy spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1499.

MOTION

On motion of Representative Hinkle, Representative Walsh was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1499 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

ENGROSSED HOUSE BILL NO. 1499, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1522, by Representatives Hudgins, Dunshee, Hunt, Hasegawa, Williams and Chase

Regarding repair and reuse of electronic products by registered collectors.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1522 was substituted for House Bill No. 1522 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1522 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1522.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1522 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

SECOND SUBSTITUTE HOUSE BILL NO. 1522, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1529, by Representatives Seaquist, Hinkle, Morrell, Bailey, Moeller, Clibborn, Green and Cody

Concerning telemedicine.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1529 was substituted for House Bill No. 1529 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1529 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Seaquist and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1529.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1529 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

SUBSTITUTE HOUSE BILL NO. 1529, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1553, by Representatives Takko, Goodman, Williams, Hurst, Pedersen and Campbell

Addressing claims for damages against the state and local governmental entities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1533 was substituted for House Bill No. 1553 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1553 was read the second time.

Representative Takko moved the adoption of amendment (102):

Beginning on page 2, line 38, after "section. If" strike all material through "if" on page 3, line 2

Representative Takko spoke in favor of the adoption of the amendment.

Amendment (102) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1553.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1553 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1554, by Representatives Conway, Chase, Dickerson, Green, Goodman, Rolfes, Morrell, Cody, Simpson, Campbell, Ormsby, Van De Wege, Appleton, Flannigan, Seaquist, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Priest, Sullivan, Eddy, White, Hasegawa and Wood

Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1554 was substituted for House Bill No. 1554 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1554 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1554.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1554 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,

Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

SUBSTITUTE HOUSE BILL NO. 1554, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1555, by Representatives Conway, Chase, Green, Dickerson, Rolfes, Goodman, Campbell, Morrell, Cody, Simpson, Ormsby, Van De Wege, Seaquist, Appleton, Miloscia, Hunt, Blake, Williams, Hudgins, Kenney, Sullivan, Priest, Eddy and Wood

Addressing the recommendations of the joint legislative task force on the underground economy in the construction industry.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1555 was substituted for House Bill No. 1555 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1555 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1555.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1555 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representative Walsh.

SUBSTITUTE HOUSE BILL NO. 1555, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1640, by Representatives Kessler, Armstrong, Hunt, Sells, Alexander, Appleton and Kenney

Modifying disclosure requirements for private investment information received by the University of Washington consolidated endowment fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1640.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1640 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.
Excused: Representative Walsh.

HOUSE BILL NO. 1640, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1664, by Representatives Wood, Conway, Hinkle and Ormsby

Addressing the termination, cancellation, or nonrenewal of motorsports manufacturer and dealer franchise agreements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1664 was substituted for House Bill No. 1664 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1664 was read the second time.

Representative Wood moved the adoption of amendment (136):

On page 2, line 23, after "(3)" strike all material through "(4)" on page 3, line 7

Representatives Wood and Chandler spoke in favor of the amendment of the amendment.

Amendment (136) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1664.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1664 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1679, by Representatives Simpson, Van De Wege, Ericks, Williams, White, Kelley, Sells, Ross, Hope and Conway

Providing access to catastrophic disability medical insurance under plan 2 of the law enforcement officers' and firefighters' retirement system.

The bill was read the second time.

Representative Ericks moved the adoption of amendment (144):

On page 2, line 28, after "(4)" insert the following:

"As a benefit of the law enforcement officers and firefighters retirement system plan 2, in addition to the rates charged to law enforcement officers and firefighters who are totally disabled in the line of duty and receiving a retirement allowance as provided under RCW 41.26.470(8) pursuant to subsection (3) of this section, the authority shall actuarially determine and charge an amount to the law enforcement officers' and firefighters' retirement system plan 2 to fully offset the increase in the cost of the community rated risk pool established under RCW 41.05.022 resulting from the participation of these totally disabled members of the law enforcement officers' and firefighters' retirement system plan 2. The number of totally disabled members assumed by the authority in the calculation of cost to the community rated risk pool for a plan year may be no greater than the actual number of members receiving the total disability allowance under RCW 41.26.470(8) as of the date of actuarial valuation of the community risk pool for the upcoming plan year, plus the average annual change in the number of disability allowances provided under 41.26.470(8) during the prior plan year.

(5)"

Renumber the remaining subsections consecutively and correct any references accordingly.

On page 3, after line 20, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 41.26 RCW to read as follows:

The participation of totally disabled members of the law enforcement officers' and firefighters' retirement system plan 2 in the health insurance plans administered by the health care authority is a benefit of the law enforcement officers' and firefighters' retirement system plan 2. The increased health benefit costs charged by the health care authority pursuant to RCW 41.05.080(4) to offset the impact on the community rated risk pool resulting from participation of members of the law enforcement officers' and firefighters' plan 2 members who are totally disabled in the line of duty, spouses, and dependents shall be charged first to the law enforcement officers' and firefighters' retirement system plan 2 fund.

Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Sec. 5. This act expires July 1, 2011."

Correct the title.

Representatives Ericks and Bailey spoke in favor of the adoption of the amendment.

Amendment (144) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1679.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1679 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 1679, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1580, by Representatives Kessler, Walsh, Santos, Morris, Blake, Takko, Chandler, McCoy, Newhouse, Kretz, Linville, Jacks, Ormsby, Van De Wege, Hurst, Warnick, Nelson, Hinkle, Springer and Kenney

Establishing a pilot local water management program in one qualified jurisdiction.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1580 was substituted for House Bill No. 1580 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1580 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Walsh and Grant-Herriot spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1580.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1580 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1580, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1690, by Representatives Hasegawa, Hunt, Hudgins, Anderson and Kenney

Authorizing alternative public works contracting procedures.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1690.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1690 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1690, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1692, by Representatives Driscoll, Wood, Crouse and Ormsby

Addressing the authority of the board of directors of a public facilities district.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1692 was substituted for House Bill No. 1692 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1692 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Driscoll and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1692.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1692 and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt, Ericksen and Hinkle.

SUBSTITUTE HOUSE BILL NO. 1692, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1749, by Representatives Bailey and Kirby

Regulating the business practices of mortgage brokers for compliance with the secure and fair enforcement for mortgage licensing act of 2008.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1749 was substituted for House Bill No. 1749 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1749 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Bailey and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1749.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1749 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien,

Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1749, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1758, by Representatives Quall, Hope, Wallace, Sullivan, Goodman, Kagi, Santos, Morrell, Hasegawa and Ormsby

Expanding options for students to earn high school diplomas.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1758 was substituted for House Bill No. 1758 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1758 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1758.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1758 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1758, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1762, by Representatives Santos, Kenney and Morrell

Increasing parental and community involvement in public education.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1762 was substituted for House Bill No. 1762 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1762 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Santos spoke in favor of the passage of the bill.

Representative Priest spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1762.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1762 and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1762, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1765, by Representatives Moeller, Campbell and Morrell

Concerning the license surcharge for the impaired physician program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1765 was substituted for House Bill No. 1765 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1765 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1765.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1765 and the bill passed the House by the following vote: Yeas, 91; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby,

Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, Parker, Roach, Schmick, Shea and Short.

SUBSTITUTE HOUSE BILL NO. 1765, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1802, by Representatives Hudgins, Simpson, Sullivan and Moeller

Concerning collector vehicles.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1802 was substituted for House Bill No. 1802 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1802 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hudgins spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1802.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1802 and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Schmick, Shea, Short, Smith, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 1802, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1818, by Representatives Dickerson, Orcutt, Hunter and Carlyle

Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1818.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1818 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1818, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1409, by Representatives Van De Wege, Kessler, Upthegrove, Rolfes, Blake, Dunshee, Campbell, Jacks, Orwall, Seaquist, Appleton, Nelson, Roberts, Morris, Takko, Cody, Carlyle, McCoy, Goodman, Quall, Sullivan, Liias, Chase, Pedersen, Williams, Kagi, Kenney, Simpson, Conway and Moeller

Providing an emergency response system for the Strait of Juan de Fuca.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1409 was substituted for House Bill No. 1409 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1409 was read the second time.

Representative Short moved the adoption of amendment (093):

On page 3, after line 19, insert the following:

"(5) If the cumulative annual contract amount for all covered vessels required to satisfy the emergency response system requirements of this section is greater than the annual amount paid by the state as part of its 2007-2009 biennium contract with the Neah Bay emergency response vessel, then the additional funding above the 2007-2009 contract rate must be provided by the state of Washington."

Representatives Short, Chandler and Orcutt spoke in favor of the amendment.

Representative Upthegrove spoke against the amendment.

Amendment (093) was not adopted.

Representative Van De Wege moved the adoption of amendment (119):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the Olympic Peninsula is bounded on the west and north by uniquely rich and highly vulnerable biological, cultural, and marine resources supporting some of the nation's most valuable tribal, commercial, and sport fisheries. The area also sustains endangered species and numerous species of vulnerable marine mammals. The area's national significance is recognized by special federal designations including a national park, a national marine sanctuary, a maritime area to be avoided, national wildlife refuges, a world heritage site, as well as tribal lands and usual and accustomed fishing areas of federally recognized coastal Indian tribes. This remote area periodically experiences severe coastal storms, dangerous seas, strong coastal currents, and frequent fog placing economically valuable maritime commerce and ship crews at risk.

(2) The legislature further finds that these peculiarities of the local waters require special protection from the serious threat posed by maritime casualties. The area's natural, cultural, and economic resources must be provided with the best achievable protection from damages caused by the discharge of oil into coastal waters.

(3) The legislature further finds that the state of Washington has maintained an emergency response tug at Neah Bay since 1999 to protect its waters from maritime casualties and resultant oil spills. During that time it has demonstrated its capability by responding to forty-one ships in need of assistance in the area from Port Angeles to the Columbia river. State funding is scheduled to end June 30, 2009. The legislature intends for the maritime industry to provide and fully fund a year-round emergency response tug at Neah Bay, including the logistical and operational management support system. This emergency response towing vessel and its operations should meet or exceed the state's fiscal year 2009 technical contract specifications of the contracted Neah Bay emergency response towing vessel.

Sec. 2. RCW 88.46.130 and 1991 c 200 s 426 are each amended to read as follows:

(1) An emergency response system for vessels operating in the entry of the Strait of Juan de Fuca shall be established and operated consistent with this section by July 1, ((1992)) 2010. ((In establishing the emergency response system, the administrator shall consider the recommendations of the regional marine safety committees. The administrator shall also consult with the province of British Columbia regarding its participation in the emergency response system.))

(2)(a) Except as otherwise provided in this section, and in addition to the contingency plan requirements adopted by the department under RCW 88.46.060, contingency plans for all covered vessels while operating in all waters of the entry to the Strait of Juan de Fuca north of the Clallam county shoreline and east of Duncan rock must provide for the emergency response system described in this section, including the management and operation of an emergency response towing vessel that satisfies the planning standards in section 3 of this act.

(b) Owners and operators of covered vessels that operate in the portion of the entry to the Strait of Juan de Fuca identified in this subsection shall submit an addendum to their oil spill contingency plan demonstrating compliance with this section by January 1, 2010. A vessel submitting an initial contingency plan after January 1, 2010, must provide documentation of its compliance with this section concurrent with the submittal of its contingency plan.

(c) The department shall review all submittals demonstrating compliance with this section and shall approve any submittal that meets the intent and planning standards established in section 3 of this act.

(3) Full implementation of section 3 of this act, or implementation of a system of protective measures imposed or required by the federal government that are determined by the department to be substantially equivalent to those requirements, satisfies the emergency response system required by this section.

(4) The director may suspend the requirement for an emergency response towing vessel created in this section if the director determines that an emergency response towing vessel satisfying the requirements of section 3 of this act is not available to provide the services required under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 88.46 RCW to read as follows:

(1) An emergency response towing vessel that is a part of the emergency response system required by RCW 88.46.130 must be stationed at Neah Bay and be continuously capable and available to respond to any vessel emergency. The towing vessel must, at a minimum, be able to satisfy the following planning standards:

(a) Be underway within twenty minutes of a decision to deploy;

(b) Be able to deploy at any hour of any day to provide emergency assistance and be safely manned to remain underway for at least forty- eight hours;

(c) In severe weather conditions, be capable of making up to, stopping, holding, and towing a drifting or disabled vessel of one hundred eighty thousand metric dead weight tons;

(d) In severe weather conditions, be capable of holding position within one hundred feet of another vessel;

(e) Be equipped with and maneuverable enough to effectively employ a ship anchor chain recovery hook and line throwing gun;

(f) Be capable of a bollard pull of at least seventy short tons; and

(g) Be equipped with appropriate equipment for:

(i) Damage control patching;

(ii) Vessel dewatering;

(iii) Air safety monitoring; and

(iv) Digital photography.

(2) The requirements of this section may be fulfilled by one or more private organizations or nonprofit cooperatives providing umbrella coverage under contract to single or multiple covered vessels.

(3)(a) The department must be authorized to contract with the emergency response towing vessel, at the discretion of the department, in response to a potentially emerging maritime casualty or as a precautionary measure during severe storms. All instances of use by the department must be paid for by the department.

(b) Covered vessels that are required to provide an emergency response towing vessel under RCW 88.46.130 may not restrict the emergency response towing vessel from responding to distressed vessels that are not covered vessels.

(4) Nothing in this section limits the ability of a covered vessel to contract with an emergency response towing vessel with capabilities that exceed the minimum capabilities provided for a towing vessel in this section.

(5) The covered vessel owner or operator shall submit a written report to the department as soon as practicable regarding an emergency response system deployment, including photographic documentation determined by the department to be of adequate quality. The report must provide a detailed description of the incident necessitating a response and the actions taken to render assistance under the emergency response system.

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

(1) It is the intent of the legislature to provide the various components of the maritime industry with the tools necessary to satisfy the requirements of RCW 88.46.130 in the most cost-effective manner. In doing, the legislature encourages, but does not mandate, the maritime industry to unite behind their mutual interests and responsibilities and identify or form a single umbrella organization that allows all affected covered vessels to equitably share the costs inherent in the implementation of RCW 88.46.130.

(2) The legislature further finds that an equitable sharing of the costs of implementing RCW 88.46.130 may mean that not all covered vessels will be responsible for providing the same amount of funding. Any umbrella organization that is identified or formed to satisfy the requirements of this act should consider the multitude of factors that comprise the risk of oil spills and the likelihood of initiating a response from the emergency response vessel required by RCW 88.46.130, including the number of transits made by the covered vessel, the nature and quantity of its cargo, and the technical sophistication of its design, safety updates, and maintenance.

(3) The legislature intends to provide the authority for any operator of a covered vessel that feels as though an umbrella organization that is identified, formed, or proposed for formation does not equitably share the costs of compliance with RCW 88.46.130 with the covered vessel in question, or the class of vessel to which the covered vessel belongs, to either contract directly with an adequate emergency response vessel or form or join a discreet

umbrella organization representing the appropriate segment of the maritime industry. However, if the operator of a covered vessel chooses not to join a proposed or existing umbrella organization, or finds that negotiations leading to the formation of an umbrella organization are not progressing in an adequate manner, the legislature requests, but does not require, that the vessel operator contact the department and provide official notice of their concern as to how the umbrella group in question failed in establishing an equitable cost-share strategy.

(4) The department shall collect and maintain all notices received under this section and shall summarize any reports received by the operators of covered vessels and report the summation to the appropriate committees of the legislature upon request by a legislative committee.

NEW SECTION. Sec. 5. (1) Designated representatives of the owners and operators of all classes of covered vessels shall negotiate, given the intent of section 4 of this act, a system to determine the equitable apportionment of costs of the emergency response system required by this act.

(2) Participants to the negotiations shall report the results to the appropriate committees of the legislature by December 1, 2009. This report shall provide available information relating to:

(a) The anticipated average annual cost of providing the emergency response system required by this act;

(b) The methodology for determining the annual cost for each vessel of complying with this act, including a system for crediting enhanced navigational or structural characteristics, and any caps or limitations on total cost for vessels that frequently transit the waters identified in this act; and

(c) The anticipated average annual cost of complying with this act for each of the following class of covered vessels:

(i) Oil tankers;

(ii) Tank barges;

(iii) Tug and oil barge combinations;

(iv) Nontank vessels, including cruise ships;

(v) Other covered vessels.

(3) If the representatives designated under this section to participate in negotiations fail to achieve the goals of this section or otherwise choose not to report the outcomes to the legislature, the department of ecology shall, by December 1, 2009, deliver the summation of any reports received under section 4 of this act.

(4) This section expires June 30, 2010.

NEW SECTION. Sec. 6. A new section is added to chapter 88.46 RCW to read as follows:

(1) In addition to reviewing contingency plans submitted under RCW 88.46.130, the department may determine the adequacy of the emergency response system required in RCW 88.46.130 through practice drills that test the adequacy of the responding entity's capabilities and satisfaction of the requirements of section 3 of this act. Practice drills may be conducted without prior notice.

(2) Each successful response to a vessel emergency may be considered by the department to satisfy a drill covering this portion of a covered vessel's contingency plan.

(3) Drills of the emergency response system required in RCW 88.46.130 must emphasize the system's ability to respond to a potentially worst case vessel emergency scenario.

Sec. 7. RCW 88.46.010 and 2007 c 347 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and

development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(6) "Department" means the department of ecology.

(7) "Director" means the director of the department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9) "Duncan rock" means the nautical landmark located northwest of Tatoosh Island in Clallam county marking the entrance to the Strait of Juan de Fuca.

(10) "Entry to the Strait of Juan de Fuca" means that portion of the Strait of Juan de Fuca seaward of a line drawn from New Dungeness light in Clallam county to Discovery Island light on Vancouver Island, British Columbia, Canada, and including the Washington portion of the approach area to the Strait of Juan de Fuca from Cape Flattery light in Clallam county southward to North Head light in Pacific county near the mouth of the Columbia river.

(11)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

((+0)) (12) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

((+1)) (13) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

((+2)) (14) "Oil" or "oils" means oil of any kind that is liquid at atmospheric temperature and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

((+3)) (15) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility.

((+4)) (16) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

((+5)) (17)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person

owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

((+6)) (18) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

((+7)) (19) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

((+8)) (20) "Severe weather conditions" means observed nautical conditions with sustained winds measured at forty knots and wave heights measured between twelve and eighteen feet.

(21) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

((+9)) (22) "Spill" means an unauthorized discharge of oil into the waters of the state.

((+0)) (23) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

((+1)) (24) "Vessel emergency" includes:

(a) A substantial threat of pollution originating from a covered vessel including, but not limited to, loss or serious degradation of propulsion, steering, means of navigation, primary electrical generating capability, and seakeeping capability;

(b) Hull breach; or

(c) Oil spill.

(25) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

((+2)) (26) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

Sec. 8. RCW 90.56.500 and 1991 c 200 s 805 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) The account shall be used exclusively to pay for:

(a) The costs associated with the response to spills of crude oil or petroleum products into the navigable waters of the state; and

(b) The costs associated with the department's use of the emergency response towing vessel as described in section 3 of this act.

(3) Payment of response costs under subsection (2)(a) of this section shall be limited to spills which the director has determined are likely to exceed fifty thousand dollars. Before expending moneys from the account, the director shall make reasonable efforts to obtain funding for response costs from the person responsible for the spill and from other sources, including the federal government.

(4) Reimbursement for response costs shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

((+3)) (a) Natural resource damage assessment and related activities;

((+2)) (b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

((3)) (c) Interagency coordination and public information related to a response; and

((4)) (d) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 9. (1) The director of the department of ecology, or the director's designee, shall initiate discussions with the director's equivalent position in the government for the Canadian province of British Columbia to explore options for Washington and British Columbia to share the marine response assets required under this act.

(2) Any progress or outcomes from the discussions initiated under this section must be reported to the appropriate committees of the legislature no later than January 1, 2011.

(3) This section expires July 31, 2011."

Correct the title.

Representative Short moved the adoption of amendment (125) to amendment (119):

On page 3, after line 5 of the amendment, insert the following:

"(5) If the cumulative annual contract amount for all covered vessels required to satisfy the emergency response system requirements of this section is greater than the annual amount paid by the state as part of its 2007-2009 biennium contract with the Neah Bay emergency response vessel, then the additional funding above the 2007-2009 contract rate must be provided by the state of Washington."

Representatives Short spoke in favor of the adoption of the amendment to amendment (119).

Representative Upthegrove spoke against the adoption of the amendment to amendment (119).

Amendment (125) to amendment (119) was not adopted.

The question before the House was the adoption of amendment (119).

Representative Van De Wege spoke in favor of the adoption of the amendment.

Representative Short spoke against the adoption of the amendment.

Amendment (119) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van De Wege, Seaquist and Van De Wege (again) spoke in favor of the passage of the bill.

Representatives Short, Ericksen, Orcutt and Armstrong spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1409.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1409 and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells,

Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Walsh and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1409, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1007
HOUSE BILL NO. 1062
HOUSE BILL NO. 1078
HOUSE BILL NO. 1131
HOUSE BILL NO. 1290
HOUSE BILL NO. 1321
HOUSE BILL NO. 1329
HOUSE BILL NO. 1357
HOUSE BILL NO. 1445
HOUSE BILL NO. 1490
HOUSE BILL NO. 1530
HOUSE BILL NO. 1616
HOUSE BILL NO. 1703
HOUSE BILL NO. 1733
HOUSE BILL NO. 1799
HOUSE BILL NO. 1946
HOUSE BILL NO. 1953
HOUSE BILL NO. 1981
HOUSE BILL NO. 2003
HOUSE BILL NO. 2010
HOUSE BILL NO. 2072
HOUSE BILL NO. 2095
HOUSE BILL NO. 2114
HOUSE BILL NO. 2147
HOUSE BILL NO. 2164
HOUSE BILL NO. 2223
HOUSE BILL NO. 2227
HOUSE BILL NO. 2249
HOUSE BILL NO. 2252
HOUSE BILL NO. 2267
HOUSE BILL NO. 2275

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:30 a.m., March 6, 2009, the 54th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTY FOURTH DAY

House Chamber, Olympia, Friday, March 6, 2009

The House was called to order at 9:30 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by the Navy/Marine Corps Color Guard. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Commander Anthony Berchmanz, Chaplain. The National Anthem was sung by MU3 Sarah Reasuer.

RESOLUTIONS

HOUSE RESOLUTION NO. 2009-4630, by Representatives Bailey, Rolfes and Sells

WHEREAS, The 21st century is the Pacific century, and Washington state is uniquely positioned politically, economically, and geographically to deal with the opportunities and challenges presented by Asia and the Pacific Rim countries; and

WHEREAS, The Navy is the military service that secures sea lanes, allowing free flow of commerce to and from our state, and the service whose power projection promotes stability for our friends and deters aggression from our foes; and

WHEREAS, The Navy has explored and defended Northwest waters for more than one hundred fifty years; and

WHEREAS, Washington state naval bases consistently receive awards for the quality of life they provide to sailors and family members, are recognized as models for other military facilities, and are continuously being improved in energy efficiency and environmental responsibility; and

WHEREAS, Washington state-based sailors are serving at sea, on the ground, and in the air, on every ocean and every continent; and

WHEREAS, Puget Sound is the United States Navy's third largest Fleet Concentration area, with two aircraft carriers, five warships, fourteen submarines, and one hundred nineteen aircraft in Washington state; and

WHEREAS, The United States Navy spends 4.3 billion dollars annually in the Northwest and provides economic stability to dozens of Washington cities and tens of thousands of Washington state citizens; and

WHEREAS, Washington state-based Navy units were the first on scene to provide relief services after the 2005 tsunami in southern Asia, the first to fire missiles against Taliban forces in Afghanistan, and continue to set the standard for naval operations around the world; and

WHEREAS, Navy personnel provide homeland security, disaster assistance, and rescue services to Washington state citizens; and

WHEREAS, Over 128,000 members of the Navy family, including active duty, retired, dependent, and civilian Navy personnel, consider Washington home; are community leaders, role models, and mentors; and invest millions of dollars and thousands of hours to the economy, local charities, and community programs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and express appreciation for all those who have ever served in the United States Navy, and all the family members and friends who shared their sacrifices with them; and

BE IT FURTHER RESOLVED, That the House of Representatives recognize all the many contributions the Navy and its personnel make for everyone living in the United States and the entire global community, and observe Navy Day which is celebrated on March 6, 2009.

Representative Bailey moved adoption of House Resolution No. 4630.

Representatives Bailey, Seaquist and Dammeier spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4630 was adopted.

HOUSE RESOLUTION NO. 2009-4616, by Representatives Kagi, Kenney, Dickerson, Pedersen, Cody, Santos, Miloscia, Blake, Clibborn, White, Chase and Carlyle

WHEREAS, Childhaven (originally Seattle Day Nursery) was one of the first child care centers in the nation, beginning in 1909, and has cared for children in the state of Washington and is celebrating 100 years; and

WHEREAS, In 1909, Reverend Mark Matthews of First Presbyterian Church, planned for and opened a day nursery to meet the needs of women who had to work because they were widowed or abandoned, or their husbands were unable to work because they were injured at work and existing on the contributions of the citizens who donated goods and volunteered their time; and

WHEREAS, In 1921, Seattle Day Nursery completed a new child care building, the first structure west of the Mississippi to be constructed specifically as a child care facility, and was also selected to be a charter member of the newly formed Community Chest (later called United Way of King County); and

WHEREAS, During World War I and World War II, when industry needed women to employ, Seattle Day Nursery served as a support system for those who worked in the shipyards, for The Boeing Company, in defense plants, and for other vital businesses in this state – setting the standard for good child care, which was becoming an industry in its own right; and

WHEREAS, In 1973, Executive Director Patrick L. Gogerty, who had an extensive background working with juvenile delinquents and realized the link between early abuse and neglect - and later criminal behavior, worked with Child Protective Services to develop the Therapeutic Child Care Program model and meet an unmet need of support for the youngest and most vulnerable victims of abuse and neglect, children age one month through five years; and

WHEREAS, The Washington state legislature has passed legislation providing state funds for Seattle Day Nursery to conduct empirical research on the effectiveness of using the Therapeutic Child Care Program model to provide early intervention and treatment to abused or neglected children under the age of twenty-four months, which, based on the results, led Seattle Day Nursery to transition all of its locations to Therapeutic Child Care and receive referrals from Child Protective Services for the children it cared for; and

WHEREAS, Seattle Day Nursery changed its name to Childhaven in 1985 to adequately reflect the mission of the agency and the expansion of services to other areas in King county; and

WHEREAS, In 1989, Childhaven developed the first, and still only, crisis nursery program in King county, focusing on preventing possible abuse and neglect by offering parents a safe place for their children during times of stress and crisis – and in 1990 established the Drug-Affected Infant Program, the first of its kind in Washington state, to treat children from birth through five years of age whose parents are enrolled in chemical dependency treatment programs; and

WHEREAS, In 2009, Childhaven celebrates 100 years of services to children in King county;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the state of Washington officially recognize the

invaluable work that Childhaven provides to the youngest and most vulnerable citizens of this state: Infants, toddlers, and preschoolers.

Representative Kagi moved adoption of House Resolution No. 4616.

Representatives Kagi and Walsh spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4616 was adopted.

MESSAGE FROM THE SENATE

March 5, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5225,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5595,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5800,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

SSB 5007 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators McAuliffe, King, Oemig, Holmquist, McDermott, Kauffman, Pridemore, Kilmer, Hobbs, Tom, Brandland, Swecker, Shin, Franklin, Parlette and Roach)

AN ACT Relating to allowing public technical colleges to offer associate degrees that prepare students for transfer to selected bachelor's degrees in professional areas; amending RCW 28B.50.020, 28B.50.030, 28B.50.090, and 28B.50.140; and creating a new section.

Referred to Committee on Higher Education.

ESSB 5011 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kohl-Welles, Kline and Keiser)

AN ACT Relating to fire safety standards for novelty lighters; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 5026 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala and Brandland)

AN ACT Relating to the collection of biological samples for DNA identification analysis from individuals whose convictions are the result of a plea agreement; and amending RCW 43.43.754.

Referred to Committee on Public Safety & Emergency Preparedness.

SB 5031 by Senators Fairley, Hobbs, Swecker, Shin, Sheldon, Berkey, Haugen, Hatfield and McAuliffe

AN ACT Relating to rental or lease of armories; and amending RCW 38.20.010.

Referred to Committee on State Government & Tribal Affairs.

2SSB 5045 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Zarelli, Brown, Kauffman, Shin, Marr, King, Regala, Rockefeller,

Haugen, Berkey, Eide, Kastama, Jarrett, Pridemore, McAuliffe and Ranker)

AN ACT Relating to community revitalization financing; adding a new section to chapter 82.32 RCW; adding new sections to chapter 82.14 RCW; and adding a new chapter to Title 39 RCW.

Referred to Committee on Community & Economic Development & Trade.

SB 5211 by Senators Sheldon, Roach, Fairley, McDermott, Parlette, Haugen, Shin and Benton

AN ACT Relating to false and defamatory statements about candidates for public office; amending RCW 42.17.530; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

SSB 5212 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kilmer, Kline, McCaslin, Hewitt, Haugen, Shin and Becker)

AN ACT Relating to the modification of parenting plans based on the military service of a parent; and amending RCW 26.09.004, 26.09.010, and 26.09.260.

Referred to Committee on Judiciary.

ESSB 5263 by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Brandland and Tom)

AN ACT Relating to prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse; amending RCW 9.41.280; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5297 by Senators Kline and Delvin

AN ACT Relating to the procedure for filing a declaration of completion of probate; and amending RCW 11.68.110.

Referred to Committee on Judiciary.

SB 5315 by Senators Schoesler, Hobbs, Holmquist, Honeyford and Fraser

AN ACT Relating to extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service; and amending RCW 41.40.270.

Referred to Committee on Ways & Means.

SB 5320 by Senators Murray, Kohl-Welles and Shin

AN ACT Relating to modifying the name of and titles within the acupuncture profession; amending RCW 18.06.010, 18.06.020, 18.06.045, 18.06.050, 18.06.080, 18.06.120, 18.06.130, 18.06.140, 18.06.190, 4.24.240, 4.24.290, 7.70.020, 18.120.020, 18.130.040, and 43.70.110; adding a new section to chapter 18.06 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

2SSB 5346 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Franklin, Marr, Parlette, Murray and Kohl-Welles)

AN ACT Relating to establishing streamlined and uniform administrative procedures for payors and providers of health care services; amending RCW 70.47.130; adding a new section to chapter 70.14 RCW; adding a new section to chapter 18.122 RCW; adding a new chapter to Title 48 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5369 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Becker, Fairley, Keiser, Marr, Murray, Kohl-Welles and Parlette)

AN ACT Relating to adding and deleting counseling professions subject to the authority of the secretary of health under the uniform disciplinary act; amending RCW 18.130.040 and 18.130.040; providing effective dates; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

ESSB 5414 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, King, Oemig and McDermott)

AN ACT Relating to statewide assessments and curricula; amending RCW 28A.655.061 and 28A.655.066; reenacting and amending RCW 28A.305.215; adding a new section to chapter 28A.300 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Education.

SSB 5451 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Oemig, Ranker, Rockefeller, Honeyford and Fraser)

AN ACT Relating to changing the date for setting the amount of pipeline safety fees; and amending RCW 80.24.060 and 81.24.090.

Referred to Committee on Technology, Energy & Communications.

SSB 5510 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Swecker and Shin)

AN ACT Relating to notification in dependency matters; and reenacting and amending RCW 13.34.062.

Referred to Committee on Early Learning & Children's Services.

SB 5511 by Senators Prentice, Hobbs, Oemig and Shin

AN ACT Relating to making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee; amending RCW 43.08.290; and creating a new section.

Referred to Committee on Finance.

SB 5548 by Senators Haugen, Jarrett, Fraser and Shin

AN ACT Relating to requiring project improvements, including public transportation infrastructure improvements, to be credited against the imposition of impact fees; and amending RCW 82.02.060.

Referred to Committee on Local Government & Housing.

SSB 5574 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kline, Tom, Hargrove, Oemig, Regala, Fairley, McAuliffe, McDermott, Fraser, Shin, Keiser and Kohl-Welles)

AN ACT Relating to protecting consumer data in motor vehicles; amending RCW 46.63.020; adding a new section to chapter 48.30 RCW; adding a new chapter to Title 46 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Transportation.

SSB 5613 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Keiser, Franklin, Kline, McDermott, Tom and Fraser)

AN ACT Relating to authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions; and adding a new section to chapter 51.48 RCW.

Referred to Committee on Commerce & Labor.

ESSB 5768 by Senate Committee on Transportation (originally sponsored by Senators Murray, Jarrett, Swecker, Haugen and Kohl-Welles)

AN ACT Relating to identifying the final design for the state route number 99 Alaskan Way viaduct replacement project as a deep bore tunnel; adding a new section to chapter 47.01 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Transportation.

SB 5832 by Senators Kohl-Welles, Stevens and Marr

AN ACT Relating to allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1)(b)(iii)(A) or (c); and amending RCW 9A.04.080.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5881 by Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Hargrove, Regala, Jarrett and King)

AN ACT Relating to truancy; and amending RCW 28A.225.020, 28A.225.025, 28A.225.035, and 28A.225.090.

Referred to Committee on Education.

ESSB 5901 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senator Kastama)

AN ACT Relating to modifying provisions of the local infrastructure financing tool program; amending RCW 39.102.020, 39.102.070, 39.102.110, 39.102.120, 39.102.140, 39.102.150, 39.102.195, and 82.14.475; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

SB 5909 by Senators Murray, Kohl-Welles and Zarelli

AN ACT Relating to clarifying the application of the high technology retail sales and use tax deferral provided by chapter

82.63 RCW; amending RCW 82.63.010, 82.63.020, and 82.63.045; adding new sections to chapter 82.63 RCW; and creating new sections.

Referred to Committee on Finance.

SB 5974 by Senators Morton, Hatfield, Swecker, Marr and Shin

AN ACT Relating to transporting or accepting delivery of live nonambulatory livestock; amending RCW 16.36.116; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

SSB 6036 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Ranker and Shin)

AN ACT Relating to water cleanup planning and implementation; and adding a new section to chapter 90.48 RCW.

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

March 6, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5228,
SENATE BILL NO. 5284,
SUBSTITUTE SENATE BILL NO. 5286,
SENATE BILL NO. 5322,
SUBSTITUTE SENATE BILL NO. 5401,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5403,
SENATE BILL NO. 5413,
SUBSTITUTE SENATE BILL NO. 5417,
SUBSTITUTE SENATE BILL NO. 5531,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671,
SUBSTITUTE SENATE BILL NO. 5834,
SUBSTITUTE SENATE BILL NO. 5893,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5978,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1038, by Representatives Orcutt, Blake, Kretz, Van De Wege, Warnick, McCune, Pearson, Kristiansen and Kessler

Regarding specialized forest products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1038 was substituted for House Bill No. 1038 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1038 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt, Blake and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1038.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1038 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1038, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1418, by Representatives Kagi, Priest, Sullivan, Walsh, Pettigrew, Roberts, Dickerson, Quall, Seaquist, Sells, Appleton, Hunt, Haler, Pedersen, Orwall, Ormsby, Hasegawa, Conway, Kenney, Maxwell, Santos, Probst, Driscoll, Goodman and Nelson

Establishing a statewide dropout reengagement system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1418 was substituted for House Bill No. 1418 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1418 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Priest, Hunter and Anderson spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

MOTIONS

On motion of Representative Santos, Representative Flannigan was excused. On motion of Representative Hinkle, Representative Walsh was excused.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1418.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1418 and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby,

Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Bailey, Chandler, Condotta, Crouse, Hinkle, Klippert, Kretz, Kristiansen, Pearson, Shea, Short and Warnick.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1418, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1429, by Representatives O'Brien, Bailey, Sells, Hinkle, Cody, Kessler, Hudgins, Ericks, Moeller, Morrell and Ormsby

Concerning respite care.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1429 was substituted for House Bill No. 1429 and the substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1429 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1429.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1429 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

SECOND SUBSTITUTE HOUSE BILL NO. 1429, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1463, by Representatives Seaquist, Angel and Finn

Addressing the deferral of sales and use taxes due on the state route number 16 corridor improvements project.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Seaquist, Angel and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1463.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1463 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

HOUSE BILL NO. 1463, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1830, by Representative Santos

Establishing business definitions for public contracting.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1830.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1830 and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Condotta, Crouse, Haler, Hinkle, Klippert, Kretz, Kristiansen, Pearson, Shea, Short and Warnick.

Excused: Representative Walsh.

HOUSE BILL NO. 1830, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1838, by Representatives Orcutt and Blake

Creating a raffle-only limited recreational rainbow trout fishery in Spirit Lake.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1838 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1838 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orcutt and Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1838.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1838 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Jacks.

Excused: Representative Walsh.

SUBSTITUTE HOUSE BILL NO. 1838, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1845, by Representatives Rodne and Pedersen

Concerning medical support obligations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1845 was substituted for House Bill No. 1845 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1845 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Rodne and Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1845.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1845 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

SUBSTITUTE HOUSE BILL NO. 1845, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1878, by Representatives Jacks, Driscoll, Maxwell, Wallace, Quall, Green, Darneille, Moeller and Kenney

Authorizing the transfer of accumulated leave of employees of the state school for the blind and the school for the deaf.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacks and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1878.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1878 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

HOUSE BILL NO. 1878, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1912, by Representatives Armstrong, Hunt and Moeller

Concerning facilities to house sexually violent predators.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1912.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1912 and the bill passed the House by the following vote: Yeas, 89; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Appleton, Campbell, Dammeier, Darneille, Flannigan, Green and Kelley.

Excused: Representative Walsh.

HOUSE BILL NO. 1912, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1926, by Representatives Cody, Ericksen, Appleton, Pettigrew, Kenney, Moeller and Ormsby

Exempting certain hospice agencies from certificate of need requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1926 was substituted for House Bill No. 1926 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1926 was read the second time.

Representative Hinkle moved the adoption of amendment (121):

On page 7, line 8, after "by a" strike "nonprofit"
On page 7, at the beginning of line 26, strike "nonprofit"

Representatives Hinkle and Cody spoke in favor of the adoption of the amendment.

Amendment (121) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1926.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1926 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1951, by Representatives Finn, Short, Takko, Walsh, Blake, Johnson, McCune, Pearson, Williams and Van De Wege

Regarding the operation and management of salmonid hatcheries.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1951 was substituted for House Bill No. 1951 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1951 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Finn and Short spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1951.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1951 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

SECOND SUBSTITUTE HOUSE BILL NO. 1951, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1952, by Representatives Kenney, Ormsby, Blake, Flannigan, Maxwell, Pettigrew, Springer, Hudgins, Liias, Morrell, White, Conway, Hasegawa, Chase, Sullivan, Dickerson, Wood and Santos

Regarding the building communities fund program competitive process.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1952 was substituted for House Bill No. 1952 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1952 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1952.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1952 and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Chandler and Shea.
Excused: Representative Walsh.

SUBSTITUTE HOUSE BILL NO. 1952, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 6, 2009

HB 2279 Prime Sponsor, Representative Hurst: Addressing the offense of assault of a child in the first degree by requiring the review of the sentencing of offenders and modifying the conditions of release. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was placed on the second reading calendar.

MESSAGE FROM THE SENATE

March 6, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5032,
SUBSTITUTE SENATE BILL NO. 5285,
SENATE BILL NO. 5374,
SENATE BILL NO. 5426,
SUBSTITUTE SENATE BILL NO. 5461,
SUBSTITUTE SENATE BILL NO. 5468,
SENATE BILL NO. 5547,
SUBSTITUTE SENATE BILL NO. 5556,
SENATE BILL NO. 5580,
SENATE BILL NO. 5587,
SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5699,
SUBSTITUTE SENATE BILL NO. 5738,
SUBSTITUTE SENATE BILL NO. 5793,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5808,
SUBSTITUTE SENATE BILL NO. 5882,
SUBSTITUTE SENATE BILL NO. 5891,
SENATE BILL NO. 5903,
SENATE BILL NO. 5980,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6032,
ENGROSSED SENATE BILL NO. 6033,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1460, by Representatives Morrell, Anderson, Bailey and Cody

Regarding critical access hospitals not subject to certificate of need review.

The bill was read the second time.

Representative Morrell moved the adoption of amendment (148):

On page 3, line 18, after "limits" insert ". No more than one-half of the additional beds designated for swing bed services under this subsection (iii) may be so designated before July 1, 2009, with the balance designated no sooner than July 1, 2010"

Representatives Morrell and Anderson spoke in favor of the adoption of the amendment.

Amendment (148) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

COLLOQUY

Representative Anderson: "As the prime sponsor of this bill, is it your understanding that neither the intent nor the effect of this bill will allow expansion of swing bed capacity in any critical access hospital that has a nursing home within the same city limits?"

Representative Morrell: "Yes. This bill will not grant any additional swing bed capacity to a critical access hospital that has a nursing home within the same city limits."

Representatives Morrell, Anderson and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1460.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1460 and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase,

Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Liias, Simpson and Williams.

Excused: Representative Walsh.

ENGROSSED HOUSE BILL NO. 1460, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1769, by Representatives Orwall, White, Dammeier, Clibborn, Nelson, Liias, Carlyle, Eddy, Upthegrove, Green, Chase, Seaquist, Miloscia, Kagi, Roberts, Kenney and Morrell

Concerning housing assistance in dependency matters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1769 was substituted for House Bill No. 1769 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1769 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1769.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1769 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh

SUBSTITUTE HOUSE BILL NO. 1769, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1899, by Representatives Warnick and Hinkle

Concerning physicians holding a retired active license.

The bill was read the second time.

There being no objection, Second House Bill No. 1899 was substituted for House Bill No. 1899 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1899 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Warnick, Green and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1899.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1899 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

SECOND SUBSTITUTE HOUSE BILL NO. 1899, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1957, by Representatives Jacks, Warnick and Van De Wege

Identifying qualified applicants and procedures within the Washington wildlife and recreation program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1957 was substituted for House Bill No. 1957 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1957 was read the second time.

Representative Kretz moved the adoption of amendment (155):

On page 1, beginning on line 6, strike all of sections 1 and 2. Renummer the sections consecutively and correct any internal references accordingly.

Correct the title.

On page 6, line 24, after "RCW" strike " nonprofit nature conservancy organizations or associations."

On page 7, line 17, after "agency" strike "or nonprofit nature conservancy organization or association"

On page 7, line 21, after "agency's" strike "or nonprofit nature conservancy organization's or association's"

On page 9, line 14, after "county" strike " nonprofit nature conservancy organization or association"

On page 9, line 16, after "county" strike " nonprofit nature conservancy organization or association"

On page 9, line 23, after "county" strike ", nonprofit nature conservancy organization or association"

On page 9, line 31, after "counties" strike ", nonprofit nature conservancy organizations or associations"

On page 10, line 2, after "city" strike ", nonprofit nature conservancy organization or association"

On page 10, line 9, after "county" strike ", nonprofit nature conservancy organization or association"

On page 10, line 18, after "agency's" strike "or nonprofit nature conservancy organization's or association's"

On page 10, line 22, after "agency's" strike "or nonprofit nature conservancy organization's or association's"

Representatives Kretz, Pearson, Hinkle, and Ericksen spoke in favor of the adoption of the amendment.

Representatives Jacks and Dunshee spoke against the adoption of the amendment.

Amendment (155) was not adopted.

Representative Kretz moved the adoption of amendment (176):

On page 2, line 6, after "(7)" strike "Nonprofit nature conservancy corporation or association" means an organization as defined in RCW 84.34.250.

(8)"

On page 2, beginning on line 20, after "(10)" strike everything through "wildlife." on line 22 and insert "(State agencies means the state parks and recreation commission, the department of natural resources, the department of general administration, and the department of fish and wildlife.) State agency means the state parks and recreation commission."

On page 3, line 21, after "agencies" strike "or nonprofit nature conservancy organizations or associations"

On page 4, after line 14, insert the following:

"Sec. 3. RCW 79A.15.040 and 2008 c 299 s 29 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the habitat conservation account shall be distributed in the following way:

(a) Not less than forty percent through June 30, 2011, at which time the amount shall become forty-five percent, for the acquisition and development of critical habitat;

(b) Not less than thirty percent for the acquisition and development of natural areas;

(c) Not less than twenty percent for the acquisition and development of urban wildlife habitat; and

(d) Not less than ten percent through June 30, 2011, at which time the amount shall become five percent, shall be used by the board to fund restoration and enhancement projects on state park lands. Only the ((department of natural resources and the department of fish and wildlife)) state parks and recreation commission may apply for these funds to be used on existing ((habitat and natural area)) state park lands.

(2)(a) In distributing these funds, the board retains discretion to meet the most pressing needs for critical habitat, natural areas, and urban wildlife habitat, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the habitat conservation account to meet the percentages described in subsection (1) of this section in any biennium, the board retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only the state ((agencies)) parks and recreation commission may apply for acquisition and development funds for natural areas projects under subsection (1)(b) of this section.

(4) ((State and local agencies)) The state parks and recreation commission may apply for acquisition and development funds for critical habitat and urban wildlife habitat projects under subsection (1)(a) and (c) of this section.

(5) ((a) Any lands that have been acquired with grants under this section by the department of fish and wildlife are subject to an amount in lieu of real property taxes and an additional amount for control of noxious weeds as determined by RCW 77.12.203.

~~—(b) Any lands that have been acquired with grants under this section by the department of natural resources are subject to payments in the amounts required under the provisions of RCW 79.70.130 and 79.71.130.~~

~~—(6)) Except as otherwise conditioned by RCW 79A.15.140 or 79A.15.150, the board in its evaluating process shall consider the following in determining distribution priority:~~

(a) Whether the entity applying for funding is a Puget Sound partner, as defined in RCW 90.71.010;

(b) Effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030; and

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

~~((7))~~ (6) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 4. RCW 79A.15.050 and 2007 c 241 s 30 are each amended to read as follows:

(1) Moneys appropriated for this chapter to the outdoor recreation account shall be distributed in the following way:

(a) Not less than thirty percent to the state parks and recreation commission for the acquisition and development of state parks, with at least fifty percent of the money for acquisition costs;

(b) Not less than thirty percent for the acquisition, development, and renovation of local parks, with at least fifty percent of this money for acquisition costs;

(c) Not less than twenty percent for the acquisition, renovation, or development of trails;

(d) Not less than fifteen percent for the acquisition, renovation, or development of water access sites, with at least seventy-five percent of this money for acquisition costs; and

(e) Not less than five percent for development and renovation projects on state recreation lands. ((Only the department of natural resources and the department of fish and wildlife may apply for these funds to be used on their existing recreation lands.))

(2)(a) In distributing these funds, the board retains discretion to meet the most pressing needs for state and local parks, trails, and water access sites, and is not required to meet the percentages described in subsection (1) of this section in any one biennium.

(b) If not enough project applications are submitted in a category within the outdoor recreation account to meet the percentages described in subsection (1) of this section in any biennium, the board retains discretion to distribute any remaining funds to the other categories within the account.

(3) Only local agencies may apply for acquisition, development, or renovation funds for local parks under subsection (1)(b) of this section.

(4) Only state and local agencies may apply for funds for trails under subsection (1)(c) of this section.

(5) Only state and local agencies may apply for funds for water access sites under subsection (1)(d) of this section."

Renumber the sections consecutively and correct any internal references accordingly.

On page 6, after line 10, insert the following:

"Sec. 4. RCW 79A.15.100 and 2007 c 241 s 35 are each amended to read as follows:

On or before November 1st of each odd-numbered year, the board shall submit to the governor and the standing committees of the legislature dealing with fiscal affairs ((fish and wildlife, and natural resources)) and parks and recreation a report detailing the acquisitions and development projects funded under this chapter during the immediately preceding biennium."

Renumber the sections consecutively and correct any internal references accordingly.

On page 6, line 24, after "RCW" strike ", nonprofit nature conservancy organizations or associations,"

On page 6, beginning on line 27, after "section." strike everything through "for funds under this section." on line 30 and

insert "~~((Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section:))~~"

On page 7, line 17, after "agency" strike "or nonprofit nature conservancy organization or association"

On page 7, line 21, after "agency's" strike "or nonprofit nature conservancy organization's or association's"

On page 7, line 23, after "(8)" strike "State agencies" and insert "~~((State agencies))~~ A state agency"

On page 9, line 14, after "county" strike ", nonprofit nature conservancy organization or association"

On page 9, line 16, after "county" strike ", nonprofit nature conservancy organization or association"

On page 9, line 23, after "county" strike ", nonprofit nature conservancy organization or association"

On page 9, line 31, after "counties" strike ", nonprofit nature conservancy organizations or associations"

On page 10, line 2, after "city" strike ", nonprofit nature conservancy organization or association"

On page 10, line 9, after "county" strike ", nonprofit nature conservancy organization or association"

On page 10, line 18, after "agency's" strike "or nonprofit nature conservancy organization's or association's"

On page 10, line 22, after "agency's" strike "or nonprofit nature conservancy organization's or association's"

Correct the title.

Representatives Kretz, Hinkle, Angel, Ross and Pearson spoke in favor of the adoption of the amendment

Representative Dunshee spoke against the adoption of the amendment.

Amendment (176) was not adopted.

Representative Short moved the adoption of amendment (162):

On page 2, line 36, after "the" strike "habitat conservation" and insert "~~((habitat conservation))~~ farmlands preservation"

On page 3, line 3, after "the" strike "habitat conservation" and insert "~~((habitat conservation))~~ farmlands preservation"

On page 3, at the beginning of line 6, after "Ten percent to the" strike "habitat conservation" and insert "~~((habitat conservation))~~ farmlands preservation"

On page 3, line 8, after "to the" strike "farmlands preservation" and insert "~~((farmlands preservation))~~ habitat conservation"

On page 3, line 10, after "to the" strike "habitat conservation" and insert "~~((habitat conservation))~~ farmlands preservation"

On page 3, line 13, after "to the" strike "farmlands preservation" and insert "~~((farmlands preservation))~~ habitat conservation"

Representatives Short and Ericksen spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Amendment (162) was not adopted.

Representative Shea moved the adoption of amendment (158):

On page 4, after line 14, insert "(9) Any proposal submitted by a nonprofit nature conservancy organization or association must first receive formal approval from the local city or county in which the project is located."

Representatives Shea, Ericksen and DeBolt spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Amendment (158) was not adopted.

Representative Kretz moved the adoption of amendment (167):

On page 4, after line 14, insert "(9) Any project sponsor receiving funding from the recreation and conservation funding board under this chapter that is not subject to disclosure under chapter 42.56 RCW must, as a mandatory contractual prerequisite to receiving the funding, agree to disclose any information in regard to the expenditure of that funding as if the project sponsor were subject to the requirements of chapter 42.56 RCW."

Representatives Kretz, Hinkle and Pearson spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Amendment (167) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Jacks spoke in favor of the passage of the bill.

Representatives Kretz and Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1957.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1957 and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Grant-Herriot, Haler, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short and Smith.

Excused: Representative Walsh.

SUBSTITUTE HOUSE BILL NO. 1957, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1959, by Representatives Simpson, Rodne, Williams and Armstrong

Concerning land use and transportation planning for marine container ports.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1959 was substituted for House Bill No. 1959 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1959 was read the second time.

Representative Simpson moved the adoption of amendment (116):

On page 2, line 35, after "between the" strike "marine industrial port element" and insert "port elements"

On page 3, line 21, after "improvements" strike "to the marine container ports"

Representatives Simpson and Rodne spoke in favor of the adoption of the amendment.

Amendment (116) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1959.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1959 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1972, by Representatives Dunshee, Blake and Williams

Regarding access to information for outdoor recreation and wildlife viewing opportunities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1972 was substituted for House Bill No. 1972 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1972 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1972.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1972 and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Ross, Schmick, Shea, Short and Warnick.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1972, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2071, by Representatives Green, Kagi, Miloscia, Pettigrew, Nelson, Haler, Priest, Goodman, Conway, Ormsby, Santos and Kenney

Concerning education for parents of needy families.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2071 was substituted for House Bill No. 2071 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2071 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2071.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2071 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh

SUBSTITUTE HOUSE BILL NO. 2071, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2157, by Representative Springer**Consolidating certain salmon recovery activities and programs within the recreation and conservation office.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2157 was substituted for House Bill No. 2157 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2157 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2157.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2157 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh

SUBSTITUTE HOUSE BILL NO. 2157, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2160, by Representatives Driscoll, Hinkle, Cody, Bailey, Kelley, Wood and Morrell**Concerning health carrier payment of wellness incentives.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2160 was substituted for House Bill No. 2160 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2160 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Driscoll and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2160.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2160 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh

SUBSTITUTE HOUSE BILL NO. 2160, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2165, by Representatives Van De Wege, Haler, Blake, Kretz, McCoy, Hinkle, Ormsby, Nelson, Eddy, Hasegawa, Takko, Chase, Kenney, Warnick and Morrell**Authorizing the department of natural resources to conduct a forest biomass energy demonstration project.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Van De Wege, Haler and Kretz spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2165.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2165 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh

HOUSE BILL NO. 2165, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2196, by Representatives Ericks and Ormsby**Including service credit transferred from the law enforcement officers' and firefighters' retirement system plan 1 in the determination of eligibility for military service credit.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2196 was substituted for House Bill No. 2196 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2196 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2196.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2196 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Walsh

SUBSTITUTE HOUSE BILL NO. 2196, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1935, by Representatives Morrell, Walsh, Cody, Orwall, Kenney, Bailey, Miloscia, Green, Kelley and Williams

Concerning adult family homes.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1935 was substituted for House Bill No. 1935 and the second substitute bill was placed on the second reading calendar.

There being no objection, the House deferred action on SECOND SUBSTITUTE HOUSE BILL NO. 1935 and the bill held its place on the second reading calendar.

HOUSE BILL NO. 2128, by Representatives Seaquist and Simpson

Concerning health care coverage for children.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2128 was substituted for House Bill No. 2128 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2128 was read the second time.

With the consent of the House, amendments (100), (104), (105), (106), (107), (108), (133), (134), (101), (113), (141) and (142) were withdrawn.

Representative Seaquist moved the adoption of amendment (157):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that substantial progress has been made toward achieving the equally important goals set in 2007 that all children in Washington state have health care coverage by 2010 and that child health outcomes improve. The legislature also finds that continued steps are necessary to reach the goals that all children in Washington state shall have access to the health services they need to be healthy and ready to learn and that key measures of child health outcomes will show year by year improvement. The legislature further finds that reaching these goals is integral to the state's ability to weather the current economic crisis. The recent reauthorization of the federal children's health insurance program provides additional opportunities for the state to reach these goals. In view of these important objectives, the legislature intends that the apple health for kids program be managed actively across administrations in the department of social and health services, and across state and local agencies, with clear accountability for achieving the intended program outcomes.

Sec. 2. RCW 74.09.470 and 2007 c 5 s 2 are each amended to read as follows:

(1) Consistent with the goals established in RCW 74.09.402, through the apple health for kids program authorized in this section, the department shall provide affordable health care coverage to children under the age of nineteen who reside in Washington state and whose family income at the time of enrollment is not greater than two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, and effective January 1, 2009, and only to the extent that funds are specifically appropriated therefor, to children whose family income is not greater than three hundred percent of the federal poverty level. In administering the program, the department shall take such actions as may be necessary to ensure the receipt of federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available in the future. The department and the caseload forecast council shall estimate the anticipated caseload and costs of the program established in this section.

(2) The department shall accept applications for enrollment for children's health care coverage; establish appropriate minimum-enrollment periods, as may be necessary; and determine eligibility based on current family income. The department shall make eligibility determinations within the time frames for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510. The application and annual renewal processes shall be designed to minimize administrative barriers for applicants and enrolled clients, and to minimize gaps in eligibility for families who are eligible for coverage. If a change in family income results in a change in ~~((program eligibility))~~ the source of funding for coverage, the department shall transfer the family members to the appropriate ~~((programs))~~ source of funding and notify the family with respect to any change in premium obligation, without a break in eligibility. The department shall use the same eligibility redetermination and appeals procedures as those provided for children on medical assistance programs. The department shall modify its eligibility renewal procedures to lower the percentage of children failing to annually renew. ~~((The department shall report to the appropriate committees of the legislature on its progress in this regard by December 2007.))~~ The department shall manage its outreach, application, and renewal procedures with the goals of: (a) Achieving year by year improvements in enrollment, enrollment rates, renewals, and renewal rates; (b) maximizing the use of existing program databases to obtain

information related to earned and unearned income for purposes of eligibility determination and renewals, including, but not limited to, the basic food program, the child care subsidy program, federal social security administration programs, and the employment security department wage database; (c) streamlining renewal processes to rely primarily upon data matches, online submissions, and telephone interviews; and (d) implementing any other eligibility determination and renewal processes to allow the state to receive an enhanced federal matching rate and additional federal outreach funding available through the federal children's health insurance program reauthorization act of 2009 by January 2010. The department shall advise the governor and the legislature regarding the status of these efforts by September 30, 2009. The information provided should include the status of the department's efforts, the anticipated impact of those efforts on enrollment, and the costs associated with that enrollment. Each child enrolled in the apple health for kids program under this section will receive an eligibility card that clearly identifies the bearer, by text and logo, as a participant in the program. The card also must include a statement that the goal of the apple health for kids program is to provide health care coverage so that all children in Washington state have the opportunity to succeed in school and live healthy lives.

(3) To ensure continuity of care and ease of understanding for families and health care providers, and to maximize the efficiency of the program, the amount, scope, and duration of health care services provided to children under this section shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(4) The primary mechanism for purchasing health care coverage under this section shall be through contracts with managed health care systems as defined in RCW 74.09.522 (~~except when utilization patterns suggest that fee-for-service purchasing could produce equally effective and cost-efficient care~~). However, the department shall make every effort within available resources to purchase health care coverage for uninsured children whose families have access to dependent coverage through an employer-sponsored health plan or another source when it is cost-effective for the state to do so, and the purchase is consistent with requirements of Title XIX and Title XXI of the federal social security act. To the extent allowable under federal law, the department shall require families to enroll in available employer-sponsored coverage, as a condition of participating in the program established under (~~chapter 5, Laws of 2007~~) this section, when it is cost-effective for the state to do so. Families who enroll in available employer-sponsored coverage under (~~chapter 5, Laws of 2007~~) this section shall be accounted for separately in the annual report required by RCW 74.09.053.

(5)(a) To reflect appropriate parental responsibility, the department shall develop and implement a schedule of premiums for children's health care coverage due to the department from families with income greater than two hundred percent of the federal poverty level. For families with income greater than two hundred fifty percent of the federal poverty level, the premiums shall be established in consultation with the senate majority and minority leaders and the speaker and minority leader of the house of representatives. Premiums shall be set at a reasonable level that does not pose a barrier to enrollment. The amount of the premium shall be based upon family income and shall not exceed the premium limitations in Title XXI of the federal social security act. Premiums shall not be imposed on children in households at or below two hundred percent of the federal poverty level as articulated in RCW 74.09.055.

(b) Beginning no later than January 1, (~~2009~~) 2010, the department shall offer families whose income is greater than three hundred percent of the federal poverty level the opportunity to purchase health care coverage for their children through the programs administered under this section without (~~an~~) an explicit premium subsidy from the state. The design of the health benefit package offered to these children should provide adequate and appropriate coverage, and may differ with respect to cost-sharing, covered services, and other appropriate elements from that provided to children under subsection (3) of this section only to the extent necessary to offer an affordable benefit package for the affected families. The amount paid by the family shall be in an amount equal

to the rate paid by the state to the managed health care system for coverage of the child, including any associated and administrative costs to the state of providing coverage for the child.

(i) The activities and operations of the children's health coverage program under this subsection, including those of managed health care systems to the extent of their participation in the program, are exempt from the provisions of Title 48 RCW, except:

(A) The coverage is subject to RCW 48.21.200 and is excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

(B) Managed health care systems are subject to the provisions of RCW 48.43.022, 48.43.500 through 48.43.535, 48.43.545, and 48.43.550.

(ii) The activities and operations of the children's health coverage program under this subsection are subject to the provisions of RCW 43.70.235, 70.02.045, 70.02.110, and 70.02.900.

(iii) Persons appointed or authorized to solicit applications for enrollment in nonsubsidized state children's health coverage, including employees of the department, must comply with chapter 48.17 RCW. For purposes of this subsection, the term "solicit" does not include distributing information and applications for nonsubsidized state children's health coverage and responding to questions.

(iv) Amounts paid to a managed health care system by the department for providing health care services pursuant to this subsection must comply with RCW 48.14.0201.

(6) The department shall undertake and continue a proactive, targeted outreach and education effort with the goal of enrolling children in health coverage and improving the health literacy of youth and parents. The department shall collaborate with the department of health, local public health jurisdictions, the office of (~~the~~) the superintendent of public instruction, the department of early learning, health educators, health care providers, health carriers, community-based organizations, and parents in the design and development of this effort. The outreach and education effort shall include the following components:

(a) Broad dissemination of information about the availability of coverage, including media campaigns;

(b) Assistance with completing applications, and community-based outreach efforts to help people apply for coverage. Community-based outreach efforts should be targeted to the populations least likely to be covered;

(c) Use of existing systems, such as enrollment information from the free and reduced-price lunch program, the department of early learning child care subsidy program, the department of health's women, infants, and children program, and the early childhood education and assistance program, to identify children who may be eligible but not enrolled in coverage;

(d) Contracting with community-based organizations and government entities to support community-based outreach efforts to help families apply for coverage. These efforts should be targeted to the populations least likely to be covered. The department shall provide informational materials for use by government entities and community-based organizations in their outreach activities, and should identify any available federal matching funds to support these efforts;

(e) Development and dissemination of materials to engage and inform parents and families statewide on issues such as: The benefits of health insurance coverage; the appropriate use of health services, including primary care provided by health care practitioners licensed under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency services; the value of a medical home, well-child services and immunization, and other preventive health services with linkages to department of health child profile efforts; identifying and managing chronic conditions such as asthma and diabetes; and the value of good nutrition and physical activity;

(f) An evaluation of the outreach and education efforts, based upon clear, cost-effective outcome measures that are included in contracts with entities that undertake components of the outreach and education effort;

(g) (~~A feasibility study and~~) An implementation plan to develop online application capability that is integrated with the

department's automated client eligibility system, and to develop data linkages with the office of ~~((the))~~ the superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information. ~~((The department shall submit a feasibility study on the implementation of the requirements in this subsection to the governor and legislature by July 2008.))~~

(7) The department shall take action to increase the number of primary care physicians providing dental disease preventive services including oral health screenings, risk assessment, family education, the application of fluoride varnish, and referral to a dentist as needed.

(8) The department shall monitor the rates of substitution between private-sector health care coverage and the coverage provided under this section and shall report to appropriate committees of the legislature by December 2010.

(9) To ensure planning and coordination of all aspects of the apple health for kids program across all the involved agencies and with the various stakeholders, and to facilitate the collection, reporting, and analysis of the outcome data required by section 3 of this act, the position of apple health executive is established and will report directly to the secretary.

Sec. 3. RCW 74.09.480 and 2007 c 5 s 4 are each amended to read as follows:

(1) The department, in collaboration with the department of health, health carriers, local public health jurisdictions, children's health care providers including pediatricians, family practitioners, and pediatric subspecialists, community and migrant health centers, parents, and other purchasers, shall ~~((identify explicit performance measures that indicate that a child has an established and effective medical home, such as))~~ establish a concise set of explicit performance measures that can indicate whether children enrolled in the program are receiving health care through an established and effective medical home, and whether the overall health of enrolled children is improving. Such indicators may include, but are not limited to:

(a) Childhood immunization rates;

(b) Well child care utilization rates, including the use of validated, structured developmental assessment tools that include behavioral and oral health screening;

(c) Care management for children with chronic illnesses;

(d) Emergency room utilization; ~~((and))~~

(e) Visual acuity and eye health;

(f) Preventive oral health service utilization; and

(g) Children's mental health status. In defining these measures the department shall be guided by the measures provided in RCW 71.36.025.

Performance measures and targets for each performance measure must be ~~((reported to the appropriate committees of the senate and house of representatives by December 1, 2007))~~ established and monitored each biennium, with a goal of achieving measurable, improved health outcomes for the children of Washington state each biennium.

(2) Beginning in calendar year 2009, targeted provider rate increases shall be linked to quality improvement measures established under this section. The department, in conjunction with those groups identified in subsection (1) of this section, shall develop parameters for determining criteria for increased payment, alternative payment methodologies, or other incentives for those practices and health plans that incorporate evidence-based practice and improve and achieve sustained improvement with respect to the measures ~~((in both fee for service and managed care))~~.

(3) The department shall provide ~~((an annual))~~ a report to the governor and the legislature related to provider performance on these measures, beginning in September 2010 for 2007 through 2009 and ~~((annually))~~ biennially thereafter. The department shall advise the legislature as to its progress towards developing this biennial reporting system by September 30, 2009.

NEW SECTION. Sec. 4. This act may be known and cited as the apple health for kids act."

Representative Herrera moved the adoption of amendment (159) to amendment (157):

On page 6, after line 2 of the striking amendment, insert the following:

"(v) Health carriers, as defined in RCW 48.43.005(18), shall be provided the same exemptions to Title 48 RCW related to health benefits offered to children under the age of nineteen, as provided to the children's health coverage program under this subsection."

Representatives Herrera and Ericksen spoke in favor of the adoption of the amendment to amendment (157).

Representative Cody against the adoption of the amendment to amendment (157).

Amendment (159) to amendment (157) was not adopted.

Amendment (157) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Seaquist, Clibborn, Morrell and Orwall spoke in favor of the passage of the bill.

Representatives Hinkle, Herrera, Cox, Bailey, Ericksen and Ross spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2128.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2128 and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeyer, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

Excused: Representative Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1761, by House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hasegawa, Appleton and Hurst).

Addressing the ethical use of legislative web sites.

The bill was read the third time.

Representative Hasegawa spoke in favor of the passage of the bill.

Representative DeBolt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1761.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1761 and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Warnick, White and Williams.

Excused: Representative Walsh.

SUBSTITUTE HOUSE BILL NO. 1761, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1385, by Representatives Haler, Van De Wege, Kessler, Pearson, Takko, Klippert, Blake, Morrell, Dammeier, Warnick, Smith and Johnson

Modifying provisions relating to sexual misconduct by school employees.

The bill was read the second time.

Representative Haler moved the adoption of amendment (085):

On page 1, line 17, after "with a registered student of the" insert "same"

On page 2, at the end of line 23, after "sexual contact with a registered student of the" insert "same"

Representatives Haler and Hurst spoke in favor of the adoption of the amendment.

Amendment (085) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haler, Orcutt, Pearson and Hurst spoke in favor of the passage of the bill.

Representative Appleton spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1385.

MOTIONS

On motion of Representative Santos, Representative Flannigan was excused

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1385 and the bill passed the House by the following vote: Yeas, 81; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Carlyle, Chase, Darneille, Goodman, Hasegawa, Hunt, Moeller, Ormsby, Pedersen, Roberts, White, Williams and Wood.

Excused: Representatives Flannigan and Walsh.

ENGROSSED HOUSE BILL NO. 1385, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 1385.

DEBORAH EDDY, 48th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 1385.

MARY LOU DICKERSON, 36th District

SECOND READING

HOUSE BILL NO. 1062, by Representatives Takko, Warnick, Blake, Orcutt, Ericks and Morris

Modifying the electrolytic processing business tax exemption.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1062 was substituted for House Bill No. 1062 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1062 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1062.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1062 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1062, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1357, by Representatives Pettigrew, Dickerson, Orwall, Walsh, Moeller, Kenney and Wood

Regarding the designation of "social worker."

The bill was read the second time.

There being no objection, Substitute House Bill No. 1357 was substituted for House Bill No. 1357 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1357 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1357.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1357 and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen, Kretz and Kristiansen.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1357, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1491, by Representatives Pedersen, Rodne, Rolfes, Seaquist, Kenney, Upthegrove, Cody, Chase, Nelson, Moeller, Carlyle, Hunter, Roberts, Morrell, White, Wood, Dickerson and Goodman

Addressing when vehicles overtake and pass pedestrians or bicycles.

The bill was read the second time.

Representative Roach moved the adoption of amendment (151):

On page 3, beginning on line 17, after "distance" strike "of no less than three feet."

On page 3, after line 24, insert:

"(4) For purposes of subsection (2) of this section, a safe distance is defined as no less than three feet within cities with a population of 500,000 or more."

Representative Roach spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

Amendment (151) was not adopted.

Representative Orcutt moved the adoption of amendment (149):

On page 3, line 20, after "bicyclist." insert "It is not a violation of this subsection (2) to pass a bicyclist at any distance to the left if the bicyclist is within a designated bicycle lane and all portions of the vehicle are outside the bicycle lane."

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Driscoll spoke against the adoption of the amendment.

Amendment (149) was not adopted.

Representative Shea moved the adoption of amendment (150):

On page 3, line 20, after "bicyclist." insert "Failure to comply with the requirements of this subsection (2) regarding passing at a distance of no less than three feet shall not constitute negligence on the part of the driver of a vehicle, nor may failure to follow the requirements of this subsection regarding passing at a distance of no less than three feet be admissible as evidence of negligence in any civil action."

Representative Shea spoke in favor of the adoption of the amendment.

Representative Williams spoke against the adoption of the amendment.

Amendment (150) was not adopted.

Representative Roach moved the adoption of amendment (152):

On page 3, line 20, after "bicyclist." insert "Infractions that result from passing a bicyclist under this subsection (2) shall not become part of the driver's record under RCW 46.52.101 and 46.52.120. Additionally, a finding that a person has committed a traffic infraction under this section shall not be made available to insurance companies or employers."

Representative Roach spoke in favor of the adoption of the amendment.

Representative Lias spoke against the adoption of the amendment.

Amendment (152) was not adopted.

Representative Roach moved the adoption of amendment (153):

On page 3, line 20, after "bicyclist." insert "It is not a violation of this subsection (2) to pass a bicyclist at any distance to the left when the bicyclist is further than one foot from the curb, the shoulder

of the roadway, or the line indicating the edge of a bicycle lane that is closest to the curb or shoulder of the roadway."

Representative Roach spoke in favor of the adoption of the amendment.

Representative Pedersen spoke against the adoption of the amendment.

Amendment (153) was not adopted.

Representative Ericksen moved the adoption of amendment (154):

On page 3, line 20, after "bicyclist." insert "It is not a violation of this subsection (2) to pass a bicycle at any distance to the left if there are two or more bicycles travelling abreast."

Representatives Ericksen and DeBolt spoke in favor of the adoption of the amendment.

Representative Rolfes spoke against the adoption of the amendment.

Amendment (154) was not adopted.

Representative Kretz moved the adoption of amendment (160):

On page 3, line 20, after "bicyclist." insert "It is not a violation of this subsection (2) to pass a bicyclist at any distance to the left when the right edge of the roadway is delineated by an edge line and the bicyclist is either on the roadway or within eighteen inches of the edge line."

Representatives Kretz and Orcutt spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (160) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

Representatives Roach and Klippert spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1491.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1491 and the bill passed the House by the following vote: Yeas, 63; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Blake, Chandler, Condotta, Crouse, DeBolt, Ericks, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Klippert, Kretz,

Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Schmick, Shea, Short, Smith, Wallace and Warnick.

Excused: Representatives Flannigan and Walsh.

HOUSE BILL NO. 1491, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1815, by Representatives Sullivan, Orcutt, Hinkle, Simpson, Blake, Kristiansen, Haigh, Ericks, Van De Wege, Hope, Newhouse, Roach, Armstrong, Morrell, Takko, Campbell, McCune and Rolfes

Concerning current use valuation under the property tax open space program.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (130):

On page 3, line 20, strike "or"

On page 3, line 21, after "within" strike "fifteen" and insert "seven, except as provided in subsection (d)(iii) of this subsection."

On page 3, line 24, after "year;" insert "or (iii) Has a standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year."

Representatives Orcutt and Sullivan spoke in favor of the adoption of the amendment.

Amendment (130) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1815.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1815 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Walsh.

ENGROSSED HOUSE BILL NO. 1815, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2214, by Representative Simpson

Concerning the reasonable costs of airport operators financing consolidated rental car facilities and common use

transportation equipment and facilities. Revised for 1st Substitute: Concerning airport operators financing consolidated rental car facilities and common use transportation equipment and facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2214 was substituted for House Bill No. 2214 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2214 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2214.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2214 and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Upthegrove.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 2214, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1362, by Representatives Goodman, Rodne, Sullivan, Williams, Orwall, O'Brien, Kirby, Chase and Conway

Concerning conveyances used in prostitution-related offenses.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1362 was substituted for House Bill No. 1362 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1362 was read the second time.

Representative Goodman moved the adoption of amendment (083):

On page 1, at the beginning of line 8, strike "prostitution."

Representatives Goodman and Roach spoke in favor of the adoption of the amendment.

Amendment (083) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1362.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1362 and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, Warnick, White, Williams and Mr. Speaker.

Voting nay: Representatives Anderson, Ormsby, Upthegrove and Wood.

Excused: Representatives Flannigan and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1900, by Representatives Kelley and Hurst

Modifying the notice requirement when an attorney or private investigator requests vehicle owner information. Revised for 1st Substitute: Requiring a disclosing entity to send notice to a vehicle owner no earlier than thirty days after granting a request for vehicle owner information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1900 was substituted for House Bill No. 1900 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1900 was read the second time.

Representative Shea moved the adoption of amendment (079):

On page 2, at the beginning of line 22, strike all material through "request," on line 24 and insert "((also shall contain the name and address of the requesting party)) must also state that the information was requested by an attorney or private investigator under this section."

Representative Shea spoke in favor of the adoption of the amendment.

Representative Kelley spoke against the adoption of the amendment.

Amendment (079) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kelley, Shea and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1900.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1900 and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibbom, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lijas, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1900, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2289, by Representative McCoy

Expanding the energy freedom program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2289 was substituted for House Bill No. 2289 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2289 was read the second time.

Representative Chandler moved the adoption of amendment (161):

On page 1, line 8, after "funding" insert "to support the deployment of renewable energy and energy efficiency improvements, and development of new water supply storage facilities in the Columbia river basin"

On page 3, line 31, after "geothermal systems," insert "For purposes of this act, hydroelectric generators installed at a water supply storage facility developed under chapter 90.90 RCW shall be considered a renewable energy improvement."

On page 4, line 3, after "coproducts," insert the following: "(18) "Water supply storage facility" means a water supply storage facility developed under the Columbia river basin water supply program established in chapter 90.90 RCW."

On page 6, line 8, after "(6)" insert "The director, in consultation with the director of the department of ecology, may award a grant or a loan to an applicant for a project to develop a water supply storage facility under chapter 90.90 RCW.

(7)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 6, line 20, after "industry" insert ", or new water supply storage facilities"

On page 8, line 8, after "section." insert the following:

"(c) Repayments of principal and interest from loans made to water supply storage facility projects as defined in RCW 43.325.010 must be used only for financial assistance to further funding of projects defined under RCW 43.325.010."

On page 9, line 23, after "immediately." insert the following:

"Sec. 9. RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No. 937) are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of community, trade, and economic development or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services; or

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments.

(c) Electricity produced from a generation facility located at a water supply storage facility developed under chapter 90.90 RCW.

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the

energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and (i) biomass energy based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste.

(19) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st."

Correct the title.

POINT OF ORDER

Representative Hudgins requested a scope and object ruling on amendment (161) to House Bill No. 2289.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Substitute House Bill No. 2289 is titled "an act relating to expanding the energy freedom program". This bill amends several sections of RCW 43.325. The bill expands the Energy Freedom Program by including state efforts to promote, develop and encourage energy efficiency, renewable energy, and innovative every technology markets in Washington. The bill adds specific definitions of energy efficiency and renewable energy improvements. The bill modifies the definition of applicants eligible for the program, and specifies the criteria that the Department of Community, Trade and Economic Development must use when awarding grants.

Amendment (161) adds hydroelectric generators installed at water supply storage facilities developed under RCW 90.90 to the definition of energy projects eligible for funding in the Energy Freedom Program. The amendment also includes the electricity produced from such a facility as an eligible renewable resource under I-937 (RCW 19.285).

I-937 does the following: It sets renewable portfolio standards for utilities that serve over 25,000 customers; defines what types of electricity generation may be counted as renewable electricity; and, requires utilities that serve over 25,000 customers to obtain all cost effective and feasible conservation improvements.

Substitute House Bill No. 2289 does not amend I-937 in any way.

While including water supply storage facilities as eligible projects under the Energy Freedom Program is arguably within the scope and object of Substitute House Bill 2289, the amendment exceeds the scope and object by authorizing the electricity produced from the facility to be counted as an eligible renewable resource under I-937.

The point of order is well taken."

Representative Dunshee moved the adoption of amendment (170):

On page 8, after line 19, insert the following:

"(3) The non-state funding energy account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the non-state energy funding account

shall be deposited into the account, and may be spent only after appropriation."

Representatives Dunshee and Warnick spoke in favor of the adoption of the amendment.

Amendment (170) was adopted.

Representative Bailey moved the adoption of amendment (124):

On page 9, beginning on line 20, strike all of section 8
Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Amendment (124) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Warnick spoke in favor of the passage of the bill.

Representatives Chandler, Armstrong and Haler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2289.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2289 and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Haler, Klippert, McCune and Shea.

Excused: Representatives Flannigan and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1733, by Representatives Goodman, Blake, Springer, Eddy, Dunshee, Rolfes and Kessler

Concerning the property tax current use valuation programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1733 was substituted for House Bill No. 1733 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1733 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Hinkle and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1733.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1733 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1733, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1946, by Representatives Carlyle, Anderson, Wallace, Angel, White, Schmick, Hasegawa, Goodman, Sullivan, Haigh, Hudgins, Kenney and Maxwell

Regarding higher education online technology.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1946 was substituted for House Bill No. 1946 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1946 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1946.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1946 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby,

Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Walsh.

SECOND SUBSTITUTE HOUSE BILL NO. 1946, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1981, by Representatives Driscoll, Parker, Wood and Ormsby

Modifying the rural county tax credit provided in chapter 82.62 RCW.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1981 was substituted for House Bill No. 1981 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1981 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Driscoll and Parker spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1981.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1981 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood Mr. Speaker.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1981, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2072, by Representatives Wallace, Clibborn and Wood

Concerning transportation for persons with special transportation needs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2072 was substituted for House Bill No. 2072 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2072 was read the second time.

Representative Wallace moved the adoption of amendment (194):

On page 2, after line 32, insert the following:

"(e) Indian tribes;"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, after line 30, insert the following:

"(4) The work group may also develop an alternative to the community access manager model proposed in the 2009 special needs transportation study recommendations, as described in section 1(1) of this act, as a recommendation to be considered by the joint transportation committee. Any proposed alternative model must build upon the work conducted in the pilot projects under section 11 of this act and the work completed in the 2009 study, and must be consistent with the goals of the 2009 study.

(5) Subject to available funds, the work group may consult with other agencies and organizations as needed."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 13, line 27, after "sharing" insert ", including but not limited to opportunities"

On page 16, after line 17, insert the following:

"NEW SECTION. Sec. 15. A new section is added to chapter 43.20A RCW to read as follows:

(1) The department shall collect and track data related to transportation purchased for all of its clients. The data must identify the number of trips provided by service provider, number of clients served, cost per trip, and total cost of transportation provided. For purposes of this subsection, a "trip" means transportation provided from a place of origin to a single point of destination.

(2) Beginning in September 2009, the department shall provide the agency council on coordinated transportation, as provided under chapter 47.06B RCW, with quarterly reports detailing the data collected under subsection (1) of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Wallace and Roach spoke in favor of the adoption of the amendment.

Amendment (194) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2072.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2072 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko,

Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

SECOND READING

HOUSE BILL NO. 1445, by Representatives Simpson, O'Brien, Van De Wege, Goodman, Sullivan, Hunt, Ormsby, Conway and Santos

Providing benefits to domestic partners under the Washington state patrol retirement system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1445 was substituted for House Bill No. 1445 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1445 was read the second time.

Representative Ericks moved the adoption of amendment (168):

On page 8, line 10, after "to a" strike "divorce" and insert "~~((divorce))~~ dissolution"

On page 8, beginning on line 11 after "2002" strike all material through "section" on line 13

On page 8, line 13, after "dissolution order" strike "or termination order"

Representative Ericks spoke in favor of the adoption of the amendment.

Amendment (168) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1445.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1445 and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker,

Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

Excused: Representatives Flannigan and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1616, by Representative Simpson

Addressing the state pension benefits of certain domestic partners.

The bill was read the second time.

Representative Ericks moved the adoption of amendment (169):

On page 1, beginning on line 17, after "partners" strike all material through "26.60.020" on line 18

On page 2, beginning on line 1, after "partners" strike all material through "26.60.020" on line 2

On page 2, beginning on line 7, after "partners" strike all material through "26.60.020" on line 8

On page 2, beginning on line 16, after "partners" strike all material through "26.60.020" on line 17

On page 3, beginning on line 3 after "partners" strike all material through "26.60.020" on line 4

On page 12, beginning on line 4, after "two adults who" strike all material through "established by" on line 5 and insert "have registered as domestic partners under"

Representative Ericks spoke in favor of the adoption of the amendment.

Amendment (169) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1616.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1616 and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

Excused: Representatives Flannigan and Walsh.

ENGROSSED HOUSE BILL NO. 1616, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2125, by Representatives Santos and Kenney

Addressing community preservation and development authorities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2125 was substituted for House Bill No. 2125 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2125 was read the second time.

Representative Smith moved the adoption of amendment (087):

On page 6, line 8, after "section" strike "is" and insert ";
(a) Is"

On page 6, line 10, after "42.17.128" insert "; and
(b) May not use the funds to support or oppose a candidate,
ballot proposition, political party, or political committee"

Representatives Smith and Liias spoke in favor of the adoption of the amendment.

Amendment (087) was adopted.

Representative Smith moved the adoption of amendment (088):

On page 7, line 3, after "activities," insert "receipts and expenditures."

Representative Smith spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (088) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Santos spoke in favor of the passage of the bill.

Representative Smith spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2125.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2125 and the bill passed the House by the following vote: Yeas, 63; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz,

Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

Excused: Representatives Flannigan and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1953, by Representatives Conway, Bailey, Seaquist, Hurst, Van De Wege, Green, Simpson, Crouse, Orcutt, Ormsby, Williams and Hinkle

Allowing department of fish and wildlife enforcement officers to transfer service credit.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1953 was substituted for House Bill No. 1953 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1953 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1953.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1953 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1953, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1683, by Representatives Kirby, Goodman, Nelson, Campbell, Williams, Orwall, Green, Ormsby, Moeller and Pedersen

Modifying provisions relating to consumer protection act violations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1683 was substituted for House Bill No. 1683 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1683 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby, Goodman and Pearson spoke in favor of the passage of the bill.

Representatives Rodne and Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1683.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1683 and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1683, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1618, by Representatives White, Nelson, Hudgins, Kenney, Sullivan, Carlyle, Hasegawa, Santos, Green, Miloscia, Orwall, Pedersen, Cody, Dickerson, Lias, Kelley, Pettigrew, Goodman, Simpson, Morrell and Ormsby

Concerning community and surplus schools.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1618 was substituted for House Bill No. 1618 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1618 was read the second time.

Representative White moved the adoption of amendment (205):

On page 2, line 14, after "children" strike "and"

On page 2, line 15, after "families" insert "; (e) enabling the use and improving the access to surplus schools for community purposes; and (f) assisting school districts with the conversion of surplus schools from illiquid assets to liquid capital funds"

On page 5, line 27, after "language;" strike "and (o)" and insert "(o) Solely with respect to surplus schools any non-profit, community use or community purpose; and (p)"

Representatives White and Warnick spoke in favor of the adoption of the amendment.

Amendment (205) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative White spoke in favor of the passage of the bill.

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1618.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1618 and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

Excused: Representatives Flannigan and Walsh.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which HOUSE BILL NO. 1385 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1385 on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of House Bill No. 1385 on reconsideration and the bill passed the House by the following vote: Yeas, 81; Nays, 14; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Carlyle, Chase, Darneille, Goodman, Hasegawa, Hunt, Moeller, Ormsby, Pedersen, Roberts, White, Williams and Wood.

Excused: Representatives Flannigan and Walsh.

HOUSE BILL NO. 1385, on reconsideration, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1418 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1418 on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1418 on reconsideration and the bill passed the House by the following vote: Yeas, 82; Nays, 13; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Bailey, Chandler, Condotta, Crouse, Hinkle, Klippert, Kretz, Kristiansen, Pearson, Shea, Short and Warnick.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1418, on reconsideration, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE HOUSE BILL NO. 1972 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1972 on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute House Bill No. 1972 on reconsideration and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Ross, Schmick, Shea, Short, and Warnick.

Excused: Representatives Flannigan and Walsh.

SUBSTITUTE HOUSE BILL NO. 1972, on reconsideration, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

- HOUSE BILL NO. 1009
- HOUSE BILL NO. 1015
- HOUSE BILL NO. 1021
- HOUSE BILL NO. 1081
- HOUSE BILL NO. 1114
- HOUSE BILL NO. 1123
- HOUSE BILL NO. 1184
- HOUSE BILL NO. 1201
- HOUSE BILL NO. 1226
- HOUSE BILL NO. 1263
- HOUSE BILL NO. 1287
- HOUSE BILL NO. 1300
- HOUSE BILL NO. 1347
- HOUSE BILL NO. 1349
- HOUSE BILL NO. 1373
- HOUSE BILL NO. 1374
- HOUSE BILL NO. 1379
- HOUSE BILL NO. 1413
- HOUSE BILL NO. 1415
- HOUSE BILL NO. 1435
- HOUSE BILL NO. 1469
- HOUSE BILL NO. 1481
- HOUSE BILL NO. 1482
- HOUSE BILL NO. 1489
- HOUSE BILL NO. 1512
- HOUSE BILL NO. 1514
- HOUSE BILL NO. 1565
- HOUSE BILL NO. 1570
- HOUSE BILL NO. 1572
- HOUSE BILL NO. 1579
- HOUSE BILL NO. 1597
- HOUSE BILL NO. 1621
- HOUSE BILL NO. 1639
- HOUSE BILL NO. 1701
- HOUSE BILL NO. 1709
- HOUSE BILL NO. 1741
- HOUSE BILL NO. 1747
- HOUSE BILL NO. 1751
- HOUSE BILL NO. 1753
- HOUSE BILL NO. 1776
- HOUSE BILL NO. 1782
- HOUSE BILL NO. 1793
- HOUSE BILL NO. 1797
- HOUSE BILL NO. 1886
- HOUSE BILL NO. 1914
- HOUSE BILL NO. 1919
- HOUSE BILL NO. 1935
- HOUSE BILL NO. 1938
- HOUSE BILL NO. 1939
- HOUSE BILL NO. 1950
- HOUSE BILL NO. 1961
- HOUSE BILL NO. 1967
- HOUSE BILL NO. 2052
- HOUSE BILL NO. 2079
- HOUSE BILL NO. 2105
- HOUSE BILL NO. 2106
- HOUSE BILL NO. 2113
- HOUSE BILL NO. 2122
- HOUSE BILL NO. 2126
- HOUSE BILL NO. 2130
- HOUSE BILL NO. 2166
- HOUSE BILL NO. 2167
- HOUSE BILL NO. 2198
- HOUSE BILL NO. 2206
- HOUSE BILL NO. 2222
- HOUSE BILL NO. 2245
- HOUSE BILL NO. 2254
- HOUSE BILL NO. 2271
- HOUSE BILL NO. 2278
- HOUSE BILL NO. 2279
- HOUSE BILL NO. 2287
- HOUSE BILL NO. 2291
- HOUSE BILL NO. 2299

There being no objection, the House adjourned until 10:00 a.m., March 9, 2009, the 57th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

There being no objection, the House advanced to the eleventh order of business.

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTY SEVENTH DAY

House Chamber, Olympia, Monday, March 9, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jarrett Doyle and Jordan Frost. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Matt Shea.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 7, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5542,
SUBSTITUTE SENATE BILL NO. 5723,
SUBSTITUTE SENATE BILL NO. 5760,
SUBSTITUTE SENATE BILL NO. 5904,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5120,
SENATE BILL NO. 5147,
SUBSTITUTE SENATE BILL NO. 5152,
SUBSTITUTE SENATE BILL NO. 5271,
SENATE BILL NO. 5359,
SUBSTITUTE SENATE BILL NO. 5402,
SUBSTITUTE SENATE BILL NO. 5440,
SENATE BILL NO. 5507,
SUBSTITUTE SENATE BILL NO. 5839,
SENATE BILL NO. 5940,
SENATE BILL NO. 5944,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 7, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5295,
SUBSTITUTE SENATE BILL NO. 5327,
SENATE BILL NO. 5355,
SUBSTITUTE SENATE BILL NO. 5434,
SENATE BILL NO. 5482,
SUBSTITUTE SENATE BILL NO. 5539,
SUBSTITUTE SENATE BILL NO. 5704,
SUBSTITUTE SENATE BILL NO. 5727,
SUBSTITUTE SENATE BILL NO. 5732,
SUBSTITUTE SENATE BILL NO. 5734,
SENATE BILL NO. 5751,
SUBSTITUTE SENATE BILL NO. 6009,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2305 by Representatives Blake, Dunshee and Takko

AN ACT Relating to funding the state wildlife account; amending RCW 67.70.320; reenacting and amending RCW 77.12.170; and adding new sections to chapter 67.70 RCW.

Referred to Committee on Commerce & Labor.

HB 2306 by Representatives Carlyle, Ericks, Dunshee and Pedersen

AN ACT Relating to creating opportunity grant programs at four-year institutions of higher education; amending RCW 28B.15.067 and 28B.15.068; adding a new section to chapter 28B.20 RCW; adding a new section to chapter 28B.30 RCW; adding a new section to chapter 28B.35 RCW; adding a new section to chapter 28B.40 RCW; and creating new sections.

Referred to Committee on Higher Education.

SSB 5030 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kilmer, Hobbs, Swecker, Shin, Berkey, Eide, Hatfield, McAuliffe and Roach)

AN ACT Relating to militia records, property, command, and administration; and amending RCW 38.12.020.

Referred to Committee on State Government & Tribal Affairs.

SSB 5131 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Delvin, Hargrove, Brandland and Regala)

AN ACT Relating to crisis referral services for criminal justice and correctional personnel; and adding new sections to chapter 43.101 RCW.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 5225 by Senate Committee on Judiciary (originally sponsored by Senators Kline and Hargrove)

AN ACT Relating to crimes against property; amending RCW 4.24.230, 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, 9A.56.170, and 9A.56.350; adding a new section to chapter 9.94A RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 3.66 RCW; adding a new section to chapter 35.20 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 5228 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Morton)

AN ACT Relating to calculating construction projects by county forces; and amending RCW 36.77.065 and 36.77.070.

Referred to Committee on Transportation.

SB 5284 by Senators Keiser, Holmquist, Kohl-Welles, Pridemore, Marr and Kauffman

AN ACT Relating to truth in music advertising; adding a new section to chapter 19.25 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

SSB 5286 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove and Kohl-Welles)

AN ACT Relating to exemptions from the WorkFirst program; amending RCW 74.08A.270; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

SB 5322 by Senator Fairley

AN ACT Relating to civil service commissions for sheriffs' offices; and amending RCW 41.14.020 and 41.14.030.

Referred to Committee on Local Government & Housing.

SSB 5326 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Regala)

AN ACT Relating to notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements; and amending RCW 9A.44.145.

Referred to Committee on Human Services.

SSB 5340 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Prentice, Regala, Pflug, Shin and Parlette)

AN ACT Relating to internet and mail order sales of certain tobacco products; adding a new chapter to Title 70 RCW; repealing RCW 70.155.105; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

ESSB 5344 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Marr, Hargrove, Pridemore, Fraser, Shin, McDermott and Kilmer)

AN ACT Relating to providing emergency response towing vessels; amending RCW 88.46.068 and 88.46.130; adding new sections to chapter 88.46 RCW; creating new sections; and providing expiration dates.

Referred to Committee on Ecology & Parks.

SSB 5368 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Parlette, Fraser, Regala, Shin and Keiser)

AN ACT Relating to making provisions for all counties to value property annually for property tax purposes; amending RCW 84.41.030, 84.41.041, and 82.45.180; adding new sections to chapter 84.41 RCW; and providing expiration dates.

Referred to Committee on Finance.

SSB 5391 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Haugen, Fairley, Roach and Pflug)

AN ACT Relating to regulating body art, body piercing, and tattooing practitioners, shops, and businesses; amending RCW 70.54.340, 5.40.050, and 43.24.150; adding a new chapter to

Title 18 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Health Care & Wellness.

SSB 5401 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Stevens, Ranker, Hatfield, Roach and Kline)

AN ACT Relating to habitat open space; and amending RCW 76.09.040, 84.33.140, 84.34.108, and 76.09.020.

Referred to Committee on Agriculture & Natural Resources.

ESSB 5403 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Keiser, Hewitt, Honeyford, Franklin and Kohl-Welles)

AN ACT Relating to the contractual relationships between distributors and producers of malt beverages; and amending RCW 19.126.020, 19.126.030, 19.126.040, 19.126.060, and 19.126.080.

Referred to Committee on Commerce & Labor.

SB 5413 by Senators Eide, Kline, Swecker, Roach, Rockefeller, Shin and Marr

AN ACT Relating to assault of a law enforcement officer or other employee of a law enforcement agency; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5417 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Franklin, Shin and Roach)

AN ACT Relating to flood insurance coverage; and adding a new section to chapter 48.27 RCW.

Referred to Committee on Financial Institutions & Insurance.

SB 5492 by Senators Marr, Swecker, Kohl-Welles, Benton, Keiser and Franklin

AN ACT Relating to applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

SSB 5531 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Regala, Keiser, Kohl-Welles, Kauffman, Kline, Oemig, Pridemore, Tom and Franklin)

AN ACT Relating to modifying provisions relating to consumer protection act violations; amending RCW 19.86.090 and 19.86.080; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Judiciary.

SB 5540 by Senators Pridemore, Hargrove, Marr, Shin and Haugen

AN ACT Relating to high capacity transportation service; amending RCW 81.104.015, 81.104.150, 81.104.160,

81.104.170, 81.104.180, and 81.104.190; and adding new sections to chapter 81.104 RCW.

Referred to Committee on Transportation.

ESSB 5595 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Keiser, King, Marr, Honeyford and Kohl-Welles)

AN ACT Relating to the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers; amending RCW 46.96.080; and declaring an emergency.

Referred to Committee on Commerce & Labor.

SSB 5659 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Benton and Marr)

AN ACT Relating to the consideration of mitigating factors for enforcement actions under the mortgage broker practices act; and adding a new section to chapter 19.146 RCW.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5671 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Franklin, Shin and Haugen)

AN ACT Relating to the suitability of annuities sold in Washington; adding a new section to chapter 48.23 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

SSB 5765 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Schoesler)

AN ACT Relating to the fruit and vegetable district fund; adding a new section to chapter 15.17 RCW; repealing RCW 15.17.243; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5795 by Senate Committee on Transportation (originally sponsored by Senators Kilmer and Franklin)

AN ACT Relating to the Tacoma Narrows toll bridge account; and amending RCW 47.56.165.

Referred to Committee on Transportation.

ESSB 5800 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fraser, Swecker, Fairley, Murray, Shin and Kline)

AN ACT Relating to shorelines of statewide significance; amending RCW 90.58.030; adding a new section to chapter 35A.63 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Local Government & Housing.

SSB 5834 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles and Holmquist)

AN ACT Relating to alcoholic beverage regulation; amending RCW 66.24.450, 66.24.452, 66.24.170, 66.28.010, 66.24.371, 66.28.200, and 15.89.070; reenacting and amending RCW

66.28.040; adding a new section to chapter 66.24 RCW; and adding a new section to chapter 66.28 RCW.

Referred to Committee on Commerce & Labor.

SSB 5893 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Benton, Hobbs, Schoesler and Shin)

AN ACT Relating to actions by insurance companies against violators; and amending RCW 48.135.070.

Referred to Committee on Judiciary.

ESSB 5978 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Haugen and Kohl-Welles)

AN ACT Relating to consumer rebates; and adding a new chapter to Title 19 RCW.

Referred to Committee on Commerce & Labor.

SSB 6095 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

AN ACT Relating to the Puget Sound pilotage district tariff; and amending RCW 88.16.035.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

The Speaker (Representative Morris presiding) notified the Chamber that House Rule 16 (C) was now in effect limiting a member's debate on a bill to three minutes.

HOUSE BILL NO. 1395, by Representatives Wallace, Anderson, Hasegawa, Sells, Chase and Kenney

Clarifying terms for workforce and economic development.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1395.

MOTIONS

On motion of Representative Santos, Representative Uptegrove was excused. On motion of Representative Hinkle, Representative Parker was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1395 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yeay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Parker and Upthegrove.

HOUSE BILL NO. 1395, received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1078, by Representatives Kelley, Roach, Kirby, Warnick, Bailey and Sells

Concerning exchange facilitators.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1078 was substituted for House Bill No. 1078 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1078 was read the second time.

Representative Kelley moved the adoption of amendment (219):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that there are no statutory requirements pertaining to persons who facilitate like-kind exchanges pursuant to section 1031 of the internal revenue code and associated treasury regulations. The purpose of this chapter is to create a statutory framework that provides some consumer protections to those who entrust money or property to persons acting as exchange facilitators.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) A person or entity "affiliated" with a specific person or entity, means a person or entity who directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person or entity specified.

(2) "Client" means the taxpayer with whom the exchange facilitator enters into an agreement as described in subsection (3)(a)(i) of this section.

(3)(a) "Exchange facilitator" means a person who:

(i)(A) Facilitates, for a fee, an exchange of like-kind property by entering into an agreement with a taxpayer by which the exchange facilitator acquires from the taxpayer the contractual rights to sell the taxpayer's relinquished property located in this state and transfer a replacement property to the taxpayer as a qualified intermediary, as defined under treasury regulation section 1.1031(k)-1(g)(4); (B) enters into an agreement with a taxpayer to take title to a property in this state as an exchange accommodation titleholder, as defined in internal revenue service revenue procedure 2000-37; or (C) enters into an agreement with a taxpayer to act as a qualified trustee or qualified escrow holder, as both terms are defined under treasury regulation section 1.1031(k)-1(g)(3); or

(ii) Maintains an office in this state for the purpose of soliciting business as an exchange facilitator.

(b) "Exchange facilitator" does not include:

(i) A taxpayer or a disqualified person, as defined under treasury regulation section 1.1031(k)-1(k), seeking to qualify for the nonrecognition provisions of section 1031 of the internal revenue code of 1986, as amended;

(ii) A financial institution that is (A) acting as a depository for exchange funds and is not facilitating an exchange or (B) acting solely as a qualified escrow holder or qualified trustee, as both terms are defined under treasury regulation section 1.1031(k)-1(g)(3), and is not facilitating an exchange;

(iii) A title insurance company, underwritten title company, or escrow company that is acting solely as a qualified escrow holder or qualified trustee, as both terms are defined under treasury regulation section 1.1031(k)-1(g)(3), and is not facilitating an exchange;

(iv) A person that advertises for and teaches seminars or classes, or otherwise makes a presentation, to attorneys, accountants, real estate professionals, tax professionals, or other professionals, when the primary purpose is to teach the professionals about tax-deferred exchanges or to train them to act as exchange facilitators;

(v) A qualified intermediary, as defined under treasury regulation section 1.1031(k)-1(g)(4), who holds exchange funds from the disposition of relinquished property located outside of this state; or

(vi) An affiliated entity that is used by the exchange facilitator to facilitate exchanges or to take title to property in this state as an exchange accommodation titleholder.

(c) For the purposes of this subsection, "fee" means compensation of any nature, direct or indirect, monetary or in kind, that is received by a person or related person, as defined in section 267(b) or 707(b) of the internal revenue code, for any services relating to or incidental to the exchange of like-kind property.

(4) "Financial institution" means a bank, credit union, savings and loan association, savings bank, or trust company chartered under the laws of this state or the United States whose accounts are insured by the full faith and credit of the United States, the federal deposit insurance corporation, the national credit union share insurance fund, or other similar or successor programs.

(5) "Person" means an individual, corporation, partnership, limited liability company, joint venture, association, joint stock company, trust, or any other form of a legal entity, and includes the agents and employees of that person.

(6) "Prudent investor standard" means the standard for investment as described under RCW 11.100.020.

NEW SECTION. Sec. 3. An exchange facilitator may not bring a suit or action for the collection of compensation in connection with duties performed as an exchange facilitator unless the exchange facilitator alleges and proves that he or she was fully in compliance with this chapter at the time of the offering to perform or performing an act or service regulated under this chapter.

NEW SECTION. Sec. 4. (1) Except as provided under subsection (2) of this section, a person who engages in business as an exchange facilitator shall notify all existing exchange clients whose relinquished property is located in this state, or whose replacement property held under a qualified exchange accommodation agreement is located in this state, of any change in control of the exchange facilitator. Notification must be provided within ten business days of the effective date of the change in control by hand delivery, facsimile, electronic mail, overnight mail, or first-class mail, and must be posted on the exchange facilitator's internet web site for at least ninety days following the change in control. The notification must set forth the name, address, and other contact information of the transferees.

(2) If an exchange facilitator is a publicly traded company or wholly owned subsidiary of the publicly traded company and remains a publicly traded company or wholly owned subsidiary of the publicly traded company after a change in control, the publicly traded company or wholly owned subsidiary of the publicly traded company is not required to notify its existing clients of the change in control.

(3) For purposes of this section, "change in control" means any transfer of more than fifty percent of the assets or ownership interests, directly or indirectly, of the exchange facilitator.

NEW SECTION. Sec. 5. (1) A person who engages in business as an exchange facilitator shall:

(a) Maintain a fidelity bond or bonds in an amount of not less than one million dollars executed by an insurer authorized to do business in this state; or

(b) Deposit an amount of cash or securities or irrevocable letters of credit in an amount of not less than one million dollars into an

interest-bearing deposit account or a money market account with the financial institution of the exchange facilitator's choice. Interest on that amount accrues to the exchange facilitator; or

(c) Deposit all exchange funds in a qualified escrow account or qualified trust, as both terms are defined under treasury regulation section 1.1031(k)-1(g)(3), with a financial institution and provide that a withdrawal from that escrow account or trust requires the exchange facilitator's and the client's written authorization.

(2) A person who engages in business as an exchange facilitator may maintain a bond or bonds or deposit an amount of cash or securities or irrevocable letters of credit in excess of the minimum required amounts under this section.

(3) The requirements under subsection (1)(a) of this section are satisfied if the person engaging in business as an exchange facilitator is listed as a named insured on one or more fidelity bonds that have an aggregate total of at least one million dollars.

(4) An exchange facilitator must provide evidence to each client that the requirements of this section are satisfied before entering into an exchange agreement.

(5) Upon request of a current or prospective client, or the attorney general under chapter 19.86 RCW, the exchange facilitator must offer evidence proving that the requirements of this section are satisfied at the time of the request.

NEW SECTION. Sec. 6. (1) A person who claims to have sustained damages by reason of the fraudulent or dishonest acts of an exchange facilitator or an exchange facilitator's employee may file a claim on the fidelity bond or approved alternative described in section 5 of this act to recover the damages.

(2) The remedies provided under this section are cumulative and nonexclusive and do not affect any other remedy available at law.

NEW SECTION. Sec. 7. (1) A person who engages in business as an exchange facilitator shall:

(a) Maintain a policy of errors and omissions insurance in an amount of not less than two hundred fifty thousand dollars executed by an insurer authorized to do business in this state; or

(b) Deposit an amount of cash or securities or irrevocable letters of credit in an amount of not less than two hundred fifty thousand dollars into an interest-bearing deposit account or a money market account with the financial institution of the exchange facilitator's choice. Interest on that amount accrues to the exchange facilitator.

(2) A person who engages in business as an exchange facilitator may maintain insurance or deposit an amount of cash or securities or irrevocable letters of credit in excess of the minimum required amounts under this section.

(3) The requirements under subsection (1)(a) of this section are satisfied if the person engaging in business as an exchange facilitator is listed as a named insured on one or more errors and omissions policies that have an aggregate total of at least two hundred fifty thousand dollars.

(4) An exchange facilitator must provide evidence to each client that the requirements of this section are satisfied before entering into an exchange agreement.

(5) Upon request of a current or prospective client, or the attorney general under chapter 19.86 RCW, the exchange facilitator must offer evidence proving that the requirements of this section are satisfied at the time of the request.

NEW SECTION. Sec. 8. (1) A person who claims to have sustained damages by reason of an unintentional error or omission of an exchange facilitator or an exchange facilitator's employee may file a claim on the errors and omissions insurance policy or approved alternative described in section 7 of this act to recover the damages.

(2) The remedies provided under this section are cumulative and nonexclusive and do not affect any other remedy available at law.

NEW SECTION. Sec. 9. (1) A person who engages in business as an exchange facilitator shall act as a custodian for all exchange funds, including money, property, other consideration, or instruments received by the exchange facilitator from, or on behalf of, the client, except funds received as the exchange facilitator's compensation. The exchange facilitator shall hold the exchange funds in a manner that provides liquidity and preserves principal, and if invested, shall invest those exchange funds in investments that meet a prudent investor standard and satisfy investment goals of liquidity and preservation of principal. For purposes of this section,

a violation of the prudent investor standard includes, but is not limited to, a transaction in which:

(a) Exchange funds are knowingly commingled by the exchange facilitator with the operating accounts of the exchange facilitator, except that the exchange facilitator's fee may be deposited as part of the exchange transaction into the same account as that containing exchange funds, in which event the exchange facilitator must promptly withdraw the fee;

(b) Exchange funds are loaned or otherwise transferred to any person or entity, other than a financial institution, that is affiliated with or related to the exchange facilitator, except that this subsection (1)(b) does not apply to the transfer of funds from an exchange facilitator to an exchange accommodation titleholder in accordance with an exchange contract;

(c) Exchange funds are invested in a manner that does not provide sufficient liquidity to meet the exchange facilitator's contractual obligations to its clients, unless insufficient liquidity occurs as the result of: (i) Events beyond the prediction or control of the exchange facilitator including, but not limited to, failure of a financial institution; or (ii) an investment specifically requested by the client; or

(d) Exchange funds are invested in a manner that does not preserve the principal of the exchange funds, unless loss of principal occurs as the result of: (i) Events beyond the prediction or control of the exchange facilitator; or (ii) an investment specifically requested by the client.

(2) Exchange funds are not subject to execution or attachment on any claim against the exchange facilitator.

NEW SECTION. Sec. 10. A person who engages in business as an exchange facilitator must administer each of his, her, or its places of business under the direct management of an officer or an employee who is either:

(1) An attorney or certified public accountant admitted to practice in any state or territory of the United States; or

(2) A person who has passed a test specific to the subject matter of exchange facilitation.

NEW SECTION. Sec. 11. A person who engages in business as an exchange facilitator shall not, with respect to a like-kind exchange transaction, knowingly or with criminal negligence:

(1) Make a false, deceptive, or misleading material representation, directly or indirectly, concerning a like-kind transaction;

(2) Make a false, deceptive, or misleading material representation, directly or indirectly, in advertising or by any other means, concerning a like-kind transaction;

(3) Engage in any unfair or deceptive practice toward any person;

(4) Obtain property by fraud or misrepresentation;

(5) Fail to account for any moneys or property belonging to others that may be in the possession or under the control of the exchange facilitator;

(6) Comingle funds held for a client in any account that holds the exchange facilitator's own funds, except as provided in section 9(1)(a) of this act;

(7) Loan or otherwise transfer exchange funds to any person or entity, other than a financial institution, that is affiliated with or related to the exchange facilitator, except for the transfer of funds from an exchange facilitator to an exchange accommodation title holder in accordance with an exchange contract;

(8) Keep, or cause to be kept, any money in any bank, credit union, or other financial institution under a name designating the money as belonging to the client of any exchange facilitator, unless that money belongs to that client and was entrusted to the exchange facilitator by that client;

(9) Fail to fulfill its contractual duties to the client to deliver property or funds to the taxpayer in a material way unless such a failure is due to circumstances beyond the control of the exchange facilitator;

(10) Commit, including commission by its owners, officers, directors, employees, agents, or independent contractors, any crime involving fraud, misrepresentation, deceit, embezzlement, misappropriation of funds, robbery, or other theft of property;

(11) Fail to make disclosures required by any applicable state law; or

(12) Make any false statement or omission of material fact in connection with any reports filed by an exchange facilitator or in connection with any investigation conducted by the department of financial institutions.

NEW SECTION. Sec. 12. (1) An exchange facilitator must deposit all client funds in:

(a) For accounts with a value of five hundred thousand dollars or more, a separately identified account, as defined in treasury regulation section 1.468B-6(c)(ii), for the particular client or client's matter, and the client must receive all the earnings credited to the separately identified account; or

(b) For accounts with a value less than five hundred thousand dollars, (i) a pooled interest-bearing trust account if the client agrees to pooling in writing; or (ii) if the client does not agree to pooling, in a separately identified account, as defined in treasury regulation section 1.468B-6(c)(ii).

(2) An exchange facilitator must provide the client with written notification of how the exchange proceeds have been invested or deposited.

NEW SECTION. Sec. 13. A person who engages in business as an exchange facilitator and who violates section 11 (1) through (8) of this act is guilty of a class B felony under chapter 9A.20 RCW.

NEW SECTION. Sec. 14. A person who engages in business as an exchange facilitator and who violates section 11 (11) or (12) of this act is guilty of a misdemeanor under chapter 9A.20 RCW.

NEW SECTION. Sec. 15. (1) Exchange facilitators must provide the director of financial institutions with a report of exchange facilitator activity by December 31, 2009. The director may by rule create a format for the report, which must cover the period of January 1, 2009, through December 31, 2009. The report may only include the following information for exchange facilitation activity in Washington state:

(a) The total number of property exchanges facilitated by the exchange facilitator;

(b) The total dollar volume of property exchanges facilitated by the exchange facilitator;

(c) The primary type of business the exchange facilitator engages in if the primary type of business is not exchange facilitation, including a description of any required licenses; and

(d) The percentage of the exchange facilitator's business that is exchange facilitation, both by client and by gross income.

Any information provided by an exchange facilitator in this report that constitutes a trade secret as defined in RCW 19.108.010 is exempt from the disclosure requirements in chapters 42.17 and 42.56 RCW, unless aggregated with information supplied by other exchange facilitators in such a manner that the individual information of an exchange facilitator is not identifiable.

(2) Any information produced or obtained in examining an exchange facilitator under this section is exempt from disclosure as provided in RCW 42.56.270.

(3) The director must compile the reports from exchange facilitators and report to the financial institutions and insurance committee of the house of representatives and the financial institutions, housing and insurance committee of the senate by January 15, 2010.

(4) This section expires June 1, 2010.

NEW SECTION. Sec. 16. A person who violates this chapter is subject to civil suit in a court of competent jurisdiction.

NEW SECTION. Sec. 17. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for purposes of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 18. This chapter does not affect the application of chapter 21.20 RCW.

NEW SECTION. Sec. 19. Sections 1 through 18 of this act constitute a new chapter in Title 19 RCW."

Correct the title.

Representative Kelley spoke in favor of the adoption of the amendment.

Amendment (219) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kelley and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1078 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Parker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1131, by Representatives Kenney, Pettigrew, Haler, Ericks, Bailey, Liias, Hasegawa, Hudgins, Darneille, Chase, Dunshee, Kelley, Sullivan and Nelson

Concerning the Washington state economic development commission.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1131 was substituted for House Bill No. 1131 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1131 was read the second time.

Representative Bailey moved the adoption of amendment (192):

On page 1, line 15, after "consist of" strike "eleven" and insert "~~(eleven)~~ thirteen"

On page 1, line 16, beginning with "Six" strike all material through "sector" and insert "~~(Six)~~ Eight representatives of the private sector, all of whom must have experience as an employer in this state"

Representatives Bailey and Kenney spoke in favor of the adoption of the amendment.

Amendment (192) was adopted.

Representative Chandler moved the adoption of amendment (180):

On page 5, line 9, after "money." insert: "However, when the source of those moneys is a private organization with a policy or financial interest related to the mission and activities of the commission, the commission may not use the unanticipated receipts process provided in RCW 43.79.270 but instead must seek an appropriation from the legislature."

Representatives Chandler and Anderson spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (180) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Liias spoke in favor of the passage of the bill.

Representatives Bailey, Anderson and Smith spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1131.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1131 and the bill passed the House by the following vote: Yeas, 56; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Rolfes, Santos, Seaquist, Sells, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Priest, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Springer, Walsh and Warnick.

Excused: Representative Parker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1530, by Representatives Kirby and Bailey

Creating the guaranteed asset protection waiver model act.

The bill was read the second time.

Representative Kirby moved the adoption of amendment (190):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The purpose of this chapter is to provide a framework within which guaranteed asset protection waivers are defined and may be offered within this state.

(2) This chapter does not apply to:

(a) An insurance policy offered by an insurer under this title; or

(b) A federally regulated financial institution operating under 12 C.F.R. Part 37 of the office of the comptroller of the currency regulations or credit unions operating under 12 C.F.R. 721.3(g) of the national credit union administration regulations, or state regulated banks, credit unions, and financial institutions operating pursuant to chapter 63.14 RCW. However, an exempt federal or state chartered bank, credit union, or financial institution may elect to offer a guaranteed asset protection waiver that complies with sections 1, 2, and 4 through 7 of this act.

(3) Guaranteed asset protection waivers are governed under this chapter and are exempt from all other provisions of this title, except RCW 48.02.060 and 48.02.080, chapter 48.04 RCW, and as provided in this chapter.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means a person, other than an insurer or creditor that performs administrative or operational functions pursuant to guaranteed asset protection waiver programs.

(2) "Borrower" means a debtor, retail buyer, or lessee, under a finance agreement, or a person who receives a loan or enters into a retail installment contract to purchase or lease a motor vehicle or vessel under chapter 63.14 RCW.

(3) "Creditor" means:

(a) The lender in a loan or credit transaction;

(b) The lessor in a lease transaction;

(c) Any retail seller of motor vehicles that provides credit to retail buyers of motor vehicles provided the seller complies with this chapter;

(d) The seller in commercial retail installment transactions; or

(e) The assignees of any creditor under this subsection to whom the credit obligation is payable.

(4) "Finance agreement" means a loan, lease, or retail installment sales contract for the purchase or lease of a motor vehicle.

(5) "Free look period" means the period of time from the effective date of the waiver until the date the borrower may cancel the waiver without penalty, fees, or costs to the borrower. This period of time must not be shorter than thirty days.

(6) "Guaranteed asset protection waiver" or "waiver" means a contractual agreement wherein a creditor agrees for a separate charge to cancel or waive all or part of amounts due that creditor on a borrower's finance agreement with that creditor in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement must be part of, or a separate addendum to, the finance agreement.

(7) "Insurer" means an insurance company licensed, registered, or otherwise authorized to do business under the insurance laws of this state.

(8) "Motor vehicle" means self-propelled or towed vehicles designed for personal or commercial use, including but not limited to automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats, personal watercraft, and motorcycle, boat, camper, and personal watercraft trailers.

(9) "Motor vehicle dealer" has the same meaning as "vehicle dealer" in RCW 46.70.011.

(10) "Person" includes an individual, company, association, organization, partnership, business trust, corporation, and every form of legal entity.

(11) "Retail buyer" means a person who buys or agrees to buy a motor vehicle or obtain motor vehicle services or agrees to have motor vehicle services rendered or furnished from a retail seller.

(12) "Retail seller" means a person engaged in the business of selling motor vehicles or motor vehicle services to retail buyers.

(13) "Unregistered marketers" means persons who offer for sale and sell guaranteed asset protection waivers who are not registered under this chapter and who are not otherwise exempt under this chapter.

NEW SECTION. Sec. 3. (1) This chapter applies only to guaranteed asset protection waivers for financing of motor vehicles as defined in this chapter. Any person or entity must register with the commissioner before marketing, offering for sale or selling a guaranteed asset protection waiver, and before acting as an obligor for a guaranteed asset protection waiver, in this state. However, a retail seller of motor vehicles that assigns more than eighty-five

percent of guaranteed asset protection waiver agreements within thirty days of such agreements' effective date, or an insurer authorized to transact such insurance business in this state, are not required to register pursuant to this section. Failure of any retail seller of motor vehicles to assign one hundred percent of guaranteed asset protection waiver agreements within forty-five days of such agreements' effective date will result in that retail seller being required to comply with the registration requirements of this chapter.

(2) No person may market, offer for sale, or sell a guaranteed asset protection waiver, or act as an obligor on a guaranteed asset protection waiver in this state without a registration as provided in this chapter, except as set forth in subsection (1) of this section.

(3) The application for registration must include the following:

(a) The applicant's name, address, and telephone number;

(b) The identities of the applicant's executive officers or other officers directly responsible for the waiver business;

(c) An application fee of two hundred fifty dollars, which shall be deposited into the guaranteed asset protection waiver account;

(d) A copy filed by the applicant with the commissioner of the waivers the applicant intends to offer in this state;

(e) A list of all unregistered marketers of guaranteed asset protection waivers on which the applicant will be the obligor;

(f) Such additional information as the commissioner may reasonably require.

(4) Once registered, the applicant shall keep the information required for registration current by reporting changes within thirty days after the end of the month in which the change occurs.

NEW SECTION. Sec. 4. (1) Waivers may be offered, sold, or provided to borrowers in this state in compliance with this chapter.

(2) Waivers may, at the option of the creditor, be sold for a single payment or may be offered with a monthly or periodic payment option.

(3) Notwithstanding any other provision of law, any cost to the borrower for a guaranteed asset protection waiver entered into in compliance with the truth in lending act (15 U.S.C. Sec. 1601 et seq.) and its implementing regulations, as amended, must be separately stated and is not to be considered a finance charge or interest.

(4) Nothing in this chapter prohibits a person who is registered, or is otherwise exempt from registration or exempt from this chapter, from insuring its waiver obligation through the purchase of a contractual liability policy or other insurance policy issued by an insurer authorized to transact such insurance in this state.

(5) The waiver remains a part of the finance agreement upon the assignment, sale, or transfer of the finance agreement by the creditor.

(6) Neither the extension of credit, the term of credit, nor the term of the related motor vehicle sale or lease may be conditioned upon the purchase of a waiver.

(7) Any creditor that offers a waiver must report the sale of, and forward funds received on, all waivers to the designated party, if any, as prescribed in any applicable administrative services agreement, contractual liability policy, other insurance policy, or other specified program documents.

(8) Funds received or held by a creditor or administrator and belonging to an insurer, creditor, or administrator, under the terms of a written agreement, must be held by that creditor or administrator in a fiduciary capacity.

(9) If the guaranteed asset protection waiver is assigned, the name and address of the assignee must be mailed to the borrower within thirty days of the assignment. If at any time the name and address provided to the borrower by the initial creditor are no longer the valid point of contact to apply for waiver benefits, written notice will be mailed to the borrower within thirty days of the change stating the new name and address of the person or entity the borrower should contact to apply for waiver benefits. No waiver may be assigned to an entity that is not registered pursuant to this chapter, unless such entity is exempt from registration or unless the commissioner specifically authorizes such assignment.

(10) No person shall knowingly make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of, or relative to, waiver business. Nor shall any person make, issue, or circulate, or cause to be made, issued, or circulated any misrepresentation of the terms or benefits of any waiver.

(11) A person or entity engaged in the guaranteed asset protection waiver business in this state may not refuse to sell or issue any guaranteed asset protection waiver because of the sex, marital status, or sexual orientation as defined in RCW 49.60.040, or the presence of any sensory, mental, or physical disability of the borrower or prospective borrower. The type of benefits, or any term, rate, condition, or type of coverage may not be restricted, modified, excluded, increased, or reduced on the basis of the presence of any sensory, mental, or physical disability of the borrower or prospective borrower.

NEW SECTION. Sec. 5. (1) Contractual liability or other insurance policies insuring waivers must state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under the waivers issued by the creditor and purchased or held by the borrower. Contractual liability insurance or other insurance policies insuring waivers must not be purchased by the creditor as part of, or a rider to, vendor single-interest or collateral protection coverages as defined in RCW 48.22.110(4).

(2) Coverage under a contractual liability or other insurance policy insuring a waiver must also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

(3) Coverage under a contractual liability or other insurance policy insuring a waiver must remain in effect unless canceled or terminated in compliance with applicable insurance laws of this state.

(4) The cancellation or termination of a contractual liability or other insurance policy must not reduce the insurer's responsibility for waivers issued by the creditor prior to the date of cancellation or termination and for which a premium has been received by the insurer.

NEW SECTION. Sec. 6. Guaranteed asset protection waivers must disclose, as applicable, in writing and in clear, understandable language that is easy to read, the following:

(1) The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;

(2) The purchase price and the terms of the waiver, including without limitation, the requirements for protection, conditions, or exclusions associated with the waiver;

(3) That the borrower may cancel the waiver within a free look period as specified in the waiver, and will be entitled to a full refund of the purchase price, so long as no benefits have been provided; or in the event benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the waiver;

(4) The procedure the borrower must follow, if any, to obtain waiver benefits under the terms and conditions of the waiver, including a telephone number and address where the borrower may apply for waiver benefits;

(5) Whether or not the waiver is cancellable after the free look period and the conditions under which it may be canceled or terminated including the procedures for requesting any refund due;

(6) That in order to receive any refund due in the event of a borrower's cancellation of the waiver agreement or early termination of the finance agreement after the free look period of the waiver, the borrower, in accordance with terms of the waiver, must provide a written request to cancel to the creditor, administrator, or such other party, within ninety days of the occurrence of the event terminating the finance agreement;

(7) The methodology for calculating any refund of the unearned purchase price of the waiver due, in the event of cancellation of the waiver or early termination of the finance agreement;

(8) That any refund of the purchase price for a waiver that was included in the financing of the motor vehicle or vessel may be applied by the creditor as a reduction of the overall amount owed under the finance agreement, rather than applying the refund strictly to the purchase price of the waiver. This disclosure must be conspicuously presented prior to the purchase of the waiver;

(9) That neither the extension of credit, the terms of the credit, nor the terms of the related motor vehicle sale or lease, may be conditioned upon the purchase of the waiver;

(10) That the guaranteed asset protection waiver is not credit insurance, nor does it eliminate the borrower's obligation to insure the motor vehicle as provided by laws of this state. Purchasing a

guaranteed asset protection waiver does not eliminate the borrower's rights and obligations under the vendor single-interest and collateral protection coverage laws of this state.

NEW SECTION. Sec. 7. (1) Guaranteed asset protection waiver agreements may be cancellable or noncancellable after the free look period. Waivers must provide that if a borrower cancels a waiver within the free look period, the borrower will be entitled to a full refund of the purchase price, so long as no benefits have been provided; or in the event benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the waiver.

(2) In the event of a borrower's cancellation of the waiver or early termination of the finance agreement, after the agreement has been in effect beyond the free look period, the borrower may be entitled to a refund of any unearned portion of the purchase price of the waiver unless the waiver provides otherwise. In order to receive a refund, the borrower, in accordance with any applicable terms of the waiver, must provide a written request to the creditor, administrator, or other party, within ninety days of the event terminating the finance agreement.

(3) If the cancellation of a waiver occurs as a result of a default under the finance agreement or the repossession of the motor vehicle associated with the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as set forth in subsection (4) of this section.

(4) Any cancellation refund under this section may be applied by the creditor as a reduction of the overall amount owed under the finance agreement, if the cost of the guaranteed asset protection waiver was included in the financing of the motor vehicle or vessel.

(5) Disclosure of how the refund may be applied by the creditor or administrator must be made in accordance with the provisions of section 6(8) of this act.

NEW SECTION. Sec. 8. (1) The commissioner may, subject to chapter 48.04 RCW, take action that is necessary or appropriate to enforce this chapter and to protect guaranteed asset protection waiver holders in this state, which includes:

(a) Suspending, revoking, or refusing to issue the registration of a person or entity if the registrant fails to comply with any provision of this chapter or fails to comply with any proper order or rule of the commissioner; and

(b) After hearing or with the consent of the registrant, and in addition to or in lieu of the suspension, revocation, or refusal to issue any registration, imposing a penalty of not more than two thousand dollars for each violation of this chapter.

(2) The commissioner may adopt rules to implement this chapter.

NEW SECTION. Sec. 9. (1) Any person who markets, offers for sale or sells a guaranteed asset protection waiver, or acts as an obligor for a guaranteed asset protection waiver without a registration, unless otherwise exempt from registration or exempt from this chapter, is acting in violation of this section and is subject to the provisions of section 8 of this act. In addition, any person who knowingly violates this section is guilty of a class B felony punishable under chapter 9A.20 RCW.

(2) Any criminal penalty imposed under this section is in addition to, and not in lieu of, any other civil or administrative penalty or sanction otherwise authorized under state law.

(3) If the commissioner has cause to believe that any person has violated this section, the commissioner may assess a civil penalty of not more than twenty-five thousand dollars for each violation, after providing notice and an opportunity for a hearing in accordance with chapter 48.04 RCW. Upon failure to pay this civil penalty when due, the attorney general may bring a civil action on behalf of the commissioner to recover the unpaid penalty.

(4) A person or entity that should have been registered at the time of the sale of a waiver who was not so registered pursuant to this chapter is personally liable for performance of the waiver. Any waiver sold by a person or entity that should have been registered at the time of the sale is voidable, except at the instance of the person or entity who sold the waiver.

NEW SECTION. Sec. 10. The guaranteed asset protection waiver account is created in the custody of the state treasurer. The fees and fines collected under this chapter must be deposited into the

account. Expenditures from the account may be used to implement, administer, and enforce this chapter. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 11. RCW 63.14.010 and 2003 c 368 s 2 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid principal balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or

a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under RCW 46.12.042, any vehicle dealer documentary service fee under RCW 46.70.180(2), or official fees;

(12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, the cost of a guaranteed asset protection waiver, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(13) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(14) "Time balance" means the principal balance plus the service charge;

(15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and official fees; and the amount actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is applicable to all guaranteed asset protection waiver agreements entered into on or after January 1, 2010.

NEW SECTION. Sec. 14. Sections 1 through 10, 12, and 13 of this act constitute a new chapter in Title 48 RCW."

Correct the title.

Representative Kirby spoke in favor of the adoption of the amendment.

Amendment (190) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1530.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1530 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Parker.

ENGROSSED HOUSE BILL NO. 1530, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1703, by Representatives Cody, Pedersen, Green, White, Wood, Bailey, Moeller, Morrell, Walsh, Nelson and Kenney

Concerning child immunization exemptions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1703 was substituted for House Bill No. 1703 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1703 was read the second time.

Representative Cox moved the adoption of amendment (199):

On page 2, line 14, after "exemption:" insert "and"

On page 2, beginning on line 15, after "(B)" strike all material through "(C)" on line 19

Representative Cox and Cody spoke in favor of the adoption of the amendment.

Amendment (199) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Cox and Johnson spoke in favor of the passage of the bill.

Representatives Roach and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1703.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1703 and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Campbell, Chandler, Condotta, Crouse, Ericksen, Grant-Herriot, Herrera, Hope, Kirby, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Shea and Short.

Excused: Representative Parker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2095, by Representatives Orwall, Finn, Upthegrove, Simpson, Rodne and Quall

Clarifying the permitting, training, and licensing process for driver training schools.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2095 was substituted for House Bill No. 2095 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2095 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2095.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2095 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick,

Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Parker.

SUBSTITUTE HOUSE BILL NO. 2095, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2114, by Representatives Seaquist and Cody

Establishing a forum for testing primary care medical home reimbursement pilot projects.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2114 was substituted for House Bill No. 2114 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2114 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2114.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2114 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Parker.

SECOND SUBSTITUTE HOUSE BILL NO. 2114, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2164, by Representatives Pettigrew, Haler, Santos, McCoy, Miloscia, Kagi, Hunt, Kenney, Sullivan, Darneille, Seaquist, Roberts, Chase, Hasegawa, Dickerson and Goodman

Remediating racial disproportionality in child welfare practices.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pettigrew spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2164.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2164 and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Chandler, Condotta, Crouse, Ericksen, Grant-Herriot, Herrera, Hinkle, Klippert, Kretz, McCune, Orcutt, Rodne, Ross, Shea, Short, Walsh and Warnick.

Excused: Representative Parker.

HOUSE BILL NO. 2164, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2223, by Representatives Clibborn, Johnson and Morrell

Exempting applicants who operate commercial motor vehicles for agribusiness purposes from certain commercial driver's license requirements.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2223 was substituted for House Bill No. 2223 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2223 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2223.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2223 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove,

Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Klippert.

Excused: Representative Parker.

SUBSTITUTE HOUSE BILL NO. 2223, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2275, by Representatives Kretz, Springer, Shea, Sullivan, Blake, Jacks, Warnick, Short, Hinkle, Schmick, Armstrong, Parker and McCune

Providing a sales and use tax exemption for the nonhighway use of propane by farmers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2275 was substituted for House Bill No. 2275 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2275 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kretz and Grant-Herriot spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2275.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2275 and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Hasegawa, Hudgins and Kagi.

Excused: Representative Parker.

SUBSTITUTE HOUSE BILL NO. 2275, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2021, by Representatives Kenney, Probst, Wallace, Sullivan, Priest, Maxwell, Chase, Ormsby, Hudgins, Jacks, Lias, White, Sells, Morrell, Kelley, Darneille, Wood and Roberts

Revitalizing student financial aid.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2021 was substituted for House Bill No. 2021 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2021 was read the second time.

Representative Kenney moved the adoption of amendment (235):

On page 11, beginning on line 13, strike all of sections 11 and 12 and insert the following:

"Sec. 11. RCW 28B.12.060 and 2005 c 93 s 4 are each amended to read as follows:

The higher education coordinating board shall adopt rules as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules shall include provisions designed to make employment under the work-study program reasonably available, to the extent of available funds, to all eligible needy students in eligible post-secondary institutions (~~in need thereof~~). The rules shall include:

(1) Providing work under the state work-study program that will not result in the displacement of employed workers or impair existing contracts for services;

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology;

(3) Placing priority on providing:

(a) Work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.012 and 28B.15.013, particularly former foster youth as defined in RCW 28B.92.060, (~~except resident students defined in RCW 28B.15.012(2)(g)~~);

(b) Job placements in fields related to each student's academic or vocational pursuits, with an emphasis on off-campus job placements whenever appropriate; and

(c) Off-campus community service placements;

(4) To the extent practicable, limiting the proportion of state subsidy expended upon resident students to fifteen percent, or such less amount as specified in the biennial appropriations act;

(5) Provisions to assure that in the state institutions of higher education, utilization of this work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the director of personnel's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service unless the overall scope and responsibilities of the position indicate a higher level; and

~~((5))~~ (6) Provisions to encourage job placements in occupations that meet Washington's economic development goals, especially those in international trade and international relations. The board shall permit appropriate job placements in other states and other countries."

Renumber the remaining sections consecutively and correct and internal references accordingly

Correct the title

Representative Kenney spoke in favor of the adoption of the amendment.

Amendment (235) was adopted.

Representative Wallace moved the adoption of amendment (228):

On page 12, after line 26, insert the following:

"**NEW SECTION. Sec. 14.** (1) The Washington higher education loan program is created. The program is created to assist students in need of additional low-cost student loans and related loan benefits.

(2) The program shall be administered by the board. In administering the program, the board must:

(a) Periodically assess the needs and target the benefits to selected groups of students;

(b) Devise a program to address the following issues related to loans:

(i) Issuance of low-interest educational loans;

(ii) Determining loan repayment obligations and options;

(iii) Borrowing educational loans at low interest rates;

(iv) Developing conditional loans that can be forgiven in exchange for service; and

(v) Creating an emergency loan fund to help students until other state and federal long-term financing can be secured;

(c) Work with public depositories to implement the provisions in this chapter;

(d) Accept public and private contributions into the higher education loan program account;

(e) Publicize the program in partnership with the public depositories; and

(f) Work with public and private colleges and universities, the state board for community and technical colleges, the workforce training and education coordinating board, and with students, to conduct periodic assessment of program needs. The board may also consult with other groups and individuals as needed.

NEW SECTION. Sec. 15. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the higher education coordinating board.

(2) "Institution of higher education" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the board.

(3) "Needy student" has the definition in RCW 28B.92.030.

(4) "Program" means the Washington higher education loan program.

(5) "Resident student" has the definition in RCW 28B.15.012(2) (a) through (d).

NEW SECTION. Sec. 16. The Washington higher education loan program account is created in the custody of the state treasurer. Expenditures from the account may be used only for the Washington higher education loan program including costs associated with program administration by the board. Only the director of the board or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, except for moneys used for program administration. An appropriation is not required for expenditures from the account.

NEW SECTION. Sec. 17. (1) The state treasurer shall establish a higher education loan program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. Subject to available funds, the state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years commencing six months from the date the participant completes or discontinues the course of study;

(b)(i) Where an individual loan does not exceed resident undergraduate tuition and state-mandated fees at the most expensive Washington public institution of higher education for loans granted to students pursuing an undergraduate degree; or

(ii) Where an individual loan does not exceed resident graduate or professional tuition and state-mandated fees at the most expensive Washington public institution of higher education for loans granted to students pursuing a graduate or professional degree;

(c) That are made to resident students who are needy students;

(d) That are made to students attending an institution of higher education; and

(e) Where the interest rate on the loan to the student does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depository.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository, except that the treasurer shall lower the amount of the preference to ensure that the effective interest rate on the time certificate of deposit is not less than two hundred basis points.

(4) The board may adopt rules to:

(a) Further restrict program eligibility based on financial need;

(b) Ensure that when making a qualified loan under the program, students who have never received a loan under the program are given first priority;

(c) Limit the total principal loan amount that any one student receives in qualified loans under the program over the span of enrollment in institutions of higher education;

(d) Limit the total amount of any one qualified loan made under the program; and

(e) Limit the points or fees charged at loan closing."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 13, after line 4, insert the following:

"NEW SECTION. Sec. 15. Sections 14 through 17 of this act constitute a new chapter in Title 28B RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Wallace spoke in favor of the adoption of the amendment.

Amendment (228) was adopted.

Representative Anderson moved the adoption of amendment (177):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Within existing resources, the higher education coordinating board shall convene a work group on simplifying and consolidating student financial assistance. The work group shall include one member from the student financial assistance division of the higher education coordinating board and one member from the student services division of the state board for community and technical colleges, one financial aid administrator from a four-year institution of higher education, one financial aid administrator from a community or technical college, one member from the employment security department, and one member from the council of presidents office.

(2) The committee shall prepare a plan to streamline, promote, and expand access to financial aid programs. In developing the plan, the higher education coordinating board and their partners, identified in this section, shall take the following actions:

(a) Conduct an analysis of all the existing financial aid programs including the populations served, total state expenditures dedicated to each program, average award levels per student, and the number of staff dedicated to program administration;

(b) Based on the analysis outlined in section (a) of this subsection, develop recommendations on the programs that provide the greatest value to the largest number of students, the programs that best meet state access and affordability goals, and a process and timeline for implementing these recommendations;

(c) Develop an incentive system to assure that the state's investment in student financial assistance increases completion and career placement rates and rewards institutions that efficiently produce highly skilled graduates, ready for work in high-demand occupations.

(3) The higher education coordinating board shall submit the report to the appropriate committees of the legislature by December 1, 2009."

Correct the title.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Kenney spoke against the adoption of the amendment.

Amendment (177) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kenney spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2021.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2021 and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Parker.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1321, by Representatives Kenney, McCoy, Haler, Chandler, Ericks, Ormsby, Hasegawa, Pettigrew, Walsh, Klippert and Armstrong

Concerning the tax on cleaning up radioactive waste and other byproducts of weapons production and nuclear research and development.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1321 was substituted for House Bill No. 1321 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1321 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Klippert, Grant-Herriot and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1321.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1321 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Chase.

Excused: Representative Parker.

SUBSTITUTE HOUSE BILL NO. 1321, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1329, by Representatives Pettigrew, Conway, Kagi, Hunt, Seaquist, Sells, Priest, Kenney, Ormsby, Wood, Haigh, White, Chase, Herrera, Morrell, Liias, Green, Cody, Appleton, Hasegawa, Carlyle, Simpson, McCoy, Sullivan, Orwall, Goodman, Campbell, Hudgins, Moeller, Nelson and Santos

Providing collective bargaining for child care center directors and workers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1329 was substituted for House Bill No. 1329 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1329 was read the second time.

Representative Chandler moved the adoption of amendment (224):

On page 5, line 33, after "children" insert ", including any child care center that declines to pay representation fees or other fees in accordance with a union security provision"

On page 6, line 1, after "(c)" insert the following:

"The secretary of the department of social and health services' right to determine the child care centers that receive child care subsidies, except that the secretary is prohibited from barring a child care center from receiving child care subsidies because the center declines to pay representation fees or other fees in accordance with a union security provision;

(d)"

Reletter the sections consecutively and correct any internal references accordingly.

Representatives Chandler and Condotta spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

The Speaker (Representative Morris presiding) divided the House. The result was 35 – YEA; 61 – NAY.

Amendment (224) was not adopted.

Representative Chandler moved the adoption of amendment (193):

On page 10, line 26, after "RCW 74.15.030 that" strike "has at least one child care slot filled by a child for whom it receives a child care subsidy" and insert "receives child care subsidies for at least twenty-five percent of the children in the child care center"

Representatives Chandler and Ericksen spoke in favor of the adoption of the amendment.

Representative Pettigrew spoke against the adoption of the amendment.

Amendment (193) was not adopted.

Representative Chandler moved the adoption of amendment (186):

On page 16, after line 10, insert the following:

"(3) The department shall not release the name, street address, electronic mail address, telephone number, social security number, or any other personal information of any child care center director or worker without his or her explicit written consent."

Representative Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (186) was not adopted.

Representative Condotta moved the adoption of amendment (187):

On page 16, beginning on line 29, strike all of sections 11 through 13

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Pettigrew spoke against the adoption of the amendment.

Amendment (187) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew, Kagi and Dickerson spoke in favor of the passage of the bill.

Representatives Alexander, Hinkle and Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1329.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1329 and the bill passed the House by the following vote: Yeas, 65; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Clibborn, Condotta, Cox, DeBolt, Ericksen, Grant-Herriot, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Walsh and Warnick.

Excused: Representative Parker.

SUBSTITUTE HOUSE BILL NO. 1329, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2010, by Representatives Dunshee and Nelson**Concerning state funding for local projects.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2010 was substituted for House Bill No. 2010 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2010 was read the second time.

Representative Anderson moved the adoption of amendment (221):

On page 1, beginning on line 5, strike all of section 1.

Renumber the sections consecutively and correct any internal references accordingly, and correct the title.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Amendment (221) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Ormsby, White and Simpson spoke in favor of the passage of the bill.

Representatives Warnick, Anderson, Pearson, Short, Haler, Herrera, Shea, Hinkle and Ericksen spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Ericksen, the Speaker would ask you not to assign motives in your remarks. I am going to let you continue but your remarks were out of order."

Representative Ericksen (again) spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Ericksen, you are straying off the topic of the local projects and the criteria of the bill. Bring your remarks back to the actual bill and the final question before the House."

Representative Ericksen (again) spoke against the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Armstrong, the Speaker would like to have you come back to the question actually on the House floor. The Speaker believes that remarks about assigning blame for other questions that were decided previously on the floor are not really germane to the question of the criteria for funding for local projects which seem to be the main issue of debate in the bill before us right now. So if you could please have your remarks either to being in support or against the criteria or of the funding itself; that would be germane to the topic. Please continue."

Representative Armstrong (again) spoke against the passage of the bill.

Representative Simpson spoke in favor of the passage of the bill.

POINT OF ORDER

Representative Armstrong: "I rise for a point of order, Mr. Speaker. Is the present speaker speaking on the bill or other states and other governors?"

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Armstrong, thank you for your point of inquiry. The Speaker believes like I stated previously that the main topic of debate in Substitute House Bill No. 2010 seems to center around criteria in condition to funding for the bill. I have heard many comments from everybody in this body about whether those criteria are good or bad, and about whether the underlining assumptions about those criteria is actually valid or invalid. I believe the good gentleman from the 47th District is speaking to the validity of those criteria and are in line with the debate that has occurred here on the floor.

Your point of inquiry is not well taken."

Representative Simpson (again) spoke in favor of the passage of the bill.

Representatives Bailey, Orcutt, Cox and Haler (again) spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2010.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2010 and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells,

Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2010, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1123, by Representatives Campbell, Morrell, Hunter, Pedersen, Chase, Ormsby, Simpson, Wood and Conway

Reducing the spread of multidrug resistant organisms.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1123 was substituted for House Bill No. 1123 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1123 was read the second time.

Representative Campbell moved the adoption of amendment (218):

On page 1, beginning on line 11, strike all of subsection (a) and insert the following:

"(a) A requirement to test any patient for methicillin-resistant staphylococcus aureus who is a member of a patient population identified as appropriate to test based on the hospital's risk assessment for methicillin-resistant staphylococcus aureus;

(b) A requirement that a patient in the hospital's adult or pediatric, but not neonatal, intensive care unit be tested for methicillin-resistant staphylococcus aureus within twenty-four hours of admission unless the patient has been previously tested during that hospital stay or has a known history of methicillin-resistant staphylococcus aureus;"

On page 1, at the beginning of line 16, strike "(b)" and insert "(c)"

On page 2, at the beginning of line 7, strike "(c)" and insert "(d)"

On page 2, beginning on line 17, strike all of subsection (3)

On page 5, beginning on line 31, after "aureus" strike "beyond what is required under section 1 of this act" and insert "prior to open chest cardiac, total hip, and total knee elective surgeries"

Representatives Campbell and Cody spoke in favor of the adoption of the amendment.

Amendment (218) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell, Hunter and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1123.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1123 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1201, by Representatives O'Brien, Dickerson, Hurst and Appleton

Establishing the community integration assistance program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1201 was substituted for House Bill No. 1201 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1201 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives O'Brien and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1201.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1201 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1201, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1300, by Representatives Hurst, Dickerson, Pearson, Klippert, O'Brien and Smith

Accessing mental health information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1300 was substituted for House Bill No. 1300 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1300 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1300.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1300 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1300, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1347, by Representatives Santos, Roach, Morrell, Moeller, Chase and Roberts

Regarding financial education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1347 was substituted for House Bill No. 1347 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1347 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Santos, Roach, Walsh and Priest spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1347.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1347 and the bill passed the House by the following vote: Yeas, 78; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta,

Conway, Cox, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Chandler, Crouse, Dammeier, DeBolt, Ericksen, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Pearson, Ross, Shea, Smith and Warnick.

SUBSTITUTE HOUSE BILL NO. 1347, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1347.

NORMA SMITH, 10th District

SECOND READING

HOUSE BILL NO. 1349, by Representatives Green, Moeller, Dickerson, Cody and Kenney

Renewing orders for less restrictive treatment.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1349 was substituted for House Bill No. 1349 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1349 was read the second time.

Representative Green moved the adoption of amendment (047):

On page 4, line 2, after "necessary to" strike "reprove that element" and insert "~~(reprove that element)~~ prove such conduct again"

On page 4, line 33, after "necessary to" strike "reprove that element" and insert "prove such conduct again"

Representatives Green and Dammeier spoke in favor of the adoption of the amendment.

Amendment (047) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Green spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1349.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1349 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter,

Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1413, by Representatives McCoy, Nelson, Quall and Blake

Concerning water discharge fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1413 was substituted for House Bill No. 1413 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1413 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Nelson spoke in favor of the passage of the bill.

Representatives Ericksen, Herrera, Hinkle and Klippert spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1413.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1413 and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 1413, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1514, by Representatives Green, Hinkle, Cody and Morrell

Regarding counseling professions subject to the authority of the secretary of health.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1514 was substituted for House Bill No. 1514 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1514 was read the second time.

Representative Bailey moved the adoption of amendment (231):

On page 6, beginning on line 25, strike all of section 3
Renummer the remaining section consecutively.
Correct the title.

Representatives Bailey and Green spoke in favor of the adoption of the amendment.

Amendment (231) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1514.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1514 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1572, by Representatives Hunt, Liias, Appleton, Miloscia and Williams

Adopting all mail voting.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1572 was substituted for House Bill No. 1572 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1572 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt, Appleton, Flannigan and Green spoke in favor of the passage of the bill.

Representatives Armstrong, Campbell, Kretz, Dammeier, McCune and Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1572.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1572 and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Ericksen, Finn, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Morrell, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 1572, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1579, by Representatives Appleton, Hasegawa and Nelson

Concerning a business and occupation tax exemption for nonprofit organizations that provide legal services to low-income individuals.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton and Orcutt spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1579.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1579 and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Driscoll, Ericksen, Flannigan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

HOUSE BILL NO. 1579, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1621, by Representatives Kirby, Bailey, Rodne, Nelson, Simpson and Moeller

Regulating the business practices of consumer loan companies for compliance with the secure and fair enforcement for mortgage licensing act of 2008.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1621 was substituted for House Bill No. 1621 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1621 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1621.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1621 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1621, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1961, by Representatives Roberts, Haler, Pettigrew, Kagi, Carlyle, Pedersen and Wood

Implementing the federal fostering connections to success and increasing adoptions act of 2008.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1961 was substituted for House Bill No. 1961 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1961 was read the second time.

Representative Roberts moved the adoption of amendment (237):

On page 4, line 33, after "(11)(a)" strike "Have" and insert "Within amounts appropriated for this specific purpose, have"

On page 5, line 8, after "(12)" strike "Have" and insert "Within amounts appropriated for this specific purpose, have"

Representative Roberts spoke in favor of the adoption of the amendment.

Amendment (237) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts, Kagi, Angel, and Goodman spoke in favor of the passage of the bill.

Representatives Alexander, Klippert and Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1961.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1961 and the bill passed the House by the following vote: Yeas, 75; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Hinkle, Klippert, Kretz, Kristiansen, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short and Warnick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2106, by Representatives Kagi, Roberts, Kenney and Morrell

Improving child welfare outcomes through the phased implementation of strategic and proven reforms.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2106 was substituted for House Bill No. 2106 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2106 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Alexander and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2106.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2106 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2106, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2113, by Representatives Kagi, Chase, Quall and Morrell

Regarding placements of students in residential habilitation centers.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2113 was substituted for House Bill No. 2113 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2113 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2113.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2113 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2113, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2130, by Representatives Probst, Jacks, Morris, Morrell, Kenney, Conway and Ormsby

Concerning tax incentives for renewable energy manufacturing facilities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2130 was substituted for House Bill No. 2130 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2130 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Probst and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2130.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2130 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 2130, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2167, by Representatives Maxwell, Priest, Green, Quall, Moeller, White, Orwall, Sullivan, Van De Wege, Liias and Probst

Providing flexibility in the education system.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2167 was substituted for House Bill No. 2167 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2167 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace, Dammeier and Cox spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2167.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2167 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

SECOND SUBSTITUTE HOUSE BILL NO. 2167, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1669, by Representatives Hunt, Hasegawa, Appleton, Miloscia, Warnick, Kirby, Williams and Ormsby

Addressing the deposit of public funds.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1669 was substituted for House Bill No. 1669 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1669 was read the second time.

With the consent of the House, amendment (092) was withdrawn.

Representative Simpson moved the adoption of amendment (117):

On page 6, after line 13, insert the following:

NEW SECTION. Sec. 7. A new section is added to chapter 39.58 RCW to read as follows:

A credit union approved as a public depository by the commission may not accept funds in excess of the deposit insurance limits of the insurance required under RCW 31.12.408."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Simpson and Bailey spoke in favor of the adoption of the amendment.

Amendment (117) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunt spoke in favor of the passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1669.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1669 and the bill passed the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Jacks, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Santos, Seaquist, Shea, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Carlyle, Chandler, Condotta, Cox, Dammeier, DeBolt, Ericksen, Finn, Grant-Herriot, Haler, Hinkle, Hope, Hunter, Hurst, Johnson, Kagi, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Parker, Pearson, Roach, Rodne, Rolfes, Ross, Schmick, Sells, Short, Smith, Springer, Walsh and White.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1669, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 9, 2009

HB 2261 Prime Sponsor, Representative Sullivan: Concerning the state's education system. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Education Appropriations be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Darneille; Haigh; Hunter; Hunter; Kagi; Kenney; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Conway; Kessler; Ross and Schmick.

March 9, 2009

SB 5348 Prime Sponsor, Senator Swecker: Removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2261 which was placed on the second reading calendar.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 9, 2009

HB 2119 Prime Sponsor, Representative Wallace: Expanding dual credit opportunities. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed

by Representatives Linville, Chair; Ericks, Vice Chair; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunter; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member and Chandler.

There being no objection, HOUSE BILL NO. 2119 was placed on the second reading calendar.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 1883, by Representatives Morris and Quall

Creating regulatory restrictions applicable to metropolitan park districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1883 was substituted for House Bill No. 1883 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1883 was read the second time.

Representative Morris moved the adoption of amendment (146):

On page 1, beginning on line 11 of the striking amendment, strike all of subsection (2)

Re-number the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 7 of the striking amendment, strike all of section 3

Re-number the remaining sections consecutively and correct any internal references accordingly.

Representative Morris spoke in favor of the adoption of the amendment.

Representative Angel spoke against the adoption of the amendment.

Amendment (146) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Morris spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1883.

MOTIONS

On motion of Representative Santos, Representative Flannigan was excused. On motion of Representative Hinkle, Representative Shea was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1883 and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeyer, DeBolt, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Short, Wallace, Walsh and Warnick.

Excused: Representatives Flannigan and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1889, by Representatives Sullivan, Priest, Ormsby, Santos and Simpson

Regarding paraeducator tutor certification.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1889 was substituted for House Bill No. 1889 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1889 was read the second time.

Representative Sullivan moved the adoption of amendment (140):

On page 2, beginning on line 6, after "shall" strike all material through "Develop" on line 7 and insert "develop"

On page 2, beginning on line 8, after "requirements" strike all material through "(4)" on line 19 and insert "

(3)"

Representatives Sullivan and Priest spoke in favor of the adoption of the amendment.

Amendment (140) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1889.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1889 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeyer, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1889, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1986, by Representatives Hasegawa, Anderson, Wallace, White and Sells

Authorizing a peer mentoring pilot program at Western Washington University and a community or technical college.

The bill was read the second time. There being no objection, the committee amendment Higher Education was adopted. (For committee amendment, see Journal, Day 22, February 2, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1986.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1986 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeyer, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Shea.

ENGROSSED HOUSE BILL NO. 1986, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1007, by Representatives Morris, Chase, Morrell, Liias, Anderson, Upthegrove, Seaquist, Hudgins and Moeller

Creating a sustainable energy trust.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1007 was substituted for House Bill No. 1007 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1007 was read the second time.

Representative Morris moved the adoption of amendment (163):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to promote the development of renewable energy technologies and the application of energy efficiency measures by authorizing the issuance of revenue bonds to finance renewable energy and energy efficiency improvement costs. The legislature finds that by providing access to low-cost capital to finance renewable energy and energy efficiency projects, a key barrier is eliminated.

Sec. 2. RCW 43.180.020 and 1990 c 167 s 1 are each amended to read as follows:

~~((1))~~ ~~(1)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~((2))~~ ~~(2)~~ "Bonds" means the bonds, notes, or other evidences of indebtedness of the commission, the interest paid on which may or may not qualify for tax exemption.

~~((3))~~ ~~(3)~~ "Certifying authority" means: (a) For improvements involving solar electric systems, the Washington climate and rural energy development center at Washington State University, established under RCW 28B.30.642; or (b) for all other energy efficiency and renewable energy improvements, any utility company or other institution qualified to assess and certify the feasibility and benefit of energy efficiency and renewable energy improvements in a manner that is efficient and minimizes the amount of time or cost.

~~((4))~~ ~~(4)~~ "Code" means the federal internal revenue code of 1954, as now or hereafter amended, and the regulations and rulings promulgated thereunder.

~~((5))~~ ~~(5)~~ "Commission" means the Washington state housing finance commission or any board, body, commission, department, or officer succeeding to the principal functions thereof or to whom the powers conferred upon the commission shall be given by law.

~~((6))~~ ~~(6)~~ "Costs of housing" means all costs related to the development, design, acquisition, construction, reconstruction, leasing, rehabilitation, and other improvements of housing, as determined by the commission.

~~((7))~~ ~~(7)~~ "Eligible applicant" means, with respect to the sustainable energy trust program, an owner of a residential, agricultural, commercial, state, or municipal property.

~~((8))~~ ~~(8)~~ "Eligible person" means a person or family eligible in accordance with standards promulgated by the commission. Such persons shall include those persons whose income is insufficient to obtain at a reasonable cost, without financial assistance, decent, safe, and sanitary housing in the area in which the person or family resides, and may include such other persons whom the commission determines to be eligible.

~~((9))~~ ~~(9)~~ "Energy efficiency improvement" means an installation or modification that is designed to reduce energy consumption in residential, agricultural, commercial, state, or municipal properties. The term includes, but is not limited to: Insulation; storm windows and doors; automatic energy control systems; heating, ventilating, or air conditioning and distribution system modifications or replacements in buildings or central plants; caulking and weather stripping; energy recovery systems; geothermal heat pumps; and day lighting systems.

~~((10))~~ ~~(10)~~ "Housing" means specific new, existing, or improved residential dwellings within this state or dwellings to be constructed within this state. The term includes land, buildings, and manufactured dwellings, and improvements, furnishings, and equipment, and such other nonhousing facilities, furnishings, equipment, and costs as may be incidental or appurtenant thereto if in the judgment of the commission the facilities, furnishings, equipment and costs are an integral part of the project. Housing may consist of single-family or multifamily dwellings in one or more structures located on contiguous or noncontiguous parcels or any combination thereof. Improvements may include such equipment and materials as are appropriate to accomplish energy efficiency within a dwelling. The term also includes a dwelling constructed by a person who occupies and owns the dwelling, and nursing homes licensed under chapter 18.51 RCW.

~~((11))~~ ~~(11)~~ "Mortgage" means a mortgage, mortgage deed, deed of trust, security agreement, or other instrument securing a mortgage loan and constituting a lien on or security interest in housing. The

property may be held in fee simple or on a leasehold under a lease having a remaining term, at the time the mortgage is acquired, of not less than the term of repayment of the mortgage loan secured by the mortgage. The property may also be housing which is evidenced by an interest in a cooperative association or corporation if ownership of the interest entitles the owner of the interest to occupancy of a dwelling owned by the association or corporation.

~~((12))~~ ~~(12)~~ "Mortgage lender" means any of the following entities which customarily provide service or otherwise aid in the financing of housing and which are approved as a mortgage lender by the commission: A bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, mortgage company, credit union, life insurance company, or any other financial institution, governmental agency, municipal corporation, or any holding company for any of the entities specified in this subsection.

~~((13))~~ ~~(13)~~ "Mortgage loan" means an interest-bearing loan or a participation therein, made to a borrower, for the purpose of financing the costs of housing, evidenced by a promissory note, and which may or may not be secured (a) under a mortgage agreement, (b) under any other security agreement, regardless of whether the collateral is personal or real property, or (c) by insurance or a loan guarantee of a third party. However, an unsecured loan shall not be considered a mortgage loan under this definition unless the amount of the loan is under two thousand five hundred dollars.

~~((14))~~ ~~(14)~~ "Qualified improvement" means an energy efficiency improvement which has been approved by a certifying authority or a net metering system as defined under RCW 80.60.010.

NEW SECTION. Sec. 3. A new section is added to chapter 43.180 RCW to read as follows:

(1) If economically feasible, the commission shall develop and implement a sustainable energy trust program to provide financing for qualified improvement projects. In developing the sustainable energy trust program, the commission shall establish eligibility criteria for financing that will enable it to choose eligible applicants who are likely to repay loans made or acquired by the commission and funded from the proceeds of commission bonds.

(2) The commission shall, if economically feasible:

(a) Issue bonds, as defined in RCW 43.180.020, for the purpose of financing loans for qualified energy efficiency and renewable energy improvement projects in accordance with RCW 43.180.150;

(b) Participate fully in federal and other governmental programs and take actions that are necessary and consistent with this chapter to secure to itself and the people of the state the benefits of programs to promote energy efficiency and renewable energy technologies;

(c) Contract with a certifying authority to accept applications for energy efficiency and renewable energy improvement projects, to review applications, including binding fixed price bids for the improvements, and to approve qualified improvements for financing by the commission. For solar electric systems, the certifying authority must use an application certification process similar to the investment cost recovery incentive application process provided under RCW 82.16.120. No work by a certifying authority may commence under this section until a request has been made by the commission; and

(d) Before entering into a contract with a certifying authority as defined in RCW 43.180.020(2)(b), consult with the Washington State University energy extension program to determine which potential improvement technologies are appropriate.

(3) No general fund resources may be expended to implement this section."

Correct the title.

Representatives Morris and Crouse spoke in favor of the adoption of the amendment.

Amendment (163) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1007.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1007 and the bill passed the House by the following vote: Yeas, 85; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Chandler, Condotta, Ericksen, Haler, Herrera, Johnson, Klippert, Orcutt and Ross.

Excused: Representatives Flannigan and Shea.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2040, by Representatives Conway and Condotta

Concerning the work of the joint select committee on beer and wine regulation.

The bill was read the second time.

Representative Conway moved the adoption of amendment (227):

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 66.28 RCW to read as follows:

The legislature recognizes that Washington's current three-tier system, where the functions of manufacturing, distributing, and retailing are distinct and the financial relationships and business transactions between entities in these tiers are regulated, is a valuable system for the distribution of beer and wine. The legislature further recognizes that the historical total prohibition on ownership of an interest in one tier by a person with an ownership interest in another tier, as well as the historical restriction on financial incentives and business relationships between tiers, is unduly restrictive. The legislature finds the modifications contained in this act are appropriate, because the modifications do not impermissibly interfere with the goals of orderly marketing of alcohol in the state, encouraging moderation in consumption of alcohol by the citizens of the state, protecting the public interest and advancing public safety by preventing the use and consumption of alcohol by minors and other abusive consumption, and promoting the efficient collection of taxes by the state.

NEW SECTION, Sec. 2. A new section is added to chapter 66.28 RCW to read as follows:

The definitions in this section apply throughout sections 1 through 8 of this act unless the context clearly requires otherwise.

(1) "Adverse impact on public health and safety" means that an existing or proposed practice or occurrence has resulted or is more likely than not to result in alcohol being made significantly more attractive or available to minors than would otherwise be the case or has resulted or is more likely than not to result in overconsumption,

consumption by minors, or other harmful or abusive forms of consumption.

(2) "Affiliate" means any one of two or more persons if one of those persons has actual or legal control, directly or indirectly, whether by stock ownership or otherwise, of the other person or persons and any one of two or more persons subject to common control, actual or legal, directly or indirectly, whether by stock ownership or otherwise.

(3) "Industry member" means a licensed manufacturer, producer, supplier, importer, wholesaler, distributor, authorized representative, certificate of approval holder, warehouse, and any affiliates, subsidiaries, officers, directors, partners, agents, employees, and representatives of any industry member. "Industry member" does not include the board or any of the board's employees.

(4) "Person" means any individual, partnership, joint stock company, business trust, association, corporation, or other form of business enterprise, including a receiver, trustee, or liquidating agent and includes any officer or employee of a retailer or industry member.

(5) "Retailer" means the holder of a license issued by the board to allow for the sale of alcoholic beverages to consumers for consumption on or off premises and any of the retailer's agents, officers, directors, shareholders, partners, or employees. "Retailer" does not include the board or any of the board's employees.

(6) "Undue influence" means one retailer or industry member directly or indirectly influencing the purchasing, marketing, or sales decisions of another retailer or industry member by any agreement written or unwritten or any other business practices or arrangements such as but not limited to the following:

(a) Any form of coercion between industry members and retailers or between retailers and industry members through acts or threats of physical or economic harm, including threat of loss of supply or threat of curtailment of purchase;

(b) A retailer on an involuntary basis purchasing less than it would have of another industry member's product;

(c) Purchases made by a retailer or industry member as a prerequisite for purchase of other items;

(d) A retailer purchasing a specific or minimum quantity or type of a product or products from an industry member;

(e) An industry member requiring a retailer to take and dispose of a certain product type or quota of the industry member's products;

(f) A retailer having a continuing obligation to purchase or otherwise promote or display an industry member's product;

(g) An industry member having a continuing obligation to sell a product to a retailer;

(h) A retailer having a commitment not to terminate its relationship with an industry member with respect to purchase of the industry member's products or an industry member having a commitment not to terminate its relationship with a retailer with respect to the sale of a particular product or products;

(i) An industry member being involved in the day-to-day operations of a retailer or a retailer being involved in the day-to-day operations of an industry member in a manner that violates the provisions of this section;

(j) Discriminatory pricing practices as prohibited by law or other practices that are discriminatory in that product is not offered to all retailers in the local market on the same terms.

NEW SECTION, Sec. 3. A new section is added to chapter 66.28 RCW to read as follows:

(1) Notwithstanding any prohibitions and restrictions contained in this title, it shall be lawful for an industry member or affiliate to have a direct or indirect financial interest in another industry member or a retailer, and for a retailer or affiliate to have a direct or indirect financial interest in an industry member unless such interest has resulted or is more likely than not to result in undue influence over the retailer or the industry member or has resulted or is more likely than not to result in an adverse impact on public health and safety. The structure of any such financial interest must be consistent with subsection (2) of this section.

(2) Subject to subsection (1) of this section and except as provided in section 4 of this act:

(a) An industry member in whose name a license or certificate of approval has been issued pursuant to this title may wholly own or

hold a financial interest in a separate legal entity licensed pursuant to RCW 66.24.320 through 66.24.570, but may not have such a license issued in its name; and

(b) A retailer in whose name a license has been issued pursuant to this title may wholly own or hold a financial interest in a separate legal entity licensed or holding a certificate of approval pursuant to RCW 66.24.170, 66.24.206, 66.24.240, 66.24.244, 66.24.270(2), 66.24.200, or 66.24.250, but may not have such a license or certificate of approval issued in its name; and

(c) A supplier in whose name a license or certificate of approval has been issued pursuant to this title may wholly own or hold a financial interest in a separate legal entity licensed as a distributor or importer under this title, but such supplier may not have a license as a distributor or importer issued in its own name; and

(d) A distributor or importer in whose name a license has been issued pursuant to this title may wholly own or hold a financial interest in a separate legal entity licensed or holding a certificate of approval as a supplier under this title, but such distributor or importer may not have a license or certificate of approval as a supplier issued in its own name.

NEW SECTION. Sec. 4. A new section is added to chapter 66.28 RCW to read as follows:

Nothing in section 3 of this act shall prohibit:

(1) A licensed domestic brewery or microbrewery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the brewery premises and at one additional off-site retail only location.

(2) A domestic winery from being licensed as a retailer pursuant to chapter 66.24 RCW for the purpose of selling beer or wine at retail on the winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and 66.24.210 and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to chapter 34.05 RCW, and beer and wine that is not produced by the brewery or winery shall be purchased from a licensed beer or wine distributor.

(3) A microbrewery holding a beer and/or wine restaurant license under RCW 66.24.320 from holding the same privileges and endorsements attached to the beer and/or wine restaurant license.

(4) A licensed craft distillery from selling spirits of its own production under RCW 66.24.145.

(5) A licensed distiller, domestic brewery, microbrewery, domestic winery, or a lessee of a licensed domestic brewer, microbrewery, or domestic winery, from being licensed as a spirits, beer, and wine restaurant pursuant to chapter 66.24 RCW for the purpose of selling liquor at a spirits, beer, and wine restaurant premises on the property on which the primary manufacturing facility of the licensed distiller, domestic brewer, microbrewery, or domestic winery is located or on contiguous property owned or leased by the licensed distiller, domestic brewer, microbrewery, or domestic winery as prescribed by rules adopted by the board pursuant to chapter 34.05 RCW.

(6) A microbrewery holding a spirits, beer, and wine restaurant license under RCW 66.24.420 from holding the same privileges and endorsements attached to the spirits, beer, and wine restaurant license.

(7) A brewery or microbrewery holding a spirits, beer, and wine restaurant license or a beer and/or wine license under chapter 66.24 RCW operated on the premises of the brewery or microbrewery from holding a second retail only license at a location separate from the premises of the brewery or microbrewery.

(8) Retail licensees with a caterer's endorsement issued under RCW 66.24.320 or 66.24.420 from operating on a domestic winery premises.

(9) An organization qualifying under RCW 66.24.375 formed for the purpose of constructing and operating a facility to promote Washington wines from holding retail licenses on the facility property or leasing all or any portion of such facility property to a retail licensee on the facility property if the members of the board of directors or officers of the board for the organization include officers, directors, owners, or employees of a licensed domestic winery. Financing for the construction of the facility must include both public and private money.

(10) A bona fide charitable nonprofit society or association registered under Title 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code, or a local wine industry association registered under Title 26 U.S.C. Sec. 501(c)(6) of the federal internal revenue code as it existed on July 22, 2007, and having an officer, director, owner, or employee of a licensed domestic winery or a wine certificate of approval holder on its board of directors from holding a special occasion license under RCW 66.24.380.

(11) A person licensed pursuant to RCW 66.24.170, 66.24.240, or 66.24.244 from exercising the privileges of distributing and selling at retail such person's own production or from exercising any other right or privilege that attaches to such license.

(12) A person holding a certificate of approval pursuant to RCW 66.24.206 from obtaining an endorsement to act as a distributor of their own product or from shipping their own product directly to consumers as authorized by RCW 66.20.360.

(13) A person holding a wine shipper's permit pursuant to RCW 66.20.375 from shipping their own product directly to consumers.

(14) A person holding a certificate of approval pursuant to RCW 66.24.270(2) from obtaining an endorsement to act as a distributor of their own product.

NEW SECTION. Sec. 5. A new section is added to chapter 66.28 RCW to read as follows:

Any industry member or retailer or any other person seeking a determination by the board as to whether a proposed or existing financial interest has resulted or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety may file a complaint or request for determination with the board. Upon receipt of a request or complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the financial interest has resulted or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety the board may issue an administrative violation notice or a notice of intent to deny the license to the industry member, to the retailer, or both. If the financial interest was acquired through a transaction that has already been consummated when the board issues its administrative violation notice, the board shall have the authority to require that the transaction be rescinded or otherwise undone. The recipient of the administrative notice of violation or notice of intent to deny the license may request a hearing under chapter 34.05 RCW.

NEW SECTION. Sec. 6. A new section is added to chapter 66.28 RCW to read as follows:

Except as provided in section 7 of this act, no industry member shall advance and no retailer shall receive moneys or moneys' worth under an agreement written or unwritten or by means of any other business practice or arrangement.

NEW SECTION. Sec. 7. A new section is added to chapter 66.28 RCW to read as follows:

(1)(a) Nothing in section 6 of this act prohibits an industry member from providing retailers branded promotional items which are of nominal value, singly or in the aggregate. Such items include but are not limited to: Trays, lighters, blotters, postcards, pencils, coasters, menu cards, meal checks, napkins, clocks, mugs, glasses, bottles or can openers, corkscrews, matches, printed recipes, shirts, hats, visors, and other similar items. Branded promotional items:

(i) Must be used exclusively by the retailer or its employees in a manner consistent with its license;

(ii) Must bear imprinted advertising matter of the industry member only;

(iii) May be provided by industry members only to retailers and their employees and may not be provided by or through retailers or their employees to retail customers; and

(iv) May not be targeted to or appeal principally to youth.

(b) An industry member is not obligated to provide any such branded promotional items, and a retailer may not require an industry member to provide such branded promotional items as a condition for selling any alcohol to the retailer.

(c) Any industry member or retailer or any other person asserting that the provision of branded promotional items as allowed in (a) of this subsection has resulted or is more likely than not to result in undue influence or an adverse impact on public health and

safety, or is otherwise inconsistent with the criteria in (a) of this subsection may file a complaint with the board. Upon receipt of a complaint the board may conduct such investigation as it deems appropriate in the circumstances. If the investigation reveals the provision of branded promotional items has resulted in or is more likely than not to result in undue influence or has resulted or is more likely than not to result in an adverse impact on public health and safety or is otherwise inconsistent with (a) of this subsection the board may issue an administrative violation notice to the industry member, to the retailer, or both. The recipient of the administrative violation notice may request a hearing under chapter 34.05 RCW.

(2) Nothing in section 6 of this act prohibits an industry member from providing to a special occasion licensee and a special occasion licensee from receiving services for:

(a) Installation of draft beer dispensing equipment or advertising; or

(b) Advertising, pouring, or dispensing of beer or wine at a beer or wine tasting exhibition or judging event.

(3) Nothing in section 6 of this act prohibits industry members from performing, and retailers from accepting the service of building, rotating, and restocking displays and stockroom inventories; rotating and rearranging can and bottle displays of their own products; providing point of sale material and brand signs; pricing case goods of their own brands; and performing such similar business services consistent with board rules, or personal services as described in subsection (5) of this section.

(4) Nothing in section 6 of this act prohibits:

(a) Industry members from listing on their internet web sites information related to retailers who sell or promote their products, including direct links to the retailers' internet web sites; and

(b) Retailers from listing on their internet web sites information related to industry members whose products those retailers sell or promote, including direct links to the industry members' web sites; or

(c) Industry members and retailers from producing, jointly or together with regional, state, or local industry associations, brochures and materials promoting tourism in Washington state which contain information regarding retail licensees, industry members, and their products.

(5) Nothing in section 6 of this act prohibits the performance of personal services offered from time to time by a domestic winery or certificate of approval holder to retailers when the personal services are (a) conducted at a licensed premises, and (b) intended to inform, educate, or enhance customers' knowledge or experience of the manufacturer's products. The performance of personal services may include participation and pouring, bottle signing events, and other similar informational or educational activities at the premises of a retailer holding a spirits, beer, and wine restaurant license, a wine and/or beer restaurant license, a specialty wine shop license, a special occasion license, or a private club license. A domestic winery or certificate of approval holder is not obligated to perform any such personal services, and a retail licensee may not require a domestic winery or certificate of approval holder to conduct any personal service as a condition for selling any alcohol to the retail licensee. Except as provided in RCW 66.28.150, the cost of sampling may not be borne, directly or indirectly, by any domestic winery or certificate of approval holder or any distributor. Nothing in this section prohibits wineries, certificate of approval holders, and retail licensees from identifying the producers on private labels authorized under RCW 66.24.400, 66.24.425, and 66.24.450.

(6) Nothing in section 6 of this act prohibits an industry member from entering into an arrangement with any holder of a sports entertainment facility license or an affiliated business for brand advertising at the licensed facility or promoting events held at the sports entertainment facility as authorized under RCW 66.24.570.

NEW SECTION. Sec. 8. A new section is added to chapter 66.28 RCW to read as follows:

All industry members and retailers shall keep and maintain the following records on their premises for a three-year period:

(1) Records of all items, services, and moneys' worth furnished to and received by a retailer and of all items, services, and moneys' worth provided to a retailer and purchased by a retailer at fair market value; and

(2) Records of all industry member financial ownership or interests in a retailer and of all retailer financial ownership interests in an industry member.

NEW SECTION. Sec. 9. A new section is added to chapter 66.28 RCW to read as follows:

The board shall adopt rules as are deemed necessary to carry out the purposes and provisions of this chapter in accordance with the administrative procedure act, chapter 34.05 RCW.

Sec. 10. RCW 66.28.180 and 2006 c 302 s 10 are each amended to read as follows:

~~(It is unlawful for a person, firm, or corporation holding a certificate of approval issued under RCW 66.24.270 or 66.24.206, a beer distributor's license, a domestic brewery license, a microbrewery license, a beer importer's license, a beer distributor's license, a domestic winery license, a wine importer's license, or a wine distributor's license within the state of Washington to modify any prices without prior notification to and approval of the board:~~

~~(1) Intent. This section is enacted, pursuant to the authority of this state under the twenty-first amendment to the United States Constitution, to promote the public's interest in fostering the orderly and responsible distribution of malt beverages and wine towards effective control of consumption; to promote the fair and efficient three-tier system of distribution of such beverages; and to confirm existing board rules as the clear expression of state policy to regulate the manner of selling and pricing of wine and malt beverages by licensed suppliers and distributors.~~

~~(2) (1) Beer and wine distributors ((price posting)).~~

(a) Every beer or wine distributor shall ~~((file with the board at its office in Olympia))~~ maintain at its liquor licensed location a price ~~((posting))~~ list showing the wholesale prices at which any and all brands of beer and wine sold by such beer and/or wine distributor shall be sold to retailers within the state.

(b) Each price ~~((posting shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and))~~ list shall set forth:

(i) All brands, types, packages, and containers of beer or wine offered for sale by such beer and/or wine distributor; and

(ii) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(c) No beer and/or wine distributor may sell or offer to sell any package or container of beer or wine to any retail licensee at a price differing from the price for such package or container as shown in the price ~~((posting filed by the beer and/or wine distributor and then in effect))~~ list, according to rules adopted by the board.

(d) Quantity discounts are prohibited. No price may be ~~((posted that is))~~ below acquisition cost ~~((plus ten percent of acquisition cost. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent)).~~

(e) Distributor prices on a "close-out" item shall be ~~((accepted by the board))~~ allowed if the item to be discontinued has been listed ~~((on the state market))~~ for a period of at least six months, and upon the further condition that the distributor who ~~((posts))~~ offers such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(f) ~~((The board may reject any price posting that it deems to be in violation of this section or any rule, or portion thereof, or that would tend to disrupt the orderly sale and distribution of beer and wine. Whenever the board rejects any posting, the licensee submitting the posting may be heard by the board and shall have the burden of showing that the posting is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer and wine. If the posting is accepted, it shall become effective at the time fixed by the board. If the posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this section.~~

~~((g) Prior to the effective date of the posted prices, all price postings filed as required by this section constitute investigative information and shall not be subject to disclosure, pursuant to RCW 42.56.240(1).~~

~~((h))~~ Any beer and/or wine distributor or employee authorized by the distributor-employer may sell beer and/or wine at the distributor's ~~((posted))~~ listed prices to any annual or special occasion retail licensee upon presentation to the distributor or employee at the time of purchase of a special permit issued by the board to such licensee.

~~((g))~~ Every annual or special occasion retail licensee, upon purchasing any beer and/or wine from a distributor, shall immediately cause such beer or wine to be delivered to the licensed premises, and the licensee shall not thereafter permit such beer to be disposed of in any manner except as authorized by the license.

~~((f))~~ Beer and wine sold as provided in this section shall be delivered by the distributor or an authorized employee either to the retailer's licensed premises or directly to the retailer at the distributor's licensed premises. When a domestic winery, brewery, microbrewery, or certificate of approval holder with a direct shipping endorsement is acting as a distributor of its own production, a licensed retailer may contract with a common carrier to obtain the product directly from the domestic winery, brewery, microbrewery, or certificate of approval holder with a direct shipping endorsement. A distributor's prices to retail licensees shall be the same at both such places of delivery.

~~((e))~~ Beer and wine suppliers' ~~((price filings;))~~ contracts ~~((;))~~ and memoranda.

(a) Every domestic brewery, microbrewery, ~~((and))~~ domestic winery, certificate of approval holder, and beer and/or wine importer offering beer and/or wine for sale within the state and any beer and/or wine distributor who sells to other beer and/or wine distributors shall ~~((file with the board at its office in Olympia))~~ maintain at its liquor licensed location a price list and a copy of every written contract and a memorandum of every oral agreement which such brewery or winery may have with any beer or wine distributor, which contracts or memoranda shall contain ~~((a schedule of prices charged to distributors for all items and all terms of sale, including all regular and special discounts;))~~

(i) All advertising, sales and trade allowances, and incentive programs; and

(ii) All commissions, bonuses or gifts, and any and all other discounts or allowances.

(b) Whenever changed or modified, such revised contracts or memoranda shall ~~((forthwith))~~ also be ~~((filed with the board as provided for by rule. The provisions of this section also apply to certificate of approval holders, beer and/or wine importers, and beer and/or wine distributors who sell to other beer and/or wine distributors))~~ maintained at its liquor licensed location.

(c) Each price ~~((schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and))~~ list shall set forth all brands, types, packages, and containers of beer or wine offered for sale by such licensed brewery or winery ~~((all additional information required may be filed as a supplement to the price schedule forms)).~~

~~((b))~~ (d) Prices ~~((filed by))~~ of a domestic brewery, microbrewery, domestic winery, or certificate of approval holder shall be uniform prices to all distributors or retailers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be ~~((filed that is))~~ below acquisition/production cost ~~((plus ten percent of that cost, except that acquisition cost plus ten percent of acquisition cost does not apply to sales of beer or wine between a beer or wine importer who sells beer or wine to another beer or wine importer or to a beer or wine distributor, or to a beer or wine distributor who sells beer or wine to another beer or wine distributor. However, the board is empowered to review periodically, as it may deem appropriate, the amount of the percentage of acquisition/production cost as a minimum mark-up over cost and to modify such percentage by rule of the board, except such percentage shall be not less than ten percent)).~~

~~((c))~~ ~~((No))~~ (e) A domestic brewery, microbrewery, domestic winery, certificate of approval holder, beer or wine importer, or beer or wine distributor ~~((may sell or offer to sell any beer or wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board))~~ acting as a supplier to another distributor must file a distributor appointment with the board.

~~((d))~~ (f) No domestic brewery, microbrewery, domestic winery, or certificate of approval holder may sell or offer to sell any package or container of beer or wine to any distributor at a price differing from the price list for such package or container as shown in the ~~((schedule of prices filed by))~~ price list of the domestic brewery, microbrewery, domestic winery, or certificate of approval holder and then in effect, according to rules adopted by the board.

~~((c))~~ The board may reject any supplier's price filing, contract, or memorandum of oral agreement, or portion thereof that it deems to be in violation of this section or any rule or that would tend to disrupt the orderly sale and distribution of beer or wine. ~~Whenever the board rejects any such price filing, contract, or memorandum, the licensee submitting the price filing, contract, or memorandum may be heard by the board and shall have the burden of showing that the price filing, contract, or memorandum is not in violation of this section or a rule or does not tend to disrupt the orderly sale and distribution of beer or wine. If the price filing, contract, or memorandum is accepted, it shall become effective at a time fixed by the board. If the price filing, contract, or memorandum, or portion thereof, is rejected, the last effective price filing, contract, or memorandum shall remain in effect until such time as an amended price filing, contract, or memorandum is filed and approved, in accordance with the provisions of this section.~~

~~((f))~~ Prior to the effective date of the posted prices, all prices, contracts, and memoranda filed as required by this section constitute investigative information and shall not be subject to disclosure, pursuant to RCW 42.56.240(1-)).

NEW SECTION. Sec. 11. RCW 66.28.010 (Manufacturers, importers, distributors, and authorized representatives barred from interest in retail business or location--Advances prohibited--"Financial interest" defined--Exceptions) and 2008 c 94 s 5 are each repealed.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (227) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2040.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2040 and the bill passed the House by the following vote: Yeas, 92; Nays, 3; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Hasegawa, Hudgins and Morrell.

Excused: Representatives Flannigan and Shea.

ENGROSSED HOUSE BILL NO. 2040, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 2040.

ROGER GOODMAN, 45th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 2040.

MARK MILOSCIA, 30th District

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

SECOND READING

HOUSE BILL NO. 1021, by Representatives Campbell, Morrell and Moeller

Concerning prior notice of hospital surveys and audits. Revised for 2nd Substitute: Concerning notice of hospital audits.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1021 was substituted for House Bill No. 1021 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1021 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Campbell and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1021.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1021 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Shea.

SECOND SUBSTITUTE HOUSE BILL NO. 1021, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1081, by Representatives Wallace, Ericksen, Clibborn, Armstrong, Moeller and Jacks

Authorizing local improvement district financing of railroad crossing protection devices.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1081 was substituted for House Bill No. 1081 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1081 was read the second time.

Representative Herrera moved the adoption of amendment (224):

On page 5, line 33, after "children" insert "including any child care center that declines to pay representation fees or other fees in accordance with a union security provision"

On page 6, line 1, after "(c)" insert the following:

"The secretary of the department of social and health services' right to determine the child care centers that receive child care subsidies, except that the secretary is prohibited from barring a child care center from receiving child care subsidies because the center declines to pay representation fees or other fees in accordance with a union security provision;

(d)"

Reletter the sections consecutively and correct any internal references accordingly.

Representative Herrera spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (224) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Simpson spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1081.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1081 and the bill passed the House by the following vote: Yeas, 69; Nays, 26; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Ross, Schmick, Short, Walsh and Warnick.

Excused: Representatives Flannigan and Shea.

SECOND SUBSTITUTE HOUSE BILL NO. 1081, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2227, by Representatives Probst, Orwall, Santos, Nelson, Sullivan, Liias, Williams, Carlyle, Maxwell, Conway, Morrell, White, Goodman, Jacks, Kenney and Seaquist

Enacting the evergreen jobs act.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2227 was substituted for House Bill No. 2227 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2227 was read the second time.

With consent of the House, amendments (191), (226), (196), (097), (204) and (202) were withdrawn.

Representative Probst moved the adoption of amendment (195):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the 2009 American recovery and reinvestment act includes new investments in research and development for green industries, renewable energy production, and incentives for installation and use of renewable energy and energy efficiency retrofits. The legislature further finds that state level initiatives include additional incentives for installation of renewable energy and energy efficiency retrofits. These initiatives also include new incentives for production of renewable energy, so that the state is not only using renewable energy, but also becoming a major supplier of renewable energy to the world.

The legislature believes that these inputs will significantly increase demand for installation and production of renewable energy and energy efficiency retrofits. The legislature recognizes that this demand will cultivate job opportunities for Washington state residents during economic downturns when such opportunities are particularly valuable. However, the state's residents and economy may be unable to take full advantage of these opportunities if there is a shortage of workers with the skills needed for production and installation jobs in renewable energy and energy efficiency.

Therefore, the legislature intends that Washington state excel in the green economy by creating a highly skilled green jobs workforce. Furthermore, the legislature intends to establish an even stronger focus on skills for green jobs within existing education and training funds, and to direct any funds received from the 2009 American recovery and reinvestment act to an evergreen jobs initiative.

The legislature intends to establish the evergreen jobs initiative to ensure: That the state's workforce is prepared for the new green economy; that the state attracts investment and job creation in the green economy; that the state is a net exporter of green industry products and services, with special attention to renewable energy technology and components; and that Washington is a national and world leader in the green economy.

Sec. 2. RCW 43.330.310 and 2008 c 14 s 9 are each amended to read as follows:

(1) ~~((The legislature establishes a comprehensive green economy jobs growth initiative based on the goal of, by 2020, increasing the number of green economy jobs to twenty-five thousand from the eight thousand four hundred green economy jobs the state had in 2004.~~

~~(2))~~ The Washington state evergreen jobs initiative is established with the following primary goals:

(a) To create fifteen thousand new green economy jobs by 2020;

(b) To target thirty percent of these new jobs to veterans, members of the national guard, and low-income and disadvantaged populations;

(c) To create a coordinated effort across state agencies to draw down federal funds and deploy them in a focused, effective, and coordinated manner;

(d) To prepare the state's workforce to take full advantage of green economy job opportunities;

(e) To attract private sector investment that will result in job creation and expansion;

(f) To make the state a net exporter of green industry products and services, with special attention to renewable energy technology and components;

(g) To empower green job recruitment and training by local workforce development councils and associate development organizations by providing rapidly accessible funding and strong support from state agencies; and

(h) To capitalize upon partnership agreements already established in the governor's Washington works plan and the Washington workforce compact.

(2) The department and the workforce training and education coordinating board shall work with a working group including the state board for community and technical colleges, the employment security department, business, organized labor, workforce development councils, associate development organizations, and higher education to:

(a) Develop and maintain a regularly updated and prioritized list of projects across the state that will create green jobs and have long-term economic and environmental impact;

(i) To ensure that projects with high economic or environmental impact are strongly supported, the department, workforce training and education coordinating board, and the working group must develop a process and specific criteria for soliciting and evaluating evergreen jobs act priority projects, which may be proposed by organizations including associate development organizations and workforce development councils statewide. The evaluation criteria must include, but not be limited to, whether the project will:

(A) Create short-term jobs;

(B) Create long-term jobs;

(C) Position the state to become a major exporter of renewable energy technology and components;

(D) Strengthen the state's competitiveness in a targeted niche within the green economy; and

(E) Create lasting environmental benefits;

(ii) Projects that demonstrate the following characteristics shall be awarded additional points in the evaluation process:

(A) Compliance with the prevailing wage provisions of chapter 39.12 RCW or with area standard wages for public works as determined by the department of labor and industries;

(B) Employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations; and

(C) Quality and training standards that ensure that fifteen percent of the labor hours will be performed by apprentices.

(b) Accelerate and coordinate efforts to identify and secure any and all potential sources of funding, with a particular emphasis on funds available from the federal government under the 2009 American recovery and reinvestment act, to support evergreen jobs act priority projects and accomplish the additional goals of this initiative;

(c) Use the list of evergreen jobs act priority projects to inform and coordinate applications for federal funding, and to coordinate funding and implementation for local projects from multiple state agencies. This requirement for consultation and coordination among state agencies shall not be construed as a requirement for any agency to gain approval from another before allocating funding to the local level;

(d) Coordinate, streamline, and accelerate project support so that local associate development organizations and workforce development councils will be empowered to comprehensively and rapidly respond to job creation and workforce training opportunities. Each associate development organization and workforce development council shall report to the legislature annually regarding the effectiveness and timeliness of support provided by state agencies under this section and sections 3 through 5 of this act;

(e) Ensure that public utility district and community action agency weatherization projects similarly receive coordinated, streamlined, and accelerated state support, including a steady supply of appropriately skilled workers;

(f) Consult with the Washington State University energy extension program, when necessary, to determine which energy

efficiency and renewable energy improvement technologies are appropriate;

(g) Develop, track, and report performance metrics, including but not limited to:

(i) The number of new green jobs created each year;

(ii) The number of new green jobs created for veterans, members of the national guard, and low-income and disadvantaged populations;

(iii) Wage levels of jobs created;

(iv) The total amount of new federal funding secured and the respective amounts allocated to the state and local levels; and

(v) The timeliness of deployment of funding by state agencies to the local level;

(h) Focus on additional local projects or additional high employer-demand fields as necessary and report performance in these fields in the same manner described in (g) of this subsection;

(i) Provide a progress report to appropriate committees of the legislature on December 1, 2009, that includes:

(i) Methods to encourage the creation and expansion of businesses and jobs in the state's green economy;

(ii) Actions and accomplishments in securing funds from the federal government and other external sources;

(iii) Recommended performance metrics;

(iv) Actual performance outcomes to date; and

(v) A list of evergreen jobs act priority projects and actions taken to date on each;

(j) Provide quarterly performance reports thereafter to appropriate committees of the legislature that include, at a minimum, the following information:

(i) Performance metrics and actual performance outcomes to date;

(ii) The updated list of evergreen jobs act priority projects and actions taken to date on each;

(iii) A summary of actions taken to empower local organizations as required in (d) and (e) of this subsection; and

(iv) Reports from local associate development organizations and workforce development councils on the effectiveness and timeliness of state support for their efforts.

(3) The workforce training and education coordinating board, in consultation with the department, shall develop a plan or a series of plans to prioritize existing and new funding streams related to workforce training programs and education that lead to a credential, certificate, or degree in green economy jobs and increase capacity for associate development organizations and workforce development councils to respond to priority projects in the future.

(4) The department and workforce training and education coordinating board shall identify strategies to allocate and direct existing and new funding streams to workforce development councils and associate development organizations in a coordinated and efficient manner, to reduce local staff time needed to draw down funds, and to increase local capacity to respond rapidly and comprehensively to opportunities to attract green jobs to local communities.

(5) The department, in consultation with the employment security department, the state workforce training and education coordinating board, the state board ~~(of for)~~ for community and technical colleges, and the higher education coordinating board, shall develop a defined list of terms, consistent with current workforce and economic development terms, associated with green economy industries and jobs.

~~((3)(a))~~ (6) The employment security department, in consultation with the department, the state workforce training and education coordinating board, the state board for community and technical colleges, the higher education coordinating board, Washington State University small business development center, and the Washington State University extension energy program, shall conduct labor market research to analyze the current labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of green economy industry employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries.

~~((b)) The University of Washington business and economic development center shall: Analyze the current opportunities for and participation in the green economy by minority and women-owned business enterprises in Washington; identify existing barriers to their successful participation in the green economy; and develop strategies with specific policy recommendations to improve their successful participation in the green economy. The research may be informed by the research of the Puget Sound regional council prosperity partnership, as well as other entities. The University of Washington business and economic development center shall report to the appropriate committees of the house of representatives and the senate on their research, analysis, and recommendations by December 1, 2008.~~

~~((4))~~ (7) Based on the findings from subsection ~~((3))~~ (6) of this section, the employment security department, in consultation with the department and taking into account the requirements and goals of chapter 14, Laws of 2008 and other state clean energy and energy efficiency policies, shall propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy. The employment security department and the department shall take into account which jobs within green economy industries will be considered middle or high-wage occupations and occupations that are part of career pathways to the same, based on family-sustaining wage and benefits ranges. These designations, and the results of the employment security department's broader labor market research, shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board.

~~((5))~~ (8) The department shall identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270.

~~((6))~~ (9) The department, consistent with the priorities established by the state economic development commission, shall:

(a) Develop targeting criteria for existing investments, and make recommendations for new or expanded financial incentives and comprehensive strategies, to recruit, retain, and expand green economy industries and small businesses; and

(b) Make recommendations for new or expanded financial incentives and comprehensive strategies to stimulate research and development of green technology and innovation, including designating innovation partnership zones linked to the green economy.

~~((7))~~ (10) For the purposes of this section, "target populations" means (a) entry-level or incumbent workers ~~(in high-demand green industries)~~ who are in, or are preparing for, middle or high-wage high-demand occupations in the green economy; (b) dislocated workers in declining industries who may be retrained for middle or high-wage occupations in ~~(high-demand green industries)~~ the green economy; (c) ~~(dislocated agriculture, timber, or energy sector workers who may be retrained for high-wage occupations in high-demand green industries;~~ (d)) eligible veterans or national guard members; ~~((e))~~ (d) disadvantaged populations; or ((f)) (e) anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

~~((8))~~ (11) The legislature directs the state workforce training and education coordinating board to create and pilot green industry skill panels. These panels shall consist of business representatives from industry sectors related to clean energy, labor unions representing workers in those industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries, state and local veterans agencies, employer associations, educational institutions, and local workforce development councils within the region that the panels propose to operate, and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy

as identified in this section, for middle or high-wage occupations, or occupations that are part of career pathways to the same, within the relevant industry sector. The panel shall:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

(b) Plan strategies to meet the recruitment and training needs of the industry and small businesses; and

(c) Leverage and align other public and private funding sources.

~~((9))~~ (12) The ~~(green industries)~~ evergreen jobs ~~(training)~~ account is created in the state treasury. Funds deposited to the account may include gifts, grants, or endowments from public or private sources, in trust or otherwise. Moneys from the account must be utilized to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for the activities identified in this subsection. The state board for community and technical colleges, in consultation with the state workforce training and education coordinating board, informed by the research of the employment security department and the strategies developed in this section, may authorize expenditures from the account. The state board for community and technical colleges must distribute grants from the account on a competitive basis.

(a)(i) Allowable uses of these grant funds, which should be used when other public or private funds are insufficient or unavailable, may include:

(A) Curriculum development;

(B) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for middle or high-wage occupations in green industries;

(C) Workforce education to target populations; ~~(and)~~

(D) Adult basic and remedial education as necessary linked to occupation skills training; and

(E) Coordinated outreach efforts by institutions of higher education and workforce development councils.

(ii) Allowable uses of these grant funds do not include student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

(b) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

(i) Implementing effective education and training programs that meet industry demand; and

(ii) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

(c) In awarding grants from the ~~((green industries)) evergreen jobs ~~(training)~~ account~~, the state board for community and technical colleges shall give priority to applicants that demonstrate the ability to:

(i) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise utilize strategies developed by green industry ~~((skills ~~(skill))~~) skill panels~~;

(ii) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(iii) Work collaboratively with other relevant stakeholders in the regional economy;

(iv) Link adult basic and remedial education, where necessary, with occupation skills training;

(v) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(vi) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by organizations with direct access to and experience with the targeted population of workers.

(13) The definitions in this subsection apply throughout this section and sections 3 through 5 of this act unless the context clearly requires otherwise.

(a) "Apprentice" means an apprentice enrolled in an apprenticeship training program approved by the Washington state apprenticeship council.

(b) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities.

(c) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, and owners.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.50 RCW to read as follows:

(1) The college board shall prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs as established in chapter 14, Laws of 2008. For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts shall include but not be limited to:

(a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs. Any additional community and technical college high-demand funding authorized for the 2009-2011 fiscal biennium and thereafter is subject to prioritization; (b) increased outreach efforts to public utilities, education, labor and government, and private industry to develop tailored, green-job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(2) For purposes of this section, "target populations" means veterans, members of the national guard, and low-income and disadvantaged populations.

(3) The definitions in RCW 43.330.310(13) apply to this section.

NEW SECTION. Sec. 4. A new section is added to chapter 28C.18 RCW to read as follows:

(1) The board shall prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs as established in chapter 14, Laws of 2008. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts shall include but not be limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor and government, and private industry to develop tailored, green-job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(2) For purposes of this section, "target populations" means veterans, members of the national guard, and low-income and disadvantaged populations.

(3) The definitions in RCW 43.330.310(13) apply to this section.

NEW SECTION. Sec. 5. A new section is added to chapter 49.04 RCW to read as follows:

(1) The council shall prioritize workforce training programs that lead to apprenticeship programs in green economy jobs as established in chapter 14, Laws of 2008. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts shall include but not be limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor and government, and private industry to develop tailored, green-job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(2) For purposes of this section, "target populations" means veterans, members of the national guard, and low-income and disadvantaged populations.

(3) The definitions in RCW 43.330.310(13) apply to this section.

NEW SECTION, Sec. 6. This act may be known and cited as the evergreen jobs act."

Correct the title.

Representative Probst moved the adoption of amendment (245) to amendment (195):

On page 3, line 28 of the striking amendment, after "(b)" insert: "Create a more focused definition of green jobs, including but not limited to jobs that promote energy efficiency and conservation, sustainable materials, and production of alternative, sustainable energy, and report progress to the appropriate committees of the legislature.

(c)"

Renumber the subsections accordingly.

Representative Probst spoke in favor of the adoption of the amendment to amendment (195).

Amendment (245) to amendment (195) was adopted.

Representative Ericksen moved the adoption of amendment (203) to amendment (195):

On page 10, line 24 of the striking amendment, after "jobs" insert ", provided that the programs meet minimum criteria for identification as a high demand program of study as defined by the state board for community and technical colleges"

Representatives Ericksen, Kenney and Anderson spoke in favor of the adoption of the amendment to amendment (195).

Amendment (203) to amendment (195) was adopted.

Representative Rodne moved the adoption of amendment (225) to amendment (195):

On page 10, line 6 of the striking amendment, after "(b)" insert "(i) "Green economy jobs" includes jobs that are related to new technology developments in clean energy, including industries involving agriculture, forestry, wind, water, nuclear, solar, and biomass. These jobs include the manufacturing and servicing of parts and facilities used specifically in these industries.

(ii) "Green economy jobs" does not include: Government employees; property, real estate, and community-association employees; social and community service employees; accountants and auditors; appraisers and assessors of real estate; personal financial advisors; loan officers; computer support specialists; network computer systems administrators; statisticians; surveyors; economists; market research analysts; urban and regional planners; anthropologists and archaeologists; social science research assistants; life, physical, and social science technicians; social and human service assistants; lawyers; professors, teachers, or instructors at educational institutions; library workers; fine artists; interior designers; public relations specialists; editors; writers; firefighting prevention workers unless employed by a clean technology facility; janitors and cleaners; pest control workers; nonfarm animal caretakers; tour guides and escorts; utility meter readers; cement masons and concrete finishers; automotive body and related repairers; automotive service technicians and mechanics; bus and truck mechanics; mobile heavy equipment mechanics; mechanical door repairers; air traffic controllers; drivers of any type of fossil-fuel powered vehicle; traffic technicians; and cleaners of vehicles and equipment.

(c)"

Reletter the subsections consecutively and correct any internal references accordingly.

On page 10, line 18, after "2008." strike "For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, green building, green transportation, and environmental protection."

On page 11, line 5, after "2008." strike "For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, green building, green transportation, and environmental protection."

On page 11, line 24, after "2008." strike "For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, green building, green transportation, and environmental protection."

Representatives Rodne and Orcutt spoke in favor of the adoption of the amendment to amendment (195).

Representative Ormsby spoke against the adoption of the amendment to amendment (195).

Amendment (225) to amendment (195) was not adopted.

Representative Ericksen moved the adoption of amendment (229) to amendment (195):

On page 10, line 6, after "(b)" insert "Green economy jobs" means, but is not limited to: aerospace industry workers, machinists, sheet metal workers, heat and frost insulators, welders, fabricators, electrical workers, pipefitters, electricians, forest product workers, bricklayers, operating engineers, painters, mason, plumbers, mine workers, nursing industry workers, roofers, utility workers, farmworkers, agricultural equipment industry workers, and farmers.

(c)"

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Ericksen and DeBolt spoke in favor of the adoption of the amendment to amendment (195).

Representative Dunshee spoke against the adoption of the amendment to amendment (195).

Amendment (229) to amendment (195) was not adopted.

Amendment (195) as amended was adopted. The bill was order engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Probst spoke in favor of the passage of the bill.

POINT OF ORDER

Representative Ericksen: "Mr. Speaker, I rise to a point of order on impugning the motives with the line of 'playing around with politics here on the House floor.'"

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Ericksen, your point is well taken. The line is impugning the motives of members on the floor. Your remarks are out of order, Representative Probst but please continue. If you are out of order again, you will lose your speaking turn."

Representatives Probst (again), Anderson, Priest and Hunter spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2227.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2227 and the bill passed the House by the following vote: Yeas, 76; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Chandler, Condotta, Crouse, Ericksen, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Roach, Ross, Short, Walsh and Warnick.

Excused: Representatives Flannigan and Shea.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227.

KIRK PEARSON, 39th District

SECOND READING

HOUSE BILL NO. 1184, by Representative Chase

Extending the loan repayment period for municipally funded conservation projects.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chase and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1184.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1184 and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Chandler, DeBolt and Ericksen.

Excused: Representatives Flannigan and Shea.

HOUSE BILL NO. 1184, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1373, by Representatives Dickerson, Kagi, Green, Cody, Darneille, Dunshee, Roberts, Goodman, Appleton, Kenney, Orwall, Hurst, Moeller, Takko, Chase, Rolfes, Carlyle, Simpson, Nelson, Conway and Ormsby

Concerning children's mental health services.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1373 was substituted for House Bill No. 1373 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1373 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dickerson spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1373.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1373 and the bill passed the House by the following vote: Yeas, 66; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Short, Walsh and Warnick.

Excused: Representatives Flannigan and Shea.

SECOND SUBSTITUTE HOUSE BILL NO. 1373, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1701, by Representatives Hudgins, McCoy and Hasegawa

Authorizing the department of information services to engage in high-speed internet activities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1701 was substituted for House Bill No. 1701 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1701 was read the second time.

Representative Hudgins moved the adoption of amendment (220):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to pursue deployment and adoption of high-speed internet services in the state to promote economic development and the creation of green jobs, with the ultimate goal of making high-speed internet more readily available throughout the state.

NEW SECTION. Sec. 2. A new section is added to chapter 43.105 RCW to read as follows:

(1) The department is designated as an eligible entity for purposes of the broadband data improvement act, P.L. 110-385.

(2) The department is authorized to receive federal funds made available for broadband or high-speed internet purposes according to the provisions of the acts of congress making the funds available. Funds must be expended in accordance with federal and state law and any conditions contingent in the grant of those funds.

NEW SECTION. Sec. 3. A new section is added to chapter 43.105 RCW to read as follows:

(1) Subject to the availability of federal or state funding appropriated for this specific purpose, the department shall implement a high-speed internet deployment and adoption strategy on behalf of the state, beginning in areas with an uptake rate for high-speed internet below the state median. Implementation of the strategy may include:

(a) Developing an interactive web site to allow residents to self-report whether high-speed internet is available at their home or residence and at what speed;

(b) Soliciting and receiving gifts, grants, and bequests for high-speed internet deployment and adoption efforts; and

(c) Conducting a detailed survey of all high-speed internet infrastructure owned or leased by state agencies and creating a geographic information system map of all high-speed internet infrastructure owned or leased by the state.

(2) State agencies responding to a survey request from the department under subsection (1)(c) of this section shall respond in a reasonable and timely manner, not to exceed one hundred twenty days. State agencies, if surveyed, shall disclose to the department, at a minimum:

(a) The total bandwidth of high-speed internet infrastructure owned or leased;

(b) The cost of maintaining that high-speed internet infrastructure, if owned, or the price paid for the high-speed internet infrastructure, if leased; and

(c) The leasing entity, if applicable.

(3) The department may adopt rules as necessary to carry out the provisions of this section.

(4) For purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency.

NEW SECTION. Sec. 4. A new section is added to chapter 43.105 RCW to read as follows:

(1) The department is authorized, through a competitive bidding process, to procure on behalf of the state a geographic information system map detailing high-speed internet infrastructure, service availability, and adoption. This geographic information system map may include adoption information, availability information, type of high-speed internet deployment technology, and available speed tiers for high-speed internet based on publicly available form 477 aggregated data collected by the federal communications commission.

(2) The department may procure this map either by:

(a) Contracting for and purchasing a completed map from a third party; or

(b) Working directly with the federal communications commission to accept publicly available data based on form 477 data.

Sec. 5. RCW 43.105.350 and 2008 c 262 s 3 are each amended to read as follows:

(1) For purposes of ~~((compliance with section 2, chapter 262, Laws of 2008 or))~~ any ~~((subsequent))~~ state high-speed internet deployment and adoption initiative, the department of information services, the department of community, trade, and economic development, the utilities and transportation commission, and any other government agent or agency shall not ~~((gather or request any~~

~~information related to high-speed internet infrastructure or service from))~~ require providers of telecommunications or high-speed internet services ~~((that is))~~ to provide information related to high-speed internet infrastructure or service that may be classified by the provider as proprietary or competitively sensitive, but may accept, store, and use such information if voluntarily offered by the provider or if provided by the federal government to facilitate implementation of a high-speed internet deployment and adoption initiative.

(2) Nothing in this section may be construed as limiting the authority of a state agency or local government to gather or request information from providers of telecommunications or high-speed internet services for other purposes pursuant to its statutory authority."

Correct the title.

Representative Hudgins spoke in favor of the adoption of the amendment.

Amendment (220) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Crouse and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1701.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1701 and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta and Hinkle.

Excused: Representatives Flannigan and Shea.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1741, by Representatives Darneille, Quall, Lias, Santos, Van De Wege, Goodman, Dickerson, Jacks, Hurst, Haigh, Pettigrew, Kenney, Dammeier and Morrell

Expanding the list of crimes that require dismissal or certificate revocation for school employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1741 was substituted for House Bill No. 1741 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1741 was read the second time.

Representative Darneille moved the adoption of amendment (090):

On page 4, line 34, after "administrator," insert "Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted."

On page 9, beginning on line 31, strike all of section 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Darneille and Dammeier spoke in favor of the adoption of the amendment.

Amendment (090) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1741.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1741 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1747, by Representatives Rolfes, Chase, Upthegrove, Hasegawa, Eddy, Lias, Ormsby, Pedersen, Dunshee, McCoy, Morris, Carlyle, Dickerson, Hudgins, Moeller, Sells, Kenney, White and Nelson

Reducing climate pollution in the built environment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1747 was substituted for House Bill No. 1747 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1747 was read the second time.

Representative Rolfes moved the adoption of amendment (246):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

"NEW SECTION. Sec. 2. The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Department" means the department of community, trade, and economic development.

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

NEW SECTION. Sec. 3. (1) The department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5 of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group to inform the initial development of the strategic plan. Membership of the work group may include, but is not limited to, representatives from:

(a) A municipal code enforcement officer employed by a municipality;

(b) A residential builder, recommended by a statewide association representing residential contractors;

(c) A commercial builder, recommended by a statewide association representing commercial general contractors;

(d) An architect licensed in the state who is knowledgeable of environmentally sound building practices and standards, recommended by the American institute of architects Washington chapter;

(e) A professional engineer licensed in Washington state, recommended by a statewide association of structural engineers;

(f) A historic preservation representative, recommended by the Washington historic preservation commission, with experience implementing the state's standards for the treatment of historic properties;

(g) A conservation group working in energy efficiency;

(h) The Northwest power planning and conservation council;

(i) An investor-owned utility providing electricity service;

(j) An investor-owned utility providing natural gas service;

(k) A public utility district;

(l) A municipal electric utility;

(m) An electric cooperative;

(n) A representative of the energy services companies industry;

(o) A representative from the legal profession;

(p) A representative from a financial institution or entity familiar with municipal bonds;

(q) An electrical engineer licensed in Washington state, recommended by a statewide association of electrical engineers;

(r) A consulting design firm working on building renewable energy solutions;

(s) A representative from a labor union representing workers in energy or building and construction industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries;

(t) A representative of an equipment manufacturer;

(u) A mechanical HVAC engineer licensed in Washington state, recommended by a statewide association of mechanical HVAC engineers;

(v) A commercial or industrial developer, recommended by the national association of industrial office properties;

(w) A realtor, recommended by a statewide association of realtors;

(x) A construction materials supplier, recommended by a statewide aggregate and concrete association; and

(y) A rental housing property owner, recommended by a statewide multifamily housing association.

Sec. 4. RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ~~((No later than January 1, 1991,))~~ The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

~~(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework. ((The Washington state energy code shall be designed to)); and~~

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall ~~(require:~~

~~(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;~~

~~(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);~~

~~(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~(vi) Double glazed windows with values not more than U-0.4;~~

~~(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and~~

~~(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.~~

~~(b) New residential buildings which are space heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;~~

~~(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);~~

~~(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;~~

~~(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and~~

~~(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.~~

~~(c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.~~

~~(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.~~

(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better)) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

~~((6))~~ (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, ~~((1986))~~ 2006 edition, or as amended by the council by rule.

~~((7))~~ (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code ~~((and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990)).~~

~~((8))~~ (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ~~((The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.))~~ The director of the

department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

NEW SECTION. Sec. 6. (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any, of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

NEW SECTION. Sec. 7. By December 31, 2009, the department shall recommend to the legislature a methodology to

determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 8. (1) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(2) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(3) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of each reporting public facility available to the public through the portfolio manager web site.

(4) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(5) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(6) For each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(7) Schools are strongly encouraged to follow the provisions in subsections (1) through (6) of this section.

(8) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance rating score below fifty. The department of general administration shall establish a process to determine viability.

(9) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

NEW SECTION. Sec. 9. Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW."

Correct the title.

Amendment (246) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Rolfes spoke in favor of the passage of the bill.

Representative Crouse spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1747.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1747 and the bill passed the House by the following vote: Yeas, 70; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Ross, Schmick, Short, Walsh and Warnick.

Excused: Representatives Flannigan and Shea.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1747, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1938, by Representatives Roberts, Kagi, Angel, Walsh, Dunshee, Pettigrew, Green, Goodman, Haler and Kenney

Considering postadoption contact between siblings in adoption proceedings. Revised for 2nd Substitute: Concerning postadoption contact with siblings.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1938 was substituted for House Bill No. 1938 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1938 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1938.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1938 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler,

Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Shea.

SECOND SUBSTITUTE HOUSE BILL NO. 1938, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1939, by Representatives Takko, Armstrong, Morris, Springer, Eddy, Wood, Warnick, Ericksen, Sells, Kenney, Simpson, Moeller, Ormsby and Wallace

Concerning vehicle dealer documentary service fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1939 was substituted for House Bill No. 1939 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1939 was read the second time.

Representative Hinkle moved the adoption of amendment (250):

On page 2, beginning on line 17, after "sale." strike all material through "dollars" on line 18, and insert "(However, an amount not to exceed fifty dollars) A documentary fee"

On page 3, line 7, after "fee" strike all material through "dollars" and insert "(in an amount up to fifty dollars)"

Representatives Hinkle and Walsh spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (250) was not adopted.

Representative Takko moved the adoption of amendment (247):

On page 2, line 10, after "(a)" insert "(i)"

On page 2, line 17, after "sale." insert the following:

"(ii)"

On page 2, beginning on line 17, after "exceed" strike "one hundred fifty dollars" and insert "((fifty dollars)) the applicable amount provided in (iii)(A) and (B) of this subsection (2)(a)"

On page 2, after line 25, insert the following:

"(iii) A dealer may charge under (a)(ii) of this subsection:

(A) As of the effective date of this act through June 30, 2014, an amount not to exceed one hundred fifty dollars; and

(B) As of July 1, 2014, an amount not to exceed fifty dollars."

On page 3, line 7, after "amount" strike "up to one hundred fifty dollars" and insert "((up to fifty dollars)) provided in (iv)(A) and (B) of this subsection (2)(b)"

On page 3, line 8, after "cost" insert ":

(A) As of the effective date of this act through June 30, 2014, an amount up to one hundred fifty dollars; and

(B) As of July 1, 2014, an amount up to fifty dollars"

Representative Takko spoke in favor of the adoption of the amendment.

Representative Ericksen spoke against the adoption of the amendment.

Amendment (247) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko, Armstrong and Orcutt spoke in favor of the passage of the bill.

Representatives Hinkle and Williams spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1939.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1939 and the bill passed the House by the following vote: Yeas, 73; Nays, 22; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Clibborn, Condotta, Conway, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Carlyle, Chase, Cody, Cox, DeBolt, Dunshee, Hinkle, Hope, Kelley, Kretz, Miloscia, Nelson, Parker, Priest, Roach, Rodne, Ross, Short, Warnick and Williams.

Excused: Representatives Flannigan and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2198, by Representatives Hudgins, Hinkle, Van De Wege, Hasegawa, Takko, Jacks, Appleton, Williams, Chase, Eddy, Morris, Roberts and White

Requiring rental car businesses to have a sufficient number of child restraint systems available to their customers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2198 was substituted for House Bill No. 2198 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2198 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2198.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2198 and the bill passed the House by the following vote: Yeas, 75; Nays, 20; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Armstrong, Condotta, Cox, Crouse, Ericksen, Hope, Kretz, Kristiansen, McCune, Moeller, Orcutt, Pearson, Roach, Rodne, Schmick, Short, Walsh and Warnick.

Excused: Representatives Flannigan and Shea.

SUBSTITUTE HOUSE BILL NO. 2198, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2278, by Representatives Pettigrew, Chandler, Blake, Johnson, Bailey and Schmick

Concerning the sales and use tax exemption for livestock nutrient management equipment and facilities.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2278 was substituted for House Bill No. 2278 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2278 was read the second time.

Representative Pettigrew moved the adoption of amendment (265):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.08.890 and 2006 c 151 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales to eligible persons of:

(a) Qualifying livestock nutrient management equipment;
(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Labor and services rendered in respect to (~~operating,~~) repairing, cleaning, altering, or improving of qualifying livestock nutrient management (~~equipment and~~) facilities, or to (~~sales of~~) tangible personal property that becomes an ingredient or component of (~~the equipment and~~) qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the sale of or charge made for: (A) Labor and services rendered in respect to the constructing of new, or replacing previously existing, qualifying livestock nutrient management facilities; or (B) tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

(2)((a) To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a livestock nutrient management plan.

(b)) The exemption provided in subsection (1) of this section applies to sales made after the livestock nutrient management plan is: ((+)) (a) Certified under chapter 90.64 RCW; ((+)) (b) approved as part of the permit issued under chapter 90.48 RCW; or ((+)) (c) approved as required under subsection (4)(c)(iii) of this section.

(3)(a) The department of revenue must provide an exemption certificate to an eligible person upon application by that person. The department of agriculture must provide a list of eligible persons, as defined in subsection (4)(c)(i) and (ii) of this section, to the department of revenue. Conservation districts must maintain lists of eligible persons as defined in subsection (4)(c)(iii) of this section to allow the department of revenue to verify eligibility. The application must be in a form and manner prescribed by the department and must contain information regarding the location of the dairy or animal feeding operation and other information the department may require.

(b) A person claiming an exemption under this section must keep records necessary for the department to verify eligibility under this section. The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files. (4) The definitions in this subsection apply to this section and RCW 82.12.890 unless the context clearly requires otherwise: (a) "Animal feeding operation" means a lot or facility, other than an aquatic animal production facility, where the following conditions are met: (i) Animals, other than aquatic animals, have been, are, or will be stabled or confined and fed or maintained for a total of forty-five days or more in any twelve-month period; and (ii) Crops, vegetation, forage growth, or postharvest residues are not sustained in the normal growing season over any portion of the lot or facility.

(b) "Conservation district" means a subdivision of state government organized under chapter 89.08 RCW.

(c) "Eligible person" means a person: (i) Licensed to produce milk under chapter 15.36 RCW who has a certified dairy nutrient management plan, as required by chapter 90.64 RCW; (ii) who owns an animal feeding operation and has a permit issued under chapter 90.48 RCW; or (iii) who owns an animal feeding operation and has a nutrient management plan approved by a conservation district as meeting natural resource conservation service field office technical guide standards and who possesses an exemption certificate under RCW 82.08.855.

(d) ("~~Livestock nutrient management equipment and facilities~~" means machinery, equipment, and structures used in the handling and treatment of livestock manure, such as aerators, agitators, alley scrapers, augers, dams, gutter cleaners, loaders, lagoons, pipes, pumps, separators, and tanks. ~~The term also includes tangible personal property that becomes an ingredient or component of the equipment and facilities, including repair and replacement parts.~~

~~(e)) "Handling and treatment of livestock manure" means the activities of collecting, storing, moving, or transporting livestock manure, separating livestock manure solids from liquids, or applying livestock manure to the agricultural lands of an eligible person other than through the use of pivot or linear type traveling irrigation systems.~~

(e) "Permit" means either a state waste discharge permit or a national pollutant discharge elimination system permit, or both.

(f) "Qualifying livestock nutrient management equipment" means the following tangible personal property for exclusive use in the handling and treatment of livestock manure, including repair and replacement parts for such equipment: (i) Aerators; (ii) agitators; (iii) augers; (iv) conveyers; (v) gutter cleaners; (vi) hard-hose reel traveler irrigation systems; (vii) lagoon and pond liners and floating covers; (viii) loaders; (ix) manure composting devices; (x) manure spreaders; (xi) manure tank wagons; (xii) manure vacuum tanks; (xiii) poultry house cleaners; (xiv) poultry house flame sterilizers; (xv) poultry house washers; (xvi) poultry litter saver machines; (xvii) pipes; (xviii) pumps; (xix) scrapers; (xx) separators; (xxi) slurry injectors and hoses; and (xxii) wheelbarrows, shovels, and pitchforks.

(g) "Qualifying livestock nutrient management facilities" means the following structures and facilities for exclusive use in the handling and treatment of livestock manure: (i) Flush systems; (ii) lagoons; (iii) liquid livestock manure storage structures, such as concrete tanks or glass-lined steel tanks; and (iv) structures used solely for the dry storage of manure, including roofed stacking facilities.

Sec. 2. RCW 82.12.890 and 2006 c 151 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use by an eligible person of (~~tangible personal property that becomes an ingredient or component of livestock nutrient management equipment and facilities, as defined in RCW 82.08.890, or to labor and services rendered in respect to repairing, cleaning, altering, or improving eligible tangible personal property~~):

(a) Qualifying livestock nutrient management equipment;
(b) Labor and services rendered in respect to installing, repairing, cleaning, altering, or improving qualifying livestock nutrient management equipment; and

(c)(i) Tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities in the course of repairing, cleaning, altering, or improving of such facilities.

(ii) The exemption provided in this subsection (1)(c) does not apply to the use of tangible personal property that becomes an ingredient or component of qualifying livestock nutrient management facilities during the course of constructing new, or replacing previously existing, qualifying livestock nutrient management facilities.

~~(2)((a) To be eligible, the equipment and facilities must be used exclusively for activities necessary to maintain a livestock nutrient management plan.~~

~~(b)) The exemption applies to the use of tangible personal property ((or) and labor and services made after the livestock nutrient management plan is: ((+)) (a) Certified under chapter 90.64 RCW; ((+)) (b) approved as part of the permit issued under chapter 90.48 RCW; or ((+)) (c) approved as required under RCW 82.08.890(4)(c)(iii).~~

(3) The exemption certificate and recordkeeping requirements of RCW 82.08.890 apply to this section. The definitions in RCW 82.08.890 apply to this section."

Correct the title.

Representatives Pettigrew and Chandler spoke in favor of the adoption of the amendment.

Amendment (265) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2278.

Representative Hunter was excused from the bar.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2278 and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Williams.
Excused: Representatives Flannigan, Hunter and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2278, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1481, by Representatives Eddy, Crouse, McCoy, Haler, Carlyle, Armstrong, Hunt, White, Dunshee, Priest, Appleton, Orwall, Rolfes, Hudgins, Hinkle, Upthegrove, Clibborn, Morrell, Ormsby, Kenney, Maxwell, Dickerson and Pedersen

Regarding electric vehicles.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1481 was substituted for House Bill No. 1481 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1481 was read the second time.

With the consent of the House, amendment (256) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eddy and Crouse spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1481.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1481 and the bill passed the House by the following vote: Yeas, 71; Nays, 23; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Chandler, Condotta, Cox, Dammeier, DeBolt, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Parker, Pearson, Roach, Ross, Schmick, Short, Walsh and Warnick.

Excused: Representatives Flannigan, Hunter and Shea.

SECOND SUBSTITUTE HOUSE BILL NO. 1481, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1709, by Representatives Nelson, White, Cody, Carlyle, Orwall, McCoy, Darneille and Ormsby

Providing fee and installment plan assistance for borrowers at risk of default on small loans.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1709 was substituted for House Bill No. 1709 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1709 was read the second time.

Representative Nelson moved the adoption of amendment (257):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that some small loan borrowers are unable to pay the entire loaned amount when it is due. Many of these borrowers take out multiple loans to pay off the original borrowed sum.

It is the legislature's intent to reduce or limit the number of borrowers taking out multiple loans by providing for installment plans that give a borrower a better opportunity to pay off their original small loan without having to resort to taking out a subsequent loan or loans.

This act shall be liberally construed to effectuate the legislature's intent to protect borrowers.

Sec. 2. RCW 31.45.010 and 2003 c 86 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person that files an application for a license under this chapter, including the applicant's sole proprietor, owners, directors, officers, partners, members, and controlling persons.

(2) "Borrower" means a natural person who receives a small loan.

(3) "Business day" means any day that the licensee is open for business in at least one physical location.

(4) "Check" means the same as defined in RCW 62A.3-104(f) and, for purposes of conducting the business of making small loans, includes other electronic forms of payment, including stored value cards, internet transfers, and automated clearing house transactions.

(5) "Check casher" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of cashing checks, drafts, money orders, or other commercial paper serving the same purpose.

(6) "Check seller" means an individual, partnership, unincorporated association, or corporation that, for compensation, engages, in whole or in part, in the business of or selling checks, drafts, money orders, or other commercial paper serving the same purpose.

(7) "Collateral" means the same as defined in chapter 62A.9A RCW.

(8) "Controlling person" means a person owning or controlling ten percent or more of the total outstanding shares of the applicant or licensee, if the applicant or licensee is a corporation, and a member who owns ten percent or more of a limited liability company or limited liability partnership.

(9) "Default" means the borrower's failure to repay the small loan in compliance with the terms contained in the small loan agreement or note or failure to ~~((make payments in compliance with a loan payment plan))~~ pay any installment plan payment on an installment plan within ten days after the date upon which the installment was scheduled to be paid.

(10) "Director" means the director of financial institutions.

(11) "Financial institution" means a commercial bank, savings bank, savings and loan association, or credit union.

(12) "Installment plan" is a contract between a licensee and borrower that provides that the loaned amount will be repaid in substantially equal installments scheduled on or after a borrower's pay dates and no less than fourteen days apart.

(13) "Licensee" means a check casher or seller licensed by the director to engage in business in accordance with this chapter. For purposes of the enforcement powers of this chapter, including the power to issue cease and desist orders under RCW 31.45.110, "licensee" also means a check casher or seller who fails to obtain the license required by this chapter.

~~((+3))~~ (14) "Loaned amount" means the outstanding principal balance and any fees authorized under RCW 31.45.073 that have not been paid by the borrower.

(15) "Origination date" means the date upon which the borrower and the licensee initiate a small loan transaction.

~~((14))~~ (16) "Outstanding principal balance" of a small loan means any of the principal amount that has not been paid by the borrower.

~~((15))~~ (17) "Paid" means that moment in time when the licensee deposits the borrower's check or accepts cash for the full amount owing on a valid small loan. If the borrower's check is returned by the borrower's bank for insufficient funds, the licensee shall not consider the loan paid.

~~((16))~~ (18) "Person" means an individual, partnership, association, limited liability company, limited liability partnership, trust, corporation, and any other legal entity.

~~((17))~~ (19) "Principal" means the loan proceeds advanced for the benefit of the borrower in a small loan, excluding any fee or interest charge.

~~((18))~~ (20) "Rescission" means annulling the loan contract and, with respect to the small loan contract, returning the borrower and the licensee to their financial condition prior to the origination date of the loan.

~~((19))~~ (21) "Small loan" means a loan of up to the maximum amount and for a period of time up to the maximum term specified in RCW 31.45.073.

~~((20))~~ "Successive loans" means a series of loans made by the same licensee to the same borrower in such a manner that no more than three business days separate the termination date of any one loan and the origination date of any other loan in the series.

~~((21))~~ (22) "Termination date" means the date upon which payment for the small loan transaction is due or paid to the licensee, whichever occurs first.

~~((22))~~ (23) "Total of payments" means the principal amount of the small loan plus all fees or interest charged on the loan.

~~((23))~~ (24) "Trade secret" means the same as defined in RCW 19.108.010.

Sec. 3. RCW 31.45.073 and 2003 c 86 s 8 are each amended to read as follows:

(1) No licensee may engage in the business of making small loans without first obtaining a small loan endorsement to its license from the director in accordance with this chapter. An endorsement will be required for each location where a licensee engages in the business of making small loans, but a small loan endorsement may authorize a licensee to make small loans at a location different than the licensed locations where it cashes or sells checks. A licensee may have more than one endorsement.

(2) A licensee must set the due date of a small loan on or after the date of the borrower's next pay date. If a borrower's next pay date is within seven days of taking out the loan, a licensee must set the due date of a small loan on or after the borrower's second pay date after the date the small loan is made. The termination date of a small loan may not exceed the origination date of that same small loan by more than forty-five days, including weekends and holidays, unless the term of the loan is extended by agreement of both the borrower and the licensee and no additional fee or interest is charged. The maximum principal amount of any small loan, or the outstanding principal balances of all small loans made by ~~((a))~~ all licensees to a single borrower at any one time, may not exceed seven hundred dollars or thirty percent of the gross monthly income of the borrower, whichever is lower. A licensee is prohibited from making a small loan to a borrower who is in default on another small loan until thirty days after that loan is paid in full or two years have passed from the origination date of the small loan, whichever occurs first.

(3) A licensee is prohibited from making a small loan to a borrower in an installment plan with any licensee until thirty days after the plan is paid in full or two years have passed from the origination date of the installment plan, whichever occurs first.

(4) A borrower is prohibited from receiving more than eight small loans from all licensees in any twelve-month period. A licensee is prohibited from making a small loan to a borrower if making that small loan would result in a borrower receiving more than eight small loans from all licensees in any twelve-month period.

(5) A licensee that has obtained the required small loan endorsement may charge interest or fees for small loans not to exceed in the aggregate fifteen percent of the first five hundred dollars of

principal. If the principal exceeds five hundred dollars, a licensee may charge interest or fees not to exceed in the aggregate ten percent of that portion of the principal in excess of five hundred dollars. If a licensee makes more than one loan to a single borrower, and the aggregated principal of all loans made to that borrower exceeds five hundred dollars at any one time, the licensee may charge interest or fees not to exceed in the aggregate ten percent on that portion of the aggregated principal of all loans at any one time that is in excess of five hundred dollars. The director may determine by rule which fees, if any, are not subject to the interest or fee limitations described in this section. It is a violation of this chapter for any licensee to knowingly loan to a single borrower at any one time, in a single loan or in the aggregate, more than the maximum principal amount described in this section.

~~((4))~~ (6) In connection with making a small loan, a licensee may advance moneys on the security of a postdated check. The licensee may not accept any other property, title to property, or other evidence of ownership of property as collateral for a small loan. The licensee may accept only one postdated check per loan as security for the loan. A licensee may permit a borrower to redeem a postdated check with a payment of cash or the equivalent of cash. The licensee may disburse the proceeds of a small loan in cash, in the form of a check, or in the form of the electronic equivalent of cash or a check.

~~((5))~~ (7) No person may at any time cash or advance any moneys on a postdated check or draft in excess of the amount of goods or services purchased without first obtaining a small loan endorsement to a check casher or check seller license.

Sec. 4. RCW 31.45.084 and 2003 c 86 s 12 are each amended to read as follows:

(1) ~~((A licensee and borrower may agree to a payment plan for a small loan at any time. After four successive loans and prior to default upon the last loan, each))~~ If a borrower notifies a licensee that the borrower will be or is unable to repay a loan when it is due, the licensee must inform the borrower that the borrower may convert their small loan to ~~((a payment))~~ an installment plan. The licensee must convert the small loan to an installment plan at the borrower's request. Each agreement for a loan ~~((payment))~~ installment plan must be in writing and acknowledged by both the borrower and the licensee. ~~((The licensee may charge the borrower, at the time both parties enter into the payment plan, a one-time fee for the payment plan in an amount up to the fee or interest on the outstanding principal of the loan as allowed under RCW 31.45.073(3).))~~ The licensee may not assess any other fee, interest charge, or other charge on the borrower as a result of converting the small loan into ~~((a payment))~~ an installment plan. This ~~((payment))~~ installment plan must provide for the payment of the total of payments due on the small loan over a period not less than ~~((sixty))~~ ninety days ~~((in three or more payments, unless the borrower and licensee agree to a shorter payment period))~~ for a loan amount of up to and including four hundred dollars. For a loaned amount over four hundred dollars, the installment plan must be a period not less than one hundred eighty days. The borrower may pay the total of ~~((payments))~~ installments at any time. The licensee may not charge any penalty, fee, or charge to the borrower for prepayment of the loan ~~((payment))~~ installment plan by the borrower. Each licensee shall conspicuously disclose to each borrower in the small loan agreement or small loan note that the borrower has access to such ~~((a payment))~~ an installment plan ~~((after four successive loans))~~. A licensee's violation of such ~~((a payment))~~ an installment plan constitutes a violation of this chapter.

(2) The licensee ~~((may take))~~ must return any postdated checks that the borrower has given to the licensee for the original small loan at the initiation of the ~~((payment))~~ installment plan ~~((for the payments agreed to under the plan. If any check accepted by the licensee as payment under the payment plan is dishonored, the licensee may not charge the borrower any fee for the dishonored check)).~~

(3) ~~((If the borrower defaults on the payment plan, the licensee may initiate action to collect the total of payments under RCW 31.45.082.))~~ A licensee may take postdated checks for installment plan payments at the time the installment plan is originated. If any check accepted as payment under the installment plan is dishonored, the licensee may not charge the borrower any fee for the dishonored check. If a borrower defaults on the installment plan, the licensee

may charge the borrower a one-time ~~((payment))~~ installment plan default fee of twenty-five dollars.

(4) If the licensee enters into ~~((a payment))~~ an installment plan with the borrower through an accredited third party, with certified credit counselors, that is representing the borrower, the licensee's failure to comply with the terms of that ~~((payment))~~ installment plan constitutes a violation of this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 31.45 RCW to read as follows:

(1)(a) In addition to other disclosures required by this chapter, the application for a small loan must include a statement that is substantially similar to the following: "At the time you repay this loan, you should have sufficient funds to meet your other financial obligations. If you cannot pay other bills because you are paying off this debt, you should go into the installment plan offered in connection with this loan."

(b) The statement in (a) of this subsection must be on the front page of the loan application and must be in at least twelve point type.

(2) The director may adopt rules to implement this section.

NEW SECTION. Sec. 6. A new section is added to chapter 31.45 RCW to read as follows:

(1) The director must, by contract with a vendor or service provider or otherwise, develop and implement a system by means of which a licensee may determine:

(a) Whether a consumer has an outstanding small loan;

(b) The number of small loans the consumer has outstanding;

(c) Whether the borrower is eligible for a loan under RCW 31.45.073;

(d) Whether the borrower is in an installment plan; and

(e) Any other information necessary to comply with chapter 31.45 RCW.

(2) The director may specify the form and contents of the system by rule. Any system must provide that the information entered into or stored by the system is:

(a) Accessible to and usable by licensees and the director from any location in this state; and

(b) Secured against public disclosure, tampering, theft, or unauthorized acquisition or use.

(3) If the system described in subsection (1) of this section is developed and implemented, a licensee making small loans under chapter 31.45 RCW must enter or update the required information in subsection (1) of this section at the time that the small loan transaction is conducted by the licensee.

(4) A licensee must continue to enter and update all required information for any loans subject to chapter 31.45 RCW that are outstanding or have not yet expired after the date on which the licensee no longer has the license or small loan endorsement required by this chapter. Within ten business days after ceasing to make loans subject to chapter 31.45 RCW, the licensee must submit a plan for continuing compliance with this subsection to the director for approval. The director must promptly approve or disapprove the plan and may require the licensee to submit a new or modified plan that ensures compliance with this subsection.

(5) If the system described in subsection (1) of this section is developed and implemented, the director shall adopt rules to set the fees licensees shall pay to the vendor or service provider for the operation and administration of the system and the administration of this chapter by the department.

(6) The director shall adopt rules establishing standards for the retention, archiving, and deletion of information entered into or stored by the system described in subsection (1) of this section.

(7) The information in the system described in subsection (1) of this section is not subject to public inspection or disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 31.45 RCW to read as follows:

(1) The director must collect and submit the following information in a report to the financial services committees of the senate and house of representatives:

(a) The number of borrowers entered into an installment plan since the effective date of this section;

(b) How the number of borrowers in installment plans compares to the number of borrowers in installment plans in years previous to the effective date of this section;

(c) The number of borrowers who have defaulted since the effective date of this section;

(d) If known on the effective date of this section, how the number of borrowers who have defaulted compares to the number of borrowers who have defaulted in years previous to the effective date of this section; and

(e) Any other information that the director believes is relevant or useful.

(2) Failure to provide the director information required by this section is a violation of this chapter.

Sec. 8. RCW 42.56.230 and 2008 c 200 s 5 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law; ~~((and))~~

(5) Personal and financial information related to a small loan or any system of authorizing a small loan in section 6 of this act; and

(6) Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid.

NEW SECTION. Sec. 9. The director or the director's designee may take the actions necessary to ensure this act is implemented on its effective date.

NEW SECTION. Sec. 10. This act takes effect January 1, 2010."

Correct the title.

Representative Appleton moved the adoption of amendment (264) to amendment (257):

On page 3, beginning on line 21, strike all material on line 21 through 24 and insert the following:

~~"((20))~~(22) "Successive loan((s))" means a ~~((series of loans made by the same licensee to the same borrower in such a manner that no more than three business days separate the termination date of any one loan and the origination date of any other loan in the series))~~ loan made to a borrower within thirty days of when a previous small loan was paid."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, on line 26 after "(4)" strike all material through "period." on line 30 and insert "A licensee is prohibited from making a successive loan to a borrower."

Representative Appleton spoke in favor of the adoption of the amendment to amendment (257).

Representatives Ross and Kirby spoke against the adoption of the amendment to amendment (257).

Amendment (264) to amendment (257) was not adopted.

Representative Bailey moved the adoption of amendment (263) to amendment (257):

On page 4, line 19 of the amendment, after "until" strike "thirty days"
 On page 4, line 23 of the amendment, after "until" strike "thirty days"

Representatives Bailey and Kirby spoke in favor of the adoption of the amendment to amendment (257).

Amendment (263) to amendment (257) was adopted.

Amendment (257) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nelson and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1709.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1709 and the bill passed the House by the following vote: Yeas, 84; Nays, 10; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Appleton, Armstrong, DeBolt, Ericksen, Hinkle, Johnson, Kretz, Liias, Ross and Wallace.

Excused: Representatives Flannigan, Hunter and Shea.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2003, by Representatives Orwall, Sullivan, Quall, Priest and Maxwell

Changing professional educator standards board provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2003 was substituted for House Bill No. 2003 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2003 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2003.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2003 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Hunter and Shea.

SUBSTITUTE HOUSE BILL NO. 2003, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2147, by Representatives Liias, Pettigrew, Quall, McCoy, Chase and Kenney

Closing the achievement gap in order to provide all students an excellent and equitable education.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2147 was substituted for House Bill No. 2147 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2147 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Liias spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2147.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2147 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan, Hunter and Shea.

SUBSTITUTE HOUSE BILL NO. 2147, having received the necessary constitutional majority, was declared passed.

There being no objection, the following bills on the second reading calendar were returned to the Committee on Rules:

HOUSE BILL NO. 1543

HOUSE BILL NO. 1766
 HOUSE BILL NO. 1994
 HOUSE BILL NO. 1704
 HOUSE BILL NO. 2020
 HOUSE BILL NO. 1015
 HOUSE BILL NO. 2291

MATTHEW SHEA, 4th District

There being no objection, the House adjourned until 10:00 a.m.,
 March 10, 2009, the 58th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) thanked the House Interns and Cassidy Rehwaldt, Page Supervisor for their hard work during the evening floor session and asked the Chamber to acknowledge them.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bill were placed on the second reading calendar:

HOUSE BILL NO. 1147
 HOUSE BILL NO. 1172
 HOUSE BILL NO. 1197
 HOUSE BILL NO. 1419
 HOUSE BILL NO. 1496
 HOUSE BILL NO. 1517
 HOUSE BILL NO. 1560
 HOUSE BILL NO. 1646
 HOUSE BILL NO. 1663
 HOUSE BILL NO. 1691
 HOUSE BILL NO. 1698
 HOUSE BILL NO. 1714
 HOUSE BILL NO. 1744
 HOUSE BILL NO. 1760
 HOUSE BILL NO. 1796
 HOUSE BILL NO. 1808
 HOUSE BILL NO. 1819
 HOUSE BILL NO. 1836
 HOUSE BILL NO. 1879
 HOUSE BILL NO. 1920
 HOUSE BILL NO. 1985
 HOUSE BILL NO. 2042
 HOUSE BILL NO. 2075
 HOUSE BILL NO. 2078
 HOUSE BILL NO. 2138
 HOUSE BILL NO. 2242
 HOUSE BILL NO. 2250
 HOUSE BILL NO. 2283
 HOUSE BILL NO. 2285
 HOUSE BILL NO. 2295

There being no objection, the House advanced to the eleventh order of business.

STATEMENT FOR THE JOURNAL

Had I not been excused, I would have voted as indicated on the following bills:

NAY ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
 YEA ENGROSSED SUBSTITUTE HOUSE BILL NO. 1889,
 YEA ENGROSSED HOUSE BILL NO. 1986,
 NAY ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007,
 YEA ENGROSSED HOUSE BILL NO. 2040,
 YEA ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1021,
 NAY SECOND SUBSTITUTE HOUSE BILL NO. 1081,
 YEA SECOND SUBSTITUTE HOUSE BILL NO. 2227 (229),
 NAY ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227,
 NAY HOUSE BILL NO. 1184,
 NAY SECOND SUBSTITUTE HOUSE BILL NO. 1373,
 NAY ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701,
 YEA ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
 NAY ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1747,
 YEA SECOND SUBSTITUTE HOUSE BILL NO. 1938,
 NAY ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,
 NAY SUBSTITUTE HOUSE BILL NO. 2198,
 YEA ENGROSSED SUBSTITUTE HOUSE BILL NO. 2278,
 NAY SECOND SUBSTITUTE HOUSE BILL NO. 1481,
 YEA ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709,
 YEA SUBSTITUTE HOUSE BILL NO. 2003,
 YEA SUBSTITUTE HOUSE BILL NO. 2147,

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTY EIGHTH DAY

House Chamber, Olympia, Tuesday, March 10, 2009

March 9, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Alisa Lee and Audrey Eggleston. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Reuven Carlyle.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 9, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6048,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 5423,
SECOND SUBSTITUTE SENATE BILL NO. 5491,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5502,
SUBSTITUTE SENATE BILL NO. 5718,
SECOND SUBSTITUTE SENATE BILL NO. 5973,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5002,
SUBSTITUTE SENATE BILL NO. 5229,
SUBSTITUTE SENATE BILL NO. 5301,
SUBSTITUTE SENATE BILL NO. 5360,
SUBSTITUTE SENATE BILL NO. 5410,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449,
SUBSTITUTE SENATE BILL NO. 5480,
SENATE BILL NO. 5487,
SENATE BILL NO. 5498,
SENATE BILL NO. 5500,
SUBSTITUTE SENATE BILL NO. 5501,
SUBSTITUTE SENATE BILL NO. 5608,
ENGROSSED SENATE BILL NO. 5617,
SECOND SUBSTITUTE SENATE BILL NO. 5676,
SUBSTITUTE SENATE BILL NO. 5677,
ENGROSSED SENATE BILL NO. 5714,
SUBSTITUTE SENATE BILL NO. 5777,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5941,
SECOND SUBSTITUTE SENATE BILL NO. 5945,
SUBSTITUTE SENATE BILL NO. 6019,
SENATE BILL NO. 6053,
SENATE BILL NO. 6103,
SENATE JOINT MEMORIAL NO. 8013,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5879,
ENGROSSED SENATE BILL NO. 5925,
SENATE BILL NO. 5986,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5172,
SUBSTITUTE SENATE BILL NO. 5177,
SUBSTITUTE SENATE BILL NO. 5317,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 9, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5763, and the same is herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2307 by Representatives Kretz, Short, Blake and Ericks

AN ACT Relating to existing uses on highway rights-of-way; and amending RCW 47.32.120.

Referred to Committee on Transportation.

ESSB 5032 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Hobbs, Swecker, McCaslin, Shin, Berkey, Haugen, Hatfield, McAuliffe and Kilmer)

AN ACT Relating to the Washington code of military justice; amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760, 38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW.

Referred to Committee on Judiciary.

SB 5120 by Senators Fairley, McDermott and Holmquist

AN ACT Relating to agricultural structures; amending RCW 19.27.015 and 19.27.100; and adding a new section to chapter 19.27 RCW.

Referred to Committee on Local Government & Housing.

SB 5147 by Senators Kline and Rockefeller

AN ACT Relating to criminal libel; amending RCW 43.06A.085; and repealing RCW 9.58.010, 9.58.020, 9.58.030,

9.58.040, 9.58.050, 9.58.060, 9.58.070, 9.58.080, 9.58.090, and 10.37.120.

Referred to Committee on Judiciary.

SSB 5152 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Rockefeller, McDermott and Kohl-Welles)

AN ACT Relating to statutory construction; creating new sections; and providing an expiration date.

Referred to Committee on Judiciary.

SSB 5271 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, McDermott and Swecker)

AN ACT Relating to candidate filing; and amending RCW 29A.24.070, 29A.24.091, and 29A.80.041.

Referred to Committee on State Government & Tribal Affairs.

SSB 5285 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove, Kauffman and Stevens)

AN ACT Relating to guardians ad litem; and amending RCW 26.44.030, 13.34.100, 26.12.175, and 26.12.177.

Referred to Committee on Judiciary.

SSB 5295 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kline, Oemig, Rockefeller, Holmquist, King, Hatfield and Hobbs)

AN ACT Relating to the unanimous recommendations of the public records exemptions accountability committee; amending RCW 70.05.170, 42.56.380, 41.04.362, 28C.18.020, 79A.25.150, 42.56.330, and 42.56.250; reenacting and amending RCW 42.56.360; adding a new section to chapter 42.56 RCW; and repealing RCW 41.04.364.

Referred to Committee on State Government & Tribal Affairs.

SSB 5327 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, Swecker, Regala, McDermott and McAuliffe)

AN ACT Relating to technical corrections to election provisions; amending RCW 28A.343.300, 28A.343.600, 28A.343.640, and 35.02.086; adding a new section to chapter 29A.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

SB 5355 by Senator Haugen

AN ACT Relating to initial levy rates for rural county library districts; and amending RCW 27.12.040 and 27.12.050.

Referred to Committee on Local Government & Housing.

SB 5359 by Senators Oemig, Pridemore, Kline and McDermott

AN ACT Relating to identifying marks on ballots; and amending RCW 29A.36.111 and 29A.60.040.

Referred to Committee on State Government & Tribal Affairs.

SB 5374 by Senator Fairley

AN ACT Relating to the board of directors of an air pollution control authority; and amending RCW 70.94.100 and 70.94.120.

Referred to Committee on Local Government & Housing.

SSB 5402 by Senate Committee on Judiciary (originally sponsored by Senators Tom, Carrell, Shin, Delvin, Kline, Fraser, Roach, Kohl-Welles and Marr)

AN ACT Relating to prevention of animal cruelty; amending RCW 16.52.011, 16.52.085, and 16.52.200; and prescribing penalties.

Referred to Committee on Judiciary.

SB 5426 by Senators Kastama, Berkey and Fairley

AN ACT Relating to authorizing certain areas in cities or towns with a population greater than five thousand but less than ten thousand to annex to a fire protection district; and amending RCW 52.04.061, 52.04.071, 52.04.081, 52.04.091, 52.04.101, 52.04.111, 52.04.121, and 52.04.131.

Referred to Committee on Local Government & Housing.

SSB 5434 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, Holmquist, Kohl-Welles and Shin)

AN ACT Relating to prohibited practices in accountancy; and amending RCW 18.04.345.

Referred to Committee on Commerce & Labor.

SSB 5440 by Senate Committee on Transportation (originally sponsored by Senators Sheldon, Kauffman, Kline, Roach and McDermott)

AN ACT Relating to naming state ferries; and amending RCW 47.01.420.

Referred to Committee on State Government & Tribal Affairs.

SSB 5461 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Haugen)

AN ACT Relating to reserve account and study requirements for condominium associations; and adding a new section to chapter 64.34 RCW.

Referred to Committee on Judiciary.

SSB 5468 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Honeyford, McCaslin, Kilmer, King, Delvin, Jacobsen, Berkey and Shin)

AN ACT Relating to permitting an exemption for nonprofit housing organizations from the consumer loan act; and amending RCW 31.04.025.

Referred to Committee on Financial Institutions & Insurance.

SB 5482 by Senators Haugen and Swecker

AN ACT Relating to two-wheeled and three-wheeled vehicles; and amending RCW 46.04.304, 46.04.330, 46.04.336, 46.37.530, 46.44.050, 46.61.610, 46.61.688, and 46.61.710.

Referred to Committee on Transportation.

SB 5507 by Senators Marr and Brown

AN ACT Relating to protecting sole source aquifers by providing sewer utility service to mobile home parks; and amending RCW 35.67.370.

Referred to Committee on Local Government & Housing.

SSB 5539 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, Jarrett, McAuliffe, Pflug and Tom)

AN ACT Relating to the investment expenses of counties; and amending RCW 36.29.024.

Referred to Committee on Local Government & Housing.

SB 5542 by Senators Franklin, Delvin and Kohl-Welles

AN ACT Relating to members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001; and amending RCW 41.26.470.

Referred to Committee on Ways & Means.

SB 5547 by Senators Hargrove, Pflug, McAuliffe, Oemig, Marr, Fairley, Kauffman, Franklin, Parlette, Carrell, Haugen, Kilmer, Jarrett, Pridemore, Shin, Kohl-Welles, Murray, Regala and Keiser

AN ACT Relating to respite care for primary care providers of persons with developmental disabilities; and amending RCW 71A.12.161.

Referred to Committee on Human Services.

SSB 5556 by Senate Committee on Transportation (originally sponsored by Senators Kilmer, Carrell and Kauffman)

AN ACT Relating to toll enforcement for infractions detected through the use of a photo enforcement system; and reenacting and amending RCW 46.63.160.

Referred to Committee on Transportation.

SB 5580 by Senators Pridemore, Brandland, Oemig, Fraser, Shin, Ranker, Rockefeller, Kline, Hargrove, Kauffman, Jarrett, Kohl-Welles, Murray, Marr, McDermott and Tom

AN ACT Relating to the time limits of school impact fee expenditures; amending RCW 82.02.070; and adding a new section to chapter 82.02 RCW.

Referred to Committee on Local Government & Housing.

SB 5587 by Senator Pridemore

AN ACT Relating to authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines; reenacting and amending RCW 82.46.035; and providing an expiration date.

Referred to Committee on Local Government & Housing.

SSB 5665 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Benton, Franklin, Parlette, Hobbs and Shin)

AN ACT Relating to a joint self-insurance program for affordable housing entities; amending RCW 48.01.050; adding

a new chapter to Title 48 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

SB 5699 by Senators Franklin, Kline and Parlette

AN ACT Relating to the office of public guardianship; and amending RCW 2.72.030.

Referred to Committee on Judiciary.

SSB 5704 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Becker, Stevens and Roach)

AN ACT Relating to creation of a flood district by three or more counties; amending RCW 85.38.090; and adding a new section to chapter 85.38 RCW.

Referred to Committee on Local Government & Housing.

SSB 5723 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Shin and Swecker)

AN ACT Relating to providing support for small business assistance; amending RCW 28B.30.530 and 30.60.010; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on Community & Economic Development & Trade.

SSB 5727 by Senate Committee on Government Operations & Elections (originally sponsored by Senators McDermott, Oemig, Fairley, Sheldon, Shin and Roach)

AN ACT Relating to providing false information to voters; adding a new section to chapter 29A.84 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government & Tribal Affairs.

SSB 5732 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Regala and Hargrove)

AN ACT Relating to traffic infractions for drivers whose licenses or privileges are suspended or revoked; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

SSB 5734 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Delvin and Shin)

AN ACT Relating to tuition fees; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

SSB 5738 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators King, McAuliffe, Holmquist, Swecker, Oemig, Haugen, Kauffman, Honeyford and Tom)

AN ACT Relating to annual compliance reports; and creating a new section.

Referred to Committee on Education.

SB 5751 by Senators Murray, Pflug and Keiser

AN ACT Relating to issuance of licenses to practice dentistry; and reenacting and amending RCW 18.32.195.

Referred to Committee on Health Care & Wellness.

SSB 5760 by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Brandland, Zarelli, Shin, Kilmer and Kohl-Welles)

AN ACT Relating to the state universities' public works contracting procedures; adding a new section to chapter 28B.20 RCW; and adding a new section to chapter 28B.30 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 5793 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Schoesler, Hewitt, Honeyford and Morton)

AN ACT Relating to a single-occupancy farm conveyance; and amending RCW 70.87.010 and 70.87.200.

Referred to Committee on Commerce & Labor.

ESSB 5808 by Senate Committee on Government Operations & Elections (originally sponsored by Senator Fairley)

AN ACT Relating to the annexation of unincorporated areas served by fire protection districts; amending RCW 35.10.360, 35.10.365, 35.13.130, 35.13.215, and 35.13.225; adding new sections to chapter 35.13 RCW; adding a new section to chapter 35.103 RCW; adding new sections to chapter 35A.14 RCW; and adding a new section to chapter 35A.92 RCW.

Referred to Committee on Local Government & Housing.

SSB 5839 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Shin)

AN ACT Relating to the administration of irrigation districts; amending RCW 58.17.310, 87.03.460, and 89.12.050; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Local Government & Housing.

SSB 5882 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, McAuliffe, Regala, Shin and Kline)

AN ACT Relating to an evaluation of two recommendations made by the racial disproportionality advisory committee; adding a new section to chapter 13.34 RCW; and creating a new section.

Referred to Committee on Early Learning & Children's Services.

SSB 5891 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

AN ACT Relating to establishing a forum for testing primary care medical home reimbursement pilot projects; adding a new section to chapter 70.54 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Health Care & Wellness.

SB 5903 by Senators Keiser, McAuliffe and Hatfield

AN ACT Relating to public works contracts for residential construction; and amending RCW 39.12.030.

Referred to Committee on Commerce & Labor.

SSB 5904 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Prentice, Keiser, Franklin, Hobbs and Kline)

AN ACT Relating to defining independent contractor for purposes of prevailing wage; and adding a new section to chapter 39.12 RCW.

Referred to Committee on Commerce & Labor.

SB 5940 by Senator Honeyford

AN ACT Relating to publicly owned industrial wastewater treatment facilities; and amending RCW 70.146.070, 90.48.290, and 90.50A.030.

Referred to Committee on Agriculture & Natural Resources.

SB 5944 by Senators Ranker, Brandland, Hargrove, Morton, Haugen, Shin, Fraser, Pridemore, Kastama, Kilmer, Jacobsen, Rockefeller, Sheldon, Kauffman, Berkey, Kline, Hobbs and Marr

AN ACT Relating to Lake Whatcom phosphorus loading; adding a new section to chapter 90.71 RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

SB 5980 by Senators Oemig, Brandland and Fraser

AN ACT Relating to school plant funding; amending RCW 28A.335.230, 28A.525.040, 28A.525.090, 28A.525.162, 28A.525.166, and 28A.525.168; and creating a new section.

Referred to Committee on Capital Budget.

SSB 6009 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Kastama and Fairley)

AN ACT Relating to the protection of residents of long-term care facilities; and adding a new section to chapter 70.129 RCW.

Referred to Committee on Health Care & Wellness.

ESSB 6032 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey and Hobbs)

AN ACT Relating to exchange facilitators; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an expiration date.

Referred to Committee on Financial Institutions & Insurance.

ESB 6033 by Senators Berkey, Fairley, Kauffman, McAuliffe, Tom, Marr, Prentice, Shin, Fraser, Kohl-Welles, Eide, McDermott, Jarrett, Regala, Hobbs, Kline, Jacobsen, Murray, Franklin, Hatfield, Kilmer, Haugen, Hargrove and Sheldon

AN ACT Relating to creating the prevent or reduce owner-occupied foreclosure program; amending RCW 43.320.160, 43.320.165, and 43.320.170; and adding a new section to chapter 43.320 RCW.

Referred to Committee on Financial Institutions & Insurance.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2267, by Representatives Conway, Haigh, Hunt and Kenney

Protecting the collective bargaining rights of certain exempt employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2267 was substituted for House Bill No. 2267 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2267 was read the second time.

Representative Conway moved the adoption of amendment (242):

On page 5, line 19, after "RCW" insert ", or negotiated by the nonprofit public corporation formed under chapter 67.40 RCW"

On page 6, line 34, after "RCW" insert ", or negotiated by the nonprofit public corporation formed under chapter 67.40 RCW"

Representative Conway spoke in favor of the adoption of the amendment.

Amendment (242) was adopted.

Representative Bailey moved the adoption of amendment (184):

Beginning on page 7, line 36, strike all of section 3
Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (184) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Linville and Appleton spoke in favor of the passage of the bill.

Representatives Alexander, Anderson and Ericksen spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "Thank you, Mr. Speaker. I rise for a point of order. The bill before us, looking at the title, simply is about collective bargaining rights. Reciting horrific tragedies of job losses in our state which we all know in our districts, does not seem to pertain to the bill."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The Speaker believes that the good gentleman from the 42nd District is actually expressing his opposition to the bill. But I would ask of the representative to connect his remarks back to the original title. Representative Hudgins, your point is not well taken."

Representative Ericksen (again) spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2267.

MOTION

On motion of Representative Santos, Representatives Goodman and Quall were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2267 and the bill passed the House by the following vote: Yeas, 61; Nays, 34; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Roberts, Rolfes, Santos, Seauquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representatives Goodman and Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2267, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1009, by Representatives Morris, Chase, Liias, Anderson, Orcutt, Seauquist, Hudgins and Moeller

Extending the expiration dates for existing sales and use tax exemptions related to certain electricity generation.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1009 was substituted for House Bill No. 1009 and the second substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1009 was read the second time.

Representative Hunter moved the adoption of amendment (222):

Beginning on page 1, line 17, after "electricity" strike all material through "files" on page 2, line 2 and insert "~~((and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files))~~"

Representative Hunter spoke in favor of the adoption of the amendment.

Representative Haler spoke against the adoption of the amendment.

Amendment (222) was adopted.

Representative Hunter moved the adoption of amendment (248):

Beginning on page 1, line 17, after "electricity" strike all material through "files" on page 2, line 2 and insert "~~(and provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files)~~"

Representatives Hunter and Morris spoke in favor of the adoption of the amendment.

Representatives Haler, Chandler and DeBolt spoke against the adoption of the amendment.

The Speaker (Representative Moeller presiding) divided the House. The result was 62 – YEA; 34 – NAY.

Amendment (248) was adopted.

POINT OF ORDER

Representative DeBolt: "Mr. Speaker, I rise to a point of order. As we go through this process it is very important to me that this process work cleanly. We just had an amendment that where the House was clearly not divide, the question was clearly the amendment failed. If ever in the history since I've been here when the amendment failed it was just then. I understand that you do have the right and the ability to divide the question anytime you like, Mr. Speaker and I don't doubt your authority to do so, but Mr. Speaker, does this really just send a signal never, never ever will an amendment or the will of the minority ever have any say this body. So I really am in question of the process as a whole. I would just like your response."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The Speaker was in doubt of the result of the amendment."

Representative Chandler moved the adoption of amendment (239):

On page 2, line 7, after "sales tax" insert ", except a one hundred percent refund for state sales tax is provided for machinery, equipment, and labor and services used in the generation of electricity using wind as the principal source of power"

Representative Chandler spoke in favor of the adoption of the amendment.

Representative McCoy spoke against the adoption of the amendment.

Amendment (239) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Haler and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1009.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1009 and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Cody, Dickerson and Hasegawa.
Excused: Representative Quall.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1287, by Representatives Morris, Bailey, Ericks, Hinkle, Sullivan and Priest

Concerning sales and use tax exemptions in respect to aircraft used in intrastate commuter operations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morris, Bailey, Kagi and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1287.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1287 and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Hasegawa, Rolfes and Williams.

Excused: Representative Quall.

HOUSE BILL NO. 1287, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1435, by Representatives Condotta and Conway

Modifying licensing provisions for cigarettes and tobacco products.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1435 was substituted for House Bill No. 1435 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1435 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Condotta and Wood spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1435.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1435 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1435, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE HOUSE BILL NO. 1935, by House Committee on Health & Human Services Appropriations (originally sponsored by Representatives Morrell, Walsh, Cody, Orwall, Kenney, Bailey, Miloscia, Green, Kelley and Williams)

Concerning adult family homes.

Representative Morrell moved the adoption of amendment (164):

On page 4, line 10, after "chapter" strike "as for-profit businesses" and insert ", whether for-profit or nonprofit,"

On page 4, line 24, after "RCW" strike "as for-profit businesses" and insert ", whether for-profit or nonprofit,"

Representative Morrell spoke in favor of the adoption of the amendment.

Amendment (164) was adopted.

Representative Ericksen moved the adoption of amendment (166):

On page 2, beginning on line 32, strike all of sections 2 and 3

Renumber the sections consecutively and correct any internal references accordingly. Correct the title.

On page 4, line 24, after "RCW" strike all material through "RCW" on line 25 and insert "to provide services covered under chapter 70.128 RCW, except that the applicable governing documents may limit the operation of for-profit adult family homes if the governing documents prohibit the operation of all for-profit commercial activity on property under the association's jurisdiction"

Representatives Ericksen and Angel spoke in favor of the adoption of the amendment.

Representative Morrell spoke against the adoption of the amendment.

Amendment (166) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell, Green and Flannigan spoke in favor of the passage of the bill.

Representatives Ericksen, Walsh, Angel, Ericksen (again) and Klippert spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1935.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed. Second Substitute House Bill No. 1935 and the bill passed the House by the following vote: Yeas, 68; Nays, 28; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Walsh and Warnick.

Excused: Representative Quall.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2079, by Representatives Cody, Ericksen and Morrell

Concerning the office of financial management's access to health professional licensing information.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2079 was substituted for House Bill No. 2079 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2079 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2079.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2079 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall

SUBSTITUTE HOUSE BILL NO. 2079, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2126, by Representatives Orwall, Darneille, Nelson, Jacks, Hasegawa, Van De Wege, Liias and Kenney

Consolidating the cemetery board and the board of funeral directors and embalmers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2126 was substituted for House Bill No. 2126 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2126 was read the second time.

Representative Cody moved the adoption of amendment (213):

On page 3, line 23, after "have" strike "a connection with" and insert "worked in or received any substantive financial benefit from"

Representatives Cody and Condotta spoke in favor of the adoption of the amendment.

Amendment (213) was adopted.

Representative Bailey moved the adoption of amendment (233):

On page 14, beginning on line 26, strike all of section 27
Correct the title.

Representatives Bailey and Orwall spoke in favor of the adoption of the amendment.

Amendment (233) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Orwall and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2126.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2126 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2052, by Representative Cody

Delaying the implementation of the health insurance partnership.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2052 was substituted for House Bill No. 2052 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2052 was read the second time.

Representative Herrera moved the adoption of amendment (271):

On page 4, after line 4, insert the following:

"NEW SECTION. Sec. 5. A new section is added to chapter 70.47A RCW to read as follows:

The following acts or parts of acts are each repealed:

- (1) RCW 70.47A.010 (Finding--Intent) and 2007 c 260 s 1 & 2006 c 255 s 1;
- (2) RCW 70.47A.020 (Definitions) and 2008 c 143 s 1, 2007 c 260 s 2, & 2006 c 255 s 2;
- (3) RCW 70.47A.030 (Health insurance partnership established-- Administrator duties) and 2009 c --- s 1 (section 1 of this act), 2008 c 143 s 2, 2007 c 259 s 58, & 2006 c 255 s 3;
- (4) RCW 70.47A.040 (Applications for premium subsidies) and 2009 c --- s 2 (section 2 of this act), 2008 c 143 s 3, 2007 c 260 s 6, & 2006 c 255 s 4;
- (5) RCW 70.47A.050 (Enrollment to remain within appropriation) and 2007 c 260 s 12 & 2006 c 255 s 5;
- (6) RCW 70.47A.060 (Rules) and 2007 c 260 s 13 & 2006 c 255 s 6;
- (7) RCW 70.47A.070 (Reports) and 2009 c --- s 3 (section 3 of this act), 2008 c 143 s 4, & 2006 c 255 s 7;
- (8) RCW 70.47A.080 (Health insurance partnership account) and 2007 c 260 s 14 & 2006 c 255 s 8;
- (9) RCW 70.47A.090 (State children's health insurance program-- Federal waiver request) and 2006 c 255 s 9;
- (10) RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;
- (11) RCW 70.47A.110 (Health insurance partnership board-- Duties) and 2008 c 143 s 5 & 2007 c 260 s 5; and

(12) RCW 70.47A.900 (Captions not law--2006 c 255) and 2006 c 255 s 11.

NEW SECTION. Sec. 6. Section 5 of this act takes effect if specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by January 1, 2011, in the omnibus appropriations act."

Correct the title.

Representative Herrera spoke in favor of the adoption of the amendment.

Representative Cody spoke against the adoption of the amendment.

Amendment (271) was not adopted.

Representative Erickson moved the adoption of amendment (278):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.47A.010 and 2007 c 260 s 1 are each amended to read as follows:

(1) The legislature finds that many small employers struggle with the cost of providing employer-sponsored health insurance coverage to their employees, while others are unable to offer employer-sponsored health insurance due to its high cost. Low-wage workers also struggle with the burden of paying their share of the costs of employer-sponsored health insurance, while others turn down their employer's offer of coverage due to its costs.

(2) The legislature intends, through establishment of a health insurance partnership program, to remove economic barriers to health insurance coverage for smaller employers and their low-wage employees (of small employers) by (building on):

(a) Enacting reforms to the private sector (health benefit plan system) small group health insurance market to provide affordable health insurance options for employers and employees; and

(b) Encouraging employer and employee participation in employer-sponsored health benefit plan coverage by offering subsidies to low-wage employees of small employers.

Sec. 2. RCW 70.47A.020 and 2008 c 143 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the Washington state health care authority, established under chapter 41.05 RCW.

(2) ("~~Board~~" means the health insurance partnership board established in RCW 70.47A.100.

~~((3))~~ "Eligible partnership participant" means a partnership participant who:

(a) Is a resident of the state of Washington; ~~(and)~~

(b) Has family income that does not exceed two hundred percent of the federal poverty level, as determined annually by the federal department of health and human services; and

(c) Is employed by a small employer.

~~((4))~~ (3) "Health benefit plan" has the same meaning as defined in RCW 48.43.005.

~~((5))~~ "Participating small employer" means a small employer that has entered into an agreement with the partnership to purchase health benefits through the partnership. To participate in the partnership, an employer must attest to the fact that (a) the employer does not currently offer health insurance to its employees, and (b) at least fifty percent of the employer's employees are low-wage workers.

~~((6))~~ (4) "Partnership" means the health insurance partnership established in RCW 70.47A.030.

~~((7))~~ "Partnership participant" means a participating small employer and employees of a participating small employer, and, except to the extent provided otherwise in RCW 70.47A.110(1)(c), a former employee of a participating small employer who chooses to continue receiving coverage through the partnership following separation from employment.

~~((8))~~ (5) "Small employer" has the same meaning as defined in RCW 48.43.005.

~~((9))~~ (6) "Subsidy" or "premium subsidy" means payment or reimbursement to an eligible partnership participant toward the purchase of a health benefit plan, and may include a net billing arrangement with insurance carriers or a prospective or retrospective payment for health benefit plan premiums.

Sec. 3. RCW 70.47A.030 and 2008 c 143 s 2 are each amended to read as follows:

~~((+))~~ The health insurance partnership is established. To the extent funding is appropriated in the operating budget for ~~(this purpose, the health insurance partnership is established.)~~ providing premium subsidies to eligible partnership participants, the administrator shall be responsible for (the implementation and operation of the health insurance partnership.) determining eligibility for premium subsidies and administering subsidies directly or by contract~~((The administrator shall offer premium subsidies to eligible partnership participants))~~ under RCW 70.47A.040. ~~((The partnership shall begin to offer coverage no later than March 1, 2009.~~

~~(2) Consistent with policies adopted by the board under RCW 70.47A.110, the administrator shall, directly or by contract:~~

~~(a) Establish and administer procedures for enrolling small employers in the partnership, including publicizing the existence of the partnership and disseminating information on enrollment, and establishing rules related to minimum participation of employees in small groups purchasing health insurance through the partnership. Opportunities to publicize the program for outreach and education of small employers on the value of insurance shall explore the use of online employer guides. As a condition of participating in the partnership, a small employer must agree to establish a cafeteria plan under section 125 of the federal internal revenue code that will enable employees to use pretax dollars to pay their share of their health benefit plan premium. The partnership shall provide technical assistance to small employers for this purpose;~~

~~(b) Establish and administer procedures for health benefit plan enrollment by employees of small employers during open enrollment periods and outside of open enrollment periods upon the occurrence of any qualifying event specified in the federal health insurance portability and accountability act of 1996 or applicable state law. Except to the extent authorized in RCW 70.47A.110(1)(c), neither the employer nor the partnership shall limit an employee's choice of coverage from among the health benefit plans offered through the partnership;~~

~~(c) Establish and manage a system of collecting and transmitting to the applicable carriers all premium payments or contributions made by or on behalf of partnership participants, including employer contributions, automatic payroll deductions for partnership participants, premium subsidy payments, and contributions from philanthropies;~~

~~(d) Establish and manage a system for determining eligibility for and making premium subsidy payments under chapter 259, Laws of 2007;~~

~~(e) Establish a mechanism to apply a surcharge to each health benefit plan purchased through the partnership, which shall be used only to pay for administrative and operational expenses of the partnership. The surcharge must be applied uniformly to all health benefit plans purchased through the partnership. Any surcharge amount may be added to the premium, but shall not be considered part of the small group community rate, and shall be applied only to the coverage purchased through the partnership. Surcharges may not be used to pay any premium assistance payments under this chapter. The surcharge shall reflect administrative and operational expenses remaining after any appropriation provided by the legislature to support administrative or operational expenses of the partnership during the year the surcharge is assessed;~~

~~(f) Design a schedule of premium subsidies that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members based on a benchmark health benefit plan designated by the board. The amount of an eligible partnership participant's premium subsidy shall be determined by applying a sliding scale subsidy schedule with the percentage of premium similar to that developed for subsidized basic health plan enrollees under RCW 70.47.060. The subsidy shall be applied to the~~

employee's premium obligation for his or her health benefit plan, so that employees benefit financially from any employer contribution to the cost of their coverage through the partnership.

~~(3) The administrator may enter into interdepartmental agreements with the office of the insurance commissioner, the department of social and health services, and any other state agencies necessary to implement this chapter.)~~

Sec. 4. RCW 70.47A.040 and 2008 c 143 s 3 are each amended to read as follows:

(1) Beginning January 1, ~~((2009))~~ 2011, subject to sufficient state or federal funding being provided specifically for this purpose, the administrator shall accept applications from eligible partnership participants, on behalf of themselves, their spouses, and their dependent children, to receive premium subsidies through the health insurance partnership. Every effort shall be made to coordinate premium subsidies for dependent children with federal funding available under Title XIX and Title XXI of the federal social security act, consistent with the requirements established in RCW 74.09.470(4) for the employer-sponsored insurance program at the department of social and health services.

(2) The amount of an eligible partnership participant's premium subsidy shall be determined by applying the sliding scale subsidy schedule developed for the subsidized basic health plan enrollees under RCW 70.47.060 to the employee's premium obligation for his or her employer's health benefit plan.

(3) After an eligible partnership participant has enrolled in the partnership, the partnership shall issue subsidies in an amount determined pursuant to subsection (2) of this section to either the eligible employee or to the carrier designated by the eligible employee.

(4) An eligible partnership participant must agree to provide verification of continued enrollment in his or her small employer's health benefit plan on a semiannual basis or to notify the administrator whenever his or her enrollment status changes, whichever is earlier. Verification or notification may be made directly by the participant, or through his or her employer or the carrier providing the small employer health benefit plan. When necessary, the administrator has the authority to perform retrospective audits on premium subsidy accounts. The administrator may suspend or terminate a participant's participation in the partnership and seek repayment of any subsidy amounts paid due to the omission or misrepresentation of an applicant or enrolled employee. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources.

Sec. 5. RCW 70.47A.070 and 2008 c 143 s 4 are each amended to read as follows:

~~((The))~~ Upon implementation of the health insurance partnership program, the administrator shall report biennially~~((beginning November 1, 2010;))~~ to the relevant policy and fiscal committees of the legislature on the effectiveness and efficiency of the health insurance partnership program, including enrollment trends, the services and benefits covered under the purchased health benefit plans, consumer satisfaction, and other program operational issues.

Sec. 6. RCW 48.21.045 and 2008 c 143 s 6 are each amended to read as follows:

~~(1)((a))~~ An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. ((Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141,

~~48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.21.130 through 48.21.241, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted

community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus four percentage points from the overall adjustment of a carrier's entire small group pool ~~((, such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal.))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW~~((:~~

~~((i) Any surcharge established pursuant to RCW 70.47A.030(2)(c) shall be applied only to health benefit plans purchased through the health insurance partnership; and~~

~~((ii)), risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.~~

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.~~

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or

otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 7. RCW 48.44.023 and 2008 c 143 s 7 are each amended to read as follows:

~~((1))~~ (1) ~~((a))~~ A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~((b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.~~

~~((2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.341, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and

three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW ~~((:~~

~~((i) Any surcharge established pursuant to RCW 70.47A.030(2)(c) shall be applied only to health benefit plans purchased through the health insurance partnership; and~~

~~((ii))), risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.~~

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.~~

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 8. RCW 48.46.066 and 2008 c 143 s 8 are each amended to read as follows:

~~((1))~~ (1) ~~((a))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.~~

~~((b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.~~

~~((2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.291, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health

benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage,

benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW ~~((: (i) Any surcharge established pursuant to RCW 70.47A.030(2)(c) shall be applied only to health benefit plans purchased through the health insurance partnership; and~~

~~((iii))),~~ risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

~~((e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.~~

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

- (1) RCW 70.47A.100 (Health insurance partnership board) and 2007 c 260 s 4;
 - (2) RCW 70.47A.110 (Health insurance partnership board-- Duties) and 2008 c 143 s 5 & 2007 c 260 s 5; and
 - (3) 2007 c 260 s 11 (uncodified)."
- Correct the title.

POINT OF ORDER

Representative Green requested a scope and object ruling on amendment (278) to Substitute House Bill No. 2052.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Substitute House Bill 2052 is titled an act relating to "delaying the implementation of the health insurance partnership." It amends 3 sections of RCW 70.47A, the small employer health insurance partnership program, to delay its implementation until January 1, 2011, subject to sufficient funds.

Amendment (278) changes the structure of the health insurance partnership and modifies small group health benefit plans governed by Title 48 RCW.

The bill has a narrow scope and object – delaying implementation of the health insurance partnership. The amendment, which changes the structure of the partnership and the private small group health insurance market, clearly exceeds this narrow scope and object.

The point of order is well taken."

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representatives Hinkle, Herrera and Ericksen spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative Ericksen, would you please confine your remarks to the bill before us which is delaying the implementation of the health insurance partnership."

Representative Ericksen (again) spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "I rise for a point of order. The discussion before us is around delaying or not delaying the implementation of the health insurance premium. It doesn't have to do with any other questions that may have been before the House or are not presently before the House. It seems that the current speaker on the floor is not speaking to the delay or current implementation of the bill in front of us."

SPEAKER'S RULING

The Speaker (Representative Moeller presiding): "The Speaker would ask the good representative from the 42nd District to remember to discuss the bill and not attack persons. Your point is well taken."

POINT OF ORDER

Representative Anderson: "In terms of clarifying your ruling – what would you determine as a person? In hearing the argument, I am unclear as to the reference you were making to the good gentleman of the 42nd – the ruling was that he was attacking a person. I did not hear a person referenced in the debate so I am unsure. Could you clarify for me?"

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The argument is for persons, my correction."

Representative Ericksen (again) spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2052.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2052 and the bill passed the House by the following vote: Yeas, 62; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Morris, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 2052, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2254, by Representatives White, Dunshee and Kenney**Concerning construction financing for colleges and universities.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 2254 was substituted for House Bill No. 2254 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2254 was read the second time.

Representative White moved the adoption of amendment (200):

On page 2, line 24, after "university" insert "for paying debt service on bonds including university bonds under chapter 28B.140 RCW, chapter 28B.142 RCW, or RCW 28B.10.300 through 28B.10.335 issued for such purpose as authorized by the legislature."

Representative White spoke in favor of the adoption of the amendment.

Amendment (200) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives White and Dunshee spoke in favor of the passage of the bill.

Representatives Cox and Armstrong spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2254.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2254 and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Blake, Carlyle, Chase, Chopp, Clibborn, Cody, Dameille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Campbell, Chandler, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Flannigan, Haler, Hasegawa, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Walsh.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2279, by Representatives Hurst, Hope, Dunshee, Kelley and Roach

Addressing the offense of assault of a child in the first degree by requiring the review of the sentencing of offenders and modifying the conditions of release.

The bill was read the second time.

Representative Hope moved the adoption of amendment (216):

On page 1, after line 5 insert the following:

"NEW SECTION, Sec. 1. This act shall be known as the Eryk Woodruff public safety act of 2009."

On page 2, line 14, after "modification" insert "of the sentences"

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Hope and Hurst spoke in favor of the adoption of the amendment.

Amendment (216) was adopted.

Representative Hope moved the adoption of amendment (215):

On page 2, line 11, after "degree;" strike "and"

On page 2, line 12, after "(e)" insert "Consider the use of determinate plus sentencing that provides for a minimum and a maximum term of confinement for an offender convicted of assault of a child in the first degree; and
(f)"

Representatives Hope and Hurst spoke in favor of the adoption of the amendment.

Amendment (215) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst, Hope and Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2279.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2279 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

ENGROSSED HOUSE BILL NO. 2279, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2287, by Representatives Kessler and Van De Wege

Requiring state agencies to use one hundred percent recycled content paper. Revised for 1st Substitute: Concerning paper conservation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2287 was substituted for House Bill No. 2287 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2287 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Smith and Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2287.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2287 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 2287, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1419, by Representatives Kagi, Dickerson, Walsh, Roberts, Hunt and Appleton

Revising provisions affecting sexually aggressive youth.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1419 was substituted for House Bill No. 1419 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1419 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1419.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1419 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1419, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1808, by Representatives Hinkle, Morrell, Bailey, Green and Kelley

Creating an interdisciplinary work group with faculty from a paramedic training program and an associate degree nursing program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1808 was substituted for House Bill No. 1808 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1808 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hinkle, Morrell and Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1808.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1808 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall

SUBSTITUTE HOUSE BILL NO. 1808, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1879, by Representatives Jacks, Kagi, Moeller, Orcutt, Wallace, Appleton and Kenney

Providing for the delivery of educational services to children who are deaf and hearing impaired.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1879 was substituted for House Bill No. 1879 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1879 was read the second time.

Representative Jacks moved the adoption of amendment (261):

On page 13, line 4, after "impaired" insert "or deaf"

On page 13, line 9, after "about the" insert "deaf or"

Beginning on page 26, line 27, strike all of section 34, and insert the following:

"NEW SECTION. Sec. 34. (1) The board of trustees and the director of the center for childhood deafness and hearing loss shall implement a process for gathering information from stakeholders to examine service availability and gaps and to identify service delivery options, resources, and policy changes for the implementation and operation of two demonstration sites for regional programs serving children who are deaf or hard of hearing. One demonstration site shall be in an educational service district in eastern Washington. Information may be gathered through meetings conducted in educational service district regions and through other appropriate means, including the P-20 network and internet technologies. Stakeholders from whom information shall be solicited include, but are not limited to:

(a) The office of the superintendent of public instruction, including the Washington sensory disabilities services office;

(b) The office of deaf and hard of hearing services in the department of social and health services;

(c) Educational service district superintendents and school district superintendents;

(d) Parents of school-age children who are deaf or hard of hearing, including organizations advocating for the educational interests of all children who are deaf or hard of hearing without regard to any specific communication modality;

(e) Students who are deaf or hard of hearing;

(f) Adults who are deaf or hard of hearing;

(g) Nongovernmental entities providing educational services in the following communication modalities: Oral communication, manual communication, and total communication;

- (h) The department of health; and
 - (i) The department of early learning.
 - (2) Based on the information gathered from stakeholders, the board and the director of the center for childhood deafness and hearing loss shall develop a structure and plan for implementing regional education programs at two demonstration sites that:
 - (a) Are established within an educational service district and managed through shared governance by the school districts;
 - (b) Collaborate and partner with, enhance, and avoid duplication of existing and available services and programs, both public and private;
 - (c) Provide services at one or more central locations in the education service districts;
 - (d) Provide services to students in their resident districts, including students who are deaf or hard of hearing who may not qualify for special education services;
 - (e) Include educational and transportation services for children, consultation for teachers and staff, and outreach to families; and
 - (f) Support communication-rich learning environments and instruction of students in the full spectrum of communication modalities by qualified professionals, including American Sign Language, auditory oral education, total communication, and signed exact English.
 - (3) By December 1, 2010, the board and the director shall brief the legislature and the governor regarding the progress of implementing and operating the demonstration sites.
 - (4) This section expires January 1, 2011."
- On page 28, beginning on line 16, strike all of section 36. Correct the title.

Representative Jacks spoke in favor of the adoption of the amendment.

Amendment (261) was adopted.

By adoption of amendment (261), amendment (183) was out of order.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Jacks, Hales, Walsh, Orcutt and Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1879.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1879 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SECOND SUBSTITUTE HOUSE BILL NO. 1879, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2119, by Representatives Wallace, Carlyle, Sullivan, Morrell, Quall, Santos and Ormsby

Expanding dual credit opportunities.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2119 was substituted for House Bill No. 2119 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2119 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2119.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2119 and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Hasegawa, Orcutt, Shea and Smith. Excused: Representative Quall.

SECOND SUBSTITUTE HOUSE BILL NO. 2119, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

March 10, 2009

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE SENATE BILL NO. 5005,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5138,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560,
- SENATE BILL NO. 5562,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649,
- SUBSTITUTE SENATE BILL NO. 5724,
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5828,
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854,
- SUBSTITUTE SENATE BILL NO. 5921,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1374, by Representatives Dunshee and Warnick

Concerning the local government archives account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1374.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1374 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

HOUSE BILL NO. 1374, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1565, by Representatives Kirby, Kelley, Williams and Simpson

Expanding the scope of business continuity plans for domestic insurers. Revised for 1st Substitute: Addressing business continuity plans for domestic insurers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1565 was substituted for House Bill No. 1565 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1565 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1565.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1565 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1565, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2138, by Representatives Simpson and Chase

Concerning the use of surplus property for the development of affordable housing.

The bill was read the second time.

Representative Armstrong moved the adoption of amendment (283):

On page 2, line 1, after "cities," strike "towns, port districts, water-sewer districts, and public utility districts" and insert "and towns"

On page 6, beginning on line 7, strike all of section 4

On page 15, beginning on line 36, strike all of section 14

On page 18, beginning on line 29, strike all of section 15

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Armstrong and Simpson spoke in favor of the adoption of the amendment.

Amendment (283) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Armstrong spoke in favor of the passage of the bill.

Representative Angel spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2138.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2138 and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Armstrong, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Finn, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

ENGROSSED HOUSE BILL NO. 2138, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1597, by Representatives Springer and Hunter

Concerning the administration of state and local tax programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1597 was substituted for House Bill No. 1597 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1597 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Springer spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1597.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1597 and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Dameille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1597, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1753, by Representatives Hunter, Hunt, Green, Armstrong, Kessler, Appleton and Alexander

Regarding electronic filing of reports to the legislature and the governor.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and McCune spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1753.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1753 and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 1; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Chandler.

Absent: Representative Dickerson.

Excused: Representative Quall.

HOUSE BILL NO. 1753, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2105, by Representatives Cody and Morrell

Concerning diagnostic imaging services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2105 was substituted for House Bill No. 2105 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2105 was read the second time.

Representative Cody moved the adoption of amendment (214):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Advanced diagnostic imaging services" means magnetic resonance imaging services, computed tomography services, positron emission tomography services, cardiac nuclear medicine services, and similar new imaging services.

(2) "Authority" means the Washington state health care authority.

(3) "Payor" means public purchasers and carriers licensed under chapters 48.21, 48.41, 48.44, 48.46, and 48.62 RCW.

(4) "Public purchaser" means the department of social and health services, the department of health, the department of labor and industries, the authority, and the Washington state health insurance pool.

(5) "State purchased health care" has the same meaning as in RCW 41.05.011.

NEW SECTION. Sec. 2. (1) Consistent with the authority granted in RCW 41.05.013, the authority shall convene a work group to analyze and identify evidence-based best practice guidelines or protocols applicable to advanced diagnostic imaging services and any decision support tools available to implement the guidelines or protocols.

(2) The administrator of the authority shall appoint work group members, including at least:

- (a) One member of the authority's health technology clinical committee;
- (b) One representative of the Washington state medical association;
- (c) One representative of the Washington state radiological society;
- (d) One representative of the Puget Sound health alliance;
- (e) One representative of the Washington health care forum;
- (f) One representative of the Washington state hospital association;
- (g) One representative of health carriers as defined in chapter 48.43 RCW; and
- (h) One representative of each public purchaser.

(3) The work group shall:

(a) No later than July 1, 2009, identify evidence-based best practice guidelines or protocols and decision support tools applicable to advanced diagnostic imaging services to be implemented by all state purchased health care programs, except for state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005. When identifying the guidelines or protocols, the work group may consult with organizations such as the Minnesota institute for clinical systems improvement; and

(b) Explore the feasibility of using the guidelines or protocols for state purchased health care services that are purchased from or through health carriers and all payors in the state by January 1, 2011, for the reimbursement of advanced diagnostic imaging services.

(4) The work group may solicit such federal or private funds and in-kind contributions as may be necessary to complete its work in a timely fashion. However, no member of the work group shall be compensated for his or her service.

(5) The work group shall report its findings and recommendations to the governor and the appropriate committees of the legislature no later than July 1, 2009.

(6) The work group shall cease to exist on July 1, 2010.

NEW SECTION. Sec. 3. No later than September 1, 2009, all state purchased health care programs shall, except for state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, implement evidence-based best practice guidelines or protocols applicable to advanced diagnostic imaging services, and the decision support tools to implement the guidelines or protocols, identified under section 2 of this act.

NEW SECTION. Sec. 4. Any current or future time frames, procedures, rules, regulations, or guidance regarding accreditation requirements for advanced diagnostic imaging services established in, or promulgated pursuant to, section 135(a) of the medicare improvements for patients and providers act of 2008, shall also be applicable to any person or entity in this state not already subject to its provisions that receives payment for the furnishing of the technical component of advanced diagnostic imaging services as defined under that act.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 6. Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Representative Bailey moved the adoption of amendment (287) to amendment (214):

On page 3, beginning on line 9 of the amendment, strike all of section 5

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 3, after line 14 of the amendment, insert the following: "Correct the title."

Representative Bailey spoke in favor of the adoption of the amendment to amendment (214).

Representative Cody spoke against the adoption of the amendment to amendment (214).

Amendment (287) to amendment (214) was not adopted.

Amendment (214) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Ericksen, Liias spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2105.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2105 and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Hinkle, Hope, Johnson, Ross, Shea and Warnick.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1698, by Representatives Hudgins and McCoy

Creating a state broadband adoption and deployment authority. Revised for 2nd Substitute: Regarding broadband adoption and deployment.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1698 was substituted for House Bill No. 1698 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1698 was read the second time.

With the consent of the House, amendment (277) was withdrawn.

Representative McCoy moved the adoption of amendment (293):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares the following:

(1) The deployment and adoption of high-speed internet services and technology advancements enhances economic development and

public safety for the state's communities, as well as offering improved health care and access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents.

(2) Improvements in the deployment and adoption of high-speed internet services and the strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(3) The state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses. This includes ensuring digital inclusion in internet access, technology literacy, digital media literacy, and that all Washingtonians are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, or the size of the business or nonprofit organization.

(4) In light of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is essential the legislature create a broadband programs management structure to ensure development and implementation of statewide broadband strategies, with the ultimate goal of making high-speed internet service more readily available throughout the state, especially in areas with an uptake rate for high-speed internet below the state median.

NEW SECTION. Sec. 2. A new section is added to chapter 43.105 RCW to read as follows:

The department may continue the work of the high-speed internet strategy work group convened in 2008 by continuing to consult with representatives of telecommunications providers, technology companies, telecommunications unions, health care providers, community technology organizations, higher education, K-12 educators, and other relevant entities to implement high-speed internet deployment and adoption strategies, subject to available funding, that may include, but is not limited to:

(1) Developing programs to provide low-income families with reduced cost internet access or programs to provide low-cost internet access to nonprofit entities as suggested in the K-20 program;

(2) Securing additional funding for technology literacy, digital media literacy, and digital inclusion programs;

(3) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(4) Developing last-mile technology loan programs targeting small businesses or businesses located in underserved areas; and

(5) Establishing low-cost hardware, software, and internet purchasing programs such as including community technology organizations in state hardware and software purchasing programs.

NEW SECTION. Sec. 3. A new section is added to chapter 43.105 RCW to read as follows:

(1) The department may apply for and receive federal funding for the purposes of creating or supporting broadband adoption and deployment opportunities consistent with section 2 of this act.

(2) The department is designated as the single eligible entity in the state to receive federal funding for purposes of the broadband data improvement act, P.L. 110-385.

NEW SECTION. Sec. 4. A new section is added to chapter 43.105 RCW to read as follows:

Subject to the availability of federal or state funding appropriated for this specific purpose, the department must track residential, nonprofit organization, and business adoption of high-speed internet, computers, and related information technology through publicly available sources and must work with communities to identify barriers to the adoption of broadband services and related information technology services by individuals, nonprofit organizations, and businesses."

Correct the title

Representatives McCoy and Haler spoke in favor of the adoption of the amendment.

Amendment (293) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hudgins, Haler, Orcutt and Dunshee spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1698.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1698 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Warnick.

Excused: Representative Quall.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698.

JUDY WARNICK, 13th District

SECOND READING

HOUSE BILL NO. 1985, by Representatives Moeller and Pedersen

Concerning public health financing.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1985 was substituted for House Bill No. 1985 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1985 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Moeller, Hinkle and Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1985.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1985 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SECOND SUBSTITUTE HOUSE BILL NO. 1985, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1114, by Representatives Blake, Orcutt, Green, Springer, Van De Wege, Rolfes, McCune, Simpson, Goodman, Warnick and Conway

Regarding youth hunting privileges.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1114 was substituted for House Bill No. 1114 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1114 was read the second time.

Representative Hunter moved the adoption of amendment (013):

On page 1, line 14, after "age of" strike "fourteen" and insert "sixteen"

POINT OF ORDER

Representative Ericksen requested a scope and object ruling on amendment (113) to Substitute House Bill No. 1114.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Substitute House Bill 1114 is titled an act relating to "hunters under the age of fourteen." The bills requires that hunters under the age of fourteen be accompanied by an adult licensed hunter.

Amendment (013) applies this restriction to hunters under the age of sixteen. The amendment exceeds the scope of the bill as set forth in the title.

The point of order is well taken."

Representative Kretz moved the adoption of amendment (044):

On page 1, line 15, after "by a" strike "Washington-licensed hunter age eighteen or older" and insert "person age eighteen or older who has satisfied the requirement to complete a training course as provided in RCW 77.32.155, or who is not required by the terms of RCW 77.32.155 to complete a training course,"

Representatives Kretz and Blake spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

Amendment (044) was adopted.

Representative Kretz moved the adoption of amendment (045):

On page 1, line 16, after "hunting" insert "on land owned by a public entity"

Representatives Kretz, Klippert, Orcutt and Angel spoke in favor of the adoption of the amendment.

Representatives Blake, Takko and Liias spoke against the adoption of the amendment.

The Speaker (Representative Morris presiding) divided the House. The results was 49 – YEA; 47 – NAY.

Amendment (045) was adopted.

Representative Kretz moved the adoption of amendment (243):

On page 1, line 16, after "birds" insert "on land other than real property owned or under the control of the hunter's parents, other relative, or legal guardian"

Representatives Kretz and Blake spoke in favor of the adoption of the amendment.

With the consent of the House, amendment (243) was withdrawn.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake, Orcutt, Kagi, Warnick and Ericksen spoke in favor of the passage of the bill.

Representatives Kretz, Liias and Dickerson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1114.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1114 and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Angel, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Conway, Dammeier, Darneille, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Kristiansen, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Appleton, Armstrong, Condotta, Cox, Crouse, DeBolt, Dickerson, Ericksen, Haler, Hinkle, Hope, Johnson, Kessler, Klippert, Kretz, Liias, McCune, Moeller, Nelson, Parker, Ross, Schmick, Seaquist, Shea and Short.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114.

DAN ROACH, 31st District

SECOND READING

HOUSE BILL NO. 1751, by Representatives Kessler, Van De Wege, Takko, Kenney, Finn, Haigh and Blake

Concerning the time period during which sales and use tax for public facilities in rural counties may be collected.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1751 was substituted for House Bill No. 1751 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1751 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1751.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1751 and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen and Schmick.
Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1751, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE HOUSE BILL NO. 1751.

JOE SCHMICK, 9th District

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

HOUSE BILL NO. 1197, by Representatives Haigh, Kristiansen, Hunt and Armstrong

Regarding alternative public works contracting procedures.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt, Kristiansen and Haigh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 1197.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1197 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

HOUSE BILL NO. 1197, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1967, by Representatives White, Campbell, Nelson, Simpson, Williams, Wallace, Dunshee, Dickerson, Hunt, Ormsby and Sullivan

Prohibiting expansions of urban growth areas into one hundred year floodplains.

The bill was read the second time.

Representative White moved the adoption of amendment (201):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and ~~(RCW 36.70A.110)~~ under this section. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land

to be included in the urban growth area and located within the floodplain;

(B) Urban development already exists within a floodplain as of the effective date of this section and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area;

(C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on the effective date of this section."

Correct the title.

Representative White spoke in favor of the adoption of the amendment.

Amendment (201) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives White, Campbell and Dunshee spoke in favor of the passage of the bill.

Representatives Angel, Pearson and DeBolt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1967.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1967 and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

ENGROSSED HOUSE BILL NO. 1967, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2042, by Representatives Kenney, Parker, Hasegawa, Chase and Ormsby

Concerning the incentive in the motion picture competitiveness programs.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2042 was substituted for House Bill No. 2042 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2042 was read the second time.

Representative Bailey moved the adoption of amendment (281):

On page 3, beginning on line 10, strike all of section 2
Correct the title.

Representatives Bailey spoke in favor of the adoption of the amendment.

Representatives Orcutt and Kenney spoke against the adoption of the amendment.

Amendment (281) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney, Smith, Van De Wege, Parker and Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2042.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2042 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 2042, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1914, by Representatives Sullivan, Kenney, Simpson and Nelson

Regarding eligibility for higher education institutions' maintenance and operations funding.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1914 was substituted for House Bill No. 1914 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1914 was read the second time.

Representative Dammeier moved the adoption of amendment (234):

On page 1, line 12, strike "current or future"
On page 1, line 13, after "approved" insert "for fiscal year 2008 or thereafter"

Representatives Dammeier, Alexander and Chandler spoke in favor of the adoption of the amendment.

Representatives Sullivan spoke against the adoption of the amendment.

Amendment (234) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Priest and Nelson spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1914.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1914 and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith and Warnick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1914, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1379, by Representatives Seaquist, Angel and Lias

Regarding moratoria and other interim official controls adopted under the shoreline management act.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1379 was substituted for House Bill No. 1379 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1379 was read the second time.

Representative Seaquist moved the adoption of amendment (114):

On page 2, line 17, after "for" strike "one" and insert "two" and after "six-month" strike "period" and insert "periods"
On page 2, line 18, after "before" strike "the" and insert "each"

Representative Springer spoke in favor of the adoption of the amendment.

Amendment (114) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Seaquist spoke in favor of the passage of the bill.

Representative Short spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1379.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1379 and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1776, by Representatives Ericks, Haigh, Priest, Hunter, Liias, Sullivan, Pedersen, Maxwell, White and Kenney

Changing school levy provisions.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1776 was substituted for House Bill No. 1776 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1776 was read the second time.

Representative Orcutt moved the adoption of amendment (298):

On page 5, beginning on line 15, strike all of sections 2 and 3 Renumber the remaining section consecutively, correct any internal references accordingly, and correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

Amendment (298) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Dammeier and Priest spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1776.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1776 and the bill passed the House by the following vote: Yeas, 88; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Crouse, Hinkle, Orcutt, Roach, Shea and Warnick.

Excused: Representative Quall.

SUBSTITUTE HOUSE BILL NO. 1776, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

HOUSE BILL NO. 2122, by Representatives Kessler, Blake, Ericks, Takko, Wallace, Morris, Liias, Hunt, Kelley, Quall, Sullivan and Van De Wege

Reducing the business and occupation tax burden on the newspaper industry.

The bill was read the second time.

Representative Orcutt moved the adoption of amendment (238):

On page 8, beginning on line 9, strike all of subsection (14) and insert the following:

"(14) Upon every person engaging within this state in the business of printing or publishing weekly, semimonthly, or monthly newspapers, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent."

On page 8, beginning on line 16, after "(1)" strike "Printing materials other than newspapers, and of publishing ((~~newspapers~~),) periodicals(;) or magazines;" and insert "Printing, and of publishing newspapers, periodicals, or magazines, except printing or publishing newspapers described in RCW 82.04.260(14);"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

Amendment (238) was not adopted.

Representative Kessler moved the adoption of amendment (291):

On page 8, beginning on line 9, strike all of subsection (14) and insert the following:

"(14) Upon every person engaging within this state in the business of printing a newspaper, publishing a newspaper, or both, the amount of tax on such business is equal to the gross income of the business multiplied by the rate of 0.2904 percent."

Representative Kessler spoke in favor of the adoption of the amendment.

Representative Orcutt spoke against the adoption of the amendment.

Amendment (291) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Hunter and Johnson spoke in favor of the passage of the bill.

Representatives Orcutt and Herrera spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Herrera, the Speaker would like to remind you that the question before the House is reducing the business and occupation tax burden on the newspaper industry. A statement should be for that against it. The Speaker would remind that a reason for voting against it would be that it doesn't do enough for tax breaks and it should be extended to a large group of folks. Arguing that you should be for it and then arguing that you should do more is not necessarily germane to debate."

Representatives Herrera (again) and Hasegawa spoke against the passage of the bill.

Representatives Anderson, Carlyle, Pearson and Klippert spoke in favor of the passage of the bill.

Representative Ross demanded the previous question and the demand was sustained.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2122.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2122 and the bill passed the House by the following vote: Yeas, 91; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chopp, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Bailey, Chandler, Chase, Hasegawa and Orcutt.

Excused: Representative Quall.

ENGROSSED HOUSE BILL NO. 2122, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1517, by Representatives Darneille, Green, Dickerson, Goodman, Ormsby, Roberts, Flannigan, Pedersen, Appleton, Upthegrove, Simpson, Hasegawa, Chase, Liias, Miloscia, Kagi, Hudgins, Hunt, Santos, Wood, Moeller, Williams, Kenney, Carlyle, Nelson and Quall

Changing requirements for the restoration of the right to vote for people convicted of felonies.

The bill was read the second time.

There being no objection, the substitute bill from the Committee on State Government & Tribal Affairs was not adopted.

With the consent of the House, amendment (294) was withdrawn.

Representative Ross moved the adoption of amendment (295):

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. Under law it is clear that persons convicted of a felony who have not met all of their conditions of custody, including paying restitution to their victims, are not allowed to legally vote in our state. When these persons vote, it calls into question the integrity of our system and oftentimes results in an illegal voter cancelling out the vote of law-abiding citizens. It is the intent of the legislature to make certain that the voter rolls in our state are maintained and updated so as to ensure that our election system is preserved.

The office of the secretary of state shall review current practices for purging illegal voters from the statewide voter registration database and make any necessary changes to follow current law and further enhance the integrity of our election system."

Correct the title.

Representatives Ross and Armstrong spoke in favor of the adoption of the amendment.

Representative Hunt spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be adoption of amendment (295) to House Bill No. 1517.

ROLL CALL

The Clerk called the roll on the adoption of amendment (295) to House Bill No. 1517 and the amendment was not adopted by the House by the following vote: Yeas, 43; Nays, 52; Absent, 1; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Walsh and Warnick.

Voting nay: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Wood.

Absent: Mr. Speaker.

Excused: Representative Quall.

Amendment (295) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille, Simpson, Pettigrew, O'Brien, Dickerson, Hunt and Ericks spoke in favor of the passage of the bill.

Representatives Armstrong, Klippert, Angel, Kristiansen, Kretz, Dammeier, Orcutt and Parker spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1517.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1517 and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Carlyle, Chase, Chopp, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Flannigan.

HOUSE BILL NO. 1517, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 10, 2009

HB 2029 Prime Sponsor, Representative Ericks: Concerning enhanced 911 emergency communications service. Reported by Committee on Finance

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Technology, Energy & Communications. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member Parker, Assistant Ranking Minority Member.

March 9, 2009

SB 5452 Prime Sponsor, Senator Kauffman: Increasing the debt limit of the housing finance commission. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; Orwall; Smith and White.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Anderson and McCune.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated except for HOUSE BILL NO. 2029 which was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1165
HOUSE BILL NO. 1199
HOUSE BILL NO. 1422
HOUSE BILL NO. 1450
HOUSE BILL NO. 1487
HOUSE BILL NO. 1571
HOUSE BILL NO. 1591
HOUSE BILL NO. 1722
HOUSE BILL NO. 1774
HOUSE BILL NO. 1778
HOUSE BILL NO. 1822
HOUSE BILL NO. 1931
HOUSE BILL NO. 1954
HOUSE BILL NO. 1965
HOUSE BILL NO. 2107

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 11, 2009, the 59th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

FIFTY NINTH DAY

House Chamber, Olympia, Wednesday, March 11, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jessica Bowman and Abdul Conteh. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Lieutenant Colonel Timothy Bedsole, Deputy Chaplain for First Corps and Fort Lewis.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) acknowledged four neighbors from Fort Lewis who were leaving on Friday for a one-year tour in Iraq. Seated on the rostrum were: Brigadier General Peter Bayer, Chief Of Staff for I First Corps and Fort Lewis; Lieutenant Colonel Timothy Bedsole; Deputy Chaplain for I First Corps and Fort Lewis; Captain Dan Futrell, Aide-De-Camp to General Bayer; and Command Sergeant Major Daniel Verbeke, 593rd Sustainment Brigade

The Speaker (Representative Moeller presiding) also acknowledged Lieutenant Colonel Nicholas Lorusso, Fort Lewis Deputy Staff Judge Advocate; a Mobilized Army Reservist, and also a member from the 94th District in the Louisiana State Legislature.

The Speaker (Representative Moeller presiding) also acknowledged the family members who would be remaining in Washington State: Mrs. Lhoryn Bayer, wife of General Bayer; Mrs. Tammie Bedsole, wife Of Lieutenant Colonel Bedsole; Ms. Bethany Bedsole, daughter of Lieutenant Colonel Bedsole; Mrs. Oriana Futrell, wife of Captain Futrell and Legislative Assistant to Representative Seaquist; Ms. Jeanie Dimico, Family Readiness Support Assistant, 593rd Support Brigade.

The Speaker (Representative Moeller presiding) asked the Chamber to acknowledge their guests and their families.

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) recognized a delegation celebrating Dairy Day: Eryn Edwards, 2009 Washington State Dairy Ambassador of Olympia and Dairy Ambassador; Alternates Adrienne Schoenbachler of Stanwood and Trisha Dykstra of Burlington.

The Speaker (Representative Moeller presiding) welcomed representatives from the Dairy Ambassador Committee, Washington State Dairy Women, Dairy Farmers Of Washington, Washington State Dairy Federation Washington State Dairy Products Commission and County Dairy Ambassadors from all around the State.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4631, by Representatives Wallace, Angel, Warnick, Hasegawa, Goodman, Kenney, Dammeier, Sells, Johnson, Cox, Probst, Jacks, Hope, Campbell, Orwall, Hunt, Maxwell, Finn, Morrell, Quall, and Conway

WHEREAS, The Washington State Achievers Scholarship Program was founded in 2000 to assist high school students striving for higher education; and

WHEREAS, The Achievers Scholarship Program was created through a collaborative effort by the Bill & Melinda Gates Foundation and the College Success Foundation; and

WHEREAS, Sixteen high schools in Washington are Achievers schools with a focus on preparing students for a college education with mentors and scholarship opportunities; and

WHEREAS, The Achievers Scholarship Program aims to create a positive environment and provide funding for children of low-income families to attend college; and

WHEREAS, The Achievers Scholarship Program works actively with teachers to enforce the three Rs: Rigor in courses, relevance of the courses and coursework, and relationships in creating a college-going culture; and

WHEREAS, Before the creation of the program, only nine percent of children from low-income families earned a bachelor's degree; and

WHEREAS, Seventy-five percent of the participants in the Achievers Scholarship Program are expected to receive a bachelor's degree; and

WHEREAS, The Achievers Scholarship Program is a highly successful effort to increase college enrollment of students in Washington and has earned recognition for its contributions to education and youth;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives support the role of the Washington State Achievers Scholarship Program; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to all sixteen Achievers' high schools, the Bill & Melinda Gates Foundation, and the College Success Foundation.

HOUSE RESOLUTION NO. 4631 was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Representative Moeller presiding) recognized Washington State Achievers Scholarship recipients in the Gallery, along with the staff from the College Success Foundation which administers the scholarships. These students represent 16 high schools from all over the State.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4633, by Representatives Dickerson and Conway

WHEREAS, People with all kinds of disabilities have the right to live and work in communities with equal rights as equal citizens; and

WHEREAS, Living in a home in the community of your choice, free from isolation and segregation, is one key to achieving the American dream; and

WHEREAS, Those with disabilities are no longer willing to accept a fate that separates or excludes them; and

WHEREAS, There are several independent living centers in Washington state working with individuals with disabilities on obtaining access to housing, employment, transportation, recreational facilities, and health and social services; and

WHEREAS, People live happier, more fulfilled lives when they are able to actively contribute to society by working, volunteering, and participating in community events; and

WHEREAS, With the assistance of over 32,000 home and personal care workers in Washington state who are working to reduce unnecessary institutionalization and promote integration into community life, independent living is no longer an unattainable dream; and

WHEREAS, Living independently gives people the option to manage their own services, increasing control over their own decisions and lives; and

WHEREAS, Independent living empowers individuals with disabilities by creating opportunities, promoting choice, advancing access, and furthering participation in community life; and

WHEREAS, Governor Gregoire has proclaimed March 11, 2009, as Independent Living Day;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor and support the independence and rights of all individuals with disabilities on March 11, 2009, Independent Living Day.

HOUSE RESOLUTION NO. 4633 was adopted.

MESSAGES FROM THE SENATE

March 10, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5179,
SUBSTITUTE SENATE BILL NO. 5248,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
SUBSTITUTE SENATE BILL NO. 5380,
SECOND SUBSTITUTE SENATE BILL NO. 5484,
SUBSTITUTE SENATE BILL NO. 5509,
SENATE BILL NO. 5525,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5529,
SUBSTITUTE SENATE BILL NO. 5571,
SENATE BILL NO. 5680,
SUBSTITUTE SENATE BILL NO. 5719,
SUBSTITUTE SENATE BILL NO. 5779,
SUBSTITUTE SENATE BILL NO. 5802,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5890,
SENATE BILL NO. 5952,
SUBSTITUTE SENATE BILL NO. 5957,
SUBSTITUTE SENATE BILL NO. 5987,
SUBSTITUTE SENATE BILL NO. 6024,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6037,
SUBSTITUTE SENATE BILL NO. 6088,
SENATE BILL NO. 6104,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5840, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 10, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1782, by Representatives Goodman, Roberts, Walsh, Dickerson, Darneille, Kagi and Nelson

Concerning parent participation in dependency matters.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1782 was substituted for House Bill No. 1782 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1782 was read the second time.

Representative Goodman moved the adoption of amendment (260):

On page 6, line 11, after "not" strike "had" and insert "been maintaining consistent"

On page 6, beginning on line 11, after "care" strike "for six months or longer"

Beginning on page 16, line 24, strike all of section 6 and insert the following:

"Sec. 6. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; ~~((or))~~

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's

incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Correct the title.

Representatives Goodman and Haler spoke in favor of the adoption of the amendment.

Amendment (260) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1782.

MOTION

On motion of Representative Santos, Representative Seaquist was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1782 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1793, by Representatives Williams, Goodman, Nelson, White, Pedersen, Roberts, Upthegrove and Eddy

Addressing alternative student transportation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1793 was substituted for House Bill No. 1793 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1793 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Williams spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1793.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1793 and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Cox, Crouse, Hinkle, Kretz, Kristiansen, Pearson, Roach, Schmick, Shea and Short.

Excused: Representative Seaquist.

SUBSTITUTE HOUSE BILL NO. 1793, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1919, by Representatives Kagi, Goodman, Pedersen, Rodne, Roberts, Hinkle, Dickerson, Moeller, Santos and Wood

Operating and administering a drug court program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1919 was substituted for House Bill No. 1919 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1919 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi, Dammeier, Goodman, Orcutt and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1919.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1919 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

SUBSTITUTE HOUSE BILL NO. 1919, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1290, by Representatives Maxwell, Rodne, Kenney, Green, Clibborn, Liias, Anderson and Hunter

Concerning local tourism promotion areas.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1290 was substituted for House Bill No. 1290 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1290 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maxwell, Johnson, Smith, Eddy and Anderson spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1290.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1290 and the bill passed the House by the following vote: Yeas, 83; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Cox, Crouse, Ericksen, Herrera, Klippert, Kretz, McCune, Orcutt, Roach, Schmick, Shea and Short.

Excused: Representative Seaquist.

SECOND SUBSTITUTE HOUSE BILL NO. 1290, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2206, by Representative Darneille

Including costs as authorized expenditures from the OASI revolving fund and OASI contribution account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille, Alexander and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2206.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2206 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

HOUSE BILL NO. 2206, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2271, by Representatives Liias, Rodne, Sells, Clibborn, Johnson, Takko, Van De Wege, Springer, Williams, Finn, Nelson, Seaquist and Simpson

Authorizing state forces to perform work on ferry vessels or terminals when estimated costs are less than one hundred twenty thousand dollars.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Liias and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2271.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2271 and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Ericksen and Hinkle.

Excused: Representative Seaquist.

HOUSE BILL NO. 2271, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1496, by Representatives Roberts, Hurst, O'Brien, Simpson, Hinkle, Van De Wege, Ericks and Sells

Changing the membership to the state interoperability executive committee.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1796 was substituted for House Bill No. 1496 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1496 was read the second time.

Representative Hurst moved the adoption of amendment (274):

On page 2, line 28, after "(3)" insert "Legislative members of the state interoperability executive committee shall not be reimbursed for travel expenses. Nonlegislative members must seek reimbursement for travel and other membership expenses through their respective agencies or organizations.

(4)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Hurst and Pearson spoke in favor of the adoption of the amendment.

Amendment (274) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1496.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1496 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1663, by Representatives Goodman, Springer, Simpson, Roberts, Miloscia, Nelson, Ormsby and Santos

Creating relocation assistance rights for nontransient residents of hotels, motels, or other places of transient lodging that are shut down by government action.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1663 was substituted for House Bill No. 1663 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1663 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Rodne and Liias spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1663.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1663 and the bill passed the House by the following vote: Yeas, 72; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen,

Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short and Walsh.

Excused: Representative Seaquist.

SUBSTITUTE HOUSE BILL NO. 1663, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2078, by Representatives Roberts, O'Brien, Walsh, Jacks, Appleton, Goodman, Dickerson, Green, Kagi, Chase, Wood, Kenney and Haler

Concerning persons with developmental disabilities who are in correctional facilities or jails.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2078 was substituted for House Bill No. 2078 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2078 was read the second time.

Representative Roberts moved the adoption of amendment (282):

On page 2, on line 25, after "corrections," insert "the department of social and health services,"

On page 3, line 12, after "mental illness." Insert the following: "(6) The work group shall report its recommendations to the appropriate committees of the legislature no later than December 1, 2009."

Representatives Roberts and Dammeier spoke in favor of the adoption of the amendment.

Amendment (282) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts, Dammeier, Bailey, O'Brien and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2078.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2078 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan,

Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2285, by Representatives Flannigan and Simpson

Addressing the formation of local improvement districts and utility local improvement districts comprised of property in more than one city or town.

The bill was read the second time.

With the consent of the House, amendment (316) was withdrawn.

Representative Simpson moved the adoption of amendment (303):

On page 2, after line 6, insert the following: "**NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Simpson spoke in favor of the adoption of the amendment.

Amendment (303) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Flannigan and Darneille spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2285.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2285 and the bill passed the House by the following vote: Yeas, 70; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Roach, Schmick, Shea, Short, Smith and Warnick.

Excused: Representative Seaquist.

ENGROSSED HOUSE BILL NO. 2285, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1199, by Representatives Haigh, Kristiansen, Hunt and Armstrong**Regarding retainage of funds on public works projects.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Kristiansen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1199.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1199 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

HOUSE BILL NO. 1199, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1822, by Representatives Conway, Wood and Ormsby**Authorizing interest arbitration for certain general authority Washington peace officers.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1822.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1822 and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko,

Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representative Seaquist.

HOUSE BILL NO. 1822, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1954, by Representative Dickerson**Sealing juvenile records under certain conditions.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1954 was substituted for House Bill No. 1954 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1954 was read the second time.

Representative Dickerson moved the adoption of amendment (076):

On page 3, line 11, after "shall be" strike "automatically sealed upon" and insert "sealed no later than thirty days after"

Representatives Dickerson and Dammeier spoke in favor of the adoption of the amendment.

Amendment (076) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1954.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1954 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Seaquist.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

March 11, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5895, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5115,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5262,
SUBSTITUTE SENATE BILL NO. 5318,
SUBSTITUTE SENATE BILL NO. 5332,
SUBSTITUTE SENATE BILL NO. 5698,
SUBSTITUTE SENATE BILL NO. 5705,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5735,
ENGROSSED SENATE BILL NO. 5886,
SUBSTITUTE SENATE BILL NO. 5931,
SENATE BILL NO. 6068,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1797, by Representatives White, Priest, Springer, Anderson, Miloscia, Nelson, McCoy, Rodne, Simpson and Sullivan

Examining rural and resource lands.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1797 was substituted for House Bill No. 1797 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1797 was read the second time.

Representative Cox moved the adoption of amendment (253):

On page 3, beginning on line 24, after "account." strike all material through "not" on line 25 and insert "The legislature may not appropriate moneys into the account, nor may moneys from the state general fund"

On page 3, line 27, after "act" insert "and for associated administrative costs incurred by the state treasurer"

Representative Cox spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

Amendment (253) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives White and Priest spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1797.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1797 and the bill passed the House by the following vote: Yeas, 68; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Walsh and Warnick.

Voting nay: Representatives Alexander, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1797, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2222, by Representatives Blake, Kretz, Short, Eddy, Smith, Takko, Hinkle, Hudgins, Springer, Herrera, Morris, Warnick, Williams and Chandler

Concerning construction and industrial storm water general permits. Revised for 1st Substitute: Creating a technical assistance program for industrial and construction storm water permit permittees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2222 was substituted for House Bill No. 2222 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2222 was read the second time.

With the consent of the House, amendment (072) was withdrawn.

Representative Blake moved the adoption of amendment (350):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.48.555 and 2004 c 225 s 2 are each amended to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(1) Effluent limitations shall be included in construction and industrial storm water general permits as required under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and its implementing regulations. In accordance with federal clean water act requirements, pollutant specific, water quality-based effluent limitations shall be included in construction and industrial storm water general permits if there is a reasonable potential to cause or contribute to an excursion of a state water quality standard.

(2) Subject to the provisions of this section, both technology and water quality-based effluent limitations may be expressed as:

- (a) Numeric effluent limitations;
- (b) Narrative effluent limitations; or
- (c) A combination of numeric and narrative effluent discharge limitations.

(3) The department must condition storm water general permits for industrial and construction activities issued under the national pollutant discharge elimination system of the federal clean water act to require compliance with numeric effluent discharge limits when such discharges are subject to:

(a) Numeric effluent limitations established in federally adopted, industry-specific effluent guidelines;

(b) State developed, industry-specific performance-based numeric effluent limitations;

(c) Numeric effluent limitations based on a completed total maximum daily load analysis or other pollution control measures; or

(d) A determination by the department that:

(i) The discharges covered under either the construction or industrial storm water general permits have a reasonable potential to cause or contribute to violation of state water quality standards; and

(ii) Effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards.

(4) In making a determination under subsection (3)(d) of this section, the department shall use procedures that account for:

(a) Existing controls on point and nonpoint sources of pollution;

(b) The variability of the pollutant or pollutant parameter in the storm water discharge; and

(c) As appropriate, the dilution of the storm water in the receiving waters.

(5) Narrative effluent limitations requiring both the implementation of best management practices, when designed to satisfy the technology and water quality-based requirements of the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and compliance with water quality standards, shall be used for construction and industrial storm water general permits, unless the provisions of subsection (3) of this section apply.

(6) Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is:

(a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and

(b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.

(ii) For the purposes of this section, "demonstrably equivalent" means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:

(A) The method and reasons for choosing the storm water best management practices selected;

(B) The pollutant removal performance expected from the practices selected;

(C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;

(D) An assessment of how the selected practices will comply with state water quality standards; and

(E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.

(7)(a) By November 1, 2009, the department shall modify or reissue the industrial storm water general permit to require compliance ((by May 1, 2009;)) with appropriately derived numeric water quality-based effluent limitations for existing discharges to water bodies listed as impaired according to 33 U.S.C. Sec. 1313(d) (Sec. 303(d) of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.).

(b) ((No later than September 1, 2008;)) The industrial storm water general permit must require permittees to comply with appropriately derived numeric water quality-based effluent limitations in the permit, as described in (a) of this subsection, by no later than six months after the effective date of the industrial storm water general permit.

(c) For permittees that the department determines are unable to comply with numeric water quality-based effluent limitations required by (a) of this subsection, within the timeline established in (b) of this subsection, the department shall establish a compliance schedule.

(i) A compliance schedule provided by the department must require compliance as soon as possible, but no later than eighteen months after the effective date of the industrial storm water general permit.

(ii) The department shall post the compliance schedule on the department's web site prior to issuing the compliance schedule.

(d) The department shall report to the appropriate committees of the legislature specifying how the numeric effluent limitation in (a) of this subsection would be implemented. The report shall identify the number of dischargers to impaired water bodies and provide an assessment of anticipated compliance with the numeric effluent limitation established by (a) of this subsection.

(8)(a) Construction and industrial storm water general permits issued by the department shall include an enforceable adaptive management mechanism that includes appropriate monitoring, evaluation, and reporting. The adaptive management mechanism shall include elements designed to result in permit compliance and shall include, at a minimum, the following elements:

(i) An adaptive management indicator, such as monitoring benchmarks;

(ii) Monitoring;

(iii) Review and revisions to the storm water pollution prevention plan;

(iv) Documentation of remedial actions taken; and

(v) Reporting to the department.

(b) Construction and industrial storm water general permits issued by the department also shall include the timing and mechanisms for implementation of treatment best management practices.

(9) Construction and industrial storm water discharges authorized under general permits must not cause or have the reasonable potential to cause or contribute to a violation of an applicable water quality standard. Where a discharge has already been authorized under a national pollutant discharge elimination system storm water permit and it is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the department may notify the permittee of such a violation.

(10) Once notified by the department of a determination of reasonable potential to cause or contribute to the violation of an applicable water quality standard, the permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document those actions in the storm water pollution prevention plan and a report timely submitted to the department. If violations remain or recur, coverage under the construction or industrial storm water general permits may be terminated by the department, and an alternative general permit or individual permit may be issued. Compliance with the requirements of this subsection does not preclude any enforcement activity provided by the federal clean water act, 33 U.S.C. Sec. 1251 et seq., for the underlying violation.

(11) Receiving water sampling shall not be a requirement of an industrial or construction storm water general permit except to the extent that it can be conducted without endangering the health and safety of persons conducting the sampling.

(12) The department may authorize mixing zones only in compliance with and after making determinations mandated by the procedural and substantive requirements of applicable laws and regulations.

(13) The industrial storm water general permit must include a provision to allow an entity subject to coverage by the permit to apply for an individual storm water permit or coverage under another alternative permit as provided in the industrial storm water general permit.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department

pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

By July 1, 2010, the department shall implement a technical assistance program as provided by RCW 43.05.030, 43.05.040, 43.05.050, 43.05.060, and 43.05.070. The department shall seek input from stakeholders prior to establishing the technical assistance program and periodically thereafter in an effort to maximize the effectiveness of the technical assistance program. The department shall also seek input from stakeholders to help identify resources needed to implement the department's technical assistance program.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

(1) The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(2) By June 30, 2010, the department shall develop a long-term compliance assessment and enforcement plan for the construction and industrial storm water general permits in accordance with RCW 90.48.560. The plan must:

(a) Be developed with the assistance of a stakeholder advisory committee with representatives of at least industrial and construction permittees, nongovernmental organizations, affected agencies, tribes, and local governments. The department may establish separate stakeholder committees for the industrial storm water general permit and the construction storm water general permit.

(b) Contain provisions to identify entities required to be covered by the permits that are not covered and maximize the number of facilities covered by the permit that are required to be covered by the permit by June 30, 2011.

NEW SECTION. Sec. 4. A new section is added to chapter 90.48 RCW to read as follows:

(1) The department shall create a storm water technical resource center in partnership with a university, nonprofit organization, or other public or private entity to provide tools for storm water management. The center shall use its authority to support the duties listed in this subsection through research, development, technology demonstration, technology transfer, education, outreach, recognition, and training programs. The center may:

(a) Review and evaluate emerging storm water technologies;

(b) Research and develop innovative and cost-effective technical solutions to remove pollutants from runoff and to reduce or eliminate storm water discharges;

(c) Conduct pilot projects to test technical solutions;

(d) Serve as a clearinghouse and outreach center for information on storm water technology;

(e) Assist in the development of storm water control methods to better protect water quality, including source control, product substitution, pollution prevention, and storm water treatment;

(f) Coordinate with federal, state, and local agencies and private organizations in administering programs related to storm water control measures; and

(g) Collaborate with existing storm water outreach programs.

(2) The department shall consult with an advisory committee in the development of the storm water technical resource center. The advisory committee must include representatives from relevant state agencies, local governments, the business community, the environmental community, tribes, and the building and development industry.

(3) The department, in consultation with the storm water technical resource center advisory committee, shall identify a funding strategy for funding the storm water technical resource center.

(4) The department shall encourage all interested parties to help and support the technical resource center with in-kind services.

(5) The department shall prepare and submit a biennial progress report to the legislature.

NEW SECTION. Sec. 5. Section 1 of this act expires January 1, 2015."

Correct the title.

Representative Blake spoke in favor of the adoption of the amendment.

Amendment (350) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Kretz spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2222.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2222 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1172, by Representatives Simpson, Nelson and Rolfes

Implementing a transfer of development rights program.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1172 was substituted for House Bill No. 1172 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1172 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Nelson spoke in favor of the passage of the bill.

Representatives Angel, Hinkle and Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1172.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1172 and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville,

Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

SECOND SUBSTITUTE HOUSE BILL NO. 1172, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1450, by Representatives Takko and Blake

Modifying the definition of "public facilities."

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1450 was substituted for House Bill No. 1450 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1450 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Takko spoke in favor of the passage of the bill.

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1450.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1450 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1450, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1774, by Representatives Haigh, Armstrong, Van De Wege, Morris, Blake, Orcutt and Kristiansen

Excluding certain state forest land revenues from the basic education allocation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1774 was substituted for House Bill No. 1774 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1774 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Cox spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1774.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1774 and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Darneille, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Chase, Crouse, Dammeier, DeBolt, Dunshee, Klippert, Parker, Roach, Schmick and Shea.

SUBSTITUTE HOUSE BILL NO. 1774, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1778, by Representative Blake

Modifying various provisions of Title 77 RCW.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1778 was substituted for House Bill No. 1778 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1778 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1778.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1778 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Wallace.

SUBSTITUTE HOUSE BILL NO. 1778, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1965, by Representatives Hunt, Upthegrove, Dickerson and Simpson

Granting leave to employees with sensory disabilities to attend service animal training.

The bill was read the second time.

Representative Hunt moved the adoption of amendment (353):

On page 2, line 9, after "performance" insert ", except that the employee shall not be eligible for reimbursement under RCW 43.03.050 or RCW 43.03.060"

Representatives Hunt and Armstrong spoke in favor of the adoption of the amendment.

Amendment (353) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1965.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1965 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 1965, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2245, by Representative Cody

Clarifying public employees' benefits board eligibility.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2245 was substituted for House Bill No. 2245 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2245 was read the second time.

With the consent of the House, amendment (236) was withdrawn.

Representative Cody moved the adoption of amendment (342):

On page 14, beginning on line 16, after "will work" strike "an average of at least half-time, as defined by the board per month" and insert "an average of at least eighty hours per month and for at least eight hours"

On page 14, beginning on line 21, after "who works" strike "an average of at least half-time, as defined by the board, per month" and insert "an average of at least eighty hours per month and for at least eight hours in each month"

On page 14, beginning on line 25, after "at least" strike "half-time, as defined by the board," and insert "eighty hours"

On page 14, line 32, strike "at least half-time, as defined by the board," and insert "an average of at least eighty hours per month and for at least eight hours"

Representatives Cody and Bailey spoke in favor of the adoption of the amendment.

Amendment (342) was adopted.

Representative Cody moved the adoption of amendment (343):

On page 17, line 17, after "each institution" insert ", except that half-time for community and technical college faculty employees shall have the same meaning as "part-time" under RCW 28B.50.489"

Representatives Cody and Bailey spoke in favor of the adoption of the amendment.

Amendment (343) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2245.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2245 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

SB 5002 by Senators Jacobsen and Swecker

AN ACT Relating to heritage livestock and poultry breeds; creating new sections; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5172 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Shin, Hobbs, Kastama, McAuliffe, Jarrett, Pridemore, Brown, Keiser, Jacobsen, Kohl-Welles and Kline)

AN ACT Relating to establishing a University of Washington center for human rights; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Ways & Means.

SSB 5177 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Shin, Delvin, Kastama, King, Rockefeller, McAuliffe, Pridemore, Hobbs, Fraser, McDermott, Jarrett, Kilmer, Keiser, Hatfield and Roach)

AN ACT Relating to establishing a global Asia institute; adding a new section to chapter 28B.20 RCW; and creating a new section.

Referred to Committee on Education Appropriations.

SSB 5229 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Hobbs, Franklin, Tom, King, Pridemore, Kohl-Welles, Jacobsen, Kilmer and Shin)

AN ACT Relating to the legislative youth advisory council; amending RCW 28A.300.801; and declaring an emergency.

Referred to Committee on State Government & Tribal Affairs.

SSB 5301 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove and Parlette)

AN ACT Relating to permissible uses of moneys collected under the sales and use tax for chemical dependency or mental health treatment services or therapeutic courts; amending RCW 82.14.460; and providing an expiration date.

Referred to Committee on Finance.

SSB 5317 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Shin, Kilmer, Jarrett, Delvin, Kastama and Jacobsen)

AN ACT Relating to clarifying terms for workforce and economic development; amending RCW 28B.50.030, 28B.50.273, 50.22.130, 50.22.150, 51.32.099, and 74.08A.250; and providing an expiration date.

Referred to Committee on Higher Education.

SSB 5360 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Brandland, Franklin, Murray, Brown, Ranker, Fraser, Parlette and Kohl-Welles)

AN ACT Relating to community health care collaborative grants; adding new sections to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5410 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Oemig, Morton, McAuliffe, Tom and Eide)

AN ACT Relating to online learning; amending RCW 28A.150.262; adding a new chapter to Title 28A RCW; and creating a new section.

Referred to Committee on Education.

ESB 5423 by Senators Pflug and Oemig

AN ACT Relating to critical access hospitals not subject to certificate of need reviews; and amending RCW 70.38.105.

Referred to Committee on Health Care & Wellness.

ESSB 5449 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Hobbs, McDermott, Oemig, Jarrett and Kohl-Welles)

AN ACT Relating to a statewide effort to establish and meet graduation and reengagement goals; amending RCW 28A.305.130, 28C.18.060, 28B.50.090, 43.330.050, and 70.190.100; adding a new section to chapter 28A.175 RCW; adding a new section to chapter 50.08 RCW; adding a new section to chapter 43.70 RCW; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Education.

SSB 5480 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Delvin, Franklin, Fairley, Keiser and Shin)

AN ACT Relating to creating the Washington health care discount plan organization act; adding a new chapter to Title 48 RCW; and prescribing penalties.

Referred to Committee on Health Care & Wellness.

SB 5487 by Senator Brandland

AN ACT Relating to notification of nonrenewal of contracts for certificated employees; amending RCW 28A.405.210, 28A.405.220, 28A.405.230, and 28A.310.250; and declaring an emergency.

Referred to Committee on Education.

2SSB 5491 by Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Zarelli and Becker)

AN ACT Relating to developing a strategy to reduce the cost of providing health benefits for K-12 employees; and creating a new section.

Referred to Committee on Ways & Means.

SB 5498 by Senators Jarrett, King and McAuliffe

AN ACT Relating to graduation without a certificate of academic achievement or a certificate of individual achievement; amending RCW 28A.655.0611; and declaring an emergency.

Referred to Committee on Education.

SB 5500 by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles

AN ACT Relating to the screening for and reporting of methicillin-resistant staphylococcus aureus in Washington hospitals; amending RCW 43.70.056; adding a new section to chapter 70.58 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5501 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles)

AN ACT Relating to the secure exchange of health information; adding new sections to chapter 41.05 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

ESSB 5502 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Keiser, Pflug, Franklin, Murray, Roach, Marr, Kohl-Welles and Shin)

AN ACT Relating to primary care physician training; amending RCW 28B.15.910; adding new sections to chapter 28B.15 RCW; adding new sections to chapter 28B.20 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Higher Education.

SSB 5608 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Pflug, Fairley, Regala, Marr and Kohl-Welles)

AN ACT Relating to genetic counselors; amending RCW 18.130.040; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Health Care & Wellness.

ESB 5617 by Senators Kauffman and McAuliffe

AN ACT Relating to the early learning advisory council; and amending RCW 43.215.090.

Referred to Committee on Early Learning & Children's Services.

2SSB 5676 by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Rockefeller, Jarrett, Fairley, Hobbs, Schoesler and Shin)

AN ACT Relating to middle school career and technical education; amending RCW 28A.230.130; creating new sections; and providing an effective date.

Referred to Committee on Education.

SSB 5677 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Hatfield)

AN ACT Relating to the dairy nutrient management program; amending RCW 90.64.010; adding a new section to chapter 90.64 RCW; repealing RCW 90.64.015, 90.64.140, and 90.64.160; and prescribing penalties.

Referred to Committee on Agriculture & Natural Resources.

ESB 5714 by Senators Tom, Jarrett and Shin

AN ACT Relating to conditional funding for teachers to pursue national board for professional teaching standards certification; amending RCW 28A.405.415; adding a new section to chapter 28A.410 RCW; and creating a new section.

Referred to Committee on Education.

SSB 5718 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Stevens, Holmquist, Hobbs, Carrell and Hatfield)

AN ACT Relating to the commitment of sexually violent predators; amending RCW 71.09.020, 71.09.025, 71.09.030, 71.09.040, 71.09.050, 71.09.060, 71.09.080, 71.09.090, 71.09.092, 71.09.096, 71.09.098, 71.09.112, and 71.09.350; adding a new section to chapter 71.09 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 5746 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to sentencing provisions for juveniles adjudicated of certain crimes; amending RCW 13.40.020, 13.40.110, and 13.40.308; reenacting and amending RCW 13.04.030; and prescribing penalties.

Referred to Committee on Human Services.

ESSB 5763 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators King, McAuliffe, Brandland, Haugen, Kastama, Kauffman, Oemig, Holmquist, Berkey, Eide, Shin and Tom)

AN ACT Relating to requiring the adoption of policies for the management of concussion and head injury in youth sports; amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW.

Referred to Committee on Education.

SSB 5777 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray and Parlette)

AN ACT Relating to the Washington state health insurance pool; amending RCW 48.41.060, 48.41.100, and 48.41.100; creating a new section; and providing contingent effective dates.

Referred to Committee on Health Care & Wellness.

ESSB 5811 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Shin and Roach)

AN ACT Relating to foster child placements; amending RCW 13.34.030, 13.34.065, 13.34.145, 74.13.031, and 74.13.333; reenacting and amending RCW 13.34.130 and 13.34.138; adding new sections to chapter 13.34 RCW; and adding a new section to chapter 74.13 RCW.

Referred to Committee on Early Learning & Children's Services.

ESSB 5873 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kline, Keiser, Hobbs, Marr, Fairley, McAuliffe, Kohl-Welles and Shin)

AN ACT Relating to apprentice utilization; amending RCW 39.04.320, 39.04.350, and 39.12.055; and creating a new section.

Referred to Committee on Commerce & Labor.

SSB 5879 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Shin and Delvin)

AN ACT Relating to entrepreneurial education and training; and amending RCW 43.162.020.

Referred to Committee on Community & Economic Development & Trade.

SSB 5913 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Pflug, Keiser and Shin)

AN ACT Relating to online access to the University of Washington health sciences library by certain health care providers; and amending RCW 43.70.110.

Referred to Committee on Health Care & Wellness.

ESB 5925 by Senators Shin, Kastama, Jacobsen, Berkey, Hobbs, Franklin, Hargrove and Kohl-Welles

AN ACT Relating to insurance requirements for higher education students participating in study or research abroad; and amending RCW 28B.10.660.

Referred to Committee on Higher Education.

E2SSB 5941 by Senate Committee on Ways & Means (originally sponsored by Senators Oemig, Kastama, Jarrett, McAuliffe, Marr, Hobbs and Tom)

AN ACT Relating to comprehensive education data; amending RCW 43.41.400; adding new sections to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Education.

2SSB 5945 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Franklin and Kohl-Welles)

AN ACT Relating to creating the Washington health partnership plan; adding new sections to chapter 74.09 RCW; adding a new section to chapter 70.95M RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

2SSB 5973 by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, McAuliffe, Oemig, Shin, Hobbs, Kohl-Welles and Kline)

AN ACT Relating to closing the achievement gap in order to provide all students an excellent and equitable education; amending RCW 28A.300.137; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.660 RCW; and creating new sections.

Referred to Committee on Education.

SB 5986 by Senators Kauffman, Kohl-Welles, Hargrove and Shin

AN ACT Relating to permitting certain higher education employees to engage in collective bargaining; and adding a new section to chapter 41.56 RCW.

Referred to Committee on Commerce & Labor.

SSB 6019 by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Parlette, Kilmer, Jarrett, Tom, Holmquist, Pflug, Shin and Schoesler)

AN ACT Relating to employee wellness programs; and amending RCW 48.21.045, 48.44.023, and 48.46.066.

Referred to Committee on Health Care & Wellness.

ESB 6048 by Senators Oemig, Jarrett, McAuliffe, Hobbs, McDermott, Franklin, Kohl-Welles and Haugen

AN ACT Relating to education; amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.390, 28A.150.380, 28A.230.090, 28A.415.360, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, and 28A.225.200; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 43.41 RCW; adding a new section to chapter 28A.500 RCW; creating new sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, and 28A.155.180; and providing an effective date.

Referred to Committee on Education Appropriations.

SB 6053 by Senators Fraser and Keiser

AN ACT Relating to providing personal hygiene and cleaning products to low-income people; creating new sections; and making appropriations.

Referred to Committee on Health Care & Wellness.

SB 6103 by Senator Prentice

AN ACT Relating to the definition of gambling; and amending RCW 9.46.0237.

Referred to Committee on Commerce & Labor.

SJM 8013 by Senators Keiser, Parlette, Pflug, Franklin, Marr, Murray, Shin, Haugen, Kline and Kohl-Welles

Calling on Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance.

Referred to Committee on Health Care & Wellness.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HB 2308 by Representatives Morris, Smith and Warnick

AN ACT Relating to aerospace competitiveness.

Referred to Committee on Community & Economic Development & Trade.

HB 2309 by Representatives Campbell and Conway

AN ACT Relating to safe and healthful food; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Environmental Health.

HB 2310 by Representatives Sells, Hinkle, Darneille and McCune

AN ACT Relating to reducing costs of the elections division of the office of the secretary of state; amending RCW 29A.52.330, 29A.52.340, 43.78.030, 29A.32.031, 29A.32.040, 29A.32.050, 29A.32.121, 29A.72.025, 29A.04.530, 29A.04.540, 29A.04.550, 29A.04.570, 29A.04.570, and 43.07.310; reenacting and amending RCW 29A.04.611; repealing RCW 29A.04.236, 29A.04.245, 29A.04.510, 29A.04.520, 29A.04.630, and 29A.40.150; providing an effective date; and providing an expiration date.

Referred to Committee on State Government & Tribal Affairs.

HB 2311 by Representatives Sells, Hinkle, Darneille and McCune

AN ACT Relating to legal notices for constitutional amendments and state measures; repealing RCW 29A.52.330 and 29A.52.340; and providing a contingent effective date.

Referred to Committee on State Government & Tribal Affairs.

HB 2312 by Representative Linville

AN ACT Relating to designating the official state peace monument; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government & Tribal Affairs.

HB 2313 by Representatives Grant-Herriot, Cox, Ericks, Schmick, Driscoll, Walsh, Short, Kretz, McCune, Linville, Van De Wege, Nelson, Green, Liias, Blake, Darneille, Sells, Wallace, Simpson, Eddy, Carlyle, White, Williams, McCoy, Orwall, Moeller, Chase, Hurst, Hunter, Rolfes, Finn, Sullivan, Springer, Jacks, Kelley, Seaquist, Clibborn, Probst, Cody, Hasegawa, Hudgins, Roberts, Kessler, Ormsby, O'Brien, Dickerson, Takko, Kenney, Morrell, Santos, Hunt, Miloscia and Goodman

AN ACT Relating to extending the length of commercial and farm vehicle permits; and amending RCW 46.16.162 and 46.44.095.

HJR 4212 by Representatives Sells, Hinkle, Darneille and McCune

Changing the notice requirement for amendments submitted to the people.

Referred to Committee on State Government & Tribal Affairs.

E2SSB 5850 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe and Shin)

AN ACT Relating to protecting workers from human trafficking violations; amending RCW 18.71.080, 18.83.090, and 18.225.040; adding a new chapter to Title 19 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

There being no objection, the bills and resolution listed on the day's introduction and first supplemental introduction sheets under the fourth order of business were referred to the committees so

designated with the exception of HOUSE BILL NO. 2313 which was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

With the consent of the House, the following bills were returned to the Committee on Rules:

HOUSE BILL NO. 1700
HOUSE BILL NO. 1226
HOUSE BILL NO. 1263
HOUSE BILL NO. 1482
HOUSE BILL NO. 1489
HOUSE BILL NO. 1639
HOUSE BILL NO. 1646
HOUSE BILL NO. 1760
HOUSE BILL NO. 1931

There being no objection, the House advanced to the eighth order of business.

With the consent of the House, the Committee on Rules was relieved of HOUSE BILL NO. 1653, and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

There being no objection, HOUSE BILL NO. 2016 was returned to the Committee on Rules.

There being no objection, the House advanced to the eighth order of business.

With the consent of the House, the Committee on State Government & Tribal Affairs was relieved of HOUSE BILL NO. 1029, and the bill was placed on the second reading calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING**HOUSE BILL NO. 1887, by Representative Takko**

Concerning diking districts. Revised for 1st Substitute: Authorizing the annexation of contiguous territory outside of a diking district that receives services from the district.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1887 was substituted for House Bill No. 1887 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1887 was read the second time.

Representative McCoy moved the adoption of amendment (251):

On page 1, line 6, after "(1)" strike "Contiguous" and insert "Except as provided in subsection (3) of this section, contiguous"

On page 2, after line 30, insert "(3) Subsection (1) of this section does not apply to:

(a) Land owned, managed, or leased by a federally recognized Indian tribe; or

(b) Tribal trust land."

Representative McCoy spoke in favor of the adoption of the amendment.

Amendment (251) was adopted.

Representative Angel moved the adoption of amendment (375):

On page 2, line 16, after "district" insert ". The county legislative authority must provide notice of the hearing, by mail, to all property owners within the proposed annexation area as determined by the records of the county assessor. The notice must be mailed at least twenty-one days, but not more than twenty-eight days, before the public hearing"

Representatives Angel and Nelson spoke in favor of the adoption of the amendment.

Amendment (375) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1887.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1887 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1886, by Representative Takko

Concerning flood control districts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1886 1886 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1886 was read the second time.

Representative Angel moved the adoption of amendment (374):

On page 6, line 24, after "district" insert ". The county legislative authority must provide notice of the hearing, by mail, to all property owners within the proposed annexation area as determined by the records of the county assessor. The notice must be mailed at least twenty-one days, but not more than twenty-eight days, before the public hearing"

Representatives Angel and Nelson spoke in favor of the adoption of the amendment.

Amendment (374) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Takko and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1886.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1886 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1722, by Representatives Crouse, Conway, Seaquist and Simpson

Addressing plan membership default provisions in the public employees' retirement system.

The bill was read the second time.

Representative Bailey moved the adoption of amendment (306)

On page 33, after line 14 of the striking amendment, insert the following:

"(4) If no new affordable housing units are created through the use of a transit-oriented housing fund within three years of the establishment of such fund, then all remaining funds must be distributed to a local housing assistance program to be designated by the local legislative authority and the account containing the funds closed."

Representatives Bailey and Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (306) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Crouse, Conway and Armstrong spoke in favor of the passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1722.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1722 and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Bailey, Chandler, Ericksen, Herrera, Hinkle, Johnson, Klippert, Rodne, Ross, Shea and Smith.

HOUSE BILL NO. 1722, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2313, by Representatives Grant-Herriot, Cox, Ericks, Schmick, Driscoll, Walsh, Short, Kretz, McCune, Linville and Van De Wege

Extending the length of commercial and farm vehicle permits.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Grant-Herriot and Cox spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2313.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2313 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

HOUSE BILL NO. 2313, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Hudgins congratulated Representative Grant-Herriot on the passage of her first bill through the House, and asked the Chamber to acknowledge her accomplishment.

SECOND READING

HOUSE BILL NO. 1393, by Representatives Springer, Kessler, Eddy, Ormsby, Van De Wege, Liias, Morrell, Roberts, Upthegrove and Sullivan

Addressing residential real property construction improvements through consumer education, warranty protections, contractor registration requirements, and worker certification standards.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 1393 was substituted for House Bill No. 1393 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 1393 was read the second time.

With the consent of the House, amendment (290) was withdrawn and therefore amendment (341) was out of order; and amendments (373) and (355) were withdrawn.

Representative Springer moved the adoption of amendment (347):

Strike everything after the enacting clause and insert the following:

"PART I. OFFICE OF CONSUMER EDUCATION FOR HOME CONSTRUCTION

NEW SECTION. Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

(1) The office of consumer education for home construction is created in the office of the attorney general to be the primary point of contact for consumers in matters related to residential purchases and construction.

(2) The office of consumer education for home construction shall:

(a) Educate consumers about residential purchase and sale agreements and contracting for residential construction services, including the requirements of chapter 18.27 RCW and methods available to protect themselves against loss;

(b) Produce written and electronic consumer education materials about purchasing homes, contracting for residential construction services, and legal resources available to consumers;

(c) Create a pamphlet explaining a homeowner's legal rights and remedies and provide contractors and other construction professionals with a downloadable version of the pamphlet to attach to contracts for purchase and sale of new residential real property or the substantial remodel of existing residential real property. The office shall periodically update this pamphlet;

(d) Identify and work collaboratively with agencies and organizations who are already engaged in consumer education efforts regarding residential purchases and construction, such as the department of labor and industries, the department of licensing, local governments, the construction industry, financial institutions, and other interested organizations and individuals, to increase outreach to consumers;

(e) Share consumer education materials with and serve as a resource for agencies and organizations who are already engaged in consumer education;

(f) Develop a uniform manner of receiving, cataloging, analyzing, and responding to consumer complaints about residential

construction, and develop a system of tracking resolutions of complaints and of claims received under section 8 of this act;

(g) Identify which agencies and organizations are already receiving complaints and coordinate with them to ensure that all agencies and organizations are requesting the same information from complaining consumers and that all consumers are referred to the office;

(h) Enter into data-sharing agreements with the department of labor and industries, local governments, and other agencies with enforcement duties in residential construction to increase assistance to consumers and enforcement of construction-related laws;

(i) Report to the legislature on an annual basis the total number of complaints about residential construction received and the total number of claims filed under section 8 of this act. For complaints, the office of consumer education for home construction shall summarize the nature of the complaints. For claims, the office of consumer education for home construction shall summarize the nature of the claims, the monetary value of the claims, whether claims have been resolved, and any other information that the office deems relevant. The first report is due on January 1, 2010, and subsequent reports are due on November 1st of each year thereafter; and

(j) Examine issues involved in establishing a recovery fund to provide compensation to residential real property homeowners through a claim filing process. The office of consumer education for home construction shall consult with appropriate agencies and representatives from organizations involved in the area of residential construction. The office of consumer education for home construction shall make recommendations to the legislature on the creation of a recovery fund by December 1, 2010.

Sec. 2. RCW 18.27.075 and 2001 c 159 s 14 are each amended to read as follows:

(1) The department shall charge a fee of one hundred dollars for issuing or renewing a certificate of registration during the 2001-2003 biennium. The department shall revise this amount at least once every two years for the purpose of recognizing economic changes as reflected by the fiscal growth factor under chapter 43.135 RCW.

(2) The department shall also charge a consumer education fee of one hundred dollars per year for issuing or renewing a certificate of registration. The department shall deposit the fee in the consumer education for home construction account created in section 3 of this act.

NEW SECTION, Sec. 3. A new section is added to chapter 43.10 RCW to read as follows:

The consumer education for home construction account is created in the custody of the state treasury for the purpose of funding the office of consumer education for home construction. All fees charged under subsection (2) of section 2 of this act and filing fees charged under section 8 of this act must be deposited into the account. Expenditures from the account may be used only to fund the office of consumer education for home construction. Only the home construction board created under section 6 of this act or the board's designee may authorize expenditure from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 4. RCW 43.79A.040 and 2008 c 208 s 9 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and fire fighters' plan 2 expense fund, the local tourism promotion account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the consumer education for home construction account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right of way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION, Sec. 5. A new section is added to chapter 43.10 RCW to read as follows:

For the purposes of sections 6 through 10 of this act, the following definitions apply:

(1) "Board" means the home construction board created in section 6 of this act.

(2) "Claim" means a claim filed with the board against a construction professional under section 8 of this act and does not mean a complaint as that term is used in section 1 of this act.

(3) "Construction professional" means a builder, builder-vendor, contractor, subcontractor, or inspector, performing or furnishing the design, supervision, inspection, construction, or observation of the construction, of any improvement to residential real property, whether operating as a sole proprietor, partnership, corporation, or other business entity. "Construction professional" does not include a supplier of materials who has otherwise had no involvement in performing or furnishing the design, supervision, inspection, construction, or observation of the construction, of any improvement to residential real property. "Construction professional" does not include an inspector who is an agent or employee of a local government and acting in his or her official capacity as an inspector.

(4) "Contractor" means a contractor, as defined in RCW 18.27.010, that is registered with the department of labor and industries under chapter 18.27 RCW.

(5) "Defect" means a deficiency, an inadequacy or an insufficiency arising out of or relating to the construction, alteration, or repair of residential real property. "Defect" also includes a deficiency, an inadequacy or an insufficiency in a system, component, or material incorporated into residential real property.

(6) "Damages" means the cost of repairs, or if the cost of repairs is clearly disproportionate to the loss in market value, damages is the loss in market value.

(7) "Homeowner" means a person or persons owning residential real property. "Homeowner" does not include government agencies, political subdivisions, financial institutions, and any other entity that purchases, guarantees, or insures a loan secured by real property. "Homeowner" also does not include the spouse, domestic partner, or personal representative of the contractor named in the claim filed under section 8 of this act.

(8) "Residential real property" has the same meaning as in section 14 of this act.

NEW SECTION, Sec. 6. A new section is added to chapter 43.10 RCW to read as follows:

(1) The home construction board is established within the office of consumer education for home construction to administer a residential real property homeowner and construction professional early resolution mediation program.

(2) The purpose of the board is to provide homeowners and construction professionals with a cost-effective and time-efficient process to resolve disputes arising from alleged construction.

(3) The board consists of the following seven members:

(a) Three members possessing a minimum of ten years of experience in the construction of residences and directly, or as employees or officers of a firm, registered under chapter 18.27 RCW;

(b) One member possessing a minimum of ten years of experience in the remodeling of residences and directly, or as employees or officers of a firm, registered under chapter 18.27 RCW;

(c) One architect licensed under chapter 18.08 RCW or professional engineer registered under chapter 18.43 RCW;

(d) One building inspector employed by a city or county; and

(e) One member of the general public.

(4) Members of the board shall be appointed by the governor with consent of the Senate. The governor shall appoint initial members of the board to staggered terms of from two to four years. Thereafter, all members shall be appointed to full four-year terms. Members of the board hold office until their successors are appointed. A vacancy shall be filled by appointment by the governor for the unexpired portion of the term in which the vacancy occurs.

(5) The board shall select from its members a chair person, vice chair person, and any other officer the board determines is necessary to perform its duties.

(6) The board shall meet a minimum of four times per year to carry out its functions.

(7) The board may adopt rules to implement the board's duties.

NEW SECTION, Sec. 7. A new section is added to chapter 43.10 RCW to read as follows:

(1) The board shall investigate and mediate claims filed by a homeowner against a construction professional for alleged construction defects to residential real property.

(2) The board may use the services of neutral third party experts to assist the board in investigating, assessing, and mediating claims. The board may rely on the national building standards and other recognized standards or codes that the board finds appropriate in investigating and assessing the claim.

(3) The board shall dismiss a claim if the board determines that the claim is against a contractor who is not registered under chapter 18.27 RCW.

NEW SECTION, Sec. 8. A new section is added to chapter 43.10 RCW to read as follows:

(1) A homeowner of residential real property alleging that a construction professional has performed defective work must, prior to commencing an action against the construction professional, file a claim against the construction professional with the board.

(2) The claim shall be in the form required by the board, and shall include, at a minimum:

(a) The name and mailing address of the homeowner or the homeowner's legal representative, if any;

(b) The address and location of the residential real property;

(c) The names and addresses of the construction professionals, to the extent known to the homeowner, who performed the work;

(d) Whether the work performed involved construction of new residential real property or a substantial remodel of residential real property and the date that the homeowner took possession of the new residential real property or, for a substantial remodel, the date the work was substantially completed or the project was terminated;

(e) A description of the defective work performed and the actual or estimated costs of repair;

(f) Any report, estimates, and other documents evidencing the defect and the costs of repair;

(g) Whether there is a written contract between the construction professional and the homeowner and whether the contract contains warranties related to the work performed or the materials used.

(3) The board may not process a claim against a construction professional unless the claim is filed with the board within the applicable statute of limitations.

(4) When a claim is filed with the board within the applicable statute of limitations, the filing of the claim tolls any applicable statute of limitations and any applicable statute of repose for construction-related claims for the period of time until fifteen days after the board provides written notice of completion of mediation.

(5) Any action commenced in court by a homeowner prior to compliance with the requirements of this section shall be subject to dismissal without prejudice, and may not be recommenced until the homeowner has complied with the requirements of this section.

(6) The board by rule may impose a processing fee for claims filed under this section not to exceed one hundred dollars. The fee shall be deposited into the consumer education for home construction account created under section 3 of this act.

NEW SECTION, Sec. 9. A new section is added to chapter 43.10 RCW to read as follows:

(1) Upon receipt of a claim, the board shall give written notice to the construction professional against whom the claim is made. The notice of the claim shall describe the claim in reasonable detail sufficient to determine the nature of the defect.

(2) Within twenty-one days after service of the notice of claim, the construction professional shall serve a written response on the homeowner by registered mail or personal service. The written response shall:

(a) Propose to inspect the residence that is the subject of the claim and to complete the inspection within a specified time frame. The proposal shall include the statement that the construction professional shall, based on the inspection, offer to remedy the defect, compromise by payment, or dispute the claim;

(b) Offer to compromise and settle the claim by monetary payment without inspection. A construction professional's offer under this subsection (2)(b) to compromise and settle a homeowner's claim may include, but is not limited to, an express offer to purchase the homeowner's residence that is the subject of the claim, and to pay the homeowner's reasonable relocation costs; or

(c) State that the construction professional disputes the claim and will neither remedy the defect nor compromise and settle the claim.

(3)(a) If the construction professional disputes the claim or does not respond to the notice of claim within the time stated in subsection (2) of this section, the board shall commence an investigation and mediation of the claim.

(b) If the homeowner rejects the inspection proposal or the settlement offer made by the construction professional pursuant to subsection (2) of this section, the homeowner shall serve written notice of the rejection on the construction professional and the board. After service of the rejection, the board shall commence an investigation and mediation of the claim.

(c) If the construction professional has not received from the homeowner, within thirty days after the homeowner's receipt of the construction professional's response, either an acceptance or rejection

of the inspection proposal or settlement offer, then at anytime thereafter the construction professional may terminate the proposal or offer by serving written notice to the homeowner, and the board shall commence an investigation and mediation of the claim.

(4)(a) If the homeowner elects to allow the construction professional to inspect in accordance with the construction professional's proposal pursuant to this section, the homeowner shall provide the construction professional and its contractors or other agents reasonable access to the homeowner's residence during normal working hours to inspect the premises and the claimed defect.

(b) Within fourteen days following completion of the inspection, the construction professional shall serve on the homeowner:

(i) A written offer to remedy the defect at no cost to the homeowner, including a report of the scope of the inspection, the findings and results of the inspection, a description of the additional construction necessary to remedy the defect, and a timetable for the completion of such construction;

(ii) A written offer to compromise and settle the claim by monetary payment pursuant to subsection (2)(b) of this section; or

(iii) A written statement that the construction professional will not proceed further to remedy the defect.

(c) If the construction professional does not proceed further to remedy the defect within the agreed timetable, or if the construction professional fails to comply with the provisions of (b) of this subsection, the homeowner shall provide written notification to the board. The board shall commence an investigation and mediation of the claim.

(d) If the homeowner rejects the offer made by the construction professional pursuant to (b)(i) or (ii) of this subsection (4) to either remedy the defect or to compromise and settle the claim by monetary payment, the homeowner shall serve written notice of the rejection on the construction professional and the board. After service of the rejection notice, the board shall commence an investigation and mediation of the claim.

(e) If the construction professional has not received from the homeowner, within thirty days after the homeowner's receipt of the construction professional's response, either an acceptance or rejection of the offer made pursuant to (b)(i) or (ii) of this subsection (4), then at anytime thereafter the construction professional may terminate the offer by serving written notice to the homeowner.

(5)(a) Any homeowner accepting the offer of a construction professional to remedy the defect pursuant to subsection (4)(b)(i) of this section shall do so by serving the construction professional with a written notice of acceptance within a reasonable time period after receipt of the offer, and no later than thirty days after receipt of the offer. The homeowner shall also send a copy of the written notice of acceptance to the board. The homeowner shall provide the construction professional and its contractors or other agents reasonable access to the homeowner's residence during normal working hours to perform and complete the construction by the timetable stated in the offer.

(b) The homeowner and construction professional may, by written mutual agreement, alter the extent of construction or the timetable for completion of construction stated in the offer, including, but not limited to, repair of additional defects.

(6) Compliance with this section satisfies the requirements of RCW 64.50.020.

NEW SECTION. Sec. 10. A new section is added to chapter 43.10 RCW to read as follows:

(1) If, after compliance with the procedures established in section 9 of this act, a resolution has not been reached between the homeowner and construction professional, the board shall investigate the claim.

(2) The board may use the services of neutral third party experts to conduct on-site investigations, make recommendations to the board, and assist the board in investigating and mediating claims.

(3) After the investigation is complete, the board shall provide the parties with notification of the findings of the investigation. If the parties do not provide the board with written notification within fourteen days after receipt of the findings that the parties have resolved the claim, the board shall mediate the claim.

(4) The mediation shall be conducted by a panel of three members of the board in accordance with rules adopted by the board.

(5) All proceedings of the mediation conference, including any statement made by any party, attorney or other participant, shall be privileged and not reported, recorded, placed in evidence, used for impeachment, made known to a court or jury, or construed for any purpose as an admission. No party shall be bound by anything done or said at the mediation conference unless a settlement is reached, in which event the agreement upon a settlement shall be reduced to writing and shall be binding upon all parties to that agreement.

(6) At the conclusion of the mediation the board shall provide a written notice of the completion of mediation to the parties. The notice shall include a statement of the results of the mediation and a copy of any written settlement agreement between the parties. If the parties did not reach an agreement, the notice shall include a statement that the parties may pursue any other right or remedy provided under statutory or common law. However, a homeowner who files an action under the common law implied warranty of habitability waives any available claim under express contract warranties. A homeowner who files a claim under express contract warranties waives any claim under the common law implied warranty of habitability.

NEW SECTION. Sec. 11. A new section is added to chapter 43.10 RCW to read as follows:

(1) The board shall maintain and make available to the office of consumer education for home construction a record of all claims filed with the board against construction professionals under this chapter and the outcomes of those claims.

(2) The office of consumer education for home construction shall compile a summary of the claims into a report for the legislature as required under section 1 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 64.50 RCW to read as follows:

The provisions of RCW 64.50.020 do not apply to a claim filed with the home construction board under sections 8 through 10 of this act.

PART II. RESIDENTIAL REAL PROPERTY WARRANTIES

NEW SECTION. Sec. 13. A new section is added to chapter 64.50 RCW to read as follows:

(1) The common law implied warranty of habitability may not be disclaimed, waived, modified, or limited by contractual agreement. A provision of any contract for the purchase or sale of newly constructed residential property that purports to disclaim, waive, modify, or limit the implied warranty of habitability is void and unenforceable.

(2) The common law implied warranty of habitability for newly constructed residential real property extends to any homeowner who purchases the property within six years of its construction, and is not limited to the initial owner-occupant of the property. A homeowner who purchases the property subsequent to the initial owner-occupant, and within six years of the construction of the property, receives the same protections of the common law implied warranty of habitability as possessed by the person from whom the property was purchased.

(3) Damages awarded for a breach of the implied warranty of habitability are the cost of repairs. However, if it is established that the cost of repairs is clearly disproportionate to the loss in market value caused by the breach, damages are limited to the loss in market value.

NEW SECTION. Sec. 14. A new section is added to chapter 64.50 RCW to read as follows:

(1) Every contract for the sale or construction of new residential real property shall provide for written express warranties to the purchaser or owner of the residential real property.

(2) The express warranties shall meet the following requirements:

(a) The express warranties must assure timely resolution of homeowners' complaints or claims covered under subsection (j) of this section.

(b) The entire cost to the homeowner for the express warranties coverage must be prepaid by the entity providing the express warranties, or the express warranties issuer must give irrevocable coverage, at the time of settlement.

(c) Unexpired express warranties coverage must be automatically transferred, without additional cost, to subsequent homeowners.

(d) Issued express warranties coverage must be noncancellable by the express warranties issuer or by its insurance backers.

(e) Exclusions from express warranties coverage must not defeat coverage objectives stated in subsection (j) of this section and must permit normal homeowner use of the covered property, including normal maintenance and emergency property protection measures.

(f) (i) Unless prohibited by applicable law, express warranties must, at a minimum, stipulate that all homeowner complaints covered by express warranties, including those regarding construction deficiencies and structural defects claims, will be settled in the amount of their actual cost to correct or for the original sales price of the property, whichever is the lesser, subject to a deductible not to exceed a total of two hundred fifty dollars for all claims filed by a homeowner during the first two years of coverage and not to exceed a maximum of two hundred fifty dollars per claim during the third through the tenth year of coverage.

(ii) A homeowner shall be liable for a deductible only if the entity providing the express warranties defaults on warranty performance and the express warranties issuer has to make the covered corrections. When the entity providing the express warranties performs corrections under the warranties, no deductible that may be included in the express warranties is applicable.

(g) In the event of any dispute regarding a homeowner complaint or structural defect claim, express warranties must, unless prohibited by applicable law, provide for binding arbitration proceedings arranged through a nationally recognized dispute settlement organization. The sharing of arbitration charges shall be as determined by the express warranties. Express warranties must contain pre-arbitration conciliation provisions at no cost to the homeowner, and provision for judicial resolution of disputes, but arbitration, which must be available to a homeowner during the entire term of the coverage contract, must be an assured recourse for a dissatisfied homeowner.

(h) An express warranties issuer must provide homeowners an executed coverage contract clearly describing:

- (i) The identity of the property covered;
- (ii) The time at which coverage begins;
- (iii) The maximum amount of express warranties liability;
- (iv) Noncancellability of the coverage contract by the express warranties or its insurance backers;
- (v) No-cost transferability of unexpired coverage to successors in title;

(vi) The property coverage provided;

(vii) Any exclusions from coverage;

(viii) Performance standards for resolving homeowner complaints and claims, if standards for complaint and claim adjustment are promulgated as part of the express warranties;

(ix) Dispute settlement procedures;

(x) The names, addresses, and telephone numbers of the express warranties issuer and its insurance backers; and

(xi) When, to whom, under what conditions, and to what address homeowners should submit any construction deficiency complaints or structural defects claims.

(i) Express warranties will not be required to warrant that a covered property complies with:

(i) Original dwelling plans and specifications;

(ii) Applicable building codes; or

(iii) Specific terms of a homeowner's contract to purchase a property.

(j) Express warranties coverage must take effect at closing or settlement following the initial sale of the property to the homeowner and must include the following minimum level of coverage:

(i) During the first year of coverage, the express warranties must provide for a warranty against defects in workmanship and materials resulting from the failure of the covered property to comply with standards of quality as measured by acceptable trade practices, as well as correct the problems with, or restore the reliable function of, appliances and equipment damaged during installation or improperly installed. The express warranties must also cover structural defects as defined in subsection (4) of this section.

(ii) During the first and second year of coverage, the express warranties must provide a warranty against defects in the wiring, piping and ductwork in the electrical, plumbing, heating, cooling, ventilating, and mechanical systems.

(iii) Basement slabs in designated areas must be covered by a warranty against damage from the first through the fourth year.

(iv) From the first through the tenth year, structural defect, as defined in subsection (4) of this section, except as provided in (iii) of this subsection (j), must be covered by a warranty in the express warranties.

(k) The express warranties must provide insurance coverage for default on any warranty obligation.

(3) This section does not apply to condominiums subject to chapter 64.34 RCW.

(4) For the purposes of this section:

(a) "Construction deficiencies" are defects, not of a structural nature, in residential real property covered by express warranties that are attributable to poor workmanship or to the use of inferior materials which result in the impaired functioning of the residential real property or some part thereof. Defects resulting from homeowner abuse or from normal wear and tear are not considered construction deficiencies.

(b) "Residential real property" means a single-family home, a duplex, a triplex, or a quadraplex.

(c) "Structural defect" is actual physical damage to the designated load-bearing portions of residential real property caused by failure of such load-bearing portions that affects their load-bearing functions to the extent that the structure becomes unsafe, unsanitary, or otherwise unlivable. "Load-bearing components" for the purpose of defining structural defects are defined as follows: footing and foundation systems; beams; girders; lintels; columns; load-bearing walls and partitions; roof framing systems; and floor systems. "Structural defect" does not include damage to the following nonload-bearing portions of the structure: roofing; drywall and plaster; exterior siding; brick, stone, or stucco veneer; floor covering material; wall tile and other wall coverings; nonload-bearing walls and partitions; concrete floors in attached garages; electrical; plumbing, heating, cooling and ventilation systems; appliances, fixtures and items of equipment; paint; doors and windows; trim, cabinets, hardware, and insulation.

PART III. CONTRACTOR REGISTRATION

Sec. 15. RCW 18.27.030 and 2008 c 120 s 1 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) Unified business identifier number.

(c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

(d) Employment security department number.

(e) Unified business identifier (UBI) account number may be substituted for the information required by (c) and (d) of this subsection if the applicant will not employ employees in Washington.

(f) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty.

(g) Type of work performed, whether residential, commercial, or both.

(h) The name ((~~and~~)), address, social security number, date of birth, and driver's license number of each partner if the applicant is a firm or partnership, or the name ((~~and~~)), address, social security number, date of birth, and driver's license number of the owner if the applicant is an individual proprietorship, or the name ((~~and~~)), address, social security number, date of birth, and driver's license number of the corporate officers and statutory agent, if any, if the applicant is a corporation, or the name ((~~and~~)), address, social security number, date of birth, and driver's license number of all members of other business entities. The information contained in such application is a matter of public record and open to public inspection.

(i) The registration numbers and unified business identifier account numbers of previously or currently registered businesses involving the same owner, principal, or officer as the applicant.

(i) Disclosure of any bankruptcy proceedings filed by or against the applicant.

(k) Information about any construction licenses, certifications, or registrations that have been issued to the applicant by other states. The applicant shall also provide details about any denials, suspensions, revocations, or any enforcement actions related to construction against the applicant by other states.

(2) The department may verify the workers' compensation coverage information provided by the applicant under subsection (1)(c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)(a) The department shall deny an application for registration if: (i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on work performed subject to this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was an owner, principal, or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (iii) the applicant does not have a valid unified business identifier number; (iv) the department determines that the applicant has falsified information on the application, unless the error was inadvertent; ((~~or~~)) (v) the applicant does not have an active and valid certificate of registration with the department of revenue; or (vi) the department has determined that a different state has taken enforcement action against the applicant for activities that would be a violation of this chapter if they had occurred in Washington state.

(b) The department shall suspend an active registration if: (i) The department has determined that the registrant has an unsatisfied final judgment against it for work within the scope of this chapter; (ii) the department has determined that the registrant is a sole proprietor or an owner, principal, or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; (iii) the registrant does not maintain a valid unified business identifier number; (iv) the department has determined that the registrant falsified information on the application, unless the error was inadvertent; ((~~or~~)) (v) the registrant does not have an active and valid certificate of registration with the department of revenue; or (vi) the department has determined that a different state has taken enforcement action against the registrant for activities that would be a violation of this chapter if they had occurred in Washington state.

(c) The department may suspend an active registration if the department has determined that an owner, principal, partner, or officer of the registrant was an owner, principal, or officer of a previous partnership, corporation, or other entity that has an unsatisfied final judgment against it.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's

or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

NEW SECTION. Sec. 16. A new section is added to chapter 18.27 RCW to read as follows:

A registered contractor, by or against whom a petition in bankruptcy has been filed, shall notify the department of the proceedings in bankruptcy, including the identity and location of the court in which the proceedings are pending, within ten days of the filing.

NEW SECTION. Sec. 17. Sections 5 through 12 of this act take effect January 1, 2010.

NEW SECTION. Sec. 18. Part headings used in this act are not any part of the law."

Correct the title.

With the consent of the House, amendment (367) to amendment (347) was withdrawn.

Representative Conway moved the adoption of amendment (371) to amendment (347):

On page 3, line 16 of the striking amendment, after "registration" insert "to a contractor who discloses, as required under RCW 18.27.030, that he or she will perform both residential and commercial work or only residential work. A contractor who discloses that he or she will perform only commercial work is not required to pay the fee"

Representatives Conway, Rodne and Pedersen spoke in favor of the adoption of the amendment to amendment (347).

Amendment (371) to amendment (347) was adopted.

Representative Williams moved the adoption of amendment (376) to amendment (347):

On page 33, after line 14 of the striking amendment, insert the following:

"(4) If no new affordable housing units are created through the use of a transit-oriented housing fund within three years of the establishment of such fund, then all remaining funds must be distributed to a local housing assistance program to be designated by the local legislative authority and the account containing the funds closed."

Representatives Williams, Rodne and Pedersen spoke in favor of the adoption of the amendment to amendment (347).

Amendment (376) to amendment (347) was adopted.

Representative Rodne moved the adoption of amendment (369) to amendment (347):

On page 13, line 27 of the striking amendment, after "any" strike all material through "under" and insert "claim under any available"
On page 15, line 7 of the striking amendment, strike "shall" and insert "may"

Representative Rodne spoke in favor of the adoption of the amendment to amendment (347).

Representative Pedersen spoke against the adoption of the amendment to amendment (347).

Amendment (369) to amendment (347) was not adopted.

Representative Kessler moved the adoption of amendment (370) to amendment (347):

On page 22, line 9 of the striking amendment, strike "12" and insert "14"

On page 22, line 10 of the striking amendment, strike "January" and insert "April"

Representatives Kessler, Rodne and Pedersen spoke in favor of the adoption of the amendment to amendment (347).

Amendment (370) to amendment (347) was adopted.

Representative Rodne moved the adoption of amendment (357) to amendment (347):

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that homeowners have experienced problems in residential construction, resulting in great economic loss, only to discover that there are limited remedies available at law, if any. However, it is unclear if construction defects are an industry-wide problem or limited to a small segment of builders and other construction professionals. The scope and nature of the problem must be determined in order for the legislature to develop a comprehensive solution that may necessitate several pieces of legislation covering a wide range of issues from contractor licensing, permit processes and sign-offs, requirements of the state building code and of building officials, as well as homeowner warranties.

NEW SECTION. Sec. 2. (1) A committee on residential construction is created. The committee consists of the following members who have experience and expertise in residential construction law or residential construction:

(a) One member from each caucus of the senate, appointed by the president of the senate;

(b) One member from each caucus of the house of representatives, appointed by the speaker of the house of representatives;

(c) The director of the department of labor and industries or the director's designee;

(d) The president of the state building code council or the president's designee;

(e) The following six members, jointly appointed by the speaker of the house of representatives and the president of the senate:

(i) Two builders;

(ii) A residential construction defect plaintiff's attorney;

(iii) A residential construction defect defense attorney;

(iv) A representative of the insurance industry; and

(v) A representative of a statewide building industry association.

(2) The committee shall choose two co-chairs from among its membership.

(3) The committee shall:

(a) Examine whether enhanced regulation of construction professionals is needed, including whether contractors should be licensed or subject to enhanced registration requirements, whether construction workers should be certified, and what education and training requirements should exist for contractors and construction workers;

(b) Evaluate whether current surety bond requirements are sufficient or if increased or additional bonding requirements are necessary to protect both construction professionals and homeowners;

(c) Examine the state building code and determine whether the code should be strengthened to protect homeowners;

(d) Determine whether there should be increased standards for city and county building inspectors;

(e) Study current remedies at law for residential construction defects;

(f) Evaluate what impact a statutory warranty for new home construction would have on the industry and homeowners including, but not limited to, any concerns regarding increased insurance costs for construction professionals and home costs for homeowners. Within this evaluation, the committee shall examine other states that have implemented statutory home warranties including, at a minimum, Maryland and California; and

(g) Examine alternative models for addressing residential property construction defects, including an examination of Oregon's construction contractors board model for resolving construction defect claims.

(4) By December 31, 2009, the committee shall deliver to the appropriate committees of the legislature a report of the findings and conclusions of the committee and any proposed legislation.

NEW SECTION. Sec. 3. This act expires January 31, 2010.

Correct the title."

Representatives Rodne, Kristiansen and Ericksen spoke in favor of the adoption of the amendment to amendment (347).

Representative Pedersen spoke against the adoption of the amendment to amendment (347).

Amendment (357) was not adopted.

Amendment (347) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer, Pedersen, Eddy, Seaquist, Nelson, Conway, Lias, Flannigan and Finn spoke in favor of the passage of the bill.

Representatives Rodne, Klippert, Walsh, Seaquist, Shea, Short, Kristiansen, Warnick, Orcutt, Schmick, Dammeier, Hinkle, Ross, Herrera, Angel, McCune, Finn and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1393.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1393 and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Dunshee, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Simpson, Smith, Wallace, Walsh, Warnick and Williams.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1393, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1393.

AL O'BRIEN, 1st District

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

MESSAGES FROM THE SENATE

March 11, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5141,
 SECOND SUBSTITUTE SENATE BILL NO. 5433,
 SENATE BILL NO. 5568,
 SUBSTITUTE SENATE BILL NO. 5638,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5651,
 SUBSTITUTE SENATE BILL NO. 5708,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5742,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,
 SENATE BILL NO. 5951,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
 SENATE JOINT MEMORIAL NO. 8012,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 11, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5071,
 SENATE BILL NO. 5453,
 SUBSTITUTE SENATE BILL NO. 5537,
 SUBSTITUTE SENATE BILL NO. 5684,
 SECOND SUBSTITUTE SENATE BILL NO. 5691,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5807,
 SUBSTITUTE SENATE BILL NO. 5963,
 SUBSTITUTE SENATE BILL NO. 6052,
 SENATE BILL NO. 6070,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 1402, by Representatives Williams, Campbell, Conway, Moeller and Green

Restricting contact with medical providers after appeals have been filed under industrial insurance.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1402 was substituted for House Bill No. 1402 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1402 was read the second time.

Representative Condotta moved the adoption of amendment (139):

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 51.52 RCW to read as follows:

(1)(a) Except as provided in (b), (c) and (d) of this subsection, after the filing of a notice of appeal under RCW 51.52.060(2) and confirmation of witnesses pursuant to the rules of the board, the department and its representatives and the employer and its representatives shall not have contact to discuss the facts or issues in question in the appeal with any medical provider who has examined or treated the worker at the request of the worker or treating medical provider and has been confirmed as a witness by the worker or the worker's representative, unless written authorization for contact is given by the worker or the worker's representative. Written authorization is only valid if given after the date of the worker's witness confirmation and expires ninety days after it is signed.

(b) Contact is permitted as necessary for the ongoing management of the claim, including but not limited to communication regarding the worker's treatment needs and the provider's treatment plan, vocational and return-to-work issues and assistance, and certification of the worker's inability to work, unless these issues are in question in the appeal.

(c) If the department and its representatives or the employer and its representatives wish to communicate with the examining or treating medical providers concerning the issues in question in the

appeal and no written authorization from the worker or the worker's representative has been obtained, after the worker's confirmation of witnesses the communication must either be:

(i) In writing including by e-mail, sent contemporaneously to all parties with a notice to the provider in bold type that any response must be in writing, including by e-mail;

(ii) In person, by telephone, or videoconference, at a date and time mutually agreed to by all parties, with the worker or the worker's representative given the opportunity to fully participate; or

(iii) Pursuant to a properly scheduled and noted deposition.

(d) Written authorization is not required if the worker fails to confirm the examining or treating medical provider as a witness as required by the board.

(2)(a) Except as provided in (b) and (c) of this subsection, after the filing of a notice of appeal under RCW 51.52.060(2) and confirmation of witnesses pursuant to rules of the board, the worker and the worker's representative, if any, shall not have contact to discuss the facts or issues in question in the appeal with any medical provider who has examined the worker at the request of the employer or the employer's representative and has been confirmed as a witness by the employer or the employer's representative, unless written authorization for contact is given by the employer or the employer's representative. Written authorization is only valid if given after the date of the employer's witness confirmation and expires ninety days after it is signed.

(b) If the worker or the worker's representative wishes to communicate with a medical provider who has examined the worker at the request of the employer and no written authorization from the employer or the employer's representative has been obtained, the communication must either be:

(i) In writing, including by e-mail, sent contemporaneously to all parties with a notice to the provider in bold type that any response must be in writing, including by e-mail;

(ii) In person, by telephone, or videoconference, at a date and time mutually agreed to by all parties, with the department, employer, and their representatives given the opportunity to fully participate; or

(iii) Pursuant to a properly scheduled and noted deposition.

(c) Written authorization is not required if the employer fails to confirm the examining medical provider as a witness as required by the board.

(3)(a) Except as provided in (b) and (c) of this subsection, after the filing of a notice of appeal under RCW 51.52.060(2) and confirmation of witnesses pursuant to the rules of the board, the worker and worker's representative, if any, shall not have contact to discuss the facts or issues in question in the appeal with any medical provider who has examined the worker at the request of the department and has been confirmed as a witness by the department or employer unless written authorization for contact is given by the department or its representative or, in the event that the department is not participating in the appeal, by the employer or its representative. Written authorization is only valid if given after the date of the department's witness confirmation or, if the department is not participating in the appeal, the employer's witness confirmation, and expires ninety days after it is signed.

(b) If the worker or the worker's representative wishes to communicate with a medical provider who has examined the worker at the request of the department, and no written authorization has been obtained from the department or the department's representative or, if the department is not participating in the appeal, the employer or the employer's representative, the communication must either be:

(i) In writing, including by e-mail, sent contemporaneously to all parties with a notice to the provider in bold type that any response must be in writing, including by e-mail;

(ii) In person, by telephone, or videoconference, at a date and time mutually agreed to by all parties, with the department, employer, and their representatives given the opportunity to fully participate; or

(iii) Pursuant to a properly scheduled and noted deposition.

(c) Written authorization is not required if the department or employer fails to confirm the examining medical provider as a witness as required by the board.

(4) The board may determine whether the parties have made themselves reasonably available to participate in telephone or videoconference communications as provided in subsections (1)(c)(ii), (2)(b)(ii) and (3)(b)(ii) of this section.

(5) This section only applies to issues set forth in a notice of appeal under RCW 51.52.060(2).

(6) This section does not limit the reporting requirements under RCW 51.04.050 and 51.36.060 for issues not set forth in a notice of appeal.

(7) The department and the board may adopt rules as necessary to implement the provisions of this section.

NEW SECTION, Sec. 2. This act applies to orders entered on or after the effective date of this section."

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Williams spoke against the adoption of the amendment.

Amendment (139) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Williams, Green, Campbell and Conway spoke in favor of the passage of the bill.

Representatives Condotta, Rodne, Shea and Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1402.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1402 and the bill passed the House by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Wallace, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 1402, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1415, by Representatives Hasegawa, Haler, Hunt, Armstrong, Eddy, Newhouse, Conway, Wood, Williams, Johnson, Chase, Upthegrove, Condotta, Moeller and Ormsby

Providing for the sales of wine at the legislative gift center.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1415 was substituted for House Bill No. 1415 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1415 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa, Condotta, Hunt and Johnson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1415.

MOTIONS

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1415 and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White and Wood.

Voting nay: Representatives Chandler, Crouse, Ericksen, Goodman, Kelley, Kristiansen, Orcutt, Pearson, Shea, Williams and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1415, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1512, by Representatives Haler, Roach and Klippert

Authorizing the funding of rail freight service through grants.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1512 was substituted for House Bill No. 1512 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1512 was read the second time.

Representative Haler moved the adoption of amendment (132):

On page 3, beginning on line 18, after "(11)" strike all material through "consideration." on line 23 and insert the following:

"(Moneys distributed under this chapter should be provided as loans wherever practicable. Except as provided by section 3, chapter 73, Laws of 1996, for improvements on or to privately owned railroads, railroad property, or other private property, moneys distributed shall be provided solely as loans.) Moneys may be granted for improvements to privately owned railroads, railroad property, or other private property under this chapter for freight rail projects that meet the minimum eligibility criteria for state assistance under RCW 47.76.240, and which are supported by contractual consideration. At a minimum, such contractual consideration shall consist of defined benefits to the public with a value equal to or

greater than the grant amount, and where the grant recipient provides the state a contingent interest adequate to ensure that such public benefits are realized."

Representatives Haler and Clibborn spoke in favor of the adoption of the amendment.

Amendment (132) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haler and Clibborn spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1512.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1512 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 1775, and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 12, 2009, the 60th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTIETH DAY

House Chamber, Olympia, Thursday, March 12, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rafael Madera and Sam Margolis. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jaime Herrera.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 11, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5513,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5682,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809,
ENGROSSED SENATE BILL NO. 5894,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5943,

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 10, 2009

SB 5164 Prime Sponsor, Senator Berkey: Placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 10, 2009

SSB 5417 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Requiring the disclosure of information on flood insurance coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 10, 2009

ESSB 5671 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Determining the suitability of annuities sold in Washington. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The purpose of this act is to permit and set standards for producers and insurers selling annuity products issued after the effective date of this section that ensure consumers purchase annuities suitable to their financial and insurance needs and life circumstances.

NEW SECTION. Sec. 2. A new section is added to chapter 48.23 RCW to read as follows:

(1) For the purposes of this section:

(a) "Annuity" means a fixed annuity or variable annuity that is individually solicited, whether the product is classified as an individual or group annuity.

(b) "Recommendation" means advice provided by an insurance producer, or an insurer when no producer is involved, to an individual consumer that results in a purchase or exchange of an annuity in accordance with that advice.

(2) Insurers and insurance producers must comply with the following requirements in recommending and executing a purchase or exchange of an annuity:

(a) In recommending the purchase of an annuity or the exchange of an annuity that results in another insurance transaction or series of insurance transactions to a consumer, the insurance producer, or the insurer when no producer is involved, must have reasonable grounds for believing that the recommendation is suitable for the consumer on the basis of the facts disclosed by the consumer about their investments and other insurance products and as to their financial situation and needs.

(b) Prior to the execution of a purchase or exchange of an annuity resulting from a recommendation, an insurance producer, or an insurer when no producer is involved, shall make reasonable efforts to obtain information concerning:

(i) The consumer's financial status;

(ii) The consumer's tax status;

(iii) The consumer's investment objectives; and

(iv) Other information used or considered to be reasonable by the insurance producer, or the insurer when no producer is involved, in making recommendations to the consumer.

(3) An insurer or insurance producer's recommendation must be reasonable under all circumstances actually known to the insurer or insurance producer at the time of the recommendation. Neither an insurance producer nor an insurer when no producer is involved, has any obligation to a consumer under subsection (2) of this section related to any recommendation if a consumer:

(a) Refuses to provide relevant information requested by the insurer or insurance producer;

(b) Decides to enter into an insurance transaction that is not based on a recommendation of the insurer or insurance producer; or

(c) Fails to provide complete or accurate information.

(4) An insurer must assure that a system to supervise recommendations, reasonably designed to achieve compliance with this section, is established and maintained. The system must include, but is not limited to, written procedures and conducting periodic review of its records that are reasonably designed to assist in detecting and preventing violations of this section.

(a) An insurer may contract with a third party, including insurance producers, a general agent, or independent agency, to establish and maintain a system of supervision as required in this subsection with respect to insurance producers under contract with or employed by the third party. An insurer must make reasonable inquiry to assure that the third party is performing the functions required in this subsection and must take action as is reasonable under the circumstances to enforce the contractual obligation to

perform the functions. An insurer may comply with its obligation to make reasonable inquiry by doing all of the following:

(i) Annually obtaining a certification from a third party senior manager with responsibility for the delegated functions that the manager has a reasonable basis to represent, and does represent, that the third party is performing the required functions; and

(ii) Based on reasonable selection criteria, periodically selecting third parties contracting under this subsection for a review to determine whether the third parties are performing the required functions. The insurer shall perform those procedures to conduct the review that are reasonable under the circumstances.

(b) An insurer, or the contracted third party if a general agent or independent agency, is not required to:

(i) Review, or provide for review of, all insurance producer solicited transactions; or

(ii) Include in its system of supervision an insurance producer's recommendations to consumers of products other than the annuities offered by the insurer, general agent, or independent agency.

(c) A general agent or independent agency contracting with an insurer to supervise compliance with this section shall promptly, when requested by the insurer, give a certification of compliance or give a clear statement that it is unable to meet the certification criteria. A person may not provide a certification unless the person:

(i) Is a senior manager with responsibility for the delegated functions; and

(ii) Has a reasonable basis for making the certification.

(5) Compliance with the financial industry regulatory authority conduct rules pertaining to suitability satisfies the requirements under this section for the recommendation of annuities registered under the securities act of 1933 (15 U.S.C. Sec. 77(a) et seq. or as hereafter amended). The insurance commissioner must notify the appropriate committees of the house of representatives and senate if there are changes regarding the registration of annuities under the securities act of 1933 that affect the application of this subsection. This subsection does not limit the insurance commissioner's ability to enforce this section.

(6) The commissioner may order an insurer, an insurance producer, or both, to take reasonably appropriate corrective action for any consumer harmed by the insurer's or insurance producer's violation of this section.

(a) Any applicable penalty under this or other sections of Title 48 RCW may be reduced or eliminated by the commissioner if corrective action for the consumer was taken promptly after a violation was discovered.

(b) This subsection does not limit the commissioner's ability to enforce this section or other applicable sections of Title 48 RCW.

(7) Insurers and insurance producers must maintain or be able to make available to the commissioner records of the information collected from the consumer and other information used in making the recommendations that were the basis for the insurance transaction for five years after the insurance transaction is completed by the insurer, or for five years after the annuity begins paying benefits, whichever is longer. An insurer is permitted, but is not required, to maintain documentation on behalf of an insurance producer. This section does not relieve an insurance producer of the obligation to maintain records of insurance transactions as required by RCW 48.17.470.

(8) The commissioner may adopt rules to implement and administer this section.

(9) Unless otherwise specifically included, this section does not apply to recommendations involving:

(a) Direct response solicitations when there is no recommendation based on information collected from the consumer under this section; or

(b) Contracts used to fund:

(i) An employee pension or welfare benefit plan that is covered by the employment and income security act;

(ii) A plan described by sections 401(a), 401(k), 403(b), 408(k), or 408(p) of the internal revenue code, as amended, if established or maintained by an employer;

(iii) A government or church plan defined in section 414 of the internal revenue code, a government or church welfare benefit plan

or a deferred compensation plan of a state or local government or tax exempt organization under section 457 of the internal revenue code;

(iv) A nonqualified deferred compensation arrangement established or maintained by an employer or plan sponsor;

(v) Settlements of or assumptions of liabilities associated with personal injury litigation or any dispute or claim resolution process; or

(vi) Formal prepaid funeral contracts.

(10) This section does not affect the application of chapter 21.20 RCW."

Correct the title.

Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING

HOUSE BILL NO. 1571, by Representatives Blake and Chandler

Regarding the adjudication of water rights.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1571 was substituted for House Bill No. 1571 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1571 was read the second time.

Representative Blake moved the adoption of amendment (387):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.110 and 1987 c 109 s 72 are each amended to read as follows:

(1) Upon the filing of a petition with the department by a planning unit or by one or more persons claiming the right to (divert) any waters within the state or when, after investigation, in the judgment of the department, the ((interest of the public will be served by a determination of the rights thereto, it shall be the duty of the department to)) public interest will be served by a determination of the rights thereto, the department shall prepare a statement of the facts, together with a plan or map of the locality under investigation, and file such statement and plan or map in the superior court of the county in which said water is situated, or, in case such water flows or is situated in more than one county, in the county which the department shall determine to be the most convenient to the parties interested therein. Such a statement shall ((contain substantially the following matter, to-wit:

(1) The names of all known persons claiming the right to divert said water, the right to the diversion of which is sought to be determined, and

(2) A brief statement of the facts in relation to such water, and the necessity for a determination of the rights thereto);

(a) For an adjudication, either (i) identify each person or entity owning real property situated within the area to be adjudicated but outside the boundaries of a city, town, or special purpose district that provides water to property within its service area; (ii) identify all known persons claiming a right to the water sought to be determined; or (iii) identify both; and

(b) Include a brief statement of the facts in relation to such water, and the necessity for a determination of the rights thereto.

(2) Prior to filing an adjudication under this chapter, the department shall:

(a) For an adjudication, consult with the administrative office of the courts to determine whether sufficient judicial resources are available to commence and to prosecute the adjudication in a timely manner; and

(b) For an adjudication, report to the appropriate committees of the legislature on the estimated budget needs for the court and the department to conduct the adjudication.

Sec. 2. RCW 90.03.120 and 1987 c 109 s 73 are each amended to read as follows:

(1) Upon the filing of the statement and map as provided in RCW 90.03.110 the judge of such superior court shall make an order directing summons to be issued, and fixing the return day thereof, which shall be not less than ~~((sixty))~~ one hundred nor more than ~~((ninety))~~ one hundred thirty days, after the making of such order: PROVIDED, That for good cause, the court, at the request of the department, may modify said time period.

(2) A summons issued under this section shall ~~((thereupon))~~ be issued out of said superior court, signed and attested by the clerk thereof, in the name of the state of Washington, as plaintiff, against all known persons ~~((claiming the right to divert the water involved and also all persons unknown claiming the right to divert the water involved, which said))~~ identified by the department under RCW 90.03.110. The summons shall contain a brief statement of the objects and purpose of the proceedings and shall require the defendants to appear on the return day thereof, and make and file ~~((a statement of))~~ an adjudication claim to, or interest in, the water involved and a statement that unless they appear at the time and place fixed and assert such right, judgment will be entered determining their rights according to the evidence: PROVIDED, HOWEVER, That any persons claiming the right to ((the use of)) water by virtue of a contract with a claimant to the right to divert the same, shall not be necessary parties to the proceeding.

(3) To the extent consistent with court rules and subject to the availability of funds provided either by direct appropriation or funded through the administrative office of the courts for this specific adjudicative proceeding, the court is encouraged to conduct the water rights adjudication employing innovative practices and technologies appropriate to large scale and complex cases, such as: (a) Electronic filing of documents, including notice and claims; (b) appearance via teleconferencing; (c) prefilling of testimony; and (d) other practices and technologies consistent with court rules and emerging technologies.

NEW SECTION. Sec. 3. A new section is added to chapter 90.03 RCW to read as follows:

(1) A judge in a water right adjudication filed under this chapter may be partially or fully disqualified from hearing the adjudication. Partial disqualification means disqualification from hearing specified claims. Full disqualification means disqualification from hearing any aspect of the adjudication.

(a) A judge is partially disqualified when the judge's impartiality might reasonably be questioned and the apparent or actual partiality is limited to specified claims.

(b) A judge is fully disqualified when the judge's impartiality might reasonably be questioned and the apparent or actual partiality extends beyond limited claims such that the judge should not hear any part of the adjudication.

(2) A judge may recuse himself or herself under this section or a party may file a motion for disqualification. A motion for disqualification must state whether the remedy being sought is full or partial disqualification.

(3)(a) For parties who are named in the original pleadings, a motion for disqualification is timely if it is filed before the judge issues a discretionary order or ruling in the adjudication.

(b) For a party who is joined in the adjudication after the original pleadings have been filed, a motion for disqualification is timely if it is filed within the earliest of either (i) thirty days of being joined in the adjudication; or (ii) after the joinder of the party, before the judge issues a discretionary order or ruling relating to the joined party.

(c) When a motion for disqualification is untimely filed under this subsection (3), the motion will be granted only when necessary to correct a substantial injustice.

(d) For purposes of this section, "discretionary order or ruling" has the same meaning as "order or ruling involving discretion" in RCW 4.12.050.

(4) A party filing a motion for disqualification under this section has the burden of proving by a preponderance of the evidence that the judge should be disqualified under the standards of subsection (1) of this section.

(5) The motion for disqualification may not be heard by the judge against whom the motion is filed. Subject to this limitation, the court may assign the disqualification motion to any superior court judge of the judicial district in which the adjudication was filed or to a visiting superior court judge under RCW 2.56.040.

(6) Except as stated in subsection (3)(d) of this section, RCW 4.12.040 and 4.12.050, which otherwise govern the disqualification of superior court judges, do not apply to water right adjudications filed under this chapter. The standards set forth in RCW 2.28.030, which govern the disqualification of judicial officers generally, may be grounds for disqualification under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 90.03 RCW to read as follows:

Upon expiration of the filing period established under RCW 90.03.120(2), the department shall file a motion for default against defendants who have been served but who have failed to file an adjudication claim under RCW 90.03.140. A party in default may file a late claim under the same circumstances the party could respond or defend under court rules on default judgments.

NEW SECTION. Sec. 5. A new section is added to chapter 90.03 RCW to read as follows:

If an adjudication claim is for a use for which a statement of claim was required to be filed under chapter 90.14 RCW and no such claim was filed, the department may move that the adjudication claim be denied. The court shall grant the department's motion unless the claimant shows good cause why the motion should not be granted.

Sec. 6. RCW 90.03.130 and 1987 c 109 s 74 are each amended to read as follows:

Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state: PROVIDED, That ~~((for good cause, the court, at the request of the department, as an alternative to personal service, may authorize service of summons to be))~~ as an alternative to personal service, service may be made by certified mail, with return receipt signed and dated by defendant, a spouse of a defendant, or another person authorized to accept service. If the defendants, or either of them, cannot be found within the state of Washington, of which the return of the sheriff of the county in which the proceeding is pending or the failure to sign a receipt for certified mail shall be prima facie evidence, upon the filing of an affidavit by the department, or its attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation in the county in which such proceeding is pending, and also publication of said summons in a newspaper of general circulation in each county in which any portion of the water is situated, once a week for six consecutive weeks (six publications). ((In cases where personal service can be had, such summons shall be served at least twenty days before the return day thereof.)) The summons by publication shall state that ~~((statements of))~~ adjudication claims must be filed within ((twenty)) sixty days after the last publication or before the return date, whichever is later. In cases where personal service or service by certified mail is had, summons must be served at least sixty days before the return day thereof. For summons by certified mail, completion of service occurs upon the date of receipt by the defendant.

Personal service of summons may be made by department of ecology employees for actions pertaining to water rights.

Sec. 7. RCW 90.03.140 and 1987 c 109 s 75 are each amended to read as follows:

~~((1) On or before the ((return day of such summons, each defendant shall file in the office of the clerk of said court a statement,~~

and therewith a copy thereof for the department, containing substantially the following:

- ~~(1) The name and post office address of defendant.~~
- ~~(2) The full nature of the right, or use, on which the claim is based.~~
- ~~(3) The time of initiation of such right and commencement of such use.~~
- ~~(4) The date of beginning and completion of construction.~~
- ~~(5) The dimensions and capacity of all ditches existing at the time of making said statement.~~
- ~~(6) The amount of land under irrigation and the maximum quantity of water used thereon prior to the date of said statement and if for power, or other purposes, the maximum quantity of water used prior to date of said statement.~~
- ~~(7) The legal description of the land upon which said water has been, or may be, put to beneficial use, and the legal description of the subdivision of land on which the point of diversion is located.~~

~~Such statement)) date specified in the summons, each defendant shall file with the clerk of the superior court an adjudication claim on a form and in a manner provided by the department, and mail or electronically mail a copy to the department. The department shall provide information that will assist claimants of small uses of water in completing their adjudication claims. The adjudication claim must contain substantially the following, except that when the legal basis for the claimed right is a federally reserved right, the information must be filed only as applicable:~~

- ~~(a) The name, mailing address, and telephone contact number of each defendant on the claim, and e-mail address, if available;~~
- ~~(b) The purpose or purposes of use of the water and the annual and instantaneous quantities of water put to beneficial use;~~
- ~~(c) For each use, the date the first steps were taken under the law to put the water to beneficial use;~~
- ~~(d) The date of beginning and completion of the construction of wells, ditches, or other works to put the water to use;~~
- ~~(e) The maximum amount of land ever under irrigation and the maximum annual and instantaneous quantities of water ever used thereon prior to the date of the statement and if for power, or other purposes, the maximum annual and instantaneous quantities of water ever used prior to the date of the adjudication claim;~~
- ~~(f) The dates between which water is used annually;~~
- ~~(g) If located outside the boundaries of a city, town, or special purpose district that provides water to property within its service area, the legal description and county tax parcel number of the land upon which the water as presently claimed has been, or may be, put to beneficial use;~~
- ~~(h) The legal description and county tax parcel number of the subdivision of land on which the point of diversion or withdrawal is located as well as land survey and geographic positioning coordinates of the same if available;~~
- ~~(i) Whether a right to surface or groundwater, or both, is claimed and the source of the surface water and the location and depth of all wells;~~
- ~~(j) The legal basis for the claimed right;~~
- ~~(k) Whether a statement of claim relating to the water right was filed under chapter 90.14 RCW or whether a declaration relating to the water right was filed under chapter 90.44 RCW and, if so, the claim or declaration number, and whether the right is documented by a permit or certificate and, if so, the permit number or certificate number. When the source is a well, the well log number must be provided, when available;~~

~~(1) The amount of land and the annual and instantaneous quantities of water used thereon, or used for power or other purposes, that the defendant claims as a present right.~~

~~(2) The adjudication claim shall be verified on oath by the defendant (and in the discretion of the court may be amended)). The department shall furnish the form for the adjudication claim. A claimant may file an adjudication claim electronically if authorized under state and local court rules. The department may assist claimants in their effort by making the department's pertinent records and information accessible electronically or by other means and through conferring with claimants.~~

NEW SECTION. Sec. 8. A new section is added to chapter 90.03 RCW to read as follows:

Within the date set by the court for filing evidence, each claimant shall file with the court evidence to support the claimant's adjudication claims. The court is encouraged to set a date for filing evidence that is reasonable and fair for the timely processing of the adjudication. The evidence may include, without limitation, permits or certificates of water right, statements of claim made under chapter 90.14 RCW, deeds, documents related to issuance of a land patent, aerial photographs, decrees of previous water rights adjudications, crop records, records of livestock purchases and sales, records of power use, metering records, declarations containing testimonial evidence, records of diversion, withdrawal or storage and delivery by irrigation districts or ditch companies, and any other evidence to support that a water right was obtained and was not thereafter abandoned or relinquished. The evidence filed may include matters that are outside the original adjudication claim filed, and within the date set by the court for filing evidence, the claimant may amend the adjudication claim to conform to the evidence filed. Thereafter, except for good cause shown, a claimant may not file additional evidence to support the claim.

NEW SECTION. Sec. 9. A new section is added to chapter 90.03 RCW to read as follows:

(1) Upon the receipt of adjudication claims and the filing of claimants' evidence, the department shall conduct a preliminary investigation for the purpose of examining:

- (a) The uses of the subject waters by and any physical works in connection with the persons to whom the adjudication applies; and
 - (b) The uses for which a statement of claim has been filed under chapter 90.14 RCW or for which the department has a permit or certificate of water right on record.
- (2)(a) The examination may include, as the department deems appropriate:
- (i) An estimation of the amount of water that is reasonably necessary to accomplish various beneficial uses within the area;
 - (ii) The measurement of stream flows;
 - (iii) The measurement of any diversion or withdrawal rates;
 - (iv) An estimation of storage capacity and the amount of water stored;
 - (v) The types and numbers of stock watered;
 - (vi) The number of residences served;
 - (vii) The location and size of any irrigated land areas; and
 - (viii) Any other information pertinent to the determination of water rights in an adjudication under this chapter.

(b) The department may also take other necessary steps and gather other data and information as may be essential to the proper understanding of the water uses and associated rights of the affected water users, including review of each claimant's adjudication claim and evidence the claimant filed to support the claim. The claimants and the department are encouraged to confer as may be beneficial to clarify the factual and legal basis for the claim. To the extent consistent with court rules, the court may deem it appropriate to encourage claimants and the department to work closely together to reach agreement on a claimed water right that may result in timely settlement of water rights, reduced costs for the parties, greater equity and general public service, and better information that may be used for overall water management.

(3) The department shall file with the court the department's report of findings as to each adjudication claim filed timely under RCW 90.03.140. The department may divide its report of findings into two or more segments, covering particular drainages, uses, or other appropriate bases for dividing the report on adjudication claims. Based on the evidence filed by claimants and the department's report of findings, the department shall file with the superior court either or both of the following motions:

- (a) A motion for a partial decree in favor of all stated claims under RCW 90.03.140 that the department finds to be substantiated with factual evidence; or
- (b) A motion seeking determination of contested claims before the court.

Sec. 10. RCW 90.03.160 and 1989 c 80 s 1 are each amended to read as follows:

~~(1) Upon (the completion of the service of summons as hereinafore provided, the superior court in which said proceeding is pending shall make an order referring said proceeding to the~~

department to take testimony by its duly authorized designee, as referee, and the designee shall report to and file with the superior court of the county in which such cause is pending a transcript of such testimony for adjudication thereon by such court. The superior court may, in any complex case with more than one thousand named defendants, including the United States, retain for hearing and further processing such portions of the proceeding as pertain to a discrete class or classes of defendants or claims of water rights if the court determines that: (1) Resolution of claims of such classes appear to involve significant issues of law, either procedural or substantive; and (2) such a retention will both expedite the conclusion of the case and reduce the overall expenditures of the plaintiff, defendants, and the court) filing of the department's motion or motions under section 9(3) of this act, any party with a claim filed under RCW 90.03.140 for the appropriation of water or waters of the subject adjudication may file and serve a response to the department's motion or motions within the time set by the court for such a response. Objections must include specific information in regard to the particular disposition against which the objection is being made. Objections must also state the underlying basis of the objection being made, including general information about the forms of evidence that support the objection. Any party may file testimony with the court and serve it on other parties. If a party intends to cross-examine a claimant or witness based on another party's prefiled testimony, the party intending to cross-examine shall file a notice of intent to cross-examine no later than fifteen days in advance of the hearing. If no notice of intent to cross-examine based on the prefiled testimony is given, then the claimant or witness is not required to appear at the hearing. Any party may present evidence in support of or in response to an objection.

(2) The superior court may appoint a referee or other judicial officer to assist the court.

(3) The superior court may adopt special rules of procedure for an adjudication of water rights under this chapter, including simplified procedures for claimants of small uses of water. The rules of procedure for a superior court apply to an adjudication of water rights under this chapter unless superseded by special rules of the court under this subsection. The superior court is encouraged to consider entering, after notice and hearing and as the court determines appropriate, pretrial orders from an adjudication commenced on October 12, 1977.

NEW SECTION. Sec. 11. A new section is added to chapter 90.03 RCW to read as follows:

(1) The legislature finds that early settlement of contested claims is needed for a fair and efficient adjudication of water rights. Therefore, the department and other parties should identify opportunities for settlement following the date set by the court for filing evidence for all parties. To the extent consistent with court rules, the court as it deems beneficial is encouraged to urge as many parties to the adjudication as possible to reach timely agreement on claimed water rights in a manner that limits costs to the public, claimants, counties, courts, and the department. Further, at appropriate times throughout the process the court as it deems beneficial is encouraged to direct parties to utilize alternative methods of dispute resolution, including informal meetings, negotiation, mediation, or other methods to reach agreement on disputed claims.

(2) Any time after the filing of all claims under RCW 90.03.140, the department or another party may move the superior court to allow parties to meet for settlement discussions for a set length of time, either before an appointed mediator or without a mediator. For good cause shown, the court may extend the length of time for settlement discussions. The costs of mediation must be equitably borne by the parties to the mediation.

(3) If the department and a claimant reach agreement on settlement, the department shall file a motion to approve the settlement pursuant to section 9(3)(a) of this act and shall disclose the terms of the settlement to other parties to the adjudication. The court shall conduct a hearing prior to approving a settlement and any party to the adjudication may object or offer modifications to the settlement.

Sec. 12. RCW 90.03.180 and 1995 c 292 s 21 are each amended to read as follows:

At the time of filing the ~~((statement))~~ adjudication claim as provided in RCW 90.03.140, each defendant, except the United States or an Indian tribe under 43 U.S.C. Sec. 666, shall pay to the clerk of the superior court a fee as set under RCW ((36.18.020)) 36.18.016.

Sec. 13. RCW 90.03.210 and 2001 c 220 s 5 are each amended to read as follows:

(1) During the pendency of such adjudication proceedings prior to judgment or upon review by an appellate court, the stream or other water involved shall be regulated or partially regulated according to the schedule of rights specified in the department's report upon an order of the court authorizing such regulation: PROVIDED, Any interested party may file a bond and obtain an order staying the regulation of said stream as to him, in which case the court shall make such order regarding the regulation of the stream or other water as he may deem just. The bond shall be filed within five days following the service of notice of appeal in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court.

(2) Any appeal of a decision of the department on an application to change or transfer a water right subject to ~~((a general))~~ an adjudication that is being litigated actively ~~((and was commenced before October 13, 1977,))~~ shall be conducted as follows:

(a) The appeal shall be filed with the court conducting the adjudication and served under RCW 34.05.542(3). The content of the notice of appeal shall conform to RCW 34.05.546. Standing to appeal shall be based on the requirements of RCW 34.05.530 and is not limited to parties to the adjudication.

(b) If the appeal includes a challenge to the portion of the department's decision that pertains to tentative determinations of the validity and extent of the water right, review of those tentative determinations shall be conducted by the court consistent with the provisions of RCW 34.05.510 through 34.05.598, except that the review shall be de novo.

(c) If the appeal includes a challenge to any portion of the department's decision other than the tentative determinations of the validity and extent of the right, the court must certify to the pollution control hearings board for review and decision those portions of the department's decision. Review by the pollution control hearings board shall be conducted consistent with chapter 43.21B RCW and the board's implementing regulations, except that the requirements for filing, service, and content of the notice of appeal shall be governed by (a) of this subsection. Any party to an appeal may move the court to certify portions of the appeal to the pollution control hearings board, but the appellant must file a motion for certification no later than ninety days after the appeal is filed under this section.

(d) Appeals shall be scheduled to afford all parties full opportunity to participate before the superior court and the pollution control hearings board.

(e) Any person wishing to appeal the decision of the board made under (c) of this subsection shall seek review of the decision in accordance with chapter 34.05 RCW, except that the petition for review must be filed with the superior court conducting the adjudication.

(3) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under federal law. Nothing in this section is intended or shall be construed as affecting or modifying any existing right of a federally recognized Indian tribe to protect from impairment its federally reserved water rights in federal court.

Sec. 14. RCW 90.03.240 and 1987 c 109 s 82 are each amended to read as follows:

Upon the court's final determination of the rights to ~~((the diversion of))~~ water ((it shall be the duty of)), the department ~~((to))~~ shall issue to each person entitled to ((the diversion of)) a water right by such a determination, a certificate ((under his official seal)) of adjudicated water right, setting forth the name and ((post office)) mailing address of record with the court of such person; the priority and purpose of the right; the period during which said right may be exercised, the point of diversion or withdrawal, and the place of use; the land to which said water right is appurtenant ((and when applicable)); the maximum ((quantity)) annual and instantaneous

quantities of water allowed; and specific provisions or limitations or both under which the water right has been confirmed.

The department shall provide notice to the water right holder that the certificate has been prepared for issuance and that fees for the issuance of the certificate are due in accordance with RCW 90.03.470 and any other applicable fee schedule. If the water right holder fails to submit the required fees within one year from the date the notice was issued by the department, the department may move the court for sanctions for violation of the court's order in the final decree requiring payment.

Sec. 15. RCW 90.03.243 and 1982 c 15 s 1 are each amended to read as follows:

The expenses incurred by the state in a proceeding to determine rights to water initiated under RCW 90.03.110 or 90.44.220 or upon appeal of such a determination shall be borne by the state. Subject to the availability of state funding provided either by direct appropriation or funded through the administrative office of the courts for this specific purpose, the county in which an adjudication or a suit to administer an adjudication is being held must be provided the extraordinary costs imposed on the superior court of that county due to the adjudication.

Sec. 16. RCW 90.44.220 and 1987 c 109 s 119 are each amended to read as follows:

~~((In its discretion or upon the application of any party claiming right to the withdrawal and use of public groundwater, the department may file a petition))~~ Upon the filing of a petition with the department by a planning unit or by one or more persons claiming a right to any waters within the state or when, after investigation, in the judgment of the department, the public interest will be served by a determination of the rights thereto, the department shall file a petition to conduct an adjudication with the superior court of the county for the determination of the rights of appropriators of any particular groundwater body and all the provisions of RCW 90.03.110 through 90.03.240 ((as heretofore amended)) and sections 3 through 5, 8, 9, and 11 of this act, shall govern and apply to the adjudication and determination of such groundwater body and to the ownership thereof. Hereafter, in any proceedings for the adjudication and determination of water rights--either rights to the use of surface water or to the use of groundwater, or both--pursuant to chapter 90.03 RCW ((as heretofore amended)), all or part of the appropriators of groundwater or of surface water in the particular basin or area may be included as parties to such adjudication, as ((pertinent)) set forth in chapter 90.03 RCW.

Sec. 17. RCW 43.21B.110 and 2003 c 393 s 19 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

~~(c) ((Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.))~~ Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION. Sec. 18. This act applies only to adjudications initiated after the effective date of this section.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) RCW 90.03.170 (Determination of water rights--Hearing--Notice-- Prior rights preserved) and 1987 c 109 s 77 & 1917 c 117 s 20; and

(2) RCW 90.03.190 (Determination of water rights--Transcript of testimony--Filing--Notice of hearing) and 1987 c 109 s 78 & 1917 c 117 s 22."

Correct the title.

Representatives Blake and Warnick spoke in favor of the adoption of the amendment.

Amendment (387) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake, McCoy, Smith, Cox and Schmick spoke in favor of the passage of the bill.

Representatives Chandler, Haler, Klippert and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1571.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1571 and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks,

Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Warnick, White, Williams, Wood and Mr Speaker.

Voting nay: Representatives Chandler, Condotta, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Klippert, Ross, Wallace and Walsh.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571.

JAIME HERRERA, 18th District

SECOND READING

HOUSE BILL NO. 2252, by Representatives Hunter and Goodman

Funding for arts and heritage programs, regional centers, human services, low-income housing, and community development in a county with a population of one million five hundred thousand or more.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2252 was substituted for House Bill No. 2252 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2252 was read the second time.

Representative Orcutt moved the adoption of amendment (179):

Beginning on page 7, line 30, strike all of section 3

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Representatives Orcutt, Parker, Johnson, Condotta, Shea, Hinkle, Herrera, Rodne, Haler, Angel and Bailey spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (179) to Substitute House Bill No. 2252.

ROLL CALL

The Clerk called the roll on the adoption of amendment (179) to Substitute House Bill No. 2252 and the amendment was not adopted by the following vote: Yeas, 38; Nays, 58; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Springer, Walsh, and Warnick.

Voting nay: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dameille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia,

Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (179) was not adopted.

Representative Santos moved the adoption of amendment (266):

On page 9, line 36, strike "community development" and insert "deposit into the community preservation and development authority account created in RCW 43.167.040"

On page 10, line 11, strike "community development" and insert "deposit into the community preservation and development authority account created in RCW 43.167.040"

On page 10, line 22, strike "community development" and insert "deposit into the community preservation and development authority account created in RCW 43.167.040"

Representative Santos spoke in favor of the adoption of the amendment.

Representative Orcutt spoke against the adoption of the amendment.

The Speaker (Representative Morris presiding) divided the House. The result was 60 – YEA; 36 – NAY.

Amendment (414) was adopted.

With the consent of the House, amendment (284) was withdrawn.

Representative Hunter moved the adoption of amendment (420):

On page 10, beginning on line 1, after "dollars" strike all material through "2009" on line 3 and insert "each year for distributions to nonprofit organizations or public housing authorities for affordable workforce housing near or at transit stations."

On page 10, beginning on line 13, after "years for" strike all material through "2009" on line 3 and insert "distributions to nonprofit organizations or public housing authorities for affordable workforce housing near or at transit stations."

On page 10, beginning on line 24, after "years for" strike all material through "2009" on line 3 and insert "distributions to nonprofit organizations or public housing authorities for affordable workforce housing near or at transit stations."

On page 10, after line 26, insert the following:
"(3) For the purposes of this section, "affordable workforce housing" means housing for a single person, family, or unrelated persons living together whose income is at or below one hundred twenty percent of the median income, adjusted for household size, for the county where the housing is located."

Representative Hunter spoke in favor of the adoption of the amendment.

Representative Orcutt spoke against the adoption of the amendment.

Amendment (420) was adopted.

Representative Bailey moved the adoption of amendment (414):

On page 10, beginning on line 27, strike all of section 5
Correct the title.

Representatives Bailey and Hunter spoke in favor of adoption of the amendment.

Amendment (414) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter spoke in favor of the passage of the bill.

Representatives Orcutt, Rodne, Pearson, Condotta, Short, Smith and Ross spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2252.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2252 and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Shea, Short, Smith, Van De Wege, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2299, by Representatives Klippert, Driscoll, Haler, Kenney and Grant-Herriot

Concerning formation, operation, and nonstate funding of public facilities districts.

The bill was read the second time.

Representative Klippert moved the adoption of amendment (304):

On page 7, line 12, after "obligations," insert "A public facilities district that imposes a tax under this subsection is responsible for the payment of any costs incurred for the purpose of administering the provisions of this subsection, RCW 35.57.010(1) (e) and (d) and 35.57.020(1)(b), including any administrative costs associated with the imposition of a tax under this subsection incurred by either the department of revenue or local government, or both."

Representatives Klippert and Hunter spoke in favor of the adoption of the amendment.

Amendment (304) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Klippert and Grant-Herriot spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2299.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2299 and the bill passed the House by the following vote: Yeas, 93; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr Speaker.

Voting nay: Representatives Hunt, Simpson and Van De Wege.
Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 2299, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1836, by Representatives Ormsby, Wood, Dunshee, Campbell, Moeller, Van De Wege, Simpson, Driscoll, Chase and Conway

Regarding public works involving off-site prefabrication.

The bill was read the second time.

Representative Ormsby moved the adoption of amendment (254):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 39.12 RCW to read as follows:

(1) (a) The specifications for every contract to perform public work estimated to cost over one million dollars must contain a provision requiring the prime contractor, all subcontractors and their subcontractors, and employers who are not required to register as contractors under chapter 18.27 RCW to submit a certified list of any off-site, prefabricated, nonstandard, project-specific items produced under the terms of each respective contract and produced outside Washington. The list must be submitted to the awarding agency and to the department of labor and industries within ten days of delivery of the item under the respective contract. The list must provide:

(i) A general description of the item;
(ii) The name and address of the contractor, subcontractor, or employer;
(iii) The name and address of the contractor, subcontractor, or employer that produced the item if other than the contractor, subcontractor, or employer; and
(iv) The federal employer identification number of the contractor, subcontractor, or employer that produced the item.

(b) If the awarding agency is aware of incidences of noncompliance with the requirement to submit a list under (a) of this subsection, the awarding agency must report such incidences to the department of labor and industries. The failure to file a certified list required under (a) of this subsection constitutes the failure to file a record required to be filed under this chapter and subjects the contractor, subcontractor, or employer to the penalties in RCW 39.12.050.

(2) (a) The specifications for every contract to perform public work estimated to cost over one million dollars must contain a provision requiring that all contracts entered into by the prime contractor, all subcontractors and their subcontractors, and employers who are not required to register as contractors under chapter 18.27 RCW for the production of off-site, prefabricated, nonstandard, project-specific items which are produced outside Washington contain a requirement for the production of certified copies of payroll

records as provided in subsection (3) of this section. The contract must also state that the contractor or employer producing the items consents to the jurisdiction of Washington for the enforcement of subsection (3) of this section.

(b) If the director of the department of labor and industries determines after a hearing under chapter 34.05 RCW that a prime contractor, subcontractor, or employer has failed to comply with this subsection, the prime contractor, subcontractor, or employer is subject to a civil penalty of one thousand dollars for each failure to comply. Civil penalties shall be deposited into the public works administration account. The civil penalty does not apply to a violation determined by the director to be an inadvertent error.

(3) Within ten days of receipt of a request by an interested party, contractors, subcontractors, and employers producing the items identified in subsection (2)(a) of this section outside Washington must file with the awarding agency and the department of labor and industries certified copies of payroll records. The payroll records must contain the number of labor hours expended producing the items and the hourly rate of wages paid to the workers in each trade or occupation used in producing the items. If the awarding agency is aware of incidences of noncompliance with the requirement to submit payroll records under this subsection, the awarding agency must report such incidences to the department of labor and industries. The failure to produce the certified copies constitutes the failure to file a record required to be filed under this chapter and subjects the contractor, subcontractor, or employer to the penalties in RCW 39.12.050.

(4) This section does not apply to entities responsible for supplying the materials to the manufacturers, fabricators, or employers that will be used to complete, construct, or assemble the items prior to their delivery to the public works site.

(5) (a) The required lists, payroll records, and certifications under this section must be submitted on forms made available by the department of labor and industries.

(b) The department of general administration shall develop standard contract language to meet the requirements of subsections (1)(a) and (2)(a) of this section and make the language available on its website.

(6) For purposes of this section, "off-site, prefabricated, nonstandard, project-specific items" means products or items that are: (a) Made primarily of architectural or structural precast concrete, fabricated steel, pipe and pipe systems, or sheet metal and sheet metal duct work; (b) produced specifically for the public work and not considered to be regularly available shelf items; (c) produced or manufactured by labor expended to assemble or modify standard items; and (d) produced at an off-site location.

(7) This section applies to contracts entered into on or after September 1, 2009, and expires December 31, 2011.

NEW SECTION. Sec. 2. The expiration of section 1 of this act does not affect any request or proceeding instituted prior to the expiration of section 1 of this act."

Correct the title.

Representative Ormsby moved the adoption of amendment (279) to amendment (254):

On page 1, beginning on line 6, after "(a)" strike all material through "dollars" on line 7 and insert "For any public work estimated to cost over one million dollars, the contract"

On page 1, line 8, after "requiring" insert "all contracts entered into by"

On page 2, beginning on line 4, after "(a)" strike all material through "dollars" on line 5 and insert "For any public work estimated to cost over one million dollars, the contract"

Representatives Ormsby and Condotta spoke in favor of the adoption of the amendment to amendment (254).

Amendment (279) to amendment (254) was adopted.

Representative Ormsby moved the adoption of amendment (413) to amendment (254):

On page 2, line 3 of the amendment, after "RCW 39.12.050." insert "However, no penalty may be imposed for a first violation if the contractor, subcontractor, or employer files the certified list within a reasonable time as determined by the department of labor and industries."

On page 2, line 20 of the amendment, after "for each" insert "second or subsequent"

Representative Ormsby spoke in favor of the adoption of the amendment to amendment (254).

Representative Condotta spoke against the adoption of the amendment to amendment (254).

Amendment (413) to amendment (254) was adopted.

Representative Condotta moved the adoption of amendment (338) to amendment (254):

On page 1, beginning on line 4, after "Sec. 1." strike all material through "act." on page 3, line 29 and insert "A new section is added to chapter 39.04 RCW to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Off-site nonstandard item" means any item that is prefabricated off-site and which is nonstandard and project-specific under the terms of the respective contract and which is: (i) Made primarily of architectural or structural precast concrete, fabricated steel, pipe and pipe systems, or sheet metal and sheet metal duct work; (ii) produced specifically for the public work and not considered to be a regularly available shelf item; (iii) produced or manufactured by labor expended to assemble or modify a standard item; and (iv) produced at an off-site location. "Off-site nonstandard item" does not include the materials supplied to manufacturers, fabricators, or employers that will be used to complete, construct, or assemble the final product, products, or items prior to their delivery to the public works site.

(b) "Off-site fabricator" means a company or entity that manufactures or fabricates an off-site nonstandard item.

(2)(a) Except as provided in (b) of this subsection, every contract to perform public work as defined in RCW 39.04.010 which is estimated to cost over five million dollars and every contract arising thereunder between the prime contractor, subcontractors, and their subcontractors must contain the following provision:

"By entering into this contract you hereby acknowledge and agree to provide a list to the awarding agency which shall describe off-site nonstandard items you procure. An "off-site nonstandard item" is any item that is prefabricated off-site and which is nonstandard and project-specific under the terms of the respective contract and which is: (i) Made primarily of architectural or structural precast concrete, fabricated steel, pipe and pipe systems, or sheet metal and sheet metal duct work; (ii) produced specifically for the public work and not considered to be a regularly available shelf item; (iii) produced or manufactured by labor expended to assemble or modify a standard item; and (iv) produced at an off-site location. "Off-site nonstandard item" does not include the materials supplied to manufacturers, fabricators, or employers that will be used to complete, construct, or assemble the final product, products, or items prior to their delivery to the public works site."

(b) The list shall not be required for any off-site nonstandard items that are produced within Washington.

(c) The list must identify:

(i) The name and address of the contractor or subcontractor supplying the list;

(ii) The name and address of each off-site fabricator;

(iii) A general description of the off-site nonstandard items that will be procured from each off-site fabricator; and

(iv) The total sum cost of the off-site nonstandard items which will be procured from each off-site fabricator.

(3) The list required under this section must be submitted on forms made available by the awarding agency.

(4) The failure of a contractor or subcontractor to provide the list required by subsection (2) of this section shall not be a condition

precedent to nor affect the release of retained funds by the awarding agency to the prime contractor.

(5) This section expires December 31, 2011."
Correct the title.

Representative Condotta spoke in favor of the adoption of the amendment to amendment (254).

Representative Conway spoke against the adoption of the amendment to amendment (254).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (338) to amendment (254) to House Bill No. 1836.

ROLL CALL

The Clerk called the roll on the adoption of amendment (338) to amendment (254) to House Bill No. 1836 and the amendment was not adopted by the following vote: Yeas, 43; Nay, 54; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kenney, Klippert, Kretz, Kristiansen, Maxwell, McCoy, McCune, Morrell, Orcutt, Parker, Pearson, Pedersen, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh, and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kessler, Kirby, Lias, Linville, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (338) to amendment (254) was not adopted.

Amendment (254) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1836.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1836 and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker,

Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

ENGROSSED HOUSE BILL NO. 1836, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED HOUSE BILL NO. 1836.

RICHARD DEBOLT, 20th District

SECOND READING

HOUSE BILL NO. 2242, by Representatives Kenney, Probst, Maxwell, Hunt, Lias, Ormsby, Kelley, Sullivan, Hasegawa, Quall, White and Chase

Creating a department of commerce.

The bill was read the second time.

With the consent of the House, amendment (354) was withdrawn.

Representative Kenney moved the adoption of amendment (424):

On page 3, after line 3, insert the following:

"NEW SECTION. Sec. 4. A new section is added to chapter 43.330 RCW to read as follows:

(1) By November 1, 2009, the director shall develop recommendations for the governor and the appropriate legislative committees regarding:

(a) The mission, goals, organizational structure and responsibilities of the department, with particular emphasis on promoting innovation, statewide economic and business development, sustainability of existing businesses, international trade, and other factors that will improve the effectiveness of the state's competitiveness climate;

(b) Existing programs provided within and outside the department of community, trade and economic development that might best serve the state's economic development mission by being aligned within the department; and

(c) Alternative service delivery mechanisms, collaborations, and partnerships that might best serve the state's economic development goals.

(2) The legislature recognizes that the department of community, trade and economic development contains a number of important existing programs that deliver essential services to communities and individuals. The director shall recommend options for locating these vital services outside the department, including the possible need for a separate new department for critical programs such as community services, capital programs, and housing.

(3) In developing these recommendations, the director shall collaborate with the office of the governor, the office of financial management, the chairs and ranking minority members of the community and economic development and trade committee of the house of representatives and the economic development, trade and innovation committee of the senate.

(4) The director and the officials listed in subsection (3) of this section shall identify, and seek expert input from, representatives of business, labor, professional associations of economic development practitioners, local governments, housing organizations, and other key economic and community development stakeholders."

Re-number the sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Kenney and Smith spoke in favor of the adoption of the amendment.

Amendment (424) was adopted.

Representative Bailey moved the adoption of amendment (285):

On page 62, beginning on line 1, strike all of section 58
Correct the title.

Representatives Bailey and Kenney spoke in favor of the adoption of the amendment.

Amendment (285) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2242.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2242 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr Speaker.

Voting nay: Representative Morris.

ENGROSSED HOUSE BILL NO. 2242, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 1487, by Representatives Hunter, Anderson, Kessler, Wallace and Eddy

Regarding resident student classification.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Anderson and Angel spoke in favor of the passage of the bill.

Representative Hasegawa spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1487.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1487 and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericks, Ericksen, Flannigan, Goodman, Haigh, Haler, Herrera,

Hinkle, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kessler, Kirby, Kretz, Maxwell, McCoy, McCune, Miloscia, Morris, O'Brien, Pedersen, Pettigrew, Priest, Probst, Rodne, Ross, Santos, Schmick, Sells, Shea, Smith, Springer, Sullivan, Wallace, Walsh, Warnick and White.

Voting nay: Representatives Chase, Cody, Darneille, Dickerson, Driscoll, Dunshee, Finn, Grant-Herriot, Green, Hasegawa, Hope, Hurst, Kelley, Kenney, Klippert, Kristiansen, Liias, Linville, Moeller, Morrell, Nelson, Orcutt, Ormsby, Orwall, Parker, Pearson, Quall, Roach, Roberts, Rolfes, Seaquist, Short, Simpson, Takko, Upthegrove, Van De Wege, Williams, Wood and Mr Speaker.

HOUSE BILL NO. 1487, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2261, by Representatives Sullivan, Priest, Hunter, Anderson, Maxwell, White, Quall, Liias, Dammeier, Rodne, Wallace, Pedersen, Kelley, Goodman, Springer, Hope, Nelson, Miloscia, Carlyle, Hunt, Morris, Morrell, Probst, Pettigrew, Eddy, Simpson, Kenney, Moeller, Smith, Condotta, McCoy, Kagi, Chase, Rolfes, Clibborn, Ormsby, Haler and Cox

Concerning the state's education system.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2261 was substituted for House Bill No. 2261 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2261 was read the second time.

With the consent of the House, amendments (377) and (348) were withdrawn.

Representative Sullivan moved the adoption of amendment (333):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 INTENT. (1) In enacting this legislation, the legislature intends to fulfill its obligation under Article IX of the Washington state Constitution to define and fund a program of basic education for children residing in the state and attending public schools. This act defines the educational opportunities that school districts shall provide and for which the state shall allocate funding.

(2) The legislature also intends that the policies and allocation formulas in this act fulfill the legislature's obligation under Article IX to establish a general and uniform system of public schools. The legislature finds that in some instances providing general and uniform educational opportunity requires tailoring basic education allocations to reflect certain needs and circumstances of each school district, including district size, certain student characteristics, and regional labor market differences. It is the intent of the legislature that these allocation formulas address these differences in order to promote equity and uniformity of educational opportunity.

(3) Public education in Washington State has evolved since the enactment of the Washington basic education act of 1977. Student demographics, educational technology, data, and standards-based learning and assessment are only a few examples of factors affecting education that have changed in the last thirty years. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need to redefine the program of basic education that is funded by the state and delivered by school districts to better align with the stated goals of a basic education and to improve the transparency and accountability of how the state meets its constitutional obligation under Article IX.

(4) For practical and educational reasons, wholesale change of the program of basic education and the funding formulas to support it cannot occur instantaneously. Financial experts must develop the

details of the funding formulas. New systems of educator certification, evaluation, mentoring, and compensation must be developed and implemented. Data and accountability systems must be created. Significant increases in resources for staffing and class size reduction will have detrimental impact on student learning if school districts hire unprepared teachers and lack facilities to house them. The legislature intends to adopt a schedule for the concurrent implementation of the redefined program of basic education and the resources necessary to support it, beginning in the 2011-12 school year and phased in over a six-year time period.

NEW SECTION. Sec. 2. INTENT TO MAKE NECESSARY CORRECTIONS. It is the intent of the legislature that the policies and allocation formulas adopted under this act, including the implementation schedule for these formulas, constitute the legislature's definition of basic education under Article IX of the state Constitution. It is the further intent of the legislature that these policies, formulas, and schedules should not be revised or delayed other than for educational reasons. The legislature intends, however, to continue to review and revise the formulas and schedules and may make revisions for technical purposes and consistency in the event of mathematical or other technical errors.

NEW SECTION. Sec. 3. STEERING COMMITTEE TO OVERSEE IMPLEMENTATION. (1) The basic education steering committee is established to monitor and oversee implementation of the new definition of basic education. The steering committee shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(2) The chair or cochair of the steering committee shall be selected by the members of the committee.

(3) The steering committee shall monitor and oversee the following technical working groups:

(a) The finance and compensation working group under section 111 of this act;

(b) The early learning working group under section 112 of this act; and

(c) The achievement gap working group under section 4 of this act.

(4) Each of the working groups shall submit a preliminary report to the steering committee by November 15, 2009, and a final report by September 1, 2010. The steering committee may also request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the implementation of this act. The steering committee shall also monitor and request updates and progress reports from groups or agencies developing comprehensive education data systems.

(5) The steering committee shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations based on analysis of reports from the working groups and state agencies, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of this act. The initial report from the steering committee shall also contain a recommended schedule for the concurrent phase-in of any changes in the instructional program of basic education and the implementation of the funding formulas and allocations to support the instructional program of basic education. The objective of the schedule is to assure that increases in funding allocations occur concurrently with increases in program and instructional requirements.

(6) The steering committee shall submit subsequent reports to the governor and the legislature by November 15, 2010, and annually thereafter, ending November 15, 2016.

(7) Staff support for the basic education steering committee shall be provided by the state agencies with representatives on the committee, the senate committee services, and the office of program research of the house of representatives. Legislative members of the steering committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) This section expires June 30, 2017.

NEW SECTION. Sec. 4. ACHIEVEMENT GAP WORKING GROUP. (1) The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap than in legislation affirming the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender.

(2) An achievement gap working group is created to synthesize the findings and recommendations from the 2008 achievement gap studies into a single implementation plan that recommends specific policies and strategies to address the academic achievement gap in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Identifying data elements and systems needed to monitor progress in closing the gap;

(e) Making closing the achievement gap part of the school and school district improvement process; and

(f) Exploring innovative school models that have shown success in closing the achievement gap.

(3) The achievement gap working group shall be composed of ten members appointed by the governor, with two members to represent each of the following groups: African-Americans, Asian-Americans, Pacific Islander Americans, Hispanic Americans, and Native Americans. The chair or cochair of the working group shall be selected by the members of the group. Staff support for the working group shall be provided within available funds by the office of the superintendent of public instruction through the center for the improvement of student learning.

(4) The achievement gap working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

PART I PROGRAM AND FUNDING OF BASIC EDUCATION

Sec. 101. RCW 28A.150.200 and 1990 c 33 s 104 are each amended to read as follows:

PROGRAM OF EDUCATION. ~~((This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977." The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in RCW 28A.150.210, (2) those program requirements enumerated in RCW 28A.150.220, and (3) the determination and distribution of state resources as defined in RCW 28A.150.250 and 28A.150.260;~~

~~The requirements of the Basic Education Act are)) (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the~~

education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and ~~((are))~~ is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.020 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities; and

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a certificate authorized by rule of the Washington professional educator standards board or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a certificated instructional staff person who is employed in a position that requires certification and whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified people shall not occur during a labor dispute, and such classified people shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(9) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(10) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(11) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(12) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(13) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 103. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

INSTRUCTIONAL PROGRAM. (1) Satisfaction of the basic education ~~((program requirements))~~ goal identified in RCW 28A.150.210 shall be considered to be implemented by the following instructional program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours, which shall be increased to a minimum of one thousand hours according to the implementation schedule under RCW 28A.150.315. The program shall include instruction in the essential academic learning requirements under RCW ~~((28A.630.885))~~ 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW ~~((28A.630.885))~~ 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080; and

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten ~~((-PROVIDED, That)),~~ to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who

are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 104. RCW 28A.150.250 and 1990 c 33 s 107 are each amended to read as follows:

FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an ~~((amount which, when combined with an appropriate portion of such locally available revenues, other than))~~ allocation based on the formulas provided in RCW 28A.150.260, 28A.150.390, and section 107 of this act. The basic education instructional allocation shall be net of receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020 ~~(, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220)).~~

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW ~~((28A.150.250 and))~~ 28A.150.260, 28A.150.390, and section 107 of this act to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula and ratios provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW ~~((28A.150.100 and))~~ 28A.150.410.

~~((Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district. PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students. PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.))~~

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ~~((28A.150.250;))~~ 28A.150.260 ~~(; and)~~ 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured ~~((PROVIDED, That))~~. However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 105. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ~~((The basic education allocation for each annual average full-time equivalent student shall be determined in accordance with the following procedures))~~ The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the

minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula ~~((based on a ratio of students to staff))~~ for the distribution of a basic education instructional allocation for each ~~((annual average full-time equivalent student enrolled in a))~~ common school district. ~~((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:~~

~~— (a) Certificated instructional staff and their related costs;~~

~~— (b) Certificated administrative staff and their related costs;~~

~~— (c) Classified staff and their related costs;~~

~~— (d) Nonsalary costs;~~

~~— (e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and~~

~~— (f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.))~~

(2) ~~((a))~~ The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) The distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. Funding allocations to school districts shall be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(c) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on an average class size as specified in the omnibus appropriations act. The omnibus appropriations act shall specify:

(i) Basic average class size;

(ii) Basic average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals;

(iii) Average class size for exploratory and preparatory career and technical education, laboratory science, advanced placement, and international baccalaureate courses; and

(iv) Average class size in grades kindergarten through three.

(d) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

(i) Principals, including assistant principals and other certificated building-level administrators;

(ii) Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs;

(iii) Student health services, a function that includes school nurses and social workers;

(iv) Guidance counselors, a function that includes parent outreach and graduation advisor;

(v) Professional development coaches;

(vi) Office support and other staff providing noninstructional support services;

(vii) Custodians and other maintenance; and

(viii) Classified staff providing student and staff safety.

(4)(a) The minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development; other building-level costs including maintenance, custodial, and security; and central office administration.

(b) The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced based on full-time equivalent student enrollment in exploratory career and technical education courses for students in grades seven through twelve; laboratory science courses for students in grades nine through twelve; preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(5) The allocations provided under subsections (3) and (4) of this section shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the percent of students in each school who are eligible for free and reduced-price meals. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs.

(6) The allocations under subsections (3) through (5) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(7) The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsection (3) of this section for all schools in the district.

(8)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the

omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (3) and (4) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(9)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect((= PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100)).

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month ((and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100)), including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction(= PROVIDED, That the definition) and shall be included as part of the superintendent's biennial budget request(= PROVIDED, FURTHER, That)). The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee(= PROVIDED, FURTHER, That)).

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

((3)(a) Certificated instructional staff shall include those persons employed by a school district who are non-supervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4)).

Sec. 106. RCW 28A.150.390 and 1995 c 77 s 6 are each amended to read as follows:

SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent of public instruction shall submit to each regular

session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW ~~((28A.150.250;))~~ 28A.150.260~~(;)~~ (3) through (5) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256(, and other state and local funds, excluding special excess levies).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (3) through (5), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

NEW SECTION. Sec. 107. SPECIAL EDUCATION SAFETY NET. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education students and federal impact aid.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net

awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 108. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

LEGISLATURE TO APPROPRIATE FUNDS. (1) The state legislature shall, at each regular session in an odd-numbered year, appropriate ~~(from the state general fund))~~ for the current use of the common schools such amounts as needed for state support to ~~((the common schools))~~ school districts during the ensuing biennium ~~((as provided in this chapter, RCW 28A.160.150 through 28A.160.210; 28A.300.170, and 28A.500.010))~~ for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education.

(3) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

Sec. 109. RCW 28A.150.315 and 2007 c 400 s 2 are each amended to read as follows:

PHASE-IN ALL-DAY KINDERGARTEN. (1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as

long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

- (a) Provide at least a one thousand-hour instructional program;
- (b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:
 - (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
 - (ii) Developing a variety of communication skills;
 - (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
 - (iv) Acquiring large and small motor skills;
 - (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
 - (vi) Learning through hands-on experiences;
- (c) Establish learning environments that are developmentally appropriate and promote creativity;
- (d) Demonstrate strong connections and communication with early learning community providers; and
- (e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

~~((3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.))~~

Sec. 110. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

GRADUATION REQUIREMENTS. (1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. ~~((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.))~~

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the

legislature for review, and the legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 111. FINANCE AND COMPENSATION WORKING GROUP. (1) The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented beginning in the 2011-12 school year and are intended to be phased in over a six-year period according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements.

(2) The office of financial management and the office of the superintendent of public instruction shall convene a technical working group to:

(a) Develop the details of the funding formulas under RCW 28A.150.260;

(b) Recommend an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature;

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the steering committee for consideration;

(d) Recommend options for a compensation system that provides support for effective teaching and recruitment and retention of high quality staff, including:

(i) Developing options and cost estimates for a salary allocation schedule for new certificated instructional staff into which current staff have the option to transfer. At a minimum, the schedules shall align with the educator certification system developed by the professional educator standards board;

(ii) Updating the comparable wage and regional wage analysis conducted by the Washington state institute for public policy in 2008 and developing options and cost estimates for a regional wage adjustment schedule that could be applied to state salary allocations for certificated instructional, administrative, and classified staff;

(iii) Developing options and cost estimates for allocations for administrative and classified staff through the funding formulas in RCW 28A.150.260; and

(iv) Collecting and analyzing detailed data on supplemental contracts for time, responsibilities, or incentives; and

(e) Develop options for a new system of supplemental school funding through local school levies and local effort assistance. The working group shall take into consideration the impact on overall school district revenues of the new funding formulas established under RCW 28A.150.260 and recommend a phase-in plan that reduces reliance on local school levies concurrently with increased state funding and assures that no district suffers a decrease in overall funding from one school year to the next due to implementation of the new systems.

(3) The working group shall include representatives of the state board of education, the professional educator standards board, the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, classified school employees, parents, higher education, and other interested persons with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders. The office of financial management and the office of the superintendent of public instruction may divide the working group into subgroups to focus on the funding formulas, compensation, revenue, and supplemental school funding.

(4) The working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

NEW SECTION. Sec. 112. BASIC EDUCATION PROGRAM OF EARLY LEARNING. (1) The legislature finds that a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to learn. The legislature also finds that, due to a variety of factors, disadvantaged young children need supplemental instruction in preschool to assure that they have the opportunity to meaningfully participate and reach the necessary levels of achievement in the regular program of basic education. Therefore the legislature intends to establish a program of early learning for at-risk children and intends to include this program within the overall program of basic education.

(2) The department of early learning and the office of the superintendent of public instruction shall convene a working group to develop the basic education program of early learning. The early learning working group shall be composed of representatives from head start and early childhood education and assistance program providers, school districts, thrive by five of Washington, and other stakeholders with expertise in early learning. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(3) The early learning working group shall continue the preliminary work of the department of early learning under RCW 43.215.125 to develop a proposal for a statewide Washington head start program. The working group shall:

(a) Recommend student eligibility criteria that focus on children aged three and four considered most at-risk;

(b) Develop options for a service delivery system that includes school districts, educational service districts, community and technical colleges, and public and private nonsectarian organizations;

(c) Develop options for shared governance that include the superintendent of public instruction and the department of early learning each with appropriate supervisory and administrative responsibilities;

(d) Develop recommended parameters and minimum standards for the program; and

(e) Continue development of a statewide kindergarten assessment process.

(4) The early learning working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

PART II

EFFECTIVE TEACHING

NEW SECTION. Sec. 201. INTENT. The legislature finds that in order to offer all students the opportunity to achieve the basic education goal, school districts must provide effective teaching and instruction. Teachers should be provided opportunities to gain the knowledge and skills that will enable them to be effective. Designing a system that clearly defines, supports, measures, and recognizes effective teaching is one of the most important investments to be made in improving student learning.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.410 RCW to read as follows:

CERTIFICATION. (1) By January 1, 2010, the professional educator standards board shall adopt a set of teacher knowledge, skill, and performance standards for effective teaching that are documented in high-quality research as being associated with improved student learning and articulated on a career continuum.

(2) By January 1, 2010, the professional educator standards board shall submit to the governor and the education and fiscal committees of the legislature:

(a) An update on the status of implementation of the professional certificate external and uniform assessment authorized in RCW 28A.410.210;

(b) A proposal for a valid and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure for residency certification that involves multiple measures of teacher performance in classrooms and a role for state-trained evaluators;

(c) Estimated costs and statutory authority needed for further development and implementation of the assessments in this subsection (2); and

(d) Recommendations for other modifications to residency, professional, and ongoing professional certification that focus on demonstrated performance and professional growth rather than enrollment in certification programs or continuing education.

(3) By January 1, 2011, the professional educator standards board shall submit recommendations to the governor and the education committees of the legislature providing definitions for voluntary master-level certification for teachers and educational staff associates. Within the definition established by the board, individuals certified through the national board for professional teaching standards shall be considered to have achieved master-level certification.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.410 RCW to read as follows:

MATH AND SCIENCE TEACHERS. (1) The Washington professional educator standards board shall serve as the lead agency in a coordinated approach with school districts, institutions of higher education, the office of the superintendent of public instruction, local and national nonprofit organizations, and the business community to create an adequate supply of well-qualified mathematics and science teachers for Washington's public schools. In fulfilling this role, the board shall:

(a) Work with institutions of higher education, including community colleges, to build stronger connections and partnerships with school districts and to craft innovative teacher preparation programs, particularly in rural areas;

(b) Work with in-state and national organizations to identify barriers and craft solutions to improved recruitment, hiring, preparation, and retention of mathematics and science teachers;

(c) Expand information to students and counselors, from middle school through college, about teacher preparation options and opportunities;

(d) Seek private and federal support for innovations and initiatives; and

(e) Set goals, collect and analyze data, and monitor progress toward achieving the goals.

(2) Strategies overseen and coordinated by the board to achieve the objectives of this section include but are not limited to the following:

(a) Building pipelines to mathematics and science teaching, beginning in middle school and through college using the recruiting Washington teachers program under RCW 28A.415.370, the pipeline for paraeducators conditional scholarship program under RCW

28A.660.042, and the Washington teach initiative under section 204 of this act;

(b) Streamlining teacher preparation and improving the geographic distribution of mathematics and science teachers through the retooling to teach mathematics and science conditional scholarship program under RCW 28A.660.045 and alternative route to teacher certification programs under RCW 28A.660.040;

(c) Shifting and building capacity in public four-year institutions of higher education to prepare mathematics and science teachers through institutional priority initiatives under section 204 of this act; and

(d) Attracting individuals to careers in mathematics and science teaching, including through the future teachers conditional scholarship and loan repayment program under chapter 28B.102 RCW.

NEW SECTION. Sec. 204. A new section is added to chapter 28B.10 RCW to read as follows:

WASHINGTON TEACH INITIATIVE. (1) Each public four-year institution of higher education with a teacher preparation program approved by the professional educator standards board to offer a residency teaching certificate and subject area endorsements in middle level mathematics or science, or secondary mathematics or science, including any of the branch campuses under RCW 28B.45.014, shall develop a plan for a Washington teach initiative for recruitment and development of mathematics and science teachers from within the student population of the institution and among high school students in partnering school districts. Each institution shall submit a preliminary plan and strategies for its Washington teach initiative to the professional educator standards board by October 30, 2009, and an updated plan with any progress to report by October 31, 2010. The plan must include:

(a) Evidence of a commitment by the institution to make development of mathematics and science teachers an institutional priority;

(b) Collaboration between institutional leadership, the college of education, and the mathematics and science departments of the college of arts and sciences;

(c) Proposed targeted outreach, student advising, and recruitment efforts;

(d) Proposed streamlined course requirements to enable students to obtain both a mathematics or science major and residency certification within four years of study;

(e) Development of opportunities for classroom experiences early in the students' academic careers;

(f) Evidence of increased collaboration and partnership with school districts, including districts outside the immediate geographic vicinity of the institution and including exploration of opportunities for alternative route programs; and

(g) Measurable goals and objectives, including the estimated shift in enrollment under the institutional priority initiative under subsection (3) of this section.

(2) Each institution under this section shall begin exploring opportunities for partnerships with one or more school districts to provide one or more of the alternative route programs under RCW 28A.660.040 using routes two, three, or four to offer candidates a postbaccalaureate residency teaching certificate in middle level mathematics or science or secondary mathematics or science. In the plans and updates required under subsection (1) of this section, each institution shall identify possible partner school districts, describe prospects and barriers for partnership, and provide an analysis of the opportunities and progress in developing an alternative route program.

(3) Each institution under this section shall include in its Washington teach initiative a specific plan to reduce admittance and enrollment of students seeking residency teacher certification with an endorsement in elementary education and increase enrollment capacity for students seeking residency teacher certification with an endorsement in middle level mathematics or science, or secondary mathematics or science.

PART III CONTINUOUS SCHOOL IMPROVEMENT

NEW SECTION. Sec. 301. INTENT. (1) The legislature finds that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by an equally comprehensive and transparent system of continuous school and school district improvement.

(2) However, the legislature also finds that the state and school districts share responsibility for continuous improvement and achieving state educational standards. It is the state's responsibility to provide schools and districts with the tools necessary for continuous improvement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, if necessary, intervention. It is also the state's responsibility to take into account the capacity of the school system to implement changes and meet new requirements, and adjust expectations accordingly.

(3) The legislature intends to maintain a single system of continuous school improvement under both state and federal law. The legislature intends that a new state system be implemented only if Washington receives authorization from the United States department of education to use the state system for federal accountability purposes under P.L. 107-110, the no child left behind act of 2001.

Sec. 302. RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows:

STATE BOARD OF EDUCATION AUTHORITY. The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended: The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall

set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria based on multiple outcomes and indicators to identify successful schools and school districts ~~((and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:~~

~~—(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;~~

~~—(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and~~

~~—(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;~~

~~—(d) Adopt objective, systematic criteria to identify schools and school districts), those in need of assistance, and those in which significant numbers of students persistently fail to meet state standards((— In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests));~~

(d) Recommend to the superintendent of public instruction ways for exemplary schools and districts to be recognized for student achievement and improvements in student achievement;

(e) Identify schools and school districts in which state ~~((intervention measures))~~ support and assistance will be needed and recommend to the legislature a range of appropriate intervention strategies, which may be implemented only after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(h) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;

(5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no private schools shall be placed upon the list of accredited schools so

long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

NEW SECTION. Sec. 303. A new section is added to chapter 28A.305 RCW to read as follows:

SYSTEM OF SUPPORT AND ASSISTANCE. In consultation with the superintendent of public instruction, the state board of education shall:

(1) Develop a comprehensive system of voluntary support and assistance for schools and school districts where the level of intensity of support and assistance for continuous school improvement increases based on objective, systematic criteria. The superintendent of public instruction shall implement the system to the extent funds are available;

(2) Develop a proposal for support and assistance for schools and school districts that have not demonstrated sufficient improvement through a voluntary system. The proposal shall be implemented only if formally authorized by the legislature through enacted legislation; and

(3) Develop a methodology for using the prototypical school funding model under RCW 28A.150.260 as an analytic tool for comparing funding allocation assumptions and the actual use and distribution of resources, as well as outcomes, at the school and district level.

NEW SECTION. Sec. 304. PROGRESS REPORTS. (1) The state board of education and the superintendent of public instruction shall seek approval from the United States department of education for use of the objective criteria and the state system of support, assistance, and intervention to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(2) The state board of education and the superintendent of public instruction shall submit a progress report on the implementation of RCW 28A.305.130 and section 303 of this act to the education and fiscal committees of the legislature by December 1, 2009, and a final report with proposals and recommendations by December 1, 2010.

NEW SECTION. Sec. 305. A new section is added to chapter 28A.655 RCW to read as follows:

EDUCATION DATA SYSTEM. It is the legislature's intent to establish comprehensive K-12 education data systems for financial, student, and educator data. The objective of the systems is to monitor student progress, assure educator quality, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capacity to link across these various data components by student, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly process for determining when changes are needed and how to implement them. The first priority for any new data systems should be financial, budgeting, and accounting systems necessary to support the new K-12 financial models and funding formulas. The benefits of significant increases in the amount of data available for analysis must be carefully weighed against the costs to school districts to enter, update, maintain, and submit the data and to implement new software and data management systems.

OTHER FINANCE

NEW SECTION. Sec. 401. A new section is added to chapter 28A.500 RCW to read as follows:

NEW LEVY/LEA SYSTEM--INTENT. (1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. Sec. 402. A new section is added to chapter 43.79 RCW to read as follows:

GROWTH IN REVENUE. (1) The basic education account is created in the state treasury. Moneys in the account may be spent only after appropriation and only for the purposes of RCW 28A.150.260. All receipts from subsection (2) of this section shall be deposited into the account.

(2) By September 30, 2011, and by September 30th of each odd-numbered year thereafter, if general state revenues from the prior fiscal biennium exceed the revenues from the fiscal biennium immediately preceding the prior fiscal biennium by more than five percent, the state treasurer shall transfer fifty percent of the amount over five percent to the basic education account.

(3) For the purposes of this section, "general state revenues" shall be as defined by Article VIII, section 1 of the state Constitution.

Sec. 403. RCW 28A.160.150 and 1996 c 279 s 1 are each amended to read as follows:

PUPIL TRANSPORTATION. Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within ~~((one radius mile from))~~ the school walk area as determined under RCW ~~((28A.160.180(2)))~~ 28A.160.160(5).

Sec. 404. RCW 28A.160.160 and 1996 c 279 s 2 are each amended to read as follows:

PUPIL TRANSPORTATION. For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is ~~((more than one radius mile from the))~~ outside the walk area for a student's school, except if the student to be transported is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

(a) Transportation to and from route stops and schools;

(b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;

(c) Transportation of students between schools and learning centers for instruction specifically required by statute; and

(d) Transportation of students with disabilities to and from schools and agencies for special education services.

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall ~~((not))~~ be considered part of transportation of students "to and from school" for the purposes of ~~((chapter 61, Laws of 1983 1st ex. sess))~~ this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within ~~((one radius mile from))~~ the school walk area means school transportation services including the use of buses, funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) The "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area.

Sec. 405. RCW 28A.160.170 and 2007 c 139 s 1 are each amended to read as follows:

PUPIL TRANSPORTATION. Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150 ~~((for the current school year and the number of miles estimated to be driven for pupil transportation services)),~~ along with ~~((a map describing student route))~~ identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) from non-to-and-from-school pupil transportation costs in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 406. RCW 28A.160.180 and 1996 c 279 s 3 are each amended to read as follows:

PUPIL TRANSPORTATION. Each district's annual student transportation allocation shall be ~~((based on differential rates))~~ determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate ~~((a standard student mile allocation rate for determining))~~ the transportation allocation for those services provided for in RCW 28A.160.150. ~~((("Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student.))~~ The ~~((standard student mile))~~ allocation ~~((rate))~~ formula may be adjusted to include such additional differential factors as ~~((distance, restricted))~~ basic and special passenger ~~((load, circumstances that require use of special types of transportation~~

~~vehicles; student with disabilities load; and small fleet maintenance)) counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.~~

~~(2) ((For transportation services for students living within one radius mile from school;)) The allocation shall be based on a regression analysis of the number of basic and special students ((in grades kindergarten through five living within one radius mile as specified in the biennial appropriations act)) transported and as many other site characteristics that are identified as being statistically significant.~~

~~(3) ((The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle amortization, for determining)) The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.~~

~~(4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees ((on education and ways and means of the senate and house of representatives)) of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation ((rates to be used)) for the following year.~~

~~Sec. 407. RCW 28A.160.190 and 1990 c 33 s 145 are each amended to read as follows:~~

~~PUPIL TRANSPORTATION. The superintendent shall notify districts of their student transportation allocation before January 15th. ((If the number of eligible students in a school district changes ten percent or more from the October report, and the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction.)) The superintendent shall ((to the extent funds are available;)) recalculate and prorate the district's allocation for the transportation of pupils to and from school.~~

~~The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.510.250. Such allocation payments may be based on ((estimated amounts)) the prior school year's ridership report for payments to be made in September, October, November, December, and January.~~

~~**NEW SECTION. Sec. 408.** A new section is added to chapter 28A.160 RCW to read as follows:~~

~~PUPIL TRANSPORTATION. The superintendent of public instruction shall ensure that the allocation formula results in adequate appropriation for low enrollment districts, nonhigh districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts. If necessary, the superintendent shall develop a separate process to adjust the allocation of the districts.~~

~~**NEW SECTION. Sec. 409.** A new section is added to chapter 28A.160 RCW to read as follows:~~

~~PUPIL TRANSPORTATION. The superintendent of public instruction shall encourage efficient use of state resources by providing a linear programming process that compares school district transportation operations. If a school district's operation is calculated to be less than ninety percent efficient, the regional transportation coordinators shall provide an individual review to determine what measures are available to the school district to improve efficiency. The evaluation shall include such measures as:~~

- ~~(1) Efficient routing of buses;~~
- ~~(2) Efficient use of vehicle capacity; and~~
- ~~(3) Reasonable controls on compensation costs.~~

~~The superintendent shall submit to the fiscal and education committees of the legislature no later than December 1st of each year a report summarizing the efficiency reviews and the resulting~~

changes implemented by school districts in response to the recommendations of the regional transportation coordinators.

~~**NEW SECTION. Sec. 410.** A new section is added to chapter 28A.160 RCW to read as follows:~~

~~PUPIL TRANSPORTATION. (1) The superintendent of public instruction shall phase-in implementation of the new distribution formula for allocating state funds to school districts for transportation of students to and from school, beginning with the 2011-12 school year.~~

~~(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors will include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.~~

~~(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis.~~

~~(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:~~

~~(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the state recovery rate identified by the superintendent; and~~

~~(b) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) of this subsection and the amount determined under the formula in RCW 28A.160.180.~~

~~(3) The superintendent shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2009.~~

~~(4) Beginning in December 2009, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.~~

PART V GENERAL PROVISIONS-- PROGRAM OF BASIC EDUCATION

~~**Sec. 501.** RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:~~

~~**SALARY ALLOCATION MODEL.** (1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, beginning in the 2011-12 school year, the staff allocations for classroom teachers, librarians, professional development coaches, student health services staff, and guidance counselors under RCW 28A.150.260 are allocations for certificated instructional staff.~~

~~(2) Salary allocations for state-funded ((basic education)) certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for all certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.~~

~~(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:~~

~~(a) The employee has a masters degree; or~~

~~(b) The credits were used in generating state salary allocations before January 1, 1992.~~

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

Sec. 502. RCW 28A.165.005 and 2004 c 20 s 1 are each amended to read as follows:

LAP ADJUSTMENTS. ~~((The learning assistance program requirements in))~~ This chapter ~~((are))~~ is designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing ~~((programs))~~ supplemental instruction and services to assist underachieving students. ~~((Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.))~~

Sec. 503. RCW 28A.165.015 and 2004 c 20 s 2 are each amended to read as follows:

LAP ADJUSTMENTS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade ~~((eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade))~~ twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

Sec. 504. RCW 28A.165.055 and 2008 c 321 s 10 are each amended to read as follows:

LAP ADJUSTMENTS. ~~((+))~~ Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with RCW 28A.150.260 and the ~~((biennial))~~ omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. ~~((The distribution formula shall be based on one or more family income factors measuring economic need.~~

~~((2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.~~

~~((a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and~~

~~May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.~~

~~((b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.~~

~~((c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.))~~

Sec. 505. RCW 28A.180.010 and 1990 c 33 s 163 are each amended to read as follows:

TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools ~~((and to provide supplemental financial assistance to school districts to meet the extra costs of these programs)).~~

Sec. 506. RCW 28A.180.080 and 1995 c 335 s 601 are each amended to read as follows:

TBIP ADJUSTMENTS. ~~((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.))~~ Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program ~~((priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).~~

Sec. 507. RCW 28A.225.200 and 1990 c 33 s 234 are each amended to read as follows:

EDUCATION BY OTHER DISTRICTS. (1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education ~~((PROVIDED, That)).~~ Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW ~~((28A.150.100.))~~ 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, ~~((28A.160.220))~~ 28A.300.035, and 28A.300.170 ~~((and 28A.500.010))~~ shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration.

NEW SECTION. **Sec. 508.** The following acts or parts of acts are each repealed:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;

(4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

(5) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;

(6) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8; and

(7) RCW 28A.150.205 (Definition) and 1992 c 141 s 502.

PART VI MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 601. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 602. Sections 3, 102, and 107 of this act are each added to chapter 28A.150 RCW.

NEW SECTION. Sec. 603. Sections 101 through 109, 402 through 408, and 501 through 508 of this act take effect September 1, 2011.

NEW SECTION. Sec. 604. Section 409 of this act takes effect September 1, 2013.

NEW SECTION. Sec. 605. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Pettigrew moved the adoption of amendment (407) to amendment (333):

On page 4, line 25 of the striking amendment, after "created to" insert "provide oversight and accountability in the development of policies to close the achievement gap. The working group shall"

On page 4, line 36 of the striking amendment, after "(d)" insert "Recommending current programs and resources that should be redirected to narrow the gap;

(e)"

Renumber the remaining subsections consecutively.

On page 5, beginning on line 5 of the striking amendment, after "composed of" strike all material through "African-Americans," on line 7 and insert "three members appointed by the superintendent of public instruction and twelve members appointed by the governor, with two governor-appointed members to represent each of the following groups: African-Americans, African-American immigrants,"

Representatives Pettigrew and Priest spoke in favor of the adoption of the amendment to amendment (333).

Amendment (407) to amendment (333) was adopted.

Representative Anderson moved the adoption of amendment (344) to amendment (333):

On page 5, after line 15 of the striking amendment, insert the following:

NEW SECTION. Sec. 5. A new section is added to chapter 44.04 RCW to read as follows:

Under Article IX, section 1 of the state Constitution, it is the paramount duty of the state to make ample provision for the education of all of Washington's children. According to the state supreme court, this constitutional provision requires that the legislature define and fully fund a program of K-12 basic education before the legislature funds any other statutory programs. For these reasons, it is the intent of the legislature to require that all

appropriations for K-12 basic education, together with appropriations for other K-12 education programs, be enacted into law before the legislature takes executive action on other omnibus appropriations legislation.

Sec. 6. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

(1) The state legislature shall, at each regular session in an odd-numbered year, appropriate from the state general fund for the current use of the common schools such amounts as needed for state support to the common schools during the ensuing biennium as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010.

(2) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

(3) Beginning with the 2011-2013 fiscal biennium and thereafter, appropriations for the purposes of this section and other K-12 education purposes must be made in legislation that is separate from the omnibus operating appropriations act. Such appropriations must be enacted into law before it is in order for either house of the legislature to take executive action on omnibus operating appropriations legislation.

NEW SECTION. Sec. 7. A new section is added to chapter 44.04 RCW to read as follows:

Beginning with the 2011-2013 fiscal biennium and thereafter, appropriations for the purposes of RCW 28A.150.380 and other K-12 education purposes must be enacted into law before it is in order for either house of the legislature to take executive action on omnibus operating or transportation appropriations legislation.

The house of representatives and senate, jointly or separately, may adopt rules or resolutions to implement their respective responsibilities under this section."

On page 48, after line 29 of the striking amendment, insert the following:

NEW SECTION. Sec. 605. Sections 5 through 7 of this act take effect January 1, 2010, if the proposed amendment to Article IX of the state Constitution HJR 4203 is validly submitted to and is approved and ratified by the voters at the next general election. If the proposed amendment is not approved and ratified, sections 5 through 7 of this act are void in their entirety."

Renumber the remaining section consecutively.

Representatives Anderson, Priest and Cox spoke in favor of the adoption of amendment (344) to amendment (333).

Representative Linville spoke against the adoption of amendment (344) to amendment (333).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (344) to amendment (333) to Substitute House Bill No. 2261.

ROLL CALL

The Clerk called the roll on the adoption of amendment (344) to amendment (333) to Substitute House Bill No. 2261 was not adopted by the following vote: Yeas: 39; Nays: 58; Absent: 0; Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morris, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh, and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller,

Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfs, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Representative Hunter moved the adoption of amendment (346) to amendment (333):

On page 8, beginning on line 9 of the striking amendment, after "Sec. 103." strike all material through "group" on line 34 and insert the following:

"RCW 28A.150.210 and 2007 c 400 s 1 are each amended to read as follows:

BASIC EDUCATION GOAL. ~~((The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to))~~ A basic education is an evolving program of instruction that provides students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. ~~((Additionally,))~~ The state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. A basic education must also provide all students with the opportunity to graduate from high school with a meaningful high school diploma, ready for success in postsecondary education, gainful employment, and citizenship. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

Sec. 104. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

INSTRUCTIONAL PROGRAM. (1) ~~((Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:~~

~~—(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under *RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;~~

~~—(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under *RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group))~~ In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare

them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, with course distribution requirements established by the state board of education under RCW 28A.230.090 and that may be subject to a phased-in implementation of the twenty-four credits as adopted by the board"

Renumber the sections consecutively and correct any internal references accordingly. Correct the title.

On page 9, at the beginning of line 13 of the striking amendment, strike "(2) Nothing contained in subsection (1) of" and insert "(((2))) (4) Nothing contained in ~~((subsection (1) of))~~"

On page 9, at the beginning of line 16 of the striking amendment, strike "(3)" and insert "(((3))) (4)"

On page 9, at the beginning of line 33 of the striking amendment, strike "(4)" and insert "(((4))) (5)"

On page 48, line 26 of the striking amendment, after "101 through" strike "109" and insert "110"

Representatives Hunter and Priest spoke in favor of the adoption of amendment (346) to the amendment.

Amendment (346) to amendment (333) was adopted.

Representative Carlyle moved the adoption of amendment (332) to amendment (333):

On page 9, line 9 of the striking amendment, after "28A.180.080." strike "and"

On page 9, line 12 of the striking amendment, after "28A.155.020" insert "; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030"

On page 15, line 1 of the striking amendment, after "(6)" insert "The allocations provided under subsections (3) and (4) of this section shall be enhanced to provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, based on two percent of each school district's full-time equivalent enrollment. The minimum allocation for the programs shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(7)"
Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 47, after line 15 of the striking amendment, insert the following:

"Sec. 507. RCW 28A.185.010 and 1984 c 278 s 12 are each amended to read as follows:

Pursuant to rules ~~((and regulations))~~ adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include

conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by RCW ((28A.185.020))28A.150.260.

Sec. 508. RCW 28A.185.020 and 1990 c 33 s 168 are each amended to read as follows:

(1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on two percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

(2) Supplementary funds ((as may be)) provided by the state for ((this program, in accordance with RCW 28A.150.370;))the program for highly capable students under RCW 28A.150.260 shall be categorical funding ((on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment))to provide services to highly capable students as determined by a school district under RCW 28A.185.030."

Renumber the sections consecutively and correct any internal references accordingly.

On page 48, line 27 of the striking amendment, after "through" strike "508" and insert "510"

Representatives Carlyle and Priest spoke in favor of the adoption of amendment (332) to amendment (333).

Amendment (332) to amendment (333) was adopted.

Representative Cox moved the adoption of amendment (427) to amendment (333):

On page 30, after line 20 of the striking amendment, insert the following:

"Sec. 205. RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2003-04 and 2004-05 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase, except as provided in subsection (3) of this section.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base,

compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

(3) For school districts that have historically received teacher salary allocations in excess of the statewide salary schedule under RCW 28A.150.410 or whose salary allocations for certificated administrative or classified staff authorized in the omnibus appropriations act exceed the salary allocations provided to other school districts, the legislature shall provide a cost-of-living increase under this section at fifty percent of the amount that would otherwise be calculated under this section for those salary allocations that are in excess, until salary allocations have been equalized across all districts."

Representative Cox spoke in favor of the adoption of amendment (427) to amendment (333).

Representative Haigh spoke against the adoption of amendment (427) to amendment (333).

Amendment (427) to amendment (333) was not adopted.

Representative Miloscia moved the adoption of amendment (363) to amendment (333):

On page 35, line 13 of the striking amendment, after "legislation;" strike "and"

On page 35, line 17 of the striking amendment, after "level" insert "; and"

(4) Examine opportunities for and the feasibility of incorporating a system of quality management, accountability, and performance improvement such as the Baldrige national quality program into the overall state system continuous school improvement."

Representatives Miloscia and Armstrong spoke in favor of the adoption of amendment (363) to amendment (333).

Amendment (363) to amendment (333) was adopted.

Representative Cox moved the adoption of amendment (388) to amendment (333):

On page 1, line 3 of the striking amendment, after "**Sec. 1.**" strike all material through "2013." on page 48, line 29 and insert "The legislature finds that the fundamental methods of allocating funding to support basic education do not require wholesale revision. The overall finance structure is sound to the extent that it is driven by student enrollment and staffing ratios and attempts to address special needs. However, there is a need to correct some structural flaws that have been identified and to update the funding formulas to reflect how schools operate in terms of the costs of doing business and the types of staff that are needed. Allocations must also be adjusted to improve equity among districts and, in some cases, to create a rational basis for the amounts provided. Therefore, the legislature intends to make necessary adjustments and implement them beginning with the 2009-10 school year.

Sec. 2. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

(1) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. Satisfaction of the basic education ((program requirements)) goal identified in RCW 28A.150.210 shall be considered to be implemented by the following instructional program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred

fifty hours. The program shall include instruction in the essential academic learning requirements under RCW ~~((28A.630.885))~~ 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through ~~((twelve))~~ eight, at least a district-wide annual average total instructional hour offering of one thousand hours. Each school district shall make available to students enrolled in grades nine through twelve, at least a district-wide annual average total instructional hour offering of one thousand eighty hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW ~~((28A.630.885))~~ 28A.655.070 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages.

(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

(3) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten ~~((PROVIDED, That))~~. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

(4) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 3. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula based on a ratio of students to staff for the distribution of a basic education allocation for each annual average full time equivalent student enrolled in a common school. The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;

(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.

~~((a))~~ This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. In addition, the superintendent of public instruction shall review and analyze the various funding formulas as compared to trends in school district expenditures and staffing patterns and report biennially to the legislature on the results of the analysis. The recommended formula shall be subject to approval, amendment or rejection by the legislature. The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

~~((b))~~ (3) The formula adopted by the legislature shall reflect the following ratios at a minimum ~~((i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.~~

~~((c))~~, which are stated as the number of staff units allocated per one thousand annual average full-time equivalent students:

(a) Certificated instructional staff units:

(i) Thirty-nine and seventy-five one-hundredths classroom teachers for students enrolled in grades kindergarten through three, calculated as provided under subsection (4) of this section;

(ii) Thirty-six and seventy-five one-hundredths classroom teachers for students enrolled in grades four through twelve, calculated as provided under subsection (4) of this section;

(iii) Four counselors for students in grades kindergarten through twelve;

(iv) Four teacher-librarians for students in grades kindergarten through twelve;

(v) One and twenty-five one-hundredths school nurses for students in grades kindergarten through twelve;

(b) Four certificated administrative staff units for students in grades kindergarten through twelve; and

(c) Seventeen and two one-hundredths classified staff units for students in grades kindergarten through twelve.

(4) The legislature intends to incorporate into the distribution formula an assumption of one teacher planning period per day and sufficient funds for school districts to increase instructional hours to the levels required under this section. Solely for purposes of calculating certificated instructional staff units for classroom teachers, the formula shall assume that one unit equals eight hundred thirty-five hours of instruction per year. The formula shall allocate a sufficient number of units to provide the minimum instructional hour requirements under this section, provide one teacher planning period per day, and result in the ratio of classroom teachers per one thousand full-time equivalent students specified under subsection (3)(a)(i) and (ii) of this section.

(5) The formula shall include an allocation for nonemployee-related costs of at least twenty-seven percent of the allocation for salary costs for the staff allocated under subsection (3) of this section.

(6) The formula shall include additional funds for twelve substitute days for each certificated instructional staff unit, which shall be calculated using the salary allocation schedule of the district under RCW 28A.150.410.

(7) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100. The enrollment of any district shall be the annual average number of full time equivalent students and part time students as provided in RCW 28A.150.350, enrolled on the first school day of each month and shall exclude full time equivalent

students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100. The definition of full time equivalent student shall be determined by rules of the superintendent of public instruction: PROVIDED, That the definition shall be included as part of the superintendent's biennial budget request: PROVIDED, FURTHER, That any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee: PROVIDED, FURTHER, That the office of financial management shall make a monthly review of the superintendent's reported full time equivalent students in the common schools in conjunction with RCW 43.62.050.

~~((3))~~ (8)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

Sec. 4. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

(1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260.

(2) Salary allocations for state-funded basic education certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(5) The legislature shall establish in the omnibus appropriations act for each school year a salary allocation per certificated administrative staff unit allocated under RCW 28A.150.260. The allocation for the 2009-10 school year shall be not less than seventy thousand dollars and shall be annually adjusted as provided under RCW 28A.400.205. If a school district's allocation exceeds the minimum allocation under this section, the provisions of RCW 28A.400.205(3) apply.

(6) The legislature shall establish in the omnibus appropriations act for each school year a salary allocation per classified staff unit allocated under RCW 28A.150.260. The allocation for the 2009-10 school year shall be not less than thirty-four thousand dollars and shall be annually adjusted as provided under RCW 28A.400.205. If

a school district's allocation exceeds the minimum allocation under this section, the provisions of RCW 28A.400.205(3) apply.

Sec. 5. RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2003-04 and 2004-05 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase, except as provided in subsection (3) of this section.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section. The cost-of-living index used in any fiscal biennium for the purposes of this section shall be the estimated index as of the adoption of the omnibus appropriations act establishing the state budget for the next fiscal biennium. The index shall not be adjusted thereafter during the biennium.

(3) For school districts that have historically received teacher salary allocations in excess of the statewide salary schedule under RCW 28A.150.410 or whose salary allocations for certificated administrative and classified staff exceed the minimums established under RCW 28A.150.410, the legislature shall provide a cost-of-living increase under this section at fifty percent of the amount that would otherwise be calculated under this section until salary allocations have been equalized across all districts.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.400 RCW to read as follows:

(1) The legislature shall provide funding for ten learning improvement days through the salary schedule under RCW 28A.150.410 as provided in this section. The additional days shall not be part of basic education.

(2) A school district is eligible to receive the additional funds if the learning improvement days have been added to the one hundred eighty day contract year established by the district. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The length of a learning improvement day shall not be less than the length of a full school day under the base contract.

(3) The additional days shall be limited to specific activities identified in the state-required school improvement plan related to improving student learning that are consistent with education reform implementation. The principal in each school shall assure that the days are used to provide schoolwide professional development for all teachers and other instructional staff that is tied directly to the school improvement plan. The principal of each school and the superintendent of the school district shall maintain documentation of their approval of the activities.

(4) The superintendent of public instruction shall adopt rules and take such other steps as necessary to assure that school districts comply with the intent and purposes of this section.

Sec. 7. RCW 28A.400.200 and 2002 c 353 s 2 are each amended to read as follows:

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2)(a) Salaries for certificated instructional staff shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; and

(b) Salaries for certificated instructional staff with a masters degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a masters degree and zero years of service;

(3)(a) The actual average salary paid to certificated instructional staff shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to RCW 28A.150.410.

(b) Fringe benefit contributions for certificated instructional staff shall be included as salary under (a) of this subsection only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include ~~((payment for unused leave for illness or injury under RCW 28A.400.210;))~~ employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

(c) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

(4)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsection (3) of this section only by separate contract for additional time ~~((additional responsibilities, or incentives))~~ worked outside the regular school day or school year.

(b) Supplemental contracts shall specify the minimum amount of additional time required and the purpose or purposes of the additional time using standard terms and definitions established by the office of the superintendent of public instruction. Nothing in this section prohibits a supplemental contract that pays a stipend rather than a per-unit amount for the additional time. School districts shall annually submit the information required under this subsection to the office of the superintendent of public instruction in a common reporting format established by the office and disaggregated for each individual receiving a supplemental contract.

(c) Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380. No district may enter into a supplemental contract under this subsection for the provision of services which are a part of the basic education program required by Article IX, section 3 of the state Constitution.

(5) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

NEW SECTION. Sec. 8. A new section is added to chapter 41.59 RCW to read as follows:

Nothing in chapter . . . , Laws of 2009 (this act) is intended to alter or affect existing collective bargaining agreements. Chapter . . . , Laws of 2009 (this act) applies only to collective bargaining agreements ratified on or after the effective date of this section.

Sec. 9. RCW 84.52.067 and 2001 c 3 s 7 are each amended to read as follows:

All property taxes levied by the state for the support of common schools shall be paid into the general fund of the state treasury as provided in RCW 84.56.280 ~~((except for the amounts collected under RCW 84.52.068 which shall be directly deposited into the student achievement fund and distributed to school districts as provided in RCW 84.52.068)).~~

Sec. 10. RCW 83.100.230 and 2008 c 329 s 924 are each amended to read as follows:

The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for ~~((deposit into the student achievement fund and for))~~ supporting K-12 basic education, expanding access to higher education through funding for new enrollments and financial aid, and other K-12 or higher educational improvement efforts. ~~((During the 2007-2009 fiscal biennium;))~~ Moneys in the account may also be transferred into the state general fund.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) RCW 28A.505.210 (Student achievement funds--Use and accounting of funds--Public hearing--Report) and 2005 c 497 s 105 & 2001 c 3 s 3;

(2) RCW 28A.505.220 (Student achievement funds--Allocations) and 2009 c 4 s 901, 2008 c 170 s 401, & 2005 c 514 s 1103;

(3) RCW 28A.150.380 (Appropriations by legislature) and 2001 c 3 s 10, 1995 c 335 s 103, 1990 c 33 s 115, 1980 c 6 s 3, & 1969 ex.s. c 223 s 28A.41.050;

(4) RCW 84.52.068 (State levy--Distribution to school districts) and 2005 c 514 s 1104, 2003 1st sp.s. c 19 s 1, & 2001 c 3 s 5;

(5) RCW 28A.400.210 (Employee attendance incentive program--Remuneration or benefit plan for unused sick leave) and 2000 c 231 s 1, 1997 c 13 s 9, 1992 c 234 s 12, 1991 c 92 s 2, 1989 c 69 s 2, & 1983 c 275 s 2; and

(6) RCW 28A.400.212 (Employee attendance incentive program--Effect of early retirement) and 1993 c 519 s 14, 1993 c 86 s 8, & 1992 c 234 s 13.

NEW SECTION. Sec. 12. Sections 9 through 11 of this act take effect September 1, 2009."

Renumber the remaining section consecutively and correct the title.

Representative Cox spoke in favor of the adoption of amendment (388) to amendment (333).

Representative Sullivan spoke against the adoption of amendment (388) to amendment (333).

Amendment (388) to amendment (333) was not adopted.

Representative Anderson moved the adoption of amendment (403) to amendment (333):

On page 1 of the striking amendment, strike all material after line 2 and insert the following:

"NEW SECTION. Sec. 1. INTENT. (1) In enacting this legislation, the legislature intends to fulfill its obligation under Article IX of the Washington state Constitution to define and fund a program of basic education for children residing in the state and attending public schools. This act defines the educational opportunities that school districts shall provide and for which the state shall allocate funding.

(2) The legislature also intends that the policies and allocation formulas in this act fulfill the legislature's obligation under Article IX to establish a general and uniform system of public schools. The legislature finds that in some instances providing general and uniform educational opportunity requires tailoring basic education allocations to reflect certain needs and circumstances of each school district, including district size, certain student characteristics, and regional labor market differences. It is the intent of the legislature that these allocation formulas address these differences in order to promote equity and uniformity of educational opportunity.

(3) Public education in Washington State has evolved since the enactment of the Washington basic education act of 1977. Student demographics, educational technology, data, and standards-based learning and assessment are only a few examples of factors affecting education that have changed in the last thirty years. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need to redefine the program of basic education that is funded by the state and delivered by school districts to better align with the stated goals of a basic education and to improve the transparency and accountability of how the state meets its constitutional obligation under Article IX.

(4) For practical and educational reasons, wholesale change of the program of basic education and the funding formulas to support it cannot occur instantaneously. Financial experts must develop the details of the funding formulas. New systems of educator certification, evaluation, mentoring, and compensation must be developed and implemented. Data and accountability systems must be created. Significant increases in resources for staffing and class size reduction will have detrimental impact on student learning if school districts hire unprepared teachers and lack facilities to house them. The legislature intends to adopt a schedule for implementation of the redefined program of basic education and the resources necessary to support it, beginning in the 2011-12 school year and phased in over a six-year time period.

NEW SECTION. Sec. 2. INTENT TO MAKE NECESSARY CORRECTIONS. It is the intent of the legislature that the policies and allocation formulas adopted under this act, including the implementation schedule for these formulas, constitute the legislature's definition of basic education under Article IX of the state Constitution. It is the further intent of the legislature that these policies, formulas, and schedules should not be revised or delayed other than for educational reasons. The legislature intends, however, to continue to review and revise the formulas and schedules and may make revisions for technical purposes and consistency in the event of mathematical or other technical errors.

NEW SECTION. Sec. 3. STEERING COMMITTEE TO OVERSEE IMPLEMENTATION. (1) The basic education steering committee is established to monitor and oversee implementation of the new definition of basic education. The steering committee shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(2) The chair or cochairs of the steering committee shall be selected by the members of the committee.

(3) The responsibility of the steering committee is to monitor and oversee implementation of the new definition of basic education, including the funding formulas, systems of educator compensation and accountability, the program of early learning, and a supplemental finance system from levies and local effort assistance. The steering committee shall monitor and oversee the following technical working groups:

(a) The funding formulas working group under section 114 of this act that develops the financial model and funding formulas for the basic education instructional allocation;

(b) The compensation working group under section 206 of this act that develops options for a new statewide salary model and bonuses for certificated instructional staff;

(c) The early learning working group under section 111 of this act that develops a proposal for a basic education program of early learning and examines options for preschool early learning for at-risk children from birth to age three;

(d) The local funding working group under section 402 of this act that develops options for a new system of supplemental school funding through local school levies and local effort assistance; and

(e) The data working group under section 311 of this act designing comprehensive accountability systems for financial, student, and educator data.

(4) The steering committee may also request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the implementation of this act.

(5) The steering committee shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations based on analysis of reports from the working groups and state agencies, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of this act.

(6) The steering committee shall submit subsequent reports to the governor and the legislature by November 15, 2010, and annually thereafter, ending November 15, 2016.

(7) Staff support for the basic education steering committee shall be provided by the state agencies with representatives on the committee, the senate committee services, and the office of program research of the house of representatives. Legislative members of the steering committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) This section expires June 30, 2017.

PART I PROGRAM OF BASIC EDUCATION

Sec. 101. RCW 28A.150.200 and 1990 c 33 s 104 are each amended to read as follows:

PROGRAM OF EDUCATION. (~~This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977." The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in RCW 28A.150.210, (2) those program requirements enumerated in RCW 28A.150.220, and (3) the determination and distribution of state resources as defined in RCW 28A.150.250 and 28A.150.260.~~

~~The requirements of the Basic Education Act are)~~ (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and ((are) is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as:

(a) The instructional program of basic education the minimum components of which are described in section 104 of this act;

(b) The program of early learning for at-risk children under section 110 of this act;

(c) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.020 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(d) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities; and

(e) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180.

(3) Therefore, basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature for the following purposes:

(a) Amounts appropriated pursuant to sections 106 through 108 of this act to fund the instructional program requirements identified in section 104 of this act;

(b) Amounts appropriated to fund the salary requirements of sections 204, 207, and 209 of this act;

(c) Amounts appropriated to support the program of early learning for at-risk children under section 110 of this act;

(d) Amounts appropriated to support the programs of education provided by chapters 28A.190 and 28A.193 RCW; and

(e) Amounts appropriated for pupil transportation as provided under RCW 28A.160.150 through 28A.160.180.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education core instructional allocation" means the funding allocation to school districts under section 106 (3), (4), and (7) of this act to support school staffing; maintenance, supplies, and operating costs; and central office administration.

(2) "Basic education goal" means the student learning goals and the student knowledge and skills described under section 103 of this act.

(3) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(4) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(5) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(6) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(7) "Classroom teacher" means a certificated instructional staff person whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified people shall not occur during a labor dispute, and such classified people shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional hours" means those hours students are provided the opportunity to engage in academic and career and technical instruction planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals, intermissions for class changes, or recess.

(9) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under section 104 of this act.

(10) "Program of basic education" means the overall program deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, full funding of which is described under section 101 of this act.

(11) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(12) "School year" includes the minimum number of school days required under section 104 of this act and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(13) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials;

reviewing student performance; recording student data; consulting with other teachers, instructional aides, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 103. RCW 28A.150.210 and 2007 c 400 s 1 are each amended to read as follows:

BASIC EDUCATION GOAL. ~~((The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to))~~ A basic education is an evolving program of instruction that provides students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. ((Additionally,)) The state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

Sec. 104. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

INSTRUCTIONAL PROGRAM. (1) ~~((Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:~~

~~—(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;~~

~~—(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group;~~

~~—(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;~~

~~—(2) Nothing contained in subsection (1) of this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.~~

~~—(3))~~ In order for students to have the opportunity to develop the basic education knowledge and skills under section 103 of this act, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, lifelong learning, and citizenship. The program established under this section, supported by the

resources allocated under sections 106 through 108 of this act, shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten(~~(-PROVIDED, That effective May 1, 1979)), to be increased to a minimum of one hundred eighty school days per school year no later than the 2016-17 school year and according to the implementation schedules under sections 109 and 113 of this act. However, a school district may schedule the last five school days of the one hundred ((and)) eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as ((*) full-time equivalent students to the extent they could otherwise have been so claimed for the purposes of ((RCW 28A.150.250 and 28A.150.260.~~

(~~4~~)) section 106 of this act. The minimum one hundred eighty day school year requirement may be waived by the state board of education as provided under section 115 of this act.

(3) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades seven through twelve, at least a district-wide annual average of one thousand hours for students enrolled in grades one through twelve, which shall be increased to one thousand eighty instructional hours by the 2016-17 school year according to the implementation schedules under section 113 of this act;

(b) For students enrolled in grades one through six, at least a district-wide annual average of one thousand hours for students enrolled in grades one through twelve, which shall be increased to one thousand instructional hours by the 2016-17 school year according to the implementation schedules under section 113 of this act; and

(c) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours by the 2016-17 school year according to the implementation schedules under sections 109 and 113 of this act.

(4) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, with course distribution requirements established by the state board of education under RCW 28A.230.090 and that may be subject to a phased-in implementation of the twenty-four credits as adopted by the board;

(c) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(d) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080; and

(e) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020.

(5) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction in other subjects or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.

(6) Nothing in this section requires individual students to attend school for any particular number of hours per day or to take any particular courses.

(7) The state board of education shall adopt rules to implement and ((ensure)) assure compliance with the ((program requirements

imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish)) minimum instructional hours and school days required under this section and to assure that school districts provide the components of the basic education instructional program under this section. If a school district's basic education instructional program fails to meet the requirements of this section, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured. The state board shall periodically examine the effectiveness of different instructional strategies and schedules used by school districts to meet the requirements of this section, communicate identified concerns to districts, and disseminate to other districts information about effective innovations.

Sec. 105. RCW 28A.150.250 and 1990 c 33 s 107 are each amended to read as follows:

FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an ((amount which, when combined with an appropriate portion of such locally available revenues, other than)) allocation based on the formulas provided in sections 106 through 108 of this act. The basic education instructional allocation shall be net of receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020(~~(, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220.~~

Basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW 28A.150.250 and 28A.150.260 to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula and ratios provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW 28A.150.100 and 28A.150.410.

Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district. PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students. PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.

If a school district's basic education program fails to meet the basic education requirements enumerated in RCW 28A.150.250, 28A.150.260, and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured. PROVIDED, That the state board of education may waive this requirement in the event of substantial lack of classroom space).

Sec. 106. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ((The basic education allocation for each annual average full-time equivalent student shall be determined in

accordance with the following procedures) The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under section 104 of this act. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula ((based on a ratio of students to staff)) for the distribution of a basic education instructional allocation for each ((annual average full-time equivalent student enrolled in a)) common school district. ((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;
- (e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and
- (f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district:))

(2)((a)) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) The distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. Funding allocations to school districts shall be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(c) By the 2016-17 school year, the minimum allocation for a prototypical high school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over one thousand eighty annual instructional hours and provide at least one teacher planning period per school day, with the following average class size:

Average
Class Size

Basic class size 25.0
 Basic class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals, adjusted as provided under subsection (8) of this section 22.0
 For exploratory career and technical education courses 19.0
 For laboratory science, advanced placement, and international baccalaureate courses 19.0
 For preparatory career and technical education courses, including those offered through a skill center 16.0
 (d) By the 2016-17 school year, the minimum allocation for a prototypical middle school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over one thousand eighty instructional hours and provide at least one teacher planning period per school day, with the following average class size:

Average
Class Size

Basic class size 25.0
 Basic class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals, adjusted as provided under subsection (8) of this section 22.0
 For exploratory career and technical education courses 19.0
 (e) By the 2016-17 school year, the minimum allocation for a prototypical elementary school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over one thousand instructional hours and provide at least one teacher planning period per school day, with the following average class size:

Average
Class Size

Basic class size 25.0
 Basic class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals 22.0
 Class size in grades kindergarten through three 15.0
 (f) By the 2016-17 school year, the minimum allocation for each prototypical school shall include allocations for the following types and number of full-time equivalent staff in addition to classroom teachers:

	High School	Middle School	Elementary School
Principals, including assistant principals and other certificated building-level administrators	1.8	1.3	1.2
Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs	1	1	1
Student health services, a function that includes school nurses and social workers	1	1	1
Guidance counselors, a function that includes parent outreach and graduation advisor	1.5	1	0
Professional development coaches	0.75	0.5	0.5
Office support and noninstructional aides	3	3	3
Custodians and other maintenance	4	4	4
Student and staff safety	1	1	1

(4)(a) The minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs. The amounts in this subsection are based on 2007-08 dollars and shall be adjusted annually for inflation with the amounts allocated for each school year specified in the omnibus appropriations act and subject to the implementation schedule in section 113 of this act. The amounts may be inflated differentially by category.

Per annual average full-time equivalent student
 Student technology \$200

<u>Utilities</u>	<u>\$216</u>
<u>Curriculum, textbooks, library materials, and instructional supplies</u>	<u>\$155</u>
<u>Instructional professional development</u>	<u>\$103</u>
<u>Other building-level costs including maintenance, custodial, and security</u>	<u>\$102</u>
<u>Central office administration</u>	<u>\$310</u>

(b) The per annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced as follows based on full-time equivalent student enrollment in the following courses:

<u>Per annual average full-time equivalent student amount enhancement</u>	
<u>Exploratory career and technical education courses for students in grades seven through twelve</u>	<u>6.0%</u>
<u>Laboratory science courses for students in grades nine through twelve</u>	<u>6.0%</u>
<u>Preparatory career and technical education courses for students in grades nine through twelve offered in a high school</u>	<u>10.0%</u>
<u>Preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center</u>	<u>12.0%</u>

(5) By the 2016-17 school year, the allocations provided under subsections (3) and (4) of this section shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the percent of students in each school who are eligible for free and reduced-price meals, adjusted as provided under subsection (8) of this section.

(i) The minimum allocation for the learning assistance program shall provide an extended school day for a prototypical school as follows:

	<u>High School</u>	<u>Middle School</u>	<u>Elementary School</u>
<u>Instructional hours per week</u>	<u>2.0</u>	<u>2</u>	<u>2</u>
<u>Average class size</u>	<u>5</u>	<u>5</u>	<u>5</u>

(ii) The minimum allocation for the learning assistance program shall provide an extended school year for a prototypical school as follows:

	<u>High School</u>	<u>Middle School</u>	<u>Elementary School</u>
<u>Instructional hours per week</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Number of weeks</u>	<u>4</u>	<u>4</u>	<u>4</u>
<u>Average class size</u>	<u>5</u>	<u>5</u>	<u>5</u>

(iii) The minimum allocation for the learning assistance program shall include a per student allocation for maintenance, supplies, and operating costs as provided in the omnibus appropriations act.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080.

(i) The minimum allocation for a prototypical school shall provide for supplemental instruction as follows:

	<u>High School</u>	<u>Middle School</u>	<u>Elementary School</u>
<u>Percent of school day in supplemental instruction</u>	<u>14.0%</u>	<u>14.0%</u>	<u>20.0%</u>
<u>Average class size</u>	<u>8</u>	<u>8.0</u>	<u>8.0</u>

(ii) The minimum allocation for the transitional bilingual instruction program shall include a per student allocation for maintenance, supplies, and operating costs as provided in the omnibus appropriations act.

(6) The allocations under subsections (3) through (5) of this section shall be enhanced as provided under section 107 of this act on

an excess cost basis to provide supplemental instructional resources for students with disabilities.

(7) The distribution formula shall include allocations to school districts to support staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsection (3) of this section for all schools in the district.

(8)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (3) and (4) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(9) Beginning in the 2012-13 school year, the distribution formula shall include allocations to school districts to support release time for state-certified mentors and new teachers and other costs to provide the mentoring and support program under section 203 of this act. The formula shall be based on the number of teachers in the district with five or fewer years of teaching experience, with the amount of release time significantly greater to support teachers in their first year of teaching service for whom the program is mandatory. School districts must use the allocations under this subsection to provide the mentoring and support program under section 203 of this act.

(10)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full-time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full-time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full-time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full-time equivalent students enrolled in grades kindergarten through twelve.

(c) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect. ((PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100)).

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month ((and shall exclude full-time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100)), including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction ((PROVIDED, That the definition)) and shall be included as part of the superintendent's biennial budget request ((PROVIDED, FURTHER, That)). The definition shall be based on the minimum instructional hour offerings required under section 104 of this act. Any revision of the present

definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee (~~(- PROVIDED, FURTHER, That)~~).

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

~~((3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8); PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision; PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.~~

~~(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).)~~

Sec. 107. RCW 28A.150.390 and 1995 c 77 s 6 are each amended to read as follows:

SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through ~~(RCW 28A.150.250, 28A.150.260;)~~ section 106 (3) through (5) of this act and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256 (~~and other state and local funds, excluding special excess levies~~).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under section 106 (3) through (5) of this act, to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under section 107 of this act. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the

state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education students.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 109. RCW 28A.150.315 and 2007 c 400 s 2 are each amended to read as follows:

PHASE-IN ALL-DAY KINDERGARTEN. (1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day

kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

- (a) Provide at least a one thousand-hour instructional program;
- (b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:
 - (i) Developing initial skills in the academic areas of reading, mathematics, and writing;
 - (ii) Developing a variety of communication skills;
 - (iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;
 - (iv) Acquiring large and small motor skills;
 - (v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and
 - (vi) Learning through hands-on experiences;
- (c) Establish learning environments that are developmentally appropriate and promote creativity;
- (d) Demonstrate strong connections and communication with early learning community providers; and
- (e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

~~((3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.))~~

NEW SECTION. Sec. 110. BASIC EDUCATION PROGRAM OF EARLY LEARNING. (1) The legislature finds that disadvantaged young children do not have the opportunity to attain the goals or meaningfully participate or reach any reasonable level of achievement within the regular instructional program of basic education without supplemental instruction in preschool to prepare them for kindergarten and beyond. Therefore, the legislature intends to establish a basic education program of early learning for at-risk children that is part of the program of basic education under this chapter beginning in the 2011-12 school year, subject to the implementation schedule under section 113 of this act.

(2) The basis for the basic education program of early learning is the statewide Washington head start program required to be proposed by the department of early learning under RCW 43.215.125, which the legislature may modify before adopting. It is the intent of the legislature that the basic education program of early learning, which shall include the federal head start program as it applies to at-risk children, replace the early childhood education and assistance program under RCW 43.215.400 through 43.215.450 as it applies to at-risk children. The basic education program of early learning includes:

- (a) Comprehensive services that focus on the needs of the child and include education, health, and family support services;
- (b) Instruction to develop literacy, numeracy, reasoning, problem-solving, and decision-making skills that are the foundation of school readiness;
- (c) A minimum of four hundred forty-eight instructional hours per year;
- (d) Required family support services and parent conferences;
- (e) Minimum staffing requirements and appropriate minimum qualifications for instructional staff;
- (f) Data collection used for program planning; and
- (g) Program quality and performance standards.

(3) For the purposes of this section and the basic education program of early learning, "at-risk children" means children aged three, four, and five who are not eligible for kindergarten and whose family income is at or below one hundred thirty percent of the federal poverty level, as published annually by the federal department of health and human services. Participation by an at-risk child in the basic education program of early learning is voluntary.

(4)(a) Beginning in the 2011-12 school year and subject to the implementation schedule under section 113 of this act, the legislature shall appropriate funds on a per-student basis to provide services for at-risk children who enroll in the basic education program of early learning. The per-student amount for the 2011-12 school year shall be equivalent to the amount provided for that year for the federal head start program and must be annually adjusted thereafter in the omnibus appropriations act. The total allocation shall be net of receipts from the federal head start program that are to provide services for at-risk children.

(b) State and federal funds to support the program shall be distributed to school districts that may provide services directly or may contract with public or private nonsectarian organizations, including but not limited to educational service districts, community and technical colleges, local governments, or nonprofit organizations, to provide services.

(5) All programs are subject to approval by the department of early learning.

(6) The superintendent of public instruction shall assure that school districts and contractors comply with Article IX, section 4 of the state Constitution prohibiting sectarian control or influence of all schools maintained or supported wholly or in part by public funds.

(7) In cooperation with the department of early learning, the superintendent of public instruction shall require school districts to use a common, statewide kindergarten readiness assessment as a form of accountability for the basic education program of early learning.

NEW SECTION. Sec. 111. EARLY LEARNING WORKING GROUP. (1) The department of early learning and the office of the superintendent of public instruction shall convene a working group to develop the basic education program of early learning described under section 110 of this act. The early learning working group shall be composed of representatives from head start and early childhood education and assistance program providers, school districts, thrive by five of Washington, and other stakeholders with expertise in early learning.

(2) The early learning working group shall continue the preliminary work of the department of early learning under RCW 43.215.125 to develop a proposal for a statewide Washington head start program. The working group shall develop recommended parameters and minimum standards for the program.

(3) The early learning working group shall also examine service delivery, program, and funding options for providing preschool early learning services for at-risk children aged birth to three and examine the advantages, disadvantages, and implications of including services to this population of children as part of the program of basic education. A representative of the office of the attorney general shall be included as a participant in the early learning working group to assist with this examination.

(4) The work of the early learning working group shall be monitored and overseen by the basic education steering committee under section 3 of this act. The working group shall provide updates on its work as requested by the steering committee.

(5) The department of early learning and the office of the superintendent of public instruction shall submit a progress report on the development of the basic education program of early learning to the basic education steering committee by November 15, 2009. The progress report shall include recommendations for addressing any unresolved issues or decisions requiring legislative action during the 2010 legislative session to allow continued development of the program. A final report, including recommended legislation to authorize the superintendent of public instruction and the department of early learning to fulfill their responsibilities under section 110 of this act, shall be submitted to the steering committee by September 1, 2010.

Sec. 112. RCW 28A.150.370 and 1995 c 335 s 102 and 1995 c 77 s 5 are each reenacted and amended to read as follows:

LEGISLATURE TO APPROPRIATE FUNDS. (1) The legislature shall, at each regular session in an odd-numbered year, appropriate for the current use of the common schools such amounts as needed for state support to school districts for the program of basic education defined under section 101 of this act, subject to the implementation schedule under section 113 of this act.

(2) In addition to those state funds provided to school districts for basic education, the legislature ~~((shall appropriate funds for pupil transportation, in accordance with this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.035, 28A.300.170, and 28A.500.010; and for special education programs for students with disabilities, in accordance with RCW 28A.155.010 through 28A.155.100. The legislature))~~ may appropriate funds to be distributed to school districts for ~~((population))~~ other factors ~~((such as urban costs, enrollment fluctuations))~~ and for other special programs ~~((including but not limited to, vocational-technical institutes, compensatory programs, bilingual education, urban, rural, racial and disadvantaged programs, programs for gifted students, and other special programs))~~ to enhance or enrich the program of basic education.

NEW SECTION. Sec. 113. IMPLEMENTATION SCHEDULE. (1) By the 2016-17 school year, appropriations of state funds to support school districts in offering the minimum instructional program of basic education must be based on the factors and numeric values specified in sections 106 through 108 of this act.

Beginning with the 2011-12 school year, the legislature shall appropriate funds for the instructional program of basic education using the structure of the funding formulas under sections 106 through 108 of this act, but the legislature may incrementally phase-in the implementation of the numeric values in the formulas until full implementation is achieved in the 2016-17 school year.

(2) By the 2016-17 school year, appropriations of state funds to support the basic education program of early learning shall be sufficient to serve all enrolled at-risk children as defined in section 110 of this act. Beginning with the 2011-12 school year, the legislature may incrementally phase-in appropriations to support the basic education program of early learning until full implementation is achieved in the 2016-17 school year.

(3) For each school year beginning in 2011-12, the legislature shall specify in the omnibus appropriations act the numeric values of the funding formulas used to determine the appropriations and the assumed number of at-risk children served.

(4) Within the six-year time frame under this section, the priorities for phasing-in full implementation of the funding formulas shall be as follows:

(a) Full funding of allocations for maintenance, supplies, and operating costs and salary allocations for administrative and classified staff and certificated instructional staff;

(b) Phasing-in all-day kindergarten according to the schedule provided in section 109 of this act;

(c) Expansion of funding allocations for the learning assistance program and the transitional bilingual instructional program to make progress in closing the achievement gap;

(d) Increasing the number of at-risk children served under the basic education program of early learning; and

(e) Class size reduction in grades kindergarten through three.

(5) This section expires June 30, 2017.

NEW SECTION. Sec. 114. FUNDING FORMULAS WORKING GROUP. (1) The office of financial management shall convene a technical working group to develop the financial model and funding formulas for the distribution of the basic education instructional allocation and special education allocations under sections 106 through 108 of this act. Issues to be addressed by the funding formulas working group include but are not limited to:

(a) Minimum allocations or adjustments for small schools and small and remote school districts. The allocations or adjustments should reflect a level of support for schools that are small because they are located in small school districts without providing an incentive for possible inefficiencies of small schools within larger school districts;

(b) Examination and analysis of the allocation to support central office administration to assure the adequacy of the allocation and

consideration of whether adjustments are appropriate for small or large school districts;

(c) Examination of costs and other implications of basing allocations on a three-year rolling average of student enrollment;

(d) Examination of costs and other implications of using retrospective, current, or prospective enrollment numbers;

(e) An adjustment factor on the percent of students eligible for free and reduced-price meals to reflect underreporting of eligibility by middle and high school students;

(f) An allocation formula for the mentoring and support program;

(g) Rounding of nonwhole numbers of staff allocations; and

(h) Other issues that arise in the development and refinement of the financial model and funding formulas.

(2) The funding formulas working group shall include representatives of the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the Washington state school directors' association, and other interested stakeholders with expertise in education finance. The office of financial management may engage technical consultants as needed for computer programming and modeling.

(3) The superintendent of public instruction shall review the program of education provided by chapter 28A.190 RCW for students in residential schools and for juveniles in detention facilities, along with the funding formulas and assumptions to support the program, and shall make recommendations to the funding formulas working group for a revised funding formula for the distribution of the basic education allocation for the program. The recommendations shall assume a minimum instructional program of one thousand three hundred twenty instructional hours per school year. The superintendent shall also recommend any amendments to chapter 28A.190 RCW necessary to align with the funding formulas or the basic education instructional program under section 105 of this act.

(4) The work of the funding formulas working group shall be monitored and overseen by the basic education steering committee under section 3 of this act. The working group shall provide updates on its work as requested by the steering committee.

(5) The office of financial management shall submit a progress report on the development of the financial model and funding formulas to the basic education steering committee by November 15, 2009. The progress report shall include recommendations for addressing the issues identified in subsection (1) of this section, the funding formula under subsection (3) of this section, and other unresolved issues or decisions requiring legislative action during the 2010 legislative session to allow continued development of the financial model and funding formulas. A final report shall be submitted to the steering committee by September 1, 2010.

(6) The estimates and information submitted to the governor by the superintendent of public instruction under RCW 28A.300.170 and the governor's biennial budget request and budget bill submitted to the legislature under RCW 43.88.060 for the 2011-2013 biennium shall be based on the requirements of sections 105 through 108 and 113 of this act, and the funding formulas developed under this section, to be implemented beginning with the 2011-12 school year.

NEW SECTION. Sec. 115. WAIVERS. The state board of education may authorize waivers from the minimum one hundred eighty day school year required under section 104 of this act as provided in this section.

(1) A school district may apply for a waiver of the minimum school year if necessary to provide a specialized instructional program. The district's application must describe the educational advantages of offering the program for fewer than one hundred eighty days and demonstrate how the minimum annual instructional hour requirement will be maintained.

(2) The total waivers authorized by the board may not affect more than two percent of the overall statewide student population. Waivers shall be authorized for a one-year period only, and districts seeking to continue a previously authorized waiver must resubmit a full application.

(3) Waivers may not be granted for purposes of professional development or teacher-parent conferences.

Sec. 116. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

GRADUATION REQUIREMENTS. (1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. ~~((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.))~~

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review, and the legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

Sec. 117. RCW 28A.190.030 and 1995 c 77 s 19 are each amended to read as follows:

INSTITUTIONS' PROGRAMS OF EDUCATION. Each school district within which there is located a residential school shall, singly or in concert with another school district pursuant to RCW 28A.335.160 and 28A.225.250 or pursuant to chapter 39.34 RCW, conduct a program of education, including related student activities, for residents of the residential school. Except as otherwise provided for by contract pursuant to RCW 28A.190.050, the duties and authority of a school district and its employees to conduct such a program shall be limited to the following:

(1) The employment, supervision and control of administrators, teachers, specialized personnel and other persons, deemed necessary by the school district for the conduct of the program of education;

(2) The purchase, lease or rental and provision of textbooks, maps, audio-visual equipment, paper, writing instruments, physical education equipment and other instructional equipment, materials and supplies, deemed necessary by the school district for the conduct of the program of education;

(3) The development and implementation, in consultation with the superintendent or chief administrator of the residential school or his or her designee, of the curriculum;

(4) The conduct of a program of education, including related student activities, for residents who are three years of age and less than twenty-one years of age, and have not met high school graduation requirements as now or hereafter established by the state board of education and the school district which includes:

(a) Not less than one hundred and eighty school days and, by the 2016-17 school year, one thousand three hundred twenty instructional hours each school year;

(b) Special education pursuant to RCW 28A.155.010 through 28A.155.100, and vocational education, as necessary to address the unique needs and limitations of residents; and

(c) Such courses of instruction and school related student activities as are provided by the school district for nonresidential school students to the extent it is practical and judged appropriate for the residents by the school district after consultation with the superintendent or chief administrator of the residential school: PROVIDED, That a preschool special education program may be provided for residential school students with disabilities;

(5) The control of students while participating in a program of education conducted pursuant to this section and the discipline, suspension or expulsion of students for violation of reasonable rules of conduct adopted by the school district; and

(6) The expenditure of funds for the direct and indirect costs of maintaining and operating the program of education that are appropriated by the legislature and allocated by the superintendent of public instruction for the exclusive purpose of maintaining and operating residential school programs of education, and funds from federal and private grants, bequests and gifts made for the purpose of maintaining and operating the program of education.

PART II CERTIFICATION, EVALUATION, MENTORING, AND COMPENSATION

NEW SECTION. Sec. 201. INTENT. (1) The legislature finds that in order to offer all students the opportunity to achieve the basic education goal specified in section 103 of this act, school districts must provide effective teaching and instruction. Teachers should be provided opportunities to gain the knowledge and skills that will enable them to be effective, and should be evaluated and rewarded based on their effectiveness. Designing a system that clearly defines, supports, measures, and rewards effective teaching is one of the most important investments to be made in improving student learning.

(2) Therefore, the legislature intends to establish a comprehensive system of teacher certification, evaluation, and mentoring that is directly aligned with a revised system of compensation and focused on achievement of effective teaching. The

certification, evaluation, mentoring, and compensation systems shall be implemented beginning with the 2012-13 school year.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.410 RCW to read as follows:

CERTIFICATION. (1) By January 1, 2010, the professional educator standards board shall adopt a set of teacher knowledge, skill, and performance standards for effective teaching that are clear, measurable, meaningful, and documented in high-quality academic research as being associated with improved student learning. The standards shall focus on effective classroom instructional preparation and practice that can be documented and observed. The standards shall be calibrated for the stages of a teacher's career, with appropriate performance expectations for residency certification, professional certification, and continuing professional certification.

(2) By January 1, 2010, the professional educator standards board shall submit to the governor and the education and fiscal committees of the legislature a proposal for a system for rigorous, objective evaluation of teacher competency on the knowledge, skill, and performance standards along with the estimated costs and statutory authority needed for further development and implementation of the evaluation system. The system shall include:

(a) Peer evaluations for residency and professional certification to be conducted by state-certified evaluators who are teachers with endorsements in the same or similar subjects and who are not employed by the same school district as the teacher being evaluated or do not have a conflict of interest regarding the teacher being evaluated;

(b) A common and standardized evaluation process that involves multiple measures of teacher performance, including in-class visits and observations and review of artifacts such as lesson plans and student work. The evaluation shall include evidence of improved student learning from statewide student formative assessments and other sources of evidence;

(c) A common and standardized scoring rubric for determining whether a teacher meets the minimum level of performance;

(d) Standards, a training program, and a procedure for the professional educator standards board to certify evaluators; and

(e) Administration and management of the evaluation process and deployment of evaluators through regional networks operated through the educational service districts.

(3) To the extent that funds are appropriated for this purpose, the professional educator standards board shall develop the evaluation system and process throughout the remainder of the 2010-11 and 2011-12 school years.

(4) The professional educator standards board shall establish minimum levels of performance on the evaluation under this section for a residency teaching certificate, a professional teaching certificate, and continuing professional certification. The professional educator standards board shall adopt a definition of master teacher that requires certification from the national board for professional teaching standards.

(a) Educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program is aligned with and requires demonstration of the standards for effective teaching adopted under this section. Beginning September 1, 2012, final evaluations for the award of the residency teaching certificate shall be conducted through the evaluation system established under this section.

(b) Beginning September 1, 2012, in addition to successfully completing an approved residency certification program, a teacher candidate must meet the minimum level of performance on the evaluation under this section to receive a residency certificate. Beginning September 1, 2012, a residency certificate issued to a teacher is valid for no more than five years of teaching service in a Washington public school, state-approved private school, educational service district, or state agency that provides educational services for students. A teacher must meet the minimum level of performance for and receive a professional certificate to continue being certified as a teacher.

(c) Beginning September 1, 2012, award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board and on the results of the

evaluation under this section and shall not require candidates to enroll in a professional certification program.

(d) The professional educator standards board shall adopt standards for continuing professional teaching certification that are based on the results of periodic, ongoing evaluations under this section and do not rely on continuing education credit hours. The standards shall apply beginning September 1, 2012, to all teachers holding professional teaching certification.

(5) By January 1, 2011, the professional educator standards board shall adopt definitions and criteria for master-level certification for educational staff associates. The criteria shall expect educational staff associates to demonstrate a level of competency in their field comparable to the level of competency that national board certification expects from classroom teachers, with a comparable level of increased competency between professional and master level as between professional teaching certification and national board certification. The board shall submit the proposed definitions and criteria to the education committees of the legislature for review and must permit an opportunity for the legislature to act before final adoption of the definitions and criteria in rules.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.415 RCW to read as follows:

MENTORING. (1) By January 1, 2010, the superintendent of public instruction, in consultation with the professional educator standards board, shall submit to the governor and the education and fiscal committees of the legislature a proposed system to provide high quality mentoring and support for new teachers after residency certification and leading to professional certification. The mentoring and support system shall include:

(a) A rigorous and structured program of professional development activities to assist teachers in meeting the standards for effective teaching adopted by the professional educator standards board. The program shall provide intensive support for teachers in their first year of teaching service and graduated levels of additional support depending on the needs of the teacher for up to five years or the teacher's attainment of professional certification;

(b) Mentoring and coaching from state-certified mentors who are teachers with an endorsement in the same or similar subject as the teacher being mentored, including minimum recommended standards for release time for mentors and new teachers and contact between mentors and new teachers. The standards should encourage mentors to remain actively engaged in classroom instruction to maintain their skills and provide students continued opportunities to receive instruction from highly effective teachers. School districts may select and assign mentors as long as the mentors are state-certified; however the legislature does not intend that teachers permanently assume the role of mentor on a full-time basis; and

(c) Standards, a training program, and a procedure for the superintendent of public instruction to certify mentors.

(2) To the extent that funds are appropriated for this purpose, the superintendent of public instruction shall develop the mentoring and support system throughout the remainder of the 2010-11 and 2011-12 school years.

(3) Beginning with the 2012-13 school year, teachers in their first year of teaching service in Washington public schools after receipt of a residency certificate must participate in the mentoring and support program developed under this section. Teachers may receive additional mentoring and support under this section as needed and as determined by the school district for up to five years until they achieve professional certification.

NEW SECTION. Sec. 204. NEW SALARY MODEL. (1) The legislature shall establish for each school year in the omnibus appropriations act, beginning with the 2012-13 school year, a statewide salary schedule for certificated instructional staff as provided in this section. The salary allocation schedule shall be used to distribute funds for the certificated instructional staff allocated under section 106 of this act.

(2) For the purposes of this section, the staff allocations for classroom teachers, teacher librarians, professional development coaches, student health services staff, and guidance counselors under section 106 of this act are allocations for certificated instructional staff.

(3) Salary allocations under this section shall be calculated by the superintendent of public instruction by determining the district's average salary for all certificated instructional staff in the district who are subject to this section, using the statewide salary schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(4) The statewide salary schedule under this section shall be based on three tiers of demonstrated performance that align with the three levels of certification as defined by the professional educator standards board: Residency, professional, and master. Each tier shall contain salary steps based on years of service. The salary schedule shall not provide increased salaries based on continuing education credits or academic degrees.

(5) By the 2016-17 school year, the statewide salary schedule under this section shall include the equivalent of ten learning improvement days, subject to the provisions of section 208 of this act and the implementation schedule under section 113 of this act.

(6) This section applies only to certificated instructional staff whose first employment with a school district commences with or after the 2012-13 school year or who have transferred to the compensation system with salary allocations established under this section as provided under section 205 of this act.

NEW SECTION. Sec. 205. TRANSFER TO NEW SYSTEM.

(1) Certificated instructional staff whose first employment with a school district commenced before the 2012-13 school year have the option to make an irrevocable transfer to the compensation system with salary allocations provided under section 204 of this act.

(2) An employee who wishes to transfer to the new compensation system in accordance with this section shall notify the employing school district no later than November 15th of the year prior to the school year when the transfer will take effect. The transfer shall take effect with the next subsequent school year after the notification regardless of whether the employee changes school districts, takes a leave of absence, or terminates employment before the beginning of the school year.

(3) Any employee subject to this section who has not transferred to the new compensation system by November 15, 2021, shall be automatically transferred effective September 1, 2022.

(4) This section expires December 31, 2022.

NEW SECTION. Sec. 206. DEVELOPMENT OF NEW COMPENSATION SYSTEM. (1) The office of financial management shall convene a compensation working group to include representatives of the office of the superintendent of public instruction, the professional educator standards board, the department of personnel, the Washington education association, the Washington association of school administrators, the Washington state school directors' association, and other interested stakeholders with expertise in educator compensation. The working group shall develop and analyze options for the statewide salary schedule for certificated instructional staff under section 204 of this act and for bonus amounts for certified mentors and evaluators to implement section 210 of this act.

(2) The compensation working group shall consider but not be limited to the following information and factors in developing the salary schedule:

(a) Results of the preliminary labor market survey and analysis conducted under this section and other information about average salaries for noneducators in comparable occupations in Washington, including noneducators at the beginning of their careers and various types of educational staff associates working in noneducational settings;

(b) The impact of recognizing nonschool experience in the placement of educational staff associates on the salary allocation schedule;

(c) The relative distribution of certificated staff on the current salary allocation schedule, in combination with current pay for additional time, responsibilities, and incentives, compared to the levels of compensation that would make transfer to a new system financially attractive for many individuals; and

(d) Significant recognition of effective teaching performance as staff advance on the three tiers of the salary schedule.

(3) The compensation working group shall consider but not be limited to the following factors in developing the recommended bonus amounts for mentors and evaluators:

(a) Time commitment and level of effort expected of mentors under the mentoring and support system proposed by the superintendent of public instruction;

(b) Varying bonus levels for part-time and full-time service as a mentor;

(c) Time commitment and level of effort expected of evaluators under the teacher evaluation system proposed by the professional educator standards board; and

(d) Amounts that, in combination with base salaries in the salary schedule, represent an incentive for experienced and effective teachers to serve as mentors and evaluators.

(4) The department of personnel shall conduct a preliminary comparative labor market survey and analysis as described under section 216 of this act and provide the results to the working group.

(5) The work of the compensation working group shall be monitored and overseen by the basic education steering committee under section 3 of this act. The working group shall provide updates on its work as requested by the steering committee.

(6) The office of financial management shall submit a preliminary analysis of the options developed under this section to the basic education steering committee by November 15, 2009. The analysis shall include preliminary fiscal estimates for implementing the schedule and recommendations for addressing any unresolved issues or decisions requiring legislative action during the 2010 legislative session to allow continued development of the schedule and bonus amounts. A final report shall be submitted to the steering committee by September 1, 2010.

(7) The estimates and information submitted to the governor by the superintendent of public instruction under RCW 28A.300.170 and the governor's biennial budget request and budget bill submitted to the legislature under RCW 43.88.060 for the 2011-2013 biennium shall include a proposed statewide salary schedule to implement section 204 of this act and proposed bonus amounts to implement section 210 of this act, to be implemented beginning with the 2012-13 school year.

Sec. 207. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

OLD SALARY ALLOCATION MODEL. (1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under ~~((RCW 28A.150.260))~~ section 106 of this act. For the purposes of this section, beginning in the 2011-12 school year, the staff allocations for classroom teachers, librarians, professional development coaches, student health services staff, and guidance counselors under section 106 of this act are allocations for certificated instructional staff.

(2) Salary allocations for ~~((state-funded basic education))~~ certificated instructional staff under this section shall be calculated by the superintendent of public instruction by determining the district's average salary for all certificated instructional staff who are subject to this section, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

(a) The employee has a masters degree; or

(b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or

psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

(5) By the 2016-17 school year, the statewide salary allocation schedule under this section shall include the equivalent of ten learning improvement days, subject to the provisions of section 208 of this act and the implementation schedule under section 113 of this act.

(6) Beginning in the 2012-13 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2012-13 school year and who have not transferred under section 205 of this act to the compensation system with salary allocations provided under section 204 of this act.

(7) This section expires August 31, 2022.

NEW SECTION. Sec. 208. LID DAYS. (1) A school district is eligible to receive the additional funds for learning improvement days through the salary schedules under sections 204 and 207 of this act only if the learning improvement days have been added to the one hundred eighty day contract year established by the district. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The length of a learning improvement day shall not be less than the length of a full school day under the base contract.

(2) The additional days shall be limited to specific activities identified in the state-required school improvement plan related to improving student learning that are consistent with education reform implementation. The principal in each school shall assure that the days are used to provide schoolwide professional development for all teachers and other instructional staff that is tied directly to the school improvement plan. The principal of each school and the superintendent of the school district shall maintain documentation of their approval of the activities.

(3) The superintendent of public instruction shall adopt rules and take such other steps as necessary to assure that school districts comply with the intent and purposes of this section.

NEW SECTION. Sec. 209. ADMINISTRATOR / CLASSIFIED SALARY ALLOCATIONS. (1) Beginning with the 2011-12 school year, the legislature shall establish for each school year in the omnibus appropriations act statewide salary allocations, for allocation purposes only, to be used to distribute funds for the following basic education certificated administrators and classified staff allocated under section 106 of this act:

- (a) Principals, including assistant principals and other certificated building-level administrators;
- (b) Office support and noninstructional aides;
- (c) Custodians and other maintenance; and
- (d) Student and staff safety.

(2) The statewide salary allocations under this section for the 2011-12 school year shall be calculated by the superintendent of public instruction based on the statewide actual average salaries reported by school districts for the 2008-09 school year for the types of certificated and classified staff under subsection (1) of this section, increased by any subsequent across-the-board salary increases authorized by the legislature.

NEW SECTION. Sec. 210. A new section is added to chapter 28A.405 RCW to read as follows:

NEW BONUSSES. (1) In addition to salaries allocated under section 204 of this act, the legislature shall allocate the bonuses in accordance with this subsection beginning with the 2012-13 school year for qualified certificated instructional staff who are subject to this section.

(a) Teachers serving as state-certified mentors as provided under section 203 of this act shall receive a bonus in an amount specified in the omnibus appropriations act. A state-certified mentor is eligible for the mentor bonus only during periods of service as a mentor in the program under section 203 of this act.

(b) Teachers serving as state-certified evaluators as provided under section 202 of this act shall receive a bonus in an amount specified in the omnibus appropriations act. A state-certified

evaluator is eligible for the evaluator bonus only during periods of service as an evaluator.

(c) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus in the amount of five thousand dollars if the individual is in an instructional assignment in:

(i) A high school where at least fifty percent of the students in the school are eligible for federal free or reduced-price meals;

(ii) A middle school where at least sixty percent of the students in the school are eligible for federal free or reduced-price meals; or

(iii) An elementary school where at least seventy percent of the students in the school are eligible for federal free or reduced-price meals.

(2) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200. The bonus under subsection (1)(c) of this section shall be adjusted annually for inflation and shall be paid in a lump sum amount.

(3) This section applies only to those certificated instructional staff whose first employment with a school district commences with or after the 2012-13 school year or who have transferred to the compensation system with salary allocations established under section 204 of this act as provided under section 205 of this act.

(4) The superintendent of public instruction shall adopt rules to implement this section, including assuring that certificated instructional staff who qualify for one or more bonus under this section for less than one full school year receive the bonus in a pro rata manner.

NEW SECTION. Sec. 211. A new section is added to chapter 28A.400 RCW to read as follows:

REGIONAL WAGE ADJUSTMENT. (1) The office of financial management shall develop a regional wage adjustment schedule for school districts based on the labor market analysis conducted under section 216 of this act. Each school district shall be placed in one of the regions in the schedule. The purpose of the schedule is to permit an adjustment of the salary allocations under sections 204, 207, and 209 of this act to recognize that school districts must compete with other nonschool employers in the region who tend to adapt their compensation policies for employees in comparable occupations to reflect different regional labor markets, including the cost of living in those markets. A school district shall distribute its regional wage adjustment allocation in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies.

(2) The office of financial management shall submit the initial recommended regional wage adjustment and accompanying fiscal impact analysis to the superintendent of public instruction, the governor, and the education and fiscal committees of the legislature by August 1, 2010. The office of financial management shall update the recommended adjustment and fiscal impact analysis every four years by August 1st.

Sec. 212. RCW 28A.405.415 and 2008 c 175 s 2 are each amended to read as follows:

OLD NBPTS BONUS/PROFESSIONAL CERTIFICATION BONUS. (1) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall receive a bonus each year in which they maintain the certification. National board certified staff who become public school principals shall continue to receive the bonus for as long as they are principals and maintain the national board certification. The bonus shall be calculated as follows: The annual bonus shall be five thousand dollars in the 2007-08 school year. Thereafter, the annual bonus shall increase by inflation.

(2) Certificated instructional staff who have attained certification from the national board for professional teaching standards shall be eligible for bonuses in addition to that provided by subsection (1) of this section if the individual is in an instructional assignment in ~~((a school in which at least seventy percent of the students qualify for the free and reduced-price lunch program))~~;

(a) A high school where at least fifty percent of the students in the school are eligible for federal free or reduced-price lunch;

(b) A middle school where at least sixty percent of the students in the school are eligible for federal free or reduced-price lunch; or

(c) An elementary school where at least seventy percent of the students in the school are eligible for federal free or reduced-price lunch.

(3) The amount of the additional bonus under subsection (2) of this section for those meeting the qualifications of subsection (2) of this section is five thousand dollars.

(4) Beginning in the 2012-13 school year, certificated instructional staff who have attained professional level certification from the professional educator standards board shall be eligible for a one-time bonus of one thousand dollars. The bonus under this subsection shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(5) The bonuses provided under this section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200.

~~((5))~~ (6) The bonuses provided under this section shall be paid in a lump sum amount.

(7) Beginning in the 2012-13 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2012-13 school year and who have not transferred under section 205 of this act to the compensation system with salary allocations provided under section 204 of this act.

(8) This section expires August 31, 2022.

Sec. 213. RCW 28A.400.200 and 2002 c 353 s 2 are each amended to read as follows:

SALARY CONTROL AND SUPPLEMENTAL CONTRACTS.

(1) Every school district board of directors shall fix, alter, allow, and order paid salaries and compensation for all district employees in conformance with this section.

(2) For certificated instructional staff subject to the salary allocation schedule established under section 207 of this act:

(a) Salaries ~~((for certificated instructional staff))~~ shall not be less than the salary provided in the omnibus appropriations act in the statewide salary allocation schedule for an employee with a baccalaureate degree and zero years of service; ~~((and))~~

(b) Salaries for ~~((certificated instructional))~~ staff with a masters degree shall not be less than the salary provided in the appropriations act in the statewide salary allocation schedule for an employee with a masters degree and zero years of service; and

~~((3))~~ (c) The actual average salary paid to ((certificated instructional)) staff subject to this subsection (2) shall not exceed the district's average certificated instructional staff salary used for the state basic education allocations for that school year as determined pursuant to ((RCW 28A.150.410)) section 207 of this act.

~~((b))~~ (3) For certificated instructional staff subject to the salary schedule established under section 204 of this act salaries shall be as provided in the statewide salary schedule in the omnibus appropriations act.

(4)(a) Fringe benefit contributions for certificated instructional staff shall be included as salary under ((a) of this) subsections (2) and (3) of this section only to the extent that the district's actual average benefit contribution exceeds the amount of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. For purposes of this section, fringe benefits shall not include payment for unused leave for illness or injury under RCW 28A.400.210; employer contributions for old age survivors insurance, workers' compensation, unemployment compensation, and retirement benefits under the Washington state retirement system; or employer contributions for health benefits in excess of the insurance benefits allocation provided per certificated instructional staff unit in the state operating appropriations act in effect at the time the compensation is payable. A school district may not use state funds to provide employer contributions for such excess health benefits.

~~((a))~~ (b) Salary and benefits for certificated instructional staff in programs other than basic education shall be consistent with the salary and benefits paid to certificated instructional staff in the basic education program.

~~((4))~~ (5)(a) Salaries and benefits for certificated instructional staff may exceed the limitations in subsections ((3)) (2) through (4) of this section only by separate contract for additional time (additional responsibilities, or incentives) worked outside the regular school day or school year.

(b) Supplemental contracts shall specify the minimum amount of additional time required and the purpose or purposes of the additional time using standard terms and definitions established by the office of the superintendent of public instruction. Nothing in this section prohibits a supplemental contract that pays a stipend rather than a per-unit amount for the additional time. School districts shall annually submit the information required under this subsection in a common reporting format established by the office of the superintendent of public instruction and disaggregated for each individual receiving a supplemental contract.

(c) Supplemental contracts shall not cause the state to incur any present or future funding obligation. Supplemental contracts shall be subject to the collective bargaining provisions of chapter 41.59 RCW and the provisions of RCW 28A.405.240, shall not exceed one year, and if not renewed shall not constitute adverse change in accordance with RCW 28A.405.300 through 28A.405.380.

(d) No district may enter into a supplemental contract under this subsection (5) for the provision of services which are a part of the basic education program ((required by Article IX, section 3 of the state Constitution)) as defined in section 101 of this act.

~~((5))~~ (6) Employee benefit plans offered by any district shall comply with RCW 28A.400.350 and 28A.400.275 and 28A.400.280.

NEW SECTION. Sec. 214. A new section is added to chapter 41.59 RCW to read as follows:

COLLECTIVE BARGAINING AGREEMENTS. Nothing in chapter . . . , Laws of 2009 (this act) is intended to alter or affect existing collective bargaining agreements. Chapter . . . , Laws of 2009 (this act) applies to all collective bargaining agreements ratified after the effective date of this section.

Sec. 215. RCW 41.59.935 and 1990 c 33 s 571 are each amended to read as follows:

LIMITS TO SALARY BARGAINING. Nothing in this chapter shall be construed to grant employers or employees the right to reach agreements regarding salary or compensation increases in excess of those authorized in accordance with sections 204 and 207 of this act and RCW ((28A.150.410 and)) 28A.400.200.

NEW SECTION. Sec. 216. A new section is added to chapter 28A.400 RCW to read as follows:

LABOR MARKET ANALYSIS. (1)(a) The department of personnel shall conduct a comparative labor market survey and analysis every four years of salaries and other compensation for school district employees in Washington. The department of personnel shall consult with the office of financial management in the design of the analysis. The office of the superintendent of public instruction shall provide all necessary salary and compensation data regarding school district employees to the department for purposes of the analysis.

(b) The survey and analysis shall examine salaries and other compensation for teachers, other certificated instructional staff, principals and other building-level certificated administrators, office support and instructional aides, custodians and other maintenance staff, and student and staff safety personnel, as compared to salaries and other compensation for nonschool employees in comparable occupations. The analysis shall compare salaries and other compensation for a ten-month work year and a twelve-month work year.

(c) The survey and analysis shall be conducted at a statewide level and for metropolitan areas and other labor markets in Washington identified through the use of data from the United States bureau of the census and the bureau of labor statistics.

(d) The survey and analysis shall also include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators:

- (i) Beginning teachers;
- (ii) Mathematics and science teachers; and
- (iii) Types of educational staff associates.

(2) For the purposes of this section, "salaries and other compensation" includes average base salaries, average total salaries,

average employee basic benefits as defined by RCW 28A.400.270, and retirement benefits.

(3) The department of personnel shall submit the results of the comparative labor market analysis to the office of financial management, the superintendent of public instruction, and the education and fiscal committees of the legislature by June 30, 2010, and every four years thereafter.

Sec. 217. RCW 28A.405.100 and 1997 c 278 s 1 are each amended to read as follows:

EMPLOYMENT EVALUATION. (1) The superintendent of public instruction, in consultation with the professional educator standards board, shall establish and may amend from time to time minimum criteria for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel. For classroom teachers the criteria shall be ~~((developed in the following categories: Instructional skill; classroom management;))~~ based on the standards and scoring rubric for effective teaching adopted by the professional educator standards board. Additional minimum criteria include professional preparation and scholarship; effort toward improvement when needed; the handling of student discipline and attendant problems; and interest in teaching pupils and knowledge of subject matter.

Every board of directors shall, in accordance with procedure provided in RCW 41.59.010 through 41.59.170, 41.59.910 and 41.59.920, establish evaluative criteria and procedures for all certificated classroom teachers and certificated support personnel. The evaluative criteria must contain as a minimum the criteria established by the superintendent of public instruction pursuant to this section and must be prepared within six months following adoption of the superintendent of public instruction's minimum criteria. The district must certify to the superintendent of public instruction that evaluative criteria have been so prepared by the district.

Except as provided in subsection (5) of this section, it shall be the responsibility of a principal or his or her designee to evaluate all certificated personnel in his or her school. During each school year all classroom teachers and certificated support personnel, hereinafter referred to as "employees" in this section, shall be observed for the purposes of evaluation at least twice in the performance of their assigned duties. Total observation time for each employee for each school year shall be not less than sixty minutes. Following each observation, or series of observations, the principal or other evaluator shall promptly document the results of the observation in writing, and shall provide the employee with a copy thereof within three days after such report is prepared. New employees shall be observed at least once for a total observation time of thirty minutes during the first ninety calendar days of their employment period.

At any time after October 15th, an employee whose work is judged unsatisfactory based on district evaluation criteria shall be notified in writing of the specific areas of deficiencies along with a reasonable program for improvement. During the period of probation, the employee may not be transferred from the supervision of the original evaluator. Improvement of performance or probable cause for nonrenewal must occur and be documented by the original evaluator before any consideration of a request for transfer or reassignment as contemplated by either the individual or the school district. A probationary period of sixty school days shall be established. The establishment of a probationary period does not adversely affect the contract status of an employee within the meaning of RCW 28A.405.300. The purpose of the probationary period is to give the employee opportunity to demonstrate improvements in his or her areas of deficiency. The establishment of the probationary period and the giving of the notice to the employee of deficiency shall be by the school district superintendent and need not be submitted to the board of directors for approval. During the probationary period the evaluator shall meet with the employee at least twice monthly to supervise and make a written evaluation of the progress, if any, made by the employee. The evaluator may authorize one additional certificated employee to evaluate the probationer and to aid the employee in improving his or her areas of deficiency; such additional certificated employee shall be immune from any civil liability that might otherwise be incurred or imposed with regard to the good faith performance of such evaluation. The probationer may

be removed from probation if he or she has demonstrated improvement to the satisfaction of the principal in those areas specifically detailed in his or her initial notice of deficiency and subsequently detailed in his or her improvement program. Lack of necessary improvement during the established probationary period, as specifically documented in writing with notification to the probationer and shall constitute grounds for a finding of probable cause under RCW 28A.405.300 or 28A.405.210.

Immediately following the completion of a probationary period that does not produce performance changes detailed in the initial notice of deficiencies and improvement program, the employee may be removed from his or her assignment and placed into an alternative assignment for the remainder of the school year. This reassignment may not displace another employee nor may it adversely affect the probationary employee's compensation or benefits for the remainder of the employee's contract year. If such reassignment is not possible, the district may, at its option, place the employee on paid leave for the balance of the contract term.

(2) Every board of directors shall establish evaluative criteria and procedures for all superintendents, principals, and other administrators. It shall be the responsibility of the district superintendent or his or her designee to evaluate all administrators. Such evaluation shall be based on the administrative position job description. Such criteria, when applicable, shall include at least the following categories: Knowledge of, experience in, and training in recognizing good professional performance, capabilities and development; school administration and management; school finance; professional preparation and scholarship; effort toward improvement when needed; interest in pupils, employees, patrons and subjects taught in school; leadership; and ability and performance of evaluation of school personnel.

(3) Each certificated employee shall have the opportunity for confidential conferences with his or her immediate supervisor on no less than two occasions in each school year. Such confidential conference shall have as its sole purpose the aiding of the administrator in his or her assessment of the employee's professional performance.

(4) The failure of any evaluator to evaluate or supervise or cause the evaluation or supervision of certificated employees or administrators in accordance with this section, as now or hereafter amended, when it is his or her specific assigned or delegated responsibility to do so, shall be sufficient cause for the nonrenewal of any such evaluator's contract under RCW 28A.405.210, or the discharge of such evaluator under RCW 28A.405.300.

(5) After an employee has ~~((four))~~ five years of satisfactory evaluations under subsection (1) of this section, a school district may use a short form of evaluation, a locally bargained evaluation emphasizing professional growth, an evaluation under subsection (1) of this section, or any combination thereof. Any evaluation of a classroom teacher under this subsection must include an evaluation based on the standards and scoring rubric for effective teaching adopted by the professional educator standards board. The short form of evaluation shall include either a thirty minute observation during the school year with a written summary or a final annual written evaluation based on the criteria in subsection (1) of this section and based on at least two observation periods during the school year totaling at least sixty minutes without a written summary of such observations being prepared. However, the evaluation process set forth in subsection (1) of this section shall be followed at least once every three years unless this time is extended by a local school district under the bargaining process set forth in chapter 41.59 RCW. The employee or evaluator may require that the evaluation process set forth in subsection (1) of this section be conducted in any given school year. No evaluation other than the evaluation authorized under subsection (1) of this section may be used as a basis for determining that an employee's work is unsatisfactory under subsection (1) of this section or as probable cause for the nonrenewal of an employee's contract under RCW 28A.405.210 unless an evaluation process developed under chapter 41.59 RCW determines otherwise.

Sec. 218. RCW 28A.405.220 and 1996 c 201 s 2 are each amended to read as follows:

PROVISIONAL STATUS. (1) Notwithstanding the provisions of RCW 28A.405.210, every person employed by a school district in a teaching or other nonsupervisory certificated position shall be subject to nonrenewal of employment contract as provided in this section during the first two years of employment by such district, unless the employee has previously completed at least two years of certificated employment in another school district in the state of Washington, in which case the employee shall be subject to nonrenewal of employment contract pursuant to this section during the first year of employment with the new district.

(2) Every person employed by a school district in a teaching position shall remain a provisional employee and subject to the nonrenewal of employment contract until the beginning of the next subsequent school year after the school year in which the employee receives professional teaching certification as provided under section 202 of this act.

(3) Employees as defined in this section shall hereinafter be referred to as "provisional employees".

(4) In the event the superintendent of the school district determines that the employment contract of any provisional employee should not be renewed by the district for the next ensuing term such provisional employee shall be notified thereof in writing on or before May 15th preceding the commencement of such school term, or if the omnibus appropriations act has not passed the legislature by May 15th, then notification shall be no later than June 1st, which notification shall state the reason or reasons for such determination. Such notice shall be served upon the provisional employee personally, or by certified or registered mail, or by leaving a copy of the notice at the place of his or her usual abode with some person of suitable age and discretion then resident therein. The determination of the superintendent shall be subject to the evaluation requirements of RCW 28A.405.100.

(5) Every such provisional employee so notified, at his or her request made in writing and filed with the superintendent of the district within ten days after receiving such notice, shall be given the opportunity to meet informally with the superintendent for the purpose of requesting the superintendent to reconsider his or her decision. Such meeting shall be held no later than ten days following the receipt of such request, and the provisional employee shall be given written notice of the date, time and place of meeting at least three days prior thereto. At such meeting the provisional employee shall be given the opportunity to refute any facts upon which the superintendent's determination was based and to make any argument in support of his or her request for reconsideration.

(6) Within ten days following the meeting with the provisional employee, the superintendent shall either reinstate the provisional employee or shall submit to the school district board of directors for consideration at its next regular meeting a written report recommending that the employment contract of the provisional employee be nonrenewed and stating the reason or reasons therefor. A copy of such report shall be delivered to the provisional employee at least three days prior to the scheduled meeting of the board of directors. In taking action upon the recommendation of the superintendent, the board of directors shall consider any written communication which the provisional employee may file with the secretary of the board at any time prior to that meeting.

(7) The board of directors shall notify the provisional employee in writing of its final decision within ten days following the meeting at which the superintendent's recommendation was considered. The decision of the board of directors to nonrenew the contract of a provisional employee shall be final and not subject to appeal.

(8) This section applies to any person employed by a school district in a teaching or other nonsupervisory certificated position after ~~(June 25, 1976)~~ the effective date of this section. This section provides the exclusive means for nonrenewing the employment contract of a provisional employee and no other provision of law shall be applicable thereto, including, without limitation, RCW 28A.405.210 and chapter 28A.645 RCW.

PART III ACCOUNTABILITY

NEW SECTION. Sec. 301. INTENT. (1) The legislature finds that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by an equally comprehensive and transparent system of school and school district accountability. The focus of the accountability system is on continuous improvement of student achievement in all schools and all school districts.

(2) The legislature further finds that it is the state's responsibility to provide schools and districts with the tools necessary to be accountable. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, if necessary, intervention.

Sec. 302. RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows:

STATE BOARD OF EDUCATION AUTHORITY. The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210 (as recodified by this act). In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended: The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory

action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

~~(c) Adopt ((objective, systematic criteria)) an accountability index as provided in section 303 of this act to identify successful schools and school districts ((and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:~~

~~(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;~~

~~(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and~~

~~(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;~~

~~(d) Adopt objective, systematic criteria to identify schools and school districts), those in need of assistance, and those in which significant numbers of students persistently fail to meet state standards((—In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests));~~

(d) Recommend to the superintendent of public instruction schools and districts to be recognized for student achievement and improvements in student achievement and recommend methods of recognition, including the team-based recognition bonus under section 304 of this act;

~~(e) Identify schools and school districts in which state support, assistance, and intervention measures will be needed ((and)); recommend a range of appropriate support, assistance, and intervention strategies ((after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district)); adopt criteria for and approve performance contracts under the innovation zone program as provided under section 305 of this act; approve schools and school districts on academic watch as provided under section 306 of this act; and review and approve academic watch action plans for schools and school districts, including requiring binding conditions in the plans as provided under section 306 of this act;~~

~~(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;~~

~~(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and~~

~~(h) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;~~

~~(5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no private schools shall be placed upon the list of accredited schools so~~

long as secret societies are knowingly allowed to exist among its students by school officials;

~~(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;~~

~~(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and~~

~~(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.~~

NEW SECTION. Sec. 303. A new section is added to chapter 28A.655 RCW to read as follows:

ACCOUNTABILITY INDEX. (1) The state board of education shall adopt an accountability index to identify schools and school districts for recognition and for state support, assistance, and intervention.

(2) The accountability index shall measure school and district performance using multiple outcomes and indicators. The outcomes measured by the index shall include but not be limited to extended graduation rates and results from statewide assessments, including any statewide formative assessments. The indicators measured by the index shall include but not be limited to overall student achievement, student achievement compared to similar schools and districts, and improvement of student achievement.

(3) The state board of education shall develop a tiered system of categories for evaluating schools and school districts based on the results of the accountability index. The categories shall range from struggling to exemplary and shall be used as the basis for recognition and state support, assistance, and intervention.

(4) The superintendent of public instruction shall calculate the results of the accountability index annually and place each school and school district into one of the categories as defined by the state board. The superintendent shall post the results of the accountability index and the category for each school and district on the superintendent's web site, subject to the protections of student privacy required under RCW 28A.655.090.

(5) The superintendent of public instruction shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

NEW SECTION. Sec. 304. A new section is added to chapter 28A.655 RCW to read as follows:

TEAM-BASED RECOGNITION BONUS. (1) The legislature finds that a team-based recognition bonus for school staff is an integral part not only of the statewide accountability system but also the overall system of employee compensation in order to focus attention on the primary objective of a basic education: Improved student learning.

(2) Based on the results of the accountability index under section 303 of this act and other criteria established by the state board of education, the superintendent of public instruction shall annually recommend to the state board of education a subset of exemplary schools whose level of overall achievement and sustained improvement of student learning warrant a special recognition for the staff assigned to the school. The state board of education shall review the list of identified schools and designate the schools that are eligible for a team-based recognition bonus.

(3) To the extent that funds are appropriated for the purposes of this section, each school district employee assigned to a school designated by the state board under subsection (2) of this section is eligible for a team-based recognition bonus in an amount specified in the omnibus appropriations act. The bonuses provided under this

section are in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitations under RCW 28A.400.200. The bonuses shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10), 41.35.010(6), or 41.40.010(8). The bonuses shall be paid in a lump sum amount.

(4) By December 1, 2009, the state board of education shall submit a proposal for the team-based recognition bonus to the governor and the education and fiscal committees of the legislature, including the criteria for identifying qualifying schools and recommendations regarding the amount of the bonus, which shall be awarded on a per person basis to all staff assigned to the school but may be differentiated based on the type of staff in the school.

(5) By November 1, 2010, and annually thereafter, the state board of education shall submit a list of schools qualifying for the team-based recognition bonus to the superintendent of public instruction and the governor.

(6) The state board of education shall adopt rules to implement the team-based recognition bonus under this section.

NEW SECTION. Sec. 305. A new section is added to chapter 28A.655 RCW to read as follows:

SYSTEM OF SUPPORT AND ASSISTANCE/INNOVATION ZONE. (1) In consultation with the state board of education, the superintendent of public instruction shall develop and implement a comprehensive system of support and assistance to schools and school districts where the level of intensity of support and assistance for school improvement increases based on the results of the accountability index under section 303 of this act. General support and assistance for school improvement may include online professional learning and data collection tools, school and district improvement plan and management tools, regional and statewide professional development opportunities, and other forms of assistance made broadly available by the office of the superintendent of public instruction to all schools and districts. Targeted support and assistance may include the school improvement assistance program of the office of the superintendent of public instruction, the summit district improvement program, and other progressively more intensive collaborative and voluntary efforts by the school, school district, office of the superintendent of public instruction, and local community to improve student performance. For priority schools and priority school districts designated under this section, the superintendent of public instruction shall make intensive support and assistance available through the innovation zone program under subsection (3) of this section.

(2) Based on the results of the accountability index and other criteria established by the state board of education, the superintendent of public instruction shall annually recommend to the state board of education a subset of struggling schools and school districts whose level of achievement and sustained lack of improvement of student learning warrant designation as priority schools or priority school districts. Before making the recommendation, the superintendent shall conduct an intensive analysis using quantitative and qualitative data, including additional information supplied by the school or district. The state board of education shall review the list of identified schools and districts and designate priority schools and priority school districts.

(3)(a) Subject to funds appropriated for this purpose, the superintendent of public instruction shall develop and implement an innovation zone program for priority schools and priority school districts that apply and are designated by the state board of education to participate in the program. The state board of education shall adopt criteria for the performance contracts developed under the program, including identifying the strategies for significantly improving student achievement that must be included in a contract, and shall approve the contracts of participating schools and districts.

(b) The innovation zone program shall include:

(i) Performance contracts between the state board of education and school district boards of directors that include rigorous and demanding expectations, measurable objectives and benchmarks with a timeline against which a school or district is required to show progress, and a commitment to strategies for making operational changes in the school or district. Such strategies may include but not

be limited to additional time for professional development or student learning, professional learning communities, supplemental learning opportunities and support for students, reallocation of financial resources to the extent authorized by law, personnel changes, implementation of data-driven instruction, changes in curriculum, waivers of state or federal rules or regulations to the extent authorized by law, changes to collective bargaining agreements that are agreed to by the parties to the agreements, enhanced connections between schools, parents, and local communities, and improved coordination of professional development and instruction;

(ii) To the extent that funds are appropriated or otherwise available for this purpose, supplemental resources and assistance provided by the office of the superintendent of public instruction to implement the performance contracts;

(iii) Systemic, district-wide reform initiatives that involve clusters of schools within a district or across districts; and

(iv) A focus on schools and districts that demonstrate a readiness to benefit from the program and a commitment to collaboration from key partners including the school board, school and district administration, teachers, school staff, and community leaders.

(d) Performance contracts under the innovation zone program shall be for a minimum two-year period of implementation, not including time to develop the contract and the plan for participating in the innovation zone program. If the superintendent of public instruction determines that the priority school or priority school district has demonstrated significant improvement after two years of a performance contract, the superintendent may recommend to the state board of education that supplemental resources and assistance to the school or district be continued for an additional two-year period.

(4) Priority schools and priority school districts that do not participate in the innovation zone program shall be offered strategic planning assistance for school improvement from the office of the superintendent of public instruction.

NEW SECTION. Sec. 306. A new section is added to chapter 28A.655 RCW to read as follows:

ACADEMIC WATCH. (1) The superintendent of public instruction shall recommend that the state board of education place priority schools or priority school districts, as designated by the state board of education under section 305 of this act, on academic watch as provided under this section if the school or district has not demonstrated sufficient improvement through voluntary support and assistance initiatives.

(2)(a) A priority school or priority school district that has participated in the innovation zone program under section 305 of this act shall be placed on academic watch if the school or district retains priority designation by the state board of education after two years of support and assistance through a performance contract and a review by the state board of education of progress made under the contract.

(b) A priority school or priority school district that has not participated in the innovation zone program shall be placed on academic watch if the school or district retains priority designation by the state board of education two years after being so designated.

(3) The superintendent of public instruction shall conduct an academic performance audit of a school or school district on academic watch, using peer review teams of educators and experts in school improvement. The audit shall recommend specific corrective actions that must be undertaken to improve student learning in the school or district and any supplemental resources necessary to implement the corrective actions. With the assistance of the office of the superintendent of public instruction, a school district on academic watch or in which schools on academic watch are located shall develop an academic watch action plan to implement the corrective actions identified by the performance audit and submit the plan to the state board of education.

(4) The state board of education shall:

(a) Review academic watch action plans and recommend any changes the board deems appropriate;

(b) Direct the superintendent of public instruction to develop final academic watch action plans containing conditions, which shall be binding on the district, that the superintendent of public

instruction determines are necessary to enable successful implementation of the plans;

(c) Approve final academic watch action plans with binding conditions; and

(d) To the extent funds are appropriated or otherwise available for this purpose, authorize the superintendent of public instruction to provide supplemental resources and assistance to implement academic watch action plans.

(5) If the state board of education determines that available supplemental resources are not sufficient to implement an academic watch action plan, the board shall not approve the plan.

(6) The superintendent of public instruction shall closely monitor implementation of academic watch action plans and make periodic status reports to the state board of education. If the superintendent determines that a plan is not being successfully implemented or the actions and binding conditions are not sufficient to achieve their intended results, the superintendent shall recommend a revised academic watch action plan for that school district, which shall be approved by the state board of education as provided under subsections (4) and (5) of this section. If the superintendent determines that a plan has been successfully implemented and achieved its intended results, the superintendent shall recommend that the state board of education remove the school or district from academic watch.

(7) Binding conditions contained in an academic action plan under this section may include but are not limited to reallocation of financial resources to the extent authorized by law, personnel changes, changes in curriculum and instructional practices, supplemental instruction and support for students, adoption of a teacher mentoring program, reduced class size, and adjustment of the school calendar including extension of the school day or school year. A binding condition may not alter or affect an existing collective bargaining agreement unless the agreement is modified by a new agreement bargained under the terms of chapter 41.59 or 41.56 RCW.

NEW SECTION. Sec. 307. A new section is added to chapter 28A.320 RCW to read as follows:

REQUIRED TO COMPLY WITH THE BINDING CONDITIONS. As provided under section 306 of this act, the board of directors of a school district on academic watch or in which schools on academic watch are located shall comply with the terms of an academic watch action plan with binding conditions developed by the superintendent of public instruction and approved by the state board of education.

Sec. 308. RCW 28A.505.120 and 1975-'76 2nd ex. s. c 118 s 12 are each amended to read as follows:

FAILURE TO MEET BINDING CONDITIONS. If a local school district fails to comply with any binding restrictions issued by the superintendent of public instruction or binding conditions in an academic watch action plan for schools and school districts on academic watch under section 306 of this act, the allocation of state funds for support of the local school district may be withheld, pending an investigation of the reason for such noncompliance by the office of the superintendent of public instruction. Written notice of the intent to withhold state funds, with reasons stated for this action, shall be made to the school district by the office of the superintendent of public instruction before any portion of the state allocation is withheld.

NEW SECTION. Sec. 309. A new section is added to chapter 28A.655 RCW to read as follows:

FORMATIVE ASSESSMENTS. (1) The superintendent of public instruction, in consultation with the state board of education and the professional educator standards board, shall issue a request for proposals for a system of formative assessments for use by schools and school districts to measure individual improvement in student learning throughout the school year and from one school year to the next. The formative assessments shall form the basis for a statewide system of monitoring student progress, monitoring and improving the effectiveness of supplemental instruction and strategies to support underachieving students, improving curriculum and instruction, measuring effective teaching, and monitoring overall school and district performance in meeting the goals of the basic education act.

(2) The formative assessments shall have the following minimum characteristics:

(a) Be reasonably aligned with the state essential academic learning requirements and grade level expectations;

(b) Reliably measure student progress toward meeting grade-level standards and progress within a grade level and from one grade to the next;

(c) Provide periodic information during the school year about an individual student's academic progress that is useful to parents and teachers in adapting instruction to meet the student's learning needs;

(d) To the maximum extent possible, be administered online and with immediate results; and

(e) Be available for statewide purchase and provision to school districts with minimal adaptation or supplementation.

(3) In developing the request for proposals and reviewing the responses, the superintendent of public instruction shall consult with advisory committees of teachers, principals, and school curriculum and assessment directors to assure the results of the formative assessments provide instructional benefit.

(4) The superintendent shall report to the governor and the education and fiscal committees of the legislature by November 15, 2010, identifying the recommended formative assessments and estimating the costs of implementing the assessments statewide, starting with the 2011-12 school year.

(5) The superintendent of public instruction, in consultation with the state board of education and the professional educator standards board, shall adopt standards and a common format for schools and districts to report results from the assessments that protect student privacy as required under RCW 28A.655.090. Data from the assessments must be consistently reported by student, by teacher, and by school so that results may be used for the purposes identified in subsection (1) of this section.

(6) To the extent that funds are appropriated for this purpose, schools shall administer the formative assessments selected under this section and report results beginning in the 2011-12 school year.

NEW SECTION. Sec. 310. A new section is added to chapter 28A.655 RCW to read as follows:

EDUCATION DATA ACCOUNTABILITY SYSTEM. (1) It is the legislature's intent to establish comprehensive education data accountability systems for financial, student, and educator data. The objective of the systems is to monitor student progress, assure educator quality, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capacity to link across these various data components by student, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly process for determining when changes are needed and how to implement them.

(2) It is the legislature's intent that the education data accountability systems used by school districts and the state include but not be limited to the following information and functionality:

(a) Comprehensive educator assignment information, including grade level and courses taught, building or location, program, job assignment, years of experience, and compensation;

(b) Capacity to link educator assignment information with educator certification information such as certification number, type of certification, route to certification, certification program, and certification assessment or evaluation scores;

(c) Common coding of secondary courses and major areas of study at the elementary level;

(d) Complete student information, including but not limited to student characteristics, course and program enrollment, performance on statewide summative and formative assessments, and performance on college readiness tests;

(e) A subset of student information elements to serve as a dropout early warning system;

(f) Capacity to link educator information with student information;

(g) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on financial accountability rather than accounting for expenditure inputs;

(h) Separate accounting of state, federal, and local revenues and costs;

(i) Alignment between state funding formulas and school district budgeting and accounting, including procedures for assuring that financial data is accurate and auditable; and

(j) Capacity to link program cost information with student information to gauge the cost-effectiveness of programs.

(3) It is the legislature's long-term goal that all school districts use a common software and data platform to support the education data accountability systems under this section, which shall be provided by the state. However, until this goal is fully implemented, school districts may use software and programs of their choosing as long as required information and functionality can be assured.

NEW SECTION. Sec. 311. DATA WORKING GROUP.

(1) The office of the superintendent of public instruction shall convene a technical working group to propose a design and implementation time frame for the comprehensive data accountability systems for financial, student, and educator data under section 310 of this act.

(2) The data working group shall include representatives of the office of financial management, the state auditor's office, the legislative evaluation and accountability program committee, the joint legislative audit and review committee, the professional educator standards board, the state board of education, the Washington state information processing cooperative, educational service districts, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the Washington state school directors' association, and other interested stakeholders with expertise in education data.

(3) The data working group shall:

(a) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for comprehensive data accountability systems as described under section 310 of this act;

(b) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of education data systems and programs currently used by school districts and the state and the extent to which these systems and programs have the capacity or can be modified to meet the needs requirement document;

(c) Focus on financial and cost data necessary to support the new financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(d) Develop a proposal for a data governance structure that would be responsible for establishing a standard data dictionary, setting data collection priorities, establishing minimum mandatory standards for school data systems, and overseeing implementation of the comprehensive education data accountability systems.

(4) The work of the data working group shall be monitored and overseen by the basic education steering committee under section 3 of this act. The working group shall provide updates on its work as requested by the steering committee.

(5) The superintendent of public instruction shall submit a preliminary report to the basic education steering committee by November 15, 2009, including the analyses under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of comprehensive data accountability systems for financial, student, and educator data shall be submitted to the steering committee by September 1, 2010.

**PART IV
OTHER FINANCE**

NEW SECTION. Sec. 401. A new section is added to chapter 28A.500 RCW to read as follows:

NEW LEVY/LEA SYSTEM--INTENT. (1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts

outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. Sec. 402. LOCAL FUNDING WORKING GROUP. (1) The office of financial management shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance, to be implemented beginning in the 2012 calendar year. The system shall have the following characteristics:

(a) Local levy authority defined not on a percentage of state and federal funding but on a per-student amount;

(b) State-funded matching assistance to equalize a portion of the per-student amount in property tax-poor school districts that demonstrate a level of local effort in authorizing a local levy; and

(c) Elimination of historic grandfathering of local levy authority.

(2) The local funding working group shall consider the impact on overall school district revenues of the new basic education funding system established under this act and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The local funding working group shall be composed of representatives from the office of the superintendent of public instruction, the department of revenue, the legislative evaluation and accountability program committee, educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the Washington state school directors' association, and other interested stakeholders with expertise in education finance. The office of financial management may engage technical consultants as needed for revenue forecasts and financial modeling.

(4) The work of the local funding working group shall be monitored and overseen by the basic education steering committee under section 3 of this act. The working group shall provide updates on its work as requested by the steering committee.

(5) The office of financial management shall submit a progress report on the development of the new system of supplemental school funding to the basic education steering committee by November 15, 2009. The progress report shall identify the options being considered for the system and their estimated fiscal impact and any unresolved issues or decisions requiring legislative action during the 2010 legislative session to allow continued development of the system. The office of financial management shall submit a final report with recommendations, estimated fiscal impact, and implementing legislation to the steering committee by September 1, 2010.

Sec. 403. RCW 84.52.0531 and 1997 c 259 s 2 are each amended to read as follows:

LEVIES. The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus

or minus (b) and (c) of this subsection (~~minus (d) of this subsection~~):

(a) The district's levy base as defined in subsection (3) of this section multiplied by the district's maximum levy percentage as defined in subsection (4) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (4) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent(~~;~~

~~(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010).~~

(3) For excess levies for collection in calendar year (~~1998 and thereafter~~) 2012, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350, as they existed for the 2010-11 school year;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For excess levies for collection in calendar year 2013 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to section 106 of this act, except amounts to fund special education programs, the learning assistance program, and the transitional bilingual instructional program, which are accounted for under (b) of this subsection;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

~~(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter(~~;~~ plus, for qualifying districts, the grandfathered percentage determined as follows:~~

~~(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and~~

~~(b) For 1998 and thereafter, the percentage calculated as follows:~~

~~(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;~~

~~(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (5) of this section that are to be allocated to the district for the current school year;~~

~~(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and~~

~~(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection).~~

~~(5)) (6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsection (3) or (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.~~

~~((6)) (7) For the purposes of this section, "prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.~~

~~((7)) (8) For the purposes of this section, "current school year" means the year immediately following the prior school year.~~

~~((8)) (9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.~~

~~((9)) (10) The superintendent of public instruction shall ~~(develop)~~ adopt rules ~~(and regulations)~~ and inform school districts of the pertinent data necessary to carry out the provisions of this section.~~

NEW SECTION. Sec. 404. REPEAL OF LOCAL EFFORT ASSISTANCE. The following acts or parts of acts are each repealed:

(1) RCW 28A.500.010 (Local effort assistance funds--Purpose--Not basic education allocation) and 1999 c 317 s 1, 1997 c 259 s 4, 1993 c 410 s 1, 1992 c 49 s 2, & 1987 1st ex. s. c 2 s 102;

(2) RCW 28A.500.020 (Definitions) and 2004 c 21 s 1 & 1999 c 317 s 2;

(3) RCW 28A.500.030 (Allocation of state matching funds--Determination) and 2006 c 372 s 904, 2006 c 119 s 1, 2005 c 518 s 914, 2003 1st sp.s. c 25 s 912, 2002 c 317 s 4, & 1999 c 317 s 3;

(4) RCW 28A.500.040 (Distribution of funds) and 1999 c 317 s 4; and

(5) RCW 28A.500.900 (Effective date--1999 c 317) and 1999 c 317 s 5.

Sec. 405. RCW 28A.185.020 and 1990 c 33 s 168 are each amended to read as follows:

HIGHLY CAPABLE ALLOCATION. (1) Supplementary funds as may be provided by the state for ~~((this program, in accordance with RCW 28A.150.370;)) the program for highly capable students shall be categorical funding on an excess cost basis based upon a per student ~~((amount)) allocation to provide services to highly capable~~~~

students not to exceed three percent of any district's full-time equivalent enrollment. The amount of supplementary funding for this program shall be established by the legislature in the omnibus appropriations act. The program for highly capable students shall not be considered part of the program of basic education as defined under section 101 of this act.

(2) It is the intent of the legislature that the per student allocation for this program be calculated for each school district based on costs to provide classroom teachers and maintenance, supplies, and operating costs in prototypical schools as described under section 106 of this act and provide for the following supplemental instruction:

(a) An extended school day for a prototypical school of two instructional hours per week with an average class size of five students;

(b) An extended school year for a prototypical school of ten instructional hours per week for four weeks with an average class size of five students; and

(c) A per student allocation for maintenance, supplies, and operating costs as provided in the omnibus appropriations act.

(3) The distribution formula under this section shall be for allocation purposes only.

Sec. 406. RCW 28B.102.040 and 2008 c 170 s 306 are each amended to read as follows:

TEACHER CONDITIONAL SCHOLARSHIPS. (1) The board may select participants based on an application process conducted by the board or the board may utilize selection processes for similar students in cooperation with the professional educator standards board or the office of the superintendent of public instruction.

(2) If the board selects participants for the program, it shall establish a selection committee for screening and selecting recipients of the conditional scholarships. The criteria shall emphasize factors demonstrating excellence including but not limited to superior scholastic achievement, leadership ability, community contributions, bilingual ability, willingness to commit to providing teaching service in shortage areas, and an ability to act as a role model for students. Priority will be given to individuals seeking certification or an additional endorsement in math, science, technology education, ~~((agricultural education, business and marketing education, family and consumer science education, or))~~ special education, bilingual education, or English as a second language instruction.

NEW SECTION. Sec. 407. REPEAL OF STUDENT ACHIEVEMENT FUND. The following acts or parts of acts are each repealed:

(1) RCW 28A.505.210 (Student achievement funds--Use and accounting of funds--Public hearing--Report) and 2005 c 497 s 105 & 2001 c 3 s 3;

(2) RCW 28A.505.220 (Student achievement funds--Allocations) and 2008 c 170 s 401 & 2005 c 514 s 1103;

(3) RCW 28A.150.380 (Appropriations by legislature) and 2001 c 3 s 10, 1995 c 335 s 103, 1990 c 33 s 115, 1980 c 6 s 3, & 1969 ex.s. c 223 s 28A.41.050; and

(4) RCW 84.52.068 (State levy--Distribution to school districts) and 2005 c 514 s 1104, 2003 1st sp.s. c 19 s 1, & 2001 c 3 s 5.

Sec. 408. RCW 84.52.067 and 2001 c 3 s 7 are each amended to read as follows:

STUDENT ACHIEVEMENT FUND. All property taxes levied by the state for the support of common schools shall be paid into the general fund of the state treasury as provided in RCW 84.56.280(~~except for the amounts collected under RCW 84.52.068 which shall be directly deposited into the student achievement fund and distributed to school districts as provided in RCW 84.52.068~~).

Sec. 409. RCW 83.100.230 and 2008 c 329 s 924 are each amended to read as follows:

STUDENT ACHIEVEMENT FUND. The education legacy trust account is created in the state treasury. Money in the account may be spent only after appropriation. Expenditures from the account may be used only for ~~((deposit into the student achievement fund and for))~~ expanding access to higher education through funding for new enrollments and financial aid, and other educational improvement efforts. ~~((During the 2007-2009 fiscal biennium,))~~ Moneys in the account may also be transferred into the state general fund.

PART V GENERAL PROVISIONS-- PROGRAM OF BASIC EDUCATION

NEW SECTION. Sec. 501. RULE-MAKING AUTHORITY.

(1) The superintendent of public instruction is authorized to adopt such rules and require such reports as may be necessary for administration of this chapter and RCW 28A.300.170.

(2) The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW 28A.300.170 to simplify the application, monitoring, and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests.

Sec. 502. RCW 28A.150.350 and 1990 c 33 s 112 are each amended to read as follows:

PART-TIME STUDENTS. (1) For purposes of this section, the following definitions shall apply:

(a) "Private school student" shall mean any student enrolled full time in a private school;

(b) "School" shall mean any primary, secondary or vocational school;

(c) "School funding authority" shall mean any nonfederal governmental authority which provides moneys to common schools;

(d) "Part-time student" shall mean and include: Any student enrolled in a course of instruction in a private school and taking courses at and/or receiving ancillary services offered by any public school not available in such private school; or any student who is not enrolled in a private school and is receiving home-based instruction under RCW 28A.225.010 which instruction includes taking courses at or receiving ancillary services from the local school district or both; or any student involved in any work training program and taking courses in any public school, which work training program is approved by the school board of the district in which such school is located.

(2) The board of directors of any school district is authorized and, in the same manner as for other public school students, shall permit the enrollment of and provide ancillary services for part-time students: PROVIDED, That this section shall only apply to part-time students who would be otherwise eligible for full-time enrollment in the school district.

(3) The superintendent of public instruction shall recognize the costs to each school district occasioned by enrollment of and/or ancillary services provided for part-time students authorized by subsection (2) of this section and shall include such costs in the distribution of funds to school districts pursuant to ~~((RCW 28A.150.260))~~ section 106 of this act. Each school district shall be reimbursed for the costs or a portion thereof, occasioned by attendance of and/or ancillary services provided for part-time students on a part-time basis, by the superintendent of public instruction, according to law.

(4) Each school funding authority shall recognize the costs occasioned to each school district by enrollment of and ancillary services provided for part-time students authorized by subsection (2) of this section, and shall include said costs in funding the activities of said school districts.

~~((5) The superintendent of public instruction is authorized to adopt rules and regulations to carry out the purposes of RCW 28A.150.260 and 28A.150.350.))~~

Sec. 503. RCW 28A.150.290 and 1992 c 141 s 504 are each amended to read as follows:

EMERGENCIES. (1) ~~((The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010 not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his or her duties under this chapter and RCW 28A.160.150 through 28A.160.220, 28A.300.170, and 28A.500.010.~~

~~—(2))~~ The superintendent of public instruction shall have the authority to ~~((make))~~ adopt rules ~~((and regulations))~~ which establish the terms and conditions for allowing school districts to receive state basic education moneys as provided in ~~((RCW 28A.150.250))~~ section 106 of this act when said districts are unable to fulfill for one or more schools as officially scheduled the requirement of a full school year of one hundred eighty days or the ~~((annual average total))~~ minimum instructional hour offering imposed by ~~((RCW 28A.150.220 and 28A.150.260))~~ section 104 of this act due to one or more of the following conditions:

(a) An unforeseen natural event, including, but not necessarily limited to, a fire, flood, explosion, storm, earthquake, epidemic, or volcanic eruption that has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or ~~((inoperable))~~ inoperative; and

(b) An unforeseen mechanical failure or an unforeseen action or inaction by one or more persons, including negligence and threats, that (i) is beyond the control of both a school district board of directors and its employees and (ii) has the direct or indirect effect of rendering one or more school district facilities unsafe, unhealthy, inaccessible, or ~~((inoperable))~~ inoperative. Such actions, inactions or mechanical failures may include, but are not necessarily limited to, arson, vandalism, riots, insurrections, bomb threats, bombings, delays in the scheduled completion of construction projects, and the discontinuance or disruption of utilities such as heating, lighting, and water: PROVIDED, That an unforeseen action or inaction shall not include any labor dispute between a school district board of directors and any employee of the school district.

(2) A condition is foreseeable for the purposes of this subsection to the extent a reasonably prudent person would have anticipated prior to August first of the preceding school year that the condition probably would occur during the ensuing school year because of the occurrence of an event or a circumstance which existed during such preceding school year or a prior school year. A board of directors of a school district is deemed for the purposes of this subsection to have knowledge of events and circumstances which are a matter of common knowledge within the school district and of those events and circumstances which can be discovered upon prudent inquiry or inspection.

~~((3))~~ ~~The superintendent of public instruction shall make every effort to reduce the amount of paperwork required in administration of this chapter and RCW 28A.160.150 through 28A.160.220; 28A.300.170, and 28A.500.010; to simplify the application, monitoring and evaluation processes used; to eliminate all duplicative requests for information from local school districts; and to make every effort to integrate and standardize information requests for other state education acts and federal aid to education acts administered by the superintendent of public instruction so as to reduce paperwork requirements and duplicative information requests:))~~

Sec. 504. RCW 28A.150.400 and 1990 c 33 s 117 are each amended to read as follows:

FUNDING FACTORS. State and county funds which may become due and apportionable to school districts shall be apportioned in such a manner that any apportionment factors used shall utilize data and statistics derived in the school year that such funds are paid: PROVIDED, That the superintendent of public instruction may make necessary administrative provision for the use of estimates, and corresponding adjustments to the extent necessary: PROVIDED FURTHER, That as to those revenues used in determining the amount of state funds to be apportioned to school districts pursuant to ~~((RCW 28A.150.250))~~ section 105 of this act, any apportionment factors shall utilize data and statistics derived in an annual period established pursuant to rules ~~((and regulations promulgated))~~ adopted by the superintendent of public instruction in cooperation with the department of revenue.

Sec. 505. RCW 28A.150.275 and 1995 c 77 s 4 are each amended to read as follows:

TECHNICAL COLLEGE PROGRAMS. The basic education ~~((allocation, including applicable vocational entitlements and special education program money:))~~ core instructional allocation generated under section 106 of this act, plus the special education excess cost allocation generated under ((this chapter)) section 107 of this act and

under state appropriation acts by school districts for students enrolled in a technical college program established by an interlocal agreement under RCW 28B.50.533 shall be allocated in amounts as determined by the superintendent of public instruction to the serving college rather than to the school district, unless the college chooses to continue to receive the allocations through the school districts. This section does not apply to students enrolled in the running start program established in RCW 28A.600.310.

Sec. 506. RCW 28A.150.310 and 2002 c 291 s 2 are each amended to read as follows:

YOUTH CHALLENGE PROGRAM. Basic and nonbasic education funding, including applicable ~~((vocational entitlements))~~ career and technical education enhancements and special education program money, generated under ~~((this))~~ chapter 28A--- RCW (created in section 702 of this act) and under state appropriations acts shall be allocated directly to the military department for a national guard youth challenge program for students earning high school graduation credit under RCW ~~((28A.305.170))~~ 28A.300.165. Funding shall be provided based on statewide average rates for basic education, special education, categorical, and block grant programs as determined by the office of the superintendent of public instruction. The monthly full-time equivalent enrollment reported for students enrolled in the national guard youth challenge program shall be based on one full-time equivalent for every one hundred student hours of scheduled instruction eligible for high school graduation credit. The office of the superintendent of public instruction, in consultation with the military department, shall adopt such rules as are necessary to implement this section.

Sec. 507. RCW 28A.150.230 and 2006 c 263 s 201 are each amended to read as follows:

RESPONSIBILITIES OF SCHOOL BOARDS. (1) It is the intent and purpose of this section to guarantee that each common school district board of directors, whether or not acting through its respective administrative staff, be held accountable for the proper operation of their district to the local community and its electorate. In accordance with the provisions of Title 28A RCW, as now or hereafter amended, each common school district board of directors shall be vested with the final responsibility for the setting of policies ensuring quality in the content and extent of its educational program and that such program provide students with the opportunity to achieve those skills which are generally recognized as requisite to learning.

(2) In conformance with the provisions of Title 28A RCW, as now or hereafter amended, it shall be the responsibility of each common school district board of directors to adopt policies to:

(a) Establish performance criteria and an evaluation process for its certificated personnel, including administrative staff, and for all programs constituting a part of such district's curriculum;

(b) Determine the final assignment of staff, certificated or classified, according to board enumerated classroom and program needs;

(c) Determine the amount of instructional hours necessary for any student to acquire a quality education in such district, in not less than an amount otherwise required in RCW ~~((28A.150.220))~~ section 104 of this act, or rules of the state board of education;

(d) Determine the allocation of staff time, whether certificated or classified;

(e) Establish final curriculum standards consistent with law and rules of the superintendent of public instruction, relevant to the particular needs of district students or the unusual characteristics of the district, and ensuring a quality education for each student in the district; and

(f) Evaluate teaching materials, including text books, teaching aids, handouts, or other printed material, in public hearing upon complaint by parents, guardians or custodians of students who consider dissemination of such material to students objectionable.

Sec. 508. RCW 28A.165.005 and 2004 c 20 s 1 are each amended to read as follows:

LAP ADJUSTMENTS. ~~((The learning assistance program requirements in))~~ This chapter ((are)) is designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing

~~((programs)) supplemental instruction and services to assist underachieving students. ((Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.))~~

Sec. 509. RCW 28A.165.015 and 2004 c 20 s 2 are each amended to read as follows:

LAP ADJUSTMENTS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade ~~((eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade))~~ twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

Sec. 510. RCW 28A.165.055 and 2008 c 321 s 10 are each amended to read as follows:

LAP ADJUSTMENTS. ~~((+))~~ Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with section 106 of this act and the ((biennial)) omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. ~~((The distribution formula shall be based on one or more family income factors measuring economic need.~~

~~((2)) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.~~

~~((a)) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.~~

~~((b)) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.~~

~~((c)) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.))~~

Sec. 511. RCW 28A.180.010 and 1990 c 33 s 163 are each amended to read as follows:

TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to

the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools ~~((and to provide supplemental financial assistance to school districts to meet the extra costs of these programs)).~~

Sec. 512. RCW 28A.180.080 and 1995 c 335 s 601 are each amended to read as follows:

TBIP ADJUSTMENTS. ~~((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.))~~ Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program ~~((; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).~~

Sec. 513. RCW 28A.180.090 and 2001 1st sp.s. c 6 s 2 are each amended to read as follows:

TBIP ADJUSTMENTS. The superintendent of public instruction shall develop an evaluation system designed to measure increases in the English and academic proficiency of eligible pupils. When developing the system, the superintendent shall:

(1) Require school districts to assess potentially eligible pupils within ten days of registration using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district;

(2) Require school districts to annually assess all eligible pupils at the end of the school year using an English proficiency assessment or assessments as specified by the superintendent of public instruction. Results of these assessments shall be made available to both the superintendent of public instruction and the school district; and

(3) Develop a system to evaluate increases in the English and academic proficiency of students who are, or were, eligible pupils. This evaluation shall include students when they are in the program and after they exit the program until they finish their K-12 career or transfer from the school district. The purpose of the evaluation system is to inform schools, school districts, parents, and the state of the effectiveness of the transitional bilingual programs in school and school districts in teaching these students English and other content areas, such as mathematics and writing ~~((; and~~

~~((4)) Report to the education and fiscal committees of the legislature by November 1, 2002, regarding the development of the systems described in this section and a timeline for the full implementation of those systems. The legislature shall approve and provide funding for the evaluation system in subsection (3) of this section before any implementation of the system developed under subsection (3) of this section may occur.))~~

Sec. 514. RCW 28A.600.310 and 2005 c 125 s 1 are each amended to read as follows:

RUNNING START ALLOCATION. (1) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education. A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based

instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals, obtain a certificate of academic achievement or a certificate of individual achievement to graduate from high school, or to master the essential academic learning requirements. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated ~~((for basic education under RCW 28A.150.260))~~ under section 106 of this act to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student basic education core instructional allocations under ~~((RCW 28A.150.260))~~ section 106 of this act, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, the higher education coordinating board, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. The institution of higher education shall not require the pupil to pay any other fees. The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall not be counted for the purpose of determining any enrollment restrictions imposed by the state on the institution of higher education.

Sec. 515. RCW 28A.600.405 and 2007 c 355 s 4 are each amended to read as follows:

HIGH SCHOOL COMPLETION OPTION ALLOCATION. (1) For purposes of this section and RCW 28B.50.534, "eligible student" means a student who has completed all state and local high school graduation requirements except the certificate of academic achievement under RCW 28A.655.061 or the certificate of individual achievement under RCW 28A.155.045, who is less than age twenty-one as of September 1st of the academic year the student enrolls at a community and technical college under this section, and who meets the following criteria:

(a) Receives a level 2 (basic) score on the reading and writing content areas of the high school Washington assessment of student learning;

(b) Has not successfully met state standards on a retake of the assessment or an alternative assessment;

(c) Has participated in assessment remediation; and

(d) Receives a recommendation to enroll in courses or a program of study made available under RCW 28B.50.534 from his or her high school principal.

(2) An eligible student may enroll in courses or a program of study made available by a community or technical college participating in the pilot program created under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(3) For eligible students in courses or programs delivered directly by the community or technical college participating in the pilot program under RCW 28B.50.534 and only for enrollment in courses that lead to a high school diploma, the superintendent of public instruction shall transmit to the colleges participating in the pilot program an amount per each full-time equivalent college student at statewide uniform rates. The amount shall be the sum of (a), (b), and (c) ~~((and (d)))~~ of this subsection, as applicable.

(a) The superintendent shall separately calculate and allocate moneys appropriated ~~((for basic education under RCW 28A.150.260))~~ under section 106 of this act for purposes of making payments under this section. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student basic education core instructional allocations under ~~((RCW 28A.150.260))~~ section 106 of this act, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW.

(b) The superintendent shall allocate an amount equal to the per funded student state allocation for the learning assistance program under chapter 28A.165 RCW for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.

~~(c) ((The superintendent shall allocate an amount equal to the per full-time equivalent student allocation for the student achievement program under RCW 28A.505.210 for each full-time equivalent college student or a pro rata amount for less than full-time enrollment.~~

~~(d))~~ For eligible students who meet eligibility criteria for the state transitional bilingual instruction program under chapter 28A.180 RCW, the superintendent shall allocate an amount equal to the per student state allocation for the transitional bilingual instruction program or a pro rata amount for less than full-time enrollment.

(4) The superintendent may adopt rules establishing enrollment reporting, recordkeeping, and accounting requirements necessary to ensure accountability for the use of basic education, learning assistance, and transitional bilingual program funds under this section for the pilot program created under RCW 28B.50.534.

(5) All school districts in the geographic area of the two community and technical colleges selected pursuant to section 8, chapter 355, Laws of 2007 to participate in the pilot program shall provide information about the high school completion option under RCW 28B.50.534 to students in grades ten, eleven, and twelve and the parents or guardians of those students.

Sec. 516. RCW 28A.320.190 and 2008 c 321 s 3 are each amended to read as follows:

EXTENDED LEARNING OPPORTUNITIES. (1) The extended learning opportunities program is created for eligible eleventh and twelfth grade students who are not on track to meet local or state graduation requirements as well as eighth grade students who may not be on track to meet the standard on the Washington assessment of student learning or need additional assistance in order to have the opportunity for a successful entry into high school. The program shall provide early notification of graduation status and information on education opportunities including preapprenticeship programs that are available.

(2) Under the extended learning opportunities program, districts shall make available to students in grade twelve who have failed to meet one or more local or state graduation requirements the option of continuing enrollment in the school district in accordance with RCW 28A.225.160. Districts are authorized to use basic education program funding to provide instruction to eligible students under ~~((RCW 28A.150.220(3)))~~ section 104(2) of this act.

(3) Under the extended learning ~~((opportunities))~~ opportunities program, instructional services for eligible students can occur during the regular school day, evenings, on weekends, or at a time and location deemed appropriate by the school district, including the educational service district, in order to meet the needs of these students. Instructional services provided under this section do not include services offered at private schools. Instructional services can include, but are not limited to, the following:

(a) Individual or small group instruction;

(b) Instruction in English language arts and/or mathematics that eligible students need to pass all or part of the Washington assessment of student learning;

(c) Attendance in a public high school or public alternative school classes or at a skill center;

(d) Inclusion in remediation programs, including summer school;

(e) Language development instruction for English language learners;

(f) Online curriculum and instructional support, including programs for credit retrieval and Washington assessment of student learning preparatory classes; and

(g) Reading improvement specialists available at the educational service districts to serve eighth, eleventh, and twelfth grade educators through professional development in accordance with RCW 28A.415.350. The reading improvement specialist may also provide direct services to eligible students and those students electing to continue a fifth year in a high school program who are still struggling with basic reading skills.

Sec. 517. RCW 28A.195.010 and 2004 c 19 s 106 are each amended to read as follows:

PRIVATE SCHOOLS. The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum ~~((program))~~ instructional hour offerings ~~(as prescribed in RCW 28A.150.220)~~, with a schoolwide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.

(2) The school day shall be the same as ~~(that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools))~~ defined in section 102 of this act.

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 518. RCW 28A.225.200 and 1990 c 33 s 234 are each amended to read as follows:

EDUCATION BY OTHER DISTRICTS. (1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education (~~(= PROVIDED, That))~~. Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to ~~(RCW 28A.150.100, 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410)~~ sections 105 through 108 and 112 of this act, RCW 28A.150.280, 28A.150.290 (as recodified by this act), 28A.150.350 (as recodified by this act), 28A.150.400 (as recodified by this act), sections 204, 207, and 209 of this act, 28A.160.150 through 28A.160.200, ~~((28A.160.220))~~ 28A.300.035, and 28A.300.170 (~~(= and 28A.500.010)~~) shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration.

NEW SECTION. Sec. 519. The following acts or parts of acts are each repealed:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.205 (Definition) and 1992 c 141 s 502;

(3) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(4) RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;

(5) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

(6) RCW 28A.305.140 (Waiver from provisions of RCW 28A.150.200 through 28A.150.220 authorized) and 1990 c 33 s 267, & 1985 c 349 s 6;

(7) RCW 28A.305.145 (Application process for waivers under RCW 28A.305.140) and 1993 c 336 s 302;

(8) RCW 28A.655.180 (Waivers for educational restructuring programs--Study by joint select committee on education restructuring--Report to legislature) and 1995 c 208 s 1; and

(9) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

**PART VI
GENERAL PROVISIONS--COMPENSATION
AND CERTIFICATION**

Sec. 601. RCW 28A.415.020 and 2007 c 319 s 3 are each amended to read as follows:

CLOCK HOURS. (1) Certificated personnel shall receive for each ten clock hours of approved in-service training attended the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(2) Certificated personnel shall receive for each ten clock hours of approved continuing education earned, as continuing education is defined by rule adopted by the professional educator standards board, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(3) Certificated personnel shall receive for each forty clock hours of participation in an approved internship with a business, an industry, or government, as an internship is defined by rule of the professional educator standards board in accordance with RCW 28A.415.025, the equivalent of a one credit college quarter course on the salary schedule developed by the legislative evaluation and accountability program committee.

(4) An approved in-service training program shall be a program approved by a school district board of directors, which meet standards adopted by the professional educator standards board, and the development of said program has been participated in by an in-service training task force whose membership is the same as provided under RCW 28A.415.040, or a program offered by an education agency approved to provide in-service for the purposes of continuing education as provided for under rules adopted by the professional educator standards board, or both.

(5) Clock hours eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee as described in subsections (1) and (2) of this section, shall be those hours acquired after August 31, 1987. Clock hours eligible for application to the salary schedule as described in subsection (3) of this section shall be those hours acquired after December 31, 1995.

(6) In-service training or continuing education in first peoples' language, culture, or oral tribal traditions provided by a sovereign tribal government participating in the Washington state first peoples' language, culture, and oral tribal traditions teacher certification program authorized under RCW 28A.410.045 shall be considered approved in-service training or approved continuing education under this section and RCW 28A.415.023.

(7) Beginning in the 2012-13 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2012-13 school year and who have not transferred under section 205 of this act to the compensation system with salary allocation schedules provided under section 204 of this act.

(8) This section expires August 31, 2022.

Sec. 602. RCW 28A.415.023 and 2005 c 497 s 209 and 2005 c 393 s 1 are each reenacted and amended to read as follows:

CREDITS ON SALARY ALLOCATION MODEL. (1) Credits earned by certificated instructional staff after September 1, 1995, shall be eligible for application to the salary schedule developed by the legislative evaluation and accountability program committee only if the course content:

(a) Is consistent with a school-based plan for mastery of student learning goals as referenced in RCW 28A.655.110, the annual school performance report, for the school in which the individual is assigned;

(b) Pertains to the individual's current assignment or expected assignment for the subsequent school year;

(c) Is necessary to obtain an endorsement as prescribed by the Washington professional educator standards board;

(d) Is specifically required to obtain advanced levels of certification;

(e) Is included in a college or university degree program that pertains to the individual's current assignment, or potential future assignment, as a certified instructional staff; or

(f) Addresses research-based assessment and instructional strategies for students with dyslexia, dysgraphia, and language disabilities when addressing learning goal one under (~~RCW 28A.150.210~~) section 103 of this act, as applicable and appropriate for individual certificated instructional staff.

(2) For the purpose of this section, "credits" mean college quarter hour credits and equivalent credits for approved in-service, approved continuing education, or approved internship hours computed in accordance with RCW 28A.415.020.

(3) The superintendent of public instruction shall adopt rules and standards consistent with the limits established by this section for certificated instructional staff.

(4) Beginning in the 2012-13 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2012-13 school year and who have not transferred under section 205 of this act to the compensation system with salary allocation schedules provided under section 204 of this act.

(5) This section expires August 31, 2022.

Sec. 603. RCW 28A.415.024 and 2006 c 263 s 809 are each amended to read as follows:

DEGREES ON SALARY ALLOCATION MODEL. (1) All credits earned in furtherance of degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, must be obtained from an educational institution accredited by an accrediting association recognized by rule of the professional educator standards board.

(2) The office of the superintendent of public instruction shall verify for school districts the accreditation status of educational institutions granting degrees that are used by certificated staff to increase earnings on the salary schedule consistent with RCW 28A.415.023.

(3) The office of the superintendent of public instruction shall provide school districts with training and additional resources to ensure they can verify that degrees earned by certificated staff, that are used to increase earnings on the salary schedule consistent with RCW 28A.415.023, are obtained from an educational institution accredited by an accrediting association recognized by rule of the professional educator standards board.

(4)(a) No school district may submit degree information before there has been verification of accreditation under subsection (3) of this section.

(b) Certificated staff who submit degrees received from an unaccredited educational institution for the purposes of receiving a salary increase shall be fined three hundred dollars. The fine shall be paid to the office of the superintendent of public instruction and used for costs of administering this section.

(c) In addition to the fine in (b) of this subsection, certificated staff who receive salary increases based upon degrees earned from educational institutions that have been verified to be unaccredited must reimburse the district for any compensation received based on these degrees.

(5) Beginning in the 2012-13 school year, this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2012-13 school year and who have not transferred under section 205 of this act to the compensation system with salary allocations provided under section 204 of this act.

(6) This section expires August 31, 2022.

Sec. 604. RCW 28A.415.025 and 2006 c 263 s 810 are each amended to read as follows:

INTERNSHIP CLOCK HOURS. (1) The professional educator standards board shall establish rules for awarding clock hours for participation of certificated personnel in internships with business, industry, or government. To receive clock hours for an internship,

the individual must demonstrate that the internship will provide beneficial skills and knowledge in an area directly related to his or her current assignment, or to his or her assignment for the following school year.

(2) An individual may not receive more than the equivalent of two college quarter credits for internships during a calendar-year period. The total number of credits for internships that an individual may earn to advance on the salary schedule developed by the legislative evaluation and accountability program committee or its successor agency is limited to the equivalent of fifteen college quarter credits.

(3) Beginning in the 2012-13 school year, subsection (2) of this section applies only to certificated instructional staff whose first employment with a school district commenced before the 2012-13 school year and who have not transferred under section 205 of this act to the compensation system with salary allocations provided under section 204 of this act.

Sec. 605. RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each amended to read as follows:

COST-OF-LIVING INCREASES. (1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the 2003-04 and 2004-05 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedules established under ((RCW 28A.150.410)) sections 204 and 207 of this act and to any other salary models used to recognize school district personnel costs.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 606. RCW 28A.410.210 and 2008 c 176 s 1 are each amended to read as follows:

RESPONSIBILITIES OF PROFESSIONAL EDUCATOR STANDARDS BOARD. The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in ((RCW 28A.150.210)) section 103 of this act; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance

to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

(4) Establish policies for approval of nontraditional educator preparation programs;

(5) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010 and section 202 of this act;

(7) Hear and determine educator certification appeals as provided by RCW 28A.410.100;

(8) Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;

(9) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;

(10) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;

(11) Serve as an advisory body to the superintendent of public instruction on issues related to educator recruitment, hiring, mentoring and support, professional growth, retention, educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;

(12) Submit, by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in ((RCW 28A.150.210)) section 103 of this act;

(13) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to RCW 28A.410.220 through 28A.410.240; and

~~(14) ((By January 2010, set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar; and~~

~~(15))~~ Conduct meetings under the provisions of chapter 42.30 RCW.

Sec. 607. RCW 28A.410.220 and 2008 c 176 s 2 are each amended to read as follows:

PESB EVALUATIONS AND ASSESSMENTS. (1)(a) Beginning not later than September 1, 2001, the Washington professional educator standards board shall make available and pilot a means of assessing an applicant's knowledge in the basic skills. For the purposes of this section, "basic skills" means the subjects of at least reading, writing, and mathematics. Beginning September 1, 2002, except as provided in (c) of this subsection and subsection (4) of this section, passing this assessment shall be required for admission to approved teacher preparation programs and for persons from out-of-state applying for a Washington state residency teaching certificate.

(b) On an individual student basis, approved teacher preparation programs may admit into their programs a candidate who has not achieved the minimum basic skills assessment score established by the Washington professional educator standards board. Individuals so admitted may not receive residency certification without passing the basic skills assessment under this section.

(c) The Washington professional educator standards board may establish criteria to ensure that persons from out-of-state who are

applying for residency certification and persons applying to master's degree level teacher preparation programs can demonstrate to the board's satisfaction that they have the requisite basic skills based upon having completed another basic skills assessment acceptable to the Washington professional educator standards board or by some other alternative approved by the Washington professional educator standards board.

(2) The professional educator standards board shall set performance standards and develop, pilot, and implement ~~((a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar))~~ a system of rigorous, objective evaluations of teacher competency for residency and professional teacher certification as provided under section 202 of this act.

(3) Beginning not later than September 1, 2002, the Washington professional educator standards board shall provide for the initial piloting and implementation of a means of assessing an applicant's knowledge in the subjects for which the applicant has applied for an endorsement to his or her residency or professional teaching certificate. The assessment of subject knowledge shall not include instructional methodology. Beginning September 1, 2005, passing this assessment shall be required to receive an endorsement for certification purposes.

(4) The Washington professional educator standards board may permit exceptions from the assessment requirements under subsections (1), (2), and (3) of this section on a case-by-case basis.

(5) The Washington professional educator standards board shall provide for reasonable accommodations for individuals who are required to take the assessments in subsection (1), (2), or (3) of this section if the individuals have learning or other disabilities.

(6) With the exception of applicants exempt from the requirements of subsections (1), (2), and (3) of this section, an applicant must achieve a minimum assessment score or scores established by the Washington professional educator standards board on each of the assessments under subsections (1), (2), and (3) of this section.

(7) The Washington professional educator standards board and superintendent of public instruction, as determined by the Washington professional educator standards board, may contract with one or more third parties for:

(a) The development, purchase, administration, scoring, and reporting of scores of the assessments established by the Washington professional educator standards board under subsections (1), (2), and (3) of this section;

(b) Related clerical and administrative activities; or

(c) Any combination of the purposes in this subsection.

(8) Applicants for admission to a Washington teacher preparation program and applicants for residency and professional certificates who are required to successfully complete one or more of the assessments under subsections (1), (2), and (3) of this section, and who are charged a fee for the assessment by a third party contracted with under subsection (7) of this section, shall pay the fee charged by the contractor directly to the contractor. Such fees shall be reasonably related to the actual costs of the contractor in providing the assessment.

(9) The superintendent of public instruction is responsible for supervision and providing support services to administer this section.

(10) The Washington professional educator standards board shall collaboratively select or develop and implement the assessments and minimum assessment scores required under this section with the superintendent of public instruction and shall provide opportunities for representatives of other interested educational organizations to participate in the selection or development and implementation of such assessments in a manner deemed appropriate by the Washington professional educator standards board.

(11) The Washington professional educator standards board shall adopt rules under chapter 34.05 RCW that are reasonably necessary for the effective and efficient implementation of this section.

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 701. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 702. The following sections are codified or recodified in the following order in a new chapter in Title 28A RCW.

RCW 28A.150.200
Section 102 of this act
RCW 28A.150.210
RCW 28A.150.211
RCW 28A.150.220
RCW 28A.150.250
RCW 28A.150.260
RCW 28A.150.390
Section 108 of this act
RCW 28A.150.315
Section 110 of this act
RCW 28A.150.370
Section 113 of this act
RCW 28A.150.230
RCW 28A.150.240
Section 115 of this act
Section 2 of this act
Section 3 of this act
Section 204 of this act
Section 205 of this act
RCW 28A.150.410
Section 208 of this act
Section 209 of this act
Section 501 of this act
RCW 28A.150.350
RCW 28A.150.290
RCW 28A.150.400
RCW 28A.150.275
RCW 28A.150.270
RCW 28A.150.360
RCW 28A.150.420

NEW SECTION. Sec. 703. Sections 101 through 109, 112, 113, 115, 117, 204, 205, 207, 208, 210, 212, 215, 305 through 308, 405, 407 through 409, 502 through 506, 510, 512, and 514 through 519 of this act take effect September 1, 2011.

NEW SECTION. Sec. 704. Sections 403 and 404 of this act take effect January 1, 2012.

NEW SECTION. Sec. 705. Sections 213, 217, and 218 of this act take effect September 1, 2012.

NEW SECTION. Sec. 706. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Anderson spoke in favor of the adoption of amendment (403) to amendment (333).

Representative Haigh spoke against the adoption of amendment (403) to amendment (333).

Amendment (403) to amendment (333) was not adopted.

Amendment (333) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan, Priest, Hunter, Anderson, Hunt, Carlyle, Driscoll, Wallace, Angel, Maxwell, Haigh and Santos spoke in favor of the passage of the bill.

Representatives Alexander, Ericksen, Hinkle, Conway and Bailey spoke against the passage of the bill.

PART VII

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2261.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2261 and the bill passed the House by the following vote: Yeas, 71; Nays, 26; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Condotta, Cox, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr Speaker.

Voting nay: Representatives Alexander, Appleton, Bailey, Campbell, Chandler, Conway, Crouse, DeBolt, Ericksen, Green, Herrera, Hinkle, Johnson, Kessler, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Ross, Schmick, Sells, Shea, Short and Smith.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261.

BRAD KLIPPERT, 8th District

With the consent of the House, the bills listed on the day's second reading calendar were returned to the Committee on Rules with the exception of the following bills which held their place on the second reading calendar:

HOUSE BILL NO. 2029
HOUSE BILL NO. 2075
HOUSE BILL NO. 2295

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

SENATE BILL NO. 5164
SENATE BILL NO. 5348
SUBSTITUTE SENATE BILL NO. 5417
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 13, 2009, the 61st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTY FIRST DAY

House Chamber, Olympia, Friday, March 13, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lindsay Swick and Anthony Widick. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Brad Klippert.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS

HOUSE RESOLUTION NO. 2009-4632, by Representatives Morris and Quall

WHEREAS, Every April the tulips are in bloom, celebrating the beginning of spring; and

WHEREAS, The beautiful Skagit Valley is the Northwest's tulip capital and the number one producer of tulip bulbs in North America; and

WHEREAS, The Skagit Valley Tulip Festival kicks off the festival season in Washington; and

WHEREAS, Nearly half a million people visited the Skagit Valley Tulip Festival last year, participating in the joy and excitement of the event and contributing to the economy of the Skagit Valley; and

WHEREAS, This year's 26th annual festival will run from April 1st through 30th, focusing on the communities of Sedro-Woolley, Burlington, Anacortes, La Conner, Mount Vernon, Concrete, and Conway; and

WHEREAS, Visitors will be greeted by more than 700 acres of tulips reflecting all the vibrant colors of the rainbow, by the fullness of life in the valley, and by its wonderful people; and

WHEREAS, This year's Tulip Festival Ambassadors, Veronica Pratt and Christian Lathrom, will ably and personably perform their responsibilities as representatives of the festival; and

WHEREAS, Highlights of the event include the Mount Vernon Street Fair, PACCAR Open House, Air Show and Fly-in, Skagit County wineries, RoozenGaarde, Tulip Town, art shows, bike rides, and foot races, and much more;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives salute all the communities of the Skagit Valley, their Chambers of Commerce, the Skagit Valley Tulip Festival Ambassadors, and the Tulip Festival Committee; and

BE IT FURTHER RESOLVED, That the House of Representatives commend the community leaders and corporate sponsors for the success of this important event and encourage citizens from across Washington to take the time to enjoy this spectacular display; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Skagit Valley Tulip Festival Executive Director, Cindy Verge, and the Tulip Festival Ambassadors.

HOUSE RESOLUTION NO. 4632 was adopted.

HOUSE RESOLUTION NO. 2009-4635, by Representatives Kenney, Upthegrove, White, Dickerson, Kirby, Orwall, Wallace, Santos, Finn, Hudgins, Hasegawa, Morrell, Hunt, Hurst, and Conway

WHEREAS, The Washington State Legislature recognizes and honors the contributions of individuals who exhibit the standards of excellence that advance the well-being and quality of lives of all citizens of the State of Washington; and

WHEREAS, Ernest Ignacio Jose "Ernie" Aguilar, born on March 19, 1919, in Mexico City, has set the highest standards of public service through the unselfish and tireless dedication of his time, talent, resources, and skills during his entire lifetime towards the advancement of the Hispanic community and all citizens of Washington State; and

WHEREAS, Ernie Aguilar and his wife of forty-five years, Tina, a school district board member from Sumner, Washington, are proud parents of six children, four grandchildren, and two great grandsons; and

WHEREAS, Ernie and Tina Aguilar's son Michael was the first Latino born in Washington State to graduate from West Point, and later unselfishly gave his life in the line of duty in a military training maneuver; and

WHEREAS, Ernie and Tina's son Kenny has achieved international recognition as the former Director of Personnel for NASA; and

WHEREAS, Ernie Aguilar and his sons have continued a proud and patriotic family tradition of service to the United States first established by Ernie's father who, even though a Mexican citizen, fought under the United States flag during the first World War and courageously served and died from the effects of being gassed during his service; and

WHEREAS, Ernie Aguilar proudly served this country and was a decorated veteran of World War II, the Korean War, and the Vietnam War; and WHEREAS, Ernie Aguilar, as a tireless public servant and true visionary of the community, was instrumental in the creation of the Washington State Commission on Hispanic Affairs and was a member of its first governing board; and

WHEREAS, Ernie Aguilar was a founding member and is now Chairman Emeritus of the Washington State Hispanic Chamber of Commerce, which promotes the self-determination and economic development of the State's Hispanic community; and

WHEREAS, Ernie Aguilar was one of the original founders and the first Chair of the Board of the Yakima Valley Farm Workers Clinic in Toppenish, Washington, which has improved access to medical care for all people in the community; and

WHEREAS, Ernie Aguilar has demonstrated a selfless commitment to higher education with the creation of the Ernie Aguilar Scholarship Fund that has been established at the University of Washington's Foster School of Business for Latino students who are pursuing their Masters in Business Administration; and

WHEREAS, Ernie Aguilar's international leadership achievements and dedication to the advancement of the Mexican and the Mexican-American communities were acknowledged by the President of Mexico when he was awarded the Ohtli Medal, Mexico's highest civilian honor;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington urge all citizens of the State of Washington to join us in congratulating and recognizing Ernie Aguilar for his unique and courageous vision, tireless public service, and legacy of accomplishments on behalf of Hispanics and all citizens of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the family of Ernie Aguilar, the Consul General of Mexico, the Washington State Commission on Hispanic Affairs, the Washington Latino Advocacy and Leadership Institute, and the Foster School of Business at the University of Washington.

Representative Kenney moved adoption of House Resolution No. 4635.

Representatives Kenney, Hurst and Johnson spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4635 was adopted.

MESSAGES FROM THE SENATE

March 12, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, and the same is herewith transmitted.

Thomas Hoemann, Secretary.

March 12, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6035, and the same is herewith transmitted.

Thomas Hoemann, Secretary.

March 12, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5400,
ENGROSSED SENATE BILL NO. 5519,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5716,
ENGROSSED SENATE BILL NO. 5810,

and the same are herewith transmitted.

Thomas Hoemann, Secretary.

March 12, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 5035,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5127,
SENATE BILL NO. 5173,
SUBSTITUTE SENATE BILL NO. 5219,
SENATE BILL NO. 5303,
SUBSTITUTE SENATE BILL NO. 5528,
SUBSTITUTE SENATE BILL NO. 5566,
SENATE BILL NO. 5599,
SUBSTITUTE SENATE BILL NO. 5678,
SENATE BILL NO. 5695,
SUBSTITUTE SENATE BILL NO. 5776,
SUBSTITUTE SENATE BILL NO. 5780,
SENATE BILL NO. 5804,
SUBSTITUTE SENATE BILL NO. 6000,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015,
SENATE JOINT RESOLUTION NO. 8209,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 12, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5008,
SUBSTITUTE SENATE BILL NO. 5061,
SUBSTITUTE SENATE BILL NO. 5160,
SUBSTITUTE SENATE BILL NO. 5343,
SUBSTITUTE SENATE BILL NO. 5424,
SUBSTITUTE SENATE BILL NO. 5499,
SUBSTITUTE SENATE BILL NO. 5565,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5601,
SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5833,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5916,
SUBSTITUTE SENATE BILL NO. 6016,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

SB 5071 by Senator Jacobsen

AN ACT Relating to the state endemic mammal; adding a new section to chapter 1.20 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

SSB 5115 by Senate Committee on Judiciary (originally sponsored by Senators Honeyford, Kline and Roach)

AN ACT Relating to the judicial conduct commission; amending RCW 2.64.020; and providing a contingent effective date.

Referred to Committee on Judiciary.

E2SSB 5138 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Ranker, Jacobsen, Shin, Kohl-Welles, Kline and Pridemore)

AN ACT Relating to an integrated climate change response strategy; and adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Ecology & Parks.

SSB 5248 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, King, McAuliffe, Brown, Kauffman, Holmquist, Tom, Shin, Hewitt, Brandland, McDermott, Jarrett, Kilmer, Haugen and Roach)

AN ACT Relating to the interstate compact on educational opportunity for military children; amending RCW 28A.225.330, 28A.225.160, 28A.185.030, 28A.180.040, 28A.225.210, and 28A.225.225; adding a new section to chapter 28A.225 RCW; creating a new section; and adding a new chapter to Title 28A RCW.

Referred to Committee on Education.

ESSB 5262 by Senate Committee on Judiciary (originally sponsored by Senators Kline, Brandland and Shin)

AN ACT Relating to law enforcement and court access to driver's license photographs for the purposes of identity verification; and reenacting and amending RCW 46.20.118.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 5321 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Kline, Pflug, Berkey, Shin, Hobbs, McAuliffe, Tom, Keiser, Jarrett and Kauffman)

AN ACT Relating to extending a local sales and use tax that is credited against the state sales and use tax; and amending RCW 82.14.415.

Referred to Committee on Finance.

SSB 5332 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Delvin)

AN ACT Relating to the administration of the Washington state patrol retirement system; amending RCW 41.04.278 and 41.50.110; and creating a new section.

Referred to Committee on Ways & Means.

2SSB 5433 by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Swecker, Rockefeller, Morton, Fraser, Ranker, Fairley and Shin)

AN ACT Relating to modifying provisions of local option taxes; and amending RCW 82.14.450 and 84.55.050.

Referred to Committee on Finance.

SSB 5509 by Senate Committee on Transportation (originally sponsored by Senators Marr, Kauffman and Shin)

AN ACT Relating to clarifying rental car company charges, surcharges, and fees to be included in rental car agreements; adding a new section to chapter 47.04 RCW; and creating a new section.

Referred to Committee on Transportation.

ESSB 5529 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Jarrett and King)

AN ACT Relating to architects; amending RCW 18.08.310, 18.08.320, 18.08.330, 18.08.340, 18.08.350, 18.08.360, 18.08.370, 18.08.410, 18.08.420, and 18.08.430; and providing effective dates.

Referred to Committee on Commerce & Labor.

SSB 5537 by Senate Committee on Ways & Means (originally sponsored by Senator Fraser)

AN ACT Relating to having one debt limit by eliminating the statutory debt limit; amending RCW 39.42.070, 28A.525.210, 28B.142.010, 28B.142.030, 39.94.010, 39.94.030, 43.99H.060, 43.99Q.120, 43.99Q.130, and 67.70.240; adding a new section to chapter 39.42 RCW; repealing RCW 43.99N.110 and 39.42.060; providing an effective date; and declaring an emergency.

Referred to Committee on Capital Budget.

SSB 5571 by Senate Committee on Ways & Means (originally sponsored by Senators Oemig and Kohl-Welles)

AN ACT Relating to requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information; and amending RCW 82.32.135, 82.32.080, 82.32.085, 82.32.060, and 82.32.087.

Referred to Committee on Finance.

E2SSB 5649 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Hobbs, Pridemore, Kohl-Welles, Keiser, Fraser, Sheldon, Shin, McAuliffe, Kline and Oemig)

AN ACT Relating to achieving greater energy efficiency in buildings; amending RCW 70.164.020, 70.164.040, 70.164.050, and 70.164.060; adding a new section to chapter 70.164 RCW; adding a new section to chapter 43.185 RCW; adding a new chapter to Title 70 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

ESSB 5651 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Delvin, Kline and Tom)

AN ACT Relating to providing humanitarian requirements for certain dog breeding practices; adding a new section to chapter 16.52 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

SB 5680 by Senators Jarrett, Zarelli, Shin, Kohl-Welles and Oemig

AN ACT Relating to the property tax exemption for nonprofit artistic, scientific, historical, and performing arts organizations; and amending RCW 84.36.060.

Referred to Committee on Finance.

ESSB 5682 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Marr)

AN ACT Relating to the realignment of transportation regions; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

E2SSB 5688 by Senate Committee on Ways & Means (originally sponsored by Senators Murray, McDermott, Kohl-Welles, Fairley, Hobbs, Ranker, Pridemore, Kauffman, Kline, Keiser, Regala, Fraser, Prentice, Oemig, Franklin, McAuliffe, Jarrett, Brown, Kilmer and Tom)

AN ACT Relating to further expanding the rights and responsibilities of state registered domestic partners; amending RCW 2.10.030, 6.27.140, 10.77.205, 11.88.030, 26.60.040, 26.60.090, 41.16.010, 41.18.010, 49.78.020, 65.12.035, 71.05.425, 72.09.015, 72.09.712, 72.36.115, 77.36.010, 83.100.046, 83.100.047, and 84.04.050; adding a new section to chapter 26.60 RCW; adding a new section to chapter 34.05 RCW; adding a new section to chapter 1.12 RCW; adding a new section to chapter 1.16 RCW; adding a new section to chapter 2.10 RCW; adding a new section to chapter 2.12 RCW; adding a new section to chapter 2.14 RCW; adding a new section to chapter 2.56 RCW; adding a new section to chapter 4.24 RCW; adding a new section to chapter 4.28 RCW; adding a new section to chapter 5.44 RCW; adding a new section to chapter 6.15 RCW; adding a new section to chapter 6.27 RCW; adding a new section to chapter 7.08 RCW; adding a new section to chapter 7.68 RCW; adding a new section to chapter 9.58 RCW; adding a new section to chapter 9.68 RCW; adding a new section to chapter 9.68A RCW; adding a new section to chapter 9.94A RCW; adding a new section to chapter 9A.16 RCW; adding a new section to chapter 9A.40 RCW; adding a new section to chapter 9A.44 RCW; adding a new section to chapter 9A.76 RCW; adding a new section to chapter 10.77 RCW; adding a new section to chapter 10.95 RCW; adding a new section to chapter 10.99 RCW; adding a new section to chapter 10.101 RCW; adding a new section to chapter 11.40 RCW; adding a new section to chapter 11.42 RCW; adding a new section to chapter 11.66 RCW; adding a new section to chapter 11.68 RCW; adding a new section to chapter 11.88 RCW; adding a new section to chapter 11.94 RCW; adding a new section to chapter 11.95 RCW; adding a new section to chapter 11.98 RCW; adding a new section to chapter 11.104A RCW; adding a new section to chapter 11.108 RCW; adding a new section to chapter 13.34 RCW; adding a new section to chapter 13.40 RCW; adding a new section to chapter 13.64 RCW; adding a new section to chapter 18.20 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.51 RCW; adding a new section to chapter 18.96 RCW; adding a new section to chapter 18.118 RCW; adding a new section to chapter 18.120 RCW; adding a new section to chapter 19.09 RCW; adding a new section to chapter 19.16 RCW; adding a new section to chapter 19.36 RCW; adding a new

section to chapter 19.40 RCW; adding a new section to chapter 19.72 RCW; adding a new section to chapter 19.98 RCW; adding a new section to chapter 19.120 RCW; adding a new section to chapter 19.205 RCW; adding a new section to chapter 19.220 RCW; adding a new section to chapter 19.225 RCW; adding a new section to chapter 21.20 RCW; adding a new section to chapter 21.35 RCW; adding a new section to chapter 23B.08 RCW; adding a new section to chapter 23B.19 RCW; adding a new section to chapter 26.09 RCW; adding a new section to chapter 26.18 RCW; adding a new section to chapter 26.26 RCW; adding a new section to chapter 26.27 RCW; adding a new section to chapter 26.28 RCW; adding a new section to chapter 26.33 RCW; adding a new section to chapter 28B.10 RCW; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 28B.50 RCW; adding a new section to chapter 30.22 RCW; adding a new section to chapter 31.12 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.54 RCW; adding a new section to chapter 35A.01 RCW; adding a new section to chapter 36.17 RCW; adding a new section to chapter 36.88 RCW; adding a new section to chapter 38.42 RCW; adding a new section to chapter 38.52 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.16 RCW; adding a new section to chapter 41.18 RCW; adding a new section to chapter 41.20 RCW; adding a new section to chapter 41.24 RCW; adding a new section to chapter 41.26 RCW; adding a new section to chapter 41.28 RCW; adding a new section to chapter 41.32 RCW; adding a new section to chapter 41.34 RCW; adding a new section to chapter 41.35 RCW; adding a new section to chapter 41.37 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.44 RCW; adding a new section to chapter 41.50 RCW; adding a new section to chapter 41.54 RCW; adding a new section to chapter 41.68 RCW; adding a new section to chapter 42.23 RCW; adding a new section to chapter 42.52 RCW; adding a new section to chapter 43.20B RCW; adding a new section to chapter 43.43 RCW; adding a new section to chapter 43.56 RCW; adding a new section to chapter 43.180 RCW; adding a new section to chapter 43.215 RCW; adding a new section to chapter 43.235 RCW; adding a new section to chapter 46.04 RCW; adding a new section to chapter 48.17 RCW; adding a new section to chapter 48.18 RCW; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.21A RCW; adding a new section to chapter 48.22 RCW; adding a new section to chapter 48.23 RCW; adding a new section to chapter 48.24 RCW; adding a new section to chapter 48.25 RCW; adding a new section to chapter 48.29 RCW; adding a new section to chapter 48.30 RCW; adding a new section to chapter 48.41 RCW; adding a new section to chapter 48.43 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding a new section to chapter 48.66 RCW; adding a new section to chapter 48.76 RCW; adding a new section to chapter 49.12 RCW; adding a new section to chapter 49.48 RCW; adding a new section to chapter 49.74 RCW; adding a new section to chapter 49.77 RCW; adding a new section to chapter 49.78 RCW; adding a new section to chapter 49.86 RCW; adding a new section to chapter 50.04 RCW; adding a new section to chapter 51.08 RCW; adding a new section to chapter 59.18 RCW; adding a new section to chapter 59.20 RCW; adding a new section to chapter 59.21 RCW; adding a new section to chapter 59.22 RCW; adding a new section to chapter 62A.1 RCW; adding a new section to chapter 65.12 RCW; adding a new section to chapter 66.24 RCW; adding a new section to chapter 67.70 RCW; adding a new section to chapter 68.04 RCW; adding a new section to chapter 70.02 RCW; adding a new section to chapter 70.24 RCW; adding a new section to chapter 70.47 RCW; adding a new section to chapter 70.47A RCW; adding a new section to chapter 70.58 RCW; adding a new section to chapter 70.122 RCW; adding a new section to chapter 70.128 RCW; adding a new section to chapter 70.190 RCW; adding a new section to chapter 71.05 RCW; adding a new section to chapter 71.09 RCW; adding a new section to chapter 71.12 RCW; adding a new section to chapter 71.32 RCW; adding a new section to chapter 71A.20 RCW; adding a new section to chapter 72.01 RCW; adding a new section to chapter 72.09 RCW; adding a new section to chapter 72.23 RCW; adding a new section to chapter 72.36 RCW; adding a new section to chapter 72.64 RCW; adding a new section to chapter 72.66 RCW; adding a new section to

chapter 73.16 RCW; adding a new section to chapter 74.04 RCW; adding a new section to chapter 74.08A RCW; adding a new section to chapter 74.09 RCW; adding a new section to chapter 74.09A RCW; adding a new section to chapter 74.13 RCW; adding a new section to chapter 74.15 RCW; adding a new section to chapter 74.20 RCW; adding a new section to chapter 74.20A RCW; adding a new section t

Referred to Committee on Judiciary.

SSB 5691 by Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Jacobsen, Shin and Parlette)

AN ACT Relating to improving boating programs; adding a new section to chapter 79A.05 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

SSB 5698 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Murray, Kohl-Welles and Delvin)

AN ACT Relating to soil and wetland scientists; amending RCW 18.235.020 and 43.24.150; adding a new chapter to Title 18 RCW; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

SSB 5724 by Senate Committee on Environment, Water & Energy (originally sponsored by Senator Pridemore)

AN ACT Relating to electricity from biomass energy that is a renewable resource; and adding a new chapter to Title 36 RCW.

Referred to Committee on Technology, Energy & Communications.

E2SSB 5735 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Hargrove, Jacobsen, Ranker, Fraser, Keiser, Jarrett, Franklin, Shin, Kohl-Welles, Regala, McAuliffe and Kline)

AN ACT Relating to reducing greenhouse gas emissions; adding a new section to chapter 47.38 RCW; adding new sections to chapter 70.235 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

SSB 5779 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Hobbs, Jarrett and Tom)

AN ACT Relating to the state board of health adopting rules that impact school districts; adding a new section to chapter 28A.210 RCW; creating a new section; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

SSB 5802 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Oemig, McAuliffe, Hobbs, Kauffman, Jarrett, Tom and Shin)

AN ACT Relating to the professional educator standards board membership and duties; amending RCW 28A.410.200, 28A.410.100, and 28A.410.210; adding a new section to chapter 28A.410 RCW; and providing an effective date.

Referred to Committee on Education.

ESSB 5828 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Jarrett, McAuliffe, Tom and Hobbs)

AN ACT Relating to authorizing certain school districts and educational service districts to designate a district treasurer; amending RCW 28A.320.300, 28A.320.310, 28A.320.320, 28A.510.270, 28A.310.370, 28A.310.410, 28A.160.130, 28A.220.040, 28A.320.080, 28A.323.100, 28A.325.030, 28A.330.080, 28A.350.010, 28A.350.050, 28A.410.060, 28A.530.030, 28A.530.050, and 28A.535.060; adding a new section to chapter 28A.320 RCW; and adding a new section to chapter 28A.310 RCW.

Referred to Committee on Education.

ESSB 5840 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Marr, Honeyford, Rockefeller, Holmquist, Hatfield, Parlette, Ranker, Morton, Sheldon, Jarrett, Delvin and Hewitt)

AN ACT Relating to the energy independence act; amending RCW 19.285.020, 19.285.030, 19.285.040, 19.285.070, and 19.285.080; and creating a new section.

Referred to Committee on Technology, Energy & Communications.

E2SSB 5854 by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Pridemore, Ranker, Rockefeller, Marr, Fraser, Kohl-Welles, Kline, Murray and Keiser)

AN ACT Relating to reducing climate pollution in the built environment; amending RCW 19.27A.020; adding new sections to chapter 19.27A RCW; and creating new sections.

Referred to Committee on Technology, Energy & Communications.

ESSB 5880 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Oemig, Hobbs and McDermott)

AN ACT Relating to flexibility in the education system; amending RCW 28A.300.150, 28A.300.160, 28A.300.270, 28A.300.450, 28A.300.490, 28A.300.520, 28A.320.080, 28A.345.020, 28A.345.050, 28A.625.020, 28A.625.042, 28A.625.050, 28A.625.360, 28A.625.370, 28A.625.380, 28A.625.390, 28A.640.020, 28A.150.520, 28A.210.370, 28A.210.380, and 39.35D.040; repealing RCW 28A.210.360, 28A.210.365, and 28A.170.050; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

ESSB 5889 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, McDermott and Oemig)

AN ACT Relating to flexibility in the education system; amending RCW 28A.165.025, 28A.165.045, 28A.210.010, 28A.210.020, 28A.210.030, 28A.210.040, 28A.210.080, 28A.225.005, 28A.225.290, 28A.225.300, 28A.230.095, 28A.300.040, 28A.300.118, 28A.300.525, 28A.320.160, 28A.320.165, 28A.320.180, 28A.600.160, 28A.655.061, 28A.655.075, and 17.21.415; reenacting and amending RCW 28A.230.125; repealing RCW 28A.210.130, 28A.220.050, 28A.220.080, 28A.220.085, and 28A.300.412; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

ESSB 5890 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McDermott, McAuliffe, Oemig and Hobbs)

AN ACT Relating to flexibility in the education system; amending RCW 28A.185.030, 28A.215.010, 28A.220.030, 28A.230.160, 28A.230.205, 28A.300.405, 28A.300.410, 28A.300.455, and 28A.320.128; repealing RCW 28A.230.150, 28A.300.280, and 28A.320.185; providing an expiration date; and declaring an emergency.

Referred to Committee on Education.

E2SSB 5895 by Senate Committee on Ways & Means (originally sponsored by Senators Tom, Kohl-Welles, Fraser and McDermott)

AN ACT Relating to improving residential real property construction by creating the office of consumer education for home construction, strengthening warranty protections applicable to residential real property construction, creating remedies, requiring third-party inspections, enhancing contractor registration requirements, establishing worker certification standards, and enhancing bonding requirements; amending RCW 18.27.075, 4.16.310, 64.50.010, 18.27.030, and 18.27.040; reenacting and amending RCW 43.79A.040 and 43.79A.040; adding new sections to chapter 43.10 RCW; adding new sections to chapter 64.50 RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 18.27 RCW; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Judiciary.

SSB 5921 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Rockefeller, Pridemore, Ranker, Kline and Kohl-Welles)

AN ACT Relating to creating a clean energy leadership initiative; creating new sections; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

SB 5951 by Senators Roach, Hatfield, Pridemore and McDermott

AN ACT Relating to protecting the voter's signature and telephone number on envelopes provided for return of voted ballots; and amending RCW 29A.40.091.

Referred to Committee on State Government & Tribal Affairs.

SB 5952 by Senators McDermott, Murray, Fairley, Prentice, Kohl-Welles, Kline, Pridemore, Tom, Regala, Jacobsen, Marr, Oemig, Haugen, Franklin, Hobbs and McAuliffe

AN ACT Relating to modifying the definition of "sexual orientation" for malicious harassment prosecution purposes; and amending RCW 9A.36.080.

Referred to Committee on Public Safety & Emergency Preparedness.

SSB 5963 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Holmquist, King, Honeyford, Keiser, Franklin, Kline, Hewitt, Marr, Parlette, McCaslin, Schoesler and Morton)

AN ACT Relating to unemployment insurance; amending RCW 50.29.021, 50.29.025, and 50.20.050; and creating a new section.

Referred to Committee on Commerce & Labor.

ESSB 5967 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Fairley, Fraser, McAuliffe and Kline)

AN ACT Relating to prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex; adding new sections to chapter 49.60 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35.61 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.68 RCW; adding a new section to chapter 36.69 RCW; and creating a new section.

Referred to Committee on Judiciary.

SB 6104 by Senators Prentice and Tom

AN ACT Relating to state agency hours of operation; and amending RCW 42.04.060 and 42.56.090.

Referred to Committee on State Government & Tribal Affairs.

SJM 8012 by Senators Fraser, Kohl-Welles, Prentice, Fairley, Berkey, Franklin, Regala, Marr, Shin, Eide, Kastama, Murray, Haugen, Oemig, McDermott and Kline

Urging adoption of a treaty fighting discrimination against women.

Referred to Committee on Judiciary.

There being no objection, the bills and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designed.

REPORTS OF STANDING COMMITTEES

March 11, 2009

SB 5102 Prime Sponsor, Senator Hewitt: Adding two district court judges in Benton county. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

ESB 5135 Prime Sponsor, Senator Kline: Adding five district court judges in King county. (REVISED FOR ENGROSSED: Adding five district court judges in Spokane county.) Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Shea, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 11, 2009

SB 5221 Prime Sponsor, Senator Tom: Regarding distressed property conveyances. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING

The Speaker (Representative Moeller presiding) announced that the House is no longer under House Rule 16 (C) limiting a member's debate on a bill to three minutes.

SENATE BILL NO. 5164, by Senators Berkey, Benton, Hobbs and Parlette

Placing restrictions on check cashers' and sellers' communications when collecting delinquent small loans.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5164.

MOTIONS

On motion of Representative Santos, Representatives Morris, Simpson and Williams were excused. On motion of Representative Hinkle, Representatives Crouse and Hope were excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5164 and the bill passed the House by the following vote: Yeas, 90; Nays, 2; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Appleton and Flannigan.

Excused: Representatives Crouse, Hope, Morris, Simpson and Williams.

SENATE BILL NO. 5164, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5348, by Senators Swecker, Haugen, Jacobsen, Parlette, Rockefeller and Shin

Removing references to mitigation banking project eligibility for moneys in the habitat conservation account and the riparian protection account.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5348.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5348 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Crouse, Hope, Morris, Simpson and Williams.

SENATE BILL NO. 5348, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5417, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Franklin, Shin and Roach)

Requiring the disclosure of information on flood insurance coverage.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5417.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5417 and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert,

Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Crouse, Hope, Morris, Simpson and Williams.

SUBSTITUTE SENATE BILL NO. 5417, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Franklin, Shin and Haugen)

Requiring annuities sold in Washington to be suitable to the age and financial situation of the purchaser. Revised for 1st Substitute: Determining the suitability of annuities sold in Washington.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For Committee amendment, see Journal, 60 Day, March 13, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5671, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5671, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Crouse, Hope, Morris, Simpson and Williams.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

- SSB 5005 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Jacobsen and Swecker)
- AN ACT Relating to naturally raised beef cattle; adding a new chapter to Title 15 RCW; and prescribing penalties.
- Referred to Committee on Agriculture & Natural Resources.
- SB 5008 by Senators Hewitt, Hobbs, Honeyford, Schoesler, Zarelli, Parlette, Stevens, Kilmer, Hatfield, Swecker, Benton and Roach
- AN ACT Relating to hunting licensing requirements for members of the military; and amending RCW 77.32.155.
- Referred to Committee on Agriculture & Natural Resources.
- SSB 5035 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Hobbs, Swecker, Marr, Roach, Kastama, Kauffman, Kilmer, Hatfield, McAuliffe and Haugen)
- AN ACT Relating to improving veterans' access to services; and creating a new section.
- Referred to Committee on State Government & Tribal Affairs.
- SSB 5061 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senator Jacobsen)
- AN ACT Relating to enhancing the natural resource collections at the Washington park arboretum; adding new sections to chapter 28B.20 RCW; and creating a new section.
- Referred to Committee on Ecology & Parks.
- ESSB 5110 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Honeyford, Schoesler, McCaslin, Hewitt, Kohl-Welles, McDermott and Holmquist)
- AN ACT Relating to allowing wedding boutiques and art galleries to serve wine or beer to their customers who are twenty-one years of age or older; and adding a new section to chapter 66.12 RCW.
- Referred to Committee on Commerce & Labor.
- SB 5127 by Senators Jacobsen and Haugen
- AN ACT Relating to the governance of the department of fish and wildlife; amending RCW 43.17.020, 77.04.013, 77.04.055, 77.04.030, and 77.04.060; creating a new section; and providing an effective date.
- Referred to Committee on Agriculture & Natural Resources.
- SSB 5141 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Regala and Shin)
- AN ACT Relating to a pilot program to increase family participation in juvenile offender programs; adding a new section to chapter 13.40 RCW; creating new sections; and providing an expiration date.
- Referred to Committee on Human Services.
- SSB 5160 by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin and Tom)
- AN ACT Relating to service of notice from seizing law enforcement agencies; and amending RCW 69.50.505.
- Referred to Committee on Judiciary.
- SB 5173 by Senators Shin, Fairley, Kastama, Sheldon, McAuliffe, Brown, Pridemore, Delvin, Hobbs, McDermott, Jarrett, Kilmer, Jacobsen and Kohl-Welles
- AN ACT Relating to honorary doctorate degrees; and amending RCW 28B.35.205.
- Referred to Committee on Higher Education.
- SSB 5179 by Senate Committee on Government Operations & Elections (originally sponsored by Senator Haugen)
- AN ACT Relating to revaluation of property impacted by government restrictions; amending RCW 84.40.0301 and 84.41.090; and creating new sections.
- Referred to Committee on Finance.
- SSB 5219 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Regala, Hargrove, Kline, Brandland, Swecker, Stevens and King)
- AN ACT Relating to housing for populations at risk of being homeless, including those suffering from mental illness, those with criminal backgrounds, and those who may have chemical or alcohol dependency issues; creating a new section; and providing an expiration date.
- Referred to Committee on Local Government & Housing.
- SB 5303 by Senators Hobbs, Schoesler, Holmquist, Kilmer, Fraser and Roach
- AN ACT Relating to the transfer of public employees' retirement system plan 2 members to the school employees' retirement system plan 2; and amending RCW 41.40.750.
- Referred to Committee on Ways & Means.
- SSB 5318 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Kohl-Welles, Keiser, Jarrett and Franklin)
- AN ACT Relating to adding additional appropriate locations for the transfer of newborn children; amending RCW 13.34.360; and creating a new section.
- Referred to Committee on Early Learning & Children's Services.
- SSB 5343 by Senate Committee on Judiciary (originally sponsored by Senators Regala, Carrell and Kline)
- AN ACT Relating to exempting certified public accountants and enrolled agents from the restrictions on marketing estate distribution documents for certain purposes; and amending RCW 19.295.005, 19.295.010, and 19.295.020.
- Referred to Committee on Judiciary.
- SSB 5380 by Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Marr)
- AN ACT Relating to the statute of limitations for certain crimes; and amending RCW 9A.04.080.

Referred to Committee on Public Safety & Emergency Preparedness.

ESSB 5400 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Tom, Berkey, Benton, McCaslin, Shin, Roach and Kline)

AN ACT Relating to collection of debt; amending RCW 31.04.015 and 31.04.115; reenacting and amending RCW 19.16.250; and adding new sections to chapter 31.04 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 5424 by Senate Committee on Ways & Means (originally sponsored by Senators Parlette and Sheldon)

AN ACT Relating to interest rate and penalty provisions in the current use program; amending RCW 84.34.108 and 84.34.070; and creating a new section.

Referred to Committee on Finance.

SB 5453 by Senators Kastama and Franklin

AN ACT Relating to the relocation of a child in a domestic relations matter; and amending RCW 26.09.410.

Referred to Committee on Judiciary.

ESSB 5473 by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Kilmer, Pridemore, McAuliffe and Sheldon)

AN ACT Relating to streamlining development through the designation of projects of statewide significance; amending RCW 43.157.005, 43.157.010, 43.157.020, and 43.157.030; and declaring an emergency.

Referred to Committee on Community & Economic Development & Trade.

2SSB 5484 by Senate Committee on Ways & Means (originally sponsored by Senators Marr, Roach, Keiser, Tom, Hobbs, Kline, Oemig, Franklin, Shin, Kilmer and Kauffman)

AN ACT Relating to developmental screening for children; amending RCW 74.09.520; and creating a new section.

Referred to Committee on Health Care & Wellness.

SSB 5499 by Senate Committee on Transportation (originally sponsored by Senators Jarrett, Swecker, Haugen, Marr and Shin)

AN ACT Relating to bond amounts for department of transportation highway contracts; amending RCW 39.08.030; and providing an expiration date.

Referred to Committee on Transportation.

ESSB 5513 by Senate Committee on Transportation (originally sponsored by Senators Jarrett, Swecker, Delvin, Marr, Kilmer and Tom)

AN ACT Relating to law enforcement authority concerning civil infractions and unlawful transit conduct; amending RCW 7.80.090, 7.80.010, 9.91.025, 81.112.020, 81.112.210, 81.112.220, and 81.112.230; adding a new section to chapter 81.112 RCW; and prescribing penalties.

Referred to Committee on Transportation.

ESB 5519 by Senators Hargrove, Stevens and Regala

AN ACT Relating to reform of competency evaluation and competency restoration procedures; amending RCW 10.77.060, 10.77.065, 10.77.084, 10.77.086, 10.77.088, 10.77.163, 71.05.280, 71.05.290, 71.05.300, 71.05.320, 71.05.425, 71.09.025, 71.09.030, and 71.09.060; adding new sections to chapter 10.77 RCW; and creating a new section.

Referred to Committee on Human Services.

SB 5525 by Senators Carrell, Hargrove, Stevens, Regala, Brandland, Kauffman and McAuliffe

AN ACT Relating to rental vouchers to allow release from state institutions; amending RCW 9.94A.728 and 9.94A.728; adding a new section to chapter 9.94A RCW; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services.

SSB 5528 by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

AN ACT Relating to making technical nonsubstantive corrections to the initial point of contact program established in chapter 496, Laws of 2007; and amending RCW 26.09.003, 26.12.260, 2.56.180, and 26.09.020.

Referred to Committee on Judiciary.

E2SSB 5560 by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Swecker, Brown, Hargrove, Pridemore, Marr, Kilmer, Rockefeller, Kauffman, Haugen, Eide, Hobbs, Kohl-Welles, Jarrett, Fraser, Jacobsen and Murray)

AN ACT Relating to state agency climate leadership; amending RCW 43.19.565, 43.41.130, 43.19.675, 43.19.680, 43.41.170, and 39.35D.010; adding new sections to chapter 70.235 RCW; and creating new sections.

Referred to Committee on Ecology & Parks.

SB 5562 by Senators Morton, Hargrove, Jacobsen, Sheldon, Holmquist, Schoesler, Shin and Stevens

AN ACT Relating to protecting the ability of forest landowners to continue active forestry operations; amending RCW 7.48.305 and 7.48.310; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SSB 5565 by Senate Committee on Environment, Water & Energy (originally sponsored by Senator Rockefeller)

AN ACT Relating to limiting the use of certain solid fuel burning devices; and amending RCW 70.94.477.

Referred to Committee on Environmental Health.

SSB 5566 by Senate Committee on Ways & Means (originally sponsored by Senators Regala and Prentice)

AN ACT Relating to harmonizing excise tax statutes with the streamlined sales and use tax agreement in regards to direct sellers, telecommunications ancillary services, commercial parking taxes, and exemption certificates; and amending RCW 82.32.730, 82.08.050, 82.02.230, and 82.32.291.

Referred to Committee on Finance.

SB 5568 by Senators Tom, Rockefeller and Shin

AN ACT Relating to enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency; amending RCW 82.32.330; and adding a new section to chapter 82.32 RCW.

Referred to Committee on Finance.

ESSB 5583 by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Marr, Honeyford, Rockefeller, Morton, Fraser, Sheldon and Shin)

AN ACT Relating to improving the effectiveness of water bank authorization and exchange provisions; amending RCW 90.42.100, 90.42.040, and 90.42.080; adding new sections to chapter 90.42 RCW; adding a new section to chapter 90.03 RCW; and creating a new section.

Referred to Committee on Agriculture & Natural Resources.

SB 5599 by Senators McDermott, Oemig, Kohl-Welles, Pridemore, Marr, Brown, Tom, Kline, McAuliffe, Regala and Shin

AN ACT Relating to approving the entry of Washington into the agreement among the states to elect the president by national popular vote on the same terms and conditions as entered into by the states of Hawaii, Illinois, Maryland, and New Jersey; amending RCW 29A.56.320; adding a new section to chapter 29A.56 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

ESSB 5601 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Franklin)

AN ACT Relating to speech-language pathology assistants; amending RCW 18.35.010, 18.35.040, 18.35.095, 18.35.150, 18.35.205, and 18.35.260, and 18.130.040; adding new sections to chapter 18.35 RCW; and creating new sections.

Referred to Committee on Health Care & Wellness.

SSB 5610 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Delvin, Sheldon, Berkey, Jarrett and Shin)

AN ACT Relating to the release of driving record abstracts for employment purposes; and amending RCW 46.52.130.

Referred to Committee on Judiciary.

SSB 5638 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Swecker, Haugen, Hewitt, Schoesler and Shin)

AN ACT Relating to fire protection district contracts; and amending RCW 52.12.031.

Referred to Committee on Local Government & Housing.

SSB 5678 by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Hatfield)

AN ACT Relating to the use of milk products for animal food consumption; amending RCW 15.37.040, 15.37.120, and 15.53.901; adding new sections to chapter 15.37 RCW; repealing RCW 15.37.150; prescribing penalties; and providing an effective date.

Referred to Committee on Agriculture & Natural Resources.

SSB 5684 by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Ranker, Hatfield, Jarrett and Kline)

AN ACT Relating to environmental mitigation in highway construction; and adding a new section to chapter 47.01 RCW.

Referred to Committee on Transportation.

SB 5695 by Senators Oemig, Swecker, Ranker, Tom, Shin and Haugen

AN ACT Relating to the authority of the Washington state patrol to accept donations; and adding a new section to chapter 43.43 RCW.

Referred to Committee on State Government & Tribal Affairs.

SSB 5705 by Senate Committee on Government Operations & Elections (originally sponsored by Senator Swecker)

AN ACT Relating to voting rights in special districts; amending RCW 85.38.105 and 29A.04.330; and adding a new section to chapter 85.38 RCW.

Referred to Committee on Local Government & Housing.

SSB 5708 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Eide, Franklin and Kline)

AN ACT Relating to authorizing usage-based rating factors for motor vehicle insurance; adding a new section to chapter 48.19 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

ESSB 5716 by Senate Committee on Government Operations & Elections (originally sponsored by Senator McCaslin)

AN ACT Relating to election requirements for the creation of municipal wards; and amending RCW 35A.12.180.

Referred to Committee on Local Government & Housing.

SSB 5719 by Senate Committee on Transportation (originally sponsored by Senators Swecker and Brown)

AN ACT Relating to title and registration requirements for kit vehicles; and amending RCW 46.12.440 and 46.16.680.

Referred to Committee on Transportation.

ESSB 5742 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, McCaslin, Hobbs, Schoesler and Hatfield)

AN ACT Relating to crime-free rental housing; adding a new section to chapter 35.21 RCW; and creating a new section.

Referred to Committee on Judiciary.

SSB 5776 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators McDermott, Schoesler, Fairley, Oemig, Jarrett and Kohl-Welles)

AN ACT Relating to student fees, charges, and assessments; and amending RCW 28B.15.610.

Referred to Committee on State Government & Tribal Affairs.

SSB 5780 by Senate Committee on Transportation (originally sponsored by Senators Tom and Brandland)

AN ACT Relating to establishing chapter 46.55 RCW as the exclusive remedy for certain claims resulting from the impoundment of a motor vehicle; amending RCW 46.55.120; and creating a new section.

Referred to Committee on Judiciary.

SB 5804 by Senators Keiser, Franklin, Kohl-Welles and Kline

AN ACT Relating to voluntarily leaving part-time work; and amending RCW 50.20.050.

Referred to Committee on Commerce & Labor.

ESSB 5807 by Senate Committee on Ways & Means (originally sponsored by Senators Brandland, Fraser, McAuliffe, King, Oemig and Shin)

AN ACT Relating to use of capital projects funds by school districts; amending RCW 84.52.053; and reenacting and amending RCW 28A.320.330.

Referred to Committee on Capital Budget.

E2SSB 5809 by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

AN ACT Relating to workforce employment and training; amending RCW 50.16.010; adding a new section to chapter 28B.50 RCW; adding new sections to chapter 50.22 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Commerce & Labor.

ESB 5810 by Senators Kauffman, Berkey, Shin, Franklin, Keiser, Tom and Kohl-Welles

AN ACT Relating to foreclosures on deeds of trust; amending RCW 61.24.010, 61.24.040, and 61.24.060; reenacting and amending RCW 61.24.030; adding new sections to chapter 61.24 RCW; adding a new section to chapter 59.12 RCW; creating a new section; and providing an expiration date.

Referred to Committee on Judiciary.

SSB 5833 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Kohl-Welles, Hargrove and McDermott)

AN ACT Relating to protecting victims of sexual assault, unlawful harassment, and stalking; and amending RCW 59.18.570 and 59.18.575.

Referred to Committee on Judiciary.

ESB 5886 by Senator Kline

AN ACT Relating to legal proceedings involving public hazards; amending RCW 4.24.611 and 4.24.601; and creating a new section.

Referred to Committee on Judiciary.

ESSB 5892 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser and Shin)

AN ACT Relating to authorizing state purchased health care programs to maximize appropriate prescription drug use in a

cost-effective manner; amending RCW 69.41.190; and declaring an emergency.

Referred to Committee on Health Care & Wellness.

ESB 5894 by Senators Haugen and Parlette

AN ACT Relating to authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services; amending RCW 81.68.015, 81.84.010, 81.66.010, and 81.70.220; reenacting and amending RCW 46.74.010; creating a new section; and providing an expiration date.

Referred to Committee on Transportation.

E2SSB 5916 by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Rockefeller, Kauffman, Pridemore, Keiser, Marr, Hatfield, Delvin, Honeyford, Schoesler and Hewitt)

AN ACT Relating to broadband adoption and deployment; amending RCW 28B.32.010, 28B.32.020, 28B.32.030, and 43.105.350; adding new chapters to Title 43 RCW; creating a new section; recodifying RCW 28B.32.010, 28B.32.020, 28B.32.030, 28B.32.900, and 28B.32.901; providing an effective date; and declaring an emergency.

Referred to Committee on Technology, Energy & Communications.

SSB 5931 by Senate Committee on Judiciary (originally sponsored by Senators Murray, Delvin and Kline)

AN ACT Relating to licensed mental health practitioner privilege; and amending RCW 18.225.105 and 5.60.060.

Referred to Committee on Judiciary.

E2SSB 5943 by Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Stevens, Fairley, Regala, McAuliffe, Jarrett, Tom, Brandland, Kauffman, Kline, Delvin and Shin)

AN ACT Relating to performance-based contracts for the provision of child welfare services; amending RCW 74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025, 13.34.030, 13.34.065, 13.34.067, 13.34.069, 13.34.094, 13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390, 13.34.400, 41.06.142, 74.13.010, 74.13.031, 74.13.0311, 74.13.032, 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060, 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106, 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250, 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650, and 74.13.670; reenacting and amending RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new sections to chapter 74.13 RCW; adding a new section to chapter 43.10 RCW; adding a new section to chapter 26.44 RCW; creating a new section; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170; repealing RCW 13.34.803, 13.34.805, 13.34.8051,

13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Early Learning & Children's Services.

SSB 5957 by Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen and Fraser)

AN ACT Relating to the department of natural resources' authority to manage urban commercial lands; amending RCW 79.17.010, 79.17.020, 79.17.200, 79.19.010, and 79.19.020; adding a new section to chapter 79.10 RCW; adding a new section to chapter 79.19 RCW; and creating new sections.

Referred to Committee on Agriculture & Natural Resources.

SSB 5987 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove and Shin)

AN ACT Relating to department of corrections training; amending RCW 43.101.220; adding a new section to chapter 43.10 RCW; and creating a new section.

Referred to Committee on Human Services.

SSB 6000 by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Fraser, Benton, Tom and Roach)

AN ACT Relating to real estate disclosure requirements regarding homeowners' associations; and amending RCW 64.06.015, 64.06.020, and 64.06.040.

Referred to Committee on Judiciary.

E2SSB 6015 by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Delvin and Marr)

AN ACT Relating to the director of commercialization and innovation within the office of the governor; adding a new chapter to Title 43 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

SSB 6016 by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Benton, McAuliffe, Swecker, McDermott, Roach, Delvin, Stevens, Honeyford, McCaslin, Morton and Shin)

AN ACT Relating to training for educators to identify students with dyslexia; adding a new section to chapter 28A.300 RCW; and creating a new section.

Referred to Committee on Education.

SSB 6024 by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove, McAuliffe, Stevens and Carrell)

AN ACT Relating to applications for public assistance from persons currently ineligible to receive assistance; amending RCW 74.08.060; and providing an effective date.

Referred to Committee on Early Learning & Children's Services.

ESSB 6035 by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, McDermott, Franklin, Keiser, Jacobsen, Fraser, Regala, Haugen, Murray, Kline and McAuliffe)

AN ACT Relating to retrospective rating plans; amending RCW 51.18.030; adding new sections to chapter 51.18 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

ESSB 6037 by Senate Committee on Government Operations & Elections (originally sponsored by Senators Fairley and Pridemore)

AN ACT Relating to removing oversight of the department of licensing from specific businesses and professions; amending RCW 19.31.020, 19.31.030, 19.31.070, 19.31.090, 19.31.160, 19.31.180, 19.31.190, 19.31.250, 79A.60.400, 79A.60.420, 79A.60.430, 79A.60.440, 79A.60.450, 19.138.010, 19.138.021, 19.138.140, 19.138.160, 19.138.270, 19.158.020, 19.158.040, 19.158.070, 19.158.090, 19.158.110, 19.158.120, 19.105.300, 19.105.336, 19.105.340, 19.105.370, 19.105.390, 19.105.400, 19.105.470, 19.105.480, 19.105.490, 19.105.500, 18.11.050, 18.11.070, 18.11.100, 18.11.121, 18.11.130, 18.11.140, 18.11.220, 18.11.240, 18.11.260, 18.235.020, 43.24.150, 7.60.025, 7.60.025, 36.71.070, 46.70.011, 46.70.051, and 50.04.232; adding a new section to chapter 19.31 RCW; creating a new section; repealing RCW 19.31.050, 19.31.080, 19.31.100, 19.31.110, 19.31.120, 19.31.130, 19.31.140, 19.31.210, 19.31.245, 19.31.270, 19.31.910, 79A.60.410, 79A.60.480, 79A.60.485, 79A.60.490, 79A.60.498, 19.138.100, 19.138.110, 19.138.120, 19.138.130, 19.138.170, 19.138.1701, 19.138.180, 19.138.200, 19.138.240, 19.138.250, 19.138.260, 19.138.310, 19.138.330, 19.138.904, 19.158.050, 19.158.080, 19.158.150, 19.158.170, 19.158.901, 19.105.310, 19.105.320, 19.105.325, 19.105.330, 19.105.333, 19.105.345, 19.105.350, 19.105.360, 19.105.365, 19.105.380, 19.105.411, 19.105.420, 19.105.430, 19.105.440, 19.105.470, 19.105.520, 19.105.530, 19.105.540, 19.105.550, 19.105.560, 19.105.930, 18.11.060, 18.11.075, 18.11.085, 18.11.095, 18.11.150, 18.11.160, 18.11.170, 18.11.180, 18.11.190, 18.11.200, 18.11.205, 18.11.210, 18.11.270, 18.11.280, 18.11.901, 18.11.903, and 35.21.690; and providing an effective date.

Referred to Committee on Commerce & Labor.

SSB 6052 by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Pflug)

AN ACT Relating to health benefit plans offering coverage for surgical treatment of morbid obesity; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health Care & Wellness.

SB 6068 by Senators Swecker, Haugen, King and Shin

AN ACT Relating to the definition of "conviction" for purposes of the uniform commercial driver's license act; amending RCW 46.20.270; and reenacting and amending RCW 46.25.010.

Referred to Committee on Transportation.

SB 6070 by Senator Hatfield

AN ACT Relating to disposal of dredged riverbed materials from the Mt. St. Helen's eruption; and amending RCW 79.140.120.

Referred to Committee on Agriculture & Natural Resources.

SSB 6088 by Senate Committee on Transportation (originally sponsored by Senators Fraser, Swecker, Haugen, Eide, Marr, Sheldon, Berkey, Benton and Shin)

AN ACT Relating to commute trip reduction for state agencies; amending RCW 70.94.541, 70.94.547, and 70.94.551; and creating a new section.

Referred to Committee on Transportation.

SJR 8209 by Senators Zarelli, Brown, Pflug, Carrell, Parlette, Swecker, Hewitt, Morton, Delvin, Stevens, King, Schoesler, Brandland and Becker

Requiring extraordinary revenue growth to be transferred to the budget stabilization account.

Referred to Committee on Ways & Means.

SSCR 8404 by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Jarrett, Hewitt, Delvin, Jacobsen, Shin and Pflug)

Providing for the 2008-2018 state comprehensive plan for workforce training.

Referred to Committee on Higher Education.

There being no objection, the bills and resolutions listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 5221, and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 16, 2009, the 64th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTY FOURTH DAY

House Chamber, Olympia, Monday, March 16, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Trenton Turner and Laexander Vaith. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor George Bedlion, Bethany Baptist Church, Puyallup.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 5221, by Senators Tom, Honeyford, Kohl-Welles, Haugen, Kilmer and Holmquist

Regarding distressed property conveyances.

The bill was read the second time.

With the consent of the House, amendment (429) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5221.

MOTIONS

On motion of Representative Santos, Representatives Hurst, Upthegrove and Williams were excused. On motion of Representative Hinkle, Representatives Campbell, Condotta, Crouse, Ross and Walsh were excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5221 and the bill passed the House by the following vote: Yeas, 89; Nays, 0; Absent, 0; Excused, 8.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Campbell, Condotta, Crouse, Hurst, Ross, Upthegrove, Walsh and Williams.

SENATE BILL NO. 5221, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Judiciary was relieved of ENGROSSED SENATE BILL NO. 5519, and the bill was referred to the Committee on Human Services.

There being no objection, the Committee on Technology, Energy & Communications was relieved of SENATE BILL NO. 5560, and the bill was referred to the Committee on Ecology & Parks.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 17, 2009, the 65th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTY FIFTH DAY

House Chamber, Olympia, Tuesday, March 17, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

March 16, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5164,
SENATE BILL NO. 5348,

SUBSTITUTE SENATE BILL NO. 5417,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 17, 2009

SSB 5130 Prime Sponsor, Committee on Human Services & Corrections: Regarding prisoner access to public records. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.56 RCW to read as follows:

(1) The inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities or persons directly connected to such persons may be enjoined pursuant to this section.

(a) The injunction may be requested by: (i) An agency or its representative; (ii) a person named in the record or his or her representative; or (iii) a person to whom the requests specifically pertains or his or her representative.

(b) The request must be filed in: (i) The superior court in which the movant resides; or (ii) the superior court in the county in which the record is maintained.

(c) In order to issue an injunction, the court must find that:

(i) The request was made to harass or intimidate the agency or its employees;

(ii) Fulfilling the request would likely threaten the security of correctional facilities;

(iii) Fulfilling the request would likely threaten the safety or security of staff, inmates, family members of staff, family members of other inmates, or any other person; or

(iv) Fulfilling the request may assist criminal activity.

(2) In deciding whether to enjoin a request under subsection (1) of this section, the court may consider all relevant factors including, but not limited to:

(a) Other requests by the requestor;

(b) The type of record or records sought;

(c) Statements offered by the requestor concerning the purpose for the request;

(d) Whether disclosure of the requested records would likely harm any person or vital government interest;

(e) Whether the request seeks a significant and burdensome number of documents;

(f) The impact of disclosure on correctional facility security and order, the safety or security of correctional facility staff, inmates, and others; and

(g) The deterrence of criminal activity.

(3) The motion proceeding described in this section shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise. Upon a showing by a preponderance of the evidence, the court may enjoin all or any part of a request or requests. Based on the evidence, the court may also enjoin, for a period of time the court deems reasonable, future requests by:

(a) The same requestor;

(b) An entity owned or controlled in whole or in part by the same requestor;

(c) A family member of the requestor; or

(d) An acquaintance of the requestor.

(4) An agency shall not be liable for penalties under RCW 42.56.550(4) for any period during which an order under this section is in effect, including during an appeal of an order under this section, regardless of the outcome of the appeal.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representative Flannigan.

March 17, 2009

ESSB 5344 Prime Sponsor, Committee on Environment, Water & Energy: Concerning emergency response towing vessels. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the northern coast of the Olympic Peninsula and Washington's west coast from Cape Flattery south to Cape Disappointment:

(a) Possess uniquely rich and highly vulnerable biological, marine, and cultural resources supporting some of the nation's most valuable commercial, sport, and tribal fisheries;

(b) Sustain endangered species and numerous species of vulnerable marine mammals; and

(c) Are internationally recognized through extraordinary designations including a world heritage site, a national park, a national marine sanctuary, national wildlife refuges, a maritime area off-limits to shipping, and tribal lands and fishing areas of federally recognized coastal Indian tribes.

(2) The legislature further finds that these coasts are periodically beset by severe storms with dangerously high seas and by strong currents, obscuring fog, and other conditions that imperil vessels and crews. When vessels suffer damage or founder, the coasts are likewise imperiled, particularly if oil is spilled into coastal waters. Oil spills pose great potential risks to treasured resources.

(3) The legislature further finds that Washington has maintained an emergency response tug at Neah Bay since 1999 to protect state

waters from maritime casualties and resulting oil spills. The tug is necessary because of the peculiarities of local waters that call for special precautionary measures. The tug has demonstrated its necessity and capability by responding to forty-two vessels in need of assistance. State funding for the tug is scheduled to end June 30, 2009.

(4) The legislature intends that the maritime industry should provide and fully fund at least one year-round emergency response tug at Neah Bay, with necessary logistical and operational support, and that any tug provided by the maritime industry pursuant to this act should meet or exceed technical performance requirements specified in the state's fiscal year 2009 contract for the Neah Bay emergency response tug.

Sec. 2. RCW 88.46.130 and 1991 c 200 s 426 are each amended to read as follows:

(1) By July 1, 2010, the owner or operator of a covered vessel transiting to or from a Washington port through the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks light, shall establish and fund an emergency response system ((for the Strait of Juan de Fuca shall be established by July 1, 1992)) that provides for an emergency response towing vessel to be stationed at Neah Bay. ((In establishing the emergency response system, the administrator shall consider the recommendations of the regional marine safety committees. The administrator shall also consult with the province of British Columbia regarding its participation in the emergency response system.))

(2) Any emergency response towing vessel provided under this section must:

(a) Be available to serve vessels in distress in the Strait of Juan de Fuca and off of the western coast of the state from Cape Flattery light in Clallam county south to Cape Disappointment light in Pacific county; and

(b) Meet the requirements specified in section 3 of this act.

(3) In addition to meeting requirements specified in RCW 88.46.060, contingency plans for covered vessels operating in the Strait of Juan de Fuca must provide for the emergency response system required by this section. Documents describing how compliance with this section will be achieved must be submitted to the department by December 1, 2009. An initial contingency plan submitted to the department after December 1, 2009, must be accompanied by documents demonstrating compliance with this section.

(4) The requirements of this section are met if:

(a) Owners or operators of covered vessels provide an emergency response towing vessel that complies with subsection (2) of this section; or

(b) The United States government implements a system of protective measures that the department determines to be substantially equivalent to the requirements of this section as long as the emergency response towing vessel required by this section is stationed at Neah Bay.

NEW SECTION. Sec. 3. A new section is added to chapter 88.46 RCW to read as follows:

(1) An emergency response towing vessel that is a part of the emergency response system required by RCW 88.46.130 must be stationed at Neah Bay and be available to respond to vessel emergencies. The towing vessel must be able to satisfy the following minimum planning standards:

(a) Be underway within twenty minutes of a decision to deploy;

(b) Be able to deploy at any hour of any day to provide emergency assistance within the capabilities of the minimum planning standards and be safely manned to remain underway for at least forty-eight hours;

(c) In severe weather conditions, be capable of making up to, stopping, holding, and towing a drifting or disabled vessel of one hundred eighty thousand metric dead weight tons;

(d) In severe weather conditions, be capable of holding position within one hundred feet of another vessel;

(e) Be equipped with and maneuverable enough to effectively employ a ship anchor chain recovery hook and line throwing gun;

(f) Be capable of a bollard pull of at least seventy short tons; and

(g) Be equipped with appropriate equipment for:

(i) Damage control patching;

(ii) Vessel dewatering;

(iii) Air safety monitoring; and

(iv) Digital photography.

(2) The requirements of this section may be fulfilled by one or more private organizations or nonprofit cooperatives providing umbrella coverage under contract to single or multiple covered vessels.

(3)(a) The department must be authorized to contract with the emergency response towing vessel, at the discretion of the department, in response to a potentially emerging maritime casualty or as a precautionary measure during severe storms. All instances of use by the department must be paid for by the department.

(b) Covered vessels that are required to provide an emergency response towing vessel under RCW 88.46.130 may not restrict the emergency response towing vessel from responding to distressed vessels that are not covered vessels.

(4) Nothing in this section limits the ability of a covered vessel to contract with an emergency response towing vessel with capabilities that exceed the minimum capabilities provided for a towing vessel in this section.

(5) The covered vessel owner or operator shall submit a written report to the department as soon as practicable regarding an emergency response system deployment, including photographic documentation determined by the department to be of adequate quality. The report must provide a detailed description of the incident necessitating a response and the actions taken to render assistance under the emergency response system.

NEW SECTION. Sec. 4. A new section is added to chapter 88.46 RCW to read as follows:

(1) It is the intent of the legislature to provide the various components of the maritime industry with the tools necessary to satisfy the requirements of RCW 88.46.130 in the most cost-effective manner. In doing, the legislature encourages, but does not mandate, the maritime industry to unite behind their mutual interests and responsibilities and identify or form a single umbrella organization that allows all affected covered vessels to equitably share the costs inherent in the implementation of RCW 88.46.130.

(2) The legislature further finds that, given the broad range of covered vessel types and sizes, an equitable sharing of the costs of implementing RCW 88.46.130 will likely mean that not all covered vessels will be responsible for providing the same amount of funding. Any umbrella organization that is identified or formed to satisfy the requirements of this act should consider the multitude of factors that comprise the risk of vessel emergencies and the likelihood of initiating a response from the emergency response vessel required by RCW 88.46.130.

(3) The legislature intends to provide the authority for any operator of a covered vessel that feels as though an umbrella organization that is identified, formed, or proposed for formation does not equitably share the costs of compliance with RCW 88.46.130 with the covered vessel in question, or the class of vessel to which the covered vessel belongs, to either contract directly with an adequate emergency response vessel or form or join a discreet umbrella organization representing the appropriate segment of the maritime industry. However, if the operator of a covered vessel chooses not to join a proposed or existing umbrella organization, or finds that negotiations leading to the formation of an umbrella organization are not progressing in an adequate manner, the legislature requests, but does not require, that the vessel operator contact the department and provide official notice of their concern as to how the umbrella group in question failed in establishing an equitable cost-share strategy.

(4) The department shall collect and maintain all notices received under this section and shall summarize any reports received by the operators of covered vessels and report the summation to the appropriate committees of the legislature upon request by a legislative committee.

NEW SECTION. Sec. 5. (1) Designated representatives of the owners and operators of all classes of covered vessels shall negotiate, given the intent of section 4 of this act, a system to determine the equitable apportionment of costs of the emergency response system required by this act.

(2) Participants to the negotiations shall provide interim progress reports to the appropriate committees of the legislature by October 31, 2009, and again by December 1, 2009, the latter date coinciding with the deadline for contingency plans for covered vessels operating in the Strait of Juan de Fuca to provide for the emergency response system required by RCW 88.46.130. These reports shall provide available information relating to:

(a) The anticipated average annual cost of providing the emergency response system;

(b) The methodology for determining the anticipated average annual cost for each class of covered vessel, including:

(i) A system for crediting enhanced navigational or structural characteristics;

(ii) Appropriate limits on total cost for vessels that frequently transit the Strait of Juan de Fuca, except for transits extending no further west than Race Rocks light; and

(iii) Consideration of current economic conditions; and

(c) Any impediment to equitable apportionment of costs.

(3) As used in this section, "class of covered vessel" means:

(a) Oil tankers;

(b) Tank barges;

(c) Tug and oil barge combinations;

(d) Cargo vessels;

(e) Passenger vessels; and

(f) Other covered vessels.

(4) If the representatives designated under this section to participate in negotiations fail to achieve the goals of this section or otherwise choose not to report the outcomes to the legislature, the department of ecology shall, by December 1, 2009, deliver the summation of any reports received under section 4 of this act.

(5) This section expires June 30, 2010.

NEW SECTION. Sec. 6. A new section is added to chapter 88.46 RCW to read as follows:

(1) As part of reviewing contingency plans submitted under RCW 88.46.130, the department may determine the adequacy of the emergency response system required in RCW 88.46.130 through practice drills that test compliance with the requirements of section 3 of this act. Practice drills may be conducted without prior notice.

(2) Each successful response to a vessel emergency may be considered by the department to satisfy a drill covering this portion of a covered vessel's contingency plan.

(3) Drills of the emergency response system required in RCW 88.46.130 must emphasize the system's ability to respond to a potentially worst case vessel emergency scenario.

Sec. 7. RCW 88.46.010 and 2007 c 347 s 5 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Best achievable protection" means the highest level of protection that can be achieved through the use of the best achievable technology and those staffing levels, training procedures, and operational methods that provide the greatest degree of protection achievable. The director's determination of best achievable protection shall be guided by the critical need to protect the state's natural resources and waters, while considering (a) the additional protection provided by the measures; (b) the technological achievability of the measures; and (c) the cost of the measures.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection taking into consideration (a) processes that are being developed, or could feasibly be developed, given overall reasonable expenditures on research and development, and (b) processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(6) "Department" means the department of ecology.

(7) "Director" means the director of the department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that transfers oil in bulk to or from a tank vessel or pipeline, that is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any: (i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state; (ii) retail motor vehicle motor fuel outlet; (iii) facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; (iv) underground storage tank regulated by the department or a local government under chapter 90.76 RCW; or (v) marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a covered vessel, in a single transaction.

(10) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(11) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(12) "Oil" or "oils" means oil of any kind that is liquid at atmospheric temperature and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499.

(13) "Offshore facility" means any facility located in, on, or under any of the navigable waters of the state, but does not include a facility any part of which is located in, on, or under any land of the state, other than submerged land. "Offshore facility" does not include a marine facility.

(14) "Onshore facility" means any facility any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(15)(a) "Owner or operator" means (i) in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; (ii) in the case of an onshore or offshore facility, any person owning or operating the facility; and (iii) in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(16) "Passenger vessel" means a ship of three hundred or more gross tons with a fuel capacity of at least six thousand gallons carrying passengers for compensation.

(17) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(18) "Race Rocks light" means the nautical landmark located southwest of the city of Victoria, British Columbia.

(19) "Severe weather conditions" means observed nautical conditions with sustained winds measured at forty knots and wave heights measured between twelve and eighteen feet.

(20) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

((19)) (21) "Spill" means an unauthorized discharge of oil into the waters of the state.

((20)) (22) "Strait of Juan de Fuca" means waters off the northern coast of the Olympic Peninsula seaward of a line drawn from New Dungeness light in Clallam county to Discovery Island light on Vancouver Island, British Columbia, Canada.

(23) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

((21)) (24) "Vessel emergency" means a substantial threat of pollution originating from a covered vessel, including loss or serious degradation of propulsion, steering, means of navigation, primary electrical generating capability, and seakeeping capability.

(25) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

((22)) (26) "Worst case spill" means: (a) In the case of a vessel, a spill of the entire cargo and fuel of the vessel complicated by adverse weather conditions; and (b) in the case of an onshore or offshore facility, the largest foreseeable spill in adverse weather conditions.

NEW SECTION. Sec. 8. (1) The director of the department of ecology, or the director's designee, shall initiate discussions with the director's equivalent position in the government for the Canadian province of British Columbia to explore options for Washington and British Columbia to share the marine response assets required under this act.

(2) Any progress or outcomes from the discussions initiated under this section must be reported to the appropriate committees of the legislature no later than January 1, 2011.

(3) This section expires July 31, 2011.

Sec. 9. RCW 90.56.500 and 1991 c 200 s 805 are each amended to read as follows:

(1) The state oil spill response account is created in the state treasury. All receipts from RCW 82.23B.020(1) shall be deposited in the account. All costs reimbursed to the state by a responsible party or any other person for responding to a spill of oil shall also be deposited in the account. Moneys in the account shall be spent only after appropriation. The account is subject to allotment procedures under chapter 43.88 RCW.

(2) The account shall be used exclusively to pay for:

(a) The costs associated with the response to spills of crude oil or petroleum products into the navigable waters of the state; and

(b) The costs associated with the department's use of the emergency response towing vessel as described in section 3 of this act.

(3) Payment of response costs under subsection (2)(a) of this section shall be limited to spills which the director has determined are likely to exceed fifty thousand dollars.

(4) Before expending moneys from the account, the director shall make reasonable efforts to obtain funding for response costs under subsection (2) of this section from the person responsible for the spill and from other sources, including the federal government.

(5) Reimbursement for response costs shall be allowed only for costs which are not covered by funds appropriated to the agencies responsible for response activities. Costs associated with the response to spills of crude oil or petroleum products shall include:

((1)) (a) Natural resource damage assessment and related activities;

((2)) (b) Spill related response, containment, wildlife rescue, cleanup, disposal, and associated costs;

((3)) (c) Interagency coordination and public information related to a response; and

((4)) (d) Appropriate travel, goods and services, contracts, and equipment.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt and Shea.

March 13, 2009

ESSB 5595 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Addressing the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse and Green.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Health Care & Wellness was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, and the bill was referred to the Committee on Ways & Means.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 18, 2009, the 66th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTY SIXTH DAY

House Chamber, Olympia, Wednesday, March 18, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emily Estabrook and Carolyn Maples. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Dennis Flannigan.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4638, by Representative Carlyle

WHEREAS, Seattle's first newspaper, the Seattle Post-Intelligencer, was founded in 1863 and has invigorated our democracy, fought public and private sector corruption, nourished the cause of fairness and equality, and elevated our state's public dialogue about critical issues; and

WHEREAS, The newspaper's talented, eclectic, and dedicated writers were its soul, and the Seattle P-I's historic significance flows from these ink-stained women and men and their uncompromising pursuit of the truth, of democratic values, and of stellar, inspired writing; and

WHEREAS, The Seattle P-I both informed us about compelling issues that affected the people of the Pacific Northwest and challenged various institutional bullies and heavyweights regardless of the outcome; and

WHEREAS, The staff of the Seattle P-I won Pulitzer Prizes and other distinguished awards that reflected the newspaper's honorable pursuit of the public interest; and

WHEREAS, It is in the public interest of Seattle, Washington state, and the nation to have a vigilant, independent media industry as was epitomized by the Seattle P-I and other such truth-seeking organizations; and

WHEREAS, Though the iconic globe atop the Seattle P-I's waterfront headquarters represents a new generation of news and information technology, the Seattle P-I will forever represent the best ideals of an engaged citizenry and world class journalism regardless of form;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington recognize the Seattle Post-Intelligencer's distinguished history of service, its legacy as a platform for debate, investigation, and public information, and its role in having breathed life into the civic culture of the Pacific Northwest.

Representative Carlyle moved adoption of House Resolution No. 4638.

Representatives Carlyle and Ericksen spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4638 was adopted.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 2314 by Representatives Seaquist, Rolfes, Smith, Bailey, Nelson, Angel, Green, Finn, Kagi, Appleton, Warnick, Johnson and Haigh

AN ACT Relating to ferry system accountability; adding a new section to chapter 47.60 RCW; and creating a new section.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

March 17, 2009

SSB 5009 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Creating a military service exemption for benefits charged to the experience rating accounts of employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 17, 2009

SB 5125 Prime Sponsor, Senator Hewitt: Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

March 16, 2009

SB 5153 Prime Sponsor, Senator Kline: Creating the uniform foreign-country money judgments recognition act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 4, line 2, after "involved a" strike all material through "relief]" on line 3 and insert "cause of action"

On page 4, line 6, after "involved a" strike all material through "relief]" on line 7 and insert "cause of action"

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Passed to Committee on Rules for second reading.

March 16, 2009

SSB 5171 Prime Sponsor, Committee on Judiciary: Modifying the Washington principal and income act of 2002. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 10, after "payment" strike "as of the first business day of the accounting period" and insert "~~(as of the first business day of the accounting period)~~ according to the most recent statement of value preceding the beginning of the accounting period"

On page 3, line 8, after "equal" strike "three" and insert "four"

On page 3, beginning on line 20, strike all of section 2

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

Passed to Committee on Rules for second reading.

March 16, 2009

SB 5233 Prime Sponsor, Senator Delvin: Addressing county elected officials keeping offices at the county seat. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 16, 2009

SSB 5267 Prime Sponsor, Committee on Government Operations & Elections: Regarding the issuance of checks by joint operating agencies and public utility districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 16, 2009

SB 5322 Prime Sponsor, Senator Fairley: Creating a five-member option for civil service commissions for sheriffs' offices. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 16, 2009

SB 5374 Prime Sponsor, Senator Fairley: Regarding the board of directors of an air pollution control authority. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority

Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

March 17, 2009

Mr. Speaker:

The President has signed SENATE BILL NO. 5221 and the same is herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

SUBSTITUTE SENATE BILL NO. 5130, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Carrell, Hargrove, Swecker, Hatfield, Holmquist, Brandland, Sheldon, Tom, King, Hobbs, McCaslin, Stevens and Marr)

Regarding prisoner access to public records.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was not adopted. (For committee amendment, see Journal, Day 65, March 18, 2009.)

Representative Armstrong moved the adoption of amendment (430):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 42.56 RCW to read as follows:

(1) The inspection or copying of any nonexempt public record by persons serving criminal sentences in state, local, or privately operated correctional facilities may be enjoined pursuant to this section.

(a) The injunction may be requested by: (i) An agency or its representative; (ii) a person named in the record or his or her representative; or (iii) a person to whom the requests specifically pertains or his or her representative.

(b) The request must be filed in: (i) The superior court in which the movant resides; or (ii) the superior court in the county in which the record is maintained.

(c) In order to issue an injunction, the court must find that:

(i) The request was made to harass or intimidate the agency or its employees;

(ii) Fulfilling the request would likely threaten the security of correctional facilities;

(iii) Fulfilling the request would likely threaten the safety or security of staff, inmates, family members of staff, family members of other inmates, or any other person; or

(iv) Fulfilling the request may assist criminal activity.

(2) In deciding whether to enjoin a request under subsection (1) of this section, the court may consider all relevant factors including, but not limited to:

(a) Other requests by the requestor;

(b) The type of record or records sought;

(c) Statements offered by the requestor concerning the purpose for the request;

(d) Whether disclosure of the requested records would likely harm any person or vital government interest;

(e) Whether the request seeks a significant and burdensome number of documents;

(f) The impact of disclosure on correctional facility security and order, the safety or security of correctional facility staff, inmates, or others; and

(g) The deterrence of criminal activity.

(3) The motion proceeding described in this section shall be a summary proceeding based on affidavits or declarations, unless the court orders otherwise. Upon a showing by a preponderance of the evidence, the court may enjoin all or any part of a request or requests. Based on the evidence, the court may also enjoin, for a period of time the court deems reasonable, future requests by:

(a) The same requestor; or

(b) An entity owned or controlled in whole or in part by the same requestor.

(4) An agency shall not be liable for penalties under RCW 42.56.550(4) for any period during which an order under this section is in effect, including during an appeal of an order under this section, regardless of the outcome of the appeal.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Appleton moved the adoption of amendment (431) to amendment (430):

On page 2, line 16 of the striking amendment, after "(3)" insert "(a)"

On page 2, at the beginning of line 22 of striking amendment, strike "(a)" and insert "(i)"

On page 2, at the beginning of line 23 of the striking amendment, strike "(b)" and insert "(ii)"

On page 2, after line 24 of striking amendment, insert the following:

"(b) The requestor may request review of the injunction by the court within forty-five days of the court's order."

Representative Appleton spoke in favor of the adoption of the amendment to amendment (430).

Representative Hunt against the adoption of the amendment to amendment (430).

Amendment (431) to amendment (430) was not adopted.

Representatives Armstrong and Hunt spoke in favor of the adoption of amendment (430).

Amendment (430) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5130, as amended by the House.

MOTION

On motion of Representative Santos, Representative Linville was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5130, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood, and Mr. Speaker.

Voting nay: Representatives Appleton and Flannigan.

Excused: Representative Linville.

SUBSTITUTE SENATE BILL NO. 5130, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5344, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Ranker, Swecker, Rockefeller, Marr, Hargrove, Pridemore, Fraser, Shin, McDermott and Kilmer)

Providing an emergency response system for the Strait of Juan de Fuca. Revised for 1st Substitute: Concerning emergency response towing vessels.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ecology & Parks was adopted. (For committee amendment, see Journal, Day 65, March 17, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Van De Wege spoke in favor of the passage of the bill.

Representative Short spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5344, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5344, as amended by the House, and the bill passed the House by the following vote: Yeas, 74; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Driscoll, Grant-Herriot, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Ross, Schmick, Shea, Short, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5344, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5595, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Keiser, King, Marr, Honeyford and Kohl-Welles)

Addressing the termination, cancellation, or nonrenewal of franchises between new motor vehicle dealers and manufacturers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5595.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5595 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5595, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Roberts to preside.

There being no objection, the House advanced to the eleventh order of business.

COMMITTEE APPOINTMENTS

The Speaker (Representative Roberts presiding) announced the following changes to committee appointments:

Representative DeBolt was appointed to the Committee on Technology, Energy & Communications.

There being no objection, the House adjourned until 9:55 a.m., March 19, 2009, the 67th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTY SEVENTH DAY

House Chamber, Olympia, Thursday, March 19, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

HB 2315 by Representatives Takko and Dameille

AN ACT Relating to forest fire protection assessment refunds; amending RCW 76.04.610; creating new sections; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Natural Resources.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

March 17, 2009

SSB 5040 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Clarifying and prescribing penalties for gambling under the age of eighteen. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 14, after "(3)" strike all material through "13.04.030" on line 16 and insert "The juvenile court divisions in superior courts within the state have jurisdiction for enforcement of this section"

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 17, 2009

SSB 5273 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding the practice of landscape architecture. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

March 17, 2009

SB 5298 Prime Sponsor, Senator Regala: Removing the penalty language from natural resource civil infractions. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson,

Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

March 19, 2009

Mr. Speaker:

The President has signed: ENGROSSED SUBSTITUTE SENATE BILL NO. 5595, and the same is herewith transmitted.
Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SENATE BILL NO. 5164
SENATE BILL NO. 5221
SENATE BILL NO. 5348
SUBSTITUTE SENATE BILL NO. 5417
ENGROSSED SUBSTITUTE SENATE BILL NO. 5595

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 23, 2009, the 68th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SIXTY EIGHTH DAY

House Chamber, Olympia, Friday, March 20, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Amos and Kayla Yotter. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Jim Erlandson, Community of Christ, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4639, by Representative Morris

WHEREAS, We are all judged by how we react in the face of adversity that each of us must overcome in our lifetimes; and

WHEREAS, These tests of character show our true colors – whether we run and hide, or whether we encounter and conquer these obstacles; and

WHEREAS, We are here today to recognize someone who overcame great hardship in her own life, someone that not only knocked down barriers, but became an example to others in the process; and

WHEREAS, A heart attack struck sixteen year old Logan Olson in 2001, and she suddenly had to contend with a very grown-up situation; and

WHEREAS, Logan battled back, fighting through a coma and confronting seven months of rehabilitation during which she had to relearn the basic skills we take for granted; and

WHEREAS, Logan continued the day-to-day process of recovery after she left the hospital; and

WHEREAS, While she continued the fight for normalcy, Logan sought comfort in the personal effects she enjoyed before her hospital stay; and

WHEREAS, A tube of lipstick is tough to use with an unsteady hand, and designer jeans won't button when fingers don't cooperate; and

WHEREAS, Logan and her mom, Laurie, searched for a resource that catered to young women with disabilities – a publication that would advise people in Logan's shoes about things like shoes and a young woman with Logan's make up talking about makeup; and

WHEREAS, Because nothing like that existed, Logan and Laurie took matters into their own hands and created Logan Magazine in 2004 – a publication that features young women like Logan; and

WHEREAS, The magazine covers everything from tips on easy-to-handle clothes and makeup, to stories of inspiration about other young people who have overcome disabilities; and

WHEREAS, It has expanded throughout the United States and into other countries, spreading disability awareness with informative and heartwarming personal success stories and current events; and

WHEREAS, There are only two people that grace the cover of their own magazine – Oprah and Logan;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor Logan and Laurie Olson for the service and inspiration they provide us as they break down barriers for others with disabilities, and remind all of us who face adversity to "Live Out Loud."

HOUSE RESOLUTION NO. 4639 was adopted.

INTRODUCTION AND FIRST READING

HB 2316 by Representatives Williams, Chase, Hasegawa, Nelson, Ormsby, Sells, Simpson and Wood

AN ACT Relating to lobbying restrictions; and amending RCW 42.17.230.

Referred to Committee on State Government & Tribal Affairs.

HB 2317 by Representatives Campbell, McCune and Flannigan

AN ACT Relating to amateur radio operator license plates; and amending RCW 46.16.305.

Referred to Committee on Transportation.

HB 2318 by Representatives Sells, Ericks, Kenney, Liias, Simpson, Hope, McCoy, Conway and Roberts

AN ACT Relating to the aerospace workforce futures act; adding a new chapter to Title 28B RCW; and declaring an emergency.

Referred to Committee on Higher Education.

HB 2319 by Representatives Hunter, Eddy and Liias

AN ACT Relating to the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor and the Interstate 90 floating bridge; adding new sections to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

March 17, 2009

SSB 5012 Prime Sponsor, Committee on Judiciary: Directing the Washington state patrol to develop a plan to assist in the recovery of missing persons. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 17, 2009

SB 5074 Prime Sponsor, Senator Marr: Concerning scoliosis screening in schools. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen,

Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

March 18, 2009

SSB 5151 Prime Sponsor, Committee on Judiciary: Authorizing the appointment of court commissioners to assist with criminal cases. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member and Warnick.

Passed to Committee on Rules for second reading.

March 17, 2009

SB 5184 Prime Sponsor, Senator Brandland: Evaluating the need for a digital forensic crime lab. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 17, 2009

SB 5370 Prime Sponsor, Senator Franklin: Allowing electronic approval of vital records. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

March 17, 2009

ESSB 5406 Prime Sponsor, Committee on Health & Long-Term Care: Concerning the standard health questionnaire. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.43.018 and 2007 c 80 s 13 and 2007 c 259 s 37 are each reenacted and amended to read as follows:

(1) Except as provided in (a) through ~~((f))~~ (g) of this subsection, a health carrier may require any person applying for an individual health benefit plan and the health care authority shall require any person applying for nonsubsidized enrollment in the basic health plan to complete the standard health questionnaire designated under chapter 48.41 RCW.

(a) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her change of residence from one geographic area in Washington state to another geographic area in Washington state where his or her current health plan is not offered, completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of relocation.

(b) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee:

(i) Because a health care provider with whom he or she has an established care relationship and from whom he or she has received treatment within the past twelve months is no longer part of the carrier's provider network under his or her existing Washington individual health benefit plan; and

(ii) His or her health care provider is part of another carrier's or a basic health plan managed care system's provider network; and

(iii) Application for a health benefit plan under that carrier's provider network individual coverage or for basic health plan nonsubsidized enrollment is made within ninety days of his or her provider leaving the previous carrier's provider network; then completion of the standard health questionnaire shall not be a condition of coverage.

(c) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to his or her having exhausted continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if application for coverage is made within ninety days of exhaustion of continuation coverage. A health carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall accept an application without a standard health questionnaire from a person currently covered by such continuation coverage if application is made within ninety days prior to the date the continuation coverage would be exhausted and the effective date of the individual coverage applied for is the date the continuation coverage would be exhausted, or within ninety days thereafter.

~~(d) (If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee following disenrollment from a health plan that is exempt from continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous group coverage including church plans immediately prior to disenrollment; (ii) application is made no more than ninety days prior to the date of disenrollment; and (iii) the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.~~

~~(f) If a person is seeking an individual health benefit plan or enrollment in the basic health plan as a nonsubsidized enrollee due to a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., but the person's employer is exempt under federal law from the requirement to offer such coverage, completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.~~

(e) If a person is seeking an individual health benefit plan, completion of the standard health questionnaire shall not be a condition of coverage if: (i) The person had at least twenty-four months of continuous basic health plan coverage under chapter 70.47 RCW immediately prior to disenrollment; and (ii) application for coverage is made within ninety days of disenrollment from the basic health plan. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous basic health plan coverage if application is made no more than ninety days prior to the date of disenrollment and the effective date of the individual coverage applied for is the date of disenrollment, or within ninety days thereafter.

(f) If a person is seeking an individual health benefit plan due to a change in employment status that would qualify him or her to purchase continuation coverage provided under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire is not a condition of coverage if: (i) Application for coverage is made within ninety days of a qualifying event as defined in 29 U.S.C. Sec. 1163;

and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the qualifying event. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of a qualifying event and the effective date of the individual coverage applied for is the date of the qualifying event, or within ninety days thereafter.

(g) If a person is seeking an individual health benefit plan due to their terminating continuation coverage under 29 U.S.C. Sec. 1161 et seq., completion of the standard health questionnaire shall not be a condition of coverage if: (i) Application for coverage is made within ninety days of terminating the continuation coverage; and (ii) the person had at least twenty-four months of continuous group coverage immediately prior to the termination. A health carrier shall accept an application without a standard health questionnaire from a person with at least twenty-four months of continuous group coverage if application is made no more than ninety days prior to the date of termination of the continuation coverage and the effective date of the individual coverage applied for is the date the continuation coverage is terminated, or within ninety days thereafter.

(2) If, based upon the results of the standard health questionnaire, the person qualifies for coverage under the Washington state health insurance pool, the following shall apply:

(a) The carrier may decide not to accept the person's application for enrollment in its individual health benefit plan and the health care authority, as administrator of basic health plan nonsubsidized coverage, shall not accept the person's application for enrollment as a nonsubsidized enrollee; and

(b) Within fifteen business days of receipt of a completed application, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage shall provide written notice of the decision not to accept the person's application for enrollment to both the person and the administrator of the Washington state health insurance pool. The notice to the person shall state that the person is eligible for health insurance provided by the Washington state health insurance pool, and shall include information about the Washington state health insurance pool and an application for such coverage. If the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage does not provide or postmark such notice within fifteen business days, the application is deemed approved.

(3) If the person applying for an individual health benefit plan: (a) Does not qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire; (b) does qualify for coverage under the Washington state health insurance pool based upon the results of the standard health questionnaire and the carrier elects to accept the person for enrollment; or (c) is not required to complete the standard health questionnaire designated under this chapter under subsection (1)(a) or (b) of this section, the carrier or the health care authority as administrator of basic health plan nonsubsidized coverage, whichever entity administered the standard health questionnaire, shall accept the person for enrollment if he or she resides within the carrier's or the basic health plan's service area and provide or assure the provision of all covered services regardless of age, sex, family structure, ethnicity, race, health condition, geographic location, employment status, socioeconomic status, other condition or situation, or the provisions of RCW 49.60.174(2). The commissioner may grant a temporary exemption from this subsection if, upon application by a health carrier, the commissioner finds that the clinical, financial, or administrative capacity to serve existing enrollees will be impaired if a health carrier is required to continue enrollment of additional eligible individuals."

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

March 17, 2009

ESB 5423 Prime Sponsor, Senator Pflug: Regarding critical access hospitals not subject to certificate of need review. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Passed to Committee on Rules for second reading.

March 18, 2009

SSB 5481 Prime Sponsor, Committee on Government Operations & Elections: Concerning veterans' burials. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 18, 2009

SSB 5561 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Requiring the building code council to adopt rules that require certain buildings to be equipped with carbon monoxide alarms. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 18, 2009

SB 5699 Prime Sponsor, Senator Franklin: Concerning the office of public guardianship. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 17, 2009

SSB 5826 Prime Sponsor, Committee on Health & Long-Term Care: Requiring tamper-resistant prescription pads. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller and Pedersen.

Referred to Committee on Health & Human Services Appropriations.

March 17, 2009

SJM 8003 Prime Sponsor, Senator Pflug: Requesting that Congress issue a date at which health information technology must comply with a uniform national standard of interoperability. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Hinkle; Kelley; Moeller and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member and Herrera.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Early Learning & Children's Services was relieved of SUBSTITUTE SENATE BILL NO. 6024, and the bill was referred to the Committee on Human Services.

MESSAGES FROM THE SENATE

March 20, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5130,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

March 20, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5130,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE SENATE BILL NO. 5130
ENGROSSED SUBSTITUTE SENATE BILL NO. 5344

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 23, 2009, the 71st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTY FIRST DAY

House Chamber, Olympia, Monday, March 23, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Hudgins presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kelsey Hopstad and Bradley Altoff. The Speaker (Representative Hudgins presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Ron Emmons, Orting Christian Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4626, by Representatives Campbell and McCune

WHEREAS, The Washington State House of Representatives honors the unique and distinguishable achievements of its citizens; and

WHEREAS, The Miss Washington Scholarship Organization exists to provide personal and professional opportunities for young women and to promote their voices in culture, politics, and the community; and

WHEREAS, The Miss Washington Scholarship Organization makes available more than \$473,000 in scholarships for its contestants each year; and

WHEREAS, Janet Harding of Yelm was crowned as Miss Washington in July of 2008 at the Pantages Theater in Tacoma; and

WHEREAS, Ms. Harding is the daughter of Myrna and Ron Harding and a 2005 graduate of Yelm High School; and

WHEREAS, Ms. Harding is currently a student at Western Washington University, where she is studying elementary education, social studies, and communications; and

WHEREAS, Ms. Harding serves on the Board of Big Brothers Big Sisters of Northwest Washington and directed the first annual Miracle Bowl for Kids to benefit Children's Miracle Network; and

WHEREAS, Ms. Harding previously served as Miss Tahoma, and has volunteered for more than 30 nonprofit organizations; and

WHEREAS, Ms. Harding competed in Las Vegas as one of 52 national finalists for the crown of Miss America 2009, with the winner announced on January 24th; and

WHEREAS, Last year, the Miss America Organization and its state and local organizations made available more than \$45 million in cash and scholarship assistance; and

WHEREAS, Ms. Harding wants to continue her service in the future by reaching her career ambition as an elementary school teacher;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives does hereby acknowledge and honor Janet Harding, Miss Washington 2008, for her commitment to public service and for aspiring to be a role model to young women across our state; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Miss Washington Scholarship Organization, Miss Washington 2008 Janet Harding, and the Harding family.

Representative Campbell moved adoption of House Resolution No. 4626.

Representatives Campbell and McCune spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4626 was adopted.

MESSAGES FROM THE SENATE

March 20, 2009

Mr. Speaker:

The Senate concurred in the House amendment to the following bill and passed the bill as amended by the House: ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, and the same is herewith transmitted.

Thomas Hoemann, Secretary

March 20, 2009

Mr. Speaker:

The Senate has passed: HOUSE BILL NO. 1562, and the same is herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2320 by Representatives Hunter and Roberts

AN ACT Relating to revising the tax code to ensure that products transferred electronically, and the gross income derived from such products, will continue to be subject to sales, use, and business and occupation taxes in a manner that complies with the streamlined sales and use tax agreement; amending RCW 82.04.190, 82.08.010, 82.12.010, 82.12.020, 82.04.060, 82.04.070, 82.04.110, 82.04.120, 82.04.2907, 82.04.297, 82.04.363, 82.04.4282, 82.04.470, 82.04.480, 82.04.065, 82.08.02525, 82.08.0253, 82.08.02535, 82.08.02537, 82.08.0256, 82.08.02565, 82.08.0257, 82.08.0273, 82.08.805, 82.08.995, 82.12.0251, 82.12.02525, 82.12.0255, 82.12.0257, 82.12.0258, 82.12.0259, 82.12.02595, 82.12.0272, 82.12.0284, 82.12.0315, 82.12.0345, 82.12.0347, 82.12.805, 82.12.860, 82.12.995, 82.32.730, 35.21.717, 48.14.080, 82.02.020, 82.04.44525, 82.08.040, 82.08.130, 82.12.035, 82.12.040, 82.14.465, 82.16.010, 82.32.020, and 82.32.023; reenacting and amending RCW 82.04.050; adding new sections to chapter 82.04 RCW; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Finance.

HB 2321 by Representatives Conway and Darneille

AN ACT Relating to the sale of liquor-related products in state liquor stores; and amending RCW 66.08.026, 66.08.165, and 66.16.010.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

March 19, 2009

ESB 5013 Prime Sponsor, Senator Hargrove: Concerning fees collected by county clerks. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 4, line 8, after "as" strike "processing ex parte orders," and insert "~~(processing ex parte orders,)~~"

On page 4, line 12, after "(12)" insert "For processing ex parte orders, the clerk may collect a fee of thirty dollars.

(13)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, beginning on line 24, after "(28)" strike all material through "(29)" on line 28

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5055 Prime Sponsor, Committee on Environment, Water & Energy: Protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5117 Prime Sponsor, Committee on Health & Long-Term Care: Establishing intensive behavior support services. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Referred to Committee on Health & Human Services Appropriations.

March 18, 2009

SSB 5131 Prime Sponsor, Committee on Human Services & Corrections: Concerning crisis referral services for criminal justice and correctional personnel. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5136 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Regulating the use of solar energy panels by members of homeowners' associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 18, 2009

SB 5156 Prime Sponsor, Senator Brandland: Addressing certification actions of Washington peace officers. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5190 Prime Sponsor, Committee on Human Services & Corrections: Making technical corrections to community custody provisions. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5195 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Adopting the life settlements model act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Referred to Committee on General Government Appropriations.

March 18, 2009

SSB 5261 Prime Sponsor, Committee on Human Services & Corrections: Creating an electronic statewide unified sex offender notification and registration program. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 19, 2009

ESSB 5263 Prime Sponsor, Committee on Judiciary: Prohibiting devices in schools that are designed to administer to

a person or an animal an electric shock, charge, or impulse. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Ross.

MINORITY recommendation: Do not pass. Signed by Representative Warnick.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5268 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Creating the fish and wildlife equipment revolving account. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.12 RCW to read as follows:

(1) The fish and wildlife equipment revolving account is created in the custody of the state treasurer. The department must reimburse the account for all moneys expended from the account. Reimbursements may be made with moneys appropriated to the department or from other moneys otherwise available to the department. All moneys generated by the use or repair of vehicles, water vessels, and heavy equipment or generated by the sale or surplusing of vehicles, water vessels, and heavy equipment must be deposited in the account. The department's reimbursements may be prorated over the useful life of the vehicle, water vessel, or heavy equipment acquired with moneys from the account.

(2) Expenditures from the account may be used only for the purchase or lease of vehicles, water vessels, and heavy equipment, to include the payment of costs for the operation, repair, and maintenance of the vehicles, water vessels, and heavy equipment.

(3) Only the director of fish and wildlife or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) For the purposes of this section, the terms and charges for the intra-agency use of vehicles, water vessels, or heavy equipment or for the disposal through sale of vehicles, water vessels, or heavy equipment is solely within the discretion of the department and the department's determination of the terms, charges, or sale price is considered a reasonable term, charge, or sale price."

Correct the title.

Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot; Kretz; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

March 19, 2009

SB 5277 Prime Sponsor, Senator Hatfield: Regarding fees allowed as court costs in district courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 3.62.060 and 2007 c 46 s 3 are each amended to read as follows:

Clerks of the district courts shall collect the following fees for their official services:

(1) In any civil action commenced before or transferred to a district court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. Any party filing a counterclaim, cross-claim, or third-party claim in such action shall pay to the court a filing fee of forty-three dollars plus any surcharge authorized by RCW 7.75.035. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action other than those listed.

(2) For issuing a writ of garnishment or other writ, or for filing an attorney issued writ of garnishment, a fee of twelve dollars.

(3) For filing a supplemental proceeding a fee of twenty dollars.

(4) For demanding a jury in a civil case a fee of one hundred twenty-five dollars to be paid by the person demanding a jury.

(5) For preparing a transcript of a judgment a fee of twenty dollars.

(6) For certifying any document on file or of record in the clerk's office a fee of five dollars.

(7) At the option of the district court:

(a) For preparing a certified copy of an instrument on file or of record in the clerk's office, for the first page or portion of the first page, a fee of five dollars, and for each additional page or portion of a page, a fee of one dollar;

(b) For authenticating or exemplifying an instrument, a fee of two dollars for each additional seal affixed;

(c) For preparing a copy of an instrument on file or of record in the clerk's office without a seal, a fee of fifty cents per page;

(d) When copying a document without a seal or file that is in an electronic format, a fee of twenty-five cents per page;

(e) For copies made on a compact disc, an additional fee of twenty dollars for each compact disc.

(8) For preparing the record of a case for appeal to superior court a fee of forty dollars including any costs of tape duplication as governed by the rules of appeal for courts of limited jurisdiction (RALJ).

((8)) (9) At the option of the district court, for clerk's services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches, a fee not to exceed twenty dollars per hour or portion of an hour.

(10) For duplication of part or all of the electronic recording of a proceeding ten dollars per tape or other electronic storage medium.

((9)) (11) For filing any abstract of judgment or transcript of judgment from a municipal court or municipal department of a district court organized under the laws of this state a fee of forty-three dollars.

(12) At the option of the district court, a service fee of up to three dollars for the first page and one dollar for each additional page for receiving faxed documents, pursuant to Washington state rules of court, general rule 17.

The fees or charges imposed under this section shall be allowed as court costs whenever a judgment for costs is awarded."

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member, Ross and Warnick.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5290 Prime Sponsor, Committee on Environment, Water & Energy: Concerning requests made by a party relating to gas or electrical company discounts for low-income senior customers and low-income customers. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse,

Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 18, 2009

SB 5297 Prime Sponsor, Senator Kline: Concerning the procedure for filing a declaration of completion of probate. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.68.110 and 1998 c 292 s 202 are each amended to read as follows:

(1) If a personal representative who has acquired nonintervention powers does not apply to the court for either of the final decrees provided for in RCW 11.68.100 as now or hereafter amended, the personal representative shall, when the administration of the estate has been completed, file a declaration that must state as follows:

(a) The date of the decedent's death and the decedent's residence at the time of death;

(b) Whether or not the decedent died testate or intestate;

(c) If the decedent died testate, the date of the decedent's last will and testament and the date of the order probating the will;

(d) That each creditor's claim which was justly due and properly presented as required by law has been paid or otherwise disposed of by agreement with the creditor, and that the amount of estate taxes due as the result of the decedent's death has been determined, settled, and paid;

(e) That the personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed;

(f) If the decedent died intestate, the names, addresses (if known), and relationship of each heir of the decedent, together with the distributive share of each heir; and

(g) The amount of fees paid or to be paid to each of the following: (i) Personal representative or representatives; (ii) lawyer or lawyers; (iii) appraiser or appraisers; and (iv) accountant or accountants; and that the personal representative believes the fees to be reasonable and does not intend to obtain court approval of the amount of the fees or to submit an estate accounting to the court for approval.

(2) Subject to the requirement of notice as provided in this section, unless an heir, devisee, or legatee of a decedent petitions the court either for an order requiring the personal representative to obtain court approval of the amount of fees paid or to be paid to the personal representative, lawyers, appraisers, or accountants, or for an order requiring an accounting, or both, within thirty days from the date of filing a declaration of completion of probate, the personal representative will be automatically discharged without further order of the court and the representative's powers will cease thirty days after the filing of the declaration of completion of probate, and the declaration of completion of probate shall, at that time, be the equivalent of the entry of a decree of distribution in accordance with chapter 11.76 RCW for all legal intents and purposes.

(3) Within five days of the date of the filing of the declaration of completion, the personal representative or the personal representative's lawyer shall mail a copy of the declaration of completion to each heir, legatee, or devisee of the decedent, who: (a) Has not waived notice of the filing, in writing, filed in the cause; and (b) either has not received the full amount of the distribution to which the heir, legatee, or devisee is entitled or has a property right that might be affected adversely by the discharge of the personal representative under this section, together with a notice which shall be substantially as follows:

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the day of, ((19.)) 20 . . ; unless you shall file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, and each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, within thirty days after the date of the filing, the amount of fees paid or to be paid will be deemed reasonable, the acts of the personal representative will be deemed approved, the personal representative will be automatically discharged without further order of the court, and the Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW.

If you file and serve a petition within the period specified, ((the undersigned will)) you must request the court to fix a time and place for the hearing of your petition, and you ((will be notified)) must provide notice of the time and place thereof to the personal representative or the personal representative's lawyer, and to each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, by mail((,)) or personal service, not less than ten days before the hearing on the petition.

If you file and serve a petition but do not provide notice of the hearing time and place, the acts of the personal representative will be deemed approved, and the personal representative will be automatically discharged as provided in RCW 11.68.110.

Dated this day of, ((19.)) 20 . .

.....
.....
Personal Representative

(4) If all heirs, devisees, and legatees of the decedent entitled to notice under this section waive, in writing, the notice required by this section, the personal representative will be automatically discharged without further order of the court and the declaration of completion of probate will become effective as a decree of distribution upon the date of filing thereof. In those instances where the personal representative has been required to furnish bond, and a declaration of completion is filed pursuant to this section, any bond furnished by the personal representative shall be automatically discharged upon the discharge of the personal representative.

Sec. 2. RCW 11.68.114 and 1998 c 292 s 203 are each amended to read as follows:

(1) The personal representative retains the powers to: Deal with the taxing authority of any federal, state, or local government; hold a reserve in an amount not to exceed three thousand dollars, for the determination and payment of any additional taxes, interest, and penalties, and of all reasonable expenses related directly or indirectly to such determination or payment; pay from the reserve the reasonable expenses, including compensation for services rendered or goods provided by the personal representative or by the personal representative's employees, independent contractors, and other agents, in addition to any taxes, interest, or penalties assessed by a taxing authority; receive and hold any credit, including interest, from any taxing authority; and distribute the residue of the reserve to the intended beneficiaries of the reserve; if:

(a) In lieu of the statement set forth in RCW 11.68.110(1)(e), the declaration of completion of probate states that:

The personal representative has completed the administration of the decedent's estate without court intervention, and the estate is ready to be closed, except for the determination of taxes and of interest and penalties thereon as permitted under this section;

CAPTION
OF
CASE

NOTICE OF FILING OF
DECLARATION OF
COMPLETION OF PROBATE

and

(b) The notice of the filing of declaration of completion of probate must be in substantially the following form:

CAPTION OF CASE NOTICE OF FILING OF DECLARATION OF COMPLETION OF PROBATE

NOTICE IS GIVEN that the attached Declaration of Completion of Probate was filed by the undersigned in the above-entitled court on the . . . day of . . . , . . . ; unless you file a petition in the above-entitled court requesting the court to approve the reasonableness of the fees, or for an accounting, or both, and serve a copy thereof upon the personal representative or the personal representative's lawyer, and each heir, legatee, and devisee to whom the personal representative sent a copy of this Declaration of Completion of Probate, within thirty days after the date of the filing:

- (i) The schedule of fees set forth in the Declaration of Completion of Probate will be deemed reasonable;
- (ii) The Declaration of Completion of Probate will be final and deemed the equivalent of a Decree of Distribution entered under chapter 11.76 RCW;
- (iii) The acts that the personal representative performed before the Declaration of Completion of Probate was filed will be deemed approved, and the personal representative will be automatically discharged without further order of the court with respect to all such acts; and
- (iv) The personal representative will retain the power to deal with the taxing authorities, together with \$. . . for the determination and payment of all remaining tax obligations. Only that portion of the reserve that remains after the settlement of any tax liability, and the payment of any expenses associated with such settlement, will be distributed to the persons legally entitled to the reserve.

(2) If the requirements in subsection (1) of this section are met, the personal representative is discharged from all claims other than those relating to the settlement of any tax obligations and the actual distribution of the reserve, at the effective date of the declaration of completion. The personal representative is discharged from liability from the settlement of any tax obligations and the distribution of the reserve, and the personal representative's powers cease, thirty days after the personal representative has mailed to those persons who would have shared in the distribution of the reserve had the reserve remained intact and has filed with the court copies of checks or receipts showing how the reserve was in fact distributed, unless a person with an interest in the reserve petitions the court earlier within the thirty-day period for an order requiring an accounting of the reserve or an order determining the reasonableness, or lack of reasonableness, of distributions made from the reserve. If the personal representative has been required to furnish a bond, any bond furnished by the personal representative is automatically discharged upon the final discharge of the personal representative."

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 19, 2009
SSB 5326 Prime Sponsor, Committee on Human Services & Corrections: Concerning notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

March 19, 2009
SB 5356 Prime Sponsor, Senator Haugen: Regarding direct retail licenses issued by the department of fish and wildlife. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot; Kretz; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 19, 2009
SSB 5369 Prime Sponsor, Committee on Health & Long-Term Care: Regarding counseling professions subject to the authority of the secretary of health. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 18, 2009
SB 5413 Prime Sponsor, Senator Eide: Concerning the assault of a law enforcement officer or other employee of a law enforcement agency. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representative Goodman.

Passed to Committee on Rules for second reading.

March 19, 2009
SSB 5451 Prime Sponsor, Committee on Environment, Water & Energy: Changing the date for setting the amount of pipeline safety fees. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Carlyle; Condotta; Finn; Hasegawa; Herrera; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 20, 2009
SB 5492 Prime Sponsor, Senator Marr: Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5659 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Authorizing the consideration of mitigating factors for enforcement actions under the mortgage broker practices act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 18, 2009

SSB 5718 Prime Sponsor, Committee on Human Services & Corrections: Concerning the commitment of sexually violent predators. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.09.020 and 2006 c 303 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of social and health services.

(2) "Health care facility" means any hospital, hospice care center, licensed or certified health care facility, health maintenance organization regulated under chapter 48.46 RCW, federally qualified health maintenance organization, federally approved renal dialysis center or facility, or federally approved blood bank.

(3) "Health care practitioner" means an individual or firm licensed or certified to engage actively in a regulated health profession.

(4) "Health care services" means those services provided by health professionals licensed pursuant to RCW 18.120.020(4).

(5) "Health profession" means those licensed or regulated professions set forth in RCW 18.120.020(4).

(6) "Less restrictive alternative" means court-ordered treatment in a setting less restrictive than total confinement which satisfies the conditions set forth in RCW 71.09.092. A less restrictive alternative may not include placement in the community protection program as pursuant to RCW 71A.12.230.

(7) "Likely to engage in predatory acts of sexual violence if not confined in a secure facility" means that the person more probably than not will engage in such acts if released unconditionally from detention on the sexually violent predator petition. Such likelihood must be evidenced by a recent overt act if the person is not totally confined at the time the petition is filed under RCW 71.09.030.

(8) "Mental abnormality" means a congenital or acquired condition affecting the emotional or volitional capacity which predisposes the person to the commission of criminal sexual acts in a degree constituting such person a menace to the health and safety of others.

(9) "Personality disorder" means an enduring pattern of inner experience and behavior that deviates markedly from the expectations of the individual's culture, is pervasive and inflexible, has onset in adolescence or early adulthood, is stable over time and leads to distress or impairment. Purported evidence of a personality disorder must be supported by testimony of a licensed forensic psychologist or psychiatrist.

(10) "Predatory" means acts directed towards: (a) Strangers; (b) individuals with whom a relationship has been established or promoted for the primary purpose of victimization; or (c) persons of

casual acquaintance with whom no substantial personal relationship exists.

~~((+0))~~ (11) "Prosecuting agency" means the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney, as provided in RCW 71.09.030.

(12) "Recent overt act" means any act (~~((+))~~) threat, or combination thereof that has either caused harm of a sexually violent nature or creates a reasonable apprehension of such harm in the mind of an objective person who knows of the history and mental condition of the person engaging in the act or behaviors.

~~((+1))~~ (13) "Risk potential activity" or "risk potential facility" means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, public and private youth camps, and others identified by the department following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

~~((+2))~~ (14) "Secretary" means the secretary of social and health services or the secretary's designee.

~~((+3))~~ (15) "Secure facility" means a residential facility for persons civilly confined under the provisions of this chapter that includes security measures sufficient to protect the community. Such facilities include total confinement facilities, secure community transition facilities, and any residence used as a court-ordered placement under RCW 71.09.096.

~~((+4))~~ (16) "Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative under this chapter. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facility established pursuant to RCW 71.09.250(1)(a)(i) and any community-based facilities established under this chapter and operated by the secretary or under contract with the secretary.

~~((+5))~~ (17) "Sexually violent offense" means an act committed on, before, or after July 1, 1990, that is: (a) An act defined in Title 9A RCW as rape in the first degree, rape in the second degree by forcible compulsion, rape of a child in the first or second degree, statutory rape in the first or second degree, indecent liberties by forcible compulsion, indecent liberties against a child under age fourteen, incest against a child under age fourteen, or child molestation in the first or second degree; (b) a felony offense in effect at any time prior to July 1, 1990, that is comparable to a sexually violent offense as defined in (a) of this subsection, or any federal or out-of-state conviction for a felony offense that under the laws of this state would be a sexually violent offense as defined in this subsection; (c) an act of murder in the first or second degree, assault in the first or second degree, assault of a child in the first or second degree, kidnapping in the first or second degree, burglary in the first degree, residential burglary, or unlawful imprisonment, which act, either at the time of sentencing for the offense or subsequently during civil commitment proceedings pursuant to this chapter, has been determined beyond a reasonable doubt to have been sexually motivated, as that term is defined in RCW 9.94A.030; or (d) an act as described in chapter 9A.28 RCW, that is an attempt, criminal solicitation, or criminal conspiracy to commit one of the felonies designated in (a), (b), or (c) of this subsection.

~~((+6))~~ (18) "Sexually violent predator" means any person who has been convicted of or charged with a crime of sexual violence and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in predatory acts of sexual violence if not confined in a secure facility.

~~((+7))~~ (19) "Total confinement facility" means a secure facility that provides supervision and sex offender treatment services in a total confinement setting. Total confinement facilities include the special commitment center and any similar facility designated as a total confinement facility by the secretary.

Sec. 2. RCW 71.09.025 and 2008 c 213 s 11 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020 (16), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county ~~((where that person was charged))~~ in which an action under this chapter may be filed pursuant to RCW 71.09.030 and the attorney general, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW 10.77.086(4); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall provide the ~~((prosecutor))~~ prosecuting agency with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(c) The prosecuting agency has the authority, consistent with RCW 72.09.345(3), to obtain all records relating to the person if the prosecuting agency deems such records are necessary to fulfill its duties under this chapter. The prosecuting agency may only disclose such records in the course of performing its duties pursuant to this chapter, unless otherwise authorized by law.

(d) The prosecuting agency has the authority to utilize the inquiry judge procedures of chapter 10.27 RCW prior to the filing of any action under this chapter to seek the issuance of compulsory process for the production of any records necessary for a determination of whether to seek the civil commitment of a person under this chapter. Any records obtained pursuant to this process may only be disclosed by the prosecuting agency in the course of performing its duties pursuant to this chapter, or unless otherwise authorized by law.

~~(2) ((This section applies to acts committed before, on, or after March 26, 1992.~~

~~(3))~~ The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

~~((4))~~ (3) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

Sec. 3. RCW 71.09.030 and 2008 c 213 s 12 are each amended to read as follows:

(1) A petition may be filed alleging that a person is a sexually violent predator and stating sufficient facts to support such allegation when it appears that: ((1)) (a) A person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement ((on, before, or after July 1, 1990)); ((2)) (b) a person found to have committed a sexually violent offense as a juvenile is about to be released from total confinement ((on, before, or after July 1, 1990)); ((3)) (c) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released ((on, before, or after July 1, 1990)), pursuant to RCW 10.77.086(4); ((4)) (d) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released ((on, before, or after July 1, 1990)), pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150;

or ~~((5))~~ (e) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act ~~((and it appears that the person may be a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation)).~~

(2) The petition may be filed by:

(a) The prosecuting attorney of a county in which:

(i) The person has been charged or convicted with a sexually violent offense;

(ii) A recent overt act occurred involving a person covered under subsection (1)(e) of this section; or

(iii) The person committed a recent overt act, or was charged or convicted of a criminal offense that would qualify as a recent overt act, if the only sexually violent offense charge or conviction occurred in a jurisdiction other than Washington; or

(b) The attorney general, if requested by the county prosecuting attorney identified in (a) of this subsection. If the county prosecuting attorney requests that the attorney general file and prosecute a case under this chapter, then the county shall charge the attorney general only the fees, including filing and jury fees, that would be charged and paid by the county prosecuting attorney, if the county prosecuting attorney retained the case.

Sec. 4. RCW 71.09.040 and 2001 c 286 s 6 are each amended to read as follows:

(1) Upon the filing of a petition under RCW 71.09.030, the judge shall determine whether probable cause exists to believe that the person named in the petition is a sexually violent predator. If such determination is made the judge shall direct that the person be taken into custody.

(2) Within seventy-two hours after a person is taken into custody pursuant to subsection (1) of this section, the court shall provide the person with notice of, and an opportunity to appear in person at, a hearing to contest probable cause as to whether the person is a sexually violent predator. In order to assist the person at the hearing, within twenty-four hours of service of the petition, the prosecuting agency shall provide to the person or his or her counsel a copy of all materials provided to the prosecuting agency by the referring agency pursuant to RCW 71.09.025, or obtained by the prosecuting agency pursuant to RCW 71.09.025(1) (c) and (d). At this hearing, the court shall (a) verify the person's identity, and (b) determine whether probable cause exists to believe that the person is a sexually violent predator. At the probable cause hearing, the state may rely upon the petition and certification for determination of probable cause filed pursuant to RCW 71.09.030. The state may supplement this with additional documentary evidence or live testimony. The person may be held in total confinement at the county jail until the trial court renders a decision after the conclusion of the seventy- two hour probable cause hearing. The county shall be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary.

(3) At the probable cause hearing, the person shall have the following rights in addition to the rights previously specified: (a) To be represented by counsel; (b) to present evidence on his or her behalf; (c) to cross-examine witnesses who testify against him or her; (d) to view and copy all petitions and reports in the court file. The court must permit a witness called by either party to testify by telephone. Because this is a special proceeding, discovery pursuant to the civil rules shall not occur until after the hearing has been held and the court has issued its decision.

(4) If the probable cause determination is made, the judge shall direct that the person be transferred to an appropriate facility for an evaluation as to whether the person is a sexually violent predator. The evaluation shall be conducted by a person deemed to be professionally qualified to conduct such an examination pursuant to rules developed by the department of social and health services. In adopting such rules, the department of social and health services shall consult with the department of health and the department of corrections. In no event shall the person be released from confinement prior to trial. A witness called by either party shall be permitted to testify by telephone.

Sec. 5. RCW 71.09.050 and 1995 c 216 s 5 are each amended to read as follows:

(1) Within forty-five days after the completion of any hearing held pursuant to RCW 71.09.040, the court shall conduct a trial to determine whether the person is a sexually violent predator. The trial may be continued upon the request of either party and a showing of good cause, or by the court on its own motion in the due administration of justice, and when the respondent will not be substantially prejudiced. At all stages of the proceedings under this chapter, any person subject to this chapter shall be entitled to the assistance of counsel, and if the person is indigent, the court shall appoint counsel to assist him or her. The person shall be confined in a secure facility for the duration of the trial.

(2) Whenever any person is subjected to an examination under this chapter, he or she may retain experts or professional persons to perform an examination on their behalf. When the person wishes to be examined by a qualified expert or professional person of his or her own choice, such examiner shall be permitted to have reasonable access to the person for the purpose of such examination, as well as to all relevant medical and psychological records and reports. In the case of a person who is indigent, the court shall, upon the person's request, assist the person in obtaining an expert or professional person to perform an examination or participate in the trial on the person's behalf.

(3) The person, the prosecuting (~~(attorney or attorney general)~~) agency, or the judge shall have the right to demand that the trial be before a twelve-person jury. If no demand is made, the trial shall be before the court.

Sec. 6. RCW 71.09.060 and 2008 c 213 s 13 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under RCW 71A.12.230 may not be considered as a placement condition or treatment option available to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(15)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to ~~((be))~~ be or has been released pursuant to RCW 10.77.086(4), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW 10.77.086(4) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) Except as otherwise provided in this chapter, the state shall comply with RCW 10.77.220 while confining the person (pursuant to this chapter, except that). During all court proceedings where the person is present, the person shall be detained in a secure facility. If the proceedings last more than one day, the person may be held in the county jail for the duration of the proceedings, except the person may be returned to the department's custody on weekends and court holidays if the court deems such a transfer feasible. The county shall be entitled to reimbursement for the cost of housing and transporting the person pursuant to rules adopted by the secretary. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

Sec. 7. RCW 71.09.080 and 1995 c 216 s 8 are each amended to read as follows:

(1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter, or as otherwise authorized by law.

(2) Any person committed pursuant to this chapter has the right to adequate care and individualized treatment. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting attorney, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

(3) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

(4) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

(5) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so.

(6) If a civil commitment petition is dismissed, or a trier of fact determines that a person does not meet civil commitment criteria, the person shall be released within twenty-four hours of service of the release order on the superintendent of the special commitment center, or later by agreement of the person who is the subject of the petition.

Sec. 8. RCW 71.09.090 and 2005 c 344 s 2 are each amended to read as follows:

(1) If the secretary determines that the person's condition has so changed that either: (a) The person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative is in the best interest of the person and conditions can be imposed that adequately protect the community, the secretary shall authorize the person to petition the court for conditional release to a less restrictive alternative or unconditional discharge. The petition shall be filed with the court and served upon the prosecuting agency responsible for the initial commitment. The court, upon receipt of the petition for conditional release to a less restrictive alternative or unconditional discharge, shall within forty-five days order a hearing.

(2)(a) Nothing contained in this chapter shall prohibit the person from otherwise petitioning the court for conditional release to a less restrictive alternative or unconditional discharge without the secretary's approval. The secretary shall provide the committed person with an annual written notice of the person's right to petition the court for conditional release to a less restrictive alternative or unconditional discharge over the secretary's objection. The notice shall contain a waiver of rights. The secretary shall file the notice and waiver form and the annual report with the court. If the person does not affirmatively waive the right to petition, the court shall set a show cause hearing to determine whether probable cause exists to warrant a hearing on whether the person's condition has so changed that: (i) He or she no longer meets the definition of a sexually violent predator; or (ii) conditional release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community.

(b) The committed person shall have a right to have an attorney represent him or her at the show cause hearing, which may be conducted solely on the basis of affidavits or declarations, but the person is not entitled to be present at the show cause hearing. At the show cause hearing, the prosecuting attorney or attorney general shall present prima facie evidence establishing that the committed person continues to meet the definition of a sexually violent predator and that a less restrictive alternative is not in the best interest of the person and conditions cannot be imposed that adequately protect the community. In making this showing, the state may rely exclusively upon the annual report prepared pursuant to RCW 71.09.070. The committed person may present responsive affidavits or declarations to which the state may reply.

(c) If the court at the show cause hearing determines that either: (i) The state has failed to present prima facie evidence that the committed person continues to meet the definition of a sexually violent predator and that no proposed less restrictive alternative is in the best interest of the person and conditions cannot be imposed that would adequately protect the community; or (ii) probable cause exists to believe that the person's condition has so changed that: (A) The person no longer meets the definition of a sexually violent predator; or (B) release to a proposed less restrictive alternative would be in the best interest of the person and conditions can be imposed that would adequately protect the community, then the court shall set a hearing on either or both issues.

(d) If the court has not previously considered the issue of release to a less restrictive alternative, either through a trial on the merits or through the procedures set forth in RCW 71.09.094(1), the court shall consider whether release to a less restrictive alternative would be in the best interests of the person and conditions can be imposed that would adequately protect the community, without considering whether the person's condition has changed. The court may not find probable cause for a trial addressing less restrictive alternatives unless a proposed less restrictive alternative placement meeting the conditions of RCW 71.09.092 is presented to the court at the show cause hearing.

(3)(a) At the hearing resulting from subsection (1) or (2) of this section, the committed person shall be entitled to be present and to the benefit of all constitutional protections that were afforded to the person at the initial commitment proceeding. The prosecuting agency (~~or the attorney general if requested by the county~~) shall represent the state and shall have a right to a jury trial and to have the committed person evaluated by experts chosen by the state. The committed person shall also have the right to a jury trial and the right to have experts evaluate him or her on his or her behalf and the court shall appoint an expert if the person is indigent and requests an appointment.

(b) If the issue at the hearing is whether the person should be unconditionally discharged, the burden of proof shall be upon the state to prove beyond a reasonable doubt that the committed person's condition remains such that the person continues to meet the definition of a sexually violent predator. Evidence of the prior commitment trial and disposition is admissible. The recommitment proceeding shall otherwise proceed as set forth in RCW 71.09.050 and 71.09.060.

(c) If the issue at the hearing is whether the person should be conditionally released to a less restrictive alternative, the burden of proof at the hearing shall be upon the state to prove beyond a reasonable doubt that conditional release to any proposed less restrictive alternative either: (i) Is not in the best interest of the committed person; or (ii) does not include conditions that would adequately protect the community. Evidence of the prior commitment trial and disposition is admissible.

(4)(a) Probable cause exists to believe that a person's condition has "so changed," under subsection (2) of this section, only when evidence exists, since the person's last commitment trial, or less restrictive alternative revocation proceeding, of a substantial change in the person's physical or mental condition such that the person either no longer meets the definition of a sexually violent predator or that a conditional release to a less restrictive alternative is in the person's best interest and conditions can be imposed to adequately protect the community.

(b) A new trial proceeding under subsection (3) of this section may be ordered, or a trial proceeding may be held, only when there is current evidence from a licensed professional of one of the following and the evidence presents a change in condition since the person's last commitment trial proceeding:

(i) An identified physiological change to the person, such as paralysis, stroke, or dementia, that renders the committed person unable to commit a sexually violent act and this change is permanent; or

(ii) A change in the person's mental condition brought about through positive response to continuing participation in treatment which indicates that the person meets the standard for conditional release to a less restrictive alternative or that the person would be safe to be at large if unconditionally released from commitment.

(c) For purposes of this section, a change in a single demographic factor, without more, does not establish probable cause for a new trial proceeding under subsection (3) of this section. As used in this section, a single demographic factor includes, but is not limited to, a change in the chronological age, marital status, or gender of the committed person.

(5) The jurisdiction of the court over a person civilly committed pursuant to this chapter continues until such time as the person is unconditionally discharged.

Sec. 9. RCW 71.09.092 and 1995 c 216 s 10 are each amended to read as follows:

Before the court may enter an order directing conditional release to a less restrictive alternative, it must find the following: (1) The person will be treated by a treatment provider who is qualified to provide such treatment in the state of Washington under chapter 18.155 RCW; (2) the treatment provider has presented a specific course of treatment and has agreed to assume responsibility for such treatment and will report progress to the court on a regular basis, and will report violations immediately to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center; (3) housing exists in Washington that is sufficiently secure to protect the community, and the person or agency providing housing to the conditionally released person has agreed in writing to accept the person, to provide the level of security required by the court, and immediately to report to the court, the prosecutor, the supervising community corrections officer, and the superintendent of the special commitment center if the person leaves the housing to which he or she has been assigned without authorization; (4) the person is willing to comply with the treatment provider and all requirements imposed by the treatment provider and by the court; and (5) the person will be under the supervision of the department of corrections and is willing to comply with supervision requirements imposed by the department of corrections.

Sec. 10. RCW 71.09.096 and 2001 c 286 s 12 are each amended to read as follows:

(1) If the court or jury determines that conditional release to a less restrictive alternative is in the best interest of the person and includes conditions that would adequately protect the community, and the court determines that the minimum conditions set forth in RCW 71.09.092 and in this section are met, the court shall enter judgment and direct a conditional release.

(2) The court shall impose any additional conditions necessary to ensure compliance with treatment and to protect the community. If the court finds that conditions do not exist that will both ensure the person's compliance with treatment and protect the community, then the person shall be remanded to the custody of the department of social and health services for control, care, and treatment in a secure facility as designated in RCW 71.09.060(1).

(3) If the service provider designated by the court to provide inpatient or outpatient treatment or to monitor or supervise any other terms and conditions of a person's placement in a less restrictive alternative is other than the department of social and health services or the department of corrections, then the service provider so designated must agree in writing to provide such treatment, monitoring, or supervision in accord with this section. Any person providing or agreeing to provide treatment, monitoring, or supervision services pursuant to this chapter may be compelled to testify and any privilege with regard to such person's testimony is deemed waived.

(4) Prior to authorizing any release to a less restrictive alternative, the court shall impose such conditions upon the person as are necessary to ensure the safety of the community. The court shall order the department of corrections to investigate the less restrictive alternative and recommend any additional conditions to the court. These conditions shall include, but are not limited to the following: Specification of residence, prohibition of contact with potential or past victims, prohibition of alcohol and other drug use, participation in a specific course of inpatient or outpatient treatment that may include monitoring by the use of polygraph and plethysmograph, monitoring through the use of global positioning satellite technology, supervision by a department of corrections community corrections officer, a requirement that the person remain within the state unless the person receives prior authorization by the court, and any other conditions that the court determines are in the best interest of the person or others. A copy of the conditions of release shall be given to the person and to any designated service providers.

(5) Any service provider designated to provide inpatient or outpatient treatment shall monthly, or as otherwise directed by the court, submit to the court, to the department of social and health services facility from which the person was released, to the ~~((prosecutor of the county in which the person was found to be a sexually violent predator))~~ prosecuting agency, and to the supervising community corrections officer, a report stating whether the person is

complying with the terms and conditions of the conditional release to a less restrictive alternative.

(6) Each person released to a less restrictive alternative shall have his or her case reviewed by the court that released him or her no later than one year after such release and annually thereafter until the person is unconditionally discharged. Review may occur in a shorter time or more frequently, if the court, in its discretion on its own motion, or on motion of the person, the secretary, or the prosecuting ~~((attorney))~~ agency so determines. The sole question to be determined by the court is whether the person shall continue to be conditionally released to a less restrictive alternative. The court in making its determination shall be aided by the periodic reports filed pursuant to subsection (5) of this section and the opinions of the secretary and other experts or professional persons.

Sec. 11. RCW 71.09.098 and 2006 c 282 s 1 are each amended to read as follows:

~~((1) Any service provider submitting reports pursuant to RCW 71.09.096(6), the supervising community corrections officer, the prosecuting attorney, or the attorney general may petition the court, or the court on its own motion may schedule an immediate hearing, for the purpose of revoking or modifying the terms of the person's conditional release to a less restrictive alternative if the petitioner or the court believes the released person is not complying with the terms and conditions of his or her release or is in need of additional care, monitoring, supervision, or treatment.~~

~~— (2) If the prosecuting attorney, the supervising community corrections officer, or the court, based upon information received by them, reasonably believes that a conditionally released person is not complying with the terms and conditions of his or her conditional release to a less restrictive alternative, the court or community corrections officer may order that the conditionally released person be apprehended and taken into custody until such time as a hearing can be scheduled to determine the facts and whether or not the person's conditional release should be revoked or modified. A law enforcement officer, who has responded to a request for assistance from a department employee, may apprehend and take into custody the conditionally released person if the law enforcement officer reasonably believes that the conditionally released person is not complying with the terms and conditions of his or her conditional release to a less restrictive alternative. The conditionally released person may be detained in the county jail or returned to the secure community transition facility. The court shall be notified before the close of the next judicial day of the person's apprehension. Both the prosecuting attorney and the conditionally released person shall have the right to request an immediate mental examination of the conditionally released person. If the conditionally released person is indigent, the court shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.~~

~~— (3) The court, upon receiving notification of the person's apprehension, shall promptly schedule a hearing. The issue to be determined is whether the state has proven by a preponderance of the evidence that the conditionally released person did not comply with the terms and conditions of his or her release. Hearsay evidence is admissible if the court finds it otherwise reliable. At the hearing, the court shall determine whether the person shall continue to be conditionally released on the same or modified conditions or whether his or her conditional release shall be revoked and he or she shall be committed to total confinement, subject to release only in accordance with provisions of this chapter.)~~

(1) Any service provider submitting reports pursuant to RCW 71.09.096(6), the supervising community corrections officer, the prosecuting agency, or the secretary's designee may petition the court for an immediate hearing for the purpose of revoking or modifying the terms of the person's conditional release to a less restrictive alternative if the petitioner believes the released person: (a) Violated or is in violation of the terms and conditions of the court's conditional release order; or (b) is in need of additional care, monitoring, supervision, or treatment.

(2) The community corrections officer or the secretary's designee may restrict the person's movement in the community until the petition is determined by the court. The person may be taken into custody if:

(a) The supervising community corrections officer, the secretary's designee, or a law enforcement officer reasonably believes the person has violated or is in violation of the court's conditional release order; or

(b) The supervising community corrections officer or the secretary's designee reasonably believes that the person is in need of additional care, monitoring, supervision, or treatment because the person presents a danger to himself or herself or others if his or her conditional release under the conditions imposed by the court's release order continues.

(3)(a) Persons taken into custody pursuant to subsection (2) of this section shall:

(i) Not be released until such time as a hearing is held to determine whether to revoke or modify the person's conditional release order and the court has issued its decision; and

(ii) Be held in the county jail, at a secure community transition facility, or at the total confinement facility, at the discretion of the secretary's designee.

(b) The court shall be notified before the close of the next judicial day that the person has been taken into custody and shall promptly schedule a hearing.

(4) Before any hearing to revoke or modify the person's conditional release order, both the prosecuting agency and the released person shall have the right to request an immediate mental examination of the released person. If the conditionally released person is indigent, the court shall, upon request, assist him or her in obtaining a qualified expert or professional person to conduct the examination.

(5) At any hearing to revoke or modify the conditional release order:

(a) The prosecuting agency shall represent the state, including determining whether to proceed with revocation or modification of the conditional release order;

(b) Hearsay evidence is admissible if the court finds that it is otherwise reliable; and

(c) The state shall bear the burden of proving by a preponderance of the evidence that the person has violated or is in violation of the court's conditional release order or that the person is in need of additional care, monitoring, supervision, or treatment.

(6)(a) If the court determines that the state has met its burden referenced in subsection (5)(c) of this section, and the issue before the court is revocation of the court's conditional release order, the court shall consider the evidence presented by the parties and the following factors relevant to whether continuing the person's conditional release is in the person's best interests or adequate to protect the community:

(i) The nature of the condition that was violated by the person or that the person was in violation of in the context of the person's criminal history and underlying mental conditions;

(ii) The degree to which the violation was intentional or grossly negligent;

(iii) The ability and willingness of the released person to strictly comply with the conditional release order;

(iv) The degree of progress made by the person in community-based treatment; and

(v) The risk to the public or particular persons if the conditional release continues under the conditional release order that was violated.

(b) Any factor alone, or in combination, shall support the court's determination to revoke the conditional release order.

(7) If the court determines the state has met its burden referenced in subsection (5)(c) of this section, and the issue before the court is modification of the court's conditional release order, the court shall modify the conditional release order by adding conditions if the court determines that the person is in need of additional care, monitoring, supervision, or treatment. The court has authority to modify its conditional release order by substituting a new treatment provider, requiring new housing for the person, or imposing such additional supervision conditions as the court deems appropriate.

(8) A person whose conditional release has been revoked shall be remanded to the custody of the secretary for control, care, and treatment in a total confinement facility as designated in RCW 71.09.060(1). The person is thereafter eligible for conditional release

only in accord with the provisions of RCW 71.09.090 and related statutes.

NEW SECTION. Sec. 12. A new section is added to chapter 71.09 RCW to read as follows:

The department of social and health services shall provide to the prosecuting agency a copy of all reports made by the department to law enforcement in which a person detained or committed under this chapter is named or listed as a suspect, witness, or victim, as well as a copy of all reports received from law enforcement.

Sec. 13. RCW 71.09.112 and 2002 c 19 s 1 are each amended to read as follows:

A person subject to court order under the provisions of this chapter who is thereafter convicted of a criminal offense remains under the jurisdiction of the department and shall be returned to the custody of the department following: (1) Completion of the criminal sentence; or (2) release from confinement in a state, federal, or local correctional facility (~~(; and shall be returned to the custody of the department)~~). Any conditional release order shall be immediately revoked upon conviction for a criminal offense.

This section does not apply to persons subject to a court order under the provisions of this chapter who are thereafter sentenced to life without the possibility of release.

Sec. 14. RCW 71.09.350 and 2004 c 38 s 14 are each amended to read as follows:

(1) Examinations and treatment of sexually violent predators who are conditionally released to a less restrictive alternative under this chapter shall be conducted only by certified sex offender treatment providers or certified affiliate sex offender treatment providers under chapter 18.155 RCW unless the court or the department of social and health services finds that: (a) The ~~(court-ordered less restrictive alternative placement is located in another state; (b) the)~~ treatment provider is employed by the department; or ~~((b))~~ (b)(i) all certified sex offender treatment providers or certified affiliate sex offender treatment providers become unavailable to provide treatment within a reasonable geographic distance of the person's home, as determined in rules adopted by the department of social and health services; and (ii) the evaluation and treatment plan comply with the rules adopted by the department of social and health services.

A treatment provider approved by the department of social and health services under ~~((b))~~ (b) of this subsection, who is not certified by the department of health, shall consult with a certified sex offender treatment provider during the person's period of treatment to ensure compliance with the rules adopted by the department of health. The frequency and content of the consultation shall be based on the recommendation of the certified sex offender treatment provider.

(2) A treatment provider, whether or not he or she is employed or approved by the department of social and health services under subsection (1) of this section or otherwise certified, may not perform or provide treatment of sexually violent predators under this section if the treatment provider has been:

(a) Convicted of a sex offense, as defined in RCW 9.94A.030;

(b) Convicted in any other jurisdiction of an offense that under the laws of this state would be classified as a sex offense as defined in RCW 9.94A.030; or

(c) Suspended or otherwise restricted from practicing any health care profession by competent authority in any state, federal, or foreign jurisdiction.

(3) Nothing in this section prohibits a qualified expert from examining or evaluating a sexually violent predator who has been conditionally released for purposes of presenting an opinion in court proceedings.

NEW SECTION. Sec. 15. This act applies to all persons currently committed or awaiting commitment under chapter 71.09 RCW either on, before, or after the effective date of this act, whether confined in a secure facility or on conditional release.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 17. If any provision of this act or its application to any person or circumstance is held invalid, the

remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 19, 2009
SB 5739 Prime Sponsor, Senator King: Revising provisions relating to renewing a concealed pistol license by members of the armed forces. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 18, 2009
SB 5832 Prime Sponsor, Senator Kohl-Welles: Allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1) (b)(iii)(A) or (c). Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Appleton; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 19, 2009
ESSB 6032 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Concerning exchange facilitators. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 19, 2009
SJM 8001 Prime Sponsor, Senator Hatfield: Requesting the United States fish and wildlife service to work cooperatively with the state's regulatory agencies and energy producers with respect to the federal endangered species act. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot; Kretz; Ormsby; Pearson and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives McCoy; Nelson and Van De Wege.

Passed to Committee on Rules for second reading.

There being no objection, the bills and memorial listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

HOUSE BILL NO. 2295, by Representatives Cody, Williams, Sequist and Darneille

Concerning the organization of the department of social and health services.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2295 was substituted for House Bill No. 2295 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2295 was read the second time.

Representative Alexander moved the adoption of amendment (384):

On page 1, after line 12, insert the following:

"(3) The department shall achieve at least the same percentage of administrative savings at the regional and headquarters level as realized through the reduction in regional support networks as provided in section 3 of this act."

Representatives Alexander and Cody spoke in favor of the adoption of the amendment.

Amendment (384) was adopted.

With the consent of the House, amendment (432) was withdrawn.

Representative Santos moved the adoption of amendment (433):

On page 2, after line 22, insert the following:

"NEW SECTION. Sec. 4. (1) The legislature finds that the administration of the refugee immigrant assistance program by the department of social and health services lacks transparency and accountability. Specifically, the legislature finds that the department has failed to manage appropriated funds in a manner that ensures full and timely communications with community-based providers about contracting, billing, and payments. This gross failure to work cooperatively with contract providers has contributed to the underspending of appropriated funds in the biennium, effectively thus denying needed assistance to individuals who are eligible for services through the refugee immigrant assistance program. The legislature further finds that the department is aware of these grave administrative deficiencies, but has not adequately resolved these issues in a satisfactory manner. Therefore, the legislature determines that any reorganization of the department of social and health services required under this act must improve the transparency of and administrative accountability for the refugee immigrant assistance program. The secretary shall conduct quality improvement and quality assurance surveys with contract providers and consumers of refugee immigrant assistance program services to determine how reorganization of the department affects the delivery of services and shall report these results to the appropriate legislative committees.

(2) If the secretary of the department of social and health services does not adequately correct the deficiencies in the refugee immigrant assistance program by June 1, 2009, the program shall be transferred to the department of community, trade, and economic development effective July 1, 2009, and the 2009-2011 biennial

budget shall be adjusted to maintain funding for the program at the level appropriated by the legislature for the 2007-2009 biennium." Correct the title.

POINT OF ORDER

Representative Hudgins requested a scope and object ruling on amendment (433) to Substitute House Bill No. 2295.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Substitute House Bill No. 2295 is titled an act relating to "the organization of the department of social and health services." The bill's objective is to streamline service delivery by the department and to achieve administrative efficiency by requiring reorganization of regional service delivery systems into consistent boundaries, eliminating an assistant secretary, and reducing the number of regional support networks.

Amendment (433) declares a legislative finding that the Refugee Immigrant Assistance Programs in the department is seriously mismanaged, and that any department re-organization must address this problem; transfers jurisdiction of the program to another department if deficiencies are not adequately addressed, and requires the 2009-11 biennial budget to maintain funding at current levels. Funding levels for this particular program are clearly outside the scope and object of the underlying bill.

The point of order is well taken."

Amendment (288), amending amendment (433), was ruled out of order.

Representative Armstrong moved the adoption of amendment (275):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the department of social and health services has grown significantly to now encompass thirty percent of the near general fund-state operating budget and thirty-four percent of the total operating budget. The agency has become so large that it: (a) Is difficult to administer; (b) does not have enough focus on critical functions such as protecting children and other vulnerable persons; (c) does not effectively deliver the extensive number of services and programs it is responsible for; (d) leads to higher state costs through the inefficiencies due to the size of the agency; and (e) is difficult to measure the performance of the agency in meeting its goals and responsibilities.

(2) The legislature intends to improve the delivery of programs and services, provide more focus on critical functions, and save costs over time by creating four agencies to replace the department of social and health services that are easier to administer and are more flexible in responding to changing circumstances and service delivery. This act abolishes the department of social and health services effective July 1, 2011, and creates the following four agencies in its place: (a) The department of economic services, which will conduct financial eligibility evaluations for all the newly created agencies; (b) the department of medical assistance; (c) the department of health and rehabilitative services, which will consist of the long-term care, developmentally disabled, vocational-rehabilitation, mental health, and drug and alcohol substance abuse programs, and the special commitment center; and (d) the department of children's services.

(3) The office of financial management and the department of social and health services will develop a plan to implement this act and report to the legislature during the 2010 legislative session. The code reviser will propose changes to the Revised Code of Washington for the 2012 legislative session to make technical corrections necessary as a result of implementing this act.

PART I ABOLITION OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

NEW SECTION. Sec. 101. (1) The department of social and health services is abolished and its powers, duties, and functions are transferred to the appropriate department as divided by the transition team established under section 604 of this act. All references to the secretary or the department of social and health services in the Revised Code of Washington shall be construed to mean the director of the appropriate department, or the appropriate department, created under this act.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the department of social and health services shall be delivered to the custody of the transition team created under section 604 of this act to be transferred to the appropriate department created under this act. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the department of social and health services shall be made available to the transition team to be transferred to the appropriate department. All funds, credits, or other assets held by the department of social and health services shall be assigned to the appropriate department by the transition team.

(b) Any appropriations made to the department of social and health services shall, on the effective date of this section, be transferred and credited to the appropriate department by the transition team.

(3) All employees of the department of social and health services are transferred to the jurisdiction of the transition team established under section 604 of this act to be transferred to the appropriate department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to their respective departments to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the department of social and health services shall be continued and acted upon by the appropriate department created under this act. All existing contracts and obligations shall remain in full force and shall be performed by the appropriate department.

(5) The transfer of the powers, duties, functions, and personnel of the department of social and health services shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) Nothing contained in this section may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the public employment relations commission as provided by law.

PART II DEPARTMENT OF ECONOMIC SERVICES

NEW SECTION. Sec. 201. There is created a department of state government to be known as the department of economic services. The department is vested with all powers and duties transferred to it under this chapter, section 604 of this act, and such other powers and duties as may be authorized by law. The department shall be located in the facilities of the department of social and health services.

NEW SECTION. Sec. 202. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of economic services.

(2) "Director" means the director of economic services.

NEW SECTION. Sec. 203. The executive head and appointing authority of the department is the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW

43.03.040. If a vacancy occurs in the position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate.

NEW SECTION. Sec. 204. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the director in order that the director may institute therein the flexible, alert, and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever the director's authority is not specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create such administrative structures as the director considers appropriate, except as otherwise specified by law. The director may employ such assistants and personnel as necessary for the general administration of the department. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW, except as otherwise provided.

NEW SECTION. Sec. 205. The director shall appoint a deputy director, a department personnel director, and such assistant directors as may be needed to administer the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director and, in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor appoints an acting director.

NEW SECTION. Sec. 206. Any power or duty vested in or transferred to the director by law or executive order may be delegated by the director to the deputy director or to any other assistant or subordinate; but the director shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 207. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements that are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any law dealing with the department is ruled to be in conflict with federal requirements that are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, the conflicting part is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 208. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of economic services to the director, the director's personal secretary, the deputy director, all division directors and assistant directors, and one confidential secretary for each of these officers.

PART III DEPARTMENT OF MEDICAL ASSISTANCE

NEW SECTION. Sec. 301. There is created a department of state government to be known as the department of medical assistance. The department is vested with all powers and duties transferred to it under this chapter, section 604 of this act, and such other powers and duties as may be authorized by law. The department shall be located in the facilities of the department of social and health services.

NEW SECTION. Sec. 302. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of medical assistance.
- (2) "Director" means the director of medical assistance.

NEW SECTION. Sec. 303. The executive head and appointing authority of the department is the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be

paid a salary to be fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate.

NEW SECTION. Sec. 304. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the director in order that the director may institute therein the flexible, alert, and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever the director's authority is not specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create such administrative structures as the director considers appropriate, except as otherwise specified by law. The director may employ such assistants and personnel as necessary for the general administration of the department. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW, except as otherwise provided.

NEW SECTION. Sec. 305. The director shall appoint a deputy director, a department personnel director, and such assistant directors as may be needed to administer the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director and, in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor appoints an acting director.

NEW SECTION. Sec. 306. Any power or duty vested in or transferred to the director by law or executive order may be delegated by the director to the deputy director or to any other assistant or subordinate; but the director shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 307. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements that are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any law dealing with the department is ruled to be in conflict with federal requirements that are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, the conflicting part is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 308. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of medical assistance to the director, the director's personal secretary, the deputy director, all division directors and assistant directors, and one confidential secretary for each of these officers.

PART IV DEPARTMENT OF HEALTH AND REHABILITATIVE SERVICES

NEW SECTION. Sec. 401. There is created a department of state government to be known as the department of health and rehabilitative services. The department is vested with all powers and duties transferred to it under this chapter, section 604 of this act, and such other powers and duties as may be authorized by law. The department shall be located in the facilities of the department of social and health services.

NEW SECTION. Sec. 402. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Department" means the department of health and rehabilitative services.
- (2) "Director" means the director of health and rehabilitative services.

NEW SECTION. Sec. 403. The executive head and appointing authority of the department is the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate.

NEW SECTION. Sec. 404. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the director in order that the director may institute therein the flexible, alert, and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever the director's authority is not specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create such administrative structures as the director considers appropriate, except as otherwise specified by law. The director may employ such assistants and personnel as necessary for the general administration of the department. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW, except as otherwise provided.

NEW SECTION. Sec. 405. The director shall appoint a deputy director, a department personnel director, and such assistant directors as may be needed to administer the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director and, in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor appoints an acting director.

NEW SECTION. Sec. 406. Any power or duty vested in or transferred to the director by law or executive order may be delegated by the director to the deputy director or to any other assistant or subordinate; but the director shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 407. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements that are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any law dealing with the department is ruled to be in conflict with federal requirements that are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, the conflicting part is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 408. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of health and rehabilitative services to the director, the director's personal secretary, the deputy director, all division directors and assistant directors, and one confidential secretary for each of these officers.

PART V DEPARTMENT OF CHILDREN'S SERVICES

NEW SECTION. Sec. 501. There is created a department of state government to be known as the department of children's services. The department is vested with all powers and duties transferred to it under this chapter, section 604 of this act, and such other powers and duties as may be authorized by law. The department shall be located in the facilities of the department of social and health services.

NEW SECTION. Sec. 502. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of children's services.

(2) "Director" means the director of children's services.

NEW SECTION. Sec. 503. The executive head and appointing authority of the department is the director. The director shall be appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor. The director shall be paid a salary to be fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate.

NEW SECTION. Sec. 504. It is the intent of the legislature wherever possible to place the internal affairs of the department under the control of the director in order that the director may institute therein the flexible, alert, and intelligent management of its business that changing contemporary circumstances require. Therefore, whenever the director's authority is not specifically limited by law, the director has complete charge and supervisory powers over the department. The director may create such administrative structures as the director considers appropriate, except as otherwise specified by law. The director may employ such assistants and personnel as necessary for the general administration of the department. This employment shall be in accordance with the state civil service law, chapter 41.06 RCW, except as otherwise provided.

NEW SECTION. Sec. 505. The director shall appoint a deputy director, a department personnel director, and such assistant directors as may be needed to administer the department. The deputy director shall have charge and general supervision of the department in the absence or disability of the director and, in case of a vacancy in the office of director, shall continue in charge of the department until a successor is appointed and qualified, or until the governor appoints an acting director.

NEW SECTION. Sec. 506. Any power or duty vested in or transferred to the director by law or executive order may be delegated by the director to the deputy director or to any other assistant or subordinate; but the director shall be responsible for the official acts of the officers and employees of the department.

NEW SECTION. Sec. 507. In furtherance of the policy of the state to cooperate with the federal government in all of the programs under the jurisdiction of the department, such rules as may become necessary to entitle the state to participate in federal funds may be adopted, unless expressly prohibited by law. Any internal reorganization carried out under the terms of this chapter shall meet federal requirements that are a necessary condition to state receipt of federal funds. Any section or provision of law dealing with the department that may be susceptible to more than one construction shall be interpreted in favor of the construction most likely to comply with federal laws entitling this state to receive federal funds for the various programs of the department. If any law dealing with the department is ruled to be in conflict with federal requirements that are a prescribed condition of the allocation of federal funds to the state, or to any departments or agencies thereof, the conflicting part is declared to be inoperative solely to the extent of the conflict.

NEW SECTION. Sec. 508. A new section is added to chapter 41.06 RCW to read as follows:

In addition to the exemptions under RCW 41.06.070, the provisions of this chapter shall not apply in the department of children's services to the director, the director's personal secretary, the deputy director, all division directors and assistant directors, and one confidential secretary for each of these officers.

PART VI MISCELLANEOUS PROVISIONS

Sec. 601. RCW 43.17.010 and 2007 c 341 s 46 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) ~~((the department of social and health services, (2)))~~ the department of ecology, ~~((3))~~ (2) the department of labor and industries, ~~((4))~~ (3) the department of agriculture, ~~((5))~~ (4) the department of fish and wildlife, ~~((6))~~ (5) the department of transportation, ~~((7))~~ (6) the department of licensing, ~~((8))~~ (7) the department of general administration, ~~((9))~~ (8) the department of community, trade, and economic development, ~~((10))~~ (9) the

department of veterans affairs, ~~((+1))~~ (10) the department of revenue, ~~((+2))~~ (11) the department of retirement systems, ~~((+3))~~ (12) the department of corrections, ~~((+4))~~ (13) the department of health, ~~((+5))~~ (14) the department of financial institutions, ~~((+6))~~ (15) the department of archaeology and historic preservation, ~~((+7))~~ (16) the department of early learning, ~~(and +8))~~ (17) the Puget Sound partnership, (18) the department of economic services, (19) the department of medical assistance, (20) the department of health and rehabilitative services, and (21) the department of children's services, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 602. RCW 43.17.020 and 2007 c 341 s 47 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) ~~(The secretary of social and health services,~~ (2)) the director of ecology, ~~((+3))~~ (2) the director of labor and industries, ~~((+4))~~ (3) the director of agriculture, ~~((+5))~~ (4) the director of fish and wildlife, ~~((+6))~~ (5) the secretary of transportation, ~~((+7))~~ (6) the director of licensing, ~~((+8))~~ (7) the director of general administration, ~~((+9))~~ (8) the director of community, trade, and economic development, ~~((+10))~~ (9) the director of veterans affairs, ~~((+11))~~ (10) the director of revenue, ~~((+12))~~ (11) the director of retirement systems, ~~((+13))~~ (12) the secretary of corrections, ~~((+14))~~ (13) the secretary of health, ~~((+15))~~ (14) the director of financial institutions, ~~((+16))~~ (15) the director of the department of archaeology and historic preservation, ~~((+17))~~ (16) the director of early learning, ~~(and +8))~~ (17) the executive director of the Puget Sound partnership, (18) the director of economic services, (19) the director of medical assistance, (20) the director of health and rehabilitative services, and (21) the director of children's services.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 603. RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and 2007 c 15 s 1 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of community, trade, and economic development, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, ~~(the secretary of social and health services,))~~ the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, ~~(and))~~ each district and

each campus president of each state community college, the director of economic services, the director of medical assistance, the director of health and rehabilitative services, and the director of children's services;

(2) Each professional staff member of the office of the governor;
 (3) Each professional staff member of the legislature; and
 (4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, ~~(recreation and conservation funding board,))~~ state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines ~~(hearings))~~ hearings board, public employees' benefits board, recreation and conservation funding board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

NEW SECTION. Sec. 604. (1) By July 1, 2009, the governor shall appoint a transition team to direct the details of administration of this act. The team shall consist of representatives from the office of financial management and the divisions of the department of social and health services.

(2) The transition team shall divide up the functions of the department of social and health services into the new departments set out under this act after the effective date of this section.

NEW SECTION. Sec. 605. (1) The transition team created in section 604 of this act shall, by January 1, 2010, submit a plan and necessary implementing legislation to the legislature for the division of the department of social and health services so that the new agencies will be operating by July 1, 2011.

(2) The plan shall include, but is not limited to, the following elements:

(a) Strategies for dividing the existing functions and responsibilities of the department into the appropriate new agency including a strategic plan for each new agency created in this act that includes implementation steps, performance measures, evaluation measures, and methods for collaboration among programs;

(b) Recommendations for changes in existing programs and functions of the department of social and health services; and

(c) Implementation steps necessary to bring about operation of the new agencies.

(3) By December 1, 2011, the code reviser's office shall prepare corrective legislation.

NEW SECTION. Sec. 606. Sections 201 through 207 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 607. Sections 301 through 307 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 608. Sections 401 through 407 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 609. Sections 501 through 507 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 610. Part headings used in this act are not part of the law.

NEW SECTION. Sec. 611. Section 604 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 612. Sections 101, 201 through 208, 301 through 308, 401 through 408, 501 through 508, and 601 through 603 of this act take effect July 1, 2011.

NEW SECTION. Sec. 613. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

POINT OF ORDER

Representative Hudgins requested a scope and object ruling on amendment (275) to Substitute House Bill No. 2295.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Amendment (275) abolishes the department and replaces it with 4 new departments. While the proponents may argue that this is necessary to streamline service delivery and achieve administrative efficiency, the Speaker finds that the amendment greatly exceeds the limited structural change contemplated by the underlying bill, and therefore exceeds its scope and object.

Your point is well taken."

Amendment (288) was ruled out of order, it was written to amendment (433) which was ruled out of order.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Linville spoke in favor of the passage of the bill.

Representatives Armstrong, Angel, Walsh, Cox, Ross, Ericksen and Johnson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2295.

MOTIONS

On motion of Representative Santos, Representatives Appleton, Hunt, Moeller and Wallace were excused. On motion of Representative Parker, Representative Hinkle was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2295 and the bill passed the House by the following vote: Yeas, 57; Nays, 35; Absent, 0; Excused, 5.

Voting yea: Representatives Anderson, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rodne, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rolfes, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

Excused: Representatives Appleton, Hinkle, Hunt, Moeller and Wallace.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Transportation was relieved of SUBSTITUTE SENATE BILL NO. 6088, and the bill was referred to the Committee on Capital Budget.

There being no objection, the Committee on State Government & Tribal Affairs was relieved of SUBSTITUTE SENATE BILL NO. 5760, and the bill was referred to the Committee on Capital Budget.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 24, 2009, the 72nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTY SECOND DAY

House Chamber, Olympia, Tuesday, March 24, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 23, 2009

Mr. Speaker:

The President has signed ENGROSSED SUBSTITUTE SENATE BILL NO. 5671, and the same is herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2009-4642, by Representatives Quall, Orwall, Haler, Seaquist, Sells, Carlyle, Kenney, Lias, Hope, McCoy, Green, Moeller, Van De Wege, Appleton, Warnick, Hudgins, Dammeier, Finn, Kretz, Springer, Jacks, Campbell, Kristiansen, Priest, Morrell, Morris, Hasegawa, Driscoll, Hunter, Anderson, Pearson, Angel, Rolfes, Maxwell, and Rodne

WHEREAS, The Washington Constitution states that making ample provision for the education of all children residing in the state of Washington is the paramount duty of the state; and

WHEREAS, The Washington Constitution states that the legislature shall provide for a general and uniform system of public schools; and

WHEREAS, It is impossible to provide children a quality public education if they cannot get to school, if they are hungry during the school day, or if they arrive at schools that are neglected, cold, and unsafe; and

WHEREAS, Classified employees are the bus drivers who safely transport, sometimes in dangerous road conditions, over 474,514 students each day in 9,035 buses over 500,000 miles; the child nutrition employees who provide breakfast for 113,518 students and lunches for over 440,000 students each day and the custodian, maintenance, and security employees who ensure that the 2,174 school buildings where our children are receiving their education are functional, warm, clean, and safe; and

WHEREAS, Classified employees are the secretaries who make sure that all parents, staff, and, most importantly, all children receive the necessary support and services, while at the same time providing attention to each student's special needs, even if all that is needed is a Band-Aid, a friendly ear, or a reminder; and

WHEREAS, Classified employees are the paraeducators who are increasingly called upon to provide individualized attention to students in the classroom to ensure they meet the higher academic standards, as well as provide such specialized services as interpreting for deaf and disabled children and students who speak other languages; and

WHEREAS, Classified employees are normally the first employees called upon when there is a threat to our children's safety and security; and

WHEREAS, It is necessary to employ over 50,000 classified employees to provide these essential support services to the nearly one million students receiving public education; and

WHEREAS, Washington state students have had their education and learning environment significantly enhanced by the services of classified school employees; and

WHEREAS, Washington state citizens seldom reflect on the critical role classified employees play in providing our children a quality education; and

WHEREAS, Classified school employees across the state are celebrating March 9 through March 13, 2009, as Classified School Employee Week;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor classified school employees during Classified School Employee Week, March 9 through March 13, 2009, and urge all citizens to join in honoring, recognizing, and respecting the dedication and hard work of all classified school employees; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Public School Employees of Washington, SEIU Local 1948, and SEIU Local 925.

HOUSE RESOLUTION NO. 4642 was adopted.

INTRODUCTION AND FIRST READINGHB 2322 by Representatives Chase, Hasegawa and Green

AN ACT Relating to referenda; and amending RCW 42.52.180.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

March 20, 2009

SSB 5007 Prime Sponsor, Committee on Higher Education & Workforce Development: Allowing public technical colleges to offer degrees that prepare students to transfer to certain bachelor degree programs. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler and White.

Referred to Committee on Education Appropriations.

March 19, 2009

SB 5038 Prime Sponsor, Senator Kohl-Welles: Making technical corrections to gender-based terms. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member and Ross.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5048 Prime Sponsor, Committee on Higher Education & Workforce Development: Providing for coordination of workforce and economic development. Reported

by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.090 and 2007 c 228 s 201 are each amended to read as follows:

(1) The department shall work with private sector organizations, industry and ~~((cluster))~~ sector associations, federal agencies, state agencies that use a ~~((cluster-based))~~ sector-based approach to service delivery, local governments, local associate development organizations, and higher education and training institutions in the development of industry ~~((cluster-based))~~ sector-based strategies to diversify the economy, facilitate technology transfer and diffusion, and increase value-added production. The industry ~~((clusters))~~ sectors targeted by the department may include, but are not limited to, aerospace, agriculture, food processing, forest products, marine services, health and biomedical, software, digital and interactive media, transportation and distribution, and microelectronics. The department shall, on a continuing basis, evaluate the potential return to the state from devoting additional resources to an industry ~~((cluster-based))~~ sector-based approach to economic development and identifying and assisting additional ~~((clusters))~~ sectors. ~~((The department shall use information gathered in each service delivery region in formulating its industry cluster-based strategies and shall assist local communities in identifying regional industry clusters and developing industry cluster-based strategies.))~~

(2) The department's sector-based strategies shall include, but not be limited to, cluster-based strategies that focus on assisting regional industry sectors and related firms and institutions that meet the definition of an industry cluster in this section and based on criteria identified by the working group established in this chapter.

(3)(a) The department shall promote, market, and encourage growth in the production of films and videos, as well as television commercials within the state; to this end the department is directed to assist in the location of a film and video production studio within the state.

(b) The department may, in carrying out its efforts to encourage film and video production in the state, solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, or other governmental entities, as well as private sources, and may expend the same or any income therefrom for the encouragement of film and video production. All revenue received for such purposes shall be deposited into the film and video promotion account created in RCW 43.330.092.

~~((?))~~ (4) In assisting in the development of regional and statewide industry cluster-based strategies, the department's activities shall include, but are not limited to:

(a) Facilitating regional focus group discussions and conducting studies to identify industry clusters, appraise the current information linkages within a cluster, and identify issues of common concern within a cluster;

(b) Supporting industry and cluster associations, publications of association and cluster directories, and related efforts to create or expand the activities of industry and cluster associations;

(c) Administering a competitive grant program to fund economic development activities designed to further regional cluster growth. In administering the program, the department shall work with an industry cluster advisory committee with equal representation from the economic development commission, the workforce training and education coordinating board, the state board for community and technical colleges, the employment security department, business, and labor.

(i) The industry cluster advisory committee shall recommend criteria for evaluating applications for grant funds and recommend applicants for receipt of grant funds. Criteria shall include not duplicating the purpose or efforts of industry skill panels.

(ii) Applicants must include organizations from at least two counties and participants from the local business community. Eligible organizations include, but are not limited to, local governments, economic development councils, chambers of

commerce, federally recognized Indian tribes, workforce development councils, and educational institutions.

(iii) Applications must evidence financial participation of the partner organizations.

(iv) Eligible activities include the formation of cluster economic development partnerships, research and analysis of economic development needs of the cluster, the development of a plan to meet the economic development needs of the cluster, and activities to implement the plan.

~~((v))~~ (v) Priority shall be given to applicants ~~((which))~~ that complement industry skill panels and will use the grant funds to build linkages and joint projects~~((to develop common resources and common training, and to develop common research and development projects or facilities)).~~

~~((+))~~ (vi) The maximum amount of a grant is one hundred thousand dollars.

~~((+))~~ (vii) A maximum of one hundred thousand dollars total can go to King, Pierce, Kitsap, and Snohomish counties combined.

~~((+))~~ (viii) No more than ten percent of funds received for the grant program may be used by the department for administrative costs.

~~((+))~~ (5) As used in ~~((subsection (3) of this section))~~ this chapter, "industry cluster" means a geographic concentration of ~~((interdependent competitive firms that do business with each other. "Industry cluster" also includes firms that sell inside and outside of the geographic region as well as support firms that supply raw materials, components, and business services))~~ interconnected companies in a single industry, related businesses in other industries, including suppliers and customers, and associated institutions, including government and education.

Sec. 2. RCW 50.38.050 and 1993 c 62 s 5 are each amended to read as follows:

The department shall have the following duties:

(1) Oversight and management of a statewide comprehensive labor market and occupational supply and demand information system, including development of a five-year employment forecast for state and labor market areas;

(2) Produce local labor market information packages for the state's counties, including special studies and job impact analyses in support of state and local employment, training, education, and job creation programs, especially activities that prevent job loss, reduce unemployment, and create jobs;

(3) Coordinate with the office of financial management and the office of the forecast council to improve employment estimates by enhancing data on corporate officers, improving business establishment listings, expanding sample for employment estimates, and developing business entry/exit analysis relevant to the generation of occupational and economic forecasts; ~~((and))~~

(4) In cooperation with the office of financial management, produce long-term industry and occupational employment forecasts. These forecasts shall be consistent with the official economic and revenue forecast council biennial economic and revenue forecasts; and

(5) Analyze labor market and economic data, including the use of input-output models, for the purpose of identifying industry clusters and strategic industry clusters that meet the criteria identified by the working group convened by the economic development commission and the workforce training and education coordinating board under chapter 43.330 RCW.

Sec. 3. RCW 28B.50.030 and 2007 c 277 s 301 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education.

(2) "Board" shall mean the workforce training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges created by this chapter.

(4) "Director" shall mean the administrative director for the state system of community and technical colleges.

(5) "District" shall mean any one of the community and technical college districts created by this chapter.

(6) "Board of trustees" shall mean the local community and technical college board of trustees established for each college district within the state.

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree, and education and training leading to an applied baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean a public school district board of directors.

(10) "Community college" shall include those higher education institutions that conduct education programs under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational-Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four year public institution of higher education.

(13) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(14) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(3).

(15) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(16) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

(17) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (18) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (18) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (18) of this section.

(18) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

(19) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under RCW 28B.50.810 for successful completion of a program of study that is:

(a) Specifically designed for individuals who hold an associate of applied science degree, or its equivalent, in order to maximize application of their technical course credits toward the baccalaureate degree; and

(b) Based on a curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(20) "Qualified institutions of higher education" means:

(a) Washington public community and technical colleges;

(b) Private career schools that are members of an accrediting association recognized by rule of the higher education coordinating board for the purposes of chapter 28B.92 RCW; and

(c) Washington state apprenticeship and training council-approved apprenticeship programs.

(21) "Center of excellence" means a community or technical college designated by the college board as a statewide leader in industry-specific, community and technical college workforce education and training.

NEW SECTION. Sec. 4. A new section is added to chapter 28B.50 RCW to read as follows:

The college board, in consultation with business, industry, labor, the workforce training and education coordinating board, the department of community, trade, and economic development, the employment security department, and community and technical colleges, shall designate centers of excellence and allocate funds to existing and new centers of excellence based on a competitive basis.

Eligible applicants for the program established under this section include community and technical colleges. Priority shall be given to applicants that have an established education and training program serving the targeted industry and that have in their home

district or region an industry cluster with the same targeted industry at its core.

It is the role of centers of excellence to employ strategies to: Create educational efficiencies; build a diverse, competitive workforce for strategic industries; maintain an institutional reputation for innovation and responsiveness; develop innovative curriculum and means of delivering education and training; act as brokers of information and resources related to community and technical college education and training for a targeted industry; and serve as partners with workforce development councils, associate development organizations, and other workforce and economic development organizations.

Examples of strategies include but are not limited to: Sharing curriculum and other instructional resources, to ensure cost savings to the system; delivering collaborative certificate and degree programs; and holding statewide summits, seminars, conferences, and workshops on industry trends and best practices in community and technical college education and training.

Sec. 5. RCW 28C.18.010 and 2008 c 103 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1) "Board" means the workforce training and education coordinating board.

(2) "Director" means the director of the workforce training and education coordinating board.

(3) "Training system" means programs and courses of secondary vocational education, technical college programs and courses, community college vocational programs and courses, private career school and college programs and courses, employer-sponsored training, adult basic education programs and courses, programs and courses funded by the federal workforce investment act, programs and courses funded by the federal vocational act, programs and courses funded under the federal adult education act, publicly funded programs and courses for adult literacy education, and apprenticeships, and programs and courses offered by private and public nonprofit organizations that are representative of communities or significant segments of communities and provide job training or adult literacy services.

(4) "Workforce skills" means skills developed through applied learning that strengthen and reinforce an individual's academic knowledge, critical thinking, problem solving, and work ethic and, thereby, develop the employability, occupational skills, and management of home and work responsibilities necessary for economic independence.

(5) "Vocational education" means organized educational programs offering a sequence of courses which are directly related to the preparation or retraining of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degree. Such programs shall include competency-based applied learning which contributes to an individual's academic knowledge, higher-order reasoning, and problem-solving skills, work attitudes, general employability skills, and the occupational-specific skills necessary for economic independence as a productive and contributing member of society. Such term also includes applied technology education.

(6) "Adult basic education" means instruction designed to achieve mastery of skills in reading, writing, oral communication, and computation at a level sufficient to allow the individual to function effectively as a parent, worker, and citizen in the United States, commensurate with that individual's actual ability level, and includes English as a second language and preparation and testing service for the general education development exam.

(7) "Industry skill panel" means a regional partnership of business, labor, and education leaders that identifies skill gaps in a key economic cluster and enables the industry and public partners to respond to and be proactive in addressing workforce skill needs.

(8) "Workforce development council" means a local workforce investment board as established in P.L. 105-220 Sec. 117.

Sec. 6. RCW 28C.18.060 and 2008 c 212 s 2 are each amended to read as follows:

The board, in cooperation with the operating agencies of the state training system and private career schools and colleges, shall:

(1) Concentrate its major efforts on planning, coordination evaluation, policy analysis, and recommending improvements to the state's training system;

(2) Advocate for the state training system and for meeting the needs of employers and the workforce for workforce education and training;

(3) Establish and maintain an inventory of the programs of the state training system, and related state programs, and perform a biennial assessment of the vocational education, training, and adult basic education and literacy needs of the state; identify ongoing and strategic education needs; and assess the extent to which employment, training, vocational and basic education, rehabilitation services, and public assistance services represent a consistent, integrated approach to meet such needs;

(4) Develop and maintain a state comprehensive plan for workforce training and education, including but not limited to, goals, objectives, and priorities for the state training system, and review the state training system for consistency with the state comprehensive plan. In developing the state comprehensive plan for workforce training and education, the board shall use, but shall not be limited to: Economic, labor market, and populations trends reports in office of financial management forecasts; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome, net-impact and cost-benefit evaluations; the needs of employers as evidenced in formal employer surveys and other employer input; and the needs of program participants and workers as evidenced in formal surveys and other input from program participants and the labor community;

(5) In consultation with the higher education coordinating board, review and make recommendations to the office of financial management and the legislature on operating and capital facilities budget requests for operating agencies of the state training system for purposes of consistency with the state comprehensive plan for workforce training and education;

(6) Provide for coordination among the different operating agencies and components of the state training system at the state level and at the regional level;

(7) Develop a consistent and reliable database on vocational education enrollments, costs, program activities, and job placements from publicly funded vocational education programs in this state;

(8)(a) Establish standards for data collection and maintenance for the operating agencies of the state training system in a format that is accessible to use by the board. The board shall require a minimum of common core data to be collected by each operating agency of the state training system;

(b) Develop requirements for minimum common core data in consultation with the office of financial management and the operating agencies of the training system;

(9) Establish minimum standards for program evaluation for the operating agencies of the state training system, including, but not limited to, the use of common survey instruments and procedures for measuring perceptions of program participants and employers of program participants, and monitor such program evaluation;

(10) Every two years administer scientifically based outcome evaluations of the state training system, including, but not limited to, surveys of program participants, surveys of employers of program participants, and matches with employment security department payroll and wage files. Every five years administer scientifically based net-impact and cost-benefit evaluations of the state training system;

(11) In cooperation with the employment security department, provide for the improvement and maintenance of quality and utility in occupational information and forecasts for use in training system planning and evaluation. Improvements shall include, but not be limited to, development of state-based occupational change factors involving input by employers and employees, and delineation of skill and training requirements by education level associated with current and forecasted occupations;

(12) Provide for the development of common course description formats, common reporting requirements, and common definitions for operating agencies of the training system;

(13) Provide for effectiveness and efficiency reviews of the state training system;

(14) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between institutions of the state training system, and encourage articulation agreements for programs encompassing two years of secondary workforce education and two years of postsecondary workforce education;

(15) In cooperation with the higher education coordinating board, facilitate transfer of credit policies and agreements between private training institutions and institutions of the state training system;

(16) Develop policy objectives for the workforce investment act, P.L. 105-220, or its successor; develop coordination criteria for activities under the act with related programs and services provided by state and local education and training agencies; and ensure that entrepreneurial training opportunities are available through programs of each local workforce investment board in the state;

(17) Make recommendations to the commission of student assessment, the state board of education, and the superintendent of public instruction, concerning basic skill competencies and essential core competencies for K-12 education. Basic skills for this purpose shall be reading, writing, computation, speaking, and critical thinking, essential core competencies for this purpose shall be English, math, science/technology, history, geography, and critical thinking. The board shall monitor the development of and provide advice concerning secondary curriculum which integrates vocational and academic education;

(18) Establish and administer programs for marketing and outreach to businesses and potential program participants;

(19) Facilitate the location of support services, including but not limited to, child care, financial aid, career counseling, and job placement services, for students and trainees at institutions in the state training system, and advocate for support services for trainees and students in the state training system;

(20) Facilitate private sector assistance for the state training system, including but not limited to: Financial assistance, rotation of private and public personnel, and vocational counseling;

(21) Facilitate the development of programs for school-to-work transition that combine classroom education and on-the-job training, including entrepreneurial education and training, in industries and occupations without a significant number of apprenticeship programs;

(22) Include in the planning requirements for local workforce investment boards a requirement that the local workforce investment boards specify how entrepreneurial training is to be offered through the one-stop system required under the workforce investment act, P.L. 105-220, or its successor;

(23) Encourage and assess progress for the equitable representation of racial and ethnic minorities, women, and people with disabilities among the students, teachers, and administrators of the state training system. Equitable, for this purpose, shall mean substantially proportional to their percentage of the state population in the geographic area served. This function of the board shall in no way lessen more stringent state or federal requirements for representation of racial and ethnic minorities, women, and people with disabilities;

(24) Participate in the planning and policy development of governor set-aside grants under P.L. 97-300, as amended;

(25) Administer veterans' programs, licensure of private vocational schools, the job skills program, and the Washington award for vocational excellence;

(26) Allocate funding from the state job training trust fund;

(27) Work with the director of community, trade, and economic development and the economic development commission to ensure coordination ~~((between))~~ among workforce training priorities, the long-term economic development strategy of the economic development commission, and ((that department's)) economic development and entrepreneurial development efforts, including but not limited to assistance to industry clusters;

(28) Conduct research into workforce development programs designed to reduce the high unemployment rate among young people between approximately eighteen and twenty-four years of age. In

consultation with the operating agencies, the board shall advise the governor and legislature on policies and programs to alleviate the high unemployment rate among young people. The research shall include disaggregated demographic information and, to the extent possible, income data for adult youth. The research shall also include a comparison of the effectiveness of programs examined as a part of the research conducted in this subsection in relation to the public investment made in these programs in reducing unemployment of young adults. The board shall report to the appropriate committees of the legislature by November 15, 2008, and every two years thereafter. Where possible, the data reported to the legislative committees should be reported in numbers and in percentages;

(29) Adopt rules as necessary to implement this chapter.

The board may delegate to the director any of the functions of this section.

Sec. 7. RCW 28C.18.080 and 1997 c 369 s 5 are each amended to read as follows:

(1) The state comprehensive plan for workforce training and education shall be updated every two years and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan and the updates. The plan shall then become the state's workforce training policy unless legislation is enacted to alter the policies set forth in the plan.

(2) The comprehensive plan shall include workforce training role and mission statements for the workforce development programs of operating agencies represented on the board and sufficient specificity regarding expected actions by the operating agencies to allow them to carry out actions consistent with the comprehensive plan.

(3) Operating agencies represented on the board shall have operating plans for their workforce development efforts that are consistent with the comprehensive plan and that provide detail on implementation steps they will take to carry out their responsibilities under the plan. Each operating agency represented on the board shall provide an annual progress report to the board.

(4) The comprehensive plan shall include recommendations to the legislature and the governor on the modification, consolidation, initiation, or elimination of workforce training and education programs in the state.

(5) The comprehensive plan shall ~~((address how the state's workforce development system will meet the needs of employers hiring for industrial projects of statewide significance))~~ identify the strategic industry clusters targeted by the workforce development system. In identifying the strategic clusters, the board shall consult with the economic development commission to identify clusters that meet the criteria identified by the working group convened by the economic development commission and the workforce training and education coordinating board under RCW 43.330.280.

(6) The board shall report to the appropriate legislative policy committees by December 1st of each year on its progress in implementing the comprehensive plan and on the progress of the operating agencies in meeting their obligations under the plan.

NEW SECTION. Sec. 8. A new section is added to chapter 28C.18 RCW to read as follows:

(1) Workforce development councils, in partnership with local elected officials, shall develop and maintain a local unified plan for the workforce development system including, but not limited to, the local plan required by P.L. 105-220, Title I. The unified plan shall include a strategic plan that assesses local employment opportunities and skill needs, the present and future workforce, the current workforce development system, information on financial resources, diversity, goals, objectives, and strategies for the local workforce development system, and a system-wide financial strategy for implementing the plan. Local workforce development councils shall submit their strategic plans to the board for review and to the governor for approval.

(2) The strategic plan shall clearly articulate the connection between workforce and economic development efforts in the local area including the area industry clusters and the strategic clusters the community is targeting for growth. The plan shall include, but is not limited to:

(a) Data on current and projected employment opportunities in the local area;

(b) Identification of workforce investment needs of existing businesses and businesses considering location in the region, with special attention to industry clusters;

(c) Identification of educational, training, employment, and support service needs of jobseekers and workers in the local area, including individuals with disabilities and other underrepresented talent sources;

(d) Analysis of the industry demand, potential labor force supply, and educational, employment, and workforce support available to businesses and jobseekers in the region; and

(e) Collaboration with associate development organizations in regional planning efforts involving combined strategies around workforce development and economic development policies and programs. Combined planning efforts shall include, but not be limited to, assistance to industry clusters in the area.

(3) The board shall work with workforce development councils to develop implementation and funding strategies for purposes of this section.

Sec. 9. RCW 43.162.020 and 2007 c 232 s 4 are each amended to read as follows:

The Washington state economic development commission shall:

(1) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

(2) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. The plan shall include the industry clusters in the state and the strategic clusters targeted by the commission for economic development efforts. The commission shall consult with the workforce training and education coordinating board and include labor market and economic information by the employment security department in developing the list of clusters and strategic clusters that meet the criteria identified by the working group convened by the economic development commission and the workforce training and education coordinating board under chapter 43.330 RCW. In developing the state comprehensive plan for economic development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

(3) Establish and maintain an inventory of the programs of the state economic development system and related state programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs; and

(4) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination.

The commission may delegate to the executive director any of the functions of this section.

Sec. 10. RCW 43.330.080 and 2007 c 249 s 2 are each amended to read as follows:

The department shall contract with county-designated associate development organizations to increase the support for and

coordination of community and economic development services in communities or regional areas. The organizations contracted with in each community or regional area shall be broadly representative of community and economic interests. The organization shall be capable of identifying key economic and community development problems, developing appropriate solutions, and mobilizing broad support for recommended initiatives. The contracting organization shall work with and include local governments, local chambers of commerce, workforce development councils, port districts, labor groups, institutions of higher education, community action programs, and other appropriate private, public, or nonprofit community and economic development groups. The scope of services delivered under these contracts shall include two broad areas of work:

(1) Direct assistance, including business planning, to companies who need support to stay in business, expand, or relocate to Washington from out of state or other countries. Assistance includes:

(a) Working with the appropriate partners, including but not limited to, local governments, workforce development ~~((organizations))~~ councils, port districts, community and technical colleges and higher education institutions, export assistance providers, the Washington manufacturing services, the Washington state quality award ~~(-)~~ council, small business assistance programs, and other federal, state, and local programs to facilitate the alignment of planning efforts and the seamless delivery of business support services in the county;

(b) Providing information on state and local permitting processes, tax issues, and other essential information for operating, expanding, or locating a business in Washington;

(c) Marketing Washington and local areas as excellent locations to expand or relocate a business and positioning Washington as a globally competitive place to grow business, which may include developing and executing regional plans to attract companies from out of state;

(d) Working with businesses on site location and selection assistance;

(e) Providing business retention and expansion services, including business outreach and monitoring efforts to identify and address challenges and opportunities faced by businesses; and

(f) ~~((Participate [Participating]))~~ Participating in economic development system-wide discussions regarding gaps in business start-up assistance in Washington; and

(2) Support for regional economic research and regional planning efforts to implement target industry sector strategies and other economic development strategies, including cluster-based strategies, that support increased living standards and increase foreign direct investment throughout Washington. Activities include:

(a) Participation in regional planning efforts with workforce development councils involving ~~((combined))~~ coordinated strategies around workforce development and economic development policies and programs. Coordinated planning efforts shall include, but not be limited to, assistance to industry clusters in the region;

(b) Participation between the contracting organization ~~((shall participate with))~~ and the state board for community and technical colleges as created in RCW 28B.50.050, and any community and technical colleges in providing for the coordination of the job skills training program and the customized training program within its region;

~~((b))~~ (c) Collecting and reporting data as specified by the contract with the department for statewide systemic analysis. The department shall consult with the Washington state economic development commission in the establishment of such uniform data as is needed to conduct a statewide systemic analysis of the state's economic development programs and expenditures. In cooperation with other local, regional, and state planning efforts, contracting organizations may provide insight into the needs of target industry clusters, business expansion plans, early detection of potential relocations or layoffs, training needs, and other appropriate economic information;

~~((e))~~ (d) In conjunction with other governmental jurisdictions and institutions, participate in the development of a countywide economic development plan, consistent with the state comprehensive plan for economic development developed by the Washington state economic development commission.

NEW SECTION. Sec. 11. By December 15, 2010, the workforce training and education coordinating board, the economic development commission, the department of community, trade, and economic development, the employment security department, and the state board for community and technical colleges shall provide a written progress report to the appropriate committees of the legislature on concrete actions taken, individually and collectively, to achieve the intent and objectives of this act. The report must include a description of:

- (1) Direct services or funding provided to regional industry clusters by state agencies;
- (2) Centers of excellence designated and funded;
- (3) Industry clusters and strategic industry clusters identified in state and local strategic plans;
- (4) How the analysis of labor market and economic data was used to identify clusters;
- (5) How associate development organizations and workforce development councils are jointly planning and delivering services to companies and the workforce at regional and local levels;
- (6) How workforce training priorities, the state's long-term economic development strategy, and entrepreneurial development efforts are being coordinated; and
- (7) Quantitative and qualitative outcomes that have resulted from these actions."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Parker; Probst and Sullivan.

Referred to Committee on Education Appropriations.

March 19, 2009

SB 5147 Prime Sponsor, Senator Kline: Repealing criminal libel statutes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5172 Prime Sponsor, Committee on Higher Education & Workforce Development: Establishing a University of Washington center for human rights. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.20 RCW to read as follows:

(1) A University of Washington center for human rights is created. The mission of the center is to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and become an academic center for human rights teaching and research in the nation. The center shall align with the founding principles and philosophies of the United States of America and engage faculty, staff, and students in service to enhance the promise of life and liberty as outlined in the Preamble of the United States Constitution. Key substantive issues for the center include: The rights of all persons to security against violence; the rights of immigrants, native Americans, and ethnic or religious minorities; human rights and the environment; health as a human right; human rights and trade; the human rights of working people; and women's rights as human rights.

(2) The higher education coordinating board may solicit, accept, receive, and administer federal funds or private funds, in trust or

otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of this section.

NEW SECTION. Sec. 2. The University of Washington center for human rights shall report to the appropriate committees of the legislature by December 1, 2010, and biennially thereafter regarding the center's activities. The report shall include, but not be limited to, descriptions of the center's activities and accomplishments especially as they relate to: International human rights issues and community service; documentation of measurable accomplishments in improving outcomes in the issue areas outlined in section 1 of this act; and documentation of engagement with agencies and nongovernmental organizations outside of the University of Washington."

Correct the title.

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler and White.

Referred to Committee on Ways & Means.

March 20, 2009

SSB 5177 Prime Sponsor, Committee on Higher Education & Workforce Development: Creating a global Asia institute within the Henry M. Jackson School of International Studies. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Asia and its interactions with the rest of the world are transforming the way the world works in the twenty-first century. The legislature further finds that trade, finance, technology, and global influence and institutions are all areas in which China, India, and other Asian states are in the process of reshaping the nature of the international system, and that Washington state is uniquely situated to contribute to enhance interactions between the United States and Asia. The legislature intends to establish a global Asia institute at the University of Washington.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

(1) A global Asia institute is created within the Henry M. Jackson School of International Studies. The mission of the institute is to promote the understanding of Asia and its interactions with Washington state and the world. The institute shall host visiting scholars and policymakers, sponsor programs and learning initiatives, engage in collaborative research projects, and facilitate broader understanding and cooperation between the state of Washington and Asia through general public programs and targeted collaborations with specific communities in the state.

(2) Within existing resources, a global Asia institute advisory board is established. The director of the Henry M. Jackson School of International Studies shall appoint members of the advisory board and determine the advisory board's roles and responsibilities. The board shall include members representing academia, business, and government.

(3) The higher education coordinating board may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of this section.

NEW SECTION. Sec. 3. The Henry M. Jackson School of International Studies shall report to the appropriate committees of the legislature by December 1, 2010, regarding the achievements of the global Asia institute. The report shall include discussion of the achievements and challenges in accomplishing the institute's mission and recommendations regarding a path and timeline for the institute's expansion."

Correct the title.

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler and White.

Referred to Committee on Education Appropriations.

March 19, 2009

SSB 5269 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Establishing a license limitation program for harvest and delivery of Pacific sardines into the state. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 77.70 RCW to read as follows:

The definitions in this section apply throughout this chapter and related rules adopted by the department unless the context clearly requires otherwise.

(1) "Deliver" or "delivery" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters.

(2) "Pacific sardine" and "pilchard" means the species *Sardinops sagax*.

NEW SECTION, Sec. 2. A new section is added to chapter 77.70 RCW to read as follows:

(1) A Washington sardine purse seine fishery license or temporary annual fishery permit is required to use purse seine gear to fish for or possess Pacific sardines in offshore waters. This requirement does not affect persons authorized to fish for or possess sardines in offshore waters under a valid Oregon or California license or permit.

(2) A Washington sardine purse seine fishery license or temporary annual fishery permit is required to deliver Pacific sardines into the state.

(3) Washington sardine purse seine fishery licenses and temporary annual fishery permits require vessel designation under RCW 77.65.100.

(4) Pacific sardines may not be taken or retained in state waters except for incidental harvest authorized by rule of the department.

NEW SECTION, Sec. 3. A new section is added to chapter 77.70 RCW to read as follows:

(1) A Washington Pacific sardine purse seine fishery license:

(a) May only be issued to a person that held a coastal pilchard experimental fishery permit in 2008, except as otherwise provided in this section;

(b) Must be renewed annually to remain active; and

(c) Subject to the restrictions of subsections (6) and (7) of this section and RCW 77.65.040, is transferable.

(2) A Washington Pacific sardine purse seine fishery license may be issued to any person that held a coastal pilchard experimental fishery permit in 2005, 2006, or 2007 and is precluded from qualifying under subsection (1) of this section because the vessel designated on the permit sank prior to 2008.

(3) Beginning in 2010, after taking into consideration the status of the Pacific sardine population, the impact of removal of sardines and other forage fish to the marine ecosystem, including the effect on endangered marine species, and the market for Pacific sardines in the state, the director may issue:

(a) A Washington Pacific sardine purse seine fishery license to any person provided that the issuance would not raise the number of licenses beyond the number initially issued in 2009;

(b) A Washington Pacific sardine purse seine temporary annual fishery permit to any person if the combined number of active Washington Pacific sardine purse seine fishery licenses and annual temporary permits already issued during the year is less than twenty-five.

(4) The annual fee for a Washington Pacific sardine purse seine fishery license is one hundred eighty-five dollars for residents and two hundred ninety-five dollars for nonresidents.

(5) The fee for a Washington Pacific sardine purse seine temporary annual fishery permit is one hundred eighty-five dollars for residents and two hundred ninety-five dollars for nonresidents. A temporary annual fishery permit expires at the end of the calendar year in which the permit is issued.

(6) Only a person who owns or operates the vessel designated on the license or permit may hold a Washington Pacific sardine purse seine fishery license or temporary annual fishery permit.

(7) A person may not own or hold an ownership interest in more than two Washington Pacific sardine purse seine fishery licenses.

(8) The director shall adopt rules that require a person fishing under a Washington Pacific sardine purse seine fishery license or a temporary annual permit to minimize bycatch, and to the extent bycatch cannot be avoided, to minimize the mortality of such bycatch.

(9) The director shall report annually to the legislature on the amount of lost and derelict gear that remains in Washington waters as a result of purse seine fisheries and the effects that gear has caused on the marine ecosystem.

Sec. 4. RCW 77.65.200 and 2000 c 107 s 41 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery (Governing section(s))	Annual Fee Resident	Nonresident	Vessel Required?	Limited Entry?
(a) Baitfish Lampara	\$185	\$295	Yes	No
(b) Baitfish purse seine	\$530	\$985	Yes	No
(c) Bottom fish jig	\$130	\$185	Yes	No
(d) Bottom fish pot	\$130	\$185	Yes	No
(e) Bottom fish troll	\$130	\$185	Yes	No
(f) Carp	\$130	\$185	No	No
(g) Columbia river Smelt	\$380	\$685	No	No
(h) Dog fish set net	\$130	\$185	Yes	No
(i) Emerging commercial fishery (RCW 77.70.160 and 77.65.400)	\$185	\$295	Determined by rule	Determined by rule
(j) Food fish drag seine	\$130	\$185	Yes	No
(k) Food fish set line	\$130	\$185	Yes	No
(l) Food fish trawl- Non-Puget Sound	\$240	\$405	Yes	No
(m) Food fish trawl- Puget Sound	\$185	\$295	Yes	No
(n) Herring dip bag net (RCW 77.70.120)	\$175	\$275	Yes	Yes
(o) Herring drag seine (RCW 77.70.120)	\$175	\$275	Yes	Yes
(p) Herring gill net (RCW 77.70.120)	\$175	\$275	Yes	Yes
(q) Herring Lampara (RCW 77.70.120)	\$175	\$275	Yes	Yes
(r) Herring purse seine (RCW 77.70.120)	\$175	\$275	Yes	Yes
(s) Herring spawn-on-kelp (RCW 77.70.210)	N/A	N/A	Yes	Yes
(t) <u>Sardine purse seine (section 2 of this act)</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>Yes</u>
(u) <u>Sardine purse seine temporary (section 2 of this act)</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>No</u>
(v) Smelt dip bag net	\$130	\$185	No	No
((tt)) (w) Smelt gill	\$380	\$685	Yes	No

Net
 ((~~7~~)) (x) Whiting- \$295 \$520 Yes Yes
 Puget Sound (RCW
 77.70.130)

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery."

Correct the title.

Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot; Kretz; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5276 Prime Sponsor, Committee on Higher Education & Workforce Development: Increasing the availability of engineering programs in public universities. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler and White.

Referred to Committee on Education Appropriations.

March 20, 2009

SB 5284 Prime Sponsor, Senator Keiser: Concerning truth in music advertising. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5367 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Creating a spirits, beer, and wine nightclub license. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5388 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning the disclosure of any known damage and repair to a new motor vehicle by motor vehicle dealers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5537 Prime Sponsor, Committee on Ways & Means: Eliminating the statutory debt limit. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Grant-Herriot; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

March 19, 2009

SB 5547 Prime Sponsor, Senator Hargrove: Concerning respite care. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 28, after "assessment for" strike "a ((parent)) family member who resides with and is the primary care provider who provides personal care in the home to ((his or her)) an adult ((son or daughter)) with developmental disabilities" and insert the following: "

(i) A parent who provides personal care in the home to his or her adult son or daughter with developmental disabilities; or

(ii) A family member who replaces the parent as the primary caregiver, resides with, and provides personal care in the home for the adult with developmental disabilities"

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

March 20, 2009

2SSB 5691 Prime Sponsor, Committee on Ways & Means: Improving boating programs. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Dunshee; Finn; Hudgins; Kristiansen; Morris; Orcutt and Shea.

MINORITY recommendation: Do not pass. Signed by Representatives Chase and Dickerson.

Referred to Committee on General Government Appropriations.

March 20, 2009

SB 5720 Prime Sponsor, Senator Hewitt: Including stepchildren in tuition waivers for children of veterans and national guard members. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.621 and 2008 c 188 s 1 and 2008 c 6 s 501 are each reenacted and amended to read as follows:

(1) The legislature finds that active military and naval veterans, reserve military and naval veterans, and national guard members called to active duty have served their country and have risked their lives to defend the lives of all Americans and the freedoms that define and distinguish our nation. The legislature intends to honor active military and naval veterans, reserve military and naval veterans, and national guard members who have served on active

military or naval duty for the public service they have provided to this country.

(2) Subject to the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, may waive all or a portion of tuition and fees for an eligible veteran or national guard member.

(3) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, may waive all or a portion of tuition and fees for a military or naval veteran who is a Washington domiciliary, but who did not serve on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters and who does not qualify as an eligible veteran or national guard member under subsection (8) of this section. However, there shall be no state general fund support for waivers granted under this subsection.

(4) Subject to the conditions in subsection (5) of this section and the limitations in RCW 28B.15.910, the governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges, shall waive all tuition and fees for the following persons:

(a) A child and the spouse or the domestic partner or surviving spouse or surviving domestic partner of an eligible veteran or national guard member who became totally disabled ~~(as defined in RCW 28B.15.385;)~~ as a result of serving in active federal military or naval service, or who is determined by the federal government to be a prisoner of war or missing in action; and

(b) A child and the surviving spouse or surviving domestic partner of an eligible veteran or national guard member who lost his or her life as a result of serving in active federal military or naval service.

(5) The conditions in this subsection (5) apply to waivers under subsection (4) of this section.

(a) A child must be a Washington domiciliary between the age of seventeen and twenty-six to be eligible for the tuition waiver. A child's marital status does not affect eligibility.

(b)(i) A surviving spouse or surviving domestic partner must be a Washington domiciliary.

(ii) Except as provided in (b)(iii) of this subsection, a surviving spouse or surviving domestic partner has ten years from the date of the death, total disability, or federal determination of prisoner of war or missing in action status of the eligible veteran or national guard member to receive benefits under the waiver. Upon remarriage or registration in a subsequent domestic partnership, the surviving spouse or surviving domestic partner is ineligible for the waiver of all tuition and fees.

(iii) If a death results from total disability, the surviving spouse has ten years from the date of death in which to receive benefits under the waiver.

(c) Each recipient's continued participation is subject to the school's satisfactory progress policy.

(d) Tuition waivers for graduate students are not required for those who qualify under subsection (4) of this section but are encouraged.

(e) Recipients who receive a waiver under subsection (4) of this section may attend full-time or part-time. Total credits earned using the waiver may not exceed two hundred quarter credits, or the equivalent of semester credits.

(6) Required waivers of all tuition and fees under subsection (4) of this section shall not affect permissive waivers of tuition and fees under subsection (3) of this section.

(7) Private vocational schools and private higher education institutions are encouraged to provide waivers consistent with the terms in subsections (2) through (5) of this section.

(8) The definitions in this subsection apply throughout this section.

(a) "Child" means a biological child, adopted child, or stepchild.

(b) "Eligible veteran or national guard member" means a Washington domiciliary who was an active or reserve member of the United States military or naval forces, or a national guard member called to active duty, who served in active federal service, under either Title 10 or Title 32 of the United States Code, in a war or

conflict fought on foreign soil or in international waters or in another location in support of those serving on foreign soil or in international waters, and if discharged from service, has received an honorable discharge.

~~((b))~~ (c) "Totally disabled" means a person who has been determined to be one hundred percent disabled by the federal department of veterans affairs.

~~((c))~~ (d) "Washington domiciliary" means a person whose true, fixed, and permanent house and place of habitation is the state of Washington. "Washington domiciliary" includes a person who is residing in rental housing or residing in base housing. In ascertaining whether a child or surviving spouse or surviving domestic partner is domiciled in the state of Washington, public institutions of higher education shall, to the fullest extent possible, rely upon the standards provided in RCW 28B.15.013.

(9) As used in subsection (4) of this section, "fees" includes all assessments for costs incurred as a condition to a student's full participation in coursework and related activities at an institution of higher education.

(10) The governing boards of the state universities, the regional universities, The Evergreen State College, and the community colleges shall report to the higher education committees of the legislature by November 15, 2010, and every two years thereafter, regarding the status of implementation of the waivers under subsection (4) of this section. The reports shall include the following data and information:

- (a) Total number of waivers;
 - (b) Total amount of tuition waived;
 - (c) Total amount of fees waived;
 - (d) Average amount of tuition and fees waived per recipient;
 - (e) Recipient demographic data that is disaggregated by distinct ethnic categories within racial subgroups; and
 - (f) Recipient income level, to the extent possible.
- Correct the title.

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler and White.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5797 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding exemptions from solid waste handling permit requirements. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Kristiansen; Morris; Orcutt and Shea.

Referred to Committee on General Government Appropriations.

March 20, 2009

SB 5804 Prime Sponsor, Senator Keiser: Setting forth the circumstances under which a person qualifies for benefits when voluntarily leaving part-time work. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5834 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding alcoholic beverage regulation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5903 Prime Sponsor, Senator Keiser: Regarding public works contracts for residential construction. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5944 Prime Sponsor, Senator Ranker: Implementing a demonstration project to reduce phosphorus loading in Lake Whatcom. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Kristiansen; Morris; Orcutt and Shea.

Passed to Committee on Rules for second reading.

March 19, 2009

SB 5980 Prime Sponsor, Senator Oemig: Renaming components of the formula for allotment of appropriations for school plant facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

March 20, 2009

SSCR 8404 Prime Sponsor, Committee on Higher Education & Workforce Development: Providing for the 2008-2018 state comprehensive plan for workforce training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything beginning with line 1 and insert the following: "WHEREAS, Chapter 238, Laws of 1991 created the workforce training and education coordinating board to provide planning, coordination, evaluation, monitoring, and policy analysis for the state training system as a whole and advice to the governor and legislature concerning the training system, in cooperation with the agencies that comprise the state training system and the higher education coordinating board; and

WHEREAS, Section 2, chapter 130, Laws of 1995 requires the board to update the state comprehensive plan for workforce training and education and requires the legislature, following public hearings, to approve or make changes to the updates; and

WHEREAS, The state faces the workforce challenges of: (1) Ensuring all Washington youth receive the education, training, and support they need for success in postsecondary education and/or work; (2) providing Washington adults, including those with barriers to education and employment, with access to lifelong education, training, and employment services; and (3) meeting the workforce

needs of industry by preparing students, current workers, and dislocated workers with the skills employers need; and

WHEREAS, The state comprehensive plan for 2008 has a ten-year horizon through 2018 and the following eight strategic opportunities on which to focus:

(1) Increase high school graduation rates and ensure youth are prepared for further education and/or work;

(2) Expand the availability of career pathways that span secondary and postsecondary education and training;

(3) Increase postsecondary education and training capacity to close the gap between the need of employers for skilled workers and the supply of Washington residents prepared to meet that need;

(4) Increase financial aid and support services for workforce education students to provide greater access to training and boost retention and completion;

(5) Increase adult basic skills and English language instruction that is integrated with occupational skills training to assist illiterate populations, immigrants, low-income workers, and unemployed individuals to improve their employment opportunities;

(6) Improve coordination between workforce and economic development in key economic clusters through initiatives such as Industry Skill Panels and Centers of Excellence;

(7) Meet employee education and training needs by providing transferable skills that are generally marketable and lead to career advancement for low-skilled workers through employer and employee accountable customized training, workplace-based learning, flexible methods of education delivery, and cost-efficient new ways of funding employee training; and

(8) Identify barriers for improving and expanding employment, education, and training services and remove those barriers; and

WHEREAS, The state comprehensive plan includes: Assessments of our state's employment opportunities and skills needs, the present and future workforce, three goals, and more than sixty strategies for meeting the workforce challenges; and identifies entities responsible for carrying out the strategies; and

WHEREAS, The workforce training and education coordinating board used an inclusive process of work groups and public hearings and contact with approximately 3,500 individuals to develop consensus on the strategies identified in the plan and has secured the unanimous endorsement of critical constituencies, including business, labor, and the agencies delivering workforce services; and

WHEREAS, The provisions of the comprehensive plan and its updates that are approved by the legislature become the state's workforce policy unless legislation is enacted to alter the policies set forth therein;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Washington, the House of Representatives concurring, hereby approve the 2008-2018 state comprehensive plan for workforce training, "High Skills, High Wages."

Signed by Representatives Wallace, Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Driscoll; Grant-Herriot; Haler and White.

MINORITY recommendation: Do not pass. Signed by Representatives Sells, Vice Chair and Carlyle.

Passed to Committee on Rules for second reading.

There being no objection, the bills and resolution listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE BILL NO. 1562
ENGROSSED SUBSTITUTE SENATE BILL NO. 5671

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m.,
March 25, 2009, the 73rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTY THIRD DAY

House Chamber, Olympia, Wednesday, March 25, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

March 24, 2009

Mr. Speaker:

The President has signed HOUSE BILL NO. 1562, and the same is herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2323 by Representatives Grant-Herriot, Kretz, Blake, McCune, Warnick, Jacks, Van De Wege, Ericks, Schmick, Takko, Kelley, Short, Ormsby, Kenney and Santos

AN ACT Relating to sales and use tax exemption of the nonhighway use of propane by farmers; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; providing an effective date; providing a contingent effective date; providing contingent expiration dates; and declaring an emergency.

Referred to Committee on Finance.

HB 2324 by Representatives Liias and Ericks

AN ACT Relating to a joint legislative task force on aerospace manufacturing; creating new sections; and providing an expiration date.

Referred to Committee on Community & Economic Development & Trade.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

March 20, 2009

SSB 5001 Prime Sponsor, Committee on Higher Education & Workforce Development: Eliminating the matching fund requirement for the American Indian endowed scholarship program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5015 Prime Sponsor, Senator Franklin: Concerning foster parent licensing. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5017 Prime Sponsor, Senator McDermott: Eliminating the requirement that auditors send a ballot or an application to receive a ballot to inactive voters. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5030 Prime Sponsor, Committee on Government Operations & Elections: Concerning militia records, property, command, and administration. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5043 Prime Sponsor, Committee on Higher Education & Workforce Development: Convening a work group to develop a single, coordinated student access portal for college information. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler and White.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5076 Prime Sponsor, Senator Schoesler: Creating the Washington grain commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The history, economy, culture, and the future of Washington state to a large degree all involve agriculture. In order to develop and promote Washington's agricultural products as part of the existing comprehensive scheme to regulate agricultural commodities, the legislature declares:

(1) That the marketing of wheat and barley produced in Washington is in the public interest. It is vital to the continued economic well-being of the citizens of this state and their general welfare that wheat and barley produced in Washington are properly promoted by:

(a) Enabling wheat producers and barley producers to help themselves in establishing orderly, fair, sound, efficient, and unhampered marketing, grading, and standardizing of the grains they produce; and

(b) Working towards stabilizing the agricultural industries by increasing consumption of wheat and barley within the state, the nation, and internationally;

(2) That the wheat and barley industries operate within a regulatory environment that imposes burdens on them for the benefit of society and the citizens of the state and that includes restrictions on marketing autonomy. Those restrictions may impair the agricultural producer's ability to compete in local, domestic, and foreign markets;

(3) That it is in the overriding public interest that support for the wheat and barley industries be clearly expressed, that adequate protection be given to the industries and their activities and operations, and that wheat and barley be promoted individually and as part of a comprehensive agricultural industry to:

(a) Enhance the reputation and image of Washington state's wheat and barley;

(b) Increase the sale and use of Washington state's wheat and barley in local, domestic, and foreign markets;

(c) Protect the public by educating the public in reference to the quality, care, and methods used in the production of Washington state's wheat and barley;

(d) Increase the knowledge of the health-giving qualities and dietetic value of Washington state's wheat and barley and wheat and barley products;

(e) Support and engage in programs or activities that benefit the planting, production, harvesting, handling, processing, marketing, and uses of wheat and barley produced in Washington state;

(4) That the commission is established primarily for the benefit of the people of the state of Washington and its economy. By enacting this chapter, the legislature hereby charges the commission, with oversight by the director, to speak on behalf of the Washington state government with regard to wheat and barley production in Washington and issues related to the wheat and barley industry in Washington; and

(5) That this chapter is enacted in the exercise of the police powers of this state for the purposes of protecting the health, peace, safety, and general welfare of the people of this state.

NEW SECTION. Sec. 2. The wheat and barley industries are highly regulated industries, and this chapter and the rules adopted under it are only one aspect of the regulation of those industries. Other regulations and restraints applicable to the wheat and barley industries include:

(1) Chapter 15.04 RCW, Washington agriculture general provisions;

(2) Chapter 15.08 RCW, horticultural pests and diseases;

(3) Chapter 15.14 RCW, planting stock;

(4) Chapter 15.49 RCW, seeds;

(5) Chapter 15.54 RCW, fertilizers, minerals, and limes;

(6) Chapter 15.58 RCW, Washington pesticide control act;

(7) Chapter 15.64 RCW, farm marketing;

(8) Chapter 15.83 RCW, agricultural marketing and fair practices;

(9) Chapter 15.86 RCW, organic food products;

(10) Chapter 15.92 RCW, center for sustaining agriculture and natural resources;

(11) Chapter 17.24 RCW, insect pests and plant diseases;

(12) Chapter 19.94 RCW, weights and measures;

(13) Chapter 20.01 RCW, agricultural products--commission merchants, dealers, brokers, buyers, agents;

(14) Chapter 22.09 RCW, agricultural commodities;

(15) Chapter 43.23 RCW, department of agriculture;

(16) Chapter 69.04 RCW, food, drugs, cosmetics, and poisons including provisions of Title 21 U.S.C. relating to the general

manufacturing practices, food labeling, food standards, food additives, and pesticide tolerances;

(17) Chapter 70.94 RCW, Washington clean air act, agricultural burning;

(18) 7 U.S.C., Sec. 136, federal insecticide, fungicide, and rodenticide act; and

(19) 7 U.S.C., Sec. 1621, agricultural marketing act.

NEW SECTION. Sec. 3. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affected area" means the following counties located in the state of Washington: Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

(2) "Affected producer" means any producer who is subject to this chapter.

(3) "Assessment" means the monetary amount established by the commission in accordance with this chapter.

(4) "Commercial channels" means the sale of wheat or barley for use as food, feed, seed, or any industrial or chemurgic use, when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat or barley or product produced from wheat or barley.

(5) "Commercial quantities" means five hundred or more bushels of wheat or twenty tons of barley produced for market in any calendar year by any producer.

(6) "Commission" means the Washington grain commission.

(7) "Department" means the department of agriculture of the state of Washington.

(8) "Director" means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act concerning some matter under this chapter.

(9) "Grain" or "grains" means wheat and barley and includes all kinds and varieties of wheat and barley grown in the state of Washington.

(10) "Handler" means any person who acts, either as principal, agent, or otherwise, in the processing, selling, marketing, or distributing of wheat or barley that is not produced by the handler. "Handler" does not include a common carrier used to transport an agricultural commodity. "To handle" means to act as a handler.

(11) "Hosting" may include providing meals, refreshments, lodging, transportation, gifts of a nominal value, reasonable and customary entertainment, and normal incidental expenses at meetings or gatherings.

(12) "Mail" or "send," for purposes of any notice relating to rule making, referenda, or elections, means regular mail or electronic distribution, as provided in RCW 34.05.260 for rule making. "Electronic distribution" or "electronically" means distribution by electronic mail or facsimile mail.

(13) "Marketing year" means the twelve-month period beginning June 1st of any year and ending on May 31st of the subsequent year. "Fiscal year" means the twelve-month period beginning July 1st of any year and ending on June 30th of the subsequent year.

(14) "Percent by numbers" means the percent of those persons on the list of affected parties or affected producers.

(15) "Person" includes any individual, firm, corporation, limited liability company, trust, association, partnership, society, or any other organization of individuals, or any unit or agency of local or state government.

(16) "Producer" means any person who is engaged in the business of producing or causing to be produced for market, in commercial quantities, wheat or barley grown in the designated affected area of the state of Washington, and who has been so engaged in at least one of the past three years. "Producer" includes a person who contracts to produce or grow wheat or barley on behalf of a person who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase. "To produce" means to act as a producer.

(17) "Promotional hosting" means the hosting of individuals and groups of individuals at meetings, meals, and gatherings for the

purpose of cultivating trade relations and promoting sales of wheat or barley or processed wheat or barley products.

(18) "Referendum" means a vote by the affected parties or affected producers which is conducted by secret ballot.

(19) "Rule-making proceedings" means rule making under chapter 34.05 RCW.

(20) "Vacancy" means that a commission member leaves or is removed from a position on the commission prior to the end of a term, or a nomination process for the beginning of a term concludes with no candidates for a position.

NEW SECTION. Sec. 4. (1) There is hereby created the Washington grain commission. The commission is composed of five wheat producer members, two barley producer members, two members representing the wheat industry, one member representing the barley industry, and the director or his or her appointee. All members, including the director or his or her appointee, are full voting members of the commission.

(2)(a) Each wheat producer member of the commission must be a resident of Washington state, over the age of eighteen years at the time of appointment, and a producer of wheat in the district in and for which he or she is nominated and appointed. A wheat producer member must continue to satisfy these qualifications during his or her term of office.

(b) For the nomination and appointment of wheat producer members, the affected area is divided into districts as follows:

(i) District I: Ferry, Lincoln, Pend Oreille, Spokane, and Stevens counties;

(ii) District II: Whitman county;

(iii) District III: Asotin, Columbia, Garfield, and Walla Walla counties;

(iv) District IV: Adams, Chelan, Douglas, Grant, and Okanogan counties; and

(v) District V: Benton, Franklin, Kittitas, Klickitat, and Yakima counties.

(c) The wheat producers in each district are entitled to elect one wheat producer member of the commission.

(3)(a) Each barley producer member of the commission must be a resident of Washington state, over the age of eighteen years at the time of appointment, and a producer of barley in the district in and for which he or she is nominated and appointed. A barley producer member must continue to satisfy these qualifications during his or her term of office.

(b) For the nomination and appointment of barley producer members, the affected area is divided into districts as follows:

(i) District VI: Asotin, Benton, Columbia, Franklin, Garfield, Klickitat, Walla Walla, Whitman, and Yakima counties; and

(ii) District VII: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, and Stevens counties.

(c) The barley producers in each district are entitled to elect one barley producer member of the commission.

(4) An industry member of the commission need not be a resident of Washington state, but must be involved with the handling, marketing, transportation, processing of, or research regarding wheat or barley produced in Washington state. An industry representative member must continue to satisfy these qualifications during his or her term of office.

(5)(a) The regular term of office of each producer member of the commission is three years from January 1st following his or her first appointment by the director and continues until a successor is appointed. The term of office for producer positions representing districts I, IV, and VII is from January 1, 2011, to December 31, 2014, and for three-year terms thereafter. The term of office for producer positions representing districts II, III, V, and VI is from January 1, 2012, to December 31, 2015, and for three-year terms thereafter.

(b) The regular term of office of each industry representative member of the commission is three years from January 1st following his or her appointment by the director and until a successor is appointed. The term of office for the barley industry representative position is from January 1, 2011, to December 31, 2014, and for three-year terms thereafter. The term of office for the wheat industry representative (position 1) is from January 1, 2011, to December 31,

2014, and for three-year terms thereafter. The term of office for the wheat industry representative (position 2) is from January 1, 2012, to December 31, 2015, and for three-year terms thereafter.

(c) The director, or his or her appointee, is a permanent member of the commission.

NEW SECTION. Sec. 5. (1) The Washington grain commission replaces the Washington wheat commission and the Washington barley commission. To accomplish this transition, the initial appointments to the Washington grain commission are as follows:

(a) Within thirty days of the effective date of this section, the Washington wheat commission shall forward to the director the names of the currently appointed wheat producer members who shall be appointed to the interim terms specified in subsection (2) of this section. Thereafter, wheat producer members are nominated and appointed under sections 6 and 8 of this act.

(b) Within thirty days of the effective date of this section, the Washington barley commission shall forward to the director the names of two currently appointed producer members, one who resides in and is a barley producer in district VI and one who resides in and is a barley producer in district VII who shall be appointed to the interim terms specified in subsection (2) of this section. Thereafter, barley producer members are nominated and appointed under sections 6 and 8 of this act.

(c) Within thirty days of the effective date of this section, the Washington wheat commission shall forward to the director the names of the currently appointed wheat industry representative members who shall be appointed to the interim terms specified in subsection (3) of this section. Thereafter the director shall appoint wheat industry representative members under sections 7 and 8 of this act.

(d) Within thirty days of the effective date of this section, the Washington barley commission shall forward to the director the name of one of the currently appointed barley industry representative members who shall be appointed to the interim term specified in subsection (3) of this section. Thereafter the director shall appoint the barley industry representative member under sections 7 and 8 of this act.

(2) Interim terms for producer members expire as follows:

(a) Districts I, IV, and VII: December 31, 2010; and

(b) Districts II, III, V, and VI: December 31, 2011.

(3) Interim terms for industry representative members expire as follows:

(a) Barley industry representative: December 31, 2010;

(b) Wheat industry representative (position 1): December 31, 2010; and

(c) Wheat industry representative (position 2): December 31, 2011.

(4) The initial appointments under this section must be made within sixty days of the effective date of this section.

NEW SECTION. Sec. 6. (1) The director shall appoint the producer members of the commission.

(2) Candidates for producer positions on the commission must be nominated to the director in accordance with this section.

(3)(a) The director shall mail nominating petitions for producer members not earlier than September 17th and not later than October 2nd in each district in which an open producer position will occur at the end of the year. Each nominating petition must be signed by the candidate and by at least five affected producers of the district from which the nominated candidate would be appointed.

(b) Signed nominating petitions must be filed with the director. A nominating petition is filed when it is postmarked by the deadline.

(c) The director shall determine the final date for filing nominating petitions and shall display that final date on the face of each nominating petition mailed under this subsection. The final date may not be earlier than October 8th and not later than October 13th in each district in which an open producer position will occur at the end of the year.

(4)(a) The director shall prepare an advisory ballot for each district in which an open producer position will occur. All candidates from a district who have been nominated as a producer member in accordance with subsection (3) of this section shall have their names placed on the advisory ballot for that district.

(b) The director shall mail advisory ballots to all affected producers in each district in which an open producer position will occur. Advisory ballots must be mailed not earlier than October 18th and not later than November 2nd in each district in which an open producer position will occur at the end of the year.

(c) Only those completed advisory ballots may be counted that are sent to the director and postmarked not later than November 25th in each district in which an open producer position will occur at the end of the year. Each advisory ballot must display the following language on its face: "Each completed advisory ballot must be postmarked not later than November 25, [insert year] to be counted."

(d) Each affected producer is entitled to one vote.

(e) The advisory vote must be conducted in a manner so that it is a secret ballot.

(5)(a) If two or more candidates for a position are named in valid petitions, an advisory vote must be held. If only one candidate for a position is named in valid petitions, an advisory vote need not be held, and the director may appoint that candidate or request an additional candidate from the commission for appointment consideration. If a candidate for a position is not named in any valid petition, the commission shall submit a candidate for the director's appointment consideration. Not more than one commission member may be part of the same person under this chapter.

(b) The director may request of any candidate whose name is forwarded to the director for potential appointment that the candidate submit a letter stating why he or she wishes to be appointed to the commission.

(c) If two or more candidates receive votes in an advisory vote, the director may select either of the two candidates receiving the most votes for the position or may reject both candidates and request a new advisory vote with nominees selected by the commission and, if desired, by the director. If no candidate has been nominated in a petition under subsection (3) of this section, the director shall make an appointment to the position as provided in section 8 of this act.

(6) Except for good cause shown, appointments under this section must be made no later than fifteen days before the commencement of the term of office of the position for which the appointment is made.

NEW SECTION. Sec. 7. (1) The director shall appoint the industry representative members of the commission.

(2) Not later than November 1st preceding the expiration of an industry representative member's term of office, the commission shall, by majority vote of a quorum of the commission, select a qualified candidate for the industry representative position and forward the name of the candidate to the director.

(3) The director may select the candidate for the position or may reject the candidate and request that the commission forward the name of an additional candidate for appointment consideration by the director.

(4) Except for good cause shown, appointments under this section must be made no later than fifteen days before the commencement of the term of office of the position for which the appointment is made.

NEW SECTION. Sec. 8. In the event of a vacancy on the commission, the remaining members shall recommend to the director the name of a person qualified for appointment to the vacant position. The director may appoint that person for the position or may reject the candidate and request that the commission forward the name of an additional candidate for appointment consideration by the director.

NEW SECTION. Sec. 9. If a commission member fails or refuses to perform his or her duties due to excessive absence or abandonment of his or her position or engages in any acts of dishonesty or willful misconduct, a majority of a quorum of the commission may recommend in writing to the director that the commission member be removed from his or her position on the commission. Upon receiving this recommendation, the director shall review the matter, including any statement from the commission member who is the subject of the recommendation, and determine whether adequate cause for removal is present. If the director finds that adequate cause for removal exists, the director shall remove the member from his or her commission position. The position is then vacant and must be filled as set forth in this chapter.

NEW SECTION. Sec. 10. (1) Any member of the commission also may be a member or officer of an association which has similar objectives for which the agricultural commission was formed.

(2) An agricultural commission also may contract with such an association for services necessary to carry out any purposes authorized under this chapter, provided that an appropriate contract has been entered into, and provided that any members with potential conflicts of interest comply with applicable provisions in chapter 42.52 RCW.

NEW SECTION. Sec. 11. (1) The commission shall hold regular meetings, at least quarterly, with the time, date, and place to be determined prior to the new calendar year and published in the state register as required in RCW 42.30.075.

(2) The commission may call special meetings as provided for in RCW 42.30.080.

(3) The commission shall hold an annual meeting. The proposed budget must be presented for discussion at the meeting. Notice of the annual meeting must be given by the commission at least ten days prior to the meeting through the regular news media.

(4) Any action taken by the commission requires the majority vote of the members present, provided a quorum is present.

(5) All commission meetings are open and public and must be conducted in accordance with chapter 42.30 RCW.

NEW SECTION. Sec. 12. (1) A majority of the voting members constitute a quorum for the transaction of all business and for carrying out the duties of the commission.

(2) A member of the commission shall not receive any salary or other compensation from the commission, except that each member of the commission is compensated in accordance with RCW 43.03.230 for each day spent in actual attendance at or traveling to and from meetings of the commission or on special assignments for the commission, together with subsistence, lodging, and travel expenses allowed by RCW 43.03.050 and 43.03.060. Employees of the commission also may be reimbursed subsistence, lodging, and travel expenses allowed by RCW 43.03.050 and 43.03.060 when on official commission business.

NEW SECTION. Sec. 13. (1) The Washington grain commission is the successor in interest to the Washington wheat commission and the Washington barley commission and is vested with all powers and duties transferred to it under this chapter and other such powers and duties as may be authorized by law.

(2) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the Washington wheat commission or Washington barley commission must be delivered to the custody of the Washington grain commission. All cabinets, furniture, office equipment, motor vehicles, and other tangible property owned or employed by the Washington wheat commission or Washington barley commission must be delivered to the Washington grain commission. The Washington grain commission shall ensure the timely transfers of all legal titles, registrations, and licenses made necessary by this subsection. All funds, accounts, investments, credits, or other assets held by the Washington wheat commission or Washington barley commission must be transferred or assigned to the Washington grain commission. All debts, liabilities, and obligations owed by the Washington wheat commission or Washington barley commission must be transferred or assigned to the Washington grain commission.

(3) All employees of the Washington wheat commission or Washington barley commission are transferred to the Washington grain commission.

(4) Beginning with the final initial appointment made under section 5 of this act, the interim commissioners shall submit timely reports to the director summarizing the progress made in completing the actions required under this section and any other actions necessary to complete the transition provided for in this chapter.

(5) When the interim commissioners have completed the actions required under this section and any other actions necessary to complete the transition provided for in this chapter, they shall so certify in writing to the director. The Washington wheat commission and Washington barley commission cease to exist as of the date that certification is received by the director. Once the director has received the certification, the director is authorized and shall take action to repeal the marketing orders addressing wheat or barley.

(6) All actions required under this section must be completed by the interim commissioners no later than one hundred twenty days after the final initial appointment is made under section 5 of this act.

(7) RCW 15.66.157 and 15.66.160 do not apply to the Washington wheat commission and the Washington barley commission.

NEW SECTION. Sec. 14. (1) The commission is an agency of the Washington state government subject to oversight by the director. In exercising its powers and duties, the commission shall carry out the following purposes:

(a) To establish plans and conduct programs for advertising and sales promotion, to maintain present markets, or to create new or larger markets for wheat and barley grown in Washington;

(b) To engage in cooperative efforts in the domestic or foreign marketing of wheat and barley grown in Washington;

(c) To provide for carrying on research studies to find more efficient methods of production, irrigation, processing, transportation, handling, and marketing of wheat and barley grown in Washington;

(d) To adopt rules to provide for improving standards and grades by defining, establishing, and providing labeling requirements with respect to wheat and barley grown in Washington;

(e) To investigate and take necessary action to prevent unfair trade practices relating to wheat and barley grown in Washington;

(f) To provide information or communicate on matters pertaining to the production, irrigation, processing, transportation, marketing, or uses of wheat and barley grown in Washington to any elected official or officer or employee of any agency;

(g) To provide marketing information and services for producers of wheat and barley in Washington;

(h) To provide information and services for meeting resource conservation objectives of producers of wheat and barley in Washington;

(i) To provide for education and training related to wheat and barley grown in Washington; and

(j) To assist and cooperate with the department or any local, state, or federal government agency in the investigation and control of exotic pests and diseases that could damage or affect the production or trade of wheat and barley grown in Washington.

(2) The commission has the following powers and duties:

(a) To collect the assessments of producers as provided in this chapter and to expend the same in accordance with this chapter;

(b) To maintain a list of the names and addresses of affected producers that may be compiled from information used to collect assessments authorized under this chapter and data on the value of each producer's production for a minimum three-year period;

(c) To maintain a list of the names and addresses of persons who handle wheat or barley within the affected area and data on the amount and value of the wheat and barley handled for a minimum three-year period by each person;

(d) To request records and audit the records of producers or handlers of wheat or barley during normal business hours to determine whether the appropriate assessment has been paid;

(e) To fund, conduct, or otherwise participate in scientific research relating to wheat or barley, including but not limited to research to find more efficient methods of irrigation, production, processing, handling, transportation, and marketing of wheat or barley, or regarding pests, pesticides, food safety, irrigation, transportation, and environmental stewardship related to wheat or barley;

(f) To work cooperatively with local, state, and federal agencies, universities, and national organizations for the purposes provided in this chapter;

(g) To establish a foundation using commission funds as grant money when the foundation benefits the wheat or barley industry in Washington and implements the purposes provided in this chapter;

(h) To acquire or own intellectual property rights, licenses, or patents and to collect royalties resulting from commission-funded research related to wheat or barley;

(i) To enter into contracts or interagency agreements with any private or public agency, whether federal, state, or local, to carry out the purposes and powers provided in this chapter, including specifically contracts or agreements for research described in (e) of

this subsection. Personal service contracts must comply with chapter 39.29 RCW;

(j) To institute and maintain in its own name any and all legal actions necessary to carry out the provisions of this chapter, including actions by injunction, mandatory injunction or civil recovery, or proceedings before administrative tribunals or other governmental authorities;

(k) To retain in emergent situations the services of private legal counsel to conduct legal actions on behalf of the commission. The retention of a private attorney is subject to review and approval by the office of the attorney general;

(l) To elect a chair and other officers as determined advisable;

(m) To employ and discharge at its discretion administrators and additional personnel, advertising and research agencies, and other persons and firms as appropriate and pay compensation;

(n) To acquire personal property and purchase or lease office space and other necessary real property and transfer and convey that real property;

(o) To keep accurate records of all its receipts and disbursements by commodity, which records must be open to inspection and audit by the state auditor or private auditor designated by the state auditor at least every five years;

(p) To borrow money and incur indebtedness;

(q) To make necessary disbursements for routine operating expenses;

(r) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient;

(s) To accept and expend or retain any gifts, bequests, contributions, or grants from private persons or private and public agencies to carry out the purposes provided in this chapter;

(t) To apply for and administer federal market access programs or similar programs or projects and provide matching funds as may be necessary;

(u) To engage in appropriate fund-raising activities for the purpose of supporting activities of the commission authorized in this chapter;

(v) To participate in international, federal, state, and local hearings, meetings, and other proceedings relating to the production, irrigation, manufacture, regulation, transportation, distribution, sale, or use of wheat or barley; or the regulation of the manufacture, distribution, sale, or use of any pesticide, as defined in chapter 15.58 RCW, or any agricultural chemical which is of use or potential use in producing wheat or barley. This participation may include activities authorized under RCW 42.17.190, including the reporting of those activities to the public disclosure commission;

(w) To speak on behalf of the Washington state government on a nonexclusive basis regarding issues related to wheat and barley, including but not limited to trade negotiations and market access negotiations and to fund industry organizations engaging in those activities;

(x) To adopt, rescind, and amend rules and regulations reasonably necessary for the administration and operation of the commission and the enforcement of its duties under this chapter;

(y) To administer, enforce, direct, and control the provisions of this chapter and any rules adopted under this chapter; and

(z) Other powers and duties that are necessary to carry out the purposes of this chapter.

NEW SECTION. Sec. 15. (1) The commission shall develop and submit to the director for approval any plans, programs, and projects concerning the following:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of wheat and barley; and

(b) The establishment and effectuation of market research projects, market development projects, or both, to the end that the marketing and utilization of wheat and barley may be encouraged, expanded, improved, or made more efficient.

(2) The director shall review the commission's advertising or promotion program to ensure that no false claims are being made concerning any agricultural commodity.

(3) The commission, prior to the beginning of its fiscal year, shall prepare and submit to the director for approval its research plan,

its commodity-related education and training plan, and its budget on a fiscal period basis.

(4) The director shall review and make a determination of all submissions described in this section in a timely manner.

NEW SECTION. Sec. 16. (1) Except as provided in subsection (2) of this section, all rule-making proceedings conducted under this chapter must be in accordance with chapter 34.05 RCW.

(2) Rule-making proceedings conducted under this chapter are exempt from compliance with RCW 34.05.310 and 43.135.055 and chapter 19.85 RCW, the regulatory fairness act, when the proposed rule is subject to a referendum.

(3) Rules, regulations, and orders made by the commission must be filed with the director and become effective as provided in RCW 34.05.380.

NEW SECTION. Sec. 17. (1) The commission may receive donations of liquor produced from wheat or barley grown in Washington and may use the liquor for the promotional purposes specified in subsection (2) of this section.

(2) The commission may engage directly or indirectly in the promotion of liquor produced from wheat or barley grown in Washington including, without limitation, the acquisition in any lawful manner and the dissemination without charge of the liquor. This dissemination is not deemed a sale for any purpose and the commission is not deemed a producer, supplier, or manufacturer, or the clerk, servant, or agent of a producer, supplier, distributor, or manufacturer under Title 66 RCW. This dissemination without charge may be solely for agricultural development or trade promotion, and not for fund-raising purposes under section 14(2)(u) of this act. Dissemination for promotional purposes may include promotional hosting and must be in the good faith judgment of the commission be in the aid of the marketing, advertising, or promotion of wheat or barley grown in Washington, or research related to that marketing, advertising, or promotion.

(3) The commission shall adopt rules governing promotional hosting expenditures by its employees, agents, or commission members under RCW 15.04.200.

NEW SECTION. Sec. 18. A new section is added to chapter 66.12 RCW to read as follows:

The Washington grain commission created under section 4 of this act may purchase or receive donations of liquor produced from wheat or barley grown in Washington and may use the liquor for the promotional purposes specified in section 17(2) of this act. Liquor furnished to the commission under this section which is used within the state is subject to the taxes imposed under RCW 66.24.210. A license, permit, or bond is not required of the Washington grain commission under this title for the promotional purposes specified in section 17(2) of this act.

NEW SECTION. Sec. 19. (1) The restrictive provisions of chapter 43.78 RCW do not apply to promotional printing and literature for the commission.

(2) All promotional printing contracts entered into by the commission must be executed and performed under conditions of employment that substantially conform to the laws of this state respecting hours of labor, the minimum wage scale, and the rules and regulations of the department of labor and industries regarding conditions of employment, hours of labor, and minimum wages, and the violation of such a provision of any contract is grounds for cancellation of the contract.

NEW SECTION. Sec. 20. (1) All money received by the commission from the assessment levied under this chapter and all moneys transferred to the commission under section 13(2) of this act must be deposited in the banks designated by the commission and disbursed by order of the commission. RCW 43.01.050 does not apply to money collected under this chapter.

(2) The commission shall adopt rules or establish policies as it determines necessary to ensure proper accounting and disbursement of moneys received and held by the commission.

NEW SECTION. Sec. 21. Unless covered by a blanket bond covering officials or employees of the state of Washington, every administrator, employee, or other person occupying a position of trust for the commission and every commission member actually handling or drawing upon funds shall give a bond in the penal amount as may

be required by the commission, the premium for which bond or bonds must be paid by the commission.

NEW SECTION. Sec. 22. (1) Obligations incurred by the commission and any other liabilities or claims against the commission are enforceable only against the assets of the commission and, except to the extent of those assets, liability for the debts or actions of the commission does not exist against either the state of Washington or any subdivision or instrumentality thereof or against any member, employee, or agent of the commission or the state of Washington in his or her individual capacity.

(2) Except as otherwise provided in this chapter, neither the commission members, nor its employees, may be held individually responsible for errors in judgment, mistakes, or other acts, either of commission or omission, as principal, agent, person, or employee, except for their own individual acts of dishonesty or crime. A person or employee may not be held individually responsible for any act or omission of any other commission members. The liability of the commission members is several and not joint, and a member is not liable for the default of any other member. This subsection confirms that commission members have been and continue to be state officers or volunteers for purposes of RCW 4.92.075 and are entitled to the defenses, indemnifications, limitations of liability, and other protections and benefits of chapter 4.92 RCW.

(3) In any civil or criminal action or proceeding for violation of any statute, including a rule adopted under that statute, or common law against monopolies or combinations in restraint of trade, including any action under chapter 19.86 RCW, proof that the act complained of was done in compliance with the provisions of this chapter, and in furtherance of the purposes and provisions of this chapter, is a complete defense to such an action or proceeding.

NEW SECTION. Sec. 23. Copies of the proceedings, records, and acts of the commission, when certified by the chair, are admissible in any court as prima facie evidence of the truth of the statements contained therein.

NEW SECTION. Sec. 24. (1) Under RCW 42.56.380, certain agricultural business records, commission records, and department of agriculture records relating to the commission and producers of agricultural commodities are exempt from public disclosure.

(2) Financial and commercial information and records submitted to either the department or the commission for the purpose of administering this chapter may be shared between the department and the commission. They may also be used, if required, in any suit or administrative hearing involving this chapter.

(3) This section does not prohibit:

(a) The issuance of general statements based upon the reports of persons subject to this chapter as long as the statements do not identify the information furnished by any person; or

(b) The publication by the director or the commission of the name of any person violating this chapter and a statement of the manner of the violation by that person.

NEW SECTION. Sec. 25. (1) The commission shall reimburse the department for all costs incurred by the department for actions necessary to carry out this chapter, including the adoption of rules, facilitating or conducting nominations or advisory votes, and the review and approval required under section 15 of this act.

(2) The director may provide by rule for a method to fund staff support for all commodity boards or commissions in accordance with RCW 43.23.033 if a position is not directly funded by the legislature and costs are related to the specific activity undertaken on behalf of an individual commodity board or commission. The commission shall provide funds to the department according to the rules adopted by the director.

NEW SECTION. Sec. 26. (1) The commission shall prepare a list of all producers of wheat and a list of all producers of barley, which must include for each producer his or her name and address and the amount, by unit, of wheat or barley produced during the past three years.

(2) The commission shall prepare a list of all persons who handle wheat and all persons who handle barley, which must include for each handler his or her name and address and the amount, by unit, of wheat or barley handled during the past three years.

(3) It is the responsibility of each producer or handler to ensure that his or her correct address is filed with the commodity

commission and to submit production data and handling data to the commission as prescribed in this chapter.

(4) Any qualified person may, at any time, have his or her name placed upon any list for which he or she qualifies by delivering or mailing the information to the commission. The lists must be corrected and brought up-to-date in accordance with evidence and information provided to the commission.

(5) For all purposes of giving notice, conducting advisory votes, and holding referenda, the applicable list corrected up to the day preceding the date the list is certified by the commission is the list of all affected producers entitled to notice or to vote. Inadvertent failure to notify an affected producer does not invalidate a proceeding conducted under this chapter.

(6) At the director's request when conducting a referendum for the commission, the commission shall provide the director a certified list of affected producers from the commission records. The list must include all information required by the director to conduct a referendum under this chapter, must be used to determine assent as provided in this chapter, and must be kept in the rule-making file by the director.

NEW SECTION. Sec. 27. (1)(a) The initial annual assessments are the amounts most recently approved by referendum by wheat producers and barley producers and effective at the time the grain commission is established:

(i) The initial annual assessment on wheat is three-fourths of one percent of the net receipts at the first point of sale;

(ii) The initial annual assessment on barley is one percent of the net receipts at the first point of sale.

(b) The initial annual assessments established in this subsection are effective unless and until changed pursuant to the procedure in subsection (2) of this section.

(2)(a) If the commission determines, based on information available to it, that the revenue from the assessment levied on wheat or barley under this chapter is too high or is inadequate to accomplish the purposes of this chapter, then with the oversight of the director the commission shall adopt a resolution setting forth the needs of the industry, the extent and probable cost of the commission activities identified as necessary to address the needs of the industry together with a brief statement justifying each activity, the proposed new assessment rate, and the expected revenue from the proposed assessment levied. The resolution must be submitted to the director for review and approval.

(b) If the director objects to the proposed new assessment rate, the director shall explain the reasons for the objection to the commission in writing. The commission may adopt a revised resolution and submit it to the director for review and approval.

(c) Upon receiving the director's approval and with the director's oversight, the commission may conduct a referendum to determine whether affected producers assent to the proposed new assessment rate, or may refer the matter to the director to conduct the referendum on behalf of the commission. Only wheat producers may vote on a proposed new assessment rate on wheat, and only barley producers may vote on a proposed new assessment rate on barley.

(i) The producers have assented to the new rate if more than fifty percent by number and more than fifty percent by volume of those replying assent. The determination by volume is made on the basis of volume as determined in the list of affected producers created under section 26 of this act.

(ii) Results of the referendum must be communicated via the news media.

(iii) If the requisite assent is given, the commission shall adopt the new rate at its next meeting. The new rate must be adopted by rule in accordance with chapter 34.05 RCW, except as provided in section 16 of this act.

(3)(a) Notwithstanding the provisions in subsection (2) of this section, the commission may, by majority vote of a quorum of its members, adopt a finding that its current revenue substantially exceeds that needed to support the current needs of the industry and the current cost of commission activities and order a temporary reduction in the annual assessments below the rate currently authorized under subsection (1) of this section.

(b) With the director's approval, such a reduction commences on July 1st following the commission's action and expires automatically

on June 30th of the subsequent year unless extended by a new action of the commission under this subsection.

(c) Any action taken under this subsection must be communicated to affected producers via the news media and any other means it deems effective.

(4) The annual assessment authorized in this chapter may not exceed three percent of the total market value of all affected units sold, processed, stored, or delivered for sale, processing, or storage by all affected producers of wheat or barley during the year to which the assessment applies.

NEW SECTION. Sec. 28. (1) The collection of the assessment made and levied by the commission must be paid by the producer upon all commercial quantities of wheat and all commercial quantities of barley sold, processed, stored, or delivered for sale, processing, or storage by the producer. However, an assessment may not be levied or collected on wheat or barley grown and used by the producer for feed, seed, or personal consumption.

(2) Handlers including warehousemen, processors, and feedlots receiving wheat or barley in commercial quantities from producers shall collect the assessment made and levied by the commission from each producer whose production they handle and remit the assessment to the commission on a monthly basis. Affected units of wheat or barley must not be transported, carried, shipped, sold, stored, or otherwise handled or disposed of until every due and payable assessment under this chapter has been paid and the receipt issued, but liability under this chapter does not attach to common carriers in the regular course of their business.

(3) Any due and payable assessment levied under this chapter constitutes a personal debt of every person so assessed or who otherwise owes the assessment, and the assessment is due and payable to the commission on a monthly basis. In the event any person fails to pay the full amount of such an assessment, the commission may add to the unpaid assessment an amount not exceeding ten percent of the unpaid assessment to defray the cost of enforcing the collecting of the unpaid assessment. In the event of failure of the person or persons to pay any due and payable assessment, the commission may bring a civil action against the person or persons in a state court of competent jurisdiction for the collection thereof, together with the additional ten percent, and the action must be tried and judgment rendered as in any other cause of action for debt due and payable. Venue for an action against a person owing a due and payable assessment to the commission is in Spokane county or a county in which the person produces or handles wheat or barley.

NEW SECTION. Sec. 29. (1) All moneys collected or otherwise received by the commission under this chapter must be used solely by and for the commission and may not be used for any other commission or the department, except as otherwise provided in this chapter. These moneys must be deposited in accounts in the name of the commission in any bank which is a state depository. All expenses and disbursements incurred and made under this chapter must be paid from moneys collected and received under this chapter without the necessity of a specific legislative appropriation, and all moneys deposited for the account of any order must be paid from the account by check or voucher in the form and in the manner and upon the signature of the person as may be prescribed by the commission. RCW 43.01.050 is not applicable to such an account or any moneys so received, collected, or expended.

(2) The commission shall ensure that the expenditure of assessments collected from wheat producers and moneys transferred from the wheat commission under section 13(2) of this act are used for purposes related to the wheat industry and that the expenditure of assessments collected from barley producers and moneys transferred from the barley commission under section 13(2) of this act are used for purposes related to the barley industry. However, this section does not prevent assessments from wheat, assessments from barley, and moneys transferred from the wheat commission or barley commission under section 13(2) of this act to be combined or used together for activities, projects, and other endeavors that benefit both the wheat and barley industries.

NEW SECTION. Sec. 30. (1) Any funds of the commission may be invested in savings or time deposits in banks, trust companies, and mutual savings banks that are doing business in the

United States, up to the amount of insurance afforded those accounts by the federal deposit insurance corporation.

(2) This section applies to all funds which may be lawfully so invested, which in the judgment of the commission are not required for immediate expenditure. The authority granted by this section is not exclusive and is cumulative and in addition to other authority provided by law for the investment of the funds including, but not limited to, authority granted under chapters 39.58, 39.59, and 43.84 RCW.

NEW SECTION. Sec. 31. (1) To prove eligibility to vote or hold a position on the commission, each producer must show records of sales of commercial quantities of wheat or barley sold within the past three years if requested by the commission.

(2) Each handler shall keep a complete and accurate record of all wheat and barley handled.

(3) Handlers' records must be in the form and contain the information as the commission may by rule prescribe, must be preserved for a period of three years, and are subject to inspection at any time upon demand of the commission or its agents.

(4) The commission through its agents may enter and inspect the premises and records of any handler of wheat or barley for the purpose of enforcing this chapter. The commission has the authority to issue subpoenas for the production of books, records, documents, and other writings of any kind from any handler and from any person having, either directly or indirectly, actual or legal control of or over the premises, books, records, documents, or other writings, for the purpose of enforcing this chapter or rules adopted under this chapter.

(5) All information furnished to or acquired by the commission or by an agent of the commission under this section must be kept confidential by all officers, employees, and agents of the commission, except as may be necessary in a suit or other legal proceeding brought by, on behalf of, or against the commission or its employees or agents involving the enforcement of this chapter or rules adopted under this chapter.

(6) This section does not prohibit:

(a) The issuance of general statements based upon the reports of a number of persons subject to this chapter, which statements do not identify the information furnished by any person; or

(b) The publication by the commission or the director of the name of any person violating this chapter or rules adopted under this chapter, together with a statement of the particular provisions and the manner of the violation.

NEW SECTION. Sec. 32. (1) It is a misdemeanor for any person willfully to:

(a) Violate or aid in the violation of this chapter or rules adopted under this chapter;

(b) Submit a false or fraudulent report, statement, or record required by the director or the commission under this chapter or rules adopted under this chapter; or

(c) Fail or refuse to submit a report, statement, or record required by the director or the commission under this chapter or rules adopted under this chapter.

(2) In the event of a violation or threatened violation of this chapter or rules adopted under this chapter, the director or the commission is entitled to an injunction in a court of competent jurisdiction to prevent further violation and to a decree of specific performance, and to a temporary restraining order and injunction pending litigation.

(3) In the event of a violation or threatened violation of this chapter or rules adopted under this chapter, the director, the commission, or any affected producer on joining the commission may refer the violation to the prosecutor in any county in which the defendant or any defendant resides, or in which the violation was committed, or in which the defendant or any defendant has his or her principal place of business.

(4) The superior courts are hereby vested with jurisdiction to enforce this chapter and the rules of the commission issued under this chapter, and to prevent and restrain violations of this chapter.

Sec. 33. RCW 15.04.200 and 2006 c 330 s 24 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting

by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, 15.88, 15.89, 15.-- (the new chapter created in section 40 of this act), and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

Sec. 34. RCW 15.65.620 and 1961 c 256 s 62 are each amended to read as follows:

Nothing in this chapter shall apply to nor alter nor change any provision of the statutes of the state of Washington relating to the apple (~~(advertising)~~) commission (RCW 15.24.010-15.24.210 inclusive), to the soft tree fruits commission (RCW 15.28.010-15.28.310 inclusive), (~~(or)~~) to dairy products commission (RCW 15.44.010-15.44.180 inclusive), or to (~~wheat~~) the grain commission (~~((RCW 15.63.010-15.63.920 inclusive))~~) (chapter 15.-- (the new chapter created in section 40 of this act)). No marketing agreement or order containing any of the provisions specified in RCW 15.65.310 or 15.65.320 shall be issued with respect to the respective commodities affected by said statutes unless and until any commission established by any such statute shall cease to perform the provisions of its respective statute. The provisions of this chapter shall have no application to any marketing agreement or order issued pursuant to the Washington agricultural enabling act of 1955 (chapter 15.66 RCW); except that any such marketing agreement or order issued pursuant to said 1955 act may be brought under this chapter upon compliance with the provisions of this chapter relating to amendments of marketing agreements and orders, whereupon:

(1) The provisions of this chapter shall apply to and the provisions of said 1955 act shall cease to apply to such marketing agreement or order; and

(2) All assets and liabilities of, or pertaining to such agreement or order, and of any commission or agency established by it, shall continue to exist with respect to such agreement, order, commission or agency after being so brought under this chapter.

Sec. 35. RCW 15.66.270 and 2007 c 234 s 100 are each amended to read as follows:

This chapter does not apply to any provision of the statutes of the state of Washington relating to the Washington apple commission (chapter 15.24 RCW), to the soft tree fruits commission (chapter 15.28 RCW), (~~(or)~~) to the dairy products commission (chapter 15.44 RCW), or to the Washington grain commission (chapter 15.-- RCW (the new chapter created in section 40 of this act)). Marketing agreements or orders shall not be issued with respect to apples, soft tree fruits, (~~(or)~~) dairy products, or wheat or barley for the purposes specified in RCW 15.66.030 (1) or (2).

Sec. 36. RCW 41.06.070 and 2002 c 354 s 209 are each amended to read as follows:

(1) The provisions of this chapter do not apply to:

(a) The members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers, and employees of the legislative council, joint legislative audit and review committee, statute law committee, and any interim committee of the legislature;

(b) The justices of the supreme court, judges of the court of appeals, judges of the superior courts or of the inferior courts, or to any employee of, or position in the judicial branch of state government;

(c) Officers, academic personnel, and employees of technical colleges;

- (d) The officers of the Washington state patrol;
- (e) Elective officers of the state;
- (f) The chief executive officer of each agency;
- (g) In the departments of employment security and social and health services, the director and the director's confidential secretary; in all other departments, the executive head of which is an individual appointed by the governor, the director, his or her confidential secretary, and his or her statutory assistant directors;
- (h) In the case of a multimember board, commission, or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or are otherwise chosen:
- (i) All members of such boards, commissions, or committees;
- (ii) If the members of the board, commission, or committee serve on a part-time basis and there is a statutory executive officer: The secretary of the board, commission, or committee; the chief executive officer of the board, commission, or committee; and the confidential secretary of the chief executive officer of the board, commission, or committee;
- (iii) If the members of the board, commission, or committee serve on a full-time basis: The chief executive officer or administrative officer as designated by the board, commission, or committee; and a confidential secretary to the chair of the board, commission, or committee;
- (iv) If all members of the board, commission, or committee serve ex officio: The chief executive officer; and the confidential secretary of such chief executive officer;
- (i) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state;
- (j) Assistant attorneys general;
- (k) Commissioned and enlisted personnel in the military service of the state;
- (l) Inmate, student, part-time, or temporary employees, and part-time professional consultants, as defined by the Washington personnel resources board;
- (m) The public printer or to any employees of or positions in the state printing plant;
- (n) Officers and employees of the Washington state fruit commission;
- (o) Officers and employees of the Washington state apple (~~(advertising)~~) commission;
- (p) Officers and employees of the Washington state dairy products commission;
- (q) Officers and employees of the Washington tree fruit research commission;
- (r) Officers and employees of the Washington state beef commission;
- (s) Officers and employees of the Washington grain commission;
- ~~(t)~~ Officers and employees of any commission formed under chapter 15.66 RCW;
- ~~((+))~~ (u) Officers and employees of agricultural commissions formed under chapter 15.65 RCW;
- ~~((+))~~ (v) Officers and employees of the nonprofit corporation formed under chapter 67.40 RCW;
- ~~((+))~~ (w) Executive assistants for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law;
- ~~((+))~~ (x) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency heads;
- ~~((+))~~ (y) All employees of the marine employees' commission;
- ~~((+))~~ (z) Staff employed by the department of community, trade, and economic development to administer energy policy functions and manage energy site evaluation council activities under RCW 43.21F.045(2)(m);
- ~~((+))~~ (aa) Staff employed by Washington State University to administer energy education, applied research, and technology

transfer programs under RCW 43.21F.045 as provided in RCW 28B.30.900(5).

(2) The following classifications, positions, and employees of institutions of higher education and related boards are hereby exempted from coverage of this chapter:

(a) Members of the governing board of each institution of higher education and related boards, all presidents, vice presidents, and their confidential secretaries, administrative, and personal assistants; deans, directors, and chairs; academic personnel; and executive heads of major administrative or academic divisions employed by institutions of higher education; principal assistants to executive heads of major administrative or academic divisions; other managerial or professional employees in an institution or related board having substantial responsibility for directing or controlling program operations and accountable for allocation of resources and program results, or for the formulation of institutional policy, or for carrying out personnel administration or labor relations functions, legislative relations, public information, development, senior computer systems and network programming, or internal audits and investigations; and any employee of a community college district whose place of work is one which is physically located outside the state of Washington and who is employed pursuant to RCW 28B.50.092 and assigned to an educational program operating outside of the state of Washington;

(b) The governing board of each institution, and related boards, may also exempt from this chapter classifications involving research activities, counseling of students, extension or continuing education activities, graphic arts or publications activities requiring prescribed academic preparation or special training as determined by the board: PROVIDED, That no nonacademic employee engaged in office, clerical, maintenance, or food and trade services may be exempted by the board under this provision;

(c) Printing craft employees in the department of printing at the University of Washington.

(3) In addition to the exemptions specifically provided by this chapter, the director of personnel may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the director of personnel stating the reasons for requesting such exemptions. The director of personnel shall hold a public hearing, after proper notice, on requests submitted pursuant to this subsection. If the director determines that the position for which exemption is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the director of personnel shall grant the request and such determination shall be final as to any decision made before July 1, 1993. The total number of additional exemptions permitted under this subsection shall not exceed one percent of the number of employees in the classified service not including employees of institutions of higher education and related boards for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor.

The salary and fringe benefits of all positions presently or hereafter exempted except for the chief executive officer of each agency, full-time members of boards and commissions, administrative assistants and confidential secretaries in the immediate office of an elected state official, and the personnel listed in subsections (1)(j) through ~~((+))~~ (v) and ~~((+))~~ (y) and (2) of this section, shall be determined by the director of personnel. Changes to the classification plan affecting exempt salaries must meet the same provisions for classified salary increases resulting from adjustments to the classification plan as outlined in RCW 41.06.152.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights: If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

A person occupying an exempt position who is terminated from the position for gross misconduct or malfeasance does not have the right of reversion to a classified position as provided for in this section.

Sec. 37. RCW 42.56.380 and 2007 c 177 s 1 are each amended to read as follows:

The following information relating to agriculture and livestock is exempt from disclosure under this chapter:

(1) Business-related information under RCW 15.86.110;
 (2) Information provided under RCW 15.54.362;
 (3) Production or sales records required to determine assessment levels and actual assessment payments to commodity boards and commissions formed under chapters 15.24, 15.26, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.-- (the new chapter created in section 40 of this act), 15.100, 15.89, and 16.67 RCW or required by the department of agriculture to administer these chapters or the department's programs;

(4) Consignment information contained on phytosanitary certificates issued by the department of agriculture under chapters 15.13, 15.49, and 15.17 RCW or federal phytosanitary certificates issued under 7 C.F.R. 353 through cooperative agreements with the animal and plant health inspection service, United States department of agriculture, or on applications for phytosanitary certification required by the department of agriculture;

(5) Financial and commercial information and records supplied by persons (a) to the department of agriculture for the purpose of conducting a referendum for the potential establishment of a commodity board or commission; or (b) to the department of agriculture or commodity boards or commissions formed under chapter 15.24, 15.28, 15.44, 15.65, 15.66, 15.74, 15.88, 15.-- (the new chapter created in section 40 of this act), 15.100, 15.89, or 16.67 RCW with respect to domestic or export marketing activities or individual producer's production information;

(6) Except under RCW 15.19.080, information obtained regarding the purchases, sales, or production of an individual American ginseng grower or dealer;

(7) Information that can be identified to a particular business and that is collected under RCW 15.17.140(2) and 15.17.143 for certificates of compliance;

(8) Financial statements provided under RCW 16.65.030(1)(d);

(9) Information submitted by an individual or business for the purpose of participating in a state or national animal identification system. Disclosure to local, state, and federal officials is not public disclosure. This exemption does not affect the disclosure of information used in reportable animal health investigations under chapter 16.36 RCW once they are complete; and

(10) Results of testing for animal diseases not required to be reported under chapter 16.36 RCW that is done at the request of the animal owner or his or her designee that can be identified to a particular business or individual.

Sec. 38. RCW 43.23.033 and 2006 c 330 s 27 are each amended to read as follows:

(1) The director may provide by rule for a method to fund staff support for all commodity boards and commissions if a position is not directly funded by the legislature.

(2) Staff support funded under this section ~~((and))~~, RCW 15.65.047(1)(c), 15.66.055(3), 15.24.215, 15.26.265, 15.28.320, 15.44.190, 15.88.180, 15.89.150, and 16.67.190, and chapter 15.-- RCW (the new chapter created in section 40 of this act) shall be limited to one-half full-time equivalent employee for all commodity boards and commissions.

NEW SECTION. Sec. 39. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 40. Sections 1 through 17, 19 through 32, and 39 of this act constitute a new chapter in Title 15 RCW." Correct the title.

Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson and Warnick.

Passed to Committee on Rules for second reading.

March 19, 2009

SSB 5166 Prime Sponsor, Committee on Human Services & Corrections: Modifying license suspension provisions for the failure to pay child support. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 10, beginning on line 1, strike all of section 6
 Renumber the remaining section and correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5173 Prime Sponsor, Senator Shin: Authorizing the regional universities to confer honorary doctorate degrees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.35.205 and 1991 c 58 s 2 are each amended to read as follows:

In addition to all other powers and duties given to them by law, Central Washington University, Eastern Washington University, and Western Washington University are hereby authorized to grant any degree through the master's degree to any student who has completed a program of study and/or research in those areas which are determined by the faculty and board of trustees of the college to be appropriate for the granting of such degree: PROVIDED, That before any degree is authorized under this section it shall be subject to the review and approval of the higher education coordinating board.

The board of trustees, upon recommendation of the faculty, may also confer honorary bachelor's ~~((or))~~, master's, or doctorate level degrees upon persons ~~((other than graduates of the institution))~~ in recognition of their learning or devotion to education, literature, art, or science. No degree may be conferred in consideration of the payment of money or the donation of any kind of property."

Correct the title.

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler and White.

Passed to Committee on Rules for second reading.

March 20, 2009

ESSB 5238 Prime Sponsor, Committee on Government Operations & Elections: Authorizing the department of retirement systems to assist with mailing information to certain members of the state retirement systems. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong,

Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 20, 2009
SSB 5270 Prime Sponsor, Committee on Government Operations & Elections: Modifying voter registration provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 17, line 2, after "is" strike "~~((at least))~~" and insert "at least"

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Alexander; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representative Armstrong, Ranking Minority Member.

Referred to Committee on General Government Appropriations.

March 20, 2009
SSB 5327 Prime Sponsor, Committee on Government Operations & Elections: Making technical corrections to election provisions. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 20, 2009
SSB 5350 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Changing special permit provisions for poultry slaughter, preparation, and care. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson and Warnick.

Passed to Committee on Rules for second reading.

March 20, 2009
ESSB 5437 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the operation and authority of the state conservation commission. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson and Warnick.

Passed to Committee on Rules for second reading.

March 20, 2009
SSB 5440 Prime Sponsor, Committee on Transportation: Concerning the naming or renaming of state ferries. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 15, strike all of subsection (4)

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 20, 2009
SSB 5504 Prime Sponsor, Committee on Environment, Water & Energy: Concerning reclaimed water permitting. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.46.010 and 2006 c 279 s 4 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agricultural industrial process water" means water that has been used for the purpose of agricultural processing and has been adequately and reliably treated, so that as a result of that treatment, it is suitable for other agricultural water use.

(2) "Agricultural processing" means the processing of crops or milk to produce a product primarily for wholesale or retail sale for human or animal consumption, including but not limited to potato, fruit, vegetable, and grain processing.

(3) "Agricultural water use" means the use of water for irrigation and other uses related to the production of agricultural products. These uses include, but are not limited to, construction, operation, and maintenance of agricultural facilities and livestock operations at farms, ranches, dairies, and nurseries. Examples of these uses include, but are not limited to, dust control, temperature control, and fire control.

~~((4))~~ ("Beneficial use" means the use of reclaimed water, that has been transported from the point of production to the point of use without an intervening discharge to the waters of the state, for a beneficial purpose.

~~((5)))~~ "Constructed beneficial use wetlands" means those wetlands intentionally constructed on nonwetland sites to produce or ~~((replace))~~ create natural wetland functions and values. ~~((Constructed beneficial use wetlands are considered "waters of the state."))~~

~~((6)))~~ (5) "Constructed treatment wetlands" means ~~((those wetlands))~~ wetland-like impoundments intentionally constructed on nonwetland sites and managed for the primary purpose of ~~((polishing))~~ further treatment or retention of reclaimed water ~~((or aesthetics))~~ as distinct from creating natural wetland functions and values. ~~((Constructed treatment wetlands are considered part of the collection and treatment system and are not considered "waters of the state."))~~

~~((7)))~~ (6) "Direct groundwater recharge" means the controlled subsurface addition of water directly ~~((to the groundwater basin that results in the replenishment of))~~ into groundwater for the purpose of replenishing groundwater.

~~((8)))~~ (7) "Greywater or gray water" means ~~((wastewater having the consistency and strength of residential))~~ domestic type ~~((wastewater. Greywater includes wastewater))~~ flows from bathrooms, showers, bathroom sinks, washing machines, dishwashers, and kitchen or utility sinks ~~((, showers, and laundry fixtures, but)).~~ Grey water does not include flow from a toilet or urinal ~~((waters)).~~

~~((9))~~ "Groundwater recharge" (8) "State drinking water contaminant criteria" means the contaminant criteria found in the drinking water quality standards adopted by the state board of health pursuant to chapter 43.20 RCW and the department of health pursuant to chapter 70.119A RCW.

~~((10)))~~ (9) "Industrial reuse water" means water that has been used for the purpose of industrial processing and has been adequately

and reliably treated so that, as a result of that treatment, it is suitable for other uses.

~~((H1))~~ (10) "Land application" means use of reclaimed water as permitted under this chapter for the purpose of irrigation or watering of landscape ~~((enhancement for residential, business, and governmental purposes))~~ vegetation.

~~((H2))~~ (11) "Person" means any state, individual, public or private corporation, political subdivision, governmental subdivision, governmental agency, municipality, copartnership, association, firm, trust estate, or any other legal entity whatever.

~~((H3))~~ (12) "Planned groundwater recharge project" means any reclaimed water project designed for the purpose of recharging groundwater ~~((; via direct recharge or surface percolation)).~~

~~((H4))~~ (13) "Reclaimed water" means ~~((effluent))~~ water derived in any part from ~~((sewage from a))~~ wastewater ~~((treatment system))~~ with a domestic wastewater component that has been adequately and reliably treated, so that ~~((as a result of that treatment, it is suitable for a beneficial use or a controlled use that would not otherwise occur and is no longer considered wastewater.~~

~~((15))~~ "Reclamation criteria" means the criteria set forth in the water reclamation and reuse interim standards and subsequent revisions adopted by the department of ecology and the department of health) it can be used for beneficial purposes. Reclaimed water is not considered a wastewater.

(14) "Wastewater" means water-carried wastes from residences, buildings, industrial and commercial establishments, or other places, together with such groundwater infiltration and inflow as may be present.

~~((H6))~~ "Sewage") (15) "Domestic wastewater" means ~~((water-carried human wastes from residences, buildings, industrial and commercial establishments, or other places, together with such groundwater infiltration, surface waters, or industrial wastewater as may be present))~~ wastewater from greywater, toilet, or urinal sources.

~~((H7))~~ (16) "Streamflow or surface water augmentation" means the ~~((discharge))~~ intentional use of reclaimed water ~~((to))~~ for rivers and streams of the state or other surface water bodies, ~~((but not wetlands))~~ for the purpose of increasing volumes.

~~((H8))~~ (17) "Surface percolation" means the controlled application of water to the ground surface or to unsaturated soil for the purpose of replenishing groundwater.

~~((H9))~~ (18) "User" means any person who uses reclaimed water.

~~((20))~~ "Wastewater" means water and wastes discharged from homes, businesses, and industry to the sewer system.

~~((21))~~ (19) "Wetland or wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands regulated under this chapter shall be delineated in accordance with the manual adopted by the department of ecology pursuant to RCW 90.58.380.

(20) "Lead agency" means either the department of health or the department of ecology that has been designated by rule as the agency that will coordinate, review, issue, and enforce a reclaimed water permit issued under this chapter.

(21) "Nonlead agency" means either the department of health or the department of ecology, whichever is not the lead agency for purposes of this chapter.

Sec. 2. RCW 90.46.015 and 2006 c 279 s 1 are each amended to read as follows:

(1) The department of ecology shall, in coordination with the department of health, adopt rules for reclaimed water use consistent with this chapter. The rules must address all aspects of reclaimed water use, including commercial and industrial uses, land applications, direct groundwater recharge, wetland discharge, surface percolation, constructed wetlands, and streamflow or surface water augmentation. The department of health shall, in coordination with the department of ecology, adopt rules for greywater reuse. The rules must also designate whether the department of ecology or the department of health will be the lead ~~((permitting or regulatory))~~ agency responsible for a particular aspect of reclaimed water use. In

developing the rules, the departments of health and ecology shall amend or rescind any existing rules on reclaimed water in conflict with the new rules.

(2) All rules required to be adopted pursuant to this section must be completed no later than December 31, 2010, although the department of ecology is encouraged to adopt the final rules as soon as possible.

(3) The department of ecology must consult with the advisory committee created under RCW 90.46.050 in all aspects of rule development required under this section.

Sec. 3. RCW 90.46.040 and 2006 c 279 s 6 are each amended to read as follows:

(1)~~((a))~~ The department of ecology shall, in coordination with the department of health, adopt a single set of standards, procedures, and guidelines, on or before August 1, 1993, for land applications of reclaimed water.

~~((b))~~ (2) Standards adopted under this section are superseded by any rules adopted by the department of ecology pursuant to RCW 90.46.015 as they relate to the land application of reclaimed water.

~~((2))~~ A permit is required for any land application of reclaimed water. The department of ecology may issue a reclaimed water permit under chapter 90.48 RCW to the generator of reclaimed water who may then distribute the water, subject to provisions in the permit governing the location, rate, water quality, and purpose of use. The department of ecology shall not issue more than one permit for any individual land application of reclaimed water to a single generator.

~~((3))~~ In cases where the department of ecology determines, in land applications of reclaimed water, that a significant risk to the public health exists, the department shall refer the application to the department of health for review and consultation and the department of health may require fees appropriate for review and consultation from the applicant pursuant to RCW 43.70.250.

~~((4))~~ A permit under this section for use of reclaimed water may be issued only to:

~~((a))~~ A municipal, quasi-municipal, or other governmental entity;

~~((b))~~ A private utility as defined under RCW 36.94.010; or

~~((c))~~ The holder of a waste discharge permit issued under chapter 90.48 RCW.

~~((5))~~ The authority and duties created in this section are in addition to any authority and duties already provided in law. Nothing in this section limits the powers of the state or any political subdivision to exercise such authority.

~~((6))~~ Before deciding whether to issue a permit under this section to a private utility, the department of ecology may require information that is reasonable and necessary to determine whether the private utility has the financial and other resources to ensure the reliability, continuity, and supervision of the reclaimed water facility.)

Sec. 4. RCW 90.46.080 and 2006 c 279 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this section, reclaimed water may be beneficially used for surface percolation provided the reclaimed water meets the ~~((groundwater recharge))~~ state drinking water contaminant criteria as measured in groundwater beneath or down gradient of the recharge project site, and has been incorporated into a sewer or water comprehensive plan, as applicable, adopted by the applicable local government and approved by the department of health or department of ecology as applicable.

(2) If the state ~~((groundwater recharge))~~ drinking water contaminant criteria ~~((as defined by RCW 90.46.010))~~ do not contain a standard for a constituent or contaminant, the department of ecology shall establish a discharge limit consistent with the goals of this chapter, except as otherwise provided in this section.

(3) Except as otherwise provided in this section, reclaimed water that does not meet the ~~((groundwater recharge))~~ state drinking water contaminant criteria may be beneficially used for surface percolation where the department of ecology, in consultation with the department of health, has specifically authorized such use at such lower standard.

(4) The provisions of this section are superseded by any rules adopted by the department of ecology pursuant to RCW 90.46.015 as they relate to surface percolation.

Sec. 5. RCW 90.46.120 and 2007 c 445 s 3 are each amended to read as follows:

(1) The owner of a wastewater treatment facility that is reclaiming water with a permit issued under this chapter has the exclusive right to any reclaimed water generated by the wastewater treatment facility. Use, distribution, storage, and the recovery from ~~((aquifer))~~ storage of reclaimed water ~~((by the owner of the wastewater treatment facility))~~ permitted under this chapter is exempt from the permit requirements of RCW 90.03.250 and 90.44.060, provided that a permit for recovery of reclaimed water from aquifer storage ~~((and recovery))~~ shall be reviewed under the standards established under RCW 90.03.370(2) for aquifer storage and recovery projects. Revenues derived from the reclaimed water facility shall be used only to offset the cost of operation of the wastewater utility fund or other applicable source of systemwide funding.

(2) If the proposed use ~~((or uses))~~ of reclaimed water ~~((are intended))~~ is to augment or replace potable water supplies or to create the potential for the development of an additional new potable water ~~((supplies, such use or uses shall be considered in the development of any regional water supply plan or plans addressing potable water supply service by multiple water purveyors. Such water supply plans include plans developed by multiple jurisdictions under the relevant provisions of chapters 43.20, 70.116, 90.44, and 90.82 RCW, and the water supply provisions under the utility element of chapter 36.70A RCW. The method by which such plans are approved shall remain unchanged. The owner of a wastewater treatment facility that proposes to reclaim water shall be included as a participant in the development of such regional water supply plan or plans))~~ supply, then regional water supply plans, or any other potable water supply plans prepared by multiple water purveyors, must consider the proposed use of the reclaimed water as they are developed or updated.

(a) Regional water supply plans include those adopted under state board of health laws (chapter 43.20 RCW), the public water system coordination act of 1977 (chapter 70.116 RCW), groundwater protection laws (chapter 90.44 RCW), and the watershed planning act (chapter 90.82 RCW).

(b) The requirement to consider the use of reclaimed water does not change the plan approval process established under these statutes.

(c) When regional water supply plans are being developed, the owners of wastewater treatment facilities that produce or propose to produce reclaimed water for use within the planning area must be included in the planning process.

(3) ~~((Where opportunities for the use of reclaimed water exist within the period of time addressed by a water system plan, a water supply plan, or a coordinated water system plan developed))~~ When reclaimed water is available or is proposed for use under a water supply or wastewater plan developed under chapter(s) 43.20, 70.116, 90.44, ((and) 90.48, or 90.82 RCW((-and the water supply provisions under the utility element of chapter 36.70A RCW,)) these plans must be ~~((developed and))~~ coordinated to ensure that opportunities for reclaimed water are evaluated. The requirements of this subsection (3) do not apply to water system plans developed under chapter 43.20 RCW for utilities serving less than one thousand service connections.

(4) The provisions of any plan for reclaimed water, developed under the authorities in subsections (2) and (3) of this section, should be included by a city, town, or county in reviewing provisions for water supplies in a proposed short plat, short subdivision, or subdivision under chapter 58.17 RCW, where reclaimed water supplies may be proposed for nonpotable purposes in the short plat, short subdivision, or subdivision.

(5) By November 30, 2009, the department of ecology shall review comments from the reclaimed water advisory committee under RCW 90.46.050 and the reclaimed water and water rights advisory committee under the direction of the department of ecology and submit a recommendation to the legislature on the impairment requirements and standards for reclaimed water. The department of ecology shall also provide a report to the legislature that describes the opinions of the stakeholders on the impairment requirements and standards for reclaimed water.

Sec. 6. RCW 90.48.465 and 2002 c 361 s 2 are each amended to read as follows:

(1) The department shall establish annual fees to collect expenses for issuing and administering each class of permits under RCW 90.48.160, 90.48.162, and 90.48.260. An initial fee schedule shall be established by rule and be adjusted no more often than once every two years. This fee schedule shall apply to all permits, regardless of date of issuance, and fees shall be assessed prospectively. All fees charged shall be based on factors relating to the complexity of permit issuance and compliance and may be based on pollutant loading and toxicity and be designed to encourage recycling and the reduction of the quantity of pollutants. Fees shall be established in amounts to fully recover and not to exceed expenses incurred by the department in processing permit applications and modifications, monitoring and evaluating compliance with permits, conducting inspections, securing laboratory analysis of samples taken during inspections, reviewing plans and documents directly related to operations of permittees, overseeing performance of delegated pretreatment programs, and supporting the overhead expenses that are directly related to these activities.

(2) The annual fee paid by a municipality, as defined in 33 U.S.C. Sec. 1362, for all domestic wastewater facility permits issued under RCW 90.48.162 and 90.48.260 shall not exceed the total of a maximum of fifteen cents per month per residence or residential equivalent contributing to the municipality's wastewater system.

(3) The department shall ensure that indirect dischargers do not pay twice for the administrative expense of a permit. Accordingly, administrative expenses for permits issued by a municipality under RCW 90.48.165 are not recoverable by the department.

(4) In establishing fees, the department shall consider the economic impact of fees on small dischargers and the economic impact of fees on public entities required to obtain permits for storm water runoff and shall provide appropriate adjustments.

(5) The fee for an individual permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to one thousand two hundred fourteen dollars for fiscal year 1999. The fee for a general permit issued for a dairy farm as defined under chapter 90.64 RCW shall be fifty cents per animal unit up to eight hundred fifty dollars for fiscal year 1999. Thereafter, these fees may rise in accordance with the fiscal growth factor as provided in chapter 43.135 RCW.

(6) The fee for a general permit or an individual permit developed solely as a result of the federal court of appeals decision in *Headwaters, Inc. v. Talent Irrigation District*, 243 F.3rd 526 (9th Cir. 2001) is limited, until June 30, 2003, to a maximum of three hundred dollars. Such a permit is required only, and as long as, the interpretation of this court decision is not overturned or modified by future court rulings, administrative rule making, or clarification of scope by the United States environmental protection agency or legislative action. In such a case the department shall take appropriate action to rescind or modify these permits.

(7) All fees collected under this section shall be deposited in the water quality permit account hereby created in the state treasury. Moneys in the account may be appropriated only for purposes of administering permits under section 9 of this act, RCW 90.48.160, 90.48.162, and 90.48.260.

(8) The department shall present a biennial progress report on the use of moneys from the account to the legislature. The report will be due December 31st of odd-numbered years. The report shall consist of information on fees collected, actual expenses incurred, and anticipated expenses for the current and following fiscal years.

NEW SECTION. Sec. 7. LEAD AGENCY DUTIES. (1) The department of ecology and the department of health shall have authority to carry out all the provisions of this chapter including, but not limited to, permitting and enforcement. Only the department of ecology or the department of health may act as a lead agency for purposes of this chapter and will be established as such by rule. Enforcement of a permit issued under this chapter shall be at the sole discretion of the lead agency that issued the permit.

(2) All permit applications shall be referred to the nonlead agency for review and consultation. The nonlead agency may choose to limit the scope of its review.

(3) The authority and duties created in this chapter are in addition to any authority and duties already provided in law. Nothing

in this chapter limits the powers of the state or any political subdivision to exercise such authority.

NEW SECTION. Sec. 8. VIOLATIONS--INJUNCTIONS AND LEGAL PROCEEDINGS AUTHORIZED. The lead agency, with the assistance of the attorney general, is authorized to bring any appropriate action at law or in equity, including action for injunctive relief, as may be necessary to carry out the provisions of this chapter. The lead agency may bring the action in the superior court of the county in which the violation occurred or in the superior court of Thurston county. The court may award reasonable attorneys' fees for the cost of the attorney general's office in representing the lead agency.

NEW SECTION. Sec. 9. OPERATING PERMIT REQUIRED. (1) Any person proposing to generate any type of reclaimed water for a use regulated under this chapter shall obtain a permit from the lead agency prior to distribution or use of that water. The permittee may then distribute and use the water, subject to the provisions in the permit. The permit must include provisions that protect human health and the environment. At a minimum, the permit must:

- (a) Assure adequate and reliable treatment; and
 - (b) Govern the water quality, location, rate, and purpose of use.
- (2) A permit under this chapter may be issued only to:
- (a) A municipal, quasi-municipal, or other governmental entity;
 - (b) A private utility as defined in RCW 36.94.010;
 - (c) The holder of a waste disposal permit issued under chapter 90.48 RCW; or

(d) The owner of an agricultural processing facility that is generating agricultural industrial process water for agricultural use, or the owner of an industrial facility that is generating industrial process water for reuse.

(3) Before deciding whether to issue a permit under this section to a private utility, the lead agency may require information that is reasonable and necessary to determine whether the private utility has the financial and other resources to ensure the reliability, continuity, and supervision of the reclaimed water facility.

(4) Permits shall be issued for a fixed term specified by the rules adopted under RCW 90.46.015. A permittee shall apply for permit renewal prior to the end of the term. The rules adopted under RCW 90.46.015 shall specify the process of renewal, modification, change of ownership, suspension, and termination.

(5) The lead agency may deny an application for a permit or modify, suspend, or revoke a permit for good cause, including but not limited to, any case in which it finds that the permit was obtained by fraud or misrepresentation, or there is or has been a failure, refusal, or inability to comply with the requirements of this chapter or the rules adopted under this chapter.

(6) The lead agency shall provide for adequate public notice and opportunity for review and comment on all initial permit applications and renewal applications. Methods for providing notice may include electronic mail, posting on the lead agency's internet site, publication in a local newspaper, press releases, mailings, or other means of notification the lead agency determines appropriate. The lead agency shall also publicize notice of final permitting decisions.

(7) Any person aggrieved by a permitting decision has the right to an adjudicative proceeding. An adjudicative proceeding conducted under this subsection is governed by chapter 34.05 RCW. For any permit decision for which the department of ecology is the lead agency under this chapter, any appeal shall be in accordance with chapter 43.21B RCW. For any permit decision for which department of health is the lead agency under this chapter, any application for an adjudicative proceeding must be in writing, state the basis for contesting the action, include a copy of the decision, be served on and received by the department of health within twenty-eight days of receipt of notice of the final decision, and be served in a manner that shows proof of receipt.

(8) Permit requirements for the distribution and use of greywater will be established in rules adopted by the department of health under RCW 90.46.015.

NEW SECTION. Sec. 10. AUTHORITY TO ENTER PREMISES--SEARCH WARRANTS. (1)(a) Except as otherwise provided in (b) of this subsection, the lead agency or its designee shall have the right to enter and inspect any property related to the

purpose of the permit, public or private, at reasonable times with prior notification in order to determine compliance with laws and rules administered by the lead agency. During such inspections, the lead agency shall have free and unimpeded access to all data, facilities, and property involved in the generation, distribution, and use of reclaimed water.

(b) The lead agency or its designee need not give prior notification to enter property under (a) of this subsection if the purpose of the entry is to ensure compliance by the permittee with a prior order of the lead agency or if the lead agency or its designee has reasonable cause to believe there is a violation of the law that poses a serious threat to public health and safety or the environment.

(2) The lead agency or its designee may apply for an administrative search warrant to a court of competent jurisdiction and an administrative search warrant may issue where:

(a) The lead agency has attempted an inspection under this chapter and access has been actually or constructively denied; or

(b) There is reasonable cause to believe that a violation of this chapter or rules adopted under this chapter is occurring or has occurred.

NEW SECTION. Sec. 11. PLANS, REPORTS, AND PROPOSED METHODS OF OPERATION AND MAINTENANCE TO BE SUBMITTED TO DEPARTMENTS. All required feasibility studies, planning documents, engineering reports, and plans and specifications for the construction of new reclaimed water, agricultural industrial process water, and industrial reuse water facilities, including generation, distribution, and use facilities, or for improvements or extensions to existing facilities, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the lead agency, before construction thereof may begin. No approval shall be given until the lead agency is satisfied that the plans, reports, and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the water for the intended use as provided for in this chapter and are adequate to protect public health and safety as necessary.

NEW SECTION. Sec. 12. NOTICE OF DETERMINATION THAT VIOLATION HAS OR WILL OCCUR--REPORT OF COMPLIANCE WITH DETERMINATION--ORDER OR DIRECTIVE TO BE ISSUED--NOTICE. (1) When, in the opinion of the lead agency, a person violates or creates a substantial potential to violate this chapter, the lead agency shall notify the person of its determination by registered mail. The determination shall not constitute an appealable order or directive. Within thirty days from the receipt of notice of such determination, the person shall file with the lead agency a full report stating what steps have been and are being taken to comply with the determination of the lead agency. After the full report is filed or after the thirty days have elapsed, the lead agency may issue the order or directive as it deems appropriate under the circumstances, shall notify the person by registered mail, and shall inform the person of the process for requesting an adjudicative hearing.

(2) When it appears to the lead agency that water quality conditions or other conditions exist which require immediate action to protect human health and safety or the environment, the lead agency may issue a written order to the person or persons responsible without first issuing a notice of determination pursuant to subsection (1) of this section. An order or directive issued pursuant to this subsection shall be served by registered mail or personally upon any person to whom it is directed, and shall inform the person or persons responsible of the process for requesting an adjudicative hearing.

NEW SECTION. Sec. 13. PENALTY. Any person found guilty of willfully violating any of the provisions of this chapter, or any final written orders or directive of the lead agency or a court in pursuance thereof, is guilty of a gross misdemeanor, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the county jail for not more than one year, or both, in the discretion of the court. Each day upon which a willful violation of the provisions of this chapter occurs may be deemed a separate and additional violation.

NEW SECTION. Sec. 14. VIOLATIONS--CIVIL PENALTY--PROCEDURE. (1) Except as provided in RCW

43.05.060 through 43.05.080, 43.05.100, 43.05.110, and 43.05.150, any person who:

(a) Generates any reclaimed water for a use regulated under this chapter and distributes or uses that water without a permit;

(b) Violates the terms or conditions of a permit issued under this chapter; or

(c) Violates rules or orders adopted or issued pursuant to this chapter,

shall incur, in addition to any other penalty as provided by law, a penalty in an amount of up to ten thousand dollars per day for every violation. Each violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be a separate and distinct violation. Every act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the penalty herein provided for. The penalty amount shall be set in consideration of the previous history of the violator and the severity of the violation's impact on public health, the environment, or both, in addition to other relevant factors.

(2) A penalty imposed by a final administrative order is due upon service of the final administrative order. A person who fails to pay a penalty assessed by a final administrative order within thirty days of service of the final administrative order shall pay, in addition to the amount of the penalty, interest at the rate of one percent of the unpaid balance of the assessed penalty for each month or part of a month that the penalty remains unpaid, commencing within the month in which the notice of penalty was served, and reasonable attorneys' fees as are incurred if civil enforcement of the final administrative order is required to collect penalty.

(3) A person who institutes proceedings for judicial review of a final administrative order assessing a civil penalty under this chapter shall place the full amount of the penalty in an interest bearing account in the registry of the reviewing court. At the conclusion of the proceeding the court shall, as appropriate, enter a judgment on behalf of the lead agency and order that the judgment be satisfied to the extent possible from moneys paid into the registry of the court or shall enter a judgment in favor of the person appealing the penalty assessment and order return of the moneys paid into the registry of the court together with accrued interest to the person appealing. The judgment may award reasonable attorneys' fees for the cost of the attorney general's office in representing the lead agency.

(4) If no appeal is taken from a final administrative order assessing a civil penalty under this chapter, the lead agency may file a certified copy of the final administrative order with the clerk of the superior court in which the person resides, or in Thurston county, and the clerk shall enter judgment in the name of the lead agency and in the amount of the penalty assessed in the final administrative order.

(5) When the penalty herein provided for is imposed by the department of ecology, it shall be imposed pursuant to the procedures set forth in RCW 43.21B.300. All penalties imposed by the department of ecology pursuant to RCW 43.21B.300 shall be deposited into the state treasury and credited to the general fund.

(6) When the penalty is imposed by the department of health, it shall be imposed pursuant to the procedures set forth in RCW 43.70.095. All receipts from penalties shall be deposited into the health reclaimed water account. The department of health shall use revenue derived from penalties only to provide training and technical assistance to reclaimed water system owners and operators.

NEW SECTION. Sec. 15. APPLICATION OF ADMINISTRATIVE PROCEDURE LAW TO RULE MAKING AND ADJUDICATIVE PROCEEDINGS. The provisions of chapter 34.05 RCW, the administrative procedure act, apply to all rule making and adjudicative proceedings authorized by or arising under the provisions of this chapter.

Sec. 16. RCW 43.21B.110 and 2003 c 393 s 19 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, section 14 of this act, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, section 12 of this act, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 17. RCW 43.21B.300 and 2007 c 147 s 9 are each amended to read as follows:

(1) Any civil penalty provided in RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, section 14 of this act, 90.48.144, 90.56.310, and 90.56.330 and chapter 90.76 RCW shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty from the department or the local air authority, describing the violation with reasonable particularity. Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department or the authority for the remission or mitigation of the penalty. Upon receipt of the application, the department or authority may remit or mitigate the penalty upon whatever terms the department or the authority in its discretion deems proper. The department or the authority may ascertain the facts regarding all such applications in such reasonable manner and under such rules as it may deem proper and shall remit or mitigate the penalty only upon a demonstration of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(2) Any penalty imposed under this section may be appealed to the pollution control hearings board in accordance with this chapter if the appeal is filed with the hearings board and served on the department or authority thirty days after the date of receipt by the

person penalized of the notice imposing the penalty or thirty days after the date of receipt of the notice of disposition of the application for relief from penalty.

(3) A penalty shall become due and payable on the later of:

(a) Thirty days after receipt of the notice imposing the penalty;

(b) Thirty days after receipt of the notice of disposition on application for relief from penalty, if such an application is made; or

(c) Thirty days after receipt of the notice of decision of the hearings board if the penalty is appealed.

(4) If the amount of any penalty is not paid to the department within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington in the superior court of Thurston county, or of any county in which the violator does business, to recover the penalty. If the amount of the penalty is not paid to the authority within thirty days after it becomes due and payable, the authority may bring an action to recover the penalty in the superior court of the county of the authority's main office or of any county in which the violator does business. In these actions, the procedures and rules of evidence shall be the same as in an ordinary civil action.

(5) All penalties recovered shall be paid into the state treasury and credited to the general fund except those penalties imposed pursuant to RCW 18.104.155, which shall be credited to the reclamation account as provided in RCW 18.104.155(7), RCW 70.94.431, the disposition of which shall be governed by that provision, RCW 70.105.080, which shall be credited to the hazardous waste control and elimination account created by RCW 70.105.180, RCW 90.56.330, which shall be credited to the coastal protection fund created by RCW 90.48.390, and RCW 90.76.080, which shall be credited to the underground storage tank account created by RCW 90.76.100.

Sec. 18. RCW 43.21B.310 and 2004 c 204 s 5 are each amended to read as follows:

(1) Except as provided in RCW 90.03.210(2), any order issued by the department or local air authority pursuant to RCW 70.94.211, 70.94.332, 70.105.095, 43.27A.190, 86.16.020, 88.46.070, section 12 of this act, or 90.48.120(2) or any provision enacted after July 26, 1987, or any permit, certificate, or license issued by the department may be appealed to the pollution control hearings board if the appeal is filed with the board and served on the department or authority within thirty days after the date of receipt of the order. Except as provided under chapter 70.105D RCW and RCW 90.03.210(2), this is the exclusive means of appeal of such an order.

(2) The department or the authority in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(3) At any time during the pendency of an appeal of such an order to the board, the appellant may apply pursuant to RCW 43.21B.320 to the hearings board for a stay of the order or for the removal thereof.

(4) Any appeal must contain the following in accordance with the rules of the hearings board:

(a) The appellant's name and address;

(b) The date and docket number of the order, permit, or license appealed;

(c) A description of the substance of the order, permit, or license that is the subject of the appeal;

(d) A clear, separate, and concise statement of every error alleged to have been committed;

(e) A clear and concise statement of facts upon which the requester relies to sustain his or her statements of error; and

(f) A statement setting forth the relief sought.

(5) Upon failure to comply with any final order of the department, the attorney general, on request of the department, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary, including injunctive relief, to insure compliance with the order. The air authorities may bring similar actions to enforce their orders.

(6) An appealable decision or order shall be identified as such and shall contain a conspicuous notice to the recipient that it may be appealed only by filing an appeal with the hearings board and serving it on the department within thirty days of the date of receipt.

NEW SECTION. Sec. 19. The code reviser shall alphabetize and renumber the definitions in RCW 90.46.010.

NEW SECTION. Sec. 20. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 21. Sections 7 through 15 of this act are each added to chapter 90.46 RCW.

NEW SECTION. Sec. 22. RCW 90.46.060 (Enforcement powers--Secretary of health) and 1992 c 204 s 7 are each repealed." Correct the title.

Signed by Representatives Blake, Chair; Jacks, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Grant-Herriot; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson and Warnick.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5661 Prime Sponsor, Senator Pridemore: Exempting the annual parental declaration of intent to home school from the public disclosure act. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5673 Prime Sponsor, Senator Pridemore: Concerning certificates of need. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Ericksen, Ranking Minority Member; Bailey; Clibborn; Green; Herrera; Hinkle; Moeller and Morrell.

MINORITY recommendation: Do not pass. Signed by Representatives Driscoll, Vice Chair; Campbell; Kelley and Pedersen.

Passed to Committee on Rules for second reading.

March 20, 2009

SB 5680 Prime Sponsor, Senator Jarrett: Modifying the property tax exemption for nonprofit artistic, scientific, historical, and performing arts organizations. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Santos and Springer.

Passed to Committee on Rules for second reading.

March 20, 2009

SSB 5752 Prime Sponsor, Committee on Health & Long-Term Care: Regarding cost recovery in disciplinary proceedings involving dentists. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representative Hinkle.

Referred to Committee on Health & Human Services Appropriations.

March 20, 2009

SSB 5882 Prime Sponsor, Committee on Human Services & Corrections: Remediating racial disproportionality in child welfare practices. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass. Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Goodman and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representative Angel.

Referred to Committee on Health & Human Services Appropriations.

March 20, 2009

SSB 5904 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Defining independent contractor for purposes of prevailing wage. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Without recommendation. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 26, 2009, the 74th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTY FOURTH DAY

House Chamber, Olympia, Thursday, March 26, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Quall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

HB 2325 by Representative Ericks

AN ACT Relating to community custody; amending RCW 9.94A.701, 9.94A.707, and 9.94A.850; reenacting and amending RCW 9.94A.030 and 9.94A.715; and providing an effective date.

Referred to Committee on Ways & Means.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

SSB 5026 Prime Sponsor, Committee on Human Services & Corrections: Regarding the collection of biological samples for DNA identification analysis from individuals whose convictions are the result of a plea agreement. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman; Kirby and Ross.

Referred to Committee on General Government Appropriations.

SB 5028 Prime Sponsor, Senator Haugen: Transferring jurisdictional route transfer responsibilities from the transportation improvement board to the transportation commission. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Driscoll; Eddy; Finn; Flannigan; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Ericksen; Herrera; Johnson; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

SSB 5035 Prime Sponsor, Committee on Government Operations & Elections: Improving veterans' access to services. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

2SSB 5045 Prime Sponsor, Committee on Ways & Means: Regarding community revitalization financing. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

**"PART I
LOCAL REVITALIZATION FINANCING
--GENERAL PROVISIONS**

NEW SECTION. Sec. 101. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic development. Public investment stimulates business activity and helps create jobs, stimulates the redevelopment of brownfields and blighted areas in the inner city, lowers the cost of housing, and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax to those local governments that can demonstrate the expected returns to the state.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means two million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Department" means the department of revenue.

(4) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(5) "Local government" means any city, town, county, and port district.

(6) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local revitalization financing.

(7) "Local revitalization financing" means the use of revenues from local public sources, and revenues received from the local option sales and use tax authorized in section 601 of this act, dedicated to pay the principal and interest on bonds authorized under section 701 of this act.

(8) "Local sales and use tax increment" means the estimated annual increase in local sales and use taxes as determined and anticipated by the local government in the calendar years following the approval of the revitalization area by the department from taxable activity within the revitalization area.

(9) "Local sales and use taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(10) "Ordinance" means any appropriate method of taking legislative action by a local government.

(11) "Participating local government" means a local government having a revitalization area within its geographic boundaries that has taken action as provided in section 107(1) of this act to allow the use

of all or some of its local sales and use tax increment or other revenues from local public sources dedicated for local revitalization financing.

(12) "Participating taxing district" means a local government having a revitalization area within its geographic boundaries that has not taken action as provided in section 106(2) of this act.

(13) "Property tax allocation revenue base value" means the assessed value of real property located within a revitalization area, less the property tax allocation revenue value.

(14)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revitalization area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revitalization area is approved by the department;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revitalization area is approved by the department;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revitalization area is approved by the department.

(ii) Increases in the assessed value of real property in a revitalization area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revitalization area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(15) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements;

(b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local revitalization financing to fund the costs of the public improvements.

(16) "Public improvements" means:

(a) Infrastructure improvements within the revitalization area that include:

(i) Street, road, bridge, and rail construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks, streetlights, landscaping, and streetscaping;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities, recreational areas, and environmental remediation;

(vii) Storm water and drainage management systems;

(viii) Electric, gas, fiber, and other utility infrastructures; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the revitalization area, including the management and promotion of retail trade activities in the revitalization area;

(ii) Providing maintenance and security for common or public areas in the revitalization area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(17) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(18) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(19)(a) "Revenues from local public sources" means:

(i) The local sales and use tax amounts received as a result of interlocal agreement, local sales and use tax amounts from sponsoring local governments based on its local sales and use tax increment, and local property tax allocation revenues, which are dedicated by a sponsoring local government, participating local governments, and participating taxing districts, for payment of bonds under section 701 of this act; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources, which are dedicated for the payment of bonds under section 701 of this act.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(20) "Revitalization area" means the geographic area adopted by a sponsoring local government and approved by the department, from which local sales and use tax increments are estimated and property tax allocation revenues are derived for local revitalization financing.

(21) "Sponsoring local government" means a city, town, county, or any combination thereof, that adopts a revitalization area and applies to the department to use local revitalization financing.

(22) "State contribution" means the lesser of:

(a) Five hundred thousand dollars;

(b) The project award amount approved by the department as provided in section 401 of this act; or

(c) The total amount of revenues from local public sources dedicated in the preceding calendar year to the payment of principal and interest on bonds issued under section 701 of this act.

(23) "State property tax increment" means the estimated amount of annual tax revenues estimated to be received by the state from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as determined by the sponsoring local government in an application under section 401 of this act.

(24) "State sales and use tax increment" means the estimated amount of annual increase in state sales and use taxes to be received by the state from taxable activity within the revitalization area in the

years following the approval of the revitalization area by the department as determined by the sponsoring local government in an application under section 401 of this act.

(25) "State sales and use taxes" means state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by section 601 of this act for the applicable revitalization area, imposed on the same taxable events that are credited against the state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020.

(26) "Taxing district" means a government entity that levies or has levied for its regular property taxes upon real property located within a proposed or approved revitalization area.

NEW SECTION. Sec. 103. CONDITIONS. A local government may finance public improvements using local revitalization financing subject to the following conditions:

(1) The local government has adopted an ordinance designating a revitalization area within its boundaries and specified the public improvements proposed to be financed in whole or in part with the use of local revitalization financing;

(2) The public improvements proposed to be financed in whole or in part using local revitalization financing are expected to encourage private development within the revitalization area and to increase the fair market value of real property within the revitalization area;

(3) The local government has entered into a contract with a private developer relating to the development of private improvements within the revitalization area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revitalization area;

(4) Private development that is anticipated to occur within the revitalization area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(5) The local government may not use local revitalization financing to finance the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of public facilities funded with taxes collected under RCW 82.14.048 or 82.14.390;

(6) The governing body of the local government must make a finding that local revitalization financing:

(a) Will not be used for the purpose of relocating a business from outside the revitalization area, but within this state, into the revitalization area unless convincing evidence is provided that the firm being relocated would otherwise leave the state;

(b) Will improve the viability of existing business entities within the revitalization area; and

(c) Will be used exclusively in areas within the jurisdiction of the local government deemed in need of either economic development or redevelopment, or both, and absent the financing available under this chapter and sections 601 and 602 of this act the proposed economic development or redevelopment would more than likely not occur; and

(7) The governing body of the local government finds that the public improvements proposed to be financed in whole or in part using local revitalization financing are reasonably likely to:

(a) Increase private investment within the revitalization area;

(b) Increase employment within the revitalization area; and

(c) Generate, over the period of time that the local sales and use tax will be imposed under section 601 of this act, increases in state and local property, sales, and use tax revenues that are equal to or greater than the respective state and local contributions made under this chapter.

NEW SECTION. Sec. 104. CREATING A REVITALIZATION AREA. (1) Before adopting an ordinance creating the revitalization area, a sponsoring local government must:

(a) Provide notice to all taxing districts and local governments with geographic boundaries within the proposed revitalization area of the sponsoring local government's intent to create a revitalization

area. Notice must be provided in writing to the governing body of the taxing districts and local governments at least thirty days in advance of the public hearing as required by (b) of this subsection. The notice must include at least the following information:

(i) The name of the proposed revitalization area;

(ii) The date for the public hearing as required by (b) of this subsection;

(iii) The earliest anticipated date when the sponsoring local government will take action to adopt the proposed revitalization area; and

(iv) The name of a contact person with phone number of the sponsoring local government and mailing address where a copy of an ordinance adopted under sections 105 and 106 of this act may be sent; and

(b) Hold a public hearing on the proposed financing of the public improvements in whole or in part with local revitalization financing. Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed revitalization area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed revitalization area. Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by local revitalization financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed revitalization area, and estimate the period during which local revitalization financing is contemplated to be used. The public hearing may be held by either the governing body of the sponsoring local government, or a committee of the governing body that includes at least a majority of the whole governing body.

(2) To create a revitalization area, a sponsoring local government must adopt an ordinance establishing the revitalization area that:

(a) Describes the public improvements proposed to be made in the revitalization area;

(b) Describes the boundaries of the revitalization area, subject to the limitations in section 105 of this act;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local revitalization financing;

(d) Estimates the time during which local property tax allocation revenues, and other revenues from local public sources, such as amounts of local sales and use taxes from participating local governments, are to be used for local revitalization financing;

(e) Provides the date when the use of local property tax allocation revenues will commence and a list of the taxing districts that have not adopted an ordinance as described in section 106 of this act to be removed as a participating taxing district;

(f) Finds that all of the requirements in section 103 of this act are met;

(g) Provides the anticipated rate of sales and use tax under section 601 of this act that the local government will impose if awarded a state contribution under section 401 of this act;

(h) Provides the anticipated date when the criteria for the sales and use tax in section 601 of this act will be met and the anticipated date when the sales and use tax in section 601 of this act will be imposed.

(3) The sponsoring local government must deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating taxing authority and participating taxing district within which the revitalization area is located, and the department.

NEW SECTION. Sec. 105. LIMITATIONS ON REVITALIZATION AREAS. The designation of a revitalization area is subject to the following limitations:

(1) No revitalization area may have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW, any part of a revenue development area created under chapter 39.102 RCW, any part of an increment area under chapter 39.89 RCW, or any part of another revitalization area under this chapter;

(2) A revitalization area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revitalization area;

(3) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(4) The public improvements financed through bonds issued under section 701 of this act must be located in the revitalization area;

(5) A revitalization area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government at the time the revitalization area is created;

(6) The boundaries of the revitalization area may not be changed for the time period that local property tax allocation revenues, local sales and use taxes of participating local governments, and the local sales and use tax under section 601 of this act are used to pay bonds issued under section 701 of this act; and

(7) A revitalization area must be geographically restricted to the location of the public improvement and adjacent locations that the sponsoring local government finds to have a high likelihood of receiving direct positive business and economic impacts due to the public improvement, such as a neighborhood or a block.

NEW SECTION. Sec. 106. OPTING OUT AS A PARTICIPATING TAXING DISTRICT. (1) Participating taxing districts must allow the use of all of their local property tax allocation revenues for local revitalization financing.

(2)(a) If a taxing district does not want to allow the use of its property tax revenues for the local revitalization financing of public improvements in a revitalization area, its governing body must adopt an ordinance to remove itself as a participating taxing district and must notify the sponsoring local government.

(b) The taxing district must provide a copy of the adopted ordinance and notice to the sponsoring local government creating the revitalization area before the anticipated date that the sponsoring local government proposes to adopt the ordinance creating the revitalization area as provided in the notice required by section 104(1)(a) of this act.

NEW SECTION. Sec. 107. OPTING IN OR OUT AS A PARTICIPATING LOCAL GOVERNMENT. (1) A participating local government must enter into an interlocal agreement as provided in chapter 39.34 RCW to participate in local revitalization financing with the sponsoring local government.

(2)(a) If a local government that imposes a sales and use tax under RCW 82.14.030 does not want to participate in the local revitalization financing of public improvements in a revitalization area, its governing body must adopt an ordinance and notify the sponsoring local government that the taxing authority will not be a participating local government.

(b) The local government must provide a copy of the adopted ordinance and the notice to the sponsoring local government creating the revitalization area before the anticipated date that the sponsoring local government proposes to adopt an ordinance creating the revitalization area as provided in the notice required by section 104(1)(a) of this act.

**PART II
LOCAL REVITALIZATION FINANCING
USE OF LOCAL PROPERTY TAX ALLOCATION
REVENUES TO PAY FOR
THE COST OF PUBLIC IMPROVEMENTS**

NEW SECTION. Sec. 201. LOCAL PROPERTY TAX ALLOCATION REVENUES. (1) Commencing in the second calendar year following the creation of a revitalization area by a sponsoring local government, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revitalization area as follows:

(a) Each participating taxing district and the sponsoring local government must receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local revitalization financing project in the taxing district; and

(b) The sponsoring local government must receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revitalization area. However, if there is no property

tax allocation revenue value, the sponsoring local government may not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revitalization area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local revitalization financing.

(2) The county assessor shall determine the property tax allocation revenue value and property tax allocation revenue base value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The distribution of local property tax allocation revenue to the sponsoring local government must cease when local property tax allocation revenues are no longer obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues, and earnings on the revenues, remaining at the time the distribution of local property tax allocation revenue terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revitalization area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revitalization area of that portion of the sponsoring local government's and each participating taxing district's regular property taxes levied upon the property tax allocation revenue value within that revitalization area is declared to be a public purpose of and benefit to the sponsoring local government and each participating taxing district.

(5) The distribution of local property tax allocation revenues under this section may not affect or be deemed to affect the rate of taxes levied by or within any sponsoring local government and participating taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

**PART III
LOCAL REVITALIZATION FINANCING
USE OF LOCAL SALES AND USE TAX
INCREMENTS TO PAY FOR
THE COST OF PUBLIC IMPROVEMENTS**

NEW SECTION. Sec. 301. LOCAL SALES AND USE TAX INCREMENTS. (1) A sponsoring local government may use annually local sales and use tax amounts equal to some or all of its local sales and use tax increments to finance public improvements in the revitalization area. The amounts of local sales and use tax dedicated by a participating local government must begin and cease on the dates specified in an interlocal agreement authorized in chapter 39.34 RCW. Sponsoring local governments and participating local governments are authorized to allocate some or all of their local sales and use tax increment to the sponsoring local government as provided by section 107(1) of this act.

(2) The department must assist sponsoring local governments in estimating sales and use tax revenues from estimated taxable activity in the proposed or adopted revitalization area. The sponsoring local government must provide the department with accurate information describing the geographical boundaries of the revitalization area in an electronic format or in a manner as otherwise prescribed by the department.

PART IV

**LOCAL REVITALIZATION FINANCING
--STATE CONTRIBUTION**

NEW SECTION. Sec. 401. APPLICATION PROCESS--DEPARTMENT OF REVENUE APPROVAL. (1) Prior to applying to the department to receive a state contribution, a sponsoring local government shall adopt a revitalization area within the limitations in section 105 of this act and in accordance with section 104 of this act.

(2) As a condition to imposing a sales and use tax under section 601 of this act, a sponsoring local government must apply to the department and be approved for a project award amount. The application must be in a form and manner prescribed by the department and include, but not be limited to:

(a) Information establishing that over the period of time that the local sales and use tax will be imposed under section 601 of this act, increases in state and local property, sales, and use tax revenues as a result of public improvements in the revitalization area will be equal to or greater than the respective state and local contributions made under this chapter;

(b) Information demonstrating that the sponsoring local government will meet the requirements necessary to receive the full amount of state contribution it is requesting on an annual basis;

(c) The amount of state contribution it is requesting;

(d) The anticipated effective date for imposing the tax under section 601 of this act;

(e) The estimated number of years that the tax will be imposed;

(f) The anticipated rate of tax to be imposed under section 601 of this act, subject to the rate-setting conditions in section 601(3) of this act, should the sponsoring local government be approved for a project award; and

(g) The anticipated date when bonds under section 701 of this act will be issued.

The department shall make available electronic forms to be used for this purpose. As part of the application, each applicant must provide to the department a copy of the adopted ordinance creating the revitalization area as required in section 104 of this act, copies of any adopted interlocal agreements from participating local governments, and any notices from taxing districts that elect not to be a participating taxing district.

(3)(a) Project awards must be determined on:

(i) A first-come basis for applications completed in their entirety and submitted electronically;

(ii) The availability of a state contribution;

(iii) Whether the sponsoring local government would be able to generate enough tax revenue under section 601 of this act to generate the amount of project award requested.

(b) The total of all project awards may not exceed the annual state contribution limit.

(c) If the level of available state contribution is less than the amount requested by the next available applicant, the applicant must be given the first opportunity to accept the lesser amount of state contribution but only if the applicant produces a new application within sixty days of being notified by the department and the application describes the impact on the proposed project as a result of the lesser award in addition to new application information outlined in subsection (2) of this section.

(d) Applications that are not approved for a project award due to lack of available state contribution must be retained on file by the department in order of the date of their receipt.

(e) Once total project awards reach the amount of annual state contribution limit, no more applications will be accepted.

(f) If the annual contribution limit is increased, applications will be accepted again beginning sixty days after the effective date of the increase. However, in the time period before any new applications are accepted, all sponsoring local governments with a complete application already on file with the department must be provided an opportunity to either withdraw their application or update the information in the application. The updated application must be for a project that is substantially the same as the project in the original application. The department must consider these applications, in the order originally submitted, for project awards prior to considering any new applications.

(4) The department shall notify the sponsoring local government of approval or denial of a project award within sixty days of the department's receipt of the sponsoring local government's application. Determination of a project award by the department is final. Notification must include the earliest date when the tax authorized under section 601 of this act may be imposed, subject to conditions in chapter 82.14 RCW. The project award notification must specify the rate requested in the application and any adjustments to the rate that would need to be made based on the project award and rate restrictions in section 601 of this act.

(5) The department must begin accepting applications on September 1, 2009.

**PART V
ACCOUNTABILITY REPORTS**

NEW SECTION. Sec. 501. A new section is added to chapter 82.32 RCW to read as follows:

REPORTING REQUIREMENTS. (1) A sponsoring local government receiving a project award under section 401 of this act must provide a report to the department by March 1st of each year beginning March 1st after the project award has been approved. The report must contain the following information:

(a) The amounts of local property tax allocation revenues received in the preceding calendar year broken down by sponsoring local government and participating taxing district;

(b) The amount of state property tax allocation revenues estimated to have been received by the state in the preceding calendar year;

(c) The amount of local sales and use tax or other revenue from local public sources dedicated by any participating local government used for the payment of bonds under section 701 of this act in the preceding calendar year;

(d) The amount of local sales and use tax dedicated by the sponsoring local government, as it relates to the sponsoring local government's local sales and use tax increment, used for the payment of bonds under section 701 of this act;

(e) The amounts, other than those listed in (a) through (d) of this subsection, from local public sources, broken down by type or source, used for payment of bonds under section 701 of this act in the preceding calendar year;

(f) The anticipated date when bonds under section 701 of this act are expected to be retired;

(g) The names of any businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(h) An estimate of the cumulative number of permanent jobs created in the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(i) An estimate of the average wages and benefits received by all employees of businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(j) A list of public improvements financed by bonds issued under section 701 of this act and the date on which the bonds are anticipated to be retired;

(k) That the sponsoring local government is in compliance with section 103 of this act and the date on which the bonds are anticipated to be retired;

(l) At least once every three years, updated estimates of the amounts of state and local sales and use tax increments estimated to have been received since the approval by the department of the project award under section 401 of this act; and

(m) Any other information required by the department to enable the department to fulfill its duties under this chapter and section 601 of this act.

(2) The department shall make a report available to the public and the legislature by June 1st of each year. The report shall include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

**PART VI
LOCAL SALES AND USE TAX CREDITED
AGAINST THE STATE SALES AND USE TAXES**

NEW SECTION. Sec. 601. LOCAL SALES AND USE TAX.

(1) Any city or county that has been approved for a project award under section 401 of this act may impose a sales and use tax under the authority of this section in accordance with the terms of this chapter. Except as provided in this section, the tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city or county.

(2) The tax authorized under subsection (1) of this section is credited against the state taxes imposed under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1). The department must perform the collection of such taxes on behalf of the city or county at no cost to the city or county. The taxes must be distributed to cities and counties as provided in RCW 82.14.060.

(3) The rate of tax imposed by a city or county may not exceed the lesser of:

(a) The rate provided in RCW 82.08.020(1), less:

(i) The aggregate rates of all other local sales and use taxes imposed by any taxing authority on the same taxable events;

(ii) The aggregate rates of all taxes under RCW 82.14.465 and 82.14.475 and this section that are authorized but have not yet been imposed on the same taxable events by a city or county that has been approved to receive a state contribution by the department or the community economic revitalization board under chapter 39.-- RCW (the new chapter created in section 905 of this act) or chapter 39.100 or 39.102 RCW; and

(iii) The percentage amount of distributions required under RCW 82.08.020(5) multiplied by the rate of state taxes imposed under RCW 82.08.020(1); and

(b) The rate, as determined by the city or county in consultation with the department, reasonably necessary to receive the project award under section 401 of this act over ten months.

(4) The department, upon request, must assist a city or county in establishing its tax rate in accordance with subsection (3) of this section. Once the rate of tax is selected through the application process and approved under section 401 of this act, it may not be increased.

(5)(a) No tax may be imposed under the authority of this section before:

(i) July 1, 2011;

(ii) July 1st of the second calendar year following the year in which the department approved the application made under section 401 of this act;

(iii) The state sales and use tax increment for the preceding calendar year equals or exceeds the amount of the project award approved by the department under section 401 of this act; and

(iv) Bonds have been issued according to section 701 of this act.

(b) The tax imposed under this section expires the earlier of the date that the bonds issued under the authority of section 701 of this act are retired or twenty-five years after the tax is first imposed.

(6) An ordinance or resolution adopted by the legislative authority of the city or county imposing a tax under this section must provide that:

(a) The tax will first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the city or county, in any fiscal year, may not exceed the amount approved by the department under subsection (10) of this section;

(c) The department must cease distributing the tax for the remainder of any fiscal year in which either:

(i) The amount of tax received by the city or county equals the amount of distributions approved by the department for the fiscal year under subsection (10) of this section; or

(ii) The amount of revenue from taxes imposed under this section by all cities and counties equals the annual state contribution limit;

(d) The tax will be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection,

at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) The state is entitled to any revenue generated by the tax in excess of the amounts specified in (c) of this subsection.

(7) If a city or county receives approval for more than one revitalization area within its jurisdiction, the city or county may impose a sales and use tax under this section for each revitalization area.

(8) The department must determine the amount of tax receipts distributed to each city and county imposing a sales and use tax under the authority of this section and must advise a city or county when tax distributions for the fiscal year equal the amount determined by the department in subsection (10) of this section. Determinations by the department of the amount of tax distributions attributable to a city or county are not appealable. The department must remit any tax receipts in excess of the amounts specified in subsection (6)(c) of this section to the state treasurer who must deposit the money in the general fund.

(9) If a city or county fails to comply with section 501 of this act, no tax may be distributed in the subsequent fiscal year until such time as the city or county complies and the department calculates the state contribution amount according to subsection (10) of this section for the fiscal year.

(10)(a) For each fiscal year that a city or county imposes the tax under the authority of this section, the department must approve the amount of taxes that may be distributed to the city or county. The amount approved by the department under this subsection is the lesser of:

(i) The state contribution;

(ii) The amount of project award granted by the department as provided in section 401 of this act; or

(iii) The total amount of revenues from local public sources dedicated in the preceding calendar year, as reported in the required annual report under section 501 of this act.

(b) A city or county may not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department.

(11) The amount of tax distributions received from taxes imposed under the authority of this section by all cities and counties is limited annually to not more than the amount of annual state contribution limit.

(12) The definitions in section 102 of this act apply to this section subject to subsection (13) of this section and unless the context clearly requires otherwise.

(13) For purposes of this section, the following definitions apply:

(a) "Local sales and use taxes" means sales and use taxes imposed by cities, counties, public facilities districts, and other local governments under the authority of this chapter, chapter 67.28 or 67.40 RCW, or any other chapter, and that are credited against the state sales and use taxes.

(b) "State sales and use taxes" means the taxes imposed in RCW 82.08.020(1) and 82.12.020(1).

(c) "Initiation of construction" means the date that a building permit is issued under the building code adopted under RCW 19.27.031.

NEW SECTION. Sec. 602. USE OF SALES AND USE TAX FUNDS. Money collected from the taxes imposed under section 601 of this act may be used only for the purpose of paying debt service on bonds issued under the authority in section 701 of this act.

**PART VII
BOND AUTHORIZATION**

NEW SECTION. Sec. 701. ISSUANCE OF GENERAL OBLIGATION BONDS. (1) A sponsoring local government creating a revitalization area and authorizing the use of local revitalization financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local revitalization financing it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government creating the revitalization area and authorizing the use of local

revitalization financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by RCW 39.89.050.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government creating a revitalization area and authorizing the use of local revitalization financing may require any nonpublic participants to provide adequate security to protect the public investment in the public improvement within the revitalization area.

(4) Bonds issued under this section must be authorized by ordinance of the sponsoring local government and may be issued in one or more series and must bear a date or dates, be payable upon demand or mature at a time or times, bear interest at a rate or rates, be in a denomination or denominations, be in a form either coupon or registered as provided in RCW 39.46.030, carry conversion or registration privileges, have a rank or priority, be executed in a manner, be payable in a medium of payment, at a place or places, and be subject to terms of redemption with or without premium, be secured in a manner, and have other characteristics, as may be provided by an ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local property tax allocation revenues derived from property or business activity within the revitalization area containing the public improvements funded by the bonds, the payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 601 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 601 of this act are subject to the use restriction in section 602 of this act.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter cease to be the officials before the delivery of the bonds, the signatures must, nevertheless, be valid and sufficient for all purposes, the same as if the officials had remained in office until the delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 702. USE OF TAX REVENUE FOR BOND REPAYMENT. A sponsoring local government that issues bonds under section 701 of this act to finance public improvements may pledge for the payment of such bonds all or part of any local property tax allocation revenues derived from the public improvements. The sponsoring local government may also pledge all or part of any revenues derived from taxes imposed under section 601 of this act and held in connection with the public improvements. All of such tax revenues are subject to the use restriction in section 602 of this act.

NEW SECTION. Sec. 703. LIMITATION ON BONDS ISSUED. The bonds issued by a local government under section 701 of this act to finance public improvements do not constitute an obligation of the state of Washington, either general or special.

PART VIII LOCAL INFRASTRUCTURE FINANCING TOOL

Sec. 801. RCW 82.14.475 and 2007 c 229 s 8 are each amended to read as follows:

(1) A sponsoring local government, and any cosponsoring local government, that has been approved by the board to use local infrastructure financing may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the sponsoring local government or cosponsoring local government. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters 82.08 and 82.12 RCW. The rate of tax may be changed only on the first day of a fiscal year as needed. Notice of rate changes must be provided to the department on the first day of March to be effective on July 1st of the next fiscal year.

(2) The tax authorized under subsection (1) of this section shall be credited against the state taxes imposed under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the sponsoring local government or cosponsoring local government at no cost to the sponsoring local government or cosponsoring local government and shall remit the taxes as provided in RCW 82.14.060.

(3)(a) No tax may be imposed under the authority of this section:

- (i) Before July 1, 2008;
- (ii) Before approval by the board under RCW 39.102.040; and
- (iii) Before the sponsoring local government has received local excise tax allocation revenues, local property tax allocation revenues, or both, during the preceding calendar year.

(b) The tax imposed under this section shall expire when the bonds issued under the authority of RCW 39.102.150 are retired, but not more than twenty-five years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a sponsoring local government or cosponsoring local government imposing a tax under this section shall provide that:

- (a) The tax shall first be imposed on the first day of a fiscal year;
- (b) The cumulative amount of tax received by the sponsoring local government, and any cosponsoring local government, in any fiscal year shall not exceed the amount of the state contribution;
- (c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax received by the sponsoring local government, and any cosponsoring local government, equals the amount of the state contribution;

(ii) The amount of revenue from taxes imposed under this section by all sponsoring and cosponsoring local governments equals the annual state contribution limit; or

(iii) The amount of tax received by the sponsoring local government equals the amount of project award granted in the approval notice described in RCW 39.102.040;

(d) Neither the local excise tax allocation revenues nor the local property tax allocation revenues may constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c). This requirement applies beginning January 1st of the fifth calendar year after the calendar year in which the sponsoring local government begins allocating local excise tax allocation revenues under RCW 39.102.110;

(e) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(f) Any revenue generated by the tax in excess of the amounts specified in (c) of this subsection shall belong to the state of Washington.

(5) If a county and city cosponsor a revenue development area, the combined rates of the city and county tax shall not exceed the rate provided in RCW 82.08.020(1), less the aggregate rates of any other local sales and use taxes imposed on the same taxable events that are credited against the state sales and use taxes imposed under chapters

82.08 and 82.12 RCW. The combined amount of distributions received by both the city and county may not exceed the state contribution.

(6) The department shall determine the amount of tax receipts distributed to each sponsoring local government, and any cosponsoring local government, imposing sales and use tax under this section and shall advise a sponsoring or cosponsoring local government when tax distributions for the fiscal year equal the amount of state contribution for that fiscal year as provided in subsection (8) of this section. Determinations by the department of the amount of tax distributions attributable to each sponsoring or cosponsoring local government are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax receipts in excess of the amounts specified in subsection (4)(c) of this section to the state treasurer who shall deposit the money in the general fund.

(7) If a sponsoring or cosponsoring local government fails to comply with RCW 39.102.140, no tax may be distributed in the subsequent fiscal year until such time as the sponsoring or cosponsoring local government complies and the department calculates the state contribution amount for such fiscal year.

(8) Each year, the amount of taxes approved by the department for distribution to a sponsoring or cosponsoring local government in the next fiscal year shall be equal to the state contribution and shall be no more than the total local funds as described in RCW 39.102.020(29)(c). The department shall consider information from reports described in RCW 39.102.140 when determining the amount of state contributions for each fiscal year. A sponsoring or cosponsoring local government shall not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department. The department shall not approve the receipt of more distributions of sales and use tax under this section to a sponsoring or cosponsoring local government than is authorized under subsection (4) of this section.

(9) The amount of tax distributions received from taxes imposed under the authority of this section by all sponsoring and cosponsoring local governments is limited annually to not more than ~~((seven)) ten~~ million ~~((five hundred thousand))~~ dollars.

(10) The definitions in RCW 39.102.020 apply to this section unless the context clearly requires otherwise.

(11) If a sponsoring local government is a federally recognized Indian tribe, the distribution of the sales and use tax authorized under this section shall be authorized through an interlocal agreement pursuant to chapter 39.34 RCW.

(12) Subject to RCW 39.102.195, the tax imposed under the authority of this section may be applied either to provide for the payment of debt service on bonds issued under RCW 39.102.150 by the sponsoring local government or to pay public improvement costs on a pay-as-you-go basis, or both.

(13) The tax imposed under the authority of this section shall cease to be imposed if the sponsoring local government or cosponsoring local government fails to issue bonds under the authority of RCW 39.102.150 by June 30th of the fifth fiscal year in which the local tax authorized under this section is imposed.

(14) This section expires June 30, 2044.

Sec. 802. RCW 39.102.020 and 2008 c 209 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means ~~((seven)) ten~~ million ~~((five hundred thousand))~~ dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Base year" means the first calendar year following the calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award, provided that the approval is granted before October 15th. If approval by the board is received on or after October 15th but on or before December 31st, the "base year" is the second calendar year following the calendar year in which a sponsoring local government, and any cosponsoring local government, receives approval by the board for a project award.

(4) "Board" means the community economic revitalization board under chapter 43.160 RCW.

(5) "Demonstration project" means one of the following projects:

- (a) Bellingham waterfront redevelopment project;
- (b) Spokane river district project at Liberty Lake; and
- (c) Vancouver riverwest project.

(6) "Department" means the department of revenue.

(7) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(8) "Local excise taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030 at the tax rate that was in effect at the time the revenue development area was approved by the board, except that if a local government reduces the rate of such tax after the revenue development area was approved by the board, "local excise taxes" means the local revenues derived from the imposition of the sales and use taxes authorized in RCW 82.14.030 at the lower tax rate.

(9) "Local excise tax allocation revenue" means the amount of local excise taxes received by the local government during the measurement year from taxable activity within the revenue development area over and above the amount of local excise taxes received by the local government during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the approval of the revenue development area by the board, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with the calendar year immediately following the approval of the revenue development area by the board and continuing with each measurement year thereafter;

(b) For revenue development areas approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "local excise tax allocation revenue" means the amount of local excise taxes received by the sponsoring local government during the measurement year from taxable activity within the revenue development area over and above an amount of local excise taxes received by the sponsoring local government during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective in 2008. The amount of base year adjustment determined by the department is final; and

(c) If the sponsoring local government of a revenue development area related to a demonstration project reasonably determines that no local excise tax distributions were received between August 1, 2008, and December 31, 2008, from within the boundaries of the revenue development area, "local excise tax allocation revenue" means the entire amount of local excise taxes received by the sponsoring local government during a calendar year period beginning with 2009 and continuing with each measurement year thereafter.

(10) "Local government" means any city, town, county, port district, and any federally recognized Indian tribe.

(11) "Local infrastructure financing" means the use of revenues received from local excise tax allocation revenues, local property tax allocation revenues, other revenues from local public sources, and revenues received from the local option sales and use tax authorized in RCW 82.14.475, dedicated to pay either the principal and interest on bonds authorized under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both.

(12) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local infrastructure financing.

(13)(a) "Revenues from local public sources" means:

(i) Amounts of local excise tax allocation revenues and local property tax allocation revenues, dedicated by sponsoring local

governments, participating local governments, and participating taxing districts, for local infrastructure financing; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(14) "Low-income housing" means residential housing for low-income persons or families who lack the means which is necessary to enable them, without financial assistance, to live in decent, safe, and sanitary dwellings, without overcrowding. For the purposes of this subsection, "low income" means income that does not exceed eighty percent of the median family income for the standard metropolitan statistical area in which the revenue development area is located.

(15) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure state and local excise tax allocation revenues.

(16) "Ordinance" means any appropriate method of taking legislative action by a local government.

(17) "Participating local government" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of all or some of its local excise tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(18) "Participating taxing district" means a local government having a revenue development area within its geographic boundaries that has entered into a written agreement with a sponsoring local government as provided in RCW 39.102.080 to allow the use of some or all of its local property tax allocation revenues or other revenues from local public sources dedicated for local infrastructure financing.

(19)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revenue development area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revenue development area is approved by the board;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revenue development area is approved by the board;

(C) The cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revenue development area is approved by the board.

(ii) Increases in the assessed value of real property in a revenue development area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revenue development area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when such cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(20) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revenue development area.

(21) "Public improvements" means:

(a) Infrastructure improvements within the revenue development area that include:

(i) Street, bridge, and road construction and maintenance, including highway interchange construction;

(ii) Water and sewer system construction and improvements, including wastewater reuse facilities;

(iii) Sidewalks, traffic controls, and streetlights;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities and recreational areas, including trails; and

(vii) Storm water and drainage management systems;

(b) Expenditures for facilities and improvements that support affordable housing as defined in RCW 43.63A.510.

(22) "Public improvement costs" means the cost of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) the local government's portion of relocating utilities as a result of public improvements; (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; (e) assessments incurred in revaluing real property for the purpose of determining the property tax allocation revenue base value that are in excess of costs incurred by the assessor in accordance with the revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; (f) administrative expenses and feasibility studies reasonably necessary and related to these costs; and (g) any of the above-described costs that may have been incurred before adoption of the ordinance authorizing the public improvements and the use of local infrastructure financing to fund the costs of the public improvements.

(23) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of the common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(24) "Property tax allocation revenue base value" means the assessed value of real property located within a revenue development area for taxes levied in the year in which the revenue development area is adopted for collection in the following year, plus one hundred percent of any increase in the assessed value of real property located within a revenue development area that is placed on the assessment rolls after the revenue development area is adopted, less the property tax allocation revenue value.

(25) "Relocating a business" means the closing of a business and the reopening of that business, or the opening of a new business that engages in the same activities as the opening business, in a different location within a one-year period, when an individual or entity has an

ownership interest in the business at the time of closure and at the time of opening or reopening. "Relocating a business" does not include the closing and reopening of a business in a new location where the business has been acquired and is under entirely new ownership at the new location, or the closing and reopening of a business in a new location as a result of the exercise of the power of eminent domain.

(26) "Revenue development area" means the geographic area adopted by a sponsoring local government and approved by the board, from which local excise and property tax allocation revenues are derived for local infrastructure financing.

(27) "Small business" has the same meaning as provided in RCW 19.85.020.

(28) "Sponsoring local government" means a city, town, or county, and for the purpose of this chapter a federally recognized Indian tribe or any combination thereof, that adopts a revenue development area and applies to the board to use local infrastructure financing.

(29) "State contribution" means the lesser of:

(a) One million dollars;

(b) The state excise tax allocation revenue and state property tax allocation revenue received by the state during the preceding calendar year;

(c) The total amount of local excise tax allocation revenues, local property tax allocation revenues, and other revenues from local public sources, that are dedicated by a sponsoring local government, any participating local governments, and participating taxing districts, in the preceding calendar year to the payment of principal and interest on bonds issued under RCW 39.102.150 or to pay public improvement costs on a pay-as-you-go basis subject to RCW 39.102.195, or both; or

(d) The amount of project award granted by the board in the notice of approval to use local infrastructure financing under RCW 39.102.040.

(30) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by RCW 82.14.475, imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW.

(31) "State excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above the amount of state excise taxes received by the state during the base year from taxable activity within the revenue development area, except that:

(a) If a sponsoring local government adopts a revenue development area and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred within the boundaries of the revenue development area in the twelve months immediately preceding the approval of the revenue development area by the board, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with the calendar year immediately following the approval of the revenue development area by the board and continuing with each measurement year thereafter;

(b) For revenue development areas approved by the board in calendar years 2006 and 2007 that do not meet the requirements in (a) of this subsection and if legislation is enacted in this state during the 2007 legislative session that adopts the sourcing provisions of the streamlined sales and use tax agreement, "state excise tax allocation revenue" means the amount of state excise taxes received by the state during the measurement year from taxable activity within the revenue development area over and above an amount of state excise taxes received by the state during the 2007 or 2008 base year, as the case may be, adjusted by the department for any estimated impacts from retail sales and use tax sourcing changes effective in 2008. The amount of base year adjustment determined by the department is final; and

(c) If the sponsoring local government of a revenue development area related to a demonstration project reasonably determines that no local excise tax distributions were received between August 1, 2008,

and December 31, 2008, from within the boundaries of the revenue development area, "state excise tax allocation revenue" means the entire amount of state excise taxes received by the state during a calendar year period beginning with 2009 and continuing with each measurement year thereafter.

(32) "State property tax allocation revenue" means those tax revenues derived from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value.

(33) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation. **Sec. 803.** RCW 39.102.040 and 2007 c 229 s 2 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW and has not issued bonds to finance any public improvement may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without adopting a new revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade,

and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline. For projects not approved by the board in 2008, sponsoring and cosponsoring local governments may apply again to the board in 2009 for approval of a project.

(c) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2009 for a competitive project award, must submit completed applications to the board no later than July 1, 2009. By September 30, 2009, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2009 deadline.

(d) Except as provided in RCW 39.102.050(2), a total of no more than ~~(five)~~ seven million five hundred thousand dollars in competitive project awards shall be approved for local infrastructure financing.

~~((d))~~ (e) The project selection criteria and weighting developed prior to July 22, 2007, for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall, in consultation with the Washington state economic development commission, develop the relative weight to be assigned to the following criteria:

(i) The project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

(ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

(iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

(iv) The estimated wages and benefits for the project is greater than the average labor market area;

(v) The estimated state and local net employment change over the life of the project;

(vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

(vii) The estimated state and local net property tax change over the life of the project;

(viii) The estimated state and local sales and use tax increase over the life of the project;

(ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c); and

(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

~~((e)(i) Except as provided in this subsection (4)(e), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.~~

~~(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:~~

~~(A) The sponsoring local government is located in more than one county; and~~

~~(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.~~

~~(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.)~~

(f) At least one project awarded in 2009 must be for a downtown redevelopment project in a city: (i) With less than one hundred thousand population; (ii) fully planning under RCW 36.70A.040 of the growth management act; and (iii) receiving funds from the streamlined sales and use tax mitigation account created in RCW 82.14.495.

(g) No project may be awarded in 2009 for a project located in a city with greater than three hundred thousand population.

(5) Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 804. RCW 43.160.030 and 2008 c 327 s 3 are each amended to read as follows:

(1) The community economic revitalization board is hereby created to exercise the powers granted under this chapter.

(2) The board shall consist of one member from each of the two major caucuses of the house of representatives to be appointed by the speaker of the house and one member from each of the two major caucuses of the senate to be appointed by the president of the senate. The board shall also consist of the following members appointed by the governor: A recognized private or public sector economist; one port district official; one county official; one city official; one urban planner; one representative of a federally recognized Indian tribe; one representative of the public; one person representing organized labor; one representative of small businesses each from: (a) The area west of Puget Sound, (b) the area east of Puget Sound and west of the Cascade range, (c) the area east of the Cascade range and west of the Columbia river, and (d) the area east of the Columbia river; one executive from large businesses each from the area west of the Cascades and the area east of the Cascades. The appointive members shall initially be appointed to terms as follows: Three members for one-year terms, three members for two-year terms, and three members for three-year terms which shall include the chair. Thereafter each succeeding term shall be for three years. The chair of the board shall be selected by the governor. The members of the board shall elect one of their members to serve as vice-chair. The director of community, trade, and economic development, the director of revenue, the commissioner of employment security, and the secretary of transportation shall serve as nonvoting advisory members of the board.

(3) Management services, including fiscal and contract services, shall be provided by the department to assist the board in implementing this chapter.

(4) Members of the board shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) If a vacancy occurs by death, resignation, or otherwise of appointive members of the board, the governor shall fill the same for the unexpired term. Members of the board may be removed for malfeasance or misfeasance in office, upon specific written charges by the governor, under chapter 34.05 RCW.

(6) A member appointed by the governor may not be absent from more than fifty percent of the regularly scheduled meetings in any one calendar year. Any member who exceeds this absence limitation is deemed to have withdrawn from the office and may be replaced by the governor.

(7) A majority of members currently appointed constitutes a quorum.

Sec. 805. RCW 39.102.904 and 2006 c 181 s 707 are each amended to read as follows:

This ~~((act))~~ chapter expires June 30, ~~((2039))~~ 2044.

NEW SECTION. Sec. 806. The following acts or parts are each repealed:

(1) 2008 c 209 s 2 (uncodified); and

(2) 2007 c 229 s 17 (uncodified).

PART IX MISCELLANEOUS

NEW SECTION. Sec. 901. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 902. CAPTIONS AND PART HEADINGS NOT LAW. Captions and part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 903. AUTHORITY. Nothing in this act may be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW.

NEW SECTION. Sec. 904. ADMINISTRATION BY THE DEPARTMENT. The department of revenue may adopt any rules under chapter 34.05 RCW it considers necessary for the administration of this chapter.

NEW SECTION. Sec. 905. Sections 101 through 401 and 701 through 804 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 906. Sections 601 and 602 of this act are each added to chapter 82.14 RCW.

NEW SECTION. Sec. 907. Section 803 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Liias; Orcutt; Parker; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Chase.

Referred to Committee on Finance.

March 24, 2009

SSB 5061 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Enhancing natural resource collections at the Washington park arboretum. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass. Signed by Representatives Uptegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins; Kretz; Kristiansen; Morris; Orcutt and Shea.

Referred to Committee on Education Appropriations.

March 24, 2009

SB 5071 Prime Sponsor, Senator Jacobsen: Designating the Olympic marmot the official endemic mammal of the state of Washington. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 23, 2009

ESSB 5228 Prime Sponsor, Committee on Transportation: Regarding construction projects by county forces. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

March 24, 2009

ESSB 5262 Prime Sponsor, Committee on Judiciary: Allowing law enforcement access to driver's license photographs for the purposes of identity verification.

(REVISED FOR ENGROSSED: Allowing law enforcement and court access to driver's license photographs for the purposes of identity verification.) Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.20.118 and 2005 c 274 s 307 and 2005 c 246 s 23 are each reenacted and amended to read as follows:

(1) The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of licensing as authorized by ((RCW 46.20.070 through 46.20.119)) this chapter. Negatives in the file shall not be available for public inspection and copying under chapter 42.56 RCW.

(2) The department may make the file available to official governmental enforcement agencies to assist in the investigation by the agencies of suspected criminal activity or for the purposes of verifying identity when a law enforcement officer is authorized by law to request identification from an individual.

(3) The department shall make the file available to the office of the secretary of state, at the expense of the secretary of state, to assist in maintenance of the statewide voter registration database.

(4) The department may also provide a print to the driver's next of kin in the event the driver is deceased."

Correct the title.

Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman; Kirby and Ross.

Referred to Committee on General Government Appropriations.

March 19, 2009

SSB 5285 Prime Sponsor, Committee on Human Services & Corrections: Revising procedures for appointment of guardians ad litem. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.030 and 2008 c 211 s 5 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff, or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have

been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 2. RCW 13.34.100 and 2000 c 124 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background ~~(file)~~ information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian~~(s)~~ ad litem's duties;

(c) Specific training related to issues potentially faced by children in the dependency system;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

~~((d))~~ (f) Number of appointments as a guardian ad litem and the county or counties of appointment;

~~((e))~~ (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; ~~(and~~
~~(f))~~ (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination that shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050 and the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834. This background check shall be done through the Washington state patrol criminal identification section; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information ~~(report) record~~ shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program ~~(the)~~ a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a ~~((statement containing: His or her training relating to the duties as a guardian ad litem, the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment))~~ copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background ~~(statement)~~ information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends ~~((and the appointment shall be effective immediately)).~~ The program shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

(9) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial

days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 3. RCW 26.12.175 and 2000 c 124 s 6 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. ~~((The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.))~~

(b) ~~((Unless otherwise ordered,))~~ The guardian ad litem's role is to investigate and report factual information regarding the issues ordered to be reported or investigated to the court ((concerning parenting arrangements for the child, and to represent the child's best interests)). The guardian ad litem shall always represent the best interests of the child. Guardians ad litem and investigators under this title may make recommendations based upon ~~((an independent investigation regarding the best interests of the child))~~ his or her investigation, which the court may consider and weigh in conjunction with the recommendations of all of the parties. If a child expresses a preference regarding the parenting plan, the guardian ad litem shall report the preferences to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child's understanding. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The parties to the proceeding may file with the court written responses to any report filed by the guardian ad litem or investigator. The court shall consider any written responses to a report filed by the guardian ad litem or investigator, including any factual information or recommendations provided in the report.

(d) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court- appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services that are not inconsistent with this section.

(3) Each guardian ad litem program for compensated guardians ad litem and each court-appointed special advocate program shall maintain a background information record for each guardian ad litem in the program. The background ~~((file))~~ information record shall include, but is not limited to, the following information:

(a) Level of formal education;
(b) General training related to the guardian~~((s))~~ ad litem's duties;

(c) Specific training related to issues potentially faced by children in dissolution, custody, paternity, and other family law proceedings;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;
~~((f))~~ (f) Number of appointments as a guardian ad litem and county or counties of appointment;

~~((g))~~ (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; ((and
~~((f))~~ (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination that shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050 and the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834. This background check shall be done through the Washington state patrol criminal identification section; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information ~~((report))~~ record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person appointed as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, court-appointed special advocate program or guardian ad litem program, shall provide the parties or their attorneys with a ~~((statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment))~~ copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background ~~((statement))~~ information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends ~~((and the appointment shall be effective immediately)).~~ The court shall immediately appoint the person recommended by the program.

(5) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 4. RCW 26.12.177 and 2007 c 496 s 305 are each amended to read as follows:

(1) All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under RCW 2.53.040, when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title.

If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information record as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem (~~lacks the necessary expertise for the proceeding~~) is inappropriate or unqualified, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who (~~misrepresents~~) has been found to have misrepresented his or her qualifications (~~pursuant to a grievance procedure established by the court~~).

(3) The rotational registry system shall not apply to court-appointed special advocate programs."

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Referred to Committee on General Government Appropriations.

March 24, 2009

SB 5359 Prime Sponsor, Senator Oemig: Preventing rejection of ballots that have voter identifying marks. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 17, strike all of subsection (2) and insert the following:

"(2) An election official may not issue any ballot with a unique identifying mark, except as specifically authorized by this subsection. Identifying marks placed on a ballot prior to the issuance of the ballot may not vary within an individual precinct. An election official may place a nonsequential, anonymously assigned unique identifying mark on a ballot after the ballot has been returned by a voter, and, if applicable, separated from its security envelope, solely for auditing and vote reconciliation purposes, or to determine if a particular ballot has been previously counted, as long as it is not associated with an individual voter, a voter's address, or a voter's registration number."

On page 2, after line 15, insert the following: __

"(4) An elections official may not enter into or extend any contract with a vendor that includes any use of identifying marks on ballots, if such contract may allow the vendor to acquire an ownership interest in or knowledge of any data pertaining to any voter, any voter's address, registration number, or history, or any ballot."

Signed by Representatives Hunt, Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 24, 2009

SSB 5380 Prime Sponsor, Committee on Judiciary: Addressing the statute of limitations for certain crimes. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 5426 Prime Sponsor, Senator Kastama: Authorizing certain areas in cities or towns to annex to a fire protection district. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 23, 2009

ESSB 5485 Prime Sponsor, Committee on Environment, Water & Energy: Authorizing water-sewer districts to construct, condemn and purchase, add to, maintain, and operate systems for reclaimed water. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 24, 2009

SB 5487 Prime Sponsor, Senator Brandland: Changing the notification date for nonrenewal of a certificated employee's contract. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 5540 Prime Sponsor, Senator Pridemore: Establishing high capacity transportation corridor areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Campbell; Eddy; Finn; Flannigan; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

March 24, 2009
SSB 5551 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding recess periods for elementary school students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 23, 2009
SB 5587 Prime Sponsor, Senator Pridmore: Authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Short.

Referred to Committee on Finance.

March 24, 2009
ESSB 5763 Prime Sponsor, Committee on Early Learning & K-12 Education: Requiring the adoption of policies for the management of concussion and head injury in youth sports. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 23, 2009
ESSB 5808 Prime Sponsor, Committee on Government Operations & Elections: Concerning the annexation of unincorporated areas served by fire protection districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Short and Uptegrove.

Passed to Committee on Rules for second reading.

March 23, 2009
E2SSB 5854 Prime Sponsor, Committee on Ways & Means: Reducing climate pollution in the built environment. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

"NEW SECTION. Sec. 2. The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Department" means the department of community, trade, and economic development.

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

NEW SECTION. Sec. 3. (1) The department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5 of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that

will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

Sec. 4. RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ~~(No later than January 1, 1991,)~~ The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework(~~— The Washington state energy code shall be designed to~~); and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall ~~(require:~~

~~—(a) New residential buildings that are space-heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~—(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~—(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;~~

~~—(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~—(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);~~

~~—(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~—(vi) Double glazed windows with values not more than U-0.4;~~

—(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and

—(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.

—(b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:

—(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

—(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;

—(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

—(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);

—(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

—(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;

—(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and

—(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.

—(c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.

—(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.

—(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and

labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better)) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

(((6))) (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, ((1986)) 2006 edition, or as amended by the council by rule.

(((7))) (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code ((and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990)).

(((8))) (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ((The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.)) The director of the department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

NEW SECTION. Sec. 6. (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any, of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

NEW SECTION. Sec. 7. By December 31, 2009, the department shall recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 8. (1) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(2) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(3) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of each reporting public facility available to the public through the portfolio manager web site.

(4) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(5) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(6) For each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy

conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(7) Schools are strongly encouraged to follow the provisions in subsections (1) through (6) of this section.

(8) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance rating score below fifty. The department of general administration shall establish a process to determine viability.

(9) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

NEW SECTION. Sec. 9. Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW.

NEW SECTION. Sec. 10. Provisions of sections 3, 7, and 8 of this act shall be in effect only during fiscal periods in which specific appropriations are provided referencing this act or chapter number and the relevant section number."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; DeBolt; Herrera and McCune.

Referred to Committee on General Government Appropriations.

March 23, 2009

ESSB 5901 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Modifying provisions of the local infrastructure financing tool program. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Liias; Orcutt; Parker; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Chase.

Passed to Committee on Rules for second reading.

March 23, 2009

E2SSB 5916 Prime Sponsor, Committee on Ways & Means: Authorizing the department of information services to engage in high-speed internet adoption, deployment, and digital inclusion activities. (REVISED FOR ENGROSSED: Regarding broadband adoption and deployment.) Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares the following:

(1) The deployment and adoption of high-speed internet services and technology advancements enhance economic development and

public safety for the state's communities, and offers improved health care, access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents.

(2) Improvements in the deployment and adoption of high-speed internet services and the strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(3) The state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses. This includes ensuring digital inclusion in internet access, computer literacy, and information content, so that all Washingtonians are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, size of business, or business entity structure.

(4) In light of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is essential that the legislature authorize a broadband programs management structure and an advisory council capable of developing and ensuring the implementation of statewide broadband strategies.

Sec. 2. RCW 28B.32.010 and 2008 c 262 s 6 are each amended to read as follows:

The community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology opportunity program must be administered by the (~~Washington State University extension, in consultation with the~~) department of information services. The (~~Washington State University extension~~) department may contract for services in order to carry out the (~~extension's~~) department's obligations under this section.

(1) In implementing the community technology opportunity program the administrator must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen percent of funds received by the administrator for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the administrator establishes.

(3) The administrator may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The administrator must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

Sec. 3. RCW 28B.32.020 and 2008 c 262 s 7 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the community technology opportunity program administrator designated by the (~~Washington State University extension~~) department.

(2) "Community technology programs" means (~~a program, including a digital inclusion program, engaged in diffusing information and communications technology in local communities, particularly in underserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, and development of locally relevant content and delivery of vital services through technology~~) programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, development of locally relevant content, and delivery of vital services through technology. Community technology programs are usually provided by nonprofit or public agencies in public community settings, including youth and community centers, small business and workforce training centers, mutual assistance associations and settlement houses, low-income housing units, libraries, or schools opened for community programs.

(3) "Department" means the department of information services.

Sec. 4. RCW 28B.32.030 and 2008 c 262 s 8 are each amended to read as follows:

The Washington community technology opportunity account is established in the state treasury. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only for the operation of the community technology opportunity program as provided in RCW 28B.32.010 (as recodified by this act). Only the administrator or the administrator's designee may authorize expenditures from the account.

NEW SECTION. Sec. 5. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies with a minimum download speed greater than or equal to seven hundred sixty-eight kilobits per second and an upload speed greater than two hundred kilobits per second.

(2) "Council" means the advisory council on digital inclusion created in section 7 of this act.

(3) "Department" means the department of information services.

(4) "High-speed internet" means broadband.

(5) "Underserved areas" means: (a) Areas in which high-speed internet download speeds are less than seven hundred sixty-eight kilobits per second and upload speeds are less than two hundred kilobits per second; (b) any census tract that is located in a federally designated empowerment zone, enterprise community, renewal community, or low-income community; (c) an area with a significant population of economically disadvantaged residents; or (d) an area in which a significant population of the residents are not able to adopt broadband because of disability, affordability of computers or software, or a lack of technological literacy.

NEW SECTION. Sec. 6. (1) The authority for overseeing broadband adoption and deployment efforts in the state is vested in the department of information services.

(a) The department is the single eligible entity in the state to receive a grant under the federal broadband data improvement act, P.L. 110-385.

(b) Funding received by the department under the federal broadband data improvement act, P.L. 110-385, must be used in

accordance with the requirements of that act and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state to achieve the purposes of that act.

(2) The department may apply for and oversee implementation of federally funded or mandated broadband programs and may adopt rules to administer the programs. These programs may include but are not limited to the following:

(a) Contracting for and purchasing a completed map of privately controlled or owned broadband infrastructure. The map may include, but is not limited to, adoption information, availability information, types of technology used, the physical location of broadband infrastructure, and available speed tiers for high-speed internet;

(b) Engaging in periodic statewide surveys of residents, businesses, and nonprofit organizations concerning their use and adoption of high-speed internet and related information technology for the purpose of identifying barriers to adoption;

(c) Working with communities to identify barriers to the adoption of broadband service and related information technology services by individuals, nonprofit organizations, and businesses;

(d) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(e) Creating, implementing, and administering programs to improve computer ownership, technology literacy, and high-speed internet access for populations not currently served or underserved in the state. This may include programs to provide low-income families, community-based nonprofit organizations, nonprofit entities, and public entities that work in partnership with nonprofit entities to provide increased access to computers and broadband, with reduced cost internet access;

(f) Administering the community technology opportunity program under chapter 28B.32 RCW (as recodified by this act); and

(g) Creating additional programs to spur the development of high-speed internet resources in the state, which may include, but is not limited to:

(i) Applying for and receiving funding in the form of grants or donations which may be deposited into the Washington community technology opportunity account created in RCW 28B.32.030 (as recodified by this act);

(ii) Establishing technology literacy and digital inclusion programs and establishing low-cost hardware and software purchasing programs;

(iii) Developing last-mile technology loan programs targeting small businesses or businesses located in unserved and underserved areas; and

(iv) Including community technology organizations in state hardware and software purchasing programs.

NEW SECTION. Sec. 7. (1) The department shall reconvene the high-speed internet work group previously established by chapter 262, Laws of 2008. The work group is renamed the advisory council on digital inclusion, and is an advisory group to the department. The council must include, but is not limited to, volunteer representatives from community technology organizations, telecommunications providers, higher education institutions, K-12 education institutions, public health institutions, public housing entities, local governments, and governmental entities that are engaged in community technology activities.

(2) The council shall prepare a report by January 15th of each year and submit it to the department, the governor, and the appropriate committees of the legislature. The report must contain:

(a) An analysis of how support from public and private sector partnerships, the philanthropic community, and other not-for-profit organizations in the community, along with strong relationships with the state board for community and technical colleges, the higher education coordinating board, and higher education institutions, could establish a variety of high-speed internet access alternatives for citizens;

(b) Proposed strategies for continued broadband deployment and adoption efforts, as well as further development of advanced telecommunications applications;

(c) Recommendations on methods for maximizing the state's research and development capacity at universities and in the private sector for developing advanced telecommunications applications;

(d) An identification of barriers that hinder the advancement of technology entrepreneurship in the state and recommendations on incentives to stimulate the demand for and development of these applications and services; and

(e) An evaluation of programs designed to advance digital literacy and computer access that are made available by the federal government, local agencies, telecommunications providers, and business and charitable entities.

Sec. 8. RCW 43.105.350 and 2008 c 262 s 3 are each amended to read as follows:

(1) For purposes of compliance with section 2, chapter 262, Laws of 2008 or any subsequent high-speed internet deployment and adoption initiative, the department (~~(of information services)~~), the department of community, trade, and economic development, the utilities and transportation commission, and any other government agent or agency (~~(shall not)~~) engaged in the high-speed internet mapping, deployment, or adoption activities prescribed in this chapter may gather or request any information related to high-speed internet infrastructure or service from providers of telecommunications or high-speed internet services that is classified by the provider as proprietary or competitively sensitive, as long as the proprietary or competitively sensitive components of such information is maintained in a confidential manner solely by a nongovernmental third-party mapping entity as described in this chapter and as long as the relevant aggregated information is made available to the department or government agent or agency.

(2) Nothing in this section may be construed as limiting the authority of a state agency or local government to gather or request information from providers of telecommunications or high-speed internet services for other purposes pursuant to its statutory authority.

NEW SECTION. Sec. 9. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 10. Sections 1, 5, 6, 7, and 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. RCW 28B.32.010, 28B.32.020, 28B.32.030, 28B.32.900, and 28B.32.901 are each recodified as a new chapter in Title 43 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Morris; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; DeBolt; Herrera and McCune.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 27, 2009, the 75th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTY FIFTH DAY

House Chamber, Olympia, Friday, March 27, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Skye Perkins and Amanda McBride. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Robert MacGregor, City Harvest Church, Vancouver.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS

HOUSE RESOLUTION NO. 2009-4636, by Representatives Roach, Campbell, and Conway

WHEREAS, Wilkeson was first incorporated by the Legislative Assembly of Washington on July 24, 1909; and

WHEREAS, In 1869, Samuel Wilkeson declared the forests of the Cascade Mountains the "most enchanting forest on the globe"; and

WHEREAS, The name of Wilkeson was selected in honor of the railroad pioneer Samuel Wilkeson; and

WHEREAS, Wilkeson was established in 1877 with the opening of the Northern Pacific Railroad Depot and Wilkeson Post Office; and

WHEREAS, In 1877, the Wilkeson depot provided for transportation of the prominent coal and sandstone industries of the region; and

WHEREAS, Coal provided from the city of Wilkeson was instrumental in fueling the region's businesses, families, and shipping industry; and

WHEREAS, The sandstone used to construct the Washington State Capitol came from the sandstone quarry of Wilkeson; and

WHEREAS, The city of Wilkeson maintains a rich historical district with five properties on the State's historical register; and

WHEREAS, Four hundred forty citizens proudly call Wilkeson their home; and

WHEREAS, Wilkeson's centennial birthday will be commemorated by a sandstone monument sculpted by Paul Keeslar; and

WHEREAS, Citizens, elected officials, and community leaders celebrate Wilkeson's historic centennial with a 100th birthday celebration on July 18, 2009;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulate the city of Wilkeson and residing citizens for celebrating Wilkeson's centennial; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Wilkeson Mayor Janet Kepka, to the Wilkeson Centennial Committee Chair Donna Hogerhuis, and to the monument's sculptor, Paul Keeslar.

HOUSE RESOLUTION NO. 4636 was adopted.

HOUSE RESOLUTION NO. 2009-4641, by Representatives Green, Warnick, Appleton, Chase, and Kenney

WHEREAS, The Red Hat Society was founded in 1998 by Sue Ellen Cooper of Fullerton, California, as a social organization for women over 50 years old; and

WHEREAS, The Red Hat Society was inspired by Warning, a poem by Jenny Joseph, that starts, "When I am an old woman I shall wear purple/With a red hat that doesn't go and doesn't suit me"; and

WHEREAS, The 50 and over women of The Red Hat Society wear elaborately decorated red hats with purple dresses and clothing, while the junior postulants wear pink hats and lavender clothing until 50, when a "Reduation" takes place, where the pink hat is discarded and a red hat bestowed; and

WHEREAS, There are about 1 million registered members of The Red Hat Society, in 40,000 chapters in the United States and 25 countries; and

WHEREAS, The Red Hat Society, whose motto is "Red Hatters Matter," calls itself a "disorganization" and is proud of its lack of rules and bylaws, but takes seriously its responsibility to have fun; and

WHEREAS, Women of The Red Hat Society come from all walks of life, including working women, grandmothers, retirees, golfers, legislators, and teachers, as well as women who are widowed, married, and single; and

WHEREAS, The mission of The Red Hat Society is to gain higher visibility for aging women and to reshape the way they are viewed by today's culture, while "uniting under the umbrella of a red hat to have fun and bond in sisterhood"; and

WHEREAS, Red Hat Society chapters, which include leaders known as "Queen Mum" and members called "Red Hatters," hold social events, tea parties being the most popular pastime;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate this day by saying goodbye to burdensome responsibilities, at least for a while, and have fun!; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to members of The Red Hat Society.

Representative Green moved the adoption of the resolution.

Representatives Green and Warnick spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4641 was adopted.

INTRODUCTION AND FIRST READING

HB 2326 by Representatives Clibborn and Williams

AN ACT Relating to authorizing bonds for the financing of eligible toll facilities; adding new sections to chapter 47.10 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

REPORTS OF STANDING COMMITTEES

March 24, 2009

SSB 5044 Prime Sponsor, Committee on Higher Education & Workforce Development: Changing work-study provisions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 14, after "(3)" strike all material through "13.04.030" on line 16 and insert "The juvenile court divisions in superior courts within the state have jurisdiction for enforcement of this section"

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler; Hasegawa and White.

Referred to Committee on Education Appropriations.

March 24, 2009

E2SSB 5138 Prime Sponsor, Committee on Ways & Means: Creating an integrated climate change response strategy. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that climate change poses a significant threat to Washington's economy, the health and welfare of its population, and its natural resources. Washington's water supply and natural resources are particularly vulnerable to temperature changes and shifts in precipitation patterns and could suffer devastating consequences if adaptive measures are not taken. Even with effective mitigation of climate changing activities, the region will experience inevitable impacts from climate change.

(2) The science and information on the effects and impacts of climate change is continually improving and this scientific information provides the basis for planning and developing preparation and adaptation actions for climate change to ensure the economic, health, safety, and environmental well-being of the state and its citizens. It is in the public interest for the state, as well as local government agencies actively engaged with climate adaptation, to address the effects of climate change and to be able to plan for future climate change impacts. These impacts will affect individuals, public and private businesses, state and local agencies, as well as natural resources and the environment.

(3) It is the purpose of this chapter to create an integrated climate change response strategy with prioritized and coordinated climate change preparation and adaptation actions that state and local agencies, public and private businesses, tribes, and individuals can use to plan and prepare for the impacts of climate change through a collaborative process of on-going research, analysis, collection, and distribution of data and information. The development of the integrated climate change response strategy must complement existing adaptation initiatives being undertaken by local government agencies actively engaged with climate adaptation.

(4) The legislature recognizes that the effort required to assess, gather, and compile information and data to develop adaptation and preparation activities for an integrated climate change response strategy will take significant resources and time. The legislature also recognizes that the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation are uniquely positioned to address many of these issues given the mission of their respective agencies. Therefore, in an effort to reduce costs and streamline the process while achieving the goals of this chapter, the legislature designates the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation as leaders in assessing and gathering the necessary information and data to develop, in collaboration with local government agencies actively engaged with climate adaptation, a comprehensive, integrated, and coordinated climate change adaptation strategy.

NEW SECTION. Sec. 2. (1) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or

work groups with energy or climate change initiatives shall coordinate with this designee.

(2) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation, in collaboration with local government agencies actively engaged with climate adaptation, shall develop an integrated climate change response strategy to better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change.

(3) The department of ecology shall serve as a central clearinghouse for relevant scientific and technical information about the impacts of climate change on Washington state's ecology, economy, and society, as well as serve as a central convener for the development of vital programs and necessary policies to help the state adapt to a rapidly changing climate.

(4) The department of ecology shall consult and collaborate with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, in collaboration with local government agencies actively engaged with climate adaptation, in developing an integrated climate change response strategy and plans of actions to prepare for and adapt to climate change impacts.

(5) The department of fish and wildlife shall focus on issues relating to biodiversity, resiliency, and vulnerability of the natural environment, and other areas as requested by the department of ecology.

(6) The department of natural resources shall focus on the vulnerability and resiliency of forests, forest fires, and forest health.

(7) The department of transportation shall focus on gathering and assessing information relating to infrastructure projects, vulnerability of the built environment, and other concerns, as requested by the department of ecology.

(8) The department of agriculture shall focus on the impacts of new regulations on agricultural lands, crops, potential offset opportunities, and the economics of farm production.

(9) The department of community, trade, and economic development shall focus on issues relating to business activities, energy resources, trade and tourism, affordable housing, community facilities and public infrastructure, and support services for vulnerable populations.

However, the department of transportation's obligations under this section are subject to availability of amounts appropriated for the specific purpose identified in this section.

NEW SECTION. Sec. 3. (1) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may seek assistance from a science advisory group.

(2) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may consult with other state, federal, and local agencies that have expertise in matters relating to climate change, or information and data regarding impacts from climate change, as necessary to develop an integrated climate change response strategy.

(3) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation shall, to the extent possible, use teleconferencing for meetings and electronic messaging for gathering data and information to reduce meeting and travel expenditures.

NEW SECTION. Sec. 4. (1) The integrated climate change response strategy shall include recommendations conveyed and communicated so that policymakers, public and private businesses, and individuals can easily understand and recognize the implications of the climate change response strategy. The integrated climate change response strategy should address the impact of and adaptation to climate change, as well as the regional capacity to undertake actions, existing ecosystem and resource management concerns, and health and economic risks. In addition, the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation should include a range of scenarios for the purposes of planning in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to the impacts of climate change.

(2) The integrated climate change response strategy must include climate change preparation and adaptation actions that ensure collaborative and cooperative activities.

(a) By December 1, 2011, the department of ecology shall compile an initial climate change response strategy, including information and data from the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, as well as from local government agencies actively engaged with climate adaptation, that: Summarizes the best known science on climate change impacts to Washington; assesses Washington's vulnerability to the identified climate change impacts; prioritizes solutions that can be implemented within and across state agencies; and identifies recommended funding mechanisms and technical and other essential resources for implementing solutions.

(b) The initial strategy must include:

(i) Efforts to identify priority planning areas for action, based on vulnerability and risk assessments;

(ii) Barriers challenging state and local governments to take action, such as laws, policies, regulations, rules, and procedures that require revision to adequately address adaptation to climate change;

(iii) Opportunities to integrate climate science and projected impacts into planning and decision making; and

(iv) Methods to increase public awareness of climate change, its projected impacts on the community, and to build support for meaningful adaptation policies and strategies.

(c) The department of ecology shall, in collaboration with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, and in collaboration with local government agencies actively engaged with climate adaptation, complete an initial climate impacts assessment report that includes the status of the integrated climate change response strategy and provide it to the appropriate committees of the legislature by December 1, 2012.

(3) By December 1, 2013, the department of ecology, in collaboration with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, and in collaboration with local government agencies actively engaged with climate adaptation, must complete an integrated climate change response strategy, which must include:

(a) Adaptation plans of action to address:

(i) Water resources;

(ii) Ocean and coastal resources;

(iii) Infrastructure requirements;

(iv) Biodiversity;

(v) Public health risks and consequences; and

(vi) Working landscapes, such as forest and agricultural lands.

(b) Information about the latest research and projects, such as:

(i) Risk assessment models and data, including evaluations of the consequences, magnitude, and probability of climate change impacts;

(ii) Comprehensive impact assessments that examine how climate change is likely to affect the natural environment and physical infrastructure, as well as the economic impacts on municipal and rural operations; and

(iii) Methods to strengthen community partnerships that reduce vulnerabilities and risks to climate change.

NEW SECTION. Sec. 5. (1) The science advisory group shall provide independent, nonrepresentational scientific advice to the department of ecology. The science advisory group members shall assist the department of ecology in: (a) Identifying the timing and extent of impacts from climate change; (b) assessing the effects of climate variability and change in the context of multiple interacting stressors or impacts; (c) developing forecasting models; (d) determining the resilience of the environment, natural systems, communities, and organizations to deal with potential or actual impacts of climate change and the vulnerability to which a natural or social system is susceptible to sustaining damage from climate change impacts; and (e) identifying other issues, as determined by the department of ecology, necessary to develop policies and actions for the integrated climate change response strategy.

(2) The chair of the science advisory group must be a scientist with recognized expertise in a field or fields of science essential to

preparing for and adapting to climate change. The chair serves for a term of three years. The chair shall: (a) Select experts from scientific disciplines as needed to assist the department of ecology with developing an integrated climate change response strategy; and (b) coordinate the science advisory group activities to ensure the priorities and goals of the department of ecology are met.

(3) The governor or the governor's designee shall appoint the chair of the science advisory group or appoint a successor to assume the duties of the chair after the initial term.

(4) In establishing the science advisory group, the department of ecology shall request that the Washington academy of sciences provide a list of candidates to the chair of the science advisory group. The list of candidates should reflect the full range of scientific disciplines involved in climate change, including scientists associated with federal, state, and local agencies, tribes, business and environmental communities, colleges, and university communities. The chair of the science advisory group may also seek advice from the scientific community to develop membership for the science advisory group.

NEW SECTION. Sec. 6. State agencies shall strive to incorporate adaptation plans of action as priority activities when planning or designing agency policies and programs. Agencies shall consider: The integrated climate change response strategy when designing, planning, and funding infrastructure projects; and incorporating natural resource adaptation actions and alternative energy sources when designing and planning infrastructure projects.

Sec. 7. RCW 43.155.070 and 2008 c 299 s 25 are each amended to read as follows:

(1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a capital facility plan; and

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 must have adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a loan or loan guarantee under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a loan or loan guarantee under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a loan or loan guarantee.

(3) In considering awarding loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, the board shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) Beginning in 2010, in awarding loans, the board must consider whether the local government has adopted policies to reduce greenhouse gas emissions that, at least, include policies consistent with the requirements of (a) through (c) of this subsection. If the local government has not adopted policies to reduce greenhouse gas emissions, the board must consider whether the project is consistent with the following:

(a) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(b) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440; and

(c) Applicable federal emissions reduction requirements.

(5) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Except as otherwise conditioned by RCW 43.155.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(c) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(d) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007;

(f) The cost of the project compared to the size of the local government and amount of loan money available;

(g) The number of communities served by or funding the project;

(h) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(i) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(j) Except as otherwise conditioned by RCW 43.155.120, and effective one calendar year following the development of model evergreen community management plans and ordinances under RCW 35.105.050, whether the entity receiving assistance has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(k) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(l) Other criteria that the board considers advisable.

((5)) (6) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

((6)) (7) Before November 1st of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection ((9)) (10) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project, a description of local policies or project consistency with state greenhouse emissions goals, and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

((7)) (8) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the

list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

((8)) (9) Subsection ((7)) (8) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection ((9)) (10) of this section.

((9)) (10) Loans made for the purpose of capital facilities plans shall be exempted from subsection ((7)) (8) of this section.

((10)) (11) To qualify for loans or pledges for solid waste or recycling facilities under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

((11)) (12) After January 1, 2010, any project designed to address the effects of storm water or wastewater on Puget Sound may be funded under this section only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 8. RCW 43.160.060 and 2008 c 327 s 5 are each amended to read as follows:

The board is authorized to make direct loans to political subdivisions of the state and to federally recognized Indian tribes for the purposes of assisting the political subdivisions and federally recognized Indian tribes in financing the cost of public facilities, including development of land and improvements for public facilities, project-specific environmental, capital facilities, land use, permitting, feasibility, and marketing studies and plans; project design, site planning, and analysis; project debt and revenue impact analysis; as well as the construction, rehabilitation, alteration, expansion, or improvement of the facilities. A grant may also be authorized for purposes designated in this chapter, but only when, and to the extent that, a loan is not reasonably possible, given the limited resources of the political subdivision or the federally recognized Indian tribe and the finding by the board that financial circumstances require grant assistance to enable the project to move forward. However, no more than twenty-five percent of all financial assistance approved by the board in any biennium may consist of grants to political subdivisions and federally recognized Indian tribes.

Application for funds shall be made in the form and manner as the board may prescribe. In making grants or loans the board shall conform to the following requirements:

(1) The board shall not provide financial assistance:

(a) For a project the primary purpose of which is to facilitate or promote a retail shopping development or expansion.

(b) For any project that evidence exists would result in a development or expansion that would displace existing jobs in any other community in the state.

(c) For a project the primary purpose of which is to facilitate or promote gambling.

(d) For a project located outside the jurisdiction of the applicant political subdivision or federally recognized Indian tribe.

(2) The board shall only provide financial assistance:

(a) For a project demonstrating convincing evidence that a specific private development or expansion is ready to occur and will occur only if the public facility improvement is made that:

(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted; and

(ii) Will improve the opportunities for the successful maintenance, establishment, or expansion of industrial or commercial plants or will otherwise assist in the creation or retention of long-term economic opportunities;

(b) For a project that cannot meet the requirement of (a) of this subsection but is a project that:

(i) Results in the creation of significant private sector jobs or significant private sector capital investment as determined by the board and is consistent with the state comprehensive economic development plan developed by the Washington economic development commission pursuant to chapter 43.162 RCW, once the plan is adopted;

(ii) Is part of a local economic development plan consistent with applicable state planning requirements;

(iii) Can demonstrate project feasibility using standard economic principles; and

(iv) Is located in a rural community as defined by the board, or a rural county;

(c) For site-specific plans, studies, and analyses that address environmental impacts, capital facilities, land use, permitting, feasibility, marketing, project engineering, design, site planning, and project debt and revenue impacts, as grants not to exceed fifty thousand dollars.

(3) The board shall develop guidelines for local participation and allowable match and activities.

(4) Beginning in 2010, in awarding loans and grants the board must consider whether the applicant has adopted policies to reduce greenhouse gas emissions that, at least, include policies consistent with the requirements of (a) through (c) of this subsection. If the applicant has not adopted policies to reduce greenhouse gas emissions, the board must consider whether the project is consistent with (a) through (c) of this subsection.

(a) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(b) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440, except that the board shall consider whether project locations in rural counties defined in RCW 43.160.020 will maximize the reduction of vehicle miles traveled; and

(c) Applicable federal emissions reduction requirements.

(5) None of the considerations directed in subsection (4) of this section shall relieve the board of its duty to approve financial assistance to rural communities as required in RCW 43.160.076.

(6) An application must demonstrate local match and local participation, in accordance with guidelines developed by the board.

((5)) (7) An application must be approved by the political subdivision and supported by the local associate development organization or local workforce development council or approved by the governing body of the federally recognized Indian tribe.

((6)) (8) The board may allow de minimis general system improvements to be funded if they are critically linked to the viability of the project.

((7)) (9) An application must demonstrate convincing evidence that the median hourly wage of the private sector jobs created after the project is completed will exceed the countywide median hourly wage.

((8)) (10) The board shall prioritize each proposed project according to:

(a) The relative benefits provided to the community by the jobs the project would create, not just the total number of jobs it would create after the project is completed, but also giving consideration to the unemployment rate in the area in which the jobs would be located;

(b) The rate of return of the state's investment, including, but not limited to, the leveraging of private sector investment, anticipated job creation and retention, and expected increases in state and local tax revenues associated with the project;

(c) Whether the proposed project offers a health insurance plan for employees that includes an option for dependents of employees;

(d) Whether the public facility investment will increase existing capacity necessary to accommodate projected population and employment growth in a manner that supports infill and redevelopment of existing urban or industrial areas that are served by adequate public facilities. Projects should maximize the use of existing infrastructure and provide for adequate funding of necessary transportation improvements; and

(e) Whether the applicant has developed and adhered to guidelines regarding its permitting process for those applying for development permits consistent with section 1(2), chapter 231, Laws of 2007.

((9)) (11) A responsible official of the political subdivision or the federally recognized Indian tribe shall be present during board deliberations and provide information that the board requests.

Before any financial assistance application is approved, the political subdivision or the federally recognized Indian tribe seeking

the assistance must demonstrate to the community economic revitalization board that no other timely source of funding is available to it at costs reasonably similar to financing available from the community economic revitalization board.

Sec. 9. RCW 43.160.900 and 2008 c 327 s 9 are each amended to read as follows:

(1) The community economic revitalization board shall conduct biennial outcome-based evaluations of the financial assistance provided under this chapter. The evaluations shall include information on the number of applications for community economic revitalization board assistance; the number and types of projects approved; the grant or loan amount awarded each project; the projected number of jobs created or retained by each project; the actual number and cost of jobs created or retained by each project; the wages and health benefits associated with the jobs; a description of local policies or project consistency with state greenhouse emissions goals; the amount of state funds and total capital invested in projects; the number and types of businesses assisted by funded projects; the location of funded projects; the transportation infrastructure available for completed projects; the local match and local participation obtained; the number of delinquent loans; and the number of project terminations. The evaluations may also include additional performance measures and recommendations for programmatic changes.

(2)(a) By September 1st of each even-numbered year, the board shall forward its draft evaluation to the Washington state economic development commission for review and comment((, as required in section 10 of this act)). The board shall provide any additional information as may be requested by the commission for the purpose of its review.

(b) Any written comments or recommendations provided by the commission as a result of its review shall be included in the board's completed evaluation. The evaluation must be presented to the governor and appropriate committees of the legislature by December 31st of each even-numbered year. The initial evaluation must be submitted by December 31, 2010.

Sec. 10. RCW 39.102.040 and 2007 c 229 s 2 are each amended to read as follows:

(1) Prior to applying to the board to use local infrastructure financing, a sponsoring local government shall:

(a) Designate a revenue development area within the limitations in RCW 39.102.060;

(b) Certify that the conditions in RCW 39.102.070 are met;

(c) Complete the process in RCW 39.102.080;

(d) Provide public notice as required in RCW 39.102.100; and

(e) Pass an ordinance adopting the revenue development area as required in RCW 39.102.090.

(2) Any local government that has created an increment area under chapter 39.89 RCW and has not issued bonds to finance any public improvement may apply to the board and have its increment area considered for approval as a revenue development area under this chapter without adopting a new revenue development area under RCW 39.102.090 and 39.102.100 if it amends its ordinance to comply with RCW 39.102.090(1) and otherwise meets the conditions and limitations under this chapter.

(3) As a condition to imposing a sales and use tax under RCW 82.14.475, a sponsoring local government, including any cosponsoring local government seeking authority to impose a sales and use tax under RCW 82.14.475, must apply to the board and be approved for a project award amount. The application shall be in a form and manner prescribed by the board and include but not be limited to information establishing that the applicant is an eligible candidate to impose the local sales and use tax under RCW 82.14.475, the anticipated effective date for imposing the tax, the estimated number of years that the tax will be imposed, and the estimated amount of tax revenue to be received in each fiscal year that the tax will be imposed. The board shall make available forms to be used for this purpose. As part of the application, each applicant must provide to the board a copy of the ordinance or ordinances creating the revenue development area as required in RCW 39.102.090. A notice of approval to use local infrastructure financing shall contain a project award that represents the maximum amount of state contribution that the applicant, including any

cosponsoring local governments, can earn each year that local infrastructure financing is used. The total of all project awards shall not exceed the annual state contribution limit. The determination of a project award shall be made based on information contained in the application and the remaining amount of annual state contribution limit to be awarded. Determination of a project award by the board is final.

(4)(a) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2007 for a competitive project award, must submit completed applications to the board no later than July 1, 2007. By September 15, 2007, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2007 deadline. No more than two million five hundred thousand dollars in competitive project awards shall be approved in 2007. For projects not approved by the board in 2007, sponsoring and cosponsoring local governments may apply again to the board in 2008 for approval of a project.

(b) Sponsoring local governments, and any cosponsoring local governments, applying in calendar year 2008 for a competitive project award, must submit completed applications to the board no later than July 1, 2008. By September 18, 2008, in consultation with the department of revenue and the department of community, trade, and economic development, the board shall approve competitive project awards from competitive applications submitted by the 2008 deadline.

(c) Except as provided in RCW 39.102.050(2), a total of no more than five million dollars in competitive project awards shall be approved for local infrastructure financing.

(d) The project selection criteria and weighting developed prior to July 22, 2007, for the application evaluation and approval process shall apply to applications received prior to November 1, 2007. In evaluating applications for a competitive project award after November 1, 2007, the board shall, in consultation with the Washington state economic development commission, develop the relative weight to be assigned to the following criteria:

(i) The project's potential to enhance the sponsoring local government's regional and/or international competitiveness;

(ii) The project's ability to encourage mixed use and transit-oriented development and the redevelopment of a geographic area;

(iii) Achieving an overall distribution of projects statewide that reflect geographic diversity;

(iv) The estimated wages and benefits for the project is greater than the average labor market area;

(v) The estimated state and local net employment change over the life of the project;

(vi) The current economic health and vitality of the proposed revenue development area and the contiguous community and the estimated impact of the proposed project on the proposed revenue development area and contiguous community;

(vii) The estimated state and local net property tax change over the life of the project;

(viii) The estimated state and local sales and use tax increase over the life of the project;

(ix) An analysis that shows that, over the life of the project, neither the local excise tax allocation revenues nor the local property tax allocation revenues will constitute more than eighty percent of the total local funds as described in RCW 39.102.020(29)(c); and

(x) If a project is located within an urban growth area, evidence that the project utilizes existing urban infrastructure and that the transportation needs of the project will be adequately met through the use of local infrastructure financing or other sources.

(e)(i) Except as provided in this subsection (4)(e), the board may not approve the use of local infrastructure financing within more than one revenue development area per county.

(ii) In a county in which the board has approved the use of local infrastructure financing, the use of such financing in additional revenue development areas may be approved, subject to the following conditions:

(A) The sponsoring local government is located in more than one county; and

(B) The sponsoring local government designates a revenue development area that comprises portions of a county within which the use of local infrastructure financing has not yet been approved.

(iii) In a county where the local infrastructure financing tool is authorized under RCW 39.102.050, the board may approve additional use of the local infrastructure financing tool.

(5) Beginning in 2010, as part of the approval process, the board must consider whether the sponsoring local government has adopted policies to reduce greenhouse gas emissions that, at least, include policies consistent with (a) through (c) of this subsection.

(a) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(b) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440; and

(c) Applicable federal emissions reduction requirements.

(6) Once the board has approved the sponsoring local government, and any cosponsoring local governments, to use local infrastructure financing, notification must be sent by the board to the sponsoring local government, and any cosponsoring local governments, authorizing the sponsoring local government, and any cosponsoring local governments, to impose the local sales and use tax authorized under RCW 82.14.475, subject to the conditions in RCW 82.14.475.

Sec. 11. RCW 47.26.282 and 2002 c 189 s 5 are each amended to read as follows:

In any project funded by the transportation improvement board, except for projects in cities having a population of less than five thousand persons, and in addition to any other items required to be considered by statute, the board also shall consider the land use implications of the project, such as whether the programs and projects:

(1) Support development in and revitalization of existing downtowns;

(2) Implement local comprehensive plans for rural and urban residential and nonresidential densities;

(3) Have land use planning and regulations encouraging compact development for rural and urban residential and nonresidential densities; (and)

(4) Promote the use of multimodal transportation; and

(5) Beginning in 2010, are located in jurisdictions that have adopted policies to reduce greenhouse gas emissions that, at least, include policies consistent with (a) the state's limits on the emissions of greenhouse gases established in RCW 70.235.020; (b) statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440; and (c) applicable federal emissions reduction requirements.

NEW SECTION. Sec. 12. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 13. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt and Shea.

Referred to Committee on Ways & Means.

March 24, 2009

SB 5316 Prime Sponsor, Senator Jarrett: Changing the timeline for the state comprehensive plan for workforce training and education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking

Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

March 24, 2009

SSB 5317 Prime Sponsor, Committee on Higher Education & Workforce Development: Clarifying terms for workforce and economic development. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Carlyle; Driscoll; Grant-Herriot; Haler; Hasegawa and White.

Passed to Committee on Rules for second reading.

March 24, 2009

SB 5554 Prime Sponsor, Senator Kilmer: Regarding the job skills program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Haler and Hasegawa.

Passed to Committee on Rules for second reading.

March 24, 2009

ESSB 5555 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding lifelong learning accounts. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Haler and Hasegawa.

Referred to Committee on Education Appropriations.

March 24, 2009

E2SSB 5560 Prime Sponsor, Committee on Ways & Means: Regarding state agency climate leadership. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in chapter 14, Laws of 2008, the legislature established greenhouse gas emission reduction limits for Washington state, including a reduction of overall emissions by 2020 to emission levels in 1990, a reduction by 2035 to levels twenty-five percent below 1990 levels, and by 2050 a further reduction below 1990 levels. Based upon estimated 2006 emission levels in Washington, this will require a reduction from present emission levels of over twenty-five percent in the next eleven years. The legislature further finds that state government activities are a significant source of emissions, and that state government should meet targets for reducing emissions from its buildings, vehicles, and all operations that demonstrate that these reductions are

achievable, cost-effective, and will help to promote innovative energy efficiency technologies and practices.

NEW SECTION. Sec. 2. A new section is added to chapter 70.235 RCW to read as follows:

(1) All state agencies shall meet the statewide greenhouse gas emission limits established in RCW 70.235.020 to achieve the following, using the estimates and strategy established in subsections (2) and (3) of this section:

(a) By July 1, 2020, reduce emissions by fifteen percent from 2005 emission levels;

(b) By 2035, reduce emissions to thirty-six percent below 2005 levels; and

(c) By 2050, reduce emissions to the greater reduction of fifty-seven and one-half percent below 2005 levels, or seventy percent below the expected state government emissions that year.

(2)(a) By June 30, 2010, all state agencies shall report estimates of emissions for 2005 to the department, including 2009 levels of emissions, and projected emissions through 2035.

(b) State agencies required to report under RCW 70.94.151 must estimate emissions from methodologies recommended by the department and must be based on actual operation of those agencies. Agencies not required to report under RCW 70.94.151 shall derive emissions estimates using an emissions calculator provided by the department.

(3) By June 30, 2011, each state agency shall submit to the department a strategy to meet the requirements in subsection (1) of this section. The strategy must address employee travel activities, teleconferencing alternatives, and include existing and proposed actions, a timeline for reductions, and recommendations for budgetary and other incentives to reduce emissions, especially from employee business travel.

(4) By October 1st of each even-numbered year beginning in 2012, each state agency shall report to the department the actions taken to meet the emission reduction targets under the strategy for the preceding fiscal biennium. The department may authorize the department of general administration to report on behalf of any state agency having fewer than five hundred full-time equivalent employees at any time during the reporting period. The department shall cooperate with the department of general administration and the department of community, trade, and economic development to develop consolidated reporting methodologies that incorporate emission reduction actions taken across all or substantially all state agencies.

(5) All state agencies shall cooperate in providing information to the department, the department of general administration, and the department of community, trade, and economic development for the purposes of this section.

(6) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

NEW SECTION. Sec. 3. A new section is added to chapter 70.235 RCW to read as follows:

(1) The department shall develop an emissions calculator to assist state agencies in estimating aggregate emissions as well as in estimating the relative emissions from different ways in carrying out activities.

(2) The department may use data such as totals of building space occupied, energy purchases and generation, motor vehicle fuel purchases and total mileage driven, and other reasonable sources of data to make these estimates. The estimates may be derived from a single methodology using these or other factors, except that for the top ten state agencies in occupied building space and vehicle miles driven, the estimates must be based upon the actual and projected operations of those agencies. The estimates may be adjusted, and reasonable estimates derived, when agencies have been created since 1990 or functions reorganized among state agencies since 1990. The estimates may incorporate projected emissions reductions that also affect state agencies under the program authorized in RCW 70.235.020 and other existing policies that will result in emissions reductions.

(3) By December 31st of each even-numbered year beginning in 2010, the department shall report to the governor and to the

appropriate committees of the senate and house of representatives the total state agencies' emissions of greenhouse gases for 2005 and the preceding two years and actions taken to meet the emissions reduction targets.

NEW SECTION. Sec. 4. A new section is added to chapter 70.235 RCW to read as follows:

Beginning in 2010, when distributing capital funds, all state agencies must consider whether the entity receiving the funds has adopted policies to reduce greenhouse gas emissions. Agencies also must consider whether the project is consistent with:

(1) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(2) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440, except that the agency shall consider whether project locations in rural counties, as defined in RCW 43.160.020, will maximize the reduction of vehicle miles traveled; and

(3) Applicable federal emissions reduction requirements.

Sec. 5. RCW 43.41.130 and 1982 c 163 s 13 are each amended to read as follows:

The director of financial management, after consultation with other interested or affected state agencies, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use. By June 15, 2010, the director of the department of general administration, in consultation with the office and other interested or affected state agencies, shall develop strategies to reduce fuel consumption and emissions from all classes of vehicles. State agencies shall use these strategies to:

(1) Phase in fuel economy standards for motor pools and leased vehicles to achieve an average fuel economy standard of thirty-six miles per gallon for passenger vehicle fleets by 2015;

(2) Achieve an average fuel economy of forty miles per gallon for light duty passenger vehicles purchased after June 15, 2010; and

(3) Achieve an average fuel economy standard of twenty-seven miles per gallon for light duty vans and sport utility vehicles purchased after June 15, 2010.

State agencies must report annually on the progress made to achieve the goals under subsections (1) through (3) of this section beginning October 31, 2011.

The department of general administration, in consultation with the office and other affected or interested agencies, shall develop a separate fleet fuel economy standard for all other classes of vehicles and report the progress made toward meeting the fuel consumption and emissions goals established by this section to the governor and the relevant legislative committees by December 1, 2012.

For the purposes of this section, light duty vehicles refers to cars, sport utility vehicles, and passenger vans. The following vehicles are excluded from the agency fleet average fuel economy calculation: Emergency response vehicles, passenger vans with a gross vehicle weight of eight thousand five hundred pounds or greater, vehicles that are purchased for off-pavement use, and vehicles that are driven less than two thousand miles per year. Average fuel economy calculations must be based upon the current United States environmental protection agency composite city and highway mile per gallon rating.

((Such policies shall also include the widest possible use of gasohol and cost-effective alternative fuels in all motor vehicles owned or operated by any state agency. As used in this section, "gasohol" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume.))

Sec. 6. RCW 43.19.675 and 2001 c 214 s 26 are each amended to read as follows:

(1) For each state-owned facility greater than ten thousand square feet that has not had an energy audit completed in the past five years,

the director of general administration, or the agency responsible for the facility if other than the department of general administration, shall conduct an energy audit of that facility. This energy audit may be conducted by contract or by other arrangement, including appropriate agency staff. Performance-based contracting shall be the preferred method for implementing and completing energy audits. ((For each state-owned facility, the energy consumption surveys shall be completed no later than October 1, 2001, and the walk-through surveys shall be completed no later than July 1, 2002.))

(2)(a) The director of general administration shall develop a schedule for conducting and completing state agency energy audits. All energy audits must be completed by December 1, 2013.

(b) The director of general administration shall develop procedures to ensure that consistent methods for energy benchmarks are used when conducting energy audits.

Sec. 7. RCW 43.19.680 and 2001 c 214 s 27 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) If a walk-through survey has identified potentially cost-effective energy conservation measures, the agency responsible for the facility shall undertake an investment grade audit of the facility. Investment grade audits shall be completed no later than December 1, ((2002)) 2013. Installation of cost-effective energy conservation measures recommended in the investment grade audit shall be completed no later than June 30, ((2004)) 2016.

(3) ((For each biennium until all measures are installed,)) The director of general administration shall report to the governor and the legislature ((installation progress, [and])) on the progress of energy audits, development of energy benchmarks, and energy efficiency measures planned for installation during the ensuing biennium. This report shall be submitted by December 31, ((2004)) 2014, or at the end of the following year whichever immediately precedes the capital budget adoption, and ((every two years thereafter until all measures are installed)) a final report by December 31, 2016.

(4) Agencies may contract with energy service companies as authorized by chapter 39.35C RCW for energy audits and implementation of cost-effective energy conservation measures. State agencies must complete an energy audit prior to or as part of a request for state funds on any energy efficiency project for an agency-owned or leased facility. The department shall provide technically qualified personnel to the responsible agency upon request. The department shall recover a fee for this service.

Sec. 8. RCW 43.41.170 and 1989 c 11 s 15 are each amended to read as follows:

The office of financial management shall ((ensure that)) require state agencies to perform energy audits as required under RCW 43.19.675. To the extent possible through the budget process ((shall allow)), state agencies implementing energy conservation ((to)) measures as identified under RCW 43.19.680 may retain the resulting cost savings for other purposes, including further energy conservation.

Sec. 9. RCW 43.82.045 and 2007 c 506 s 5 are each amended to read as follows:

(1) State agencies are prohibited from entering into lease agreements for privately owned buildings that are in the planning stage of development or under construction unless there is prior written approval by the director of the office of financial management. Approval of such leases shall not be delegated. Lease agreements described in this section must comply with RCW 43.82.035.

(2) The director of the office of financial management shall require that all state agencies enter into lease agreements for privately owned buildings greater than ten thousand square feet only if:

(a) The lessor has had an investment grade energy audit completed on the building in the past five years and has installed the cost-effective energy conservation measures recommended by the audit; or

(b) The lessor agrees to complete an investment grade energy audit on the building and install the cost-effective energy conservation measures recommended by the audit within the first five years of the lease.

Sec. 10. RCW 39.35D.010 and 2005 c 12 s 1 are each amended to read as follows:

(1) The legislature finds that public buildings can be built and renovated using high-performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.

(2) It is the intent of the legislature that state-owned buildings and schools be improved by adopting recognized standards for high-performance public buildings, reducing energy consumption, and allowing flexible methods and choices in how to achieve those standards and reductions. The legislature also intends that public agencies and public school districts shall document costs and savings to monitor this program and ensure that economic, community, and environmental goals are achieved each year, and that an independent performance review be conducted to evaluate this program and determine the extent to which the results intended by this chapter are being met.

NEW SECTION. **Sec. 11.** This act shall be in effect only to the extent that funds are specifically appropriated for the purposes of this act."

Correct the title.

Signed by Representatives Upthegrove, Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt and Shea.

Referred to Committee on Ways & Means.

March 23, 2009

ESB 5581 Prime Sponsor, Senator Delvin: Modifying provisions relating to suncreening devices. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 24, 2009

SSB 5616 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Connecting business expansion and recruitment to customized training. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel; Haler and Hasegawa.

Referred to Committee on Education Appropriations.

March 23, 2009

SB 5642 Prime Sponsor, Senator Kauffman: Designating state route number 164 as a highway of statewide

significance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

March 24, 2009

SSB 5734 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding tuition at institutions. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Carlyle; Driscoll; Grant-Herriot; Haler and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Angel and Hasegawa.

Referred to Committee on Ways & Means.

March 24, 2009

ESB 5925 Prime Sponsor, Senator Shin: Regarding insurance for higher education students participating in study or research abroad. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.10.660 and 1993 sp.s. c 9 s 1 are each amended to read as follows:

(1) The governing boards of any of the state's institutions of higher education may make available liability, life, health, health care, accident, disability and salary protection or insurance or any one of, or a combination of, the enumerated types of insurance, or any other type of insurance or protection, for the regents or trustees and students of the institution. Except as provided in subsections (2) and (3) of this section, the premiums due on such protection or insurance shall be borne by the assenting regents, trustees, or students. The regents or trustees of any of the state institutions of higher education may make liability insurance available for employees of the institutions. The premiums due on such liability insurance shall be borne by the university or college.

(2) A governing board of a public four-year institution of higher education may make available, and pay the costs of, health benefits for graduate students holding graduate service appointments, designated as such by the institution. Such health benefits may provide coverage for spouses and dependents of such graduate student appointees.

(3) A governing board of a state institution of higher education may require its students who participate in studies or research outside of the United States sponsored, arranged, or approved by the institution to purchase, as a condition of participation, insurance approved by the governing board, that will provide coverage for expenses arising from emergency evacuation, repatriation of remains, injury, illness, or death sustained while participating in the study or research abroad. The governing board of the institution may bear all or part of the costs of the insurance. A student shall not be required to purchase insurance if the student is covered under an insurance

policy that will provide coverage for expenses arising from emergency evacuation, repatriation of remains, injury, illness, or death sustained while participating in the study or research abroad." Correct the title.

Signed by Representatives Wallace, Chair; Sells, Vice Chair; Carlyle; Driscoll; Grant-Herriot; Hasegawa and White.

MINORITY recommendation: Do not pass. Signed by Representatives Anderson, Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Angel and Haler.

Passed to Committee on Rules for second reading.

March 24, 2009

ESB 6048 Prime Sponsor, Senator Oemig: Concerning the state's education system. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. INTENT. (1) In enacting this legislation, the legislature intends to fulfill its obligation under Article IX of the Washington state Constitution to define and fund a program of basic education for children residing in the state and attending public schools. This act defines the educational opportunities that school districts shall provide and for which the state shall allocate funding.

(2) The legislature also intends that the policies and allocation formulas in this act fulfill the legislature's obligation under Article IX to establish a general and uniform system of public schools. The legislature finds that in some instances providing general and uniform educational opportunity requires tailoring basic education allocations to reflect certain needs and circumstances of each school district, including district size, certain student characteristics, and regional labor market differences. It is the intent of the legislature that these allocation formulas address these differences in order to promote equity and uniformity of educational opportunity.

(3) Public education in Washington State has evolved since the enactment of the Washington basic education act of 1977. Student demographics, educational technology, data, and standards-based learning and assessment are only a few examples of factors affecting education that have changed in the last thirty years. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need to redefine the program of basic education that is funded by the state and delivered by school districts to better align with the stated goals of a basic education and to improve the transparency and accountability of how the state meets its constitutional obligation under Article IX.

(4) For practical and educational reasons, wholesale change of the program of basic education and the funding formulas to support it cannot occur instantaneously. Financial experts must develop the details of the funding formulas. New systems of educator certification, evaluation, mentoring, and compensation must be developed and implemented. Data and accountability systems must be created. Significant increases in resources for staffing and class size reduction will have detrimental impact on student learning if school districts hire unprepared teachers and lack facilities to house them. The legislature intends to adopt a schedule for the concurrent implementation of the redefined program of basic education and the resources necessary to support it, beginning in the 2011-12 school year and phased in over a six-year time period.

NEW SECTION. Sec. 2. INTENT TO MAKE NECESSARY CORRECTIONS. It is the intent of the legislature that the policies and allocation formulas adopted under this act, including the implementation schedule for these formulas, constitute the legislature's definition of basic education under Article IX of the state Constitution. It is the further intent of the legislature that these policies, formulas, and schedules should not be revised or delayed

other than for educational reasons. The legislature intends, however, to continue to review and revise the formulas and schedules and may make revisions for technical purposes and consistency in the event of mathematical or other technical errors.

NEW SECTION. Sec. 3. STEERING COMMITTEE TO OVERSEE IMPLEMENTATION. (1) The basic education steering committee is established to monitor and oversee implementation of the new definition of basic education. The steering committee shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(2) The chair or cochairs of the steering committee shall be selected by the members of the committee.

(3) The steering committee shall monitor and oversee the following technical working groups:

(a) The finance and compensation working group under section 112 of this act;

(b) The early learning working group under section 113 of this act; and

(c) The achievement gap working group under section 4 of this act.

(4) Each of the working groups shall submit a preliminary report to the steering committee by November 15, 2009, and a final report by September 1, 2010. The steering committee may also request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the implementation of this act. The steering committee shall also monitor and request updates and progress reports from groups or agencies developing comprehensive education data systems.

(5) The steering committee shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations based on analysis of reports from the working groups and state agencies, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of this act. The initial report from the steering committee shall also contain a recommended schedule for the concurrent phase-in of any changes in the instructional program of basic education and the implementation of the funding formulas and allocations to support the instructional program of basic education. The objective of the schedule is to assure that increases in funding allocations occur concurrently with increases in program and instructional requirements.

(6) The steering committee shall submit subsequent reports to the governor and the legislature by November 15, 2010, and annually thereafter, ending November 15, 2016.

(7) Staff support for the basic education steering committee shall be provided by the state agencies with representatives on the committee, the senate committee services, and the office of program research of the house of representatives. Legislative members of the steering committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(8) This section expires June 30, 2017.

NEW SECTION. Sec. 4. ACHIEVEMENT GAP WORKING GROUP. (1) The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education

research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap than in legislation affirming the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender.

(2) An achievement gap working group is created to provide oversight and accountability in the development of policies to close the achievement gap. The working group shall synthesize the findings and recommendations from the 2008 achievement gap studies into a single implementation plan that recommends specific policies and strategies to address the academic achievement gap in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) The achievement gap working group shall be composed of three members appointed by the superintendent of public instruction and twelve members appointed by the governor, with two governor-appointed members to represent each of the following groups: African-Americans, African-American immigrants, Asian-Americans, Pacific Islander Americans, Hispanic Americans, and Native Americans. The chair or cochair of the working group shall be selected by the members of the group. Staff support for the working group shall be provided within available funds by the office of the superintendent of public instruction through the center for the improvement of student learning.

(4) The achievement gap working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

PART I PROGRAM AND FUNDING OF BASIC EDUCATION

Sec. 101. RCW 28A.150.200 and 1990 c 33 s 104 are each amended to read as follows:

PROGRAM OF EDUCATION. ((This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977." The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in RCW 28A.150.210, (2) those program requirements enumerated in RCW 28A.150.220, and (3) the determination and distribution of state resources as defined in RCW 28A.150.250 and 28A.150.260.

The requirements of the Basic Education Act are)) (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and ((are)) is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW

28A.190.020 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities; and

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180.

NEW SECTION. Sec. 102. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a certificate authorized by rule of the Washington professional educator standards board or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a certificated instructional staff person who is employed in a position that requires certification and whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified people shall not occur during a labor dispute, and such classified people shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional hours" means those hours students are provided the opportunity to engage in educational activity planned by and under the direction of school district staff, as directed by the administration and board of directors of the district, inclusive of intermissions for class changes, recess, and teacher/parent-guardian conferences that are planned and scheduled by the district for the purpose of discussing students' educational needs or progress, and exclusive of time actually spent for meals.

(9) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(10) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(11) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(12) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(13) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for instruction-related activities

including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 103. RCW 28A.150.210 and 2007 c 400 s 1 are each amended to read as follows:

BASIC EDUCATION GOAL. ((The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be to)) A basic education is an evolving program of instruction that provides students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. ((Additionally,)) The state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. A basic education must also provide all students with the opportunity to graduate from high school with a meaningful high school diploma, ready for success in postsecondary education, gainful employment, and citizenship. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

Sec. 104. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

INSTRUCTIONAL PROGRAM. (1) ((Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:

(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;

(b) Each school district shall make available to students enrolled in grades one through twelve, at least a district-wide annual average total instructional hour offering of one thousand hours. The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group)) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.

(2) Each school district shall make available to students the following minimum instructional offering each school year:

(a) For students enrolled in grades one through twelve, at least a district-wide annual average of one thousand hours, which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature; and

(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.

(3) The instructional program of basic education provided by each school district shall include:

(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;

(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, with course distribution requirements established by the state board of education under RCW 28A.230.090 and that may be subject to a phased-in implementation of the twenty-four credits as adopted by the board;

(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;

(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;

(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;

(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and

(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.

((2)) (4) Nothing contained in ((subsection (1) of)) this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.

((3)) (5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten((: PROVIDED, That)), to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.

((4)) (6) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.

Sec. 105. RCW 28A.150.250 and 1990 c 33 s 107 are each amended to read as follows:

FUNDING OF BASIC EDUCATION INSTRUCTIONAL ALLOCATION. (1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and section 108 of this act which, when combined with an appropriate portion of such locally

available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled ((, based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220)).

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW ((28A.150.250 and)) 28A.150.260, 28A.150.390, and section 108 of this act to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula and ratios provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW ((28A.150.100 and)) 28A.150.410.

((Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district: PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.))

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ((28A.150.250,)) 28A.150.260((,)) and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured((: PROVIDED, That)). However, the state board of education may waive this requirement in the event of substantial lack of classroom space.

Sec. 106. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

ALLOCATION FOR INSTRUCTIONAL PROGRAM OF BASIC EDUCATION. ((The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures)) The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula ((based on a ratio of students to staff)) for the distribution of a basic education instructional allocation for each ((annual average full time equivalent student enrolled in a) common school district. ((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:

- (a) Certificated instructional staff and their related costs;
- (b) Certificated administrative staff and their related costs;
- (c) Classified staff and their related costs;
- (d) Nonsalary costs;

(e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and

(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.))

(2)((a)) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.

(3)(a) The distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. Funding allocations to school districts shall be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.

(b) For the purposes of this section, prototypical schools are defined as follows:

(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;

(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and

(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.

(c) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on an average class size as specified in the omnibus appropriations act. The omnibus appropriations act shall specify:

- (i) Basic average class size;
- (ii) Basic average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals;
- (iii) Average class size for exploratory and preparatory career and technical education, laboratory science, advanced placement, and international baccalaureate courses; and
- (iv) Average class size in grades kindergarten through three.

(d) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:

- (i) Principals, including assistant principals and other certificated building-level administrators;
- (ii) Teacher librarians, a function that includes information literacy, technology, and media to support school library media programs;
- (iii) Student health services, a function that includes school nurses and social workers;
- (iv) Guidance counselors, a function that includes parent outreach and graduation advisor;
- (v) Professional development coaches;
- (vi) Office support and other staff providing noninstructional support services;
- (vii) Custodians and other maintenance; and
- (viii) Classified staff providing student and staff safety.

(4)(a) The minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: Student

technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development; other building-level costs including maintenance, custodial, and security; and central office administration.

(b) The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced based on full-time equivalent student enrollment in exploratory career and technical education courses for students in grades seven through twelve; laboratory science courses for students in grades nine through twelve; preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.

(5) The allocations provided under subsections (3) and (4) of this section shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs:

(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the percent of students in each school who are eligible for free and reduced-price meals. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs.

(6) The allocations provided under subsections (3) and (4) of this section shall be enhanced to provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, based on two percent of each school district's full-time equivalent enrollment. The minimum allocation for the programs shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.

(7) The allocations under subsections (3) through (5) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.

(8) The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsection (3) of this section for all schools in the district.

(9)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (3) and (4) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(10)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

(c)) (b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect((: PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100)).

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month ((and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100)), including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction((: PROVIDED, That the definition)) and shall be included as part of the superintendent's biennial budget request((: PROVIDED, FURTHER, That)). The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house appropriations committee and the senate ways and means committee((: PROVIDED, FURTHER, That)).

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

((3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).))

Sec. 107. RCW 28A.150.390 and 1995 c 77 s 6 are each amended to read as follows:

SPECIAL EDUCATION EXCESS COST ALLOCATION. (1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW ((28A.150.250,)) 28A.150.260((,)) (3) through (5) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256((, and other state and local funds, excluding special excess levies)).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education,

multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (3) through (5), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

NEW SECTION. Sec. 108. SPECIAL EDUCATION SAFETY NET. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education students and federal impact aid.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent

shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 109. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

LEGISLATURE TO APPROPRIATE FUNDS. (1) The state legislature shall, at each regular session in an odd-numbered year, appropriate ((from the state general fund)) for the current use of the common schools such amounts as needed for state support to ((the common schools)) school districts during the ensuing biennium ((as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010)) for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education.

(3) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

Sec. 110. RCW 28A.150.315 and 2007 c 400 s 2 are each amended to read as follows:

PHASE-IN ALL-DAY KINDERGARTEN. (1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

((3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.))

Sec. 111. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

GRADUATION REQUIREMENTS. (1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. ((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.))

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of the legislature for review, and the legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 112. FINANCE AND COMPENSATION WORKING GROUP. (1) The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented beginning in the 2011-12 school year and are intended to be phased in over a six-year period according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements.

(2) The office of financial management and the office of the superintendent of public instruction shall convene a technical working group to:

(a) Develop the details of the funding formulas under RCW 28A.150.260;

(b) Recommend an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature;

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the steering committee for consideration;

(d) Recommend options for a compensation system that provides support for effective teaching and recruitment and retention of high quality staff, including:

(i) Developing options and cost estimates for a salary allocation schedule for new certificated instructional staff into which current staff have the option to transfer. At a minimum, the schedules shall align with the educator certification system developed by the professional educator standards board;

(ii) Updating the comparable wage and regional wage analysis conducted by the Washington state institute for public policy in 2008 and developing options and cost estimates for a regional wage adjustment schedule that could be applied to state salary allocations for certificated instructional, administrative, and classified staff;

(iii) Developing options and cost estimates for allocations for administrative and classified staff through the funding formulas in RCW 28A.150.260; and

(iv) Collecting and analyzing detailed data on supplemental contracts for time, responsibilities, or incentives; and

(e) Develop options for a new system of supplemental school funding through local school levies and local effort assistance. The working group shall take into consideration the impact on overall school district revenues of the new funding formulas established under RCW 28A.150.260 and recommend a phase-in plan that reduces reliance on local school levies concurrently with increased state funding and assures that no district suffers a decrease in overall funding from one school year to the next due to implementation of the new systems.

(3) The working group shall include representatives of the state board of education, the professional educator standards board, the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington

education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, classified school employees, parents, higher education, and other interested persons with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders. The office of financial management and the office of the superintendent of public instruction may divide the working group into subgroups to focus on the funding formulas, compensation, revenue, and supplemental school funding.

(4) The working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

NEW SECTION. Sec. 113. BASIC EDUCATION PROGRAM OF EARLY LEARNING. (1) The legislature finds that a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to learn. The legislature also finds that, due to a variety of factors, disadvantaged young children need supplemental instruction in preschool to assure that they have the opportunity to meaningfully participate and reach the necessary levels of achievement in the regular program of basic education. Therefore the legislature intends to establish a program of early learning for at-risk children and intends to include this program within the overall program of basic education.

(2) The department of early learning and the office of the superintendent of public instruction shall convene a working group to develop the basic education program of early learning. The early learning working group shall be composed of representatives from head start and early childhood education and assistance program providers, school districts, thrive by five of Washington, and other stakeholders with expertise in early learning. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(3) The early learning working group shall continue the preliminary work of the department of early learning under RCW 43.215.125 to develop a proposal for a statewide Washington head start program. The working group shall:

(a) Recommend student eligibility criteria that focus on children aged three and four considered most at-risk;

(b) Develop options for a service delivery system that includes school districts, educational service districts, community and technical colleges, and public and private nonsectarian organizations;

(c) Develop options for shared governance that include the superintendent of public instruction and the department of early learning each with appropriate supervisory and administrative responsibilities;

(d) Develop recommended parameters and minimum standards for the program; and

(e) Continue development of a statewide kindergarten assessment process.

(4) The early learning working group shall be monitored and overseen by the basic education steering committee under section 3 of this act.

PART II EFFECTIVE TEACHING

NEW SECTION. Sec. 201. INTENT. The legislature finds that in order to offer all students the opportunity to achieve the basic education goal, school districts must provide effective teaching and instruction. Teachers should be provided opportunities to gain the knowledge and skills that will enable them to be effective. Designing a system that clearly defines, supports, measures, and recognizes effective teaching is one of the most important investments to be made in improving student learning.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.410 RCW to read as follows:

CERTIFICATION. (1) By January 1, 2010, the professional educator standards board shall adopt a set of teacher knowledge, skill, and performance standards for effective teaching that are

documented in high-quality research as being associated with improved student learning and articulated on a career continuum.

(2) By January 1, 2010, the professional educator standards board shall submit to the governor and the education and fiscal committees of the legislature:

(a) An update on the status of implementation of the professional certificate external and uniform assessment authorized in RCW 28A.410.210;

(b) A proposal for a valid and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure for residency certification that involves multiple measures of teacher performance in classrooms and a role for state-trained evaluators;

(c) Estimated costs and statutory authority needed for further development and implementation of the assessments in this subsection (2); and

(d) Recommendations for other modifications to residency, professional, and ongoing professional certification that focus on demonstrated performance and professional growth rather than enrollment in certification programs or continuing education.

(3) By January 1, 2011, the professional educator standards board shall submit recommendations to the governor and the education committees of the legislature providing definitions for voluntary master-level certification for teachers and educational staff associates. Within the definition established by the board, individuals certified through the national board for professional teaching standards shall be considered to have achieved master-level certification.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.410 RCW to read as follows:

MATH AND SCIENCE TEACHERS. (1) The Washington professional educator standards board shall serve as the lead agency in a coordinated approach with school districts, institutions of higher education, the office of the superintendent of public instruction, local and national nonprofit organizations, and the business community to create an adequate supply of well-qualified mathematics and science teachers for Washington's public schools. In fulfilling this role, the board shall:

(a) Work with institutions of higher education, including community colleges, to build stronger connections and partnerships with school districts and to craft innovative teacher preparation programs, particularly in rural areas;

(b) Work with in-state and national organizations to identify barriers and craft solutions to improved recruitment, hiring, preparation, and retention of mathematics and science teachers;

(c) Expand information to students and counselors, from middle school through college, about teacher preparation options and opportunities;

(d) Seek private and federal support for innovations and initiatives; and

(e) Set goals, collect and analyze data, and monitor progress toward achieving the goals.

(2) Strategies overseen and coordinated by the board to achieve the objectives of this section include but are not limited to the following:

(a) Building pipelines to mathematics and science teaching, beginning in middle school and through college using the recruiting Washington teachers program under RCW 28A.415.370, the pipeline for paraeducators conditional scholarship program under RCW 28A.660.042, and the Washington teach initiative under section 204 of this act;

(b) Streamlining teacher preparation and improving the geographic distribution of mathematics and science teachers through the retooling to teach mathematics and science conditional scholarship program under RCW 28A.660.045 and alternative route to teacher certification programs under RCW 28A.660.040;

(c) Shifting and building capacity in public four-year institutions of higher education to prepare mathematics and science teachers through institutional priority initiatives under section 204 of this act; and

(d) Attracting individuals to careers in mathematics and science teaching, including through the future teachers conditional scholarship and loan repayment program under chapter 28B.102 RCW.

NEW SECTION. Sec. 204. A new section is added to chapter 28B.10 RCW to read as follows:

WASHINGTON TEACH INITIATIVE. (1) Each public four-year institution of higher education with a teacher preparation program approved by the professional educator standards board to offer a residency teaching certificate and subject area endorsements in middle level mathematics or science, or secondary mathematics or science, including any of the branch campuses under RCW 28B.45.014, shall develop a plan for a Washington teach initiative for recruitment and development of mathematics and science teachers from within the student population of the institution and among high school students in partnering school districts. Each institution shall submit a preliminary plan and strategies for its Washington teach initiative to the professional educator standards board by October 30, 2009, and an updated plan with any progress to report by October 31, 2010. The plan must include:

(a) Evidence of a commitment by the institution to make development of mathematics and science teachers an institutional priority;

(b) Collaboration between institutional leadership, the college of education, and the mathematics and science departments of the college of arts and sciences;

(c) Proposed targeted outreach, student advising, and recruitment efforts;

(d) Proposed streamlined course requirements to enable students to obtain both a mathematics or science major and residency certification within four years of study;

(e) Development of opportunities for classroom experiences early in the students' academic careers;

(f) Evidence of increased collaboration and partnership with school districts, including districts outside the immediate geographic vicinity of the institution and including exploration of opportunities for alternative route programs; and

(g) Measurable goals and objectives, including the estimated shift in enrollment under the institutional priority initiative under subsection (3) of this section.

(2) Each institution under this section shall begin exploring opportunities for partnerships with one or more school districts to provide one or more of the alternative route programs under RCW 28A.660.040 using routes two, three, or four to offer candidates a postbaccalaureate residency teaching certificate in middle level mathematics or science or secondary mathematics or science. In the plans and updates required under subsection (1) of this section, each institution shall identify possible partner school districts, describe prospects and barriers for partnership, and provide an analysis of the opportunities and progress in developing an alternative route program.

(3) Each institution under this section shall include in its Washington teach initiative a specific plan to reduce admittance and enrollment of students seeking residency teacher certification with an endorsement in elementary education and increase enrollment capacity for students seeking residency teacher certification with an endorsement in middle level mathematics or science, or secondary mathematics or science.

PART III CONTINUOUS SCHOOL IMPROVEMENT

NEW SECTION Sec. 301. INTENT. (1) The legislature finds that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by an equally comprehensive and transparent system of continuous school and school district improvement.

(2) However, the legislature also finds that the state and school districts share responsibility for continuous improvement and achieving state educational standards. It is the state's responsibility to provide schools and districts with the tools necessary for continuous improvement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, if necessary, intervention. It is also the state's responsibility to take into account the capacity of the school system to implement changes and meet new requirements, and adjust expectations accordingly.

(3) The legislature intends to maintain a single system of continuous school improvement under both state and federal law. The legislature intends that a new state system be implemented only if Washington receives authorization from the United States department of education to use the state system for federal accountability purposes under P.L. 107-110, the no child left behind act of 2001.

Sec. 302. RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows:

STATE BOARD OF EDUCATION AUTHORITY. The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards-based accountability system to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended: The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

(c) Adopt objective, systematic criteria based on multiple outcomes and indicators to identify successful schools and school

districts ((and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:

(i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;

(ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and

(iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;

(d) Adopt objective, systematic criteria to identify schools and school districts)), those in need of assistance, and those in which significant numbers of students persistently fail to meet state standards(. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests));

(d) Recommend to the superintendent of public instruction ways for exemplary schools and districts to be recognized for student achievement and improvements in student achievement;

(e) Identify schools and school districts in which state ((intervention measures)) support and assistance will be needed and recommend to the legislature a range of appropriate intervention strategies, which may be implemented only after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;

(f) Identify performance incentive systems that have improved or have the potential to improve student achievement;

(g) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and

(h) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;

(5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil

service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

NEW SECTION. Sec. 303. A new section is added to chapter 28A.305 RCW to read as follows:

SYSTEM OF SUPPORT AND ASSISTANCE. In consultation with the superintendent of public instruction, the state board of education shall:

(1) Develop a comprehensive system of voluntary support and assistance for schools and school districts where the level of intensity of support and assistance for continuous school improvement increases based on objective, systematic criteria. The superintendent of public instruction shall implement the system to the extent funds are available;

(2) Develop a proposal for support and assistance for schools and school districts that have not demonstrated sufficient improvement through a voluntary system. The proposal shall be implemented only if formally authorized by the legislature through enacted legislation;

(3) Develop a methodology for using the prototypical school funding model under RCW 28A.150.260 as an analytic tool for comparing funding allocation assumptions and the actual use and distribution of resources, as well as outcomes, at the school and district level; and

(4) Examine opportunities for and the feasibility of incorporating a system of quality management, accountability, and performance improvement such as the Baldrige national quality program into the overall state system continuous school improvement.

NEW SECTION Sec. 304. PROGRESS REPORTS. (1) The state board of education and the superintendent of public instruction shall seek approval from the United States department of education for use of the objective criteria and the state system of support, assistance, and intervention to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(2) The state board of education and the superintendent of public instruction shall submit a progress report on the implementation of RCW 28A.305.130 and section 303 of this act to the education and fiscal committees of the legislature by December 1, 2009, and a final report with proposals and recommendations by December 1, 2010.

NEW SECTION. Sec. 305. A new section is added to chapter 28A.655 RCW to read as follows:

EDUCATION DATA SYSTEM. It is the legislature's intent to establish comprehensive K-12 education data systems for financial, student, and educator data. The objective of the systems is to monitor student progress, assure educator quality, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capacity to link across these various data components by student, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly process for determining when changes are needed and how to implement them. The first priority for any new data systems should be financial, budgeting, and accounting systems necessary to support the new K-12 financial models and funding formulas. The benefits of significant increases in the amount of data available for analysis must be carefully weighed against the costs to school districts to enter, update, maintain, and submit the data and to implement new software and data management systems.

PART IV OTHER FINANCE

NEW SECTION. Sec. 401. A new section is added to chapter 28A.500 RCW to read as follows:

NEW LEVY/LEA SYSTEM--INTENT. (1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity

for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. Sec. 402. A new section is added to chapter 43.79 RCW to read as follows:

GROWTH IN REVENUE. (1) The basic education account is created in the state treasury. Moneys in the account may be spent only after appropriation and only for the purposes of RCW 28A.150.260. All receipts from subsection (2) of this section shall be deposited into the account.

(2) By September 30, 2011, and by September 30th of each odd-numbered year thereafter, if general state revenues from the prior fiscal biennium exceed the revenues from the fiscal biennium immediately preceding the prior fiscal biennium by more than five percent, the state treasurer shall transfer fifty percent of the amount over five percent to the basic education account.

(3) For the purposes of this section, "general state revenues" shall be as defined by Article VIII, section 1 of the state Constitution.

Sec. 403. RCW 28A.160.150 and 1996 c 279 s 1 are each amended to read as follows:

PUPIL TRANSPORTATION. Funds allocated for transportation costs shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within ((one radius mile from)) the school walk area as determined under RCW ((28A.160.180(2))) 28A.160.160(5).

Sec. 404. RCW 28A.160.160 and 1996 c 279 s 2 are each amended to read as follows:

PUPIL TRANSPORTATION. For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is ((more than one radius mile from the)) outside the walk area for a student's school, except if the student to be transported is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

- (a) Transportation to and from route stops and schools;
- (b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;
- (c) Transportation of students between schools and learning centers for instruction specifically required by statute; and
- (d) Transportation of students with disabilities to and from schools and agencies for special education services.

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall ((not)) be considered part of transportation of students "to and from school" for the purposes of ((chapter 61, Laws of 1983 1st ex. sess)) this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within ((one radius mile from)) the school walk area means school transportation services including the use of buses, funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) The "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area.

Sec. 405. RCW 28A.160.170 and 2007 c 139 s 1 are each amended to read as follows:

PUPIL TRANSPORTATION. Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150 ((for the current school year and the number of miles estimated to be driven for pupil transportation services)), along with ((a map describing student route)) identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) from non-to-and-from-school pupil transportation costs in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 406. RCW 28A.160.180 and 1996 c 279 s 3 are each amended to read as follows:

PUPIL TRANSPORTATION. Each district's annual student transportation allocation shall be ((based on differential rates)) determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate ((a standard student mile allocation rate for determining)) the transportation allocation for those services provided for in RCW 28A.160.150. ("Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student.) The ((standard student mile)) allocation ((rate)) formula may be adjusted to include such additional differential factors as ((distance; restricted)) basic and special passenger ((load; circumstances that require use of special types of transportation vehicles; student with disabilities load; and small fleet maintenance)) counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

(2) ((For transportation services for students living within one radius mile from school.)) The allocation shall be based on a regression analysis of the number of basic and special students ((in grades kindergarten through five living within one radius mile as specified in the biennial appropriations act)) transported and as many other site characteristics that are identified as being statistically significant.

(3) ((The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle amortization, for determining)) The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

(4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees ((on education and ways and means of the senate and house of representatives)) of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation ((rates to be used)) for the following year.

Sec. 407. RCW 28A.160.190 and 1990 c 33 s 145 are each amended to read as follows:

PUPIL TRANSPORTATION. The superintendent shall notify districts of their student transportation allocation before January 15th. ((If the number of eligible students in a school district changes ten percent or more from the October report, and the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction.)) The superintendent shall((, to the extent funds are available,)) recalculate and prorate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.510.250. Such allocation payments may be based on ((estimated amounts)) the prior school year's ridership report for payments to be made in September, October, November, December, and January.

NEW SECTION. Sec. 408. A new section is added to chapter 28A.160 RCW to read as follows:

PUPIL TRANSPORTATION. The superintendent of public instruction shall ensure that the allocation formula results in adequate appropriation for low enrollment districts, nonhigh districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts. If necessary, the superintendent shall develop a separate process to adjust the allocation of the districts.

NEW SECTION. Sec. 409. A new section is added to chapter 28A.160 RCW to read as follows:

PUPIL TRANSPORTATION. The superintendent of public instruction shall encourage efficient use of state resources by providing a linear programming process that compares school district transportation operations. If a school district's operation is calculated to be less than ninety percent efficient, the regional transportation coordinators shall provide an individual review to determine what measures are available to the school district to improve efficiency. The evaluation shall include such measures as:

- (1) Efficient routing of buses;
- (2) Efficient use of vehicle capacity; and
- (3) Reasonable controls on compensation costs.

The superintendent shall submit to the fiscal and education committees of the legislature no later than December 1st of each year a report summarizing the efficiency reviews and the resulting changes implemented by school districts in response to the recommendations of the regional transportation coordinators.

NEW SECTION. Sec. 410. A new section is added to chapter 28A.160 RCW to read as follows:

PUPIL TRANSPORTATION. (1) The superintendent of public instruction shall phase-in implementation of the new distribution formula for allocating state funds to school districts for transportation of students to and from school, beginning with the 2011-12 school year.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including

basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors will include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the state recovery rate identified by the superintendent; and

(b) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) of this subsection and the amount determined under the formula in RCW 28A.160.180.

(3) The superintendent shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2009.

(4) Beginning in December 2009, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.

PART V GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION

Sec. 501. RCW 28A.150.410 and 2007 c 403 s 1 are each amended to read as follows:

SALARY ALLOCATION MODEL. (1) The legislature shall establish for each school year in the appropriations act a statewide salary allocation schedule, for allocation purposes only, to be used to distribute funds for basic education certificated instructional staff salaries under RCW 28A.150.260. For the purposes of this section, beginning in the 2011-12 school year, the staff allocations for classroom teachers, librarians, professional development coaches, student health services staff, and guidance counselors under RCW 28A.150.260 are allocations for certificated instructional staff.

(2) Salary allocations for state-funded ((basic education)) certificated instructional staff shall be calculated by the superintendent of public instruction by determining the district's average salary for all certificated instructional staff, using the statewide salary allocation schedule and related documents, conditions, and limitations established by the omnibus appropriations act.

(3) Beginning January 1, 1992, no more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in the omnibus appropriations act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.

(4) Beginning in the 2007-08 school year, the calculation of years of service for occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, and psychologists regulated under Title 18 RCW may include experience in schools and other nonschool positions as occupational therapists, physical therapists, speech-language pathologists, audiologists, nurses, social workers, counselors, or psychologists. The calculation shall be that one year of service in a nonschool position counts as one year of service for purposes of this chapter, up to a limit of two years of nonschool service. Nonschool years of service included in calculations under this subsection shall

not be applied to service credit totals for purposes of any retirement benefit under chapter 41.32, 41.35, or 41.40 RCW, or any other state retirement system benefits.

Sec. 502. RCW 28A.165.005 and 2004 c 20 s 1 are each amended to read as follows:

LAP ADJUSTMENTS. ((The learning assistance program requirements in)) This chapter ((are)) is designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing ((programs)) supplemental instruction and services to assist underachieving students. ((Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.))

Sec. 503. RCW 28A.165.015 and 2004 c 20 s 2 are each amended to read as follows:

LAP ADJUSTMENTS. Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade ((eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade)) twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

Sec. 504. RCW 28A.165.055 and 2008 c 321 s 10 are each amended to read as follows:

LAP ADJUSTMENTS. (((1))) Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with RCW 28A.150.260 and the ((biennial)) omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. ((The distribution formula shall be based on one or more family income factors measuring economic need.

(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.

(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.

(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount

enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.))

Sec. 505. RCW 28A.180.010 and 1990 c 33 s 163 are each amended to read as follows:

TBIP ADJUSTMENTS. RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools((, and to provide supplemental financial assistance to school districts to meet the extra costs of these programs)).

Sec. 506. RCW 28A.180.080 and 1995 c 335 s 601 are each amended to read as follows:

TBIP ADJUSTMENTS. ((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.)) Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program((; priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district: PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills)).

Sec. 507. RCW 28A.185.010 and 1984 c 278 s 12 are each amended to read as follows:

Pursuant to rules ((and regulations)) adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by RCW ((28A.185.020)) 28A.150.260.

Sec. 508. RCW 28A.185.020 and 1990 c 33 s 168 are each amended to read as follows:

(1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on two percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

(2) Supplementary funds ((as may be)) provided by the state for ((this program, in accordance with RCW 28A.150.370,)) the program for highly capable students under RCW 28A.150.260 shall be categorical funding ((on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment)) to provide services to highly capable students as determined by a school district under RCW 28A.185.030.

Sec. 509. RCW 28A.225.200 and 1990 c 33 s 234 are each amended to read as follows:

EDUCATION BY OTHER DISTRICTS. (1) A local district may be authorized by the educational service district superintendent

to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education((: PROVIDED, That)). Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW ((28A.150.100,)) 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, ((28A.160.220)) 28A.300.035, and 28A.300.170((, and 28A.500.010)) shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration.

NEW SECTION. Sec. 510. The following acts or parts of acts are each repealed:

(1) RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

(2) RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

(3) RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;

(4) RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

(5) RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7;

(6) RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8; and

(7) RCW 28A.150.205 (Definition) and 1992 c 141 s 502.

PART VI MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 601. Part headings and captions used in this act are not any part of the law.

NEW SECTION. Sec. 602. Sections 3, 102, and 108 of this act are each added to chapter 28A.150 RCW.

NEW SECTION. Sec. 603. Sections 101 through 110, 402 through 408, and 501 through 510 of this act take effect September 1, 2011.

NEW SECTION. Sec. 604. Section 409 of this act takes effect September 1, 2013.

NEW SECTION. Sec. 605. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall and Wallace.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Judiciary was relieved of SUBSTITUTE SENATE BILL NO. 5610, and the bill was referred to the Committee on Transportation.

There being no objection, the House advanced to the eleventh order of business.

COMMITTEE APPOINTMENT

The Speaker (Representative Morris presiding) announced the following committee appointment:

Representative Grant-Herriot was appointed to the Committee on Agricultural & Natural Resources replacing Representative Jacks.

There being no objection, the House reverted to the fifth order of business.

FIRST SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 26, 2009

SB 5008 Prime Sponsor, Senator Hewitt: Regarding hunting licensing requirements for members of the military. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 77.32.155 and 2007 c 163 s 1 are each amended to read as follows:

(1)(a) When purchasing any hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least ten hours in the safe handling of firearms, safety, conservation, and sportsmanship. All persons purchasing any hunting license for the first time, if born after January 1, 1972, shall present such certification.

(b)(i) The director may establish a program for training persons in the safe handling of firearms, conservation, and sportsmanship and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of establishing the training program, exempt members of the United States military from the firearms skills portion of any instruction course completed over the internet.

(ii) The director may cooperate with the National Rifle Association, organized sportsmen's groups, or other public or private organizations when establishing the training program.

(c) Upon the successful completion of a course established under this section, the trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

(d) The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

(2)(a) The director may authorize a once in a lifetime, one license year deferral of hunter education training for individuals who are accompanied by a nondeferred Washington-licensed hunter who has held a Washington hunting license for the prior three years and is over eighteen years of age. The commission shall adopt rules for the administration of this subsection to avoid potential fraud and abuse.

(b) The director is authorized to collect an application fee, not to exceed twenty dollars, for obtaining the once in a lifetime, one license year deferral of hunter education training from the department. This fee must be deposited into the fish and wildlife enforcement reward account and must be used exclusively to administer the deferral program created in this subsection.

(c) For the purposes of this subsection, "accompanied" means to go along with another person while staying within a range of the other person that permits continual unaided visual and auditory communication.

(3) To encourage the participation of an adequate number of instructors for the training program, the commission shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

MINORITY recommendation: Without recommendation.
Signed by Representative Liias.

Passed to Committee on Rules for second reading.

March 25, 2009

ESSB 5011 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Prohibiting the sale or distribution of certain novelty lighters. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Authority having jurisdiction" means the local organization, office, or individual responsible for enforcing the requirements of the state fire code.

(2) "Director" means the director of fire protection appointed under RCW 43.43.938.

(3) "Distribute" means to do any of the following:

(a) Sell novelty lighters or deliver novelty lighters for sale by another person to consumers;

(b) Sell or accept orders for novelty lighters that are to be transported from a point outside this state to a consumer within this state;

(c) Buy novelty lighters directly from a manufacturer or wholesale dealer for resale in this state;

(d) Give novelty lighters as a sample, prize, gift, or other promotion.

(4) "Manufacturer" means:

(a) An entity that produces, or causes the production of, novelty lighters for sale in this state;

(b) An importer or first purchaser of novelty lighters that intends to resell within this state novelty lighters that were produced for sale outside this state; or

(c) A successor to an entity, importer, or first purchaser described in (a) or (b) of this subsection.

(5)(a) "Novelty lighter" means a lighter that can operate on any fuel, including butane or liquid fuel. Novelty lighters have features that are attractive to children, including but not limited to visual effects, flashing lights, musical sounds, and toylike designs. The term considers the shape of the lighter to be the most important characteristic when determining whether a lighter can be considered a novelty lighter.

(b) "Novelty lighter" does not include disposable cigarette lighters or lighters that are printed or decorated with logos, decals, artwork, or heat shrinkable sleeves.

(6) "Retail dealer" means an entity at one location, other than a manufacturer or wholesale dealer, that engages in distributing novelty lighters.

(7) "Sell" means to transfer, or agree to transfer, title or possession for a monetary or nonmonetary consideration.

(8) "Wholesale dealer" means an entity that distributes novelty lighters to a retail dealer or other person for resale.

"NEW SECTION. Sec. 2. (1) A person may not distribute or offer to sell a novelty lighter within this state if the director determines the novelty lighter is prohibited for sale or distribution under this chapter.

(2) This section does not apply if the novelty lighters are in interstate commerce and not intended for distribution in this state.

(3) The authority having jurisdiction shall enforce the provisions of this chapter.

"NEW SECTION. Sec. 3. (1) The authority having jurisdiction may impose a civil penalty for a violation of this chapter. The civil penalty may not exceed:

(a) For a wholesale dealer that distributes or offers to sell novelty lighters to retail dealers or consumers, a written warning for the first violation and a monetary penalty of five hundred dollars for each subsequent violation.

(b) For a retail dealer that distributes or offers to sell novelty lighters to consumers, a written warning for the first violation and a monetary penalty of two hundred fifty dollars for each subsequent violation.

(2) The authority having jurisdiction may bring an action seeking:

(a) Injunctive relief to prevent or end a violation of this chapter;

(b) To recover civil penalties imposed under subsection (1) of this section; or

(c) To recover attorneys' fees and other enforcement costs and disbursements.

(3) Penalties under this section must be deposited in an account designated by the authority having jurisdiction.

(4) A district court has jurisdiction over all proceedings brought under this section.

"NEW SECTION. Sec. 4. (1) On the effective date of this section, manufacturers must immediately cease the sale or distribution of novelty lighters in this state.

(2) On the effective date of this section, wholesalers and retail dealers have a maximum of ninety days to reduce their current inventory of novelty lighters. In no instance may wholesalers and retail dealers sell or distribute a novelty lighter in this state after ninety days from the effective date of this section.

"NEW SECTION. Sec. 5. Sections 1 through 4 of this act constitute a new chapter in Title 70 RCW."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 5107 Prime Sponsor, Senator Honeyford: Addressing renewable resource projects within energy overlay zones. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70C.020 and 1995 c 347 s 703 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Energy overlay zone" means a formal plan enacted by the county legislative authority which establishes suitable areas for siting renewable resource projects based on currently available resources and existing infrastructure with sensitivity to adverse environmental impact.

(2) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding

applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

((2)) (3) "Local jurisdiction" means a county, city, or incorporated town.

((3)) (4) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

(5) "Renewable resources" has the same meaning provided in RCW 19.280.020.

Sec. 2. RCW 36.70C.130 and 1995 c 347 s 714 are each amended to read as follows:

(1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under RCW 36.70C.120. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

(3) Land use decisions establishing renewable resource projects within a county energy overlay zone are presumed to be reasonable to the extent that they are in compliance with the requirements and standards established by ordinance for that zone provided that the ordinance for wind power generation projects is consistent with the department of fish and wildlife's wind power guidelines."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; DeBolt; Finn; Hasegawa; Herrera; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5199 Prime Sponsor, Committee on Environment, Water & Energy: Modifying provisions regarding the operators of public water supply systems. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass as amended:

On page 4, at the beginning of line 29, insert "(1)"

On page 4, after line 31, insert the following:

"(2) Backflow assembly testers who maintain or repair backflow assemblies, devices, or air gaps inside a building are subject to certification under chapter 18.106 RCW."

Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Finn; Hudgins; Kretz and Rolfes.

MINORITY recommendation: Without recommendation. Signed by Representative Dunshee.

Passed to Committee on Rules for second reading.

March 24, 2009

SB 5218 Prime Sponsor, Senator Carrell: Controlling computer access by residents at the special commitment center and persons released to less restrictive alternatives. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.09.080 and 1995 c 216 s 8 are each amended to read as follows:

(1) Any person subjected to restricted liberty as a sexually violent predator pursuant to this chapter shall not forfeit any legal right or suffer any legal disability as a consequence of any actions taken or orders made, other than as specifically provided in this chapter.

(2) Any person committed or detained pursuant to this chapter shall be prohibited from possessing or accessing a personal computer unless the resident's individualized treatment plan states that access to a computer is necessary or beneficial in bringing about a positive response to a specific and certain phase or course of treatment. A person who is prohibited from possessing or accessing a personal computer under this subsection shall have access to a state-owned computer in a computer lab located at the facility at times and for periods determined by the facility considering the status of compliance and need of the person and the resources available to the facility.

(3) Any person committed pursuant to this chapter has the right to adequate care and individualized treatment. The department of social and health services shall keep records detailing all medical, expert, and professional care and treatment received by a committed person, and shall keep copies of all reports of periodic examinations made pursuant to this chapter. All such records and reports shall be made available upon request only to: The committed person, his or her attorney, the prosecuting attorney, the court, the protection and advocacy agency, or another expert or professional person who, upon proper showing, demonstrates a need for access to such records.

((3)) (4) At the time a person is taken into custody or transferred into a facility pursuant to a petition under this chapter, the professional person in charge of such facility or his or her designee shall take reasonable precautions to inventory and safeguard the personal property of the persons detained or transferred. A copy of the inventory, signed by the staff member making it, shall be given to the person detained and shall, in addition, be open to inspection to any responsible relative, subject to limitations, if any, specifically imposed by the detained person. For purposes of this subsection, "responsible relative" includes the guardian, conservator, attorney, spouse, parent, adult child, or adult brother or sister of the person. The facility shall not disclose the contents of the inventory to any other person without consent of the patient or order of the court.

((4)) (5) Nothing in this chapter prohibits a person presently committed from exercising a right presently available to him or her for the purpose of obtaining release from confinement, including the right to petition for a writ of habeas corpus.

((5)) (6) No indigent person may be conditionally released or unconditionally discharged under this chapter without suitable clothing, and the secretary shall furnish the person with such sum of money as is required by RCW 72.02.100 for persons without ample funds who are released from correctional institutions. As funds are available, the secretary may provide payment to the indigent persons conditionally released pursuant to this chapter consistent with the

optional provisions of RCW 72.02.100 and 72.02.110, and may adopt rules to do so."

Correct the title.

Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Pearson, Ranking Minority Member; Klippert, Assistant Ranking Minority Member; Goodman; Kirby and Ross.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5248

Prime Sponsor, Committee on Ways & Means: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1.

ARTICLE I PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance and age requirements;

B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;

C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;

D. Facilitating the on-time graduation of children of military families;

E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;

F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;

G. Promoting coordination between this compact and other compacts affecting military children; and

H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211.

B. "Children of military families" means school-aged children, enrolled in kindergarten through twelfth grade, in the household of an active duty member.

C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.

D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders through six months after return to their home station.

E. "Education records" or "educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including but not

limited to, records encompassing all the material kept in the student's cumulative folder such as general identifying data, records of attendance and of academic work completed, records of achievement and results of evaluative tests, health data, disciplinary status, test protocols, and individualized education programs.

F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate commission on educational opportunity for military children" means the commission that is created under Article IX of this compact, which is generally referred to as the interstate commission.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through twelfth grade public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States department of defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the interstate commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the interstate commission, and has the force and effect of statutory law in a member state, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other U.S. territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through twelfth grade.

Q. "Transition" means: (1) The formal and physical process of transferring from school to school; or (2) the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed services" means the army, navy, air force, marine corps, and coast guard, as well as the commissioned corps of the national oceanic and atmospheric administration, and public health services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in section B of this article, this compact shall apply to the children of:

1. Active duty members of the uniformed services as defined in this compact, including members of the national guard and reserve on active duty orders pursuant to 10 U.S.C. Secs. 1209 and 1211;

2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided in section A of this article;
3. Veterans of the uniformed services, except as provided in section A of this article; and
4. Other U.S. department of defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV EDUCATIONAL RECORDS AND ENROLLMENT

A. Unofficial or "hand-carried" education records – In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the interstate commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts - Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the interstate commission. However, if the student has an unpaid fine at a public school or unpaid tuition, fees, or fines at a private school, then the sending school shall send the information requested but may withhold the official transcript until the monetary obligation is met.

C. Immunizations – On or before the first day of attendance, the parent or guardian must meet the immunization documentation requirements of the Washington board of health. Compacting states shall give thirty days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the interstate commission, for students to obtain any immunizations required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty days or within such time as is reasonably determined under the rules promulgated by the interstate commission.

D. Kindergarten and first grade entrance age – Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level (including kindergarten) from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on his or her validated level from an accredited school in the sending state.

ARTICLE V PLACEMENT AND ATTENDANCE

A. Course placement - When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school and/or educational assessments conducted at the school in the sending state if the courses are offered and if space is available, as determined by the school district. Course placement includes but is not limited to honors, international

baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the courses.

B. Educational program placement – The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation and placement in like programs in the sending state and if space is available, as determined by the school district. Such programs include, but are not limited to: (1) Gifted and talented programs; and (2) English as a second language (ESL). This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services – (1) In compliance with the federal requirements of the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Sec. 1400 et seq., the receiving state shall initially provide comparable services to a student with disabilities based on his or her current Individualized Education Program (IEP); and (2) in compliance with the requirements of section 504 of the rehabilitation act, 29 U.S.C. Sec. 794, and with Title II of the Americans with disabilities act, 42 U.S.C. Secs. 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities, subject to an existing 504 or Title II plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility – Local education agency administrative officials shall have flexibility in waiving course and program prerequisites, or other preconditions for placement in courses and programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities – A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by this compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting, shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI ELIGIBILITY

A. Eligibility for enrollment

1. Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

2. A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

3. A transitioning military child, placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation - Under RCW 28A.225.280, the Washington interscholastic activities association and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified and space is available, as determined by the school district.

ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements – Local education agency administrative officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall use best efforts to provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams - For students entering high school in eleventh or twelfth grade, states shall accept: (1) Exit or end-of-course exams required for graduation from the sending state; or (2) national norm-referenced achievement tests; or (3) alternative testing, in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of section C of this article shall apply.

C. Transfers during senior year – Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency, if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with sections A and B of this article.

ARTICLE VIII STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and interstate commission activities. While each member state may determine the membership of its own state council, its membership must include at least: The state superintendent of public instruction, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative each from the legislative and executive branches of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the governor or as otherwise determined by each member state. The governor is strongly encouraged to appoint a practicing K-12 educator as the compact commissioner.

D. The compact commissioner and the military family education liaison designated herein shall be ex officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "interstate commission on educational opportunity for military children." The activities of the interstate commission are the formation of public policy and are a discretionary state function. The interstate commission shall:

A. Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein, and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

B. Consist of one interstate commission voting representative from each member state who shall be that state's compact commissioner.

1. Each member state represented at a meeting of the interstate commission is entitled to one vote.

2. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the interstate commission.

3. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the interstate commission, the governor or state council may delegate voting authority to another person from their state for a specified meeting.

4. The bylaws may provide for meetings of the interstate commission to be conducted by telecommunication or electronic communication;

C. Consist of ex officio, nonvoting representatives who are members of interested organizations. Such ex officio members, as defined in the bylaws, may include but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the U.S. department of defense, the education commission of the states, the interstate agreement on the qualification of educational personnel, and other interstate compacts affecting the education of children of military members;

D. Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

E. Establish an executive committee, whose members shall include the officers of the interstate commission and such other members of the interstate commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each. The executive committee shall have the power to act on behalf of the interstate commission, with the exception of rule making, during periods when the interstate commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact including enforcement and compliance with the provisions of the compact, its bylaws and rules, and other such duties as deemed necessary. The U.S. department of defense shall serve as an ex officio, nonvoting member of the executive committee;

F. Establish bylaws and rules that provide for conditions and procedures under which the interstate commission shall make its information and official records available to the public for inspection or copying. The interstate commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

G. Give public notice of all meetings and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The interstate commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

1. Relate solely to the interstate commission's internal personnel practices and procedures;

2. Disclose matters specifically exempted from disclosure by federal and state statute;

3. Disclose trade secrets or commercial or financial information which is privileged or confidential;

4. Involve accusing a person of a crime, or formally censuring a person;

5. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

6. Disclose investigative records compiled for law enforcement purposes; or

7. Specifically relate to the interstate commission's participation in a civil action or other legal proceeding;

H. Cause its legal counsel or designee to certify that a meeting may be closed and shall reference each relevant exemptible provision for any meeting, or portion of a meeting, which is closed pursuant to this provision. The interstate commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the interstate commission;

I. Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its information functions with the appropriate custodian of records as identified in the bylaws and rules;

J. Create a process that permits military officials, education officials, and parents to inform the interstate commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the interstate commission or any member state.

ARTICLE X POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The interstate commission shall have the following powers:

A. To provide for dispute resolution among member states;

B. To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall have the force and effect of statutory law and shall be binding in the compact states to the extent and in the manner provided in this compact;

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;

D. To enforce compliance with the compact provisions, the rules promulgated by the interstate commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process;

E. To establish and maintain offices which shall be located within one or more of the member states;

F. To purchase and maintain insurance and bonds;

G. To borrow, accept, hire, or contract for services of personnel;

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, section E of this compact, which shall have the power to act on behalf of the interstate commission in carrying out its powers and duties hereunder;

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the interstate commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;

K. To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;

L. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

M. To establish a budget and make expenditures;

N. To adopt a seal and bylaws governing the management and operation of the interstate commission;

O. To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of

the interstate commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the interstate commission;

P. To coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;

Q. To establish uniform standards for the reporting, collecting, and exchanging of data;

R. To maintain corporate books and records in accordance with the bylaws;

S. To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

T. To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The interstate commission shall, by a majority of the members present and voting, within twelve months after the first interstate commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

1. Establishing the fiscal year of the interstate commission;

2. Establishing an executive committee, and such other committees as may be necessary;

3. Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the interstate commission;

4. Providing reasonable procedures for calling and conducting meetings of the interstate commission, and ensuring reasonable notice of each such meeting;

5. Establishing the titles and responsibilities of the officers and staff of the interstate commission;

6. Providing a mechanism for concluding the operations of the interstate commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

7. Providing "start up" rules for initial administration of the compact.

B. The interstate commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice-chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice-chairperson, shall preside at all meetings of the interstate commission. The officers so elected shall serve without compensation or remuneration from the interstate commission; provided that, subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the interstate commission.

C. Executive committee, officers, and personnel

1. The executive committee shall have such authority and duties as may be set forth in the bylaws, including but not limited to:

a. Managing the affairs of the interstate commission in a manner consistent with the bylaws and purposes of the interstate commission;

b. Overseeing an organizational structure within, and appropriate procedures for the interstate commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

c. Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the interstate commission.

2. The executive committee may, subject to the approval of the interstate commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the interstate commission may deem appropriate. The executive director shall serve as secretary to the interstate

commission, but shall not be a member of the interstate commission. The executive director shall hire and supervise such other persons as may be authorized by the interstate commission.

D. The interstate commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of interstate commission employment, duties, or responsibilities; provided, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

1. The liability of the interstate commission's executive director and employees or interstate commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The interstate commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

2. The interstate commission shall defend the executive director and its employees and, subject to the approval of the attorney general or other appropriate legal counsel of the member state represented by an interstate commission representative, shall defend such interstate commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.

3. To the extent not covered by the state involved, member state, or the interstate commission, the representatives or employees of the interstate commission shall be held harmless in the amount of a settlement or judgment, including attorneys' fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of interstate commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of interstate commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII RULE-MAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rule-making authority - The interstate commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact. Notwithstanding the foregoing, in the event the interstate commission exercises its rule-making authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the interstate commission shall be invalid and have no force or effect.

B. Rule-making procedure - Rules shall be made pursuant to a rule-making process that substantially conforms to the "model state administrative procedure act," of 1981, Uniform Laws Annotated, Vol. 15, p.1 (2000) as amended, as may be appropriate to the operations of the interstate commission.

C. Not later than thirty days after a rule is promulgated, any person may file a petition for judicial review of the rule; provided, that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the interstate commission consistent

with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the interstate commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the interstate commission.

3. The interstate commission shall be entitled to receive all service of process in any such proceeding, and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the interstate commission shall render a judgment or order void as to the interstate commission, this compact, or promulgated rules.

B. Default, technical assistance, suspension, and termination - If the interstate commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the interstate commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the interstate commission. The interstate commission shall specify the conditions by which the defaulting state must cure its default;

2. Provide remedial training and specific technical assistance regarding the default;

3. If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

4. Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the interstate commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

5. The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination including obligations the performance of which extends beyond the effective date of suspension or termination;

6. The interstate commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact, unless otherwise mutually agreed upon in writing between the interstate commission and the defaulting state;

7. The defaulting state may appeal the action of the interstate commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the interstate commission has its principal offices. The prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

C. Dispute Resolution

1. The interstate commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

2. The interstate commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

1. The interstate commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. The interstate commission, may by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the interstate commission, in the federal district where the interstate commission has its principal offices, to enforce compliance with the provisions of the compact, and its promulgated rules and bylaws, against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary the prevailing party shall be awarded all costs of such litigation including reasonable attorneys' fees.

3. The remedies herein shall not be the exclusive remedies of the interstate commission. The interstate commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The interstate commission shall pay, or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The interstate commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the interstate commission and its staff which must be in a total amount sufficient to cover the interstate commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the interstate commission, which shall promulgate a rule binding upon all member states.

C. The interstate commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the interstate commission pledge the credit of any of the member states, except by and with the authority of the member state.

D. The interstate commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the interstate commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the interstate commission shall be audited yearly by a certified or licensed public accountant and the report of the audit shall be included in and become part of the annual report of the interstate commission.

ARTICLE XV

MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. The compact shall become effective and binding upon legislative enactment of the compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2007.

Thereafter it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The governors of nonmember states or their designees shall be invited to participate in the activities of the interstate commission on a nonvoting basis prior to adoption of the compact by all states.

C. The interstate commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the interstate commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI

WITHDRAWAL AND DISSOLUTION

A. Withdrawal

1. Once effective, the compact shall continue in force and remain binding upon each and every member state; provided that a

member state may withdraw from the compact by specifically repealing the statute, which enacted the compact into law.

2. Withdrawal from this compact shall be by the enactment of a statute repealing the same, but shall not take effect until one year after the effective date of such statute and until written notice of the withdrawal has been given by the withdrawing state to the governor of each other member jurisdiction.

3. The withdrawing state shall immediately notify the chairperson of the interstate commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The interstate commission shall notify the other member states of the withdrawing state's intent to withdraw within sixty days of its receipt thereof.

4. The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

5. Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the interstate commission.

B. Dissolution of compact

1. This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

2. Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the interstate commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII

SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII

BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other laws

1. Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.

2. All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding effect of the compact

1. All lawful actions of the interstate commission, including all rules and bylaws promulgated by the interstate commission, are binding upon the member states.

2. All agreements between the interstate commission and the member states are binding in accordance with their terms.

3. In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Sec. 2. RCW 28A.225.330 and 2006 c 263 s 805 are each amended to read as follows:

(1) When enrolling a student who has attended school in another school district, the school enrolling the student may request the parent and the student to briefly indicate in writing whether or not the student has:

(a) Any history of placement in special educational programs;

(b) Any past, current, or pending disciplinary action;

(c) Any history of violent behavior, or behavior listed in RCW 13.04.155;

(d) Any unpaid fines or fees imposed by other schools; and

(e) Any health conditions affecting the student's educational needs.

(2) The school enrolling the student shall request the school the student previously attended to send the student's permanent record including records of disciplinary action, history of violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. If the student has not paid a fine or fee under RCW 28A.635.060, or tuition, fees, or fines at approved private schools the school may withhold the student's official transcript, but shall transmit information about the student's academic performance, special placement, immunization records, records of disciplinary action, and history of violent behavior or behavior listed in RCW 13.04.155. If the official transcript is not sent due to unpaid tuition, fees, or fines, the enrolling school shall notify both the student and parent or guardian that the official transcript will not be sent until the obligation is met, and failure to have an official transcript may result in exclusion from extracurricular activities or failure to graduate.

(3) Upon request, school districts shall furnish a set of unofficial educational records to a parent or guardian of a student who is transferring out of state and who meets the definition of a child of a military family in transition under section 1, Article II of this act. School districts may charge the parent or guardian the actual cost of providing the copies of the records.

(4) If information is requested under subsection (2) of this section, the information shall be transmitted within two school days after receiving the request and the records shall be sent as soon as possible. The records of a student who meets the definition of a child of a military family in transition under section 1, Article II of this act shall be sent within ten days after receiving the request. Any school district or district employee who releases the information in compliance with this section is immune from civil liability for damages unless it is shown that the school district employee acted with gross negligence or in bad faith. The professional educator standards board shall provide by rule for the discipline under chapter 28A.410 RCW of a school principal or other chief administrator of a public school building who fails to make a good faith effort to assure compliance with this subsection.

~~((4))~~ (5) Any school district or district employee who releases the information in compliance with federal and state law is immune from civil liability for damages unless it is shown that the school district or district employee acted with gross negligence or in bad faith.

~~((5))~~ (6) When a school receives information under this section or RCW 13.40.215 that a student has a history of disciplinary actions, criminal or violent behavior, or other behavior that indicates the student could be a threat to the safety of educational staff or other students, the school shall provide this information to the student's teachers and security personnel.

Sec. 3. RCW 28A.225.160 and 2006 c 263 s 703 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section and otherwise provided by law, it is the general policy of the state that the common schools shall be open to the admission of all persons who are five years of age and less than twenty-one years residing in that school district. Except as otherwise provided by law or rules adopted by the superintendent of public instruction, districts may establish uniform entry qualifications, including but not limited to birth date requirements, for admission to kindergarten and first grade programs of the common schools. Such rules may provide for exceptions based upon the ability, or the need, or both, of an individual student. For the purpose of complying with any rule adopted by the superintendent of public instruction that authorizes a preadmission screening process as a prerequisite to granting exceptions to the uniform entry qualifications, a school district may collect fees to cover expenses incurred in the administration of any preadmission screening process: PROVIDED, That in so establishing such fee or fees, the district shall adopt ~~((regulations))~~ rules for waiving and reducing such fees in the cases of those persons whose families, by reason of their low income, would have difficulty in paying the entire amount of such fees.

(2) A student who meets the definition of a child of a military family in transition under section 1, Article II of this act shall be permitted to continue enrollment at the grade level in the common schools commensurate with the grade level of the student when

attending school in the sending state as defined in section 1, Article II of this act, regardless of age or birthdate requirements.

Sec. 4. RCW 28A.185.030 and 1984 c 278 s 13 are each amended to read as follows:

Local school districts may establish and operate, either separately or jointly, programs for highly capable students. Such authority shall include the right to employ and pay special instructors and to operate such programs jointly with a public institution of higher education. Local school districts which establish and operate programs for highly capable students shall adopt identification procedures and provide educational opportunities as follows:

(1) In accordance with rules ~~((and regulations))~~ adopted by the superintendent of public instruction, school districts shall implement procedures for nomination, assessment and selection of their most highly capable students. Nominations shall be based upon data from teachers, other staff, parents, students, and members of the community. Assessment shall be based upon a review of each student's capability as shown by multiple criteria intended to reveal, from a wide variety of sources and data, each student's unique needs and capabilities. Selection shall be made by a broadly based committee of professionals, after consideration of the results of the multiple criteria assessment.

(2) When a student, who is a child of a military family in transition, has been assessed or enrolled as highly capable by a sending school, the receiving school shall initially honor placement of the student into a like program.

(a) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(b) The receiving school may conduct subsequent assessments to determine appropriate placement and continued enrollment in the program.

(3) Students selected pursuant to procedures outlined in this section shall be provided, to the extent feasible, an educational opportunity which takes into account each student's unique needs and capabilities and the limits of the resources and program options available to the district, including those options which can be developed or provided by using funds allocated by the superintendent of public instruction for that purpose.

(4) The definitions in section 1, Article II of this act apply to subsection (2) of this section.

Sec. 5. RCW 28A.180.040 and 2001 1st sp.s. c 6 s 4 are each amended to read as follows:

(1) Every school district board of directors shall:

~~((1))~~ (a) Make available to each eligible pupil transitional bilingual instruction to achieve competency in English, in accord with rules of the superintendent of public instruction~~((-))~~;

~~((2))~~ (b) Wherever feasible, ensure that communications to parents emanating from the schools shall be appropriately bilingual for those parents of pupils in the bilingual instruction program~~((-))~~;

~~((3))~~ (c) Determine, by administration of an English test approved by the superintendent of public instruction the number of eligible pupils enrolled in the school district at the beginning of a school year and thereafter during the year as necessary in individual cases~~((-))~~;

~~((4))~~ (d) Ensure that a student who is a child of a military family in transition and who has been assessed as in need of, or enrolled in, a bilingual instruction program, the receiving school shall initially honor placement of the student into a like program.

(i) The receiving school shall determine whether the district's program is a like program when compared to the sending school's program; and

(ii) The receiving school may conduct subsequent assessments pursuant to RCW 28A.180.090 to determine appropriate placement and continued enrollment in the program;

(e) Before the conclusion of each school year, measure each eligible pupil's improvement in learning the English language by means of a test approved by the superintendent of public instruction~~((-))~~; and

~~((5))~~ (f) Provide in-service training for teachers, counselors, and other staff, who are involved in the district's transitional bilingual program. Such training shall include appropriate instructional

strategies for children of culturally different backgrounds, use of curriculum materials, and program models.

(2) The definitions in section 1, Article II of this act apply to subsection (1)(d) of this section.

Sec. 6. RCW 28A.225.210 and 1990 c 33 s 235 are each amended to read as follows:

Every school district shall admit on a tuition free basis: (1) All persons of school age who reside within this state, and do not reside within another school district carrying the grades for which they are eligible to enroll: PROVIDED, That nothing in this ((section)) subsection shall be construed as affecting RCW 28A.225.220 or 28A.225.250; and (2) all students who meet the definition of children of military families in transition under section 1, Article II of this act who are in the care of a noncustodial parent or other person standing in loco parentis and who lives in another state while the parent is under military orders.

Sec. 7. RCW 28A.225.225 and 2008 c 192 s 1 are each amended to read as follows:

(1) Except for students who reside out-of-state and students under section 8 of this act, a district shall accept applications from nonresident students who are the children of full-time certificated and classified school employees, and those children shall be permitted to enroll:

(a) At the school to which the employee is assigned;

(b) At a school forming the district's K through 12 continuum which includes the school to which the employee is assigned; or

(c) At a school in the district that provides early intervention services pursuant to RCW 28A.155.065 or preschool services pursuant to RCW 28A.155.070, if the student is eligible for such services.

(2) A district may reject applications under this section if:

(a) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership;

(b) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (2)(b) must apply uniformly to both resident and nonresident applicants; or

(c) Enrollment of a child under this section would displace a child who is a resident of the district, except that if a child is admitted under subsection (1) of this section, that child shall be permitted to remain enrolled at that school, or in that district's kindergarten through twelfth grade continuum, until he or she has completed his or her schooling.

(3) Except as provided in subsection (1) of this section, all districts accepting applications from nonresident students or from students receiving home-based instruction for admission to the district's schools shall consider equally all applications received. Each school district shall adopt a policy establishing rational, fair, and equitable standards for acceptance and rejection of applications by June 30, 1990. The policy may include rejection of a nonresident student if:

(a) Acceptance of a nonresident student would result in the district experiencing a financial hardship;

(b) The student's disciplinary records indicate a history of convictions for offenses or crimes, violent or disruptive behavior, or gang membership; or

(c) The student has been expelled or suspended from a public school for more than ten consecutive days. Any policy allowing for readmission of expelled or suspended students under this subsection (3)(c) must apply uniformly to both resident and nonresident applicants.

For purposes of subsections (2)(a) and (3)(b) of this section, "gang" means a group which: (i) Consists of three or more persons; (ii) has identifiable leadership; and (iii) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

(4) The district shall provide to applicants written notification of the approval or denial of the application in a timely manner. If the application is rejected, the notification shall include the reason or reasons for denial and the right to appeal under RCW 28A.225.230(3).

NEW SECTION. Sec. 8. A new section is added to chapter 28A.225 RCW to read as follows:

(1) A student shall be permitted to remain enrolled in the school in which the student was enrolled while residing with the custodial parent if the student:

(a) Meets the definition of a child of a military family in transition under section 1, Article II of this act; and

(b) Is placed in the care of a noncustodial parent or guardian when the custodial parent is required to relocate due to military orders.

(2) A nonresident school district shall not be required to provide transportation to and from the school unless otherwise required by state or federal law.

NEW SECTION. Sec. 9. By December 1, 2014, the state council, created in accordance with section 1 of this act, shall conduct a review of the implementation of the interstate compact on educational opportunity for military children and recommend to the state legislature whether Washington should continue to be a member of the compact and whether any other actions should be taken.

NEW SECTION. Sec. 10. Sections 1 and 9 of this act constitute a new chapter in Title 28A RCW."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Lias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

March 25, 2009

SB 5315 Prime Sponsor, Senator Schoesler: Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5412 Prime Sponsor, Senator Eide: Controlling saltwater algae. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 88.02.050 and 2007 c 342 s 5 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under

RCW 88.02.270, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.

(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.

(c) ~~(One dollar)~~ Seventy-five cents must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.

(e) Twenty-five cents must be deposited in the saltwater algae control account created in section 2 of this act.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals ~~(therefor)~~, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:

(1) The saltwater algae control account is created in the state treasury. All receipts designated for deposit to the account in RCW 88.02.050 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used as provided in this section.

(2) Funds in the saltwater algae control account may be appropriated to the department to develop a saltwater aquatic algae control grant program. Funds must be expended as grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study excessive saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

(3)(a) Grant awards may be made both for proactive investments in saltwater algae research and control and for rapid response to emerging incidents and immediate restoration following algal incidents. Grants may either be awarded prospectively when intended for proactive investments or as reimbursement for rapid response or immediate restoration.

(b) The department shall allow potential grantees to contact the department prior to investing in rapid response or immediate restoration actions to ensure that the saltwater algae control account

has adequate funds to reimburse the rapid response and immediate restoration actions. To facilitate both timely reimbursement and the department's ability to provide assurances that reimbursement funding can be provided, the department shall develop a process that allows potential grantees to be screened and evaluated prior to a saltwater algae incident.

(4) When appropriate, grant awards must be prioritized to benefit:

(a) Areas of marine waters with documented significant sea lettuce growth;

(b) Potential grantees capable and willing to provide matching funds either directly or through a third party; and

(c) Potential grantees that are Puget Sound partners as that term is defined in RCW 90.71.010. However, the department shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under RCW 90.71.310, or for any other reason may not be given less preferential treatment than Puget Sound partners.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act expire June 30, 2013."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Jacks; Lias; McCoy; Nelson; Ormsby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz; Pearson and Warnick.

Referred to Committee on General Government Appropriations.

March 26, 2009

SB 5511 Prime Sponsor, Senator Prentice: Making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5542 Prime Sponsor, Senator Franklin: Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5562 Prime Sponsor, Senator Morton: Concerning forestry operations. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5565 Prime Sponsor, Committee on Environment, Water & Energy: Regarding the use of certain solid fuel burning devices. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass as amended:

On page 3, line 1, after "with the" strike "local air pollution control authority to implement the prohibition" and insert "department or local air pollution control authority as the department or the local air pollution control authority implements the prohibition. However, cooperation shall not include enforcement of this prohibition. The responsibility for actual enforcement of the prohibition shall reside solely with the department or the local air pollution control authority"

Signed by Representatives Campbell, Chair; Chase, Vice Chair; Dickerson; Dunshee; Finn; Hudgins and Rolfes.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member and Kretz.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5613 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5677 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the dairy nutrient management program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5695 Prime Sponsor, Senator Oemig: Authorizing the Washington state patrol to accept donations.

Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 23, 2009

SSB 5724 Prime Sponsor, Committee on Environment, Water & Energy: Concerning the generation of electricity from biomass energy that is a renewable resource. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Any county legislative authority of a county where a public utility district owns and operates a plant or system for the generation, transmission, and distribution of electric energy for sale within the county may construct, purchase, acquire, operate, and maintain a facility to generate electricity from biomass energy that is a renewable resource under RCW 19.285.030 or from biomass energy that is produced from lignin in spent pulping liquors or liquors derived from algae and other sources. The county legislative authority has the authority to regulate and control the use, distribution, sale, and price of the electricity produced from the biomass facility authorized under this section.

(2) For the purposes of this section:

(a) "County legislative authority" means the board of county commissioners or the county council; and

(b) "Public utility district" means a municipal corporation formed under chapter 54.08 RCW.

"NEW SECTION. Sec. 2. Section 1 of this act constitutes a new chapter in Title 36 RCW."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; DeBolt; Finn; Hasegawa; Herrera; Hudgins; Jacks; McCune; Morris; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5738 Prime Sponsor, Committee on Early Learning & K-12 Education: Requiring the office of the superintendent of public instruction to review annual school district compliance reports. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION Sec. 1. (1) Within existing resources, the office of the superintendent of public instruction shall review all annual compliance reports required of school districts.

(2) The office of the superintendent of public instruction shall make recommendations about which reports should be:

(a) Discontinued;

(b) Integrated into the longitudinal student data system established in RCW 28A.300.500; or

(c) Maintained in their current form.

(3) The office of the superintendent of public instruction shall also recommend which federal reporting requirements may be used to meet state reporting requirements in order to avoid duplication of reports.

(4) By December 1, 2009, the office of the superintendent of public instruction shall provide a final report on the status of the annual compliance reports to the appropriate policy and fiscal committees of the legislature."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5765 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the fruit and vegetable district fund. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

March 25, 2009

SB 5767 Prime Sponsor, Senator Rockefeller: Making nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act. Reported by Committee on Environmental Health

MAJORITY recommendation: Do pass. Signed by Representatives Campbell, Chair; Chase, Vice Chair; Shea, Ranking Minority Member; Orcutt, Assistant Ranking Minority Member; Dickerson; Dunshee; Finn; Hudgins; Kretz and Rolfes.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5881 Prime Sponsor, Committee on Human Services & Corrections: Changing provisions involving truancy. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5909 Prime Sponsor, Senator Murray: Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5952 Prime Sponsor, Senator McDermott: Modifying the definition of "sexual orientation" for malicious harassment prosecution purposes. Reported by Committee on Public Safety & Emergency Preparedness

MAJORITY recommendation: Do pass. Signed by Representatives Hurst, Chair; O'Brien, Vice Chair; Appleton; Goodman; Kirby and Ross.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Ranking Minority Member Klippert, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5974 Prime Sponsor, Senator Morton: Regarding live nonambulatory livestock. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.36.116 and 2007 c 71 s 3 are each amended to read as follows:

(1) Any person found transporting animals on the public roads of this state that are not accompanied by valid health certificates, permits, or other documents as required by this chapter or its rules has committed a class 1 civil infraction.

(2) Any person who knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock has committed a civil infraction and shall be assessed a monetary penalty not to exceed one thousand dollars. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation. Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot. For the purposes of this section, "nonambulatory livestock" has the same meaning as in RCW 16.52.225.

(3) The director is authorized to issue notices of and enforce civil infractions in the manner prescribed under chapter 7.80 RCW.

Sec. 2. RCW 16.52.225 and 2004 c 234 s 1 are each amended to read as follows:

(1) Unless otherwise cited for a civil infraction by the department of agriculture under RCW 16.36.116(2), a person is guilty of a gross misdemeanor punishable as provided in RCW 9A.20.021 if he or she knowingly transports or accepts delivery of live nonambulatory livestock to, from, or between any livestock market, feedlot, slaughtering facility, or similar facility that trades in livestock. The transport or acceptance of each nonambulatory livestock animal is considered a separate and distinct violation.

(2) Nonambulatory livestock must be humanely euthanized before transport to, from, or between locations listed in subsection (1) of this section.

(3) Livestock that was ambulatory prior to transport to a feedlot and becomes nonambulatory because of an injury sustained during transport may be unloaded and placed in a separate pen for rehabilitation at the feedlot.

(4) For the purposes of this section, "nonambulatory livestock" means cattle, sheep, swine, goats, horses, mules, or other equine that cannot rise from a recumbent position or cannot walk, including but not limited to those with broken appendages, severed tendons or ligaments, nerve paralysis, a fractured vertebral column, or metabolic conditions."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 25, 2009

ESSB 5978 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Establishing certain consumer rebate requirements. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 2, line 7, after "offering" strike "or processing"

On page 2, after line 12, insert the following:

"(4) This section applies only to the person offering the rebate, which is the person who provides the cash, credit, or credit towards future purchases to the consumer. This section does not apply to a person who processes a rebate or who provides consumers with instructions or materials related to a rebate."

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5986 Prime Sponsor, Senator Kauffman: Permitting certain higher education employees to engage in collective bargaining. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

March 25, 2009

SSB 6016 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding educator training to enhance skills of students with dyslexia. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Dyslexia is a language-based learning disability that affects individuals throughout their lives. Washington state has a long-standing tradition of working to serve its students with dyslexia. Since 2005, the legislature has provided funding for five pilot projects to implement research-based, multisensory literacy intervention for students with dyslexia. Participating schools were required to have a three-tiered reading structure in place, provide professional development training to teachers, assess students, and collect and maintain data on student progress.

The legislature finds that the students receiving intervention support through the dyslexia pilot projects have made substantial and steady academic gains. The legislature intends to sustain this work and expand the implementation to a level of statewide support for students with dyslexia by developing and providing information and training, including a handbook to continue to improve the skills of our students with dyslexia.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Within available resources, the office of the superintendent of public instruction, in consultation with the school districts that participated in the Lorraine Wojahn dyslexia pilot program, and with an international nonprofit organization dedicated to supporting efforts to provide appropriate identification of and instruction for individuals with dyslexia, shall:

(a) Develop an educator training program to enhance the reading, writing, and spelling skills of students with dyslexia. The training program must provide research-based, multisensory literacy intervention professional development in the areas of dyslexia and intervention implementation. The program shall be posted on the web site of the office of the superintendent of public instruction. The training program may be regionally delivered through the educational service districts. The educational service districts may seek assistance from the international nonprofit organization to deliver the training; and

(b) Develop a dyslexia handbook to be used as a reference for teachers and parents of students with dyslexia. The handbook shall be modeled after other state dyslexia handbooks, and shall include guidelines for school districts to follow as they identify and provide services for students with dyslexia. Additionally, the handbook shall provide school districts, and parents and guardians with information regarding the state's relevant statutes and their relation to federal special education laws. The handbook shall be posted on the web site of the office of the superintendent of public instruction.

(2) Beginning September 1, 2009, and annually thereafter, each educational service district shall report to the office of the superintendent of public instruction the number of individuals who participate in the training developed and offered by the educational service district. The office of the superintendent of public instruction shall report that information to the legislative education committees." Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 26, 2009

SSB 5007 Prime Sponsor, Committee on Higher Education & Workforce Development: Allowing public technical colleges to offer degrees that prepare students to transfer to certain bachelor degree programs. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

March 26, 2009

ESB 5014 Prime Sponsor, Senator McAuliffe: Concerning the exemption of the special commitment center under the public records act. (REVISED FOR ENGROSSED: Concerning exempting special commitment center and private detention facility security information from public disclosure.) Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5042 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Providing a waiver of penalties for first-time paperwork violations

by small businesses. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 2, at the beginning of line 8, strike "or"

On page 2, line 8, after "receipt" insert ", a regulated entity's financial filings, or insurance rate or form filing"

On page 2, after line 33, insert the following:

"(6) Nothing in this section shall be construed to apply to small businesses required to provide accurate and complete information and documentation in relation to any claim for payment of state or federal funds or who are licensed or certified to provide care and services to vulnerable adults or children."

Renumber the subsections consecutively and correct any internal references accordingly.

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on Ways & Means.

March 26, 2009

SSB 5048 Prime Sponsor, Committee on Higher Education & Workforce Development: Providing for coordination of workforce and economic development. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Community & Economic Development & Trade. (For committee amendment, see Journal, Day 72, March 24, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Hope, Assistant Ranking Minority Member; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Priest, Ranking Minority Member and Anderson.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5177 Prime Sponsor, Committee on Higher Education & Workforce Development: Creating a global Asia institute within the Henry M. Jackson School of International Studies. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Higher Education. (For committee amendment, see Journal, Day 72, March 24, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 5180 Prime Sponsor, Senator Haugen: Permitting public transit vehicle stops at unmarked stop zones under certain circumstances. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 46.61.560 and 1991 c 319 s 408 are each amended to read as follows:

(1) Outside of incorporated cities and towns no person may stop, park, or leave standing any vehicle, whether attended or unattended, upon the roadway.

(2) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of any vehicle that is disabled in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving the vehicle in such position. The driver shall nonetheless arrange for the prompt removal of the vehicle as required by RCW 46.61.590.

(3) Subsection (1) of this section does not apply to the driver of a public transit vehicle who temporarily stops the vehicle upon the roadway for the purpose of and while actually engaged in receiving or discharging passengers at a marked transit vehicle stop zone approved by the state department of transportation or a county upon highways under their respective jurisdictions. However, public transportation service providers, including private, nonprofit transportation providers regulated under chapter 81.66 RCW, may allow the driver of a transit vehicle to stop upon the roadway momentarily to receive or discharge passengers at an unmarked stop zone only under the following circumstances: (a) The driver stops the vehicle in a safe and practicable position; (b) the driver activates four-way flashing lights; and (c) the driver stops at a portion of the highway with an unobstructed view, for an adequate distance so as to not create a hazard, for other drivers.

(4) Subsection (1) of this section and RCW 46.61.570 and 46.61.575 do not apply to the driver of a solid waste collection company or recycling company vehicle who temporarily stops the vehicle as close as practical to the right edge of the right-hand shoulder of the roadway or right edge of the roadway if no shoulder exists for the purpose of and while actually engaged in the collection of solid waste or recyclables, or both, under chapters 81.77, 35.21, and 35A.21 RCW or by contract under RCW ~~(36.58.030~~ ~~(36.58.040))~~ 36.58.040."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5229 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding the legislative youth advisory council. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Referred to Committee on Education Appropriations.

March 26, 2009

SSB 5271 Prime Sponsor, Committee on Government Operations & Elections: Modifying provisions relating to candidate filing. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 26, 2009
SSB 5276 Prime Sponsor, Committee on Higher Education & Workforce Development: Increasing the availability of engineering programs in public universities. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

March 24, 2009
SB 5289 Prime Sponsor, Senator Ranker: Adding a certain ferry route and roads to the scenic and recreational highway system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.39.020 and 2003 c 55 s 1 are each amended to read as follows:

The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin; also

Beginning at the junction with state route number 17, in the vicinity of Coulee City, thence easterly to the junction with state route number 155;

(2) State route number 3, beginning at a junction with state route number 101 in the vicinity of Shelton, thence northeasterly and northerly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 4, beginning at the junction with state route number 101, thence easterly through Cathlamet to Coal Creek road, approximately .5 miles west of the Longview city limits;

(4) State route number 6, beginning at the junction with state route number 101 in Raymond, thence easterly to the junction with state route number 5, in the vicinity of Chehalis;

(5) State route number 7, beginning at the junction with state route number 12 in Morton, thence northerly to the junction with state route number 507;

(6) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(7) State route number 9, beginning at the junction with state route number 530 in Arlington, thence northerly to the end of the route at the Canadian border;

(8) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 97 west of Ellensburg;

(9) State route number 11, beginning at the junction with state route number 5 in the vicinity of Burlington, thence in a northerly direction to the junction with state route number 5;

(10) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynoochee river which is approximately 1.2 miles west of Montasano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at a junction with state route number 5, thence easterly by way of Morton, Randle, and Packwood to the junction with state route number 410, approximately 3.5 miles west of Naches; also

Beginning at the junction with state route number 124 in the vicinity of the Tri-Cities, thence easterly through Wallula and Touchet to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(11) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(12) State route number 17, beginning at a junction with state route number 395 in the vicinity of Mesa, thence northerly to the junction with state route number 97 in the vicinity of Brewster;

(13) State route number 19, the Chimacum-Beaver Valley road, beginning at the junction with state route number 104, thence northerly to the junction with state route number 20;

(14) State route number 20, beginning at the junction with state route number 101 to the ferry zone in Port Townsend; also

Beginning at the Keystone ferry slip on Whidbey Island, thence northerly and easterly to a junction with state route number 153 southeast of Twisp; also

Beginning at the junction of state route number 97 in the vicinity of Okanogan, thence westerly across the Okanogan river to the junction with state route number 215; also

Beginning at a junction with state route number 97 near Tonasket, thence easterly and southerly to a junction with state route number 2 at Newport;

(15) State route number 25, beginning at the Spokane river bridge, thence northerly through Cedonia, Gifford, Kettle Falls, and Northport, to the Canadian border;

(16) State route number 26, beginning at the Whitman county boundary line, thence easterly by way of the vicinities of La Crosse and Dusty to a junction with state route number 195 in the vicinity of Colfax;

(17) State route number 27, beginning at a junction with state route number 195 in the vicinity of Pullman, thence northerly by way of the vicinities of Palouse and Garfield to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence northerly to the vicinity of Tekoa;

(18) State route number 31, beginning at the junction with state route number 20 in Tiger, thence northerly to the Canadian border;

(19) State route number 82, beginning at the junction with state route number 395 south of the Tri-Cities area, thence southerly to the end of the route at the Oregon border;

(20) State route number 90, beginning at the junction with East Sunset Way in the vicinity east of Issaquah, thence easterly to Thorp road 9.0 miles west of Ellensburg;

(21) State route number 97, beginning at the Oregon border, in a northerly direction through Toppenish and Wapato to the junction with state route number 82 at Union Gap; also

Beginning at the junction with state route number 10, 2.5 miles north of Ellensburg, in a northerly direction to the junction with state route number 2, 4.0 miles east of Leavenworth; also

Beginning at the junction of state route number 153 in the vicinity south of Pateros, thence northerly by way of the vicinities of Brewster, Okanogan, Omak, Riverside, Tonasket, and Oroville to the international boundary line;

(22) State route number 97 alternate, beginning at the junction with state route number 2 in the vicinity of Monitor, thence northerly to the junction with state route number 97, approximately 5.0 miles north of Chelan;

(23) State route number 101, beginning at the Astoria-Megler bridge, thence north to Fowler street in Raymond; also

Beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the junction with state route number 5 in the vicinity of Olympia;

(24) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the Kingston ferry crossing;

(25) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(26) State route number 109, beginning at a junction with state route number 101 in Hoquiam to a junction with state route number 101 in the vicinity of Queets;

(27) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(28) State route number 116, beginning at the junction with the Chimacum-Beaver Valley road, thence in an easterly direction to Fort Flagler State Park;

(29) State route number 119, beginning at the junction with state route number 101 at Hoodspout, thence northwesterly to the Mount Rose development intersection;

(30) State route number 122, Harmony road, between the junction with state route number 12 near Mayfield dam and the junction with state route number 12 in Mossyrock;

(31) State route number 123, beginning at the junction with state route number 12 in the vicinity of Morton, thence northerly to the junction with state route number 410;

(32) State route number 129, beginning at the Oregon border, thence northerly to the junction with state route number 12 in Clarkston;

(33) State route number 141, beginning at the junction with state route number 14 in Bingen, thence northerly to the end of the route at the Skamania county line;

(34) State route number 142, beginning at the junction with state route number 14 in Lyle, thence northeasterly to the junction with state route number 97, .5 miles from Goldendale;

(35) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(36) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northerly and westerly to the junction with state route number 215;

(37) State route number 194, beginning at the Port of Almota to the junction with state route number 195 in the vicinity of Pullman;

(38) State route number 195, beginning at the Washington-Idaho boundary line southeast of Uniontown, thence northwesterly and northerly by way of the vicinity of Colton, Pullman, Colfax, Steptoe, and Rosalia to the Whitman county boundary line;

(39) State route number 202, beginning at the junction with state route number 522, thence in an easterly direction to the junction with state route number 90 in the vicinity of North Bend;

(40) State route number 211, beginning at the junction with state route number 2, thence northerly to the junction with state route number 20 in the vicinity of Usk;

(41) State route number 215, beginning at the junction of state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak;

(42) State route number 231, beginning at the junction with state route number 23, in the vicinity of Sprague, thence in a northerly direction to the junction with state route number 2, approximately 2.5 miles west of Reardan;

(43) State route number 261, beginning at the junction with state route number 12 in the vicinity of Delaney, thence northwesterly to the junction with state route number 260;

(44) State route number 262, beginning at the junction with state route number 26, thence northeasterly to the junction with state route number 17 between Moses Lake and Othello;

(45) State route number 271, beginning at a junction with state route number 27 in the vicinity of Oakesdale, thence northwesterly to a junction with state route number 195 in the vicinity south of Rosalia;

(46) State route number 272, beginning at the junction with state route number 195 in Colfax, thence easterly to the Idaho state line, approximately 1.5 miles east of Palouse;

(47) State route number 305, beginning at the Winslow ferry dock to the junction with state route number 3 approximately 1.0 mile north of Poulsbo;

(48) State route number 395, beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a

northwesterly direction to a junction with state route number 20 at the west end of the crossing over the Columbia river at Kettle Falls;

(49) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

(50) State route number 410, beginning 4.0 miles east of Enumclaw, thence in an easterly direction to the junction with state route number 12, approximately 3.5 miles west of Naches;

(51) State route number 501, beginning at the junction with state route number 5 in the vicinity of Vancouver, thence northwesterly on the New Lower River road around Vancouver Lake;

(52) State route number 503, beginning at the junction with state route number 500, thence northerly by way of Battle Ground and Yale to the junction with state route number 5 in the vicinity of Woodland;

(53) State route number 504, beginning at a junction with state route number 5 at Castle Rock, to the end of the route on Johnston Ridge, approximately milepost 52;

(54) State route number 505, beginning at the junction with state route number 504, thence northwesterly by way of Toledo to the junction with state route number 5;

(55) State route number 508, beginning at the junction with state route number 5, thence in an easterly direction to the junction with state route number 7 in Morton;

(56) State route number 525, beginning at the ferry toll booth on Whidbey Island to a junction with state route number 20 east of the Keystone ferry slip;

(57) State route number 542, beginning at the junction with state route number 5, thence easterly to the vicinity of Austin pass in Whatcom county;

(58) State route number 547, beginning at the junction with state route number 542 in Kendall, thence northwesterly to the junction with state route number 9 in the vicinity of the Canadian border;

(59) State route number 706, beginning at the junction with state route number 7 in Elbe, in an easterly direction to the end of the route at Mt. Rainier National Park;

(60) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange;

(61) State route number 971, Navarre Coulee road, between the junction with state route number 97 and the junction with South Lakeshore road;

(62) Beginning at the Anacortes ferry landing, the Washington state ferries Anacortes/San Juan Islands route, which includes stops at Lopez, Shaw, Orcas, and San Juan Islands; and the roads on San Juan and Orcas Islands as described in San Juan Island county council resolution number 7, adopted February 5, 2008;

(63) All Washington state ferry routes."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member and Cox.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5295

Prime Sponsor, Committee on Government Operations & Elections: Implementing unanimous recommendations of the public records exemptions accountability committee. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 5, beginning on line 18, strike all of section 3

Renumber the remaining sections consecutively, correct internal references accordingly and correct the title.

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5303 Prime Sponsor, Senator Hobbs: Transferring public employees' retirement system plan 2 members to the school employees' retirement system plan 2. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5305 Prime Sponsor, Senator Schoesler: Repealing certain obsolete state retirement system statutes. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5401 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.09.040 and 2000 c 11 s 3 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions;

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(e) Allow for the development of watershed analyses.

Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board

with respect thereto. All other forest practices rules shall be adopted by the board.

Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board shall prepare proposed forest practices rules. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices rules relating to problems existing within such county. The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3) The board shall establish by rule a program for the acquisition of riparian open space ((program that includes acquisition of a fee interest in, or at the landowner's option, a conservation easement on)) and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined ((avulsing)) channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. ((Because there are few, if any, comparable sales of forest land within unconfined avulsing channel migration zones, separate from the other lands or assets, these lands are likely to be extraordinarily difficult to appraise and the cost of a conventional appraisal often would be unreasonable in relation to the value of the land involved. Therefore, for the purposes of voluntary sales under this section, the legislature declares that these lands are presumed to have a value equal to: (a) The acreage in the sale multiplied by the average value of commercial forest land in the region under the land value tables used for property tax purposes under RCW 84.33.120; plus (b) the cruised volume of any timber located within the channel migration multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091. For purposes of this section, there shall be an eastside region and a westside region as defined in the forests and fish report as defined in RCW 76.09.020.)) For the purposes of conservation easements entered into under this section, the following apply: (a) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code

stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091; (b) for conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(4) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department ~~((is directed to purchase a fee interest or, at the owner's option;))~~ must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined ~~((avulsing))~~ channel migration zone or contain critical habitat for threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(5) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(6) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

Sec. 2. RCW 84.33.140 and 2007 c 54 s 24 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$234
	2	229
	3	217
	4	157
2	1	198
	2	190
	3	183
	4	132
3	1	154
	2	149
	3	148
	4	113
4	1	117
	2	114
	3	113
	4	86
5	1	85
	2	78
	3	77
	4	52
	1	43

6	2	39
	3	39
	4	37
7	1	21
	2	21
	3	20
	4	20
8		1

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;
 (b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that

qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to

the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a ~~((fee interest or a))~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h).

(14) In a county with a population of more than one million inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 3. RCW 84.34.108 and 2007 c 54 s 25 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the

assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of the land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on

which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a ~~(fee interest or a)~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k).

Sec. 4. RCW 76.09.020 and 2003 c 311 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent

salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunnii*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" means the commissioner of public lands.

(5) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(6) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(7) "Department" means the department of natural resources.

(8) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(9) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(10) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(11) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(12) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(13) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(14) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(15) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(16) "Application" means the application required pursuant to RCW 76.09.050.

(17) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(18) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(19) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(20) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(21) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(22) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(23) "Board" means the forest practices board created in RCW 76.09.030.

(24) "Unconfined (~~avulsing~~) channel migration zone" means the area within which the active channel of an unconfined (~~avulsing~~) stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined (~~avulsing~~) stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement."

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Referred to Committee on Capital Budget.

March 23, 2009

SSB 5509 Prime Sponsor, Committee on Transportation: Clarifying rental car company charges, surcharges, and fees to be included in rental car agreements. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5571 Prime Sponsor, Committee on Ways & Means: Requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt,

Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 26, 2009

ESSB 5583 Prime Sponsor, Committee on Environment, Water & Energy: Improving the effectiveness of water bank and exchange provisions. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that many watershed groups and programs, including but not limited to watershed planning units operating under chapter 90.82 RCW, have proposed or considered using the state trust water rights program for water banking purposes to meet vital instream and out-of-stream needs within a watershed or region. The legislature also finds that water banking can: Provide critical tools to make water supplies available when and where needed during times of drought; improve stream flows and preserve instream values during fish critical periods; reduce water transaction costs, time, and risk to purchasers; facilitate fair and efficient reallocation of water from one beneficial use to another; provide water supplies to offset impacts related to future development and the issuance of new water rights; and facilitate water agreements that protect upstream community values while retaining flexibility to meet critical downstream water needs in times of scarcity. The legislature therefore declares that the intent of this act is to provide clear authority for water banking throughout the state and to improve the effectiveness of the state trust water rights program.

Sec. 2. RCW 90.42.100 and 2003 c 144 s 2 are each amended to read as follows:

(1) The department is hereby authorized to use the trust water rights program (~~in the Yakima river basin~~) for water banking purposes statewide.

(2) Water banking may be used for one or more of the following purposes:

(a) To authorize the use of trust water rights to mitigate for water resource impacts, future water supply needs, or any beneficial use under chapter 90.03, 90.44, or 90.54 RCW, consistent with any terms and conditions established by the transferor, except that within the Yakima river basin return flows from water rights authorized in whole or in part for any purpose shall remain available as part of the Yakima basin's total water supply available and to satisfy existing rights for other downstream uses and users;

(b) To document transfers of water rights to and from the trust water rights program; and

(c) To provide a source of water rights the department can make available to third parties on a temporary or permanent basis for any beneficial use under chapter 90.03, 90.44, or 90.54 RCW.

(3) The department shall not use water banking to:

(a) Cause detriment or injury to existing rights;

(b) Issue temporary water rights or portions thereof for new potable uses requiring an adequate and reliable water supply under RCW 19.27.097;

(c) Administer federal project water rights, including federal storage rights; or

(d) Allow carryover of stored water in the Yakima basin from one water year to another water year if it would negatively impact the total water supply available.

(4) The department shall provide notice and opportunity for comment to affected local governments and federally recognized tribal governments prior to utilizing the trust water rights program for water banking purposes for the first time in each watershed.

(5) Nothing in this section may be interpreted or administered in a manner that precludes the use of the department's existing authority to process trust water rights applications under this chapter or to process water right applications under chapter 90.03 or 90.44 RCW.

(6) For purposes of this section and RCW 90.42.135, "total water supply available" shall be defined as provided in the 1945 consent decree between the United States and water users in the Yakima river basin, and consistent with later interpretation by state and federal courts.

Sec. 3. RCW 90.42.020 and 1991 c 347 s 6 are each amended to read as follows:

~~((Unless the context clearly requires otherwise,))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Local government" means a city, town, public utility district, county, sewer district, or water district.

~~(3)~~ (3) "Net water savings" means the amount of water that is determined to be conserved and usable within a specified stream reach or reaches for other purposes without impairment or detriment to water rights existing at the time that a water conservation project is undertaken, reducing the ability to deliver water, or reducing the supply of water that otherwise would have been available to other existing water uses.

~~((3))~~ (4) "Trust water right" means any water right acquired by the state under this chapter for management in the state's trust water rights program.

~~((4))~~ (5) "Pilot planning areas" means the geographic areas designated under RCW 90.54.045(2).

~~((5))~~ (6) "Water conservation project" means any project or program that achieves physical or operational improvements that provide for increased water use efficiency in existing systems of diversion, conveyance, application, or use of water under water rights existing on July 28, 1991.

Sec. 4. RCW 90.42.040 and 2002 c 329 s 8 are each amended to read as follows:

(1) ~~(All trust water rights)~~ A trust water right acquired by the state shall be placed in the state trust water rights program to be managed by the department. The department shall exercise its authorities under the law in a manner that protects trust water rights.

Trust water rights acquired by the state shall be held ~~((or))~~ in trust and authorized for use by the department for instream flows, irrigation, municipal, or other beneficial uses consistent with applicable regional plans for pilot planning areas, or to resolve critical water supply problems. The state may acquire a groundwater right to be placed in the state trust water rights program. To the extent practicable and subject to legislative appropriation, trust water rights acquired in an area with an approved watershed plan developed under chapter 90.82 RCW shall be consistent with that plan if the plan calls for such acquisition.

(2) The department shall issue a water right certificate in the name of the state of Washington for each permanent trust water right conveyed to the state indicating the quantity of water transferred to trust, the reach or reaches of the stream ~~((, the quantity))~~ or the body of public groundwater that constitutes the place of use of the trust water right, and the use or uses to which it may be applied. A superseding certificate shall be issued that specifies the amount of water the water right holder would continue to be entitled to as a result of the water conservation project. The superseding certificate shall retain the same priority date as the original right. For nonpermanent conveyances, the department shall issue certificates or such other instruments as are necessary to reflect the changes in purpose or place of use or point of diversion or withdrawal.

(3) A trust water right retains the same priority date as the water right from which it originated, but as between ~~((them))~~ the two rights, the trust right shall be deemed to be inferior in priority unless otherwise specified by an agreement between the state and the party holding the original right.

(4) Exercise of a trust water right may be authorized only if the department first determines that neither water rights existing at the time the trust water right is established, nor the public interest will be impaired. If impairment becomes apparent during the time a trust water right is being exercised, the department shall cease or modify the use of the trust water right to eliminate the impairment. A trust water right acquired by the state and held or authorized for beneficial use by the department is considered to be exercised as long as it is in the trust water rights program. For the purposes of RCW

90.03.380(1) and 90.42.080(9), the consumptive quantity of a trust water right acquired by the state and held or authorized for use by the department is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(5) Before any trust water right is created or modified, the department shall, at a minimum, require that a notice be published in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use are to be made, and in other newspapers as the department determines is necessary, once a week for two consecutive weeks. At the same time the department shall send a notice containing pertinent information to all appropriate state agencies, potentially affected local governments and federally recognized tribal governments, and other interested parties.

(6) RCW 90.14.140 through 90.14.230 have no applicability to trust water rights held by the department under this chapter or exercised under this section.

(7) RCW 90.03.380 has no applicability to trust water rights acquired by the state through the funding of water conservation projects.

~~(8) ((Subsections (4) and (5) of this section do not apply to a trust water right resulting from a donation for instream flows described in RCW 90.42.080(1)(b) or to a trust water right leased under RCW 90.42.080(8) if the period of the lease does not exceed five years. However, the department shall provide the notice described in subsection (5) of this section the first time the trust water right resulting from the donation is exercised.~~

~~—(9))~~ Where a portion of an existing water right that is acquired or donated to the trust water rights program will assist in achieving established instream flows, the department shall process the change or amendment of the existing right without conducting a review of the extent and validity of the portion of the water right that will remain with the water right holder.

Sec. 5. RCW 90.42.080 and 2002 c 329 s 9 are each amended to read as follows:

(1)(a) The state may acquire all or portions of existing surface water or groundwater rights, by purchase, gift, or other appropriate means other than by condemnation, from any person or entity or combination of persons or entities. Once acquired, such rights are trust water rights. A water right acquired by the state that is expressly conditioned to limit its use to instream purposes shall be administered as a trust water right in compliance with that condition.

(b) If the holder of a right to surface water ((from a body of water)) or groundwater chooses to donate all or a portion of the person's water right to the trust water system to assist in providing instream flows or to preserve surface water or groundwater resources on a temporary or permanent basis, the department shall accept the donation on such terms as the person may prescribe as long as the donation satisfies the requirements of subsection (4) of this section and the other applicable requirements of this chapter and the terms prescribed are relevant and material to protecting any interest in the water right retained by the donor. Once accepted, such rights are trust water rights within the conditions prescribed by the donor.

(2) The department may enter into leases, contracts, or such other arrangements with other persons or entities as appropriate, to ensure that trust water rights acquired in accordance with this chapter may be exercised to the fullest possible extent.

(3) Trust water rights may be acquired by the state on a temporary or permanent basis.

(4) Except as provided in subsections (10) and (11) of this section, a water right donated under subsection (1)(b) of this section shall not exceed the extent to which the water right was exercised during the five years before the donation nor may the total of any portion of the water right remaining with the donor plus the donated portion of the water right exceed the extent to which the water right was exercised during the five years before the donation. A water right holder who believes his or her water right has been impaired by a trust water right donated under subsection (1)(b) of this section may request that the department review the impairment claim. If the department determines that ~~((exercising the))~~ a trust water right resulting from ~~((the))~~ a donation ~~((or exercising a portion of that trust water right donated))~~ under subsection (1)(b) of this section is impairing existing water rights in violation of RCW 90.42.070, the trust water right shall be altered by the department to eliminate the

impairment. Any decision of the department to alter or not to alter a trust water right donated under subsection (1)(b) of this section is appealable to the pollution control hearings board under RCW 43.21B.230. A donated water right's status as a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(5) The provisions of RCW 90.03.380 and 90.03.390 do not apply to donations for instream flows described in subsection (1)(b) of this section, but do apply to other transfers of water rights under this section except that the consumptive quantity of a trust water right acquired by the state and held or authorized for use by the department is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(6) No funds may be expended for the purchase of water rights by the state pursuant to this section unless specifically appropriated for this purpose by the legislature.

(7) Any water right conveyed to the trust water right system as a gift that is expressly conditioned to limit its use to instream purposes shall be managed by the department for public purposes to ensure that it qualifies as a gift that is deductible for federal income taxation purposes for the person or entity conveying the water right.

(8) Except as provided in subsections (10) and (11) of this section, if the department acquires a trust water right by lease, the amount of the trust water right shall not exceed the extent to which the water right was exercised during the five years before the acquisition was made nor may the total of any portion of the water right remaining with the original water right holder plus the portion of the water right leased by the department exceed the extent to which the water right was exercised during the five years before the acquisition. A water right holder who believes his or her water right has been impaired by a trust water right leased under this subsection may request that the department review the impairment claim. If the department determines that ~~((exercising the))~~ a trust water right resulting from the leasing ~~((or exercising a portion))~~ of that trust water right leased under this subsection is impairing existing water rights in violation of RCW 90.42.070, the trust water right shall be altered by the department to eliminate the impairment. Any decision of the department to alter or not to alter a trust water right leased under this subsection is appealable to the pollution control hearings board under RCW 43.21B.230. The department's leasing of a trust water right under this subsection is not evidence of the validity or quantity of the water right.

(9) For a water right donated to or acquired by the trust water rights program on a temporary basis, the full quantity of water diverted or withdrawn to exercise the right before the donation or acquisition shall be placed in the trust water rights program and shall revert to the donor or person from whom it was acquired when the trust period ends. For a trust water right acquired by the state and held or authorized for use by the department, the consumptive quantity of the right when it reverts to the donor or person from whom it was acquired is equal to the consumptive quantity of the right prior to transfer into the trust water rights program.

(10) For water rights donated or leased under subsection (4) or (8) of this section where nonuse of the water right is excused under RCW 90.14.140(1):

(a) The department shall calculate the amount of water eligible to be acquired by looking at the extent to which the right was exercised during the most recent five-year period preceding the date where nonuse of the water right was excused under RCW 90.14.140(1); and

(b) The total of the donated or leased portion of the water right and the portion of the water right remaining with the water right holder shall not exceed the extent to which the water right was exercised during the most recent five-year period preceding the date nonuse of the water right was excused under RCW 90.14.140(1).

(11) For water rights donated or leased under subsection (4) or (8) of this section where nonuse of the water right is exempt under RCW 90.14.140(2) (a) or (d):

(a) The amount of water eligible to be acquired shall be based on historical beneficial use; and

(b) The total of the donated or leased portion of the water right and the portion of the water right the water right holder continues to

use shall not exceed the historical beneficial use of that right during the duration of the trust.

NEW SECTION. Sec. 6. A new section is added to chapter 90.42 RCW to read as follows:

Costs incurred by the department associated with water service contracts with federal agencies may be recovered by the department from persons withdrawing water or credits for water associated with water banking purposes as a condition of the exercise of a water right supplied from a federal water project.

NEW SECTION. Sec. 7. A new section is added to chapter 90.03 RCW to read as follows:

For purposes of calculating annual consumptive quantity as defined under RCW 90.03.380(1), if, within the most recent five-year period, the water right has been in the trust water rights program under chapter 90.38 or 90.42 RCW, or the nonuse of the water right has been excused from relinquishment under RCW 90.14.140, the department shall look to the most recent five-year period of continuous beneficial use preceding the date where the excuse for nonuse under RCW 90.14.140 was established and remained in effect.

NEW SECTION. Sec. 8. A new section is added to chapter 90.42 RCW to read as follows:

The department may adopt rules as necessary to implement this chapter.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5599 Prime Sponsor, Senator McDermott: Approving the entry of Washington into the agreement among the states to elect the president by national popular vote. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member and Alexander.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5705 Prime Sponsor, Committee on Government Operations & Elections: Regarding voting rights in special districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5727 Prime Sponsor, Committee on Government Operations & Elections: Prohibiting the providing of false information to voters. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 2, line 3, after "requirements;" insert "or"

On page 2, line 9, after "this" strike "chapter" and insert "section"

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member and Alexander.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5776 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding student fees, charges, and assessments. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Flannigan; Hurst and Miloscia.

MINORITY recommendation: Do not pass. Signed by Representatives Armstrong, Ranking Minority Member and Alexander.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5802 Prime Sponsor, Committee on Early Learning & K-12 Education: Changing professional educator standards board provisions. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 28A.410 RCW to read as follows:

The professional educator standards board shall:

(1) Develop and maintain a research base of educator preparation best practices;

(2) Develop and coordinate initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations;

(3) Provide program improvement technical assistance to providers of educator preparation programs;

(4) Assure educator preparation program compliance; and

(5) Prepare and maintain a cohesive educator development policy framework.

Sec. 2. RCW 28A.410.200 and 2005 c 497 s 202 are each amended to read as follows:

(1)(a) The Washington professional educator standards board is created, consisting of ~~((twenty))~~ twelve members to be appointed by the governor to four-year terms and the superintendent of public instruction. On August 1, 2009, the board shall be reduced to twelve members.

(b) ((As the four-year terms of the first appointees expire or)) Vacancies ((to)) on the board ((occur for the first time;)) shall be filled by appointment or reappointment by the governor ((shall appoint or reappoint the members of the board to one-year to four-year staggered terms. Once the one-year to three-year terms expire, all subsequent terms shall be for)) to terms of four years((-with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously)).

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall (~~annually~~) biennially appoint the chair of the board (~~from among the teachers and principals on the board~~). No board member may serve as chair for more than (~~two~~) four consecutive years.

~~(2) (Seven of the members shall be public school teachers, one shall be a private school teacher, three shall represent higher education educator preparation programs, four shall be school administrators, two shall be educational staff associates, one shall be a classified employee who assists in public school student instruction, one shall be a parent, and one shall be a member of the public.~~

~~(3) Public school teachers appointed to the board must:~~

~~(a) Have at least three years of teaching experience in a Washington public school;~~

~~(b) Be currently certificated and actively employed in a teaching position; and~~

~~(c) Include one teacher currently teaching at the elementary school level, one at the middle school level, one at the high school level, and one vocationally certificated.~~

~~(4) Private school teachers appointed to the board must:~~

~~(a) Have at least three years of teaching experience in a Washington approved private school; and~~

~~(b) Be currently certificated and actively employed in a teaching position in an approved private school.~~

~~(5) Appointees from higher education educator preparation programs must include two representatives from institutions of higher education as defined in RCW 28B.10.016 and one representative from an institution of higher education as defined in RCW 28B.07.020(4).~~

~~(6) School administrators appointed to the board must:~~

~~(a) Have at least three years of administrative experience in a Washington public school district;~~

~~(b) Be currently certificated and actively employed in a school administrator position; and~~

~~(c) Include two public school principals, one Washington approved private school principal, and one superintendent.~~

~~(7) Educational staff associates appointed to the board must:~~

~~(a) Have at least three years of educational staff associate experience in a Washington public school district; and~~

~~(b) Be currently certificated and actively employed in an educational staff associate position.~~

~~(8) Public school classified employees appointed to the board must:~~

~~(a) Have at least three years of experience in assisting in the instruction of students in a Washington public school; and~~

~~(b) Be currently employed in a position that requires the employee to assist in the instruction of students.~~

~~(9) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.~~

~~(10) All appointments to the board made by the governor shall be subject to confirmation by the senate.~~

~~(11) The governor shall appoint the members of the initial board no later than June 1, 2000.~~

~~(12) In appointing board members, the governor shall consider the diversity of the population of the state.~~

~~(13)) A majority of the members of the board shall have classroom experience. Membership on the board shall include individuals having one or more of the following:~~

~~(a) Experience in one or more of the education roles for which state preparation program approval is required and certificates issued;~~

~~(b) Experience providing or leading a state-approved teacher or educator preparation program;~~

~~(c) Experience providing mentoring and coaching to education professionals or others; and~~

~~(d) Education-related community experience.~~

(3) In appointing board members, the governor shall consider the individual's commitment to quality education and the ongoing improvement of instruction, experiences in the public schools, involvement in developing quality teaching preparation and support programs, and vision for the most effective yet practical system of assuring teaching quality. The governor shall also consider the diversity of the population of the state.

(4) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

((14)) (5) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.

((15) If a vacancy occurs on the board, the governor shall appoint a replacement member from the nominees as specified in subsection (9) of this section to fill the remainder of the unexpired term. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of at least one name submitted by the same caucus that provided the list from which the retiring member was appointed.

((16)) (6) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.

(7) Members of the board may create informal advisory groups as needed to inform the board's work.

Sec. 3. RCW 28A.410.100 and 2005 c 497 s 207 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. ~~((Any teacher whose certificate to teach has been revoked shall have a right of appeal to the Washington professional educator standards board if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.~~

~~An appeal to the Washington professional educator standards board within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.))~~

Sec. 4. RCW 28A.410.210 and 2008 c 176 s 1 are each amended to read as follows:

The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

(4) Establish policies for approval of nontraditional educator preparation programs;

(5) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010;

~~(7) ((Hear and determine educator certification appeals as provided by RCW 28A.410.100;~~

~~(8))~~ Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;

~~((9))~~ (8) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;

~~((10))~~ (9) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;

~~((11))~~ (10) Serve as an advisory body to the superintendent of public instruction on issues related to educator recruitment, hiring, mentoring and support, professional growth, retention, educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;

~~((12))~~ (11) Submit, by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210;

~~((13))~~ (12) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to RCW 28A.410.220 through 28A.410.240;

~~((14))~~ (13) By January 2010, set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar; and

~~((15))~~ (14) Conduct meetings under the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 5. Section 2 of this act takes effect August 1, 2009."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5839 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the administration of irrigation districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass. Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Upthegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5899 Prime Sponsor, Committee on Ways & Means: Providing a business and occupation tax credit for qualified employment positions. Reported by

Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker and Probst.

Referred to Committee on Finance.

March 26, 2009

SSB 5921 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Creating a clean energy leadership initiative. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington is recognized as a leader in sustainability and climate change and has the foundation to become a leader in the clean energy technologies, products, and services that will be required throughout the world to provide reliable reduced emission energy. However, to become a leader, Washington will need to develop policies and strategies to develop new clean energy technologies, attract federal and private investments, attract and grow clean energy companies, and create green jobs.

The legislature further finds that positioning Washington to be competitive for federal and private sector clean energy investments will require collaboration between Washington's state agencies, clean energy technology companies, research institutions, national laboratory, and workforce development system to identify our strengths and develop the requisite policies and strategies.

It is the intent of the legislature to create a clean energy leadership initiative that will set the path to leverage Washington's energy infrastructure and make Washington a hub for clean energy technology and a leader in the creation of green jobs and the development, deployment, and export of clean energy technologies and services.

NEW SECTION. Sec. 2. (1) The office of the governor shall create a clean energy leadership initiative in collaboration with a statewide, public-private alliance focused specifically on growing the clean energy technology sector in Washington state. The clean energy leadership initiative is to be supported by public and private resources including, to the extent available, the resources of the energy policy division of the department of community, trade, and economic development and Washington State University's energy program. In carrying out the clean energy leadership initiative, the public-private alliance shall appoint and be guided by a clean energy leadership council.

(2) The clean energy leadership council must develop strategies and recommendations for growing Washington's clean energy sector. The clean energy leadership council consists of not more than fifteen clean energy leaders as follows: Up to ten representatives of companies in the clean energy sector, up to two organizations providing support to clean energy companies, one representative from a public university, one representative from the Pacific Northwest national laboratory, one representative from venture capital firms making investments in clean energy companies, and one representative from professional services firms serving clean energy technology. The clean energy leadership council may appoint such advisory groups as it deems necessary to carry out its work.

(3) The governor shall designate a person, as the single point of accountability, for all energy and climate change initiatives within state agencies. All state agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

(4) The clean energy leadership council shall:

(a) Conduct a strategic analysis to identify the clean energy industry segments where Washington can either provide national leadership or become one of the top ten states in that segment. The

council shall engage the highest caliber consultants with detailed knowledge of energy markets and other state's operations to conduct the strategic analysis. The strategic analysis must:

(i) Identify where Washington has a competitive advantage or emerging strength in research, development, or deployment of clean energy solutions;

(ii) Evaluate Washington's competitiveness in its business environment, including regulatory barriers, as it relates to supporting clean energy projects and companies, compared to other states and regions; and

(iii) Evaluate Washington's ability to provide national leadership in reducing carbon emissions, developing and deploying utility-scale clean energy applications, and creating exportable products and applications;

(b) Develop a set of strategic recommendations, including implementation steps and responsible parties for carrying them out. The strategic recommendations must provide direction for positioning each clean energy segment identified to provide national leadership and must include a delineation of clear, specific outcomes for each segment to achieve. The strategic recommendations must include recommendations on:

(i) Consistent policy frameworks that provide stability to encourage investment through a combination of incentives, regulation, taxation, and use of government purchasing power to build viable markets;

(ii) The steps necessary for increasing Washington's ability to obtain available federal funds;

(iii) The development of public-private partnerships that can help grow each sector, including partnerships to facilitate development and deployment of new technologies at scale;

(iv) Necessary investments in universities;

(v) Management, entrepreneurial, and emerging business needs;

(vi) Joint use facilities, demonstration facilities, and signature research centers that are needed for leadership;

(vii) Market access requirements;

(viii) Infrastructure needs; and

(ix) Capital and financing requirements;

(c) Identify an institutional mechanism to foster effective implementation of its recommendations, including organizational structure, staffing, and funding;

(d) Review investments made by the energy policy division of the department of community, trade, and economic development, Washington State University's energy program, utilities, and other entities to identify ways to leverage, increase the effectiveness of, or redirect those funds to increase the state's competitiveness in clean energy technology;

(e) Provide initial recommendations to the governor and legislature on how to procure and leverage federal stimulus funding as soon as feasible;

(f) Complete its analysis and submit recommendations to the governor and the legislature by December 1, 2009;

(g) Convene a clean energy summit with the governor and legislative leaders within one month of submitting its analysis and recommendations. The summit's purpose is to engage the public and outline the process for implementing the recommendations.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; DeBolt; Herrera and McCune.

Referred to Committee on General Government Appropriations.

March 26, 2009

ESSB 5967 Prime Sponsor, Committee on Government Operations & Elections: Prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION Sec. 1. The legislature finds and declares: On June 23, 1972, President Richard Nixon signed into law Title IX of the Education Amendments of 1972 to the 1964 Civil Rights Act. This landmark legislation provides that: "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance..." Title IX has expanded opportunities for males as well as females in educational programs and activities, including ensuring access to athletic opportunities for girls and women in educational institutions and to male and female staff to coaching and athletics administrative positions in educational institutions. The dramatic increases in participation rates at both the high school and college levels since Title IX was passed show that when doors are opened to women and girls, they will participate.

Further, ensuring equality in the state of Washington, the legislature passed an amendment to the state Constitution, ratified by the voters in November 1972, providing "Equality of rights and responsibilities under the law shall not be denied or abridged on account of sex." In 1975, Washington continued to be at the forefront of this issue by adopting legislation that established our own statutory version of the federal Title IX law that prohibited "inequality in the educational opportunities afforded women and girls at all levels of the public schools in Washington state."

Athletic opportunities provide innumerable benefits to participants, including greater academic success, better physical and psychological health, responsible social behaviors, and enhanced interpersonal skills. Athletic scholarships make it possible for some young people to attend college. The Washington state legislature, recognizing the importance of full participation in athletics, has passed numerous bills directed at achieving equity and eliminating discrimination in intercollegiate athletics in the state's institutions of higher education.

Despite advances in educational settings and efforts by some local agencies to expand opportunities in community athletics programs, discrimination still exists that limits these opportunities. It is the intent of the legislature to expand and support equal participation in athletics programs, and provide all sports programs equal access to facilities administered by cities, towns, counties, metropolitan park districts, park and recreation service areas, or park and recreation districts.

Nothing in this act is intended to affect the holding in the Washington state supreme court's ruling in *Darrin v. Gould*, 85 Wn.2d 859, 540 P.2d 882 (1975) and its progeny that held it is not acceptable to discriminate in contact sports on the basis of sex.

NEW SECTION. Sec. 2. (1) No city, town, county, or district may discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults. A third party receiving a lease or permit from a city, town, county, district, or a school district, for a community athletics program also may not discriminate against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

(2) The definitions in this subsection apply throughout this section.

(a) "Community athletics program" means any athletic program that is organized for the purposes of training for and engaging in athletic activity and competition and that is in any way operated, conducted, administered, or supported by a city, town, county, district, or school district other than those offered by the school and created solely for the students by the school.

(b) "District" means any metropolitan park district, park and recreation service area, or park and recreation district.

NEW SECTION. Sec. 3. (1) By January 1, 2010, each city, town, county, or district operating a community athletics program or issuing permission to a third party for the operation of such program on its facilities shall adopt a policy that specifically prohibits discrimination against any person on the basis of sex in the operation, conduct, or administration of community athletics programs for youth or adults.

(2) It is the responsibility of each city, town, county, or district operating a community athletics program or issuing permission to a third party for the operation of such program on its facilities to publish and disseminate this policy. At a minimum, the nondiscrimination policy should be included in any publication that includes information about the entity's own athletics programs, or about obtaining a permit for operating athletics programs and on the appropriate city, town, county, or district web site.

(3) School districts issuing permission to a third party for the operation of a community athletics program on its facilities shall also follow the provisions of this section but may modify and use existing school district policies and procedures to the extent that is possible. Nothing in this section may be construed to require school districts to monitor compliance, investigate complaints, or otherwise enforce school district policies as to third parties using school district facilities.

(4) Every city, town, county, or district covered by this section should also publish the name, office address, and office telephone number of the employee or employees responsible for its efforts to comply with and carry out its responsibilities under this act.

NEW SECTION. Sec. 4. A new section is added to chapter 35.21 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a city or town.

NEW SECTION. Sec. 5. A new section is added to chapter 35.61 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a metropolitan park district.

NEW SECTION. Sec. 6. A new section is added to chapter 35A.21 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a code city.

NEW SECTION. Sec. 7. A new section is added to chapter 36.01 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a county.

NEW SECTION. Sec. 8. A new section is added to chapter 36.68 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a park and recreation service area.

NEW SECTION. Sec. 9. A new section is added to chapter 36.69 RCW to read as follows:

The antidiscrimination provisions of section 2 of this act apply to community athletics programs and facilities operated, conducted, or administered by a park and recreation district.

NEW SECTION. Sec. 10. Sections 2 and 3 of this act are each added to chapter 49.60 RCW."

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 6000 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Modifying real estate disclosure requirements regarding homeowners' associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 6036 Prime Sponsor, Committee on Environment, Water & Energy: Concerning water cleanup planning and implementation. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 90.48 RCW to read as follows:

The department shall amend the state water quality standards to authorize compliance schedules in excess of ten years for discharge permits issued under this chapter that implement allocations contained in a total maximum daily load under certain circumstances. Any such amendment must be submitted to the United States environmental protection agency under the clean water act. Compliance schedules for the permits may exceed ten years if the department determines that:

- (1) The permittee is meeting its requirements under the total maximum daily load as soon as possible;
- (2) The actions proposed in the compliance schedule are sufficient to achieve water quality standards as soon as possible;
- (3) A compliance schedule is appropriate; and
- (4) The permittee is not able to meet its waste load allocation solely by controlling and treating its own effluent."

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Lias; McCoy; Nelson; Ormsby; Pearson; Van De Wege and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 6070 Prime Sponsor, Senator Hatfield: Regarding disposal of dredged riverbed materials. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.140.120 and 2005 c 155 s 111 are each amended to read as follows:

(1) The legislature finds and declares that, due to the extraordinary volume of material washed down onto beds of navigable waters and shorelands in the Toutle river, Coweeman river, and portions of the Cowlitz river, the dredge spoils placed upon adjacent publicly and privately owned property in the areas, if further disposed, will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge.

(2) All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river, and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent public and private lands not currently being used for the resale of those materials during the years 1980 through December 31, (~~(+995)~~) 2017, as a result of dredging of these rivers for navigation and flood control purposes

may be sold, transferred, or otherwise disposed of by owners of the lands without the necessity of any charge by the department and free and clear of any interest of the department (~~of the state of Washington~~). However, prior to selling or otherwise using any of the materials for commercial purposes, written notification must be provided by the owners of the lands to the department outlining the type and amount of material that is planned to be sold or otherwise used.

(3) The department shall report to the appropriate committees of the legislature each biennium through the end of the 2015-2017 biennium a summary of any notifications received under subsection (2) of this section. The report must include a determination of whether any revenue that would otherwise accrue to the state has been diverted by the provisions of this section and a summation of the diverted amount for the previous biennium. The initial report is due by January 2, 2012, with subsequent reports due by January 2nd of each even-numbered year."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Nelson; Ormsby; Pearson and Warnick.

MINORITY recommendation: Do not pass. Signed by Representative Van De Wege.

Referred to Committee on General Government Appropriations.

March 26, 2009

SB 6104 Prime Sponsor, Senator Prentice: Addressing state agency hours of operation. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass as amended:

On page 1, line 10, after "~~closed~~)." insert "Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice."

On page 2, line 8, after "time." insert "Customary business hours must be posted on the agency or office's web site and made known by other means designed to provide the public with notice."

Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's first and second supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., March 30, 2009, the 78th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTY EIGHTH DAY

House Chamber, Olympia, Monday, March 30, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Theodosia Fehsenfeld and Marta Nelson. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Lynn Ford, Woodland Church of the Nazarene.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the sixth order of business.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5012, by Senate Committee on Judiciary (originally sponsored by Senators Kilmer, Swecker, Haugen, King, Sheldon, Marr, Kauffman, McAuliffe, Parlette and Roach)

Directing the Washington state patrol to develop a plan to assist in the recovery of missing persons.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5012.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5012 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5012, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5030, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kilmer, Hobbs, Swecker, Shin, Berkey, Eide, Hatfield, McAuliffe and Roach)

Concerning militia records, property, command, and administration.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5030.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5030 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative DeBolt.

SUBSTITUTE SENATE BILL NO. 5030, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5035, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Hobbs, Swecker, Marr, Roach, Kastama, Kauffman, Kilmer, Hatfield, McAuliffe and Haugen)

Improving veterans' access to services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Morrell and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5035.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5035 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5035, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5043, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Kauffman, Shin, Rockefeller, Kastama, Kohl-Welles, Jarrett, Tom and McAuliffe)

Convening a work group to develop a single, coordinated student access portal for college information.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5043.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5043 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5043, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5055, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Brown, Fraser, Ranker and Kline)

Protecting the interests of customers of public service companies in proceedings before the Washington utilities and transportation commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5055.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5055 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5055, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5131, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Delvin, Hargrove, Brandland and Regala)

Concerning crisis referral services for criminal justice and correctional personnel.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5131.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5131 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5131, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5135, by Senators Kline, Tom, McDermott and Kohl-Welles

Adding five district court judges in King county. (REVISED FOR ENGROSSED: Adding five district court judges in King county and reducing the number of judges in Spokane county.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5135.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5135 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

ENGROSSED SENATE BILL NO. 5135, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5156, by Senators Brandland, McCaslin and Keiser

Addressing certification actions of Washington peace officers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5156.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5156 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh,

Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5156, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5173, by Senators Shin, Fairley, Kastama, Sheldon, McAuliffe, Brown, Pridemore, Delvin, Hobbs, McDermott, Jarrett, Kilmer, Jacobsen and Kohl-Welles

Authorizing the regional universities to confer honorary doctorate degrees.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, Day 68, March 20, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5173, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5173, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Rolfes.

SENATE BILL NO. 5173, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5184, by Senators Brandland, Hobbs, McAuliffe, Regala, Stevens, Pflug, Hewitt, King, Swecker and Roach

Evaluating the need for a digital forensic crime lab.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5184.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5184 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5184, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5190, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala and Shin)

Making technical corrections to community custody provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson, Dammeier and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5190.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5190 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5190, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5228, by Senate Committee on Transportation (originally sponsored by Senators Haugen and Morton)

Regarding day labor construction projects and programs. Revised for 1st Substitute: Regarding construction projects by county forces.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5228.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5228 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5228, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5238, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Keiser, Roach, Swecker, Fraser, McCaslin, Kohl-Welles, Honeyford, Pridemore, McDermott, Fairley, Benton and Shin)

Authorizing the department of retirement systems to assist with mailing information to certain members of the state retirement systems.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Green and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5238.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5238 and the bill passed the House by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt, Ericksen, Kristiansen and Shea.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5238, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5261, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Stevens, Hargrove and Shin)

Creating an electronic statewide unified sex offender registry program. Revised for 1st Substitute: Creating an electronic statewide unified sex offender notification and registration program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5261.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5261 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5261, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5290, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Franklin, Brown, Fraser, Kauffman, McAuliffe, Shin, Murray, Eide, Keiser, Berkey and Regala)

Concerning requests made by a party relating to gas or electrical company discounts for low-income senior customers and low-income customers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives McCoy and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5290.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5290 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5290, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5297, by Senators Kline and Delvin

Concerning the procedure for filing a declaration of completion of probate.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5297, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5297, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5297, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5359, by Senators Oemig, Pridemore, Kline and McDermott

Preventing rejection of ballots that have voter identifying marks.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5359, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5359, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5359, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 2029, by Representatives Ericks, Morris, McCoy, Ormsby, Hudgins, Hunt, Takko, Springer, Van De Wege, Conway, Eddy, Hasegawa, Finn, Dunshee, Haigh, Kenney, Kessler, Morrell and Goodman

Concerning enhanced 911 emergency communications service.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2029 was substituted for House Bill No. 2029 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2029 was read the second time.

With the consent of the House, amendment (409) was withdrawn.

Representative Carlyle moved the adoption of amendment (436):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14B.010 and 1991 c 54 s 9 are each amended to read as follows:

The legislature finds that the state and counties should be provided with an additional revenue source to fund enhanced 911 emergency communication systems throughout the state on a multicounty((,)) or countywide((, or district-wide)) basis. The legislature further finds that the most efficient and appropriate method of deriving additional revenue for this purpose is to impose an excise tax on the use of switched access lines, radio access lines, and interconnected voice over internet protocol service lines.

Sec. 2. RCW 82.14B.020 and 2007 c 54 s 16 and 2007 c 6 s 1009 are each reenacted and amended to read as follows:

As used in this chapter:

(1) ("Emergency services communication system" means a multicounty, countywide, or districtwide radio or landline communications network, including an enhanced 911 telephone system, which provides rapid public access for coordinated dispatching of services, personnel, equipment, and facilities for police, fire, medical, or other emergency services.

(2)) "Enhanced 911 ((telephone)) communications system" means a public telephone system consisting of a network, database, and on-premises equipment that is accessed by dialing 911 and that enables reporting police, fire, medical, or other emergency situations to a public safety answering point. The system includes the capability to selectively route incoming 911 calls to the appropriate public safety answering point that operates in a defined 911 service area and the capability to automatically display the name, address, and telephone number of incoming 911 calls at the appropriate public safety answering point.

((3)) (2) "Interconnected voice over internet protocol service" has the same meaning as provided by the federal communications commission in 47 C.F.R. Sec. 9.3 on January 1, 2009, or a subsequent date determined by the department.

(3) "Interconnected voice over internet protocol service line" means an interconnected voice over internet protocol service that offers an active telephone number or successor dialing protocol assigned by a voice over internet protocol provider to a voice over internet protocol service customer that has inbound and outbound calling capability, which can directly access a public safety answering point when such a voice over internet protocol service customer has a place of primary use in the state.

(4) "Switched access line" means the telephone service line which connects a subscriber's main telephone(s) or equivalent main telephone(s) to the local exchange company's switching office.

((4)) (5) "Local exchange company" has the meaning ascribed to it in RCW 80.04.010.

((5)) (6) "Radio access line" means the telephone number assigned to or used by a subscriber for two-way local wireless voice service available to the public for hire from a radio communications service company. Radio access lines include, but are not limited to, radio-telephone communications lines used in cellular telephone service, personal communications services, and network radio access lines, or their functional and competitive equivalent. Radio access lines do not include lines that provide access to one-way signaling service, such as paging service, or to communications channels suitable only for data transmission, or to nonlocal radio access line service, such as wireless roaming service, or to a private telecommunications system.

((6)) (7) "Radio communications service company" has the meaning ascribed to it in RCW 80.04.010, except that it does not include radio paging providers. It does include those persons or entities that provide commercial mobile radio services, as defined by Title 47 U.S.C. Sec. 332(d)(1), and both facilities-based and nonfacilities-based resellers.

((7)) (8) "Private telecommunications system" has the meaning ascribed to it in RCW 80.04.010.

((8)) (9) "Subscriber" means the retail purchaser of telephone service as telephone service is defined in RCW 82.16.010, or the retail purchaser of interconnected voice over internet protocol service.

((9)) (10) "Place of primary use" (has the meaning ascribed to it in RCW 82.04.065) means the street address representative of where the subscriber's use of the radio access line or interconnected voice over internet protocol service line occurs, which must be:

(a) The residential street address or the primary business street address of the subscriber; and

(b) In the case of radio access lines, within the licensed service area of the home service provider.

Sec. 3. RCW 82.14B.030 and 2007 c 54 s 17 and 2007 c 6 s 1024 are each reenacted and amended to read as follows:

(1) The legislative authority of a county may impose a county enhanced 911 excise tax on the use of switched access lines in an amount not exceeding ((fifty)) seventy cents per month for each switched access line. The amount of tax shall be uniform for each switched access line. Each county shall provide notice of such tax to all local exchange companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this subsection shall be remitted to the department of revenue by local exchange companies on a tax return provided by the department. The tax shall be deposited in the county enhanced 911 excise tax account as provided in section 4 of this act.

(2) The legislative authority of a county may also impose a county enhanced 911 excise tax on the use of radio access lines whose place of primary use is located within the county in an amount not exceeding ((fifty)) seventy cents per month for each radio access line. The amount of tax shall be uniform for each radio access line. The county shall provide notice of such tax to all radio communications service companies serving in the county at least sixty days in advance of the date on which the first payment is due. Any county imposing this tax shall include in its ordinance a refund mechanism whereby the amount of any tax ordered to be refunded by the judgment of a court of record, or as a result of the resolution of any appeal therefrom, shall be refunded to the radio communications service company or local exchange company that collected the tax, and those companies shall reimburse the subscribers who paid the tax. The ordinance shall further provide that to the extent the subscribers who paid the tax cannot be identified or located, the tax paid by those subscribers shall be returned to the county. The tax imposed under this section shall be remitted to the department of revenue by radio communications service companies, including those companies that resell radio access lines, on a tax return provided by the department. The tax shall be deposited in the county enhanced 911 excise tax account as provided in section 4 of this act.

(3) The legislative authority of a county may impose a county enhanced 911 excise tax on the use of interconnected voice over internet protocol service lines in an amount not exceeding seventy cents per month for each interconnected voice over internet protocol service line. The amount of tax shall be uniform for each line and shall be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network. The interconnected voice over internet protocol service company shall use the place of primary use of the subscriber to determine which county's enhanced 911 excise tax applies to the service provided by the subscriber. Each county shall provide notice of such tax to all voice over internet protocol service companies serving in the county at least sixty days in advance of the date on which the first payment is due. The tax imposed under this section shall be remitted to the department of revenue by interconnected voice over internet protocol service companies on a tax return provided by the department. The tax shall be deposited in the county enhanced 911 excise tax account as provided in section 4 of this act. To the extent that a local exchange carrier and an interconnected voice over internet protocol service company jointly provide a single service line, only one service company will be responsible for remitting county enhanced 911 excise taxes, and nothing in this section shall preclude service companies who jointly provide service lines from agreeing by contract which of them shall remit the taxes collected.

(4) Counties imposing a county enhanced 911 excise tax must provide an annual update to the enhanced 911 coordinator detailing the proportion of their county enhanced 911 excise tax that is being spent on:

(a) Efforts to modernize their existing 911 system; and

(b) Basic and enhanced 911 operational costs.

(5) A state enhanced 911 excise tax is imposed on ((all)) the use of switched access lines in the state. The amount of tax shall not exceed twenty-five cents per month for each switched access line. The tax shall be uniform for each switched access line. The tax imposed under this subsection shall be remitted to the department of revenue by local exchange companies on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540.

((4)) (6) A state enhanced 911 excise tax is imposed on ((all)) the use of radio access lines whose place of primary use is located within the state in an amount of twenty-five cents per month for each radio access line. The tax shall be uniform for each radio access line. The tax imposed under this section shall be remitted to the department of revenue by radio communications service companies, including those companies that resell radio access lines, on a tax return provided by the department. Tax proceeds shall be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540. The tax imposed under this section is not subject to the state sales and use tax or any local tax.

((5)) (7) A state enhanced 911 excise tax is imposed on the use of interconnected voice over internet protocol service lines in the state. The amount of tax may not exceed twenty-five cents per month for each interconnected voice over internet protocol service line whose place of primary use is located in the state. The amount of tax must be uniform for each line and must be levied on no more than the number of voice over internet protocol service lines on an account that are capable of simultaneous unrestricted outward calling to the public switched telephone network. The tax imposed under this subsection must be remitted to the department of revenue by interconnected voice over internet protocol service companies on a tax return provided by the department. Tax proceeds must be deposited by the treasurer in the enhanced 911 account created in RCW 38.52.540. To the extent that a local exchange carrier and an interconnected voice over internet protocol service company jointly provide a single service line, only one service company will be responsible for remitting state enhanced 911 excise taxes, and nothing in this section precludes service companies that jointly provide service lines from agreeing by contract which of them will remit the taxes collected.

(8) By August 31st of each year the state enhanced 911 coordinator shall recommend the level for the next year of the state enhanced 911 excise tax imposed by subsection ((3)) (5) of this section, based on a systematic cost and revenue analysis, to the utilities and transportation commission. The commission shall by the following October 31st determine the level of the state enhanced 911 excise tax for the following year.

NEW SECTION, Sec. 4. A new section is added to chapter 82.14B RCW to read as follows:

(1) Counties imposing an enhanced 911 excise tax under RCW 82.14B.030 must contract with the department for the administration and collection of the tax prior to the effective date of a resolution or ordinance imposing the tax. The department may deduct a percentage amount, as provided by contract, of no more than two percent of the enhanced 911 excise taxes collected to cover administration and collection expenses incurred by the department. If a county imposes an enhanced 911 excise tax with an effective date of January 1, 2010, the county must contract with the department for the administration and collection of the tax by November 1, 2009.

(2) The remainder of any portion of the county enhanced 911 excise tax under RCW 82.14B.030 that is collected by the department must be deposited in the county enhanced 911 excise tax account hereby created in the custody of the state treasurer. Expenditures from the account may be used only for distribution to counties imposing an enhanced 911 excise tax. Only the state treasurer or his or her designee may authorize expenditures from the account. The account is not subject to allotment procedures under chapter 43.88 RCW, and an appropriation is not required for expenditures.

NEW SECTION. Sec. 5. A new section is added to chapter 82.14B RCW to read as follows:

(1) All moneys that accrue in the county enhanced 911 excise tax account created in section 4 of this act must be distributed monthly by the state treasurer to the counties in the amount of the taxes collected on behalf of each county, minus the administration and collection fee retained by the department as provided in section 4 of this act.

(2) If a county imposes by resolution or ordinance an enhanced 911 excise tax that is in excess of the maximum allowable county enhanced 911 excise tax provided in RCW 82.14B.030, the ordinance or resolution may not be considered void in its entirety, but only with respect to that portion of the enhanced 911 excise tax that is in excess of the maximum allowable tax.

Sec. 6. RCW 82.14B.040 and 2002 c 341 s 9 are each amended to read as follows:

The state enhanced 911 excise tax and the county enhanced 911 excise tax on the use of switched access lines shall be collected from the subscriber by the local exchange company providing the switched access line. The state enhanced 911 excise tax and the county 911 excise tax on the use of radio access lines shall be collected from the subscriber by the radio communications service company providing the radio access line to the subscriber. The state and county enhanced 911 excise taxes on interconnected voice over internet protocol service lines shall be collected from the subscriber by the interconnected voice over internet protocol service company providing the interconnected voice over internet protocol service line to the subscriber. The amount of the tax shall be stated separately on the billing statement which is sent to the subscriber.

Sec. 7. RCW 82.14B.042 and 2002 c 341 s 10 are each amended to read as follows:

(1) The state and county enhanced 911 excise taxes imposed by this chapter must be paid by the subscriber to the local exchange company providing the switched access line ((or)), the radio communications service company providing the radio access line, or the interconnected voice over internet protocol service company providing interconnected voice over internet protocol service, and each local exchange company ((and)), each radio communications service company, and each interconnected voice over internet protocol service company shall collect from the subscriber the full amount of the taxes payable. The state and county enhanced 911 excise taxes required by this chapter to be collected by ((the local exchange company or the radio communications service)) a company are deemed to be held in trust by the ((local exchange company or the radio communications service)) company until paid to the department. Any local exchange company ((or)), radio communications service company, or interconnected voice over internet protocol service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company ((or)), radio communications service, or interconnected voice over internet protocol service company fails to collect the state or county enhanced 911 excise tax or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the ((local exchange company or the radio communications service)) company is personally liable to the state for the amount of the tax, unless the ((local exchange company or the radio communications service)) company has taken from the buyer in good faith a properly executed resale certificate under RCW 82.14B.200.

(3) The amount of tax, until paid by the subscriber to the local exchange company, the radio communications service company, the interconnected voice over internet protocol service company, or to the department, constitutes a debt from the subscriber to the ((local exchange company or the radio communications service)) company. Any ((local exchange company or radio communications service)) company that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The state and county enhanced 911 excise taxes required by this chapter to be collected by the local exchange company ((or)), the radio

communications service company, or the interconnected voice over internet protocol service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the local exchange company ((or)), the radio communications service company, or the interconnected voice over internet protocol service company the state or county enhanced 911 excise taxes imposed by this chapter and the ((local exchange company or the radio communications service)) company has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber to pay the tax to the ((local exchange company or the radio communications service)) company, regardless of when the tax is collected by the department. Tax under this chapter is due as provided under RCW 82.14B.061.

Sec. 8. RCW 82.14B.050 and 1981 c 160 s 5 are each amended to read as follows:

The proceeds of any tax collected under this chapter shall be used by the county only for the ((emergency services)) enhanced 911 communications system.

Sec. 9. RCW 82.14B.060 and 1998 c 304 s 5 are each amended to read as follows:

A county legislative authority imposing a tax under this chapter shall establish by ordinance all necessary and appropriate procedures for the ((administration and collection of the tax, which ordinance shall provide for reimbursement to the telephone companies for actual costs of administration and collection of the tax imposed. The ordinance shall also provide that the due date for remittance of the tax collected shall be on or before the last day of the month following the month in which the tax liability accrues)) acceptance of the county enhanced 911 excise taxes by the department.

Sec. 10. RCW 82.14B.061 and 2002 c 341 s 11 are each amended to read as follows:

(1) The department of revenue shall administer and shall adopt such rules as may be necessary to enforce and administer the state and county enhanced 911 excise taxes imposed by this chapter. Chapter 82.32 RCW, with the exception of RCW 82.32.045, 82.32.145, and 82.32.380, applies to the administration, collection, and enforcement of the state and county enhanced 911 excise taxes.

(2) The state and county enhanced 911 excise taxes imposed by this chapter, along with reports and returns on forms prescribed by the department, are due at the same time the taxpayer reports other taxes under RCW 82.32.045. If no other taxes are reported under RCW 82.32.045, the taxpayer shall remit tax on an annual basis in accordance with RCW 82.32.045.

(3) The department of revenue may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year.

(4) The state enhanced 911 excise taxes imposed by this chapter are in addition to any taxes imposed upon the same persons under chapters 82.08 and 82.12 RCW.

Sec. 11. RCW 82.14B.150 and 2004 c 153 s 309 are each amended to read as follows:

(1) A local exchange company ((or)), radio communications service company, or interconnected voice over internet protocol service company shall file tax returns on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the company. A ((local exchange company or radio communications service)) company filing returns on a cash receipts basis is not required to pay tax on debt subject to credit or refund under subsection (2) of this section.

(2) A local exchange company ((or)), radio communications service company, or interconnected voice over internet protocol service company is entitled to a credit or refund for state and county enhanced 911 excise taxes previously paid on bad debts, as that term is used in Title 26 U.S.C. Sec. 166, as amended or renumbered as of January 1, 2003.

Sec. 12. RCW 82.14B.160 and 1998 c 304 s 8 are each amended to read as follows:

The taxes imposed or authorized by this chapter do not apply to any activity that the state or county is prohibited from taxing under

the Constitution of this state or the Constitution or laws of the United States.

Sec. 13. RCW 82.14B.200 and 2002 c 341 s 12 are each amended to read as follows:

(1) Unless a local exchange company ((or a)), radio communications service company, or interconnected voice over internet protocol service company has taken from the buyer a resale certificate or equivalent document under RCW 82.04.470, the burden of proving that a sale of the use of a switched access line ((or)), radio access line, or interconnected voice over internet protocol service line was not a sale to a subscriber is upon the person who made the sale.

(2) If a local exchange company ((or a)), radio communications service company, or interconnected voice over internet protocol service company does not receive a resale certificate at the time of the sale, have a resale certificate on file at the time of the sale, or obtain a resale certificate from the buyer within a reasonable time after the sale, the local exchange company or the radio communications service company remains liable for the tax as provided in RCW 82.14B.042, unless the local exchange company ((or)), the radio communications service company, or the interconnected voice over internet protocol service company can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of the state or county enhanced 911 excise tax.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on state or county enhanced 911 excise taxes due but not paid as a result of the improper use of a resale certificate. This subsection does not prohibit or restrict the application of other penalties authorized by law.

Sec. 14. RCW 38.52.510 and 1991 c 54 s 3 are each amended to read as follows:

By December 31, 1998, each county, singly or in combination with adjacent counties, shall implement ((district-wide,)) countywide((,)) or multicountywide enhanced 911 emergency communications systems so that enhanced 911 is available throughout the state. The county shall provide funding for the enhanced 911 communication system in the county ((or district)) in an amount equal to the amount the maximum tax under RCW 82.14B.030(1) would generate in the county ((or district)) or the amount necessary to provide full funding of the system in the county ((or district)), whichever is less. The state enhanced 911 coordination office established by RCW 38.52.520 shall assist and facilitate enhanced 911 implementation throughout the state.

Sec. 15. RCW 38.52.520 and 1991 c 54 s 4 are each amended to read as follows:

A state enhanced 911 coordination office, headed by the state enhanced 911 coordinator, is established in the emergency management division of the department. Duties of the office shall include:

(1) Coordinating and facilitating the implementation and operation of enhanced 911 emergency communications systems throughout the state;

(2) Seeking advice and assistance from, and providing staff support for, the enhanced 911 advisory committee; and

(3) ((Recommending to the utilities and transportation commission by August 31st of each year the level of the state enhanced 911 excise tax for the following year.)) Considering base needs of individual counties for specific assistance, specify rules defining the purposes for which available state enhanced 911 funding may be expended, with the advice and assistance of the enhanced 911 advisory committee; and

(4) Providing an annual update to the enhanced 911 advisory committee on how much money each county has spent on:

(a) Efforts to modernize their existing 911 system; and

(b) Basic and enhanced 911 operational costs.

Sec. 16. RCW 38.52.532 and 2006 c 210 s 2 are each amended to read as follows:

On an annual basis, the enhanced 911 advisory committee shall provide an update on the status of enhanced 911 service in the state to the appropriate committees in the legislature. The update must include progress by counties towards creating greater efficiencies in enhanced 911 operations including, but not limited to, regionalization of facilities, centralization of equipment, and statewide purchasing.

Sec. 17. RCW 38.52.540 and 2002 c 371 s 905 and 2002 c 341 s 4 are each reenacted and amended to read as follows:

(1) The enhanced 911 account is created in the state treasury. All receipts from the state enhanced 911 excise taxes imposed by RCW 82.14B.030 ((shall)) must be deposited into the account. Moneys in the account ((shall)) must be used only to support the statewide coordination and management of the enhanced 911 communications system, for the implementation of wireless enhanced 911 statewide, for the modernization of enhanced 911 communications systems statewide, and to help supplement, within available funds, the operational costs of the system, including adequate funding of counties to enable implementation of wireless enhanced 911 service ((and reimbursement of radio communications service companies for costs incurred in providing wireless enhanced 911 service pursuant to negotiated contracts between the counties or their agents and the radio communications service companies)) and cost recovery for the deployment, improvement, and maintenance of phase I and phase II wireless enhanced 911 service, including costs expended by the radio communications service company for such purposes, and for expenses of administering the fund.

(2) Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(((3))) (5) shall not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(1). Funds generated by the enhanced 911 excise tax imposed by RCW 82.14B.030(((4))) (6) shall not be distributed to any county that has not imposed the maximum county enhanced 911 excise tax allowed under RCW 82.14B.030(2).

(3) The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, is authorized to enter into statewide agreements to improve the efficiency of enhanced 911 services for all counties and shall specify by rule the additional purposes for which moneys, if available, may be expended from this account.

(((4) During the 2001-2003 fiscal biennium, the legislature may transfer from the enhanced 911 account to the state general fund such amounts as reflect the excess fund balance of the account.))

Sec. 18. RCW 38.52.545 and 2001 c 128 s 3 are each amended to read as follows:

In specifying rules defining the purposes for which available state enhanced 911 moneys may be expended, the state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall consider base needs of individual counties for specific assistance. Priorities for available enhanced 911 funding are as follows: (1) To assure that 911 dialing is operational statewide; (2) to assist counties as necessary to assure that they can achieve a basic service level for 911 operations; and (3) to assist counties as practicable to acquire items of a capital nature appropriate to ((increasing)) modernize systems and increase 911 effectiveness.

Sec. 19. RCW 38.52.550 and 2002 c 341 s 5 are each amended to read as follows:

A telecommunications company, ((or)) radio communications service company, ((providing emergency communications systems or services)) interconnected voice over internet protocol service company, or a business or individual providing database information to enhanced 911 emergency communication ((system)) service personnel shall not be liable for civil damages caused by an act or omission of the company, business, or individual in the:

(1) Good faith release of information not in the public record, including unpublished or unlisted subscriber information to emergency service providers responding to calls placed to a 911 or enhanced 911 emergency service; or

(2) Design, development, installation, maintenance, or provision of consolidated 911 or enhanced 911 emergency communication systems or services other than an act or omission constituting gross negligence or wanton or willful misconduct.

Sec. 20. RCW 38.52.561 and 2002 c 341 s 6 are each amended to read as follows:

The state enhanced 911 coordinator, with the advice and assistance of the enhanced 911 advisory committee, shall set nondiscriminatory, uniform technical and operational standards consistent with the rules of the federal communications commission for the transmission of 911 calls from radio communications service

companies and interconnected voice over internet protocol service companies to enhanced 911 emergency communications systems. These standards must not exceed the requirements set by the federal communications commission. The authority given to the state enhanced 911 coordinator in this section is limited to setting standards as set forth in this section and does not constitute authority to regulate radio communications service companies or interconnected voice over internet protocol service companies.

Sec. 21. RCW 43.79A.040 and 2008 c 239 s 9, 2008 c 208 s 9, 2008 c 128 s 20, and 2008 c 122 s 24 are each reenacted and amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the county enhanced 911 excise tax account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, the family leave insurance account, the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle

account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

(1) RCW 82.14B.070 (Emergency service communication districts-- Authorized--Consolidation--Dissolution) and 1994 c 54 s 1 & 1987 c 17 s 1;

(2) RCW 82.14B.090 (Emergency service communication districts-- Emergency service communication system--Financing--Excise tax) and 1991 c 54 s 13 & 1987 c 17 s 3; and

(3) RCW 82.14B.100 (Emergency service communication districts-- Application of RCW 82.14B.040 through 82.14B.060) and 1991 c 54 s 14 & 1987 c 17 s 4.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. The office of the code reviser may alphabetize the account names in RCW 43.79A.040 during codification.

NEW SECTION. Sec. 25. (1) Except as otherwise provided in this section, this act takes effect August 1, 2009.

(2) Sections 1 through 3, 5 through 8, 11 through 20, and 22 of this act take effect January 1, 2010."

Correct the title.

Representative Carlyle moved the adoption of amendment (435) to amendment (436):

On page 6 of the striking amendment, line 36, after "(1)" insert "Except as provided in subsection (3) of this section,"

On page 7 of the striking amendment, after line 11, insert the following:

"(3) For a county with a population of less than one million in population but more than seven hundred in population, the state treasurer must retain in the account created in section 4 of this act twenty cents per month for each switched access line, radio access line, and interconnected voice over internet protocol service line whose place of primary use is in that county, until the state treasurer and the department receive a letter from the state enhanced 911 coordinator indicating that:

(a) An operational agreement for delivery of enhanced 911 communications service in that county has been reached, including how the county enhanced 911 excise tax will be allocated between the public safety answering points within the county; and

(b) The state enhanced 911 coordinator has approved the operational agreement."

Representative Carlyle spoke in favor of the adoption of the amendment to amendment (436).

Amendment (435) to amendment (436) was adopted.

Amendment (436) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

POINT OF PARLIAMENTARY INQUIRY

Representative Ericksen: "Thank you Mr. Speaker, point of parliamentary inquiry. Thank you Mr. Speaker, section 3 of Engrossed Second Substitute House Bill 2029 increases the state enhanced 911 excise tax from twenty cents per month to twenty five cents per month. The base tax is also extended to include interconnected voice over internet protocol service lines. The funds raised by the tax are deposited into the enhanced 911 account in the state treasury. Mr. Speaker, under the provisions of Initiative 960, RCW 43.135.035, Section 6 defines raises taxes to mean any action,

or combination of actions by the legislature, that increases state tax revenue deposited in any fund, budget or account, regardless of whether the revenues are deposited into the general fund. Mr. Speaker does Engrossed Second Substitute House Bill 2029 require a two-thirds (2/3) vote for passage under Initiative 960? Thank you Mr. Speaker."

SPEAKER'S RULING

The Speaker (Representative Moeller presiding): "Thank you. The Speaker believes that under I-960, the bill requires a two-thirds (2/3) vote for final passage, in the House this requires 66 votes."

Representatives Ericks, Morris, Carlyle, McCoy, Kessler, Van De Wege, Morrell, Hurst, Kagi, Appleton and Morris (again) spoke in favor of the passage of the bill.

Representatives Orcutt, Haler, Klippert, Ericksen, Anderson, Johnson, Hinkle, Ross, Angel, Cox, Shea, Kretz and DeBolt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2029.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2029 and the bill failed to pass the House by the following vote: Yeas, 58; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hudgins, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Walsh and Warnick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2029, not having received a two-thirds majority, failed.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Representative Hudgins gave notice of his intent to request reconsideration of ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2029, on the following business day.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HJM 4017 by Representatives Chandler and Conway

Requesting that the United States Congress enact the AgJOBS legislation.

Referred to Committee on Commerce & Labor.

There being no objection, the joint memorial listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated

REPORTS OF STANDING COMMITTEES

March 26, 2009

SSB 5056 Prime Sponsor, Committee on Health & Long-Term Care: Requiring health care professionals to report patient information in cases of violent injury. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.73 RCW to read as follows:

(1) Except when treatment is provided in a hospital licensed under chapter 70.41 RCW, a physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder who renders treatment to a patient for (a) a bullet wound, gunshot wound, powder burn, or other injury arising from or caused by the discharge of a firearm; (b) an injury caused by a knife, an ice pick, or any other sharp or pointed instrument which federal, state, or local law enforcement authorities reasonably believe to have been intentionally inflicted upon a person; (c) a blunt force injury that federal, state, or local law enforcement authorities reasonably believe resulted from a criminal act; or (d) injuries sustained in an automobile collision, shall disclose without the patient's authorization, upon a request from a federal, state, or local law enforcement authority as defined in RCW 70.02.010(3), the following information, if known:

- (i) The name of the patient;
- (ii) The patient's residence;
- (iii) The patient's sex;
- (iv) The patient's age;
- (v) The patient's condition or extent and location of injuries as determined by the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder;
- (vi) Whether the patient was conscious when contacted;
- (vii) Whether the patient appears to have consumed alcohol or appears to be under the influence of alcohol or drugs;
- (viii) The name or names of the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, or first responder who provided treatment to the patient; and
- (ix) The name of the facility to which the patient is being transported for additional treatment.

(2) A physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, first responder, or other individual who discloses information pursuant to this section is immune from civil or criminal liability or professional licensure action for the disclosure, provided that the physician's trained emergency medical service intermediate life support technician and paramedic, emergency medical technician, first responder, or other individual acted in good faith and without gross negligence or willful or wanton misconduct.

(3) The obligation to provide information pursuant to this section is secondary to patient care needs. Information must be provided as soon as reasonably possible taking into consideration a patient's emergency care needs.

(4) For purposes of this section, "a physician's trained emergency medical service intermediate life support technician and paramedic" has the same meaning as in RCW 18.71.200.

"NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

(1) A hospital shall report to a local law enforcement authority as soon as reasonably possible, taking into consideration a patient's emergency care needs, when the hospital provides treatment for a bullet wound, gunshot wound, or stab wound to a patient who is unconscious. A hospital shall establish a written policy to identify the person or persons responsible for making the report.

(2) The report required under subsection (1) of this section must include the following information, if known:

- (a) The name, residence, sex, and age of the patient;

(b) Whether the patient has received a bullet wound, gunshot wound, or stab wound; and

(c) The name of the health care provider providing treatment for the bullet wound, gunshot wound, or stab wound.

(3) Nothing in this section shall limit a person's duty to report under RCW 26.44.030 or 74.34.035.

(4) Any bullets, clothing, or other foreign objects that are removed from a patient for whom a hospital is required to make a report pursuant to subsection (1) of this section shall be preserved and kept in custody in such a way that the identity and integrity thereof are reasonably maintained until the bullets, clothing, or other foreign objects are taken into possession by a law enforcement authority or the hospital's normal period for retention of such items expires, whichever occurs first.

(5) Any hospital or person who in good faith, and without gross negligence or willful or wanton misconduct, makes a report required by this section, cooperates in an investigation or criminal or judicial proceeding related to such report, or maintains bullets, clothing, or other foreign objects, or provides such items to a law enforcement authority as described in subsection (4) of this section, is immune from civil or criminal liability or professional licensure action arising out of or related to the report and its contents or the absence of information in the report, cooperation in an investigation or criminal or judicial proceeding, and the maintenance or provision to a law enforcement authority of bullets, clothing, or other foreign objects under subsection (4) of this section.

(6) The physician-patient privilege described in RCW 5.60.060(4), the registered nurse-patient privilege described in RCW 5.62.020, and any other health care provider-patient privilege created or recognized by law are not a basis for excluding as evidence in any criminal proceeding any report, or information contained in a report made under this section.

(7) All reporting, preservation, or other requirements of this section are secondary to patient care needs and may be delayed or compromised without penalty to the hospital or person required to fulfill the requirements of this section."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 25, 2009

SB 5060 Prime Sponsor, Senator Jacobsen: Modifying provisions relating to the use of manufactured wine or beer. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 66.12.010 and 1981 c 255 s 1 are each amended to read as follows:

Nothing in this title, other than RCW 66.28.140, applies to wine or beer manufactured in any home for private consumption (~~(therein)~~), and not for sale.

Sec. 2. RCW 66.28.140 and 1994 c 201 s 6 are each amended to read as follows:

(1) An adult member of a household may remove family beer or wine from the home (~~(for exhibition or use at organized beer or wine tastings or competitions;)~~) subject to the following conditions:

(a) The quantity removed by a producer (~~(for these purposes)~~) is limited to a quantity not exceeding (~~(one)~~) twenty gallons;

(b) Family beer or wine is not removed for sale (~~(or for the use of any person other than the producer. This subparagraph does not preclude any necessary tasting of the beer or wine when the exhibition or beer or wine tasting includes judging the merits of the wine by judges who have been selected by the organization sponsoring the affair);~~) and

(c) (~~(When the display contest or judging purpose has been served, any remaining portion of the sample is returned to the family premises from which removed))~~ Family beer or wine is removed from the home for private use, including use at organized affairs, exhibitions, or competitions such as homemaker's contests, tastings, or judging.

(2) As used in this section, "family beer or wine" means beer or wine manufactured in the home for private consumption (~~(therein)~~), and not for sale."

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 27, 2009

ESSB 5110 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Allowing spas, wedding boutiques, and art galleries to serve wine or beer to their customers who are twenty-one years of age or older. (REVISED FOR ENGROSSED: Allowing wedding boutiques and art galleries to serve wine or beer to their customers who are twenty-one years of age or older.) Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 1, line 14, after "wine" insert "or beer"

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5120 Prime Sponsor, Senator Fairley: Regarding agricultural structures. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** The legislature finds that permit and inspection fees for new agricultural structures should not exceed the direct and indirect costs associated with reviewing permit applications, conducting inspections, and preparing specific environmental documents.

Sec. 2. RCW 19.27.015 and 1996 c 157 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public;

(2) "City" means a city or town;

~~((2))~~ (3) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units; and

~~((3))~~ (4) "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

NEW SECTION, Sec. 3. A new section is added to chapter 19.27 RCW to read as follows:

Permitting and plan review fees under this chapter for agricultural structures may only cover the costs to counties, cities, towns, and other municipal corporations of processing applications, inspecting and reviewing plans, preparing detailed statements required by chapter 43.21C RCW, and performing necessary inspections under this chapter.

Sec. 4. RCW 19.27.100 and 1975 1st ex.s. c 8 s 1 are each amended to read as follows:

Except for permitting fees for agricultural structures under section 3 of this act, nothing in this chapter shall prohibit a city, town, or county of the state from imposing fees different from those set forth in the state building code.

NEW SECTION. Sec. 5. (1) The state auditor, in accordance with RCW 43.09.470, must conduct a performance audit of the reasonableness of building and inspection fees permitted under RCW 82.02.020 that are imposed by counties, cities, towns, and other municipal corporations under chapter 19.27 RCW. In completing the audit, the state auditor must include guidance on determining allowable costs, and methodologies for allocating costs to specific projects. The state auditor, when developing written cost allocation guidance, must consider variances in the sizes of local government entities.

(2) In completing the audit report required by this section, the state auditor must establish and consult with a local government advisory committee. The advisory committee must consist of members from county and city governments and other interested parties, as determined by the auditor.

(3) The state auditor must provide a final audit report to the appropriate committees of the house of representatives and the senate by December 1, 2009.

(4) Revenues from the performance audits of the government account created in RCW 43.09.475 must be used for the audit required by this section.

(5) This section expires July 1, 2011."
Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle, Miloscia; Short; Springer; Uptegrove; White and Williams.

Referred to Committee on General Government Appropriations.

March 26, 2009

SB 5125 Prime Sponsor, Senator Hewitt: Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5141 Prime Sponsor, Committee on Human Services & Corrections: Creating a pilot program to increase family participation in juvenile offender programs. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Green; Morrell and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member; Klippert and Walsh.

Referred to Committee on Health & Human Services Appropriations.

March 26, 2009

SSB 5152 Prime Sponsor, Committee on Judiciary: Creating a legislative task force on statutory construction. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 2, after line 17, insert the following:
"(vi) The code reviser or the code reviser's designee;"
Renummer the remaining subsections consecutively.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5195 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Adopting the life settlements model act. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Van De Wege.

MINORITY recommendation: Without recommendation.
Signed by Representative Williams.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5229 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding the legislative youth advisory council. Reported by Committee on State Government & Tribal Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander; Flannigan; Hurst and Miloscia.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5252 Prime Sponsor, Committee on Human Services & Corrections: Addressing correctional facility policies regarding medication management. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 16, after "shall" strike "consult with" and insert "include"

On page 2, line 9, after "2009." Insert "Any minority position related to the substance of the final model policy shall be presented as an addendum to the policy."

On page 6, line 25, after "procedures" insert "and monitor their compliance with the procedures"

On page 6, at the beginning of line 27, strike "seek input from" and insert "consult with"

On page 6, line 27, after "pharmacists," strike "licensed physicians, or nurses" and insert "and one or more licensed physicians or nurses,"

On page 7, after line 23, insert the following:

"NEW SECTION, Sec. 5. The department of health shall annually review the medication practices of five jails that provide for the delivery and administration of medications to inmates in their custody by nonpractitioner jail personnel. The review shall assess whether the jails are in compliance with sections 3 and 4 of this act. To the extent that a jail is found not in compliance, the department shall provide technical assistance to assist the jail in resolving any areas of noncompliance."

Renumber the remaining section.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5268 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Creating the fish and wildlife equipment revolving account. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources (For committee amendment, see Journal, Day 71, March 23, 2009). Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

March 26, 2009

ESSB 5288 Prime Sponsor, Committee on Human Services & Corrections: Reducing the categories of offenders supervised by the department of corrections. (REVISED FOR ENGROSSED: Changing provisions regarding supervision of offenders.) Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended:

On page 2, line 29, after "~~offender~~)" insert the following:

"The department shall supervise every misdemeanor and gross misdemeanor probationer ordered by superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. The superior court shall order probation for:

(a) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145 and who also have a prior conviction for one or more of the following:

(i) A violent offense;

(ii) A sex offense;

(iii) A crime against a person as provided in RCW 9.94A.411;

(iv) Fourth degree assault; or

(v) Violation of a domestic violence court order; and

(b) Offenders convicted of:

(i) Sexual misconduct with a minor second degree;

(ii) Custodial sexual misconduct second degree; or

(iii) Communication with a minor for immoral purposes.

(2)"

On page 2, beginning on line 30, after "custody" strike ":

(a) Whose" and insert "whose"

On page 2, beginning on line 33, after "categories" strike ": or

(b)(i) Who is not classified in one of the two highest risk categories and:

(A) Has the current felony conviction for a violent offense or a crime against persons as provided in RCW 9.94A.411; or

(B) Is required to participate in chemical dependency treatment as a condition of community custody;

(ii) The department shall terminate supervision for an offender supervised pursuant to this subsection (1)(b) six months after the date

of release of the offender, after conducting a new risk assessment, is still not classified in one of the two highest risk categories"

On page 3, line 7, strike "(2)" and insert "(3)"

On page 3, line 19, strike "(3)" and insert "((3)) (4)"

On page 3, line 24, strike "(4)" and insert "((4)) (5)"

Signed by Representatives Dickerson, Chair; Dammeier, Ranking Minority Member; Green; Morrell and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Orwall, Vice Chair; Klippert and Walsh.

Referred to Committee on Ways & Means.

March 26, 2009

SB 5320 Prime Sponsor, Senator Murray: Modifying the name of and titles within the acupuncture profession. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. INTENT. The legislature intends this act to recognize that acupuncturists licensed by the state of Washington are practicing a system of medicine, and that changing the name of their title to "Oriental medicine practitioners" more appropriately captures the nature and scope of their work. It is further the intent that references in federal law to "acupuncturists" apply to persons licensed under this act as "Oriental medicine practitioners."

Sec. 2. RCW 18.06.010 and 1995 c 323 s 4 are each amended to read as follows:

The following terms in this chapter shall have the meanings set forth in this section unless the context clearly indicates otherwise:

(1) (~~"Acupuncture"~~) "Oriental medicine" means a health care service based on an Oriental system of medical theory utilizing Oriental diagnosis and treatment to promote health and treat organic or functional disorders by treating specific acupuncture points or meridians. (~~"Acupuncture"~~) "Oriental medicine" includes the following techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians;

(b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(c) Moxibustion;

(d) Acupressure;

(e) Cupping;

(f) Dermal friction technique;

(g) Infra-red;

(h) Sonopuncture;

(i) Laserpuncture;

(j) Point injection therapy (aquapuncture); and

(k) Dietary advice based on Oriental medical theory provided in conjunction with techniques under (a) through (j) of this subsection.

(2) (~~"Acupuncturist"~~) "Oriental medicine practitioner" means a person licensed under this chapter.

(3) "Department" means the department of health.

(4) "Secretary" means the secretary of health or the secretary's designee.

Sec. 3. RCW 18.06.020 and 1995 c 323 s 5 are each amended to read as follows:

(1) No one may hold themselves out to the public as an acupuncturist or (~~licensed acupuncturist~~) "Oriental medicine practitioner" or any derivative thereof which is intended to or is likely to lead the public to believe such a person is an acupuncturist or (~~licensed acupuncturist~~) "Oriental medicine practitioner" unless licensed as provided for in this chapter.

(2) A person may not practice Oriental medicine, including acupuncture, if the person is not licensed under this chapter.

(3) No one may use any configuration of letters after their name (including Ac. or OMP) which indicates a degree or formal training

in Oriental medicine, including acupuncture, unless licensed as provided for in this chapter.

(4) The secretary may by rule proscribe or regulate advertising and other forms of patient solicitation which are likely to mislead or deceive the public as to whether someone is licensed under this chapter. Only a person licensed as an Oriental medicine practitioner under this chapter may also refer to himself or herself as an acupuncturist.

(5) Any person licensed as an acupuncturist under this chapter prior to the effective date of this act must, at the date of their next license renewal date, be given the title Oriental medicine practitioner.

Sec. 4. RCW 18.06.045 and 1995 c 323 s 6 are each amended to read as follows:

Nothing in this chapter shall be construed to prohibit or restrict:

(1) The practice by an individual credentialed under the laws of this state and performing services within such individual's authorized scope of practice;

(2) The practice by an individual employed by the government of the United States while engaged in the performance of duties prescribed by the laws of the United States;

(3) The practice by a person who is a regular student in an educational program approved by the secretary, and whose performance of services is pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of the instructor;

(4) The practice of ~~((acupuncture))~~ Oriental medicine by any person credentialed to perform ~~((acupuncture))~~ Oriental medicine services in any other jurisdiction where such person is doing so in the course of regular instruction of a school of ~~((acupuncture))~~ Oriental medicine approved by the secretary or in an educational seminar by a professional organization of acupuncture, provided that in the latter case, the practice is supervised directly by a person licensed under this chapter or licensed under any other healing art whose scope of practice includes ~~((acupuncture))~~ Oriental medicine.

Sec. 5. RCW 18.06.050 and 2004 c 262 s 2 are each amended to read as follows:

Any person seeking to be examined shall present to the secretary at least forty-five days before the commencement of the examination:

(1) A written application on a form or forms provided by the secretary setting forth under affidavit such information as the secretary may require; and

(2) Proof that the candidate has:

(a) Successfully completed a course, approved by the secretary, of didactic training in basic sciences and Oriental medicine, including acupuncture, over a minimum period of two academic years. The training shall include such subjects as anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and a survey of western clinical sciences. The basic science classes must be equivalent to those offered at the collegiate level. However, if the applicant is a licensed chiropractor under chapter 18.25 RCW or a naturopath licensed under chapter 18.36A RCW, the requirements of this subsection relating to basic sciences may be reduced by up to one year depending upon the extent of the candidate's qualifications as determined under rules adopted by the secretary;

(b) Successfully completed five hundred hours of clinical training in acupuncture that is approved by the secretary.

Sec. 6. RCW 18.06.080 and 1995 c 323 s 7 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in ~~((acupuncture))~~ Oriental medicine at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by ~~((licensed acupuncturists))~~ Oriental medicine practitioners and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of ~~((Licensed Acupuncturist))~~ Oriental Medicine Practitioner.

(4) The secretary may appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.

(5) The secretary, ad hoc committee members, or individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Sec. 7. RCW 18.06.120 and 1996 c 191 s 3 are each amended to read as follows:

(1) Every person licensed ~~((in acupuncture))~~ under this chapter shall comply with the administrative procedures and administrative requirements for registration and renewal set by the secretary under RCW 43.70.250 and 43.70.280.

(2) All fees collected under this section and RCW 18.06.070 shall be credited to the health professions account as required under RCW 43.70.320.

Sec. 8. RCW 18.06.130 and 2003 c 53 s 121 are each amended to read as follows:

(1) The secretary shall develop a form to be used by ~~((an acupuncturist))~~ a person licensed under this chapter to inform the patient of the ~~((acupuncturist's))~~ scope of practice and qualifications of an Oriental medicine practitioner. All license holders shall bring the form to the attention of the patients in whatever manner the secretary, by rule, provides.

(2) A person violating this section is guilty of a misdemeanor.

Sec. 9. RCW 18.06.140 and 2003 c 53 s 122 are each amended to read as follows:

(1) Every licensed ~~((acupuncturist))~~ Oriental medicine practitioner shall develop a written plan for consultation, emergency transfer, and referral to other health care practitioners operating within the scope of their authorized practices. The written plan shall be submitted with the initial application for licensure as well as annually thereafter with the license renewal fee to the department. The department may withhold licensure or renewal of licensure if the plan fails to meet the standards contained in rules adopted by the secretary.

(2) When ~~((the acupuncturist))~~ a person licensed under this chapter sees patients with potentially serious disorders such as cardiac conditions, acute abdominal symptoms, and such other conditions, the ~~((acupuncturist))~~ person shall immediately request a consultation or recent written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW. In the event that the patient with the disorder refuses to authorize such consultation or provide a recent diagnosis from such physician, ~~((acupuncture))~~ Oriental medicine treatment shall not be continued.

(3) A person violating this section is guilty of a misdemeanor.

Sec. 10. RCW 18.06.190 and 1995 c 323 s 13 are each amended to read as follows:

The secretary may license a person without examination if such person is credentialed as an ~~((acupuncturist))~~ Oriental medicine practitioner in another jurisdiction if, in the secretary's judgment, the requirements of that jurisdiction are equivalent to or greater than those of Washington state.

Sec. 11. RCW 4.24.240 and 1995 c 323 s 1 are each amended to read as follows:

(1)(a) A person licensed by this state to provide health care or related services~~(s)~~ including, but not limited to, ~~((a licensed acupuncturist))~~ an Oriental medicine practitioner, a physician, osteopathic physician, dentist, nurse, optometrist, podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, ~~((physician's))~~ physician assistant, osteopathic physician's assistant, nurse practitioner, including, in the event such person is deceased, his or her estate or personal representative;

(b) An employee or agent of a person described in ~~((subparagraph))~~ (a) of this subsection, acting in the course and scope

of his or her employment, including, in the event such employee or agent is deceased, his or her estate or personal representative; or

(c) An entity, whether or not incorporated, facility, or institution employing one or more persons described in ~~((subparagraph))~~ (a) of this subsection, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, trustee, employee, or agent thereof acting in the course and scope of his or her employment, including in the event such officer, director, employee, or agent is deceased, his or her estate or personal representative;

shall be immune from civil action for damages arising out of the good faith performance of their duties on such committees, where such actions are being brought by or on behalf of the person who is being evaluated.

(2) No member, employee, staff person, or investigator of a professional review committee shall be liable in a civil action as a result of acts or omissions made in good faith on behalf of the committee; nor shall any person be so liable for filing charges with or supplying information or testimony in good faith to any professional review committee; nor shall a member, employee, staff person, or investigator of a professional society, of a professional examining or licensing board, of a professional disciplinary board, of a governing board of any institution, or of any employer of professionals be so liable for good faith acts or omissions made in full or partial reliance on recommendations or decisions of a professional review committee or examining board.

Sec. 12. RCW 4.24.290 and 1995 c 323 s 2 are each amended to read as follows:

In any civil action for damages based on professional negligence against a hospital which is licensed by the state of Washington or against the personnel of any such hospital, or against a member of the healing arts including, but not limited to, an ~~((acupuncturist))~~ Oriental medicine practitioner licensed under chapter 18.06 RCW, a physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, a chiropractor licensed under chapter 18.25 RCW, a dentist licensed under chapter 18.32 RCW, a podiatric physician and surgeon licensed under chapter 18.22 RCW, or a nurse licensed under chapter 18.79 RCW, the plaintiff in order to prevail shall be required to prove by a preponderance of the evidence that the defendant or defendants failed to exercise that degree of skill, care, and learning possessed at that time by other persons in the same profession, and that as a proximate result of such failure the plaintiff suffered damages, but in no event shall the provisions of this section apply to an action based on the failure to obtain the informed consent of a patient.

Sec. 14. RCW 7.70.020 and 1995 c 323 s 3 are each amended to read as follows:

As used in this chapter "health care provider" means either:

(1) A person licensed by this state to provide health care or related services~~(s)~~ including, but not limited to, ~~((a licensed acupuncturist))~~ an Oriental medicine practitioner, a physician, osteopathic physician, dentist, nurse, optometrist, podiatric physician and surgeon, chiropractor, physical therapist, psychologist, pharmacist, optician, ~~((physicians))~~ physician assistant, midwife, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his or her estate or personal representative;

(2) An employee or agent of a person described in part (1) above, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his or her estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in part (1) above, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his or her employment, including in the event such officer, director, employee, or agent is deceased, his or her estate or personal representative.

Sec. 13. RCW 18.120.020 and 2001 c 251 s 26 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant group" includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) "Certificate" and "certification" mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use "certified" in the title or designation to perform prescribed health professional tasks.

(3) "Grandfather clause" means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) "Health professions" means and includes the following health and health-related licensed or regulated professions and occupations: Podiatric medicine and surgery under chapter 18.22 RCW; chiropractic under chapter 18.25 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; denturism under chapter 18.30 RCW; dispensing opticians under chapter 18.34 RCW; hearing instruments under chapter 18.35 RCW; naturopaths under chapter 18.36A RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71 and 18.71A RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.79 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.79 RCW; occupational therapists licensed under chapter 18.59 RCW; respiratory care practitioners licensed under chapter 18.89 RCW; veterinarians and veterinary technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; ~~((acupuncturists))~~ Oriental medicine practitioners licensed under chapter 18.06 RCW; persons registered under chapter 18.19 RCW; persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW; dietitians and nutritionists certified by chapter 18.138 RCW; radiologic technicians under chapter 18.84 RCW; and nursing assistants registered or certified under chapter 18.88A RCW.

(5) "Inspection" means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) "Legislative committees of reference" means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) "License," "licensing," and "licensure" mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) "Professional license" means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) "Practitioner" means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) "Public member" means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) "Registration" means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) "Regulatory entity" means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) "State agency" includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 15. RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No. 1029) are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) (~~Acupuncturists~~) Oriental medicine practitioners licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW;

(xxii) Recreational therapists;

(xxiii) Animal massage practitioners certified under chapter 18.240 RCW;

(xxiv) Athletic trainers licensed under chapter 18.250 RCW; and

(xxv) Home care aides certified under chapter 18.88B RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

Sec. 16. RCW 43.70.110 and 2007 c 259 s 11 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and (~~acupuncturists~~) Oriental medicine practitioners licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of RCW 43.70.112.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

NEW SECTION, Sec. 17. Captions used in this act are not any part of the law."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5340 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning internet and mail order sales of tobacco products. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.155.010 and 2006 c 14 s 2 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to (~~RCW 70.155.020 through 70.155.130~~) this chapter. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.

(2) (~~"Delivery sale" means any sale of cigarettes to a consumer in the state where either: (a) The purchaser submits an order for a sale by means of a telephonic or other method of voice transmission, mail delivery, any other delivery service, or the internet or other online service; or (b) the cigarettes are delivered by use of mail delivery or any other delivery service. A sale of cigarettes shall be a delivery sale regardless of whether the seller is located within or without the state. A sale of cigarettes not for personal consumption to a person who is a wholesaler licensed pursuant to chapter 82.24 RCW or a retailer pursuant to chapter 82.24 RCW is not a delivery sale.~~)

(3) (~~"Delivery service" means any private carrier engaged in the commercial delivery of letters, packages, or other containers that requires the recipient of that letter, package, or container to sign to accept delivery.~~)

(4) (~~"Internet" means any computer network, telephonic network, or other electronic network.~~)

(3) "Minor" refers to an individual who is less than eighteen years old.

(5) (~~"Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.~~)

(6) (~~"Sampling" means the distribution of samples to members of the public.~~)

(7) (~~"Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.~~)

(8) (~~"Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.~~)

(9) (~~"Tobacco product" means a product that contains tobacco and is intended for human use, including any product defined in RCW 82.24.010(2) or 82.26.010(1), except that for the purposes of section 2 of this act only, "tobacco product" does not include cigars as defined in RCW 82.26.010.~~)

NEW SECTION, Sec. 2. A new section is added to chapter 70.155 RCW to read as follows:

(1) A person may not:

(a) Ship or transport, or cause to be shipped or transported, any tobacco product ordered or purchased by mail or through the internet to anyone in this state other than a licensed wholesaler or retailer; or

(b) With knowledge or reason to know of the violation, provide substantial assistance to a person who is in violation of this section.

(2)(a) A person who knowingly violates subsection (1) of this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

(b) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated subsection (1) of this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court. For purposes of this subsection, each shipment or transport of tobacco products constitutes a separate violation.

(3) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of subsection (1) of this section and to compel compliance with subsection (1) of this section.

(4) Any violation of subsection (1) of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of subsection (1) of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(5)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated subsection (1) of this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

(6) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

NEW SECTION, Sec. 3. RCW 70.155.105 (Delivery sale of cigarettes--Requirements, unlawful practices--Penalties--Enforcement) and 2003 c 113 s 2 are each repealed."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on General Government Appropriations.

March 26, 2009

SSB 5343 Prime Sponsor, Committee on Judiciary: Exempting specified persons from restrictions on marketing estate distribution documents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

2SSB 5346 Prime Sponsor, Committee on Ways & Means: Concerning administrative procedures for payors and providers of health care services. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds that:

(1) The health care system in the nation and in Washington state costs nearly twice as much per capita as other industrialized nations.

(2) The fragmentation and variation in administrative processes prevalent in our health care system contribute to the high cost of

health care, putting it increasingly beyond the reach of small businesses and individuals in Washington.

(3) In 2006, the legislature's blue ribbon commission on health care costs and access requested the office of the insurance commissioner to conduct a study of administrative costs and recommendations to reduce those costs. Findings in the report included:

(a) In Washington state approximately thirty cents of every dollar received by hospitals and doctors' offices is consumed by the administrative expenses of public and private payors and the providers;

(b) Before the doctors and hospitals receive the funds for delivering the care, approximately fourteen percent of the insurance premium has already been consumed by payor administration. The payor's portion of expense totals approximately four hundred fifty dollars per insurance member per year in Washington state;

(c) Over thirteen percent of every dollar received by a physician's office is devoted to interactions between the provider and payor;

(d) Between 1997 and 2005, billing and insurance related costs for hospitals in Washington grew at an average pace of nineteen percent per year; and

(e) The greatest opportunity for improved efficiency and administrative cost reduction in our health care system would involve standardizing and streamlining activities between providers and payors.

(4) To address these inefficiencies, constrain health care inflation, and make health care more affordable for Washingtonians, the legislature seeks to establish streamlined and uniform procedures for payors and providers of health care services in the state. It is the intent of the legislature to foster a continuous quality improvement cycle to simplify health care administration. This process should involve leadership in the health care industry and health care purchasers, with regulatory oversight from the office of the insurance commissioner.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commissioner" means the insurance commissioner as established under chapter 48.02 RCW.

(2) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005 and, for the purposes of this act, shall include facilities licensed under chapter 70.41 RCW.

(3) "Lead organization" means a private sector organization or organizations designated by the commissioner to lead development of processes, guidelines, and standards to streamline health care administration and to be adopted by payors and providers of health care services operating in the state.

(4) "Medical management" means administrative activities established by the payor to manage the utilization of services through preservice or postservice reviews. "Medical management" includes, but is not limited to:

(a) Prior authorization or preauthorization of services;

(b) Precertification of services;

(c) Postservice review;

(d) Medical necessity review; and

(e) Benefits advisory.

(5) "Payor" means public purchasers, as defined in this section, carriers licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.62 RCW, and the Washington state health insurance pool established in chapter 48.41 RCW.

(6) "Public purchaser" means the department of social and health services, the department of labor and industries, and the health care authority.

(7) "Secretary" means the secretary of the department of health.

(8) "Third-party payor" has the same meaning as in RCW 70.02.010.

NEW SECTION. Sec. 3. A new section is added to chapter 70.14 RCW to read as follows:

The following state agencies are directed to cooperate with the insurance commissioner and, within funds appropriated specifically for this purpose, adopt the processes, guidelines, and standards to streamline health care administration pursuant to sections 2, 5, 6, and 8 through 10 of this act: The department of social and health services, the health care authority, and, to the extent permissible under Title 51 RCW, the department of labor and industries.

Sec. 4. RCW 70.47.130 and 2004 c 115 s 2 are each amended to read as follows:

(1) The activities and operations of the Washington basic health plan under this chapter, including those of managed health care systems to the extent of their participation in the plan, are exempt from the provisions and requirements of Title 48 RCW except:

(a) Benefits as provided in RCW 70.47.070;

(b) Managed health care systems are subject to the provisions of RCW 48.43.022, 48.43.500, 70.02.045, 48.43.505 through 48.43.535, 43.70.235, 48.43.545, 48.43.550, 70.02.110, and 70.02.900;

(c) Persons appointed or authorized to solicit applications for enrollment in the basic health plan, including employees of the health care authority, must comply with chapter 48.17 RCW. For purposes of this subsection (1)(c), "solicit" does not include distributing information and applications for the basic health plan and responding to questions; ~~(and)~~

(d) Amounts paid to a managed health care system by the basic health plan for participating in the basic health plan and providing health care services for nonsubsidized enrollees in the basic health plan must comply with RCW 48.14.0201; and

(e) Administrative simplification requirements as provided in this act.

(2) The purpose of the 1994 amendatory language to this section in chapter 309, Laws of 1994 is to clarify the intent of the legislature that premiums paid on behalf of nonsubsidized enrollees in the basic health plan are subject to the premium and prepayment tax. The legislature does not consider this clarifying language to either raise existing taxes nor to impose a tax that did not exist previously.

NEW SECTION. Sec. 5. (1) The commissioner shall designate one or more lead organizations to coordinate development of processes, guidelines, and standards to streamline health care administration and to be adopted by payors and providers of health care services operating in the state. The lead organization designated by the commissioner for this act shall:

(a) Be representative of providers and payors across the state;

(b) Have expertise and knowledge in the major disciplines related to health care administration; and

(c) Be able to support the costs of its work without recourse to public funding.

(2) The lead organization shall:

(a) In collaboration with the commissioner, identify and convene work groups, as needed, to define the processes, guidelines, and standards required in sections 6 through 10 of this act;

(b) In collaboration with the commissioner, promote the participation of representatives of health care providers, payors of health care services, and others whose expertise would contribute to streamlining health care administration;

(c) Conduct outreach and communication efforts to maximize adoption of the guidelines, standards, and processes developed by the lead organization;

(d) Submit regular updates to the commissioner on the progress implementing the requirements of this act; and

(e) With the commissioner, report to the legislature annually through December 1, 2012, on progress made, the time necessary for completing tasks, and identification of future tasks that should be prioritized for the next improvement cycle.

(3) The commissioner shall:

(a) Participate in and review the work and progress of the lead organization, including the establishment and operation of work groups for this act;

(b) Adopt into rule, or submit as proposed legislation, the guidelines, standards, and processes set forth in this act if:

(i) The lead organization fails to timely develop or implement the guidelines, standards, and processes set forth in sections 6 through 10 of this act; or

(ii) It is unlikely that there will be widespread adoption of the guidelines, standards, and processes developed under this act;

(c) Consult with the office of the attorney general to determine whether an antitrust safe harbor is necessary to enable licensed carriers and providers to develop common rules and standards; and, if necessary, take steps, such as implementing rules or requesting legislation, to establish such safe harbor; and

(d) Convene an executive level work group with broad payor and provider representation to advise the commissioner regarding the goals and progress of implementation of the requirements of this act.

NEW SECTION. Sec. 6. By December 31, 2010, the lead organization shall:

(1) Develop a uniform electronic process for collecting and transmitting the necessary provider-supplied data to support credentialing, admitting privileges, and other related processes that:

(a) Reduces the administrative burden on providers;

(b) Improves the quality and timeliness of information for hospitals and payors;

(c) Is interoperable with other relevant systems;

(d) Enables use of the data by authorized participants for other related applications; and

(e) Serves as the sole source of credentialing information required by hospitals and payors from providers for data elements included in the electronic process, except this shall not prohibit:

(i) A hospital, payor, or other credentialing entity subject to the requirements of this section from seeking clarification of information obtained through use of the uniform electronic process, if such clarification is reasonably necessary to complete the credentialing process; or

(ii) A hospital, payor, other credentialing entity, or a university from using information not provided by the uniform process for the purpose of credentialing, admitting privileges, or faculty appointment of providers, including peer review and coordinated quality improvement information, that is obtained from sources other than the provider;

(2) Promote widespread adoption of such process by payors and hospitals, their delegates, and subcontractors in the state that credential health professionals and by such health professionals as soon as possible thereafter; and

(3) Work with the secretary to assure that data used in the uniform electronic process can be electronically exchanged with the department of health professional licensing process under chapter 18.122 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 18.122 RCW to read as follows:

Pursuant to sections 5 and 6 of this act, the secretary or his or her designee shall participate in the work groups and, within funds appropriated specifically for this purpose, implement the standards to enable the department to transmit data to and receive data from the uniform process.

NEW SECTION. Sec. 8. The lead organization shall:

(1) Establish a uniform standard companion document and data set for electronic eligibility and coverage verification. Such a companion guide will:

(a) Be based on nationally accepted ANSI X12 270/271 standards for eligibility inquiry and response and, wherever possible, be consistent with the standards adopted by nationally recognized organizations, such as the centers for medicare and medicaid services;

(b) Enable providers and payors to exchange eligibility requests and responses on a system-to-system basis or using a payor supported web browser;

(c) Provide reasonably detailed information on a consumer's eligibility for health care coverage, scope of benefits, limitations and exclusions provided under that coverage, cost-sharing requirements for specific services at the specific time of the inquiry, current deductible amounts, accumulated or limited benefits, out-of-pocket maximums, any maximum policy amounts, and other information required for the provider to collect the patient's portion of the bill; and

(d) Reflect the necessary limitations imposed on payors by the originator of the eligibility and benefits information;

(2) Recommend a standard or common process to the commissioner to protect providers and hospitals from the costs of, and payors from claims for, services to patients who are ineligible for insurance coverage in circumstances where a payor provides eligibility verification based on best information available to the payor at the date of the request; and

(3) Complete, disseminate, and promote widespread adoption by payors of such document and data set by December 31, 2010.

NEW SECTION. Sec. 9. (1) By December 31, 2010, the lead organization shall develop implementation guidelines and promote widespread adoption of such guidelines for:

(a) The use of the national correct coding initiative code edit policy by payors and providers in the state;

(b) Publishing any variations from component codes, mutually exclusive codes, and status b codes by payors in a manner that makes for simple retrieval and implementation by providers;

(c) Use of health insurance portability and accountability act standard group codes, reason codes, and remark codes by payors in electronic remittances sent to providers;

(d) The processing of corrections to claims by providers and payors; and

(e) A standard payor denial review process for providers when they request a reconsideration of a denial of a claim that results from differences in clinical edits where no single, common standards body or process exists and multiple conflicting sources are in use by payors and providers.

(2) By October 31, 2010, the lead organization shall develop a proposed set of goals and work plan for additional code standardization efforts for 2011 and 2012.

(3) Nothing in this section or in the guidelines developed by the lead organization shall inhibit an individual payor's ability to employ, and not disclose to providers, temporary code edits for the purpose of detecting and deterring fraudulent billing activities. Though such temporary code edits are not required to be disclosed to providers, the guidelines shall require that:

(a) Each payor disclose to the provider its adjudication decision on a claim that was denied or adjusted based on the application of such an edit; and

(b) The provider have access to the payor's review and appeal process to challenge the payor's adjudication decision, provided that nothing in this subsection (3)(b) shall be construed to modify the rights or obligations of payors or providers with respect to procedures relating to the investigation, reporting, appeal, or prosecution under applicable law of potentially fraudulent billing activities.

NEW SECTION. Sec. 10. (1) By December 31, 2010, the lead organization shall:

(a) Develop and promote widespread adoption by payors and providers of guidelines to:

(i) Ensure payors do not automatically deny claims for services when extenuating circumstances make it impossible for the provider to: (A) Obtain a preauthorization before services are performed; or (B) notify a payor within twenty-four hours of a patient's admission; and

(ii) Require payors to use common and consistent time frames when responding to provider requests for medical management approvals. Whenever possible, such time frames shall be consistent with those established by leading national organizations and be based upon the acuity of the patient's need for care or treatment;

(b) Develop, maintain, and promote widespread adoption of a single common web site where providers can obtain payors' preauthorization, benefits advisory, and preadmission requirements;

(c) Establish guidelines for payors to develop and maintain a web site that providers can employ to:

(i) Request a preauthorization, including a prospective clinical necessity review;

(ii) Receive an authorization number; and

(iii) Transmit an admission notification.

(2) By October 31, 2010, the lead organization shall propose to the commissioner a set of goals and work plan for the development of medical management protocols, including whether to develop evidence-based medical management practices addressing specific clinical conditions and make its recommendation to the commissioner, who shall report the lead organization's findings and recommendations to the legislature.

NEW SECTION. Sec. 11. Sections 2, 5, 6, and 8 through 10 of this act constitute a new chapter in Title 48 RCW."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Referred to Committee on Ways & Means.

March 26, 2009
SB 5354 Prime Sponsor, Senator Haugen: Regarding public hospital capital facility areas. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Beginning on page 1, line 18, after "islands" strike all material through "boundaries" on page 2, line 4, and insert "that receives medical services from a hospital district, but is prevented by geography and the absence of contiguous boundaries from annexing to that district"

Beginning on page 2, line 16, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. ESTABLISHING A PUBLIC HOSPITAL CAPITAL FACILITY AREA--BALLOT PROPOSITIONS. (1)(a) Upon receipt of a completed petition to both establish a public hospital capital facility area and submit a ballot proposition under section 7 of this act to finance public hospital capital facilities and other capital health care facilities, the legislative authority of the county in which a proposed public hospital capital facility area is to be established shall submit separate ballot propositions to voters to authorize establishing the proposed public hospital capital facility area and authorizing the public hospital capital facility area, if established, to finance public hospital capital facilities or other capital health care facilities by issuing general indebtedness and imposing excess levies to retire the indebtedness. A petition submitted under this section must be accompanied by a written request to establish a public hospital capital facility area that is signed by a majority of the commissioners of the public hospital district serving the proposed area.

(b) The ballot propositions must be submitted to voters of the proposed public hospital capital facility area at a general or special election. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed public hospital capital facility area is already holding a special election under RCW 29A.04.330. Approval of the ballot proposition to create a public hospital capital facility area requires a sixty percent affirmative vote by the voters participating in the election.

(2) A completed petition submitted under this section must include:

(a) A description of the boundaries of the public hospital capital facility area; and

(b) A copy of a resolution of the legislative authority of each city, town, and hospital district with territory in the proposed public hospital capital facility area indicating both: (i) Approval of the creation of the proposed public hospital capital facility area; and (ii) agreement on how election costs will be paid for ballot propositions to voters that authorize the public hospital capital facility area to incur general indebtedness and impose excess levies to retire the general indebtedness."

On page 3, line 16, after "facility" insert "area"

On page 3, line 21, after "proposed" strike "district" and insert "public hospital capital facility area"

On page 5, at the beginning of line 36, strike "chapter 70.44 RCW" and insert "this chapter"

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Uptegrove; White and Williams.

Referred to Committee on Finance.

March 26, 2009

SB 5355 Prime Sponsor, Senator Haugen: Regarding initial levy rates for rural county library districts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 27.12.040 and 1990 c 259 s 1 are each amended to read as follows:

The procedure for the establishment of a rural county library district shall be as follows:

(1) Petitions signed by at least ten percent of the registered voters of the county who voted in the last general election, outside of the area of incorporated cities and towns, asking that the question, "Shall a rural county library district be established?" be submitted to a vote of the people, shall be filed with the county legislative authority. For all districts created after the effective date of this act, the petition may include a proposed initial maximum levy rate. This initial maximum levy rate must not exceed the rate limit set forth in RCW 27.12.050(1).

(2) The county legislative authority, after having determined that the petitions were signed by the requisite number of registered voters, shall place the proposition for the establishment of a rural county library district on the ballot for the vote of the people of the county, outside incorporated cities and towns, at the next succeeding general or special election. If the petition to create the rural county library district included a proposed initial maximum levy rate, the ballot proposition for the establishment of the rural county library district must include the initial maximum levy rate specified in the petition. This ballot must be submitted in such form as to enable the voters favoring the proposition to vote "Yes" and those opposing to vote "No."

(3) If a majority of those voting on the proposition vote in favor of the establishment of the rural county library district, the county legislative authority shall forthwith declare it established.

Sec. 2. RCW 27.12.050 and 1973 1st ex.s. c 195 s 5 are each amended to read as follows:

(1) After the board of county commissioners has declared a rural county library district established, it shall appoint a board of library trustees and provide funds for the establishment and maintenance of library service for the district by making a tax levy on the property in the district of not more than fifty cents per thousand dollars of assessed value per year sufficient for the library service as shown to be required by the budget submitted to the board of county commissioners by the board of library trustees, and by making a tax levy in such further amount as shall be authorized pursuant to RCW 27.12.222 or 84.52.052 or 84.52.056. Such levies shall be a part of the general tax roll and shall be collected as a part of the general taxes against the property in the district.

(2) The initial levy rate may not exceed the rate limit in subsection (1) of this section or, if applicable, the initial maximum levy rate contained in the ballot proposition approved by the voters to create the district. In subsequent years, the levy rate may be increased as authorized under chapter 84.55 RCW."

Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5360 Prime Sponsor, Committee on Health & Long-Term Care: Establishing a community health care collaborative grant program. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 41.05 RCW to read as follows:

(1) The community health care collaborative grant program is established to further the efforts of community-based coalitions to increase access to appropriate, affordable health care for Washington residents, particularly employed low-income persons and children in school who are uninsured and underinsured, through local programs addressing one or more of the following: (a) Access to medical treatment; (b) the efficient use of health care resources; and (c) quality of care.

(2) Consistent with funds appropriated for community health care collaborative grants specifically for this purpose, two-year grants may be awarded pursuant to section 2 of this act by the administrator of the health care authority.

(3) The health care authority shall provide administrative support for the program. Administrative support activities may include health care authority facilitation of statewide discussions regarding best practices and standardized performance measures among grantees, or subcontracting for such discussions.

(4) Eligibility for community health care collaborative grants shall be limited to nonprofit organizations established to serve a defined geographic region or organizations with public agency status under the jurisdiction of a local, county, or tribal government. To be eligible, such entities must have a formal collaborative governance structure and decision-making process that includes representation by the following health care providers: Hospitals, public health, behavioral health, community health centers, rural health clinics, and private practitioners that serve low-income persons in the region, unless there are no such providers within the region, or providers decline or refuse to participate or place unreasonable conditions on their participation. The nature and format of the application, and the application procedure, shall be determined by the administrator of the health care authority. At a minimum, each application shall: (a) Identify the geographic region served by the organization; (b) show how the structure and operation of the organization reflects the interests of, and is accountable to, this region and members providing care within this region; (c) indicate the size of the grant being requested, and how the money will be spent; and (d) include sufficient information for an evaluation of the application based on the criteria established in section 2 of this act.

"NEW SECTION, Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

(1) The community health care collaborative grants shall be awarded on a competitive basis based on a determination of which applicant organization will best serve the purposes of the grant program established in section 1 of this act. In making this determination, priority for funding shall be given to the applicants that demonstrate:

(a) The initiatives to be supported by the community health care collaborative grant are likely to address, in a measurable fashion, documented health care access and quality improvement goals aligned with state health policy priorities and needs within the region to be served;

(b) The applicant organization must document formal, active collaboration among key community partners that includes local governments, school districts, large and small businesses, nonprofit organizations, tribal governments, carriers, private health care providers, and public health agencies;

(c) The applicant organization will match the community health care collaborative grant with funds from other sources. The health care authority may award grants solely to organizations providing at least two dollars in matching funds for each community health care collaborative grant dollar awarded;

(d) The community health care collaborative grant will enhance the long-term capacity of the applicant organization and its members to serve the region's documented health care access needs, including the sustainability of the programs to be supported by the community health care collaborative grant;

(e) The initiatives to be supported by the community health care collaborative grant reflect creative, innovative approaches which complement and enhance existing efforts to address the needs of the

uninsured and underinsured and, if successful, could be replicated in other areas of the state; and

(f) The programs to be supported by the community health care collaborative grant make efficient and cost-effective use of available funds through administrative simplification and improvements in the structure and operation of the health care delivery system.

(2) The administrator of the health care authority shall endeavor to disburse community health care collaborative grant funds throughout the state, supporting collaborative initiatives of differing sizes and scales, serving at-risk populations.

(3) Grants shall be disbursed over a two-year cycle, provided the grant recipient consistently provides timely reports that demonstrate the program is satisfactorily meeting the purposes of the grant and the objectives identified in the organization's application. The requirements for the performance reports shall be determined by the health care authority administrator. The performance measures shall be aligned with the community health care collaborative grant program goals and, where possible, shall be consistent with statewide policy trends and outcome measures required by other public and private grant funders.

"NEW SECTION, Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

By July 1st of each even-numbered fiscal year the administrator of the health care authority shall provide the governor and the legislature with an evaluation of the community health care collaborative grant program, describing the organizations and collaborative initiatives funded and the results achieved. The report shall include the impact of the program, results of performance measures, general findings, and recommendations.

"NEW SECTION, Sec. 4. The health care authority may adopt rules to implement this act."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Referred to Committee on Ways & Means.

March 26, 2009

SSB 5368 Prime Sponsor, Committee on Ways & Means: Making provisions for all counties to value property annually for property tax purposes. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Beginning on page 4, line 9, strike all of section 5 and insert the following:

"Sec. 5. RCW 82.45.180 and 2006 c 312 s 1 are each amended to read as follows:

(1)(a) For taxes collected by the county under this chapter, the county treasurer shall collect a five-dollar fee on all transactions required by this chapter where the transaction does not require the payment of tax. A total of five dollars shall be collected in the form of a tax and fee, where the calculated tax payment is less than five dollars. Through June 30, 2006, the county treasurer shall place one percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. After June 30, 2006, the county treasurer shall place one and three-tenths percent of the taxes collected by the county under this chapter and the treasurer's fee in the county current expense fund to defray costs of collection. For taxes collected by the county under this chapter before July 1, 2006, the county treasurer shall pay over to the state treasurer and account to the department of revenue for the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. For taxes collected by the county under this chapter after June 30, 2006, on a monthly basis the county treasurer shall pay over to the state treasurer the month's transmittal. The month's transmittal must be received by the state treasurer by 12:00 p.m. on the last working day of each month. The county treasurer shall account to the department for the month's transmittal

by the twentieth day of the month following the month in which the month's transmittal was paid over to the state treasurer. The state treasurer shall deposit the proceeds in the general fund.

(b) For purposes of this subsection, the definitions in this subsection apply.

(i) "Close of business" means the time when the county treasurer makes his or her daily deposit of proceeds.

(ii) "Month's transmittal" means all proceeds deposited by the county through the close of business of the day that is two working days before the last working day of the month. This definition of "month's transmittal" shall not be construed as requiring any change in a county's practices regarding the timing of its daily deposits of proceeds.

(iii) "Proceeds" means moneys collected and receipted by the county from the taxes imposed by this chapter, less the county's share of the proceeds used to defray the county's costs of collection allowable in (a) of this subsection.

(iv) "Working day" means a calendar day, except Saturdays, Sundays, and all legal holidays as provided in RCW 1.16.050.

(2) For taxes collected by the department of revenue under this chapter, the department shall remit the tax to the state treasurer who shall deposit the proceeds of any state tax in the general fund. The state treasurer shall deposit the proceeds of any local taxes imposed under chapter 82.46 RCW in the local real estate excise tax account hereby created in the state treasury. Moneys in the local real estate excise tax account may be spent only for distribution to counties, cities, and towns imposing a tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all earnings of investments of balances in the local real estate excise tax account shall be credited to the local real estate excise tax account and distributed to the counties, cities, and towns monthly. Monthly the state treasurer shall make distribution from the local real estate excise tax account to the counties, cities, and towns the amount of tax collected on behalf of each taxing authority. The state treasurer shall make the distribution under this subsection without appropriation.

(3)(a) The real estate excise tax electronic technology account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Through June 30, 2010, the county treasurer shall collect an additional five-dollar fee on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the real estate excise tax electronic technology account. By the twentieth day of the subsequent month, the state treasurer shall distribute to each county treasurer according to the following formula: Three-quarters of the funds available shall be equally distributed among the thirty-nine counties; and the balance shall be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds shall be placed in a special real estate excise tax electronic technology fund held by the county treasurer to be used exclusively for the development, implementation, and maintenance of an electronic processing and reporting system for real estate excise tax affidavits. Funds may be expended to make the system compatible with the automated real estate excise tax system developed by the department and compatible with the processes used in the offices of the county assessor and county auditor. Any funds held in the account that are not expended by the earlier of: July 1, 2015, or at such time that the county treasurer is utilizing an electronic processing and reporting system for real estate excise tax affidavits compatible with the department and compatible with the processes used in the offices of the county assessor and county assessor, revert to the ((county capital improvements fund in accordance with RCW 82.46.010)) special real estate and property tax administration assistance account in accordance with subsection (5)(c) of this section.

(4) Beginning July 1, 2010, through December 31, 2013, the county treasurer shall continue to collect the additional five-dollar fee in subsection (3) of this section on all transactions required by this

chapter, regardless of whether the transaction requires the payment of tax. During this period, the county treasurer shall remit this fee to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer shall place money from this fee in the annual property revaluation grant account created in section 3 of this act.

(5)(a) The real estate and property tax administration assistance account is created in the custody of the state treasurer. An appropriation is not required for expenditures and the account is not subject to allotment procedures under chapter 43.88 RCW.

(b) Beginning January 1, 2014, the county treasurer must continue to collect the additional five-dollar fee in subsection (3) of this section on all transactions required by this chapter, regardless of whether the transaction requires the payment of tax. The county treasurer shall deposit one-half of this fee in the special real estate and property tax administration assistance account in accordance with (c) of this subsection and remit the balance to the state treasurer at the same time the county treasurer remits funds to the state under subsection (1) of this section. The state treasurer must place money from this fee in the real estate and property tax administration assistance account. By the twentieth day of the subsequent month, the state treasurer must distribute the funds to each county treasurer according to the following formula: One-half of the funds available must be equally distributed among the thirty-nine counties; and the balance must be ratably distributed among the counties in direct proportion to their population as it relates to the total state's population based on most recent statistics by the office of financial management.

(c) When received by the county treasurer, the funds must be placed in a special real estate and property tax administration assistance account held by the county treasurer to be used for:

(i) Maintenance and operation of an annual revaluation system for property tax valuation; and

(ii) Maintenance and operation of an electronic processing and reporting system for real estate excise tax affidavits."

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Condotta; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member Parker, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 26, 2009
SSB 5391 Prime Sponsor, Committee on Health & Long-Term Care: Regulating body art, body piercing, and tattooing practitioners, shops, and businesses. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 8, after "needles," strike "single-use disposable sharps, reusable"

On page 2, line 1, after "practice of" strike "physical cosmetic body" and insert "invasive cosmetic"

On page 2, beginning on line 25, after "who" strike "practices the business of tattooing" and insert "pierces or punctures the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin"

On page 2, beginning on line 27, after "means" strike all material through "purposes" on line 30 and insert "to pierce or puncture the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin"

On page 4, line 2, after "Sec. 5." strike "(1)"

On page 4, beginning on line 7, strike all of subsection (2)

On page 8, beginning on line 27, after "including" strike "single-use disposable sharps, reusable sharps," and insert "sharps"

On page 10, after line 12, insert the following:

"Sec. 5. RCW 18.235.020 and 2008 c 119 s 21 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;
 (ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW; and

(xx) Home inspectors under chapter 18.280 RCW; and

(xxi) Body artists, body piercers, and tattoo artists under chapter 18.-- RCW (the new chapter created in section 24 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The cemetery board established in chapter 68.05 RCW;

(iii) The Washington state collection agency board established in chapter 19.16 RCW;

(iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;

(vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and

(vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representative Bailey.

Referred to Committee on Ways & Means.

ESSB 5403 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning the contractual relationships between distributors and producers of malt beverages. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 27, 2009

SSB 5410 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding online learning. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.150.262 and 2005 c 356 s 2 are each amended to read as follows:

Under RCW 28A.150.260, the superintendent of public instruction shall revise the definition of a full-time equivalent student to include students who receive instruction through digital programs. "Digital programs" means electronically delivered learning that occurs primarily away from the classroom. The superintendent of public instruction has the authority to adopt rules to implement the revised definition beginning with the 2005-2007 biennium for school districts claiming state funding for the programs. The rules shall include but not be limited to the following:

(1) Defining a full-time equivalent student under RCW 28A.150.260 or part-time student under RCW 28A.150.350 based upon the district's estimated average weekly hours of learning activity as identified in the student's learning plan, as long as the student is found, through monthly evaluation, to be making satisfactory progress; the rules shall require districts providing programs under this section to nonresident students to establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate;

(2) Requiring the board of directors of a school district offering, or contracting under RCW 28A.150.305 to offer, a digital program to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital learning programs from its staff;

(3) Requiring each school district offering or contracting to offer a digital program to report annually to the superintendent of public instruction on the types of programs and course offerings, and number of students participating;

(4) Requiring completion of a program self-evaluation;

(5) Requiring documentation of the district of the student's physical residence;

(6) Requiring that supervision, monitoring, assessment, and evaluation of the digital program be provided by certificated instructional staff;

(7) Requiring each school district offering courses or programs to identify the ratio of certificated instructional staff to full-time equivalent students enrolled in such courses or programs, and to include a description of their ratio as part of the reports required under subsections (2) and (3) of this section;

(8) Requiring reliable methods to verify a student is doing his or her own work; the methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district;

(9) Requiring, for each student receiving instruction in a digital program, a learning plan that includes a description of course objectives and information on the requirements a student must meet to successfully complete the program or courses. The rules shall

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allow course syllabi and other additional information to be used to meet the requirement for a learning plan;

(10) Requiring that the district assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students shall also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules shall address how students who reside outside the geographic service area of the school district are to be assessed;

(11) Requiring that each student enrolled in the program have direct personal contact with certificated instructional staff at least weekly until the student completes the course objectives or the requirements in the learning plan. Direct personal contact is for the purposes of instruction, review of assignments, testing, evaluation of student progress, or other learning activities. Direct personal contact may include the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication;

(12) Requiring state-funded public schools or public school programs whose primary purpose is to provide digital learning programs to receive accreditation through the ~~((state accreditation program or through the regional accreditation program))~~ northwest association of accredited schools, or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction after consultation with the Washington coalition for online learning;

(13) Requiring state-funded public schools or public school programs whose primary purpose is to provide digital learning to provide information to students and parents on whether or not the courses or programs: Cover one or more of the school district's learning goals or of the state's essential academic learning requirements or whether they permit the student to meet one or more of the state's or district's graduation requirements; and

(14) Requiring that a school district that provides one or more digital courses to a student provide the parent or guardian of the student, prior to the student's enrollment, with a description of any difference between home-based education as described in chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit.

NEW SECTION. Sec. 2. The office of the superintendent of public instruction shall conduct a review of online courses and programs offered to students during the 2008-09 school year to create a baseline of information about part-time, full-time, and interdistrict student enrollment; how courses and programs are offered and overseen; contract terms and funding arrangements; the fiscal impact on school district levy bases and levy equalization from interdistrict student enrollment; student-to-teacher ratios; course and program completion and success rates; student retention and dropout rates; and how issues such as student assessment, special education, and teacher certification are addressed. The office of the superintendent of public instruction shall submit a report to the education committees of the legislature by December 1, 2009."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Ways & Means.

March 27, 2009

ESSB 5414 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding statewide assessments and curricula. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28A.300 RCW to read as follows:

(1) The legislature finds that a statewide student assessment system should improve and inform classroom instruction, support accountability, and provide useful information to all levels of the educational system, including students, parents, teachers, schools, school districts, and the state. The legislature intends to redesign the current statewide system, in accordance with the recommendations of the Washington assessment of student learning legislative work group, to:

(a) Include multiple assessment formats, including both formative and summative, as necessary to provide information to help improve instruction and inform accountability;

(b) Enable collection of data that allows both statewide and nationwide comparisons of student learning and achievement; and

(c) Be balanced so that the information used to make significant decisions that affect school accountability or student educational progress includes many data points and does not rely on solely the results of a single assessment.

(2) The legislature further finds that one component of the assessment system should be instructionally supportive formative assessments. The key design elements or characteristics of an instructionally supportive assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Measure student growth and competency at multiple points throughout the year in a manner that allows instructors to monitor student progress and have the necessary trend data with which to improve instruction;

(c) Provide rapid feedback;

(d) Link student growth with instructional elements in order to gauge the effectiveness of educators and curricula;

(e) Provide tests that are appropriate to the skill level of the student;

(f) Support instruction for students of all abilities, including highly capable students and students with learning disabilities;

(g) Be culturally, linguistically, and cognitively relevant, appropriate, and understandable to each student taking the assessment;

(h) Inform parents and draw parents into greater participation of the student's study plan;

(i) Provide a way to analyze the assessment results relative to characteristics of the student such as, but not limited to, English language learners, gender, ethnicity, poverty, age, and disabilities;

(j) Strive to be computer-based and adaptive; and

(k) Engage students in their learning.

(3) The legislature further finds that a second component of the assessment system should be a state-administered summative achievement assessment that can be used as a check on the educational system in order to guide state expectations for the instruction of children and satisfy legislative demands for accountability. The key design elements or characteristics of the state administered achievement assessment must:

(a) Be aligned to state standards in areas that are being assessed;

(b) Maintain and increase academic rigor;

(c) Measure student learning growth over years; and

(d) Strengthen curriculum.

(4) The legislature further finds that a third component of the assessment system should include classroom-based assessments, which may be formative, summative, or both. Depending on their use, classroom-based assessments should have the same design elements and characteristics described in this section for formative and summative assessments.

(5) The legislature further finds that to sustain a strong and viable assessment system, preservice and ongoing training should be provided for teachers and administrators on the effective use of different types of assessments.

(6) The legislature further finds that as the statewide data system is developed, data should be collected for all state-required statewide assessments to be used for accountability and to monitor overall student achievement.

(7) The superintendent of public instruction, in consultation with the state board of education, shall begin design and development of an overall assessment system that meets the principles and characteristics described in this section. In designing formative and summative assessments, the superintendent shall solicit bids for the use of computerized adaptive testing methodologies.

(8) Beginning December 1, 2009, and annually thereafter, the superintendent and state board shall jointly report to the legislature regarding the assessment system, including a cost analysis of any changes and costs to expand availability and use of instructionally supportive formative assessments.

NEW SECTION. Sec. 2. The superintendent of public instruction shall:

(1) Revise the number of open-ended questions and extended responses in the statewide achievement assessment in grades three through eight and ten to reduce the cost and time of administering the assessment while retaining validity and reliability of the assessment and retaining assessment of critical thinking skills. By December 1, 2009, the superintendent shall report to the legislature regarding the changes, including a cost analysis of the changes; and

(2) Revisit the alternative assessments, the appeals process, including considering authorizing local school districts to determine the outcome of an appeal by a student to demonstrate that he or she has the level of understanding of a content area assessed on the Washington assessment of student learning necessary to meet the state standard but was unable to demonstrate that understanding on the assessment or an alternative assessment, and the Washington alternative assessment system portfolios for students with the most significant cognitive disabilities. By December 1, 2009, the superintendent shall make recommendations to the legislature for improvements.

Sec. 3. RCW 28A.655.066 and 2008 c 163 s 3 are each amended to read as follows:

(1) In consultation with the state board of education, the superintendent of public instruction shall develop statewide end-of-course assessments for high school mathematics that measure student achievement of the state mathematics standards. The superintendent shall take steps to ensure that the language of the assessments is responsive to a diverse student population. The superintendent shall develop end-of-course assessments ~~((in algebra I, geometry, integrated mathematics I, and integrated mathematics II. The superintendent shall make the algebra I and integrated mathematics I end-of-course assessments available to school districts on an optional basis in the 2009-10 school year. The end-of-course assessments in algebra I, geometry, integrated mathematics I, and integrated mathematics II))~~ for the first year of high school mathematics that include the standards common to algebra I and integrated mathematics I and for the second year of high school mathematics that include the standards common to geometry and integrated mathematics II, and the assessments shall be implemented statewide in the 2010-11 school year.

(2) For the graduating ~~((class of 2013))~~ classes of 2013 and 2014 and for purposes of the certificate of academic achievement under RCW 28A.655.061, a student may use: (a) Results from the ((algebra I end-of-course assessment plus the geometry end-of-course assessment or results from the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment may be used)) end-of-course assessment for the first year of high school mathematics plus the results from the end-of-course assessment for the second year of high school mathematics; or (b) results from the comprehensive mathematics assessment to demonstrate that a student meets the state standard on the mathematics content area of the high school Washington assessment of student learning.

(3) Beginning with the graduating class of ~~((2014))~~ 2015 and for purposes of the certificate of academic achievement under RCW 28A.655.061, the mathematics content area of the Washington assessment of student learning shall be assessed using ((either the algebra I end-of-course assessment plus the geometry end-of-course assessment or the integrated mathematics I end-of-course assessment plus the integrated mathematics II end-of-course assessment)) the end-of-course assessment for the first year of high school mathematics plus the end-of-course assessment for the second year of high school mathematics. All of the objective alternative assessments available to

students under RCW 28A.655.061 and 28A.655.065 shall be available to any student who has taken the sequence of end-of-course assessments once but does not meet the state mathematics standard on the sequence of end-of-course assessments.

(4) The superintendent of public instruction shall report at least annually or more often if necessary to keep the education committees of the legislature informed on each step of the development and implementation process under this section.

NEW SECTION. Sec. 4. (1) The office of the superintendent of public instruction, in consultation with the state board of education and the professional educator standards board, shall develop an implementation plan and strategies to ensure that all students have the opportunity to learn the new science and mathematics standards. The plan must include the following components:

(a) Strategies to help districts improve their alignment of curriculum and teacher instruction to the new standards;

(b) Identification of effective intervention programs and strategies for struggling students; and

(c) An assessment of the feasibility of implementing the current timelines for students to demonstrate that they have met state mathematics and science standards on the statewide high school assessments.

(2) The office of the superintendent of public instruction, in consultation with the state board of education, shall also recommend whether to use a comprehensive assessment or end-of-course assessments, including the costs for developing and implementing these assessments, for the high school assessment for students to demonstrate that they have achieved proficiency on the state's science standards.

(3) The office of the superintendent of public instruction shall report to the governor and legislature by December 1, 2009, on the implementation plan and the recommended method of assessment for science.

Sec. 5. RCW 28A.305.215 and 2008 c 274 s 2 and 2008 c 172 s 2 are each reenacted and amended to read as follows:

(1) The activities in this section revise and strengthen the state learning standards that implement the goals of RCW 28A.150.210, known as the essential academic learning requirements, and improve alignment of school district curriculum to the standards.

(2) The state board of education shall be assisted in its work under subsections (3), (4), and (5) of this section by: (a) An expert national consultant in each of mathematics and science retained by the state board; and (b) the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, which shall provide review and formal comment on proposed recommendations to the superintendent of public instruction and the state board of education on new revised standards and curricula.

(3) By September 30, 2007, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in mathematics. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of:

(i) Standards used in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment;

(ii) College readiness standards;

(iii) The national council of teachers of mathematics focal points and the national assessment of educational progress content frameworks; and

(iv) Standards used by three to five other states, including California, and the nation of Singapore; and

(c) Consideration of information presented during public comment periods.

(4)(a) By February 29, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for mathematics and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4).

(b) The state board of education shall direct an expert national consultant in mathematics to:

(i) Analyze the February 2008 version of the revised standards, including a comparison to exemplar standards previously reviewed under this section;

(ii) Recommend specific language and content changes needed to finalize the revised standards; and

(iii) Present findings and recommendations in a draft report to the state board of education.

(c) By May 15, 2008, the state board of education shall review the consultant's draft report, consult the mathematics advisory panel, hold a public hearing to receive comment, and direct any subsequent modifications to the consultant's report. After the modifications are made, the state board of education shall forward the final report and recommendations to the superintendent of public instruction for implementation.

(d) By July 1, 2008, the superintendent of public instruction shall revise the mathematics standards to conform precisely to and incorporate each of the recommendations of the state board of education under ~~(subsection (4))~~(c) of this ~~(section)~~ subsection and submit the revisions to the state board of education.

(e) By July 31, 2008, the state board of education shall either approve adoption by the superintendent of public instruction of the final revised standards as the essential academic learning requirements and grade level expectations for mathematics, or develop a plan for ensuring that the recommendations under ~~(subsection (4))~~(c) of this ~~(section)~~ subsection are implemented so that final revised mathematics standards can be adopted by September 25, 2008.

(5) By June 30, 2008, the state board of education shall recommend to the superintendent of public instruction revised essential academic learning requirements and grade level expectations in science. The recommendations shall be based on:

(a) Considerations of clarity, rigor, content, depth, coherence from grade to grade, specificity, accessibility, and measurability;

(b) Study of standards used by three to five other states and in countries whose students demonstrate high performance on the trends in international mathematics and science study and the programme for international student assessment; and

(c) Consideration of information presented during public comment periods.

(6) By December 1, 2008, the superintendent of public instruction shall revise the essential academic learning requirements and the grade level expectations for science and present the revised standards to the state board of education and the education committees of the senate and the house of representatives as required by RCW 28A.655.070(4). The superintendent shall adopt the revised essential academic learning requirements and grade level expectations unless otherwise directed by the legislature during the 2009 legislative session.

(7)(a) Within six months after the standards under subsection (4) of this section are adopted, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic mathematics curricula each for elementary, middle, and high school grade spans.

(b) Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended mathematics curricula. The superintendent of public instruction shall make any changes based on the comment and recommendations from the state board of education and adopt the recommended curricula.

(c) By ~~(May 15)~~ June 30, 2009, the superintendent of public instruction shall present to the state board of education recommendations for no more than three basic science curricula each for elementary~~(c)~~ and middle~~(-and high)~~ school grade spans and not more than three recommendations for each of the major high school courses within the following science domains: Earth and space science, physical science, and life science.

(d) ~~(By June 30, 2009)~~ Within two months after the presentation of the recommended curricula, the state board of education shall provide official comment and recommendations to the superintendent of public instruction regarding the recommended science curricula. The superintendent of public instruction shall make any changes based

on the comment and recommendations from the state board of education and adopt the recommended curricula.

(e) In selecting the recommended curricula under this subsection (7), the superintendent of public instruction shall provide information to the mathematics and science advisory panels created under RCW 28A.305.219, as appropriate, and seek the advice of the appropriate panel regarding the curricula that shall be included in the recommendations.

(f) The recommended curricula under this subsection (7) shall align with the revised essential academic learning requirements and grade level expectations. In addition to the recommended basic curricula, appropriate diagnostic and supplemental materials shall be identified as necessary to support each curricula.

(g) Subject to funds appropriated for this purpose and availability of the curricula, at least one of the curricula in each grade span and in each of mathematics and science shall be available to schools and parents online at no cost to the school or parent.

(8) By December 1, 2007, the state board of education shall revise the high school graduation requirements under RCW 28A.230.090 to include a minimum of three credits of mathematics, one of which may be a career and technical course equivalent in mathematics, and prescribe the mathematics content in the three required credits.

(9) Nothing in this section requires a school district to use one of the recommended curricula under subsection (7) of this section. However, the statewide accountability plan adopted by the state board of education under RCW 28A.305.130 shall recommend conditions under which school districts should be required to use one of the recommended curricula. The plan shall also describe the conditions for exception to the curriculum requirement, such as the use of integrated academic and career and technical education curriculum. Required use of the recommended curricula as an intervention strategy must be authorized by the legislature as required by RCW 28A.305.130(4)(e) before implementation.

(10) The superintendent of public instruction shall conduct a comprehensive survey of the mathematics curricula being used by school districts at all grade levels and the textbook and curriculum purchasing cycle of the districts and report the results of the survey to the education committees of the legislature by November 15, 2008.

NEW SECTION, Sec. 6. Section 5 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

March 26, 2009

SSB 5431 Prime Sponsor, Committee on Human Services & Corrections: Regarding placement of a child returning to out-of-home care. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended:

On page 1, line 9, after "child." insert "Pursuant to RCW 13.34.060 and 13.34.130, placement of the child with a relative is the preferred option."

Beginning on page 1, line 14, after "care," strike all material through "and the" on page 2, line 3, and insert "and the department cannot locate an appropriate and available relative, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:"

(a) The foster family home is available and willing to care for the child;

(b) The foster family is appropriate and able to meet the child's needs; and

(c) The"

On page 2, after line 3, insert the following:

"(3) In selecting the placement for a child being returned to foster care, the department shall give weight to the child's length of stay and attachment to the caregivers in the previous placements in determining what is in the best interest of the child.

NEW SECTION, Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

(1) To provide stability for children in out-of-home care, placement selection shall be made with a view toward the fewest possible placements for each child. If possible, the initial placement shall be viewed as the only placement for the child. The use of short-term interim placements of thirty days or less to protect the child's health or safety while the placement of choice is being arranged is not a violation of this principle.

(2) If a child has been previously placed in out-of-home care and is subsequently returned to out-of-home care, and the department cannot locate an appropriate and available relative, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:

(a) The foster family home is available and willing to care for the child;

(b) The foster family is appropriate and able to meet the child's needs; and

(c) The placement is in the best interest of the child.

(3) In selecting the placement for a child being returned to foster care, the court shall give weight to the child's length of stay and attachment to the caregivers in the previous placements in determining what is in the best interest of the child."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

March 27, 2009

SSB 5434 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding prohibited practices in accountancy. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5436 Prime Sponsor, Committee on Health & Long-Term Care: Concerning direct patient-provider primary care practice arrangements. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.150.010 and 2007 c 267 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care

services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW, plans administered under chapter 41.05, 70.47, or 70.47A RCW, or self-insured plans, except as specifically authorized as a pilot site under section 2, chapter . . . (Substitute Senate Bill No. 5891), Laws of 2009; and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

Sec. 2. RCW 48.150.040 and 2007 c 267 s 6 are each amended to read as follows:

(1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

(b) Except as provided in RCW 48.150.010(1)(c), submit a claim for payment to any carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, as a participant in the carrier's or any carrier's contractor or subcontractor network for purposes of determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 or plans administered under chapter 41.05, 70.47, or 70.47A RCW for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract applicable to participating providers including but not limited to the right to:

(i) Make referrals to other participating providers;

(ii) Admit the carrier's members to participating hospitals and other health care facilities;

(iii) Prescribe prescription drugs; and

(iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services (~~provided in connection with wellness physical examinations~~). In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

Sec. 3. RCW 70.47.060 and 2007 c 259 s 36 are each amended to read as follows:

The administrator has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, prescription drugs and medications, and other services that may be necessary for basic health care. In addition, the administrator may, to the extent that funds are available, offer as basic health plan services chemical dependency services, mental health services and organ transplant services; however, no one service or any combination of these three services shall increase the actuarial value of the basic health plan benefits by more than five percent excluding inflation, as determined by the office of financial management. All subsidized and nonsubsidized enrollees in any participating managed health care system under the Washington basic health plan shall be entitled to receive covered basic health care services in return for premium payments to the plan. The schedule of services shall emphasize proven preventive and primary health care and shall include all services necessary for prenatal, postnatal, and well-child care. However, with respect to coverage for subsidized enrollees who are eligible to receive prenatal and postnatal services through the medical assistance program under chapter 74.09 RCW, the administrator shall not contract for such services except to the extent that such services are necessary over not more than a one-month period in order to maintain continuity of care after diagnosis of pregnancy by the managed care provider. The schedule of services shall also include a separate schedule of basic health care services for children, eighteen years of age and younger, for those subsidized or nonsubsidized enrollees who choose to secure basic coverage through the plan only for their dependent children. In designing and revising the schedule of services, the administrator shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.47.030, and such other factors as the administrator deems appropriate.

(2)(a) To design and implement a structure of periodic premiums due the administrator from subsidized enrollees that is based upon gross family income, giving appropriate consideration to family size and the ages of all family members. The enrollment of children shall not require the enrollment of their parent or parents who are eligible for the plan. The structure of periodic premiums shall be applied to subsidized enrollees entering the plan as individuals pursuant to subsection (11) of this section and to the share of the cost of the plan

due from subsidized enrollees entering the plan as employees pursuant to subsection (12) of this section.

(b) To determine the periodic premiums due the administrator from subsidized enrollees under RCW 70.47.020(6)(b). Premiums due for foster parents with gross family income up to two hundred percent of the federal poverty level shall be set at the minimum premium amount charged to enrollees with income below sixty-five percent of the federal poverty level. Premiums due for foster parents with gross family income between two hundred percent and three hundred percent of the federal poverty level shall not exceed one hundred dollars per month.

(c) To determine the periodic premiums due the administrator from nonsubsidized enrollees. Premiums due from nonsubsidized enrollees shall be in an amount equal to the cost charged by the managed health care system provider to the state for the plan plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201.

(d) To determine the periodic premiums due the administrator from health coverage tax credit eligible enrollees. Premiums due from health coverage tax credit eligible enrollees must be in an amount equal to the cost charged by the managed health care system provider to the state for the plan, plus the administrative cost of providing the plan to those enrollees and the premium tax under RCW 48.14.0201. The administrator will consider the impact of eligibility determination by the appropriate federal agency designated by the Trade Act of 2002 (P.L. 107-210) as well as the premium collection and remittance activities by the United States internal revenue service when determining the administrative cost charged for health coverage tax credit eligible enrollees.

(e) An employer or other financial sponsor may, with the prior approval of the administrator, pay the premium, rate, or any other amount on behalf of a subsidized or nonsubsidized enrollee, by arrangement with the enrollee and through a mechanism acceptable to the administrator. The administrator shall establish a mechanism for receiving premium payments from the United States internal revenue service for health coverage tax credit eligible enrollees.

(f) To develop, as an offering by every health carrier providing coverage identical to the basic health plan, as configured on January 1, 2001, a basic health plan model plan with uniformity in enrollee cost-sharing requirements.

(3) To evaluate, with the cooperation of participating managed health care system providers, the impact on the basic health plan of enrolling health coverage tax credit eligible enrollees. The administrator shall issue to the appropriate committees of the legislature preliminary evaluations on June 1, 2005, and January 1, 2006, and a final evaluation by June 1, 2006. The evaluation shall address the number of persons enrolled, the duration of their enrollment, their utilization of covered services relative to other basic health plan enrollees, and the extent to which their enrollment contributed to any change in the cost of the basic health plan.

(4) To end the participation of health coverage tax credit eligible enrollees in the basic health plan if the federal government reduces or terminates premium payments on their behalf through the United States internal revenue service.

(5) To design and implement a structure of enrollee cost-sharing due a managed health care system from subsidized, nonsubsidized, and health coverage tax credit eligible enrollees. The structure shall discourage inappropriate enrollee utilization of health care services, and may utilize copayments, deductibles, and other cost-sharing mechanisms, but shall not be so costly to enrollees as to constitute a barrier to appropriate utilization of necessary health care services.

(6) To limit enrollment of persons who qualify for subsidies so as to prevent an overexpenditure of appropriations for such purposes. Whenever the administrator finds that there is danger of such an overexpenditure, the administrator shall close enrollment until the administrator finds the danger no longer exists. Such a closure does not apply to health coverage tax credit eligible enrollees who receive a premium subsidy from the United States internal revenue service as long as the enrollees qualify for the health coverage tax credit program.

(7) To limit the payment of subsidies to subsidized enrollees, as defined in RCW 70.47.020. The level of subsidy provided to persons

who qualify may be based on the lowest cost plans, as defined by the administrator.

(8) To adopt a schedule for the orderly development of the delivery of services and availability of the plan to residents of the state, subject to the limitations contained in RCW 70.47.080 or any act appropriating funds for the plan.

(9) Except to the extent to be designated as a medical home pilot site as provided in section 2, chapter . . . (Substitute Senate Bill No. 5891), Laws of 2009, to solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the plan for subsidized enrollees, nonsubsidized enrollees, or health coverage tax credit eligible enrollees. The administrator shall endeavor to assure that covered basic health care services are available to any enrollee of the plan from among a selection of two or more participating managed health care systems. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the administrator shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the several areas of the state. Contracts with participating managed health care systems shall ensure that basic health plan enrollees who become eligible for medical assistance may, at their option, continue to receive services from their existing providers within the managed health care system if such providers have entered into provider agreements with the department of social and health services.

(10) To receive periodic premiums from or on behalf of subsidized, nonsubsidized, and health coverage tax credit eligible enrollees, deposit them in the basic health plan operating account, keep records of enrollee status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(11) To accept applications from individuals residing in areas served by the plan, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health plan as subsidized, nonsubsidized, or health coverage tax credit eligible enrollees, to give priority to members of the Washington national guard and reserves who served in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation Noble Eagle, and their spouses and dependents, for enrollment in the Washington basic health plan, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and on a reasonable schedule defined by the authority, or at the request of any enrollee, eligibility due to current gross family income for sliding scale premiums. Funds received by a family as part of participation in the adoption support program authorized under RCW 26.33.320 and 74.13.100 through 74.13.145 shall not be counted toward a family's current gross family income for the purposes of this chapter. When an enrollee fails to report income or income changes accurately, the administrator shall have the authority either to bill the enrollee for the amounts overpaid by the state or to impose civil penalties of up to two hundred percent of the amount of subsidy overpaid due to the enrollee incorrectly reporting income. The administrator shall adopt rules to define the appropriate application of these sanctions and the processes to implement the sanctions provided in this subsection, within available resources. No subsidy may be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to RCW 70.47.110, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW. If a number of enrollees drop their enrollment for no apparent good cause, the administrator may establish appropriate rules or requirements that are applicable to such individuals before they will be allowed to reenroll in the plan.

(12) To accept applications from business owners on behalf of themselves and their employees, spouses, and dependent children, as subsidized or nonsubsidized enrollees, who reside in an area served by the plan. The administrator may require all or the substantial majority of the eligible employees of such businesses to enroll in the plan and establish those procedures necessary to facilitate the orderly enrollment of groups in the plan and into a managed health care system. The administrator may require that a business owner pay at least an amount equal to what the employee pays after the state pays its portion of the subsidized premium cost of the plan on behalf of

each employee enrolled in the plan. Enrollment is limited to those not eligible for medicare who wish to enroll in the plan and choose to obtain the basic health care coverage and services from a managed care system participating in the plan. The administrator shall adjust the amount determined to be due on behalf of or from all such enrollees whenever the amount negotiated by the administrator with the participating managed health care system or systems is modified or the administrative cost of providing the plan to such enrollees changes.

(13) To determine the rate to be paid to each participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same or actuarially equivalent for similar enrollees, the rates negotiated with participating managed health care systems may vary among the systems. In negotiating rates with participating systems, the administrator shall consider the characteristics of the populations served by the respective systems, economic circumstances of the local area, the need to conserve the resources of the basic health plan trust account, and other factors the administrator finds relevant.

(14) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to require periodic data reports concerning the utilization of health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the administrator shall endeavor to minimize costs, both to the managed health care systems and to the plan. The administrator shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the department of health, to minimize duplication of effort.

(15) To evaluate the effects this chapter has on private employer-based health care coverage and to take appropriate measures consistent with state and federal statutes that will discourage the reduction of such coverage in the state.

(16) To develop a program of proven preventive health measures and to integrate it into the plan wherever possible and consistent with this chapter.

(17) To provide, consistent with available funding, assistance for rural residents, underserved populations, and persons of color.

(18) In consultation with appropriate state and local government agencies, to establish criteria defining eligibility for persons confined or residing in government-operated institutions.

(19) To administer the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii) pursuant to a contract with the Washington state health insurance pool.

(20) To give priority in enrollment to persons who disenrolled from the program in order to enroll in medicaid, and subsequently became ineligible for medicaid coverage.

NEW SECTION. Sec. 4. The insurance commissioner shall work with health maintenance organizations under chapter 48.46 RCW to determine how they can operate as a direct practice as defined in RCW 48.150.010. Recommendations for any necessary statutory changes must be submitted to the legislature by December 1, 2009."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Erickson, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5453 Prime Sponsor, Senator Kastama: Defining "principal residence" for the purpose of relocation of a child. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 2, after line 1, insert the following:

"Sec. 2. RCW 26.09.520 and 2000 c 21 s 14 are each amended to read as follows:

(1) The person proposing to relocate with the child shall provide his or her reasons for the intended relocation. Except as provided in subsection (2) of this section, there is a rebuttable presumption that the intended relocation of the child will be permitted. A person entitled to object to the intended relocation of the child may rebut the presumption by demonstrating that the detrimental effect of the relocation outweighs the benefit of the change to the child and the relocating person, based upon the following factors. The factors listed in this section are not weighted. No inference is to be drawn from the order in which the following factors are listed:

((+)) (a) The relative strength, nature, quality, extent of involvement, and stability of the child's relationship with each parent, siblings, and other significant persons in the child's life;

((+)) (b) Prior agreements of the parties;

((+)) (c) Whether disrupting the contact between the child and the person with whom the child resides a majority of the time would be more detrimental to the child than disrupting contact between the child and the person objecting to the relocation;

((+)) (d) Whether either parent or a person entitled to residential time with the child is subject to limitations under RCW 26.09.191;

((+)) (e) The reasons of each person for seeking or opposing the relocation and the good faith of each of the parties in requesting or opposing the relocation;

((+)) (f) The age, developmental stage, and needs of the child, and the likely impact the relocation or its prevention will have on the child's physical, educational, and emotional development, taking into consideration any special needs of the child;

((+)) (g) The quality of life, resources, and opportunities available to the child and to the relocating party in the current and proposed geographic locations;

((+)) (h) The availability of alternative arrangements to foster and continue the child's relationship with and access to the other parent;

((+)) (i) The alternatives to relocation and whether it is feasible and desirable for the other party to relocate also;

((+)) (j) The financial impact and logistics of the relocation or its prevention; and

((+)) (k) For a temporary order, the amount of time before a final decision can be made at trial.

(2) The rebuttable presumption under subsection (1) of this section does not apply when the child, under a court order, has substantially equal residential time with the person proposing to relocate the child and another person entitled to residential time with the child.

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5468 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Permitting an exemption for nonprofit housing organizations from the consumer loan act. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 31.04.025 and 2008 c 78 s 1 are each amended to read as follows:

(1) Each loan made to a resident of this state by a licensee is subject to the authority and restrictions of this chapter, unless such loan is made under the authority of chapter 63.14 RCW.

(2) This chapter shall not apply to any person doing business under and as permitted by any law of this state or of the United States relating to banks, savings banks, trust companies, savings and loan or building and loan associations, or credit unions, nor to any pawnbroking business lawfully transacted under and as permitted by any law of this state regulating pawnbrokers, nor to any loan of credit made pursuant to a credit card plan.

(3) This chapter does not apply to nonprofit housing organizations making loans, or loans made, under housing programs that are funded in whole or in part by federal or state programs if the primary purpose of the programs is to assist low-income borrowers with purchasing or repairing housing or the development of housing for low-income Washington state residents."

Correct the title.

Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 24, 2009

SSB 5469 Prime Sponsor, Committee on Transportation: Modifying limitations on the use of intermediate licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Erickson; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 26, 2009

ESSB 5473 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Expediting completion of projects of statewide significance. (REVISED FOR ENGROSSED: Designating projects of statewide significance.) Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.157.005 and 1997 c 369 s 1 are each amended to read as follows:

The legislature declares that certain ~~((industrial))~~ investments, such as investments for industrial development, environmental improvement, and innovation activities, merit special designation and treatment by governmental bodies when they are proposed. Such investments bolster the economies of their locale and impact the economy of the state as a whole. It is the intention of the legislature to recognize ~~((industrial))~~ projects of statewide significance and to encourage local governments and state agencies to expedite their completion.

Sec. 2. RCW 43.157.010 and 2004 c 275 s 63 are each amended to read as follows:

((+)) For purposes of this chapter and RCW 28A.525.166, 28B.76.210, 28C.18.080, 43.21A.350, ~~((47.06.030))~~ and 90.58.100 ~~((and an industrial))~~, unless the context requires otherwise:

(1)(a) A project of statewide significance is:

(i) A border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces;

(ii) A development project that will provide a net environmental benefit;

(iii) A development project in furtherance of the commercialization of innovations; or

(iv) A private industrial development with private capital investment in manufacturing or research and development.

(b) To qualify for designation under RCW 43.157.030 as ~~(an industrial)~~ a project of statewide significance: ~~((a))~~

~~((b))~~ (i) The project must be completed after January 1, ~~(1997)~~ 2009;

~~((c))~~ (ii) The applicant must submit an application to the department for designation as ~~(an industrial)~~ a project of statewide significance to the department of community, trade, and economic development; and ~~((e))~~

(iii) The project must have:

~~((f))~~ (A) In counties with a population ~~((of))~~ less than or equal to twenty thousand, a capital investment of ~~((twenty))~~ five million dollars;

~~((g))~~ (B) In counties with a population ~~((of))~~ greater than twenty thousand but no more than fifty thousand, a capital investment of ~~((fifty))~~ ten million dollars;

~~((h))~~ (C) In counties with a population ~~((of))~~ greater than fifty thousand but no more than one hundred thousand, a capital investment of ~~((one hundred))~~ fifteen million dollars;

~~((i))~~ (D) In counties with a population ~~((of))~~ greater than one hundred thousand but no more than two hundred thousand, a capital investment of ~~((two hundred))~~ twenty million dollars;

~~((j))~~ (E) In counties with a population ~~((of))~~ greater than two hundred thousand but no more than four hundred thousand, a capital investment of ~~((four hundred))~~ thirty million dollars;

~~((k))~~ (F) In counties with a population ~~((of))~~ greater than four hundred thousand but no more than one million, a capital investment of ~~((six hundred))~~ forty million dollars;

~~((l))~~ (G) In counties with a population ~~((of))~~ greater than one million, a capital investment of ~~((one billion))~~ fifty million dollars;

~~((m))~~ (H) In rural counties ~~((with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th))~~ as defined by RCW 82.14.370, projected full-time employment positions after completion of construction of fifty or greater;

~~((n))~~ (I) In counties ~~((with one hundred or more persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th))~~ other than rural counties as defined by RCW 82.14.370, projected full-time employment positions after completion of construction of one hundred or greater; or

~~((o))~~ (J) Been ~~((designated))~~ qualified by the director of ~~((community, trade, and economic development))~~ the department as ~~((an industrial))~~ a project of statewide significance either because: ~~((A) Because the county in which the project is to be located is a distressed county and)~~

(I) The economic circumstances of the county merit the additional assistance such designation will bring; ~~((or (B) because))~~

(II) The impact on a region due to the size and complexity of the project merits such designation;

(III) The project resulted from or is in furtherance of innovation activities at a public research institution in the state or is in or resulted from innovation activities within an innovation partnership zone; or

(IV) The project will provide a net environmental benefit as evidenced by plans for design and construction under green building standards or for the creation of renewable energy technology or components or under other environmental criteria established by the director in consultation with the director of the department of ecology.

A project may be qualified under this subsection (I)(b)(iii)(J) only after consultation on the availability of staff resources of the office of regulatory assistance.

(2) ~~((The term))~~ "Department" means the department of community, trade, and economic development.

(3) "Manufacturing" shall have the meaning assigned it in RCW ~~((82.61.010))~~ 82.62.010.

~~((3) The term)~~ (4) "Research and development" shall have the meaning assigned it in RCW ~~((82.61.010))~~ 82.62.010.

~~((4) The term)~~ (5) "Applicant" means a person applying to the department ~~((of community, trade, and economic development))~~ for designation of a development project as ~~((an industrial))~~ a project of statewide significance.

Sec. 3. RCW 43.157.020 and 2003 c 54 s 2 are each amended to read as follows:

Counties and cities with development projects designated as ~~((industrial))~~ projects of statewide significance within their jurisdictions shall enter into an agreement with the office of ~~((permit))~~ regulatory assistance and the project managers of ~~((industrial))~~ projects of statewide significance for expediting the completion of ~~((industrial))~~ projects of statewide significance. The agreement shall require:

(1) Expedited permit processing for the design and construction of the project;

(2) Expedited environmental review processing;

(3) Expedited processing of requests for street, right-of-way, or easement vacations necessary for the construction of the project; ~~((and))~~

(4) Participation of local officials on the team assembled under the requirements of RCW 43.157.030(2)(b); and

(5) Such other actions or items as are deemed necessary by the office of ~~((permit))~~ regulatory assistance for the design and construction of the project.

Sec. 4. RCW 43.157.030 and 2003 c 54 s 3 are each amended to read as follows:

(1) The department of community, trade, and economic development shall:

(a) Develop an application for designation of development projects as ~~((industrial))~~ projects of statewide significance. The application must be accompanied by a letter of approval from the legislative authority of any jurisdiction that will have the proposed ~~((industrial))~~ project of statewide significance within its boundaries. No designation of a project as ~~((an industrial))~~ a project of statewide significance shall be made without such letter of approval. The letter of approval must state that the jurisdiction joins in the request for the designation of the project as one of statewide significance and has or will hire the professional staff that will be required to expedite the processes necessary to the completion of ~~((an industrial))~~ a project of statewide significance. The development project proponents may provide the funding necessary for the jurisdiction to hire the professional staff that will be required to so expedite. The application shall contain information regarding the location of the project, the applicant's average employment in the state for the prior year, estimated new employment related to the project, estimated wages of employees related to the project, estimated time schedules for completion and operation, and other information required by the department; and

(b) ~~((Certify that))~~ Designate a development project as a project of statewide significance if the department determines:

(i) After review of the application under criteria adopted by rule, the development project will provide significant economic benefit to the local or state economy, or both, the project is aligned with the state's comprehensive plan for economic development under RCW 43.162.020, and, by its designation, the project will not prevent equal consideration of all categories of proposals under RCW 43.157.010; and

(ii) The development project meets or will meet the requirements of RCW 43.157.010 regarding designation as ~~((an industrial))~~ a project of statewide significance.

(2) The office of ~~((permit))~~ regulatory assistance shall assign a project facilitator or coordinator to each ~~((industrial))~~ project of statewide significance to:

(a) Assist in the scoping and coordinating functions provided for in chapter 43.42 RCW;

(b) Assemble a team of state and local government and private officials to help meet the planning, permitting, and development needs of each project, which team shall include those responsible for planning, permitting and licensing, infrastructure development,

workforce development services including higher education, transportation services, and the provision of utilities; and

(c) Work with each team member to expedite their actions in furtherance of the project.

Sec. 5. RCW 28A.525.166 and 2006 c 263 s 311 are each amended to read as follows:

Allocations to school districts of state funds provided by RCW 28A.525.162 through 28A.525.180 shall be made by the superintendent of public instruction and the amount of state assistance to a school district in financing a school plant project shall be determined in the following manner:

(1) The boards of directors of the districts shall determine the total cost of the proposed project, which cost may include the cost of acquiring and preparing the site, the cost of constructing the building or of acquiring a building and preparing the same for school use, the cost of necessary equipment, taxes chargeable to the project, necessary architects' fees, and a reasonable amount for contingencies and for other necessary incidental expenses: PROVIDED, That the total cost of the project shall be subject to review and approval by the superintendent.

(2) The state matching percentage for a school district shall be computed by the following formula:

The ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil shall be subtracted from three, and then the result of the foregoing shall be divided by three plus (the ratio of the school district's adjusted valuation per pupil divided by the ratio of the total state adjusted valuation per pupil).

Computed State Ratio	0	$\frac{\text{District adjusted 3-valuation per pupil}}{\text{District adjusted 3 +valuation per pupil}}$	\div	$\frac{\text{Total state adjusted valuation per pupil}}{\text{Total state adjusted valuation per pupil}}$	=	State % Assistance
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PROVIDED, That in the event the percentage of state assistance to any school district based on the above formula is less than twenty percent and such school district is otherwise eligible for state assistance under RCW 28A.525.162 through 28A.525.180, the superintendent may establish for such district a percentage of state assistance not in excess of twenty percent of the approved cost of the project, if the superintendent finds that such additional assistance is necessary to provide minimum facilities for housing the pupils of the district.

(3) In addition to the computed percent of state assistance developed in subsection (2) of this section, a school district shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each percent of growth, with a maximum of twenty percent.

(4) The approved cost of the project determined in the manner prescribed in this section multiplied by the percentage of state assistance derived as provided for in this section shall be the amount of state assistance to the district for the financing of the project: PROVIDED, That need therefor has been established to the satisfaction of the superintendent: PROVIDED, FURTHER, That additional state assistance may be allowed if it is found by the superintendent, considering policy recommendations from the school facilities citizen advisory panel that such assistance is necessary in order to meet (a) a school housing emergency resulting from the destruction of a school building by fire, the condemnation of a school building by properly constituted authorities, a sudden excessive and clearly foreseeable future increase in school population, or other conditions similarly emergent in nature; or (b) a special school housing burden resulting from ((~~industrial~~)) projects of statewide significance or imposed by virtue of the admission of nonresident students into educational programs established, maintained and operated in conformity with the requirements of law; or (c) a deficiency in the capital funds of the district resulting from financing, subsequent to April 1, 1969, and without benefit of the state assistance provided by prior state assistance programs, the construction of a needed school building project or projects approved in conformity

with the requirements of such programs, after having first applied for and been denied state assistance because of the inadequacy of state funds available for the purpose, or (d) a condition created by the fact that an excessive number of students live in state owned housing, or (e) a need for the construction of a school building to provide for improved school district organization or racial balance, or (f) conditions similar to those defined under (a), (b), (c), (d), and (e) of this subsection, creating a like emergency.

Sec. 6. RCW 28C.18.080 and 1997 c 369 s 5 are each amended to read as follows:

(1) The state comprehensive plan for workforce training and education shall be updated every two years and presented to the governor and the appropriate legislative policy committees. Following public hearings, the legislature shall, by concurrent resolution, approve or recommend changes to the initial plan and the updates. The plan shall then become the state's workforce training policy unless legislation is enacted to alter the policies set forth in the plan.

(2) The comprehensive plan shall include workforce training role and mission statements for the workforce development programs of operating agencies represented on the board and sufficient specificity regarding expected actions by the operating agencies to allow them to carry out actions consistent with the comprehensive plan.

(3) Operating agencies represented on the board shall have operating plans for their workforce development efforts that are consistent with the comprehensive plan and that provide detail on implementation steps they will take to carry out their responsibilities under the plan. Each operating agency represented on the board shall provide an annual progress report to the board.

(4) The comprehensive plan shall include recommendations to the legislature and the governor on the modification, consolidation, initiation, or elimination of workforce training and education programs in the state.

(5) The comprehensive plan shall address how the state's workforce development system will meet the needs of employers hiring for ((~~industrial~~)) projects of statewide significance.

(6) The board shall report to the appropriate legislative policy committees by December 1 of each year on its progress in implementing the comprehensive plan and on the progress of the operating agencies in meeting their obligations under the plan.

Sec. 7. RCW 43.21A.350 and 1997 c 369 s 6 are each amended to read as follows:

The department of ecology shall prepare and perfect from time to time a state master plan for flood control, state public reservations, financed in whole or in part from moneys collected by the state, sites for state public buildings and for the orderly development of the natural and agricultural resources of the state. The plan shall address how the department will expedite the completion of ((~~industrial~~)) projects of statewide significance. The plan shall be a guide in making recommendations to the officers, boards, commissions, and departments of the state.

Whenever an improvement is proposed to be established by the state, the state agency having charge of the establishment thereof shall request of the director a report thereon, which shall be furnished within a reasonable time thereafter. In case an improvement is not established in conformity with the report, the state agency having charge of the establishment thereof shall file in its office and with the department a statement setting forth its reasons for rejecting or varying from such report which shall be open to public inspection.

The department shall insofar as possible secure the cooperation of adjacent states, and of counties and municipalities within the state in the coordination of their proposed improvements with such master plan.

Sec. 8. RCW 43.42.060 and 2007 c 94 s 7 are each amended to read as follows:

(1) The office may coordinate the processing by participating permit agencies of permits required for a project, at the request of the project proponent through a cost-reimbursement agreement as provided in subsection (3) of this section or with the agreement of the project proponent as provided in subsection (4) of this section.

(2) The office shall assign a project coordinator to perform any or all of the following functions, as specified by the terms of a cost-

reimbursement agreement under subsection (3) of this section or an agreement under subsection (4) of this section:

- (a) Serve as the main point of contact for the project proponent;
- (b) Conduct a project scoping as provided in RCW 43.42.050(2);
- (c) Verify that the project proponent has all the information needed to complete applications;
- (d) Coordinate the permit processes of the permit agencies;
- (e) Manage the applicable administrative procedures;
- (f) Work to assure that timely permit decisions are made by the permit agencies and maintain contact with the project proponent and the permit agencies to ensure adherence to schedules;
- (g) Assist in resolving any conflict or inconsistency among permit requirements and conditions; and
- (h) Coordinate with relevant federal permit agencies and tribal governments to the extent possible.

(3) At the request of a project proponent and as provided in RCW 43.42.070, the project coordinator shall coordinate negotiations among the project proponent, the office, and participating permit agencies to enter into a cost-reimbursement agreement and shall coordinate implementation of the agreement, which shall govern coordination of permit processing by the participating permit agencies.

(4) For ~~((industrial))~~ projects of statewide significance or if the office determines that it is in the public interest to coordinate the processing of permits for certain projects that are complex in scope, require multiple permits, involve multiple jurisdictions, or involve a significant number of affected parties, the office shall, upon the proponent's request, enter into an agreement with the project proponent and the participating permit agencies to coordinate the processing of permits for the project. The office may limit the number of such agreements according to the resources available to the office and the permit agencies at the time.

Sec. 9. RCW 90.58.100 and 1997 c 369 s 7 are each amended to read as follows:

(1) The master programs provided for in this chapter, when adopted or approved by the department shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

- (a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;
- (b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;
- (c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;
- (d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;
- (e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;
- (f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

- (a) An economic development element for the location and design of industries, ~~((industrial))~~ projects of statewide significance, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;
- (b) A public access element making provision for public access to publicly owned areas;
- (c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;
- (d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;
- (e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines

and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

- (f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;
- (g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values;
- (h) An element that gives consideration to the statewide interest in the prevention and minimization of flood damages; and
- (i) Any other element deemed appropriate or necessary to effectuate the policy of this chapter.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in RCW 90.58.020. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in RCW 90.58.140(3).

(6) Each master program shall contain standards governing the protection of single family residences and appurtenant structures against damage or loss due to shoreline erosion. The standards shall govern the issuance of substantial development permits for shoreline protection, including structural methods such as construction of bulkheads, and nonstructural methods of protection. The standards shall provide for methods which achieve effective and timely protection against loss or damage to single family residences and appurtenant structures due to shoreline erosion. The standards shall provide a preference for permit issuance for measures to protect single family residences occupied prior to January 1, 1992, where the proposed measure is designed to minimize harm to the shoreline natural environment.

Sec. 10. RCW 43.131.402 and 2007 c 231 s 7 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2012:

- (1) RCW 43.42.005 and 2003 c 71 s 1 & 2002 c 153 s 1;
- (2) RCW 43.42.010 and 2007 c 231 s 5, 2003 c 71 s 2, & 2002 c 153 § 2;
- (3) RCW 43.42.020 and 2002 c 153 s 3;
- (4) RCW 43.42.030 and 2003 c 71 s 3 & 2002 c 153 s 4;
- (5) RCW 43.42.040 and 2003 c 71 s 4 & 2002 c 153 s 5;
- (6) RCW 43.42.050 and 2002 c 153 s 6;
- (7) RCW 43.42.060 and 2009 c . . . s 8 (section 8 of this act) & 2002 c 153 s 7;
- (8) RCW 43.42.070 and 2002 c 153 s 8;
- (9) RCW 43.42.905 and 2002 c 153 s 10;
- (10) RCW 43.42.900 and 2002 c 153 s 11; and
- (11) RCW 43.42.901 and 2002 c 153 s 12.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Passed to Committee on Rules for second reading.

March 26, 2009
SSB 5480 Prime Sponsor, Committee on Health & Long-Term Care: Creating the Washington health care discount plan organization act. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen, Ranking Minority Member.

Referred to Committee on General Government Appropriations.

March 24, 2009
SSB 5499 Prime Sponsor, Committee on Transportation: Concerning bond amounts for department of transportation highway contracts. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 26, 2009
SSB 5501 Prime Sponsor, Committee on Ways & Means: Concerning the secure exchange of health information. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that:

(1) The inability to securely share critical health information between practitioners inhibits the delivery of safe, efficient care, as evidenced by:

(a) Adverse drug events that result in an average of seven hundred seventy thousand injuries and deaths each year; and

(b) Duplicative services that add to costs and jeopardize patient well-being;

(2) Consumers are unable to act as fully informed participants in their care unless they have ready access to their own health information;

(3) The blue ribbon commission on health care costs and access found that the development of a system to provide electronic access to patient information anywhere in the state was a key to improving health care; and

(4) In 2005, the legislature established a health information infrastructure advisory board to develop a strategy for the adoption and use of health information technologies that are consistent with emerging national standards and promote interoperability of health information systems.

"NEW SECTION, Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 6 of this act unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the state health care authority under this chapter.

(2) "Exchange" means the methods or medium by which health care information may be electronically and securely exchanged among authorized providers, payors, and patients within Washington state.

(3) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(4) "Health data provider" means an organization that is a primary source for health-related data for Washington residents, including but not limited to:

(a) The children's health immunizations linkages and development profile immunization registry provided by the department of health pursuant to chapter 43.70 RCW;

(b) Commercial laboratories providing medical laboratory testing results;

(c) Prescription drugs clearinghouses, such as the national patient health information network; and

(d) Diagnostic imaging centers.

(5) "Lead organization" means a private sector organization or organizations designated by the administrator to lead development of processes, guidelines, and standards under this act.

(6) "Payor" means public purchasers, as defined in this section, carriers licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.62 RCW, and the Washington state health insurance pool established in chapter 48.41 RCW.

(7) "Public purchaser" means the department of social and health services, the department of labor and industries, and the health care authority.

(8) "Secretary" means the secretary of the department of health. **NEW SECTION, Sec. 3.** A new section is added to chapter 41.05 RCW to read as follows:

(1) By August 1, 2009, the administrator shall designate one or more lead organizations to coordinate development of processes, guidelines, and standards to:

(a) Improve patient access to and control of their own health care information and thereby enable their active participation in their own care; and

(b) Implement methods for the secure exchange of clinical data as a means to promote:

(i) Continuity of care;

(ii) Quality of care;

(iii) Patient safety; and

(iv) Efficiency in medical practices.

(2) The lead organization designated by the administrator under this section shall:

(a) Be representative of health care privacy advocates, providers, and payors across the state;

(b) Have expertise and knowledge in the major disciplines related to the secure exchange of health data;

(c) Be able to support the costs of its work without recourse to state funding. The administrator and the lead organization are authorized and encouraged to seek federal funds, including funds from the federal American recovery and reinvestment act, as well as solicit, receive, contract for, collect, and hold grants, donations, and gifts to support the implementation of this section and section 4 of this act;

(d) In collaboration with the administrator, identify and convene work groups, as needed, to accomplish the goals of this section and section 4 of this act;

(e) Conduct outreach and communication efforts to maximize the adoption of the guidelines, standards, and processes developed by the lead organization;

(f) Submit regular updates to the administrator on the progress implementing the requirements of this section and section 4 of this act; and

(g) With the administrator, report to the legislature December 1, 2009, and on December 1st of each year through December 1, 2012, on progress made, the time necessary for completing tasks, and identification of future tasks that should be prioritized for the next improvement cycle.

(3) Within available funds as specified in subsection (2)(c) of this section, the administrator shall:

(a) Participate in and review the work and progress of the lead organization, including the establishment and operation of work groups for this section and section 4 of this act; and

(b) Consult with the office of the attorney general to determine whether:

(i) An antitrust safe harbor is necessary to enable licensed carriers and providers to develop common rules and standards; and,

if necessary, take steps, such as implementing rules or requesting legislation, to establish a safe harbor; and

(ii) Legislation is needed to limit provider liability if their health records are missing health information despite their participation in the exchange of health information.

(4) The lead organization or organizations shall take steps to minimize the costs that implementation of the processes, guidelines, and standards may have on participating entities, including providers.

NEW SECTION, Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

By December 1, 2011, the lead organization shall, consistent with the federal health insurance portability and accountability act, develop processes, guidelines, and standards that address:

(1) Identification and prioritization of high value health data from health data providers. High value health data include:

- (a) Prescriptions;
 - (b) Immunization records;
 - (c) Laboratory results;
 - (d) Allergies; and
 - (e) Diagnostic imaging;
- (2) Processes to request, submit, and receive data;
- (3) Data security, including:

(a) Storage, access, encryption, and password protection;

(b) Secure methods for accepting and responding to requests for data;

(c) Handling unauthorized access to or disclosure of individually identifiable patient health information, including penalties for unauthorized disclosure; and

(d) Authentication of individuals, including patients and providers, when requesting access to health information, and maintenance of a permanent audit trail of such requests, including:

- (i) Identification of the party making the request;
- (ii) The data elements reported; and
- (iii) Transaction dates;

(4) Materials written in plain language that explain the exchange of health information and how patients can effectively manage such information, including the use of online tools for that purpose;

(5) Materials for health care providers that explain the exchange of health information and the secure management of such information.

NEW SECTION, Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

If any provision in sections 2 through 4 of this act conflicts with existing or new federal requirements, the administrator shall recommend modifications, as needed, to assure compliance with the aims of sections 2 through 4 of this act and federal requirements.

NEW SECTION, Sec. 6. A new section is added to chapter 41.05 RCW to read as follows:

Within available funds as specified in section 3(2)(c) of this act, by December 1, 2009, and annually thereafter, the administrator shall report to the legislature on the implementation of the requirements of sections 2 through 4 of this act, including:

(1) An assessment of the benefits and any drawbacks resulting from the implementation of the exchanges; and

(2) Recommendations for legislation to help further the goals of sections 2 through 4 of this act.

NEW SECTION, Sec. 7. Within available funds as specified in section 3(2)(c) of this act, by July 1, 2011, the office of financial management shall contract with an independent research organization to evaluate implementation of sections 3 and 4 of this act. The evaluation must include recommendations for program changes to better meet the goals of this act."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Hinkle; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey and Herrera.

Referred to Committee on Health & Human Services Appropriations.

March 26, 2009

SSB 5510 Prime Sponsor, Committee on Human Services & Corrections: Regarding notification in dependency matters. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that when children have been found dependent and placed in out-of-home care, the likelihood of reunification with their parents diminishes significantly after fifteen months. The legislature also finds that early and consistent parental engagement in services and participation in appropriate parent-child contact and visitation increases the likelihood of successful reunifications. The legislature intends to promote greater awareness among parents in dependency cases of the importance of active participation in services, visitation, and case planning for the child, and the risks created by failure to participate in their child's case over the long term.

Sec. 2. RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are each reenacted and amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of social and health services or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

(1) Notify the child's school that the child is in out-of-home placement;

(2) Enroll the child in school;

(3) Request the school transfer records;

(4) Request and authorize evaluation of special needs;

(5) Attend parent or teacher conferences;

(6) Excuse absences;

(7) Grant permission for extracurricular activities;

(8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and

(9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of social and health services or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other supervising agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other supervising agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian

does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or (~~legal~~) custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

NEW SECTION, Sec. 3. A new section is added to chapter 13.34 RCW to read as follows:

(1) After entry of a dispositional order pursuant to RCW 13.34.130 ordering placement of a child in out-of-home care, the department shall continue to encourage the parent, guardian, or custodian of the child to engage in services and maintain contact with the child, which shall be accomplished by attaching a standard notice to the services and safety plan to be provided in advance of hearings conducted pursuant to RCW 13.34.138.

(2) The notice shall be photocopied on contrasting paper to distinguish it from the services and safety plan to which it is attached, and shall be in substantially the following form:

"NOTICE

If you have not been maintaining consistent contact with your child in out-of-home care, your ability to reunify with your child may be jeopardized. If this is your situation, you need to be aware that you have important legal rights and must take steps to protect your interests.

1. The department of social and health services (or other supervising agency) and the court have created a permanency plan for your child, including a primary placement plan and a secondary placement plan, and recommending services needed before your child can be placed in the primary or secondary placement. If you want the court to order that your child be reunified with you, you should notify your lawyer and the department, and you should carefully comply with court orders for services and participate regularly in visitation with your child. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your rights as a parent.

2. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department, and the court if you want to be the secondary placement option, and you should comply with any court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

3. Dependency review hearings, and all other dependency case hearings, are legal proceedings with potentially serious consequences. Failure to participate, respond, or comply with court orders may lead to the loss of your parental rights."

Sec. 4. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays,

Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child

welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW

13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 5. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the

foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall enter one of the following orders for a child. The court shall utilize a developmentally appropriate child-centered perspective to consider the child's history and attachment status, how separation from primary caregivers has affected the child, and how an additional separation and change in placement may affect the child's attachment system or create a risk of psychological harm with potentially lifelong consequences:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 6. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon

the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; (☞)

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child due to mitigating circumstances including, but not limited to, a parent's incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number).
Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

March 25, 2009

ESSB 5513 Prime Sponsor, Committee on Transportation:
Concerning law enforcement authority that relates to civil infractions and unlawful transit conduct.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 7.80.090 and 1987 c 456 s 17 are each amended to read as follows:

(1) Procedures for the conduct of all hearings provided in this chapter may be established by rule of the supreme court.

(2) Any person subject to proceedings under this chapter may be represented by counsel.

(3) The attorney representing the state, county, city, ~~((or))~~ town, or transit agency authorized to issue civil infractions may appear in any proceedings under this chapter but need not appear, notwithstanding any statute or rule of court to the contrary.

Sec. 2. RCW 7.80.010 and 1987 c 456 s 9 are each amended to read as follows:

(1) All violations of state law, local law, ordinance, regulation, or resolution designated as civil infractions may be heard and determined by a district court, except as otherwise provided in this section.

(2) Any municipal court has the authority to hear and determine pursuant to this chapter civil infractions that are established by municipal ordinance or by local law or resolution of a transit agency authorized to issue civil infractions, and that are committed within the jurisdiction of the municipality.

(3) Any city or town with a municipal court under chapter 3.50 RCW may contract with the county to have civil infractions that are established by city or town ordinance and that are committed within the city or town adjudicated by a district court.

(4) District court commissioners have the authority to hear and determine civil infractions pursuant to this chapter.

(5) Nothing in this chapter prevents any city, town, or county from hearing and determining civil infractions pursuant to its own system established by ordinance.

Sec. 3. RCW 9.91.025 and 2004 c 118 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful ~~((bus))~~ transit conduct if while on or in a ~~((municipal))~~ transit vehicle ~~((as defined by RCW 46.04.355))~~ or in or at a ~~((municipal))~~ transit station ~~((and with knowledge that the conduct is prohibited))~~, he or she knowingly:

~~((a))~~ ~~((Except while in or at a municipal transit station,))~~ Smokes or carries a lighted or smoldering pipe, cigar, or cigarette, unless he or she is smoking in an area designated and authorized by the transit authority;

~~((b))~~ Discards litter other than in designated receptacles;

~~((c))~~ Dumps or discards, or both, any materials on or at a transit facility including, but not limited to, hazardous substances and automotive fluids;

~~((d))~~ Plays any radio, recorder, or other sound-producing equipment, except that nothing herein prohibits the use of the equipment when connected to earphones or an ear receiver that limits the sound to an individual listener((s or the use of a communication device by an employee of the owner or operator of the municipal transit vehicle or municipal transit station)). The use of public address systems or music systems that are authorized by a transit agency is permitted. The use of communications devices by transit employees and designated contractors or public safety officers in the line of duty is permitted, as is the use of private communications devices used to summon, notify, or communicate with other individuals, such as pagers and cellular phones;

~~((e))~~ ~~((or))~~ Spits, expectorates, urinates, or defecates, except in appropriate plumbing fixtures in restroom facilities;

~~((f))~~ ~~((or))~~ Carries any flammable liquid, explosive, acid, or other article or material likely to cause harm to others, except that nothing herein prevents a person from carrying a cigarette, cigar, or pipe lighter or carrying a firearm or ammunition in a way that is not otherwise prohibited by law;

~~((g))~~ ~~((or))~~ Intentionally Consumes an alcoholic beverage or is in possession of an open alcoholic beverage container, unless authorized by the transit authority and required permits have been obtained;

~~((h))~~ Obstructs or impedes the flow of ((municipal)) transit vehicles or passenger traffic, hinders or prevents access to ((municipal)) transit vehicles or stations, or otherwise unlawfully interferes with the provision or use of public transportation services;

~~((i))~~ ~~((or))~~ Intentionally Unreasonably disturbs others by engaging in loud, raucous, unruly, harmful, or harassing behavior;

~~((j))~~ ~~((or))~~ Destroys, defaces, or otherwise damages property ((of a municipality as defined in RCW 35.58.272 or a regional transit authority authorized by chapter 81.112 RCW employed in the provision or use of public transportation services)) in a transit vehicle or at a transit facility;

~~((k))~~ Throws an object in a transit vehicle, at a transit facility, or at any person at a transit facility with intent to do harm;

~~((l))~~ Possesses an unissued transfer or fare media or tenders an unissued transfer or fare media as proof of fare payment;

~~((m))~~ Falsely claims to be a transit operator or other transit employee or through words, actions, or the use of clothes, insignia, or equipment resembling department-issued uniforms and equipment, creates a false impression that he or she is a transit operator or other transit employee;

~~((n))~~ Engages in gambling or any game of chance for the winning of money or anything of value;

~~((o))~~ Skates on roller skates or in-line skates, or rides in or upon or by any means a coaster, skateboard, toy vehicle, or any similar device. However, a person may walk while wearing skates or carry a skateboard while on or in a transit vehicle or in or at a transit station if that conduct is not otherwise prohibited by law; or

~~((p))~~ Engages in other conduct that is inconsistent with the intended use and purpose of the transit facility, transit station, or transit vehicle and refuses to obey the lawful commands of an agent of the transit authority or a peace officer to cease such conduct.

(2) For the purposes of this section ~~((municipal))~~:

~~((a))~~ "Transit station" or "transit facility" means all passenger facilities, structures, ~~((lands, interest in lands, air rights over lands))~~ stops, shelters, bus zones, properties, and rights-of-way of all kinds that are owned, leased, held, or used by a ~~((municipality as defined in RCW 35.58.272, or a regional transit authority authorized by chapter 81.112 RCW))~~ transit authority for the purpose of providing

public transportation services (~~(including, but not limited to, park and ride lots, transit centers and tunnels, and bus shelters.~~

~~(3) Unlawful bus conduct is a misdemeanor.~~

(b) "Transit vehicle" means any motor vehicle, street car, train, trolley vehicle, ferry boat, or any other device, vessel, or vehicle that is owned or operated by a transit authority or an entity providing service on behalf of a transit authority that is used for the purpose of carrying passengers on a regular schedule.

(c) "Transit authority" means a city transit system under RCW 35.58.2721 or chapter 35.95A RCW, a county transportation authority under chapter 36.57 RCW, a metropolitan municipal corporation transit system under chapter 36.56 RCW, a public transportation benefit area under chapter 36.57A RCW, an unincorporated transportation benefit area under RCW 36.57.100, a regional transportation authority under chapter 81.112 RCW, or any special purpose district formed to operate a public transportation system.

(3) Any person who violates this section is guilty of a misdemeanor.

Sec. 4. RCW 81.112.020 and 1999 c 20 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Authority" means a regional transit authority authorized under this chapter.

(2) "Board" means the board of a regional transit authority.

(3) "Service area" or "area" means the area included within the boundaries of a regional transit authority.

(4) "System" means a regional transit system authorized under this chapter and under the jurisdiction of a regional transit authority.

(5) "Facilities" means any lands, interest in land, air rights over lands, and improvements thereto including vessel terminals, and any equipment, vehicles, vessels, trains, stations, designated passenger waiting areas, and other components necessary to support the system.

(6) "Proof of payment" means evidence of fare prepayment authorized by a regional transit authority for the use of ~~((trains, including but not limited to commuter trains and light rail trains))~~ its facilities.

Sec. 5. RCW 81.112.210 and 1999 c 20 s 3 are each amended to read as follows:

(1) An authority is authorized to establish, by resolution, a schedule of fines and penalties for civil infractions established in RCW 81.112.220. Fines established by a regional transit authority shall not exceed those imposed for class 1 infractions under RCW 7.80.120.

(2)(a) A regional transit authority may designate persons to monitor fare payment who are equivalent to and are authorized to exercise all the powers of an enforcement officer, defined in RCW 7.80.040. An authority is authorized to employ personnel to either monitor fare payment, or to contract for such services, or both.

(b) In addition to the specific powers granted to enforcement officers under RCW 7.80.050 and 7.80.060, persons designated to monitor fare payment also have the authority to take the following actions:

(i) Request proof of payment from passengers;

(ii) Request personal identification from a passenger who does not produce proof of payment when requested;

(iii) Issue a citation conforming to the requirements established in RCW 7.80.070; and

(iv) Request that a passenger leave the regional transit authority ~~((train, including but not limited to commuter trains and light rail trains;))~~ facility when the passenger has not produced proof of payment after being asked to do so by a person designated to monitor fare payment.

(3) Regional transit authorities shall keep records of citations in the manner prescribed by RCW 7.80.150. All civil infractions established by chapter 20, Laws of 1999 shall be heard and determined by a district or municipal court as provided in RCW 7.80.010 (1), (2), and (4).

Sec. 6. RCW 81.112.220 and 1999 c 20 s 4 are each amended to read as follows:

(1) Persons traveling on ~~((trains, including but not limited to commuter trains or light rail trains;))~~ facilities operated by an authority(~~(:))~~) shall pay the fare established by the authority. Such

persons shall produce proof of payment when requested by a person designated to monitor fare payment.

(2) The following constitute civil infractions punishable according to the schedule of fines and penalties established by the authority under RCW 81.112.210(1):

(a) Failure to pay the required fare;

(b) Failure to display proof of payment when requested to do so by a person designated to monitor fare payment; and

(c) Failure to depart the ~~((train, including but not limited to commuter trains and light rail trains;))~~ facility when requested to do so by a person designated to monitor fare payment.

Sec. 7. RCW 81.112.230 and 2006 c 270 s 12 are each amended to read as follows:

Nothing in RCW 81.112.020 and 81.112.210 through 81.112.230 shall be deemed to prevent law enforcement authorities from prosecuting for theft, trespass, or other charges by any individual who:

(1) Fails to pay the required fare on more than one occasion within a twelve-month period;

(2) Fails to timely select one of the options for responding to the notice of civil infraction after receiving a statement of the options provided in this chapter for responding to the notice of infraction and the procedures necessary to exercise these options; or

(3) Fails to depart the ~~((train, including but not limited to commuter trains and light rail trains;))~~ facility when requested to do so by a person designated to monitor fare payment.

NEW SECTION. Sec. 8. A new section is added to chapter 81.112 RCW to read as follows:

The powers and authority conferred by RCW 81.112.210 through 81.112.230 are in addition and supplemental to powers or authority conferred by any other law. RCW 81.112.210 through 81.112.230 do not limit any other powers or authority of a regional transit authority.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 26, 2009

ESB 5519 Prime Sponsor, Senator Hargrove: Reforming competency evaluation and restoration procedures. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"PART I COMPETENCY EVALUATION AND RESTORATION

NEW SECTION. Sec. 1. (1)(a) Whenever there is reason to doubt a defendant's competency, the court on its own motion or on the motion of any party shall request the secretary of the department of social and health services to designate a qualified expert or professional person to evaluate the competency of the defendant. The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relates to the present or past mental, emotional, or physical condition of the defendant.

(b) If the defendant is being held in a jail or detention facility, the court shall order the evaluation to take place in the jail or detention facility. The order shall state that the defendant may be transported to a state hospital or other secure mental health facility

at the request of the evaluator, if the evaluator determines that such action is necessary in order to complete an accurate evaluation of the defendant. This request shall be provided in writing to the jail or detention facility, court, and representatives of both parties, and the reason for the request shall be documented in the evaluation report. No further order of the court shall be necessary to effectuate transportation of the defendant under this subsection. If the defendant exhibits behavior indicative of severe decompensation and the evaluator has not, within three days of the court's order, made a decision regarding the location of the competency evaluation, any party may file a motion with the court seeking an order to have the defendant evaluated at a secure mental health facility.

(c) The prosecutor shall send a copy of the order for evaluation to the secretary of the department of social and health services and a copy of the charging document, certification of probable cause, police report, and a summary of the defendant's criminal history. These documents shall be provided as soon as possible, and no later than three business days after the order is signed. The court or either party may provide additional information to the secretary of the department of social and health services which it reasonably deems to be of assistance to the evaluation, unless such action would infringe upon ethical duties.

(d) The report of an evaluation of a defendant who is being held in custody at a jail or detention facility shall be completed within twenty-one days from the time of receipt by the secretary of the department of social and health services of the documents specified in (c) of this subsection, unless transportation of the defendant to a hospital or secure mental health facility is necessary under (b) of this subsection, in which case the secretary of the department of social and health services shall authorize transportation of the defendant as soon as possible, and within seven days of the request. A defendant transported under (b) of this subsection may be admitted to a hospital or secure mental health facility for only the length of time necessary to complete an evaluation, and for no longer than fifteen days.

(e) If at any point the evaluator becomes aware that the defendant may have a developmental disability, or if it appears that the characteristics of developmental disability may be a significant factor in the defendant's ability to participate in the criminal proceeding, the evaluation shall be performed by or in consultation with a developmental disabilities professional.

(f) For good cause, the court may extend the time period for completion of an evaluation.

(g) Upon agreement by the parties, the court may appoint a qualified expert or professional person to evaluate the competency of the defendant instead of requesting the secretary of the department of social and health services to designate an evaluator. Only an evaluator designated by the secretary of the department of social and health services may request that the defendant be transported to a state hospital for evaluation under (b) of this subsection.

(2) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the evaluator. The defendant's expert or professional person shall have the right to file his or her own report following the guidelines of subsection (3) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

(3) The report of the evaluation shall include the following:

- (a) A description of the nature of the evaluation;
- (b) A diagnosis of the mental condition of the defendant;
- (c) An opinion as to competency;

(d) An opinion as to whether the defendant should be evaluated by a designated mental health professional under chapter 71.05 RCW.

(4) The secretary of the department of social and health services may execute such agreements as appropriate and necessary to implement this section.

NEW SECTION, Sec. 2. (1)(a)(i) An evaluator appointed under RCW 10.77.060 or an expert or professional person appointed under section 106 of this act shall provide a report and recommendation to the court in which the criminal proceeding is pending. A copy of the report and recommendation shall be provided to the designated mental health professional, the prosecuting attorney, the defense attorney, and

the professional person at the local correctional facility where the defendant is being held, or if there is no professional person, to the person designated under (a)(ii) of this subsection. Upon request, the secretary of the department of social and health services shall also provide copies of any source documents relevant to the evaluation to the designated mental health professional. The report and recommendation shall be provided not less than twenty-four hours preceding the transfer of the defendant to the correctional facility in the county in which the criminal proceeding is pending.

(ii) If there is no professional person at the local correctional facility, the local correctional facility shall designate a professional person as defined in RCW 71.05.020 or, in cooperation with the regional support network, a professional person at the regional support network to receive the report and recommendation.

(iii) When a defendant is transferred to a hospital or other secure facility for an evaluation, or upon commencement of a defendant's evaluation in the local correctional facility, the local correctional facility must notify the evaluator or the facility conducting the evaluation of the name of the professional person, or person designated under (a)(ii) of this subsection to receive the report and recommendation.

(b) If the report of an evaluation performed under RCW 10.77.060, 10.77.084(5), or section 106 of this act recommends that a defendant in custody should be evaluated by a designated mental health professional under chapter 71.05 RCW, the court shall order an evaluation be conducted prior to the individual's release from confinement following any conviction, dismissal, or acquittal, unless the individual is sentenced to confinement for more than twenty-four months.

(2) A designated mental health professional conducting an evaluation under subsection (1)(b) of this section shall notify the persons identified in subsection (1)(a) of this section within twenty-four hours detention was initiated under chapter 71.05 RCW.

(3) The petitioner in a proceeding initiated under subsection (2) of this section shall provide a copy of the results of the proceeding to the secretary of the department of social and health services.

(4) The fact of admission and all information and records compiled, obtained, or maintained in the course of providing services under this section may be disclosed to the courts solely to prevent the entry of any evaluation or treatment order that is inconsistent with any order entered under chapter 71.05 RCW.

Sec. 3. RCW 10.77.084 and 2007 c 375 s 3 are each amended to read as follows:

(1)(a) If at any time during the pendency of an action and prior to judgment the court finds, following a report (~~as provided in~~) under RCW 10.77.060 or section 106 of this act, a defendant is incompetent, the court shall order the proceedings against the defendant be stayed except as provided in subsection (4) of this section. The court shall order the defendant to undergo a period of treatment for restoration of competency within the time limits established by RCW 10.77.086 and 10.77.088 and the requirements of this section.

~~(b) ((A defendant found incompetent shall be evaluated at the direction of the secretary and a determination made whether the defendant is an individual with a developmental disability. Such evaluation and determination shall be accomplished as soon as possible following the court's placement of the defendant in the custody of the secretary.~~

~~(i) When appropriate, and subject to available funds, if the defendant is determined to be an individual with a developmental disability, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant shall have the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. A copy of the evaluation shall be sent to the program.~~

~~(A) The program shall be separate from programs serving persons involved in any other treatment or habilitation program.~~

~~(B) The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts.~~

~~(C) The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety.~~

~~(ii) The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services.~~

~~(iii) The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.~~

~~(c)) At the end of ~~(the mental health treatment and)~~ a competency restoration period ordered under (a) of this subsection, or at any time a professional person determines competency has been, or is unlikely to be, restored, the defendant shall be returned to court for a hearing. If, after notice and hearing, the court finds that competency has been restored, the stay entered under (a) of this subsection shall be lifted. ~~(If competency has not been restored, the proceedings shall be dismissed.)~~ If the court ~~(concludes)~~ finds that competency has not been restored, but that further treatment within the time limit(s) established by RCW 10.77.086 ~~(or 10.77.088)~~ is likely to restore competency, the court may order ~~(that)~~ the defendant to undergo an additional period of treatment for purposes of competency restoration ~~(be continued. Such treatment may not extend beyond the combination of time provided for in RCW 10.77.086 or 10.77.088).~~~~

~~((c))~~ (c) If at any time ~~(during the proceeding)~~ the court finds, following notice and hearing, ~~(a)~~ that the defendant is not competent and is either not likely to regain competency, or no current or further period of competency restoration treatment is allowable under RCW 10.77.086 or 10.77.088, the ~~(proceedings shall be dismissed)~~ court shall dismiss the charges without prejudice and ~~(the defendant shall be evaluated for civil commitment proceedings)~~ enter one of the following orders:

(i) If the charge was a felony, and was a serious offense as defined by RCW 10.77.092, the court shall detain the defendant and order the defendant to be transferred to a state hospital or other suitably secure mental health facility for purpose of evaluation under chapter 71.05 RCW.

(ii) If the charge was a nonfelony, and was a serious offense as defined by RCW 10.77.092, and the defendant was in custody and not on conditional release at the time of dismissal, the court may detain the defendant and order the defendant to be transferred to an evaluation and treatment facility for the purpose of evaluation under chapter 71.05 RCW. The defendant may be detained in jail for no longer than three days, excluding holidays, prior to transfer or release, and subsequently may be detained by the evaluation and treatment facility for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, prior to the filing of a petition under chapter 71.05 RCW. The secretary may consent to receive the defendant at a state hospital in lieu of transfer to an evaluation and treatment facility. The defendant may be screened prior to transfer to determine whether civil commitment criteria are met.

(iii) If the charge was not a serious offense as defined by RCW 10.77.092, or if the charge was a nonfelony and the defendant was on conditional release at the time of dismissal, the court may order the defendant to undergo an evaluation by a designated mental health professional, and shall do so if required by RCW 10.77.065(1)(b). A defendant who is in custody, or who refuses to cooperate with the evaluation, may be detained in custody for up to forty-eight hours for this evaluation.

(d) Notwithstanding any other limitations, a defendant who has multiple criminal charges may undergo competency restoration treatment for all charges for the longest time period allowable for any of the charges.

(2) If the defendant is referred to the designated mental health professional for consideration of ~~(initial)~~ detention ~~(proceedings)~~ under chapter 71.05 RCW ~~(pursuant to this chapter)~~, the designated mental health professional shall provide ~~(prompt written)~~ notification of ~~(the results of the determination whether to commence initial detention proceedings under chapter 71.05 RCW and)~~ whether the ~~(person)~~ defendant was detained according to RCW 10.77.065(2). ~~(The notification shall be provided to the court in which the criminal action was pending, the prosecutor, the defense attorney in the~~

~~criminal action, and the facility that evaluated the defendant for competency.)~~

(3) ~~(The fact)~~ A finding that the defendant is ~~(unfit to proceed)~~ not competent does not preclude any pretrial proceedings which do not require the personal participation of the defendant.

(4) A defendant receiving medication for either physical or mental problems shall not be prohibited from standing trial, if the medication either enables the defendant to understand the proceedings against him or her and to assist in his or her own defense, or does not disable him or her from so understanding and assisting in his or her own defense.

(5) At or before the conclusion of any ~~(commitment)~~ competency restoration period provided for by ~~(this section)~~ RCW 10.77.086 or 10.77.088, the facility providing evaluation and treatment shall provide to the court a written report ~~(of examination)~~ which meets the requirements of RCW 10.77.060(3).

Sec. 4. RCW 10.77.086 and 2007 c 375 s 4 are each amended to read as follows:

~~((c))~~ If ~~(the)~~ a defendant is charged with a felony and determined to be incompetent~~(c)~~:

(1) Until ~~(he or she)~~ the defendant has regained the competency necessary to understand the proceedings against him or her and assist in his or her own defense, or has been determined to be unlikely to regain competency ~~(pursuant to RCW 10.77.084(1)(c))~~, but in any event for a period of no longer than ninety days, the court~~(c)~~

~~(a))~~ shall commit the defendant to the custody of the secretary who shall place such defendant in an appropriate facility of the department for evaluation and treatment~~(c or~~

~~(b) May alternatively order the defendant to undergo evaluation and treatment at some other facility as determined by the department, or under the guidance and control of a professional person).~~

(2) On or before expiration of the initial ~~(ninety-day)~~ period of commitment under subsection (1) of this section, the secretary shall provide the court and the parties with a report in accordance with RCW 10.77.060(3). The secretary shall return the defendant to court ~~(shall conduct)~~ for a hearing, at which ~~(it)~~ the court shall determine by a preponderance of the evidence whether or not the defendant is incompetent as provided by RCW 10.77.084(1)(b).

(3) If, following a hearing under subsection (2) of this section, the court finds ~~(by a preponderance of the evidence)~~ that ~~(a)~~ the defendant ~~(charged with a felony is)~~ remains incompetent, the court ~~(shall have the option of extending the)~~ may order ~~(of commitment or alternative)~~ a second period of competency restoration treatment for an additional ~~(ninety-day)~~ period~~(c but)~~ of up to ninety days.

(a) If a second period of competency restoration treatment would cause the defendant to be held in custody for a longer period than the defendant would have been likely to spend in custody if the defendant were convicted and sentenced to the top of the defendant's standard sentencing range, the court shall not order a second period of competency restoration treatment unless it finds by a preponderance of the evidence following a hearing that further competency restoration treatment is in the public interest due to particular circumstances related to the nature or impact of the alleged offense, or the criminal or treatment history of the defendant.

(b) If treatment is extended, the court must at the time of extension set a date for a prompt hearing to determine the defendant's competency before the expiration of the second ninety-day period. The defendant, the defendant's attorney, or the prosecutor has the right to demand that the hearing be before a jury.

(c) No extension shall be ordered for a second ninety-day period, nor for any subsequent period as provided in subsection (4) of this section, if the defendant's incompetence has been determined by the secretary to be solely the result of a developmental disability which is such that competence is not reasonably likely to be regained during an extension.

(4) ~~(For persons charged with a felony, at the hearing upon the expiration of the second ninety-day period or at the end of the first ninety-day period, in the case of a defendant with a developmental disability, if the jury or court finds that the defendant is incompetent, the charges shall be dismissed without prejudice, and either civil commitment proceedings shall be instituted or the court shall order the release of the defendant. The criminal charges shall not be~~

dismissed)) If the court or jury finds that the defendant remains incompetent following a second period of competency restoration treatment under subsection (3) of this section, the court may order a third and final period of competency restoration treatment only if the court or jury finds that: (a) The defendant (i) is a substantial danger to other persons; or (ii) presents a substantial likelihood of committing criminal acts jeopardizing public safety or security; and (b) there is a substantial probability that the defendant will regain competency within a reasonable period of time. In the event that the court or jury makes such a finding, the court may extend the period of commitment for up to an additional six months. A third period of competency restoration treatment shall not be ordered if the allegations against the defendant do not include one or more charges which are serious offenses as defined by RCW 10.77.092.

Sec. 5. RCW 10.77.088 and 2007 c 375 s 5 are each amended to read as follows:

~~((+)(a))~~ If ~~(the)~~ a defendant is charged with a nonfelony ~~(crime which)~~ and determined to be incompetent;

(1) If at least one of the charges is a serious offense as ~~(identified in)~~ defined by RCW 10.77.092 ~~(and found by the court to be not competent)~~, then the court shall order the secretary to place the defendant:

~~((+))~~ (a) At a secure mental health facility in the custody of the department or an agency designated by the department for mental health treatment and restoration of competency. The placement shall not exceed fourteen days in addition to any unused time of the evaluation under RCW 10.77.060. The court shall compute this total period and include its computation in the order. The fourteen-day period plus any unused time of the evaluation under RCW 10.77.060 shall be considered to include only the time the defendant is actually at the facility and shall be in addition to reasonable time for transport to or from the facility; or

~~((+))~~ (b) On conditional release for up to ninety days for mental health treatment and restoration of competency~~(or~~

~~(iii) Any combination of this subsection.~~

~~(b)(i) If the proceedings are dismissed under RCW 10.77.084 and the defendant was on conditional release at the time of dismissal, the court shall order the designated mental health professional within that county to evaluate the defendant pursuant to chapter 71.05 RCW. The evaluation may be conducted in any location chosen by the professional.~~

~~(ii) If the defendant was in custody and not on conditional release at the time of dismissal, the defendant shall be detained and sent to an evaluation and treatment facility for up to seventy-two hours, excluding Saturdays, Sundays, and holidays, for evaluation for purposes of filing a petition under chapter 71.05 RCW. The seventy-two-hour period shall commence upon the next nonholiday weekday following the court order and shall run to the end of the last nonholiday weekday within the seventy-two-hour period).~~

(2) If the defendant is charged with a nonfelony ~~(crime)~~ that is not a serious offense as defined in RCW 10.77.092~~(:~~

~~The court may stay or dismiss proceedings and detain the defendant for sufficient time to allow the designated mental health professional to evaluate the defendant and consider initial detention proceedings under chapter 71.05 RCW. The court must give notice to all parties at least twenty-four hours before the dismissal of any proceeding under this subsection, and provide an opportunity for a hearing on whether to dismiss the proceedings), the court shall not order competency restoration treatment, and shall instead enter an order under RCW 10.77.084(1)(c).~~

NEW SECTION. Sec. 6. A new section is added to chapter 10.77 RCW to read as follows:

(1)(a) Whenever a defendant has pleaded not guilty by reason of insanity, or has advised the court or a party of his or her intention to rely upon a defense of diminished capacity and endorsed an expert witness who will testify in support of a diminished capacity defense, the court, on motion of the prosecuting attorney, shall either appoint or request the secretary to designate a qualified expert or professional person to evaluate and report upon the mental condition of the defendant. The signed order of the court shall serve as authority for the evaluator to be given access to all records held by any mental health, medical, educational, or correctional facility that relate to the

present or past mental, emotional, or physical condition of the defendant.

(b) The court shall not order the secretary to perform an evaluation under this section for reasons other than those specified in (a) of this subsection.

(c) A defendant who is transported to a state hospital or other suitably secure mental health facility for an evaluation under this section may be admitted for only the length of time necessary to complete the evaluation, and for no longer than fifteen days.

(d) The prosecutor shall send the order for evaluation to the secretary along with a copy of the charging document, certification of probable cause, police report, and a summary of the defendant's criminal history. The court or either party may provide additional information to the secretary which it reasonably deems to be of assistance to the evaluation, unless such action would infringe upon ethical duties.

(2) The report of the evaluation shall include the following:

(a) A description of the nature of the evaluation;

(b) A diagnosis of the mental condition of the defendant;

(c) An opinion as to competency;

(d) An opinion as to the defendant's sanity at the time of the act;

(e) An opinion as to whether the defendant is a substantial danger to other persons, or presents a substantial likelihood of committing criminal acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions;

(f) When directed by the court, an opinion as to the capacity of the defendant to have a particular state of mind which is an element of the offense charged;

(g) An opinion as to whether the defendant should be evaluated by a designated mental health professional for civil commitment under chapter 71.05 RCW prior to release from custody.

(3) The court may direct that a qualified expert or professional person retained by or appointed for the defendant be permitted to witness the evaluation authorized by subsection (1) of this section, and that the defendant shall have access to all information obtained by the evaluator. The defendant's expert or professional person has the right to file his or her own report following the guidelines of subsection (2) of this section. If the defendant is indigent, the court shall upon the request of the defendant assist him or her in obtaining an expert or professional person.

NEW SECTION. Sec. 7. A new section is added to chapter 10.77 RCW to read as follows:

Statements made by a defendant during a competency evaluation, competency hearing, or competency restoration treatment shall not be admissible in the state's case in chief. After the state's case in chief, those statements may be admissible according to the rules of evidence if a mental defense such as insanity or diminished capacity is asserted or to impeach testimony by the defendant.

NEW SECTION. Sec. 8. A new section is added to chapter 10.77 RCW to read as follows:

Any defendant placed in the custody of the secretary for competency restoration treatment shall be evaluated at the direction of the secretary as soon as possible and a determination made whether the defendant is an individual with a developmental disability.

(1) When appropriate, and subject to available funds, if the defendant is determined to be an individual with a developmental disability, he or she may be placed in a program specifically reserved for the treatment and training of persons with developmental disabilities where the defendant has the right to habilitation according to an individualized service plan specifically developed for the particular needs of the defendant. A copy of the evaluation shall be sent to the program.

(a) The program shall be separate from programs serving persons involved in any other treatment or habilitation program.

(b) The program shall be appropriately secure under the circumstances and shall be administered by developmental disabilities professionals who shall direct the habilitation efforts.

(c) The program shall provide an environment affording security appropriate with the charged criminal behavior and necessary to protect the public safety.

(2) The department may limit admissions of such persons to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services.

(3) The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department.

NEW SECTION. Sec. 9. A new section is added to chapter 10.77 RCW to read as follows:

(1) Whenever a jail or detention center receives notice of a request or order requiring transfer of a defendant to a state hospital or other medical facility under RCW 10.77.060 or 10.77.084, the jail or detention center shall provide all medical information in its possession necessary for the admission of the defendant to the secretary within three days. The secretary shall not be responsible under subsection (2) of this section for unreasonable delays in transmission of medical information.

(2) If the secretary fails to conduct or complete a competency evaluation within the time limits prescribed by RCW 10.77.060, the court may conduct a show cause hearing upon the motion of any party to determine why the evaluation was not conducted or completed within the allotted time. An order to show cause shall be set forth in writing and shall be served upon the secretary. If the court finds that time limits were exceeded by the secretary without good cause, it may set a fixed time for the completion of the evaluation and may order the secretary to reimburse expenses to the jail for any excess days at a rate of ninety dollars per day. The hearing may include review of a corrective action plan entered under section 110(7) of this act. Failure to conduct or complete a competency evaluation within time limitations shall not be cause for dismissal of criminal charges.

(3) A jail is not civilly liable for delays by the secretary in providing competency evaluation services under RCW 10.77.060, or for the release of an individual from custody according to the requirements of RCW 10.77.084.

(4) Nothing in this section is intended to denigrate other rights retained by operators of jails or other parties.

NEW SECTION. Sec. 10. A new section is added to chapter 10.77 RCW to read as follows:

The department shall report annually to the legislature beginning October 1, 2010, concerning the waiting period for competency evaluations and competency restoration treatment during the past state fiscal year.

The report shall include:

(1) The number of competency evaluation referrals received, grouped by state hospital catchment;

(2) The average waiting period for competency evaluations, presented on a monthly basis, and grouped by state hospital catchment. The department shall separate competency evaluations which occur entirely in a jail or detention center from other competency evaluations. The waiting period measured shall be from the time the secretary receives the order for evaluation and other documents identified in RCW 10.77.060 to the time of distribution of the evaluation report;

(3) The average waiting period for competency evaluations, presented on an annual basis, and itemized by county. The evaluations shall be separated and measured as in subsection (2) of this section;

(4) The average waiting period for inpatient competency restoration, presented on a monthly basis, and grouped by state hospital catchment. The waiting period measured shall be from the time the secretary receives the restoration referral to the time the defendant is transported to the state hospital, but shall not include any delay solely attributable to a failure by a jail or detention center to provide information required by section 109(1) of this act;

(5) The number of competency restoration treatment referrals received on an annual basis, grouped by state hospital catchment. This information shall be separated into nonfelony referrals, first ninety-day felony referrals, second ninety-day felony referrals, and final one hundred eighty-day felony referrals. The report shall include average length of stay information and the percentage of successful outcomes at each stage;

(6) The number of hearings held pursuant to section 109(2) of this act during the reporting period, grouped by state hospital catchment; and

(7) If the data indicates that the department has failed to comply with the time limits prescribed by RCW 10.77.060 and 10.77.220, a description of a corrective action plan entered by the department to bring the department into compliance with these sections.

The department may include any additional information or subgroupings in the report that it determines to be appropriate.

PART II TECHNICAL CHANGES

Sec. 11. RCW 10.77.163 and 2008 c 213 s 4 are each amended to read as follows:

(1) Before a person committed under this chapter is permitted temporarily to leave a treatment facility for any period of time without constant accompaniment by facility staff, the superintendent, professional person in charge of a treatment facility, or his or her professional designee shall in writing notify the prosecuting attorney of any county to which the person is released and the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision conditionally to release the person. The notice shall be provided at least forty-five days before the anticipated release and shall describe the conditions under which the release is to occur.

(2) In addition to the notice required by subsection (1) of this section, the superintendent of each state institution designated for the custody, care, and treatment of persons committed under this chapter shall notify appropriate law enforcement agencies through the state patrol communications network of the furloughs of persons committed under RCW (~~(+0.77.086)~~) 10.77.084(1)(c) or 10.77.110. Notification shall be made at least thirty days before the furlough, and shall include the name of the person, the place to which the person has permission to go, and the dates and times during which the person will be on furlough.

(3) Upon receiving notice that a person committed under this chapter is being temporarily released under subsection (1) of this section, the prosecuting attorney may seek a temporary restraining order to prevent the release of the person on the grounds that the person is dangerous to self or others.

(4) The notice requirements contained in this section shall not apply to emergency medical furloughs.

(5) The existence of the notice requirements contained in this section shall not require any extension of the release date in the event the release plan changes after notification.

(6) The notice provisions of this section are in addition to those provided in RCW 10.77.205.

Sec. 12. RCW 71.05.280 and 2008 c 213 s 6 are each amended to read as follows:

At the expiration of the fourteen-day period of intensive treatment, a person may be confined for further treatment pursuant to RCW 71.05.320 if:

(1) Such person after having been taken into custody for evaluation and treatment has threatened, attempted, or inflicted: (a) Physical harm upon the person of another or himself or herself, or substantial damage upon the property of another, and (b) as a result of mental disorder presents a likelihood of serious harm; or

(2) Such person was taken into custody as a result of conduct in which he or she attempted or inflicted physical harm upon the person of another or himself or herself, or substantial damage upon the property of others, and continues to present, as a result of mental disorder, a likelihood of serious harm; or

(3) Such person has been determined to be incompetent and criminal charges have been dismissed pursuant to RCW (~~(+0.77.086(4))~~) 10.77.084(1)(c), and has committed acts constituting a felony, and as a result of a mental disorder, presents a substantial likelihood of repeating similar acts. In any proceeding pursuant to this subsection it shall not be necessary to show intent, willfulness, or state of mind as an element of the crime; or

(4) Such person is gravely disabled.

Sec. 13. RCW 71.05.290 and 2008 c 213 s 7 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment

facility or his or her professional designee or the designated mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by two examining physicians, or by one examining physician and examining mental health professional. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent pursuant to RCW ~~((10-77-086(4)))~~ 10.77.084(1)(c), then the professional person in charge of the treatment facility or his or her professional designee or the designated mental health professional may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 14. RCW 71.05.300 and 2008 c 213 s 8 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated mental health professional. The designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the regional support network administrator, and provide a copy of the petition to such persons as soon as possible. The regional support network administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW ~~((10-77-086(4)))~~ 10.77.084(1)(c), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 15. RCW 71.05.320 and 2008 c 213 s 9 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment: PROVIDED, That

(a) If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

(b) If the committed person has a developmental disability and has been determined incompetent pursuant to RCW ~~((10-77-086(4)))~~ 10.77.084(1)(c), and the best interests of the person or others will not

be served by a less-restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of persons with developmental disabilities. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of persons with developmental disabilities. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340.

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment: PROVIDED, That if the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(3) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional or developmental disabilities professional, files a new petition for involuntary treatment on the grounds that the committed person;

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to reprove that element. Such new petition for involuntary treatment shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this subsection are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this subsection. Successive one hundred eighty day commitments are permissible on the same

grounds and pursuant to the same procedures as the original one hundred eighty day commitment.

(4) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

Sec. 16. RCW 71.05.425 and 2008 c 213 s 10 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before conditional release, final release, authorized leave under RCW 71.05.325(2), or transfer to a facility other than a state mental hospital, the superintendent shall send written notice of conditional release, release, authorized leave, or transfer of a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW ~~((+0.77.086(4)))~~ 10.77.084(1)(c) to the following:

(i) The chief of police of the city, if any, in which the person will reside; and

(ii) The sheriff of the county in which the person will reside.

(b) The same notice as required by (a) of this subsection shall be sent to the following, if such notice has been requested in writing about a specific person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW ~~((+0.77.086(4)))~~ 10.77.084(1)(c):

(i) The victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW ~~((+0.77.086(4)))~~ 10.77.084(1)(c) preceding commitment under RCW 71.05.280(3) or 71.05.320(3)(c) or the victim's next of kin if the crime was a homicide;

(ii) Any witnesses who testified against the person in any court proceedings; and

(iii) Any person specified in writing by the prosecuting attorney. Information regarding victims, next of kin, or witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are confidential and shall not be available to the person committed under this chapter.

(c) The thirty-day notice requirements contained in this subsection shall not apply to emergency medical transfers.

(d) The existence of the notice requirements in this subsection will not require any extension of the release date in the event the release plan changes after notification.

(2) If a person committed under RCW 71.05.280(3) or 71.05.320(3)(c) following dismissal of a sex, violent, or felony harassment offense pursuant to RCW ~~((+0.77.086(4)))~~ 10.77.084(1)(c) escapes, the superintendent shall immediately notify, by the most reasonable and expedient means available, the chief of police of the city and the sheriff of the county in which the person resided immediately before the person's arrest. If previously requested, the superintendent shall also notify the witnesses and the victim of the sex, violent, or felony harassment offense that was dismissed pursuant to RCW ~~((+0.77.086(4)))~~ 10.77.084(1)(c) preceding commitment under RCW 71.05.280(3) or 71.05.320(3) or the victim's next of kin if the crime was a homicide. In addition, the secretary shall also notify appropriate parties pursuant to RCW 71.05.390(18). If the person is recaptured, the superintendent shall send notice to the persons designated in this subsection as soon as possible but in no event later than two working days after the department learns of such recapture.

(3) If the victim, the victim's next of kin, or any witness is under the age of sixteen, the notice required by this section shall be sent to the parent or legal guardian of the child.

(4) The superintendent shall send the notices required by this chapter to the last address provided to the department by the requesting party. The requesting party shall furnish the department with a current address.

(5) For purposes of this section the following terms have the following meanings:

(a) "Violent offense" means a violent offense under RCW 9.94A.030;

(b) "Sex offense" means a sex offense under RCW 9.94A.030;

(c) "Next of kin" means a person's spouse, parents, siblings, and children;

(d) "Felony harassment offense" means a crime of harassment as defined in RCW 9A.46.060 that is a felony.

Sec. 17. RCW 71.09.025 and 2008 c 213 s 11 are each amended to read as follows:

(1)(a) When it appears that a person may meet the criteria of a sexually violent predator as defined in RCW 71.09.020(16), the agency with jurisdiction shall refer the person in writing to the prosecuting attorney of the county where that person was charged, three months prior to:

(i) The anticipated release from total confinement of a person who has been convicted of a sexually violent offense;

(ii) The anticipated release from total confinement of a person found to have committed a sexually violent offense as a juvenile;

(iii) Release of a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial pursuant to RCW ~~((+0.77.086(4)))~~ 10.77.084(1)(c); or

(iv) Release of a person who has been found not guilty by reason of insanity of a sexually violent offense pursuant to RCW 10.77.020(3).

(b) The agency shall provide the prosecutor with all relevant information including but not limited to the following information:

(i) A complete copy of the institutional records compiled by the department of corrections relating to the person, and any such out-of-state department of corrections' records, if available;

(ii) A complete copy, if applicable, of any file compiled by the indeterminate sentence review board relating to the person;

(iii) All records relating to the psychological or psychiatric evaluation and/or treatment of the person;

(iv) A current record of all prior arrests and convictions, and full police case reports relating to those arrests and convictions; and

(v) A current mental health evaluation or mental health records review.

(2) This section applies to acts committed before, on, or after March 26, 1992.

(3) The agency, its employees, and officials shall be immune from liability for any good-faith conduct under this section.

(4) As used in this section, "agency with jurisdiction" means that agency with the authority to direct the release of a person serving a sentence or term of confinement and includes the department of corrections, the indeterminate sentence review board, and the department of social and health services.

Sec. 18. RCW 71.09.030 and 2008 c 213 s 12 are each amended to read as follows:

When it appears that: (1) A person who at any time previously has been convicted of a sexually violent offense is about to be released from total confinement on, before, or after July 1, 1990; (2) a person found to have committed a sexually violent offense as a juvenile is about to be released from total confinement on, before, or after July 1, 1990; (3) a person who has been charged with a sexually violent offense and who has been determined to be incompetent to stand trial is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW ~~((+0.77.086(4)))~~ 10.77.084(1)(c); (4) a person who has been found not guilty by reason of insanity of a sexually violent offense is about to be released, or has been released on, before, or after July 1, 1990, pursuant to RCW 10.77.020(3), 10.77.110 (1) or (3), or 10.77.150; or (5) a person who at any time previously has been convicted of a sexually violent offense and has since been released from total confinement and has committed a recent overt act; and it appears that the person may be a sexually violent predator, the prosecuting attorney of the county where the person was convicted or charged or the attorney general if requested by the prosecuting attorney may file a petition alleging that the person is a "sexually violent predator" and stating sufficient facts to support such allegation.

Sec. 19. RCW 71.09.060 and 2008 c 213 s 13 are each amended to read as follows:

(1) The court or jury shall determine whether, beyond a reasonable doubt, the person is a sexually violent predator. In determining whether or not the person would be likely to engage in predatory acts of sexual violence if not confined in a secure facility, the fact finder may consider only placement conditions and voluntary treatment options that would exist for the person if unconditionally released from detention on the sexually violent predator petition. The community protection program under RCW 71A.12.230 may not be considered as a placement condition or treatment option available

to the person if unconditionally released from detention on a sexually violent predator petition. When the determination is made by a jury, the verdict must be unanimous.

If, on the date that the petition is filed, the person was living in the community after release from custody, the state must also prove beyond a reasonable doubt that the person had committed a recent overt act. If the state alleges that the prior sexually violent offense that forms the basis for the petition for commitment was an act that was sexually motivated as provided in RCW 71.09.020(15)(c), the state must prove beyond a reasonable doubt that the alleged sexually violent act was sexually motivated as defined in RCW 9.94A.030.

If the court or jury determines that the person is a sexually violent predator, the person shall be committed to the custody of the department of social and health services for placement in a secure facility operated by the department of social and health services for control, care, and treatment until such time as: (a) The person's condition has so changed that the person no longer meets the definition of a sexually violent predator; or (b) conditional release to a less restrictive alternative as set forth in RCW 71.09.092 is in the best interest of the person and conditions can be imposed that would adequately protect the community.

If the court or unanimous jury decides that the state has not met its burden of proving that the person is a sexually violent predator, the court shall direct the person's release.

If the jury is unable to reach a unanimous verdict, the court shall declare a mistrial and set a retrial within forty-five days of the date of the mistrial unless the prosecuting agency earlier moves to dismiss the petition. The retrial may be continued upon the request of either party accompanied by a showing of good cause, or by the court on its own motion in the due administration of justice provided that the respondent will not be substantially prejudiced. In no event may the person be released from confinement prior to retrial or dismissal of the case.

(2) If the person charged with a sexually violent offense has been found incompetent to stand trial, and is about to ~~((be))~~ be or has been released pursuant to RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c), and his or her commitment is sought pursuant to subsection (1) of this section, the court shall first hear evidence and determine whether the person did commit the act or acts charged if the court did not enter a finding prior to dismissal under RCW ~~((10.77.086(4)))~~ 10.77.084(1)(c) that the person committed the act or acts charged. The hearing on this issue must comply with all the procedures specified in this section. In addition, the rules of evidence applicable in criminal cases shall apply, and all constitutional rights available to defendants at criminal trials, other than the right not to be tried while incompetent, shall apply. After hearing evidence on this issue, the court shall make specific findings on whether the person did commit the act or acts charged, the extent to which the person's incompetence or developmental disability affected the outcome of the hearing, including its effect on the person's ability to consult with and assist counsel and to testify on his or her own behalf, the extent to which the evidence could be reconstructed without the assistance of the person, and the strength of the prosecution's case. If, after the conclusion of the hearing on this issue, the court finds, beyond a reasonable doubt, that the person did commit the act or acts charged, it shall enter a final order, appealable by the person, on that issue, and may proceed to consider whether the person should be committed pursuant to this section.

(3) The state shall comply with RCW 10.77.220 while confining the person pursuant to this chapter, except that during all court proceedings the person shall be detained in a secure facility. The department shall not place the person, even temporarily, in a facility on the grounds of any state mental facility or regional habilitation center because these institutions are insufficiently secure for this population.

(4) A court has jurisdiction to order a less restrictive alternative placement only after a hearing ordered pursuant to RCW 71.09.090 following initial commitment under this section and in accord with the provisions of this chapter.

PART III MISCELLANEOUS

NEW SECTION. Sec. 20. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 21. Sections 101 and 102 of this act apply only to counties with a population greater than one million five hundred persons.

NEW SECTION. Sec. 22. Sections 101 and 102 of this act expire June 30, 2011."

Correct the title.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Green; Morrell and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member; Klippert and Walsh.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5525 Prime Sponsor, Senator Carrell: Concerning rental vouchers to allow release from state institutions. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended:

On page 14, line 3, after "plan." insert "The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services, including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming."

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Morrell; O'Brien and Walsh.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Referred to Committee on Ways & Means.

March 26, 2009

SSB 5528 Prime Sponsor, Committee on Human Services & Corrections: Making technical nonsubstantive corrections to the initial point of contact program established in chapter 496, Laws of 2007. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 3, line 19, after "marital partners" insert "and domestic partners"

On page 3, line 20, after "during a marriage" insert "or domestic partnership"

On page 3, line 20, after "of marriage" insert "or domestic partnership"

On page 4, line 1, after "prenuptial" insert "or pre-domestic partnership"

On page 4, line 3, after "marital relationship" insert "or domestic partnership"

On page 4, line 6, after "marriage" insert "or domestic partnership"

On page 4, line 11, after "postmarital" insert "or pre-domestic partnership and post-domestic partnership"

On page 4, line 12, after "on" strike "spousal" and insert "((spousal))"

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority member; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 27, 2009

ESSB 5529 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding architects. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on General Government Appropriations.

March 26, 2009

SSB 5531 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Modifying provisions relating to consumer protection act violations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.86.090 and 2007 c 66 s 2 are each amended to read as follows:

Any person who is injured in his or her business or property by a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, or any person so injured because he or she refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may bring a civil action in ~~(the)~~ superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including a reasonable attorney's fee ~~(-and)~~. In addition, the court may in its discretion, increase the award of damages up to an amount not to exceed three times the actual damages sustained: PROVIDED FURTHER, That such increased damage award for violation of RCW 19.86.020 may not exceed ~~((ten))~~ twenty-five thousand dollars: PROVIDED FURTHER, That such person may bring a civil action in the district court to recover his or her actual damages, except for damages which exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorney's fees. The district court may, in its discretion, increase the award of damages to an amount not more than three times the actual damages sustained, but such increased damage award shall not exceed ~~((the amount specified in RCW 3.66.020))~~ twenty-five thousand dollars. For the purpose of this section, "person" ~~((shall))~~ includes the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured, directly or indirectly, by reason of a violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it may sue therefor in ~~((the))~~ superior court to recover the actual damages sustained by it, whether direct or indirect, and to recover the costs of the suit including a reasonable attorney's fee.

NEW SECTION. Sec. 2. A new section is added to chapter 19.86 RCW to read as follows:

In a private action in which an unfair or deceptive act or practice is alleged under RCW 19.86.020, a claimant may establish that the act or practice is injurious to the public interest because it:

- (1) Violates a statute that incorporates this chapter;
- (2) Violates a statute that contains a specific legislative declaration of public interest impact; or
- (3)(a) Injured other persons; (b) had the capacity to injure other persons; or (c) has the capacity to injure other persons."

Correct the title.

On page 2, after line 19, insert the following:

"NEW SECTION. Sec. 3. This act applies to all causes of action that accrue on or after the effective date of this act."

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5539 Prime Sponsor, Committee on Government Operations & Elections: Regarding investment expenses of counties. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.29.024 and 2004 c 79 s 3 are each amended to read as follows:

The county treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any county funds appropriated and expended for the initial administrative costs of establishing a county investment pool provided in RCW 36.29.022. These funds shall be used by the county treasurer as a revolving fund to defray the cost of administering the pool without regard to budget limitations. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivision's respective deposits in the county investment pool and the differing periods of time for which the amounts were placed in the county investment pool. A county investment pool must be available for investment of funds of any local government that invests its money with the county under the provisions of RCW 36.29.020, and a county treasurer shall follow the request from the local government to invest its funds in the pool. As used in this section "actual expenses" include only the county treasurer's direct and out-of-pocket costs and do not include indirect or loss of opportunity costs. As used in this section, "direct costs" means those costs that can be identified specifically with the administration of the county investment pool. Direct costs include: (1) Compensation of employees for the time devoted and identified specifically to administering the pool; and (2) the cost of materials, services, or equipment acquired, consumed, or expended specifically for the purpose of administering the pool.

Correct the title.

Signed by Representatives Simpson, Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Upthegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Nelson, Vice Chair.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5548 Prime Sponsor, Senator Haugen: Requiring project improvements, including public transportation infrastructure improvements, to be credited against the imposition of impact fees. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

- (a) The cost of public facilities necessitated by new development;
- (b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or prorable to the particular system improvement;
- (c) The availability of other means of funding public facility improvements;
- (d) The cost of existing public facilities improvements; and
- (e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

(4) Shall provide a credit for the value of any dedication of land for public transit infrastructure improvements requested by the legislative authority of the applicable county, city, or town. A credit may only be provided under this subsection (4) if the public transit infrastructure improvement improves system capacity and the long-term operational costs for the new public transit infrastructure have been identified and secured for six or more years. Credits provided under this subsection (4) may not exceed the value of the impact fees for public streets and roads imposed on the applicable development;

(5) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

~~((5))~~ (6) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

~~((6))~~ (7) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development;

~~((7))~~ (8) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies."

Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Uptegrove; White and Williams.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5566 Prime Sponsor, Committee on Ways & Means: Harmonizing excise tax statutes with the streamlined sales and use tax agreement in regards to direct sellers, telecommunications ancillary services, commercial parking taxes, and exemption certificates. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

On page 10, after line 30, insert the following:

"**NEW SECTION. Sec. 5.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Notwithstanding any other provision in this chapter, no interest or penalties may be imposed on any taxpayer because of errors in collecting or remitting the correct amount of local sales or use tax arising out of changes in local sales and use tax sourcing rules implemented under RCW 82.14.490 and section 502, chapter 6, Laws of 2007 if the taxpayer demonstrates that it made a good faith effort to comply with the sourcing rules.

(2) The relief from penalty and interest provided by subsection (1) of this section only applies to taxpayers with a gross income of the business of less than five hundred thousand dollars in the prior calendar year.

(3) The relief from penalty and interest provided by subsection (1) of this section does not apply with respect to sales occurring after December 31, 2012."

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5568 Prime Sponsor, Senator Tom: Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5580 Prime Sponsor, Senator Pridemore: Concerning school impact fees. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that impact fees are an important source of funding for public facilities, facilities that include school facilities. The legislature recognizes that impact fee provisions, including time limits associated with their use, can affect the operations and choices of developers, including developers of affordable housing. The legislature recognizes also, that facilitating the construction of school facilities and affordable housing are both essential public responsibilities. The legislature, therefore, in recognition of its duties to provide for public education, and to promote the health and well-being of its citizens, intends to acknowledge the financial and administrative challenges that many local governments and private enterprises are experiencing and provide additional flexibility to local governments that choose to impose impact fees.

Sec. 2. RCW 82.02.060 and 1990 1st ex.s. c 17 s 44 are each amended to read as follows:

The local ordinance by which impact fees are imposed:

(1) Shall include a schedule of impact fees which shall be adopted for each type of development activity that is subject to impact fees, specifying the amount of the impact fee to be imposed for each type of system improvement. The schedule shall be based

upon a formula or other method of calculating such impact fees. In determining proportionate share, the formula or other method of calculating impact fees shall incorporate, among other things, the following:

- (a) The cost of public facilities necessitated by new development;
- (b) An adjustment to the cost of the public facilities for past or future payments made or reasonably anticipated to be made by new development to pay for particular system improvements in the form of user fees, debt service payments, taxes, or other payments earmarked for or prorable to the particular system improvement;
- (c) The availability of other means of funding public facility improvements;
- (d) The cost of existing public facilities improvements; and
- (e) The methods by which public facilities improvements were financed;

(2) May provide an exemption for low-income housing, and other development activities with broad public purposes, from these impact fees, provided that the impact fees for such development activity shall be paid from public funds other than impact fee accounts;

(3) May exempt housing projects that are affordable to households earning less than eighty percent of the adjusted area median income from impact fees for school facilities. Impact fees exempted under this subsection (3) are not required to be paid from other funds;

(4) Shall provide a credit for the value of any dedication of land for, improvement to, or new construction of any system improvements provided by the developer, to facilities that are identified in the capital facilities plan and that are required by the county, city, or town as a condition of approving the development activity;

~~((4))~~ (5) Shall allow the county, city, or town imposing the impact fees to adjust the standard impact fee at the time the fee is imposed to consider unusual circumstances in specific cases to ensure that impact fees are imposed fairly;

~~((5))~~ (6) Shall include a provision for calculating the amount of the fee to be imposed on a particular development that permits consideration of studies and data submitted by the developer to adjust the amount of the fee;

~~((6))~~ (7) Shall establish one or more reasonable service areas within which it shall calculate and impose impact fees for various land use categories per unit of development;

~~((7))~~ (8) May provide for the imposition of an impact fee for system improvement costs previously incurred by a county, city, or town to the extent that new growth and development will be served by the previously constructed improvements provided such fee shall not be imposed to make up for any system improvement deficiencies.

Sec. 3. RCW 82.02.070 and 1990 1st ex.s. c 17 s 46 are each amended to read as follows:

(1) Impact fee receipts shall be earmarked specifically and retained in special interest-bearing accounts. Separate accounts shall be established for each type of public facility for which impact fees are collected. All interest shall be retained in the account and expended for the purpose or purposes for which the impact fees were imposed. Annually, each county, city, or town imposing impact fees shall provide a report on each impact fee account showing the source and amount of all moneys collected, earned, or received and system improvements that were financed in whole or in part by impact fees.

(2) Impact fees for system improvements shall be expended only in conformance with the capital facilities plan element of the comprehensive plan.

(3)(a) Except as provided otherwise by (b) of this subsection, impact fees shall be expended or encumbered for a permissible use within six years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than six years. Such extraordinary or compelling reasons shall be identified in written findings by the governing body of the county, city, or town.

(b) School impact fees must be expended or encumbered for a permissible use within ten years of receipt, unless there exists an extraordinary and compelling reason for fees to be held longer than ten years. Such extraordinary or compelling reasons shall be identified in written findings by the governing body of the county, city, or town.

(4) Impact fees may be paid under protest in order to obtain a permit or other approval of development activity.

(5) Each county, city, or town that imposes impact fees shall provide for an administrative appeals process for the appeal of an impact fee; the process may follow the appeal process for the underlying development approval or the county, city, or town may establish a separate appeals process. The impact fee may be modified upon a determination that it is proper to do so based on principles of fairness. The county, city, or town may provide for the resolution of disputes regarding impact fees by arbitration.

NEW SECTION, Sec. 4. A new section is added to chapter 82.02 RCW to read as follows:

Criteria must be developed by the office of the superintendent of public instruction for extending the use of school impact fees from six to ten years and this extension must require an evaluation for each respective school board of the appropriateness of the extension."

Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle and Short.

Passed to Committee on Rules for second reading.

March 26, 2009

ESSB 5601 Prime Sponsor, Committee on Health & Long-Term Care: Regulating speech-language pathology assistants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. It is declared to be the policy of this state that, in order to safeguard the public health, safety, and welfare, to protect the public from incompetent, unscrupulous, unauthorized persons and unprofessional conduct, and to ensure the availability of the highest standards of speech-language pathology services to the communicatively impaired people of this state, it is necessary to provide regulatory authority over persons offering speech-language pathology services as speech-language pathology assistants.

Sec. 2. RCW 18.35.010 and 2005 c 45 s 1 are each amended to read as follows:

~~(As used in)~~ The definitions in this section apply throughout this chapter(;) unless the context clearly requires otherwise(+).

(1) "Assistive listening device or system" means an amplification system that is specifically designed to improve the signal to noise ratio for the listener, reduce interference from noise in the background, and enhance hearing levels at a distance by picking up sound from as close to source as possible and sending it directly to the ear of the listener, excluding hearing instruments as defined in this chapter.

(2) "Licensed audiologist" means a person who is licensed by the department to engage in the practice of audiology and meets the qualifications in this chapter.

(3) "Audiology" means the application of principles, methods, and procedures related to hearing and the disorders of hearing and to related language and speech disorders, whether of organic or nonorganic origin, peripheral or central, that impede the normal process of human communication including, but not limited to, disorders of auditory sensitivity, acuity, function, processing, or vestibular function, the application of aural habilitation, rehabilitation, and appropriate devices including fitting and dispensing of hearing instruments, and cerumen management to treat such disorders.

(4) "Board" means the board of hearing and speech.

(5) "Department" means the department of health.

(6) "Establishment" means any permanent site housing a person engaging in the practice of fitting and dispensing of hearing instruments by a hearing instrument fitter/dispenser or audiologist; where the client can have personal contact and counsel during the

firm's business hours; where business is conducted; and the address of which is given to the state for the purpose of bonding.

(7) "Facility" means any permanent site housing a person engaging in the practice of speech-language pathology and/or audiology, excluding the sale, lease, or rental of hearing instruments.

(8) "Fitting and dispensing of hearing instruments" means the sale, lease, or rental or attempted sale, lease, or rental of hearing instruments and the administration of nondiagnostic tests as specified by RCW 18.35.110 and the use of procedures essential to the performance of these functions; and includes recommending specific hearing instrument systems, specific hearing instruments, or specific hearing instrument characteristics, the taking of impressions for ear molds for these purposes, the use of nondiagnostic procedures and equipment to verify the appropriateness of the hearing instrument fitting, and hearing instrument orientation. The fitting and dispensing of hearing instruments as defined by this chapter may be equally provided by a licensed hearing instrument fitter/dispenser or licensed audiologist.

(9) "Good standing" means a licensed hearing instrument fitter/dispenser, licensed audiologist, ~~((or))~~ licensed speech-language pathologist, or certified speech-language pathology assistant whose license or certification has not been subject to sanctions pursuant to chapter 18.130 RCW or sanctions by other states, territories, or the District of Columbia in the last two years.

(10) "Hearing instrument" means any wearable prosthetic instrument or device designed for or represented as aiding, improving, compensating for, or correcting defective human hearing and any parts, attachments, or accessories of such an instrument or device, excluding batteries and cords, ear molds, and assistive listening devices.

(11) "Hearing instrument fitter/dispenser" means a person who is licensed to engage in the practice of fitting and dispensing of hearing instruments and meets the qualifications of this chapter.

(12) "Interim permit holder" means a person who holds the permit created under RCW 18.35.060 and who practices under the supervision of a licensed hearing instrument fitter/dispenser, licensed speech-language pathologist, or licensed audiologist.

(13) "Secretary" means the secretary of health.

(14) "Licensed speech-language pathologist" means a person who is licensed by the department to engage in the practice of speech-language pathology and meets the qualifications of this chapter.

(15) "Speech-language pathology" means the application of principles, methods, and procedures related to the development and disorders, whether of organic or nonorganic origin, that impede oral, pharyngeal, or laryngeal sensorimotor competencies and the normal process of human communication including, but not limited to, disorders and related disorders of speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition/communication, and the application of augmentative communication treatment and devices for treatment of such disorders.

(16) "Speech-language pathology assistant" means a person who is certified by the department to provide speech-language pathology services under the direction and supervision of a licensed speech-language pathologist or speech-language pathologist certified as an educational staff associate by the superintendent of public instruction, and meets all of the requirements of this chapter.

(17) "Direct supervision" means the supervising speech-language pathologist is on-site and in view during the procedures or tasks. The board shall develop rules outlining the procedures or tasks allowable under direct supervision.

(18) "Indirect supervision" means the procedures or tasks are performed under the speech-language pathologist's overall direction and control, but the speech-language pathologist's presence is not required during the performance of the procedures or tasks. The board shall develop rules outlining the procedures or tasks allowable under indirect supervision.

Sec. 3. RCW 18.35.040 and 2007 c 271 s 1 are each amended to read as follows:

(1) An applicant for licensure as a hearing instrument fitter/dispenser must have the following minimum qualifications and shall pay a fee determined by the secretary as provided in RCW 43.70.250. An applicant shall be issued a license under the provisions

of this chapter if the applicant has not committed unprofessional conduct as specified by chapter 18.130 RCW, and:

(a)(i) Satisfactorily completes the hearing instrument fitter/dispenser examination required by this chapter; and

(ii) Satisfactorily completes a minimum of a two-year degree program in hearing instrument fitter/dispenser instruction. The program must be approved by the board; or

(b) Holds a current, unsuspended, unrevoked license from another jurisdiction if the standards for licensing in such other jurisdiction are substantially equivalent to those prevailing in this state as provided in (a) of this subsection; or

(c)(i) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid fitter/dispenser in another jurisdiction for at least forty-eight of the last sixty months, and submits proof of completion of advance certification from either the international hearing society or the national board for certification in hearing instrument sciences; and

(ii) Satisfactorily completes the hearing instrument fitter/dispenser examination required by this chapter or a substantially equivalent examination approved by the board.

The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(2)(a) An applicant for licensure as a speech-language pathologist or audiologist must have the following minimum qualifications:

((or)) (i) Has not committed unprofessional conduct as specified by the uniform disciplinary act;

((or)) (ii) Has a master's degree or the equivalent, or a doctorate degree or the equivalent, from a program at a board-approved institution of higher learning, which includes completion of a supervised clinical practicum experience as defined by rules adopted by the board; and

((or)) (iii) Has completed postgraduate professional work experience approved by the board.

(b) All qualified applicants must satisfactorily complete the speech-language pathology or audiology examinations required by this chapter.

(c) The applicant must present proof of qualifications to the board in the manner and on forms prescribed by the secretary and proof of completion of a minimum of four clock hours of AIDS education and training pursuant to rules adopted by the board.

(3) An applicant for certification as a speech-language pathology assistant shall pay a fee determined by the secretary as provided in RCW 43.70.250 and must have the following minimum qualifications:

(a) An associate of arts or sciences degree, or a certificate of proficiency, from a speech-language pathology assistant program from an institution of higher education that is approved by the board, as is evidenced by the following:

(i) Transcripts showing forty-five quarter hours or thirty semester hours of speech-language pathology coursework; and

(ii) Transcripts showing forty-five quarter hours or thirty semester hours of general education credit; or

(b) A bachelor of arts or bachelor of sciences degree, as evidenced by transcripts, from a speech, language, and hearing program from an institution of higher education that is approved by the board.

Sec. 4. RCW 18.35.095 and 2002 c 310 s 9 are each amended to read as follows:

(1) A hearing instrument fitter/dispenser licensed under this chapter and not actively practicing may be placed on inactive status by the department at the written request of the licensee. The board shall define by rule the conditions for inactive status licensure. In addition to the requirements of RCW 43.24.086, the licensing fee for a licensee on inactive status shall be directly related to the costs of administering an inactive license by the department. A hearing instrument fitter/dispenser on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the licensing fee for the licensing year, and complying with subsection (2) of this section.

(2) Hearing instrument fitter/dispenser inactive licensees applying for active licensure shall comply with the following: A licensee who has not fitted or dispensed hearing instruments for more than five years from the expiration of the licensee's full fee license shall retake the practical or the written, or both, hearing instrument fitter/dispenser examinations required under this chapter and other requirements as determined by the board. Persons who have inactive status in this state but who are actively licensed and in good standing in any other state shall not be required to take the hearing instrument fitter/dispenser practical examination, but must submit an affidavit attesting to their knowledge of the current Washington Administrative Code rules and Revised Code of Washington statutes pertaining to the fitting and dispensing of hearing instruments.

(3) A speech-language pathologist or audiologist licensed under this chapter, or a speech-language pathology assistant certified under this chapter, and not actively practicing either speech-language pathology or audiology may be placed on inactive status by the department at the written request of the license or certification holder. The board shall define by rule the conditions for inactive status licensure or certification. In addition to the requirements of RCW 43.24.086, the fee for a license or certification on inactive status shall be directly related to the cost of administering an inactive license or certification by the department. A person on inactive status may be voluntarily placed on active status by notifying the department in writing, paying the remainder of the fee for the year, and complying with subsection (4) of this section.

(4) Speech-language pathologist, speech-language pathology assistant, or audiologist inactive license or certification holders applying for active licensure or certification shall comply with requirements set forth by the board, which may include completion of continuing competency requirements and taking an examination.

Sec. 5. RCW 18.35.150 and 2002 c 310 s 15 are each amended to read as follows:

(1) There is created hereby the board of hearing and speech to govern the three separate professions: Hearing instrument fitting/dispensing, audiology, and speech-language pathology. The board shall consist of ~~((ten))~~ eleven members to be appointed by the governor.

(2) Members of the board shall be residents of this state. Three members shall represent the public and shall have an interest in the rights of consumers of health services, and shall not be or have been a member of, or married to a member of, another licensing board, a licensee of a health occupation board, an employee of a health facility, nor derive his or her primary livelihood from the provision of health services at any level of responsibility. Two members shall be hearing instrument fitter/dispensers who are licensed under this chapter, have at least five years of experience in the practice of hearing instrument fitting and dispensing, and must be actively engaged in fitting and dispensing within two years of appointment. Two members of the board shall be audiologists licensed under this chapter who have at least five years of experience in the practice of audiology and must be actively engaged in practice within two years of appointment. Two members of the board shall be speech-language pathologists licensed under this chapter who have at least five years of experience in the practice of speech-language pathology and must be actively engaged in practice within two years of appointment. One advisory nonvoting member shall be a speech-language pathology assistant certified in Washington. One advisory nonvoting member shall be a medical physician licensed in the state of Washington.

(3) The term of office of a member is three years. Of the initial appointments, one hearing instrument fitter/dispenser, one speech-language pathologist, one audiologist, and one consumer shall be appointed for a term of two years, and one hearing instrument fitter/dispenser, one speech-language pathologist, one audiologist, and two consumers shall be appointed for a term of three years. Thereafter, all appointments shall be made for expired terms. No member shall be appointed to serve more than two consecutive terms. A member shall continue to serve until a successor has been appointed. The governor shall either reappoint the member or appoint a successor to assume the member's duties at the expiration of his or her predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) The chair shall rotate annually among the hearing instrument fitter/dispensers, speech-language pathologists, audiologists, and public members serving on the board. In the absence of the chair, the board shall appoint an interim chair. In event of a tie vote, the issue shall be brought to a second vote and the chair shall refrain from voting.

(5) The board shall meet at least once each year, at a place, day and hour determined by the board, unless otherwise directed by a majority of board members. The board shall also meet at such other times and places as are requested by the department or by three members of the board. A quorum is a majority of the board. A hearing instrument fitter/dispenser, speech-language pathologist, and audiologist must be represented. Meetings of the board shall be open and public, except the board may hold executive sessions to the extent permitted by chapter 42.30 RCW.

(6) Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(7) The governor may remove a member of the board for cause at the recommendation of a majority of the board.

Sec. 6. RCW 18.35.205 and 2002 c 310 s 22 are each amended to read as follows:

The legislature finds that the public health, safety, and welfare would best be protected by uniform regulation of hearing instrument fitter/dispensers, speech-language pathologists, speech-language pathology assistants, audiologists, and interim permit holders throughout the state. Therefore, the provisions of this chapter relating to the licensing or certification of hearing instrument fitter/dispensers, speech-language pathologists, speech-language pathology assistants, and audiologists and regulation of interim permit holders and their respective establishments or facilities is exclusive. No political subdivision of the state of Washington within whose jurisdiction a hearing instrument fitter/dispenser, audiologist, or speech-language pathologist establishment or facility is located may require any registrations, bonds, licenses, certificates, or interim permits of the establishment or facility or its employees or charge any fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and nondiscriminatory license fee levied on all businesses, or to levy a tax based upon the gross business conducted by any firm within the political subdivision.

Sec. 7. RCW 18.35.260 and 2002 c 310 s 26 are each amended to read as follows:

(1) A person who is not a licensed hearing instrument fitter/dispenser may not represent himself or herself as being so licensed and may not use in connection with his or her name the words "licensed hearing instrument fitter/dispenser," "hearing instrument specialist," or "hearing aid fitter/dispenser," or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed hearing instrument fitter/dispenser.

(2) A person who is not a licensed speech-language pathologist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words including "licensed speech-language pathologist" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a licensed speech-language pathologist.

(3) A person who is not a certified speech-language pathology assistant may not represent himself or herself as being so certified and may not use in connection with his or her name the words including "certified speech-language pathology assistant" or a variation, synonym, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions as a certified speech-language pathology assistant.

(4) A person who is not a licensed audiologist may not represent himself or herself as being so licensed and may not use in connection with his or her name the words "licensed audiologist" or a variation, synonym, letter, word, sign, number, insignia, coinage, or whatever expresses, employs, or implies these terms, names, or functions of a licensed audiologist.

~~((4))~~ (5) Nothing in this chapter prohibits a person credentialed in this state under another act from engaging in the practice for which he or she is credentialed.

Sec. 8. RCW 18.130.040 and 2009 c 2 s 16 (Initiative Measure No. 1029) are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;

(ii) Naturopaths licensed under chapter 18.36A RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Massage operators and businesses licensed under chapter 18.108 RCW;

(vi) Dental hygienists licensed under chapter 18.29 RCW;

(vii) Acupuncturists licensed under chapter 18.06 RCW;

(viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;

(ix) Respiratory care practitioners licensed under chapter 18.89 RCW;

(x) Persons registered under chapter 18.19 RCW;

(xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

(xii) Persons registered as nursing pool operators under chapter 18.52C RCW;

(xiii) Nursing assistants registered or certified under chapter 18.88A RCW;

(xiv) Health care assistants certified under chapter 18.135 RCW;

(xv) Dietitians and nutritionists certified under chapter 18.138 RCW;

(xvi) Chemical dependency professionals certified under chapter 18.205 RCW;

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW;

(xxii) Recreational therapists;

(xxiii) Animal massage practitioners certified under chapter 18.240 RCW;

(xxiv) Athletic trainers licensed under chapter 18.250 RCW;

~~((and))~~
(xxv) Home care aides certified under chapter 18.88B RCW; and
(xxvi) Speech-language pathology assistants certified under chapter 18.35 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 9. A new section is added to chapter 18.35 RCW to read as follows:

Speech-language pathologists are responsible for patient care given by assistive personnel under their supervision. A speech-language pathologist may delegate to assistive personnel selected acts, tasks, or procedures that fall within the scope of speech-language pathology practice but do not exceed the education or training of the assistive personnel.

NEW SECTION. Sec. 10. A new section is added to chapter 18.35 RCW to read as follows:

A speech-language pathology assistant may only perform procedures or tasks delegated by the speech-language pathologist and must follow the individualized education program or treatment plan. Speech-language pathology assistants may not perform procedures or tasks that require diagnosis, evaluation, or clinical interpretation.

NEW SECTION. Sec. 11. An applicant for certification as a speech-language pathology assistant may meet the requirements for certification as a speech-language pathology assistant if, within one year of the effective date of this section, he or she submits a competency checklist to the board of hearing and speech, and is employed under the supervision of a speech-language pathologist for at least six hundred hours within the last three years as defined by the board by rule.

NEW SECTION. Sec. 12. A new section is added to chapter 18.35 RCW to read as follows:

Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person certified as a speech-language pathology assistant under this chapter.

NEW SECTION. Sec. 13. A new section is added to chapter 28A.210 RCW to read as follows:

(1) The superintendent of public instruction shall report to the department of health:

(a) Any complaint or disciplinary action taken against a certified educational staff associate providing speech-language pathology services in a school setting; and

(b) Any complaint the superintendent receives regarding a speech-language pathology assistant certified under chapter 18.35 RCW.

(2) The superintendent of public instruction shall make the reports required by this section as soon as practicable, but in no case later than five business days after the complaint or disciplinary action.

NEW SECTION. Sec. 14. The code reviser is directed to put the defined terms in RCW 18.35.010 in alphabetical order.

NEW SECTION. Sec. 15. In order to allow for adequate time to establish the program created in this act, the provisions of this act must be implemented beginning one year after the effective date of this section."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Herrera; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member and Hinkle.

Referred to Committee on Health & Human Services Appropriations.

March 26, 2009

SSB 5608 Prime Sponsor, Committee on Health & Long-Term Care: Concerning genetic counselors. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

On page 7, line 4, after "Sec. 11." insert "(1) Except as provided in section 3 of this act, no person shall engage in the practice of genetic counseling unless he or she is licensed, or provisionally licensed, under this chapter.

(2)"

On page 7, after line 10, insert the following:

"**NEW SECTION, Sec. 13.** Nothing in this chapter may be construed to require that a health carrier defined in RCW 48.43.005 contract with a person licensed as a genetic counselor under this chapter."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, line 11, after "through" strike "12" and insert "13"

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5629 Prime Sponsor, Senator Kohl-Welles: Concerning pregnancy prevention programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** A new section is added to chapter 70.54 RCW to read as follows:

(1) To reduce unintended pregnancies, state agencies may apply for sexual health education funding for programs that are medically and scientifically accurate, including, but not limited to, programs on abstinence, the prevention of sexually transmitted diseases, and the prevention of unintended pregnancies. The state shall ensure that such programs:

- (a) Are evidence-based;
- (b) Use state funds cost-effectively;
- (c) Maximize the use of federal matching funds; and
- (d) Are consistent with RCW 28A.300.475, the state's healthy youth act, as existing on the effective date of this section.

(2) As used in this section:

(a) "Medically and scientifically accurate" has the same meaning as in RCW 28A.300.475, as existing on the effective date of this section; and

(b) "Evidence-based" means a program that uses practices proven to the greatest extent possible through research in compliance with scientific methods to be effective and beneficial for the target population.

Sec. 2. RCW 74.12.410 and 1997 c 58 s 601 are each amended to read as follows:

(1) ~~At the time of application or reassessment under this chapter the department shall offer or contract for family planning information and assistance, including alternatives to abortion, and any other available locally based ((teen)) unintended pregnancy prevention programs, to prospective and current recipients of ((aid to families with dependent children)) temporary assistance for needy families.~~

(2) The department shall work in cooperation with the superintendent of public instruction to reduce the rate of ~~((illegitimate births and))~~ abortions and unintended pregnancies in Washington state.

~~((3)) The department of health shall maximize federal funding by timely application for federal funds available under P.L. 104-193 and Title V of the federal social security act, 42 U.S.C. 701 et seq., as amended, for the establishment of qualifying abstinence education and motivation programs. The department of health shall contract, by competitive bid, with entities qualified to provide abstinence education and motivation programs in the state.~~

~~(4) The department of health shall seek and accept local matching funds to the maximum extent allowable from qualified abstinence education and motivation programs.~~

~~((5)(a) For purposes of this section, "qualifying abstinence education and motivation programs" are those bidders with experience in the conduct of the types of abstinence education and motivation programs set forth in Title V of the federal social security act, 42 U.S.C. Sec. 701 et seq., as amended.~~

~~((b) The application for federal funds, contracting for abstinence education and motivation programs and performance of contracts under this section are subject to review and oversight by a joint committee of the legislature, composed of four legislative members, appointed by each of the two caucuses in each house.))"~~

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5638 Prime Sponsor, Committee on Government Operations & Elections: Concerning fire protection district contracts. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 52.12.031 and 1995 c 369 s 65 are each amended to read as follows:

(1) Any fire protection district organized under this title may: ~~((+))~~ (a) Lease, acquire, own, maintain, operate, and provide fire and emergency medical apparatus and all other necessary or proper facilities, machinery, and equipment for the prevention and suppression of fires, the providing of emergency medical services and the protection of life and property;

~~((2))~~ (b) Lease, acquire, own, maintain, and operate real property, improvements, and fixtures for housing, repairing, and maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

~~((3))~~ (c) Contract with any governmental entity under chapter 39.34 RCW or private person or entity to consolidate, provide, or cooperate for fire prevention protection, fire suppression, investigation, and emergency medical purposes. In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, investigation, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

~~((4))~~ (d) Encourage uniformity and coordination of fire protection district operations. The fire commissioners of fire protection districts may form an association to secure information of value in suppressing and preventing fires and other district purposes, to hold and attend meetings, and to promote more economical and efficient operation of the associated fire protection districts. The commissioners of fire protection districts in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman, secretary, and other officers as they may determine, and may employ and discharge agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from funds paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by a district in a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

~~((5))~~ (e) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts;

~~((6))~~ (f) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: PROVIDED, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: PROVIDED, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;

~~((7))~~ (g) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW ~~((48.48.060))~~ 43.44.050;

~~((8))~~ (h) Perform acts consistent with this title and not otherwise prohibited by law.

(2)(a) Any contract for fire protection and/or emergency medical services between a fire protection district and (i) a government entity under RCW 52.30.020; (ii) a private person; or (iii) a commercial entity must provide for adequate compensation.

(b) The adequate compensation requirement in (a) of this subsection does not apply to: Agreements existing on the effective date of this section; mutual aid agreements entered into by fire protection districts; agreements between fire protection districts and the department of natural resources; schools; libraries; or where the compensation requirements of the agreement are defined elsewhere in statute.

(c) "Adequate compensation" means the person or entity receiving the services must pay the same amount that would be collected by the fire district if the property was subject to the fire district levy.

(3) A fire protection district may not provide fire service protection or emergency medical services to any government entity or private person or commercial entity outside of their fire district without the express consent of the fire district, if any, in which the property is located."

Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Angel, Ranking Minority Member; Hinkle; Miloscia; Short; Springer; Uptegrove; White and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Cox, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 26, 2009

E2SSB 5649 Prime Sponsor, Committee on Ways & Means: Regarding energy efficiency in buildings. Reported by

Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. (1) The legislature finds that improving energy efficiency in structures is one of the most cost-effective means to meet energy requirements, and that while there have been significant efficiency savings achieved in the state over the past quarter century, there remains enormous potential to achieve even greater savings. Increased weatherization and more extensive efficiency improvements in residential, commercial, and public buildings achieves many benefits, including reducing energy bills, avoiding the construction of new electricity generating facilities with associated climate change impacts, and creation of family-wage jobs in performing energy audits and improvements.

(2) The legislature recognizes that the Washington State University extension energy program is uniquely qualified to implement programs consistent with the purposes of this act. Washington State University has nationally recognized experts in energy efficiency, renewable energy, energy technology, and program delivery.

(3) It is the intent of the legislature that financial and technical assistance programs be expanded to direct municipal, state, and federal funds, as well as electric and natural gas utility funding, toward greater achievement of energy efficiency improvements. To this end, the legislature establishes a policy goal of assisting in weatherizing twenty thousand homes and businesses in the state in each of the next five years. The legislature also intends to attain this goal in part through supporting programs that rely on community organizations and that there be maximum family-wage job creation in fields related to energy efficiency.

PART 1

Energy Efficiency Improvement Program

"NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means the energy efficiency assistance account created in section 110 of this act.

(2) "Board" means the state board for community and technical colleges.

(3) "Credit enhancement" means instruments which enhance the security for the payment of the lender's obligations and includes, but is not limited to insurance, letters of credit, lines of credit, or other similar agreements.

(4) "Customers" means residents, businesses, and building owners.

(5) "Direct outreach" means:

(a) The use of door-to-door contact, community events, and other methods of direct interaction with customers to inform them of energy efficiency and weatherization opportunities; and

(b) The performance of energy audits.

(6) "Director" means the director of the energy efficiency assistance program created in section 102 of this act.

(7) "Energy audit" means an assessment of building energy efficiency opportunities, from measures that require very little investment and without any disruption to building operation, normally involving general building operational measures, to low or relatively higher cost investment, such as installing timers to turn off equipment, replacing light bulbs, installing insulation, replacing equipment and appliances with higher efficiency equipment and appliances, and similar measures. The term includes an assessment of alternatives for generation of heat and power from renewable energy resources, including installation of solar hot water heating and equipment for photovoltaic electricity generation.

(8) "Energy efficiency and conservation block grant program" means the federal program created under the energy independence and security act of 2007 (P.L. 110-140).

(9) "Energy efficiency services" means energy audits, weatherization, energy efficiency retrofits, energy management systems as defined in RCW 39.35.030, and other activities to reduce a customer's energy consumption, and includes assistance with paperwork, arranging for financing, program design and development, and other postenergy audit assistance and education to help customers meet their energy savings goals.

(10) "Family wages" means wages that, aggregated over a year, total at least two hundred percent of the poverty guideline for a family of four, as established for the applicable calendar year by the United States department of health and human services, or compliance with prevailing wage provisions under chapter 39.12 RCW or area standard wages for public works as determined by the department of labor and industries, whichever is greater.

(11) "Low-income individual" means an individual whose annual household income does not exceed eighty percent of the area median income for the metropolitan, micropolitan, or combined statistical area in which that individual resides as determined annually by the United States department of housing and urban development.

(12) "Middle income" means household incomes that are between sixty and one hundred twenty percent of the area median income.

(13) "President" means the president of Washington State University.

(14) "Program" means the energy efficiency assistance program created in section 102 of this act.

(15) "Sponsor" means any entity or group of entities that submits a proposal under section 103 of this act, including but not limited to any nongovernmental nonprofit organization, local community action agency, tribal nation, community service agency, public service company, county, municipality, publicly owned electric, or natural gas utility.

(16) "Sponsor match" means the share, if any, of the cost of efficiency improvements to be paid by the sponsor.

(17) "State energy program" means the federal program created under the energy policy and conservation act (Title 42 U.S.C. Sec. 6321).

(18) "University" means Washington State University.

(19) "Weatherization" means making energy and resource conservation and energy efficiency improvements.

NEW SECTION. Sec. 3. ENERGY EFFICIENCY ASSISTANCE PROGRAM CREATED. (1) The energy efficiency assistance program is created within the extension energy program of Washington State University. The program must be managed by the director, who is appointed by the president. The director must:

(a) Establish a process to award grants on a competitive basis using funds from the account;

(i) Grants must be used to:

(A) Conduct direct outreach;

(B) Deliver energy efficiency services; or

(C) Create credit enhancements, such as loan loss reserve funds as specified in section 107 of this act;

(ii) The allocation of grants funded by state energy program funds shall be prioritized as follows:

(A) Weatherization of residential structures for middle-income households, that are not eligible for weatherization assistance under chapter 70.164 RCW; and

(B) Weatherization of operations of commercial, industrial, and nonprofit entities that have reported an average of less than one million dollars of gross revenue annually in the preceding five years;

(iii) Grants must be matched, in amounts determined by the director, by resources provided by the sponsor;

(iv) If a match is required by the director, preference must be given to those grant applicants with higher ratios of resources provided by the sponsor to grant awards;

(b) Provide technical assistance:

(i) To grant recipients conducting direct outreach, delivering energy efficiency services, or providing financing assistance and services; and

(ii) For farm energy assessment activities as specified in section 109 of this act;

(c) Cooperate and coordinate with the department of community, trade, and economic development and those entities providing energy audit and energy efficiency services and training to maximize the

assistance provided in the program, avoid duplication of existing programs, and encourage:

(i) The use of service delivery models by grant recipients that have proven effective in existing programs; and

(ii) The development of geographic information about direct outreach to be shared between grant recipients and low-income weatherization providers to minimize duplication in targeting customers;

(d)(i) Distribute a minimum of sixty percent of program funding as grants, at least seventy-five percent of which must be prioritized for programs that provide both direct outreach and delivery of energy efficiency services;

(ii) Distribute a minimum of twenty percent of program funding for technical assistance and training resource moneys as specified in section 401 of this act;

(iii) Distribute a maximum of ten percent of program funding for credit enhancements, using criteria as developed in subsection (4) of this section;

(e) Retain a maximum of five percent of program funds provided by the federal government for program administration and the administrative overhead of the university; and

(f) Create an appliance efficiency rebate program with available funds from the energy efficient appliances rebate program authorized under the federal energy policy act of 2005 (P.L. 109-58).

(2) The director shall adopt guidelines addressing best practices for direct outreach and energy efficiency services and avoiding duplication of such services.

(3) The program must offer assistance to sponsors to develop and design effective energy efficiency services programs.

(4) The director, in consultation with the department of financial institutions, shall develop criteria regarding the extent which funds will be provided for the purposes of credit enhancements under subsection (1)(d)(iii) of this section and set forth principles for accountability for financial institutions receiving funding for credit enhancements.

(5) The director must approve any financing mechanisms offered by local municipalities pursuant to section 107 of this act.

(6) The director shall require any financial institution or other entity receiving funding for credit enhancements to:

(a) Provide books, accounts, and other records in such a form and manner as the director may require;

(b) Identify a loan loss reserve that is sufficient to cover projected loan losses which are not guaranteed by the United States government; and

(c) Identify any other credit enhancements.

(7)(a) If a sponsor match is required by the director, a sponsor may elect to: (i) Pay a sponsor match as a lump sum at the time of weatherization; or (ii) make yearly payments to the account over a period not to exceed ten years. If a sponsor elects to make yearly payments, the value of the payments may not be less than the value of the lump sum payment that would have been made under (a)(i) of this subsection.

(b) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(c) The director may permit a sponsor to meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

NEW SECTION. Sec. 4. GRANTS AUTHORIZED. (1) The director shall solicit grant applications from sponsors. The director may provide grants that fully or partially fund a sponsor's proposal. The director shall require the following in the grant application:

(a) The amount requested from the account;

(b) The amount of the sponsor match;

(c) The entities participating as sponsors and any entities that will provide administrative support, direct outreach, energy efficiency services, or financing assistance and services;

(d) A demonstration of effective fiscal accountability measures;

(e) Performance measures by which to assess the monetary and energy savings of proposed efficiency projects following project completion;

(f) A work plan detailing the means and methods by which the sponsor will carry out the required direct outreach or energy efficiency services;

(g) Convincing evidence that a sponsor providing energy efficiency services will be capable of helping customers achieve a savings-to-investment ratio of at least one over a payback period of twenty years, subject to the useful life of the improvements;

(h) Convincing evidence that the sponsor will ensure that workers delivering energy efficiency services are paid family wages and are performing jobs that could lead to careers in the construction trades or in the energy efficiency sector;

(i) Convincing evidence that the sponsor will be able to efficiently and expeditiously provide direct outreach or energy efficiency services, including details on the sponsor's proposed hiring practices, means of oversight of employees or contractors, plans to employ, to the extent feasible, workers trained in training programs using the curricula established in section 401 (1) and (2) of this act, and the use of quality control measures;

(j) Convincing evidence that the sponsor will use only responsible and reputable contractors with a satisfactory record of compliance with all applicable safety, environmental, and labor laws and regulations; and

(k) Any other information required by the director.

(2) In awarding grants, the director shall give preference to sponsors that use best efforts to achieve the standards outlined in (a) through (c) of this subsection.

(a) Twenty percent of all construction work hours will be performed by state certified apprentices on a contractor by contractor basis;

(b) Twenty-five percent of all apprentice construction work hours will be performed by first period apprentices; or

(c) Not less than twenty percent of all construction work hours will be performed by:

(i) Individuals whose primary place of residence is within the same county, the same metropolitan statistical area, or thirty miles of the proposed project and who qualifies as being a disadvantaged worker because the worker is a low-income individual, an at-risk youth, or a previous offender; or

(ii) Either recently separated veterans or members of the national guard, or both, who are returning from active duty in a foreign war zone.

(3) In calculating compliance with the twenty percent standard outlined in subsection (2)(c)(i) of this section, construction work hours performed by residents of states other than Washington may not be included.

(4) Preference must also be given to sponsors whose projects are designed to achieve the greatest scope and economies of scale in the provision of energy efficiency services.

(5) In awarding grants, the director shall also give preference to applications that feature the utilization of a hiring and workforce development program undertaken in partnership with entities that have a successful track record of identifying and recruiting disadvantaged workers, implementing and operating workers skills training and education programs, and placing disadvantaged workers into sustained employment.

(6) The director shall allocate funds appropriated from the account among proposals accepted or accepted in part so as to achieve the greatest possible expected monetary and energy savings by energy consumers and shall, to the extent feasible, ensure a balance of participation for (a) geographic regions in the state; (b) types of fuel used for heating; (c) owner-occupied and rental residences; and (d) single-family and multifamily dwellings. The director may allocate funds to a nonutility sponsor without requiring a sponsor match if the director determines that such an allocation is necessary to provide the greatest benefits to middle-income residents of the state.

(7)(a) The director shall develop, track, and require reporting of compliance with performance metrics for each sponsor receiving a grant award. The performance metrics must include, but not be limited to:

- (i) Monetary and energy savings achieved;
- (ii) Savings-to-investment ratio achieved for customers;
- (iii) Wage levels of jobs created;
- (iv) Efficiency and speed of delivery of services; and

(v) Attainment of the standards established under subsection (2)(a) through (c) of this section.

(b) Programs receiving funding under this section are required to report on compliance with the performance metrics every six months following the receipt of grants, with the last report submitted six months after program completion. The director shall verify the accuracy of these reports.

(c) The director shall provide a progress report on all grant programs to the appropriate committees of the legislature by December 1st of each year.

NEW SECTION. Sec. 5. EXPEDITED GRANTS IN 2009.

(1) The legislature finds that conducting energy audits and performing efficiency improvements in residences and commercial structures creates family-wage jobs and will stimulate local economies where this work is conducted. Therefore, the legislature directs that where appropriations are made to the account specifically for the purpose of expedited grants, the director shall accord priority to making such grants over all other duties in the program. The director shall award grants within the time frame set by the federal government under the programs providing the funding for these activities. The director shall develop and utilize expedited grant procedures to ensure both compliance with federal program requirements and the legislature's goal of providing prompt stimulation to local economies.

(2) By November 1, 2009, the director shall report to the appropriate fiscal and policy committees in the senate and house of representatives on the status of grant awards under this section. The report may be combined with that made by the department of community, trade, and economic development under section 206 of this act.

NEW SECTION. Sec. 6. PILOT GRANTS FOR COMMUNITY-WIDE URBAN RESIDENTIAL AND COMMERCIAL EFFICIENCY UPGRADES.

(1) The legislature finds that comprehensive energy efficiency retrofits in the residential and smaller commercial markets are significantly underutilized due in part to the complex set of decisions that property owners face when securing an energy audit, arranging for financing, and obtaining a contractor to perform the retrofit work. While these retrofits have previously been viewed as primarily benefiting the property owner with energy cost savings, the additional benefits of the avoided costs of new energy generation and the environmental and climate benefits of reduced carbon emissions call for new ways of reaching residential and business building owners to deliver energy efficiency services. Therefore, the purpose of this section is to encourage programs that will combine utility, government, and private investments in residential and commercial building energy efficiency upgrades, with a community-based outreach component to overcome the hurdles that property owners face in considering these upgrades.

(2)(a) The director shall award not less than three grants for programs that:

(i) Provide assistance for energy audits and energy efficiency related improvements to structures owned by or used for residential, commercial, or nonprofit purposes in specified urban neighborhoods where the objective is to achieve a high rate of participation among building owners within the pilot area;

(ii) Utilize volunteer support to reach out to potential customers through the use of community-based institutions;

(iii) Employ qualified energy auditors to perform the energy audits using recognized retrofit measures that are cost-effective;

(iv) Select and provide oversight of contractors to perform retrofit work. The contractors must agree to participate in quality control and efficiency training, pay prevailing wages, meet minimum apprentice utilization standards, and hire from the community in which the program is located; and

(v) Work with customers to secure financing for their portion of the project and apply for and administer utility, public, and charitable funding provided for energy audits and retrofits.

(b) Priority must be given to grant applicants that can secure a sponsor match of at least one dollar for each dollar awarded.

NEW SECTION. Sec. 7. PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS--FINDINGS AND INTENT. (1) The legislature finds that the creation and use of

risk reduction mechanisms will promote greater involvement of local financial institutions and other financing mechanisms in funding energy efficiency improvements and will achieve greater leverage of state and federal dollars. Risk reduction mechanisms will allow financial institutions to lend to a broader pool of applicants on more attractive terms, such as potentially lower rates and longer loan terms. Placing a portion of funds in long-term risk reduction mechanisms will support a sustained level of energy efficiency investment by financial institutions while providing funding to projects quickly.

(2) It is the intent of the legislature to leverage new federal funding aimed at promoting energy efficiency projects, improving energy efficiency, and increasing family wage jobs. To this end, the legislature intends to invest a portion of all federal funding, subject to federal requirements, for energy efficiency projects in financial mechanisms that will provide for maximum leverage of financing.

NEW SECTION, Sec. 8. PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) Local municipalities receiving federal stimulus moneys through the federal energy efficiency and conservation block grant program are authorized to use those funds, subject to federal requirements, to establish loan loss reserves or toward risk reduction mechanisms, such as loan loss reserves, to leverage financing for energy efficiency projects.

(2) Interest rate subsidies, financing transaction cost subsidies, capital grants to energy users, and other forms of grants and incentives that support financing energy efficiency projects are authorized uses of federal energy efficiency funding.

(3) Financing mechanisms offered by local municipalities under this section shall conform to all applicable state and federal regulations.

NEW SECTION, Sec. 9. PROMOTING THE INVOLVEMENT OF STATE-CHARTERED BOND AUTHORITIES IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) The legislature finds that the state bond authorities have capacities that can be applied to financing energy efficiency projects for their respective eligible borrowers: Washington economic development finance authority for industry; Washington state housing finance commission for single-family and multifamily housing, commercial properties, agricultural properties, and nonprofit facilities; Washington higher education facilities authority for private, nonprofit higher education; and Washington health care facilities authority for hospitals and all types of health clinics.

(2)(a) Subject to federal requirements, the state bond authorities may accept and administer an allocation of the state's share of the federal energy efficiency funding for designing energy efficiency finance loan products and for developing and operating energy efficiency finance programs. The state bond authorities shall coordinate with the program on the design of the bond authorities' program.

(b) The director of the program may make allocations of the federal funding to the state bond authorities and may direct and administer funding for outreach, marketing, and delivery of energy services to support the programs by the state bond authorities.

(c) The legislature authorizes a portion of the federal energy efficiency funds to be used by the state bond authorities for credit enhancements and reserves for such programs.

(3) The Washington state housing finance commission may:

(a) Issue revenue bonds as the term "bond" is defined in RCW 43.180.020 for the purpose of financing loans for energy efficiency and renewable energy improvement projects in accordance with RCW 43.180.150;

(b) Establish eligibility criteria for financing that will enable it to choose applicants who are likely to repay loans made or acquired by the commission and funded from the proceeds of federal funds or commission bonds; and

(c) Participate fully in federal and other governmental programs and take such actions as are necessary and consistent with chapter 43.180 RCW to secure to itself and the people of the state the benefits of programs to promote energy efficiency and renewable energy technologies.

NEW SECTION, Sec. 10. FARM ENERGY ASSESSMENTS. (1) The legislature finds that increasing energy costs put farm viability and competitiveness at risk and that energy efficiency improvements

on the farm are the most cost-effective way to manage these costs. The legislature further finds that current on-farm energy efficiency programs often miss opportunities to evaluate and conserve all types of energy, including fuels and fertilizers.

(2) The director, in consultation with the department of agriculture, shall form an interdisciplinary team of agricultural and energy extension agencies to develop and offer new methods to help agricultural producers assess their opportunities to increase energy efficiency in all aspects of their operations. The interdisciplinary team must develop and deploy:

(a) Online energy self-assessment software tools to allow agricultural producers to assess whole-farm energy use and to identify the most cost-effective efficiency opportunities;

(b) Energy auditor training curricula specific to the agricultural sector and designed for use by agricultural producers, conservation districts, agricultural extensions, and commodity groups;

(c) An effective infrastructure of trained energy auditors available to assist agricultural producers with on-farm energy audits and identify cost-share assistance for efficiency improvements; and

(d) Measurement systems for cost savings, energy savings, and carbon emission reduction benefits resulting from efficiency improvements identified by the interdisciplinary team.

(3) The director shall seek to obtain additional resources for this section from federal and state agricultural assistance programs and from other sources.

NEW SECTION, Sec. 11. ACCOUNT CREATED. The energy efficiency assistance account is created in the state treasury. Except for appropriations and federal funds that must be used for low-income weatherization assistance pursuant to chapter 70.164 RCW, a minimum of thirty million dollars of all federal funds received pursuant to the federal American recovery and reinvestment act of 2009 (P.L. 111-5), the federal energy independence and security act of 2007 (P.L. 110-140), the federal energy policy and conservation act (Title 42 U.S.C. Sec. 6321), and the energy efficient appliance rebate program authorized by the federal energy policy act of 2005 (P.L. 109-58), and any other future appropriations in excess of levels of federal fiscal year 2008 for these programs, for the purpose of assisting with energy efficiency assessments, audits, or improvements must be deposited in the account. Other funds, gifts, grants, and endowments from public or private sources, in trust or otherwise, may be directed into the account. Any moneys received from sponsor match payments must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

PART 2

Low-Income Weatherization Programs

Sec. 12. RCW 70.164.020 and 1995 c 399 s 199 are each amended to read as follows:

~~(Unless the context clearly requires otherwise,)~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Energy ~~(assessment)~~ audit" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

(3) "Family wages" means wages that, aggregated over a year, total at least two hundred percent of the poverty guideline for a family of four, as established for the applicable calendar year by the United States department of health and human services, or compliance with prevailing wage provisions under chapter 39.12 RCW or area standard wages for public works as determined by the department of labor and industries, whichever is greater.

(4) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

~~((4)) (5)~~ "Low income" means household income ~~((that is at or below one hundred twenty-five percent of the federally established poverty level))~~ as defined by the department, provided that the definition may not exceed eighty percent of median household

income, adjusted for household size, for the county in which the dwelling unit to be weatherized is located.

~~((5))~~ (6) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or cooperative, furnishing gas or electricity used to heat low-income residences.

~~((6))~~ (7) "Residence" means a dwelling unit as defined by the department.

~~((7))~~ (8) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, tribal nation, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.

~~((8))~~ (9) "Sponsor match" means the share(~~(-if any,))~~) of the cost of weatherization to be paid by the sponsor.

~~((9))~~ (10) "Sustainable residential weatherization" or "weatherization" means ~~((materials or measures, and their installation; that are used to improve the thermal efficiency of a residence))~~ activities that use funds administered by the department for one or more of the following: (a) Energy and resource conservation; (b) energy efficiency improvements; (c) repairs, indoor air quality improvements, and health and safety improvements; and (d) client education. Funds administered by the department for activities authorized under this subsection may only be used for the preservation of a dwelling unit occupied by a low-income household and must, to the extent feasible, be used to support and advance sustainable technologies.

~~((10))~~ (11) "Weatherizing agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

Sec. 13. RCW 70.164.040 and 1987 c 36 s 4 are each amended to read as follows:

(1) The department shall solicit proposals for low-income weatherization programs from potential sponsors. A proposal shall state the amount of the sponsor match, the amount requested (~~from the low-income weatherization assistance account~~), the name of the weatherizing agency, and any other information required by the department.

(2)(a) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(b) Moneys provided by a sponsor pursuant to requirements in this section shall be in addition to and shall not supplant any funding for low-income weatherization that would otherwise have been provided by the sponsor or any other entity enumerated in (a) of this subsection.

(c) No proposal may require any contribution as a condition of weatherization from any household whose residence is weatherized under the proposal.

(d) Proposals shall provide that full levels of all cost-effective, structurally feasible, sustainable residential weatherization materials, measures, and practices, as determined by the department, shall be installed when a low-income residence is weatherized.

(3)(a) The department may in its discretion accept, accept in part, or reject proposals submitted. The department shall allocate funds appropriated from the low-income weatherization assistance account among proposals accepted or accepted in part so as to:

(i) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers (~~and~~) over the longest period of time;

(ii) Identify and correct, to the extent practical, health and safety problems for residents of low-income households, including asbestos, lead, and mold hazards;

(iii) Create family-wage jobs that may lead to careers in the construction trades or in the energy efficiency sectors; and

(iv) Leverage, to the extent feasible, environmentally friendly sustainable technologies, practices, and designs.

(b) The department shall, to the extent feasible, ensure a balance of participation in proportion to population among low-income households for: ~~((a))~~ (i) Geographic regions in the state; ~~((b))~~ (ii) types of fuel used for heating, except that the department shall encourage the use of energy efficient sustainable technologies; ~~((c))~~ (iii) owner-occupied and rental residences; and ~~((d))~~ (iv) single-family and multifamily dwellings.

(c) The department shall give priority to weatherize dwelling units occupied by low-income households with incomes at or below one hundred twenty-five percent of the federally established poverty level.

~~((d))~~ (d) The department may allocate funds to a nonutility sponsor without requiring a sponsor match if the department determines that such an allocation is necessary to provide the greatest benefits to low-income residents of the state.

(e) The department shall give priority to sponsors that commit to use best efforts to achieve the standards outlined in section 103(2)(a) through (c) of this act.

(4)(a) A sponsor may elect to: (i) Pay a sponsor match as a lump sum at the time of weatherization, or (ii) make yearly payments to the low-income weatherization assistance account over a period not to exceed ten years. If a sponsor elects to make yearly payments, the value of the payments shall not be less than the value of the lump sum payment that would have been made under (a)(i) of this subsection.

(b) The department may permit a sponsor to meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

(5) Programs receiving funding under this section must report to the department every six months following the receipt of a grant regarding the number of dwelling units weatherized, family-wage jobs created or maintained, and state certified apprentices employed, with the last report submitted six months after program completion. The director shall verify the accuracy of these reports.

~~((6))~~ (6) The department shall adopt rules to carry out this section.

Sec. 14. RCW 70.164.050 and 1987 c 36 s 5 are each amended to read as follows:

(1) The department is responsible for ensuring that sponsors and weatherizing agencies comply with the state laws, the department's rules, and the sponsor's proposal in carrying out proposals.

(2) Before a residence is weatherized, the department shall require that an energy (~~assessment~~) audit be conducted.

(3) To the greatest extent practicable and allowable under federal rules and regulations, the department shall maximize available federal low-income home energy assistance program funding for weatherization projects.

Sec. 15. RCW 70.164.060 and 1987 c 36 s 6 are each amended to read as follows:

Before a leased or rented residence is weatherized, written permission shall be obtained from the owner of the residence for the weatherization. The department shall adopt rules to ensure that: (1) The benefits of weatherization assistance (~~in connection with a leased or rented residence~~), including utility bill reduction and preservation of affordable housing stock, accrue primarily to low-income tenants occupying a leased or rented residence; (2) as a result of weatherization provided under this chapter, the rent on the residence is not increased and the tenant is not evicted; and (3) as a result of weatherization provided under this chapter, no undue or excessive enhancement occurs in the value of the residence. This section is in the public interest and any violation by a landlord of the rules adopted under this section shall be an act in trade or commerce violating chapter 19.86 RCW, the consumer protection act.

NEW SECTION. Sec. 16. A new section is added to chapter 70.164 RCW to read as follows:

(1) The department shall coordinate with the Washington State University energy efficiency assistance program created in section 102 of this act in order to maximize the extension of weatherization assistance across low-income and middle-income households. To the greatest extent practicable and allowable under federal rules and regulations, the department shall maximize available federal low-income home energy assistance program funding for weatherization projects.

(2) The department may solicit proposals for low and middle-income weatherization projects, if providing funding specifically for additional projects. The department shall determine a priority ranking system for determining the order of preference for projects for low-income households.

NEW SECTION. Sec. 17. EXPEDITED LOW-INCOME HOUSEHOLD ENERGY AUDIT PROGRAM GRANTS IN 2009.

(1) The legislature finds that conducting energy audits and performing efficiency improvements in low-income households creates family-wage jobs and will stimulate local economies where this work is conducted. Therefore, the legislature directs that where appropriations are made to the low-income weatherization assistance program as part of a federal economic stimulus, the department of community, trade, and economic development shall award grants as quickly as practical for maximum community economic benefit within the parameters stipulated with the funding.

(2) By November 1, 2009, the department of community, trade, and economic development shall report to the appropriate fiscal and policy committees in the senate and house of representatives on the status of grant awards under this section. The report may be combined with that made by the director of the energy efficiency assistance program under section 104 of this act.

PART 3

Consolidation of Weatherization Programs

NEW SECTION. Sec. 18. It is the intent of the legislature that all state administered building weatherization programs are conducted to provide the greatest efficiency in terms of administrative processes, economies of scale, institutional memory, and institutional competence. The legislature also intends by this act to expand state administered building weatherization programs to provide services not only to low-income residents in the state, but also to middle-income residences, farms, commercial buildings, public buildings, public agencies, and other institutions.

NEW SECTION. Sec. 19. (1) The department of community, trade, and economic development and the Washington State University energy extension program shall review:

(a) Low-income weatherization programs, as authorized under chapter 70.164 RCW, weatherization, weatherization services, and energy efficiency programs administered by the state;

(b) The low-income energy assistance program funded by the federal government pursuant to the federal low-income energy assistance act (Title 42 U.S.C. 8623 et seq.);

(c) Weatherization and energy efficiency programs funded by private entities, utilities, the federal government, and other entities; and

(d) Administrative and overhead costs incurred by weatherization and energy efficiency programs.

(2) By July 1, 2010, the department of community, trade, and economic development and the Washington State University energy extension program shall provide to the governor and the appropriate committees of the legislature a report with findings from the review required in subsection (1) of this section and recommendations for the coordination of the state's energy efficiency and weatherization programs, including the low-income energy assistance and low-income weatherization programs under chapter 70.164 RCW and the weatherization program created in section 102 of this act.

(a) The recommendations must include:

(i) Identification of best practices and opportunities to consolidate and create efficiencies and economies of scale;

(ii) Identification of legislative action necessary to maximize the state's receipt of funding for weatherization and energy efficiency purposes; and

(iii) Identification of methods to minimize costs through coordination and potential consolidation of programs.

(b) If the report finds that administrative efficiencies may best be achieved by the transition of functions from one state agency or entity to another, then the recommendations must also include:

(i) Identification of statutory changes necessary to ensure an expeditious and efficient transition with the least programmatic disruption; and

(ii) A timeline for the process that includes methods to phase and synchronize the transition of administrative procedures, records, files, and staff in accordance with the goals and intent of this section and section 301 of this act.

PART 4

Training Programs for Energy Efficiency Jobs

NEW SECTION. Sec. 20. WORKFORCE TRAINING FOR THE PERFORMANCE OF ENERGY AUDITS AND RETROFITS.

(1) The legislature finds that it is in the interest of building owners, building residents, and the state that energy audits and energy efficiency services be performed in a manner that is both consistent with current best practices and that provides increased occupational skills, education, and training to workers in the state. The director, in collaboration with the board, the workforce training and education coordinating board, the employment security department, the Washington state building and construction trades council, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction, shall identify the necessary skills and qualifications required to perform the energy audits and energy efficiency services authorized under this act.

(2) The board shall work with the Washington state apprenticeship and training council and the office of the superintendent of public instruction, to jointly develop, by June 30, 2010, curricula and training programs, to include on-the-job training, classroom training, and safety and health training, for the development of the skills and qualifications identified by the director under subsection (1) of this section.

(3) Training resource moneys may be provided from the account for the following purposes:

(a) To develop and deploy curricula and training programs in accordance with subsection (2) of this section;

(b) For the expansion of existing high school, community and technical college, journey level skills improvement and apprenticeship training programs, and community-based training programs providing energy audit and energy efficiency services training;

(c) For the implementation of new training programs developed under the terms of this chapter;

(d) To supplement internship, preapprenticeship, and apprenticeship programs using curricula developed under subsection (2) of this section; and

(e) For other training activities identified by the director to supplement and expand the skills of the existing workforce.

(4) The director shall direct the delivery of education and training resource moneys as necessary to meet demands for jobs, giving priority in distribution of training resource moneys to those educational programs that can provide convincing evidence that they are able to provide the requisite skills education and training expeditiously.

(5) The board shall target a portion of any federal stimulus funding received to ensure commensurate capacity for high employer demand programs of study developed under this section. To that end, the director must coordinate with the workforce training and education coordinating board, the state board for community and technical colleges, or other appropriate state agency in the application for and receipt of such funding that may be made available through the federal youthbuild program, workforce investment act, job corps, or other relevant federal programs.

(6) The Washington apprenticeship and training council shall evaluate the potential of existing apprenticeship and training programs that would produce workers with the skills needed to conduct energy audits and provide energy efficiency services and deliver their findings to the director and the appropriate committees of the legislature as soon as possible, but no later than January 18, 2010.

(7) The director shall direct funding to programs that provide skills education and training services to underserved and disadvantaged communities in the state, in accordance with RCW 43.330.310. This may include, but is not limited to, at-risk youth seeking employment pathways out of poverty and into economic self-sufficiency. The director shall consult with the employment security

department to create a strategy to ensure that the workers who receive training under these programs are provided with the type of employment opportunities contemplated by this chapter.

(8) The board shall provide an interim report to the appropriate committees of the legislature by December 1, 2011, and a final report by December 1, 2013, detailing the effectiveness of, and any recommendations for improving, the worker training curricula and programs established in this section.

NEW SECTION. Sec. 21. UNEMPLOYED WORKERS. Community and technical colleges that enroll unemployed workers into the relevant curricula and training programs indicated in this act shall receive funding as indicated in section 2, chapter . . . , Laws of 2009 (section 2 of Engrossed Second Substitute Senate Bill No. 5809).

NEW SECTION. Sec. 22. DESIGNATION OF WORKFORCE TRAINING PROGRAMS FOR THE PERFORMANCE OF ENERGY AUDITS AND RETROFITS. (1) Existing curricula and training programs or programs provided by community and technical colleges in the state developed under section 401 of this act must be recognized as programs of study under RCW 28B.50.273.

(2) Subject to available funding, the board may grant enrollment priority to persons who qualify for waiver under RCW 28B.15.522 and who enroll in curricula and training programs provided by community or technical colleges in the state that have been developed in accordance with section 401 of this act.

PART 5

Energy Efficiency in Publicly Funded Housing

NEW SECTION. Sec. 23. A new section is added to chapter 43.185 RCW to read as follows:

ENERGY AUDITS AND RETROFITS IN PUBLICLY FUNDED HOUSING. (1) The legislature finds that growing preservation and rehabilitation needs in the housing trust fund property portfolio provide opportunities to advance energy efficiency and weatherization efforts for low-income individuals in Washington state while protecting the state's six hundred million dollars in affordable housing investments. Preservation of existing affordable housing, when done in conjunction with weatherization activities, is a cost-effective, prudent, and environmentally friendly strategy to ensure that low-income housing remains durable, safe, and affordable. Therefore, the legislature intends that where federal funds are available for increasing and improving energy efficiency of low-income housing that these funds shall be utilized, subject to federal requirements, for energy audits and implementing energy efficiency measures in the state housing trust fund real estate portfolio.

(2) The department shall review all housing properties in the housing trust fund real estate portfolio and identify those in need of major renovation or rehabilitation. In its review, the department shall survey property owners for information including, but not limited to, the age of the building and the type of heating, cooling, plumbing, and electrical systems contained in the property. The department shall prioritize all renovation or rehabilitation projects identified in the review by the department's ability to:

(a) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers over the greatest period of time;

(b) Promote the greatest possible health and safety improvements for residents of low-income households; and

(c) Leverage, to the extent feasible, technologically advanced and environmentally friendly sustainable technologies, practices, and designs.

(3) Subject to the availability of amounts appropriated for this specific purpose, the department shall use the prioritization of potential energy efficiency needs and opportunities in subsection (2) of this section to make offers of energy audit services to project owners and operators. The department shall use all practicable means to achieve the completion of energy audits in at least twenty-five percent of the properties in its portfolio that exceed twenty-five years in age, by June 30, 2011. Where the energy audits identify cost-effective weatherization and other energy efficiency measures, the department shall accord a priority within appropriated funding levels to include funding for energy efficiency improvements when the

department allocates funding for renovation or rehabilitation of the property.

PART 6 Miscellaneous

NEW SECTION. Sec. 24. Sections 101 through 110 and 401 through 403 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 25. Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 27. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 28. The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Carlyle; Finn; Hasegawa; Hudgins; Jacks; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Condotta; DeBolt; Herrera and McCune.

Referred to Committee on Ways & Means.

March 26, 2009

ESSB 5651 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Providing humanitarian requirements for certain dog breeding practices. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Dogs are neither a commercial crop nor commodity and should not be indiscriminately or irresponsibly mass produced;

(2) Large-scale dog breeding increases the likelihood that the dogs will be denied their most basic needs including but not limited to: Sanitary living conditions, proper and timely medical care, the ability to move freely at least once per day, and adequate shelter from the elements;

(3) Without proper oversight, large-scale breeding facilities can easily fall below even the most basic standards of humane housing and husbandry;

(4) Current Washington state laws are inadequate regarding the care and husbandry of dogs in large-scale breeding facilities;

(5) No Washington state agency currently regulates large-scale breeding facilities;

(6) The United States department of agriculture does not regulate large-scale breeding facilities that sell dogs directly to the public and thus, such direct-sales breeders are currently exempt from even the minimum care and housing standards outlined in the federal animal welfare act;

(7) Documented conditions at large-scale breeding facilities include unsanitary conditions, potential for soil and groundwater contamination, the spread of zoonotic parasites and infectious diseases, and the sale of sick and dying animals to the public; and

(8) An unfair fiscal burden is placed on city, county, and state taxpayers as well as government agencies and nongovernmental

organizations, which are required to care for discarded or abused and neglected dogs from large-scale breeding facilities.

NEW SECTION. Sec. 2. A new section is added to chapter 16.52 RCW to read as follows:

(1) A person may not own, possess, control, or otherwise have charge or custody of more than fifty dogs with intact sexual organs over the age of six months at any time.

(2) Any person who owns, possesses, controls, or otherwise has charge or custody of more than ten dogs with intact sexual organs over the age of six months and keeps the dogs in an enclosure for the majority of the day must at a minimum:

(a) Provide space to allow each dog to turn about freely, to stand, sit, and lie down. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face, or feet touching any side of an enclosure and without touching any other dog in the enclosure when all dogs are lying down simultaneously. The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position. Each enclosure must be at least three times the length and width of the longest dog in the enclosure, from tip of nose to base of tail and shoulder blade to shoulder blade.

(b) Provide each dog that is over the age of four months with a minimum of one exercise period during each day for a total of not less than one hour of exercise during such day. Such exercise must include either leash walking or giving the dog access to an enclosure at least four times the size of the minimum allowable enclosure specified in subsection (2)(a) of this section allowing the dog free mobility for the entire exercise period, but may not include use of a cat mill, jenny mill, slat mill, or similar device, unless prescribed by a doctor of veterinary medicine. The exercise requirements in this subsection do not apply to a dog certified by a doctor of veterinary medicine as being medically precluded from exercise.

(c) Maintain adequate housing facilities and primary enclosures that meet the following requirements at a minimum:

(i) Housing facilities and primary enclosures must be kept in a sanitary condition. Housing facilities where dogs are kept must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels, and to prevent moisture condensation. Housing facilities must have a means of fire suppression, such as functioning fire extinguishers, on the premises and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(ii) Housing facilities must enable all dogs to remain dry and clean;

(iii) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(iv) Housing facilities must provide sufficient shade to shelter all the dogs housed in the primary enclosure at one time;

(v) A primary enclosure must have floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(vi) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(vii) Feces, hair, dirt, debris, and food waste must be removed from primary enclosures at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests, and odors; and

(viii) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Animals with a vicious or aggressive disposition must never be placed in an enclosure with another animal, except for breeding purposes. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision.

(d) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris, and is readily accessible to all dogs in the enclosure at all times.

(e) Provide veterinary care without delay when necessary. A dog may not be bred if a veterinarian determines that the animal is unfit for breeding purposes. Only dogs between the ages of twelve months and eight years of age may be used for breeding. Animals requiring euthanasia must be euthanized only by a licensed veterinarian.

(3) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor.

(4) This section does not apply to the following:

(a) A publicly operated animal control facility or animal shelter;

(b) A private, charitable not-for-profit humane society or animal adoption organization;

(c) A veterinary facility;

(d) A retail pet store;

(e) A research institution;

(f) A boarding facility; or

(g) A grooming facility.

(5) Subsection (1) does not apply to a commercial dog breeder licensed, before the effective date of this act, by the United States department of agriculture pursuant to the federal animal welfare act (Title 7 U.S.C. Sec. 2131 et seq.).

(6) For the purposes of this section, the following definitions apply, unless the context clearly requires otherwise:

(a) "Dog" means any member of *Canis lupus familiaris*; and

(b) "Retail pet store" means a commercial establishment that engages in a for-profit business of selling at retail cats, dogs, or other animals to be kept as household pets and is regulated by the United States department of agriculture.

NEW SECTION. Sec. 3. This act takes effect January 1, 2010."

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5665 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Authorizing a joint self-insurance program for two or more affordable housing entities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This chapter is intended to provide authority for two or more affordable housing entities to participate in a joint self-insurance program covering property or liability risks. This chapter provides affordable housing entities with the exclusive source of authority to jointly self-insure property and liability risks, jointly purchase insurance or reinsurance, and to contract for risk management, claims, and administrative services with other affordable housing entities. This chapter must be liberally construed to grant affordable housing entities maximum flexibility in jointly self-insuring to the extent the self-insurance programs are operated in a safe and sound manner. This chapter is intended to require prior approval for the establishment of every joint self-insurance program. In addition, this chapter is intended to require every joint self-insurance program for affordable housing entities established under this chapter to notify the state of the existence of the program and to comply with the regulatory and statutory standards governing the management and operation of the programs as provided in this chapter. This chapter is not intended to authorize or regulate self-insurance of unemployment compensation under chapter 50.44 RCW or industrial insurance under chapter 51.14 RCW.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Affordable housing" means housing projects in which some of the dwelling units may be purchased or rented on a basis that is affordable to households with an income of eighty percent or less of the county median family income, adjusted for family size.

(2) "Affordable housing entity" means any of the following:

(a) A housing authority created under the laws of this state or another state and any agency or instrumentality of a housing authority including, but not limited to, a legal entity created to conduct a joint self-insurance program for housing authorities that is operating in accordance with chapter 48.62 RCW;

(b) A nonprofit corporation, whether organized under the laws of this state or another state, that is engaged in providing affordable housing and is necessary for the completion, management, or operation of a project because of its access to funding sources that are not available to a housing authority, as described in this section; or

(c) A general or limited partnership or limited liability company, whether organized under the laws of this state or another state, that is engaged in providing affordable housing as defined in this section. A partnership or limited liability company may only be considered an affordable housing entity if a housing authority or nonprofit corporation, as described in this subsection, satisfies any of the following conditions: (i) It has, or has the right to acquire, a financial or ownership interest in the partnership or limited liability company; (ii) it possesses the power to direct management or policies of the partnership or limited liability company; or (iii) it has entered into a contract to lease, manage, or operate the affordable housing owned by the partnership or limited liability company.

(3) "Property and liability risks" includes the risk of property damage or loss sustained by an affordable housing entity and the risk of claims arising from the tortious or negligent conduct or any error or omission of the entity, its officers, employees, agents, or volunteers as a result of which a claim may be made against the entity.

(4) "Self-insurance" means a formal program of advance funding and management of entity financial exposure to a risk of loss that is not transferred through the purchase of an insurance policy or contract.

(5) "State risk manager" means the risk manager of the risk management division within the office of financial management.

NEW SECTION. Sec. 3. Prior to the approval of a multistate joint self-insurance program for affordable housing entities, the state risk manager shall adopt rules further clarifying the definitions of "affordable housing" and "affordable housing entity" as defined in section 2 of this act, and the conditions and limitations under which affordable housing entities may participate or be expelled from the joint self-insurance program.

NEW SECTION. Sec. 4. (1) The governing body of an affordable housing entity may join or form a self-insurance program together with one or more other affordable housing entities, and may jointly purchase insurance or reinsurance with one or more other affordable housing entities for property and liability risks only as permitted under this chapter. Affordable housing entities may contract for or hire personnel to provide risk management, claims, and administrative services in accordance with this chapter.

(2) The agreement to form a joint self-insurance program may include the organization of a separate legal or administrative entity with powers delegated to the entity. The entity may be a nonprofit corporation, limited liability company, partnership, trust, or other form of entity, whether organized under the laws of this state or another state.

(3) If provided for in the organizational documents, a joint self-insurance program may, in conformance with this chapter:

(a) Contract or otherwise provide for risk management and loss control services;

(b) Contract or otherwise provide legal counsel for the defense of claims and other legal services;

(c) Consult with the state insurance commissioner and the state risk manager;

(d) Jointly purchase insurance and reinsurance coverage in a form and amount as provided for in the organizational documents;

(e) Obligate the program's participants to pledge revenues or contribute money to secure the obligations or pay the expenses of the program, including the establishment of a reserve or fund for coverage; and

(f) Possess any other powers and perform all other functions reasonably necessary to carry out the purposes of this chapter.

(4) Every joint self-insurance program governed by this chapter must appoint the state risk manager as its attorney to receive service of, and upon whom must be served, all legal process issued against the program in this state upon causes of action arising in this state.

(a) Service upon the state risk manager as attorney constitutes service upon the program. Service upon joint self-insurance programs subject to this chapter may only occur by service upon the state risk manager. At the time of service, the plaintiff shall pay to the state risk manager a fee to be set by the state risk manager, taxable as costs in the action.

(b) With the initial filing for approval with the state risk manager, each joint self-insurance program must designate by name and address the person to whom the state risk manager must forward legal process that is served upon him or her. The joint self-insurance program may change this person by filing a new designation.

(c) The appointment of the state risk manager as attorney is irrevocable, binds any successor in interest or to the assets or liabilities of the joint self-insurance program, and remains in effect as long as there is in force in this state any contract made by the joint self-insurance program or liabilities or duties arising from the contract.

(d) The state risk manager shall keep a record of the day and hour of service upon him or her of all legal process. A copy of the process, by registered mail with return receipt requested, must be sent by the state risk manager to the person designated to receive legal process by the joint self-insurance program in its most recent designation filed with the state risk manager. Proceedings must not commence against the joint self-insurance program, and the program must not be required to appear, plead, or answer, until the expiration of forty days after the date of service upon the state risk manager.

NEW SECTION. Sec. 5. This chapter does not apply to an affordable housing entity that:

(1) Individually self-insures for property and liability risks; or

(2) Participates in a risk pooling arrangement, including a risk retention group or a risk purchasing group, regulated under chapter 48.92 RCW, or is a captive insurer authorized in its state of domicile.

NEW SECTION. Sec. 6. The state risk manager shall adopt rules governing the management and operation of joint self-insurance programs for affordable housing entities that cover property or liability risks. All rules must be appropriate for the type of program and class of risk covered. The state risk manager's rules must include:

(1) Standards for the management, operation, and solvency of joint self-insurance programs, including the necessity and frequency of actuarial analyses and claims audits;

(2) Standards for claims management procedures;

(3) Standards for contracts between joint self-insurance programs and private businesses, including standards for contracts between third-party administrators and programs; and

(4) Standards that preclude housing authorities or other public entities participating in the joint self-insurance program from subsidizing, regardless of the form of subsidy, affordable housing entities that are not housing authorities or public entities. These standards do not apply to the consideration attributable to the ownership interest of a housing authority or public entity in a separate legal or administrative entity organized with respect to the program.

NEW SECTION. Sec. 7. Before the establishment of a joint self-insurance program covering property or liability risks by affordable housing entities, the entities must obtain the approval of the state risk manager. The entities proposing the creation of a joint self-insurance program requiring prior approval shall submit a plan of management and operation to the state risk manager that provides at least the following information:

(1) The risk or risks to be covered, including any coverage definitions, terms, conditions, and limitations;

(2) The amount and method of funding the covered risks, including the initial capital and proposed rates and projected premiums;

(3) The proposed claim reserving practices;

(4) The proposed purchase and maintenance of insurance or reinsurance in excess of the amounts retained by the joint self-insurance program;

(5) The legal form of the program including, but not limited to, any articles of incorporation, bylaws, charter, or trust agreement or other agreement among the participating entities;

(6) The agreements with participants in the program defining the responsibilities and benefits of each participant and management;

(7) The proposed accounting, depositing, and investment practices of the program;

(8) The proposed time when actuarial analysis will be first conducted and the frequency of future actuarial analysis;

(9) A designation of the individual to whom service of process must be forwarded by the state risk manager on behalf of the program;

(10) All contracts between the program and private persons providing risk management, claims, or other administrative services;

(11) A professional analysis of the feasibility of the creation and maintenance of the program;

(12) A legal determination of the potential federal and state tax liabilities of the program; and

(13) Any other information required by rule of the state risk manager that is necessary to determine the probable financial and management success of the program or that is necessary to determine compliance with this chapter.

NEW SECTION. Sec. 8. An affordable housing entity may participate in a joint self-insurance program covering property or liability risks with similar affordable housing entities from other states if the program satisfies the following requirements:

(1) An ownership interest in the program is limited to some or all of the affordable housing entities of this state and affordable housing entities of other states that are provided insurance by the program;

(2) The participating affordable housing entities of this state and other states shall elect a board of directors to manage the program, a majority of whom must be affiliated with one or more of the participating affordable housing entities;

(3) The program must provide coverage through the delivery to each participating affordable housing entity of one or more written policies affecting insurance of covered risks;

(4) The program must be financed, including the payment of premiums and the contribution of initial capital, in accordance with the plan of management and operation submitted to the state risk manager in accordance with this chapter;

(5) The financial statements of the program must be audited annually by the certified public accountants for the program, and these audited financial statements must be delivered to the state risk manager not more than one hundred twenty days after the end of each fiscal year of the program;

(6) The investments of the program must be initiated only with financial institutions or broker-dealers, or both, doing business in those states in which participating affordable housing entities are located, and these investments must be audited annually by the certified public accountants for the program;

(7) The treasurer of a multistate joint self-insurance program must be designated by resolution of the program and the treasurer must be located in the state of one of the participating entities;

(8) The participating affordable housing entities may have no contingent liabilities for covered claims, other than liabilities for unpaid premiums, if assets of the program are insufficient to cover the program's liabilities; and

(9) The program must obtain approval from the state risk manager in accordance with this chapter and must remain in compliance with this chapter, except if provided otherwise under this section.

NEW SECTION. Sec. 9. (1) Within one hundred twenty days of receipt of a plan of management and operation, the state risk manager shall either approve or disapprove of the formation of the joint self-insurance program after reviewing the plan to determine whether the proposed program complies with this chapter and all rules adopted in accordance with this chapter.

(2) If the state risk manager denies a request for approval, the state risk manager shall specify in detail the reasons for denial and the manner in which the program fails to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

(3) If the state risk manager determines that a joint self-insurance program covering property or liability risks is in violation of this chapter or is operating in an unsafe financial condition, the state risk manager may issue and serve upon the program an order to cease and desist from the violation or practice.

(a) The state risk manager shall deliver the order to the appropriate entity or entities directly or mail it to the appropriate entity or entities by certified mail with return receipt requested.

(b) If the program violates the order or has not taken steps to comply with the order after the expiration of twenty days after the cease and desist order has been received by the program, the program is deemed to be operating in violation of this chapter, and the state risk manager shall notify the attorney general of the violation.

(c) After hearing or with the consent of a program governed under this chapter and in addition to or in lieu of a continuation of the cease and desist order, the state risk manager may levy a fine upon the program in an amount not less than three hundred dollars and not more than ten thousand dollars. The order levying the fine must specify the period within which the fine must be fully paid. The period within which the fines must be paid must not be less than fifteen and no more than thirty days from the date of the order. Upon failure to pay the fine when due, the state risk manager shall request the attorney general to bring a civil action on the state risk manager's behalf to collect the fine. The state risk manager shall pay any fine collected to the state treasurer for the account of the general fund.

(4) Each joint self-insurance program approved by the state risk manager shall annually file a report with the state risk manager providing:

(a) Details of any changes in the articles of incorporation, bylaws, charter, or trust agreement or other agreement among the participating affordable housing entities;

(b) Copies of all the insurance coverage documents;

(c) A description of the program structure, including participants' retention, program retention, and excess insurance limits and attachment point;

(d) An actuarial analysis;

(e) A list of contractors and service providers;

(f) The financial and loss experience of the program; and

(g) Other information as required by rule of the state risk manager.

(5) A joint self-insurance program requiring the state risk manager's approval may not engage in an act or practice that in any respect significantly differs from the management and operation plan that formed the basis for the state risk manager's approval of the program unless the program first notifies the state risk manager in writing and obtains the state risk manager's approval. The state risk manager shall approve or disapprove the proposed change within sixty days of receipt of the notice. If the state risk manager denies a requested change, the state risk manager shall specify in detail the reasons for the denial and the manner in which the program would fail to meet the requirements of this chapter or any rules adopted in accordance with this chapter.

NEW SECTION. Sec. 10. (1) A joint self-insurance program may by resolution of the program designate a person having experience with investments or financial matters as treasurer of the program. The program must require a bond obtained from a surety company in an amount and under the terms and conditions that the program finds will protect against loss arising from mismanagement or malfeasance in investing and managing program funds. The program may pay the premium on the bond.

(2) All interest and earnings collected on joint self-insurance program funds belong to the program and must be deposited to the program's credit in the proper program account.

NEW SECTION. Sec. 11. (1) An employee or official of a participating affordable housing entity in a joint self-insurance program may not directly or indirectly receive anything of value for services rendered in connection with the operation and management of a self-insurance program other than the salary and benefits provided by his or her employer or the reimbursement of expenses reasonably incurred in furtherance of the operation or management of the program. An employee or official of a participating affordable housing entity in a joint self-insurance program may not accept or solicit anything of value for personal benefit or for the benefit of

others under circumstances in which it can be reasonably inferred that the employee's or official's independence of judgment is impaired with respect to the management and operation of the program.

(2) RCW 48.30.140, 48.30.150, and 48.30.157 apply to the use of insurance producers by a joint self-insurance program.

NEW SECTION. Sec. 12. A joint self-insurance program approved in accordance with this chapter is exempt from insurance premium taxes, fees assessed under chapter 48.02 RCW, chapters 48.32 and 48.32A RCW, business and occupation taxes imposed under chapter 82.04 RCW, and any assigned risk plan or joint underwriting association otherwise required by law. This section does not apply to, and no exemption is provided for, insurance companies issuing policies to cover program risks, and does not apply to or provide an exemption for third-party administrators or insurance producers serving the joint self-insurance program.

NEW SECTION. Sec. 13. (1) The state risk manager shall establish and charge an investigation fee in an amount necessary to cover the costs for the initial review and approval of a joint self-insurance program. The fee must accompany the initial submission of the plan of operation and management.

(2) The costs of subsequent reviews and investigations must be charged to the joint self-insurance program being reviewed or investigated in accordance with the actual time and expenses incurred in the review or investigation.

(3) Any program failing to remit its assessment when due is subject to denial of permission to operate or to a cease and desist order until the assessment is paid.

NEW SECTION. Sec. 14. (1) Any person who files reports or furnishes other information required under this title, required by the state risk manager under the authority granted under this title, or which is useful to the state risk manager in the administration of this title, is immune from liability in any civil action or suit arising from the filing of any such report or furnishing such information to the state risk manager, unless actual malice, fraud, or bad faith is shown.

(2) The state risk manager and his agents and employees are immune from liability in any civil action or suit arising from the publication of any report or bulletins or arising from dissemination of information related to the official activities of the state risk manager unless actual malice, fraud, or bad faith is shown.

(3) The immunity granted under this section is in addition to any common law or statutory privilege or immunity enjoyed by such person. This section is not intended to abrogate or modify in any way such common law or statutory privilege or immunity.

NEW SECTION. Sec. 15. The state risk manager shall take all steps necessary to implement this chapter on January 1, 2010.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. This act takes effect January 1, 2010.

NEW SECTION. Sec. 18. Sections 1 through 17 of this act constitute a new chapter in Title 48 RCW.

Sec. 19. RCW 48.01.050 and 2003 c 248 s 1 are each amended to read as follows:

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance exchange is an "insurer" as used in this code. Two or more hospitals that join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical liability, through a contributing trust fund are not an "insurer" under this code. Two or more local governmental entities, under any provision of law, that join together and organize to form an organization for the purpose of jointly self-insuring or self-funding are not an "insurer" under this code. Two or more affordable housing entities that join together and organize to form an organization for the purpose of jointly self-insuring or self-funding under chapter 48.-RCW (the new chapter created in section 18 of this act) are not an "insurer" under this code. Two or more persons engaged in the business of commercial fishing who enter into an arrangement with other such persons for the pooling of funds to pay claims or losses arising out of loss or damage to a vessel or machinery used in the

business of commercial fishing and owned by a member of the pool are not an "insurer" under this code."

Correct the title.

Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 27, 2009

SSB 5676 Prime Sponsor, Committee on Ways & Means: Providing for career and technical education opportunities for middle school students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Ways & Means.

March 25, 2009

SSB 5684 Prime Sponsor, Committee on Transportation: Addressing environmental mitigation in highway construction. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.01 RCW to read as follows:

(1) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and chapter 43.21C RCW, the department shall, to the greatest extent possible, consider using public land first.

(2) If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

(3) Nothing in this section shall be construed to restrict the department from meeting environmental mitigation requirements, described in subsection (1) of this section, by the purchase of credits from a wetland mitigation bank certified for the sale of such credits, including but not limited to credits for lands that were or are agricultural lands of long-term commercial significance."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 26, 2009

E2SSB 5688 Prime Sponsor, Committee on Ways & Means: Expanding the rights and responsibilities of state registered domestic partners. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Referred to Committee on Ways & Means.

March 26, 2009

SSB 5704 Prime Sponsor, Committee on Government Operations & Elections: Concerning creation of a flood district by three or more counties. Reported by Committee on Local Government & Housing

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 85.38.090 and 1991 c 349 s 12 are each amended to read as follows:

(1) Whenever the governing body of a special district has more than three members, the governing body shall be reduced to three members as of January 1, 1986, by eliminating the positions of those district governing body members with the shortest remaining terms of office. The remaining three governing body members shall have staggered terms with the one having the shortest remaining term having his or her position filled at the 1987 special district general election, the one with the next shortest remaining term having his or her position filled at the 1989 special district general election, and the one with the longest remaining term having his or her position filled at the 1992 special district general election. If any of these remaining three governing body members have identical remaining terms of office, the newly calculated remaining terms of these persons shall be determined by lot with the county auditor who assists the special district in its elections managing such lot procedure. The newly established terms shall be recorded by the county auditor.

(2) However, whenever five or more special districts have consolidated under chapter 85.36 RCW and the consolidated district has five members in its governing body on July 28, 1985, the consolidated district may adopt a resolution retaining a five-member governing body. At any time thereafter, such a district may adopt a resolution and reduce the size of the governing body to three members with the reduction occurring as provided in subsection (1) of this section, but the years of the effective dates shall be extended so that the reduction occurs at the next January 1st occurring after the date of the adoption of the resolution. Whenever a special district is so governed by a five-member governing body, two members shall be elected at each of two consecutive special district general elections, and one member shall be elected at the following special district general election, each to serve a six-year staggered term.

(3) Subsections (1) and (2) of this section do not apply to flood control districts that contain three or more counties.

NEW SECTION. Sec. 2. A new section is added to chapter 85.38 RCW to read as follows:

(1) The governing body of a flood control district that contains three or more counties must be comprised of:

(a) One member from each county contained wholly or partially within the district, as appointed by the legislative authority of each county; and

(b) One member from one city of each county contained wholly or partially within the district, as appointed by the cities of each county. If the cities of a county within the district fail to appoint a member to the governing body, the city member must be appointed by the legislative authority of the largest city in the county.

(2) If the district abuts or materially impacts tribal lands held in reserve by the federal government, or any lands within a tribe's usual and accustomed fishing area, the governing body must also include one member from each affected tribe, as nominated by the tribal leadership of each tribe and selected by the members appointed under subsection (1)(a) of this section."

Correct the title.

Signed by Representatives Simpson, Chair; Nelson, Vice Chair; Miloscia; Springer; Upthegrove and White.

MINORITY recommendation: Do not pass. Signed by Representatives Angel, Ranking Minority Member; Cox, Assistant Ranking Minority Member; Hinkle; Short and Williams.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 5719 Prime Sponsor, Committee on Transportation: Modifying title and registration requirements for kit vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Dickerson; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Kristiansen; Moeller; Rolfes; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Klippert.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5723 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Providing support for small business assistance. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.30.530 and 1984 c 77 s 1 are each amended to read as follows:

(1) The board of regents of Washington State University shall establish the Washington State University small business development center.

(2) The center shall provide management and technical assistance including but not limited to training, counseling, and research services to small businesses throughout the state. The center shall work with ~~(public and private community development and economic assistance agencies and shall work towards the goal of coordinating activities with such agencies to avoid duplication of services)~~ the department of community, trade, and economic development, the state board for community and technical colleges, the higher education coordinating board, the workforce training and education coordinating board, the employment security department, the Washington state economic development commission, associate development organizations, and workforce development councils to:

(a) Integrate small business development centers with other state and local economic development and workforce development programs;

(b) Target the centers' services to small businesses as defined in subsection (5) of this section;

(c) Tailor outreach and services at each center to the needs and demographics of entrepreneurs and small businesses located within the service area;

(d) Establish and expand small business development center satellite offices when financially feasible; and

(e) Coordinate delivery of services to meet needs and avoid duplication.

(3) The administrator of the center may contract with other public or private entities for the provision of specialized services.

(4) The small business and development center may accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted, or donated to carry

out the center's purposes. Small business development center satellite offices may solicit and accept cash and in-kind contributions from public and private sources, including banks, to support their services.

(5) For the purposes of this section, "small business" means an in-state business, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses and has either (a) fifty or fewer employees, or (b) a gross revenue of less than seven million dollars annually as reported on its most recent federal income tax return or its return filed with the department of revenue. As used in this definition, "in-state business" means a business that has its principal office located in Washington and its officers domiciled in Washington.

(6) By December 1, 2009, the center shall provide a written report to the appropriate committees of the legislature on:

(a) Progress made with respect to the requirements in subsection (2) of this section; and

(b) New resources received by satellite offices as a result of the fund-raising authority provided in subsection (4) of this section.

Sec. 2. RCW 30.60.010 and 2008 c 240 s 1 are each amended to read as follows:

(1) In conducting an examination of a bank chartered under Title 30 RCW, the director shall investigate and assess the record of performance of the bank in meeting the credit needs of the bank's entire community, including low and moderate-income neighborhoods. The director shall accept, in lieu of an investigation or part of an investigation required by this section, any report or document that the bank is required to prepare or file with one or more federal agencies by the act of Congress entitled the "Community Reinvestment Act of 1977" and the regulations promulgated in accordance with that act, to the extent such reports or documents assist the director in making an assessment based upon the factors outlined in subsection (2) of this section.

(2) In making an investigation required under subsection (1) of this section, the director shall consider, independent of any federal determination, the following factors in assessing the bank's record of performance:

(a) Activities conducted by the institution to ascertain credit needs of its community, including the extent of the institution's efforts to communicate with members of its community regarding the credit services being provided by the institution;

(b) The extent of the institution's marketing and special credit related programs to make members of the community aware of the credit services offered by the institution;

(c) The extent of participation by the institution's board of directors in formulating the institution's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act of 1977;

(d) Any practices intended to discourage applications for types of credit set forth in the institution's community reinvestment act statement(s);

(e) The geographic distribution of the institution's credit extensions, credit applications, and credit denials;

(f) Evidence of prohibited discriminatory or other illegal credit practices;

(g) The institution's record of opening and closing offices and providing services at offices;

(h) The institution's participation, including investments, in local community and microenterprise development projects;

(i) The institution's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) The institution's participation in governmentally insured, guaranteed, or subsidized loan programs for housing, small businesses, or small farms;

(k) The institution's ability to meet various community credit needs based on its financial condition, size, legal impediments, local economic condition, and other factors;

(l) The institution's contribution of cash or in-kind support to local or statewide organizations that provide counseling, training, financing, or other services to in-state small businesses; and

(m) Other factors that, in the judgment of the director, reasonably bear upon the extent to which an institution is helping to meet the credit needs of its entire community.

(3) The director shall include as part of the examination report, a summary of the results of the assessment required under subsection (1) of this section and shall assign annually to each bank a numerical community reinvestment rating based on a one through five scoring system. Such numerical scores shall represent performance assessments as follows:

- | | |
|-------------------------------|----|
| (a) Excellent performance: | 1 |
| (b) Good performance: | 2 |
| (c) Satisfactory performance: | 3 |
| (d) Inadequate performance: | 4 |
| (e) Poor performance: | 5" |

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Referred to Committee on Ways & Means.

March 26, 2009

SSB 5725 Prime Sponsor, Committee on Health & Long-Term Care: Concerning health benefit plan coverage for organ transplants. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1 A new section is added to chapter 48.43 RCW to read as follows:

(1) A health benefit plan that is issued or renewed on or after January 1, 2010, and that provides coverage for organ and tissue transplants, may not permit a separate lifetime limit on transplants of any less than three hundred fifty thousand dollars. The lifetime limit shall not apply to chronic care secondary to the transplant beginning ninety days after the date of the transplant. Benefits provided are subject to all other terms and conditions of the health benefit plan, including but not limited to any applicable coinsurances, deductibles, and copayments.

(2) "Organ transplant" means the same as defined under the applicable health benefit plan."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5731 Prime Sponsor, Senator Keiser: Distributing health plan information. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 24, 2009

SSB 5732 Prime Sponsor, Committee on Judiciary: Concerning traffic infractions for drivers whose licenses or privileges are suspended or revoked. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 46.20 RCW to read as follows:

(1)(a) A person who violates RCW 46.20.342(1)(c)(iv) in a jurisdiction that does not have a relicensing diversion program shall be provided with an abstract of his or her driving record by the court or the prosecuting attorney, in addition to a list of his or her unpaid traffic offense related fines and the contact information for each jurisdiction or collection agency to which money is owed.

(b) A fee of up to twenty dollars may be imposed by the court in addition to any fee required by the department for provision of the driving abstract.

(2)(a) Superior courts or courts of limited jurisdiction in counties or cities are authorized to participate or provide relicensing diversion programs to persons who violate RCW 46.20.342(1)(c)(iv).

(b) Eligibility for the relicensing diversion program shall be limited to violators with no more than four convictions under RCW 46.20.342(1)(c)(iv) in the ten years preceding the date of entering the relicensing diversion program, subject to a less restrictive rule imposed by the presiding judge of the county district court or municipal court. People subject to arrest under a warrant are not eligible for the diversion program.

(c) The diversion option may be offered at the discretion of the prosecuting attorney before charges are filed, or by the court after charges are filed.

(d) A person who is the holder of a commercial driver's license or who was operating a commercial motor vehicle at the time of the violation of RCW 46.20.342(1)(c)(iv) may not participate in the diversion program under this section.

(e) A relicensing diversion program that is structured to occur after charges are filed may charge participants a one-time fee of up to one hundred dollars, which is not subject to chapters 3.50, 3.62, and 35.20 RCW, and shall be used to support administration of the program. The fee of up to one hundred dollars shall be included in the total to be paid by the participant in the relicensing diversion program.

(3) A relicensing diversion program shall be designed to assist suspended drivers to regain their license and insurance and pay outstanding fines.

(4)(a) Counties and cities that operate relicensing diversion programs shall, subject to available funds, provide information to the administrative office of the courts on an annual basis regarding the eligibility criteria used for the program, the number of referrals from law enforcement, the number of participants accepted into the program, the number of participants who regain their driver's license and insurance, the total amount of fines collected, the costs associated with the program, and other information as determined by the office.

(b) The administrative office of the courts is directed, subject to available funds, to compile and analyze the data required to be submitted in this section and develop recommendations for a best practices model for relicensing diversion programs."

Correct the title.

Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Driscoll; Eddy; Finn; Johnson; Klippert; Morris; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Cox; Ericksen; Herrera; Kristiansen and Moeller.

Passed to Committee on Rules for second reading.

March 27, 2009

E2SSB 5735 Prime Sponsor, Committee on Ways & Means: Reducing greenhouse gas emissions. Reported by Committee on Ecology & Parks

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. FINDINGS. The legislature finds that Washington should maintain its leadership on climate change by continuing Washington's participation in the development of any federal or regional programs to reduce greenhouse gas emissions.

The legislature finds that by continuing its participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington maximizes its ability to influence and shape those programs so that they may reflect Washington's emissions portfolio, including the state's hydroelectric system, aid Washington's forest resources and agricultural industries, reduce Washington's expenditures on imported fuels, and create a strong economy.

The legislature further finds that by continuing Washington's participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington has the opportunity to protect Washington families and small businesses from undue financial impacts arising from the transition to a clean energy future, to protect Washington's economy from disadvantages resulting from competition with industries that do not participate in carbon control efforts, and provide appropriate credit for those businesses that have taken early actions to reduce greenhouse gas emissions.

The legislature further finds that well-designed climate policies should mitigate any impacts on the cost and affordability of food, housing, energy, transportation, and other routine expenses on low and moderate-income people, and ensure that economic benefits are available to both urban and rural communities, and to traditionally underserved communities.

The legislature further finds the continued efforts to reduce greenhouse gases in the transportation sector through the continued development of alternative fuels, improved vehicle technologies, and providing choices that reduce overall vehicle miles traveled to be critical steps in creating jobs, fostering economic growth, and reducing our reliance on foreign petroleum-based transportation fuels.

"NEW SECTION, Sec. 2. NATIONAL AND REGIONAL GREENHOUSE GAS REDUCTION PROGRAMS. (1) The office of the governor and the department are directed to represent the state's interests in the development of a national program to reduce greenhouse gas emissions. As part of this effort, the department is directed to continue to participate in the western climate initiative to develop a regional program to reduce greenhouse gas emissions. This regional program must be used to influence the national program to reduce greenhouse gas emissions.

(2) In order to provide needed information to the legislature, government agencies, and those persons who are responsible for significant emissions of greenhouse gases so that they may effectively plan for the long-term emissions reductions under RCW 70.235.020, the department shall develop:

(a) Its best estimate of emissions levels in 2012 for persons that the department reasonably believes emit twenty-five thousand metric tons of carbon dioxide equivalent or greater each year; and

(b) The trajectory of emissions reductions necessary to meet the 2020 requirement of reducing the state's greenhouse gas emissions to 1990 levels.

(3) The department shall develop the estimated 2012 emissions levels and the 2020 reduction trajectories in consultation with business and other interested stakeholders by December 15, 2009. The reduction trajectories must reflect the department's best estimate of each person's proportionate share of the 2020 reductions and must consider each person's use of industry best practices and of fuels that are either carbon neutral or that do not emit greenhouse gases. Consideration may be given to industries whose processes are inherently energy intensive.

(4) The department shall provide each person with its estimate of the person's 2012 emissions levels and the 2020 reduction trajectory as soon as they are available, but no later than December 15, 2009. Each person or groups of persons representing a sector of Washington's economy may recommend strategies or actions to the department that they believe would achieve the needed reductions.

The recommendations must be provided to the department by June 15, 2010.

(5) The department shall provide a report to the legislature by December 31, 2010, that includes the 2012 emissions estimates, the 2020 reduction trajectories, and the strategies and actions, including complementary policies that collectively will achieve the state's 2020 emissions reduction in RCW 70.235.020. The report must also include a description of any additional authority that is needed to implement the identified strategies or actions.

(6) For purposes of this section, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood byproducts, including pulping liquor, and wood residuals may not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.

NEW SECTION, Sec. 3. ACCOUNTABILITY. The governor shall designate a currently employed full-time equivalent person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives must coordinate with this designee. This position must be funded from current full-time equivalent allocations without increasing budgets or staffing levels. If duties must be shifted in the agency, they must be shifted to current full-time equivalent allocations.

NEW SECTION, Sec. 4. FORESTRY OFFSET POLICY. The department, in consultation with the department of natural resources and the forest carbon working group, shall develop recommendations for the state's policy for forestry offset projects within Washington. The agencies and the forest carbon working group must use the 2008 report of the forest carbon working group as the starting point in developing the policy. The final policy must be submitted to the legislature by December 31, 2010. The policy recommendations must address:

(1) Specific standards and guidelines that will support carbon accounting in managed forests participating in an offset program;

(2) Recommendations on how any carbon that is reduced or sequestered by a forestry offset project may be eligible for an offset credit available to coal-fired power plants under section 7 of this act, and within regional and federal climate policies;

(3) Recognition of management activities that increase carbon stocks including, but not limited to, thinning, lengthening rotations, increased retention of trees after harvest, fertilization, genetics, timber stand improvement, fire management, and specific site class and productivity of a managed forest;

(4) Specific standards and guidelines to support wood products accounting, recognizing that carbon is stored in products after trees are harvested, including the use of the one hundred year method which estimates the amount of carbon stored in the wood products that are projected to remain in use over one hundred years;

(5) Guidelines on how transfer of development rights or on-site cluster development projects may be used to create forestry offset projects;

(6) Guidelines on how forestry offset projects and forestry financial incentive programs can work together so that Washington's forest landowners will not be disadvantaged in comparison to other jurisdictions participating in a national or regional cap and trade program;

(7) How to verify or certify carbon stocks in a manner that will not be administratively burdensome; and

(8) Specific standards for how landowners who are no longer able or willing to meet their offset obligations can opt out of the program. The specific standards must require the landowner to procure other allowances or offsets equal to the offsets issued under the management plan for any offsets they have sold and surrender those offsets and any unsold offsets to the state.

NEW SECTION, Sec. 5. FINANCIAL INCENTIVES FOR FORESTRY. The department of ecology, in consultation with the department of natural resources and the forest carbon working group, shall develop and deliver to the legislature by December 31, 2010, recommendations for financial incentives for forestry and forest products that will recognize and encourage forest land management and use of forest products that will maintain or increase carbon sequestration, including, but not limited to:

(1) Thinning, lengthening of rotations, increased retention of trees at harvest, fertilization, genetics, timber stand improvement, and fire management;

(2) Production of wood products while maintaining or increasing carbon stocks on the ground; and

(3) Retention of high carbon stocks where there is no obligation to retain such stocks.

NEW SECTION, Sec. 6. AGRICULTURAL OFFSET POLICY. The department, in consultation with Washington State University, the department of agriculture, and the agriculture carbon working group shall develop recommendations for agricultural offset projects within Washington. The agencies and the agricultural carbon working group must use the 2008 report of the agricultural carbon working group as the starting point in developing the policy. The final recommendations of the agriculture carbon working group must be submitted to the legislature by December 31, 2010. The policy recommendations must address:

(1) A process and timeline to survey, catalog, and map Washington soils in a manner that describes the carbon soil sequestration level of the soils;

(2) Activities that would increase carbon sequestration in soils and therefore potentially qualify as offset projects; and

(3) Recommendations on how any carbon that is reduced or sequestered by an agricultural offset project may be eligible for an offset credit available to coal-fired power plants under section 7 of this act, and within regional and federal climate policies.

NEW SECTION, Sec. 7. A new section is added to chapter 70.94 RCW to read as follows:

STANDARDS FOR COAL-FIRED POWER PLANTS. (1) This section only applies to coal-fired power plants within Washington that burn over one million tons of coal per year.

(2) By 2015, coal-fired power plants must reduce emissions of greenhouse gases by one million metric tons unless the state is participating in a national or regional cap and trade program by or during 2012 that covers the emissions from these plants.

(3) The department shall negotiate and implement a compliance agreement with the coal-fired power plants covered by this section that describes how the required emissions reduction will be accomplished. The compliance agreement may include, but is not limited to, measures such as the substitution of biomass and other renewable resources for more carbon-intensive fuels as well as the limited use of offset projects. No more than forty-nine percent of the total emissions reductions from the coal-fired power plants covered by this section may be satisfied with offsets. The department shall report to the legislature on the status and content of the compliance agreement by December 31, 2010.

(4)(a) If an order or approval is required as a result of the reductions required under subsection (2) of this section, the department shall issue the order or approval within sixty days of receipt of a complete application that demonstrates to the department's satisfaction that the coal-fired power plant will achieve the emissions reduction required by this section.

(b) Within thirty days after issuing an order or approval, the department must submit to the legislature notice of the issuance of an order or approval and the findings that led to the issuance of the order or approval. The department must also post the notice of the issuance of an order or approval and the findings that led to the issuance of the order or approval on their department web site.

(5) If a coal-fired power plant subject to this section has begun to reduce its emissions as a result of this requirement and the state subsequently participates in a national or regional cap and trade program, the state shall advocate for appropriate credit to be given for these early reductions.

(6) If the compliance agreement under this section requires substitution of biomass or other renewable resources for more carbon intensive fuels, the substitution does not constitute an upgrade as defined in RCW 80.80.010.

NEW SECTION, Sec. 8. A new section is added to chapter 47.38 RCW to read as follows:

ALTERNATIVE FUELS CORRIDOR PILOT. (1) As a necessary and desirable step to encourage public and private investment in both electric vehicle infrastructure and alternative fuel distribution infrastructure, the legislature authorizes an alternative

fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies, and providing alternative fuel distribution sites.

(2) To the extent permitted under federal programs, rules, or law, the department of transportation shall pursue partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. The department of transportation shall strive to have the partnership agreement in place by June 30, 2010. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department of transportation;

(b) Ensure that a pilot project site does not compete with existing retail businesses in the same geographic area for the provision of the same refueling services, recharging technologies, or other retail commercial activities;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling and recharging services to class six trucks with a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

(3) The department of transportation is not responsible for providing capital equipment or operating refueling or recharging services. The department of transportation must provide periodic status reports on the pilot project to the office of financial management and the relevant standing committees of the legislature at least every biennium.

NEW SECTION. Sec. 9. A new section is added to chapter 43.19 RCW to read as follows:

ELECTRIFICATION OF THE WEST COAST INTERSTATE.

(1) The office of the governor, in consultation with the department of community, trade, and economic development, the department of ecology, the department of general administration, the department of transportation, and Washington State University, shall develop a project for the electrification of the west coast interstate and associated metropolitan centers.

(2) The project should be developed in collaboration with representatives of Oregon and California, the federal government, and the private sector, as appropriate.

(3) The state shall seek federal funds for purchasing electric vehicles and the installation of public infrastructure for electric and other high-efficiency, zero or low-carbon vehicles. The department of ecology shall also seek funds to expand the network of truck stop electrification facilities and port electrification facilities.

Sec. 10. RCW 47.80.030 and 2005 c 328 s 2 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those

facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) Regional transportation planning organizations encompassing at least one county planning under RCW 36.70A.040 with a population greater than two hundred forty-five thousand must adopt a regional transportation plan for those counties that implement the goals to reduce annual per capita vehicle miles traveled under RCW 47.01.440.

(3) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

~~(3)~~ (4) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

(5) In satisfying the requirements of subsections (2) and (3) of this section, the organization shall review and document consistency with locally adopted comprehensive plans of all jurisdictions fully

planning under chapter 36.70A RCW within the boundary of the organization and shall identify any potential conflicts between the locally adopted comprehensive plans and regional efforts to reduce per capital vehicle miles.

Sec. 11. RCW 43.19.648 and 2007 c 348 s 202 are each amended to read as follows:

AGGREGATE PURCHASING OF ELECTRIC VEHICLES. (1) Effective June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) The department of general administration is directed to work with California, Oregon, other states, federal agencies, local governments, and private fleet owners to encourage aggregate purchasing of electric vehicles to the maximum extent possible.

(3) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

NEW SECTION, Sec. 12. TRIBAL GOVERNMENTS. (1) The department must consult with tribal governments upon request on elements of the state's climate change program that may impact tribal governments, such as their voluntary development of offset projects.

(2) Nothing in this chapter is intended to expand state authority over Indian country as that term is defined in 18 U.S.C. **Sec. 1151.**

NEW SECTION, Sec. 13. Captions used in this act are not any part of the law.

NEW SECTION, Sec. 14. Sections 1 through 4 and 6 of this act are each added to chapter 70.235 RCW.

NEW SECTION, Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Upthegrove, Chair; Rolfes, Vice Chair; Chase; Dickerson; Dunshee; Eddy; Finn; Hudgins and Morris.

MINORITY recommendation: Do not pass. Signed by Representatives Short, Ranking Minority Member; Kretz; Kristiansen; Orcutt and Shea.

Referred to Committee on Ways & Means.

March 26, 2009

ESSB 5746 Prime Sponsor, Committee on Human Services & Corrections: Modifying sentencing provisions for juveniles adjudicated of certain crimes. Reported by Committee on Human Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~(13.34.170)~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age (~~(-PROVIDED, That)~~). If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters (~~(-PROVIDED FURTHER, That)~~). The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection (~~(-PROVIDED FURTHER, That)~~). Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) and (III) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

(III) The prosecutor and respondent may agree to juvenile court jurisdiction and waive application of exclusive adult criminal jurisdiction in (e)(v)(A) through (E) of this subsection and remove the proceeding back to juvenile court with the court's approval.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered

upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.40.020 and 2004 c 120 s 2 are each amended to read as follows:

For the purposes of this chapter:

(1) "Community-based rehabilitation" means one or more of the following: Employment; attendance of information classes; literacy classes; counseling, outpatient substance abuse treatment programs, outpatient mental health programs, anger management classes, education or outpatient treatment programs to prevent animal cruelty, or other services; or attendance at school or other educational programs appropriate for the juvenile as determined by the school district. Placement in community-based rehabilitation programs is subject to available funds;

(2) Community-based sanctions may include one or more of the following:

(a) A fine, not to exceed five hundred dollars;

(b) Community restitution not to exceed one hundred fifty hours of community restitution;

(3) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender as punishment for committing an offense. Community restitution may be performed through public or private organizations or through work crews;

(4) "Community supervision" means an order of disposition by the court of an adjudicated youth not committed to the department or an order granting a deferred disposition. A community supervision order for a single offense may be for a period of up to two years for a sex offense as defined by RCW 9.94A.030 and up to one year for other offenses. As a mandatory condition of any term of community supervision, the court shall order the juvenile to refrain from committing new offenses. As a mandatory condition of community supervision, the court shall order the juvenile to comply with the mandatory school attendance provisions of chapter 28A.225 RCW and to inform the school of the existence of this requirement. Community supervision is an individualized program comprised of one or more of the following:

(a) Community-based sanctions;

(b) Community-based rehabilitation;

(c) Monitoring and reporting requirements;

(d) Posting of a probation bond;

(5) "Confinement" means physical custody by the department of social and health services in a facility operated by or pursuant to a

contract with the state, or physical custody in a detention facility operated by or pursuant to a contract with any county. The county may operate or contract with vendors to operate county detention facilities. The department may operate or contract to operate detention facilities for juveniles committed to the department. Pretrial confinement or confinement of less than thirty-one days imposed as part of a disposition or modification order may be served consecutively or intermittently, in the discretion of the court;

(6) "Court," when used without further qualification, means the juvenile court judge(s) or commissioner(s);

(7) "Criminal history" includes all criminal complaints against the respondent for which, prior to the commission of a current offense:

(a) The allegations were found correct by a court. If a respondent is convicted of two or more charges arising out of the same course of conduct, only the highest charge from among these shall count as an offense for the purposes of this chapter; or

(b) The criminal complaint was diverted by a prosecutor pursuant to the provisions of this chapter on agreement of the respondent and after an advisement to the respondent that the criminal complaint would be considered as part of the respondent's criminal history. A successfully completed deferred adjudication that was entered before July 1, 1998, or a deferred disposition shall not be considered part of the respondent's criminal history;

(8) "Department" means the department of social and health services;

(9) "Detention facility" means a county facility, paid for by the county, for the physical confinement of a juvenile alleged to have committed an offense or an adjudicated offender subject to a disposition or modification order. "Detention facility" includes county group homes, inpatient substance abuse programs, juvenile basic training camps, and electronic monitoring;

(10) "Diversion unit" means any probation counselor who enters into a diversion agreement with an alleged youthful offender, or any other person, community accountability board, youth court under the supervision of the juvenile court, or other entity except a law enforcement official or entity, with whom the juvenile court administrator has contracted to arrange and supervise such agreements pursuant to RCW 13.40.080, or any person, community accountability board, or other entity specially funded by the legislature to arrange and supervise diversion agreements in accordance with the requirements of this chapter. For purposes of this subsection, "community accountability board" means a board comprised of members of the local community in which the juvenile offender resides. The superior court shall appoint the members. The boards shall consist of at least three and not more than seven members. If possible, the board should include a variety of representatives from the community, such as a law enforcement officer, teacher or school administrator, high school student, parent, and business owner, and should represent the cultural diversity of the local community;

(11) "Foster care" means temporary physical care in a foster family home or group care facility as defined in RCW 74.15.020 and licensed by the department, or other legally authorized care;

(12) "Institution" means a juvenile facility established pursuant to chapters 72.05 and 72.16 through 72.20 RCW;

(13) "Intensive supervision program" means a parole program that requires intensive supervision and monitoring, offers an array of individualized treatment and transitional services, and emphasizes community involvement and support in order to reduce the likelihood a juvenile offender will commit further offenses;

(14) "Juvenile," "youth," and "child" mean any individual who is under the chronological age of eighteen years and who has not been previously transferred to adult court pursuant to RCW 13.40.110, unless the individual was convicted of a lesser charge or acquitted of the charge for which he or she was previously transferred pursuant to RCW 13.40.110 or who is not otherwise under adult court jurisdiction;

(15) "Juvenile offender" means any juvenile who has been found by the juvenile court to have committed an offense, including a person eighteen years of age or older over whom jurisdiction has been extended under RCW 13.40.300;

(16) "Local sanctions" means one or more of the following: (a) 0-30 days of confinement; (b) 0-12 months of community supervision; (c) 0-150 hours of community restitution; or (d) \$0-\$500 fine;

(17) "Manifest injustice" means a disposition that would either impose an excessive penalty on the juvenile or would impose a serious, and clear danger to society in light of the purposes of this chapter;

(18) "Monitoring and reporting requirements" means one or more of the following: Curfews; requirements to remain at home, school, work, or court-ordered treatment programs during specified hours; restrictions from leaving or entering specified geographical areas; requirements to report to the probation officer as directed and to remain under the probation officer's supervision; and other conditions or limitations as the court may require which may not include confinement;

(19) "Offense" means an act designated a violation or a crime if committed by an adult under the law of this state, under any ordinance of any city or county of this state, under any federal law, or under the law of another state if the act occurred in that state;

(20) "Probation bond" means a bond, posted with sufficient security by a surety justified and approved by the court, to secure the offender's appearance at required court proceedings and compliance with court-ordered community supervision or conditions of release ordered pursuant to RCW 13.40.040 or 13.40.050. It also means a deposit of cash or posting of other collateral in lieu of a bond if approved by the court;

(21) "Respondent" means a juvenile who is alleged or proven to have committed an offense;

(22) "Restitution" means financial reimbursement by the offender to the victim, and shall be limited to easily ascertainable damages for injury to or loss of property, actual expenses incurred for medical treatment for physical injury to persons, lost wages resulting from physical injury, and costs of the victim's counseling reasonably related to the offense. Restitution shall not include reimbursement for damages for mental anguish, pain and suffering, or other intangible losses. Nothing in this chapter shall limit or replace civil remedies or defenses available to the victim or offender;

(23) "Secretary" means the secretary of the department of social and health services. "Assistant secretary" means the assistant secretary for juvenile rehabilitation for the department;

(24) "Services" means services which provide alternatives to incarceration for those juveniles who have pleaded or been adjudicated guilty of an offense or have signed a diversion agreement pursuant to this chapter;

(25) "Sex offense" means an offense defined as a sex offense in RCW 9.94A.030;

(26) "Sexual motivation" means that one of the purposes for which the respondent committed the offense was for the purpose of his or her sexual gratification;

(27) "Surety" means an entity licensed under state insurance laws or by the state department of licensing, to write corporate, property, or probation bonds within the state, and justified and approved by the superior court of the county having jurisdiction of the case;

(28) "Violation" means an act or omission, which if committed by an adult, must be proven beyond a reasonable doubt, and is punishable by sanctions which do not include incarceration;

(29) "Violent offense" means a violent offense as defined in RCW 9.94A.030;

(30) "Youth court" means a diversion unit under the supervision of the juvenile court.

Sec. 3. RCW 13.40.110 and 1997 c 338 s 20 are each amended to read as follows:

(1) Discretionary decline hearing - The prosecutor, respondent, or the court on its own motion may, before a hearing on the information on its merits, file a motion requesting the court to transfer the respondent for adult criminal prosecution and the matter shall be set for a hearing on the question of declining jurisdiction.

(2) Mandatory decline hearing - Unless waived by the court, the parties, and their counsel, a decline hearing shall be held when:

(a) The respondent is ~~((fifteen;))~~ sixteen ~~(;))~~ or seventeen years of age and the information alleges a class A felony or an attempt, solicitation, or conspiracy to commit a class A felony;

(b) The respondent is seventeen years of age and the information alleges assault in the second degree, extortion in the first degree, indecent liberties, child molestation in the second degree, kidnapping in the second degree, or robbery in the second degree; or

(c) The information alleges an escape by the respondent and the respondent is serving a minimum juvenile sentence to age twenty-one.

~~((2;))~~ (3) The court after a decline hearing may order the case transferred for adult criminal prosecution upon a finding that the declination would be in the best interest of the juvenile or the public. The court shall consider the relevant reports, facts, opinions, and arguments presented by the parties and their counsel.

~~((3;))~~ (4) When the respondent is transferred for criminal prosecution or retained for prosecution in juvenile court, the court shall set forth in writing its finding which shall be supported by relevant facts and opinions produced at the hearing.

Sec. 4. RCW 13.40.308 and 2007 c 199 s 15 are each amended to read as follows:

(1) If a respondent is adjudicated of taking a motor vehicle without permission in the first degree as defined in RCW 9A.56.070, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes no less than ~~((five days of home detention))~~ three months of community supervision, forty-five hours of community restitution, ~~((and a two hundred dollar fine))~~ and a requirement that the juvenile remain at home such that the juvenile is confined to a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The court may impose a fine, but such fine shall not exceed seventy-five dollars;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to ~~((a))~~ a standard range sentence that includes six months of community supervision, no less than ten days of detention, ninety hours of community restitution, and a ~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks ~~((of confinement, seven days of home detention))~~ commitment to the juvenile rehabilitation administration, four months of parole supervision, ninety hours of community restitution, and a ~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars.

(2) If a respondent is adjudicated of theft of a motor vehicle as defined under RCW 9A.56.065, or possession of a stolen vehicle as defined under RCW 9A.56.068, the court shall impose the following minimum sentence, in addition to any restitution the court may order payable to the victim:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes ~~((either: (i) No less than five days of home detention and))~~ no less than three months of community supervision, forty-five hours of community restitution ~~((; or (ii) no home detention and ninety hours of community restitution)),~~ a fine not exceeding seventy-five dollars, and either ninety hours of community restitution or a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than five days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to ~~((a))~~ a standard range sentence that includes no less than six months of community supervision, no less than ten days of detention, ninety hours of community restitution, and a ~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than fifteen to thirty-six weeks ~~((of confinement, seven days of home detention))~~ commitment to the juvenile rehabilitation administration, four months of parole supervision, ninety hours of community restitution, and a ~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars.

(3) If a respondent is adjudicated of taking a motor vehicle without permission in the second degree as defined in RCW 9A.56.075, the court shall impose a standard range as follows:

(a) Juveniles with a prior criminal history score of zero to one-half points shall be sentenced to a standard range sentence that includes ~~((either: (i) No less than one day of home detention, one))~~ three months of community supervision, ((and)) fifteen hours of community restitution ((or (ii) no home detention, one month of supervision, and thirty hours of community restitution)), and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than one day. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available;

(b) Juveniles with a prior criminal history score of three-quarters to one and one-half points shall be sentenced to a standard range sentence that includes no less than one day of detention, ~~((two days of home detention, two))~~ three months of community supervision, thirty hours of community restitution, ((and)) a ((one hundred fifty dollar)) fine not exceeding one hundred fifty dollars, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than two days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available; and

(c) Juveniles with a prior criminal history score of two or more points shall be sentenced to no less than three days of detention, ~~((seven days of home detention, three))~~ six months of community supervision, forty-five hours of community restitution, ((and)) a ((one hundred fifty dollar)) fine not exceeding one hundred fifty dollars, and a requirement that the juvenile remain at home such that the juvenile is confined in a private residence for no less than seven days. If the juvenile is enrolled in school, the confinement shall be served on nonschool days. The juvenile may be subject to electronic monitoring where available."

Correct the title.

Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Green; Morrell and O'Brien.

MINORITY recommendation: Do not pass. Signed by Representatives Dammeier, Ranking Minority Member; Klippert and Walsh.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5777 Prime Sponsor, Committee on Health & Long-Term Care: Concerning the Washington state insurance pool. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.41.060 and 2008 c 217 s 47 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined

in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;

(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;

(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every ~~((eighteen))~~ thirty-six months. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;

(d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;

(e)(i) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year.

(ii) Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. Once the legality of the assessments has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these assessments.

(iii) If there has not been a final determination of the legality of these assessments, then beginning on the earlier of (A) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (B) April 1, 2006, the arrangement shall deposit the assessments imposed by this subsection into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

(f) Issue policies of health coverage in accordance with the requirements of this chapter;

(g) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

(h) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

(i) Set a reasonable fee to be paid to an insurance producer licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

(j) Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common

administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW.

Sec. 2. RCW 48.41.100 and 2007 c 259 s 30 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of a rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions and ~~those persons (whose benefits are duplicated under public programs)~~ those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to

subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

Sec. 3. RCW 48.41.100 and 2008 c 317 s 4 are each amended to read as follows:

(1) The following persons who are residents of this state are eligible for pool coverage:

(a) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

(b) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

(c) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool; and

(d) Any medicare eligible person upon providing evidence of a rejection for medical reasons, a requirement of restrictive riders, an up-rated premium, or a preexisting conditions limitation on a medicare supplemental insurance policy under chapter 48.66 RCW, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions, and those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic

health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(d) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(c) of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(c) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(c) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a), (b), or (d) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(b) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

NEW SECTION. Sec. 4. The board of the Washington state health insurance pool shall conduct a study of options for equitable, stable, and broad-based funding sources for the operation of the pool. The board is authorized to solicit funds to conduct the study. The board shall report its findings and recommendations to the appropriate committees of the senate and house of representatives by December 15, 2009.

NEW SECTION. Sec. 5. Section 2 of this act takes effect if section 4, chapter 317, Laws of 2008 is null and void on the effective date of this act; otherwise section 2 of this act is null and void.

NEW SECTION. Sec. 6. Section 3 of this act takes effect if section 4, chapter 317, Laws of 2008 is in effect on the effective date of this act; otherwise section 3 of this act is null and void."

Correct the title.

Signed by 13 members: Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey, Campbell, Clibborn, Green, Herrera, Hinkle, Kelley, Moeller, Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 27, 2009

SSB 5793 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning a single-occupancy farm conveyance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Passed to Committee on Rules for second reading.

March 23, 2009

SSB 5795 Prime Sponsor, Committee on Transportation: Modifying the use of funds from the Tacoma Narrows toll bridge account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Erickson; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5797 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding exemptions from solid waste handling permit requirements. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short; Van De Wege and Williams.

Passed to Committee on Rules for second reading.

March 27, 2009

E2SSB 5809 Prime Sponsor, Committee on Ways & Means: Revising unemployment compensation and workforce training provisions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) This is a time of great economic difficulty for the residents of Washington state;

(b) Education and training provides opportunity for unemployed workers and economically disadvantaged adults to move into living wage jobs and is of critical importance to the current and future prosperity of the residents of Washington state;

(c) Community and technical college workforce training programs, private career schools and colleges, and Washington state apprenticeship and training council-approved apprenticeship programs provide effective and efficient pathways for people to enter high-demand occupations while also meeting the needs of the economy;

(d) The identification of high-demand occupations needs to be based on reliable labor market research; and

(e) Workforce development councils are in a position to provide funding for economically disadvantaged adults and unemployed workers to access training.

(2) Consistent with the intent of the workforce investment act and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the legislature intends that individuals who are eligible for services under the workforce investment act adult and dislocated worker programs, or are receiving or have exhausted entitlement to unemployment compensation benefits be provided the opportunity to enroll in training programs to prepare for a high-demand occupation.

Sec. 2. RCW 50.16.010 and 2009 c 4 s 906 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the

commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

~~(c) ((During the 2007-2009 biennium)) Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014((+)(a)), shall be expended ((as appropriated by the legislature for the (i) cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation)) upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:~~

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business

and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During fiscal year 2010, no more than five million dollars of moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014, may be expended as appropriated by the legislature to create incentives for education and training for individuals who are eligible for services under the workforce investment act adult or dislocated worker programs, or are receiving or have exhausted entitlement to unemployment compensation benefits and are enrolled in a training program preparing them for a high-demand occupation pursuant to sections 3 and 4 of this act. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

NEW SECTION. Sec. 3. (1) Subject to the availability of funds through March 1, 2011, funds available under section 2 of this act shall be distributed by the employment security department to workforce development councils as a match to American recovery and reinvestment act formula funds or local workforce investment act funds that workforce development councils provide specifically for the education and training of eligible individuals in high-demand occupations for the purposes identified in section 4(2) of this act.

(a) Funds used to increase capacity as described in section 4(2)(a) of this act shall receive a seventy-five percent match.

(b) Funds used to provide student financial aid described in section 4(2)(b) of this act shall receive a twenty-five percent match.

(2) The governor may direct discretionary funds made available under Title VIII of division A of the American recovery and reinvestment act of 2009 (P.L. 1115) to be used for the purposes of this section.

(3) Funds available for the purposes identified in section 4(2) of this act but not distributed under subsection (1) of this section shall be allocated to the state board for community and technical colleges March 1, 2011. The board shall only use the funds to increase capacity as described in section 4(2)(a) of this act. The board shall report to the employment security department on the use of these funds.

(4) The employment security department, in cooperation with the workforce training and education coordinating board and the state board for community and technical colleges, shall develop a set of guidelines on allowable uses for the incentive funds made available under this section. These guidelines shall emphasize training programs that expand the skills for Washington workers in order to obtain and retain jobs in high-demand industries such as those referenced in the American recovery and reinvestment act of 2009.

(5) This section expires July 1, 2011.

NEW SECTION. Sec. 4. (1) Consistent with the intent of the workforce investment act adult and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the employment security department shall encourage an increase in education and training through grants and local plan modifications with workforce development councils. The department shall encourage workforce development councils to collaborate with other local recipients of American recovery and reinvestment act funding for the purposes of increasing training and supporting individuals who receive training. The department shall also require workforce development councils to determine the number of participants who will receive education and training in high-demand industries. The department shall require the workforce development councils to report on these efforts to accomplish the tasks described in this subsection.

(2) The employment security department shall use funds as described in section 3 of this act to encourage workforce development councils to use American recovery and reinvestment act and workforce investment act adult and dislocated worker formula resources for the following education and training purposes:

(a) To provide enrollment support or enter into contracts with the community and technical college system to increase capacity for training eligible individuals for high-demand occupations in programs on the eligible training provider list or new programs; and

(b) For the provision of individual training accounts that provide financial aid for eligible students training for high-demand occupations in programs on the eligible training provider list.

(3) American recovery and reinvestment act formula funds described in this section may not be used to replace or supplant any existing enrollments, programs, support services, or funding sources.

(4) The employment security department, in its role as fiscal agent for workforce funds available under the American recovery and reinvestment act, shall monitor and report to the governor on the use of these funds and identify specific actions that the governor or the legislature may take to ensure the state and local workforce development councils are effectively meeting the intent of this act. This shall include such reports as required by the American recovery and reinvestment act of 2009 and the governor.

(5) This section expires July 1, 2011.

NEW SECTION. Sec. 5. The employment security department, in collaboration with the workforce training and education coordinating board, workforce development councils, and the state board for community and technical colleges, shall submit a report to the governor and to the appropriate committees of the legislature by December 1, 2010. The report shall describe the implementation of this act, and shall include the following:

- (1) The amounts of expenditures on education and training;
- (2) The number of students receiving training;
- (3) The types of training received by the students;
- (4) Training completion and employment rates;
- (5) Comparisons of preprogram and postprogram wage levels;
- (6) Student demographics and institution/program demographics;
- (7) Efforts made to ensure training was provided in areas that would lead to employment;

(8) Efforts to develop capacity in occupations that are of particularly high demand; and

(9) Specific enhancements made in the workforce system to ensure additional training in high-demand occupations is accessible to low-income and dislocated workers.

NEW SECTION. Sec. 6. A new section is added to chapter 50.22 RCW to read as follows:

The employment security department shall periodically bring together representatives of the workforce training and education coordinating board, workforce development councils, the state board for community and technical colleges, business, labor, and the legislature to review development and implementation of chapter . . . , Laws of 2009 (this act) and related programs under this chapter.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Ways & Means.

March 26, 2009

ESB 5810 Prime Sponsor, Senator Kauffman: Concerning foreclosures on deeds of trust. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 61.24.005 and 1998 c 295 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Grantor" means a person, or its successors, who executes a deed of trust to encumber the person's interest in property as security for the performance of all or part of the borrower's obligations.

(2) "Beneficiary" means a person or a general partner in a document evidencing the obligations secured by the deed of trust, excluding persons holding the same as security for a different obligation.

(3) "Affiliate of beneficiary" means any entity which controls, is controlled by, or is under common control with a beneficiary.

(4) "Trustee" means the person designated as the trustee in the deed of trust or appointed under RCW 61.24.010(2).

(5) "Borrower" means a person or a general partner in a partnership, including a joint venture, that is liable for all or part of the obligations secured by the deed of trust under the instrument or other document that is the principal evidence of such obligations, or the person's successors if they are liable for those obligations under a written agreement with the beneficiary.

(6) "Guarantor" means any person and its successors who is not a borrower and who guarantees any of the obligations secured by a deed of trust in any written agreement other than the deed of trust.

(7) "Commercial loan" means a loan that is not made primarily for personal, family, or household purposes.

(8) "Trustee's sale" means a nonjudicial sale under a deed of trust undertaken pursuant to this chapter.

(9) "Fair value" means the value of the property encumbered by a deed of trust that is sold pursuant to a trustee's sale. This value shall be determined by the court or other appropriate adjudicator by reference to the most probable price, as of the date of the trustee's sale, which would be paid in cash or other immediately available funds, after deduction of prior liens and encumbrances with interest to the date of the trustee's sale, for which the property would sell on such date after reasonable exposure in the market under conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under duress.

(10) "Record" and "recorded" includes the appropriate registration proceedings, in the instance of registered land.

(11) "Person" means any natural person, or legal or governmental entity.

(12) "Owner-occupied" means property that is the principal residence of the borrower.

(13) "Residential real property" means property consisting solely of a single family residence, a residential condominium unit, or a residential cooperative unit.

(14) "Tenant-occupied property" means property consisting solely of residential real property that is the principal residence of a tenant subject to chapter 59.18 RCW or other building with four or fewer residential units that is the principal residence of a tenant subject to chapter 59.18 RCW.

NEW SECTION. Sec. 2. A new section is added to chapter 61.24 RCW to read as follows:

(1)(a) A trustee, beneficiary, or authorized agent may not issue a notice of default under RCW 61.24.030(8) until thirty days after initial contact with the borrower is made as required under (b) of this subsection or thirty days after satisfying the due diligence requirements as described in subsection (5) of this section.

(b) A beneficiary or authorized agent shall contact the borrower by letter and by telephone in order to assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure. The letter required under this subsection must be mailed in accordance with subsection (5)(a) of this section and must include the information described in subsection (5)(a) and (5)(e)(i) through (iv) of this section.

(c) During the initial contact, the beneficiary or authorized agent shall advise the borrower that he or she has the right to request a subsequent meeting and, if requested, the beneficiary or authorized agent shall schedule the meeting to occur within fourteen days of the request. The assessment of the borrower's financial ability to repay the debt and a discussion of options may occur during the initial

contact or at a subsequent meeting scheduled for that purpose. At the initial contact, the borrower must be provided the toll-free telephone number made available by the department to find a department-certified housing counseling agency and the toll-free numbers for the Department of Financial Institutions and the statewide civil legal aid hotline for possible assistance and referrals. (d) Any meeting under this section may occur telephonically.

(2) A notice of default issued under RCW 61.24.030(8) must include a declaration, as provided in subsection (9) of this section, from the beneficiary or authorized agent that it has contacted the borrower as provided in subsection (1)(b) of this section, it has tried with due diligence to contact the borrower under subsection (5) of this section, or the borrower has surrendered the property to the trustee, beneficiary, or authorized agent. Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the declaration as evidence that the requirements of this section have been satisfied, and the trustee is not liable for the beneficiary's or its authorized agent's failure to comply with the requirements of this section.

(3) A beneficiary's or authorized agent's loss mitigation personnel may participate by telephone during any contact required under this section.

(4) Within fourteen days after the initial contact under subsection (1) of this section, if a borrower has designated a department-certified housing counseling agency, attorney, or other advisor to discuss with the beneficiary or authorized agent, on the borrower's behalf, options for the borrower to avoid foreclosure, the borrower shall inform the beneficiary or authorized agent and provide the contact information. The beneficiary or authorized agent shall contact the designated representative for the borrower for the discussion within fourteen days after the representative is designated by the borrower. Any deed of trust modification or workout plan offered at the meeting with the borrower's designated representative by the beneficiary or authorized agent is subject to approval by the borrower.

(5) A notice of default may be issued under RCW 61.24.030(8) if a beneficiary or authorized agent has not contacted a borrower as required under subsection (1)(b) of this section and the failure to contact the borrower occurred despite the due diligence of the beneficiary or authorized agent. Due diligence requires the following:

(a) A beneficiary or authorized agent shall first attempt to contact a borrower by sending a first-class letter to the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the toll-free telephone number made available by the department to find a department-certified housing counseling agency, and the following information:

"You may contact the Department of Financial Institutions, the Washington State Bar Association, or the statewide civil legal aid hotline for possible assistance or referrals."

(b)(i) After the letter has been sent, the beneficiary or authorized agent shall attempt to contact the borrower by telephone at least three times at different hours and on different days. Telephone calls must be made to the primary and secondary telephone numbers on file with the beneficiary or authorized agent.

(ii) A beneficiary or authorized agent may attempt to contact a borrower using an automated system to dial borrowers if the telephone call, when answered, is connected to a live representative of the beneficiary or authorized agent.

(iii) A beneficiary or authorized agent satisfies the telephone contact requirements of this subsection (5)(b) if the beneficiary or authorized agent determines, after attempting contact under this subsection (5)(b), that the borrower's primary telephone number and secondary telephone number or numbers on file, if any, have been disconnected or are not good contact numbers for the borrower.

(c) If the borrower does not respond within fourteen days after the telephone call requirements of (b) of this subsection have been satisfied, the beneficiary or authorized agent shall send a certified letter, with return receipt requested, to the borrower at the address in the beneficiary's records for sending account statements to the borrower and to the address of the property encumbered by the deed of trust. The letter must include the information described in subsection (5)(e)(i) through (iv) of this section.

(d) The beneficiary or authorized agent shall provide a means for the borrower to contact the beneficiary or authorized agent in a timely manner, including a toll-free telephone number or charge-free equivalent that will provide access to a live representative during business hours.

(e) The beneficiary or authorized agent shall post a link on the home page of the beneficiary's or authorized agent's internet web site, if any, to the following information:

(i) Options that may be available to borrowers who are unable to afford their mortgage payments and who wish to avoid foreclosure, and instructions to borrowers advising them on steps to take to explore those options;

(ii) A list of financial documents borrowers should collect and be prepared to present to the beneficiary or authorized agent when discussing options for avoiding foreclosure;

(iii) A toll-free telephone number or charge-free equivalent for borrowers who wish to discuss options for avoiding foreclosure with their beneficiary or authorized agent; and

(iv) The toll-free telephone number or charge-free equivalent made available by the department to find a department-certified housing counseling agency.

(6) Subsections (1) and (5) of this section do not apply if any of the following occurs:

(a) The borrower has surrendered the property as evidenced by either a letter confirming the surrender or delivery of the keys to the property to the trustee, beneficiary, or authorized agent; or

(b) The borrower has filed for bankruptcy, and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing enforcement of the deed of trust.

(7)(a) This section applies only to deeds of trust made from January 1, 2003, to December 31, 2007, inclusive, that are recorded against owner-occupied residential real property. This section does not apply to deeds of trust: (i) Securing a commercial loan; (ii) securing obligations of a grantor who is not the borrower or a guarantor; or (iii) securing a purchaser's obligations under a seller-financed sale.

(b) This section does not apply to association beneficiaries subject to chapters 64.32, 64.34, or 64.38 RCW.

(8) As used in this section:

(a) "Department" means the United States department of housing and urban development.

(b) "Seller-financed sale" means a residential real property transaction where the seller finances all or part of the purchase price, and that financed amount is secured by a deed of trust against the subject residential real property.

(9) The form of declaration to be provided by the beneficiary or authorized agent as required under subsection (2) of this section must be in substantially the following form:

"FORECLOSURE LOSS MITIGATION FORM

Please select applicable option(s) below.

The undersigned beneficiary or authorized agent for the beneficiary hereby represents and declares under the penalty of perjury that [check the applicable box and fill in any blanks so that the trustee can insert, on the beneficiary's behalf, the applicable declaration in the notice of default required under chapter 61.24 RCW]:

(1) [] The beneficiary or beneficiary's authorized agent has contacted the borrower under, and has complied with, section 1 of this act (contact provision to "assess the borrower's financial ability to pay the debt secured by the deed of trust and explore options for the borrower to avoid foreclosure").

(2) [] The beneficiary or beneficiary's authorized agent has exercised due diligence to contact the borrower as required in section 1(5) of this act and, after waiting fourteen days after the requirements in section 1 of this act were satisfied, the beneficiary or the beneficiary's authorized agent sent to the borrower(s), by certified mail, return receipt requested, the letter required under section 1 of this act.

(3) [] The borrower has surrendered the secured property as evidenced by either a letter confirming the surrender or by delivery of the keys to the secured property to the beneficiary, the beneficiary's authorized agent or to the trustee.

(4) [] Under section 1 of this act, the beneficiary or the beneficiary's authorized agent has verified information that, on or before the date of this declaration, the borrower(s) has filed for bankruptcy and the bankruptcy stay remains in place, or the borrower has filed for bankruptcy and the bankruptcy court has granted relief from the bankruptcy stay allowing the enforcement of the deed of trust."

NEW SECTION. Sec. 3. A new section is added to chapter 61.24 RCW to read as follows:

If the trustee elects to foreclose the interest of any occupant of tenant-occupied property, upon posting a notice of trustee's sale under RCW 61.24.040, the trustee or its authorized agent shall post in the manner required under RCW 61.24.040(1)(e) and shall mail at the same time in an envelope addressed to the "Resident of property subject to foreclosure sale" the following notice:

"The foreclosure process has begun on this property, which may affect your right to continue to live in this property. Ninety days or more after the date of this notice, this property may be sold at foreclosure. If you are renting this property, the new property owner may either give you a new rental agreement or provide you with a sixty-day notice to vacate the property. You may wish to contact a lawyer or your local legal aid or housing counseling agency to discuss any rights that you may have."

NEW SECTION. Sec. 4. A new section is added to chapter 61.24 RCW to read as follows:

(1) A tenant or subtenant in possession of a residential real property at the time the property is sold in foreclosure must be given sixty days' written notice to vacate before the tenant or subtenant may be removed from the property as prescribed in chapter 59.12 RCW. Notwithstanding the notice requirement in this subsection, a tenant may be evicted for waste or nuisance in an unlawful detainer action under chapter 59.12 RCW.

(2) This section does not prohibit the new owner of a property purchased pursuant to a trustee's sale from negotiating a new purchase or rental agreement with a tenant or subtenant.

(3) This section does not apply if the borrower or grantor remains on the property as a tenant, subtenant, or occupant.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act apply only to the foreclosure of tenant-occupied property.

NEW SECTION. Sec. 6. A new section is added to chapter 61.24 RCW to read as follows:

(1) The failure of the borrower or grantor to bring a civil action to enjoin a foreclosure sale under this chapter may not be deemed a waiver of a claim for damages asserting:

- (a) Common law fraud or misrepresentation;
- (b) A violation of Title 19 RCW; or
- (c) Failure of the trustee to materially comply with the provisions of this chapter.

(2) The nonwaived claims listed under subsection (1) of this section are subject to the following limitations:

(a) The claim must be asserted or brought within two years from the date of the foreclosure sale or within the applicable statute of limitations for such claim, whichever expires earlier;

(b) The claim may not seek any remedy at law or in equity other than monetary damages;

(c) The claim may not affect in any way the validity or finality of the foreclosure sale or a subsequent transfer of the property;

(d) A borrower or grantor who files such a claim is prohibited from recording a lis pendens or any other document purporting to create a similar effect, related to the real property foreclosed upon;

(e) The claim may not operate in any way to encumber or cloud the title to the property that was subject to the foreclosure sale, except to the extent that a judgment on the claim in favor of the borrower or grantor may, consistent with RCW 4.56.190, become a judgment lien on real property then owned by the judgment debtor; and

(f) The relief that may be granted for judgment upon the claim is limited to actual damages. However, if the borrower or grantor brings in the same civil action a claim for violation of chapter 19.86 RCW, arising out of the same alleged facts, relief under chapter 19.86 RCW

is limited to actual damages, treble damages as provided for in RCW 19.86.090, and the costs of suit, including a reasonable attorney's fee.

(4) This section applies only to foreclosures of owner-occupied residential real property.

(5) This section does not apply to the foreclosure of a deed of trust used to secure a commercial loan.

Sec. 7. RCW 61.24.010 and 2008 c 153 s 1 are each amended to read as follows:

(1) The trustee of a deed of trust under this chapter shall be:

(a) Any domestic corporation incorporated under Title 23B, 30, 31, 32, or 33 RCW of which at least one officer is a Washington resident; or

(b) Any title insurance company authorized to insure title to real property under the laws of this state, or ~~((its agents))~~ any title insurance agent licensed under chapter 48.17 RCW; or

(c) Any attorney who is an active member of the Washington state bar association at the time the attorney is named trustee; or

(d) Any professional corporation incorporated under chapter 18.100 RCW, any professional limited liability company formed under chapter 25.15 RCW, any general partnership, including limited liability partnerships, formed under chapter 25.04 RCW, all of whose shareholders, members, or partners, respectively, are either licensed attorneys or entities, provided all of the owners of those entities are licensed attorneys, or any domestic corporation wholly owned by any of the entities under this subsection (1)(d); or

(e) Any agency or instrumentality of the United States government; or

(f) Any national bank, savings bank, or savings and loan association chartered under the laws of the United States.

(2) The trustee may resign at its own election or be replaced by the beneficiary. The trustee shall give prompt written notice of its resignation to the beneficiary. The resignation of the trustee shall become effective upon the recording of the notice of resignation in each county in which the deed of trust is recorded. If a trustee is not appointed in the deed of trust, or upon the resignation, incapacity, disability, absence, or death of the trustee, or the election of the beneficiary to replace the trustee, the beneficiary shall appoint a trustee or a successor trustee. Only upon recording the appointment of a successor trustee in each county in which the deed of trust is recorded, the successor trustee shall be vested with all powers of an original trustee.

(3) The trustee or successor trustee shall have no fiduciary duty or fiduciary obligation to the grantor or other persons having an interest in the property subject to the deed of trust.

~~(4) ((The trustee or successor trustee shall act impartially between the borrower, grantor, and beneficiary.))~~ The trustee or successor trustee has a duty of good faith to the borrower, beneficiary, and grantor.

Sec. 8. RCW 61.24.030 and 2008 c 153 s 2 and 2008 c 108 s 22 are each reenacted and amended to read as follows:

It shall be requisite to a trustee's sale:

(1) That the deed of trust contains a power of sale;

(2) That the deed of trust contains a statement that the real property conveyed is not used principally for agricultural purposes; provided, if the statement is false on the date the deed of trust was granted or amended to include that statement, and false on the date of the trustee's sale, then the deed of trust must be foreclosed judicially. Real property is used for agricultural purposes if it is used in an operation that produces crops, livestock, or aquatic goods;

(3) That a default has occurred in the obligation secured or a covenant of the grantor, which by the terms of the deed of trust makes operative the power to sell;

(4) That no action commenced by the beneficiary of the deed of trust is now pending to seek satisfaction of an obligation secured by the deed of trust in any court by reason of the grantor's default on the obligation secured: PROVIDED, That (a) the seeking of the appointment of a receiver shall not constitute an action for purposes of this chapter; and (b) if a receiver is appointed, the grantor shall be entitled to any rents or profits derived from property subject to a homestead as defined in RCW 6.13.010. If the deed of trust was granted to secure a commercial loan, this subsection shall not apply to actions brought to enforce any other lien or security interest

granted to secure the obligation secured by the deed of trust being foreclosed;

(5) That the deed of trust has been recorded in each county in which the land or some part thereof is situated;

(6) That prior to the date of the notice of trustee's sale and continuing thereafter through the date of the trustee's sale, the trustee must maintain a street address in this state where personal service of process may be made, and the trustee must maintain a physical presence and have telephone service at such address; and

(7)(a) That, for residential real property, before the notice of trustee's sale is recorded, transmitted, or served, the trustee shall have proof that the beneficiary is the owner of any promissory note or other obligation secured by the deed of trust. A declaration by the beneficiary made under the penalty of perjury stating that the beneficiary is the actual holder of the promissory note or other obligation secured by the deed of trust shall be sufficient proof as required under this subsection.

(b) Unless the trustee has violated his or her duty under RCW 61.24.010(4), the trustee is entitled to rely on the beneficiary's declaration as evidence of proof required under this subsection.

(c) This subsection (7) does not apply to association beneficiaries subject to chapters 64.32, 64.34, or 64.38 RCW. ~~((7))~~

(8) That at least thirty days before notice of sale shall be recorded, transmitted or served, written notice of default shall be transmitted by the beneficiary or trustee to the borrower and grantor at their last known addresses by both first-class and either registered or certified mail, return receipt requested, and the beneficiary or trustee shall cause to be posted in a conspicuous place on the premises, a copy of the notice, or personally served on the borrower and grantor. This notice shall contain the following information:

(a) A description of the property which is then subject to the deed of trust;

(b) A statement identifying each county in which the deed of trust is recorded and the document number given to the deed of trust upon recording by each county auditor or recording officer;

(c) A statement that the beneficiary has declared the borrower or grantor to be in default, and a concise statement of the default alleged;

(d) An itemized account of the amount or amounts in arrears if the default alleged is failure to make payments;

(e) An itemized account of all other specific charges, costs, or fees that the borrower, grantor, or any guarantor is or may be obliged to pay to reinstate the deed of trust before the recording of the notice of sale;

(f) A statement showing the total of (d) and (e) of this subsection, designated clearly and conspicuously as the amount necessary to reinstate the note and deed of trust before the recording of the notice of sale;

(g) A statement that failure to cure the alleged default within thirty days of the date of mailing of the notice, or if personally served, within thirty days of the date of personal service thereof, may lead to recordation, transmittal, and publication of a notice of sale, and that the property described in (a) of this subsection may be sold at public auction at a date no less than one hundred twenty days in the future;

(h) A statement that the effect of the recordation, transmittal, and publication of a notice of sale will be to (i) increase the costs and fees and (ii) publicize the default and advertise the grantor's property for sale;

(i) A statement that the effect of the sale of the grantor's property by the trustee will be to deprive the grantor of all their interest in the property described in (a) of this subsection;

(j) A statement that the borrower, grantor, and any guarantor has recourse to the courts pursuant to RCW 61.24.130 to contest the alleged default on any proper ground; ~~(and)~~

(k) In the event the property secured by the deed of trust is owner-occupied residential real property, a statement, prominently set out at the beginning of the notice, which shall state as follows:

"You should take care to protect your interest in your home. This notice of default (your failure to pay) is the first step in a process that could result in you losing your home. You should carefully review your options. For example:

Can you pay and stop the foreclosure process?

Do you dispute the failure to pay?

Can you sell your property to preserve your equity?

Are you able to refinance this loan or obligation with a new loan or obligation from another lender with payments, terms, and fees that are more affordable?

Do you qualify for any government or private homeowner assistance programs?

Do you know if filing for bankruptcy is an option? What are the pros and cons of doing so?

Do not ignore this notice; because if you do nothing, you could lose your home at a foreclosure sale. (No foreclosure sale can be held any sooner than ninety days after a notice of sale is issued and a notice of sale cannot be issued until thirty days after this notice.) Also, if you do nothing to pay what you owe, be careful of people who claim they can help you. There are many individuals and businesses that watch for the notices of sale in order to unfairly profit as a result of borrowers' distress.

You may feel you need help understanding what to do. There are a number of professional resources available, including home loan counselors and attorneys, who may assist you. Many legal services are lower-cost or even free, depending on your ability to pay. If you desire legal help in understanding your options or handling this default, you may obtain a referral (at no charge) by contacting the county bar association in the county where your home is located. These legal referral services also provide information about lower-cost or free legal services for those who qualify. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals." and;

(l) In the event the property secured by the deed of trust is residential real property, the name and address of the owner of any promissory notes or other obligations secured by the deed of trust and the name, address, and telephone number of a party acting as a servicer of the obligations secured by the deed of trust.

Sec. 9. RCW 61.24.040 and 2008 c 153 s 3 are each amended to read as follows:

A deed of trust foreclosed under this chapter shall be foreclosed as follows:

(1) At least ninety days before the sale, the trustee shall:

(a) Record a notice in the form described in ~~((RCW 61.24.040(1))~~(f) of this subsection in the office of the auditor in each county in which the deed of trust is recorded;

(b) To the extent the trustee elects to foreclose its lien or interest, or the beneficiary elects to preserve its right to seek a deficiency judgment against a borrower or grantor under RCW 61.24.100(3)(a), and if their addresses are stated in a recorded instrument evidencing their interest, lien, or claim of lien, or an amendment thereto, or are otherwise known to the trustee, cause a copy of the notice of sale described in ~~((RCW 61.24.040(1))~~(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the following persons or their legal representatives, if any, at such address:

(i) The borrower and grantor;

(ii) The beneficiary of any deed of trust or mortgagee of any mortgage, or any person who has a lien or claim of lien against the property, that was recorded subsequent to the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iii) The vendee in any real estate contract, the lessee in any lease, or the holder of any conveyances of any interest or estate in any portion or all of the property described in such notice, if that contract, lease, or conveyance of such interest or estate, or a memorandum or other notice thereof, was recorded after the recordation of the deed of trust being foreclosed and before the recordation of the notice of sale;

(iv) The last holder of record of any other lien against or interest in the property that is subject to a subordination to the deed of trust being foreclosed that was recorded before the recordation of the notice of sale;

(v) The last holder of record of the lien of any judgment subordinate to the deed of trust being foreclosed; and

(vi) The occupants of property consisting solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, whether or not the occupant's rental agreement is

recorded, which notice may be a single notice addressed to "occupants" for each unit known to the trustee or beneficiary;

(c) Cause a copy of the notice of sale described in ((RCW 61.24.040(+)))(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to the plaintiff or the plaintiff's attorney of record, in any court action to foreclose a lien or other encumbrance on all or any part of the property, provided a court action is pending and a lis pendens in connection therewith is recorded in the office of the auditor of any county in which all or part of the property is located on the date the notice is recorded;

(d) Cause a copy of the notice of sale described in ((RCW 61.24.040(+)))(f) of this subsection to be transmitted by both first-class and either certified or registered mail, return receipt requested, to any person who has recorded a request for notice in accordance with RCW 61.24.045, at the address specified in such person's most recently recorded request for notice;

(e) Cause a copy of the notice of sale described in ((RCW 61.24.040(+)))(f) of this subsection to be posted in a conspicuous place on the property, or in lieu of posting, cause a copy of said notice to be served upon any occupant of the property;

(f) The notice shall be in substantially the following form:

NOTICE OF TRUSTEE'S SALE

I.

NOTICE IS HEREBY GIVEN that the undersigned Trustee will on the day of,, at the hour of o'clock M. at [street address and location if inside a building] in the City of, State of Washington, sell at public auction to the highest and best bidder, payable at the time of sale, the following described real property, situated in the County(ies) of, State of Washington, to-wit:

[If any personal property is to be included in the trustee's sale, include a description that reasonably identifies such personal property]

which is subject to that certain Deed of Trust dated,, recorded,, under Auditor's File No., records of County, Washington, from, as Grantor, to, as Trustee, to secure an obligation in favor of, as Beneficiary, the beneficial interest in which was assigned by, under an Assignment recorded under Auditor's File No. [Include recording information for all counties if the Deed of Trust is recorded in more than one county.]

II.

No action commenced by the Beneficiary of the Deed of Trust is now pending to seek satisfaction of the obligation in any Court by reason of the Borrower's or Grantor's default on the obligation secured by the Deed of Trust.

[If there is another action pending to foreclose other security for all or part of the same debt, qualify the statement and identify the action.]

III.

The default(s) for which this foreclosure is made is/are as follows:

[If default is for other than payment of money, set forth the particulars]

Failure to pay when due the following amounts which are now in arrears:

IV.

The sum owing on the obligation secured by the Deed of Trust is: Principal \$, together with interest as provided in the note or

other instrument secured from the day of,, and such other costs and fees as are due under the note or other instrument secured, and as are provided by statute.

V.

The above-described real property will be sold to satisfy the expense of sale and the obligation secured by the Deed of Trust as provided by statute. The sale will be made without warranty, express or implied, regarding title, possession, or encumbrances on the day of, The default(s) referred to in paragraph III must be cured by the day of, (11 days before the sale date), to cause a discontinuance of the sale. The sale will be discontinued and terminated if at any time on or before the day of,, (11 days before the sale date), the default(s) as set forth in paragraph III is/are cured and the Trustee's fees and costs are paid. The sale may be terminated any time after the day of, (11 days before the sale date), and before the sale by the Borrower, Grantor, any Guarantor, or the holder of any recorded junior lien or encumbrance paying the entire principal and interest secured by the Deed of Trust, plus costs, fees, and advances, if any, made pursuant to the terms of the obligation and/or Deed of Trust, and curing all other defaults.

VI.

A written notice of default was transmitted by the Beneficiary or Trustee to the Borrower and Grantor at the following addresses:

.....
.....
.....

by both first-class and certified mail on the day of,, proof of which is in the possession of the Trustee; and the Borrower and Grantor were personally served on the day of,, with said written notice of default or the written notice of default was posted in a conspicuous place on the real property described in paragraph I above, and the Trustee has possession of proof of such service or posting.

VII.

The Trustee whose name and address are set forth below will provide in writing to anyone requesting it, a statement of all costs and fees due at any time prior to the sale.

VIII.

The effect of the sale will be to deprive the Grantor and all those who hold by, through or under the Grantor of all their interest in the above-described property.

IX.

Anyone having any objection to the sale on any grounds whatsoever will be afforded an opportunity to be heard as to those objections if they bring a lawsuit to restrain the sale pursuant to RCW 61.24.130. Failure to bring such a lawsuit may result in a waiver of any proper grounds for invalidating the Trustee's sale.

[Add Part X to this notice if applicable under RCW 61.24.040(9)]

.....
....., Trustee
.....
..... Address
.....

[Acknowledgment]

(2) In addition to providing the borrower and grantor the notice of sale described in ((RCW 61.24.040)) subsection (1)(f) of this

section, the trustee shall include with the copy of the notice which is mailed to the grantor, a statement to the grantor in substantially the following form:

NOTICE OF FORECLOSURE

Pursuant to the Revised Code of Washington, Chapter 61.24 RCW

The attached Notice of Trustee's Sale is a consequence of default(s) in the obligation to, the Beneficiary of your Deed of Trust and owner of the obligation secured thereby. Unless the default(s) is/are cured, your property will be sold at auction on the day of

To cure the default(s), you must bring the payments current, cure any other defaults, and pay accrued late charges and other costs, advances, and attorneys' fees as set forth below by the day of [11 days before the sale date]. To date, these arrears and costs are as follows:

	Currently due to reinstale on	Estimated amount that will be due to reinstale on (11 days before the date set for sale)
Delinquent payments from, in the amount of \$. . . /mo.:	\$	\$
Late charges in the total amount of:	\$	\$
		Estimated Amounts
Attorneys' fees:	\$	\$
Trustee's fee:	\$	\$
Trustee's expenses: (Itemization)		
Title report	\$	\$
Recording fees	\$	\$
Service/Posting of Notices	\$	\$
Postage/Copying expense	\$	\$
Publication	\$	\$
Telephone charges	\$	\$
Inspection fees	\$	\$
.	\$	\$
.	\$	\$
TOTALS	\$	\$

To pay off the entire obligation secured by your Deed of Trust as of the day of you must pay a total of \$ in principal, \$ in interest, plus other costs and advances estimated to date in the amount of \$ From and after the date of this notice you must submit a written request to the Trustee to obtain the total amount to pay off the entire obligation secured by your Deed of Trust as of the payoff date.

As to the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust, you must cure each such default. Listed below are the defaults which do not involve payment of money to the Beneficiary of your Deed of Trust. Opposite each such listed default is a brief description of the action necessary to cure the default and a description of the documentation necessary to show that the default has been cured.

Default	Description of Action Required to Cure and Documentation Necessary to Show Cure
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You may reinstate your Deed of Trust and the obligation secured thereby at any time up to and including the day of [11 days before the sale date], by paying the amount set forth or estimated above and by curing any other defaults described above. Of course, as time passes other payments may become due, and any further payments coming due and any additional late charges must be added to your reinstating payment. Any new defaults not involving payment of money that occur after the date of this notice must also be cured in order to effect reinstatement. In addition, because some of the charges can only be estimated at this time, and because the amount necessary to reinstate or to pay off the entire indebtedness may include presently unknown expenditures required to preserve the property or to comply with state or local law, it will be necessary for you to contact the Trustee before the time you tender reinstatement or the payoff amount so that you may be advised of the exact amount you will be required to pay. Tender of payment or performance must be made to:, whose address is, telephone () AFTER THE DAY OF, YOU MAY NOT REINSTATE YOUR DEED OF TRUST BY PAYING THE BACK PAYMENTS AND COSTS AND FEES AND CURING THE OTHER DEFAULTS AS OUTLINED ABOVE. The Trustee will respond to any written request for current payoff or reinstatement amounts within ten days of receipt of your written request. In such a case, you will only be able to stop the sale by paying, before the sale, the total principal balance (\$) plus accrued interest, costs and advances, if any, made pursuant to the terms of the documents and by curing the other defaults as outlined above.

You may contest this default by initiating court action in the Superior Court of the county in which the sale is to be held. In such action, you may raise any legitimate defenses you have to this default. A copy of your Deed of Trust and documents evidencing the obligation secured thereby are enclosed. You may wish to consult a lawyer. Legal action on your part may prevent or restrain the sale, but only if you persuade the court of the merits of your defense. You may contact the Department of Financial Institutions or the statewide civil legal aid hotline for possible assistance or referrals.

The court may grant a restraining order or injunction to restrain a trustee's sale pursuant to RCW 61.24.130 upon five days notice to the trustee of the time when, place where, and the judge before whom the application for the restraining order or injunction is to be made. This notice shall include copies of all pleadings and related documents to be given to the judge. Notice and other process may be served on the trustee at:

NAME: _____

ADDRESS: _____

TELEPHONE NUMBER: _____

If you do not reinstate the secured obligation and your Deed of Trust in the manner set forth above, or if you do not succeed in restraining the sale by court action, your property will be sold. The

effect of such sale will be to deprive you and all those who hold by, through or under you of all interest in the property;

(3) In addition, the trustee shall cause a copy of the notice of sale described in ~~((RCW 61.24.040))~~ subsection (1)(f) of this section (excluding the acknowledgment) to be published in a legal newspaper in each county in which the property or any part thereof is situated, once on or between the thirty-fifth and twenty-eighth day before the date of sale, and once on or between the fourteenth and seventh day before the date of sale;

(4) On the date and at the time designated in the notice of sale, the trustee or its authorized agent shall sell the property at public auction to the highest bidder. The trustee may sell the property in gross or in parcels as the trustee shall deem most advantageous;

(5) The place of sale shall be at any designated public place within the county where the property is located and if the property is in more than one county, the sale may be in any of the counties where the property is located. The sale shall be on Friday, or if Friday is a legal holiday on the following Monday, and during the hours set by statute for the conduct of sales of real estate at execution;

(6) The trustee has no obligation to, but may, for any cause the trustee deems advantageous, continue the sale for a period or periods not exceeding a total of one hundred twenty days by (a) a public proclamation at the time and place fixed for sale in the notice of sale and if the continuance is beyond the date of sale, by giving notice of the new time and place of the sale by both first class and either certified or registered mail, return receipt requested, to the persons specified in ~~((RCW 61.24.040))~~ subsection (1)(b)(i) and (ii) of this section to be deposited in the mail (i) not less than four days before the new date fixed for the sale if the sale is continued for up to seven days; or (ii) not more than three days after the date of the continuance by oral proclamation if the sale is continued for more than seven days, or, alternatively, (b) by giving notice of the time and place of the postponed sale in the manner and to the persons specified in ~~((RCW 61.24.040))~~ subsection (1)(b), (c), (d), and (e) of this section and publishing a copy of such notice once in the newspaper(s) described in ~~((RCW 61.24.040))~~ subsection (3) of this section, more than seven days before the date fixed for sale in the notice of sale. No other notice of the postponed sale need be given;

(7) The purchaser shall forthwith pay the price bid and on payment the trustee shall execute to the purchaser its deed; the deed shall recite the facts showing that the sale was conducted in compliance with all of the requirements of this chapter and of the deed of trust, which recital shall be prima facie evidence of such compliance and conclusive evidence thereof in favor of bona fide purchasers and encumbrancers for value, except that these recitals shall not affect the lien or interest of any person entitled to notice under ~~((RCW 61.24.040))~~ subsection (1) of this section, if the trustee fails to give the required notice to such person. In such case, the lien or interest of such omitted person shall not be affected by the sale and such omitted person shall be treated as if such person was the holder of the same lien or interest and was omitted as a party defendant in a judicial foreclosure proceeding;

(8) The sale as authorized under this chapter shall not take place less than one hundred ninety days from the date of default in any of the obligations secured;

(9) If the trustee elects to foreclose the interest of any occupant or tenant of property comprised solely of a single-family residence, or a condominium, cooperative, or other dwelling unit in a multiplex or other building containing fewer than five residential units, the following notice shall be included as Part X of the Notice of Trustee's Sale:

X.

NOTICE TO OCCUPANTS OR TENANTS

The purchaser at the trustee's sale is entitled to possession of the property on the 20th day following the sale, as against the grantor under the deed of trust (the owner) and anyone having an interest junior to the deed of trust, including occupants ~~((and))~~ who are not tenants. After the 20th day following the sale the purchaser has the right to evict occupants ~~((and))~~ who are not tenants by summary proceedings under ~~((the unlawful detainer act,))~~ chapter 59.12 RCW.

For tenant-occupied property, the purchaser shall provide a tenant with written notice in accordance with section 10 of this act;

(10) Only one copy of all notices required by this chapter need be given to a person who is both the borrower and the grantor. All notices required by this chapter that are given to a general partnership are deemed given to each of its general partners, unless otherwise agreed by the parties.

Sec. 10. RCW 61.24.060 and 1998 c 295 s 8 are each amended to read as follows:

(1) The purchaser at the trustee's sale shall be entitled to possession of the property on the twentieth day following the sale, as against the borrower and grantor under the deed of trust and anyone having an interest junior to the deed of trust, including occupants ~~((and))~~ who are not tenants, who were given all of the notices to which they were entitled under this chapter. The purchaser shall also have a right to the summary proceedings to obtain possession of real property provided in chapter 59.12 RCW.

(2) If the trustee elected to foreclose the interest of any occupant or tenant, the purchaser of tenant-occupied property at the trustee's sale shall provide written notice to the occupants and tenants at the property purchased in substantially the following form:

"NOTICE: The property located at was purchased at a trustee's sale by on(date).

1. If you are the previous owner or an occupant who is not a tenant of the property that was purchased, pursuant to RCW 61.24.060, the purchaser at the trustee's sale is entitled to possession of the property on(date), which is the twentieth day following the sale.

2. If you are a tenant or subtenant in possession of the property that was purchased, pursuant to section 4 of this act, the purchaser at the trustee's sale may either give you a new rental agreement OR give you a written notice to vacate the property in sixty days or more before the end of the monthly rental period."

(3) The notice required in subsection (2) of this section must be given to the property's occupants and tenants by both first-class mail, and either certified or registered mail, return receipt requested.

NEW SECTION. Sec. 11. A new section is added to chapter 59.12 RCW to read as follows:

An unlawful detainer action, commenced as a result of a trustee's sale under chapter 61.24 RCW, must comply with the requirements of RCW 61.24.040 and 61.24.060.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Section 2 of this act expires December 31, 2012."

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

ESSB 5840 Prime Sponsor, Committee on Environment, Water & Energy; Modifying the energy independence act. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.285.030 and 2007 c 1 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Biomass energy" includes: (a) Byproducts of pulping and wood manufacturing process; (b) animal waste; (c) solid organic fuels from wood; (d) forest or field residues; (e) wooden demolition or construction debris; (f) food waste; (g) liquors derived from algae and other sources; (h) dedicated energy crops; (i) biosolids; and (j) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(4) "Commission" means the Washington state utilities and transportation commission.

~~((4))~~ (5) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

~~((5))~~ (6) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

~~((6))~~ (7) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

~~((7))~~ (8) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

~~((8))~~ (9) "Department" means the department of community, trade, and economic development or its successor.

~~((9))~~ (10) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than ~~(five)~~ seven megawatts.

~~((10))~~ (11) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water, except as provided in (b) and (d) of this subsection, that commences operation after March 31, 1999, where ~~((i))~~ the facility is located ~~(in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services) within the geographic boundary of the western electricity coordinating council or its successor entity except as provided in (c) of this subsection; ~~((or))~~~~

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in water supply pipes, irrigation pipes ~~(and)~~, or canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or ~~((impoundments)) an increase in the amount of water storage;~~

(c)(i) Electricity from a biomass energy powered generation facility owned by a qualifying utility and located in Washington as of the effective date of this section; (ii) or electricity from a biomass energy powered generation facility located in Washington that commenced operation after March 31, 1999; or (iii) a maximum of twenty-five percent of the electricity from a biomass energy powered generation facility located in Washington and in operation as of March 31, 1999, that is not owned by a qualifying utility and is delivered to a qualifying utility; or

(d) That portion of incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, attributable to a qualifying utility's share of the electricity output to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration where the additional generation does not result in new water diversions or an increase in the amount of water storage.

~~((11))~~ (12) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

~~((12))~~ (13) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

~~((13))~~ (14) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not

limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases. For an anaerobic digester, its nonpower attributes may be separated into avoided emissions of carbon dioxide, and other greenhouse gases, and into renewable energy credits.

~~((14))~~ (15) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

~~((15))~~ (16) "Public facility" has the same meaning as defined in RCW 39.35C.010.

~~((16))~~ (17) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

~~((17))~~ (18) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

~~((18))~~ (19) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth ~~(or first-growth) forests where the clearing occurred after December 7, 2006; ~~(and)~~ or (i) biomass energy ~~(based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste))~~.~~

~~((19))~~ (20) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

~~((20))~~ (21) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 2. RCW 19.285.040 and 2007 c 1 s 4 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) ~~((Beginning))~~ By January 1, 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial acquisition target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period. A qualifying utility may not use incremental electricity produced as a result of efficiency improvements to hydroelectric generation facilities to meet its biennial conservation acquisition target if the improvements were used to meet its targets under subsection (2)(a) of this section.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal

operating conditions, the facility ~~(has a useful thermal energy output of no less than thirty-three percent of the total energy output) is designed to have a projected overall thermal conversion efficiency of at least seventy percent. For the purposes of this section, "overall thermal conversion efficiency" means the output of electricity plus usable heat divided by fuel input. The reduction in load due to high-efficiency cogeneration shall be~~ ~~(i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii))~~ counted towards meeting the biennial conservation target in the same manner as other production conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or a combination of both, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least ~~(nine)~~ ten and twenty-five one-hundredths of one percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least ~~(fifteen)~~ sixteen and twenty-five one-hundredths of one percent of its load by January 1, 2020, and each year thereafter.

(b) It must be the goal of the state for each qualifying utility to use eligible renewable resources or acquire equivalent renewable energy credits or a combination of both to meet an annual renewable resource goal of at least twenty percent of its load by January 1, 2025, and each year thereafter.

(c) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

~~((e))~~ (d) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

~~((f))~~ (e) A qualifying utility with annual sales of less than two million megawatt hours is considered in compliance with an annual target in (a) of this subsection if: (i) In any given target year its load growth, measured as load served in the target year compared to the utility's annual average load served in 2010 and 2011, is less than the target in (a) of this subsection for that year; and (ii) the utility meets one hundred percent of any increase in load for that target year with eligible renewable resources or renewable energy credits.

(f) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

~~((g))~~ (g) The requirements of this section may be met for any given target year with renewable energy credits produced during that year, the preceding year, or the subsequent year. A qualifying utility may use renewable energy credits from an eligible renewable resource owned in whole or in part by the utility if the credits were generated within three years prior to the year for which the credits are applied to its annual renewable resource target. The renewable energy credits shall not be transferred or sold to another entity and shall be retired by the qualifying utility if not used to meet the qualifying utility's annual renewable resource target. Each renewable energy credit may be used only once to meet the requirements of this section.

~~((h))~~ (h) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; ~~((or))~~

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090; or

~~((iii))~~ Efficiency improvements to hydroelectric generation facilities whose energy output is marketed by the Bonneville power administration that is attributable to any other utility other than the qualifying utility.

~~((g))~~ (i) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

~~((h))~~ (j)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

~~((i))~~ (k) A qualifying utility that acquires solar energy may count that acquisition at four times its base value, or six times its base value where the energy is produced using solar inverters and modules manufactured in Washington state.

(l) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

Sec. 3. RCW 19.285.070 and 2007 c 1 s 7 are each amended to read as follows:

(1) On or before June 1, 2012, and annually thereafter, each qualifying utility shall report to the department on its progress in the preceding year in meeting the targets established in RCW 19.285.040, including expected electricity savings from the biennial conservation target, expenditures on conservation, actual electricity savings results, the utility's annual load for the prior two years, the amount of megawatt-hours needed to meet the annual renewable energy target, the amount of megawatt-hours of each type of eligible renewable resource acquired, the type and amount of renewable energy credits acquired, and the percent of its total annual retail revenue requirement invested in the incremental cost of eligible renewable resources and the cost of renewable energy credits. ~~((For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2)(d) or (i) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.))~~ A qualifying utility may submit its report to the department in conjunction with its annual obligations in chapter 19.29A RCW.

(2) A qualifying utility that is an investor-owned utility shall also report all information required in subsection (1) of this section to the commission, and on or before June 1, 2014, and annually thereafter, report to the commission its compliance in meeting the targets established in RCW 19.285.040. All other qualifying utilities shall also make all information required in subsection (1) of this section available to the auditor, and on or before June 1, 2014, and annually thereafter, make available to the auditor its determination of compliance in meeting the targets established in RCW 19.285.040. For each year that a qualifying utility elects to demonstrate

alternative compliance under RCW 19.285.040(2) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.

(3) A qualifying utility shall also make reports required in this section available to its customers.

Sec. 4. RCW 19.285.080 and 2007 c 1 s 8 are each amended to read as follows:

(1) The commission may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities.

(2) The department shall adopt rules concerning only process, timelines, and documentation to ensure the proper implementation of this chapter as it applies to qualifying utilities that are not investor-owned utilities. Those rules include, but are not limited to, rules associated with a qualifying utility's development of conservation targets under RCW 19.285.040(1); a qualifying utility's decision to pursue alternative compliance in RCW 19.285.040(2) ~~((f))~~ (f) or ~~((f))~~ (1) or 19.285.050(1); and the format and content of reports required in RCW 19.285.070. Nothing in this subsection may be construed to restrict the rate-making authority of the commission or a qualifying utility as otherwise provided by law.

(3) The commission and department may coordinate in developing rules related to process, timelines, and documentation that are necessary for implementation of this chapter.

(4)(a) Pursuant to the administrative procedure act, chapter 34.05 RCW, rules needed for the implementation of this chapter must be adopted by ~~(December 31, 2007)~~ June 30, 2010. These rules may be revised as needed to carry out the intent and purposes of this chapter.

(b) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the department shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(c) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the commission shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(d) Rules adopted under (b) and (c) of this subsection must be applied to the next biennial target that begins at least six months after the adoption date of the rules.

NEW SECTION, Sec. 5. Within existing resources, the department of community, trade, and economic development shall report to the legislature by December 1, 2009, its recommendations on how low-cost hydroelectric generation may be used to firm, shape, and integrate renewable energy resources into the northwestern electric grid for delivery to Washington residents. The report must make recommendations on the economic and environmental benefits of using hydroelectric generation in place of fossil fuel-fired generation for integration services. The report must include results from existing studies and analyses from the Pacific Northwest electric power and conservation planning council, the Bonneville power administration, and other relevant organizations. The department of community, trade, and economic development shall also consider information and recommendations from integration service providers and users."

Correct the title.

Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Carlyle; Condotta; DeBolt; Finn; Hasegawa; Hudgins; McCune; Takko and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Haler, Assistant Ranking Minority Member; Herrera and Jacks.

Referred to Committee on General Government Appropriations.

March 27, 2009

E2SSB 5850 Prime Sponsor, Committee on Ways & Means: Protecting workers from human trafficking violations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

On page 1, line 13, after "H-1B" insert ", H-2A, or H-2B"

Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

March 27, 2009

ESSB 5873 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding apprenticeship utilization. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Capital Budget.

March 26, 2009

SSB 5879 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Concerning entrepreneurial education and training. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.162.020 and 2007 c 232 s 4 are each amended to read as follows:

(1) The Washington state economic development commission shall:

~~((f))~~ (a) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

~~((2))~~ (b) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to:

~~((i))~~ (i) Goals, objectives, and priorities for the state economic development system; ~~((identify))~~

~~((ii))~~ (ii) Identification of the elements local associate development organizations must include in their countywide economic development plans; and

~~((iii))~~ (iii) Review of the state system for consistency with the state comprehensive plan. In developing the state comprehensive plan for economic development, the commission shall use, but ~~((may not be))~~ is not limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

~~((3))~~ (c) Establish and maintain an inventory of the programs of the state economic development system and related state programs, including education, training, and technical assistance services and programs serving entrepreneurs; perform a biennial

assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs are successful or underperforming in meeting these needs and the extent to which they represent a consistent, coordinated, efficient, and integrated approach to meet such needs; and

~~((4))~~ (d) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, ~~((as well as include))~~ with recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination.

(2) The commission may delegate to the executive director any of the functions of this section.

NEW SECTION, Sec. 2. (1) Within the appropriations provided for the Washington state economic development commission and the workforce training and education coordinating board, the commission and the board shall jointly:

(a) Create an inventory of targeted education, training, and technical assistance services and programs available in the state that provide exclusively the skills and knowledge that entrepreneurs seek. The inventory must include:

(i) A report of the numbers of individuals who have sought such services or programs, and indicators of the scale of the business ventures represented by those entrepreneurs;

(ii) A survey of those served by inventoried services and programs to solicit their views regarding the merits and limitations of the services and programs; and

(iii) Documentation of the amounts and sources of public funds provided for the services and programs, and the benefits of the services and programs;

(b) Evaluate practices from other governmental, educational, and private entities to identify best practices that yield job creation, business growth, and business expansion into new markets; and

(c) By December 1, 2009, produce a report to the appropriate committees of the legislature and the director of the department of community, trade, and economic development on the program inventory required under this section, with:

(i) Identification of both successful and underperforming programs or services, with recommendations for enhancement, consolidation, or elimination of programs or services, as appropriate;

(ii) Recommendations on best practices for meeting the needs of entrepreneurs; and

(iii) Identification of business climate concerns and regulatory barriers identified by entrepreneurs.

(2) This section expires January 1, 2010."

Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Orcutt; Parker; Probst and Sullivan.

Referred to Committee on Ways & Means.

March 27, 2009

ESSB 5889 Prime Sponsor, Committee on Early Learning & K-12 Education: Providing flexibility in the education system. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read as follows:

~~((By July 1st of each year.))~~ (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval, to the extent required under subsection (2) of this section. ~~((For the 2004-05 school year, school districts must identify the program activities to be implemented from RCW 28A.165.035 and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year.))~~ The program plan must

identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in ~~((subsections (1))~~ (a) through ~~((8))~~ (h) of this ~~((section))~~ subsection. The school district plan shall include the following:

~~((1))~~ (a) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

~~((2))~~ (b) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

~~((3))~~ (c) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

~~((4))~~ (i) Achievement goals for the students;

~~((5))~~ (ii) Roles of the student, parents, or guardians and teachers in the plan;

~~((6))~~ (iii) Communication procedures regarding student accomplishment; and

~~((7))~~ (iv) Plan reviews and adjustments processes;

~~((8))~~ (d) How state level and classroom assessments are used to inform instruction;

~~((9))~~ (e) How focused and intentional instructional strategies have been identified and implemented;

~~((10))~~ (f) How highly qualified instructional staff are developed and supported in the program and in participating schools;

~~((11))~~ (g) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

~~((12))~~ (h) How a program evaluation will be conducted to determine direction for the following school year.

(2) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or this section unless the district has made a significant change to the plan. If a district has made a significant change to only a portion of the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the plan must be submitted by July 1st as required under this section. The office of the superintendent of public instruction shall establish guidelines for what a "significant change" is.

Sec. 2. RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read as follows:

A participating school district shall ~~((annually))~~ submit a program plan to the office of the superintendent of public instruction for approval to the extent required by RCW 28A.165.025. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

Sec. 3. RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read as follows:

The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules ~~((and regulations))~~ regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules ~~((and regulations))~~ shall specify reasonable

and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall ~~((print and distribute the))~~ provide to appropriate school officials and personnel, access and notice of these rules ((and regulations)) of the state board of health ((above provided to appropriate school officials and personnel)). Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules.

Sec. 4. RCW 28A.210.040 and 1990 c 33 s 189 are each amended to read as follows:

The superintendent of public instruction shall ~~((print and distribute))~~ provide access to appropriate school officials the rules ((and regulations)) adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section.

Sec. 5. RCW 28A.210.080 and 2007 c 276 s 1 are each amended to read as follows:

(1) The attendance of every child at every public and private school in the state and licensed day care center shall be conditioned upon the presentation before or on each child's first day of attendance at a particular school or center, of proof of either (a) full immunization, (b) the initiation of and compliance with a schedule of immunization, as required by rules of the state board of health, or (c) a certificate of exemption as provided for in RCW 28A.210.090. The attendance at the school or the day care center during any subsequent school year of a child who has initiated a schedule of immunization shall be conditioned upon the presentation of proof of compliance with the schedule on the child's first day of attendance during the subsequent school year. Once proof of full immunization or proof of completion of an approved schedule has been presented, no further proof shall be required as a condition to attendance at the particular school or center.

(2)(a) Beginning with sixth grade entry, every public and private school in the state shall provide parents and guardians with access to information about meningococcal disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about meningococcal disease shall include:

(i) Its causes and symptoms, how meningococcal disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for meningococcal disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide meningococcal vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of superintendent of public instruction.

(d) This subsection does not create a private right of action.

(3)(a) Beginning with sixth grade entry, every public school in the state shall provide parents and guardians with access to information about human papillomavirus disease and its vaccine at the beginning of every school year. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form. The information about human papillomavirus disease shall include:

(i) Its causes and symptoms, how human papillomavirus disease is spread, and the places where parents and guardians may obtain additional information and vaccinations for their children; and

(ii) Current recommendations from the United States centers for disease control and prevention regarding the receipt of vaccines for human papillomavirus disease and where the vaccination can be received.

(b) This subsection shall not be construed to require the department of health or the school to provide human papillomavirus vaccination to students.

(c) The department of health shall prepare the informational materials and shall consult with the office of the superintendent of public instruction.

(d) This subsection does not create a private right of action.

(4) Private schools are required by state law to notify parents that information on the human papillomavirus disease prepared by the department of health is available.

Sec. 6. RCW 28A.225.005 and 1992 c 205 s 201 are each amended to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall ~~((distribute))~~ provide access to the information at least annually. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 7. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually ~~((distribute an))~~ provide access to information ((booklet)) outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ~~((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries))~~ School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 8. RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each amended to read as follows:

Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 9. RCW 28A.230.095 and 2006 c 113 s 2 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies chosen by the district to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The office of the superintendent of public instruction may not require school districts to use a classroom-based assessment in social studies, the arts, and health and fitness to meet the requirements of this section and shall clearly communicate to districts their option to use other strategies chosen by the district.

(2) Beginning with the 2008-09 school year, school districts shall require students in ~~((the fourth or fifth grades [grade]))~~ the

seventh or eighth (~~(grades [grade])~~) grade, and the eleventh or twelfth (~~(grades [grade])~~) grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

(3) Verification reports shall require school districts to report only the information necessary to comply with this section.

Sec. 10. RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

~~((3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.))~~

Sec. 11. RCW 28A.300.040 and 2006 c 263 s 104 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be ~~((provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system))~~ made available online and which shall be sold at approximate actual cost of publication and distribution per volume to ~~(all other)~~ public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed

in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

Sec. 12. RCW 28A.300.118 and 2000 c 126 s 1 are each amended to read as follows:

(1) Beginning with the ~~((2000-01))~~ 2011-12 school year, the superintendent of public instruction shall notify senior high schools and any other public school that includes ninth grade of the names and contact information of public and private entities offering programs leading to college credit, including information about online advanced placement classes, if the superintendent has knowledge of such entities and if the cost of reporting these entities is minimal.

(2) Beginning with the ~~((2000-01))~~ 2011-12 school year, each senior high school and any other public school that includes ninth grade shall publish annually and deliver to each parent with children enrolled in ninth through twelfth grades, information concerning the entrance requirements and the availability of programs in the local area that lead to college credit, including classes such as advanced placement, running start, tech-prep, skill centers, college in the high school, and international baccalaureate programs. The information may be included with other information the school regularly mails to parents. In addition, each senior high school and any other public school that includes ninth grade shall enclose information of the names and contact information of other public or private entities offering such programs, including online advanced placement programs, to its ninth through twelfth grade students if the school has knowledge of such entities.

Sec. 13. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order

to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) This section is suspended until July 1, 2011.

Sec. 14. RCW 28A.320.165 and 2001 c 333 s 4 are each amended to read as follows:

Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, upon the request of the parent or guardian.

Sec. 15. RCW 28A.320.180 and 2007 c 396 s 11 are each amended to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

(3) This section is suspended until July 1, 2011.

Sec. 16. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically request information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as work-based learning, ~~((school-to-work transition,))~~ tech prep, ~~((vocational-technical))~~ career and technical education, running start, and preparation for technical college, community college, or university education.

Sec. 17. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and

mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ~~((scholastic assessment test-))~~ SAT~~((s))~~ or the ~~((American college test-))~~ ACT~~((t))~~ may be used as an objective

alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~((preliminary scholastic assessment test (P)PSAT))~~ PSAT ~~(())~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

~~((12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12):~~

~~(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:~~

~~(i) The student's results on the Washington assessment of student learning;~~

~~(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;~~

~~(iii) Any credit deficiencies;~~

~~(iv) The student's attendance rates over the previous two years;~~

~~(v) The student's progress toward meeting state and local graduation requirements;~~

~~(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;~~

~~(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;~~

~~(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;~~

~~(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and~~

~~(x) Available programs offered through skill centers or community and technical colleges.~~

~~(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.~~

~~(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.~~

~~(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary.)~~

Sec. 18. RCW 28A.655.075 and 2007 c 396 s 16 are each amended to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

(3) This section is suspended until July 1, 2011.

Sec. 19. RCW 17.21.415 and 2001 c 333 s 3 are each amended to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide written notification ~~((annually or upon enrollment))~~, upon request, to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and

employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (a) The product name of the pesticide to be applied;
- (b) The intended date and time of application;
- (c) The location to which the pesticide is to be applied;
- (d) The pest to be controlled; and
- (e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
- (ii) The date and time of application;
- (iii) The location to which the pesticide was applied;
- (iv) The pest to be controlled; and
- (v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

Sec. 20. RCW 28A.650.015 and 2006 c 263 s 917 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and

expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the workforce training and education coordinating board, and the state library.

(3) The plan adopted and implemented under this section may not impose on school districts any requirements that are not specifically required by federal law or regulation, including requirements to maintain eligibility for the federal schools and libraries program of the universal service fund.

Sec. 21. RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read as follows:

Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening. Persons performing visual screening may include, but are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts.

NEW SECTION. Sec. 22. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

- 1.1.1.1. RCW 28A.220.050 (Information on proper use of left-hand lane) and 1986 c 93 s 4;
- 1.1.1.2. RCW 28A.220.080 (Information on motorcycle awareness) and 2007 c 97 s 4 & 2004 c 126 s 1;
- 1.1.1.3. RCW 28A.220.085 (Information on driving safely among bicyclists and pedestrians) and 2008 c 125 s 4;
- 1.1.1.4. RCW 28A.230.092 (Washington state history and government--Course content) and 2008 c 190 s 2;
- 1.1.1.5. RCW 28A.230.185 (Family preservation education program) and 2005 c 491 s 2;
- 1.1.1.6. RCW 28A.300.412 (Washington civil liberties public education program--Report) and 2000 c 210 s 6;
- 1.1.1.7. RCW 28A.600.415 (Alternatives to suspension--Community service encouraged--Information provided to school districts) and 1992 c 155 s 2;
- 1.1.1.8. RCW 28A.625.010 (Short title) and 1995 c 335 s 107, 1990 c 33 s 513, & 1986 c 147 s 1;
- 1.1.1.9. RCW 28A.625.020 (Recipients--Awards) and 1991 c 255 s 1;
- 1.1.1.10. RCW 28A.625.030 (Washington State Christa McAuliffe award for teachers) and 1991 c 255 s 2 & 1986 c 147 s 3;
- 1.1.1.11. RCW 28A.625.042 (Certificates--Recognition awards) and 1994 c 279 s 4;
- 1.1.1.12. RCW 28A.625.050 (Rules) and 1995 c 335 s 108, 1991 c 255 s 8, 1990 c 33 s 516, 1988 c 251 s 2, & 1986 c 147 s 5;
- 1.1.1.13. RCW 28A.625.350 (Short title) and 1990 1st ex. s. c 10 s 1;

1.1.1.14. RCW 28A.625.360 (Excellence in teacher preparation award) and 2006 c 263 s 804 & 1990 1st ex.s. c 10 s 2;

1.1.1.15. RCW 28A.625.370 (Award for teacher educator) and 2006 c 263 s 820 & 1990 1st ex.s. c 10 s 3;

1.1.1.16. RCW 28A.625.380 (Rules) and 2006 c 263 s 821 & 1990 1st ex.s. c 10 s 4;

1.1.1.17. RCW 28A.625.390 (Educational grant--Eligibility--Award) and 2006 c 263 s 822 & 1990 1st ex.s. c 10 s 5;

1.1.1.18. RCW 28A.625.900 (Severability--1990 1st ex.s. c 10) and 1990 1st ex.s. c 10 s 10;

1.1.1.19. RCW 28A.630.045 (Local control and flexibility in assessments--Pilot project) and 2006 c 175 s 1; and

1.1.1.20. RCW 28A.630.881 (School-to-work transition project--Findings--Intent--Outreach--Technical assistance) and 1997 c 58 s 304.

NEW SECTION. Sec. 23. Sections 13, 15, and 18 of this act expire July 1, 2011."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

March 26, 2009

SSB 5891 Prime Sponsor, Committee on Health & Long-Term Care: Establishing a forum for testing primary care medical home reimbursement pilot projects. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature declares that collaboration among public payors, private health carriers, third-party purchasers, and providers to identify appropriate reimbursement methods to align incentives in support of primary care medical homes is in the best interest of the public. The legislature therefore intends to exempt from state antitrust laws, and to provide immunity from federal antitrust laws through the state action doctrine, for activities undertaken pursuant to pilots designed and implemented under section 2 of this act that might otherwise be constrained by such laws. The legislature does not intend and does not authorize any person or entity to engage in activities or to conspire to engage in activities that would constitute per se violations of state and federal antitrust laws including, but not limited to, agreements among competing health care providers or health carriers as to the price or specific level of reimbursement for health care services.

NEW SECTION. Sec. 2. A new section is added to chapter 70.54 RCW to read as follows:

The health care authority and the department of social and health services shall design, oversee implementation, and evaluate one or more primary care medical home reimbursement pilot projects in the state to include as participants public payors, private health carriers, third-party purchasers, and health care providers. Based on input from participants, the agencies shall:

(1) Determine the number and location of primary care medical home reimbursement pilots;

(2) Determine criteria to select primary care clinics to serve as pilot sites to facilitate testing of medical home reimbursement methods in a variety of primary care settings;

(3) Select pilot sites from those primary care provider clinics that currently employ a number of activities and functions typically associated with medical homes, or from sites that have been selected by the department of health to participate in a medical home collaborative under section 2, chapter 295, Laws of 2008;

(4) Determine one or more reimbursement methods to be tested by the pilots;

(5) Identify pilot performance measures for clinical quality, chronic care management, cost, and patient experience through patient self-reporting; and

(6) Appropriately coordinate during planning and operation of the pilots with the department of health medical home collaboratives and with other private and public efforts to promote adoption of medical homes within the state.

NEW SECTION. Sec. 3. A new section is added to chapter 70.54 RCW to read as follows:

The health care authority and the department of social and health services may select a pilot site that currently employs the following activities and functions associated with medical homes: Provision of preventive care, wellness counseling, primary care, coordination of primary care with specialty and hospital care, and urgent care services; availability of office appointments seven days per week and e-mail and telephone consultation; availability of telephone access for urgent care consultation on a seven-day per week, twenty-four hours per day basis; and use of a primary care provider panel size that promotes the ability of participating providers to appropriately provide the scope of services described in this section. The reimbursement method chosen for this pilot site must include a fixed monthly payment per person participating in the pilot site for the services described in this section. These services would be provided without the submission of claims for payment from any health carrier by the medical home provider. Agreements for payment made directly by a consumer or other entity paying on the consumer's behalf must comply with the provisions applicable to direct patient-provider primary care practices under chapter 48.150 RCW. In addition, the agencies may determine that the pilot should include a high deductible health plan or other health benefit plan designed to wrap around the primary care services offered under this section.

NEW SECTION. Sec. 4. This act expires July 1, 2013."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Erickson, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 25, 2009

ESB 5894 Prime Sponsor, Senator Haugen: Authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 81.68.015 and 2007 c 234 s 47 are each amended to read as follows:

This chapter does not apply to corporations or persons, their lessees, trustees, receivers, or trustees appointed by any court whatsoever insofar as they own, control, operate, or manage taxicabs, hotel buses, school buses, or any other carrier that does not come within the term "auto transportation company" as defined in RCW 81.68.010.

This chapter does not apply to persons operating motor vehicles when operated wholly within the limits of incorporated cities or towns, and for a distance not exceeding three road miles beyond the corporate limits of the city or town in Washington in which the original starting point of the vehicle is located, and which operation either alone or in conjunction with another vehicle or vehicles is not a part of any journey beyond the three-mile limit.

This chapter does not apply to commuter ride sharing or ride sharing for persons with special transportation needs in accordance with RCW 46.74.010, so long as the ride-sharing operation does not compete with or infringe upon comparable service actually being

provided before the initiation of the ride-sharing operation by an existing auto transportation company certificated under this chapter.

This chapter does not apply to a service carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route if the commission finds, with or without a hearing, that the service does not serve an essential transportation purpose, is solely for recreation, and would not adversely affect the operations of the holder of a certificate under this chapter, and that exemption from this chapter is otherwise in the public interest. Companies providing these services must, however, obtain a permit under chapter 81.70 RCW.

This chapter does not apply to a service carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route if the commission finds, with or without a hearing, that the service is provided pursuant to a contract with a state agency, or funded by a grant issued by the department of transportation, and that exemption from this chapter is otherwise in the public interest. Companies providing these services must, however, obtain a permit under chapter 81.70 RCW.

Sec. 2. RCW 81.84.010 and 2007 c 234 s 92 are each amended to read as follows:

(1) A commercial ferry may not operate any vessel or ferry for the public use for hire between fixed termini or over a regular route upon the waters within this state, including the rivers and lakes and Puget Sound, without first applying for and obtaining from the commission a certificate declaring that public convenience and necessity require such operation. Service authorized by certificates issued ~~((before or after July 25, 1993))~~ to a commercial ferry operator must be exercised by the operator in a manner consistent with the conditions established in the certificate ~~((or))~~ and tariff ~~((s))~~ filed under chapter 81.28 RCW. However, a certificate is not required for a vessel primarily engaged in transporting freight other than vehicles, whose gross earnings from the transportation of passengers or vehicles, or both, are not more than ten percent of the total gross annual earnings of such vessel.

(2) This section does not affect the right of any county public transportation benefit area or other public agency within this state to construct, condemn, purchase, operate, or maintain, itself or by contract, agreement, or lease, with any person, firm, or corporation, ferries or boats across the waters within this state, including rivers and lakes and Puget Sound, if the operation is not over the same route or between the same districts being served by a certificate holder without first acquiring the rights granted to the certificate holder under the certificate.

~~((2))~~ (3) The holder of a certificate of public convenience and necessity granted under this chapter must initiate service within five years of obtaining the certificate, except that the holder of a certificate of public convenience and necessity for passenger-only ferry service in Puget Sound must initiate service within twenty months of obtaining the certificate. The certificate holder shall report to the commission every six months after the certificate is granted on the progress of the certificated route. The reports shall include, but not be limited to, the progress of environmental impact, parking, local government land use, docking, and financing considerations. Except in the case of passenger-only ferry service in Puget Sound, if service has not been initiated within five years of obtaining the certificate, the commission may extend the certificate on a twelve-month basis for up to three years if the six-month progress reports indicate there is significant advancement toward initiating service.

Sec. 3. RCW 81.66.010 and 1996 c 244 s 1 are each amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Corporation" means a corporation, company, association, or joint stock association.

(2) "Person" means an individual, firm, or a copartnership.

(3) "Private, nonprofit transportation provider" means any private, nonprofit corporation providing transportation services for compensation solely to persons with special transportation needs, or pursuant to a contract with a state agency or funded by a grant issued by the department of transportation.

(4) "Persons with special transportation needs" means those persons, including their personal attendants, who because of physical

or mental disability, income status, or age are unable to transport themselves or to purchase appropriate transportation.

Sec. 4. RCW 81.70.220 and 1989 c 163 s 7 are each amended to read as follows:

(1) No person may engage in the business of a charter party carrier or excursion service carrier of persons over any public highway without first having obtained a certificate from the commission to do so or having registered as an interstate carrier.

(2) An auto transportation company carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route that is not required to hold an auto transportation certificate because of a commission finding under RCW 81.68.015 must obtain a certificate under this chapter.

Sec. 5. RCW 46.74.010 and 1997 c 250 s 8 and 1997 c 95 s 1 are each reenacted and amended to read as follows:

The definitions set forth in this section shall apply throughout this chapter, unless the context clearly indicates otherwise.

(1) "Commuter ride sharing" means a car pool or van pool arrangement whereby one or more fixed groups not exceeding fifteen persons each including the drivers, and (a) not fewer than five persons including the drivers where at least two of those persons are confined to wheelchairs when riding, are transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, each group in a single daily round trip where the drivers are also on the way to or from their places of employment or educational or other institution.

(2) "Flexible commuter ride sharing" means a car pool or van pool arrangement whereby a group of at least two but not exceeding fifteen persons including the driver is transported in a passenger motor vehicle with a gross vehicle weight not exceeding ten thousand pounds, excluding special rider equipment, between their places of abode or termini near such places, and their places of employment or educational or other institutions, where the driver is also on the way to or from his or her place of employment or educational or other institution.

(3) "Ride sharing for persons with special transportation needs" means an arrangement whereby a group of persons with special transportation needs, and their attendants, is transported by a public social service agency or a private, nonprofit transportation provider, as defined in RCW 81.66.010(3), servicing persons with special needs, in a passenger motor vehicle as defined by the department to include small buses, cutaways, and modified vans not more than twenty-eight feet long: PROVIDED, That the driver need not be a person with special transportation needs.

(4) "Ride-sharing operator" means the person, entity, or concern, not necessarily the driver, responsible for the existence and continuance of commuter ride sharing, flexible commuter ride sharing, or ride sharing for persons with special transportation needs. The term "ride-sharing operator" includes but is not limited to an employer, an employer's agent, an employer-organized association, a state agency, a county, a city, a public transportation benefit area, or any other political subdivision that owns or leases a ride-sharing vehicle.

(5) "Ride-sharing promotional activities" means those activities involved in forming a commuter ride-sharing arrangement or a flexible commuter ride-sharing arrangement, including but not limited to receiving information from existing and prospective ride-sharing participants, sharing that information with other existing and prospective ride-sharing participants, matching those persons with other existing or prospective ride-sharing participants, and making assignments of persons to ride-sharing arrangements.

(6) "Persons with special transportation needs" means those persons defined in RCW 81.66.010(4).

NEW SECTION. Sec. 6. (1) Within its existing resources, the utilities and transportation commission shall study the appropriateness of rate and service regulation of commercial ferries operating on Lake Chelan. The commission shall report its findings and recommendations to the legislature by December 31, 2009.

(2) This section expires December 31, 2009."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Shea; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5913 Prime Sponsor, Committee on Health & Long-Term Care: Concerning online access to the University of Washington health sciences library by certain health care providers. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.70.110 and 2007 c 259 s 11 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c)(i) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of RCW 43.70.112. However, each person subject to this subsection (3)(c) is required to pay only one surcharge of up to twenty-five dollars annually for the purposes of RCW 43.70.112, regardless of how many professional licenses he or she holds. Each year, by December 1st, the department shall provide an annual accounting of the use of the surcharge paid under this subsection, including the amounts paid by each of the professions subject to the surcharge. The accounting must be transmitted by electronic mail to the members of the health care committees of the legislature.

(ii) Annually, beginning within one year after the program begins, the department shall convene a user advisory group to review the online access program under RCW 43.70.112 and make recommendations for improving the program. The work group must include a licensed professional from each of the categories of professionals paying the surcharge under (c)(i) of this subsection, a

department representative, and a representative from the University of Washington.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees.

Sec. 2. RCW 43.70.112 and 2007 c 259 s 12 are each amended to read as follows:

Within the amounts transferred from the department of health under RCW 43.70.110(3), the University of Washington shall, through the health sciences library, provide online access to selected vital clinical resources, medical journals, decision support tools, and evidence-based reviews of procedures, drugs, and devices to the health professionals listed in RCW 43.70.110(3)(c). Online access shall be available no later than January 1, 2009. Each year, by December 1st, the University of Washington shall provide an annual accounting of the use of the funds transferred, including which categories of health professionals are using the materials available under the program. The accounting must be transmitted by electronic mail to the members of the health care committees of the legislature."

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5931 Prime Sponsor, Committee on Judiciary: Regarding licensed mental health practitioner privilege. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 4, strike all of section 1
Renummer the remaining section and correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 27, 2009

E2SSB 5941 Prime Sponsor, Committee on Ways & Means: Regarding a comprehensive education data improvement system. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.41.400 and 2007 c 401 s 3 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative ((~~education~~ [evaluation])) evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center

shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

~~((b))~~ (c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

~~((c))~~ (d) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(e) Track enrollment and outcomes through the public centralized higher education enrollment system;

~~((d))~~ (f) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; ~~((and~~

~~((e))~~ (g) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and

(h) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and section 2 of this act are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.655 RCW to read as follows:

(1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. Furthermore, the benefits of significant increases in the amount of data available for analysis must be carefully weighed against the costs to school districts to enter, update, maintain, and submit the data and to implement new software and data management systems. It is the

legislature's intent that the K-12 education data improvement system serve the information needs of educators, parents, policymakers, and the public but remain focused on the primary purpose of improving education.

(2) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:

(a) Comprehensive educator assignment information, including but not limited to grade level and courses taught, building or location, program, job assignment, years of experience, and compensation;

(b) The capacity to link educator assignment information with educator certification information;

(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;

(d) Robust student information, including but not limited to student characteristics, course and program enrollment, and performance on assessments;

(e) A subset of student information elements to serve as a dropout early warning system;

(f) Student data that is sufficiently disaggregated to permit monitoring and analysis of progress in closing the achievement gap;

(g) The capacity to link educator information with student information;

(h) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;

(i) Information linking state funding formulas to school district budgeting and accounting, including procedures to support the accuracy and auditing of financial data;

(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs; and

(k) Information that is centrally accessible and updated regularly.

(3) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support the comprehensive K-12 education data improvement system.

(4) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400 and this section only to the extent funds are available for this purpose.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.655 RCW to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district and educational service district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under section 2 of this act;

(c) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of education data systems and programs currently used by school districts and the state;

(d) Place a priority on financial and cost data necessary to support K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(e) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. The operating rules shall address such issues as:

- (i) Standards for privacy and confidentiality;
- (ii) Data collection priorities;
- (iii) A standard data dictionary;
- (iv) Ensuring data accuracy; and
- (v) Establishing minimum standards for school, student, financial, and educator data systems.

(4) The work of the K-12 data governance group may be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

NEW SECTION. Sec. 4. The education data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement this act."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Ways & Means.

March 26, 2009

2SSB 5945 Prime Sponsor, Committee on Ways & Means:
Creating the Washington health partnership plan.
Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the principles for health care reform articulated by President Obama in his proposed federal fiscal year 2010 budget to the congress of the United States provide an opportunity for the state of Washington to be both a partner with, and a model for, the federal government in its health care reform efforts.

NEW SECTION. Sec. 2. (1) The following principles shall provide guidance to the state of Washington in its health care reform deliberations:

(a) Guarantee choice. Provide Americans a choice of health plans and physicians. People will be allowed to keep their own doctor and their employer-based health plan.

(b) Make health coverage affordable. Reduce waste and fraud, high administrative costs, unnecessary tests and services, and other inefficiencies that drive up costs with no added health benefits.

(c) Protect families' financial health. Reduce the growing premiums and other costs American citizens and businesses pay for health care. People must be protected from bankruptcy due to catastrophic illness.

(d) Invest in prevention and wellness. Invest in public health measures proven to reduce cost drivers in our system, such as obesity, sedentary lifestyles, and smoking, as well as guarantee access to proven preventive treatments.

(e) Provide portability of coverage. People should not be locked into their job just to secure health coverage, and no American should be denied coverage because of preexisting conditions.

(f) Aim for universality. Put the United States on a clear path to cover all Americans.

(g) Improve patient safety and quality care. Ensure the implementation of proven patient safety measures and provide incentives for changes in the delivery system to reduce unnecessary variability in patient care. Support the widespread use of health information technology with rigorous privacy protections and the development of data on the effectiveness of medical interventions to improve the quality of care delivered.

(h) Maintain long-term fiscal sustainability. Any reform plan must pay for itself by reducing the level of cost growth, improving productivity, and dedicating additional sources of revenue.

(2) Over the past twenty years, both the private and public health care sectors in the state of Washington have implemented policies that are consistent with the principles in subsection (1) of this section. Most recently, the governor's blue ribbon commission on health reform agreed to recommendations that are highly consistent with those principles. Current policies in Washington state in accord with those principles include:

(a) With respect to aiming for universality and access to a choice of affordable health care plans and health care providers:

(i) The Washington basic health plan offers affordable health coverage to low-income families and individuals in Washington state through a choice of private managed health care plans and health care providers;

(ii) Apple health for kids will achieve its dual goals that every child in Washington state have health care coverage by 2010 and that the health status of children in Washington state be improved. Only four percent of children in Washington state lack health insurance, due largely to efforts to expand coverage that began in 1993;

(iii) Through the health insurance partnership program, Washington state has designed the infrastructure for a health insurance exchange for small employers that would give employers and employees a choice of private health benefit plans and health care providers, offer portability of coverage and provide a mechanism to offer premium subsidies to low-wage employees of these employers;

(iv) Purchasers, insurance carriers, and health care providers are working together to significantly reduce health care administrative costs. These efforts have already produced efficiencies, and will continue through the activities provided in Substitute House Bill No. 1647 and Second Substitute Senate Bill No. 5346, if enacted by the 2009 legislature; and

(v) Over one hundred thousand Washingtonians have enrolled in the state's discount prescription drug card program, saving consumers over six million dollars in prescription drug costs since February 2007, with an average discount of twenty-two dollars or forty-three percent of the price of each prescription filled.

(b) With respect to improving patient safety and quality of care and investing in prevention and wellness, the public and private health care sectors are engaged in numerous nationally recognized efforts:

(i) The Puget Sound health alliance is a national leader in identifying evidence-based health care practices, and reporting to the public on health care provider performance with respect to these practices. Many of these practices address disease prevention and management of chronic illness;

(ii) The Washington state health technology assessment program and prescription drug program use medical evidence and independent clinical advisors to guide the purchasing of clinically and cost-effective health care services by state-purchased health care programs;

(iii) Washington state's health record bank pilot projects are testing a new model of patient controlled electronic health records in three geographic regions of the state. The state has also provided grants to a number of small provider practices to help them implement electronic health records;

(iv) Efforts are underway to ensure that the people of Washington state have a medical home, with primary care providers able to understand their needs, meet their care needs effectively, better manage their chronic illnesses, and coordinate their care across the health care system. These efforts include group health cooperative of Puget Sound's medical home projects, care collaboratives sponsored by the state department of health, state agency chronic care management pilot projects; development of

apple health for kids health improvement measures as indicators of children having a medical home, and implementation of medical home reimbursement pilot projects under Substitute Senate Bill No. 5891 and Second Substitute House Bill No. 2114, if enacted by the 2009 legislature; and

(v) Health care providers, purchasers, the state, and private quality improvement organizations are partnering to undertake numerous patient safety efforts, including hospital and ambulatory surgery center adverse events reporting, with root cause analysis to identify actions to be undertaken to prevent further adverse events; reporting of hospital acquired infections and undertaking efforts to reduce the rate of these infections; developing a surgical care outcomes assessment program that includes a presurgery checklist to reduce medical errors, and developing a patient decision aid pilot to more fully inform patients of the risks and benefits of treatment alternatives, decrease unnecessary procedures and variation in care, and provide increased legal protection to physicians whose patients use a patient decision aid to provide informed consent.

NEW SECTION, Sec. 3. (1) Beginning October 1, 2009, the governor shall convene quarterly meetings of the Washington health partnership advisory group. The advisory group will review progress and provide input related to further actions that can be taken in both the public and private sectors to implement the principles stated in section 2 of this act and the findings of the governor's blue ribbon commission on health reform. The membership of the advisory group shall include:

(a) Two members of the house of representatives and two members of the senate, representing the majority and minority caucuses of each body;

(b) The insurance commissioner;

(c) The secretary of the department of social and health services, the administrator of the health care authority, the director of the department of labor and industries, and the director of the office of financial management;

(d) Members of the forum, the Puget Sound health alliance, and the healthy Washington coalition, who will ensure that the perspectives of employers, providers, health carriers, labor organizations, and consumers are actively involved in the group.

(2) The advisory group shall monitor the status and outcomes of activities at the state level with respect to their impact on access to affordable health care, cost containment and quality of care including, but not limited to:

(a) The programs and efforts described in section 2(2) of this act;

(b) Medicaid waivers submitted under sections 4 and 5 of this act; and

(c) Efforts to consolidate state health purchasing and streamline administration of the purchasing.

(3) The advisory group shall monitor the progress of health care reform legislation at the federal level, with the goal of aligning state health care activities so that the state is poised to participate in federal health care reform. If federal legislation is enacted that offers states the opportunity to undertake health care reform demonstration efforts, the governor, with the advice of the group established under this section, should actively seek to participate as a demonstration site.

(4) In its deliberations, the advisory group shall consider recent reports that have analyzed various health care reform proposals in Washington state.

NEW SECTION, Sec. 4. (1) The department shall submit a section 1115 demonstration waiver request to the federal department of health and human services to expand and revise the medical assistance program as codified in Title XIX of the federal social security act. The waiver request should be designed to ensure the broadest federal financial participation under Title XIX and XXI of the federal social security act. To the extent permitted under federal law, the waiver request should include the following components:

(a) Establishment of a single eligibility standard for low-income persons, including expansion of categorical eligibility to include childless adults. The department shall request that the single eligibility standard be phased in such that incremental steps are taken to cover additional low-income parents and individuals over time, with the goal of offering coverage to persons with household income at or below two hundred percent of the federal poverty level;

(b) Establishment of a single seamless application and eligibility determination system for all state low-income medical programs included in the waiver. Applications may be electronic and may include an electronic signature for verification and authentication. Eligibility determinations should maximize federal financing where possible;

(c) The delivery of all low-income coverage programs as a single program, with a common core benefit package that may be similar to the basic health benefit package or an alternative benefit package approved by the secretary of the federal department of health and human services, including the option of supplemental coverage for select categorical groups, such as children, and individuals who are aged, blind, and disabled;

(d) A program design to include creative and innovative approaches such as: Coverage for preventive services with incentives to use appropriate preventive care; enhanced medical home reimbursement and bundled payment methodologies; cost-sharing options; use of care management and care coordination programs to improve coordination of medical and behavioral health services; application of an innovative predictive risk model to better target care management services; and mandatory enrollment in managed care, as may be necessary;

(e) The ability to impose enrollment limits or benefit design changes for eligibility groups that were not eligible under the Title XIX state plan in effect on the date of submission of the waiver application;

(f) A premium assistance program whereby employers can participate in coverage options for employees and dependents of employees otherwise eligible under the waiver. The waiver should make every effort to maximize enrollment in employer-sponsored health insurance when it is cost-effective for the state to do so, and the purchase is consistent with the requirements of Titles XIX and XXI of the federal social security act. To the extent allowable under federal law, the department shall require enrollment in available employer-sponsored coverage as a condition of eligibility for coverage under the waiver; and

(g) The ability to share savings that might accrue to the federal medicare program, Title XVIII of the federal social security act, from improved care management for persons who are eligible for both medicare and medicaid. Through the waiver application process, the department shall determine whether the state could serve, directly or by contract, as a medicare special needs plan for persons eligible for both medicare and medicaid.

(2) The department shall hold ongoing stakeholder discussions as it is developing the waiver request, and provide opportunities for public review and comment as the request is being developed.

(3) The department and the health care authority shall identify statutory changes that may be necessary to ensure successful and timely implementation of the waiver request as submitted to the federal department of health and human services as the apple health program for adults.

(4) The legislature must authorize implementation of any waiver approved by the federal department of health and human services under this section.

NEW SECTION, Sec. 5. The department shall continue to submit applications for the family planning waiver program.

(1) The department shall submit a request to the federal department of health and human services to amend the current family planning waiver program as follows:

(a) Provide coverage for sexually transmitted disease testing and treatment;

(b) Return to the eligibility standards used in 2005 including, but not limited to, citizenship determination based on declaration or matching with federal social security databases, insurance eligibility standards comparable to 2005, and confidential service availability for minors and survivors of domestic and sexual violence; and

(c) Increase income eligibility to two hundred fifty percent of the federal poverty level, to correspond with income eligibility for publicly funded maternity care services.

(2) The implementation of subsection (1)(c) of this section is subject to funds provided specifically for this purpose.

NEW SECTION, Sec. 6. Sections 2 and 3 of this act are each added to chapter 43.06 RCW.

NEW SECTION, Sec. 7. Sections 4 and 5 of this act are each added to chapter 74.09 RCW."
Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Referred to Committee on Health & Human Services Appropriations.

March 27, 2009

SSB 5963 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding unemployment insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass as amended:

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.29.021 and 2008 c 323 s 2 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050(~~(2)~~) (1)(b)(i) or (2)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(~~(2)~~) (1)(b) (v) through (x) or (2)(b) (v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer. However, when a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork-related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050(~~(2)~~) (1)(b) (iv) or (xi) or (2)(b) (iv) or (xi), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (3)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility.

This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.06 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 2. RCW 50.29.025 and 2007 c 51 s 1 are each amended to read as follows:

(1) (~~Except as provided in subsection (2) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this subsection.~~

~~(a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.~~

~~(b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (c) of this subsection shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:~~

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A

1.70 to 2.09	B
1.40 to 1.69	€
1.00 to 1.39	Ð
0.70 to 0.99	E
Less than 0.70	F

(c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (i) Identification number; (ii) benefit ratio; (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (v) the percentage equivalent of the cumulative total of taxable payrolls.

(d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (c) of this subsection: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls		Rate Class	Schedules of Contributions Rates for Effective Tax Schedule						
From	To		AA	A	B	€	Ð	E	F
0.00	5.00	1	0.47	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10.00	2	0.47	0.47	0.77	1.17	1.67	2.07	2.67
10.01	15.00	3	0.57	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20.00	4	0.57	0.73	1.11	1.51	1.90	2.40	2.98
20.01	25.00	5	0.72	0.92	1.30	1.70	2.09	2.59	3.08
25.01	30.00	6	0.91	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1.00	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.19	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.37	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.56	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.84	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2.03	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.22	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.40	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.87	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90.00	18	3.67	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.07	4.27	4.57	4.97	5.07	5.17	5.37
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.40	5.40

(f) The contribution rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year; and

(ii) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent.

(2) Beginning with) For contributions assessed for rate years 2005 through 2009, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio	Rate Class	Rate (percent)
At least	Less than	
0.000001	0.000001	1 0.00
0.001250	0.001250	2 0.13
0.002500	0.002500	3 0.25
0.003750	0.003750	4 0.38
0.005000	0.005000	5 0.50
0.006250	0.006250	6 0.63
0.007500	0.007500	7 0.75
0.008750	0.008750	8 0.88

0.008750	0.010000	9	1.00
0.010000	0.011250	10	1.15
0.011250	0.012500	11	1.30
0.012500	0.013750	12	1.45
0.013750	0.015000	13	1.60
0.015000	0.016250	14	1.75
0.016250	0.017500	15	1.90
0.017500	0.018750	16	2.05
0.018750	0.020000	17	2.20
0.020000	0.021250	18	2.35
0.021250	0.022500	19	2.50
0.022500	0.023750	20	2.65
0.023750	0.025000	21	2.80
0.025000	0.026250	22	2.95
0.026250	0.027500	23	3.10
0.027500	0.028750	24	3.25
0.028750	0.030000	25	3.40
0.030000	0.031250	26	3.55
0.031250	0.032500	27	3.70
0.032500	0.033750	28	3.85
0.033750	0.035000	29	4.00
0.035000	0.036250	30	4.15
0.036250	0.037500	31	4.30
0.037500	0.040000	32	4.45
0.040000	0.042500	33	4.60
0.042500	0.045000	34	4.75
0.045000	0.047500	35	4.90
0.047500	0.050000	36	5.05
0.050000	0.052500	37	5.20
0.052500	0.055000	38	5.30
0.055000	0.057500	39	5.35
0.057500		40	5.40

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (~~((2))~~) (1)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (~~((2))~~) (1)(b) shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least twelve months but less than fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent, except that, for employers in rate class 1, the minimum shall be forty-five hundredths of one percent.

(ii)(A) Except as provided in (b)(ii)(B) of this subsection, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed six percent through rate year 2007 and may not exceed five and seven-tenths percent for rate years 2008 and (~~(thereafter)~~) 2009:

(I) Rate class 1 - 78 percent;

(II) Rate class 2 - 82 percent;

(III) Rate class 3 - 86 percent;

(IV) Rate class 4 - 90 percent;

(V) Rate class 5 - 94 percent;

(VI) Rate class 6 - 98 percent;

(VII) Rate class 7 - 102 percent;

(VIII) Rate class 8 - 106 percent;

(IX) Rate class 9 - 110 percent;

(X) Rate class 10 - 114 percent;

(XI) Rate class 11 - 118 percent; and

(XII) Rate classes 12 through 40 - 120 percent.

(B) For contributions assessed beginning July 1, 2005, through December 31, 2007, for employers whose North American industry classification system code is "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," the graduated social cost factor rate is zero.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(d) For all other employers not qualified to be in the array:

(i) For rate years 2005, 2006, and 2007:

(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40; and

(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) ~~((Beginning with))~~ For contributions assessed for rate years 2008 and 2009:

(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;

(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection; and

(C) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (c) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one-hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:

	History Ratio		History Factor (percent)
(I)	At least	Less than	
(II)	.95	.95	90
(III)	1.05	1.05	100
			115

(2) For contributions assessed in rate year 2010 and thereafter, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio		Rate Class	Rate (percent)
At least	Less than		
	0.000001	1	0.00
0.000001	0.001250	2	0.11
0.001250	0.002500	3	0.22
0.002500	0.003750	4	0.33
0.003750	0.005000	5	0.43
0.005000	0.006250	6	0.54
0.006250	0.007500	7	0.65
0.007500	0.008750	8	0.76
0.008750	0.010000	9	0.88
0.010000	0.011250	10	1.01
0.011250	0.012500	11	1.14
0.012500	0.013750	12	1.28
0.013750	0.015000	13	1.41
0.015000	0.016250	14	1.54
0.016250	0.017500	15	1.67
0.017500	0.018750	16	1.80
0.018750	0.020000	17	1.94

<u>0.020000</u>	<u>0.021250</u>	<u>18</u>	<u>2.07</u>
<u>0.021250</u>	<u>0.022500</u>	<u>19</u>	<u>2.20</u>
<u>0.022500</u>	<u>0.023750</u>	<u>20</u>	<u>2.38</u>
<u>0.023750</u>	<u>0.025000</u>	<u>21</u>	<u>2.50</u>
<u>0.025000</u>	<u>0.026250</u>	<u>22</u>	<u>2.63</u>
<u>0.026250</u>	<u>0.027500</u>	<u>23</u>	<u>2.75</u>
<u>0.027500</u>	<u>0.028750</u>	<u>24</u>	<u>2.88</u>
<u>0.028750</u>	<u>0.030000</u>	<u>25</u>	<u>3.00</u>
<u>0.030000</u>	<u>0.031250</u>	<u>26</u>	<u>3.13</u>
<u>0.031250</u>	<u>0.032500</u>	<u>27</u>	<u>3.25</u>
<u>0.032500</u>	<u>0.033750</u>	<u>28</u>	<u>3.38</u>
<u>0.033750</u>	<u>0.035000</u>	<u>29</u>	<u>3.50</u>
<u>0.035000</u>	<u>0.036250</u>	<u>30</u>	<u>3.63</u>
<u>0.036250</u>	<u>0.037500</u>	<u>31</u>	<u>3.75</u>
<u>0.037500</u>	<u>0.040000</u>	<u>32</u>	<u>4.00</u>
<u>0.040000</u>	<u>0.042500</u>	<u>33</u>	<u>4.25</u>
<u>0.042500</u>	<u>0.045000</u>	<u>34</u>	<u>4.50</u>
<u>0.045000</u>	<u>0.047500</u>	<u>35</u>	<u>4.75</u>
<u>0.047500</u>	<u>0.050000</u>	<u>36</u>	<u>5.00</u>
<u>0.050000</u>	<u>0.052500</u>	<u>37</u>	<u>5.15</u>
<u>0.052500</u>	<u>0.055000</u>	<u>38</u>	<u>5.25</u>
<u>0.055000</u>	<u>0.057500</u>	<u>39</u>	<u>5.30</u>
<u>0.057500</u>		<u>40</u>	<u>5.40</u>

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least ten months but less than eleven months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least eleven months but less than twelve months of unemployment benefits, the minimum shall be forty-five hundredths of one percent; or

(III) At least twelve months but less than thirteen months of unemployment benefits, the minimum shall be four-tenths of one percent; or

(IV) At least thirteen months but less than fifteen months of unemployment benefits, the minimum shall be thirty-five hundredths of one percent; or

(V) At least fifteen months but less than seventeen months of unemployment benefits, the minimum shall be twenty-five hundredths of one percent; or

(VI) At least seventeen months but less than eighteen months of unemployment benefits, the minimum shall be fifteen hundredths of one percent; or

(VII) At least eighteen months of unemployment benefits, the minimum shall be fifteen hundredths of one percent through rate year 2011 and shall be zero thereafter.

(ii) The graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed five and four-tenths percent:

(A) Rate class 1 - 78 percent;

(B) Rate class 2 - 82 percent;

(C) Rate class 3 - 86 percent;

(D) Rate class 4 - 90 percent;

(E) Rate class 5 - 94 percent;

(F) Rate class 6 - 98 percent;

(G) Rate class 7 - 102 percent;

(H) Rate class 8 - 106 percent;

(I) Rate class 9 - 110 percent;

(J) Rate class 10 - 114 percent;

(K) Rate class 11 - 118 percent; and

(L) Rate classes 12 through 40 - 120 percent.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(d) For all other employers not qualified to be in the array:

(i) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;

(ii) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection; and

(iii) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (c) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one-hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:

	<u>History Ratio</u>		<u>History Factor (percent)</u>
	<u>At least</u>	<u>Less than</u>	
<u>(A)</u>	<u>.95</u>	<u>.95</u>	<u>90</u>
<u>(B)</u>	<u>.95</u>	<u>1.05</u>	<u>100</u>
<u>(C)</u>	<u>1.05</u>		<u>115</u>

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found ((in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or) in the North American industry classification system code.

Sec. 3. RCW 50.20.050 and 2008 c 323 s 1 are each amended to read as follows:

(1) ((With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices;

and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

~~(2))~~ With respect to claims that have an effective date on or after January 4, 2004, and separations that occur before September 6, 2009: (a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

- (i) The duration of the work;
- (ii) The extent of direction and control by the employer over the work; and
- (iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii)(A) With respect to claims that have an effective date before July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (1) Is outside the existing labor market area; and (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (II) remained employed as long as was reasonable prior to the move;

(B) With respect to claims that have an effective date on or after July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the existing labor market area; and (II) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after September 6, 2009:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs;

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program;
or

(xii) The individual left work because continuing in employment would work an unreasonable hardship on the individual. "Unreasonable hardship" means a result not due to the individual's voluntary action that would cause a reasonable person to leave that employment. The circumstances must be based on existing facts, not conjecture, and the reasons for leaving work must be significant. An individual seeking to demonstrate unreasonable hardship must show that:

(A) The individual left work primarily for reasons connected with his or her employment;

(B) The work-connected reasons were of such a compelling nature they would have caused a reasonably prudent person to leave work;
and

(C) The individual first exhausted all reasonable alternatives before leaving work, unless pursuing reasonable alternatives would have been futile.

Sec. 4. RCW 50.20.120 and 2009 c 3 s 3 are each amended to read as follows:

Except as provided in RCW 50.20.--- (section 2, chapter 3, Laws of 2009), benefits shall be payable as provided in this section.

(1) For claims with an effective date on or after April 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date on or after April 24, 2005, and before January 3, 2010, an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) For claims with an effective date on or after January 3, 2010, and before January 3, 2016:

(i) Except as provided in (b)(ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(ii) An individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest if the commissioner determines that:

(A) Additional compensation is payable pursuant to section 2002 of the American recovery and reinvestment act of 2009 or a substantially similar federal law, or pursuant to RCW 50.20.--- (section 2, chapter 3, Laws of 2009), or a substantially similar state law; or

(B) The balance in the unemployment compensation fund is an amount that will provide fewer than eight months of unemployment benefits.

(c) For claims with an effective date on or after January 3, 2016, an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a) The maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Passed to Committee on Rules for second reading.

March 27, 2009

SSB 5973 Prime Sponsor, Committee on Ways & Means: Closing the achievement gap in K-12 schools. Reported by Committee on Education

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap than in legislation and to affirm the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender."

Correct the title.

Signed by Representatives Quall, Chair; Probst, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Cox; Dammeier; Hunt; Johnson; Liias; Maxwell; Orwall; Santos and Sullivan.

Referred to Committee on Education Appropriations.

March 25, 2009

SSB 5987 Prime Sponsor, Committee on Human Services & Corrections: Authorizing the Washington state department of corrections to develop training for corrections personnel. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

March 26, 2009

SB 5989 Prime Sponsor, Senator Sheldon: Regarding the greenhouse gas emissions performance standard under chapter 80.80 RCW. Reported by Committee on Technology, Energy & Communications

MAJORITY recommendation: Do pass. Signed by Representatives McCoy, Chair; Eddy, Vice Chair; Crouse, Ranking Minority Member; Haler, Assistant Ranking Minority Member; Carlyle; Condotta; DeBolt; Finn; Hasegawa; Herrera; Hudgins; Jacks; McCune; Takko and Van De Wege.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 6009 Prime Sponsor, Committee on Health & Long-Term Care: Concerning long-term care facilities. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION, Sec. 1.** A new section is added to chapter 70.129 RCW to read as follows:

(1) A long-term care facility must fully disclose to residents the facility's policy on accepting medicaid as a payment source. The policy shall clearly state the circumstances under which the facility provides care for medicaid eligible residents and for residents who may later become eligible for medicaid.

(2) The policy under this section must be provided to residents orally and in writing prior to admission, in a language that the resident or the resident's representative understands. The written policy must be in type font no smaller than fourteen point and written on a page that is separate from other documents. The policy must be signed and dated by the resident or the resident's representative, if the resident lacks capacity. The facility must retain a copy of the disclosure. Current residents must receive a copy of the policy consistent with this section by the effective date of this act."

Correct the title.

Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 6019 Prime Sponsor, Committee on Health & Long-Term Care: Concerning employee wellness programs. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Ericksen, Ranking Minority Member; Bailey; Campbell; Clibborn; Green; Herrera; Hinkle; Kelley; Moeller; Morrell and Pedersen.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 6024 Prime Sponsor, Committee on Human Services & Corrections: Addressing applications for public assistance from persons currently ineligible to receive assistance. Reported by Committee on Human Services

MAJORITY recommendation: Do pass. Signed by Representatives Dickerson, Chair; Orwall, Vice Chair; Dammeier, Ranking Minority Member; Green; Klippert; Morrell; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

March 26, 2009

ESB 6033 Prime Sponsor, Senator Berkey: Creating the prevent or reduce owner-occupied foreclosure program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.320.160 and 2008 c 322 s 1 are each amended to read as follows:

(1) The ((smart homeownership choices)) prevent or reduce owner-occupied foreclosure program is created in the department to

assist ~~((low-income and moderate-income households, as defined in RCW 84.14.010;))~~ borrowers facing foreclosure in achieving work-outs, loan modifications, or other results that keep them in their homes. The borrowers are households, families, and individuals who are residents of Washington state, with an emphasis on borrowers with incomes up to one hundred forty percent of median income level of the county in which the borrower resides.

(2) The department shall enter into an interagency agreement with the Washington state housing finance commission to implement and administer this program with moneys from the account created in RCW 43.320.165. The Washington state housing finance commission will request funds from the department as needed to implement and operate the program.

(3) The commission shall, under terms and conditions to be determined by the commission, in consultation with the department, assist homeowners who are ((delinquent on their mortgage payments to bring their mortgage payments current in order to refinance into a different loan product)) facing foreclosure in achieving work-outs, loan modifications, or other results that keep them in their homes. ((Financial assistance received by homeowners under this chapter shall be repaid at the time of refinancing into a different loan product. Homeowners receiving financial assistance shall also agree to partake in a residential mortgage counseling program.)) Moneys may also be used for outreach activities to raise awareness of this program; creating and maintaining a pool of volunteers consisting of attorneys, accountants, banking professionals, mortgage brokers, housing counselors, and other relevant professionals who participate in the program as needed and without compensation to provide advice and representation to the borrower in achieving work-outs, loan modifications, or other results that keep them in their homes; and administering assignments of volunteers to borrowers in the most productive manner. Not more than four percent of the total appropriation for this program may be used for administrative expenses of the department and the commission.

(4) The commission must provide an annual report to the legislature at the end of each fiscal year of program operation. The report must include information ~~((including the total number of households seeking help to resolve mortgage delinquency, the number of program participants that successfully avoided foreclosure, and the number of program participants who refinanced a home, including information on the terms of both the new loan product and the product out of which the homeowner refinanced))~~ determined by the prevent or reduce owner-occupied foreclosure oversight committee established under section 4 of this act to be useful in assessing the success of the program. The commission shall establish and report upon performance measures, including measures to gauge program efficiency and effectiveness and customer satisfaction.

(5) For the purposes of this section, "work-out" means an agreement made between the borrower and the mortgagee or beneficiary under a deed of trust, or with the authorized agent of the mortgagee or beneficiary, that results in the borrower's continued residence in the mortgaged residential property.

Sec. 2.

RCW 43.320.165 and 2008 c 322 s 2 are each amended to read as follows:

The ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program account is created in the custody of the state treasurer. All receipts from the appropriation in section 4, chapter 322, Laws of 2008 as well as receipts from private contributions and all other sources that are specifically designated for the ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program must be deposited into the account. Expenditures from the account may be used solely for the purpose of preventing or reducing owner-occupied foreclosures through the ((smart homeownership choices)) prevent or reduce owner-occupied foreclosure program as described in RCW 43.320.160. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 3. RCW 43.320.170 and 2008 c 322 s 3 are each amended to read as follows:

The Washington state housing finance commission shall ~~((only))~~ serve ((low-income)) households, ((as defined in RCW 84.14.010;)) families, and individuals who are residents of Washington state, with an emphasis on borrowers with incomes up to one hundred forty percent of the median income level of the county in which the borrower resides, through the ((smart homeownership choices)) prevent or reduce owner-occupied foreclosure program described in RCW 43.320.160 using state appropriated general funds in the ~~((smart homeownership choices))~~ prevent or reduce owner-occupied foreclosure program account created in RCW 43.320.165 ~~((;))~~ and contributions from private and other sources ((to the account may be used to serve both low-income and moderate-income households, as defined in RCW 84.14.010, through the smart homeownership choices program)).

NEW SECTION. Sec. 4. A new section is added to chapter 43.320 RCW to read as follows:

(1) The housing finance commission shall establish a prevent or reduce owner-occupied foreclosure oversight committee to consist of:

- (a) One member from each of the two largest caucuses of the senate, appointed by the president of the senate;
- (b) One member from each of the two largest caucuses of the house of representatives, appointed by the speaker of the house of representatives;
- (c) The director of the department of financial institutions as an ex officio member;
- (d) The executive director of the housing finance commission as an ex officio member;
- (e) A representative of the Washington state bar association;
- (f) A representative of the office of civil legal aid;
- (g) A representative of a banker's association;
- (h) A representative of the Washington state board of accountancy;
- (i) A representative of community banks;
- (j) A representative of mortgage brokers;
- (k) A representative of housing counselors; and
- (l) A representative of credit unions.

(2) The members of the prevent or reduce owner-occupied foreclosure oversight committee shall serve without compensation.

(3) The prevent or reduce owner-occupied foreclosure oversight committee shall serve as the housing finance commission's principal advisory body on the prevent or reduce owner-occupied foreclosure program, and must:

- (a) Develop criteria for success of the program that may include: Number of borrowers served; number of work-outs achieved; amount of homeowner funds received for homeowner stabilization; and number of volunteer professionals participating;
- (b) Periodically evaluate the effectiveness of the program according to the criteria developed under (a) of this subsection;
- (c) Develop and maintain an inventory of state and federal housing assistance programs directed to stabilize owner-occupied homes; and
- (d) Coordinate all state efforts related to prevention or reduction of owner-occupied foreclosures.

(4) Any of the duties under subsection (3) of this section may be delegated to the executive director of the housing finance commission.

(5) The prevent or reduce owner-occupied foreclosure oversight committee shall meet regularly.

(6) The housing finance commission must provide information and assistance as requested for the prevent or reduce owner-occupied foreclosure oversight committee to carry out its duties under this section.

(7) Staff support for the committee must be provided by the housing finance commission.

NEW SECTION. Sec. 5. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2011:

1.1.1.1. RCW 43.320.160 (Smart homeownership choices program--Report) and section 1 of this act & 2008 c 322 s 1;

1.1.1.2. RCW 43.320.165 (Smart homeownership choices program account) and section 2 of this act & 2008 c 322 s 2;

1.1.1.3. RCW 43.320.170 (Smart homeownership choices program--Expenditures--Low-income households--Moderate-income households) and section 3 of this act & 2008 c 322 s 3; and

(4) Section 4 of this act."

Correct the title.

Signed by Representatives Kirby, Chair; Kelley, Vice Chair; Bailey, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Hurst; McCoy; Nelson; Roach; Rodne; Santos and Simpson.

Passed to Committee on Rules for second reading.

March 27, 2009

ESSB 6035 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning retrospective rating plans. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Green; Moeller and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Condotta, Ranking Minority Member; Chandler and Crouse.

Referred to Committee on Health & Human Services Appropriations.

March 27, 2009

ESSB 6037 Prime Sponsor, Committee on Government Operations & Elections: Removing oversight of the department of licensing from specific businesses and professions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Conway, Chair; Wood, Vice Chair; Condotta, Ranking Minority Member; Chandler; Crouse; Green; Moeller and Williams.

Referred to Committee on General Government Appropriations.

March 26, 2009

SB 6053 Prime Sponsor, Senator Fraser: Establishing a pilot program to provide access to personal hygiene and cleaning products. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Bailey; Herrera and Hinkle.

Referred to Committee on General Government Appropriations.

March 25, 2009

SB 6068 Prime Sponsor, Senator Swecker: Modifying the definition of "conviction" for the purposes of the uniform commercial driver's license act. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Cox; Driscoll; Finn; Flannigan; Johnson; Klippert; Rolfes; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Eddy; Ericksen; Herrera; Kristiansen; Moeller and Shea.

Passed to Committee on Rules for second reading.

March 25, 2009

SSB 6095 Prime Sponsor, Committee on Transportation: Clarifying that retirement costs continue to be authorized as a charge included in the Puget Sound pilotage district tariff. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 88.16.035 and 2008 c 128 s 2 are each amended to read as follows:

(1) The board of pilotage commissioners shall:

(a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the enforcement and administration of this chapter;

(b)(i) Issue training licenses and pilot licenses to pilot applicants meeting the qualifications provided for in RCW 88.16.090 and such additional qualifications as may be determined by the board;

(ii) Establish a comprehensive training program to assist in the training and evaluation of pilot applicants before final licensing; and

(iii) Establish additional training requirements, including a program of continuing education developed after consultation with pilot organizations, including those located within the state of Washington, as required to maintain a competent pilotage service;

(c) Maintain a register of pilots, records of pilot accidents, and other history pertinent to pilotage;

(d) Determine from time to time the number of pilots necessary to be licensed in each district of the state to optimize the operation of a safe, fully regulated, efficient, and competent pilotage service in each district;

(e) Annually fix the pilotage tariffs for pilotage services ~~((performed aboard vessels as required by))~~ provided under this chapter: PROVIDED, That the board may fix extra compensation for extra services to vessels in distress, for awaiting vessels, for all vessels in direct transit to or from a Canadian port where Puget Sound pilotage is required for a portion of the voyage, or for being carried to sea on vessels against the will of the pilot, and for such other services as may be determined by the board; PROVIDED FURTHER, That as an element of the Puget Sound pilotage district tariff, the board may consider pilot retirement plan expenses incurred in the prior year in either pilotage district. However, under no circumstances shall the state be obligated to fund or pay for any portion of retirement payments for pilots or retired pilots;

(f) File annually with the governor and the chairs of the transportation committees of the senate and house of representatives a report which includes, but is not limited to, the following: The number, names, ages, pilot license number, training license number, and years of service as a Washington licensed pilot of any person licensed by the board as a Washington state pilot or trainee; the names, employment, and other information of the members of the board; the total number of pilotage assignments by pilotage district, including information concerning the various types and sizes of vessels and the total annual tonnage; the annual earnings or stipends of individual pilots and trainees before and after deduction for expenses of pilot organizations, including extra compensation as a separate category; the annual expenses of private pilot associations, including personnel employed and capital expenditures; the status of pilotage tariffs, extra compensation, and travel; the retirement contributions paid to pilots and the disposition thereof; the number of groundings, marine occurrences, or other incidents which are reported to or investigated by the board, and which are determined to be accidents, as defined by the board, including the vessel name, location of incident, pilot's or trainee's name, and disposition of the case together with information received before the board acted from all persons concerned, including the United States coast guard; the

names, qualifications, time scheduled for examinations, and the district of persons desiring to apply for Washington state pilotage licenses; summaries of dispatch records, quarterly reports from pilots, and the bylaws and operating rules of pilotage organizations; the names, sizes in deadweight tons, surcharges, if any, port of call, name of the pilot or trainee, and names and horsepower of tug boats for any and all oil tankers subject to the provisions of RCW 88.16.190 together with the names of any and all vessels for which the United States coast guard requires special handling pursuant to their authority under the Ports and Waterways Safety Act of 1972; the expenses of the board; and any and all other information which the board deems appropriate to include;

(g) Make available information that includes the pilotage act and other statutes of Washington state and the federal government that affect pilotage, including the rules of the board, together with such additional information as may be informative for pilots, agents, owners, operators, and masters;

(h) Appoint advisory committees and employ marine experts as necessary to carry out its duties under this chapter;

(i) Provide for the maintenance of efficient and competent pilotage service on all waters covered by this chapter; and do such other things as are reasonable, necessary, and expedient to insure proper and safe pilotage upon the waters covered by this chapter and facilitate the efficient administration of this chapter.

(2) The board may pay stipends to pilot trainees under subsection (1)(b) of this section."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Shea; Simpson; Takko; Uptegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Eddy and Springer.

Passed to Committee on Rules for second reading.

March 23, 2009

SJM 8006 Prime Sponsor, Senator Zarelli: Requesting that state route number 502 be named the "Battle Ground Highway" and that a portion of state route number 503 be named the "Lewisville Highway." Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Flannigan; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Uptegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

March 26, 2009

SJM 8012 Prime Sponsor, Senator Fraser: Urging adoption of a treaty fighting discrimination against women. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Flannigan; Kelley; Kirby; Ormsby and Roberts.

MINORITY recommendation: Do not pass. Signed by Representatives Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009

SJM 8013 Prime Sponsor, Senator Keiser: Calling on Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance. Reported by Committee on Health Care & Wellness

MAJORITY recommendation: Do pass. Signed by Representatives Cody, Chair; Driscoll, Vice Chair; Bailey; Campbell; Clibborn; Green; Kelley; Moeller; Morrell and Pedersen.

MINORITY recommendation: Do not pass. Signed by Representatives Ericksen, Ranking Minority Member; Herrera and Hinkle.

Passed to Committee on Rules for second reading.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

March 27, 2009

HB 2315 Prime Sponsor, Representative Takko: Regarding forest fire protection assessment refunds. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Blake, Chair; Jacks; Liias; McCoy; Nelson; Ormsby and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Pearson and Warnick.

Referred to Committee on General Government Appropriations.

March 27, 2009

SB 5002 Prime Sponsor, Senator Jacobsen: Creating the Washington heritage livestock and poultry breed recognition program. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that preserving genetic diversity of animal species is of high interest to the public. The development of livestock and poultry species commenced centuries ago through domestication and breeding of what had been wild animal species. Through the ages, many species of food animals have been transported from one region or continent to another and distinct and recognizable breeds of these species have developed. The legislature finds that the historic livestock and poultry breeds retain different and unique genetic attributes including factors that can affect fertility, foraging ability, longevity, maternal instincts, and resistance to diseases and parasites.

As some specialized breeds have become favored in modern food production systems, competitive market forces have caused others to diminish or become extinct. When a breed is lost, the unique genetic attributes are not retrievable. The legislature finds that sufficient mechanisms currently do not exist to support the continued survival of some of the declining breeds.

The purpose of this act is to establish a nonregulatory incentive-based program to encourage owners of rare and diminishing species of livestock and poultry to continue rearing these animals. It is the intent of the legislature to establish procedures to provide recognition to owners of animals as heritage livestock and poultry and thereby increase public awareness of their contribution toward the perpetuation of rare and declining breeds.

NEW SECTION, Sec. 2. (1) The Washington heritage livestock and poultry breed recognition program is hereby created in the department of archaeology and historic preservation.

(2) The director shall establish a heritage livestock and poultry breed recognition program. To apply for recognition, an animal owner may submit an application form to the department that includes the breed of the livestock or poultry, photos of the animals, a brief history of the livestock or poultry breed including the breed's origin, and its interesting and unique characteristics. The department may use as a general guide for the recognition program, the species of livestock and poultry that are designated as "critical," "threatened," or "watch" on the conservation priority list established by the American livestock breeds conservancy. Persons owning livestock or poultry of breeds not included on these lists may submit supplemental information regarding the breed's status as a rare or diminishing breed for consideration by the department for possible designation as a heritage livestock or poultry breed.

(3) The department shall (a) periodically issue recognition awards to the owners of the animals designated under subsection (2) of this section and (b) maintain a web site that includes pictures and a short description of animals on the heritage livestock and poultry breed registry.

(4) This section expires July 1, 2011.

NEW SECTION, Sec. 3. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Jacks; Kretz; Liias; McCoy and Ormsby.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Nelson; Pearson; Van De Wege and Warnick.

Referred to Committee on General Government Appropriations.

March 27, 2009

SSB 5005 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding naturally raised beef cattle. Reported by Committee on Agriculture & Natural Resources

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of agriculture.

(2) "Director" means the director of the department of agriculture or the director's designee.

(3) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(4) "Represent" means to hold out as or to advertise.

(5) "Sell" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

NEW SECTION, Sec. 2. (1) The department may administer a program to certify beef cattle from Washington as either Washington-certified naturally raised beef cattle or Washington-certified naturally raised grass-fed beef cattle.

(2) To qualify as Washington-certified naturally raised beef cattle, cattle must be born and raised in Washington and raised and finished in compliance with "United States standards for livestock and meat marketing claims, naturally raised claim for livestock and the meat and meat products derived from such livestock," 74 Fed. Reg. 3541 (2009).

(3) To qualify as Washington-certified naturally raised grass-fed beef cattle, cattle must meet the requirements of subsection (2) of this section and must also be raised and finished in compliance with "United States standards for livestock and meat marketing claims,

grass (forage) fed claim for ruminant livestock and the meat products derived from such livestock," 72 Fed. Reg. 58631 (2007).

NEW SECTION, Sec. 3. The department may adopt rules that:

(1) Specify certification standards, including recordkeeping and verification protocols that require:

(a) Maintaining cattle birth and health records, including vaccine lot numbers, vaccine manufacturers, and vaccination dates; and

(b) At least one inspection of the farm or ranch of origin; and

(2) Establish necessary fees to recover costs of providing certification and inspection or other services.

NEW SECTION, Sec. 4. To be labeled, sold, or represented as beef from either Washington-certified naturally raised beef cattle or Washington-certified naturally raised grass-fed beef cattle, the beef must have been harvested from cattle certified under standards established under this chapter.

NEW SECTION, Sec. 5. All moneys collected under this chapter must be paid to the director, deposited in an account within the agricultural local fund, and used solely for carrying out the purposes of this chapter and rules adopted under this chapter.

NEW SECTION, Sec. 6. The director may enter at reasonable times as determined by the director and inspect any facility and any records required under this chapter. The director may take for inspection those representative samples necessary to determine whether this chapter or rules adopted under this chapter have been violated.

NEW SECTION, Sec. 7. The director may bring an action to enjoin any violation of this chapter or rule adopted under this chapter in the superior court of Thurston county or of any county in which a violation occurs, notwithstanding the existence of other remedies at law.

NEW SECTION, Sec. 8. Any person who violates the provisions of this chapter or rules adopted under this chapter may be subject to:

(1) A civil penalty in an amount of not more than five hundred dollars for each violation; and

(2) Denial, revocation, or suspension of any certification issued under this chapter. Upon notice by the director to deny, revoke, or suspend a certification, a person may request a hearing under chapter 34.05 RCW.

NEW SECTION, Sec. 9. Sections 1 through 8 of this act constitute a new chapter in Title 15 RCW.

NEW SECTION, Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Ormsby; Pearson and Warnick.

MINORITY recommendation: Do not pass. Signed by Representatives Nelson and Van De Wege.

Referred to Committee on General Government Appropriations.

March 26, 2009

SSB 5160 Prime Sponsor, Committee on Judiciary: Concerning service of notice from seizing law enforcement agencies. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 5, line 37, after "seizure" insert "in the case of personal property and within the ninety-day period following service of the notice of seizure in the case of real property"

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 26, 2009
ESB 5200 Prime Sponsor, Senator Brandland: Concerning
 marauding dogs. Reported by Committee on
 Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 16.08.030 and 1929 c 198 s 7 are each amended to read as follows:

It shall be the duty of any person owning or keeping any dog or dogs which shall be found killing any domestic animal to kill such dog or dogs within forty-eight hours after being notified of that fact, and any person failing or neglecting to comply with the provisions of this section shall be deemed guilty of a misdemeanor (~~and it shall be the duty of the sheriff or any deputy sheriff to kill any dog found running at large (after the first day of August of any year and before the first day of March in the following year) without a metal identification tag~~).

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 27, 2009
SSB 5286 Prime Sponsor, Committee on Human Services & Corrections: Regarding exemptions from the WorkFirst program. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.270 and 2007 c 289 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of one year.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section shall not be required to participate in any activities during the first ninety days following the birth of the child. Thereafter, the parent may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

- (a) Mental health treatment;
- (b) Alcohol or drug treatment;
- (c) Domestic violence services; or
- (d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the

client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of twelve months over the parent's lifetime.

(6) The grant to an assistance unit of an eligible parent claiming a good cause exemption under subsection (1)(b) of this section shall not be reduced due to sanction for failure to participate in the activities described under subsection (2) of this section. The department may, however, assign a protective payee when a parent in need of mental health or substance abuse treatment refuses to engage in treatment, and shall continue its efforts to engage parents in appropriate supportive services and treatment programs."

Signed by Representatives Blake, Chair; Grant-Herriot, Vice Chair; Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Jacks; Kretz; Liias; McCoy; Ormsby; Pearson and Warnick.

Referred to Committee on Health & Human Services Appropriations.

March 27, 2009
SSB 5318 Prime Sponsor, Committee on Human Services & Corrections: Adding additional appropriate locations for the transfer of newborn children. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended:

On page 1, beginning on line 11, after "(iii)" strike all material through "(c)" on line 15 and insert "a federally designated rural health clinic during its hours of operation."

(b)"

On page 1, line 17, strike "((c))" (d)" and insert "(c)"

On page 1, line 19, after "or" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 28, after "A" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 31, after "The" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 33, after "hospital," strike "medical clinic" and insert "federally designated rural health clinic"

Beginning on page 2, line 36, after "(4)(a)" strike all material through "sign." on page 3, line 11, and insert "Beginning July 1, 2011, an appropriate location shall post a sign indicating that the location is an option for the safe and legal transfer of a newborn."

(b) To cover the costs of acquiring and placing signs, appropriate locations may accept nonpublic funds and donations."

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

March 27, 2009
ESSB 5321 Prime Sponsor, Committee on Ways & Means: Extending a local sales and use tax that is credited against the state sales and use tax. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.415 and 2006 c 361 s 1 are each amended to read as follows:

(1) The legislative authority of any city (~~with a population less than four hundred thousand and which~~) that is located in a county with a population greater than six hundred thousand that annexes an area consistent with its comprehensive plan required by chapter 36.70A RCW, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the city. The tax may only be imposed by a city if:

(a) The city has commenced annexation of an area (~~under chapter 35.13 or 35A.14 RCW~~) having a population of at least ten thousand people prior to January 1, (~~2010~~) 2015; and

(b) The city legislative authority determines by resolution or ordinance that the projected cost to provide municipal services to the annexation area exceeds the projected general revenue that the city would otherwise receive from the annexation area on an annual basis.

(2) The tax authorized under this section is a credit against the state tax under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the city at no cost to the city and shall remit the tax to the city as provided in RCW 82.14.060.

(3)(a) ~~Except as provided in (b) of this subsection, the maximum rate of tax any city may impose under this section ((shall be 0.2 percent for the total number of annexed areas the city may annex. The rate of the tax imposed under this section)) is:~~

(i) 0.1 percent for each annexed area in which the population ~~((that))~~ is greater than ten thousand and less than twenty thousand (~~The rate of the tax imposed under this section shall be~~); and

(ii) 0.2 percent for an annexed area in which the population is greater than twenty thousand.

(b) The maximum rate of tax imposed under this section is 0.85 percent for an annexed area in which the population is greater than ten thousand and the area is annexed by a city with a population greater than four hundred thousand.

(4)(a) Except as provided in (b) and (c) of this subsection, the maximum cumulative rate of tax a city may impose under subsection (3)(a) of this section is 0.2 percent for the total number of annexed areas the city may annex.

(b) The maximum cumulative rate of tax a city may impose under subsection (3)(a) of this section is 0.3 percent, beginning July 1, 2011, if the city commenced annexation of an area, prior to January 1, 2010, that would have otherwise allowed the city to increase the rate of tax imposed under this section absent the rate limit imposed in (a) of this subsection.

(c) The maximum cumulative rate of tax a city may impose under subsection (3)(b) of this section is 0.85 percent for the single annexed area the city may annex and the amount of tax distributed to a city under subsection (3)(b) of this section shall not exceed five million dollars per fiscal year.

(5) The tax imposed by this section shall only be imposed at the beginning of a fiscal year and shall continue for no more than ten years from the date that each increment of the tax is first imposed. Tax rate increases due to additional annexed areas shall be effective on July 1st of the fiscal year following the fiscal year in which the annexation occurred, provided that notice is given to the department as set forth in subsection ~~((8))~~ (9) of this section.

~~((5))~~ (6) All revenue collected under this section shall be used solely to provide, maintain, and operate municipal services for the annexation area.

~~((6))~~ (7) The revenues from the tax authorized in this section may not exceed that which the city deems necessary to generate revenue equal to the difference between the city's cost to provide, maintain, and operate municipal services for the annexation area and the general revenues that the cities would otherwise expect to receive from the annexation during a year. If the revenues from the tax authorized in this section and the revenues from the annexation area exceed the costs to the city to provide, maintain, and operate municipal services for the annexation area during a given year, the city shall notify the department and the tax distributions authorized in this section shall be suspended for the remainder of the year.

~~((7))~~ (8) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the legislative

authority of a city shall adopt an ordinance that includes the following:

(a) A certification that the amount needed to provide municipal services to the annexed area reflects the city's true and actual costs;

(b) The rate of tax under this section that shall be imposed within the city; and

~~((b))~~ (c) The threshold amount for the first fiscal year following the annexation and passage of the ordinance.

~~((8))~~ (9) The tax shall cease to be distributed to the city for the remainder of the fiscal year once the threshold amount has been reached. No later than March 1st of each year, the city shall provide the department with a certification of the city's true and actual costs to provide municipal services to the annexed area, a new threshold amount for the next fiscal year, and notice of any applicable tax rate changes. Distributions of tax under this section shall begin again on July 1st of the next fiscal year and continue until the new threshold amount has been reached or June 30th, whichever is sooner. Any revenue generated by the tax in excess of the threshold amount shall belong to the state of Washington. Any amount resulting from the threshold amount less the total fiscal year distributions, as of June 30th, shall not be carried forward to the next fiscal year.

(10) The tax shall cease to be distributed to a city imposing the tax under subsection (3)(b) of this section for the remainder of the fiscal year, if the total distributions to the city imposing the tax exceed five million dollars for the fiscal year.

~~((9))~~ (11) The following definitions apply throughout this section unless the context clearly requires otherwise:

(a) "Annexation area" means an area that has been annexed to a city under chapter 35.13 or 35A.14 RCW. "Annexation area" includes all territory described in the city resolution.

(b) "Commenced annexation" means the initiation of annexation proceedings has taken place under the direct petition method or the election method under chapter 35.13 or 35A.14 RCW.

(c) "Department" means the department of revenue.

~~((c))~~ (d) "Municipal services" means those services customarily provided to the public by city government.

~~((d))~~ (e) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(f) "Potential annexation area" means one or more geographic areas that a city has officially designated for potential future annexation, as part of its comprehensive plan adoption process under the state growth management act, chapter 36.70A RCW.

~~((e))~~ (g) "Threshold amount" means the maximum amount of tax distributions as determined by the city in accordance with subsection ~~((6))~~ (7) of this section that the department shall distribute to the city generated from the tax imposed under this section in a fiscal year.

Sec. 2. RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to read as follows:

(1) Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued.

(2) A city or town with a prohibition or limitation on house-banked social card game licenses that annexes an area that is within a county that permits house-banked social card games may allow a house-banked social card game business that existed at the time of annexation to continue operating if the city or town is authorized to impose a tax under RCW 82.14.415 and can demonstrate that the continuation of the house-banked social card game business will reduce the credit against the state sales and use tax as provided in RCW 82.14.415(7). A city or town that allows a house-banked social card game business in an annexed area to continue operating is not required to allow additional house-banked social card game businesses."

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member Parker, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5402 Prime Sponsor, Committee on Judiciary: Regarding the prevention of animal cruelty. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

On page 5, line 9, after "second" insert "or subsequent"

On page 5, line 11, after "has" strike all material through "for" on line 12 and insert "no more than two convictions of animal cruelty and each conviction is for animal"

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 27, 2009

2SSB 5433 Prime Sponsor, Committee on Ways & Means: Modifying provisions of local option taxes. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.450 and 2007 c 380 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. Funds raised under this tax shall not supplant existing funds used for these purposes, except as follows: Up to one hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures. The rate of tax under this section (~~(shall)~~) may not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and (~~(shall)~~) must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section (~~(shall)~~) must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" (~~(means additional police protection, mitigation of~~

~~congested court systems, or relief of overcrowded jails or other local correctional facilities~~) has the same meaning as provided in RCW 82.14.340.

(5) Money received under this section (~~(shall)~~) must be shared between the county and the cities as follows: Sixty percent (~~(shall)~~) must be retained by the county and forty percent (~~(shall)~~) must be distributed on a per capita basis to cities in the county.

Sec. 2. RCW 82.14.460 and 2008 c 157 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing for the operation or delivery of (~~(new or expanded)~~) chemical dependency or mental health treatment programs and services and for the operation or delivery of (~~(new or expanded)~~) therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section (~~(shall not)~~) may be used to supplant existing funding for these purposes (~~(provided that)~~) in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section (~~(shall)~~) may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Sec. 3. RCW 84.55.050 and 2008 c 319 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot

measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used (~~and funds raised under the levy shall not supplant existing funds used for these purposes~~).

(b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection shall not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after the effective date of this act.

(iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after the effective date of this act.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

NEW SECTION. Sec. 4. (1) A county may adopt an ordinance creating a rural public safety and infrastructure district in all of the unincorporated area of the county. The ordinance creating the district may only be adopted after a public hearing has been held on the creation of the district and the county legislative body makes a finding that it is in the public interest to create the district. The members of the county legislative body, acting in an ex officio capacity and independently, shall compose the governing body of a district.

(2) A rural public safety and infrastructure district is a quasi-municipal corporation and an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution.

(3) A rural public safety and infrastructure district shall have the authority to contract under chapter 39.34 RCW with a county, city, town, or other municipality for the provision of services and capital projects within the district.

(4) This section expires January 1, 2015.

NEW SECTION. Sec. 5. (1) A rural public safety and infrastructure district created under section 4 of this act may impose an excise tax on the privilege of engaging in business as a utility. The tax is equal to the gross income derived from providing service

to consumers within the district multiplied by the rate provided in subsection (2) of this section. A district located in a county with a population of one million five hundred thousand or less may not impose an excise tax on the privilege of engaging in business as a gas utility.

(2) A district may not impose a rate of tax that exceeds six percent, except a district located in a county with a population of one million five hundred thousand or less may not impose a rate that exceeds one percent on an electrical power utility.

(3) A rural public safety and infrastructure district must use taxes collected under the authority of this section only for public safety, infrastructure, capital projects, and other services provided within the district.

(4) A utility subject to tax under this section must add the tax to the rates or charges it makes for utility services and separately state the amount of tax on billings.

(5) A rural public safety and infrastructure district may initially impose the tax authorized under this section only on the first day of a calendar quarter and no sooner than seventy-five days from the date the district adopts the ordinance or resolution imposing the tax.

(6) A rural public safety and infrastructure district may provide exemptions for sales by utilities to business customers, such as manufacturing facilities, aircraft repair facilities, industrial parks, industrial facilities, farm businesses, and computer data centers. A district may not provide a general exemption for sales by utilities to residential customers unless business customers are also exempt.

(7) A rural public safety and infrastructure district must allow a credit against the cable service utility tax for any franchise fee paid by the cable service utility to the county.

(8) A rural public safety and infrastructure district must allow a credit against a tax imposed under the authority of this section for the amount of any similar utility tax imposed by a city or town on the same taxable event. The credit required by this subsection may not exceed the amount of tax otherwise due.

(9) A rural public safety and infrastructure district located in a county with a population of one million five hundred thousand or more may not impose the tax authorized under this section after January 1, 2015.

(10) The definitions in this subsection apply to this section.

(a) "Cable service utility" means a person providing cable service as defined in the federal telecommunications act of 1996.

(b) "Electrical power utility" has the same meaning as light and power business as defined in RCW 82.16.010.

(c) "Gas utility" has the same meaning as gas distribution business as defined in RCW 82.16.010.

(d) "Gross income" is defined as provided in RCW 82.16.010.

(e) "Sewer utility" means a sewerage collection business as defined in RCW 82.16.020.

(f) "Solid waste utility" means a solid waste collection business as defined in RCW 82.18.010.

(g) "Telephone utility" means a person providing telecommunications service as defined in RCW 82.04.065.

(h) "Water utility" means a water distribution business as defined in RCW 82.16.010.

(i) "Utility" means an electrical power utility, gas utility, telephone utility, water utility, sewer utility, solid waste utility, or cable service utility. "Utility" also means a water-sewer district formed under Title 57 RCW.

Sec. 6. RCW 36.54.130 and 2007 c 223 s 6 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value, except a ferry district in a county with a population of one million five hundred thousand or more may not levy at a rate that exceeds seven and one-half cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities;

(b) The operation, maintenance, and improvement of ferry vessels and dock facilities;

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs.

NEW SECTION, Sec. 7. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county with a population of one million five hundred thousand or more may impose an additional regular property tax levy in an amount not to exceed seven and one-half cents per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) Any tax imposed under this section shall be used as follows:

(a) Thirteen and one-third percent for expanding transit capacity along state route number 520 by adding core and other supporting bus routes;

(b) The remainder for transit-related expenditures.

(3) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(4) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed under this section.

Sec. 8. RCW 84.52.043 and 2005 c 122 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; ~~(and)~~ (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; and (j) levies by counties for transit-related purposes under section 7 of this act.

Sec. 9. RCW 84.52.010 and 2007 c 54 s 26 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the

respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, ~~(and)~~ 84.52.135, and section 8 of this act, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) The levy imposed by a county under section 8 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district that is protected under RCW 84.52.125 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((b))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((c))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((d))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((e))~~ (f) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((f))~~ (g) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145,

35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

Sec. 10. RCW 47.26.086 and 1994 c 179 s 11 are each amended to read as follows:

(1) Transportation improvement account projects selected for funding programs after fiscal year 1995 are governed by the requirements of this section.

(2) The board shall allocate funds from the account by June 30th of each year for the ensuing fiscal year to urban counties, cities with a population of five thousand and over, and to transportation benefit districts. Projects may include, but are not limited to, multi-agency projects and arterial improvement projects in fast-growing areas. The board shall endeavor to provide geographical diversity in selecting improvement projects to be funded from the account.

(3) The intent of the program is to improve mobility of people and goods in Washington state by supporting economic development and environmentally responsive solutions to our statewide transportation system needs.

(4) To be eligible to receive these funds, a project must be consistent with the Growth Management Act, the Clean Air Act including conformity, and the Commute Trip Reduction Law and consideration must have been given to the project's relationship, both actual and potential, with the statewide rail passenger program and rapid mass transit. Projects must be consistent with any adopted high capacity transportation plan, must consider existing or reasonably foreseeable congestion levels attributable to economic development or growth and all modes of transportation and safety, and must be partially funded by local government or private contributions, or a combination of such contributions. Priority consideration shall be given to those projects with the greatest percentage of local or private contribution, or both.

(5) A city or town located within a county with a population of one million five hundred thousand or more may not qualify for new grants after December 31, 2014, until all potential annexation areas have been annexed. This subsection (5) only applies to potential annexation areas that are: (a) Recognized in the city or town's comprehensive plan or related document as such plan or related document exists on the effective date of this act; and (b) estimated to have a population in excess of four thousand. The 2014 date in this subsection is 2020 for any city or town located partially in a county with a population of one million five hundred thousand or more and partially in another county.

(6) Within one year after board approval of an application for funding, the lead agency shall provide written certification to the

board of the pledged local and private funding for the phase of the project approved. Funds allocated to an applicant that does not certify its funding within one year after approval may be reallocated by the board.

NEW SECTION. Sec. 11. A new section is added to chapter 43.155 RCW to read as follows:

A city or town located within a county with a population of one million five hundred thousand or more may not qualify for new loans or pledges after December 31, 2014, until all potential annexation areas have been annexed. This section only applies to potential annexation areas that are: (1) Recognized in the city's or town's comprehensive plan or related document as such plan or related document exists on the effective date of this act; and (2) estimated to have a population in excess of four thousand.

NEW SECTION. Sec. 12. A new section is added to chapter 35.21 RCW to read as follows:

(1) Subject to the requirements of this section, a city or town may impose a tax upon the gross income of a water-sewer district formed under Title 57 RCW.

(2) A city or town imposing the tax authorized under this section may not impose a rate of tax that exceeds six percent. A city or town may impose the tax only upon the gross income of a water-sewer district derived from services provided within the city or town.

(3) A city or town imposing the tax authorized under this section must allow a credit against the tax for any franchise fee paid by a water-sewer district to the city or town.

NEW SECTION. Sec. 13. A new section is added to chapter 43.09 RCW to read as follows:

(1) By January 1, 2011, the state auditor shall conduct a performance audit of any county with a population of one million five hundred thousand or more to specifically determine whether policy changes and programs the county has adopted since January 1, 2009, will effectively reduce overhead and other costs, improve services, and streamline operations. The performance audit must identify current deficiencies in recognized best practices in the provision of county goods and services and how the provision of these goods and services could be provided more efficiently and effectively. As part of the performance audit, the auditor shall also evaluate the amount of local and regional services provided by the county within and outside city limits and contrast this with other large counties in Washington and with counties of similar size in other states. The state auditor shall use money distributed to the auditor under RCW 82.08.020(5) to pay for the performance audit required under this section.

(2) This section expires January 1, 2012.

NEW SECTION. Sec. 14. The legislature reaffirms its intent that the statutes authorizing the local taxation of brokered natural gas and manufactured gas as provided by chapter 384, Laws of 1989 and RCW 82.12.010(5) result in the fair and equitable taxation of all natural and manufactured gas users, from large industrial consumers to small residential users, and it is the legislature's intent that the taxation of such gas by local jurisdictions be at the place of consumption.

Sec. 15. RCW 82.12.010 and 2006 c 301 s 3 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010(-);

(2)(a) "Value of the article used" shall be the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as

nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used shall be determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used shall be determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used shall be determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Use," "used," "using," or "put to use" shall have their ordinary meaning, and shall mean:

(a) With respect to tangible personal property, except for natural gas and manufactured gas, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to

subsequent actual use or consumption of the article within this state; ~~((and))~~

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state; and

(d) With respect to natural gas or manufactured gas, the use of which is taxable under RCW 82.12.022, including gas that is also taxable under the authority of RCW 82.14.230, the first act within this state by which the taxpayer consumes the gas by burning the gas or storing the gas in the taxpayer's own facilities for later consumption by the taxpayer;

(6) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(7)(a)(i) Except as provided in (a)(ii) of this subsection (7), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, or a sale of any service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(8) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(9) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (9), the use of the property shall be deemed to be by such consumer.

Sec. 16. RCW 82.46.035 and 1992 c 221 s 3 and 1991 sp.s c 32 s 33 are each reenacted and amended to read as follows:

(1) The legislative authority of any county or city shall identify in the adopted budget the capital projects and park maintenance and operation expenditures, or both, funded in whole or in part from the proceeds of the tax authorized in this section (~~(=and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects)~~).

(2) The legislative authority of any county or any city that plans under RCW 36.70A.040(1) may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. Any county choosing to plan under RCW 36.70A.040(2) and any city within such a county may only adopt an ordinance imposing the excise tax authorized by this section if the ordinance is first authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters.

(3)(a) Revenues generated from the tax imposed under subsection (2) of this section shall be used by such counties and cities (~~(solely)~~) for financing capital projects specified in a capital facilities

plan element of a comprehensive plan, and, until January 1, 2014, at the option of the city or county, park maintenance and operation expenditures. Only cities with a population less than fifty thousand and counties with a population less than two hundred fifty thousand may use revenues for park maintenance and operation expenditures. However, revenues ((a)) (i) pledged by such counties and cities to debt retirement prior to March 1, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is repaid or (b) (i) pledged by such counties and cities to a project may continue to be used for that purpose until the project is completed.

(b) Counties, cities, and towns using revenues generated by the tax imposed under this section for park maintenance and operation expenditures may not use these revenues for the acquisition of capital projects specified in a capital facilities plan element of a comprehensive plan. This subsection (3)(b) does not apply to capital projects that are necessary for the health and safety of residents within the county, city, or town imposing the tax.

(4) Revenues generated by the tax imposed by this section shall be deposited in a separate account.

(5) As used in this section, "city" means any city or town and "capital project" means, except as provided by subsection (3) of this section, those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, bridges, domestic water systems, storm and sanitary sewer systems (and planning, construction, reconstruction, repair, rehabilitation, or improvement of parks) parks, recreational facilities, law enforcement facilities, fire protection facilities, trails, libraries, administrative and/or judicial facilities, and river and water flood control facilities. "Capital projects" after December 31, 2013, include expenditures for the planning, construction, reconstruction, repair, rehabilitation, or improvement of parks. "Capital projects" after December 31, 2013, do not include expenditures for the planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of recreational facilities, law enforcement facilities, fire protection facilities, trails, libraries, administrative facilities, judicial facilities, and river and water flood control facilities.

(6) When the governor files a notice of noncompliance under RCW 36.70A.340 with the secretary of state and the appropriate county or city, the county or city's authority to impose the additional excise tax under this section shall be temporarily rescinded until the governor files a subsequent notice rescinding the notice of noncompliance.

NEW SECTION, Sec. 17. By December 1, 2013, the Washington state association of counties and the association of Washington cities shall provide a report to the legislature on the following:

(1) The number of cities and counties using tax revenue under RCW 82.46.035 for park maintenance and operation expenditures;

(2) The amount of tax revenue under RCW 82.46.035 dedicated by cities and counties for park maintenance and operation expenditures; and

(3) The tax collections and population growth for calendar years 2009, 2010, 2011, and 2012 for cities and counties using tax revenue under RCW 82.46.035 for park maintenance and operation expenditures.

NEW SECTION, Sec. 18. Sections 4 and 5 of this act constitute a new chapter in Title 36 RCW.

NEW SECTION, Sec. 19. Sections 1 and 2 of this act expire January 1, 2015."

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Santos.

Passed to Committee on Rules for second reading.

March 26, 2009

SSB 5461 Prime Sponsor, Committee on Financial Institutions, Housing & Insurance: Concerning reserve account and study requirements for condominium associations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 64.34 RCW to read as follows:

(1) A condominium association with ten or fewer unit owners is not required to follow the requirements under RCW 64.34.380 through 64.34.390 if two-thirds of the owners agree to exempt the association from the requirements.

(2) The unit owners must agree to maintain an exemption under subsection (1) of this section by a two-thirds vote every three years.

(3) Notwithstanding subsections (1) and (2) of this section, a disclosure that the condominium association does not have a reserve study must be included in a unit's public offering statement as required under RCW 64.34.410 or resale certificate as required under RCW 64.34.425."

Correct the title.

Signed by Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Kelley; Kirby; Ormsby; Roberts; Ross and Warnick.

Passed to Committee on Rules for second reading.

March 23, 2009

SB 5482 Prime Sponsor, Senator Haugen: Modifying provisions governing two-wheeled and three-wheeled vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

On page 8, after line 8, insert the following:

"NEW SECTION, Sec. 9. A new section is added to chapter 47.36 RCW to read as follows:

(1) For the purposes of this section:

(a) "Arterial" means a public road or highway that is designated or qualifies as a principal or minor arterial under a state or local law, ordinance, regulation, or plan.

(b) "Bicycle" means a human-powered vehicle with metallic wheels at least sixteen inches in diameter or with metallic braking strips and metallic components, not necessarily including the frame or fork, which may be lawfully ridden on a public road or highway.

(c) "Bicycle route" means a route (i) that is designated as a route for bicycle use in a state or local law, ordinance, rule, or plan, or (ii) that provides bicycle access to urban areas that are not reasonably and conveniently accessible through other bicycle routes. The level of existing or projected use by bicyclists is a factor to consider in determining whether a bicycle route provides access that is not reasonably and conveniently available from other bicycle routes. An intersection that provides necessary linkages in a bicycle route or between routes is considered a part of the bicycle route or routes.

(d) "Design complete" means that all major design work for a new vehicle-activated traffic control signal has been completed and that the funding necessary for complete construction of the vehicle-activated traffic control signal has been firmly secured.

(e) "Existing vehicle-activated traffic control signal" means a vehicle-activated traffic control signal that is in use or design complete on or before the effective date of this section.

(f) "Motorcycle" means a motor vehicle (i) designed to travel on not more than three wheels in contact with the ground, (ii) ridden by a driver astride the motor unit or power train, (iii) designed to be steered with a handle bar, and (iv) capable in its present condition of being lawfully operated on a public road or highway.

(g) "Restricted right turn lane" means a right turn only lane where a right turn is not allowed after stopping but only upon a green signal.

(h) "Routinely and reliably detect motorcycles and bicycles" means that the detection equipment at a vehicle-activated traffic control signal is capable of detecting and will reliably detect a motorcycle or bicycle (i) when the motorcycle or bicycle is present immediately before a stop line or crosswalk in the center of a lane at an intersection or road entrance to such an intersection, or (ii) when the motorcycle or bicycle is present at marked detection areas.

(i) "Vehicle-activated traffic control signal" means a traffic control signal on a public road or highway that detects the presence of a vehicle as a means to change a signal phase.

(2) During routine maintenance or monitoring activities, but subject to the availability of funds:

(a) All existing vehicle-activated traffic control signals that do not currently routinely and reliably detect motorcycles and bicycles must be adjusted to do so to the extent that the existing equipment is capable consistent with safe traffic control. Priority must be given to existing vehicle-activated traffic control signals for which complaints relating to motorcycle or bicycle detection have been received and existing vehicle-activated traffic control signals that are otherwise identified as a detection problem for motorcyclists or bicyclists, or both. Jurisdictions operating existing vehicle-activated traffic control signals shall establish and publicize a procedure for filing these complaints in writing or by e-mail, and maintain a record of these complaints and responses; and

(b) Where motorcycle and bicycle detection is limited to certain areas other than immediately before the stop line or crosswalk in the center of a lane at an existing vehicle-activated traffic control signal, those detection areas must be clearly marked on the pavement at left turn lanes, through lanes, and limited right turn lanes. These detection areas must also be marked to allow a bicyclist to leave a bicycle lane to enter a detection area, if necessary, to cross an intersection. Pavement markings must be consistent with the standards described in the state of Washington's "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the department of transportation.

(3)(a) If at least a substantial portion of detection equipment at an existing vehicle-activated traffic control signal on an arterial or bicycle route is scheduled to be replaced or upgraded, the replaced or upgraded detection equipment must routinely and reliably detect motorcycles and bicycles. For purposes of this subsection (3)(a), "substantial portion" means that the proposed replacement or upgrade will cost more than twenty percent of the cost of full replacement or upgraded detection equipment that would routinely and reliably detect motorcycles and bicycles.

(b) If at least a substantial portion of detection equipment at an existing vehicle-activated traffic control signal on a public road or highway that is not an arterial or bicycle route is scheduled to be replaced or upgraded, the replaced or upgraded detection equipment must routinely and reliably detect motorcycles and bicycles. For purposes of this subsection (3)(b), "substantial portion" means that the proposed replacement or upgrade will cost more than fifty percent of the cost of full replacement or upgraded detection equipment that would routinely and reliably detect motorcycles and bicycles.

(4) All vehicle-activated traffic control signals that are design complete and put in operation after the effective date of this section must be designed and operated, when in use, to routinely and reliably detect motorcycles and bicycles, including the detection of bicycles in bicycle lanes that cross an intersection."

Correct the title.

Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Rodne, Assistant Ranking Minority Member; Campbell; Driscoll; Eddy; Flannigan; Klippert; Moeller; Rolfes; Sells; Simpson; Springer; Takko; Uptegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Armstrong; Cox; Erickson; Finn; Herrera; Johnson; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

March 27, 2009

ESB 5617 Prime Sponsor, Senator Kauffman: Changing early learning advisory council provisions. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.215.090 and 2007 c 394 s 3 are each amended to read as follows:

(1) The early learning advisory council is established to advise the department on statewide early learning (~~community needs and progress~~) issues leading to the building of a comprehensive system of quality early learning programs and services for Washington's children and families by aligning resources, establishing key performance measures, and ensuring children are ready for school.

(2) The council shall work in conjunction with the department to develop a statewide early learning plan that (~~crosses systems and sectors to promote~~) guides the department in promoting alignment of private and public sector actions, objectives, and resources, and (to ensure) ensuring school readiness. Beginning August 1, 2009, the plan shall be submitted via electronic file annually to the appropriate committees of the legislature.

(3) The council shall include diverse, statewide representation from public, nonprofit, and for-profit entities. Its membership shall reflect regional, racial, and cultural diversity to adequately represent the needs of all children and families in the state.

(4) Council members shall serve two-year terms. However, to stagger the terms of the council, the initial appointments for twelve of the members shall be for one year. Once the initial one-year to two-year terms expire, all subsequent terms shall be for two years, with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously. If an appointed member of the council is unable to attend three consecutive council meetings, a replacement representative shall be appointed to serve the remainder of the term of the initial appointee.

(5) The council shall consist of not more than twenty-five members, as follows:

(a) The governor shall appoint at least one representative from each of the following: The department, the office of financial management, the department of social and health services, the department of health, the higher education coordinating board, the workforce training and education coordinating board, and the state board for community and technical colleges;

(b) One representative from the office of the superintendent of public instruction, to be appointed by the superintendent of public instruction;

(c) The governor shall appoint at least seven leaders in early childhood education, with at least one representative with experience or expertise in each of the following areas: Children with disabilities, the K-12 system, family day care providers, and child care centers;

(d) Two members of the house of representatives, one from each caucus, and two members of the senate, one from each caucus, to be appointed by the speaker of the house of representatives and the president of the senate, respectively;

(e) Two parents, one of whom serves on the department's parent advisory council, to be appointed by the governor;

(f) Two representatives of the private-public partnership created in RCW 43.215.070, to be appointed by the partnership board;

(g) One representative designated by sovereign tribal governments; and

(h) One representative from the Washington federation of independent schools.

(6) The council shall be cochaired by one representative of a state agency and one nongovernmental member, to be elected by the council for two-year terms.

(7) Each member of the board shall be compensated in accordance with RCW 43.03.240 and reimbursed for travel expenses

incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.

(8) The department shall provide staff support to the council."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Passed to Committee on Rules for second reading.

March 27, 2009

ESSB 5811 Prime Sponsor, Committee on Human Services & Corrections: Concerning foster child placements. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall make an express finding regarding the department's efforts;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), ((unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered)) if the court determines that placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 2. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a

disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) ~~((in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii)))~~ in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child, or (iii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. ~~((Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such))~~ The court shall consider the child's existing relationships and attachments in order to minimize disruption when determining whether the child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; or (B) a suitable person as described in this subsection (1)(b); and ((B)) (C) willing, appropriate, and available to care for the child.

(2) Placement of the child with a relative ~~((under this subsection))~~ or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 3. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) (~~Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW,;~~) The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons

are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 4. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

- (A) Being returned safely to his or her home;
- (B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;
- (C) Being placed for adoption;
- (D) Being placed with a guardian;
- (E) Being placed in the home of a fit and willing relative of the child; or
- (F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall ~~((also))~~:

(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096; and

(ii) In the situation in which the department or supervising agency is recommending a placement other than the current placement with a foster parent, relative, or other suitable person, make an express finding of the reasons the department or agency is recommending that the child be moved.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW to read as follows:

(1) At a disposition, review, or any other hearing that occurs after a dependency is established under this chapter, the court shall ensure that a dependent child over the age of twelve, who is otherwise present in the courtroom, is aware of and understands the duties and responsibilities the department has to a child subject to a dependency including, but not limited to, the following:

(a) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(b) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(c) Parent-child visits;

(d) Statutory preference for placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), if appropriate; and

(e) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(2) If the dependent child is already represented by counsel, the court need not comply with subsection (1) of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts shall develop standard court forms and format rules for mandatory use by parties in dependency matters commenced under this chapter or chapter 26.44 RCW. Forms shall be developed not later than November 1, 2009, and the mandatory use requirement shall be effective January 1, 2010. The administrative office of the courts has continuing responsibility to develop and revise mandatory forms and format rules as appropriate.

(2) According to rules established by the administrative office of the courts, a party may delete unnecessary portions of the forms and may supplement the mandatory forms with additional material.

(3) Failure by a party to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. The court may, however, require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

(4) The administrative office of the courts shall distribute a master copy of the mandatory forms to all county court clerks. Upon request, the administrative office of the courts and county clerks must distribute the forms to the public and may charge for the cost of production and distribution of the forms. Private vendors also may distribute the forms. Distribution of forms may be in printed or electronic form.

Sec. 7. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10) ~~((a))~~ Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

~~((b)(i))~~ Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services:

~~(i)~~ In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

~~(iii))~~ (11) Within amounts appropriated for this specific purpose, have authority to provide continued foster care or group care and necessary support and transition services to youth ages eighteen to twenty-one years who are enrolled and participating in a posthigh school academic or vocational program. A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. ~~((Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.~~

~~(H))~~ (12) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

~~((H2))~~ (13) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order,

or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

~~((H3))~~ (14) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

~~((H4))~~ (15) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

~~((H5))~~ (16) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(17)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION, Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

Once a dependency is established under chapter 13.34 RCW, the social worker assigned to the case shall provide a dependent child, age twelve years or older with a document containing the information contained in RCW 74.13.031(17). The social worker shall also explain the content of the document to the child and direct the child to the department's web site for further information. The social worker shall document, in the electronic data system, that this requirement was met.

Sec. 9. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

(1) A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

~~((H))~~ (a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

~~((H2))~~ (b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

~~((H3))~~ (c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

~~((H4))~~ (d) The foster parent has advocated for services on behalf of the foster child;

~~((H5))~~ (e) The foster parent has sought to adopt a foster child in the foster parent's care; or

~~((H6))~~ (f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or

chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) Pursuant to chapter 43.06A RCW, the ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department.

(3) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member; Angel; Goodman and Seaquist.

Referred to Committee on Health & Human Services Appropriations.

March 27, 2009

E2SSB 5943 Prime Sponsor, Committee on Ways & Means: Requiring performance-based contracts for the provision of child welfare services. Reported by Committee on Early Learning & Children's Services

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that extensive research conducted by the Washington state institute for public policy demonstrates the potential for appreciable savings in the state's child welfare budget by deploying a core set of evidence-based and promising programs designed to strengthen families and prevent children from entering the foster care system and reducing the length of stay for children who do enter the system. The legislature further finds that achieving improved outcomes for child safety and long-term family strength and well-being requires renewed thinking and a greater emphasis on expanding the capacity to deliver evidence-based and promising prevention and intervention services, earlier positive engagement with parents and children, more flexibility to focus on timely permanency outcomes, and more effective utilization of community resources and private partners. The legislature also finds that the goal of achieving lasting change in the state's child welfare system requires building and sustaining the serving capacity of prevention and early intervention programs through the reinvestment of savings from reduced foster care caseloads. The legislature further finds that implementation of these reforms should be approached through collaborative analysis and planning that includes the relevant state agencies, Indian tribes and recognized Indian organizations, community partners, and other stakeholders. The legislature intends to direct the development of a plan for the first phase of implementation to begin January 1, 2011.

NEW SECTION, Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) The children's administration within the department shall implement two demonstration reform initiatives utilizing performance-based contracts for an array of evidence-based and promising prevention and intervention services for families who are at risk for an out-of-home placement or have a child in out-of-home care, and for children who are awaiting adoption. Two sites shall be selected, one for each of the following approaches to the implementation of performance-based contracting:

(a) Performance-based contracts shall govern the delivery of all child welfare services, including case management services; voluntary and in-home services; out-of-home care services; and permanency services relating to reunification, guardianship, adoption, and preparation for independent living; and

(b) Performance-based contracts shall govern the delivery of child welfare services to children and families, including voluntary and in-home services; out-of-home care services; and permanency services relating to reunification, guardianship, adoption, and preparation for independent living. Case management services shall continue to be the responsibility of child welfare caseworkers employed by the children's administration.

(2) The children's administration shall retain statewide responsibility for:

(a) Child protection functions and services, including intake and investigation of allegations of child abuse and neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers, services, or programs; and

(b) Licensing functions relating to child protection and child welfare services, including licensing of foster family homes, group homes, and other facilities serving children.

NEW SECTION, Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) The performance contracting oversight committee is established for the primary purpose of providing expertise, structure, guidance, and oversight for the implementation of sections 1 through 5 of this act. Membership of the committee shall include:

(a) Two representatives from private nonprofit agencies providing child welfare services to children and families referred by the department, including one representative of licensed child placing agencies;

(b) The assistant secretary of the children's administration in the department, who shall serve as cochair of the committee;

(c) One regional administrator and one area administrator in the children's administration selected by the assistant secretary;

(d) The administrator for the division of licensed resources in the children's administration;

(e) Two nationally recognized experts in performance-based contracting;

(f) The attorney general or his or her designee;

(g) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(h) A representative from the office of the family and children's ombudsman;

(i) Two representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(j) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judges' association;

(k) One representative from partners for our children affiliated with the University of Washington school of social work, who shall serve as cochair of the committee;

(l) Two members of the legislature, one from each chamber, selected jointly by the speaker of the house of representatives and the president of the senate; and

(m) A representative of foster care providers.

(2) The cochairs of the committee shall convene the first meeting of the committee by June 15, 2009.

(3) The committee shall develop the criteria for the implementation of performance-based contracts at the demonstration sites in a manner to minimize any potential loss of federal funds. The criteria must be sufficient for the children's administration to develop requests for proposal and must describe:

(a) The services to be delivered under the contracts in order to assure providers have the flexibility to provide adequate, appropriate, and relevant evidence-based and promising services to individual children and families;

(b) The outcome measures to be used to evaluate performance under the contracts and the tools to be utilized to collect and report data on performance;

(c) The procedure for referring families to contracted providers, including clear protocols for continued communication or coordination between contracted providers and the children's administration, and Indian tribes in order to assure child safety and well-being and to promote the family's engagement;

(d) The rate structures of the contracts, including incentives and reinvestments, if any, as well as how performance will be linked to opportunities to bid on future contracts;

(e) A plan for communicating with the multiple child-serving systems within the demonstration site regarding implementation of the contracts, including clear descriptions of new roles and functions of contracted case managers, where appropriate. The communication plan shall include a process for early and ongoing communications throughout the demonstration site, including a process for establishing and maintaining communication with Indian tribes and organizations within the demonstration site;

(f) Methods to be used for monitoring contract performance, assuring quality of services, and ensuring compliance with state and federal laws including, but not limited to, requirements tied to federal funding for foster care, and the Indian child welfare act as well as the related guidelines and protocols established between the state and tribes;

(g) Estimates of start-up costs, including a discussion of how those costs will be distributed under the contracts; and

(h) Recommendations for the distribution of legal and financial risk and liability between the state and contracted partners.

(4) The criteria developed for the demonstration site described in section 2(1)(b) of this act also shall include recommendations for the optimum balance of shared responsibility for delivering child protection services and child welfare services between the state and community-based providers, including a description of the core functions to be performed by each.

(5) The demonstration sites shall be selected by the committee and shall include consideration of:

(a) The infrastructure and capacity of the site for delivering an array of evidence-based and promising prevention and intervention services, paying particular attention to the research developed by the Washington state institute for public policy regarding preventing the need for and reducing the duration of foster care placements;

(b) The willingness and ability of the site's community providers, children's administration staff, and other stakeholders to effectively collaborate in the development and implementation of performance-based contracts for the delivery of child welfare services; and

(c) The existence of multidisciplinary or multisystem work on performance improvement or reform efforts within the site that may harmonize with or support the implementation of performance-based contracts.

(6) After the sites have been selected, the committee shall convene appropriate site transition teams to develop their respective transition plans to implement the contracts. Site teams shall include those persons identified by the assistant secretary and the executive director as being essential to developing a comprehensive transition plan.

(7) The committee shall select the demonstration sites and notify the governor and the legislature of the site selections, and by December 1, 2010, the committee shall brief the governor and the legislature on the phased implementation plans for each site. The phased implementation of contracts shall begin January 1, 2011.

NEW SECTION, Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) The assistant secretary of the children's administration and the director of partners for our children, or their designees, shall provide the governor, the appropriate committees of the legislature, and the performance contracting oversight committee with:

(a) Periodic updates on the development of the transition plans via electronically filed reports or in-person briefings, as convenient or practicable; and

(b) Quarterly updates via electronically filed reports beginning March 31, 2011, of the transition progress and operations at the demonstration sites.

(2) Partners for our children shall evaluate the implementation and operation of the demonstration sites and shall provide annual reports to the performance contracting oversight committee, the legislature, and the governor beginning January 1, 2013. The evaluation shall analyze to what extent the reforms implemented in the demonstration sites have resulted in improved outcomes for children and families, increased efficiencies in the delivery of child

welfare services, and enhanced partnerships with community partners and stakeholders.

(3) By December 31, 2013, the assistant secretary of the children's administration and the executive director of partners for our children shall provide the governor and the legislature with recommendations for expansion and continued operation of the demonstration sites, including recommendations for adjustments to operations based on experiences in the demonstration sites.

(4) Based on the recommendations, the governor may direct the children's administration to develop implementation plans and expand the use of performance-based contracts according to the same standards required for development of the demonstration sites as described in this section, or may direct the demonstration to terminate. Any expansion plans shall reflect the recommendations and lessons learned from the evaluation of the demonstration sites.

NEW SECTION, Sec. 5. The department of social and health services, the office of financial management, and the caseload forecast council shall develop a proposal for submission to the legislature and the governor for the reinvestment of savings in the demonstration sites into evidence-based prevention and intervention programs designed to prevent the need for or reduce the duration of foster care placements in the demonstration sites. The proposal shall be consistent with the proposed implementation plans developed under sections 2 and 3 of this act and must be submitted to the legislature and the governor by November 30, 2010, and shall include sufficient detail regarding accounting, budgeting, and allocation or other procedures for legislative consideration and approval.

NEW SECTION, Sec. 6. A new section is added to chapter 41.06 RCW to read as follows:

(1) The children's administration within the department of social and health services may purchase child welfare services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract; and

(d) The children's administration has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on the effective date of this section, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to the effective date of this section, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the children's administration requests bids from private entities for a contract for services provided by classified employees, the children's administration shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the children's administration shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the children's administration of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make

available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the indirect overhead costs of the function, including the cost of the employees' salaries and benefits, rent, utilities, equipment, materials, and other costs necessary to perform the function and attributed directly to the function in question.

(f) The children's administration may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Children's administration" means the children's administration within the department of social and health services.

(b) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section. "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(d) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

Sec. 7. RCW 41.06.142 and 2008 c 267 s 9 are each amended to read as follows:

(1) Any department, agency, or institution of higher education may purchase services, including services that have been customarily and historically provided by employees in the classified service under this chapter, by contracting with individuals, nonprofit organizations, businesses, employee business units, or other entities if the following criteria are met:

(a) The invitation for bid or request for proposal contains measurable standards for the performance of the contract;

(b) Employees in the classified service whose positions or work would be displaced by the contract are provided an opportunity to offer alternatives to purchasing services by contract and, if these alternatives are not accepted, compete for the contract under competitive contracting procedures in subsection (4) of this section;

(c) The contract with an entity other than an employee business unit includes a provision requiring the entity to consider employment of state employees who may be displaced by the contract;

(d) The department, agency, or institution of higher education has established a contract monitoring process to measure contract performance, costs, service delivery quality, and other contract standards, and to cancel contracts that do not meet those standards; and

(e) The department, agency, or institution of higher education has determined that the contract results in savings or efficiency improvements. The contracting agency must consider the consequences and potential mitigation of improper or failed performance by the contractor.

(2) Any provision contrary to or in conflict with this section in any collective bargaining agreement in effect on July 1, 2005, is not effective beyond the expiration date of the agreement.

(3) Contracting for services that is expressly mandated by the legislature or was authorized by law prior to July 1, 2005, including contracts and agreements between public entities, shall not be subject to the processes set forth in subsections (1), (4), and (5) of this section.

(4) Competitive contracting shall be implemented as follows:

(a) At least ninety days prior to the date the contracting agency requests bids from private entities for a contract for services provided by classified employees, the contracting agency shall notify the classified employees whose positions or work would be displaced by the contract. The employees shall have sixty days from the date of notification to offer alternatives to purchasing services by contract, and the agency shall consider the alternatives before requesting bids.

(b) If the employees decide to compete for the contract, they shall notify the contracting agency of their decision. Employees must form one or more employee business units for the purpose of submitting a bid or bids to perform the services.

(c) The director of personnel, with the advice and assistance of the department of general administration, shall develop and make available to employee business units training in the bidding process and general bid preparation.

(d) The director of general administration, with the advice and assistance of the department of personnel, shall, by rule, establish procedures to ensure that bids are submitted and evaluated in a fair and objective manner and that there exists a competitive market for the service. Such rules shall include, but not be limited to: (i) Prohibitions against participation in the bid evaluation process by employees who prepared the business unit's bid or who perform any of the services to be contracted; (ii) provisions to ensure no bidder receives an advantage over other bidders and that bid requirements are applied equitably to all parties; and (iii) procedures that require the contracting agency to receive complaints regarding the bidding process and to consider them before awarding the contract. Appeal of an agency's actions under this subsection is an adjudicative proceeding and subject to the applicable provisions of chapter 34.05 RCW, the administrative procedure act, with the final decision to be rendered by an administrative law judge assigned under chapter 34.12 RCW.

(e) An employee business unit's bid must include the fully allocated costs of the service, including the cost of the employees' salaries and benefits, space, equipment, materials, and other costs necessary to perform the function. An employee business unit's cost shall not include the state's indirect overhead costs unless those costs can be attributed directly to the function in question and would not exist if that function were not performed in state service.

(f) A department, agency, or institution of higher education may contract with the department of general administration to conduct the bidding process.

(5) As used in this section:

(a) "Employee business unit" means a group of employees who perform services to be contracted under this section and who submit a bid for the performance of those services under subsection (4) of this section.

(b) "Indirect overhead costs" means the pro rata share of existing agency administrative salaries and benefits, and rent, equipment costs, utilities, and materials associated with those administrative functions.

(c) "Competitive contracting" means the process by which classified employees of a department, agency, or institution of higher education compete with businesses, individuals, nonprofit organizations, or other entities for contracts authorized by subsection (1) of this section.

(6) The requirements of this section do not apply to RCW 74.13.031(5) and sections 1 through 6 of this act.

Sec. 8. RCW 74.13.020 and 1999 c 267 s 7 are each amended to read as follows:

(1) As used in Title 74 RCW, "child welfare services (~~shall be defined as public~~)" mean publicly provided or contracted social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

~~((+))~~ (a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

~~((+))~~ (b) Protecting and caring for dependent or neglected children;

~~((+))~~ (c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;

~~((+))~~ (d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

~~((+))~~ (e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

~~(As used in)~~ (2) For purposes of this chapter ~~(c)~~ and chapter 74.15 RCW:

(a) "Child" means a person less than eighteen years of age;

(b) "Department" means the department of social and health services or a supervising agency with whom the department has contracted for the provision of child welfare services under sections 1 through 6 of this act.

(3) The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan.

Sec. 9. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes

licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services or a supervising agency with whom the department has contracted for the provision of child welfare services under sections 1 through 6 of this act. For the purposes of child protective services and licensing, "department" means only the department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means a private nonprofit agency licensed by the state or an Indian tribe with whom the department has contracted under sections 1 through 6 of this act for the provision of child welfare services. In no case may a supervising agency be contracted to license persons or facilities under this title or to provide child protective services.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION, Sec. 10. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Kagi, Chair; Roberts, Vice Chair; Goodman and Seaquist.

MINORITY recommendation: Without recommendation. Signed by Representatives Haler, Ranking Minority Member; Walsh, Assistant Ranking Minority Member and Angel.

Referred to Committee on Ways & Means.

March 26, 2009

E2SSB 6015 Prime Sponsor, Committee on Ways & Means: Creating the position of the director of commercialization and innovation within the office of the governor. (REVISED FOR ENGROSSED: Directing the department of community, trade, and economic development to review commercialization and innovation in the life sciences and technology sectors.) Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. (1) Washington state is fortunate to have a dynamic technology industry sector that benefits from vibrant global demand for its output and that helps drive the state's economy. Washington state is uniquely positioned to shape its future success in innovation in the technology sectors of life sciences and high technology. Nearly every state in the nation is competing to develop a strong innovation economy. Washington has world-class research institutions, entrepreneurial spirit and talent, an actively collaborative community, and an existing foundational sector.

(2) To leverage its potential, the state must actively work to create and ensure a supportive environment that enables entrepreneurial people and companies to convert their innovative ideas into marketable new products and services. Providing such an environment would: Solidify Washington state as a global leader of knowledge and technology commercialization; create more highly rewarding and well-paying careers for Washington's citizens; grow more companies in new and far-reaching markets; renew traditional industries through value-added technology adaptation; and generate solid returns for Washington state.

NEW SECTION, Sec. 2. (1) By December 1, 2009, the department of community, trade, and economic development shall report to the governor and the legislature on how the state can best encourage and support the growth of innovation in the development and commercialization of proprietary technology in the life sciences and information technology industries.

(2) In consultation with life sciences trade and technology trade associations, the department shall:

(a) Investigate and recommend strategies to increase the amount of local or regional capital targeted to preseed, seed, and other early stage investments in life sciences and information technology companies;

(b) Examine state laws, rules, appropriations, and taxes related to life sciences and information technology, identify barriers, and recommend alternatives that will support growth of these industries;

(c) Evaluate the state's technology-based economic development efforts and recommend any additional infrastructure needed to assist companies at each stage of the business life cycle; and

(d) Review the status of technology transfer and commercialization efforts by the state's public research universities.

(3) The department shall provide a draft report of its findings and recommendations to the Washington state economic development commission. The commission shall compare the recommendations in the draft report to the overall direction and strategies related to life sciences and information technology adopted in the state's comprehensive economic development plan. The

commission shall provide written observations to the department on areas of alignment or nonalignment between the report and the plan. The final report shall include the commission's observations and shall reflect any changes made to the report by the department in response to the commission's comments.

(4) For purposes of the report: (a) "Life sciences" must include but is not limited to: Medical devices and biotechnology as defined in RCW 82.63.010; and (b) "information technology" must include but is not limited to: Hardware, software, and internet infrastructure, that address high potential emerging and growing markets.

(5) The life sciences and information technology industries must provide fifty percent of the total resources required to accomplish the purposes of this section. If the industries do not commit to the department by August 1, 2009, that they will provide these resources, then the requirements of this section are null and void.

(6) This section expires December 31, 2009."
Correct the title.

Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Lias; Orcutt; Parker; Probst and Sullivan.

Referred to Committee on General Government Appropriations.

There being no objection, the bills and memorials listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 31, 2009, the 79th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

SEVENTY NINTH DAY

House Chamber, Olympia, Tuesday, March 31, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Moeller presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4644, by Representatives Kagi, Dickerson, and Carlyle

WHEREAS, There are 8,000 children in foster care on any given day in Washington State; and

WHEREAS, The basic, medical, and therapeutic needs of foster children are provided by the budget of the children's administration of the department of social and health services; and

WHEREAS, Their normal childhood needs and desires for extracurricular activities, like team sports, music, and art lessons, field trips and summer camp, and tangible needs like associated student body cards, school yearbooks, and prom tickets have no public funding source; and

WHEREAS, Social science research and common sense dictate that these experiences are important to successful growth and development and can reduce the negative effects of abuse and neglect;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes the importance of supporting foster children and their participation in extracurricular activities not paid for by the state, and proudly sponsors the June Leonard Memorial Golf Tournament.

HOUSE RESOLUTION NO. 4644 was adopted.

**MESSAGE FROM BOARDS OF COUNTY
COMMISSIONERS
15TH LEGISLATIVE DISTRICT**

March 30, 2009

Due to the appointment of The Honorable Dan Newhouse, Representative for the 15th Legislative District of the State of Washington to the position as Director of the Washington State Department of Agriculture, and pursuant to Article 11, Section 15, Amendment 32 of the Constitution of the State of Washington, the Boards of County Commissioners for the counties of Clark, Klickitat, Skamania, and Yakima, met in joint session on the 30th day of March, 2009, in Goldendale, Klickitat County, for the purpose of appointing a district resident nominee to fill the House of Representatives position left vacant. In attendance were:

Tom Mielke, Clark County District 1
Marc Boldt, Clark County District 2
Steve Stuart, Clark County District 3
Paul J. Pearce, Skamania County District 1
James D. Richardson, Skamania County District 2
Jamie Tolfree, Skamania County District 3
Rex F. Johnston, Klickitat County District 1
David M. Sauter, Klickitat County District 2
Ray Thayer, Klickitat County District 3
Mike Leita, Yakima County District 1
Kevin Bouchey, Yakima County District 2
J. Rand Elliott, Yakima County District 3

J. Rand Elliott, Commissioner for Yakima County served as Chairperson for the joint session and by the rules adopted is authorized on behalf of all the county commissioners to certify the results of the meeting.

I, J. Rand Elliott, the designated Chairperson for the joint session of the Boards of County Commissioners of the 15th Legislative District of the State of Washington, do hereby certify that by majority vote DAVID V. TAYLOR is appointed to the Washington State House of Representatives for the 15th Legislative District as of this 30th day of March, 2009.

J. RAND ELLIOTT, Chairperson

INTRODUCTION AND FIRST READING

HB 2327 by Representatives Linville and Ericks

AN ACT Relating to eliminating or reducing the frequency of reports prepared by state agencies; amending RCW 19.146.280, 43.320.1401, 43.88.110, 13.60.110, 74.13.031, 74.13.036, 74.08A.130, 70.56.040, 43.70.690, 77.85.140, 43.320.100, 39.102.140, 43.336.060, 43.365.040, 43.330.082, 43.155.070, 43.185C.040, 43.63A.068, 39.86.190, 43.325.050, 43.79.460, 18.130.310, and 43.20.100; repealing RCW 43.88.067, 46.48.180, 43.44.100, 74.14C.080, 80.36.475, 74.08A.430, 70.114A.085, 43.70.518, 43.215.080, 43.215.435, and 79A.15.100; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2328 by Representatives Linville and Ericks

AN ACT Relating to reducing the administrative cost of state government; amending 2009 c 5 ss 6, 7, 8, 9, and 10 (uncodified); adding a new section to 2009 c 5 (uncodified); creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

The Speaker (Representative Moeller presiding) called upon Representative Hudgins to preside.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading suspension calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011
SENATE BILL NO. 5017
SENATE BILL NO. 5060
SENATE BILL NO. 5102
SENATE BILL NO. 5125
SENATE BILL NO. 5147
SENATE BILL NO. 5153
SUBSTITUTE SENATE BILL NO. 5160
SUBSTITUTE SENATE BILL NO. 5171
ENGROSSED SENATE BILL NO. 5200
SUBSTITUTE SENATE BILL NO. 5252
SUBSTITUTE SENATE BILL NO. 5271

SENATE BILL NO. 5284
SENATE BILL NO. 5322
SUBSTITUTE SENATE BILL NO. 5327
SUBSTITUTE SENATE BILL NO. 5343
SUBSTITUTE SENATE BILL NO. 5402
SENATE BILL NO. 5426
SUBSTITUTE SENATE BILL NO. 5434
SUBSTITUTE SENATE BILL NO. 5461
SENATE BILL NO. 5695
SENATE BILL NO. 5699
SENATE BILL NO. 5767
SUBSTITUTE SENATE BILL NO. 5793
SUBSTITUTE SENATE BILL NO. 5931
ENGROSSED SUBSTITUTE SENATE BILL NO. 5978
SUBSTITUTE SENATE BILL NO. 5987
SUBSTITUTE SENATE BILL NO. 6000
SUBSTITUTE SENATE BILL NO. 6024

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 1:30 p.m., April 1, 2009, the 80th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTIETH DAY

House Chamber, Olympia, Wednesday, April 1, 2009

The House was called to order at 1:30 p.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lucas Agnew and Ciara Mielke. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Bruce Dammeier.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) welcomed the new Representative from the 15th District, David Taylor to the House of Representatives. The Speaker (Representative Morris presiding) also noted that this was the first time during this session that the Chamber was at full complement. The Speaker (Representative Morris presiding) asked the Chamber to welcome their newest member.

MESSAGES FROM THE SENATE

March 31, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1049,
SUBSTITUTE HOUSE BILL NO. 1055,
HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1221,
SUBSTITUTE HOUSE BILL NO. 1280,
SUBSTITUTE HOUSE BILL NO. 1291,
HOUSE BILL NO. 1322,
SUBSTITUTE HOUSE BILL NO. 1414,
SUBSTITUTE HOUSE BILL NO. 1843,
HOUSE BILL NO. 1878,
HOUSE JOINT MEMORIAL NO. 4014,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 1, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5012,
SUBSTITUTE SENATE BILL NO. 5030,
SUBSTITUTE SENATE BILL NO. 5035,
SUBSTITUTE SENATE BILL NO. 5043,
SUBSTITUTE SENATE BILL NO. 5055,
SUBSTITUTE SENATE BILL NO. 5131,
ENGROSSED SENATE BILL NO. 5135,
SENATE BILL NO. 5156,
SENATE BILL NO. 5184,
SUBSTITUTE SENATE BILL NO. 5190,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5228,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238,
SUBSTITUTE SENATE BILL NO. 5261,
SUBSTITUTE SENATE BILL NO. 5290,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2009-4627, by Representative Williams, Moeller, Appleton, Morris, Driscoll, Upthegrove, Simpson,

Sullivan, Kenney, Hunter, Rolfes, Nelson, Green, Hope, Campbell, Maxwell, Sells, Hunt, and Conway

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through the individual's lifespan; and

WHEREAS, Autism is the fastest-growing developmental disability, affecting 1 million to 1.5 million Americans and 1 in 150 babies born; and

WHEREAS, Many children are not diagnosed until after 3 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, Parents frequently discover that even after diagnosis many services have long waiting lists and that their family resources are insufficient to adequately provide payment for services that their children need; and

WHEREAS, There are many different characteristics in individuals with autism: Delayed or deficient communication; decreased or unresponsive social interaction; unusual reaction to normal stimuli; a lack of spontaneous or imaginative play; and behavioral challenges; and

WHEREAS, There is no known cause and no known cure; however, with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, Families, caregivers, advocates, and organizations are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better-equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Autism Society of Washington.

Representative Williams moved adoption of House Resolution No. 4627.

Representatives Williams and Roach spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4627 was adopted.

MESSAGES FROM THE SENATE

April 1, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1034,
SUBSTITUTE HOUSE BILL NO. 1254,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
SUBSTITUTE HOUSE BILL NO. 1510,
HOUSE BILL NO. 1569,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker:

April 1, 2009

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, and the same is herewith transmitted.

Thomas Hoemann, Secretary

Mr. Speaker:

April 1, 2009

The Senate has passed SENATE BILL NO. 5976, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

INTRODUCTION AND FIRST READING

HB 2329 by Representatives Pedersen and Rodne

AN ACT Relating to false claims involving state funds; adding a new chapter to Title 7 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 2330 by Representatives Cody and Hinkle

AN ACT Relating to enforcing primacy of insurance coverage when third-party liability exists regarding claims under state-purchased health care programs; adding new sections to chapter 48.05 RCW; adding a new section to chapter 41.05 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 2331 by Representatives Darneille, Dickerson, Pettigrew, Kenney, Williams, Simpson, Nelson and Ormsby

AN ACT Relating to the existing document recording fee for services for the homeless; and amending RCW 36.22.179.

Referred to Committee on Ways & Means.

HB 2332 by Representative Kretz

AN ACT Relating to benefits charged to the experience rating accounts of employers; and amending RCW 50.29.021.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of HOUSE BILL NO. 2332.

MOTIONS

Representative Kessler moved that House Bill No. 2332 be referred to the Committee on Commerce & Labor.

Representative Kretz moved to amend the motion to refer House Bill No. 2332 to the Committee on Judiciary.

Representative Kretz spoke in favor of the adoption of the motion to amend the motion.

Representative Kessler spoke against the adoption of the motion to amend the motion.

The Speaker (Representative Moeller presiding) stated the question before the House to be the motion to amend the motion to refer House Bill No. 2332 to Committee on Judiciary.

The motion to amend the motion was not adopted.

HOUSE BILL NO. 2332 was referred to the Committee on Commerce & Labor.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5904, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Prentice, Keiser, Franklin, Hobbs and Kline)

Defining independent contractor for purposes of prevailing wage.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5904.

MOTION

On motion of Representative Hinkle, Representative Hope was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5904 and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Hope.

SUBSTITUTE SENATE BILL NO. 5904, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5009, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Marr, Swecker, Hobbs, King, Sheldon, Kilmer, Ranker, Berkey, Haugen, Kauffman, Rockefeller, Hatfield, McAuliffe, Shin and Roach)

Creating a military service exemption for benefits charged to the experience rating accounts of employers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5009.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5009 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SUBSTITUTE SENATE BILL NO. 5009, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5136, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Hobbs, Rockefeller, Fairley, Tom, Marr, Fraser, McDermott, Shin, Sheldon, McAuliffe, Jacobsen, Kline and Hatfield)

Regulating the use of solar energy panels by members of homeowners' associations.

The bill was read the second time.

With the consent of the House, amendment (438) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Pedersen spoke in favor of the passage of the bill.

Representative Rodne spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5136.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5136 and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dameille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Cox, Crouse,

Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Hope.

SUBSTITUTE SENATE BILL NO. 5136, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5369, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Becker, Fairley, Keiser, Marr, Murray, Kohl-Welles and Parlette)

Regarding counseling professions subject to the authority of the secretary of health.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5369.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5369 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SUBSTITUTE SENATE BILL NO. 5369, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5380, by Senate Committee on Judiciary (originally sponsored by Senators McCaslin and Marr)

Addressing the statute of limitations for certain crimes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5380.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5380 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SUBSTITUTE SENATE BILL NO. 5380, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5388, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Parlette, Murray, Swecker, Carrell, King, Tom, Kohl-Welles and Franklin)

Requiring motor vehicle dealers to disclose whether a new motor vehicle has sustained damage, repaired or not, in the sale of the new motor vehicle. Revised for 1st Substitute: Concerning the disclosure of any known damage and repair to a new motor vehicle by motor vehicle dealers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5388.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5388 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SUBSTITUTE SENATE BILL NO. 5388, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5423, by Senators Pflug and Oemig

Regarding critical access hospitals not subject to certificate of need review.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5423.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5423 and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Lias, Simpson and Williams.

Excused: Representative Hope.

ENGROSSED SENATE BILL NO. 5423, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5437, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Haugen)

Regarding the operation and authority of the state conservation commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5437.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5437 and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen,

Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Darneille and Morrell.

Excused: Representative Hope.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5437, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5481, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Marr, Becker, Hobbs, Haugen, Franklin, Parlette, Eide, Rockefeller, Hatfield, Jarrett, Jacobsen, Kilmer, Berkey, Tom, Swecker, King, Kastama, Shin, McDermott, Prentice, Fairley, Holmquist, Brandland, McCaslin, Ranker, McAuliffe, Roach, Honeyford and Kauffman)

Concerning veterans' burials.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pedersen and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5481.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5481 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SUBSTITUTE SENATE BILL NO. 5481, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5487, by Senator Brandland

Changing the notification date for nonrenewal of a certificated employee's contract.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Probst spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5487.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5487 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hinkle.

Excused: Representative Hope.

SENATE BILL NO. 5487, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5547, by Senators Hargrove, Pflug, McAuliffe, Oemig, Marr, Fairley, Kauffman, Franklin, Parlette, Carrell, Haugen, Kilmer, Jarrett, Pridemore, Shin, Kohl-Welles, Murray, Regala and Keiser

Concerning respite care.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was adopted. (For committee amendment, see Journal, Day 67, March 19, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5547, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5547, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SENATE BILL NO. 5547, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5680, by Senators Jarrett, Zarelli, Shin, Kohl-Welles and Oemig

Modifying the property tax exemption for nonprofit artistic, scientific, historical, and performing arts organizations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Springer and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5680.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5680 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SENATE BILL NO. 5680, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5718, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Stevens, Holmquist, Hobbs, Carrell and Hatfield)

Concerning the commitment of sexually violent predators.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Public Safety & Emergency Preparedness was adopted. (For committee amendment, see Journal, Day 71, March 23, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5718, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5718, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SUBSTITUTE SENATE BILL NO. 5718, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5720, by Senators Hewitt, Hobbs, Brandland and Shin

Including stepchildren in tuition waivers for children of veterans and national guard members.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, Day 72, March 24, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sells and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5720, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5720, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SENATE BILL NO. 5720, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5739, by Senators King, Hobbs, Holmquist, Kastama, Swecker, Sheldon, Morton, Shin, Berkey and Honeyford

Revising provisions relating to renewing a concealed pistol license by members of the armed forces.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5739.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5739 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SENATE BILL NO. 5739, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5832, by Senators Kohl-Welles, Stevens and Marr

Allowing the prosecution of sex offenses against minor victims until the victim's twenty-eighth birthday if the offense is listed in RCW 9A.04.080(1) (b)(iii)(A) or (c).

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5832.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5832 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko,

Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SENATE BILL NO. 5832, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5903, by Senators Keiser, McAuliffe and Hatfield

Regarding public works contracts for residential construction.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5903.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5903 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Hope.

SENATE BILL NO. 5903, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5944, by Senators Ranker, Brandland, Hargrove, Morton, Haugen, Shin, Fraser, Pridemore, Kastama, Kilmer, Jacobsen, Rockefeller, Sheldon, Kauffman, Berkey, Kline, Hobbs and Marr

Implementing a demonstration project to reduce phosphorus loading in Lake Whatcom.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Upthegrove spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5944.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5944 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Klippert.

Excused: Representative Hope.

SENATE BILL NO. 5944, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5808, by Senate Committee on Government Operations & Elections (originally sponsored by Senator Fairley)

Concerning the annexation of unincorporated areas served by fire protection districts.

The bill was read the second time.

Representative Kretz moved the adoption of amendment (444):

On page 4, beginning on line 19, strike all of section 3
Remember the remaining sections consecutively and correct any internal references accordingly.
Correct the title.

Representative Kretz spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

Amendment (444) was not adopted.

Representative Hinkle moved the adoption of amendment (445):

On page 9, line 10, after "RCW 36.93.030." insert "A boundary review board may not expand the boundaries of the area to be annexed beyond the proposal submitted to them."

On page 13, line 22, after "RCW 36.93.030." insert "A boundary review board may not expand the boundaries of the area to be annexed beyond the proposal submitted to them."

Representative Hinkle spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

Amendment (445) was not adopted.

Representative Orcutt moved the adoption of amendment (446):

On page 10, line 16, after "(c)" insert "The disclosure of any anticipated additional taxes, fees, or other costs that may be imposed on taxpayers in the annexed area as the result of the annexation.

(d)"

On page 14, line 28, after "(c)" insert "The disclosure of any anticipated additional taxes, fees, or other costs that may be imposed on taxpayers in the annexed area as the result of the annexation.
(d)"

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Simpson spoke against the adoption of the amendment.

Amendment (446) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Hunter spoke in favor of the passage of the bill.

Representatives Angel and Hinkle spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5808.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5808 and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Upthegrove, Walsh and Warnick.

Excused: Representative Hope.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5808, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 5808.

BRAD KLIPPERT, 8th District

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE BILL NO. 1034
ENGROSSED HOUSE BILL NO. 1049
SUBSTITUTE HOUSE BILL NO. 1055
HOUSE BILL NO. 1218
SUBSTITUTE HOUSE BILL NO. 1221
SUBSTITUTE HOUSE BILL NO. 1254
SUBSTITUTE HOUSE BILL NO. 1280
SUBSTITUTE HOUSE BILL NO. 1291
HOUSE BILL NO. 1322
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401
SUBSTITUTE HOUSE BILL NO. 1414
SUBSTITUTE HOUSE BILL NO. 1510

HOUSE BILL NO. 1569
SUBSTITUTE HOUSE BILL NO. 1843
HOUSE BILL NO. 1878
HOUSE JOINT MEMORIAL NO. 4014
SUBSTITUTE SENATE BILL NO. 5012
SUBSTITUTE SENATE BILL NO. 5030
SUBSTITUTE SENATE BILL NO. 5035
SUBSTITUTE SENATE BILL NO. 5043
SUBSTITUTE SENATE BILL NO. 5055
SUBSTITUTE SENATE BILL NO. 5131
ENGROSSED SENATE BILL NO. 5135
SENATE BILL NO. 5184
SUBSTITUTE SENATE BILL NO. 5190
ENGROSSED SUBSTITUTE SENATE BILL NO. 5228
ENGROSSED SUBSTITUTE SENATE BILL NO. 5238
SUBSTITUTE SENATE BILL NO. 5261
SUBSTITUTE SENATE BILL NO. 5290
SENATE BILL NO. 5156

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., April 2, 2009, the 81st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY FIRST DAY

House Chamber, Olympia, Thursday, April 2, 2009

The House was called to order at 9:55 a.m. by the Speaker (Representative Morris presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 2333 by Representatives McCune, Hinkle, Shea, Short, Warnick, Johnson and Smith

AN ACT Relating to volunteer state parks hosts; amending RCW 79A.05.215; reenacting and amending RCW 79A.05.030; and adding a new section to chapter 79A.05 RCW.

Referred to Committee on Ecology & Parks.

ESSB 5352 by Senate Committee on Transportation (originally sponsored by Senators Haugen and Marr)

AN ACT Relating to transportation funding and appropriations; amending RCW 46.68.170, 47.29.170, 46.16.685, 47.01.390, 88.16.090, 47.12.244, 46.16.725, 46.68.060, 46.63.170, 47.68.090, 46.68.220, and 43.19.534; creating new sections; making appropriations and authorizing expenditures for capital improvements; and declaring an emergency.

SB 5976 by Senator Haugen

AN ACT Relating to extending tire replacement fees; amending RCW 70.95.510, 70.95.521, 70.95.530, and 70.95.555; adding a new section to chapter 70.95 RCW; and creating a new section.

Referred to Committee on Transportation.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated with the exception of ENGROSSED SUBSTITUTE SENATE BILL NO. 5352 which was read the first time, and under suspension of the rules, was placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES

March 31, 2009

HB 1314 Prime Sponsor, Representative Clibborn: Making 2009-11 transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Driscoll; Eddy; Finn; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Ericksen; Flannigan; Herrera; Johnson; Klippert; Shea and Simpson.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

COMMITTEE APPOINTMENTS

The Speaker (Representative Morris presiding) announced the following committee appointments:

Representative Taylor was appointed to the Committee on Ecology & Parks, the Committee on State Government & Tribal Affairs, and the Committee on Technology, Energy & Communications.

Representative DeBolt was removed from the Committee on Technology, Energy & Communications.

There being no objection, the House adjourned until 10:00 a.m., April 3, 2009, the 82nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY SECOND DAY

House Chamber, Olympia, Friday, April 3, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Paris Wilson and Michelle Magana. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Dave Quall.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4624, by Representatives Kagi, Dickerson, Carlyle, Blake, Kenney, Finn, Orwall, Maxwell, Hunt, Nelson, McCoy, Hudgins, Appleton, Haler, Johnson, Goodman, and Pettigrew.

WHEREAS, In 2005, the Department of Social and Health Services estimated that there are over 74,000 children and adolescents in Washington State who are in need of mental health services; and

WHEREAS, Seattle Children's Home has stayed true to its mission of providing comprehensive mental health and developmental services to children, adolescents, and their families since its inception on April 3, 1884, by members of the Ladies Relief Society including Louisa Denny and Sarah Yesler; and

WHEREAS, Since 1884, Seattle Children's Home has evolved from an orphanage to a child welfare agency to a comprehensive mental health facility for children and young adults; and

WHEREAS, Seattle Children's Home currently provides an array of services for the families and children in Seattle, King County and the State of Washington including: Outpatient therapy, treatment and assessments; a behavioral support team to aid families caring for children with developmental disabilities and behavioral challenges; multisystemic therapy, an evidenced-based family centered and community-based treatment system designed to significantly reduce rates of rearrests and incarceration among youth involved in the juvenile justice system; and 21 percent of the children's long-term inpatient program (CLIP) psychiatric care at the McGraw Residential Facility;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize April 3, 2009, as Seattle Children's Home Quasquicentennial Day.

Representative Kagi moved adoption of House Resolution No. 4624.

Representatives Kagi and Haler spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4624 was adopted.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 31, 2009

HB 1314 Prime Sponsor, Representative Clibborn: Making 2009-11 transportation appropriations. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Driscoll; Eddy; Finn; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Ericksen; Flannigan; Herrera; Johnson; Klippert; Shea and Simpson.

Passed to Committee on Rules for second reading.

April 1, 2009

SSB 5061 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Enhancing natural resource collections at the Washington park arboretum. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Carlyle; Cox; Haler; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson and Hunter.

Referred to Committee on Ways & Means.

April 1, 2009

ESSB 5414 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding statewide assessments and curricula. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representative Rolfes.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

MESSAGES FROM THE SENATE

April 2, 2009

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE HOUSE BILL NO. 1011,
- SUBSTITUTE HOUSE BILL NO. 1041,
- HOUSE BILL NO. 1076,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,
- HOUSE BILL NO. 1217,
- ENGROSSED HOUSE BILL NO. 1227,
- SUBSTITUTE HOUSE BILL NO. 1328,

ENGROSSED HOUSE BILL NO. 1464,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 2071,

SENATE BILL NO. 5903
SUBSTITUTE SENATE BILL NO. 5904
SENATE BILL NO. 5944

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 3, 2009

Mr. Speaker:

The President has signed the following:

HOUSE BILL NO. 1034,
ENGROSSED HOUSE BILL NO. 1049,
SUBSTITUTE HOUSE BILL NO. 1055,
HOUSE BILL NO. 1218,
SUBSTITUTE HOUSE BILL NO. 1221,
SUBSTITUTE HOUSE BILL NO. 1254,
SUBSTITUTE HOUSE BILL NO. 1280,
SUBSTITUTE HOUSE BILL NO. 1291,
HOUSE BILL NO. 1322,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1401,
SUBSTITUTE HOUSE BILL NO. 1414,
SUBSTITUTE HOUSE BILL NO. 1510,
HOUSE BILL NO. 1569,
SUBSTITUTE HOUSE BILL NO. 1843,
HOUSE BILL NO. 1878,
HOUSE JOINT MEMORIAL NO. 4014,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 3, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5009,
SUBSTITUTE SENATE BILL NO. 5136,
SUBSTITUTE SENATE BILL NO. 5369,
SUBSTITUTE SENATE BILL NO. 5380,
SUBSTITUTE SENATE BILL NO. 5388,
ENGROSSED SENATE BILL NO. 5423,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5437,
SUBSTITUTE SENATE BILL NO. 5481,
SENATE BILL NO. 5487,
SENATE BILL NO. 5680,
SENATE BILL NO. 5739,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5808,
SENATE BILL NO. 5832,
SENATE BILL NO. 5903,
SUBSTITUTE SENATE BILL NO. 5904,
SENATE BILL NO. 5944,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE HOUSE BILL NO. 1011
SUBSTITUTE HOUSE BILL NO. 1041
HOUSE BILL NO. 1076
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078
HOUSE BILL NO. 1217
ENGROSSED HOUSE BILL NO. 1227
SUBSTITUTE HOUSE BILL NO. 1328
ENGROSSED HOUSE BILL NO. 1464
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794
SUBSTITUTE HOUSE BILL NO. 2071
SUBSTITUTE SENATE BILL NO. 5009
SUBSTITUTE SENATE BILL NO. 5136
SUBSTITUTE SENATE BILL NO. 5369
SUBSTITUTE SENATE BILL NO. 5380
SUBSTITUTE SENATE BILL NO. 5388
ENGROSSED SENATE BILL NO. 5423
ENGROSSED SUBSTITUTE SENATE BILL NO. 5437
SUBSTITUTE SENATE BILL NO. 5481
SENATE BILL NO. 5487
SENATE BILL NO. 5680
SENATE BILL NO. 5739
ENGROSSED SUBSTITUTE SENATE BILL NO. 5808
SENATE BILL NO. 5832

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 6, 2009, the 85th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY FIFTH DAY

House Chamber, Olympia, Monday, April 6, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Baylor Hahn and Joshua Vasquez. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Brian Wiehle, River Ridge Covenant Church.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4647, by Representatives Pettigrew, Hinkle, Hudgins, Warnick, Upthegrove, Sells, Johnson, Maxwell, Carlyle, Kenney, Dammeier, Hunt, White, Orcutt, Clibborn, Grant-Herriot, Appleton, Walsh, Sullivan, Smith, Seaquist, Chase, Conway, Driscoll, Finn, Hope, Kagi, Linville, McCoy, Nelson, Pearson, Quall, Roberts, and Taylor

WHEREAS, The National Consortium for Academics and Sports, whose mission is to create a better society by focusing on educational attainment and using the power and appeal of sport to positively affect social change, has celebrated National Student-Athlete Day on April 6th since 1987; and

WHEREAS, Many scholar-athletes have pursued excellence through postsecondary education opportunities while facing challenging circumstances; and

WHEREAS, Scholar-athletes serve as mentors who go beyond providing spectators with dreams and aspirations of becoming a successful athlete and lead by example by displaying that academic achievement is an admirable accomplishment that portends a promising future; and

WHEREAS, Anyone who has ever been discouraged while confronting obstacles or experiencing adversity knows the need for a mentor, hope, and inspiration, and scholar-athletes continue to positively influence others by virtue of illustrating what can be achieved through diligence and perseverance; and

WHEREAS, While scholar-athletes encourage people to dream, they set high standards with their ability to consistently meet rigorous athletic requirements while honoring the importance of education; and

WHEREAS, Maintaining a strong drive and dedication requires sacrifice and persistence that is deserving of recognition; and

WHEREAS, The following athletes have demonstrated the aforementioned tenants of an outstanding scholar-athlete: Alex Smyth, Chris Thomas, Bonnie Millard Berscheid, and Lilly Bourret from Eastern Washington University; Adam Bighill, Lynde Clarke, Tyler Fischer, Marcie Mullen, Erin Norris, Johnny Spevak, and Krissy Tandle from Central Washington University; Angel Stewart, John Levi III, Maddie Blevens, Annie Forman, Eric Jones, Matt Stalnik, Madeline Tuson-Turner, Aaron Schlund from The Evergreen State College; David Brittain, Calin Schell, Jordan Welling, Anthony Zackery, Matt Zigulis, Gina Auriemma, Kylie Broadbent, Audrey Coon, Heidi Dimmitt, Christy Miller, and Tiana Roma from Western Washington University; Ryan Perkins, Rylan Hawkins, Tobias Obenaus, Kevin Spooner, Jill Collymore, Kristen Omori, Kelly Gilbert, Marisa Chang, and Brooke Anderson from the University of Washington; Jared Prince, Taylor Rochestie, Vaughn Lesuma, Jeshua Anderson, Katie Appleton, Sara Trane, Karin Brevick, and Lorraine King from Washington State University; Jami Schaefer, Evan Wells, Lori Conrad, Matt Berry, Emily Johnson,

Anna Friedhoff, and Matt Bejar from Gonzaga University; Katie Hansen, Cassidy Murillo, Madison Collins, Maria Madeira, Austen Powers, Sean Rawson, Derek Rogalsky, and Doug Djang from Seattle University; Daniel Hibbard, Brian Erickson, Amy Spieker, Alexandria Miller, Lauren Meyer, Leif Hansen, James Crosetto, Chad Hall, Trinity Gibbons, and Casey Jackson from Pacific Lutheran University; Greg Bailey, Caitlin McGrane, Hilary Rice, Boone Freeman, Karen Chase, Colin Koach, and Fiona Gornick from the University of Puget Sound; Casey Reed, Jessica Pixler, Meredith Teague, Daesha Henderson, Benjamin Pliskin, Chad Meis, and Nicole Finley from Seattle Pacific University; Krinda Carlson, Amber Pratt, Dara Zack, Tucker Maxwell, Jamey Gelhar, Amy Dalzell, Jake Linton, Bill Richardson, John Eisentrout, and Kevin Jones from St. Martin's University; Dustin Miracle, Jonny Long, Greg Damazo, Isaac Lopez, Heather McFadden, Karen Wheeler, Amber Davin, and Jennifer Han from Walla Walla University; Kristen Mittelsteadt, Joe Johnson, Corina Gabbert, Alex Graves, Kristen Ballinger, and Sara McCune from Whitman College; Samantha Kephart, Scott Donnell, Ben Spaun, Miranda Cosand, Penelope Crowe, and Dan Sanders from Whitworth University; and Rachel Mitchell, Brittany Bowsher, Shauna Marshall, Andrea Cotton, Kyle Wall, Nathan Rheume, Greg Peters, and Libby Hellwig from Northwest University;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize scholar-athletes at institutions of higher learning throughout the state of Washington for their ability to exhibit potential through athletic and academic achievement.

Representative Pettigrew moved adoption of House Resolution No. 4647.

Representatives Pettigrew, Hope and Hinkle spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4647 was adopted.

MESSAGE FROM THE SENATE

April 3, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007,
HOUSE BILL NO. 1030,
HOUSE BILL NO. 1121,
SUBSTITUTE HOUSE BILL NO. 1128,
HOUSE BILL NO. 1155,
SUBSTITUTE HOUSE BILL NO. 1205,
SUBSTITUTE HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1308,
HOUSE BILL NO. 1366,
HOUSE BILL NO. 1394,
HOUSE BILL NO. 1682,
SUBSTITUTE HOUSE BILL NO. 1730,
SUBSTITUTE HOUSE BILL NO. 1765,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2334 by Representative Dunshee

AN ACT Relating to creating jobs by funding construction of safety, health, and energy-saving improvements to public

facilities; adding a new chapter to Title 43 RCW; creating new sections; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Capital Budget.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING SUSPENSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kohl-Welles, Kline and Keiser)

Prohibiting the sale or distribution of certain novelty lighters.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5011, as amended by the House.

MOTIONS

On motion of Representative Santos, Representatives Chase, Darneille and Dunshee were excused. On motion of Representative Hinkle, Representatives Rodne and Herrera were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5011, as amended by the House, and passed the House by the following vote: Yeas, 85; Nays, 8; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Cox, DeBolt, Hinkle, Kirby, Orcutt and Ross.

Excused: Representatives Chase, Darneille, Dunshee, Herrera and Rodne.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5011, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5060, by Senator Jacobsen

Modifying provisions relating to the use of manufactured wine or beer.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, Day 75, March 30, 2009.)

The bill was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5060, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5060, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 3; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt, Ericksen and Goodman.

Excused: Representatives Chase, Darneille, Dunshee, Herrera and Rodne.

SENATE BILL NO. 5060, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5102, by Senators Hewitt, Delvin and Kline

Adding two district court judges in Benton county.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5102.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5102, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen,

Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Ericksen.

Excused: Representatives Chase, Dunshee, Herrera and Rodne.

SENATE BILL NO. 5102, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5125, by Senators Hewitt and Kohl-Welles

Concerning the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5125.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5125, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ericksen.

Excused: Representatives Dunshee, Herrera and Rodne.

SENATE BILL NO. 5125, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5147, by Senators Kline and Rockefeller Repealing criminal libel statutes.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5147.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5147, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Ericksen.

Excused: Representatives Herrera and Rodne.

SENATE BILL NO. 5147, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5153, by Senators Kline, Rockefeller and Shin

Creating the uniform foreign-country money judgments recognition act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 75, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5153, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5153, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt and Ericksen.

Excused: Representatives Herrera and Rodne.

SENATE BILL NO. 5153, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5160, by Senators Kline, McCaslin and Tom

Concerning service of notice from seizing law enforcement agencies.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 75, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5160, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5160, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Halder, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt and Ericksen.

Excused: Representatives Herrera and Rodne.

SUBSTITUTE SENATE BILL NO. 5160, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5171, by Senate Committee on Judiciary (originally sponsored by Senators Kline and Rockefeller)**Modifying the Washington principal and income act of 2002.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 75, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5171, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5171, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Halder, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives DeBolt and Ericksen.

Excused: Representatives Herrera and Rodne.

SUBSTITUTE SENATE BILL NO. 5171, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5200, by Senator Brandland**Concerning marauding dogs.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5200, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5200, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Halder, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Herrera and Rodne.

ENGROSSED SENATE BILL NO. 5200, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 3, 2009

HB 1216 Prime Sponsor, Representative Dunshee: Adopting a 2009-2011 capital budget. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Blake; Chase; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

April 3, 2009

HB 1272 Prime Sponsor, Representative Dunshee: Concerning state general obligation bonds and related accounts. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

MINORITY recommendation: Do not pass. Signed by Representative Anderson.

Passed to Committee on Rules for second reading.

April 3, 2009

SB 5354 Prime Sponsor, Senator Haugen: Regarding public hospital capital facility areas. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Local Government & Housing. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Without recommendation. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5401 Prime Sponsor, Committee on Natural Resources, Ocean & Recreation: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 3, 2009

HB 2315 Prime Sponsor, Representative Takko: Regarding forest fire protection assessment refunds. Reported by Committee on General Government Appropriations

MAJORITY recommendation: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 4, 2009

HB 2328 Prime Sponsor, Representative Linville: Reducing the administrative cost of state government. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 3, 2009

SB 5002 Prime Sponsor, Senator Jacobsen: Creating the Washington heritage livestock and poultry breed recognition program. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5005 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding naturally raised beef cattle. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Agriculture & Natural Resources. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 4, 2009

SSB 5042 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Providing a waiver of penalties for first-time paperwork violations by small businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on State Government & Tribal Affairs. (For

committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 3, 2009
SSB 5117 Prime Sponsor, Committee on Health & Long-Term Care: Establishing intensive behavior support services. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

April 3, 2009
SB 5120 Prime Sponsor, Senator Fairley: Regarding agricultural structures. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Local Government & Housing.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that permit and inspection fees for new agricultural structures should not exceed the direct and indirect costs associated with reviewing permit applications, conducting inspections, and preparing specific environmental documents.

Sec. 2. RCW 19.27.015 and 1996 c 157 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Agricultural structure" means a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure may not be a place of human habitation or a place of employment where agricultural products are processed, treated, or packaged, nor may it be a place used by the public;

(2) "City" means a city or town;

~~((2))~~ (3) "Multifamily residential building" means common wall residential buildings that consist of four or fewer units, that do not exceed two stories in height, that are less than five thousand square feet in area, and that have a one-hour fire-resistive occupancy separation between units; and

~~((3))~~ (4) "Temporary growing structure" means a structure that has the sides and roof covered with polyethylene, polyvinyl, or similar flexible synthetic material and is used to provide plants with either frost protection or increased heat retention.

NEW SECTION. Sec. 3. A new section is added to chapter 19.27 RCW to read as follows:

Permitting and plan review fees under this chapter for agricultural structures may only cover the costs to counties, cities, towns, and other municipal corporations of processing applications, inspecting and reviewing plans, preparing detailed statements required by chapter 43.21C RCW, and performing necessary inspections under this chapter.

Sec. 4. RCW 19.27.100 and 1975 1st ex.s. c 8 s 1 are each amended to read as follows:

Except for permitting fees for agricultural structures under section 3 of this act, nothing in this chapter shall prohibit a city,

town, or county of the state from imposing fees different from those set forth in the state building code.

NEW SECTION. Sec. 5. (1) The state auditor, in accordance with RCW 43.09.470, must conduct a performance audit of the reasonableness of building and inspection fees permitted under RCW 82.02.020 that are imposed by counties. In completing the audit, the state auditor must include guidance on determining allowable costs, and methodologies for allocating costs to specific projects. The state auditor, when developing written cost allocation guidance, must consider variances in the sizes of local government entities.

(2) In completing the audit report required by this section, the state auditor must establish and consult with a county government advisory committee. The advisory committee must consist of members from county and city governments and other interested parties, as determined by the auditor.

(3) The state auditor must provide a final audit report to the appropriate committees of the house of representatives and the senate by December 1, 2009.

(4) Revenues from the performance audits of the government account created in RCW 43.09.475 must be used for the audit required by this section.

(5) This section expires July 1, 2011."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 4, 2009
E2SSB 5138 Prime Sponsor, Committee on Ways & Means: Creating an integrated climate change response strategy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Ecology & Parks.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature recognizes that climate change poses a significant threat to Washington's economy, the health and welfare of its population, and its natural resources. Washington's water supply and natural resources are particularly vulnerable to temperature changes and shifts in precipitation patterns and could suffer devastating consequences if adaptive measures are not taken. Even with effective mitigation of climate changing activities, the region will experience inevitable impacts from climate change.

(2) The science and information on the effects and impacts of climate change is continually improving and this scientific information provides the basis for planning and developing preparation and adaptation actions for climate change to ensure the economic, health, safety, and environmental well-being of the state and its citizens. It is in the public interest for the state, as well as local government agencies actively engaged with climate adaptation, to address the effects of climate change and to be able to plan for future climate change impacts. These impacts will affect individuals, public and private businesses, state and local agencies, as well as natural resources and the environment.

(3) It is the purpose of this chapter to create an integrated climate change response strategy with prioritized and coordinated climate change preparation and adaptation actions that state and local agencies, public and private businesses, tribes, and individuals can use to plan and prepare for the impacts of climate change through a collaborative process of on-going research, analysis, collection, and distribution of data and information. The development of the integrated climate change response strategy must complement existing adaptation initiatives being undertaken by local government agencies actively engaged with climate adaptation.

(4) The legislature recognizes that the effort required to assess, gather, and compile information and data to develop adaptation and preparation activities for an integrated climate change response strategy will take significant resources and time. The legislature also recognizes that the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation are uniquely positioned to address many of these issues given the mission of their respective agencies. Therefore, in an effort to reduce costs and streamline the process while achieving the goals of this chapter, the legislature designates the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation as leaders in assessing and gathering the necessary information and data to develop, in collaboration with local government agencies actively engaged with climate adaptation, a comprehensive, integrated, and coordinated climate change adaptation strategy.

NEW SECTION. Sec. 2. (1) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. This position must be funded from current full-time equivalent allocations without increasing budgets or staffing levels. If duties must be shifted within an agency, they must be shifted among current full-time equivalent allocations. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

(2) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation, in collaboration with local government agencies actively engaged with climate adaptation, shall develop an integrated climate change response strategy to better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change.

(3) The department of ecology shall serve as a central clearinghouse for relevant scientific and technical information about the impacts of climate change on Washington state's ecology, economy, and society, as well as serve as a central convener for the development of vital programs and necessary policies to help the state adapt to a rapidly changing climate.

(4) The department of ecology shall consult and collaborate with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, in collaboration with local government agencies actively engaged with climate adaptation, in developing an integrated climate change response strategy and plans of actions to prepare for and adapt to climate change impacts.

(5) The department of fish and wildlife shall focus on issues relating to biodiversity, resiliency, and vulnerability of the natural environment, and other areas as requested by the department of ecology.

(6) The department of natural resources shall focus on the vulnerability and resiliency of forests, forest fires, and forest health.

(7) The department of transportation shall focus on gathering and assessing information relating to infrastructure projects, vulnerability of the built environment, and other concerns, as requested by the department of ecology.

(8) The department of agriculture shall focus on the impacts of new regulations on agricultural lands, crops, potential offset opportunities, and the economics of farm production.

(9) The department of community, trade, and economic development shall focus on issues relating to business activities, energy resources, trade and tourism, affordable housing, community facilities and public infrastructure, and support services for vulnerable populations.

However, the department of transportation's obligations under this section are subject to availability of amounts appropriated for the specific purpose identified in this section.

NEW SECTION. Sec. 3. (1) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may seek assistance from a science advisory group.

(2) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and

transportation may consult with other state, federal, and local agencies that have expertise in matters relating to climate change, or information and data regarding impacts from climate change, as necessary to develop an integrated climate change response strategy.

(3) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation shall, to the extent possible, use teleconferencing for meetings and electronic messaging for gathering data and information to reduce meeting and travel expenditures.

NEW SECTION. Sec. 4. (1) The integrated climate change response strategy shall include recommendations conveyed and communicated so that policymakers, public and private businesses, and individuals can easily understand and recognize the implications of the climate change response strategy. The integrated climate change response strategy should address the impact of and adaptation to climate change, as well as the regional capacity to undertake actions, existing ecosystem and resource management concerns, and health and economic risks. In addition, the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation should include a range of scenarios for the purposes of planning in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to the impacts of climate change.

(2) The integrated climate change response strategy must include climate change preparation and adaptation actions that ensure collaborative and cooperative activities.

(a) By December 1, 2011, the department of ecology shall compile an initial climate change response strategy, including information and data from the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, as well as from local government agencies actively engaged with climate adaptation, that: Summarizes the best known science on climate change impacts to Washington; assesses Washington's vulnerability to the identified climate change impacts; prioritizes solutions that can be implemented within and across state agencies; and identifies recommended funding mechanisms and technical and other essential resources for implementing solutions.

(b) The initial strategy must include:

(i) Efforts to identify priority planning areas for action, based on vulnerability and risk assessments;

(ii) Barriers challenging state and local governments to take action, such as laws, policies, regulations, rules, and procedures that require revision to adequately address adaptation to climate change;

(iii) Opportunities to integrate climate science and projected impacts into planning and decision making; and

(iv) Methods to increase public awareness of climate change, its projected impacts on the community, and to build support for meaningful adaptation policies and strategies.

(c) The department of ecology shall, in collaboration with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, and in collaboration with local government agencies actively engaged with climate adaptation, complete an initial climate impacts assessment report that includes the status of the integrated climate change response strategy and provide it to the appropriate committees of the legislature by December 1, 2012.

(3) By December 1, 2013, the department of ecology, in collaboration with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation, and in collaboration with local government agencies actively engaged with climate adaptation, must complete an integrated climate change response strategy, which must include:

(a) Adaptation plans of action to address:

(i) Water resources;

(ii) Ocean and coastal resources;

(iii) Infrastructure requirements;

(iv) Biodiversity;

(v) Public health risks and consequences; and

(vi) Working landscapes, such as forest and agricultural lands.

(b) Information about the latest research and projects, such as:

(i) Risk assessment models and data, including evaluations of the consequences, magnitude, and probability of climate change impacts;

(ii) Comprehensive impact assessments that examine how climate change is likely to affect the natural environment and physical infrastructure, as well as the economic impacts on municipal and rural operations; and

(iii) Methods to strengthen community partnerships that reduce vulnerabilities and risks to climate change.

NEW SECTION. Sec. 5. (1) The science advisory group shall provide independent, nonrepresentational scientific advice to the department of ecology. The science advisory group members shall assist the department of ecology in: (a) Identifying the timing and extent of impacts from climate change; (b) assessing the effects of climate variability and change in the context of multiple interacting stressors or impacts; (c) developing forecasting models; (d) determining the resilience of the environment, natural systems, communities, and organizations to deal with potential or actual impacts of climate change and the vulnerability to which a natural or social system is susceptible to sustaining damage from climate change impacts; and (e) identifying other issues, as determined by the department of ecology, necessary to develop policies and actions for the integrated climate change response strategy.

(2) The chair of the science advisory group must be a scientist with recognized expertise in a field or fields of science essential to preparing for and adapting to climate change. The chair serves for a term of three years. The chair shall: (a) Select experts from scientific disciplines as needed to assist the department of ecology with developing an integrated climate change response strategy; and (b) coordinate the science advisory group activities to ensure the priorities and goals of the department of ecology are met.

(3) The governor or the governor's designee shall appoint the chair of the science advisory group or appoint a successor to assume the duties of the chair after the initial term.

(4) In establishing the science advisory group, the department of ecology shall request that the Washington academy of sciences provide a list of candidates to the chair of the science advisory group. The list of candidates should reflect the full range of scientific disciplines involved in climate change, including scientists associated with federal, state, and local agencies, tribes, business, agriculture, forestry, flood control, and environmental communities, colleges, and university communities. The chair of the science advisory group may also seek advice from the scientific community to develop membership for the science advisory group.

NEW SECTION. Sec. 6. State agencies shall strive to incorporate adaptation plans of action as priority activities when planning or designing agency policies and programs. Agencies shall consider: The integrated climate change response strategy when designing, planning, and funding infrastructure projects; and incorporating natural resource adaptation actions and alternative energy sources when designing and planning infrastructure projects.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 8. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009

SSB 5172 Prime Sponsor, Committee on Higher Education & Workforce Development: Establishing a University of

Washington center for human rights. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Higher Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.20 RCW to read as follows:

(1) A University of Washington center for human rights is created. The mission of the center is to expand opportunities for Washington residents to receive a world-class education in human rights, generate research data and expert knowledge to enhance public and private policymaking, and become an academic center for human rights teaching and research in the nation. The center shall align with the founding principles and philosophies of the United States of America and engage faculty, staff, and students in service to enhance the promise of life and liberty as outlined in the Preamble of the United States Constitution. Key substantive issues for the center include: The rights of all persons to security against violence; the rights of immigrants, native Americans, and ethnic or religious minorities; human rights and the environment; health as a human right; human rights and trade; the human rights of working people; and women's rights as human rights. State funds may not be used to support the center for human rights created in this section.

(2) The higher education coordinating board and the University of Washington may solicit, accept, receive, and administer federal funds or private funds, in trust or otherwise, and contract with foundations or with for-profit or nonprofit organizations to support the purposes of this section.

NEW SECTION. Sec. 2. The University of Washington center for human rights shall report to the appropriate committees of the legislature by December 1, 2010, and biennially thereafter regarding the center's activities. The report shall include, but not be limited to, descriptions of the center's activities and accomplishments especially as they relate to: International human rights issues and community service; documentation of measurable accomplishments in improving outcomes in the issue areas outlined in section 1 of this act; and documentation of engagement with agencies and nongovernmental organizations outside of the University of Washington."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 5262 Prime Sponsor, Committee on Judiciary: Allowing law enforcement access to driver's license photographs for the purposes of identity verification. (REVISED FOR ENGROSSED: Allowing law enforcement and court access to driver's license photographs for the purposes of identity verification.) Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Public Safety & Emergency Preparedness. (For committee amendment, see Journal, Day 74, March 26, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009
SSB 5270 Prime Sponsor, Committee on Government
 Operations & Elections: Modifying voter registration
 provisions. Reported by Committee on General
 Government Appropriations

MAJORITY recommendation: Do pass as amended by
 Committee on General Government Appropriations and without
 amendment by Committee on State Government & Tribal
 Affairs.

Strike everything after the enacting clause and insert the
 following:

"Sec. 1. RCW 29A.04.079 and 2003 c 111 s 114 are each
 amended to read as follows:

An "infamous crime" is a crime punishable by death in the state
 penitentiary or imprisonment in a state correctional facility. Neither
 an adjudication in juvenile court pursuant to chapter 13.40 RCW, nor
 a conviction for a misdemeanor or gross misdemeanor, is an
 "infamous crime."

"Sec. 2. RCW 29A.04.109 and 2003 c 111 s 119 are each
 amended to read as follows:

"Overseas voter" means any elector of the state of Washington
 outside the territorial limits of the United States (~~(or the District of
 Columbia)~~).

"Sec. 3. RCW 29A.04.163 and 2003 c 111 s 127 are each
 amended to read as follows:

"Service voter" means any elector of the state of Washington
 who is a member of the armed forces under 42 U.S.C. Sec. 1973 ff-6
 while in active service, is a member of a reserve component of the
 armed forces, is a student or member of the faculty at a United States
 military academy, is a member of the merchant marine of the United
 States, ~~((is a program participant as defined in RCW 40.24.020;))~~ or
 is a member of a religious group or welfare agency officially attached
 to and serving with the armed forces of the United States.

"Sec. 4. RCW 29A.04.210 and 2003 c 111 s 133 are each
 amended to read as follows:

Except for service and overseas voters, only ((a)) persons
 registered ~~((voter))~~ to vote shall be permitted to vote:

- (1) At any election held for the purpose of electing persons to
 public office;
- (2) At any recall election of a public officer;
- (3) At any election held for the submission of a measure to any
 voting constituency;
- (4) At any primary election.

This section does not apply to elections where being registered
 to vote is not a prerequisite to voting.

"Sec. 5. RCW 29A.04.611 and 2006 c 207 s 1 and 2006 c 206 s
 2 are each reenacted and amended to read as follows:

The secretary of state as chief election officer shall make
 reasonable rules in accordance with chapter 34.05 RCW not
 inconsistent with the federal and state election laws to effectuate any
 provision of this title and to facilitate the execution of its provisions
 in an orderly, timely, and uniform manner relating to any federal,
 state, county, city, town, and district elections. To that end the
 secretary shall assist local election officers by devising uniform
 forms and procedures.

In addition to the rule-making authority granted otherwise by
 this section, the secretary of state shall make rules governing the
 following provisions:

- (1) The maintenance of voter registration records;
- (2) The preparation, maintenance, distribution, review, and
 filing of precinct maps;
- (3) Standards for the design, layout, and production of ballots;
- (4) The examination and testing of voting systems for
 certification;
- (5) The source and scope of independent evaluations of voting
 systems that may be relied upon in certifying voting systems for use
 in this state;

(6) Standards and procedures for the acceptance testing of
 voting systems by counties;

(7) Standards and procedures for testing the programming of
 vote tallying software for specific primaries and elections;

(8) Standards and procedures for the preparation and use of each
 type of certified voting system including procedures for the operation
 of counting centers where vote tallying systems are used;

(9) Standards and procedures to ensure the accurate tabulation
 and canvassing of ballots;

(10) Consistency among the counties of the state in the
 preparation of ballots, the operation of vote tallying systems, and the
 canvassing of primaries and elections;

(11) Procedures to ensure the secrecy of a voter's ballot when a
 small number of ballots are counted at the polls or at a counting
 center;

(12) The use of substitute devices or means of voting when a
 voting device at the polling place is found to be defective, the
 counting of votes cast on the defective device, the counting of votes
 cast on the substitute device, and the documentation that must be
 submitted to the county auditor regarding such circumstances;

(13) Procedures for the transportation of sealed containers of
 voted ballots or sealed voting devices;

(14) The acceptance and filing of documents via electronic
 facsimile;

(15) Voter registration applications and records;

(16) The use of voter registration information in the conduct of
 elections;

(17) The coordination, delivery, and processing of voter
 registration records accepted by driver licensing agents or the
 department of licensing;

(18) The coordination, delivery, and processing of voter
 registration records accepted by agencies designated by the governor
 to provide voter registration services;

(19) Procedures to receive and distribute voter registration
 applications by mail;

(20) Procedures for a voter to change his or her voter
 registration address within a county by telephone;

(21) Procedures for a voter to change the name under which he
 or she is registered to vote;

(22) Procedures for canceling dual voter registration records and
 for maintaining records of persons whose voter registrations have
 been canceled;

(23) Procedures for the electronic transfer of voter registration
 records between county auditors and the office of the secretary of
 state;

(24) Procedures and forms for declarations of candidacy;

(25) Procedures and requirements for the acceptance and filing
 of declarations of candidacy by electronic means;

(26) Procedures for the circumstance in which two or more
 candidates have a name similar in sound or spelling so as to cause
 confusion for the voter;

(27) Filing for office;

(28) The order of positions and offices on a ballot;

(29) Sample ballots;

(30) Independent evaluations of voting systems;

(31) The testing, approval, and certification of voting systems;

(32) The testing of vote tallying software programming;

(33) Standards and procedures to prevent fraud and to facilitate
 the accurate processing and canvassing of absentee ballots and mail
 ballots, including standards for the approval and implementation of
 hardware and software for automated signature verification systems;

(34) Standards and procedures to guarantee the secrecy of
 absentee ballots and mail ballots;

(35) Uniformity among the counties of the state in the conduct
 of absentee voting and mail ballot elections;

(36) Standards and procedures to accommodate ~~((out-of-state
 voters;))~~ overseas voters~~((;))~~ and service voters;

(37) The tabulation of paper ballots before the close of the polls;

(38) The accessibility of polling places and registration facilities
 that are accessible to elderly and disabled persons;

(39) The aggregation of precinct results if reporting the results
 of a single precinct could jeopardize the secrecy of a person's ballot;

(40) Procedures for conducting a statutory recount;

(41) Procedures for filling vacancies in congressional offices if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(42) Procedures for the statistical sampling of signatures for purposes of verifying and canvassing signatures on initiative, referendum, and recall election petitions;

(43) Standards and deadlines for submitting material to the office of the secretary of state for the voters' pamphlet;

(44) Deadlines for the filing of ballot titles for referendum bills and constitutional amendments if none have been provided by the legislature;

(45) Procedures for the publication of a state voters' pamphlet;

(46) Procedures for conducting special elections regarding nuclear waste sites if the general statutory time requirements for availability of absentee ballots, certification, canvassing, and related procedures cannot be met;

(47) Procedures for conducting partisan primary elections;

(48) Standards and procedures for the proper conduct of voting during the early voting period to provide accessibility for the blind or visually impaired;

(49) Standards for voting technology and systems used by the state or any political subdivision to be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as other voters;

(50) All data formats for transferring voter registration data on electronic or machine-readable media for the purpose of administering the statewide voter registration list required by the Help America Vote Act (P.L. 107-252);

(51) Defining the interaction of electronic voter registration election management systems employed by each county auditor to maintain a local copy of each county's portion of the official state list of registered voters;

(52) Provisions and procedures to implement the state-based administrative complaint procedure as required by the Help America Vote Act (P.L. 107-252);

(53) Facilitating the payment of local government grants to local government election officers or vendors; and

(54) Standards for the verification of signatures on absentee, mail, and provisional ballot envelopes.

Sec. 6. RCW 29A.08.010 and 2006 c 320 s 2 are each amended to read as follows:

~~((As used in this chapter, "information required for voter registration" means))~~ (1) The minimum information provided on a voter registration application that is required ~~((by the county auditor))~~ in order to place a voter registration applicant on the voter registration rolls~~((—This information))~~ includes:

~~((1))~~ (a) Name;

~~((2))~~ (b) Residential address;

~~((3))~~ (c) Date of birth;

~~((4))~~ Washington state driver's license number or Washington state identification card number, or the last four digits of the applicant's Social Security number if the applicant does not have a Washington state driver's license or Washington state identification card;

~~((5))~~ (d) A signature attesting to the truth of the information provided on the application; and

~~((6))~~ (e) A check or indication in the box confirming the individual is a United States citizen.

(2) The residential address provided must identify the actual physical residence of the voter in Washington, as defined in RCW 29A.04.151, with detail sufficient to allow the voter to be assigned to the proper precinct and to locate the voter to confirm his or her residence for purposes of verifying qualification to vote under Article VI, section 1 of the state Constitution. A residential address may be either a traditional address or a nontraditional address. A traditional address consists of a street number and name, optional apartment number or unit number, and city or town, as assigned by a local government, which serves to identify the parcel or building of residence and the unit if a multiunit residence. A nontraditional address consists of a narrative description of the location of the

voter's residence, and may be used when a traditional address has not been assigned to the voter's residence. ~~((If the postal service does not deliver mail to the voter's residential address, or the voter prefers to receive mail at a different address, the voter may separately provide the mailing address at which they receive mail. Any mailing address provided shall be used only for mail delivery purposes and not for precinct assignment or confirmation of residence for voter qualification purposes.))~~

~~((If the individual does not have a driver's license, state identification card, or Social Security number, the registrant must be issued a unique voter registration number in order to be placed on the voter registration rolls.))~~

(3) All other information supplied is ancillary and not to be used as grounds for not registering an applicant to vote.

(4) Modification of the language of the official Washington state voter registration form by the voter will not be accepted and will cause the rejection of the registrant's application.

Sec. 7. RCW 29A.08.030 and 2005 c 246 s 3 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter, unless the context clearly requires otherwise.

(1) "Verification notice" means a notice sent by the county auditor or secretary of state to a voter registration applicant and is used to verify or collect information about the applicant in order to complete the registration. The verification notice must be designed to include a postage prepaid, preaddressed return form by which the applicant may verify or send information.

(2) "Acknowledgement notice" means a notice sent by nonforwardable mail by the county auditor or secretary of state to a registered voter to acknowledge a voter registration transaction, which can include initial registration, transfer, or reactivation of an inactive registration. An acknowledgement notice may be a voter registration card.

(3) "Identification notice" means a notice sent to a provisionally registered voter to confirm the applicant's identity.

(4) "Confirmation notice" means a notice sent to a registered voter by first-class forwardable mail at the address indicated on the voter's permanent registration record and to any other address at which the county auditor or secretary of state could reasonably expect mail to be received by the voter in order to confirm the voter's residence address. The confirmation notice must be designed to include a postage prepaid, preaddressed return form by which the registrant may verify the address information.

Sec. 8. RCW 29A.08.105 and 2004 c 267 s 105 are each amended to read as follows:

(1) In compliance with the Help America Vote Act (P.L. 107-252), the centralized statewide voter registration list maintained by the secretary of state is the official list of eligible voters for all elections.

(2) In all counties, the county auditor shall be the chief registrar of voters for every precinct within the county. ~~((The auditor may appoint registration assistants to assist in registering persons residing in the county. Each registration assistant holds office at the pleasure of the county auditor and must be a registered voter.))~~

~~((3))~~ The county auditor shall ensure that mail-in voter registration application forms are readily available to the public at locations to include but not limited to the elections office, and all common schools, fire stations, and public libraries.

Sec. 9. RCW 29A.08.107 and 2005 c 246 s 4 are each amended to read as follows:

(1) ~~((The secretary of state must review the information provided by each voter registration applicant to ensure that))~~ If the ~~((provided))~~ driver's license number, state identification card number, or last four digits of the Social Security number provided by the applicant match the information maintained by the Washington department of licensing or the Social Security administration, and the applicant provided all information required by RCW 29A.08.010, the applicant must be registered to vote. ~~((If a match cannot be made, the secretary of state or county auditor must correspond with the applicant to resolve the discrepancy.))~~

~~((2))~~ If the applicant fails to respond to any correspondence required in this section to confirm information provided on a voter registration application within forty-five days, the applicant will not

be registered to vote. The secretary of state shall forward the application to the appropriate county auditor for document storage.

~~(3) Only after the secretary of state has confirmed that the provided driver's license number, state identification card number, or last four digits of the applicant's Social Security number match existing records with the Washington department of licensing or the Social Security administration, or determined that the applicant does not have a driver's license number, state identification card number, or Social Security number may the applicant be placed on the official list of registered voters.~~

~~(4) In order to prevent duplicate registration records, all complete voter registration applications must be screened against existing voter registration records in the official statewide voter registration list. If a match of an existing record is found in the official list, the record must be updated with the new information provided on the application. If the new information indicates that the voter has changed his or her county of residence, the application must be forwarded to the voter's new county of residence for processing.)~~

(2) If the driver's license number, state identification card number, or last four digits of the Social Security number provided by the applicant do not match the information maintained by the Washington department of licensing or the Social Security administration, or if the applicant does not provide a Washington driver's license, a Washington state identification card, or a Social Security number, the applicant must be provisionally registered to vote. An identification notice must be sent to the voter to obtain the correct driver's license number, state identification card number, last four digits of the Social Security number, or one of the following forms of alternate identification:

(a) Valid photo identification;

(b) A valid enrollment card of a federally recognized Indian tribe in Washington state;

(c) A copy of a current utility bill;

(d) A current bank statement;

(e) A copy of a current government check;

(f) A copy of a current paycheck; or

(g) A government document, other than a voter registration card, that shows both the name and address of the voter.

(3) The ballot of a provisionally registered voter may not be counted until the voter provides a driver's license number, a state identification card number, or the last four digits of a Social Security number that matches the information maintained by the Washington department of licensing or the Social Security administration, or until the voter provides alternate identification. The identification must be provided no later than the day before certification of the primary or election. If the voter provides one of the forms of identification in subsection (2) of this section, the voter's registration status must be changed from provisionally registered to registered.

(4) A provisional registration must remain on the official list of registered voters through at least two general elections for federal office. If, after two general elections for federal office, the voter still has not verified his or her identity, the provisional registration may be canceled.

(5) The requirements of this section do not apply to an overseas or service voter who registers to vote by signing the return envelope of an absentee ballot, or to a registered voter transferring his or her registration.

Sec. 10. RCW 29A.08.110 and 2005 c 246 s 5 are each amended to read as follows:

(1) An application is considered complete only if it contains the ((applicant's name, complete valid residence address, date of birth, signature attesting to the truth of the information provided, a mark in the check-off box confirming United States citizenship, and an indication that the provided driver's license number, state identification card number, or Social Security number has been confirmed by the secretary of state. If it is not complete, the auditor shall promptly mail a verification notice of the deficiency to the applicant. This verification notice shall require the applicant to provide the missing information. If the verification notice is not returned by the applicant within forty-five days or is returned as undeliverable, the name of the applicant shall not be placed on the official list of registered voters. If the applicant provides the required

verified information, the applicant shall be registered to vote as of the original date of mailing or date of delivery, whichever is applicable.

(2) If the information required in subsection (1) of this section is complete,)) information required by RCW 29A.08.010. The applicant is considered to be registered to vote as of the original date of mailing or date of delivery, whichever is applicable. The auditor shall record the appropriate precinct identification, taxing district identification, and date of registration on the voter's record in the state voter registration list. Any mailing address provided shall be used only for mail delivery purposes, and not for precinct assignment or residency purposes. Within ~~((forty-five))~~ sixty days after the receipt of an application ~~((but no later than seven days before the next primary, special election, or general election))~~ or transfer, the auditor shall send to the applicant, by first-class nonforwardable mail, an acknowledgement notice identifying the registrant's precinct and containing such other information as may be required by the secretary of state. The postal service shall be instructed not to forward a voter registration card to any other address and to return to the auditor any card which is not deliverable.

~~((3))~~ (2) If an ((acknowledgement notice card is properly mailed as required by this section to the address listed by the voter as being the voter's mailing address and the notice is subsequently returned to the auditor by the postal service as being undeliverable to the voter at that address, the auditor shall promptly send the voter a confirmation notice. The auditor shall place the voter's registration on inactive status pending a response from the voter to the confirmation notice)) application is not complete, the auditor shall promptly mail a verification notice to the applicant. The verification notice shall require the applicant to provide the missing information. If the applicant provides the required information within forty-five days, the applicant shall be registered to vote as of the original date of application. The applicant shall not be placed on the official list of registered voters until the application is complete.

Sec. 11. RCW 29A.08.115 and 2005 c 246 s 8 are each amended to read as follows:

A person or organization collecting voter registration application forms must transmit the forms to the secretary of state or a county auditor ~~((at least once weekly))~~ within five business days. The registration date on such forms will be the date they are received by the secretary of state or county auditor.

Sec. 12. RCW 29A.08.125 and 2005 c 246 s 9 are each amended to read as follows:

(1) The office of the secretary of state shall maintain a statewide voter registration database. This database must be a centralized, uniform, interactive computerized statewide voter registration list that contains the name and registration information of every registered voter in the state.

(2) The statewide list is the official list of registered voters for the conduct of all elections.

(3) The statewide list must include, but is not limited to, the name, date of birth, residence address, signature, gender, and date of registration of every legally registered voter in the state.

(4) A unique identifier must be assigned to each registered voter in the state.

(5) The database must be coordinated with other government databases within the state including, but not limited to, the department of corrections, the department of licensing, the department of health, the administrative office of the courts, and county auditors. The database may also be coordinated with the databases of election officials in other states.

(6) Authorized employees of the secretary of state and each county auditor must have immediate electronic access to the information maintained in the database.

(7) Voter registration information received by each county auditor must be electronically entered into the database. The office of the secretary of state must provide support, as needed, to enable each county auditor to enter and maintain voter registration information in the state database.

(8) The secretary of state has data authority over all voter registration data.

(9) The voter registration database must be designed to accomplish at a minimum, the following:

(a) Comply with the help America vote act of 2002 (P.L. 107-252);

(b) Identify duplicate voter registrations;

(c) Identify suspected duplicate voters;

(d) Screen against any available databases maintained by other government agencies to identify voters who are ineligible to vote due to a felony conviction, lack of citizenship, or mental incompetence;

(e) Provide images of voters' signatures for the purpose of checking signatures on initiative and referendum petitions;

(f) Provide for a comparison between the voter registration database and the department of licensing change of address database;

(g) Provide access for county auditors that includes the capability to update registrations and search for duplicate registrations; and

(h) Provide for the cancellation of registrations of voters who have moved out of state.

(10) The secretary of state may, upon agreement with other appropriate jurisdictions, screen against any available databases maintained by election officials in other states and databases maintained by federal agencies including, but not limited to, the federal bureau of investigation, the federal court system, the federal bureau of prisons, and the bureau of citizenship and immigration services.

(11) The database shall retain information regarding previous successful appeals of proposed cancellations of registrations in order to avoid repeated cancellations for the same reason.

(12) Each county auditor shall maintain a ((computer file containing a copy of each record)) list of all registered voters within the county that are contained on the official statewide voter registration list ((for that county)).

((2) The secretary of state shall at least quarterly review and update the records of all registered voters on the official statewide voter registration database to make additions and corrections.

((3) The computer file must include, but not be limited to, each voter's last name, first name, middle initial, date of birth, residence address, gender, date of registration;)) In addition to the information maintained in the statewide database, the county database must also maintain the applicable taxing district and precinct codes for each voter in the county, and ((the last date on)) a list of elections in which the individual voted.

((4) The county auditor shall subsequently record each consecutive date upon which the individual has voted and retain all such consecutive dates;))

(13) Each county auditor shall allow electronic access and information transfer between the county's voter registration system and the official statewide voter registration list.

Sec. 13. RCW 29A.08.130 and 2003 c 111 s 210 are each amended to read as follows:

((1) Except as otherwise specified by this title, registered voters include those assigned to active and inactive status by the county auditor.

((2)) Election officials shall not include inactive voters in the count of registered voters for the purpose of dividing precincts, creating vote-by-mail precincts, determining voter turnout, or other purposes in law for which the determining factor is the number of registered voters. Election officials shall not include persons who are ongoing absentee voters under RCW 29A.40.040 in determining the maximum permissible size of vote-by-mail precincts or in determining the maximum permissible size of precincts. Nothing in this ((subsection)) section may be construed as altering the vote tallying requirements of RCW 29A.60.230.

Sec. 14. RCW 29A.08.135 and 2004 c 267 s 111 are each amended to read as follows:

((The county auditor shall acknowledge each new voter registration or transfer by providing or sending the voter a card identifying his or her current precinct and containing such other information as may be prescribed by the secretary of state;)) (1) When a person who has previously registered to vote in another state applies for voter registration in Washington, the person shall provide on the registration form ((3)) all information needed to cancel any previous registration. Notification must be made to the state elections office of the applicant's previous state of registration.

(2) A county auditor receiving official information that a voter has registered to vote in another state shall immediately cancel that voter's registration on the official state voter registration list.

Sec. 15. RCW 29A.08.140 and 2006 c 97 s 1 are each amended to read as follows:

((The registration files of all precincts shall be closed against transfers for thirty days immediately preceding every primary, special election, and general election to be held in such precincts;))

(1) In order to vote in any primary, special election, or general election, a person who is not registered to vote in Washington must:

(a) Submit a registration application no later than twenty-nine days before the day of the primary, special election, or general election; or

(b) Register in person at the county auditor's office in his or her county of residence no later than eight days before the day of the primary, special election, or general election. A person registering under this subsection will be issued an absentee ballot.

(2) A person who is already registered to vote in Washington may update his or her registration no later than twenty-nine days before the day of the primary, special election, or general election to be in effect for that primary, special election, or general election. A registered voter who fails to transfer his or her residential address by this deadline may vote according to his or her previous registration address.

(3) Prior to each primary and general election, the county auditor shall give notice of the ((closing of the precinct files for transfer and notice of the special registration and voting procedure provided by RCW 29A.08.145)) registration deadlines by one publication in a newspaper of general circulation in the county at least thirty-five days before the ((closing of the precinct files:

— No person may vote at any primary, special election, or general election in a precinct polling place unless he or she has registered to vote at least thirty days before that primary or election and appears on the official statewide voter registration list. If a person, otherwise qualified to vote in the state, county, and precinct in which he or she applies for registration, does not register at least thirty days before any primary, special election, or general election, he or she may register and vote by absentee ballot for that primary or election under RCW 29A.08.145)) primary or general election.

Sec. 16. RCW 29A.08.210 and 2005 c 246 s 11 are each amended to read as follows:

An applicant for voter registration shall complete an application providing the following information concerning his or her qualifications as a voter in this state:

(1) The former address of the ((last former registration of the)) applicant ((as a voter in the state)) if previously registered to vote;

(2) The applicant's full name;

(3) The applicant's date of birth;

(4) The address of the applicant's residence for voting purposes;

(5) The mailing address of the applicant if that address is not the same as the address in subsection (4) of this section;

(6) The sex of the applicant;

(7) The applicant's Washington state driver's license number ((or)), Washington state identification card number, or the last four digits of the applicant's Social Security number if he or she does not have a Washington state driver's license or Washington state identification card;

(8) ((A check box for the applicant to indicate that he or she does not have a Washington state driver's license, Washington state identification card, or Social Security number;

— (9)) A check box allowing the applicant to indicate that he or she is a member of the armed forces, national guard, or reserves, or that he or she is an overseas voter;

((10)) (9) A check box allowing the applicant to confirm that he or she is at least eighteen years of age or will be eighteen years of age by the next election;

((11)) (10) Clear and conspicuous language, designed to draw the applicant's attention, stating that the applicant must be a United States citizen in order to register to vote;

((12)) (11) A check box and declaration confirming that the applicant is a citizen of the United States;

((13)) (12) The following warning:

"If you knowingly provide false information on this voter registration form or knowingly make a false declaration about your qualifications for voter registration you will have committed a class C felony that is punishable by imprisonment for up to five years, a fine of up to ten thousand dollars, or both."

~~((14) The following affirmation by the applicant:~~

~~"By signing this document, I hereby assert, under penalty of perjury, that I am legally eligible to vote. If I am found to have voted illegally, I may be prosecuted and/or fined for this illegal act. In addition, I hereby acknowledge that my name and last known address will be forwarded to the appropriate state and/or federal authorities if I am found to have voted illegally."~~

~~(15)) (13) The oath required by RCW 29A.08.230 and a space for the applicant's signature; and~~

~~((16)) (14) Any other information that the secretary of state determines is necessary to establish the identity of the applicant and prevent duplicate or fraudulent voter registrations.~~

This information shall be recorded on a single registration form to be prescribed by the secretary of state.

~~((If the applicant fails to provide the information required for voter registration, the auditor shall send the applicant a verification notice. The applicant may not be registered until the required information is provided. If a verification notice is returned as undeliverable or the applicant fails to respond to the notice within forty-five days, the applicant shall not be registered to vote.))~~

Sec. 17. RCW 29A.08.230 and 2003 c 111 s 218 are each amended to read as follows:

For all voter registrations, the registrant shall sign the following oath:

"I declare that the facts on this voter registration form are true. I am a citizen of the United States, I am not presently denied ~~((my civil rights))~~ the right to vote as a result of being convicted of a felony, I will have lived in Washington at this address for thirty days immediately before the next election at which I vote, and I will be at least eighteen years old when I vote."

Sec. 18. RCW 29A.08.260 and 2004 c 267 s 118 are each amended to read as follows:

The county auditor shall distribute forms by which a person may register to vote by mail and transfer any previous registration in this state. The county auditor shall keep a supply of voter registration forms in his or her office at all times for political parties and others interested in assisting in voter registration, and shall make every effort to make these forms generally available to the public. The county auditor shall provide voter registration forms to city and town clerks, state offices, schools, fire stations, public libraries, and any other locations considered appropriate by the auditor or secretary of state for extending registration opportunities to all areas of the county. After the initial distribution of voter registration forms to a given location, a representative designated by the official in charge of that location shall notify the county auditor of the need for additional voter registration supplies.

Sec. 19. RCW 29A.08.310 and 2003 c 111 s 222 are each amended to read as follows:

(1) The governor, in consultation with the secretary of state, shall designate agencies to provide voter registration services in compliance with federal statutes.

(2) Each state agency designated shall provide voter registration services for employees and the public within each office of that agency.

(3) The secretary of state shall design and provide a standard notice informing the public of the availability of voter registration, which notice shall be posted in each state agency where such services are available.

~~(4) ((The secretary of state shall design and provide standard voter registration forms for use by these state agencies.~~

~~(5))~~ Each institution of higher education shall put in place an active prompt on its course registration web site, or similar web site that students actively and regularly use, that, if selected, will link the student to the secretary of state's voter registration web site. The prompt must ask the student if he or she wishes to register to vote.

Sec. 20. RCW 29A.08.330 and 2005 c 246 s 14 are each amended to read as follows:

(1) The secretary of state shall prescribe the method of voter registration for each designated agency. The agency shall use either the state voter registration by mail form with a separate declination form for the applicant to indicate that he or she declines to register at this time, or the agency may use a separate form approved for use by the secretary of state.

(2) The person providing service at the agency shall offer voter registration services to every client whenever he or she applies for service or assistance and with each renewal, recertification, or change of address. The person providing service shall give the applicant the same level of assistance with the voter registration application as is offered to fill out the agency's forms and documents, including information about age and citizenship requirements for voter registration.

(3) The person providing service at the agency shall determine if the prospective applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the service agent shall ask the following:

(a) "Are you a United States citizen?"

(b) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter registration. If the applicant answers in the negative to either question, the agent shall not provide the applicant with a voter registration form.

(4) If an agency uses a computerized application process, it may, in consultation with the secretary of state, develop methods to capture simultaneously the information required for voter registration during a person's computerized application process.

~~(5) Each designated agency shall ((provide for the voter registration application forms to be collected from each agency office at least once each week. The agency shall then forward the application forms to the secretary of state each week. The secretary of state shall forward the forms to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were received by the secretary of state))~~ transmit the applications to the secretary of state or appropriate county auditor within three business days.

Sec. 21. RCW 29A.08.350 and 2004 c 267 s 120 are each amended to read as follows:

~~((1) The secretary of state shall provide for the voter registration forms submitted under RCW 29A.08.340 to be collected from each driver's licensing facility within five days of their completion.~~

~~(2))~~ The department of licensing shall produce and transmit to the secretary of state ~~((a machine-readable file containing))~~ the following information from the records of each individual who requested a voter registration or transfer at a driver's license facility ~~((during each period for which forms are transmitted under subsection (1) of this section))~~: The name, address, date of birth, gender of the applicant, the driver's license number, and the date on which the application for voter registration or transfer was submitted ~~((and the location of the office at which the application was submitted))~~. The secretary of state shall process the registrations and transfers as an electronic application.

~~((3) The voter registration forms from the driver's licensing facilities must be forwarded to the county in which the applicant has registered to vote no later than ten days after the date on which the forms were to be collected.~~

~~(4) For a voter registration application where the address for voting purposes is different from the address in the machine-readable file received from the department of licensing, the secretary of state~~

shall amend the record of that application in the machine-readable file to reflect the county in which the applicant has registered to vote.

~~(5) The secretary of state shall sort the records in the machine-readable file according to the county in which the applicant registered to vote and produce a file of voter registration transactions for each county. The records of each county may be transmitted on or through whatever medium the county auditor determines will best facilitate the incorporation of these records into the existing voter registration files of that county.~~

~~(6) The secretary of state shall produce a list of voter registration transactions for each county and transmit a copy of this list to that county with each file of voter registration transactions no later than ten days after the date on which that information was to be transmitted under subsection (1) of this section.)~~

Sec. 22. RCW 29A.08.410 and 2003 c 111 s 228 are each amended to read as follows:

~~((To maintain a valid voter registration,))~~ A registered voter who changes his or her residence from one address to another within the same county ((shall)) may transfer his or her registration to the new address in one of the following ways:

(1) Sending ~~((to))~~ the county auditor a ~~((signed))~~ request stating both the voter's present address and the address from which the voter was last registered;

(2) Appearing in person before the county auditor and ((signing)) making such a request;

(3) ~~((transferring the registration in the manner provided by RCW 29A.08.430, or~~

~~((4)) telephoning or e-mailing the county auditor to transfer the registration((. The telephone call transferring a registration by telephone must be received by the auditor before the precinct registration files are closed to new registrations for the next primary or special or general election in which the voter participates)); or~~

(4) Submitting a voter registration application.

Sec. 23. RCW 29A.08.420 and 2004 c 267 s 122 are each amended to read as follows:

A registered voter who changes his or her residence from one county to another county must do so ~~((in writing using a prescribed))~~ by submitting a voter registration form. The county auditor of the voter's new county shall transfer the voter's registration from the county of the previous registration.

Sec. 24. RCW 29A.08.430 and 2004 c 267 s 123 are each amended to read as follows:

(1) A ~~((person who is))~~ registered ~~((to vote in this state))~~ voter may submit a transfer of his or her voter registration on the day of a primary, special election, or general election ((or primary under the following procedures:

~~((a) The voter may complete, at the polling place,))~~ by completing a voter registration form ((designed by the secretary of state and supplied by the county auditor, or

~~((b) For a change within the county, the voter may write in his or her new residential address in the precinct list of registered voters.~~

~~The county auditor shall determine which of these two procedures are to be used in the county or may determine that both procedures are to be available to voters for use in the county).~~

(2) A voter who requests to transfer((s)) his or her registration ((in the manner authorized by this section)) after the deadlines established in RCW 29A.08.140 shall vote in the precinct in which he or she was previously registered.

~~((3) The auditor shall, within sixty days, mail to each voter who has transferred a registration under this section, an acknowledgement notice detailing his or her current precinct and polling place.))~~

Sec. 25. RCW 29A.08.440 and 2003 c 111 s 231 are each amended to read as follows:

~~((To maintain a valid voter registration, a person))~~ A registered voter who changes his or her name shall notify the county auditor regarding the name change ((in one of the following ways: (1) By sending the auditor) by submitting a notice clearly identifying the name under which he or she is registered to vote, the voter's new name, and the voter's residence((. Such a notice must be signed by the voter using both this former name and the voter's new name; (2) by appearing in person before the auditor or a registration assistant and signing such a change-of-name notice; (3) by signing such a change-of-name notice at the voter's precinct polling place on the day

of a primary or special or general election; (4) by properly executing a name change on a mail-in), and providing a signature of the new name, or by submitting a voter registration application ((or a prescribed state agency application)).

A properly registered voter who files a change-of-name notice at the voter's precinct polling place during a primary or election and who desires to vote at that primary or election shall sign the poll book using the voter's former and new names ~~((in the same manner as is required for the change-of-name notice)).~~

Sec. 26. RCW 29A.08.510 and 2004 c 267 s 124 are each amended to read as follows:

~~((In addition to case-by-case maintenance under RCW 29A.08.620 and 29A.08.630 and the general program of maintenance of voter registration lists under RCW 29A.08.605,))~~ The registrations of deceased voters ((with)) may be canceled from voter registration lists as follows:

(1) Periodically, the registrar of vital statistics of the state shall prepare a list of persons who resided in each county, for whom a death certificate was transmitted to the registrar and was not included on a previous list, and shall supply the list to the secretary of state.

The secretary of state shall compare this list with the registration records and cancel the registrations of deceased voters ~~((within at least forty-five days before the next primary or election)).~~

(2) In addition, each county auditor may also use government agencies and newspaper obituary articles as a source of information ((in order to cancel a voter's registration from the official state voter registration list)) for identifying deceased voters and canceling a registration. The auditor must verify the identity of the voter by matching the voter's date of birth or an address. The auditor shall record the date and source of the ~~((obituary))~~ information in the cancellation records.

(3) In addition, any registered voter may sign a statement, subject to the penalties of perjury, to the effect that to his or her personal knowledge or belief another registered voter is deceased. This statement may be filed with the county auditor or the secretary of state. Upon the receipt of such signed statement, the county auditor or the secretary of state shall cancel the registration ~~((records concerned))~~ from the official state voter registration list.

Sec. 27. RCW 29A.08.520 and 2005 c 246 s 15 are each amended to read as follows:

(1) Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. ~~((Additionally,))~~

(2) The secretary of state in conjunction with the department of corrections, ((the Washington state patrol,)) the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list. If a ((person)) registered voter is found on a ((felon)) reliable list ((and the statewide voter registration list)) of felons who are ineligible to vote, the secretary of state or county auditor shall confirm the match through a name and date of birth comparison and suspend the voter registration from the official state voter registration list. The ((canceling authority)) secretary of state shall send to the person at his or her last known voter registration address a notice of the proposed cancellation and an explanation of the requirements for restoring the right to vote once all terms of sentencing have been completed. If the person does not respond within thirty days, the registration must be canceled.

~~((2))~~ (3) The right to vote may be restored by, for each felony conviction, one of the following:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

Sec. 28. RCW 29A.08.610 and 2004 c 267 s 129 are each amended to read as follows:

~~((In addition to the case-by-case cancellation procedure required in RCW 29A.08.420,))~~ The secretary of state((;)) shall conduct an

ongoing list maintenance program designed to detect persons registered in more than one county or voting in more than one county in an election. This program must be applied uniformly throughout the state and must be nondiscriminatory in its application. ~~((The program must be completed not later than thirty days before the date of a primary or general election:))~~

The office of the secretary of state shall search the statewide voter registration list to find registered voters with the same date of birth and similar names. Once the potential duplicate registrations are identified, the secretary of state shall refer the potential duplicate registrations to the appropriate county auditors, who shall compare the signatures on each voter registration record and, after confirming that a duplicate registration exists properly resolve the duplication.

If a voter is suspected of voting in two or more counties in an election, the county auditors in each county shall cooperate without delay to determine the voter's county of residence. The county auditor of the county of residence of the voter suspected of voting in two or more counties shall take action under RCW 29A.84.010 without delay.

Sec. 29. RCW 29A.08.620 and 2004 c 267 s 130 and 2004 c 266 s 8 are each reenacted and amended to read as follows:

(1) ~~((A))~~ Each county auditor must request change of address information from the postal service for all absentee and mail ballots. A voter who votes at the polls must be mailed an election-related document, with change of address information requested, at least once every two years and at least ninety days prior to the date of a primary or general election for federal office.

~~(2) The county auditor shall (assign a registered voter to inactive status and shall send the voter a confirmation notice if any of the following documents are returned by the postal service as undeliverable:~~

- ~~(a) An acknowledgement of registration;~~
- ~~(b) An acknowledgement of transfer to a new address;~~
- ~~(c) A vote-by-mail ballot, absentee ballot, or application for a ballot;~~
- ~~(d) Notification to a voter after precinct reassignment;~~
- ~~(e) Notification to serve on jury duty; or~~
- ~~(f) Any other document other than a confirmation notice, required by statute, to be mailed by the county auditor to the voter.~~

~~(2) A county auditor shall also assign a registered voter to inactive status and shall send the voter a confirmation notice:~~

~~(a) Whenever change of address information received from the department of licensing under RCW 29A.08.350, or by any other agency designated to provide voter registration services under RCW 29A.08.310, indicates that the voter has moved to an address outside the state; or~~

~~(b) If the auditor receives postal change of address information under RCW 29A.08.605, indicating)) transfer the registration of a voter and send an acknowledgement notice to the new address informing the voter of the transfer if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved within the county.~~

~~(3) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice and a voter registration application if change of address information received by the county auditor from the postal service, the department of licensing, or another agency designated to provide voter registration services indicates that the voter has moved from one county to another.~~

~~(4) The county auditor shall place a voter on inactive status and send to all known addresses a confirmation notice if any of the following occur:~~

~~(a) Any document mailed by the county auditor to a voter is returned by the postal service as undeliverable without address correction information; or~~

~~(b) Change of address information received from the postal service, the department of licensing, or another state agency designated to provide voter registration services indicates that the voter has moved out of the state.~~

Sec. 30. RCW 29A.08.625 and 2003 c 111 s 240 are each amended to read as follows:

(1) A voter whose registration has been made inactive under this chapter and who ~~((offers))~~ requests to vote at an ensuing election before two federal general elections have been held must be allowed to vote a regular ballot applicable to the registration address, and the voter's registration restored to active status.

(2) A voter whose registration has been properly canceled under this chapter shall vote a provisional ballot. The voter shall mark the provisional ballot in secrecy, the ballot placed in a security envelope, the security envelope placed in a provisional ballot envelope, and the reasons for the use of the provisional ballot noted.

(3) Upon receipt of such a voted provisional ballot the auditor shall investigate the circumstances surrounding the original cancellation. If he or she determines that the cancellation was in error, the voter's registration must be immediately reinstated, and the voter's provisional ballot must be counted. If the original cancellation was not in error, the voter must be afforded the opportunity to reregister at his or her correct address, and the voter's provisional ballot must not be counted.

Sec. 31. RCW 29A.08.630 and 2004 c 267 s 131 are each amended to read as follows:

The county auditor shall return an inactive voter to active voter status if, ~~((during the period beginning on the date the voter was assigned to inactive status and ending on the day of the second))~~ prior to the passage of two federal general elections ((for federal office that occurs after the date that the voter was sent a confirmation notice)), the voter:

(1) Notifies the auditor of a change of address ~~((within the county));~~

(2) Responds to a confirmation notice with information that ~~((the voter))~~ he or she continues to reside at the registration address; or

(3) Votes or attempts to vote in a primary ((or a), special election, or general election ((and resides within the county; or signs any petition authorized by statute for which the signatures are required by law to be verified by the county auditor or secretary of state)). If the inactive voter fails to provide such a notice or take such an action within that period, the auditor shall cancel the person's voter registration.

Sec. 32. RCW 29A.08.635 and 2003 c 111 s 242 are each amended to read as follows:

Confirmation notices must be on a form prescribed by, or approved by, the secretary of state and must request that the voter confirm that he or she continues to reside at the address of record and desires to continue to use that address for voting purposes. The notice must inform the voter that if the voter does not respond to the notice and does not vote in either of the next two federal general elections, his or her voter registration will be canceled.

Sec. 33. RCW 29A.08.640 and 2004 c 267 s 132 are each amended to read as follows:

(1) If the response to the confirmation notice ~~((provides the county auditor with the information indicating))~~ from the voter indicates that the voter has moved within the county, the auditor shall transfer the voter's registration and send the voter an acknowledgement notice.

(2) If the response from the voter indicates ~~((a move out of a))~~ that the voter moved out of the county, but within the state, the auditor shall ~~((place the registration in inactive status for transfer pending acceptance by the county indicated by the new address. The auditor shall immediately notify the auditor of the county with the new address))~~ cancel the voter's registration and notify the county auditor of the voter's new county of residence.

(3) If the response from the voter indicates that the voter has left the state, the auditor shall cancel the voter's registration on the official state voter registration list.

Sec. 34. RCW 29A.08.720 and 2005 c 246 s 18 are each amended to read as follows:

(1) In the case of voter registration records received through the department of licensing or an agency designated under RCW 29A.08.310, the identity of the office or agency at which any particular individual registered to vote is not available for public inspection and shall not be disclosed to the public. ~~((In the case of voter registration records received through an agency designated under RCW 29A.08.310, the identity of the agency at which any~~

particular individual registered to vote is not available for public inspection and shall not be disclosed to the public:)) Any record of a particular individual's choice not to register to vote at an office of the department of licensing or a state agency designated under RCW 29A.08.310 is not available for public inspection and any information regarding such a choice by a particular individual shall not be disclosed to the public.

(2) Subject to the restrictions of RCW 29A.08.710 and 40.24.060, poll books, precinct lists, and current lists of registered voters are public records and must be made available for public inspection and copying under such reasonable rules and regulations as the county auditor or secretary of state may prescribe. The county auditor or secretary of state shall promptly furnish current lists of registered voters in his or her possession, at actual reproduction cost, to any person requesting such information. The lists shall not be used for the purpose of mailing or delivering any advertisement or offer for any property, establishment, organization, product, or service or for the purpose of mailing or delivering any solicitation for money, services, or anything of value. However, the lists and labels may be used for any political purpose. The county auditor or secretary of state must provide a copy of RCW 29A.08.740 to the person requesting the material that is released under this section.

(3) For the purposes of this section, "political purpose" means a purpose concerned with the support of or opposition to any candidate for any partisan or nonpartisan office or concerned with the support of or opposition to any ballot proposition or issue. "Political purpose" includes, but is not limited to, such activities as the advertising for or against any candidate or ballot measure or the solicitation of financial support.

Sec. 35. RCW 29A.08.760 and 2004 c 267 s 134 are each amended to read as follows:

The secretary of state shall provide a duplicate copy of the master statewide computer file or electronic data file of registered voters to the department of information services for purposes of creating the jury source list without cost. Restrictions as to the commercial use of the information on the statewide computer tape or data file of registered voters, and penalties for its misuse, shall be the same as provided in RCW (~~29A.08.730~~) 29A.08.720 and 29A.08.740.

Sec. 36. RCW 29A.40.010 and 2003 c 111 s 1001 are each amended to read as follows:

Any registered voter of the state or any (~~out-of-state voter~~) overseas voter(;) or service voter may vote by absentee ballot in any general election, special election, or primary in the manner provided in this chapter. (~~Out-of-state voters~~) Overseas voters(;) and service voters are authorized to cast the same ballots, including those for special elections, as a registered voter of the state would receive under this chapter.

Sec. 37. RCW 29A.40.020 and 2003 c 111 s 1002 are each amended to read as follows:

(1) Except as otherwise provided by law, a registered voter (~~or out-of-state voter~~), overseas voter, or service voter desiring to cast an absentee ballot at a single election or primary must request the absentee ballot from his or her county auditor no earlier than ninety days nor later than the day before the election or primary at which the person seeks to vote. Except as otherwise provided by law, the request may be made orally in person, by telephone, electronically, or in writing. An application or request for an absentee ballot made under the authority of a federal statute or regulation will be considered and given the same effect as a request for an absentee ballot under this chapter.

(2) A voter requesting an absentee ballot for a primary may also request an absentee ballot for the following general election. A request by an (~~out-of-state voter~~) overseas voter(;) or service voter for an absentee ballot for a primary election will be considered as a request for an absentee ballot for the following general election.

(3) In requesting an absentee ballot, the voter shall state the address to which the absentee ballot should be sent. A request for an absentee ballot from an (~~out-of-state voter~~) overseas voter(;) or service voter must include the address of the last residence in the state of Washington and either a written application or the oath on the return envelope must include a declaration of the other qualifications of the applicant as an elector of this state. A request for an absentee

ballot from any other voter must state the address at which that voter is currently registered to vote in the state of Washington or the county auditor shall verify that information from the voter registration records of the county.

(4) A request for an absentee ballot from a registered voter who is within this state must be made directly to the auditor of the county in which the voter is registered. An absentee ballot request from a registered voter who is temporarily outside this state or from an (~~out-of-state voter~~) overseas voter(;) or service voter may be made either to the appropriate county auditor or to the secretary of state, who shall promptly forward the request to the appropriate county auditor.

(5) No person, organization, or association may distribute absentee ballot applications within this state that contain a return address other than that of the appropriate county auditor.

Sec. 38. RCW 29A.40.061 and 2004 c 271 s 134 are each amended to read as follows:

(1) The county auditor shall issue an absentee ballot for the primary or election for which it was requested, or for the next occurring primary or election when ongoing absentee status has been requested if the information contained in a request for an absentee ballot or ongoing absentee status received by the county auditor is complete and correct and the applicant is qualified to vote under federal or state law. Otherwise, the county auditor shall notify the applicant of the reason or reasons why the request cannot be accepted. Whenever two or more candidates have filed for the position of precinct committee officer for the same party in the same precinct, the contest for that position must be presented to absentee voters from that precinct by either including the contest on the regular absentee ballot or a separate absentee ballot. The ballot must provide space designated for writing in the name of additional candidates.

(2) A registered voter may obtain a replacement ballot if the ballot is destroyed, spoiled, lost, or not received by the voter. The voter may obtain the ballot by telephone request, by mail, electronically, or in person. The county auditor shall keep a record of each replacement ballot provided under this subsection.

(3) A copy of the state voters' pamphlet must be sent to (~~registered voters temporarily outside the state, out-of-state voters~~) overseas voters(;) and service voters along with the absentee ballot if such a pamphlet has been prepared for the primary or election and is available to the county auditor at the time of mailing. The county auditor shall mail all absentee ballots and related material to overseas and service voters (outside the territorial limits of the United States and the District of Columbia) under 39 U.S.C. 3406.

Sec. 39. RCW 29A.40.091 and 2005 c 246 s 21 are each amended to read as follows:

The county auditor shall send each absentee voter a ballot, a security envelope in which to seal the ballot after voting, a larger envelope in which to return the security envelope, and instructions on how to mark the ballot and how to return it to the county auditor. The instructions that accompany an absentee ballot for a partisan primary must include instructions for voting the applicable ballot style, as provided in chapter 29A.36 RCW. The absentee voter's name and address must be printed on the larger return envelope, which must also contain a declaration by the absentee voter reciting his or her qualifications and stating that he or she has not voted in any other jurisdiction at this election, together with a summary of the penalties for any violation of any of the provisions of this chapter. The declaration must clearly inform the voter that it is illegal to vote if he or she is not a United States citizen; it is illegal to vote if he or she has been convicted of a felony and has not had his or her voting rights restored; and, except as otherwise provided by law, it is illegal to cast a ballot or sign an absentee envelope on behalf of another voter. The return envelope must provide space for the voter to indicate the date on which the ballot was voted and for the voter to sign the oath. It must also contain a space so that the voter may include a telephone number. A summary of the applicable penalty provisions of this chapter must be printed on the return envelope immediately adjacent to the space for the voter's signature. The signature of the voter on the return envelope must affirm and attest to the statements regarding the qualifications of that voter and to the validity of the ballot. The return envelope must also have a secrecy

flap that the voter may seal that will cover the voter's signature and optional telephone number. For ~~((out-of-state voters;))~~ overseas voters~~(;)~~ and service voters, the signed declaration on the return envelope constitutes the equivalent of a voter registration for the election or primary for which the ballot has been issued. The voter must be instructed to either return the ballot to the county auditor by whom it was issued or attach sufficient first-class postage, if applicable, and mail the ballot to the appropriate county auditor no later than the day of the election or primary for which the ballot was issued.

If the county auditor chooses to forward absentee ballots, he or she must include with the ballot a clear explanation of the qualifications necessary to vote in that election and must also advise a voter with questions about his or her eligibility to contact the county auditor. This explanation may be provided on the ballot envelope, on an enclosed insert, or printed directly on the ballot itself. If the information is not included, the envelope must clearly indicate that the ballot is not to be forwarded and that return postage is guaranteed.

Sec. 40. RCW 29A.40.110 and 2006 c 207 s 4 and 2006 c 206 s 6 are each reenacted and amended to read as follows:

(1) The opening and subsequent processing of return envelopes for any primary or election may begin upon receipt. The tabulation of absentee ballots must not commence until after 8:00 p.m. on the day of the primary or election.

(2) All received absentee return envelopes must be placed in secure locations from the time of delivery to the county auditor until their subsequent opening. After opening the return envelopes, the county canvassing board shall place all of the ballots in secure storage until after 8:00 p.m. of the day of the primary or election. Absentee ballots that are to be tabulated on an electronic vote tallying system may be taken from the inner envelopes and all the normal procedural steps may be performed to prepare these ballots for tabulation.

(3) Before opening a returned absentee ballot, the canvassing board, or its designated representatives, shall examine the postmark, statement, and signature on the return envelope that contains the security envelope and absentee ballot. All personnel assigned to verify signatures must receive training on statewide standards for signature verification. Personnel shall verify that the voter's signature on the return envelope is the same as the signature of that voter in the registration files of the county. Verification may be conducted by an automated verification system approved by the secretary of state. For any absentee ballot, a variation between the signature of the voter on the return envelope and the signature of that voter in the registration files due to the substitution of initials or the use of common nicknames is permitted so long as the surname and handwriting are clearly the same.

(4) For registered voters casting absentee ballots, the date on the return envelope to which the voter has attested determines the validity, as to the time of voting for that absentee ballot if the postmark is missing or is illegible. For ~~((out-of-state voters;))~~ overseas voters~~(;)~~ and service voters ~~((stationed in the United States)),~~ the date on the return envelope to which the voter has attested determines the validity as to the time of voting for that absentee ballot.

Sec. 41. RCW 29A.60.235 and 2005 c 243 s 11 are each amended to read as follows:

(1) The county auditor shall prepare, make publicly available at the auditor's office or on the auditor's web site, and submit at the time of certification an election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The number of ballots counted;
- (c) The number of provisional ballots issued;
- (d) The number of provisional ballots counted;
- (e) The number of provisional ballots rejected;
- (f) The number of absentee ballots issued;
- (g) The number of absentee ballots counted;
- (h) The number of absentee ballots rejected;
- (i) The number of federal write-in ballots counted;
- (j) The number of ~~((out-of-state;))~~ overseas~~(;)~~ and service ballots issued;

(k) The number of ~~((out-of-state;))~~ overseas~~(;)~~ and service ballots counted; and

(l) The number of ~~((out-of-state;))~~ overseas~~(;)~~ and service ballots rejected.

(2) The county auditor shall prepare and make publicly available at the auditor's office or on the auditor's web site within thirty days of certification a final election reconciliation report that discloses the following information:

- (a) The number of registered voters;
- (b) The total number of voters credited with voting;
- (c) The number of poll voters credited with voting;
- (d) The number of provisional voters credited with voting;
- (e) The number of absentee voters credited with voting;
- (f) The number of federal write-in voters credited with voting;
- (g) The number of ~~((out-of-state;))~~ overseas~~(;)~~ and service voters credited with voting;
- (h) The total number of voters credited with voting even though their ballots were postmarked after election day and were not counted; and
- (i) Any other information the auditor deems necessary to reconcile the number of ballots counted with the number of voters credited with voting.

(3) The county auditor may also prepare such reports for jurisdictions located, in whole or in part, in the county.

Sec. 42. RCW 46.20.155 and 2005 c 246 s 24 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter, the licensing agent shall determine if the applicant wants to register to vote or transfer his or her voter registration by asking the following question:

"Do you want to register to vote or transfer your voter registration?"

If the applicant chooses to register or transfer a registration, the agent shall ask the following:

- (1) "Are you a United States citizen?"
- (2) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then ~~((provide the applicant with a voter registration form and instructions and shall record that the applicant has requested to register to vote or transfer a voter))~~ submit the registration or transfer. If the applicant answers in the negative to either question, the agent shall not ~~((provide the applicant with))~~ submit a voter registration ~~((form))~~ application.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

NEW SECTION. Sec. 43. The following acts or parts of acts are each repealed:

- (1) RCW 29A.04.103 (Out-of-state voter) and 2003 c 111 s 118;
- (2) RCW 29A.08.040 ("Person," "political purpose.") and 2003 c 111 s 202 & 1973 1st ex.s. c 111 s 1;
- (3) RCW 29A.08.113 (Alternative forms of identification--Voting procedure) and 2005 c 246 s 7;
- (4) RCW 29A.08.145 (Late registration--Special procedure) and 2006 c 97 s 2, 2005 c 246 s 10, 2004 c 267 s 113, 2003 c 111 s 213, & 1993 c 383 s 1;
- (5) RCW 29A.08.360 (Address changes at department of licensing) and 2004 c 267 s 121 & 2003 c 111 s 227;
- (6) RCW 29A.08.605 (Registration list maintenance) and 2004 c 267 s 128 & 2003 c 111 s 236;
- (7) RCW 29A.08.651 (Voter registration database) and 2005 c 246 s 16 & 2004 c 267 s 101; and
- (8) RCW 29A.08.780 (State and county list interchange) and 2004 c 267 s 137.

NEW SECTION. Sec. 44. No state general funds may be used for development and implementation of this act during the 2009-2011 biennium."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5285 Prime Sponsor, Committee on Human Services & Corrections: Revising procedures for appointment of guardians ad litem. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Judiciary. (For committee amendment, see Journal, Day 74, March 26, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5286 Prime Sponsor, Committee on Human Services & Corrections: Regarding exemptions from the WorkFirst program. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 74.08A.270 and 2007 c 289 s 1 are each amended to read as follows:

(1) Good cause reasons for failure to participate in WorkFirst program components include: (a) Situations where the recipient is a parent or other relative personally providing care for a child under the age of six years, and formal or informal child care, or day care for an incapacitated individual living in the same home as a dependent child, is necessary for an individual to participate or continue participation in the program or accept employment, and such care is not available, and the department fails to provide such care; or (b) the recipient is a parent with a child under the age of one year.

(2) A parent claiming a good cause exemption from WorkFirst participation under subsection (1)(b) of this section shall not be required to participate in any activities during the first ninety days following the birth of the child. Thereafter, the parent may be required to participate in one or more of the following, up to a maximum total of twenty hours per week, if such treatment, services, or training is indicated by the comprehensive evaluation or other assessment:

- (a) Mental health treatment;
- (b) Alcohol or drug treatment;
- (c) Domestic violence services; or
- (d) Parenting education or parenting skills training, if available.

(3) The department shall: (a) Work with a parent claiming a good cause exemption under subsection (1)(b) of this section to identify and access programs and services designed to improve parenting skills and promote child well-being, including but not limited to home visitation programs and services; and (b) provide information on the availability of home visitation services to temporary assistance for needy families caseworkers, who shall inform clients of the availability of the services. If desired by the

client, the caseworker shall facilitate appropriate referrals to providers of home visitation services.

(4) Nothing in this section shall prevent a recipient from participating in the WorkFirst program on a voluntary basis.

(5) A parent is eligible for a good cause exemption under subsection (1)(b) of this section for a maximum total of twelve months over the parent's lifetime.

(6) The grant to a single-parent household claiming a good cause exemption under subsection (1)(b) of this section shall not be reduced due to sanction for failure to participate in the activities described under subsection (2) of this section. The department may, however, assign or seek out a volunteer or responsible family member to serve as a protective payee when a parent in need of mental health or substance abuse treatment refuses to engage in treatment, and shall continue its efforts to engage parents in appropriate supportive services and treatment programs."

Correct the title.

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen; Johnson and Walsh.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5340 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning internet and mail order sales of tobacco products. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.155.010 and 2006 c 14 s 2 are each amended to read as follows:

The definitions set forth in RCW 82.24.010 shall apply to ~~(RCW 70.155.020 through 70.155.130)~~ this chapter. In addition, for the purposes of this chapter, unless otherwise required by the context:

(1) "Board" means the Washington state liquor control board.

~~(2) ("Delivery sale" means any sale of cigarettes to a consumer in the state where either: (a) The purchaser submits an order for a sale by means of a telephonic or other method of voice transmission, mail delivery, any other delivery service, or the internet or other online service; or (b) the cigarettes are delivered by use of mail delivery or any other delivery service. A sale of cigarettes shall be a delivery sale regardless of whether the seller is located within or without the state. A sale of cigarettes not for personal consumption to a person who is a wholesaler licensed pursuant to chapter 82.24 RCW or a retailer pursuant to chapter 82.24 RCW is not a delivery sale.~~

~~(3) "Delivery service" means any private carrier engaged in the commercial delivery of letters, packages, or other containers that requires the recipient of that letter, package, or container to sign to accept delivery.~~

~~(4)) "Internet" means any computer network, telephonic network, or other electronic network.~~

~~(3) "Minor" refers to an individual who is less than eighteen years old.~~

~~((5)) (4) "Sample" means a tobacco product distributed to members of the general public at no cost or at nominal cost for product promotion purposes.~~

~~((6)) (5) "Sampling" means the distribution of samples to members of the public.~~

~~((7)) "Shipping container" means a container in which cigarettes are shipped in connection with a delivery sale.~~

~~(8) "Shipping documents" means bills of lading, airbills, or any other documents used to evidence the undertaking by a delivery service to deliver letters, packages, or other containers.~~

~~(9)) (6) "Tobacco product" means a product that contains tobacco and is intended for human use, including any product defined in RCW 82.24.010(2) or 82.26.010(1), except that for the purposes of section 2 of this act only, "tobacco product" does not include cigars defined in RCW 82.26.010 as to which one thousand units weigh more than three pounds.~~

NEW SECTION. Sec. 2. A new section is added to chapter 70.155 RCW to read as follows:

(1) A person may not:

(a) Ship or transport, or cause to be shipped or transported, any tobacco product ordered or purchased by mail or through the internet to anyone in this state other than a licensed wholesaler or retailer; or

(b) With knowledge or reason to know of the violation, provide substantial assistance to a person who is in violation of this section.

(2)(a) A person who knowingly violates subsection (1) of this section is guilty of a class C felony, except that the maximum fine that may be imposed is five thousand dollars.

(b) In addition to or in lieu of any other civil or criminal remedy provided by law, a person who has violated subsection (1) of this section is subject to a civil penalty of up to five thousand dollars for each violation. The attorney general, acting in the name of the state, may seek recovery of the penalty in a civil action in superior court. For purposes of this subsection, each shipment or transport of tobacco products constitutes a separate violation.

(3) The attorney general may seek an injunction in superior court to restrain a threatened or actual violation of subsection (1) of this section and to compel compliance with subsection (1) of this section.

(4) Any violation of subsection (1) of this section is not reasonable in relation to the development and preservation of business and is an unfair and deceptive act or practice and an unfair method of competition in the conduct of trade or commerce in violation of RCW 19.86.020. Standing to bring an action to enforce RCW 19.86.020 for violation of subsection (1) of this section lies solely with the attorney general. Remedies provided by chapter 19.86 RCW are cumulative and not exclusive.

(5)(a) In any action brought under this section, the state is entitled to recover, in addition to other relief, the costs of investigation, expert witness fees, costs of the action, and reasonable attorneys' fees.

(b) If a court determines that a person has violated subsection (1) of this section, the court shall order any profits, gain, gross receipts, or other benefit from the violation to be disgorged and paid to the state treasurer for deposit in the general fund.

(6) Unless otherwise expressly provided, the penalties or remedies, or both, under this section are in addition to any other penalties and remedies available under any other law of this state.

NEW SECTION. Sec. 3. RCW 70.155.105 (Delivery sale of cigarettes--Requirements, unlawful practices--Penalties--Enforcement) and 2003 c 113 s 2 are each repealed."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Armstrong.

Passed to Committee on Rules for second reading.

SSB 5346 April 4, 2009
Prime Sponsor, Committee on Ways & Means:
Concerning administrative procedures for payors and providers of health care services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. (For committee amendment, see Journal, Day 74, March 26, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 4, 2009
SSB 5360 Prime Sponsor, Committee on Health & Long-Term Care: Establishing a community health care collaborative grant program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness. (For committee amendment, see Journal, Day 74, March 26, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 4, 2009
SSB 5391 Prime Sponsor, Committee on Health & Long-Term Care: Regulating body art, body piercing, and tattooing practitioners, shops, and businesses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares that the practices of body piercing, tattooing, and other forms of body art involve an invasive procedure with the use of needles, sharps, instruments, and jewelry. These practices may be dangerous when improper sterilization techniques are used, presenting a risk of infecting the client with bloodborne pathogens including, but not limited to, HIV, hepatitis B, and hepatitis C. It is in the interests of the public health, safety, and welfare to establish requirements in the commercial practice of these activities in this state.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter and RCW 5.40.050 and 70.54.340 unless the context clearly requires otherwise.

(1) "Body art" means the practice of invasive cosmetic adornment including the use of branding and scarification. "Body art" also includes the intentional production of scars upon the body. "Body art" does not include any health-related procedures performed by licensed health care practitioners under their scope of practice.

(2) "Body piercing" means the process of penetrating the skin or mucous membrane to insert an object, including jewelry, for cosmetic purposes. "Body piercing" also includes any scar tissue resulting from or relating to the piercing. "Body piercing" does not include the use of stud and clasp piercing systems to pierce the earlobe in accordance with the manufacturer's directions and applicable United States food and drug administration requirements. "Body piercing" does not include any health-related procedures performed by licensed health care practitioners under their scope of practice, nor does anything in this act authorize a person registered to engage in the business of body piercing to implant or embed foreign objects into the human body or otherwise engage in the practice of medicine.

(3) "Director" means the director of the department of licensing.

(4) "Individual license" means a body art, body piercing, or tattoo practitioner license issued under this chapter.

(5) "Location license" means a license issued under this chapter for a shop or business.

(6) "Shop or business" means a body art, body piercing, or tattooing shop or business.

(7) "Tattoo artist" means a person who pierces or punctures the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin for a fee.

(8) "Tattooing" means to pierce or puncture the human skin with a needle or other instrument for the purpose of implanting an indelible mark, or pigment, into the skin.

NEW SECTION. Sec. 3. In addition to any other duties imposed by law, including RCW 18.235.030 and 18.235.040, the director has the following powers and duties:

(1) To set all license, examination, and renewal fees in accordance with RCW 43.24.086;

(2) To adopt rules necessary to implement this chapter;

(3) To prepare and administer or approve the preparation and administration of licensing;

(4) To establish minimum safety and sanitation standards for practitioners of body art, body piercing, or tattooing as determined by the department of health;

(5) To maintain the official department record of applicants and licensees;

(6) To set license expiration dates and renewal periods for all licenses consistent with this chapter;

(7) To ensure that all informational notices produced and mailed by the department regarding statutory and regulatory changes affecting any particular class of licensees are mailed to each licensee in good standing in the affected class whose mailing address on record with the department has not resulted in mail being returned as undeliverable for any reason; and

(8) To make information available to the department of revenue to assist in collecting taxes from persons and businesses required to be licensed under this chapter.

NEW SECTION. Sec. 4. (1) It is unlawful for any person to engage in a practice listed in subsection (2) of this section unless the person has a license in good standing as required by this chapter. A license issued under this chapter is considered to be "in good standing" except when:

(a) The license has expired or has been canceled and has not been renewed in accordance with section 6 of this act;

(b) The license has been denied, revoked, or suspended under section 12 or 14 of this act, and has not been reinstated; or

(c) The license is held by a person who has not fully complied with an order of the director issued under section 12 of this act requiring the licensee to pay restitution or a fine, or to acquire additional training.

(2) The director may take action under RCW 18.235.150 and 18.235.160 against any person who does any of the following without first obtaining, and maintaining in good standing, the license required by this chapter:

(a) Engages in the practice of body art, body piercing, or tattooing; or

(b) Operates a shop or business.

NEW SECTION. Sec. 5. Upon completion of an application approved by the department and payment of the proper fee, the director shall issue the appropriate location license to any person who completes an application approved by the department, provides certification of insurance, and provides payment of the proper fee.

NEW SECTION. Sec. 6. (1) The director shall issue the appropriate license to any applicant who meets the requirements as outlined in this chapter. The director has the authority to set appropriate licensing fees for body art, body piercing, and tattooing shops and businesses and body art, body piercing, and tattooing individual practitioners. Licensing fees for individual practitioners must be set in an amount less than licensing fees for shops and businesses.

(2) Failure to renew a license by its expiration date subjects the holder to a penalty fee and payment of each year's renewal fee, at the current rate.

(3) A person whose license has not been renewed within one year after its expiration date must have his or her license canceled and must be required to submit an application, pay the license fee, meet current licensing requirements, and pass any applicable examination or examinations, in addition to the other requirements of this chapter, before the license may be reinstated.

(4) Nothing in this section authorizes a person whose license has expired to engage in a practice prohibited under section 4 of this act until the license is renewed or reinstated.

(5) Upon request and payment of an additional fee to be established by rule by the director, the director shall issue a duplicate license to an applicant.

NEW SECTION. Sec. 7. (1) Subject to subsection (2) of this section, licenses issued under this chapter expire as follows:

(a) A body art, body piercing, or tattooing shop or business location license expires one year from issuance or when the insurance required by section 8(1)(g) of this act expires, whichever occurs first; and

(b) Body art, body piercing, or tattooing practitioner individual licenses expire one year from issuance.

(2) The director may provide for expiration dates other than those set forth in subsection (1) of this section for the purpose of establishing staggered renewal periods.

NEW SECTION. Sec. 8. (1) A body art, body piercing, or tattooing shop or business shall meet the following minimum requirements:

(a) Maintain an outside entrance separate from any rooms used for sleeping or residential purposes;

(b) Provide and maintain for the use of its customers adequate toilet facilities located within or adjacent to the shop or business;

(c) Any room used wholly or in part as a shop or business may not be used for residential purposes, except that toilet facilities may be used for both residential and business purposes;

(d) Meet the zoning requirements of the county, city, or town, as appropriate;

(e) Provide for safe storage and labeling of equipment and substances used in the practices under this chapter;

(f) Meet all applicable local and state fire codes; and

(g) Certify that the shop or business is covered by a public liability insurance policy in an amount not less than one hundred thousand dollars for combined bodily injury and property damage liability.

(2) The director may by rule determine other requirements that are necessary for safety and sanitation of shops or businesses. The director may consult with the state board of health and the department of labor and industries in establishing minimum shop and business safety requirements.

(3) Upon receipt of a written complaint that a shop or business has violated any provisions of this chapter, chapter 18.235 RCW, or the rules adopted under either chapter, or at least once every two years for an existing shop or business, the director or the director's designee shall inspect each shop or business. If the director determines that any shop or business is not in compliance with this chapter, the director shall send written notice to the shop or business. A shop or business which fails to correct the conditions to the satisfaction of the director within a reasonable time is, upon due notice, subject to the penalties imposed by the director under RCW 18.235.110. The director may enter any shop or business during business hours for the purpose of inspection. The director may contract with health authorities of local governments to conduct the inspections under this subsection.

(4) A shop or business shall obtain a certificate of registration from the department of revenue.

(5) Shop or business location licenses issued by the department must be posted in the shop or business's reception area.

(6) Body art, body piercing, and tattooing practitioner individual licenses issued by the department must be posted at the licensed person's work station.

NEW SECTION. Sec. 9. The director shall prepare and provide to all licensed shops or businesses a notice to consumers. At a minimum, the notice must state that body art, body piercing, and tattooing shops or businesses are required to be licensed, that shops or businesses are required to maintain minimum safety and sanitation

standards, that customer complaints regarding shops or businesses may be reported to the department, and a telephone number and address where complaints may be made.

NEW SECTION. Sec. 10. It is a violation of this chapter for any person to engage in the commercial practice of body art, body piercing, or tattooing except in a licensed shop or business with the appropriate individual body art, body piercing, or tattooing license.

NEW SECTION. Sec. 11. In addition to the unprofessional conduct described in RCW 18.235.130, the director may take disciplinary action against any applicant or licensee under this chapter if the licensee or applicant:

(1) Has been found to have violated any provisions of chapter 19.86 RCW;

(2) Has engaged in a practice prohibited under section 4 of this act without first obtaining, and maintaining in good standing, the license required by this chapter;

(3) Has failed to display licenses required in this chapter; or

(4) Has violated any provision of this chapter or any rule adopted under it.

NEW SECTION. Sec. 12. If, following a hearing, the director finds that any person or an applicant or licensee has violated any provision of this chapter or any rule adopted under it, the director may impose one or more of the following penalties:

(1) Denial of a license or renewal;

(2) Revocation or suspension of a license;

(3) A fine of not more than five hundred dollars per violation;

(4) Issuance of a reprimand or letter of censure;

(5) Placement of the licensee on probation for a fixed period of time;

(6) Restriction of the licensee's authorized scope of practice;

(7) Requiring the licensee to make restitution or a refund as determined by the director to any individual injured by the violation; or

(8) Requiring the licensee to obtain additional training or instruction.

NEW SECTION. Sec. 13. Any person aggrieved by the refusal of the director to issue any license provided for in this chapter, or to renew the same, or by the revocation or suspension of any license issued under this chapter or by the application of any penalty under section 12 of this act has the right to appeal the decision of the director to the superior court of the county in which the person maintains his or her place of business. The appeal must be filed within thirty days of the director's decision.

NEW SECTION. Sec. 14. The department shall immediately suspend the license of a person who has been certified under RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the license is automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

NEW SECTION. Sec. 15. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 16. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter.

NEW SECTION. Sec. 17. This act shall be known and may be cited as the "Washington body art, body piercing, and tattooing act."

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Sec. 19. RCW 70.54.340 and 2001 c 194 s 3 are each amended to read as follows:

The secretary of health shall adopt by rule requirements, in accordance with nationally recognized professional standards, for precautions against the spread of disease, including the sterilization of needles and other instruments, including sharps and jewelry, employed by electrologists, persons engaged in the practice of body art, body piercing, and tattoo artists ((in accordance with nationally recognized professional standards)). The secretary shall consider the ~~((universal))~~ standard precautions for infection control, as recommended by the United States centers for disease control, and guidelines for infection control, as recommended by ~~((the national environmental health association and the alliance of professional tattooists;))~~ national industry standards in the adoption of these sterilization requirements.

Sec. 20. RCW 5.40.050 and 2001 c 194 s 5 are each amended to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to: (1) Electrical fire safety, (2) the use of smoke alarms, (3) sterilization of needles and instruments used by persons engaged in the practice of body art, body piercing, tattooing, or electrology, or other precaution against the spread of disease, as required under RCW 70.54.350, or (4) driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se.

Sec. 21. RCW 43.24.150 and 2008 c 119 s 22 are each amended to read as follows:

(1) The business and professions account is created in the state treasury. All receipts from business or professional licenses, registrations, certifications, renewals, examinations, or civil penalties assessed and collected by the department from the following chapters must be deposited into the account:

(a) Chapter 18.11 RCW, auctioneers;

(b) Chapter 18.16 RCW, cosmetologists, barbers, and manicurists;

(c) Chapter 18.96 RCW, landscape architects;

(d) Chapter 18.145 RCW, court reporters;

(e) Chapter 18.165 RCW, private investigators;

(f) Chapter 18.170 RCW, security guards;

(g) Chapter 18.185 RCW, bail bond agents;

(h) Chapter 18.280 RCW, home inspectors;

(i) Chapter 19.16 RCW, collection agencies;

(j) Chapter 19.31 RCW, employment agencies;

(k) Chapter 19.105 RCW, camping resorts;

(l) Chapter 19.138 RCW, sellers of travel;

(m) Chapter 42.44 RCW, notaries public; ~~((and))~~

(n) Chapter 64.36 RCW, timeshares; and

(o) Chapter 18.-- RCW (the new chapter created in section 24 of this act).

Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for expenses incurred in carrying out these business and professions licensing activities of the department. Any residue in the account shall be accumulated and shall not revert to the general fund at the end of the biennium.

(2) The director shall biennially prepare a budget request based on the anticipated costs of administering the business and professions licensing activities listed in subsection (1) of this section, which shall include the estimated income from these business and professions fees.

Sec. 22. RCW 18.235.020 and 2008 c 119 s 21 are each amended to read as follows:

(1) This chapter applies only to the director and the boards and commissions having jurisdiction in relation to the businesses and professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;

(ii) Bail bond agents and bail bond recovery agents under chapter 18.185 RCW;

(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;

(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;

(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;

(ix) For hire vehicle operators under chapter 46.72 RCW;

(x) Limousines under chapter 46.72A RCW;

(xi) Notaries public under chapter 42.44 RCW;

(xii) Private investigators under chapter 18.165 RCW;

(xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

(xiv) Real estate appraisers under chapter 18.140 RCW;

(xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

(xvi) Security guards under chapter 18.170 RCW;

(xvii) Sellers of travel under chapter 19.138 RCW;

(xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW;

(xix) Whitewater river outfitters under chapter 79A.60 RCW; and

(xx) Home inspectors under chapter 18.280 RCW; and

(xxi) Body artists, body piercers, and tattoo artists, and body art, body piercing, and tattooing shops and businesses, under chapter 18.-- RCW (the new chapter created in section 24 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The cemetery board established in chapter 68.05 RCW;

(iii) The Washington state collection agency board established in chapter 19.16 RCW;

(iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

(v) The state board of funeral directors and embalmers established in chapter 18.39 RCW;

(vi) The state board of registration for landscape architects established in chapter 18.96 RCW; and

(vii) The state geologist licensing board established in chapter 18.220 RCW.

(3) In addition to the authority to discipline license holders, the disciplinary authority may grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered under RCW 18.235.110 by the disciplinary authority.

NEW SECTION. Sec. 23. The director of licensing and the department of health, beginning on the effective date of this section, may take such steps as are necessary to ensure that this act is implemented July 1, 2010.

NEW SECTION. Sec. 24. Sections 1 through 18 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 25. Sections 1 through 21 of this act take effect July 1, 2010."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009
SSB 5410 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding online learning. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Hinkle and Priest.

Passed to Committee on Rules for second reading.

April 3, 2009
SSB 5480 Prime Sponsor, Committee on Health & Long-Term Care: Creating the Washington health care discount plan organization act. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; Armstrong; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Crouse and Short.

Passed to Committee on Rules for second reading.

April 4, 2009
2SSB 5491 Prime Sponsor, Committee on Ways & Means: Requiring school districts or educational service districts to purchase employee health insurance coverage through the state health care authority. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature intends to promote equity of coverage for all public employees through better coordination of employee benefits.

(2) The legislature finds that there is currently a compelling interest in providing health care coverage to certificated and classified K-12 employees in the most cost-effective manner. The legislature finds that this may be accomplished by covering certificated and classified K-12 employees through a large pool.

NEW SECTION. Sec. 2. (1) The health care authority shall develop a plan for reducing the cost of providing health benefits for certificated and classified K-12 employees. The health care authority must allow interested parties to provide comments and suggestions related to the plan.

(2) The health care authority shall present the plan to the governor and the fiscal committees of the senate and the house of representatives by December 15, 2009. The plan must state recommendations for the funding and procurement of health benefits for certificated and classified K-12 employees and include an analysis of the possibility of centralizing the provision of health benefits for certificated and classified K-12 employees by the health care authority. The plan must also include recommendations related to legislation that is deemed necessary to implement the recommendations of the health care authority set out in the plan.

NEW SECTION. Sec. 3. (1) By July 31, 2009, all school districts and educational service districts shall forward the following 2007-2008 plan year and 2008-2009 plan year data, current to March 2009, for each employee pooling group to the health care authority and the office of the superintendent of public instruction:

- (a) Age and gender of covered employees;
- (b) Age and gender of covered dependents; and
- (c) Reports developed from health plan claims information that show counts of covered employees and dependents by diagnosis condition category.

(2) Contracted health carriers and self-insured plan administrators shall assist school districts and educational service districts in developing and submitting the information required in subsection (1) of this section.

(3) By July 31, 2009, all school districts and educational service districts shall forward the following information by employee pooling group, as in effect March 2009, to the health care authority and the office of the superintendent of public instruction:

- (a) The cost of employee health benefits including employee premiums by plan and by employee tier;
 - (b) Health insurance benefit designs; and
 - (c) Eligibility criteria.
- (4) Contracted health carriers and self-insured plan administrators shall assist school districts and educational service districts in developing and submitting the information required in subsection (3) of this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Dameille; Haigh; Kagi; Kessler; Priest; Ross; Schmick and Seaquist.

MINORITY recommendation: Do not pass. Signed by Representatives Hunt; Hunter; Kenney; Pettigrew and Sullivan.

Passed to Committee on Rules for second reading.

April 3, 2009
SSB 5501 Prime Sponsor, Committee on Ways & Means:
 Concerning the secure exchange of health information. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) The inability to securely share critical health information between practitioners inhibits the delivery of safe, efficient care, as evidenced by:

- (a) Adverse drug events that result in an average of seven hundred seventy thousand injuries and deaths each year; and
 - (b) Duplicative services that add to costs and jeopardize patient well-being;
- (2) Consumers are unable to act as fully informed participants in their care unless they have ready access to their own health information;

(3) The blue ribbon commission on health care costs and access found that the development of a system to provide electronic access to patient information anywhere in the state was a key to improving health care; and

(4) In 2005, the legislature established a health information infrastructure advisory board to develop a strategy for the adoption

and use of health information technologies that are consistent with emerging national standards and promote interoperability of health information systems.

NEW SECTION. Sec. 2. A new section is added to chapter 41.05 RCW to read as follows:

The definitions in this section apply throughout sections 3 through 5 of this act unless the context clearly requires otherwise.

(1) "Administrator" means the administrator of the state health care authority under this chapter.

(2) "Exchange" means the methods or medium by which health care information may be electronically and securely exchanged among authorized providers, payors, and patients within Washington state.

(3) "Health care provider" or "provider" has the same meaning as in RCW 48.43.005.

(4) "Health data provider" means an organization that is a primary source for health-related data for Washington residents, including but not limited to:

(a) The children's health immunizations linkages and development profile immunization registry provided by the department of health pursuant to chapter 43.70 RCW;

(b) Commercial laboratories providing medical laboratory testing results;

(c) Prescription drugs clearinghouses, such as the national patient health information network; and

(d) Diagnostic imaging centers.

(5) "Lead organization" means a private sector organization or organizations designated by the administrator to lead development of processes, guidelines, and standards under this act.

(6) "Payor" means public purchasers, as defined in this section, carriers licensed under chapters 48.20, 48.21, 48.44, 48.46, and 48.62 RCW, and the Washington state health insurance pool established in chapter 48.41 RCW.

(7) "Public purchaser" means the department of social and health services, the department of labor and industries, and the health care authority.

(8) "Secretary" means the secretary of the department of health.

NEW SECTION. Sec. 3. A new section is added to chapter 41.05 RCW to read as follows:

(1) By August 1, 2009, the administrator shall designate one or more lead organizations to coordinate development of processes, guidelines, and standards to:

(a) Improve patient access to and control of their own health care information and thereby enable their active participation in their own care; and

(b) Implement methods for the secure exchange of clinical data as a means to promote:

- (i) Continuity of care;
- (ii) Quality of care;
- (iii) Patient safety; and
- (iv) Efficiency in medical practices.

(2) The lead organization designated by the administrator under this section shall:

(a) Be representative of health care privacy advocates, providers, and payors across the state;

(b) Have expertise and knowledge in the major disciplines related to the secure exchange of health data;

(c) Be able to support the costs of its work without recourse to state funding. The administrator and the lead organization are authorized and encouraged to seek federal funds, including funds from the federal American recovery and reinvestment act, as well as solicit, receive, contract for, collect, and hold grants, donations, and gifts to support the implementation of this section and section 4 of this act;

(d) In collaboration with the administrator, identify and convene work groups, as needed, to accomplish the goals of this section and section 4 of this act;

(e) Conduct outreach and communication efforts to maximize the adoption of the guidelines, standards, and processes developed by the lead organization;

(f) Submit regular updates to the administrator on the progress implementing the requirements of this section and section 4 of this act; and

April 3, 2009

(g) With the administrator, report to the legislature December 1, 2009, and on December 1st of each year through December 1, 2012, on progress made, the time necessary for completing tasks, and identification of future tasks that should be prioritized for the next improvement cycle.

(3) Within available funds as specified in subsection (2)(c) of this section, the administrator shall:

(a) Participate in and review the work and progress of the lead organization, including the establishment and operation of work groups for this section and section 4 of this act; and

(b) Consult with the office of the attorney general to determine whether:

(i) An antitrust safe harbor is necessary to enable licensed carriers and providers to develop common rules and standards; and, if necessary, take steps, such as implementing rules or requesting legislation, to establish a safe harbor; and

(ii) Legislation is needed to limit provider liability if their health records are missing health information despite their participation in the exchange of health information.

(4) The lead organization or organizations shall take steps to minimize the costs that implementation of the processes, guidelines, and standards may have on participating entities, including providers.

NEW SECTION. Sec. 4. A new section is added to chapter 41.05 RCW to read as follows:

By December 1, 2011, the lead organization shall, consistent with the federal health insurance portability and accountability act, develop processes, guidelines, and standards that address:

(1) Identification and prioritization of high value health data from health data providers. High value health data include:

- (a) Prescriptions;
- (b) Immunization records;
- (c) Laboratory results;
- (d) Allergies; and
- (e) Diagnostic imaging;
- (2) Processes to request, submit, and receive data;
- (3) Data security, including:

(a) Storage, access, encryption, and password protection;

(b) Secure methods for accepting and responding to requests for data;

(c) Handling unauthorized access to or disclosure of individually identifiable patient health information, including penalties for unauthorized disclosure; and

(d) Authentication of individuals, including patients and providers, when requesting access to health information, and maintenance of a permanent audit trail of such requests, including:

- (i) Identification of the party making the request;
- (ii) The data elements reported; and
- (iii) Transaction dates;

(4) Materials written in plain language that explain the exchange of health information and how patients can effectively manage such information, including the use of online tools for that purpose;

(5) Materials for health care providers that explain the exchange of health information and the secure management of such information.

NEW SECTION. Sec. 5. A new section is added to chapter 41.05 RCW to read as follows:

If any provision in sections 2 through 4 of this act conflicts with existing or new federal requirements, the administrator shall recommend modifications, as needed, to assure compliance with the aims of sections 2 through 4 of this act and federal requirements."

Correct the title.

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen and Johnson.

Passed to Committee on Rules for second reading.

ESSB 5529 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding architects. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.08.310 and 1985 c 37 s 2 are each amended to read as follows:

(1) It is unlawful for any person to practice or offer to practice architecture in this state, ((architecture;)) or to use in connection with his or her name or otherwise assume, use, or advertise any title or description including the word "architect," "architecture," "architectural," or language tending to imply that he or she is an architect, unless the person is registered or authorized to practice in the state of Washington under this chapter.

(2) An architect or architectural firm registered in any other jurisdiction recognized by the board may offer to practice architecture in this state if:

(a) It is clearly and prominently stated in such an offer that the architect or firm is not registered to practice architecture in the state of Washington; and

(b) Prior to practicing architecture or signing a contract to provide architectural services, the architect or firm must be registered to practice architecture in this state.

(3) A person who has an accredited architectural degree may use the title "intern architect" when enrolled in a structured intern program recognized by the board and working under the direct supervision of an architect.

(4) The provisions of this section shall not affect the use of the words "architect," "architecture," or "architectural" where a person does not practice or offer to practice architecture.

Sec. 2. RCW 18.08.320 and 1985 c 37 s 3 are each amended to read as follows:

((Unless the context clearly requires otherwise;)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accredited architectural degree" means a professional degree from an institution of higher education accredited by the national architectural accreditation board or an equivalent degree in architecture as determined by the board.

(2) "Administration of the construction contract" means the periodic observation of materials and work to observe the general compliance with the construction contract documents, and does not include responsibility for supervising construction methods and processes, site conditions, equipment operations, personnel, or safety on the work site.

((2)) (3) "Architect" means an individual who is registered under this chapter to practice architecture.

((3)) (4) "Board" means the state board ((of registration)) for architects.

((4)) (5) "Certificate of authorization" means a certificate issued by the director to a ((corporation or partnership)) business entity that authorizes the entity to practice architecture.

((5)) (6) "Certificate of registration" means the certificate issued by the director to newly registered architects.

((6)) (7) "Department" means the department of licensing.

((7)) (8) "Director" means the director of licensing.

((8)) (9) "Engineer" means an individual who is registered as an engineer under chapter 18.43 RCW.

((9)) (10) "Person" means any individual, partnership, professional service corporation, corporation, joint stock association, joint venture, or any other entity authorized to do business in the state.

((10)) (11) "Practice of architecture" means the rendering of services in connection with the art and science of building design for construction of any structure or grouping of structures and the use of space within and surrounding the structures or the design for construction of alterations or additions to the structures, including but not specifically limited to predesign services, schematic design,

design development, preparation of construction contract documents, and administration of the construction contract.

~~((H))~~ (12) "Prototypical documents" means drawings or specifications, prepared by a person registered as an architect in any state or as otherwise approved by the board, that are not intended as final and complete technical submissions for a building project, but rather are to serve as a prototype for a building or buildings to be adapted by an architect for construction in more than one location.

(13) "Registered" means holding a currently valid certificate of registration or certificate of authorization issued by the director authorizing the practice of architecture.

~~((T))~~ (14) "Structure" means any construction consisting of load-bearing members such as the foundation, roof, floors, walls, columns, girders, and beams or a combination of any number of these parts, with or without other parts or appurtenances.

(15) "Review" means a process of examination and evaluation, of the documents, for compliance with applicable laws, codes, and regulations affecting the built environment that includes the ability to control the final product.

(16) "Registered professional design firm" means a business entity registered in Washington to offer and provide architectural services under RCW 18.08.420.

(17) "Managers" means the members of a limited liability company in which management of its business is vested in the members, and the managers of a limited liability company in which management of its business is vested in one or more managers.

Sec. 3. RCW 18.08.330 and 1985 c 37 s 4 are each amended to read as follows:

There is ~~(hereby)~~ created a state board ~~(of registration)~~ for architects consisting of seven members who shall be appointed by the governor. Six members shall be registered architects who are residents of the state and have at least eight years' experience in the practice of architecture as registered architects in responsible charge of architectural work or responsible charge of architectural teaching. One member shall be a public member, who is not and has never been a registered architect and who does not employ and is not employed by or professionally or financially associated with an architect.

The terms of each newly appointed member shall be six years. ~~((The members of the board of registration for architects serving on July 28, 1985, shall serve out the remainders of their existing five-year terms. The term of the public member shall coincide with the term of an architect.))~~

Every member of the board shall receive a certificate of appointment from the governor. On the expiration of the term of each member, the governor shall appoint a successor to serve for a term of six years or until the next successor has been appointed.

The governor may remove any member of the board for cause. Vacancies in the board for any reason shall be filled by appointment for the unexpired term.

The board shall elect a ~~((chairman))~~ chair, a ~~((vice-chairman))~~ vice-chair, and a secretary. The secretary may delegate his or her authority to the executive ~~((secretary))~~ director.

Members of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

Sec. 4. RCW 18.08.340 and 2002 c 86 s 201 are each amended to read as follows:

(1) The board may adopt such rules under chapter 34.05 RCW as are necessary for the proper performance of its duties under this chapter.

(2) The director shall employ an executive ~~((secretary))~~ director subject to approval by the board.

(3) The board shall evaluate the effect of changes to RCW 18.08.410 made by this act on the provision of services to project owners. The report shall be provided to the legislature by December 31, 2011, and shall be prepared with the participation of project owner, contractor, and building official representatives.

Sec. 5. RCW 18.08.350 and 1997 c 169 s 1 are each amended to read as follows:

(1) A certificate of registration shall be granted by the director to all qualified applicants who are certified by the board as having

passed the required examination and as having given satisfactory proof of completion of the required experience.

(2) Applications for examination shall be filed as the board prescribes by rule. The application and examination fees shall be determined by the director under RCW 43.24.086.

(3) An applicant for registration as an architect shall be of a good moral character, at least eighteen years of age, and shall possess ~~((either))~~ one of the following qualifications:

(a) Have an accredited architectural degree and at least three years' practical architectural work experience ~~((and have completed the requirements of))~~ in a structured intern training program approved by the board; or

(b) Have ~~((eight years' practical architectural work experience, which may include designing buildings as a principal activity, and have completed the requirements of a structured intern training program approved by the board. Each year spent in an accredited architectural education program approved by the board shall be considered one year of practical experience. At least four years' practical work experience shall be under the direct supervision of an architect))~~ a high school diploma or equivalent and twelve years' practical architectural work experience, which may include designing buildings as a principal activity and postsecondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered architect and include completing the requirements of a structured intern training program approved by the board. An applicant may receive up to four years of practical architectural work experience for postsecondary education courses in architecture, architectural technology, or a related field, including courses completed in a community or technical college, if the courses are equivalent to education courses in an accredited architectural degree program.

Sec. 6. RCW 18.08.360 and 1985 c 37 s 7 are each amended to read as follows:

(1) The examination for an architect's certificate of registration shall be held at least annually at such time and place as the board determines.

(2) The board shall determine the content, scope, and grading process of the examination. The board may adopt an appropriate national examination and grading procedure.

(3) Applicants who fail to pass any section of the examination shall be permitted to retake the parts failed as prescribed by the board. Applicants have five years from the date of the first passed examination section to pass all remaining sections. If the entire examination is not successfully completed within five years, ~~((a retake of the entire examination shall be required))~~ any sections that were passed more than five years prior must be retaken. If a candidate fails to pass all remaining sections within the initial five-year period, the candidate is given a new five-year period from the date of the second oldest passed section. All sections of the examination must be passed within a single five-year period for the applicant to be deemed to have passed the complete examination.

(4) Applicants for registration who have an accredited architectural degree may begin taking the examination upon enrollment in a structured intern training program as approved by the board. Applicants who do not possess an accredited architectural degree may take the examination only after completing the experience and intern training requirements of this chapter.

Sec. 7. RCW 18.08.370 and 1985 c 37 s 8 are each amended to read as follows:

(1) The director shall issue a certificate of registration to any applicant who has, to the satisfaction of the board, met all the requirements for registration upon payment of the registration fee as provided in this chapter. All certificates of registration shall show the full name of the registrant, have the registration number, and shall be signed by the ~~((chairman))~~ chair of the board and by the director. The issuance of a certificate of registration by the director is prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered architect.

(2) Each registrant shall obtain a seal of the design authorized by the board bearing the architect's name, registration number, the legend "Registered Architect," and the name of this state. ~~((Drawings prepared by the registrant shall be sealed and signed by the registrant when filed with public authorities.))~~ All technical

submissions prepared by an architect and filed with public authorities must be sealed and signed by the architect. It is unlawful to seal and sign a document after a registrant's certificate of registration or authorization has expired, been revoked, or is suspended.

(3) An architect may seal and sign technical submissions under the following conditions:

(a) An architect may seal and sign technical submissions that are: Prepared by the architect; prepared by the architect's regularly employed subordinates; prepared in part by an individual or firm under a direct subcontract with the architect; or prepared in collaboration with an architect who is licensed in a jurisdiction recognized by the board, provided there is a contractual agreement between the architects.

(b) An architect may seal and sign technical submissions based on prototypical documents provided: The architect obtains written permission from the architect who prepared or sealed the prototypical documents, and from the legal owner to adapt the prototypical documents; the architect thoroughly analyzes the prototypical documents, makes necessary revisions, and adds all required elements and design information, including the design services of engineering consultants, if warranted, so that the prototypical documents become suitable complete technical submissions, in compliance with applicable codes, regulations, and site-specific requirements.

(c) An architect who seals and signs the technical submissions under this subsection (3) is responsible to the same extent as if the technical submissions were prepared by the architect.

Sec. 8. RCW 18.08.410 and 1985 c 37 s 12 are each amended to read as follows:

This chapter shall not affect or prevent:

(1) The practice of naval architecture, landscape architecture as authorized in chapter 18.96 RCW, engineering as authorized in chapter 18.43 RCW, or the provision of space planning(;) or interior design(, or any legally recognized profession or trade by persons not registered as architects) services not affecting public health or safety;

(2) Drafters, clerks, project managers, superintendents, and other employees of architects(;-engineers, naval architects, or landscape architects)) from acting under the instructions, control, or supervision of ((their employers)) an architect;

(3) The construction, alteration, or supervision of construction of buildings or structures by contractors registered under chapter 18.27 RCW or superintendents employed by contractors or the preparation of shop drawings in connection therewith;

(4) Owners or contractors registered under chapter 18.27 RCW from engaging persons who are not architects to observe and supervise construction of a project;

(5) Any person from doing design work including preparing construction contract documents and administration of the construction contract for the erection, enlargement, repair, or alteration of a structure or any appurtenance to a structure regardless of size, if the structure is to be used for a residential building of up to and including four dwelling units or a farm building or is a structure used in connection with or auxiliary to such residential building or farm building such as a garage, barn, shed, or shelter for animals or machinery;

(6) Except as otherwise provided in this section, any person from doing design work including preparing construction contract documents and administering the contract for construction, erection, enlargement, alteration, or repairs of or to a building of any occupancy up to a total building size of four thousand square feet ((of construction)); or

(7) ((Design-build construction by registered general contractors if the structural design services are performed by a registered engineer;

(8) Any person from designing buildings or doing other design work for any structure prior to the time of filing for a building permit; or

(9) Any person from designing buildings or doing other design work for structures larger than those exempted under subsections (5) and (6) of this section, if the plans, which may include such design work, are stamped by a registered engineer or architect)) Any person from doing design work including preparing construction contract

documents and administration of the construction contract for the enlargement, repair, or alteration of up to four thousand square feet in a building that is greater than four thousand square feet, provided the building is a single story with an at grade level exit and the enlargement, alteration, or repairs do not affect the life safety of the occupants or structural systems of the building, provided further that this subsection shall not allow for multiple projects in a single building in which the combined square footage of the projects is greater than four thousand square feet.

Sec. 9. RCW 18.08.420 and 2002 c 86 s 203 are each amended to read as follows:

(1) ((An architect or architects may organize a corporation formed either as a business corporation under the provisions of Title 23B RCW or as a professional corporation under the provisions of chapter 18.100 RCW. For an architect or architects to practice architecture through a corporation or joint stock association organized by any person under Title 23B RCW, the corporation or joint stock association shall file with the board:

(a) The application for certificate of authorization upon a form to be prescribed by the board and containing information required to enable the board to determine whether the corporation is qualified under this chapter to practice architecture in this state;

(b) Its notices of incorporation and bylaws and a certified copy of a resolution of the board of directors of the corporation that designates individuals registered under this chapter as responsible for the practice of architecture by the corporation in this state and that provides that full authority to make all final architectural decisions on behalf of the corporation with respect to work performed by the corporation in this state shall be granted and delegated by the board of directors to the individuals designated in the resolution. The filing of the resolution shall not relieve the corporation of any responsibility or liability imposed upon it by law or by contract; and

(c) A designation in writing setting forth the name or names of the person or persons registered under this chapter who are responsible for the architecture of the firm. If there is a change in the person or persons responsible for the architecture of the firm, the changes shall be designated in writing and filed with the board within thirty days after the effective date of the changes.)) Any business entity, including a sole proprietorship, offering architecture services in Washington state must register with the board, regardless of its business structure. A business entity shall file with the board a list of individuals registered under this chapter as responsible for the practice of architecture by the business entity in this state and provides that full authority to make all final architectural decisions on behalf of the business entity with respect to work performed by the business entity in this state. Further, the person having the practice of architecture in his/her charge is himself/herself a general partner (if a partnership or limited liability partnership), or a manager (if a limited liability company), or a director (if a business corporation or professional service corporation) and is registered to practice architecture in this state.

(2) The business entity shall furnish the board with such information about its organization and activities as the board shall require by rule.

(3) Upon the filing with the board of the application for certificate of authorization, the certified copy of the resolution, and the information specified in subsection (1) of this section, the board shall authorize the director to issue to the ((corporation)) business entity a certificate of authorization to practice architecture in this state ((upon a determination by the board that:

(a) The bylaws of the corporation contain provisions that all architectural decisions pertaining to any project or architectural activities in this state shall be made by the specified architects responsible for the project or architectural activities, or other responsible architects under the direction or supervision of the architects responsible for the project or architectural activities;

(b) The applicant corporation has the ability to provide, through qualified personnel, professional services or creative work requiring architectural experience, and with respect to the architectural services that the corporation undertakes or offers to undertake, the personnel have the ability to apply special knowledge to the professional services or creative work such as consultation, investigation, evaluation, planning, design, and administration of the construction

~~contract in connection with any public or private structures, buildings, equipment, processes, works, or projects;~~

~~—(c) The application for certificate of authorization contains the professional records of the designated person or persons who are responsible;~~

~~—(d) The application for certificate of authorization states the experience of the corporation, if any, in furnishing architectural services during the preceding five-year period;~~

~~—(e) The applicant corporation meets such other requirements related to professional competence in the furnishing of architectural services as may be established and promulgated by the board in furtherance of the purposes of this chapter; and~~

~~—(f) The applicant corporation is possessed of the ability and competence to furnish architectural services in the public interest.~~

~~—(3) Upon recommendation of the board to impose action as authorized in RCW 18.235.110, the director may impose the recommended action upon a certificate of authorization to a corporation if the board finds that any of the officers, directors, incorporators, or the stockholders holding a majority of stock of the corporation have committed an act prohibited under RCW 18.08.440 or 18.235.130 or have been found personally responsible for misconduct under subsection (6) or (7) of this section.~~

~~—(4) In the event a corporation, organized solely by a group of architects each registered under this chapter, applies for a certificate of authorization, the board may, in its discretion, grant a certificate of authorization to that corporation based on a review of the professional records of such incorporators, in lieu of the required qualifications set forth in subsections (1) and (2) of this section. In the event the ownership of such corporation is altered, the corporation shall apply for a revised certificate of authorization, based upon the professional records of the owners if exclusively architects, under the qualifications required by subsections (1) and (2) of this section).~~

~~((5)) (4) Any ((corporation)) business entity practicing or offering to practice architecture, whether or not it is authorized to practice architecture under this chapter, ((together with its directors and officers for their own individual acts, are)) shall be jointly and severally responsible to the same degree as an individual registered architect and shall conduct their business without misconduct or malpractice in the practice of architecture as defined in this chapter.~~

~~((6)) (5) Any ((corporation)) business entity that has been certified under this chapter and has engaged in the practice of architecture may have its certificate of authorization either suspended or revoked by the board if, after a proper hearing, the board finds that the ((corporation)) business entity has committed misconduct or malpractice under RCW 18.08.440 or 18.235.130. In such a case, any individual architect registered under this chapter who is involved in such misconduct or malpractice is also subject to disciplinary measures provided in this chapter and RCW 18.235.110.~~

~~((7) All plans, specifications, designs, and reports when issued in connection with work performed by a corporation under its certificate of authorization shall be prepared by or under the direction of the designated architects and shall be signed by and stamped with the official seal of the designated architects in the corporation authorized under this chapter.~~

~~—(8)) (6) For each certificate of authorization issued under this section there shall be paid a certification fee and an annual certification renewal fee as prescribed by the director under RCW 43.24.086.~~

~~((9) This chapter shall not affect the practice of architecture as a professional service corporation under chapter 18.100 RCW.)~~

Sec. 10. RCW 18.08.430 and 1985 c 37 s 14 are each amended to read as follows:

(1) The renewal date for certificates of registration shall be set by the director in accordance with RCW 43.24.086. Registrants who fail to pay the renewal fee within thirty days of the due date shall pay all delinquent fees plus a penalty fee equal to one-third of the renewal fee. A registrant who fails to pay a renewal fee for a period of five years may be reinstated under such circumstances as the board determines. The renewal and penalty fees and the frequency of renewal assessment shall be authorized under this chapter. Renewal date for certificates of authorization shall be the anniversary of the date of authorization.

(2) Any registrant in good standing may withdraw from the practice of architecture by giving written notice to the director, and may within five years thereafter resume active practice upon payment of the then-current renewal fee. A registrant may be reinstated after a withdrawal of more than five years under such circumstances as the board determines.

(3) A registered architect must demonstrate professional development since the architect's last renewal or initial registration, as the case may be. The board shall by rule describe professional development activities acceptable to the board and the form of documentation of the activities required by the board. The board may decline to renew a registration if the architect's professional development activities do not meet the standards set by the board by rule. When adopting rules under the authority of this subsection, the board shall strive to ensure that the rules are consistent with the continuing professional education requirements and systems in use by national professional organizations representing architects and in use by other states.

(a) A registered architect shall, as part of his or her license renewal, certify that he or she has completed the required continuing professional development required by this section.

(b) The board may adopt reasonable exemptions from the requirements of this section.

NEW SECTION. Sec. 11. (1) Section 5 of this act takes effect on July 1, 2011, and all persons enrolled in an intern training program as approved by the board before July 1, 2011, shall be governed by the statute in effect at the time of enrollment in the program.

(2) Sections 7 through 10 of this act take effect July 1, 2010." Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

MINORITY recommendation: Do not pass. Signed by Representative Armstrong.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5560 Prime Sponsor, Committee on Ways & Means: Regarding state agency climate leadership. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Ecology & Parks.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that in chapter 14, Laws of 2008, the legislature established greenhouse gas emission reduction limits for Washington state, including a reduction of overall emissions by 2020 to emission levels in 1990, a reduction by 2035 to levels twenty-five percent below 1990 levels, and by 2050 a further reduction below 1990 levels. Based upon estimated 2006 emission levels in Washington, this will require a reduction from present emission levels of over twenty-five percent in the next eleven years. The legislature further finds that state government activities are a significant source of emissions, and that state government should meet targets for reducing emissions from its buildings, vehicles, and all operations that demonstrate that these reductions are achievable, cost-effective, and will help to promote innovative energy efficiency technologies and practices.

NEW SECTION. Sec. 2. A new section is added to chapter 70.235 RCW to read as follows:

(1) All state agencies shall meet the statewide greenhouse gas emission limits established in RCW 70.235.020 to achieve the following, using the estimates and strategy established in subsections (2) and (3) of this section:

(a) By July 1, 2020, reduce emissions by fifteen percent from 2005 emission levels;

(b) By 2035, reduce emissions to thirty-six percent below 2005 levels; and

(c) By 2050, reduce emissions to the greater reduction of fifty-seven and one-half percent below 2005 levels, or seventy percent below the expected state government emissions that year.

(2)(a) By June 30, 2010, all state agencies shall report estimates of emissions for 2005 to the department, including 2009 levels of emissions, and projected emissions through 2035.

(b) State agencies required to report under RCW 70.94.151 must estimate emissions from methodologies recommended by the department and must be based on actual operation of those agencies. Agencies not required to report under RCW 70.94.151 shall derive emissions estimates using an emissions calculator provided by the department.

(3) By June 30, 2011, each state agency shall submit to the department a strategy to meet the requirements in subsection (1) of this section. The strategy must address employee travel activities, teleconferencing alternatives, and include existing and proposed actions, a timeline for reductions, and recommendations for budgetary and other incentives to reduce emissions, especially from employee business travel.

(4) By October 1st of each even-numbered year beginning in 2012, each state agency shall report to the department the actions taken to meet the emission reduction targets under the strategy for the preceding fiscal biennium. The department may authorize the department of general administration to report on behalf of any state agency having fewer than five hundred full-time equivalent employees at any time during the reporting period. The department shall cooperate with the department of general administration and the department of community, trade, and economic development to develop consolidated reporting methodologies that incorporate emission reduction actions taken across all or substantially all state agencies.

(5) All state agencies shall cooperate in providing information to the department, the department of general administration, and the department of community, trade, and economic development for the purposes of this section.

(6) The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. This position must be funded from current full-time equivalent allocations without increasing budgets or staffing levels. If duties must be shifted within an agency, they must be shifted among current full-time equivalent allocations. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee.

NEW SECTION. Sec. 3. A new section is added to chapter 70.235 RCW to read as follows:

(1) The department shall develop an emissions calculator to assist state agencies in estimating aggregate emissions as well as in estimating the relative emissions from different ways in carrying out activities.

(2) The department may use data such as totals of building space occupied, energy purchases and generation, motor vehicle fuel purchases and total mileage driven, and other reasonable sources of data to make these estimates. The estimates may be derived from a single methodology using these or other factors, except that for the top ten state agencies in occupied building space and vehicle miles driven, the estimates must be based upon the actual and projected operations of those agencies. The estimates may be adjusted, and reasonable estimates derived, when agencies have been created since 1990 or functions reorganized among state agencies since 1990. The estimates may incorporate projected emissions reductions that also affect state agencies under the program authorized in RCW 70.235.020 and other existing policies that will result in emissions reductions.

(3) By December 31st of each even-numbered year beginning in 2010, the department shall report to the governor and to the appropriate committees of the senate and house of representatives the total state agencies' emissions of greenhouse gases for 2005 and the preceding two years and actions taken to meet the emissions reduction targets.

Sec. 4. RCW 43.41.130 and 1982 c 163 s 13 are each amended to read as follows:

The director of financial management, after consultation with other interested or affected state agencies, shall establish overall policies governing the acquisition, operation, management, maintenance, repair, and disposal of, all passenger motor vehicles owned or operated by any state agency. Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business. The definition shall include, but not be limited to, the use of state-owned motor vehicles for commuter ride sharing so long as the entire capital depreciation and operational expense of the commuter ride-sharing arrangement is paid by the commuters. Any use other than such defined use shall be considered as personal use. By June 15, 2010, the director of the department of general administration, in consultation with the office and other interested or affected state agencies, shall develop strategies to reduce fuel consumption and emissions from all classes of vehicles. State agencies shall use these strategies to:

(1) Phase in fuel economy standards for motor pools and leased vehicles to achieve an average fuel economy standard of thirty-six miles per gallon for passenger vehicle fleets by 2015;

(2) Achieve an average fuel economy of forty miles per gallon for light duty passenger vehicles purchased after June 15, 2010; and

(3) Achieve an average fuel economy standard of twenty-seven miles per gallon for light duty vans and sport utility vehicles purchased after June 15, 2010.

State agencies must report annually on the progress made to achieve the goals under subsections (1) through (3) of this section beginning October 31, 2011.

The department of general administration, in consultation with the office and other affected or interested agencies, shall develop a separate fleet fuel economy standard for all other classes of vehicles and report the progress made toward meeting the fuel consumption and emissions goals established by this section to the governor and the relevant legislative committees by December 1, 2012.

For the purposes of this section, light duty vehicles refers to cars, sport utility vehicles, and passenger vans. The following vehicles are excluded from the agency fleet average fuel economy calculation: Emergency response vehicles, passenger vans with a gross vehicle weight of eight thousand five hundred pounds or greater, vehicles that are purchased for off-pavement use, and vehicles that are driven less than two thousand miles per year. Average fuel economy calculations must be based upon the current United States environmental protection agency composite city and highway mile per gallon rating.

((Such policies shall also include the widest possible use of gasoline and cost-effective alternative fuels in all motor vehicles owned or operated by any state agency. As used in this section, "gasoline" means motor vehicle fuel which contains more than nine and one-half percent alcohol by volume.))

Sec. 5. RCW 43.19.675 and 2001 c 214 s 26 are each amended to read as follows:

(1) For each state-owned facility greater than ten thousand square feet that has not had an energy audit completed in the past five years, the director of general administration, or the agency responsible for the facility if other than the department of general administration, shall conduct an energy audit of that facility. This energy audit may be conducted by contract or by other arrangement, including appropriate agency staff. Performance-based contracting shall be the preferred method for implementing and completing energy audits. ((For each state-owned facility, the energy consumption surveys shall be completed no later than October 1, 2001, and the walk-through surveys shall be completed no later than July 1, 2002.))

(2)(a) The director of general administration shall develop a schedule for conducting and completing state agency energy audits. All energy audits must be completed by December 1, 2013.

(b) The director of general administration shall develop procedures to ensure that consistent methods for energy benchmarks are used when conducting energy audits.

Sec. 6. RCW 43.19.680 and 2001 c 214 s 27 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) If a walk-through survey has identified potentially cost-effective energy conservation measures, the agency responsible for the facility shall undertake an investment grade audit of the facility. Investment grade audits shall be completed no later than December 1, ~~((2002))~~ 2013. Installation of cost-effective energy conservation measures recommended in the investment grade audit shall be completed no later than June 30, ~~((2004))~~ 2016.

(3) ~~((For each biennium until all measures are installed;))~~ The director of general administration shall report to the governor and the legislature ~~((installation progress, and))~~ on the progress of energy audits, development of energy benchmarks, and energy efficiency measures planned for installation during the ensuing biennium. This report shall be submitted by December 31, ~~((2004))~~ 2014, or at the end of the following year whichever immediately precedes the capital budget adoption, and ~~((every two years thereafter until all measures are installed))~~ a final report by December 31, 2016.

(4) Agencies may contract with energy service companies as authorized by chapter 39.35C RCW for energy audits and implementation of cost-effective energy conservation measures. State agencies must complete an energy audit prior to or as part of a request for state funds on any energy efficiency project for an agency-owned or leased facility. The department shall provide technically qualified personnel to the responsible agency upon request. The department shall recover a fee for this service.

Sec. 7. RCW 43.41.170 and 1989 c 11 s 15 are each amended to read as follows:

The office of financial management shall ~~((ensure that))~~ require state agencies to perform energy audits as required under RCW 43.19.675. To the extent possible through the budget process ((shall allow)), state agencies implementing energy conservation ~~((to))~~ measures as identified under RCW 43.19.680 may retain the resulting cost savings for other purposes, including further energy conservation.

Sec. 8. RCW 43.82.045 and 2007 c 506 s 5 are each amended to read as follows:

(1) State agencies are prohibited from entering into lease agreements for privately owned buildings that are in the planning stage of development or under construction unless there is prior written approval by the director of the office of financial management. Approval of such leases shall not be delegated. Lease agreements described in this section must comply with RCW 43.82.035.

(2) The director of the office of financial management shall require that all state agencies enter into lease agreements for privately owned buildings greater than ten thousand square feet only if:

(a) The lessor has had an investment grade energy audit completed on the building in the past five years and has installed the cost-effective energy conservation measures recommended by the audit; or

(b) The lessor agrees to complete an investment grade energy audit on the building and install the cost-effective energy conservation measures recommended by the audit within the first five years of the lease.

Sec. 9. RCW 39.35D.010 and 2005 c 12 s 1 are each amended to read as follows:

(1) The legislature finds that public buildings can be built and renovated using high-performance methods that save money, improve school performance, and make workers more productive. High-performance public buildings are proven to increase student test scores, reduce worker absenteeism, and cut energy and utility costs.

(2) It is the intent of the legislature that state-owned buildings and schools be improved by adopting recognized standards for high-performance public buildings, reducing energy consumption, and allowing flexible methods and choices in how to achieve those standards and reductions. The legislature also intends that public agencies and public school districts shall document costs and savings

to monitor this program and ensure that economic, community, and environmental goals are achieved each year, and that an independent performance review be conducted to evaluate this program and determine the extent to which the results intended by this chapter are being met.

NEW SECTION. Sec. 10. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 5601 Prime Sponsor, Committee on Health & Long-Term Care: Regulating speech-language pathology assistants. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health Care & Wellness as such amendment is amended by Committee on Health & Human Services Appropriations. (For committee amendment, see Journal, Day 78, March 30, 2009.)

On page 2, line 36 of the amendment, after "(10)" insert "Hearing health care professional" means an audiologist or hearing instrument fitter/dispenser licensed under this chapter or a physician specializing in diseases of the ear licensed under chapter 18.71 RCW.

(11)
Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 8, line 30 of the amendment, after "licensing" strike "or certification"

On page 8, beginning on line 31 of the amendment, after "pathologists," strike "speech-language pathology assistants, and audiologists" and insert "and audiologists, the certification of speech-language pathology assistants,"

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Do not pass. Signed by Representative Ericksen.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5649 Prime Sponsor, Committee on Ways & Means: Regarding energy efficiency in buildings. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Technology, Energy & Communications.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. (1) The legislature finds that improving energy efficiency in structures is one of the most cost-

effective means to meet energy requirements, and that while there have been significant efficiency savings achieved in the state over the past quarter century, there remains enormous potential to achieve even greater savings. Increased weatherization and more extensive efficiency improvements in residential, commercial, and public buildings achieves many benefits, including reducing energy bills, avoiding the construction of new electricity generating facilities with associated climate change impacts, and creation of family-wage jobs in performing energy audits and improvements.

(2) The legislature recognizes that the Washington State University extension energy program is uniquely qualified to implement programs consistent with the purposes of this act. Washington State University has nationally recognized experts in energy efficiency, renewable energy, energy technology, and program delivery.

(3) It is the intent of the legislature that financial and technical assistance programs be expanded to direct municipal, state, and federal funds, as well as electric and natural gas utility funding, toward greater achievement of energy efficiency improvements. To this end, the legislature establishes a policy goal of assisting in weatherizing twenty thousand homes and businesses in the state in each of the next five years. The legislature also intends to attain this goal in part through supporting programs that rely on community organizations and that there be maximum family-wage job creation in fields related to energy efficiency.

PART 1

Energy Efficiency Improvement Program

NEW SECTION. Sec. 101. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Account" means the energy efficiency assistance account created in section 110 of this act.

(2) "Board" means the state board for community and technical colleges.

(3) "Credit enhancement" means instruments which enhance the security for the payment of the lender's obligations and includes, but is not limited to insurance, letters of credit, lines of credit, or other similar agreements.

(4) "Customers" means residents, businesses, and building owners.

(5) "Direct outreach" means:

(a) The use of door-to-door contact, community events, and other methods of direct interaction with customers to inform them of energy efficiency and weatherization opportunities; and

(b) The performance of energy audits.

(6) "Director" means the director of the energy efficiency assistance program created in section 102 of this act.

(7) "Energy audit" means an assessment of building energy efficiency opportunities, from measures that require very little investment and without any disruption to building operation, normally involving general building operational measures, to low or relatively higher cost investment, such as installing timers to turn off equipment, replacing light bulbs, installing insulation, replacing equipment and appliances with higher efficiency equipment and appliances, and similar measures. The term includes an assessment of alternatives for generation of heat and power from renewable energy resources, including installation of solar hot water heating and equipment for photovoltaic electricity generation.

(8) "Energy efficiency and conservation block grant program" means the federal program created under the energy independence and security act of 2007 (P.L. 110-140).

(9) "Energy efficiency services" means energy audits, weatherization, energy efficiency retrofits, energy management systems as defined in RCW 39.35.030, and other activities to reduce a customer's energy consumption, and includes assistance with paperwork, arranging for financing, program design and development, and other postenergy audit assistance and education to help customers meet their energy savings goals.

(10) "Family wages" means wages that, aggregated over a year, total at least two hundred percent of the poverty guideline for a family of four, as established for the applicable calendar year by the

United States department of health and human services, or compliance with prevailing wage provisions under chapter 39.12 RCW or area standard wages for public works as determined by the department of labor and industries, whichever is greater.

(11) "Income eligible" means household incomes that are greater than sixty percent of the state median income and not exceeding one hundred twenty percent of the county area median income.

(12) "Low-income individual" means an individual whose annual household income does not exceed eighty percent of the area median income for the metropolitan, micropolitan, or combined statistical area in which that individual resides as determined annually by the United States department of housing and urban development.

(13) "President" means the president of Washington State University.

(14) "Program" means the energy efficiency assistance program created in section 102 of this act.

(15) "Sponsor" means any entity or group of entities that submits a proposal under section 103 of this act, including but not limited to any nongovernmental nonprofit organization, local community action agency, tribal nation, community service agency, public service company, county, municipality, publicly owned electric, or natural gas utility.

(16) "Sponsor match" means the share, if any, of the cost of efficiency improvements to be paid by the sponsor.

(17) "State energy program" means the federal program created under the energy policy and conservation act (Title 42 U.S.C. Sec. 6321).

(18) "University" means Washington State University.

(19) "Weatherization" means making energy and resource conservation and energy efficiency improvements.

NEW SECTION. Sec. 102. ENERGY EFFICIENCY ASSISTANCE PROGRAM CREATED. (1) The energy efficiency assistance program is created within the extension energy program of Washington State University. The program must be managed by the director, who is appointed by the president. The director must:

(a) Establish a process to award grants on a competitive basis using funds from the account;

(i) Grants must be used to:

(A) Conduct direct outreach;

(B) Deliver energy efficiency services; or

(C) Create credit enhancements, such as loan loss reserve funds as specified in section 107 of this act;

(ii) The allocation of grants funded by state energy program funds shall be prioritized as follows:

(A) Weatherization of residential structures for income eligible households, that are not eligible for weatherization assistance under chapter 70.164 RCW; and

(B) Weatherization of operations of commercial, industrial, and nonprofit entities that have reported an average of less than one million dollars of gross revenue annually in the preceding five years;

(iii) Grants must be matched, in amounts determined by the director, by resources provided by the sponsor;

(iv) If a match is required by the director, preference must be given to those grant applicants with higher ratios of resources provided by the sponsor to grant awards;

(b) Provide technical assistance:

(i) To grant recipients conducting direct outreach, delivering energy efficiency services, or providing financing assistance and services; and

(ii) For farm energy assessment activities as specified in section 109 of this act;

(c) Cooperate and coordinate with the department of community, trade, and economic development and those entities providing energy audit and energy efficiency services and training to maximize the assistance provided in the program, avoid duplication of existing programs, and encourage:

(i) The use of service delivery models by grant recipients that have proven effective in existing programs; and

(ii) The development of geographic information about direct outreach to be shared between grant recipients and low-income

weatherization providers to minimize duplication in targeting customers;

(d)(i) Distribute a minimum of sixty percent of program funding as grants, at least seventy-five percent of which must be prioritized for programs that provide both direct outreach and delivery of energy efficiency services;

(ii) Distribute a minimum of twenty percent of program funding for technical assistance and training resource moneys as specified in section 401 of this act;

(iii) Distribute a maximum of ten percent of program funding for credit enhancements, using criteria as developed in subsection (4) of this section;

(e) Retain a maximum of five percent of program funds provided by the federal government for program administration and the administrative overhead of the university; and

(f) Create an appliance efficiency rebate program with available funds from the energy efficient appliances rebate program authorized under the federal energy policy act of 2005 (P.L. 109-58).

(2) The director shall adopt guidelines addressing best practices for direct outreach and energy efficiency services and avoiding duplication of such services.

(3) The program must offer assistance to sponsors to develop and design effective energy efficiency services programs.

(4) The director, in consultation with the department of financial institutions, shall develop criteria regarding the extent which funds will be provided for the purposes of credit enhancements under subsection (1)(d)(iii) of this section and set forth principles for accountability for financial institutions receiving funding for credit enhancements.

(5) The director must approve any financing mechanisms offered by local municipalities pursuant to section 107 of this act.

(6) The director shall require any financial institution or other entity receiving funding for credit enhancements to:

(a) Provide books, accounts, and other records in such a form and manner as the director may require;

(b) Identify a loan loss reserve that is sufficient to cover projected loan losses which are not guaranteed by the United States government; and

(c) Identify any other credit enhancements.

(7)(a) If a sponsor match is required by the director, a sponsor may elect to: (i) Pay a sponsor match as a lump sum at the time of weatherization; or (ii) make yearly payments to the account over a period not to exceed ten years. If a sponsor elects to make yearly payments, the value of the payments may not be less than the value of the lump sum payment that would have been made under (a)(i) of this subsection.

(b) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(c) The director may permit a sponsor to meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

NEW SECTION, Sec. 103. GRANTS AUTHORIZED. (1) The director shall solicit grant applications from sponsors. The director may provide grants that fully or partially fund a sponsor's proposal. The director shall require the following in the grant application:

(a) The amount requested from the account;

(b) The amount of the sponsor match;

(c) The entities participating as sponsors and any entities that will provide administrative support, direct outreach, energy efficiency services, or financing assistance and services;

(d) A demonstration of effective fiscal accountability measures;

(e) Performance measures by which to assess the monetary and energy savings of proposed efficiency projects following project completion;

(f) A work plan detailing the means and methods by which the sponsor will carry out the required direct outreach or energy efficiency services;

(g) Convincing evidence that a sponsor providing energy efficiency services will be capable of helping customers achieve a savings-to-investment ratio of at least one over a payback period of twenty years, subject to the useful life of the improvements;

(h) Convincing evidence that the sponsor will ensure that workers delivering energy efficiency services are paid family wages and are performing jobs that could lead to careers in the construction trades or in the energy efficiency sector;

(i) Convincing evidence that the sponsor will be able to efficiently and expeditiously provide direct outreach or energy efficiency services, including details on the sponsor's proposed hiring practices, means of oversight of employees or contractors, plans to employ, to the extent feasible, workers trained in training programs using the curricula established in section 401 (1) and (2) of this act, and the use of quality control measures;

(j) Convincing evidence that the sponsor will use only responsible and reputable contractors with a satisfactory record of compliance with all applicable safety, environmental, and labor laws and regulations; and

(k) Any other information required by the director.

(2) In awarding grants, the director shall give preference to sponsors that use best efforts to achieve the standards outlined in (a) through (c) of this subsection.

(a) Twenty percent of all construction work hours will be performed by state certified apprentices on a contractor by contractor basis;

(b) Twenty-five percent of all apprentice construction work hours will be performed by first period apprentices; or

(c) Not less than twenty percent of all construction work hours will be performed by:

(i) Individuals whose primary place of residence is within the same county, the same metropolitan statistical area, or thirty miles of the proposed project and who qualifies as being a disadvantaged worker because the worker is a low-income individual, an at-risk youth, or a previous offender; or

(ii) Either recently separated veterans or members of the national guard, or both, who are returning from active duty in a foreign war zone.

(3) In calculating compliance with the twenty percent standard outlined in subsection (2)(c)(i) of this section, construction work hours performed by residents of states other than Washington may not be included.

(4) Preference must also be given to sponsors whose projects are designed to achieve the greatest scope and economies of scale in the provision of energy efficiency services.

(5) In awarding grants, the director shall also give preference to applications that feature the utilization of a hiring and workforce development program undertaken in partnership with entities that have a successful track record of identifying and recruiting disadvantaged workers, implementing and operating workers skills training and education programs, and placing disadvantaged workers into sustained employment.

(6) The director shall allocate funds appropriated from the account among proposals accepted or accepted in part so as to achieve the greatest possible expected monetary and energy savings by energy consumers and shall, to the extent feasible, ensure a balance of participation for (a) geographic regions in the state; (b) types of fuel used for heating; (c) owner-occupied and rental residences; and (d) single-family and multifamily dwellings. The director may allocate funds to a nonutility sponsor without requiring a sponsor match if the director determines that such an allocation is necessary to provide the greatest benefits to income eligible residents of the state.

(7)(a) The director shall develop, track, and require reporting of compliance with performance metrics for each sponsor receiving a grant award. The performance metrics must include, but not be limited to:

(i) Monetary and energy savings achieved;

(ii) Savings-to-investment ratio achieved for customers;

(iii) Wage levels of jobs created;

(iv) Efficiency and speed of delivery of services; and

(v) Attainment of the standards established under subsection (2)(a) through (c) of this section.

(b) Programs receiving funding under this section are required to report on compliance with the performance metrics every six months following the receipt of grants, with the last report submitted six

months after program completion. The director shall verify the accuracy of these reports.

(c) The director shall provide a progress report on all grant programs to the appropriate committees of the legislature by December 1st of each year.

NEW SECTION. Sec. 104. EXPEDITED GRANTS IN 2009.

(1) The legislature finds that conducting energy audits and performing efficiency improvements in residences and commercial structures creates family-wage jobs and will stimulate local economies where this work is conducted. Therefore, the legislature directs that where appropriations are made to the account specifically for the purpose of expedited grants, the director shall accord priority to making such grants over all other duties in the program. The director shall award grants within the time frame set by the federal government under the programs providing the funding for these activities. The director shall develop and utilize expedited grant procedures to ensure both compliance with federal program requirements and the legislature's goal of providing prompt stimulation to local economies.

(2) By November 1, 2009, the director shall report to the appropriate fiscal and policy committees in the senate and house of representatives on the status of grant awards under this section. The report may be combined with that made by the department of community, trade, and economic development under section 206 of this act.

NEW SECTION. Sec. 105. PILOT GRANTS FOR COMMUNITY-WIDE URBAN RESIDENTIAL AND COMMERCIAL EFFICIENCY UPGRADES. (1) The legislature finds that comprehensive energy efficiency retrofits in the residential and smaller commercial markets are significantly underutilized due in part to the complex set of decisions that property owners face when securing an energy audit, arranging for financing, and obtaining a contractor to perform the retrofit work. While these retrofits have previously been viewed as primarily benefiting the property owner with energy cost savings, the additional benefits of the avoided costs of new energy generation and the environmental and climate benefits of reduced carbon emissions call for new ways of reaching residential and business building owners to deliver energy efficiency services. Therefore, the purpose of this section is to encourage programs that will combine utility, government, and private investments in residential and commercial building energy efficiency upgrades, with a community-based outreach component to overcome the hurdles that property owners face in considering these upgrades.

(2)(a) The director shall award not less than three grants for programs that:

(i) Provide assistance for energy audits and energy efficiency related improvements to structures owned by or used for residential, commercial, or nonprofit purposes in specified urban neighborhoods where the objective is to achieve a high rate of participation among building owners within the pilot area;

(ii) Utilize volunteer support to reach out to potential customers through the use of community-based institutions;

(iii) Employ qualified energy auditors to perform the energy audits using recognized retrofit measures that are cost-effective;

(iv) Select and provide oversight of contractors to perform retrofit work. The contractors must agree to participate in quality control and efficiency training, pay prevailing wages, meet minimum apprentice utilization standards, and hire from the community in which the program is located; and

(v) Work with customers to secure financing for their portion of the project and apply for and administer utility, public, and charitable funding provided for energy audits and retrofits.

(b) Priority must be given to grant applicants that can secure a sponsor match of at least one dollar for each dollar awarded.

NEW SECTION. Sec. 106. PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS--FINDINGS AND INTENT. (1) The legislature finds that the creation and use of risk reduction mechanisms will promote greater involvement of local financial institutions and other financing mechanisms in funding energy efficiency improvements and will achieve greater leverage of state and federal dollars. Risk reduction mechanisms will allow financial institutions to lend to a broader pool of applicants on more

attractive terms, such as potentially lower rates and longer loan terms. Placing a portion of funds in long-term risk reduction mechanisms will support a sustained level of energy efficiency investment by financial institutions while providing funding to projects quickly.

(2) It is the intent of the legislature to leverage new federal funding aimed at promoting energy efficiency projects, improving energy efficiency, and increasing family wage jobs. To this end, the legislature intends to invest a portion of all federal funding, subject to federal requirements, for energy efficiency projects in financial mechanisms that will provide for maximum leverage of financing.

NEW SECTION. Sec. 107. PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) Local municipalities receiving federal stimulus moneys through the federal energy efficiency and conservation block grant program are authorized to use those funds, subject to federal requirements, to establish loan loss reserves or toward risk reduction mechanisms, such as loan loss reserves, to leverage financing for energy efficiency projects.

(2) Interest rate subsidies, financing transaction cost subsidies, capital grants to energy users, and other forms of grants and incentives that support financing energy efficiency projects are authorized uses of federal energy efficiency funding.

(3) Financing mechanisms offered by local municipalities under this section shall conform to all applicable state and federal regulations.

NEW SECTION. Sec. 108. PROMOTING THE INVOLVEMENT OF STATE-CHARTERED BOND AUTHORITIES IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) The legislature finds that the state bond authorities have capacities that can be applied to financing energy efficiency projects for their respective eligible borrowers: Washington economic development finance authority for industry; Washington state housing finance commission for single-family and multifamily housing, commercial properties, agricultural properties, and nonprofit facilities; Washington higher education facilities authority for private, nonprofit higher education; and Washington health care facilities authority for hospitals and all types of health clinics.

(2)(a) Subject to federal requirements, the state bond authorities may accept and administer an allocation of the state's share of the federal energy efficiency funding for designing energy efficiency finance loan products and for developing and operating energy efficiency finance programs. The state bond authorities shall coordinate with the program on the design of the bond authorities' program.

(b) The director of the program may make allocations of the federal funding to the state bond authorities and may direct and administer funding for outreach, marketing, and delivery of energy services to support the programs by the state bond authorities.

(c) The legislature authorizes a portion of the federal energy efficiency funds to be used by the state bond authorities for credit enhancements and reserves for such programs.

(3) The Washington state housing finance commission may:

(a) Issue revenue bonds as the term "bond" is defined in RCW 43.180.020 for the purpose of financing loans for energy efficiency and renewable energy improvement projects in accordance with RCW 43.180.150;

(b) Establish eligibility criteria for financing that will enable it to choose applicants who are likely to repay loans made or acquired by the commission and funded from the proceeds of federal funds or commission bonds; and

(c) Participate fully in federal and other governmental programs and take such actions as are necessary and consistent with chapter 43.180 RCW to secure to itself and the people of the state the benefits of programs to promote energy efficiency and renewable energy technologies.

NEW SECTION. Sec. 109. FARM ENERGY ASSESSMENTS. (1) The legislature finds that increasing energy costs put farm viability and competitiveness at risk and that energy efficiency improvements on the farm are the most cost-effective way to manage these costs. The legislature further finds that current on-

farm energy efficiency programs often miss opportunities to evaluate and conserve all types of energy, including fuels and fertilizers.

(2) The director, in consultation with the department of agriculture, shall form an interdisciplinary team of agricultural and energy extension agencies to develop and offer new methods to help agricultural producers assess their opportunities to increase energy efficiency in all aspects of their operations. The interdisciplinary team must develop and deploy:

(a) Online energy self-assessment software tools to allow agricultural producers to assess whole-farm energy use and to identify the most cost-effective efficiency opportunities;

(b) Energy auditor training curricula specific to the agricultural sector and designed for use by agricultural producers, conservation districts, agricultural extensions, and commodity groups;

(c) An effective infrastructure of trained energy auditors available to assist agricultural producers with on-farm energy audits and identify cost-share assistance for efficiency improvements; and

(d) Measurement systems for cost savings, energy savings, and carbon emission reduction benefits resulting from efficiency improvements identified by the interdisciplinary team.

(3) The director shall seek to obtain additional resources for this section from federal and state agricultural assistance programs and from other sources.

NEW SECTION. Sec. 110. ACCOUNT CREATED. The energy efficiency assistance account is created in the state treasury. Except for appropriations and federal funds that must be used for low-income weatherization assistance pursuant to chapter 70.164 RCW, a minimum of thirty million dollars of all federal funds received pursuant to the federal American recovery and reinvestment act of 2009 (P.L. 111-5), the federal energy independence and security act of 2007 (P.L. 110-140), the federal energy policy and conservation act (Title 42 U.S.C. Sec. 6321), and the energy efficient appliance rebate program authorized by the federal energy policy act of 2005 (P.L. 109-58), and any other future appropriations in excess of levels of federal fiscal year 2008 for these programs, for the purpose of assisting with energy efficiency assessments, audits, or improvements must be deposited in the account. Other funds, gifts, grants, and endowments from public or private sources, in trust or otherwise, may be directed into the account. Any moneys received from sponsor match payments must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the purposes of this chapter.

PART 2

Low-Income Weatherization Programs

Sec. 201. RCW 70.164.020 and 1995 c 399 s 199 are each amended to read as follows:

~~((Unless the context clearly requires otherwise;))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of community, trade, and economic development.

(2) "Energy ~~(assessment)~~ audit" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

(3) "Family wages" means wages that, aggregated over a year, total at least two hundred percent of the poverty guideline for a family of four, as established for the applicable calendar year by the United States department of health and human services, or compliance with prevailing wage provisions under chapter 39.12 RCW or area standard wages for public works as determined by the department of labor and industries, whichever is greater.

(4) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

~~((4))~~ (5) "Low income" means household income ~~((that is at or below one hundred twenty-five percent of the federally established poverty level))~~ as defined by the department, provided that the definition may not exceed eighty percent of median household income, adjusted for household size, for the county in which the dwelling unit to be weatherized is located.

~~((5))~~ (6) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual

or cooperative, furnishing gas or electricity used to heat low-income residences.

~~((6))~~ (7) "Residence" means a dwelling unit as defined by the department.

~~((7))~~ (8) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, tribal nation, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.

~~((8))~~ (9) "Sponsor match" means the share ~~((, if any,))~~ of the cost of weatherization to be paid by the sponsor.

~~((9))~~ (10) "Sustainable residential weatherization" or "weatherization" means ~~((materials or measures, and their installation, that are used to improve the thermal efficiency of a residence))~~ activities that use funds administered by the department for one or more of the following: (a) Energy and resource conservation; (b) energy efficiency improvements; (c) repairs, indoor air quality improvements, and health and safety improvements; and (d) client education. Funds administered by the department for activities authorized under this subsection may only be used for the preservation of a dwelling unit occupied by a low-income household and must, to the extent feasible, be used to support and advance sustainable technologies.

~~((10))~~ (11) "Weatherizing agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

Sec. 202. RCW 70.164.040 and 1987 c 36 s 4 are each amended to read as follows:

(1) The department shall solicit proposals for low-income weatherization programs from potential sponsors. A proposal shall state the amount of the sponsor match, the amount requested ~~((from the low-income weatherization assistance account)),~~ the name of the weatherizing agency, and any other information required by the department.

(2)(a) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(b) Moneys provided by a sponsor pursuant to requirements in this section shall be in addition to and shall not supplant any funding for low-income weatherization that would otherwise have been provided by the sponsor or any other entity enumerated in (a) of this subsection.

(c) No proposal may require any contribution as a condition of weatherization from any household whose residence is weatherized under the proposal.

(d) Proposals shall provide that full levels of all cost-effective, structurally feasible, sustainable residential weatherization materials, measures, and practices, as determined by the department, shall be installed when a low-income residence is weatherized.

(3)(a) The department may in its discretion accept, accept in part, or reject proposals submitted. The department shall allocate funds appropriated from the low-income weatherization assistance account among proposals accepted or accepted in part so as to:

(i) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers ~~((and))~~ over the longest period of time;

(ii) Identify and correct, to the extent practical, health and safety problems for residents of low-income households, including asbestos, lead, and mold hazards;

(iii) Create family-wage jobs that may lead to careers in the construction trades or in the energy efficiency sectors; and

(iv) Leverage, to the extent feasible, environmentally friendly sustainable technologies, practices, and designs.

(b) The department shall, to the extent feasible, ensure a balance of participation in proportion to population among low-income households for: ~~((a))~~ (i) Geographic regions in the state; ~~((b))~~ (ii) types of fuel used for heating, except that the department shall encourage the use of energy efficient sustainable technologies; ~~((c))~~

(iii) owner-occupied and rental residences; and ~~((d))~~ (iv) single-family and multifamily dwellings.

(c) The department shall give priority to weatherize dwelling units occupied by low-income households with incomes at or below one hundred twenty-five percent of the federally established poverty level.

(d) The department may allocate funds to a nonutility sponsor without requiring a sponsor match if the department determines that such an allocation is necessary to provide the greatest benefits to low-income residents of the state.

(e) The department shall give priority to sponsors that commit to use best efforts to achieve the standards outlined in section 103(2)(a) through (c) of this act.

(4)(a) A sponsor may elect to: (i) Pay a sponsor match as a lump sum at the time of weatherization, or (ii) make yearly payments to the low-income weatherization assistance account over a period not to exceed ten years. If a sponsor elects to make yearly payments, the value of the payments shall not be less than the value of the lump sum payment that would have been made under (a)(i) of this subsection.

(b) The department may permit a sponsor to meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

(5) Programs receiving funding under this section must report to the department every six months following the receipt of a grant regarding the number of dwelling units weatherized, family-wage jobs created or maintained, and state certified apprentices employed, with the last report submitted six months after program completion. The director shall verify the accuracy of these reports.

(6) The department shall adopt rules to carry out this section.

Sec. 203 RCW 70.164.050 and 1987 c 36 s 5 are each amended to read as follows:

(1) The department is responsible for ensuring that sponsors and weatherizing agencies comply with the state laws, the department's rules, and the sponsor's proposal in carrying out proposals.

(2) Before a residence is weatherized, the department shall require that an energy ~~(assessment)~~ audit be conducted.

(3) To the greatest extent practicable and allowable under federal rules and regulations, the department shall maximize available federal low-income home energy assistance program funding for weatherization projects.

Sec. 204 RCW 70.164.060 and 1987 c 36 s 6 are each amended to read as follows:

Before a leased or rented residence is weatherized, written permission shall be obtained from the owner of the residence for the weatherization. The department shall adopt rules to ensure that: (1) The benefits of weatherization assistance ~~((in connection with a leased or rented residence)), including utility bill reduction and preservation of affordable housing stock,~~ accrue primarily to low-income tenants occupying a leased or rented residence; (2) as a result of weatherization provided under this chapter, the rent on the residence is not increased and the tenant is not evicted; and (3) as a result of weatherization provided under this chapter, no undue or excessive enhancement occurs in the value of the residence. This section is in the public interest and any violation by a landlord of the rules adopted under this section shall be an act in trade or commerce violating chapter 19.86 RCW, the consumer protection act.

NEW SECTION. Sec. 205 A new section is added to chapter 70.164 RCW to read as follows:

(1) The department shall coordinate with the Washington State University energy efficiency assistance program created in section 102 of this act in order to maximize the extension of weatherization assistance across low-income and other households. To the greatest extent practicable and allowable under federal rules and regulations, the department shall maximize available federal low-income home energy assistance program funding for weatherization projects.

(2) The department may solicit proposals for low-income and other weatherization projects, if providing funding specifically for additional projects. The department shall determine a priority ranking system for determining the order of preference for projects for low-income households.

NEW SECTION. Sec. 206 EXPEDITED LOW-INCOME HOUSEHOLD ENERGY AUDIT PROGRAM GRANTS IN 2009.

(1) The legislature finds that conducting energy audits and performing efficiency improvements in low-income households creates family-wage jobs and will stimulate local economies where this work is conducted. Therefore, the legislature directs that where appropriations are made to the low-income weatherization assistance program as part of a federal economic stimulus, the department of community, trade, and economic development shall award grants as quickly as practical for maximum community economic benefit within the parameters stipulated with the funding.

(2) By November 1, 2009, the department of community, trade, and economic development shall report to the appropriate fiscal and policy committees in the senate and house of representatives on the status of grant awards under this section. The report may be combined with that made by the director of the energy efficiency assistance program under section 104 of this act.

PART 3

Consolidation of Weatherization Programs

NEW SECTION. Sec. 301 It is the intent of the legislature that all state administered building weatherization programs are conducted to provide the greatest efficiency in terms of administrative processes, economies of scale, institutional memory, and institutional competence. The legislature also intends by this act to expand state administered building weatherization programs to provide services not only to low-income residents in the state, but also to other residences, farms, commercial buildings, public buildings, public agencies, and other institutions.

NEW SECTION. Sec. 302 (1) The department of community, trade, and economic development and the Washington State University energy extension program shall review:

(a) Low-income weatherization programs, as authorized under chapter 70.164 RCW, weatherization, weatherization services, and energy efficiency programs administered by the state;

(b) The low-income energy assistance program funded by the federal government pursuant to the federal low-income energy assistance act (Title 42 U.S.C. 8623 et seq.);

(c) Weatherization and energy efficiency programs funded by private entities, utilities, the federal government, and other entities; and

(d) Administrative and overhead costs incurred by weatherization and energy efficiency programs.

(2) By July 1, 2010, the department of community, trade, and economic development and the Washington State University energy extension program shall provide to the governor and the appropriate committees of the legislature a report with findings from the review required in subsection (1) of this section and recommendations for the coordination of the state's energy efficiency and weatherization programs, including the low-income energy assistance and low-income weatherization programs under chapter 70.164 RCW and the weatherization program created in section 102 of this act.

(a) The recommendations must include:

(i) Identification of best practices and opportunities to consolidate and create efficiencies and economies of scale;

(ii) Identification of legislative action necessary to maximize the state's receipt of funding for weatherization and energy efficiency purposes; and

(iii) Identification of methods to minimize costs through coordination and potential consolidation of programs.

(b) If the report finds that administrative efficiencies may best be achieved by the transition of functions from one state agency or entity to another, then the recommendations must also include:

(i) Identification of statutory changes necessary to ensure an expeditious and efficient transition with the least programmatic disruption; and

(ii) A timeline for the process that includes methods to phase and synchronize the transition of administrative procedures, records, files, and staff in accordance with the goals and intent of this section and section 301 of this act.

PART 4

Training Programs for Energy Efficiency Jobs

NEW SECTION. Sec. 401 WORKFORCE TRAINING FOR THE PERFORMANCE OF ENERGY AUDITS AND RETROFITS.

(1) The legislature finds that it is in the interest of building owners, building residents, and the state that energy audits and energy

efficiency services be performed in a manner that is both consistent with current best practices and that provides increased occupational skills, education, and training to workers in the state. The director, in collaboration with the board, the workforce training and education coordinating board, the employment security department, the Washington state building and construction trades council, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction, shall identify the necessary skills and qualifications required to perform the energy audits and energy efficiency services authorized under this act.

(2) The board shall work with the Washington state apprenticeship and training council and the office of the superintendent of public instruction, to jointly develop, by June 30, 2010, curricula and training programs, to include on-the-job training, classroom training, and safety and health training, for the development of the skills and qualifications identified by the director under subsection (1) of this section.

(3) Training resource moneys may be provided from the account for the following purposes:

(a) To develop and deploy curricula and training programs in accordance with subsection (2) of this section;

(b) For the expansion of existing high school, community and technical college, journey level skills improvement and apprenticeship training programs, and community-based training programs providing energy audit and energy efficiency services training;

(c) For the implementation of new training programs developed under the terms of this chapter;

(d) To supplement internship, preapprenticeship, and apprenticeship programs using curricula developed under subsection (2) of this section; and

(e) For other training activities identified by the director to supplement and expand the skills of the existing workforce.

(4) The director shall direct the delivery of education and training resource moneys as necessary to meet demands for jobs, giving priority in distribution of training resource moneys to those educational programs that can provide convincing evidence that they are able to provide the requisite skills education and training expeditiously.

(5) The board shall target a portion of any federal stimulus funding received to ensure commensurate capacity for high employer demand programs of study developed under this section. To that end, the director must coordinate with the workforce training and education coordinating board, the state board for community and technical colleges, or other appropriate state agency in the application for and receipt of such funding that may be made available through the federal youthbuild program, workforce investment act, job corps, or other relevant federal programs.

(6) The Washington apprenticeship and training council shall evaluate the potential of existing apprenticeship and training programs that would produce workers with the skills needed to conduct energy audits and provide energy efficiency services and deliver their findings to the director and the appropriate committees of the legislature as soon as possible, but no later than January 18, 2010.

(7) The director shall direct funding to programs that provide skills education and training services to underserved and disadvantaged communities in the state, in accordance with RCW 43.330.310. This may include, but is not limited to, at-risk youth seeking employment pathways out of poverty and into economic self-sufficiency. The director shall consult with the employment security department to create a strategy to ensure that the workers who receive training under these programs are provided with the type of employment opportunities contemplated by this chapter.

(8) The board shall provide an interim report to the appropriate committees of the legislature by December 1, 2011, and a final report by December 1, 2013, detailing the effectiveness of, and any recommendations for improving, the worker training curricula and programs established in this section.

NEW SECTION. Sec. 402 UNEMPLOYED WORKERS. Community and technical colleges that enroll unemployed workers into the relevant curricula and training programs indicated in this act shall receive funding as indicated in section 2, chapter . . . , Laws of

2009 (section 2 of Engrossed Second Substitute Senate Bill No. 5809).

NEW SECTION. Sec. 403 DESIGNATION OF WORKFORCE TRAINING PROGRAMS FOR THE PERFORMANCE OF ENERGY AUDITS AND RETROFITS. (1) Existing curricula and training programs or programs provided by community and technical colleges in the state developed under section 401 of this act must be recognized as programs of study under RCW 28B.50.273.

(2) Subject to available funding, the board may grant enrollment priority to persons who qualify for waiver under RCW 28B.15.522 and who enroll in curricula and training programs provided by community or technical colleges in the state that have been developed in accordance with section 401 of this act.

PART 5

Energy Efficiency in Publicly Funded Housing

NEW SECTION. Sec. 501 A new section is added to chapter 43.185 RCW to read as follows:

ENERGY AUDITS AND RETROFITS IN PUBLICLY FUNDED HOUSING. (1) The legislature finds that growing preservation and rehabilitation needs in the housing trust fund property portfolio provide opportunities to advance energy efficiency and weatherization efforts for low-income individuals in Washington state while protecting the state's six hundred million dollars in affordable housing investments. Preservation of existing affordable housing, when done in conjunction with weatherization activities, is a cost-effective, prudent, and environmentally friendly strategy to ensure that low-income housing remains durable, safe, and affordable. Therefore, the legislature intends that where federal funds are available for increasing and improving energy efficiency of low-income housing that these funds shall be utilized, subject to federal requirements, for energy audits and implementing energy efficiency measures in the state housing trust fund real estate portfolio.

(2) The department shall review all housing properties in the housing trust fund real estate portfolio and identify those in need of major renovation or rehabilitation. In its review, the department shall survey property owners for information including, but not limited to, the age of the building and the type of heating, cooling, plumbing, and electrical systems contained in the property. The department shall prioritize all renovation or rehabilitation projects identified in the review by the department's ability to:

(a) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers over the greatest period of time;

(b) Promote the greatest possible health and safety improvements for residents of low-income households; and

(c) Leverage, to the extent feasible, technologically advanced and environmentally friendly sustainable technologies, practices, and designs.

(3) Subject to the availability of amounts appropriated for this specific purpose, the department shall use the prioritization of potential energy efficiency needs and opportunities in subsection (2) of this section to make offers of energy audit services to project owners and operators. The department shall use all practicable means to achieve the completion of energy audits in at least twenty-five percent of the properties in its portfolio that exceed twenty-five years in age, by June 30, 2011. Where the energy audits identify cost-effective weatherization and other energy efficiency measures, the department shall accord a priority within appropriated funding levels to include funding for energy efficiency improvements when the department allocates funding for renovation or rehabilitation of the property.

PART 6

Miscellaneous

NEW SECTION. Sec. 601 Sections 101 through 110 and 401 through 403 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 602 Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 603 If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 604 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 605 The governor shall designate a person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives shall coordinate with this designee."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009
2SSB 5676 Prime Sponsor, Committee on Ways & Means: Providing for career and technical education opportunities for middle school students. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Kagi; Kenney; Kessler; Pettigrew; Priest; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hunter; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009
E2SSB 5688 Prime Sponsor, Committee on Ways & Means: Expanding the rights and responsibilities of state registered domestic partners. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 4, 2009
SSB 5723 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Providing support for small business assistance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.30.530 and 1984 c 77 s 1 are each amended to read as follows:

(1) The board of regents of Washington State University shall establish the Washington State University small business development center.

(2) The center shall provide management and technical assistance including but not limited to training, counseling, and research services to small businesses throughout the state. The center shall work with ~~((public and private community development and economic assistance agencies and shall work towards the goal of coordinating activities with such agencies to avoid duplication of services))~~ the department of community, trade, and economic development, the state board for community and technical colleges, the higher education coordinating board, the workforce training and education coordinating board, the employment security department, the Washington state economic development commission, associate development organizations, and workforce development councils to:

(a) Integrate small business development centers with other state and local economic development and workforce development programs;

(b) Target the centers' services to small businesses;

(c) Tailor outreach and services at each center to the needs and demographics of entrepreneurs and small businesses located within the service area;

(d) Establish and expand small business development center satellite offices when financially feasible; and

(e) Coordinate delivery of services to avoid duplication.

(3) The administrator of the center may contract with other public or private entities for the provision of specialized services.

(4) The small business ~~((and))~~ development center may accept and disburse federal grants or federal matching funds or other funds or donations from any source when made, granted, or donated to carry out the center's purposes. When drawing on funds from the business assistance account created in section 3 of this act, the center must first use the funds to make increased management and technical assistance available to small and start-up businesses at satellite offices. The funds may also be used to develop and expand assistance programs such as small business planning workshops and small business counseling.

(5) The legislature directs the small business development center to request United States small business administration approval of a special emphasis initiative, as permitted under 13 CFR 130.340(c) as of April 1, 2009, to target assistance to Washington state's smaller businesses. This initiative would be negotiated and included in the first cooperative agreement application process that occurs after the effective date of this section.

(6) By December 1, 2009, and December 1, 2010, respectively, the center shall provide a written progress report and a final report to the appropriate committees of the legislature with respect to the requirements in subsections (2) and (5) of this section and the amount and use of funding received through the business assistance account. The reports must also include data on the number, location, staffing, and budget levels of satellite offices; affiliations with community colleges, associate development organizations or other local organizations; the number, size, and type of small businesses assisted; and the types of services provided. The reports must also include information on the outcomes achieved, such as jobs created or retained, private capital invested, and return on the investment of state and federal dollars.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.30 RCW to read as follows:

The business assistance account is created in the custody of the state treasurer. Expenditures from the account may be used only for the expansion of business assistance services delivered by the small business development center created in RCW 28B.30.530. Only the administrator of the center or the administrator's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 3. RCW 30.60.010 and 2008 c 240 s 1 are each amended to read as follows:

(1) In conducting an examination of a bank chartered under Title 30 RCW, the director shall investigate and assess the record of performance of the bank in meeting the credit needs of the bank's entire community, including low and moderate-income neighborhoods. The director shall accept, in lieu of an investigation or part of an investigation required by this section, any report or document that the bank is required to prepare or file with one or more federal agencies by the act of Congress entitled the "Community Reinvestment Act of 1977" and the regulations promulgated in accordance with that act, to the extent such reports or documents assist the director in making an assessment based upon the factors outlined in subsection (2) of this section.

(2) In making an investigation required under subsection (1) of this section, the director shall consider, independent of any federal determination, the following factors in assessing the bank's record of performance:

(a) Activities conducted by the institution to ascertain credit needs of its community, including the extent of the institution's efforts to communicate with members of its community regarding the credit services being provided by the institution;

(b) The extent of the institution's marketing and special credit related programs to make members of the community aware of the credit services offered by the institution;

(c) The extent of participation by the institution's board of directors in formulating the institution's policies and reviewing its performance with respect to the purposes of the Community Reinvestment Act of 1977;

(d) Any practices intended to discourage applications for types of credit set forth in the institution's community reinvestment act statement(s);

(e) The geographic distribution of the institution's credit extensions, credit applications, and credit denials;

(f) Evidence of prohibited discriminatory or other illegal credit practices;

(g) The institution's record of opening and closing offices and providing services at offices;

(h) The institution's participation, including investments, in local community and microenterprise development projects;

(i) The institution's origination of residential mortgage loans, housing rehabilitation loans, home improvement loans, and small business or small farm loans within its community, or the purchase of such loans originated in its community;

(j) The institution's participation in governmentally insured, guaranteed, or subsidized loan programs for housing, small businesses, or small farms;

(k) The institution's ability to meet various community credit needs based on its financial condition, size, legal impediments, local economic condition, and other factors;

(l) The institution's contribution of cash or in-kind support to local or statewide organizations that provide counseling, training, financing, or other services to small businesses; and

(m) Other factors that, in the judgment of the director, reasonably bear upon the extent to which an institution is helping to meet the credit needs of its entire community.

(3) The director shall include as part of the examination report, a summary of the results of the assessment required under subsection (1) of this section and shall assign annually to each bank a numerical community reinvestment rating based on a one through five scoring system. Such numerical scores shall represent performance assessments as follows:

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler and Schmick.

Passed to Committee on Rules for second reading.

E2SSB 5735 Prime Sponsor, Committee on Ways & Means: Reducing greenhouse gas emissions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Ecology & Parks.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that Washington should maintain its leadership on climate change by continuing Washington's participation in the development of any federal or regional programs to reduce greenhouse gas emissions.

The legislature finds that by continuing its participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington maximizes its ability to influence and shape those programs so that they may reflect Washington's emissions portfolio, including the state's hydroelectric system, aid Washington's forest resources and agricultural industries, reduce Washington's expenditures on imported fuels, and create a strong economy.

The legislature further finds that by continuing Washington's participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington has the opportunity to protect Washington families and small businesses from undue financial impacts arising from the transition to a clean energy future, to protect Washington's economy from disadvantages resulting from competition with industries that do not participate in carbon control efforts, and provide appropriate credit for those businesses that have taken early actions to reduce greenhouse gas emissions.

The legislature further finds that well-designed climate policies should mitigate any impacts on the cost and affordability of food, housing, energy, transportation, and other routine expenses on low and moderate-income people, and ensure that economic benefits are available to both urban and rural communities, and to traditionally underserved communities.

The legislature further finds the continued efforts to reduce greenhouse gases in the transportation sector through the continued development of alternative fuels, improved vehicle technologies, and providing choices that reduce overall vehicle miles traveled to be critical steps in creating jobs, fostering economic growth, and reducing our reliance on foreign petroleum-based transportation fuels.

NEW SECTION. Sec. 2. NATIONAL AND REGIONAL GREENHOUSE GAS REDUCTION PROGRAMS. (1) The office of the governor and the department are directed to represent the state's interests in the development of a national program to reduce greenhouse gas emissions. As part of this effort, the department is directed to continue to participate in the western climate initiative to develop a regional program to reduce greenhouse gas emissions. This regional program must be used to influence the national program to reduce greenhouse gas emissions.

(2) In order to provide needed information to the legislature, government agencies, and those persons who are responsible for significant emissions of greenhouse gases so that they may effectively plan for the long-term emissions reductions under RCW 70.235.020, the department shall develop:

(a) Its best estimate of emissions levels in 2012 for persons that the department reasonably believes emit twenty-five thousand metric tons of carbon dioxide equivalent or greater each year;

(b) The trajectory of emissions reductions necessary to meet the 2020 requirement of reducing the state's greenhouse gas emissions to 1990 levels; and

(c) An assessment of the state's emissions sources and sectors where reductions in the state's greenhouse gas emissions cannot be realized and the sectors are necessary to ensure the economic viability of the state.

(3) The department shall develop the estimated 2012 emissions levels and the 2020 reduction trajectories in consultation with business and other interested stakeholders by December 15, 2009. The reduction trajectories must reflect the department's best estimate of each person's proportionate share of the 2020 reductions and must

consider each person's use of industry best practices and of fuels that are either carbon neutral or that do not emit greenhouse gases. Consideration may be given to industries whose processes are inherently energy intensive.

(4) The department shall provide each person with its estimate of the person's 2012 emissions levels and the 2020 reduction trajectory as soon as they are available, but no later than December 15, 2009. Each person or groups of persons representing a sector of Washington's economy may recommend strategies or actions to the department that they believe would achieve the needed reductions. The recommendations must be provided to the department by June 15, 2010.

(5) The department shall provide a report to the legislature by December 31, 2010, that includes the 2012 emissions estimates, the 2020 reduction trajectories, and the strategies and actions, including complementary policies that collectively will achieve the state's 2020 emissions reduction in RCW 70.235.020. The report must also include a description of any additional authority that is needed to implement the identified strategies or actions.

(6) For purposes of this section, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood byproducts, including pulping liquor, and wood residuals may not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.

NEW SECTION. Sec. 3. ACCOUNTABILITY. The governor shall designate a currently employed full-time equivalent person as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives must coordinate with this designee. This position must be funded from current full-time equivalent allocations without increasing budgets or staffing levels. If duties must be shifted in the agency, they must be shifted to current full-time equivalent allocations.

NEW SECTION. Sec. 4. FORESTRY OFFSET POLICY. The department, in consultation with the department of natural resources and the forest carbon working group, shall develop recommendations for the state's policy for forestry offset projects within Washington. The agencies and the forest carbon working group must use the 2008 report of the forest carbon working group as the starting point in developing the policy. The final policy must be submitted to the legislature by December 31, 2010. The policy recommendations must address:

(1) Specific standards and guidelines that will support carbon accounting in managed forests participating in an offset program;

(2) Recommendations on how any carbon that is reduced or sequestered by a forestry offset project may be eligible for an offset credit available to coal-fired power plants under section 7 of this act, and within regional and federal climate policies;

(3) Recognition of management activities that increase carbon stocks including, but not limited to, thinning, lengthening rotations, increased retention of trees after harvest, fertilization, genetics, timber stand improvement, fire management, and specific site class and productivity of a managed forest;

(4) Specific standards and guidelines to support wood products accounting, recognizing that carbon is stored in products after trees are harvested, including the use of the one hundred year method which estimates the amount of carbon stored in the wood products that are projected to remain in use over one hundred years;

(5) Guidelines on how transfer of development rights or on-site cluster development projects may be used to create forestry offset projects;

(6) Guidelines on how forestry offset projects and forestry financial incentive programs can work together so that Washington's forest landowners will not be disadvantaged in comparison to other jurisdictions participating in a national or regional cap and trade program;

(7) How to verify or certify carbon stocks in a manner that will not be administratively burdensome; and

(8) Specific standards for how landowners who are no longer able or willing to meet their offset obligations can opt out of the program. The specific standards must require the landowner to procure other allowances or offsets equal to the offsets issued under

the management plan for any offsets they have sold and surrender those offsets and any unsold offsets to the state.

NEW SECTION. Sec. 5. FINANCIAL INCENTIVES FOR FORESTRY. The department of ecology, in consultation with the department of natural resources and the forest carbon working group, shall develop and deliver to the legislature by December 31, 2010, recommendations for financial incentives for forestry and forest products that will recognize and encourage forest land management and use of forest products that will maintain or increase carbon sequestration, including, but not limited to:

(1) Thinning, lengthening of rotations, increased retention of trees at harvest, fertilization, genetics, timber stand improvement, and fire management;

(2) Production of wood products while maintaining or increasing carbon stocks on the ground; and

(3) Retention of high carbon stocks where there is no obligation to retain such stocks.

NEW SECTION. Sec. 6. AGRICULTURAL OFFSET POLICY. The department, in consultation with Washington State University, the department of agriculture, and the agriculture carbon working group shall develop recommendations for agricultural offset projects within Washington. The agencies and the agriculture carbon working group must use the 2008 report of the agriculture carbon working group as the starting point in developing the policy. The final recommendations of the agriculture carbon working group must be submitted to the legislature by December 31, 2010. The policy recommendations must address:

(1) A process and timeline to survey, catalog, and map Washington soils in a manner that describes the carbon soil sequestration level of the soils;

(2) Activities that would increase carbon sequestration in soils and therefore potentially qualify as offset projects; and

(3) Recommendations on how any carbon that is reduced or sequestered by an agricultural offset project may be eligible for an offset credit available to coal-fired power plants under section 7 of this act, and within regional and federal climate policies.

NEW SECTION. Sec. 7. A new section is added to chapter 70.94 RCW to read as follows:

STANDARDS FOR COAL-FIRED POWER PLANTS. (1) This section only applies to coal-fired power plants within Washington that burn over one million tons of coal per year.

(2) By 2015, coal-fired power plants must reduce emissions of greenhouse gases by one million metric tons unless the state is participating in a national or regional cap and trade program by or during 2012 that covers the emissions from these plants.

(3) The department shall negotiate and implement a compliance agreement with the coal-fired power plants covered by this section that describes how the required emissions reduction will be accomplished. The compliance agreement may include, but is not limited to, measures such as the substitution of biomass and other renewable resources for more carbon-intensive fuels as well as the limited use of offset projects. No more than forty-nine percent of the total emissions reductions from the coal-fired power plants covered by this section may be satisfied with offsets. The department shall report to the legislature on the status and content of the compliance agreement by December 31, 2011.

(4)(a) If an order or approval is required as a result of the reductions required under subsection (2) of this section, the department shall issue the order or approval within sixty days of receipt of a complete application that demonstrates to the department's satisfaction that the coal-fired power plant will achieve the emissions reduction required by this section.

(b) Within thirty days after issuing an order or approval, the department must submit to the legislature notice of the issuance of an order or approval and the findings that led to the issuance of the order or approval. The department must also post the notice of the issuance of an order or approval and the findings that led to the issuance of the order or approval on their department web site.

(5) If a coal-fired power plant subject to this section has begun to reduce its emissions as a result of this requirement and the state subsequently participates in a national or regional cap and trade program, the state shall advocate for appropriate credit to be given for these early reductions.

(6) If the compliance agreement under this section requires substitution of biomass or other renewable resources for more carbon intensive fuels, the substitution does not constitute an upgrade as defined in RCW 80.80.010.

NEW SECTION. Sec. 8. A new section is added to chapter 47.38 RCW to read as follows:

ALTERNATIVE FUELS CORRIDOR PILOT. (1) As a necessary and desirable step to encourage public and private investment in both electric vehicle infrastructure and alternative fuel distribution infrastructure, the legislature authorizes an alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies, and providing alternative fuel distribution sites.

(2) To the extent permitted under federal programs, rules, or law, the department of transportation shall pursue partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. The department of transportation shall strive to have the partnership agreement in place by June 30, 2010. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department of transportation;

(b) Ensure that a pilot project site does not compete with existing retail businesses in the same geographic area for the provision of the same refueling services, recharging technologies, or other retail commercial activities;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling and recharging services to class six trucks with a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

(3) The department of transportation is not responsible for providing capital equipment or operating refueling or recharging services. The department of transportation must provide periodic status reports on the pilot project to the office of financial management and the relevant standing committees of the legislature at least every biennium.

NEW SECTION. Sec. 9. A new section is added to chapter 43.19 RCW to read as follows:

ELECTRIFICATION OF THE WEST COAST INTERSTATE.

(1) The office of the governor, in consultation with the department of community, trade, and economic development, the department of ecology, the department of general administration, the department of transportation, and Washington State University, shall develop a project for the electrification of the west coast interstate and associated metropolitan centers.

(2) The project should be developed in collaboration with representatives of Oregon and California, the federal government, and the private sector, as appropriate.

(3) The state shall seek federal funds for purchasing electric vehicles and the installation of public infrastructure for electric and other high-efficiency, zero or low-carbon vehicles. The department of ecology shall also seek funds to expand the network of truck stop electrification facilities and port electrification facilities.

Sec. 10. RCW 47.80.030 and 2005 c 328 s 2 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation,

ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a least cost planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) Regional transportation planning organizations encompassing at least one county planning under RCW 36.70A.040 with a population greater than two hundred forty-five thousand must adopt a regional transportation plan for those counties that implement the goals to reduce annual per capita vehicle miles traveled under RCW 47.01.440.

(3) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

~~((3))~~ (4) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

(5) In satisfying the requirements of subsections (2) and (3) of this section, the organization shall review and document consistency with locally adopted comprehensive plans of all jurisdictions fully planning under chapter 36.70A RCW within the boundary of the organization and shall identify any potential conflicts between the locally adopted comprehensive plans and regional efforts to reduce per capita vehicle miles.

Sec. 11. RCW 43.19.648 and 2007 c 348 s 202 are each amended to read as follows:

AGGREGATE PURCHASING OF ELECTRIC VEHICLES.

(1) Effective June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) The department of general administration is directed to work with California, Oregon, other states, federal agencies, local governments, and private fleet owners to encourage aggregate purchasing of electric vehicles to the maximum extent possible.

(3) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleets are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

NEW SECTION. Sec. 12. TRIBAL GOVERNMENTS. (1) The department must consult with tribal governments upon request on elements of the state's climate change program that may impact tribal governments, such as their voluntary development of offset projects.

(2) Nothing in this chapter is intended to expand state authority over Indian country as that term is defined in 18 U.S.C. Sec. 1151.

NEW SECTION. Sec. 13. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 14. Sections 1 through 4 and 6 of this act are each added to chapter 70.235 RCW.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009
SSB 5752 Prime Sponsor, Committee on Health & Long-Term Care: Regarding cost recovery in disciplinary proceedings involving dentists. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

April 3, 2009
SSB 5765 Prime Sponsor, Committee on Agriculture & Rural Economic Development: Regarding the fruit and vegetable district fund. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 4, 2009
E2SSB 5809 Prime Sponsor, Committee on Ways & Means: Revising unemployment compensation and workforce training provisions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Commerce & Labor. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009
ESSB 5811 Prime Sponsor, Committee on Human Services & Corrections: Concerning foster child placements. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Early Learning & Children's Services. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member and Ericksen.

Passed to Committee on Rules for second reading.

April 3, 2009
E2SSB 5850 Prime Sponsor, Committee on Ways & Means: Protecting workers from human trafficking violations. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Commerce & Labor.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Domestic employers of foreign workers" means a person or persons residing in the state of Washington who recruit or employ a foreign worker to perform work in Washington state.

(2) "Foreign worker" or "worker" means a person who is not a citizen of the United States and who comes to Washington state based on an offer of employment. "Foreign worker" or "worker" does not include persons who hold an H-1B visa and come to work in the state.

(3) "International labor recruitment agency" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any state, that does business in the United States and offers Washington state entities engaged in the employment or recruitment of foreign workers, employment referral services involving citizens of a foreign country or countries by acting as an intermediary between these foreign workers and Washington employers.

NEW SECTION. Sec. 2. (1) Domestic employers of foreign workers and international labor recruitment agencies must provide a disclosure statement as described in this section to foreign workers who have been referred to or hired by a Washington employer.

(2) The disclosure statement must:

(a) Be provided in English or, if the worker is not fluent or literate in English, another language that is understood by the worker;

(b) State that the worker may be considered an employee under the laws of the state of Washington and is subject to state worker health and safety laws and may be eligible for workers' compensation insurance and unemployment insurance;

(c) State that the worker may be subject to both state and federal laws governing overtime and work hours, including the minimum wage act under chapter 49.46 RCW;

(d) Include an itemized listing of any deductions the employer intends to make from the worker's pay for food and housing;

(e) Include an itemized listing of the international labor recruitment agency's fees;

(f) State that the worker has the right to control over his or her travel and labor documents, including his or her visa, at all times and that the employer may not require the employee to surrender those documents to the employer or to the international labor recruitment agency while the employee is working in the United States, except as otherwise required by law or regulation or for use as supporting documentation in visa applications;

(g) Include a list of services or a hot line a worker may contact if he or she thinks that he or she may be a victim of trafficking.

(3) The department of labor and industries may create a model disclosure form and post the model form on its web site so that domestic employers of foreign workers and international labor recruitment agencies may download the form, or mail the form upon request. The disclosure statement must be given to the worker no later than the date that the worker arrives at the place of employment in Washington.

NEW SECTION. Sec. 3. For purposes of establishing personal jurisdiction under this chapter, an international labor recruitment agency or a domestic employer of a foreign worker is deemed to be doing business in Washington and is subject to the jurisdiction of the courts of Washington state if the agency or employer contracts for employment services with a Washington resident or is considered to be doing business under any other provision or rule of law.

NEW SECTION. Sec. 4. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW.

Sec. 5. RCW 18.71.080 and 1996 c 191 s 52 are each amended to read as follows:

(1) Every person licensed to practice medicine in this state shall pay licensing fees and renew his or her license in accordance with administrative procedures and administrative requirements adopted as provided in RCW 43.70.250 and 43.70.280. The commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management.

(2) The office of crime victims advocacy shall supply the commission with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The commission shall disseminate this information to licensees by: Providing the information on the commission's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the commission. The commission shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) The commission, in its sole discretion, may permit an applicant who has not renewed his or her license to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 6. RCW 18.83.090 and 1996 c 191 s 68 are each amended to read as follows:

(1) The board shall establish rules governing mandatory continuing education requirements which shall be met by any psychologist applying for a license renewal.

(2) The office of crime victims advocacy shall supply the board with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The board shall disseminate this information to licensees by: Providing the information on the board's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the board. The board shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection.

(3) Administrative procedures, administrative requirements, and fees for renewal and reissue of licenses shall be established as provided in RCW 43.70.250 and 43.70.280.

Sec. 7. RCW 18.225.040 and 2001 c 251 s 4 are each amended to read as follows:

In addition to any other authority provided by law, the secretary has the authority to:

(1) Adopt rules under chapter 34.05 RCW necessary to implement this chapter. Any rules adopted shall be in consultation with the committee;

(2) Establish all licensing, examination, and renewal fees in accordance with RCW 43.70.250;

(3) Establish forms and procedures necessary to administer this chapter;

(4) Issue licenses to applicants who have met the education, training, and examination requirements for licensure and to deny a license to applicants who do not meet the requirements;

(5) Hire clerical, administrative, investigative, and other staff as needed to implement this chapter, and hire individuals licensed under this chapter to serve as examiners for any practical examinations;

(6) Administer and supervise the grading and taking of examinations for applicants for licensure;

(7) Determine which states have credentialing requirements substantially equivalent to those of this state, and issue licenses to individuals credentialed in those states without examinations;

(8) Implement and administer a program for consumer education in consultation with the committee;

(9) Adopt rules implementing a continuing education program in consultation with the committee;

(10) The office of crime victims advocacy shall supply the committee with information on methods of recognizing victims of human trafficking, what services are available for these victims, and where to report potential trafficking situations. The information supplied must be culturally sensitive and must include information relating to minor victims. The committee shall disseminate this information to licensees by: Providing the information on the committee's web site; including the information in newsletters; holding trainings at meetings attended by organization members; or through another distribution method determined by the committee. The committee shall report to the office of crime victims advocacy on the method or methods it uses to distribute information under this subsection;

(11) Maintain the official record of all applicants and licensees; and

((++)) (12) Establish by rule the procedures for an appeal of an examination failure.

NEW SECTION. Sec. 8. Sections 1 through 4 of this act constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 9. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

E2SSB 5854 Prime Sponsor, Committee on Ways & Means: Reducing climate pollution in the built environment. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Technology, Energy & Communications.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

NEW SECTION. Sec. 2. The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed

under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Department" means the department of community, trade, and economic development.

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

NEW SECTION. Sec. 3. (1) To the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5 of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

Sec. 4. RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ~~(No later than January 1, 1991,)~~ The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework~~((The Washington state energy code shall be designed to); and~~

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall ~~(require:~~

~~—(a) New residential buildings that are space-heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~—(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~—(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;~~

~~—(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~—(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);~~

~~—(v) Slab on-grade floors insulated to a level of R-10 at the perimeter;~~

~~—(vi) Double glazed windows with values not more than U-0.4;~~

~~—(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and~~

~~—(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection;~~

~~—(b) New residential buildings which are space-heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:~~

~~—(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);~~

~~—(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;~~

~~—(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);~~

~~—(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);~~

~~—(v) Slab on grade floors insulated to a level of R-10 at the perimeter;~~

~~—(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;~~

~~—(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and~~

~~—(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.~~

~~—(c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.~~

~~—(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.~~

~~—(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better)) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.~~

~~((6)) (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, ((1986)) 2006 edition, or as amended by the council by rule.~~

~~((7)) (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.~~

~~(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.~~

~~((8)) (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ((The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.)) The director of the~~

department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

NEW SECTION. Sec. 6. (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any, of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

NEW SECTION. Sec. 7. By December 31, 2009, to the extent that funding is appropriated specifically for the purposes of this

section, the department shall develop and recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION, Sec. 8. (1) The requirements of this section apply to the department of general administration and other qualifying state agencies only to the extent that specific appropriations are provided to those agencies referencing this act or chapter number and this section.

(2) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(3) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(4) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of each reporting public facility available to the public through the portfolio manager web site.

(5) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(6) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(7) For each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(8) Schools are strongly encouraged to follow the provisions in subsections (2) through (7) of this section.

(9) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance rating score below fifty. The department of general administration shall establish a process to determine viability.

(10) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

Sec. 9. RCW 43.82.045 and 2007 c 506 s 5 are each amended to read as follows:

(1) State agencies are prohibited from entering into lease agreements for privately owned buildings that are in the planning stage of development or under construction unless there is prior written approval by the director of the office of financial management. Approval of such leases shall not be delegated. Lease agreements described in this section must comply with RCW 43.82.035.

(2) The director of the office of financial management shall require that:

(a) An American society of heating, refrigerating and air-conditioning engineers level 1 walk-through audit has been completed within the last two years and submitted to the department of general administration before any state agency enters into a lease agreement, including lease renewals, for privately owned buildings greater than ten thousand square feet. An American society of heating, refrigerating and air-conditioning engineers level 1 walk-through audit is defined as assessing a building's energy cost and efficiency by analyzing energy bills and conducting a brief survey of the building. A level 1 energy audit will identify and provide a savings and cost analysis of low-cost/no-cost measures. It will also provide a listing of potential capital improvements that merit further consideration, along with an initial judgment of potential costs and savings.

(b) A new lease or lease renewal will not be entered into until the owner or lessor agrees to perform an investment grade audit based on the findings of the American society of heating, refrigerating and air-conditioning engineers level 1 walk-through as part of the lease agreement.

(c) A lease will not be entered into unless the owner or lessor agrees to make the energy conservation upgrades as part of the lease agreement, based on the investment grade audit, to the building within the first two years of the lease agreement.

NEW SECTION, Sec. 10. Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5882 Prime Sponsor, Committee on Human Services & Corrections: Remediating racial disproportionality in child welfare practices. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Appleton; Cody; Dickerson; Ericksen; Johnson; Miloscia; Morrell; O'Brien; Roberts; Walsh and Wood.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5916 Prime Sponsor, Committee on Ways & Means: Authorizing the department of information services to engage in high-speed internet adoption, deployment, and digital inclusion activities. (REVISED FOR ENGROSSED: Regarding broadband adoption and deployment.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Technology, Energy & Communications.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds and declares the following:

(1) The deployment and adoption of high-speed internet services and technology advancements enhance economic development and public safety for the state's communities, and offers improved health care, access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents.

(2) Improvements in the deployment and adoption of high-speed internet services and the strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(3) The state must encourage and support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology for state residents and businesses. This includes ensuring digital inclusion in internet access, computer literacy, and information content, so that all Washingtonians are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, size of business, or business entity structure.

(4) In light of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is essential that the legislature authorize a broadband programs management structure and an advisory council capable of developing and ensuring the implementation of statewide broadband strategies.

Sec. 2. RCW 28B.32.010 and 2008 c 262 s 6 are each amended to read as follows:

The community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology opportunity program must be administered by the (~~Washington State University extension, in consultation with the~~) department of information services. The (~~Washington State University extension~~) department may contract for services in order to carry out the (~~extension's~~) department's obligations under this section.

(1) In implementing the community technology opportunity program the administrator must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen percent of funds received by the administrator for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the administrator establishes.

(3) The administrator may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The administrator must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

Sec. 3. RCW 28B.32.020 and 2008 c 262 s 7 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means the community technology opportunity program administrator designated by the (~~Washington State University extension~~) department.

(2) "Community technology programs" means (~~a program, including a digital inclusion program, engaged in diffusing information and communications technology in local communities, particularly in underserved areas. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, and development of locally relevant content and delivery of vital services through technology~~) programs that are engaged in diffusing information and communications technology in local communities, particularly in underserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, development of locally relevant content, and delivery of vital services through technology. Community technology programs are usually provided by nonprofit or public agencies in public community settings, including youth and community centers, small business and workforce training centers, mutual assistance associations and settlement houses, low-income housing units, libraries, or schools opened for community programs.

(3) "Department" means the department of information services.

Sec. 4. RCW 28B.32.030 and 2008 c 262 s 8 are each amended to read as follows:

The Washington community technology opportunity account is established in the state treasury. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only for the operation of the community technology opportunity program as provided in RCW 28B.32.010 (as recodified by this act). Only the administrator or the administrator's designee may authorize expenditures from the account.

NEW SECTION. Sec. 5. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies with a minimum download speed greater than or equal to seven hundred sixty-eight kilobits per second and an upload speed greater than two hundred kilobits per second.

(2) "Council" means the advisory council on digital inclusion created in section 7 of this act.

(3) "Department" means the department of information services.

(4) "High-speed internet" means broadband.

(5) "Underserved areas" means: (a) Areas in which high-speed internet download speeds are less than seven hundred sixty-eight kilobits per second and upload speeds are less than two hundred kilobits per second; (b) any census tract that is located in a federally designated empowerment zone, enterprise community, renewal community, or low-income community; (c) an area with a significant population of economically disadvantaged residents; or (d) an area in which a significant population of the residents are not able to adopt

broadband because of disability, affordability of computers or software, or a lack of technological literacy.

NEW SECTION. Sec. 6. (1) The authority for overseeing broadband adoption and deployment efforts for the state is vested in the department of information services.

(a) The department is the single eligible entity in the state to receive a grant for state projects under the federal broadband data improvement act, P.L. 110-385.

(b) Funding received by the department for state projects under the federal broadband data improvement act, P.L. 110-385, must be used in accordance with the requirements of that act and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state to achieve the purposes of that act.

(2) The department may apply for and oversee implementation of federally funded or mandated broadband programs and may adopt rules to administer the programs. These programs may include but are not limited to the following:

(a) Contracting for and purchasing a completed map of privately controlled or owned broadband infrastructure. The map may include, but is not limited to, adoption information, availability information, types of technology used, the physical location of broadband infrastructure, and available speed tiers for high-speed internet;

(b) Engaging in periodic statewide surveys of residents, businesses, and nonprofit organizations concerning their use and adoption of high-speed internet and related information technology for the purpose of identifying barriers to adoption;

(c) Working with communities to identify barriers to the adoption of broadband service and related information technology services by individuals, nonprofit organizations, and businesses;

(d) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(e) Creating, implementing, and administering programs to improve computer ownership, technology literacy, and high-speed internet access for populations not currently served or underserved in the state. This may include programs to provide low-income families, community-based nonprofit organizations, nonprofit entities, and public entities that work in partnership with nonprofit entities to provide increased access to computers and broadband, with reduced cost internet access;

(f) Administering the community technology opportunity program under chapter 28B.32 RCW (as recodified by this act); and

(g) Creating additional programs to spur the development of high-speed internet resources in the state, which may include, but is not limited to:

(i) Applying for and receiving funding in the form of grants or donations which may be deposited into the Washington community technology opportunity account created in RCW 28B.32.030 (as recodified by this act);

(ii) Establishing technology literacy and digital inclusion programs and establishing low-cost hardware and software purchasing programs;

(iii) Developing last-mile technology loan programs targeting small businesses or businesses located in unserved and underserved areas; and

(iv) Including community technology organizations in state hardware and software purchasing programs.

NEW SECTION. Sec. 7. (1) The department shall reconvene the high-speed internet work group previously established by chapter 262, Laws of 2008. The work group is renamed the advisory council on digital inclusion, and is an advisory group to the department. The council must include, but is not limited to, volunteer representatives from community technology organizations, telecommunications providers, higher education institutions, K-12 education institutions, public health institutions, public housing entities, local governments, and governmental entities that are engaged in community technology activities.

(2) The council shall prepare a report by January 15th of each year and submit it to the department, the governor, and the appropriate committees of the legislature. The report must contain:

(a) An analysis of how support from public and private sector partnerships, the philanthropic community, and other not-for-profit

organizations in the community, along with strong relationships with the state board for community and technical colleges, the higher education coordinating board, and higher education institutions, could establish a variety of high-speed internet access alternatives for citizens;

(b) Proposed strategies for continued broadband deployment and adoption efforts, as well as further development of advanced telecommunications applications;

(c) Recommendations on methods for maximizing the state's research and development capacity at universities and in the private sector for developing advanced telecommunications applications;

(d) An identification of barriers that hinder the advancement of technology entrepreneurship in the state and recommendations on incentives to stimulate the demand for and development of these applications and services; and

(e) An evaluation of programs designed to advance digital literacy and computer access that are made available by the federal government, local agencies, telecommunications providers, and business and charitable entities.

Sec. 8. RCW 43.105.350 and 2008 c 262 s 3 are each amended to read as follows:

(1) For purposes of compliance with section 2, chapter 262, Laws of 2008 or any subsequent high-speed internet deployment and adoption initiative, the department (~~(of information services)~~), the department of community, trade, and economic development, the utilities and transportation commission, and any other government agent or agency (~~(shall not)~~) engaged in the high-speed internet mapping, deployment, or adoption activities prescribed in this chapter may gather or request any information related to high-speed internet infrastructure or service from providers of telecommunications or high-speed internet services that is classified by the provider as proprietary or competitively sensitive, as long as the proprietary or competitively sensitive components of such information is maintained in a confidential manner solely by a nongovernmental third-party mapping entity as described in this chapter and as long as the relevant aggregated information is made available to the department or government agent or agency.

(2) Nothing in this section may be construed as limiting the authority of a state agency or local government to gather or request information from providers of telecommunications or high-speed internet services for other purposes pursuant to its statutory authority.

NEW SECTION. Sec. 9. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 10. Sections 1, 5, 6, 7, and 9 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. RCW 28B.32.010, 28B.32.020, 28B.32.030, 28B.32.900, and 28B.32.901 are each recodified as a new chapter in Title 43 RCW.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009.

NEW SECTION. Sec. 14. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009
SSB 5921 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Creating a clean energy leadership initiative. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Technology, Energy & Communications. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Dunshee; Hudgins; Kenney; Pedersen; Sells and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 4, 2009
E2SSB 5941 Prime Sponsor, Committee on Ways & Means: Regarding a comprehensive education data improvement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.41.400 and 2007 c 401 s 3 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative ~~((education—[evaluation]))~~ evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

~~((b))~~ (c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

~~((c))~~ (d) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(e) Track enrollment and outcomes through the public centralized higher education enrollment system;

~~((d))~~ (f) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; ~~(and~~
~~((e))~~ (g) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and

(h) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and section 2 of this act are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.655 RCW to read as follows:

(1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. Furthermore, the benefits of significant increases in the amount of data available for analysis must be carefully weighed against the costs to school districts to enter, update, maintain, and submit the data and to implement new software and data management systems. It is the legislature's intent that the K-12 education data improvement system serve the information needs of educators, parents, policymakers, and the public but remain focused on the primary purpose of improving education.

(2) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:

(a) Comprehensive educator assignment information, including but not limited to grade level and courses taught, building or location, program, job assignment, years of experience, and compensation;

(b) The capacity to link educator assignment information with educator certification information;

(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;

(d) Robust student information, including but not limited to student characteristics, course and program enrollment, and performance on assessments;

(e) A subset of student information elements to serve as a dropout early warning system;

(f) Student data that is sufficiently disaggregated to permit monitoring and analysis of progress in closing the achievement gap;

(g) The capacity to link educator information with student information;

(h) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;

(i) Information linking state funding formulas to school district budgeting and accounting, including procedures to support the accuracy and auditing of financial data;

(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs; and

(k) Information that is centrally accessible and updated regularly.

(3) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support the comprehensive K-12 education data improvement system.

(4) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400 and this section only to the extent funds are available for this purpose.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.655 RCW to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district and educational service district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under section 2 of this act;

(c) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of education data systems and programs currently used by school districts and the state;

(d) Place a priority on financial and cost data necessary to support K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(e) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. The operating rules shall address such issues as:

(i) Standards for privacy and confidentiality;

(ii) Data collection priorities;

(iii) A standard data dictionary;

(iv) Ensuring data accuracy; and

(v) Establishing minimum standards for school, student, financial, and educator data systems.

(4) The work of the K-12 data governance group may be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

NEW SECTION. Sec. 4. The education data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement this act.

NEW SECTION. Sec. 5. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Dameille; Haigh; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representative Hunt.

Passed to Committee on Rules for second reading.

April 4, 2009

E2SSB 5943 Prime Sponsor, Committee on Ways & Means: Requiring performance-based contracts for the provision of child welfare services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Early Learning & Children's Services.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that extensive research conducted by the Washington state institute for public policy demonstrates the potential for appreciable savings in the state's child welfare budget by deploying a core set of evidence-based and promising programs designed to strengthen families and prevent children from entering the foster care system and reducing the length of stay for children who do enter the system. The legislature further finds that achieving improved outcomes for child safety and long-term family strength and well-being requires renewed thinking and a greater emphasis on expanding the capacity to deliver evidence-based and promising prevention and intervention services, earlier positive engagement with parents and children, more flexibility to focus on timely permanency outcomes, and more effective utilization of community resources and private partners. The legislature also finds that the goal of achieving lasting change in the state's child welfare system requires building and sustaining the serving capacity of prevention and early intervention programs through the reinvestment of savings from reduced foster care caseloads. The legislature further finds that implementation of these reforms should be approached through collaborative analysis and planning that includes the relevant state agencies, Indian tribes and recognized Indian organizations, community partners, and other stakeholders. The legislature intends to direct the development of a plan for the first phase of implementation to begin January 1, 2011.

NEW SECTION. Sec. 2. A new section is added to chapter 74.13 RCW to read as follows:

(1) The children's administration within the department shall implement two demonstration reform initiatives utilizing

performance-based contracts for an array of evidence-based and promising prevention and intervention services for families who are at risk for an out-of-home placement or have a child in out-of-home care, and for children who are awaiting adoption. Pursuant to RCW 41.06.142(3), performance-based contracting under this section is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5). Two sites shall be selected, one for each of the following approaches to the implementation of performance-based contracting:

(a) Performance-based contracts shall govern the delivery of all child welfare services, including case management services; voluntary and in-home services; out-of-home care services; and permanency services relating to reunification, relative search, guardianship, adoption, and preparation for independent living; and

(b) The department shall continue to provide the services customarily and historically provided by the department and shall continue to supervise all services, but may contract for the provision of services it deems necessary to achieve the desired performance goals. To the extent that the department contracts for services, including voluntary and in-home services; out-of-home care services; and permanency services relating to reunification, relative search, guardianship, adoption, and preparation for independent living, those contracts shall contain performance-based outcomes.

(2) The children's administration shall retain statewide responsibility for:

(a) Child protection functions and services, including intake and investigation of allegations of child abuse and neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers, services, or programs; and

(b) The issuance of licenses relating to child protection and child welfare services, including but not limited to licenses for foster family homes, group homes, and other facilities serving children.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) The performance contracting oversight committee is established for the primary purpose of providing expertise, structure, guidance, and oversight for the implementation of sections 1 through 5 of this act. Membership of the committee shall include:

(a) Two representatives from private nonprofit agencies providing child welfare services to children and families referred by the department, including one representative of licensed child placing agencies;

(b) The assistant secretary of the children's administration in the department, who shall serve as cochair of the committee;

(c) One regional administrator and one area administrator in the children's administration selected by the assistant secretary;

(d) The administrator for the division of licensed resources in the children's administration;

(e) Two nationally recognized experts in performance-based contracting;

(f) The attorney general or his or her designee;

(g) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(h) A representative from the office of the family and children's ombudsman;

(i) Two representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(j) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judges' association;

(k) One representative from partners for our children affiliated with the University of Washington school of social work, who shall serve as cochair of the committee;

(l) Two members of the legislature, one from each chamber, selected jointly by the speaker of the house of representatives and the president of the senate; and

(m) A representative of foster care providers.

(2) The cochairs of the committee shall convene the first meeting of the committee by June 15, 2009.

(3) The committee shall develop the criteria for the implementation of performance-based contracts at the demonstration

sites in a manner to minimize any potential loss of federal funds. The criteria must be sufficient for the children's administration to develop requests for proposal and must describe:

(a) The services to be delivered under the contracts in order to assure providers have the flexibility to provide adequate, appropriate, and relevant evidence-based and promising services to individual children and families;

(b) The outcome measures to be used to evaluate performance under the contracts and the tools to be utilized to collect and report data on performance;

(c) The procedure for referring families to contracted providers, including clear protocols for continued communication or coordination between contracted providers and the children's administration, and Indian tribes in order to assure child safety and well-being and to promote the family's engagement;

(d) The rate structures of the contracts, including incentives and reinvestments, if any, as well as how performance will be linked to opportunities to bid on future contracts;

(e) A plan for communicating with the multiple child-serving systems within the demonstration site regarding implementation of the contracts, including clear descriptions of new roles and functions of contracted case managers, where appropriate. The communication plan shall include a process for early and ongoing communications throughout the demonstration site, including a process for establishing and maintaining communication with Indian tribes and organizations within the demonstration site;

(f) Methods to be used for monitoring contract performance, assuring quality of services, and ensuring compliance with state and federal laws including, but not limited to, requirements tied to federal funding for foster care, and the Indian child welfare act as well as the related guidelines and protocols established between the state and tribes;

(g) Estimates of start-up costs, including a discussion of how those costs will be distributed under the contracts; and

(h) Recommendations for the distribution of legal and financial risk and liability between the state and contracted partners.

(4) The criteria developed for the demonstration site described in section 2(1)(b) of this act also shall include recommendations for the optimum balance of shared responsibility for delivering child protection services and child welfare services between the state and community-based providers, including a description of the core functions to be performed by each.

(5) The demonstration sites shall be selected by the committee and shall include consideration of:

(a) The infrastructure and capacity of the site for delivering an array of evidence-based and promising prevention and intervention services, paying particular attention to the research developed by the Washington state institute for public policy regarding preventing the need for and reducing the duration of foster care placements;

(b) The willingness and ability of the site's community providers, children's administration staff, and other stakeholders to effectively collaborate in the development and implementation of performance-based contracts for the delivery of child welfare services; and

(c) The existence of multidisciplinary or multisystem work on performance improvement or reform efforts within the site that may harmonize with or support the implementation of performance-based contracts.

(6) After the sites have been selected, the committee shall convene appropriate site transition teams to develop their respective transition plans to implement the contracts. Site teams shall include those persons identified by the assistant secretary and the executive director as being essential to developing a comprehensive transition plan.

(7) The committee shall select the demonstration sites and notify the governor and the legislature of the site selections, and by December 1, 2010, the committee shall brief the governor and the legislature on the phased implementation plans for each site. The phased implementation of contracts shall begin January 1, 2011.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

(1) The assistant secretary of the children's administration and the director of partners for our children, or their designees, shall

provide the governor, the appropriate committees of the legislature, and the performance contracting oversight committee with:

(a) Periodic updates on the development of the transition plans via electronically filed reports or in-person briefings, as convenient or practicable; and

(b) Quarterly updates via electronically filed reports beginning March 31, 2011, of the transition progress and operations at the demonstration sites.

(2) Partners for our children shall evaluate the implementation and operation of the demonstration sites and shall provide annual reports to the performance contracting oversight committee, the legislature, and the governor beginning January 1, 2013. The evaluation shall analyze to what extent the reforms implemented in the demonstration sites have resulted in improved outcomes for children and families, increased efficiencies in the delivery of child welfare services, and enhanced partnerships with community partners and stakeholders.

(3) By December 31, 2013, the assistant secretary of the children's administration and the executive director of partners for our children shall provide the governor and the legislature with recommendations for expansion and continued operation of the demonstration sites, including recommendations for adjustments to operations based on experiences in the demonstration sites.

(4) Based on the recommendations, the governor may direct the children's administration to develop implementation plans and expand the use of performance-based contracts according to the same standards required for development of the demonstration sites as described in this section, or may direct the demonstration to terminate. Any expansion plans shall reflect the recommendations and lessons learned from the evaluation of the demonstration sites.

NEW SECTION. Sec. 5. The department of social and health services, the office of financial management, and the caseload forecast council shall develop a proposal for submission to the legislature and the governor for the reinvestment of savings in the demonstration sites into evidence-based prevention and intervention programs designed to prevent the need for or reduce the duration of foster care placements in the demonstration sites. The proposal shall be consistent with the proposed implementation plans developed under sections 2 and 3 of this act and must be submitted to the legislature and the governor by November 30, 2010, and shall include sufficient detail regarding accounting, budgeting, and allocation or other procedures for legislative consideration and approval.

Sec. 6. RCW 74.13.020 and 1999 c 267 s 7 are each amended to read as follows:

~~((1))~~ (1) As used in Title 74 RCW, "~~child welfare services ((shall be defined as public))~~" mean publicly provided or contracted social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:

~~((1))~~ (a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;

~~((2))~~ (b) Protecting and caring for dependent or neglected children;

~~((3))~~ (c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;

~~((4))~~ (d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;

~~((5))~~ (e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.

~~((As used in))~~ (2) For purposes of this chapter((:)) and chapter 74.15 RCW:

(a) "Child" means a person less than eighteen years of age;

(b) "Department" means the department of social and health services or a supervising agency with whom the department has contracted for the provision of child welfare services under sections 1 through 5 of this act.

(3) The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan.

Sec. 7. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services or a supervising agency with whom the department has contracted for the provision of child welfare services under sections 1 through 5 of this act. For the purposes of child protective

services and licensing, "department" means only the department of social and health services.

(4) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.

(5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means a private nonprofit agency licensed by the state or an Indian tribe with whom the department has contracted under sections 1 through 5 of this act for the provision of child welfare services. In no case may a supervising agency be contracted to license persons or facilities under this title or to provide child protective services.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 8. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeyer, Assistant Ranking Minority Member; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler and Schmick.

Passed to Committee on Rules for second reading.

April 3, 2009

2SSB 5945 Prime Sponsor, Committee on Ways & Means: Creating the Washington health partnership plan. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Health & Human Services Appropriations and without amendment by Committee on Health Care & Wellness.

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the principles for health care reform articulated by President Obama in his proposed federal fiscal year 2010 budget to the congress of the United States provide an opportunity for the state of Washington to be both a partner with, and a model for, the federal government in its health care reform efforts.

NEW SECTION. Sec. 2. (1) The following principles shall provide guidance to the state of Washington in its health care reform deliberations:

(a) Guarantee choice. Provide Americans a choice of health plans and physicians. People will be allowed to keep their own doctor and their employer-based health plan.

(b) Make health coverage affordable. Reduce waste and fraud, high administrative costs, unnecessary tests and services, and other inefficiencies that drive up costs with no added health benefits.

(c) Protect families' financial health. Reduce the growing premiums and other costs American citizens and businesses pay for health care. People must be protected from bankruptcy due to catastrophic illness.

(d) Invest in prevention and wellness. Invest in public health measures proven to reduce cost drivers in our system, such as obesity, sedentary lifestyles, and smoking, as well as guarantee access to proven preventive treatments.

(e) Provide portability of coverage. People should not be locked into their job just to secure health coverage, and no American should be denied coverage because of preexisting conditions.

(f) Aim for universality. Building on the work of the blue ribbon commission and other state health care reform initiatives and recognizing the current economic climate, the state will partner with national health care reform efforts toward a goal of enabling all Washingtonians to have access to affordable, effective health care by 2014 as economic conditions and national reforms indicate.

(g) Improve patient safety and quality care. Ensure the implementation of proven patient safety measures and provide incentives for changes in the delivery system to reduce unnecessary variability in patient care. Support the widespread use of health information technology with rigorous privacy protections and the development of data on the effectiveness of medical interventions to improve the quality of care delivered.

(h) Maintain long-term fiscal sustainability. Any reform plan must pay for itself by reducing the level of cost growth, improving productivity, and dedicating additional sources of revenue.

(2) Over the past twenty years, both the private and public health care sectors in the state of Washington have implemented policies that are consistent with the principles in subsection (1) of this section. Most recently, the governor's blue ribbon commission on health reform agreed to recommendations that are highly consistent with those principles. Current policies in Washington state in accord with those principles include:

(a) With respect to aiming for universality and access to a choice of affordable health care plans and health care providers:

(i) The Washington basic health plan offers affordable health coverage to low-income families and individuals in Washington state through a choice of private managed health care plans and health care providers;

(ii) Apple health for kids will achieve its dual goals that every child in Washington state have health care coverage by 2010 and that the health status of children in Washington state be improved. Only four percent of children in Washington state lack health insurance, due largely to efforts to expand coverage that began in 1993;

(iii) Through the health insurance partnership program, Washington state has designed the infrastructure for a health insurance exchange for small employers that would give employers and employees a choice of private health benefit plans and health care providers, offer portability of coverage and provide a mechanism to offer premium subsidies to low-wage employees of these employers;

(iv) Purchasers, insurance carriers, and health care providers are working together to significantly reduce health care administrative costs. These efforts have already produced efficiencies, and will

continue through the activities provided in Substitute House Bill No. 1647 and Second Substitute Senate Bill No. 5346, if enacted by the 2009 legislature; and

(v) Over one hundred thousand Washingtonians have enrolled in the state's discount prescription drug card program, saving consumers over six million dollars in prescription drug costs since February 2007, with an average discount of twenty-two dollars or forty-three percent of the price of each prescription filled.

(b) With respect to improving patient safety and quality of care and investing in prevention and wellness, the public and private health care sectors are engaged in numerous nationally recognized efforts:

(i) The Puget Sound health alliance is a national leader in identifying evidence-based health care practices, and reporting to the public on health care provider performance with respect to these practices. Many of these practices address disease prevention and management of chronic illness;

(ii) The Washington state health technology assessment program and prescription drug program use medical evidence and independent clinical advisors to guide the purchasing of clinically and cost-effective health care services by state-purchased health care programs;

(iii) Washington state's health record bank pilot projects are testing a new model of patient controlled electronic health records in three geographic regions of the state. The state has also provided grants to a number of small provider practices to help them implement electronic health records;

(iv) Efforts are underway to ensure that the people of Washington state have a medical home, with primary care providers able to understand their needs, meet their care needs effectively, better manage their chronic illnesses, and coordinate their care across the health care system. These efforts include group health cooperative of Puget Sound's medical home projects, care collaboratives sponsored by the state department of health, state agency chronic care management pilot projects; development of apple health for kids health improvement measures as indicators of children having a medical home, and implementation of medical home reimbursement pilot projects under Substitute Senate Bill No. 5891 and Second Substitute House Bill No. 2114, if enacted by the 2009 legislature; and

(v) Health care providers, purchasers, the state, and private quality improvement organizations are partnering to undertake numerous patient safety efforts, including hospital and ambulatory surgery center adverse events reporting, with root cause analysis to identify actions to be undertaken to prevent further adverse events; reporting of hospital acquired infections and undertaking efforts to reduce the rate of these infections; developing a surgical care outcomes assessment program that includes a presurgery checklist to reduce medical errors, and developing a patient decision aid pilot to more fully inform patients of the risks and benefits of treatment alternatives, decrease unnecessary procedures and variation in care, and provide increased legal protection to physicians whose patients use a patient decision aid to provide informed consent.

NEW SECTION. Sec. 3. (1) Beginning October 1, 2009, the governor shall convene quarterly meetings of the Washington health partnership advisory group. The advisory group will review progress and provide input related to further actions that can be taken in both the public and private sectors to implement the principles stated in section 2 of this act and the findings of the governor's blue ribbon commission on health reform. The membership of the advisory group shall include:

(a) Two members of the house of representatives and two members of the senate, representing the majority and minority caucuses of each body;

(b) The insurance commissioner;

(c) The secretary of the department of social and health services, the administrator of the health care authority, the director of the department of labor and industries, and the director of the office of financial management;

(d) Members of the forum, the Puget Sound health alliance, national federation of independent business, and the healthy Washington coalition, who will ensure that the perspectives of large

and small employers, providers, health carriers, labor organizations, and consumers are actively involved in the group.

(2) The advisory group shall monitor the status and outcomes of activities at the state level with respect to their impact on access to affordable health care, cost containment and quality of care including, but not limited to:

(a) The programs and efforts described in section 2(2) of this act;

(b) Medicaid waivers submitted under sections 4 and 5 of this act; and

(c) Efforts to consolidate state health purchasing and streamline administration of the purchasing.

(3) The advisory group shall monitor the progress of health care reform legislation at the federal level, with the goal of aligning state health care activities so that the state is poised to participate in federal health care reform. If federal legislation is enacted that offers states the opportunity to undertake health care reform demonstration efforts, the governor, with the advice of the group established under this section, should actively seek to participate as a demonstration site.

(4) In its deliberations, the advisory group shall consider recent reports that have analyzed various health care reform proposals in Washington state.

(5) Members of the advisory group shall not be reimbursed for travel and per diem related to activities of the advisory group.

(6) The advisory group expires June 30, 2010.

NEW SECTION. Sec. 4. (1) The department shall submit a section 1115 demonstration waiver request to the federal department of health and human services to expand and revise the medical assistance program as codified in Title XIX of the federal social security act. The waiver request should be designed to ensure the broadest federal financial participation under Title XIX and XXI of the federal social security act. To the extent permitted under federal law, the waiver request should include the following components:

(a) Establishment of a single eligibility standard for low-income persons, including expansion of categorical eligibility to include childless adults. The department shall request that the single eligibility standard be phased in such that incremental steps are taken to cover additional low-income parents and individuals over time, with the goal of offering coverage to persons with household income at or below two hundred percent of the federal poverty level;

(b) Establishment of a single seamless application and eligibility determination system for all state low-income medical programs included in the waiver. Applications may be electronic and may include an electronic signature for verification and authentication. Eligibility determinations should maximize federal financing where possible;

(c) The delivery of all low-income coverage programs as a single program, with a common core benefit package that may be similar to the basic health benefit package or an alternative benefit package approved by the secretary of the federal department of health and human services, including the option of supplemental coverage for select categorical groups, such as children, and individuals who are aged, blind, and disabled;

(d) A program design to include creative and innovative approaches such as: Coverage for preventive services with incentives to use appropriate preventive care; enhanced medical home reimbursement and bundled payment methodologies; cost-sharing options; use of care management and care coordination programs to improve coordination of medical and behavioral health services; application of an innovative predictive risk model to better target care management services; and mandatory enrollment in managed care, as may be necessary;

(e) The ability to impose enrollment limits or benefit design changes for eligibility groups that were not eligible under the Title XIX state plan in effect on the date of submission of the waiver application;

(f) A premium assistance program whereby employers can participate in coverage options for employees and dependents of employees otherwise eligible under the waiver. The waiver should make every effort to maximize enrollment in employer-sponsored health insurance when it is cost-effective for the state to do so, and the purchase is consistent with the requirements of Titles XIX and

XXI of the federal social security act. To the extent allowable under federal law, the department shall require enrollment in available employer-sponsored coverage as a condition of eligibility for coverage under the waiver; and

(g) The ability to share savings that might accrue to the federal medicare program, Title XVIII of the federal social security act, from improved care management for persons who are eligible for both medicare and medicaid. Through the waiver application process, the department shall determine whether the state could serve, directly or by contract, as a medicare special needs plan for persons eligible for both medicare and medicaid.

(2) The department shall hold ongoing stakeholder discussions as it is developing the waiver request, and provide opportunities for public review and comment as the request is being developed.

(3) The department and the health care authority shall identify statutory changes that may be necessary to ensure successful and timely implementation of the waiver request as submitted to the federal department of health and human services as the apple health program for adults.

(4) The legislature must authorize implementation of any waiver approved by the federal department of health and human services under this section.

NEW SECTION. Sec. 5. (1) The department shall continue to submit applications for the family planning waiver program.

(2) The department shall submit a request to the federal department of health and human services to amend the current family planning waiver program as follows:

(a) Provide coverage for sexually transmitted disease testing and treatment;

(b) Return to the eligibility standards used in 2005 including, but not limited to, citizenship determination based on declaration or matching with federal social security databases, insurance eligibility standards comparable to 2005, and confidential service availability for minors and survivors of domestic and sexual violence; and

(c) Within available funds, increase income eligibility to two hundred fifty percent of the federal poverty level, to correspond with income eligibility for publicly funded maternity care services.

NEW SECTION. Sec. 6. Sections 2 and 3 of this act are each added to chapter 43.06 RCW.

NEW SECTION. Sec. 7. Sections 4 and 5 of this act are each added to chapter 74.09 RCW."

Correct the title.

Signed by Representatives Pettigrew, Chair; Seaquist, Vice Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; O'Brien; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen; Johnson and Walsh.

Passed to Committee on Rules for second reading.

April 3, 2009

E2SSB 6015 Prime Sponsor, Committee on Ways & Means: Creating the position of the director of commercialization and innovation within the office of the governor. (REVISED FOR ENGROSSED: Directing the department of community, trade, and economic development to review commercialization and innovation in the life sciences and technology sectors.) Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Washington state is fortunate to have a dynamic technology industry sector that benefits from vibrant global demand for its output and that helps drive the state's economy. Washington state is uniquely positioned to shape its future success in innovation in the technology sectors of life sciences and high technology. Nearly every state in the nation is competing to develop a strong innovation economy. Washington has world-class research institutions, entrepreneurial spirit and talent, an actively collaborative community, and an existing foundational sector.

(2) To leverage its potential, the state must actively work to create and ensure a supportive environment that enables entrepreneurial people and companies to convert their innovative ideas into marketable new products and services. Providing such an environment would: Solidify Washington state as a global leader of knowledge and technology commercialization; create more highly rewarding and well-paying careers for Washington's citizens; grow more companies in new and far-reaching markets; renew traditional industries through value-added technology adaptation; and generate solid returns for Washington state.

NEW SECTION. Sec. 2. (1) By December 1, 2009, the department of community, trade, and economic development shall report to the governor and the legislature on how the state can best encourage and support the growth of innovation in the development and commercialization of proprietary technology in the life sciences and information technology industries.

(2) In consultation with life sciences trade and technology trade associations, the department shall:

(a) Investigate and recommend strategies to increase the amount of local or regional capital targeted to preseed, seed, and other early stage investments in life sciences and information technology companies;

(b) Examine state laws, rules, appropriations, and taxes related to life sciences and information technology, identify barriers, and recommend alternatives that will support growth of these industries;

(c) Evaluate the state's technology-based economic development efforts and recommend any additional infrastructure needed to assist companies at each stage of the business life cycle; and

(d) Review the status of technology transfer and commercialization efforts by the state's public research universities.

(3) The department shall provide a draft report of its findings and recommendations to the Washington state economic development commission. The commission shall compare the recommendations in the draft report to the overall direction and strategies related to life sciences and information technology adopted in the state's comprehensive economic development plan. The commission shall provide written observations to the department on areas of alignment or nonalignment between the report and the plan. The final report shall include the commission's observations and shall reflect any changes made to the report by the department in response to the commission's comments.

(4) For purposes of the report: (a) "Life sciences" must include but is not limited to: Medical devices and biotechnology as defined in RCW 82.63.010; and (b) "information technology" must include but is not limited to: Hardware, software, and internet infrastructure, that address high potential emerging and growing markets.

(5) From the funds appropriated for the purposes of this section, the money available for expenditure may not exceed the amount matched dollar-for-dollar by cash or in-kind contributions from nonstate sources.

(6) This section expires December 31, 2009."
Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Armstrong; Blake; Crouse; Dunshee; Hudgins; Kenney; Pedersen; Sells; Short and Williams.

MINORITY recommendation: Without recommendation. Signed by Representative Hinkle, Assistant Ranking Minority Member.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 6035 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Concerning retrospective rating plans. Reported by Committee on Health & Human Services Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Pettigrew, Chair; Appleton; Cody; Dickerson; Miloscia; Morrell; Roberts and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Seaquist, Vice Chair; Schmick, Ranking Minority Member; Alexander, Assistant Ranking Minority Member; Ericksen; Johnson; O'Brien and Walsh.

Passed to Committee on Rules for second reading.

April 4, 2009

ESB 6048 Prime Sponsor, Senator Oemig: Concerning the state's education system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Education Appropriations. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Linville, Chair; Ericks, Vice Chair; Dammeier, Assistant Ranking Minority Member; Cody; Darneille; Haigh; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Hunt; Ross; Schmick and Seaquist.

Passed to Committee on Rules for second reading.

April 3, 2009

SB 6070 Prime Sponsor, Senator Hatfield: Regarding disposal of dredged riverbed materials. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 79.140 RCW under the subchapter heading "special provisions and leases" to read as follows:

(1)(a) The legislature finds and declares that an extraordinary volume of material washed down onto beds of navigable waters and shorelands in the Toutle river, Coweeman river, and portions of the Cowlitz river following the eruption of Mount St. Helens in 1980.

(b) The legislature further finds that the owners of private lands located near the impacted rivers were authorized to sell, transfer, or otherwise dispose of any dredge spoils removed from the river between the years of 1980 and 1995 without the necessity of any charge by the department.

(c) The legislature further finds that the dredging activities following the eruption of Mount St. Helens are no longer adequate to protect engineered structures on the affected rivers or the public health and safety of the communities located in proximity to the affected rivers. Future river dredging will be necessary as part of managing the post-eruption state of the rivers, and with the commencement of new dredging activities, the underlying conditions leading to the previous authority for private landowners to dispose of the dredged materials without the necessity of any charge by the department are replicated.

(d) The legislature further finds that just as between the years of 1980 and 1995, the dredge spoils placed upon adjacent publicly and privately owned property in the affected areas, if further disposed,

will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge.

(2)(a) All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river, and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent public and private lands prior to January 1, 2009, as a result of dredging the affected rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of the lands without the necessity of any charge by the department and free and clear of any interest of the department.

(b) All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river, and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent public and private lands after January 1, 2009, but before December 31, 2017, as a result of dredging the affected rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of the lands without the necessity of any charge by the department and free and clear of any interest of the department if the land in question was not used as a source for commercially sold materials prior to January 1, 2009. If the land in question was used as a source for commercially sold materials prior to January 1, 2009, the dredge spoils may be used without the necessity of any charge by the department. However, any sale of the materials would not be exempt from charges by the department consistent with this title.

NEW SECTION, Sec. 2. RCW 79.140.120 is decodified." Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Kenney; Pedersen and Short.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee; Hudgins and Williams.

Passed to Committee on Rules for second reading.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 3, 2009

HB 2323 Prime Sponsor, Representative Grant-Herriot: Concerning a sales and use tax exemption of the nonhighway use of propane by farmers. Reported by Committee on Finance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

March 31, 2009

HB 2326 Prime Sponsor, Representative Clibborn: Authorizing bonds for the financing of eligible toll facilities. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Dickerson; Driscoll; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Ericksen; Herrera; Johnson; Klippert; Shea; Simpson and Springer.

Passed to Committee on Rules for second reading.

April 1, 2009

SSB 5044 Prime Sponsor, Committee on Higher Education & Workforce Development: Changing work-study provisions. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass without amendment by Committee on Higher Education. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 3, 2009

2SSB 5045 Prime Sponsor, Committee on Ways & Means: Regarding community revitalization financing. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended by Committee on Finance and without amendment by Committee on Community & Economic Development & Trade.

Strike everything after the enacting clause and insert the following:

"PART I LOCAL REVITALIZATION FINANCING--GENERAL PROVISIONS

NEW SECTION, Sec. 1. The legislature recognizes that the state as a whole benefits from investment in public infrastructure because it promotes community and economic development. Public investment stimulates business activity and helps create jobs, stimulates the redevelopment of brownfields and blighted areas in the inner city, lowers the cost of housing, and promotes efficient land use. The legislature finds that these activities generate revenue for the state and that it is in the public interest to invest in these projects through a credit against the state sales and use tax to those local governments that can demonstrate the expected returns to the state.

NEW SECTION, Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Annual state contribution limit" means two million five hundred thousand dollars statewide per fiscal year.

(2) "Assessed value" means the valuation of taxable real property as placed on the last completed assessment roll.

(3) "Department" means the department of revenue.

(4) "Fiscal year" means the twelve-month period beginning July 1st and ending the following June 30th.

(5) "Local government" means any city, town, county, and port district.

(6) "Local property tax allocation revenue" means those tax revenues derived from the receipt of regular property taxes levied on the property tax allocation revenue value and used for local revitalization financing.

(7) "Local revitalization financing" means the use of revenues from local public sources, dedicated to pay the principal and interest on bonds authorized under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis, and revenues received from the local option sales and use tax authorized in section 601 of this act, dedicated to pay the principal and interest on bonds authorized under section 701 of this act.

(8) "Local sales and use tax increment" means the estimated annual increase in local sales and use taxes as determined by the local government in the calendar years following the approval of the revitalization area by the department from taxable activity within the revitalization area.

(9) "Local sales and use taxes" means local revenues derived from the imposition of sales and use taxes authorized in RCW 82.14.030.

(10) "Ordinance" means any appropriate method of taking legislative action by a local government.

(11) "Participating local government" means a local government having a revitalization area within its geographic boundaries that has taken action as provided in section 107(1) of this act to allow the use of all or some of its local sales and use tax increment or other revenues from local public sources dedicated for local revitalization financing.

(12) "Participating taxing district" means a local government having a revitalization area within its geographic boundaries that has not taken action as provided in section 106(2) of this act.

(13) "Property tax allocation revenue base value" means the assessed value of real property located within a revitalization area, less the property tax allocation revenue value.

(14)(a)(i) "Property tax allocation revenue value" means seventy-five percent of any increase in the assessed value of real property in a revitalization area resulting from:

(A) The placement of new construction, improvements to property, or both, on the assessment roll, where the new construction and improvements are initiated after the revitalization area is approved by the department;

(B) The cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.14.020, and the new housing construction, conversion, and rehabilitation improvements are initiated after the revitalization area is approved by the department;

(C) The cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW as provided in RCW 84.26.070, and the rehabilitation is initiated after the revitalization area is approved by the department.

(i) Increases in the assessed value of real property in a revitalization area resulting from (a)(i)(A) through (C) of this subsection are included in the property tax allocation revenue value in the initial year. These same amounts are also included in the property tax allocation revenue value in subsequent years unless the property becomes exempt from property taxation.

(b) "Property tax allocation revenue value" includes seventy-five percent of any increase in the assessed value of new construction consisting of an entire building in the years following the initial year, unless the building becomes exempt from property taxation.

(c) Except as provided in (b) of this subsection, "property tax allocation revenue value" does not include any increase in the assessed value of real property after the initial year.

(d) There is no property tax allocation revenue value if the assessed value of real property in a revitalization area has not increased as a result of any of the reasons specified in (a)(i)(A) through (C) of this subsection.

(e) For purposes of this subsection, "initial year" means:

(i) For new construction and improvements to property added to the assessment roll, the year during which the new construction and improvements are initially placed on the assessment roll;

(ii) For the cost of new housing construction, conversion, and rehabilitation improvements, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when the cost is treated as new construction for purposes of levying taxes for collection in the following year; and

(iii) For the cost of rehabilitation of historic property, when the cost is treated as new construction for purposes of chapter 84.55 RCW, the year when such cost is treated as new construction for purposes of levying taxes for collection in the following year.

(15) "Public improvement costs" means the costs of:

(a) Design, planning, acquisition, including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements;

(b) Demolishing, relocating, maintaining, and operating property pending construction of public improvements;

(c) Relocating utilities as a result of public improvements;

(d) Financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on general indebtedness issued to finance public improvements, and any necessary reserves for general indebtedness; and

(e) Administrative expenses and feasibility studies reasonably necessary and related to these costs, including related costs that may

have been incurred before adoption of the ordinance authorizing the public improvements and the use of local revitalization financing to fund the costs of the public improvements.

(16) "Public improvements" means:

(a) Infrastructure improvements within the revitalization area that include:

(i) Street, road, bridge, and rail construction and maintenance;

(ii) Water and sewer system construction and improvements;

(iii) Sidewalks, streetlights, landscaping, and streetscaping;

(iv) Parking, terminal, and dock facilities;

(v) Park and ride facilities of a transit authority;

(vi) Park facilities, recreational areas, and environmental remediation;

(vii) Storm water and drainage management systems;

(viii) Electric, gas, fiber, and other utility infrastructures; and

(b) Expenditures for any of the following purposes:

(i) Providing environmental analysis, professional management, planning, and promotion within the revitalization area, including the management and promotion of retail trade activities in the revitalization area;

(ii) Providing maintenance and security for common or public areas in the revitalization area; or

(iii) Historic preservation activities authorized under RCW 35.21.395.

(17) "Real property" has the same meaning as in RCW 84.04.090 and also includes any privately owned improvements located on publicly owned land that are subject to property taxation.

(18) "Regular property taxes" means regular property taxes as defined in RCW 84.04.140, except: (a) Regular property taxes levied by public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness; (b) regular property taxes levied by the state for the support of common schools under RCW 84.52.065; and (c) regular property taxes authorized by RCW 84.55.050 that are limited to a specific purpose. "Regular property taxes" do not include excess property tax levies that are exempt from the aggregate limits for junior and senior taxing districts as provided in RCW 84.52.043.

(19)(a) "Revenues from local public sources" means:

(i) The local sales and use tax amounts received as a result of interlocal agreement, local sales and use tax amounts from sponsoring local governments based on its local sales and use tax increment, and local property tax allocation revenues, which are dedicated by a sponsoring local government, participating local governments, and participating taxing districts, for payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis; and

(ii) Any other local revenues, except as provided in (b) of this subsection, including revenues derived from federal and private sources, which are dedicated for the payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis.

(b) Revenues from local public sources do not include any local funds derived from state grants, state loans, or any other state moneys including any local sales and use taxes credited against the state sales and use taxes imposed under chapter 82.08 or 82.12 RCW.

(20) "Revitalization area" means the geographic area adopted by a sponsoring local government and approved by the department, from which local sales and use tax increments are estimated and property tax allocation revenues are derived for local revitalization financing.

(21) "Sponsoring local government" means a city, town, county, or any combination thereof, that adopts a revitalization area.

(22) "State contribution" means the lesser of:

(a) Five hundred thousand dollars;

(b) The project award amount approved by the department as provided in section 401 of this act; or

(c) The total amount of revenues from local public sources dedicated in the preceding calendar year to the payment of principal and interest on bonds issued under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis. Revenues from local public sources dedicated in the preceding calendar year that are in excess of the project award may be carried forward and used in later years for the purpose of this subsection (22)(c).

(23) "State property tax increment" means the estimated amount of annual tax revenues estimated to be received by the state from the imposition of property taxes levied by the state for the support of common schools under RCW 84.52.065 on the property tax allocation revenue value, as determined by the sponsoring local government in an application under section 401 of this act and updated periodically as required in section 501 of this act.

(24) "State sales and use tax increment" means the estimated amount of annual increase in state sales and use taxes to be received by the state from taxable activity within the revitalization area in the years following the approval of the revitalization area by the department as determined by the sponsoring local government in an application under section 401 of this act and updated periodically as required in section 501 of this act.

(25) "State sales and use taxes" means state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1), less the amount of tax distributions from all local retail sales and use taxes, other than the local sales and use taxes authorized by section 601 of this act for the applicable revitalization area, imposed on the same taxable events that are credited against the state retail sales and use taxes under RCW 82.08.020(1) and 82.12.020.

(26) "Taxing district" means a government entity that levies or has levied for it regular property taxes upon real property located within a proposed or approved revitalization area.

NEW SECTION. Sec. 3. CONDITIONS. A local government may finance public improvements using local revitalization financing subject to the following conditions:

(1) The local government has adopted an ordinance designating a revitalization area within its boundaries and specified the public improvements proposed to be financed in whole or in part with the use of local revitalization financing;

(2) The public improvements proposed to be financed in whole or in part using local revitalization financing are expected to encourage private development within the revitalization area and to increase the fair market value of real property within the revitalization area;

(3) The local government has entered into a contract with a private developer relating to the development of private improvements within the revitalization area or has received a letter of intent from a private developer relating to the developer's plans for the development of private improvements within the revitalization area;

(4) Private development that is anticipated to occur within the revitalization area, as a result of the public improvements, will be consistent with the countywide planning policy adopted by the county under RCW 36.70A.210 and the local government's comprehensive plan and development regulations adopted under chapter 36.70A RCW;

(5) The local government may not use local revitalization financing to finance the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of public facilities funded with taxes collected under RCW 82.14.048 or 82.14.390;

(6) The governing body of the local government must make a finding that local revitalization financing:

(a) Will not be used for the purpose of relocating a business from outside the revitalization area, but within this state, into the revitalization area unless convincing evidence is provided that the firm being relocated would otherwise leave the state;

(b) Will improve the viability of existing business entities within the revitalization area; and

(c) Will be used exclusively in areas within the jurisdiction of the local government deemed in need of either economic development or redevelopment, or both, and absent the financing available under this chapter and sections 601 and 602 of this act the proposed economic development or redevelopment would more than likely not occur; and

(7) The governing body of the local government finds that the public improvements proposed to be financed in whole or in part using local revitalization financing are reasonably likely to:

(a) Increase private investment within the revitalization area;

(b) Increase employment within the revitalization area; and

(c) Generate, over the period of time that the local sales and use tax will be imposed under section 601 of this act, increases in state and local property, sales, and use tax revenues that are equal to or greater than the respective state and local contributions made under this chapter.

NEW SECTION. Sec. 4. CREATING A REVITALIZATION AREA. (1) Before adopting an ordinance creating the revitalization area, a sponsoring local government must:

(a) Provide notice to all taxing districts and local governments with geographic boundaries within the proposed revitalization area of the sponsoring local government's intent to create a revitalization area. Notice must be provided in writing to the governing body of the taxing districts and local governments at least thirty days in advance of the public hearing as required by (b) of this subsection. The notice must include at least the following information:

(i) The name of the proposed revitalization area;

(ii) The date for the public hearing as required by (b) of this subsection;

(iii) The earliest anticipated date when the sponsoring local government will take action to adopt the proposed revitalization area; and

(iv) The name of a contact person with phone number of the sponsoring local government and mailing address where a copy of an ordinance adopted under sections 105 and 106 of this act may be sent; and

(b) Hold a public hearing on the proposed financing of the public improvements in whole or in part with local revitalization financing. Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed revitalization area at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed revitalization area. Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by local revitalization financing, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed revitalization area, and estimate the period during which local revitalization financing is contemplated to be used. The public hearing may be held by either the governing body of the sponsoring local government, or a committee of the governing body that includes at least a majority of the whole governing body.

(2) To create a revitalization area, a sponsoring local government must adopt an ordinance establishing the revitalization area that:

(a) Describes the public improvements proposed to be made in the revitalization area;

(b) Describes the boundaries of the revitalization area, subject to the limitations in section 105 of this act;

(c) Estimates the cost of the proposed public improvements and the portion of these costs to be financed by local revitalization financing;

(d) Estimates the time during which local property tax allocation revenues, and other revenues from local public sources, such as amounts of local sales and use taxes from participating local governments, are to be used for local revitalization financing;

(e) Provides the date when the use of local property tax allocation revenues will commence and a list of the taxing districts that have not adopted an ordinance as described in section 106 of this act to be removed as a participating taxing district;

(f) Finds that all of the requirements in section 103 of this act are met;

(g) Provides the anticipated rate of sales and use tax under section 601 of this act that the local government will impose if awarded a state contribution under section 401 of this act;

(h) Provides the anticipated date when the criteria for the sales and use tax in section 601 of this act will be met and the anticipated date when the sales and use tax in section 601 of this act will be imposed.

(3) The sponsoring local government must deliver a certified copy of the adopted ordinance to the county treasurer, the governing body of each participating taxing authority and participating taxing district within which the revitalization area is located, and the department.

NEW SECTION. Sec. 5. LIMITATIONS ON REVITALIZATION AREAS. The designation of a revitalization area is subject to the following limitations:

(1) No revitalization area may have within its geographic boundaries any part of a hospital benefit zone under chapter 39.100 RCW, any part of a revenue development area created under chapter 39.102 RCW, any part of an increment area under chapter 39.89 RCW, or any part of another revitalization area under this chapter;

(2) A revitalization area is limited to contiguous tracts, lots, pieces, or parcels of land without the creation of islands of property not included in the revitalization area;

(3) The boundaries may not be drawn to purposely exclude parcels where economic growth is unlikely to occur;

(4) The public improvements financed through bonds issued under section 701 of this act must be located in the revitalization area;

(5) A revitalization area cannot comprise an area containing more than twenty-five percent of the total assessed value of the taxable real property within the boundaries of the sponsoring local government at the time the revitalization area is created;

(6) The boundaries of the revitalization area may not be changed for the time period that local property tax allocation revenues, local sales and use taxes of participating local governments, and the local sales and use tax under section 601 of this act are used to pay bonds issued under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis, as provided under this chapter; and

(7) A revitalization area must be geographically restricted to the location of the public improvement and adjacent locations that the sponsoring local government finds to have a high likelihood of receiving direct positive business and economic impacts due to the public improvement, such as a neighborhood or a block.

NEW SECTION. Sec. 6. OPTING OUT AS A PARTICIPATING TAXING DISTRICT. (1) Participating taxing districts must allow the use of all of their local property tax allocation revenues for local revitalization financing.

(2)(a) If a taxing district does not want to allow the use of its property tax revenues for the local revitalization financing of public improvements in a revitalization area, its governing body must adopt an ordinance to remove itself as a participating taxing district and must notify the sponsoring local government.

(b) The taxing district must provide a copy of the adopted ordinance and notice to the sponsoring local government creating the revitalization area before the anticipated date that the sponsoring local government proposes to adopt the ordinance creating the revitalization area as provided in the notice required by section 104(1)(a) of this act.

NEW SECTION. Sec. 7. OPTING IN OR OUT AS A PARTICIPATING LOCAL GOVERNMENT. (1) A participating local government must enter into an interlocal agreement as provided in chapter 39.34 RCW to participate in local revitalization financing with the sponsoring local government.

(2)(a) If a local government that imposes a sales and use tax under RCW 82.14.030 does not want to participate in the local revitalization financing of public improvements in a revitalization area, its governing body must adopt an ordinance and notify the sponsoring local government that the taxing authority will not be a participating local government.

(b) The local government must provide a copy of the adopted ordinance and the notice to the sponsoring local government creating the revitalization area before the anticipated date that the sponsoring local government proposes to adopt an ordinance creating the revitalization area as provided in the notice required by section 104(1)(a) of this act.

**PART II
LOCAL REVITALIZATION FINANCING
USE OF LOCAL PROPERTY TAX ALLOCATION
REVENUES TO PAY FOR
THE COST OF PUBLIC IMPROVEMENTS**

NEW SECTION. Sec. 8. LOCAL PROPERTY TAX ALLOCATION REVENUES. (1) Commencing in the second

calendar year following the creation of a revitalization area by a sponsoring local government, the county treasurer shall distribute receipts from regular taxes imposed on real property located in the revitalization area as follows:

(a) Each participating taxing district and the sponsoring local government must receive that portion of its regular property taxes produced by the rate of tax levied by or for the taxing district on the property tax allocation revenue base value for that local revitalization financing project in the taxing district; and

(b) The sponsoring local government must receive an additional portion of the regular property taxes levied by it and by or for each participating taxing district upon the property tax allocation revenue value within the revitalization area. However, if there is no property tax allocation revenue value, the sponsoring local government may not receive any additional regular property taxes under this subsection (1)(b). The sponsoring local government may agree to receive less than the full amount of the additional portion of regular property taxes under this subsection (1)(b) as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of these tax receipts shall be allocated to the participating taxing districts that levied regular property taxes, or have regular property taxes levied for them, in the revitalization area for collection that year in proportion to their regular tax levy rates for collection that year. The sponsoring local government may request that the treasurer transfer this additional portion of the property taxes to its designated agent. The portion of the tax receipts distributed to the sponsoring local government or its agent under this subsection (1)(b) may only be expended to finance public improvement costs associated with the public improvements financed in whole or in part by local revitalization financing.

(2) The county assessor shall determine the property tax allocation revenue value and property tax allocation revenue base value. This section does not authorize revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW or under other authorized revaluation procedures.

(3) The distribution of local property tax allocation revenue to the sponsoring local government must cease when local property tax allocation revenues are no longer obligated to pay the costs of the public improvements. Any excess local property tax allocation revenues, and earnings on the revenues, remaining at the time the distribution of local property tax allocation revenue terminates, must be returned to the county treasurer and distributed to the participating taxing districts that imposed regular property taxes, or had regular property taxes imposed for it, in the revitalization area for collection that year, in proportion to the rates of their regular property tax levies for collection that year.

(4) The allocation to the revitalization area of that portion of the sponsoring local government's and each participating taxing district's regular property taxes levied upon the property tax allocation revenue value within that revitalization area is declared to be a public purpose of and benefit to the sponsoring local government and each participating taxing district.

(5) The distribution of local property tax allocation revenues under this section may not affect or be deemed to affect the rate of taxes levied by or within any sponsoring local government and participating taxing district or the consistency of any such levies with the uniformity requirement of Article VII, section 1 of the state Constitution.

**PART III
LOCAL REVITALIZATION FINANCING
USE OF LOCAL SALES AND USE TAX INCREMENTS
TO PAY FOR
THE COST OF PUBLIC IMPROVEMENTS**

NEW SECTION. Sec. 9. LOCAL SALES AND USE TAX INCREMENTS. (1) A sponsoring local government may use annually local sales and use tax amounts equal to some or all of its local sales and use tax increments to finance public improvements in the revitalization area. The amounts of local sales and use tax dedicated by a participating local government must begin and cease on the dates specified in an interlocal agreement authorized in

chapter 39.34 RCW. Sponsoring local governments and participating local governments are authorized to allocate some or all of their local sales and use tax increment to the sponsoring local government as provided by section 107(1) of this act.

(2) The department, upon request, must assist sponsoring local governments in estimating sales and use tax revenues from estimated taxable activity in the proposed or adopted revitalization area. The sponsoring local government must provide the department with accurate information describing the geographical boundaries of the revitalization area in an electronic format or in a manner as otherwise prescribed by the department.

PART IV LOCAL REVITALIZATION FINANCING--STATE CONTRIBUTION

NEW SECTION. Sec. 10. APPLICATION PROCESS--DEPARTMENT OF REVENUE APPROVAL. (1) Prior to applying to the department to receive a state contribution, a sponsoring local government shall adopt a revitalization area within the limitations in section 105 of this act and in accordance with section 104 of this act.

(2) As a condition to imposing a sales and use tax under section 601 of this act, a sponsoring local government must apply to the department and be approved for a project award amount. The application must be in a form and manner prescribed by the department and include, but not be limited to:

(a) Information establishing that over the period of time that the local sales and use tax will be imposed under section 601 of this act, increases in state and local property, sales, and use tax revenues as a result of public improvements in the revitalization area will be equal to or greater than the respective state and local contributions made under this chapter;

(b) Information demonstrating that the sponsoring local government will meet the requirements necessary to receive the full amount of state contribution it is requesting on an annual basis;

(c) The amount of state contribution it is requesting;

(d) The anticipated effective date for imposing the tax under section 601 of this act;

(e) The estimated number of years that the tax will be imposed;

(f) The anticipated rate of tax to be imposed under section 601 of this act, subject to the rate-setting conditions in section 601(3) of this act, should the sponsoring local government be approved for a project award; and

(g) The anticipated date when bonds under section 701 of this act will be issued.

The department shall make available electronic forms to be used for this purpose. As part of the application, each applicant must provide to the department a copy of the adopted ordinance creating the revitalization area as required in section 104 of this act, copies of any adopted interlocal agreements from participating local governments, and any notices from taxing districts that elect not to be a participating taxing district.

(3)(a) Project awards must be determined on:

(i) A first-come basis for applications completed in their entirety and submitted electronically;

(ii) The availability of a state contribution;

(iii) Whether the sponsoring local government would be able to generate enough tax revenue under section 601 of this act to generate the amount of project award requested.

(b) The total of all project awards may not exceed the annual state contribution limit.

(c) If the level of available state contribution is less than the amount requested by the next available applicant, the applicant must be given the first opportunity to accept the lesser amount of state contribution but only if the applicant produces a new application within sixty days of being notified by the department and the application describes the impact on the proposed project as a result of the lesser award in addition to new application information outlined in subsection (2) of this section.

(d) Applications that are not approved for a project award due to lack of available state contribution must be retained on file by the department in order of the date of their receipt.

(e) Once total project awards reach the amount of annual state contribution limit, no more applications will be accepted.

(f) If the annual contribution limit is increased, applications will be accepted again beginning sixty days after the effective date of the increase. However, in the time period before any new applications are accepted, all sponsoring local governments with a complete application already on file with the department must be provided an opportunity to either withdraw their application or update the information in the application. The updated application must be for a project that is substantially the same as the project in the original application. The department must consider these applications, in the order originally submitted, for project awards prior to considering any new applications.

(4) The department shall notify the sponsoring local government of approval or denial of a project award within sixty days of the department's receipt of the sponsoring local government's application. Determination of a project award by the department is final. Notification must include the earliest date when the tax authorized under section 601 of this act may be imposed, subject to conditions in chapter 82.14 RCW. The project award notification must specify the rate requested in the application and any adjustments to the rate that would need to be made based on the project award and rate restrictions in section 601 of this act.

(5) The department must begin accepting applications on September 1, 2009.

PART V ACCOUNTABILITY REPORTS

NEW SECTION. Sec. 11. A new section is added to chapter 82.32 RCW to read as follows:

REPORTING REQUIREMENTS. (1) A sponsoring local government receiving a project award under section 401 of this act must provide a report to the department by March 1st of each year beginning March 1st after the project award has been approved. The report must contain the following information:

(a) The amounts of local property tax allocation revenues received in the preceding calendar year broken down by sponsoring local government and participating taxing district;

(b) The amount of state property tax allocation revenues estimated to have been received by the state in the preceding calendar year;

(c) The amount of local sales and use tax and other revenue from the local public sources dedicated by any participating local government used for the payment of bonds under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis in the preceding calendar year;

(d) The amount of local sales and use tax dedicated by the sponsoring local government, as it relates to the sponsoring local government's local sales and use tax increment, used for the payment of bonds under section 701 of this act and public improvement costs within the revitalization area on a pay-as-you-go basis;

(e) The amounts, other than those listed in (a) through (d) of this subsection, from local public sources, broken down by type or source, used for payment of bonds under section 701 of this act or public improvement costs within the revitalization area on a pay-as-you-go basis in the preceding calendar year;

(f) The anticipated date when bonds under section 701 of this act are expected to be retired;

(g) The names of any businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(h) An estimate of the cumulative number of permanent jobs created in the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(i) An estimate of the average wages and benefits received by all employees of businesses locating within the revitalization area as a result of the public improvements undertaken by the sponsoring local government and financed in whole or in part with local revitalization financing;

(j) A list of public improvements financed by bonds issued under section 701 of this act and the date on which the bonds are anticipated to be retired;

(k) That the sponsoring local government is in compliance with section 103 of this act;

(l) At least once every three years, updated estimates of the amounts of state and local sales and use tax increments estimated to have been received since the approval by the department of the project award under section 401 of this act; and

(m) Any other information required by the department to enable the department to fulfill its duties under this chapter and section 601 of this act.

(2) The department shall make a report available to the public and the legislature by June 1st of each year. The report shall include a summary of the information provided to the department by sponsoring local governments under subsection (1) of this section.

PART VI

LOCAL SALES AND USE TAX CREDITED AGAINST THE STATE SALES AND USE TAXES

NEW SECTION. Sec. 12. LOCAL SALES AND USE TAX.

(1) Any city or county that has been approved for a project award under section 401 of this act may impose a sales and use tax under the authority of this section in accordance with the terms of this chapter. Except as provided in this section, the tax is in addition to other taxes authorized by law and must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city or county.

(2) The tax authorized under subsection (1) of this section is credited against the state taxes imposed under RCW 82.08.020(1) and 82.12.020 at the rate provided in RCW 82.08.020(1). The department must perform the collection of such taxes on behalf of the city or county at no cost to the city or county. The taxes must be distributed to cities and counties as provided in RCW 82.14.060.

(3) The rate of tax imposed by a city or county may not exceed the lesser of:

(a) The rate provided in RCW 82.08.020(1), less:

(i) The aggregate rates of all other local sales and use taxes imposed by any taxing authority on the same taxable events;

(ii) The aggregate rates of all taxes under RCW 82.14.465 and 82.14.475 and this section that are authorized but have not yet been imposed on the same taxable events by a city or county that has been approved to receive a state contribution by the department or the community economic revitalization board under chapter 39.-- RCW (the new chapter created in section 805 of this act) or chapter 39.100 or 39.102 RCW; and

(iii) The percentage amount of distributions required under RCW 82.08.020(5) multiplied by the rate of state taxes imposed under RCW 82.08.020(1); and

(b) The rate, as determined by the city or county in consultation with the department, reasonably necessary to receive the project award under section 401 of this act over ten months.

(4) The department, upon request, must assist a city or county in establishing its tax rate in accordance with subsection (3) of this section. Once the rate of tax is selected through the application process and approved under section 401 of this act, it may not be increased.

(5)(a) No tax may be imposed under the authority of this section before:

(i) July 1, 2011;

(ii) July 1st of the second calendar year following the year in which the department approved the application made under section 401 of this act;

(iii) The state sales and use tax increment and state property tax increment for the preceding calendar year equal or exceed the amount of the project award approved by the department under section 401 of this act; and

(iv) Bonds have been issued according to section 701 of this act.

(b) The tax imposed under this section expires the earlier of the date that the bonds issued under the authority of section 701 of this act are retired or twenty-five years after the tax is first imposed.

(6) An ordinance or resolution adopted by the legislative authority of the city or county imposing a tax under this section must provide that:

(a) The tax will first be imposed on the first day of a fiscal year;

(b) The cumulative amount of tax received by the city or county, in any fiscal year, may not exceed the amount approved by the department under subsection (10) of this section;

(c) The department must cease distributing the tax for the remainder of any fiscal year in which either:

(i) The amount of tax received by the city or county equals the amount of distributions approved by the department for the fiscal year under subsection (10) of this section; or

(ii) The amount of revenue from taxes imposed under this section by all cities and counties equals the annual state contribution limit;

(d) The tax will be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) The state is entitled to any revenue generated by the tax in excess of the amounts specified in (c) of this subsection.

(7) If a city or county receives approval for more than one revitalization area within its jurisdiction, the city or county may impose a sales and use tax under this section for each revitalization area.

(8) The department must determine the amount of tax receipts distributed to each city and county imposing a sales and use tax under the authority of this section and must advise a city or county when tax distributions for the fiscal year equal the amount determined by the department in subsection (10) of this section. Determinations by the department of the amount of tax distributions attributable to a city or county are not appealable. The department must remit any tax receipts in excess of the amounts specified in subsection (6)(c) of this section to the state treasurer who must deposit the money in the general fund.

(9) If a city or county fails to comply with section 501 of this act, no tax may be distributed in the subsequent fiscal year until such time as the city or county complies and the department calculates the state contribution amount according to subsection (10) of this section for the fiscal year.

(10)(a) For each fiscal year that a city or county imposes the tax under the authority of this section, the department must approve the amount of taxes that may be distributed to the city or county. The amount approved by the department under this subsection is the lesser of:

(i) The state contribution;

(ii) The amount of project award granted by the department as provided in section 401 of this act; or

(iii) The total amount of revenues from local public sources dedicated in the preceding calendar year, as reported in the required annual report under section 501 of this act.

(b) A city or county may not receive, in any fiscal year, more revenues from taxes imposed under the authority of this section than the amount approved annually by the department.

(11) The amount of tax distributions received from taxes imposed under the authority of this section by all cities and counties is limited annually to not more than the amount of annual state contribution limit.

(12) The definitions in section 102 of this act apply to this section subject to subsection (13) of this section and unless the context clearly requires otherwise.

(13) For purposes of this section, the following definitions apply:

(a) "Local sales and use taxes" means sales and use taxes imposed by cities, counties, public facilities districts, and other local governments under the authority of this chapter, chapter 67.28 or 67.40 RCW, or any other chapter, and that are credited against the state sales and use taxes.

(b) "State sales and use taxes" means the taxes imposed in RCW 82.08.020(1) and 82.12.020.

NEW SECTION. Sec. 13. USE OF SALES AND USE TAX FUNDS. Money collected from the taxes imposed under section 601

of this act may be used only for the purpose of paying debt service on bonds issued under the authority in section 701 of this act.

PART VII BOND AUTHORIZATION

NEW SECTION. Sec. 14. ISSUANCE OF GENERAL OBLIGATION BONDS. (1) A sponsoring local government creating a revitalization area and authorizing the use of local revitalization financing may incur general indebtedness, and issue general obligation bonds, to finance the public improvements and retire the indebtedness in whole or in part from local revitalization financing it receives, subject to the following requirements:

(a) The ordinance adopted by the sponsoring local government creating the revitalization area and authorizing the use of local revitalization financing indicates an intent to incur this indebtedness and the maximum amount of this indebtedness that is contemplated; and

(b) The sponsoring local government includes this statement of the intent in all notices required by section 104 of this act.

(2) The general indebtedness incurred under subsection (1) of this section may be payable from other tax revenues, the full faith and credit of the sponsoring local government, and nontax income, revenues, fees, and rents from the public improvements, as well as contributions, grants, and nontax money available to the local government for payment of costs of the public improvements or associated debt service on the general indebtedness.

(3) In addition to the requirements in subsection (1) of this section, a sponsoring local government creating a revitalization area and authorizing the use of local revitalization financing may require any nonpublic participants to provide adequate security to protect the public investment in the public improvement within the revitalization area.

(4) Bonds issued under this section must be authorized by ordinance of the sponsoring local government and may be issued in one or more series and must bear a date or dates, be payable upon demand or mature at a time or times, bear interest at a rate or rates, be in a denomination or denominations, be in a form either coupon or registered as provided in RCW 39.46.030, carry conversion or registration privileges, have a rank or priority, be executed in a manner, be payable in a medium of payment, at a place or places, and be subject to terms of redemption with or without premium, be secured in a manner, and have other characteristics, as may be provided by an ordinance or trust indenture or mortgage issued pursuant thereto.

(5) The sponsoring local government may annually pay into a fund to be established for the benefit of bonds issued under this section a fixed proportion or a fixed amount of any local property tax allocation revenues derived from property within the revitalization area containing the public improvements funded by the bonds, the payment to continue until all bonds payable from the fund are paid in full. The local government may also annually pay into the fund established in this section a fixed proportion or a fixed amount of any revenues derived from taxes imposed under section 601 of this act, such payment to continue until all bonds payable from the fund are paid in full. Revenues derived from taxes imposed under section 601 of this act are subject to the use restriction in section 602 of this act.

(6) In case any of the public officials of the sponsoring local government whose signatures appear on any bonds or any coupons issued under this chapter cease to be the officials before the delivery of the bonds, the signatures must, nevertheless, be valid and sufficient for all purposes, the same as if the officials had remained in office until the delivery. Any provision of any law to the contrary notwithstanding, any bonds issued under this chapter are fully negotiable.

(7) Notwithstanding subsections (4) through (6) of this section, bonds issued under this section may be issued and sold in accordance with chapter 39.46 RCW.

NEW SECTION. Sec. 15. USE OF TAX REVENUE FOR BOND REPAYMENT. A sponsoring local government that issues bonds under section 701 of this act to finance public improvements may pledge for the payment of such bonds all or part of any local property tax allocation revenues derived from the public

improvements. The sponsoring local government may also pledge all or part of any revenues derived from taxes imposed under section 601 of this act and held in connection with the public improvements. All of such tax revenues are subject to the use restriction in section 602 of this act.

NEW SECTION. Sec. 16. LIMITATION ON BONDS ISSUED. The bonds issued by a local government under section 701 of this act to finance public improvements do not constitute an obligation of the state of Washington, either general or special.

PART VIII MISCELLANEOUS

NEW SECTION. Sec. 17. SEVERABILITY. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 18. CAPTIONS AND PART HEADINGS NOT LAW. Captions and part headings used in this act do not constitute any part of the law.

NEW SECTION. Sec. 19. AUTHORITY. Nothing in this act may be construed to give port districts the authority to impose a sales or use tax under chapter 82.14 RCW.

NEW SECTION. Sec. 20. ADMINISTRATION BY THE DEPARTMENT. The department of revenue may adopt any rules under chapter 34.05 RCW it considers necessary for the administration of this chapter.

NEW SECTION. Sec. 21. Sections 101 through 401 and 701 through 804 of this act constitute a new chapter in Title 39 RCW.

NEW SECTION. Sec. 22. Sections 601 and 602 of this act are each added to chapter 82.14 RCW."

Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Conway; Ericks and Springer.

MINORITY recommendation: Without recommendation.
Signed by Representatives Condotta and Santos.

Passed to Committee on Rules for second reading.

April 1, 2009

SSB 5229 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding the legislative youth advisory council. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.300.801 and 2007 c 291 s 2 are each amended to read as follows:

(1) The legislative youth advisory council is established to examine issues of importance to youth, including but not limited to education, employment, strategies to increase youth participation in state and municipal government, safe environments for youth, substance abuse, emotional and physical health, foster care, poverty, homelessness, and youth access to services on a statewide and municipal basis.

(2) The council consists of twenty-two members as provided in this subsection who, at the time of appointment, are aged fourteen to eighteen. The council shall select a chair from among its members.

(3) Except for initial members, members shall serve two-year terms, and if eligible, may be reappointed for subsequent two-year terms. One-half of the initial members shall be appointed to one-year terms, and these appointments shall be made in such a way as to preserve overall representation on the committee.

(4)(a) By July 2, 2007, and annually thereafter, students may apply to be considered for participation in the program by completing an online application form and submitting the application to the legislative youth advisory council. The council may develop

selection criteria and an application review process. The council shall recommend candidates whose names will be submitted to the office of the lieutenant governor for final selection. Beginning with the effective date of this act, the office of the lieutenant governor shall notify all applicants of the final selections using existing staff and resources.

(b) Within existing staff and resources, the office of the lieutenant governor shall make the application available on the lieutenant governor's web site.

(5) If the council has sufficient funds from any source, then the council shall have the following duties:

(a) Advising the legislature on proposed and pending legislation, including state budget expenditures and policy matters relating to youth;

(b) Advising the standing committees of the legislature and study commissions, committees, and task forces regarding issues relating to youth;

(c) Conducting periodic seminars for its members regarding leadership, government, and the legislature;

(d) Accepting and soliciting for grants and donations from public and private sources to support the activities of the council; and

(e) Reporting annually by December 1st to the legislature on its activities, including proposed legislation that implements recommendations of the council.

(6) If the council has sufficient funds from any source, then in carrying out its duties under this section, the council may meet at least three times but not more than six times per year. The council shall consider conducting at least some of the meetings via the K-20 telecommunications network. ((Councils are)) The council is encouraged to invite local state legislators to participate in the meetings. The council is encouraged to poll other students in order to get a broad perspective on the various issues. The council is encouraged to use technology to conduct the polling, including the council's web site, if the council has a web site.

(7) If the council has sufficient funds from any source, then members shall be reimbursed as provided in RCW 43.03.050 and 43.03.060.

(8) If sufficient funds are available from any source, beginning with the effective date of this act, the office of superintendent of public instruction shall provide administration, coordination, and facilitation assistance to the council. The senate and house of representatives may provide policy and fiscal briefings and assistance with drafting proposed legislation. The senate and the house of representatives shall each develop internal policies relating to staff assistance provided to the council. Such policies may include applicable internal personnel and practices guidelines, resource use and expense reimbursement guidelines, and applicable ethics mandates. Provision of funds, resources, and staff, as well as the assignment and direction of staff, remains at all times within the sole discretion of the chamber making the provision.

(9) The office of the lieutenant governor, the office of ~~((the))~~ the superintendent of public instruction, the legislature, any agency of the legislature, and any official or employee of such office or agency are immune from liability for any injury that is incurred by or caused by a member of the youth advisory council and that occurs while the member of the council is performing duties of the council or is otherwise engaged in activities or receiving services for which reimbursement is allowed under subsection (7) of this section. The immunity provided by this subsection does not apply to an injury intentionally caused by the act or omission of an employee or official of the superintendent of public instruction or the legislature or any agency of the legislature.

~~((10) This section expires June 30, 2009.))~~

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 1, 2009

SSB 5248 Prime Sponsor, Committee on Ways & Means: Enacting the interstate compact on educational opportunity for military children. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5301 Prime Sponsor, Committee on Human Services & Corrections: Concerning permissible uses of moneys collected under the sales and use tax for chemical dependency or mental health treatment services or therapeutic courts. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.460 and 2008 c 157 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing for the operation or delivery of ~~((new or expanded))~~ chemical dependency or mental health treatment programs and services and for the operation or delivery of ~~((new or expanded))~~ therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except that a portion of moneys collected under this section ~~((shall not))~~ may be used to supplant existing funding for these purposes ~~((; provided that))~~ in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section ~~((shall))~~ may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

NEW SECTION. Sec. 2. This act expires January 1, 2015." Correct the title.

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

Passed to Committee on Rules for second reading.

April 6, 2009
 SB 5412 Prime Sponsor, Senator Eide: Controlling saltwater algae. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on General Government Appropriations and without amendment by Committee on Agriculture & Natural Resources.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 88.02.050 and 2007 c 342 s 5 are each amended to read as follows:

(1) Application for a vessel registration shall be made to the department or its authorized agent in the manner and upon forms prescribed by the department. The application shall state the name and address of each owner of the vessel and such other information as may be required by the department, shall be signed by at least one owner, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:

(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.270, reaches one million dollars as of March 1st of any year, the collection of the two-dollar fee must be suspended for the following fiscal year.

(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.

(c) ~~((One dollar))~~ Seventy-five cents must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.

(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.

(e) Twenty-five cents must be deposited in the saltwater algae control account created in section 2 of this act.

(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five-dollar fee created in subsection (2) of this section.

(4) Upon receipt of the application and the registration fee, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal shall be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the code of federal regulations. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

(5) The vessel registrations and decals are valid for a period of one year, except that the director of licensing may extend or diminish vessel registration periods, and the decals ~~((therefor))~~, for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period. Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the vessel registration fee, excise tax, and the derelict vessel fee. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling

tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form will be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department or its authorized agent for transfer of the vessel registration, and the application shall be accompanied by a transfer fee of one dollar.

NEW SECTION. Sec. 2. A new section is added to chapter 43.21A RCW to read as follows:

(1) The saltwater algae control account is created in the state treasury. All receipts designated for deposit to the account in RCW 88.02.050 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may only be used as provided in this section.

(2) Funds in the saltwater algae control account may be appropriated to the department to develop a saltwater aquatic algae control grant program. Funds must be expended as grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study excessive saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

(3)(a) Grant awards may be made both for proactive investments in saltwater algae research and control and for rapid response to emerging incidents and immediate restoration following algal incidents. Grants may either be awarded prospectively when intended for proactive investments or as reimbursement for rapid response or immediate restoration.

(b) The department shall allow potential grantees to contact the department prior to investing in rapid response or immediate restoration actions to ensure that the saltwater algae control account has adequate funds to reimburse the rapid response and immediate restoration actions. To facilitate both timely reimbursement and the department's ability to provide assurances that reimbursement funding can be provided, the department shall develop a process that allows potential grantees to be screened and evaluated prior to a saltwater algae incident.

(4) When appropriate, grant awards must be prioritized to benefit:

(a) Areas of marine waters with documented significant sea lettuce growth;

(b) Potential grantees capable and willing to provide matching funds either directly or through a third party; and

(c) Potential grantees that are Puget Sound partners as that term is defined in RCW 90.71.010. However, the department shall give preference only to Puget Sound partners in comparison to other entities that are eligible to be included in the definition of Puget Sound partner. Entities that are not eligible to be a Puget Sound partner due to geographic location, composition, exclusion from the scope of the Puget Sound action agenda developed by the Puget Sound partnership under RCW 90.71.310, or for any other reason may not be given less preferential treatment than Puget Sound partners.

NEW SECTION. Sec. 3. Sections 1 and 2 of this act expire June 30, 2013.

Sec. 4. 2005 c 464 s 7 (uncodified) is amended to read as follows:

Section 2 of this act expires June 30, ~~((2012))~~ 2013.

Sec. 5. 2007 c 342 s 9 (uncodified) is amended to read as follows:

Section 5 of this act expires June 30, ~~((2012))~~ 2013.

Sec. 6. 2007 c 342 s 10 (uncodified) is amended to read as follows:

Section 6 of this act takes effect June 30, ~~((2012))~~ 2013."

Correct the title.

Signed by Representatives Darneille, Chair; Takko, Vice Chair; Blake; Hudgins; Kenney; Sells; Van De Wege and Williams.

MINORITY recommendation: Do not pass. Signed by Representatives McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Crouse and Short.

Passed to Committee on Rules for second reading.

April 1, 2009

ESSB 5555 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding lifelong learning accounts. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass. Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 2, 2009

SSB 5574 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Protecting consumer data in motor vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Recording device" means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within a motor vehicle. "Recording device" includes event data recorders, sensing and diagnostic modules, electronic control modules, automatic crash notification systems, geographic information systems, and any other device that records and preserves data that can be accessed related to that motor vehicle.

(2) "Owner" means:

(a) A person having all the incidents of ownership, including legal title, of a motor vehicle, whether or not the person lends, rents, or creates a security interest in the motor vehicle;

(b) A person entitled to the possession of a motor vehicle as the purchaser under a security agreement;

(c) A person entitled to possession of a motor vehicle as a lessee pursuant to a written lease agreement for a period of more than three months; or

(d) If a third party requests access to a recording device to investigate a collision, the owner of the motor vehicle at the time the collision occurred.

NEW SECTION. Sec. 2. (1) A manufacturer of a motor vehicle sold or leased in this state, that is equipped with one or more recording devices, shall in bold face type disclose in the owner's manual that the motor vehicle is equipped with one or more recording devices and, if so, the type of data recorded and whether the recording device or devices have the ability to transmit information to a central communications system or other external device.

(2) If a recording device is used as part of a subscription service, the subscription service agreement must disclose the type of information that the device may record or transmit.

(3) A disclosure made by means of an insert into the owner's manual is deemed a disclosure in the owner's manual.

(4) If a recording device is to be installed in a vehicle aftermarket, the manufacturer of the device shall in bold face type disclose in the product manual the type of information that the device may record and whether the recording device has the ability to transmit information to a central communications system or other external device.

(5) A disclosure made by means of an insert into the product manual is deemed a disclosure in the product manual.

NEW SECTION. Sec. 3. (1) Information recorded or transmitted by a recording device may not be retrieved, downloaded, scanned, read, or otherwise accessed by a person other than the owner of the motor vehicle in which the recording device is installed except:

(a) Upon a court order or pursuant to discovery. Any information recorded or transmitted by a recording device and obtained by a court order or pursuant to discovery is private and confidential and is not subject to public disclosure;

(b) With the consent of the owner or a person who the individual requesting access to the information would reasonably believe has the consent of the owner, given for a specific instance of access, for any purpose;

(c) For improving motor vehicle safety, including medical research on the human body's reaction to motor vehicle collisions, if the identity of the motor vehicle or the owner or driver of the motor vehicle is not disclosed in connection with the retrieved information;

(d) For determining the need for or facilitating emergency medical response if a motor vehicle collision occurs, provided that the information retrieved is used solely for medical purposes; or

(e) For subscription services pursuant to an agreement in which disclosure required under section 2 of this act has been made, provided that the information retrieved is used solely for the purposes of fulfilling the subscription service and is not disclosed to a third party.

(2) For the purposes of subsection (1)(c) of this section:

(a) The disclosure of a motor vehicle's vehicle identification number with the last six digits deleted or redacted is not a disclosure of the identity of the owner or driver; and

(b) Retrieved information may only be disclosed to a data processor.

(3) Information recorded or transmitted by a recording device may not be sold to a third party unless the owner of the information explicitly grants permission for the sale.

(4) Any person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 4. (1)(a) If a motor vehicle is equipped with one or more recording devices and is involved in an accident in Washington state, the owner of the motor vehicle at the time the data is created owns and retains exclusive ownership rights to the data.

(b) The ownership of the data may not pass to a lienholder or an insurer because the lienholder or insurer succeeds in ownership to the vehicle as a result of the accident.

(2) The data may not be used by a lienholder or an insurer for any reason without a written consent in the form of a release signed by the owner of the motor vehicle at the time of the accident that authorizes the lienholder or insurer to retrieve or use the data.

(3) A lienholder or insurer may not make the owner's consent to the retrieval or use of the data conditioned upon the payment or settlement of an obligation or claim; however, the insured is required to comply with all policy provisions, including any provision that requires the insured to cooperate with the insurer.

(4) An insurer of a motor vehicle may not require an owner to provide written permission for the access or retrieval of information from a recording device as a condition of the policy or lease.

NEW SECTION. Sec. 5. A manufacturer of a motor vehicle sold or leased in this state that is equipped with a recording device shall ensure by licensing agreement or other means that a tool or tools are available that are capable of accessing and retrieving the information stored in a recording device. The tool or tools must be commercially available no later than ninety days after the effective date of this section.

NEW SECTION. Sec. 6. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 48.30 RCW to read as follows:

(1) An insurer shall not refuse to renew or cancel a motor vehicle insurance policy solely because a motor vehicle owner, as defined in section 1 of this act, refuses to provide access to recorded data from a recording device, as defined in section 1 of this act.

(2) An insurer or agent shall not: Reduce coverage; increase the insured's premium; apply a surcharge; refuse to apply a discount other than a discount that is based on data recorded by a recording device as defined in section 1 of this act; or when there are multiple insurers available, fail to place the motor vehicle owner with the most favorably priced insurer, solely because a motor vehicle owner refuses to allow an insurer access to data from a recording device as defined in section 1 of this act.

Sec. 8. RCW 46.63.020 and 2008 c 282 s 11 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(25) RCW 46.48.175 relating to the transportation of dangerous articles;

(26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(32) RCW 46.55.300 relating to vehicle immobilization;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(37) RCW 46.61.500 relating to reckless driving;

(38) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(39) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(41) RCW 46.61.522 relating to vehicular assault;

(42) RCW 46.61.5249 relating to first degree negligent driving;

(43) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(44) RCW 46.61.530 relating to racing of vehicles on highways;

(45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(46) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(47) RCW 46.61.740 relating to theft of motor vehicle fuel;

(48) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(49) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(50) Chapter 46.65 RCW relating to habitual traffic offenders;

(51) RCW 46.68.010 relating to false statements made to obtain a refund;

(52) Section 3 of this act relating to recording device information;

(53) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((53))~~ (54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((54))~~ (55) RCW 46.72A.060 relating to limousine carrier insurance;

~~((55))~~ (56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

~~((56))~~ (57) RCW 46.72A.080 relating to false advertising by a limousine carrier;

~~((57))~~ (58) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((58))~~ (59) Chapter 46.82 RCW relating to driver's training schools;

~~((59))~~ (60) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

~~((60))~~ (61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 9. Sections 1 through 6 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 10. Sections 1 through 4 and 6 through 8 of this act take effect July 1, 2010."
Correct the title.

Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Armstrong; Campbell; Driscoll; Eddy; Finn; Johnson; Klippert; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Cox; Ericksen; Herrera and Kristiansen.

Passed to Committee on Rules for second reading.

April 3, 2009
SB 5587 Prime Sponsor, Senator Pridemore: Authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

April 2, 2009
SSB 5610 Prime Sponsor, Committee on Transportation: Authorizing the release of driving record abstracts for employment purposes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Campbell; Cox; Driscoll; Eddy; Ericksen; Finn; Herrera; Johnson; Klippert; Kristiansen; Moeller; Rolfes; Sells; Shea; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

Passed to Committee on Rules for second reading.

April 3, 2009
SSB 5616 Prime Sponsor, Committee on Economic Development, Trade & Innovation: Connecting business expansion and recruitment to customized training. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.67.020 and 2006 c 112 s 3 are each amended to read as follows:

(1) The Washington customized employment training program is hereby created to provide training assistance to employers locating or expanding in the state.

(2)(a) Application to receive funding under this program shall be made to the board in a form and manner as specified by the board. Successful applicants shall receive a training allowance from the board to cover the costs of training at a qualified training institution. Employers may not receive an allowance for training costs which exceed the maximum annual training cost per employee, as established by the board, and are not eligible to receive an allowance or allowances of over five hundred thousand dollars per calendar year.

(b) Allowances shall be granted for applicants who meet the following criteria:

(i) The employer must have entered into an agreement with a qualified training institution to engage in customized training and the employer must agree to: (A) Upon completion of the training, make a payment to the employment training finance account created in RCW 28B.67.030 in an amount equal to one-quarter of the amount of the training allowance; and (B) over the subsequent eighteen months, make monthly or quarterly payments, as specified in the agreement, to the employment training finance account created in RCW 28B.67.030 in an amount equal to three-quarters of the amount of the training allowance. During calendar years 2009 and 2010, participants may delay payments due under this section for up to eighteen months. The payments into the employment training finance account provided for in this section do not constitute payment to the institution.

(ii) ~~(The employer must ensure that the number of employees an employer has in the state during the calendar year following the completion of the training program will equal the number of employees the employer had in the state in the calendar year preceding the start of the training program plus seventy-five percent of the number of trainees.)~~ When hiring, the employer must make good faith efforts, as determined by the board, to hire from trainees in the participant's training program. The agreement with the qualified training institution provided for in (b)(i) of this subsection shall specify terms for reimbursement or additional payment to the employment training finance account by the employer if the ~~((employment criterion of this subsection is not met))~~ participant does not, when hiring, make good faith efforts to hire from trainees in the participant's training program.

(iii) The training ~~((grant))~~ allowance may not be used to train workers who have been hired as a result of a strike or lockout.

(c) Preference shall be given to employers with fewer than fifty employees.

(d) Preference shall be given to training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces.

(3) Qualified training institutions may enter into agreements with four-year institutions of higher education, as defined in RCW 28B.10.016, in accordance with the interlocal cooperation act, chapter 39.34 RCW.

(4) The board and qualified training institutions may solicit and receive gifts, grants, funds, fees, and endowments, in trust or otherwise, from tribal, local, federal, or other governmental entities, as well as private sources, for the purpose of providing training allowances under chapter 112, Laws of 2006. All revenue thus solicited and received shall be deposited into the employment training finance account created in RCW 28B.67.030.

(5) Qualified training institutions must make good faith efforts to develop training programs using trainers preferred by participants.

(6) For employers who (a) have requested training under the job skills program created under chapter 28C.04 RCW but are not able to participate in the job skills program because the funds have all been committed, and (b) desire to become participants in the Washington customized employment training program, the board shall ensure a seamless process toward participation.

(7) The board may adopt rules to implement this section.

Sec. 2. RCW 28B.67.030 and 2006 c 112 s 8 are each amended to read as follows:

(1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 shall be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020 and for providing up to seventy-five thousand dollars per year for training, marketing, and facilitation services to increase the use of the program. The deposit of payments under this section from a participant shall cease when the board specifies that the participant has met the monetary obligations of the program.

(2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) shall be deposited into the employment training finance account to provide training allowances.

(3) The definitions in RCW 28B.67.010 apply to this section.

Sec. 3. RCW 82.04.449 and 2006 c 112 s 5 are each amended to read as follows:

In computing the tax imposed under this chapter, a credit is allowed for participants in the Washington customized employment training program created in RCW 28B.67.020. The credit allowed under this section is equal to fifty percent of the value of a participant's payments to the employment training finance account created in RCW 28B.67.030. If a participant in the program does not meet the ~~((qualifications in))~~ requirements of RCW 28B.67.020(2)(b)(ii), the participant must remit to the department the value of any credits taken plus interest. The credit earned by a participant in one calendar year may be carried over to be credited against taxes incurred in a subsequent calendar year. No credit may be allowed for repayment of training allowances received from the Washington customized employment training program on or after July 1, 2016.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Carlyle; Cox; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

MINORITY recommendation: Without recommendation. Signed by Representatives Anderson and Haler.

Passed to Committee on Rules for second reading.

April 2, 2009
ESSB 5768 Prime Sponsor, Committee on Transportation:
Concerning the state route number 99 Alaskan Way viaduct replacement project. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.01 RCW to read as follows:

(1) The legislature finds that the replacement of the vulnerable state route number 99 Alaskan Way viaduct is a matter of urgency for the safety of Washington's traveling public and the needs of the transportation system in central Puget Sound. The state route number 99 Alaskan Way viaduct is susceptible to damage, closure, or catastrophic failure from earthquakes and tsunamis. Additionally, the viaduct serves as a vital route for freight and passenger vehicles through downtown Seattle.

Since 2001, the department has undertaken an extensive evaluation of multiple options to replace the Alaskan Way viaduct, including an initial evaluation of seventy-six conceptual alternatives and a more detailed analysis of five alternatives in 2004. In addition to a substantial technical review, the department has also undertaken considerable public outreach, which included consultation with a stakeholder advisory committee that met sixteen times over a thirteen-month period.

Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state shall take the necessary steps to expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

(2) The state route number 99 Alaskan Way viaduct replacement project finance plan must include state funding not to exceed two billion four hundred million dollars and must also include at least four hundred million dollars in toll revenue. These funds must be used solely to build a replacement tunnel, as described in subsection (1) of this section, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements.

(3) The department shall provide updated cost estimates for construction of the bored tunnel and also for the full Alaskan Way viaduct replacement project to the legislature and governor by January 1, 2010. The department must also consult with independent tunnel engineering experts to review the estimates and risk assumptions. The department shall not enter into a design-build contract for construction of the bored tunnel until the report in this section has been submitted.

(4) Any contract the department enters into related to construction of the deep bored tunnel must include incentives and penalties to encourage on-time completion of the project and to minimize the potential for cost overruns.

(5) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, construction of all aspects of the project, specifically including but not limited to information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(6) The state, city, and county departments of transportation shall be responsible for the cost, delivery, and associated risks of the project components for which each department is responsible, as outlined in the January 13, 2009, letter of agreement signed by the governor, city, and county.

NEW SECTION. Sec. 2. The department of transportation must prepare a traffic and revenue study for a state route number 99 deep bore tunnel for the purpose of determining the facility's potential to generate toll revenue. The department shall regularly report to the transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility. The study must include the following information:

(1) An analysis of the potential diversion from state route number 99 to other parts of the transportation system resulting from tolls on the facility;

(2) An analysis of potential mitigation measures to offset or reduce diversion from state route number 99;

(3) A summary of the amount of revenue generated from tolling the deep bore tunnel; and

(4) An analysis of the impact of tolls on the performance of the facility.

The department must provide the results of the study to the governor and the legislature by January 2010.

NEW SECTION. Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

(1) The legislature finds that the city of Seattle has agreed to pay for and ensure the adequate and efficient access for freight and vehicles, and adequate and efficient access to neighborhoods along the state route number 99 corridor, as part of their responsibilities in the Alaskan Way viaduct replacement project as recommended by the governor, King county, and the city of Seattle in the letter of agreement dated January 13, 2009. The elements of the city's plan include:

(a) Performing all work necessary to ensure that the Alaskan Way surface street is an efficient alternative access route for freight and vehicles, including:

(i) Operating the four-lane Alaskan Way surface street between Holgate Street via Elliot Avenue and Western Avenue to Denny Way in a manner that optimizes through traffic and freight movement to and through the surface street corridor along the waterfront, including synchronizing traffic lights and traffic control devices and erecting additional traffic lights and traffic control devices if necessary;

(ii) Synchronizing traffic lights and traffic control devices along state route number 99 between Spokane Street and the Aurora Avenue Bridge, and erecting additional traffic lights and control devices, if necessary, to prioritize vehicular and freight traffic flow;

(iii) Providing for reliable and effective access to the port of Seattle and other major destinations south of the port, including implementing measures to facilitate efficient traffic flow along Alaskan Way by way of the state route number 99 and state route number 519 interchange; and

(iv) Providing for reliable and effective access to and from state route number 99 and to and from the Mercer corridor for the port of Seattle and other residents and businesses in northwest Seattle;

(b) Working with the state department of transportation and, prior to removal of the viaduct, developing a plan that optimizes traffic flow from neighborhoods in northwest Seattle to the deep bored tunnel, including:

(i) Providing for the efficient movement of traffic along major arterials including, but not limited to, North 46th Street, North 39th Street, Nickerson Street, Dexter Avenue North, Mercer Street, and West Mercer Street; and

(ii) Providing for traffic light synchronization, and addressing on-street parking, congestion near the Aurora Avenue bridge related to the Queen Anne Drive and 6th Avenue North turnaround, and bridge policies that affect congestion and traffic flow; and

(c) Prior to removal of the viaduct, developing and implementing a plan that maximizes safe and efficient vehicle throughput on Mercer Street, including: Optimizing traffic flow on Mercer Street, which includes two-way West Mercer Street improvements, and from Elliott Avenue to state route number 99; and providing safe and efficient access to state route number 99 and the deep bored tunnel.

(2) In order to ensure that the city of Seattle complies with its commitment as described in subsection (1) of this section, the state shall make fifty million dollars of the transportation partnership account--state appropriation as provided in the 2009-2011 omnibus transportation appropriations act, or as much thereof as is appropriated from this account, whichever is smaller, available for contribution to the south Spokane Street viaduct component of the Alaskan Way viaduct replacement project, contingent on the city of Seattle complying with this section.

(3) All costs related to the work performed by the city of Seattle to provide adequate and efficient access for freight and vehicles along the state route number 99 corridor, as described in subsection (1) of this section, shall be borne by the city.

(4) The city of Seattle may comply with this section by entering into an agreement with the department of transportation in which the city agrees to make all improvements identified in subsection (1) of this section and to be solely responsible for all costs associated with the listed improvements.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

Correct the title.

Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Armstrong; Eddy; Finn; Herrera; Johnson; Moeller; Rolfes; Sells; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell; Cox;

Dickerson; Driscoll; Ericksen; Klippert; Kristiansen; Morris; Shea and Simpson.

Passed to Committee on Rules for second reading.

April 6, 2009

ESSB 5840 Prime Sponsor, Committee on Environment, Water & Energy: Modifying the energy independence act. Reported by Committee on General Government Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Technology, Energy & Communications. (For committee amendment, see Journal, Day 78, March 30, 2009.) Signed by Representatives Darneille, Chair; Takko, Vice Chair; McCune, Ranking Minority Member; Hinkle, Assistant Ranking Minority Member; Armstrong; Blake; Crouse; Hudgins; Kenney; Sells; Short and Van De Wege.

MINORITY recommendation: Do not pass. Signed by Representatives Dunshee and Williams.

Passed to Committee on Rules for second reading.

April 3, 2009

ESSB 5889 Prime Sponsor, Committee on Early Learning & K-12 Education: Providing flexibility in the education system. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read as follows:

~~((By July 1st of each year.)) (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval, to the extent required under subsection (2) of this section. ((For the 2004-05 school year, school districts must identify the program activities to be implemented from RCW 28A.165.035 and are encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year.))~~ The program plan must identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in ~~((subsections (1) through (8)))~~ (a) through ~~((8))~~ (h) of this ~~((section))~~ subsection. The school district plan shall include the following:

~~((1))~~ (a) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;

~~((2))~~ (b) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;

~~((3))~~ (c) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:

~~((a))~~ (i) Achievement goals for the students;

~~((b))~~ (ii) Roles of the student, parents, or guardians and teachers in the plan;

~~((c))~~ (iii) Communication procedures regarding student accomplishment; and

~~((d))~~ (iv) Plan reviews and adjustments processes;

~~((4))~~ (d) How state level and classroom assessments are used to inform instruction;

~~((5))~~ (e) How focused and intentional instructional strategies have been identified and implemented;

~~((6))~~ (f) How highly qualified instructional staff are developed and supported in the program and in participating schools;

~~((7))~~ (g) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and

~~((8))~~ (h) How a program evaluation will be conducted to determine direction for the following school year.

(2) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or this section unless the district has made a significant change to the plan. If a district has made a significant change to only a portion of the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the plan must be submitted by July 1st as required under this section. The office of the superintendent of public instruction shall establish guidelines for what a "significant change" is.

Sec. 2. RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read as follows:

A participating school district shall ~~(annually)~~ submit a program plan to the office of the superintendent of public instruction for approval to the extent required by RCW 28A.165.025. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

Sec. 3. RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read as follows:

The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules ~~(and regulations)~~ regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious diseases deemed by the state board of health as dangerous to the public health. Such rules ~~(and regulations)~~ shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall ~~(print and distribute the)~~ provide to appropriate school officials and personnel, access and notice of these rules (and regulations) of the state board of health (above provided to appropriate school officials and personnel). Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules.

Sec. 4. RCW 28A.210.040 and 1990 c 33 s 189 are each amended to read as follows:

The superintendent of public instruction shall ~~(print and distribute)~~ provide access to appropriate school officials the rules (and regulations) adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section.

Sec. 5. RCW 28A.225.005 and 1992 c 205 s 201 are each amended to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall ~~(distribute)~~ provide access to the information at least annually. Providing online access to the information satisfies the requirements

of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 6. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually ~~(distribute an)~~ provide access to information ((booklet)) outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ~~((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries))~~ School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ~~(28A.600.395))~~ 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 7. RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each amended to read as follows:

Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 8. RCW 28A.230.095 and 2006 c 113 s 2 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high schools assessments or other strategies chosen by the district to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The office of the superintendent of public instruction may not require school districts to use a classroom-based assessment in social studies, the arts, and health and fitness to meet the requirements of this section and shall clearly communicate to districts their option to use other strategies chosen by the district.

(2) Beginning with the 2008-09 school year, school districts shall require students in ~~((the fourth or fifth grades [grade]))~~ the seventh or eighth ((grades [grade])) grade, and the eleventh or twelfth ((grades [grade])) grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

(3) Verification reports shall require school districts to report only the information necessary to comply with this section.

Sec. 9. RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

~~((3) Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.))~~

Sec. 10. RCW 28A.300.040 and 2006 c 263 s 104 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be ~~((provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system))~~ made available online and which shall be sold at approximate actual cost of publication and distribution per volume to ~~((all other))~~ public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

Sec. 11. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) This section is suspended until July 1, 2011.

Sec. 12. RCW 28A.320.165 and 2001 c 333 s 4 are each amended to read as follows:

Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees pursuant to chapter 17.21 RCW, upon the request of the parent or guardian.

Sec. 13. RCW 28A.320.180 and 2007 c 396 s 11 are each amended to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

(3) This section is suspended until July 1, 2011.

Sec. 14. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically

request information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as work-based learning, ~~((school-to-work transition,))~~ tech prep, ~~((vocational-technical))~~ career and technical education, running start, and preparation for technical college, community college, or university education.

Sec. 15. RCW 28A.655.075 and 2007 c 396 s 16 are each amended to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

(3) This section is suspended until July 1, 2011.

Sec. 16. RCW 17.21.415 and 2001 c 333 s 3 are each amended to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide written notification ~~((annually or upon enrollment))~~, upon request, to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (a) The product name of the pesticide to be applied;
- (b) The intended date and time of application;
- (c) The location to which the pesticide is to be applied;
- (d) The pest to be controlled; and
- (e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
- (ii) The date and time of application;
- (iii) The location to which the pesticide was applied;
- (iv) The pest to be controlled; and
- (v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

Sec. 17. RCW 28A.650.015 and 2006 c 263 s 917 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the

state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

(a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;

(b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and

(c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the workforce training and education coordinating board, and the state library.

(3) The plan adopted and implemented under this section may not impose on school districts any requirements that are not specifically required by federal law or regulation, including requirements to maintain eligibility for the federal schools and libraries program of the universal service fund.

Sec. 18. RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read as follows:

Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening. Persons performing visual screening may include, but are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts.

NEW SECTION. Sec. 19. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

(1) RCW 28A.230.092 (Washington state history and government--Course content) and 2008 c 190 s 2;

(2) RCW 28A.230.185 (Family preservation education program) and 2005 c 491 s 2;

(3) RCW 28A.300.412 (Washington civil liberties public education program--Report) and 2000 c 210 s 6;

(4) RCW 28A.600.415 (Alternatives to suspension--Community service encouraged--Information provided to school districts) and 1992 c 155 s 2;

(5) RCW 28A.625.010 (Short title) and 1995 c 335 s 107, 1990 c 33 s 513, & 1986 c 147 s 1;

(6) RCW 28A.625.020 (Recipients--Awards) and 1991 c 255 s 1;

(7) RCW 28A.625.030 (Washington State Christa McAuliffe award for teachers) and 1991 c 255 s 2 & 1986 c 147 s 3;

(8) RCW 28A.625.042 (Certificates--Recognition awards) and 1994 c 279 s 4;

(9) RCW 28A.625.050 (Rules) and 1995 c 335 s 108, 1991 c 255 s 8, 1990 c 33 s 516, 1988 c 251 s 2, & 1986 c 147 s 5;

(10) RCW 28A.625.350 (Short title) and 1990 1st ex.s. c 10 s 1;

(11) RCW 28A.625.360 (Excellence in teacher preparation award) and 2006 c 263 s 804 & 1990 1st ex.s. c 10 s 2;

(12) RCW 28A.625.370 (Award for teacher educator) and 2006 c 263 s 820 & 1990 1st ex.s. c 10 s 3;

(13) RCW 28A.625.380 (Rules) and 2006 c 263 s 821 & 1990 1st ex.s. c 10 s 4;

(14) RCW 28A.625.390 (Educational grant--Eligibility--Award) and 2006 c 263 s 822 & 1990 1st ex.s. c 10 s 5;

(15) RCW 28A.625.900 (Severability--1990 1st ex.s. c 10) and 1990 1st ex.s. c 10 s 10;

(16) RCW 28A.630.045 (Local control and flexibility in assessments--Pilot project) and 2006 c 175 s 1; and

(17) RCW 28A.630.881 (School-to-work transition project--Findings--Intent--Outreach--Technical assistance) and 1997 c 58 s 304.

NEW SECTION. Sec. 20. Sections 11, 13, and 15 of this act expire July 1, 2011."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5899 Prime Sponsor, Committee on Ways & Means: Providing a business and occupation tax credit for qualified employment positions. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

Passed to Committee on Rules for second reading.

April 3, 2009

SSB 5973 Prime Sponsor, Committee on Ways & Means: Closing the achievement gap in K-12 schools. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education Appropriations and without amendment by Committee on Education.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds compelling evidence from five commissioned studies that additional progress must be made to address the achievement gap. Many students are in demographic groups that are overrepresented in measures such as school disciplinary sanctions; failure to meet state academic standards; failure to graduate; enrollment in special education and underperforming schools; enrollment in advanced placement courses, honors programs, and college preparatory classes; and enrollment in and completion of college. The studies contain specific recommendations that are data-driven and drawn from education research, as well as the personal, professional, and cultural experience of those who contributed to the studies. The legislature finds there is no better opportunity to make a strong commitment to closing the achievement gap and to affirm the state's constitutional obligation to provide opportunities to learn for all students without distinction or preference on account of race, ethnicity, socioeconomic status, or gender.

(2) The legislature further finds that access to comprehensive and consistent data that is disaggregated in the smallest units allowable by law is important in closing the achievement gap. Policymakers and educators need as much information as possible not only about students' academic progress, but also about other factors across multiple disciplines that affect student performance.

(3) A consistent and powerful theme throughout the achievement gap studies was the need for cultural competency in instruction, curriculum, assessment, and professional development. Cultural competency forms a foundation for efforts to address the achievement gap, and more work is needed to embed it into the public school system.

(4) Therefore, following the priority recommendations from the achievement gap studies, the legislature intends to:

(a) Provide resources to support parent and community involvement and outreach efforts by public schools, including such items as additional notices and communication to parents, translations, translators, parent and community meetings, and school events within the community. The legislature encourages school districts to consult with the office of the education ombudsman in developing plans for parent and community involvement and outreach;

(b) Require that teachers demonstrate cultural competency in the classroom and with students at each level of state teacher certification, and provide additional opportunities for professional development in cultural competency for current teachers;

(c) Create local alternative routes to teacher certification for paraeducators and individuals in the communities surrounding schools and school districts that are struggling to address the achievement gap;

(d) Reexamine the study recommendations regarding data and accountability and identify ways for the education data system to address these needs; and

(e) Sustain efforts to close the achievement gap over the long term by creating a high profile achievement gap oversight and accountability committee that will provide ongoing advice to education agencies and report annually to the legislature and the governor.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.300 RCW to read as follows:

(1) An achievement gap oversight and accountability committee is created to synthesize the findings and recommendations from the 2008 achievement gap studies into an implementation plan, and to recommend policies and strategies to the superintendent of public instruction, the professional educator standards board, and the state board of education to close the achievement gap.

(2) The committee shall recommend specific policies and strategies in at least the following areas:

(a) Supporting and facilitating parent and community involvement and outreach;

(b) Enhancing the cultural competency of current and future educators and the cultural relevance of curriculum and instruction;

(c) Expanding pathways and strategies to prepare and recruit diverse teachers and administrators;

(d) Recommending current programs and resources that should be redirected to narrow the gap;

(e) Identifying data elements and systems needed to monitor progress in closing the gap;

(f) Making closing the achievement gap part of the school and school district improvement process; and

(g) Exploring innovative school models that have shown success in closing the achievement gap.

(3) Taking a multidisciplinary approach, the committee may seek input and advice from other state and local agencies and organizations with expertise in health, social services, gang and violence prevention, substance abuse prevention, and other issues that disproportionately affect student achievement and student success.

(4) The achievement gap oversight and accountability committee shall be composed of the following members:

(a) The chairs and ranking minority members of the house and senate education committees, or their designees;

(b) One additional member of the house of representatives appointed by the speaker of the house and one additional member of the senate appointed by the president of the senate;

(c) A representative of the office of the education ombudsman;

(d) A representative of the center for the improvement of student learning in the office of the superintendent of public instruction; and

(e) Five members representing different populations of students, appointed by the governor in consultation with the state ethnic commissions and representatives of the federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state. The governor-appointed members shall be certificated staff with classroom experience within the previous ten years.

(5) The committee may convene ad hoc working groups to obtain additional input and participation from community members.

Members of ad hoc working groups shall serve without compensation and shall not be reimbursed for travel or other expenses.

(6) The chair or cochair of the committee shall be selected by the members of the committee. Staff support for the committee shall be provided by the center for the improvement of student learning. Members of the committee shall serve without compensation but must be reimbursed as provided in RCW 43.03.050 and 43.03.060. Legislative members of the committee shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

Sec. 3. RCW 28A.300.137 and 2008 c 298 s 3 are each amended to read as follows:

Beginning in January 2010, the (~~center for the improvement of student learning~~) achievement gap oversight and accountability committee shall report annually to the superintendent of public instruction, the state board of education, the professional educator standards board, the governor, (~~the P-20 council~~) and the education committees of the legislature on the (~~implementation status of~~) strategies to address the achievement gap (~~for African-American students~~) and on the progress in improvement of education performance measures for African-American, Hispanic, American Indian/Alaskan Native, Asian, and Pacific Islander/Hawaiian Native students.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

All student data related reports required of the superintendent of public instruction in this title must be disaggregated by at least the following subgroups of students: White, Black, Hispanic, American Indian/Alaskan Native, Asian, Pacific Islander/Hawaiian Native, low income, transitional bilingual, migrant, special education, and students covered by section 504 of the federal rehabilitation act of 1973, as amended (29 U.S.C. Sec. 794).

NEW SECTION. Sec. 5. A new section is added to chapter 28A.410 RCW to read as follows:

(1) The professional educator standards board, in consultation and collaboration with the achievement gap oversight and accountability committee established under section 2 of this act, shall identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards.

(2) For the purposes of this section, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

NEW SECTION. Sec. 6. A new section is added to chapter 28A.660 RCW to read as follows:

The office of the superintendent of public instruction shall identify school districts that have the most significant achievement gaps among subgroups of students and for large numbers of those students, and districts that should receive priority for assistance in advancing cultural competency skills in their workforce. The professional educator standards board shall provide assistance to the identified school districts to develop partnership grant programs between the districts and teacher preparation programs to provide one or more of the four alternative route programs under RCW 28A.660.040 and to recruit paraeducators and other individuals in the local community to become certified as teachers. A partnership grant program proposed by an identified school district shall receive priority eligibility for partnership grants under RCW 28A.660.020. To the maximum extent possible, the board shall coordinate the recruiting Washington teachers program under RCW 28A.415.370 with the alternative route programs under this section.

NEW SECTION. Sec. 7. The superintendent of public instruction shall take all actions necessary to secure federal funds to support enhancing data collection and data system capacity in order to monitor progress in closing the achievement gap and to support other innovations and model programs that align education reform and address disproportionality in the public school system."

Correct the title.

Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Hope, Assistant Ranking

Minority Member; Anderson; Carlyle; Cox; Haler; Hunter; Kagi; Probst; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

April 1, 2009
SSB 6016 Prime Sponsor, Committee on Early Learning & K-12 Education: Regarding educator training to enhance skills of students with dyslexia. Reported by Committee on Education Appropriations

MAJORITY recommendation: Do pass as amended by Committee on Education. (For committee amendment, see Journal, Day 75, March 27, 2009.) Signed by Representatives Haigh, Chair; Sullivan, Vice Chair; Priest, Ranking Minority Member; Anderson; Finn; Flannigan; Moeller; Morris; Rolfes; Quall; Rolfes and Wallace.

Passed to Committee on Rules for second reading.

THIRD SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 6, 2009
HB 2211 Prime Sponsor, Representative Clibborn: Addressing the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Erickson; Herrera; Johnson; Klippert; Kristiansen; Shea and Simpson.

Passed to Committee on Rules for second reading.

April 6, 2009
SSB 5556 Prime Sponsor, Committee on Transportation: Concerning toll enforcement for infractions detected through the use of a photo enforcement system. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.63.160 and 2007 c 372 s 2 and 2007 c 101 s 2 are each reenacted and amended to read as follows:

(1) This section applies only to infractions issued under RCW 46.61.690 for toll collection evasion using a photo monitoring system. The photo monitoring system shall be used to detect infractions and issue notices of infractions as follows:

(a) Where a photo toll is assessed and a toll bill is issued, failure to pay the toll bill within forty-five days from the date the toll bill is issued is an infraction, and a notice of infraction may be issued.

(b) Where a toll facility does not assess photo tolls, failure to pay a toll immediately upon using the toll facility is an infraction, and a notice of infraction may be issued.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo ~~((enforcement))~~ monitoring systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the ~~((toll patron))~~ customer the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the ~~((patron's))~~ customer's account.

(5) "Photo ~~((enforcement))~~ monitoring system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle ~~((operated in violation of an infraction under this chapter))~~ using an eligible toll facility.

(6) "Photo toll" means a toll assessed pursuant to the vehicle license information gathered by a photo monitoring system. A photo toll may include an administrative fee.

(7) "Electronic toll" means the charge made to a customer's toll account when the customer's vehicle is detected by the electronic toll collection system at a toll facility. An electronic toll does not include an administrative fee.

(8) "State toll agency" means the governing body that is legally empowered to operate the tolling program, as defined under RCW 47.56.810, including collection and enforcement of tolls on eligible toll facilities as defined under RCW 47.56.810.

(9) "Toll bill" means the bill sent by the state toll agency to a customer for a photo toll, plus an appropriate administrative fee, and if unpaid after forty-five days from the date billed, automatically becomes an infraction, and a notice of infraction may be issued to the customer.

(10) "Customer," for toll billing purposes, means the registered owner of the vehicle who incurs a toll through the use of an eligible toll facility.

(11) "Open road tolling" means a toll system that uses a combination of electronic tolling and photo tolling to collect all tolls on a toll facility. Toll booths are not available so vehicles may maintain regular traffic speeds when passing through an open road toll facility.

(12) "Notice of infraction" means a notice informing the customer that he or she has committed an infraction by failing to pay a toll when due and is therefore subject to penalties and administrative fees as authorized by law.

(13) The use of a toll collection system is subject to the following requirements:

(a) The ~~((department of transportation))~~ state toll agency shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits. To the extent practicable, the state toll agency shall adopt electronic toll collection systems that allow anonymous customers and anonymous accounts that are not linked to a specific vehicle.

(b) The ~~((department of transportation))~~ state toll agency may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

~~((7))~~ (c) All records of travel created by a toll collection system that identify a specific person, vehicle, or account are for the exclusive use of the state toll agency and law enforcement in the collection and billing of tolls and in the discharge of duties under this section and are not open to the public, and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a toll charge or violation under this chapter or chapter 47.56 RCW. Records identifying a specific instance of travel must not be retained by the department longer than necessary to ensure payment of the tolls or verify that tolls are paid. Aggregate records that do not identify an individual, vehicle, or account may be maintained.

(14) The use of a photo ~~((enforcement))~~ monitoring system for issuance of notices of infraction is subject to the following requirements:

(a) Photo ~~((enforcement))~~ monitoring systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

~~(b) ((A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation.))~~ The law enforcement officer or state toll agency issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo ~~((enforcement))~~ monitoring system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the exclusive use of the tolling agency and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than enforcement ~~((of violations under this chapter))~~ nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo ~~((enforcement))~~ monitoring system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by a photo ~~((enforcement))~~ monitoring system.

~~((8))~~ (15) Infractions detected through the use of photo ~~((enforcement))~~ monitoring systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of photo enforcement systems under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW ~~((3.46.120))~~ 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3).

~~((9))~~ (16) The penalty for an infraction detected through the use of a photo ~~((enforcement))~~ monitoring system shall be forty dollars plus an additional toll penalty. One dollar of the infraction amount must be forwarded to the state treasurer for deposit in the judicial information system account established in RCW 2.68.020 to be used to provide courts with automated systems that support court management of infractions detected through the use of photo monitoring systems. The toll penalty is ~~((equal to three times the cash toll for a standard passenger car during peak hours))~~ twelve dollars. ~~((Any reduction in the total penalty imposed shall be made proportionally between the forty-dollar penalty and the toll penalty.))~~ The toll penalty may not be reduced. The court shall remit the toll penalty to the department of transportation or a private entity under contract with the department of transportation for deposit in the statewide account in which tolls are deposited for the tolling facility at which the violation occurred. If the driver is found not to have committed an infraction under this section, the driver shall pay the toll due at the time the photograph was taken, unless the toll has already been paid.

~~((10))~~ (17) If the registered owner of the vehicle is a rental car business the ~~((department of transportation))~~ state toll agency or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement or toll agency relieves a rental car business of any liability under this chapter for the notice of infraction.

Sec. 2. RCW 47.56.810 and 2008 c 122 s 3 are each amended to read as follows:

The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise:

(1) "Tolling authority" means the governing body that is legally empowered to review and adjust toll rates. Unless otherwise delegated, the transportation commission is the tolling authority for all state highways.

(2) "Eligible toll facility" or "eligible toll facilities" means portions of the state highway system specifically identified by the legislature including, but not limited to, transportation corridors, bridges, crossings, interchanges, on-ramps, off-ramps, approaches, bistate facilities, and interconnections between highways.

(3) "Toll revenue" or "revenue from an eligible toll facility" means toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of the eligible toll facility.

(4) "Tolling program" means the tolling operation used by an eligible toll facility within the state, and may include toll collection and toll enforcement processes.

(5) "State toll agency" means the governing body that is legally empowered to operate tolling programs, including collection and enforcement of tolls on eligible toll facilities.

(6) "Customer-initiated payment" means the payment of a photo toll, plus an administrative fee, prior to the issuance of a toll bill.

(7) "Electronic toll collection system" means a system used by a toll facility that works in conjunction with a customer's toll account to facilitate the collection of tolls based on motor vehicle transponder interaction that is then used to charge the appropriate electronic toll to the customer's toll account.

(8) "Electronic toll" means the charge made to a customer's toll account when the customer's vehicle is detected by the electronic toll collection system at a toll facility. An electronic toll does not include an administrative fee.

(9) "Electronic tolling" means collecting tolls through charging electronic tolls.

(10) "Photo monitoring system" means a system used by a toll facility that captures images of vehicles and vehicle license plates using the toll facility. The system includes a vehicle sensor that may work in conjunction with an electronic toll collection system and may capture only the license plate image by photographing or videotaping images of the license plate of a vehicle that uses a toll facility without registering an electronic toll collection payment at the toll collection point. The state toll agency may collect and use this information for photo toll collection.

(11) "Photo toll" means a toll assessed pursuant to the vehicle license information gathered by a photo monitoring system. A photo toll may include an administrative fee.

(12) "Photo tolling" means collecting tolls by issuing photo tolls.

(13) "Toll bill" means the bill sent by the tolling agency to a customer for a photo toll, plus an appropriate administrative fee. If unpaid after forty-five days from the date the bill was issued, the unpaid photo toll becomes an infraction under RCW 46.61.690, and a notice of infraction may be issued to the customer.

(14) "Customer," for toll billing purposes, means the registered owner of the vehicle incurring a toll through the use of an eligible toll facility.

(15) "Variable pricing" or "variable tolling" means establishing toll rates for a toll facility that will change at set times of day to improve system performance.

(16) "Dynamic tolling" means establishing a range of toll rates for a toll facility that will change throughout the day in response to traffic conditions to improve system performance.

(17) "Transponder" means the electronic device mounted on the vehicle for collection of tolls through an electronic toll collection system.

(18) "Open road tolling" means a toll system that uses a combination of electronic tolling and photo tolling to collect all tolls on a toll facility.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

This section applies to toll facilities using open road tolling.

(1) Toll collection systems may include electronic toll collection and photo monitoring, as well as other systems as technology becomes available.

(2) Tolls may be collected and paid by the following methods:

(a) A customer may pay an electronic toll through an electronic toll collection account; or

(b) A customer who does not have an electronic toll collection account may pay a photo toll either through customer-initiated payment or in response to a toll bill.

(3) Where a photo toll is detected, a customer may initiate payment prior to or within seventy-two hours of toll facility use.

(4) A toll bill may be sent to the customer if the photo toll remains unpaid after seventy-two hours.

(5) The customer has forty-five days from the date the toll bill is issued to pay the photo toll. If the photo toll remains unpaid after the forty-five day period, the customer is guilty of an infraction under RCW 46.61.690, and a notice of infraction may be issued under RCW 46.63.160.

(6) Photo monitoring systems may capture recorded images of vehicles and vehicle license plates only. Images may only be used for toll collection, billing, and enforcement.

Sec. 4. RCW 46.61.690 and 2004 c 231 s 1 are each amended to read as follows:

Any person who uses a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the department of transportation, a political subdivision or municipal corporation empowered to operate toll facilities, or an entity operating a toll facility under a contract with the department of transportation, a political subdivision, or municipal corporation, at the entrance to which appropriate signs have been erected to notify both pedestrian and vehicular traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls (~~at the designated station for collecting tolls~~), commits a traffic infraction if:

(1) The person does not pay, refuses to pay, evades, or attempts to evade the payment of such tolls (~~(7-07)~~) as follows:

(a) Where a photo toll is assessed, failure to pay the photo toll within forty-five days from the date the photo toll bill is issued is an infraction; or

(b) On a toll facility that does not assess photo tolls, failure to pay a toll immediately upon using the toll facility is an infraction;

(2) The person uses or attempts to use any spurious, counterfeit, or stolen ticket, coupon, token, or electronic device for payment of any such tolls (~~(7-07)~~);

(3) The person turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach, or toll plaza where signs have been erected forbidding such turns (~~(7)~~); or

(~~(7)~~) (4) The person refuses to move a vehicle through the toll facility after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll facility for the purpose of collecting tolls.

Sec. 5. RCW 46.63.030 and 2007 c 101 s 1 are each amended to read as follows:

(1) A law enforcement officer, or the state toll agency as defined under RCW 47.56.810 in the case of toll enforcement under (d) of this subsection, has the authority to issue a notice of traffic infraction:

(a) When the infraction is committed in the officer's presence;

(b) When the officer is acting upon the request of a law enforcement officer in whose presence the traffic infraction was committed;

(c) If an officer investigating at the scene of a motor vehicle accident has reasonable cause to believe that the driver of a motor vehicle involved in the accident has committed a traffic infraction;

(d) When the infraction is detected through the use of a photo (~~(enforcement)~~) monitoring system under RCW 46.63.160; or

(e) When the infraction is detected through the use of an automated traffic safety camera under RCW 46.63.170.

(2) A court may issue a notice of traffic infraction upon receipt of a written statement of the officer that there is reasonable cause to believe that an infraction was committed.

(3) If any motor vehicle without a driver is found parked, standing, or stopped in violation of this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution, the officer finding the vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to the vehicle a notice of traffic infraction.

(4) In the case of failure to redeem an abandoned vehicle under RCW 46.55.120, upon receiving a complaint by a registered tow truck operator that has incurred costs in removing, storing, and disposing of an abandoned vehicle, an officer of the law enforcement agency responsible for directing the removal of the vehicle shall send a notice of infraction by certified mail to the last known address of the person responsible under RCW 46.55.105. The notice must be entitled "Littering--Abandoned Vehicle" and give notice of the monetary penalty. The officer shall append to the notice of infraction, on a form prescribed by the department of licensing, a notice indicating the amount of costs incurred as a result of removing, storing, and disposing of the abandoned vehicle, less any amount realized at auction, and a statement that monetary penalties for the infraction will not be considered as having been paid until the monetary penalty payable under this chapter has been paid and the court is satisfied that the person has made restitution in the amount of the deficiency remaining after disposal of the vehicle.

Sec. 6. RCW 46.63.075 and 2005 c 167 s 3 are each amended to read as follows:

(1) In a traffic infraction case involving an infraction detected through the use of a photo (~~(enforcement)~~) monitoring system under RCW 46.63.160, or detected through the use of an automated traffic safety camera under RCW 46.63.170, proof that the particular vehicle described in the notice of traffic infraction was in violation of any such provision of RCW 46.63.160 or 46.63.170, together with proof that the person named in the notice of traffic infraction was at the time of the violation the registered owner of the vehicle, constitutes in evidence a prima facie presumption that the registered owner of the vehicle was the person in control of the vehicle at the point where, and for the time during which, the violation occurred.

(2) For infractions detected through the use of an automated traffic safety camera under RCW 46.63.170 only, this presumption may be overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner.

NEW SECTION. Sec. 7. A new section is added to chapter 47.56 RCW to read as follows:

The department shall report to the transportation committees of the legislature by December 1, 2009, with recommendations for providing a similar time frame for the payment of tolls prior to the issuance of an infraction on the Tacoma Narrows bridge as is contemplated for the state route number 520 floating bridge and the steps necessary to convert the toll collection system on the Tacoma Narrows bridge to an open road tolling system.

NEW SECTION. Sec. 8. The code reviser shall alphabetize and renumber the definitions in RCW 46.63.160 and 47.56.810."

Correct the title.

Signed by Representatives Clibborn, Chair; Liias, Vice Chair; Campbell; Dickerson; Eddy; Finn; Flannigan; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong; Cox; Driscoll; Ericksen; Herrera; Johnson; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

April 6, 2009
 SSB 5760 Prime Sponsor, Committee on Ways & Means:
 Regarding the University of Washington's and
 Washington State University's public works
 contracting procedures. Reported by Committee on
 Capital Budget

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 7, after "thereto," strike "does not include state-appropriated funds" and insert "is provided with federal funds through the American recovery and reinvestment act of 2009"

On page 2, beginning on line 16, after "project" strike "does not include state-appropriated funds" and insert "is federal funds through the American recovery and reinvestment act of 2009"

On page 3, beginning on line 5, strike all of subsections (3) and (4) and insert the following:

"(3) This section expires June 30, 2013. The University of Washington shall report on the status and performance of projects using federal funds through the American recovery and reinvestment act of 2009 to fiscal committees of the legislature and the capital projects review board by December 1, 2010."

On page 3, after line 16, insert the following:

"Sec. 2. RCW 28B.20.140 and 1969 ex.s. c 223 s 28B.20.140 are each amended to read as follows:

(1) The board of regents shall enter into such contracts with one or more contractors for the erection and construction of university buildings or improvements thereto as in their judgment shall be deemed for the best interest of the university; subject to subsections (2) and (3) of this section, such contract or contracts shall be let after public notice and under such regulations as shall be established by said board or as otherwise provided by law to the person or persons able to perform the same on the most advantageous terms: PROVIDED, That in all cases said board shall require from contractors a good and sufficient bond for the faithful performance of the work, and the full protection of the state against mechanics' and other liens: AND PROVIDED FURTHER, That the board shall not have the power to enter into any contract for the erection of any buildings or improvements which shall bind said board to pay out any sum of money in excess of the amount provided for said purpose.

(2) The board of regents must comply with the requirements of chapter 39.10 RCW when using any alternative contracting procedure authorized pursuant to chapter 39.10 RCW.

(3) Prior to adoption of any alternative public works contracting procedure not authorized in chapter 39.10 RCW, the board of regents must submit the proposed contracting procedure to the capital projects advisory review board established under chapter 39.10 RCW for evaluation and approval pursuant to RCW 39.10.230. Final adoption and use of any alternative public works contracting procedure is contingent on approval by the capital projects advisory review board.

Sec. 3. RCW 39.10.200 and 2007 c 494 s 1 are each amended to read as follows:

The legislature finds that the traditional process of awarding public works contracts in lump sum to the lowest responsible bidder is a fair and objective method of selecting a contractor. However, under certain circumstances, alternative public works contracting procedures may best serve the public interest if such procedures are implemented in an open and fair process based on objective and equitable criteria. The purpose of this chapter is to authorize the use of certain supplemental alternative public works contracting procedures, to prescribe appropriate requirements to ensure that such contracting procedures serve the public interest, and to establish a process for evaluation of such contracting procedures. It is the intent of the legislature to establish that, unless otherwise specifically provided for in law, public bodies may use only those alternative public works contracting procedures either specifically authorized in this chapter, subject to the requirements of this chapter, or those approved for use on a demonstration project by the capital projects advisory review board.

Sec. 4. RCW 39.10.230 and 2007 c 494 s 103 are each amended to read as follows:

The board has the following powers and duties:

(1) Develop and recommend to the legislature policies to further enhance the quality, efficiency, and accountability of capital construction projects through the use of traditional and alternative delivery methods in Washington, and make recommendations regarding expansion, continuation, elimination, or modification of the alternative public works contracting methods;

(2) Evaluate the use of existing contracting procedures (~~and potential future use of~~);

(3) Evaluate other alternative contracting procedures including competitive negotiation contracts, for: (a) Potential future use; and (b) approval to use as a demonstration project;

(4) Submit a report to the appropriate committees of the legislature evaluating any alternative contracting procedure that is not authorized under this chapter and has been submitted to the board for its review or approval. The report must:

(a) Include a recommendation regarding use of the alternative contracting procedure by other public bodies; and

(b) Be submitted by December of the next regular legislative session following completion of the evaluation;

~~((3))~~ (5) Appoint members of the committee; and

~~((4))~~ (6) Develop and administer questionnaires designed to provide quantitative and qualitative data on alternative public works contracting procedures on which evaluations are based.

Sec. 5. RCW 39.10.210 and 2007 c 494 s 101 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Alternative public works contracting procedure" means the design-build, general contractor/construction manager, and job order contracting procedures authorized in RCW 39.10.300, 39.10.340, and 39.10.420, respectively. It also means other contracting procedures submitted to the board under RCW 39.10.230 for approval to use as a demonstration project.

(2) "Board" means the capital projects advisory review board.

(3) "Committee" means the project review committee.

(4) "Design-build procedure" means a contract between a public body and another party in which the party agrees to both design and build the facility, portion of the facility, or other item specified in the contract.

(5) "Total contract cost" means the fixed amount for the detailed specified general conditions work, the negotiated maximum allowable construction cost, and the percent fee on the negotiated maximum allowable construction cost.

(6) "General contractor/construction manager" means a firm with which a public body has selected and negotiated a maximum allowable construction cost to provide services during the design phase and to act as construction manager and general contractor during the construction phase.

(7) "Job order contract" means a contract in which the contractor agrees to a fixed period, indefinite quantity delivery order contract which provides for the use of negotiated, definitive work orders for public works as defined in RCW 39.04.010.

(8) "Job order contractor" means a registered or licensed contractor awarded a job order contract.

(9) "Maximum allowable construction cost" means the maximum cost of the work to construct the project including a percentage for risk contingency, negotiated support services, and approved change orders.

(10) "Negotiated support services" means items a general contractor would normally manage or perform on a construction project including, but not limited to surveying, hoisting, safety enforcement, provision of toilet facilities, temporary heat, cleanup, and trash removal.

(11) "Percent fee" means the percentage amount to be earned by the general contractor/construction manager as overhead and profit.

(12) "Public body" means any general or special purpose government, including but not limited to state agencies, institutions of higher education, counties, cities, towns, ports, school districts, and special purpose districts.

(13) "Certified public body" means a public body certified to use design-build or general contractor/construction manager contracting procedures, or both, under RCW 39.10.270.

(14) "Public works project" means any work for a public body within the definition of "public work" in RCW 39.04.010.

(15) "Total project cost" means the cost of the project less financing and land acquisition costs.

(16) "Unit price book" means a book containing specific prices, based on generally accepted industry standards and information, where available, for various items of work to be performed by the job order contractor. The prices may include: All the costs of materials; labor; equipment; overhead, including bonding costs; and profit for performing the items of work. The unit prices for labor must be at the rates in effect at the time the individual work order is issued.

(17) "Work order" means an order issued for a definite scope of work to be performed pursuant to a job order contract.

Sec. 6. RCW 43.131.408 and 2007 c 494 s 507 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2014:

(1) RCW 39.10.200 and section 3 of this act, 2007 c 494 s 1, & 1994 c 132 s 1;

(2) RCW 39.10.210 and section 5 of this act, 2007 c 494 s 101, & 2005 c 469 s 3;

(3) RCW 39.10.220 and 2007 c 494 s 102 & 2005 c 377 s 1;

(4) RCW 39.10.230 and section 4 of this act, 2007 c 494 s 103, & 2005 c 377 s 2;

(5) RCW 39.10.240 and 2007 c 494 s 104;

(6) RCW 39.10.250 and 2007 c 494 s 105;

(7) RCW 39.10.260 and 2007 c 494 s 106;

(8) RCW 39.10.270 and 2007 c 494 s 107;

(9) RCW 39.10.280 and 2007 c 494 s 108;

(10) RCW 39.10.290 and 2007 c 494 s 109;

(11) RCW 39.10.300 and 2007 c 494 s 201, 2003 c 352 s 2, 2003 c 300 s 4, 2002 c 46 s 1, & 2001 c 328 s 2;

(12) RCW 39.10.310 and 2007 c 494 s 202 & 1994 c 132 s 8;

(13) RCW 39.10.320 and 2007 c 494 s 203 & 1994 c 132 s 7;

(14) RCW 39.10.330 and 2007 c 494 s 204;

(15) RCW 39.10.340 and 2007 c 494 s 301, 2003 c 352 s 3, 2003 c 300 s 5, 2002 c 46 s 2, & 2001 c 328 s 3;

(16) RCW 39.10.350 and 2007 c 494 s 302;

(17) RCW 39.10.360 and 2007 c 494 s 303;

(18) RCW 39.10.370 and 2007 c 494 s 304;

(19) RCW 39.10.380 and 2007 c 494 s 305;

(20) RCW 39.10.390 and 2007 c 494 s 306;

(21) RCW 39.10.400 and 2007 c 494 s 307;

(22) RCW 39.10.410 and 2007 c 494 s 308;

(23) RCW 39.10.420 and 2007 c 494 s 401 & 2003 c 301 s 1;

(24) RCW 39.10.430 and 2007 c 494 s 402;

(25) RCW 39.10.440 and 2007 c 494 s 403;

(26) RCW 39.10.450 and 2007 c 494 s 404;

(27) RCW 39.10.460 and 2007 c 494 s 405;

(28) RCW 39.10.470 and 2005 c 274 s 275 & 1994 c 132 s 10;

(29) RCW 39.10.480 and 1994 c 132 s 9;

(30) RCW 39.10.490 and 2007 c 494 s 501 & 2001 c 328 s 5;

(31) RCW 39.10.500 and 2007 c 494 s 502;

(32) RCW 39.10.510 and 2007 c 494 s 503;

(33) RCW 39.10.900 and 1994 c 132 s 13;

(34) RCW 39.10.901 and 1994 c 132 s 14; and

(35) RCW 39.10.903 and 2007 c 494 s 510."

Renumber the remaining section consecutively.

On page 4, beginning on line 1, after "thereto," strike "does not include state-appropriated funds" and insert "is provided with federal funds through the American recovery and reinvestment act of 2009"

On page 4, beginning on line 10, after "project" strike "does not include state-appropriated funds" and insert "is federal funds through the American recovery and reinvestment act of 2009"

Beginning on page 4, line 37, strike all of subsections (3) and (4) and insert the following:

"(3) This section expires June 30, 2013. Washington State University shall report on the status and performance of projects using federal funds through the American recovery and reinvestment

act of 2009 to fiscal committees of the legislature and the capital projects review board by December 1, 2010."

On page 5, after line 10, insert the following:

"**Sec. 7.** RCW 28B.30.700 and 1985 c 390 s 41 are each amended to read as follows:

(1) The board of regents of Washington State University is empowered, in accordance with the provisions of RCW 28B.30.700 through 28B.30.780, to provide for the construction, completion, reconstruction, remodeling, rehabilitation and improvement of buildings and facilities authorized by the legislature, subject to subsections (2) and (3) of this section, for the use of the university and to finance the payment thereof by bonds payable out of a special fund from revenues hereafter derived from the payment of building fees, gifts, bequests or grants, and such additional funds as the legislature may provide.

(2) The board of regents must comply with the requirements of chapter 39.10 RCW when using any alternative contracting procedure authorized pursuant to chapter 39.10 RCW.

(3) Prior to adoption of any alternative public works contracting procedure not authorized in chapter 39.10 RCW, the board of regents must submit the proposed contracting procedure to the capital projects advisory review board established under chapter 39.10 RCW for evaluation and approval pursuant to RCW 39.10.230. Final adoption and use of any alternative public works contracting procedure is contingent on approval by the capital projects advisory review board.

Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Chase; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

April 6, 2009

ESSB 5807 Prime Sponsor, Committee on Ways & Means: Concerning the use of capital projects funds by school districts. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that the quality of public school buildings is a vital element of providing a quality education, and that extending the useful life of such buildings through major equipment repair and major preventive maintenance is an essential element of a comprehensive program to provide quality public school buildings. Further, major equipment repair and major preventive maintenance which prolongs the useful life of school buildings will reduce other capital costs needed for school buildings. Accordingly, the legislature finds that renovation and replacement of major building facilities and systems that extends the useful life of these facilities and systems beyond their original planned life shall be considered construction, remodeling, or modernization of the affected facilities and systems, as such terms are used in RCW 84.52.053 and Article VII, section 2 of the state Constitution. It is the intent of the legislature that these expenditures be deemed for a major capital purpose and are also permitted uses of funds created by a district's two to six-year levies authorized by RCW 84.52.053.

Sec. 2. RCW 28A.320.330 and 2007 c 503 s 2 and 2007 c 129 s 2 are each reenacted and amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation(~~(including the)~~) and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. ~~(Major)~~ Such renovation and replacement shall include, but shall not be limited to, major repairs, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems, floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventive maintenance purposes. Funds used for this purpose may not supplant routine annual preventive maintenance expenditures made from the district's general fund. However, to the extent the funds are used for the purpose under this subsection (2)(g),

the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forest land revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 3. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

NEW SECTION. Sec. 4. This act expires July 1, 2013.
Correct the title.

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Blake; Chase; Grant-Herriot; Hope; Jacks; Maxwell; McCune; Orwall; Smith and White.

Passed to Committee on Rules for second reading.

April 6, 2009
ESSB 5873 Prime Sponsor, Committee on Labor, Commerce & Consumer Protection: Regarding apprenticeship utilization. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson,

Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

Passed to Committee on Rules for second reading.

April 6, 2009

SB 5976 Prime Sponsor, Senator Haugen: Extending tire replacement fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Lias, Vice Chair; Armstrong; Campbell; Dickerson; Eddy; Finn; Johnson; Moeller; Morris; Rolfes; Sells; Simpson; Springer; Takko; Upthegrove; Wallace; Williams and Wood.

MINORITY recommendation: Do not pass. Signed by Representatives Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Cox; Driscoll; Ericksen; Herrera; Klippert; Kristiansen and Shea.

Passed to Committee on Rules for second reading.

April 6, 2009

SSB 6088 Prime Sponsor, Committee on Transportation: Addressing commute trip reduction for state agencies. Reported by Committee on Capital Budget

MAJORITY recommendation: Do pass as amended:

On page 1, line 13, after "agencies" insert "as defined in RCW 40.06.010"

On page 2, line 23, after "interagency board" insert "or other interested parties"

On page 2, line 26, after "70.94.531" insert "or developed under the joint comprehensive commute trip reduction plan described in this section"

On page 2, line 27, after "transportation," insert "general administration,"

On page 3, line 15, after "transportation shall" insert "work with applicable state agencies, including institutions of higher education, and shall"

Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of SENATE BILL NO. 5492, and the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 7, 2009, the 86th Day of the Regular Session.

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY SIXTH DAY

House Chamber, Olympia, Tuesday, April 7, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Maia Paroginog and Christina Darnell. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Mark Griffith, Faith Lutheran Church, Shelton.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5102,
SENATE BILL NO. 5125,
SENATE BILL NO. 5147,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2009-4646, by Representative Carlyle

WHEREAS, The State of Washington considers science, mathematics, and technology education to be among the highest priorities in preparing students for the workforce of tomorrow; and

WHEREAS, The State of Washington has developed science and mathematics curricula that will prepare students to live and thrive in a science and technology-based society; and

WHEREAS, Dennis Schatz, Senior Vice President for Strategic Programs at Pacific Science Center, has been awarded the prestigious 2009 Faraday Science Communicator Award at the National Science Teachers Association's conference in New Orleans; and

WHEREAS, Dennis Schatz received this award for his lifelong efforts to inspire public interest in, and appreciation of, the sciences through piloting educational programs, authoring children's books on scientific topics, serving at the Pacific Science Center, and many other endeavors; and

WHEREAS, This is Dennis Schatz's fourth award from the National Science Teachers Association, receiving in the past the 1996 Distinguished Informal Science Educator Award; NSTA's Lifetime Achievement Award in 2005; and, in 2006 NSTA made him an Association of Science Technology Centers Fellow; and

WHEREAS, Dennis Schatz has authored twenty-one science books for children, which have sold almost two million copies and have been translated into twenty-three different languages; and

WHEREAS, As Senior Vice President for Strategic Programs at the Pacific Science Center, Dennis works with the Portal-to-Public program and the Washington State Leadership and Science Education Reform (LASER), where, as codirector, he coleads an effort to implement an inquiry-based science program in every school district in our state; and

WHEREAS, More than one hundred eighty school districts in the state are using the LASER process to implement a standards/inquiry-based K-8 science program; and

WHEREAS, Dennis Schatz has served the Pacific Science Center since 1977, promoting the sciences through numerous exhibits, education programs, and community-based organizations;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend Dennis Schatz for his outstanding efforts in making science accessible to all by his ability to communicate the scientific method effectively and help the public understand current science research through face-to-face interactions with scientists; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Dennis Schatz and the Pacific Science Center.

HOUSE RESOLUTION NO. 4646 was adopted.

INTRODUCTION AND FIRST READING

HB 2335 by Representatives White, Roberts, Nelson and Kenney

AN ACT Relating to the authorization, administration, collection, and enforcement of tolls on the Lake Washington transportation corridor; reenacting and amending RCW 43.84.092; adding new sections to chapter 47.56 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

MESSAGES FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1196,
HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1202,
HOUSE BILL NO. 1338,
SUBSTITUTE HOUSE BILL NO. 1388,
HOUSE BILL NO. 1475,
HOUSE BILL NO. 1536,
HOUSE BILL NO. 1678,
HOUSE BILL NO. 1997,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 7, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE HOUSE BILL NO. 1011,
SUBSTITUTE HOUSE BILL NO. 1041,
HOUSE BILL NO. 1076,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1078,
HOUSE BILL NO. 1217,
ENGROSSED HOUSE BILL NO. 1227,
SUBSTITUTE HOUSE BILL NO. 1328,
ENGROSSED HOUSE BILL NO. 1464,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1794,
SUBSTITUTE HOUSE BILL NO. 2071,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 7, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5102,
SENATE BILL NO. 5125,
SENATE BILL NO. 5147,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker (Representative Moeller presiding) called upon Representative Orwall to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING SUSPENSION

SENATE BILL NO. 5017, by Senators McDermott, Parlette, Fairley, Oemig, Hatfield, Shin, Honeyford and Haugen

Eliminating the requirement that auditors send a ballot or an application to receive a ballot to inactive voters.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5017.

MOTION

On motion of Representative Santos, Representative Quall was excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5017, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SENATE BILL NO. 5017, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5252, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove and Shin)

Addressing correctional facility policies regarding medication management.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

The bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5252, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5252, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5252, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5271, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, McDermott and Swecker)

Modifying provisions relating to candidate filing.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5271.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5271, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien,

Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5271, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5284, by Senators Keiser, Holmquist, Kohl-Welles, Pridemore, Marr and Kauffman

Concerning truth in music advertising.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5284.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5284, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SENATE BILL NO. 5284, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5322, by Senator Fairley

Creating a five-member option for civil service commissions for sheriffs' offices.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5322.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5322, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Van De Wege.

Excused: Representative Quall.

SENATE BILL NO. 5322, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5327, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Oemig, Swecker, Regala, McDermott and McAuliffe)

Making technical corrections to election provisions.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5327.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5327, and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Condotta, Cox, Crouse, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Roach, Shea and Short.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5327, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5343, by Senate Committee on Judiciary (originally sponsored by Senators Regala, Carrell and Kline)

Exempting certified public accountants from the restrictions on marketing estate distribution documents for certain purposes. Revised for 1st Substitute: Exempting specified persons from restrictions on marketing estate distribution documents.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5343.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5343, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5343, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5402, by Senate Committee on Judiciary (originally sponsored by Senators Tom, Carrell, Shin, Delvin, Kline, Fraser, Roach, Kohl-Welles and Marr)

Regarding the prevention of animal cruelty.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

The bill was placed on final passage.

Representatives Pedersen, Rodne and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5402, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5402, as amended by the House, and the bill passed the House by the following vote: Yeas, 71; Nays, 27; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Blake, Chandler, Condotta, Cox, Crouse, Ericksen, Grant-Herriot, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5402, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5426, by Senators Kastama, Berkey and Fairley

Authorizing certain areas in cities or towns to annex to a fire protection district.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Simpson, Angel and Morrell spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5426.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5426, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5426, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5434, by Senators Marr, Holmquist, Kohl-Welles and Shin

Regarding prohibited practices in accountancy.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5434.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5434, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5434, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5461, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senator Haugen)

Concerning reserve account and study requirements for condominium associations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

The bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5461, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5461, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5461, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5695, by Senators Oemig, Swecker, Ranker, Tom, Shin and Haugen

Authorizing the Washington state patrol to accept donations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5695.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5695, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5695, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5699, by Senators Franklin, Kline and Parlette

Concerning the office of public guardianship.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5699.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5699, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5699, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5767, by Senators Rockefeller, Pridemore, Regala and Shin

Making nonsubstantive changes clarifying outdoor burning provisions of the Washington clean air act.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Campbell spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Senate Bill No. 5767.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5767, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5767, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5793, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Schoesler, Hewitt, Honeyford and Morton)

Concerning privately operated manlifts. Revised for 1st Substitute: Concerning a single-occupancy farm conveyance.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Schmick and Wood spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5793.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5793, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5793, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5931, by Senate Committee on Judiciary (originally sponsored by Senators Murray, Delvin and Kline)

Regarding mental health counselor privilege. Revised for 1st Substitute: Regarding licensed mental health practitioner privilege.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5931, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5931, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Not Voting, 1; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest,

Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Absent: Representative Sells.

SUBSTITUTE SENATE BILL NO. 5931, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SUBSTITUTE SENATE BILL NO. 5931.

MIKE SELLS, 38th District

SECOND READING SUSPENSION

ENGROSSED SUBSTITUTE SENATE BILL NO. 5978, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Haugen and Kohl-Welles)

Establishing certain consumer rebate requirements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

The bill was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5978, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5978, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5978, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5987, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove and Shin)

Authorizing the Washington state department of corrections to develop training for corrections personnel.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5987.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5987, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5987, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6000, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Fraser, Benton, Tom and Roach)

Modifying real estate disclosure requirements regarding homeowners' associations.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6000.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6000, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,

Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6000, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6024, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Brandland, Hargrove, McAuliffe, Stevens and Carrell)

Addressing applications for public assistance from persons currently ineligible to receive assistance.

The bill was read the second time.

There being no objection, the committee recommendation was adopted.

The bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Orwall presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6024.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6024, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, Williams, Wood and Mr. Speaker.

Voting nay: Representative White.

SUBSTITUTE SENATE BILL NO. 6024, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 6024.

SCOTT WHITE, 46th District

The Speaker (Representative Orwall presiding) called upon Representative Moeller to preside.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2042, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007
HOUSE BILL NO. 1030
HOUSE BILL NO. 1121
SUBSTITUTE HOUSE BILL NO. 1128
HOUSE BILL NO. 1155
HOUSE BILL NO. 1196
HOUSE BILL NO. 1197
SUBSTITUTE HOUSE BILL NO. 1202
SUBSTITUTE HOUSE BILL NO. 1205
SUBSTITUTE HOUSE BILL NO. 1261
SUBSTITUTE HOUSE BILL NO. 1308
HOUSE BILL NO. 1338
HOUSE BILL NO. 1366
SUBSTITUTE HOUSE BILL NO. 1388
HOUSE BILL NO. 1394
HOUSE BILL NO. 1475
HOUSE BILL NO. 1536
HOUSE BILL NO. 1678
HOUSE BILL NO. 1682
SUBSTITUTE HOUSE BILL NO. 1730
SUBSTITUTE HOUSE BILL NO. 1765
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926
HOUSE BILL NO. 1997
SUBSTITUTE HOUSE BILL NO. 2042
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126
SENATE BILL NO. 5102
SENATE BILL NO. 5125
SENATE BILL NO. 5147

The Speaker called upon Representative Moeller to preside.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Brandland and Tom)

Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

The bill was read the second time.

With the consent of the House, amendments (441) and (442) were withdrawn.

Representative Dickerson moved the adoption of amendment (450):

On page 3, line 37, after "activities" insert ". However, a school security officer may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of the device that is equivalent to the training received by commissioned law enforcement officers. A school security officer who has completed the necessary training to possess a device listed in subsection (1)(f) of this section may not use the device on or against a student unless the student's behavior poses a threat of great bodily harm, as defined in 9A.04.110, or loss of life. For the purposes of this subsection (3)(b), "school security officer" means a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator

Representatives Dickerson, Klippert and Rodne spoke in favor of the adoption of the amendment.

Amendment (450) was adopted.

There being no objection, the House deferred action on Engrossed Substitute Senate Bill No. 5263, and the bill held its place on the second reading calendar.

SECOND READING

SENATE BILL NO. 5277, by Senators Hatfield, Kline and Delvin**Regarding fees allowed as court costs in district courts.**

The bill was read the second time.

Representative Pedersen moved the adoption of the committee amendment by the Committee on Judiciary. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Anderson moved the adoption of amendment (439) to the committee amendment.

On page 2, beginning on line 17 of the amendment, after "(9)" strike all material through "hour" on line 21 of the amendment and insert "At the option of the district court, for processing multiple ex parte orders that are delivered in a single submission and delivered to and returned by the clerk by mail, messenger service or other similar means, a fee not to exceed twenty dollars for a single submission of up to ten ex parte orders. The party submitting the multiple ex parte orders in single submissions must provide the clerk copies of the orders to be conformed and a postage-paid return envelope or messenger transmittal. The court may not charge a fee to process ex parte orders presented to the clerk in person by the party or attorney for the party.

(10) At the option of the district court, for clerk's services such as performing historical searches, compiling statistical reports, and conducting exceptional record searches, a fee not to exceed twenty dollars per hour or portion of an hour"

Renumber the remaining subsections consecutively.

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Goodman spoke against the adoption of the amendment to the committee amendment.

Amendment (439) to the committee amendment was not adopted.

The committee amendment by the Committee on Judiciary was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman, Rodne and Goodman (again) spoke in favor of the passage of the bill.

Representatives Shea and Warnick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5277, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5277, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias, McCune, Orcutt, Parker, Pearson, Priest, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SENATE BILL NO. 5277, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5561, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kline, Fairley and Kohl-Welles)**Requiring carbon monoxide alarms to be installed in dwelling units built or manufactured after December 31, 2009. Revised for 1st Substitute: Requiring the building code council to adopt rules that require certain buildings to be equipped with carbon monoxide alarms.**

The bill was read the second time.

Representative Simpson moved the adoption of amendment (448):

On page 2, line 5, after "(2)" insert "(a)"

On page 2, at the beginning of line 12, insert the following:

"(b) Owner-occupied single family residences legally occupied before the effective date of this act are exempt from the requirements of this subsection (2). However, for any owner-occupied single family residence that is sold on or after the effective date of this act, the seller must equip the residence with carbon monoxide alarms in accordance with the requirements of the state building code before the buyer or any other person may legally occupy the residence following such sale."

Representatives Simpson and Hinkle spoke in favor of the adoption of the amendment.

Amendment (448) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson, Angel and Nelson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5561, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5561, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Chandler and Taylor.

SUBSTITUTE SENATE BILL NO. 5561, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5980, by Senators Oemig, Brandland and Fraser

Renaming components of the formula for allotment of appropriations for school plant facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ormsby and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5980.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5980 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5980, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8003, by Senators Pflug, Keiser and Parlette

Requesting that Congress issue a date at which health information technology must comply with a uniform national standard of interoperability.

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Cody and Ericksen spoke in favor of the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8003.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8003 and the joint memorial passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Shea.

SENATE JOINT MEMORIAL NO. 8003, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5008, by Senators Hewitt, Hobbs, Honeyford, Schoesler, Zarelli, Parlette, Stevens, Kilmer, Hatfield, Swecker, Benton and Roach

Regarding hunting licensing requirements for members of the military.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5008, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5008, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5008, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5040, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Delvin, Prentice, King and Kohl-Welles)

Clarifying and prescribing penalties for gambling under the age of eighteen.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, Day 67, March 19, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5040, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5040, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Darneille, McCune and Quall.

SUBSTITUTE SENATE BILL NO. 5040, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5056, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Brandland, Regala, Keiser and McAuliffe)

Requiring health care professionals to report violent injuries. Revised for 1st Substitute: Requiring health care professionals to report patient information in cases of violent injury.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5056, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5056, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 3; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Goodman, Green and Van De Wege.

SUBSTITUTE SENATE BILL NO. 5056, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5107, by Senator Honeyford

Addressing renewable resource projects within energy overlay zones.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was not adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Morris moved the adoption of amendment (487):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70C.020 and 1995 c 347 s 703 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Energy overlay zone" means a formal plan enacted by the county legislative authority that establishes suitable areas for siting renewable resource projects based on currently available resources and existing infrastructure with sensitivity to adverse environmental impact.

(2) "Land use decision" means a final determination by a local jurisdiction's body or officer with the highest level of authority to make the determination, including those with authority to hear appeals, on:

(a) An application for a project permit or other governmental approval required by law before real property may be improved, developed, modified, sold, transferred, or used, but excluding applications for permits or approvals to use, vacate, or transfer streets, parks, and similar types of public property; excluding applications for legislative approvals such as area-wide rezones and annexations; and excluding applications for business licenses;

(b) An interpretative or declaratory decision regarding the application to a specific property of zoning or other ordinances or rules regulating the improvement, development, modification, maintenance, or use of real property; and

(c) The enforcement by a local jurisdiction of ordinances regulating the improvement, development, modification, maintenance, or use of real property. However, when a local jurisdiction is required by law to enforce the ordinances in a court of limited jurisdiction, a petition may not be brought under this chapter.

((2)) (3) "Local jurisdiction" means a county, city, or incorporated town.

((⇒)) (4) "Person" means an individual, partnership, corporation, association, public or private organization, or governmental entity or agency.

(5) "Renewable resources" has the same meaning provided in RCW 19.280.020.

Sec. 2. RCW 36.70C.130 and 1995 c 347 s 714 are each amended to read as follows:

(1) The superior court, acting without a jury, shall review the record and such supplemental evidence as is permitted under RCW 36.70C.120. The court may grant relief only if the party seeking relief has carried the burden of establishing that one of the standards set forth in (a) through (f) of this subsection has been met. The standards are:

(a) The body or officer that made the land use decision engaged in unlawful procedure or failed to follow a prescribed process, unless the error was harmless;

(b) The land use decision is an erroneous interpretation of the law, after allowing for such deference as is due the construction of a law by a local jurisdiction with expertise;

(c) The land use decision is not supported by evidence that is substantial when viewed in light of the whole record before the court;

(d) The land use decision is a clearly erroneous application of the law to the facts;

(e) The land use decision is outside the authority or jurisdiction of the body or officer making the decision; or

(f) The land use decision violates the constitutional rights of the party seeking relief.

(2) In order to grant relief under this chapter, it is not necessary for the court to find that the local jurisdiction engaged in arbitrary and capricious conduct. A grant of relief by itself may not be deemed to establish liability for monetary damages or compensation.

(3) Land use decisions made by a local jurisdiction concerning renewable resource projects within a county energy overlay zone are presumed to be reasonable if they are in compliance with the requirements and standards established by local ordinance for that zone. However, for land use decisions concerning wind power generation projects, either:

(a) The local ordinance for that zone is consistent with the department of fish and wildlife's wind power guidelines; or

(b) The local jurisdiction prepared an environmental impact statement under chapter 43.21C RCW on the energy overlay zone; and

(i) The local ordinance for that zone requires project mitigation, as addressed in the environmental impact statement and consistent with local, state, and federal law;

(ii) The local ordinance for that zone requires site specific fish and wildlife and cultural resources analysis; and

(iii) The local jurisdiction has adopted an ordinance that addresses critical areas under chapter 36.70A RCW.

(4) If a local jurisdiction has taken action and adopted local ordinances consistent with subsection (3)(b) of this section, then wind power generation projects permitted consistently with the energy overlay zone are deemed to have adequately addressed their environmental impacts as required under chapter 43.21C RCW."

Correct the title.

Representatives Morris and Haler spoke in favor of the adoption of the amendment.

Amendment (487) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McCoy and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5107, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5107, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5107, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Honeyford, Schoesler, McCaslin, Hewitt, Kohl-Welles, McDermott and Holmquist)

Allowing spas, wedding boutiques, and art galleries to serve wine to their customers who are twenty-one years of age or older. Revised for 1st Substitute: Allowing spas, wedding boutiques, and art galleries to serve wine or beer to their customers who are twenty-one years of age or older. (REVISED FOR ENGROSSED: Allowing wedding boutiques and art galleries to serve wine or beer to their customers who are twenty-one years of age or older.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5110, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5110, as amended by the House, and the bill passed the House by the following vote: Yeas, 91; Nays, 7; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Goodman, Kelley, Klippert, Kristiansen, Morrell, Pearson and Roach.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5151, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Rockefeller and Kohl-Welles)

Authorizing the appointment of court commissioners to assist with criminal cases.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5151.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5151 and the bill passed the House by the following vote: Yeas, 81; Nays, 17; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Shea, Short, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5151, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5177, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Shin, Delvin, Kastama, King, Rockefeller, McAuliffe, Pridemore, Hobbs, Fraser, McDermott, Jarrett, Kilmer, Keiser, Hatfield and Roach)

Creating a global Asia institute within the Henry M. Jackson School of International Studies.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, Day 72, March 24, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5177, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5177, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5177, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5180, by Senators Haugen and Parlette

Permitting public transit vehicle stops at unmarked stop zones under certain circumstances.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5180, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5180, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

SENATE BILL NO. 5180, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5195, by Senate Committee on Financial Institutions, Housing & Insurance

(originally sponsored by Senators Berkey, Swecker, Kauffman, Hobbs, King, Marr, Haugen, Franklin, Parlette, Schoesler and Shin)

Adopting the life settlements model act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5195.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5195 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5195, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5233, by Senators Delvin, Hewitt, Schoesler, Carrell, Swecker, Parlette, Stevens and Honeyford

Addressing county elected officials keeping offices at the county seat.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson, Angel and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5233.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5233 and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien,

Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

SENATE BILL NO. 5233, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5268, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Swecker, Jacobsen and Shin)

Creating the fish and wildlife equipment revolving account.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 72, March 23, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5268, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5268, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5268, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5305, by Senators Schoesler, Fraser, Holmquist and Parlette

Repealing certain obsolete state retirement system statutes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5305.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5305 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5305, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5315, by Senators Schoesler, Hobbs, Holmquist, Honeyford and Fraser

Extending the survivor annuity option for preretirement death in plan 1 of the public employees' retirement system to members who die after leaving active service.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5315.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5315 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5315, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5318, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, Kohl-Welles, Keiser, Jarrett and Franklin)

Adding additional appropriate locations for the transfer of newborn children.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was adopted. (For committee amendment, see Journal, Day 86, March 30, 2009.)

Representative Kagi moved the adoption of amendment (451):

On page 1, beginning on line 11, after "(iii)" strike all material through "(c)" on line 15 and insert "a federally designated rural health clinic during its hours of operation."

(b)"

On page 1, line 17, strike "((c)) (d)" and insert "(c)"

On page 1, line 19, after "or" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 28, after "A" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 31, after "The" strike "medical clinic" and insert "federally designated rural health clinic"

On page 2, line 33, after "hospital," strike "medical clinic" and insert "federally designated rural health clinic"

Beginning on page 2, line 36, after "(4)(a)" strike all material through "sign." on page 3, line 11, and insert "Beginning July 1, 2011, an appropriate location shall post a sign indicating that the location is an appropriate place for the safe and legal transfer of a newborn."

(b) To cover the costs of acquiring and placing signs, appropriate locations may accept nonpublic funds and donations."

Representative Kagi spoke in favor of the adoption of the amendment.

Amendment (451) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5318, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5318, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Kretz, Roach, Shea and Taylor.

SUBSTITUTE SENATE BILL NO. 5318, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5350, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Ranker and Hatfield)

Changing special permit provisions for poultry slaughter, preparation, and care.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5350.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5350 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5350, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5355, by Senator Haugen

Regarding initial levy rates for rural county library districts.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Nelson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5355, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5355, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5355, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., April 8, 2009, the 87th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY SEVENTH DAY

House Chamber, Olympia, Wednesday, April 8, 2009

The House was called to order at 9:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Drew Conley and Brittany Domine. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Douglas Lee, Rainier Chapel, Rainier.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4645, by Representatives Alexander, Hunt, and Williams

WHEREAS, The Evergreen State College Men's Basketball Team finished the 2008-09 season with a 20-12 record; and

WHEREAS, The aptly named Geoducks were ranked 23rd in the National Association of Intercollegiate Athletics Division II final poll; and

WHEREAS, The Geoducks advanced to the Cascade Collegiate Conference title game against eventual champion Oregon Tech, and in so doing earned a spot in the NAIA Division II men's basketball tournament; and

WHEREAS, The Evergreen State College Men's Basketball Team prevailed in their first test at the tournament by beating Bluefield College of Virginia in a 101-86 offensive shootout; and

WHEREAS, The Geoducks were led this year by Cascade Collegiate Conference Player of the Year Nate Menefee, who was second nationally in NAIA Division II in scoring, averaging 24.1 points per game; and

WHEREAS, Joining Menefee on the all-conference team was teammate Nick Moore, who was also named the conference's Newcomer of the Year; and

WHEREAS, The Evergreen State College Men's Basketball Team also consisted of Michael Ward, Tyrell Dixon, John Levi III, Amos Saffold, Scott Halasz, Johnny Sarysz, Julio Feliciano, Aaron Schlund, Marcus Wright, Anthony Gallagher, and Steve Trotter; and

WHEREAS, The Geoducks were coached by second-year head coach Jeff Drinkwine and assistant coaches Leonard Barnes, Lenny Rogers, and Kaelen Moore; and

WHEREAS, The Evergreen State College Men's Basketball Team exhibited a tireless work ethic, exemplary character, and true team spirit throughout the season; and

WHEREAS, The Geoducks have brought great pride and a sense of accomplishment to themselves, their families, their school, and the greater South Puget Sound community through their achievements this year both on and off the court;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives honor The Evergreen State College Men's Basketball Team for their success this year and for their appearance in the NAIA Division II National Championships; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to The Evergreen State College Men's Basketball Team coach, Jeff Drinkwine, Athletic Director Dave Weber, and The Evergreen State College President, Dr. Thomas L. Purce.

HOUSE RESOLUTION NO. 4645 was adopted.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4649, by Representatives Condotta and Armstrong

WHEREAS, Washington's apple industry is a major contributor to the economic health of both the state and its people; and

WHEREAS, The City of Wenatchee is preparing to celebrate the 90th annual Washington State Apple Blossom Festival to take place from April 23 through May 3, 2009; and

WHEREAS, The Apple Blossom Festival, which began as a one-day gathering of poetry and song in Wenatchee's Memorial Park, is one of the oldest major festivals in the state, first celebrated in 1919 when Mrs. E. Wagner organized the first Blossom Day; and

WHEREAS, The Apple Blossom Festival celebrates the importance of the apple industry in the Wenatchee Valley and its environs; and

WHEREAS, The Apple Blossom Festival recognizes three young women who by their superior and distinctive efforts have exemplified the spirit and meaning of the Apple Blossom Festival; and

WHEREAS, These three young women are selected to reign over the Apple Blossom Festival and serve as ambassadors to the outlying communities as Princesses and Queen; and

WHEREAS, Breanna Allstot has been selected to represent her community as a 2009 Apple Blossom Princess, in part for her strong academic performance as a Running Start Participant, and diverse array of extracurricular activities and interests, including her passion for music, her athletic abilities in varsity bowling, her care for others, and the generosity she shows by giving of her time to children's musical productions at her church, in addition to her jovial demeanor and strong faith; and

WHEREAS, Rebecca Higgins has been selected to represent her community as a 2009 Apple Blossom Princess, in part for her passion for theater and music as demonstrated by her participation in every drama production throughout high school, and her membership in Chamber Singers, and Hy-land Kids singers, for her commitment to academic excellence, in addition to her genuine, lighthearted nature, which is exemplified through her positive, caring attitude; and

WHEREAS, Katherine Safar has been selected to represent her community as the 2009 Apple Blossom Queen, in part for her compassionate and humble spirit, and her strong leadership ability as shown through the organization of several school activities including freshman orientation and the 11th annual Janice Franz Talent, her strong academic performance and participation in extracurricular activities including varsity swimming and Chamber Singers, in addition to her playful, spontaneous nature, and heartfelt love for people; and

WHEREAS, These three young women all desire to utilize their unique leadership capabilities to humbly serve their communities and be a blessing to those they meet;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington honor the accomplishments of the members of the Apple Blossom Festival Court and join the City of Wenatchee and the people of the State of Washington in celebrating the Washington State Apple Blossom Festival; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Queen Katherine Safar, Princess Breanna Allstot, Princess Rebecca Higgins, and the Board of Directors and Chairs of the Washington State Apple Blossom Festival.

HOUSE RESOLUTION NO. 4649 was adopted.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1053,
HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1271,
HOUSE BILL NO. 1281,
SUBSTITUTE HOUSE BILL NO. 1323,
HOUSE BILL NO. 1324,
HOUSE BILL NO. 1375,
HOUSE BILL NO. 1380,
SUBSTITUTE HOUSE BILL NO. 1435,
HOUSE BILL NO. 1474,
HOUSE BILL NO. 1506,
SUBSTITUTE HOUSE BILL NO. 1518,
HOUSE BILL NO. 1567,
ENGROSSED HOUSE BILL NO. 1568,
HOUSE BILL NO. 1596,
SUBSTITUTE HOUSE BILL NO. 1692,
SUBSTITUTE HOUSE BILL NO. 1808,
SUBSTITUTE HOUSE BILL NO. 2013,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READINGHB 2336 by Representatives Campbell, Seaquist and Wood

AN ACT Relating to establishing a joint legislative fiscal note process; amending RCW 43.88A.010; adding a new chapter to Title 44 RCW; and creating new sections.

Referred to Committee on Ways & Means.

HJM 4018 by Representatives Cody, Morrell, Green, Clibborn and Kenney

Requesting establishment of a national nursing office.

Referred to Committee on Health Care & Wellness.

There being no objection, the bill and memorial listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5368, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Parlette, Fraser, Regala, Shin and Keiser)

Making provisions for all counties to value property annually for property tax purposes.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Takko, Orcutt, Takko (again) and Anderson spoke in favor of the passage of the bill.

Representatives Ericksen and Ericksen (again) spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5368, as amended by the House.

MOTION

On motion of Representative Santos, Representatives Darneille, Dunshee, Flannigan and Linville were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5368, as amended by the House, and the bill passed the House by the following vote: Yeas, 77; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Dickerson, Driscoll, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, DeBolt, Ericksen, Herrera, Hope, Hurst, Johnson, Kristiansen, Lias, McCune, Parker, Pearson, Probst, Roach, Roberts, Ross and Shea.

Excused: Representatives Darneille, Dunshee, Flannigan and Linville.

SUBSTITUTE SENATE BILL NO. 5368, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5413, by Senators Eide, Kline, Swecker, Roach, Rockefeller, Shin and Marr

Concerning the assault of a law enforcement officer or other employee of a law enforcement agency.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst and Pearson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5413.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5413 and the bill passed the House by the following vote: Yeas, 86; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Ericks, Ericksen, Finn, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Appleton, Carlyle, Darneille, Eddy, Goodman, Hasegawa, Hunt, O'Brien and Springer.
Excused: Representatives Dunshee, Flannigan and Linville.

SENATE BILL NO. 5413, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5468, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Honeyford, McCaslin, Kilmer, King, Delvin, Jacobsen, Berkey and Shin)

Permitting an exemption for nonprofit housing organizations from the consumer loan act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5468, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5468, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dunshee, Flannigan and Linville.

SUBSTITUTE SENATE BILL NO. 5468, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5469, by Senate Committee on Transportation (originally sponsored by Senators Parlette, Eide, Jarrett and McCaslin)

Modifying limitations on the use of intermediate licenses.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5469.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5469 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Dunshee, Flannigan and Linville.

SUBSTITUTE SENATE BILL NO. 5469, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5436, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray, Keiser, Pflug, Marr, Parlette, Kastama and Roach)

Concerning direct patient-provider primary care practice arrangements.

The bill was read the second time.

Representative Cody moved the adoption of the committee amendment by the Committee on Health Care & Wellness. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representatives Cody and Seaquist spoke in favor of the adoption of the committee amendment.

Representatives Hinkle and Ericksen spoke against the adoption of the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of the committee amendment to Substitute Senate Bill No. 5436.

ROLL CALL

The Clerk called the roll on the adoption of the committee amendment to Substitute Senate Bill No. 5436 and the amendment was adopted by the following vote: Yeas, 55; Nays, 42; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morris, Orcutt, Parker, Pearson, Priest, Probst, Roach,

Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Linville.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Morrell spoke in favor of the passage of the bill.

Representatives Ericksen and Hinkle spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5436, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5436, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5436, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5511, by Senators Prentice, Hobbs, Oemig and Shin

Making changes affecting city-county assistance account distributions in response to the recommendations of the joint legislative audit and review committee.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunter spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5511.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5511 and the bill passed the House by the following vote: Yeas, 61; Nays, 37; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler,

Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SENATE BILL NO. 5511, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5542, by Senators Franklin, Delvin and Kohl-Welles

Providing a minimum retirement allowance for members of the law enforcement officers' and firefighters' retirement system plan 2 who were disabled in the line of duty before January 1, 2001.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Alexander and Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5542.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5542 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5542, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5548, by Senators Haugen, Jarrett, Fraser and Shin

Requiring project improvements, including public transportation infrastructure improvements, to be credited against the imposition of impact fees.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5548, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5548, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5548, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5551, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Franklin, Keiser, Kastama, Marr, Murray, McDermott, Shin, McAuliffe, Fairley, Kline, Pridemore, Oemig, Regala, Kauffman and Kohl-Welles)

Regarding recess periods for elementary school students.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Grant-Herriot spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5551.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5551 and the bill passed the House by the following vote: Yeas, 94; Nays, 4; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Hinkle, Hurst and Taylor.

SUBSTITUTE SENATE BILL NO. 5551, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5562, by Senators Morton, Hargrove, Jacobsen, Sheldon, Holmquist, Schoesler, Shin and Stevens

Concerning forestry operations.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5562.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5562 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5562, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5566, by Senate Committee on Ways & Means (originally sponsored by Senators Regala and Prentice)

Harmonizing excise tax statutes with the streamlined sales and use tax agreement. Revised for 1st Substitute: Harmonizing excise tax statutes with the streamlined sales and use tax agreement in regards to direct sellers, telecommunications ancillary services, commercial parking taxes, and exemption certificates.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5566, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5566, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5566, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5581, by Senators Delvin, Marr and Shin**Modifying provisions relating to suncreening devices.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Driscoll and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5581.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5581 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SENATE BILL NO. 5581, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5608, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Franklin, Pflug, Fairley, Regala, Marr and Kohl-Welles)**Concerning genetic counselors.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was not adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Cody moved the adoption of amendment (506):

On page 7, line 4, after "Sec. 11." insert "(1) Except as provided in section 3 of this act, no person shall engage in the practice of genetic counseling unless he or she is licensed, or provisionally licensed, under this chapter.

(2)"

Representative Cody spoke in favor of the adoption of the amendment.

Amendment (506) was adopted.

Representative Green moved the adoption of amendment (507):

On page 7, line 6, after "counselor" insert "" or a "genetic counselor"

Representative Green spoke in favor of the adoption of the amendment.

Representative Hinkle spoke against the adoption of the amendment.

Amendment (507) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Green, Wallace, Morrell and Driscoll spoke in favor of the passage of the bill.

Representatives Hinkle, Santos and Hinkle spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5608, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5608, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Santos, Schmick, Shea, Short, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5608, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5617, by Senators Kauffman and McAuliffe

Changing early learning advisory council provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was adopted. (For committee amendment, see Journal, Day 87, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5617, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5617, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SENATE BILL NO. 5617, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5677, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Hatfield)**Regarding compliance with the dairy nutrient management program. Revised for 1st Substitute: Regarding the dairy nutrient management program.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5677.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5677 and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Orwall.

SUBSTITUTE SENATE BILL NO. 5677, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5705, by Senate Committee on Government Operations & Elections (originally sponsored by Senator Swecker)**Regarding voting rights in special districts.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nelson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5705.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5705 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5705, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5724, by Senate Committee on Environment, Water & Energy (originally sponsored by Senator Pridemore)**Concerning the generation of electricity from biomass energy that is a renewable resource.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McCoy and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5724, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5724, as amended by the House, and the passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5724, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5731, by Senators Keiser and Pflug

Distributing health plan information.

The bill was read the second time.

Representative Cody moved the adoption of amendment (501):

On page 4, line 9, after "may" strike "explore" and insert "implement"

On page 4, line 9, after "methods" insert "of communication"

Representatives Cody and Bailey spoke in favor of the adoption of the amendment

Amendment (501) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5731, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5731, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy,

McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5731, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5738, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators King, McAuliffe, Holmquist, Swecker, Oemig, Haugen, Kauffman, Honeyford and Tom)

Requiring the office of the superintendent of public instruction to review annual school district compliance reports.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Probst and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5738, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5738, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5738, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5839, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Schoesler, Hatfield and Shin)

Regarding the administration of irrigation districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Nelson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5839.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5839 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5839, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5891, by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

Establishing a forum for testing primary care medical home reimbursement pilot projects.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Seaquist and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5891, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5891, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Alexander.

SUBSTITUTE SENATE BILL NO. 5891, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5891.

GARY ALEXANDER, 20th District

RECONSIDERATION

Representative Hinkle moved to immediately reconsider the vote by which SUBSTITUTE SENATE BILL NO. 5891 passed the House.

There being no objection, the House deferred action on the motion by Representative Hinkle to immediately reconsider the vote by which SUBSTITUTE SENATE BILL NO. 5891 passed the House.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5913, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Pflug, Keiser and Shin)

Concerning online access to the University of Washington health sciences library by certain health care providers.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5913, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5913, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5913, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5952, by Senators McDermott, Murray, Fairley, Prentice, Kohl-Welles, Kline, Pridemore, Tom, Regala, Jacobsen, Marr, Oemig, Haugen, Franklin, Hobbs and McAuliffe

Modifying the definition of "sexual orientation" for malicious harassment prosecution purposes.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hurst, Ericks, Liias and Pedersen spoke in favor of the passage of the bill.

Representatives Pearson, Orcutt and Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5952.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5952 and the bill passed the House by the following vote: Yeas, 68; Nays, 30; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Schmick, Shea, Short, Smith, Taylor and Warnick.

SENATE BILL NO. 5952, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Kohl-Welles, Fairley, Fraser, McAuliffe and Kline)

Prohibiting unfair practices in public community athletics programs by prohibiting discrimination on the basis of sex.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Rolfes, Roberts, Ericks, Dickerson and Rolfes (again) spoke in favor of the passage of the bill.

Representatives Rodne, Herrera, Herrera (again), Rodne (again) and DeBolt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5967, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5967, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5967, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5974, by Senators Morton, Hatfield, Swecker, Marr and Shin

Regarding live nonambulatory livestock.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5974, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5974, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse and Shea.

SENATE BILL NO. 5974, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SENATE BILL NO. 5974.
MATTHEW SHEA, 4th District

SECOND READING

SENATE BILL NO. 5989, by Senator Sheldon

Regarding the greenhouse gas emissions performance standard under chapter 80.80 RCW.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Eddy and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5989.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5989 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5989, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6009, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Kastama and Fairley)

Concerning long-term care facilities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Morrell and Herrera spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6009, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6009, as amended by the House, and the bill passed

the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Pettigrew.

SUBSTITUTE SENATE BILL NO. 6009, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 6009.

ERIC PETTIGREW, 37th District

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6019, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Parlette, Kilmer, Jarrett, Tom, Holmquist, Pflug, Shin and Schoesler)

Concerning employee wellness programs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6019.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6019 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6019, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6036, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Ranker and Shin)

Concerning water cleanup planning and implementation.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6036, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6036, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6036, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6104, by Senators Prentice and Tom

Addressing state agency hours of operation.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6104, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6104, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 6104, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Brandland and Tom)

Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

The House resumed consideration of Engrossed Substitute Senate Bill No. 5263 on second reading. The House previously adopted amendment (450) on April 7, 2009.

Representative Klippert moved the adoption of amendment (496):

On page 4, line 23, after "(5)" insert "(a)"

On page 4, after line 27, insert the following:

"(b) Subsection 1(f) of this section does not apply to a school employee."

Representatives Klippert, Cox, Klippert (again) and Ross spoke in favor of the adoption of the amendment.

Representatives Goodman and Pedersen spoke against the adoption of the amendment.

Amendment (496) was not adopted.

Representative Warnick moved the adoption of amendment (440):

On page 4, line 23, after "(5)" insert "(a)"

On page 4, after line 27, insert the following:

"(b) Subsection 1(f) of this section does not apply to a school employee who has a valid concealed pistol license issued under RCW 9.41.070 and who has provided written notification to the school principal that the person possesses or may possess a device listed under subsection (1)(f) of this section."

Representative Warnick spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (440) to Engrossed Substitute Senate Bill No. 5263.

ROLL CALL

April 8, 2009

The Clerk called the roll on the adoption of amendment (440) to Engrossed Substitute Senate Bill No. 5263 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (440) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (440) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5263.

TIM PROBST, 17th District

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Pedersen spoke in favor of the passage of the bill.

Representatives Rodne, Cox and Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5263, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263, as amended by the House, and the bill passed the House by the following vote: Yeas, 75; Nays, 23; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Hinkle, Johnson, Kretz, Kristiansen, Orcutt, Pearson, Roach, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

MESSAGES FROM THE SENATE

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1311,
HOUSE BILL NO. 1478,
HOUSE BILL NO. 1492,
HOUSE BILL NO. 1826,
SUBSTITUTE HOUSE BILL NO. 2214,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 8, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007,
HOUSE BILL NO. 1030,
HOUSE BILL NO. 1121,
SUBSTITUTE HOUSE BILL NO. 1128,
HOUSE BILL NO. 1155,
HOUSE BILL NO. 1196,
HOUSE BILL NO. 1197,
SUBSTITUTE HOUSE BILL NO. 1202,
SUBSTITUTE HOUSE BILL NO. 1205,
SUBSTITUTE HOUSE BILL NO. 1261,
SUBSTITUTE HOUSE BILL NO. 1308,
HOUSE BILL NO. 1338,
HOUSE BILL NO. 1366,
SUBSTITUTE HOUSE BILL NO. 1388,
HOUSE BILL NO. 1394,
HOUSE BILL NO. 1475,
HOUSE BILL NO. 1536,
HOUSE BILL NO. 1678,
HOUSE BILL NO. 1682,
SUBSTITUTE HOUSE BILL NO. 1730,
SUBSTITUTE HOUSE BILL NO. 1765,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1926,
HOUSE BILL NO. 1997,
SUBSTITUTE HOUSE BILL NO. 2042,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2126,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

SUBSTITUTE SENATE BILL NO. 5431, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Regala, McAuliffe, Carrell, Brandland and King)

Regarding placement of a child returning to out-of-home care.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Short moved the adoption of amendment (528):

On page 1, line 9, after "child." insert "Pursuant to RCW 13.34.060 and 13.34.130, placement of the child with a relative is the preferred option. The department must consider placement with a grandparent who has a significant relationship with a child, and must weigh the nonexclusive factors in section 2(4) of this act."

Beginning on page 1, line 14, after "care," strike all material through "and the" on page 2, line 3, and insert "and the department cannot locate an appropriate and available grandparent or other relative, the preferred nonrelative placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:

(a) The foster family home is available and willing to care for the child;

(b) The foster family is appropriate and able to meet the child's needs; and

(c) The"

On page 2, after line 3, insert the following:

"(3) In selecting the placement for a child being returned to foster care, the department shall give weight to the child's length of stay and attachment to the caregivers in the previous placements in determining what is in the best interest of the child.

NEW SECTION. Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

(1) To provide stability for children in out-of-home care, placement selection shall be made with a view toward the fewest possible placements for each child. If possible, the initial placement shall be viewed as the only placement for the child. The use of short-term interim placements of thirty days or less to protect the child's health or safety while the placement of choice is being arranged is not a violation of this principle.

(2) If a child has been previously placed in out-of-home care and is subsequently returned to out-of-home care, the court must consider placement with a grandparent who has a significant relationship with a child, and must weigh the nonexclusive factors in subsection (4) of this section.

(3) If the department cannot locate an appropriate and available relative, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:

(a) The foster family home is available and willing to care for the child;

(b) The foster family is appropriate and able to meet the child's needs; and

(c) The placement is in the best interest of the child.

(4) In selecting the placement for a child being returned to foster care, the court shall give weight to the child's length of stay and attachment to the caregivers in the previous placements and shall consider the following nonexclusive factors in determining what is in the best interest of the child:

(a) The love, affection, and strength of the relationship between the child and the caregiver;

(b) The length and quality of the relationship between the child and the caregiver, including the roles performed by the caregiver and the emotional ties between the child and the caregiver;

(c) The child's reasonable preference, if the court finds the child is of sufficient age or maturity to express a preference;

(d) The good faith of the caregiver in seeking to have the child placed in his or her home;

(e) The criminal history, if any, of the caregiver as determined by a criminal history background check required by law;

(f) The caregiver's history of any adverse actions, including findings relating to child abuse and neglect by the caregiver;

(g) If applicable, the number of placement changes the child already has experienced and the potential impact of an additional change in placement to the caregiver's home;

(h) The child's current level of functioning at home and in school or early learning programs, and child care programs;

(i) Whether placement with the caregiver would allow the child:

(i) To remain in the same school, child care center, or early learning program, or to continue participating in any extracurricular activities that contribute to the child's healthy development with peers;

(ii) To participate in court-ordered visitation with parents and siblings;

(iii) To access any court-ordered services intended to promote the child's health, safety, and well-being;

(iv) To participate in other activities designed to achieve the permanency goal for the child; and

(j) Any other factors relevant to the child's best interests."

Correct the title.

Representatives Short, Roberts and Haler spoke in favor of the adoption of the amendment.

Amendment (528) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Roberts, Short and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5431, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5431, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5431, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5492, by Senators Marr, Swecker, Kohl-Welles, Benton, Keiser and Franklin

Applying RCW 41.56.430 through 41.56.490 to employees working under a site certificate issued under chapter 80.50 RCW.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Wood spoke in favor of the passage of the bill.

Representatives Klippert, Haler and Haler (again) spoke against the passage of the bill.

POINT OF ORDER

Representative Williams: "Mr. Speaker, will you please confine the gentleman's remarks to the bill at hand?"

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The Speaker believes that the good gentleman may have inadvertently strayed from the subject before us at this particular time. Please continue."

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5492.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5492 and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SENATE BILL NO. 5492, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5531, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Regala, Keiser, Kohl-Welles, Kauffman, Kline, Oemig, Pridemore, Tom and Franklin)

Modifying provisions relating to consumer protection act violations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the Committee on Judiciary's striking amendment was amended by the committee's other amendment.

Representative Rodne moved the adoption of amendment (495) to the committee amendment as amended:

On page 2, line 18 of the amendment, after "(3)" strike all material through "persons." on line 19 and insert "Injured other persons, or had or has a real and significant capacity to injure other persons, in substantially the same fashion as the claimant was injured."

Representative Rodne spoke in favor of the adoption of the amendment to the committee amendment as amended:

Representative Goodman spoke against the adoption of the amendment to the committee amendment as amended:

Division was demanded and the demand was sustained.

The Speaker (Representative Moeller presiding) divided the House. The result was 42 – YEA; 56 – NAY.

Amendment (495) to the committee amendment as amended was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Goodman spoke in favor of the passage of the bill.

Representatives Rodne and Angel spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5531, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5531, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 39; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5531, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5651, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Delvin, Kline and Tom)

Providing humanitarian requirements for certain dog breeding practices.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was before the House for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

With the consent of the House, amendment (490) was withdrawn.

Representative Warnick moved the adoption of amendment (516) to the committee amendment:

On page 1 of the amendment, strike all material after line 2 and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Dogs are neither a commercial crop nor a commodity and should not be indiscriminately or irresponsibly mass produced;

(2) Poorly managed dog housing facilities increases the likelihood that the dogs will be denied their most basic needs including but not limited to: Sanitary living conditions, proper and timely medical care, the ability to have sufficient exercise, and adequate shelter from the elements;

(3) Poorly managed dog housing facilities can easily fall below even the most basic standards of humane housing and husbandry; and

(4) Current Washington state laws could better define conditions producing substandard animal care, resulting in the abuse of animals.

Sec. 2. RCW 16.52.011 and 2007 c 376 s 2 are each amended to read as follows:

(1) Principles of liability as defined in chapter 9A.08 RCW apply to this chapter.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(a) "Abandons" means the knowing or reckless desertion of an animal by its owner or the causing of the animal to be deserted by its

owner, in any place, without making provisions for the animal's adequate care.

(b) "Adequate care" means the responsible practice of good animal husbandry, including but not limited to, the handling, production, management, confinement, space, cleanliness, food, water, protection, shelter, and transportation appropriate for the age, condition, size and type of dog and the provision of veterinary care when needed to prevent suffering or impairment of health and, when necessary, euthanasia.

(c) "Adequate cleaning" means: (i) the removal of debris, food waste and excrement from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; (ii) the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and (iii) the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants.

(d) "Adequate exercise" means the opportunity for a dog to move sufficiently outside of its primary enclosure to maintain normal muscle tone and mass for the age, size, and condition of the dog, except when exercise is medically contraindicated.

(e) "Adequate food" means the provision of and access to food that: (i) is of sufficient quantity and nutritive value to maintain each dog in good health; (ii) is accessible to each dog; (iii) is prepared so as to permit ease of consumption for the age, condition, size and type of each dog; (iv) is provided in a clean and sanitary manner; (v) is placed so as to minimize contamination by excrement and pests; and (vi) is provided at suitable intervals for the age, activity level and condition of the dog, but at least once daily, except as prescribed by a veterinarian.

(f) "Adequate shelter" means the provision of and access to shelter that: (i) is suitable for the age, condition, size, and type of each dog; (ii) provides adequate space for each animal; (iii) is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; (iv) is properly lighted; (v) is properly cleaned; (vi) enables each animal to be clean and dry, except when detrimental to the dog; and (vii) provides a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. Shelters with wire, grid, or slat floors that permit the animals' feet to pass through the openings, or sag under the animals' weight, or otherwise do not protect the animals' feet or toes from injury do not constitute adequate shelter.

(g) "Adequate space" means sufficient space to allow for each dog's safety and for each dog to (i) easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable, normal position for the dog and (ii) interact safely with other dogs in the enclosure. When freedom of movement would endanger the dog, temporarily and appropriately restricting movement of the animal according to professionally accepted animal husbandry standards for the breed is considered satisfying the provision of providing adequate space.

(h) "Adequate water" means the provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals, but at least once every eight hours, to maintain normal hydration for the age, condition, size and type of each dog, except as prescribed by a veterinarian; and is provided in clean, durable receptacles that are accessible to each dog and are placed so as to minimize contamination of the water by excrement and pests.

(i) "Animal" means any nonhuman mammal, bird, reptile, or amphibian.

((+)) (j) "Animal care and control agency" means any city or county animal control agency or authority authorized to enforce city or county municipal ordinances regulating the care, control, licensing, or treatment of animals within the city or county, and any corporation organized under RCW 16.52.020 that contracts with a city or county to enforce the city or county ordinances governing animal care and control.

((+)) (k) "Animal control officer" means any individual employed, contracted, or appointed pursuant to RCW 16.52.025 by

an animal care and control agency or humane society to aid in the enforcement of ordinances or laws regulating the care and control of animals. For purposes of this chapter, the term "animal control officer" shall be interpreted to include "humane officer" as defined in (f) of this subsection and RCW 16.52.025.

((+)) (l) "Euthanasia" means the humane destruction of an animal accomplished by a method that involves instantaneous unconsciousness and immediate death, or by a method that causes painless loss of consciousness, and death during the loss of consciousness.

((+)) (m) "Humane officer" means any individual employed, contracted, or appointed by an animal care and control agency or humane society as authorized under RCW 16.52.025.

((+)) (n) "Law enforcement agency" means a general authority Washington law enforcement agency as defined in RCW 10.93.020.

(h) "Necessary food" means the provision at suitable intervals of wholesome foodstuff suitable for the animal's age and species and sufficient to provide a reasonable level of nutrition for the animal.

((i)) (o) "Owner" means a person who has a right, claim, title, legal share, or right of possession to an animal or a person having lawful control, custody, or possession of an animal.

((+)) (p) "Person" means individuals, corporations, partnerships, associations, or other legal entities, and agents of those entities.

((+)) (q) "Substantial bodily harm" means substantial bodily harm as defined in RCW 9A.04.110.

(3) The definitions in subsection (2)(b) through (h) apply when the animal is a dog.

Sec. 3. RCW 16.52.207 and 2007 c 376 s 1 are each amended to read as follows:

(1) A person is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the person knowingly, recklessly, or with criminal negligence inflicts unnecessary suffering or pain upon an animal.

(2) An owner of an animal is guilty of animal cruelty in the second degree if, under circumstances not amounting to first degree animal cruelty, the owner knowingly, recklessly, or with criminal negligence:

(a) Fails to provide the animal with necessary shelter, rest, sanitation, space, or medical attention, or in the case of a dog, adequate care as defined in RCW 16.52.011, and the animal suffers unnecessary or unjustifiable physical pain or serious illness as a result of the failure;

(b) Under circumstances not amounting to animal cruelty in the second degree under (c) of this subsection, abandons the animal; or

(c) Abandons the animal and (i) as a result of being abandoned, the animal suffers bodily harm; or (ii) abandoning the animal creates an imminent and substantial risk that the animal will suffer substantial bodily harm.

(3)(a) Animal cruelty in the second degree under subsection (1), (2)(a), or (2)(b) of this section is a misdemeanor.

(b) Animal cruelty in the second degree under subsection (2)(c) of this section is a gross misdemeanor.

(4) In any prosecution of animal cruelty in the second degree under subsection (1) or (2)(a) of this section, it shall be an affirmative defense, if established by the defendant by a preponderance of the evidence, that the defendant's failure was due to economic distress beyond the defendant's control.

NEW SECTION. Sec. 4. This act takes effect January 1, 2010."

Correct the title.

Representative Warnick spoke in favor of the adoption of the amendment to the committee amendment.

Representative Pedersen spoke against the adoption of the amendment to the committee amendment.

Amendment (516) to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Campbell spoke in favor of the passage of the bill.

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5651, as amended by the House.

MOTION

On motion of Representative Santos, Representative Carlyle was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5651, as amended by the House, and the bill passed the House by the following vote: Yeas, 74; Nays, 23; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Armstrong, Bailey, Campbell, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Blake, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Schmick, Shea, Short, Takko, Taylor and Warnick.

Excused: Representative Carlyle.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5651, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE SENATE BILL NO. 5651.

KIRK PEARSON, 37th District

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1646,
HOUSE BILL NO. 2194,
SENATE BILL NO. 5015,
SUBSTITUTE SENATE BILL NO. 5166,
SENATE BILL NO. 5356,
SECOND SUBSTITUTE SENATE BILL NO. 5433,
SUBSTITUTE SENATE BILL NO. 5440,
SUBSTITUTE SENATE BILL NO. 5504,
SUBSTITUTE SENATE BILL NO. 5509,
SUBSTITUTE SENATE BILL NO. 5528,
SUBSTITUTE HOUSE BILL NO. 5565,
SENATE BILL NO. 5580,
SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5673,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
SUBSTITUTE SENATE BILL NO. 5776,
ENGROSSED SENATE BILL NO. 5810,
SUBSTITUTE SENATE BILL NO. 5834,

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,
ENGROSSED SENATE BILL NO. 5925,
ENGROSSED SENATE BILL NO. 6033,
SENATE BILL NO. 6068,
SUBSTITUTE HOUSE BILL NO. 6095,
SENATE BILL NO. 8006,
SENATE BILL NO. 8012,
SENATE BILL NO. 8013,

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 9, 2009, the 88th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY EIGHTH DAY

House Chamber, Olympia, Thursday, April 9, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Hope Grant-Herriot and Joseph Simpson. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Dennis Christianson, Evergreen Christian Community, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1565,
SUBSTITUTE HOUSE BILL NO. 1621,
SUBSTITUTE HOUSE BILL NO. 1663,
SUBSTITUTE HOUSE BILL NO. 1825,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,
SUBSTITUTE HOUSE BILL NO. 2095,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READINGHB 2337 by Representative Chase

AN ACT Relating to aerospace competitiveness; adding a new section to chapter 43.330 RCW; and creating a new section.

Referred to Committee on Community & Economic Development & Trade.

HB 2338 by Representative Hunt

AN ACT Relating to the administration and operations of growth management hearings boards; amending RCW 36.70A.260, 36.70A.270, and 36.70A.290; adding new sections to chapter 36.70A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5017,
SUBSTITUTE SENATE BILL NO. 5195,
SENATE BILL NO. 5233,
SUBSTITUTE SENATE BILL NO. 5271,
SENATE BILL NO. 5284,
SENATE BILL NO. 5305,
SENATE BILL NO. 5315,
SENATE BILL NO. 5322,
SUBSTITUTE SENATE BILL NO. 5327,
SUBSTITUTE SENATE BILL NO. 5343,

SUBSTITUTE SENATE BILL NO. 5350,
SENATE BILL NO. 5426,
SUBSTITUTE SENATE BILL NO. 5434,
SENATE BILL NO. 5695,
SENATE BILL NO. 5699,
SENATE BILL NO. 5767,
SUBSTITUTE SENATE BILL NO. 5793,
SENATE BILL NO. 5980,
SUBSTITUTE SENATE BILL NO. 5987,
SUBSTITUTE SENATE BILL NO. 6000,
SUBSTITUTE SENATE BILL NO. 6024,
SENATE JOINT MEMORIAL NO. 8003,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

SUBSTITUTE HOUSE BILL NO. 1010
ENGROSSED HOUSE BILL NO. 1053
HOUSE BILL NO. 1257
SUBSTITUTE HOUSE BILL NO. 1271
HOUSE BILL NO. 1273
HOUSE BILL NO. 1281
SUBSTITUTE HOUSE BILL NO. 1303
ENGROSSED HOUSE BILL NO. 1311
SUBSTITUTE HOUSE BILL NO. 1323
HOUSE BILL NO. 1324
HOUSE BILL NO. 1375
HOUSE BILL NO. 1380
SUBSTITUTE HOUSE BILL NO. 1435
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441
HOUSE BILL NO. 1474
HOUSE BILL NO. 1478
HOUSE BILL NO. 1492
HOUSE BILL NO. 1506
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512
SUBSTITUTE HOUSE BILL NO. 1565
HOUSE BILL NO. 1567
ENGROSSED HOUSE BILL NO. 1568
HOUSE BILL NO. 1596
SUBSTITUTE HOUSE BILL NO. 1518
SUBSTITUTE HOUSE BILL NO. 1621
SUBSTITUTE HOUSE BILL NO. 1663
SUBSTITUTE HOUSE BILL NO. 1692
SUBSTITUTE HOUSE BILL NO. 1808
SUBSTITUTE HOUSE BILL NO. 1825
HOUSE BILL NO. 1826
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939
SUBSTITUTE HOUSE BILL NO. 2013
SUBSTITUTE HOUSE BILL NO. 2095
SUBSTITUTE HOUSE BILL NO. 2214
SENATE BILL NO. 5017
SUBSTITUTE SENATE BILL NO. 5195
SENATE BILL NO. 5233
SUBSTITUTE SENATE BILL NO. 5271
SENATE BILL NO. 5284
SENATE BILL NO. 5305
SENATE BILL NO. 5315
SENATE BILL NO. 5322
SUBSTITUTE SENATE BILL NO. 5327
SUBSTITUTE SENATE BILL NO. 5343
SUBSTITUTE SENATE BILL NO. 5350
SENATE BILL NO. 5426
SUBSTITUTE SENATE BILL NO. 5434
SENATE BILL NO. 5695
SENATE BILL NO. 5699
SENATE BILL NO. 5767
SUBSTITUTE SENATE BILL NO. 5793

SENATE BILL NO. 5980
 SUBSTITUTE SENATE BILL NO. 5987
 SUBSTITUTE SENATE BILL NO. 6000
 SUBSTITUTE SENATE BILL NO. 6024
 SENATE JOINT MEMORIAL NO. 8003

The Speaker called upon Representative Morris to preside.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5273, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Murray, Jacobsen, McDermott, Franklin and Kohl-Welles)

Regarding the practice of landscape architecture.

The bill was read the second time.

Representative Ormsby moved the adoption of amendment (532):

On page 7, line 3, after "licensed" strike "architect;" insert "landscape architect; or"

On page 7, line 4, after "(b)" strike all material through "board" on line 13 and insert "Have a high school diploma or equivalent and eight years' practical landscape architectural work experience, which may include landscape design as a principal activity and post-secondary education approved by the board. At least six years of work experience must be under the direct supervision of a registered or licensed landscape architect. An applicant may receive up to two years of practical landscape architectural work experience for post-secondary education courses in landscape architecture, landscape architectural technology, or a related field, including courses in a community or technical college, if the courses are equivalent to education courses in an accredited landscape architectural degree program"

Representatives Ormsby and Condotta spoke in favor of the adoption of the amendment.

Amendment (532) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5273, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5273, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Flannigan, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5273, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5273.

JIM MCCUNE, 2nd District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5273.

TROY KELLEY, 28th District

SECOND READING

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Jarrett, Hewitt, Delvin, Jacobsen, Shin and Pflug)

Providing for the 2008-2018 state comprehensive plan for workforce training.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Probst moved the adoption of amendment (511):

On page 2, after line 36, insert the following:

"WHEREAS, The legislature recommends that the next update to the 2008-2018 state comprehensive plan for workforce training, "High Skills, High Wages", include an emphasis upon jobs that build the green economy and a strong focus on making Washington a global leader in technology and manufacturing for the renewable energy industry; and"

Representative Probst spoke in favor of the adoption of the amendment.

Representative Anderson spoke against the adoption of the amendment.

Amendment (511) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Concurrent Resolution No. 8404, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Concurrent Resolution No. 8404, as amended by the House,

and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5510, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Swecker and Shin)

Regarding notification in dependency matters.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was before the House for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Goodman moved the adoption of amendment (534) to the committee amendment:

On page 14, beginning on line 24 of the amendment, after "shall" strike all material through "consequences" on line 30 and insert "consider factors affecting the best interests of the child, including the child's history and attachment status and how separation from primary caregivers has affected the child. The court shall enter one of the following orders for the child"

Representatives Goodman and Haler spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (534) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Roberts and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5510, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5510, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh,

Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5510, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5513, by Senate Committee on Transportation (originally sponsored by Senators Jarrett, Swecker, Delvin, Marr, Kilmer and Tom)

Concerning law enforcement authority that relates to civil infractions and unlawful transit conduct.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5513, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5513, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Darneille and Green.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5513, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5571, by Senate Committee on Ways & Means (originally sponsored by Senators Oemig and Kohl-Welles)

Requiring the use of electronic methods for taxes administered by the department of revenue, including filing of taxes, payment of taxes, assessment of taxes, and other taxpayer information.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5571.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5571, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5571, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5613, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Keiser, Franklin, Kline, McDermott, Tom and Fraser)

Authorizing the department of labor and industries to issue stop work orders for violations of certain workers' compensation provisions.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (535):

On page 1, line 13, after "may" insert ", upon a showing of immediate necessity to ensure compliance with RCW 51.14.010,"

On page 1, line 16, after "section." insert "The stop work order must state the date and time of the service of the order, specify the nature of the violation in plain language, and explain how to request reconsideration or file an appeal as provided in this section."

On page 2, line 14, after "ten" insert "business"

On page 2, line 16, after "ten" insert "business"

On page 2, line 24, after "employer." strike all material through "section." on line 27 and insert the following:

"(6) Except as otherwise provided in this subsection, RCW 51.52.080 through 51.52.106 govern appeals under this section. Within ten business days of receipt of an appeal, the board must conduct a hearing at which time the department must demonstrate: (a) A high probability that the employer violated RCW 51.14.010, and (b) that it is necessary to ensure compliance with RCW 51.14.010 that work be immediately stopped. If the board finds that the department has failed to demonstrate a high probability that the employer violated RCW 51.14.010 and that it is necessary to ensure compliance with RCW 51.14.010 that work be immediately stopped, the board must release the order and the department must immediately refund all penalties paid. Nothing in this subsection precludes the department from proceeding with any action, other than a stop work order, against the employer.

(7) If an employer prevails in an appeal before the board of industrial insurance appeals or on judicial review, the board or court, as the case may be, shall award the employer reasonable attorneys' fees, and costs. The board or court, as the case may be, shall also award, at the employer's choice: (a) Liquidated damages in the amount of five thousand dollars or one thousand dollars per covered worker identified, whichever is greater; or (b) actual damages. For purposes of this subsection, "actual damages" means all economic loss suffered by the employer for any day or days during which work was stopped due to a stop work order, including lost profits, lost wages, penalties paid, and interest."

Re-number the subsections consecutively and correct any internal references accordingly.

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (535) was not adopted.

Representative Condotta moved the adoption of amendment (531):

On page 2, after line 31, insert the following:

"(6) If an employer prevails in an appeal before the board of industrial insurance appeals or on judicial review, the board or court, as the case may be, shall award to the employer actual damages, costs, and reasonable attorneys' fees. For purposes of this subsection, "actual damages" means all economic loss suffered by the employer for any day or days during which work was stopped due to a stop work order, including lost profits, lost wages, penalties paid, and interest."

Re-number the sections consecutively and correct any internal references accordingly.

Representatives Condotta, Chandler, Ericksen, Smith, Armstrong, Orcutt, Bailey, Condotta (again), Klippert and Angel spoke in favor of the adoption of the amendment.

Representatives Conway, Conway (again) and Wood spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker divided the House. The result was 48 – YEAS; 50 – NAYS.

Amendment (535) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Conway spoke in favor of the passage of the bill.

Representatives Condotta and Armstrong spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5613, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5613, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh,

Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5613, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

SENATE BILL NO. 5015, by Senators Franklin, Hargrove and Kauffman

Concerning foster parent licensing.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Roberts and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5015.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5015 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5015, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5166, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Stevens and Kline)

Modifying the child support license suspension program. Revised for 1st Substitute: Modifying license suspension provisions for the failure to pay child support.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 73, March 25, 2009.)

Representative Shea moved the adoption of amendment (529):

On page 4, line 10, after "hunting license," insert "occupational licenses, such as a"

On page 4, line 12, after "possess" insert ", and suspension of a license by the department of fish and wildlife may also affect the parent's ability to obtain permits, such as special hunting permits, issued by the department"

Representative Shea moved the adoption of the amendment.

Representatives Shea and Pedersen spoke in favor of the adoption of the amendment.

Amendment (529) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5166, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5166, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5166, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5356, by Senators Haugen and Jacobsen

Regarding direct retail licenses issued by the department of fish and wildlife.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5356.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5356 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5356, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5440, by Senate Committee on Transportation (originally sponsored by Senators Sheldon, Kauffman, Kline, Roach and McDermott)

Involving tribal governments when choosing names for state ferries. Revised for 1st Substitute: Concerning the naming or renaming of state ferries.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For committee amendment, see Journal, Day 73, March 25, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt, Armstrong and Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5440, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5440, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5440, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5504, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Honeyford, Rockefeller, Marr, Kline and Morton)

Concerning reclaimed water permitting.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 73, March 25, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5504, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5504, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5504, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5528, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

Making technical nonsubstantive corrections to the initial point of contact program established in chapter 496, Laws of 2007.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 73, March 25, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5528, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5528, as amended by the House, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Schmick, Shea, Short and Warnick.

SUBSTITUTE SENATE BILL NO. 5528, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5665, by Senate Committee on Financial Institutions, Housing & Insurance (originally sponsored by Senators Berkey, Benton, Franklin, Parlette, Hobbs and Shin)

Authorizing a joint self-insurance program for two or more affordable housing entities or nonprofit entities. Revised for 1st Substitute: Authorizing a joint self-insurance program for two or more affordable housing entities.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5665, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5665, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

SUBSTITUTE SENATE BILL NO. 5665, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5776, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators McDermott, Schoesler, Fairley, Oemig, Jarrett and Kohl-Welles)

Regarding student fees, charges, and assessments.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt, Hunt (again), Williams and Appleton spoke in favor of the passage of the bill.

Representatives Armstrong, Alexander, Chandler, Armstrong (again), Ericksen and Anderson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5775, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5776, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5776, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5776.

CHRISTOPHER HURST, 31st District

SECOND READING

ENGROSSED SENATE BILL NO. 5810, by Senators Kauffman, Berkey, Shin, Franklin, Keiser, Tom and Kohl-Welles

Concerning foreclosures on deeds of trust.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Orwall and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5810, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5810, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibbom, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SENATE BILL NO. 5810, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5834, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles and Holmquist)

Regarding alcoholic beverage regulation.

The bill was read the second time.

Representative Conway moved the adoption of amendment (538):

On page 1, after line 5, insert the following:

"Sec. 1. RCW 66.04.010 and 2008 c 94 s 4 are each amended to read as follows:

In this title, unless the context otherwise requires:

(1) "Alcohol" is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation or distillation of grain, starch, molasses, or sugar, or other substances including all dilutions and mixtures of this substance. The term "alcohol" does not include alcohol in the possession of a manufacturer or distiller of alcohol fuel, as described in RCW 66.12.130, which is intended to be denatured and used as a fuel for use in motor vehicles, farm implements, and machines or implements of husbandry.

(2) "Authorized representative" means a person who:

(a) Is required to have a federal basic permit issued pursuant to the federal alcohol administration act, 27 U.S.C. Sec. 204;

(b) Has its business located in the United States outside of the state of Washington;

(c) Acquires ownership of beer or wine for transportation into and resale in the state of Washington; and which beer or wine is produced (~~anywhere~~) by a brewery or winery in the United States

outside of the state of Washington (~~by a brewery or winery which does not hold a certificate of approval issued by the board~~); and

(d) Is appointed by the brewery or winery referenced in (c) of this subsection as its (~~exclusive~~) authorized representative for marketing and selling its products within the United States in accordance with a written agreement between the authorized representative and such brewery or winery pursuant to this title. (~~The board may waive the requirement for the written agreement of exclusivity in situations consistent with the normal marketing practices of certain products, such as classified growths.~~)

(3) "Beer" means any malt beverage, flavored malt beverage, or malt liquor as these terms are defined in this chapter.

(4) "Beer distributor" means a person who buys beer from a domestic brewery, microbrewery, beer certificate of approval holder, or beer importers, or who acquires foreign produced beer from a source outside of the United States, for the purpose of selling the same pursuant to this title, or who represents such brewer or brewery as agent.

(5) "Beer importer" means a person or business within Washington who purchases beer from a beer certificate of approval holder or who acquires foreign produced beer from a source outside of the United States for the purpose of selling the same pursuant to this title.

(6) "Brewer" or "brewery" means any person engaged in the business of manufacturing beer and malt liquor. Brewer includes a brand owner of malt beverages who holds a brewer's notice with the federal bureau of alcohol, tobacco, and firearms at a location outside the state and whose malt beverage is contract-produced by a licensed in-state brewery, and who may exercise within the state, under a domestic brewery license, only the privileges of storing, selling to licensed beer distributors, and exporting beer from the state.

(7) "Board" means the liquor control board, constituted under this title.

(8) "Club" means an organization of persons, incorporated or unincorporated, operated solely for fraternal, benevolent, educational, athletic or social purposes, and not for pecuniary gain.

(9) "Confection" means a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts, dairy products, or flavorings, in the form of bars, drops, or pieces.

(10) "Consume" includes the putting of liquor to any use, whether by drinking or otherwise.

(11) "Contract liquor store" means a business that sells liquor on behalf of the board through a contract with a contract liquor store manager.

(12) "Craft distillery" means a distillery that pays the reduced licensing fee under RCW 66.24.140.

(13) "Dentist" means a practitioner of dentistry duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.32 RCW.

(14) "Distiller" means a person engaged in the business of distilling spirits.

(15) "Domestic brewery" means a place where beer and malt liquor are manufactured or produced by a brewer within the state.

(16) "Domestic winery" means a place where wines are manufactured or produced within the state of Washington.

(17) "Druggist" means any person who holds a valid certificate and is a registered pharmacist and is duly and regularly engaged in carrying on the business of pharmaceutical chemistry pursuant to chapter 18.64 RCW.

(18) "Drug store" means a place whose principal business is, the sale of drugs, medicines and pharmaceutical preparations and maintains a regular prescription department and employs a registered pharmacist during all hours the drug store is open.

(19) "Employee" means any person employed by the board.

(20) "Flavored malt beverage" means:

(a) A malt beverage containing six percent or less alcohol by volume to which flavoring or other added nonbeverage ingredients are added that contain distilled spirits of not more than forty-nine percent of the beverage's overall alcohol content; or

(b) A malt beverage containing more than six percent alcohol by volume to which flavoring or other added nonbeverage ingredients

are added that contain distilled spirits of not more than one and one-half percent of the beverage's overall alcohol content.

(21) "Fund" means 'liquor revolving fund.'

(22) "Hotel" means buildings, structures, and grounds, having facilities for preparing, cooking, and serving food, that are kept, used, maintained, advertised, or held out to the public to be a place where food is served and sleeping accommodations are offered for pay to transient guests, in which twenty or more rooms are used for the sleeping accommodation of such transient guests. The buildings, structures, and grounds must be located on adjacent property either owned or leased by the same person or persons.

(23) "Importer" means a person who buys distilled spirits from a distillery outside the state of Washington and imports such spirituous liquor into the state for sale to the board or for export.

(24) "Imprisonment" means confinement in the county jail.

(25) "Liquor" includes the four varieties of liquor herein defined (alcohol, spirits, wine and beer), and all fermented, spirituous, vinous, or malt liquor, or combinations thereof, and mixed liquor, a part of which is fermented, spirituous, vinous or malt liquor, or otherwise intoxicating; and every liquid or solid or semisolid or other substance, patented or not, containing alcohol, spirits, wine or beer, and all drinks or drinkable liquids and all preparations or mixtures capable of human consumption, and any liquid, semisolid, solid, or other substance, which contains more than one percent of alcohol by weight shall be conclusively deemed to be intoxicating. Liquor does not include confections or food products that contain one percent or less of alcohol by weight.

(26) "Manufacturer" means a person engaged in the preparation of liquor for sale, in any form whatsoever.

(27) "Malt beverage" or "malt liquor" means any beverage such as beer, ale, lager beer, stout, and porter obtained by the alcoholic fermentation of an infusion or decoction of pure hops, or pure extract of hops and pure barley malt or other wholesome grain or cereal in pure water containing not more than eight percent of alcohol by weight, and not less than one-half of one percent of alcohol by volume. For the purposes of this title, any such beverage containing more than eight percent of alcohol by weight shall be referred to as "strong beer."

(28) "Package" means any container or receptacle used for holding liquor.

(29) "Passenger vessel" means any boat, ship, vessel, barge, or other floating craft of any kind carrying passengers for compensation.

(30) "Permit" means a permit for the purchase of liquor under this title.

(31) "Person" means an individual, copartnership, association, or corporation.

(32) "Physician" means a medical practitioner duly and regularly licensed and engaged in the practice of his profession within the state pursuant to chapter 18.71 RCW.

(33) "Prescription" means a memorandum signed by a physician and given by him to a patient for the obtaining of liquor pursuant to this title for medicinal purposes.

(34) "Public place" includes streets and alleys of incorporated cities and towns; state or county or township highways or roads; buildings and grounds used for school purposes; public dance halls and grounds adjacent thereto; those parts of establishments where beer may be sold under this title, soft drink establishments, public buildings, public meeting halls, lobbies, halls and dining rooms of hotels, restaurants, theatres, stores, garages and filling stations which are open to and are generally used by the public and to which the public is permitted to have unrestricted access; railroad trains, stages, and other public conveyances of all kinds and character, and the depots and waiting rooms used in conjunction therewith which are open to unrestricted use and access by the public; publicly owned bathing beaches, parks, and/or playgrounds; and all other places of like or similar nature to which the general public has unrestricted right of access, and which are generally used by the public.

(35) "Regulations" means regulations made by the board under the powers conferred by this title.

(36) "Restaurant" means any establishment provided with special space and accommodations where, in consideration of payment, food, without lodgings, is habitually furnished to the public, not including drug stores and soda fountains.

(37) "Sale" and "sell" include exchange, barter, and traffic; and also include the selling or supplying or distributing, by any means whatsoever, of liquor, or of any liquid known or described as beer or by any name whatever commonly used to describe malt or brewed liquor or of wine, by any person to any person; and also include a sale or selling within the state to a foreign consignee or his agent in the state. "Sale" and "sell" shall not include the giving, at no charge, of a reasonable amount of liquor by a person not licensed by the board to a person not licensed by the board, for personal use only. "Sale" and "sell" also does not include a raffle authorized under RCW 9.46.0315: PROVIDED, That the nonprofit organization conducting the raffle has obtained the appropriate permit from the board.

(38) "Soda fountain" means a place especially equipped with apparatus for the purpose of dispensing soft drinks, whether mixed or otherwise.

(39) "Spirits" means any beverage which contains alcohol obtained by distillation, except flavored malt beverages, but including wines exceeding twenty-four percent of alcohol by volume.

(40) "Store" means a state liquor store established under this title.

(41) "Tavern" means any establishment with special space and accommodation for sale by the glass and for consumption on the premises, of beer, as herein defined.

(42) "Winery" means a business conducted by any person for the manufacture of wine for sale, other than a domestic winery.

(43)(a) "Wine" means any alcoholic beverage obtained by fermentation of fruits (grapes, berries, apples, et cetera) or other agricultural product containing sugar, to which any saccharine substances may have been added before, during or after fermentation, and containing not more than twenty-four percent of alcohol by volume, including sweet wines fortified with wine spirits, such as port, sherry, muscatel and angelica, not exceeding twenty-four percent of alcohol by volume and not less than one-half of one percent of alcohol by volume. For purposes of this title, any beverage containing no more than fourteen percent of alcohol by volume when bottled or packaged by the manufacturer shall be referred to as "table wine," and any beverage containing alcohol in an amount more than fourteen percent by volume when bottled or packaged by the manufacturer shall be referred to as "fortified wine." However, "fortified wine" shall not include: (i) Wines that are both sealed or capped by cork closure and aged two years or more; and (ii) wines that contain more than fourteen percent alcohol by volume solely as a result of the natural fermentation process and that have not been produced with the addition of wine spirits, brandy, or alcohol.

(b) This subsection shall not be interpreted to require that any wine be labeled with the designation "table wine" or "fortified wine."

(44) "Wine distributor" means a person who buys wine from a domestic winery, wine certificate of approval holder, or wine importer, or who acquires foreign produced wine from a source outside of the United States, for the purpose of selling the same not in violation of this title, or who represents such vintner or winery as agent.

(45) "Wine importer" means a person or business within Washington who purchases wine from a wine certificate of approval holder or who acquires foreign produced wine from a source outside of the United States for the purpose of selling the same pursuant to this title."

Renumber the remaining sections consecutively and correct the title.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (538) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5834, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5834, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5834, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5925, by Senators Shin, Kastama, Jacobsen, Berkey, Hobbs, Franklin, Hargrove and Kohl-Welles

Regarding insurance for higher education students participating in study or research abroad.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Higher Education was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Wallace spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5925, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5925, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 32; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Klippert,

Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

ENGROSSED SENATE BILL NO. 5925, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6033, by Senators Berkey, Fairley, Kauffman, McAuliffe, Tom, Marr, Prentice, Shin, Fraser, Kohl-Welles, Eide, McDermott, Jarrett, Regala, Hobbs, Kline, Jacobsen, Murray, Franklin, Hatfield, Kilmer, Haugen, Hargrove and Sheldon

Creating the prevent or reduce owner-occupied foreclosure program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Financial Institutions & Insurance was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6033, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6033, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SENATE BILL NO. 6033, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6068, by Senators Swecker, Haugen, King and Shin

Modifying the definition of "conviction" for the purposes of the uniform commercial driver's license act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Liias spoke in favor of the passage of the bill.

Representatives Roach and Shea spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6068.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6068 and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Haler, Herrera, Hinkle, Hurst, Johnson, Kretz, Kristiansen, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SENATE BILL NO. 6068, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8006, by Senator Zarelli

Requesting that state route number 502 be named the "Battle Ground Highway" and that a portion of state route number 503 be named the "Lewisville Highway."

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Clibborn and Herrera spoke in favor of the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8006.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8006 and the joint memorial passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Kristiansen.

SENATE JOINT MEMORIAL NO. 8006, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8012, by Senators Fraser, Kohl-Welles, Prentice, Fairley, Berkey, Franklin, Regala,

Marr, Shin, Eide, Kastama, Murray, Haugen, Oemig, McDermott and Kline

Urging adoption of a treaty fighting discrimination against women.

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Roberts, Goodman, Eddy, Herrera, Appleton, Dickerson and Chase spoke in favor of the passage of the joint memorial.

Representatives Shea and Warnick spoke against the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8012.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8012 and the joint memorial passed the House by the following vote: Yeas, 74; Nays, 24; Absent, 0; Excused, 0.

Voting yea: Representatives Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Haler, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor and Warnick.

SENATE JOINT MEMORIAL NO. 8012, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SENATE JOINT MEMORIAL NO. 8012.

CHARLES ROSS, 14th District

SECOND READING

SENATE JOINT MEMORIAL NO. 8013, by Senators Keiser, Parlette, Pflug, Franklin, Marr, Murray, Shin, Haugen, Kline and Kohl-Welles

Calling on Congress to enact legislation to eliminate the 24 month Medicare waiting period for participants in Social Security Disability Insurance.

The joint memorial was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Cody and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8013.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8013, and the joint memorial passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE JOINT MEMORIAL NO. 8013, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

SECOND READING

SENATE BILL NO. 5629, by Senators Kohl-Welles, Keiser, Fairley, Kline, Marr, Prentice, Franklin, Murray, King and Brown

Concerning pregnancy prevention programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the House for purpose of amendment. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative McCune moved the adoption of amendment (527) to the committee amendment:

On page 1, line 16 of the striking amendment, after "(2)" insert "This section does not prohibit state agencies from applying for funding for abstinence education and motivation programs that organizations, other than school districts, provide outside the public school system.

(3)"

Representatives McCune and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment.

Amendment (527) to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5629, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5629, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

SENATE BILL NO. 5629, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5673, by Senators Pridemore, Zarelli, Keiser, Murray, Rockefeller, Hobbs, Regala and Shin

Concerning certificates of need.

The bill was read the second time.

Representative Moeller moved the adoption of amendment (488):

On page 2, line 3, after "organizations" insert "except as provided in subsection (7)(a) of this section"

On page 2, line 7, after "organizations" insert "except as provided in subsection (7)(b) of this section"

On page 4, after line 15, insert the following:

"(7)(a) The requirement that a health maintenance organization obtain a certificate of need under subsection (4)(a) of this section for the construction, development, or other establishment of a hospital does not apply to a health maintenance organization operating a group practice that has been continuously licensed as a health maintenance organization since January 1, 2009;

(b) The requirement that a health maintenance organization obtain a certificate of need under subsection (4)(b) of this section to sell, purchase, or lease a hospital does not apply to a health maintenance organization operating a group practice that has been continuously licensed as a health maintenance organization since January 1, 2009."

On page 6, line 32, after "section" insert "or RCW 70.38.105(7)"

Representative Moeller spoke in favor of the adoption of the amendment.

Amendment (488) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody, Hinkle and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5673, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5673, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Pedersen.

SENATE BILL NO. 5673, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1010,
HOUSE BILL NO. 1273,
SUBSTITUTE HOUSE BILL NO. 1303,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 9, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1000,
HOUSE BILL NO. 1042,
SUBSTITUTE HOUSE BILL NO. 1110,
HOUSE BILL NO. 1288,
SUBSTITUTE HOUSE BILL NO. 1319,
SUBSTITUTE HOUSE BILL NO. 1415,
HOUSE BILL NO. 1675,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 9, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5151,
SENATE BILL NO. 5413,
SUBSTITUTE SENATE BILL NO. 5469,
SENATE BILL NO. 5492,
SENATE BILL NO. 5511,
SENATE BILL NO. 5542,
SUBSTITUTE SENATE BILL NO. 5551,
SENATE BILL NO. 5562,
ENGROSSED SENATE BILL NO. 5581,
SUBSTITUTE SENATE BILL NO. 5677,
SUBSTITUTE SENATE BILL NO. 5705,
SUBSTITUTE SENATE BILL NO. 5839,
SENATE BILL NO. 5952,
SENATE BILL NO. 5989,
SUBSTITUTE SENATE BILL NO. 6019,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

SENATE BILL NO. 5482, by Senators Haugen and Swecker

Modifying provisions governing two-wheeled and three-wheeled vehicles.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was not adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

With the consent of the House, amendments (533) and (493) were withdrawn.

Representative Hudgins moved the adoption of amendment (498):

On page 2, after line 28, insert the following:

"Sec. RCW 46.20.500 and 2003 c 353 s 9, 2003 c 141 s 7, and 2003 c 41 s 1 are each reenacted and amended to read as follows:

(1) No person may drive either a two-wheeled or a three-wheeled motorcycle, or a motor-driven cycle unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles.

(2) However, a person sixteen years of age or older, holding a valid driver's license of any class issued by the state of the person's residence, may operate a moped without taking any special examination for the operation of a moped.

(3) No driver's license is required for operation of an electric-assisted bicycle if the operator is at least sixteen years of age. Persons under sixteen years of age may not operate an electric-assisted bicycle.

(4) No driver's license is required to operate an electric personal assistive mobility device or a power wheelchair.

(5) No driver's license is required to operate a motorized foot scooter. Motorized foot scooters may not be operated at any time from a half hour after sunset to a half hour before sunrise without reflectors of a type approved by the state patrol.

(6) A person holding a valid driver's license may operate a motorcycle as defined under RCW 46.04.330(2) without a motorcycle endorsement."

Renumber the remaining sections consecutively and correct the title.

Representatives Hudgins and Roach spoke in favor of the adoption of the amendment.

Amendment (498) was adopted.

Representative Roach moved the adoption of amendment (489):

On page 3, line 37, after "(3)" insert "(a)"

On page 4, after line 5, insert the following:

"(b) The requirement in (a) of this subsection that the manufacturer's certification must be applied in accordance with 49 C.F.R. Sec. 571.218 to the motorcycle helmet is conditioned upon:

(i) Certification by the Washington state patrol of a list of approved individual manufactured motorcycle helmets sold or made available to individuals in the state of Washington that meet or exceed the standards established by the United States department of transportation in accordance with 49 C.F.R. Sec. 571.218; and

(ii) A review and update by the Washington state patrol of the list of approved individual manufactured motorcycle helmets under this subsection (b) at least once annually."

Representative Roach spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

Amendment (489) was not adopted.

Representative Williams moved the adoption of amendment (508):

On page 8, after line 8, insert the following:

"NEW SECTION. Sec. A new section is added to chapter 47.36 RCW to read as follows:

(1) For the purposes of this section:

(a) "Arterial" means a public road or highway that is designated or qualifies as a principal or minor arterial under a state or local law, ordinance, regulation, or plan.

(b) "Bicycle" means a human-powered vehicle with metallic wheels at least sixteen inches in diameter or with metallic braking strips and metallic components, not necessarily including the frame or fork, which may be lawfully ridden on a public road or highway.

(c) "Bicycle route" means a route (i) that is designated as a route for bicycle use in a state or local law, ordinance, rule, or plan, or (ii) that provides bicycle access to urban areas that are not reasonably and conveniently accessible through other bicycle routes. The level of existing or projected use by bicyclists is a factor to consider in determining whether a bicycle route provides access that is not reasonably and conveniently available from other bicycle routes. An intersection that provides necessary linkages in a bicycle route or between routes is considered a part of the bicycle route or routes.

(d) "Design complete" means that all major design work for a new vehicle-activated traffic control signal has been completed and that the funding necessary for complete construction of the vehicle-activated traffic control signal has been firmly secured.

(e) "Existing vehicle-activated traffic control signal" means a vehicle-activated traffic control signal that is in use or design complete on or before the effective date of this section.

(f)(i) "Motorcycle" means a motor vehicle designed to travel on not more than three wheels in contact with the ground, on which the driver:

(A) Rides on a seat or saddle and the motor vehicle is designed to be steered with a handle bar; or

(B) Rides on a seat in a partially or completely enclosed seating area that is equipped with safety belts and the motor vehicle is designed to be steered with a steering wheel.

(ii) "Motorcycle" excludes a farm tractor, a power wheelchair, an electric personal assistive mobility device, a motorized foot scooter, an electric-assisted bicycle, and a moped.

(g) "Restricted right turn lane" means a right turn only lane where a right turn is not allowed after stopping but only upon a green signal.

(h) "Routinely and reliably detect motorcycles and bicycles" means that the detection equipment at a vehicle-activated traffic control signal is capable of detecting and will reliably detect a motorcycle or bicycle (i) when the motorcycle or bicycle is present immediately before a stop line or crosswalk in the center of a lane at an intersection or road entrance to such an intersection, or (ii) when the motorcycle or bicycle is present at marked detection areas.

(i) "Vehicle-activated traffic control signal" means a traffic control signal on a public road or highway that detects the presence of a vehicle as a means to change a signal phase.

(2) During routine maintenance or monitoring activities, but subject to the availability of funds:

(a) All existing vehicle-activated traffic control signals that do not currently routinely and reliably detect motorcycles and bicycles must be adjusted to do so to the extent that the existing equipment is capable consistent with safe traffic control. Priority must be given to existing vehicle-activated traffic control signals for which complaints relating to motorcycle or bicycle detection have been received and existing vehicle-activated traffic control signals that are otherwise identified as a detection problem for motorcyclists or bicyclists, or both. Jurisdictions operating existing vehicle-activated traffic control signals shall establish and publicize a procedure for filing these complaints in writing or by e-mail, and maintain a record of these complaints and responses; and

(b) Where motorcycle and bicycle detection is limited to certain areas other than immediately before the stop line or crosswalk in the center of a lane at an existing vehicle-activated traffic control signal, those detection areas must be clearly marked on the pavement at left

turn lanes, through lanes, and limited right turn lanes. These detection areas must also be marked to allow a bicyclist to leave a bicycle lane to enter a detection area, if necessary, to cross an intersection. Pavement markings must be consistent with the standards described in the state of Washington's "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the department of transportation.

(3)(a) If at least a substantial portion of detection equipment at an existing vehicle-activated traffic control signal on an arterial or bicycle route is scheduled to be replaced or upgraded, the replaced or upgraded detection equipment must routinely and reliably detect motorcycles and bicycles. For purposes of this subsection (3)(a), "substantial portion" means that the proposed replacement or upgrade will cost more than twenty percent of the cost of full replacement or upgraded detection equipment that would routinely and reliably detect motorcycles and bicycles.

(b) If at least a substantial portion of detection equipment at an existing vehicle-activated traffic control signal on a public road or highway that is not an arterial or bicycle route is scheduled to be replaced or upgraded, the replaced or upgraded detection equipment must routinely and reliably detect motorcycles and bicycles. For purposes of this subsection (3)(b), "substantial portion" means that the proposed replacement or upgrade will cost more than fifty percent of the cost of full replacement or upgraded detection equipment that would routinely and reliably detect motorcycles and bicycles.

(4) All vehicle-activated traffic control signals that are design complete and put in operation after the effective date of this section must be designed and operated, when in use, to routinely and reliably detect motorcycles and bicycles, including the detection of bicycles in bicycle lanes that cross an intersection."

Correct the title.

Representatives Williams, Roach and Ericksen spoke in favor of the adoption of the amendment.

Amendment (508) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Lias spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5482, as amended by the House.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5482, as amended by the House, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Hinkle, Hope, Hurst, Johnson, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson,

Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Upthegrove, Van De Wege, Walsh and Warnick.

Excused: Representative Flannigan.

SENATE BILL NO. 5482, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5539, by Senators Oemig, Jarrett, McAuliffe, Pflug and Tom

Regarding investment expenses of counties.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5539.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5539 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Nelson.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5539, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5554, by Senators Kilmer, Hobbs, Kastama, King, Jarrett, Marr, McAuliffe, Shin and Pridemore

Regarding the job skills program.

The bill was read the second time.

Representative Anderson moved the adoption of amendment (515):

On page 4, line 13, after "areas" insert ", however, the growth of industry clusters is one of several priorities and no more than fifty percent of job skills grants may be provided solely because the application promotes the growth of industry clusters"

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Wallace spoke against the adoption of the amendment.

Amendment (515) was not adopted.

With the consent of the House, amendment (514) was withdrawn.

Representative Hasegawa moved the adoption of amendment (443):

On page 4, line 34, strike "and" and insert "~~(and)~~"

On page 5, line 3, after "program" insert "; and

(13) The job skills program provides training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces"

Representatives Hasegawa and Anderson spoke in favor of the adoption of the amendment.

Amendment (443) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5554, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5554, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Angel.

Excused: Representative Flannigan.

SENATE BILL NO. 5554, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5684, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker, Ranker, Hatfield, Jarrett and Kline)

Addressing environmental mitigation in highway construction.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Ericksen moved the adoption of amendment (497) to the committee amendment:

On page 1, after line 21 of the striking amendment insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 47.01 RCW to read as follows: For the purpose of environmental mitigation of state or local transportation projects, any county may require the department of transportation to participate in the county's purchase of development rights program. If the county requires the department's participation, the department shall transfer to the county's purchase of development rights program environmental mitigation moneys for transportation projects. Rights in perpetuity to future development of any open space land, farm and agricultural land, and timber land which are so designated by the county may be used as environmental mitigation moneys for state or local transportation projects in lieu of wetlands or other mitigation required for a specific transportation project."

Correct the title.

Representatives Ericksen and Herrera spoke in favor of the adoption of the amendment to the committee amendment.

Representative Liias spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 39 – YEAS; 58 – NAYS.

Amendment (497) to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Upthegrove and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5684, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5684, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5684, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5797, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senators Haugen, Ranker, Brandland and Hatfield)

Regarding exemptions from solid waste handling permit requirements.

The bill was read the second time.

Representative Shea moved the adoption of amendment (530):

On page 2, line 17, after "section;" strike "and"

On page 2, line 21, after "testing" insert "; and

(h) The anaerobic digester must not process any fish or fish products that are listed under the federal endangered species act"

Representative Shea spoke in favor of the adoption of the amendment.

Representative Upthegrove spoke against the adoption of the amendment.

Amendment (530) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Upthegrove and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5797.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5797 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5797, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5894, by Senators Haugen and Parlette

Authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5894, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5894, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SENATE BILL NO. 5894, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kline, Keiser, Hobbs, Marr, Fairley, McAuliffe, Kohl-Welles and Shin)

Regarding apprenticeship utilization.

The bill was read the second time.

Representative Condotta moved the adoption of amendment (561):

On page 1, line 4, after "Sec. 1." insert "RCW 39.04.310 and 2007 c 437 s 1 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 39.04.300 and 39.04.320 unless the context clearly requires otherwise.

(1) "Apprentice" means an apprentice enrolled in a state-approved apprenticeship training program.

(2) "Apprentice utilization requirement" means the requirement that the appropriate percentage of labor hours be performed by apprentices.

(3) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the public works project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

(4) "School district" has the same meaning as in RCW 28A.315.025.

(5) "State-approved apprenticeship training program" means an apprenticeship training program approved by the Washington state apprenticeship council.

(6) "Trainee" means a worker participating in a training program.

(7) "Training program" means a formal training program conducted by an employer and approved by the awarding agency, school district, or four-year institution of higher education, or a private vocational school licensed under chapter 28B.10 RCW, or an institution of higher education as defined in RCW 28B.10.016.

Sec. 2."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 10, after "apprentices" insert "or trainees"

On page 1, line 18, after "apprentices" insert "or trainees"

On page 2, line 5, after "apprentices" insert "or trainees"

On page 2, line 11, after "apprentices" insert "or trainees"

On page 2, line 18, after "apprentices" insert "or trainees"

On page 2, line 22, after "apprentices" insert "or trainees"

On page 2, line 26, after "apprentices" insert "or trainees"

On page 2, line 31, after "apprentices" insert "or trainees"

On page 2, line 36, after "apprentices" insert "or trainees"

On page 3, line 3, after "apprentices" insert "or trainees"

On page 3, line 7, after "apprentices" insert "or trainees"

On page 3, line 11, after "apprentice" insert "or trainee"

On page 3, line 21, after "apprentices" insert "or trainees"

On page 3, line 25, after "apprentice" insert "or trainee"

On page 4, line 2, after "apprentices" insert "or trainees"

Correct the title.

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Wood spoke against the adoption of the amendment.

Amendment (561) was not adopted.

Representative Cox moved the adoption of amendment (573):

On page 23, after line 23, insert the following:

"Sec. 4. RCW 50.20.120 and 2009 c 3 s 3 are each amended to read as follows:

Except as provided in RCW 50.20.--- (section 2, chapter 3, Laws of 2009), benefits shall be payable as provided in this section.

(1) For claims with an effective date on or after April 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date on or after April 24, 2005, and before January 3, 2010, an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) For claims with an effective date on or after January 3, 2010:
(i) Except as provided in (ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to three and nine-tenths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(ii) An individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest if the commissioner determines that:

(A) Additional compensation is payable pursuant to section 2002 of the American recovery and reinvestment act of 2009 or a substantially similar federal law, or pursuant to RCW 50.20.--- (section 2, chapter 3, Laws of 2009), or a substantially similar state law; or

(B) The balance in the unemployment compensation fund is an amount that will provide fewer than nine months of unemployment benefits.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a) The maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Cox and Chandler spoke in favor of the adoption of the amendment.

Representative Wood spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (573) to Engrossed Substitute Senate Bill No. 5873.

ROLL CALL

The Clerk called the roll on the adoption of amendment (573) to Engrossed Substitute Senate Bill No. 5873 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (573) was not adopted.

Representative Condotta moved the adoption of amendment (531):

On page 2, after line 31, insert the following:

"(6) If an employer prevails in an appeal before the board of industrial insurance appeals or on judicial review, the board or court, as the case may be, shall award to the employer actual damages, costs, and reasonable attorneys' fees. For purposes of this subsection, "actual damages" means all economic loss suffered by the employer for any day or days during which work was stopped due to a stop work order, including lost profits, lost wages, penalties paid, and interest."

Renumber the sections consecutively and correct any internal references accordingly.

Representative Condotta spoke in favor of the adoption of the amendment.

Representative Ormsby spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (573) to Senate Bill No. 5873.

ROLL CALL

The Clerk called the roll on the adoption of amendment (573) to Senate Bill No. 5873 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (531) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Ormsby spoke in favor of the passage of the bill.

Representatives Condotta, Anderson and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5873.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5873, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5873, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6095, by Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker)

Clarifying that retirement costs continue to be authorized as a charge included in the Puget Sound pilotage district tariff.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6095, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6095, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler and Eddy.
Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 6095, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5565, by Senate Committee on Environment, Water & Energy (originally sponsored by Senator Rockefeller)

Regarding the use of certain solid fuel burning devices.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environmental Health was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Shea moved the adoption of amendment (553):

On page 2, line 35, after "(4)" insert "If and only if the nonattainment area is within the jurisdiction of the department and the legislative authority of a city or county within the area of nonattainment formally expresses concerns with the department's written findings, then the department must publish on the department's website the reasons for prohibiting the use of solid fuel burning devices under subsection (2) of this section that includes a

response to the concerns expressed by the city or county legislative authority.

(5)"

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Shea and Chase spoke in favor of the adoption of the amendment.

Amendment (553) was adopted.

Representative Orcutt moved the adoption of amendment (554):

On page 3, after line 9, insert the following:

"NEW SECTION, Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of solid fuel burning devices meeting the standards in RCW 70.94.457 with respect to persons who purchase solid fuel burning devices that are used within an area designated as a nonattainment area for fine particulates by the United States environmental protection agency or is in maintenance status under that designation.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION, Sec. 3. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter shall not apply in respect to solid fuel burning devices meeting the standards in RCW 70.94.457 with respect to persons who purchase solid fuel burning devices that are used within an area designated as a nonattainment area for fine particulates by the United States environmental protection agency or is in maintenance status under that designation.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files."

Correct the title.

Representatives Orcutt and Shea spoke in favor of the adoption of the amendment.

Representative Rolfes spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (554) to Substitute Senate Bill No. 5565.

ROLL CALL

The Clerk called the roll on the adoption of amendment (554) to Substitute Senate Bill No. 5565 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko,

Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (554) was not adopted

The committee amendment as amended by amendment (553) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Campbell and Rolfes spoke in favor of the passage of the bill.

Representatives Orcutt and Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5565, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5565, as amended by the House, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5565, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

Modifying sentencing provisions for juveniles adjudicated of certain crimes.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Human Services was before the House for purpose of amendment. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Priest moved the adoption of amendment (558):

On page 9, beginning on line 34 of the striking amendment, after "restitution," strike "~~((and a two hundred dollar fine))~~" and insert "~~((and))~~ a two hundred dollar fine."

On page 10, beginning on line 2 of the striking amendment, after "days" strike ". The court may impose a fine, but such fine shall not exceed seventy-five dollars"

On page 10, beginning on line 8 of the striking amendment, after "and a" strike "~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars" and insert "four hundred dollar fine"

On page 10, beginning on line 14 of the striking amendment, after "and a" strike "~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars" and insert "four hundred dollar fine"

On page 10, line 26 of the striking amendment, after ", a" strike "fine not exceeding seventy-five dollars" and insert "two hundred dollar fine"

On page 10, line 35 of the striking amendment, after "and a" strike "~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars" and insert "four hundred dollar fine"

On page 11, beginning on line 3 of the striking amendment, after "and a" strike "~~((four hundred dollar))~~ fine not exceeding one hundred fifty dollars" and insert "four hundred dollar fine"

On page 11, beginning on line 23 of the striking amendment, after "~~((and))~~ a" strike "~~((one hundred fifty dollar))~~ fine not exceeding one hundred fifty dollars" and insert "one hundred fifty dollar fine"

On page 11, beginning on line 33 of the striking amendment, after "~~((and))~~ a" strike "~~((one hundred fifty dollar))~~ fine not exceeding one hundred fifty dollars" and insert "one hundred fifty dollar fine"

Representatives Priest, Klippert, Dammeier, Pearson, Johnson and Ross spoke in favor of the adoption of the amendment.

Representatives Dickerson, Darneille and Kagi spoke against the adoption of the amendment.

There being no objection, the House deferred action on ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5963, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Holmquist, King, Honeyford, Keiser, Franklin, Kline, Hewitt, Marr, Parlette, McCaslin, Schoesler and Morton)

Regarding unemployment insurance.

The bill was read the second time.

MOTION

Representative Condotta moved that the committee amendment by the Committee on Commerce & Labor not be adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Condotta spoke in favor of the motion to not adopt the committee amendment.

Representatives Green, Conway and McCoy spoke against the motion to not adopt the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question to be adoption of the motion to not adopt the committee amendment by the Committee on Commerce & Labor.

ROLL CALL

The Clerk called the roll on the motion to not adopt the committee amendment by the Committee on Commerce & Labor on Substitute Senate Bill No. 5963 and the motion was adopted by the following vote: Yeas: 50; Nays: 47; Absent: 0; Excused: 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Carlyle, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericks, Ericksen, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Johnson,

Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Walsh, and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Goodman, Green, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood, and Mr. Speaker.

Excused: Representative Flannigan.

The committee amendment by the Committee on Commerce & Labor was not adopted.

Because the committee amendment by the Committee on Commerce & Labor was not adopted, amendments (557), (562), (542), (570), (526), (571), (502), (512) and (555) were ruled out of order.

Representative Green moved the adoption of amendment (549):

On page 2, line 9, after "(1)(b)(i)" insert "or (2)(b)(i)"

On page 2, line 12, after "(1)(b)(v) through (x)" insert "or (2)(b)(v) through (x)"

On page 3, line 12, after "(1)(b)(iv) or (xi)" insert "or (2)(b)(iv) or (xi)"

On page 19, line 33, after "and" strike "for"

On page 22, beginning on line 2, after "amount." strike "Good cause reasons to leave work are limited to reasons listed in (b) of this subsection."

On page 23, line 18, after "beliefs." strike "or"

On page 23, line 23, after "program" insert the following:

" or

(xii) The individual left work because continuing in employment would work an unreasonable hardship on the individual. "Unreasonable hardship" means a result not due to the individual's voluntary action that would cause a reasonable person to leave that employment. The circumstances must be based on existing facts, not conjecture, and the reasons for leaving work must be significant. An individual seeking to demonstrate unreasonable hardship must show that:

(A) The individual left work primarily for reasons connected with his or her employment;

(B) The work-connected reasons were of such a compelling nature they would have caused a reasonably prudent person to leave work; and

(C) The individual first exhausted all reasonable alternatives before leaving work, unless pursuing reasonable alternatives would have been futile"

Representatives Green and Conway spoke in favor of the adoption of the amendment.

Representatives Condotta and Chandler spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (549) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the adoption of amendment (549) to Substitute Senate Bill No. 5963 and the amendment was adopted by the following vote: Yeas: 60; Nays: 37; Absent: 0; Excused: 1

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh,

Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

There being no objection, the House deferred action on SUBSTITUTE SENATE BILL NO. 5963, and the bill held its place on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar.

- HOUSE BILL NO. 2315
- SENATE BILL NO. 5028
- SENATE BILL NO. 5038
- SUBSTITUTE SENATE BILL NO. 5042
- ENGROSSED SUBSTITUTE SENATE NO. 5262
- SUBSTITUTE SENATE BILL NO. 5276
- SUBSTITUTE SENATE BILL NO. 5286
- SENATE BILL NO. 5289
- SENATE BILL NO. 5298
- SENATE BILL NO. 5303
- SUBSTITUTE SENATE BILL NO. 5326
- SUBSTITUTE SENATE BILL NO. 5340
- SECOND SUBSTITUTE SENATE BILL NO. 5346
- SUBSTITUTE SENATE BILL NO. 5360
- SUBSTITUTE SENATE BILL NO. 5367
- SUBSTITUTE SENATE BILL NO. 5391
- SUBSTITUTE SENATE BILL NO. 5401
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5414
- SUBSTITUTE SENATE BILL NO. 5480
- SUBSTITUTE SENATE BILL NO. 5556
- SENATE BILL NO. 5568
- SUBSTITUTE SENATE BILL NO. 5574
- SENATE BILL NO. 5587
- SUBSTITUTE SENATE BILL NO. 5719
- SUBSTITUTE SENATE BILL NO. 5725
- SUBSTITUTE SENATE BILL NO. 5752
- SUBSTITUTE SENATE BILL NO. 5765
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5807
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5811
- SUBSTITUTE SENATE BILL NO. 5882
- SENATE BILL NO. 5909
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5941
- SECOND SUBSTITUTE SENATE BILL NO. 5973
- SENATE BILL NO. 5976
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015
- SENATE BILL NO. 6070

There being no objection, HOUSE BILL NO. 1646 was returned to the Committee on Rules.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 10, 2009, the 89th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

EIGHTY NINTH DAY

House Chamber, Olympia, Friday, April 10, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Davey Moore and Elizabeth Veschke. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Janet Tanaka, Bahai of Thurston County.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

HB 2339 by Representatives Kessler, Seaquist, Roberts, Williams, Simpson, Nelson, Ormsby, Dunshee, Goodman, Pedersen, Cody, Hasegawa, Kirby, Maxwell, Upthegrove, Finn, Eddy, Hunt, Orwall, Rolfes, Morrell, Kenney, Clibborn, Morris, Green, Kagi, Chase, Sells, Wood, Flannigan, Ericks, McCoy, Campbell, Appleton, Pettigrew, White, Blake, Linville, Wallace, Conway, Carlyle, Miloscia, Takko, O'Brien, Hurst and Van De Wege

AN ACT Relating to requiring the department of licensing to collect a donation to benefit the state parks system as part of motor vehicle registration unless a vehicle owner opts not to provide a donation; amending RCW 46.16.076; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HCR 4405 by Representatives Hinkle, Kristiansen, DeBolt, Ross, Klippert, Smith, Condotta, Angel, Pearson, Warnick, Shea, Johnson, Kretz, Short, Ericksen, Herrera, Orcutt and Haler

Agreeing to limit the length of the 2010 legislative session to no more than forty-five days.

Referred to Committee on State Government & Tribal Affairs.

There being no objection, the bill and resolution listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

April 7, 2009

HB 1244 Prime Sponsor, Representative Linville: Making 2009-2011 operating appropriations. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5963, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kohl-Welles, Holmquist, King, Honeyford, Keiser, Franklin, Kline, Hewitt, Marr, Parlette, McCaslin, Schoesler and Morton)

Regarding unemployment insurance.

The House resumed consideration from Day 88, April 9, 2009.

With the consent of the House, amendments (563), (564), (565), (566), (567), (568), and (569) were withdrawn.

Representative Green moved the adoption of amendment (550):

On page 23, after line 23, insert the following:

"Sec. 4. RCW 50.20.120 and 2009 c 3 s 3 are each amended to read as follows:

Except as provided in RCW 50.20.-- (section 2, chapter 3, Laws of 2009), benefits shall be payable as provided in this section.

(1) For claims with an effective date on or after April 4, 2004, benefits shall be payable to any eligible individual during the individual's benefit year in a maximum amount equal to the lesser of twenty-six times the weekly benefit amount, as determined in subsection (2) of this section, or one-third of the individual's base year wages under this title.

(2)(a) For claims with an effective date on or after April 24, 2005, and before January 3, 2010, an individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(b) For claims with an effective date on or after January 3, 2010, and before January 3, 2016:

(i) Except as provided in (ii) of this subsection, an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest.

(ii) An individual's weekly benefit amount shall be an amount equal to three and eighty-five one-hundredths percent of the average quarterly wages of the individual's total wages during the two quarters of the individual's base year in which such total wages were highest if the commissioner determines that:

(A) Additional compensation is payable pursuant to section 2002 of the American recovery and reinvestment act of 2009 or a substantially similar federal law, or pursuant to RCW 50.20.-- (section 2, chapter 3, Laws of 2009), or a substantially similar state law; or

(B) The balance in the unemployment compensation fund is an amount that will provide fewer than eight months of unemployment benefits.

(c) For claims with an effective date on or after January 3, 2016, an individual's weekly benefit amount shall be an amount equal to four percent of the average quarterly wages of the individual's total

wages during the two quarters of the individual's base year in which such total wages were highest.

(3) The maximum and minimum amounts payable weekly shall be determined as of each June 30th to apply to benefit years beginning in the twelve-month period immediately following such June 30th.

(a) The maximum amount payable weekly shall be either four hundred ninety-six dollars or sixty-three percent of the "average weekly wage" for the calendar year preceding such June 30th, whichever is greater.

(b) The minimum amount payable weekly shall be fifteen percent of the "average weekly wage" for the calendar year preceding such June 30th.

(4) If any weekly benefit, maximum benefit, or minimum benefit amount computed herein is not a multiple of one dollar, it shall be reduced to the next lower multiple of one dollar."

Renumber the sections consecutively and correct any internal references accordingly.

Correct the title.

Representative Green spoke in favor of the adoption of the amendment.

Representatives DeBolt and Condotta spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (550) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the adoption of amendment (550) to Substitute Senate Bill No. 5963 and the amendment was adopted by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kelley, Kenney, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Kagi, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

Amendment (550) was adopted.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on amendment (550) to SUBSTITUTE SENATE BILL NO. 5963.

RUTH KAGI, 32nd District

Because of the adoption of amendment (550), amendments (546) and (573) were ruled out of order.

With the consent of the House, amendments (547) and (548) were withdrawn.

Representative Conway moved the adoption of amendment (556):

On page 23, after line 23, insert the following:

"Sec. 4. RCW 50.22.010 and 1993 c 483 s 15 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks:

(a) The rate of insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equaled or exceeded five percent; or

(b) For benefits for weeks of unemployment beginning after March 6, 1993:

(i) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds six and one-half percent; and

(ii) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (b)(i) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(3) "High unemployment period" means any period of unemployment beginning after March 6, 1993, during which an extended benefit period would be in effect if:

(a) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent; and

(b) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (a) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) There is an "off" indicator for this state for a week only if, for the period consisting of such week and immediately preceding twelve weeks, none of the options specified in subsection (2) or (3) of this section result in an "on" indicator.

(5) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(6) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

(7) "Additional benefits" are benefits totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(8) "Eligibility period" of an individual means:

(a) The period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period; or

(b) For an individual who is eligible for emergency unemployment compensation during the extended benefit period

beginning February 15, 2009, the period consisting of the week ending February 28, 2009, through the week ending May 29, 2010.

(9) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d)(i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

(11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954."

Renumber the sections consecutively and correct any internal references accordingly.

On page 24, after line 2, insert the following:

"NEW SECTION. Sec. 6. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or

support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Conway spoke in favor of the adoption of the amendment.

Representative Condotta spoke against the adoption of the amendment.

Amendment (556) was adopted.

Representative Condotta moved the adoption of amendment (578):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 50.29.021 and 2008 c 323 s 2 are each amended to read as follows:

(1) This section applies to benefits charged to the experience rating accounts of employers for claims that have an effective date on or after January 4, 2004.

(2)(a) An experience rating account shall be established and maintained for each employer, except employers as described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, based on existing records of the employment security department.

(b) Benefits paid to an eligible individual shall be charged to the experience rating accounts of each of such individual's employers during the individual's base year in the same ratio that the wages paid by each employer to the individual during the base year bear to the wages paid by all employers to that individual during that base year, except as otherwise provided in this section.

(c) When the eligible individual's separating employer is a covered contribution paying base year employer, benefits paid to the eligible individual shall be charged to the experience rating account of only the individual's separating employer if the individual qualifies for benefits under:

(i) RCW 50.20.050((2)) (1)(b)(i), as applicable, and became unemployed after having worked and earned wages in the bona fide work; or

(ii) RCW 50.20.050(((2))) (1)(b) (v) through (x).

(3) The legislature finds that certain benefit payments, in whole or in part, should not be charged to the experience rating accounts of employers except those employers described in RCW 50.44.010, 50.44.030, and 50.50.030 who have properly elected to make payments in lieu of contributions, taxable local government employers described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, as follows:

(a) Benefits paid to any individual later determined to be ineligible shall not be charged to the experience rating account of any contribution paying employer. However, when a benefit claim becomes invalid due to an amendment or adjustment of a report where the employer failed to report or inaccurately reported hours worked or remuneration paid, or both, all benefits paid will be charged to the experience rating account of the contribution paying employer or employers that originally filed the incomplete or inaccurate report or reports. An employer who reimburses the trust fund for benefits paid to workers and who fails to report or inaccurately reported hours worked or remuneration paid, or both, shall reimburse the trust fund for all benefits paid that are based on the originally filed incomplete or inaccurate report or reports.

(b) Benefits paid to an individual filing under the provisions of chapter 50.06 RCW shall not be charged to the experience rating account of any contribution paying employer only if:

(i) The individual files under RCW 50.06.020(1) after receiving crime victims' compensation for a disability resulting from a nonwork- related occurrence; or

(ii) The individual files under RCW 50.06.020(2).

(c) Benefits paid which represent the state's share of benefits payable as extended benefits defined under RCW 50.22.010(6) shall not be charged to the experience rating account of any contribution paying employer.

(d) In the case of individuals who requalify for benefits under RCW 50.20.050 or 50.20.060, benefits based on wage credits earned prior to the disqualifying separation shall not be charged to the experience rating account of the contribution paying employer from whom that separation took place.

(e) Benefits paid to an individual who qualifies for benefits under RCW 50.20.050((2)) (1)(b) (iv) or (xi), as applicable, shall not be charged to the experience rating account of any contribution paying employer.

(f) With respect to claims with an effective date on or after the first Sunday following April 22, 2005, benefits paid that exceed the benefits that would have been paid if the weekly benefit amount for the claim had been determined as one percent of the total wages paid in the individual's base year shall not be charged to the experience rating account of any contribution paying employer. This subsection (3)(f) does not apply to the calculation of contribution rates under RCW 50.29.025 for rate year 2010 and thereafter.

(4)(a) A contribution paying base year employer, not otherwise eligible for relief of charges for benefits under this section, may receive such relief if the benefit charges result from payment to an individual who:

(i) Last left the employ of such employer voluntarily for reasons not attributable to the employer;

(ii) Was discharged for misconduct or gross misconduct connected with his or her work not a result of inability to meet the minimum job requirements;

(iii) Is unemployed as a result of closure or severe curtailment of operation at the employer's plant, building, worksite, or other facility. This closure must be for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster; or

(iv) Continues to be employed on a regularly scheduled permanent part-time basis by a base year employer and who at some time during the base year was concurrently employed and subsequently separated from at least one other base year employer. Benefit charge relief ceases when the employment relationship between the employer requesting relief and the claimant is terminated. This subsection does not apply to shared work employers under chapter 50.06 RCW.

(b) The employer requesting relief of charges under this subsection must request relief in writing within thirty days following mailing to the last known address of the notification of the valid initial determination of such claim, stating the date and reason for the separation or the circumstances of continued employment. The commissioner, upon investigation of the request, shall determine whether relief should be granted.

Sec. 2. RCW 50.29.025 and 2007 c 51 s 1 are each amended to read as follows:

(1) ((Except as provided in subsection (2) of this section, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be determined under this subsection.

(a) A fund balance ratio shall be determined by dividing the balance in the unemployment compensation fund as of the September 30th immediately preceding the rate year by the total remuneration paid by all employers subject to contributions during the second calendar year preceding the rate year and reported to the department by the following March 31st. The division shall be carried to the fourth decimal place with the remaining fraction, if any, disregarded. The fund balance ratio shall be expressed as a percentage.

(b) The interval of the fund balance ratio, expressed as a percentage, shall determine which tax schedule in (e) of this subsection shall be in effect for assigning tax rates for the rate year. The intervals for determining the effective tax schedule shall be:

Interval of the Fund Balance Ratio Expressed as a Percentage	Effective Tax Schedule
2.90 and above	AA
2.10 to 2.89	A

1.70 to 2.09	B
1.40 to 1.69	C
1.00 to 1.39	D
0.70 to 0.99	E
Less than 0.70	F

(c) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (i) Identification number; (ii) benefit ratio; (iii) taxable payrolls for the four calendar quarters immediately preceding the computation date and reported to the department by the cut-off date; (iv) a cumulative total of taxable payrolls consisting of the employer's taxable payroll plus the taxable payrolls of all other employers preceding him or her in the array; and (v) the percentage equivalent of the cumulative total of taxable payrolls.

(d) Each employer in the array shall be assigned to one of twenty rate classes according to the percentage intervals of cumulative taxable payrolls set forth in (e) of this subsection: PROVIDED, That if an employer's taxable payroll falls within two or more rate classes, the employer and any other employer with the same benefit ratio shall be assigned to the lowest rate class which includes any portion of the employer's taxable payroll.

(e) Except as provided in RCW 50.29.026, the contribution rate for each employer in the array shall be the rate specified in the following tables for the rate class to which he or she has been assigned, as determined under (d) of this subsection, within the tax schedule which is to be in effect during the rate year:

Percent of Cumulative Taxable Payrolls		Schedules of Contributions Rates for Effective Tax Schedule							
From	To	Rate Class	AA	A	B	C	D	E	F
0	5.00	1	0.5	0.47	0.57	0.97	1.47	1.87	2.47
5.01	10.00	2	0.5	0.47	0.77	1.17	1.67	2.07	2.67
10.01	15.00	3	0.6	0.57	0.97	1.37	1.77	2.27	2.87
15.01	20.00	4	0.6	0.73	1.11	1.51	1.90	2.40	2.98
20.01	25.00	5	0.7	0.92	1.3	1.70	2.09	2.59	3.08
25.01	30.00	6	0.9	1.11	1.49	1.89	2.29	2.69	3.18
30.01	35.00	7	1	1.29	1.69	2.08	2.48	2.88	3.27
35.01	40.00	8	1.2	1.48	1.88	2.27	2.67	3.07	3.47
40.01	45.00	9	1.4	1.67	2.07	2.47	2.87	3.27	3.66
45.01	50.00	10	1.6	1.86	2.26	2.66	3.06	3.46	3.86
50.01	55.00	11	1.8	2.14	2.45	2.85	3.25	3.66	3.95
55.01	60.00	12	2	2.33	2.64	3.04	3.44	3.85	4.15
60.01	65.00	13	2.2	2.52	2.83	3.23	3.64	4.04	4.34
65.01	70.00	14	2.4	2.71	3.02	3.43	3.83	4.24	4.54
70.01	75.00	15	2.68	2.90	3.21	3.62	4.02	4.43	4.63
75.01	80.00	16	2.9	3.09	3.42	3.81	4.22	4.53	4.73
80.01	85.00	17	3.27	3.47	3.77	4.17	4.57	4.87	4.97
85.01	90.00	18	3.7	3.87	4.17	4.57	4.87	4.97	5.17
90.01	95.00	19	4.1	4.27	4.57	4.97	5.07	5.17	5.37
95.01	100.00	20	5.40	5.40	5.40	5.40	5.40	5.4	5.4

(f) The contribution rate for each employer not qualified to be in the array shall be as follows:

(i) Employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due shall be assigned a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year, except employers who have an approved agency-deferred payment contract by September 30 of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to a contribution rate two-tenths higher than that in rate class 20 for the applicable rate year; and

(ii) For all other employers not qualified to be in the array, the contribution rate shall be a rate equal to the average industry rate as determined by the commissioner; however, the rate may not be less than one percent.

(2) Beginning with)) For contributions assessed for rate years

2005 through 2009, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio		Rate Class	Rate (percent)
At least	Less than		
	0.000001	1	0
0	0.001250	2	0.13
0.00125	0.0025	3	0.25
0.0025	0.00375	4	0.38
0.00375	0.005	5	0.5
0.005	0.00625	6	0.63
0.00625	0.0075	7	0.75
0.0075	0.00875	8	0.88
0.00875	0.01	9	1
0.01	0.011250	10	1.15
0.01125	0.012500	11	1.3
0.0125	0.013750	12	1.45
0.01375	0.015000	13	1.6
0.015	0.01625	14	1.75
0.01625	0.0175	15	1.9
0.0175	0.01875	16	2.05
0.01875	0.02	17	2.2
0.02	0.02125	18	2.35
0.02125	0.022500	19	2.5
0.0225	0.023750	20	2.65
0.02375	0.025000	21	2.8
0.025	0.026250	22	2.95
0.02625	0.027500	23	3.1
0.0275	0.028750	24	3.25
0.02875	0.030000	25	3.4
0.03	0.031250	26	3.55
0.03125	0.032500	27	3.7
0.0325	0.033750	28	3.85
0.03375	0.035000	29	4
0.035	0.036250	30	4.15
0.03625	0.037500	31	4.3
0.0375	0.040000	32	4.45
0.04	0.042500	33	4.6
0.0425	0.045000	34	4.75
0.045	0.047500	35	4.9
0.0475	0.050000	36	5.05
0.05	0.052500	37	5.2
0.0525	0.055000	38	5.3
0.055	0.057500	39	5.35
0.0575		40	5.4

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection ((2)) (1)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection ((2)) (1)(b) shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least twelve months but less than fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least fourteen months of unemployment benefits, the minimum shall be five-tenths of one percent, except that, for employers in rate class 1, the minimum shall be forty-five hundredths of one percent.

(ii)(A) Except as provided in (b)(ii)(B) of this subsection, the graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six and five-tenths percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed six percent through rate year 2007 and may not exceed five and seven-tenths percent for rate years 2008 and ((thereafter)) 2009:

(I) Rate class 1 - 78 percent;

(II) Rate class 2 - 82 percent;

(III) Rate class 3 - 86 percent;

(IV) Rate class 4 - 90 percent;

(V) Rate class 5 - 94 percent;

(VI) Rate class 6 - 98 percent;

(VII) Rate class 7 - 102 percent;

(VIII) Rate class 8 - 106 percent;

(IX) Rate class 9 - 110 percent;

(X) Rate class 10 - 114 percent;

(XI) Rate class 11 - 118 percent; and

(XII) Rate classes 12 through 40 - 120 percent.

(B) For contributions assessed beginning July 1, 2005, through December 31, 2007, for employers whose North American industry classification system code is "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," the graduated social cost factor rate is zero.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters. To calculate the flat social cost factor for rate year 2005, the commissioner shall calculate the total social cost using the array calculation factor contributions that would have been required to be paid by all employers in the calculation period if (a) of this subsection had been in effect for the relevant period.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all

employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(d) For all other employers not qualified to be in the array:

(i) For rate years 2005, 2006, and 2007:

(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, plus fifteen percent of that amount; however, the rate may not be less than one percent or more than the array calculation factor rate in rate class 40; and

(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, plus fifteen percent of that amount, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(ii) ((Beginning with)) For contributions assessed for rate years 2008 and 2009:

(A) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;

(B) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection; and

(C) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (c) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one-hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:

	History Ratio		History Factor (percent)
	At least	Less than	
(I)		.95	90
(II)	0.95	1.05	100
(III)	1.05		115

(2) For contributions assessed in rate year 2010 and thereafter, the contribution rate for each employer subject to contributions under RCW 50.24.010 shall be the sum of the array calculation factor rate and the graduated social cost factor rate determined under this subsection, and the solvency surcharge determined under RCW 50.29.041, if any.

(a) The array calculation factor rate shall be determined as follows:

(i) An array shall be prepared, listing all qualified employers in ascending order of their benefit ratios. The array shall show for each qualified employer: (A) Identification number; (B) benefit ratio; and (C) taxable payrolls for the four consecutive calendar quarters immediately preceding the computation date and reported to the

employment security department by the cut-off date.

(ii) Each employer in the array shall be assigned to one of forty rate classes according to his or her benefit ratio as follows, and, except as provided in RCW 50.29.026, the array calculation factor rate for each employer in the array shall be the rate specified in the rate class to which the employer has been assigned:

Benefit Ratio	Rate Class	Rate (percent)
At least	Less than	
0	0.000001	1 0
0.00125	0.001250	2 0.11
0.0025	0.002500	3 0.22
0.00375	0.003750	4 0.33
0.005	0.005000	5 0.43
0.00625	0.006250	6 0.54
0.0075	0.007500	7 0.65
0.00875	0.008750	8 0.76
0.01	0.010000	9 0.88
0.01125	0.011250	10 1.01
0.0125	0.012500	11 1.14
0.01375	0.013750	12 1.28
0.015	0.015000	13 1.41
0.01625	0.016250	14 1.54
0.0175	0.017500	15 1.67
0.01875	0.018750	16 1.8
0.02	0.020000	17 1.94
0.02125	0.021250	18 2.07
0.0225	0.022500	19 2.2
0.02375	0.023750	20 2.38
0.025	0.025000	21 2.5
0.02625	0.026250	22 2.63
0.0275	0.027500	23 2.75
0.02875	0.028750	24 2.88
0.03	0.030000	25 3
0.03125	0.031250	26 3.13
0.0325	0.032500	27 3.25
0.03375	0.033750	28 3.38
0.035	0.035000	29 3.5
0.03625	0.036250	30 3.63
0.0375	0.037500	31 3.75
0.04	0.040000	32 4
0.0425	0.042500	33 4.25
0.045	0.045000	34 4.5
0.0475	0.047500	35 4.75
0.05	0.050000	36 5
0.0525	0.052500	37 5.15
0.055	0.055000	38 5.25
0.0575	0.057500	39 5.3
		40 5.4

(b) The graduated social cost factor rate shall be determined as follows:

(i)(A) Except as provided in (b)(i)(B) and (C) of this subsection, the commissioner shall calculate the flat social cost factor for a rate year by dividing the total social cost by the total taxable payroll. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The flat social cost factor shall be expressed as a percentage.

(B) If, on the cut-off date, the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide more than ten months of unemployment benefits, the commissioner shall calculate the flat social cost factor for the rate year immediately following the cut-off date by reducing the total social cost by the dollar amount that represents the number of months for which the balance in the unemployment compensation fund on the cut-off date will provide benefits above ten months and dividing the result by the total taxable payroll. However, the calculation under this subsection (2)(b)(i)(B) for a rate year may not result in a flat social cost factor that is more than four-tenths lower than the calculation under (b)(i)(A) of this subsection for that rate year.

For the purposes of this subsection, the commissioner shall

determine the number of months of unemployment benefits in the unemployment compensation fund using the benefit cost rate for the average of the three highest calendar benefit cost rates in the twenty consecutive completed calendar years immediately preceding the cut-off date or a period of consecutive calendar years immediately preceding the cut-off date that includes three recessions, if longer.

(C) The minimum flat social cost factor calculated under this subsection (2)(b) shall be six-tenths of one percent, except that if the balance in the unemployment compensation fund is determined by the commissioner to be an amount that will provide:

(I) At least ten months but less than eleven months of unemployment benefits, the minimum shall be five-tenths of one percent; or

(II) At least eleven months but less than twelve months of unemployment benefits, the minimum shall be forty-five hundredths of one percent; or

(III) At least twelve months but less than thirteen months of unemployment benefits, the minimum shall be four-tenths of one percent; or

(IV) At least thirteen months but less than fifteen months of unemployment benefits, the minimum shall be thirty-five hundredths of one percent; or

(V) At least fifteen months but less than seventeen months of unemployment benefits, the minimum shall be twenty-five hundredths of one percent; or

(VI) At least seventeen months but less than eighteen months of unemployment benefits, the minimum shall be fifteen hundredths of one percent; or

(VII) At least eighteen months of unemployment benefits, the minimum shall be fifteen hundredths of one percent through rate year 2011 and shall be zero thereafter.

(ii) The graduated social cost factor rate for each employer in the array is the flat social cost factor multiplied by the percentage specified as follows for the rate class to which the employer has been assigned in (a)(ii) of this subsection, except that the sum of an employer's array calculation factor rate and the graduated social cost factor rate may not exceed six percent or, for employers whose North American industry classification system code is within "111," "112," "1141," "115," "3114," "3117," "42448," or "49312," may not exceed five and four-tenths percent:

- (A) Rate class 1 - 78 percent;
- (B) Rate class 2 - 82 percent;
- (C) Rate class 3 - 86 percent;
- (D) Rate class 4 - 90 percent;
- (E) Rate class 5 - 94 percent;
- (F) Rate class 6 - 98 percent;
- (G) Rate class 7 - 102 percent;
- (H) Rate class 8 - 106 percent;
- (I) Rate class 9 - 110 percent;
- (J) Rate class 10 - 114 percent;
- (K) Rate class 11 - 118 percent; and
- (L) Rate classes 12 through 40 - 120 percent.

(iii) For the purposes of this section:

(A) "Total social cost" means the amount calculated by subtracting the array calculation factor contributions paid by all employers with respect to the four consecutive calendar quarters immediately preceding the computation date and paid to the employment security department by the cut-off date from the total unemployment benefits paid to claimants in the same four consecutive calendar quarters.

(B) "Total taxable payroll" means the total amount of wages subject to tax, as determined under RCW 50.24.010, for all employers in the four consecutive calendar quarters immediately preceding the computation date and reported to the employment security department by the cut-off date.

(c) For employers who do not meet the definition of "qualified employer" by reason of failure to pay contributions when due:

(i) The array calculation factor rate shall be two-tenths higher than that in rate class 40, except employers who have an approved agency-deferred payment contract by September 30th of the previous rate year. If any employer with an approved agency-deferred payment contract fails to make any one of the succeeding deferred payments or fails to submit any succeeding tax report and payment

in a timely manner, the employer's tax rate shall immediately revert to an array calculation factor rate two-tenths higher than that in rate class 40; and

(ii) The social cost factor rate shall be the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection.

(d) For all other employers not qualified to be in the array:

(i) The array calculation factor rate shall be a rate equal to the average industry array calculation factor rate as determined by the commissioner, multiplied by the history factor, but not less than one percent or more than the array calculation factor rate in rate class 40;

(ii) The social cost factor rate shall be a rate equal to the average industry social cost factor rate as determined by the commissioner, multiplied by the history factor, but not more than the social cost factor rate assigned to rate class 40 under (b)(ii) of this subsection; and

(iii) The history factor shall be based on the total amounts of benefits charged and contributions paid in the three fiscal years ending prior to the computation date by employers not qualified to be in the array, other than employers in (c) of this subsection, who were first subject to contributions in the calendar year ending three years prior to the computation date. The commissioner shall calculate the history ratio by dividing the total amount of benefits charged by the total amount of contributions paid in this three-year period by these employers. The division shall be carried to the second decimal place with the remaining fraction disregarded unless it amounts to five one-hundredths or more, in which case the second decimal place shall be rounded to the next higher digit. The commissioner shall determine the history factor according to the history ratio as follows:

	History Ratio		History Factor (percent)
	At least	Less than	
(A)		.95	90
(B)	.95	1.05	100
(C)	1.05		115

(3) Assignment of employers by the commissioner to industrial classification, for purposes of this section, shall be in accordance with established classification practices found ((in the "Standard Industrial Classification Manual" issued by the federal office of management and budget to the third digit provided in the standard industrial classification code, or)) in the North American industry classification system code.

Sec. 3. RCW 50.20.050 and 2008 c 323 s 1 are each amended to read as follows:

(1) ((With respect to claims that have an effective date before January 4, 2004:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual shall not be considered to have left work voluntarily without good cause when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if the claimant took all reasonable precautions, in accordance with any regulations that the commissioner may prescribe, to protect his or her employment status by having promptly notified the employer of the reason for the absence and by having promptly requested reemployment when again

able to assume employment: PROVIDED, That these precautions need not have been taken when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system;

(iii) He or she has left work to relocate for the spouse's employment that is due to an employer-initiated mandatory transfer that is outside the existing labor market area if the claimant remained employed as long as was reasonable prior to the move; or

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110.

(c) In determining under this subsection whether an individual has left work voluntarily without good cause, the commissioner shall only consider work-connected factors such as the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness for the work, the individual's ability to perform the work, and such other work connected factors as the commissioner may deem pertinent, including state and national emergencies. Good cause shall not be established for voluntarily leaving work because of its distance from an individual's residence where the distance was known to the individual at the time he or she accepted the employment and where, in the judgment of the department, the distance is customarily traveled by workers in the individual's job classification and labor market, nor because of any other significant work factor which was generally known and present at the time he or she accepted employment, unless the related circumstances have so changed as to amount to a substantial involuntary deterioration of the work factor or unless the commissioner determines that other related circumstances would work an unreasonable hardship on the individual were he or she required to continue in the employment.

(d) Subsection (1)(a) and (c) of this section shall not apply to an individual whose marital status or domestic responsibilities cause him or her to leave employment. Such an individual shall not be eligible for unemployment insurance benefits beginning with the first day of the calendar week in which he or she left work and thereafter for seven calendar weeks and until he or she has requalified, either by obtaining bona fide work in employment covered by this title and earning wages in that employment equal to seven times his or her weekly benefit amount or by reporting in person to the department during ten different calendar weeks and certifying on each occasion that he or she is ready, able, and willing to immediately accept any suitable work which may be offered, is actively seeking work pursuant to customary trade practices, and is utilizing such employment counseling and placement services as are available through the department. This subsection does not apply to individuals covered by (b)(ii) or (iii) of this subsection.

(2)) With respect to claims that have an effective date on or after January 4, 2004, and for separations that occur before September 6, 2009:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual is not disqualified from benefits under (a) of this subsection when:

(i) He or she has left work to accept a bona fide offer of bona fide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii)(A) With respect to claims that have an effective date before July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer: (1) Is outside the existing labor market area; and (2) is in Washington or another state that, pursuant to statute, does not consider such an individual to have left work voluntarily without good cause; and (II) remained employed as long as was reasonable prior to the move;

(B) With respect to claims that have an effective date on or after July 2, 2006, he or she: (I) Left work to relocate for the spouse's employment that, due to a mandatory military transfer, is outside the existing labor market area; and (II) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

(2) With respect to separations that occur on or after September 6, 2009:

(a) An individual shall be disqualified from benefits beginning with the first day of the calendar week in which he or she has left work voluntarily without good cause and thereafter for seven calendar weeks and until he or she has obtained bona fide work in employment covered by this title and earned wages in that employment equal to seven times his or her weekly benefit amount. Good cause reasons to leave work are limited to reasons listed in (b) of this subsection.

The disqualification shall continue if the work obtained is a mere sham to qualify for benefits and is not bona fide work. In determining whether work is of a bona fide nature, the commissioner shall consider factors including but not limited to the following:

(i) The duration of the work;

(ii) The extent of direction and control by the employer over the work; and

(iii) The level of skill required for the work in light of the individual's training and experience.

(b) An individual has good cause and is not disqualified from benefits under (a) of this subsection only under the following circumstances:

(i) He or she has left work to accept a bona fide offer of bona

vide work as described in (a) of this subsection;

(ii) The separation was necessary because of the illness or disability of the claimant or the death, illness, or disability of a member of the claimant's immediate family if:

(A) The claimant pursued all reasonable alternatives to preserve his or her employment status by requesting a leave of absence, by having promptly notified the employer of the reason for the absence, and by having promptly requested reemployment when again able to assume employment. These alternatives need not be pursued, however, when they would have been a futile act, including those instances when the futility of the act was a result of a recognized labor/management dispatch system; and

(B) The claimant terminated his or her employment status, and is not entitled to be reinstated to the same position or a comparable or similar position;

(iii) The claimant: (A) Left work to relocate for the employment of a spouse or domestic partner that is outside the existing labor market area; and (B) remained employed as long as was reasonable prior to the move;

(iv) The separation was necessary to protect the claimant or the claimant's immediate family members from domestic violence, as defined in RCW 26.50.010, or stalking, as defined in RCW 9A.46.110;

(v) The individual's usual compensation was reduced by twenty-five percent or more;

(vi) The individual's usual hours were reduced by twenty-five percent or more;

(vii) The individual's worksite changed, such change caused a material increase in distance or difficulty of travel, and, after the change, the commute was greater than is customary for workers in the individual's job classification and labor market;

(viii) The individual's worksite safety deteriorated, the individual reported such safety deterioration to the employer, and the employer failed to correct the hazards within a reasonable period of time;

(ix) The individual left work because of illegal activities in the individual's worksite, the individual reported such activities to the employer, and the employer failed to end such activities within a reasonable period of time;

(x) The individual's usual work was changed to work that violates the individual's religious convictions or sincere moral beliefs; or

(xi) The individual left work to enter an apprenticeship program approved by the Washington state apprenticeship training council. Benefits are payable beginning Sunday of the week prior to the week in which the individual begins active participation in the apprenticeship program.

Sec. 4. RCW 50.22.010 and 1993 c 483 s 15 are each amended to read as follows:

As used in this chapter, unless the context clearly indicates otherwise:

(1) "Extended benefit period" means a period which:

(a) Begins with the third week after a week for which there is an "on" indicator; and

(b) Ends with the third week after the first week for which there is an "off" indicator: PROVIDED, That no extended benefit period shall last for a period of less than thirteen consecutive weeks, and further that no extended benefit period may begin by reason of an "on" indicator before the fourteenth week after the close of a prior extended benefit period which was in effect with respect to this state.

(2) There is an "on" indicator for this state for a week if the commissioner determines, in accordance with the regulations of the United States secretary of labor, that for the period consisting of such week and the immediately preceding twelve weeks:

(a) The rate of insured unemployment, not seasonally adjusted, equaled or exceeded one hundred twenty percent of the average of such rates for the corresponding thirteen-week period ending in each of the preceding two calendar years and equaled or exceeded five percent; or

(b) For benefits for weeks of unemployment beginning after March 6, 1993:

(i) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all

states are published before the close of the week equals or exceeds six and one-half percent; and

(ii) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (b)(i) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(3) "High unemployment period" means any period of unemployment beginning after March 6, 1993, during which an extended benefit period would be in effect if:

(a) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of the week equals or exceeds eight percent; and

(b) The average rate of total unemployment in the state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in (a) of this subsection, equals or exceeds one hundred ten percent of the average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(4) There is an "off" indicator for this state for a week only if, for the period consisting of such week and immediately preceding twelve weeks, none of the options specified in subsection (2) or (3) of this section result in an "on" indicator.

(5) "Regular benefits" means benefits payable to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than extended benefits or additional benefits.

(6) "Extended benefits" means benefits payable for weeks of unemployment beginning in an extended benefit period to an individual under this title or under any state law (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. chapter 85) other than regular or additional benefits.

(7) "Additional benefits" are benefits totally financed by the state and payable under this title to exhaustees by reason of conditions of high unemployment or by reason of other special factors.

(8) "Eligibility period" of an individual means:

(a) The period consisting of the weeks in his or her benefit year which begin in an extended benefit period that is in effect in this state and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period; or

(b) For an individual who is eligible for emergency unemployment compensation during the extended benefit period beginning February 15, 2009, the period consisting of the week ending February 28, 2009, through the week ending May 29, 2010.

(9) "Additional benefit eligibility period" of an individual means the period consisting of the weeks in his or her benefit year which begin in an additional benefit period that is in effect and, if his or her benefit year ends within such additional benefit period, any weeks thereafter which begin in such period.

(10) "Exhaustee" means an individual who, with respect to any week of unemployment in his or her eligibility period:

(a) Has received, prior to such week, all of the regular benefits that were payable to him or her under this title or any other state law (including dependents' allowances and regular benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week; or

(b) Has received, prior to such week, all of the regular benefits that were available to him or her under this title or any other state law (including dependents' allowances and regular benefits available to federal civilian employees and ex-servicemen under 5 U.S.C. chapter 85) in his or her current benefit year that includes such week, after the cancellation of some or all of his or her wage credits or the total or partial reduction of some or all of his or her rights to regular benefits: PROVIDED, That, for the purposes of (a) and (b), an individual shall be deemed to have received in his or her current benefit year all of the regular benefits that were payable to him or her, or available to him or her, as the case may be, even though:

(i) As a result of a pending appeal with respect to wages or employment, or both, that were not included in the original monetary

determination with respect to his or her current benefit year, he or she may subsequently be determined to be entitled to more regular benefits; or

(ii) By reason of the seasonal provisions of another state law, he or she is not entitled to regular benefits with respect to such week of unemployment (although he or she may be entitled to regular benefits with respect to future weeks of unemployment in the next season, as the case may be, in his or her current benefit year), and he or she is otherwise an exhaustee within the meaning of this section with respect to his or her right to regular benefits under such state law seasonal provisions during the season or off season in which that week of unemployment occurs; or

(iii) Having established a benefit year, no regular benefits are payable to him or her during such year because his or her wage credits were canceled or his or her right to regular benefits was totally reduced as the result of the application of a disqualification; or

(c) His or her benefit year having ended prior to such week, he or she has insufficient wages or employment, or both, on the basis of which he or she could establish in any state a new benefit year that would include such week, or having established a new benefit year that includes such week, he or she is precluded from receiving regular benefits by reason of the provision in RCW 50.04.030 which meets the requirement of section 3304(a)(7) of the Federal Unemployment Tax Act, or the similar provision in any other state law; and

(d)(i) Has no right for such week to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, and such other federal laws as are specified in regulations issued by the United States secretary of labor; and

(ii) Has not received and is not seeking for such week unemployment benefits under the unemployment compensation law of Canada, unless the appropriate agency finally determines that he or she is not entitled to unemployment benefits under such law for such week.

(11) "State law" means the unemployment insurance law of any state, approved by the United States secretary of labor under section 3304 of the internal revenue code of 1954.

NEW SECTION. Sec. 5. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is inoperative solely to the extent of the conflict, and the finding or determination does not affect the operation of the remainder of this act. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Section 4 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Condotta, Ericksen, Walsh, Chandler, Armstrong, Warnick, Kristiansen and Ericks spoke in favor of the adoption of the amendment.

Representatives Conway, Green and Simpson spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (578) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the adoption of amendment (578) to Substitute Senate Bill No. 5963 and the amendment was not adopted by the following vote: Yeas: 47; Nays: 51; Absent: 0; Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kenney, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (578) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Nelson, Wallace, Rolfes, Conway, Miloscia, Kelley, Appleton and Hasegawa spoke in favor of the passage of the bill.

Representatives Condotta, Haler, Dammeier, Anderson, Rodne, Parker, Short, Johnson, Armstrong, Taylor, Orcutt, Pearson, Angel, Schmick, Shea, Cox, Klippert, Ross, Smith, Hinkle, Priest, Bailey, Hope, Condotta (again) and DeBolt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5963, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5963, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 45; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Kessler, Klippert, Kretz, Kristiansen, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5963, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, by Senate Committee on Transportation (originally sponsored by Senators Haugen and Marr)

Making 2009-11 transportation appropriations.

The bill was read the second time.

Representative Clibborn moved the adoption of amendment (456):

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

"2009-11 FISCAL BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2011.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation \$705,000

NEW SECTION. Sec. 102. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation \$3,369,000

Puget Sound Ferry Operations Account--State Appropriation \$100,000

TOTAL APPROPRIATION \$3,469,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,699,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, \$502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

NEW SECTION. Sec. 103. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation \$446,000

NEW SECTION. Sec. 104. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation \$1,406,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes and for the operation of the department of archaeology and historic preservation.

NEW SECTION. Sec. 105. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation \$1,507,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 106. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation \$502,000

NEW SECTION. Sec. 107. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

(a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;

(b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and

(c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation projects funded in whole, or in part, by transportation partnership account--state and transportation 2003 account (nickel account)--state funds, excluding mega-projects. The review will examine whether the scoping and cost estimates guidelines used by the department of transportation are consistent with general construction industry practices and other appropriate standards. The review will include an analysis of a sample of scope and cost estimates for future projects. A report on the committee's findings and recommendations must be submitted to the house of representatives and senate transportation committees by December 2009.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. Sec. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation	\$2,542,000
Highway Safety Account--Federal Appropriation	\$16,540,000
School Zone Safety Account--State Appropriation	\$3,340,000
TOTAL APPROPRIATION	\$22,422,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The commission may oversee no more than five pilot projects implementing the use of automated traffic safety cameras to detect speed violations.

(a) The commission shall comply with RCW 46.63.170 in administering the projects.

(b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.

(c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

(2) \$2,670,000 of the highway safety account--federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year 2011. The legislature anticipates that an additional \$1,830,000 will be appropriated from the highway safety account--federal in the 2011-13 fiscal biennium to conclude this pilot program.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$920,000
Motor Vehicle Account--State Appropriation	\$2,129,000
County Arterial Preservation Account--State Appropriation	\$1,423,000
TOTAL APPROPRIATION	\$4,472,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	\$1,824,000
Transportation Improvement Account--State Appropriation	\$1,827,000
TOTAL APPROPRIATION	\$3,651,000

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation	\$1,501,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	\$1,887,000
Multimodal Transportation Account--State Appropriation	\$112,000
TOTAL APPROPRIATION	\$1,999,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of fares for the Washington state ferry system. The transportation commission may increase ferry fares, except no fare schedule modifications may be made prior to September 1, 2009. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall establish, periodically review, and, if necessary, modify a schedule of toll charges applicable to the state route number 167 high occupancy toll lane pilot project, as required under RCW 47.56.403. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created under RCW 47.46.091. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(4) The commission may name state ferry vessels consistent with its authority to name state transportation facilities under RCW 47.01.420. When naming or renaming state ferry vessels, the commission shall consider selling the naming rights and shall make recommendations to the legislature regarding this option.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation	\$695,000
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The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation	\$232,147,000
State Patrol Highway Account--Federal Appropriation	\$10,602,000
State Patrol Highway Account--Private/Local Appropriation	\$859,000
TOTAL APPROPRIATION	\$243,608,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol.

(2) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(3) During the 2009-11 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with the county to transition the traffic accident investigations on Thurston county roads to the county by July 1, 2011.

(4) \$2,125,000 of the state patrol highway account--state appropriation is provided solely for the Washington state patrol to increase the enrollment in each of the academy classes to fifty-five cadets during the 2009-11 fiscal biennium.

(5) The Washington state patrol shall collaborate with the Washington traffic safety commission to develop and implement the target zero trooper pilot program referenced in section 201(2) of this act.

(6) The Washington state patrol shall discuss the implementation of the pilot program described under section 218(2) of this act with any union representing the affected employees.

(7) The Washington state patrol shall assign necessary personnel and equipment to implement and operate the pilot program described under section 218(2) of this act using the portion of the automated traffic safety camera fines deposited into the state patrol highway account, but not to exceed \$370,000. If the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach \$370,000, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL-- INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation	\$1,557,000
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NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL-- TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation	\$104,137,000
State Patrol Highway Account--Private/Local Appropriation	\$2,008,000
TOTAL APPROPRIATION	\$106,145,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) \$8,673,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.

(3) \$8,638,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology- related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.

(7) \$800,000 of the state patrol highway account--state appropriation is provided solely for the Washington state patrol to increase the enrollment in each of the academy classes to fifty-five cadets during the 2009-11 fiscal biennium.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation	\$32,000
Motorcycle Safety Education Account--State Appropriation	\$4,373,000
Wildlife Account--State Appropriation	\$837,000
Highway Safety Account--State Appropriation	\$145,403,000
Highway Safety Account--Federal Appropriation	\$8,000
Motor Vehicle Account--State Appropriation	\$78,671,000
Motor Vehicle Account--Private/Local Appropriation	\$1,372,000
Motor Vehicle Account--Federal Appropriation	\$242,000
Department of Licensing Services Account--State Appropriation	\$4,718,000
Washington State Patrol Highway Account--State Appropriation	\$738,000
Ignition Interlock Device Revolving Account--State Appropriation	\$2,490,000
TOTAL APPROPRIATION	\$238,884,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) By November 1, 2009, the department of licensing, working with the department of revenue, shall analyze and plan for the transfer by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law

from the department of licensing to the department of revenue. By November 1, 2009, the departments shall report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.

(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:

(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature;

(ii) Identification and analysis of relevant factors including, but not limited to:

- (A) Taxpayer reporting and payment processes;
- (B) The international fuel tax agreement;
- (C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;
- (D) Computer systems;
- (E) Best management practices and efficiencies;
- (F) Costs; and
- (G) Personnel matters;

(iii) Development of recommended actions to accomplish the transfer; and

(iv) An implementation plan and schedule.

(c) The report must include draft legislation, which transfers administration of fuel taxes as described under (a) of this subsection to the department of revenue on July 1, 2010, and amends existing law as needed.

(2) \$55,845,000 of the highway safety account--state appropriation is provided solely for the driver examining program. The department shall not close any licensing service offices other than the following anticipated closures: (a) Auburn; (b) Bellevue; (c) Bothell; (d) East Seattle; (e) Greenwood; (f) Othello; (g) West Tacoma; (h) Vancouver; (i) Yakima; and (j) the driver/vehicle licensing service office in the highway-licensing building in Olympia. The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (a) Lease costs; (b) salary and benefit costs; (c) other expenditures; (d) FTEs; (e) number of transactions completed, by type of transaction; and (f) office hours.

(3) \$11,688,000 of the highway safety account--state appropriation is provided solely for costs associated with: Issuing enhanced drivers' licenses and identicards at the enhanced licensing services offices; extended hours at those licensing services offices; cross- border tourism education; and other education campaigns. This is the maximum amount the department may expend for this purpose.

(4) \$2,490,000 of the ignition interlock device revolving account-- state appropriation is provided solely for the department to assist indigent persons with the costs of installing, removing, and leasing the device, and applicable licensing pursuant to RCW 46.68.340.

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.

(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

(7) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(8) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(9) Consistent with the authority delegated to the director of licensing under RCW 46.01.100, the department may adopt a new organizational structure that includes the following programs: (a) Driver and vehicle services, which must encompass services relating to driver licensing customers, vehicle industry and fuel tax licensees, and vehicle and vessel licensing and registration; and (b) driver policy and programs, which must encompass policy development for all driver-related programs, including driver examining, driver records, commercial driver's license testing and auditing, driver training schools, motorcycle safety, technical services, hearings, driver special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION-- TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State Appropriation	\$2,867,000
Motor Vehicle Account--State Appropriation	\$585,000
Tacoma Narrows Toll Bridge Account--State Appropriation	\$27,358,000
State Route Number 520 Corridor Account--State Appropriation	\$60,260,000
TOTAL APPROPRIATION	\$91,070,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of revenue generated by tolls on the Tacoma Narrows bridge and an itemized depiction of the use of that revenue.

(2) The department shall work with the office of financial management to review the Tacoma Narrows bridge insurance coverage, deductibles, and limitations to assure that the asset is well protected at a reasonable cost. Results from this review must be used to negotiate any future new or extended insurance agreements.

(3) \$60,260,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY-- PROGRAM C

Transportation Partnership Account--State Appropriation	\$2,675,000
Motor Vehicle Account--State Appropriation	\$69,811,000
Motor Vehicle Account--Federal Appropriation	\$240,000
Multimodal Transportation Account--State Appropriation	\$363,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$2,676,000
TOTAL APPROPRIATION	\$75,765,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

(3) \$1,216,000 of the transportation partnership account--state appropriation and \$1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business workflows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(4) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation \$25,501,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$6,009,000

Aeronautics Account--Federal Appropriation \$2,150,000

TOTAL APPROPRIATION \$8,159,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.

(2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation \$49,142,000

Motor Vehicle Account--Federal Appropriation \$500,000

Multimodal Transportation Account--State Appropriation \$250,000

Water Pollution Account--State Appropriation \$2,000,000

TOTAL APPROPRIATION \$51,892,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request.

(2) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife is consistent with the public interest in order to preserve the area for the use of the public. The department of transportation shall transfer and convey the Dryden pit site to the department of fish and wildlife for adequate consideration in the amount of \$600,000, the proceeds of which must be deposited in the motor vehicle fund.

(3) \$2,000,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water.

(4) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures, and municipal and state rules, to maximize the use of permeable concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2009, with recommendations that will increase the use of permeable concrete and asphalt at the state and local level, and reduce the need for more costly alternative methods of storm water mitigation.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation \$565,000

Multimodal Transportation Account--State Appropriation \$200,000

TOTAL APPROPRIATION \$765,000

The appropriations in this section are subject to the following conditions and limitations: \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM**M**

Motor Vehicle Account--State Appropriation	\$346,887,000
Motor Vehicle Account--Federal Appropriation	\$2,000,000
Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
Water Pollution Account--State Appropriation	\$12,500,000
TOTAL APPROPRIATION	\$367,184,000

The appropriations in this section are subject to the following conditions and limitations:

(1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.

(2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.

(3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.

(4) \$2,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.

(5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:

(a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and

(b) The department is reimbursed from the narrows bridge lights organization within three months from the date any maintenance work is performed. If the narrows bridge lights organization is unable to reimburse the department for any future costs incurred, the lights must be removed at the expense of the narrows bridge lights organization subject to the terms of the contract.

(6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.

(7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. If Senate Bill No. 5976 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(8) \$16,800,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service.

(9) The department shall provide a cost-benefit analysis to the house and senate transportation committees by January 15, 2010, on replacing all illuminated guide signs in the state with a super high efficiency, retroreflective sheeting for optimal performance and sign illumination to be completed by June 30, 2014. The report shall include an update on replacements from illuminated guide signs with a super high efficiency, retroreflective sheeting that have occurred since January 15, 2010.

(10) \$12,500,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--**OPERATING**

Motor Vehicle Account--State Appropriation	\$51,353,000
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$127,000
State Route Number 520 Corridor Account--State Appropriation	\$88,000
TOTAL APPROPRIATION	\$53,618,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.

(2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways when workers are present. The department shall use the following guidelines to administer the program:

(a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;

(b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;

(c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;

(d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2009-11 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued under this subsection (2) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) \$88,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	\$29,389,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Multimodal Transportation Account--State Appropriation	\$973,000
State Route Number 520 Corridor Account--State Appropriation	\$801,000
TOTAL APPROPRIATION	\$31,193,000

The appropriations in this section are subject to the following conditions and limitations: \$801,000 of the state route number 520 corridor account is provided solely for costs directly related to tolling the state route number 520 floating bridge.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	\$26,470,000
Motor Vehicle Account--Federal Appropriation	\$19,116,000
Multimodal Transportation Account--State Appropriation	\$696,000
Multimodal Transportation Account--Federal Appropriation	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation	\$100,000
TOTAL APPROPRIATION	\$49,191,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(2) The department shall work with the department of ecology, the county road administration board, and the transportation improvement board to develop model procedures, and municipal and state rules, to maximize the use of permeable concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2009, with recommendations that will increase the use of permeable concrete and asphalt at the state and local level, and reduce the need for more costly alternative methods of storm water mitigation.

(3) The department shall, to the greatest extent practicable, maximize the use of recycled concrete and asphalt on road construction and preservation projects. The department shall report to the joint transportation committee by December 1, 2010, regarding the use of recycled concrete and asphalt. The report must include, at a minimum, how much recycled concrete and asphalt was used and the resulting cost savings to the state.

(4) \$600,000 of the motor vehicle account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. A report on the study must be submitted to the legislature by June 30, 2010.

(5) \$400,000 of the motor vehicle account--state appropriation is provided solely for a state route number 2 development plan as described in Substitute House Bill No. 1575.

(6) \$400,000 of the motor vehicle account--state appropriation is provided solely for a study of the use of tolls to help fund future capacity and connection improvements on state route number 167 and state route number 509. A report on the study must be submitted to the house of representatives and senate transportation committees by September 30, 2010.

(7) \$243,000 of the motor vehicle account--state appropriation and \$81,000 of the motor vehicle account--federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation	\$87,331,000
Motor Vehicle Account--Federal Appropriation	\$400,000
Multimodal Transportation Account--State Appropriation	\$561,000
TOTAL APPROPRIATION	\$88,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self- insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES . . .	\$1,639,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR	\$937,000
(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION	\$6,060,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL	\$6,347,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	\$44,418,000
(f) FOR ARCHIVES AND RECORDS MANAGEMENT	\$623,000
(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES	\$1,008,000
(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT	\$1,143,000
(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES	\$1,477,000
(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE	\$8,526,000
(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION	\$672,000

NEWSECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC TRANSPORTATION--PROGRAM

V Regional Mobility Grant Program Account--State Appropriation	\$36,208,000
Multimodal Transportation Account--State Appropriation	\$78,845,000
Multimodal Transportation Account--Federal Appropriation	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation	\$1,027,000
TOTAL APPROPRIATION	\$118,662,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$26,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.

(a) \$6,000,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.

(b) \$20,000,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2007 as reported in the "Summary of Public Transportation - 2007" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.

(2) Funds are provided for the rural mobility grant program as follows:

(a) \$9,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2007" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.

(b) \$9,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.

(c) \$1,000,000 of the multimodal transportation account--state appropriation is provided solely for vanpool grants to rural transit agencies to cover the capital cost of adding vans. The grants must be administered under the same rules and criteria as the statewide vanpool grant program.

(3) \$11,600,000 of the multimodal transportation account--state appropriation is provided solely for a statewide vanpool grant program for public transit agencies to cover the capital costs of vans. At least \$3,600,000 of this amount must be used for vanpool grants in congested corridors in King, Pierce, Snohomish, Thurston, Clark, and Spokane counties.

(4) \$500,000 of the multimodal transportation account--state appropriation is provided solely to expand park and ride lot capacity through short-term lease agreements and relocation incentives for carpools and vanpools.

(5)(a) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for grants to cities and counties to expand the commute trip reduction program established in RCW 70.94.521 through 70.94.555 to: (i) Increase voluntary participation by medium-sized employers (fifty to one hundred employees) in affected urban growth areas; and (ii) provide state technical support for the expanded program. The commute trip reduction board shall establish criteria for grants and statewide trip reduction goals for medium-sized employers, and report biennially on achievement of the goals as part of the board's legislative report.

(b) \$2,500,000 of the multimodal transportation account--state appropriation is provided solely for: (i) Grants to local governments primarily for small employers (under fifty employees) pursuant to the provisions for growth and transportation efficiency centers established under RCW 70.94.521 through 70.94.555; (ii) state technical support; and (iii) the measurement of the effectiveness of the program.

(6) \$400,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.

(7) \$3,317,808 of the multimodal transportation account--state appropriation and \$21,248,089 of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2007-B, as developed April 20, 2007; LEAP Transportation Document 2006-D, as developed March 8, 2006; or as selected by the legislature from the priority list to be submitted by the department in January 2009. Any project that has been awarded funds but has not reported activity within one year of the grant award must be reviewed by the department to determine whether the grant award should be terminated. If the grant award is terminated, the funds lapse. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(8) \$14,959,600 of the regional mobility grant program account--state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2009-B, as developed March 30, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that

has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed March 30, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(9) \$80,000 of the multimodal transportation account--state appropriation is provided solely to the department of transportation to distribute for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009 (special needs transportation). If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this section shall lapse.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State Appropriation \$404,720,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$52,463,000 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. Any expenditures for fuel hedging payments may be considered vessel operating fuel payments.
- (2) To protect the waters of Puget Sound, the Washington state ferries shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.
- (3) If the Washington state ferries considers implementing a fuel surcharge, they must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature. The analysis must include an evaluation of other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge.
- (4) The department shall strive to significantly reduce the number of injuries suffered by Washington state ferries employees. By December 15, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature its implementation plan to reduce such injuries.
- (5) The Washington state ferries shall continue to provide service to Sidney, British Columbia. The Washington state ferries may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of \$280,000 CDN. The surcharge must be limited to recovering amounts above \$280,000 CDN.
- (6) The Washington state ferries shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state ferries shall report their analysis to the transportation committees of the legislature by December 1, 2009.
- (7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in the recast of the ferry budget, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.
- (8) \$8,000,000 of the Puget Sound ferry operations account--state appropriation is to be placed in unallotted status until the office of financial management, after consultation with the house of representatives and senate transportation committees, has approved the rates and conditions of commercial insurance purchased for ferry assets.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--OPERATING

Multimodal Transportation Account--State Appropriation \$34,933,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.
- (2) Amtrak Cascade runs may not be eliminated.
- (3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z-- OPERATING

Motor Vehicle Account--State Appropriation \$8,739,000
 Motor Vehicle Account--Federal Appropriation \$2,567,000
 TOTAL APPROPRIATION \$11,306,000

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL

State Patrol Highway Account--State Appropriation \$3,126,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,626,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$450,000 for Shelton training academy roofs; \$150,000 for HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for Bellevue electrical equipment upgrades; \$90,000 for South King detachment window replacement; \$200,000 for the replacement of the Naselle radio tower, generator shelter, and fence; \$200,000 for unforeseen emergency repairs; and \$318,000 for the Shelton training academy drive course/skid pan repair.
- (2) \$1,500,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol and is contingent upon a signed agreement between the city of Shelton, the department of corrections, and the Washington state patrol that provides for an on-going payment to these three entities, based on their percentage of the total investment in the project, from all hookup fees, late comer fees, LIDS, and all other initial fees collected for the new waste water treatment lines, waste water plants, water lines, and water systems.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$51,000,000
Motor Vehicle Account--State Appropriation	\$1,048,000
County Arterial Preservation Account--State Appropriation	\$31,400,000
TOTAL APPROPRIATION	\$83,448,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).

(2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Small City Pavement and Sidewalk Account--State Appropriation	\$4,600,000
Urban Arterial Trust Account--State Appropriation	\$122,400,000
Transportation Improvement Account--State Appropriation	\$85,643,000
TOTAL APPROPRIATION	\$212,643,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.

(2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION. As part of its budget submittal for the 2011-13 fiscal biennium, the department shall provide an update to the report provided to the legislature in 2008 that:

(1) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;

(2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;

(3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;

(4) Identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and

(5) Identifies contingency amounts allocated to projects.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation	\$3,757,000
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The appropriation in this section is subject to the following conditions and limitations: \$290,000 of the motor vehicle account-- state appropriation is provided solely for reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION-- IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State Appropriation	\$1,000
Transportation Partnership Account--State Appropriation	\$1,599,350,000
Motor Vehicle Account--State Appropriation	\$107,339,000
Motor Vehicle Account--Federal Appropriation	\$404,530,000
Motor Vehicle Account--Private/Local Appropriation	\$65,494,000
Special Category C Account--State Appropriation	\$24,549,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$750,085,000
Freight Mobility Multimodal Account--State Appropriation	\$4,422,000
Tacoma Narrows Toll Bridge Account--State Appropriation	\$788,000
State Route Number 520 Corridor Account--State Appropriation	\$270,000,000
TOTAL APPROPRIATION	\$3,226,558,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1, Highway Improvement Program (I), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) As a result of economic changes since the initial development of the improvement program budget for the 2009-11 fiscal biennium, the department has received bids on construction contracts over the last several months that are favorable with respect to current estimates of project costs. National economic forecasts indicate that inflationary pressures are likely to remain lower than previously expected for the next several years. As a result, the nominal project cost totals shown in LEAP Transportation Document 2009-1 in aggregate for the 2009-11 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed the likely amount necessary to deliver the projects listed within those biennia by fifty million dollars in each biennium. The appropriations provided in this section for the projects in those biennia are fifty million dollars less than the aggregate total of project costs listed. It is the intent of the legislature that, so long as the favorable bidding climate continues, the department shall deliver the projects listed in LEAP Transportation Document 2009-1 within the time, scope, and budgets identified in that document.

(3) \$62,874,000 of the transportation partnership account--state appropriation and \$270,000,000 of the state route number 520 corridor account--state appropriation are provided solely for replacement of the state route number 520 bridge for projects for which the designs are agreed upon. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. If federal stimulus funds

are received, an equivalent amount of the funds already identified for this project must be earmarked for the construction of the projects on the west side of the state route number 520 corridor. Eastside state route number 520 improvements shall be designed and constructed to accommodate a future full interchange at 124th Avenue Northeast. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design of a full interchange at 124th Avenue Northeast.

(4) As required under section 305(6), chapter 518, Laws of 2007, the department shall report by January 2010 to the transportation committees of the legislature on the findings of the King county noise reduction solutions pilot project.

(5) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P including, but not limited to, the SR 518, SR 520, Columbia river crossing, and Alaskan Way viaduct projects.

(7) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to \$704,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to \$1,258,269,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) The special category C account--state appropriation includes up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(11) The motor vehicle account--state appropriation includes up to \$55,900,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(12) The department must prepare a tolling study for the Columbia river crossing project. While conducting the study, the department must coordinate with the Oregon department of transportation to perform the following activities:

(a) Evaluate the potential diversion of traffic from Interstate 5 to other parts of the transportation system when tolls are implemented on Interstate 5 in the vicinity of the Columbia river;

(b) Evaluate the most advanced tolling technology to maintain travel time speed and reliability for users of the Interstate 5 bridge;

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could maintain travel time speed and reliability on the Interstate 5 bridge;

(d) Confer with the project sponsor's council, as well as local and regional governing bodies adjacent to the Interstate 5 Columbia river crossing corridor and the Interstate 205 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(e) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility;

(f) Research and evaluate options for a potential toll-setting framework between the Oregon and Washington transportation commissions;

(g) Conduct public work sessions and open houses to provide information to citizens, including users of the bridge and business and freight interests, regarding implementation of tolls on the Interstate 5 and to solicit citizen views on the following items:

(i) Funding a portion of the Columbia river crossing project with tolls;

(ii) Implementing variable tolling as a way to reduce congestion on the facility; and

(iii) Tolling Interstate 205 separately as a management tool for the broader state and regional transportation system; and

(h) Provide a report to the governor and the legislature by January 2010.

(13)(a) By January 2010, the department must prepare a traffic and revenue study for Interstate 405 in King county and Snohomish county that includes funding for improvements and high occupancy toll lanes, as defined in RCW 47.56.401, for traffic management. The department must develop a plan to operate up to two high occupancy toll lanes in each direction on Interstate 405.

(b) For the facility listed in (a) of this subsection, the department must:

(i) Confer with the mayors and city councils of jurisdictions in the vicinity of the project regarding the implementation of high occupancy toll lanes and the impacts that the implementation of these high occupancy toll lanes might have on the operation of the corridor and adjacent local streets;

(ii) Conduct public work sessions and open houses to provide information to citizens regarding implementation of high occupancy toll lanes and to solicit citizen views; and

(iii) Provide a report to the governor and the legislature by January 2010.

(14) \$9,199,985 of the motor vehicle account--state appropriation is provided solely for project 100224I, as identified in the LEAP transportation document in subsection (1) of this section: US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Skykomish and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

(15) Expenditures for the state route number 99 Alaskan Way viaduct replacement project must be made in conformance with Engrossed Substitute Senate Bill No. 5768.

(16) The department shall conduct a public outreach process to identify and respond to community concerns regarding the Belfair bypass. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider and develop design alternatives that alter the project's scope so that the community's needs are met within the project budget. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(17) The department shall not sign the final environmental impact statement for the east link project or negotiate an airspace lease with sound transit for the use of the Interstate 90 center roadway for exclusive use by light rail until completion of an independent facility asset assessment by the joint transportation committee.

(18) \$6,000,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a new interchange between state route number 195 and Cheney-Spokane Road. It is the intent of the legislature that an additional \$6,500,000 will be provided in the 2011-13 omnibus transportation appropriations act to complete this project.

(19) \$846,700 of the motor vehicle account--federal appropriation and \$17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

(20) \$1,360 of the motor vehicle account--state appropriation and \$35,786 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road.

(21) \$20,011,125 of the transportation partnership account--state appropriation, \$2,550 of the motor vehicle account--state appropriation, \$30,003,473 of the motor vehicle account--private/local appropriation, and \$1,482,066 of the motor vehicle account--federal appropriation is provided solely for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a \$35,000,000 contribution from the state of Oregon.

(22) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(23)(a) The legislature finds that the city of Seattle has agreed to pay for and ensure the adequate and efficient access for freight and vehicles, and adequate and efficient access to neighborhoods along the state route number 99 corridor, as part of their responsibilities in the Alaskan Way viaduct replacement project as recommended by the governor, King county, and the city of Seattle in the letter of agreement dated January 13, 2009. The elements of the city's plan include:

(i) Performing all work necessary to ensure that the Alaskan Way surface street is an efficient alternative access route for freight and vehicles, including:

(A) Operating the four-lane Alaskan Way surface street between Holgate Street and Elliot Avenue/Western Avenue in a manner that optimizes through traffic and freight movement to and through the surface street corridor along the waterfront;

(B) Synchronizing traffic lights and traffic control devices along state route number 99 between Spokane Street and the Aurora Bridge, and erecting additional traffic lights and control devices, if necessary, to prioritize vehicular and freight traffic flow; and

(C) Providing for reliable and effective access to the port of Seattle and other major destinations south of the port, including implementing measures to facilitate efficient traffic flow along Alaskan Way by way of the state route number 99 and state route number 519 interchange;

(D) Providing for reliable and effective access to and from state route number 99 and to and from the Mercer corridor for the port of Seattle and other residents and businesses in northwest Seattle;

(ii) Working with the state department of transportation and, prior to removal of the viaduct, developing a plan that optimizes traffic flow from neighborhoods in northwest Seattle to the deep bored tunnel, including:

(A) Providing for the efficient movement of traffic along major arterials including, but not limited to, North 46th Street, North 39th Street, Nickerson Street, Dexter Avenue North, Mercer Street, and West Mercer Street; and

(B) Providing for traffic light synchronization, and addressing on- street parking, congestion near the Aurora Avenue bridge related to the Queen Anne Drive and 6th Avenue North turnaround, and bridge policies that affect congestion and traffic flow; and

(iii) Prior to removal of the viaduct, developing and implementing a plan that maximizes safe and efficient vehicle throughput on Mercer Street, including: Optimizing traffic flow on Mercer Street, which includes two-way West Mercer Street improvements, and from Elliott Avenue to state route number 99; and providing safe and efficient access to state route number 99 and the deep bored tunnel.

(b) In order to ensure that the city of Seattle complies with its commitment as described in (a) of this subsection, the state shall make \$50,000,000 of the transportation partnership account--state appropriation as provided in the 2009-2011 transportation budget, or as much thereof as is appropriated from this account, whichever is smaller, available for contribution to the south Spokane Street viaduct component of the Alaskan Way viaduct replacement project, contingent on the city of Seattle complying with this subsection.

(c) All costs related to the work performed by the city of Seattle to provide adequate and efficient access for freight and vehicles along the state route number 99 corridor, as described in (a) of this subsection, shall be borne by the city.

(d) The city of Seattle may comply with this subsection by entering into an agreement with the department of transportation in which the city agrees to make all improvements identified in this subsection and to be solely responsible for all costs associated with the listed improvements.

(24) The state route number 520 corridor account--state appropriation includes up to \$270,000,000 in proceeds from the sale of bonds authorized in House Bill No. 2326. If House Bill No. 2326 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(25) The department shall evaluate a potential deep bore culvert for the state route number 305/Bjorgen creek fish barrier project identified as project 330514 A in LEAP Transportation Document ALL PROJECTS 2009-2, as developed March 30, 2009. The department shall evaluate whether a deep bore culvert will be a less costly alternative than a traditional culvert since a traditional culvert would require extensive road detours during construction.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- PRESERVATION--PROGRAM P

Transportation Partnership Account--State Appropriation	\$107,377,000
Motor Vehicle Account--State Appropriation	\$111,009,000
Motor Vehicle Account--Federal Appropriation	\$514,767,000
Motor Vehicle Account--Private/Local Appropriation	\$6,417,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$7,237,000
Puyallup Tribal Settlement Account--State Appropriation	\$6,500,000
TOTAL APPROPRIATION	\$753,307,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1, Highway Preservation Program (P), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$544,639 of the motor vehicle account--federal appropriation and \$280,361 of the motor vehicle account--state appropriation are provided solely for project 602110F, as identified in the LEAP transportation document in subsection (1) of this section: SR 21/Keller ferry boat - replace ferry boat. The Keller ferry boat replacement must consist of a tug and barge.

(3) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P.

(4) \$6,500,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed \$39,953,000. Funds may not be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(5) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(6) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(7) Within existing funds and resources, the department shall conduct an analysis and produce a report on state highway pavement replacement needs, level of investment, timing, and strategies for the next ten years. The department shall include the following in the report:

(a) For asphalt and chip seal: (i) The current backlog of "black" pavement preservation projects; (ii) the level of investment needed and schedule to reduce or eliminate the backlog and resume the lowest life-cycle cost to replace the highway lane miles; and (iii) strategies for addressing the recent rapid escalation of asphalt prices and using alternatives to hot mix asphalt;

(b) For concrete or "white" pavement: (i) Identification of concrete rehabilitation and replacement needs in the next ten years; and (ii) the level of investment, schedule, and strategies for rehabilitation and replacement, including dowel-bar retrofit, selected panel replacement, and full replacement; and

(c) For all types of pavement: Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile.

The department shall submit the report to the office of financial management and the transportation committees of the legislature by December 31, 2009, in order to inform the development of the 2011-13 omnibus transportation appropriations act.

(8) \$1,722 of the motor vehicle account--state appropriation, \$9,608,115 of the motor vehicle account--federal appropriation, and \$272,141 of the transportation partnership account--state appropriation are provided solely for the Hood Canal bridge project.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation	\$6,394,000
Motor Vehicle Account--Federal Appropriation	\$9,262,000
TOTAL APPROPRIATION	\$15,656,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation	\$129,775,000
Puget Sound Capital Construction Account--Federal Appropriation	\$38,675,000
Puget Sound Capital Construction Account--Local Appropriation	\$8,492,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$67,931,000
Transportation Partnership Account--State Appropriation	\$64,784,000
Multimodal Transportation Account--State Appropriation	\$170,000
TOTAL APPROPRIATION	\$309,827,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$129,566,000 of the Puget Sound capital construction account-- state appropriation, \$38,675,000 of the Puget Sound capital construction account--federal appropriation, \$64,784,000 of the transportation partnership account--state appropriation, \$67,931,000 of the transportation 2003 account (nickel account)--state appropriation, and \$170,000 of the multimodal transportation account--state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2009-2, Ferries Construction Program (W), as developed March 30, 2009.

(2) \$57,031,000 of the transportation 2003 account (nickel account)--state appropriation and \$63,100,000 of the transportation partnership account--state appropriation are provided solely for the acquisition of three new Island Homes class ferry vessels subject to the conditions and limitations in RCW 47.56.780, the first two of which shall be used to restore service on the Port Townsend-Keystone route. The department may add additional passenger capacity to one of these vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(3) \$6,300,000 of the Puget Sound capital construction account-- state appropriation is provided solely for emergency capital costs.

(4) The Anacortes terminal may be replaced if additional federal funds are sought and received by the department. If federal funds received are not sufficient to replace the terminal, only usable, discrete phases of the project, up to the amount of federal funds received, may be constructed with the funds.

(5) \$247,000 of the Puget Sound capital construction account--state appropriation is provided solely for the department to update the vessel life-cycle cost model by December 31, 2009.

(6) \$3,965,000 of the Puget Sound capital construction account-- state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project; steering gear ventilation pilot project; and a new propulsion system for the MV Yakima. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(7) The Washington state ferries shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(8) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(9) The Washington state ferries shall review and adjust their capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries shall report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(10) \$3,763,000 of this appropriation is provided solely for the Washington state ferries to develop a reservation system. Of this amount, \$3,118,000 shall be placed in unallotted status until the Washington state ferries develops a plan for a reservation system pilot program and the plan is reviewed by the office of financial management and either the joint transportation committee or the transportation committees of the legislature. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$675,000
Transportation Infrastructure Account--State Appropriation	\$9,416,000
Multimodal Transportation Account--State Appropriation	\$97,610,000
Multimodal Transportation Account--Federal Appropriation	\$16,054,000
Multimodal Transportation Account--Private/Local Appropriation	\$81,000
TOTAL APPROPRIATION	\$123,836,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Rail Capital Program (Y), as developed March 30, 2009. However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b)(i) Within the amounts provided in this section, \$116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata for rehabilitation of a rail spur.

(ii) Within the amounts provided in this section, \$1,200,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett for a new rail track to connect a cement loading facility to the mainline.

(c)(i) Within the amounts provided in this section, \$1,679,350 of the multimodal transportation account--state appropriation and \$175,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) \$337,978; Clark County owned railroad/Vancouver - track rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) \$366,813.

(ii) Within the amounts provided in this section, \$500,000 of the essential rail assistance account--state appropriation and \$25,000 of the multimodal transportation account--state appropriation are for a statewide - emergent freight rail assistance project grant for the Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A) project, provided that the grantee first executes a written instrument that imposes on the grantee the obligation to repay the grant within thirty days in the event that the grantee discontinues or significantly diminishes service along the line within a period of five years from the date that the grant is awarded.

(iii) Within the amounts provided in this section, \$337,978 of the multimodal transportation account--state appropriation is for a statewide - emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project, provided that the grantee first documents to the satisfaction of the department sufficient commitments from the new shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) \$8,100,000 of the transportation infrastructure account--state appropriation is provided solely for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements include such items as levels of service and business operating plans, but must not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts must be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district must be on terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2011.

(2)(a) The department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2010, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

- (c) The legislative priorities to be used in the cost benefit methodology are, in order of relative importance:
 - (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
 - (ii) Self-sustaining economic development that creates family-wage jobs;
 - (iii) Preservation of transportation corridors that would otherwise be lost;
 - (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
 - (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
 - (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) At the earliest possible date, the department shall apply, and assist ports and local jurisdictions in applying, for any federal funding that may be available for any projects that may qualify for such federal funding. State projects must be (a) currently identified on the project list referenced in subsection (1)(a) of this section or (b) projects for which no state match is required to complete the project. Local or port projects must not require additional state funding in order to complete the project, with the exception of (c) state funds currently appropriated for such project if currently identified on the project list referenced in subsection (1)(a) of this section or (d) potential grants awarded in the competitive grant process for the essential rail assistance program. If the department receives any federal funding, the department is authorized to obligate and spend the federal funds in accordance with federal law. To the extent permissible by federal law, federal funds may be used (e) in addition to state funds appropriated for projects currently identified on the project list referenced in subsection (1)(a) of this section in order to advance funding from future biennia for such project(s) or (f) in lieu of state funds; however, the state funds must be redirected within the rail capital program to advance funding for other projects currently identified on the project list referenced in subsection (1)(a) of this section. State funds may be redirected only upon consultation with the transportation committees of the legislature and the office of financial management, and approval by the director of the office of financial management. The department shall spend the federal funds before the state funds, and shall consult the office of financial management and the transportation committees of the legislature regarding project scope changes.

(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds, the status of such applications, and the status of projects identified on the list referenced in subsection (1)(a) of this section. The quarterly report regarding the status of projects identified on the list referenced in subsection (1)(a) of this section must be developed according to an earned value method of project monitoring.

(6) The multimodal transportation account--state appropriation includes up to \$43,616,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z-- CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal Appropriation	\$1,602,000
Freight Mobility Investment Account--State Appropriation	\$13,048,000
Transportation Partnership Account--State Appropriation	\$8,363,000
Motor Vehicle Account--State Appropriation	\$11,745,000
Motor Vehicle Account--Federal Appropriation	\$37,569,000
Freight Mobility Multimodal Account--State Appropriation	\$13,918,000
Freight Mobility Multimodal Account--Local Appropriation	\$3,135,000
Multimodal Transportation Account--Federal Appropriation	\$2,098,000
Multimodal Transportation Account--State Appropriation	\$23,340,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$709,000
Passenger Ferry Account--State Appropriation	\$2,879,000
TOTAL APPROPRIATION	\$118,613,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$2,879,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) \$3,000,000 of the motor vehicle account--federal appropriation is provided solely for the Coal Creek parkway project (L1000025).

(4) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(5) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(6) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2009, and December 1, 2010.

(7) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account-- state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(8) \$14,182,113 of the multimodal transportation account--state appropriation, \$8,753,895 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards

under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(9) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2, Local Program (Z), as developed March 30, 2009.

(10) For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$693,602,000
Ferry Bond Retirement Account Appropriation	\$33,770,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	\$23,205,000
Nondebt-Limit Reimbursable Account Appropriation	\$17,282,000
Transportation Partnership Account--State Appropriation	\$4,656,000
Motor Vehicle Account--State Appropriation	\$658,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$2,605,000
Special Category C Account--State Appropriation	\$82,000
Urban Arterial Trust Account--State Appropriation	\$56,000
Transportation Improvement Account--State Appropriation	\$26,000
Multimodal Transportation Account--State Appropriation	\$161,000
TOTAL APPROPRIATION	\$776,103,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State Appropriation	\$629,000
Motor Vehicle Account--State Appropriation	\$89,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$352,000
Special Category C Account--State Appropriation	\$11,000
Urban Arterial Trust Account--State Appropriation	\$8,000
Transportation Improvement Account--State Appropriation	\$4,000
Multimodal Transportation Account--State Appropriation	\$22,000
TOTAL APPROPRIATION	\$1,115,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation:	
For transfer to the Puget Sound Capital Construction Account	\$122,000,000

The department of transportation is authorized to sell up to \$122,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties	\$488,843,000
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NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation:	
For motor vehicle fuel tax refunds and statutory transfers	\$1,310,279,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING-- TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers	\$129,178,000
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NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Tacoma Narrows Toll Bridge Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State	\$5,288,000
(2) Motor Vehicle Account--State Appropriation:	
For transfer to the Puget Sound Ferry Operations Account--State	\$12,000,000
(3) Recreational Vehicle Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State	\$1,645,000
(4) License Plate Technology Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State	\$2,750,000
(5) Multimodal Transportation Account--State Appropriation:	
For transfer to the Puget Sound Ferry Operations Account--State	\$20,000,000
(6) Waste Tire Removal Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State	\$5,000,000
(7) Highway Safety Account--State Appropriation:	

For transfer to the Multimodal Transportation Account--State	\$15,000,000
(8) Department of Licensing Services Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State	\$1,500,000
(9) State Patrol Highway Account--State Appropriation:	
For transfer to the Motor Vehicle Account--State	\$10,000,000
(10) Motor Vehicle Account--State Appropriation:	
For transfer to the High Occupancy Toll Lanes Operations Account	\$1,000,000
(11) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State	\$14,000,000
(12) Regional Mobility Grant Program Account--State Appropriation:	
For transfer to the Multimodal Transportation Account--State	\$30,000,000
(13) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound Capital Construction Account--State	\$1,500,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium.

NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. FOR THE OFFICE FINANCIAL MANAGEMENT-- REVISED PENSION CONTRIBUTION RATES

Aeronautics Account--State	(\$34,000)
Grade Crossing Protective Account--State	(\$2,000)
State Patrol Highway Account--State	(\$12,723,000)
Motorcycle Safety Education Account--State	(\$14,000)
High Occupancy Toll Lanes Operations Account--State	(\$16,000)
Rural Arterial Trust Account--State	(\$16,000)
Wildlife Account--State	(\$12,000)
Highway Safety Account--State	(\$1,543,000)
Highway Safety Account--Federal	(\$46,000)
Motor Vehicle Account--State	(\$8,240,000)
Puget Sound Ferry Operations Account--State	(\$4,147,000)
Urban Arterial Trust Account--State	(\$22,000)
Transportation Improvement Account--State	(\$22,000)
County Arterial Preservation Account--State	(\$18,000)
Department of Licensing Services Account--State	(\$30,000)
Multimodal Transportation Account--State	(\$138,000)
Tacoma Narrows Toll Bridge Account--State	(\$24,000)

Appropriations are adjusted to reflect changes to appropriations to reflect savings resulting from pension funding. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document Z9-2009.

NEW SECTION. Sec. 502. FOR THE OFFICE FINANCIAL MANAGEMENT-- REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State	\$14,000
State Patrol Highway Account--State	\$2,409,000
Motorcycle Safety Education Account--State	\$9,000
Puget Sound Capital Construction--State	\$134,000
High Occupancy Toll Lanes Operations Account--State	\$8,000
Rural Arterial Trust Account--State	\$6,000
Wildlife Account--State	\$6,000
Highway Safety Account--State	\$1,011,000
Highway Safety Account--Federal	\$22,000
Motor Vehicle Account--State	\$7,783,000
Puget Sound Ferry Operations Account--State	\$2,054,000
Urban Arterial Trust Account--State	\$8,000
Transportation Improvement Account--State	\$8,000
County Arterial Preservation Account--State	\$6,000
Department of Licensing Services Account--State	\$12,000
Multimodal Transportation Account--State	\$68,000
Tacoma Narrows Toll Bridge Account--State	\$12,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP document 6M-2009.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 602. Due to the state of the economy affecting state budgets, the state is reviewing agency spending plans to identify areas in which new technologies can be applied to achieve greater efficiencies, economies of scale, and save the state money. Information technology and communications is an area where the state can save millions of dollars, if managed well. If information technology and communications are managed poorly, by not planning effectively and taking advantage of new capabilities, this can also cost the state millions of dollars.

By July 1, 2009, each transportation agency is required to begin implementing a holistic virtualization strategy to take advantage of information technology infrastructure savings in the areas of capital and operating costs at the server, desktop, network, data storage, business continuance, and disaster recovery levels. This includes a disaster recovery strategy and roadmap, a unified storage strategy, a network infrastructure plan, and a centralized management plan for servers and applications. The business needs, business strategy, and mission of each agency must be tied to the technical strategy, including the completion of an impact analysis showing a quantifiable return on investment analysis for cost savings/avoidance.

By July 1, 2009, due to the large increase in networks to move an increasingly large amount of data, transportation agencies are to begin implementing wide area network optimization technologies to improve application performance while decreasing continuing requests for additional bandwidth and save the state money.

By January 1, 2010, each transportation agency shall have a plan and begin its implementation for moving from legacy communication systems that are outdated and costly and implement new voice over internet protocol communications systems. Each agency is required to begin implementing a holistic communications and collaboration strategy to take advantage of information technology infrastructure savings in the areas of capital and operating costs, decrease statewide communication costs, and increase communications and collaboration capabilities.

NEW SECTION. Sec. 603. FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2009-1, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the

delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

- (a) Transfers may only be made within each specific fund source referenced on the respective project list;
 - (b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;
 - (c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature;
 - (d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;
 - (e) Transfers may not occur to projects not identified on the applicable project list; and
 - (f) Transfers may not be made while the legislature is in session.
- (2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.
- (3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.
- (4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. MEGA-PROJECT REPORTING. Mega-projects are defined as individual or groups of related projects that cost \$1,000,000,000 or more. These projects include, but are not limited to: Alaskan Way viaduct, SR 520, SR 167, I-405, North Spokane corridor, I-5 Tacoma HOV, and the Columbia river crossing. The office of financial management shall track mega-projects and report the financial status and schedule of these projects at least once a year to the transportation committees of the legislature. The design of mega-projects must be evaluated considering cost, capacity, safety, mobility needs, and how well the design of the facility fits within its urban environment.

NEW SECTION. Sec. 605. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

MISCELLANEOUS 2009-11 FISCAL BIENNIUM

Sec. 701. RCW 46.68.170 and 2007 c 518 s 701 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account.

Sec. 702. RCW 47.29.170 and 2007 c 518 s 702 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

- (1) Provisions that specify unsolicited proposals must meet predetermined criteria;
- (2) Provisions governing procedures for the cessation of negotiations and consideration;
- (3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;
- (4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and
- (5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:
 - (a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;
 - (b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and
 - (c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state. The commission may not accept or consider any unsolicited proposals before July 1, ~~((2009))~~ 2011.

NEW SECTION. Sec. 703. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

Sec. 704. RCW 46.16.685 and 2007 c 518 s 704 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 and 2009-2011 fiscal (biennium) biennia, the legislature may transfer from the license plate technology account to the multimodal transportation account such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 705. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project. The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 706. RCW 47.01.390 and 2007 c 518 s 705 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

(4) The requirements of subsection (1) of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 707. RCW 47.60.395 and 2007 c 512 s 15 are each amended to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under [section 205,] chapter 518, Laws of 2007, as it exists on July 22, 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

(i) The costs are capital costs;

(ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and

(iii) Improvement costs are within the scope of legislative appropriations.

(2) The report on the evaluations in this section is due by January 31, 2010.

(3) This section expires December 31, 2010.

(4) The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 708. RCW 88.16.090 and 2008 c 128 s 4 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot or a pilot trainee if the person:

(i) Is a citizen of the United States;

(ii) Is over the age of twenty-five years and under the age of seventy years;

(iii)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may require that applicants and pilots have federal licenses and endorsements as it deems appropriate; and

(iv) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and may be ranked for entry into a board-specified training program in a manner specified by the board based on their performance on a written examination or examinations established by the board, performance on other evaluation exercises as may be required by the board, and other criteria or qualifications as may be set by the board.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may (a) appoint a special independent committee or (b) contract with private or governmental entities knowledgeable and experienced in the development, administration, and grading of licensing examinations or simulator evaluations for marine pilots, or (c) do both. Active, licensed pilots designated by the board may participate in the development, administration, and grading of examinations and other evaluation exercises. If the board does appoint a special examination or evaluation development committee, it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) This subsection applies to the review of a pilot applicant's written examinations and evaluation exercises to qualify to be placed on a waiting list to become a pilot trainee. Failure to comply with the process set forth in this subsection renders the results of the pilot applicant's written examinations and evaluation exercises final. A pilot applicant may seek board review, administrative review, and judicial review of the results of the written examinations and evaluation exercises in the following manner:

(a) A pilot applicant who seeks a review of the results of his or her written examinations or evaluation exercises must request from the board-appointed or board-designated examination committee an administrative review of the results of his or her written examinations or evaluation exercises as set forth by board rule.

(b) The determination of the examination committee's review of a pilot applicant's examination results becomes final after thirty days from the date of service of written notification of the committee's determination unless a full adjudicative hearing before an administrative law judge has been requested by the pilot applicant before the thirty-day period has expired, as set forth by board rule.

(c) When a full adjudicative hearing has been requested by the pilot applicant, the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by chapter 34.05 RCW. The administrative law judge shall issue an initial order.

(d) The initial order of the administrative law judge is final unless within thirty days of the date of service of the initial order the board or pilot applicant requests review of the initial order under chapter 34.05 RCW.

(e) The board may appoint a person to review the initial order and to prepare and enter a final order as governed by chapter 34.05 RCW and as set forth by board rule. The person appointed by the board under this subsection (6)(e) is called the board reviewing officer.

(7) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee in an amount set by the board by rule. Pursuant to RCW 43.135.055, the fees established under this section may be increased (in excess of the fiscal growth factor as provided in RCW 43.135.055) through the fiscal year ending June 30, ~~(2009)~~ 2011. The fees must be deposited in the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(8) All pilots and pilot trainees are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the pilot's or pilot trainee's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots and pilot trainees licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or pilot trainee is fully able to carry out the duties of a pilot or pilot trainee under this chapter. The board may in its discretion check with the appropriate authority for any convictions of or information regarding offenses by a licensed pilot or pilot trainee involving drugs or the personal consumption of alcohol in the prior twelve months.

(9) The board may require vessel simulator training for a pilot trainee and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(10) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

Sec. 709. RCW 47.12.244 and 2007 c 518 s 707 are each amended to read as follows:

There is created the "advance right-of-way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right-of-way for future construction under the provisions of section 108 of Title 23, United States Code.

~~((+))~~ During the ~~((2007-09))~~ 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

Sec. 710. RCW 70.95.521 and 2007 c 518 s 708 are each amended to read as follows:

The waste tire removal account is created in the state treasury. All receipts from tire fees imposed under RCW 70.95.510 must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used for the cleanup of unauthorized waste tire piles and measures that prevent future accumulation of unauthorized waste tire piles. During the 2007- 2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the waste tire removal account to the motor vehicle fund such amounts as reflect the excess fund balance of the waste tire removal account.

Sec. 711. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, ~~((2009))~~ 2011. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 712. RCW 46.68.060 and 2007 c 518 s 714 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

Sec. 713. RCW 46.63.170 and 2007 c 372 s 3 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(1) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

~~((f))~~ (e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((e))~~ (f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((f))~~ (g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((g))~~ (h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

~~((h))~~ (i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW ~~((3-46-120))~~ 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera

synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(1) of this act.

Sec. 714. RCW 46.68.220 and 2009 c 8 s 503 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities. During the 2007-2009 and 2009-2011 fiscal (~~(biennium)~~) biennia, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

MISCELLANEOUS

NEW SECTION. Sec. 715. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 716. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.
Correct the title.

Representative Clibborn moved the adoption of amendment (461) to amendment (456):

On page 2 of the amendment, after line 3, insert:

"NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Motor Vehicle Account--State Appropriation \$422,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects."

Renumber remaining sections in the part consecutively and correct internal references accordingly.

On page 2 of the amendment, line 27, decrease the Motor Vehicle Account--State Appropriation by \$420,000

On page 2 of the amendment, line 30, after "purposes" strike "and for the operation of the department of archaeology and historic preservation"

On page 21 of the amendment, line 19, strike all of subsection (2)

Renumber remaining subsections in the section consecutively and correct internal references accordingly.

On page 30 of the amendment, line 16, increase the Small City Pavement and Sidewalk Account--State Appropriation by \$1,179,000

On page 32 of the amendment, line 23, after "that" strike all material through "continues," on line 24

On page 32 of the amendment, line 26, after "document" insert ", provided that the prices of commodities used in transportation projects do not differ significantly from those assumed for the 2009-2011 and 2011-2013 fiscal biennia in the March 2009 forecast of the economic and revenue forecast council"

On page 36 of the amendment, line 32, after "includes a" strike "\$35,000,000" and insert "\$30,003,473"

On page 59 of the amendment, line 30, after "legislature" insert ". Until the legislature reconvenes to consider the 2010 supplemental budget, any unexpended 2007-2009 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects"

On page 59 of the amendment, line 35, after "list" insert ", except for those projects that were expected to be completed in the 2007-2009 biennium"

Representatives Clibborn and Roach spoke in favor of the adoption of the amendment to amendment (456).

Amendment (461) to amendment (456) was adopted.

Representative Condotta moved the adoption of amendment (468) to amendment (456):

On page 4, beginning on line 20, strike all of subsection (1)

Renumber the remaining subsections consecutively

On page 70, beginning on line 30, strike all of section 713

Renumber the remaining sections consecutively.

Representatives Condotta and Hurst spoke in favor of the adoption of the amendment to amendment (456).

Amendment (468) to amendment (456) was adopted.

Representative Simpson moved the adoption of amendment (482) to amendment (456):

On page 5 of the amendment, line 25, increase the Motor Vehicle Account--State appropriation by \$350,000

On page 6 of the amendment, after line 10, insert the following:

"(3) \$350,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the co-chairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations and practices. It shall also account for the 1976 interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on interstate 90. The department and sound transit must provide periodic reports to the joint transportation committee, the sound transit board of directors, and the governor, and report final recommendations by September 1, 2009."

On page 36 of the amendment, beginning on line 8, strike all of subsection (17) and insert the following:

"(17) The legislature is committed to the timely completion of R&A which supports the construction of sound transit's east link. Following the completion of the independent analysis of the methodologies to value the reversible lanes on interstate 90 which may be used for high capacity transit as directed in section 204 of this act, the department shall complete the process of negotiations with sound transit. Such agreement shall be completed no later than December 1, 2009."

Representatives Simpson and Roach spoke in favor of the adoption of the amendment to amendment (456).

Amendment (482) to amendment (456) was adopted.

Representative Rolfes moved the adoption of amendment (470) to amendment (456):

On page 13, line 15, decrease the Motor Vehicle Account--State Appropriation by \$2,000,000.

On page 13, line 21, correct the total.

On page 42, line 4, decrease the Puget Sound Capital Construction Account--State Appropriation by \$4,000,000.

On page 42, line 10, decrease the Transportation 2003 Account (Nickel Account)--State Appropriation by \$10,594,650.

On page 42, line 14, correct the total.

On page 42, line 27, strike "\$57,031,000" and insert "\$46,436,350"

On page 42, after line 35, insert the following:

"(3) \$12,900,000 of the Transportation 2003 Account (Nickel Account)--State Appropriation is provided solely for the acquisition of two new 144-auto capacity ferry vessels. Cost savings from the following initiatives are included in the funding of these vessels: Washington state ferries' review and update of their vessel life cycle cost model as required by section 309 of this act, and the department of transportation's implementation of technology efficiencies as required by section 602 of this act.

(4) It is the intent of the legislature that the ferry vessel construction and future preservation costs associated with the newly constructed vessels and according to the procurement schedule as outlined in this subsection be funded with a total of \$537,255,595 over sixteen years, beginning with the 2009-2011 biennium."

On page 44, at the end of line 10, insert the following:

"(11) The Washington state ferries shall review and update their vessel life cycle cost model and report the results to the House and Senate transportation committees of the legislature by December 1, 2009."

Renumber the subsections consecutively and correct any internal references accordingly.

Representatives Rolfes and Roach spoke in favor of the adoption of the amendment to amendment (456).

Amendment (470) to amendment (456) was adopted.

Representative Shea moved the adoption of amendment (466) to amendment (456):

On page 15, line 23, after "request." insert: "If the department determines that all or a portion of real property or an interest in real property that was acquired through condemnation or the threat of condemnation is no longer necessary for a public purpose and should be sold, the former owner shall have a right of repurchase. "Former owner" means the person or entity from whom the department acquired title and that person's or entity's successors or assigns to the property or property interest subject to the repurchase right. At least ninety days prior to the date on which the property is to be sold by the department, the department must mail notice of the planned sale to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the department with a forwarding address. If the former owner notifies the department within thirty days of the date of the notice that the former owner intends to repurchase the property, the department shall proceed with the sale of the property to the former owner and shall not list the property for sale to other owners. If the former owner does not provide timely written notice to the department of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within one year of the date of notice that the former owner intends to repurchase the property, that right shall be extinguished."

Representatives Shea and Goodman spoke in favor of the adoption of the amendment to amendment (456).

Amendment (466) to amendment (456) was adopted.

Representative Roach moved the adoption of amendment (464) to amendment (456):

On page 23, line 27 of the striking amendment, decrease the multimodal transportation account--state appropriation by \$500,000
On page 23, line 32 of the striking amendment, correct the total.

Representatives Roach, Klippert and Short spoke in favor of the adoption of the amendment to amendment (456).

Representative Upthegrove spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (464) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (464) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was adopted by the following vote: Yeas: 43; Nays: 55; Absent: 0; Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Takko, Taylor, Walsh and Warnick

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Takko, Taylor, Walsh and Warnick

Amendment (464) to amendment (456) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (464) to amendment (456) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5352.
SHERRY APPLETON, 23rd District

Representative Seaquist moved the adoption of amendment (453) to amendment (456):

On page 28, after line 19, insert the following:

"(9) As a priority task, the Washington state ferries is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

(a) The definition of an incident and an accident and the type of investigation that is required by both types of events;

(b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or officers must:

(i) Have the appropriate training and experience as determined by the policy;

(ii) Not have been involved in the incident or accident so as to avoid any conflict of interest;

(iii) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;

(iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and

(v) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;

(c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;

(d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;

(e) The process for review, approval, and implementation of any approved recommendations within the department; and

(f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW."

Representatives Seaquist and Angel spoke in favor of the adoption of the amendment to amendment (456).

Amendment (453) to amendment (456) was adopted.

Representative Clibborn moved the adoption of amendment (483) to amendment (456):

On page 34, line 4 of the striking amendment, strike "\$1,258,269,000" and insert "\$1,261,656,000"

On page 39, after line 7 of the striking amendment, insert the following:

"(26) \$62,069,026 of the transportation partnership account--state appropriation and \$113,044,224 of the transportation 2003 account (nickel account)--state appropriation and \$1,411 of the freight mobility multimodal account--state appropriation and

\$181,524 of the motor vehicle account--private/local appropriation and \$62,318,460 of the motor vehicle account--federal appropriation are provided solely for project 300504A, the I-5/Tacoma HOV Improvements project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(27) \$2,297,110 of the transportation partnership account--state appropriation is provided solely for project 330215A, the SR 302/Creviston to Purdy Vicinity project as indicated in the LEAP Transportation Document referenced in subsection (1) of this section."

(28) \$1,500,000 of the transportation 2003 account (nickel account)--state appropriation and \$590,737 of the motor vehicle account--federal appropriation are provided solely for project 370401A, the state route 704/cross base highway--new alignment project as indicated in the LEAP transportation document referenced in subsection (1) of this section."

Representatives Clibborn and Roach spoke in favor of the adoption of the amendment to amendment (456).

Amendment (483) to amendment (456) was adopted.

Representative Roach moved the adoption of amendment (463) to amendment (456):

On page 35, beginning on line 34, strike all of subsection (15) and insert the following:

"(15) The state's allocation of \$2.4 billion for the Alaskan Way viaduct replacement project shall be re-allocated as follows:

(a) \$1.9 billion for the deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel.

(b) \$300 million for the state route number 520 bridge replacement project.

(c) \$200 million for highway projects located in Pierce county."

Representative Roach spoke in favor of the adoption of the amendment to amendment (456).

Representative Liias spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (463) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (463) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 41; Nays: 57; Absent: 0; Excused: 0

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Sells, Shea, Short, Smith, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Simpson, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (463) to amendment (456) was not adopted.

Representative Roach moved the adoption of amendment (517) to amendment (456):

On page 35, beginning on line 34, strike all of subsection (15) and insert the following:

"(15) The state's allocation of \$2.4 billion for the Alaskan Way viaduct replacement project shall be re-allocated as follows:

(a) \$1.9 billion for the deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel.

(b) \$300 million for the state route number 520 bridge replacement project.

(c) \$100 million for highway projects located in Pierce County.

(d) \$50 million for the North Spokane Corridor project.

(e) \$50 million for the Columbia River Crossing project."

Representatives Roach, Ericksen, Shea, Orcutt and Klippert spoke in favor of the adoption of the amendment to amendment (456).

Representatives Clibborn, Seaquist, Hudgins and Hasegawa spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (517) to Engrossed Substitute Senate Bill No. 5352.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (517) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 44; Nays: 53; Absent: 0; Excused: 1

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused Representative Flannigan.

Amendment (517) to amendment (456) was not adopted.

Representative Roach moved the adoption of amendment (465) to amendment (456):

On page 35, line 35, after "with" strike "Engrossed Substitute Senate Bill No. 5768" and insert "House Bill No. 2036"

On page 39, after line 7, insert the following:

"NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation Partnership Account--State Appropriation	\$675,000,000
TOTAL APPROPRIATION	\$675,000,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$250,000,000 of the transportation partnership account--state appropriation is provided solely for construction of the north Spokane corridor of state route number 395 in Spokane.

(2) \$100,000,000 of the transportation partnership account--state appropriation is provided solely for the construction of a new freeway on state route number 167 from Tacoma to Puyallup.

(3) \$75,000,000 of the transportation partnership account--state appropriation is provided solely for the Columbia river crossing project on Interstate 5 in Clark county.

(4) \$75,000,000 of the transportation partnership account--state appropriation is provided solely for widening and mobility improvement projects on state route number 167 from Kent to the Pierce county line.

(5) \$50,000,000 of the transportation partnership account--state appropriation is provided solely for safety improvements and widening of state route number 2 from state route number 9 at milepost 5 to the King county line at Stevens Pass near milepost 64.

(6) \$50,000,000 of the transportation partnership account--state appropriation is provided solely for widening and mobility improvement projects on state route number 9 from Snohomish through Arlington.

(7) \$50,000,000 of the transportation partnership account--state is provided solely for the widening of state route number 12 from Tri-Cities to Walla Walla.

(8) \$25,000,000 of the transportation partnership account--state appropriation is provided solely for fish passage barriers.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION--IMPROVEMENTS--PROGRAM I

Transportation Partnership Account--State Appropriation	\$325,000,000
TOTAL APPROPRIATION	\$325,000,000

The appropriation in this section is subject to the following conditions and limitations and shall be expended solely for the projects listed in this section:

- (1) SR 502/I-5 to Battle Ground;
- (2) SR 704/Cross Base Highway - New Alignment;
- (3) SR 20/Sharpes Corner Vicinity - New Interchange;
- (4) SR 28/Jct US 2 and US 97 to 9th St, Stage 1 - New Alignment;
- (5) I-405/NE 44th St to 112th Ave SE - Widening;
- (6) SR 161/36th to Vicinity 24th St E - Widen to 5 lanes; and
- (7) Longview elementary school pedestrian underpass under the Columbia Basin railroad in Moses Lake.
- (8) I-90 two-way transit and HOV improvements.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION--WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Transportation Partnership Account--State Appropriation	\$162,000,000
TOTAL APPROPRIATION	\$162,000,000

The appropriation in this section is subject to the following conditions and limitations: \$162,000,000 is provided solely for construction of one 144-car class ferry."

Renumber remaining sections consecutively and correct internal references accordingly.

Representative Roach, Rodne, Ericksen, Shea and Anderson spoke in favor of the adoption of the amendment to amendment (456).

Representative Liias spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (465) amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (465) to amendment (456) to Engrossed Substitute Senate Bill No. 5352

and the amendment was not adopted by the following vote: Yeas: 46; Nays: 51; Absent: 0; Excused: 1

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morris, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Simpson, Smith, Sullivan, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Springer, Takko, Uthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (465) to amendment (456) was not adopted.

Representative Schmick moved the adoption of amendment (480) to amendment (456):

On page 36, line 18, after "project." insert "As a first priority, the department shall add a right turn lane to improve visibility and traffic flow at the intersection of US 195 and Cheney-Spokane road."

Representatives Schmick, Driscoll and Parker spoke in favor of the adoption of the amendment to amendment (456).

Amendment (480) to amendment (456) was adopted.

Representative Nelson moved the adoption of amendment (457) to amendment (456):

On page 37, beginning on line 9 of the striking amendment, strike all of subsection (23)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Nelson and Orwall spoke in favor of the adoption of the amendment to amendment (456).

Representative Roach spoke against the adoption of the amendment to amendment (456).

Amendment (457) to amendment (456) was adopted.

Representative Ericksen moved the adoption of amendment (460) to amendment (456):

On page 39 of the amendment, after line 7, insert the following: "(26) \$444,832,380 of the transportation partnership account--state appropriation, \$87,574,439 of the transportation 2003 account (nickel account) appropriation, \$5,199,924 of the motor vehicle account--private/local appropriation, and \$59,660,070 of the motor vehicle account--federal appropriation are provided solely for the Alaskan Way viaduct replacement project, including both the construction of the deep bore tunnel and removal of the viaduct, identified as project number 809936Z on the LEAP transportation document referenced in subsection 1 of this section. The project shall be delivered in a manner that is both on time and within budget. The state's total contribution to the Alaskan Way viaduct replacement project shall not exceed \$2,400,000,000. The funds appropriated in this section, and all future appropriations for this project, are subject to the following conditions:

- (a)(i) The legislature understands that the port of Seattle intends to contribute at least \$300,000,000 to the Alaskan Way viaduct replacement project. By no later than September 30, 2010, the department of transportation shall enter into a binding agreement with the port, which must commit the port to contribute at least \$300,000,000 to the project.

(ii) If the agreement in subsection (a)(i) of this subsection is not executed by September 30, 2010, then:

(A) No appropriated funds under this subsection may be expended after that date for the purposes of the viaduct replacement project if the funds have not been obligated to the project, and any remaining funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under subsection (a)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document in subsection (1) of this section;

(b)(i) The department of transportation has determined that construction of the deep bore tunnel will begin by December 2011.

(ii) If the construction of the deep bore tunnel in subsection (b)(i) of this subsection does not begin by December 2011, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under subsection (b)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document in subsection (1) of this section;

(c)(i) The department of transportation has determined that the south end viaduct replacement project, as described in the list of moving forward projects that are neutral to all viaduct replacement design options, will be completed by 2013 and is estimated to cost no more than \$556,000,000.

(ii) If the south end viaduct replacement project under subsection (c)(i) of this subsection is not completed by 2013 or within its estimated cost, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under subsection (c)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document in subsection (1) of this section; and

(d)(i) The department of transportation has determined that the transit enhancements and other improvements in the south end, as described in the list of moving forward projects that are neutral to all viaduct replacement design options, will be completed by 2013 and are estimated to cost no more than \$110,000,000.

(ii) If the transit enhancements and other improvements under subsection (d)(i) of this subsection are not completed by 2013 or within the estimated amount, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under subsection (d)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document in subsection (1) of this section."

Representative Ericksen spoke in favor of the adoption of the amendment to amendment (456).

Representative Liias spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (460) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

MOTION

On motion of Representative Santos, Representative Appleton was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (460) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 48; Nays: 48; Absent: 0; Excused: 2

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Orcutt, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Upthegrove, Van De Wege, Walsh, Warnick and Mr. Speaker.

Voting nay: Representatives Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Finn, Goodman, Grant-Herriot, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Wallace, White, Williams and Wood.

Excused: Representatives Appleton and Flannigan.

Amendment (460) to amendment (456) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (460) to amendment (456) to ENGROSSED SUBSTITUTE SENATE BILL NO. 5352.
DAVE UPTHEGROVE, 33rd District

Representative Upthegrove moved the adoption of amendment (471) to amendment (456):

On page 39, after line 7 of the striking amendment, insert the following:

"(26) \$13,977,496 of the transportation partnership account--state appropriation is a reappropriation provided solely for project 850901F, as identified in the LEAP transportation document in subsection (1) of this section: SR 509/I-5 to Sea-Tac Freight & Congestion Relief. However, this appropriation shall be reduced to reflect expenditures previously made during the 2007-09 fiscal biennium."

Representative Upthegrove spoke in favor of the adoption of the amendment to amendment (456).

Representative Roach spoke against the adoption of the amendment to amendment (456).

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 60 – YEAS; 36 – NAYS.

Amendment (471) to amendment (456) was not adopted.

Representative Andersen moved the adoption of amendment (472) to amendment (456):

On page 39 of the amendment, after line 7, insert the following:
"(26)(a) \$4,000,000 of the transportation partnership account appropriation is provided solely for project 840567B, as identified in the LEAP transportation document in subsection (1) of this section: I-405/NE 132nd New Interchange. The appropriation of transportation partnership account funds for project 809936Z, the Alaskan Way viaduct replacement project, shall be reduced by \$4,000,000.

(b)(i) It is the intent of the legislature that \$72,753,000 of transportation partnership account future appropriation be applied to project 840567B, as identified in the LEAP transportation document in subsection (1) of this section: I-405/NE 132nd New Interchange, so as to deliver the project by the end of the 2013-2015 biennium as

provided in LEAP Transportation Document 2008-1, Highway Improvement Program (I) as developed March 10, 2008.

(ii) It is the intent of the legislature that \$144,505,000 of transportation partnership account future appropriation be applied to project 840508A, as identified in the LEAP transportation document in subsection (1) of this section: I-405/NE 44th St to 112th Ave SE Widening, so as to deliver the project by the end of the 2021-2023 biennium as provided in LEAP Transportation Document 2008-1, Highway Improvement Program (I) as developed March 10, 2008.

(iii) It is the intent of the legislature the amount of transportation partnership account funds programmed in the future for project 809936Z, as identified in the LEAP transportation document in subsection (1) of this section: the Alaskan Way viaduct replacement project, be reduced by the amounts required to fund the projects in subsections (b)(i) and (b)(ii) of this subsection."

Representative Anderson spoke in favor of the adoption of the amendment to amendment (456).

Representative Carlyle spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (472) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (472) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 43; Nays: 53; Absent: 0; Excused: 2

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Maxwell, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Sullivan, Taylor, Wallace, Walsh, Warnick and Mr. Speaker.

Voting nay: Representatives Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Takko, Upthegrove, Van De Wege, White, Williams and Wood.

Excused: Representatives Appleton and Flannigan.

Amendment (472) to amendment (456) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on amendment (472) to amendment (456) on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352.

FRANK CHOPP, 43rd District

Representative Clibborn moved the adoption of amendment (474) to amendment (456):

On page 39, after line 7 of the striking amendment, insert the following:

"(26) \$10,600,000 of the transportation partnership account--state appropriation is provided solely for the Interstate 90 Two Way Transit and HOV Improvement -- Stage 2 and 3 project. Funds shall be used solely for preliminary engineering on stages 2 and 3 of this project."

Representative Clibborn spoke in favor of the adoption of the amendment to amendment (456).

Amendment (474) to amendment (456) was adopted.

Representative Eddy moved the adoption of amendment (478) to amendment (456):

On page 39, after line 7 of the striking amendment, insert the following:

"(26) Eastside state route 520 improvements shall be designed and constructed to accommodate a future eastbound slip ramp in the vicinity of state route 520 and the 148th Avenue Northeast interchange. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design and analysis of an eastbound slip ramp in the vicinity of state route 520 eastbound and 148th Avenue Northeast."

Representative Eddy spoke in favor of the adoption of the amendment to amendment (456).

Amendment (478) to amendment (456) was adopted.

Representative Ericksen moved the adoption of amendment (484) to amendment (456):

On page 39, after line 7, insert the following:

"(26) Amounts appropriated in this section for the I-90/two way transit and high occupancy vehicle improvements are provided solely upon the condition that sound transit agree to cease sponsorships of or donations to any non-profit advocacy groups."

Representatives Ericksen, Anderson, Erickson (again) and Roach spoke in favor of the adoption of the amendment to amendment (456).

Representative Nelson spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (484) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (484) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 44; Nays: 52; Absent: 0; Excused: 2

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Finn, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Appleton and Flannigan.

Amendment (484) to amendment (456) was not adopted.

Representative Ericksen moved the adoption of amendment (485) to amendment (456):

On page 39 of the amendment, after line 7, insert the following: "(26)(a) It is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make

it fully appreciate the urgency of the need to replace this vulnerable structure. The state must take the necessary steps to expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

(b) The state route number 99 Alaskan Way viaduct replacement project finance plan shall be structured as a public private partnership as specified in this subsection and in (c) and (d) of this subsection. State and private funds that constitute the finance plan must be used solely to build a replacement tunnel, as described in subsection (a) of this subsection, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements.

(c)(i) The state's contribution toward the Alaskan Way viaduct replacement project must not exceed two billion four hundred million dollars. The state's contribution shall be financed, in part, by a public private partnership as described in (c)(ii) of this subsection.

(ii) The secretary of transportation or the secretary's designee shall, after consultation with King County and the city of Seattle, solicit proposals and enter into an agreement with a private entity to finance at least fifty percent of the state's contribution of two billion four hundred million dollars through tolling, dedication of future tax revenues generated by development in the area of the tunnel and existing viaduct, tax incentives, tax increment financing, and other financing tools for construction of the deep bore tunnel and removal of the existing viaduct.

(A) The agreement must retain state ownership of the state route number 99 Alaskan Way viaduct.

(B) The department shall negotiate the terms and compensation due to the private entity under the agreement. The total amount of compensation to be agreed upon must be comprised of a mix of funds from tolling revenue and financing tools described in (c)(ii) of this subsection. The department shall make every effort to maximize compensation from tax incentives and other financing tools, and minimize direct payments from toll revenue. Payments to private entities must be completed within twenty-five years of the date the project is complete.

(C) Any bonds issued to support the finance plan must be issued by the private entity.

(iii) For the purpose of facilitating construction and to assist the private entity in the development, construction, maintenance, and operation of the deep bore tunnel, the agreement must, as required by the private entity, include provisions for the department of transportation to exercise its authority, including the following: Leasing of facilities, rights-of-way, and airspace; exercising the power of eminent domain; granting development rights and opportunities; granting necessary easements and rights of access; issuing permits and other authorizations; granting contractual and real property rights; and negotiating acquisition of rights-of-way in excess of appraised value and any other provision deemed necessary.

(iv) Operation and maintenance services to be provided by the private entity include, but are not limited to, roadway maintenance and repair, drainage maintenance and repair, and tunnel maintenance.

(d) After entering into an agreement under subsection (b) of this subsection, the department shall redirect at least one billion dollars of the state's planned contribution to the Alaskan Way viaduct replacement project in the transportation partnership account. At least five hundred million dollars shall be programmed on projects to develop the US 395/North Spokane Corridor. At least five hundred million dollars shall be programmed on the Interstate 5/Columbia River Crossing project."

Representatives Ericksen, Anderson, Anderson (again), Roach, and Ericksen (again) spoke in favor of the adoption of the amendment to amendment (456).

Representatives Liias and Simpson spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (485) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

MOTION

On motion of Representative Santos, Representative Hurst was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (485) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 55; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Appleton, Flannigan and Hurst.

Amendment (485) to amendment (456) was not adopted.

Representative Seaquist moved the adoption of amendment (525) to amendment (456):

On page 44, after line 10, insert the following:

"(1) The Washington state ferries shall review and update their vessel life cycle cost model and report the results to the House and Senate transportation committees of the legislature by December 1, 2009. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods."

Representatives Seaquist and Angel spoke in favor of the adoption of the amendment to amendment (456).

Amendment (525) to amendment (456) was adopted.

Representative Armstrong moved the adoption of amendment (518) to amendment (456):

On page 44, line 15, strike "\$9,416,000", and insert "\$13,100,000"

On page 44, line 22, strike "\$123,836,000", and insert "\$127,520,000"

On page 45, after line 5, insert the following:

"(iii) Within the amounts provided in this section, \$3,684,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Quincy for construction of a rail loop."

Representatives Armstrong and Liias spoke in favor of the adoption of the amendment to amendment (456).

Amendment (518) to amendment (456) was adopted.

Representative Armstrong moved the adoption of amendment (467) to amendment (456):

On page 48, after line 21, insert the following:

"(7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire twenty-nine additional grain train railcars."

Representatives Armstrong and Grant-Herriot spoke in favor of the adoption of the amendment to amendment (456).

Representative Cox spoke against the adoption of the amendment to amendment (456).

Amendment (467) to amendment (456) was adopted.

Representative Rolfes moved the adoption of amendment (477) to amendment (456):

On page 49, line 19, after "(2)" strike "\$2,879,000" and insert "\$2,729,000"

On page 49, after line 22, insert the following:

"(3) \$150,000 of the passenger ferry account--state appropriation is provided solely for the Port of Kingstons for a one-time operating subsidy needed to retain a federal grant."

Renumber the subsections consecutively and correct any internal references accordingly.

Representative Rolfes spoke in favor of the adoption of the amendment to amendment (456).

Amendment (477) to amendment (456) was adopted.

Representative Van De Wege moved the adoption of amendment (519) to amendment (456):

On page 51, after line 6 of the striking amendment, insert the following:

"(11) \$913,386 of the motor vehicle account--state appropriation and \$2,858,216 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 Northeast Peninsula Safety Rest Area and associated roadway improvements east of Port Angeles at the Deer Park Scenic View Point. The department must surplus any right of way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right of way. \$865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right of way sale is completed."

Representative Van De Wege spoke in favor of the adoption of the amendment to amendment (456).

Amendment (519) to amendment (456) was adopted.

Representative Ericksen moved the adoption of amendment (469) to amendment (456):

On page 61, beginning on line 9 of the striking amendment, strike all of section 702

Renumber the remaining sections consecutively.

Representatives Ericksen, Anderson, Ericksen (again), and Klippert spoke in favor of the adoption of the amendment to amendment (456).

Representatives Wood and Simpson spoke against the adoption of the amendment to amendment (456).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (469) to amendment (456) to Engrossed Substitute Senate Bill No. 5352.

ROLL CALL

The Clerk called the roll on the adoption of amendment (469) to amendment (456) to Engrossed Substitute Senate Bill No. 5352 and the amendment was not adopted by the following vote: Yeas: 38; Nays: 57; Absent: 0; Excused: 3

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Finn, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Appleton, Flannigan and Hurst.

Amendment (469) to amendment (456) was not adopted.

Amendment (456) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn, Moeller, Takko, Rolfes, Campbell, Seaquist and Carlyle spoke in favor of the passage of the bill.

Representatives Roach, Ericksen, Klippert, Orcutt, Armstrong, Cox and Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5352, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352, as amended by the House, and the bill passed the House by the following vote: Yeas, 65; Nays, 30; Absent, 0; Excused, 3.

Voting yea: Representatives Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Klippert, Kretz, Kristiansen, Orcutt, Priest, Probst, Roach, Rodne, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives Appleton, Flannigan and Hurst.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE BILL NO. 1000
 HOUSE BILL NO. 1042
 HOUSE BILL NO. 1058
 ENGROSSED HOUSE BILL NO. 1059
 SUBSTITUTE HOUSE BILL NO. 1067
 HOUSE BILL NO. 1068
 SUBSTITUTE HOUSE BILL NO. 1110
 HOUSE BILL NO. 1156
 HOUSE BILL NO. 1195
 HOUSE BILL NO. 1270
 HOUSE BILL NO. 1288
 SUBSTITUTE HOUSE BILL NO. 1319
 HOUSE BILL NO. 1339
 SUBSTITUTE HOUSE BILL NO. 1415
 HOUSE BILL NO. 1437
 ENGROSSED HOUSE BILL NO. 1513
 HOUSE BILL NO. 1515
 HOUSE BILL NO. 1548
 HOUSE BILL NO. 1551
 HOUSE BILL NO. 1675
 HOUSE BILL NO. 1844
 HOUSE BILL NO. 1852
 SUBSTITUTE HOUSE BILL NO. 1953
 HOUSE BILL NO. 2206
 SUBSTITUTE SENATE BILL NO. 5151
 SENATE BILL NO. 5413
 SUBSTITUTE SENATE BILL NO. 5469
 SENATE BILL NO. 5492
 SENATE BILL NO. 5511
 SENATE BILL NO. 5542
 SUBSTITUTE SENATE BILL NO. 5551
 SENATE BILL NO. 5562
 ENGROSSED SENATE BILL NO. 5581
 SUBSTITUTE SENATE BILL NO. 5677
 SUBSTITUTE SENATE BILL NO. 5705
 SUBSTITUTE SENATE BILL NO. 5839
 SENATE BILL NO. 5952
 SENATE BILL NO. 5989
 SUBSTITUTE SENATE BILL NO. 6019

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 13, 2009, the 92nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

The Speaker called upon Representative Morris to preside.

POINT OF PERSONAL PRIVILEGE

Representative Clibborn introduced the House Transportation staff and asked the Chamber to acknowledge them.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2328
 SENATE BILL NO. 5002
 SUBSTITUTE SENATE BILL NO. 5005
 SUBSTITUTE SENATE BILL NO. 5044
 SECOND SUBSTITUTE SENATE BILL NO. 5045
 SUBSTITUTE SENATE BILL NO. 5117
 SUBSTITUTE SENATE BILL NO. 5229
 SUBSTITUTE SENATE BILL NO. 5248
 SUBSTITUTE SENATE BILL NO. 5267
 SUBSTITUTE SENATE BILL NO. 5270
 SUBSTITUTE SENATE BILL NO. 5301
 SENATE BILL NO. 5412
 ENGROSSED SUBSTITUTE BILL NO. 5519
 SUBSTITUTE SENATE BILL NO. 5610
 SUBSTITUTE SENATE BILL NO. 5616
 SECOND SUBSTITUTE SENATE BILL NO. 5676
 SUBSTITUTE SENATE BILL NO. 5723
 SUBSTITUTE SENATE BILL NO. 5760
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5889
 SECOND SUBSTITUTE SENATE BILL NO. 5945
 SUBSTITUTE SENATE BILL NO. 6016
 SENATE JOINT MEMORIAL NO. 8001

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETY SECOND DAY

House Chamber, Olympia, Monday, April 13, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elizabeth Thrasher and Roya Hegdahl. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Imam Irshad Malhi, Regional Missionary of the Northwest Region, Ahmadiyya, Muslim Community of the United States of America.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTION

HOUSE RESOLUTION NO. 2009-4634, by Representatives Quall, Sullivan, Priest, Anderson, Maxwell, Dammeier, and Kenney

WHEREAS, The Washington Constitution states that making ample provision for the education of all children residing in the state of Washington is the paramount duty of the state; and

WHEREAS, The Washington Constitution states that the legislature shall provide for a general and uniform system of public schools; and

WHEREAS, In order to provide children a quality education, there must be an excellent teacher in the classroom; and

WHEREAS, Teachers deserve recognition for the education they provide students; and

WHEREAS, There are over sixty thousand dedicated teachers in Washington State; and

WHEREAS, Students are our future; and

WHEREAS, Teachers are being asked to meet higher state and federal standards; and

WHEREAS, Washington state students have had their education significantly enhanced by excellent teachers; and

WHEREAS, One teacher is recognized each year for his or her excellence from the nine Educational Service Districts; and

WHEREAS, Each year the nine Educational Service Districts select one teacher to be Washington's Teacher of the Year;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives honor Susan Johnson, Language Arts Teacher at Cle Elum-Roslyn High School as the 2009 Washington State Teacher of the Year; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Susan Johnson.

Representative Sullivan moved adoption of House Resolution No. 4634.

Representatives Sullivan and Hinkle spoke in favor of the adoption of the resolution.

HOUSE RESOLUTION NO. 4634 was adopted.

MESSAGES FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1058,
ENGROSSED HOUSE BILL NO. 1059,
SUBSTITUTE HOUSE BILL NO. 1067,

HOUSE BILL NO. 1068,
HOUSE BILL NO. 1156,
HOUSE BILL NO. 1195,
HOUSE BILL NO. 1270,
HOUSE BILL NO. 1339,
HOUSE BILL NO. 1437,
ENGROSSED HOUSE BILL NO. 1513,
HOUSE BILL NO. 1515,
HOUSE BILL NO. 1548,
HOUSE BILL NO. 1551,
HOUSE BILL NO. 1844,
HOUSE BILL NO. 1852,
SUBSTITUTE HOUSE BILL NO. 1953,
HOUSE BILL NO. 2206,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 10, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE HOUSE BILL NO. 1010,
ENGROSSED HOUSE BILL NO. 1053,
HOUSE BILL NO. 1257,
SUBSTITUTE HOUSE BILL NO. 1271,
HOUSE BILL NO. 1273,
HOUSE BILL NO. 1281,
SUBSTITUTE HOUSE BILL NO. 1303,
ENGROSSED HOUSE BILL NO. 1311,
SUBSTITUTE HOUSE BILL NO. 1323,
HOUSE BILL NO. 1324,
HOUSE BILL NO. 1375,
HOUSE BILL NO. 1380,
SUBSTITUTE HOUSE BILL NO. 1435,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1441,
HOUSE BILL NO. 1474,
HOUSE BILL NO. 1478,
HOUSE BILL NO. 1492,
HOUSE BILL NO. 1506,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1512,
SUBSTITUTE HOUSE BILL NO. 1518,
SUBSTITUTE HOUSE BILL NO. 1565,
HOUSE BILL NO. 1567,
ENGROSSED HOUSE BILL NO. 1568,
HOUSE BILL NO. 1596,
SUBSTITUTE HOUSE BILL NO. 1621,
SUBSTITUTE HOUSE BILL NO. 1663,
SUBSTITUTE HOUSE BILL NO. 1692,
SUBSTITUTE HOUSE BILL NO. 1808,
SUBSTITUTE HOUSE BILL NO. 1825,
HOUSE BILL NO. 1826,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1939,
SUBSTITUTE HOUSE BILL NO. 2013,
SUBSTITUTE HOUSE BILL NO. 2095,
SUBSTITUTE HOUSE BILL NO. 2214,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2340 by Representatives Anderson, Rodne, McCune, Pearson, Dammeier, Priest, Roach and Kelley

AN ACT Relating to creating the child predatory drug act; reenacting and amending RCW 9.94A.533; adding a new section to chapter 9.94A RCW; creating new sections; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2341 by Representatives Cody and Kelley

AN ACT Relating to changes in the basic health plan program necessary to implement the 2009-2011 operating budget; amending RCW 70.47.010, 70.47.020, 70.47.060, 70.47.100, and 74.09.053; and repealing RCW 70.47.170.

Referred to Committee on Ways & Means.

HB 2342 by Representatives Cody, Williams and Kelley

AN ACT Relating to creating the universal vaccine purchase account; and adding a new section to chapter 43.70 RCW.

Referred to Committee on Ways & Means.

HB 2343 by Representative Haigh

AN ACT Relating to achieving savings in education programs by revising provisions relating to diagnostic assessments, classified staff training, conditional scholarships, certain professional development programs, coordination for career and technical student organizations, and national board certification bonuses; amending RCW 28A.655.200, 28A.415.315, 28A.660.050, 28A.415.350, 28A.300.380, 28A.415.250, and 28A.405.415; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2344 by Representative Haigh

AN ACT Relating to resident undergraduate tuition; and amending RCW 28B.15.068.

Referred to Committee on Ways & Means.

HB 2345 by Representative Pettigrew

AN ACT Relating to eliminating the juvenile offender basic training camp program; and repealing RCW 13.40.320.

Referred to Committee on Ways & Means.

HB 2346 by Representative Kagi

AN ACT Relating to crisis residential centers; and amending RCW 74.13.032.

Referred to Committee on Ways & Means.

HB 2347 by Representative Kagi

AN ACT Relating to the review of support payments; and amending RCW 74.13.118.

Referred to Committee on Ways & Means.

HB 2348 by Representatives Moeller and Ormsby

AN ACT Relating to surcharges on fee-based activities related to public health; amending RCW 43.70.110; reenacting and amending RCW 70.58.107; and adding a new section to chapter 70.05 RCW.

Referred to Committee on Ways & Means.

HB 2349 by Representative Cody

AN ACT Relating to disproportionate share hospital adjustments; and amending RCW 74.09.730.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

April 9, 2009

HB 2318 Prime Sponsor, Representative Sells: Creating the Washington institute of aerospace technology and manufacturing studies. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wallace, Chair; Sells, Vice Chair; Anderson, Ranking Minority Member; Carlyle; Driscoll; Grant-Herriot; Haler; Hasegawa and White.

MINORITY recommendation: Without recommendation. Signed by Representatives Schmick, Assistant Ranking Minority Member and Angel.

Referred to Committee on Ways & Means.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Marr, Honeyford, Rockefeller, Morton, Fraser, Sheldon and Shin)

Improving the effectiveness of water bank and exchange provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For committee amendment, see Journal, Day 74, March 26, 2009.)

Representative Grant-Herriot moved the adoption of amendment (504) to the committee amendment:

On page 2, line 22 of the amendment, after "provide" insert "electronic"

On page 2, line 23 of the amendment, after "and" insert "affected"

On page 2, line 24 of the amendment, after "prior to" strike "utilizing" and insert "initiating use of"

On page 2, line 25 of the amendment, after "each" strike "watershed" and insert "water resource inventory area"

On page 3, line 5 of the amendment, after "district," insert "irrigation district, public port,"

On page 4, line 22 of the amendment, after "(4)" insert "(a)"

On page 4, line 25 of the amendment, after "impaired." insert the following:

"(b)"

On page 4, line 27 of the amendment, after "impairment." insert the following:

"(c)"

On page 4, line 30 of the amendment, after "program." insert the following:

"(d)"

On page 4, line 35 of the amendment, after "(5)" insert "(a)"

On page 5, line 2 of the amendment, after "weeks." insert the following:

"(b)"

On page 5, after line 5 of the amendment, insert the following:

"(c) For a trust water right donation described in RCW 90.42.080(1)(b), or for a trust water right lease described in RCW 90.42.080(8) that does not exceed five years, the department may post equivalent information on its web site to meet the notice requirements in (a) of this subsection and may send pertinent information by e-mail to meet the notice requirements in (b) of this subsection."

On page 5, beginning on line 12 of the amendment, after "(8)" strike all material through "(9))" on line 19 and insert "Subsection((s)) (4) (~~(and (5))~~) (a) of this section ((do)) does not apply to a trust water right resulting from a donation for instream flows described in RCW 90.42.080(1)(b) or to a trust water right leased under RCW 90.42.080(8) if the period of the lease does not exceed five years. ((However, the department shall provide the notice described in subsection (5) of this section the first time the trust water right resulting from the donation is exercised.))

(9)"

Representatives Grant-Herriot and Chandler spoke in favor of the adoption of the amendment to the committee amendment.

The amendment to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5583, as amended by the House.

MOTIONS

On motion of Representative Santos, Representatives Haigh, Quall, Upthegrove and Van De Wege were excused. On motion of Representative Hinkle, Representative Rodne was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5583, as amended by the House, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Haigh, Quall, Rodne, Upthegrove and Van De Wege.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5583, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5509, by Senate Committee on Transportation (originally sponsored by Senators Marr, Kauffman and Shin)

Clarifying rental car company charges, surcharges, and fees to be included in rental car agreements.

The bill was read the second time.

Representative Hudgins moved the adoption of amendment (541):

On page 1, line 14, after "fees," insert "child restraint system rental fees,"

On page 2, beginning on line 18, strike all of subsection (5), and insert the following:

"(5) The following definitions apply to this section unless the context clearly requires otherwise:

(a) "Vehicle license cost recovery fee" means a charge that may be separately stated and charged on the rental contract in a car rental transaction originating in Washington state to recover costs incurred in the state of Washington by a rental car company to license, title, register, plate, and inspect rental cars; and

(b) "Child restraint system rental fee" means a charge that may be separately stated and charged on the rental contract in a car rental transaction originating in Washington state to recover the costs associated with providing child restraint systems."

On page 2, after line 24, insert the following:

"(6)(a) If a rental car company includes a child restraint system rental fee as a separately stated charge in a rental transaction, the amount of the fee must represent no more than the rental car company's good faith estimate of the rental car company's costs to provide a child restraint system.

(b) If a rental car customer pays a child restraint system rental fee and the child restraint system is not available in a timely manner, as determined by the rental car customer, but in no case less than one hour after the arrival of the customer at the location where the customer receives the vehicle or vehicles, (a) the customer may cancel any reservation or other agreement for the rental of the vehicle or vehicles, (b) any costs or penalties associated with the cancellation are void, and (c) the customer is entitled to a full refund of any costs associated with the rental of the vehicle or vehicles."

Representatives Hudgins and Roach spoke in favor of the adoption of the amendment.

Amendment (541) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5509, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5509 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune,

Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Haigh, Quall and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5509, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5038, by Senators Kohl-Welles, King, Keiser, Franklin and Pridemore

Making technical corrections to gender-based terms.

The bill was read the second time.

Representative Pedersen moved the adoption of amendment (486):

Beginning on page 219, line 25, strike all of section 5007 and insert the following:

"**Sec. 5007.** RCW 43.03.030 and 2009 c 5 s 4 are each amended to read as follows:

(1) Wherever the compensation of any appointive state officer or employee is fixed by statute, it may be hereafter increased or decreased in the manner provided by law for the fixing of compensation of other appointive state officers or employees; but this subsection shall not apply to the heads of state departments.

(2) Wherever the compensation of any state officer appointed by the governor, or of any employee in any office or department under the control of any such officer, is fixed by statute, such compensation may hereafter, from time to time, be changed by the governor, and he or she shall have power to fix such compensation at any amount not to exceed the amount fixed by statute.

(3) For the twelve months following February 18, 2009, a salary or wage increase shall not be granted to any position under this section."

Representatives Pedersen and Rodne spoke in favor of the adoption of the amendment.

Amendment (486) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5038, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5038, as amended by the House, and the bill passed the House by the following vote: Yeas, 77; Nays, 20; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Cox, Crouse, DeBolt, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Pearson, Ross, Schmick, Shea, Short and Walsh.

Excused: Representative Quall.

SENATE BILL NO. 5038, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5042, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kilmer, Holmquist, Berkey, Schoesler, Kauffman, Marr, Rockefeller, Haugen, Eide, Kastama, Hatfield, Swecker, Tom, McAuliffe, Benton, Parlette and Roach)

Providing a waiver of penalties for first-time paperwork violations by small businesses.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 83, April 4, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5042, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5042, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5042, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5262, by Senate Committee on Judiciary (originally sponsored by Senators Kline, Brandland and Shin)

Allowing law enforcement access to driver's license photographs for the purposes of identity verification. Revised for 1st Substitute: Allowing law enforcement access to driver's license photographs for the purposes of identity verification. (REVISED FOR ENGROSSED: Allowing law enforcement and

court access to driver's license photographs for the purposes of identity verification.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was adopted. (For committee amendment, see Journal, Day 82, April 3, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pearson and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5262, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5262, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5262, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5276, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Schoesler, Jarrett, Oemig, Shin and Holmquist)

Eliminating the exclusive authority of the University of Washington and Washington State University to offer certain engineering courses. Revised for 1st Substitute: Increasing the availability of engineering programs in public universities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sells and Schmick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5276.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5276, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5276, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5286, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove and Kohl-Welles)**Regarding exemptions from the WorkFirst program.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health & Human Services Appropriations was adopted. (For committee amendment, see Journal, Day 82, April 3, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Roberts and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5286, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5286, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5286, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5298, by Senators Regala and Kline**Removing the penalty language from natural resource civil infractions.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pearson and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5298.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5298 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SENATE BILL NO. 5298, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5303, by Senators Hobbs, Schoesler, Holmquist, Kilmer, Fraser and Roach**Transferring public employees' retirement system plan 2 members to the school employees' retirement system plan 2.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5303.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5303 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien,

Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SENATE BILL NO. 5303, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5326, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Regala)**Modifying juvenile sex and kidnapping offender registration provisions. Revised for 1st Substitute: Concerning notice to individuals convicted of a sex offense as a juvenile of their ability to terminate registration requirements.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5326.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5326 and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, DeBolt, Ericksen, Herrera, Orcutt, Ross, Shea and Short.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5326, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 5326.

BRAD KLIPPERT, 8th District

SECOND READING**SUBSTITUTE SENATE BILL NO. 5340, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Prentice, Regala, Pflug, Shin and Parlette)****Concerning internet and mail order sales of tobacco products.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was adopted. (For committee amendment, see Journal, Day 82, April 3, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Ericksen spoke in favor of the passage of the bill.

Representative Armstrong spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5340, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5340, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Armstrong, Condotta, Cox, Schmick and Shea.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5340, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5346, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Franklin, Marr, Parlette, Murray and Kohl-Welles)

Concerning administrative procedures for payors and providers of health care services.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For committee amendment, see Journal, Day 74, March 26, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Driscoll and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5346, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5346, as amended by the House, and the

bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SECOND SUBSTITUTE SENATE BILL NO. 5346, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5391, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Kastama, Haugen, Fairley, Roach and Pflug)

Regulating tattooing and body piercing. Revised for 1st Substitute: Regulating body art, body piercing, and tattooing practitioners, shops, and businesses.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 83, April 4, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Appleton and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5391, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5391, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Taylor.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5391, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5401, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Morton, Jacobsen, Stevens, Ranker, Hatfield, Roach and Kline)

Expanding the riparian open space program to include lands that contain habitat of species that are federally listed as threatened or endangered. Revised for 1st Substitute: Expanding the riparian open space program to include lands that contain critical habitat of threatened or endangered species.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was adopted. (For committee amendment, see Journal, Day 74, March 26, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5401, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5401, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5401, as amended by the House, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SUBSTITUTE SENATE BILL NO. 5286, as amended by the House, passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5286, as amended by the House, on reconsideration.

ROLL CALL

The Clerk called the roll on final passage of Substitute Senate Bill No. 5286, as amended by the House, on reconsideration, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee,

Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Quall.

SUBSTITUTE SENATE BILL NO. 5286, as amended by the House, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 13, 2009

Mr. Speaker:

The President has signed the following:

- HOUSE BILL NO. 1000,
- HOUSE BILL NO. 1042,
- HOUSE BILL NO. 1058,
- ENGROSSED HOUSE BILL NO. 1059,
- SUBSTITUTE HOUSE BILL NO. 1067,
- HOUSE BILL NO. 1068,
- SUBSTITUTE HOUSE BILL NO. 1110,
- HOUSE BILL NO. 1156,
- HOUSE BILL NO. 1195,
- HOUSE BILL NO. 1270,
- HOUSE BILL NO. 1288,
- SUBSTITUTE HOUSE BILL NO. 1319,
- HOUSE BILL NO. 1339,
- SUBSTITUTE HOUSE BILL NO. 1415,
- HOUSE BILL NO. 1437,
- ENGROSSED HOUSE BILL NO. 1513,
- HOUSE BILL NO. 1515,
- HOUSE BILL NO. 1548,
- HOUSE BILL NO. 1551,
- HOUSE BILL NO. 1675,
- HOUSE BILL NO. 1844,
- HOUSE BILL NO. 1852,
- SUBSTITUTE HOUSE BILL NO. 1953,
- HOUSE BILL NO. 2206,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 13, 2009

Mr. Speaker:

The Senate has passed:

- SUBSTITUTE HOUSE BILL NO. 1022,
- HOUSE BILL NO. 1426,
- ENGROSSED HOUSE BILL NO. 1461,
- SUBSTITUTE HOUSE BILL NO. 1532,
- HOUSE BILL NO. 1578,
- SUBSTITUTE HOUSE BILL NO. 1733,
- SUBSTITUTE HOUSE BILL NO. 1984,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

SUBSTITUTE SENATE BILL NO. 5795, by Senate Committee on Transportation (originally sponsored by Senators Kilmer and Franklin)

Modifying the use of funds from the Tacoma Narrows toll bridge account.

The bill was read the second time.

Representative Seaquist moved the adoption of amendment (449):

On page 2, after line 29, insert the following:

"Sec. 2. RCW 47.46.060 and 2002 c 114 s 18 are each amended to read as follows:

(1) Any person, including the department of transportation and any private entity or entities, may apply for deferral of taxes on the site preparation for, the construction of, the acquisition of any related machinery and equipment which will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements project under this chapter. Application shall be made to the department of revenue in a form and manner prescribed by the department of revenue. The application shall contain information regarding estimated or actual costs, time schedules for completion and operation, and other information required by the department of revenue. The department of revenue shall approve the application within sixty days if it meets the requirements of this section.

(2) The department of revenue shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on the project.

(3) The department of transportation or a private entity granted a tax deferral under this section shall begin paying the deferred taxes in the fifth year after the date certified by the department of revenue as the date on which the project is operationally complete. The first payment is due on December 31st of the fifth calendar year after such certified date, with subsequent annual payments due on December 31st of the following nine years. Each payment shall equal ten percent of the deferred tax. The project is operationally complete under this section when the collection of tolls is commenced for the state route number 16 improvements covered by the deferral.

(4) The department of revenue may authorize an accelerated repayment schedule upon request of the department of transportation or a private entity granted a deferral under this section.

(5) Interest shall not be charged on any taxes deferred under this section for the period of deferral, although all other penalties and interest applicable to delinquent excise taxes may be assessed and imposed for delinquent payments under this section. The debt for deferred taxes is not extinguished by insolvency or other failure of the private entity. Transfer of ownership does not terminate the deferral.

(6) Applications and any other information received by the department of revenue under this section are not confidential and are subject to disclosure. Chapter 82.32 RCW applies to the administration of this section.

(7) Taxes due under chapters 82.08 and 82.12 RCW on the site preparation for, the construction of, the acquisition of any related machinery and equipment that will become a part of, and the rental of equipment for use in the state route number 16 corridor improvements project for which a deferral has been granted need not be repaid."

Correct the title.

Representative Seaquist spoke in favor of the adoption of the amendment.

Amendment (449) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5795, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5795, as amended by the House, and the bill passed

the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5795, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5480, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Delvin, Franklin, Fairley, Keiser and Shin)

Creating the Washington health care discount plan organization act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Driscoll spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5480.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5480 and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Morrell, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short and Warnick.

SUBSTITUTE SENATE BILL NO. 5480, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5587, by Senator Pridemore

Authorizing existing city and county real estate excise taxes to be expended on municipally owned heavy rail short lines.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Wallace and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5587.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5587 and the bill passed the House by the following vote: Yeas, 93; Nays, 5; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Kretz, Parker, Roach, Shea and Short.

SENATE BILL NO. 5587, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5719, by Senate Committee on Transportation (originally sponsored by Senators Swecker and Brown)

Modifying title and registration requirements for kit vehicles.

The bill was read the second time.

Representative Rodne moved the adoption of amendment (592):

On page 1, beginning on line 12, strike all of subsection (2) and insert the following:

"(2) The department shall use the model year of a manufactured new vehicle kit and manufactured body kit (~~(is)~~) as the year reflected on the manufacturer's certificate of origin."

On page 4, after line 1, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 46.37 RCW to read as follows:

(1) For the purposes of this section:

(a) "Kit vehicle" means a passenger car or light truck assembled from a manufactured kit, and is either (i) a kit consisting of a prefabricated body and chassis used to construct a complete vehicle, or (ii) a kit consisting of a prefabricated body to be mounted on an existing vehicle chassis and drive train, commonly referred to as a donor vehicle. "Kit vehicle" does not include a vehicle that has been assembled by a manufacturer.

(b) "Major component part" includes at least each of the following vehicle parts: (i) Engines and short blocks; (ii) frame; (iii) transmission or transfer case; (iv) cab; (v) door; (vi) front or rear differential; (vii) front or rear clip; (viii) quarter panel; (ix) truck bed or box; (x) seat; (xi) hood; (xii) bumper; (xiii) fender; and (xiv) airbag.

(2) A kit vehicle must, prior to inspection, contain the following components:

(a) Brakes on all wheels. The service brakes, upon application, must be capable of stopping the vehicle within a twelve-foot lane and (i) developing an average tire to road retardation force of not less

than 52.8 percent of the gross vehicle weight, (ii) decelerating the vehicle at a rate of not less than seventeen feet per second, or (iii) stopping the vehicle within a distance of twenty-five feet from a speed of twenty miles per hour. Tests must be made on a level, dry, concrete or asphalt surface free from loose material;

(b) Brake hoses that comply with 49 C.F.R. Sec. 571.106;

(c) Brake fluids that comply with 49 C.F.R. Sec. 571.119;

(d) A parking brake that must operate on at least two wheels on the same axle, and when applied, must be capable of holding the vehicle on any grade on which the vehicle is operated. The parking brake must be separately actuated so that failure of any part of the service brake actuation system will not diminish the vehicle's parking brake holding capability;

(e) Lighting equipment that complies with 49 C.F.R. Sec. 571.108;

(f) Pneumatic tires that comply with 49 C.F.R. Sec. 571.109;

(g) Glazing material that complies with 49 C.F.R. Sec. 571.205.

The driver must be provided with a windshield and side windows or opening that allows an outward horizontal vision capability, ninety degrees each side of a vertical plane passing through the fore and aft centerline of the vehicle. This range of vision must not be interrupted by window framing not exceeding four inches in width at each side location;

(h) Seat belt assemblies that comply with 49 C.F.R. Sec. 571.209;

(i) Defroster and defogging devices capable of defogging and defrosting the windshield area, except vehicles or exact replicas of vehicles manufactured prior to January 1938 are exempt from this requirement;

(j) Door latches that firmly and automatically secure the door when pushed closed and that allow each door to be opened both from the inside and outside, if the vehicle is enclosed with side doors leading directly into a compartment that contains one or more seating accommodations;

(k) A floor plan that is capable of supporting the weight of the number of occupants that the vehicle is designed to carry;

(l) If an enclosed kit vehicle powered by an internal combustion engine, a passenger compartment that must be constructed to prevent the entry of exhaust fumes into the passenger compartment;

(m) Fenders that must be installed on all wheels and cover the entire tread width that comes in contact with the road surface. Coverage of the tire tread circumference must be from at least fifteen degrees in front and to at least seventy-five degrees to the rear of the vertical centerline at each wheel measured from the center of the wheel rotation. The tire must not come in contact with the body, fender, chassis, or suspension of the vehicle. Kit vehicles that are more than forty years old and are owned and operated primarily as collector's vehicles are exempt from this fender requirement if the vehicle is used and driven during fair weather on well-maintained, hard-surfaced roads;

(n) A speedometer that is calibrated to indicate miles per hour, and may also indicate kilometers per hour;

(o) Mirrors as outlined in RCW 46.37.400. Mirror mountings must provide for mirror adjustment by tilting both horizontally and vertically;

(p) An accelerator control system that, in accordance with 49 C.F.R. Sec. 571.124, contains a double spring that returns engine throttle to an idle position when the driver removes the actuating force from the accelerator control. The geometry of the throttle linkage must be designed so that the throttle will not lock in an open position. A vehicle equipped with cruise control is exempt when the cruise control is actuated;

(q) A fuel system that, in accordance with 49 C.F.R. Secs. 571.301 and 571.302, is securely fastened to the vehicle so as not to interfere with the vehicle's operation. The components, such as tank, tubing, hoses, and pump, must be of leak proof design and be securely attached with fasteners designed for that purpose. All fuel system vent lines must extend outside of the passenger compartment and be positioned as not to be in contact with the high temperature surfaces or moving components. If the vehicle is fueled using alternative measures, it must be installed in accordance with any applicable standards set by the United States department of transportation;

(r) A steering wheel as outlined in RCW 46.37.375 and WAC 204-10-034;

(s) A suspension as outlined in WAC 204-10-036;

(t) An exhaust system as outlined in WAC 204-10-038; and

(u) A horn that is capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet. The horn or another warning device must not emit an unreasonably loud or harsh sound or whistle. A bell or siren must not be used as a warning device. The device used to actuate the horn must be easily accessible to the driver when operating the vehicle.

(3) A kit vehicle may also be equipped with hoods and bumpers. If this equipment is present, it must meet the following requirements:

(a) Hood latches must be equipped with a primary and secondary latching system to hold the hood in a closed position if the hood is a front opening hood; and

(b) Bumpers must be 4.5 inches in vertical height, centered on the vehicle's centerline, and extend no less than the width of the respective wheel track distances. Bumpers must be horizontal load veering and attach to the frame to effectively transfer energy when impacted. The bumper must be installed in accordance with the bumper heights outlined in WAC 204-10-022."

Correct the title.

Representatives Rodne and Clibbom spoke in favor of the adoption of the amendment.

Amendment (592) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Driscoll and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5719, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5719, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Klippert.

SUBSTITUTE SENATE BILL NO. 5719, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5752, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Marr, Pflug, Hobbs and Keiser)

Regarding cost recovery in disciplinary proceedings involving dentists.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Herrera spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5752.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5752 and the bill passed the House by the following vote: Yeas, 96; Nays, 2; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Green and Hinkle.

SUBSTITUTE SENATE BILL NO. 5752, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5765, by Senate Committee on Agriculture & Rural Economic Development (originally sponsored by Senator Schoesler)

Regarding the fruit and vegetable district fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5765.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5765 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5765, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Shin and Roach)

Concerning the placement of foster children. Revised for 1st Substitute: Concerning foster child placements.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Early Learning & Children's Services was before the House for purpose of amendment. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Goodman moved the adoption of amendment (552) to the committee amendment:

On page 23, after line 33 of the amendment, insert the following:

"**Sec. 3.** RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

(1) The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

(2) Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

(3) Such agreements shall meet the following criteria:

~~((+))~~ (a) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

~~((=))~~ (b) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

~~((=))~~ (c) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

~~((+))~~ (d) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

(4) At least six months before an adoption is finalized under chapter 26.33 RCW and RCW 74.13.100 through 74.13.145, the department must provide to a prospective adoptive parent written information describing the limits of the adoption support program, including the following information:

(a) The limits on monthly cash payments to adoptive families;

(b) The limits on the availability of children's mental health services and the funds with which to pay for these services;

(c) The process for accessing mental health services for children receiving adoption support services;

(d) The limits on the one-time cash payments to adoptive families for expenses related to their adopted children; and

(e) That payment for residential or group care is not available under the adoption support program."

Representative Goodman spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (552) to the committee amendment was adopted.

There being no objection, the committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5811, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5811, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5882, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Kauffman, McAuliffe, Regala, Shin and Kline)

Ordering an evaluation of recommendations made by the racial disproportionality advisory committee. Revised for 1st Substitute: Remediating racial disproportionality in child welfare practices.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pettigrew and Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5882.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5882 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5882, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5973, by Senate Committee on Ways & Means (originally sponsored by Senators Kauffman, McAuliffe, Oemig, Shin, Hobbs, Kohl-Welles and Kline)

Closing the achievement gap in order to provide all students an excellent and equitable education. Revised for 2nd Substitute: Closing the achievement gap in K-12 schools.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the House for purpose of amendment. (For committee amendment, see Journal, Day 86, April 6, 2009.)

With the consent of the House, amendment (539) to the committee amendment was withdrawn.

Representative Santos moved the adoption of amendment (580) to the committee amendment:

On page 3, beginning on line 27 of the striking amendment, after "instruction;" strike all material through "(5)" on line 35 and insert the following:

"(e) A representative of federally recognized Indian tribes whose traditional lands and territories lie within the borders of Washington state, designated by the federally recognized tribes; and

(f) Four members appointed by the governor in consultation with the state ethnic commissions, who represent the following populations: African Americans, Hispanic Americans, Asian Americans, and Pacific Islander Americans.

(5) The governor and the tribes are encouraged to designate members who have experience working in and with schools.

(6)"

Renumber the remaining subsection consecutively and correct internal references accordingly.

Representatives Santos and Priest spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (580) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Santos, Priest and Kenney spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5973, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5973, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE SENATE BILL NO. 5973, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015, by Senate Committee on Ways & Means (originally sponsored by Senators Murray, Delvin and Marr)

Establishing the director of commercialization and innovation within the office of the governor. Revised for 2nd Substitute: Creating the position of the director of commercialization and innovation within the office of the governor. (REVISED FOR ENGROSSED: Directing the department of community, trade, and economic development to review commercialization and innovation in the life sciences and technology sectors.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was adopted. (For committee amendment, see Journal, Day 86, April 6, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 6015, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 6015, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Carlyle, Hinkle, Orcutt, Roach and Taylor.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2328, by Representatives Linville and Ericks

Reducing the administrative cost of state government.

The bill was read the second time.

Representative Bailey moved the adoption of amendment (588):

On page 6, beginning on line 6, strike all of section 9
Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Linville spoke against the adoption of the amendment.

Amendment (588) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2328.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2328 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 2328, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5044, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Berkey, Kastama, Schoesler, Marr, Shin, Rockefeller, Eide, Jarrett, Keiser, Tom and Kohl-Welles)

Changing work-study provisions.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5044.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5044 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5044, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5117, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Hargrove, Kauffman, Stevens, Kline and Marr)

Establishing intensive behavior support services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5117.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5117 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5117, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5229, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, Hobbs, Franklin, Tom, King, Pridemore, Kohl-Welles, Jacobsen, Kilmer and Shin)

Regarding the legislative youth advisory council.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education Appropriations was before the House for purpose of amendment. (For committee amendment, see Journal, Day 86, April 6, 2009.)

Representative Bailey moved the adoption of amendment (587) to the committee amendment:

On page 3, beginning on line 19 of the amendment, strike all of section 2

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Hunt spoke against the adoption of the amendment to the committee amendment.

Amendment (587) to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5229, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5229, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 6; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Crouse, Hinkle, Kretz, McCune, Shea and Short.

SUBSTITUTE SENATE BILL NO. 5229, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5248, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs, King, McAuliffe, Brown, Kauffman, Holmquist, Tom, Shin, Hewitt, Brandland, McDermott, Jarrett, Kilmer, Haugen and Roach)

Enacting the interstate compact on educational opportunity for military children.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Rolfes and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5248, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5248, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5248, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5267, by Senate Committee on Government Operations & Elections (originally sponsored by Senators Sheldon, Berkey, Morton, Kastama and Delvin)

Regarding the issuance of checks by joint operating agencies and public utility districts.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5267.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5267 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter,

Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5267, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5616, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Shin, Kastama and Kilmer)

Connecting business expansion and recruitment to customized training.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education Appropriations was before the House for purpose of amendment. (For committee amendment, see Journal, Day 82, April 3, 2009.)

Representative Anderson moved the adoption of amendment (590) to the committee amendment:

On page 1, beginning on line 27 of the striking amendment, strike "During calendar years 2009 and 2010, participants may delay payments due under this section for up to eighteen months."

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Sells spoke against the adoption of the amendment to the committee amendment.

Amendment (590) to the committee amendment was not adopted.

Representative Bailey moved the adoption of amendment (589) to the committee amendment:

On page 4, beginning on line 4 of the amendment, strike all of section 4

Representatives Bailey and Sells spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (589) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sells and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5616, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5616, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5616, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5676, by Senate Committee on Ways & Means (originally sponsored by Senators McAuliffe, Rockefeller, Jarrett, Fairley, Hobbs, Schoesler and Shin)

Providing for career and technical education opportunities for middle school students.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sullivan and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5676.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5676 and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Hunter, Klippert, Kretz, Kristiansen, Moeller, Orcutt, Parker, Pearson, Roach, Schmick, Shea, Short, Taylor, Van De Wege and Warnick.

SECOND SUBSTITUTE SENATE BILL NO. 5676, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, McDermott and Oemig)

Providing flexibility in the education system.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education Appropriations was adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Maxwell and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 1; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmieck, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6016, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Benton, McAuliffe, Swecker, McDermott, Roach, Delvin, Stevens, Honeyford, McCaslin, Morton and Shin)

Regarding educator training to enhance skills of students with dyslexia.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Probst and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6016, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6016, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmieck, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 6016, as amended by the House, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced House intern Lona Watts, University of Washington and asked the Chamber to acknowledge her.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 2075, by Representative Hunter

Concerning the excise taxation of certain products and services provided or furnished electronically.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2075 was substituted for House Bill No. 2075 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2075 was read the second time.

Representative Orcutt moved the adoption of amendment (540):

Strike everything after page 3, line 3, and insert the following:

"PART II

DIGITAL PRODUCTS DEFINITIONS

NEW SECTION. Sec. 201. A new section is added to chapter 82.04 RCW to be codified between RCW 82.04.010 and 82.04.220 to read as follows:

(1) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones.

(2) "Digital audio-visual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(3) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(4) "Digital code" means a code that provides a purchaser with the right to obtain one or more digital products, if all of the digital products to be obtained through the use of the code have the same sales and use tax treatment. "Digital code" does not include a code that represents a stored monetary value that is deducted from a total as it is used by the purchaser. "Digital code" also does not include a code that represents a redeemable card, gift card, or gift certificate that entitles the holder to select digital products of an indicated cash value. A digital code may be obtained by any means, including e-mail or by tangible means regardless of its designation as song code, video code, book code, or some other term.

(5)(a) "Digital goods," except as provided in (b) of this subsection (5), means sounds, images, data, facts, or information, or any combination thereof, transferred electronically by download, including, but not limited to, digital audio works, digital audio-visual works, digital books, and standard information.

(b) The term "digital goods" does not include:

(i) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(ii) Computer software as defined in RCW 82.04.215;

(iii) Internet access as defined in RCW 82.04.297;

(iv) The representation of a professional service in electronic form, such as an electronic copy of an engineering report prepared by an engineer, that primarily involves the application of human effort, and the human effort originated after the customer requested the service; and

(v) Information services. For purposes of this subsection, "information services" means data, facts, or information, or any combination thereof, generated or compiled solely for the specific needs of a single client or customer.

(6) "Digital products" means digital goods and digital codes.

(7) "Electronically transferred" or "transferred electronically" means obtained by the purchaser by means other than tangible storage media. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it will be considered to have been electronically transferred to the purchaser.

(8) "Standard information" means works consisting primarily of data, facts, or information, or any combination thereof, not generated or compiled for a specific client or customer.

PART III IMPOSITION OF SALES AND USE TAXES ON DIGITAL PRODUCTS

Sec. 301. RCW 82.04.050 and 2007 c 54 s 4 and 2007 c 6 s 1004 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal

property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908; or

(f) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(2) The term "sale at retail" or "retail sale" (~~shall include~~) includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but (~~shall~~) may not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it (~~shall be~~) is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital products for consumers;

(h) Persons taxable under (a), (b), (c), (d), (e), (~~and~~) (f), and (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section (~~shall~~) may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" (~~shall include~~) includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term ~~((shall))~~ also includes:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term ~~((shall))~~ does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term ~~((shall))~~ also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6) The term ~~((shall))~~ also includes the sale of prewritten computer software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user(~~, but shall~~).

The term "retail sale" does not include the sale of or charge made for:

(a) Custom software; or

(b) The customization of prewritten computer software.

(7) The term ~~((shall))~~ also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

(8)(a) The term also includes the following sales to consumers of digital products:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(b) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

(9) The term ~~((shall))~~ does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement,

right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

~~((9))~~ (10) The term ~~((shall))~~ also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor ~~((shall))~~ does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under Title 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

~~((10))~~ (11) The term ~~((shall))~~ does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor ~~((shall))~~ does the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor ~~((shall))~~ does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

~~((11))~~ (12) The term ~~((shall))~~ does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

Sec. 302. RCW 82.04.190 and 2007 c 6 s 1008 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon or (e) of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7), if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 or 82.04.2908; (b) any person who purchases,

acquires, or uses any competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2) (a) or (g), other than for resale in the regular course of business or for the purpose of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7); (d) any person who purchases, acquires, or uses any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business; (e) any person who is an end user of software; and (f) any person who purchases or acquires an extended warranty as defined in RCW 82.04.050(7) other than for resale in the regular course of business;

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development; (~~and~~)

(9) Any person who is an owner, lessee, or has the right of possession of tangible personal property that, under the terms of an extended warranty as defined in RCW 82.04.050(7), has been repaired or is replacement property, but only with respect to the sale of or charge made for the repairing of the tangible personal property or the replacement property;

(10)(a) Any end user of a digital product.

(b)(i) For purposes of this subsection, "end user" means any taxpayer as defined in RCW 82.12.010 other than a taxpayer who receives by contract a digital good for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to others. A person that purchases digital goods or digital codes for the purpose of giving away such goods or codes will not be considered to have engaged in the distribution or redistribution of such goods or codes and will be treated as an end user;

(ii) If a purchaser of a digital code does not receive the contractual right to further redistribute, after the digital code is redeemed, the underlying digital good to which the digital code relates, then the purchaser of the digital code is an end user. If the purchaser of the digital code receives the contractual right to further redistribute, after the digital code is redeemed, the underlying digital good to which the digital code relates, then the purchaser of the digital code is not an end user. A purchaser of a digital code who has the contractual right to further redistribute the digital code is an end user if that purchaser does not have the right to further redistribute, after the digital code is redeemed, the underlying digital good to which the digital code relates.

Sec. 303. RCW 82.08.010 and 2007 c 6 s 1302 are each amended to read as follows:

For the purposes of this chapter:

(1)(a) "Selling price" includes "sales price." "Sales price" means the total amount of consideration, except separately stated trade-in property of like kind, including cash, credit, property, and services, for which tangible personal property, extended warranties, digital products, or services defined as a "retail sale" under RCW 82.04.050 are sold, leased, or rented, valued in money, whether received in money or otherwise. No deduction from the total amount of consideration is allowed for the following: (i) The seller's cost of the property sold; (ii) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller; (iii) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges; (iv) delivery charges; and (v) installation charges.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department may prescribe;

(b) "Selling price" or "sales price" does not include: Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale; interest, financing, and carrying charges from credit extended on the sale of tangible personal property, extended warranties, digital products, or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; and any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(c) "Selling price" or "sales price" includes consideration received by the seller from a third party if:

(i) The seller actually receives consideration from a party other than the purchaser, and the consideration is directly related to a price reduction or discount on the sale;

(ii) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(iii) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(iv) One of the criteria in this subsection (1)(c)(iv) is met:

(A) The purchaser presents a coupon, certificate, or other documentation to the seller to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;

(B) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount, however a "preferred customer" card that is available to any patron does not constitute membership in such a group; or

(C) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser;

(2)(a) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer, purchaser, or consumer, whether as agent, broker, or principal, except "seller" does not mean:

(i) The state and its departments and institutions when making sales to the state and its departments and institutions; or

(ii) A professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale at retail that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the seller and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(3) "Buyer," "purchaser," and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing;

(5) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address;

(6) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter;

(7) For the purposes of the taxes imposed under this chapter and under chapter 82.12 RCW, "tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam, and prewritten computer software;

(8) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(9) The definitions in section 201 of this act apply to this chapter; and

(10) For the purposes of the taxes imposed under this chapter and chapter 82.12 RCW, whenever the terms "property" or "personal property" are used, those terms must be construed to include digital products unless:

(a) It is clear from the context that the term "personal property" is intended only to refer to tangible personal property;

(b) It is clear from the context that the term "property" is intended only to refer to tangible personal property, real property, or both; or

(c) To construe the term "property" or "personal property" as including digital products would yield unlikely, absurd, or strained consequences.

Sec. 304. RCW 82.12.010 and 2006 c 301 s 3 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010(7);

(2)(a) "Value of the article used" shall be the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated

into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used shall be determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used shall be determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used shall be determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Value of the digital product used" means the purchase price for the digital product, the use of which is taxable under this chapter. If the digital product is acquired other than by purchase, the value of the digital product must be determined as nearly as possible according to the retail selling price at place of use of similar digital products of like quality and character under rules the department may prescribe;

(6) "Use," "used," "using," or "put to use" (~~shall~~) have their ordinary meaning, and (~~shall~~) mean:

(a) With respect to tangible personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer), and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state; (~~and~~)

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(d) With respect to a digital product, the first act within this state by which the taxpayer, as a consumer, downloads or otherwise possesses the digital product; and

(e) With respect to a service defined as a retail sale in RCW 82.04.050(2)(g), the first act within this state after the service has been performed by which the taxpayer, as a consumer, uses the digital product upon which the service was performed;

(~~(6)~~) (7) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

(~~(7)~~) (8)(a)(i) Except as provided in (a)(ii) of this subsection (~~(7)~~) (8), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, digital product, or a sale of any service defined as a retail sale in RCW 82.04.050(2)(a) or (g) or (3)(a) that is subject to the tax

imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(~~(8)~~) (9) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(~~(9)~~) (10) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection (~~(9)~~) (10), the use of the property shall be deemed to be by such consumer.

Sec. 305. RCW 82.12.020 and 2005 c 514 s 105 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) (~~Any~~) Article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7), including tangible personal property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) (~~any~~) Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both; (~~or~~)

(c) (~~any~~) Services defined as a retail sale in RCW 82.04.050 (2)(a) or (g) or (3)(a);

(d) Extended warranty; or

(e)(i) Digital product.

(ii) With respect to the use of digital products acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

(A) Sales in which the seller has granted the purchaser the right of permanent use;

(B) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(C) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(D) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(iii) With respect to the use of digital products acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) (~~This tax shall apply to the use of every extended warranty, service defined as a retail sale in RCW 82.04.050 (2)(a) or (3)(a), and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.~~)

(~~3~~) The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital product, or service taxable under RCW 82.04.050 (2)(a) or (g) or (3)(a), (~~purchased at retail or acquired by lease, gift, or bailment~~) if the sale to, or the use by, the present user or (~~his~~) the present user's bailor or donor has already been subjected to the tax under

chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by ~~(his)~~ the present user's bailor or donor.

~~((4))~~ (3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital product, or service (of the tax imposed by chapter 82.08 or 82.12 RCW shall) does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital product, or service from the taxes imposed by such chapters.

(b) The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor; ~~(or)~~

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use; ~~(or)~~

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961 ~~(the tax imposed by this chapter does not apply); or~~

(iv) To the use of digital goods, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

~~((5))~~ (4)(a) Except as provided in (b) of this subsection (4), the tax ~~(shall be)~~ is levied and must be collected in an amount equal to the value of the article used, value of the digital product used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020 ~~(except).~~

(b) In the case of a seller required to collect use tax from the purchaser, the tax ~~(shall)~~ must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

PART IV BUSINESS AND OCCUPATION TAX CHANGES

NEW SECTION. Sec. 401. A new section is added to chapter 82.04 RCW to be codified between RCW 82.04.250 and 82.04.310 to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail or wholesale of digital products, as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent in the case of retail sales and by the rate of 0.484 percent in the case of wholesale sales.

(2) For purposes of this section, a person is considered to be engaging within this state in the business of making sales of digital products, if the person makes sales of digital products and the sales are sourced to this state under RCW 82.32.730 for sales tax purposes or would have been sourced to this state under RCW 82.32.730 if the sale had been taxable under chapter 82.08 RCW.

(3) A person subject to tax under this section must report the tax imposed in this chapter in an electronic format provided by the department.

Sec. 402. RCW 82.04.060 and 2007 c 6 s 1007 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means:

(1) Any sale, which is not a sale at retail, of:

(a) Tangible personal property ~~(any sale of);~~

(b) Services defined as a retail sale in RCW 82.04.050(2)(a) ~~(any sale of);~~

(c) Amusement or recreation services as defined in RCW 82.04.050(3)(a) ~~(any sale of canned software, any sale of an);~~

(d) Prewritten computer software;

(e) Extended ~~(warranty)~~ warranties as defined in RCW 82.04.050(7) ~~(or any sale of);~~

(f) Competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065 ~~(which is not a sale at retail);~~

(g) Digital products; or

(h) Services described in RCW 82.04.050(2)(g); and

(2) Any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers ~~(PROVIDED, That the term), For the purposes of this subsection (2), "real or personal property" (as used in this subsection shall) does not include any natural products named in RCW 82.04.100.~~

Sec. 403. RCW 82.04.070 and 1961 c 15 s 82.04.070 are each amended to read as follows:

"Gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property, digital products, and/or for services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

Sec. 404. RCW 82.04.110 and 1997 c 453 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, "manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his or her own materials or ingredients any articles, substances, or commodities.

(2)(a) When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured article, the department shall prescribe equitable rules for determining tax liability ~~(PROVIDED, That).~~

(b) A person who produces aluminum master alloys is a processor for hire rather than a manufacturer, regardless of the portion of the aluminum provided by that person's customer ~~(PROVIDED FURTHER, That).~~ For the purposes of this subsection (2)(b), "aluminum master alloy" means an alloy registered with the aluminum association as a grain refiner or a hardener alloy using the American national standards institute designating system H35.3.

(3) A nonresident of this state who is the owner of materials processed for it in this state by a processor for hire shall not be deemed to be engaged in business in this state as a manufacturer because of the performance of such processing work for it in this state ~~(PROVIDED FURTHER, That).~~

(4) The owner of materials from which a nuclear fuel assembly is made for it by a processor for hire shall not be subject to tax under this chapter as a manufacturer of the fuel assembly.

(For the purposes of this section, "aluminum master alloy" means an alloy registered with the Aluminum Association as a grain refiner or a hardener alloy using the American National Standards Institute designating system H35.3.)

(5) For purposes of this section, the terms "articles," "substances," "materials," "ingredients," and "commodities" do not include digital goods.

Sec. 405. RCW 82.04.120 and 2003 c 168 s 604 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician; (3) cutting, delimiting, and measuring of felled, cut, or taken trees; and (4) crushing and/or blending of rock, sand, stone, gravel, or ore.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; the growing, harvesting, or

producing of agricultural products; packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage; the production of digital goods; or the production of computer software if the computer software is delivered from the seller to the purchaser by means other than tangible storage media, including the delivery by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

Sec. 406. RCW 82.04.2907 and 2001 c 320 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of receiving income from royalties or charges in the nature of royalties for the granting of intangible rights, such as copyrights, licenses, patents, or franchise fees, the amount of tax with respect to such business shall be equal to the gross income from royalties or charges in the nature of royalties from the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, "royalties" means compensation for the use of intangible property, such as copyrights, patents, licenses, franchises, trademarks, trade names, and similar items. It does not include compensation for any natural resource ((or), the licensing of ((earned)) prewritten computer software to the end user, or the licensing or use of digital products.

Sec. 407. RCW 82.04.297 and 2000 c 103 s 5 are each amended to read as follows:

(1) The provision of internet ((services)) access is subject to tax under RCW 82.04.290(2).

(2) "Internet" ((means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web)) and "internet access" have the same meaning as those terms are defined in the federal internet tax freedom act, Title 47 U.S.C. Sec. 151 note, as existing on July 1, 2009.

(3) ((("Internet service" means a service that includes computer processing applications, provides the user with additional or restructured information, or permits the user to interact with stored information through the internet or a proprietary subscriber network. "Internet service" includes provision of internet electronic mail, access to the internet for information retrieval, and hosting of information for retrieval over the internet or the graphical subnetwork called the world wide web)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

Sec. 408. RCW 82.04.363 and 1997 c 388 s 1 are each amended to read as follows:

This chapter does not apply to amounts received by a nonprofit organization from the sale or furnishing of the following items at a camp or conference center conducted on property exempt from property tax under RCW 84.36.030 (1), (2), or (3):

(1) Lodging, conference and meeting rooms, camping facilities, parking, and similar licenses to use real property;

(2) Food and meals;

(3) Books, tapes, and other products, including books and other products that are transferred electronically, that are available exclusively to the participants at the camp, conference, or meeting and are not available to the public at large.

Sec. 409. RCW 82.04.4282 and 1994 c 124 s 3 are each amended to read as follows:

In computing tax there may be deducted from the measure of tax amounts derived from bona fide (1) initiation fees, (2) dues, (3) contributions, (4) donations, (5) tuition fees, (6) charges made by a nonprofit trade or professional organization for attending or occupying space at a trade show, convention, or educational seminar sponsored by the nonprofit trade or professional organization, which trade show, convention, or educational seminar is not open to the general public, (7) charges made for operation of privately operated kindergartens, and (8) endowment funds. This section ((shall)) may not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property, digital products, or upon providing facilities or services for which a special charge is made to members or others. If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or

if the dues are graduated upon the amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction under this section.

Sec. 410. RCW 82.04.470 and 2007 c 6 s 1201 are each amended to read as follows:

(1) Unless a seller has taken from the buyer a resale certificate, the burden of proving that a sale ((of tangible personal property, or of services, was not a sale at retail shall be)) is a wholesale sale rather than a retail sale is upon the person who made it.

(2) If a seller does not receive a resale certificate at the time of the sale, have a resale certificate on file at the time of the sale, or obtain a resale certificate from the buyer within a reasonable time after the sale, the seller shall remain liable for the tax as provided in RCW 82.08.050, unless the seller can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of sales tax.

(3) The department may provide by rule for suggested forms for resale certificates or equivalent documents containing the information that will be accepted as resale certificates. The department shall provide by rule the categories of items or services that must be specified on resale certificates and the business classifications that may use a blanket resale certificate.

(4) As used in this section, "resale certificate" means documentation provided by a buyer to a seller stating that the purchase is for resale in the regular course of business, or that the buyer is exempt from retail sales tax, and containing the following information:

(a) The name and address of the buyer;

(b) The uniform business identifier or revenue registration number of the buyer, if the buyer is required to be registered;

(c) The type of business engaged in;

(d) The categories of items or services to be purchased for resale or that are exempt, unless the buyer presents a blanket resale certificate;

(e) The date on which the certificate was provided;

(f) A statement that the items or services purchased either: (i) Are purchased for resale in the regular course of business; or (ii) are exempt from tax pursuant to statute;

(g) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale or exemption privilege claimed on the certificate subjects the buyer to a penalty of fifty percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law;

(h) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(i) The signature of the authorized individual; and

(j) The name of the seller.

(5) Subsection (4)(h), (i), and (j) of this section does not apply if the certificate is provided in a format other than paper. If the certificate is provided in a format other than paper, the name of the individual providing the certificate must be included in the certificate.

Sec. 411. RCW 82.04.480 and 1975 1st ex.s. c 278 s 44 are each amended to read as follows:

(1) Every consignee, bailee, factor, or auctioneer having either actual or constructive possession of ((tangible)) personal property, or having possession of the documents of title thereto, with power to sell such ((tangible)) personal property in ((his or its)) that person's own name and actually so selling, ((shall be)) is deemed the seller of such ((tangible)) personal property within the meaning of this chapter((- and further)). Furthermore, the consignor, bailor, principal, or owner ((shall be)) is deemed a seller of such property to the consignee, bailee, factor, or auctioneer.

(2) The burden ((shall be upon)) is on the taxpayer in every case to establish the fact that ((he) the taxpayer is not engaged in the business of ((selling tangible personal property)) making retail sales or wholesale sales but is acting merely as broker or agent in promoting sales for a principal. Such claim will be allowed only when the taxpayer's accounting records are kept in such manner as required by rule by the department ((of revenue shall by general regulation provide)).

(3) For purposes of this section, "personal property" means tangible personal property, digital products, and extended warranties.

Sec. 412. RCW 82.04.065 and 2007 c 6 s 1003 are each amended to read as follows:

(1) "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

(2) "Ancillary services" means services that are associated with or incidental to the provision of "telecommunications services," including but not limited to "detailed telecommunications billing," "directory assistance," "vertical service," and "voice mail services."

(3) "Conference-bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. "Conference-bridging service" does not include the telecommunications services used to reach the conference bridge.

(4) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(5) "Directory assistance" means an ancillary service of providing telephone number information, and/or address information.

(6) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, that offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference-bridging services.

(7) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to use the voice mail service.

(8) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol services or is classified by the federal communications commission as enhanced or value added. "Telecommunications service" does not include:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including but not limited to directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include but are not limited to cable service as defined in 47 U.S.C. Sec. 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in section 20.3, Title 47 C.F.R.;

(h) Ancillary services; ~~(or)~~

(i) Digital products delivered electronically, including but not limited to ~~(software)~~ music, video, reading materials, or ring tones; or

(j) Software delivered electronically.

(9) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800,"

"855," "866," "877," and "888" toll-free calling, and any subsequent numbers designated by the federal communications commission.

(10) "900 service" means an inbound toll "telecommunications service" purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. "900 service" does not include the charge for: Collection services provided by the seller of the telecommunications services to the subscriber, or services or products sold by the subscriber to the subscriber's customer. The service is typically marketed under the name "900" service, and any subsequent numbers designated by the federal communications commission.

(11) "Fixed wireless service" means a telecommunications service that provides radio communication between fixed points.

(12) "Mobile wireless service" means a telecommunications service that is transmitted, conveyed, or routed regardless of the technology used, whereby the origination and/or termination points of the transmission, conveyance, or routing are not fixed, including, by way of example only, telecommunications services that are provided by a commercial mobile radio service provider.

(13) "Paging service" means a telecommunications service that provides transmission of coded radio signals for the purpose of activating specific pagers; these transmissions may include messages and/or sounds.

(14) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enable the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(15) "Prepaid wireless calling service" means a telecommunications service that provides the right to use mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content, and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(16) "Private communications service" means a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which the channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of the channel or channels.

(17) "Value-added nonvoice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(18) "Charges for mobile telecommunications services" means any charge for, or associated with, the provision of commercial mobile radio service, as defined in section 20.3, Title 47 C.F.R. as in effect on June 1, 1999, or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, regardless of whether individual transmissions originate or terminate within the licensed service area of the mobile telecommunications service provider.

(19) "Customer" means: (a) The person or entity that contracts with the home service provider for mobile telecommunications services; or (b) the end user of the mobile telecommunications service, if the end user of mobile telecommunications services is not the contracting party, but this subsection (19)(b) applies only for the purpose of determining the place of primary use. The term does not include a reseller of mobile telecommunications service, or a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

(20) "Designated database provider" means a person representing all the political subdivisions of the state that is:

(a) Responsible for providing an electronic database prescribed in 4 U.S.C. Sec. 119(a) if the state has not provided an electronic database; and

(b) Approved by municipal and county associations or leagues of the state whose responsibility it would otherwise be to provide a database prescribed by 4 U.S.C. Secs. 116 through 126.

(21) "Enhanced zip code" means a United States postal zip code of nine or more digits.

(22) "Home service provider" means the facilities-based carrier or reseller with whom the customer contracts for the provision of mobile telecommunications services.

(23) "Licensed service area" means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

(24) "Mobile telecommunications service" means commercial mobile radio service, as defined in section 20.3, Title 47 C.F.R. as in effect on June 1, 1999.

(25) "Mobile telecommunications service provider" means a home service provider or a serving carrier.

(26) "Place of primary use" means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be:

(a) The residential street address or the primary business street address of the customer; and

(b) Within the licensed service area of the home service provider.

(27) "Prepaid telephone calling service" means the right to purchase exclusively telecommunications services that must be paid for in advance, that enables the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

(28) "Reseller" means a provider who purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of, or integrates the purchased services into a mobile telecommunications service. "Reseller" does not include a serving carrier with whom a home service provider arranges for the services to its customers outside the home service provider's licensed service area.

(29) "Serving carrier" means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed service area.

(30) "Taxing jurisdiction" means any of the several states, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

PART V SALES TAX EXEMPTIONS

NEW SECTION. Sec. 501. A new section is added to chapter 82.08 RCW to read as follows:

The tax imposed by RCW 82.08.020 does not apply to the sale of a digital code for one or more digital goods if the sale of the digital goods to which the digital code relates is exempt from the tax levied by RCW 82.08.020.

NEW SECTION. Sec. 502. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales of audio or video programming by a radio or television broadcaster.

(2) For purposes of this section, "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, and providers of subscription internet television.

NEW SECTION. Sec. 503. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales of digital products for purposes of consuming the digital products in producing for sale a new product, where the digital products become an ingredient or component of the new product. A digital code becomes an ingredient or component of a new product if the digital good acquired through the use of the digital code becomes an ingredient or component of a new product.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION. Sec. 504. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale to a business of standard digital information and services rendered in respect to standard digital information, where the standard digital information and services are purchased solely for business purposes.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) For purposes of this section, the following definitions apply:

(a) "Business purposes" means any purpose relevant to the business needs of the taxpayer claiming an exemption under this section. Business purposes do not include any personal, family, or household purpose. The term also does not include any activity conducted by a government entity as that term is defined in RCW 7.25.005; and

(b) "Standard digital information" means a digital good consisting primarily of data, facts, or information, or any combination thereof, not generated or compiled for a specific client or customer.

Sec. 505. RCW 82.08.02525 and 1996 c 63 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 (~~shall~~) does not apply to the sale of public records by state and local agencies, as the terms are defined in RCW 42.17.020, that are copied or transferred electronically under a request for the record for which no fee is charged other than a statutorily set fee or a fee to reimburse the agency for its actual costs directly incident to the copying. A request for a record includes a request for a document not available to the public but available to those persons who by law are allowed access to the document, such as requests for fire reports, law enforcement reports, taxpayer information, and academic transcripts.

Sec. 506. RCW 82.08.0253 and 1980 c 37 s 21 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 (~~shall~~) does not apply to:

(a) The distribution and newsstand sale of printed newspapers; and

(b) The sale of newspapers transferred electronically, provided that the electronic version of a printed newspaper:

(i) Shares content with the printed newspaper; and

(ii) Is prominently identified by the same name as the printed newspaper or otherwise conspicuously indicates that it is a complement to the printed newspaper.

(2) For purposes of this section, "printed newspaper" means a publication issued regularly at stated intervals at least twice a month and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue, or any other binding of any kind, including any supplement of a printed newspaper.

Sec. 507. RCW 82.08.02535 and 1995 2nd sp.s. c 8 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 (~~shall~~) does not apply to ((the)) subscription sales ((and distribution)) of magazines or periodicals ((by subscription)), including magazines and periodicals transferred electronically to the buyer, for the purposes of fund-raising by (1) educational institutions as defined in RCW 82.04.170, or (2) nonprofit organizations engaged in activities primarily for the benefit of boys and girls nineteen years and younger.

Sec. 508. RCW 82.08.02537 and 1996 c 272 s 2 are each amended to read as follows:

The tax levied by RCW 82.08.020 (~~shall~~) does not apply to sales of academic transcripts by educational institutions, including academic transcripts transferred electronically.

Sec. 509. RCW 82.08.0256 and 1980 c 37 s 24 are each amended to read as follows:

The tax levied by RCW 82.08.020 (~~shall~~) does not apply to sales (including transfers of title through decree of appropriation)

heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in RCW 82.16.010 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11). For purposes of this section, "operating property" includes digital products.

Sec. 510. RCW 82.08.02565 and 1999 c 211 s 5 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 (~~shall~~) does not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, to sales to a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule. The seller (~~shall~~) must retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities, and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts. "Machinery and equipment" includes pollution control equipment installed and used in a manufacturing operation, testing operation, or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation, testing operation, or research and development operation. "Machinery and equipment" also includes digital products.

(b) "Machinery and equipment" does not include:

- (i) Hand-powered tools;
- (ii) Property with a useful life of less than one year;
- (iii) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building; and
- (iv) Building fixtures that are not integral to the manufacturing operation, testing operation, or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation, testing operation, or research and development operation if the machinery and equipment:

- (i) Acts upon or interacts with an item of tangible personal property;
- (ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site or testing site;
- (iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property at the site or away from the site;
- (iv) Provides physical support for or access to tangible personal property;
- (v) Produces power for, or lubricates machinery and equipment;
- (vi) Produces another item of tangible personal property for use in the manufacturing operation, testing operation, or research and development operation;
- (vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or
- (viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. A manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the processed material leaves the manufacturing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(f) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire.

(g) "Testing" means activities performed to establish or determine the properties, qualities, and limitations of tangible personal property.

(h) "Testing operation" means the testing of tangible personal property for a manufacturer or processor for hire. A testing operation begins at the point where the tangible personal property enters the testing site and ends at the point where the tangible personal property leaves the testing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the site of which the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

Sec. 511. RCW 82.08.0257 and 1980 c 37 s 25 are each amended to read as follows:

The tax levied by RCW 82.08.020 (~~shall~~) does not apply to auction sales made by or through auctioneers of (~~tangible~~) personal property (including household goods) (~~which have~~) that has been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise.

Sec. 512. RCW 82.08.0273 and 2007 c 135 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 (~~shall~~) does not apply to sales to nonresidents of this state of tangible personal property and digital products, when such property is for use outside this state (~~when~~), and the purchaser (a) is a bona fide resident of a state or possession or Province of Canada other than the state of Washington and such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (b) agrees, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

(2) Notwithstanding anything to the contrary in this chapter, if parts or other tangible personal property are installed by the seller during the course of repairing, cleaning, altering, or improving motor vehicles, trailers, or campers and the seller makes a separate charge for the tangible personal property, the tax levied by RCW 82.08.020 does not apply to the separately stated charge to a nonresident purchaser for the tangible personal property but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the tangible personal property or, if no (~~separately~~) publicly stated retail price is available, the seller's cost for the tangible personal property. However, the exemption provided by this section does not apply if tangible personal property is installed by the seller during the course of repairing, cleaning, altering, or improving motor vehicles, trailers, or campers and the seller makes a single nonitemized charge for providing the tangible personal property and service. All of the requirements in subsections (1) and (3) through (6) of this section apply to this subsection.

(3)(a) Any person claiming exemption from retail sales tax under the provisions of this section must display proof of his or her current nonresident status as provided in this section.

(b) Acceptable proof of a nonresident person's status (~~shall~~) includes one piece of identification such as a valid driver's license from the jurisdiction in which the out-of-state residency is claimed or a valid identification card which has a photograph of the holder and is issued by the out-of-state jurisdiction. Identification under this subsection (3)(b) must show the holder's residential address and have as one of its legal purposes the establishment of residency in that out-of-state jurisdiction.

(4) Nothing in this section requires the vendor to make tax exempt retail sales to nonresidents. A vendor may choose to make sales to nonresidents, collect the sales tax, and remit the amount of sales tax collected to the state as otherwise provided by law. If the vendor chooses to make a sale to a nonresident without collecting the sales tax, the vendor shall, in good faith, examine the proof of

nonresidence, determine whether the proof is acceptable under subsection (3)(b) of this section, and maintain records for each nontaxable sale which shall show the type of proof accepted, including any identification numbers where appropriate, and the expiration date, if any.

(5)(a) Any person making fraudulent statements, which includes the offer of fraudulent identification or fraudulently procured identification to a vendor, in order to purchase goods without paying retail sales tax is guilty of perjury under chapter 9A.72 RCW.

(b) Any person making tax exempt purchases under this section by displaying proof of identification not his or her own, or counterfeit identification, with intent to violate the provisions of this section, is guilty of a misdemeanor and, in addition, ~~((shall be))~~ is liable for the tax and subject to a penalty equal to the greater of one hundred dollars or the tax due on such purchases.

(6)(a) Any vendor who makes sales without collecting the tax to a person who does not hold valid identification establishing out-of-state residency, and any vendor who fails to maintain records of sales to nonresidents as provided in this section, ~~((shall be))~~ is personally liable for the amount of tax due.

(b) Any vendor who makes sales without collecting the retail sales tax under this section and who has actual knowledge that the purchaser's proof of identification establishing out-of-state residency is fraudulent is guilty of a misdemeanor and, in addition, ~~((shall be))~~ is liable for the tax and subject to a penalty equal to the greater of one thousand dollars or the tax due on such sales. In addition, both the purchaser and the vendor ~~((shall be))~~ are liable for any penalties and interest assessable under chapter 82.32 RCW.

Sec. 513. RCW 82.08.805 and 2006 c 182 s 3 are each amended to read as follows:

(1) A person who has paid tax under RCW 82.08.020 for ~~((tangible))~~ personal property used at an aluminum smelter, tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or ~~((tangible))~~ personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. A person claiming an exemption must pay the tax and may then take a credit equal to the state share of retail sales tax paid under RCW 82.08.020. The person shall submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in RCW 82.04.217.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, 2012.

Sec. 514. RCW 82.08.995 and 2007 c 381 s 2 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales of ~~((tangible))~~ personal property and services provided by a public corporation, commission, or authority created under RCW 35.21.660 or 35.21.730 to an eligible entity.

(2) For purposes of this section, "eligible entity" means a limited liability company, a limited partnership, or a single asset entity, described in RCW 82.04.615.

NEW SECTION. Sec. 515. RCW 82.08.705 (Exemptions--Financial information delivered electronically) and 2007 c 182 s 1 are each repealed.

PART VI USE TAX EXEMPTIONS

NEW SECTION. Sec. 601. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of a digital code for one or more digital goods, if the use of the digital goods to which the digital code relates is exempt from the tax levied by RCW 82.12.020.

NEW SECTION. Sec. 602. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply to the use of audio or video programming provided by a radio or television broadcaster.

(2) For purposes of this section, "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, providers of subscription internet television, and persons who provide radio or television broadcasting to listeners or viewers for no charge.

NEW SECTION. Sec. 603. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply to the use by students of digital products furnished by a public or private elementary or secondary school, or an institution of higher education as defined in sections 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009.

NEW SECTION. Sec. 604. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply to the use of digital products for purposes of consuming the digital products in producing for sale a new product, where the digital products become an ingredient or component of the new product. A digital code becomes an ingredient or component of a new product if the digital good acquired through the use of the digital code becomes an ingredient or component of a new product.

NEW SECTION. Sec. 605. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of digital products or digital codes obtained by the end user free of charge.

NEW SECTION. Sec. 606. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply to the use by a business of standard digital information and services rendered in respect to standard digital information, where the standard digital information and services are used solely for business purposes.

(2) For purposes of this section, the definitions in section 504 of this act apply.

NEW SECTION. Sec. 607. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of digital goods that are:

- (a) Of a noncommercial nature, such as personal e-mail communications;
- (b) Created solely for an internal audience; or
- (c) Created solely for the business needs of the person who created the digital good and is not the type of digital good that is offered for sale, including business e-mail communications.

(2) This section does not apply to the use of any digital goods purchased by the user, the user's donor, or anybody on the user's behalf.

Sec. 608. RCW 82.12.0251 and 2005 c 514 s 106 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply in respect to the use:

(1) Of any article of tangible personal property, ~~((and))~~ or digital product, and any services that were rendered in respect to such property, brought into the state of Washington by a nonresident thereof for his or her use or enjoyment while temporarily within the state of Washington unless such property is used in conducting a nontransitory business activity within the state of Washington;

(2) By a nonresident of Washington of a motor vehicle or trailer which is registered or licensed under the laws of the state of his or her residence, and which is not required to be registered or licensed under the laws of Washington, including motor vehicles or trailers exempt pursuant to a declaration issued by the department of licensing under RCW 46.85.060, and services rendered outside the state of Washington in respect to such property;

(3) Of household goods, including digital products, personal effects, ~~((and))~~ private motor vehicles, and services rendered in respect to such property, by a bona fide resident of Washington, or nonresident members of the armed forces who are stationed in Washington pursuant to military orders, if such articles and services

were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than ninety days prior to the time he or she entered Washington. For purposes of this subsection, private motor vehicles do not include motor homes;

(4) Of an extended warranty, to the extent that the property covered by the extended warranty is exempt under this section from the tax imposed under this chapter.

For purposes of this section, "state" means a state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, and "services" means services defined as retail sales in RCW 82.04.050(2) (a) or (g).

Sec. 609. RCW 82.12.02525 and 1996 c 63 s 2 are each amended to read as follows:

The provisions of this chapter ((~~shall~~)) do not apply with respect to the use of public records sold by state and local agencies, as the terms are defined in RCW 42.17.020, including public records transferred electronically that are obtained under a request for the record for which no fee is charged other than a statutorily set fee or a fee to reimburse the agency for its actual costs directly incident to the copying. A request for a record includes a request for a document not available to the public but available to those persons who by law are allowed access to the document, such as requests for fire reports, law enforcement reports, taxpayer information, and academic transcripts.

Sec. 610. RCW 82.12.0255 and 2005 c 514 s 107 are each amended to read as follows:

The provisions of this chapter ((~~shall~~)) do not apply in respect to the use of any article of tangible personal property, extended warranty, digital product, or service which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States.

Sec. 611. RCW 82.12.0257 and 1980 c 37 s 57 are each amended to read as follows:

The provisions of this chapter ((~~shall~~)) do not apply in respect to the use of any article of (~~tangible~~) personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in RCW 82.16.010 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11). For the purposes of this section, "operating property" includes digital products.

Sec. 612. RCW 82.12.0258 and 1980 c 37 s 58 are each amended to read as follows:

The provisions of this chapter ((~~shall~~)) do not apply in respect to the use of (~~tangible~~) personal property (including household goods) (~~which have~~) that has been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise.

Sec. 613. RCW 82.12.0259 and 2003 c 5 s 7 are each amended to read as follows:

The provisions of this chapter ((~~shall~~)) do not apply in respect to the use of (~~tangible~~) personal property or the use of services defined in RCW 82.04.050(2) (a) or (g) by corporations (~~which~~) that have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same.

Sec. 614. RCW 82.12.02595 and 2004 c 155 s 1 are each amended to read as follows:

(1) This chapter does not apply to the use by a nonprofit charitable organization or state or local governmental entity of (~~any item of tangible~~) personal property that has been donated to the nonprofit charitable organization or state or local governmental entity, or to the subsequent use of the property by a person to whom the property is donated or bailed in furtherance of the purpose for which the property was originally donated.

(2) This chapter does not apply to the donation of (~~tangible~~) personal property without intervening use to a nonprofit charitable organization, or to the incorporation of tangible personal property without intervening use into real or personal property of or for a nonprofit charitable organization in the course of installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating the real or personal property for no charge.

(3) This chapter does not apply to the use by a nonprofit charitable organization of labor and services rendered in respect to installing, repairing, cleaning, altering, imprinting, or improving personal property provided to the charitable organization at no charge, or to the donation of such services.

(4) This chapter does not apply to the donation of amusement and recreation services without intervening use to a nonprofit organization or state or local governmental entity, to the use by a nonprofit organization or state or local governmental entity of amusement and recreation services, or to the subsequent use of the services by a person to whom the services are donated or bailed in furtherance of the purpose for which the services were originally donated. As used in this subsection, "amusement and recreation services" has the meaning in RCW 82.04.050(3)(a).

Sec. 615. RCW 82.12.0272 and 1980 c 37 s 70 are each amended to read as follows:

The provisions of this chapter ((~~shall~~)) do not apply in respect to the use of (~~tangible~~) personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

Sec. 616. RCW 82.12.0284 and 2007 c 54 s 15 are each amended to read as follows:

The provisions of this chapter ((~~shall~~)) do not apply in respect to the use of computers, computer components, computer accessories, (~~or~~) computer software, or digital products, irrevocably donated to any public or private nonprofit school or college, as defined under chapter 84.36 RCW, in this state. For purposes of this section, "computer" and "computer software" have the same meaning as in RCW 82.04.215.

Sec. 617. RCW 82.12.0315 and 2003 c 5 s 10 are each amended to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of:

(a) Production equipment rented to a motion picture or video production business;

(b) Production equipment acquired and used by a motion picture or video production business in another state, if the acquisition and use occurred more than ninety days before the time the motion picture or video production business entered this state; and

(c) Production services that are within the scope of RCW 82.04.050(2) (a) or (g) and are sold to a motion picture or video production business.

(2) As used in this section, "production equipment," "production services," and "motion picture or video production business" have the meanings given in RCW 82.08.0315.

(3) The exemption provided for in this section shall not apply to the use of production equipment rented to, or production equipment or production services that are within the scope of RCW 82.04.050(2) (a) or (g) acquired and used by, a motion picture or video production business that is engaged, to any degree, in the production of erotic material, as defined in RCW 9.68.050.

Sec. 618. RCW 82.12.0345 and 1994 c 124 s 11 are each amended to read as follows:

The tax imposed by RCW 82.12.020 ((~~shall~~)) does not apply in respect to the use of:

(1) Printed newspapers as defined in RCW 82.08.0253; and

(2) Newspapers transferred electronically, provided that the electronic version of a printed newspaper:

(a) Shares content with the printed newspaper; and

(b) Is prominently identified by the same name as the printed newspaper or otherwise conspicuously indicates that it is a complement to the printed newspaper.

Sec. 619. RCW 82.12.0347 and 1996 c 272 s 3 are each amended to read as follows:

The provisions of this chapter (~~(shall)~~ do not apply in respect to the use of academic transcripts, including academic transcripts transferred electronically.

Sec. 620. RCW 82.12.805 and 2006 c 182 s 4 are each amended to read as follows:

(1) A person who is subject to tax under RCW 82.12.020 for (~~(tangible)~~) personal property used at an aluminum smelter, or for tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or (~~(tangible)~~) personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. The amount of the credit shall be equal to the state share of use tax computed to be due under RCW 82.12.020. The person shall submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in RCW 82.04.217.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, 2012.

Sec. 621. RCW 82.12.860 and 2006 c 11 s 1 are each amended to read as follows:

(1) This chapter does not apply to state credit unions with respect to the use of any article of tangible personal property, digital product, service defined as a retail sale in RCW 82.04.050 (2)(a) or (g) or (3)(a), or extended warranty, acquired from a federal credit union, foreign credit union, or out-of-state credit union as a result of a merger or conversion.

(2) For purposes of this section, the following definitions apply:

(a) "Federal credit union" means a credit union organized and operating under the laws of the United States.

(b) "Foreign credit union" means a credit union organized and operating under the laws of another country or other foreign jurisdiction.

(c) "Out-of-state credit union" means a credit union organized and operating under the laws of another state or United States territory or possession.

(d) "State credit union" means a credit union organized and operating under the laws of this state.

Sec. 622. RCW 82.12.995 and 2007 c 381 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of (~~(tangible)~~) personal property and services provided by a public corporation, commission, or authority created under RCW 35.21.660 or 35.21.730 to an eligible entity.

(2) For purposes of this section, "eligible entity" means a limited liability company, a limited partnership, or a single asset entity, described in RCW 82.04.615.

NEW SECTION. Sec. 623. RCW 82.12.705 (Exemptions--Financial information delivered electronically) and 2007 c 182 s 2 are each repealed.

PART VII

SOURCING AND SALES/USE TAX APPORTIONMENT

Sec. 701. RCW 82.32.730 and 2008 c 324 s 1 are each amended to read as follows:

(1) Except as provided in subsections (5) through (7) of this section, for purposes of collecting or paying sales or use taxes to the appropriate jurisdictions, all sales at retail shall be sourced in accordance with this subsection and subsections (2) through (4) of this section.

(a) When tangible personal property, an extended warranty, a digital product, or a service defined as a retail sale under RCW 82.04.050 is received by the purchaser at a business location of the seller, the sale is sourced to that business location.

(b) When the tangible personal property, extended warranty, digital product, or a service defined as a retail sale under RCW 82.04.050 is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's donee, designated as such by the

purchaser, occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller.

(c) When (a) and (b) of this subsection do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.

(d) When (a), (b), and (c) of this subsection do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith.

(e) When (a), (b), (c), or (d) of this subsection do not apply, including the circumstance where the seller is without sufficient information to apply those provisions, then the location shall be determined by the address from which tangible personal property was shipped, from which the digital good or digital code or the computer software delivered electronically was first available for transmission by the seller, or from which the extended warranty or service defined as a retail sale under RCW 82.04.050 was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold.

(2) The lease or rental of tangible personal property, other than property identified in subsection (3) or (4) of this section, shall be sourced as provided in this subsection.

(a) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with subsection (1) of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location is not altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls.

(b) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with subsection (1) of this section.

(c) This subsection (2) does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

(3) The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment shall be sourced as provided in this subsection.

(a) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location is as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. This location is not altered by intermittent use at different locations.

(b) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with subsection (1) of this section.

(c) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

(4) The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with subsection (1) of this section.

(5)(a) A purchaser of direct mail that is not a holder of a direct pay permit shall provide to the seller in conjunction with the purchase either a direct mail form or information that shows the jurisdictions to which the direct mail is delivered to recipients.

(i) Upon receipt of the direct mail form, the seller is relieved of all obligations to collect, pay, or remit the applicable tax and the purchaser is obligated to pay or remit the applicable tax on a direct pay basis. A direct mail form shall remain in effect for all future sales of direct mail by the seller to the purchaser until it is revoked in writing.

(ii) Upon receipt of information from the purchaser showing the jurisdictions to which the direct mail is delivered to recipients, the seller shall collect the tax according to the delivery information provided by the purchaser. In the absence of bad faith, the seller is relieved of any further obligation to collect tax on any transaction where the seller has collected tax pursuant to the delivery information provided by the purchaser.

(b) If the purchaser of direct mail does not have a direct pay permit and does not provide the seller with either a direct mail form or delivery information as required by (a) of this subsection, the seller shall collect the tax according to subsection (1)(e) of this section. This subsection does not limit a purchaser's obligation for sales or use tax to any state to which the direct mail is delivered.

(c) If a purchaser of direct mail provides the seller with documentation of direct pay authority, the purchaser is not required to provide a direct mail form or delivery information to the seller.

(6) The following are sourced to the location at or from which delivery is made to the consumer:

(a) A retail sale of watercraft;

(b) A retail sale of a modular home, manufactured home, or mobile home;

(c) A retail sale, excluding the lease and rental, of a motor vehicle, trailer, semitrailer, or aircraft, that do not qualify as transportation equipment; and

(d) Florist sales. In the case of a sale in which one florist takes an order from a customer and then communicates that order to another florist who delivers the items purchased to the place designated by the customer, the location at or from which the delivery is made to the consumer is deemed to be the location of the florist originally taking the order.

(7) A retail sale of the providing of telecommunications services or ancillary services, as those terms are defined in RCW 82.04.065, shall be sourced in accordance with RCW 82.32.520.

(8) The definitions in this subsection apply throughout this section.

(a) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(b) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

(c) "Florist sales" means the retail sale of tangible personal property by a florist. For purposes of this subsection (8)(c), "florist" means a person whose primary business activity is the retail sale of fresh cut flowers, potted ornamental plants, floral arrangements, floral bouquets, wreaths, or any similar products, used for decorative and not landscaping purposes.

(d) "Receive" and "receipt" mean taking possession of tangible personal property, making first use of services, or taking possession or making first use of digital goods or digital codes, whichever comes first. "Receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser.

(e) "Transportation equipment" means:

(i) Locomotives and railcars that are used for the carriage of persons or property in interstate commerce;

(ii) Trucks and truck tractors with a gross vehicle weight rating of ten thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:

(A) Registered through the international registration plan; and

(B) Operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(iii) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal or foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; or

(iv) Containers designed for use on and component parts attached or secured on the items described in (e)(i) through (iii) of this subsection.

(9) In those instances where there is no obligation on the part of a seller to collect or remit this state's sales or use tax, the use of tangible personal property, digital product, or of a service, subject to use tax, is sourced to the place of first use in this state. The definition of use in RCW 82.12.010 applies to this subsection.

PART VIII MISCELLANEOUS AMENDMENTS

Sec. 801. RCW 35.21.717 and 2004 c 154 s 1 are each amended to read as follows:

~~(Until July 1, 2006, a city or town may not impose any new taxes or fees specific to internet service providers.)~~ A city or town may tax internet ~~((service))~~ access providers under generally applicable business taxes or fees, at a rate not to exceed the rate applied to a general service classification. For the purposes of this section, "internet ~~((service))~~ access" has the same meaning as in RCW 82.04.297.

Sec. 802. RCW 48.14.080 and 2006 c 278 s 2 are each amended to read as follows:

(1) As to insurers, other than title insurers and taxpayers under RCW 48.14.0201, the taxes imposed by this title shall be in lieu of all other taxes, except as otherwise provided in this section.

(2) Subsection (1) of this section does not apply with respect to:

(a) Taxes on real and tangible personal property;

(b) Excise taxes on the sale, purchase, use, or possession of (i) real property; (ii) tangible personal property; (iii) extended warranties; ~~((and))~~ (iv) services; and (v) digital products as defined in section 201 of this act; and

(c) The tax imposed in RCW 82.04.260(10), regarding public and nonprofit hospitals.

(3) For the purposes of this section, the term "taxes" includes taxes imposed by the state or any county, city, town, municipal corporation, quasi-municipal corporation, or other political subdivision.

Sec. 803. RCW 82.02.020 and 2008 c 113 s 2 are each amended to read as follows:

Except only as expressly provided in chapters 67.28, 81.104, and 82.14 RCW, the state preempts the field of imposing retail sales and use taxes and taxes upon ~~((retail sales of tangible personal property, the use of tangible personal property;))~~ parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges (~~(- PROVIDED, That)~~). However, no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged (~~(- PROVIDED FURTHER, That)~~). Furthermore, these provisions (~~(shall)~~) may not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Title(s) 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

Sec. 804. RCW 82.04.44525 and 2008 c 81 s 9 are each amended to read as follows:

(1) Subject to the limits in this section, an eligible person is allowed a credit against the tax due under this chapter. The credit is based on qualified employment positions in eligible areas. The credit is available to persons who are engaged in international services as defined in this section. In order to receive the credit, the international service activities must take place at a business within the eligible area.

(2)(a) The credit shall equal three thousand dollars for each qualified employment position created after July 1, 1998, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position, plus the four subsequent consecutive years, if the position is maintained for those four years.

(b) Credit may not be taken for hiring of persons into positions that exist on July 1, 1998. Credit is authorized for new employees hired for new positions created after July 1, 1998. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire.

(c) When a position is newly created, if it is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) Credit may be accrued and carried over until it is used. No refunds may be granted for credits under this section.

(3) For the purposes of this section:

(a) "Eligible area" means: (i) A community empowerment zone under RCW 43.31C.020; or (ii) a contiguous group of census tracts that meets the unemployment and poverty criteria of RCW 43.31C.030 and is designated under subsection (4) of this section;

(b) "Eligible person" means a person, as defined in RCW 82.04.030, who in an eligible area at a specific location is engaged in the business of providing international services;

(c)(i) "International services" means the provision of a service, as defined under (c)(iii) of this subsection, that is subject to tax under RCW 82.04.290 (2) or (3), and either:

(A) Is for a person domiciled outside the United States; or

(B) The service itself is for use primarily outside of the United States.

(ii) "International services" excludes any service taxable under RCW 82.04.290(1).

(iii) Eligible services are: Computer; data processing; information; legal; accounting and tax preparation; engineering; architectural; business consulting; business management; public relations and advertising; surveying; geological consulting; real estate appraisal; or financial services. For the purposes of this section these services mean the following:

(A) "Computer services" are services such as computer programming, custom software modification, customization of canned software, custom software installation, custom software maintenance, custom software repair, training in the use of software, computer systems design, and custom software update services;

(B) "Data processing services" are services such as word processing, data entry, data retrieval, data search, information compilation, payroll processing, business accounts processing, data production, and other computerized data and information storage or manipulation. "Data processing services" also includes the use of a computer or computer time for data processing whether the processing is performed by the provider of the computer or by the purchaser or other beneficiary of the service;

(C) "Information services" are services such as electronic data retrieval or research that entails furnishing financial or legal information, data or research, internet (~~(service)~~) access as defined in RCW 82.04.297, general or specialized news, or current information;

(D) "Legal services" are services such as representation by an attorney, or other person when permitted, in an administrative or legal proceeding, legal drafting, paralegal services, legal research services, and court reporting services, arbitration, and mediation services;

(E) "Accounting and tax preparation services" are services such as accounting, auditing, actuarial, bookkeeping, or tax preparation services;

(F) "Engineering services" are services such as civil, electrical, mechanical, petroleum, marine, nuclear, and design engineering, machine designing, machine tool designing, and sewage disposal system designing services;

(G) "Architectural services" are services such as structural or landscape design or architecture, interior design, building design, building program management, and space planning services;

(H) "Business consulting services" are services such as primarily providing operating counsel, advice, or assistance to the management or owner of any business, private, nonprofit, or public organization, including but not limited to those in the following areas: Administrative management consulting; general management consulting; human resource consulting or training; management engineering consulting; management information systems consulting; manufacturing management consulting; marketing consulting; operations research consulting; personnel management consulting; physical distribution consulting; site location consulting; economic consulting; motel, hotel, and resort consulting; restaurant consulting; government affairs consulting; and lobbying;

(I) "Business management services" are services such as administrative management, business management, and office management. "Business management services" does not include property management or property leasing, motel, hotel, and resort management, or automobile parking management;

(J) "Public relations and advertising services" are services such as layout, art direction, graphic design, copy writing, mechanical preparation, opinion research, marketing research, marketing, or production supervision;

(K) "Surveying services" are services such as land surveying;

(L) "Geological consulting services" are services rendered for the oil, gas, and mining industry and other earth resource industries, and other services such as soil testing;

(M) "Real estate appraisal services" are services such as market appraisal and other real estate valuation; and

(N) "Financial services" are services such as banking, loan, security, investment management, investment advisory, mortgage servicing, contract collection, and finance leasing services, engaged in by financial businesses, or businesses similar to or in competition with financial businesses; and

(d) "Qualified employment position" means a permanent full-time position to provide international services. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee.

(4) By ordinance, the legislative authority of a city, or legislative authorities of contiguous cities by ordinance of each city's legislative authority, with population greater than eighty thousand, located in a county containing no community empowerment zones as designated under RCW 43.31C.020, may designate a contiguous group of census tracts within the city or cities as an eligible area under this section. Each of the census tracts must meet the unemployment and poverty criteria of RCW 43.31C.030. Upon making the designation, the city or cities shall transmit to the department of revenue a certification letter and a map, each explicitly describing the boundaries of the census tract. This designation must be made by December 31, 1998.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes:

(a) Employment records for the previous six years;

(b) Information relating to description of international service activity engaged in at the eligible location by the person; and

(c) Information relating to customers of international service activity engaged in at that location by the person.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used shall be immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The employment security department shall provide to the department of revenue such information needed by the department of revenue to verify eligibility under this section.

Sec. 805. RCW 82.08.040 and 1975 1st ex.s. c 278 s 46 are each amended to read as follows:

(1) Every consignee, bailee, factor, or auctioneer (~~authorized, engaged, or employed to sell or call~~) selling or calling for bids on ((tangible)) personal property belonging to another, ((and so selling or calling, shall be)) is deemed the seller of such ((tangible)) personal property within the meaning of this chapter ((and)). All sales made by such persons are subject to ((its)) the provisions of this chapter even though the sale would have been exempt from the tax ((hereunder)) imposed in this chapter had it been made directly by the owner of the property sold.

(2)(a) Except as provided in (b) of this subsection (2), every consignee, bailee, factor, or auctioneer ((shall)) must collect and remit the amount of tax due under this chapter with respect to sales made or called by ((him. PROVIDED:)) that seller.

(b) If the owner of the property sold is engaged in the business of ((selling tangible personal property)) making sales at retail in this state, the tax imposed under this chapter may be remitted by such owner under such rules ((and regulations)) as the department ((of revenue shall prescribe)) may adopt.

Sec. 806. RCW 82.08.130 and 1993 sp.s. c 25 s 702 are each amended to read as follows:

(1) If a buyer normally is engaged in both consuming and reselling certain types of ((articles of tangible)) personal property, the retail sale of which is taxable under this chapter, and the buyer is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold, the buyer may use a resale certificate for the entire purchase if the buyer principally resells the articles according to the general nature of the buyer's business. The buyer shall account for the value of any articles purchased with a resale certificate that are used by the buyer and remit the sales tax on the articles to the department.

(2) A buyer who pays a tax on all purchases and subsequently resells an article at retail, without intervening use by the buyer, shall collect the tax from the purchaser as otherwise provided by law and is entitled to a deduction on the buyer's tax return equal to the cost to the buyer of the property resold upon which retail sales tax has been paid. The deduction is allowed only if the taxpayer keeps and preserves records that show the names of the persons from whom the articles were purchased, the date of the purchase, the type of articles, the amount of the purchase, and the tax that was paid. The department shall provide by rule for the refund or credit of retail sales tax paid by a buyer for purchases that are later sold at wholesale without intervening use by the buyer.

Sec. 807. RCW 82.12.035 and 2007 c 6 s 1203 are each amended to read as follows:

A credit ((shall be)) is allowed against the taxes imposed by this chapter upon the use in this state of tangible personal property, extended warranty, digital product, or services ((taxable under)) defined as a retail sale in RCW 82.04.050 (2)(a) or (g) or (3)(a), in the ((state of Washington in the)) amount that the present user thereof or his or her bailor or donor has paid a legally imposed retail sales or use tax with respect to such property, extended warranty, digital product, or service defined as a retail sale in RCW 82.04.050 (2)(a) or (g) or (3)(a) to any other state, possession, territory, or commonwealth of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof ((, prior to the use of such property, extended warranty, or service in Washington)).

Sec. 808. RCW 82.12.040 and 2005 c 514 s 109 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, shall obtain from the department a certificate of registration, and shall, at the time of making sales of tangible personal property, digital products, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2)(a) or (g) or (3)(a), or making transfers of either possession or title, or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. The tax to be collected under this section ((shall)) must be in an amount equal to the purchase price multiplied by the rate in effect for the retail sales tax under RCW 82.08.020. For the purposes of this chapter, the phrase "maintains in this state a place of business" shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department ((shall)) must in rules specify activities which constitute engaging in business activity within this state, and ((shall)) must keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property, digital products, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2)(a) or (g) or (3)(a), of his or her principals for use in this state, ((shall)) must, at the time such sales are made, collect from the purchasers the tax imposed on the purchase price under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter (~~shall be~~) is deemed to be held in trust by the retailer until paid to the department, and any retailer who appropriates or converts the tax collected to the retailer's own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed (~~shall be~~) is guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller (~~shall~~) is nevertheless (~~be~~) personally liable to the state for the amount of such tax, unless the seller has taken from the buyer in good faith a copy of a direct pay permit issued under RCW 82.32.087.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter (~~shall be~~) is guilty of a misdemeanor.

(5) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:

(a) The person's activities in this state, whether conducted directly or through another person, are limited to:

- (i) The storage, dissemination, or display of advertising;
- (ii) The taking of orders; or
- (iii) The processing of payments; and

(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.

(6) Subsection (5) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

Sec. 809. RCW 82.14.465 and 2007 c 266 s 7 are each amended to read as follows:

(1) A city, town, or county that creates a benefit zone and finances public improvements pursuant to chapter 39.100 RCW may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city, town, or county. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1) in the case of a sales tax or (~~the rate provided in RCW 82.12.020(5) in the case of~~) a use tax, less the aggregate rates of any other taxes imposed on the same events that are credited against the state taxes imposed under chapters 82.08 and 82.12 RCW. The tax rate shall be no higher than what is reasonably necessary for the local government to receive its entire annual state contribution in a ten-month period of time.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the city, town, or county at no cost to the city, town, or county.

(3) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the city, town, or county shall first have received tax allocation revenues during the preceding calendar year. The tax imposed under this section shall expire on the earlier of the date: (a) The tax allocation revenues are no longer used for public improvements and public improvement costs; (b) the bonds issued under the authority of chapter 39.100 RCW are retired, if the bonds are issued; or (c) that is thirty years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a city, town, or county imposing a tax under this section shall provide that:

- (a) The tax shall first be imposed on the first day of a fiscal year;

(b) The amount of tax received by the local government in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax distributions totals the amount of the state contribution;

(ii) The amount of tax distributions totals the amount of local public sources, dedicated in the previous calendar year to finance public improvements authorized under chapter 39.100 RCW, expended in the previous year for public improvement costs or used to pay for other bonds issued to pay for public improvements; or

(iii) The amount of revenue from taxes imposed under this section by all cities, towns, and counties totals the annual state credit limit as provided in RCW 82.32.700(3);

(d) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) Any revenue generated by the tax in excess of the amounts specified in (b) and (c) of this subsection shall belong to the state of Washington.

(5) If both a county and a city or town impose a tax under this section, the tax imposed by the city, town, or county shall be credited as follows:

(a) If the county has created a benefit zone before the city or town, the tax imposed by the county shall be credited against the tax imposed by the city or town, the purpose of such credit is to give priority to the county tax; and

(b) If the city or town has created a benefit zone before the county, the tax imposed by the city or town shall be credited against the tax imposed by the county, the purpose of such credit is to give priority to the city or town tax.

(6) The department shall determine the amount of tax distributions attributable to each city, town, and county imposing a sales and use tax under this section and shall advise a city, town, or county when the tax will cease to be distributed for the remainder of the fiscal year as provided in subsection (4)(c) of this section. Determinations by the department of the amount of taxes attributable to a city, town, or county are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax revenues in excess of the amounts specified in subsection (4)(b) and (c) of this section to the state treasurer who shall deposit the moneys in the general fund.

(7) The definitions in this subsection apply throughout this section and RCW 82.14.470 unless the context clearly requires otherwise.

(a) "Base year" means the calendar year immediately following the creation of a benefit zone.

(b) "Benefit zone" has the same meaning as provided in RCW 39.100.010.

(c) "Excess local excise taxes" has the same meaning as provided in RCW 39.100.050.

(d) "Excess state excise taxes" means the amount of excise taxes received by the state during the measurement year from taxable activity within the benefit zone over and above the amount of excise taxes received by the state during the base year from taxable activity within the benefit zone. However, if a local government creates the benefit zone and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the benefit zone within the boundaries of the area that became the benefit zone, "excess state excise taxes" means the entire amount of state excise taxes the state receives during a calendar year period beginning with the calendar year immediately following the creation of the benefit zone and continuing with each measurement year thereafter.

(e) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW except for the local tax authorized in this section.

(f) "Fiscal year" has the same meaning as provided in RCW 39.100.030.

(g) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess state excise taxes and excess local excise taxes.

(h) "State contribution" means the lesser of two million dollars or an amount equal to excess state excise taxes received by the state during the preceding calendar year.

(i) "Tax allocation revenues" has the same meaning as provided in RCW 39.100.010.

(j) "Public improvements" and "public improvement costs" have the same meanings as provided in RCW 39.100.010.

(k) "Local public sources" includes, but is not limited to, private monetary contributions, assessments, dedicated local government funds, and tax allocation revenues. "Local public sources" does not include local government funds derived from any state loan or state grant, any local tax that is credited against the state sales and use taxes, or any other state funds.

Sec. 810. RCW 82.16.010 and 2007 c 6 s 1023 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier, or contract carrier as defined by RCW 81.68.010 and 81.80.010 (~~PROVIDED, That~~). However, "motor transportation business" (shall) does not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10)(a) "Public service business" means any of the businesses defined in subsections (1), (2), (3), (4), (5), (6), (7), (8), and (9) of this section or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(b) The definitions in this subsection (10)(b) apply throughout this subsection (10).

(i) "Competitive telephone service" has the same meaning as in RCW 82.04.065.

(ii) "Network telephone service" means the providing by any person of access to a telephone network, telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes the provision of transmission to and from the site of an internet provider via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, the providing of broadcast services by radio or television stations, nor the provision of internet (~~service~~) access as defined in RCW 82.04.297, including the reception of dial-in connection, provided at the site of the internet service provider.

(iii) "Telephone business" means the business of providing network telephone service. It includes cooperative or farmer line telephone companies or associations operating an exchange.

(iv) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in (b)(i) and (ii) of this subsection.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 811. RCW 82.32.020 and 2007 c 6 s 101 are each amended to read as follows:

For the purposes of this chapter:

(1) The meaning attributed in chapters 82.01 through 82.27 RCW to the words and phrases "tax year," "taxable year," "person," "company," "gross proceeds of sales," "gross income of the business," "business," "engaging in business," "successor," "gross operating revenue," "gross income," "taxpayer," "retail sale," "seller," "buyer," "purchaser," "extended warranty," and "value of products" shall apply equally to the provisions of this chapter.

(2) Whenever "property" or "personal property" is used, those terms must be construed to include digital products unless: (a) It is clear from the context that the term "personal property" is intended only to refer to tangible personal property; (b) it is clear from the context that the term "property" is intended only to refer to tangible personal property, real property, or both; or (c) to construe the term "property" or "personal property" as including digital products would yield unlikely, absurd, or strained consequences.

(3) The definitions in this subsection apply throughout this chapter, unless the context clearly requires otherwise.

(a) "Agreement" means the streamlined sales and use tax agreement.

(b) "Associate member" means a petitioning state that is found to be in compliance with the agreement and changes to its laws, rules, or other authorities necessary to bring it into compliance are not in effect, but are scheduled to take effect on or before January 1, 2008. The petitioning states, by majority vote, may also grant associate member status to a petitioning state that does not receive an affirmative vote of three-fourths of the petitioning states upon a finding that the state has achieved substantial compliance with the terms of the agreement as a whole, but not necessarily each required provision, measured qualitatively, and there is a reasonable expectation that the state will achieve compliance by January 1, 2008.

(c) "Certified automated system" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) "Certified service provider" means an agent certified under the agreement to perform all of the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(e)(i) "Member state" means a state that:

(A) Has petitioned for membership in the agreement and submitted a certificate of compliance; and

(B) Before the effective date of the agreement, has been found to be in compliance with the requirements of the agreement by an affirmative vote of three-fourths of the other petitioning states; or

(C) After the effective date of the agreement, has been found to be in compliance with the agreement by a three-fourths vote of the entire governing board of the agreement.

(ii) Membership by reason of (e)(i)(A) and (B) of this subsection is effective on the first day of a calendar quarter at least sixty days after at least ten states comprising at least twenty percent of the total population, as determined by the 2000 federal census, of all states imposing a state sales tax have petitioned for membership and have either been found in compliance with the agreement or have been found to be an associate member under section 704 of the agreement.

(iii) Membership by reason of (e)(i)(A) and (C) of this subsection is effective on the state's proposed date of entry or the first day of the calendar quarter after its petition is approved by the governing board, whichever is later, and is at least sixty days after its petition is approved.

(f) "Model 1 seller" means a seller that has selected a certified service provider as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(g) "Model 2 seller" means a seller that has selected a certified automated system to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(h) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection ((2)) (3)(h), a seller includes an affiliated group of sellers using the same proprietary system.

(i) "Source" means the location in which the sale or use of tangible personal property, a digital product, an extended warranty, or a service, subject to tax under chapter 82.08, 82.12, 82.14, or 82.14B RCW, is deemed to occur.

Sec. 812. RCW 82.32.023 and 2007 c 6 s 104 are each amended to read as follows:

For purposes of ~~((compliance with the requirements of the agreement only))~~ construing those provisions of the streamlined sales and use tax agreement that have been incorporated into this title, and unless the context requires otherwise, the terms "product" and "products" refer to tangible personal property, digital products, services, extended warranties, and anything else that can be sold or used.

PART IX AMNESTY

NEW SECTION. Sec. 901. (1) Except as provided in subsection (2) of this section, no person may be held liable for the failure to collect or pay state and local sales and use taxes accrued before the effective date of this act on the sale or use of digital goods.

(2) Subsection (1) of this section does not relieve any person from liability for:

(a) State and local sales and use taxes assessed by the department of revenue, if the assessment was originally issued before January 1, 2009; and

(b) State and local sales taxes that the person collected from buyers but did not remit to the department of revenue.

(3) Nothing in this section may be construed as authorizing the refund of state and local sales and use taxes properly paid on the sale or use of digital goods before the effective date of this act.

(4) For purposes of this section, "digital goods" has the same meaning as in section 201 of this act.

PART X MISCELLANEOUS

NEW SECTION. Sec. 1001. This act does not have any impact whatsoever on the characterization of digital products, as defined in section 201 of this act, as tangible or intangible personal property for purposes of property taxation and may not be used in any way in construing any provision of Title 84 RCW.

NEW SECTION. Sec. 1002. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1003. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009.

NEW SECTION. Sec. 1004. Part headings used in this act are not any part of the law."

Correct the title.

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

Amendment (540) was not adopted.

Representative Hunter moved the adoption of amendment (349):

Strike everything after the enacting clause and insert the following:

"PART I BACKGROUND AND FINDINGS

NEW SECTION. Sec. 101. (1) In 2007, the legislature directed the department of revenue (department) to conduct a study of the taxation of electronically delivered products (digital products). In conducting the study, the department was assisted by a committee comprised of legislators, academics, and individuals representing different segments of government and industry (the "study committee").

(2) At the conclusion of the study, the department issued its final report December 5, 2008. The final report noted that any recommendations to the legislature should promote the following goals: (a) Simplicity and fairness; (b) conformity with the streamlined sales and use tax agreement; (c) neutrality regardless of industry, content, and delivery method while taking the purchaser's underlying property rights into account; (d) consideration given to the revenue impact of potential changes to the tax base; (e) consideration given to the impact caused by the pyramiding of business inputs; (f) maintaining or enhancing the competitiveness of businesses located in Washington; and (g) maintaining certainty, consistency, durability, and equity despite changes in technology and business models.

(3) While the department's final report did not contain recommendations for the legislature, the report's conclusion notes

that the study committee found that legislation implementing digital products tax policy is necessary in 2009 to: (a) Protect the sales and use tax base; (b) establish certainty in our tax code; (c) maintain conformity with the streamlined sales and use tax agreement; and (d) encourage economic development.

(4) This act is the outgrowth of the work of the department and the study committee. The purpose of this act is to implement those findings of the study committee noted in subsection (3) of this section. This act also takes into account the goals noted in subsection (2) of this section. Moreover, this act contains specific provisions to: (a) Provide protections for taxpayers who failed to pay or collect tax on digital products for periods before the effective date of this act; and (b) promote the location of server farms and data centers in this state by preventing the department from considering a person's ownership of, or rights in, digital goods or digital codes residing on servers located in this state in determining whether the person has nexus with this state for purposes of the taxes imposed in Title 82 RCW.

PART II DIGITAL PRODUCTS DEFINITIONS

NEW SECTION. Sec. 201. A new section is added to chapter 82.04 RCW to be codified between RCW 82.04.010 and 82.04.220 to read as follows:

(1) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds, including ringtones.

(2) "Digital audio-visual works" means a series of related images which, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(3) "Digital books" means works that are generally recognized in the ordinary and usual sense as books.

(4) "Digital code" means a code that provides a purchaser with the right to obtain one or more digital products, if all of the digital products to be obtained through the use of the code have the same sales and use tax treatment. "Digital code" does not include a code that represents a stored monetary value that is deducted from a total as it is used by the purchaser. "Digital code" also does not include a code that represents a redeemable card, gift card, or gift certificate that entitles the holder to select digital products of an indicated cash value. A digital code may be obtained by any means, including e-mail or by tangible means regardless of its designation as song code, video code, book code, or some other term.

(5)(a) "Digital automated service," except as provided in (b) of this subsection (5), means any service transferred electronically that uses one or more software applications.

(b) "Digital automated service" does not include:

(i) Any service that primarily involves the application of human effort, and the human effort originated after the customer requested the service;

(ii) The loaning or transferring of money or the purchase, sale, or transfer of financial instruments. For purposes of this subsection (5)(b)(ii), "financial instruments" include cash, accounts receivable and payable, loans and notes receivable and payable, debt securities, equity securities, as well as derivative contracts such as forward contracts, swap contracts, and options;

(iii) Dispensing cash or other physical items from a machine;

(iv) Payment processing services;

(v) Parimutuel wagering and handicapping contests as authorized by chapter 67.16 RCW;

(vi) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(vii) The internet and internet access as those terms are defined in RCW 82.04.297;

(viii) The service described in RCW 82.04.050(6)(b);

(ix) Online educational programs provided by a:

(A) Public or private elementary or secondary school; or

(B) An institution of higher education as defined in sections 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009. For purposes of this subsection (5)(b)(ix)(B), an online educational program must be encompassed within the institution's accreditation;

(x) Travel agent services, including online travel services, and automated systems used by travel agents to book reservations;

(xi) A service that allows the person receiving the service to make online sales of products or services, digital or otherwise, using the service provider's web site. The service described in this subsection (5)(b)(xi) does not include the underlying sale of the products or services, digital or otherwise, by the person receiving the service; and

(xii) Online classified advertising services.

(6)(a) "Digital goods," except as provided in (b) of this subsection (6), means sounds, images, data, facts, or information, or any combination thereof, transferred electronically, including, but not limited to, specified digital products and other products transferred electronically not included within the definition of specified digital products.

(b) The term "digital goods" does not include:

(i) Telecommunications services and ancillary services as those terms are defined in RCW 82.04.065;

(ii) Computer software as defined in RCW 82.04.215;

(iii) Internet access as defined in RCW 82.04.297;

(iv) The representation of a personal service in electronic form, such as an electronic copy of an engineering report prepared by an engineer, that primarily involves the application of human effort, and the human effort originated after the customer requested the service; and

(v) Digital automated services and services and activities excluded from the definition of digital automated services in subsection (5)(b) of this section.

(7) "Digital products" means digital goods and digital automated services.

(8) "Electronically transferred" or "transferred electronically" means obtained by the purchaser by means other than tangible storage media. It is not necessary that a copy of the product be physically transferred to the purchaser. So long as the purchaser may access the product, it will be considered to have been electronically transferred to the purchaser.

(9) "Specified digital products" means electronically transferred digital audio-visual works, digital audio works, and digital books.

PART III IMPOSITION OF SALES AND USE TAXES ON DIGITAL PRODUCTS

Sec. 301. RCW 82.04.050 and 2007 c 54 s 4 and 2007 c 6 s 1004 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such

property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908; or

(f) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(2) The term "sale at retail" or "retail sale" ~~((shall include))~~ includes the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but ~~((shall))~~ may not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it ~~((shall be))~~ is presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) The installing, repairing, altering, or improving of digital goods for consumers;

(h) Persons taxable under (a), (b), (c), (d), (e), ~~((and))~~ (f), and (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at

retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section ~~((shall))~~ may be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" ~~((shall include))~~ includes the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term ~~((shall))~~ also includes:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term ~~((shall))~~ does not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term ~~((shall))~~ also includes the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6)(a) The term ~~((shall))~~ also includes the sale of prewritten computer software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user(~~, but shall~~). For purposes of this subsection (6)(a), the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

The term "retail sale" does not include the sale of or charge made for:

(i) Custom software; or

(ii) The customization of prewritten computer software.

(b) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.

(7) The term ~~((shall))~~ also includes the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the

agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

(8)(a) The term also includes the following sales to consumers of digital goods, digital codes, and digital automated services:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

(b) A retail sale of digital goods, digital codes, or digital automated services under this subsection (8) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

(c) For purposes of this subsection, "permanent" means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

(9) The term ~~((shall))~~ does not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

~~((+))~~ (10) The term ~~((shall))~~ also does not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor ~~((shall))~~ does it include sales of feed, seed, seedlings, fertilizer, agents for enhanced pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under Title 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

~~((+))~~ (11) The term ~~((shall))~~ does not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor ~~((shall))~~ does the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor ~~((shall))~~ does the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

~~((+))~~ (12) The term ~~((shall))~~ does not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

Sec. 302. RCW 82.04.190 and 2007 c 6 s 1008 are each amended to read as follows:

"Consumer" means the following:

(1) Any person who purchases, acquires, owns, holds, or uses any article of tangible personal property irrespective of the nature of the person's business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than for the purpose (a) of resale as tangible personal property in the regular course of business or (b) of incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers or (c) of consuming such property in producing for sale a new article of tangible personal property or a new substance, of which such property becomes an ingredient or component or as a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale or (d) of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon or (e) of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7), if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person;

(2)(a) Any person engaged in any business activity taxable under RCW 82.04.290 or 82.04.2908; (b) any person who purchases, acquires, or uses any competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065, other than for resale in the regular course of business; (c) any person who purchases, acquires, or uses any service defined in RCW 82.04.050(2) (a) or (g), other than for resale in the regular course of business or for the purpose of satisfying the person's obligations under an extended warranty as defined in RCW 82.04.050(7); (d) any person who purchases, acquires, or uses any amusement and recreation service defined in RCW 82.04.050(3)(a), other than for resale in the regular course of business; (e) ~~((any person who is an end user of software; and (f)))~~ any person who purchases or acquires an extended warranty as defined in RCW 82.04.050(7) other than for resale in the regular course of business; and (f) any person who is an end user of software. For purposes of this subsection (2)(f) and RCW 82.04.050(6), a person who purchases or otherwise acquires prewritten computer software, who provides services described in RCW 82.04.050(6)(b) and who will charge consumers for the right to access and use the prewritten computer software, is not an end user of the prewritten computer software.

(3) Any person engaged in the business of contracting for the building, repairing or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state of Washington or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind as defined in RCW 82.04.280, in respect to tangible personal property when such person incorporates such property as an ingredient or component of such publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing or spreading the property in or upon the right-of-way of such street, place, road, highway, easement, bridge, tunnel, or trestle or in or upon the site of such mass public transportation terminal or parking facility;

(4) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business, excluding only (a) municipal corporations or political subdivisions of the state in respect to labor and services rendered to their real property which is used or held for public road purposes, and (b) the United States, instrumentalities thereof, and county and city housing authorities created pursuant to chapter 35.82 RCW in respect to labor and services rendered to their real property. Nothing contained in this or any other subsection of this definition shall be construed to modify any other definition of "consumer";

(5) Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;

(6) Any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation; also, any person engaged in the business of clearing land and moving earth of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW. Any such person shall be a consumer within the meaning of this subsection in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person, except that consumer does not include any person engaged in the business of constructing, repairing, decorating, or improving new or existing buildings or other structures under, upon, or above real property of or for the United States, or any instrumentality thereof, if the investment project would qualify for sales and use tax deferral under chapter 82.63 RCW if undertaken by a private entity;

(7) Any person who is a lessor of machinery and equipment, the rental of which is exempt from the tax imposed by RCW 82.08.020 under RCW 82.08.02565, with respect to the sale of or charge made for tangible personal property consumed in respect to repairing the machinery and equipment, if the tangible personal property has a useful life of less than one year. Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer";

(8) Any person engaged in the business of cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development; ~~(and)~~

(9) Any person who is an owner, lessee, or has the right of possession of tangible personal property that, under the terms of an extended warranty as defined in RCW 82.04.050(7), has been repaired or is replacement property, but only with respect to the sale of or charge made for the repairing of the tangible personal property or the replacement property;

(10) Any person who purchases, acquires, or uses services described in RCW 82.04.050(6)(b) other than for resale in the regular course of business; and

(11)(a) Any end user of a digital product or digital code.

(b)(i) For purposes of this subsection, "end user" means any taxpayer as defined in RCW 82.12.010 other than a taxpayer who receives by contract a digital product for further commercial broadcast, rebroadcast, transmission, retransmission, licensing, relicensing, distribution, redistribution or exhibition of the product, in whole or in part, to others. A person that purchases digital products or digital codes for the purpose of giving away such products or codes will not be considered to have engaged in the distribution or redistribution of such products or codes and will be treated as an end user;

(ii) If a purchaser of a digital code does not receive the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is an end user. If the purchaser of the digital code receives the contractual right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates, then the purchaser of the digital code is not an end user. A purchaser of a digital code who has the contractual right to further redistribute the digital code is an end user if that purchaser does not have the right to further redistribute, after the digital code is redeemed, the underlying digital product to which the digital code relates.

Sec. 303. RCW 82.08.010 and 2007 c 6 s 1302 are each amended to read as follows:

For the purposes of this chapter:

(1)(a) "Selling price" includes "sales price." "Sales price" means the total amount of consideration, except separately stated

trade-in property of like kind, including cash, credit, property, and services, for which tangible personal property, extended warranties, digital goods, digital codes, digital automated services, or other services defined as a "retail sale" under RCW 82.04.050 are sold, leased, or rented, valued in money, whether received in money or otherwise. No deduction from the total amount of consideration is allowed for the following: (i) The seller's cost of the property sold; (ii) the cost of materials used, labor or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller; (iii) charges by the seller for any services necessary to complete the sale, other than delivery and installation charges; (iv) delivery charges; and (v) installation charges.

When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" shall be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department may prescribe:

(b) "Selling price" or "sales price" does not include: Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale; interest, financing, and carrying charges from credit extended on the sale of tangible personal property, extended warranties, digital goods, digital codes, digital automated services, or other services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; and any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;

(c) "Selling price" or "sales price" includes consideration received by the seller from a third party if:

(i) The seller actually receives consideration from a party other than the purchaser, and the consideration is directly related to a price reduction or discount on the sale;

(ii) The seller has an obligation to pass the price reduction or discount through to the purchaser;

(iii) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and

(iv) One of the criteria in this subsection (1)(c)(iv) is met:

(A) The purchaser presents a coupon, certificate, or other documentation to the seller to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;

(B) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount, however a "preferred customer" card that is available to any patron does not constitute membership in such a group; or

(C) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser;

(2)(a) "Seller" means every person, including the state and its departments and institutions, making sales at retail or retail sales to a buyer, purchaser, or consumer, whether as agent, broker, or principal, except "seller" does not mean:

(i) The state and its departments and institutions when making sales to the state and its departments and institutions; or

(ii) A professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale at retail that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the seller and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

(3) "Buyer," "purchaser," and "consumer" include, without limiting the scope hereof, every individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, municipal corporation, quasi municipal corporation, and also the state, its departments and institutions and all political subdivisions thereof, irrespective of the nature of the activities engaged in or functions performed, and also the United States or any instrumentality thereof;

(4) "Delivery charges" means charges by the seller of personal property or services for preparation and delivery to a location designated by the purchaser of personal property or services including, but not limited to, transportation, shipping, postage, handling, crating, and packing;

(5) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address;

(6) The meaning attributed in chapter 82.04 RCW to the terms "tax year," "taxable year," "person," "company," "sale," "sale at retail," "retail sale," "sale at wholesale," "wholesale," "business," "engaging in business," "cash discount," "successor," "consumer," "in this state" and "within this state" shall apply equally to the provisions of this chapter;

(7) For the purposes of the taxes imposed under this chapter and under chapter 82.12 RCW, "tangible personal property" means personal property that can be seen, weighed, measured, felt, or touched, or that is in any other manner perceptible to the senses. Tangible personal property includes electricity, water, gas, steam, and prewritten computer software;

(8) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

(9) The definitions in section 201 of this act apply to this chapter; and

(10) For the purposes of the taxes imposed under this chapter and chapter 82.12 RCW, whenever the terms "property" or "personal property" are used, those terms must be construed to include digital goods and digital codes unless:

(a) It is clear from the context that the term "personal property" is intended only to refer to tangible personal property;

(b) It is clear from the context that the term "property" is intended only to refer to tangible personal property, real property, or both; or

(c) To construe the term "property" or "personal property" as including digital goods and digital codes would yield unlikely, absurd, or strained consequences.

Sec. 304. RCW 82.12.010 and 2006 c 301 s 3 are each amended to read as follows:

For the purposes of this chapter:

(1) "Purchase price" means the same as sales price as defined in RCW 82.08.010(-);

(2)(a) "Value of the article used" shall be the purchase price for the article of tangible personal property, the use of which is taxable under this chapter. The term also includes, in addition to the purchase price, the amount of any tariff or duty paid with respect to the importation of the article used. In case the article used is acquired by lease or by gift or is extracted, produced, or manufactured by the person using the same or is sold under conditions wherein the purchase price does not represent the true value thereof, the value of the article used shall be determined as nearly as possible according to the retail selling price at place of use of similar products of like quality and character under such rules as the department may prescribe.

(b) In case the articles used are acquired by bailment, the value of the use of the articles so used shall be in an amount representing a reasonable rental for the use of the articles so bailed, determined as

nearly as possible according to the value of such use at the places of use of similar products of like quality and character under such rules as the department of revenue may prescribe. In case any such articles of tangible personal property are used in respect to the construction, repairing, decorating, or improving of, and which become or are to become an ingredient or component of, new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing or attaching of any such articles therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, then the value of the use of such articles so used shall be determined according to the retail selling price of such articles, or in the absence of such a selling price, as nearly as possible according to the retail selling price at place of use of similar products of like quality and character or, in the absence of either of these selling price measures, such value may be determined upon a cost basis, in any event under such rules as the department of revenue may prescribe.

(c) In the case of articles owned by a user engaged in business outside the state which are brought into the state for no more than one hundred eighty days in any period of three hundred sixty-five consecutive days and which are temporarily used for business purposes by the person in this state, the value of the article used shall be an amount representing a reasonable rental for the use of the articles, unless the person has paid tax under this chapter or chapter 82.08 RCW upon the full value of the article used, as defined in (a) of this subsection.

(d) In the case of articles manufactured or produced by the user and used in the manufacture or production of products sold or to be sold to the department of defense of the United States, the value of the articles used shall be determined according to the value of the ingredients of such articles.

(e) In the case of an article manufactured or produced for purposes of serving as a prototype for the development of a new or improved product, the value of the article used shall be determined by: (i) The retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

(f) In the case of an article purchased with a direct pay permit under RCW 82.32.087, the value of the article used shall be determined by the purchase price of such article if, but for the use of the direct pay permit, the transaction would have been subject to sales tax;

(3) "Value of the service used" means the purchase price for the digital automated service or other service, the use of which is taxable under this chapter. If the service is received by gift or under conditions wherein the purchase price does not represent the true value thereof, the value of the service used shall be determined as nearly as possible according to the retail selling price at place of use of similar services of like quality and character under rules the department may prescribe;

(4) "Value of the extended warranty used" means the purchase price for the extended warranty, the use of which is taxable under this chapter. If the extended warranty is received by gift or under conditions wherein the purchase price does not represent the true value of the extended warranty, the value of the extended warranty used shall be determined as nearly as possible according to the retail selling price at place of use of similar extended warranties of like quality and character under rules the department may prescribe;

(5) "Value of the digital good or digital code used" means the purchase price for the digital good or digital code, the use of which is taxable under this chapter. If the digital good or digital code is acquired other than by purchase, the value of the digital good or digital code must be determined as nearly as possible according to the retail selling price at place of use of similar digital goods or digital codes of like quality and character under rules the department may prescribe;

(6) "Use," "used," "using," or "put to use" ((~~shall~~)) have their ordinary meaning, and ((~~shall~~)) mean:

(a) With respect to tangible personal property, the first act within this state by which the taxpayer takes or assumes dominion or control over the article of tangible personal property (as a consumer),

and include installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption within this state;

(b) With respect to a service defined in RCW 82.04.050(2)(a), the first act within this state after the service has been performed by which the taxpayer takes or assumes dominion or control over the article of tangible personal property upon which the service was performed (as a consumer), and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state; ~~((and))~~

(c) With respect to an extended warranty, the first act within this state after the extended warranty has been acquired by which the taxpayer takes or assumes dominion or control over the article of tangible personal property to which the extended warranty applies, and includes installation, storage, withdrawal from storage, distribution, or any other act preparatory to subsequent actual use or consumption of the article within this state;

(d) With respect to a digital good or digital code, the first act within this state by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good or digital code;

(e) With respect to a digital automated service, the first act within this state by which the taxpayer, as a consumer, uses, enjoys, or otherwise receives the benefit of the service;

(f) With respect to a service defined as a retail sale in RCW 82.04.050(6)(b), the first act within this state by which the taxpayer, as a consumer, accesses the prewritten computer software; and

(g) With respect to a service defined as a retail sale in RCW 82.04.050(2)(g), the first act within this state after the service has been performed by which the taxpayer, as a consumer, views, accesses, downloads, possesses, stores, opens, manipulates, or otherwise uses or enjoys the digital good upon which the service was performed;

~~((6))~~ (7) "Taxpayer" and "purchaser" include all persons included within the meaning of the word "buyer" and the word "consumer" as defined in chapters 82.04 and 82.08 RCW;

~~((7))~~ (8)(a)(i) Except as provided in (a)(ii) of this subsection ~~((7))~~ (8), "retailer" means every seller as defined in RCW 82.08.010 and every person engaged in the business of selling tangible personal property at retail and every person required to collect from purchasers the tax imposed under this chapter.

(ii) "Retailer" does not include a professional employer organization when a covered employee coemployed with the client under the terms of a professional employer agreement engages in activities that constitute a sale of tangible personal property, extended warranty, digital good, digital code, or a sale of any digital automated service or service defined as a retail sale in RCW 82.04.050 (2) (a) or (g), (3)(a), or (6)(b) that is subject to the tax imposed by this chapter. In such cases, the client, and not the professional employer organization, is deemed to be the retailer and is responsible for collecting and remitting the tax imposed by this chapter.

(b) For the purposes of (a) of this subsection, the terms "client," "covered employee," "professional employer agreement," and "professional employer organization" have the same meanings as in RCW 82.04.540;

~~((8))~~ (9) "Extended warranty" has the same meaning as in RCW 82.04.050(7);

~~((9))~~ (10) The meaning ascribed to words and phrases in chapters 82.04 and 82.08 RCW, insofar as applicable, shall have full force and effect with respect to taxes imposed under the provisions of this chapter. "Consumer," in addition to the meaning ascribed to it in chapters 82.04 and 82.08 RCW insofar as applicable, shall also mean any person who distributes or displays, or causes to be distributed or displayed, any article of tangible personal property, except newspapers, the primary purpose of which is to promote the sale of products or services. With respect to property distributed to persons within this state by a consumer as defined in this subsection ~~((9))~~ (10), the use of the property shall be deemed to be by such consumer.

Sec. 305. RCW 82.12.020 and 2005 c 514 s 105 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any:

(a) ~~((Any))~~ Article of tangible personal property purchased at retail, or acquired by lease, gift, repossession, or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280 (2) or (7), including tangible personal property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as otherwise provided in this chapter, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state;

(b) ~~((any))~~ Prewritten computer software, regardless of the method of delivery, but excluding prewritten computer software that is either provided free of charge or is provided for temporary use in viewing information, or both; ((or))

(c) ~~((any))~~ Services defined as a retail sale in RCW 82.04.050(2) (a) or (g), (3)(a), or (6)(b), excluding services defined as a retail sale in RCW 82.04.050(6)(b) that are provided free of charge;

~~((d))~~ Extended warranty; or

~~((e))~~ (i) Digital good, digital code, or digital automated service, including the use of any services provided by a seller exclusively in connection with digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

~~((e))~~ (ii) With respect to the use of digital goods, digital automated services, and digital codes acquired by purchase, the tax imposed in this subsection (1)(e) applies in respect to:

~~((A))~~ Sales in which the seller has granted the purchaser the right of permanent use;

~~((B))~~ Sales in which the seller has granted the purchaser a right of use that is less than permanent;

~~((C))~~ Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

~~((D))~~ Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

~~((iii))~~ With respect to digital goods, digital automated services, and digital codes acquired other than by purchase, the tax imposed in this subsection (1)(e) applies regardless of whether or not the consumer has a right of permanent use or is obligated to make continued payment as a condition of use.

(2) ~~((This tax shall apply to the use of every extended warranty, service defined as a retail sale in RCW 82.04.050(2)(a) or (3)(a), and the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state.~~

~~((3))~~ The provisions of this chapter do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or service taxable under RCW 82.04.050(2) (a) or (g), (3)(a), ((purchased at retail or acquired by lease, gift, or bailment)) or (6)(b), if the sale to, or the use by, the present user or ~~((his))~~ the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by ~~((his))~~ the present user's bailor or donor.

~~((4))~~ (3)(a) Except as provided in this section, payment of the tax imposed by this chapter or chapter 82.08 RCW by one purchaser or user of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service ((of the tax imposed by chapter 82.08 or 82.12 RCW shall)) does not have the effect of exempting any other purchaser or user of the same property, extended warranty, digital good, digital code, digital automated service, or other service from the taxes imposed by such chapters.

~~((b))~~ The tax imposed by this chapter does not apply:

(i) If the sale to, or the use by, the present user or his or her bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by his or her bailor or donor; ~~((or))~~

(ii) In respect to the use of any article of tangible personal property acquired by bailment and the tax has once been paid based on reasonable rental as determined by RCW 82.12.060 measured by

the value of the article at time of first use multiplied by the tax rate imposed by chapter 82.08 RCW or this chapter as of the time of first use; ~~(or)~~

(iii) In respect to the use of any article of tangible personal property acquired by bailment, if the property was acquired by a previous bailee from the same bailor for use in the same general activity and the original bailment was prior to June 9, 1961 ~~(the tax imposed by this chapter does not apply); or~~

(iv) To the use of digital goods or digital automated services, which were obtained through the use of a digital code, if the sale of the digital code to, or the use of the digital code by, the present user or the present user's bailor or donor has already been subjected to the tax under chapter 82.08 RCW or this chapter and the tax has been paid by the present user or by the present user's bailor or donor.

~~((5))~~ (4)(a) Except as provided in (b) of this subsection (4), the tax ~~(shall be)~~ is levied and must be collected in an amount equal to the value of the article used, value of the digital good or digital code used, value of the extended warranty used, or value of the service used by the taxpayer, multiplied by the applicable rates in effect for the retail sales tax under RCW 82.08.020 ~~(except)~~.

(b) In the case of a seller required to collect use tax from the purchaser, the tax ~~(shall)~~ must be collected in an amount equal to the purchase price multiplied by the applicable rate in effect for the retail sales tax under RCW 82.08.020.

PART IV BUSINESS AND OCCUPATION TAX CHANGES

NEW SECTION. Sec. 401. A new section is added to chapter 82.04 RCW to be codified between RCW 82.04.250 and 82.04.310 to read as follows:

(1) Upon every person engaging within this state in the business of making sales at retail or wholesale of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b), as to such persons, the amount of tax with respect to such business is equal to the gross proceeds of sales of the business, multiplied by the rate of 0.471 percent in the case of retail sales and by the rate of 0.484 percent in the case of wholesale sales.

(2) For purposes of this section, a person is considered to be engaging within this state in the business of making sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b), if the person makes sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b) and the sales are sourced to this state under RCW 82.32.730 for sales tax purposes or would have been sourced to this state under RCW 82.32.730 if the sale had been taxable under chapter 82.08 RCW.

(3) A person subject to tax under this section must report the tax imposed in this chapter in an electronic format provided by the department.

NEW SECTION. Sec. 402. A new section is added to chapter 82.04 RCW to read as follows:

(1)(a) Any person subject to tax under section 401 of this act engaging both within and outside this state in the business of making sales at retail or wholesale of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b), must apportion to this state that portion of apportionable income derived from activity performed within this state as provided in subsection (2) of this section.

(b) For purposes of this subsection, a person is considered to be engaging outside this state in the business of making sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b) if the person makes any sales of digital goods, digital codes, digital automated services, or services described in RCW 82.04.050 (2)(g) or (6)(b) that are sourced to a jurisdiction other than Washington under RCW 82.32.730 for sales tax purposes or would have been sourced to a jurisdiction other than Washington under RCW 82.32.730 if the sale had been a retail sale.

(2) Apportionable income must be apportioned to Washington by multiplying the apportionable income by the sales factor.

(3)(a) The sales factor is a fraction, the numerator of which is the total receipts of the taxpayer from making sales of digital goods, digital codes, digital automated services, and services described in

RCW 82.04.050 (2)(g) or (6)(b) in this state during the tax period, and the denominator of which is the total receipts of the taxpayer derived from such activity everywhere during the tax period.

(b) For purposes of computing the sales factor, sales are considered in this state if the sale was sourced to this state under RCW 82.32.730 for sales tax purposes or would have been sourced to this state under RCW 82.32.730 if the sale had been taxable under chapter 82.08 RCW.

(4) For purposes of this section, "apportionable income" means the gross income of the business taxable under section 401 of this act, including income received from activities outside this state if the income would be taxable under section 401 of this act if received from activities in this state.

Sec. 403. RCW 82.04.060 and 2007 c 6 s 1007 are each amended to read as follows:

"Sale at wholesale" or "wholesale sale" means:

(1) Any sale, which is not a sale at retail, of:

(a) Tangible personal property (any sale of);

(b) Services defined as a retail sale in RCW 82.04.050(2) (a) (any sale of) or (g);

(c) Amusement or recreation services as defined in RCW 82.04.050(3)(a) (any sale of canned software, any sale of an);

(d) Prewritten computer software;

(e) Services described in RCW 82.04.050(6)(b);

(f) Extended (warranty) warranties as defined in RCW 82.04.050(7) (or any sale of);

(g) Competitive telephone service, ancillary services, or telecommunications service as those terms are defined in RCW 82.04.065 (which is not a sale at retail); or

(h) Digital goods, digital codes, or digital automated services; and

(2) Any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property, if such charge is expressly defined as a retail sale by RCW 82.04.050 when rendered to or for consumers ~~(PROVIDED, That the term)~~. For the purposes of this subsection (2), "real or personal property" ~~(as used in this subsection shall)~~ does not include any natural products named in RCW 82.04.100.

Sec. 404. RCW 82.04.070 and 1961 c 15 s 82.04.070 are each amended to read as follows:

"Gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property, digital goods, digital codes, digital automated services, and/or for other services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

Sec. 405. RCW 82.04.110 and 1997 c 453 s 1 are each amended to read as follows:

(1) Except as otherwise provided in this section, "manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from his or her own materials or ingredients any articles, substances, or commodities.

(2)(a) When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, all or a portion of the materials that become a part or whole of the manufactured article, the department shall prescribe equitable rules for determining tax liability ~~(PROVIDED, That)~~.

(b) A person who produces aluminum master alloys is a processor for hire rather than a manufacturer, regardless of the portion of the aluminum provided by that person's customer ~~(PROVIDED FURTHER, That)~~. For the purposes of this subsection (2)(b), "aluminum master alloy" means an alloy registered with the aluminum association as a grain refiner or a hardener alloy using the American national standards institute designating system H35.3.

(3) A nonresident of this state who is the owner of materials processed for it in this state by a processor for hire shall not be deemed to be engaged in business in this state as a manufacturer because of the performance of such processing work for it in this state ~~(PROVIDED FURTHER, That)~~.

(4) The owner of materials from which a nuclear fuel assembly is made for it by a processor for hire shall not be subject to tax under this chapter as a manufacturer of the fuel assembly.

~~((For the purposes of this section, "aluminum master alloy" means an alloy registered with the Aluminum Association as a grain refiner or a hardener alloy using the American National Standards Institute designating system H35.3.))~~

(5) For purposes of this section, the terms "articles," "substances," "materials," "ingredients," and "commodities" do not include digital goods.

Sec. 406. RCW 82.04.120 and 2003 c 168 s 604 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include: (1) The production or fabrication of special made or custom made articles; (2) the production or fabrication of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician; (3) cutting, delimiting, and measuring of felled, cut, or taken trees; and (4) crushing and/or blending of rock, sand, stone, gravel, or ore.

"To manufacture" shall not include: Conditioning of seed for use in planting; cubing hay or alfalfa; activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen, or canned outside this state; the growing, harvesting, or producing of agricultural products; packing of agricultural products, including sorting, washing, rinsing, grading, waxing, treating with fungicide, packaging, chilling, or placing in controlled atmospheric storage; the production of digital goods; or the production of computer software if the computer software is delivered from the seller to the purchaser by means other than tangible storage media, including the delivery by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

Sec. 407. RCW 82.04.2907 and 2001 c 320 s 3 are each amended to read as follows:

(1) Upon every person engaging within this state in the business of receiving income from royalties or charges in the nature of royalties for the granting of intangible rights, such as copyrights, licenses, patents, or franchise fees, the amount of tax with respect to such business shall be equal to the gross income from royalties or charges in the nature of royalties from the business multiplied by the rate of 0.484 percent.

(2) For the purposes of this section, "royalties" means compensation for the use of intangible property, such as copyrights, patents, licenses, franchises, trademarks, trade names, and similar items. It does not include compensation for any natural resource ((or), the licensing of ((earned)) prewritten computer software to the end user, or the licensing or use of digital goods, digital codes, or digital automated services.

Sec. 408. RCW 82.04.297 and 2000 c 103 s 5 are each amended to read as follows:

(1) The provision of internet ~~((services))~~ access is subject to tax under RCW 82.04.290(2).

(2) ~~"Internet" ((means the international computer network of both federal and nonfederal interoperable packet switched data networks, including the graphical subnetwork called the world wide web)) and "internet access" have the same meaning as those terms are defined in the federal internet tax freedom act, Title 47 U.S.C. Sec. 151 note, as existing on July 1, 2009.~~

(3) ("Internet service" means a service that includes computer processing applications, provides the user with additional or restructured information, or permits the user to interact with stored information through the internet or a proprietary subscriber network. "Internet service" includes provision of internet electronic mail, access to the internet for information retrieval, and hosting of information for retrieval over the internet or the graphical subnetwork called the world wide web)) Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

Sec. 409. RCW 82.04.363 and 1997 c 388 s 1 are each amended to read as follows:

This chapter does not apply to amounts received by a nonprofit organization from the sale or furnishing of the following items at a camp or conference center conducted on property exempt from property tax under RCW 84.36.030 (1), (2), or (3):

(1) Lodging, conference and meeting rooms, camping facilities, parking, and similar licenses to use real property;

(2) Food and meals;

(3) Books, tapes, and other products, including books and other products that are transferred electronically, that are available exclusively to the participants at the camp, conference, or meeting and are not available to the public at large.

Sec. 410. RCW 82.04.4282 and 1994 c 124 s 3 are each amended to read as follows:

In computing tax there may be deducted from the measure of tax amounts derived from bona fide (1) initiation fees, (2) dues, (3) contributions, (4) donations, (5) tuition fees, (6) charges made by a nonprofit trade or professional organization for attending or occupying space at a trade show, convention, or educational seminar sponsored by the nonprofit trade or professional organization, which trade show, convention, or educational seminar is not open to the general public, (7) charges made for operation of privately operated kindergartens, and (8) endowment funds. This section ~~((shall))~~ may not be construed to exempt any person, association, or society from tax liability upon selling tangible personal property, digital goods, digital codes, or digital automated services, or upon providing facilities or other services for which a special charge is made to members or others. If dues are in exchange for any significant amount of goods or services rendered by the recipient thereof to members without any additional charge to the member, or if the dues are graduated upon the amount of goods or services rendered, the value of such goods or services shall not be considered as a deduction under this section.

Sec. 411. RCW 82.04.470 and 2007 c 6 s 1201 are each amended to read as follows:

(1) Unless a seller has taken from the buyer a resale certificate, the burden of proving that a sale ~~((of tangible personal property, or of services, was not a sale at retail shall be))~~ is a wholesale sale rather than a retail sale is upon the person who made it.

(2) If a seller does not receive a resale certificate at the time of the sale, have a resale certificate on file at the time of the sale, or obtain a resale certificate from the buyer within a reasonable time after the sale, the seller shall remain liable for the tax as provided in RCW 82.08.050, unless the seller can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of sales tax.

(3) The department may provide by rule for suggested forms for resale certificates or equivalent documents containing the information that will be accepted as resale certificates. The department shall provide by rule the categories of items or services that must be specified on resale certificates and the business classifications that may use a blanket resale certificate.

(4) As used in this section, "resale certificate" means documentation provided by a buyer to a seller stating that the purchase is for resale in the regular course of business, or that the buyer is exempt from retail sales tax, and containing the following information:

(a) The name and address of the buyer;

(b) The uniform business identifier or revenue registration number of the buyer, if the buyer is required to be registered;

(c) The type of business engaged in;

(d) The categories of items or services to be purchased for resale or that are exempt, unless the buyer presents a blanket resale certificate;

(e) The date on which the certificate was provided;

(f) A statement that the items or services purchased either: (i) Are purchased for resale in the regular course of business; or (ii) are exempt from tax pursuant to statute;

(g) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the certificate and that misuse of the resale or exemption privilege claimed on the certificate subjects the buyer to a penalty of fifty

percent of the tax due, in addition to the tax, interest, and any other penalties imposed by law;

(h) The name of the individual authorized to sign the certificate, printed in a legible fashion;

(i) The signature of the authorized individual; and

(j) The name of the seller.

(5) Subsection (4)(h), (i), and (j) of this section does not apply if the certificate is provided in a format other than paper. If the certificate is provided in a format other than paper, the name of the individual providing the certificate must be included in the certificate.

Sec. 412. RCW 82.04.480 and 1975 1st ex.s. c 278 s 44 are each amended to read as follows:

(1) Every consignee, bailee, factor, or auctioneer having either actual or constructive possession of ~~((tangible))~~ personal property, or having possession of the documents of title thereto, with power to sell such ~~((tangible))~~ personal property in ~~((his or its))~~ that person's own name and actually so selling, ~~((shall be))~~ is deemed the seller of such ~~((tangible))~~ personal property within the meaning of this chapter ~~((; and further;)).~~ Furthermore, the consignor, bailor, principal, or owner ~~((shall be))~~ is deemed a seller of such property to the consignee, bailee, factor, or auctioneer.

(2) The burden ~~((shall be upon))~~ is on the taxpayer in every case to establish the fact that ~~((he))~~ the taxpayer is not engaged in the business of ~~((selling tangible personal property))~~ making retail sales or wholesale sales but is acting merely as broker or agent in promoting sales for a principal. Such claim will be allowed only when the taxpayer's accounting records are kept in such manner as required by rule by the department ~~((of revenue shall by general regulation provide)).~~

(3) For purposes of this section, "personal property" means tangible personal property, digital goods, digital codes, and extended warranties.

Sec. 413. RCW 82.04.065 and 2007 c 6 s 1003 are each amended to read as follows:

(1) "Competitive telephone service" means the providing by any person of telecommunications equipment or apparatus, or service related to that equipment or apparatus such as repair or maintenance service, if the equipment or apparatus is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made.

(2) "Ancillary services" means services that are associated with or incidental to the provision of "telecommunications services," including but not limited to "detailed telecommunications billing," "directory assistance," "vertical service," and "voice mail services."

(3) "Conference-bridging service" means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. "Conference-bridging service" does not include the telecommunications services used to reach the conference bridge.

(4) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement.

(5) "Directory assistance" means an ancillary service of providing telephone number information, and/or address information.

(6) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, that offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference-bridging services.

(7) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to use the voice mail service.

(8) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether such service is referred to as voice over internet protocol

services or is classified by the federal communications commission as enhanced or value added. "Telecommunications service" does not include:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including but not limited to directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include but are not limited to cable service as defined in 47 U.S.C. Sec. 522(6) and audio and video programming services delivered by commercial mobile radio service providers, as defined in section 20.3, Title 47 C.F.R.;

(h) Ancillary services; ~~((or))~~

(i) Digital products delivered electronically, including but not limited to ~~((software;))~~ music, video, reading materials, or ring tones; or

(j) Software delivered electronically.

(9) "800 service" means a telecommunications service that allows a caller to dial a toll-free number without incurring a charge for the call. The service is typically marketed under the name "800," "855," "866," "877," and "888" toll-free calling, and any subsequent numbers designated by the federal communications commission.

(10) "900 service" means an inbound toll "telecommunications service" purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service. "900 service" does not include the charge for: Collection services provided by the seller of the telecommunications services to the subscriber, or services or products sold by the subscriber to the subscriber's customer. The service is typically marketed under the name "900" service, and any subsequent numbers designated by the federal communications commission.

(11) "Fixed wireless service" means a telecommunications service that provides radio communication between fixed points.

(12) "Mobile wireless service" means a telecommunications service that is transmitted, conveyed, or routed regardless of the technology used, whereby the origination and/or termination points of the transmission, conveyance, or routing are not fixed, including, by way of example only, telecommunications services that are provided by a commercial mobile radio service provider.

(13) "Paging service" means a telecommunications service that provides transmission of coded radio signals for the purpose of activating specific pagers; these transmissions may include messages and/or sounds.

(14) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enable the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(15) "Prepaid wireless calling service" means a telecommunications service that provides the right to use mobile wireless service as well as other nontelecommunications services including the download of digital products delivered electronically, content, and ancillary services, which must be paid for in advance and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

(16) "Private communications service" means a telecommunications service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which the channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services

that are provided in connection with the use of the channel or channels.

(17) "Value-added nonvoice data service" means a service that otherwise meets the definition of telecommunications services in which computer processing applications are used to act on the form, content, code, or protocol of the information or data primarily for a purpose other than transmission, conveyance, or routing.

(18) "Charges for mobile telecommunications services" means any charge for, or associated with, the provision of commercial mobile radio service, as defined in section 20.3, Title 47 C.F.R. as in effect on June 1, 1999, or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, regardless of whether individual transmissions originate or terminate within the licensed service area of the mobile telecommunications service provider.

(19) "Customer" means: (a) The person or entity that contracts with the home service provider for mobile telecommunications services; or (b) the end user of the mobile telecommunications service, if the end user of mobile telecommunications services is not the contracting party, but this subsection (19)(b) applies only for the purpose of determining the place of primary use. The term does not include a reseller of mobile telecommunications service, or a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

(20) "Designated database provider" means a person representing all the political subdivisions of the state that is:

(a) Responsible for providing an electronic database prescribed in 4 U.S.C. Sec. 119(a) if the state has not provided an electronic database; and

(b) Approved by municipal and county associations or leagues of the state whose responsibility it would otherwise be to provide a database prescribed by 4 U.S.C. Secs. 116 through 126.

(21) "Enhanced zip code" means a United States postal zip code of nine or more digits.

(22) "Home service provider" means the facilities-based carrier or reseller with whom the customer contracts for the provision of mobile telecommunications services.

(23) "Licensed service area" means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

(24) "Mobile telecommunications service" means commercial mobile radio service, as defined in section 20.3, Title 47 C.F.R. as in effect on June 1, 1999.

(25) "Mobile telecommunications service provider" means a home service provider or a serving carrier.

(26) "Place of primary use" means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be:

(a) The residential street address or the primary business street address of the customer; and

(b) Within the licensed service area of the home service provider.

(27) "Prepaid telephone calling service" means the right to purchase exclusively telecommunications services that must be paid for in advance, that enables the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

(28) "Reseller" means a provider who purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of, or integrates the purchased services into a mobile telecommunications service. "Reseller" does not include a serving carrier with whom a home service provider arranges for the services to its customers outside the home service provider's licensed service area.

(29) "Serving carrier" means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed service area.

(30) "Taxing jurisdiction" means any of the several states, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or other political

subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

PART V SALES TAX EXEMPTIONS

NEW SECTION. Sec. 501. A new section is added to chapter 82.08 RCW to read as follows:

The tax imposed by RCW 82.08.020 does not apply to the sale of a digital code for one or more digital products if the sale of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.08.020.

NEW SECTION. Sec. 502. A new section is added to chapter 82.08 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the tax imposed by RCW 82.08.020 does not apply to sales of audio or video programming by a radio or television broadcaster.

(2)(a) Except as provided in (b) of this subsection, the exemption provided in subsection (1) of this section does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(b) Notwithstanding (a) of this subsection, the exemption provided in this section applies to the sale of programming described in (a) of this subsection if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(3) For purposes of this section, "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, and providers of subscription internet television.

NEW SECTION. Sec. 503. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales of digital goods, digital codes, digital automated services, or services defined as a retail sale in RCW 82.04.050(6)(b) for purposes of:

(a) Consuming the digital good, digital code, digital automated service, or service defined as a retail sale in RCW 82.04.050(6)(b) in producing for sale a new product, where the digital good, digital code, digital automated service, or service defined as a retail sale in RCW 82.04.050(6)(b) becomes an ingredient or component of the new product. A digital code becomes an ingredient or component of a new product if the digital good or digital automated service acquired through the use of the digital code becomes an ingredient or component of a new product; or

(b) Making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(b) available free of charge for the use or enjoyment of others.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

NEW SECTION. Sec. 504. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale to a business of standard digital information and services rendered in respect to standard digital information, where the standard digital information and services are purchased solely for business purposes.

(2) The exemption is available only when the buyer provides the seller with an exemption certificate in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) For purposes of this section, the following definitions apply:

(a) "Business purposes" means any purpose relevant to the business needs of the taxpayer claiming an exemption under this section. Business purposes do not include any personal, family, or household purpose. The term also does not include any activity conducted by a government entity as that term is defined in RCW 7.25.005; and

(b) "Standard digital information" means a digital good consisting primarily of data, facts, or information, or any

combination thereof, not generated or compiled for a specific client or customer.

Sec. 505. RCW 82.08.02525 and 1996 c 63 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to the sale of public records by state and local agencies, as the terms are defined in RCW 42.17.020, that are copied or transferred electronically under a request for the record for which no fee is charged other than a statutorily set fee or a fee to reimburse the agency for its actual costs directly incident to the copying. A request for a record includes a request for a document not available to the public but available to those persons who by law are allowed access to the document, such as requests for fire reports, law enforcement reports, taxpayer information, and academic transcripts.

Sec. 506. RCW 82.08.0253 and 1980 c 37 s 21 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to:

(a) The distribution and newsstand sale of printed newspapers; and

(b) The sale of newspapers transferred electronically, provided that the electronic version of a printed newspaper:

(i) Shares content with the printed newspaper; and

(ii) Is prominently identified by the same name as the printed newspaper or otherwise conspicuously indicates that it is a complement to the printed newspaper.

(2) For purposes of this section, "printed newspaper" means a publication issued regularly at stated intervals at least twice a month and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue, or any other binding of any kind, including any supplement of a printed newspaper.

Sec. 507. RCW 82.08.02535 and 1995 2nd sp.s. c 8 s 1 are each amended to read as follows:

The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to ~~((the))~~ subscription sales ~~((and distribution))~~ of magazines or periodicals ~~((by subscription))~~, including magazines and periodicals transferred electronically to the buyer, for the purposes of fund-raising by (1) educational institutions as defined in RCW 82.04.170, or (2) nonprofit organizations engaged in activities primarily for the benefit of boys and girls nineteen years and younger.

Sec. 508. RCW 82.08.02537 and 1996 c 272 s 2 are each amended to read as follows:

The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to sales of academic transcripts by educational institutions, including academic transcripts transferred electronically.

Sec. 509. RCW 82.08.0256 and 1980 c 37 s 24 are each amended to read as follows:

The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to sales (including transfers of title through decree of appropriation) heretofore or hereafter made of the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, to the state or a political subdivision thereof for use in conducting any business defined in RCW 82.16.010 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10) or (11). For purposes of this section, "operating property" includes digital goods and digital codes.

Sec. 510. RCW 82.08.02565 and 1999 c 211 s 5 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to sales to a manufacturer or processor for hire of machinery and equipment used directly in a manufacturing operation or research and development operation, to sales to a person engaged in testing for a manufacturer or processor for hire of machinery and equipment used directly in a testing operation, or to sales of or charges made for labor and services rendered in respect to installing, repairing, cleaning, altering, or improving the machinery and equipment, but only when the purchaser provides the seller with an exemption certificate in a form and manner prescribed by the department by rule. The seller ~~((shall))~~ must retain a copy of the certificate for the seller's files.

(2) For purposes of this section and RCW 82.12.02565:

(a) "Machinery and equipment" means industrial fixtures, devices, and support facilities, and tangible personal property that becomes an ingredient or component thereof, including repair parts and replacement parts. "Machinery and equipment" includes

pollution control equipment installed and used in a manufacturing operation, testing operation, or research and development operation to prevent air pollution, water pollution, or contamination that might otherwise result from the manufacturing operation, testing operation, or research and development operation. "Machinery and equipment" also includes digital goods.

(b) "Machinery and equipment" does not include:

(i) Hand-powered tools;

(ii) Property with a useful life of less than one year;

(iii) Buildings, other than machinery and equipment that is permanently affixed to or becomes a physical part of a building; and

(iv) Building fixtures that are not integral to the manufacturing operation, testing operation, or research and development operation that are permanently affixed to and become a physical part of a building, such as utility systems for heating, ventilation, air conditioning, communications, plumbing, or electrical.

(c) Machinery and equipment is "used directly" in a manufacturing operation, testing operation, or research and development operation if the machinery and equipment:

(i) Acts upon or interacts with an item of tangible personal property;

(ii) Conveys, transports, handles, or temporarily stores an item of tangible personal property at the manufacturing site or testing site;

(iii) Controls, guides, measures, verifies, aligns, regulates, or tests tangible personal property at the site or away from the site;

(iv) Provides physical support for or access to tangible personal property;

(v) Produces power for, or lubricates machinery and equipment;

(vi) Produces another item of tangible personal property for use in the manufacturing operation, testing operation, or research and development operation;

(vii) Places tangible personal property in the container, package, or wrapping in which the tangible personal property is normally sold or transported; or

(viii) Is integral to research and development as defined in RCW 82.63.010.

(d) "Manufacturing operation" means the manufacturing of articles, substances, or commodities for sale as tangible personal property. A manufacturing operation begins at the point where the raw materials enter the manufacturing site and ends at the point where the processed material leaves the manufacturing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the manufacturing site of which the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

(e) "Cogeneration" means the simultaneous generation of electrical energy and low-grade heat from the same fuel.

(f) "Research and development operation" means engaging in research and development as defined in RCW 82.63.010 by a manufacturer or processor for hire.

(g) "Testing" means activities performed to establish or determine the properties, qualities, and limitations of tangible personal property.

(h) "Testing operation" means the testing of tangible personal property for a manufacturer or processor for hire. A testing operation begins at the point where the tangible personal property enters the testing site and ends at the point where the tangible personal property leaves the testing site. The term also includes that portion of a cogeneration project that is used to generate power for consumption within the site of which the cogeneration project is an integral part. The term does not include the production of electricity by a light and power business as defined in RCW 82.16.010 or the preparation of food products on the premises of a person selling food products at retail.

Sec. 511. RCW 82.08.0257 and 1980 c 37 s 25 are each amended to read as follows:

The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to auction sales made by or through auctioneers of ~~((tangible))~~ personal property (including household goods) ~~((which have))~~ that has been used in conducting a farm activity, when the seller thereof is a farmer and the sale is held or conducted upon a farm and not otherwise.

Sec. 512. RCW 82.08.0273 and 2007 c 135 s 2 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 ~~((shall))~~ does not apply to sales to nonresidents of this state of tangible personal property, digital goods, and digital codes, when such property is for use outside this state ~~((when)), and~~ and the purchaser (a) is a bona fide resident of a state or possession or Province of Canada other than the state of Washington and such state, possession, or Province of Canada does not impose a retail sales tax or use tax of three percent or more or, if imposing such a tax, permits Washington residents exemption from otherwise taxable sales by reason of their residence, and (b) agrees, when requested, to grant the department of revenue access to such records and other forms of verification at his or her place of residence to assure that such purchases are not first used substantially in the state of Washington.

(2) Notwithstanding anything to the contrary in this chapter, if parts or other tangible personal property are installed by the seller during the course of repairing, cleaning, altering, or improving motor vehicles, trailers, or campers and the seller makes a separate charge for the tangible personal property, the tax levied by RCW 82.08.020 does not apply to the separately stated charge to a nonresident purchaser for the tangible personal property but only if the separately stated charge does not exceed either the seller's current publicly stated retail price for the tangible personal property or, if no ~~((separately))~~ publicly stated retail price is available, the seller's cost for the tangible personal property. However, the exemption provided by this section does not apply if tangible personal property is installed by the seller during the course of repairing, cleaning, altering, or improving motor vehicles, trailers, or campers and the seller makes a single nonitemized charge for providing the tangible personal property and service. All of the requirements in subsections (1) and (3) through (6) of this section apply to this subsection.

(3)(a) Any person claiming exemption from retail sales tax under the provisions of this section must display proof of his or her current nonresident status as provided in this section.

(b) Acceptable proof of a nonresident person's status ~~((shall))~~ includes one piece of identification such as a valid driver's license from the jurisdiction in which the out-of-state residency is claimed or a valid identification card which has a photograph of the holder and is issued by the out-of-state jurisdiction. Identification under this subsection (3)(b) must show the holder's residential address and have as one of its legal purposes the establishment of residency in that out-of-state jurisdiction.

(4) Nothing in this section requires the vendor to make tax exempt retail sales to nonresidents. A vendor may choose to make sales to nonresidents, collect the sales tax, and remit the amount of sales tax collected to the state as otherwise provided by law. If the vendor chooses to make a sale to a nonresident without collecting the sales tax, the vendor shall, in good faith, examine the proof of nonresidence, determine whether the proof is acceptable under subsection (3)(b) of this section, and maintain records for each nontaxable sale which shall show the type of proof accepted, including any identification numbers where appropriate, and the expiration date, if any.

(5)(a) Any person making fraudulent statements, which includes the offer of fraudulent identification or fraudulently procured identification to a vendor, in order to purchase goods without paying retail sales tax is guilty of perjury under chapter 9A.72 RCW.

(b) Any person making tax exempt purchases under this section by displaying proof of identification not his or her own, or counterfeit identification, with intent to violate the provisions of this section, is guilty of a misdemeanor and, in addition, ~~((shall be))~~ is liable for the tax and subject to a penalty equal to the greater of one hundred dollars or the tax due on such purchases.

(6)(a) Any vendor who makes sales without collecting the tax to a person who does not hold valid identification establishing out-of-state residency, and any vendor who fails to maintain records of sales to nonresidents as provided in this section, ~~((shall be))~~ is personally liable for the amount of tax due.

(b) Any vendor who makes sales without collecting the retail sales tax under this section and who has actual knowledge that the purchaser's proof of identification establishing out-of-state residency is fraudulent is guilty of a misdemeanor and, in addition, ~~((shall be))~~

is liable for the tax and subject to a penalty equal to the greater of one thousand dollars or the tax due on such sales. In addition, both the purchaser and the vendor ~~((shall be))~~ are liable for any penalties and interest assessable under chapter 82.32 RCW.

Sec. 513. RCW 82.08.805 and 2006 c 182 s 3 are each amended to read as follows:

(1) A person who has paid tax under RCW 82.08.020 for ~~((tangible))~~ personal property used at an aluminum smelter, tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or ~~((tangible))~~ personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. A person claiming an exemption must pay the tax and may then take a credit equal to the state share of retail sales tax paid under RCW 82.08.020. The person shall submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in RCW 82.04.217.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, 2012.

Sec. 514. RCW 82.08.995 and 2007 c 381 s 2 are each amended to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to sales of ~~((tangible))~~ personal property and services provided by a public corporation, commission, or authority created under RCW 35.21.660 or 35.21.730 to an eligible entity.

(2) For purposes of this section, "eligible entity" means a limited liability company, a limited partnership, or a single asset entity, described in RCW 82.04.615.

NEW SECTION. Sec. 515. RCW 82.08.705 (Exemptions-- Financial information delivered electronically) and 2007 c 182 s 1 are each repealed.

PART VI USE TAX EXEMPTIONS

NEW SECTION. Sec. 601. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of a digital code for one or more digital products, if the use of the digital products to which the digital code relates is exempt from the tax levied by RCW 82.12.020.

NEW SECTION. Sec. 602. A new section is added to chapter 82.12 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the provisions of this chapter do not apply to the use of audio or video programming provided by a radio or television broadcaster.

(2)(a) Except as provided in (b) of this subsection, the exemption provided in subsection (1) of this section does not apply in respect to programming that is sold on a pay-per-program basis or that allows the buyer to access a library of programs at any time for a specific charge for that service.

(b) Notwithstanding (a) of this subsection, the exemption provided in this section applies to the sale of programming described in (a) of this subsection if the seller is subject to a franchise fee in this state under the authority of Title 47 U.S.C. Sec. 542(a) on the gross revenue derived from the sale.

(3) For purposes of this section, "radio or television broadcaster" includes satellite radio providers, satellite television providers, cable television providers, providers of subscription internet television, and persons who provide radio or television broadcasting to listeners or viewers for no charge.

NEW SECTION. Sec. 603. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply to the use of digital goods, digital codes, digital automated services, or services defined as a retail sale in RCW 82.04.050(6)(b) for purposes of:

(1) Consuming the digital good, digital code, digital automated service, or service defined as a retail sale in RCW 82.04.050(6)(b) in producing for sale a new product, where the digital good, digital

code, digital automated service, or service defined as a retail sale in RCW 82.04.050(6)(b) becomes an ingredient or component of the new product. A digital code becomes an ingredient or component of a new product if the digital good or digital automated service acquired through the use of the digital code becomes an ingredient or component of a new product; or

(2) Making the digital good or digital automated service, including a digital good or digital automated service acquired through the use of a digital code, or service defined as a retail sale in RCW 82.04.050(6)(b) available free of charge for the use or enjoyment of others.

NEW SECTION. Sec. 604. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply to the use by students of digital goods furnished by a public or private elementary or secondary school, or an institution of higher education as defined in sections 1001 or 1002 of the federal higher education act of 1965 (Title 20 U.S.C. Secs. 1001 and 1002), as existing on July 1, 2009.

NEW SECTION. Sec. 605. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of digital goods that are:

(a) Of a noncommercial nature, such as personal e-mail communications;

(b) Created solely for an internal audience; or

(c) Created solely for the business needs of the person who created the digital good and is not the type of digital good that is offered for sale, including business e-mail communications.

(2) This section does not apply to the use of any digital goods purchased by the user, the user's donor, or anybody on the user's behalf.

NEW SECTION. Sec. 606. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter do not apply in respect to the use of digital products or digital codes obtained by the end user free of charge.

NEW SECTION. Sec. 607. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply to the use by a business of standard digital information and services rendered in respect to standard digital information, where the standard digital information and services are used solely for business purposes.

(2) For purposes of this section, the definitions in section 504 of this act apply.

Sec. 608. RCW 82.12.0251 and 2005 c 514 s 106 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply in respect to the use:

(1) Of any article of tangible personal property or any digital good or digital code, and any services that were rendered in respect to such property, brought into the state of Washington by a nonresident thereof for his or her use or enjoyment while temporarily within the state of Washington unless such property is used in conducting a nontransitory business activity within the state of Washington;

(2) By a nonresident of Washington of a motor vehicle or trailer which is registered or licensed under the laws of the state of his or her residence, and which is not required to be registered or licensed under the laws of Washington, including motor vehicles or trailers exempt pursuant to a declaration issued by the department of licensing under RCW 46.85.060, and services rendered outside the state of Washington in respect to such property;

(3) Of household goods, including digital goods, and digital codes, personal effects, (~~and~~) private motor vehicles, and services rendered in respect to such property, by a bona fide resident of Washington, or nonresident members of the armed forces who are stationed in Washington pursuant to military orders, if such articles and services were acquired and used by such person in another state while a bona fide resident thereof and such acquisition and use occurred more than ninety days prior to the time he or she entered Washington. For purposes of this subsection, private motor vehicles do not include motor homes;

(4) Of an extended warranty, to the extent that the property covered by the extended warranty is exempt under this section from the tax imposed under this chapter.

For purposes of this section, "state" means a state of the United States, any political subdivision thereof, the District of Columbia, and any foreign country or political subdivision thereof, and "services" means services defined as retail sales in RCW 82.04.050(2) (a) or (g).

Sec. 609. RCW 82.12.02525 and 1996 c 63 s 2 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply with respect to the use of public records sold by state and local agencies, as the terms are defined in RCW 42.17.020, including public records transferred electronically that are obtained under a request for the record for which no fee is charged other than a statutorily set fee or a fee to reimburse the agency for its actual costs directly incident to the copying. A request for a record includes a request for a document not available to the public but available to those persons who by law are allowed access to the document, such as requests for fire reports, law enforcement reports, taxpayer information, and academic transcripts.

Sec. 610. RCW 82.12.0255 and 2005 c 514 s 107 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply in respect to the use of any article of tangible personal property, extended warranty, digital good, digital code, digital automated service, or other service which the state is prohibited from taxing under the Constitution of the state or under the Constitution or laws of the United States.

Sec. 611. RCW 82.12.0257 and 1980 c 37 s 57 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply in respect to the use of any article of (~~tangible~~) personal property included within the transfer of the title to the entire operating property of a publicly or privately owned public utility, or of a complete operating integral section thereof, by the state or a political subdivision thereof in conducting any business defined in RCW 82.16.010 (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), or (11). For the purposes of this section, "operating property" includes digital goods and digital codes.

Sec. 612. RCW 82.12.0258 and 1980 c 37 s 58 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply in respect to the use of (~~tangible~~) personal property (including household goods) (~~which have~~) that has been used in conducting a farm activity, if such property was purchased from a farmer at an auction sale held or conducted by an auctioneer upon a farm and not otherwise.

Sec. 613. RCW 82.12.0259 and 2003 c 5 s 7 are each amended to read as follows:

The provisions of this chapter (~~shall~~) do not apply in respect to the use of (~~tangible~~) personal property or the use of digital automated services or services defined in RCW 82.04.050 (2)(a) or (6)(b) by corporations (~~which~~) that have been incorporated under any act of the congress of the United States and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the sufferings caused by pestilence, famine, fire, flood, and other national calamities and to devise and carry on measures for preventing the same.

Sec. 614. RCW 82.12.0315 and 2003 c 5 s 10 are each amended to read as follows:

(1) The provisions of this chapter shall not apply in respect to the use of:

(a) Production equipment rented to a motion picture or video production business;

(b) Production equipment acquired and used by a motion picture or video production business in another state, if the acquisition and use occurred more than ninety days before the time the motion picture or video production business entered this state; and

(c) Production services that are within the scope of RCW 82.04.050(2) (a) or (g) and are sold to a motion picture or video production business.

(2) As used in this section, "production equipment," "production services," and "motion picture or video production business" have the meanings given in RCW 82.08.0315.

(3) The exemption provided for in this section shall not apply to the use of production equipment rented to, or production equipment or production services that are within the scope of RCW 82.04.050(2) (a) or (g) acquired and used by, a motion picture or video production business that is engaged, to any degree, in the production of erotic material, as defined in RCW 9.68.050.

Sec. 615. RCW 82.12.02595 and 2004 c 155 s 1 are each amended to read as follows:

(1) This chapter does not apply to the use by a nonprofit charitable organization or state or local governmental entity of ~~((any item of tangible))~~ personal property that has been donated to the nonprofit charitable organization or state or local governmental entity, or to the subsequent use of the property by a person to whom the property is donated or bailed in furtherance of the purpose for which the property was originally donated.

(2) This chapter does not apply to the donation of ~~((tangible))~~ personal property without intervening use to a nonprofit charitable organization, or to the incorporation of tangible personal property without intervening use into real or personal property of or for a nonprofit charitable organization in the course of installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating the real or personal property for no charge.

(3) This chapter does not apply to the use by a nonprofit charitable organization of labor and services rendered in respect to installing, repairing, cleaning, altering, imprinting, or improving personal property provided to the charitable organization at no charge, or to the donation of such services.

(4) This chapter does not apply to the donation of amusement and recreation services without intervening use to a nonprofit organization or state or local governmental entity, to the use by a nonprofit organization or state or local governmental entity of amusement and recreation services, or to the subsequent use of the services by a person to whom the services are donated or bailed in furtherance of the purpose for which the services were originally donated. As used in this subsection, "amusement and recreation services" has the meaning in RCW 82.04.050(3)(a).

Sec. 616. RCW 82.12.0272 and 1980 c 37 s 70 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply in respect to the use of ~~((tangible))~~ personal property held for sale and displayed in single trade shows for a period not in excess of thirty days, the primary purpose of which is to promote the sale of products or services.

Sec. 617. RCW 82.12.0284 and 2007 c 54 s 15 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply in respect to the use of computers, computer components, computer accessories, ~~((or))~~ computer software, digital goods, or digital codes, irrevocably donated to any public or private nonprofit school or college, as defined under chapter 84.36 RCW, in this state. For purposes of this section, "computer" and "computer software" have the same meaning as in RCW 82.04.215.

Sec. 618. RCW 82.12.0345 and 1994 c 124 s 11 are each amended to read as follows:

The tax imposed by RCW 82.12.020 ~~((shall))~~ does not apply in respect to the use of:

- (1) Printed newspapers as defined in RCW 82.08.0253; and
- (2) Newspapers transferred electronically, provided that the electronic version of a printed newspaper:
 - (a) Shares content with the printed newspaper; and
 - (b) Is prominently identified by the same name as the printed newspaper or otherwise conspicuously indicates that it is a complement to the printed newspaper.

Sec. 619. RCW 82.12.0347 and 1996 c 272 s 3 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply in respect to the use of academic transcripts, including academic transcripts transferred electronically.

Sec. 620. RCW 82.12.805 and 2006 c 182 s 4 are each amended to read as follows:

(1) A person who is subject to tax under RCW 82.12.020 for ~~((tangible))~~ personal property used at an aluminum smelter, or for tangible personal property that will be incorporated as an ingredient or component of buildings or other structures at an aluminum smelter, or for labor and services rendered with respect to such buildings, structures, or ~~((tangible))~~ personal property, is eligible for an exemption from the state share of the tax in the form of a credit, as provided in this section. The amount of the credit shall be equal to the state share of use tax computed to be due under RCW 82.12.020. The person shall submit information, in a form and manner prescribed by the department, specifying the amount of qualifying purchases or acquisitions for which the exemption is claimed and the amount of exempted tax.

(2) For the purposes of this section, "aluminum smelter" has the same meaning as provided in RCW 82.04.217.

(3) Credits may not be claimed under this section for taxable events occurring on or after January 1, 2012.

Sec. 621. RCW 82.12.860 and 2006 c 11 s 1 are each amended to read as follows:

(1) This chapter does not apply to state credit unions with respect to the use of any article of tangible personal property, digital good, digital code, digital automated service, service defined as a retail sale in RCW 82.04.050 (2) (a) or (g), (3)(a), or (6)(b), or extended warranty, acquired from a federal credit union, foreign credit union, or out-of-state credit union as a result of a merger or conversion.

(2) For purposes of this section, the following definitions apply:

(a) "Federal credit union" means a credit union organized and operating under the laws of the United States.

(b) "Foreign credit union" means a credit union organized and operating under the laws of another country or other foreign jurisdiction.

(c) "Out-of-state credit union" means a credit union organized and operating under the laws of another state or United States territory or possession.

(d) "State credit union" means a credit union organized and operating under the laws of this state.

Sec. 622. RCW 82.12.995 and 2007 c 381 s 3 are each amended to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of ~~((tangible))~~ personal property and services provided by a public corporation, commission, or authority created under RCW 35.21.660 or 35.21.730 to an eligible entity.

(2) For purposes of this section, "eligible entity" means a limited liability company, a limited partnership, or a single asset entity, described in RCW 82.04.615.

NEW SECTION. Sec. 623. RCW 82.12.705 (Exemptions-- Financial information delivered electronically) and 2007 c 182 s 2 are each repealed.

PART VII

SOURCING AND SALES/USE TAX APPORTIONMENT

NEW SECTION. Sec. 701. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to the sale of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b) to a buyer that provides the seller with an exemption certificate claiming multiple points of use. An exemption certificate claiming multiple points of use must be in a form and contain such information as required by the department.

(2) A buyer is entitled to use an exemption certificate claiming multiple points of use only if the buyer is a business or other organization and the digital goods or digital automated services purchased, or the digital goods or digital automated services to be obtained by the digital code purchased, or the prewritten computer software or services defined as a retail sale in RCW 82.04.050(6)(b) purchased will be concurrently available for use within and outside this state. A buyer is not entitled to use an exemption certificate claiming multiple points of use for digital goods, digital codes, digital automated services, prewritten computer software, or services

defined as a retail sale in RCW 82.04.050(6)(b) purchased for personal use.

(3) A buyer claiming an exemption under this section must report and pay the tax imposed in RCW 82.12.020 and any local use taxes imposed under the authority of chapter 82.14 RCW and RCW 81.104.170 directly to the department in accordance with sections 702 and 703 of this act.

(4) For purposes of this section, "concurrently available for use within and outside this state" means that employees or other agents of the buyer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b) simultaneously from one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the buyer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

NEW SECTION. Sec. 702. A new section is added to chapter 82.12 RCW to read as follows:

(1) A business or other organization subject to the tax imposed in RCW 82.12.020 on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b) that are concurrently available for use within and outside this state is entitled to apportion the amount of tax due this state based on users in this state compared to users everywhere. The department may authorize or require an alternative method of apportionment supported by the taxpayer's records that fairly reflects the proportion of in-state to out-of-state use by the taxpayer of the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b).

(2) No apportionment under this section is allowed unless the apportionment method is supported by the taxpayer's records kept in the ordinary course of business.

(3) For purposes of this section, the following definitions apply:

(a) "Concurrently available for use within and outside this state" means that employees or other agents of the taxpayer may use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b) simultaneously at one or more locations within this state and one or more locations outside this state. A digital code is concurrently available for use within and outside this state if employees or other agents of the taxpayer may use the digital goods or digital automated services to be obtained by the code simultaneously at one or more locations within this state and one or more locations outside this state.

(b) "User" means an employee or agent of the taxpayer who is authorized by the taxpayer to use the digital goods, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b) in the performance of his or her duties as an employee or other agent of the taxpayer.

NEW SECTION. Sec. 703. A new section is added to chapter 82.14 RCW to read as follows:

(1) A business or other organization that is entitled under section 702 of this act to apportion the amount of state use tax on the use of digital goods, digital codes, digital automated services, prewritten computer software, or services defined as a retail sale in RCW 82.04.050(6)(b) is also entitled to apportion the amount of local use taxes imposed under the authority of this chapter and RCW 81.104.170 on the use of such products or services.

(2) To ensure that the tax base for state and local use taxes is identical, the measure of local use taxes apportioned under this section must be the same as the measure of state use tax apportioned under section 702 of this act.

(3) This section does not affect the sourcing of local use taxes.

Sec. 704. RCW 82.32.730 and 2008 c 324 s 1 are each amended to read as follows:

(1) Except as provided in subsections (5) through (7) of this section, for purposes of collecting or paying sales or use taxes to the appropriate jurisdictions, all sales at retail shall be sourced in accordance with this subsection and subsections (2) through (4) of this section.

(a) When tangible personal property, an extended warranty, a digital good, digital code, digital automated service, or ((*) other service defined as a retail sale under RCW 82.04.050 is received by the purchaser at a business location of the seller, the sale is sourced to that business location.

(b) When the tangible personal property, extended warranty, digital good, digital code, digital automated service, or ((*) other service defined as a retail sale under RCW 82.04.050 is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's donee, designated as such by the purchaser, occurs, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller.

(c) When (a) and (b) of this subsection do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.

(d) When (a), (b), and (c) of this subsection do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith.

(e) When (a), (b), (c), or (d) of this subsection do not apply, including the circumstance where the seller is without sufficient information to apply those provisions, then the location shall be determined by the address from which tangible personal property was shipped, from which the digital good or digital code or the computer software delivered electronically was first available for transmission by the seller, or from which the extended warranty or digital automated service or other service defined as a retail sale under RCW 82.04.050 was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold.

(2) The lease or rental of tangible personal property, other than property identified in subsection (3) or (4) of this section, shall be sourced as provided in this subsection.

(a) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with subsection (1) of this section. Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location is not altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls.

(b) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with subsection (1) of this section.

(c) This subsection (2) does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

(3) The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment shall be sourced as provided in this subsection.

(a) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location is as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. This location is not altered by intermittent use at different locations.

(b) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with subsection (1) of this section.

(c) This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

(4) The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with subsection (1) of this section.

(5)(a) A purchaser of direct mail that is not a holder of a direct pay permit shall provide to the seller in conjunction with the purchase either a direct mail form or information that shows the jurisdictions to which the direct mail is delivered to recipients.

(i) Upon receipt of the direct mail form, the seller is relieved of all obligations to collect, pay, or remit the applicable tax and the purchaser is obligated to pay or remit the applicable tax on a direct pay basis. A direct mail form shall remain in effect for all future sales of direct mail by the seller to the purchaser until it is revoked in writing.

(ii) Upon receipt of information from the purchaser showing the jurisdictions to which the direct mail is delivered to recipients, the seller shall collect the tax according to the delivery information provided by the purchaser. In the absence of bad faith, the seller is relieved of any further obligation to collect tax on any transaction where the seller has collected tax pursuant to the delivery information provided by the purchaser.

(b) If the purchaser of direct mail does not have a direct pay permit and does not provide the seller with either a direct mail form or delivery information as required by (a) of this subsection, the seller shall collect the tax according to subsection (1)(e) of this section. This subsection does not limit a purchaser's obligation for sales or use tax to any state to which the direct mail is delivered.

(c) If a purchaser of direct mail provides the seller with documentation of direct pay authority, the purchaser is not required to provide a direct mail form or delivery information to the seller.

(6) The following are sourced to the location at or from which delivery is made to the consumer:

(a) A retail sale of watercraft;

(b) A retail sale of a modular home, manufactured home, or mobile home;

(c) A retail sale, excluding the lease and rental, of a motor vehicle, trailer, semitrailer, or aircraft, that do not qualify as transportation equipment; and

(d) Florist sales. In the case of a sale in which one florist takes an order from a customer and then communicates that order to another florist who delivers the items purchased to the place designated by the customer, the location at or from which the delivery is made to the consumer is deemed to be the location of the florist originally taking the order.

(7) A retail sale of the providing of telecommunications services or ancillary services, as those terms are defined in RCW 82.04.065, shall be sourced in accordance with RCW 82.32.520.

(8) The definitions in this subsection apply throughout this section.

(a) "Delivered electronically" means delivered to the purchaser by means other than tangible storage media.

(b) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipients. "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail seller for inclusion in the package containing the printed material. "Direct mail" does not include multiple items of printed material delivered to a single address.

(c) "Florist sales" means the retail sale of tangible personal property by a florist. For purposes of this subsection (8)(c), "florist" means a person whose primary business activity is the retail sale of fresh cut flowers, potted ornamental plants, floral arrangements, floral bouquets, wreaths, or any similar products, used for decorative and not landscaping purposes.

(d) "Receive" and "receipt" mean taking possession of tangible personal property, making first use of digital automated services or other services, or taking possession or making first use of digital goods or digital codes, whichever comes first. "Receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser.

(e) "Transportation equipment" means:

(i) Locomotives and railcars that are used for the carriage of persons or property in interstate commerce;

(ii) Trucks and truck tractors with a gross vehicle weight rating of ten thousand one pounds or greater, trailers, semitrailers, or passenger buses that are:

(A) Registered through the international registration plan; and

(B) Operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(iii) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal or foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; or

(iv) Containers designed for use on and component parts attached or secured on the items described in (e)(i) through (iii) of this subsection.

(9) In those instances where there is no obligation on the part of a seller to collect or remit this state's sales or use tax, the use of tangible personal property, digital good, digital code, or of a digital automated service or other service, subject to use tax, is sourced to the place of first use in this state. The definition of use in RCW 82.12.010 applies to this subsection.

**PART VIII
BUNDLING OF DIGITAL PRODUCTS
TO BE OBTAINED THROUGH THE
USE OF A CODE THAT DOES NOT
MEET THE DEFINITION OF DIGITAL CODE**

Sec. 801. RCW 82.08.195 and 2007 c 6 s 1402 are each amended to read as follows:

(1) A bundled transaction is subject to the tax imposed by RCW 82.08.020 if the retail sale of any of its component products would be subject to the tax imposed by RCW 82.08.020.

(2) The transactions described in RCW 82.08.190(4) (a) and (b) are subject to the tax imposed by RCW 82.08.020 if the service that is the true object of the transaction is subject to the tax imposed by RCW 82.08.020. If the service that is the true object of the transaction is not subject to the tax imposed by RCW 82.08.020, the transaction is not subject to the tax imposed by RCW 82.08.020.

(3) The transaction described in RCW 82.08.190(4)(c) is not subject to the tax imposed by RCW 82.08.020.

(4) The transaction described in RCW 82.08.190(4)(d) is not subject to the tax imposed by RCW 82.08.020.

(5) In the case of a bundled transaction that includes any of the following: Telecommunications service, ancillary service, internet access, or audio or video programming service:

(a) If the price is attributable to products that are taxable and products that are not taxable, the portion of the price attributable to the nontaxable products are subject to the tax imposed by RCW 82.08.020 unless the seller can identify by reasonable and verifiable standards the portion from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes;

(b) If the price is attributable to products that are subject to tax at different tax rates, the total price is attributable to the products subject to the tax at the highest tax rate unless the seller can identify by reasonable and verifiable standards the portion of the price attributable to the products subject to the tax imposed by RCW 82.08.020 at the lower rate from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes.

(6) In the case of the sale of a code that provides a purchaser with the right to obtain more than one digital product, and which may also include the right to obtain other products or services, and all of the products and services, digital or otherwise, to be obtained through the use of the code do not have the same sales and use tax treatment, for purposes of the tax imposed by RCW 82.08.020:

(a) The transaction is deemed to be the sale of the products and services to be obtained through the use of the code; and

(b)(i) The tax imposed by RCW 82.08.020 applies to the entire selling price of the code, except as provided in (b)(ii) of this subsection (6).

(ii) If the seller can identify by reasonable and verifiable standards the portion of the selling price attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020 from its books and records that are kept in the regular course of business for other purposes including, but not limited to, nontax purposes, the tax imposed by RCW 82.08.020 does not apply to that portion of the selling price of the code attributable to the products and services that are not subject to the tax imposed by RCW 82.08.020.

PART IX NEXUS

NEW SECTION. Sec. 901. A new section is added to chapter 82.32 RCW to read as follows:

For purposes of the taxes imposed in this title, the department of revenue may not consider a person's ownership of, or rights in, digital goods or digital codes residing on servers located in this state in determining whether the person has substantial nexus with this state. For purposes of this section, "substantial nexus" means the requisite connection that a person has with a state to allow the state to subject the person to the state's taxing authority, consistent with the commerce clause of the United States Constitution.

PART X AMNESTY

NEW SECTION. Sec. 1001. (1) Except as provided in subsection (2) of this section, no person may be held liable for the failure to collect or pay state and local sales and use taxes accrued before the effective date of this act on the sale or use of digital goods.

(2) Subsection (1) of this section does not relieve any person from liability for state and local sales taxes that the person collected from buyers but did not remit to the department of revenue.

(3) Nothing in this section may be construed as authorizing the refund of state and local sales and use taxes properly paid on the sale or use of digital goods before the effective date of this act.

(4) For purposes of this section, "digital goods" has the same meaning as in section 201 of this act.

PART XI MISCELLANEOUS AMENDMENTS

Sec. 1101. RCW 35.21.717 and 2004 c 154 s 1 are each amended to read as follows:

~~((Until July 1, 2006, a city or town may not impose any new taxes or fees specific to internet service providers.))~~ A city or town may tax internet ~~((service))~~ access providers under generally applicable business taxes or fees, at a rate not to exceed the rate applied to a general service classification. For the purposes of this section, "internet ~~((service))~~ access" has the same meaning as in RCW 82.04.297.

Sec. 1102. RCW 48.14.080 and 2006 c 278 s 2 are each amended to read as follows:

(1) As to insurers, other than title insurers and taxpayers under RCW 48.14.0201, the taxes imposed by this title shall be in lieu of all other taxes, except as otherwise provided in this section.

(2) Subsection (1) of this section does not apply with respect to:

(a) Taxes on real and tangible personal property;

(b) Excise taxes on the sale, purchase, use, or possession of (i) real property; (ii) tangible personal property; (iii) extended warranties; ~~((and))~~ (iv) services, including digital automated services as defined in section 201 of this act; and (v) digital goods and digital codes as those terms are defined in section 201 of this act; and

(c) The tax imposed in RCW 82.04.260(10), regarding public and nonprofit hospitals.

(3) For the purposes of this section, the term "taxes" includes taxes imposed by the state or any county, city, town, municipal corporation, quasi-municipal corporation, or other political subdivision.

Sec. 1103. RCW 82.02.020 and 2008 c 113 s 2 are each amended to read as follows:

Except only as expressly provided in chapters 67.28, 81.104, and 82.14 RCW, the state preempts the field of imposing retail sales and use taxes and taxes upon ~~((retail sales of tangible personal property, the use of tangible personal property;))~~ parimutuel wagering authorized pursuant to RCW 67.16.060, conveyances, and cigarettes, and no county, town, or other municipal subdivision shall have the right to impose taxes of that nature. Except as provided in RCW 64.34.440 and 82.02.050 through 82.02.090, no county, city, town, or other municipal corporation shall impose any tax, fee, or charge, either direct or indirect, on the construction or reconstruction of residential buildings, commercial buildings, industrial buildings, or on any other building or building space or appurtenance thereto, or on the development, subdivision, classification, or reclassification of land. However, this section does not preclude dedications of land or easements within the proposed development or plat which the county, city, town, or other municipal corporation can demonstrate are reasonably necessary as a direct result of the proposed development or plat to which the dedication of land or easement is to apply.

This section does not prohibit voluntary agreements with counties, cities, towns, or other municipal corporations that allow a payment in lieu of a dedication of land or to mitigate a direct impact that has been identified as a consequence of a proposed development, subdivision, or plat. A local government shall not use such voluntary agreements for local off-site transportation improvements within the geographic boundaries of the area or areas covered by an adopted transportation program authorized by chapter 39.92 RCW. Any such voluntary agreement is subject to the following provisions:

(1) The payment shall be held in a reserve account and may only be expended to fund a capital improvement agreed upon by the parties to mitigate the identified, direct impact;

(2) The payment shall be expended in all cases within five years of collection; and

(3) Any payment not so expended shall be refunded with interest to be calculated from the original date the deposit was received by the county and at the same rate applied to tax refunds pursuant to RCW 84.69.100; however, if the payment is not expended within five years due to delay attributable to the developer, the payment shall be refunded without interest.

No county, city, town, or other municipal corporation shall require any payment as part of such a voluntary agreement which the county, city, town, or other municipal corporation cannot establish is reasonably necessary as a direct result of the proposed development or plat.

Nothing in this section prohibits cities, towns, counties, or other municipal corporations from collecting reasonable fees from an applicant for a permit or other governmental approval to cover the cost to the city, town, county, or other municipal corporation of processing applications, inspecting and reviewing plans, or preparing detailed statements required by chapter 43.21C RCW.

This section does not limit the existing authority of any county, city, town, or other municipal corporation to impose special assessments on property specifically benefitted thereby in the manner prescribed by law.

Nothing in this section prohibits counties, cities, or towns from imposing or permits counties, cities, or towns to impose water, sewer, natural gas, drainage utility, and drainage system charges ~~((: PROVIDED, That))~~. However, no such charge shall exceed the proportionate share of such utility or system's capital costs which the county, city, or town can demonstrate are attributable to the property being charged ~~((: PROVIDED FURTHER, That))~~. Furthermore, these provisions ~~((shall))~~ may not be interpreted to expand or contract any existing authority of counties, cities, or towns to impose such charges.

Nothing in this section prohibits a transportation benefit district from imposing fees or charges authorized in RCW 36.73.120 nor prohibits the legislative authority of a county, city, or town from approving the imposition of such fees within a transportation benefit district.

Nothing in this section prohibits counties, cities, or towns from imposing transportation impact fees authorized pursuant to chapter 39.92 RCW.

Nothing in this section prohibits counties, cities, or towns from requiring property owners to provide relocation assistance to tenants under RCW 59.18.440 and 59.18.450.

Nothing in this section limits the authority of counties, cities, or towns to implement programs consistent with RCW 36.70A.540, nor to enforce agreements made pursuant to such programs.

This section does not apply to special purpose districts formed and acting pursuant to Title((§)) 54, 57, or 87 RCW, nor is the authority conferred by these titles affected.

Sec. 1104. RCW 82.04.44525 and 2008 c 81 s 9 are each amended to read as follows:

(1) Subject to the limits in this section, an eligible person is allowed a credit against the tax due under this chapter. The credit is based on qualified employment positions in eligible areas. The credit is available to persons who are engaged in international services as defined in this section. In order to receive the credit, the international service activities must take place at a business within the eligible area.

(2)(a) The credit shall equal three thousand dollars for each qualified employment position created after July 1, 1998, in an eligible area. A credit is earned for the calendar year the person is hired to fill the position, plus the four subsequent consecutive years, if the position is maintained for those four years.

(b) Credit may not be taken for hiring of persons into positions that exist on July 1, 1998. Credit is authorized for new employees hired for new positions created after July 1, 1998. New positions filled by existing employees are eligible for the credit under this section only if the position vacated by the existing employee is filled by a new hire.

(c) When a position is newly created, if it is filled before July 1st, this position is eligible for the full yearly credit. If it is filled after June 30th, this position is eligible for half of the credit.

(d) Credit may be accrued and carried over until it is used. No refunds may be granted for credits under this section.

(3) For the purposes of this section:

(a) "Eligible area" means: (i) A community empowerment zone under RCW 43.31C.020; or (ii) a contiguous group of census tracts that meets the unemployment and poverty criteria of RCW 43.31C.030 and is designated under subsection (4) of this section;

(b) "Eligible person" means a person, as defined in RCW 82.04.030, who in an eligible area at a specific location is engaged in the business of providing international services;

(c)(i) "International services" means the provision of a service, as defined under (c)(iii) of this subsection, that is subject to tax under RCW 82.04.290 (2) or (3), and either:

(A) Is for a person domiciled outside the United States; or

(B) The service itself is for use primarily outside of the United States.

(ii) "International services" excludes any service taxable under RCW 82.04.290(1).

(iii) Eligible services are: Computer; data processing; information; legal; accounting and tax preparation; engineering; architectural; business consulting; business management; public relations and advertising; surveying; geological consulting; real estate appraisal; or financial services. For the purposes of this section these services mean the following:

(A) "Computer services" are services such as computer programming, custom software modification, customization of canned software, custom software installation, custom software maintenance, custom software repair, training in the use of software, computer systems design, and custom software update services;

(B) "Data processing services" are services such as word processing, data entry, data retrieval, data search, information compilation, payroll processing, business accounts processing, data production, and other computerized data and information storage or manipulation. "Data processing services" also includes the use of a computer or computer time for data processing whether the processing is performed by the provider of the computer or by the purchaser or other beneficiary of the service;

(C) "Information services" are services such as electronic data retrieval or research that entails furnishing financial or legal information, data or research, internet ((service)) access as defined

in RCW 82.04.297, general or specialized news, or current information;

(D) "Legal services" are services such as representation by an attorney, or other person when permitted, in an administrative or legal proceeding, legal drafting, paralegal services, legal research services, and court reporting services, arbitration, and mediation services;

(E) "Accounting and tax preparation services" are services such as accounting, auditing, actuarial, bookkeeping, or tax preparation services;

(F) "Engineering services" are services such as civil, electrical, mechanical, petroleum, marine, nuclear, and design engineering, machine designing, machine tool designing, and sewage disposal system designing services;

(G) "Architectural services" are services such as structural or landscape design or architecture, interior design, building design, building program management, and space planning services;

(H) "Business consulting services" are services such as primarily providing operating counsel, advice, or assistance to the management or owner of any business, private, nonprofit, or public organization, including but not limited to those in the following areas: Administrative management consulting; general management consulting; human resource consulting or training; management engineering consulting; management information systems consulting; manufacturing management consulting; marketing consulting; operations research consulting; personnel management consulting; physical distribution consulting; site location consulting; economic consulting; motel, hotel, and resort consulting; restaurant consulting; government affairs consulting; and lobbying;

(I) "Business management services" are services such as administrative management, business management, and office management. "Business management services" does not include property management or property leasing, motel, hotel, and resort management, or automobile parking management;

(J) "Public relations and advertising services" are services such as layout, art direction, graphic design, copy writing, mechanical preparation, opinion research, marketing research, marketing, or production supervision;

(K) "Surveying services" are services such as land surveying;

(L) "Geological consulting services" are services rendered for the oil, gas, and mining industry and other earth resource industries, and other services such as soil testing;

(M) "Real estate appraisal services" are services such as market appraisal and other real estate valuation; and

(N) "Financial services" are services such as banking, loan, security, investment management, investment advisory, mortgage servicing, contract collection, and finance leasing services, engaged in by financial businesses, or businesses similar to or in competition with financial businesses; and

(d) "Qualified employment position" means a permanent full-time position to provide international services. If an employee is either voluntarily or involuntarily separated from employment, the employment position is considered filled on a full-time basis if the employer is either training or actively recruiting a replacement employee.

(4) By ordinance, the legislative authority of a city, or legislative authorities of contiguous cities by ordinance of each city's legislative authority, with population greater than eighty thousand, located in a county containing no community empowerment zones as designated under RCW 43.31C.020, may designate a contiguous group of census tracts within the city or cities as an eligible area under this section. Each of the census tracts must meet the unemployment and poverty criteria of RCW 43.31C.030. Upon making the designation, the city or cities shall transmit to the department of revenue a certification letter and a map, each explicitly describing the boundaries of the census tract. This designation must be made by December 31, 1998.

(5) No application is necessary for the tax credit. The person must keep records necessary for the department to verify eligibility under this section. This information includes:

(a) Employment records for the previous six years;

(b) Information relating to description of international service activity engaged in at the eligible location by the person; and

(c) Information relating to customers of international service activity engaged in at that location by the person.

(6) If at any time the department finds that a person is not eligible for tax credit under this section, the amount of taxes for which a credit has been used shall be immediately due. The department shall assess interest, but not penalties, on the credited taxes for which the person is not eligible. The interest shall be assessed at the rate provided for delinquent excise taxes under chapter 82.32 RCW, shall be assessed retroactively to the date the tax credit was taken, and shall accrue until the taxes for which a credit has been used are repaid.

(7) The employment security department shall provide to the department of revenue such information needed by the department of revenue to verify eligibility under this section.

Sec. 1105. RCW 82.08.040 and 1975 1st ex.s. c 278 s 46 are each amended to read as follows:

(1) Every consignee, bailee, factor, or auctioneer (~~(authorized, engaged, or employed to sell or call)~~) selling or calling for bids on ((tangible)) personal property belonging to another, ((and so selling or calling, shall be)) is deemed the seller of such ((tangible)) personal property within the meaning of this chapter ((and)). All sales made by such persons are subject to ((its)) the provisions of this chapter even though the sale would have been exempt from the tax ((hereunder)) imposed in this chapter had it been made directly by the owner of the property sold.

(2)(a) Except as provided in (b) of this subsection (2), every consignee, bailee, factor, or auctioneer ((shall)) must collect and remit the amount of tax due under this chapter with respect to sales made or called by ((him. PROVIDED:)) that seller.

(b) If the owner of the property sold is engaged in the business of ((selling tangible personal property)) making sales at retail in this state, the tax imposed under this chapter may be remitted by such owner under such rules ((and regulations)) as the department ((of revenue shall prescribe)) may adopt.

Sec. 1106. RCW 82.08.130 and 1993 sp.s. c 25 s 702 are each amended to read as follows:

(1) If a buyer normally is engaged in both consuming and reselling certain types of ((articles of tangible)) personal property, the retail sale of which is taxable under this chapter, and the buyer is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold, the buyer may use a resale certificate for the entire purchase if the buyer principally resells the articles according to the general nature of the buyer's business. The buyer shall account for the value of any articles purchased with a resale certificate that are used by the buyer and remit the sales tax on the articles to the department.

(2) A buyer who pays a tax on all purchases and subsequently resells an article at retail, without intervening use by the buyer, shall collect the tax from the purchaser as otherwise provided by law and is entitled to a deduction on the buyer's tax return equal to the cost to the buyer of the property resold upon which retail sales tax has been paid. The deduction is allowed only if the taxpayer keeps and preserves records that show the names of the persons from whom the articles were purchased, the date of the purchase, the type of articles, the amount of the purchase, and the tax that was paid. The department shall provide by rule for the refund or credit of retail sales tax paid by a buyer for purchases that are later sold at wholesale without intervening use by the buyer.

Sec. 1107. RCW 82.12.035 and 2007 c 6 s 1203 are each amended to read as follows:

A credit ((shall be)) is allowed against the taxes imposed by this chapter upon the use in this state of tangible personal property, extended warranty, digital good, digital code, digital automated service, or services ((taxable under)) defined as a retail sale in RCW 82.04.050 (2) (a) or (g), (3)(a), or (6)(b), in the ((state of Washington in the)) amount that the present user thereof or his or her bailor or donor has paid a legally imposed retail sales or use tax with respect to such property, extended warranty, digital good, digital code, digital automated service, or service defined as a retail sale in RCW 82.04.050 (2) (a) or (g), (3)(a), or (6)(b) to any other state, possession, territory, or commonwealth of the United States, any political subdivision thereof, the District of Columbia, and any

foreign country or political subdivision thereof ((prior to the use of such property, extended warranty, or service in Washington)).

Sec. 1108. RCW 82.12.040 and 2005 c 514 s 109 are each amended to read as follows:

(1) Every person who maintains in this state a place of business or a stock of goods, or engages in business activities within this state, shall obtain from the department a certificate of registration, and shall, at the time of making sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2) (a) or (g), (3)(a), or (6)(b), or making transfers of either possession or title, or both, of tangible personal property for use in this state, collect from the purchasers or transferees the tax imposed under this chapter. The tax to be collected under this section ((shall)) must be in an amount equal to the purchase price multiplied by the rate in effect for the retail sales tax under RCW 82.08.020. For the purposes of this chapter, the phrase "maintains in this state a place of business" shall include the solicitation of sales and/or taking of orders by sales agents or traveling representatives. For the purposes of this chapter, "engages in business activity within this state" includes every activity which is sufficient under the Constitution of the United States for this state to require collection of tax under this chapter. The department ((shall)) must in rules specify activities which constitute engaging in business activity within this state, and ((shall)) must keep the rules current with future court interpretations of the Constitution of the United States.

(2) Every person who engages in this state in the business of acting as an independent selling agent for persons who do not hold a valid certificate of registration, and who receives compensation by reason of sales of tangible personal property, digital goods, digital codes, digital automated services, extended warranties, or sales of any service defined as a retail sale in RCW 82.04.050 (2) (a) or (g), (3)(a), or (6)(b), of his or her principals for use in this state, ((shall)) must, at the time such sales are made, collect from the purchasers the tax imposed on the purchase price under this chapter, and for that purpose shall be deemed a retailer as defined in this chapter.

(3) The tax required to be collected by this chapter ((shall be)) is deemed to be held in trust by the retailer until paid to the department, and any retailer who appropriates or converts the tax collected to the retailer's own use or to any use other than the payment of the tax provided herein to the extent that the money required to be collected is not available for payment on the due date as prescribed ((shall be)) is guilty of a misdemeanor. In case any seller fails to collect the tax herein imposed or having collected the tax, fails to pay the same to the department in the manner prescribed, whether such failure is the result of the seller's own acts or the result of acts or conditions beyond the seller's control, the seller ((shall)) is nevertheless ((be)) personally liable to the state for the amount of such tax, unless the seller has taken from the buyer in good faith a copy of a direct pay permit issued under RCW 82.32.087.

(4) Any retailer who refunds, remits, or rebates to a purchaser, or transferee, either directly or indirectly, and by whatever means, all or any part of the tax levied by this chapter ((shall be)) is guilty of a misdemeanor.

(5) Notwithstanding subsections (1) through (4) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:

(a) The person's activities in this state, whether conducted directly or through another person, are limited to:

- (i) The storage, dissemination, or display of advertising;
- (ii) The taking of orders; or
- (iii) The processing of payments; and

(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.

(6) Subsection (5) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

Sec. 1109. RCW 82.14.465 and 2007 c 266 s 7 are each amended to read as follows:

(1) A city, town, or county that creates a benefit zone and finances public improvements pursuant to chapter 39.100 RCW may impose a sales and use tax in accordance with the terms of this chapter and subject to the criteria set forth in this section. Except as provided in this section, the tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing jurisdiction of the city, town, or county. The rate of tax shall not exceed the rate provided in RCW 82.08.020(1) in the case of a sales tax or ~~((the rate provided in RCW 82.12.020(5) in the case of))~~ a use tax, less the aggregate rates of any other taxes imposed on the same events that are credited against the state taxes imposed under chapters 82.08 and 82.12 RCW. The tax rate shall be no higher than what is reasonably necessary for the local government to receive its entire annual state contribution in a ten-month period of time.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department under chapter 82.08 or 82.12 RCW. The department shall perform the collection of such taxes on behalf of the city, town, or county at no cost to the city, town, or county.

(3) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the city, town, or county shall first have received tax allocation revenues during the preceding calendar year. The tax imposed under this section shall expire on the earlier of the date: (a) The tax allocation revenues are no longer used for public improvements and public improvement costs; (b) the bonds issued under the authority of chapter 39.100 RCW are retired, if the bonds are issued; or (c) that is thirty years after the tax is first imposed.

(4) An ordinance adopted by the legislative authority of a city, town, or county imposing a tax under this section shall provide that:

(a) The tax shall first be imposed on the first day of a fiscal year;

(b) The amount of tax received by the local government in any fiscal year shall not exceed the amount of the state contribution;

(c) The tax shall cease to be distributed for the remainder of any fiscal year in which either:

(i) The amount of tax distributions totals the amount of the state contribution;

(ii) The amount of tax distributions totals the amount of local public sources, dedicated in the previous calendar year to finance public improvements authorized under chapter 39.100 RCW, expended in the previous year for public improvement costs or used to pay for other bonds issued to pay for public improvements; or

(iii) The amount of revenue from taxes imposed under this section by all cities, towns, and counties totals the annual state credit limit as provided in RCW 82.32.700(3);

(d) The tax shall be distributed again, should it cease to be distributed for any of the reasons provided in (c) of this subsection, at the beginning of the next fiscal year, subject to the restrictions in this section; and

(e) Any revenue generated by the tax in excess of the amounts specified in (b) and (c) of this subsection shall belong to the state of Washington.

(5) If both a county and a city or town impose a tax under this section, the tax imposed by the city, town, or county shall be credited as follows:

(a) If the county has created a benefit zone before the city or town, the tax imposed by the county shall be credited against the tax imposed by the city or town, the purpose of such credit is to give priority to the county tax; and

(b) If the city or town has created a benefit zone before the county, the tax imposed by the city or town shall be credited against the tax imposed by the county, the purpose of such credit is to give priority to the city or town tax.

(6) The department shall determine the amount of tax distributions attributable to each city, town, and county imposing a sales and use tax under this section and shall advise a city, town, or county when the tax will cease to be distributed for the remainder of the fiscal year as provided in subsection (4)(c) of this section. Determinations by the department of the amount of taxes attributable

to a city, town, or county are final and shall not be used to challenge the validity of any tax imposed under this section. The department shall remit any tax revenues in excess of the amounts specified in subsection (4)(b) and (c) of this section to the state treasurer who shall deposit the moneys in the general fund.

(7) The definitions in this subsection apply throughout this section and RCW 82.14.470 unless the context clearly requires otherwise.

(a) "Base year" means the calendar year immediately following the creation of a benefit zone.

(b) "Benefit zone" has the same meaning as provided in RCW 39.100.010.

(c) "Excess local excise taxes" has the same meaning as provided in RCW 39.100.050.

(d) "Excess state excise taxes" means the amount of excise taxes received by the state during the measurement year from taxable activity within the benefit zone over and above the amount of excise taxes received by the state during the base year from taxable activity within the benefit zone. However, if a local government creates the benefit zone and reasonably determines that no activity subject to tax under chapters 82.08 and 82.12 RCW occurred in the twelve months immediately preceding the creation of the benefit zone within the boundaries of the area that became the benefit zone, "excess state excise taxes" means the entire amount of state excise taxes the state receives during a calendar year period beginning with the calendar year immediately following the creation of the benefit zone and continuing with each measurement year thereafter.

(e) "State excise taxes" means revenues derived from state retail sales and use taxes under chapters 82.08 and 82.12 RCW, less the amount of tax distributions from all local retail sales and use taxes imposed on the same taxable events that are credited against the state retail sales and use taxes under chapters 82.08 and 82.12 RCW except for the local tax authorized in this section.

(f) "Fiscal year" has the same meaning as provided in RCW 39.100.030.

(g) "Measurement year" means a calendar year, beginning with the calendar year following the base year and each calendar year thereafter, that is used annually to measure the amount of excess state excise taxes and excess local excise taxes.

(h) "State contribution" means the lesser of two million dollars or an amount equal to excess state excise taxes received by the state during the preceding calendar year.

(i) "Tax allocation revenues" has the same meaning as provided in RCW 39.100.010.

(j) "Public improvements" and "public improvement costs" have the same meanings as provided in RCW 39.100.010.

(k) "Local public sources" includes, but is not limited to, private monetary contributions, assessments, dedicated local government funds, and tax allocation revenues. "Local public sources" does not include local government funds derived from any state loan or state grant, any local tax that is credited against the state sales and use taxes, or any other state funds.

Sec. 1110. RCW 82.16.010 and 2007 c 6 s 1023 are each amended to read as follows:

For the purposes of this chapter, unless otherwise required by the context:

(1) "Railroad business" means the business of operating any railroad, by whatever power operated, for public use in the conveyance of persons or property for hire. It shall not, however, include any business herein defined as an urban transportation business.

(2) "Express business" means the business of carrying property for public hire on the line of any common carrier operated in this state, when such common carrier is not owned or leased by the person engaging in such business.

(3) "Railroad car business" means the business of operating stock cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any other kinds of cars used for transportation of property or persons upon the line of any railroad operated in this state when such railroad is not owned or leased by the person engaging in such business.

(4) "Water distribution business" means the business of operating a plant or system for the distribution of water for hire or sale.

(5) "Light and power business" means the business of operating a plant or system for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others.

(6) "Telegraph business" means the business of affording telegraphic communication for hire.

(7) "Gas distribution business" means the business of operating a plant or system for the production or distribution for hire or sale of gas, whether manufactured or natural.

(8) "Motor transportation business" means the business (except urban transportation business) of operating any motor propelled vehicle by which persons or property of others are conveyed for hire, and includes, but is not limited to, the operation of any motor propelled vehicle as an auto transportation company (except urban transportation business), common carrier, or contract carrier as defined by RCW 81.68.010 and 81.80.010 (~~PROVIDED, That~~). However, "motor transportation business" (~~shall~~) does not mean or include the transportation of logs or other forest products exclusively upon private roads or private highways.

(9) "Urban transportation business" means the business of operating any vehicle for public use in the conveyance of persons or property for hire, insofar as (a) operating entirely within the corporate limits of any city or town, or within five miles of the corporate limits thereof, or (b) operating entirely within and between cities and towns whose corporate limits are not more than five miles apart or within five miles of the corporate limits of either thereof. Included herein, but without limiting the scope hereof, is the business of operating passenger vehicles of every type and also the business of operating cartage, pickup, or delivery services, including in such services the collection and distribution of property arriving from or destined to a point within or without the state, whether or not such collection or distribution be made by the person performing a local or interstate line-haul of such property.

(10)(a) "Public service business" means any of the businesses defined in subsections (1), (2), (3), (4), (5), (6), (7), (8), and (9) of this section or any business subject to control by the state, or having the powers of eminent domain and the duties incident thereto, or any business hereafter declared by the legislature to be of a public service nature, except telephone business and low-level radioactive waste site operating companies as redefined in RCW 81.04.010. It includes, among others, without limiting the scope hereof: Airplane transportation, boom, dock, ferry, pipe line, toll bridge, toll logging road, water transportation and wharf businesses.

(b) The definitions in this subsection (10)(b) apply throughout this subsection (10).

(i) "Competitive telephone service" has the same meaning as in RCW 82.04.065.

(ii) "Network telephone service" means the providing by any person of access to a telephone network, telephone network switching service, toll service, or coin telephone services, or the providing of telephonic, video, data, or similar communication or transmission for hire, via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" includes the provision of transmission to and from the site of an internet provider via a telephone network, toll line or channel, cable, microwave, or similar communication or transmission system. "Network telephone service" does not include the providing of competitive telephone service, the providing of cable television service, the providing of broadcast services by radio or television stations, nor the provision of internet (~~service~~) access as defined in RCW 82.04.297, including the reception of dial-in connection, provided at the site of the internet service provider.

(iii) "Telephone business" means the business of providing network telephone service. It includes cooperative or farmer line telephone companies or associations operating an exchange.

(iv) "Telephone service" means competitive telephone service or network telephone service, or both, as defined in (b)(i) and (ii) of this subsection.

(11) "Tugboat business" means the business of operating tugboats, towboats, wharf boats or similar vessels in the towing or pushing of vessels, barges or rafts for hire.

(12) "Gross income" means the value proceeding or accruing from the performance of the particular public service or transportation business involved, including operations incidental thereto, but without any deduction on account of the cost of the commodity furnished or sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

(13) The meaning attributed, in chapter 82.04 RCW, to the term "tax year," "person," "value proceeding or accruing," "business," "engaging in business," "in this state," "within this state," "cash discount" and "successor" shall apply equally in the provisions of this chapter.

Sec. 1111. RCW 82.32.020 and 2007 c 6 s 101 are each amended to read as follows:

For the purposes of this chapter:

(1) The meaning attributed in chapters 82.01 through 82.27 RCW to the words and phrases "tax year," "taxable year," "person," "company," "gross proceeds of sales," "gross income of the business," "business," "engaging in business," "successor," "gross operating revenue," "gross income," "taxpayer," "retail sale," "seller," "buyer," "purchaser," "extended warranty," and "value of products" shall apply equally to the provisions of this chapter.

(2) Whenever "property" or "personal property" is used, those terms must be construed to include digital goods and digital codes unless: (a) It is clear from the context that the term "personal property" is intended only to refer to tangible personal property; (b) it is clear from the context that the term "property" is intended only to refer to tangible personal property, real property, or both; or (c) to construe the term "property" or "personal property" as including digital goods and digital codes would yield unlikely, absurd, or strained consequences.

(3) The definitions in this subsection apply throughout this chapter, unless the context clearly requires otherwise.

(a) "Agreement" means the streamlined sales and use tax agreement.

(b) "Associate member" means a petitioning state that is found to be in compliance with the agreement and changes to its laws, rules, or other authorities necessary to bring it into compliance are not in effect, but are scheduled to take effect on or before January 1, 2008. The petitioning states, by majority vote, may also grant associate member status to a petitioning state that does not receive an affirmative vote of three-fourths of the petitioning states upon a finding that the state has achieved substantial compliance with the terms of the agreement as a whole, but not necessarily each required provision, measured qualitatively, and there is a reasonable expectation that the state will achieve compliance by January 1, 2008.

(c) "Certified automated system" means software certified under the agreement to calculate the tax imposed by each jurisdiction on a transaction, determine the amount of tax to remit to the appropriate state, and maintain a record of the transaction.

(d) "Certified service provider" means an agent certified under the agreement to perform all of the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(e)(i) "Member state" means a state that:

(A) Has petitioned for membership in the agreement and submitted a certificate of compliance; and

(B) Before the effective date of the agreement, has been found to be in compliance with the requirements of the agreement by an affirmative vote of three-fourths of the other petitioning states; or

(C) After the effective date of the agreement, has been found to be in compliance with the agreement by a three-fourths vote of the entire governing board of the agreement.

(ii) Membership by reason of (e)(i)(A) and (B) of this subsection is effective on the first day of a calendar quarter at least sixty days after at least ten states comprising at least twenty percent of the total population, as determined by the 2000 federal census, of all states imposing a state sales tax have petitioned for membership and have

either been found in compliance with the agreement or have been found to be an associate member under section 704 of the agreement.

(iii) Membership by reason of (e)(i)(A) and (C) of this subsection is effective on the state's proposed date of entry or the first day of the calendar quarter after its petition is approved by the governing board, whichever is later, and is at least sixty days after its petition is approved.

(f) "Model 1 seller" means a seller that has selected a certified service provider as its agent to perform all the seller's sales and use tax functions, other than the seller's obligation to remit tax on its own purchases.

(g) "Model 2 seller" means a seller that has selected a certified automated system to perform part of its sales and use tax functions, but retains responsibility for remitting the tax.

(h) "Model 3 seller" means a seller that has sales in at least five member states, has total annual sales revenue of at least five hundred million dollars, has a proprietary system that calculates the amount of tax due each jurisdiction, and has entered into a performance agreement with the member states that establishes a tax performance standard for the seller. As used in this subsection ((2)) (3)(h), a seller includes an affiliated group of sellers using the same proprietary system.

(i) "Source" means the location in which the sale or use of tangible personal property, a digital good or digital code, an extended warranty, or a digital automated service or other service, subject to tax under chapter 82.08, 82.12, 82.14, or 82.14B RCW, is deemed to occur.

Sec. 1112. RCW 82.32.023 and 2007 c 6 s 104 are each amended to read as follows:

For purposes of ~~((compliance with the requirements of the agreement only))~~ construing those provisions of the streamlined sales and use tax agreement that have been incorporated into this title, and unless the context requires otherwise, the terms "product" and "products" refer to tangible personal property, digital goods, digital codes, digital automated services, other services, extended warranties, and anything else that can be sold or used.

PART XII MISCELLANEOUS

NEW SECTION. Sec. 1201. This act does not have any impact whatsoever on the characterization of digital goods and digital codes as tangible or intangible personal property for purposes of property taxation and may not be used in any way in construing any provision of Title 84 RCW.

NEW SECTION. Sec. 1202. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1203. The repeals in sections 515 and 623 of this act do not affect any existing right acquired or liability or obligation incurred under the statutes repealed or under any rule or order adopted under those statutes nor do they affect any proceedings instituted under them.

NEW SECTION. Sec. 1204. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009.

NEW SECTION. Sec. 1205. Part headings used in this act are not any part of the law."
Correct the title.

Representative Bailey moved the adoption of amendment (379) to amendment (349):

On page 85, beginning on line 8 of the amendment, strike all of section 1204

Re-number the remaining section consecutively and correct any internal references accordingly.

Representatives Bailey and Hunter spoke in favor of the adoption of the amendment to the amendment.

Amendment (379) to amendment (349) was adopted.

Amendment (349) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter, Carlyle and Morris spoke in favor of the passage of the bill.

Representatives Orcutt, Shea, Ericksen and Anderson spoke against the passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Representative Ericksen: "Mr. Speaker, Engrossed Substitute House Bill No. 2075 has elements that raise tax revenues for certain activities. Under the provisions of Initiative 960, does Engrossed Substitute House Bill No. 2075 require a two-thirds vote for passage under Initiative 960? Thank you."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Engrossed Substitute House Bill 2075

- Conforms the sales and use taxation of downloaded digital goods to the streamlined sales and use tax agreement.
- Imposes sales and use taxes on certain streamed or remotely accessed digital services, goods, and prewritten computer software.

- Provides certain exemptions for electronically transferred digital goods and digital services.

- Applies the traditional retailing and wholesaling business and occupation tax rates to electronically transferred digital goods and digital services.

- Prohibits the state from extending its taxing authority to a business by considering a business's use of Washington based servers to store digital goods.

- Makes a number of technical amendments.

Engrossed Substitute House Bill No. 2075 both expands the sales and use tax base and reduces or eliminates business and occupation tax rates. The question presented is whether these changes in taxation fall within the definition of "raising taxes" under Initiative 960, thereby requiring a 2/3 vote for final passage.

The Speaker acknowledges that former Speaker Ballard interpreted Initiative 601, the predecessor to 960, to require a 2/3 vote in analogous situations. It is important to note, however, that I-601 did not contain a specific definition as to what constituted "raising taxes." Initiative 960 does. Section 5, subsection 6 of the initiative, codified in RCW 43.135.035, provides:

'For the purposes of this act, 'raises taxes' means any action or combination of actions by the legislature that increases state tax revenue deposited in any fund, budget, or account, regardless of whether the revenues are deposited into the general fund.'

The preliminary fiscal note for Engrossed Substitute House Bill No. 2075 projects that the net effect of the tax changes in the bill is to reduce state tax revenue deposited in the general fund for six years, with a projected increase beginning thereafter. The increase projected in later years is based on assumptions about changes in the economy, not any change to any tax rate or tax base. The Speaker would find that any change projected that far into the future, especially in the rapidly changing world of technology, is at best an educated guess.

The Speaker therefore finds and rules that Engrossed Substitute House Bill No. 2075 does not "raise taxes" as defined in Initiative 960, and that 50 votes are required for final passage."

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2075.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2075 and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Goodman, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Van De Wege, Wallace, Walsh and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were added to the second reading calendar.

HOUSE BILL NO. 2211
HOUSE BILL NO. 2326
SUBSTITUTE SENATE BILL NO. 5001
ENGROSSED SENATE NO. 5013
SENATE BILL NO. 5120
SUBSTITUTE SENATE BILL NO. 5172
SUBSTITUTE SENATE BILL NO. 5199
SUBSTITUTE SENATE BILL NO. 5285
SUBSTITUTE SENATE BILL NO. 5410
SENATE BILL NO. 5453
SUBSTITUTE SENATE BILL NO. 5501
SENATE BILL NO. 5540
ENGROSSED SUBSTITUTE SENATE BILL NO. 5601
SENATE BILL NO. 5642
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688
SUBSTITUTE SENATE BILL NO. 5732
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5735
SUBSTITUTE SENATE BILL NO. 5777
SENATE BILL NO. 5804
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854
SUBSTITUTE SENATE BILL NO. 5881

The House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

HB 2350 by Representatives Chase, Green, Nelson, Kagi and Darneille

AN ACT Relating to the taxation of intangible property to provide additional funding for public schools; amending RCW 28A.150.210, 84.36.070, and 84.36.110; adding a new chapter to Title 84 RCW; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Finance.

HB 2351 by Representatives Ericks, Morris, McCoy, Seaquist, Green, Hunt, Van De Wege, Appleton, White, Williams, Kenney and Nelson

AN ACT Relating to funding enhanced 911 emergency communication systems; amending RCW 82.14B.010, 82.14B.040, 82.14B.042, 82.14B.050, 82.14B.060, 82.14B.061, 82.14B.150, 82.14B.160, 82.14B.200, 38.52.510, 38.52.520, 38.52.532, 38.52.545, 38.52.550, and 38.52.561; reenacting and

amending RCW 82.14B.020, 82.14B.030, 38.52.540, and 43.79A.040; adding new sections to chapter 82.14B RCW; creating a new section; repealing RCW 82.14B.070, 82.14B.090, and 82.14B.100; prescribing penalties; providing effective dates; and providing for submission of this act to a vote of the people.

Referred to Committee on Rules.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 13, 2009

HB 2308 Prime Sponsor, Representative Morris: Relating to aerospace competitiveness. Reported by Committee on Community & Economic Development & Trade

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Kenney, Chair; Maxwell, Vice Chair; Smith, Ranking Minority Member; Chase; Liias; Probst and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt and Parker.

Referred to Committee on Ways & Means.

There being no objection, the bill listed on the day's supplement committee reports sheet under the fifth order of business was referred to the committee so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 1:30 p.m., April 14, 2009, the 93rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETY THIRD DAY

House Chamber, Olympia, Tuesday, April 14, 2009

The House was called to order at 1:30 p.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Emily Nelson and Jessica Gamble. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Sandra Kreis, St. Christopher's Community Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 13, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5015,
SENATE BILL NO. 5356,
SUBSTITUTE SENATE BILL NO. 5571,
SUBSTITUTE SENATE BILL NO. 5613,
SUBSTITUTE SENATE BILL NO. 5776,
SUBSTITUTE SENATE BILL NO. 5797,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5873,
SENATE BILL NO. 6068,
SENATE JOINT MEMORIAL NO. 8006,
SENATE JOINT MEMORIAL NO. 8012,
SENATE JOINT MEMORIAL NO. 8013,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 13, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1063,
SUBSTITUTE HOUSE BILL NO. 1419,
HOUSE BILL NO. 1498,
SUBSTITUTE HOUSE BILL NO. 1505,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649
SUBSTITUTE SENATE BILL NO. 6088

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5580, by Senators Pridemore, Brandland, Oemig, Fraser, Shin, Ranker, Rockefeller, Kline, Hargrove, Kauffman, Jarrett, Kohl-Welles, Murray, Marr, McDermott and Tom

Concerning school impact fees.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was not adopted. (For committee amendment, see Journal, Day 74, March 26, 2009.)

Amendment (574) was ruled out of order.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Simpson spoke in favor of the passage of the bill.

Representatives Angel and Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5580.

MOTION

On motion of Representative Santos, Representative Upthegrove was excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5580, and the bill passed the House by the following vote: Yeas, 59; Nays, 38; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Omsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, DeBolt, Ericksen, Finn, Grant-Herriot, Haler, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Upthegrove.

SENATE BILL NO. 5580, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 5580.
ED ORCUTT, 18th District

SECOND READING

SENATE BILL NO. 5028, by Senator Haugen

Transferring jurisdictional route transfer responsibilities from the transportation improvement board to the transportation commission.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Liias spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5028.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5028 and the bill passed the House by the following vote: Yeas, 61; Nays, 36; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Upthegrove.

SENATE BILL NO. 5028, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5289, by Senators Ranker, Haugen, Swecker, King, Marr, Jarrett, Hargrove and Shin

Adding a certain ferry route and roads to the scenic and recreational highway system.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, Day 72, March 24, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Rolfes spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5289, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5289, as amended by the House, and the bill passed the House by the following vote: Yeas, 79; Nays, 18; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia,

Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Condotta, Crouse, Ericksen, Haler, Hope, Johnson, Klippert, Kretz, McCune, Orcutt, Parker, Roach, Ross, Shea, Short, Taylor and Warnick.

Excused: Representative Upthegrove.

SENATE BILL NO. 5289, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5360, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Keiser, Brandland, Franklin, Murray, Brown, Ranker, Fraser, Parlette and Kohl-Welles)

Establishing a community health care collaborative grant program.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the body for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Anderson moved the adoption of amendment (581) to the committee amendment:

On page 2, line 29 of the amendment, after "providers," strike "and"

On page 2, line 29 of the amendment, after "agencies" insert ", and community public health and safety networks, as defined in RCW 70.190.010"

Representatives Anderson and Driscoll spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (581) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5360, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5360, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos,

Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5360, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5367, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senator Kohl-Welles)

Creating a spirits, beer, and wine nightclub license and eliminating the cap on spirits, beer, and wine restaurant licenses. Revised for 1st Substitute: Creating a spirits, beer, and wine nightclub license.

The bill was read the second time.

Representative Conway moved the adoption of amendment (579):

On page 15, line 7, after "after" insert "the"

On page 15, line 7, after "notice" insert "for applications, or at least thirty days prior to the expiration date for renewals"

Representatives Conway and Condotta spoke in favor of the adoption of the amendment.

Amendment (579) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5367, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5367, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5367, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5414, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators McAuliffe, King, Oemig and McDermott)

Implementing recommendations of the WASL legislative work group. Revised for 1st Substitute: Regarding statewide assessments and curricula.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Education was before the body for purpose of amendment. (For committee amendment, see Journal, Day 75, March 27, 2009.)

With the consent of the House, amendment (596) to the committee amendment was withdrawn.

Representative Sullivan moved the adoption of amendment (604) to the committee amendment:

On page 4, line 1 of the amendment, after "(1)" insert "(a)"

On page 4, line 6 of the amendment, after "population." insert "The assessments shall be implemented statewide in the 2010-11 school year."

(b)"

On page 4, beginning on line 12 of the amendment, after "~~mathematics II~~" strike all material through "year" on line 17 and insert "shall be implemented statewide in the 2010-11 school year) for the first year of high school mathematics that include the standards common to algebra I and integrated mathematics I and for the second year of high school mathematics that include the standards common to geometry and integrated mathematics II. The assessments under this subsection (1)(b) shall be used to demonstrate that a student meets the state standard on the mathematics content area of the high school Washington assessment of student learning for purposes of RCW 28A.655.061."

(c) The superintendent of public instruction shall also develop subtests for the end-of-course assessments that measure standards for the first two years of high school mathematics that are unique to algebra I, integrated mathematics I, geometry, and integrated mathematics II. The results of the subtests shall be reported at the student, teacher, school, and district level"

Representatives Sullivan and Priest spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (604) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Sullivan and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5414, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5414, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby,

Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives McCune and Orcutt.

Excused: Representative Uptegrove.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5414, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5574, by Senate Committee on Labor, Commerce & Consumer Protection (originally sponsored by Senators Kauffman, Kline, Tom, Hargrove, Oemig, Regala, Fairley, McAuliffe, McDermott, Fraser, Shin, Keiser and Kohl-Welles)

Protecting consumer data in motor vehicles.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was not adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Representative Clibborn moved the adoption of amendment (602):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Recording device" means an electronic system, and the physical device or mechanism containing the electronic system, that primarily, or incidental to its primary function, preserves or records, in electronic form, data collected by sensors or provided by other systems within a motor vehicle. "Recording device" includes event data recorders, sensing and diagnostic modules, electronic control modules, automatic crash notification systems, geographic information systems, and any other device that records and preserves data that can be accessed related to that motor vehicle. "Recording device" does not include onboard diagnostic systems whose exclusive function is to capture fault codes used to diagnose or service the motor vehicle.

(2) "Owner" means:

(a) A person having all the incidents of ownership, including legal title, of a motor vehicle, whether or not the person lends, rents, or creates a security interest in the motor vehicle;

(b) A person entitled to the possession of a motor vehicle as the purchaser under a security agreement;

(c) A person entitled to possession of a motor vehicle as a lessee pursuant to a written lease agreement for a period of more than three months; or

(d) If a third party requests access to a recording device to investigate a collision, the owner of the motor vehicle at the time the collision occurred.

NEW SECTION. Sec. 2. (1) A manufacturer of a motor vehicle sold or leased in this state, that is equipped with one or more recording devices, shall disclose in the owner's manual that the motor vehicle is equipped with one or more recording devices and, if so, the type of data recorded and whether the recording device or devices have the ability to transmit information to a central communications system or other external device.

(2) If a recording device is used as part of a subscription service, the subscription service agreement must disclose the type of information that the device may record or transmit.

(3) A disclosure made in writing is deemed a disclosure in the owner's manual.

(4) If a recording device is to be installed in a vehicle aftermarket, the manufacturer or distributor of the device shall disclose in the product manual the type of information that the device may record and whether the recording device has the ability to

transmit information to a central communications system or other external device.

(5) A disclosure made in writing is deemed a disclosure in the product manual.

NEW SECTION. Sec. 3. (1) Information recorded or transmitted by a recording device may not be retrieved, downloaded, scanned, read, or otherwise accessed by a person other than the owner of the motor vehicle in which the recording device is installed except:

(a) Upon a court order or pursuant to discovery. Any information recorded or transmitted by a recording device and obtained by a court order or pursuant to discovery is private and confidential and is not subject to public disclosure;

(b) With the consent of the owner, given for a specific instance of access, for any purpose;

(c) For improving motor vehicle safety, including medical research on the human body's reaction to motor vehicle collisions, if the identity of the motor vehicle or the owner or driver of the motor vehicle is not disclosed in connection with the retrieved information;

(d) For determining the need for or facilitating emergency medical response if a motor vehicle collision occurs, provided that the information retrieved is used solely for medical purposes; or

(e) For subscription services pursuant to an agreement in which disclosure required under section 2 of this act has been made, provided that the information retrieved is used solely for the purposes of fulfilling the subscription service.

(2) For the purposes of subsection (1)(c) of this section:

(a) The disclosure of a motor vehicle's vehicle identification number with the last six digits deleted or redacted is not a disclosure of the identity of the owner or driver; and

(b) Retrieved information may only be disclosed to a data processor.

(3) Information that can be associated with an individual and that is recorded or transmitted by a recording device may not be sold to a third party unless the owner of the information explicitly grants permission for the sale.

(4) Any person who violates this section is guilty of a misdemeanor.

NEW SECTION. Sec. 4. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

NEW SECTION. Sec. 5. A manufacturer of a motor vehicle sold or leased in this state that is equipped with a recording device shall ensure by licensing agreement or other means that a tool or tools are available that are capable of accessing and retrieving the information stored in a recording device. The tool or tools must be commercially available no later than ninety days after the effective date of this section.

Sec. 6. RCW 46.63.020 and 2008 c 282 s 11 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 relating to vehicle trip permits;

(9) RCW 46.16.381(2) relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.37.435 relating to wrongful installation of sunscreening material;

(22) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

(23) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

(24) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(25) RCW 46.48.175 relating to the transportation of dangerous articles;

(26) RCW 46.52.010 relating to duty on striking an unattended car or other property;

(27) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(28) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(29) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

(30) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(31) RCW 46.55.035 relating to prohibited practices by tow truck operators;

(32) RCW 46.55.300 relating to vehicle immobilization;

(33) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

(34) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(35) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(36) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(37) RCW 46.61.500 relating to reckless driving;

(38) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(39) RCW 46.61.503 relating to a person under age twenty-one driving a motor vehicle after consuming alcohol;

(40) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(41) RCW 46.61.522 relating to vehicular assault;

(42) RCW 46.61.5249 relating to first degree negligent driving;

(43) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

(44) RCW 46.61.530 relating to racing of vehicles on highways;

(45) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

(46) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(47) RCW 46.61.740 relating to theft of motor vehicle fuel;

(48) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(49) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(50) Chapter 46.65 RCW relating to habitual traffic offenders;

(51) RCW 46.68.010 relating to false statements made to obtain a refund;

(52) Section 3 of this act relating to recording device information;

(53) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

((53)) (54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

((54)) (55) RCW 46.72A.060 relating to limousine carrier insurance;

((55)) (56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

((56)) (57) RCW 46.72A.080 relating to false advertising by a limousine carrier;

((57)) (58) Chapter 46.80 RCW relating to motor vehicle wreckers;

((58)) (59) Chapter 46.82 RCW relating to driver's training schools;

((59)) (60) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

((60)) (61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 46 RCW.

NEW SECTION. Sec. 8. Sections 1 through 4 and 6 of this act take effect July 1, 2010."

Correct the title.

Representatives Clibborn and Shea spoke in favor of the adoption of the amendment.

Amendment (602) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5574, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5574, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter,

Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5574, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5725, by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Keiser)

Concerning health benefit plan coverage for organ transplants.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was before the body for the purpose of amendment. (For committee amendment, see Journal, Day 93, March 26, 2009.)

With the consent of the House, amendments (612), (577) and (609) to the committee amendment were withdrawn.

Representative Cody moved the adoption of amendment (617) to the committee amendment:

On page 1, line 8 of the amendment, after "dollars." strike all material through "transplant." on line 10, and insert "The lifetime limit on transplants shall apply from one day prior to the date of the transplant or the date of hospital admission, for a patient who receives a transplant during the course of a longer hospital stay, through one hundred days after the transplant. Donor-related services may apply to the lifetime limit on transplants any time. The major medical lifetime limit shall apply to health care services provided before and after this time period."

On page 1, line 14 of the amendment, after "Organ" insert "and tissue"

Representatives Cody and Herrera spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (617) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Herrera spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5725, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5725, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5725, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5976, by Senator Haugen

Extending tire replacement fees.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

POINT OF PARLIAMENTARY INQUIRY

Representative Ericksen: "Senate Bill No. 5976 eliminates the expiration date of the waste tire replacement fee and adds a new purpose for proceeds of the fee – road wear related maintenance on state and local public highways. Mr. Speaker, while the funds raised by this fee are placed into a dedicated account the addition of this new purpose breaks the solid nexus between the fee and limited use of its proceeds, and therefore looks like a general tax increase. The distinction between a fee and a tax increase is lost in this bill. Furthermore, once funds are transferred out of the waste tire removal account and into the motor vehicle account, there is not a mechanism for tracking whether the transferred funds are actually spent on the stated purpose in the bill on road wear related maintenance on state and local public highways.

Mr. Speaker, this bill appears to convert a dedicated fee into a general tax. Does Senate Bill No. 5976 require a two-thirds vote for passage under Initiative 960?"

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative Ericksen has raised a point of parliamentary inquiry as to the number of votes needed on final passage of Senate Bill No. 5976. This requires a determination as to whether the funds raised in the bill constitute a fee, which may be enacted by a simple majority, or a tax, which under the provisions of Initiative 960 may be enacted only with a 2/3 supermajority vote.

The Speaker begins by noting that in 2005, the Legislature enacted a \$1 fee on the retail sale of each new replacement tire to fund the cleanup of waste tire piles. The fee is due to sunset on June 30, 2010.

Senate Bill No. 5976 repeals the sunset and also expands the use of the funds to include road wear related maintenance on state and local highways.

The question then becomes whether there is a sufficient connection between the charge imposed and these two purposes. The Speaker finds that there is a logical and sufficient connection and that the charge imposed is a fee and not a tax.

While not dispositive, the Speaker notes that the President of the Senate reached the same conclusion in a 2007 ruling.

For these reasons, the Speaker rules that a simple majority, 50 votes, is needed for final passage."

Representative Clibborn spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5976.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5976 and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace and Warnick.

Excused: Representative Upthegrove.

SENATE BILL NO. 5976, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 5976.

JOHN DRISCOLL, 6th District

SECOND READING

SENATE BILL NO. 6070, by Senator Hatfield

Regarding disposal of dredged riverbed materials.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was before the body for purpose of amendment. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Representative Liias moved the adoption of amendment (603) to the committee amendment:

On page 2, after line 24 of the amendment, insert the following:
"(3)(a) Prior to selling or otherwise using any materials under this section for commercial purposes, written notification must be provided by the owners of the lands to the department outlining the type and amount of material that is planned to be sold or otherwise used.

(b) The department shall report to the appropriate committees of the legislature each biennium through the end of the 2015-2017 biennium a summary of any notifications received under (a) of this subsection. The report must include a determination of whether any revenue that would otherwise accrue to the state has been diverted by the provisions of this section and a summation of the diverted amount for the previous biennium. The initial report is due by January 2, 2012, with subsequent reports due by January 2nd of each even-numbered year."

Representative Liias spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (603) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Takko and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6070, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6070, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 7; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Cody, Dunshee, Hudgins, Liias, Nelson, Simpson and Van De Wege.

Excused: Representative Upthegrove.

SENATE BILL NO. 6070, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5270, by Senate Committee on Government Operations & Elections (originally sponsored by Senators McDermott, Swecker, Fairley, Oemig, Tom and Shin)

Modifying voter registration provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was not adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

There being no objection, the committee amendment by the Committee on State Government & Tribal Affairs was adopted. (For committee amendment, see Journal, Day 74, March 26, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt, Appleton, Hurst, Alexander, Green, Flannigan, Miloscia, Kelley and Hasegawa spoke in favor of the passage of the bill.

Representatives Armstrong, Ericksen, Orcutt, Hinkle, Shea, Cox, Angel, Anderson, Haler, Walsh and Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5270, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5270, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Halder, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5270, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5001, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Jacobsen and Kauffman)

Eliminating the matching fund requirement for the American Indian endowed scholarship program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Wallace spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5001.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5001 and the bill passed the House by the following vote: Yeas, 65; Nays, 32; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Halder, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Herrera, Hinkle, Johnson, Klippert, Kretz, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Upthegrove.

SUBSTITUTE SENATE BILL NO. 5001, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5001.

LARRY HALER, 8th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5001.

DAN KRISTIANSEN, 39th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 5172, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Shin, Hobbs, Kastama, McAuliffe, Jarrett, Pridemore, Brown, Keiser, Jacobsen, Kohl-Welles and Kline)

Establishing a University of Washington center for human rights.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 83, April 4, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5172, as amended by the House.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5172, as amended by the House, and the bill passed the House by the following vote: Yeas, 75; Nays, 21; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Bailey, Chandler, Condotta, Crouse, Ericksen, Halder, Herrera, Hinkle, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5172, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5172.

NORMA SMITH, 10th District

SECOND READING

SUBSTITUTE SENATE BILL NO. 5285, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove, Kauffman and Stevens)

Revising procedures for appointment of guardians ad litem.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 74, March 26, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5285, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5285, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5285, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5453, by Senators Kastama and Franklin

Defining "principal residence" for the purpose of relocation of a child.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5453, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5453, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Upthegrove.

SENATE BILL NO. 5453, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5501, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Pflug, Franklin, Parlette, Murray and Kohl-Welles)

Concerning the secure exchange of health information.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health & Human Services Appropriations was adopted. (For committee amendment, see Journal, Day 82, April 3, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Driscoll and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5501, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5501, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko,

Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5501, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5601, by Senate Committee on Health & Long-Term Care (originally sponsored by Senator Franklin)

Regulating speech-language pathology assistants.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Committee on Health Care & Wellness as amended by the Committee on Health & Human Services Appropriations was adopted. (For Committee amendments, see Journal, Days 78 and 85, March 30, 2009 and April 3, 2009 respectively.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representative Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5601, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5601, as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Flannigan and Upthegrove.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5601, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5642, by Senators Kauffman, Berkey and Sheldon

Designating state route number 164 as a highway of statewide significance.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Lias and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5642.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5642 and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Van De Wege.

Excused: Representatives Flannigan and Upthegrove.

SENATE BILL NO. 5642, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5732, by Senate Committee on Judiciary (originally sponsored by Senators Kline, McCaslin, Regala and Hargrove)

Concerning traffic infractions for drivers whose licenses or privileges are suspended or revoked.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5732, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5732, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker,

Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5732, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5777, by Senators Murray and Parlette

Concerning the Washington state insurance pool.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health Care & Wellness was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Herrera spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5777, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5777, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5777, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5804, by Senators Keiser, Franklin, Kohl-Welles and Kline

Setting forth the circumstances under which a person qualifies for benefits when voluntarily leaving part-time work.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5804.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5804 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Upthegrove.

SENATE BILL NO. 5804, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5881, by Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Hargrove, Regala, Jarrett and King)

Changing provisions involving truancy.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5881.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5881 and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Crouse, Klippert, Kretz, McCune, Orcutt, Ross, Shea, Short and Warnick.

Excused: Representatives Flannigan and Upthegrove.

SUBSTITUTE SENATE BILL NO. 5881, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1264,
 SUBSTITUTE HOUSE BILL NO. 1397,
 SUBSTITUTE HOUSE BILL NO. 1413,
 SECOND SUBSTITUTE HOUSE BILL NO. 1522,
 SUBSTITUTE HOUSE BILL NO. 2052,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105,
 HOUSE JOINT MEMORIAL NO. 4000,
 HOUSE JOINT MEMORIAL NO. 4005,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 6108, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 14, 2009

HB 2300 Prime Sponsor, Representative Ericks: Allowing the state lottery to enter into agreements to conduct multistate shared games. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 14, 2009

HB 2327 Prime Sponsor, Representative Linville: Eliminating or reducing the frequency of reports prepared by state agencies. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 14, 2009

HB 2331 Prime Sponsor, Representative Darneille: Concerning the existing document recording fee for services for the homeless. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 14, 2009

SSB 5734 Prime Sponsor, Committee on Higher Education & Workforce Development: Regarding tuition at institutions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.067 and 2007 c 355 s 7 are each amended to read as follows:

(1) Tuition fees shall be established under the provisions of this chapter.

(2) Beginning with the 2003-04 academic year and ending with the ~~((2008-09))~~ 2010-11 academic year, reductions or increases in full-time tuition fees for resident undergraduates shall be as provided in the omnibus appropriations act.

(3)(a) Beginning with the 2003-04 academic year and ending with the ~~((2008-09))~~ 2010-11 academic year, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges may reduce or increase full-time tuition fees for all students other than resident undergraduates, including summer school students and students in other self-supporting degree programs. Percentage increases in full-time tuition fees may exceed the fiscal growth factor. Reductions or increases may be made for all or portions of an institution's programs, campuses, courses, or students.

(b) Prior to reducing or increasing tuition for each academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College shall consult with existing student associations or organizations with student undergraduate and graduate representatives regarding the impacts of potential tuition increases. Governing boards shall be required to provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(c) Prior to reducing or increasing tuition for each academic year, each college in the state board for community and technical college system shall consult with existing student associations or organizations with undergraduate student representation regarding the impacts of potential tuition increases. Colleges shall provide data regarding the percentage of students receiving financial aid, the sources of aid, and the percentage of total costs of attendance paid for by aid.

(4) Academic year tuition for full-time students at the state's institutions of higher education beginning with ~~((2009-10))~~ 2015-16, other than summer term, shall be as charged during the ~~((2008-09))~~ 2014-15 academic year unless different rates are adopted by the legislature.

(5) The tuition fees established under this chapter shall not apply to high school students enrolling in participating institutions of higher education under RCW 28A.600.300 through 28A.600.400.

(6) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college under RCW 28C.04.610.

(7) The tuition fees established under this chapter shall not apply to eligible students enrolling in a community or technical college participating in the pilot program under RCW 28B.50.534 for the purpose of obtaining a high school diploma.

(8) For the academic years 2003-04 through 2008-09, the University of Washington shall use an amount equivalent to ten percent of all revenues received as a result of law school tuition increases beginning in academic year 2000-01 through academic year 2008-09 to assist needy low and middle-income resident law students.

(9) For the academic years 2003-04 through 2008-09, institutions of higher education shall use an amount equivalent to ten percent of all revenues received as a result of graduate academic school tuition increases beginning in academic year 2003-04 through academic year 2008-09 to assist needy low and middle-income resident graduate academic students."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle;

Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler; Priest; Ross and Schmick.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senator Kastama)

Modifying provisions of the local infrastructure financing tool program.

The bill was read the second time.

With the consent of the House, amendment (625) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Maxwell and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5901.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5901 and the bill passed the House by the following vote: Yeas, 89; Nays, 8; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Roberts, Rodne, Rolfes, Ross, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chase, Condotta, Cox, Hinkle, Kristiansen, Roach, Santos and Shea.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5901, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5071, by Senator Jacobsen

Designating the Olympic marmot the official endemic mammal of the state of Washington.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives White, Armstrong, Van De Wege, Kenney, Anderson and Springer spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5071.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5071 and the bill passed the House by the following vote: Yeas, 84; Nays, 13; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Kretz, Kristiansen, Pearson, Roach, Schmick, Shea and Short.

Excused: Representative Flannigan.

SENATE BILL NO. 5071, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2194, by Representative Appleton

Modifying provisions relating to extraordinary medical placement for offenders.

The bill was read the second time.

Representative Klippert moved the adoption of amendment (560):

On page 5, beginning on line 23, after "medical care" strike ". However, electronic monitoring shall not be required if the offender is bedridden or is totally dependent on others for mobility." and insert ", in which case, an alternative type of monitoring shall be utilized."

There being no objection, the House deferred action on HOUSE BILL NO. 2194, and the bill held its place on the second reading calendar.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5723, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Shin and Swecker)

Providing support for small business assistance.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney, Smith and Hasegawa spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5723, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5723, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.
Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5723, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 8001, by Senators Hatfield and Haugen

Requesting the United States fish and wildlife service to work cooperatively with the state's regulatory agencies and energy producers with respect to the federal endangered species act.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the joint memorial was placed on final passage.

Representatives Blake and Chandler spoke in favor of the passage of the joint memorial.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Joint Memorial No. 8001.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 8001 and the joint memorial passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SENATE JOINT MEMORIAL NO. 8001, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 5013, by Senators Hargrove, Brandland, Fraser, Hatfield and Parlette**Concerning fees collected by county clerks.**

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Judiciary was adopted. (For committee amendment, see Journal, Day 71, March 23, 2009.)

Representative Goodman moved the adoption of amendment (621):

On page 3, line 19, after "(4)" insert "(a)"

On page 3, after line 30, insert the following:

"(b) For preparing a copy of any instrument, document, or file without a seal, the clerk may waive all or part of the fees established in (a) of this subsection for members of the news media as defined in RCW 5.68.010(5)."

Representatives Goodman and Rodne spoke in favor of the adoption of the amendment.

Amendment (621) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5013, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5013, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Armstrong, Blake, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SENATE BILL NO. 5013, as amended by the House, having received the necessary constitutional majority, was declared passed.

The House resumed action on HOUSE BILL NO. 2194.

SECOND READING**HOUSE BILL NO. 2194, by Representative Appleton**

Modifying provisions relating to extraordinary medical placement for offenders.

Representatives Klippert and Dickerson spoke in favor of the adoption of amendment (560).

Amendment (560) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Appleton and Ericks spoke in favor of the passage of the bill.

Representatives Dammeier and Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2194.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2194 and the bill passed the House by the following vote: Yeas, 51; Nays, 46; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Finn, Goodman, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCune, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 2194, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5199, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Fraser, Morton, Rockefeller and Shin)

Modifying provisions regarding the operators of public water supply systems.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Environmental Health was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative Dunshee moved the adoption of amendment (627):

On page 6, after line 14, insert the following:

"NEW SECTION. Sec. 8. A new section is added to chapter 70.119A RCW to read as follows:

A group A water system serving fewer than one hundred connections that purchases water from a water system approved by the department shall measure chlorine residuals at the same time and location of collection for a routine and repeat coliform sample."

Correct the title.

Representatives Dunshee and Shea spoke in favor of the adoption of the amendment.

Amendment (627) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Chase and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5199, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5199, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5199, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, by Senator Hargrove

Creating a temporary workforce employment and training program. Revised for 2nd Substitute: Revising unemployment compensation and workforce training provisions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Commerce & Labor was before the body for the purpose of amendment. (For amendment, see Journal, Day 75, March 27, 2009.)

Representative Conway moved the adoption of amendment (626) to the committee amendment:

On page 4 of the striking amendment, after line 21, insert the following:

"**Sec. 3.** RCW 50.24.014 and 2007 c 327 s 2 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment

security department's administrative costs under RCW 50.22.150 and section 4, chapter 3, laws of 2009 and the costs under RCW 50.22.150((+0))(11) and section 4(14), chapter 3, laws of 2009. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st."

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Conway and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (626) to the committee amendment was adopted.

Representative Bailey moved the adoption of amendment (631) to the committee amendment:

On page 7, beginning on line 9 of the amendment, strike all of section 7

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Conway spoke against the adoption of the amendment to the committee amendment.

Amendment (631) to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House,

and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854, by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Pridemore, Ranker, Rockefeller, Marr, Fraser, Kohl-Welles, Kline, Murray and Keiser)

Reducing climate pollution in the built environment.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was not adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Representative Rolfes moved the adoption of amendment (630):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that energy efficiency is the cheapest, quickest, and cleanest way to meet rising energy needs, confront climate change, and boost our economy. More than thirty percent of Washington's greenhouse gas emissions come from energy use in buildings. Making homes, businesses, and public institutions more energy efficient will save money, create good local jobs, enhance energy security, reduce pollution that causes global warming, and speed economic recovery while reducing the need to invest in costly new generation. Washington can spur its economy and assert its regional and national clean energy leadership by putting efficiency first. Washington can accomplish this by: Promoting super efficient, low-energy use building codes; requiring disclosure of buildings' energy use to prospective buyers; making public buildings models of energy efficiency; financing energy saving upgrades to existing buildings; and reducing utility bills for low-income households.

"NEW SECTION. Sec. 2. The definitions in this section apply to sections 1 through 3 and 5 through 8 of this act and RCW 19.27A.020 unless the context clearly requires otherwise.

(1) "Benchmark" means the energy used by a facility as recorded monthly for at least one year and the facility characteristics information inputs required for a portfolio manager.

(2) "Conditioned space" means conditioned space, as defined in the Washington state energy code.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Cost-effectiveness" means that a project or resource is forecast:

(a) To be reliable and available within the time it is needed; and

(b) To meet or reduce the power demand of the intended consumers at an estimated incremental system cost no greater than that of the least-cost similarly reliable and available alternative project or resource, or any combination thereof.

(5) "Council" means the state building code council.

(6) "Department" means the department of community, trade, and economic development.

(7) "Embodied energy" means the total amount of fossil fuel energy consumed to extract raw materials and to manufacture, assemble, transport, and install the materials in a building and the life-cycle cost benefits including the recyclability and energy efficiencies with respect to building materials, taking into account the total sum of current values for the costs of investment, capital, installation, operating, maintenance, and replacement as estimated for the lifetime of the product or project.

(8) "Energy consumption data" means the monthly amount of energy consumed by a customer as recorded by the applicable energy meter for the most recent twelve-month period.

(9) "Energy service company" has the same meaning as in RCW 43.19.670.

(10) "General administration" means the department of general administration.

(11) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(12) "Investment grade energy audit" means an intensive engineering analysis of energy efficiency and management measures for the facility, net energy savings, and a cost-effectiveness determination.

(13) "Investor-owned utility" means a corporation owned by investors that meets the definition of "corporation" as defined in RCW 80.04.010 and is engaged in distributing either electricity or natural gas, or both, to more than one retail electric customer in the state.

(14) "Major facility" means any publicly owned or leased building, or a group of such buildings at a single site, having ten thousand square feet or more of conditioned floor space.

(15) "National energy performance rating" means the score provided by the energy star program, to indicate the energy efficiency performance of the building compared to similar buildings in that climate as defined in the United States environmental protection agency "ENERGY STAR® Performance Ratings Technical Methodology."

(16) "Net zero energy use" means a building with net energy consumption of zero over a typical year.

(17) "Portfolio manager" means the United States environmental protection agency's energy star portfolio manager or an equivalent tool adopted by the department.

(18) "Preliminary energy audit" means a quick evaluation by an energy service company of the energy savings potential of a building.

(19) "Qualifying public agency" includes all state agencies, colleges, and universities.

(20) "Qualifying utility" means a consumer-owned or investor-owned gas or electric utility that serves more than twenty-five thousand customers in the state of Washington.

(21) "Reporting public facility" means any of the following:

(a) A building or structure, or a group of buildings or structures at a single site, owned by a qualifying public agency, that exceed ten thousand square feet of conditioned space;

(b) Buildings, structures, or spaces leased by a qualifying public agency that exceeds ten thousand square feet of conditioned space, where the qualifying public agency purchases energy directly from the investor-owned or consumer-owned utility;

(c) A wastewater treatment facility owned by a qualifying public agency; or

(d) Other facilities selected by the qualifying public agency.

(22) "State portfolio manager master account" means a portfolio manager account established to provide a single shared portfolio that includes reports for all the reporting public facilities.

NEW SECTION. Sec. 3. (1) To the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and implement a strategic plan for enhancing energy efficiency in and reducing greenhouse gas emissions from homes, buildings, districts, and neighborhoods. The strategic plan must be used to help direct the future code increases in RCW 19.27A.020, with targets for new buildings consistent with section 5 of this act. The strategic plan will identify barriers to achieving net zero energy use in homes and buildings and identify how to overcome these barriers in future energy code updates and through complementary policies.

(2) The department must complete and release the strategic plan to the legislature and the council by December 31, 2010, and update the plan every three years.

(3) The strategic plan must include recommendations to the council on energy code upgrades. At a minimum, the strategic plan must:

(a) Consider development of aspirational codes separate from the state energy code that contain economically and technically feasible optional standards that could achieve higher energy efficiency for those builders that elected to follow the aspirational codes in lieu of or in addition to complying with the standards set forth in the state energy code;

(b) Determine the appropriate methodology to measure achievement of state energy code targets using the United States environmental protection agency's target finder program or equivalent methodology;

(c) Address the need for enhanced code training and enforcement;

(d) Include state strategies to support research, demonstration, and education programs designed to achieve a seventy percent reduction in annual net energy consumption as specified in section 5 of this act and enhance energy efficiency and on-site renewable energy production in buildings;

(e) Recommend incentives, education, training programs and certifications, particularly state-approved training or certification programs, joint apprenticeship programs, or labor-management partnership programs that train workers for energy-efficiency projects to ensure proposed programs are designed to increase building professionals' ability to design, construct, and operate buildings that will meet the seventy percent reduction in annual net energy consumption as specified in section 5 of this act;

(f) Address barriers for utilities to serve net zero energy homes and buildings and policies to overcome those barriers;

(g) Address the limits of a prescriptive code in achieving net zero energy use homes and buildings and propose a transition to performance-based codes;

(h) Identify financial mechanisms such as tax incentives, rebates, and innovative financing to motivate energy consumers to take action to increase energy efficiency and their use of on-site renewable energy. Such incentives, rebates, or financing options may consider the role of government programs as well as utility-sponsored programs;

(i) Address the adequacy of education and technical assistance, including school curricula, technical training, and peer-to-peer exchanges for professional and trade audiences;

(j) Develop strategies to develop and install district and neighborhood-wide energy systems that help meet net zero energy use in homes and buildings;

(k) Identify costs and benefits of energy efficiency measures on residential and nonresidential construction; and

(l) Investigate methodologies and standards for the measurement of the amount of embodied energy used in building materials.

(4) The department and the council shall convene a work group with the affected parties to inform the initial development of the strategic plan.

Sec. 4. RCW 19.27A.020 and 1998 c 245 s 8 are each amended to read as follows:

(1) ~~(No later than January 1, 1991,)~~ The state building code council shall adopt rules to be known as the Washington state energy code as part of the state building code.

(2) The council shall follow the legislature's standards set forth in this section to adopt rules to be known as the Washington state energy code. The Washington state energy code shall be designed to:

(a) Construct increasingly energy efficient homes and buildings that help achieve the broader goal of building zero fossil-fuel greenhouse gas emission homes and buildings by the year 2031;

(b) Require new buildings to meet a certain level of energy efficiency, but allow flexibility in building design, construction, and heating equipment efficiencies within that framework (The Washington state energy code shall be designed to); and

(c) Allow space heating equipment efficiency to offset or substitute for building envelope thermal performance.

(3) The Washington state energy code shall take into account regional climatic conditions. Climate zone 1 shall include all counties not included in climate zone 2. Climate zone 2 includes: Adams, Chelan, Douglas, Ferry, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman counties.

(4) The Washington state energy code for residential buildings shall (require:

(a) New residential buildings that are space heated with electric resistance heating systems to achieve energy use equivalent to that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38. The code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) In zone 1, walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components; in zone 2 walls insulated to a level of R-24 (R value includes insulation only), or constructed with two by six members, R-22 insulation batts, R-3.2 insulated sheathing, and other normal construction assembly components; for the purpose of determining equivalent thermal performance, the wall U-value shall be 0.058 in zone 1 and 0.044 in zone 2;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-30 (R value includes insulation only);

(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Double glazed windows with values not more than U-0.4;

(vii) In zone 1 the glazing area may be up to twenty-one percent of floor area and in zone 2 the glazing area may be up to seventeen percent of floor area where consideration of the thermal resistance values for other building components and solar heat gains through the glazing result in thermal performance equivalent to that achieved with thermal resistance values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection and glazing area equal to fifteen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area; and

(viii) Exterior doors insulated to a level of R-5; or an exterior wood door with a thermal resistance value of less than R-5 and values for other components determined in accordance with the equivalent thermal performance criteria of (a) of this subsection.

(b) New residential buildings which are space heated with all other forms of space heating to achieve energy use equivalent to that used in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 in zone 1 and R-38 in zone 2 the code shall contain an exception which permits single rafter or joist vaulted ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (R value includes insulation only), or constructed with two by four members, R-13 insulation batts, R-3.2 insulated sheathing, and other normal assembly components;

(iii) Below grade walls, insulated on the interior side, to a level of R-19 or, if insulated on the exterior side, to a level of R-10 in zone 1 and R-12 in zone 2 (R value includes insulation only);

(iv) Floors over unheated spaces insulated to a level of R-19 in zone 1 and R-30 in zone 2 (R value includes insulation only);

(v) Slab on grade floors insulated to a level of R-10 at the perimeter;

(vi) Heat pumps with a minimum heating season performance factor (HSPF) of 6.8 or with all other energy sources with a minimum annual fuel utilization efficiency (AFUE) of seventy-eight percent;

(vii) Double glazed windows with values not more than U-0.65 in zone 1 and U-0.60 in zone 2. The state building code council, in consultation with the department of community, trade, and economic development, shall review these U-values, and, if economically justified for consumers, shall amend the Washington state energy code to improve the U-values by December 1, 1993. The amendment shall not take effect until July 1, 1994; and

(viii) In zone 1, the maximum glazing area shall be twenty-one percent of the floor area. In zone 2 the maximum glazing area shall be seventeen percent of the floor area. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area.

(c) The requirements of (b)(ii) of this subsection do not apply to residences with log or solid timber walls with a minimum average thickness of three and one-half inches and with space heat other than electric resistance.

(d) The state building code council may approve an energy code for pilot projects of residential construction that use innovative energy efficiency technologies intended to result in savings that are greater than those realized in the levels specified in this section.

(5) U-values for glazing shall be determined using the area weighted average of all glazing in the building. U-values for vertical glazing shall be determined, certified, and labeled in accordance with the appropriate national fenestration rating council (NFRC) standard, as determined and adopted by the state building code council. Certification of U-values shall be conducted by a certified, independent agency licensed by the NFRC. The state building code council may develop and adopt alternative methods of determining, certifying, and labeling U-values for vertical glazing that may be used by fenestration manufacturers if determined to be appropriate by the council. The state building code council shall review and consider the adoption of the NFRC standards for determining, certifying, and labeling U-values for doors and skylights when developed and published by the NFRC. The state building code council may develop and adopt appropriate alternative methods for determining, certifying, and labeling U-values for doors and skylights. U-values for doors and skylights determined, certified, and labeled in accordance with the appropriate NFRC standard shall be acceptable for compliance with the state energy code. Sealed insulation glass, where used, shall conform to, or be in the process of being tested for, ASTM E-774-81 class A or better) be the 2006 edition of the Washington state energy code, or as amended by rule by the council.

((6)) (5) The minimum state energy code for new nonresidential buildings shall be the Washington state energy code, ((1986)) 2006 edition, or as amended by the council by rule.

((7)) (6)(a) Except as provided in (b) of this subsection, the Washington state energy code for residential structures shall preempt the residential energy code of each city, town, and county in the state of Washington.

(b) The state energy code for residential structures does not preempt a city, town, or county's energy code for residential structures which exceeds the requirements of the state energy code and which was adopted by the city, town, or county prior to March 1, 1990. Such cities, towns, or counties may not subsequently amend their energy code for residential structures to exceed the requirements adopted prior to March 1, 1990.

((8)) (7) The state building code council shall consult with the department of community, trade, and economic development as provided in RCW 34.05.310 prior to publication of proposed rules. ((The department of community, trade, and economic development shall review the proposed rules for consistency with the guidelines adopted in subsection (4) of this section.)) The director of the department of community, trade, and economic development shall recommend to the state building code council any changes necessary to conform the proposed rules to the requirements of this section.

(8) The state building code council shall evaluate and consider adoption of the international energy conservation code in Washington state in place of the existing state energy code.

(9) The definitions in section 2 of this act apply throughout this section.

NEW SECTION. Sec. 5. (1) Except as provided in subsection (2) of this section, residential and nonresidential construction permitted under the 2031 state energy code must achieve a seventy percent reduction in annual net energy consumption, using the adopted 2006 Washington state energy code as a baseline.

(2) The council shall adopt state energy codes from 2013 through 2031 that incrementally move towards achieving the seventy percent reduction in annual net energy consumption as specified in subsection (1) of this section. The council shall report its progress by December 31, 2012, and every three years thereafter. If the council determines that economic, technological, or process factors would significantly impede adoption of or compliance with this subsection, the council may defer the implementation of the proposed energy code update and shall report its findings to the legislature by December 31st of the year prior to the year in which those codes would otherwise be enacted.

NEW SECTION. Sec. 6. (1) On and after January 1, 2010, qualifying utilities shall maintain records of the energy consumption data of all nonresidential and qualifying public agency buildings to which they provide service. This data must be maintained for at least the most recent twelve months in a format compatible for uploading to the United States environmental protection agency's energy star portfolio manager.

(2) On and after January 1, 2010, upon the written authorization or secure electronic authorization of a nonresidential building owner or operator, a qualifying utility shall upload the energy consumption data for the accounts specified by the owner or operator for a building to the United States environmental protection agency's energy star portfolio manager in a form that does not disclose personally identifying information.

(3) In carrying out the requirements of this section, a qualifying utility shall use any method for providing the specified data in order to maximize efficiency and minimize overall program cost. Qualifying utilities are encouraged to consult with the United States environmental protection agency and their customers in developing reasonable reporting options.

(4) Disclosure of nonpublic nonresidential benchmarking data and ratings required under subsection (5) of this section will be phased in as follows:

(a) By January 1, 2011, for buildings greater than fifty thousand square feet; and

(b) By January 1, 2012, for buildings greater than ten thousand square feet.

(5) Based on the size guidelines in subsection (4) of this section, a building owner or operator, or their agent, of a nonresidential building shall disclose the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender for the most recent continuously occupied twelve-month period. A building owner or operator, or their agent, who delivers United States environmental protection agency's energy star portfolio manager benchmarking data and ratings to a prospective buyer, lessee, or lender is not required to provide additional information regarding energy consumption, and the information is deemed to be adequate to inform the prospective buyer, lessee, or lender regarding the United States environmental protection agency's energy star portfolio manager benchmarking data and ratings for the most recent twelve-month period for the building that is being sold, leased, financed, or refinanced.

(6) Notwithstanding subsections (4) and (5) of this section, nothing in this section increases or decreases the duties, if any, of a building owner, operator, or their agent under this chapter or alters the duty of a seller, agent, or broker to disclose the existence of a material fact affecting the real property.

NEW SECTION. Sec. 7. By December 31, 2009, to the extent that funding is appropriated specifically for the purposes of this section, the department shall develop and recommend to the legislature a methodology to determine an energy performance score for residential buildings and an implementation strategy to use such

information to improve the energy efficiency of the state's existing housing supply. In developing its strategy, the department shall seek input from providers of residential energy audits, utilities, building contractors, mixed use developers, the residential real estate industry, and real estate listing and form providers.

NEW SECTION. Sec. 8. (1) The requirements of this section apply to the department of general administration and other qualifying state agencies only to the extent that specific appropriations are provided to those agencies referencing this act or chapter number and this section.

(2) By July 1, 2010, each qualifying public agency shall:

(a) Create an energy benchmark for each reporting public facility using a portfolio manager;

(b) Report to general administration, the environmental protection agency national energy performance rating for each reporting public facility included in the technical requirements for this rating; and

(c) Link all portfolio manager accounts to the state portfolio manager master account to facilitate public reporting.

(3) By January 1, 2010, general administration shall establish a state portfolio manager master account. The account must be designed to provide shared reporting for all reporting public facilities.

(4) By July 1, 2010, general administration shall select a standardized portfolio manager report for reporting public facilities. General administration, in collaboration with the United States environmental protection agency, shall make the standard report of each reporting public facility available to the public through the portfolio manager web site.

(5) General administration shall prepare a biennial report summarizing the statewide portfolio manager master account reporting data. The first report must be completed by December 1, 2012. Subsequent reporting shall be completed every two years thereafter.

(6) By July 1, 2010, general administration shall develop a technical assistance program to facilitate the implementation of a preliminary audit and the investment grade energy audit. General administration shall design the technical assistance program to utilize audit services provided by utilities or energy services contracting companies when possible.

(7) For a reporting public facility that is leased by the state with a national energy performance rating score below seventy-five, a qualifying public agency may not enter into a new lease or lease renewal on or after January 1, 2010, unless:

(a) A preliminary audit has been conducted within the last two years; and

(b) The owner or lessor agrees to perform an investment grade audit and implement any cost-effective energy conservation measures within the first two years of the lease agreement if the preliminary audit has identified potential cost-effective energy conservation measures.

(8)(a) Except as provided in (b) of this subsection, for each reporting public facility with a national energy performance rating score below fifty, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2011. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013. Implementation of cost-effective energy conservation measures are required by July 1, 2016. For a major facility that is leased by a state agency, college, or university, energy audits and implementation of cost-effective energy conservation measures are required only for that portion of the facility that is leased by the state agency, college, or university.

(b) A reporting public facility that is leased by the state is deemed in compliance with (a) of this subsection if the qualifying public agency has already complied with the requirements of subsection (7) of this section.

(9) Schools are strongly encouraged to follow the provisions in subsections (2) through (8) of this section.

(10) The director of the department of general administration, in consultation with the affected state agencies and the office of financial management, shall review the cost and delivery of agency programs to determine the viability of relocation when a facility leased by the state has a national energy performance rating score

below fifty. The department of general administration shall establish a process to determine viability.

(11) General administration, in consultation with the office of financial management, shall develop a waiver process for the requirements in subsection (7) of this section. The director of the office of financial management, in consultation with general administration, may waive the requirements in subsection (7) of this section if the director determines that compliance is not cost-effective or feasible. The director of the office of financial management shall consider the review conducted by the department of general administration on the viability of relocation as established in subsection (10) of this section, if applicable, prior to waiving the requirements in subsection (7) of this section.

(12) By July 1, 2011, general administration shall conduct a review of facilities not covered by the national energy performance rating. Based on this review, general administration shall develop a portfolio of additional facilities that require preliminary energy audits. For these facilities, the qualifying public agency, in consultation with general administration, shall undertake a preliminary energy audit by July 1, 2012. If potential cost-effective energy savings are identified, an investment grade energy audit must be completed by July 1, 2013.

NEW SECTION. Sec. 9. Sections 2, 3, and 5 through 8 of this act are each added to chapter 19.27A RCW."

Correct the title.

Representative Rolfes spoke in favor of the adoption of the amendment.

Representative Crouse spoke against the adoption of the amendment.

Amendment (630) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Rolfes and McCoy spoke in favor of the passage of the bill.

Representative Crouse spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5854, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5854, as amended by the House, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6088, by Senate Committee on Transportation (originally sponsored by Senators Fraser, Swecker, Haugen, Eide, Marr, Sheldon, Berkey, Benton and Shin)

Addressing commute trip reduction for state agencies.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Dunshee spoke in favor of the passage of the bill.

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6088, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6088, as amended by the House, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 6088, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5909, by Senators Murray, Kohl-Welles and Zarelli

Clarifying that multiple qualified buildings are eligible for the high technology retail sales and use tax deferral.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dickerson and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5909.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5909 and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uphengrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hudgins.

Excused: Representative Flannigan.

SENATE BILL NO. 5909, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709 with the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 31.45.073 and 2003 c 86 s 8 are each amended to read as follows:

(1) No licensee may engage in the business of making small loans without first obtaining a small loan endorsement to its license from the director in accordance with this chapter. An endorsement will be required for each location where a licensee engages in the business of making small loans, but a small loan endorsement may authorize a licensee to make small loans at a location different than the licensed locations where it cashes or sells checks. A licensee may have more than one endorsement.

(2) The termination date of a small loan may not exceed the origination date of that same small loan by more than forty-five days, including weekends and holidays, unless the term of the loan is extended by agreement of both the borrower and the licensee and no additional fee or interest is charged. The maximum principal amount of any small loan, or the outstanding principal balances of all small loans made by ~~((a))~~ all licensees to a single borrower at any one time, may not exceed seven hundred dollars or thirty percent of the gross monthly income of the borrower, whichever is lower.

(3) A licensee that has obtained the required small loan endorsement may charge interest or fees for small loans not to exceed in the aggregate fifteen percent of the first five hundred dollars of principal. If the principal exceeds five hundred dollars, a licensee may charge interest or fees not to exceed in the aggregate ten percent of that portion of the principal in excess of five hundred dollars. If a licensee makes more than one loan to a single borrower, and the aggregated principal of all loans made to that borrower exceeds five hundred dollars at any one time, the licensee may charge interest or fees not to exceed in the aggregate ten percent on that portion of the aggregated principal of all loans at any one time that is in excess of five hundred dollars. The director may determine by rule which fees, if any, are not subject to the interest or fee limitations described in this section. It is a violation of this chapter for any licensee to knowingly loan to a single borrower at any one time, in a single loan or in the aggregate, more than the maximum principal amount described in this section.

(4) In connection with making a small loan, a licensee may advance moneys on the security of a postdated check. The licensee may not accept any other property, title to property, or other evidence of ownership of property as collateral for a small loan. The licensee may accept only one postdated check per loan as security for the

loan. A licensee may permit a borrower to redeem a postdated check with a payment of cash or the equivalent of cash. The licensee may disburse the proceeds of a small loan in cash, in the form of a check, or in the form of the electronic equivalent of cash or a check.

(5) No person may at any time cash or advance any moneys on a postdated check or draft in excess of the amount of goods or services purchased without first obtaining a small loan endorsement to a check casher or check seller license.

NEW SECTION. Sec. 2. A new section is added to chapter 31.45 RCW to read as follows:

(1) The director must, by contract with a vendor or service provider or otherwise, develop and implement a system by means of which a licensee may determine:

(a) Whether a consumer has an outstanding small loan;

(b) The number of small loans the consumer has outstanding;

(c) Whether the borrower is eligible for a loan under RCW 31.45.073;

(d) Whether the borrower is in a payment plan; and

(e) Any other information necessary to comply with chapter 31.45 RCW.

(2) The director may specify the form and contents of the system by rule. Any system must provide that the information entered into or stored by the system is:

(a) Accessible to and usable by licensees and the director from any location in this state; and

(b) Secured against public disclosure, tampering, theft, or unauthorized acquisition or use.

(3) If the system described in subsection (1) of this section is developed and implemented, a licensee making small loans under chapter 31.45 RCW must enter or update the required information in subsection (1) of this section at the time that the small loan transaction is conducted by the licensee.

(4) A licensee must continue to enter and update all required information for any loans subject to chapter 31.45 RCW that are outstanding or have not yet expired after the date on which the licensee no longer has the license or small loan endorsement required by this chapter. Within ten business days after ceasing to make loans subject to chapter 31.45 RCW, the licensee must submit a plan for continuing compliance with this subsection to the director for approval. The director must promptly approve or disapprove the plan and may require the licensee to submit a new or modified plan that ensures compliance with this subsection.

(5) If the system described in subsection (1) of this section is developed and implemented, the director shall adopt rules to set the fees licensees shall pay to the vendor or service provider for the operation and administration of the system and the administration of this chapter by the department.

(6) The director shall adopt rules establishing standards for the retention, archiving, and deletion of information entered into or stored by the system described in subsection (1) of this section.

(7) The information in the system described in subsection (1) of this section is not subject to public inspection or disclosure under chapter 42.56 RCW.

Sec. 3. RCW 42.56.230 and 2008 c 200 s 5 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer;

(4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law; ~~((and))~~

(5) Personal and financial information related to a small loan or any system of authorizing a small loan in section 1 of this act; and

(6) Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicaid.

NEW SECTION. Sec. 4. The director or the director's designee may take the actions necessary to ensure this act is implemented on its effective date.

NEW SECTION. Sec. 5. This act takes effect January 1, 2010.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "loans;" strike the remainder of the title and insert the following: "amending 31.45.073 and 42.56.230; adding new sections to chapter 31.45 RCW; creating new sections; and providing an effective date".

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Bailey moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709.

Representative Bailey spoke in favor of the adoption of the motion to concur in the Senate amendment.

Representative Kirby spoke against the adoption of the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1709.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1709 and the motion was not adopted by the following vote: Yeas, 37; Nays, 60; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

The House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709 and asked the Senate to recede therefrom.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5735, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Hargrove, Jacobsen, Ranker, Fraser, Keiser, Jarrett, Franklin, Shin, Kohl-Welles, Regala, McAuliffe and Kline)

Reducing greenhouse gas emissions.

The bill was read the second time.

POINT OF PARLIAMENTARY INQUIRY

Representative DeBolt: "Mr. Speaker, House Rule 19 (D) provides that no member shall vote on any question which affects that member privately and particularly.

Mr. Speaker, Section 6 of the striking amendment to Engrossed Second Substitute Senate Bill 5735 specifically impacts a single company in the state. I am an employee of that company with a primary responsibility for seeing that the company complies with state and federal environmental standards.

Section 6 of the amendment, especially subsection (4) of that section, is going to involve significant and direct negotiation between the state and the company. I will be in a position of directing those negotiations on behalf of the company.

My responsibilities with the company are specifically and directly related to the requirements set forth in this bill.

Mr. Speaker, I respectfully request to be excused from voting on this bill."

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "Representative DeBolt, the Speaker has considered your request to be excused from voting on Engrossed Second Substitute Senate Bill No. 5735 because the bill affects you privately and particularly as that term is used in House Rule 19(D). The private interest voting bar found in Rule 19 and in Article 2, Section 30 of our state constitution is seldom met.

By constitutional design, ours is a citizen legislature. Members who are also teachers vote on legislation impacting teachers, members who are also lawyers vote on legislation impacting lawyers. Indeed, members from every walk of life bring their own expertise and private interests to the consideration of legislation.

It takes a very unique private and particular interest for a circumstance to be found where a legislator's private interest can be found to be so closely associated with a public bill that the legislator must be excused from voting on that measure.

Representative DeBolt, the Speaker finds that the unique conflicts that you have disclosed do make it necessary for you to refrain from voting on Engrossed Second Substitute Senate Bill No. 5735."

Representative Upthegrove moved the adoption of amendment (624):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that Washington should maintain its leadership on climate change by continuing Washington's participation in the development of any federal or regional programs to reduce greenhouse gas emissions.

The legislature finds that by continuing its participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington maximizes its ability to influence and shape those programs so that they may reflect Washington's emissions portfolio, including the state's hydroelectric system, aid Washington's forest resources and agricultural industries, reduce

Washington's expenditures on imported fuels, and create a strong economy.

The legislature further finds that by continuing Washington's participation in the development of federal and regional programs to reduce greenhouse gas emissions, Washington has the opportunity to protect Washington families and small businesses from undue financial impacts arising from the transition to a clean energy future, to protect Washington's economy from disadvantages resulting from competition with industries that do not participate in carbon control efforts, and provide appropriate credit for those businesses that have taken early actions to reduce greenhouse gas emissions.

The legislature further finds that well-designed climate policies should mitigate any impacts on the cost and affordability of food, housing, energy, transportation, and other routine expenses on low and moderate-income people, and ensure that economic benefits are available to both urban and rural communities, and to traditionally underserved communities.

The legislature further finds the continued efforts to reduce greenhouse gases in the transportation sector through the continued development of alternative fuels, improved vehicle technologies, and providing choices that reduce overall vehicle miles traveled to be critical steps in creating jobs, fostering economic growth, and reducing our reliance on foreign petroleum-based transportation fuels.

NEW SECTION. Sec. 2. NATIONAL AND REGIONAL GREENHOUSE GAS REDUCTION PROGRAMS. (1) The office of the governor and the department are directed to represent the state's interests in the development of a national program to reduce greenhouse gas emissions. As part of this effort, the department is directed to continue to participate in the western climate initiative to develop a regional program to reduce greenhouse gas emissions. This regional program must be used to influence the national program to reduce greenhouse gas emissions.

(2) In order to provide needed information to the legislature, government agencies, and those persons who are responsible for significant emissions of greenhouse gases so that they may effectively plan for the long-term emissions reductions under RCW 70.235.020, the department shall develop:

(a) Its best estimate of emissions levels in 2012 for persons that the department reasonably believes are responsible for the emission of twenty-five thousand metric tons of carbon dioxide equivalent or greater each year; and

(b) The trajectory of emissions reductions necessary to meet the 2020 requirement of reducing the state's greenhouse gas emissions to 1990 levels.

(3) The department shall develop the estimated 2012 emissions levels and the 2020 reduction trajectories in consultation with business and other interested stakeholders by February 15, 2010. The reduction trajectories must reflect the department's best estimate of each person's proportionate share of the 2020 reductions.

(4) The department shall provide each person with its estimate of the person's 2012 emissions levels and the 2020 reduction trajectory as soon as they are available, but no later than February 15, 2010. Each person or groups of persons representing a sector of Washington's economy may recommend strategies or actions to the department that they believe would achieve the needed reductions. The recommendations must be provided to the department by July 15, 2010.

(5) The department shall provide a report to the legislature by December 31, 2010, that includes the 2012 emissions estimates, the 2020 reduction trajectories, and the strategies and actions, including complementary policies that collectively will achieve the state's 2020 emissions reduction in RCW 70.235.020. The 2020 reduction trajectories must consider each person's use of industry best practices and of fuels that are either carbon neutral or that do not emit greenhouse gases. Consideration may be given to industries whose processes are inherently energy intensive. The report must include a description of any additional authority that is needed to implement the identified strategies or actions. The report must also include an assessment of the state's emission sources and sectors where emissions reductions cannot be realized and the sources or sectors are necessary to ensure the economic viability of the state.

(6) For purposes of this section, emissions of carbon dioxide from industrial combustion of biomass in the form of fuel wood, wood waste, wood byproducts, including pulping liquor, and wood residuals may not be considered a greenhouse gas as long as the region's silvicultural sequestration capacity is maintained or increased.

NEW SECTION. Sec. 3. ACCOUNTABILITY. The governor shall designate an existing full-time equivalent position as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives must coordinate with this designee. This position must be funded from current full-time equivalent allocations without increasing budgets. If duties must be shifted in the agency, they must be shifted to current full-time equivalent allocations.

NEW SECTION. Sec. 4. STATE OFFSET POLICIES. (1) The state shall begin to develop policy criteria for offset projects that will recognize the role of forestry and agriculture in sequestering and storing carbon dioxide. These policy criteria may only be implemented in the context of a national or regional climate change program that establishes an enforceable cap on emissions of greenhouse gases. The final policy recommendations required under this section must be submitted to the legislature by December 31, 2010.

(2) The department shall develop state policies for:

(a) Forestry offset projects within Washington in consultation with the department of natural resources and the forest carbon working group; and

(b) Agriculture offset projects in consultation with Washington State University, the department of agriculture, and the agriculture carbon working group.

(3) In developing the forestry offset project policy under subsection (2)(a) of this section, the agencies and the forest carbon working group shall use the 2008 report of the forest carbon working group as the starting point and should consider:

(a) Specific standards and guidelines that will support carbon accounting in managed forests participating in an offset program;

(b) Recognition of management activities that increase carbon stocks including, but not limited to, thinning, lengthening rotations, increased retention of trees after harvest, fertilization, genetics, timber stand improvement, fire management, and specific site class and productivity of a managed forest;

(c) Specific standards and guidelines to support wood products accounting, recognizing that carbon is stored in products after trees are harvested, including the use of the one hundred year method which estimates the amount of carbon stored in the wood products that are projected to remain in use after one hundred years;

(d) Guidelines on how forestry of development right projects and other land use and urban forestry techniques that reduce the loss of forests may be used to create forestry offset projects;

(e) Guidelines on how forestry offset projects and forestry financial incentive programs can work together so that Washington's forest landowners will not be disadvantaged in comparison to other jurisdictions participating in a national or regional cap and trade program;

(f) How to verify or certify carbon stocks in a manner that will not be administratively burdensome; and

(g) Specific standards for how landowners that are no longer able or willing to meet their offset obligations may opt out of the program. Such a mechanism must require the landowner to procure other allowances or offsets equal to the offsets issued under the management plan for any offsets they have sold and surrender those offsets, and any unsold offsets, to the state.

(4) In developing the agricultural offset project policy under subsection (2)(b) of this section, the agencies and the agriculture carbon working group should consider:

(a) A process and timeline to survey, catalog, and map Washington soils in a manner that describes the carbon soil sequestration level of the soils; and

(b) Activities that would increase carbon sequestration in soils and therefore potentially qualify as offset projects.

NEW SECTION. Sec. 5. FINANCIAL INCENTIVES FOR FORESTRY. The department of ecology, in consultation with the

department of natural resources and the forest carbon working group, shall develop and deliver to the legislature by December 31, 2010, recommendations for financial incentives for forestry and forest products that will recognize and encourage forest land management and use of forest products that will maintain or increase carbon sequestration, including, but not limited to:

(1) Thinning, lengthening of rotations, increased retention of trees at harvest, fertilization, genetics, timberstand improvement, and fire management;

(2) Production of wood products while maintaining or increasing carbon stocks on the ground; and

(3) Retention of high carbon stocks where there is no obligation to retain such stocks.

NEW SECTION. Sec. 6. A new section is added to chapter 70.94 RCW to read as follows:

STANDARDS FOR COAL-FIRED POWER PLANTS. (1) This section only applies to coal-fired power plants within Washington that burn over one million tons of coal per year.

(2) Coal-fired power plants must meet the greenhouse gas emissions performance standards under RCW 80.80.040(1) by December 31, 2025.

(3) The state shall not require early or additional reductions of greenhouse gas emissions for coal-fired power plants except as may be required for these plants under a federal program or unless they become the subject of long-term financial commitments as provided in RCW 80.80.040(2).

(4) If a coal-fired power plant reduces its total annual greenhouse gas emissions below the plant's baseline emissions before the effective date of any future requirement to reduce emissions, including the requirement in subsection (2) of this section, the state shall advocate for appropriate early action credit under future climate change programs that require reductions in greenhouse gas emissions from the plants.

(5) For purposes of subsection (4) of this section, the baseline emissions for a coal-fired power plant is the plant's total annual emissions of greenhouse gases in calendar year 2005. The baseline emissions established in this subsection does not set nor otherwise create a precedent for establishing baseline emissions for any other sector or person subject to any future requirement to reduce greenhouse gas emissions.

NEW SECTION. Sec. 7. A new section is added to chapter 47.38 RCW to read as follows:

ALTERNATIVE FUELS CORRIDOR PILOT. (1) As a necessary and desirable step to encourage public and private investment in both electric vehicle infrastructure and alternative fuel distribution infrastructure, the legislature authorizes an alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies, and providing alternative fuel distribution sites.

(2) To the extent permitted under federal programs, rules, or law, the department of transportation shall pursue partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. The department of transportation shall strive to have the partnership agreement in place by June 30, 2010. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department of transportation;

(b) Ensure that a pilot project site does not compete with existing retail businesses in the same geographic area for the provision of the same refueling services, recharging technologies, or other retail commercial activities;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling and recharging services to class six trucks with a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

(3) The department of transportation is not responsible for providing capital equipment or operating refueling or recharging services. The department of transportation must provide periodic status reports on the pilot project to the office of financial management and the relevant standing committees of the legislature at least every biennium.

NEW SECTION. Sec. 8. A new section is added to chapter 43.19 RCW to read as follows:

ELECTRIFICATION OF THE WEST COAST INTERSTATE.

(1) The office of the governor, in consultation with the department of community, trade, and economic development, the department of ecology, the department of general administration, the department of transportation, and Washington State University, shall develop a project for the electrification of the west coast interstate and associated metropolitan centers.

(2) The project should be developed in collaboration with representatives of Oregon and California, the federal government, and the private sector, as appropriate.

(3) The state shall seek federal funds for purchasing electric vehicles and the installation of public infrastructure for electric and other high-efficiency, zero or low-carbon vehicles. The department of ecology shall also seek funds to expand the network of truck stop electrification facilities and port electrification facilities.

Sec. 9. RCW 47.80.030 and 2005 c 328 s 2 are each amended to read as follows:

(1) Each regional transportation planning organization shall develop in cooperation with the department of transportation, providers of public transportation and high capacity transportation, ports, and local governments within the region, adopt, and periodically update a regional transportation plan that:

(a) Is based on a ~~((least-cost))~~ planning methodology that identifies the most cost-effective facilities, services, and programs;

(b) Identifies existing or planned transportation facilities, services, and programs, including but not limited to major roadways including state highways and regional arterials, transit and nonmotorized services and facilities, multimodal and intermodal facilities, marine ports and airports, railroads, and noncapital programs including transportation demand management that should function as an integrated regional transportation system, giving emphasis to those facilities, services, and programs that exhibit one or more of the following characteristics:

(i) Crosses member county lines;

(ii) Is or will be used by a significant number of people who live or work outside the county in which the facility, service, or project is located;

(iii) Significant impacts are expected to be felt in more than one county;

(iv) Potentially adverse impacts of the facility, service, program, or project can be better avoided or mitigated through adherence to regional policies;

(v) Transportation needs addressed by a project have been identified by the regional transportation planning process and the remedy is deemed to have regional significance; and

(vi) Provides for system continuity;

(c) Establishes level of service standards for state highways and state ferry routes, with the exception of transportation facilities of statewide significance as defined in RCW 47.06.140. These regionally established level of service standards for state highways and state ferries shall be developed jointly with the department of transportation, to encourage consistency across jurisdictions. In establishing level of service standards for state highways and state ferries, consideration shall be given for the necessary balance between providing for the free interjurisdictional movement of

people and goods and the needs of local commuters using state facilities;

(d) Includes a financial plan demonstrating how the regional transportation plan can be implemented, indicating resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommending any innovative financing techniques to finance needed facilities, services, and programs;

(e) Assesses regional development patterns, capital investment and other measures necessary to:

(i) Ensure the preservation of the existing regional transportation system, including requirements for operational improvements, resurfacing, restoration, and rehabilitation of existing and future major roadways, as well as operations, maintenance, modernization, and rehabilitation of existing and future transit, railroad systems and corridors, and nonmotorized facilities; and

(ii) Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods;

(f) Sets forth a proposed regional transportation approach, including capital investments, service improvements, programs, and transportation demand management measures to guide the development of the integrated, multimodal regional transportation system. For regional growth centers, the approach must address transportation concurrency strategies required under RCW 36.70A.070 and include a measurement of vehicle level of service for off-peak periods and total multimodal capacity for peak periods; and

(g) Where appropriate, sets forth the relationship of high capacity transportation providers and other public transit providers with regard to responsibility for, and the coordination between, services and facilities.

(2) Beginning December 1, 2011, regional transportation planning organizations that encompass at least one county planning under RCW 36.70A.040 with a population greater than two hundred forty-five thousand must adopt a regional transportation plan that, when implemented, reduces greenhouse gas emissions, including achieving the benchmarks under RCW 47.01.440 to reduce annual per capita vehicle miles traveled in those counties. In the case of a county with a population greater than two hundred forty-five thousand that is a member of more than one regional transportation planning organization, the regional transportation planning organization with the larger overall population must carry out the requirements of this subsection.

(3) The organization shall review the regional transportation plan biennially for currency and forward the adopted plan along with documentation of the biennial review to the state department of transportation.

~~((3))~~ (4) All transportation projects, programs, and transportation demand management measures within the region that have an impact upon regional facilities or services must be consistent with the plan and with the adopted regional growth and transportation strategies.

(5) The department shall submit a report on progress made under RCW 47.01.440 to the appropriate committees of the legislature by December 1, 2011.

Sec. 10. RCW 43.19.648 and 2007 c 348 s 202 are each amended to read as follows:

(1) ~~((Effective))~~ By June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) The department of general administration is directed to work with California, Oregon, other states, federal agencies, local governments, and private fleet owners to encourage aggregate purchasing of electric vehicles to the maximum extent possible.

(3) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

NEW SECTION. Sec. 11. TRIBAL GOVERNMENTS. (1) The department must consult with tribal governments upon request on elements of the state's climate change program that may impact tribal governments, such as their voluntary development of offset projects.

(2) Nothing in this section is intended to expand state authority over Indian country as that term is defined in 18 U.S.C. Sec. 1151.

NEW SECTION. Sec. 12. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 13. Sections 1 through 4 and 11 of this act are each added to chapter 70.235 RCW.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representative Anderson moved the adoption of amendment (639) to amendment (624):

On page 2, line 6 of the amendment, after "(1)" insert "(a)"

On page 2, after line 12 of the amendment, insert the following:

"(b) Prior to implementing any market mechanism to reduce greenhouse gas emissions in Washington, the governor must have the policy reviewed by national experts familiar with speculation, fraud, creating private markets, and derivative markets, such as the Chicago mercantile exchange, the New York stock exchange, the national association of securities dealers automated quotations, and the United States securities and exchange commission. The public must be given an opportunity to comment on the review."

Representatives Anderson, Haler and Ericksen spoke in favor of the adoption of the amendment to amendment (624).

Representatives Uptegrove and Rolfes spoke against the adoption of the amendment to amendment (624).

Amendment (639) to amendment (624) was not adopted.

Representative Anderson moved the adoption of amendment (640) to amendment (624):

On page 2, line 6 of the amendment, after "(1)" insert "(a)"

On page 2, after line 12 of the amendment, insert the following:

"(b) The department is not authorized to issue new rules resulting from its participation in the western climate initiative. All western climate initiative program elements must be submitted to the legislature prior to the department enacting rules on the western climate initiative program elements."

Representatives Anderson, Herrera, Haler, Ericksen, Short and Orcutt spoke in favor of the adoption of the amendment to amendment (624).

Representatives Dickerson and Morris spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (640) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the adoption of amendment (640) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 55; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle,

Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (640) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (646) to amendment (624):

On page 2, line 6 of the amendment, after "(1)" strike all material through "(2)" on line 13 and insert "(a) The office of the governor and the department are directed to represent the state's interest in the development of a national program to reduce greenhouse gas emissions. These efforts must protect Washington's interests without influence from any decisions made as part of the western climate initiative, and reflect Washington's manufacturing, hydroelectric, forestry, and agricultural interests.

(b) The office of the governor and the department may continue to participate and monitor efforts to create a regional cap and trade program with the following guidance:

(i) Allowances under any proposed cap and trade program may not be auctioned without prior approval of the legislature;

(ii) Cost containment and market design mechanisms must be included in any system to protect the state's economy from volatile and escalating costs of allowances or offsets and market manipulation;

(iii) The threshold for regulation will not be reduced below twenty-five thousand metric tons of carbon dioxide equivalents annually;

(iv) The point of regulation will be imposed on the entity that has control over emissions;

(v) The point of regulation will be placed on stationary sources within Washington to better enable integration with the federal system;

(vi) New entrants must be encouraged, but not to the detriment of existing entities and sectors; and

(vii) Mechanisms and regulations must not place Washington industries at a competitive disadvantage among member states.

(2) The department is not authorized to issue any new rules implementing any elements of proposals for a regional greenhouse gas reduction strategy or cap and trade policy without prior legislative direction.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Short and Short (again) spoke in favor of the adoption of the amendment to amendment (624).

Representative Rolfes spoke against the adoption of the amendment to amendment (624).

Amendment (646) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (657) to amendment (624):

On page 2, line 12 of the striking amendment, after "emissions." insert "The state's participation in the western climate initiative does not commit the state to implementing a regional cap and trade program."

On page 2, line 17 of the striking amendment, after "department" insert ", in cooperation and consultation with industry,"

On page 2, line 22 of the striking amendment, after "(b)" strike "The" and insert "Its best estimate of the"

On page 2, line 24 of the striking amendment, after "levels." strike all of subsections 3 through 5 and insert the following:

"(3) By January 31, 2011, the department shall develop the estimated 2012 emissions levels and the 2020 reduction trajectories in consultation with business and other interested stakeholders based upon the greenhouse gas emissions reports for calendar year 2009 submitted to the department by owners and operators consistent with RCW 70.94.151 and the department's regulations for reporting emissions of greenhouse gases. The reduction trajectories must reflect the department's best estimate of each covered entity's proportionate share of the 2020 reductions and must consider each covered entity's use of industry best practices since 1990 and of fuels that are either carbon neutral or that do not emit greenhouse gases or avoid greenhouse gas emissions, such as installation of more energy efficient machinery, and investments in energy efficiency measures. The emission levels and trajectories must be calculated in order to reflect and provide credit for documented emissions reductions already achieved, and as appropriate, on a "per unit of production" basis. Consideration shall be given to industries whose processes are inherently energy intensive and industries that cannot reduce their emissions based on commercially available technology.

(4) The department shall provide each covered entity with its estimate of the covered entity's 2012 emissions levels and the 2020 reduction trajectory as soon as they are available, but no later than November 15, 2010. Each person or groups of persons representing each sector of Washington's economy that would be affected by this section may: (a) submit comments responding to the department's estimates; and (b) recommend strategies or actions, including recognition of early action to the department that they believe would achieve the needed emissions reductions. The department shall consult with other state agencies with regulatory authority over a sector of Washington's economy regarding strategies or actions to achieve emission reductions in the affected sector. The comments and recommendations must be provided to the department by December 15, 2010.

(5) The department shall provide a report to the legislature by January 31, 2011 that includes the estimated 2012 emissions levels, the 2020 reduction trajectories, and the strategies and actions, including complementary and national policies that collectively will achieve the state's 2020 emissions reduction in RCW 70.235.020. The report must also include a description of: (a) the department's existing authorities to regulate greenhouse gas emissions; and (b) additional authority that is needed to implement the identified strategies or actions."

On page 3, line 17 of the striking amendment, after "residuals" strike "may" and insert "shall"

Representatives Short, Short (again) and Anderson spoke in favor of the adoption of the amendment to amendment (624).

Representative Upthegrove spoke against the adoption of the amendment to amendment (624).

Amendment (657) to amendment (624) was not adopted.

Representative Orcutt moved the adoption of amendment (659) to amendment (624):

On page 2, line 12 of the striking amendment, after "emissions." insert the following:

"The department must not make recommendations to the legislature for policies that can be manipulated by the government or other participants to the detriment of the citizens of Washington. The department is prohibited from implementing systems that would create a derivative market."

Representatives Orcutt, Haler, Haler (again), Orcutt (again), Rodne and Ericksen spoke in favor of the adoption of the amendment to amendment (624).

Representatives Upthegrove and Morris spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (659) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the adoption of amendment (659) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 55; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Erickson, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (659) to amendment (624) was not adopted.

Representative Shea moved the adoption of amendment (651) to amendment (624):

On page 2, line 13 of the amendment, after "(2)" insert "(a) As part of representing the state's interests in the development of a national program to reduce greenhouse gas emissions, the governor and the department must adhere to assuring that any national program to reduce greenhouse gas emissions must provide incentives for green jobs. "Green jobs" includes jobs that are related to new technology developments in clean energy, including industries involving agriculture, forestry, wind, water, nuclear, solar, and biomass. These jobs include the manufacturing and servicing of parts and facilities used specifically in these industries.

(b) "Green jobs" does not include: Government employees; property, real estate, and community-association employees; social and community service employees; accountants and auditors; appraisers and assessors of real estate; personal financial advisors; loan officers; computer support specialists; network computer systems administrators; statisticians; surveyors; economists; market research analysts; urban and regional planners; anthropologists and archaeologists; social science research assistants; life, physical, and social science technicians; social and human service assistants; lawyers; professors, teachers, or instructors at educational institutions; library workers; fine artists; interior designers; explosive workers, ordinance handling experts, and blasters; public relations specialists; editors; writers; firefighting prevention workers unless employed by a clean technology facility; janitors and cleaners; pest control workers; nonfarm animal caretakers; tour guides and escorts; utility meter readers; cement masons and concrete finishers; automotive body and related repairers; automotive service technicians and mechanics; bus and truck mechanics; mobile heavy equipment mechanics; mechanical door repairers; air traffic controllers; drivers of any type of fossil fuel-powered vehicle; traffic technicians; and cleaners of vehicles and equipment.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Shea and Klippert spoke in favor of the adoption of the amendment to amendment (624).

Representative Upthegrove spoke against the adoption of the amendment to amendment (624).

Amendment (651) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (637) to amendment (624):

On page 2, line 27 of the striking amendment, strike "February 15, 2010" and replace with "no later than six months after the deadline for private industry emissions reports required by section 5(5) of Chapter 14, laws 2008."

On page 2, line 32 of the striking amendment, strike ", but no later than February 15, 2010"

On page 2, line 35 of the striking amendment, after "reductions." strike all material through "2010." on line 36

On page 3, line 2 of the striking amendment, strike "December 31, 2010" and insert "December 1 of the year in which private business reports of emissions are submitted to the department"

On page 11, line 9 of the striking amendment, insert the following:

"NEW SECTION. Sec. 12. No state agency may require any person, business, organization, vehicle fleet owner, or entity to report greenhouse gas emissions until final regulations have been enacted detailing how greenhouse gas emissions are to be tracked, verified, and the complete reporting process established. Tracking of emissions may start thirty days after the final regulation adoption date. The department may set a date one year after adoption of regulations to replace prior deadlines set by legislative directives for greenhouse gas emissions reporting."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Short, Short (again) and Orcutt spoke in favor of the adoption of the amendment to amendment (624).

Representatives Kenney and Morris spoke against the adoption of the amendment to amendment (624).

Amendment (637) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (641) to amendment (624):

On page 2, line 32 of the striking amendment, after "later than" strike "February" and insert "April"

Representative Short spoke in favor of the adoption of the amendment to amendment (624).

Representative Jacks spoke against the adoption of the amendment to amendment (624).

Amendment (641) to amendment (624) was not adopted.

Representative Short moved the adoption of amendment (642) to amendment (624):

On page 3, line 19 of the striking amendment, after "increased." insert the following:

"(7) New policies that reduce greenhouse gas emissions shall reduce emissions without increasing electricity or gasoline prices or increasing the overall burden on consumers through the use of revenues and policies provided for by legislation."

Representative Short spoke in favor of the adoption of the amendment to amendment (624).

Representative Seaquist spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (642) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the adoption of amendment (642) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 56; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Grant-Herriot, Halder, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (642) to amendment (624) was not adopted.

Representative Kristiansen moved the adoption of amendment (647) to amendment (624):

On page 3, after line 19 of the amendment, insert the following:

"NEW SECTION. Sec. 3. ECONOMIC ANALYSIS. The office of financial management, in consultation with the speaker of the house of representatives, the minority leader of the house of representatives, the president of the senate, and the minority leader of the senate, shall initiate an independent economic analysis of the impact to Washington consumers, businesses, and citizens assuming Washington implements a program to reduce greenhouse gas emissions by the levels stated in RCW 70.235.020. The economic analysis must be submitted to the legislature by December 15, 2009, and updated each year until 2020. The economic analysis must include:

(1) The economic impact sector by sector, including the impact to the agricultural sector, forest products manufacturing sector, Washington's port districts, and industries that consume large amounts of electricity;

(2) How to address trade competition from countries and states that are not participating in a greenhouse gas emission reduction program, including a cap and trade program;

(3) The impact on the cost and affordability of food, housing, energy, transportation, including gasoline and diesel fuel, and other routine expenses; and

(4) The capital investment necessary, and the impact on the wholesale cost of electricity, to reduce output from fossil fuel generation in Washington, assuming no loss of electrical generation and expected reduction of gross domestic product."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Kristiansen, Rodne, Halder, Anderson, Angel, Armstrong, Orcutt, Ericksen and Halder (again) spoke in favor of the adoption of the amendment to amendment (624).

Representatives Morris and Upthegrove spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (647) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the adoption of amendment (647) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 54; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Finn, Grant-Herriot, Halder, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (647) to amendment (624) was not adopted.

Representative Orcutt moved the adoption of amendment (648) to amendment (624):

On page 3, after line 19 of the amendment, insert the following:

"NEW SECTION. Sec. 3. (1) The department must consider job losses that may occur as a result of implementing new greenhouse gas reduction programs.

(2) The governor must ensure there is no net loss of jobs at comparable wage or better under any greenhouse gas reduction program implemented in Washington."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Orcutt, Short and Klippert spoke in favor of the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (648) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the adoption of amendment (648) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 55; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Grant-Herriot, Halder, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Sells, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt,

Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (648) to amendment (624) was not adopted.

With the consent of the House, amendment (643) to amendment (624) was withdrawn.

Representative Liias moved the adoption of amendment (655) to amendment (624):

On page 5, line 30 of the striking amendment, after "December 31," strike "2025" and insert "2020"

On page 5, line 31 of the striking amendment, after "(3)" strike all material through "(4)" on page 6, line 1

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representative Liias spoke in favor of the adoption of the amendment to amendment (624).

Representatives Haler, Short, Anderson, Klippert, Alexander and Upthegrove spoke against the adoption of the amendment to amendment (624).

Amendment (655) to amendment (624) was not adopted.

With the consent of the House, amendment (644) to amendment (624) was withdrawn.

Representative Shea moved the adoption of amendment (649) to amendment (624):

On page 8, beginning on line 4 of the striking amendment, strike all of section 9 and insert the following:

"NEW SECTION, Sec. 9. (1) The department of ecology in cooperation with the Washington department of transportation, shall convene a stakeholder group comprised of legislators from both houses of the largest two caucuses of the legislature, cities, counties, regional transportation planning organizations, business and environmental representatives for the purposes of continuing the work of the transportation implementation working group developing alternatives necessary to meet the overall state greenhouse gas emissions reductions established in RCW 70.235.020 from the transportation sector.

(2) The Washington department of transportation shall report to the legislature by September 30, 2010 on the following:

(a) What percentage of emissions from the transportation sector have already been achieved by the current downturn in the economy as a result of fewer vehicle miles traveled;

(b) What additional measures should be considered in reducing emissions from the transportation sector, including policies that will reduce vehicle miles traveled; and

(c) The probable impacts to the citizens of the state, the economy, employment, and reduced annual tax dollars to the state from the sale of transportation fuels that will result in the implementation of policies designed to meet the goals of RCW 47.01.440."

Representative Shea spoke in favor of the adoption of the amendment to amendment (624).

Representative Rolfes spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (649) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the adoption of amendment (649) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 53; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (649) to amendment (624) was not adopted.

Representative Eddy moved the adoption of amendment (660) to amendment (624):

On page 10, beginning on line 19 of the striking amendment, strike all of subsection 5 and insert the following:

"(5)(a) The department of ecology, in cooperation with the Washington department of transportation, shall convene a stakeholder group comprised of legislators from the largest two caucuses of both houses of the legislature, cities, counties, regional transportation planning organizations, business, and environmental representatives for the purposes of continuing the work of the transportation implementation working group in developing alternatives necessary to meet the overall state greenhouse gas emissions reductions established in RCW 70.235.020 from the transportation sector.

(b) The members of the legislatures serving on the stakeholder group in subsection (a) of this section shall be appointed by the speaker of the house of representatives and the president of the senate.

(6) The Washington department of transportation shall report to the legislature by September 30, 2010, with findings on recent trends in levels of vehicle miles traveled state-wide and projections of future trends; what additional strategies should be considered in reducing emissions from the transportation sector, including policies that will reduce vehicles miles traveled, including strategies to address low and no-emission vehicles; and determination of the probable environmental and economic costs and benefits to the state and its citizens from the reduction of vehicle miles traveled in implementation of policies designed to meet the goals of RCW 47.01.440."

Representative Eddy spoke in favor of the adoption of the amendment to amendment (624).

Representative Short spoke against the adoption of the amendment to amendment (624).

COLLOQUY

Representative Priest: "Is it the intent of the Legislature that the stakeholder process and the report back to the Legislature as outlined in amendment (660) form the basis of the regional transportation plan

to be developed by the Regional Transportation Planning Organizations?"

Representative Eddy: "The answer is yes, that is the intent."

Amendment (660) to amendment (624) was adopted.

Representative Anderson moved the adoption of amendment (638) to amendment (624):

On page 11, after line 8 of the amendment, insert the following:
"NEW SECTION. Sec. 12. Any greenhouse gas reduction policies implemented in Washington must take into consideration the loss of baseload electrical generation. For any reduction of baseload electrical generation capacity resulting from implementation of greenhouse gas reduction policies, the office of the governor and the department of ecology must ensure government policies are in place that will ensure new baseload generation capacity to achieve sufficient levels of reliable generation to satisfy the ten-year projection levels established by the United States energy information administration."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Anderson spoke in favor of the adoption of the amendment to amendment (624).

Representative Morris spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (638) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the adoption of amendment (638) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (638) to amendment (624) was not adopted.

With the consent of the House, amendment (650) to amendment (624) was withdrawn.

Representative Ericksen moved the adoption of amendment (656) to amendment (624):

On page 1, line 3 of the striking amendment, after "FINDINGS." Strike all material through "title." on page 11, line 17 and insert "Washington is already a leader in promoting the development of alternative energy resources and new technology that improves the health of our environment. The legislature further finds that

Washington represents only three-tenths of one percent of the world's total greenhouse gas emissions.

The legislature further finds that climate change policies should address climate change adaptation strategies and ensure that greenhouse gas reduction policies do not conflict with the need to increase water storage, increase reliable electrical capacity, improve flood control mechanisms, and adopt forest management practices that proactively reduce forest fires and bark beetle infestation.

To help move Washington forward with positive solutions, Washington commits to the following:

(1) A bold new energy future that will protect our quality of life, provide future generations with expanded opportunities, and lay the foundation for expanded economic growth;

(2) Reducing dependence on foreign energy supplies through increased domestic production and technological advancement;

(3) Mobility freedom and the American dream of home ownership;

(4) Allowing citizens real options for moving between cities by construction of a high speed rail network connecting Seattle to Spokane and Bellingham to Vancouver.

(5) Maximizing private sector funding and private sector innovation while building a energy and transportation infrastructure for the future;

(6) Creating a business climate that promotes innovation and maximizes research and development into new technologies;

(7) Protecting citizens from excessive government regulations and high taxes; and

(8) The wise use of regulations to protect citizens from exploitation by corporate interests or governmental manipulation.

Washington can let individual and employer innovation drive the state to new technologies that reduce emissions and improve our quality of life. This is a climate action strategy built on real promises without hurting Washington's economy and raising costs for consumers.

NEW SECTION. Sec. 2. CARBONLESS ENERGY PARKS.

(1) Washington shall commit to the formation of one carbonless energy park and the construction of four next generation nuclear generation facilities by 2050. The legislature finds that advances in technology have created opportunities for establishing additional nuclear-generated power in Washington. Nuclear-generated power has the potential to increase utilization of alternative energy, including providing additional power for converting Washington's motor vehicle fleet to electric cars and reducing greenhouse gas emissions. The legislature intends to expedite the licensing, permitting, and regulatory processes for establishing additional nuclear-generated power in Washington through the creation of carbonless energy parks.

(2) A joint legislative task force on carbonless energy parks is established, with nine members as provided in this subsection:

(A) The majority leader of the senate shall appoint one member from each of the two largest caucuses of the senate;

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives; and

(C) The governor shall appoint five members, including representatives from the executive branch and the nuclear industry.

(b) The majority leader of the senate and the speaker of the house of representatives jointly shall appoint the co-chairs of the task force from among the legislative members of the task force. The co-chairs shall convene the initial meeting of the task force. A steering committee consisting of the legislative members of the task force shall advise the co-chairs on the meetings and other activities of the task force.

(3) The task force shall study establishment of one carbonless energy park in Washington for additional nuclear-generated power in Washington including, but not limited to, the following:

(a) An examination of advanced nuclear power reactors including, but not limited to, generations III and IV nuclear technologies;

(b) A review of the advanced nuclear technologies that are in operation in other countries;

(c) An examination of the methods by which spent fuel may be recycled, converted, or disposed of;

(d) A review of the safety issues associated with operating and maintaining advanced nuclear power reactors;

(e) The estimated cost per kilowatt hour of nuclear energy generated by an advanced nuclear power reactor as compared to other energy resources, such as wind, solar, and hydroelectric;

(f) An examination of the licensing, permitting, or other regulatory costs associated with constructing an advanced nuclear power reactor in the state and methods to expedite the licensing, permitting, and regulatory compliance processes;

(g) A review of potential federal tax incentives that may be available to support advanced nuclear power reactor projects in Washington;

(h) A review of integrating additional nuclear generation into the electric grid;

(i) Maximizing private investment in additional nuclear generation; and

(j) Quantification of greenhouse gas reductions resulting from additional nuclear generation.

(4) Staff support for the task force will be provided by senate committee services and the house of representatives office of program research. The task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study, and only if an appropriation is specifically provided for this purpose.

(5) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(6) The expenses of the task force must be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The task force shall report its findings and recommendations to the legislature by December 1, 2010.

(8) This section expires July 1, 2011.

NEW SECTION. Sec. 3. HIGH-SPEED RAIL. (1) Washington shall commit to the construction of a high-speed rail network. A joint select committee on high-speed rail is established. The committee shall consider, but is not limited to, developing a plan to build and finance a high-speed rail network running from Bellingham to Vancouver, Washington and from Seattle to Spokane.

(2) The speaker of the house of representatives and the majority leader of the senate shall select two members from each of the two largest caucuses in the house of representatives and each of the two largest caucuses in the senate to serve on the committee.

(3) The committee may seek assistance from other members of the senate and the house of representatives and other interested parties to provide advice and technical assistance.

(4) Staff support for the committee must be provided by the house of representatives office of program research and the senate committee services.

(5) Legislative members of the committee may be reimbursed for travel expenses in accordance with RCW 44.04.120.

(6) The expenses of the committee must be paid jointly by the senate and the house of representatives within existing funds. Committee expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

(7) The committee shall examine and analyze the following items:

(a) The best available technology for a high-speed rail network based on the following criteria:

- (i) Cost per mile for operation and construction;
- (ii) Long-term costs;
- (iii) Best top speed;
- (iv) Flexibility;
- (v) Ability to handle freight cargo;
- (vi) Energy consumption; and
- (vii) Reliability;

(b) Identification of potential rights-of-way and routes for new construction;

(c) Identification of public-private financing opportunities including:

(i) Design/build/operate;

(ii) Sale of development rights;

(iii) The potential for private ownership of all or portions of a new rail system, the operations of a rail system, and operations of ancillary services associated with the rail line; and

(iv) Potential operating costs and public subsidies;

(d) Examination of opportunities to co-locate high-speed rail network tracks with a new power grid infrastructure;

(e) Quantification of economic development potential of constructing new rail lines; and

(f) Quantification of greenhouse gas reductions resulting from the establishment of high-speed rail in Washington.

(8) The committee shall report its findings and recommendations to the transportation committees of the house of representatives and the senate by December 1, 2010.

(9) This section expires July 1, 2011.

NEW SECTION. Sec. 4. The legislature shall commit to recognizing hydropower as a renewable resource and investments in other renewable resources and conservation as contributions to the reduction of greenhouse gas emissions.

Sec. 5. RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No. 937, approved November 7, 2006) are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution and includes investment by a qualifying utility in smart grid technology.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of community, trade, and economic development or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource ~~((other than fresh water that commences operation after March 31, 1999;))~~ where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state ~~((on a real-time basis without shaping, storage, or integration services; or~~

~~— (b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments)).~~

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other

electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases. For an anaerobic digester, its nonpower attributes may be separated into avoided emissions of carbon dioxide, and other greenhouse gases, and into renewable energy credits.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth (~~or first-growth~~) forests where the clearing occurred after December 7, 2006; ~~(and)~~ (i) byproducts of pulping or wood manufacturing processes that are not derived from old growth forests, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (j) wooden demolition or construction debris; (k) black liquors derived from algae and other sources; and (l) biomass energy based on animal waste, food waste, yard waste, or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) (black liquor byproduct from paper production; (iii)) wood from old growth forests; or ((iv)) (iii) municipal solid waste.

(19) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 6. RCW 19.285.040 and 2007 c 1 s 4 (Initiative Measure No. 937, approved November 7, 2006) are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) Beginning January 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial acquisition target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency

cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output. The reduction in load due to high-efficiency cogeneration shall be: (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best-commercially available technology combined-cycle natural gas-fired combustion turbine; and (ii) counted towards meeting the biennial conservation target in the same manner as other conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources (~~(or)~~), acquire equivalent renewable energy credits, or use conservation under subsection (1) of this section, or a combination of ~~((both))~~ these options, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least nine percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least fifteen percent of its load by January 1, 2020, and each year thereafter.

(b) A qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(c) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

(d) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

(e) The requirements of this section may be met for any given year with renewable energy credits produced during that year, the preceding year, or the subsequent year. Each renewable energy credit may be used only once to meet the requirements of this section.

(f) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; or

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090.

(g) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

(h)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

(i) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(i) A qualifying utility that invests in smart grid technology may count that investment at three times its base value.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

NEW SECTION. Sec. 7. The legislature shall commit the life sciences discovery fund created in RCW 43.350.070 to new technologies and efforts to reduce greenhouse gas emissions.

Sec. 8. RCW 43.350.030 and 2005 c 424 s 4 are each amended to read as follows:

In addition to other powers and duties prescribed in this chapter, the authority is empowered to:

(1) Use public moneys in the life sciences discovery fund, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote life sciences research;

(2) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities other than the state to receive moneys in consideration of the authority's promise to leverage those moneys with amounts received through appropriations from the legislature and contributions from other public entities and private entities, in order to use those moneys to promote life sciences research. Nonstate moneys received by the authority for this purpose shall be deposited in the life sciences discovery fund created in RCW 43.350.070;

(3) Hold funds received by the authority in trust for their use pursuant to this chapter to promote life sciences research;

(4) Manage its funds, obligations, and investments as necessary and as consistent with its purpose including the segregation of revenues into separate funds and accounts;

(5) Make grants to entities pursuant to contract for the promotion of life sciences research to be conducted in the state. Grant agreements shall specify deliverables to be provided by the recipient pursuant to the grant. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (a) The quality of the proposed research; (b) its potential to improve health and climate outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, create new technologies to reduce anthropologic impact on our living environment, or offer a breakthrough treatment for a particular disease or condition; (c) its potential for leveraging additional funding; (d) its potential to provide health care benefits or benefit human learning and development; (e) its potential to stimulate the health care delivery, biomedical manufacturing, and private sector life sciences related employment in the state; (f) the geographic diversity of the grantees within Washington; (g) evidence of potential royalty income and contractual means to recapture such income for purposes of this chapter; and (h) evidence of public and private collaboration;

(6) Create one or more advisory boards composed of scientists, industrialists, and others familiar with life sciences research; and

(7) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.

NEW SECTION. Sec. 9. TAX INCENTIVES FOR CARBON REDUCTION EQUIPMENT. A new section is added to chapter 82.16 RCW to read as follows:

(1) The legislature shall commit to providing tax incentives for employers to reduce carbon emissions through new technology and

innovation. These incentives will help create jobs and improve the environment.

(2) A light and power business is allowed a credit against taxes due under this chapter in an amount equal to fifty percent of the cost of purchasing: (a) Carbon reduction equipment; (b) repair and replacement parts for carbon reduction equipment; and (c) labor and services rendered in respect to carbon reduction equipment.

(3) The credit under this section is only available to light and power businesses subject to the annual reporting requirements under RCW 70.94.151(5).

(4) Unused tax credit may be carried forward to subsequent tax reporting periods. No refunds shall be granted for credits under this section.

(5) The definitions in this subsection apply throughout this section:

(a) "Carbon reduction equipment" means control devices, disposal systems, machinery, equipment, and other tangible personal property acquired for the primary purpose of reducing or controlling emissions of greenhouse gases.

(b) "Power plant" has the same meaning as defined in RCW 80.80.010.

NEW SECTION. Sec. 10. TAX INCENTIVES FOR CARBON REDUCTION EQUIPMENT. A new section is added to chapter 82.04 RCW to read as follows:

(1) A person is allowed a credit against taxes due under this chapter in an amount equal to fifty percent of the cost of purchasing: (a) Carbon reduction equipment; (b) repair and replacement parts for carbon reduction equipment; and (c) labor and services rendered in respect to carbon reduction equipment.

(2) The credit under this section is only available to a person subject to the annual reporting requirements under RCW 70.94.151(5).

(3) Unused tax credit may be carried forward to subsequent tax reporting periods. No refunds may be granted for credits under this section.

(4) For the purposes of this section, "carbon reduction equipment" has the same meaning as provided in section 9 of this act.

NEW SECTION. Sec. 11. IMPROVING VEHICLE FUEL EFFICIENCY. A new section is added to chapter 82.08 RCW to read as follows:

(1) The legislature shall commit to incentives for individuals to purchase fuel efficient vehicles that will help reduce air pollution and greenhouse gas emissions.

(2) The tax levied by RCW 82.08.020 does not apply to sales of passenger vehicles, if the purchaser trades in a passenger vehicle that is more than fifteen years old and the vehicle to be traded in is not compliant with United States environmental protection agency tier II emission standards. The exemption is only for the first two thousand dollars of tax paid on the purchase price.

(3) For the purposes of this section, "passenger vehicle" has the same meaning as "passenger car" provided in RCW 46.04.382.

(4) The exemption is available only if:

(a) The passenger vehicle to be traded in has been licensed and registered for the twenty-four month period immediately preceding the sale and is in satisfactory operating condition; and

(b) The new vehicle purchased has a United States environmental protection agency highway gasoline mileage rating of at least thirty miles per gallon.

(5) The total amount that may be taken by all purchasers as an exemption under this section and section 12 of this act is twenty-five million dollars per year. If the department determines that at least twenty-two million dollars has been taken as an exemption under this section and section 12 of this act, the department must notify motor vehicle dealers, in a writing sent by certified mail, that requires dealers not to provide the exemption to motor vehicle purchasers beginning two weeks from the date the letter is postmarked.

NEW SECTION. Sec. 12. IMPROVING VEHICLE FUEL EFFICIENCY. A new section is added to chapter 82.12 RCW to read as follows:

(1) The provisions of this chapter do not apply with respect to the use of passenger vehicles if the purchaser trades in a passenger vehicle to a motor vehicle dealer that is more than fifteen years old and the vehicle to be traded in is not compliant with United States

environmental protection agency tier II emission standards. The exemption is only for the first two thousand dollars of tax paid on the purchase price.

(2) "Passenger vehicle" has the same meaning as provided in section 11 of this act.

(3) The exemption is available only if:

(a) The passenger vehicle to be traded in has been licensed and registered for the twenty-four month period immediately preceding the sale and is in satisfactory operating condition; and

(b) The new vehicle purchased has a United States environmental protection agency highway gasoline mileage rating of at least thirty miles per gallon.

NEW SECTION, Sec. 13. ALTERNATIVE FUELS AT REST AREAS. A new section is added to chapter 47.38 RCW to read as follows:

(1) To encourage public and private investment in electric vehicle infrastructure and alternative fuels distribution, the legislature finds that the department should allow private entities to operate state-owned safety rest areas that include alternative fuel distribution and the department shall implement this section by 2012.

(2) The department must adopt by rule, subject to legislative approval, a comprehensive program that allows private entities to competitively bid on the operation of state-owned safety rest areas that include alternative fuel distribution stations. The program to allow private entities to operate state-owned safety rest areas must meet the following criteria:

(a) The department must lease the rights to operate safety rest areas for a commercially reasonable period of time, but no longer than twenty years;

(b) The department may lease the right to operate either individual safety rest areas, or groups of safety rest areas, or both, to a private entity;

(c) To the extent practicable, the business bidding to operate a safety rest area must offer alternative fuel distribution infrastructure including, but not limited to, electric vehicle infrastructure, fuel cell charging areas, and dispensing of alternative fuels as defined in RCW 19.112.010;

(d) Before entering into a lease with an entity, the department must contact food or beverage retailers, restaurants, grocery and convenience stores, lodging, and service station businesses within one mile from the highway exits immediately before and after the rest stop location, in each direction of traffic, and allow these businesses an opportunity to bid or otherwise negotiate with the department to operate the facility. If no business responds with a reasonable bid or offer within sixty days, the department must open up the bid or negotiation process to all interested entities;

(e) The department must take all necessary action to ensure the most favorable lease rates for the state, whether by bid or other reasonable manner, and to require the lessee to enter into any other contract or agreement to protect the state and its citizens from commercial harm or other type of harm; and

(f) A lease must allow a nonprofit organization that had previously conducted fund-raising activities on the premises to continue such activities.

Sec. 14. RCW 47.04.280 and 2007 c 516 s 3 are each amended to read as follows:

(1) It is the intent of the legislature to establish policy goals for the planning, operation, performance of, and investment in, the state's transportation system. The policy goals established under this section are deemed consistent with the benchmark categories adopted by the state's blue ribbon commission on transportation on November 30, 2000. Public investments in transportation should support achievement of these policy goals:

~~((a) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems and services;~~

~~(b) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;~~

~~(c) Mobility: To improve the predictable movement of goods and people throughout Washington state;~~

~~(d) Environment: To enhance Washington's quality of life through transportation investments that promote energy conservation, enhance healthy communities, and protect the environment; and~~

~~(e) Stewardship: To continuously improve the quality, effectiveness, and efficiency of the transportation system.))~~

~~(a) Safety: To provide for and improve the safety and security of transportation customers and the transportation system;~~

~~(b) Congestion relief: To reduce traffic congestion and improve vehicle travel times for transportation customers using the following measures:~~

~~(i) Traffic congestion on urban state highways must be significantly reduced and be no worse than the national mean;~~

~~(ii) Hours of delay per driver must be significantly reduced and no worse than the national mean;~~

~~(c) Preservation: To maintain, preserve, and extend the life and utility of prior investments in transportation systems using the following measures:~~

~~(i) Interstate highways, state routes, or statewide principal arterials must not be in poor condition;~~

~~(ii) Bridges must not be structurally deficient, and safety retrofits must be performed on those state bridges at the highest seismic risk levels; and~~

~~(d) Environmental stewardship: To ensure that transportation investments protect the environment.~~

(2) The powers, duties, and functions of state transportation agencies must be performed in a manner consistent with the policy goals set forth in subsection (1) of this section.

(3) These policy goals are intended to be the basis for establishing detailed and measurable objectives and related performance measures.

(4) It is the intent of the legislature that the office of financial management establish objectives and performance measures for the department of transportation and other state agencies with transportation-related responsibilities to ensure transportation system performance at local, regional, and state government levels progresses toward the attainment of the policy goals set forth in subsection (1) of this section. The office of financial management shall submit initial objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during the 2008 legislative session. The office of financial management shall submit objectives and performance measures to the legislature for its review and shall provide copies of the same to the commission during each regular session of the legislature during an even-numbered year thereafter.

(5) This section does not create a private right of action.

NEW SECTION, Sec. 15. Captions used in this act are not any part of the law.

NEW SECTION, Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

Representatives Ericksen and Klippert spoke in favor of the adoption of the amendment to amendment (624).

Representative Hunter spoke against the adoption of the amendment to amendment (624).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (656) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735.

ROLL CALL

The Clerk called the roll on the adoption of amendment (656) to amendment (624) to Engrossed Second Substitute Senate Bill No. 5735 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker,

Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives DeBolt and Flannigan.

Amendment (656) to amendment (624) was not adopted.

Amendment (624) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

COLLOQUY

Representative Upthegrove: "Senate Bill No. 5735 amends House Bill No. 2815 passed by the Legislature in 2008. House Bill No. 2815 contained a broad definition of "person" that means an individual, partnership, franchise holder, association, corporation, a state, a city, a county or any subdivision or instrumentality of the state.

Does section 2 of Senate Bill No. 5735 refer to all such "persons", or does Section 2 refer to the subset of persons with significant greenhouse gas emissions (CO2 equivalents) of 25,000 metric tons and over?"

Representative Priest: "It means the latter. The word "person" is modified by "those responsible for significant emissions" and "significant" means "25,000 metric tons of carbon dioxide equivalents or greater per year."

Representatives Upthegrove, Nelson, Jacks, Chase, Dickerson and Miloscia spoke in favor of the passage of the bill.

Representatives Short, Rodne, Shea, Orcutt, Campbell, Hinkle and Klippert spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5735 as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5735 as amended by the house, and the bill passed the House by the following vote: Yeas, 59; Nays, 37; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, Driscoll, Ericksen, Goodman, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives DeBolt and Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5735, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

SENATE BILL NO. 5354,
SUBSTITUTE SENATE BILL NO. 5537
ENGROSSED SUBSTITUTE SENATE BILL NO. 5473

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 15, 2009, the 94th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETY FOURTH DAY

House Chamber, Olympia, Wednesday, April 15, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Sarah Arpin and Anna Bean. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Reverend Dr. Charlotte Beller-Petty, Risen Faith Fellowship Church, Olympia.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

RESOLUTIONS

HOUSE RESOLUTION NO. 2009-4648, by Representatives Liias, Pettigrew, Van De Wege, Simpson and Hope

WHEREAS, Kenneth "Kenny" Hoefner began his career as a firefighter in 1959, years before fire trucks had power steering or crew cabs; and

WHEREAS, Hoefner fought fires and provided emergency assistance before CPR and defibrillators existed; and

WHEREAS, His fifty years of service is the longest known firefighting career in the Seattle area; and

WHEREAS, In the last forty three years, Kenny Hoefner has not taken a single sick day, exemplifying his dedication to his profession; and

WHEREAS, Throughout his career, Hoefner fought some of the largest fires in the area's history, including four fires at Todd Shipyards and the multialarm fire at the Polson Building on the Seattle waterfront in 1974; and

WHEREAS, Kenny Hoefner established the M. Kenneth Hoefner Scholarship Fund to help the children of fellow firefighters pay for a college education; and

WHEREAS, Hoefner's personal contributions to the fund have totaled more than \$500,000 over the years; and

WHEREAS, In 2008, the scholarship distributed more than \$47,000 to degree seeking children of firefighters; and

WHEREAS, Kenny Hoefner has served his community honorably and with excellence for the last five decades as he celebrates his retirement after fifty years of dedication to the City of Seattle;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize Kenneth "Kenny" Hoefner's legacy of service and dedication to his community and fellow firefighters, and extend best wishes to him in his retirement from the Seattle Fire Department; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Kenneth Hoefner, the Seattle Firefighters Union Local 27, and the Seattle Fire Department.

HOUSE RESOLUTION NO. 4648 was adopted.

HOUSE RESOLUTION NO. 2009-4650, by Representative Sells

WHEREAS, There are more than 700,000 veterans residing in the state of Washington; and

WHEREAS, Eighteen percent of the veterans who sought jobs within one to three years of discharge are unemployed; and

WHEREAS, The citizens of Washington are well aware of the sacrifices made by veterans and their families in defense to our country and our state; and

WHEREAS, The laws of the state of Washington have long granted recognition of a veteran's sacrifices by providing preferred employment opportunities for veterans regardless of physical impairment;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives reaffirms its concern for the veterans and their families and its historical support of preferred employment opportunities promised to veterans; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Disabled American Veterans of Washington.

HOUSE RESOLUTION NO. 4650 was adopted.

HOUSE RESOLUTION NO. 2009-4651, by Representatives Rolfes, Driscoll, Seaquist, Finn, Appleton, Kelley, Blake, Green, Kagi, Orwall, Pettigrew, Darnelle, Morrell, Dammeier, Bailey, Smith, Angel, Johnson, Rodne, Shea, Orcutt, Priest, Warnick, McCune, Campbell, White, and Hunt

WHEREAS, The state of Washington recognizes the selfless acts of service performed by its brave past and present members of the military and their devoted families; and

WHEREAS, Military families face the unique burden of multiple relocations associated with deployment orders, often causing uncertainty and constant upending of their daily lives and routines; and

WHEREAS, Military children, in particular, face challenges in successively moving to new locations, including meeting and maintaining friends, participating in extracurricular activities, transferring school records, adjusting to various school curricula and graduation requirements, and continuing at the same grade level, among others; and

WHEREAS, The average length of duty in the military is two to three years, meaning many children face several daunting moves during the course of their childhood; and

WHEREAS, An estimated thirty thousand military children currently reside in the state of Washington, the seventh largest such population in the country; and

WHEREAS, The month of April has been celebrated as the Month of the Military Child since 1986, recognizing the importance of military children and expressing gratitude for their sacrifice; and

WHEREAS, Military families themselves know of the sacrifices borne by military children, but their important contributions can often go unnoticed by the general public;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives celebrate the Month of the Military Child this April, recognizing the often unsung sacrifices made by military children and commending them for their support and dedication to their families, in service to the protection and advancement of citizens' rights and freedoms; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Office of the Deputy Undersecretary of Defense for Military Community and Family Policy, Northwest Region.

HOUSE RESOLUTION NO. 4651 was adopted.

HOUSE RESOLUTION NO. 2009-4652, by Representatives Cody and Nelson

WHEREAS, The people of Washington State acknowledge the community contributions and achievements of the student volunteers of Kids In Action at Holy Family Parish School, West Seattle, Washington; and

WHEREAS, The members of Kids In Action have established a regular visitation schedule to the elderly at the Salvation Army in West Seattle, and provide meal service and offer heartfelt companionship; and

WHEREAS, The students have exhibited compassion, sympathy, and friendship by creating and delivering Christmas cards for children in Seattle Children's Hospital; and

WHEREAS, The students have conducted a letter campaign in support of a girls school in Kandahar, Afghanistan, where girls have been attacked for attending classes, and have inspired courage, hope, and pride, and offered solidarity to the Afghan girls so that they might continue their path to acquire education and realize their own talents, dreams, and goals; and

WHEREAS, They exhibited their knowledge of local history, and empathy for treatment of Washington's Native Nations, by visiting the Duwamish Longhouse and drafting a petition supporting the tribe's request for achievement of federally recognized tribal status (I); and

WHEREAS, Kids In Action has planned a campaign to support the poor and the homeless and those affected by HIV/AIDS in the community, by providing letters, visitations, and meals to the most vulnerable residents of our state;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor Kids In Action of the Holy Family Parish School, West Seattle, for its exemplary service to Washington State and to members of the global community, and commend the high standard it has set for all residents of Washington for its commitment to social justice and its legacy to our future generations.

HOUSE RESOLUTION NO. 4652 was adopted.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The President has signed the following:

- SUBSTITUTE SENATE BILL NO. 5044,
- SUBSTITUTE SENATE BILL NO. 5117,
- SUBSTITUTE SENATE BILL NO. 5267,
- SUBSTITUTE SENATE BILL NO. 5276,
- SENATE BILL NO. 5298,
- SENATE BILL NO. 5303,
- SUBSTITUTE SENATE BILL NO. 5326,
- SUBSTITUTE SENATE BILL NO. 5480,
- SENATE BILL NO. 5587,
- SECOND SUBSTITUTE SENATE BILL NO. 5676,
- SUBSTITUTE SENATE BILL NO. 5752,
- SUBSTITUTE SENATE BILL NO. 5765,
- SUBSTITUTE SENATE BILL NO. 5882,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2352 by Representatives Morrell, Walsh, Kagi, Dickerson and Hinkle

AN ACT Relating to long-term care worker training and credentialing; amending RCW 74.39A.009, 74.39A.073, 18.88B.040, 74.39A.050, and 74.39A.340; and repealing RCW 74.39.070.

Referred to Committee on Ways & Means.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

- SUBSTITUTE HOUSE BILL NO. 1022
- HOUSE BILL NO. 1063
- HOUSE BILL NO. 1264
- SUBSTITUTE HOUSE BILL NO. 1397
- SUBSTITUTE HOUSE BILL NO. 1413
- SUBSTITUTE HOUSE BILL NO. 1419
- HOUSE BILL NO. 1426
- ENGROSSED HOUSE BILL NO. 1461
- HOUSE BILL NO. 1498
- SUBSTITUTE HOUSE BILL NO. 1505
- SECOND SUBSTITUTE HOUSE BILL NO. 1522
- SUBSTITUTE HOUSE BILL NO. 1532
- HOUSE BILL NO. 1578
- SUBSTITUTE HOUSE BILL NO. 1733
- SUBSTITUTE HOUSE BILL NO. 1984
- SUBSTITUTE HOUSE BILL NO. 2052
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105
- HOUSE JOINT MEMORIAL NO. 4000
- HOUSE JOINT MEMORIAL NO. 4005
- SENATE BILL NO. 5015
- SUBSTITUTE SENATE BILL NO. 5044
- SUBSTITUTE SENATE BILL NO. 5117
- SUBSTITUTE SENATE BILL NO. 5267
- SUBSTITUTE SENATE BILL NO. 5276
- SENATE BILL NO. 5298
- SENATE BILL NO. 5303
- SUBSTITUTE SENATE BILL NO. 5326
- SENATE BILL NO. 5356
- SUBSTITUTE SENATE BILL NO. 5480
- SUBSTITUTE SENATE BILL NO. 5571
- SENATE BILL NO. 5587
- SUBSTITUTE SENATE BILL NO. 5613
- SECOND SUBSTITUTE SENATE BILL NO. 5676
- SUBSTITUTE SENATE BILL NO. 5752
- SUBSTITUTE SENATE BILL NO. 5765
- SUBSTITUTE SENATE BILL NO. 5776
- SUBSTITUTE SENATE BILL NO. 5797
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5873
- SUBSTITUTE SENATE BILL NO. 5882
- SENATE BILL NO. 6068
- SENATE JOINT MEMORIAL NO. 8006
- SENATE JOINT MEMORIAL NO. 8012
- SENATE JOINT MEMORIAL NO. 8013

SPEAKER'S PRIVILEGE

Mr. Speaker (Representative Moeller presiding) introduced House intern Esther Ham and asked the Chamber to acknowledge her.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688, by Senate Committee on Ways & Means (originally sponsored by Senators Murray, McDermott, Kohl-Welles, Fairley, Hobbs, Ranker, Pridemore, Kauffman, Kline, Keiser, Regala, Fraser, Prentice, Oemig, Franklin, McAuliffe, Jarrett, Brown, Kilmer and Tom)

Expanding the rights and responsibilities of state registered domestic partners.

The bill was read the second time.

With the consent of the House, amendments (671), (676), (679), (680), (677), (678), and (675) were withdrawn.

Representative Shea moved the adoption of amendment (673):

On page 4, after line 22, insert the following:
"NEW SECTION. Sec. 1. A new section is added to chapter 26.60 RCW to read as follows:

(1) The legislature recognizes that the First Amendment to the United States Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof...." and Article I, section 11 of the Washington state Constitution provides that "Absolute freedom of conscience in all matters of religious sentiment, belief and worship, shall be guaranteed to every individual...." (2) The legislature further recognizes that there is a substantial and distinct difference between a person's discriminating decisions or acts based on one's view of another person's sexual orientation versus a person's discriminating decisions or acts based on one's view of marriage, including marriage as a civil union only between one man and one woman. The legislature further finds that such decisions or acts are not one and the same since one decision or act is based on a person's view of sexual orientation and the other decision or act is based on a person's view of marriage, regardless of a person's sexual orientation.

NEW SECTION. Sec. 2. A new section is added to chapter 26.60 RCW to read as follows:

Pursuant to the United States and Washington state Constitutions, every person enjoys freedom of religion, therefore, any private individual, organization, including any religious sect, denomination, or society, or any other entity, lawfully acting consistent with a sincerely held religious belief regarding what constitutes marriage, including marriage as a civil union only between one man and one woman, shall be immune from civil and criminal liability for any refusal to participate in, endorse, facilitate, or otherwise assist, any marriage or marriage ceremony, reception, or other activity related to marriage, or any domestic partnership or domestic partnership ceremony, reception, or other activity related to such domestic partnership, that conflicts with those sincerely held religious beliefs.

NEW SECTION. Sec. 3. A new section is added to chapter 26.60 RCW to read as follows:

(1) The legislature recognizes that the First Amendment to the United States Constitution provides that "Congress shall make no law...abridging the freedom of speech...." and Article I, section 5 of the Washington state Constitution provides that "Every person may freely speak, write and publish on all subjects, being responsible for the abuse of that right."

(2) The legislature further recognizes that there is a substantial and distinct difference between lawfully expressing one's belief or opinion for or against domestic partnerships based on one's view of a person's sexual orientation versus lawfully expressing one's beliefs or opinions for or against domestic partnerships based on one's view of marriage, including marriage as a civil union only between one man and one woman. The legislature further finds that such expressions of belief are not one and the same since one form of speech is based on the person's view of a person's sexual orientation and the other form of speech is based on the person's view of marriage, regardless of a person's sexual orientation.

NEW SECTION. Sec. 4. A new section is added to chapter 26.60 RCW to read as follows:

Pursuant to the United States and Washington state Constitutions, every person enjoys freedom of speech, and therefore any private individual, organization, including any religious sect, denomination, or society, or any other entity, is immune from civil and criminal liability for any lawful speech expressing its beliefs or opinions regarding domestic partnerships or other types of civil unions and for any lawful speech expressing its beliefs or opinions regarding marriage, including marriage as a civil union only between one man and one woman."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Shea and Pearson spoke in favor of the adoption of the amendment.

Representatives Pedersen and Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (673) to Engrossed Second Substitute Senate Bill No. 5688.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (673) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 57; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (673) was not adopted.

Representative Rodne moved the adoption of amendment (674):

On page 4, after line 22, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 26.60 RCW to read as follows:

(1) The legislature has expressly declared that Washington state has a compelling state interest in reaffirming its historical commitment to the institution of marriage as a union between a man and a woman as husband and wife and in protecting that institution, and has further declared its intent to establish public policy against same-sex marriage that clearly and definitively declares same-sex marriages will not be recognized in Washington, even if they are made legal in other states.

(2) The legislature has enacted statutory law that prohibits marriages when the parties are persons other than a male and a female, and provides that marriages between two persons other than a male and a female that are recognized as valid in other jurisdictions are not valid or recognized in this state.

(3) Nothing in this act, or any other provision of this code, is intended, or shall be construed, to modify or supersede state law pertaining to what constitutes marriage, to promote or endorse same-sex marriage or any specific belief, practice, behavior, preference, or orientation, or to denominate registered domestic partnerships as lawful marriage since that nomenclature applies only to marriage between a man and a woman as husband and wife under existing state law."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Rodne, Hinkle and Ericksen spoke in favor of the adoption of the amendment.

Representatives Santos and Seaquist spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (681) to Engrossed Second Substitute Senate Bill No. 5688.

ROLL CALL

The Clerk called the roll on the adoption of amendment (681) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seauquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (674) was not adopted.

Representative Shea moved the adoption of amendment (681):

On page 4, after line 22, insert the following:

"Sec. 1. RCW 26.04.010 and 1998 c 1 s 3 are each amended to read as follows:

(1) Marriage is a civil contract between a male and a female who have each attained the age of eighteen years, and who are otherwise capable.

(2) Marriage does not include a registered domestic partnership between two males or two females or between a male and a female created under chapter 26.60 RCW.

(3) Every marriage entered into in which either the husband or the wife has not attained the age of seventeen years is void except where this section has been waived by a superior court judge of the county in which one of the parties resides on a showing of necessity.

Sec. 2. RCW 26.04.020 and 1998 c 1 s 4 are each amended to read as follows:

(1) Marriages in the following cases are prohibited:

(a) When either party thereto has a wife or husband living at the time of such marriage;

(b) When the husband and wife are nearer of kin to each other than second cousins, whether of the whole or half blood computing by the rules of the civil law; or

(c) When the parties are persons other than a male and a female.

(2) A registered domestic partnership between two males or two females or between a male and a female created under chapter 26.60 RCW does not constitute lawful marriage in this state.

(3) It is unlawful for any man to marry his father's sister, mother's sister, daughter, sister, son's daughter, daughter's daughter, brother's daughter or sister's daughter; it is unlawful for any woman to marry her father's brother, mother's brother, son, brother, son's son, daughter's son, brother's son or sister's son.

((3)) (4) A marriage between two persons that is recognized as valid in another jurisdiction is valid in this state only if the marriage is not prohibited or made unlawful under subsection (1)(a), (1)(c), or ((2)) (3) of this section."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Shea, Warnick and Ericksen spoke in favor of the adoption of the amendment.

Representatives Rolfes and Hudgins spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (681) to Engrossed Second Substitute Senate Bill No. 5688.

ROLL CALL

The Clerk called the roll on the adoption of amendment (681) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seauquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (681) was not adopted.

Representative Ross moved the adoption of amendment (672):

On page 42, after line 13, insert the following:

"**NEW SECTION. Sec. 73.** A new section is added to chapter 28A.150 RCW to read as follows:

(1) Public school-sponsored, school-authorized, or school-distributed curricula, materials, classes, programs, or activities that present, describe, or discuss lawful marriage in Washington state shall present, describe, or discuss lawful marriage as only between a man and a woman as husband and wife under existing state law.

(2) No public school-sponsored, school-authorized, or school-distributed curriculum, material, class, program, or activity shall present, describe, designate, or denominate same-sex relationships and unions, including domestic partnerships between a man and a man, a woman and a woman, or a man and a woman, as lawful marriage in Washington state since that nomenclature applies only to lawful marriage between a man and a woman as husband and wife under existing state law."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Ross and Ericksen spoke in favor of the adoption of the amendment.

Representatives Quall and Appleton spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (672) to Engrossed Second Substitute Senate Bill No. 5688.

ROLL CALL

The Clerk called the roll on the adoption of amendment (672) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Walsh, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (672) was not adopted.

Representative Rodne moved the adoption of amendment (670):

On page 111, after line 23, insert the following:

"NEW SECTION. Sec. 200. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title.

Representatives Rodne and Anderson spoke in favor of the adoption of the amendment.

Representatives Takko and Eddy spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (670) to Engrossed Second Substitute Senate Bill No. 5688.

ROLL CALL

The Clerk called the roll on the adoption of amendment (670) to Engrossed Second Substitute Senate Bill No. 5688 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Upthegrove and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (670) was not adopted.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on adoption of amendment (670) to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688.
DAVE UPTEGROVE, 33th District

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Pedersen, Ericks, Finn, Linville, Kessler, Liias, Eddy, Goodman and Simpson spoke in favor of the passage of the bill.

Representatives Rodne, Angel, Orcutt, McCune, Short, Alexander, Roach, Miloscia, Anderson, Shea and Cox spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5688.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5688, and the bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5452, by Senators Kauffman, Kohl-Welles, Tom, Delvin, Kline, Honeyford, Kilmer, Jarrett, McCaslin, Fraser, Prentice, Shin and McDermott

Increasing the debt limit of the housing finance commission.

The bill was read the second time.

Representative Warnick moved the adoption of amendment (543):

On page 1, line 7, after "((five))", strike "seven" and insert "six"

Representatives Dunshee and Warnick spoke in favor of the adoption of the amendment.

Amendment (543) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dunshee and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5452, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5452, as amended by the House, and the bill passed the House by the following vote: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Kretz, Kristiansen, McCune, Parker, Pearson, Roach, Ross, Schmick, Shea, Short and Taylor.

Excused: Representative Flannigan.

SENATE BILL NO. 5452, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, by Senate Committee on Human Services & Corrections (originally sponsored by Senator Hargrove)

Modifying sentencing provisions for juveniles adjudicated of certain crimes.

There being no objection, the House resumed consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 5746. The House was on debate of amendment (558) to the committee amendment by the Committee on Human Services which was before the House for purpose of amendment on Day 88th, April 9, 2009 and the debate continued on the amendment to the committee amendment.

Representatives Dickerson, Hudgins and Ross spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (558) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson and Ross spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5746, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5746, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko,

Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5746, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5610, by Senate Committee on Transportation (originally sponsored by Senators Haugen, Delvin, Sheldon, Berkey, Jarrett and Shin)

Authorizing the release of driving record abstracts for employment and risk management purposes. Revised for 1st Substitute: Authorizing the release of driving record abstracts for employment purposes.

The bill was read the second time.

Representative Liias moved the adoption of amendment (684):

On page 2, line 14, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

On page 2, line 15, after "(2)" insert the following:

"Nothing in this section shall be interpreted to prevent a court from providing a copy of the driver's abstract to the individual named in the abstract, provided that the named individual has a pending case in that court for a suspended license violation or an open infraction or criminal case in that court that has resulted in the suspension of the individual's driver's license. A pending case includes criminal cases that have not reached a disposition by plea, stipulation, trial, or amended charge. An open infraction or criminal case includes cases on probation, payment agreement or subject to, or in collections. Courts may charge a reasonable fee for production and copying of the abstract for the individual.

(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 36, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

On page 5, line 23, after "purposes" insert "related to driving by an individual as a condition of that individual's employment or otherwise at the direction of the employer or organization"

On page 5, after line 30, insert the following:

"Sec. 2. RCW 46.01.260 and 1999 c 86 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director, in his or her discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his or her office which have been microfilmed or photographed or are more than five years old. If the applications for vehicle licenses are renewal applications, the director may destroy such applications when the computer record thereof has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.504, 46.61.520, and 46.61.522, or records of deferred prosecutions granted under RCW 10.05.120 and shall maintain such records permanently on file.

(b) The director shall not, within fifteen years from the date of conviction or adjudication, destroy records ((of the following:

(i) Convictions or adjudications of the following offenses: RCW 46.61.502 or 46.61.504; or

(ii) I)if the offense was originally charged as one of the offenses designated in (a) ((or (b)(i))) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249, or any other violation that was originally charged as one of the offenses designated in (a) ((or (b)(i))) of this subsection.

(c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses."

Representatives Liias and Roach spoke in favor of the adoption of the amendment.

Amendment (684) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Liias spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5610, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5610, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5610, as amended by the House, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2327, by Representatives Linville and Ericks

Eliminating or reducing the frequency of reports prepared by state agencies.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2327 was substituted for House Bill No. 2327 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2327 was read the second time.

Representative Bailey moved the adoption of amendment (692):

On page 31, beginning on line 26, strike all of section 28
Correct the title.

Representatives Bailey and Linville spoke in favor of the adoption of the amendment.

Amendment (692) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2327.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2327 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Kastama, Kilmer, Pridemore, McAuliffe and Sheldon)

Expediting completion of projects of statewide significance. Revised for 1st Substitute: Expediting completion of projects of statewide significance. (REVISED FOR ENGROSSED: Designating projects of statewide significance.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Community & Economic Development & Trade was before the House for purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Bailey moved the adoption of amendment (693) to the committee amendment:

On page 13, beginning on line 8 of the amendment, strike all of section 11

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Maxwell spoke against the adoption of the amendment to the committee amendment.

Amendment (693) to the committee amendment was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5473, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 10; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Crouse, Klippert, Kretz, Kristiansen, Pearson, Shea, Short and Taylor.

Excused: Representatives Flannigan and Hinkle.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5473, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5120, by Senators Fairley, McDermott and Holmquist

Regarding agricultural structures.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was before the House for purpose of amendment. (For committee amendment, see Journal, Day 82, April 3, 2009.)

Representative Simpson moved the adoption of amendment (699) to the committee amendment:

On page 2, line 15 of the striking amendment, after "by" strike "counties" and insert "eight counties, as determined by the auditor. In selecting counties for the audit, the auditor must choose four counties located west of the crest of the Cascade mountain range, and four counties located east of the crest of the Cascade mountain range. The selected counties must represent a diversity of agricultural economies"

On page 2, line 27 of the striking amendment, after "December" strike "1" and insert "31"

Representatives Simpson and Warnick spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (699) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5120, as amended by the House.

MOTION

On motion of Representative Kristiansen, Representative Hinkle was excused.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5120, as amended by the House, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Hinkle.

SENATE BILL NO. 5120, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5599, by Senators McDermott, Oemig, Kohl-Welles, Pridemore, Marr, Brown, Tom, Kline, McAuliffe, Regala and Shin

Approving the entry of Washington into the agreement among the states to elect the president by national popular vote.

The bill was read the second time.

With the consent of the House, amendments (499), (500), (509) and (503) were withdrawn.

Representative Pedersen moved the adoption of amendment (629):

On page 1, from the beginning of line 7, strike all of section 1 and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to enter into the agreement among the states to elect the president by national popular vote without taking into account any concerns raised by legislators or citizens of the State of Washington. This agreement is a contract of adhesion created by the first state to pass it, negotiated by people outside of the State of Washington, and without any opportunity for the legislature to revise or improve it. As with any contract of adhesion, it must be accepted in precisely the same terms that constitute the offer, without any ability to negotiate it or change its terms. The legislature specifically intends to ignore concerns raised regarding the failure of the compact to contain any procedure for a recount in the case of a close election; the failure of the compact to provide for a process when no candidate receives a majority of the popular vote cast; and the failure of the compact to require any uniform standards among member states regarding the elections process. Any material variance between the offer and acceptance precludes the formation of a contract. Because there are only three more legislative sessions before the next presidential election, it is of critical importance that the legislature act immediately and not take the time to address the concerns raised. Therefore, the agreement among the states to elect the president by national popular vote must be enacted by Washington under identical terms as contained in the agreement and as enacted by Hawaii, Illinois, Maryland, and New Jersey, subject to only nonmaterial changes."

Representatives Pedersen, Ericksen, and Armstrong spoke in favor of the adoption of the amendment.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The Speaker would remind all the members that one of the rules of debate under House Rule 4 (B) is to confine your remarks in debate to the question at hand. I ask for your cooperation."

Representative Shea spoke in favor of the adoption of the amendment.

Representatives Goodman, Walsh, Dunshee and Anderson spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (629) to Senate Bill No. 5599.

MOTION

On motion of Representative Santos, Representative Clibborn was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (629) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 52; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hope, Hudgins, Hunter, Johnson, Kessler, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Pedersen, Priest, Roach, Rodne, Ross, Santos, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

Voting nay: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Probst, Quall, Roberts, Rolfes, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Excused: Representatives Clibborn, Flannigan and Hinkle.

Amendment (629) was not adopted.

Representative Kretz moved the adoption of amendment (475):

On page 5, line 28, after "compact," insert "and the secretary of state has certified that none of the votes counted in determining where Washington's electoral college votes should be directed was cast by a felon who was incarcerated at the time the vote was cast."

Representatives Kretz, Armstrong, Shea, Ericksen, Anderson, Armstrong, Orcutt, Shea (again) and Herrera spoke in favor of the adoption of the amendment.

Representatives Darneille, Goodman, Goodman (again) and Appleton spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (475) to Senate Bill No. 5599.

ROLL CALL

The Clerk called the roll on the adoption of amendment (475) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 55; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse,

Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Clibborn, Flannigan and Hinkle.

Amendment (475) was not adopted.

Representative Shea moved the adoption of amendment (476):

On page 5, line 28, after "compact," insert "and the secretary of state has certified that the candidate for president who is the winner of the national popular vote also received the most or second most votes for president in Washington."

Representatives Shea, Rodne, Armstrong, Ericksen, Orcutt, Shea (again) and Anderson spoke in favor of the adoption of the amendment.

Representatives White, Hunt, Lias, Dunshee, Hurst and Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (476) to Senate Bill No. 5599.

MOTION

On motion of Representative Parker, Representative DeBolt was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (476) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 54; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Haler, Herrera, Hope, Johnson, Klippert, Kretz, Kristiansen, Lias, McCune, Miloscia, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Clibborn, DeBolt, Flannigan and Hinkle.

Amendment (476) was not adopted.

Representative Chandler moved the adoption of amendment (479):

On page 5, line 28, after "compact," insert "and the secretary of state has certified that the candidates for president whose names appeared on the ballot in Washington also appeared on the ballots of every other state and the District of Columbia and the candidates for

president that appeared on the ballots in other states and the District of Columbia also appeared on the ballot in Washington."

Representatives Chandler, Armstrong and Shea spoke in favor of the adoption of the amendment.

Representative Appleton spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (479) to Senate Bill No. 5599.

ROLL CALL

The Clerk called the roll on the adoption of amendment (479) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 37; Nays, 57; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Halder, Herrera, Hope, Johnson, Klippert, Kretz, Kristiansen, Linville, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Clibborn, DeBolt, Flannigan and Hinkle.

Amendment (479) was not adopted.

Representative Armstrong moved the adoption of amendment (505):

On page 5, line 30, after "compact," insert "so long as the election did not result in a recount in any state."

Representative Armstrong spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (505) to Senate Bill No. 5599.

ROLL CALL

The Clerk called the roll on the adoption of amendment (505) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 38; Nays, 56; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Halder, Herrera, Hope, Hunter, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

Voting nay: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville,

Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Excused: Representatives Clibborn, DeBolt, Flannigan and Hinkle.

Amendment (505) was not adopted.

Representative Armstrong moved the adoption of amendment (510):

On page 5, line 30, after "compact," insert "so long as the first place presidential candidate receives at least fifty percent of the votes cast in the national popular election."

Representatives Armstrong, Ericksen, Anderson and Ericksen (again) spoke in favor of the adoption of the amendment.

Representatives Probst and Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (510) to Senate Bill No. 5599.

MOTION

On motion of Representative Parker, Representative Condotta was excused.

ROLL CALL

The Clerk called the roll on the adoption of amendment (510) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 54; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Halder, Herrera, Hope, Hunter, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Pedersen, Priest, Roach, Rodne, Ross, Santos, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

Voting nay: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Probst, Quall, Roberts, Rolfes, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Excused: Representatives Clibborn, Condotta, DeBolt, Flannigan and Hinkle.

Amendment (510) was not adopted.

Representative Hudgins moved the adoption of amendment (645):

On page 5, after line 30, insert the following:
NEW SECTION. Sec. 4. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation.

Correct the title.

Representatives Hudgins, Pedersen, Armstrong, Shea and Orwall spoke in favor of the adoption of the amendment.

Representative Goodman spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (645) to Senate Bill No. 5599.

ROLL CALL

The Clerk called the roll on the adoption of amendment (645) to Senate Bill No. 5599 and the amendment was not adopted by the following vote: Yeas, 46; Nays, 48; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCune, Orcutt, Orwall, Parker, Pearson, Pedersen, Priest, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pettigrew, Probst, Quall, Roberts, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Excused: Representatives Clibborn, Condotta, DeBolt and Flannigan.

Amendment (645) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Goodman, Hurst, Springer and Liias spoke in favor of the passage of the bill.

Representatives Taylor, Shea, Pearson, Herrera, Parker, Hope, Johnson, Hunter, Orcutt, Rodne, Shea (again), Armstrong, Chandler, Cox and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5599.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5599, and the bill passed the House by the following vote: Yeas, 52; Nays, 42; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pettigrew, Probst, Quall, Roberts, Rolfes, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Cox, Crouse, Dammeier, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Orwall, Parker, Pearson, Pedersen, Priest, Roach, Rodne, Ross, Santos, Schmick, Shea, Short, Smith, Taylor, Walsh, Warnick and Wood.

Excused: Representatives Clibborn, Condotta, DeBolt and Flannigan.

SENATE BILL NO. 5599, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5555
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560
SUBSTITUTE SENATE BILL NO. 5921

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 8:00 a.m., April 16, 2009, the 95th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETY FIFTH DAY

House Chamber, Olympia, Thursday, April 16, 2009

The House was called to order at 8:00 a.m. by the Speaker (Representative McCoy presiding).

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 2353 by Representative Dickerson

AN ACT Relating to delaying the implementation of the family leave insurance program; amending RCW 49.86.150, 49.86.030, 49.86.190, and 49.86.210; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2354 by Representatives Chase and Hunt

AN ACT Relating to the taxation of intangible property to provide additional funding for public schools; amending RCW 28A.150.210, 84.36.070, and 84.36.110; adding a new chapter to Title 84 RCW; creating new sections; and providing for submission of this act to a vote of the people.

Referred to Committee on Finance.

HB 2355 by Representatives Simpson and Ericks

AN ACT Relating to clarifying the definition of gambling for the purpose of assisting in the regulation and control of gambling; and amending RCW 9.46.010 and 9.46.0237.

Referred to Committee on Commerce & Labor.

HB 2356 by Representative Haigh

AN ACT Relating to revising student achievement fund allocations; amending RCW 28A.505.220; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2357 by Representative Cody

AN ACT Relating to modifying nursing facility medicaid payments by clarifying legislative intent regarding the statewide weighted average, freezing case mix indices, and revising the use of the economic trends and conditions factor; amending RCW 74.46.431 and 74.46.485; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2358 by Representative Conway

AN ACT Relating to increasing liquor license fees limited to fees for beer and/or wine restaurants; taverns; snack bars; combined beer and wine retailers; grocery stores; beer and/or wine specialty shops; passenger trains, vessels, and airplanes; spirits, beer, and wine restaurants; spirits, beer, and wine private clubs; beer and wine private clubs; and public houses; amending RCW 66.24.320, 66.24.330, 66.24.350, 66.24.354, 66.24.360, 66.24.371, 66.24.395, 66.24.400, 66.24.450, 66.24.452, and 66.24.580; reenacting and amending RCW 66.24.420 and

66.24.425; adding a new section to chapter 66.08 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

HB 2359 by Representative Cody

AN ACT Relating to delaying the implementation date for peer mentoring for long-term care workers; and amending RCW 74.39A.330.

Referred to Committee on Ways & Means.

HB 2360 by Representative Darneille

AN ACT Relating to consolidation of administrative services for AIDS grants in the department of health; amending RCW 70.24.400; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2361 by Representative Cody

AN ACT Relating to modifying state payments for in-home care by prohibiting payment for services provided by agency employees who are related to or live with the client; adding a new section to chapter 74.39A RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2362 by Representative Kessler

AN ACT Relating to providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees; amending RCW 36.18.018; reenacting and amending RCW 36.18.020; adding a new section to chapter 43.79 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2363 by Representative Linville

AN ACT Relating to temporary suspension of cost-of-living increases for educational employees; amending RCW 28A.400.205, 28B.50.465, and 28B.50.468; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2364 by Representative Linville

AN ACT Relating to revisions to health care programs to implement the 2009-2011 operating budget.

Referred to Committee on Ways & Means.

HB 2365 by Representative Linville

AN ACT Relating to revisions to general government programs to implement the 2009-2011 operating budget.

Referred to Committee on Ways & Means.

HB 2366 by Representative Linville

AN ACT Relating to revisions to human services programs to implement the 2009-2011 operating budget.

Referred to Committee on Ways & Means.

HB 2367 by Representative Linville

AN ACT Relating to revisions to higher education programs to implement the 2009-2011 operating budget.

Referred to Committee on Ways & Means.

HB 2368 by Representative Linville

AN ACT Relating to revisions to natural resources programs to implement the 2009-2011 operating budget.

Referred to Committee on Ways & Means.

HB 2369 by Representative Linville

AN ACT Relating to the actuarial funding of the state retirement systems.

Referred to Committee on Ways & Means.

HB 2370 by Representative Linville

AN ACT Relating to revisions to education programs to implement the 2009-2011 operating budget.

Referred to Committee on Ways & Means.

HB 2371 by Representatives Darneille and Kagi

AN ACT Relating to thirty days of positive incentive time for offenders who successfully complete evidence-based programming; amending RCW 9.94A.728 and 9.94A.728; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 2372 by Representatives Hunt and Liias

AN ACT Relating to eliminating the oil spill advisory council; amending RCW 90.56.005 and 90.56.060; and repealing RCW 90.56.120 and 90.56.130.

Referred to Committee on Ways & Means.

HB 2373 by Representatives Morrell and Cody

AN ACT Relating to delaying the implementation of Initiative Measure No. 1029; and creating a new section.

Referred to Committee on Ways & Means.

HB 2374 by Representatives Klippert, Taylor, O'Brien, Kretz, Grant-Herriot, Haler, Shea and Pearson

AN ACT Relating to imposing a mandatory minimum sentence for rape in the third degree; amending RCW 9.94A.540; and prescribing penalties.

Referred to Committee on Public Safety & Emergency Preparedness.

HB 2375 by Representatives Campbell, Morrell, Hunter, Ormsby, Pedersen, Wood, Conway, Simpson and Chase

AN ACT Relating to requiring surgical patients to be tested for multidrug resistant organisms prior to being admitted to the hospital; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.71 RCW; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Health Care & Wellness.

HB 2376 by Representative Pettigrew

AN ACT Relating to delaying the implementation of Initiative Measure No. 1029; and creating a new section.

Referred to Committee on Ways & Means.

HB 2377 by Representatives Pettigrew, Dickerson, Darneille, Williams and Hunt

AN ACT Relating to funding health care and the working families' tax rebate with a voter-approved temporary sales tax increase; amending RCW 82.08.020; reenacting and amending RCW 82.08.064 and 43.135.035; adding a new section to chapter 43.79 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; making appropriations; providing a contingent effective date; providing expiration dates; and providing for submission of certain sections of this act to a vote of the people.

Referred to Committee on Health & Human Services Appropriations.

HB 2378 by Representatives Haigh, Hunt and Conway

AN ACT Relating to changing the maximum levy percentage for school districts that have a levy approved by the voters prior to May 1, 2009; amending RCW 84.52.0531; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

HJM 4019 by Representatives DeBolt and Short

Requesting the implementation of NextGen capabilities to modernize and improve the nation's air transportation system.

Referred to Committee on Transportation.

ESSB 6108 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Holmquist and Kohl-Welles)

AN ACT Relating to allowing the state lottery commission to enter into an agreement to conduct an additional shared lottery game; and amending RCW 67.70.044 and 67.70.340.

Referred to Committee on Ways & Means.

There being no objection, the bills and memorial listed on the day's introduction reading sheet under the fourth order of business were referred to the committees so designed.

The House went at ease.

The House was called to order at 1:30 a.m. by the Speaker (Representative Morris presiding).

The Clerk called the roll and a quorum was present. The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kendall Fenske and Chelsea Franson. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Tami Green.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1199,
HOUSE BILL NO. 1487,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
SECOND SUBSTITUTE HOUSE BILL NO. 1938,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 15, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5001,
SENATE BILL NO. 5028,
SENATE BILL NO. 5071,
SENATE BILL NO. 5580,
SENATE BILL NO. 5642,
SENATE BILL NO. 5804,
SUBSTITUTE SENATE BILL NO. 5881,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5901,
SENATE BILL NO. 5909,
SENATE BILL NO. 5976,
SENATE JOINT MEMORIAL NO. 8001,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 14, 2009

HB 2334 Prime Sponsor, Representative Dunshee: Creating jobs by funding construction of safety, health, and energy-saving improvements to public facilities. Reported by Committee on Capital Budget

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Dunshee, Chair; Ormsby, Vice Chair; Blake; Chase; Grant-Herriot; Jacks; Maxwell; Orwall and White.

MINORITY recommendation: Do not pass. Signed by Representatives Warnick, Ranking Minority Member; Pearson, Assistant Ranking Minority Member; Anderson; Hope; McCune and Smith.

Passed to Committee on Rules for second reading.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was referred to the committee so designated.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced House intern Justin Kjolseth, Pacific Lutheran University, and asked the Chamber to acknowledge his hard work.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Kline, Pflug, Berkey, Shin, Hobbs, McAuliffe, Tom, Keiser, Jarrett and Kauffman)

Extending a local sales and use tax that is credited against the state sales and use tax.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the body for the purpose of amendment. (For committee amendment, see Journal, Day 78, March 30, 2009.)

With the consent of the House, amendment (536) to the committee amendment was withdrawn.

Representative Hasegawa moved the adoption of amendment (698) to the committee amendment:

On page 2, beginning on line 6 of the amendment, strike all of subsection (b) and insert the following:

"(b) Beginning July 1, 2011, the maximum rate of tax imposed under this section is 0.85 percent for an annexed area in which the population is greater than eighteen thousand if the annexed area was, prior to November 1, 2008, officially designated as a potential annexation area by more than one city, one of which has a population greater than four hundred thousand."

Representative Hasegawa spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (698) to the committee amendment was adopted.

Representative Hunter moved the adoption of amendment (713) to the committee amendment:

On page 4, line 34 of the amendment, strike "at the time of annexation" and insert "on the effective date of this act"

Representative Hunter spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (713) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter, Eddy, Nelson and Maxwell spoke in favor of the passage of the bill.

Representatives Orcutt, Taylor and Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5321, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321, as amended by the House, and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse,

Dammeier, DeBolt, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5556, by Senate Committee on Transportation (originally sponsored by Senators Kilmer, Carrell and Kauffman)

Prohibiting the reduction of toll penalties for infractions detected through the use of a photo enforcement system. Revised for 1st Substitute: Concerning toll enforcement for infractions detected through the use of a photo enforcement system.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was not adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Representative Shea moved the adoption of amendment (687):

On page 3, line 34, after "taken" insert ", unless the toll has already been paid"

Representatives Clibborn and Shea spoke in favor of the adoption of the amendment.

Amendment (687) was adopted.

Representative Rolfes moved the adoption of amendment (697):

On page 4, after line 16, insert the following:

"NEW SECTION. Sec. 2. The department shall report to the transportation committees of the legislature by December 1, 2009 with recommendations regarding implementing a time period for the payment of tolls after crossing the Tacoma Narrows Bridge in which individuals without a transponder could pay the toll due prior to the issuance of an infraction."

Correct the title.

Representative Rolfes spoke in favor of the adoption of the amendment.

Amendment (697) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Shea spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5556, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5556, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh,

Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5556, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5760, by Senate Committee on Ways & Means (originally sponsored by Senators Fraser, Brandland, Zarelli, Shin, Kilmer and Kohl-Welles)

Regarding the University of Washington's and Washington State University's public works contracting procedures.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Capital Budget was before the body for the purpose of amendment. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Representative Chase moved the adoption of amendment (613) to the committee amendment:

On page 1, at the beginning of line 1 of the amendment, insert the following:

"On page 1, line 12, after "process," strike "design-bid-build process,""

On page 1, after line 6 of the amendment, insert the following:

"On page 3, after line 4, insert the following:

(3) A contractor may appeal the university's determination that the contractor does not meet the qualifications criteria to bid on a project. Appeals must be made in writing and submitted to the board within seven days. The board shall resolve an appeal within forty-five days of receipt of the appeal and shall send a written determination of its decision to the party making the appeal.

Re-number the sections consecutively and correct any internal references accordingly."

On page 6, after line 17 of the amendment, insert the following:

"On page 3, line 24, after "process," strike "design-bid-build process,""

On page 6, after line 23 of the amendment, insert the following:

"On page 4, after line 36, insert the following:

(3) A contractor may appeal the university's determination that the contractor does not meet the qualifications criteria to bid on a project. Appeals must be made in writing and submitted to the board within seven days. The board shall resolve an appeal within forty-five days of receipt of the appeal and shall send a written determination of its decision to the party making the appeal.

Re-number the sections consecutively and correct any internal references accordingly."

Representatives Chase and Warnick spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (613) to the committee amendment was adopted.

Representative Anderson moved the adoption of amendment (634) to the committee amendment:

On page 1, at the beginning of line 1 of the amendment, insert the following:

"On page 1, line 15, after "public notice and" strike all material through "subcontractors" on page 2, line 4, and insert "in accordance with requirements and procedures in Title 39 RCW""

On page 6, after line 17 of the amendment, insert the following:
"On page 3, line 27, after "public notice and" strike all material through "subcontractors" on page 3, line 35, and insert "in accordance with requirements and procedures in Title 39 RCW""

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Ormsby spoke against the adoption of the amendment to the committee amendment.

Amendment (634) to the committee amendment was not adopted.

Representative Anderson moved the adoption of amendment (635) to the committee amendment:

On page 1, at the beginning of line 1 of the amendment, insert the following:

"On page 2, line 5, after "cost" strike "of the" and insert "after June 1, 2009, of any""

On page 6, after line 17 of the amendment, insert the following:
"On page 3, line 36, after "cost" strike "of the" and insert "after June 1, 2009, of any""

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Ormsby spoke against the adoption of the amendment to the committee amendment.

Amendment (635) to the committee amendment was not adopted.

Representative Anderson moved the adoption of amendment (633) to the committee amendment:

On page 1, starting on line 4 of the amendment, strike all material through line 6

On page 1, after line 6 of the amendment, insert the following:
"On page 2, beginning on line 16, strike all of subsection (2)
Renumber the sections consecutively and correct any internal references accordingly."

On page 6, starting on line 21 of the amendment, strike all material through line 23

On page 6, after line 23 of the amendment, insert the following:
"On page 4, beginning on line 10, strike all of subsection (2)
Renumber the sections consecutively and correct any internal references accordingly."

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Ormsby spoke against the adoption of the amendment to the committee amendment.

Amendment (633) to the committee amendment was not adopted.

Representative Anderson moved the adoption of amendment (636) to the committee amendment:

On page 1, after line 6 of the amendment, insert the following:
"On page 2, line 6, after "demolition," strike "or" and insert "and""

On page 6, after line 16 of the amendment, insert the following:
"On page 2, line 6, after "demolition," strike "or" and insert "and""

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Ormsby spoke against the adoption of the amendment to the committee amendment.

Amendment (636) to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Ormsby and Hasegawa spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5760, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5760, as amended by the House, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Blake, Campbell, Carlyle, Chase, Cody, Conway, Cox, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Chandler, Clibborn, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias, McCune, Miloscia, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE SENATE BILL NO. 5760, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5760.

REUVEN CARLYLE, 36th District

SECOND READING

SENATE BILL NO. 5354, by Senators Haugen and Ranker

Regarding public hospital capital facility areas.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Local Government & Housing was adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson, Orcutt and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5354, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5354, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SENATE BILL NO. 5354, as amended by the House, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced House intern Tia Ostergren, Washington State University, Vancouver, and asked the Chamber to acknowledge her.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1119 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SHORT TITLE. This act may be known and cited as the uniform prudent management of institutional funds act.

NEW SECTION. Sec. 2. DEFINITIONS. In this chapter:

(1) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community.

(2) "Endowment fund" means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. "Endowment fund" does not include assets that an institution designates as an endowment fund for its own use.

(3) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(4) "Institution" means:

(a) A person, other than an individual, organized and operated exclusively for charitable purposes;

(b) A government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose; or

(c) A trust that had both charitable and noncharitable interests, after all noncharitable interests have terminated.

(5) "Institutional fund" means a fund held by an institution exclusively for charitable purposes. "Institutional fund" does not include:

(a) Program-related assets;

(b) A fund held for an institution by a trustee that is not an institution; or

(c) A fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(7) "Program-related asset" means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for investment.

(8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

NEW SECTION. Sec. 3. STANDARD OF CONDUCT IN MANAGING AND INVESTING INSTITUTIONAL FUND. (1) Subject to the intent of a donor expressed in a gift instrument, an institution, in managing and investing an institutional fund, shall consider the charitable purposes of the institution and the purposes of the institutional fund.

(2) In addition to complying with the duty of loyalty imposed by law other than this chapter, each person responsible for managing and investing an institutional fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(3) In managing and investing an institutional fund, an institution:

(a) May incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution, and the skills available to the institution; and

(b) Shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

(4) An institution may pool two or more institutional funds for purposes of management and investment.

(5) Except as otherwise provided by a gift instrument, the following rules apply:

(a) In managing and investing an institutional fund, the following factors, if relevant, must be considered:

(i) General economic conditions;

(ii) The possible effect of inflation or deflation;

(iii) The expected tax consequences, if any, of investment decisions or strategies;

(iv) The role that each investment or course of action plays within the overall investment portfolio of the fund;

(v) The expected total return from income and the appreciation of investments;

(vi) Other resources of the institution;

(vii) The needs of the institution and the institutional fund to make distributions and to preserve capital; and

(viii) An asset's special relationship or special value, if any, to the charitable purposes of the institution.

(b) Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the institutional fund and to the institution.

(c) Except as otherwise provided by law, an institution may invest in any kind of property or type of investment consistent with this section.

(d) An institution shall diversify the investments of an institutional fund unless the institution reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification.

(e) Within a reasonable time after receiving property, an institution shall make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio, in order to bring the institutional fund into compliance with the

purposes, terms, and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of this chapter.

(f) A person that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

NEW SECTION. Sec. 4. APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF ENDOWMENT FUND--RULES OF CONSTRUCTION. (1) Subject to the intent of a donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

- (a) The duration and preservation of the endowment fund;
- (b) The purposes of the institution and the endowment fund;
- (c) General economic conditions;
- (d) The possible effect of inflation or deflation;
- (e) The expected total return from income and the appreciation of investments;
- (f) Other resources of the institution; and
- (g) The investment policy of the institution.

(2) To limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section, a gift instrument must specifically state the limitation.

(3) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income," "interest," "dividends," or "rents, issues, or profits," or "to preserve the principal intact," or words of similar import:

- (a) Create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and
- (b) Do not otherwise limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section.

NEW SECTION. Sec. 5. DELEGATION OF MANAGEMENT AND INVESTMENT FUNCTIONS. (1) Subject to any specific limitation set forth in a gift instrument or in law other than this chapter, an institution may delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances. An institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, in:

- (a) Selecting an agent;
- (b) Establishing the scope and terms of the delegation, consistent with the purposes of the institution and the institutional fund; and
- (c) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(2) In performing a delegated function, an agent owes a duty to the institution to exercise reasonable care to comply with the scope and terms of the delegation.

(3) An institution that complies with subsection (1) of this section is not liable for the decisions or actions of an agent to which the function was delegated.

(4) By accepting delegation of a management or investment function from an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all proceedings arising from or related to the delegation or the performance of the delegated function.

(5) An institution may delegate management and investment functions to its committees, officers, or employees as authorized by law.

NEW SECTION. Sec. 6. RELEASE OR MODIFICATION OF RESTRICTIONS ON MANAGEMENT, INVESTMENT, OR PURPOSE. (1) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

(2) The court, upon application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard. To the extent practicable, any modification must be made in accordance with the donor's probable intention.

(3) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful, the court, upon application of an institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard.

(4) If an institution determines that a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible to achieve, or wasteful, the institution, sixty days after notification to the attorney general, may release or modify the restriction, in whole or part, if:

- (a) The institutional fund subject to the restriction has a total value of less than seventy-five thousand dollars. On the first day of July of each year, beginning on July 1, 2011, the dollar limit provided in this subsection (4)(a) shall increase by an amount of two thousand five hundred dollars;
- (b) More than twenty years have elapsed since the fund was established; and
- (c) The institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument.

NEW SECTION. Sec. 7. REVIEWING COMPLIANCE. Compliance with this chapter is determined in light of the facts and circumstances existing at the time a decision is made or action is taken, and not by hindsight.

NEW SECTION. Sec. 8. APPLICATION TO EXISTING INSTITUTIONAL FUNDS. This chapter applies to institutional funds existing on or established after the effective date of this act. As applied to institutional funds existing on the effective date of this act, this chapter governs only decisions made or actions taken on or after the effective date of this act.

NEW SECTION. Sec. 9. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.), but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(a), or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act constitute a new chapter in Title 24 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

- 1.1.1.1. RCW 24.44.010 (Definitions) and 1973 c 17 s 1;
- 1.1.1.2. RCW 24.44.020 (Appropriation of appreciation) and 1973 c 17 s 2;

- 1.1.1.3. RCW 24.44.030 (Investment authority) and 1973 c 17 s 3;
- 1.1.1.4. RCW 24.44.040 (Delegation of investment management) and 1973 c 17 s 4;
- 1.1.1.5. RCW 24.44.050 (Standard of conduct) and 1973 c 17 s 5;
- 1.1.1.6. RCW 24.44.060 (Release of restrictions on use or investments) and 1973 c 17 s 6;
- 1.1.1.7. RCW 24.44.070 (Uniformity of application and construction) and 1973 c 17 s 8;
- 1.1.1.8. RCW 24.44.080 (Short title) and 1973 c 17 s 9;
- 1.1.1.9. RCW 24.44.090 (Section headings) and 1973 c 17 s 10; and
- 1.1.1.10. RCW 24.44.900 (Severability--1973 c 17) and 1973 c 17 s 7.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding a new chapter to Title 24 RCW; repealing RCW 24.44.010, 24.44.020, 24.44.030, 24.44.040, 24.44.050, 24.44.060, 24.44.070, 24.44.080, 24.44.090, and 24.44.900; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1119 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 3, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.162.010 and 2007 c 232 s 2 are each amended to read as follows:

(1) The Washington state economic development commission is established ~~((to oversee the economic development strategies and policies of the department of community, trade, and economic development))~~ as an independent agency of the state to provide the governor and legislature with policy analysis, strategic planning, program evaluation, and monitoring of the state's economic development system.

(2)(a) The Washington state economic development commission shall consist of eleven voting members appointed by the governor as follows: Six representatives of the private sector, one representative of labor, one representative of port districts, one representative of four-year state public higher education, one representative for state community or technical colleges, and one representative of associate development organizations. The director of the department of community, trade, and economic development, the director of the workforce training and education coordinating board, the commissioner of the employment security department, and the chairs and ranking minority members of the standing committees of the house of representatives and the senate overseeing economic development policies shall serve as nonvoting ex officio members.

The chair of the commission shall be a voting member selected by the governor with the consent of the senate, and shall serve at the pleasure of the governor. In selecting the chair, the governor shall seek a person who understands the future economic needs of the state

and nation and the role the state's economic development system has in meeting those needs.

(b) In making the appointments, the governor shall consult with organizations that have an interest in economic development, including, but not limited to, industry associations, labor organizations, minority business associations, economic development councils, chambers of commerce, port associations, tribes, and the chairs of the legislative committees with jurisdiction over economic development.

(c) The members shall be representative of the geographic regions of the state, including eastern and central Washington, as well as represent the ethnic diversity of the state. Private sector members shall represent existing and emerging industries, small businesses, women-owned businesses, and minority-owned businesses. Members of the commission shall serve statewide interests while preserving their diverse perspectives, and shall be recognized leaders in their fields with demonstrated experience in economic development or disciplines related to economic development.

(3) Members appointed by the governor shall serve at the pleasure of the governor for not more than two consecutive three-year terms, except that, as determined by the governor, the terms of four of the appointees on the commission on the effective date of this section will expire in 2010, the terms of four of the appointees on the commission on the effective date of this section will expire in 2011, and the terms of three of the appointees on the commission on the effective date of this section will expire in 2012. Thereafter all terms shall be for three years. Vacancies shall be filled in the same manner as the original appointments.

(4) The commission may establish committees as it desires, and may invite nonmembers of the commission to serve as committee members.

(5) The executive director of the commission shall be appointed by the governor with the consent of the voting members of the commission. The salary of the executive director shall be set by the governor with the consent of the commission. The governor may dismiss the executive director only with the approval of a majority vote of the commission. The commission, by a majority vote, may dismiss the executive director with the approval of the governor.

(6) The commission may adopt rules for its own governance.

(7) Members are eligible to receive reimbursement for travel expenses incurred in the performance of their duties in accordance with RCW 43.03.050 and 43.03.060.

(8) A majority of members currently appointed constitutes a quorum for the purpose of conducting business.

Sec. 2. RCW 43.162.020 and 2007 c 232 s 4 are each amended to read as follows:

(1) The Washington state economic development commission shall:

~~((1))~~ (a) Concentrate its major efforts on planning, coordination, evaluation, policy analysis, and recommending improvements to the state's economic development system using, but not limited to, the "Next Washington" plan and the global competitiveness council recommendations;

~~((2))~~ (b) Develop and maintain on a biennial basis a state comprehensive plan for economic development, including but not limited to goals, objectives, and priorities for the state economic development system; identify the elements local associate development organizations must include in their countywide economic development plans; and review the state system for consistency with the state comprehensive plan. In developing the state comprehensive plan for economic development, the commission shall use, but may not be limited to: Economic, labor market, and populations trend reports in office of financial management forecasts; the annual state economic climate report prepared by the economic climate council; joint office of financial management and employment security department labor force, industry employment, and occupational forecasts; the results of scientifically based outcome evaluations; the needs of industry associations, industry clusters, businesses, and employees as evidenced in formal surveys and other input;

~~((3))~~ (c) Establish and maintain an inventory of the programs of the state economic development system and related state

programs; perform a biennial assessment of the ongoing and strategic economic development needs of the state; and assess the extent to which the economic development system and related programs represent a consistent, coordinated, efficient, and integrated approach to meet such needs; ~~(and~~

~~(4))~~ (d) Produce a biennial report to the governor and the legislature on progress by the commission in coordinating the state's economic development system and meeting the other obligations of this chapter, as well as include recommendations for any statutory changes necessary to enhance operational efficiencies or improve coordination;

(e) Consult, collaborate, and coordinate with other state agencies and local organizations when developing plans, inventories, and assessments so as to avoid duplication of effort; and

(f) Have the authority to accept gifts, grants, donations, sponsorships, or contributions from any federal, state, or local governmental agency or program or any private source and expend the same for any purpose consistent with the provisions of this chapter.

(2) The commission may delegate to the executive director any of the functions of this section.

(3) The executive director must present a fiscal report to the commission quarterly for its review and approval.

(4) To maintain its leadership and concentration on strategic planning, coordination, and assessment of the economic development system as a whole, the commission shall not take an administrative role in the delivery of services.

Sec. 3. 2007 c 232 s 6 (uncodified) is amended to read as follows:

(1) ~~(The commission must develop and update a state comprehensive plan for economic development and an initial inventory of economic development programs, as required under section 4 of this act, by June 30, 2008.~~

~~(2))~~ Using the information from ~~(the)~~ its initial inventory of economic development programs, public input, and such other information as it deems appropriate, the commission shall, by ~~(September 1, 2008)~~ November 1, 2009, provide a report with findings, analysis, and recommendations to the governor and the legislature on the appropriate state role in economic development and the appropriate administrative and regional structures for the provision of economic development services. The report shall address how best to organize the state system to ensure that the state's economic development efforts:

(a) Are organized around a clear central mission and aligned with the state's comprehensive plan for economic development;

(b) Are capable of providing focused and flexible responses to changing economic conditions;

(c) Generate greater local capacity to respond to local opportunities and needs;

(d) Face no administrative barriers to efficiency and effectiveness;

(e) Maximize results through partnerships and the use of intermediaries; and

(f) Provide increased accountability to the public, the executive branch, and the legislature.

~~((3))~~ (2) The report should address the potential value of creating or consolidating specific programs if doing so would be consistent with an agency's core mission, and the potential value of removing specific programs from an agency if the programs are not central to the agency's core mission.

Sec. 4. RCW 43.330.280 and 2007 c 227 s 2 are each amended to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of community, trade, and economic development to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an annual innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to be updated annually to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December ~~((31, 2007))~~ 31st of each year. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ~~((ten))~~ one significant entrepreneurial researcher ~~((s over the next ten years))~~ per year to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by ~~((December 31, 2008))~~ September 30, 2009, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of chapter 227, Laws of 2007 and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

NEW SECTION. Sec. 5. A new section is added to chapter 43.162 RCW to read as follows:

(1) The Washington state economic development commission fund is created in the state treasury. All receipts from gifts, grants, donations, sponsorships, or contributions under RCW 43.162.020 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the Washington state economic development commission only for purposes related to carrying out the mission, roles, and responsibilities of the commission.

(2) Whenever any money, from the federal government or from other sources, that was not anticipated in the budget approved by the legislature, has actually been received and is designated to be spent for a specific purpose, the executive director shall use the unanticipated receipts process as provided in RCW 43.79.270 to request authority to spend the money.

(3) The commission shall use the small agency client services within the office of financial management for accounting, budgeting, and payroll services.

(4) The commission is subject to audits by the state auditor as provided under chapter 43.09 RCW."

On page 1, line 2 of the title, after "commission;" strike the remainder of the title and insert "amending RCW 43.162.010, 43.162.020, and 43.330.280; amending 2007 c 232 s 6 (uncodified); and adding a new section to chapter 43.162 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1131 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1170 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.004 and 2008 c 6 s 1003 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation which is incorporated in a temporary order.

(2) "Permanent parenting plan" means a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an

action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation.

(3) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

(f) Providing for the financial support of the child.

(4) "Military duties potentially impacting parenting functions" means those obligations imposed, voluntarily or involuntarily, on a parent serving in the armed forces that may interfere with that parent's abilities to perform his or her parenting functions under a temporary or permanent parenting plan. Military duties potentially impacting parenting functions include, but are not limited to:

(a) "Deployment," which means the temporary transfer of a service member serving in an active-duty status to another location in support of a military operation, to include any tour of duty classified by the member's branch of the armed forces as "remote" or "unaccompanied";

(b) "Activation" or "mobilization," which means the call-up of a national guard or reserve service member to extended active-duty status. For purposes of this definition, "mobilization" does not include national guard or reserve annual training, inactive duty days, or drill weekends; or

(c) "Temporary duty," which means the transfer of a service member from one military base or the service member's home to a different location, usually another base, for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

Sec. 2. RCW 26.09.010 and 2008 c 6 s 1004 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage or domestic partnership, legal separation or a declaration concerning the validity of a marriage or domestic partnership shall be entitled "In re the marriage of and" or "In re the domestic partnership of and" Such proceedings may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital or domestic partnership status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of"

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage or domestic partnership shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

(7) In order to provide a means by which to facilitate a fair, efficient, and swift process to resolve matters regarding custody and visitation when a parent serving in the armed forces receives

temporary duty, deployment, activation, or mobilization orders from the military, the court shall, upon motion of such a parent:

(a) For good cause shown, hold an expedited hearing in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability, or anticipated ability, to appear in person at a regularly scheduled hearing; and

(b) Upon reasonable advance notice to the affected parties and for good cause shown, allow the parent to present testimony and evidence by electronic means in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing. The phrase "electronic means" includes communication by telephone, video teleconference, or the internet.

Sec. 3. RCW 26.09.260 and 2000 c 21 s 19 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if

the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation

rights, or a portion thereof, to a child's family member, including a stepparent or another person other than a parent with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party."

On page 1, line 2 of the title, after "parent;" strike the remainder of the title and insert "and amending RCW 26.09.004, 26.09.010, and 26.09.260."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1170 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1239 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~(13.34.170))~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age(~~(-PROVIDED, That))~~).

If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters(~~(-PROVIDED FURTHER, That))~~). The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection(~~(-~~

~~PROVIDED FURTHER, That))~~. Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the diveree has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the

superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

Sec. 2. RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are each reenacted and amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty-four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of social and health services or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

(1) Notify the child's school that the child is in out-of-home placement;

(2) Enroll the child in school;

(3) Request the school transfer records;

(4) Request and authorize evaluation of special needs;

(5) Attend parent or teacher conferences;

(6) Excuse absences;

(7) Grant permission for extracurricular activities;

(8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and

(9) Complete or update school emergency records.

7. A dependency petition begins a judicial process which, if the court finds your child dependent, could result in substantial restrictions including the entry or modification of a parenting plan or residential schedule, nonparental custody order or decree, guardianship order, or the permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

(a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or legal custodian; and

(b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

Sec. 3. RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child

if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(c) Whenever the court is asked to establish or modify a parenting plan under this section, the court shall first determine whether the child's interests are represented consistent with the requirements of RCW 13.34.100. The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(d) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapter 26.09 or 26.26 RCW.

(e) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapter 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(f) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

((=)) (4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapter 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding."

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.155; and reenacting and amending RCW 13.04.030 and 13.34.062."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1239 and asked the Senate to recede therefrom.

MESSAGES FROM THE SENATE

April 16, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE HOUSE BILL NO. 1022,
HOUSE BILL NO. 1063,
HOUSE BILL NO. 1264,
SUBSTITUTE HOUSE BILL NO. 1397,
SUBSTITUTE HOUSE BILL NO. 1413,
SUBSTITUTE HOUSE BILL NO. 1419,
HOUSE BILL NO. 1426,
ENGROSSED HOUSE BILL NO. 1461,
HOUSE BILL NO. 1498,
SUBSTITUTE HOUSE BILL NO. 1505,
SECOND SUBSTITUTE HOUSE BILL NO. 1522,
SUBSTITUTE HOUSE BILL NO. 1532,
HOUSE BILL NO. 1578,
SUBSTITUTE HOUSE BILL NO. 1733,
SUBSTITUTE HOUSE BILL NO. 1984,
SUBSTITUTE HOUSE BILL NO. 2052,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2105,
HOUSE JOINT MEMORIAL NO. 4000,
HOUSE JOINT MEMORIAL NO. 4005,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 16, 2009

Mr. Speaker:

The President has signed SENATE BILL NO. 5599, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5410, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Oemig, Morton, McAuliffe, Tom and Eide)

Regarding the digital learning commons. Revised for 1st Substitute: Regarding online learning.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

With the consent of the House, amendment (712) to the committee amendment was withdrawn.

Representative Maxwell moved the adoption of amendment (696):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that online learning provides tremendous opportunities for students to access curriculum, courses, and a unique learning environment that might not otherwise be available. The legislature supports and encourages online learning opportunities.

(2) However, the legislature also finds that there is a need to assure quality in online learning, both for the programs and the administration of those programs. The legislature is the steward of public funds that support students enrolled in online learning and must ensure an appropriate accountability system at the state level.

(3) Therefore, the legislature intends to take a first step in improving oversight and quality assurance of online learning programs, and intends to examine possible additional steps that may need to be taken to improve financial accountability.

(4) The first step in improving quality assurance is to:

(a) Provide objective information to students, parents, and educators regarding available online learning opportunities, including program and course content, how to register for programs and

courses, teacher qualifications, student-to-teacher ratios, prior course completion rates, and other evaluative information;

(b) Create an approval process for multidistrict online providers;

(c) Enhance statewide equity of student access to high quality online learning opportunities; and

(d) Require school district boards of directors to develop policies and procedures for student access to online learning opportunities.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1)(a) "Multidistrict online provider" means:

(i) A private or nonprofit organization that enters into a contract with a school district to provide online courses or programs to K-12 students from more than one school district;

(ii) A private or nonprofit organization that enters into contracts with multiple school districts to provide online courses or programs to K-12 students from those districts; or

(iii) Except as provided in (b) of this subsection, a school district that provides online courses or programs to students who reside outside the geographic boundaries of the school district.

(b) "Multidistrict online provider" does not include a school district online learning program in which fewer than ten percent of the students enrolled in the program are from other districts under the interdistrict student transfer provisions of RCW 28A.225.225. "Multidistrict online provider" also does not include regional online learning programs that are jointly developed and implemented by two or more school districts or an educational service district through an interdistrict cooperative program agreement that addresses, at minimum, how the districts share student full-time equivalency for state basic education funding purposes and how categorical education programs, including special education, are provided to eligible students.

(2)(a) "Online course" means a course that:

(i) Is delivered primarily electronically using the internet or other computer-based methods; and

(ii) Is taught by a teacher primarily from a remote location. Students enrolled in an online course may have access to the teacher synchronously, asynchronously, or both.

(b) "Online school program" means a school program that:

(i) Is delivered primarily electronically using the internet or other computer-based methods;

(ii) Is taught by a teacher primarily from a remote location. Students enrolled in an online program may have access to the teacher synchronously, asynchronously, or both;

(iii) Delivers a part-time or full-time sequential program; and

(iv) Has an online component of the program with online lessons and tools for student and data management.

(c) An online course or online school program may be delivered to students at school as part of the regularly scheduled school day. An online course or online school program also may be delivered to students, in whole or in part, independently from a regular classroom schedule, but such courses or programs must comply with RCW 28A.150.262 to qualify for state basic education funding.

NEW SECTION. Sec. 3. (1) The superintendent of public instruction, in collaboration with the state board of education, shall develop and implement approval criteria and a process for approving multidistrict online providers; a process for monitoring and if necessary rescinding the approval of courses or programs offered by an online course provider; and an appeals process. The criteria and processes shall be adopted by rule by December 1, 2009.

(2) When developing the approval criteria, the superintendent of public instruction shall require that providers offering online courses or programs have accreditation through the Northwest association of accredited schools or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction after consultation with the Washington coalition for online learning. In addition to other criteria, the approval criteria shall include the degree of alignment with state academic standards and require that all teachers be certificated in accordance with Washington state law. When reviewing multidistrict online providers that offer high school courses, the superintendent of public instruction shall assure that the courses offered by the provider are eligible for high school credit. However, final decisions regarding

the awarding of high school credit shall remain the responsibility of school districts.

(3) Initial approval of multidistrict online providers by the superintendent of public instruction shall be for four years. The superintendent of public instruction shall develop a process for the renewal of approvals and for rescinding approvals based on noncompliance with approval requirements. Any multidistrict online provider that was approved by the digital learning commons or accredited by the Northwest association of accredited schools before the effective date of this section, and that meets the teacher certification requirements of subsection (2) of this section, is exempt from the initial approval process under this section until August 31, 2011, but must comply with the process for renewal of approvals and must comply with approval requirements.

(4) The superintendent of public instruction shall make the first round of decisions regarding approval of multidistrict online providers by April 1, 2010. Thereafter, the superintendent of public instruction shall make annual approval decisions no later than November 1st of each year.

(5) The superintendent of public instruction shall establish an online learning advisory committee within existing resources that shall provide advice to the superintendent regarding the approval criteria, major components of the web site, the model school district policy, model agreements, and other related matters. The committee shall include a representative of each of the following groups: Private and public online providers, parents of online students, accreditation organizations, educational service districts, school principals, teachers, school administrators, school board members, institutions of higher education, and other individuals as determined by the superintendent. Members of the advisory committee shall be selected by the superintendent based on nominations from statewide organizations, shall serve three-year terms, and may be reappointed. The superintendent shall select the chair of the committee.

NEW SECTION. Sec. 4. The superintendent of public instruction shall create an office of online learning. In the initial establishment of the office, the superintendent shall hire staff who have been employed by the digital learning commons to the extent such hiring is in accordance with state law and to the extent funds are available. The office shall:

(1) Develop and maintain a web site that provides objective information for students, parents, and educators regarding online learning opportunities offered by multidistrict online providers that have been approved in accordance with section 3 of this act. The web site shall include information regarding the online course provider's overall instructional program, specific information regarding the content of individual online courses and online school programs, a direct link to each online course provider's web site, how to register for online learning programs and courses, teacher qualifications, student-to-teacher ratios, course completion rates, and other evaluative and comparative information. The web site shall also provide information regarding the process and criteria for approving multidistrict online providers. To the greatest extent possible, the superintendent shall use the framework of the course offering component of the web site developed by the digital learning commons;

(2) Develop model agreements with approved multidistrict online providers that address standard contract terms and conditions that may apply to contracts between a school district and the approved provider. The purpose of the agreements is to provide a template to assist individual school districts, at the discretion of the district, in contracting with multidistrict online providers to offer the multidistrict online provider's courses and programs to students in the district. The agreements may address billing, fees, responsibilities of online course providers and school districts, and other issues; and

(3) In collaboration with the educational service districts:

(a) Provide technical assistance and support to school district personnel through the educational technology centers in the development and implementation of online learning programs in their districts; and

(b) To the extent funds are available, provide online learning tools for students, teachers, administrators, and other educators.

NEW SECTION. Sec. 5. The superintendent of public instruction shall:

(1) Develop model policies and procedures, in consultation with the Washington state school directors' association, that may be used by school district boards of directors in the development of the school district policies and procedures required in section 6 of this act. The model policies and procedures shall be disseminated to school districts by February 1, 2010;

(2) By December 1, 2009, modify the standards for school districts to report course information to the office of the superintendent of public instruction under RCW 28A.300.500 and for purposes of the standardized transcript to designate if the course was an online course. Both the designation and the reporting standards shall be required beginning with the 2010-11 school year; and

(3) Beginning January 15, 2011, and annually thereafter, submit a report regarding online learning to the state board of education, the governor, and the legislature. The report shall cover the previous school year and include but not be limited to student demographics, course enrollment data, aggregated student course completion and passing rates, and activities and outcomes of course and provider approval reviews.

NEW SECTION. Sec. 6. (1) By August 31, 2010, all school district boards of directors shall develop policies and procedures regarding student access to online courses and online learning programs. The policies and procedures shall include but not be limited to: Student eligibility criteria; the types of online courses available to students through the school district; the methods districts will use to support student success, which may include a local advisor; when the school district will and will not pay course fees and other costs; the granting of high school credit; and a process for students and parents or guardians to formally acknowledge any course taken for which no credit is given. The policies and procedures shall take effect beginning with the 2010-11 school year. School districts shall submit their policies to the superintendent of public instruction by September 15, 2010. By December 1, 2010, the superintendent of public instruction shall summarize the school district policies regarding student access to online courses and submit a report to the legislature.

(2) School districts shall provide students with information regarding online courses that are available through the school district. The information shall include the types of information described in subsection (1) of this section.

(3) When developing local or regional online learning programs, school districts shall incorporate into the program design the approval criteria developed by the superintendent of public instruction under section 3 of this act.

NEW SECTION. Sec. 7. (1) Beginning with the 2011-12 school year, school districts may claim state basic education funding, to the extent otherwise allowed by state law, for students enrolled in online courses or programs only if the online courses or programs are:

(a) Offered by a multidistrict online provider approved under section 3 of this act by the superintendent of public instruction;

(b) Offered by a school district online learning program if the program serves students who reside within the geographic boundaries of the school district, including school district programs in which fewer than ten percent of the program's students reside outside the school district's geographic boundaries; or

(c) Offered by a regional online learning program where courses are jointly developed and offered by two or more school districts or an educational service district through an interdistrict cooperative program agreement.

(2) Criteria shall be established by the superintendent of public instruction to allow online courses that have not been approved by the superintendent of public instruction to be eligible for state funding if the course is in a subject matter in which no courses have been approved and, if it is a high school course, the course meets Washington high school graduation requirements.

NEW SECTION. 8. Nothing in this chapter is intended to diminish the rights of students to attend a nonresident school district in accordance with RCW 28A.225.220 through 28A.225.230 for the purposes of enrolling in online courses or programs.

Sec. 9. RCW 28A.150.262 and 2005 c 356 s 2 are each amended to read as follows:

Under RCW 28A.150.260, the superintendent of public instruction shall revise the definition of a full-time equivalent student to include students who receive instruction through ~~((digital programs. "Digital programs" means electronically delivered learning that occurs primarily away from the classroom))~~ alternative learning experience online programs. As used in this section, an "alternative learning experience online program" is a set of online courses or an online school program as defined in section 2 of this act that is delivered to students in whole or in part independently from a regular classroom schedule. The superintendent of public instruction has the authority to adopt rules to implement the revised definition beginning with the 2005-2007 biennium for school districts claiming state funding for the programs. The rules shall include but not be limited to the following:

(1) Defining a full-time equivalent student under RCW 28A.150.260 or part-time student under RCW 28A.150.350 based upon the district's estimated average weekly hours of learning activity as identified in the student's learning plan, as long as the student is found, through monthly evaluation, to be making satisfactory progress; the rules shall require districts providing programs under this section to nonresident students to establish procedures that address, at a minimum, the coordination of student counting for state funding so that no student is counted for more than one full-time equivalent in the aggregate;

(2) Requiring the board of directors of a school district offering, or contracting under RCW 28A.150.305 to offer, ~~((a digital))~~ an alternative learning experience online program to adopt and annually review written policies for each program and program provider and to receive an annual report on its digital alternative learning experience online programs from its staff;

(3) Requiring each school district offering or contracting to offer ~~((a digital))~~ an alternative learning experience online program to report annually to the superintendent of public instruction on the types of programs and course offerings, and number of students participating;

(4) Requiring completion of a program self-evaluation;

(5) Requiring documentation of the district of the student's physical residence;

(6) Requiring that supervision, monitoring, assessment, and evaluation of the ~~((digital))~~ alternative learning experience online program be provided by certificated instructional staff;

(7) Requiring each school district offering courses or programs to identify the ratio of certificated instructional staff to full-time equivalent students enrolled in such courses or programs, and to include a description of their ratio as part of the reports required under subsections (2) and (3) of this section;

(8) Requiring reliable methods to verify a student is doing his or her own work; the methods may include proctored examinations or projects, including the use of web cams or other technologies. "Proctored" means directly monitored by an adult authorized by the school district;

(9) Requiring, for each student receiving instruction in ~~((a digital))~~ an alternative learning experience online program, a learning plan that includes a description of course objectives and information on the requirements a student must meet to successfully complete the program or courses. The rules shall allow course syllabi and other additional information to be used to meet the requirement for a learning plan;

(10) Requiring that the district assess the educational progress of enrolled students at least annually, using, for full-time students, the state assessment for the student's grade level and using any other annual assessments required by the school district. Part-time students shall also be assessed at least annually. However, part-time students who are either receiving home-based instruction under chapter 28A.200 RCW or who are enrolled in an approved private school under chapter 28A.195 RCW are not required to participate in the assessments required under chapter 28A.655 RCW. The rules shall address how students who reside outside the geographic service area of the school district are to be assessed;

(11) Requiring that each student enrolled in the program have direct personal contact with certificated instructional staff at least weekly until the student completes the course objectives or the requirements in the learning plan. Direct personal contact is for the

purposes of instruction, review of assignments, testing, evaluation of student progress, or other learning activities. Direct personal contact may include the use of telephone, e-mail, instant messaging, interactive video communication, or other means of digital communication;

(12) Requiring state-funded public schools or public school programs whose primary purpose is to provide ~~((digital)) alternative learning experience online~~ learning programs to receive accreditation through the ~~((state accreditation program or through the regional accreditation program)) Northwest association of accredited schools or another national, regional, or state accreditation program listed by the office of the superintendent of public instruction after consultation with the Washington coalition for online learning;~~

(13) Requiring state-funded public schools or public school programs whose primary purpose is to provide ~~((digital)) alternative learning experience online~~ learning to provide information to students and parents on whether or not the courses or programs: Cover one or more of the school district's learning goals or of the state's essential academic learning requirements or whether they permit the student to meet one or more of the state's or district's graduation requirements; and

(14) Requiring that a school district that provides one or more ~~((digital)) alternative learning experience online~~ courses to a student provide the parent or guardian of the student, prior to the student's enrollment, with a description of any difference between home-based education as described in chapter 28A.200 RCW and the enrollment option selected by the student. The parent or guardian shall sign documentation attesting to his or her understanding of the difference and the documentation shall be retained by the district and made available for audit.

NEW SECTION. Sec. 10. (1) The office of the superintendent of public instruction shall conduct a review of online courses and programs offered to students during the 2008-09 school year to create a baseline of information about part-time, full-time, and interdistrict student enrollment; how courses and programs are offered and overseen; contract terms and funding arrangements; the fiscal impact on school district levy bases and levy equalization from interdistrict student enrollment; student-to-teacher ratios; course and program completion and success rates; student retention and dropout rates; and how issues such as student assessment, special education, and teacher certification are addressed.

(2) The office of the superintendent of public instruction shall also assess the level of funding provided for online course and program enrollment relative to the basic education general allocation, particularly for alternative learning experience programs. The assessment shall include but not be limited to a comparison of staffing ratios and costs, nonemployee-related costs, and facility requirements; and an analysis of the appropriate share of per-student allocations between resident districts and serving districts given the requirements for monthly progress reviews and direct personal contact.

(3) The office of the superintendent of public instruction shall submit a report to the education and fiscal committees of the legislature by December 1, 2009.

NEW SECTION. Sec. 11. Sections 1 through 8 of this act constitute a new chapter in Title 28A RCW.

NEW SECTION. Sec. 12. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

Correct the title.

Representative Hunter moved the adoption of amendment (725) to amendment (696):

On page 3, at the beginning of line 36 of the striking amendment, strike "2011" and insert "2012"

On page 5, beginning on line 29 of the striking amendment, after "28A.300.500" strike "and for purposes of the standardized transcript"

On page 5, line 31, after "course." strike "Both the designation and the" and insert "The"

Representatives Hunter and Priest spoke in favor of the adoption of the amendment to amendment (696).

Amendment (725) to amendment (696) was adopted.

Amendment (696) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Maxwell, Priest, Grant-Herriot and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5410, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5410, as amended by the House, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE SENATE BILL NO. 5410, as amended by the House, having received the necessary constitutional majority, was declared passed.

SECOND SUBSTITUTE SENATE BILL NO. 5945, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Franklin and Kohl-Welles)

Creating the Washington health partnership plan.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Health & Human Services Appropriations was before the body for the purpose of amendment. (For committee amendment, see Journal, Day 82, April 3, 2009.)

Representative Hinkle moved the adoption of amendment (726) to the committee amendment:

On page 1, line 4 of the amendment, after "by" strike "President Obama" and insert "the president of the United States"

On page 1, line 8 of the amendment, after "efforts." insert "The legislature further finds that the recommendations of the 2007 blue ribbon commission on health care costs and access are consistent with these principles."

On page 1, line 12 of the amendment, after "Provide" strike "Americans" and insert "the people of Washington state with"

On page 1, line 13 of the amendment, after "physicians" insert ", including health plans offered through the private insurance market and public programs, for those who meet eligibility standards"

On page 1, line 19 of the amendment, after "costs" strike "American citizens and businesses" and insert "that the people of Washington state"

On page 2, line 16 of the amendment, after "productivity," strike "and"

On page 2, line 16 of the amendment, after "revenue" insert ", and defining the appropriate role of the private and public sectors in financing health care coverage in Washington state"

On page 3, beginning on line 7 of the amendment, after "in" strike "Substitute House Bill No. 1647 and"

On page 4, beginning on line 4 of the amendment, after "5891" strike "and Second Substitute House Bill No. 2114"

On page 5, line 9 of the amendment, strike "and"

On page 5, line 11 of the amendment, after "purchasing" insert "; and"

(d) Reforms in the private health insurance market to provide individuals and employers with more affordable health insurance options"

Representatives Hinkle and Cody spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (726) to the committee amendment was adopted.

Representative Herrera moved the adoption of amendment (605) to the committee amendment:

On page 7, after line 10 of the amendment insert the following:

"(3) The department shall not submit the waiver unless it will result in savings or be cost neutral to the state over the length of the waiver."

Renumber the remaining subsections consecutively and correct internal references accordingly.

Representatives Herrera and Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment.

Amendment (605) to the committee amendment was not adopted.

Representative Cody moved the adoption of amendment (583) to the committee amendment:

On page 8, after line 2 of the amendment, insert the following:

"NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) RCW 43.20A.560 (Development of options to expand health care options--Consideration of federal waivers and state plan amendments required) and 2007 c 259 s 23; and

(2) RCW 74.09.740 (Amendments to state plan--Federal approval required) and 2002 c 3 s 14."

Representative Cody spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (583) to the committee amendment was adopted.

Representative Ericksen moved the adoption of amendment (607) to the committee amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) In January 2007 the blue ribbon commission on health care costs and access issued its report, which included a recommendation to give individuals and families more choice in selecting private insurance plans that work for them. This recommendation specifically stated, "Washington needs a multipronged approach to tackle the challenges facing our uninsured population. Over half of Washington's total uninsured population consists of young adults ages nineteen to thirty- four. In addition, fifty thousand are employees of small businesses who have incomes in excess of two hundred percent of the federal poverty level. Providing these and

other individuals affordable insurance options on the private market will go a long way in decreasing the number of uninsured in the state."

(b) In the 2007 legislative session, Engrossed Second Substitute Senate Bill No. 5930 titled "an act relating to providing high quality, affordable health care to Washingtonians based on the recommendations of the blue ribbon commission on health care costs and access" was introduced and passed without any provisions related to the recommendation described in this section.

(c) State budget cuts to existing government health care programs such as the basic health plan, general assistance unemployment, and medicaid demonstrate the unsustainability of government health care programs and the need to reform the private health insurance market instead of expanding government health care programs which are intended to be safety net programs for our most vulnerable citizens.

(2) The legislature intends to:

(a) Implement the recommendation of the blue ribbon commission on health care costs and access, and implement a multipronged approach that provides more affordable health insurance options in the private health insurance market to decrease the number of uninsured in Washington; and

(b) Establish a Washington health partnership advisory group to review progress on the implementation of reforms to the private health insurance market and recommend any additional reforms needed to provide affordable health insurance options for all Washingtonians.

NEW SECTION. Sec. 2. A new section is added to chapter 48.06 RCW to read as follows:

(1) Beginning October 1, 2010, the governor shall convene annual meetings of a Washington health partnership advisory group. The advisory group must review progress on the implementation of this act to give individuals and employers more choice in selecting private insurance plans that work for them. The advisory group shall also provide input related to further actions that can be taken to reform the private health insurance market so that it has affordable health insurance options for all Washingtonians.

(2) The membership of the advisory group shall include:

(a) Two members of the house of representatives and two members of the senate, representing the majority and minority caucuses of each body;

(b) The insurance commissioner;

(c) The secretary of the department of social and health services, the administrator of the health care authority, and the director of the office of financial management;

(d) Members of the forum and the Puget Sound health alliance;

(e) Health insurance carriers who currently offer plans in Washington state, and out-of-state carriers interested in offering plans in Washington state; and

(f) Employer and consumer representatives.

Sec. 3. RCW 48.21.045 and 2008 c 143 s 6 are each amended to read as follows:

(1)((~~1~~)) An insurer offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer a health benefit plan featuring a limited schedule of covered health care services. ~~(Nothing in this subsection shall preclude an insurer from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. An insurer offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.~~

~~—(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.21.130, 48.21.140, 48.21.141, 48.21.142, 48.21.144, 48.21.146, 48.21.160 through 48.21.197, 48.21.200, 48.21.220, 48.21.225, 48.21.230, 48.21.235, 48.21.244, 48.21.250, 48.21.300, 48.21.310, or 48.21.320.~~

~~—(2)) (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not~~

required to, comply with: RCW 48.21.130 through 48.21.241, 48.21.244 through 48.21.280, 48.21.300 through 48.21.320, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

(b) In offering the plan under this subsection, the insurer must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

(2) An insurer offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

(3) Nothing in this section shall prohibit an insurer from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or

(iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all small groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or

minus four percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal.))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(e) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by an insurer in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) An insurer shall not require a minimum participation level greater than:

- (i) One hundred percent of eligible employees working for groups with three or less employees; and
- (ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) An insurer may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

~~((6))~~ (7) An insurer must offer coverage to all eligible employees of a small employer and their dependents. An insurer may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. An insurer may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

~~((7))~~ (8) As used in this section, "health benefit plan," "small employer," "adjusted community rate," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 4. RCW 48.44.023 and 2008 c 143 s 7 are each amended to read as follows:

~~(1)((a))~~ A health care services contractor offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ((Nothing in this subsection shall preclude a contractor from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A contractor offering a health benefit plan under this subsection shall clearly disclose all covered benefits to the small employer in a brochure filed with the commissioner.

~~(b)~~ A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.44.225, 48.44.240, 48.44.245, 48.44.290, 48.44.300, 48.44.310, 48.44.320, 48.44.325, 48.44.330, 48.44.335, 48.44.344, 48.44.360, 48.44.400, 48.44.440, 48.44.450, and 48.44.460.

~~(2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.44.210, 48.44.212, 48.44.225, 48.44.240 through 48.44.245, 48.44.290 through 48.44.341, 48.44.344, 48.44.360 through 48.44.380, 48.44.400, 48.44.420, 48.44.440 through 48.44.460, 48.44.500, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

~~(b)~~ In offering the plan under this subsection, the health care service contractor must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).

~~(2)~~ A health care service contractor offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.

~~(3)~~ Nothing in this section shall prohibit a health care service contractor from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

~~(i)~~ Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~((sixty))~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(e) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a contractor in determining whether to provide coverage to a small employer shall be applied uniformly among all small

employers applying for coverage or receiving coverage from the carrier.

(b) A contractor shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A contractor may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

~~((6))~~ (7) A contractor must offer coverage to all eligible employees of a small employer and their dependents. A contractor may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A contractor may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 5. RCW 48.46.066 and 2008 c 143 s 8 are each amended to read as follows:

(1)~~((a))~~ A health maintenance organization offering any health benefit plan to a small employer, either directly or through an association or member-governed group formed specifically for the purpose of purchasing health care, may offer and actively market to the small employer ~~((a))~~ no more than one health benefit plan featuring a limited schedule of covered health care services. ~~((Nothing in this subsection shall preclude a health maintenance organization from offering, or a small employer from purchasing, other health benefit plans that may have more comprehensive benefits than those included in the product offered under this subsection. A health maintenance organization offering a health benefit plan under this subsection shall clearly disclose all the covered benefits to the small employer in a brochure filed with the commissioner.~~

~~(b) A health benefit plan offered under this subsection shall provide coverage for hospital expenses and services rendered by a physician licensed under chapter 18.57 or 18.71 RCW but is not subject to the requirements of RCW 48.46.275, 48.46.280, 48.46.285, 48.46.350, 48.46.355, 48.46.375, 48.46.440, 48.46.480, 48.46.510, 48.46.520, and 48.46.530.~~

~~((2))~~ (a) The plan offered under this subsection may be offered with a choice of cost-sharing arrangements, and may, but is not required to, comply with: RCW 48.46.250, 48.46.272 through 48.46.291, 48.46.320, 48.46.350, 48.46.375, 48.46.440 through 48.46.460, 48.46.480, 48.46.490, 48.46.510, 48.46.520, 48.46.530, 48.46.565, 48.46.570, 48.46.575, 48.43.045(1) except as required in (b) of this subsection, 48.43.093, 48.43.115 through 48.43.185, 48.43.515(5), or 48.42.100.

~~(b) In offering the plan under this subsection, the health maintenance organization must offer the small employer the option of permitting every category of health care provider to provide health services or care for conditions covered by the plan pursuant to RCW 48.43.045(1).~~

~~(2) A health maintenance organization offering the plan under subsection (1) of this section must also offer and actively market to the small employer at least one additional health benefit plan.~~

~~(3) Nothing in this section shall prohibit a health maintenance organization from offering, or a purchaser from seeking, health benefit plans with benefits in excess of the health benefit plan offered under subsection (1) of this section. All forms, policies, and contracts shall be submitted for approval to the commissioner, and~~

the rates of any plan offered under this section shall be reasonable in relation to the benefits thereto.

~~((3))~~ (4) Premium rates for health benefit plans for small employers as defined in this section shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age; and
- (iv) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments, which shall begin with age twenty and end with age sixty-five. Employees under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection ~~((3))~~ (4).

(d) The permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the enrollment of the small employer;
- (ii) Changes to the family composition of the employee;
- (iii) Changes to the health benefit plan requested by the small employer; or
- (iv) Changes in government requirements affecting the health benefit plan.

(g) Rating factors shall produce premiums for identical groups that differ only by the amounts attributable to plan design, with the exception of discounts for health improvement programs.

(h) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. A carrier may develop its rates based on claims costs ~~((due to network provider reimbursement schedules or type of network))~~ for a plan. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

~~(i) Except for small group health benefit plans that qualify as insurance coverage combined with a health savings account as defined by the United States internal revenue service, adjusted community rates established under this section shall pool the medical experience of all groups purchasing coverage, including the small group participants in the health insurance partnership established in RCW 70.47A.030. However, annual rate adjustments for each small group health benefit plan may vary by up to plus or minus ~~((four))~~ eight percentage points from the overall adjustment of a carrier's entire small group pool ~~((such overall adjustment to be approved by the commissioner, upon a showing by the carrier, certified by a member of the American academy of actuaries that: (i) The variation is a result of deductible leverage, benefit design, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue neutral effect on the carrier's small group pool. Variations of greater than four percentage points are subject to review by the commissioner, and must be approved or denied within sixty days of submittal))~~ if certified by a member of the American academy of actuaries, that: (i) The variation is a result of deductible leverage, benefit design, claims cost trend for the plan, or provider network characteristics; and (ii) for a rate renewal period, the projected weighted average of all small group benefit plans will have a revenue~~

neutral effect on the health maintenance organization's small group pool. Variations of greater than eight percentage points are subject to review by the commissioner, and must be approved or denied within thirty days of submittal. A variation that is not denied within ~~(sixty)~~ thirty days shall be deemed approved. The commissioner must provide to the carrier a detailed actuarial justification for any denial ~~((within thirty days))~~ at the time of the denial.

(j) For health benefit plans purchased through the health insurance partnership established in chapter 70.47A RCW:

(i) Any surcharge established pursuant to RCW 70.47A.030(2)(e) shall be applied only to health benefit plans purchased through the health insurance partnership; and

(ii) Risk adjustment or reinsurance mechanisms may be used by the health insurance partnership program to redistribute funds to carriers participating in the health insurance partnership based on differences in risk attributable to individual choice of health plans or other factors unique to health insurance partnership participation. Use of such mechanisms shall be limited to the partnership program and will not affect small group health plans offered outside the partnership.

~~((4))~~ (5) Nothing in this section shall restrict the right of employees to collectively bargain for insurance providing benefits in excess of those provided herein.

~~((5))~~ (6)(a) Except as provided in this subsection, requirements used by a health maintenance organization in determining whether to provide coverage to a small employer shall be applied uniformly among all small employers applying for coverage or receiving coverage from the carrier.

(b) A health maintenance organization shall not require a minimum participation level greater than:

(i) One hundred percent of eligible employees working for groups with three or less employees; and

(ii) Seventy-five percent of eligible employees working for groups with more than three employees.

(c) In applying minimum participation requirements with respect to a small employer, a small employer shall not consider employees or dependents who have similar existing coverage in determining whether the applicable percentage of participation is met.

(d) A health maintenance organization may not increase any requirement for minimum employee participation or modify any requirement for minimum employer contribution applicable to a small employer at any time after the small employer has been accepted for coverage.

(e) Minimum participation requirements and employer premium contribution requirements adopted by the health insurance partnership board under RCW 70.47A.110 shall apply only to the employers and employees who purchase health benefit plans through the health insurance partnership.

~~((6))~~ (7) A health maintenance organization must offer coverage to all eligible employees of a small employer and their dependents. A health maintenance organization may not offer coverage to only certain individuals or dependents in a small employer group or to only part of the group. A health maintenance organization may not modify a health plan with respect to a small employer or any eligible employee or dependent, through riders, endorsements or otherwise, to restrict or exclude coverage or benefits for specific diseases, medical conditions, or services otherwise covered by the plan.

Sec. 6. RCW 48.43.041 and 2000 c 79 s 26 are each amended to read as follows:

(1) All individual health benefit plans, other than catastrophic health plans ~~((offered or renewed on or after October 1, 2000))~~ and plans for young adults described in subsection (3) of this section, shall include benefits described in this section. Nothing in this section shall be construed to require a carrier to offer an individual health benefit plan.

(a) Maternity services that include, with no enrollee cost-sharing requirements beyond those generally applicable cost-sharing requirements: Diagnosis of pregnancy; prenatal care; delivery; care for complications of pregnancy; physician services; hospital services; operating or other special procedure rooms; radiology and laboratory services; appropriate medications; anesthesia; and services required under RCW 48.43.115; and

(b) Prescription drug benefits with at least a two thousand dollar benefit payable by the carrier annually.

(2) If a carrier offers a health benefit plan that is not a catastrophic health plan to groups, and it chooses to offer a health benefit plan to individuals, it must offer at least one health benefit plan to individuals that is not a catastrophic health plan.

(3) Carriers may design and offer a separate health plan targeted at young adults between nineteen and thirty-four years of age. The plan may include the benefits required under subsections (1) and (2) of this section but is not required to include these benefits. The health plan designed for young adults is exempt from the requirements of RCW 48.43.045(1), 48.43.515(5), 48.44.327, 48.20.392, 48.46.277, 48.43.043, 48.20.580, 48.21.241, 48.44.341, and 48.46.291. Carriers who choose to exclude maternity services from a young adult plan offered under this section must allow enrollees who become pregnant to transfer to another health benefit plan with similar cost-sharing provisions that provides coverage for maternity services, once pregnancy is confirmed by a licensed provider. Carriers shall allow the transfer to occur without applying a preexisting condition waiting period or other limitation or penalty including, but not limited to, satisfying a new deductible or stop-loss requirement.

Sec. 7. RCW 48.44.022 and 2006 c 100 s 3 are each amended to read as follows:

(1) Except for health benefit plans covered under RCW 48.44.021, premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health care service contractor shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health care service contractor shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, except individuals purchasing coverage under RCW 48.44.021, and shall not be required to be pooled with the medical

experience of health benefit plans offered to small employers under RCW 48.44.023. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single-banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(d) of this section.

(3) As used in this section and RCW 48.44.023 "health benefit plan," "small employer," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 8. RCW 48.46.064 and 2006 c 100 s 5 are each amended to read as follows:

(1) Except for health benefit plans covered under RCW 48.46.063, premium rates for health benefit plans for individuals shall be subject to the following provisions:

(a) The health maintenance organization shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (i) Geographic area;
- (ii) Family size;
- (iii) Age;
- (iv) Tenure discounts; and
- (v) Wellness activities.

(b) The adjustment for age in (a)(iii) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(c) The health maintenance organization shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer and coverage for which medicare is not the primary payer. Both rates shall be subject to the requirements of this subsection.

(d) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(e) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs.

(f) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (i) Changes to the family composition;
- (ii) Changes to the health benefit plan requested by the individual; or
- (iii) Changes in government requirements affecting the health benefit plan.

(g) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(h) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall pool the medical experience of all individuals purchasing coverage, except individuals purchasing coverage under RCW 48.46.063, and shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.46.066. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single-banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(d) of this section.

(3) As used in this section and RCW 48.46.066, "health benefit plan," "adjusted community rate," "small employer," and "wellness activities" mean the same as defined in RCW 48.43.005.

Sec. 9. RCW 48.20.029 and 2006 c 100 s 2 are each amended to read as follows:

(1) Premiums for health benefit plans for individuals who purchase the plan as a member of a purchasing pool:

(a) Consisting of five hundred or more individuals affiliated with a particular industry;

(b) To whom care management services are provided as a benefit of pool membership; and

(c) Which allows contributions from more than one employer to be used towards the purchase of an individual's health benefit plan; shall be calculated using the adjusted community rating method that spreads financial risk across the entire purchasing pool of which the individual is a member. All such rates shall conform to the following:

(i) The insurer shall develop its rates based on an adjusted community rate and may only vary the adjusted community rate for:

- (A) Geographic area;
- (B) Family size;
- (C) Age;
- (D) Tenure discounts; and
- (E) Wellness activities.

(ii) The adjustment for age in (c)(i)(C) of this subsection may not use age brackets smaller than five-year increments which shall begin with age twenty and end with age sixty-five. Individuals under the age of twenty shall be treated as those age twenty.

(iii) The insurer shall be permitted to develop separate rates for individuals age sixty-five or older for coverage for which medicare is the primary payer, and coverage for which medicare is not the primary payer. Both rates are subject to the requirements of this subsection.

(iv) Except as provided in subsection (2) of this section, the permitted rates for any age group shall be no more than four hundred twenty-five percent of the lowest rate for all age groups on January 1, 1996, four hundred percent on January 1, 1997, and three hundred seventy-five percent on January 1, 2000, and thereafter.

(v) A discount for wellness activities shall be permitted to reflect actuarially justified differences in utilization or cost attributed to such programs not to exceed twenty percent.

(vi) The rate charged for a health benefit plan offered under this section may not be adjusted more frequently than annually except that the premium may be changed to reflect:

- (A) Changes to the family composition;
- (B) Changes to the health benefit plan requested by the individual; or
- (C) Changes in government requirements affecting the health benefit plan.

(vii) For the purposes of this section, a health benefit plan that contains a restricted network provision shall not be considered similar coverage to a health benefit plan that does not contain such a provision, provided that the restrictions of benefits to network providers result in substantial differences in claims costs. This subsection does not restrict or enhance the portability of benefits as provided in RCW 48.43.015.

(viii) A tenure discount for continuous enrollment in the health plan of two years or more may be offered, not to exceed ten percent.

(2) Adjusted community rates established under this section shall not be required to be pooled with the medical experience of health benefit plans offered to small employers under RCW 48.21.045. Carriers may treat young adults and products developed specifically for them consistent with RCW 48.43.041(3) as a single-banded experience pool for purposes of establishing rates. The rates established for this age group are not subject to subsection (1)(c)(iv) of this section.

(3) As used in this section, "health benefit plan," "adjusted community rates," and "wellness activities" mean the same as defined in RCW 48.43.005.

NEW SECTION. Sec. 10. A new section is added to chapter 48.43 RCW to read as follows:

The office of the insurance commissioner shall make available educational and outreach materials targeted to young adults aged nineteen to thirty-four, as funding becomes available. Education and outreach efforts shall focus on educating young consumers on the importance and value of health insurance, including educational materials, public service messages, and other outreach activities. The commissioner is authorized to fund these activities with grants, donations, in-kind contributions, or other funding that may be available.

NEW SECTION. Sec. 11. As used in this chapter:

- (1) "Commissioner" means the insurance commissioner.
- (2) "Domestic carrier" means a disability insurer regulated under chapter 48.20 or 48.21 RCW, a health care service contractor as defined in RCW 48.44.010, or a health maintenance organization as defined in RCW 48.46.020.
- (3) "Foreign health carrier" means a foreign individual health carrier or a foreign small employer health carrier.
- (4) "Foreign individual health carrier" means a carrier licensed to sell individual health benefits plans in any other state.
- (5) "Foreign small employer health carrier" means a carrier licensed to sell small employer health benefits plans in any other state.
- (6) "Hazardous financial condition" means that, based on its present or reasonably anticipated financial condition, a foreign health carrier is unlikely to be able to meet obligations to policyholders with respect to known claims or to any other obligations in the normal course of business.
- (7) "Health care provider" means an individual or entity which, acting within the scope of its license or certification, provides health care services, and includes, but is not limited to, a physician, dentist, nurse, or other health care professional whose professional practice is regulated pursuant to Title 18 RCW.
- (8) "Individual health benefits plan" means a benefits plan for persons and their dependents which pays or provides for hospital and medical expense benefits for covered services.
- (9) "Office" means the office of the insurance commissioner.
- (10) "Resident" means a person whose primary residence is in Washington and who is present in Washington for at least six months of the calendar year.
- (11) "Small employer health benefits plan" means a group benefits plan for persons and their dependents which pays or provides for hospital and medical expense benefits for covered services, offered by any person, firm, corporation, or partnership actively engaged in a business that employs at least two but not more than fifty employees.

NEW SECTION. Sec. 12. (1) Notwithstanding any other law or rule to the contrary, a foreign individual health carrier may offer and provide individual health benefits plans to residents in this state, if that carrier:

- (a) Offers the same individual health benefits plans in its domiciliary state and is in compliance with all applicable laws, regulations, and other requirements of its domiciliary state; and
 - (b) Obtains a certificate of authority to do business as a foreign health carrier in this state, pursuant to section 13 of this act.
- (2) Notwithstanding any other law to the contrary, a foreign small employer health carrier may offer and provide small employer health benefits plans to employers in this state, if that carrier:
- (a) Offers the same small employer health benefits plans in its domiciliary state and is in compliance with all applicable laws, regulations, and other requirements of its domiciliary state; and
 - (b) Obtains a certificate of authority to do business as a foreign health carrier in this state, pursuant to section 13 of this act.

NEW SECTION. Sec. 13. (1) A foreign health carrier may apply for a certificate of authority to do business as a foreign health carrier in this state, using a form prescribed by the commissioner. Upon application, the commissioner shall issue a certificate of authority to the foreign health carrier unless the commissioner determines that the carrier:

- (a) Will not provide health insurance services in compliance with the provisions of this chapter;
- (b) Is in a hazardous financial condition, as determined by an examination by the commissioner conducted in accordance with the financial analysis handbook of the national association of insurance commissioners; or
- (c) Has not adopted procedures to ensure compliance with all applicable federal and state laws.

(2) A certificate of authority issued pursuant to this section shall be valid for three years from the date of issuance by the commissioner.

(3) The commissioner shall establish by rule:

(a) Procedures for a foreign health carrier to renew a certificate of authority, pursuant to and consistent with the provisions of this chapter; and

(b) A certificate of authority application and renewal fees, the amount of which shall be no greater than is reasonably necessary to enable the office to carry out the provisions of this chapter.

NEW SECTION. Sec. 14. (1) Each individual health benefits plan provided by a foreign individual health carrier to a resident of this state, and each application for the plan, shall disclose in plain language the following:

(a) The differences between the individual health benefits plan issued by the foreign health carrier, and a policy issued in this state subject to the requirements of Title 48 RCW, using at least fourteen-point boldface type to describe the differences that relate to: Underwriting standards, premium rating, preexisting conditions, renewability, portability, and cancellation; and

(b) An explanation of which state's laws govern the issuance of, and requirements under, the individual health benefits plan offered under this chapter.

(2) Each small employer health benefits plan provided by a foreign small employer health carrier to an employer in this state, and each application for the plan, shall disclose in plain language the following:

(a) The differences between the small employer health benefits plan issued by the foreign health carrier, and a policy issued in this state subject to the requirements of Title 48 RCW, using at least fourteen-point boldface type to describe the differences that relate to: Underwriting standards, premium rating, preexisting conditions, renewability, portability, and cancellation; and

(b) An explanation of which state's laws govern the issuance of, and requirements under, the small employer health benefits plan offered under this chapter.

NEW SECTION. Sec. 15. (1) The commissioner may deny, revoke, or suspend, after notice and opportunity to be heard, a certificate of authority issued to a foreign health carrier pursuant to this chapter for a violation of the provisions of this chapter, including any finding by the commissioner that a foreign health carrier is no longer in compliance with any of the conditions for issuance of a certificate of authority set forth in section 13(1) of this act, or the rules adopted pursuant to this chapter. The commissioner shall provide for an appropriate and timely right of appeal for the foreign health carrier whose certificate is denied, revoked, or suspended.

(2) The commissioner shall establish grievance and independent claims review procedures with respect to claims by a health care carrier or a covered person with which a foreign health carrier shall comply as a condition of issuing policies in this state.

(3)(a) The commissioner shall establish fair marketing standards for marketing materials used by foreign health carriers to market individual health benefits plans to residents in this state.

(b) The commissioner shall establish fair marketing standards for marketing materials used by foreign health carriers to market small employer health benefits plans to small employers in this state.

(4) The procedures and standards established under subsections (2) and (3) of this section shall be applied on a nondiscriminatory basis so as not to place greater responsibilities on foreign health carriers than the responsibilities placed on other health carriers doing business in this state.

NEW SECTION. Sec. 16. A domestic carrier authorized to do business in this state may apply to the commissioner for an exemption from the provisions of this title and any rules promulgated under those provisions, that would allow the domestic carrier to offer health care plans that are comparable in plan design to health care plans offered by foreign health carriers under this chapter. Upon a domestic carrier's application, the commissioner shall make an order exempting the domestic carrier from those provisions and rules in order to allow the domestic carrier to offer a health care plan or plans that are comparable in design to health care plans offered by foreign health carriers under this chapter. Any health care plan offer by a domestic carrier under an exemption under this section shall be subject to the requirements that apply to health care plans offered by foreign health carriers under this chapter.

NEW SECTION. 17. The office shall adopt rules to effectuate the purposes of this chapter, provided, however, that the rules shall not:

(1) Directly or indirectly require a foreign health carrier to, directly or indirectly, modify coverage or benefit requirements, or restrict underwriting requirements or premium ratings, in any way that conflicts with the carrier's domiciliary state's laws or rules;

(2) Provide for requirements that are more stringent than those applicable to carriers that are licensed by the commissioner to provide health benefits plans in this state; or

(3) Require any individual health benefits plan or small employer health benefits plan issued by the foreign health carrier to be countersigned by an insurance agent or broker residing in this state.

NEW SECTION. Sec. 18. Sections 11 through 17 of this act constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 19. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

POINT OF ORDER

Representative Hudgins requested a scope and object ruling on amendment (607) to Second Substitute Senate Bill No. 5945.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "In determining the scope and object of the bill, the Speaker looks to the bill as passed by the Senate because the House committee amendment has not been adopted. As it came from the Senate, the bill was titled an act relating to "creating the Washington health partnership plan." The bill established the Washington partnership as a working group to develop recommendations for ensuring access to affordable health care services for every resident by 2012, and required state agencies to work with the federal government to maximize the receipt of federal funds for medical services to low-income children.

Amendment (607) strides the entire bill, and replaces it with amendatory provisions to existing individual and small group health insurance plans regulated by the Insurance Commissioner under Title 48 RCW. In addition, the amendment creates a new chapter in Title 48 RCW that would allow foreign health carriers to sell products offered in other states in the state of Washington. The amendment clearly exceeds the scope and object of the Senate bill, and the point of order is well taken."

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representatives Ericksen, Hinkle, Herrera, Alexander and Bailey spoke against the passage of the bill.

MOTION

On motion of Representative Santos, Representative Flannigan was excused

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5945, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5945, as amended by the House, and the

bill passed the House by the following vote: Yeas, 62; Nays, 35; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

SECOND SUBSTITUTE SENATE BILL NO. 5945, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that restoration of the right to vote and serve on a jury, for individuals who have satisfied every other obligation of their sentence, best serves to reintegrate them into society, even if a no-contact order exists. Therefore, the legislature further finds clarification of the existing statute is desirable to provide clarity to the courts that a certificate of discharge shall be issued, while the no-contact order remains in effect, once other obligations are completed.

Sec. 2. RCW 9.94A.637 and 2007 c 171 s 1 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial

obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2)(a) For purposes of this subsection (2), a no-contact order is not a requirement of the offender's sentence. An offender who has completed all requirements of the sentence, including any and all legal financial obligations, is eligible for a certificate of discharge even if the offender has an existing no-contact order that excludes or prohibits the offender from having contact with a specified person or business or coming within a set distance of any specified location.

(b) In the case of an eligible offender who has a no-contact order as part of the judgment and sentence, the offender may petition the court to issue a certificate of discharge and a separate no-contact order by filing a petition in the sentencing court and paying the appropriate filing fee associated with the petition for the separate no-contact order. This filing fee does not apply to an offender seeking a certificate of discharge when the offender has a no-contact order separate from the judgment and sentence.

(i)(A) The court shall issue a certificate of discharge and a separate no-contact order under this subsection (2) if the court determines that the offender has completed all requirements of the sentence, including all legal financial obligations. The court shall reissue the no-contact order separately under a new civil cause number for the remaining term and under the same conditions as contained in the judgment and sentence.

(B) The clerk of the court shall send a copy of the new no-contact order to the individuals protected by the no-contact order, along with an explanation of the reason for the change, if there is an address available in the court file. If no address is available, the clerk of the court shall forward a copy of the order to the prosecutor, who shall send a copy of the no-contact order with an explanation of the reason for the change to the last known address of the protected individuals.

(ii) Whenever an order under this subsection (2) is issued, the clerk of the court shall forward a copy of the order to the appropriate law enforcement agency specified in the order on or before the next judicial day. The clerk shall also include a cover sheet that indicates the case number of the judgment and sentence that has been discharged. Upon receipt of the copy of the order and cover sheet, the law enforcement agency shall enter the order into any computer-based criminal intelligence information system available in this state used by law enforcement agencies to list outstanding warrants. The order shall remain in this system until it expires. The new order, and case number of the discharged judgment and sentence, shall be linked in the criminal intelligence information system for purposes of enforcing the no-contact order.

(iii) A separately issued no-contact order may be enforced under chapter 26.50 RCW.

(iv) A separate no-contact order issued under this subsection (2) is not a modification of the offender's sentence.

(3) Every signed certificate and order of discharge shall be filed with the county clerk of the sentencing county. In addition, the court shall send to the department a copy of every signed certificate and order of discharge for offender sentences under the authority of the department. The county clerk shall enter into a database maintained by the administrator for the courts the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

((3)) (4) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

((4) Except as provided in subsection (5) of this section,) (5) The discharge shall have the effect of restoring all civil rights lost by operation of law upon conviction, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an

offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

((5)) (6) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order ((issued under chapter 10.99 RCW)) that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

((6)) (7) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 3. RCW 26.50.110 and 2007 c 173 s 2 are each amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location; or

(iv) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a

class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.90, 9.94A, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 4 of the title, after "location;" strike the remainder of the title and insert "amending RCW 9.94A.637 and 26.50.110; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Appleton spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1002, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1002, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Taylor.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002.

DAVID V. TAYLOR, 15th District

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that:

(1) Environmental health hazards associated with lead wheel weights are a preventable problem. People are exposed to lead fragments and dust when lead wheel weights fall from motor vehicles onto Washington roadways and are then abraded and pulverized by traffic. Lead wheel weights on and alongside roadways can contribute to soil, surface, and groundwater contamination and pose hazards to downstream aquatic life.

(2) Lead negatively affects every bodily system. While it is injurious to people of all ages, lead is especially harmful to fetuses, children, and adults of childbearing age. Effects of lead on a child's cognitive, behavioral, and developmental abilities may necessitate large expenditures of public funds for health care and special education. Irreversible damage to children and subsequent expenditures could be avoided if exposure to lead is reduced.

(3) There are no federal regulatory controls governing use of lead wheel weights. The legislature recognizes the state's need to protect the public from exposure to lead hazards.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ecology.

(2) "Environmentally preferred wheel weight" means any wheel weight used for balancing motor vehicle wheels that do not include more than 0.5 percent by weight of any chemical, group of chemicals, or metal of concern identified by rule under chapter 173-333 WAC.

(3) "Lead wheel weight" means any externally affixed or attached wheel weight used for balancing motor vehicle wheels and composed of greater than 0.1 percent lead by weight.

(4) "Person" includes any individual, firm, association, partnership, corporation, governmental entity, organization, or joint venture.

(5) "Vehicle" means any motor vehicle registered in Washington with a wheel diameter of less than 19.5 inches or a gross vehicle weight of fourteen thousand pounds or less.

NEW SECTION. Sec. 3. (1) On and after January 1, 2011, a person who replaces or balances motor vehicle tires must replace lead wheel weights with environmentally preferred wheel weights on all vehicles when they replace or balance tires in Washington. However, the person may use alternatives to lead wheel weights that are determined by the department to not qualify as environmentally preferred wheel weights for up to two years following the date of that determination, but must thereafter use environmentally preferred wheel weights.

(2) A person who is subject to the requirement in subsection (1) of this section must recycle the lead wheel weights that they remove.

(3) A person who fails to comply with subsection (1) of this section is subject to penalties prescribed in section 5 of this act. A violation of subsection (1) of this section occurs with respect to each vehicle for which lead wheel weights are not replaced in compliance with subsection (1) of this section.

(4) An owner of a vehicle is not subject to any requirement in this section.

NEW SECTION. Sec. 4. (1) The department shall achieve compliance with section 3 of this act through the enforcement sequence specified in this section.

(2) To provide assistance in identifying environmentally preferred wheel weights, the department shall, by October 1, 2010, prepare and distribute information regarding this chapter to the maximum extent practicable to:

(a) Persons that replace or balance motor vehicle tires in Washington; and

(b) Persons generally in the motor vehicle tire and wheel weight manufacturing, distribution, wholesale, and retail industries.

(3) The department shall issue a warning letter to a person who fails to comply with section 3 of this act and offer information or other appropriate assistance. If the person does not comply with section 3(1) of this act within one year of the department's issuance of the warning letter, the department may assess civil penalties under section 5 of this act.

NEW SECTION. Sec. 5. (1) An initial violation of section 3(1) of this act is punishable by a civil penalty not to exceed five hundred dollars. Subsequent violations of section 3(1) of this act are punishable by civil penalties not to exceed one thousand dollars for each violation.

(2) Penalties collected under this section must be deposited in the state toxics control account created in RCW 70.105D.070.

NEW SECTION. Sec. 6. The department may adopt rules to fully implement this chapter.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act constitute a new chapter in Title 70 RCW."

On page 1, line 2 of the title, after "impacts;" strike the remainder of the title and insert "adding a new chapter to Title 70 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Campbell spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1033, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 30; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Bailey, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolles, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Blake, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1038 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the specialized forest products work group created pursuant to section 2, chapter 392, Laws of 2007 produced a number of consensus recommendations to the legislature as to how the permitting requirements of chapter 76.48 RCW can be improved. In making recommendations, the work group focused on the goals enumerated in RCW 76.48.010 (as recodified by this act).

(2) It is the intent of the legislature to enact those recommendations contained in the report submitted to the legislature from the specialized forest products work group in December 2008 that require statutory modifications.

(3) It is also the intent of the legislature for the department of natural resources, along with other state and local agencies, to take those administrative actions necessary to execute the recommendations contained in the report that do not require statutory changes. When taking administrative actions regarding specialized forest products, those actions should, when appropriate, be conducted consistent with recommendations contained in the report submitted to the legislature from the specialized forest products work group.

Sec. 2. RCW 76.48.010 and 1967 ex.s. c 47 s 2 are each amended to read as follows:

(1) It is in the public interest of this state to protect ((a great) an important natural resource and to provide ((a high degree of) protection to the landowners of the state of Washington from the theft of specialized forest products.

(2) To satisfy this public interest, this chapter is intended to:

(a) Provide law enforcement with reasonable tools;

(b) Reasonably protect landowners from theft;

(c) Ensure that requirements are not unduly burdensome to those harvesting, transporting, possessing, and purchasing specialized forest products;

(d) Craft requirements that are clear and readily understandable; and

(e) Establish requirements that are able to be administered and enforced consistently statewide.

Sec. 3. RCW 76.48.020 and 2008 c 191 s 9 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Artistic cedar product" means a product made from the wood of a cedar tree, including western red cedar, that is not included in the definition of "cedar products" and has been carved, turned, or otherwise manipulated to more than an insignificant degree with the objective intent to be an artistic expression and that would be or is recognized by the applicable local market as having an economic value greater than the value of the raw materials used. Examples of artistic cedar products include, but are not limited to:

(a) Chainsaw carvings;

(b) Hand carvings;

(c) Decorative bowls and boxes.

(2) "Authorization" means a properly completed preprinted form authorizing the transportation or possession of Christmas trees ((which contains the information required by)) prepared consistent with RCW 76.48.080((, a sample of which is filed before the harvesting occurs with the sheriff of the county in which the harvesting is to occur)) (as recodified by this act).

((2)) (3) "Bill of lading" means a written or printed itemized list or statement of particulars pertinent to the transportation or

possession of a specialized forest product prepared consistent with RCW 76.48.080 (as recodified by this act).

~~((3))~~ (4) "Cascara bark" means the bark of a Cascara tree.

~~((4))~~ "Cedar processor" means any person who purchases, takes, or retains possession of cedar products or cedar salvage for later sale in the same or modified form following removal and delivery from the land where harvested.)

(5) ("Cedar products" means cedar shakeboards, shake and shingle bolts, and rounds one to three feet in length.

(6) "Cedar salvage" means cedar chunks, slabs, stumps, and logs having a volume greater than one cubic foot and being harvested or transported from areas not associated with the concurrent logging of timber stands (a) under a forest practices application approved or notification received by the department of natural resources, or (b) under a contract or permit issued by an agency of the United States government.) (a) "Cedar products" means the following if made from the wood of a cedar tree, including western red cedar:

(i) Shake and shingle bolts;

(ii) Fence posts and fence rails;

(iii) Logs not covered by a valid approved forest practices application or notification under chapter 76.09 RCW; and

(iv) Other pieces measuring fifteen inches or longer.

(b) "Cedar products" does not include those materials identified in the definition of "processed cedar products" or "artistic cedar products."

~~((7))~~ (6) "Christmas trees" means any evergreen trees (~~or the top thereof, commonly known as Christmas trees, with limbs and branches, with or without roots, including fir, pine, spruce, cedar, and other coniferous species~~) including fir, pine, spruce, cedar, and other coniferous species commonly known as Christmas trees. The definition of Christmas trees includes trees with or without the roots intact and the tops of the trees. The definition of Christmas trees does not include trees without limbs or branches.

~~((8))~~ (7) "Cut or picked evergreen foliage (~~commonly known as brush~~)" means evergreen boughs, huckleberry foliage, salal, fern, Oregon grape, rhododendron, mosses, bear grass, (~~scotch broom (Cytisus scoparius)~~) and other cut or picked evergreen products. "Cut or picked evergreen foliage" does not (~~mean~~) include cones, berries, any foliage that does not remain green year-round, (~~or~~) seeds, or any plant listed on the state noxious weed list under RCW 17.10.080.

~~((9))~~ (8) "Department" means the department of natural resources.

(9) "First specialized forest products buyer" means the first person that receives any specialized forest products after they leave the harvest site.

(10) "Harvest" means to separate, by cutting, prying, picking, peeling, breaking, pulling, splitting, or otherwise removing, a specialized forest product (~~(a) from its physical connection or contact with the land or vegetation upon which it is or was growing or (b) from the position in which it is lying upon the land~~). "Harvest" includes both removing a specialized forest product from its original physical connection with the land and collecting a specialized forest product that has been previously separated from the land.

~~((10))~~ (11) "Harvest site" means each location where one or more persons are engaged in harvesting specialized forest products close enough to each other that communication can be conducted with an investigating law enforcement officer in a normal conversational tone.

~~((11))~~ (12) "Huckleberry" means the following species of edible berries, if they are not nursery grown: Big huckleberry (*Vaccinium membranaceum*), Cascade blueberry (*Vaccinium deliciosum*), evergreen huckleberry (*Vaccinium ovatum*), red huckleberry (*Vaccinium parvifolium*), globe huckleberry (*Vaccinium globulare*), oval-leaf huckleberry (*Vaccinium ovalifolium*), Alaska huckleberry (*Vaccinium alaskaense*), dwarf huckleberry (*Vaccinium caespitosum*), western huckleberry (*Vaccinium occidentale*), hog blueberry (*Vaccinium uliginosum*), dwarf bilberry (*Vaccinium myrtillus*), and grouse whortleberry (*Vaccinium scoparium*).

~~((12))~~ (13) "Landowner" means, with regard to real property, the private owner, the state of Washington or any political subdivision, the federal government, or a person who by deed,

contract, or lease has authority to harvest and sell the specialized forest products of the property. "Landowner" does not include the purchaser or successful high bidder at a public or private timber sale.

~~((13))~~ (14) "Native ornamental trees and shrubs" means any trees or shrubs which are not nursery grown and which have been removed from the ground with the roots intact.

~~((14))~~ "Permit area" means a designated tract of land that may contain single or multiple harvest sites) (15) "Permittee" means a person who is authorized by a permit issued consistent with this chapter to harvest, possess, and transport specialized forest products or to sell huckleberries.

~~((15))~~ (16) "Permitter" means the landowner of the land from where specialized forest products were, or are planned to be, harvested under a permit issued consistent with this chapter.

(17) "Person" includes the plural and all corporations, foreign or domestic, copartnerships, firms, and associations of persons.

~~((16))~~ (18) "Processed cedar products" means (~~cedar shakes, shingles, fence posts, hop poles, pickets, stakes, rails, or rounds less than one foot in length~~) products made from the wood of a cedar tree, including western red cedar, that have undergone more than an insignificant degree of value-added processing and are not included in the definition of "cedar products." Examples of processed cedar products include, but are not limited to:

(a) Shakes;

(b) Shingles;

(c) Hop poles;

(d) Pickets; and

(e) Stakes.

~~((17))~~ "Sheriff" means, for the purpose of validating specialized forest products permits, the county sheriff, deputy sheriff, or an authorized employee of the sheriff's office or an agent of the office.

~~((18))~~ (19) "Sales invoice" means a written or printed itemized list or statement of particulars pertinent to the transportation or possession of a specialized forest product prepared consistent with RCW 76.48.080 (as recodified by this act).

(20) "Secondary specialized forest products buyer" means any person who receives any specialized forest products after the transaction with the first specialized forest products buyer.

(21) "Specialized forest products" means (~~Christmas trees, native ornamental trees and shrubs, cut or picked evergreen foliage, cedar products, cedar salvage, processed cedar products, specialty wood, wild edible mushrooms, and Cascara bark~~) the following:

(a) Specialty wood;

(b) More than five Christmas trees;

(c) More than five native ornamental trees and shrubs;

(d) More than twenty pounds of cut or picked evergreen foliage;

(e) More than five pounds of Cascara bark; and

(f) More than five United States gallons of wild edible mushrooms.

~~((19))~~ (22) "Specialized forest products permit" or "permit" means a printed document (~~in a form printed by the department of natural resources, or true copy thereof, that is signed by a landowner or his or her authorized agent or representative, referred to in this chapter as "permitters" and validated by the county sheriff and authorizes a designated person, referred to in this chapter as "permittee," who has also signed the permit, to harvest and transport a designated specialized forest product from land owned or controlled and specified by the permitter and that is located in the county where the permit is issued, or sell raw or unprocessed huckleberries~~) and all attachments completed in compliance with the requirements of this chapter and includes both validated permits and verifiable permits.

~~((20))~~ (23) "Specialty wood" means (~~wood~~):

(a) A cedar product; or

(b) Englemann spruce, Sitka spruce, big leaf maple, or western red alder that (~~is~~):

~~((a))~~ (i) Is in logs (~~less than eight feet in length~~), chunks, slabs, stumps, or burls; (~~and~~

(b) One or more of the following:

(i) Of the species western red cedar, Englemann spruce, Sitka spruce, big leaf maple, or western red alder;)

(ii) Is capable of being cut into a segment that is without knots in a portion of the surface area at least (~~twenty-one~~) nineteen inches

long and seven and a quarter inches wide when measured from the outer surface toward the center; ~~(or~~

~~(iii) Suitable for the purposes of making musical instruments or ornamental boxes))~~

~~(iii) Measures:~~

~~(A) Nineteen inches or longer;~~

~~(B) Greater than one and three-quarter inches thick; and~~

~~(C) Seven and one-quarter inches or greater in width; and~~

~~(iv) Is being harvested or transported from areas not associated with the concurrent logging of timber stands:~~

~~(A) Under a forest practices application approval or notification received by the department under chapter 76.09 RCW; or~~

~~(B) Under a contract or permit issued by an agency of the United States government.~~

~~((21) "Specialty wood buyer" means the first person that receives any specialty wood product after it leaves the harvest site.~~

~~((22)) (24) "Specialty wood processor" means any person who purchases, takes, or retains possession of specialty wood ((products or specialty wood salvage)) for later sale in the same or modified form following removal and delivery from the land where harvested.~~

~~((23)) (25) "Transportation" means the physical conveyance of specialized forest products outside or off of a harvest site by any means.~~

~~((24)) (26) "True copy" means a replica of a ((validated)) specialized forest products permit ((as)) reproduced ((by a copy machine capable of effectively reproducing the information contained on the permittee's copy of the specialized forest products permit. A copy is made true by the permittee or the permittee and permitter signing in the space provided on the face of the copy. A true copy will be effective until the expiration date of the specialized forest products permit unless the permittee or the permittee and permitter specify an earlier date. A permitter may require the actual signatures of both the permittee and permitter for execution of a true copy by so indicating in the space provided on the original copy of the specialized forest products permit. A permittee, or, if so indicated, the permittee and permitter, may condition the use of the true copy to harvesting only, transportation only, possession only, or any combination thereof)) as provided in section 6 of this act.~~

~~((25)) (27) "Validated permit" means a permit that is validated as required under this chapter prior to the harvest, transportation, or possession of specialized forest products.~~

~~(28) "Verifiable permit" means a permit that contains the required information allowing a law enforcement officer to verify the validity of the information contained on the permit but that does not require validation prior to the harvest, transportation, or possession of specialized forest products.~~

~~(29) "Wild edible mushrooms" means edible mushrooms not cultivated or propagated by ((artificial)) domestic means.~~

Sec. 4. RCW 76.48.060 and 2008 c 191 s 3 are each amended to read as follows:

(1) Except as provided in RCW 76.48.100 (as recodified by this act), a completed specialized forest products permit ~~((validated by the county sheriff shall be obtained by a person prior to))~~ issued under this chapter is required prior to engaging in the following activities:

(a) Harvesting any specialized forest products from any lands, including his or her own ~~((more than five Christmas trees, more than five native ornamental trees or shrubs, more than five pounds of cut or picked evergreen foliage, any cedar products, cedar salvage, processed cedar products, or more than five pounds of Cascara bark, or more than five United States gallons of a single species of wild edible mushroom; or~~

~~(b) Selling, or offering for sale, any amount of raw or unprocessed huckleberries;~~

~~(2) Specialized forest products permit forms shall be provided by the department of natural resources, and shall be made available through the office of the county sheriff to permittees or permitters in reasonable quantities. A permit form shall be completed in triplicate for each permitter's property on which a permittee harvests specialized forest products. A properly completed permit form shall be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested.~~

~~(3) Before a permit form is validated by the sheriff, sufficient personal identification may be required to reasonably identify the~~

person mailing or presenting the permit form and the sheriff may conduct other investigations as deemed necessary to determine the validity of the information alleged on the form. When the sheriff is reasonably satisfied as to the truth of the information, the form shall be validated with the sheriff's validation stamp.

~~(4) Upon validation, the form shall become the specialized forest products permit authorizing the harvesting, possession, or transportation of specialized forest products and the sale of huckleberries, subject to any other conditions or limitations which the permitter may specify. Two copies of the permit shall be given or mailed to the permitter, or one copy shall be given or mailed to the permitter and the other copy given or mailed to the permittee. The original permit shall be retained in the office of the county sheriff validating the permit.~~

~~(5) In the event a single land ownership is situated in two or more counties, a specialized forest product permit shall be completed as to the land situated in each county.~~

~~(6) While engaged in harvesting of specialized forest products, permittees, or their agents or employees, must have readily available at each harvest site a valid permit or true copy of the permit.) land.~~

~~(b) Possessing or transporting any specialized forest products, unless the person has in his or her possession either of the following in lieu of a permit:~~

~~(i) A true copy of the permit;~~

~~(ii) If the person is transporting the specialized forest product from a location other than the harvest site or is a first or secondary specialized forest products buyer, a sales invoice, bill of lading, or, for the possession and transportation of Christmas trees only, an authorization if a copy of the authorization has been filed prior to the harvest of the Christmas trees with the sheriff's office for the county in which the Christmas trees are to be harvested;~~

~~(iii) A bill of lading or documentation issued in or by another state, a Canadian province, or the federal government indicating the true origin of the specialized forest products as being outside of Washington; or~~

~~(iv) If the products were harvested within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW, a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application number.~~

~~(c) Selling, or offering for sale, any amount of raw or unprocessed huckleberries, regardless if the huckleberries were harvested with the consent of the landowner, unless the possessor of the huckleberries being offered for sale is able to show that the huckleberries originated on land owned by the United States forest service and displays a valid permit from the United States forest service that lawfully entitles the possessor to harvest the huckleberries in question.~~

~~(2)(a) Unless otherwise designated by the permittor as provided in this subsection, a permit or true copy must be readily available for inspection at each harvest site.~~

~~(b) An individual permit or true copy must be carried and made readily available for inspection by each individual permittee at a harvest site if the permittor designated an individual permit or true copy as an additional condition or limitation specified on the permit under RCW 76.48.050 (as recodified by this act).~~

Sec. 5. RCW 76.48.080 and 1979 ex.s. c 94 s 7 are each amended to read as follows:

~~((The)) An authorization, sales invoice, or bill of lading ((required by RCW 76.48.070 shall)) must specify the following in order to satisfy the requirements of this chapter:~~

~~(1) The date of ((its execution)) the product's transportation.~~

~~(2) The ((number)) amount and type of specialized forest products ((sold or)) being transported.~~

~~(3) The name and address of the ((owner, vendor, or donor of the specialized forest products.~~

~~(4) The name and address of the vendee, donee, or receiver of the)) person receiving the specialized forest products.~~

~~((5) The location of origin of the specialized forest products.))~~

~~(4) The name and address of the first or secondary specialized forest products buyer, specialty wood processor, or other person from where the specialized forest products are being transported.~~

(5) The name of the driver transporting the specialized forest products.

(6) The license plate number of the vehicle transporting the specialized forest product.

NEW SECTION. Sec. 6. A new section is added to chapter 76.48 RCW to read as follows:

(1) A true copy of a specialized forest products permit is valid if:

(a) The copy is reproduced by a copy machine capable of effectively reproducing the permit information required under RCW 76.48.050 (as recodified by this act); and

(b)(i) The permittee has provided an original signature in the space provided on the face of the copy.

(ii) An actual signature of the permittor is also required for a true copy to be valid if the permittor indicates on the space provided for signatures on the original permit that the actual signature of the permittor is required for the validation of any copies.

(2) A true copy is effective until the expiration date of the underlying permit unless an earlier date is provided by the signatories to the copy.

(3) Either signatory to a permit may condition the use of the true copy for only harvesting, only possessing, only transporting, or a combination of harvesting, possessing, and transporting the associated specialized forest products by indicating the limitations of the true copy on the permit or the copy.

(4) Any permittee issuing a true copy must record and retain for one year the following information:

(a) The date the true copy is issued;

(b) The license plate number and make and model of the vehicle to be used with the true copy;

(c) The name and address of the person receiving the true copy;

(d) The unique number assigned to a valid state identification document issued to the person; and

(e) The expiration date of the true copy.

NEW SECTION. Sec. 7. A new section is added to chapter 76.48 RCW to read as follows:

(1)(a) Except for the sale of huckleberries, the permit requirements of RCW 76.48.060 (as recodified by this act) may be satisfied with either a validated permit or a verifiable permit. The decision to use a validated or verifiable permit must be made and agreed upon jointly by the permittee and the permittor.

(b) For the sale of huckleberries, only a validated permit satisfies the requirements of RCW 76.48.060 (as recodified by this act).

(2)(a) Forms for both validated permits and verifiable permits must be provided by the department and be made available in reasonable quantities through county sheriff offices and other locations deemed appropriate by the department.

(b) In designing the forms, the department shall ensure that:

(i) All mandatory requirements of this chapter are satisfied;

(ii) The type of permit is clearly marked on the form;

(iii) Each permit is separately numbered and the issuance of the permits are by unique numbers; and

(iv) The form is designed in a manner allowing a permittor to require his or her signature on all true copies as provided in section 6 of this act.

(3) Permit forms must be completed in triplicate for each property and in each county in which specialized forest products are proposed to be harvested or huckleberries sold.

(4)(a) Within five business days after the signature of the permittor on the form for a verifiable permit, as required in RCW 76.48.050 (as recodified by this act), the original permit form must be provided by the permittee to the sheriff of the county in which the specialized forest products are to be harvested. The permittee may provide the permit form in a manner convenient to the permittee and the sheriff's office, including in-person presentation or by mail. If mailed, the permit form must be postmarked within the time window established under this subsection.

(b) Upon full completion, as provided in RCW 76.48.050 (as recodified by this act), the permit form for a validated permit must, except for permits to sell huckleberries, be mailed or presented for validation to the sheriff of the county in which the specialized forest products are to be harvested. Validated permits relating to the sale

of huckleberries may be validated by the sheriff of any county in the state.

(5) Two copies of the permit must be retained by the permittee, of which one copy must be given or mailed to the permittor by the permittee. The original permit must be retained in the office of the county sheriff for the purposes of verifying the permit, if necessary.

(6) All permits expire no later than the end of the calendar year in which they are issued.

(7) Permits provided under this section are subject to any other conditions or limitations that the permittor may specify.

(8) Before a permit form is accepted or validated by a sheriff, sufficient personal identification may be required to reasonably identify the person mailing or presenting the permit form. The sheriff may conduct other investigations as deemed necessary to determine the validity of the information alleged on the form.

(9) In the event a single land ownership is situated in two or more counties, a permit form must be completed, as provided in this section, for the portions of the ownership situated in each county.

(10) Permits that are validated by or provided to a sheriff's office under this section must be maintained by that office for a length of time determined by the appropriate records retention schedule.

NEW SECTION. Sec. 8. A new section is added to chapter 76.48 RCW to read as follows:

(1) Forms for a verifiable permit become valid for the purposes of RCW 76.48.060 (as recodified by this act) upon the completion of all information required by RCW 76.48.050 (as recodified by this act).

(2) Forms for a validated permit become valid for the purposes of RCW 76.48.060 (as recodified by this act) upon the validation of the form by the appropriate county sheriff.

Sec. 9. RCW 76.48.050 and 2008 c 191 s 2 are each amended to read as follows:

~~(1) ((Except as otherwise provided in subsection (3) of this section,)) A specialized forest products ((permits shall consist of properly completed permit forms validated by the sheriff of the county in which the specialized forest products are to be harvested. Each permit shall be separately numbered and the issuance of the permits shall be by consecutive numbers. All specialized forest products permits shall expire at the end of the calendar year in which issued, or sooner, at the discretion of the permittor)) permit form may not be validated or accepted for verification by a sheriff unless the permit satisfies the requirements of this section.~~

~~(2) A properly completed ((specialized forest products)) permit form shall include:~~

~~(a) The date of its execution and expiration;~~

~~(b) The name, address, up to three telephone numbers, ((if any,)) and signature of the ((permittor)) permittee and permittor;~~

~~(c) ((The name, address, telephone number, if any, and signature of the permittee;~~

~~—(d)) The type of specialized forest products to be harvested or transported;~~

~~((e)) (d) The approximate amount or volume of specialized forest products to be harvested or transported;~~

~~((f)) (e)(i) For validated permits only, the parcel number or the legal description of the property from which the specialized forest products are to be harvested or transported((,-including));~~

~~(ii) For verifiable permits only:~~

~~(A) The parcel number for where the harvesting is to occur, unless the owner of the parcel actually lives at the parcel and the parcel's boundaries comprise an area one acre in size or smaller;~~

~~(B) The address of the property where the harvesting is to occur if the owner of the property lives at the parcel and the parcel's boundaries comprise an area less than one acre;~~

~~(C) The name of the county((,-or the state or province if outside the state of Washington)) where the harvesting is to occur; and~~

~~(D) An accurate report or statement from the county assessor of the county where the specialized forest products are to be harvested that provides clear evidence that the permittor named on the verifiable permit is the owner of the parcel named on the permit;~~

~~((g)) (f) A description by local landmarks of where the harvesting is to occur, or from where the specialized forest products are to be transported;~~

~~((H)) (g) For (cedar products, cedar salvage, and) specialty wood, a copy of a map or aerial photograph, with defined permitted boundaries, included as an attachment to the permit;~~

~~((H)) (h)(i) For validated permits, a copy of a valid picture identification of the permittee on the copy of the permit form that is presented to the sheriff; and~~

~~(ii) For verifiable permits, the unique number assigned to a valid state identification document for both the permittee and permittor; and~~

~~((H)) (i) The details of any other condition or limitation which the (permitter) permittor may specify.~~

(3) For permits intended to satisfy the requirements of RCW ~~((76.48.210))~~ 76.48.060 (as recodified by this act) relating ~~((only))~~ to the sale of huckleberries, the ~~((specialized forest products))~~ permit:

(a) ~~((May be obtained from the department of natural resources or the sheriff of any county in the state;~~

~~((b))~~ Must, in addition to the requirements of subsection (2) of this section, also contain information relating to where the huckleberries were, or plan to be, harvested, and the approximate amount of huckleberries that are going to be offered for sale; and

~~((c))~~ (b) Must include a statement designed to inform the possessor that permission from the landowner is still required prior to the harvesting of huckleberries.

~~((4) Except for the harvesting of Christmas trees, the permit or true copy thereof must be carried by the permittee and the permittee's agents and be available for inspection at all times. For the harvesting of Christmas trees only a single permit or true copy thereof is necessary to be available at the harvest site.))~~

Sec. 10. RCW 76.48.062 and 1995 c 366 s 15 are each amended to read as follows:

(1) County sheriffs may contract with other entities to serve as authorized agents to ~~((validate specialized forest product))~~ accept and validate permits under section 7 of this act. ~~((These))~~ Entities that a county sheriff may contract with include the department, the United States forest service, the bureau of land management, ~~((the department of natural resources))~~, local police departments, and other entities as decided upon by the county sheriffs' departments.

(2) An entity that contracts with a county sheriff to serve as an authorized agent ~~((to validate specialized forest product permits))~~ under this section may make reasonable efforts to verify the information provided on the permit form such as the ~~((section, township, and range))~~ legal description or parcel number of the area where harvesting is to occur.

(3) All processes and requirements applicable to county sheriffs under section 7 of this act also apply to entities contracted under this section.

Sec. 11. RCW 76.48.094 and 2005 c 401 s 7 are each amended to read as follows:

(1) ~~((Cedar or))~~ It is unlawful for any first or secondary specialized forest products buyer, or for any other person, to purchase, take possession of, or retain specialized forest products subsequent to the harvesting and prior to the retail sale of the products unless the supplier of the product displays:

(a) An apparently valid permit required by RCW 76.48.060 (as recodified by this act);

(b) A true copy of an apparently valid permit; or

(c) When applicable:

(i) A bill of lading, authorization, sales invoice, or a government-issued documentation, prepared consistent with RCW 76.48.060 (as recodified by this act) indicating the true origin of the specialized forest products as being outside of Washington;

(ii) If the products were harvested within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW, a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application number; or

(iii) A statement claiming the products offered for sale are otherwise exempt from the permit requirements of this chapter under RCW 76.48.100 (as recodified by this act).

(2) In addition to the requirements of RCW 76.48.085 (as recodified by this act), specialty wood processors ~~((shall make and maintain a record of the purchase, taking possession, or retention of~~

cedar products, cedar salvage, or specialty wood for at least one year after the date of receipt. The record must be legible and must be made at the time each delivery is made.

~~(2) The) are required to ensure that a bill of lading ((must accompany)), authorization, or sales invoice accompanies all ((cedar products, cedar salvage, or)) specialty wood ((products after the products are received by the cedar or specialty wood processor)) upon the receipt of the specialty wood into or the shipping of the specialty wood out of the property of the specialty wood processor. ((The bill of lading must include the specialized forest products permit number or the information provided for in RCW 76.48.075(5) and must also specify:~~

~~(a) The date of transportation;~~

~~(b) The name and address of the first cedar or specialty wood processor or buyer who recorded the specialized forest products information;~~

~~(c) The name and address from where the cedar or specialty wood products are being transported;~~

~~(d) The name of the person receiving the cedar or specialty wood products;~~

~~(e) The address to where the cedar or specialty wood products are being transported;~~

~~(f) The name of the driver;~~

~~(g) The vehicle license number;~~

~~(h) The type of cedar or specialty wood product being shipped; and~~

~~(i) The amount of cedar or specialty wood product being shipped.))~~

Sec. 12. RCW 76.48.085 and 2008 c 191 s 4 are each amended to read as follows:

(1) ~~((Buyers who purchase specialized forest products or huckleberries))~~ (a) First and secondary specialized forest products buyers and huckleberry buyers are required to record:

~~((a))~~ (i) If the person is a first specialized forest product buyer, the permit number or, if applicable, a sequentially numbered load ticket generated by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application or notification number if the seller claims the specialized forest product in question is exempt from the permit requirements of this chapter, as provided in RCW 76.48.100 (as recodified by this act), due to its harvest within the operational area defined by a valid forest practices application or notification under chapter 76.09 RCW;

~~((b))~~ (ii) Whether or not the products were accompanied by a bill of lading, authorization, or sales invoice;

(iii) The type of specialized forest product purchased, and ~~((whether)),~~ if applicable, an indication that huckleberries were purchased;

~~((c))~~ (iv) The ~~((permit holder's))~~ name of the seller; ~~((and~~

~~((d))~~ (v) The amount of specialized forest product or huckleberries purchased;

(vi) The date of delivery;

(vii) The name of the person driving the vehicle in which the specialized forest products were transported to the buyer, as confirmed by a visual inspection of the applicable driver's license, unless the buyer has previously recorded the driver's information in an accessible record; and

(viii) Except for transactions involving Christmas trees, the license plate number of the vehicle in which the specialized forest products were transported to the buyer.

~~((2) The buyer or processor))~~ (b) First and secondary specialized forest products buyers shall keep a record of this information, along with any accompanying bill of lading, sales invoice, or authorization, for a period of one year from the date of purchase and must make the records available for inspection upon demand by ~~((authorized))~~ enforcement officials authorized under RCW 76.48.040 (as recodified by this act) to enforce this chapter.

~~((3) The buyer of specialized forest products must record the license plate number of the vehicle transporting the forest products or huckleberries on the bill of sale, as well as the seller's permit number on the bill of sale. This section shall not apply to transactions involving Christmas trees.~~

~~(4)) (c) In lieu of a permit number or forest practices identification and load ticket number, the buyer may, when applicable, note that the seller claims that the products offered for sale are exempt from the permit requirements of this chapter under RCW 76.48.100 (as recodified by this act), or were lawfully transported into Washington from out of state. All other information required by this section must be recorded.~~

~~(2) This section (shall) does not apply to buyers of specialized forest products at the retail sales level.~~

~~(3) Records of buyers of specialized forest products and huckleberries collected under this section may be made available to colleges and universities for the purpose of research.~~

Sec. 13. RCW 76.48.098 and 2005 c 401 s 9 are each amended to read as follows:

Every ~~((cedar or))~~ first or secondary specialized forest products buyer purchasing specialty wood and specialty wood ~~((buyer or))~~ processor shall prominently display a ~~((valid registration certificate,))~~ master license issued by the department of licensing under RCW 19.02.070 or a copy ~~((thereof))~~ of the license ~~((obtained from the department of revenue under RCW 82.32.030))~~ at each location where the buyer or processor receives ~~((cedar products, cedar salvage, or))~~ specialty wood if the first or secondary specialized forest products buyer or specialty wood processor is required to possess a license incorporated into the master license system created in chapter 19.02 RCW.

~~((Permittees shall sell cedar products, cedar salvage, or specialty wood products only to cedar or specialty wood processors displaying registration certificates which appear to be valid.))~~

Sec. 14. RCW 76.48.030 and 2007 c 392 s 4 are each amended to read as follows:

It is unlawful for any person to:

(1) ~~((Harvest))~~ Sell or attempt to sell huckleberries, or harvest, possess, or transport specialized forest products ~~((as described in RCW 76.48.020, in the quantities specified))~~ in violation of RCW 76.48.060 ~~((without first obtaining a validated specialized forest products permit))~~ (as recodified by this act);

(2) Engage in activities or phases of harvesting specialized forest products not authorized by ~~((the))~~ a permit under this chapter;

(3) Harvest specialized forest products in any lesser quantities than those specified in RCW 76.48.060 ~~((as now or hereafter amended,))~~ (as recodified by this act) without first obtaining permission from the landowner or ~~((his or her duty))~~ the landowner's authorized agent or representative; or

(4) Harvest huckleberries in any amount using a rake, mechanical device, or any other method that damages the huckleberry bush.

Sec. 15. RCW 76.48.120 and 2008 c 191 s 7 are each amended to read as follows:

(1) It is unlawful for any person, upon official inquiry, investigation, or other authorized proceedings, to:

(a) Offer as genuine any paper, document, or other instrument in writing purporting to be a specialized forest products permit, ~~((or))~~ true copy ~~((thereof))~~ of a permit, authorization, sales invoice, ~~((or))~~ bill of lading, or other document required under this chapter; or

(b) To make any representation of authority to possess or conduct harvesting or transporting of specialized forest products, or to conduct the sale of huckleberries, ~~((knowing the same to be))~~ with knowledge that the representation of authority is in any manner false, fraudulent, forged, or stolen.

(2) It is unlawful for any person to produce a document for a first or secondary specialized forest products buyer purporting to be a true and genuine permit when delivering or attempting to deliver a specialized forest product with knowledge that the document is in any manner false, fraudulent, forged, or stolen.

(3) Any person who knowingly or intentionally violates this section is guilty of a class C felony punishable by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars, or by both imprisonment and fine.

~~((3) Whenever any law enforcement officer reasonably suspects that a specialized forest products permit or true copy thereof, authorization, sales invoice, or bill of lading is forged, fraudulent, or~~

~~stolen, it may be retained by the officer until its authenticity can be verified.))~~

Sec. 16. RCW 76.48.130 and 2007 c 392 s 1 are each amended to read as follows:

(1) ~~Except as provided in RCW 76.48.120 (as recodified by this act), a person who violates a provision of this chapter ((other than the provisions contained in RCW 76.48.120, as now or hereafter amended,)) is guilty of a gross misdemeanor ((and upon conviction thereof shall be punished)) punishable by a fine of not more than one thousand dollars ((or by)), imprisonment in the county jail for a term not to exceed one year, or by both a fine and imprisonment.~~

(2) In any prosecution for a violation of this chapter's requirements to obtain or possess a specialized forest products permit ~~((or))~~, true copy ~~((thereof, an authorization, sales invoice, or))~~, bill of lading, authorization, or sales invoice, it is an affirmative defense, if established by the defendant by a preponderance of the evidence, that:

(a) The specialized forest products were harvested from the defendant's own land; or

(b) The specialized forest products were harvested with the permission of the landowner.

NEW SECTION. Sec. 17. A new section is added to chapter 76.48 RCW to read as follows:

(1) The court presiding over the conviction of any person for a violation of RCW 76.48.120 or 76.48.130 (as recodified by this act) who has been convicted of violating either RCW 76.48.120 or 76.48.130 (as recodified by this act) at least two other times shall order up to a three-year suspension of that person's privilege to obtain a specialized forest products permit under this chapter.

(2) If a court issues a suspension under this section after a conviction involving the misuse of a permit with a specified permittor, the legislature requests that the court notify the permittor listed on the permit of the suspension.

(3) Nothing in this section limits the ability of a court to order the suspension of any privileges related to specialized forest products as a condition of probation regardless of whether the person has any past convictions.

Sec. 18. RCW 76.48.140 and 2005 c 401 s 12 are each amended to read as follows:

All fines collected for violations of ~~((any provision of))~~ this chapter shall be paid into the general fund of the county treasury of the county in which the violation occurred and distributed equally among the district courts in the county, the county sheriff's office, and the ~~((county's general fund))~~ state treasurer. The portion of the revenue provided to the state treasurer must be distributed to the specialized forest products outreach and education account created in section 26 of this act.

Sec. 19. RCW 76.48.040 and 1995 c 366 s 3 are each amended to read as follows:

~~((Agencies charged with the enforcement of this chapter shall include, but not be limited to,))~~ (1) Primary enforcement responsibility of this chapter belongs with county sheriffs. However, other entities that may enforce this chapter include:

(a) The department;

(b) The Washington state patrol ~~((county sheriffs and their deputies,))~~;

(c) County or municipal police forces ~~((;))~~;

(d) Authorized personnel of the United States forest service ~~((;))~~; and

(e) Authorized personnel of the department ~~((s of natural resources and))~~ of fish and wildlife. ~~((Primary enforcement responsibility lies in the county sheriffs and their deputies.))~~

(2) The legislature encourages county sheriffs' offices to enter into interlocal agreements with these other agencies in order to receive additional assistance with their enforcement responsibilities.

NEW SECTION. Sec. 20. A new section is added to chapter 76.48 RCW to read as follows:

(1) A law enforcement officer may take into custody and detain for a reasonable time any specialized forest products, authorizations, sales invoices, bills of lading, other documents, and vehicles in which the specialized forest products were transported if, under official inquiry, investigation, or other authorized proceeding regarding specialized forest products not covered by a valid permit or other

acceptable document as provided in this chapter, the inspecting law enforcement officer has probable cause to believe that the specialized forest products were obtained in violation of this chapter until the true origin of the specialized forest products can be determined.

(2) A law enforcement officer may retain a specialized forest products permit, true copy of a permit, authorization, sales invoice, bill of lading, or other document required under this chapter if the officer reasonably suspects that the document is forged in violation of RCW 76.48.120 (as recodified by this act), fraudulent, or stolen, until the authenticity of the document can be verified.

(3)(a) If no arrest is made at the conclusion of the official inquiry, investigation, or other authorized proceeding for a violation of this chapter or another state law, all materials detained under this section must be returned to the person or persons from whom the materials were taken.

(b)(i) If an arrest does follow the inquiry, investigation, or authorized proceeding, and the law enforcement officer has probable cause to believe that a person is selling or attempting to sell huckleberries, or is harvesting, in possession of, or transporting specialized forest products in violation of this chapter, any specialized forest products or huckleberries found at the time of arrest may be seized.

(ii) If the specialized forest product triggering the arrest is specialty wood, the law enforcement officer may also seize any equipment, vehicles, tools, or paperwork associated with the arrest.

(c) Materials seized under this chapter are subject to the provisions of RCW 76.48.110 (as recodified by this act).

Sec. 21. RCW 76.48.110 and 2008 c 191 s 6 are each amended to read as follows:

(1) ~~(Whenever any law enforcement officer has probable cause to believe that a person is harvesting or is in possession of or transporting specialized forest products, or selling or attempting to sell huckleberries, in violation of the provisions of this chapter, he or she may, at the time of making an arrest, seize and take possession of any specialized forest products or huckleberries found.~~

~~If the specialized forest product is a cedar product, cedar salvage, or specialty wood, at the time of making an arrest the law enforcement officer may seize and take possession of any equipment, vehicles, tools, or paperwork. The law enforcement officer shall provide)~~ (a) Reasonable protection must be provided for ~~((the))~~ any equipment, vehicles, tools, paperwork, huckleberries, or specialized forest products ~~((involved))~~ seized under section 20 of this act during the period of ~~((litigation or he or she shall dispose of the equipment, vehicles, tools, paperwork, or specialized forest products at the discretion or order of))~~ adjudication unless the court before which the arrested person is ordered to appear orders the disposal of any or all of the seized materials.

~~(b) Given the perishable nature of huckleberries and specialized forest products, the seizing agency may sell the product at fair market value and retain all proceeds until a final disposition of the case has been reached.~~

(2) Upon any disposition of the case by the court, the court shall:

(a) Make a reasonable effort to return ~~((the equipment, vehicles, tools, paperwork, huckleberries, or specialized forest products))~~ all materials seized under section 20 of this act to its ~~((rightful))~~ lawful owner or owners; or

(b) Order the disposal of or return of any or all materials seized under this section, including tools, vehicles, equipment, paperwork, or specialized forest products.

(3) If the court orders the disposal of seized materials, it may:

(a) Pay the proceeds of any sale of seized specialized forest products or huckleberries, less any reasonable expenses of the sale, to the ~~((rightful))~~ lawful owner; or

(b) Pay the proceeds of any sale of seized tools, equipment, or vehicles, less any reasonable expenses of the sale or, if applicable, towards any outstanding court costs, and then to the lawful owner or owners.

(4) If, for any reason, the proceeds of ~~((the))~~ any sale of materials seized under this section cannot be ~~((disposed of))~~ provided to the ~~((rightful))~~ lawful owner, the proceeds of the sale, less ~~((the))~~ reasonable expenses ~~((of))~~ relating to the sale, shall be paid to the treasurer of the county in which the violation occurred ~~((The county treasurer shall deposit the same in))~~ for deposit into the county

general fund and for distribution equally among the district courts in the county, the county sheriff's office, and the state treasurer. The portion of the revenue provided to the state treasurer must be distributed to the specialized forest products outreach and education account created in section 26 of this act.

~~(5) The owner or owners of materials seized under section 20 of this act must be offered an opportunity to appeal an order for the disposal of the seized materials.~~

~~(6) The return of ((the equipment, vehicles, tools, paperwork, or specialized forest products)) materials seized under section 20 of this act, or the payment of the proceeds of any sale of products seized to the owner, shall not preclude the court from imposing any fine or penalty upon the violator for the violation of the provisions of this chapter.~~

Sec. 22. RCW 76.48.100 and 2005 c 401 s 10 are each amended to read as follows:

~~((The provisions of))~~ Except as otherwise conditioned, this chapter ~~((do))~~ does not apply to:

(1) Nursery grown products.

(2) The following products when harvested within the operational areas as defined by a valid forest practices application or notification under chapter 76.09 RCW, and when the person harvesting is able to provide a sequentially numbered load ticket provided by the landowner or the landowner's agent that includes, at a minimum, all information required on a bill of lading and the forest practices application or notification number, or under a contract or permit issued by an agency of the United States government:

~~(a) Logs ((except as included in the definition of "cedar salvage" under RCW 76.48.020));~~

~~(b) Specialty wood;~~

~~(c) Cut or picked evergreen foliage;~~

~~(d) Poles((-));~~

~~(e) Pilings((-));~~ or

~~(f) Other major forest products from which substantially all of the limbs and branches have been removed((-, specialty wood, and cedar salvage when harvested concurrently with timber stands (a) under an approved forest practices application or notification, or (b) under a contract or permit issued by an agency of the United States government)).~~

(3) ~~((The activities of a))~~ Noncommercial harvest, transportation, or possession by the landowner, ~~((his or her))~~ the landowner's agent ~~((, or))~~, representative, ~~((or of a lessee of land in carrying on noncommercial property management, maintenance, or improvements on or in connection with the land of the landowner))~~ or lessee of specialized forest products originating from property belonging to the landowner.

(4) Harvest, transportation, or possession of specialized forest products by:

(a) A governmental entity or the entity's agent for the purposes of clearing or maintaining the governmental entity's right-of-way or easement; or

(b) A public or regulated utility or the utility's agent for the purpose of clearing or maintaining the utility's right-of-way or easement.

Sec. 23. RCW 76.48.210 and 2008 c 191 s 1 are each amended to read as follows:

(1) ~~((Except as otherwise provided in this section, no person may sell, or attempt to sell, any amount of raw or unprocessed huckleberries without first obtaining a specialized forest products permit as provided in RCW 76.48.060, regardless if the huckleberries were harvested with the consent of the landowner.~~

~~(2) If the possessor of the huckleberries being offered for sale is able to show that the huckleberries originated on land owned by the United States forest service, then the requirements of this section may be satisfied with the display of a valid permit from the United States forest service that lawfully entitles the possessor to harvest the huckleberries in question.~~

~~((3))~~ Nothing in ~~((this section))~~ RCW 76.48.060 (as recodified by this act) creates a requirement that a specialized forest products permit is required for an individual to harvest, possess, or transport huckleberries.

~~((4))~~ (2) Compliance with ~~((this section))~~ RCW 76.48.060 (as recodified by this act) allows an individual to sell, or offer for sale,

raw or unprocessed huckleberries. Possession of a specialized forest products permit does not create a right or privilege to harvest huckleberries. Huckleberries may be harvested only with the permission of the landowner and under the terms and conditions established between the landowner and the harvester.

Sec. 24. RCW 76.48.150 and 2005 c 401 s 13 are each amended to read as follows:

(1) Subject to the availability of funds in the specialized forest products outreach and education account established under section 26 of this act, the department ~~((of natural resources is the designated agency to develop and print the specialized forest products permit and distribute it to the county sheriffs. In addition, the department of natural resources))~~ shall develop educational material ~~((and other))~~, including printed information, for law enforcement, forest landowners, and specialized forest products ~~((harvesters))~~ permittees, buyers, and processors specific to this chapter.

(2) The department is encouraged to foster partnerships with federal agencies, other state agencies, universities, local governments, and private interests in order to minimize educational and outreach expenses.

Sec. 25. RCW 76.48.200 and 2008 c 191 s 8 are each amended to read as follows:

(1) Minority groups have long been participants in the specialized forest products and huckleberry harvesting industry. The legislature encourages agencies serving minority communities, community-based organizations, refugee centers, social service agencies, agencies and organizations with expertise in the specialized forest products and huckleberry harvesting ~~((industry))~~ industries, and other interested groups to work cooperatively to accomplish the following purposes:

~~((+))~~ (a) To provide assistance and make referrals on translation services and to assist in translating educational materials, laws, and rules regarding specialized forest products and huckleberries;

~~((=))~~ (b) To hold clinics to teach techniques for effective picking; and

~~((=))~~ (c) To work with both minority and nonminority permittees in order to protect resources and foster understanding between minority and nonminority permittees.

(2) To the extent practicable within their existing resources, the department, the state commission on ~~((Asian-American))~~ Asian Pacific American affairs created in RCW 43.117.030, and the state commission on Hispanic affairs created in RCW 43.115.020 ~~((= and the department of natural resources))~~ are encouraged to coordinate ~~((this effort))~~ efforts under this chapter.

NEW SECTION. Sec. 26. A new section is added to chapter 76.48 RCW to read as follows:

The specialized forest products outreach and education account is created in the custody of the state treasurer. All receipts from RCW 76.48.140 and 76.48.110 (as recodified by this act), any legislative appropriations, private donations, or any other private or public source directed to the account must be deposited in the account. Expenditures from the account may only be used by the department for funding activities under RCW 76.48.150 and 76.48.200 (as recodified by this act). Only the commissioner of public lands or the commissioner's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 27. RCW 76.48.902 and 1979 ex.s. c 94 s 17 are each amended to read as follows:

If any provision of this act or this chapter or its application to any person or circumstance is held invalid, the remainder of the act or this chapter or the application of the provision to other persons or circumstances is not affected.

Sec. 28. RCW 76.48.910 and 1967 ex.s. c 47 s 16 are each amended to read as follows:

This chapter is not intended to repeal, supersede, or modify any provision of existing law.

NEW SECTION. Sec. 29. The following sections are codified or recodified in chapter 76.48 RCW in the following order:

RCW 76.48.010;
RCW 76.48.020;

RCW 76.48.060;
RCW 76.48.080;
Section 6 of this act;
Section 7 of this act;
Section 8 of this act;
RCW 76.48.050;
RCW 76.48.062;
RCW 76.48.094;
RCW 76.48.085;
RCW 76.48.098;
RCW 76.48.030;
RCW 76.48.120;
RCW 76.48.130;
section 17 of this act;
RCW 76.48.140;
RCW 76.48.040;
Section 20 of this act;
RCW 76.48.110;
RCW 76.48.100;
RCW 76.48.210;
RCW 76.48.150;
RCW 76.48.200;
Section 26 of this act;
RCW 76.48.900;
RCW 76.48.902; and
RCW 76.48.910.

NEW SECTION. Sec. 30. The following acts or parts of acts are each repealed:

1.1.1.1. RCW 76.48.070 (Transporting or possessing cedar or other specialized forest products--Requirements) and 2005 c 401 s 4, 1995 c 366 s 6, 1992 c 184 s 3, 1979 ex.s. c 94 s 6, 1977 ex.s. c 147 s 6, & 1967 ex.s. c 47 s 8;

1.1.1.2. RCW 76.48.086 (Records of buyers available for research) and 2008 c 191 s 5 & 1995 c 366 s 16;

1.1.1.3. RCW 76.48.096 (Obtaining products from suppliers not having specialized forest products permit unlawful) and 2005 c 401 s 8, 1995 c 366 s 8, 1979 ex.s. c 94 s 10, & 1977 ex.s. c 147 s 12; and

(4) RCW 76.48.075 (Specialized forest products from out-of-state) and 2005 c 401 s 5, 1995 c 366 s 7, & 1979 ex.s. c 94 s 15.

NEW SECTION. Sec. 31. RCW 76.48.901 is decodified."

On page 1, line 1 of the title, after "76.48 RCW;" strike the remainder of the title and insert "amending RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.902, and 76.48.910; adding new sections to chapter 76.48 RCW; creating a new section; recodifying RCW 76.48.010, 76.48.020, 76.48.060, 76.48.080, 76.48.050, 76.48.062, 76.48.094, 76.48.085, 76.48.098, 76.48.030, 76.48.120, 76.48.130, 76.48.140, 76.48.040, 76.48.110, 76.48.100, 76.48.210, 76.48.150, 76.48.200, 76.48.900, 76.48.902, and 76.48.910; decodifying RCW 76.48.901; repealing RCW 76.48.070, 76.48.086, 76.48.096, and 76.48.075; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1038 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1038, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1038, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1038, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1052 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.41.010 and 2001 c 300 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Firearm" means a weapon or device from which a projectile or projectiles may be fired by an explosive such as gunpowder.

(2) "Pistol" means any firearm with a barrel less than sixteen inches in length, or is designed to be held and fired by the use of a single hand.

(3) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(5) "Shotgun" means a weapon with one or more barrels, designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, and intended to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun by any means of modification if such modified weapon has an overall length of less than twenty-six inches.

(7) "Machine gun" means any firearm known as a machine gun, mechanical rifle, submachine gun, or any other mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the firearm, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

(8) "Antique firearm" means a firearm or replica of a firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system and also any firearm using fixed ammunition

manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(9) "Loaded" means:

(a) There is a cartridge in the chamber of the firearm;

(b) Cartridges are in a clip that is locked in place in the firearm;

(c) There is a cartridge in the cylinder of the firearm, if the

firearm is a revolver;

(d) There is a cartridge in the tube or magazine that is inserted in the action; or

(e) There is a ball in the barrel and the firearm is capped or primed if the firearm is a muzzle loader.

(10) "Dealer" means a person engaged in the business of selling firearms at wholesale or retail who has, or is required to have, a federal firearms license under 18 U.S.C. Sec. 923(a). A person who does not have, and is not required to have, a federal firearms license under 18 U.S.C. Sec. 923(a), is not a dealer if that person makes only occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or sells all or part of his or her personal collection of firearms.

(11) "Crime of violence" means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, kidnapping in the second degree, arson in the second degree, assault in the second degree, assault of a child in the second degree, extortion in the first degree, burglary in the second degree, residential burglary, and robbery in the second degree;

(b) Any conviction for a felony offense in effect at any time prior to June 6, 1996, which is comparable to a felony classified as a crime of violence in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense comparable to a felony classified as a crime of violence under (a) or (b) of this subsection.

(12) "Serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies, as now existing or hereafter amended:

(a) Any crime of violence;

(b) Any felony violation of the uniform controlled substances act, chapter 69.50 RCW, that is classified as a class B felony or that has a maximum term of imprisonment of at least ten years;

(c) Child molestation in the second degree;

(d) Incest when committed against a child under age fourteen;

(e) Indecent liberties;

(f) Leading organized crime;

(g) Promoting prostitution in the first degree;

(h) Rape in the third degree;

(i) Drive-by shooting;

(j) Sexual exploitation;

(k) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(l) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(m) Any other class B felony offense with a finding of sexual motivation, as "sexual motivation" is defined under RCW 9.94A.030;

(n) Any other felony with a deadly weapon verdict under RCW 9.94A.602; or

(o) Any felony offense in effect at any time prior to June 6, 1996, that is comparable to a serious offense, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious offense.

(13) "Law enforcement officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020. "Law enforcement officer" also includes a limited authority Washington peace officer as defined in RCW 10.93.020 if

such officer is duly authorized by his or her employer to carry a concealed pistol.

(14) "Felony" means any felony offense under the laws of this state or any federal or out-of-state offense comparable to a felony offense under the laws of this state.

(15) "Sell" refers to the actual approval of the delivery of a firearm in consideration of payment or promise of payment of a certain price in money.

(16) "Barrel length" means the distance from the bolt face of a closed action down the length of the axis of the bore to the crown of the muzzle, or in the case of a barrel with attachments to the end of any legal device permanently attached to the end of the muzzle.

(17) "Family or household member" means "family" or "household member" as used in RCW 10.99.020.

(18) "Nonimmigrant alien" means a person defined as such in 8 U.S.C. Sec. 1101(a)(15).

(19) "Lawful permanent resident" has the same meaning afforded a person "lawfully admitted for permanent residence" in 8 U.S.C. Sec. 1101(a)(20).

NEW SECTION. Sec. 2. A new section is added to chapter 9.41 RCW to read as follows:

It is a class C felony for any person who is not a citizen of the United States to carry or possess any firearm, unless the person: (1) Is a lawful permanent resident; (2) has obtained a valid alien firearm license pursuant to section 3 of this act; or (3) meets the requirements of section 4 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 9.41 RCW to read as follows:

(1) In order to obtain an alien firearm license, a nonimmigrant alien residing in Washington must apply to the sheriff of the county in which he or she resides.

(2) The sheriff of the county shall within sixty days after the filing of an application of a nonimmigrant alien residing in the state of Washington, issue an alien firearm license to such person to carry or possess a firearm for the purposes of hunting and sport shooting. The license shall be good for two years. The issuing authority shall not refuse to accept completed applications for alien firearm licenses during regular business hours. An application for a license may not be denied, unless the applicant's alien firearm license is in a revoked status, or the applicant:

(a) Is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) Is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(c) Is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense; or

(d) Has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor.

No license application shall be granted to a nonimmigrant alien convicted of a felony unless the person has been granted relief from disabilities by the attorney general under 18 U.S.C. Sec. 925(c), or unless RCW 9.41.040 (3) or (4) applies.

(3) The sheriff shall check with the national crime information center, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, not more than two complete sets of fingerprints, and signature of the applicant, a copy of the applicant's passport and visa showing the applicant is in the country legally, and a valid Washington hunting license or documentation that the applicant is a member of a sport shooting club.

A signed application for an alien firearm license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for an alien firearm license to an inquiring court or law enforcement agency.

The application for an original license shall include a complete set of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a firearm. The nonimmigrant alien applicant shall be required to produce a passport and visa as evidence of being in the country legally.

The license may be in triplicate or in a form to be prescribed by the department of licensing. The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an online format, all information received under this section.

(5) The sheriff has the authority to collect a nonrefundable fee, paid upon application, for the two-year license. The fee shall be fifty dollars plus additional charges imposed by the Washington state patrol and the federal bureau of investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license. The fee shall be retained by the sheriff.

(6) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the sheriff.

(7) A political subdivision of the state shall not modify the requirements of this section, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(8) A person who knowingly makes a false statement regarding citizenship or identity on an application for an alien firearm license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the alien firearm license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for an alien firearm license.

NEW SECTION. Sec. 4. A new section is added to chapter 9.41 RCW to read as follows:

(1) A nonimmigrant alien, who is not a resident of Washington or a citizen of Canada, may carry or possess any firearm without having first obtained an alien firearm license if the nonimmigrant alien possesses:

(a) A valid passport and visa showing he or she is in the country legally;

(b) If required under federal law, an approved United States department of justice ATF-6 NIA application and permit for temporary importation of firearms and ammunition by nonimmigrant aliens; and

(c)(i) A valid hunting license issued by a state or territory of the United States; or

(ii) An invitation to participate in a trade show or sport shooting event being conducted in this state, another state, or another country that is contiguous with this state.

(2) A citizen of Canada may carry or possess any firearm so long as he or she possesses:

(a) Valid documentation as required for entry into the United States;

(b) If required under federal law, an approved United States department of justice ATF-6 NIA application and permit for

temporary importation of firearms and ammunition by nonimmigrant aliens; and

(c)(i) A valid hunting license issued by a state or territory of the United States; or

(ii) An invitation to participate in a trade show or sport shooting event being conducted in this state, another state, or another country that is contiguous with this state.

(3) For purposes of subsections (1) and (2) of this section, the firearms may only be possessed for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license.

Sec. 5. RCW 9.41.070 and 2002 c 302 s 703 are each amended to read as follows:

(1) The chief of police of a municipality or the sheriff of a county shall within thirty days after the filing of an application of any person, issue a license to such person to carry a pistol concealed on his or her person within this state for five years from date of issue, for the purposes of protection or while engaged in business, sport, or while traveling. However, if the applicant does not have a valid permanent Washington driver's license or Washington state identification card or has not been a resident of the state for the previous consecutive ninety days, the issuing authority shall have up to sixty days after the filing of the application to issue a license. The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours.

The applicant's constitutional right to bear arms shall not be denied, unless:

(a) He or she is ineligible to possess a firearm under the provisions of RCW 9.41.040 or 9.41.045;

(b) The applicant's concealed pistol license is in a revoked status;

(c) He or she is under twenty-one years of age;

(d) He or she is subject to a court order or injunction regarding firearms pursuant to RCW 9A.46.080, 10.14.080, 10.99.040, 10.99.045, 26.09.050, 26.09.060, 26.10.040, 26.10.115, 26.26.130, 26.50.060, 26.50.070, or 26.26.590;

(e) He or she is free on bond or personal recognizance pending trial, appeal, or sentencing for a felony offense;

(f) He or she has an outstanding warrant for his or her arrest from any court of competent jurisdiction for a felony or misdemeanor; or

(g) He or she has been ordered to forfeit a firearm under RCW 9.41.098(1)(e) within one year before filing an application to carry a pistol concealed on his or her person.

No person convicted of a felony may have his or her right to possess firearms restored or his or her privilege to carry a concealed pistol restored, unless the person has been granted relief from disabilities by the ~~((secretary of the treasury))~~ attorney general under 18 U.S.C. Sec. 925(c), or RCW 9.41.040 (3) or (4) applies.

(2) The issuing authority shall check with the national crime information center, the Washington state patrol electronic database, the department of social and health services electronic database, and with other agencies or resources as appropriate, to determine whether the applicant is ineligible under RCW 9.41.040 or 9.41.045 to possess a firearm and therefore ineligible for a concealed pistol license. This subsection applies whether the applicant is applying for a new concealed pistol license or to renew a concealed pistol license.

(3) Any person whose firearms rights have been restricted and who has been granted relief from disabilities by the ~~((secretary of the treasury))~~ attorney general under 18 U.S.C. Sec. 925(c) or who is exempt under 18 U.S.C. Sec. 921(a)(20)(A) shall have his or her right to acquire, receive, transfer, ship, transport, carry, and possess firearms in accordance with Washington state law restored except as otherwise prohibited by this chapter.

(4) The license application shall bear the full name, residential address, telephone number at the option of the applicant, date and place of birth, race, gender, description, ~~((not more than two))~~ a complete set ~~((s))~~ of fingerprints, and signature of the licensee, and the licensee's driver's license number or state identification card

number if used for identification in applying for the license. A signed application for a concealed pistol license shall constitute a waiver of confidentiality and written request that the department of social and health services, mental health institutions, and other health care facilities release information relevant to the applicant's eligibility for a concealed pistol license to an inquiring court or law enforcement agency.

The application for an original license shall include two complete sets of fingerprints to be forwarded to the Washington state patrol.

The license and application shall contain a warning substantially as follows:

CAUTION: Although state and local laws do not differ, federal law and state law on the possession of firearms differ. If you are prohibited by federal law from possessing a firearm, you may be prosecuted in federal court. A state license is not a defense to a federal prosecution.

The license shall contain a description of the major differences between state and federal law and an explanation of the fact that local laws and ordinances on firearms are preempted by state law and must be consistent with state law. The application shall contain questions about the applicant's eligibility under RCW 9.41.040 to possess a pistol, the applicant's place of birth, and whether the applicant is a United States citizen. The applicant shall not be required to produce a birth certificate or other evidence of citizenship. A person who is not a citizen of the United States shall, if applicable, meet the additional requirements of ~~((RCW 9.41.170))~~ section 3 of this act and produce proof of compliance with ~~((RCW 9.41.170))~~ section 3 of this act upon application. The license ~~((shall))~~ may be in triplicate ~~((and))~~ or in a form to be prescribed by the department of licensing.

The original thereof shall be delivered to the licensee, the duplicate shall within seven days be sent to the director of licensing and the triplicate shall be preserved for six years, by the authority issuing the license.

The department of licensing shall make available to law enforcement and corrections agencies, in an on-line format, all information received under this subsection.

(5) The nonrefundable fee, paid upon application, for the original five-year license shall be thirty-six dollars plus additional charges imposed by the Federal Bureau of Investigation that are passed on to the applicant. No other state or local branch or unit of government may impose any additional charges on the applicant for the issuance of the license.

The fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Four dollars shall be paid to the agency taking the fingerprints of the person licensed;

(c) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(d) Three dollars to the firearms range account in the general fund.

(6) The nonrefundable fee for the renewal of such license shall be thirty-two dollars. No other branch or unit of government may impose any additional charges on the applicant for the renewal of the license.

The renewal fee shall be distributed as follows:

(a) Fifteen dollars shall be paid to the state general fund;

(b) Fourteen dollars shall be paid to the issuing authority for the purpose of enforcing this chapter; and

(c) Three dollars to the firearms range account in the general fund.

(7) The nonrefundable fee for replacement of lost or damaged licenses is ten dollars to be paid to the issuing authority.

(8) Payment shall be by cash, check, or money order at the option of the applicant. Additional methods of payment may be allowed at the option of the issuing authority.

(9) A licensee may renew a license if the licensee applies for renewal within ninety days before or after the expiration date of the license. A license so renewed shall take effect on the expiration date of the prior license. A licensee renewing after the expiration date of

the license must pay a late renewal penalty of ten dollars in addition to the renewal fee specified in subsection (6) of this section. The fee shall be distributed as follows:

(a) Three dollars shall be deposited in the state wildlife ~~(fund)~~ account and used exclusively first for the printing and distribution of a pamphlet on the legal limits of the use of firearms, firearms safety, and the preemptive nature of state law, and subsequently the support of volunteer instructors in the basic firearms safety training program conducted by the department of fish and wildlife. The pamphlet shall be given to each applicant for a license; and

(b) Seven dollars shall be paid to the issuing authority for the purpose of enforcing this chapter.

(10) Notwithstanding the requirements of subsections (1) through (9) of this section, the chief of police of the municipality or the sheriff of the county of the applicant's residence may issue a temporary emergency license for good cause pending review under subsection (1) of this section. However, a temporary emergency license issued under this subsection shall not exempt the holder of the license from any records check requirement. Temporary emergency licenses shall be easily distinguishable from regular licenses.

(11) A political subdivision of the state shall not modify the requirements of this section or chapter, nor may a political subdivision ask the applicant to voluntarily submit any information not required by this section.

(12) A person who knowingly makes a false statement regarding citizenship or identity on an application for a concealed pistol license is guilty of false swearing under RCW 9A.72.040. In addition to any other penalty provided for by law, the concealed pistol license of a person who knowingly makes a false statement shall be revoked, and the person shall be permanently ineligible for a concealed pistol license.

(13) A person may apply for a concealed pistol license:

(a) To the municipality or to the county in which the applicant resides if the applicant resides in a municipality;

(b) To the county in which the applicant resides if the applicant resides in an unincorporated area; or

(c) Anywhere in the state if the applicant is a nonresident.

Sec. 6. RCW 9.41.097 and 2005 c 274 s 202 are each amended to read as follows:

(1) The department of social and health services, mental health institutions, and other health care facilities shall, upon request of a court or law enforcement agency, supply such relevant information as is necessary to determine the eligibility of a person to possess a pistol or to be issued a concealed pistol license under RCW 9.41.070 or to purchase a pistol under RCW 9.41.090.

(2) Mental health information received by: (a) The department of licensing pursuant to RCW 9.41.047 or ~~((9.41.170))~~ section 3 of this act; (b) an issuing authority pursuant to RCW 9.41.047 or 9.41.070; (c) a chief of police or sheriff pursuant to RCW 9.41.090 or ~~((9.41.170))~~ section 3 of this act; (d) a court or law enforcement agency pursuant to subsection (1) of this section, shall not be disclosed except as provided in RCW 42.56.240(4).

Sec. 7. RCW 9.41.0975 and 1996 c 295 s 9 are each amended to read as follows:

(1) The state, local governmental entities, any public or private agency, and the employees of any state or local governmental entity or public or private agency, acting in good faith, are immune from liability:

(a) For failure to prevent the sale or transfer of a firearm to a person whose receipt or possession of the firearm is unlawful;

(b) For preventing the sale or transfer of a firearm to a person who may lawfully receive or possess a firearm;

(c) For issuing a concealed pistol license or alien firearm license to a person ineligible for such a license;

(d) For failing to issue a concealed pistol license or alien firearm license to a person eligible for such a license;

(e) For revoking or failing to revoke an issued concealed pistol license or alien firearm license;

(f) For errors in preparing or transmitting information as part of determining a person's eligibility to receive or possess a firearm, or eligibility for a concealed pistol license or alien firearm license;

(g) For issuing a dealer's license to a person ineligible for such a license; or

(h) For failing to issue a dealer's license to a person eligible for such a license.

(2) An application may be made to a court of competent jurisdiction for a writ of mandamus:

(a) Directing an issuing agency to issue a concealed pistol license or alien firearm license wrongfully refused;

(b) Directing a law enforcement agency to approve an application to purchase wrongfully denied;

(c) Directing that erroneous information resulting either in the wrongful refusal to issue a concealed pistol license or alien firearm license or in the wrongful denial of a purchase application be corrected; or

(d) Directing a law enforcement agency to approve a dealer's license wrongfully denied.

The application for the writ may be made in the county in which the application for a concealed pistol license or alien firearm license or to purchase a pistol was made, or in Thurston county, at the discretion of the petitioner. A court shall provide an expedited hearing for an application brought under this subsection (2) for a writ of mandamus. A person granted a writ of mandamus under this subsection (2) shall be awarded reasonable attorneys' fees and costs.

NEW SECTION. Sec. 8. RCW 9.41.170 (Alien's license to carry firearms--Exception) and 1996 c 295 s 11, 1994 c 190 s 1, 1979 c 158 s 3, 1969 ex.s. c 90 s 1, & 1953 c 109 s 1 are each repealed."

On page 1, line 2 of the title, after "countries;" strike the remainder of the title and insert "amending RCW 9.41.010, 9.41.070, 9.41.097, and 9.41.0975; adding new sections to chapter 9.41 RCW; repealing RCW 9.41.170; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1052 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Moeller spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1052, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1052, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SECOND SUBSTITUTE HOUSE BILL NO. 1052, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1071 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.210 and 2000 c 94 s 6 are each amended to read as follows:

Each person involuntarily detained and accepted or admitted at an evaluation and treatment facility (1) shall, within twenty-four hours of his or her admission or acceptance at the facility, be examined and evaluated by (a) a licensed physician who may be assisted by a physician assistant according to chapter 18.71A RCW ((or)) and a mental health professional, (b) an advanced registered nurse practitioner according to chapter 18.79 RCW and a mental health professional, or (c) a licensed physician and a psychiatric advanced registered nurse practitioner and (2) shall receive such treatment and care as his or her condition requires including treatment on an outpatient basis for the period that he or she is detained, except that, beginning twenty-four hours prior to a trial or hearing pursuant to RCW 71.05.215, 71.05.240, 71.05.310, 71.05.320, 71.05.340, or ((71.05.370)) 71.05.217, the individual may refuse psychiatric medications, but may not refuse: ((+)) (a) Any other medication previously prescribed by a person licensed under Title 18 RCW; or ((-)) (b) emergency lifesaving treatment, and the individual shall be informed at an appropriate time of his or her right of such refusal. The person shall be detained up to seventy-two hours, if, in the opinion of the professional person in charge of the facility, or his or her professional designee, the person presents a likelihood of serious harm, or is gravely disabled. A person who has been detained for seventy-two hours shall no later than the end of such period be released, unless referred for further care on a voluntary basis, or detained pursuant to court order for further treatment as provided in this chapter.

If, after examination and evaluation, the mental health professional and licensed physician ((and mental health professional)) or psychiatric advanced registered nurse practitioner determine that the initial needs of the person would be better served by placement in a chemical dependency treatment facility, then the person shall be referred to an approved treatment program defined under RCW 70.96A.020.

An evaluation and treatment center admitting or accepting any person pursuant to this chapter whose physical condition reveals the need for hospitalization shall assure that such person is transferred to an appropriate hospital for evaluation or admission for treatment. Notice of such fact shall be given to the court, the designated attorney, and the ((county)) designated mental health professional and the court shall order such continuance in proceedings under this chapter as may be necessary, but in no event may this continuance be more than fourteen days.

Sec. 2. RCW 71.05.230 and 2006 c 333 s 302 are each amended to read as follows:

A person detained for seventy-two hour evaluation and treatment may be detained for not more than fourteen additional days of involuntary intensive treatment or ninety additional days of a less restrictive alternative to involuntary intensive treatment. There shall be no fee for filing petitions for fourteen days of involuntary intensive treatment. A petition may only be filed if the following conditions are met:

(1) The professional staff of the agency or facility providing evaluation services has analyzed the person's condition and finds that the condition is caused by mental disorder and either results in a likelihood of serious harm, or results in the detained person being gravely disabled and are prepared to testify those conditions are met; and

(2) The person has been advised of the need for voluntary treatment and the professional staff of the facility has evidence that he or she has not in good faith volunteered; and

(3) The facility providing intensive treatment is certified to provide such treatment by the department; and

(4) The professional staff of the agency or facility or the designated mental health professional has filed a petition for fourteen day involuntary detention or a ninety day less restrictive alternative with the court. The petition must be signed either by:

~~(a) Two physicians ((or by));~~

~~(b) One physician and a mental health professional((who));~~

~~(c) Two psychiatric advanced registered nurse practitioners;~~

(d) One psychiatric advanced registered nurse practitioner and a mental health professional; or

(e) A physician and a psychiatric advanced registered nurse practitioner. The persons signing the petition must have examined

the person. If involuntary detention is sought the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and that there are no less restrictive alternatives to detention in the best interest of such person or others. The petition shall state specifically that less restrictive alternative treatment was considered and specify why treatment less restrictive than detention is not appropriate. If an involuntary less restrictive alternative is sought, the petition shall state facts that support the finding that such person, as a result of mental disorder, presents a likelihood of serious harm, or is gravely disabled and shall set forth the less restrictive alternative proposed by the facility; and

(5) A copy of the petition has been served on the detained person, his or her attorney and his or her guardian or conservator, if any, prior to the probable cause hearing; and

(6) The court at the time the petition was filed and before the probable cause hearing has appointed counsel to represent such person if no other counsel has appeared; and

(7) The court has ordered a fourteen day involuntary intensive treatment or a ninety day less restrictive alternative treatment after a probable cause hearing has been held pursuant to RCW 71.05.240; and

(8) At the conclusion of the initial commitment period, the professional staff of the agency or facility or the designated mental health professional may petition for an additional period of either ninety days of less restrictive alternative treatment or ninety days of involuntary intensive treatment as provided in RCW 71.05.290; and

(9) If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated has agreed to assume such responsibility.

Sec. 3. RCW 71.05.290 and 2008 c 213 s 7 are each amended to read as follows:

(1) At any time during a person's fourteen day intensive treatment period, the professional person in charge of a treatment facility or his or her professional designee or the designated mental health professional may petition the superior court for an order requiring such person to undergo an additional period of treatment. Such petition must be based on one or more of the grounds set forth in RCW 71.05.280.

(2) The petition shall summarize the facts which support the need for further confinement and shall be supported by affidavits signed by:

~~(a) Two examining physicians((or by));~~

~~(b) One examining physician and examining mental health professional;~~

(c) Two psychiatric advanced registered nurse practitioners;

(d) One psychiatric advanced registered nurse practitioner and a mental health professional; or

(e) An examining physician and an examining psychiatric advanced registered nurse practitioner. The affidavits shall describe in detail the behavior of the detained person which supports the petition and shall explain what, if any, less restrictive treatments which are alternatives to detention are available to such person, and shall state the willingness of the affiant to testify to such facts in subsequent judicial proceedings under this chapter.

(3) If a person has been determined to be incompetent pursuant to RCW 10.77.086(4), then the professional person in charge of the treatment facility or his or her professional designee or the designated mental health professional may directly file a petition for one hundred eighty day treatment under RCW 71.05.280(3). No petition

for initial detention or fourteen day detention is required before such a petition may be filed.

Sec. 4. RCW 71.05.300 and 2008 c 213 s 8 are each amended to read as follows:

(1) The petition for ninety day treatment shall be filed with the clerk of the superior court at least three days before expiration of the fourteen-day period of intensive treatment. At the time of filing such petition, the clerk shall set a time for the person to come before the court on the next judicial day after the day of filing unless such appearance is waived by the person's attorney, and the clerk shall notify the designated mental health professional. The designated mental health professional shall immediately notify the person detained, his or her attorney, if any, and his or her guardian or conservator, if any, the prosecuting attorney, and the regional support network administrator, and provide a copy of the petition to such persons as soon as possible. The regional support network administrator or designee may review the petition and may appear and testify at the full hearing on the petition.

(2) At the time set for appearance the detained person shall be brought before the court, unless such appearance has been waived and the court shall advise him or her of his or her right to be represented by an attorney and of his or her right to a jury trial. If the detained person is not represented by an attorney, or is indigent or is unwilling to retain an attorney, the court shall immediately appoint an attorney to represent him or her. The court shall, if requested, appoint a reasonably available licensed physician, psychiatric advanced registered nurse practitioner, psychologist, or psychiatrist, designated by the detained person to examine and testify on behalf of the detained person.

(3) The court may, if requested, also appoint a professional person as defined in RCW 71.05.020 to seek less restrictive alternative courses of treatment and to testify on behalf of the detained person. In the case of a person with a developmental disability who has been determined to be incompetent pursuant to RCW 10.77.086(4), then the appointed professional person under this section shall be a developmental disabilities professional.

(4) The court shall also set a date for a full hearing on the petition as provided in RCW 71.05.310.

Sec. 5. RCW 71.05.360 and 2007 c 375 s 14 are each amended to read as follows:

(1)(a) Every person involuntarily detained or committed under the provisions of this chapter shall be entitled to all the rights set forth in this chapter, which shall be prominently posted in the facility, and shall retain all rights not denied him or her under this chapter except as chapter 9.41 RCW may limit the right of a person to purchase or possess a firearm or to qualify for a concealed pistol license.

(b) No person shall be presumed incompetent as a consequence of receiving an evaluation or voluntary or involuntary treatment for a mental disorder, under this chapter or any prior laws of this state dealing with mental illness. Competency shall not be determined or withdrawn except under the provisions of chapter 10.77 or 11.88 RCW.

(c) Any person who leaves a public or private agency following evaluation or treatment for mental disorder shall be given a written statement setting forth the substance of this section.

(2) Each person involuntarily detained or committed pursuant to this chapter shall have the right to adequate care and individualized treatment.

(3) The provisions of this chapter shall not be construed to deny to any person treatment by spiritual means through prayer in accordance with the tenets and practices of a church or religious denomination.

(4) Persons receiving evaluation or treatment under this chapter shall be given a reasonable choice of an available physician, psychiatric advanced registered nurse practitioner, or other professional person qualified to provide such services.

(5) Whenever any person is detained for evaluation and treatment pursuant to this chapter, both the person and, if possible, a responsible member of his or her immediate family, personal representative, guardian, or conservator, if any, shall be advised as soon as possible in writing or orally, by the officer or person taking him or her into custody or by personnel of the evaluation and

treatment facility where the person is detained that unless the person is released or voluntarily admits himself or herself for treatment within seventy-two hours of the initial detention:

(a) A judicial hearing in a superior court, either by a judge or court commissioner thereof, shall be held not more than seventy-two hours after the initial detention to determine whether there is probable cause to detain the person after the seventy-two hours have expired for up to an additional fourteen days without further automatic hearing for the reason that the person is a person whose mental disorder presents a likelihood of serious harm or that the person is gravely disabled;

(b) The person has a right to communicate immediately with an attorney; has a right to have an attorney appointed to represent him or her before and at the probable cause hearing if he or she is indigent; and has the right to be told the name and address of the attorney that the mental health professional has designated pursuant to this chapter;

(c) The person has the right to remain silent and that any statement he or she makes may be used against him or her;

(d) The person has the right to present evidence and to cross-examine witnesses who testify against him or her at the probable cause hearing; and

(e) The person has the right to refuse psychiatric medications, including antipsychotic medication beginning twenty-four hours prior to the probable cause hearing.

(6) When proceedings are initiated under RCW 71.05.153, no later than twelve hours after such person is admitted to the evaluation and treatment facility the personnel of the evaluation and treatment facility or the designated mental health professional shall serve on such person a copy of the petition for initial detention and the name, business address, and phone number of the designated attorney and shall forthwith commence service of a copy of the petition for initial detention on the designated attorney.

(7) The judicial hearing described in subsection (5) of this section is hereby authorized, and shall be held according to the provisions of subsection (5) of this section and rules promulgated by the supreme court.

(8) At the probable cause hearing the detained person shall have the following rights in addition to the rights previously specified:

- (a) To present evidence on his or her behalf;
- (b) To cross-examine witnesses who testify against him or her;
- (c) To be proceeded against by the rules of evidence;
- (d) To remain silent;
- (e) To view and copy all petitions and reports in the court file.

(9) (~~The physician-patient privilege or the psychologist-client privilege shall be~~) Privileges between patients and physicians, psychologists, or psychiatric advanced registered nurse practitioners are deemed waived in proceedings under this chapter relating to the administration of antipsychotic medications. As to other proceedings under this chapter, the privileges shall be waived when a court of competent jurisdiction in its discretion determines that such waiver is necessary to protect either the detained person or the public.

The waiver of a privilege under this section is limited to records or testimony relevant to evaluation of the detained person for purposes of a proceeding under this chapter. Upon motion by the detained person or on its own motion, the court shall examine a record or testimony sought by a petitioner to determine whether it is within the scope of the waiver.

The record maker shall not be required to testify in order to introduce medical or psychological records of the detained person so long as the requirements of RCW 5.45.020 are met except that portions of the record which contain opinions as to the detained person's mental state must be deleted from such records unless the person making such conclusions is available for cross-examination.

(10) Insofar as danger to the person or others is not created, each person involuntarily detained, treated in a less restrictive alternative course of treatment, or committed for treatment and evaluation pursuant to this chapter shall have, in addition to other rights not specifically withheld by law, the following rights:

(a) To wear his or her own clothes and to keep and use his or her own personal possessions, except when deprivation of same is essential to protect the safety of the resident or other persons;

(b) To keep and be allowed to spend a reasonable sum of his or her own money for canteen expenses and small purchases;

(c) To have access to individual storage space for his or her private use;

(d) To have visitors at reasonable times;

(e) To have reasonable access to a telephone, both to make and receive confidential calls, consistent with an effective treatment program;

(f) To have ready access to letter writing materials, including stamps, and to send and receive uncensored correspondence through the mails;

(g) To discuss treatment plans and decisions with professional persons;

(h) Not to consent to the administration of antipsychotic medications and not to thereafter be administered antipsychotic medications unless ordered by a court under RCW 71.05.217 or pursuant to an administrative hearing under RCW 71.05.215;

(i) Not to consent to the performance of electroconvulsant therapy or surgery, except emergency life-saving surgery, unless ordered by a court under RCW 71.05.217;

(j) Not to have psychosurgery performed on him or her under any circumstances;

(k) To dispose of property and sign contracts unless such person has been adjudicated an incompetent in a court proceeding directed to that particular issue.

(11) Every person involuntarily detained shall immediately be informed of his or her right to a hearing to review the legality of his or her detention and of his or her right to counsel, by the professional person in charge of the facility providing evaluation and treatment, or his or her designee, and, when appropriate, by the court. If the person so elects, the court shall immediately appoint an attorney to assist him or her.

(12) A person challenging his or her detention or his or her attorney shall have the right to designate and have the court appoint a reasonably available independent physician, psychiatric advanced registered nurse practitioner, or licensed mental health professional to examine the person detained, the results of which examination may be used in the proceeding. The person shall, if he or she is financially able, bear the cost of such expert examination, otherwise such expert examination shall be at public expense.

(13) Nothing contained in this chapter shall prohibit the patient from petitioning by writ of habeas corpus for release.

(14) Nothing in this chapter shall prohibit a person committed on or prior to January 1, 1974, from exercising a right available to him or her at or prior to January 1, 1974, for obtaining release from confinement.

(15) Nothing in this section permits any person to knowingly violate a no-contact order or a condition of an active judgment and sentence or an active condition of supervision by the department of corrections.

Sec. 6. RCW 71.05.390 and 2007 c 375 s 15 are each amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

(a) Employed by the facility;

(b) Who has medical responsibility for the patient's care;

(c) Who is a designated mental health professional;

(d) Who is providing services under chapter 71.24 RCW;

(e) Who is employed by a state or local correctional facility where the person is confined or supervised; or

(f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

(i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;

(ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and

(iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

(b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the

department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:

(i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;

(ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;

(iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;

(iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and

(v) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(11) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(12) To the persons designated in RCW 71.05.425 for the purposes described in that section.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children,

brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.56 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), shall be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(c) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(18) When a patient would otherwise be subject to the provisions of RCW 71.05.390 and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(19) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 7. RCW 71.05.420 and 2005 c 504 s 110 are each amended to read as follows:

Except as provided in RCW 71.05.425, when any disclosure of information or records is made as authorized by RCW 71.05.390, the physician or psychiatric advanced registered nurse practitioner in charge of the patient or the professional person in charge of the facility shall promptly cause to be entered into the patient's medical record the date and circumstances under which said disclosure was made, the names and relationships to the patient, if any, of the persons or agencies to whom such disclosure was made, and the information disclosed.

Sec. 8. RCW 71.05.630 and 2007 c 191 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of a person may be released without informed written consent in the following circumstances:

(a) To a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department.

(h) To a licensed physician or psychiatric advanced registered nurse practitioner who has determined that the life or health of the person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

(j) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.345, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

(k) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals,

or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

(l) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

(m) For purposes of coordinating health care, the department may release without informed written consent of the patient, information acquired for billing and collection purposes as described in (b) of this subsection to all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department shall not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

Sec. 9. RCW 71.05.660 and 2005 c 504 s 114 are each amended to read as follows:

Nothing in this chapter or chapter 70.96A, 71.05, 71.34, or 70.96B RCW shall be construed to interfere with communications between physicians, psychiatric advanced registered nurse practitioners, or psychologists and patients and attorneys and clients.

Sec. 10. RCW 71.06.040 and 1959 c 25 s 71.06.040 are each amended to read as follows:

At a preliminary hearing upon the charge of sexual psychopathy, the court may require the testimony of two duly licensed physicians or psychiatric advanced registered nurse practitioners who have examined the defendant. If the court finds that there are reasonable grounds to believe the defendant is a sexual psychopath, the court shall order said defendant confined at the nearest state hospital for observation as to the existence of sexual psychopathy. Such observation shall be for a period of not to exceed ninety days. The defendant shall be detained in the county jail or other county facilities pending execution of such observation order by the department.

Sec. 11. RCW 71.12.540 and 1989 1st ex.s. c 9 s 233 are each amended to read as follows:

The authorities of each establishment as defined in this chapter shall place on file in the office of the establishment the recommendations made by the department of health as a result of such visits, for the purpose of consultation by such authorities, and for reference by the department representatives upon their visits. Every such establishment shall keep records of every person admitted thereto as follows and shall furnish to the department, when required, the following data: Name, age, sex, marital status, date of admission, voluntary or other commitment, name of physician or psychiatric advanced registered nurse practitioner, diagnosis, and date of discharge.

Sec. 12. RCW 71.32.140 and 2004 c 39 s 2 are each amended to read as follows:

(1) A principal who:

(a) Chose not to be able to revoke his or her directive during any period of incapacity;

(b) Consented to voluntary admission to inpatient mental health treatment, or authorized an agent to consent on the principal's behalf; and

(c) At the time of admission to inpatient treatment, refuses to be admitted, may only be admitted into inpatient mental health treatment under subsection (2) of this section.

(2) A principal may only be admitted to inpatient mental health treatment under his or her directive if, prior to admission, a ~~((physician))~~ member of the treating facility's professional staff who is a physician or psychiatric advanced registered nurse practitioner:

(a) Evaluates the principal's mental condition, including a review of reasonably available psychiatric and psychological history, diagnosis, and treatment needs, and determines, in conjunction with another health care provider or mental health professional, that the principal is incapacitated;

(b) Obtains the informed consent of the agent, if any, designated in the directive;

(c) Makes a written determination that the principal needs an inpatient evaluation or is in need of inpatient treatment and that the evaluation or treatment cannot be accomplished in a less restrictive setting; and

(d) Documents in the principal's medical record a summary of the physician's or psychiatric advanced registered nurse practitioner's findings and recommendations for treatment or evaluation.

(3) In the event the admitting physician is not a psychiatrist, or the advanced registered nurse practitioner is not a psychiatric advanced registered nurse practitioner, the principal shall receive a complete psychological assessment by a mental health professional within twenty-four hours of admission to determine the continued need for inpatient evaluation or treatment.

(4)(a) If it is determined that the principal has capacity, then the principal may only be admitted to, or remain in, inpatient treatment if he or she consents at the time or is detained under the involuntary treatment provisions of chapter 70.96A, 71.05, or 71.34 RCW.

(b) If a principal who is determined by two health care providers or one mental health professional and one health care provider to be incapacitated continues to refuse inpatient treatment, the principal may immediately seek injunctive relief for release from the facility.

(5) If, at the end of the period of time that the principal or the principal's agent, if any, has consented to voluntary inpatient treatment, but no more than fourteen days after admission, the principal has not regained capacity or has regained capacity but refuses to consent to remain for additional treatment, the principal must be released during reasonable daylight hours, unless detained under chapter 70.96A, 71.05, or 71.34 RCW.

(6)(a) Except as provided in (b) of this subsection, any principal who is voluntarily admitted to inpatient mental health treatment under this chapter shall have all the rights provided to individuals who are voluntarily admitted to inpatient treatment under chapter 71.05, 71.34, or 72.23 RCW.

(b) Notwithstanding RCW 71.05.050 regarding consent to inpatient treatment for a specified length of time, the choices an incapacitated principal expressed in his or her directive shall control, provided, however, that a principal who takes action demonstrating a desire to be discharged, in addition to making statements requesting to be discharged, shall be discharged, and no principal shall be restrained in any way in order to prevent his or her discharge. Nothing in this subsection shall be construed to prevent detention and evaluation for civil commitment under chapter 71.05 RCW.

(7) Consent to inpatient admission in a directive is effective only while the professional person, health care provider, and health care facility are in substantial compliance with the material provisions of the directive related to inpatient treatment.

Sec. 13. RCW 71.32.250 and 2003 c 283 s 25 are each amended to read as follows:

(1) If a principal who is a resident of a long-term care facility is admitted to inpatient mental health treatment pursuant to his or her directive, the principal shall be allowed to be readmitted to the same long-term care facility as if his or her inpatient admission had been

for a physical condition on the same basis that the principal would be readmitted under state or federal statute or rule when:

(a) The treating facility's professional staff determine that inpatient mental health treatment is no longer medically necessary for the resident. The determination shall be made in writing by a psychiatrist, psychiatric advanced registered nurse practitioner, or ~~((by))~~ a mental health professional and either (i) a physician or (ii) psychiatric advanced registered nurse practitioner; or

(b) The person's consent to admission in his or her directive has expired.

(2)(a) If the long-term care facility does not have a bed available at the time of discharge, the treating facility may discharge the resident, in consultation with the resident and agent if any, and in accordance with a medically appropriate discharge plan, to another long-term care facility.

(b) This section shall apply to inpatient mental health treatment admission of long-term care facility residents, regardless of whether the admission is directly from a facility, hospital emergency room, or other location.

(c) This section does not restrict the right of the resident to an earlier release from the inpatient treatment facility. This section does not restrict the right of a long-term care facility to initiate transfer or discharge of a resident who is readmitted pursuant to this section, provided that the facility has complied with the laws governing the transfer or discharge of a resident.

(3) The joint legislative audit and review committee shall conduct an evaluation of the operation and impact of this section. The committee shall report its findings to the appropriate committees of the legislature by December 1, 2004.

Sec. 14. RCW 71.32.260 and 2003 c 283 s 26 are each amended to read as follows:

The directive shall be in substantially the following form:

Mental Health Advance Directive
**NOTICE TO PERSONS
CREATING A MENTAL HEALTH ADVANCE
DIRECTIVE**

This is an important legal document. It creates an advance directive for mental health treatment. Before signing this document you should know these important facts:

(1) This document is called an advance directive and allows you to make decisions in advance about your mental health treatment, including medications, short-term admission to inpatient treatment and electroconvulsive therapy.

**YOU DO NOT HAVE TO FILL OUT OR SIGN THIS
FORM.
IF YOU DO NOT SIGN THIS FORM, IT WILL NOT
TAKE EFFECT.**

If you choose to complete and sign this document, you may still decide to leave some items blank.

(2) You have the right to appoint a person as your agent to make treatment decisions for you. You must notify your agent that you have appointed him or her as an agent. The person you appoint has a duty to act consistently with your wishes made known by you. If your agent does not know what your wishes are, he or she has a duty to act in your best interest. Your agent has the right to withdraw from the appointment at any time.

(3) The instructions you include with this advance directive and the authority you give your agent to act will only become effective under the conditions you select in this document. You may choose to limit this directive and your agent's authority to times when you are incapacitated or to times when you are exhibiting symptoms or behavior that you specify. You may also make this directive effective immediately. No matter when you choose to make this directive effective, your treatment providers must still seek your informed consent at all times that you have capacity to give informed consent.

(4) You have the right to revoke this document in writing at any time you have capacity.

YOU MAY NOT REVOKE THIS DIRECTIVE WHEN YOU HAVE BEEN FOUND TO BE INCAPACITATED UNLESS YOU HAVE SPECIFICALLY STATED IN THIS DIRECTIVE THAT YOU WANT IT TO BE REVOCABLE WHEN YOU ARE INCAPACITATED.

- (5) This directive will stay in effect until you revoke it unless you specify an expiration date. If you specify an expiration date and you are incapacitated at the time it expires, it will remain in effect until you have capacity to make treatment decisions again unless you chose to be able to revoke it while you are incapacitated and you revoke the directive.
- (6) You cannot use your advance directive to consent to civil commitment. The procedures that apply to your advance directive are different than those provided for in the Involuntary Treatment Act. Involuntary treatment is a different process.
- (7) If there is anything in this directive that you do not understand, you should ask a lawyer to explain it to you.
- (8) You should be aware that there are some circumstances where your provider may not have to follow your directive.
- (9) You should discuss any treatment decisions in your directive with your provider.
- (10) You may ask the court to rule on the validity of your directive.

**PART I.
STATEMENT OF INTENT TO CREATE A
MENTAL HEALTH ADVANCE DIRECTIVE**

I, being a person with capacity, willfully and voluntarily execute this mental health advance directive so that my choices regarding my mental health care will be carried out in circumstances when I am unable to express my instructions and preferences regarding my mental health care. If a guardian is appointed by a court to make mental health decisions for me, I intend this document to take precedence over all other means of ascertaining my intent.

The fact that I may have left blanks in this directive does not affect its validity in any way. I intend that all completed sections be followed. If I have not expressed a choice, my agent should make the decision that he or she determines is in my best interest. I intend this directive to take precedence over any other directives I have previously executed, to the extent that they are inconsistent with this document, or unless I expressly state otherwise in either document.

I understand that I may revoke this directive in whole or in part if I am a person with capacity. I understand that I cannot revoke this directive if a court, two health care providers, or one mental health professional and one health care provider find that I am an incapacitated person, unless, when I executed this directive, I chose to be able to revoke this directive while incapacitated.

I understand that, except as otherwise provided in law, revocation must be in writing. I understand that nothing in this directive, or in my refusal of treatment to which I consent in this directive, authorizes any health care provider, professional person, health care facility, or agent appointed in this directive to use or threaten to use abuse, neglect, financial exploitation, or abandonment to carry out my directive.

I understand that there are some circumstances where my provider may not have to follow my directive.

**PART II.
WHEN THIS DIRECTIVE IS EFFECTIVE**

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I intend that this directive become effective (*YOU MUST CHOOSE ONLY ONE*):

- Immediately upon my signing of this directive.
- If I become incapacitated.
- When the following circumstances, symptoms, or behaviors occur:

**PART III.
DURATION OF THIS DIRECTIVE**

YOU MUST COMPLETE THIS PART FOR YOUR DIRECTIVE TO BE VALID.

I want this directive to (*YOU MUST CHOOSE ONLY ONE*):
. Remain valid and in effect for an indefinite period of time.
. Automatically expire years from the date it was created.

**PART IV.
WHEN I MAY REVOKE THIS DIRECTIVE**

YOU MUST COMPLETE THIS PART FOR THIS DIRECTIVE TO BE VALID.

I intend that I be able to revoke this directive (*YOU MUST CHOOSE ONLY ONE*):

- Only when I have capacity.
- I understand that choosing this option means I may only revoke this directive if I have capacity. I further understand that if I choose this option and become incapacitated while this directive is in effect, I may receive treatment that I specify in this directive, even if I object at the time.
. Even if I am incapacitated.
- I understand that choosing this option means that I may revoke this directive even if I am incapacitated. I further understand that if I choose this option and revoke this directive while I am incapacitated I may not receive treatment that I specify in this directive, even if I want the treatment.

**PART V.
PREFERENCES AND INSTRUCTIONS ABOUT
TREATMENT, FACILITIES, AND PHYSICIANS OR
PSYCHIATRIC ADVANCED REGISTERED NURSE
PRACTITIONERS**

A. Preferences and Instructions About Physician(s) or Psychiatric Advanced Registered Nurse Practitioner(s) to be Involved in My Treatment

I would like the physician(s) or psychiatric advanced registered nurse practitioner(s) named below to be involved in my treatment decisions:

- Dr. or PARNP Contact information:
- Dr. or PARNP Contact information:
- I do not wish to be treated by Dr. or PARNP

B. Preferences and Instructions About Other Providers

I am receiving other treatment or care from providers who I feel have an impact on my mental health care. I would like the following treatment provider(s) to be contacted when this directive is effective:

- Name Profession
- Contact information
- Name Profession
- Contact information

C. Preferences and Instructions About Medications for Psychiatric Treatment (initial and complete all that apply)

. I consent, and authorize my agent (if appointed) to consent, to the following medications:

. I do not consent, and I do not authorize my agent (if appointed) to consent, to the administration of the following medications:

. I am willing to take the medications excluded above if my only reason for excluding them is the side effects which include and these side effects can be eliminated by dosage adjustment or other means

. I am willing to try any other medication the hospital doctor or psychiatric advanced registered nurse practitioner recommends

. I am willing to try any other medications my outpatient doctor or psychiatric advanced registered nurse practitioner recommends

. I do not want to try any other medications.

Medication Allergies

I have allergies to, or severe side effects from, the following:

Other Medication Preferences or Instructions

..... I have the following other preferences or instructions about medications

D. Preferences and Instructions About Hospitalization and Alternatives

(initial all that apply and, if desired, rank "1" for first choice, "2" for second choice, and so on)

..... In the event my psychiatric condition is serious enough to require 24-hour care and I have no physical conditions that require immediate access to emergency medical care, I prefer to receive this care in programs/facilities designed as alternatives to psychiatric hospitalizations.

..... I would also like the interventions below to be tried before hospitalization is considered:

..... Calling someone or having someone call me when needed.

Name: Telephone:

..... Staying overnight with someone

Name: Telephone:

..... Having a mental health service provider come to see me

..... Going to a crisis triage center or emergency room

..... Staying overnight at a crisis respite (temporary) bed

..... Seeing a service provider for help with psychiatric medications

..... Other, specify:

Authority to Consent to Inpatient Treatment

I consent, and authorize my agent (if appointed) to consent, to voluntary admission to inpatient mental health treatment for . . . days *(not to exceed 14 days)*

(Sign one):

..... If deemed appropriate by my agent (if appointed) and treating physician or psychiatric advanced registered nurse practitioner

.....
(Signature)

or

..... Under the following circumstances (specify symptoms, behaviors, or circumstances that indicate the need for hospitalization)

.....
(Signature)

..... I do **not** consent, or authorize my agent (if appointed) to consent, to inpatient treatment

.....
(Signature)

Hospital Preferences and Instructions

If hospitalization is required, I prefer the following hospitals: I do not consent to be admitted to the following hospitals: . . .

E. Preferences and Instructions About Preemergency

I would like the interventions below to be tried before use of seclusion or restraint is considered *(initial all that apply)*:

..... "Talk me down" one-on-one

..... More medication

..... Time out/privacy

..... Show of authority/force

..... Shift my attention to something else

..... Set firm limits on my behavior

..... Help me to discuss/vent feelings

..... Decrease stimulation

..... Offer to have neutral person settle dispute

..... Other, specify .

F. Preferences and Instructions About Seclusion, Restraint, and Emergency Medications

If it is determined that I am engaging in behavior that requires seclusion, physical restraint, and/or emergency use of medication, I prefer these interventions in the order I have chosen *(choose "1" for first choice, "2" for second choice, and so on)*:

..... Seclusion

..... Seclusion and physical restraint (combined)

..... Medication by injection

..... Medication in pill or liquid form

In the event that my attending physician or psychiatric advanced registered nurse practitioner decides to use medication in response to an emergency situation after due consideration of my preferences and instructions for emergency medication to reflect any preferences and instructions I have expressed in Part III C of this form. The preferences and instructions I express in this section regarding medication in emergency situations do not constitute consent to use of the medication for nonemergency treatment.

G. Preferences and Instructions About Electroconvulsive Therapy (ECT or Shock Therapy)

My wishes regarding electroconvulsive therapy are *(sign one)*:

..... I do not consent, nor authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....
(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy

.....
(Signature)

..... I consent, and authorize my agent (if appointed) to consent, to the administration of electroconvulsive therapy, but only under the following conditions:

.....
(Signature)

H. Preferences and Instructions About Who is Permitted to Visit

If I have been admitted to a mental health treatment facility, the following people are not permitted to visit me there:

Name:

Name:

Name:

I understand that persons not listed above may be permitted to visit me.

I. Additional Instructions About My Mental Health Care

Other instructions about my mental health care:

In case of emergency, please contact:

Name: Address:

Work telephone: Home telephone:

Physician or Psychiatric Address:

Advanced Registered

Nurse Practitioner: . . .

Telephone:

The following may help me to avoid a hospitalization:

I generally react to being hospitalized as follows:

.....
Staff of the hospital or crisis unit can help me by doing the following:

J. Refusal of Treatment

I do not consent to any mental health treatment.

.....
(Signature)

**PART VI
DURABLE POWER OF ATTORNEY (APPOINTMENT
OF MY AGENT)**

(Fill out this part only if you wish to appoint an agent or nominate a guardian.)

I authorize an agent to make mental health treatment decisions on my behalf. The authority granted to my agent includes the right to consent, refuse consent, or withdraw consent to any mental health care, treatment, service, or procedure, consistent with any instructions and/or limitations I have set forth in this directive. I intend that those decisions should be made in accordance with my expressed wishes as set forth in this document. If I have not expressed a choice in this document and my agent does not otherwise know my wishes, I authorize my agent to make the decision that my agent determines is in my best interest. This agency shall not be affected by my incapacity. Unless I state otherwise in this durable power of attorney, I may revoke it unless prohibited by other state law.

A. Designation of an Agent

I appoint the following person as my agent to make mental health treatment decisions for me as authorized in this document and request that this person be notified immediately when this directive becomes effective:

Name: Address:
Work telephone: Home telephone:
Relationship:

B. Designation of Alternate Agent

If the person named above is unavailable, unable, or refuses to serve as my agent, or I revoke that person's authority to serve as my agent, I hereby appoint the following person as my alternate agent and request that this person be notified immediately when this directive becomes effective or when my original agent is no longer my agent:

Name: Address:
Work telephone: Home telephone:
Relationship:

C. When My Spouse is My Agent (initial if desired)

..... If my spouse is my agent, that person shall remain my agent even if we become legally separated or our marriage is dissolved, unless there is a court order to the contrary or I have remarried.

D. Limitations on My Agent's Authority

I do not grant my agent the authority to consent on my behalf to the following:

.....
.....

E. Limitations on My Ability to Revoke this Durable Power of Attorney

I choose to limit my ability to revoke this durable power of attorney as follows:

.....
.....

F. Preference as to Court-Appointed Guardian

In the event a court appoints a guardian who will make decisions regarding my mental health treatment, I nominate the following person as my guardian:

Name: Address:
Work telephone: Home telephone:
Relationship:

The appointment of a guardian of my estate or my person or any other decision maker shall not give the guardian or decision maker the power to revoke, suspend, or terminate this directive or the powers of my agent, except as authorized by law.

(Signature required if nomination is made)

**PART VII.
OTHER DOCUMENTS**

(Initial all that apply)

I have executed the following documents that include the power to make decisions regarding health care services for myself:

..... Health care power of attorney (chapter 11.94 RCW)

..... "Living will" (Health care directive; chapter 70.122 RCW)

..... I have appointed more than one agent. I understand that the most recently appointed agent controls except as stated below:

.....

**PART VIII.
NOTIFICATION OF OTHERS AND CARE OF
PERSONAL AFFAIRS**

(Fill out this part only if you wish to provide nontreatment instructions.)

I understand the preferences and instructions in this part are **NOT** the responsibility of my treatment provider and that no treatment provider is required to act on them.

A. Who Should Be Notified

I desire my agent to notify the following individuals as soon as possible when this directive becomes effective:

Name: Address:

Day telephone: Evening telephone:

Name: Address:

Day telephone: Evening telephone:

B. Preferences or Instructions About Personal Affairs

I have the following preferences or instructions about my personal affairs (e.g., care of dependents, pets, household) if I am admitted to a mental health treatment facility:

.....

.....

C. Additional Preferences and Instructions:

.....

.....

.....

**PART IX.
SIGNATURE**

By signing here, I indicate that I understand the purpose and effect of this document and that I am giving my informed consent to the treatments and/or admission to which I have consented or authorized my agent to consent in this directive. I intend that my consent in this directive be construed as being consistent with the elements of informed consent under chapter 7.70 RCW.

Signature: Date:

Printed Name:

This directive was signed and declared by the "Principal," to be his or her directive, in our presence who, at his or her request, have signed our names below as witnesses. We declare that, at the time of the creation of this instrument, the Principal is personally known to us, and, according to our best knowledge and belief, has capacity at this time and does not appear to be acting under duress, undue influence, or fraud. We further declare that none of us is:

(A) A person designated to make medical decisions on the principal's behalf;

(B) A health care provider or professional person directly involved with the provision of care to the principal at the time the directive is executed;

(C) An owner, operator, employee, or relative of an owner or operator of a health care facility or long-term care facility in which the principal is a patient or resident;

(D) A person who is related by blood, marriage, or adoption to the person, or with whom the principal has a dating relationship as defined in RCW 26.50.010;

(E) An incapacitated person;

(F) A person who would benefit financially if the principal undergoes mental health treatment; or

(G) A minor.

Witness 1: Signature: Date:

Printed Name:

Telephone: Address:

Witness 2: Signature: Date:

Printed Name:

Telephone: Address:

**PART X.
RECORD OF DIRECTIVE**

I have given a copy of this directive to the following persons:

.....

DO NOT FILL OUT PART XI UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

PART XI. REVOCATION OF THIS DIRECTIVE

(Initial any that apply): I am revoking the following part(s) of this directive (specify): I am revoking all of this directive. By signing here, I indicate that I understand the purpose and effect of my revocation and that no person is bound by any revoked provision(s). I intend this revocation to be interpreted as if I had never completed the revoked provision(s). Signature: Date: Printed Name:

DO NOT SIGN THIS PART UNLESS YOU INTEND TO REVOKE THIS DIRECTIVE IN PART OR IN WHOLE

Sec. 15. RCW 71.34.355 and 1985 c 354 s 16 are each amended to read as follows:

Absent a risk to self or others, minors treated under this chapter have the following rights, which shall be prominently posted in the evaluation and treatment facility:

- (1) To wear their own clothes and to keep and use personal possessions;
(2) To keep and be allowed to spend a reasonable sum of their own money for canteen expenses and small purchases;
(3) To have individual storage space for private use;
(4) To have visitors at reasonable times;
(5) To have reasonable access to a telephone, both to make and receive confidential calls;
(6) To have ready access to letter-writing materials, including stamps, and to send and receive uncensored correspondence through the mails;
(7) To discuss treatment plans and decisions with mental health professionals;
(8) To have the right to adequate care and individualized treatment;
(9) Not to consent to the performance of electro-convulsive treatment or surgery, except emergency life-saving surgery, upon him or her, and not to have electro-convulsive treatment or nonemergency surgery in such circumstance unless ordered by a court pursuant to a judicial hearing in which the minor is present and represented by counsel, and the court shall appoint a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or physician designated by the minor or the minor's counsel to testify on behalf of the minor. The minor's parent may exercise this right on the minor's behalf, and must be informed of any impending treatment;
(10) Not to have psychosurgery performed on him or her under any circumstances.

Sec. 16. RCW 71.34.720 and 1991 c 364 s 12 are each amended to read as follows:

(1) Each minor approved by the facility for inpatient admission shall be examined and evaluated by a children's mental health specialist as to the child's mental condition and by a physician or psychiatric advanced registered nurse practitioner as to the child's physical condition within twenty-four hours of admission. Reasonable measures shall be taken to ensure medical treatment is provided for any condition requiring immediate medical attention.

(2) If, after examination and evaluation, the children's mental health specialist and the physician or psychiatric advanced registered nurse practitioner determine that the initial needs of the minor would be better served by placement in a chemical dependency treatment facility, then the minor shall be referred to an approved treatment program defined under RCW 70.96A.020.

(3) The admitting facility shall take reasonable steps to notify immediately the minor's parent of the admission.

(4) During the initial seventy-two hour treatment period, the minor has a right to associate or receive communications from parents or others unless the professional person in charge determines

that such communication would be seriously detrimental to the minor's condition or treatment and so indicates in the minor's clinical record, and notifies the minor's parents of this determination. In no event may the minor be denied the opportunity to consult an attorney.

(5) If the evaluation and treatment facility admits the minor, it may detain the minor for evaluation and treatment for a period not to exceed seventy-two hours from the time of provisional acceptance. The computation of such seventy-two hour period shall exclude Saturdays, Sundays, and holidays. This initial treatment period shall not exceed seventy-two hours except when an application for voluntary inpatient treatment is received or a petition for fourteen-day commitment is filed.

(6) Within twelve hours of the admission, the facility shall advise the minor of his or her rights as set forth in this chapter.

Sec. 17. RCW 71.34.730 and 1995 c 312 s 54 are each amended to read as follows:

(1) The professional person in charge of an evaluation and treatment facility where a minor has been admitted involuntarily for the initial seventy-two hour treatment period under this chapter may petition to have a minor committed to an evaluation and treatment facility for fourteen-day diagnosis, evaluation, and treatment.

If the professional person in charge of the treatment and evaluation facility does not petition to have the minor committed, the parent who has custody of the minor may seek review of that decision in court. The parent shall file notice with the court and provide a copy of the treatment and evaluation facility's report.

(2) A petition for commitment of a minor under this section shall be filed with the superior court in the county where the minor is residing or being detained.

(a) A petition for a fourteen-day commitment shall be signed ((either)) by (i) two physicians ((or by one physician and)), (ii) two psychiatric advanced registered nurse practitioners, (iii) a mental health professional ((who)) and either a physician or a psychiatric advanced registered nurse practitioner, or (iv) a physician and a psychiatric advanced registered nurse practitioner. The person signing the petition must have examined the minor, and ((shall)) the petition must contain the following:

- ((A)) (A) The name and address of the petitioner;
((B)) (B) The name of the minor alleged to meet the criteria for fourteen-day commitment;
((C)) (C) The name, telephone number, and address if known of every person believed by the petitioner to be legally responsible for the minor;
((D)) (D) A statement that the petitioner has examined the minor and finds that the minor's condition meets required criteria for fourteen-day commitment and the supporting facts therefor;
((E)) (E) A statement that the minor has been advised of the need for voluntary treatment but has been unwilling or unable to consent to necessary treatment;
((F)) (F) A statement recommending the appropriate facility or facilities to provide the necessary treatment; and
((G)) (G) A statement concerning whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(b) A copy of the petition shall be personally delivered to the minor by the petitioner or petitioner's designee. A copy of the petition shall be sent to the minor's attorney and the minor's parent.

Sec. 18. RCW 71.34.750 and 1985 c 354 s 9 are each amended to read as follows:

(1) At any time during the minor's period of fourteen-day commitment, the professional person in charge may petition the court for an order requiring the minor to undergo an additional one hundred eighty-day period of treatment. The evidence in support of the petition shall be presented by the county prosecutor unless the petition is filed by the professional person in charge of a state-operated facility in which case the evidence shall be presented by the attorney general.

(2) The petition for one hundred eighty-day commitment shall contain the following:

- (a) The name and address of the petitioner or petitioners;
(b) The name of the minor alleged to meet the criteria for one hundred eighty-day commitment;

(c) A statement that the petitioner is the professional person in charge of the evaluation and treatment facility responsible for the treatment of the minor;

(d) The date of the fourteen-day commitment order; and

(e) A summary of the facts supporting the petition.

(3) The petition shall be supported by accompanying affidavits signed by (a) two examining physicians, one of whom shall be a child psychiatrist, (or by one examining physician and) or two psychiatric advanced registered nurse practitioners, one of whom shall be a child and adolescent or family psychiatric advanced registered nurse practitioner, (b) one children's mental health specialist and either an examining physician or a psychiatric advanced registered nurse practitioner, or (c) an examining physician and a psychiatric advanced registered nurse practitioner, one of which needs to be a child psychiatrist or a child and adolescent psychiatric nurse practitioner. The affidavits shall describe in detail the behavior of the detained minor which supports the petition and shall state whether a less restrictive alternative to inpatient treatment is in the best interests of the minor.

(4) The petition for one hundred eighty-day commitment shall be filed with the clerk of the court at least three days before the expiration of the fourteen-day commitment period. The petitioner or the petitioner's designee shall within twenty-four hours of filing serve a copy of the petition on the minor and notify the minor's attorney and the minor's parent. A copy of the petition shall be provided to such persons at least twenty-four hours prior to the hearing.

(5) At the time of filing, the court shall set a date within seven days for the hearing on the petition. The court may continue the hearing upon the written request of the minor or the minor's attorney for not more than ten days. The minor or the parents shall be afforded the same rights as in a fourteen-day commitment hearing. Treatment of the minor shall continue pending the proceeding.

(6) For one hundred eighty-day commitment, the court must find by clear, cogent, and convincing evidence that the minor:

(a) Is suffering from a mental disorder;

(b) Presents a likelihood of serious harm or is gravely disabled; and

(c) Is in need of further treatment that only can be provided in a one hundred eighty-day commitment.

(7) If the court finds that the criteria for commitment are met and that less restrictive treatment in a community setting is not appropriate or available, the court shall order the minor committed for further inpatient treatment to the custody of the secretary or to a private treatment and evaluation facility if the minor's parents have assumed responsibility for payment for the treatment. If the court finds that a less restrictive alternative is in the best interest of the minor, the court shall order less restrictive alternative treatment upon such conditions as necessary.

If the court determines that the minor does not meet the criteria for one hundred eighty-day commitment, the minor shall be released.

(8) Successive one hundred eighty-day commitments are permissible on the same grounds and under the same procedures as the original one hundred eighty-day commitment. Such petitions shall be filed at least five days prior to the expiration of the previous one hundred eighty-day commitment order.

Sec. 19. RCW 71.34.770 and 1985 c 354 s 12 are each amended to read as follows:

(1) The professional person in charge of the inpatient treatment facility may authorize release for the minor under such conditions as appropriate. Conditional release may be revoked pursuant to RCW 71.34.780 if leave conditions are not met or the minor's functioning substantially deteriorates.

(2) Minors may be discharged prior to expiration of the commitment period if the treating physician, psychiatric advanced registered nurse practitioner, or professional person in charge concludes that the minor no longer meets commitment criteria.

Sec. 20. RCW 71.05.020 and 2008 c 156 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education,

training for employment, and therapy. The rehabilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

(23) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

(24) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

(25) "Mental health professional" means a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(26) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

(27) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

(28) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

(29) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

(30) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved

by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

(31) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

(32) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

(33) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

(34) "Release" means legal termination of the commitment under the provisions of this chapter;

(35) "Resource management services" has the meaning given in chapter 71.24 RCW;

(36) "Secretary" means the secretary of the department of social and health services, or his or her designee;

(37) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

(38) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

(39) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property."

On page 1, line 1 of the title, after "practitioners;" strike the remainder of the title and insert "and amending RCW 71.05.210, 71.05.230, 71.05.290, 71.05.300, 71.05.360, 71.05.390, 71.05.420, 71.05.630, 71.05.660, 71.06.040, 71.12.540, 71.32.140, 71.32.250, 71.32.260, 71.34.355, 71.34.720, 71.34.730, 71.34.750, 71.34.770, and 71.05.020."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1071 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Green spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1071, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1071, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler,

Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1071, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1120 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.56.010 and 1965 c 8 s 43.56.010 are each amended to read as follows:

(1) The governor shall appoint three (~~(suitable)~~) qualified persons (as a board of commissioners) to serve on the Washington state uniform law commission for the promotion of uniformity of legislation in the United States. ((Any vacancy on the board shall be filled by appointment by the governor.)) A qualified person is a resident of the state of Washington and a member of the state bar association of this or another state, who is or has been a judge, law professor, legislator, or practicing attorney.

(2) In addition to the members of the commission appointed pursuant to subsection (1) of this section, the governor may appoint to the commission any person who has served at least twenty years on the commission and who is a life member in the national conference of commissioners on uniform state laws or its successor.

(3) In addition to the members of the commission appointed pursuant to subsections (1) and (2) of this section, the code reviser shall serve as a member of the commission.

Sec. 2. RCW 43.56.020 and 1965 c 8 s 43.56.020 are each amended to read as follows:

(1) ~~The ((board)) commission shall ((examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills, and other subjects upon which uniformity of legislation in the various states is desirable, but which are outside of the jurisdiction of the congress of the United States)) identify areas of the law in which (a) uniformity in the laws among the states and other jurisdictions is desirable and practicable and (b)(i) the congress of the United States lacks jurisdiction to act or (ii) it is preferable that the several states enact the laws.~~

~~((#)) (2) The commissioners, at the national conference of commissioners on uniform state laws or its successor, shall confer upon these matters with the commissioners appointed by other states for the same purpose and shall consider and draft uniform laws to be submitted for approval and adoption by the several states((:)).~~

~~(3) The commission shall propose to the legislature for approval and adoption the uniform acts developed with the other commissioners and generally devise and recommend such other and further courses of action as shall accomplish such uniformity.~~

Sec. 3. RCW 43.56.040 and 1975-'76 2nd ex.s. c 34 s 118 are each amended to read as follows:

No member of the (~~(board))~~ commission shall receive any compensation for (~~(his))~~ services, but each member shall be paid travel expenses incurred in the discharge of official duty in accordance with RCW 43.03.050 and 43.03.060 (~~(as now existing or hereafter amended)~~), after the account thereof has been audited by the (~~(board))~~ commission.

The (~~(board))~~ commission shall keep a full account of its expenditures and shall report it in each report. (~~(There shall be allowed such))~~ The commission shall allow expenses for only one (~~(annual))~~ meeting of the (~~(board))~~ commission within this state each year, and shall allow expenses for the members ((in attendance, not offener)) to attend, no more than once in each year, ((at)) any conference of the national conference of commissioners on uniform state laws, or its successor, outside of this state.

NEW SECTION. Sec. 4. RCW 43.56.050 (Membership-- Code reviser) and 2001 c 205 s 1 are each repealed."

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 43.56.010, 43.56.020, and 43.56.040; and repealing RCW 43.56.050."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1120 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1120, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1120, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1120, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.260.020 and 2006 c 194 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) (~~"Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.~~)

~~(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.~~

~~(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.) "Bottle-type water dispenser" means a water dispenser that uses a bottle or reservoir as the source of potable water.~~

~~(3) "Commercial hot food holding cabinet" means a heated, fully enclosed compartment, with one or more solid or partial glass doors, that is designed to maintain the temperature of hot food that has been cooked in a separate appliance. "Commercial hot food holding cabinet" does not include heated glass merchandising cabinets, drawer warmers, or cook and hold appliances.~~

~~((5)) (4)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.~~

~~(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.~~

~~((6)) (5) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.~~

~~(6) "Cook and hold appliance" means a multiple mode appliance intended for cooking food that may be used to hold the temperature of the food that has been cooked in the same appliance.~~

~~(7) "Department" means the department of community, trade, and economic development.~~

~~(8) ("High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.~~

~~(9) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.~~

~~(10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp)) "Drawer warmer" means an appliance that consists of one or more heated drawers and that is designed to hold hot food that has been cooked in a separate appliance at a specified temperature.~~

~~(9) "Heated glass merchandising cabinet" means an appliance with a heated cabinet constructed of glass or clear plastic doors which, with seventy percent or more clear area, is designed to display and maintain the temperature of hot food that has been cooked in a separate appliance.~~

~~(10) "Hot water dispenser" means a small electric water heater that has a measured storage volume of no greater than one gallon.~~

~~(11) "Mini-tank electric water heater" means a small electric water heater that has a measured storage volume of more than one gallon and a rated storage volume of less than twenty gallons.~~

~~((11)) (12) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.~~

~~((12) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.)~~

~~(13) "Point-of-use water dispenser" means a water dispenser that uses a pressurized water utility connection as the source of potable water.~~

~~(14) "Pool heater" means an appliance designed for heating nonpotable water contained at atmospheric pressure for swimming pools, spas, hot tubs, and similar applications.~~

~~(15) "Portable electric spa" means a factory-built electric spa or hot tub, supplied with equipment for heating and circulating water.~~

~~(16) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.~~

~~((14)) (17) "Residential pool pump" means a pump used to circulate and filter pool water in order to maintain clarity and sanitation.~~

~~(18)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.~~

~~(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.~~

~~((15)(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.~~

~~(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.~~

~~((16)) (19) "Showerhead" means a device through which water is discharged for a shower bath.~~

~~(20) "Showerhead tub spout diverter combination" means a group of plumbing fittings sold as a matched set and consisting of a control valve, a tub spout diverter, and a showerhead.~~

~~(21) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, ((that)) has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, ((and)) a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and ((that)) falls into one of the following categories:~~

~~(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches; or~~

~~(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.~~

~~((17) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.~~

~~(18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.~~

~~(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner)) (22) "Tub spout diverter" means a device~~

designed to stop the flow of water into a bathtub and to divert it so that the water discharges through a showerhead.

(23) "Wine chillers designed and sold for use by an individual" means refrigerators designed and sold for the cooling and storage of wine by an individual.

Sec. 2. RCW 19.260.030 and 2006 c 194 s 2 are each amended to read as follows:

(1) This chapter applies to the following types of new products sold, offered for sale, or installed in the state:

(a) Automatic commercial ice cube machines;

(b) ~~((commercial clothes washers; (c) commercial pre-rinse spray valves; (d)))~~ Commercial refrigerators and freezers; ~~((c) metal halide lamp fixtures; (f) single-voltage external AC to DC power supplies; (g))~~

(c) State-regulated incandescent reflector lamps; ~~((and (h) unit heaters))~~

(d) Wine chillers designed and sold for use by an individual;

(e) Hot water dispensers and mini-tank electric water heaters;

(f) Bottle-type water dispensers and point-of-use water dispensers;

(g) Pool heaters, residential pool pumps, and portable electric spas;

(h) Tub spout diverters; and

(i) Commercial hot food holding cabinets.

(2) This chapter applies equally to products whether they are sold, offered for sale, or installed as ~~((a))~~ stand-alone products or as ~~((a))~~ components of ~~((another))~~ other products.

~~((2))~~ (3) This chapter does not apply to:

(a) New products manufactured in the state and sold outside the state~~(g);~~

(b) New products manufactured outside the state and sold at wholesale inside the state for final retail sale and installation outside the state~~(g);~~

(c) Products installed in mobile manufactured homes at the time of construction~~(g);~~ or

(d) Products designed expressly for installation and use in recreational vehicles.

Sec. 3. RCW 19.260.040 and 2006 c 194 s 3 are each amended to read as follows:

The ~~((legislature establishes the following))~~ minimum efficiency standards ~~((for))~~ specified in this section apply to the types of new products set forth in RCW 19.260.030.

(1)(a) Automatic commercial ice cube machines must have daily energy use and daily water use no greater than the applicable values in the following table:

Format change to accommodate text.

Equipment type	Type of cooling	Harvest rate (lbs. ice/24 hrs.)	Maximum energy use (kWh/100 lbs.)	Maximum condenser water use (gallons/100 lbs. ice)
Ice-making head	water	<500	7.80 - .0055H	200 - .022H
		>=500<1436	5.58 - .0011H	200 - .022H
		>=1436	4.0	200 - .022H
Ice-making head	air	450	10.26 - .0086H	Not applicable
		>=450	6.89 - .0011H	Not applicable
Remote condensing but not remote compressor	air	<1000	8.85 - .0038	Not applicable
		>=1000	5.10	Not applicable
Remote condensing and remote compressor	air	<934	8.85 - .0038H	Not applicable
		>=934	5.3	Not applicable
Self-contained models	water	<200	11.40 - .0190H	191 - .0315H
		>=200	7.60	191 - .0315H
Self-contained models	air	<175	18.0 - .0469H	Not applicable
		>=175	9.80	Not applicable

Where H = harvest rate in pounds per twenty-four hours which must be reported within 5% of the tested value.
 "Maximum water use" applies only to water used for the condenser.

(b) For purposes of this section, automatic commercial ice cube machines shall be tested in accordance with the ARI 810-2003 test method as published by the air-conditioning and refrigeration institute. Ice-making heads include all automatic commercial ice cube machines that are not split system ice makers or self-contained models as defined in ARI 810-2003.

~~(2) ((Commercial clothes washers must have a minimum modified energy factor of 1.26. For the purposes of this section, capacity and modified energy factor are defined and measured in accordance with the current federal test method for clothes washers as found at 10 C.F.R. Sec. 430.23.~~

~~(3) Commercial prerinse spray valves must have a flow rate equal to or less than 1.6 gallons per minute when measured in accordance with the American society for testing and materials "Standard Test Method for Prerinse Spray Valves," ASTM F2324-03.~~

~~(4)(a) Commercial refrigerators and freezers must meet the applicable requirements listed in the following table:~~

Equipment Type	Doors	Maximum Daily Energy Consumption (kWh)
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are refrigerators	Solid	0.10V + 2.04
	Transparent	0.12V + 3.34
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are "pulldown" refrigerators	Transparent	.126V + 3.51
Reach-in cabinets, pass-through cabinets, and roll-in or roll-through cabinets that are freezers	Solid	0.40V + 1.38
	Transparent	0.75V + 4.10
Reach-in cabinets that are refrigerator-freezers with an AV of 5.19 or higher	Solid	0.27AV - 0.71

kWh = kilowatt hours
 V = total volume (ft3)
 AV = adjusted volume = [1.63 x freezer volume (ft3)] + refrigerator volume (ft3)

(b) For purposes of this section, "pulldown" designates products designed to take a fully stocked refrigerator with beverages at 90 degrees Fahrenheit and cool those beverages to a stable temperature of 38 degrees Fahrenheit within 12 hours or less. Daily energy consumption shall be measured in accordance with the American national standards institute/American society of heating, refrigerating and air-conditioning engineers test method 117-2002, except that the back-loading doors of pass-through and roll-through refrigerators and freezers must remain closed throughout the test, and except that the controls of all appliances must be adjusted to obtain the following product temperatures.

Product or compartment type	Integrated average product temperature in degrees Fahrenheit
Refrigerator	38 + 2
Freezer	0 + 2

~~((5) Metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall not contain a probe-start metal halide lamp ballast.~~

~~(6)(a) Single-voltage external AC to DC power supplies shall meet the requirements in the following table:~~

Nameplate output	Minimum Efficiency in Active Mode
< 1 Watt	0.49 * Nameplate Output
> or = 1 Watt and < or = 49 Watts	0.09 * Ln (Nameplate Output) + 0.49
> 49 Watts	0.84
Maximum Energy Consumption in No-Load Mode	
< 10 Watts	0.5 Watts
> or = 10 Watts and < or = 250 Watts	0.75 Watts

Where Ln (Nameplate Output) = Natural Logarithm of the nameplate output expressed in Watts

(b) For the purposes of this section, efficiency of single-voltage external AC to DC power supplies shall be measured in accordance with the United States environmental protection agency's "Test Method for Calculating the Energy Efficiency of Single-Voltage External AC to DC and AC to AC Power Supplies," by Ecos Consulting and Power Electronics Application Center, dated August 11, 2004.

~~(7)) (3)(a) The lamp electrical power input of state-regulated incandescent reflector lamps shall meet the minimum average lamp efficacy requirements for federally regulated incandescent reflector lamps ((contained) specified in 42 U.S.C. Sec. 6295(i)(I)(A)-(B).~~

- ~~(b) The following types of incandescent lamps are exempt from these requirements:~~
- ~~(i) Lamps rated at fifty watts or less of the following types: BR 30, ER 30, BR 40, and ER 40;~~
- ~~(ii) Lamps rated at sixty-five watts of the following types: BR 30, BR 40, and ER 40; and~~
- ~~(iii) R 20 lamps of forty-five watts or less.~~

~~((8) Unit heaters must be equipped with intermittent ignition devices and must have either power venting or an automatic flue damper.))~~

~~(4)(a) Wine chillers designed and sold for use by an individual must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.~~

~~(b) Wine chillers designed and sold for use by an individual shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.~~

~~(5)(a) The standby energy consumption of bottle-type water dispensers, and point-of-use water dispensers, dispensing both hot and cold water, manufactured on or after January 1, 2010, shall not exceed 1.2 kWh/day.~~

~~(b) The test method for water dispensers shall be the environmental protection agency energy star program requirements for bottled water coolers version 1.1.~~

~~(6)(a) The standby energy consumption of hot water dispensers and mini-tank electric water heaters manufactured on or after January 1, 2010, shall be not greater than 35 watts.~~

~~(b) This subsection does not apply to any water heater:~~

- ~~(i) That is within the scope of 42 U.S.C. Sec. 6292(a)(4) or 6311(1);~~
- ~~(ii) That has a rated storage volume of less than 20 gallons; and~~
- ~~(iii) For which there is no federal test method applicable to that type of water heater.~~

~~(c) Hot water dispensers shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.~~

~~(d) Mini-tank electric water heaters shall be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.~~

~~(7) The following standards are established for pool heaters, residential pool pumps, and portable electric spas:~~

~~(a) Natural gas pool heaters shall not be equipped with constant burning pilots.~~

~~(b) Residential pool pump motors manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.~~

~~(c) Portable electric spas manufactured on or after January 1, 2010, must meet requirements specified in the California Code of Regulations, Title 20, section 1605.3 in effect as of the effective date of this section.~~

~~(d) Portable electric spas must be tested in accordance with the method specified in the California Code of Regulations, Title 20, section 1604 in effect as of the effective date of this section.~~

~~(8)(a) The leakage rate of tub spout diverters shall be no greater than the applicable requirements shown in the following table:~~

<u>Appliance</u>	<u>Testing Conditions</u>		<u>Maximum Leakage Rate</u>
			<u>Effective January 1, 2009</u>
<u>Tub spout diverters</u>	<u>When new</u>		<u>0.01 gpm</u>
	<u>After 15,000 cycles of diverting</u>		<u>0.05 gpm</u>

~~(b) Showerhead tub spout diverter combinations shall meet both the federal standard for showerheads established pursuant to 42 U.S.C. Sec. 6291 et seq. and the standard for tub spout diverters specified in this section.~~

~~(9)(a) The idle energy rate of commercial hot food holding cabinets manufactured on or after January 1, 2010, shall be no greater than 40 watts per cubic foot of measured interior volume.~~

~~(b) The idle energy rate of commercial hot food holding cabinets shall be determined using ANSI/ASTM F2140-01 standard test method for the performance of hot food holding cabinets (test for idle energy rate dry test). Commercial hot food holding cabinet interior volume shall be calculated using straight line segments following the gross interior dimensions of the appliance and using the following equation: Interior height x interior width x interior depth. Interior volume shall not account for racks, air plenums, or other interior parts.~~

Sec. 3. RCW 19.260.050 and 2006 c 194 s 4 are each amended to read as follows:

(1) No new (~~commercial prerinse spray valve, commercial clothes washer,~~) commercial refrigerator or freezer(~~(-)~~) or state-regulated incandescent reflector lamp(~~(- or unit heater)~~) manufactured on or after January 1, 2007, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. No new automatic commercial ice cube machine(~~(- single-voltage external AC to DC power supply, or metal halide lamp fixtures)~~) manufactured on or after January 1, 2008, may be sold or offered for sale in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(2) On or after January 1, 2008, no new (~~commercial prerinse spray valve, commercial clothes washer,~~) commercial refrigerator or freezer(~~(- single-voltage external AC to DC power supply,~~) or state-regulated incandescent reflector lamp(~~(- or unit heater)~~) manufactured on or after January 1, 2007, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040. On or after January 1, 2009, no new automatic commercial ice cube machine (~~(or metal halide lamp fixtures)~~) manufactured on or after January 1, 2008, may be installed for compensation in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040.

(3) Standards for (~~metal halide lamp fixtures and~~) state-regulated incandescent reflector lamps are effective on the dates specified in subsections (1) and (2) of this section.

(4) The following products, if manufactured on or after January 1, 2010, may not be sold or offered in the state unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

- (a) Wine chillers designed and sold for use by an individual;
- (b) Hot water dispensers and mini-tank electric water heaters;
- (c) Bottle-type water dispensers and point-of-use water dispensers;
- (d) Pool heaters, residential pool pumps, and portable electric spas;

(e) Tub spout diverters; and
(f) Commercial hot food holding cabinets.
 (5) The following products, if manufactured on or after January 1, 2010, may not be installed for compensation in the state on or after January 1, 2011, unless the efficiency of the new product meets or exceeds the efficiency standards set forth in RCW 19.260.040:

- (a) Wine chillers designed and sold for use by an individual;
- (b) Hot water dispensers and mini-tank electric water heaters;
- (c) Bottle-type water dispensers and point-of-use water dispensers;
- (d) Pool heaters, residential pool pumps, and portable electric spas;

(e) Tub spout diverters; and
(f) Commercial hot food holding cabinets.
NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "code;" strike the remainder of the title and insert "and amending RCW 19.260.020, 19.260.030, 19.260.040, and 19.260.050."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morris spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1004, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1004, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 11; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, DeBolt, Ericksen, Herrera, Johnson, Klippert, Orcutt, Ross, Schmick, Shea and Taylor.
Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

The Speaker (Representative Moeller presiding) called upon Representative Morris to preside.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1050,
SECOND SUBSTITUTE HOUSE BILL NO. 1355,
HOUSE BILL NO. 1361,
HOUSE BILL NO. 1888,
HOUSE BILL NO. 2132,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5045, by Senate Committee on Ways & Means (originally sponsored by Senators Kilmer, Zarelli, Brown, Kauffman, Shin, Marr, King, Regala, Rockefeller, Haugen, Berkey, Eide, Kastama, Jarrett, Pridemore, McAuliffe and Ranker)

Promoting economic development and community revitalization. Revised for 2nd Substitute: Regarding community revitalization financing.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was before the body for the purpose of amendment. (For committee amendment, see Journal, Day 85, April 6, 2009.)

With the consent of the House, amendment (686) to the committee amendment was withdrawn.

Representative Kelley moved the adoption of amendment (744) to the committee amendment:

On page 1, line 19 of the amendment, after "year" insert "and the additional amounts designated for demonstration projects in section 402 of this act"

On page 6, line 8 of the amendment, after "401" insert "or section 402"

On page 16, after line 20 of the amendment, insert the following:

"NEW SECTION. Sec. 402. A new section is added to chapter 82.14 RCW to read as follows:

(1) Demonstration projects are designated to determine the feasibility of local revitalization financing. For the purpose of this section, "annual state contribution limit" means two million two hundred and fifty thousand dollars statewide per fiscal year. Notwithstanding section 401 of this act, the department shall approve each demonstration project as follows:

(a) The Whitman county Pullman/Moscow corridor improvement project award shall not exceed two hundred thousand dollars;

(b) The University Place improvement project award shall not exceed five hundred thousand dollars;

(c) The Tacoma international financial services area/Tacoma dome project award shall not exceed five hundred thousand dollars;

(d) The Bremerton downtown improvement project award shall not exceed three hundred and thirty thousand dollars;

(e) The Auburn downtown redevelopment project award shall not exceed two hundred and fifty thousand dollars;

(f) The Vancouver Columbia Waterfront/downtown project award shall not exceed two hundred and twenty thousand dollars; and

(g) The Spokane University District project award shall not exceed two hundred and fifty thousand dollars.

(2) Local government sponsors of demonstration projects must submit to the department no later than September 1, 2009, documentation that substantiates that the project has met the conditions, limitations, and requirements provided in this act.

(3) Within sixty days of such submittal, the department shall approve demonstration projects that have met these conditions, limitations, and requirements.

(4) Local government sponsors of demonstration projects may elect to decline the project awards as designated in this section, and may elect instead to submit applications according to the process described in section 401 of this act."

On page 19, line 14 of the amendment, after "(5)(a)" strike "No" and insert "Except as provided in (c) of this subsection, no"

On page 19, after line 27 of the amendment, insert the following:

"(c) For a demonstration project described in section 402 of this act, no tax may be imposed under the authority of this section before:

(i) July 1, 2010; and

(ii) Bonds have been issued according to section 701 of this act."

Representatives Kelley and Orcutt spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (744) to the committee amendment was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kenney, Orcutt and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5045, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5045, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 5; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Kristiansen, Roach, Santos and Shea.

Excused: Representative Flannigan.

SECOND SUBSTITUTE SENATE BILL NO. 5045, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE SENATE BILL NO. 5045.

MARALYN CHASE, 32nd District

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller, Hobbs, Pridemore, Kohl-Welles, Keiser, Fraser, Sheldon, Shin, McAuliffe, Kline and Oemig)

Regarding energy efficiency in buildings.

The bill was read the second time.

There being no objection, the committee amendment was not adopted. (For committee amendment, see Journal, Day 85, April 6, 2009.)

Amendment (618) to the committee amendment was ruled out of order.

Representative McCoy moved the adoption of amendment (711):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. (1) The legislature finds that improving energy efficiency in structures is one of the most cost-effective means to meet energy requirements, and that while there have been significant efficiency savings achieved in the state over the past quarter century, there remains enormous potential to achieve even greater savings. Increased weatherization and more extensive efficiency improvements in residential, commercial, and public buildings achieves many benefits, including reducing energy bills, avoiding the construction of new electricity generating facilities with associated climate change impacts, and creation of family-wage jobs in performing energy audits and improvements.

(2) It is the intent of the legislature that financial and technical assistance programs be expanded to direct municipal, state, and federal funds, as well as electric and natural gas utility funding, toward greater achievement of energy efficiency improvements. To this end, the legislature establishes a policy goal of assisting in weatherizing twenty thousand homes and businesses in the state in each of the next five years. The legislature also intends to attain this goal in part through supporting programs that rely on community organizations and that there be maximum family-wage job creation in fields related to energy efficiency.

PART 1

Energy Efficiency Improvement Program

NEW SECTION. Sec. 2. DEFINITIONS. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Customers" means residents, businesses, and building owners.

(2) "Direct outreach" means:

(a) The use of door-to-door contact, community events, and other methods of direct interaction with customers to inform them of energy efficiency and weatherization opportunities; and

(b) The performance of energy audits.

(3) "Energy audit" means an assessment of building energy efficiency opportunities, from measures that require very little investment and without any disruption to building operation, normally involving general building operational measures, to low or relatively higher cost investment, such as installing timers to turn off equipment, replacing light bulbs, installing insulation, replacing equipment and appliances with higher efficiency equipment and appliances, and similar measures. The term includes an assessment of alternatives for generation of heat and power from renewable energy resources, including installation of solar water heating and equipment for photovoltaic electricity generation.

(4) "Energy efficiency and conservation block grant program" means the federal program created under the energy independence and security act of 2007 (P.L. 110-140).

(5) "Energy efficiency services" means energy audits, weatherization, energy efficiency retrofits, energy management systems as defined in RCW 39.35.030, and other activities to reduce a customer's energy consumption, and includes assistance with paperwork, arranging for financing, program design and development, and other postenergy audit assistance and education to help customers meet their energy savings goals.

(6) "Low-income individual" means an individual whose annual household income does not exceed eighty percent of the area median income for the metropolitan, micropolitan, or combined statistical area in which that individual resides as determined annually by the United States department of housing and urban development.

(7) "Sponsor" means any entity or group of entities that submits a proposal under section 102 of this act, including but not limited to any nongovernmental nonprofit organization, local community action agency, tribal nation, community service agency, public service company, county, municipality, publicly owned electric, or natural gas utility.

(8) "Sponsor match" means the share, if any, of the cost of efficiency improvements to be paid by the sponsor.

(9) "Weatherization" means making energy and resource conservation and energy efficiency improvements.

NEW SECTION. Sec. 3. The Washington State University extension energy program is authorized to implement grants for pilot programs providing community-wide urban residential and commercial energy efficiency upgrades. The Washington State University extension energy program must coordinate and collaborate with the department of community, trade, and economic development on the design, administration, and implementation elements of the pilot program.

(1) There must be at least three grants for pilot programs, awarded on a competitive basis to sponsors for conducting direct outreach and delivering energy efficiency services that, to the extent feasible, ensure a balance of participation for: (a) Geographic regions in the state; (b) types of fuel used for heating; (c) owner-

occupied and rental residences; (d) small commercial buildings; and (e) single- family and multifamily dwellings.

(2) The pilot programs must:

(a) Provide assistance for energy audits and energy efficiency-related improvements to structures owned by or used for residential, commercial, or nonprofit purposes in specified urban neighborhoods where the objective is to achieve a high rate of participation among building owners within the pilot area;

(b) Utilize volunteer support to reach out to potential customers through the use of community-based institutions;

(c) Employ qualified energy auditors and energy efficiency service providers to perform the energy audits using recognized energy efficiency and weatherization services that are cost-effective;

(d) Select and provide oversight of contractors to perform energy efficiency services. Sponsors shall give preference to contractors that participate in quality control and efficiency training, use workers trained from workforce training and apprentice programs established under chapter . . . , Laws of 2009 (Engrossed Second Substitute House Bill No. 2227) if these workers are available, pay prevailing wages, hire from the community in which the program is located, and create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations; and

(e) Work with customers to secure financing for their portion of the project and apply for and administer utility, public, and charitable funding provided for energy audits and retrofits.

(3) The Washington State University extension energy program must give priority to sponsors that can secure a sponsor match of at least one dollar for each dollar awarded.

(a) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(b) A sponsor may meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

(4)(a) Pilot programs receiving funding must report compliance with performance metrics for each sponsor receiving a grant award. The performance metrics include:

(i) Monetary and energy savings achieved;

(ii) Savings-to-investment ratio achieved for customers;

(iii) Wage levels of jobs created;

(iv) Utilization of preapprentice and apprenticeship programs;

and

(v) Efficiency and speed of delivery of services.

(b) Pilot programs receiving funding under this section are required to report to the Washington State University energy extension program on compliance with the performance metrics every six months following the receipt of grants, with the last report submitted six months after program completion.

(c) The Washington State University extension energy program shall review the accuracy of these reports and provide a progress report on all grant pilot programs to the appropriate committees of the legislature by December 1st of each year.

(5)(a) By December 1, 2009, the Washington State University extension energy program shall provide a report to the governor and appropriate legislative committees on the: Number of grants awarded; number of jobs created or maintained; number and type of individuals trained through workforce training and apprentice programs; number of veterans, members of the national guard, and individuals of low-income and disadvantaged populations employed by pilot programs; and amount of funding provided through the grants as established in subsection (1) of this section and the performance metrics established in subsection (4) of this section.

(b) By December 1, 2010, the Washington State University extension energy program shall provide a final report to the governor and appropriate legislative committees on the: Number of grants awarded; number of jobs created or maintained; number and type of individuals trained through workforce training and apprentice programs; number of veterans, members of the national guard, and individuals of low-income and disadvantaged populations employed by pilot programs; and amount of funding provided through the grants as established in subsection (1) of this section and the performance metrics established in subsection (4) of this section.

NEW SECTION. Sec. 4. FARM ENERGY ASSESSMENTS.

(1) The legislature finds that increasing energy costs put farm viability and competitiveness at risk and that energy efficiency improvements on the farm are the most cost-effective way to manage these costs. The legislature further finds that current on-farm energy efficiency programs often miss opportunities to evaluate and conserve all types of energy, including fuels and fertilizers.

(2) The Washington State University extension energy program, in consultation with the department of agriculture, shall form an interdisciplinary team of agricultural and energy extension agencies to develop and offer new methods to help agricultural producers assess their opportunities to increase energy efficiency in all aspects of their operations. The interdisciplinary team must develop and deploy:

(a) Online energy self-assessment software tools to allow agricultural producers to assess whole-farm energy use and to identify the most cost-effective efficiency opportunities;

(b) Energy auditor training curricula specific to the agricultural sector and designed for use by agricultural producers, conservation districts, agricultural extensions, and commodity groups;

(c) An effective infrastructure of trained energy auditors available to assist agricultural producers with on-farm energy audits and identify cost-share assistance for efficiency improvements; and

(d) Measurement systems for cost savings, energy savings, and carbon emission reduction benefits resulting from efficiency improvements identified by the interdisciplinary team.

(3) The Washington State University extension energy program shall seek to obtain additional resources for this section from federal and state agricultural assistance programs and from other sources.

(4) The Washington State University extension energy program shall provide technical assistance for farm energy assessment activities as specified in this section.

PART 2**Low-Income Weatherization Programs**

Sec. 5. RCW 70.164.020 and 1995 c 399 s 199 are each amended to read as follows:

~~((Unless the context clearly requires otherwise.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

~~(1) "Credit enhancement" means instruments that enhance the security for the payment of the lender's obligations and includes, but is not limited to insurance, letters of credit, lines of credit, or other similar agreements.~~

~~(2) "Department" means the department of community, trade, and economic development.~~

~~((2)) (3) "Direct outreach" means:~~

~~(a) The use of door-to-door contact, community events, and other methods of direct interaction with customers to inform them of energy efficiency and weatherization opportunities; and~~

~~(b) The performance of energy audits.~~

~~(4) "Energy ((assessment)) audit" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.~~

~~((3)) (5) "Energy efficiency services" means energy audits, weatherization, energy efficiency retrofits, energy management systems as defined in RCW 39.35.030, and other activities to reduce a customer's energy consumption, and includes assistance with paperwork, arranging for financing, program design and development, and other postenergy audit assistance and education to help customers meet their energy savings goals.~~

~~(6) "Financial institution" means any person doing business under the laws of this state or the United States relating to banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, consumer loan companies, equipment leasing and project finance and the affiliates, subsidiaries, and service corporations thereof.~~

~~(7) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.~~

~~((4)) (8) "Low income" means household income ((that is at or below one hundred twenty-five percent of the federally established poverty level)) as defined by the department, provided that the~~

~~definition may not exceed eighty percent of median household income, adjusted for household size, for the county in which the dwelling unit to be weatherized is located.~~

~~((5)) (9) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or cooperative, furnishing gas or electricity used to heat low-income residences.~~

~~((6)) (10) "Residence" means a dwelling unit as defined by the department.~~

~~((7)) (11) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, tribal nation, community service agency, or any other participating agency or any public service company, municipality, public utility district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.~~

~~((8)) (12) "Sponsor match" means the share((, if any,)) of the cost of weatherization to be paid by the sponsor.~~

~~((9)) (13) "Sustainable residential weatherization" or "weatherization" means ((materials or measures, and their installation, that are used to improve the thermal efficiency of a residence)) activities that use funds administered by the department for one or more of the following: (a) Energy and resource conservation; (b) energy efficiency improvements; (c) repairs, indoor air quality improvements, and health and safety improvements; and (d) client education. Funds administered by the department for activities authorized under this subsection may only be used for the preservation of a dwelling unit occupied by a low-income household and must, to the extent feasible, be used to support and advance sustainable technologies.~~

~~((10)) (14) "Weatherizing agency" means any approved department grantee, tribal nation, or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.~~

Sec. 6. RCW 70.164.040 and 1987 c 36 s 4 are each amended to read as follows:

(1) The department shall solicit proposals for low-income weatherization programs from potential sponsors. A proposal shall state the amount of the sponsor match, the amount requested ~~((from the low-income weatherization assistance account)),~~ the name of the weatherizing agency, and any other information required by the department.

(2)(a) A sponsor may use its own moneys, including corporate or ratepayer moneys, or moneys provided by landlords, charitable groups, government programs, the Bonneville power administration, or other sources to pay the sponsor match.

(b) Moneys provided by a sponsor pursuant to requirements in this section shall be in addition to and shall not supplant any funding for low-income weatherization that would otherwise have been provided by the sponsor or any other entity enumerated in (a) of this subsection.

(c) No proposal may require any contribution as a condition of weatherization from any household whose residence is weatherized under the proposal.

(d) Proposals shall provide that full levels of all cost-effective, structurally feasible, sustainable residential weatherization materials, measures, and practices, as determined by the department, shall be installed when a low-income residence is weatherized.

(3)(a) The department may in its discretion accept, accept in part, or reject proposals submitted. The department shall allocate funds appropriated from the low-income weatherization assistance account among proposals accepted or accepted in part so as to:

(i) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers ~~((and))~~ over the longest period of time;

(ii) Identify and correct, to the extent practical, health and safety problems for residents of low-income households, including asbestos, lead, and mold hazards;

(iii) Create family-wage jobs that may lead to careers in the construction trades or in the energy efficiency sectors; and

(iv) Leverage, to the extent feasible, environmentally friendly sustainable technologies, practices, and designs.

(b) The department shall, to the extent feasible, ensure a balance of participation in proportion to population among low-income households for: ~~((a))~~ (i) Geographic regions in the state; ~~((b))~~ (ii) types of fuel used for heating, except that the department shall encourage the use of energy efficient sustainable technologies; ~~((c))~~ (iii) owner-occupied and rental residences; and ~~((d))~~ (iv) single-family and multifamily dwellings.

(c) The department shall give priority to the weatherization of dwelling units occupied by low-income households with incomes at or below one hundred twenty-five percent of the federally established poverty level.

(d) The department may allocate funds to a nonutility sponsor without requiring a sponsor match if the department determines that such an allocation is necessary to provide the greatest benefits to low-income residents of the state.

(e) The department shall give preference to sponsors that employ individuals trained from workforce training and apprentice programs established under chapter . . . , Laws of 2009 (Engrossed Second Substitute House Bill No. 2227) if these workers are available, and create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations.

(4)(a) A sponsor may elect to: (i) Pay a sponsor match as a lump sum at the time of weatherization, or (ii) make yearly payments to the low-income weatherization assistance account over a period not to exceed ten years. If a sponsor elects to make yearly payments, the value of the payments shall not be less than the value of the lump sum payment that would have been made under (a)(i) of this subsection.

(b) The department may permit a sponsor to meet its match requirement in whole or in part through providing labor, materials, or other in-kind expenditures.

(5) Programs receiving funding under this section must report to the department every six months following the receipt of a grant regarding the number of dwelling units weatherized, the number of jobs created or maintained, and the number of individuals trained through workforce training and apprentice programs, with the last report submitted six months after program completion. The director of the department shall review the accuracy of these reports.

(6) The department shall adopt rules to carry out this section.

Sec. 7. RCW 70.164.050 and 1987 c 36 s 5 are each amended to read as follows:

(1) The department is responsible for ensuring that sponsors and weatherizing agencies comply with the state laws, the department's rules, and the sponsor's proposal in carrying out proposals.

(2) Before a residence is weatherized, the department shall require that an energy ~~((assessment))~~ audit be conducted.

(3) To the greatest extent practicable and allowable under federal rules and regulations, the department shall maximize available federal low-income home energy assistance program funding for weatherization projects.

Sec. 8. RCW 70.164.060 and 1987 c 36 s 6 are each amended to read as follows:

Before a leased or rented residence is weatherized, written permission shall be obtained from the owner of the residence for the weatherization. The department shall adopt rules to ensure that: (1) The benefits of weatherization assistance ~~((in connection with a leased or rented residence)),~~ including utility bill reduction and preservation of affordable housing stock, accrue primarily to low-income tenants occupying a leased or rented residence; (2) as a result of weatherization provided under this chapter, the rent on the residence is not increased and the tenant is not evicted; and (3) as a result of weatherization provided under this chapter, no undue or excessive enhancement occurs in the value of the residence. This section is in the public interest and any violation by a landlord of the rules adopted under this section shall be an act in trade or commerce violating chapter 19.86 RCW, the consumer protection act.

NEW SECTION. Sec. 9. A new section is added to chapter 70.164 RCW to read as follows:

(1) The department must: (a) Establish a process to award grants on a competitive basis to provide grants to financial institutions for the purpose of creating credit enhancements, such as loan loss reserve funds as specified in sections 206 and 208 of this

act, and consumer financial products and services that will be used to obtain energy efficiency services; and (b) develop criteria, in consultation with the department of financial institutions, regarding the extent to which funds will be provided for the purposes of credit enhancements and set forth principles for accountability for financial institutions receiving funding for credit enhancements.

(2) The department must:

(a) Give priority to financial institutions that provide both consumer financial products or services and direct outreach;

(b) Approve any financing mechanisms offered by local municipalities under section 208 of this act; and

(c) Require any financial institution or other entity receiving funding for credit enhancements to:

(i) Provide books, accounts, and other records in such a form and manner as the department may require;

(ii) Provide an estimate of projected loan losses; and

(iii) Provide the financial institution's plan to manage loan loss risks, including the rationale for sizing a loan loss reserve and the use of other credit enhancements, as applicable.

NEW SECTION. Sec. 10. A new section is added to chapter 70.164 RCW to read as follows:

PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS--FINDINGS AND INTENT. (1) The legislature finds that the creation and use of risk reduction mechanisms will promote greater involvement of local financial institutions and other financing mechanisms in funding energy efficiency improvements and will achieve greater leverage of state and federal dollars. Risk reduction mechanisms will allow financial institutions to lend to a broader pool of applicants on more attractive terms, such as potentially lower rates and longer loan terms. Placing a portion of funds in long-term risk reduction mechanisms will support a sustained level of energy efficiency investment by financial institutions while providing funding to projects quickly.

(2) It is the intent of the legislature to leverage new federal funding aimed at promoting energy efficiency projects, improving energy efficiency, and increasing family-wage jobs. To this end, the legislature intends to invest a portion of all federal funding, subject to federal requirements, for energy efficiency projects in financial mechanisms that will provide for maximum leverage of financing.

NEW SECTION. Sec. 11. A new section is added to chapter 70.164 RCW to read as follows:

The department may create an appliance efficiency rebate program with available funds from the energy efficient appliances rebate program authorized under the federal energy policy act of 2005 (P.L. 109-58).

NEW SECTION. Sec. 12. A new section is added to chapter 70.164 RCW to read as follows:

PROMOTING THE INVOLVEMENT OF FINANCIAL INSTITUTIONS IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) Local municipalities receiving federal stimulus moneys through the federal energy efficiency and conservation block grant program or state energy program are authorized to use those funds, subject to federal requirements, to establish loan loss reserves or toward risk reduction mechanisms, such as loan loss reserves, to leverage financing for energy efficiency projects.

(2) Interest rate subsidies, financing transaction cost subsidies, capital grants to energy users, and other forms of grants and incentives that support financing energy efficiency projects are authorized uses of federal energy efficiency funding.

(3) Financing mechanisms offered by local municipalities under this section must conform to all applicable state and federal rules and regulations.

NEW SECTION. Sec. 13. A new section is added to chapter 70.164 RCW to read as follows:

PROMOTING THE INVOLVEMENT OF STATE-CHARTERED BOND AUTHORITIES IN FINANCING ENERGY EFFICIENCY PROJECTS. (1) The legislature finds that the state bond authorities have capacities that can be applied to financing energy efficiency projects for their respective eligible borrowers: Washington economic development finance authority for industry; Washington state housing finance commission for single-family and multifamily housing, commercial properties, agricultural properties,

and nonprofit facilities; Washington higher education facilities authority for private, nonprofit higher education; and Washington health care facilities authority for hospitals and all types of health clinics.

(2)(a) Subject to federal requirements, the state bond authorities may accept and administer an allocation of the state's share of the federal energy efficiency funding for designing energy efficiency finance loan products and for developing and operating energy efficiency finance programs. The state bond authorities shall coordinate with the department on the design of the bond authorities' program.

(b) The department may make allocations of the federal funding to the state bond authorities and may direct and administer funding for outreach, marketing, and delivery of energy services to support the programs by the state bond authorities.

(c) The legislature authorizes a portion of the federal energy efficiency funds to be used by the state bond authorities for credit enhancements and reserves for such programs.

(3) The Washington state housing finance commission may:

(a) Issue revenue bonds as the term "bond" is defined in RCW 43.180.020 for the purpose of financing loans for energy efficiency and renewable energy improvement projects in accordance with RCW 43.180.150;

(b) Establish eligibility criteria for financing that will enable it to choose applicants who are likely to repay loans made or acquired by the commission and funded from the proceeds of federal funds or commission bonds; and

(c) Participate fully in federal and other governmental programs and take such actions as are necessary and consistent with chapter 43.180 RCW to secure to itself and the people of the state the benefits of programs to promote energy efficiency and renewable energy technologies.

PART 3

Energy Efficiency in Publicly Funded Housing

NEW SECTION. Sec. 14. A new section is added to chapter 43.185 RCW to read as follows:

ENERGY AUDITS AND RETROFITS IN PUBLICLY FUNDED HOUSING. (1) The legislature finds that growing preservation and rehabilitation needs in the housing trust fund property portfolio provide opportunities to advance energy efficiency and weatherization efforts for low-income individuals in Washington state while protecting the state's six hundred million dollars in affordable housing investments. Preservation of existing affordable housing, when done in conjunction with weatherization activities, is a cost-effective, prudent, and environmentally friendly strategy to ensure that low-income housing remains durable, safe, and affordable. Therefore, the legislature intends that where federal funds are available for increasing and improving energy efficiency of low-income housing that these funds must be utilized, subject to federal requirements, for energy audits and implementing energy efficiency measures in the state housing trust fund real estate portfolio.

(2) The department shall review all housing properties in the housing trust fund real estate portfolio and identify those in need of major renovation or rehabilitation. In its review, the department shall survey property owners for information including, but not limited to, the age of the building and the type of heating, cooling, plumbing, and electrical systems contained in the property. The department shall prioritize all renovation or rehabilitation projects identified in the review by the department's ability to:

(a) Achieve the greatest possible expected monetary and energy savings by low-income households and other energy consumers over the greatest period of time;

(b) Promote the greatest possible health and safety improvements for residents of low-income households; and

(c) Leverage, to the extent feasible, technologically advanced and environmentally friendly sustainable technologies, practices, and designs.

(3) Subject to the availability of amounts appropriated for this specific purpose, the department shall use the prioritization of potential energy efficiency needs and opportunities in subsection (2)

of this section to make offers of energy audit services to project owners and operators. The department shall use all practicable means to achieve the completion of energy audits in at least twenty-five percent of the properties in its portfolio that exceed twenty-five years in age, by June 30, 2011. Where the energy audits identify cost-effective weatherization and other energy efficiency measures, the department shall accord a priority within appropriated funding levels to include funding for energy efficiency improvements when the department allocates funding for renovation or rehabilitation of the property.

PART 4 Miscellaneous

NEW SECTION. Sec. 15. Sections 101 through 103 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 16. Captions and part headings used in this act are not any part of the law.

NEW SECTION. Sec. 17. A new section is added to chapter 43.06 RCW to read as follows:

The governor shall designate an existing full-time equivalent position within state government as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate initiatives must coordinate with the person in this designated position.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative McCoy moved the adoption of amendment (731) to amendment (711):

On page 3, line 31 of the striking amendment, after "shall" strike "give preference to contractors that" and insert "require contractors to"

On page 3, line 36 of the striking amendment, after "wages" insert "under chapter 39.12 RCW"

On page 9, line 26 of the striking amendment, after "shall" strike "give preference to sponsors that" and insert "require sponsors to"

On page 9, line 29 of the striking amendment, after "available," insert "pay prevailing wages under chapter 39.12 RCW, hire from the community in which the program is located,"

Representatives McCoy and Condotta spoke in favor of the adoption of the amendment to amendment (711).

Amendment (731) to amendment (711) was adopted.

Representative McCoy moved the adoption of amendment (746) to amendment (711):

On page 11, line 4 of the striking amendment, after "chapter" strike "70.164" and insert "43.330"

On page 11, line 29 of the striking amendment, after "chapter" strike "70.164" and insert "43.330"

On page 12, line 13 of the striking amendment, after "chapter" strike "70.164" and insert "43.330"

On page 12, line 19 of the striking amendment, after "chapter" strike "70.164" and insert "43.330"

On page 13, line 1 of the striking amendment, after "chapter" strike "70.164" and insert "43.330"

Representatives McCoy and Crouse spoke in favor of the adoption of the amendment to amendment (711).

Amendment (746) to amendment (711) was adopted.

Amendment (711) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives McCoy and Conway spoke in favor of the passage of the bill.

Representatives Crouse and Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5649, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5649, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 34; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dameille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5921, by Senate Committee on Economic Development, Trade & Innovation (originally sponsored by Senators Rockefeller, Pridemore, Ranker, Kline and Kohl-Welles)

Creating a clean energy collaborative. Revised for 1st Substitute: Creating a clean energy leadership initiative.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was adopted. (For committee amendment, see Journal, Day 75, March 27, 2009.)

Representative McCoy moved the adoption of amendment (710):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that Washington is recognized as a leader in sustainability and climate change and has the foundation to become a leader in the clean energy technologies, products, and services that will be required throughout the world to provide reliable and reduced-emission energy. However, to become a leader, Washington will need policies and strategies to develop new clean energy technologies, attract federal and private investments, attract and grow clean energy companies, and create green jobs.

The legislature further finds that positioning Washington to be competitive for federal and private sector clean energy investments

will require collaboration between Washington's state agencies, clean energy technology companies, research institutions, national laboratory, and workforce development system to identify our strengths and develop the requisite policies and strategies.

It is the intent of the legislature to create a clean energy leadership initiative that will set the path to leverage Washington's energy infrastructure and make Washington a hub for clean energy technology and a leader in the creation of green jobs and the development, deployment, and export of clean energy technologies and services.

NEW SECTION. Sec. (1) The office of the governor, in collaboration with a statewide, public-private alliance, shall convene a clean energy leadership council to prepare a strategy for growing the clean energy technology sector in Washington state. The clean energy leadership council shall be supported by public and private resources including, to the extent available, the resources of the energy policy division of the department of community, trade, and economic development and Washington State University's energy program. The governor, in consultation with the public-private alliance, shall appoint and convene the council by July 31, 2009.

(2) The clean energy leadership council must develop strategies and recommendations for growing Washington's clean energy sector. The clean energy leadership council must consist of the following clean energy leaders:

(a) Up to ten representatives of companies in the clean energy sector;

(b) Representatives of two organizations providing support to clean energy companies; and

(c) One representative from each of the following: A public university; the Pacific Northwest national laboratory; a venture capital firm making investments in clean energy companies; and a professional services firm serving clean energy technology.

(3) The clean energy leadership council must also include the following members:

(a) Four members of the legislature, with one member from each caucus of the house of representatives appointed by the speaker of the house of representatives and one member from each caucus of the senate appointed by the president of the senate;

(b) The director of the department of community, trade, and economic development or its successor agency;

(c) The governor's designee for energy and climate change initiatives within state government; and

(d) One representative from the economic development commission.

(4) The clean energy leadership council must be cochaired by:

(a) A representative of the clean energy sector, selected by the members of the clean energy leadership council; and (b) the director of the department of community, trade, and economic development or its successor agency.

(5) The clean energy leadership council must designate one of its members as its representative on the evergreen jobs leadership team to ensure that the efforts of the clean energy leadership council align with the work of the evergreen jobs leadership team in coordinating the state's effort to lead in the green economy.

(6) The clean energy leadership council may appoint such advisory groups as it deems necessary to carry out its work.

(7) The clean energy leadership council shall:

(a) Conduct a strategic analysis to identify the clean energy industry segments where Washington can either provide national leadership or become one of the top ten states in that segment. The council shall contract with national experts with detailed knowledge of energy markets and other states' operations to conduct the strategic analysis. The strategic analysis must:

(i) Identify where Washington has a competitive advantage or emerging strength in research, development, or deployment of clean energy solutions;

(ii) Evaluate Washington's competitiveness in its business environment, including regulatory requirements, as it relates to supporting clean energy projects and companies, compared to other states and regions; and

(iii) Evaluate Washington's ability to provide national leadership in reducing carbon emissions, developing and deploying utility-scale

clean energy applications, and creating exportable products and applications;

(b) Develop a set of strategic recommendations, including implementation steps and responsible parties for carrying them out. The strategic recommendations must provide direction for positioning each clean energy segment identified to provide national leadership and must include a delineation of clear, specific outcomes for each segment to achieve. The strategic recommendations must include recommendations on:

(i) Consistent policy frameworks that provide stability to encourage investment through a combination of incentives, regulation, taxation, and use of government purchasing power to build viable markets;

(ii) The steps necessary for increasing Washington's ability to obtain available competitive federal funds;

(iii) The development of public-private partnerships that can help each sector grow, including partnerships to facilitate development and deployment of new technologies at scale;

(iv) Necessary investments in universities;

(v) Management, entrepreneurial, and emerging business needs;

(vi) Joint use facilities, demonstration facilities, and signature research centers that are needed for leadership;

(vii) Market access requirements;

(viii) Infrastructure needs; and

(ix) Capital and financing requirements;

(c) Recommend an institutional mechanism to foster effective implementation of its recommendations, including organizational structure, staffing, and funding;

(d) Review investments made by the energy policy division of the department of community, trade, and economic development, Washington State University's energy program, utilities, and other entities to identify ways to leverage, increase the effectiveness of, or redirect those funds to increase the state's competitiveness in clean energy technology; and

(e) Make recommendations on potential clean energy programs and projects for possible federal funding through the state energy program, consistent with federal requirements and guidelines.

(8)(a) By December 1, 2009, the clean energy leadership council shall submit an interim clean energy strategy and initial recommendations to the governor and appropriate committees of the legislature.

(b) By December 1, 2010, the clean energy leadership council shall complete and submit its final clean energy strategy and recommendations to the governor and appropriate committees of the legislature.

NEW SECTION. Sec. (1) The energy policy division of the department of community, trade, and economic development, or its successor agency, must consider the clean energy leadership strategy developed under section 2 of this act when preparing its application for federal state energy program funding and determining the type and number of clean energy projects to fund.

(2) The energy policy division of the department of community, trade, and economic development, or its successor agency, must consult the clean energy leadership council prior to awarding federal energy stimulus funding for clean energy projects.

NEW SECTION. Sec. (1) The governor shall designate an existing full-time equivalent position within state government as the single point of accountability for all energy and climate change initiatives within state agencies. All agencies, councils, or work groups with energy or climate change initiatives must coordinate with the person in this designated position.

(2) The person designated by the governor under subsection (1) of this section shall chair the evergreen jobs leadership team established in section 3, chapter . . . (Engrossed Second Substitute House Bill No. 2227), Laws of 2009.

NEW SECTION. Sec. This act expires December 31, 2011.

NEW SECTION. Sec. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative McCoy moved the adoption of amendment (719) to amendment (710):

On page 2, line 37 of the striking amendment, after "(6)" insert "Legislators shall not receive any compensation, including reimbursement of expenses, for their participation on the clean energy leadership council.

(7)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives McCoy and Haler spoke in favor of the adoption of the amendment to amendment (710).

Amendment (719) to amendment (710) was adopted.

Representative Haler moved the adoption of amendment (728) to amendment (710):

On page 4, line 7 of the striking amendment, after "(d)" insert "Evaluate the restoration and redevelopment of unfinished nuclear power project sites for the purpose of creating a carbonless energy park and creating four next generation nuclear generation facilities by 2050;

(e)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

Representative Haler spoke in favor of the adoption of the amendment to amendment (710).

Representative McCoy spoke against the adoption of the amendment to amendment (710).

Amendment (728) to amendment (710) was not adopted.

Representative McCoy moved the adoption of amendment (739) to amendment (710):

On page 4, line 25 of the striking amendment, after "strategy" insert "once it is"

On page 4, line 31 of the striking amendment, after "council" insert ", once it has been convened,"

Representatives McCoy and Haler spoke in favor of the adoption of the amendment to amendment (710).

Amendment (739) to amendment (710) was adopted.

Amendment (710) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative McCoy spoke in favor of the passage of the bill.

Representative Haler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5921, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5921, as amended by the House, and the bill passed the House by the following vote: Yeas, 64; Nays, 33; Absent, 0; Excused, 1.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst,

Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5921, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560, by Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Swecker, Brown, Hargrove, Pridemore, Marr, Kilmer, Rockefeller, Kauffman, Haugen, Eide, Hobbs, Kohl-Welles, Jarrett, Fraser, Jacobsen and Murray)

Regarding state agency climate leadership.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Agriculture & Natural Resources was before the House for purpose of amendment. (For committee amendment, see Journal, Day 85, April 6, 2009.)

With the consent of the House, amendments (715), (732), (733), (734) and (709) to the committee amendment were withdrawn.

Representative Chase moved the adoption of amendment (759) to the committee amendment:

On page 2, after line 38 of the striking amendment, insert the following:

"**Sec. 3.** RCW 70.235.010 and 2008 c 14 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Carbon dioxide equivalents" means a metric measure used to compare the emissions from various greenhouse gases based upon their global warming potential.

(2) "Climate advisory team" means the stakeholder group formed in response to executive order 07-02.

(3) "Climate impacts group" means the University of Washington's climate impacts group.

(4) "Department" means the department of ecology.

(5) "Direct emissions" means emissions of greenhouse gases from sources of emissions, including stationary combustion sources, mobile combustion emissions, process emissions, and fugitive emissions.

(6) "Director" means the director of the department.

(7) "Greenhouse gas" and "greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(8) "Indirect emissions" means emissions of greenhouse gases associated with the purchase of electricity, heating, cooling, or steam.

(9) "Person" means an individual, partnership, franchise holder, association, corporation, a state, a city, a county, or any subdivision or instrumentality of the state.

(10) "Program" means the department's climate change program.

(11) "Small-scale powered equipment" means a tool or other nonroad or marine machine powered by a gasoline, diesel, or propane spark ignition engine that has a standard manufacturer's listed horsepower rating of fifty horsepower or less. Examples of the term "small-scale powered equipment" include, but are not limited to, the following items when the components of the definition are satisfied:

Lawnmowers, string trimmers, leaf blowers, air compressors, chainsaws, turf equipment, and lawn and garden tractors.

(12) "Total emissions of greenhouse gases" means all direct emissions and all indirect emissions.

((12)) (13) "Western climate initiative" means the collaboration of states, Canadian provinces, Mexican states, and tribes to design a multisector market-based mechanism as directed under the western regional climate action initiative signed by the governor on February 22, 2007.

NEW SECTION. Sec. 4. A new section is added to chapter 70.235 RCW to read as follows:

(1) As part of satisfying the requirements of section 2 of this act, state agencies are, except as otherwise provided in this section, prohibited from purchasing small-scale powered equipment if the market offers an alternative item that is powered by an electrical cord or rechargeable battery.

(2)(a) The top administrative official of a state agency may waive the provisions of this section on a case-by-case basis if the top administrative official of the agency publishes a finding in the Washington State Register explaining the details as to why the purchase or use of the small-scale powered equipment was necessary and why the use of an electric-based alternative would have been impractical.

(b) The Washington State Register publication requirements of this section may be satisfied with one annual publication summarizing all instances where the requirements of this section were waived by the top administrative official in the preceding year.

(3) As a demonstration to other state agencies as to how the requirements of this section may be achieved, the department of general administration shall suspend the use of all spark ignition push lawnmowers, string trimmers, and leafblowers on the capitol campus by October 1, 2009. The department of general administration shall document its transition from small-scale powered equipment to electrical or manual alternatives to aid other state agencies in their implementation of this section."

Renumber the sections consecutively and correct any internal references.

Representative Chase spoke in favor of the adoption of the amendment to the committee amendment.

COLLOQUY

Representative Short: "In section 3, it lists RCW 70.235.010. My question is whether or not the section she is amending to take out the powered equipment, whether or not that applies to private individuals? Or is this just a function of state government under that RCW?"

Representative Chase: "This is state only."

Representative Short spoke against the adoption of the amendment to the committee amendment

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 57 – YEAS; 40 – NAYS.

Amendment (759) to the committee amendment was adopted.

Representative Alexander moved the adoption of amendment (716) to the committee amendment:

On page 3, beginning on line 31 of the amendment, after "agency." strike all material through "business." on line 34 and insert ~~"(Such policies shall include but not be limited to a definition of what constitutes authorized use of a state owned or controlled passenger motor vehicle and other motor vehicles on official state business.)"~~

On page 4, line 5 of the amendment, after "vehicles." insert "State agencies must balance the life-cycle cost, ability to receive competent maintenance, vehicle durability, and a vehicle's ability to

satisfy its purpose, as well as the miles per gallon when creating strategies and purchasing vehicles."

Representative Alexander spoke in favor of the adoption of the amendment to the committee amendment.

Representative Upthegrove spoke against the adoption of the amendment to the committee amendment.

Amendment (716) to the committee amendment was not adopted.

Representative Rolfes moved the adoption of amendment (730) to the committee amendment:

On page 5, beginning on line 1 of the striking amendment, strike all of sections 5 through 8

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Rolfes and Short spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (730) to the committee amendment was adopted.

Representative Short moved the adoption of amendment (745) to the committee amendment:

On page 7, after line 7 of the amendment, insert the following: **"NEW SECTION. Sec. 9.** The department of general administration must perform energy performance monitoring from July 2009 to July 2011 on each building that has completed an energy audit and installed energy conservation measures within the last five years and report to the legislature on the cost of the energy conservation measures, the projected energy savings, and the actual energy savings realized."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Short and Dunshee spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (745) to the committee amendment was adopted.

Representative Dunshee moved the adoption of amendment (623) to the committee amendment:

On page 7, after line 24 of the amendment, insert the following: **"NEW SECTION. Sec. 10.** A new section is added to chapter 70.235 RCW to read as follows:

Beginning in 2010, when distributing capital funds through competitive programs for infrastructure and economic development projects, all state agencies must consider whether the entity receiving the funds has adopted policies to reduce greenhouse gas emissions. Agencies also must consider whether the project is consistent with:

(1) The state's limits on the emissions of greenhouse gases established in RCW 70.235.020;

(2) Statewide goals to reduce annual per capita vehicle miles traveled by 2050, in accordance with RCW 47.01.440, except that the agency shall consider whether project locations in rural counties, as defined in RCW 43.160.020, will maximize the reduction of vehicle miles traveled; and

(3) Applicable federal emissions reduction requirements."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representative Dunshee spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Short, Orcutt and Schmick spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (623) to the committee amendment to Engrossed Second Substitute Senate Bill No. 5560.

ROLL CALL

The Clerk called the roll on the adoption of amendment (623) to the committee amendment to Engrossed Second Substitute Senate Bill No. 5560 and the amendment was adopted by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeyer, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, O'Brien, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor, Walsh and Warnick.

Excused: Representative Flannigan.

Amendment (623) to the committee amendment was adopted.

Representative Rolfes moved the adoption of amendment (729) to the committee amendment:

On page 7, after line 24 of the amendment, insert the following: **"(3) The legislature further finds that state agency leadership is needed in the development of preparation and adaptation actions for climate change to ensure the economic health, safety, and environmental well-being of the state and its citizens.**

NEW SECTION. Sec. 10. (1) The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation shall develop an integrated climate change response strategy to better enable state and local agencies, public and private businesses, nongovernmental organizations, and individuals to prepare for, address, and adapt to the impacts of climate change. The integrated climate change response strategy should be developed, where feasible and consistent with the direction of the strategy, in collaboration with local government agencies with climate change preparation and adaptation plans.

(2) The department of ecology shall serve as a central clearinghouse for relevant scientific and technical information about the impacts of climate change on Washington's ecology, economy, and society, as well as serve as a central convener for the development of vital programs and necessary policies to help the state adapt to a rapidly changing climate.

(3) The department of ecology shall consult and collaborate with the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation in developing an integrated climate change response strategy and plans of action to prepare for and adapt to climate change impacts.

NEW SECTION. Sec. 11. (1) The integrated climate change response strategy should address the impact of and adaptation to climate change, as well as the regional capacity to undertake actions, existing ecosystem and resource management concerns, and health and economic risks. In addition, the departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation should include a range of scenarios for the purposes of planning in order to assess project vulnerability and, to the extent feasible, reduce expected risks and increase resiliency to the impacts of climate change.

(2)(a) By December 1, 2011, the department of ecology shall compile an initial climate change response strategy, including information and data from the departments of fish and wildlife, agriculture, community, trade, and economic development, natural resources, and transportation that: Summarizes the best known science on climate change impacts to Washington; assesses Washington's vulnerability to the identified climate change impacts; prioritizes solutions that can be implemented within and across state agencies; and identifies recommended funding mechanisms and technical and other essential resources for implementing solutions.

(b) The initial strategy must include:

(i) Efforts to identify priority planning areas for action, based on vulnerability and risk assessments;

(ii) Barriers challenging state and local governments to take action, such as laws, policies, regulations, rules, and procedures that require revision to adequately address adaptation to climate change;

(iii) Opportunities to integrate climate science and projected impacts into planning and decision making; and

(iv) Methods to increase public awareness of climate change, its projected impacts on the community, and to build support for meaningful adaptation policies and strategies.

NEW SECTION. Sec. 12. The departments of ecology, agriculture, community, trade, and economic development, fish and wildlife, natural resources, and transportation may consult with qualified nonpartisan experts from the scientific community as needed to assist with developing an integrated climate change response strategy. The qualified nonpartisan experts from the scientific community may assist the department of ecology on the following components:

(1) Identifying the timing and extent of impacts from climate change;

(2) Assessing the effects of climate variability and change in the context of multiple interacting stressors or impacts;

(3) Developing forecasting models;

(4) Determining the resilience of the environment, natural systems, communities, and organizations to deal with potential or actual impacts of climate change and the vulnerability to which a natural or social system is susceptible to sustaining damage from climate change impacts; and

(5) Identifying other issues, as determined by the department of ecology, necessary to develop policies and actions for the integrated climate change response strategy.

NEW SECTION. Sec. 13. State agencies shall strive to incorporate adaptation plans of action as priority activities when planning or designing agency policies and programs. Agencies shall consider: The integrated climate change response strategy when designing, planning, and funding infrastructure projects; and incorporating natural resource adaptation actions and alternative energy sources when designing and planning infrastructure projects.

NEW SECTION. Sec. 14. Sections 10 through 13 of this act constitute a new chapter in Title 43 RCW."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representative Rolfes spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Short, Ericksen and Orcutt spoke against the adoption of the amendment to the committee amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 55 – YEAS; 41 – NAYS.

Amendment (729) to the committee amendment was adopted.

The question before the House was the adoption of the committee amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 60 – YEAS; 37 – NAYS.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Uptegrove spoke in favor of the passage of the bill.

Representative Short spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5560, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5560, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 37; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Uptegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5540, by Senators Pridemore, Hargrove, Marr, Shin and Haugen

Establishing high capacity transportation corridor areas.

The bill was read the second time.

Representative Cox moved the adoption of amendment (682):

On page 2, line 23, after "(1)" strike "A" and insert "Subject to subsection (2) of this section, a"

On page 2, after line 34, insert the following:

"(2) Before the governing body of an authorized transit agency, as provided in subsection (1) of this section, may establish a high capacity transportation corridor area, the governing body of the transit agency proposing to establish the corridor area must:

(a) Unanimously approve the establishment of the corridor area; and

(b) Obtain unanimous approval to establish the corridor area from the legislative authority of the county or counties in which the proposed corridor area is to be located."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Cox, Roach and Cox (again) spoke in favor of the adoption of the amendment.

Representatives Moeller and Moeller (again) spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (682) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (682) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (682) was not adopted.

Representative Orcutt moved the adoption of amendment (619):

On page 2, line 25, after "one" strike "or more"

On page 3, line 3, after "area" strike "or areas"

Representatives Orcutt, Orcutt (again) and Ericksen spoke in favor of the adoption of the amendment.

Representatives Moeller and Moeller (again) spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (619) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (619) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (619) was not adopted.

Representative Shea moved the adoption of amendment (593):

On page 2, line 35, after "(2)" strike "A" and insert "Subject to subsection (3) of this section, a"

On page 3, after line 5, insert the following:

"(3) To authorize the imposition of a tax or taxes to support implementation of a high capacity transportation corridor area, a majority approval is required at an election in which the number of voters approving the tax or taxes is at least forty percent of the total number of voters voting within the proposed corridor area boundaries at the preceding general election."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Shea, Herrera and Orcutt spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (593) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (593) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (593) was not adopted.

Representative Shea moved the adoption of amendment (594):

On page 2, line 35, after "(2)" strike "A" and insert "Subject to subsection (3) of this section, a"

On page 3, after line 5, insert the following:

"(3) A three-fifths majority of those voting within the boundaries of the high capacity transportation corridor area is required to authorize imposition of taxes to support implementation of a high capacity transportation corridor area."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Shea, Ericksen and Herrera spoke in favor of the adoption of the amendment.

Representatives Jacks and Moeller spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (594) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (594) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (594) was not adopted.

Representative Herrera moved the adoption of amendment (595):

On page 2, line 35, after "(2)" strike "A" and insert "Subject to subsection (3) of this section, a"

On page 3, after line 5, insert the following:

"(3) Before a transit agency described in subsection (1) of this section may submit a measure to the voters within the high capacity transportation corridor area for voter approval of a high capacity transportation system or finance plan required under RCW 81.104.100, the transit agency shall:

(a) Conduct a public hearing, and provide opportunity for public comment, on the proposed boundaries of the high capacity transportation corridor area, and provide notice to all voters within the transit agency's boundaries at least ten days before the hearing;

(b) Cause an advisory vote to be held which asks all voters within the transit agency's boundaries to approve the proposed boundaries of the high capacity transportation corridor area; and

(c) Publish the results of the advisory vote described in subsection (b) of this subsection in a newspaper or newspapers of general circulation within the boundaries of the transit agency, identifying the approval rating of voters who reside within the proposed high capacity transportation corridor area and the approval rating of voters who reside outside of the proposed high capacity transportation corridor area."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Herrera, Herrera (again), Roach, Orcutt and Angel spoke in favor of the adoption of the amendment.

Representatives Simpson and Simpson (again) spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (595) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (595) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Goodman, Green, Haigh, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (595) was not adopted.

Representative Herrera moved the adoption of amendment (597):

On page 3, beginning on line 24, strike all of section 3
Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Herrera and Shea spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

POINT OF PARLIAMENTARY INQUIRY

Representative Orcutt: "Mr. Speaker, I have no problem with the gentle lady from the 18th District going ahead of me but I do see a couple of amendments before us that begin on page 2 and page 3 which I thought were suppose to come before something on page 3 beginning on line 24. I want to make sure that any vote on this doesn't nullify those amendments."

SPEAKER'S RULING

The Speaker (Representative Morris presiding): "Your point is well taken. With the twelve amendments, the order was incorrect. We are going to defer further action on amendment (597) to Senate Bill No. 5540 and take it up in the correct order. The correct order will be (616), (652), (620), (663), (596) the (597) and (662)."

Representative Orcutt moved the adoption of amendment (616):

On page 2, line 35, after "(2)" strike "A" and insert "Except as provided in subsection (3) of this section, a"

On page 3, after line 5, insert the following:

"(3) A high capacity transportation corridor area is not authorized to impose or seek voter approval of the taxes authorized in RCW 81.104.150, 81.104.160, and 81.104.170." Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, from the beginning on line 24, strike Sections 3, 4, 5, 6, and 7.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Orcutt and Orcutt (again) spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (616) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (616) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Moeller, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (616) was not adopted.

Representative Moeller moved the adoption of amendment (652):

On page 3, line 1, after "chapter" strike all material through "81.104.170" on line 5, and insert ", subject to the following restrictions:

(a) Any combined tax rates imposed under this chapter within the boundaries of the transit agency establishing a high capacity transportation corridor area or areas may not exceed the maximum rates authorized under RCW 81.104.150, 81.104.160, and 81.104.170;

(b) If a majority of the voters within the boundaries of a high capacity transportation corridor area approve a proposition imposing any high capacity transportation taxes, the governing body of the high capacity transportation corridor area may not seek subsequent voter approval of any additional high capacity transportation taxes, notwithstanding any remaining authorized taxing capacity; and

(c) The governing body of a high capacity transportation corridor area may not submit any authorizing proposition for voter-approved taxes prior to July 1, 2012"

Representatives Moeller and Roach spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (652) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (652) to Senate Bill No. 5540 and the amendment was adopted by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall,

Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (652) was adopted.

Representative Orcutt moved the adoption of amendment (620):

On page 3, line 1, after "However," strike all material through "81.104.170" on line 5 and insert "tax rates of a high capacity transportation corridor areas are subject to the following restrictions:

(a) A high capacity transportation corridor area may only seek voter approval of a sales and use tax pursuant to RCW 81.104.170 for purposes of providing high capacity transportation services; and

(b) In no event may a transit agency establishing a high capacity transportation corridor area or areas impose combined sales and use tax rates within the boundaries of a corridor area that exceed nine-tenths of one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). For purposes of this subsection, "sales and use tax rates" means tax rates authorized under RCW 81.104.170 and 82.14.045"

On page 3, beginning on line 24, strike all of sections 3 and 4. Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 4, line 24, after "corridor areas," insert "subject to section 2 of this act,"

On page 5, beginning on line 9, insert "(1)"

On page 5, line 11, after "benefit areas," strike "high capacity transportation areas,"

On page 5, after line 16, insert the following:

"(2) Subject to section 2 of this act, high capacity transportation corridor areas are authorized to pledge revenues from the sales and use tax authorized by RCW 81.104.170, to retire bonds issued solely for the purpose of providing high capacity transportation service."

Correct the title.

Representatives Orcutt and Herrera spoke in favor of the adoption of the amendment.

Representative Liias spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (620) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (620) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (620) was not adopted.

Representative Herrera moved the adoption of amendment (663):

On page 3, beginning on line 14, strike all of subsection (4) Renumber the remaining subsection consecutively and correct any internal references accordingly.

Representative Herrera spoke in favor of the adoption of the amendment.

Representative Williams spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (663) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (663) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (663) was not adopted.

Representative Shea moved the adoption of amendment (596):

On page 3, line 18, after "area" strike all materials through "entity." on line 23 and insert "must be dissolved when all obligations under any general obligation bonds issued by the high capacity transportation corridor area for voter approved projects have been discharged."

Representative Shea spoke in favor of the adoption of the amendment.

Representative Jacks spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (596) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (596) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 45; Nays, 52; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera,

Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (596) was not adopted.

The House resumed consideration of amendment (597) to Senate Bill No. 5540 after it was noted that the amendment was taken up out of order.

Representatives Herrera and Orcutt spoke in favor of the adoption of the amendment.

Representative Clibborn spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (597) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (597) to Senate Bill No. 5540 and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (597) was not adopted.

Representative Orcutt moved the adoption of amendment (662):

On page 6, line 5, after "of" strike "forty" and insert "twenty-five"

Representatives Orcutt and Moeller spoke in favor of the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (662) to Senate Bill No. 5540.

ROLL CALL

The Clerk called the roll on the adoption of amendment (662) to Senate Bill No. 5540 and the amendment was adopted by the following vote: Yeas, 93; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Finn, Seaquist, Simpson and Williams.

Excused: Representative Flannigan.

Amendment (662) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Moeller spoke in favor of the passage of the bill.

Representatives Roach, Orcutt and Herrera spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5540, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5540, as amended by the House, and the bill passed the House by the following vote: Yeas, 52; Nays, 45; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

SENATE BILL NO. 5540, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of HOUSE BILL NO. 2250, and the bill was placed on the second reading calendar.

There being no objection, the Committee on Finance was relieved of HOUSE BILL NO. 2351, and the bill was referred to the Committee on Rules.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 17, 2009, the 96th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETY SIXTH DAY

House Chamber, Olympia, Friday, April 17, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Annie Caldwell and Jordan Pennington. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Norma Smith.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

HB 2379 by Representatives Seaquist, Van De Wege and Angel

AN ACT Relating to preserving the maritime heritage of the state of Washington; amending RCW 82.49.010, 88.02.010, and 88.02.053; adding a new section to chapter 27.34 RCW; adding a new section to chapter 88.02 RCW; and creating a new section.

Referred to Committee on State Government & Tribal Affairs.

HB 2380 by Representatives Simpson, Williams, Van De Wege, Sells, White, Liias and Ormsby

AN ACT Relating to creating the long-term care services funding act of 2009.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

REPORTS OF STANDING COMMITTEES

April 16, 2009

HB 2068 Prime Sponsor, Representative Goodman: Concerning criminal background checks. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Health Care & Wellness be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 16, 2009

HB 2359 Prime Sponsor, Representative Cody: Concerning delaying the implementation date for peer mentoring for long-term care workers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member;

Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 16, 2009

HB 2360 Prime Sponsor, Representative Darneille: Concerning consolidation of administrative services for AIDS grants in the department of health. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

Passed to Committee on Rules for second reading.

April 16, 2009

SB 5525 Prime Sponsor, Senator Carrell: Concerning rental vouchers to allow release from state institutions. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Human Services.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.728 and 2007 c 483 s 304 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) ~~(Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.~~

~~(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the~~

case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence:

— (b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

— (ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

— (A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

— (B) Is not confined pursuant to a sentence for:

— (I) A sex offense;

— (II) A violent offense;

— (III) A crime against persons as defined in RCW 9.94A.411;

— (IV) A felony that is domestic violence as defined in RCW 10.99.020;

— (V) A violation of RCW 9A.52.025 (residential burglary);

— (VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

— (VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

— (C) Has no prior conviction for:

— (I) A sex offense;

— (II) A violent offense;

— (III) A crime against persons as defined in RCW 9.94A.411;

— (IV) A felony that is domestic violence as defined in RCW 10.99.020;

— (V) A violation of RCW 9A.52.025 (residential burglary);

— (VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

— (VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

— (D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

— (E) Has not committed a new felony after July 22, 2007, while under community supervision, community placement, or community custody:

— (iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

— (iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b):

— (v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

— (vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

— (c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

— (2)(a) A person convicted of a sex offense or an offense categorized as a serious violent offense, assault in the second degree, vehicular homicide, vehicular assault, assault of a child in the second degree, any crime against persons where it is determined in

accordance with RCW 9.94A.602 that the offender or an accomplice was armed with a deadly weapon at the time of commission, or any felony offense under chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

— (b) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may become eligible, in accordance with a program developed by the department, for transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section;

— (c) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community placement or community custody terms eligible for release to community custody status in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

— (d) The department may deny transfer to community custody status in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody or community placement;

— (e) If the department denies transfer to community custody status in lieu of earned early release pursuant to (d) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

— (f) An offender serving a term of confinement imposed under RCW 9.94A.670(4)(a) is not eligible for earned release credits under this section;

— (3)) An offender may earn early release time as authorized by section 3 of this act.

— (2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

— ((4)) (3)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

— (e) Persistent offenders are not eligible for extraordinary medical placement;

— ((5)) (4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for

reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

~~((6))~~ (5) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to ~~((subsection (2)(e)))~~ section 3(5)(d) of this ~~((section))~~ act;

~~((7))~~ (6) The governor may pardon any offender;

~~((8))~~ (7) The department may release an offender from confinement any time within ten days before a release date calculated under this section; and

~~((9))~~ (8) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870.

Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540~~((, however persistent offenders are not eligible for extraordinary medical placement))~~.

Sec. 2. RCW 9.94A.728 and 2008 c 231 s 34 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) ~~((Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for sentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.~~

~~((a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.~~

~~((b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.~~

~~((ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:~~

~~((A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;~~

~~((B) Is not confined pursuant to a sentence for:~~

~~((I) A sex offense;~~

~~((II) A violent offense;~~

~~((III) A crime against persons as defined in RCW 9.94A.411;~~

~~((IV) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~((V) A violation of RCW 9A.52.025 (residential burglary);~~

~~((VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~((VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~ (C) Has no prior conviction for:

~~((I) A sex offense;~~

~~((II) A violent offense;~~

~~((III) A crime against persons as defined in RCW 9.94A.411;~~

~~((IV) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~((V) A violation of RCW 9A.52.025 (residential burglary);~~

~~((VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~((VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~((D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and~~

~~((E) Has not committed a new felony after July 22, 2007, while under community custody.~~

~~((iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk:~~

~~((iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).~~

~~((v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.~~

~~((vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.~~

~~((c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;~~

~~((2)(a) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, may become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section;~~

~~((b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;~~

~~((c) The department may deny transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;~~

~~((d) If the department denies transfer to community custody in lieu of earned early release pursuant to (c) of this subsection, the~~

~~department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;~~

~~(c) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section;~~

~~(3)) An offender may earn early release time as authorized by section 3 of this act.~~

(2) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

~~((4)) (3)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:~~

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time.

~~(e) Persistent offenders are not eligible for extraordinary medical placement;~~

~~((5)) (4) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;~~

~~((6)) (5) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to ((subsection 2)) section 3(5)(d) of this ((section) act;~~

~~((7)) (6) The governor may pardon any offender;~~

~~((8)) (7) The department may release an offender from confinement any time within ten days before a release date calculated under this section;~~

~~((9)) (8) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and~~

~~((10)) (9) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540(, however persistent offenders are not eligible for extraordinary medical placement)).~~

NEW SECTION. Sec. 3. A new section is added to chapter 9.94A RCW to read as follows:

(1) The term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and adopted by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of

the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time.

(2) An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(3) An offender may earn early release time as follows:

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence.

(b) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(c) An offender is qualified to earn up to fifty percent of aggregate earned release time if he or she:

(i) Is not classified as an offender who is at a high risk to reoffend as provided in subsection (4) of this section;

(ii) Is not confined pursuant to a sentence for:

(A) A sex offense;

(B) A violent offense;

(C) A crime against persons as defined in RCW 9.94A.411;

(D) A felony that is domestic violence as defined in RCW 10.99.020;

(E) A violation of RCW 9A.52.025 (residential burglary);

(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(iii) Has no prior conviction for the offenses listed in (c)(ii) of this subsection;

(iv) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(v) Has not committed a new felony after July 22, 2007, while under community custody.

(d) In no other case shall the aggregate earned release time exceed one-third of the total sentence.

(4) The department shall perform a risk assessment of each offender who may qualify for earned early release under subsection (3)(c) of this section utilizing the risk assessment tool recommended by the Washington state institute for public policy. Subsection (3)(c) of this section does not apply to offenders convicted after July 1, 2010.

(5)(a) A person who is eligible for earned early release as provided in this section and who is convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, shall be transferred to community custody in lieu of earned release time;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's

authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department is unable to approve the offender's release plan, the department may do one or more of the following:

(i) Transfer an offender to partial confinement in lieu of earned early release for a period not to exceed three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in RCW 9.94A.728(5);

(ii) Provide rental vouchers to the offender for a period not to exceed three months if rental assistance will result in an approved release plan. The voucher must be provided in conjunction with additional transition support programming or services that enable an offender to participate in services including, but not limited to, substance abuse treatment, mental health treatment, sex offender treatment, educational programming, or employment programming;

(e) For each offender who is the recipient of a rental voucher, the department shall include, concurrent with the data that the department otherwise obtains and records, the housing status of the offender for the duration of the offender's supervision.

(6) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section.

NEW SECTION. Sec. 4. The department shall report to the legislature and the appropriate committees by December 1, 2009, the number of rental vouchers issued to offenders pursuant to this act, any sanction history for offenders after they received the vouchers, and additional information tracked by the department that may assist the legislature in evaluating the rental voucher program.

NEW SECTION. Sec. 5. Section 2 of this act takes effect August 1, 2009.

NEW SECTION. Sec. 6. Section 1 of this act expires August 1, 2009.

NEW SECTION. Sec. 7. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Bailey, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 5433, by Senate Committee on Ways & Means (originally sponsored by Senators Regala, Swecker, Rockefeller, Morton, Fraser, Ranker, Fairley and Shin)

Modifying provisions of local option taxes.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For committee amendment, see Journal, 78 Day, March 30, 2009.)

Representative Hunter moved the adoption of amendment (748):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.450 and 2007 c 380 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. Funds raised under this tax shall not supplant existing funds used for these purposes, except as follows: Up to one hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures. The rate of tax under this section (~~shall~~) may not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and (~~shall~~) must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section (~~shall~~) must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" (~~means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities~~) has the same meaning as provided in RCW 82.14.340.

(5) Money received under this section (~~shall~~) must be shared between the county and the cities as follows: Sixty percent (~~shall~~) must be retained by the county and forty percent (~~shall~~) must be distributed on a per capita basis to cities in the county.

Sec. 2. RCW 82.14.460 and 2008 c 157 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing for the operation or delivery of (~~new or expanded~~) chemical dependency or mental health treatment programs and services and for the operation or delivery of (~~new or expanded~~) therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section (~~shall not~~) may be used to supplant existing funding for these purposes (~~provided that~~) in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant

existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section (~~shall~~) may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Sec. 3. RCW 84.55.050 and 2008 c 319 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used (~~and funds raised under the levy shall not supplant existing funds used for these purposes~~).

(b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after the effective date of this act.

(iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after the effective date of this act.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

Sec. 4. RCW 36.54.130 and 2007 c 223 s 6 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value, except a ferry district in a county with a population of one million five hundred thousand or more may not levy at a rate that exceeds seven and one-half cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities;

(b) The operation, maintenance, and improvement of ferry vessels and dock facilities;

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs.

NEW SECTION. Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county with a population of one million five hundred thousand or more may impose an additional regular property tax levy in an amount not to exceed seven and one-half cents per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) Any tax imposed under this section shall be used as follows:

(a) The first one cent for expanding transit capacity along state route number 520 by adding core and other supporting bus routes;

(b) The remainder for transit-related expenditures.

(3) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(4) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed under this section.

Sec. 6. RCW 84.52.043 and 2005 c 122 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general

county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; ~~((and))~~ (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; and (j) levies by counties for transit-related purposes under section 5 of this act.

Sec. 7. RCW 84.52.010 and 2007 c 54 s 26 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, ~~((and))~~ 84.52.135, and section 5 of this act, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) The levy imposed by a county under section 5 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district that is protected under RCW 84.52.125 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((b))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((c))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of

the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((d))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((e))~~ (f) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((f))~~ (g) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

NEW SECTION. Sec. 8. Sections 1 and 2 of this act expire January 1, 2015."

Correct the title.

Representative Orcutt moved the adoption of amendment (749) to amendment (748):

On page 4, line 20 of the amendment, after "(ii)" strike "The" and insert "If approved by at least sixty percent of the voters voting on a proposition, the"

On page 4, line 25 of the amendment, after "(iii)" strike "The" and insert "If approved by at least sixty percent of the voters voting on a proposition, the"

Representatives Orcutt and Angel spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (749) to amendment (748) to Substitute Senate Bill No. 5433.

MOTION

On motion of Representative Santos, Representative Liias was excused. Representatives Campbell and Herrera were excused from the bar.

ROLL CALL

The Clerk called the roll on the adoption of amendment (749) to amendment (748) Substitute Senate Bill No. 5433 and amendment was not adopted by the following vote: Yeas, 42; Nays, 53; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant, Haler, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Campbell, Herrera and Liias.

Amendment (749) to amendment (748) was not adopted.

Representative Orcutt moved the adoption of amendment (750) to amendment (748):

Beginning on page 6, line 4 of the amendment, strike all of sections 5, 6, and 7

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Orcutt and Shea spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (750) to amendment (748) to Substitute Senate Bill No. 5433.

ROLL CALL

The Clerk called the roll on the adoption of amendment (750) to amendment (748) to Substitute Senate Bill No. 5433 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Campbell and Liias.

Amendment (750) to amendment (748) was not adopted.

Representative Orcutt moved the adoption of amendment (751) to amendment (748):

On page 6, line 10 of the amendment, after "section." insert "A levy under this section must be specifically authorized by at least a sixty percent majority of the registered voters of the county voting on a proposition submitted at a general or special election, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of registered voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters thereof voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total number of voters voting in such taxing district in the last preceding general election."

Representative Orcutt spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (751) to amendment (748) to Substitute Senate Bill No. 5433.

ROLL CALL

The Clerk called the roll on the adoption of amendment (751) to amendment (748) to Substitute Senate Bill No. 5433 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 52; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Orwall, Parker, Pearson, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Sullivan, Taylor, Wallace, Walsh, Warnick and Williams.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Priest, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Takko, Upthegrove, Van De Wege, White, Wood and Mr. Speaker.

Excused: Representatives Campbell and Liias.

Amendment (751) to amendment (748) was not adopted.

Representative Simpson moved the adoption of amendment (755) to amendment (748):

On page 10, after line 23 of the amendment, insert the following:

NEW SECTION. Sec. 8. A new section is added to chapter 82.80 RCW to read as follows:

(1) Subject to voter approval, a public transportation entity may fix and impose an annual congestion reduction tax, not to exceed twenty dollars per vehicle registered within the boundaries of the public transportation entity, for each vehicle subject to license tab fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen weight of six thousand pounds or less. For purposes of this section, a "public transportation entity" includes public transportation benefit areas under chapter 36.57A RCW, metropolitan municipal corporations providing public transportation services under chapter 36.56 or 35.58 RCW, city-owned transit systems under chapter 35.58 RCW, county public transportation authorities under chapter 36.57 RCW, unincorporated transportation benefit areas under chapter 36.57 RCW, and regional transit authorities under chapter 81.112 RCW.

(2) The department of licensing must administer and collect the tax for the relevant public transportation entity identified in subsection (1) of this section. The department of licensing must deduct a percentage amount, as provided by contract, not to exceed one percent of the taxes collected, for administration and collection expenses incurred by it. The department of licensing must remit remaining proceeds to the custody of the state treasurer. The state treasurer must distribute the proceeds to the public transportation entity on a monthly basis.

(3) No tax under this section may be collected until six months after it has been approved by a majority of the voters within the public transportation entity's boundaries.

(4) The congestion reduction tax under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) The following vehicles are exempt from the tax under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

(c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(d) Snowmobiles as defined in RCW 46.10.010.

NEW SECTION. Sec. 9. A new section is added to chapter 36.57A RCW to read as follows:

In addition to other general and specific powers granted to a public transportation benefit area authority, the legislative authority of a public transportation benefit area may submit an authorizing proposition to the voters and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 10. A new section is added to chapter 35.58 RCW to read as follows:

In addition to other general and specific powers granted to metropolitan municipal corporations and city-owned transit systems, the legislative authorities of metropolitan municipal corporations and city-owned transit systems may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 11. A new section is added to chapter 36.57 RCW to read as follows:

In addition to other general and specific powers granted to county public transportation authorities and unincorporated transportation benefit areas, the legislative authorities of a county

public transportation authority and an unincorporated transportation benefit area may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 12. A new section is added to chapter 81.104 RCW to read as follows:

In addition to other general and specific powers granted to regional transit authorities under this chapter and chapter 81.112 RCW, regional transit authorities may submit an authorizing proposition to the voters and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax."

Renumber the remaining section consecutively.

Representatives Simpson, Uptegrove and Roberts spoke in favor of the adoption of the amendment.

Representatives Roach and Orcutt spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 49 – YEAS; 47 – NAYS.

Amendment (755) to amendment (748) was adopted.

Amendment (748) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter, Nelson, Dickerson, Simpson, Conway, Simpson (again) and Hunt spoke in favor of the passage of the bill.

Representatives Orcutt, Angel, Shea, Hinkle, Alexander, Ericksen, Anderson, McCune, Angel (again), Walsh, Parker, Johnson and Ross spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5433, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5433, as amended by the House, and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Uptegrove, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace, Walsh and Warnick.

SECOND SUBSTITUTE SENATE BILL NO. 5433, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850, by Senate Committee on Ways & Means (originally sponsored by Senators Kohl-Welles, Swecker, Keiser, Franklin, Kline, Hargrove, Fraser, Tom, Regala, Prentice, McAuliffe and Shin)

Protecting workers from human trafficking violations.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on General Government Appropriations was before the body for the purpose of amendment. (See Journal, Day 65, April 6, 2009.)

Representative Chandler moved the adoption of amendment (591) to the committee amendment:

On page 1, line 11 of the striking amendment, after "H-1B" insert ", H-2A, or H-2B"

Representative Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Representative Kenney spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (591) to the committee amendment to Engrossed Second Substitute Senate Bill No. 5850.

ROLL CALL

The Clerk called the roll on the adoption of amendment (591) to the committee amendment to Engrossed Second Substitute Senate Bill No. 5850 and the amendment was not adopted by the following vote: Yeas, 45; Nays, 53; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant, Green, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (591) to the committee amendment was not adopted.

Representative Santos moved the adoption of amendment (767) to the committee amendment:

On page 1, beginning on line 10 of the striking amendment, after "employment." strike all material through "state." on line 11

Representative Santos spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Chandler and Appleton spoke against the adoption of the amendment to the committee amendment.

Amendment (767) to the committee amendment was not adopted.

Representative Chandler moved the adoption of amendment (685) to the committee amendment:

On page 2, beginning on line 33 of the striking amendment, strike all of section 4 and insert the following:

"NEW SECTION. Sec. 4. If the department of labor and industries determines that a domestic employer of foreign workers or an international labor recruitment agency has violated this chapter, the department may order the employer or the agency to pay the department a civil penalty of two hundred fifty dollars for the first violation and up to one thousand dollars for each subsequent violation. The department shall deposit civil penalties paid under this section in the supplemental pension fund established under RCW 51.44.033."

On page 5, line 25, after "Title" strike "19" and insert "49" Correct the title.

Representatives Chandler and Condotta spoke in favor of the adoption of the amendment to the committee amendment.

Representative Conway spoke against the adoption of the amendment to the committee amendment.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the amendment to the committee amendment to Engrossed Second Substitute Senate Bill No. 5850.

ROLL CALL

The Clerk called the roll on the adoption of the amendment to the committee amendment to Engrossed Second Substitute Senate Bill No. 5850 and the motion was not adopted by the following vote: Yeas, 48; Nays, 50; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericks, Ericksen, Finn, Goodman, Grant, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Flannigan, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (685) to the committee amendment was not adopted.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway, Kessler, Santos, Darneille and Kenny spoke in favor of the passage of the bill.

Representatives Chandler, Springer, Condotta, Ross, Cox, Ericksen, Armstrong, O'Brien and Johnson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5850, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5850, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 48; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericks, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hunter, Johnson, Klippert, Kretz, Kristiansen, Linville, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Quall, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 5568, by Senators Tom, Rockefeller and Shin

Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunter spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5568.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5568 and the bill passed the House by the following vote: Yeas, 62; Nays, 36; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Seaquist, Shea, Short, Taylor, Walsh and Warnick.

SENATE BILL NO. 5568, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2211, by Representatives Clibborn, Eddy, Maxwell and Liias

Addressing the authorization, administration, collection, and enforcement of tolls on the state route number 520 corridor.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2211 was substituted for House Bill No. 2211 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2211 was read the second time.

With the consent of the House, amendments (661), (720), (721), (722), (723) and (724) were withdrawn.

Representative Springer moved the adoption of amendment (727):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature to impose tolls on the state route number 520 floating bridge subject to section 2 of this act, to help finance construction of the replacement state route number 520 floating bridge.

It is further the intent of the legislature to expedite the replacement of the floating bridge in a manner that does not preclude local design options on either side of the state route number 520 corridor. For all projects in the state route number 520 corridor program, the legislature intends that the total cost will be no more than four billion six hundred fifty million dollars.

It is further the intent of the legislature that if the tolls on the state route number 520 corridor significantly alter the performance of nearby facilities, the legislature will reconsider the tolling policy for the corridor.

It is further the intent of the legislature that the department of transportation applies for federal stimulus funds for projects in the corridor.

NEW SECTION. Sec. 2. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds first payable from toll revenue and excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund only the replacement of the floating bridge segment of state route number 520; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) The proceeds of the bonds designated in subsection (3)(b)(i) of this section, which together with other appropriated and identified state and federal funds is sufficient to pay for the replacement of the floating bridge segment of state route number 520, must be used only

to fund the construction of the replacement state route number 520 floating bridge.

(5) The state toll agency may carry out the construction and improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

(1) The state route number 520 work group is created. The work group shall consist of the following members:

- (a) The governor;
- (b) The legislators from the forty-third legislative district; and
- (c) The legislators from the forty-eighth legislative district.

(2) The state route number 520 work group must:

(a) Develop and recommend a financing strategy to fund the projects in the state route number 520 corridor. The work group must consult with the chairs and members of the house of representatives and senate transportation committees and others identified by the work group in developing a financing strategy. The financing strategy must be based on a total cost of all the intended projects in the state route number 520 corridor that does not exceed four billion six hundred fifty million dollars; and

(b) Create an eastside subgroup, consisting of the legislators from the forty-eighth legislative district, to consider design options on the east side of the corridor, which extends from the east end of the floating bridge to state route number 202, and a westside subgroup, consisting of the legislators from the forty-third legislative district, to consider design options on the west side of the corridor, which extends from the west end of the floating bridge to Interstate 5. Each subgroup must work with the department to review and evaluate the design options in its respective portion of the corridor. Each subgroup must also solicit input on design issues from a variety of neighborhood and community groups in the area impacted by the projects that the subgroup is reviewing and evaluating.

(3) All design options considered or recommended by either subgroup or the state route number 520 work group must adhere to RCW 47.01.408.

(4) Each subgroup must recommend design options to the state route number 520 work group that meet the region's transit and transportation needs, and reflect the desires and concerns of neighborhood and community groups in the area directly impacted by the projects.

(5) The state route number 520 work group must present a final report with recommendations on financing and design options to the legislature by January 1, 2010.

(6) The department shall provide staff support to the state route number 520 work group.

NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

Unless otherwise delegated, the department is the state toll agency with the authority to administer tolling programs on eligible toll facilities, including the state route number 520 corridor. The state toll agency may adopt and amend rules to govern operations, collections, and enforcement on each eligible toll facility. In implementing tolling programs, the state toll agency may (1) collect and retain any toll charges and penalties imposed, (2) issue toll bills and notices of infraction, (3) use available resources to collect unpaid toll charges, including forwarding unpaid infractions to the department of licensing pursuant to RCW 46.20.270(3) and assigning the unpaid infractions to collection agencies under RCW 19.16.500, (4) allocate administrative fees and infraction charges to the toll facilities on which the fees and charges were incurred, (5) resolve disputes involving toll charges, and (6) procure and sell transponders or enter into contracts and license agreements to procure and sell transponders as necessary for the operation of electronic toll collection systems on eligible toll facilities.

NEW SECTION. Sec. 5. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

- (1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the replacement state route number 520 floating bridge, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the replacement state route number 520 floating bridge; and

(e) All damages, liquidated or otherwise, collected under any contract involving the construction of the replacement state route number 520 floating bridge.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the replacement state route number 520 floating bridge, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the replacement state route number 520 floating bridge project in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

Sec. 6. RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account,

the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account,

the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)((~~(a)~~)) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 7. This act takes effect August 1, 2009."

Correct the title.

Representative Anderson moved the adoption of amendment (743) to amendment (727):

On page 1, line 24 of the striking amendment, after "authorized" insert "after the completion of the replacement state route number 520 floating bridge"

Representatives Anderson, Roach and Priest spoke in favor of the adoption of the amendment to amendment (727).

Representatives Clibborn and Liias spoke against the adoption of amendment to amendment (727).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (743) to amendment (727) to Substitute House Bill No. 2211.

ROLL CALL

The Clerk called the roll on the adoption of amendment (743) to amendment (727) to Substitute House Bill No. 2211 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant, Haler, Hasegawa, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Amendment (743) to amendment (727) was not adopted.

Representative White moved the adoption of amendment (768) to amendment (727):

On page 2, line 35, after "(b)" insert "Two legislators from each of the forty-sixth and forty-fifth legislative districts as jointly determined by the speaker of the house and the president of the senate;

(c)"

Correct any internal references accordingly.

On page 3, line 10, after "district" insert "and the forty-fifth legislative district"

On page 3, line 14, after "district" insert "and the forty-sixth legislative district"

Representatives White, Roach and Anderson spoke in favor of the adoption of the amendment to amendment (727).

Amendment (768) to amendment (727) was adopted.

Representative Chase moved the adoption of amendment (769) to amendment (727):

On page 2, line 35, after "(b)" insert "One legislator from the thirty-second legislative district as jointly determined by the speaker of the house and the president of the senate;

(c)"

Correct any internal references accordingly.

On page 3, line 10, after "district" insert "and the thirty-second legislative district"

On page 3, line 14, after "district" insert "and the thirty-second legislative district"

Representatives Chase, Anderson and Clibborn spoke in favor of the adoption of the amendment to the amendment.

Amendment (769) to amendment (727) was adopted.

Representative Anderson moved the adoption of amendment (742) to amendment (727):

On page 5, line 4 of the striking amendment, after "47.56.820" insert "and subsection (3) of this section"

On page 5, line 6 of the striking amendment, after "(3)" insert the following:

"Toll charges, other revenues, and interest may not be used to pay for costs that do not contribute directly to the financing, operation, maintenance, management, and necessary repairs of the tolled facility, as determined by rule by the transportation commission.

(4) The department shall make detailed quarterly expenditure reports regarding expenditures from the state route number 520 corridor account available to the transportation commission and to the public on the department's web site using current department resources.

(5)"

Representative Anderson spoke in favor of the adoption of the amendment to amendment (727).

Representative Liias spoke against the adoption of the amendment to amendment (727).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (742) to amendment (727) to Substitute House Bill No. 2211.

ROLL CALL

The Clerk called the roll on the adoption of amendment (742) to amendment (727) to Substitute House Bill No. 2211 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 55; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville,

Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (742) to amendment (727) was not adopted.

Representative Armstrong moved the adoption of amendment (741) to amendment (727):

On page 8, after line 26 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 7.** A new section is added to chapter 47.56 RCW to read as follows:

Prior to the convening of each regular session of the legislature, the transportation commission must provide the transportation committees of the legislatures with a detailed report regarding any increase or decrease in any toll rate approved by the commission that has not been described in a previous report provided pursuant to this section, along with a detailed justification for each such increase or decrease."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Armstrong and Clibborn spoke in favor of the adoption of the amendment to the amendment.

Amendment (741) to amendment (727) was adopted.

Representative Rodne moved the adoption of amendment (765) to amendment (727):

On page 8, after line 26 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 7.** A new section is added to chapter 47.56 RCW to read as follows:

All revenue from tolling the replacement state route number 520 floating bridge must be used only on state route number 520 between state route 5 and state route 202 for highway purposes consistent with Article II, section 40 of the state Constitution."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Rodne and Roach spoke in favor of the adoption of the amendment to the amendment.

Representative Liias spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (765) to amendment (727) to Substitute House Bill No. 2211.

ROLL CALL

The Clerk called the roll on the adoption of amendment (765) to amendment (727) to Substitute House Bill No. 2211 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 56; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson,

O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Amendment (765) to amendment (727) was not adopted.

Amendment (727) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Clibborn, Springer, Pedersen, Campbell and Rolfes spoke in favor of the passage of the bill.

Representatives Roach, Rodne, Ericksen and Anderson spoke against the passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2211 and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Goodman, Haigh, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Grant-Herriot, Green, Haler, Hasegawa, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Ormsby, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5840, by Senate Committee on Environment, Water & Energy (originally sponsored by Senators Marr, Honeyford, Rockefeller, Holmquist, Hatfield, Parlette, Ranker, Morton, Sheldon, Jarrett, Delvin and Hewitt)

Modifying the energy independence act.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Technology, Energy & Communications was not adopted. (For committee amendment, see Journal, Day 78, March 30, 2009.)

Representative Dunshee moved the adoption of amendment (575):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.285.030 and 2007 c 1 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Biomass energy" includes: (a) Byproducts of pulping and wood manufacturing process; (b) animal waste; (c) solid organic fuels from wood; (d) forest or field residues; (e) wooden demolition or construction debris; (f) food waste; (g) liquors derived from algae and other sources; (h) dedicated energy crops; (i) biosolids; and (j) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(4) "Commission" means the Washington state utilities and transportation commission.

~~((4))~~ (5) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

~~((5))~~ (6) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

~~((6))~~ (7) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

~~((7))~~ (8) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

~~((8))~~ (9) "Department" means the department of community, trade, and economic development or its successor.

~~((9))~~ (10) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

~~((10))~~ (11) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services; or

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments.

~~((11))~~ (12) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

~~((12))~~ (13) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

~~((13))~~ (14) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

~~((14))~~ (15) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

~~((15))~~ (16) "Public facility" has the same meaning as defined in RCW 39.35C.010.

~~((16))~~ (17) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

~~((17))~~ (18) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible

renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

~~((18))~~ (19) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and (i) biomass energy ~~(based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste).~~

~~((19))~~ (20) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

~~((20))~~ (21) "Year" means the twelve-month period commencing January 1st and ending December 31st."

Correct the title.

Representatives Dunshee and Hudgins spoke in favor of the adoption of the amendment.

Representatives McCoy and Crouse spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker stated the question before the House to be the adoption of amendment (575) to Engrossed Substitute Senate Bill No. 5840.

ROLL CALL

The Clerk called the roll on the adoption of amendment (575) to Engrossed Substitute Senate Bill No. 5840 and the amendment was not adopted by the following vote: Yeas, 35; Nays, 63; Absent, 0; Excused, 0.

Voting yea: Representatives Campbell, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kirby, Lias, Morrell, Ormsby, Orwall, Pedersen, Pettigrew, Rolfes, Simpson, Springer, Sullivan, Upthegrove, Van De Wege, White and Williams.

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Finn, Grant, Haigh, Haler, Herrera, Hinkle, Hope, Johnson, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Quall, Roach, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Takko, Taylor, Wallace, Walsh, Warnick, Wood and Mr. Speaker.

Amendment (575) was not adopted.

Representative McCoy moved the adoption of amendment (747):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.285.030 and 2007 c 1 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are

not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Biomass energy" includes: (a) Byproducts of pulping and wood manufacturing process; (b) animal waste; (c) solid organic fuels from wood; (d) forest or field residues; (e) wooden demolition or construction debris; (f) food waste; (g) liquors derived from algae and other sources; (h) dedicated energy crops; (i) biosolids; and (j) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(4) "Commission" means the Washington state utilities and transportation commission.

~~((4))~~ (5) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

~~((5))~~ (6) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

~~((6))~~ (7) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

~~((7))~~ (8) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

~~((8))~~ (9) "Department" means the department of community, trade, and economic development or its successor.

~~((9))~~ (10) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than ~~((five))~~ seven megawatts.

~~((10))~~ (11) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where ~~((-))~~ the facility is located ~~((in the Pacific Northwest, or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services))~~ within the geographic boundary of the western electricity coordinating council or its successor entity; ~~((or))~~

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in water supply pipes, irrigation pipes ~~((and)), or~~ canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or ~~((impoundments))~~ an increase in the amount of water storage;

(c) That portion of incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, attributable to a qualifying utility's share of the electricity output to hydroelectric generation projects whose energy output is marketed by the Bonneville power administration where the additional generation does not result in new water diversions or an increase in the amount of water storage; or

(d) Electricity from a biomass energy powered generation facility located in Washington that commenced operation before March 31, 1999, that is: (i) Owned by a qualifying utility as of the effective date of this section; or (ii) subject to a maximum of twenty-five percent of the electrical output delivered to a qualifying utility, owned by an entity other than a qualifying utility as of the effective date of this section.

~~((11))~~ (12) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

~~((12))~~ (13) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

~~((13))~~ (14) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases. For an anaerobic digester, its nonpower attributes may be separated into

avoided emissions of carbon dioxide, and other greenhouse gases, and into renewable energy credits.

~~((14))~~ (15) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

~~((15))~~ (16) "Public facility" has the same meaning as defined in RCW 39.35C.010.

~~((16))~~ (17) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

~~((17))~~ (18) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

~~((18))~~ (19) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth ~~((or first-growth))~~ forests where the clearing occurred after December 7, 2006; ~~((and))~~ or (i) biomass energy ~~((based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste))~~.

~~((19))~~ (20) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

~~((20))~~ (21) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 2. RCW 19.285.040 and 2007 c 1 s 4 are each amended to read as follows:

(1) Each qualifying utility shall pursue all available conservation that is cost-effective, reliable, and feasible.

(a) By January 1, 2010, using methodologies consistent with those used by the Pacific Northwest electric power and conservation planning council in its most recently published regional power plan, each qualifying utility shall identify its achievable cost-effective conservation potential through 2019. At least every two years thereafter, the qualifying utility shall review and update this assessment for the subsequent ten-year period.

(b) ~~((Beginning))~~ By January 1, 2010, each qualifying utility shall establish and make publicly available a biennial acquisition target for cost-effective conservation consistent with its identification of achievable opportunities in (a) of this subsection, and meet that target during the subsequent two-year period. At a minimum, each biennial acquisition target must be no lower than the qualifying utility's pro rata share for that two-year period of its cost-effective conservation potential for the subsequent ten-year period. A qualifying utility may not use incremental electricity produced as a result of efficiency improvements to hydroelectric generation facilities to meet its biennial conservation acquisition target if the improvements were used to meet its targets under subsection (2)(a) of this section.

(c) In meeting its conservation targets, a qualifying utility may count high-efficiency cogeneration owned and used by a retail electric customer to meet its own needs. High-efficiency cogeneration is the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility ~~((has a useful thermal energy output of no less than thirty-three percent of the total energy output))~~ is designed to have a projected overall thermal conversion efficiency of at least seventy percent. For the purposes of this section, "overall thermal conversion efficiency" means the output of electricity plus

usable heat divided by fuel input. The reduction in load due to high-efficiency cogeneration shall be ~~((~~ (i) Calculated as the ratio of the fuel chargeable to power heat rate of the cogeneration facility compared to the heat rate on a new and clean basis of a best commercially available technology combined-cycle natural gas-fired combustion turbine; and ~~((ii))~~ counted towards meeting the biennial conservation target in the same manner as other production conservation savings.

(d) The commission may determine if a conservation program implemented by an investor-owned utility is cost-effective based on the commission's policies and practice.

(e) The commission may rely on its standard practice for review and approval of investor-owned utility conservation targets.

(2)(a) Each qualifying utility shall use eligible renewable resources or acquire equivalent renewable energy credits, or a combination of both, to meet the following annual targets:

(i) At least three percent of its load by January 1, 2012, and each year thereafter through December 31, 2015;

(ii) At least ~~((nine))~~ ten and twenty-five one-hundredths of one percent of its load by January 1, 2016, and each year thereafter through December 31, 2019; and

(iii) At least ~~((fifteen))~~ sixteen and twenty-five one-hundredths of one percent of its load by January 1, 2020, and each year thereafter.

(b) It must be the goal of the state for each qualifying utility to use eligible renewable resources or acquire equivalent renewable energy credits or a combination of both to meet an annual renewable resource goal of at least twenty percent of its load by January 1, 2025, and each year thereafter.

(c) Except as provided in (k) of this subsection, a qualifying utility may count distributed generation at double the facility's electrical output if the utility: (i) Owns or has contracted for the distributed generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

~~((e))~~ (d) In meeting the annual targets in (a) of this subsection, a qualifying utility shall calculate its annual load based on the average of the utility's load for the previous two years.

~~((f))~~ (e) A qualifying utility with annual sales of less than two million megawatt hours is considered in compliance with an annual target in (a) of this subsection if: (i) In any given target year its load growth, measured as load served in the target year compared to the utility's annual average load served in 2010 and 2011, is less than the target in (a) of this subsection for that year; and (ii) the utility meets one hundred percent of any increase in load for that target year with eligible renewable resources or renewable energy credits.

(f) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if: (i) The utility's weather-adjusted load for the previous three years on average did not increase over that time period; (ii) after December 7, 2006, the utility did not commence or renew ownership or incremental purchases of electricity from resources other than renewable resources other than on a daily spot price basis and the electricity is not offset by equivalent renewable energy credits; and (iii) the utility invested at least one percent of its total annual retail revenue requirement that year on eligible renewable resources, renewable energy credits, or a combination of both.

~~((g))~~ (g) The requirements of this section may be met for any given target year with renewable energy credits produced during that year, the preceding two years, or the subsequent year. Each renewable energy credit may be used only once to meet the requirements of this section.

~~((h))~~ (h) In complying with the targets established in (a) of this subsection, a qualifying utility may not count:

(i) Eligible renewable resources or distributed generation where the associated renewable energy credits are owned by a separate entity; ~~((or))~~

(ii) Eligible renewable resources or renewable energy credits obtained for and used in an optional pricing program such as the program established in RCW 19.29A.090; or

(iii) Efficiency improvements to hydroelectric generation facilities whose energy output is marketed by the Bonneville power

administration that is attributable to any other utility other than the qualifying utility.

~~((g))~~ (i) Where fossil and combustible renewable resources are cofired in one generating unit located in the Pacific Northwest where the cofiring commenced after March 31, 1999, the unit shall be considered to produce eligible renewable resources in direct proportion to the percentage of the total heat value represented by the heat value of the renewable resources.

~~((h))~~ (j)(i) A qualifying utility that acquires an eligible renewable resource or renewable energy credit may count that acquisition at one and two-tenths times its base value:

(A) Where the eligible renewable resource comes from a facility that commenced operation after December 31, 2005; and

(B) Where the developer of the facility used apprenticeship programs approved by the council during facility construction.

(ii) The council shall establish minimum levels of labor hours to be met through apprenticeship programs to qualify for this extra credit.

~~((i))~~ (k) A qualifying utility that acquires solar energy located in Washington or meeting the definition of distributed generation may count that acquisition at four times its base value, or six times its base value where the energy is produced using solar inverters and modules manufactured in Washington state, provided the qualifying utility: (i) Owns or has contracted for the solar energy generation and the associated renewable energy credits; or (ii) has contracted to purchase the associated renewable energy credits.

(l) A qualifying utility shall be considered in compliance with an annual target in (a) of this subsection if events beyond the reasonable control of the utility that could not have been reasonably anticipated or ameliorated prevented it from meeting the renewable energy target. Such events include weather-related damage, mechanical failure, strikes, lockouts, and actions of a governmental authority that adversely affect the generation, transmission, or distribution of an eligible renewable resource under contract to a qualifying utility.

(3) Utilities that become qualifying utilities after December 31, 2006, shall meet the requirements in this section on a time frame comparable in length to that provided for qualifying utilities as of December 7, 2006.

Sec. 3. RCW 19.285.070 and 2007 c 1 s 7 are each amended to read as follows:

(1) On or before June 1, 2012, and annually thereafter, each qualifying utility shall report to the department on its progress in the preceding year in meeting the targets established in RCW 19.285.040, including expected electricity savings from the biennial conservation target, expenditures on conservation, actual electricity savings results, the utility's annual load for the prior two years, the amount of megawatt-hours needed to meet the annual renewable energy target, the amount of megawatt-hours of each type of eligible renewable resource acquired, the type and amount of renewable energy credits acquired, and the percent of its total annual retail revenue requirement invested in the incremental cost of eligible renewable resources and the cost of renewable energy credits. ~~((For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2) (d) or (i) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.))~~ A qualifying utility may submit its report to the department in conjunction with its annual obligations in chapter 19.29A RCW.

(2) A qualifying utility that is an investor-owned utility shall also report all information required in subsection (1) of this section to the commission, and on or before June 1, 2014, and annually thereafter, report to the commission its compliance in meeting the targets established in RCW 19.285.040. All other qualifying utilities shall also make all information required in subsection (1) of this section available to the auditor, and on or before June 1, 2014, and annually thereafter, make available to the auditor its determination of compliance in meeting the targets established in RCW 19.285.040. For each year that a qualifying utility elects to demonstrate alternative compliance under RCW 19.285.040(2) or 19.285.050(1), it must include in its annual report relevant data to demonstrate that it met the criteria in that section.

(3) A qualifying utility shall also make reports required in this section available to its customers.

Sec. 4. RCW 19.285.080 and 2007 c 1 s 8 are each amended to read as follows:

(1) The commission may adopt rules to ensure the proper implementation and enforcement of this chapter as it applies to investor-owned utilities.

(2) The department shall adopt rules concerning only process, timelines, and documentation to ensure the proper implementation of this chapter as it applies to qualifying utilities that are not investor-owned utilities. Those rules include, but are not limited to, rules associated with a qualifying utility's development of conservation targets under RCW 19.285.040(1); a qualifying utility's decision to pursue alternative compliance in RCW 19.285.040(2) ~~((h))~~ (f) or ~~((h))~~ (l) or 19.285.050(1); and the format and content of reports required in RCW 19.285.070. Nothing in this subsection may be construed to restrict the rate-making authority of the commission or a qualifying utility as otherwise provided by law.

(3) The commission and department may coordinate in developing rules related to process, timelines, and documentation that are necessary for implementation of this chapter.

(4)(a) Pursuant to the administrative procedure act, chapter 34.05 RCW, rules needed for the implementation of this chapter must be adopted by ~~((December 31, 2007))~~ June 30, 2010. These rules may be revised as needed to carry out the intent and purposes of this chapter.

(b) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the department shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(c) Within six months of the adoption by the Pacific Northwest electric power and conservation planning council of each of its regional power plans, the commission shall initiate rule making to consider adopting any changes in methodologies used by the Pacific Northwest electric power and conservation planning council that would impact a qualifying utility's conservation potential assessment in accordance with RCW 19.285.040(1).

(d) Rules adopted under (b) and (c) of this subsection must be applied to the next biennial target that begins at least six months after the adoption date of the rules.

NEW SECTION. Sec. 5. (1) Within existing resources, the department of community, trade, and economic development shall report to the legislature by December 1, 2009, its recommendations on how low- cost hydroelectric generation may be used to firm, shape, and integrate renewable energy resources into the northwestern electric grid for delivery to Washington residents. The report must make recommendations on the economic and environmental benefits of using hydroelectric generation in place of fossil fuel-fired generation for integration services. The report must include results from existing studies and analyses from the Pacific Northwest electric power and conservation planning council, the Bonneville power administration, and other relevant organizations. The department of community, trade, and economic development shall also consider information and recommendations from integration service providers and users.

(2) The department of community, trade, and economic development shall conduct a study of the impacts of electricity costs on low-income families. The department shall select two cities, one east of the crest of the Cascade mountains and one west of the crest of the Cascade mountains, and through analysis and case studies determine the impacts of electricity costs on low-income families. The department shall also review the extent to which government energy programs help mitigate electricity costs for low-income families. By December 10, 2009, the department shall provide recommendations to the governor and the appropriate committees of the legislature on how the impacts of electricity costs on low-income families might be further mitigated."

Correct the title.

Representative Haler moved the adoption of amendment (756) to amendment (747):

On page 2, line 13 of the amendment, after "resource" strike "other than fresh water" and insert "~~((other than fresh water))~~"

On page 2, beginning on line 19 of the amendment, after "(b)" strike all material through "~~(d)~~" on line 33 and insert "~~((Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments))~~"

On page 3, line 2 of the amendment, after "section" insert "; or (c) Electricity from an existing generation facility powered by a fresh water renewable resource that commenced operation before March 31, 1999"

On page 3, beginning on line 33 of the amendment, after "resource" strike all material through "water" on line 34 and insert "~~((where the generation facility is not powered by fresh water))~~"

Representatives Haler, Armstrong and Anderson spoke in favor of the adoption of the amendment to the amendment.

Representative McCoy spoke against the adoption of the amendment to the amendment.

An electronic roll call was requested.

The Speaker presiding) stated the question before the House to be the adoption of amendment (756) to amendment (747) to Engrossed Substitute Senate Bill No. 5840.

ROLL CALL

The Clerk called the roll on the adoption of amendment (756) to amendment (747) to Engrossed Substitute Senate Bill No. 5840 and the amendment was adopted by the following vote: Yeas, 51; Nays, 47; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Dunshee, Ericksen, Grant, Green, Haigh, Haler, Herrera, Hope, Hudgins, Hurst, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Pedersen, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick and Williams.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Hasegawa, Hinkle, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, White, Wood and Mr. Speaker.

Amendment (756) to amendment (747) was adopted.

Representative Morris moved the adoption of amendment (753) to amendment (747):

On page 2, line 33 of the amendment, after "~~(d)~~" insert "(i) Electricity from a hydroelectric generating facility with an installed generating capacity of five megawatts or less that discharges the water it uses for power generation into either:

(A) A conduit, with the water flowing directly to a point of agricultural, municipal, or industrial consumption; or

(B) A natural water body if a quantity of water equal to or greater than the quantity discharged from the hydroelectric facility is withdrawn from the natural water body on which the hydroelectric generating facility is located, unless that consumption would occur for agricultural, municipal, or industrial consumption purposes even if hydroelectric generating facilities were not installed;

(ii) Electricity from a hydroelectric generating facility must not come from a dam or weir that creates more than intraday storage of water;

(iii) Electricity from a hydroelectric generating facility must be certified by a nationally recognized organization that certifies hydroelectric facilities as low-impact hydroelectric;

(e)

Correct any internal references accordingly.

On page 3, line 3 of the amendment, after "~~(12)~~" insert """Intraday storage of water" means the amount of water that is retained by a dam or weir over a twenty-four hour period that is in excess of normal stream flow.

(13)

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Morris, Hudgins and Crouse spoke in favor of the adoption of the amendment to the amendment.

Representative McCoy spoke against the adoption of the amendment to the amendment.

Division was demanded and the demand was sustained.

The Speaker divided the House. The result was 65 – YEAS; 33 – NAYS.

Amendment (753) to amendment (747) was adopted.

With the consent of the House, amendments (766), (754), (762) and (764) were withdrawn.

Representative Hudgins moved the adoption of amendment (761) to amendment (747):

On page 10, after line 37 of the amendment, insert the following:

"NEW SECTION. Sec. 6. The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

Representative Hudgins spoke in favor of the adoption of the amendment to the amendment.

Representatives McCoy and Hunter spoke against the adoption of the amendment to the amendment.

MOTION

On motion of Representative Hinkle, Representative Condotta was excused.

Amendment (761) to amendment (747) was adopted.

Amendment (747) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Crouse, Morris and Kessler spoke in favor of the passage of the bill.

Representatives McCoy, Hudgins, Dunshee and Rolfes spoke against the passage of the bill.

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5840, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5840, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 40; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Chandler, Clibborn, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Jacks, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, McCune, Morris, O'Brien, Orcutt, Ormsby, Parker, Pearson, Priest, Quall, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Takko, Taylor, Van De Wege, Walsh, Warnick and Wood.

Voting nay: Representatives Appleton, Campbell, Carlyle, Chase, Cody, Darneille, Dickerson, Dunshee, Finn, Flannigan, Goodman, Hasegawa, Hudgins, Hunt, Hunter, Kagi, Kenney, Kirby, Liias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Orwall, Pedersen, Pettigrew, Probst, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Upthegrove, Wallace, White, Williams and Mr. Speaker.

Excused: Representative Condotta.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5840, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the following bills on the second reading calendar were returned to the Committee on Rules:

HOUSE BILL NO. 2315
SUBSTITUTE SENATE BILL NO. 5638

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills and the bills were placed on the second reading calendar:

HOUSE BILL NO. 2068
HOUSE BILL NO. 2250
HOUSE BILL NO. 2351
HOUSE BILL NO. 2359
HOUSE BILL NO. 2360
SENATE BILL NO. 5525

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., April 18, 2009, the 97th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETY SEVENTH DAY

House Chamber, Olympia, Saturday, April 18, 2009

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Ron Finley and Dave Mangino. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jan Angel.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1025,
HOUSE BILL NO. 1048,
SUBSTITUTE HOUSE BILL NO. 1283,
SUBSTITUTE HOUSE BILL NO. 1286,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954,
ENGROSSED HOUSE BILL NO. 2279,
ENGROSSED HOUSE BILL NO. 2285,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2381 by Representatives Green and Morrell

AN ACT Relating to creating the Washington state board of naturopathy; amending RCW 18.36A.020, 18.36A.060, 18.36A.080, 18.36A.090, 18.36A.100, 18.36A.110, 18.36A.120, and 18.130.040; adding new sections to chapter 18.36A RCW; and repealing RCW 18.36A.070.

Referred to Committee on Health Care & Wellness.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2068, by Representatives Goodman, Hurst, Priest, O'Brien, Miloscia, Seaquist, Cody, Appleton, Roberts, Campbell and Morrell

Concerning criminal background checks.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2068 was substituted for House Bill No. 2068 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2068 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody, Alexander and Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2068.

MOTION

On motion of Representative Santos, Representative Flannigan was excused.

ROLL CALL

The Clerk called the roll on the final passage of and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 2068, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2359, by Representative Cody

Concerning delaying the implementation date for peer mentoring for long-term care workers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2359.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2359 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst,

Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 2359, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2360, by Representative Darneille

Concerning consolidation of administrative services for AIDS grants in the department of health.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2360.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2360 and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 2360, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) A retail establishment that has a restroom facility for its employees must allow a customer to use that facility during normal business hours if the customer requesting the use of the employee restroom facility has been diagnosed with an eligible medical condition or uses an ostomy device, and provides evidence of the existence of the eligible medical condition or device in writing in the form of either:

(a) A signed statement by the customer's health care provider that shall be on a form that has been prepared by the department of health under subsection (2) of this section; or

(b) An identification card that is issued by a nonprofit organization whose purpose includes serving individuals who suffer from an eligible medical condition or use an ostomy device.

(2) The department of health shall develop a standard electronic form that may be signed by a health care provider as evidence of the existence of an eligible medical condition or use of an ostomy device as required by subsection (1) of this section. The form shall include a brief description of a customer's rights under this section and shall be made available for a customer or his or her health care provider to access by computer. Nothing in this section requires the department to distribute printed versions of the form.

(3) Use of a fraudulent form as evidence of the existence of an eligible medical condition or use of an ostomy device is a misdemeanor punishable under RCW 9A.20.010.

(4) A retail establishment that has a restroom facility for its employees must allow a customer to use that facility during normal business hours if all of the following conditions are met:

(a) Three or more employees of the retail establishment are working at the time the customer requests use of the employee restroom facility;

(b) The retail establishment does not normally make a restroom available to the public;

(c) The restroom facility itself is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; and

(d) Allowing the customer to access the restroom facility does not pose a security risk to the retail establishment or its employees.

(5) For a first violation of this section, the city or county attorney shall issue a warning letter to the retail establishment and employee informing the establishment and employee of the requirements of this section. A retail establishment or an employee of a retail establishment that violates this section after receiving a warning letter is guilty of a civil infraction. The fine for a first infraction must not exceed one hundred dollars.

(6) A retail establishment is not required to make any physical changes to an employee restroom facility under this section and may require that an employee accompany the customer to the employee restroom facility.

(7) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer to use an employee restroom facility that is not a public restroom if the act or omission meets all of the following:

(a) It is not willful or grossly negligent;

(b) It occurs in an area of the retail establishment that is not accessible to the public; and

(c) It results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

(8) For purposes of this section:

(a) "Customer" means an individual who is lawfully on the premises of a retail establishment.

(b) "Eligible medical condition" means Crohn's disease, ulcerative colitis, any other inflammatory bowel disease, irritable bowel syndrome, or any other permanent or temporary medical condition that requires immediate access to a restroom facility.

(c) "Health care provider" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, an osteopathic physicians assistant licensed under chapter 18.57A RCW, a physician or surgeon licensed under chapter 18.71 RCW, or a physician assistant licensed under chapter 18.71A RCW.

(d) "Retail establishment" means a place of business open to the general public for the sale of goods or services. Retail establishment does not include any structure such as a filling station, service station, or restaurant of eight hundred square feet or less that has an employee restroom facility located within that structure."

On page 1, line 2 of the title, after "establishment;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1592 with the following amendment:

On page 10, beginning on line 23, after "the secretary" strike "is not required to" and insert "shall"

On page 10, beginning on line 24, after "dissolved" strike "for not complying with this section" and insert "under this subsection if the corporation sole complies with the requirements of section 15 of this act within five years of the administrative dissolution"

On page 11, line 10, after "of state" strike "may" and insert "shall"

On page 11, line 14, after "within" strike "fifteen days" and insert "five years"

On page 11, line 20, after "circumstances" strike "giving rise to" and insert "of"

On page 11, line 21, after "filing or lapse," insert "that disproportionate harm would occur to the corporation sole if relief were not granted,"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1592 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1758 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature has previously affirmed the value of career and technical education, particularly in programs that lead to nationally recognized certification. These programs provide students with the knowledge and skills to become responsible citizens and contribute to their own economic well-being and that of their families and communities, which is the goal of education in the public schools. The legislature has also previously affirmed the value of dual enrollment in college and high school programs that can lead to both an associate degree and a high school diploma. Therefore, the legislature intends to maximize students' options and choices for completing high school by awarding diplomas to students who complete these valuable postsecondary programs.

Sec. 2. RCW 28B.50.535 and 2007 c 355 s 2 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate as provided under this section.

(1) An individual who satisfactorily meets the requirements for high school completion shall be awarded a diploma from the college, subject to rules adopted by the superintendent of public instruction and the state board of education.

(2) An individual enrolled through the option established under RCW 28A.600.310 through 28A.600.400 who satisfactorily completes an associate degree, including an associate of arts degree,

associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student.

(3) An individual, twenty-one years or older, who enrolls in a community or technical college for the purpose of obtaining an associate degree and who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student. Individuals under this section are not eligible for funding provided under chapter 28A.150 RCW.

Sec. 3. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) ~~((Before the 1991-92 school year,))~~ The booklet shall be distributed to all school districts by the office of the superintendent of public instruction and shall be posted on the web site of the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ~~((28A.175.090,))~~ 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start ~~((community college or vocational-technical institute choice))~~ program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.400; ~~((and))~~

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090; and

(d) Information about the college high school diploma options under RCW 28B.50.535.

Sec. 4. RCW 28A.600.320 and 2008 c 95 s 3 are each amended to read as follows:

A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils, including information about the opportunity to enroll in the program through online courses available at community and technical colleges and other state institutions of higher education and including the college high school diploma options under RCW 28B.50.535. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education.

Sec. 5. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and

mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ((scholastic assessment test (s))SAT((s))) or the ((American college test (a))ACT((a))) may be used as an objective

alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ((preliminary scholastic assessment test (p))PSAT((p))) may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary."

On page 1, line 2 of the title, after "diplomas;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.225.290, 28A.600.320, and 28A.655.061; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1758 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1845 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.105 and 1994 c 230 s 1 are each amended to read as follows:

(1) ~~(In entering or modifying)~~ Whenever a child support order is entered or modified under this chapter, the court shall require (either or) both parents to provide medical support for any child named in the order as provided in this section.

(a) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health insurance or cash medical support;

(b) The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.

(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage, contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(a) The court may specify priorities for enforcement under subsection (4) of this section.

(b) If the court does not so specify, the provisions of subsection (3) of this section shall apply.

(3) If neither parent provides proof that he or she is providing health insurance for the child at the time the support order is entered, the division of child support or one of the parents may enforce a parent's obligation to provide health insurance coverage as provided in RCW 26.18.170.

(4)(a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide coverage and which parent must contribute a sum certain amount which represents his or her proportionate share of the

premium paid, not to exceed twenty-five percent of his or her basic child support obligation.

(b) If both parents have available health insurance coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the health insurance coverage for the child and the other parent to pay as cash medical support his or her proportionate share of the premium paid, but not to exceed twenty-five percent of his or her basic child support obligation. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall remain responsible for his or her proportionate share of uninsured medical expenses.

(d) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

(5) A parent who is ordered to maintain or provide health insurance coverage (except as provided in subsection (2) of this section,) may comply with that requirement by:

(a) Providing proof of accessible private insurance coverage for any child named in the order ((if (a)); or

(b) Providing coverage that can be extended to cover the child that is ((or becomes) available to that parent through employment or that is union-related(;- and

(b)), if the cost of such coverage does not exceed twenty-five percent of ~~(the obligated)~~ that parent's basic child support obligation.

~~((2))~~ (6) The court ((shall consider the best interests of the child and have discretion to)) may order a parent to provide health insurance coverage ((when entering or modifying a support order under this chapter if the cost of such coverage)) that exceeds twenty-five percent of ~~(the obligated)~~ that parent's basic support obligation if it is in the best interests of the child to provide coverage.

~~((3))~~ (7) If the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay cash medical support in an amount equal to his or her proportionate share of the health insurance premium, not to exceed twenty-five percent of his or her basic child support obligation.

(8) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.

(9) The parents ~~(shall)~~ must maintain ~~(such)~~ health insurance coverage as required under this section until:

(a) Further order of the court;

(b) The child is emancipated, if there is no express language to the contrary in the order; or

(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.

~~((4))~~ (10) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.

~~((5))~~ (11) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.

~~((6))~~ (12) A parent ordered to provide health insurance coverage ~~(shall)~~ must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:

(a) The ~~(physical custodian)~~ other parent; or

(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.

~~((7))~~ (13) Every order requiring a parent to provide health care or insurance coverage ~~(shall)~~ must be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

~~((8) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW-))~~
(14) When a parent is providing health insurance coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.

(15) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means the amount that a parent must pay

to the other parent as a proportionate share of the cost of uninsured medical expenses, state-financed medical coverage provided by the department under chapter 74.09 RCW, or the cost of health insurance coverage provided by another parent in an amount not to exceed twenty-five percent of the obligated parent's basic support obligation.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents as computed when determining a parent's child support obligation under chapter 26.19 RCW.

(16) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 2. RCW 26.18.170 and 2007 c 143 s 1 are each amended to read as follows:

(1) Whenever a parent (~~(who)~~) has been ordered to provide (~~(health insurance coverage)~~) medical support for a dependent child (~~(fails to provide such coverage or lets it lapse)~~), the department or (~~(a)~~) the other parent may seek enforcement of the (~~(coverage order)~~) medical support as provided under this section.

(a) If the obligated parent provides proof that he or she provides accessible coverage for the child through private insurance, that parent has satisfied his or her obligation to provide health insurance coverage.

(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.

(2) The department may attempt to enforce a parent's requirement to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any cash medical support obligation ordered to be provided under RCW 26.09.105 or 74.20A.300.

(3) A parent seeking to enforce another parent's cash medical support obligation under RCW 26.09.105 may:

(a) Apply for support enforcement services from the division of child support as provided by rule; or

(b) Take action on his or her own behalf by:

(i) Filing a motion in the underlying superior court action; or

(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.

(4)(a) The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's cash medical support obligation.

(b) Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's cash medical support obligation. When the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the department may disburse amounts collected to the custodial parent to be used for the medical costs of the child or the

department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard cash medical support payments in accordance with federal law.

(5)(a) If the (~~(parent's)~~) order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:

(i) By regular mail;

(ii) In the manner prescribed for the service of a summons in a civil action;

(iii) By certified mail, return receipt requested; or

(iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation, association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection (~~((a))~~) (8) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

(~~((d))~~) (6) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator is responsible for complying with the provisions of the notice.

(7) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

(~~((a))~~) (a) The parent seeking enforcement may, without further notice to the (~~(other)~~) obligated parent, send a certified copy of the order requiring health insurance coverage to the (~~(obligor's)~~) parent's employer or union by certified mail, return receipt requested; and

(~~((b))~~) (b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection (~~((a))~~) (8) of this section.

(~~((c))~~) (8) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available to the parent and shall make available any necessary claim forms or enrollment membership cards.

~~((4))~~ Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

~~(a)~~ The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

~~(b)~~ The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

~~(c)~~ The plan administrator shall be responsible for complying with the provisions of the notice.

~~(5))~~ (9) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the ~~((other))~~ obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice, the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection ~~((2))~~ (5) of this section.

~~((6))~~ (10) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent ~~((required to provide medical support))~~ by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

~~((7))~~ (11) If the department serves a notice under subsection ~~((6))~~ (10) of this section the parent required to provide medical support shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

~~((8))~~ (12) If the parent seeking enforcement serves a notice under subsection ~~((6))~~ (10) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that ~~((the parent required to provide medical support))~~ he or she has either applied for, or obtained, coverage accessible to the child.

~~((9))~~ (13) If the parent required to provide medical support fails to respond to a notice served under subsection ~~((6))~~ (10) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.

~~((10))~~ (14) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health services provider, and in any claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding

reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

~~((11))~~ (15) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

~~((12))~~ (16) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

~~((13))~~ (17) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the ~~((obligee))~~ parent seeking reimbursement of medical expenses may enforce collection of ~~((that))~~ the obligated parent's portion of the deductible, copay, or uninsured medical expense incurred on behalf of the child.

(a) If the department is enforcing the order ~~((the parent required to provide medical support shall have his or her))~~ and the responsible parent is the obligated parent, the obligated parent's portion of the deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

~~((14))~~ (b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(18) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means the amount that a parent must pay to the other parent as a proportionate share of the cost of uninsured medical expenses, state-financed medical coverage provided by the department under chapter 74.09 RCW, or the cost of health insurance coverage provided by another parent in an amount not to exceed twenty-five percent of the obligated parent's basic support obligation.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(19) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 3. RCW 26.18.180 and 2000 c 86 s 3 are each amended to read as follows:

(1) ~~((An obligated parent's))~~ The employer or union of a parent who has been ordered to provide health insurance coverage shall be liable for a fine of up to one thousand dollars per occurrence, if the employer or union fails or refuses, within twenty days of receiving the order or notice for health insurance coverage to:

(a) Promptly enroll the ~~((obligated))~~ parent's child in the health insurance plan; or

(b) Make a written answer to the person or entity who sent the order or notice for health insurance coverage stating that the child:

(i) Will be enrolled in the next available open enrollment period; or

(ii) Cannot be covered and explaining the reasons why coverage cannot be provided.

(2) Liability may be established and the fine may be collected by the office of support enforcement under chapter 74.20A or 26.23 RCW using any of the remedies contained in those chapters.

(3) Any employer or union who enrolls a child in a health insurance plan in compliance with chapter 26.18 RCW shall be exempt from liability resulting from such enrollment.

Sec. 4. RCW 26.23.050 and 2007 c 143 s 3 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

~~((c))~~ (e) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; ~~((and))~~

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health insurance coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide ~~((health insurance coverage))~~ medical support for his or her child through health insurance coverage if:

(i) The obligated parent provides accessible coverage for the child through private insurance; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as a cash medical support obligation as provided under RCW 26.09.105;

(i) That a parent providing health insurance coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

~~((k))~~ (k) The reasons for not ordering health insurance coverage if the order fails to require such coverage;

~~((l))~~ (l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

~~((m))~~ (m) That each parent must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

~~((n))~~ (n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage

actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 5. RCW 26.23.110 and 2007 c 143 s 4 are each amended to read as follows:

(1) The department may serve a notice of support owed on a responsible parent when a support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; or

(c) Provides that the responsible parent is responsible for paying for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed on a parent who has been designated to pay per a support order a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child, but only when the support order does not reduce the costs to a fixed dollar amount.

(3) The department may serve a notice of support owed to determine a parent's cash medical support obligation as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the cash medical support obligation.

(4) The notice of support owed shall facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the office of support enforcement issues a notice of support owed, the office shall inform the payee under the support order.

~~((5))~~ (5) The notice of support owed shall be served on a responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall be served on the applicant or recipient of services by first-class mail to the last known address. The notice of support owed shall contain an initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both.

~~((6))~~ (6) A parent who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((7))~~ (7) The notice of support owed shall state that the parent may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the parent will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((7))~~ (8) If either parent does not file an application for an adjudicative proceeding or initiate an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed shall become final and subject to collection action.

~~((8))~~ (9) If an adjudicative proceeding is requested, the department shall mail a copy of the notice of adjudicative proceeding to the parties.

~~((9))~~ (10) If either parent does not initiate an action in superior court, and serve notice of the action on the department and the other party to the support order within the twenty-day period, the parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((10))~~ (11) An adjudicative order entered in accordance with this section shall state the basis, rationale, or formula upon which the fixed dollar amounts established in the adjudicative order were based. The fixed dollar amount of current and future support obligation or the amount of the support debt, or both, determined under this section shall be subject to collection under this chapter and other applicable state statutes.

~~((11))~~ (12) The department shall also provide for:

(a) An annual review of the support order if either the office of support enforcement or the parent requests such a review; and

(b) A late adjudicative proceeding if the parent fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((12))~~ (13) If an annual review or late adjudicative proceeding is requested under subsection ~~((11))~~ (12) of this section, the department shall mail a copy of the notice of adjudicative proceeding to the parties' last known address.

~~((13))~~ (14) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 6. RCW 74.20A.300 and 1994 c 230 s 22 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require ~~((the responsible))~~ either or both parents to ((maintain or provide health insurance coverage)) provide medical support for any dependent child, in the nature of health insurance coverage or cash medical support, as provided under RCW 26.09.105.

(2) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

(4) A parent required to provide health insurance coverage must notify the department and the other parent when coverage terminates.

(5) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

Sec. 7. RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and

the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child either through private health insurance which is accessible to the child or through coverage that is or becomes available to the parent through employment or is union-related, or for paying a cash medical support obligation if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule

an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action:

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of

a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 8. RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and (9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father. The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health insurance for their child either through private health insurance which is accessible to the child or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a cash medical support obligation if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the

parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 9. RCW 74.20A.059 and 1991 c 367 s 47 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) Require ~~((health insurance coverage))~~ medical support under RCW 26.09.105 for a child covered by the order; or

(b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a

substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments (~~as defined in section 24 of this act~~) is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

NEW SECTION. Sec. 10. This act takes effect October 1, 2009."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.18.170, 26.18.180, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1845 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 2, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1869 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.01 RCW to read as follows:

(1) Health care providers licensed under Title 18 RCW and health care facilities licensed under Title 70 RCW, shall provide the following to a patient upon request:

(a) An estimate of fees and charges related to a specific service, visit, or stay; and

(b) Information regarding other types of fees or charges a patient may receive in conjunction with their visit to the provider or facility. Hospitals licensed under chapter 70.41 RCW may fulfill this requirement by providing a statement and contact information as described in RCW 70.41.400.

(2) Providers and facilities listed in subsection (1) of this section may, after disclosing estimated charges and fees to a patient, refer the patient to the patient's insurer, if applicable, for specific information on the insurer's charges and fees, any cost-sharing responsibilities required of the patient, and the network status of ancillary providers who may or may not share the same network status as the provider or facility.

(3) Except for hospitals licensed under chapter 70.41 RCW, providers and facilities listed in subsection (1) of this section must post a notice in a location visible to all patients that says, "You have the right to know the estimated cost of your health services before you consent to the services. Please do not hesitate to ask for information."

NEW SECTION. Sec. 2. A new section is added to chapter 70.41 RCW to read as follows:

Hospitals licensed under this chapter shall provide notice to patients undergoing scheduled elective procedures containing at least the following language: "You may request information about the estimated charges of your hospital services. Please do not hesitate to ask for information.""

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "adding a new section to chapter 70.01 RCW; and adding a new section to chapter 70.41 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1869, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the state, counties, and cities have moratoria authority granted through constitutional and statutory provisions and that this authority, when properly exercised, is an important aspect of complying with environmental stewardship and protection requirements.

Recognizing the fundamental role and value of properly exercised moratoria, the legislature intends to establish new moratoria procedures and to affirm moratoria authority that local governments have and may exercise and when implementing the shoreline management act, while recognizing the legitimate interests of existing shoreline related developments during the period of interim moratoria.

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement this chapter.

(2)(a) A local government adopting a moratorium or control under this section must:

(i) Hold a public hearing on the moratorium or control;

(ii) Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

(iii) Notify the department of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing required by this subsection;

(iv) Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as

the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

(b) The public hearing required by this section must be held within sixty days of the adoption of the moratorium or control.

(3) A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the local government complies with subsection (2)(a) of this section before each renewal. If a moratorium or control is in effect on the date a proposed master program or amendment is submitted to the department, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if the department has not taken final action.

(4) Nothing in this section may be construed to modify county and city moratoria powers conferred outside this chapter.

NEW SECTION. Sec. 3. (1) The legislature finds that a special height moratorium is necessary along the shoreline known as the "Olympia Isthmus" located in the city of Olympia between Capitol Lake and Budd Inlet, which should hereinafter be designated a "shoreline of statewide significance."

(2) The legislature further finds that:

(a) The shoreline along Capitol Lake is part of the Heritage park area of the state capitol campus, in which the state of Washington has invested millions of dollars to improve and make available for statewide public use, education, and appreciation. It is also an important element of the scenic, historic vista northward from the capitol campus, in which the state of Washington and nonprofit organizations have invested millions of dollars to construct excellent public viewing opportunities of the north capitol campus and other sights of both statewide and national significance;

(b) The state of Washington is continuing to invest millions of dollars in water quality improvements along both Capitol Lake and Budd Inlet shorelines;

(c) The Olympia Isthmus as a whole is historically significant, fragile, and a major contributor to significant changes to the natural estuary area of the area. The Olympia Isthmus was constructed by fill in early 1911, with the reflecting lake created in the 1950s when the dam was constructed at what is now called the Deschutes spillway;

(d) The vista is an integral part of the design of the state capitol campus. The state's founders sited the capitol campus in its location principally to take advantage of this expansive vista. The vista: Is representative of much of the physical characteristics of very large areas of the state; provides a visual and physical connection between the capitol and the Puget Sound; is inspirational; and promotes an appreciation of the scenic grandeur and rich natural resources of our state; and

(e) The Washington state capitol, together with its spectacular location, is a state and national treasure that has been passed down from one generation to another.

(3) The legislature intends that the Olympia Isthmus be declared to be a shoreline of statewide significance through the shoreline management act to advance the public interest and to protect public investments.

(4) This state and national treasure has been passed down from one generation to another. It includes public vistas of Budd Inlet, south Puget Sound, the Olympic mountains, and a broad range of forested hills.

(5) Therefore, it is the intent of the legislature to take steps to protect this state and national scenic and historic asset.

Sec. 4. RCW 90.58.030 and 2007 c 328 s 1 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "~~((Hearings[st]))~~ Hearings board" means the ~~((shoreline[s]))~~ shorelines hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of statewide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated shorelands, together with the lands underlying them; except (i) shorelines of statewide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of statewide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta--from DeWolf Bight to Tatsolo Point,

(B) Birch Bay--from Point Whitehorn to Birch Point,

(C) Hood Canal--from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area--from Brown Point to Yokeko Point, ~~((and))~~

(E) Padilla Bay--from March Point to William Point, and

(F) Budd Inlet--from the northwest extension of Capitol Waterway in Olympia to the Deschutes spillway, and including the historic shoreline of Budd Inlet contained in Capitol Lake from the Deschutes spillway to the southwest extension of Capitol Waterway;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those shorelands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) "Shorelands" or "shoreland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all wetlands and river deltas

associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology.

(i) Any county or city may determine that portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom.

(ii) Any city or county may also include in its master program land necessary for buffers for critical areas, as defined in chapter 36.70A RCW, that occur within shorelines of the state, provided that forest practices regulated under chapter 76.09 RCW, except conversions to nonforested land use, on lands subject to the provisions of this subsection (2)(f)(ii) are not subject to additional regulations under this chapter;

(g) "Floodway" means the area, as identified in a master program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state;

(h) "Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds five thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state. The dollar threshold established in this subsection (3)(e) must be adjusted for inflation by the office of financial management every five years, beginning July 1, 2007, based upon changes in the consumer price index during that time period. "Consumer price index" means, for any calendar year, that year's annual average consumer price index,

Seattle, Washington area, for urban wage earners and clerical workers, all items, compiled by the bureau of labor and statistics, United States department of labor. The office of financial management must calculate the new dollar threshold and transmit it to the office of the code reviser for publication in the Washington State Register at least one month before the new dollar threshold is to take effect. The following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on shorelands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his or her family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter;

(vii) Construction of a dock, including a community dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multiple family residences. This exception applies if either: (A) In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars; or (B) in fresh waters, the fair market value of the dock does not exceed ten thousand dollars, but if subsequent construction having a fair market value exceeding two thousand five hundred dollars occurs within five years of completion of the prior construction, the subsequent construction shall be considered a substantial development for the purpose of this chapter;

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands;

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system;

(xi) Site exploration and investigation activities that are prerequisite to preparation of an application for development authorization under this chapter, if:

(A) The activity does not interfere with the normal public use of the surface waters;

(B) The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values;

(C) The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity;

(D) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the local jurisdiction to ensure that the site is restored to preexisting conditions; and

(E) The activity is not subject to the permit requirements of RCW 90.58.550;

(xii) The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the department of agriculture or the department jointly with other state agencies under chapter 43.21C RCW.

NEW SECTION. Sec. 5. A new section is added to chapter 35A.63 RCW to read as follows:

(1) A special height moratorium is created on the Olympia Isthmus in the area adjacent to the historic Budd Inlet named in RCW 90.58.030 in order to protect the scenic beauty of the state capitol campus for the citizens of this state and for out-of-state visitors.

(2) The Olympia Isthmus special height moratorium is located as follows: The Olympia Isthmus--from the western boundary of Capitol Waterway in Olympia proceeding west to the shoreline of the Deschutes spillway bounded by Capitol Lake shoreline and Budd Inlet shoreline.

(3) The maximum allowable height for a new or remodeled building or structure located within the Olympia Isthmus special height moratorium is thirty-five feet. This section only applies to new construction, and remodeling or restructuring that affects the height of the building. This section is not intended to prevent normal repair, maintenance, and internal remodeling of any building already exceeding the height limitation.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "amending RCW 90.58.030; adding a new section to chapter 90.58 RCW; adding a new section to chapter 35A.63 RCW; creating new sections; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

POINT OF ORDER

Representative Ericksen requested a scope and object ruling on the Senate amendment to Engrossed Substitute House Bill No. 1379.

SPEAKER'S RULING

Mr. Speaker: (Representative Morris presiding): "Engrossed Substitute House Bill No. 1379, as passed by the House, authorized local governments to adopt moratoria and temporary controls necessary to implement the shoreline management act, specified procedural requirements for their adoption, and limited their duration.

The Senate amendment designates a specific area of shoreline as a shoreline of statewide significance and imposes a permanent height restriction on the construction of new buildings and structures on the property.

The Senate amendment is unrelated to the purpose of the bill as it passed the House – to authorize and regulate the adoption of temporary controls under the shoreline management act – and clearly exceeds the bill's scope and object.

Representative Ericksen, your point of order is well taken."

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1329 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that, as of 2009, the challenges posed by low wages and lack of training that the legislature identified in enacting the child care career and wage ladder persist, and the availability of quality child care in the state continues to suffer. The legislature intends to address these problems by creating the possibility for a new relationship between child care center directors and workers and the state. Child care center directors and workers are to be given the opportunity to work collectively to improve standards in their profession and to expand opportunities for educational advancement to ensure continuous quality improvement in the delivery of early learning services. Family child care providers in the state have recently been given a similar opportunity, and the results of their efforts have improved standards and quality for that segment of the child care industry.

The legislature intends to create a new type of collective bargaining for these directors and workers whereby they can come together and bargain with the state over matters within the state's purview to improve the quality of child care for the state's families. Unlike traditional collective bargaining, this new approach will afford these directors and workers the opportunity to bargain with the state only over the state's support for child care centers, a matter of common concern to both directors and workers. Specific terms and conditions of employment at individual centers, which are the subjects of traditional collective bargaining between employers and their employees, fall outside the limited scope of bargaining defined by this act. Accordingly, traditional policy concerns over supervisors and employees being organized into a common bargaining unit are inapplicable. Sharing a community of interest in the subjects of bargaining enables directors and workers to work side by side in the same bargaining unit for common goals.

All child care center directors and workers will equally be able to maintain full membership in the organization that represents them in their efforts to improve the quality of child care they provide to the state's children. This new bargaining relationship does not intrude in any manner upon those relationships governed by the national labor relations act (29 U.S.C. Sec. 151 et seq.). Child care center directors and workers do not forfeit their rights under the national labor relations act by becoming members of an organization that represents them in their dealings with the state. Under the national labor relations act, an organization that represents child care center directors and workers in bargaining with the state under this act is precluded from representing workers seeking to engage in traditional collective bargaining with their employer over specific terms and conditions of employment at individual child care centers.

Nothing in this act is intended to create any unfunded mandates or financial obligations on child care centers covered by this act.

Sec. 2. RCW 41.56.028 and 2007 c 278 s 2 are each amended to read as follows:

(1) In addition to the entities listed in RCW 41.56.020, this chapter applies to the governor with respect to family child care providers and to child care center directors and workers. Solely for the purposes of collective bargaining and as expressly limited under subsections (2) and (3) of this section, the governor is the public employer of family child care providers and of child care center directors and workers who, solely for the purposes of collective bargaining, are public employees. The public employer shall be represented for bargaining purposes by the governor or the governor's designee appointed under chapter 41.80 RCW.

(2) This chapter governs the collective bargaining relationship between the governor and family child care providers and between the governor and child care center directors and workers, except as follows:

(a) ~~((A statewide unit of all family child care providers is))~~ The only units appropriate for purposes of collective bargaining under RCW 41.56.060 are:

(i) A statewide unit for family child care providers; and

(ii) The units for child care center directors and workers determined by the commission which shall conform to the unit requested in the application for certification as the bargaining representative if consistent with the terms of this act. In determining the units, the commission shall include in the same unit all child care center directors and workers employed at child care centers located in department of social and health services regions existing on the effective date of this section, and may group together regions to minimize the number of units.

(b) The exclusive bargaining representative of family child care providers or of child care center directors and workers in the units specified in (a) of this subsection shall be the representative chosen in an election conducted pursuant to RCW 41.56.070, except that:

(i) In the initial election conducted under chapter 54, Laws of 2006, or this act, if more than one labor organization is on the ballot and none of the choices receives a majority of the votes cast, a run-off election shall be held;

(ii) To show at least thirty percent representation within a unit to accompany a request for an initial election under this act, the written proof of representation is valid only if collected not more than two years prior to the date the request is filed with the commission; and

(iii) The initial election may not occur before July 1, 2010.

(c) For the exclusive bargaining representatives certified by the commission to represent units of child care center directors and workers, negotiations of a collective bargaining agreement shall be conducted jointly by all certified representatives. The representatives shall bargain for one collective bargaining agreement covering all of the represented child care center directors and workers.

(d)(i) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the scope of collective bargaining for family child care providers under this section shall be limited solely to: ((+)) (A) Economic compensation, such as manner and rate of subsidy and reimbursement, including tiered reimbursements; ((+)) (B) health and welfare benefits; ((+)) (C) professional development and training; ((+)) (D) labor-management committees; ((+)) (E) grievance procedures; and ((+)) (F) other economic matters. Retirement benefits shall not be subject to collective bargaining. By such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

((+)) (ii) Notwithstanding the definition of "collective bargaining" in RCW 41.56.030(4), the matters subject to bargaining under this section shall be within the purview of the state and within the community of interest of child care center directors and workers. The public employer is: (A) Required to bargain over the manner and rate of subsidy and reimbursement, so long as any agreement is consistent with the provisions of any quality rating and improvement system; (B) permitted, but not required, to bargain over: (I) Funding for professional development and training; (II) mechanisms and funding to improve the access of child care centers to health care insurance and other benefit programs; (III) other economic support for child care centers; and (IV) grievance procedures to resolve disputes arising out of the interpretation or application of the collective bargaining agreement; and (C) prohibited from bargaining over retirement benefits. By such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(e) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply, except that:

(i) With respect to commencement of negotiations between the governor and the exclusive bargaining representative of family child care providers or the exclusive bargaining representative or representatives of child care center directors and workers, negotiations shall be commenced initially upon certification of an exclusive bargaining representative under (a) of this subsection and, thereafter, by February 1st of any even-numbered year; and

(ii) The decision of the arbitration panel is not binding on the legislature and, if the legislature does not approve the request for

funds necessary to implement the compensation and benefit provisions of ~~((the))~~ an arbitrated collective bargaining agreement for family child care providers or the subsidy and reimbursement provisions of an arbitrated collective bargaining agreement for child care center directors and workers, is not binding on the state.

~~((+))~~ (f) Nothing in chapter 54, Laws of 2006, or this act grants family child care providers ~~((do not have))~~ and child care center directors and workers the right to strike.

(3) Family child care providers and child care center directors and workers who are public employees solely for the purposes of collective bargaining under subsection (1) of this section are not, for that reason, employees of the state for any purpose. This section applies only to the governance of the collective bargaining relationship between the employer and family child care providers and between the employer and child care center directors and workers as provided in subsections (1) and (2) of this section.

(4) This section does not create or modify:

(a) The parents' or legal guardians' right to choose and terminate the services of any family child care provider or any child care center that provides care for their child or children;

(b) The child care centers' right to choose, direct, and terminate the services of any child care worker who provides care in the center, and unless otherwise provided in this chapter, to manage and operate facilities and programs, including rights to plan, direct, and control the use of resources;

(c) The rights of employers and employees under the national labor relations act, 29 U.S.C. Sec. 151 et seq.;

(d) The ~~((secretary of the department of social and health services' right to adopt requirements under RCW 74.15.030))~~ director of the department of early learning's right to adopt requirements under chapter 43.215 RCW, except for requirements related to grievance procedures and collective negotiations on personnel matters as specified in subsection (2)~~((+))~~ (d) of this section;

~~((+))~~ (e) Chapter 26.44 or 43.215 RCW~~((+))~~ or RCW 43.43.832~~((+))~~ or 43.20A.205~~((+))~~ and 74.15.130); and

~~((+))~~ (f) The legislature's right to make programmatic modifications to the delivery of state services through child care subsidy programs, including standards of eligibility of parents, legal guardians, ~~((and))~~ family child care providers and child care centers participating in child care subsidy programs, ~~((and))~~ the nature of services provided, and the legislature's right to determine standards for professional development and training, quality criteria, ratings through programs such as a quality rating system, and incentives for improving quality. The governor shall not enter into, extend, or renew any agreement under this section that does not expressly reserve the legislative rights described in this subsection (4)~~((+))~~ (f).

(5) Upon meeting the requirements of subsection (6) of this section, the governor must submit, as a part of the proposed biennial or supplemental operating budget submitted to the legislature under RCW 43.88.030, ~~((a))~~ requests for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement for family child care providers and a collective bargaining agreement for child care center directors and workers entered into under this section or for legislation necessary to implement such agreements.

(6) ~~((A))~~ Requests for funds necessary to implement the compensation and benefit provisions of a collective bargaining agreement for family child care providers and a collective bargaining agreement for child care center directors and workers entered into under this section shall not be submitted by the governor to the legislature unless such ~~((request has))~~ requests have been:

(a) Submitted to the director of financial management by October 1st before the legislative session at which the request is to be considered, except that, for initial negotiations under this section for family child care providers, the request must be submitted by November 15, 2006, and for child care center directors and workers, the request may not be submitted before July 1, 2011; ~~((and))~~

(b) For family child care providers, certified by the director of financial management as being feasible financially for the state or reflects the binding decision of an arbitration panel reached under this section; and

(c) For child care center directors and workers, certified by the director of financial management as being financially feasible for the

state. If the director of financial management does not certify those provisions of the decision as feasible financially for the state, those provisions of the decision are not binding on the governor. To the extent that the decision is not binding on the governor, RCW 41.56.480 does not apply.

(7) The legislature must approve or reject the submission of the requests for funds as a whole. If the legislature rejects or fails to act on the submissions, any such agreements will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreements.

(8) The governor shall periodically consult with the joint committee on employment relations established by RCW 41.80.010 regarding appropriations necessary to implement the compensation and benefit provisions of ~~((any))~~ a collective bargaining agreement for family child care providers and a collective bargaining agreement for child care center directors and workers and, upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement such agreements.

(9) After the expiration date of any collective bargaining agreement entered into under this section, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement, except as provided in subsection ~~(4)((f))~~ (f) of this section.

(10) If, after the compensation and benefit provisions of ~~((an))~~ a collective bargaining agreement for family child care providers or for a collective bargaining agreement for child care center directors and workers are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

(11) In enacting this section, the legislature intends to provide state action immunity under federal and state antitrust laws for the joint activities of family child care providers and their exclusive bargaining representative and of child care center directors and workers and their exclusive bargaining representatives to the extent such activities are authorized by this chapter.

Sec. 3. RCW 41.56.030 and 2007 c 184 s 2 are each amended to read as follows:

As used in this chapter:

(1) "Public employer" means any officer, board, commission, council, or other person or body acting on behalf of any public body governed by this chapter, or any subdivision of such public body. For the purposes of this section, the public employer of district court or superior court employees for wage-related matters is the respective county legislative authority, or person or body acting on behalf of the legislative authority, and the public employer for nonwage-related matters is the judge or judge's designee of the respective district court or superior court.

(2) "Public employee" means any employee of a public employer except any person (a) elected by popular vote, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (c) whose duties as deputy, administrative assistant or secretary necessarily imply a confidential relationship to (i) the executive head or body of the applicable bargaining unit, or (ii) any person elected by popular vote, or (iii) any person appointed to office pursuant to statute, ordinance or resolution for a specified term of office as a member of a multimember board, commission, or committee, whether appointed by the executive head or body of the public employer, or (d) who is a court commissioner or a court magistrate of superior court, district court, or a department of a district court organized under chapter 3.46 RCW, or (e) who is a personal assistant to a district court judge, superior court judge, or court commissioner. For the purpose of (e) of this subsection, no more than one assistant for each judge or commissioner may be excluded from a bargaining unit.

(3) "Bargaining representative" means any lawful organization which has as one of its primary purposes the representation of employees in their employment relations with employers.

(4) "Collective bargaining" means the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance procedures and collective negotiations on personnel matters, including wages, hours and working conditions, which may be peculiar to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

(5) "Commission" means the public employment relations commission.

(6) "Executive director" means the executive director of the commission.

(7) "Uniformed personnel" means: (a) Law enforcement officers as defined in RCW 41.26.030 employed by the governing body of any city or town with a population of two thousand five hundred or more and law enforcement officers employed by the governing body of any county with a population of ten thousand or more; (b) correctional employees who are uniformed and nonuniformed, commissioned and noncommissioned security personnel employed in a jail as defined in RCW 70.48.020(5), by a county with a population of seventy thousand or more, and who are trained for and charged with the responsibility of controlling and maintaining custody of inmates in the jail and safeguarding inmates from other inmates; (c) general authority Washington peace officers as defined in RCW 10.93.020 employed by a port district in a county with a population of one million or more; (d) security forces established under RCW 43.52.520; (e) firefighters as that term is defined in RCW 41.26.030; (f) employees of a port district in a county with a population of one million or more whose duties include crash fire rescue or other fire fighting duties; (g) employees of fire departments of public employers who dispatch exclusively either fire or emergency medical services, or both; or (h) employees in the several classes of advanced life support technicians, as defined in RCW 18.71.200, who are employed by a public employer.

(8) "Institution of higher education" means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges.

(9) "Home care quality authority" means the authority under chapter 74.39A RCW.

(10) "Individual provider" means an individual provider as defined in RCW 74.39A.240(4) who, solely for the purposes of collective bargaining, is a public employee as provided in RCW 74.39A.270.

(11) "Child care subsidy" means a payment from the state through a child care subsidy program established pursuant to RCW 74.12.340 or 74.08A.340, 45 C.F.R. Sec. 98.1 through 98.17, or any successor program.

(12) "Family child care provider" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider or in the home of the child or children for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) receives child care subsidies; and (c) is either licensed by the state under ~~((RCW 74.15.030))~~ chapter 43.215 RCW or is exempt from licensing under chapter ~~((74.15))~~ 43.215 RCW.

(13) "Adult family home provider" means a provider as defined in RCW 70.128.010 who receives payments from the medicaid and state-funded long-term care programs.

(14) "Child care center directors and workers" includes all employees of child care centers who work on-site at the centers. "Child care center directors and workers" also includes owners of child care centers.

(15) "Child care center" means a child care center licensed by the state under chapter 43.215 RCW that has at least four child care slots filled by children for whom it receives a child care subsidy and which chooses to participate in collective bargaining under this act by filing a notice of intent under section 4 of this act.

NEW SECTION. Sec. 4. A new section is added to chapter 41.56 RCW to read as follows:

A child care center licensed by the state under chapter 43.215 RCW may participate in collective bargaining under this act if the child care center files a notice of intent to opt in with the commission. A child care center that does not file a notice of intent with the commission under this section may not be included in a bargaining unit under this act.

Sec. 5. RCW 41.56.113 and 2007 c 184 s 3 are each amended to read as follows:

(1) Upon the written authorization of an individual provider, a family child care provider, or an adult family home provider within the bargaining unit and after the certification or recognition of the bargaining unit's exclusive bargaining representative, the state as payor, but not as the employer, shall, subject to subsection ~~((3))~~ (4) of this section, deduct from the payments to an individual provider, a family child care provider, or an adult family home provider the monthly amount of dues as certified by the secretary of the exclusive bargaining representative and shall transmit the same to the treasurer of the exclusive bargaining representative.

(2) If the governor and the exclusive bargaining representative of a bargaining unit of individual providers, family child care providers, or adult family home providers enter into a collective bargaining agreement that:

(a) Includes a union security provision authorized in RCW 41.56.122, the state as payor, but not as the employer, shall, subject to subsection ~~((3))~~ (4) of this section, enforce the agreement by deducting from the payments to bargaining unit members the dues required for membership in the exclusive bargaining representative, or, for nonmembers thereof, a fee equivalent to the dues; or

(b) Includes requirements for deductions of payments other than the deduction under (a) of this subsection, the state, as payor, but not as the employer, shall, subject to subsection ~~((3))~~ (4) of this section, make such deductions upon written authorization of the individual provider, family child care provider, or adult family home provider.

(3) In lieu of the deductions authorized under subsections (1) and (2) of this section, and the union security provisions authorized under RCW 41.56.122, the governor and the exclusive representative of a bargaining unit of child care center directors and workers shall agree to a mechanism for collecting a representation fee to be paid to the exclusive representative for the costs of representation of child care center directors and workers as provided in this chapter. The state shall deduct the representation fee from the monthly amount of the child care subsidy due to a child care center and transmit the representation fee to the secretary of the exclusive bargaining representative. However:

(a) Any agreement to pay a representation fee must safeguard the child care center owner's and operator's rights of nonassociation based on bona fide religious tenets or teachings of a church or other religious body of which the owner or operator is a member. The child care center owner or operator shall pay an amount equivalent to the representation fee to a nonreligious charity or to another charitable organization; and

(b) The child care center shall furnish written proof that such payment has been made.

(4)(a) The initial additional costs to the state in making deductions ((from the payments to individual providers, family child care providers, and adult family home providers)) under this section shall be negotiated, agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

(b) The allocation of ongoing additional costs to the state in making deductions ((from the payments to individual providers, family child care providers, or adult family home providers)) under this section shall be an appropriate subject of collective bargaining between the exclusive bargaining representative and the governor unless prohibited by another statute. If no collective bargaining agreement containing a provision allocating the ongoing additional cost is entered into between the exclusive bargaining representative and the governor, or if the legislature does not approve funding for the collective bargaining agreement as provided in RCW 74.39A.300, 41.56.028, or 41.56.029, as applicable, the ongoing additional costs to the state in making deductions ((from the payments to individual providers, family child care providers, or adult family home providers)) under this section shall be negotiated,

agreed upon in advance, and reimbursed to the state by the exclusive bargaining representative.

~~((4))~~ (5) The governor and the exclusive bargaining representative of a bargaining unit of family child care providers may not enter into a collective bargaining agreement that contains a union security provision unless the agreement contains a process, to be administered by the exclusive bargaining representative of a bargaining unit of family child care providers, for hardship dispensation for license-exempt family child care providers who are also temporary assistance for needy families recipients or WorkFirst participants.

Sec. 6. RCW 41.56.465 and 2007 c 278 s 1 are each amended to read as follows:

(1) In making its determination, the panel shall be mindful of the legislative purpose enumerated in RCW 41.56.430 and, as additional standards or guidelines to aid it in reaching a decision, the panel shall consider:

(a) The constitutional and statutory authority of the employer;
(b) Stipulations of the parties;
(c) The average consumer prices for goods and services, commonly known as the cost of living;

(d) Changes in any of the circumstances under (a) through (c) of this subsection during the pendency of the proceedings; and

(e) Such other factors, not confined to the factors under (a) through (d) of this subsection, that are normally or traditionally taken into consideration in the determination of wages, hours, and conditions of employment. For those employees listed in RCW 41.56.030(7)(a) who are employed by the governing body of a city or town with a population of less than fifteen thousand, or a county with a population of less than seventy thousand, consideration must also be given to regional differences in the cost of living.

(2) For employees listed in RCW 41.56.030(7) (a) through (d), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States.

(3) For employees listed in RCW 41.56.030(7) (e) through (h), the panel shall also consider a comparison of the wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of public fire departments of similar size on the west coast of the United States. However, when an adequate number of comparable employers exists within the state of Washington, other west coast employers may not be considered.

(4) For ~~((employees))~~ family child care providers listed in RCW 41.56.028:

(a) The panel shall also consider:

(i) A comparison of child care provider subsidy rates and reimbursement programs by public entities, including counties and municipalities, along the west coast of the United States; and

(ii) The financial ability of the state to pay for the compensation and benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) The public's interest in reducing turnover and increasing retention of child care providers;

(ii) The state's interest in promoting, through education and training, a stable child care workforce to provide quality and reliable child care from all providers throughout the state; and

(iii) In addition, for employees exempt from licensing under chapter ~~((74.15))~~ 43.215 RCW, the state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

(5) For child care center directors and workers listed in RCW 41.56.028, the panel shall also consider:

(a) A comparison of child care provider subsidy rates and reimbursement programs by public entities, including counties and municipalities, along the west coast of the United States; and

(b) The financial ability of the state to pay for a collective bargaining agreement.

(6) For employees listed in RCW 74.39A.270:

(a) The panel shall consider:

(i) A comparison of wages, hours, and conditions of employment of publicly reimbursed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States; and

(ii) The financial ability of the state to pay for the compensation and fringe benefit provisions of a collective bargaining agreement; and

(b) The panel may consider:

(i) A comparison of wages, hours, and conditions of employment of publicly employed personnel providing similar services to similar clients, including clients who are elderly, frail, or have developmental disabilities, both in the state and across the United States;

(ii) The state's interest in promoting a stable long-term care workforce to provide quality and reliable care to vulnerable elderly and disabled recipients;

(iii) The state's interest in ensuring access to affordable, quality health care for all state citizens; and

(iv) The state's fiscal interest in reducing reliance upon public benefit programs including but not limited to medical coupons, food stamps, subsidized housing, and emergency medical services.

~~((6))~~ (7) Subsections (2) and (3) of this section may not be construed to authorize the panel to require the employer to pay, directly or indirectly, the increased employee contributions resulting from chapter 502, Laws of 1993 or chapter 517, Laws of 1993 as required under chapter 41.26 RCW.

Sec. 7. RCW 41.04.810 and 2007 c 184 s 4 are each amended to read as follows:

Individual providers, as defined in RCW 74.39A.240, family child care providers, as defined in RCW 41.56.030, child care center directors and workers, as defined in RCW 41.56.030, and adult family home providers, as defined in RCW 41.56.030, are not employees of the state or any of its political subdivisions and are specifically and entirely excluded from all provisions of this title, except as provided in RCW 74.39A.270, 41.56.028, and 41.56.029.

Sec. 8. RCW 43.01.047 and 2007 c 184 s 5 are each amended to read as follows:

RCW 43.01.040 through 43.01.044 do not apply to individual providers under RCW 74.39A.220 through 74.39A.300, family child care providers under RCW 41.56.028, child care center directors and workers under RCW 41.56.028, or adult family home providers under RCW 41.56.029.

NEW SECTION. Sec. 9. A new section is added to chapter 43.215 RCW to read as follows:

(1) Every child care center shall provide to the department a list of the names and addresses of all current child care center directors and workers, as defined in RCW 41.56.030, annually by January 30th, except that initially the lists shall be provided within thirty days of the effective date of this section.

(2) The department shall, upon request, provide to a labor organization seeking to organize child care center directors and workers, a list of all directors and workers in the unit that the organization seeks to organize. The list shall contain the information collected with regard to the directors and workers pursuant to subsection (1) of this section.

(3) A labor organization receiving information under subsection (2) of this section may not release that information to any other party and may only use that information for collective bargaining and for the purposes specified in subsection (2) of this section.

Sec. 10. RCW 43.215.010 and 2007 c 415 s 2 and 2007 c 394 s 2 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means any person, firm, partnership, association, corporation, or facility that provides child care and early learning services outside a child's own home and includes the following irrespective of whether there is compensation to the agency:

(a) "Child day care center" means an agency that regularly provides child day care and early learning services for a group of children for periods of less than twenty-four hours;

(b) "Early learning" includes but is not limited to programs and services for child care; state, federal, private, and nonprofit

preschool; child care subsidies; child care resource and referral; parental education and support; and training and professional development for early learning professionals;

(c) "Family day care provider" means a child day care provider who regularly provides child day care and early learning services for not more than twelve children in the provider's home in the family living quarters;

(d) "Nongovernmental private-public partnership" means an entity registered as a nonprofit corporation in Washington state with a primary focus on early learning, school readiness, and parental support, and an ability to raise a minimum of five million dollars in contributions;

(e) "Service provider" means the entity that operates a community facility.

(2) "Agency" does not include the following:

(a) Persons related to the child in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law; or

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(b) Persons who are legal guardians of the child;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the person providing care for periods of less than twenty-four hours does not conduct such activity on an ongoing, regularly scheduled basis for the purpose of engaging in business, which includes, but is not limited to, advertising such care;

(d) Parents on a mutually cooperative basis exchange care of one another's children;

(e) Nursery schools or kindergartens that are engaged primarily in educational work with preschool children and in which no child is enrolled on a regular basis for more than four hours per day;

(f) Schools, including boarding schools, that are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children, and do not accept custody of children;

(g) Seasonal camps of three months' or less duration engaged primarily in recreational or educational activities;

(h) Facilities providing care to children for periods of less than twenty-four hours whose parents remain on the premises to participate in activities other than employment;

(i) Any agency having been in operation in this state ten years before June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(j) An agency operated by any unit of local, state, or federal government or an agency, located within the boundaries of a federally recognized Indian reservation, licensed by the Indian tribe;

(k) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter;

(l) An agency that offers early learning and support services, such as parent education, and does not provide child care services on a regular basis.

(3) "Applicant" means a person who requests or seeks employment in an agency.

(4) "Child care center directors and workers" means the same as in RCW 41.56.030.

~~(5)~~ "Department" means the department of early learning.

~~((5))~~ (6) "Director" means the director of the department.

~~((6))~~ (7) "Employer" means a person or business that engages the services of one or more people, especially for wages or salary to work in an agency.

~~((7))~~ (8) "Enforcement action" means denial, suspension, revocation, modification, or nonrenewal of a license pursuant to RCW 43.215.300(1) or assessment of civil monetary penalties pursuant to RCW 43.215.300(3).

~~((8))~~ (9) "Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 43.215.200.

(10) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((9))~~ (11) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

Sec. 11. RCW 43.215.350 and 2007 c 17 s 15 are each amended to read as follows:

The director shall have the power and it shall be the director's duty to engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with:

(1) The exclusive representative of the unit of family child care licensees selected in accordance with RCW 43.215.355 and with other affected interests before adopting requirements that affect family child care licensees; and

(2) The exclusive representative or representatives of the unit or units of child care center directors and workers selected in accordance with RCW 41.56.028 and with other affected interests before adopting requirements that affect child care center directors and workers.

Sec. 12. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States immigration and naturalization service, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes

licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

~~(4) ("Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.~~

~~(5))~~ (5) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.

~~((6))~~ (6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

~~((7))~~ (7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

~~((8))~~ (8) "Secretary" means the secretary of social and health services.

~~((9))~~ (9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

~~((10))~~ (10) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the job training partnership act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 14. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet

federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 3 of the title, after "workers;" strike the remainder of the title and insert "amending RCW 41.56.028, 41.56.030, 41.56.113, 41.56.465, 41.04.810, 43.01.047, 43.215.350, and 74.15.020; reenacting and amending RCW 43.215.010; adding a new section to chapter 41.56 RCW; adding a new section to chapter 43.215 RCW; and creating new sections."

Beginning on page 1, line 5 of the amendment, after "persist" strike all material through "centers" on page 2, line 17 and insert ". The legislature intends to address these problems by creating the possibility for a new relationship between child care center directors and workers and the state. Child care center directors and workers are to be given the opportunity to work collectively to improve standards in their profession and to expand opportunities for educational advancement to ensure continuous quality improvement in the delivery of early learning services. Family child care providers in the state have recently been given a similar opportunity, and the results of their efforts have improved standards and quality for that segment of the child care industry.

The legislature intends to create a new type of collective bargaining for these directors and workers whereby they can come together and bargain with the state over matters within the state's purview to improve the quality of child care for the state's families. Unlike traditional collective bargaining, this new approach will afford these directors and workers the opportunity to bargain with the state only over the state's support for child care centers, a matter of common concern to both directors and workers. Specific terms and conditions of employment at individual centers, which are the subjects of traditional collective bargaining between employers and their employees, fall outside the limited scope of bargaining defined by this act. Accordingly, traditional policy concerns over supervisors and employees being organized into a common bargaining unit are inapplicable. Sharing a community of interest in the subjects of bargaining enables directors and workers to work side by side in the same bargaining unit for common goals.

This new approach to collective bargaining is available only to center directors and workers who file a notice of intent to participate in the initial opt in phase under section 4 of this act. This new bargaining relationship does not intrude in any manner upon those relationships governed by the national labor relations act (29 U.S.C. Sec. 151 et seq.). Child care center directors and workers do not forfeit their rights under the national labor relations act by becoming members of an organization that represents them in their dealings with the state. Under the national labor relations act, an organization that represents child care center directors and workers in bargaining with the state under this act is precluded from representing workers seeking to engage in traditional collective bargaining with their employer over specific terms and conditions of employment at individual child care centers."

On page 2, line 24 of the amendment, after "workers" insert "who choose to opt in under section 4 of this act"

On page 3, line 4 of the amendment, after "(ii)" strike all material through "units" on line 12 and insert "A statewide unit for child care center directors and workers"

On page 3, beginning on line 26 of the amendment, after "election" strike all material through "(d)" on line 34 and insert "under this act may not occur before the opt in period has concluded on November 1, 2010.

(c)"

Reletter the remaining subsections consecutively and correct any internal references accordingly.

On page 4, line 10 of the amendment, after "section" insert "for child care center directors and workers"

On page 4, line 18 of the amendment, after "programs;" insert "and"

On page 4, beginning on line 18 of the amendment, after "(III)" strike all material through "(IV)" on line 19

On page 4, beginning on line 29 of the amendment, after "providers" strike all material through "workers" on line 30

On page 4, line 33 of the amendment, after "year;" strike "and" and insert "((and))"

On page 4, line 34 of the amendment, after "(ii)" insert "With respect to commencement of negotiations between the governor and the exclusive bargaining representative or representatives of child care center directors and workers under (a) of this subsection, negotiations may not commence before July 1, 2011, and thereafter must commence by February 1st of any even-numbered year; and (iii)"

On page 6, line 27 of the amendment, after "request" strike "may not be submitted before July" and insert "must be submitted by October"

On page 10, beginning on line 19 of the amendment, after "(15)" strike all material through "act." on line 23 and insert "(a) "Child care center" means a child care center licensed by the state under RCW 43.215.500 through 43.215.545 that has at least one child care slot filled by a child for whom it receives a child care subsidy.

(b) "Child care center" does not include a child care center:

(i) Operated directly by another unit of government or a tribe;

(ii) Operated by an individual, partnership, profit or nonprofit corporation, or other entity that operates ten or more child care centers statewide; or

(iii) Operated by a local nonprofit organization whose primary mission is to provide social services, including serving children and families, and that pays membership dues or assessments to either: (A) A national organization, exempt from income tax under section 501(c)(3) of the internal revenue code, with more than three million dollars in membership dues and assessments annually, as reported to the internal revenue service; or (B) a regional council that is affiliated with a national organization, exempt from income tax under section 501(c)(3) of the internal revenue code, with more than two hundred affiliates."

On page 10, beginning on line 26 of the amendment, strike all material through "act." on line 31 and insert "(1) A child care center may participate in collective bargaining under this act if the child care center owner or director if there is no owner files a notice of intent to opt in with the commission. The notice of intent must: Include the names and addresses of that child care center's owners, directors, and workers; include written authorization cards signed by a majority of owners, directors, and workers employed at the center indicating their desire to opt in; and be filed after June 30, 2010, and before November 2, 2010.

(2) A child care center that does not file a notice of intent with the commission may not be included in a bargaining unit under this act.

(3) The commission must, upon request, provide to a labor organization seeking to organize child care center directors and workers, a list, including names and addresses, of the child care center owners, directors, and workers provided in notices of intent submitted under subsection (1) of this section."

Beginning on page 11, line 23 of the amendment, after "(3)" strike all material through "organization;" on page 12, line 3 and insert "In lieu of the deductions authorized under subsections (1) and (2) of this section, and the union security provisions authorized under RCW 41.56.122, the state shall deduct from the monthly amount of the child care subsidy due to a child care center a monthly representation fee, as certified by the secretary of the exclusive bargaining representative, for the costs of representation of child care center directors and workers, and transmit the representation fee to the secretary of the exclusive bargaining representative. However:

(a) Any agreement to pay a representation fee must safeguard the child care center owner's or director's rights of nonassociation based on bona fide religious tenets or teachings of a church or other religious body of which the owner or director is a member. The child care center owner or director shall pay an amount equivalent to the representation fee to a nonreligious charity or to another charitable organization;"

Beginning on page 15, line 25 of the amendment, strike all of section 9

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 23, after line 35 of the amendment, insert the following:

"NEW SECTION. Sec. 13. A new section is added to chapter 43.131 RCW to read as follows:

This act terminates June 30, 2014, as provided in section 14 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 2015:

- (1) Section 1 of this act;
- (2) Section 2 of this act;
- (3) Section 3 of this act;
- (4) Section 4 of this act;
- (5) Section 5 of this act;
- (6) Section 6 of this act;
- (7) Section 7 of this act;
- (8) Section 8 of this act;
- (9) Section 9 of this act;
- (10) Section 10 of this act;
- (11) Section 11 of this act; and
- (12) Section 12 of this act."

On page 24, line 17 of the title amendment, after "41.56 RCW;" strike the remainder of the title and insert "adding new sections to chapter 43.131 RCW; creating new sections; and providing an effective date."

On page 1, line 7 of the amendment, after "suffer." strike all material through "chapter." On page 7, line 33 and insert the following:

"Recognizing that family child care providers have been granted the ability to collectively bargain with the state to improve standards in their profession and to expand opportunities for educational advancement to ensure continuous quality improvement in the delivery of early learning services, it has been suggested that the legislature grant similar bargaining rights to child care center directors and workers. However, because of current economic realities, it is difficult to award such rights before thoroughly studying whether this will, in fact, improve the working conditions of child care center directors and workers.

The legislature intends, therefore, to study the effects of the family child care provider system and whether providing equivalent collective bargaining opportunities to child care center directors and workers will lead to better training and opportunities for child care workers and better early learning opportunities for the children in their care. The legislature further intends that the results of this study be delivered to a joint legislative task force which will investigate methods to raise the subsidy through legislation.

NEW SECTION. Sec. 2. (1) The department of early learning must study issues relating to increasing the child care subsidy and reimbursement rates for child care centers licensed under chapter 43.125 RCW. The study must:

(a) Include a review of the results of the collective bargaining provided to family child care providers. This must include whether this has resulted in increased economic compensation, health and welfare benefits, professional development and training, and other economic matters to these providers;

(b) Be made in consultation with child care center directors and workers as well as other interested stakeholders. Directors and workers must be consulted in several areas of the state, including centers located in eastern Washington and western Washington;

(c) Review alternative methods of raising the child care subsidy rate;

(d) Review alternative methods to provide training to child care center directors and workers;

(e) Review methods to retain child care center workers and otherwise reduce employee turnover; and

(f) Include other items the department determines necessary to study in order to increase educational opportunities for children in child care centers.

(2) The study required under this subsection must be completed by August 1, 2010, and delivered to the joint legislative task force on child care center subsidy and reimbursement rates established in section 3 of this act.

(3) This section expires December 31, 2010.

NEW SECTION. Sec. 3. (1) The joint legislative task force on child care center subsidy and reimbursement rates is established. The task force shall consist of the following members:

(a) The chair and the ranking minority member of the senate labor, commerce and consumer protection committee;

(b) The chair and the ranking minority member of the house of representatives commerce and labor committee;

(c) Up to eight members appointed jointly by the president of the senate and the speaker of the house of representatives that represent child care centers. These members must include representatives of businesses that own and operate ten or more child care centers; representatives of local nonprofit organizations whose primary mission is to provide social services, such as the YMCA and the YWCA; and representatives of child care centers such as the Washington federation of independent schools, child care consulting, the Washington education association, the American federation of teachers; and the service employees international union; and

(d) The director of the department of early learning, or the director's designee.

(2) The task force must review the results of the study conducted under section 2 of this act and must develop proposed legislation that is intended to increase the child care subsidy and reimbursement rates. In developing proposed legislation, the task force must consider previous legislative attempts to raise the subsidy rate including SB 5506, which was proposed during the 2009 legislative session.

(3) The task force must submit its proposed legislation to the senate labor commerce and consumer protection committee, the senate early learning and K-12 education committee, the house of representatives commerce and labor committee, and the house of representatives early learning and children's services committee by December 1, 2011.

(4) This section expires December 31, 2011."

Renumber the sections consecutively and correct any internal references accordingly.

On page 10, beginning on line 24 strike everything through "section." On page 16, line 7.

Renumber the sections consecutively and correct any internal references accordingly.

On page 18, beginning on line 31, strike everything through "workers." On page 19, line 7.

Renumber the sections consecutively and correct any internal references accordingly.

On page 24, line 14 of the title amendment, after "insert", strike the remainder of the title amendment and insert "amending RCW 41.56.028, 41.56.030, 43.215.010, 74.15.020, and creating new sections

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Condotta moved that the House concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1329.

Representative Condotta spoke in favor of the motion to concur in the Senate amendments.

Representative Conway spoke against the motion to concur in the Senate amendments.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to concur in the Senate amendments to Substitute House Bill No. 1329.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Substitute House Bill No. 1329 and the motion was not adopted by the following vote: Yeas: 36; Nays: 61; Absent: 0; Excused: 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Erickson, Grant-Herriot, Haler, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Moeller, O'Brien, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

The House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1329 and asked the Senate for a conference thereon. The Speaker (Representative Morris presiding) appointed Representatives Conway, Condotta and Pettigrew as conferees.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2165 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that forest biomass is an abundant and renewable byproduct of Washington's forest land management. Forest biomass can be utilized to generate clean renewable energy.

In some Washington forests, residual forest biomass is burned on site or left to decompose. The lack of forest products markets in some areas means that standing forest biomass removed for forest health and wildfire risk reduction treatments must occur at substantial cost. Utilizing forest biomass to generate energy can reduce the greenhouse gases emitted by burning forest biomass.

The legislature further finds that the emerging forest biomass energy economy is challenged by: Not having a reliable supply of predictably priced forest biomass feedstock; shipping and processing costs; insufficient forest biomass processing infrastructure; and feedstock demand.

The legislature finds that making use of the state's forest biomass resources for energy production may generate new revenues or increase asset values of state lands and state forest lands, protect forest land of all ownerships from severe forest health problems, stimulate Washington's economy, create green jobs, and reduce Washington's dependence on foreign oil.

It is the intent of the legislature to support forest biomass demonstration projects that employ promising processing technologies. The demonstration projects must emphasize public and private forest biomass feedstocks that are generated as byproducts of current forest practices. The project must reveal ways to overcome the current impediments to the developing forest biomass energy economy, and ways to realize ecologically sustainable outcomes from that development.

"NEW SECTION. Sec. 2. (1) The department may develop and implement forest biomass energy demonstration projects, one east of the crest of the Cascade mountains and one west of the crest of the Cascade mountains. The demonstration projects must be designed to:

(a) Reveal the utility of Washington's public and private forest biomass feedstock;

(b) Create green jobs and generate renewable energy;

(c) Generate revenues or improve asset values for beneficiaries of state lands and state forest lands;

(d) Improve forest health, reduce pollution, and restore ecological function; and

(e) Avoid interfering with the current working area for forest biomass collection surrounding an existing fixed location biomass energy production site.

(2) To develop and implement the forest biomass energy demonstration projects, the department may form forest biomass energy partnerships or cooperatives.

(3) The forest biomass energy partnerships or cooperatives are encouraged to be public-private partnerships focused on convening the entities necessary to grow, harvest, process, transport, and utilize forest biomass to generate renewable energy. Particular focus must be given to recruiting and employing emerging technologies that can locally process forest biomass feedstock to create local green jobs and reduce transportation costs.

(4) The forest biomass energy partnerships or cooperatives may include, but are not limited to: Entrepreneurs or organizations developing and operating emerging technology to process forest biomass; industrial electricity producers; contractors capable of providing the local labor needed to collect, process, and transport forest biomass feedstocks; tribes; federal land management agencies; county, city, and other local governments; the department of community, trade, and economic development; state trust land managers; an organization dedicated to protecting and strengthening the jobs, rights, and working conditions of Washington's working families; accredited research institution representatives; an industrial timber land manager; a small forest landowner; and a not-for-profit conservation organization.

NEW SECTION. Sec. 3. By December 2010, the department shall provide a progress report to the legislature regarding its efforts to develop, implement, and evaluate forest biomass energy demonstration projects and any other department initiatives related to forest biomass. The report may include an evaluation of:

(1) The status of the department's abilities to secure funding, partners, and other resources for the forest biomass energy demonstration projects;

(2) The status of the biomass energy demonstration projects resulting from the department's efforts;

(3) The status and, if applicable, additional needs of forest landowners within the demonstration project areas for estimating sustainable forest biomass yields and availability;

(4) Forest biomass feedstock supply and forest biomass market demand barriers, and how they can be overcome including actions by the legislature and United States congress; and

(5) Sustainability measures that may be instituted by the state to ensure that an increasing demand for forest biomass feedstocks does not impair public resources or the ecological conditions of forests.

NEW SECTION. Sec. 4. For the purposes of implementing this act, the department may seek grants or financing from the federal government, industry, or philanthropists.

Sec. 5. RCW 76.06.150 and 2004 c 218 s 2 are each amended to read as follows:

(1) The commissioner of public lands is designated as the state of Washington's lead for all forest health issues.

(2) The commissioner of public lands shall strive to promote communications between the state and the federal government regarding forest land management decisions that potentially affect the health of forests in Washington and will allow the state to have an influence on the management of federally owned land in Washington. Such government- to-government cooperation is vital if the condition of the state's public and private forest lands are to be protected. These activities may include, when deemed by the commissioner to be in the best interest of the state:

(a) Representing the state's interest before all appropriate local, state, and federal agencies;

(b) Assuming the lead state role for developing formal comments on federal forest management plans that may have an impact on the health of forests in Washington; ~~((and))~~

(c) Pursuing in an expedited manner any available and appropriate cooperative agreements, including cooperating agency status designation, with the United States forest service and the United States bureau of land management that allow for meaningful participation in any federal land management plans that could affect the department's strategic plan for healthy forests and effective fire prevention and suppression, including the pursuit of any options

available for giving effect to the cooperative philosophy contained within the national environmental policy act of 1969 (42 U.S.C. Sec. 4331); and

(d) Pursuing agreements with federal agencies in the service of forest biomass energy partnerships and cooperatives authorized under sections 2 through 4 of this act.

(3) The commissioner of public lands shall report to the chairs of the appropriate standing committees of the legislature every year on progress under this section, including the identification, if deemed appropriate by the commissioner, of any needed statutory changes, policy issues, or funding needs.

Sec. 6. RCW 43.30.020 and 1965 c 8 s 43.30.020 are each amended to read as follows:

~~((For the purpose of this chapter, except where a different interpretation is required by the context.))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of natural resources~~((;))~~.

(2) "Board" means the board of natural resources~~((;))~~.

(3) "Administrator" means the administrator of the department of natural resources~~((;))~~.

(4) "Supervisor" means the supervisor of natural resources~~((;))~~.

(5) "Agency" and "state agency" means any branch, department, or unit of the state government, however designated or constituted~~((;))~~.

(6) "Commissioner" means the commissioner of public lands.

(7) "Forest biomass" means the byproducts of: Current forest practices prescribed or permitted under chapter 76.09 RCW; current forest protection treatments prescribed or permitted under chapter 76.04 RCW; or the byproducts of forest health treatments prescribed or permitted under chapter 76.06 RCW. "Forest biomass" does not include wood pieces that have been treated with chemical preservatives such as: Creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests, except wood removed for forest health treatments under chapter 76.06 RCW and RCW 79.15.540; wood required by chapter 76.09 RCW for large woody debris recruitment; or municipal solid waste.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 8. Sections 2 through 4 of this act are each added to chapter 43.30 RCW under the subchapter heading "duties and powers--forested lands.""

On page 1, line 2 of the title, after "project;" strike the remainder of the title and insert "amending RCW 76.06.150 and 43.30.020; adding new sections to chapter 43.30 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2165 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Van De Wege and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2165, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2165, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Absent: Representative Linville.

Excused: Representative Flannigan.

HOUSE BILL NO. 2165, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2313 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.162 and 2006 c 337 s 3 are each amended to read as follows:

(1) The owner of a farm vehicle licensed under RCW 46.16.090 purchasing a monthly license under RCW 46.16.135 may, as an alternative to the first partial month of the license registration, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.

(3) Each farm vehicle trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for the vehicle for ~~((the period remaining in the first month of monthly license))~~ thirty consecutive calendar days, commencing with the day of first use. No more than four such permits may be used for any one vehicle in any twelve-month period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The farm vehicle trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(4) Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5) Farm vehicle trip permits may be obtained from the department of licensing or agents and subagents appointed by the department. The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No exchange, credits, or refunds may be given for farm vehicle trip permits after they have been purchased.

(8) The department of licensing may adopt rules as it deems necessary to administer this section."

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "and amending RCW 46.16.162."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2313 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Grant-Herriot spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding)] stated the question before the House to be the final passage of House Bill No. 2313, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2313, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 2313, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1021 with the following amendment:

On page 3, after line 5, insert the following:

"**Sec. 3.** RCW 70.38.105 and 2009 c ... (ESB 5423) s 1 are each amended to read as follows:

(1) The department is authorized and directed to implement the certificate of need program in this state pursuant to the provisions of this chapter.

(2) There shall be a state certificate of need program which is administered consistent with the requirements of federal law as necessary to the receipt of federal funds by the state.

(3) No person shall engage in any undertaking which is subject to certificate of need review under subsection (4) of this section without first having received from the department either a certificate of need or an exception granted in accordance with this chapter.

(4) The following shall be subject to certificate of need review under this chapter:

(a) The construction, development, or other establishment of a new health care facility;

(b) The sale, purchase, or lease of part or all of any existing hospital as defined in RCW 70.38.025;

(c) Any capital expenditure for the construction, renovation, or alteration of a nursing home which substantially changes the services of the facility after January 1, 1981, provided that the substantial changes in services are specified by the department in rule;

(d) Any capital expenditure for the construction, renovation, or alteration of a nursing home which exceeds the expenditure minimum as defined by RCW 70.38.025. However, a capital expenditure which is not subject to certificate of need review under (a), (b), (c), or (e) of this subsection and which is solely for any one or more of the following is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities which are necessary to maintain state licensure, however, other additional repairs, remodeling, or replacement projects that are not related to one or more deficiency citations and are not necessary to maintain state licensure are not exempt from certificate of need review except as otherwise permitted by (d)(vi) of this subsection or RCW 70.38.115(13);

(v) Acquisition of equipment, including data processing equipment, which is not or will not be used in the direct provision of health services;

(vi) Construction or renovation at an existing nursing home which involves physical plant facilities, including administrative, dining areas, kitchen, laundry, therapy areas, and support facilities, by an existing licensee who has operated the beds for at least one year;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt;

(e) A change in bed capacity of a health care facility which increases the total number of licensed beds or redistributes beds among acute care, nursing home care, and boarding home care if the bed redistribution is to be effective for a period in excess of six months, or a change in bed capacity of a rural health care facility licensed under RCW 70.175.100 that increases the total number of nursing home beds or redistributes beds from acute care or boarding home care to nursing home care if the bed redistribution is to be effective for a period in excess of six months. A health care facility certified as a critical access hospital under 42 U.S.C. 1395i-4 may increase its total number of licensed beds to the total number of beds permitted under 42 U.S.C. 1395i-4 for acute care and may redistribute beds permitted under 42 U.S.C. 1395i-4 among acute care and nursing home care without being subject to certificate of need review. If there is a nursing home licensed under chapter 18.51 RCW within twenty-seven miles of the critical access hospital, the critical access hospital is subject to certificate of need review except for:

(i) Critical access hospitals which had designated beds to provide nursing home care, in excess of five swing beds, prior to December 31, 2003;

(ii) Up to five swing beds; or

(iii) Up to twenty-five swing beds for critical access hospitals which do not have a nursing home licensed under chapter 18.51 RCW within the same city or town limits. ~~((No more than))~~ Up to one-half of the additional beds designated for swing bed services under this subsection (4)(e)(iii) may be so designated before July 1, ~~((2009))~~ 2010, with the balance designated ~~((no sooner than))~~ on or after July 1, 2010.

Critical access hospital beds not subject to certificate of need review under this subsection (4)(e) will not be counted as either acute care or nursing home care for certificate of need review purposes. If a health care facility ceases to be certified as a critical access hospital under 42 U.S.C. 1395i-4, the hospital may revert back to the type and number of licensed hospital beds as it had when it requested critical access hospital designation;

(f) Any new tertiary health services which are offered in or through a health care facility or rural health care facility licensed under RCW 70.175.100, and which were not offered on a regular basis by, in, or through such health care facility or rural health care

facility within the twelve-month period prior to the time such services would be offered;

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking under subsection (4) of this section and any arrangement or commitment made for financing such undertaking. Expenditures of preparation shall include expenditures for architectural designs, plans, working drawings, and specifications. The department may issue certificates of need permitting predevelopment expenditures, only, without authorizing any subsequent undertaking with respect to which such predevelopment expenditures are made; and

(h) Any increase in the number of dialysis stations in a kidney disease center.

(5) The department is authorized to charge fees for the review of certificate of need applications and requests for exemptions from certificate of need review. The fees shall be sufficient to cover the full cost of review and exemption, which may include the development of standards, criteria, and policies.

(6) No person may divide a project in order to avoid review requirements under any of the thresholds specified in this section."

On page 1, line 1 of the title, after "audits;" strike the remainder of the title and insert "and amending RCW 70.41.120, 70.41.122, and 70.38.105."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1021 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Campbell spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1021, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1021, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SECOND SUBSTITUTE HOUSE BILL NO. 1021, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1036 with the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 38.32.010 and 1989 c 19 s 39 are each amended to read as follows:

Any member of the organized militia committing nonmilitary offenses under chapter 38.38 RCW while on duty status (as provided in RCW 38.38.624,) or within state armories (-committing offenses against the laws of the state,) shall be promptly arrested by the military authorities and turned over to the civil authorities of the county or city in which the offense was committed.

Sec. 2. RCW 38.32.020 and 1989 c 19 s 40 are each amended to read as follows:

(1) Military offenses under chapter 38.38 RCW committed ((while on inactive duty or active state service as defined in RCW 38.04.010)) by members of the organized militia may be tried and punished as provided under chapter 38.38 RCW ((after this duty or service has terminated, and if found guilty the accused shall be punished accordingly. Any member of the organized militia on "inactive duty" or "active state service," as defined in RCW 38.04.010, committing any offense under chapter 38.38 RCW, where the offense charged is also made an offense by the civil law of this state, may, in the discretion of the officer whose duty it is to approve the charge, be turned over to the proper civil authorities for trial)).

(2) Primary jurisdiction over military offenses enumerated in chapter 38.38 RCW is with military authorities. Primary jurisdiction over nonmilitary offenses is with civilian authorities. If an offense may be both military and nonmilitary, the military authorities may proceed only after the civilian authorities have declined to prosecute or dismissed the charge, provided jeopardy has not attached. Jurisdiction over attempted crimes, conspiracy crimes, solicitation, and accessory crimes must be determined by whether the underlying offense is a military or nonmilitary offense.

(3) Any member of the organized militia ((on "inactive duty" or "active state service," as defined in RCW 38.04.010,)) committing any offense under chapter 38.38 RCW((s)) may, if such offense is committed ((upon)) on a military reservation of the United States within this state, be turned over to the civil authorities for trial as provided by federal law.

Sec. 3. RCW 38.38.004 and 1989 c 48 s 1 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Organized militia" means the national guard of the state, as defined in section 101(3) of title 32, United States Code, and any other military force organized under the laws of the state of Washington.

(2) "Officer" means commissioned or warrant officer.

(3) "Commissioned officer" includes a commissioned warrant officer.

(4) "Commanding officer" includes only commissioned officers in command of a unit.

(5) "Superior commissioned officer" means a commissioned officer superior in rank or command.

(6) "Enlisted member" means a person in an enlisted grade.

(7) "Grade" means a step or degree, in a graduated scale of office or military rank, that is established and designated as a grade by law or regulation.

(8) "Rank" means the order of precedence among members of the organized militia.

(9) ((The term "active state service" or "active training duty" shall be construed to be any service on behalf of the state, or at encampments whether ordered by state or federal authority or any other duty requiring the entire time of any organization or person except when called or drafted into the federal service by the president of the United States.

The term "inactive duty" shall include periods of drill and such other training and service not requiring the entire time of the organization or person, as may be required under state or federal laws, regulations, or orders, including travel to and from such duty.
 ((10)) "Military court" means a court-martial or a court of inquiry.

((11)) (10) "Military judge" means the presiding officer of a general or special court-martial detailed in accordance with RCW 38.38.256.

((12)) (11) "State judge advocate" means the commissioned judge advocate officer responsible for supervising the administration of the military justice in the organized militia.

((13)) (12) "Accuser" means a person who signs and swears to charges, any person who directs that charges nominally be signed and sworn to by another, and any person who has an interest other than an official interest in the prosecution of the accused.

((14)) (13) "Military" refers to any or all of the armed forces.

((15)) (14) "Convening authority" includes, in addition to the person who convened the court, a commissioned officer commanding for the time being, or a successor in command.

((16)) (15) "May" is used in a permissive sense. The words "no person may. . ." mean that no person is required, authorized, or permitted to do the act prescribed.

((17)) (16) "Shall" is used in an imperative sense.

((18)) (17) "Code" means this chapter.

((19)) (18) "A month's pay" or fraction thereof shall be calculated based upon a member's basic pay entitlement as if the member were serving for a thirty-day period.

(19) "Judge advocate" means an officer of the army or air national guard designated as a judge advocate by the judge advocate general of the army or the judge advocate general of the air force.

(20) "Military offense" means those offenses listed in RCW 38.38.644 through 38.38.800 and sections 25 and 26 of this act.

(21) "Nonmilitary offense" means any offense other than those listed in Title 38 RCW.

Sec. 4. RCW 38.38.008 and 1989 c 48 s 2 are each amended to read as follows:

This code applies to all members of the organized militia who are not in federal service pursuant to Title 10 U.S.C.

Sec. 5. RCW 38.38.024 and 1989 c 48 s 6 are each amended to read as follows:

(1) The governor, on the recommendation of the adjutant general, shall appoint ((am)) a judge advocate officer of the ((organized militia)) army or air national guard as state judge advocate. To be eligible for appointment, an officer must be a member of the bar of the highest court of the state and must have been a member of the bar of the state for at least five years.

(2) The adjutant general may appoint as many assistant state judge advocates as he or she considers necessary. To be eligible for appointment, assistant state judge advocates must be officers of the organized militia and members of the bar of the highest court of the state.

(3) The state judge advocate or assistants shall make frequent inspections in the field in supervision of the administration of military justice.

(4) Convening authorities shall at all times communicate directly with their staff judge advocates in matters relating to the administration of military justice; and the staff judge advocate of any command is entitled to communicate directly with the staff judge advocate of a superior or subordinate command, or with the state judge advocate.

(5) No person who has acted as member, law officer, trial counsel, assistant trial counsel, defense counsel, assistant defense counsel, or investigating officer, or who has been a witness for either the prosecution or defense, in any case may later act as staff judge advocate to any reviewing authority upon the same case.

(6) No judge advocate may be assigned nonlegal duties unless authorized by the state judge advocate.

NEW SECTION. Sec. 6. A new section is added to chapter 38.38 RCW to read as follows:

A military judge must be a judge advocate. The adjutant general shall prescribe procedures for certifying, appointing, detailing, and removing military judges.

Sec. 7. RCW 38.38.080 and 1989 c 48 s 11 are each amended to read as follows:

Persons confined other than in a guard house, whether before, during, or after trial by a military court, shall be confined in civil jails, penitentiaries, or prisons designated by the governor or ((by

~~such person as the governor may authorize to act)) the adjutant general.~~

Sec. 8. RCW 38.38.092 and 1989 c 48 s 14 are each amended to read as follows:

(1) Under such regulations as may be prescribed (~~(under this code))~~ by the adjutant general, a person subject to this code (~~(who is on active state service or inactive duty))~~ who is accused of an offense against civil authority may be delivered, upon request, to the civil authority for trial.

(2) When delivery under this section is made to any civil authority of a person undergoing sentence of a court-martial, the delivery, if followed by conviction in a civil tribunal, interrupts the execution of the sentence of the court-martial, and the offender after having answered to the civil authorities for the offense shall, upon the request of competent military authority, be returned to military custody for the completion of the sentence.

Sec. 9. RCW 38.38.132 and 1991 c 43 s 5 are each amended to read as follows:

(1) Under such regulations as the governor may prescribe, limitations may be placed on the powers granted by this section with respect to the kind and amount of punishment authorized, the categories of commanding officers and warrant officers exercising command authorized to exercise those powers, the applicability of this section to an accused who demands trial by court-martial, and the kinds of courts-martial to which the case may be referred upon such a demand. However, except in the case of a member attached to or embarked in a vessel, punishment may not be imposed upon any member of the organized militia under this section if the member has, before the imposition of such punishment, demanded trial by court-martial in lieu of such punishment. Under similar regulations, rules may be prescribed with respect to the suspension of punishments authorized hereunder. If authorized by regulations of the governor, a commanding officer exercising general court-martial jurisdiction or an officer of general rank in command may delegate powers under this section to a principal assistant.

(2) Subject to subsection (1) of this section, any commanding officer may, in addition to or in lieu of admonition or reprimand, impose one or more of the following disciplinary punishments for minor offenses without the intervention of a court-martial:

(a) Upon officers of his or her command:

(i) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive duty or drill days;

(ii) If imposed by an officer exercising general court-martial jurisdiction or an officer of general rank in command:

(A) Forfeiture of up to thirty days' pay, but not more than fifteen days' pay per month;

(B) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive drill or duty days;

(C) Detention of up to forty-five days' pay, but not more than fifteen days' pay per month;

(b) Upon other personnel of his or her command:

(i) If imposed upon a person attached to or embarked in a vessel, confinement for not more than three consecutive days;

(ii) Forfeiture of not more than seven days' pay;

(iii) Reduction to the next inferior pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction;

(iv) Extra duties, including fatigue or other duties for not more than fourteen duty or drill days, which need not be consecutive, and for not more than two hours per day, holidays included;

(v) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive days;

(vi) Detention of not more than fourteen days' pay;

(vii) If imposed by ~~((am))~~ a commanding officer of the grade of major or above:

(A) The punishment authorized in subsection (2)(b)(i) of this section;

(B) Forfeiture of up to thirty days' pay, but not more than fifteen days' pay per month;

(C) Reduction to the lowest or any intermediate pay grade, if the grade from which demoted is within the promotion authority of the officer imposing the reduction or any officer subordinate to the one who imposes the reduction, but an enlisted member in a pay grade above E-4 may not be reduced more than two pay grades;

(D) Extra duties, including fatigue or other duties, for not more than fourteen drill or duty days, which need not be consecutive, and for not more than two hours per day, holidays included;

(E) Restriction to certain specified limits, with or without suspension from duty, for not more than fourteen consecutive days;

(F) Detention of up to forty-five days' pay, but not more than fifteen days' pay per month.

Detention of pay shall be for a stated period of not more than one year but if the offender's term of service expires earlier, the detention shall terminate upon that expiration. Extra duties and restriction may not be combined to run consecutively in the maximum amount imposable for each. Whenever any such punishments are combined to run consecutively, there must be an apportionment. In addition, forfeiture of pay may not be combined with detention of pay without an apportionment.

(3) An officer in charge may impose upon enlisted members assigned to the unit of which the officer is in charge such of the punishment authorized under subsection (2)(b) of this section as the governor may specifically prescribe by regulation.

(4) The officer who imposes the punishment authorized in subsection (2) of this section, or a successor in command, may, at any time, suspend probationally any part or amount of the unexecuted punishment imposed and may suspend probationally a reduction in grade or a forfeiture imposed under subsection (2) of this section, whether or not executed. In addition, the officer may, at any time, remit or mitigate any part or amount of the unexecuted punishment imposed and may set aside in whole or in part the punishment, whether executed or unexecuted, and restore all rights, privileges, and property affected. The officer may also mitigate reduction in grade to forfeiture or detention of pay. When mitigating extra duties to restriction, the restriction shall not be longer than the number of hours of extra duty that may have been imposed. When mitigating reduction in grade to forfeiture or detention of pay, the amount of the forfeiture or detention shall not be greater than the amount that could have been imposed initially under this section by the officer who imposed the punishment mitigated.

(5) A person punished under this section who considers the punishment unjust or disproportionate to the offense may, through the proper channel, appeal to the next superior authority. The appeal shall be promptly forwarded and decided, but the person punished may in the meantime be required to undergo the punishment adjudged. The superior authority may exercise the same powers with respect to the punishment imposed as may be exercised under subsection (4) of this section by the officer who imposed the punishment. Before acting on an appeal from a punishment of:

(a) Forfeiture of more than seven days' pay;

(b) Reduction of one or more pay grades from the fourth or a higher pay grade;

(c) Extra duties for more than ten days;

(d) Restriction for more than ten days; or

(e) Detention of more than fourteen days' pay;

the authority who is to act on the appeal shall refer the case to a judge advocate for consideration and advice, and may so refer the case upon appeal from any punishment imposed under subsection (2) of this section.

(6) The imposition and enforcement of disciplinary punishment under this section for any act or omission is not a bar to trial by court-martial for a serious crime or offense growing out of the same act or omission, and not properly punishable under this section; but the fact that a disciplinary punishment has been enforced may be shown by the accused upon trial, and when so shown shall be considered in determining the measure of punishment to be adjudged in the event of a finding of guilty.

(7) The governor may by regulation prescribe the form of records to be kept of proceedings under this section and may also prescribe that certain categories of those proceedings shall be in writing.

Sec. 10. RCW 38.38.180 and 1963 c 220 s 18 are each amended to read as follows:

Subject to RCW 38.38.176, general courts-martial have jurisdiction to try persons subject to this code for any offense made punishable by this code and may, under such limitations as the governor may prescribe, adjudge any of the following punishments:

- (1) A fine of not more than ~~((two))~~ three hundred dollars;
- (2) Forfeiture of pay and allowances;
- (3) A reprimand;
- (4) Dismissal or dishonorable discharge;
- (5) Reduction of a noncommissioned officer to the ranks; or
- (6) Any combination of these punishments.

Sec. 11. RCW 38.38.188 and 1989 c 48 s 19 are each amended to read as follows:

(1) Subject to RCW 38.38.176, summary courts-martial have jurisdiction to try persons subject to this code, except officers for any offense made punishable by this code.

(2) No person with respect to whom summary courts-martial have jurisdiction may be brought to trial before a summary court-martial if the person objects thereto, unless under RCW 38.38.132 the person has been permitted and has elected to refuse punishment under that section. If objection to trial by summary court-martial is made by an accused who has been permitted to refuse punishment under RCW 38.38.132, trial shall be ordered by special or general court-martial, as may be appropriate.

(3) A summary court-martial may sentence to a fine of not more than twenty-five dollars for a single offense, to forfeiture of ~~((pay and allowances))~~ not more than one-half month's pay for two months, to reduction in rank of enlisted soldiers, and to reduction of a noncommissioned officer to the ranks.

Sec. 12. RCW 38.38.240 and 1989 c 48 s 22 are each amended to read as follows:

In the organized militia not in federal service pursuant to Title 10 U.S.C., general courts-martial may be convened by the president or by the governor, or by the ~~((commanding general of the national guard of the District of Columbia))~~ adjutant general.

Sec. 13. RCW 38.38.244 and 1989 c 48 s 23 are each amended to read as follows:

(1) In the organized militia not in federal service pursuant to Title 10 U.S.C., anyone authorized to convene a general court-martial, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a brigade, regiment, wing, group, detached battalion, separate squadron, or other detached command~~((s))~~ may convene special courts-martial. Special courts-martial may also be convened by superior authority. When any such officer is an accuser, the court shall be convened by superior competent authority.

(2) A special court-martial may not try a commissioned officer.

Sec. 14. RCW 38.38.248 and 1989 c 48 s 24 are each amended to read as follows:

(1) In the organized militia not in federal service pursuant to Title 10 U.S.C., anyone authorized to convene a special court-martial, the commanding officer of a garrison, fort, post, camp, air base, auxiliary air base, or other place where troops are on duty, or of a regiment, wing, group, detached battalion, detached squadron, detached company, or other detachment~~((s))~~ may convene a summary court-martial consisting of one commissioned officer. The proceedings shall be informal.

(2) When only one commissioned officer is present with a command or detachment the commissioned officer shall be the summary court-martial of that command or detachment and shall hear and determine all summary court-martial cases brought before him or her. Summary courts-martial may, however, be convened in any case by superior competent authority when considered desirable.

Sec. 15. RCW 38.38.312 and 1989 c 48 s 30 are each amended to read as follows:

(1) No person subject to this code may compel a person~~((s))~~ to incriminate ~~((themselves))~~ himself or herself or to answer any question the answer to which may tend to incriminate ~~((them))~~ himself or herself.

(2) No person subject to this code may interrogate, or request any statement from, an accused or a person suspected of an offense without first informing the person of the nature of the accusation and

advising that the person does not have to make any statement regarding the offense of which he or she is accused or suspected and that any statement made by the person may be used as evidence against him or her in a trial by court-martial.

(3) No person subject to this code may compel any person to make a statement or produce evidence before any military tribunal if the statement or evidence is not material to the issue and may tend to degrade the person.

(4) No statement obtained from any person in violation of this section, or through the use of coercion, unlawful influence, or unlawful inducement may be received in evidence against the person in a trial by court-martial.

Sec. 16. RCW 38.38.316 and 1989 c 48 s 31 are each amended to read as follows:

(1) No charge or specification may be referred to a general court-martial for trial until a thorough and impartial investigation of all the matters set forth therein has been made. This investigation shall include inquiry as to the truth of the matter set forth in the charges, consideration of the form of charges, and a recommendation as to the disposition which should be made of the case in the interest of justice and discipline.

(2) The accused shall be advised of the charges against him or her and of the right to be represented at that investigation by counsel. The accused has a right to be represented at that investigation as provided in RCW 38.38.376 and in regulations prescribed under that section.

At that investigation full opportunity shall be given to the accused to cross-examine witnesses against him or her if they are available and to present anything the person may desire in his or her own behalf, either in defense or mitigation, and the investigating officer shall examine available witnesses requested by the accused. If the charges are forwarded after the investigation, they shall be accompanied by a statement of the substance of the testimony taken on both sides and a copy thereof shall be given to the accused.

(3) If an investigation of the subject matter of an offense has been conducted before the accused is charged with the offense, and if the accused was present at the investigation and afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) ~~((hereof))~~ of this section, no further investigation of that charge is necessary under this section unless it is demanded by the accused after being informed of the charge. A demand for further investigation entitles the accused to recall witnesses for further cross-examination and to offer any new evidence in his or her own behalf.

(4) If evidence adduced in an investigation under this chapter indicates that the accused committed an uncharged offense, the investigating officer may investigate the subject matter of that offense without the accused having first been charged with the offense if the accused:

- (a) Is present at the investigation;
- (b) Is informed of the nature of each uncharged offense investigated; and
- (c) Is afforded the opportunities for representation, cross-examination, and presentation prescribed in subsection (2) of this section.

(5) The requirements of this section are binding on all persons administering this code but failure to follow them does not divest a military court of jurisdiction.

Sec. 17. RCW 38.38.376 and 1989 c 48 s 37 are each amended to read as follows:

(1) The trial counsel of a general or special court-martial shall prosecute in the name of the state, and shall, under the direction of the court, prepare the record of the proceedings.

~~((The accused has the right to be represented in his or her defense before a general or special court-martial by civilian counsel if provided by the accused, or by military counsel of his or her own selection if reasonably available as defined in regulations of the governor, or by the defense counsel detailed under RCW 38.38.260. Should the accused have civilian counsel of his or her own selection, the defense counsel, and assistant defense counsel, if any, who were detailed, shall, if the accused so desires, act as associate counsel; otherwise they shall be excused by the military judge or president of a special court-martial.~~

~~(3) In every court-martial proceeding, the defense counsel may, in the event of conviction, forward for attachment to the record of proceedings a brief of such matters the defense counsel feels should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate and assist the accused in the submission of any matter under RCW 38.38.536.~~

~~(4)) The accused has the right to be represented in his or her defense before a general or special court-martial or at an investigation under RCW 38.38.316 as provided in this subsection.~~

~~(a) The accused may be represented by civilian counsel if provided at his or her own expense.~~

~~(b) The accused may be represented by:~~

~~(i) Military counsel detailed under RCW 38.38.260; or~~

~~(ii) Military counsel of his or her own selection if that counsel is reasonably available, as determined under regulations prescribed under subsection (3) of this section.~~

~~(c) If the accused is represented by civilian counsel, military counsel detailed or selected under (b) of this subsection shall act as associate counsel unless excused at the request of the accused.~~

~~(d) Except as provided under (e) of this subsection, if the accused is represented by military counsel of his or her own selection under (b)(ii) of this subsection, any military counsel detailed under (b)(i) of this subsection shall be excused.~~

~~(e) The accused is not entitled to be represented by more than one military counsel. However, the person authorized under regulations prescribed under RCW 38.38.260 to detail counsel in his or her sole discretion:~~

~~(i) May detail additional military counsel as assistant defense counsel; and~~

~~(ii) If the accused is represented by military counsel of his or her own selection under (b)(ii) of this subsection, may approve a request from the accused that military counsel detailed under (b)(i) of this subsection act as associate defense counsel.~~

~~(3) The state judge advocate shall, by regulation, define "reasonably available" for the purpose of subsection (2) of this section and establish procedures for determining whether the military counsel selected by an accused under subsection (2) of this section is reasonably available.~~

~~(4) In any court-martial proceeding resulting in a conviction, the defense counsel:~~

~~(a) May forward for attachment to the record of proceedings a brief of such matters as he or she determines should be considered in behalf of the accused on review, including any objection to the contents of the record which he or she considers appropriate;~~

~~(b) Shall assist the accused in the submission of any matter under RCW 38.38.536; and~~

~~(c) May take other action authorized by this chapter.~~

~~(5) An assistant trial counsel of a general court-martial may, under the direction of the trial counsel or when qualified to be a trial counsel as required by RCW 38.38.260, perform any duty imposed by law, regulation, or the custom of the service upon the trial counsel of the court. An assistant trial counsel of a special court-martial may perform any duty of the trial counsel.~~

~~((5)) (6) An assistant defense counsel of a general or special court-martial may, under the direction of the defense counsel or when qualified to be the defense counsel as required by RCW 38.38.260, perform any duty imposed by law, regulation, or the custom of the service upon counsel for the accused.~~

Sec. 18. RCW 38.38.388 and 1989 c 48 s 40 are each amended to read as follows:

(1) The military judge and members of a general or special court-martial may be challenged by the accused or the trial counsel for cause stated to the court. The military judge or, if none, the court shall determine the relevance and validity of challenges for cause and may not receive a challenge to more than one person at a time. Challenges by the trial counsel shall ordinarily be presented and decided before those by the accused are offered.

(2) If exercise of a challenge for cause reduces the court below the minimum number of members required by RCW 38.38.172, all parties shall, notwithstanding RCW 38.38.268, either exercise or waive any challenge for cause then apparent against the remaining members of the court before additional members are detailed to the

court. However, peremptory challenges shall not be exercised at that time.

(3) Each accused and the trial counsel is entitled to one peremptory challenge, but the military judge may not be challenged except for cause.

(4) If exercise of a peremptory challenge reduces the court below the minimum number of members required by RCW 38.38.172, the parties shall, notwithstanding RCW 38.38.268, either exercise or waive any remaining peremptory challenge, that has not been previously waived, against the remaining members of the court before additional members are detailed to the court.

(5) Whenever additional members are detailed to the court, and after any challenges for cause against such additional members are presented and decided, each accused and the trial counsel are entitled to one peremptory challenge against members not previously subject to peremptory challenge.

Sec. 19. RCW 38.38.396 and 1989 c 48 s 42 are each amended to read as follows:

(1) A person charged with desertion or absence without leave in time of war, or with aiding the enemy or with mutiny may be tried and punished at any time without limitation.

(2) Except as otherwise provided in this section, a person charged with desertion in time of peace or with the offense punishable under RCW 38.38.784 is not liable to be tried by court-martial if the offense was committed more than three years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command.

(3) Except as otherwise provided in this section, a person charged with any offense is not liable to be tried by court-martial or punished under RCW 38.38.132 if the offense was committed more than two years before the receipt of sworn charges and specifications by an officer exercising summary court-martial jurisdiction over the command or before the imposition of punishment under RCW 38.38.132.

(4) Periods in which the accused was absent from territory in which the state has the authority to apprehend the accused, or in the custody of civil authorities, or in the hands of the enemy, shall be excluded in computing the period of limitation prescribed in this section.

(5) If charges or specifications are dismissed as defective or insufficient for any cause and the period prescribed by the applicable statute of limitations:

(a) Has expired; or

(b) Will expire within one hundred eighty days after the date of dismissal of the charges and specifications trial and punishment under new charges and specifications are not barred by the statute of limitations if the conditions specified in subsection (6) of this section are met.

(6) The conditions referred to in subsection (5) of this section are that the new charges and specifications must:

(a) Be received by an officer exercising summary court-martial jurisdiction over the command within one hundred eighty days after the dismissal of the charges or specifications; and

(b) Allege the same acts or omissions that were alleged in the dismissed charges or specifications or allege acts or omissions that were included in the dismissed charges or specifications.

Sec. 20. RCW 38.38.408 and 1989 c 48 s 45 are each amended to read as follows:

(1) The trial counsel, the defense counsel, and the court-martial shall have equal opportunity to obtain witnesses and other evidence in accordance with such regulations as the governor may prescribe.

(2) The president of a special court-martial, military judge, military magistrate, or a summary court officer may:

(a) Issue a warrant for the arrest of any accused person who, having been served with a warrant and a copy of the charges, disobeys a written order by the convening authority to appear before the court;

(b) Issue subpoenas duces tecum and other subpoenas;

(c) Enforce by attachment the attendance of witnesses and the production of books and papers; and

(d) Sentence for refusal to be sworn or to answer, as provided in actions before civil courts of the state.

(3) Process issued in court-martial cases to compel witnesses to appear and testify and to compel the production of other evidence shall run to any part of the state and shall be executed by civil officers as prescribed by the laws of the state.

Sec. 21. RCW 38.38.412 and 1989 c 48 s 46 are each amended to read as follows:

(1) Any person not subject to this code who:

(a) Has been duly subpoenaed to appear as a witness or to produce books and records before a court-martial, military commission, court of inquiry, or any other military court or board, or before any military or civil officer designated to take a deposition to be read in evidence before such a court, commission, or board;

(b) Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the superior court of the state; and

(c) Willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or to produce any evidence which that person may have been legally subpoenaed to produce; is guilty of an offense against the state.

(2) Any person who commits an offense named in subsection (1) of this section shall be tried before the superior court of this state having jurisdiction and jurisdiction is conferred upon those courts for that purpose. Upon conviction, such a person shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than six months, or both.

(3) The prosecuting attorney in any such court, upon the certification of the facts by the military court, commission, court of inquiry, or board, shall prosecute any person violating this section.

Sec. 22. RCW 38.38.624 and 1963 c 220 s 75 are each amended to read as follows:

No person may be tried or punished for any offense provided for in RCW 38.38.628 through 38.38.800, unless ~~(it was committed while he was in a duty status)~~ he or she was a member of the organized militia at the time of the offense.

Sec. 23. RCW 38.38.752 and 1963 c 220 s 107 are each amended to read as follows:

Any person subject to this code who ~~(while in a duty status,)~~ willfully or recklessly wastes, spoils, or otherwise willfully and wrongfully destroys or damages any property other than military property of the United States or of the state shall be punished as a court-martial may direct.

Sec. 24. RCW 38.38.760 and 1963 c 220 s 109 are each amended to read as follows:

~~((Any person subject to this code who operates any vehicle while drunk, or in a reckless or wanton manner, shall be punished as a court martial may direct.))~~

(1) Any person subject to this code who:

(a) Operates or physically controls any vehicle, aircraft, or vessel in a reckless or wanton manner or while impaired by a substance described in section 25; or

(b) Operates or is in actual physical control of any vehicle, aircraft, or vessel while drunk or when the alcohol concentration in the person's blood or breath is equal to or exceeds the applicable limit under subsection (2) of this section; or

(c) Operates or is in actual physical control of any vehicle, aircraft, or vessel in a reckless or wanton manner shall be punished as a court-martial may direct.

(2) For purposes of subsection (1) of this section, the blood alcohol content limit with respect to alcohol concentration in a person's blood is 0.08 grams of alcohol per one hundred milliliters of blood and with respect to alcohol concentration in a person's breath is 0.08 grams of alcohol per two hundred ten liters of breath, as shown by chemical analysis.

(3) For purposes of this section, "blood alcohol content limit" means the amount of alcohol concentration in a person's blood or breath at which operation or control of a vehicle, aircraft, or vessel is prohibited.

NEW SECTION. Sec. 25. A new section is added to chapter 38.38 RCW to read as follows:

(1) Any person subject to this code who wrongfully uses, possesses, distributes, or introduces into an installation, vessel, vehicle, or aircraft used by or under the control of the armed forces

or organized militia a substance described in subsection (2) of this section shall be punished as a court-martial may direct.

(2) The substances referred to in subsection (1) of this section are the following:

(a) Opium, heroin, cocaine, amphetamine, lysergic acid diethylamide, methamphetamine, phenylcyclidine, barbituric acid, and marijuana and any compound or derivative of any such substance.

(b) Any substance not specified in (a) of this subsection that is listed on a schedule of controlled substances prohibited by the United States army; or

(c) Any other substance not specified in this subsection that is listed in Schedules I through V of section 202 of the federal controlled substances act, 21 U.S.C. Sec. 812, as amended:

NEW SECTION. Sec. 26. A new section is added to chapter 38.38 RCW to read as follows:

Any person subject to this code who attempts or offers with unlawful force or violence to do bodily harm to another member of the organized militia, whether or not the attempt or offer is consummated, is guilty of assault and shall be punished as a court-martial may direct.

Sec. 27. RCW 38.38.800 and 1989 c 48 s 71 are each amended to read as follows:

Though not specifically mentioned in this code, all disorders and neglects to the prejudice of good order and discipline in the organized militia, of which persons subject to this code may be guilty, shall be taken cognizance of by a general, special or summary court-martial, according to the nature and degree of the offense, and shall be punished at the discretion of that court. However, cognizance may not be taken of, and jurisdiction may not be extended to, the crimes of murder, manslaughter, rape, robbery, maiming, sodomy, arson, extortion, assault in the first degree, burglary, or housebreaking, jurisdiction of which is reserved to civil courts.

Sec. 28. RCW 38.38.840 and 1989 c 48 s 72 are each amended to read as follows:

(1) Courts of inquiry to investigate any matter may be convened by the governor, the adjutant general, or by any other person designated by the governor for that purpose, whether or not the persons involved have requested such an inquiry: PROVIDED, That upon the request of the officer involved such an inquiry shall be instituted as hereinabove set forth.

(2) A court of inquiry consists of three or more commissioned officers. For each court of inquiry the convening authority shall also appoint counsel for the court.

(3) Any person subject to this code whose conduct is subject to inquiry shall be designated as a party. Any person subject to this code or employed in the state military department, who has a direct interest in the subject of inquiry has the right to be designated as a party upon request to the court. Any person designated as a party shall be given due notice and has the right to be present, to be represented by counsel, to cross-examine witnesses, and to introduce evidence.

(4) Members of a court of inquiry may be challenged by a party, but only for cause stated to the court.

(5) The members, counsel, the reporter, and interpreters of courts of inquiry shall take an oath or affirmation to faithfully perform their duties.

(6) Witnesses may be summoned to appear and testify and be examined before courts of inquiry, as provided for courts-martial.

(7) Courts of inquiry shall make findings of fact but may not express opinions or make recommendations unless required to do so by the convening authority.

(8) Each court of inquiry shall keep a record of its proceedings, which shall be authenticated by the signatures of the president and counsel for the court and forwarded to the convening authority. If the record cannot be authenticated by the president, it shall be signed by a member in lieu of the president. If the record cannot be authenticated by the counsel for the court, it shall be signed by a member in lieu of the counsel.

Sec. 29. RCW 38.38.844 and 1989 c 48 s 73 are each amended to read as follows:

(1) The following members of the organized militia may administer oaths for the purposes of military administration,

including military justice, and affidavits may be taken for those purposes before persons having the general powers of a notary public:

- (a) The state judge advocate and all assistant state judge advocates;
- (b) All law specialists or paralegals;
- (c) All summary courts-martial;
- (d) All adjutants, assistant adjutants, acting adjutants, and personnel adjutants;
- (e) The military judge, president, trial counsel, and assistant trial counsel for all general and special courts-martial;
- (f) The president and the counsel for the court of any court of inquiry;
- (g) All officers designated to take a deposition;
- (h) All commanding officers of units of the organized militia;
- (i) All officers of the organized militia designated as recruiting officers;
- (j) All persons detailed to conduct an investigation; and
- ~~((+))~~ (k) All other persons designated by regulations of the ~~((governor))~~ adjutant general.

~~(2) ((Officers of the organized militia may not be authorized to administer oaths as provided in this section unless they are on active state service or inactive duty for training in or with those forces under orders of the governor as prescribed in this code.~~

~~((3))~~ The signature without seal of any such person, together with the title of the person's office, is prima facie evidence of the person's authority.

Sec. 30. RCW 38.38.848 and 1989 c 48 s 74 are each amended to read as follows:

(1) RCW 38.38.008, 38.38.012, 38.38.064 through 38.38.132, 38.38.252, 38.38.260, 38.38.372, 38.38.480, 38.38.624 through 38.38.792, and 38.38.848 through 38.38.860 shall be carefully explained to every enlisted member:

- (a) At the time of the member's enlistment or transfer or induction ~~((into, or))~~;
- (b) At the time of the member's order to duty in or with any of the organized militia; or
- (c) Within ~~((thirty))~~ forty days thereafter. ~~((They))~~

~~(2) These sections shall also be explained ((annually to each unit of the organized militia)) again to each member of the organized militia each time a member of the organized militia reenlists or extends his or her enlistment.~~

(3) A complete text of this code and of the regulations prescribed by the governor thereunder shall be made available to any member of the organized militia, upon request, for personal examination."

On page 1, line 1 of the title, after "justice;" strike the remainder of the title and insert "amending RCW 38.32.010, 38.32.020, 38.38.004, 38.38.008, 38.38.024, 38.38.080, 38.38.092, 38.38.132, 38.38.180, 38.38.188, 38.38.240, 38.38.244, 38.38.248, 38.38.312, 38.38.316, 38.38.376, 38.38.388, 38.38.396, 38.38.408, 38.38.412, 38.38.624, 38.38.752, 38.38.760, 38.38.800, 38.38.840, 38.38.844, and 38.38.848; and adding new sections to chapter 38.38 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1036 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kelley spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1036, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1036, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1036, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1087 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 43.41 RCW to read as follows:

(1) The office shall, in consultation with the office of minority and women's business enterprises and any advisory committee, develop a strategic plan to improve the effectiveness of all state agencies in carrying out the purposes of chapter 39.19 RCW, including assisting small minority and women's business enterprises in competing for and receiving state contracts and otherwise succeeding in this state. The plan must be updated at least annually and must include timelines and, at a minimum, strategies to:

(a) Facilitate communication with and among minority and women's business enterprises on contracting with the state, including providing for a central depository of information accessible to small businesses and to individual contracting agencies and officers;

(b) Increase the effectiveness of existing outreach from the office of minority and women's business enterprises to small businesses, including publicizing the value of certification under chapter 39.19 RCW, and increase outreach by individual agencies;

(c) Streamline the statewide certification process under chapter 39.19 RCW;

(d) Focus technical assistance to small businesses and certified firms;

(e) Provide an effective training program to contracting officers at all state agencies on the certification process in chapter 39.19 RCW and ways to increase the role of minority and women-owned businesses in state contracting;

(f) Address barriers to inclusion of certified firms in the state procurement process;

(g) Increase selection of firms certified under chapter 39.19 RCW as prime contractors and subcontractors in contracts awarded by state agencies and educational institutions; and

(h) Develop accountability measures to use in reporting progress by state agencies and educational institutions in achieving the purposes of this chapter.

(2) The office must report on the strategic plan and its assessment of progress to the governor and the appropriate committees of the legislature, with a preliminary report by September 1, 2009, and annual reports beginning December 1, 2009. The report must include relevant fiscal information.

NEW SECTION. Sec. 2. A new section is added to chapter 43.41 RCW to read as follows:

(1) For the purpose of annual reporting on progress required by section 1 of this act, each state agency and educational institution shall submit data to the office and the office of minority and women's business enterprises on the participation by qualified minority and women-owned and controlled businesses in the agency's or institution's contracts and other related information requested by the director. The director of the office of minority and women's business enterprises shall determine the content and format of the data and the reporting schedule, which must be at least annually.

(2) The office must develop and maintain a list of contact people at each state agency and educational institution that is able to present to hearings of the appropriate committees of the legislature its progress in carrying out the purposes of chapter 39.19 RCW.

(3) The office must submit a report aggregating the data received from each state agency and educational institution to the legislature and the governor.

Sec. 3. RCW 39.19.041 and 1995 c 269 s 1302 are each amended to read as follows:

(1) The director may establish ~~((ad hoc advisory committees, as necessary;))~~ advisory committees on various aspects of minority and women's business enterprises on an ad hoc basis to assist in the development of policies to carry out the purposes of this chapter and to provide the director with policy advice on current issues.

(2) The advisory committees may meet as often as necessary.

(3) Advisory committee membership:

(a) Must be as diverse and representative as possible of businesses certified under this chapter unless such a requirement would reduce the number of members with relevant knowledge and experience;

(b) Should include organizations that represent minority and women-owned businesses;

(c) Should reflect statewide geographic distribution of small businesses; and

(d) May include nonvoting representatives of state and local government."

On page 1, line 2 of the title, after "enterprises;" strike the remainder of the title and insert "amending RCW 39.19.041; and adding new sections to chapter 43.41 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1087 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1087, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1087, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia,

Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Crouse, Hinkle, Klippert, Kretz, Shea, Short, Taylor and Warnick.

Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 1087, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 1087.

DON COX, 9th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED HOUSE BILL NO. 1087.

JOE SCHMICK, 9th District

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.41 RCW to read as follows:

(1) Each hospital licensed under this chapter shall, by January 1, 2010, adopt a policy regarding methicillin-resistant staphylococcus aureus. The policy shall, at a minimum, contain the following elements:

(a) A requirement to test any patient for methicillin-resistant staphylococcus aureus who is a member of a patient population identified as appropriate to test based on the hospital's risk assessment for methicillin-resistant staphylococcus aureus;

(b) A requirement that a patient in the hospital's adult or pediatric, but not neonatal, intensive care unit be tested for methicillin-resistant staphylococcus aureus within twenty-four hours of admission unless the patient has been previously tested during that hospital stay or has a known history of methicillin-resistant staphylococcus aureus;

(c) Appropriate procedures to help prevent patients who test positive for methicillin-resistant staphylococcus aureus from transmitting to other patients. For purposes of this subsection, "appropriate procedures" include, but are not limited to, isolation or cohorting of patients colonized or infected with methicillin-resistant staphylococcus aureus. In a hospital where patients, whose methicillin-resistant staphylococcus aureus status is either unknown or uncolonized, may be roomed with colonized or infected patients, patients must be notified they may be roomed with patients who have tested positive for methicillin-resistant staphylococcus aureus; and

(d) A requirement that every patient who has a methicillin-resistant staphylococcus aureus infection receive oral and written instructions regarding aftercare and precautions to prevent the spread of the infection to others.

(2) A hospital that has identified a hospitalized patient who has a diagnosis of methicillin-resistant staphylococcus aureus shall report the infection to the department using the department's comprehensive hospital abstract reporting system. When making its report, the hospital shall use codes used by the United States centers for medicare and medicaid services, when available.

Sec. 2. RCW 43.70.056 and 2007 c 261 s 2 are each amended to read as follows:

(1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Health care-associated infection" means a localized or systemic condition that results from adverse reaction to the presence of an infectious agent or its toxins and that was not present or incubating at the time of admission to the hospital.

(b) "Hospital" means a health care facility licensed under chapter 70.41 RCW.

(2)(a) A hospital shall collect data related to health care-associated infections as required under this subsection (2) on the following:

(i) Beginning July 1, 2008, central line-associated bloodstream infection in the intensive care unit;

(ii) Beginning January 1, 2009, ventilator-associated pneumonia; and

(iii) Beginning January 1, 2010, surgical site infection for the following procedures:

(A) Deep sternal wound for cardiac surgery, including coronary artery bypass graft;

(B) Total hip and knee replacement surgery; and

(C) Hysterectomy, abdominal and vaginal.

(b) Until required otherwise under (c) of this subsection, a hospital must routinely collect and submit the data required to be collected under (a) of this subsection to the national healthcare safety network of the United States centers for disease control and prevention in accordance with national healthcare safety network definitions, methods, requirements, and procedures.

(c)(i) With respect to any of the health care-associated infection measures for which reporting is required under (a) of this subsection, the department must, by rule, require hospitals to collect and submit the data to the centers for medicare and medicaid services according to the definitions, methods, requirements, and procedures of the hospital compare program, or its successor, instead of to the national healthcare safety network, if the department determines that:

(A) The measure is available for reporting under the hospital compare program, or its successor, under substantially the same definition; and

(B) Reporting under this subsection (2)(c) will provide substantially the same information to the public.

(ii) If the department determines that reporting of a measure must be conducted under this subsection (2)(c), the department must adopt rules to implement such reporting. The department's rules must require reporting to the centers for medicare and medicaid services as soon as practicable, but not more than one hundred twenty days, after the centers for medicare and medicaid services allow hospitals to report the respective measure to the hospital compare program, or its successor. However, if the centers for medicare and medicaid services allow infection rates to be reported using the centers for disease control and prevention's national healthcare safety network, the department's rules must require reporting that reduces the burden of data reporting and minimizes changes that hospitals must make to accommodate requirements for reporting.

(d) Data collection and submission required under this subsection (2) must be overseen by a qualified individual with the appropriate level of skill and knowledge to oversee data collection and submission.

(e)(i) A hospital must release to the department, or grant the department access to, its hospital-specific information contained in the reports submitted under this subsection (2), as requested by the department.

(ii) The hospital reports obtained by the department under this subsection (2), and any of the information contained in them, are not subject to discovery by subpoena or admissible as evidence in a civil proceeding, and are not subject to public disclosure as provided in RCW 42.56.360.

(3) The department shall:

(a) Provide oversight of the health care-associated infection reporting program established in this section;

(b) By January 1, 2011, submit a report to the appropriate committees of the legislature based on the recommendations of the advisory committee established in subsection (5) of this section for

additional reporting requirements related to health care-associated infections, considering the methodologies and practices of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations;

(c) Delete, by rule, the reporting of categories that the department determines are no longer necessary to protect public health and safety;

(d) By December 1, 2009, and by each December 1st thereafter, prepare and publish a report on the department's web site that compares the health care-associated infection rates at individual hospitals in the state using the data reported in the previous calendar year pursuant to subsection (2) of this section. The department may update the reports quarterly. In developing a methodology for the report and determining its contents, the department shall consider the recommendations of the advisory committee established in subsection (5) of this section. The report is subject to the following:

(i) The report must disclose data in a format that does not release health information about any individual patient; and

(ii) The report must not include data if the department determines that a data set is too small or possesses other characteristics that make it otherwise unrepresentative of a hospital's particular ability to achieve a specific outcome; and

(e) Evaluate, on a regular basis, the quality and accuracy of health care-associated infection reporting required under subsection (2) of this section and the data collection, analysis, and reporting methodologies.

(4) The department may respond to requests for data and other information from the data required to be reported under subsection (2) of this section, at the requestor's expense, for special studies and analysis consistent with requirements for confidentiality of patient records.

(5)(a) The department shall establish an advisory committee which may include members representing infection control professionals and epidemiologists, licensed health care providers, nursing staff, organizations that represent health care providers and facilities, health maintenance organizations, health care payers and consumers, and the department. The advisory committee shall make recommendations to assist the department in carrying out its responsibilities under this section, including making recommendations on allowing a hospital to review and verify data to be released in the report and on excluding from the report selected data from certified critical access hospitals. Annually, beginning January 1, 2011, the advisory committee shall also make a recommendation to the department as to whether current science supports expanding presurgical screening for methicillin-resistant staphylococcus aureus prior to open chest cardiac, total hip, and total knee elective surgeries.

(b) In developing its recommendations, the advisory committee shall consider methodologies and practices related to health care-associated infections of the United States centers for disease control and prevention, the centers for medicare and medicaid services, the joint commission, the national quality forum, the institute for healthcare improvement, and other relevant organizations.

(6) The department shall adopt rules as necessary to carry out its responsibilities under this section.

NEW SECTION. Sec. 3. A new section is added to chapter 70.58 RCW to read as follows:

In completing a certificate of death in compliance with this chapter, a physician, physician assistant, or advanced registered nurse practitioner must note the presence of methicillin-resistant staphylococcus aureus, if it is a cause or contributing factor in the patient's death."

On page 1, line 2 of the title, after "aureus;" strike the remainder of the title and insert "amending RCW 43.70.056; adding a new section to chapter 70.41 RCW; and adding a new section to chapter 70.58 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Campbell spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1123, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1123, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 2, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1127 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.200.010 and 2000 c 163 s 1 are each amended to read as follows:

(1) The legislature finds that credit ~~((is an))~~ and debit cards are important tools for consumers in today's economy~~((particularly the use of credit cards))~~. The legislature also finds that unscrupulous persons often fraudulently use the ~~((credit))~~ card accounts of others by stealing the ~~((credit))~~ card itself or by obtaining the necessary information to fraudulently charge the purchase of goods and services to another person's ~~((credit card))~~ account. The legislature intends to provide some protection for consumers from the latter by limiting the information that can appear on a ~~((credit))~~ card receipt.

(2) No person that accepts credit or debit cards for the transaction of business shall print more than the last five digits of the ~~((credit))~~ card account number or print the ~~((credit))~~ card expiration date on a credit or debit card receipt. This includes all receipts kept by the person or provided to the cardholder.

(3) This section shall apply only to receipts that are electronically printed and shall not apply to transactions in which the sole means of recording the ~~((credit))~~ card number is by handwriting or by an imprint or copy of the credit or debit card.

(4) ~~((For purposes of chapter 163, Laws of 2000;))~~ The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(a) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

~~((5)) This section applies on July 1, 2001, to any cash register or other machine or device that electronically prints receipts on credit card transactions and is placed into service on or after July 1, 2001, and on July 1, 2004, to any cash register or other machine or device that electronically prints receipts on credit card transactions and is placed into service prior to July 1, 2001;))~~ (b) "Debit card" means a card or device used to obtain money, property, labor, or services by a transaction that debits a cardholder's account, rather than extending credit.

Sec. 2. RCW 63.14.123 and 2000 c 163 s 2 are each amended to read as follows:

(1) A retailer shall not print more than the last five digits of the ~~((credit))~~ card account number or print the ~~((credit))~~ card expiration date on a credit or debit card receipt. This includes all receipts kept by the person or provided to the cardholder.

(2) This section shall apply only to receipts that are electronically printed and shall not apply to transactions in which the:

(a) Sole means of recording the ~~((credit))~~ card number is by handwriting or by an imprint or copy of the credit or debit card; or

(b) Retailer processes the transaction electronically but also takes additional manual measures for the purpose of ensuring that the card is not being used fraudulently, including measures the retailer is contractually obligated to take in connection with its acceptance of credit or debit cards.

~~((3)) ((This section applies on July 1, 2001, to any cash register or other machine or device that electronically prints receipts on credit card transactions and is placed into service on or after July 1, 2001, and on July 1, 2004, to any cash register or other machine or device that electronically prints receipts on credit card transactions and is placed into service prior to July 1, 2001;))~~ For the purposes of this section:

(a) "Credit card" means a card or device existing for the purpose of obtaining money, property, labor, or services on credit.

(b) "Debit card" means a card or device used to obtain money, property, labor, or services by a transaction that debits a cardholder's account, rather than extending credit."

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "and amending RCW 19.200.010 and 63.14.123."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1127 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Hurst and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1127, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1127, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert,

Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1127, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1137 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79.02.300 and 2004 c 199 s 207 are each amended to read as follows:

(1) Every person who, without authorization, uses or occupies public lands, removes any valuable material as defined in RCW 79.02.010 from public lands, or causes waste or damage to public lands, or injures publicly owned personal property or publicly owned improvements to real property on public lands, is liable to the state for treble the amount of the damages. However, liability shall be for single damages if the department determines, or the person proves upon trial, that the person, at time of the unauthorized act or acts, did not know, or have reason to know, that he or she lacked authorization. Damages recoverable under this section include, but are not limited to, the market value of the use, occupancy, or things removed, had the use, occupancy, or removal been authorized; and any damages caused by injury to the land, publicly owned personal property or publicly owned improvement, including the costs of restoration. In addition, the person is liable for reimbursing the state for its reasonable costs(;) including, but not limited to, its administrative costs, survey costs to the extent they are not included in damages awarded for restoration costs, and its reasonable attorneys' fees and other legal costs.

(2) This section does not apply in any case where liability for damages is provided under RCW ((64.12.030;)) 4.24.630, 64.12.030, or 79.02.320((-or 79.02.340)).

(3) The department is authorized and directed to investigate all trespasses and wastes upon, and damages to, public lands of the state, and to cause prosecutions for, and/or actions for the recovery of the same, to be commenced as ((ts)) provided by law.

Sec. 2. RCW 79.02.310 and 2003 c 53 s 379 are each amended to read as follows:

Every person who willfully commits any trespass upon any public lands of the state and cuts down, destroys, or injures any timber, or any tree, including a Christmas tree as defined in RCW 76.48.020, standing or growing thereon, or takes, or removes, or causes to be taken, or removed, therefrom any wood or timber lying thereon, or maliciously injures or severs anything attached thereto, or the produce thereof, or digs, quarries, mines, takes or removes therefrom any earth, soil, stone, mineral, clay, sand, gravel, or any valuable materials, is guilty of theft under chapter 9A.56 RCW.

Sec. 3. RCW 79.02.320 and 1927 c 255 s 199 are each amended to read as follows:

Every person who shall cut or remove, or cause to be cut or removed, any timber growing or being upon any public lands of the state, including a Christmas tree as defined in RCW 76.48.020, or who shall manufacture the same into logs, bolts, shingles, lumber or other articles of use or commerce, unless expressly authorized so to do by a bill of sale from the state, or by a lease or contract from the state under which he or she holds possession of such lands, or by ((the)) provisions of law under ((and by virtue of)) which ((such)) the bill of sale, lease or contract was issued, shall be liable to the state ((in)) for treble the value of the timber or other articles ((so)) cut, removed, or manufactured, to be recovered in a civil action, and shall

forfeit to the state all interest in ((and to)) any article into which ((said)) the timber is manufactured.

Sec. 4. RCW 64.12.030 and Code 1881 s 602 are each amended to read as follows:

Whenever any person shall cut down, girdle, or otherwise injure, or carry off any tree, including a Christmas tree as defined in RCW 76.48.020, timber, or shrub on the land of another person, or on the street or highway in front of any person's house, ((village, town or)) city or town lot, or cultivated grounds, or on the commons or public grounds of any ((village, town or)) city or town, or on the street or highway in front thereof, without lawful authority, in an action by ((such)) the person, ((village, town or)) city, or town against the person committing ((such)) the trespasses or any of them, ((if)) any judgment ((be given)) for the plaintiff((-if)) shall be ((given)) for treble the amount of damages claimed or assessed ((therefor, as the case may be)).

NEW SECTION. Sec. 5. The following acts or parts of acts are each repealed:

\$ RCW 79.02.340 (Removal of Christmas trees--Compensation) and 2004 c 199 s 208, 2003 c 334 s 504, 1988 c 128 s 66, 1955 c 225 s 1, & 1937 c 87 s 1; and

\$ RCW 79.02.350 (Intent of RCW 79.02.340) and 2003 c 334 s 505 & 1937 c 87 s 2."

On page 1, line 2 of the title, after "trees;" strike the remainder of the title and insert "amending RCW 79.02.300, 79.02.310, 79.02.320, and 64.12.030; and repealing RCW 79.02.340 and 79.02.350."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1137 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Finn spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1137, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1137, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1137, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1158 with the following amendment:

On page 1, line 1 of the title, after "juror" strike "questionnaires" and insert "declarations"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1158 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1158, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1158, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1158, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1167 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the linked deposit program is not accessible to many certified small businesses that the program was created to serve. The legislature further finds that the increased involvement of community development financial institutions in the linked deposit program could increase the participation of these small businesses. The legislature intends that the office of minority and women's business enterprises report to the legislature with an analysis of barriers faced by certified small businesses that are currently not able to participate in the linked deposit program and make recommendations on how to overcome those barriers.

NEW SECTION. Sec. 2. By December 1, 2009, the office of minority and women's business enterprises shall, in consultation with the state treasurer and within existing resources, submit a report with

recommendations to the legislature that addresses the following issues:

(1) The availability of sources of capital for certified borrowers, including the amounts and interest rates for that capital;

(2) The loans that are not being funded for certified borrowers under the current program and why those loans are not being funded;

(3) The availability of other sources of capital in the marketplace for those nonfunded loans of certified borrowers, including the amounts and interest rates for that capital;

(4) Whether there are other institutions that may be willing to make those loans that are currently not being made to certified borrowers under the program;

(5) Whether the program could be modified to encourage lenders to make those loans that are not currently being made to certified borrowers and whether the cost of those loans would be a barrier;

(6) A review of how other states seek to increase access to capital for borrowers that traditionally lack access to capital; and

(7) The role community development financial institutions could play in mitigating the cost of lending to certified borrowers who are not currently being served by the program.

Sec. 3. RCW 43.86A.060 and 2008 c 187 s 3 are each amended to read as follows:

(1) The state treasurer shall establish a linked deposit program for investment of deposits in qualified public depositories. As a condition of participating in the program, qualified public depositories must make qualifying loans as provided in this section. The state treasurer may purchase a certificate of deposit that is equal to the amount of the qualifying loan made by the qualified public depository or may purchase a certificate of deposit that is equal to the aggregate amount of two or more qualifying loans made by one or more qualified public depositories.

(2) Qualifying loans made under this section are those:

(a) Having terms that do not exceed ten years;

(b) Where an individual loan does not exceed one million dollars;

(c)(i) That are made to a minority or women's business enterprise that has received state certification under chapter 39.19 RCW; or

(ii) That are made to a veteran-owned business that has received state certification under RCW 43.60A.190;

(d) Where the interest rate on the loan to the minority or women's business enterprise or veteran-owned business does not exceed an interest rate that is two hundred basis points below the interest rate the qualified public depository would charge for a loan for a similar purpose and a similar term, except that, if the preference given by the state treasurer to the qualified public depository under subsection (3) of this section is less than two hundred basis points, the qualified public depository may reduce the preference given on the loan by an amount that corresponds to the reduction in preference below two hundred basis points given to the qualified public depository; and

(e) Where the points or fees charged at loan closing do not exceed one percent of the loan amount.

(3) In setting interest rates of time certificate of deposits, the state treasurer shall offer rates so that a two hundred basis point preference will be given to the qualified public depository, except that the treasurer ~~((shall))~~ may lower the amount of the preference to ensure that the effective interest rate on the ~~((time certificate of))~~ deposit is not less than ~~((two))~~ zero percent.

(4) Upon notification by the state treasurer that a minority or women's business enterprise is no longer certified under chapter 39.19 RCW or that a veteran-owned business is no longer certified under RCW 43.60A.190, the qualified public depository shall reduce the amount of qualifying loans by the outstanding balance of the loan made under this section to the minority or women's business enterprise or the veteran-owned business, as applicable.

(5) The office of minority and women's business enterprises has the authority to adopt rules to:

(a) Ensure that when making a qualified loan under the linked deposit program, businesses that have never received a loan under the linked deposit program are given first priority;

(b) Limit the total principal loan amount that any one business receives in qualified loans under the linked deposit program over the lifetime of the businesses;

(c) Limit the total principal loan amount that an owner of one or more businesses receives in qualified loans under the linked deposit program during the owner's lifetime; and

(d) Limit the total amount of any one qualified loan made under the linked deposit program.

NEW SECTION. Sec. 4. Sections 1 and 2 of this act expire July 1, 2010."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.86A.060; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1167 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hasegawa and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1167, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1167, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 1167, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1184 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.92.360 and 2002 c 276 s 2 are each amended to read as follows:

(1) Any city or town engaged in the generation, sale, or distribution of energy is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners

of structures or equipment in financing the acquisition and installation of materials and equipment, for compensation or otherwise, for the conservation or more efficient use of energy in such structures or equipment pursuant to an energy conservation plan adopted by the city or town if the cost per unit of energy saved or produced by the use of such materials and equipment is less than the cost per unit of energy produced by the next least costly new energy resource which the city or town could acquire to meet future demand. Any financing authorized under this chapter shall only be used for conservation purposes in existing structures, and such financing shall not be used for any purpose which results in a conversion from one energy source to another. For the purposes of this section, "conservation purposes in existing structures" may include projects to allow a municipal electric utility's customers to generate all or a portion of their own electricity through the on-site installation of a distributed electricity generation system that uses as its fuel solar, wind, geothermal, or hydropower, or other renewable resource that is available on-site and not from a commercial source. Such projects shall not be considered "a conversion from one energy source to another" which is limited to the change or substitution of one commercial energy supplier for another commercial energy supplier. Except where otherwise authorized, such assistance shall be limited to:

((+)) (a) Providing an inspection of the structure or equipment, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation materials and equipment for which financial assistance will be approved and the estimated life cycle savings in energy costs that are likely to result from the installation of such materials or equipment;

((-)) (b) Providing a list of businesses who sell and install such materials and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize such materials in accordance with the prevailing national standards((-));

((+)) (c) Arranging to have approved conservation materials and equipment installed by a private contractor whose bid is acceptable to the owner of the residential structure and verifying such installation; and

((+)) (d) Arranging or providing financing for the purchase and installation of approved conservation materials and equipment. Such materials and equipment shall be purchased from a private business and shall be installed by a private business or the owner.

((-)) (2) Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed ((one hundred twenty)) two hundred forty months in length.

Sec. 2. RCW 54.16.032 and 1989 c 421 s 4 are each amended to read as follows:

Any district is hereby authorized, within limits established by the Constitution of the state of Washington, to assist the owners of structures in financing the acquisition and installation of fixtures, systems, and equipment, for compensation or otherwise, for the conservation or more efficient use of water in the structures under a water conservation plan adopted by the district if the cost per unit of water saved or conserved by the use of the fixtures, systems, and equipment is less than the cost per unit of water supplied by the next least costly new water source available to the district to meet future demand. Except where otherwise authorized, assistance shall be limited to:

(1) Providing an inspection of the structure, either directly or through one or more inspectors under contract, to determine and inform the owner of the estimated cost of purchasing and installing conservation fixtures, systems, and equipment for which financial assistance will be approved and the estimated life cycle savings to the water system and the consumer that are likely to result from the installation of the fixtures, systems, or equipment;

(2) Providing a list of businesses that sell and install the fixtures, systems, and equipment within or in close proximity to the service area of the city or town, each of which businesses shall have requested to be included and shall have the ability to provide the products in a workmanlike manner and to utilize the fixtures,

systems, and equipment in accordance with the prevailing national standards;

(3) Arranging to have approved conservation fixtures, systems, and equipment installed by a private contractor whose bid is acceptable to the owner of the structure and verifying the installation; and

(4) Arranging or providing financing for the purchase and installation of approved conservation fixtures, systems, and equipment. The fixtures, systems, and equipment shall be purchased or installed by a private business, the owner, or the utility.

Pay back shall be in the form of incremental additions to the utility bill, billed either together with use charge or separately. Loans shall not exceed ~~((one))~~ two hundred ~~((twenty))~~ forty months in length."

On page 1, line 2 of the title, after "utilities" strike the remainder of the title and insert "and public utility districts; and amending RCW 35.92.360 and 54.16.032."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1184 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Chase and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1184, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1184, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Chandler and Taylor.
Excused: Representative Flannigan.

HOUSE BILL NO. 1184, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.40.042 and 2008 c 17 s 1 are each amended to read as follows:

(1) When real property is divided in accordance with chapter 58.17 RCW, the assessor shall carefully investigate and ascertain the true and fair value of each lot and assess each lot on that same basis, unless specifically provided otherwise by law. For purposes of this section, "lot" has the same definition as in RCW 58.17.020.

(a) For each lot on which an advance tax deposit has been paid in accordance with RCW 58.08.040, the assessor shall establish the true and fair value by October 30th of the year following the recording of the plat, replat, or altered plat. The value established shall be the value of the lot as of January 1st of the year the original parcel of real property was last revalued. An additional property tax shall not be due on the land until the calendar year following the year for which the advance tax deposit was paid if the deposit was sufficient to pay the full amount of the taxes due on the property.

(b) For each lot on which an advance tax deposit has not been paid, the assessor shall establish the true and fair value not later than the calendar year following the recording of the plat, map, subdivision, or replat. For purposes of this section, "subdivision" means a division of land into two or more lots.

(c) For each subdivision, all current year and delinquent taxes and assessments on the entire tract must be paid in full in accordance with RCW 58.17.160 and 58.08.030 except when property is being acquired by a government for public use. For purposes of this section, "current year taxes" means taxes that are collectible under RCW 84.56.010 subsequent to ~~((February 14th))~~ completing the tax roll for current year collection.

(2) When the assessor is required by law to segregate any part or parts of real property, assessed before or after July 27, 1997, as one parcel or when the assessor is required by law to combine parcels of real property assessed before or after July 27, 1997, as two or more parcels, the assessor shall carefully investigate and ascertain the true and fair value of each part or parts of the real property and each combined parcel and assess each part or parts or each combined parcel on that same basis.

Sec. 2. RCW 84.56.070 and 2007 c 295 s 5 are each amended to read as follows:

~~((On the fifteenth day of February succeeding the levy of taxes,))~~ The county treasurer shall proceed to collect all personal property taxes after first completing the tax roll for the current year's collection. The treasurer shall give notice by mail to all persons charged with personal property taxes, and if such taxes are not paid before they become delinquent, the treasurer shall forthwith proceed to collect the same. In the event that he or she is unable to collect the same when due, the treasurer shall prepare papers in distraint, which shall contain a description of the personal property, the amount of taxes, the amount of the accrued interest at the rate provided by law from the date of delinquency, and the name of the owner or reputed owner. The treasurer shall without demand or notice distraint sufficient goods and chattels belonging to the person charged with such taxes to pay the same, with interest at the rate provided by law from the date of delinquency, together with all accruing costs, and shall proceed to advertise the same by posting written notices in three public places in the county in which such property has been distrained, one of which places shall be at the county court house, such notice to state the time when and place where such property will be sold. The county treasurer, or the treasurer's deputy, shall tax the same fees for making the distraint and sale of goods and chattels for the payment of taxes as are allowed by law to sheriffs for making levy and sale of property on execution; traveling fees to be computed from the county seat of the county to the place of making distraint. If the taxes for which such property is distrained, and the interest and costs accruing thereon, are not paid before the date appointed for such sale, which shall be not less than ten days after the taking of such property, such treasurer or treasurer's designee shall proceed to sell such property at public auction, or so much thereof as shall be sufficient to pay such taxes, with interest and costs, and if there be any excess of money arising from the sale of any personal property, the treasurer shall pay such excess less any cost of the auction to the owner of the property so sold or to his or her legal representative: PROVIDED, That whenever it shall become necessary to distraint any standing timber owned separately from the ownership of the land upon which the same may stand, or any fish trap, pound net, reef net, set net or drag seine fishing location, or any other personal property

as the treasurer shall determine to be incapable or reasonably impracticable of manual delivery, it shall be deemed to have been distrained and taken into possession when the treasurer shall have, at least thirty days before the date fixed for the sale thereof, filed with the auditor of the county wherein such property is located a notice in writing reciting that the treasurer has distrained such property, describing it, giving the name of the owner or reputed owner, the amount of the tax due, with interest, and the time and place of sale; a copy of the notice shall also be sent to the owner or reputed owner at his last known address, by registered letter at least thirty days prior to the date of sale: AND PROVIDED FURTHER, That if the county treasurer has reasonable grounds to believe that any personal property, including mobile homes, manufactured homes, or park model trailers, upon which taxes have been levied, but not paid, is about to be removed from the county where the same has been assessed, or is about to be destroyed, sold or disposed of, the county treasurer may demand such taxes, without the notice provided for in this section, and if necessary may forthwith distrain sufficient goods and chattels to pay the same.

Sec. 3. RCW 86.09.490 and 1937 c 72 s 164 are each amended to read as follows:

The assessment upon real property shall be a lien against the property assessed, from and after the first day of January in the year in which the assessment becomes due and payable, but as between grantor and grantee such lien shall not attach until the ~~((fifteenth day of February of such year, which))~~ county treasurer has completed the property tax roll for the current year's collection and provided the notification required by RCW 84.56.020. The lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except a lien for undelinquent flood control district assessments, diking or drainage, or diking or drainage improvement, district assessments and for unpaid and outstanding general ad valorem taxes, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law.

Sec. 4. RCW 84.60.050 and 1994 c 301 s 54 are each amended to read as follows:

(1) When real property is acquired by purchase or condemnation by the state of Washington, any county or municipal corporation or is placed under a recorded agreement for immediate possession and use or an order of immediate possession and use pursuant to RCW 8.04.090, such property shall continue to be subject to the tax lien for the years prior to the year in which the property is so acquired or placed under such agreement or order, of any tax levied by the state, county, municipal corporation or other tax levying public body, except as is otherwise provided in RCW 84.60.070.

(2) The lien for taxes applicable to the real property being acquired or placed under immediate possession and use for the year in which such real property is so acquired or placed under immediate possession and use shall be for only the pro rata portion of taxes allocable to that portion of the year prior to the date of execution of the instrument vesting title, date of recording such agreement of immediate possession and use, date of such order of immediate possession and use, or date of judgment. No taxes levied or tax lien on such property allocable to a period subsequent to the dates identified in this subsection shall be valid and any such taxes levied shall be canceled as provided in RCW 84.48.065. In the event the owner has paid taxes allocable to that portion of the year subsequent to the dates identified in this subsection he or she shall be entitled to a pro rata refund of the amount paid on the property so acquired or placed under a recorded agreement or an order of immediate possession and use. If the dates identified in this subsection precede ~~((February 15th of))~~ the completion of the property tax rolls for the current year's collection in the year in which such taxes become payable, no lien for such taxes shall be valid and any such taxes levied but not payable shall be canceled as provided in RCW 84.48.065.

Sec. 5. RCW 87.03.265 and 1939 c 171 s 2 are each amended to read as follows:

The assessment upon real property shall be a lien against the property assessed, from and after the first day of January in the year in which it is levied, but as between grantor and grantee such lien shall not attach until the ~~((fifteenth day of February of))~~ county

treasurer has completed the property tax roll for the current year's collection and provided the notification required by RCW 84.56.020 in the year in which the assessment is payable, which lien shall be paramount and superior to any other lien theretofore or thereafter created, whether by mortgage or otherwise, except for a lien for prior assessments, and such lien shall not be removed until the assessments are paid or the property sold for the payment thereof as provided by law. And the lien for the bonds of any issue shall be a preferred lien to that of any subsequent issue. Also the lien for all payments due or to become due under any contract with the United States, or the state of Washington, accompanying which bonds of the district have not been deposited with the United States or the state of Washington, as in RCW 87.03.140 provided, shall be a preferred lien to any issue of bonds subsequent to the date of such contract.

Sec. 6. RCW 87.03.270 and 1988 c 134 s 13 are each amended to read as follows:

The assessment roll, before its equalization and adoption, shall be checked and compared as to descriptions and ownerships, with the county treasurer's land rolls. On or before the fifteenth day of January in each year the secretary must deliver the assessment roll or the respective segregation thereof to the county treasurer of each respective county in which the lands therein described are located, and said assessments shall become due and payable ~~((on the fifteenth day of February following))~~ after the county treasurer has completed the property tax roll for the current year's collection and provided the notification required by RCW 84.56.020.

All assessments on said roll shall become delinquent on the first day of May following the filing of the roll unless the assessments are paid on or before the thirtieth day of April of said year: PROVIDED, That if an assessment is ten dollars or more for said year and if one-half of the assessment is paid on or before the thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October following and shall be delinquent after that date. All delinquent assessments shall bear interest at the rate of twelve percent per annum, computed on a monthly basis and without compounding, from the date of delinquency until paid.

Upon receiving the assessment roll the county treasurer shall prepare therefrom an assessment book in which shall be written the description of the land as it appears in the assessment roll, the name of the owner or owners where known, and if assessed to the unknown owners, then the word "unknown", and the total assessment levied against each tract of land. Proper space shall be left in said book for the entry therein of all subsequent proceedings relating to the payment and collection of said assessments.

On or before April 1st of each year, the treasurer of the district shall send a statement of assessments due. County treasurers who collect irrigation district assessments may send the statement of irrigation district assessments together with the statement of general taxes.

Upon payment of any assessment the county treasurer must enter the date of said payment in said assessment book opposite the description of the land and the name of the person paying and give a receipt to such person specifying the amount of the assessment and the amount paid with the description of the property assessed.

It shall be the duty of the treasurer of the district to furnish upon request of the owner, or any person interested, a statement showing any and all assessments levied as shown by the assessment roll in his office upon land described in such request. All statements of irrigation district assessments covering any land in the district shall show the amount of the irrigation district assessment, the dates on which the assessment is due, the place of payment, and, if the property was sold for delinquent assessments in a prior year, the amount of the delinquent assessment and the notation "certificate issued": PROVIDED, That the failure of the treasurer to render any statement herein required of him shall not render invalid any assessments made by any irrigation district.

It shall be the duty of the county treasurer of any county, other than the county in which the office of the board of directors is located, to make monthly remittances to the county treasurer of the county in which the office of the board of directors is located covering all amounts collected by him for the irrigation district during the preceding month.

When the treasurer collects a delinquent assessment, the treasurer shall collect any other amounts due by reason of the delinquency, including accrued costs, which shall be deposited to the treasurer's operation and maintenance fund.

Sec. 7. RCW 85.08.480 and 1933 c 125 s 2 are each amended to read as follows:

The respective installments of assessments for construction or maintenance of improvements made under the provisions of this chapter, shall be collected in the same manner and shall become delinquent at the same time as general taxes, certificates of delinquency shall be issued, and the lien of the assessment shall be enforced by foreclosure and sale of the property assessed, as in the case of general taxes, all according to the laws in force on January 1, 1923, except as hereinafter specifically provided.

The annual assessments or installments of assessments, both for construction and for maintenance and repairs of the diking and/or drainage system shall become due in two equal installments, one-half being payable on or before ~~((May))~~ April 30th, and the other half on or before ~~((November 30th))~~ October 31st; and delinquency interest thereon shall run from said dates on said respective halves of said assessments.

The rate of interest thereon after delinquency, also the rate of interest borne by certificates of delinquency, shall be ~~((ten))~~ twelve percent per annum. Certificates of delinquency for any assessment or installment thereof shall be issued upon demand and payment of such delinquent assessment and the fee for the same at any time after the expiration of twelve months after the date of delinquency thereof. In case no certificate of delinquency be issued after the expiration of four years from date of delinquency of assessments for construction costs, or after the expiration of two years from date of delinquency of assessments for maintenance or repairs, certificates of delinquency shall be issued to the county, and foreclosure thereof shall forthwith be effected in the manner provided in ~~((sections 11292 to 11317 inclusive))~~ chapter 84.64 RCW.

The holder of a certificate of delinquency for any drainage, diking or sewerage improvement district or consolidated district assessment or installment thereof may pay any delinquent general taxes upon the property described therein, and may redeem any certificate of delinquency for general taxes against said property and the amount so paid together with interest thereon at the rate provided by law shall be included in the lien of said certificate of delinquency.

The expense of foreclosure proceedings by the county shall be paid by the districts whose liens are foreclosed: Costs of foreclosure by the county or private persons as provided by law, shall be included in the judgment of foreclosure.

Sec. 8. RCW 82.45.090 and 2003 c 53 s 404 are each amended to read as follows:

(1) Except for a sale of a beneficial interest in real property where no instrument evidencing the sale is recorded in the official real property records of the county in which the property is located, the tax imposed by this chapter shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. In collecting the tax the treasurer shall act as agent for the state. The county treasurer shall cause a ~~((stamp))~~ verification of payment evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales and used floating home sales. A receipt issued by the county treasurer for the payment of the tax imposed under this chapter shall be evidence of the satisfaction of the lien imposed hereunder and may be recorded in the manner prescribed for recording satisfactions of mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the ~~((stamp))~~ verification of payment affixed thereto; in case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the treasurer. Any time there is a sale of a used mobile home, used manufactured home, used park model, or used floating home that has not been title eliminated, property taxes must be current in order to complete the processing of the real estate excise tax affidavit or other documents transferring title. Verification that the property taxes are current must be noted on the mobile home real estate excise tax affidavit or on a form

approved by the county treasurer. For the purposes of this subsection, "mobile home," "manufactured home," and "park model" have the same meaning as provided in RCW 59.20.030.

(2) For a sale of a beneficial interest in real property where a tax is due under this chapter and where no instrument is recorded in the official real property records of the county in which the property is located, the sale shall be reported to the department of revenue within five days from the date of the sale on such returns or forms and according to such procedures as the department may prescribe. Such forms or returns shall be signed by both the transferor and the transferee and shall be accompanied by payment of the tax due.

(3) Any person who intentionally makes a false statement on any return or form required to be filed with the department under this chapter is guilty of perjury under chapter 9A.72 RCW.

Sec. 9. RCW 84.69.030 and 1991 c 245 s 32 are each amended to read as follows:

~~((Except in cases wherein the county legislative authority acts upon its own motion,))~~ No orders for a refund under this chapter shall be made except on a claim:

(1) Verified by the person who paid the tax, the person's guardian, executor or administrator; and

(2) Filed with the county treasurer within three years after ~~((making))~~ the due date of the payment sought to be refunded; and

(3) Stating the statutory ground upon which the refund is claimed.

NEW SECTION. Sec. 10. A new section is added to chapter 84.69 RCW to read as follows:

Taxing districts other than the state may levy a tax upon all the taxable property within the district for the purpose of:

(1) Funding refunds paid or to be paid under this chapter, except for refunds under RCW 84.69.020(1), including interest, as ordered by the county treasurer or county legislative authority within the preceding twelve months; and

(2) Reimbursing the taxing district for taxes abated under RCW 84.70.010 within the preceding twelve months. This subsection (2) only applies to abatements that do not require a refund under this chapter. Abatements that require a refund are included within the scope of subsection (1) of this section.

Sec. 11. RCW 84.55.070 and 1982 1st ex.s. c 28 s 2 are each amended to read as follows:

The provisions of this chapter ~~((shall))~~ do not apply to a levy, including the state levy, or that portion of a levy, made by or for a taxing district;

~~((or to be paid pursuant to))~~ (1) For the purpose of funding a property tax refund paid ~~((or to be paid pursuant to))~~ under the provisions of chapter 84.68 RCW ~~((or attributable to a property tax refund paid or to be paid pursuant to the provisions of chapter 84.69 RCW,))~~;

(2) Under section 10 of this act; or

(3) Attributable to amounts of state taxes withheld under RCW 84.56.290 or the provisions of chapter 84.69 RCW, or otherwise attributable to state taxes lawfully owing by reason of adjustments made under RCW 84.48.080.

NEW SECTION. Sec. 12. Sections 10 and 11 of this act apply retroactively to January 1, 2009, and apply to taxes levied under section 10 of this act for collection in 2010 and thereafter.

Sec. 13. RCW 84.34.037 and 1992 c 69 s 6 are each amended to read as follows:

(1) Applications for classification or reclassification under RCW 84.34.020(1) shall be made to the county legislative authority. An application made for classification or reclassification of land under RCW 84.34.020(1) (b) and (c) which is in an area subject to a comprehensive plan shall be acted upon in the same manner in which an amendment to the comprehensive plan is processed. Application made for classification of land which is in an area not subject to a comprehensive plan shall be acted upon after a public hearing and after notice of the hearing shall have been given by one publication in a newspaper of general circulation in the area at least ten days before the hearing: PROVIDED, That applications for classification of land in an incorporated area shall be acted upon by: (a) A granting authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located in a meeting where members may be physically absent but participating through telephonic connection; or (b) separate

affirmative acts by both the county and city legislative bodies where both bodies affirm the entirety of an application without modification or both bodies affirm an application with identical modifications.

(2) In determining whether an application made for classification or reclassification under RCW 84.34.020(1) (b) and (c) should be approved or disapproved, the granting authority may take cognizance of the benefits to the general welfare of preserving the current use of the property which is the subject of application, and shall consider:

(a) The resulting revenue loss or tax shift;

(b) Whether granting the application for land applying under RCW 84.34.020(1)(b) will (i) conserve or enhance natural, cultural, or scenic resources, (ii) protect streams, stream corridors, wetlands, natural shorelines and aquifers, (iii) protect soil resources and unique or critical wildlife and native plant habitat, (iv) promote conservation principles by example or by offering educational opportunities, (v) enhance the value of abutting or neighboring parks, forests, wildlife preserves, nature reservations, sanctuaries, or other open spaces, (vi) enhance recreation opportunities, (vii) preserve historic and archaeological sites, (viii) preserve visual quality along highway, road, and street corridors or scenic vistas, (ix) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of the property; and

(c) Whether granting the application for land applying under RCW 84.34.020(1)(c) will (i) either preserve land previously classified under RCW 84.34.020(2) or preserve land that is traditional farmland and not classified under chapter 84.33 or 84.34 RCW, (ii) preserve land with a potential for returning to commercial agriculture, and (iii) affect any other factors relevant in weighing benefits to the general welfare of preserving the current use of property.

(3) If a public benefit rating system is adopted under RCW 84.34.055, the county legislative authority shall rate property for which application for classification has been made under RCW 84.34.020(1) (b) and (c) according to the public benefit rating system in determining whether an application should be approved or disapproved, but when such a system is adopted, open space properties then classified under this chapter which do not qualify under the system shall not be removed from classification but may be rated according to the public benefit rating system.

(4) The granting authority may approve the application with respect to only part of the land which is the subject of the application. If any part of the application is denied, the applicant may withdraw the entire application. The granting authority in approving in part or whole an application for land classified or reclassified pursuant to RCW 84.34.020(1) may also require that certain conditions be met, including but not limited to the granting of easements. As a condition of granting open space classification, the legislative body may not require public access on land classified under RCW 84.34.020(1)(b)(iii) for the purpose of promoting conservation of wetlands.

(5) The granting or denial of the application for current use classification or reclassification is a legislative determination and shall be reviewable only for arbitrary and capricious actions.

Sec. 14. RCW 84.34.041 and 2002 c 315 s 2 are each amended to read as follows:

An application for current use classification or reclassification under RCW 84.34.020(3) shall be made to the county legislative authority.

(1) The application shall be made upon forms prepared by the department of revenue and supplied by the granting authority and shall include the following elements that constitute a timber management plan:

(a) A legal description of, or assessor's parcel numbers for, all land the applicant desires to be classified as timber land;

(b) The date or dates of acquisition of the land;

(c) A brief description of the timber on the land, or if the timber has been harvested, the owner's plan for restocking;

(d) Whether there is a forest management plan for the land;

(e) If so, the nature and extent of implementation of the plan;

(f) Whether the land is used for grazing;

(g) Whether the land has been subdivided or a plat filed with respect to the land;

(h) Whether the land and the applicant are in compliance with the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(i) Whether the land is subject to forest fire protection assessments pursuant to RCW 76.04.610;

(j) Whether the land is subject to a lease, option, or other right that permits it to be used for a purpose other than growing and harvesting timber;

(k) A summary of the past experience and activity of the applicant in growing and harvesting timber;

(l) A summary of current and continuing activity of the applicant in growing and harvesting timber;

(m) A statement that the applicant is aware of the potential tax liability involved when the land ceases to be classified as timber land.

(2) An application made for classification of land under RCW 84.34.020(3) shall be acted upon after a public hearing and after notice of the hearing is given by one publication in a newspaper of general circulation in the area at least ten days before the hearing. Application for classification of land in an incorporated area shall be acted upon by: (a) A granting authority composed of three members of the county legislative body and three members of the city legislative body in which the land is located in a meeting where members may be physically absent but participating through telephonic connection; or (b) separate affirmative acts by both the county and city legislative bodies where both bodies affirm the entirety of an application without modification or both bodies affirm an application with identical modifications.

(3) The granting authority shall act upon the application with due regard to all relevant evidence and without any one or more items of evidence necessarily being determinative, except that the application may be denied for one of the following reasons, without regard to other items:

(a) The land does not contain a stand of timber as defined in chapter 76.09 RCW and applicable rules, except this reason shall not alone be sufficient to deny the application (i) if the land has been recently harvested or supports a growth of brush or noncommercial type timber, and the application includes a plan for restocking within three years or the longer period necessitated by unavailability of seed or seedlings, or (ii) if only isolated areas within the land do not meet minimum standards due to rock outcroppings, swamps, unproductive soil, or other natural conditions;

(b) The applicant, with respect to the land, has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, weed control, and forest debris provisions of Title 76 RCW or applicable rules under Title 76 RCW;

(c) The land abuts a body of salt water and lies between the line of ordinary high tide and a line paralleling the ordinary high tide line and two hundred feet horizontally landward from the high tide line.

(4) The timber management plan must be filed with the county legislative authority either: (a) When an application for classification under this chapter is submitted; (b) when a sale or transfer of timber land occurs and a notice of continuance is signed; or (c) within sixty days of the date the application for reclassification under this chapter or from designated forest land is received. The application for reclassification shall be accepted, but shall not be processed until the timber management plan is received. If the timber management plan is not received within sixty days of the date the application for reclassification is received, the application for reclassification shall be denied.

If circumstances require it, the county assessor may allow in writing an extension of time for submitting a timber management plan when an application for classification or reclassification or notice of continuance is filed. When the assessor approves an extension of time for filing the timber management plan, the county legislative authority may delay processing an application until the timber management plan is received. If the timber management plan is not received by the date set by the assessor, the application or the notice of continuance shall be denied.

The granting authority may approve the application with respect to only part of the land that is described in the application, and if any part of the application is denied, the applicant may withdraw the

entire application. The granting authority, in approving in part or whole an application for land classified pursuant to RCW 84.34.020(3), may also require that certain conditions be met.

Granting or denial of an application for current use classification is a legislative determination and shall be reviewable only for arbitrary and capricious actions. The granting authority may not require the granting of easements for land classified pursuant to RCW 84.34.020(3).

The granting authority shall approve or disapprove an application made under this section within six months following the date the application is received."

On page 1, line 1 of the title, after "administration;" strike the remainder of the title and insert "amending RCW 84.40.042, 84.56.070, 86.09.490, 84.60.050, 87.03.265, 87.03.270, 85.08.480, 82.45.090, 84.69.030, 84.55.070, 84.34.037, and 84.34.041; adding a new section to chapter 84.69 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Takko and Orcutt spoke in favor of the passage of the bill.

There being no objection, the House deferred action on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208, and the bill held its place on the concurrence dispute calendar.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1215 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 19.118.021 and 2007 c 425 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means new motor vehicle arbitration board.

(2) "Collateral charges" means any sales or lease related charges including but not limited to sales tax, use tax, arbitration service fees, unused license fees, unused registration fees, unused title fees, finance charges, prepayment penalties, credit disability and credit life insurance costs not otherwise refundable, any other insurance costs prorated for time out of service, transportation charges, dealer preparation charges, or any other charges for service contracts, undercoating, rustproofing, or factory or dealer installed options.

(3) "Condition" means a general problem that results from a defect or malfunction of one or more parts, or their improper installation by the manufacturer, its agents, or the new motor vehicle dealer.

(4) "Consumer" means any person who has entered into an agreement or contract for the transfer, lease, or purchase of a new motor vehicle, other than for purposes of resale or sublease, during the duration of the (~~warranty~~) eligibility period defined under this section.

(5) "Court" means the superior court in the county where the consumer resides, except if the consumer does not reside in this state, then the superior court in the county where an arbitration hearing or determination was conducted or made pursuant to this chapter.

(6) "Eligibility period" means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.

(7) "Incidental costs" means any reasonable expenses incurred by the consumer in connection with the repair of the new motor vehicle, including any towing charges and the costs of obtaining alternative transportation.

~~((7))~~ (8) "Manufacturer" means any person engaged in the business of constructing or assembling new motor vehicles or engaged in the business of importing new motor vehicles into the United States for the purpose of selling or distributing new motor vehicles to new motor vehicle dealers. "Manufacturer" includes to the extent the modification affects the use, value, or safety of a new motor vehicle, a postmanufacturing modifier of a new motor vehicle that modifies or has a modification done to a new motor vehicle before the initial retail sale or lease of a new motor vehicle, except as provided in this chapter. "Manufacturer" does not include any person engaged in the business of set-up of motorcycles as an agent of a new motor vehicle dealer if the person does not otherwise construct or assemble motorcycles.

~~((8))~~ (9) "Motorcycle" means any motorcycle as defined in RCW 46.04.330 which has an engine displacement of at least seven hundred fifty cubic centimeters.

~~((9))~~ (10) "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use, built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.

~~((10))~~ (11) "Motor home manufacturer" means the first stage manufacturer, the component manufacturer, and the final stage manufacturer.

(a) "First stage manufacturer" means a person who manufactures incomplete new motor vehicles such as chassis, chassis cabs, or vans, that are directly warranted by the first stage manufacturer to the consumer, and are completed by a final stage manufacturer into a motor home.

(b) "Component manufacturer" means a person who manufactures components used in the manufacture or assembly of a chassis, chassis cab, or van that is completed into a motor home and whose components are directly warranted by the component manufacturer to the consumer.

(c) "Final stage manufacturer" means a person who assembles, installs, or permanently affixes a body, cab, or equipment to an incomplete new motor vehicle such as a chassis, chassis cab, or van provided by a first stage manufacturer, to complete the vehicle into a motor home.

~~((11))~~ (12) "New motor vehicle" means any new self-propelled vehicle, including a new motorcycle, primarily designed for the transportation of persons or property over the public highways that was originally purchased or leased at retail from a new motor vehicle dealer or leasing company in this state, but does not include vehicles purchased or leased by a business as part of a fleet of ten or more vehicles at one time or under a single purchase or lease agreement. This chapter shall apply to a motor vehicle purchased or leased with a manufacturer written warranty by a member of the armed forces regardless of in which state the vehicle was purchased or leased, if the vehicle otherwise meets the definition of a new motor vehicle and the consumer is a member of the armed forces stationed or residing in this state at the time the consumer submits a request for arbitration to the attorney general. If the motor vehicle is a motor home, this chapter shall apply to the self-propelled vehicle and chassis, but does not include those portions of the vehicle designated, used, or maintained primarily as a mobile dwelling, office, or commercial space. The term "new motor vehicle" does not include trucks with nineteen thousand pounds or more gross vehicle weight rating. The term "new motor vehicle" includes a demonstrator or lease-purchase vehicle as long as a manufacturer's warranty was issued as a condition of sale.

~~((12))~~ (13) "New motor vehicle dealer" means a person who holds a dealer agreement with a manufacturer for the sale of new motor vehicles, who is engaged in the business of purchasing, selling, servicing, exchanging, or dealing in new motor vehicles, and who is

licensed or required to be licensed as a vehicle dealer by the state of Washington.

~~((13))~~ (14) "Nonconformity" means a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of a new motor vehicle, but does not include a defect or condition that is the result of abuse, neglect, or unauthorized modification or alteration of the new motor vehicle.

~~((14))~~ (15) "Purchase price" means the cash price of the new motor vehicle appearing in the sales agreement or contract.

(a) "Purchase price" in the instance of a lease means the actual written capitalized cost disclosed to the consumer contained in the lease agreement. If there is no disclosed capitalized cost in the lease agreement the "purchase price" is the manufacturer's suggested retail price including manufacturer installed accessories or items of optional equipment displayed on the manufacturer label, required by 15 U.S.C. Sec. 1232.

(b) "Purchase price" in the instance of both a vehicle purchase or lease agreement includes any allowance for a trade-in vehicle but does not include any manufacturer-to-consumer rebate appearing in the agreement or contract that the consumer received or that was applied to reduce the purchase or lease cost.

Where the consumer is a subsequent transferee and the consumer selects repurchase of the motor vehicle, "purchase price" means the consumer's subsequent purchase price. Where the consumer is a subsequent transferee and the consumer selects replacement of the motor vehicle, "purchase price" means the original purchase price.

~~((15))~~ (16) "Reasonable offset for use" means the definition provided in RCW 19.118.041(1)(c) ~~((for a new motor vehicle other than a new motorcycle. The reasonable offset for use for a new motorcycle shall be computed by the number of miles that the vehicle traveled before the manufacturer's acceptance of the vehicle upon repurchase or replacement multiplied by the purchase price, and divided by twenty-five thousand)).~~

~~((16))~~ (17) "Reasonable number of attempts" means the definition provided in RCW 19.118.041.

~~((17))~~ (18) "Replacement motor vehicle" means a new motor vehicle that is identical or reasonably equivalent to the motor vehicle to be replaced, as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options.

~~((18))~~ (19) "Serious safety defect" means a life-threatening malfunction or nonconformity that impedes the consumer's ability to control or operate the new motor vehicle for ordinary use or reasonable intended purposes or creates a risk of fire or explosion.

~~((19))~~ (20) "Subsequent transferee" means a consumer who acquires a motor vehicle, within the ~~((warranty))~~ eligibility period, as defined in this section, with an applicable manufacturer's written warranty and where the vehicle otherwise met the definition of a new motor vehicle at the time of original retail sale or lease.

~~((20))~~ (21) "Substantially impair" means to render the new motor vehicle unreliable, or unsafe for ordinary use, or to diminish the resale value of the new motor vehicle below the average resale value for comparable motor vehicles.

~~((21))~~ (22) "Warranty" means any implied warranty, any written warranty of the manufacturer, or any affirmation of fact or promise made by the manufacturer in connection with the sale of a new motor vehicle that becomes part of the basis of the bargain. The term "warranty" pertains to the obligations of the manufacturer in relation to materials, workmanship, a modification by a new motor vehicle dealer installing the new motor vehicle manufacturer's authorized parts or their equivalent for the specific new motor vehicle pursuant to the manufacturer approved specifications, and fitness of a new motor vehicle for ordinary use or reasonably intended purposes throughout the duration of the ~~((warranty))~~ eligibility period as defined under this section.

~~((22))~~ "Warranty period" means the period ending two years after the date of the original delivery to the consumer of a new motor vehicle, or the first twenty-four thousand miles of operation, whichever occurs first.)

Sec. 2. RCW 19.118.031 and 1998 c 298 s 3 are each amended to read as follows:

(1) The manufacturer shall publish an owner's manual and provide it to the new motor vehicle dealer or leasing company. The owner's manual shall include a list of the addresses and phone numbers for the manufacturer's customer assistance division, or zone or regional offices. A manufacturer shall provide to the new motor vehicle dealer or leasing company all applicable manufacturer's written warranties. The dealer or leasing company shall transfer to the consumer, at the time of original retail sale or lease, the owner's manual and applicable written warranties as provided by a manufacturer.

(2) At the time of purchase, the new motor vehicle dealer shall provide the consumer with a written statement that explains the consumer's rights under this chapter. The written statement shall be prepared and supplied by the attorney general and shall contain a toll-free number that the consumer can contact for information regarding the procedures and remedies under this chapter. In the event a consumer requests modification of the new motor vehicle in a manner which may partially or completely void the manufacturer's implied or express warranty, and which becomes part of the basis of the bargain of the initial retail sale or lease of the vehicle, a new motor vehicle dealer shall provide a clear and conspicuous written disclosure, independently signed and dated by the consumer, stating "Your requested modification may void all or part of a manufacturer warranty and a resulting defect or condition may not be subject to remedies afforded by the motor vehicle warranties act, chapter 19.118 RCW." A dealer who obtains a signed written disclosure under circumstances where the warranty may be void is not subject to this chapter as a manufacturer to the extent the modification affects the use, value, or safety of a new motor vehicle. Failure to provide the disclosure specified in this subsection does not constitute a violation of chapter 19.86 RCW.

(3) For the purposes of this chapter, if a new motor vehicle does not conform to the warranty and the consumer reports the nonconformity during the term of the ~~((warranty))~~ eligibility period or the period of coverage of the applicable manufacturer's written warranty, whichever is less, to the manufacturer, its agent, or the new motor vehicle dealer who sold the new motor vehicle, the manufacturer, its agent, or the new motor vehicle dealer shall make repairs as are necessary to conform the vehicle to the warranty, regardless of whether such repairs are made after the expiration of the ~~((warranty))~~ eligibility period. Any corrections or attempted repairs undertaken by a new motor vehicle dealer under this chapter shall be treated as warranty work and billed by the dealer to the manufacturer in the same manner as other work under the manufacturer's written warranty is billed. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(4) Upon request from the consumer, the manufacturer or new motor vehicle dealer shall provide a copy of any report or computer reading compiled by the manufacturer's field or zone representative regarding inspection, diagnosis, or test-drive of the consumer's new motor vehicle, or shall provide a copy of any technical service bulletin issued by the manufacturer regarding the year and model of the consumer's new motor vehicle as it pertains to any material, feature, component, or the performance thereof.

(5) The new motor vehicle dealer shall provide to the consumer each time the consumer's vehicle is returned from being diagnosed or repaired under the warranty, a fully itemized, legible statement or repair order indicating any diagnosis made, and all work performed on the vehicle including but not limited to, a general description of the problem reported by the consumer or an identification of the defect or condition, parts and labor, the date and the odometer reading when the vehicle was submitted for repair, and the date when the vehicle was made available to the consumer.

(6) No manufacturer, its agent, or the new motor vehicle dealer may refuse to diagnose or repair any nonconformity covered by the warranty for the purpose of avoiding liability under this chapter.

(7) For purposes of this chapter, consumers shall have the rights and remedies, including a cause of action, against manufacturers as provided in this chapter.

(8) The ((warranty)) eligibility period and thirty-day out-of-service period, and sixty-day out-of-service period in the case of a motor home, shall be extended by any time that repair services are not available to the consumer as a direct result of a strike, war, invasion, fire, flood, or other natural disaster.

Sec. 3. RCW 19.118.041 and 2007 c 426 s 1 are each amended to read as follows:

(1) If the manufacturer, its agent, or the new motor vehicle dealer is unable to conform the new motor vehicle to the warranty by repairing or correcting any nonconformity after a reasonable number of attempts, the manufacturer, within forty calendar days of a consumer's written request to the manufacturer's corporate, dispute resolution, zone, or regional office address shall, at the option of the consumer, replace or repurchase the new motor vehicle.

(a) The replacement motor vehicle shall be identical or reasonably equivalent to the motor vehicle to be replaced as the motor vehicle to be replaced existed at the time of original purchase or lease, including any service contract, undercoating, rustproofing, and factory or dealer installed options. Where the manufacturer supplies a replacement motor vehicle, the manufacturer shall be responsible for sales tax, license, registration fees, and refund of any incidental costs. Compensation for a reasonable offset for use shall be paid by the consumer to the manufacturer in the event that the consumer accepts a replacement motor vehicle.

(b) When repurchasing the new motor vehicle, the manufacturer shall refund to the consumer the purchase price, all collateral charges, and incidental costs, less a reasonable offset for use. When repurchasing the new motor vehicle, in the instance of a lease, the manufacturer shall refund to the consumer all payments made by the consumer under the lease including but not limited to all lease payments, trade-in value or inception payment, security deposit, all collateral charges and incidental costs less a reasonable offset for use. The manufacturer shall make such payment to the lessor and/or lienholder of record as necessary to obtain clear title to the motor vehicle and upon the lessor's and/or lienholder's receipt of that payment and payment by the consumer of any late payment charges, the consumer shall be relieved of any future obligation to the lessor and/or lienholder.

(c) The reasonable offset for use shall be computed by multiplying the number of miles that the vehicle traveled directly attributable to use by the consumer during the time between the original purchase, lease, or in-service date and the date beginning the first attempt to diagnose or repair a nonconformity which ultimately results in the repurchase or replacement of the vehicle multiplied times the purchase price, and dividing the product by one hundred twenty thousand, except in the case of a motor home, in which event it shall be divided by ninety thousand or in the case of a motorcycle, it shall be divided by twenty-five thousand. However, the reasonable offset for use calculation total for a motor home is subject to modification by the board by decreasing or increasing the offset total up to a maximum of one-third of the offset total. The board may modify the offset total in those circumstances where the board determines that the wear and tear on those portions of the motor home designated, used, or maintained primarily as a mobile dwelling, office, or commercial space are significantly greater or significantly less than that which could be reasonably expected based on the mileage attributable to the consumer's use of the motor home. Except in the case of a motor home, where a manufacturer repurchases or replaces a vehicle solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that the vehicle traveled directly attributable to use by the consumer" shall be limited to the period between the original purchase, lease, or in-service date and the date of the fifteenth cumulative calendar day out of service. Where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the consumer selects repurchase of the motor vehicle, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be limited to the period between the date of purchase, lease by, or transfer to the consumer and the date of the consumer's initial attempt to obtain diagnosis or repair of a nonconformity which ultimately results in the repurchase or replacement of the vehicle or which adds to thirty or more cumulative calendar days out of service. Where the consumer

is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the consumer selects replacement of the motor vehicle, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be calculated from the date of the original purchase, lease, or in-service date and the first attempt to diagnose or repair a nonconformity which ultimately results in the replacement of the vehicle. Except in the case of a motor home, where the consumer is a second or subsequent purchaser, lessee, or transferee of the motor vehicle and the manufacturer replaces the vehicle solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that the vehicle traveled" directly attributable to use by the consumer shall be calculated from the date of the original purchase, lease, or in service date and the date of the fifteenth cumulative calendar day out of service.

(d) In the case of a motor vehicle that is a motor home, where a manufacturer repurchases or replaces a motor home from the first purchaser, lessee, or transferee or from the second or subsequent purchaser, lessee, or transferee solely due to accumulated days out of service by reason of diagnosis or repair of one or more nonconformities, "the number of miles that a motor home traveled directly attributable to use by the consumer" shall be limited to the period between the original purchase, lease, or in-service date and the date of the thirtieth cumulative calendar day out-of-service.

(2) Reasonable number of attempts, except in the case of a new motor vehicle that is a motor home (~~acquired after June 30, 1998~~), shall be deemed to have been undertaken by the manufacturer, its agent, or the new motor vehicle dealer to conform the new motor vehicle to the warranty within the ((warranty)) eligibility period, if: (a) The same serious safety defect has been subject to diagnosis or repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the serious safety defect continues to exist; (b) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; ~~(or)~~ (c) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty; or (d) within a twelve-month period, two or more different serious safety defects, each of which have been subject to diagnosis or repair one or more times, where at least one attempt for each serious safety defect occurs during the period of coverage of the applicable manufacturer's written warranty and within the eligibility period. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first. A new motor vehicle is deemed to have been "subject to diagnose or repair" when a consumer presents the new motor vehicle for warranty service at a service and repair facility authorized, designated, or maintained by a manufacturer to provide warranty services or a facility to which the manufacturer or an authorized facility has directed the consumer to obtain warranty service. A new motor vehicle has not been "subject to diagnose or repair" if the consumer refuses to allow the facility to attempt or complete a recommended warranty repair, or demands return of the vehicle to the consumer before an attempt to diagnose or repair can be completed.

(3)(a) In the case of a new motor vehicle that is a motor home (~~acquired after June 30, 1998~~), a reasonable number of attempts shall be deemed to have been undertaken by the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers to conform the new motor vehicle to the warranty within the ((warranty)) eligibility period, if: (i) The same serious safety defect has been subject to diagnosis or repair one or more times during the period of coverage of the applicable motor home manufacturer's written warranty, plus a final attempt to repair the vehicle as provided for in (b) of this subsection, and the serious safety defect continues to exist; (ii) the same nonconformity has been subject to repair three or more times, at least one of which is during the period of coverage of the applicable motor home manufacturer's written warranty, plus a final attempt to repair the vehicle as provided

for in (b) of this subsection, and the nonconformity continues to exist; ~~((or))~~ (iii) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities, including a safety evaluation, for a cumulative total of sixty calendar days aggregating all motor home manufacturer days out of service, and the motor home manufacturers have had at least one opportunity to coordinate and complete an inspection and any repairs of the vehicle's nonconformities after receipt of notification from the consumer as provided for in (c) of this subsection; or (iv) within a twelve-month period, two or more different serious safety defects covered by the same manufacturer warranty have been each subject to diagnosis or repair one or more times, where at least one attempt for each serious safety defect occurs during the period of coverage of the applicable manufacturer's written warranty and within the eligibility period. Notice of manifestation of one or more serious safety defects to a manufacturer must be provided in writing by the consumer to the motor home manufacturer whose warranty covers the defect or all manufacturers of the motor home. The consumer shall send notices to the manufacturers in writing at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers an opportunity to coordinate and complete a comprehensive safety evaluation of the motor home. Notice of the manifestation of one or more serious safety defects should be made by the consumer as a unique notice to the manufacturers. The notice may be met by any written notification under this subsection of the need to repair a defect or condition identified by the consumer as relating to the safety of the motor home with or without a consumer's specific reference to whether the defect is a serious safety defect. Any notice of the manifestation of one or more serious safety defects shall be considered by a manufacturer as a consumer's request for a safety evaluation of the motor home. If the manufacturer, at its option, performs a safety evaluation, the manufacturers must provide a written report to the consumer of the evaluation of the motor home's safety in a timely manner. For purposes of this subsection, each motor home manufacturer's written warranty must be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first.

(b) In the case of a new motor vehicle that is a motor home, after one attempt has been made to repair a serious safety defect, or after three attempts have been made to repair the same nonconformity, the consumer shall give written notification of the need to repair the nonconformity to each of the motor home manufacturers at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers to coordinate and complete a final attempt to cure the nonconformity. The motor home manufacturers each have fifteen days, commencing upon receipt of ~~((the))~~ a notification under this subsection (3)(b), to respond and inform the consumer of the location of the facility where the vehicle will be repaired or evaluated. If the vehicle is unsafe to drive due to a serious safety defect, or to the extent the repair facility is more than one hundred miles from the motor home location, the motor home manufacturers are responsible for the cost of transporting the vehicle to and from the repair facility. The motor home manufacturers have a cumulative total of thirty days, commencing upon delivery of the vehicle to the designated repair facility by the consumer, to conform the vehicle to the applicable motor home manufacturer's written warranty. This time period may be extended if the consumer agrees in writing. If a motor home manufacturer fails to respond to the consumer or perform the repairs within the time period prescribed, that motor home manufacturer is not entitled to a final attempt to cure the nonconformity.

(c) In the case of a new motor vehicle that is a motor home, if the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities, including any safety evaluation, by the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers for a cumulative total of thirty or more days aggregating all motor home manufacturer days out of service, the consumer shall so notify each motor home manufacturer in writing at their respective corporate, zone, or regional office addresses to allow the motor home manufacturers, their respective agents, or their respective new motor vehicle dealers an opportunity to coordinate

and complete an inspection and any repairs of the vehicle's nonconformities. The motor home manufacturers have fifteen days, commencing upon receipt of the notification, to respond and inform the consumer of the location of the facility where the vehicle will be repaired or evaluated. If the vehicle is unsafe to drive due to a serious safety defect, or to the extent the repair facility is more than one hundred miles from the motor home location, the motor home manufacturers are responsible for the cost of transporting the vehicle to and from the repair facility. Once the buyer delivers the vehicle to the designated repair facility, the inspection and repairs must be completed by the motor home manufacturers either (i) within ten days or (ii) before the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for sixty days, whichever time period is longer. This time period may be extended if the consumer agrees in writing. If a motor home manufacturer fails to respond to the consumer or perform the repairs within the time period prescribed, that motor home manufacturer is not entitled to at least one opportunity to inspect and repair the vehicle's nonconformities after receipt of notification from the buyer as provided for in this subsection (3)(c).

(4) No new motor vehicle dealer may be held liable by the manufacturer for any collateral charges, incidental costs, purchase price refunds, or vehicle replacements. Manufacturers shall not have a cause of action against dealers under this chapter. ~~((Consumers shall not have a cause of action against dealers under this chapter, but a violation of any responsibilities imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW.))~~ A violation of any responsibilities expressly imposed upon dealers under this chapter is a per se violation of chapter 19.86 RCW. Except in the limited circumstances of a dealer becoming a manufacturer due to a postmanufacturing modification of a new motor vehicle as defined in RCW 19.118.021(8), consumers shall not have a cause of action against dealers under this chapter. Consumers may pursue rights and remedies against dealers under any other law, including chapters 46.70 and 46.71 RCW. Manufacturers and consumers may not make dealers parties to arbitration board proceedings under this chapter.

Sec. 4. RCW 19.118.061 and 1998 c 298 s 5 are each amended to read as follows:

(1) A manufacturer shall be prohibited from reselling any motor vehicle determined or adjudicated as having a serious safety defect unless the serious safety defect has been corrected and the manufacturer warrants upon the first subsequent resale that the defect has been corrected.

(2) Before any sale or transfer of a vehicle that has been replaced or repurchased by the manufacturer ~~((that was determined or adjudicated as having a nonconformity or to have been out of service for thirty or more calendar days, or sixty or more calendar days in the case of a motor home,))~~ after a determination, adjudication, or settlement of a claim under this chapter, the manufacturer shall:

(a) Notify the attorney general ~~((and the department of licensing, by certified mail or by personal service,))~~ upon receipt of the motor vehicle and submit a title application to the department of licensing in this state for title to the motor vehicle in the name of the manufacturer within sixty days;

(b) Attach a resale disclosure notice to the vehicle in a manner and form to be specified by the attorney general. Only the retail purchaser may remove the resale disclosure notice after execution of the disclosure form required under subsection (3) of this section; and

(c) Notify the attorney general and the department of licensing if the nonconformity in the motor vehicle is corrected.

(3) Upon the first subsequent resale, either at wholesale or retail, or transfer of title of a motor vehicle and which was previously returned after a final determination, adjudication, or settlement under this chapter or under a similar statute of any other state, the manufacturer, its agent, or the new motor vehicle dealer who has actual knowledge of said final determination, adjudication or settlement, shall execute and deliver to the buyer before sale an instrument in writing setting forth information identifying the nonconformity in a manner to be specified by the attorney general, and the department of licensing shall place on the certificate of title information indicating the vehicle was returned under this chapter.

(4) Upon receipt of the manufacturer's notification under subsection (2) of this section that the nonconformity has been corrected and ~~((upon))~~ the manufacturer's ~~((request and payment of any fees))~~ application for title in the name of the manufacturer under this section, the department of licensing shall issue a new title with ~~((information))~~ a title brand indicating the vehicle was returned under this chapter and information that the nonconformity has been corrected. Upon the first subsequent resale, either at wholesale or retail, or transfer of title of a motor vehicle, as provided under ~~((subsection (2)(c) of))~~ this section, the manufacturer shall warrant upon the resale that the nonconformity has been corrected, and the manufacturer, its agent, or the new motor vehicle dealer who has actual knowledge of the corrected nonconformity, shall execute and deliver to the buyer before sale an instrument in writing setting forth information identifying the nonconformity and indicating that it has been corrected in a manner to be specified by the attorney general.

(5) After repurchase or replacement and following a manufacturer's receipt of a vehicle under this section and prior to a vehicle's first subsequent retail transfer by resale or lease, any intervening transferor of a vehicle subject to the requirements of this section who has received the disclosure, correction and warranty documents, as specified by the attorney general and required under this chapter, shall deliver the documents with the vehicle to the next transferor, purchaser or lessee to ensure proper and timely notice and disclosure. Any intervening transferor who fails to comply with this subsection shall, at the option of the subsequent transferor or first subsequent retail purchaser or lessee: (a) Indemnify any subsequent transferor or first subsequent retail purchaser for all damages caused by such violation; or (b) repurchase the vehicle at the full purchase price including all fees, taxes and costs incurred for goods and services which were included in the subsequent transaction.

Sec. 5. RCW 19.118.080 and 1998 c 245 s 7 are each amended to read as follows:

(1) Except as provided in RCW 19.118.160, the attorney general shall contract with one or more ~~((private))~~ entities to conduct arbitration proceedings in order to settle disputes between consumers and manufacturers as provided in this chapter, and each ~~((private))~~ entity shall constitute a new motor vehicle arbitration board for purposes of this chapter. The entities shall not be affiliated with any manufacturer or new motor vehicle dealer and shall have available the services of persons with automotive technical expertise to assist in resolving disputes under this chapter. No ~~((private))~~ entity or its officers or employees conducting board proceedings and no arbitrator presiding at such proceedings shall be directly involved in the manufacture, distribution, sale, or warranty service of any motor vehicle. Payment to the entities for the arbitration services shall be made from the new motor vehicle arbitration account.

(2) The attorney general shall adopt rules for the uniform conduct of the arbitrations by the boards whether conducted by ~~((a private))~~ an entity or by the attorney general pursuant to RCW 19.118.160, which rules shall include but not be limited to the following procedures:

(a) At all arbitration proceedings, the parties are entitled to present oral and written testimony, to present witnesses and evidence relevant to the dispute, to cross-examine witnesses, and to be represented by counsel.

(b) A dealer, manufacturer, or other persons shall produce records and documents requested by a party which are reasonably related to the dispute. If a dealer, manufacturer, or other person refuses to comply with such a request, a party may present a request ~~((to the board))~~ for the attorney general to issue a subpoena ~~((on behalf of the board))~~.

The subpoena shall be issued only for the production of records and documents which the ~~((board))~~ attorney general has determined are reasonably related to the dispute, including but not limited to documents described in RCW 19.118.031 (4) or (5).

If a party fails to comply with the subpoena, the arbitrator may at the outset of the arbitration hearing impose any of the following sanctions: (i) Find that the matters which were the subject of the subpoena, or any other designated facts, shall be taken to be established for purposes of the hearing in accordance with the claim of the party which requested the subpoena; (ii) refuse to allow the disobedient party to support or oppose the designated claims or

defenses, or prohibit that party from introducing designated matters into evidence; (iii) strike claims or defenses, or parts thereof; or (iv) render a decision by default against the disobedient party.

If a nonparty fails to comply with a subpoena and upon an arbitrator finding that without such compliance there is insufficient evidence to render a decision in the dispute, the attorney general ~~((shall))~~ may enforce such subpoena in superior court and the arbitrator shall continue the arbitration hearing until such time as the nonparty complies with the subpoena or the subpoena is quashed.

(c) A party may obtain written affidavits from employees and agents of a dealer, a manufacturer or other party, or from other potential witnesses, and may submit such affidavits for consideration by the board.

(d) Records of the board proceedings shall be open to the public. The hearings shall be open to the public to the extent practicable.

~~((Where the board proceedings are conducted by one or more private entities,))~~ A single arbitrator may be designated to preside at such proceedings.

(3) A consumer shall exhaust the new motor vehicle arbitration board remedy or informal dispute resolution settlement procedure under RCW 19.118.150 before filing any superior court action.

(4) The attorney general shall maintain records of each dispute submitted to the new motor vehicle arbitration board, including an index of new motor vehicles by year, make, and model.

(5) The attorney general shall compile aggregate annual statistics for all disputes submitted to, and decided by, the new motor vehicle arbitration board, as well as annual statistics for each manufacturer that include, but shall not be limited to, the number and percent of: (a) Replacement motor vehicle requests; (b) purchase price refund requests; (c) replacement motor vehicles obtained in prehearing settlements; (d) purchase price refunds obtained in prehearing settlements; (e) replacement motor vehicles awarded in arbitration; (f) purchase price refunds awarded in arbitration; (g) board decisions neither complied with during the forty calendar day period nor petitioned for appeal within the thirty calendar day period; (h) board decisions appealed categorized by consumer or manufacturer; (i) the nature of the court decisions and who the prevailing party was; (j) appeals that were held by the court to be brought without good cause; and (k) appeals that were held by the court to be brought solely for the purpose of harassment. The statistical compilations shall be public information.

(6) The attorney general shall adopt rules to implement this chapter. Such rules shall include uniform standards by which the boards shall make determinations under this chapter, including but not limited to rules which provide:

(a) A board shall find that a nonconformity exists if it determines that the consumer's new motor vehicle has a defect, serious safety defect, or condition that substantially impairs the use, value, or safety of the vehicle.

(b) A board shall find that a reasonable number of attempts to repair a nonconformity have been undertaken if ~~((i) The same serious safety defect has been subject to diagnosis or repair two or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the serious safety defect continues to exist; (ii) the same nonconformity has been subject to diagnosis or repair four or more times, at least one of which is during the period of coverage of the applicable manufacturer's written warranty, and the nonconformity continues to exist; or (iii) the vehicle is out of service by reason of diagnosis or repair of one or more nonconformities for a cumulative total of thirty calendar days, at least fifteen of them during the period of the applicable manufacturer's written warranty. For purposes of this subsection, the manufacturer's written warranty shall be at least one year after the date of the original delivery to the consumer of the vehicle or the first twelve thousand miles of operation, whichever occurs first))~~ the history of attempts to diagnose or repair defects or conditions in the new motor vehicle meets or exceeds those identified in RCW 19.118.041.

(c) A board shall find that a manufacturer has failed to comply with RCW 19.118.041 if it finds that the manufacturer, its agent, or the new motor vehicle dealer has failed to correct a nonconformity after a reasonable number of attempts and the manufacturer has failed, within forty days of the consumer's written request, to

repurchase the vehicle or replace the vehicle with a vehicle identical or reasonably equivalent to the vehicle being replaced.

(7) The attorney general shall provide consumers with information regarding the procedures and remedies under this chapter.

Sec. 6. RCW 19.118.090 and 1998 c 298 s 6 are each amended to read as follows:

(1) A consumer may request arbitration under this chapter by submitting the request to the attorney general. Within ten days after receipt of an arbitration request, the attorney general shall make a reasonable determination of the cause of the request for arbitration and provide necessary information to the consumer regarding the consumer's rights and remedies under this chapter. The attorney general shall ~~((assign the dispute to a board, except that if it clearly appears from the materials submitted by the consumer that the dispute is not eligible for arbitration, the attorney general may refuse to assign the dispute and shall explain any required procedures to the consumer))~~ accept a request for arbitration, except where it clearly appears from the materials submitted by the consumer that the dispute is not eligible because it is lacking a statement of a claim, incomplete, untimely, frivolous, fraudulent, filed in bad faith, res judicata, or beyond the authority established in this chapter. A dispute found to be ineligible for arbitration because it lacks a statement of a claim or is incomplete may be reconsidered by the attorney general upon the submission of other information or documents regarding the dispute.

(2) After a dispute is accepted, the attorney general shall assign the dispute to the board. From the date the consumer's request for arbitration is assigned by the attorney general, the board shall have forty-five calendar days to have an arbitrator hear the dispute and sixty days for the board to submit a decision to the attorney general. If the board determines that additional information is necessary to make a fair and reasoned decision, the arbitrator may continue the arbitration proceeding on a subsequent date within ten calendar days of the initial hearing. The board may require a party to submit additional information or request that the attorney general issue a subpoena to a nonparty for documents and records for a continued hearing.

~~((2))~~ (3) Manufacturers shall submit to arbitration if such arbitration is requested by the consumer within thirty months from the date of the original delivery of the new motor vehicle to a consumer at retail and if the consumer's dispute is ~~((deemed eligible))~~ accepted for arbitration by the ~~((board))~~ attorney general. In the case of a motor home, the thirty-month period will be extended by the amount of time it takes the motor home manufacturers to complete the final repair attempt at the designated repair facility as provided for in RCW 19.118.041(3)(b).

~~((3))~~ The new motor vehicle arbitration board may reject for arbitration any dispute that it determines to be frivolous, fraudulent, filed in bad faith, res judicata or beyond its authority. Any dispute deemed by the board to be ineligible for arbitration due to insufficient evidence may be reconsidered by the board upon the submission of other information or documents regarding the dispute that would allegedly qualify for relief under this chapter. Following a second review, the board may reject the dispute for arbitration if evidence is still clearly insufficient to qualify the dispute for relief under this chapter. A rejection by the board is subject to review by the attorney general or may be appealed under RCW 19.118.100.

A decision to reject any dispute for arbitration shall be sent by certified mail to the consumer and the manufacturer, and shall contain a brief explanation as to the reason therefor.)

(4) The manufacturer shall complete a written manufacturer response to the consumer's request for arbitration. The manufacturer shall provide a response to the consumer and the ~~((board))~~ attorney general within ten calendar days from the date of the manufacturer's receipt of ~~((the board's))~~ notice of ~~((acceptance))~~ the attorney general's assignment of a dispute for arbitration. The manufacturer response shall include all issues and affirmative defenses related to the nonconformities identified in the consumer's request for arbitration that the manufacturer intends to raise at the arbitration hearing.

(5) ~~((The arbitration board shall award the remedies under RCW 19.118.041 if it finds a nonconformity and that a reasonable number~~

~~of attempts have been undertaken to correct the nonconformity. The board shall award reasonable costs and attorneys' fees incurred by the consumer where the manufacturer has been directly represented by counsel: (a) In dealings with the consumer in response to a request to repurchase or replace under RCW 19.118.041; (b) in settlement negotiations; (c) in preparation of the manufacturer's statement; or (d) at an arbitration board hearing or other board proceeding.~~

~~— In the case of an arbitration involving a motor home, the board may allocate liability among the motor home manufacturers.~~

~~— (6) It is an affirmative defense to any claim under this chapter that: (a) The alleged nonconformity does not substantially impair the use, value, or safety of the new motor vehicle; or (b) the alleged nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the new motor vehicle.~~

~~— (7) The board shall have forty-five calendar days from the date the board receives the consumer's request for arbitration to hear the dispute. If the board determines that additional information is necessary, the board may continue the arbitration proceeding on a subsequent date within ten calendar days of the initial hearing. The board shall decide the dispute within sixty calendar days from the date the board receives the consumer's request for arbitration.) It is an affirmative defense to any claim under this chapter that: (a) The alleged nonconformity does not substantially impair the use, value, or safety of the new motor vehicle; or (b) the alleged nonconformity is the result of abuse, neglect, or unauthorized modifications or alterations of the new motor vehicle.~~

~~— (6) The arbitration decision ~~((of the board shall be delivered by certified mail or personal service to the consumer and the manufacturer, and shall))~~ must contain a written finding of whether the new motor vehicle ~~((meets))~~ should be repurchased or replaced pursuant to the standards set forth under this chapter.~~

~~((8))~~ (a) The board shall award the remedies under this chapter if a finding is made pursuant to RCW 19.118.041 that one or more nonconformities have been subject to a reasonable number of attempts.

(b) If the board awards remedies under this chapter after a finding is made pursuant to RCW 19.118.041 that one or more nonconformities have been subject to a reasonable number of attempts, the board shall award reasonable costs and attorneys' fees incurred by the consumer where the manufacturer has been directly represented by counsel: (i) In dealings with the consumer in response to a request to repurchase or replace under RCW 19.118.041; (ii) in settlement negotiations; (iii) in preparation of the manufacturer's statement; or (iv) at an arbitration hearing or other arbitration proceeding. In the case of an arbitration involving a motor home, the board may allocate liability among the motor home manufacturers.

(c) The decision of the board shall be submitted to the attorney general who shall deliver it by certified mail, electronic mail confirmed by an electronic notice of delivery status or similar confirmation, or personal service to the consumer and the manufacturer.

(7) The consumer may accept or reject the arbitration board decision ~~((or appeal to superior court, pursuant to RCW 19.118.100)).~~ Upon acceptance by the consumer, the arbitration board decision shall become final. The consumer shall send written notification of acceptance or rejection to the ~~((arbitration board))~~ attorney general within sixty days of receiving the decision and the ~~((arbitration board))~~ attorney general shall immediately deliver a copy of the consumer's acceptance to the manufacturer by certified mail, return receipt requested, electronic mail confirmed by an electronic notice of delivery status or similar confirmation, or by personal service. Failure of the consumer to respond to the ~~((arbitration board))~~ attorney general within sixty calendar days of receiving the decision shall be considered a rejection of the decision by the consumer.

(8) Where a consumer rejects an arbitration decision, the consumer may appeal to superior court pursuant to RCW 19.118.100. The consumer shall have one hundred twenty calendar days from the date of rejection to file a petition of appeal in superior court. At the time the petition of appeal is filed, the consumer shall deliver, by certified mail or personal service, a conformed copy of such petition to the attorney general.

(9) Upon receipt of the consumer's acceptance, the manufacturer shall have forty calendar days to comply with the arbitration board

decision or thirty calendar days to file a petition of appeal in superior court. At the time the petition of appeal is filed, the manufacturer shall deliver, by certified mail or personal service, a conformed copy of such petition to the attorney general. If the attorney general receives no notice of petition of appeal after forty calendar days, the attorney general shall contact the consumer to verify compliance.

Sec. 7. RCW 19.118.095 and 1995 c 254 s 8 are each amended to read as follows:

(1) Compliance with an arbitration board decision under this chapter must be accomplished at a time, place, and in a manner to be determined by the mutual agreement of the consumer and manufacturer.

(a) The consumer shall make the motor vehicle available to the manufacturer free of damage other than that related to any nonconformity, defect, or condition to which a warranty applied, or that can reasonably be expected in the use of the vehicle for ordinary or reasonably intended purposes and in consideration of the ~~((mileage attributable to the consumer's use))~~ miles traveled by the vehicle. Any insurance claims or settlement proceeds for repair of damage to the vehicle due to fire, theft, vandalism, or collision must be assigned to the manufacturer or, at the consumer's option, the repair must be completed before return of the vehicle to the manufacturer.

The consumer may not remove any equipment or option that was included in the original purchase or lease of the vehicle or that is otherwise included in the repurchase or replacement award. In removing any equipment not included in the original purchase or lease, the consumer shall exercise reasonable care to avoid further damage to the vehicle but is not required to return the vehicle to original condition.

(b) At the time of compliance with an arbitration board decision that awards repurchase, the manufacturer shall make full payment to the consumers and either the lessor or lienholder, or both, or provide verification to the consumer of prior payment to either the lessor or lienholder, or both.

At the time of compliance with an arbitration board decision that awards replacement, the manufacturer shall provide the replacement vehicle together with any refund of incidental costs.

(c) At any time before compliance a party may request the ~~((board))~~ attorney general to resolve disputes regarding compliance with the arbitration board decision including but not limited to time and place for compliance, condition of the vehicle to be returned, clarification or recalculation of refund amounts under the award, or a determination if an offered vehicle is reasonably equivalent to the vehicle being replaced. The attorney general may resolve the dispute or refer compliance-related disputes to the board pursuant to RCW 19.118.160 for a compliance dispute hearing and decision. In resolving compliance disputes the attorney general or board may not review, alter, or otherwise change the findings of a decision or extend the time for compliance beyond the time necessary ~~((for the board))~~ to resolve the dispute.

(d) Failure of the consumer to make the vehicle available within sixty calendar days in response to a manufacturer's unconditional tender of compliance is considered a rejection of the arbitration decision by the consumer, except as provided in (c) of this subsection or subsection (2) of this section.

(2) If, at the end of the forty calendar day period, neither compliance with nor a petition to appeal the board's decision has occurred, the attorney general may impose a fine of up to one thousand dollars per day until compliance occurs or a maximum penalty of one hundred thousand dollars accrues unless the manufacturer can provide clear and convincing evidence that any delay or failure was beyond its control or was acceptable to the consumer as evidenced by a written statement signed by the consumer. If the manufacturer fails to provide the evidence or fails to pay the fine, the attorney general may initiate proceedings against the manufacturer for failure to pay any fine that accrues until compliance with the board's decision occurs or the maximum penalty of one hundred thousand dollars results. If the attorney general prevails in an enforcement action regarding any fine imposed under this subsection, the attorney general is entitled to reasonable costs and attorneys' fees. Fines and recovered costs and fees shall be returned to the new motor vehicle arbitration account.

Sec. 8. RCW 19.118.120 and 1987 c 344 s 10 are each amended to read as follows:

The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. A violation of this chapter ((shall constitute)) is not reasonable in relation to the development and preservation of business and is an unfair or deceptive ((trade practice affecting the public interest under)) act in trade or commerce and an unfair method of competition for the purpose of applying the consumer protection act, chapter 19.86 RCW. ((All public and private remedies provided under that chapter shall be available to enforce this chapter.))

Sec. 9. RCW 19.118.160 and 1989 c 347 s 9 are each amended to read as follows:

If the attorney general is unable ~~((at any time))~~ to contract with ~~((private))~~ one or more entities to conduct arbitrations ((under the procedures and standards in this chapter)), the attorney general shall establish ~~((one or more new motor vehicle))~~ an arbitration ((boards. Each such board shall consist of three members appointed by the attorney general, only one of whom may be directly involved in the manufacture, distribution, sale, or service of any motor vehicle. ~~Board members shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 and shall be compensated pursuant to RCW 43.03.240))~~ program and conduct arbitrations under the procedures and standards established in this chapter.

NEW SECTION. Sec. 10. This act is remedial in nature and applies retroactively to the effective date of this act.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 19.118.021, 19.118.031, 19.118.041, 19.118.061, 19.118.080, 19.118.090, 19.118.095, 19.118.120, and 19.118.160; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1215 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Wood and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1215, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1215, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall,

Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.
Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1215, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1225 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.38.080 and 2008 c 237 s 1 are each amended to read as follows:

(1) There is exempted from the tax imposed by this chapter, the use of fuel for:

(a) Street and highway construction and maintenance purposes in motor vehicles owned and operated by the state of Washington, or any county or municipality;

(b) Publicly owned firefighting equipment;

(c) Special mobile equipment as defined in RCW 46.04.552;

(d) Power pumping units or other power take-off equipment of any motor vehicle which is accurately measured by metering devices that have been specifically approved by the department or which is established by any of the following formulae:

(i) Pumping propane, or fuel or heating oils or milk picked up from a farm or dairy farm storage tank by a power take-off unit on a delivery truck, at a rate determined by the department: PROVIDED, That claimant when presenting his or her claim to the department in accordance with this chapter, shall provide to the claim, invoices of propane, or fuel or heating oil delivered, or such other appropriate information as may be required by the department to substantiate his or her claim;

(ii) Operating a power take-off unit on a cement mixer truck or a load compactor on a garbage truck at the rate of twenty-five percent of the total gallons of fuel used in such a truck; or

(iii) The department is authorized to establish by rule additional formulae for determining fuel usage when operating other types of equipment by means of power take-off units when direct measurement of the fuel used is not feasible. The department is also authorized to adopt rules regarding the usage of on board computers for the production of records required by this chapter;

(e) Motor vehicles owned and operated by the United States government;

(f) Heating purposes;

(g) Moving a motor vehicle on a public highway between two pieces of private property when said moving is incidental to the primary use of the motor vehicle;

(h) Transportation services for persons with special transportation needs by a private, nonprofit transportation provider regulated under chapter 81.66 RCW;

(i) Vehicle refrigeration units, mixing units, or other equipment powered by separate motors from separate fuel tanks;

(j) The operation of a motor vehicle as a part of or incidental to logging operations upon a highway under federal jurisdiction within the boundaries of a federal area if the federal government requires a fee for the privilege of operating the motor vehicle upon the highway, the proceeds of which are reserved for constructing or maintaining roads in the federal area, or requires maintenance or construction work to be performed on the highway for the privilege of operating the motor vehicle on the highway; and

(k) Waste vegetable oil as defined under RCW 82.08.0205 if the oil is used to manufacture biodiesel.

(2) There is exempted from the tax imposed by this chapter the removal or entry of special fuel under the following circumstances and conditions:

(a) If it is the removal from a terminal or refinery of, or the entry or sale of, a special fuel if all of the following apply:

(i) The person otherwise liable for the tax is a licensee other than a dyed special fuel user or international fuel tax agreement licensee;

(ii) For a removal from a terminal, the terminal is a licensed terminal; and

(iii) The special fuel satisfies the dyeing and marking requirements of this chapter;

(b) If it is an entry or removal from a terminal or refinery of taxable special fuel transferred to a refinery or terminal and the persons involved, including the terminal operator, are licensed; and

(c)(i) If it is a special fuel that, under contract of sale, is shipped to a point outside this state by a supplier by means of any of the following:

(A) Facilities operated by the supplier;

(B) Delivery by the supplier to a carrier, customs broker, or forwarding agent, whether hired by the purchaser or not, for shipment to the out-of-state point;

(C) Delivery by the supplier to a vessel clearing from port of this state for a port outside this state and actually exported from this state in the vessel.

(ii) For purposes of this subsection (2)(c):

(A) "Carrier" means a person or firm engaged in the business of transporting for compensation property owned by other persons, and includes both common and contract carriers; and

(B) "Forwarding agent" means a person or firm engaged in the business of preparing property for shipment or arranging for its shipment.

(3)(a) Notwithstanding any provision of law to the contrary, every privately owned urban passenger transportation system and carriers as defined by chapters 81.68 and 81.70 RCW shall be exempt from the provisions of this chapter requiring the payment of special fuel taxes. For the purposes of this section "privately owned urban passenger transportation system" means every privately owned transportation system (~~(publicly or privately owned.)~~) having as its principal source of revenue the income from transporting persons for compensation by means of motor vehicles (~~(and/or)~~) or trackless trolleys, each having a seating capacity for over fifteen persons over prescribed routes in such a manner that the routes of such motor vehicles (~~(and/or)~~) or trackless trolleys, either alone or in conjunction with routes of other such motor vehicles (~~(and/or)~~) or trackless trolleys subject to routing by the same transportation system, shall not extend for a distance exceeding twenty-five road miles beyond the corporate limits of the county in which the original starting points of such motor vehicles are located: PROVIDED, That no refunds or credits shall be granted on special fuel used by any privately owned urban transportation vehicle, or vehicle operated pursuant to chapters 81.68 and 81.70 RCW, on any trip where any portion of (~~(said))~~ the trip is more than twenty-five road miles beyond the corporate limits of the county in which (~~(said))~~ the trip originated.

(b) Every publicly owned and operated urban passenger transportation system is exempt from the provisions of this chapter that require the payment of special fuel taxes. For the purposes of this subsection, "publicly owned and operated urban passenger transportation systems" include public transportation benefit areas under chapter 36.57A RCW, metropolitan municipal corporations under chapter 36.56 RCW, city-owned transit systems under chapter 35.58 RCW, county public transportation authorities under chapter 36.57 RCW, unincorporated transportation benefit areas under chapter 36.57 RCW, and regional transit authorities under chapter 81.112 RCW."

On page 1, line 2 of the title, after "systems;" strike the remainder of the title and insert "and amending RCW 82.38.080."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1225 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Liias and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1225, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1225, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; Nays, 31; Absent, 0; Excused, 1.

Voting yea: Representatives Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1225, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 2, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1295 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that agricultural fairs serve valuable educational, vocational, and recreational purposes that promote the public good and serve as showcases for an important sector of Washington's economy. The legislature also recognizes that counties provide territory for agricultural fairs and supporting services, thereby creating locales for economic and other beneficial activities. Washington's increasing population can, however, create significant annexation pressures that impact fairgrounds and surrounding lands.

In recognition of the many benefits of agricultural fairs and the importance of promoting effective annexation laws, the legislature intends to establish clear and logical procedures for the annexation of county-owned fairgrounds that are consistent with the longstanding requirement that these grounds may only be annexed with the consent of a majority of the county legislative authority.

Sec. 2. RCW 35.13.010 and 1965 c 7 s 35.13.010 are each amended to read as follows:

Any portion of a county not incorporated as part of a city or town but lying contiguous thereto may become a part of the city or town by annexation(~~(= PROVIDED, That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be subject to annexation without the consent of the majority of the board of county commissioners))~~). An area proposed to be annexed to a city or town shall be deemed contiguous thereto even though separated by water or tide or shore lands on which no bona fide residence is maintained by any person.

NEW SECTION. Sec. 3. A new section is added to chapter 35.13 RCW to read as follows:

(1) Territory owned by a county and used for an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW may only be annexed to a city or town through the method prescribed in this section.

(a) The legislative body of the city or town proposing the annexation must submit a request for annexation and a legal description of the subject territory to the legislative authority of the county within which the territory is located.

(b) Upon receipt of the request and description, the county legislative authority has thirty days to review the proposal and determine if the annexation proceedings will continue. As a condition of approval, the county legislative authority may modify the proposal, but it may not add territory that was not included in the request and description. Approval of the county legislative authority is a condition precedent to further proceedings upon the request and there is no appeal of the county legislative authority's decision.

(c) If the county legislative authority determines that the proceedings may continue, it must, within thirty days of the determination, fix a date for a public hearing on the proposal, and cause notice of the hearing to be published at least once a week for two weeks prior to the hearing in one or more newspapers of general circulation in the territory proposed for annexation. The notice must also be posted in three public places within the subject territory, specify the time and place of the hearing, and invite interested persons to appear and voice approval or disapproval of the annexation. If the annexation proposal provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice must include a statement of these requirements.

(d) If, following the conclusion of the hearing, a majority of the county legislative authority deems the annexation proposal to be in the best interest of the county, it may adopt a resolution approving of the annexation.

(e) If, following the county legislative authority's adoption of the annexation approval resolution, the legislative body of the city or town proposing annexation determines to effect the annexation, it must do so by ordinance. The ordinance: (i) May only include territory approved for annexation in the resolution adopted under (d) of this subsection; and (ii) must not exclude territory approved for annexation in the resolution adopted under (d) of this subsection. Upon passage of the annexation ordinance, a certified copy must be filed with the applicable county legislative authority.

(2) Any territory annexed through an ordinance adopted under this section is annexed and becomes a part of the city or town upon the date fixed in the ordinance.

Sec. 4. RCW 35A.14.010 and 1967 ex.s. c 119 s 35A.14.010 are each amended to read as follows:

Any portion of a county not incorporated as part of a city or town but lying contiguous to a code city may become a part of the charter code city or noncharter code city by annexation(~~(= PROVIDED, That property owned by a county, and used for the purpose of an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW shall not be subject to annexation without the consent of the majority of the board of county commissioners))~~). An area proposed to be annexed to a charter code city or noncharter code city shall be deemed contiguous thereto even though separated by water or tide or shore lands and, upon annexation of such area, any such intervening water and/or tide or shore lands shall become a part of such annexing city.

NEW SECTION. Sec. 5. A new section is added to chapter 35A.14 RCW to read as follows:

(1) Territory owned by a county and used for an agricultural fair as provided in chapter 15.76 RCW or chapter 36.37 RCW may only be annexed to a code city through the method prescribed in this section.

(a) The legislative body of the city proposing the annexation must submit a request for annexation and a legal description of the subject territory to the legislative authority of the county within which the territory is located.

(b) Upon receipt of the request and description, the county legislative authority has thirty days to review the proposal and determine if the annexation proceedings will continue. As a

condition of approval, the county legislative authority may modify the proposal, but it may not add territory that was not included in the request and description. Approval of the county legislative authority is a condition precedent to further proceedings upon the request and there is no appeal of the county legislative authority's decision.

(c) If the county legislative authority determines that the proceedings may continue, it must, within thirty days of the determination, fix a date for a public hearing on the proposal, and cause notice of the hearing to be published at least once a week for two weeks prior to the hearing in one or more newspapers of general circulation in the territory proposed for annexation. The notice must also be posted in three public places within the subject territory, specify the time and place of the hearing, and invite interested persons to appear and voice approval or disapproval of the annexation. If the annexation proposal provides for assumption of indebtedness or adoption of a proposed zoning regulation, the notice must include a statement of these requirements.

(d) If, following the conclusion of the hearing, a majority of the county legislative authority deems the annexation proposal to be in the best interest of the county, it may adopt a resolution approving of the annexation.

(e) If, following the county legislative authority's adoption of the annexation approval resolution, the legislative body of the city proposing annexation determines to effect the annexation, it must do so by ordinance. The ordinance: (i) May only include territory approved for annexation in the resolution adopted under (d) of this subsection; and (ii) must not exclude territory approved for annexation in the resolution adopted under (d) of this subsection. Upon passage of the annexation ordinance, a certified copy must be filed with the applicable county legislative authority.

(2) Any territory annexed through an ordinance adopted under this section is annexed and becomes a part of the code city upon the date fixed in the ordinance."

On page 1, line 1 of the title, after "fairs;" strike the remainder of the title and insert "amending RCW 35.13.010 and 35A.14.010; adding a new section to chapter 35.13 RCW; adding a new section to chapter 35A.14 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1295 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1295, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1295, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Hrouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko,

Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1295, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1309 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.29.056 and 2007 c 270 s 1 are each amended to read as follows:

(1)(a) Subject to RCW 18.29.230 and ~~((e))~~ (e) of this subsection, dental hygienists licensed under this chapter with two years' practical clinical experience with a licensed dentist within the preceding five years may be employed ~~((or))~~, retained, or contracted by health care facilities and senior centers to perform authorized dental hygiene operations and services without dental supervision~~((;))~~.

(b) Subject to RCW 18.29.230 and (e) of this subsection, dental hygienists licensed under this chapter with two years' practical clinical experience with a licensed dentist within the preceding five years may perform authorized dental hygiene operations and services without dental supervision under a lease agreement with a health care facility or senior center.

(c) Dental hygienists performing operations and services under (a) or (b) of this subsection are limited to removal of deposits and stains from the surfaces of the teeth, application of topical preventive or prophylactic agents, polishing and smoothing restorations, and performance of root planing and soft-tissue curettage, but shall not perform injections of anesthetic agents, administration of nitrous oxide, or diagnosis for dental treatment.

~~((b))~~ (d) The performance of dental hygiene operations and services in health care facilities shall be limited to patients, students, and residents of the facilities.

~~((e))~~ (e) A dental hygienist employed ~~((or))~~, retained, or contracted to perform services under this section or otherwise performing services under a lease agreement under this section in a senior center must, before providing services:

(i) Enter into a written practice arrangement plan, approved by the department, with a dentist licensed in this state, under which the dentist will provide off-site supervision of the dental services provided. This agreement does not create an obligation for the dentist to accept referrals of patients receiving services under the program;

(ii) Collect data on the patients treated by dental hygienists under the program, including age, treatments rendered, insurance coverage, if any, and patient referral to dentists. This data must be submitted to the department of health at the end of each annual quarter. ~~((commencing))~~ during the period of time between October 1, 2007, and October 1, 2013; and

(iii) Obtain information from the patient's primary health care provider about any health conditions of the patient that would be relevant to the provision of preventive dental care. The information may be obtained by the dental hygienist's direct contact with the provider or through a written document from the provider that the patient presents to the dental hygienist.

~~((f))~~ (f) For dental planning and dental treatment, dental hygienists shall refer patients to licensed dentists.

(2) For the purposes of this section:

(a) "Health care facilities" are limited to hospitals; nursing homes; home health agencies; group homes serving the elderly, individuals with disabilities, and juveniles; state-operated institutions under the jurisdiction of the department of social and health services or the department of corrections; and federal, state, and local public health facilities, state or federally funded community and migrant

health centers, and tribal clinics. ~~((Until July 1, 2009, "health care facilities" also include senior centers.))~~

(b) "Senior center" means a multipurpose community facility operated and maintained by a nonprofit organization or local government for the organization and provision of a ~~((broad spectrum of))~~ combination of some of the following: Health, social, nutritional, ~~((and))~~ educational services, and recreational activities for persons sixty years of age or older.

Sec. 2. RCW 18.29.220 and 2007 c 270 s 2 are each amended to read as follows:

For low-income, rural, and other at-risk populations and in coordination with local public health jurisdictions and local oral health coalitions, a dental hygienist licensed in this state may assess for and apply sealants and apply fluoride varnishes, and may remove deposits and stains from the surfaces of teeth ~~((until July 1, 2009.))~~ in community-based sealant programs carried out in schools:

(1) Without attending the department's school sealant endorsement program if the dental hygienist was licensed as of April 19, 2001; or

(2) If the dental hygienist is school sealant endorsed under RCW 43.70.650.

A hygienist providing services under this section must collect data on patients treated, including age, treatment rendered, methods of reimbursement for treatment, evidence of coordination with local public health jurisdictions and local oral health coalitions, and patient referrals to dentists. ~~((These [This]))~~ This data must be submitted to the department of health at the end of each annual quarter, ~~((commencing))~~ during the period of time between October 1, 2007, and October 1, 2013.

NEW SECTION. Sec. 3. The secretary of health, in consultation with representatives of dental hygienists and dentists, shall provide a report to the appropriate committees of the legislature by December 1, 2013, that provides a summary of the information about patients receiving dental hygiene services in senior centers that is collected under RCW 18.29.056(1)(e)(ii), and in community-based sealant programs carried out in schools under RCW 18.29.220. This report must also include the following:

(1) For patients receiving scaling and root planning in senior center practices, an evaluation of the patient's need for pain control;

(2) For community-based sealant programs in schools, the number of sealants applied; the teeth cleaning method selected for the patient; whether the patient was reevaluated at a recall appointment; and the need for reapplication of the sealant at the recall appointment; and

(3) For patients receiving treatment in either the senior center practices or the community-based sealant programs in schools, the number of referred patients that are seen by a dentist; the lessons learned from these practices; and any unintended consequences or outcomes.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

On page 1, line 1 of the title, after "hygiene;" strike the remainder of the title and insert "amending RCW 18.29.056 and 18.29.220; creating a new section; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1309 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1309, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1309, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1309, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.70 RCW to read as follows:

The definitions in this section apply throughout this chapter and related rules adopted by the department unless the context clearly requires otherwise.

(1) "Deliver" or "delivery" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters.

(2) "Pacific sardine" and "pilchard" means the species *Sardinops sagax*.

NEW SECTION. Sec. 2. A new section is added to chapter 77.70 RCW to read as follows:

(1) A Washington sardine purse seine fishery license or temporary annual fishery permit is required to use purse seine gear to fish for or possess Pacific sardines in offshore waters. This requirement does not affect persons authorized to fish for or possess sardines in offshore waters under a valid Oregon or California license or permit.

(2) A Washington sardine purse seine fishery license or temporary annual fishery permit is required to deliver Pacific sardines into the state.

(3) Washington sardine purse seine fishery licenses and temporary annual fishery permits require vessel designation under RCW 77.65.100.

(4) Pacific sardines may not be taken or retained in state waters except for incidental harvest authorized by rule of the department.

NEW SECTION. Sec. 3. A new section is added to chapter 77.70 RCW to read as follows:

(1) A Washington Pacific sardine purse seine fishery license:

(a) May only be issued to a person that held a coastal pilchard experimental fishery permit in 2008, except as otherwise provided in this section;

(b) Must be renewed annually to remain active; and

(c) Subject to the restrictions of subsections (6) and (7) of this section and RCW 77.65.040, is transferable.

(2) A Washington Pacific sardine purse seine fishery license may be issued to any person that held a coastal pilchard experimental fishery permit in 2005, 2006, or 2007 and is precluded from

qualifying under subsection (1) of this section because the vessel designated on the permit sank prior to 2008.

(3) Beginning in 2010, after taking into consideration the status of the Pacific sardine population, the impact of removal of sardines and other forage fish to the marine ecosystem, including the effect on endangered marine species, and the market for Pacific sardines in the state, the director may issue:

(a) A Washington Pacific sardine purse seine fishery license to any person provided that the issuance would not raise the number of licenses beyond the number initially issued in 2009;

(b) A Washington Pacific sardine purse seine temporary annual fishery permit to any person if the combined number of active Washington Pacific sardine purse seine fishery licenses and annual temporary permits already issued during the year is less than twenty-five.

(4) The annual fee for a Washington Pacific sardine purse seine fishery license is one hundred eighty-five dollars for residents and two hundred ninety-five dollars for nonresidents.

(5) The fee for a Washington Pacific sardine purse seine temporary annual fishery permit is one hundred eighty-five dollars for residents and two hundred ninety-five dollars for nonresidents. A temporary annual fishery permit expires at the end of the calendar year in which the permit is issued.

(6) Only a person who owns or operates the vessel designated on the license or permit may hold a Washington Pacific sardine purse seine fishery license or temporary annual fishery permit.

(7) A person may not own or hold an ownership interest in more than two Washington Pacific sardine purse seine fishery licenses.

(8) The director shall adopt rules that require a person fishing under a Washington Pacific sardine purse seine fishery license or a temporary annual permit to minimize by-catch, and to the extent by-catch cannot be avoided, to minimize the mortality of such by-catch.

Sec. 4. RCW 77.65.200 and 2000 c 107 s 41 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Format change to accommodate text.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Resident	Nonresident		
(a) Baitfish Lampara	\$185	\$295	Yes	No
(b) Baitfish purse seine	\$530	\$985	Yes	No
(c) Bottom fish jig	\$130	\$185	Yes	No
(d) Bottom fish pot	\$130	\$185	Yes	No
(e) Bottom fish troll	\$130	\$185	Yes	No
(f) Carp	\$130	\$185	No	No
(g) Columbia river smelt	\$380	\$685	No	No
(h) Dog fish set net	\$130	\$185	Yes	No
(i) Emerging commercial fishery (RCW 77.70.160 and 77.65.400)	\$185	\$295	Determined by rule	Determined by rule
(j) Food fish drag seine	\$130	\$185	Yes	No
(k) Food fish set line	\$130	\$185	Yes	No
(l) Food fish trawl-Non-Puget Sound	\$240	\$405	Yes	No
(m) Food fish trawl-Puget Sound	\$185	\$295	Yes	No
(n) Herring dip bag net (RCW 77.70.120)	\$175	\$275	Yes	Yes
(o) Herring drag seine (RCW 77.70.120)	\$175	\$275	Yes	Yes
(p) Herring gill net (RCW 77.70.120)	\$175	\$275	Yes	Yes
(q) Herring Lampara (RCW 77.70.120)	\$175	\$275	Yes	Yes
(r) Herring purse seine (RCW 77.70.120)	\$175	\$275	Yes	Yes
(s) Herring spawn-on-kelp (RCW 77.70.210)	N/A	N/A	Yes	Yes
(t) <u>Sardine purse seine (section 2 of this act)</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>Yes</u>
(u) <u>Sardine purse seine temporary (section 2 of this act)</u>	<u>\$185</u>	<u>\$295</u>	<u>Yes</u>	<u>No</u>
(v) Smelt dip bag net	\$130	\$185	No	No
((t)) (w) Smelt gill net	\$380	\$685	Yes	No
((t)) (x) Whiting-Puget Sound (RCW 77.70.130)	\$295	\$520	Yes	Yes

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery."

On page 1, line 3 of the title, after "state;" strike the remainder of the title and insert "amending RCW 77.65.200; and adding new sections to chapter 77.70 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1326, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1326, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.88.140 and 2007 c 368 s 8 are each amended to read as follows:

(1)(a) Upon an arrest for a suspected violation of patronizing a prostitute~~((or))~~, promoting prostitution in the first degree, promoting prostitution in the second degree, promoting travel for prostitution, commercial sexual abuse of a minor, promoting commercial sexual abuse of a minor, or promoting travel for commercial sexual abuse of a minor, the arresting law enforcement officer may impound the

person's vehicle if ~~((a))~~ (i) the motor vehicle was used in the commission of the crime; ~~((b))~~ (ii) the person arrested is the owner of the vehicle or the vehicle is a rental car as defined in RCW 46.04.465; and ~~((c))~~ (iii) either (A) the person arrested has previously been convicted of ~~((patronizing a prostitute, under RCW 9A.88.110, or commercial sexual abuse of a minor, under RCW 9.68A.100))~~ one of the offenses listed in this subsection or (B) the offense was committed within an area designated under (b) of this subsection.

(b) A local governing authority may designate areas within which vehicles are subject to impoundment under this section regardless of whether the person arrested has previously been convicted of any of the offenses listed in (a) of this subsection.

(i) The designation must be based on evidence indicating that the area has a disproportionately higher number of arrests for the offenses listed in (a) of this subsection as compared to other areas within the same jurisdiction.

(ii) The local governing authority shall post signs at the boundaries of the designated area to indicate that the area has been designated under this subsection.

(2) Impoundments performed under this section shall be in accordance with chapter 46.55 RCW and the impoundment order must clearly state "prostitution hold."

(3)(a) Prior to redeeming the impounded vehicle, and in addition to all applicable impoundment, towing, and storage fees paid to the towing company under chapter 46.55 RCW, the owner of the impounded vehicle must pay a fine of five hundred dollars to the impounding agency. The fine shall be deposited in the prostitution prevention and intervention account established under RCW 43.63A.740.

(b) Upon receipt of the fine paid under (a) of this subsection, the impounding agency shall issue a written receipt to the owner of the impounded vehicle.

(4)(a) In order to redeem a vehicle impounded under this section, the owner must provide the towing company with the written receipt issued under subsection (3)(b) of this section.

(b) The written receipt issued under subsection (3)(b) of this section authorizes the towing company to release the impounded vehicle upon payment of all impoundment, towing, and storage fees.

(c) A towing company that relies on a forged receipt to release a vehicle impounded under this section is not liable to the impounding authority for any unpaid fine under subsection (3)(a) of this section.

(5)(a) In any proceeding under chapter 46.55 RCW to contest the validity of an impoundment under this section where the claimant substantially prevails, the claimant is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the five hundred dollar fine paid under subsection (3) of this section.

(b) If the person is found not guilty at trial for a crime listed under subsection (1) of this section, the person is entitled to a full refund of the impoundment, towing, and storage fees paid under chapter 46.55 RCW and the five hundred dollar fine paid under subsection (3) of this section.

(c) All refunds made under this section shall be paid by the impounding agency.

(d) Prior to receiving any refund under this section, the claimant must provide proof of payment.

Sec. 2. RCW 43.63A.740 and 1995 c 353 s 11 are each amended to read as follows:

The prostitution prevention and intervention account is created in the state treasury. All designated receipts from fees under RCW 9.68A.105 and 9A.88.120 and fines collected under RCW 9A.88.140 shall be deposited into the account. Expenditures from the account may be used only for funding the grant program to enhance prostitution prevention and intervention services under RCW 43.63A.720.

Sec. 3. RCW 46.55.120 and 2004 c 250 s 1 are each amended to read as follows:

(1) Vehicles or other items of personal property registered or titled with the department that are impounded by registered tow truck operators pursuant to RCW 46.55.080, 46.55.085, 46.55.113, or 9A.88.140 may be redeemed only under the following circumstances:

(a) Only the legal owner, the registered owner, a person authorized in writing by the registered owner or the vehicle's insurer, a person who is determined and verified by the operator to have the permission of the registered owner of the vehicle or other item of personal property registered or titled with the department, or one who has purchased a vehicle or item of personal property registered or titled with the department from the registered owner who produces proof of ownership or written authorization and signs a receipt therefor, may redeem an impounded vehicle or items of personal property registered or titled with the department. In addition, a vehicle impounded because the operator is in violation of RCW 46.20.342(1)(c) shall not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency. If the department's records show that the operator has been convicted of a violation of RCW 46.20.342 or a similar local ordinance within the past five years, the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. A vehicle impounded because the operator is arrested for a violation of RCW 46.20.342 may be released only pursuant to a written order from the agency that ordered the vehicle impounded or from the court having jurisdiction. An agency ~~(may)~~ shall issue a written order to release pursuant to a provision of an applicable state agency rule or local ordinance authorizing release on the basis of the following:

(i) Economic or personal hardship to the spouse of the operator, taking into consideration public safety factors, including the operator's criminal history and driving record; or

(ii) The owner of the vehicle was not the driver, the owner did not know that the driver's license was suspended or revoked, and the owner has not received a prior release under this subsection or RCW 46.55.113(3).

In order to avoid discriminatory application, other than for the reasons for release set forth in (a)(i) and (ii) of this subsection, an agency shall, under a provision of an applicable state agency rule or local ordinance, deny release in all other circumstances without discretion.

If a vehicle is impounded because the operator is in violation of RCW 46.20.342(1) (a) or (b), the vehicle may be held for up to thirty days at the written direction of the agency ordering the vehicle impounded. However, if the department's records show that the operator has been convicted of a violation of RCW 46.20.342(1) (a) or (b) or a similar local ordinance within the past five years, the vehicle may be held at the written direction of the agency ordering the vehicle impounded for up to sixty days, and for up to ninety days if the operator has two or more such prior offenses. If a vehicle is impounded because the operator is arrested for a violation of RCW 46.20.342, the vehicle may not be released until a person eligible to redeem it under this subsection (1)(a) satisfies the requirements of (e) of this subsection, including paying all towing, removal, and storage fees, notwithstanding the fact that the hold was ordered by a government agency.

(b) If the vehicle is directed to be held for a suspended license impound, a person who desires to redeem the vehicle at the end of the period of impound shall within five days of the impound at the request of the tow truck operator pay a security deposit to the tow truck operator of not more than one-half of the applicable impound storage rate for each day of the proposed suspended license impound. The tow truck operator shall credit this amount against the final bill for removal, towing, and storage upon redemption. The tow truck operator may accept other sufficient security in lieu of the security deposit. If the person desiring to redeem the vehicle does not pay the security deposit or provide other security acceptable to the tow truck operator, the tow truck operator may process and sell at auction the vehicle as an abandoned vehicle within the normal time limits set out in RCW 46.55.130(1). The security deposit required by this section may be paid and must be accepted at any time up to twenty-four hours before the beginning of the auction to sell the vehicle as abandoned. The registered owner is not eligible to purchase the vehicle at the auction, and the tow truck operator shall sell the vehicle to the highest bidder who is not the registered owner.

(c) Notwithstanding (b) of this subsection, a rental car business may immediately redeem a rental vehicle it owns by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound.

(d) Notwithstanding (b) of this subsection, a motor vehicle dealer or lender with a perfected security interest in the vehicle may redeem or lawfully repossess a vehicle immediately by payment of the costs of removal, towing, and storage, whereupon the vehicle will not be held for a suspended license impound. A motor vehicle dealer or lender with a perfected security interest in the vehicle may not knowingly and intentionally engage in collusion with a registered owner to repossess and then return or resell a vehicle to the registered owner in an attempt to avoid a suspended license impound. However, this provision does not preclude a vehicle dealer or a lender with a perfected security interest in the vehicle from repossessing the vehicle and then selling, leasing, or otherwise disposing of it in accordance with chapter 62A.9A RCW, including providing redemption rights to the debtor under RCW 62A.9A-623. If the debtor is the registered owner of the vehicle, the debtor's right to redeem the vehicle under chapter 62A.9A RCW is conditioned upon the debtor obtaining and providing proof from the impounding authority or court having jurisdiction that any fines, penalties, and forfeitures owed by the registered owner, as a result of the suspended license impound, have been paid, and proof of the payment must be tendered to the vehicle dealer or lender at the time the debtor tenders all other obligations required to redeem the vehicle. Vehicle dealers or lenders are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound.

(e) The vehicle or other item of personal property registered or titled with the department shall be released upon the presentation to any person having custody of the vehicle of commercially reasonable tender sufficient to cover the costs of towing, storage, or other services rendered during the course of towing, removing, impounding, or storing any such vehicle, with credit being given for the amount of any security deposit paid under (b) of this subsection. In addition, if a vehicle is impounded because the operator was arrested for a violation of RCW 46.20.342 or 46.20.345 and was being operated by the registered owner when it was impounded under local ordinance or agency rule, it must not be released to any person until the registered owner establishes with the agency that ordered the vehicle impounded or the court having jurisdiction that any penalties, fines, or forfeitures owed by him or her have been satisfied. Registered tow truck operators are not liable for damages if they rely in good faith on an order from the impounding agency or a court in releasing a vehicle held under a suspended license impound. Commercially reasonable tender shall include, without limitation, cash, major bank credit cards issued by financial institutions, or personal checks drawn on Washington state branches of financial institutions if accompanied by two pieces of valid identification, one of which may be required by the operator to have a photograph. If the towing firm cannot determine through the customer's bank or a check verification service that the presented check would be paid by the bank or guaranteed by the service, the towing firm may refuse to accept the check. Any person who stops payment on a personal check or credit card, or does not make restitution within ten days from the date a check becomes insufficient due to lack of funds, to a towing firm that has provided a service pursuant to this section or in any other manner defrauds the towing firm in connection with services rendered pursuant to this section shall be liable for damages in the amount of twice the towing and storage fees, plus costs and reasonable attorney's fees.

(2)(a) The registered tow truck operator shall give to each person who seeks to redeem an impounded vehicle, or item of personal property registered or titled with the department, written notice of the right of redemption and opportunity for a hearing, which notice shall be accompanied by a form to be used for requesting a hearing, the name of the person or agency authorizing the impound, and a copy of the towing and storage invoice. The registered tow truck operator shall maintain a record evidenced by the redeeming person's signature that such notification was provided.

(b) Any person seeking to redeem an impounded vehicle under this section has a right to a hearing in the district or municipal court

for the jurisdiction in which the vehicle was impounded to contest the validity of the impoundment or the amount of towing and storage charges. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents. The municipal court has jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing shall be made in writing on the form provided for that purpose and must be received by the appropriate court within ten days of the date the opportunity was provided for in subsection (2)(a) of this section and more than five days before the date of the auction. At the time of the filing of the hearing request, the petitioner shall pay to the court clerk a filing fee in the same amount required for the filing of a suit in district court. If the hearing request is not received by the court within the ten-day period, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) The court, within five days after the request for a hearing, shall notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the person or persons requesting the hearing may produce any relevant evidence to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the posted rates, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with the posted or contracted rates.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs shall be assessed against the person or persons requesting the hearing, unless the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent.

(e) If the impoundment is determined to be in violation of this chapter, then the registered and legal owners of the vehicle or other item of personal property registered or titled with the department shall bear no impoundment, towing, or storage fees, and any security shall be returned or discharged as appropriate, and the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the registered tow truck operator against the person or agency authorizing the impound for the impoundment, towing, and storage fees paid. In addition, the court shall enter judgment in favor of the registered and legal owners of the vehicle, or other item of personal property registered or titled with the department, for the amount of the filing fee required by law for the impound hearing petition as well as reasonable damages for loss of the use of the vehicle during the time the same was impounded against the person or agency authorizing the impound. However, if an impoundment arising from an alleged violation of RCW 46.20.342 or 46.20.345 is determined to be in violation of this chapter, then the law enforcement officer directing the impoundment and the government employing the officer are not liable for damages if the officer relied in good faith and without gross negligence on the records of the department in ascertaining that the operator of the vehicle had a suspended or revoked driver's license. If any judgment entered is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment shall read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of \$, in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys fees and costs will be awarded against you under RCW . . . if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year) . . .

Signature

Typed name and address of party mailing notice

(4) Any impounded abandoned vehicle or item of personal property registered or titled with the department that is not redeemed within fifteen days of mailing of the notice of custody and sale as required by RCW 46.55.110(3) shall be sold at public auction in accordance with all the provisions and subject to all the conditions of RCW 46.55.130. A vehicle or item of personal property registered or titled with the department may be redeemed at any time before the start of the auction upon payment of the applicable towing and storage fees."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "vehicles used in prostitution- related offenses; and amending RCW 9A.88.140, 43.63A.740, and 46.55.120."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Goodman and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1362, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1362, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 31, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1433 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.44.110 and 1984 c 7 s 59 are each amended to read as follows:

Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure that is a part of any such public highway is liable for all damages that the public highway, bridge, ~~((or))~~ elevated structure, or other state property may sustain as a result of any illegal operation of the vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object, or conveyance weighing in excess of the legal weight limits allowed by law. This section applies to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as provided by law for vehicles, objects, or contrivances that are overweight, overwidth, overheight, or overlength. Any person operating any vehicle is liable for any damage to any public highway, bridge, ~~((or))~~ elevated structure, or other state property sustained as the result of any negligent operation thereof. When the operator is not the owner of the vehicle, object, or contrivance but is operating or moving it with the express or implied permission of the owner, the owner and the operator are jointly and severally liable for any such damage. Such damage to any state highway ~~((or))~~, structure, or other state property may be recovered in a civil action instituted in the name of the state of Washington by the department of transportation or other affected state agency. Any measure of damage ~~((to any public highway))~~ determined by the department of transportation ~~((by reason of))~~ to its highway, bridge, elevated structure, or other property under this section is prima facie the amount of damage caused thereby and is presumed to be the amount recoverable in any civil action therefor. The damages available under this section include the incident response costs, including traffic control, incurred by the department of transportation."

On page 1, line 2 of the title, after "vehicle;" strike the remainder of the title and insert "and amending RCW 46.44.110."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1433 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Liias spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1433, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1433, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert,

Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1433, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1448 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 46.61 RCW to read as follows:

(1) Tribal authorities, within their reservation boundaries, may determine based on an engineering and traffic investigation that the maximum speed permitted under RCW 46.61.400 or 46.61.405 is greater or less than is reasonable or safe under the conditions found to exist upon a nonlimited access state highway or part of a nonlimited access state highway. Then, the tribal authority may determine and declare a reasonable and safe maximum limit thereon which:

- (a) Decreases the limit at intersections;
- (b) Increases the limit, not exceeding sixty miles per hour; or
- (c) Decreases the limit, not lower than twenty miles per hour.

(2) Any alteration by tribal authorities of maximum limits on a nonlimited access state highway is not effective until the alteration has been approved by the secretary of transportation and appropriate signs giving notice of the alteration have been posted. In the case of an alteration by tribal authorities of maximum limits on a nonlimited access state highway that is also part of a city or town street or county road within tribal reservation boundaries, the alteration is not effective until that alteration has also been approved by the applicable local authority."

On page 1, line 2 of the title, after "boundaries;" strike the remainder of the title and insert "and adding a new section to chapter 46.61 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1448 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1448, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1448, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 2; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.
Excused: Representative Flannigan.

HOUSE BILL NO. 1448, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1529 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

(1) The home health program shall require registered nurse oversight and intervention, as appropriate. In-person contact between a home health care registered nurse and a patient is not required under the state's medical assistance program for home health services that are: (a) Delivered with the assistance of telemedicine and (b) otherwise eligible for reimbursement as a medically necessary skilled home health nursing visit under the program.

(2) The department in consultation with home health care service providers shall develop reimbursement rules and, in rule, define the requirements that must be met for a reimbursable skilled nursing visit when services are rendered without a face-to-face visit and are assisted by telemedicine.

(3)(a) The department shall establish the reimbursement rate for skilled home health nursing services delivered with the assistance of telemedicine that meet the requirements of a reimbursable visit as defined by the department.

(b) Reimbursement is not provided for purchase or lease of telemedicine equipment.

(4) Any home health agency licensed under chapter 70.127 RCW and eligible for reimbursement under the medical programs authorized under this chapter may be reimbursed for services under this section if the service meets the requirements for a reimbursable skilled nursing visit as defined by the department.

(5) Nothing in this section shall be construed to alter the scope of practice of any home health care services provider or authorizes the delivery of home health care services in a setting or manner not otherwise authorized by law.

(6) The use of telemedicine is not intended to replace registered nurse health care visit when necessary.

(7) For the purposes of this section, "telemedicine" means the use of telemonitoring to enhance the delivery of certain home health medical services through:

(a) The provision of certain education related to health care services using audio, video, or data communication instead of a face-to-face visit; or

(b) The collection of clinical data and the transmission of such data between a patient at a distant location and the home health provider through electronic processing technologies. Objective clinical data that may be transmitted includes, but is not limited to, weight, blood pressure, pulse, respirations, blood glucose, and pulse oximetry."

On page 1, line 2 of the title, after "telemedicine," strike the remainder of the title and insert "and adding a new section to chapter 74.09 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1529 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1529, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1529, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1529, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1530 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The purpose of this chapter is to provide a framework within which guaranteed asset protection waivers are defined and may be offered within this state.

(2) This chapter does not apply to:

(a) An insurance policy offered by an insurer under this title; or

(b) A federally regulated financial institution operating under 12 C.F.R. Part 37 of the office of the comptroller of the currency regulations or credit unions operating under 12 C.F.R. 721.3(g) of the national credit union administration regulations, or state regulated banks, credit unions, financial institutions operating pursuant to chapter 63.14 RCW, and consumer loan companies operating pursuant to chapter 31.04 RCW. However, an exempt federal or state chartered bank, credit union, or financial institution may elect to offer a guaranteed asset protection waiver that complies with sections 1, 2, and 4 through 7 of this act.

(3) Guaranteed asset protection waivers are governed under this chapter and are exempt from all other provisions of this title, except RCW 48.02.060 and 48.02.080, chapter 48.04 RCW, and as provided in this chapter.

NEW SECTION. Sec. 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Administrator" means a person, other than an insurer or creditor that performs administrative or operational functions pursuant to guaranteed asset protection waiver programs.

(2) "Borrower" means a debtor, retail buyer, or lessee, under a finance agreement, or a person who receives a loan or enters into a retail installment contract to purchase or lease a motor vehicle or vessel under chapter 63.14 RCW.

(3) "Creditor" means:

(a) The lender in a loan or credit transaction;

(b) The lessor in a lease transaction;

(c) Any retail seller of motor vehicles that provides credit to retail buyers of motor vehicles provided the seller complies with this chapter;

(d) The seller in commercial retail installment transactions; or

(e) The assignees of any creditor under this subsection to whom the credit obligation is payable.

(4) "Finance agreement" means a loan, lease, or retail installment sales contract for the purchase or lease of a motor vehicle.

(5) "Free look period" means the period of time from the effective date of the waiver until the date the borrower may cancel the waiver without penalty, fees, or costs to the borrower. This period of time must not be shorter than thirty days.

(6) "Guaranteed asset protection waiver" or "waiver" means a contractual agreement wherein a creditor agrees for a separate charge to cancel or waive all or part of amounts due that creditor on a borrower's finance agreement with that creditor in the event of a total physical damage loss or unrecovered theft of the motor vehicle, which agreement must be part of, or a separate addendum to, the finance agreement.

(7) "Insurer" means an insurance company licensed, registered, or otherwise authorized to do business under the insurance laws of this state.

(8) "Motor vehicle" means self-propelled or towed vehicles designed for personal or commercial use, including but not limited to automobiles, trucks, motorcycles, recreational vehicles, all-terrain vehicles, snowmobiles, campers, boats, personal watercraft, and motorcycle, boat, camper, and personal watercraft trailers.

(9) "Motor vehicle dealer" has the same meaning as "vehicle dealer" in RCW 46.70.011.

(10) "Person" includes an individual, company, association, organization, partnership, business trust, corporation, and every form of legal entity.

(11) "Retail buyer" means a person who buys or agrees to buy a motor vehicle or obtain motor vehicle services or agrees to have motor vehicle services rendered or furnished from a retail seller.

(12) "Retail seller" means a person engaged in the business of selling motor vehicles or motor vehicle services to retail buyers.

(13) "Unregistered marketers" means persons who offer for sale and sell guaranteed asset protection waivers who are not registered under this chapter and who are not otherwise exempt under this chapter.

NEW SECTION. Sec. 3. (1) This chapter applies only to guaranteed asset protection waivers for financing of motor vehicles as defined in this chapter. Any person or entity must register with the commissioner before marketing, offering for sale or selling a guaranteed asset protection waiver, and before acting as an obligor for a guaranteed asset protection waiver, in this state. However, a retail seller of motor vehicles that assigns more than eighty-five percent of guaranteed asset protection waiver agreements within thirty days of such agreements' effective date, or an insurer authorized to transact such insurance business in this state, are not required to register pursuant to this section. Failure of any retail seller of motor vehicles to assign one hundred percent of guaranteed asset protection waiver agreements within forty-five days of such agreements' effective date will result in that retail seller being required to comply with the registration requirements of this chapter.

(2) No person may market, offer for sale, or sell a guaranteed asset protection waiver, or act as an obligor on a guaranteed asset protection waiver in this state without a registration as provided in this chapter, except as set forth in subsection (1) of this section.

(3) The application for registration must include the following:

(a) The applicant's name, address, and telephone number;

(b) The identities of the applicant's executive officers or other officers directly responsible for the waiver business;

(c) An application fee of two hundred fifty dollars, which shall be deposited into the guaranteed asset protection waiver account;

(d) A copy filed by the applicant with the commissioner of the waivers the applicant intends to offer in this state;

(e) A list of all unregistered marketers of guaranteed asset protection waivers on which the applicant will be the obligor;

(f) Such additional information as the commissioner may reasonably require.

(4) Once registered, the applicant shall keep the information required for registration current by reporting changes within thirty days after the end of the month in which the change occurs.

NEW SECTION. Sec. 4. (1) Waivers may be offered, sold, or provided to borrowers in this state in compliance with this chapter.

(2) Waivers may, at the option of the creditor, be sold for a single payment or may be offered with a monthly or periodic payment option.

(3) Notwithstanding any other provision of law, any cost to the borrower for a guaranteed asset protection waiver entered into in compliance with the truth in lending act (15 U.S.C. Sec. 1601 et seq.) and its implementing regulations, as amended, must be separately stated and is not to be considered a finance charge or interest.

(4) Nothing in this chapter prohibits a person who is registered, or is otherwise exempt from registration or exempt from this chapter, from insuring its waiver obligation through the purchase of a contractual liability policy or other insurance policy issued by an insurer authorized to transact such insurance in this state.

(5) The waiver remains a part of the finance agreement upon the assignment, sale, or transfer of the finance agreement by the creditor.

(6) Neither the extension of credit, the term of credit, nor the term of the related motor vehicle sale or lease may be conditioned upon the purchase of a waiver.

(7) Any creditor that offers a waiver must report the sale of, and forward funds received on, all waivers to the designated party, if any, as prescribed in any applicable administrative services agreement, contractual liability policy, other insurance policy, or other specified program documents.

(8) Funds received or held by a creditor or administrator and belonging to an insurer, creditor, or administrator, under the terms of a written agreement, must be held by that creditor or administrator in a fiduciary capacity.

(9) If the guaranteed asset protection waiver is assigned, the name and address of the assignee must be mailed to the borrower within thirty days of the assignment. If at any time the name and address provided to the borrower by the initial creditor are no longer the valid point of contact to apply for waiver benefits, written notice will be mailed to the borrower within thirty days of the change stating the new name and address of the person or entity the borrower should contact to apply for waiver benefits. No waiver may be assigned to an entity that is not registered pursuant to this chapter, unless such entity is exempt from registration or unless the commissioner specifically authorizes such assignment.

(10) No person shall knowingly make, publish, or disseminate any false, deceptive, or misleading representation or advertising in the conduct of, or relative to, waiver business. Nor shall any person make, issue, or circulate, or cause to be made, issued, or circulated any misrepresentation of the terms or benefits of any waiver.

(11) A person or entity engaged in the guaranteed asset protection waiver business in this state may not refuse to sell or issue any guaranteed asset protection waiver because of the sex, marital status, or sexual orientation as defined in RCW 49.60.040, or the presence of any sensory, mental, or physical disability of the borrower or prospective borrower. The type of benefits, or any term, rate, condition, or type of coverage may not be restricted, modified, excluded, increased, or reduced on the basis of the presence of any sensory, mental, or physical disability of the borrower or prospective borrower.

NEW SECTION. Sec. 5. (1) Contractual liability or other insurance policies insuring waivers must state the obligation of the insurer to reimburse or pay to the creditor any sums the creditor is legally obligated to waive under the waivers issued by the creditor

and purchased or held by the borrower. Contractual liability insurance or other insurance policies insuring waivers must not be purchased by the creditor as part of, or a rider to, vendor single-interest or collateral protection coverages as defined in RCW 48.22.110(4).

(2) Coverage under a contractual liability or other insurance policy insuring a waiver must also cover any subsequent assignee upon the assignment, sale, or transfer of the finance agreement.

(3) Coverage under a contractual liability or other insurance policy insuring a waiver must remain in effect unless canceled or terminated in compliance with applicable insurance laws of this state.

(4) The cancellation or termination of a contractual liability or other insurance policy must not reduce the insurer's responsibility for waivers issued by the creditor prior to the date of cancellation or termination and for which a premium has been received by the insurer.

NEW SECTION. Sec. 6. Guaranteed asset protection waivers must disclose, as applicable, in writing and in clear, understandable language that is easy to read, the following:

(1) The name and address of the initial creditor and the borrower at the time of sale, and the identity of any administrator if different from the creditor;

(2) The purchase price and the terms of the waiver, including without limitation, the requirements for protection, conditions, or exclusions associated with the waiver;

(3) That the borrower may cancel the waiver within a free look period as specified in the waiver, and will be entitled to a full refund of the purchase price, so long as no benefits have been provided; or in the event benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the waiver;

(4) The procedure the borrower must follow, if any, to obtain waiver benefits under the terms and conditions of the waiver, including a telephone number and address where the borrower may apply for waiver benefits;

(5) Whether or not the waiver is cancellable after the free look period and the conditions under which it may be canceled or terminated including the procedures for requesting any refund due;

(6) That in order to receive any refund due in the event of a borrower's cancellation of the waiver agreement or early termination of the finance agreement after the free look period of the waiver, the borrower, in accordance with terms of the waiver, must provide a written request to cancel to the creditor, administrator, or such other party, within ninety days of the occurrence of the event terminating the finance agreement;

(7) The methodology for calculating any refund of the unearned purchase price of the waiver due, in the event of cancellation of the waiver or early termination of the finance agreement;

(8) That any refund of the purchase price for a waiver that was included in the financing of the motor vehicle or vessel may be applied by the creditor as a reduction of the overall amount owed under the finance agreement, rather than applying the refund strictly to the purchase price of the waiver. This disclosure must be conspicuously presented prior to the purchase of the waiver;

(9) That neither the extension of credit, the terms of the credit, nor the terms of the related motor vehicle sale or lease, may be conditioned upon the purchase of the waiver;

(10) That the guaranteed asset protection waiver is not credit insurance, nor does it eliminate the borrower's obligation to insure the motor vehicle as provided by laws of this state. Purchasing a guaranteed asset protection waiver does not eliminate the borrower's rights and obligations under the vendor single-interest and collateral protection coverage laws of this state.

NEW SECTION. Sec. 7. (1) Guaranteed asset protection waiver agreements may be cancellable or noncancellable after the free look period. Waivers must provide that if a borrower cancels a waiver within the free look period, the borrower will be entitled to a full refund of the purchase price, so long as no benefits have been provided; or in the event benefits have been provided, the borrower may receive a full or partial refund pursuant to the terms of the waiver.

(2) In the event of a borrower's cancellation of the waiver or early termination of the finance agreement, after the agreement has been in effect beyond the free look period, the borrower may be

entitled to a refund of any unearned portion of the purchase price of the waiver unless the waiver provides otherwise. In order to receive a refund, the borrower, in accordance with any applicable terms of the waiver, must provide a written request to the creditor, administrator, or other party, within ninety days of the event terminating the finance agreement.

(3) If the cancellation of a waiver occurs as a result of a default under the finance agreement or the repossession of the motor vehicle associated with the finance agreement, any refund due may be paid directly to the creditor or administrator and applied as set forth in subsection (4) of this section.

(4) Any cancellation refund under this section may be applied by the creditor as a reduction of the overall amount owed under the finance agreement, if the cost of the guaranteed asset protection waiver was included in the financing of the motor vehicle or vessel.

(5) Disclosure of how the refund may be applied by the creditor or administrator must be made in accordance with the provisions of section 6(8) of this act.

NEW SECTION. Sec. 8. (1) The commissioner may, subject to chapter 48.04 RCW, take action that is necessary or appropriate to enforce this chapter and to protect guaranteed asset protection waiver holders in this state, which includes:

(a) Suspending, revoking, or refusing to issue the registration of a person or entity if the registrant fails to comply with any provision of this chapter or fails to comply with any proper order or rule of the commissioner; and

(b) After hearing or with the consent of the registrant, and in addition to or in lieu of the suspension, revocation, or refusal to issue any registration, imposing a penalty of not more than two thousand dollars for each violation of this chapter.

(2) The commissioner may adopt rules to implement this chapter.

NEW SECTION. Sec. 9. (1) Any person who markets, offers for sale or sells a guaranteed asset protection waiver, or acts as an obligor for a guaranteed asset protection waiver without a registration, unless otherwise exempt from registration or exempt from this chapter, is acting in violation of this section and is subject to the provisions of section 8 of this act. In addition, any person who knowingly violates this section is guilty of a class B felony punishable under chapter 9A.20 RCW.

(2) Any criminal penalty imposed under this section is in addition to, and not in lieu of, any other civil or administrative penalty or sanction otherwise authorized under state law.

(3) If the commissioner has cause to believe that any person has violated this section, the commissioner may assess a civil penalty of not more than twenty-five thousand dollars for each violation, after providing notice and an opportunity for a hearing in accordance with chapter 48.04 RCW. Upon failure to pay this civil penalty when due, the attorney general may bring a civil action on behalf of the commissioner to recover the unpaid penalty.

(4) A person or entity that should have been registered at the time of the sale of a waiver who was not so registered pursuant to this chapter is personally liable for performance of the waiver. Any waiver sold by a person or entity that should have been registered at the time of the sale is voidable, except at the instance of the person or entity who sold the waiver.

NEW SECTION. Sec. 10. The guaranteed asset protection waiver account is created in the custody of the state treasurer. The fees and fines collected under this chapter must be deposited into the account. Expenditures from the account may be used to implement, administer, and enforce this chapter. Only the commissioner or the commissioner's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 11. RCW 63.14.010 and 2003 c 368 s 2 are each amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a

retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(2) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(3) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(4) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(5) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(6) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(7) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(8) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, and under which the buyer agrees to pay the unpaid principal balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(9) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under RCW 46.12.042, any vehicle dealer documentary service fee under RCW 46.70.180(2), or official fees;

(12) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and license fees, the cost of a guaranteed asset protection waiver, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(13) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(14) "Time balance" means the principal balance plus the service charge;

(15) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and official fees; and the amount actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(16) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(17) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. This act is applicable to all guaranteed asset protection waiver agreements entered into on or after January 1, 2010.

NEW SECTION. Sec. 14. Sections 1 through 10, 12, and 13 of this act constitute a new chapter in Title 48 RCW."

On page 1, line 2 of the title, after "act," strike the remainder of the title and insert "amending RCW 63.14.010; adding a new chapter to Title 48 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1530 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1530, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1530, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 1530, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1552 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 34.05.325 and 2005 c 274 s 262 are each amended to read as follows:

(1) The agency shall make a good faith effort to insure that the information on the proposed rule published pursuant to RCW 34.05.320 accurately reflects the rule to be presented and considered at the oral hearing on the rule. Written comment about a proposed rule, including supporting data, shall be accepted by an agency if received no later than the time and date specified in the notice, or such later time and date established at the rule-making hearing.

(2) The agency shall provide an opportunity for oral comment to be received by the agency in a rule-making hearing.

(3) If the agency possesses equipment capable of receiving telefacsimile transmissions or recorded telephonic communications, the agency may provide in its notice of hearing filed under RCW 34.05.320 that interested parties may comment on proposed rules by these means. If the agency chooses to receive comments by these means, the notice of hearing shall provide instructions for making such comments, including, but not limited to, appropriate telephone numbers to be used; the date and time by which comments must be received; required methods to verify the receipt and authenticity of the comments; and any limitations on the number of pages for telefacsimile transmission comments and on the minutes of tape recorded comments. The agency shall accept comments received by these means for inclusion in the official record if the comments are made in accordance with the agency's instructions.

(4) The agency head, a member of the agency head, or a presiding officer designated by the agency head shall preside at the rule-making hearing. Rule-making hearings shall be open to the public. The agency shall cause a record to be made of the hearing by stenographic, mechanical, or electronic means. Regardless of whether the agency head has delegated rule-making authority, the

presiding official shall prepare a memorandum for consideration by the agency head, summarizing the contents of the presentations made at the rule-making hearing, unless the agency head presided or was present at substantially all of the hearings. The summarizing memorandum is a public document and shall be made available to any person in accordance with chapter 42.56 RCW.

(5) Rule-making hearings are legislative in character and shall be reasonably conducted by the presiding official to afford interested persons the opportunity to present comment individually. All comments by all persons shall be made in the presence and hearing of other attendees. Written or electronic submissions may be accepted and included in the record. Rule-making hearings may be continued to a later time and place established on the record without publication of further notice under RCW 34.05.320.

(6)(a) Before it files an adopted rule with the code reviser, an agency shall prepare a concise explanatory statement of the rule:

(i) Identifying the agency's reasons for adopting the rule;

(ii) Describing differences between the text of the proposed rule as published in the register and the text of the rule as adopted, other than editing changes, stating the reasons for differences; and

(iii) Summarizing all comments received regarding the proposed rule, and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so.

(b) The agency shall provide the concise explanatory statement to any person upon request or from whom the agency received comment."

On page 1, line 1 of the title, after "meetings;" strike the remainder of the title and insert "and amending RCW 34.05.325."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1552 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1552, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1552, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1552, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1566 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 48.02.060 and 1947 c 79 s .02.06 are each amended to read as follows:

(1) The commissioner (~~shall have~~) has the authority expressly conferred upon him or her by or reasonably implied from the provisions of this code.

(2) The commissioner shall execute his or her duties and shall enforce the provisions of this code.

(3) The commissioner may:

(a) Make reasonable rules (~~and regulations~~) for effectuating any provision of this code, except those relating to his or her election, qualifications, or compensation. (~~No such~~) Rules (~~and regulations shall be~~) are not effective prior to their being filed for public inspection in the commissioner's office.

(b) Conduct investigations to determine whether any person has violated any provision of this code.

(c) Conduct examinations, investigations, hearings, in addition to those specifically provided for, useful and proper for the efficient administration of any provision of this code.

(4) When the governor proclaims a state of emergency under RCW 43.06.010(12), the commissioner may issue an order that addresses any or all of the following matters related to insurance policies issued in this state:

(a) Reporting requirements for claims;

(b) Grace periods for payment of insurance premiums and performance of other duties by insureds;

(c) Temporary postponement of cancellations and renewals; and

(d) Medical coverage to ensure access to care.

(5) An order by the commissioner under subsection (4) of this section may remain effective for not more than sixty days unless the commissioner extends the termination date for the order for an additional period of not more than thirty days. The commissioner may extend the order if, in the commissioner's judgment, the circumstances warrant an extension. An order of the commissioner under subsection (4) of this section is not effective after the related state of emergency is terminated by proclamation of the governor under RCW 43.06.210. The order must specify, by line of insurance:

(a) The geographic areas in which the order applies, which must be within but may be less extensive than the geographic area specified in the governor's proclamation of a state of emergency and must be specific according to an appropriate means of delineation, such as the United States postal service zip codes or other appropriate means; and

(b) The date on which the order becomes effective and the date on which the order terminates.

(6) The commissioner may adopt rules that establish general criteria for orders issued under subsection (4) of this section and may adopt emergency rules applicable to a specific proclamation of a state of emergency by the governor.

(7) The rule-making authority set forth in subsection (6) of this section does not limit or affect the rule-making authority otherwise granted to the commissioner by law."

On page 1, line 2 of the title, after "emergency," strike the remainder of the title and insert "and amending RCW 48.02.060."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1566 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kirby and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1566, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1566, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED HOUSE BILL NO. 1566, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 31, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1580 with the following amendment:

On page 3, line 2, after "enhance" strike "instream" and insert "stream"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1580 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kessler and Walsh spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1580, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1580, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler,

Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SECOND SUBSTITUTE HOUSE BILL NO. 1580, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1583 with the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 36.17.045 and 1963 c 164 s 3 are each amended to read as follows:

Employees of the counties shall have the right to voluntarily authorize the monthly deduction of their pledges to the United Good Neighbor or its successor, monthly payment to a credit ~~((unit))~~ union as defined in RCW 31.12.005, and monthly dues to a labor union, from their salaries or wages. When such written authorization is received by the county auditor, he or she shall make such monthly deduction.

Sec. 2. RCW 36.17.050 and 1999 c 71 s 3 are each amended to read as follows:

~~((The auditor shall not draw his warrant for the salary of any officer until the latter shall have first filed his duplicate receipt with the auditor, properly signed by the treasurer, showing he has made the last required monthly statement and settlement.))~~ If the superior court issues a declaratory judgment under RCW 36.16.125 finding that a county officer has abandoned his or her duties, the county officer may not be paid a salary.

Sec. 3. RCW 36.22.010 and 1995 c 194 s 1 are each amended to read as follows:

The county auditor:

(1) Shall be recorder of deeds and other instruments in writing which by law are to be filed and recorded in and for the county for which he or she is elected;

(2) Shall keep an account current with the county treasurer, charge all money received as shown by receipts issued and credit all disbursements paid out according to the record of settlement of the treasurer with the legislative authority;

(3) Shall make out and transmit to the state auditor a ~~((complete))~~ statement of the state fund account with the county ~~((for the past fiscal year certified by his or her certificate and seal, immediately after the completion of the annual settlement of the county treasurer with the legislative authority))~~ in accordance with standards developed by the state auditor. The statement must be available to the public;

(4) Shall make available a complete exhibit of the prior-year finances of the county including, but not limited to, a statement of financial condition and financial operation in accordance with standards developed by the state auditor. This exhibit shall be made available after the financial records are closed for the prior year;

(5) Shall make out a register of all warrants legally authorized and directed to be issued by the legislative body at any regular or special meeting. The auditor shall make the data available to the county treasurer. The auditor shall retain the original of the register of warrants for future reference;

(6) As clerk of the board of county commissioners, shall:

Record all of the proceedings of the legislative authority;

Make full entries of all of their resolutions and decisions on all questions concerning the raising of money for and the allowance of accounts against the county;

Record the vote of each member on any question upon which there is a division or at the request of any member present;

Sign all orders made and warrants issued by order of the legislative authority for the payment of money;

Record the reports of the county treasurer of the receipts and disbursements of the county;

Preserve and file all accounts acted upon by the legislative authority;

Preserve and file all petitions and applications for franchises and record the action of the legislative authority thereon;

Record all orders levying taxes;

Perform all other duties required by any rule or order of the legislative authority.

Sec. 4. RCW 36.22.090 and 1975 c 43 s 31 are each amended to read as follows:

All warrants for the payment of claims against diking, ditch, drainage and irrigation districts and school districts of the second class, who do not issue their own warrants, as well as political subdivisions within the county for which no other provision is made by law, shall be drawn and issued by the county auditor of the county wherein such subdivision is located, upon ~~((vouchers properly approved))~~ proper approval by the governing body thereof.

Sec. 5. RCW 36.22.170 and 2005 c 442 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) of this subsection, a surcharge of five dollars per instrument shall be charged by the county auditor for each document recorded, which will be in addition to any other charge authorized by law. One dollar of the surcharge shall be ~~((deposited in the county general fund to be))~~ used at the discretion of the county commissioners to promote historical preservation or historical programs, which may include preservation of historic documents.

(b) A surcharge of two dollars per instrument shall be charged by the county auditor for each document presented for recording by the employment security department, which will be in addition to any other charge authorized by law.

(2) Of the remaining revenue generated through the surcharges under subsection (1) of this section:

(a) Fifty percent shall be transmitted monthly to the state treasurer who shall distribute such funds to each county treasurer within the state in July of each year in accordance with the formula described in RCW 36.22.190. The county treasurer shall place the funds received in a special account titled the auditor's centennial document preservation and modernization account to be used solely for ongoing preservation of historical documents of all county offices and departments and shall not be added to the county current expense fund; and

(b) Fifty percent shall be retained by the county and deposited in the auditor's operation and maintenance fund for ongoing preservation of historical documents of all county offices and departments.

(3) The centennial document preservation and modernization account is hereby created in the custody of the state treasurer and shall be classified as a treasury trust account. State distributions from the centennial document preservation and modernization account shall be made without appropriation.

Sec. 6. RCW 36.40.010 and 1963 c 4 s 36.40.010 are each amended to read as follows:

On or before the second Monday in July of each year, the county auditor or chief financial officer designated in a charter county shall notify in writing each county official, elective or appointive, in charge of an office, department, service, or institution of the county, to file with him or her on or before the second Monday in August thereafter detailed and itemized estimates, both of the probable revenues from sources other than taxation, and of all expenditures required by such office, department, service, or institution for the ensuing fiscal year.

Sec. 7. RCW 36.40.030 and 1995 c 301 s 62 are each amended to read as follows:

The estimates required in RCW 36.40.010 and 36.40.020 shall be submitted on forms provided by the county auditor or chief financial officer designated in a charter county and classified according to the classification established by the state auditor. The county auditor or chief financial officer designated in a charter county shall provide such forms. He or she shall also prepare the estimates for interest and debt redemption requirements and any other estimates the preparation of which properly falls within the duties of his or her office.

Each such official shall file his or her estimates within the time and in the manner provided in the notice and form and the county auditor or chief financial officer ~~((shall))~~ designated in a charter county may deduct and withhold as a penalty from the salary of each official failing or refusing to file such estimates as herein provided, the sum of ~~((ten))~~ fifty dollars for each day of delay: PROVIDED, That the total penalty against any one official shall not exceed two hundred fifty dollars in any one year.

In the absence or disability of any official the duties required herein shall devolve upon the official or employee in charge of the office, department, service, or institution for the time being. The notice shall contain a copy of this penalty clause.

Sec. 8. RCW 36.40.040 and 1995 c 301 s 63 and 1995 c 194 s 7 are each reenacted and amended to read as follows:

Upon receipt of the estimates the county auditor or chief financial officer designated in a charter county shall prepare the county budget which shall set forth the complete financial program of the county for the ensuing fiscal year, showing the expenditure program and the sources of revenue by which it is to be financed.

The revenue section shall set forth the estimated receipts from sources other than taxation for each office, department, service, or institution for the ensuing fiscal year, the actual receipts for the first six months of the current fiscal year and the actual receipts for the last completed fiscal year, the estimated surplus at the close of the current fiscal year and the amount proposed to be raised by taxation.

The expenditure section shall set forth in comparative and tabular form by offices, departments, services, and institutions the estimated expenditures for the ensuing fiscal year, the appropriations for the current fiscal year, the actual expenditures for the first six months of the current fiscal year including all contracts or other obligations against current appropriations, and the actual expenditures for the last completed fiscal year.

All estimates of receipts and expenditures for the ensuing year shall be fully detailed in the annual budget and shall be classified and segregated according to a standard classification of accounts to be adopted and prescribed by the state auditor after consultation with the Washington state association of counties and the Washington state association of county officials.

The county auditor or chief financial officer designated in a charter county shall set forth separately in the annual budget to be submitted to the county legislative authority the total amount of emergency warrants issued during the preceding fiscal year, together with a statement showing the amount issued for each emergency, and the legislative authority shall include in the annual tax levy, a levy sufficient to raise an amount equal to the total of such warrants: PROVIDED, That the legislative authority may fund the warrants or any part thereof into bonds instead of including them in the budget levy.

Sec. 9. RCW 36.40.050 and 1963 c 4 s 36.40.050 are each amended to read as follows:

The budget shall be submitted by the auditor or chief financial officer designated in a charter county to the board of county commissioners on or before the first Tuesday in September of each year. The board shall thereupon consider the same in detail, making any revisions or additions it deems advisable.

Sec. 10. RCW 36.40.130 and 1963 c 4 s 36.40.130 are each amended to read as follows:

Expenditures made, liabilities incurred, or warrants issued in excess of any of the detailed budget appropriations or as revised by transfer as in RCW 36.40.100~~((, 36.40.110))~~ or 36.40.120 provided shall not be a liability of the county, but the official making or incurring such expenditure or issuing such warrant shall be liable therefor personally and upon his or her official bond. The county auditor shall issue no warrant and the county commissioners shall

approve no claim for any expenditure in excess of the detailed budget appropriations or as revised under the provisions of RCW 36.40.100 through 36.40.130, except upon an order of a court of competent jurisdiction, or for emergencies as hereinafter provided. ~~((Any county commissioner, or county auditor, approving any claim or issuing any warrant in excess of any such budget appropriation except as herein provided shall forfeit to the county fourfold the amount of such claim or warrant which shall be recovered by action against such county commissioner or auditor, or all of them, and the several sureties on their official bonds.))~~

Sec. 11. RCW 36.40.210 and 1963 c 4 s 36.40.210 are each amended to read as follows:

On or before the twenty-fifth day of each month the auditor shall submit or make available to the board of county commissioners a report showing the expenditures and liabilities against each separate budget appropriation incurred during the preceding calendar month and like information for the whole of the current fiscal year to the first day of said month, together with the unexpended and unencumbered balance of each appropriation. He or she shall also set forth the receipts from taxes and from sources other than taxation for the same periods.

Sec. 12. RCW 36.96.020 and 1979 ex.s. c 5 s 2 are each amended to read as follows:

On or before June 1st of 1980, and on or before June 1st of every year thereafter, each county auditor shall search available records and notify the county legislative authority if any special purpose districts located wholly or partially within the county appear to be inactive. ~~((Each county auditor shall also provide in the notifications made in 1982 and thereafter a list of all special purpose districts located wholly or partially within the county which, for three consecutive years before the notification, have failed to file statements with the county auditor as required in RCW 36.96.090.))~~ If the territory of any special purpose district is located within more than one county, the legislative authorities of all other counties within whose boundaries such a special purpose district lies shall also be notified by the county auditor. However, the authority to dissolve such a special purpose district as provided by this chapter shall rest solely with the legislative authority of the county which contains the greatest geographic portion of such special purpose district.

Sec. 13. RCW 36.96.090 and 1979 ex.s. c 5 s 9 are each amended to read as follows:

~~((1))~~ Every special purpose district shall file a statement with the auditor of each county in which it lies on or before December 31st of every year, beginning in the year 1979. The initial statement filed by each special purpose district shall contain: For every newly created special purpose district, the auditor of each county in which the special purpose district is located shall provide the state auditor with the following information:

~~((a))~~ (1) The name of the special purpose district and a general description of its location ~~((and geographical area within the county and within any other county;~~

~~((b))~~ The statutes under which the special purpose district operates);

~~((c))~~ (2) The name, address, and telephone number ~~((and remaining term of office))~~ of each member of its governing authority; and

~~((d))~~ (3) The functions that the special purpose district is then presently performing and the purposes for which it was created.

~~((Subsequent annual statements need only identify the special purpose district and any of the above detailed information that has changed in the last year.~~

~~((2))~~ Each county auditor, on or before January 31, 1980, and on or before January 31st each year thereafter, shall forward to the state auditor a summation of the information contained in the statements required to be filed in subsection (1) of this section together with information of each special purpose district located wholly or partially within the county that has been dissolved during the preceding year.))

Sec. 14. RCW 43.09.280 and 1995 c 301 s 18 are each amended to read as follows:

The expense of auditing public accounts shall be borne by each entity subject to such audit for the auditing of all accounts under its jurisdiction and the state auditor shall certify the expense of such

audit to the fiscal or warrant-issuing officer of such entity, who shall immediately make payment to the state auditor. If the expense as certified is not paid by any local government within thirty days from the date of certification, the state auditor may certify the expense to the auditor of the county in which the local government is situated, who shall promptly issue his or her warrant on the county treasurer payable out of the current expense fund of the county, which fund, except as to auditing the financial affairs and making inspection and examination of the county, shall be reimbursed by the county auditor or chief financial officer designated in a charter county out of the money due the local government at the next monthly settlement of the collection of taxes and shall be transferred to the current expense fund.

NEW SECTION. Sec. 15. The following acts or parts of acts are each repealed:

§ RCW 28A.350.010 (Registering warrants--All districts) and 1990 c 33 s 373, 1975 c 43 s 27, 1973 c 111 s 2, & 1969 ex.s. c 223 s 28A.66.010;

§ RCW 28A.350.020 (Registering warrants--Second-class districts) and 1990 c 33 s 374, 1975 c 43 s 28, & 1969 ex.s. c 223 s 28A.66.020;

§ RCW 28A.350.030 (Auditing accounts--All districts) and 1969 ex.s. c 223 s 28A.66.030;

§ RCW 28A.350.040 (Auditor to draw and issue warrants--Second-class districts) and 1990 c 33 s 375, 1975 c 43 s 29, 1973 c 111 s 3, & 1969 ex.s. c 223 s 28A.66.040;

§ RCW 28A.350.050 (Teacher must qualify before warrant drawn and issued or registered--All districts) and 1973 c 72 s 1, 1971 c 48 s 45, & 1969 ex.s. c 223 s 28A.66.050;

§ RCW 28A.350.060 (Liability of auditor for warrants exceeding budget--All districts) and 1975-'76 2nd ex.s. c 118 s 31 & 1969 ex.s. c 223 s 28A.66.070;

§ RCW 28A.350.070 (Orders for warrants not transferable--Second-class districts) and 1975 c 43 s 30 & 1969 ex.s. c 223 s 28A.66.080;

§ RCW 36.18.110 (Monthly statement to county auditor) and 1985 c 44 s 3, 1984 c 128 s 3, & 1963 c 4 s 36.18.110;

§ RCW 36.18.120 (Statements to be checked) and 1985 c 44 s 4, 1984 c 128 s 4, & 1963 c 4 s 36.18.120; and

§ RCW 36.18.130 (Errors or irregularities) and 1963 c 4 s 36.18.130."

On page 1, line 1 of the title, after "auditors;" strike the remainder of the title and insert "amending RCW 36.17.045, 36.17.050, 36.22.010, 36.22.090, 36.22.170, 36.40.010, 36.40.030, 36.40.050, 36.40.130, 36.40.210, 36.96.020, 36.96.090, and 43.09.280; reenacting and amending RCW 36.40.040; and repealing RCW 28A.350.010, 28A.350.020, 28A.350.030, 28A.350.040, 28A.350.050, 28A.350.060, 28A.350.070, 36.18.110, 36.18.120, and 36.18.130."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1583 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1583, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1583, as amended by the Senate, and the bill passed

the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1583, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 3, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1640 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The intent of this act is to clarify provisions governing disclosure of information related to University of Washington endowment investments, and thereby improve the university's ability to maximize the performance of its endowment portfolio. For endowment investments in privately managed funds, this act requires disclosure of the names of the funds, the amounts invested in the funds, and quarterly performance results for the endowment's portfolio of investments in such funds. These disclosures are intended to provide the public with information about the overall performance of the privately managed endowment investments, while prohibiting disclosure of proprietary information that could result in loss to the endowment or to persons who provide the proprietary information.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.20 RCW to read as follows:

The University of Washington must disclose: (1) The names and commitment amounts of the private funds in which it is invested; and (2) the aggregate quarterly performance results for its portfolio of investments in such funds. The University of Washington shall have formal policies addressing conflicts of interest in regard to the private funds in which the endowment is invested, in compliance with RCW 42.52.190, and shall post these policies on their public web site.

Sec. 3. RCW 42.56.270 and 2008 c 306 s 1 are each amended to read as follows:

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(1) Valuable formulae, designs, drawings, computer source code or object code, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss;

(2) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070;

(3) Financial and commercial information and records supplied by private persons pertaining to export services provided under chapters 43.163 and 53.31 RCW, and by persons pertaining to export projects under RCW 43.23.035;

(4) Financial and commercial information and records supplied by businesses or individuals during application for loans or program

services provided by chapters 43.325, 43.163, 43.160, 43.330, and 43.168 RCW, or during application for economic development loans or program services provided by any local agency;

(5) Financial information, business plans, examination reports, and any information produced or obtained in evaluating or examining a business and industrial development corporation organized or seeking certification under chapter 31.24 RCW;

(6) Financial and commercial information supplied to the state investment board by any person when the information relates to the investment of public trust or retirement funds and when disclosure would result in loss to such funds or in private loss to the providers of this information;

(7) Financial and valuable trade information under RCW 51.36.120;

(8) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the clean Washington center in applications for, or delivery of, program services under chapter 70.95H RCW;

(9) Financial and commercial information requested by the public stadium authority from any person or organization that leases or uses the stadium and exhibition center as defined in RCW 36.102.010;

(10)(a) Financial information, including but not limited to account numbers and values, and other identification numbers supplied by or on behalf of a person, firm, corporation, limited liability company, partnership, or other entity related to an application for a horse racing license submitted pursuant to RCW 67.16.260(1)(b), liquor license, gambling license, or lottery retail license;

(b) Internal control documents, independent auditors' reports and financial statements, and supporting documents: (i) Of house-banked social card game licensees required by the gambling commission pursuant to rules adopted under chapter 9.46 RCW; or (ii) submitted by tribes with an approved tribal/state compact for class III gaming;

(11) Proprietary data, trade secrets, or other information that relates to: (a) A vendor's unique methods of conducting business; (b) data unique to the product or services of the vendor; or (c) determining prices or rates to be charged for services, submitted by any vendor to the department of social and health services for purposes of the development, acquisition, or implementation of state purchased health care as defined in RCW 41.05.011;

(12)(a) When supplied to and in the records of the department of community, trade, and economic development:

(i) Financial and proprietary information collected from any person and provided to the department of community, trade, and economic development pursuant to RCW 43.330.050(8); and

(ii) Financial or proprietary information collected from any person and provided to the department of community, trade, and economic development or the office of the governor in connection with the siting, recruitment, expansion, retention, or relocation of that person's business and until a siting decision is made, identifying information of any person supplying information under this subsection and the locations being considered for siting, relocation, or expansion of a business;

(b) When developed by the department of community, trade, and economic development based on information as described in (a)(i) of this subsection, any work product is not exempt from disclosure;

(c) For the purposes of this subsection, "siting decision" means the decision to acquire or not to acquire a site;

(d) If there is no written contact for a period of sixty days to the department of community, trade, and economic development from a person connected with siting, recruitment, expansion, retention, or relocation of that person's business, information described in (a)(ii) of this subsection will be available to the public under this chapter;

(13) Financial and proprietary information submitted to or obtained by the department of ecology or the authority created under chapter 70.95N RCW to implement chapter 70.95N RCW;

(14) Financial, commercial, operations, and technical and research information and data submitted to or obtained by the life sciences discovery fund authority in applications for, or delivery of, grants under chapter 43.350 RCW, to the extent that such

information, if revealed, would reasonably be expected to result in private loss to the providers of this information;

(15) Financial and commercial information provided as evidence to the department of licensing as required by RCW 19.112.110 or 19.112.120, except information disclosed in aggregate form that does not permit the identification of information related to individual fuel licensees;

(16) Any production records, mineral assessments, and trade secrets submitted by a permit holder, mine operator, or landowner to the department of natural resources under RCW 78.44.085;

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

(18) Financial, commercial, operations, and technical and research information and data submitted to or obtained by a health sciences and services authority in applications for, or delivery of, grants under RCW 35.104.010 through 35.104.060, to the extent that such information, if revealed, would reasonably be expected to result in private loss to providers of this information; ~~(and)~~

(19) Information gathered under chapter 19.85 RCW or RCW 34.05.328 that can be identified to a particular business; and

(20) Financial and commercial information submitted to or obtained by the University of Washington, other than information the university is required to disclose under section 2 of this act, when the information relates to investments in private funds, to the extent that such information, if revealed, would reasonably be expected to result in loss to the University of Washington consolidated endowment fund or to result in private loss to the providers of this information."

On page 1, line 3 of the title, after "fund;" strike the remainder of the title and insert "amending RCW 42.56.270; adding a new section to chapter 28B.20 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1640 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kessler and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1640, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1640, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 3; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darnielle, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove,

Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Hasegawa and Liias.
Excused: Representative Flannigan.

HOUSE BILL NO. 1640, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1717 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.05.115 and 2006 c 160 s 1 are each amended to read as follows:

(1) The commission shall develop and maintain a cross-state trail facility with appropriate appurtenances.

(2) This section expires July 1, ~~((2009))~~ 2019, ~~((f))~~ unless the department of transportation ~~((does not))~~ enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and ~~(Lind)~~ Marengo by July 1, ~~((2009))~~ 2019.

Sec. 2. RCW 79A.05.120 and 2006 c 160 s 2 are each amended to read as follows:

(1) To facilitate completion of a cross-state trail under the management of the parks and recreation commission, management and control of lands known as the Milwaukee Road corridor shall be transferred between state agencies as follows on the date a franchise agreement is entered into for a rail line over portions of the Milwaukee Road corridor:

(a) Portions owned by the state between Ellensburg and the Columbia river that are managed by the parks and recreation commission are transferred to the department of transportation;

(b) Portions owned by the state between the west side of the Columbia river and Royal City Junction and between Warden and Lind that are managed by the department of natural resources are transferred to the department of transportation; ~~((and))~~

(c) Portions owned by the state between Lind and the Idaho border that are managed by the department of natural resources are transferred to the parks and recreation commission as of June 7, 2006; and

~~((d))~~ Portions owned by the state between Lind and Marengo are transferred to the department of transportation.

(2) The department of natural resources may, by mutual agreement with the parks and recreation commission, transfer management authority over portions of the Milwaukee Road corridor to the state parks and recreation commission, at any time prior to the department of transportation entering into a franchise agreement.

(3) This section expires July 1, ~~((2009))~~ 2019, and no transfers shall occur ~~((f))~~ unless the department of transportation ~~((does not))~~ enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and ~~(Lind)~~ Marengo by July 1, ~~((2009))~~ 2019.

Sec. 3. RCW 79A.05.125 and 2006 c 160 s 3 are each amended to read as follows:

(1) The department of transportation shall negotiate ~~((a))~~ one or more franchises with ~~((a))~~ rail carriers to establish and maintain a rail line over portions of the Milwaukee Road corridor owned by the state between Ellensburg and ~~((Lind))~~ Marengo. The department of transportation may negotiate such a franchise with any qualified rail carrier. Criteria for negotiating the franchise and establishing the right-of-way include:

(a) Assurances that resources from the franchise will be sufficient to compensate the state for use of the property, including completion of a cross-state trail between Easton and the Idaho border;

(b) Types of payment for use of the franchise, including payment for the use of federally granted trust lands in the transportation corridor;

(c) Standards for maintenance of the line;

(d) Provisions ensuring that both the conventional and intermodal rail service needs of local shippers are met. Such accommodations may comprise agreements with the franchisee to offer or maintain adequate service or to provide service by other carriers at commercially reasonable rates;

(e) Provisions requiring the franchisee, upon reasonable request of any other rail operator, to provide rail service and interchange freight over what is commonly known as the Stampede Pass rail line from Cle Elum to Auburn at commercially reasonable rates;

(f) If any part of the franchise agreement is invalidated by actions or rulings of the federal surface transportation board or a court of competent jurisdiction, the remaining portions of the franchise agreement are not affected;

(g) Compliance with environmental standards; and

(h) Provisions for insurance and the coverage of liability.

(2) The franchise may provide for periodic review of financial arrangements under the franchise.

(3) The department of transportation, in consultation with the parks and recreation commission and the senate and house transportation committees, shall negotiate the terms of the franchise, and shall present the agreement to the parks and recreation commission for approval of as to terms and provisions affecting the cross-state trail or affecting the commission.

(4) This section expires July 1, ~~((2009))~~ 2019, ~~((f))~~ unless the department of transportation ~~((does not))~~ enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, ~~((2009))~~ 2019.

Sec. 4. RCW 79A.05.130 and 2006 c 160 s 4 are each amended to read as follows:

(1) The cross-state trail account is created in the custody of the state treasurer. Eleven million five hundred thousand dollars is provided to the state parks and recreation commission to acquire, construct, and maintain a cross-state trail. This amount may consist of: (a) Legislative appropriations intended for trail development; (b) payments for the purchase of federally granted trust lands; and (c) franchise fees derived from use of the rail corridor. The legislature intends that any amounts provided from the transportation fund are to be repaid to the transportation fund from franchise fees.

(2) The department shall deposit franchise fees from use of the rail corridor according to the following priority: (a) To the department of transportation for actual costs incurred in administering the franchise; (b) to the department of natural resources as compensation for use of federally granted trust lands in the rail corridor; (c) to the transportation fund to reimburse any amounts transferred or appropriated from that fund by the legislature for trail development; (d) to the cross-state trail account, not to exceed eleven million five hundred thousand dollars, provided that this amount shall be reduced proportionate with any funds transferred or appropriated by the 1996 legislature or paid from franchise fees for the purchase of federally granted trust lands or for trail development; and (e) the remainder to the essential rail assistance account, created under RCW 47.76.250. Expenditures from the cross-state trail account may be used only for the acquisition, development, operation, and maintenance of the cross-state trail. Only the director of the state parks and recreation commission or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(3) The commission may acquire land from willing sellers for the cross-state trail, but not by eminent domain.

(4) The commission shall adopt rules describing the cross-state trail.

(5) This section expires July 1, ~~((2009))~~ 2019, ~~((f))~~ unless the department of transportation ~~((does not))~~ enters into a franchise agreement for a rail line over any of the portions of the Milwaukee Road corridor between Ellensburg and Marengo by July 1, ~~((2009))~~ 2019.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2009."

On page 1, line 1 of the title, after "Relating to" strike the remainder of the title and insert "a rail line over the Milwaukee Road corridor; amending RCW 79A.05.115, 79A.05.120, 79A.05.125, and 79A.05.130; providing an effective date; providing contingent expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1717 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1717, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1717, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1717, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 28A.400 RCW to read as follows:

(1) RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring after July 23, 1989, and before the effective date of this section, for any of the following felony crimes:

(a) Any felony crime involving the physical neglect of a child under chapter 9A.42 RCW;

(b) The physical injury or death of a child under chapter 9A.32 or 9A.36 RCW, except motor vehicle violations under chapter 46.61 RCW;

(c) Sexual exploitation of a child under chapter 9.68A RCW;

(d) Sexual offenses under chapter 9A.44 RCW where a minor is the victim;

(e) Promoting prostitution of a minor under chapter 9A.88 RCW;

(f) The sale or purchase of a minor child under RCW 9A.64.030;

(g) Violation of laws of another jurisdiction that are similar to those specified in (a) through (f) of this subsection.

(2) RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090(3), 28A.410.110, 9.96A.020, and 43.43.845 apply upon a guilty plea or conviction occurring on or after the effective date of this section, for any of the following felony crimes or attempts, conspiracies, or solicitations to commit any of the following felony crimes:

(a) A felony violation of RCW 9A.88.010, indecent exposure;

(b) A felony violation of chapter 9A.42 RCW involving physical neglect;

(c) A felony violation of chapter 9A.32 RCW;

(d) A violation of RCW 9A.36.011, assault 1; 9A.36.021, assault 2; 9A.36.120, assault of a child 1; 9A.36.130, assault of a child 2; or any other felony violation of chapter 9A.36 RCW involving physical injury except assault 3 where the victim is eighteen years of age or older;

(e) A sex offense as defined in RCW 9.94A.030;

(f) A violation of RCW 9A.40.020, kidnapping 1; or 9A.40.030, kidnapping 2;

(g) A violation of RCW 9A.64.030, child selling or child buying;

(h) A violation of RCW 9A.88.070, promoting prostitution 1;

(i) A violation of RCW 9A.56.200, robbery 1; or

(j) A violation of laws of another jurisdiction that are similar to those specified in (a) through (i) of this subsection.

Sec. 2. RCW 28A.400.320 and 1990 c 33 s 383 are each amended to read as follows:

(1) The school district board of directors shall immediately terminate the employment of any classified employee who has contact with children during the course of his or her employment upon a guilty plea or conviction of any felony crime (~~(involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction))~~ specified under section 1 of this act.

(2) The employee shall have a right of appeal under chapter 28A.645 RCW including any right of appeal under a collective bargaining agreement. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under section 1 of this act, and the time termination becomes final.

Sec. 3. RCW 28A.400.330 and 1989 c 320 s 4 are each amended to read as follows:

The school district board of directors shall include in any contract for services with an entity or individual other than an employee of the school district a provision requiring the contractor to prohibit any employee of the contractor from working at a public school who has contact with children at a public school during the course of his or her employment and who has pled guilty to or been convicted of any felony crime (~~(involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction))~~ specified under section 1 of this act. The contract shall also contain a provision that any failure to comply with this section shall be grounds for the school district immediately terminating the contract.

Sec. 4. RCW 28A.405.470 and 1990 c 33 s 405 are each amended to read as follows:

The school district shall immediately terminate the employment of any person whose certificate or permit authorized under chapter 28A.405 or 28A.410 RCW is subject to revocation under RCW 28A.410.090~~((2))~~(3) upon a guilty plea or conviction of any felony crime ~~((involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction))~~ specified under section 1 of this act. Employment shall remain terminated unless the employee successfully prevails on appeal. A school district board of directors is entitled to recover from the employee any salary or other compensation that may have been paid to the employee for the period between such time as the employee was placed on administrative leave, based upon criminal charges that the employee committed a felony crime specified under section 1 of this act, and the time termination becomes final. This section shall only apply to employees holding a certificate or permit who have contact with children during the course of their employment.

Sec. 5. RCW 28A.410.090 and 2005 c 461 s 2 are each amended to read as follows:

(1)(a) Any certificate or permit authorized under the provisions of this chapter, chapter 28A.405 RCW, or rules promulgated thereunder may be revoked or suspended by the authority authorized to grant the same based upon a criminal records report authorized by law, or upon the complaint of any school district superintendent, educational service district superintendent, or private school administrator for immorality, violation of written contract, unprofessional conduct, intemperance, or crime against the law of the state. School district superintendents, educational service district superintendents, or private school administrators may file a complaint concerning any certificated employee of a school district, educational service district, or private school and this filing authority is not limited to employees of the complaining superintendent or administrator. Such written complaint shall state the grounds and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted.

(b) If the superintendent of public instruction has reasonable cause to believe that an alleged violation of this chapter or rules adopted under it has occurred based on a written complaint alleging physical abuse or sexual misconduct by a certificated school employee filed by a parent or another person, but no complaint has been forwarded to the superintendent by a school district superintendent, educational service district superintendent, or private school administrator, and that a school district superintendent, educational service district superintendent, or private school administrator has sufficient notice of the alleged violation and opportunity to file a complaint, the superintendent of public instruction may cause an investigation to be made of the alleged violation, together with such other matters that may be disclosed in the course of the investigation related to certificated personnel.

(2) A parent or another person may file a written complaint with the superintendent of public instruction alleging physical abuse or sexual misconduct by a certificated school employee if:

(a) The parent or other person has already filed a written complaint with the educational service district superintendent concerning that employee;

(b) The educational service district superintendent has not caused an investigation of the allegations and has not forwarded the complaint to the superintendent of public instruction for investigation; and

(c) The written complaint states the grounds and factual basis upon which the parent or other person believes an investigation should be conducted.

(3)(a) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a guilty plea or the conviction

of any felony crime ~~((involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (excepting motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction))~~ specified under section 1 of this act, in accordance with this section. The person whose certificate is in question shall be given an opportunity to be heard.

(b) Mandatory permanent revocation upon a guilty plea or the conviction of felony crimes specified under ~~((this subsection))~~ section 1(1) of this act shall apply to such convictions or guilty pleas which occur after July 23, 1989, and before the effective date of section 1 of this act.

(c) Mandatory permanent revocation upon a guilty plea or conviction of felony crimes specified under section 1(2) of this act shall apply to such convictions or guilty pleas that occur on or after the effective date of section 1 of this act.

(d) Revocation of any certificate or permit authorized under this chapter or chapter 28A.405 RCW for a guilty plea or criminal conviction of a crime specified under section 1 of this act occurring prior to July 23, 1989, shall be subject to the provisions of subsection (1) of this section.

(4)(a) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be suspended or revoked, according to the provisions of this subsection, by the authority authorized to grant the certificate upon a finding that an employee has engaged in an unauthorized use of school equipment to intentionally access material depicting sexually explicit conduct or has intentionally possessed on school grounds any material depicting sexually explicit conduct; except for material used in conjunction with established curriculum. A first time violation of this subsection shall result in either suspension or revocation of the employee's certificate or permit as determined by the office of the superintendent of public instruction. A second violation shall result in a mandatory revocation of the certificate or permit.

(b) In all cases under this subsection (4), the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in RCW 28A.410.100. Certificates or permits shall be suspended or revoked under this subsection only if findings are made on or after July 24, 2005. For the purposes of this subsection, "sexually explicit conduct" has the same definition as provided in RCW 9.68A.011.

(5) Any such certificate or permit authorized under this chapter or chapter 28A.405 RCW shall be revoked by the authority authorized to grant the certificate upon a finding that the certificate holder obtained the certificate through fraudulent means, including fraudulent misrepresentation of required academic credentials or prior criminal record. In all cases under this subsection, the person whose certificate is in question shall be given an opportunity to be heard and has the right to appeal as established in RCW 28A.410.100. Certificates or permits shall be revoked under this subsection only if findings are made on or after the effective date of this section.

Sec. 6. RCW 28A.410.110 and 1990 c 33 s 410 are each amended to read as follows:

In case any certificate or permit authorized under this chapter or chapter 28A.405 RCW is revoked, the holder shall not be eligible to receive another certificate or permit for a period of twelve months after the date of revocation. However, if the certificate or permit authorized under this chapter or chapter 28A.405 RCW was revoked because of a guilty plea or the conviction of a felony crime ~~((involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, the sale or purchase of a minor child under RCW 9A.64.030, or violation of similar laws of another jurisdiction))~~ specified under section 1 of this act, the certificate or permit shall not be reinstated.

Sec. 7. RCW 9.96A.020 and 2008 c 134 s 26 are each amended to read as follows:

(1) Subject to the exceptions in subsections (3) through (5) of this section, and unless there is another provision of law to the contrary, a person is not disqualified from employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, nor is a person disqualified to practice, pursue or engage in any occupation, trade, vocation, or business for which a license, permit, certificate or registration is required to be issued by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations solely because of a prior conviction of a felony. However, this section does not preclude the fact of any prior conviction of a crime from being considered.

(2) A person may be denied employment by the state of Washington or any of its counties, cities, towns, municipal corporations, or quasi-municipal corporations, or a person may be denied a license, permit, certificate or registration to pursue, practice or engage in an occupation, trade, vocation, or business by reason of the prior conviction of a felony if the felony for which he or she was convicted directly relates to the position of employment sought or to the specific occupation, trade, vocation, or business for which the license, permit, certificate or registration is sought, and the time elapsed since the conviction is less than ten years. However, for positions in the county treasurer's office, a person may be disqualified from employment because of a prior guilty plea or conviction of a felony involving embezzlement or theft, even if the time elapsed since the guilty plea or conviction is ten years or more.

(3) A person is disqualified for any certificate required or authorized under chapters 28A.405 or 28A.410 RCW, because of a prior guilty plea or the conviction of a felony (~~(involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction))~~ crime specified under section 1 of this act, even if the time elapsed since the guilty plea or conviction is ten years or more.

(4) A person is disqualified from employment by school districts, educational service districts, and their contractors hiring employees who will have regularly scheduled unsupervised access to children, because of a prior guilty plea or conviction of a felony (~~(involving sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW where a minor is the victim, promoting prostitution of a minor under chapter 9A.88 RCW, or a violation of similar laws of another jurisdiction))~~ crime specified under section 1 of this act, even if the time elapsed since the guilty plea or conviction is ten years or more.

(5) The provisions of this chapter do not apply to issuance of licenses or credentials for professions regulated under chapter 18.130 RCW.

(6) Subsections (3) and (4) of this section (~~only~~) as they pertain to felony crimes specified under section 1(1) of this act apply to a person applying for a certificate or for employment on or after July 25, 1993, and before the effective date of section 1 of this act. Subsections (3) and (4) of this section as they pertain to all felony crimes specified under section 1(2) of this act apply to a person applying for a certificate or for employment on or after the effective date of section 1 of this act. Subsection (5) of this section only applies to a person applying for a license or credential on or after June 12, 2008.

Sec. 8. RCW 43.43.845 and 2006 c 263 s 828 are each amended to read as follows:

(1) Upon a guilty plea or conviction of a person of any felony crime (~~(involving the physical neglect of a child under chapter 9A.42 RCW, the physical injury or death of a child under chapter 9A.32 or 9A.36 RCW (except motor vehicle violations under chapter 46.61 RCW), sexual exploitation of a child under chapter 9.68A RCW, sexual offenses under chapter 9A.44 RCW, promoting prostitution of a minor under chapter 9A.88 RCW, or the sale or purchase of a minor child under RCW 9A.64.030))~~ specified under section 1 of this act, the prosecuting attorney shall notify the state patrol of such guilty pleas or convictions.

(2) When the state patrol receives (~~(information that a person has pled guilty to or been convicted of one of the felony crimes))~~ the notice required under subsection (1) of this section, the state patrol shall transmit that information to the superintendent of public instruction. It shall be the duty of the superintendent of public instruction, on at least a quarterly basis, to identify whether the person holds a certificate or permit issued under chapters 28A.405 and 28A.410 RCW or is employed by a school district, and provide this information to the Washington professional educator standards board and the school district employing the (~~individual who pled guilty or was convicted of the crimes identified in subsection (1) of this section))~~ person.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.405 RCW to read as follows:

(1) A school district superintendent shall immediately notify the office of the superintendent of public instruction when the district terminates the employment contract of a certificated employee on the basis of a guilty plea or a conviction of any felony crime specified under section 1 of this act.

(2) The office of the superintendent of public instruction shall maintain a record of the notices received under this section.

(3) This section applies only to employees holding a certificate or permit authorized under this chapter or chapter 28A.410 RCW who have contact with children during the course of employment.

NEW SECTION. Sec. 10. A new section is added to chapter 41.59 RCW to read as follows:

Nothing in this chapter may be construed to grant employers or employees the right to reach agreements that are in conflict with the termination provisions of RCW 28A.405.470.

NEW SECTION. Sec. 11. A new section is added to chapter 41.56 RCW to read as follows:

Nothing in this chapter may be construed to grant school district employers or classified school district employees the right to reach agreements that are in conflict with the termination provisions of RCW 28A.400.320."

On page 1, line 2 of the title, after "employees;" strike the remainder of the title and insert "amending RCW 28A.400.320, 28A.400.330, 28A.405.470, 28A.410.090, 28A.410.110, 9.96A.020, and 43.43.845; adding a new section to chapter 28A.400 RCW; adding a new section to chapter 28A.405 RCW; adding a new section to chapter 41.59 RCW; and adding a new section to chapter 41.56 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Darneille and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1741, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1741, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 31, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1749 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.146.010 and 2008 c 78 s 3 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affiliate" means any person who directly or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with another person.

(2) "Application" means the same as in Regulation X, Real Estate Settlement Procedures, 24 C.F.R. Sec. 3500.

(3) "Borrower" means any person who consults with or retains a mortgage broker or loan originator in an effort to obtain or seek advice or information on obtaining or applying to obtain a residential mortgage loan for himself, herself, or persons including himself or herself, regardless of whether the person actually obtains such a loan.

(4) "Computer loan information systems" or "CLI system" means a real estate mortgage financing information system that facilitates the provision of information to consumers by a mortgage broker, loan originator, lender, real estate agent, or other person regarding interest rates and other loan terms available from different lenders.

(5) "Department" means the department of financial institutions.

(6) "Designated broker" means a natural person designated as the person responsible for activities of the licensed mortgage broker in conducting the business of a mortgage broker under this chapter and who meets the experience and examination requirements set forth in RCW 19.146.210(1)(e).

(7) "Director" means the director of financial institutions.

(8) "Employee" means an individual who has an employment relationship with a mortgage broker, and the individual is treated as an employee by the mortgage broker for purposes of compliance with federal income tax laws.

(9) "Federal banking agencies" means the board of governors of the federal reserve system, comptroller of the currency, director of the office of thrift supervision, national credit union administration, and federal deposit insurance corporation.

(10) "Independent contractor" or "person who independently contracts" means any person that expressly or impliedly contracts to perform mortgage brokering services for another and that with respect to its manner or means of performing the services is not subject to the other's right of control, and that is not treated as an employee by the other for purposes of compliance with federal income tax laws.

~~((+0))~~ ~~(11)~~ ~~(a)~~ "Loan originator" means a natural person who ~~((+))~~ ~~for direct or indirect compensation or gain, or in the expectation of direct or indirect compensation or gain~~ ~~(i)~~ takes a residential mortgage loan application for a mortgage broker, or ~~((+))~~ ~~(ii)~~ offers or negotiates terms of a mortgage loan ~~((- for direct or indirect compensation or gain, or in the expectation of direct or~~

~~indirect compensation or gain~~)). "Loan originator" also includes a person who holds themselves out to the public as able to perform any of these activities. "Loan originator" does not mean persons performing purely administrative or clerical tasks for a mortgage broker. For the purposes of this subsection, "administrative or clerical tasks" means the receipt, collection, and distribution of information common for the processing of a loan in the mortgage industry and communication with a borrower to obtain information necessary for the processing of a loan. A person who holds himself or herself out to the public as able to obtain a loan is not performing administrative or clerical tasks.

~~((+))~~ ~~(b)~~ "Loan originator" does not include a person or entity that only performs real estate brokerage activities and is licensed or registered in accordance with applicable state law, unless the person or entity is compensated by a lender, a mortgage broker, or other mortgage loan originator or by any agent of such a lender, mortgage broker, or other mortgage loan originator. For purposes of this chapter, the term "real estate brokerage activity" means any activity that involves offering or providing real estate brokerage services to the public, including:

~~(i)~~ Acting as a real estate agent or real estate broker for a buyer, seller, lessor, or lessee of real property;

~~(ii)~~ Bringing together parties interested in the sale, purchase, lease, rental, or exchange of real property;

~~(iii)~~ Negotiating, on behalf of any party, any portion of a contract relating to the sale, purchase, lease, rental, or exchange of real property, other than in connection with providing financing with respect to such a transaction;

~~(iv)~~ Engaging in any activity for which a person engaged in the activity is required to be registered or licensed as a real estate agent or real estate broker under any applicable law; and

~~(v)~~ Offering to engage in any activity, or act in any capacity, described in ~~(b)(i) through (iv)~~ of this subsection.

~~(c)~~ "Loan originator" does not include a person or entity solely involved in extensions of credit relating to timeshare plans, as that term is defined in section 101(53D) of Title 11, United States Code.

~~(12)~~ "Loan processor" means an individual who performs clerical or support duties as an employee at the direction of and subject to the supervision and instruction of a person licensed, or exempt from licensing, under chapter 19.146 RCW.

~~(13)~~ "Lock-in agreement" means an agreement with a borrower made by a mortgage broker or loan originator, in which the mortgage broker or loan originator agrees that, for a period of time, a specific interest rate or other financing terms will be the rate or terms at which it will make a loan available to that borrower.

~~((+2))~~ ~~(14)~~ "Mortgage broker" means any person who for compensation or gain, or in the expectation of compensation or gain (a) assists a person in obtaining or applying to obtain a residential mortgage loan or (b) holds himself or herself out as being able to assist a person in obtaining or applying to obtain a residential mortgage loan.

~~((+3))~~ ~~(15)~~ "Mortgage loan originator" has the same meaning as "loan originator."

~~(16)~~ "Nationwide mortgage licensing system and registry" means a mortgage licensing system developed and maintained by the conference of state bank supervisors and the American association of residential mortgage regulators for the licensing and registration of mortgage loan originators.

~~(17)~~ "Person" means a natural person, corporation, company, limited liability corporation, partnership, or association.

~~((+4))~~ ~~(18)~~ "Principal" means any person who controls, directly or indirectly through one or more intermediaries, or alone or in concert with others, a ten percent or greater interest in a partnership, company, association, or corporation, and the owner of a sole proprietorship.

~~((+5))~~ ~~(19)~~ "Residential mortgage loan" means any loan primarily for personal, family, or household use secured by a mortgage or deed of trust on residential real estate upon which is constructed or intended to be constructed a single family dwelling or multiple family dwelling of four or less units.

~~((+6))~~ ~~(20)~~ "S.A.F.E. act" means the secure and fair enforcement for mortgage licensing act of 2008, or Title V of the

housing and economic recovery act of 2008 ("HERA"), P.L. 110-289, effective July 30, 2008.

(21) "Third-party provider" means any person other than a mortgage broker or lender who provides goods or services to the mortgage broker in connection with the preparation of the borrower's loan and includes, but is not limited to, credit reporting agencies, title companies, appraisers, structural and pest inspectors, or escrow companies.

(22) "Unique identifier" means a number or other identifier assigned by protocols established by the nationwide mortgage licensing system and registry.

Sec. 2. RCW 19.146.020 and 2006 c 19 s 3 are each amended to read as follows:

(1) ~~((Except as provided under subsections (2) through (4) of this section.))~~ The following are exempt from all provisions of this chapter:

(a) ~~((+))~~ Any person doing business under the laws of the state of Washington or the United States, and any federally insured depository institution doing business under the laws of any other state, relating to commercial banks, bank holding companies, savings banks, trust companies, savings and loan associations, credit unions, insurance companies, or real estate investment trusts as defined in 26 U.S.C. Sec. 856 and the affiliates, subsidiaries, and service corporations thereof ~~(; and~~

~~((ii) Subject to the director's written approval, the exclusive agents of an affiliate of a bank that is wholly owned by the bank holding company that owns the bank);~~

(b) Any person doing business under the consumer loan act is exempt from this chapter only for that business conducted under the authority and coverage of the consumer loan act;

(c) An attorney licensed to practice law in this state who is not principally engaged in the business of negotiating residential mortgage loans when such attorney renders services in the course of his or her practice as an attorney;

(d) Any person doing any act under order of any court, except for a person subject to an injunction to comply with any provision of this chapter or any order of the director issued under this chapter;

(e) ~~((Any person making or acquiring a residential mortgage loan solely with his or her own funds for his or her own investment without intending to resell the residential mortgage loans;~~

~~((f))~~ A real estate broker or salesperson licensed by the state who obtains financing for a real estate transaction involving a bona fide sale of real estate in the performance of his or her duties as a real estate broker and who receives only the customary real estate broker's or salesperson's commission in connection with the transaction;

~~((g) Any mortgage broker approved and subject to auditing by the federal national mortgage association or the federal home loan mortgage corporation;~~

~~((h))~~ (f) The United States of America, the state of Washington, any other state, and any Washington city, county, or other political subdivision, and any agency, division, or corporate instrumentality of any of the entities in this subsection (1) ~~((+))~~ (f); ~~(and~~

~~((i))~~ (g) A real estate broker who provides only information regarding rates, terms, and lenders in connection with a CLI system, who receives a fee for providing such information, who conforms to all rules of the director with respect to the providing of such service, and who discloses on a form approved by the director that to obtain a loan the borrower must deal directly with a mortgage broker or lender. However, a real estate broker shall not be exempt if he or she does any of the following:

(i) Holds himself or herself out as able to obtain a loan from a lender;

(ii) Accepts a loan application, or submits a loan application to a lender;

(iii) Accepts any deposit for third-party services or any loan fees from a borrower, whether such fees are paid before, upon, or after the closing of the loan;

(iv) Negotiates rates or terms with a lender on behalf of a borrower; or

(v) Provides the disclosure required by RCW 19.146.030(1);

(h) Registered mortgage loan originators, or any individual required to be registered; and

(i) A manufactured or modular home retailer employee who performs purely administrative or clerical tasks and who receives only the customary salary or commission from the employer in connection with the transaction.

~~(2) ((Those persons and their loan originators otherwise exempt under subsection (1)(c), (g), or (4) of this section must comply with RCW 19.146.0201 through 19.146.080. For violations of RCW 19.146.0201 through 19.146.080, the director has authority to issue a cease and desist order as provided in RCW 19.146.220 and 19.146.227, to impose penalties as provided in RCW 19.146.220, and to obtain and review books and records that are relevant to any allegation of such a violation as provided in RCW 19.146.235.~~

~~((3))~~ Any person otherwise exempted from the licensing provisions of this chapter may voluntarily submit an application to the director for a mortgage broker's license. The director shall review such application and may grant or deny licenses to such applicants upon the same grounds and with the same fees as may be applicable to persons required to be licensed under this chapter.

(a) Upon receipt of a license under this subsection, the licensee is required to continue to maintain a valid license, is subject to all provisions of this chapter, and has no further right to claim exemption from the provisions of this chapter except as provided in (b) of this subsection.

(b) Any licensee under this subsection who would otherwise be exempted from the requirements of licensing by this section may apply to the director for exemption from licensing. The director shall adopt rules for reviewing such applications and shall grant exemptions from licensing to applications which are consistent with those rules and consistent with the other provisions of this chapter.

~~((4) The director may exempt an exclusive agent under subsection (1)(a) of this section provided that the affiliate in subsection (1)(a) of this section:~~

~~((a) Applies for and maintains a license as provided by subsection (3) of this section;~~

~~((b) Has on file with the director a binding written agreement under which the affiliate assumes responsibility for the exclusive agent's violations of this chapter or rules adopted under this chapter; and~~

~~((c) Maintains a bond or other security in an amount required by the director that runs to the benefit of the state and any person who suffers loss by reason of the exclusive agent's violation of this chapter or rules adopted under this chapter.))~~

Sec. 3. RCW 19.146.0201 and 2006 c 19 s 4 are each amended to read as follows:

It is a violation of this chapter for a loan originator ~~((;))~~ or mortgage broker required to be licensed under this chapter ~~((; or mortgage broker otherwise exempted from this chapter under RCW 19.146.020(1)(c), (g), or (4))~~ to:

(1) Directly or indirectly employ any scheme, device, or artifice to defraud or mislead borrowers or lenders or to defraud any person;

(2) Engage in any unfair or deceptive practice toward any person;

(3) Obtain property by fraud or misrepresentation;

(4) Solicit or enter into a contract with a borrower that provides in substance that the mortgage broker may earn a fee or commission through the mortgage broker's "best efforts" to obtain a loan even though no loan is actually obtained for the borrower;

(5) Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms unless the terms are actually available at the time of soliciting, advertising, or contracting from a person exempt from licensing under RCW 19.146.020(1) ~~((g) or (h))~~ (f) or a lender with whom the mortgage broker maintains a written correspondent or loan broker agreement under RCW 19.146.040;

(6) Fail to make disclosures to loan applicants and noninstitutional investors as required by RCW 19.146.030 and any other applicable state or federal law;

(7) Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan or engage in bait and switch advertising;

(8) Negligently make any false statement or knowingly and willfully make any omission of material fact in connection with any

reports filed by a mortgage broker or in connection with any investigation conducted by the department;

(9) Make any payment, directly or indirectly, to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property;

(10) Advertise any rate of interest without conspicuously disclosing the annual percentage rate implied by such rate of interest;

(11) Fail to comply with any requirement of the truth-in-lending act, 15 U.S.C. Sec. 1601 and Regulation Z, 12 C.F.R. Sec. 226; the real estate settlement procedures act, 12 U.S.C. Sec. 2601 and Regulation X, 24 C.F.R. Sec. 3500; the equal credit opportunity act, 15 U.S.C. Sec. 1691 and Regulation B, Sec. 202.9, 202.11, and 202.12; Title V, Subtitle A of the financial modernization act of 1999 (known as the "Gramm-Leach-Bliley act"), 12 U.S.C. Secs. 6801-6809; the federal trade commission's privacy rules, 16 C.F.R. Parts 313-314, mandated by the Gramm-Leach-Bliley act; the home mortgage disclosure act, 12 U.S.C. Sec. 2801 et seq. and Regulation C, home mortgage disclosure; the federal trade commission act, 12 C.F.R. Part 203, 15 U.S.C. Sec. 45(a); the telemarketing and consumer fraud and abuse act, 15 U.S.C. Secs. 6101 to 6108; and the federal trade commission telephone sales rule, 16 C.F.R. Part 310, as these acts existed on January 1, 2007, or such subsequent date as may be provided by the department by rule, in any advertising of residential mortgage loans, or any other applicable mortgage broker or loan originator activities covered by the acts. The department may adopt by rule requirements that mortgage brokers and loan originators comply with other applicable federal statutes and regulations in any advertising of residential mortgage loans, or any other mortgage broker or loan originator activity;

(12) Fail to pay third-party providers no later than thirty days after the recording of the loan closing documents or ninety days after completion of the third-party service, whichever comes first, unless otherwise agreed or unless the third-party service provider has been notified in writing that a bona fide dispute exists regarding the performance or quality of the third-party service;

(13) Collect, charge, attempt to collect or charge or use or propose any agreement purporting to collect or charge any fee prohibited by RCW 19.146.030 or 19.146.070;

(14)(a) Except when complying with (b) and (c) of this subsection, act as a loan originator in any transaction (i) in which the loan originator acts or has acted as a real estate broker or salesperson or (ii) in which another person doing business under the same licensed real estate broker acts or has acted as a real estate broker or salesperson;

(b) Prior to providing mortgage services to the borrower, a loan originator, in addition to other disclosures required by this chapter and other laws, shall provide to the borrower the following written disclosure:

THIS IS TO GIVE YOU NOTICE THAT I OR ONE OF MY ASSOCIATES HAVE/HAS ACTED AS A REAL ESTATE BROKER OR SALESPERSON REPRESENTING THE BUYER/SELLER IN THE SALE OF THIS PROPERTY TO YOU. I AM ALSO A LOAN ORIGINATOR, AND WOULD LIKE TO PROVIDE MORTGAGE SERVICES TO YOU IN CONNECTION WITH YOUR LOAN TO PURCHASE THE PROPERTY. YOU ARE NOT REQUIRED TO USE ME AS A LOAN ORIGINATOR IN CONNECTION WITH THIS TRANSACTION. YOU ARE FREE TO COMPARISON SHOP WITH OTHER MORTGAGE BROKERS AND LENDERS, AND TO SELECT ANY MORTGAGE BROKER OR LENDER OF YOUR CHOOSING; and

(c) A real estate broker or salesperson licensed under chapter 18.85 RCW who also acts as a mortgage broker shall carry on such mortgage broker business activities and shall maintain such person's mortgage broker business records separate and apart from the real estate broker activities conducted pursuant to chapter 18.85 RCW. Such activities shall be deemed separate and apart even if they are conducted at an office location with a common entrance and mailing address, so long as each business is clearly identified by a sign visible to the public, each business is physically separated within the office

facility, and no deception of the public as to the separate identities of the broker business firms results. This subsection (14)(c) shall not require a real estate broker or salesperson licensed under chapter 18.85 RCW who also acts as a mortgage broker to maintain a physical separation within the office facility for the conduct of its real estate and mortgage broker activities where the director determines that maintaining such physical separation would constitute an undue financial hardship upon the mortgage broker and is unnecessary for the protection of the public; or

(15) Fail to comply with any provision of RCW 19.146.030 through 19.146.080 or any rule adopted under those sections.

Sec. 4. RCW 19.146.205 and 2006 c 19 s 10 are each amended to read as follows:

(1) Application for a mortgage broker license under this chapter ~~((shall))~~ must be ((in writing)) made to the nationwide mortgage licensing system and registry and in the form prescribed by the director. The application shall contain at least the following information:

(a) The name, address, date of birth, and social security number of the applicant, and any other names, dates of birth, or social security numbers previously used by the applicant, unless waived by the director;

(b) If the applicant is a partnership or association, the name, address, date of birth, and social security number of each general partner or principal of the association, and any other names, dates of birth, or social security numbers previously used by the members, unless waived by the director;

(c) If the applicant is a corporation, the name, address, date of birth, and social security number of each officer, director, registered agent, and each principal stockholder, and any other names, dates of birth, or social security numbers previously used by the officers, directors, registered agents, and principal stockholders unless waived by the director;

(d) The street address, county, and municipality where the principal business office is to be located;

(e) The name, address, date of birth, and social security number of the applicant's designated broker, and any other names, dates of birth, or social security numbers previously used by the designated broker and a complete set of the designated broker's fingerprints taken by an authorized law enforcement officer; and

(f) Such other information regarding the applicant's or designated broker's background, financial responsibility, experience, character, and general fitness as the director may require by rule.

(2) As a part of or in connection with an application for any license under this section, or periodically upon license renewal, the applicant shall furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, ~~((and))~~ the nationwide mortgage licensing system and registry, or any governmental agency or entity authorized to receive this information for a state and national criminal history background check; personal history; experience; business record; purposes; and other pertinent facts, as the director may reasonably require. As part of or in connection with an application for a license under this chapter, the director is authorized to receive criminal history record information that includes nonconviction data as defined in RCW 10.97.030. The department may only disseminate nonconviction data obtained under this section to criminal justice agencies. This section does not apply to financial institutions regulated under chapters 31.12 and 31.13 RCW and Titles 30, 32, and 33 RCW.

(3) In order to reduce the points of contact which the federal bureau of investigation may have to maintain, the director may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(4) In order to reduce the points of contact which the director may have to maintain, the director may use the nationwide mortgage licensing system and registry as a channeling agent for requesting and distributing information to and from any source so directed by the director.

(5) At the time of filing an application for a license under this chapter, each applicant shall pay to the director through the nationwide mortgage licensing system and registry the appropriate

application fee in an amount determined by rule of the director in accordance with RCW 43.24.086 to cover, but not exceed, the cost of processing and reviewing the application. The director shall deposit the moneys in the financial services regulation fund, unless the consumer services account is created as a dedicated, nonappropriated account, in which case the director shall deposit the moneys in the consumer services account.

~~((4))~~ (6)(a) Except as provided in (b) of this subsection, each applicant for a mortgage broker's license shall file and maintain a surety bond, in an amount ~~((of not greater than sixty thousand dollars nor less than twenty thousand dollars))~~ which the director deems adequate to protect the public interest, executed by the applicant as obligor and by a surety company authorized to do a surety business in this state as surety. The bonding requirement as established by the director ~~((may))~~ shall take the form of a ~~((uniform bond amount for all licensees or the director may establish by rule a schedule establishing a))~~ range of bond amounts which shall vary according to the annual ~~((average number of loan originators of a))~~ loan origination volume of the licensee. The bond shall run to the state of Washington as obligee, and shall run first to the benefit of the borrower and then to the benefit of the state and any person or persons who suffer loss by reason of the applicant's or its loan originator's violation of any provision of this chapter or rules adopted under this chapter. The bond shall be conditioned that the obligor as licensee will faithfully conform to and abide by this chapter and all rules adopted under this chapter, and shall reimburse all persons who suffer loss by reason of a violation of this chapter or rules adopted under this chapter. Borrowers shall be given priority over the state and other persons. The state and other third parties shall be allowed to receive distribution pursuant to a valid claim against the remainder of the bond. In the case of claims made by any person or entity who is not a borrower, no final judgment may be entered prior to one hundred eighty days following the date the claim is filed. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director of its intent to cancel the bond. The cancellation shall be effective thirty days after the notice is received by the director. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it shall be considered one continuous obligation, and the surety upon the bond shall not be liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond. In no event shall the penal sum, or any portion thereof, at two or more points in time be added together in determining the surety's liability. The bond shall not be liable for any penalties imposed on the licensee, including, but not limited to, any increased damages or attorneys' fees, or both, awarded under RCW 19.86.090. The applicant may obtain the bond directly from the surety or through a group bonding arrangement involving a professional organization comprised of mortgage brokers if the arrangement provides at least as much coverage as is required under this subsection.

(b) ~~((Subsection (4)(b) and (c) of this section applies only to applications received on or before January 1, 2007. Before January 1, 2007, in lieu of a surety bond, the applicant may, upon approval by the director, file with the director a certificate of deposit, an irrevocable letter of credit, or such other instrument as approved by the director by rule, drawn in favor of the director for an amount equal to the required bond.~~

~~((c) Before January 1, 2007, in lieu of the surety bond or compliance with (b) of this subsection, an applicant may obtain insurance or coverage from an association comprised of mortgage brokers that is organized as a mutual corporation for the sole purpose of insuring or self-insuring claims that may arise from a violation of this chapter. An applicant may only substitute coverage under this subsection for the requirements of (a) or (b) of this subsection if the director, with the consent of the insurance commissioner, has authorized such association to organize a mutual corporation under such terms and conditions as may be imposed by the director to ensure that the corporation is operated in a financially responsible manner to pay any claims within the financial responsibility limits specified in (a) of this subsection)) If the director determines that the bond required in (a) of this subsection is not reasonably available, the director shall waive the requirements for such a bond. The mortgage~~

recovery fund account is created in the custody of the state treasurer. The director is authorized to charge fees to fund the account. All fees charged under this section, except those retained by the director for administration of the fund, must be deposited into the mortgage recovery fund account. Expenditures from the account may be used only for the same purposes as the surety bond as described in (a) of this subsection. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. A person entitled to receive payment from the mortgage recovery fund may only receive reimbursement after a court of competent jurisdiction has determined the actual damages caused by the licensee. The director may determine by rule the procedure for recovery; the amount each mortgage broker must pay through the nationwide mortgage licensing system and registry for deposit in the mortgage recovery fund; and the amount necessary to administer the fund.

Sec. 5. RCW 19.146.228 and 2006 c 19 s 15 are each amended to read as follows:

The director shall establish fees ~~((by rule in accordance with the policy established in RCW 43.24.086 and fees shall be))~~ sufficient to cover, but not exceed, the costs of administering this chapter. These fees may include:

- (1) An annual assessment paid by each licensee on or before a date specified by rule;
- (2) An investigation fee to cover the costs of any investigation of the books and records of a licensee or other person subject to this chapter; and
- (3) An application fee to cover the costs of processing applications made to the director under this chapter.

Mortgage brokers and loan originators shall not be charged investigation fees for the processing of complaints when the investigation determines that no violation of this chapter occurred or when the mortgage broker or loan originator provides a remedy satisfactory to the complainant and the director and no order of the director is issued. All moneys, fees, and penalties collected under the authority of this chapter shall be deposited into the financial services regulation fund, unless the consumer services account is created as a dedicated, nonappropriated account, in which case all moneys, fees, and penalties collected under this chapter shall be deposited in the consumer services account.

Sec. 6. RCW 19.146.235 and 2006 c 19 s 16 are each amended to read as follows:

The director or a designee has authority to conduct investigations and examinations as provided in this section.

(1) For the purposes of investigating violations or complaints arising under this chapter, the director or his or her designee may make an investigation of the operations of any mortgage broker or loan originator as often as necessary in order to carry out the purposes of this chapter.

(2) Every mortgage broker shall make available to the director or a designee its books and records relating to its operations.

(a) For the purpose of examinations, the director or his or her designee may have access to such books and records during normal business hours and interview the officers, principals, loan originators, employees, independent contractors, and agents of the licensee concerning their business.

(b) For the purposes of investigating violations or complaints arising under this chapter, the director may at any time, either personally or by a designee, investigate the business, including but not limited to the books, accounts, records, and files used therein, of every licensee and of every person engaged in the business of mortgage brokering, whether such a person acts or claims to act under, or without the authority of, this chapter.

(c) The director or designated person may direct, subpoena, or order the attendance of and examine under oath all persons whose testimony may be required about the loans or the business or subject matter of any such examination or investigation, and may direct, subpoena, or order such person to produce books, accounts, records, files, and any other documents the director or designated person deems relevant to the inquiry.

(3) ~~((Once during the first five years of licensing, including branch licensing,))~~ The director may visit, either personally or by

designee, the licensee's place or places of business to conduct an examination. The scope of the examination is limited to documents and information necessary to determine compliance with this chapter and attendant rules. In general, the examination scope may include:

(a) A review for trust accounting compliance;

(b) Loan file review to determine the mortgage broker's compliance with this chapter and applicable federal regulations covering the business of mortgage brokering and lending;

(c) Interviews for the purpose of understanding business and solicitation practices, transactional events, disclosure compliance, complaint resolution, or determining specific compliance with this chapter and the attendant rules; and

(d) A review of general business books and records, including employee records, for the purpose of determining specific compliance with this chapter and the attendant rules.

(4) The purpose of an examination is to make certain that licensees are conducting business in compliance with the law. Therefore, protocols for examination findings and corrective action directed from an examination must be established by rule of the director. To accomplish this purpose, these protocols must include the following:

(a) A reporting mechanism from the director to the licensee;

(b) A process for clear notification of violations and an opportunity for response by the licensee; and

(c) The criteria by which the frequency of examinations will be determined.

(5) If the examination findings clearly identify the need to expand the scope of the examination, the director or a designee, upon five days' written notification to the licensee with an explanation of the need, may:

(a) Expand the examination review to locations other than the examined location regardless of the number of years a location has held a license; or

(b) Expand the time period of the examination beyond the five-year period of licensing, provided the expansion of time does not exceed a date certain identified in the written notification in this subsection.

(6) The director or a designee may consider reports made by independent certified professionals for the mortgage broker covering the same general subject matter as the examination. The director or a designee may incorporate all or part of the report in the report of the examination.

(7) The director may retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations. The cost of these services for investigations only must be billed in accordance with RCW 19.146.228.

(8) The director may establish by rule travel costs for examination of out-of-state entities.

(9)(a) No person subject to examination or investigation under this chapter may knowingly withhold, abstract, remove, mutilate, destroy, or secrete any books, records, computer records, or other information.

(b) A person who commits an act under (a) of this subsection is guilty of a class B felony punishable under RCW 9A.20.021(1)(b) or punishable by a fine of not more than twenty thousand dollars, or both.

NEW SECTION. Sec. 7. A new section is added to chapter 19.146 RCW to read as follows:

(1) Each loan originator applicant shall complete at least twenty hours of prelicensing education approved by the nationwide mortgage licensing system and registry. The prelicensing education shall include at least three hours of federal law and regulations; three hours of ethics, which shall include instruction on fraud, consumer protection, and fair lending issues; two hours of training related to lending standards for the nontraditional mortgage product marketplace; and at least two hours of training specifically related to Washington law.

(2) A loan originator applicant having successfully completed the prelicensing education requirements approved by the nationwide mortgage licensing system and registry for any state shall be accepted as credit towards completion of prelicensing education requirements in this state.

(3) This chapter does not preclude any prelicensing education course, as approved by the nationwide mortgage licensing system and registry, that is provided by the employer of the loan originator applicant or an entity which is affiliated with the applicant by an agency contract, or any subsidiary or affiliate of such an employer or entity. Prelicensing education may be offered either in a classroom, online, or by any other means approved by the nationwide mortgage licensing system and registry.

NEW SECTION. Sec. 8. A new section is added to chapter 19.146 RCW to read as follows:

(1) To obtain a loan originator license, an individual must pass a test developed by the nationwide mortgage licensing system and registry and administered by a test provider approved by the nationwide mortgage licensing system and registry based upon reasonable standards.

(2) An individual is not considered to have passed a test unless the individual achieves a test score of not less than seventy-five percent correct answers to questions.

(a) An individual may retake a test three consecutive times with each consecutive taking occurring at least thirty days after the preceding test.

(b) After failing three consecutive tests, an individual must wait at least six months before taking the test again.

(c) A licensed mortgage loan originator who fails to maintain a valid license for a period of five years or longer must retake the test, not taking into account any time during which that individual is a registered mortgage loan originator.

(3) This section does not prohibit a test provider approved by the nationwide mortgage licensing system and registry from providing a test at the location of the employer of the loan originator applicant or any subsidiary or affiliate of the employer of the applicant, or any entity with which the applicant holds an exclusive arrangement to conduct the business of a mortgage loan originator.

Sec. 9. RCW 19.146.300 and 2006 c 19 s 19 are each amended to read as follows:

(1) Application for a loan originator license under this chapter ~~((shall))~~ must be ((in writing)) made to the nationwide mortgage licensing system and registry and in the form prescribed by the director. The application shall contain at least the following information:

(a) The name, address, date of birth, and social security number of the loan originator applicant, and any other names, dates of birth, or social security numbers previously used by the loan originator applicant, unless waived by the director; and

(b) Such other information regarding the loan originator applicant's background, experience, character, and general fitness as the director may require by rule.

(2)(a) As part of or in connection with an application for any license under this section, or periodically upon license renewal, the loan originator applicant shall furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol, the federal bureau of investigation, ~~((and))~~ the nationwide mortgage licensing system and registry, or any governmental agency or entity authorized to receive this information for a state and national criminal history background check; personal history; experience; business record; purposes; and other pertinent facts, as the director may reasonably require. As part of or in connection with an application for a license under this chapter, or periodically upon license renewal, the director is authorized to receive criminal history record information that includes nonconviction data as defined in RCW 10.97.030. The department may only disseminate nonconviction data obtained under this section to criminal justice agencies. This section does not apply to financial institutions regulated under chapters 31.12 and 31.13 RCW and Titles 30, 32, and 33 RCW.

(b) In order to reduce the points of contact which the federal bureau of investigation may have to maintain, the director may use the nationwide mortgage licensing system and registry as a channeling agent for requesting information from and distributing information to the department of justice or any governmental agency.

(c) In order to reduce the points of contact which the director may have to maintain, the director may use the nationwide mortgage licensing system and registry as a channeling agent for requesting

and distributing information to and from any source so directed by the director.

(d) As part of or in connection with an application for a license under this section, the loan originator applicant must furnish to the nationwide mortgage licensing system and registry personal history and experience in a form prescribed by the nationwide mortgage licensing system and registry, including the submission of authorization for the nationwide mortgage licensing system and registry and the director to obtain:

(i) An independent credit report obtained from a consumer reporting agency described in section 603(p) of the federal fair credit reporting act; and

(ii) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(3) At the time of filing an application for a license under this chapter, each loan originator applicant shall pay to the director the appropriate application fee in an amount determined by rule of the director in accordance with RCW 19.146.228 to cover the cost of processing and reviewing the application. The director shall deposit the moneys in the financial services regulation fund.

(4) The director must establish by rule procedures for accepting and processing incomplete applications.

Sec. 10. RCW 19.146.310 and 2006 c 19 s 20 are each amended to read as follows:

(1) The director shall issue and deliver a loan originator license if, after investigation, the director makes the following findings:

(a) The loan originator applicant has paid the required license fees;

(b) The loan originator applicant has met the requirements of RCW 19.146.300 ;

(c) The loan originator applicant has ~~((not))~~ never had a license issued under this chapter or any similar state statute ~~((suspended or))~~ revoked ~~((within five years of the filing of the present application))~~ except that, for the purposes of this subsection, a subsequent formal vacation of a revocation is not a revocation;

(d)(i) The loan originator applicant has not been convicted of a gross misdemeanor involving dishonesty or financial misconduct or ~~((a felony))~~ has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court within seven years of the filing of the present application; and

(ii) The loan originator applicant has not been convicted of, or pled guilty or nolo contendere to, a felony in a domestic, foreign, or military court at any time preceding the date of application if the felony involved an act of fraud, dishonesty, breach of trust, or money laundering;

(e) The loan originator applicant has passed a written examination whose content shall be established by rule of the director;

(f) The loan originator applicant has not been found to be in violation of this chapter or rules;

(g) The loan originator applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a belief that the business will be operated honestly and fairly within the purposes of this chapter. For the purposes of this section, an applicant has not demonstrated financial responsibility when the applicant shows disregard in the management of his or her financial condition. A determination that an individual has shown disregard in the management of his or her financial condition may include, but is not limited to, an assessment of: Current outstanding judgments, except judgments solely as a result of medical expenses; current outstanding tax liens or other government liens and filings; foreclosures within the last three years; or a pattern of seriously delinquent accounts within the past three years; and

(h) The loan originator licensee has completed, during the calendar year preceding a licensee's annual license renewal date, a minimum of eight hours of continuing education as established by rule of the director. ~~((The director shall establish standards in rule for approval of professional organizations offering continuing education to loan originators. The director may approve continuing education taken by loan originators in other states if the director is satisfied that such continuing education meets the requirements of the continuing education required by this chapter.))~~

(2) If the director does not find the conditions of subsection (1) of this section have been met, the director shall not issue the loan originator license. The director shall notify the loan originator applicant of the denial and return to the loan originator applicant any remaining portion of the license fee that exceeds the department's actual cost to investigate the license.

(3) The director shall issue a new loan originator license under this chapter to any licensee that has a valid license and is otherwise in compliance with this chapter.

(4) A loan originator license issued under this section expires on the date one year from the date of issuance which, for license renewal purposes, is also the renewal date. The director shall establish rules regarding the loan originator license renewal process created under this chapter.

(5) A loan originator licensee may surrender a license by delivering to the director written notice of surrender, but the surrender does not affect the loan originator licensee's civil or criminal liability or any administrative actions arising from acts or omissions occurring before such surrender.

(6) To prevent undue delay in the issuance of a loan originator license and to facilitate the business of a loan originator, an interim loan originator license with a fixed date of expiration may be issued when the director determines that the loan originator has substantially fulfilled the requirements for loan originator licensing as defined by rule.

NEW SECTION. Sec. 11. A new section is added to chapter 19.146 RCW to read as follows:

(1) A licensed mortgage loan originator must complete a minimum of eight hours of continuing education, eight of which is approved by the nationwide mortgage licensing system and registry which must include at least three hours of federal law and regulations; two hours of ethics, which must include instruction on fraud, consumer protection, and fair lending issues; and two hours of training related to lending standards for the nontraditional mortgage product marketplace. Additionally, the director may require at least one hour of continuing education on Washington law provided by and administered through an approved provider.

(2) The nationwide mortgage licensing system and registry must review and approve continuing education courses. Review and approval of a continuing education course must include review and approval of the course provider.

(3) A licensed mortgage loan originator may only receive credit for a continuing education course in the year in which the course is taken, and may not take the same approved course in the same or successive years to meet the annual requirements for continuing education.

(4) A licensed mortgage loan originator who is an instructor of an approved continuing education course may receive credit for the licensed mortgage loan originator's own annual continuing education requirement at the rate of two hours credit for every one hour taught.

(5) A person having successfully completed the education requirements approved by the nationwide mortgage licensing system and registry for any state must have their credits accepted as credit towards completion of continuing education requirements in this state.

(6) This section does not preclude any education course, as approved by the nationwide mortgage licensing system and registry, that is provided by the employer of the mortgage loan originator or an entity which is affiliated with the mortgage loan originator by an agency contract, or any subsidiary or affiliate of such employer or entity. Continuing education may be offered either in a classroom, online, or by any other means approved by the nationwide mortgage licensing system and registry.

NEW SECTION. Sec. 12. A new section is added to chapter 19.146 RCW to read as follows:

The director shall establish a process whereby mortgage loan originators may challenge information entered into the nationwide mortgage licensing system and registry by the director.

NEW SECTION. Sec. 13. A new section is added to chapter 19.146 RCW to read as follows:

For the purposes of implementing an orderly and efficient licensing process, the director may establish licensing rules and interim procedures for licensing and acceptance of applications. For

previously registered or licensed individuals, the director may establish expedited review and licensing procedures.

NEW SECTION. Sec. 14. A new section is added to chapter 31.04 RCW to read as follows:

An individual defined as a mortgage loan originator shall not engage in the business of a mortgage loan originator without first obtaining and maintaining annually a license under this act. Each licensed mortgage loan originator must register with and maintain a valid unique identifier issued by the nationwide mortgage licensing system and registry.

NEW SECTION. Sec. 15. A new section is added to chapter 19.146 RCW to read as follows:

(1) Except as otherwise provided in section 1512 of the S.A.F.E. act, the requirements under any federal law or chapter 42.56 RCW regarding the privacy or confidentiality of any information or material provided to the nationwide mortgage licensing system and registry, and any privilege arising under federal or state law, including the rules of any federal or state court, with respect to that information or material, continues to apply to the information or material after the information or material has been disclosed to the nationwide mortgage licensing system and registry. Information and material may be shared with all state and federal regulatory officials with mortgage industry oversight authority without the loss of privilege or the loss of confidentiality protections provided by federal law or state law.

(2) For the purposes under subsection (1) of this section, the director is authorized to enter agreements or sharing arrangements with other governmental agencies, the conference of state bank supervisors, the American association of residential mortgage regulators, or other associations representing governmental agencies as established by rule, regulation, or order of the director.

(3) Information or material that is subject to a privilege or confidentiality under subsection (1) of this section is not subject to:

(a) Disclosure under any federal or state law governing the disclosure to the public of information held by an officer or an agency of the federal government or the respective state; or

(b) Subpoena or discovery, or admission into evidence, in any private civil action or administrative process unless, with respect to any privilege held by the nationwide mortgage licensing system and registry with respect to that information or material, the person to whom the information or material pertains waives, in whole or in part, in the discretion of that person, that privilege.

(4) Chapter 42.56 RCW relating to the disclosure of confidential supervisory information or any information or material described in subsection (1) of this section that is inconsistent with subsection (1) of this section is superseded by the requirements of this section.

(5) This section does not apply to the information or material relating to the employment history of, and publicly adjudicated disciplinary and enforcement actions against, mortgage loan originators that is included in the nationwide mortgage licensing system and registry for access by the public.

NEW SECTION. Sec. 16. A new section is added to chapter 19.146 RCW to read as follows:

In order to fulfill the purposes of this act, the director is authorized to establish relationships or contracts with the nationwide mortgage licensing system and registry or other entities designated by the nationwide mortgage licensing system and registry to collect and maintain records and process transaction fees or other fees related to licensees or other persons subject to this chapter.

NEW SECTION. Sec. 17. A new section is added to chapter 19.146 RCW to read as follows:

Each mortgage broker licensee shall submit to the nationwide mortgage licensing system and registry reports of condition, which must be in the form and must contain the information as the nationwide mortgage licensing system and registry may require.

NEW SECTION. Sec. 18. A new section is added to chapter 19.146 RCW to read as follows:

The director is authorized to regularly report violations of this act, as well as enforcement actions and other relevant information, to the nationwide mortgage licensing system and registry.

NEW SECTION. Sec. 19. (1) In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage

marketplace, sections 4, 6 through 9, 11, 12, 14, and 17 are effective January 1, 2010.

(2) In order to facilitate an orderly transition to licensing and minimize disruption in the mortgage marketplace, mortgage loan originators who were previously exempt as exclusive agents under RCW 19.146.020(1)(a)(ii) must obtain a mortgage loan originator license under this chapter before July 1, 2010.

NEW SECTION. Sec. 20. The director of financial institutions or the director's designee may take the actions necessary to ensure this act is implemented on July 1, 2010."

On page 1, line 3 of the title, after "2008;" strike the remainder of the title and insert "amending RCW 19.146.010, 19.146.020, 19.146.0201, 19.146.205, 19.146.228, 19.146.235, 19.146.300, and 19.146.310; adding new sections to chapter 19.146 RCW; adding a new section to chapter 31.04 RCW; creating new sections; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1749 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Bailey and Kirby spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1749, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1749, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darnelle, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1749, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1769 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

(5) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

(6) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

(7) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

(8) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

(9) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

(10) "Housing assistance" means appropriate referrals by the department or other supervising agencies to federal, state, local, or private agencies or organizations, assistance with forms, applications, or financial subsidies or other monetary assistance for housing. For purposes of this chapter, "housing assistance" is not a remedial service or time-limited family reunification service as described in RCW 13.34.025(2).

(11) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits

transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty- five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

~~((+2))~~ (12) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((+2))~~ (13) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing ~~((services))~~ assistance, capable of preventing the need for out-of-home placement while protecting the child. ~~((Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.~~

~~((+3))~~ (14) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((+4))~~ (15) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half- sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

~~((+5))~~ (16) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services, including housing assistance, that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

Sec. 2. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court

shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home. If the dependency petition or other information before the court alleges that homelessness or the lack of suitable housing was a significant factor contributing to the removal of the child, the court shall inquire as to whether housing assistance was provided to the family to prevent or eliminate the need for removal of the child or children;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 3. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose ~~((those))~~ services to assist the parents in maintaining the child in the home, including housing assistance, if appropriate, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a

relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services, including housing assistance, that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 4. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children

found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child by preventing the return of the child to the home of the child's parent and whether housing assistance should be provided by the department or supervising agency;

(vii) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

~~((vii))~~ (viii) Whether preference has been given to placement with the child's relatives;

~~((viii))~~ (ix) Whether both in-state and, where appropriate, out-of-state placements have been considered;

~~((ix))~~ (x) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

~~((x))~~ (xi) Whether terms of visitation need to be modified;

~~((xi))~~ (xii) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

~~((xii))~~ (xiii) Whether any additional court orders need to be made to move the case toward permanency; and

~~((xiii))~~ (xiv) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ~~(ability)~~ authority to order housing assistance under ~~(RCW 13.34.130 and this section)~~ this chapter is: (a) Limited to cases in which ~~(homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement)~~ a parent's homelessness or lack of suitable housing is a significant factor delaying permanency for the child and housing assistance would aid the parent in providing an appropriate home for the child; and (b) subject to the availability of funds appropriated for this specific purpose. Nothing in this chapter shall be construed to create an entitlement to housing assistance nor to create judicial authority to order the provision of such assistance to any person or family if the assistance or funding are unavailable or the child or family are not eligible for such assistance.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3)."

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.030 and 13.34.065; and reenacting and amending RCW 13.34.130 and 13.34.138."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1769 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Orwall spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1769, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1769, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1769, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1789 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.728 and 2008 c 231 s 34 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. The department may approve a jail certification from a correctional agency that calculates earned release time based on the

actual amount of confinement time served by the offender before sentencing when an erroneous calculation of confinement time served by the offender before sentencing appears on the judgment and sentence. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

(A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;

(B) Is not confined pursuant to a sentence for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); (C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, may become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department denies transfer to community custody in lieu of earned early release pursuant to (c) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(e) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious enough to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is physically incapacitated due to age or the medical condition; and

(iii) Granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release

time that may be exchanged for partial confinement pursuant to subsection (2)(d) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and

(10) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec. 2. This act takes effect August 1, 2009."

On page 1, line 3 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.728; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1789 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dammeier and Dickerson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1789, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1789, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yeas: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darnelle, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1789, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1790 with the following amendment:

On page 4, on line 9, after "9A.46.110" strike all material through "1983," on line 10

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1790 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative O'Brien spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1790, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1790, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibbom, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

HOUSE BILL NO. 1790, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1791 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.505 and 2009 c 28 s 6 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall impose punishment as provided in this chapter.

(2)(a) The court shall impose a sentence as provided in the following sections and as applicable in the case:

(i) Unless another term of confinement applies, a sentence within the standard sentence range established in RCW 9.94A.510 or 9.94A.517;

(ii) RCW 9.94A.701 and 9.94A.702, relating to community custody;

(iii) RCW 9.94A.570, relating to persistent offenders;

(iv) RCW 9.94A.540, relating to mandatory minimum terms;

(v) RCW 9.94A.650, relating to the first-time offender waiver;

(vi) RCW 9.94A.660, relating to the drug offender sentencing alternative;

(vii) RCW 9.94A.670, relating to the special sex offender sentencing alternative;

(viii) RCW 9.94A.507, relating to certain sex offenses;

(ix) RCW 9.94A.535, relating to exceptional sentences;

(x) RCW 9.94A.589, relating to consecutive and concurrent sentences;

(xi) RCW 9.94A.603, relating to felony driving while under the influence of intoxicating liquor or any drug and felony physical control of a vehicle while under the influence of intoxicating liquor or any drug.

(b) If a standard sentence range has not been established for the offender's crime, the court shall impose a determinate sentence which may include not more than one year of confinement; community restitution work; a term of community custody under RCW 9.94A.702 not to exceed one year; and/or other legal financial obligations. The court may impose a sentence which provides more than one year of confinement and a community custody term under RCW 9.94A.701 if the court finds reasons justifying an exceptional sentence as provided in RCW 9.94A.535.

(3) If the court imposes a sentence requiring confinement of thirty days or less, the court may, in its discretion, specify that the sentence be served on consecutive or intermittent days. A sentence requiring more than thirty days of confinement shall be served on consecutive days. Local jail administrators may schedule court-ordered intermittent sentences as space permits.

(4) If a sentence imposed includes payment of a legal financial obligation, it shall be imposed as provided in RCW 9.94A.750, 9.94A.753, 9.94A.760, and 43.43.7541.

(5) Except as provided under RCW 9.94A.750(4) and 9.94A.753(4), a court may not impose a sentence providing for a term of confinement or community custody that exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW.

(6) The sentencing court shall give the offender credit for all confinement time served before the sentencing if that confinement was solely in regard to the offense for which the offender is being sentenced.

(7) The court shall order restitution as provided in RCW 9.94A.750 and 9.94A.753.

(8) As a part of any sentence, the court may impose and enforce crime-related prohibitions and affirmative conditions as provided in this chapter.

(9) In any sentence of partial confinement, the court may require the offender to serve the partial confinement in work release, in a program of home detention, on work crew, or in a combined program of work crew and home detention.

Sec. 2. RCW 9.94A.660 and 2006 c 339 s 302 and 2006 c 73 s 10 are each reenacted and amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a sentence under this section may be made by the court, the offender, or the state. ~~(If the sentencing court determines that the offender is eligible for this alternative, the court may order an examination of the offender. The examination shall, at a minimum, address the following issues:~~

- ~~(a) Whether the offender suffers from drug addiction;~~
- ~~(b) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;~~
- ~~(c) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and~~
- ~~(d) Whether the offender and the community will benefit from the use of the alternative.~~

~~(3) The examination report must contain:~~

- ~~(a) Information on the issues required to be addressed in subsection (2) of this section; and~~
- ~~(b) A proposed treatment plan that must, at a minimum, contain:~~
 - ~~(i) A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;~~
 - ~~(ii) The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;~~
 - ~~(iii) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and~~
 - ~~(iv) Recommended crime-related prohibitions and affirmative conditions.~~

~~(4) After receipt of the examination report,)~~ (3) If the sentencing court determines that the offender is eligible for this alternative and that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection ~~((5))~~ (4) of this section or a residential chemical dependency treatment-based alternative under subsection ~~((6))~~ (5) of this section. If the court is considering the residential chemical dependency treatment-based alternative under subsection (5) of this section, then the court may order an examination of the offender as described in subsection (5) of this section. To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a chemical dependency screening report as provided in RCW 9.94A.500. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

~~((5))~~ (4) The prison-based alternative shall include:

(a) A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

(b) ~~((The remainder of))~~ One-half the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court;

(c) Crime-related prohibitions including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.715 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.

~~((6))~~ (5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative in this subsection, then the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

- ~~(i) Whether the offender suffers from drug addiction;~~
- ~~(ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;~~

~~(iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and~~

~~(iv) Whether the offender and the community will benefit from the use of the alternative.~~

~~(b) The examination report must also contain:~~

~~(i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and~~

~~(ii) Recommended crime-related prohibitions and affirmative conditions.~~

~~(c) The residential chemical dependency treatment-based alternative shall include:~~

~~((a))~~ (i) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under ~~((subsection (3))~~ (b) of this ~~((section))~~ subsection. The department may impose conditions and sanctions as authorized in RCW 9.94A.715 (2), (3), (6), and (7), 9.94A.737, and 9.94A.740. If the court imposes a sentence under this subsection, then the treatment provider will be required to send the treatment plan to the court within thirty days of the offender's arrival to the residential chemical dependency treatment program. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

~~((b))~~ (ii) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:

~~((c))~~ (A) Authorize the department to terminate the offender's community custody status on the expiration date determined under ~~((a) of this)~~ subsection (5)(c)(i) of this section; or

~~((d))~~ (B) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

~~((e))~~ (C) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.715;

~~((f))~~ (iii) If the court imposes a term of total confinement under ~~((b))~~ ~~((c))~~ (ii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody.

~~((g))~~ (6) If the court imposes a sentence under this section, the court may prohibit the offender from using alcohol or controlled substances and may require that the monitoring for controlled substances be conducted by the department or by a treatment alternatives to street crime program or a comparable court or agency-referred program. The offender may be required to pay thirty dollars per month while on community custody to offset the cost of

monitoring. In addition, the court may impose any of the following conditions:

- (a) Devote time to a specific employment or training;
- (b) Remain within prescribed geographical boundaries and notify the court or the community corrections officer before any change in the offender's address or employment;
- (c) Report as directed to a community corrections officer;
- (d) Pay all court-ordered legal financial obligations;
- (e) Perform community restitution work;
- (f) Stay out of areas designated by the sentencing court;
- (g) Such other conditions as the court may require such as affirmative conditions.

~~((8))~~ (7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.

(b) If the offender is brought back to court, the court may modify the terms of the community custody or impose sanctions under (c) of this subsection.

(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions of the sentence or if the offender is failing to make satisfactory progress in treatment.

(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.

~~((9))~~ (8) If an offender sentenced to the prison-based alternative under subsection ~~((5))~~ (4) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

~~((10))~~ (9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.

~~((11))~~ (10) Costs of examinations and preparing treatment plans under ~~((subsections (2) and (3) of))~~ this section may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.

Sec. 3. RCW 9.94A.660 and 2008 c 231 s 30 are each amended to read as follows:

(1) An offender is eligible for the special drug offender sentencing alternative if:

(a) The offender is convicted of a felony that is not a violent offense or sex offense and the violation does not involve a sentence enhancement under RCW 9.94A.533 (3) or (4);

(b) The offender is convicted of a felony that is not a felony driving while under the influence of intoxicating liquor or any drug under RCW 46.61.502(6) or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug under RCW 46.61.504(6);

(c) The offender has no current or prior convictions for a sex offense at any time or violent offense within ten years before conviction of the current offense, in this state, another state, or the United States;

(d) For a violation of the Uniform Controlled Substances Act under chapter 69.50 RCW or a criminal solicitation to commit such a violation under chapter 9A.28 RCW, the offense involved only a small quantity of the particular controlled substance as determined by the judge upon consideration of such factors as the weight, purity, packaging, sale price, and street value of the controlled substance;

(e) The offender has not been found by the United States attorney general to be subject to a deportation detainer or order and does not become subject to a deportation order during the period of the sentence;

(f) The end of the standard sentence range for the current offense is greater than one year; and

(g) The offender has not received a drug offender sentencing alternative more than once in the prior ten years before the current offense.

(2) A motion for a ~~((sentence under this section))~~ special drug offender sentencing alternative may be made by the court, the offender, or the state.

(3) If the sentencing court determines that the offender is eligible for ~~((this))~~ an alternative sentence under this section and that the alternative sentence is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under section 4 of this act or a residential chemical dependency treatment-based alternative under section 5 of this act. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

(4) To assist the court in making its determination, the court may order the department to complete either or both a risk assessment report and a chemical dependency screening report as provided in RCW 9.94A.500.

(5)(a) If the court is considering imposing a sentence under the residential chemical dependency treatment-based alternative, the court may order an examination of the offender by the department. The examination shall, at a minimum, address the following issues:

~~((a))~~ (i) Whether the offender suffers from drug addiction;

~~((b))~~ (ii) Whether the addiction is such that there is a probability that criminal behavior will occur in the future;

~~((c))~~ (iii) Whether effective treatment for the offender's addiction is available from a provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services; and

~~((d))~~ (iv) Whether the offender and the community will benefit from the use of the alternative.

~~((e))~~ (b) The examination report must contain:

~~((a))~~ Information on the issues required to be addressed in subsection (2) of this section; and

~~((b))~~ A proposed treatment plan that must, at a minimum, contain:

~~((i))~~ A proposed treatment provider that has been licensed or certified by the division of alcohol and substance abuse of the department of social and health services;

~~((ii))~~ The recommended frequency and length of treatment, including both residential chemical dependency treatment and treatment in the community;

~~((iii))~~ (i) A proposed monitoring plan, including any requirements regarding living conditions, lifestyle requirements, and monitoring by family members and others; and

~~((iv))~~ (ii) Recommended crime-related prohibitions and affirmative conditions.

~~((4))~~ After receipt of the examination report, if the court determines that a sentence under this section is appropriate, the court shall waive imposition of a sentence within the standard sentence range and impose a sentence consisting of either a prison-based alternative under subsection (5) of this section or a residential chemical dependency treatment-based alternative under subsection (6) of this section. The residential chemical dependency treatment-based alternative is only available if the midpoint of the standard range is twenty-four months or less.

~~((5))~~ The prison-based alternative shall include:

~~((a))~~ A period of total confinement in a state facility for one-half of the midpoint of the standard sentence range or twelve months, whichever is greater. During incarceration in the state facility, offenders sentenced under this subsection shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections;

~~((b))~~ The remainder of the midpoint of the standard range as a term of community custody which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services. If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to

~~serve the unexpired term of his or her sentence as ordered by the sentencing court;~~

~~(c) Crime-related prohibitions including a condition not to use illegal controlled substances;~~

~~(d) A requirement to submit to urinalysis or other testing to monitor that status; and~~

~~(c) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon failure to complete or administrative termination from the special drug offender sentencing alternative program.~~

~~(6) The residential chemical dependency treatment-based alternative shall include:~~

~~(a) A term of community custody equal to one-half of the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months. If the court imposes a term of community custody, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of community custody. The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the plan under subsection (3)(b) of this section. The court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;~~

~~(b) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment. At the hearing, the court may:~~

~~(i) Authorize the department to terminate the offender's community custody status on the expiration date determined under (a) of this subsection; or~~

~~(ii) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or~~

~~(iii) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701;~~

~~(c) If the court imposes a term of total confinement under (b)(iii) of this subsection, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the terms of total confinement and community custody;~~

~~(7) The)) (6) When a court imposes a sentence of community custody under this section:~~

~~(a) The court may impose conditions as provided in RCW 9.94A.703 and may impose other affirmative conditions as the court considers appropriate. In addition, an offender may be required to pay thirty dollars per month while on community custody to offset the cost of monitoring for alcohol or controlled substances.~~

~~((8) The court may impose any of the following conditions:~~

~~(a) Pay all court-ordered legal financial obligations; or~~

~~(b) Perform community restitution work.~~

~~(9(a)) (b) The department may impose conditions and sanctions as authorized in RCW 9.94A.704 and RCW 9.94A.737.~~

~~(7)(a) The court may bring any offender sentenced under this section back into court at any time on its own initiative to evaluate the offender's progress in treatment or to determine if any violations of the conditions of the sentence have occurred.~~

~~(b) If the offender is brought back to court, the court may modify the conditions of the community custody or impose sanctions under (c) of this subsection.~~

~~(c) The court may order the offender to serve a term of total confinement within the standard range of the offender's current offense at any time during the period of community custody if the offender violates the conditions or requirements of the sentence or if the offender is failing to make satisfactory progress in treatment.~~

~~(d) An offender ordered to serve a term of total confinement under (c) of this subsection shall receive credit for any time previously served under this section.~~

~~((10)) (8) In serving a term of community custody imposed upon failure to complete, or administrative termination from, the special drug offender sentencing alternative program, the offender shall receive no credit for time served in community custody prior to termination of the offender's participation in the program.~~

~~((11) If an offender sentenced to the prison-based alternative under subsection (5) of this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.~~

~~((12)) (9) An offender sentenced under this section shall be subject to all rules relating to earned release time with respect to any period served in total confinement.~~

~~((13)) (10) Costs of examinations and preparing treatment plans under ((subsections (2) and (3) of this section)) a special drug offender sentencing alternative may be paid, at the option of the county, from funds provided to the county from the criminal justice treatment account under RCW 70.96A.350.~~

NEW SECTION. Sec. 4. (1) A sentence for a prison-based special drug offender sentencing alternative shall include:

(a) A period of total confinement in a state facility for one-half the midpoint of the standard sentence range or twelve months, whichever is greater;

(b) One-half the midpoint of the standard sentence range as a term of community custody, which must include appropriate substance abuse treatment in a program that has been approved by the division of alcohol and substance abuse of the department of social and health services;

(c) Crime-related prohibitions, including a condition not to use illegal controlled substances;

(d) A requirement to submit to urinalysis or other testing to monitor that status; and

(e) A term of community custody pursuant to RCW 9.94A.701 to be imposed upon the failure to complete or administrative termination from the special drug offender sentencing alternative program.

(2) During incarceration in the state facility, offenders sentenced under this section shall undergo a comprehensive substance abuse assessment and receive, within available resources, treatment services appropriate for the offender. The treatment services shall be designed by the division of alcohol and substance abuse of the department of social and health services, in cooperation with the department of corrections.

(3) If the department finds that conditions of community custody have been willfully violated, the offender may be reclassified to serve the remaining balance of the original sentence. An offender who fails to complete the program or who is administratively terminated from the program shall be reclassified to serve the unexpired term of his or her sentence as ordered by the sentencing court.

(4) If an offender sentenced to the prison-based alternative under this section is found by the United States attorney general to be subject to a deportation order, a hearing shall be held by the department unless waived by the offender, and, if the department finds that the offender is subject to a valid deportation order, the department may administratively terminate the offender from the program and reclassify the offender to serve the remaining balance of the original sentence.

NEW SECTION. Sec. 5. (1) A sentence for a residential chemical dependency treatment-based alternative shall include a term of community custody equal to one-half the midpoint of the standard sentence range or two years, whichever is greater, conditioned on the offender entering and remaining in residential chemical dependency treatment certified under chapter 70.96A RCW for a period set by the court between three and six months.

(2)(a) The court shall impose, as conditions of community custody, treatment and other conditions as proposed in the examination report completed pursuant to RCW 9.94A.660.

(b) If the court imposes a term of community custody, the department shall, within available resources, make chemical

dependency assessment and treatment services available to the offender during the term of community custody.

(3)(a) If the court imposes a sentence under this section, the treatment provider must send the treatment plan to the court within thirty days of the offender's arrival to the residential chemical dependency treatment program.

(b) Upon receipt of the plan, the court shall schedule a progress hearing during the period of residential chemical dependency treatment, and schedule a treatment termination hearing for three months before the expiration of the term of community custody;

(c) Before the progress hearing and treatment termination hearing, the treatment provider and the department shall submit written reports to the court and parties regarding the offender's compliance with treatment and monitoring requirements, and recommendations regarding termination from treatment.

(4) At a progress hearing or treatment termination hearing, the court may:

(a) Authorize the department to terminate the offender's community custody status on the expiration date determined under subsection (1) of this section;

(b) Continue the hearing to a date before the expiration date of community custody, with or without modifying the conditions of community custody; or

(c) Impose a term of total confinement equal to one-half the midpoint of the standard sentence range, followed by a term of community custody under RCW 9.94A.701.

(5) If the court imposes a term of total confinement, the department shall, within available resources, make chemical dependency assessment and treatment services available to the offender during the term of total confinement and subsequent term of community custody.

NEW SECTION. Sec. 6. Sections 4 and 5 of this act are each added to chapter 9.94A RCW.

NEW SECTION. Sec. 7. Section 2 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 8. Sections 1 and 3 through 5 of this act take effect August 1, 2009.

NEW SECTION. Sec. 9. Section 2 of this act expires August 1, 2009."

On page 1, line 2 of the title, after "provisions;" strike the remainder of the title and insert "amending RCW 9.94A.505 and 9.94A.660; reenacting and amending RCW 9.94A.660; adding new sections to chapter 9.94A RCW; providing an effective date; providing an expiration date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1791 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1791, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1791, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1791, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 2, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1201 with the following amendment:

On page 4, beginning on line 5, after "9.94A.612" strike "or 72.09.712"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1201 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1201, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1201, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1201, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1402 with the following amendment:

On page 5, after line 7, insert the following:

"(9) A medical provider who discusses issues on appeal with the department or with any employer or worker or representative of any employer or worker in violation of this section shall not be held liable for such communication."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1402 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Williams, Conway, Campbell and Kessler spoke in favor of the passage of the bill.

Representatives Condotta and Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1402, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1402, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 56; Nays, 41; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.
Excused: Representative Flannigan.

SUBSTITUTE HOUSE BILL NO. 1402, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2008

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1212 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the current system of stopping payment of industrial insurance death benefits to surviving spouses upon the remarriage of the surviving spouse may be based on archaic notions that are not in-line with modern society. Many pension programs, including the law enforcement officers' and firefighters' retirement system, have removed the remarriage prohibition and allow surviving spouses to continue to receive benefits after remarriage. The legislature further finds that some surviving spouses of law enforcement officers' and firefighters' retirement system members have expressed concerns that terminating benefits upon remarriage penalizes the spouse for moving on with his or her life. The legislature declares that it is time to study the policy of terminating industrial insurance death benefits upon remarriage of the surviving spouse and determine whether changes need to be made to the workers' compensation system.

(2) The workers' compensation advisory committee must study the current practice of terminating industrial insurance death benefits upon remarriage of the surviving spouse of a law enforcement officers' and firefighters' retirement system member. The study must address the following:

(a) The reasons behind the policy of terminating death benefits upon remarriage of the surviving spouse;

(b) Potential costs to the workers' compensation system if industrial insurance death benefits are continued after remarriage of the surviving spouse of a law enforcement officers' and firefighters' retirement system member, and potential costs if this policy were applied to all workers;

(c) Methods to offset potential costs, including providing a reduced benefit if the surviving spouse chooses to receive benefits for life;

(d) How workers' compensation death benefits are administered in other states and whether any state continues these benefits after remarriage; and

(e) Such other items the workers' compensation advisory committee deems necessary.

(3) The workers' compensation advisory committee must report its findings to the appropriate committees of the legislature by December 1, 2010.

(4) This section expires January 1, 2011."

On page 1, line 3 of the title, after "system;" strike the remainder of the title and insert "creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Chandler moved that the House concur in the Senate amendment to HOUSE BILL NO. 1212.

Representatives Chandler and Condotta spoke in favor of the motion concur in the Senate amendment.

Representative Kirby spoke against the motion to concur in the Senate amendment.

The Speaker (Representative (Representative Morris presiding) stated the question before the House to be the motion to concur in the Senate amendment to House Bill No. 1212.

The motion to concur in the Senate amendment to House Bill No. 1212 was not adopted.

The House did not concur in the Senate amendment to HOUSE BILL NO. 1212 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 70.128.040 and 2007 c 184 s 8 are each amended to read as follows:

(1) The department shall adopt rules and standards with respect to adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. The rules and standards relating to applicants and operators shall address the differences between individual providers and providers that are partnerships, corporations, associations, or companies. The rules and standards shall also recognize and be appropriate to the different needs and capacities of the various populations served by adult family homes such as but not limited to persons who are developmentally disabled or elderly. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for applicants and providers explaining licensure requirements and procedures.

(2)(a) In developing the rules and standards, the department shall consult with all divisions and administrations within the department serving the various populations living in adult family homes, including the division of developmental disabilities and the aging and adult services administration. Involvement by the divisions and administration shall be for the purposes of assisting the department to develop rules and standards appropriate to the different needs and capacities of the various populations served by adult family homes. During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(b) In addition, the department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the adult family home licensees selected in accordance with RCW 70.128.043 and with other affected interests before adopting requirements that affect adult family home licensees.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

(4) The department shall establish a specialty license to include geriatric specialty certification for providers who have successfully completed the University of Washington school of nursing certified geriatric certification program and testing.

Sec. 2. RCW 70.128.005 and 2001 c 319 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) Adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

(b) Persons with functional limitations have broadly varying service needs. Adult family homes that can meet those needs are an essential component of a long-term system. ~~((The legislature further finds that))~~ Different populations living in adult family homes, such as ~~((the developmentally disabled))~~ persons with developmental disabilities and ~~((the))~~ elderly persons, often have significantly different needs and capacities from one another.

(c) There is a need to update certain restrictive covenants to take into consideration the legislative findings cited in (a) and (b) of this subsection; the need to prevent or reduce institutionalization; and the legislative and judicial mandates to provide care and services in the least restrictive setting appropriate to the needs of the individual.

Restrictive covenants which directly or indirectly restrict or prohibit the use of property for adult family homes (i) are contrary to the public interest served by establishing adult family homes and (ii) discriminate against individuals with disabilities in violation of RCW 49.60.224.

(2) It is the legislature's intent that department rules and policies relating to the licensing and operation of adult family homes recognize and accommodate the different needs and capacities of the various populations served by the homes. Furthermore, the development and operation of adult family homes that can provide quality personal care and special care services should be encouraged.

(3) The legislature finds that many residents of community-based long-term care facilities are vulnerable and their health and well-being are dependent on their caregivers. The quality, skills, and knowledge of their caregivers are the key to good care. The legislature finds that the need for well-trained caregivers is growing as the state's population ages and residents' needs increase. The legislature intends that current training standards be enhanced.

(4) The legislature finds that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of vulnerable adults residing in adult family homes. The health, safety, and well-being of vulnerable adults must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, or whether to take other licensing actions.

NEW SECTION. Sec. 3. A new section is added to chapter 70.128 RCW to read as follows:

(1) To effectuate the public policies of this chapter, restrictive covenants may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under this chapter; or

(b) Persons and legal entities from operating adult family homes licensed under this chapter, whether for-profit or nonprofit, to provide services covered under this chapter. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the restrictive covenant.

(2) This section applies retroactively to all restrictive covenants in effect on the effective date of this section. Any provision in a restrictive covenant in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

NEW SECTION. Sec. 4. A new section is added to chapter 64.38 RCW to read as follows:

(1) To effectuate the public policy of chapter 70.128 RCW, the governing documents may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under chapter 70.128 RCW; or

(b) Persons and legal entities from operating adult family homes licensed under chapter 70.128 RCW, whether for-profit or nonprofit, to provide services covered under chapter 70.128 RCW. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the governing documents.

(2) This section applies retroactively to any governing documents in effect on the effective date of this section. Any provision in a governing document in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 70.128.040 and 70.128.005; adding a new section to chapter 70.128 RCW; and adding a new section to chapter 64.38 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL**MOTION**

Representative Ericksen moved that the House concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935.

Representative Ericksen spoke in favor of the motion to concur in the Senate amendment.

Representative Cody spoke against the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to concur in the Senate amendment to Engrossed Second Substitute House Bill No. 1935.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to Engrossed Second Substitute House Bill No. 1935 and the motion was not adopted by the following vote: Yeas, 37; Nays, 60; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kirby, Klippert, Kretz, Kristiansen, McCune, Morris, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh, Warnick and Wood.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Mr. Speaker.

Excused: Representative Flannigan.

The House did not concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 and asked the Senate to recede therefrom.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004
 SECOND SUBSTITUTE HOUSE BILL NO. 1025
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033
 SUBSTITUTE HOUSE BILL NO. 1038
 HOUSE BILL NO. 1048
 HOUSE BILL NO. 1050
 SECOND SUBSTITUTE HOUSE BILL NO. 1052
 SUBSTITUTE HOUSE BILL NO. 1071
 HOUSE BILL NO. 1120
 HOUSE BILL NO. 1199
 SUBSTITUTE HOUSE BILL NO. 1283
 SUBSTITUTE HOUSE BILL NO. 1286
 SECOND SUBSTITUTE HOUSE BILL NO. 1355
 HOUSE BILL NO. 1361
 HOUSE BILL NO. 1487
 SECOND SUBSTITUTE HOUSE BILL NO. 1580
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847
 HOUSE BILL NO. 1888
 SECOND SUBSTITUTE HOUSE BILL NO. 1938
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961
 HOUSE BILL NO. 2132

HOUSE BILL NO. 2165
 ENGROSSED HOUSE BILL NO. 2279
 ENGROSSED HOUSE BILL NO. 2285
 SUBSTITUTE SENATE BILL NO. 5001
 SENATE BILL NO. 5028
 SENATE BILL NO. 5071
 SENATE BILL NO. 5580
 SENATE BILL NO. 5599
 SENATE BILL NO. 5642
 SENATE BILL NO. 5804
 SUBSTITUTE SENATE BILL NO. 5881
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5901
 SENATE BILL NO. 5909
 SENATE BILL NO. 5976
 SENATE JOINT MEMORIAL NO. 8001

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 20, 2009, the 99th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

NINETY NINTH DAY

House Chamber, Olympia, Monday, April 20, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Addison Doering and Dominick Desimone. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Mary Lou Dickerson.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 19, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5008,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5011,
 SENATE BILL NO. 5038,
 SUBSTITUTE SENATE BILL NO. 5040,
 SUBSTITUTE SENATE BILL NO. 5042,
 SUBSTITUTE SENATE BILL NO. 5056,
 SENATE BILL NO. 5060,
 SENATE BILL NO. 5153,
 SUBSTITUTE SENATE BILL NO. 5172,
 SENATE BILL NO. 5173,
 SUBSTITUTE SENATE BILL NO. 5177,
 SENATE BILL NO. 5277,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 5470,
 SUBSTITUTE SENATE BILL NO. 6161,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6169,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6170,
 SENATE BILL NO. 6173,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5452,
 SUBSTITUTE SENATE BILL NO. 5461,
 SUBSTITUTE SENATE BILL NO. 5468,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,
 SENATE BILL NO. 5482,
 SUBSTITUTE SENATE BILL NO. 5504,
 SUBSTITUTE SENATE BILL NO. 5509,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5513,
 SUBSTITUTE SENATE BILL NO. 5531,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5160,
 SUBSTITUTE SENATE BILL NO. 5171,
 SENATE BILL NO. 5180,
 SUBSTITUTE SENATE BILL NO. 5229,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5262,
 SUBSTITUTE SENATE BILL NO. 5268,
 SENATE BILL NO. 5289,
 SUBSTITUTE SENATE BILL NO. 5340,
 SENATE BILL NO. 5355,
 SUBSTITUTE SENATE BILL NO. 5360,
 SUBSTITUTE SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5368,
 SUBSTITUTE SENATE BILL NO. 5402,
 SUBSTITUTE SENATE BILL NO. 5410,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5414,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2009

Mr. Speaker:

The President has signed SENATE BILL NO. 5568, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5008,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5011,
 SENATE BILL NO. 5038,
 SUBSTITUTE SENATE BILL NO. 5040,
 SUBSTITUTE SENATE BILL NO. 5042,
 SUBSTITUTE SENATE BILL NO. 5056,
 SENATE BILL NO. 5060,
 SENATE BILL NO. 5153,
 SUBSTITUTE SENATE BILL NO. 5172,
 SENATE BILL NO. 5173,
 SUBSTITUTE SENATE BILL NO. 5177,
 SENATE BILL NO. 5277,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 19, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1002,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1004,
 SECOND SUBSTITUTE HOUSE BILL NO. 1025,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1033,
 SUBSTITUTE HOUSE BILL NO. 1038,
 HOUSE BILL NO. 1048,
 HOUSE BILL NO. 1050,
 SECOND SUBSTITUTE HOUSE BILL NO. 1052,
 SUBSTITUTE HOUSE BILL NO. 1071,
 HOUSE BILL NO. 1120,
 HOUSE BILL NO. 1199,
 SUBSTITUTE HOUSE BILL NO. 1283,
 SUBSTITUTE HOUSE BILL NO. 1286,
 SECOND SUBSTITUTE HOUSE BILL NO. 1355,
 HOUSE BILL NO. 1361,
 HOUSE BILL NO. 1487,
 SECOND SUBSTITUTE HOUSE BILL NO. 1580,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1664,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1847,
 HOUSE BILL NO. 1888,
 SECOND SUBSTITUTE HOUSE BILL NO. 1938,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1954,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1961,
HOUSE BILL NO. 2132,
HOUSE BILL NO. 2165,
ENGROSSED HOUSE BILL NO. 2279,
ENGROSSED HOUSE BILL NO. 2285,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 18, 2009

HB 2308 Prime Sponsor, Representative Morris: Relating to aerospace competitiveness. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Community & Economic Development & Trade. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 18, 2009

HB 2338 Prime Sponsor, Representative Hunt: Concerning the administration and operations of growth management hearings boards. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 18, 2009

HB 2339 Prime Sponsor, Representative Kessler: Requiring the department of licensing to collect a donation to benefit the state parks system as part of motor vehicle registration unless a vehicle owner opts not to provide a donation. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 18, 2009

HB 2341 Prime Sponsor, Representative Cody: Modifying the basic health plan program. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander,

Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 18, 2009

HB 2343 Prime Sponsor, Representative Haigh: Achieving savings in education programs. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Seaquist and Sullivan.

MINORITY recommendation: Without recommendation. Signed by Representatives Dammeier, Assistant Ranking Minority Member and Schmick.

April 18, 2009

HB 2344 Prime Sponsor, Representative Haigh: Regarding resident undergraduate tuition. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 18, 2009

HB 2346 Prime Sponsor, Representative Kagi: Concerning crisis residential centers. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 18, 2009

HB 2347 Prime Sponsor, Representative Kagi: Concerning the review of support payments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 18, 2009

HB 2349 Prime Sponsor, Representative Cody: Concerning disproportionate share hospital adjustments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 18, 2009

HB 2356 Prime Sponsor, Representative Haigh: Revising student achievement fund allocations. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 18, 2009

HB 2358 Prime Sponsor, Representative Conway: Increasing liquor license fees limited to fees for beer and/or wine restaurants; taverns; snack bars; combined beer and wine retailers; grocery stores; beer and/or wine specialty shops; passenger trains, vessels, and airplanes; spirits, beer, and wine restaurants; spirits, beer, and wine private clubs; beer and wine private clubs; and public houses. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross; Schmick and Seaquist.

April 18, 2009

HB 2361 Prime Sponsor, Representative Cody: Concerning modifying state payments for in-home care by prohibiting payment for services provided by agency employees who are related to or live with the client. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 18, 2009

HB 2362 Prime Sponsor, Representative Kessler: Providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross; Schmick and Seaquist.

April 18, 2009

HB 2363 Prime Sponsor, Representative Linville: Temporarily suspending cost-of-living increases for educational employees. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 18, 2009

ESSB 5288 Prime Sponsor, Committee on Human Services & Corrections: Reducing the categories of offenders supervised by the department of corrections. (REVISED FOR ENGROSSED: Changing provisions regarding supervision of offenders.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended by Committee on Ways & Means and without amendment by Committee on Human Services.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9.94A.501 and 2005 c 362 s 1 are each amended to read as follows:

(1) ~~(When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or a probationer sentenced in superior court into one of at least four risk categories:~~

~~(2) The department shall supervise every offender sentenced to a term of community custody, community placement, or community supervision and every misdemeanor and gross misdemeanor probationer ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:~~

~~(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or~~

~~(b) Regardless of the offender's or probationer's risk category if:~~

~~(i) The offender's or probationer's current conviction is for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(ii) The offender or probationer has a prior conviction for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(iii) The conditions of the offender's community custody, community placement, or community supervision or the probationer's supervision include chemical dependency treatment;~~

~~(iv) The offender) The department shall supervise every offender convicted of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense included in (a) and (b) of this subsection. The superior court shall order probation for:~~

~~(a) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:~~

~~(i) A violent offense;~~

~~(ii) A sex offense;~~

~~(iii) A crime against a person as provided in RCW 9.94A.411;~~

~~(iv) Fourth degree assault; or~~

~~(v) Violation of a domestic violence court order; and~~

~~(b) Offenders convicted of:~~

~~(i) Sexual misconduct with a minor second degree;~~

~~(ii) Custodial sexual misconduct second degree;~~

~~(iii) Communication with a minor for immoral purposes; or~~

~~(iv) Failure to register pursuant to RCW 9A.44.130.~~

~~(c) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.~~

~~(2) The department shall supervise every felony offender sentenced to community custody whose risk assessment, conducted pursuant to subsection (5) of this section, places the offender in one of the two highest risk categories.~~

~~(3) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:~~

~~(a) Has a current conviction for a sex offense;~~

~~(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;~~

~~(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;~~

~~(d) Was sentenced under RCW 9.94A.650, 9.94A.660, or 9.94A.670; or~~

~~((v) The offender) (e) Is subject to supervision pursuant to RCW 9.94A.745.~~

~~((3)) (4) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody, community placement, or community supervision or any probationer unless the offender or probationer is one for whom supervision is required under subsection (1), (2), or (3) of this section.~~

~~((4) This section expires July 1, 2010)) (5) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody, community placement, or community supervision who may be subject to supervision under this section.~~

Sec. 2. RCW 9.94A.501 and 2008 c 231 s 24 are each amended to read as follows:

(1) ~~((When the department performs a risk assessment pursuant to RCW 9.94A.500, or to determine a person's conditions of supervision, the risk assessment shall classify the offender or a probationer sentenced in superior court into one of at least four risk categories.~~

~~(2) The department shall supervise every offender sentenced to a term of community custody and every misdemeanor and gross misdemeanor probationer ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210:~~

~~(a) Whose risk assessment places that offender or probationer in one of the two highest risk categories; or~~

~~(b) Regardless of the offender's or probationer's risk category if:~~

~~(i) The offender's or probationer's current conviction is for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(ii) The offender or probationer has a prior conviction for:~~

~~(A) A sex offense;~~

~~(B) A violent offense;~~

~~(C) A crime against persons as defined in RCW 9.94A.411;~~

~~(D) A felony that is domestic violence as defined in RCW 10.99.020;~~

~~(E) A violation of RCW 9A.52.025 (residential burglary);~~

~~(F) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or~~

~~(G) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);~~

~~(iii) The conditions of the offender's community custody or the probationer's supervision include chemical dependency treatment;~~

~~(iv) The offender) The department shall supervise every offender convicted of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense included in (a) and (b) of this subsection. The superior court shall order probation for:~~

~~(a) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:~~

~~(i) A violent offense;~~

~~(ii) A sex offense;~~

~~(iii) A crime against a person as provided in RCW 9.94A.411;~~

~~(iv) Fourth degree assault; or~~

~~(v) Violation of a domestic violence court order; and~~

~~(b) Offenders convicted of:~~

~~(i) Sexual misconduct with a minor second degree;~~

~~(ii) Custodial sexual misconduct second degree;~~

~~(iii) Communication with a minor for immoral purposes; or~~

~~(iv) Failure to register pursuant to RCW 9A.44.130.~~

~~(c) Misdemeanor and gross misdemeanor offenders supervised by the department pursuant to this section shall be placed on community custody.~~

~~(2) The department shall supervise every felony offender sentenced to community custody whose risk assessment, conducted pursuant to subsection (5) of this section, classifies the offender as one who is at a high risk to reoffend.~~

~~(3) Notwithstanding any other provision of this section, the department shall supervise an offender sentenced to community custody regardless of risk classification if the offender:~~

~~(a) Has a current conviction for a sex offense;~~

~~(b) Has been identified by the department as a dangerous mentally ill offender pursuant to RCW 72.09.370;~~

~~(c) Has an indeterminate sentence and is subject to parole pursuant to RCW 9.95.017;~~

~~(d) Was sentenced under RCW 9.94A.650, 9.94A.660, or 9.94A.670; or~~

~~((v) The offender) (e) Is subject to supervision pursuant to RCW 9.94A.745.~~

~~((3)) (4) The department is not authorized to, and may not, supervise any offender sentenced to a term of community custody or any probationer unless the offender or probationer is one for whom supervision is required under subsection (1), (2), or (3) of this section.~~

~~((4) This section expires July 1, 2010)) (5) The department shall conduct a risk assessment for every felony offender sentenced to a term of community custody who may be subject to supervision under this section.~~

Sec. 3. RCW 9.94A.030 and 2008 c 276 s 309 and 2008 c 7 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed ~~((pursuant to RCW 9.94A.505(2)(b), 9.94A.650 through 9.94A.670, 9.94A.690, 9.94A.700 through 9.94A.715, or 9.94A.545,))~~ as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department. For offenders placed on community custody for crimes committed on or after July 1, 2000, the department shall assess the offender's risk of reoffense and may establish and modify conditions of community custody, in addition to those imposed by the court, based upon the risk to community safety.

(6) "Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.715, as established by the commission or the legislature under RCW 9.94A.850, for crimes committed on or after July 1, 2000.

(7) "Community placement" means that period during which the offender is subject to the conditions of community custody and/or postrelease supervision, which begins either upon completion of the term of confinement (postrelease supervision) or at such time as the offender is transferred to community custody in lieu of earned release. Community placement may consist of entirely community custody, entirely postrelease supervision, or a combination of the two.

(8) "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

(9) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

(10) "Community supervision" means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed by a court pursuant to this chapter or RCW 16.52.200(6) or 46.61.524. Where the court finds that any offender has a chemical dependency that has contributed to his or her offense, the conditions of supervision may, subject to available resources, include treatment. For purposes of the interstate compact for out-of-state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(11) "Confinement" means total or partial confinement.

(12) "Conviction" means an adjudication of guilt pursuant to Title (§) 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(13) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

(14) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

(15) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

(16) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

(17) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

(a) To gain admission, prestige, or promotion within the gang;

(b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;

(c) To exact revenge or retribution for the gang or any member of the gang;

(d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;

(e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or

(f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

(18) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

(19) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

(20) "Department" means the department of corrections.

(21) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(22) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any

amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

(23) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

(24) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

(25) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

(26) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

(27) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

(28) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

(29) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

(30) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

(31) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

(32) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

(b) Assault in the second degree;

(c) Assault of a child in the second degree;

(d) Child molestation in the second degree;

(e) Controlled substance homicide;

(f) Extortion in the first degree;

(g) Incest when committed against a child under age fourteen;

(h) Indecent liberties;

(i) Kidnapping in the second degree;

(j) Leading organized crime;

(k) Manslaughter in the first degree;

(l) Manslaughter in the second degree;

(m) Promoting prostitution in the first degree;

(n) Rape in the third degree;

(o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)(a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) the crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1)(d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

(33) "Nonviolent offense" means an offense which is not a violent offense.

(34) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

(35) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

(36) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in ~~(RCW 9.94A.030)~~ this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by ~~(RCW 9.94A.030)~~ this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

(37) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection (37)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in

(b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

(38) "Postrelease supervision" is that portion of an offender's community placement that is not community custody.

(39) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

(40) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

(41) "Public school" has the same meaning as in RCW 28A.150.010.

(42) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

(43) "Risk assessment" means the application of ~~(an objective)~~ the risk instrument ((supported by research and adopted by) recommended to the department ((for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations)) by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

(44) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

(45) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

(46) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

(47) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

(48) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

(49) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

(50) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

(51) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

(52) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

(53) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

(54) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

(55) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

(56) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

(57) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 4. RCW 9.94A.030 and 2009 c 28 s 4 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the indeterminate sentence review board created under chapter 9.95 RCW.

(2) "Collect," or any derivative thereof, "collect and remit," or "collect and deliver," when used with reference to the department, means that the department, either directly or through a collection agreement authorized by RCW 9.94A.760, is responsible for monitoring and enforcing the offender's sentence with regard to the legal financial obligation, receiving payment thereof from the offender, and, consistent with current law, delivering daily the entire payment to the superior court clerk without depositing it in a departmental account.

(3) "Commission" means the sentencing guidelines commission.

(4) "Community corrections officer" means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(5) "Community custody" means that portion of an offender's sentence of confinement in lieu of earned release time or imposed as part of a sentence under this chapter and served in the community subject to controls placed on the offender's movement and activities by the department.

~~(6) ("Community custody range" means the minimum and maximum period of community custody included as part of a sentence under RCW 9.94A.701, as established by the commission or the legislature under RCW 9.94A.850.~~

~~(7))~~ "Community protection zone" means the area within eight hundred eighty feet of the facilities and grounds of a public or private school.

~~((8))~~ (7) "Community restitution" means compulsory service, without compensation, performed for the benefit of the community by the offender.

~~((9))~~ (8) "Confinement" means total or partial confinement.

~~((10))~~ (9) "Conviction" means an adjudication of guilt pursuant to Title 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

~~((11))~~ (10) "Crime-related prohibition" means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct. However, affirmative acts necessary to monitor compliance with the order of a court may be required by the department.

~~((12))~~ (11) "Criminal history" means the list of a defendant's prior convictions and juvenile adjudications, whether in this state, in federal court, or elsewhere.

(a) The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) A conviction may be removed from a defendant's criminal history only if it is vacated pursuant to RCW 9.96.060, 9.94A.640, 9.95.240, or a similar out-of-state statute, or if the conviction has been vacated pursuant to a governor's pardon.

(c) The determination of a defendant's criminal history is distinct from the determination of an offender score. A prior conviction that was not included in an offender score calculated pursuant to a former version of the sentencing reform act remains part of the defendant's criminal history.

~~((13))~~ (12) "Criminal street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity. This definition does not apply to employees engaged in concerted activities for their mutual aid and protection, or to the activities of labor and bona fide nonprofit organizations or their members or agents.

~~((14))~~ (13) "Criminal street gang associate or member" means any person who actively participates in any criminal street gang and who intentionally promotes, furthers, or assists in any criminal act by the criminal street gang.

~~((15))~~ (14) "Criminal street gang-related offense" means any felony or misdemeanor offense, whether in this state or elsewhere, that is committed for the benefit of, at the direction of, or in association with any criminal street gang, or is committed with the intent to promote, further, or assist in any criminal conduct by the gang, or is committed for one or more of the following reasons:

- (a) To gain admission, prestige, or promotion within the gang;
- (b) To increase or maintain the gang's size, membership, prestige, dominance, or control in any geographical area;
- (c) To exact revenge or retribution for the gang or any member of the gang;
- (d) To obstruct justice, or intimidate or eliminate any witness against the gang or any member of the gang;
- (e) To directly or indirectly cause any benefit, aggrandizement, gain, profit, or other advantage for the gang, its reputation, influence, or membership; or
- (f) To provide the gang with any advantage in, or any control or dominance over any criminal market sector, including, but not limited to, manufacturing, delivering, or selling any controlled substance (chapter 69.50 RCW); arson (chapter 9A.48 RCW); trafficking in stolen property (chapter 9A.82 RCW); promoting prostitution (chapter 9A.88 RCW); human trafficking (RCW 9A.40.100); or promoting pornography (chapter 9.68 RCW).

~~((16))~~ (15) "Day fine" means a fine imposed by the sentencing court that equals the difference between the offender's net daily income and the reasonable obligations that the offender has for the support of the offender and any dependents.

~~((17))~~ (16) "Day reporting" means a program of enhanced supervision designed to monitor the offender's daily activities and compliance with sentence conditions, and in which the offender is required to report daily to a specific location designated by the department or the sentencing court.

~~((18))~~ (17) "Department" means the department of corrections.

~~((19))~~ (18) "Determinate sentence" means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community custody, the number of actual hours or days of community restitution work, or dollars or terms of a legal financial obligation. The fact that an offender through earned release can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

~~((20))~~ (19) "Disposable earnings" means that part of the earnings of an offender remaining after the deduction from those earnings of any amount required by law to be withheld. For the purposes of this definition, "earnings" means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonuses, or otherwise, and, notwithstanding any other provision of law making the payments exempt from garnishment, attachment, or other process to satisfy a court-ordered legal financial obligation, specifically includes periodic payments pursuant to pension or retirement programs, or insurance policies of any type, but does not include payments made under Title 50 RCW, except as provided in RCW 50.40.020 and 50.40.050, or Title 74 RCW.

~~((21))~~ (20) "Drug offender sentencing alternative" is a sentencing option available to persons convicted of a felony offense other than a violent offense or a sex offense and who are eligible for the option under RCW 9.94A.660.

~~((22))~~ (21) "Drug offense" means:

(a) Any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.4013) or forged prescription for a controlled substance (RCW 69.50.403);

(b) Any offense defined as a felony under federal law that relates to the possession, manufacture, distribution, or transportation of a controlled substance; or

(c) Any out-of-state conviction for an offense that under the laws of this state would be a felony classified as a drug offense under (a) of this subsection.

~~((23))~~ (22) "Earned release" means earned release from confinement as provided in RCW 9.94A.728.

~~((24))~~ (23) "Escape" means:

(a) Sexually violent predator escape (RCW 9A.76.115), escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), willful failure to return from furlough (RCW 72.66.060), willful failure to return from work release (RCW 72.65.070), or willful failure to be available for supervision by the department while in community custody (RCW 72.09.310); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as an escape under (a) of this subsection.

~~((25))~~ (24) "Felony traffic offense" means:

(a) Vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), eluding a police officer (RCW 46.61.024), felony hit-and-run injury-accident (RCW 46.52.020(4)), felony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502(6)), or felony physical control of a vehicle while under the influence of intoxicating liquor or any drug (RCW 46.61.504(6)); or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a felony traffic offense under (a) of this subsection.

~~((26))~~ (25) "Fine" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specific period of time.

~~((27))~~ (26) "First-time offender" means any person who has no prior convictions for a felony and is eligible for the first-time offender waiver under RCW 9.94A.650.

~~((28))~~ (27) "Home detention" means a program of partial confinement available to offenders wherein the offender is confined in a private residence subject to electronic surveillance.

~~((29))~~ (28) "Legal financial obligation" means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or interlocal drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction. Upon conviction for vehicular assault while under the influence of intoxicating liquor or any drug, RCW 46.61.522(1)(b), or vehicular homicide while under the influence of intoxicating liquor or any drug, RCW 46.61.520(1)(a), legal financial obligations may also include payment to a public agency of the expense of an emergency response to the incident resulting in the conviction, subject to RCW 38.52.430.

~~((30))~~ (29) "Most serious offense" means any of the following felonies or a felony attempt to commit any of the following felonies:

(a) Any felony defined under any law as a class A felony or criminal solicitation of or criminal conspiracy to commit a class A felony;

- (b) Assault in the second degree;
- (c) Assault of a child in the second degree;
- (d) Child molestation in the second degree;
- (e) Controlled substance homicide;
- (f) Extortion in the first degree;
- (g) Incest when committed against a child under age fourteen;
- (h) Indecent liberties;
- (i) Kidnapping in the second degree;
- (j) Leading organized crime;
- (k) Manslaughter in the first degree;
- (l) Manslaughter in the second degree;
- (m) Promoting prostitution in the first degree;
- (n) Rape in the third degree;
- (o) Robbery in the second degree;

(p) Sexual exploitation;

(q) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner;

(r) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(s) Any other class B felony offense with a finding of sexual motivation;

(t) Any other felony with a deadly weapon verdict under RCW 9.94A.602;

(u) Any felony offense in effect at any time prior to December 2, 1993, that is comparable to a most serious offense under this subsection, or any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a most serious offense under this subsection;

(v)(i) A prior conviction for indecent liberties under RCW 9A.88.100(1)(a), (b), and (c), chapter 260, Laws of 1975 1st ex. sess. as it existed until July 1, 1979, RCW 9A.44.100(1)(a), (b), and (c) as it existed from July 1, 1979, until June 11, 1986, and RCW 9A.44.100(1)(a), (b), and (d) as it existed from June 11, 1986, until July 1, 1988;

(ii) A prior conviction for indecent liberties under RCW 9A.44.100(1)(c) as it existed from June 11, 1986, until July 1, 1988, if: (A) The crime was committed against a child under the age of fourteen; or (B) the relationship between the victim and perpetrator is included in the definition of indecent liberties under RCW 9A.44.100(1)(c) as it existed from July 1, 1988, through July 27, 1997, or RCW 9A.44.100(1)(d) or (e) as it existed from July 25, 1993, through July 27, 1997;

(w) Any out-of-state conviction for a felony offense with a finding of sexual motivation if the minimum sentence imposed was ten years or more; provided that the out-of-state felony offense must be comparable to a felony offense under Title 9 or 9A RCW and the out-of-state definition of sexual motivation must be comparable to the definition of sexual motivation contained in this section.

~~((31))~~ (30) "Nonviolent offense" means an offense which is not a violent offense.

~~((32))~~ (31) "Offender" means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case is under superior court jurisdiction under RCW 13.04.030 or has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. In addition, for the purpose of community custody requirements under this chapter, "offender" also means a misdemeanor or gross misdemeanor probationer convicted of an offense included in RCW 9.94A.501(1) and ordered by a superior court to probation under the supervision of the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210. Throughout this chapter, the terms "offender" and "defendant" are used interchangeably.

~~((33))~~ (32) "Partial confinement" means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any other unit of government, or, if home detention or work crew has been ordered by the court, in an approved residence, for a substantial portion of each day with the balance of the day spent in the community. Partial confinement includes work release, home detention, work crew, and a combination of work crew and home detention.

~~((34))~~ (33) "Pattern of criminal street gang activity" means:

(a) The commission, attempt, conspiracy, or solicitation of, or any prior juvenile adjudication of or adult conviction of, two or more of the following criminal street gang-related offenses:

(i) Any "serious violent" felony offense as defined in ~~(RCW 9.94A.030)~~ this section, excluding Homicide by Abuse (RCW 9A.32.055) and Assault of a Child 1 (RCW 9A.36.120);

(ii) Any "violent" offense as defined by ~~(RCW 9.94A.030)~~ this section, excluding Assault of a Child 2 (RCW 9A.36.130);

(iii) Deliver or Possession with Intent to Deliver a Controlled Substance (chapter 69.50 RCW);

(iv) Any violation of the firearms and dangerous weapon act (chapter 9.41 RCW);

(v) Theft of a Firearm (RCW 9A.56.300);

(vi) Possession of a Stolen Firearm (RCW 9A.56.310);

(vii) Malicious Harassment (RCW 9A.36.080);

(viii) Harassment where a subsequent violation or deadly threat is made (RCW 9A.46.020(2)(b));

(ix) Criminal Gang Intimidation (RCW 9A.46.120);

(x) Any felony conviction by a person eighteen years of age or older with a special finding of involving a juvenile in a felony offense under RCW 9.94A.833;

(xi) Residential Burglary (RCW 9A.52.025);

(xii) Burglary 2 (RCW 9A.52.030);

(xiii) Malicious Mischief 1 (RCW 9A.48.070);

(xiv) Malicious Mischief 2 (RCW 9A.48.080);

(xv) Theft of a Motor Vehicle (RCW 9A.56.065);

(xvi) Possession of a Stolen Motor Vehicle (RCW 9A.56.068);

(xvii) Taking a Motor Vehicle Without Permission 1 (RCW 9A.56.070);

(xviii) Taking a Motor Vehicle Without Permission 2 (RCW 9A.56.075);

(xix) Extortion 1 (RCW 9A.56.120);

(xx) Extortion 2 (RCW 9A.56.130);

(xxi) Intimidating a Witness (RCW 9A.72.110);

(xxii) Tampering with a Witness (RCW 9A.72.120);

(xxiii) Reckless Endangerment (RCW 9A.36.050);

(xxiv) Coercion (RCW 9A.36.070);

(xxv) Harassment (RCW 9A.46.020); or

(xxvi) Malicious Mischief 3 (RCW 9A.48.090);

(b) That at least one of the offenses listed in (a) of this subsection shall have occurred after July 1, 2008;

(c) That the most recent committed offense listed in (a) of this subsection occurred within three years of a prior offense listed in (a) of this subsection; and

(d) Of the offenses that were committed in (a) of this subsection, the offenses occurred on separate occasions or were committed by two or more persons.

~~((35))~~ (34) "Persistent offender" is an offender who:

(a)(i) Has been convicted in this state of any felony considered a most serious offense; and

(ii) Has, before the commission of the offense under (a) of this subsection, been convicted as an offender on at least two separate occasions, whether in this state or elsewhere, of felonies that under the laws of this state would be considered most serious offenses and would be included in the offender score under RCW 9.94A.525; provided that of the two or more previous convictions, at least one conviction must have occurred before the commission of any of the other most serious offenses for which the offender was previously convicted; or

(b)(i) Has been convicted of: (A) Rape in the first degree, rape of a child in the first degree, child molestation in the first degree, rape in the second degree, rape of a child in the second degree, or indecent liberties by forcible compulsion; (B) any of the following offenses with a finding of sexual motivation: Murder in the first degree, murder in the second degree, homicide by abuse, kidnapping in the first degree, kidnapping in the second degree, assault in the first degree, assault in the second degree, assault of a child in the first degree, assault of a child in the second degree, or burglary in the first degree; or (C) an attempt to commit any crime listed in this subsection ~~((35))~~ (34)(b)(i); and

(ii) Has, before the commission of the offense under (b)(i) of this subsection, been convicted as an offender on at least one occasion, whether in this state or elsewhere, of an offense listed in (b)(i) of this subsection or any federal or out-of-state offense or offense under prior Washington law that is comparable to the offenses listed in (b)(i) of this subsection. A conviction for rape of a child in the first degree constitutes a conviction under (b)(i) of this subsection only when the offender was sixteen years of age or older when the offender committed the offense. A conviction for rape of a child in the second degree constitutes a conviction under (b)(i) of this subsection only when the offender was eighteen years of age or older when the offender committed the offense.

~~((36))~~ (35) "Predatory" means: (a) The perpetrator of the crime was a stranger to the victim, as defined in this section; (b) the perpetrator established or promoted a relationship with the victim

prior to the offense and the victimization of the victim was a significant reason the perpetrator established or promoted the relationship; or (c) the perpetrator was: (i) A teacher, counselor, volunteer, or other person in authority in any public or private school and the victim was a student of the school under his or her authority or supervision. For purposes of this subsection, "school" does not include home-based instruction as defined in RCW 28A.225.010; (ii) a coach, trainer, volunteer, or other person in authority in any recreational activity and the victim was a participant in the activity under his or her authority or supervision; or (iii) a pastor, elder, volunteer, or other person in authority in any church or religious organization, and the victim was a member or participant of the organization under his or her authority.

~~((37))~~ (36) "Private school" means a school regulated under chapter 28A.195 or 28A.205 RCW.

~~((38))~~ (37) "Public school" has the same meaning as in RCW 28A.150.010.

~~((39))~~ (38) "Restitution" means a specific sum of money ordered by the sentencing court to be paid by the offender to the court over a specified period of time as payment of damages. The sum may include both public and private costs.

~~((40))~~ (39) "Risk assessment" means the application of ~~((an objective))~~ the risk instrument ~~((supported by research and adopted by))~~ recommended to the department ~~((for the purpose of assessing an offender's risk of reoffense, taking into consideration the nature of the harm done by the offender, place and circumstances of the offender related to risk, the offender's relationship to any victim, and any information provided to the department by victims. The results of a risk assessment shall not be based on unconfirmed or unconfirmable allegations))~~ by the Washington state institute for public policy as having the highest degree of predictive accuracy for assessing an offender's risk of reoffense.

~~((41))~~ (40) "Serious traffic offense" means:

(a) Nonfelony driving while under the influence of intoxicating liquor or any drug (RCW 46.61.502), nonfelony actual physical control while under the influence of intoxicating liquor or any drug (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)); or

(b) Any federal, out-of-state, county, or municipal conviction for an offense that under the laws of this state would be classified as a serious traffic offense under (a) of this subsection.

~~((42))~~ (41) "Serious violent offense" is a subcategory of violent offense and means:

(a)(i) Murder in the first degree;

(ii) Homicide by abuse;

(iii) Murder in the second degree;

(iv) Manslaughter in the first degree;

(v) Assault in the first degree;

(vi) Kidnapping in the first degree;

(vii) Rape in the first degree;

(viii) Assault of a child in the first degree; or

(ix) An attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies; or

(b) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious violent offense under (a) of this subsection.

~~((43))~~ (42) "Sex offense" means:

(a)(i) A felony that is a violation of chapter 9A.44 RCW other than RCW 9A.44.130(12);

(ii) A violation of RCW 9A.64.020;

(iii) A felony that is a violation of chapter 9.68A RCW other than RCW 9.68A.080; or

(iv) A felony that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a sex offense in (a) of this subsection;

(c) A felony with a finding of sexual motivation under RCW 9.94A.835 or 13.40.135; or

(d) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a sex offense under (a) of this subsection.

~~((44))~~ (43) "Sexual motivation" means that one of the purposes for which the defendant committed the crime was for the purpose of his or her sexual gratification.

~~((45))~~ (44) "Standard sentence range" means the sentencing court's discretionary range in imposing a nonappealable sentence.

~~((46))~~ (45) "Statutory maximum sentence" means the maximum length of time for which an offender may be confined as punishment for a crime as prescribed in chapter 9A.20 RCW, RCW 9.92.010, the statute defining the crime, or other statute defining the maximum penalty for a crime.

~~((47))~~ (46) "Stranger" means that the victim did not know the offender twenty-four hours before the offense.

~~((48))~~ (47) "Total confinement" means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

~~((49))~~ (48) "Transition training" means written and verbal instructions and assistance provided by the department to the offender during the two weeks prior to the offender's successful completion of the work ethic camp program. The transition training shall include instructions in the offender's requirements and obligations during the offender's period of community custody.

~~((50))~~ (49) "Victim" means any person who has sustained emotional, psychological, physical, or financial injury to person or property as a direct result of the crime charged.

~~((51))~~ (50) "Violent offense" means:

(a) Any of the following felonies:

(i) Any felony defined under any law as a class A felony or an attempt to commit a class A felony;

(ii) Criminal solicitation of or criminal conspiracy to commit a class A felony;

(iii) Manslaughter in the first degree;

(iv) Manslaughter in the second degree;

(v) Indecent liberties if committed by forcible compulsion;

(vi) Kidnapping in the second degree;

(vii) Arson in the second degree;

(viii) Assault in the second degree;

(ix) Assault of a child in the second degree;

(x) Extortion in the first degree;

(xi) Robbery in the second degree;

(xii) Drive-by shooting;

(xiii) Vehicular assault, when caused by the operation or driving of a vehicle by a person while under the influence of intoxicating liquor or any drug or by the operation or driving of a vehicle in a reckless manner; and

(xiv) Vehicular homicide, when proximately caused by the driving of any vehicle by any person while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502, or by the operation of any vehicle in a reckless manner;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in (a) of this subsection; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under (a) or (b) of this subsection.

~~((52))~~ (51) "Work crew" means a program of partial confinement consisting of civic improvement tasks for the benefit of the community that complies with RCW 9.94A.725.

~~((53))~~ (52) "Work ethic camp" means an alternative incarceration program as provided in RCW 9.94A.690 designed to reduce recidivism and lower the cost of corrections by requiring offenders to complete a comprehensive array of real-world job and vocational experiences, character-building work ethics training, life management skills development, substance abuse rehabilitation, counseling, literacy training, and basic adult education.

~~((54))~~ (53) "Work release" means a program of partial confinement available to offenders who are employed or engaged as a student in a regular course of study at school.

Sec. 5. RCW 9.94A.701 and 2009 c 28 s 10 are each amended to read as follows:

(1) If an offender is sentenced to the custody of the department for one of the following crimes, the court shall ~~((impose a term of~~

~~community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer), in addition to the other terms of the sentence, sentence the offender to community custody for three years:~~

- ~~(a) A sex offense not sentenced under RCW 9.94A.507;
 (b) A serious violent offense; or
 (c) ((A crime against persons under RCW 9.94A.411(2);
 (d) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate;
 (e) A felony offender under chapter 69.50 or 69.52 RCW)) A violation of RCW 9A.44.130(1)(a) committed on or after June 7, 2006, when a court sentences the person to a term of confinement of one year or less.~~

~~(2) ((If an offender is sentenced to a term of confinement of one year or less for a violation of RCW 9A.44.130(1)(a), the court shall impose a term of community custody for the community custody range established under RCW 9.94A.850 or up to the period of earned release awarded pursuant to RCW 9.94A.728 (1) and (2), whichever is longer)) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for eighteen months when the court sentences the person to the custody of the department for a violent offense that is not considered a serious violent offense.~~

~~(3) A court shall, in addition to the other terms of the sentence, sentence an offender to community custody for one year when the court sentences the person to the custody of the department for:~~

- ~~(a) Any crime against persons under RCW 9.94A.411(2);
 (b) An offense involving the unlawful possession of a firearm under RCW 9.41.040, where the offender is a criminal street gang member or associate; or
 (c) A felony offense under chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000.~~

~~((3)) (4) If an offender is sentenced under the drug offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.660.~~

~~((4)) (5) If an offender is sentenced under the special sexual offender sentencing alternative, the court shall impose community custody as provided in RCW 9.94A.670.~~

~~((5)) (6) If an offender is sentenced to a work ethic camp, the court shall impose community custody as provided in RCW 9.94A.690.~~

~~((6)) (7) If a sex offender is sentenced as a nonpersistent offender pursuant to RCW 9.94A.507, the court shall impose community custody as provided in that section.~~

~~((7) If the offender is a criminal street gang associate or member and is found guilty of unlawful possession of a firearm under RCW 9.41.040, the court shall impose a term of community custody under subsection (1)(d) of this section)) (8) The term of community custody specified by this section shall be reduced by the court whenever an offender's standard range term of confinement in combination with the term of community custody exceeds the statutory maximum for the crime as provided in RCW 9A.20.021.~~

Sec. 6. RCW 9.94A.704 and 2009 c 28 s 12 are each amended to read as follows:

(1) Every person who is sentenced to a period of community custody shall report to and be placed under the supervision of the department, subject to RCW 9.94A.501.

(2)(a) The department shall assess the offender's risk of reoffense and may establish and modify additional conditions of community custody based upon the risk to community safety.

(b) Within the funds available for community custody, the department shall determine conditions ~~((and duration of community custody))~~ on the basis of risk to community safety, and shall supervise offenders during community custody on the basis of risk to community safety and conditions imposed by the court. The secretary shall adopt rules to implement the provisions of this subsection (2)(b).

(3) If the offender is supervised by the department, the department shall at a minimum instruct the offender to:

- (a) Report as directed to a community corrections officer;
 (b) Remain within prescribed geographical boundaries;

(c) Notify the community corrections officer of any change in the offender's address or employment;

(d) Pay the supervision fee assessment; and

(e) Disclose the fact of supervision to any mental health or chemical dependency treatment provider, as required by RCW 9.94A.722.

(4) The department may require the offender to participate in rehabilitative programs, or otherwise perform affirmative conduct, and to obey all laws.

(5) If the offender was sentenced pursuant to a conviction for a sex offense, the department may impose electronic monitoring. Within the resources made available by the department for this purpose, the department shall carry out any electronic monitoring using the most appropriate technology given the individual circumstances of the offender. As used in this section, "electronic monitoring" means the monitoring of an offender using an electronic offender tracking system including, but not limited to, a system using radio frequency or active or passive global positioning system technology.

(6) The department may not impose conditions that are contrary to those ordered by the court and may not contravene or decrease court-imposed conditions.

(7)(a) The department shall notify the offender in writing of any additional conditions or modifications.

(b) By the close of the next business day after receiving notice of a condition imposed or modified by the department, an offender may request an administrative review under rules adopted by the department. The condition shall remain in effect unless the reviewing officer finds that it is not reasonably related to the crime of conviction, the offender's risk of reoffending, or the safety of the community.

(8) The department may require offenders to pay for special services rendered including electronic monitoring, day reporting, and telephone reporting, dependent on the offender's ability to pay. The department may pay for these services for offenders who are not able to pay.

(9)(a) When a sex offender has been sentenced pursuant to RCW 9.94A.507, the department shall assess the offender's risk of recidivism and shall recommend to the board any additional or modified conditions based upon the offender's risk to community safety and may recommend affirmative conduct or electronic monitoring consistent with subsections (4) through (6) of this section.

(b) The board may impose conditions in addition to court-ordered conditions. The board must consider and may impose department-recommended conditions.

(c) By the close of the next business day, after receiving notice of a condition imposed by the board or the department, an offender may request an administrative hearing under rules adopted by the board. The condition shall remain in effect unless the hearing examiner finds that it is not reasonably related to any of the following:

- (i) The crime of conviction;
 (ii) The offender's risk of reoffending;
 (iii) The safety of the community.

(d) If the department finds that an emergency exists requiring the immediate imposition of additional conditions in order to prevent the offender from committing a crime, the department may impose such conditions. The department may not impose conditions that are contrary to those set by the board or the court and may not contravene or decrease court-imposed or board-imposed conditions. Conditions imposed under this subsection shall take effect immediately after notice to the offender by personal service, but shall not remain in effect longer than seven working days unless approved by the board.

(10) In setting, modifying, and enforcing conditions of community custody, the department shall be deemed to be performing a quasi-judicial function.

Sec. 7. RCW 9.94A.707 and 2008 c 231 s 12 are each amended to read as follows:

(1) Community custody shall begin: (a) Upon completion of the term of confinement; or (b) ~~((at such time as the offender is transferred to community custody in lieu of earned release in~~

~~accordance with RCW 9.94A.728 (1) or (2), or (c))~~ at the time of sentencing if no term of confinement is ordered.

(2) When an offender is sentenced to community custody, the offender is subject to the conditions of community custody as of the date of sentencing, unless otherwise ordered by the court.

~~((3) When an offender is sentenced to a community custody range pursuant to RCW 9.94A.701 (1) or (2), the department shall discharge the offender from community custody on a date determined by the department, which the department may modify, based on risk and performance of the offender, within the range or at the end of the period of earned release, whichever is later.))~~

Sec. 8. RCW 9.94A.850 and 2009 c 28 s 17 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The legislature finds that the commission, having accomplished its original statutory directive to implement this chapter, and having expertise in sentencing practice and policies, shall:

(a) Evaluate state sentencing policy, to include whether the sentencing ranges and standards are consistent with and further:

(i) The purposes of this chapter as defined in RCW 9.94A.010; and

(ii) The intent of the legislature to emphasize confinement for the violent offender and alternatives to confinement for the nonviolent offender.

The commission shall provide the governor and the legislature with its evaluation and recommendations under this subsection not later than December 1, 1996, and every two years thereafter;

(b) Recommend to the legislature revisions or modifications to the standard sentence ranges, state sentencing policy, prosecuting standards, and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity;

(c) Study the existing criminal code and from time to time make recommendations to the legislature for modification;

(d)(i) Serve as a clearinghouse and information center for the collection, preparation, analysis, and dissemination of information on state and local adult and juvenile sentencing practices; (ii) develop and maintain a computerized adult and juvenile sentencing information system by individual superior court judge consisting of offender, offense, history, and sentence information entered from judgment and sentence forms for all adult felons; and (iii) conduct ongoing research regarding adult and juvenile sentencing guidelines, use of total confinement and alternatives to total confinement, plea bargaining, and other matters relating to the improvement of the adult criminal justice system and the juvenile justice system;

(e) Assume the powers and duties of the juvenile disposition standards commission after June 30, 1996;

(f) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally, specifically review the guidelines relating to the confinement of minor and first-time offenders as well as the use of diversion, and review the application of current and proposed juvenile sentencing standards and guidelines for potential adverse impacts on the sentencing outcomes of racial and ethnic minority youth;

(g) Solicit the comments and suggestions of the juvenile justice community concerning disposition standards, and make recommendations to the legislature regarding revisions or modifications of the standards. The evaluations shall be submitted to the legislature on December 1 of each odd-numbered year. The department of social and health services shall provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders, and with recommendations for modification of the disposition standards. The administrative office of the courts shall provide the commission with available data on diversion, including the use of youth court programs, and dispositions of juvenile offenders under chapter 13.40 RCW; and

(h) Not later than December 1, 1997, and at least every two years thereafter, based on available information, report to the governor and the legislature on:

(i) Racial disproportionality in juvenile and adult sentencing, and, if available, the impact that diversions, such as youth courts, have on racial disproportionality in juvenile prosecution, adjudication, and sentencing;

(ii) The capacity of state and local juvenile and adult facilities and resources; and

(iii) Recidivism information on adult and juvenile offenders.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community restitution, and a fine.

(4) The standard sentence ranges of total and partial confinement under this chapter, except as provided in RCW 9.94A.517, are subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range, except that for murder in the second degree in seriousness level XIV under RCW 9.94A.510, the minimum term in the range shall be no less than fifty percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.021.

~~(5)((a) Not later than December 31 of each year, the commission may propose modifications to the community custody ranges to be included in sentences under RCW 9.94A.701. The ranges shall be based on the principles in RCW 9.94A.010, and shall take into account the funds available to the department for community custody. The minimum term in each range shall not be less than one-half of the maximum term.~~

~~(b) The legislature may, by enactment of a legislative bill, adopt or modify the community custody ranges proposed by the commission. If the legislature fails to adopt or modify the initial ranges in its next regular session after they are proposed, the proposed ranges shall take effect without legislative approval for crimes committed on or after July 1, 2000.~~

~~(c) When the commission proposes modifications to ranges pursuant to this subsection, the legislature may, by enactment of a bill, adopt or modify the ranges proposed by the commission for crimes committed on or after July 1 of the year after they were proposed. Unless the legislature adopts or modifies the commission's proposal in its next regular session, the proposed ranges shall not take effect.~~

~~(6))~~ The commission shall exercise its duties under this section in conformity with chapter 34.05 RCW.

NEW SECTION. Sec. 9. The department of corrections shall recalculate the term of community custody and reset the date that community custody will end for each offender currently in confinement or serving a term of community custody for a crime specified in RCW 9.94A.701. The recalculation shall not extend a term of community custody beyond that to which an offender is currently subject.

Sec. 10. 2008 c 231 s 6 (uncodified) is amended to read as follows:

The existing sentencing reform act contains numerous provisions for supervision of different types of offenders. This duplication has caused great confusion for judges, lawyers, offenders, and the department of corrections, and often results in inaccurate sentences. The clarifications in this act are intended to support continued discussions by the sentencing guidelines commission with the courts and the criminal justice community to identify and propose policy changes that will further simplify and improve the sentencing reform act relating to the supervision of offenders. The sentencing guidelines commission shall submit policy change proposals to the legislature on or before December 1, 2008.

Sections 7 through 58 of this act are intended to simplify the supervision provisions of the sentencing reform act and increase the uniformity of its application. These sections are not intended to either increase or decrease the authority of sentencing courts or the department relating to supervision, except for those provisions instructing the court to apply the provisions of the current community custody law to offenders sentenced after July 1, 2009, but who committed their crime prior to August 1, 2009, to the extent that such application is constitutionally permissible.

This will effect a change for offenders who committed their crimes prior to the offender accountability act, chapter 196, Laws of 1999. These offenders will be ordered to a term of community custody rather than community placement or community supervision. To the extent constitutionally permissible, the terms of the offender's supervision will be as provided in current law. With the exception of this change, the legislature does not intend to make, and no provision of sections 7 through 58 of this act may be construed as making, a substantive change to the supervision provisions of the sentencing reform act.

~~((It is the intent of the legislature to reaffirm that section 3, chapter 379, Laws of 2003, expires July 1, 2010.))~~

Sec. 11. RCW 9.95.220 and 1957 c 227 s 5 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, whenever the state parole officer or other officer under whose supervision the probationer has been placed shall have reason to believe such probationer is violating the terms of his or her probation, or engaging in criminal practices, or is abandoned to improper associates, or living a vicious life, he or she shall cause the probationer to be brought before the court wherein the probation was granted. For this purpose any peace officer or state parole officer may rearrest any such person without warrant or other process. The court may thereupon in its discretion without notice revoke and terminate such probation. In the event the judgment has been pronounced by the court and the execution thereof suspended, the court may revoke such suspension, whereupon the judgment shall be in full force and effect, and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory as the case may be. If the judgment has not been pronounced, the court shall pronounce judgment after such revocation of probation and the defendant shall be delivered to the sheriff to be transported to the penitentiary or reformatory, in accordance with the sentence imposed.

(2) If a probationer is being supervised by the department of corrections pursuant to RCW 9.95.204, the department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

Sec. 12. RCW 9.94A.633 and 2009 c 28 s 7 are each amended to read as follows:

(1)(a) An offender who violates any condition or requirement of a sentence may be sanctioned with up to sixty days' confinement for each violation.

(b) In lieu of confinement, an offender may be sanctioned with work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(2) If an offender was under community custody pursuant to one of the following statutes, the offender may be sanctioned as follows:

(a) If the offender was transferred to community custody in lieu of earned early release in accordance with RCW 9.94A.728(2), the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(b) If the offender was sentenced under the drug offender sentencing alternative set out in RCW 9.94A.660, the offender may be sanctioned in accordance with that section.

(c) If the offender was sentenced under the special sexual offender sentencing alternative set out in RCW 9.94A.670, the suspended sentence may be revoked and the offender committed to serve the original sentence of confinement.

(d) If the offender was sentenced to a work ethic camp pursuant to RCW 9.94A.690, the offender may be reclassified to serve the unexpired term of his or her sentence in total confinement.

(e) If a sex offender was sentenced pursuant to RCW 9.94A.507, the offender may be transferred to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation.

(3) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned pursuant to subsection (1) of this section. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.716. Any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

Sec. 13. RCW 9.94A.737 and 2007 c 483 s 305 are each amended to read as follows:

(1) If an offender violates any condition or requirement of community custody, the department may transfer the offender to a more restrictive confinement status to serve up to the remaining portion of the sentence, less credit for any period actually spent in community custody or in detention awaiting disposition of an alleged violation and subject to the limitations of subsection (3) of this section.

(2) If an offender has not completed his or her maximum term of total confinement and is subject to a third violation hearing for any violation of community custody and is found to have committed the violation, the department shall return the offender to total confinement in a state correctional facility to serve up to the remaining portion of his or her sentence, unless it is determined that returning the offender to a state correctional facility would substantially interfere with the offender's ability to maintain necessary community supports or to participate in necessary treatment or programming and would substantially increase the offender's likelihood of reoffending.

(3)(a) For a sex offender sentenced to a term of community custody under RCW 9.94A.670 who violates any condition of community custody, the department may impose a sanction of up to sixty days' confinement in a local correctional facility for each violation. If the department imposes a sanction, the department shall submit within seventy-two hours a report to the court and the prosecuting attorney outlining the violation or violations and the sanctions imposed.

(b) For a sex offender sentenced to a term of community custody under RCW 9.94A.710 who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in a local correctional facility for each violation.

(c) For an offender sentenced to a term of community custody under RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545, for a crime committed on or after July 1, 2000, who violates any condition of community custody after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(d) For an offender sentenced to a term of community placement under RCW 9.94A.705 who violates any condition of community placement after having completed his or her maximum term of total confinement, including time served on community custody in lieu of earned release, the department may impose a sanction of up to sixty days in total confinement for each violation. The department may impose sanctions such as work release, home detention with electronic monitoring, work crew, community restitution, inpatient treatment, daily reporting, curfew, educational or counseling sessions, supervision enhanced through electronic monitoring, or any other sanctions available in the community.

(e) If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, the probationer may be sanctioned by the department pursuant to (c) of this subsection. The department shall have authority to issue a warrant for the arrest of an offender who violates a condition of community custody, as provided in RCW 9.94A.740. The department shall provide a copy of the violation hearing report to the sentencing court in a timely manner. Nothing in this subsection is intended to limit the power of the sentencing court to respond to a probationer's violation of conditions.

(4) If an offender has been arrested for a new felony offense while under community supervision, community custody, or community placement, the department shall hold the offender in total confinement until a hearing before the department as provided in this section or until the offender has been formally charged for the new felony offense, whichever is earlier. Nothing in this subsection shall be construed as to permit the department to hold an offender past his or her maximum term of total confinement if the offender has not completed the maximum term of total confinement or to permit the department to hold an offender past the offender's term of community supervision, community custody, or community placement.

(5) The department shall be financially responsible for any portion of the sanctions authorized by this section that are served in a local correctional facility as the result of action by the department.

(6) If an offender is accused of violating any condition or requirement of community custody, he or she is entitled to a hearing before the department prior to the imposition of sanctions. The hearing shall be considered as offender disciplinary proceedings and shall not be subject to chapter 34.05 RCW. The department shall develop hearing procedures and a structure of graduated sanctions.

(7) The hearing procedures required under subsection (6) of this section shall be developed by rule and include the following:

(a) Hearing officers shall report through a chain of command separate from that of community corrections officers;

(b) The department shall provide the offender with written notice of the violation, the evidence relied upon, and the reasons the particular sanction was imposed. The notice shall include a statement of the rights specified in this subsection, and the offender's right to file a personal restraint petition under court rules after the final decision of the department;

(c) The hearing shall be held unless waived by the offender, and shall be electronically recorded. For offenders not in total confinement, the hearing shall be held within fifteen working days, but not less than twenty-four hours, after notice of the violation. For offenders in total confinement, the hearing shall be held within five working days, but not less than twenty-four hours, after notice of the violation;

(d) The offender shall have the right to: (i) Be present at the hearing; (ii) have the assistance of a person qualified to assist the offender in the hearing, appointed by the hearing officer if the offender has a language or communications barrier; (iii) testify or remain silent; (iv) call witnesses and present documentary evidence; and (v) question witnesses who appear and testify; and

(e) The sanction shall take effect if affirmed by the hearing officer. Within seven days after the hearing officer's decision, the offender may appeal the decision to a panel of three reviewing officers designated by the secretary or by the secretary's designee. The sanction shall be reversed or modified if a majority of the panel finds that the sanction was not reasonably related to any of the following: (i) The crime of conviction; (ii) the violation committed; (iii) the offender's risk of reoffending; or (iv) the safety of the community.

(8) For purposes of this section, no finding of a violation of conditions may be based on unconfirmed or unconfirmable allegations.

(9) The department shall work with the Washington association of sheriffs and police chiefs to establish and operate an electronic monitoring program for low-risk offenders who violate the terms of their community custody. Between January 1, 2006, and December 31, 2006, the department shall endeavor to place at least one hundred low-risk community custody violators on the electronic monitoring program per day if there are at least that many low-risk offenders who qualify for the electronic monitoring program.

(10) Local governments, their subdivisions and employees, the department and its employees, and the Washington association of sheriffs and police chiefs and its employees shall be immune from civil liability for damages arising from incidents involving low-risk offenders who are placed on electronic monitoring unless it is shown that an employee acted with gross negligence or bad faith.

Sec. 14. RCW 9.94A.6332 and 2009 c 28 s 8 are each amended to read as follows:

The procedure for imposing sanctions for violations of sentence conditions or requirements is as follows:

(1) If the offender was sentenced under the drug offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.660.

(2) If the offender was sentenced under the special sexual offender sentencing alternative, any sanctions shall be imposed by the department or the court pursuant to RCW 9.94A.670.

(3) If a sex offender was sentenced pursuant to RCW 9.94A.507, any sanctions shall be imposed by the board pursuant to RCW 9.95.435.

(4) In any other case, if the offender is being supervised by the department, any sanctions shall be imposed by the department pursuant to RCW 9.94A.737. If a probationer is being supervised by the department pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, upon receipt of a violation hearing report from the department, the court retains any authority that those statutes provide to respond to a probationer's violation of conditions.

(5) If the offender is not being supervised by the department, any sanctions shall be imposed by the court pursuant to RCW 9.94A.6333.

NEW SECTION. Sec. 15. The legislature directs the sentencing guidelines commission to include in its biennial report to the legislature, as required by RCW 9.94A.850(2)(h)(iii), and due no later than December 1, 2011, an analysis of the impact on recidivism of the following:

(1) The supervision of offenders pursuant to sections 1 and 2 of this act;

(2) The department's authority to issue warrants for offenders under its supervision who are sentenced for misdemeanor and gross misdemeanor offenses in superior court; and

(3) The community custody terms of supervision pursuant to section 5 of this act.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 9.95.206 (Misdemeanant probation services--Offender classification system--Supervision standards) and 1996 c 298 s 2; and

(2) RCW 9.95.212 (Standards for supervision of misdemeanor probationers) and 1998 c 245 s 2 & 1995 1st sp.s. c 19 s 31.

NEW SECTION. Sec. 17. 2008 c 231 s 60 (uncodified) is repealed.

NEW SECTION. Sec. 18. (1) Sections 1, 3, 11, 13, 16, 17, and 20 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

(2) Sections 2, 4 through 10, 12, and 14 of this act take effect August 1, 2009.

NEW SECTION. Sec. 19. Sections 1, 3, and 13 of this act expire August 1, 2009.

NEW SECTION. Sec. 20. This act applies retroactively and prospectively regardless of whether the offender is currently on community custody or probation with the department, currently incarcerated with a term of community custody or probation with the department, or sentenced after the effective date of this section."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross; Schmick and Seaquist.

April 18, 2009

ESSB 5892 Prime Sponsor, Committee on Ways & Means: Concerning prescription drug use in state purchased health care programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 69.41.190 and 2006 c 233 s 1 are each amended to read as follows:

(1)(a) Except as provided in subsection (2) of this section, any pharmacist filling a prescription under a state purchased health care program as defined in RCW 41.05.011(2) shall substitute, where identified, a preferred drug for any nonpreferred drug in a given therapeutic class, unless the endorsing practitioner has indicated on the prescription that the nonpreferred drug must be dispensed as written, or the prescription is for a refill of an antipsychotic, antidepressant, antiepileptic, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator/antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks but no more than forty-eight weeks, in which case the pharmacist shall dispense the prescribed nonpreferred drug.

~~((2))~~ (b) When a substitution is made under (a) of this subsection ~~((1) of this section)),~~ the dispensing pharmacist shall notify the prescribing practitioner of the specific drug and dose dispensed.

(2)(a) A state purchased health care program may impose limited restrictions on an endorsing practitioner's authority to write a prescription to dispense as written only under the following circumstances:

(i) There is statistical or clear data demonstrating the endorsing practitioner's frequency of prescribing dispensed as written for nonpreferred drugs varies significantly from the prescribing patterns of his or her peers;

(ii) The medical director of a state purchased health program has: (A) Presented the endorsing practitioner with data that indicates the endorsing practitioner's prescribing patterns vary significantly from his or her peers, (B) provided the endorsing practitioner an opportunity to explain the variation in his or her prescribing patterns to those of his or her peers, and (C) if the variation in prescribing patterns cannot be explained, provided the endorsing practitioner sufficient time to change his or her prescribing patterns to align with those of his or her peers; and

(iii) The restrictions imposed under (a) of this subsection (2) must be limited to the extent possible to reduce variation in prescribing patterns and shall remain in effect only until such time as the endorsing practitioner can demonstrate a reduction in variation in line with his or her peers.

(b) A state purchased health care program may immediately designate an available, less expensive, equally effective generic product in a previously reviewed drug class as a preferred drug, without first submitting the product to review by the pharmacy and therapeutics committee established pursuant to RCW 70.14.050.

(c) For a patient's first course of treatment within a therapeutic class of drugs, a state purchased health care program may impose limited restrictions on endorsing practitioners' authority to write a prescription to dispense as written, only under the following circumstances:

(i) There is a less expensive, equally effective therapeutic alternative generic product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation;

(iii) Notwithstanding the limitation set forth in (c)(ii) of this subsection (2), the endorsing practitioner shall have an opportunity to request as medically necessary, that the brand name drug be prescribed as the first course of treatment;

(iv) The state purchased health care program may provide, where available, prescription, emergency room, diagnosis, and hospitalization history with the endorsing practitioner; and

(v) Specifically for antipsychotic restrictions, the state purchased health care program shall effectively guide good practice without interfering with the timeliness of clinical decision making.

(d) If, within a therapeutic class, there is an equally effective therapeutic alternative over-the-counter drug available, a state purchased health care program may designate the over-the-counter drug as the preferred drug.

(e) A state purchased health care program may impose limited restrictions on endorsing practitioners' authority to prescribe pharmaceuticals to be dispensed as written for a purpose outside the scope of their approved labels only under the following circumstances:

(i) There is a less expensive, equally effective on-label product available to treat the condition;

(ii) The drug use review board established under WAC 388-530-4000 reviews and provides recommendations as to the appropriateness of the limitation; and

(iii) Notwithstanding the limitation set forth in (e)(ii) of this subsection (2), the endorsing practitioner shall have an opportunity to request as medically necessary, that the drug be prescribed for a covered off-label purpose.

(f) The provisions of this subsection related to the definition of medically necessary, prior authorization procedures and patient appeal rights shall be implemented in a manner consistent with applicable federal and state law.

(3) Notwithstanding the limitations in subsection (2) of this section, for refills for an antipsychotic, antidepressant, antiepileptic, chemotherapy, antiretroviral, or immunosuppressive drug, or for the refill of an immunomodulator antiviral treatment for hepatitis C for which an established, fixed duration of therapy is prescribed for at least twenty-four weeks by no more than forty-eight weeks, the pharmacist shall dispense the prescribed nonpreferred drug.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 18, 2009

ESSB 6108 Prime Sponsor, Committee on Ways & Means: Allowing the state lottery to enter into agreements to conduct multistate shared games. (REVISED FOR ENGROSSED: Allowing the state lottery commission to enter into an agreement to conduct an additional shared lottery game.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, and the bill was placed on the second reading calendar.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959 with the following amendments:

On page 4, after line 24, insert the following:

"Sec. 3. RCW 36.70A.200 and 2002 c 68 s 2 are each amended to read as follows:

(1) The comprehensive plan of each county and city that is planning under RCW 36.70A.040 shall include a process for identifying and siting essential public facilities. Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.

(2) Each county and city planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process, or amend its existing process, for identifying and siting essential public facilities and adopt or amend its development regulations as necessary to provide for the siting of secure community transition facilities consistent with statutory requirements applicable to these facilities.

(3) Any city or county not planning under RCW 36.70A.040 shall, not later than September 1, 2002, establish a process for siting secure community transition facilities and adopt or amend its development regulations as necessary to provide for the siting of such facilities consistent with statutory requirements applicable to these facilities.

(4) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. The office of financial management may at any time add facilities to the list.

(5) No local comprehensive plan or development regulation may preclude the siting of essential public facilities.

(6) No person may bring a cause of action for civil damages based on the good faith actions of any county or city to provide for the siting of secure community transition facilities in accordance with this section and with the requirements of chapter 12, Laws of 2001 2nd sp. sess. For purposes of this subsection, "person" includes, but is not limited to, any individual, agency as defined in RCW 42.17.020, corporation, partnership, association, and limited liability entity.

(7) Counties or cities siting facilities pursuant to subsection (2) or (3) of this section shall comply with RCW 71.09.341.

(8) The failure of a county or city to act by the deadlines established in subsections (2) and (3) of this section is not:

(a) A condition that would disqualify the county or city for grants, loans, or pledges under RCW 43.155.070 or 70.146.070;

(b) A consideration for grants or loans provided under RCW 43.17.250(2); or

(c) A basis for any petition under RCW 36.70A.280 or for any private cause of action."

Re-number the remaining section consecutively.

On page 1, line 2 of the title, after "ports;" insert "amending RCW 36.70A.200;"

On page 3, line 21, after "for" insert "consideration of"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

POINT OF ORDER

Representative Ericksen requested a scope and object ruling on the Senate amendments to Engrossed Substitute House Bill No. 1959.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Engrossed Substitute House Bill 1959 is titled an act relating to "land use and transportation planning for marine container ports." The bill as passed the House required cities with certain ports and port districts to include a planning element for such facilities in Growth Management Act comprehensive plans. The bill also declared certain key transportation corridors serving such facilities to be transportation facilities and services of statewide significance.

The Senate amendment includes provisions adding regional transit authorities to the list of essential public facilities for which jurisdictions planning under the Growth Management Act must satisfy prescribed planning requirements.

While both the bill and the amendment relate to planning under the Growth Management Act, they relate to different types of planning for different purposes.

The Speaker therefore finds and rules that the Senate amendment exceeds the scope and object of the House bill.

Representative Ericksen, your point of order is well taken."

There being no objection, the House reverted to the seventh order of business.

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 1, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2040 with the following amendment:

On page 15, after line 3, insert the following:

"**NEW SECTION. Sec. 15.** This act takes effect January 1, 2010."

On page 1, line 2 of the title, after "regulation;" strike the remainder of the title and insert "amending RCW 66.28.180; adding new sections to chapter 66.28 RCW; repealing RCW 66.28.010; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 2040 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 11, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that many persons who are released from involuntary mental health treatment in an inpatient setting would benefit from an order for less restrictive treatment in order to provide the structure and support necessary to facilitate long-term stability and success in the community.

(2) The legislature intends to make it easier to renew orders for less restrictive treatment following a period of inpatient commitment in cases in which a person has been involuntarily committed more than once and is likely to benefit from a renewed order for less restrictive treatment.

(3) The legislature finds that public safety is enhanced when a designated mental health professional is able to file a petition to revoke an order for less restrictive treatment under RCW 71.05.340 before a person who is the subject of the petition becomes ill enough to present a likelihood of serious harm.

Sec. 2. RCW 71.05.320 and 2008 c 213 s 9 are each amended to read as follows:

(1) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven and that the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment not to exceed ninety days from the date of judgment(~~(PROVIDED, That (a)).~~). If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment in a facility certified for one hundred eighty day treatment by the department.

~~((b) If the committed person has a developmental disability and has been determined incompetent pursuant to RCW 10.77.086(4), and the best interests of the person or others will not be served by a less restrictive treatment which is an alternative to detention, the court shall remand him or her to the custody of the department or to a facility certified for one hundred eighty-day treatment by the department. When appropriate and subject to available funds, treatment and training of such persons must be provided in a program specifically reserved for the treatment and training of persons with developmental disabilities. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of persons with developmental disabilities. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department. An order for treatment less restrictive than involuntary detention may include conditions, and if such conditions are not adhered to, the designated mental health professional or developmental disabilities professional may order the person apprehended under the terms and conditions of RCW 71.05.340-))~~

(2) If the court or jury finds that grounds set forth in RCW 71.05.280 have been proven, but finds that treatment less restrictive than detention will be in the best interest of the person or others, then the court shall remand him or her to the custody of the department or to a facility certified for ninety day treatment by the department or to a less restrictive alternative for a further period of less restrictive treatment not to exceed ninety days from the date of judgment(~~(PROVIDED, That)~~). If the grounds set forth in RCW 71.05.280(3) are the basis of commitment, then the period of treatment may be up to but not exceed one hundred eighty days from the date of judgment.

(3) The person shall be released from involuntary treatment at the expiration of the period of commitment imposed under subsection (1) or (2) of this section unless the superintendent or professional person in charge of the facility in which he or she is confined, or in the event of a less restrictive alternative, the designated mental health professional (~~(or developmental disabilities professional)~~), files a new petition for involuntary treatment on the grounds that the committed person(~~(s)~~):

(a) During the current period of court ordered treatment: (i) Has threatened, attempted, or inflicted physical harm upon the person of another, or substantial damage upon the property of another, and (ii) as a result of mental disorder or developmental disability presents a likelihood of serious harm; or

(b) Was taken into custody as a result of conduct in which he or she attempted or inflicted serious physical harm upon the person of another, and continues to present, as a result of mental disorder or developmental disability a likelihood of serious harm; or

(c) Is in custody pursuant to RCW 71.05.280(3) and as a result of mental disorder or developmental disability presents a substantial likelihood of repeating similar acts considering the charged criminal behavior, life history, progress in treatment, and the public safety; or

(d) Continues to be gravely disabled.

If the conduct required to be proven in (b) and (c) of this subsection was found by a judge or jury in a prior trial under this chapter, it shall not be necessary to (~~reprove that element~~) prove such conduct again. (~~(Such)~~)

(4) For a person committed under subsection (2) of this section who has been remanded to a period of less restrictive treatment, in addition to the grounds specified in subsection (3) of this section, the designated mental health professional may file a new petition for continued less restrictive treatment if:

(a) The person was previously committed by a court to detention for involuntary mental health treatment during the thirty-six months that preceded the person's initial detention date during the current involuntary commitment cycle, excluding any time spent in a mental health facility or in confinement as a result of a criminal conviction;

(b) In view of the person's treatment history or current behavior, the person is unlikely to voluntarily participate in outpatient treatment without an order for less restrictive treatment; and

(c) Outpatient treatment that would be provided under a less restrictive treatment order is necessary to prevent a relapse, decompensation, or deterioration that is likely to result in the person presenting a likelihood of serious harm or the person becoming gravely disabled within a reasonably short period of time.

(5) A new petition for involuntary treatment filed under subsection (3) or (4) of this section shall be filed and heard in the superior court of the county of the facility which is filing the new petition for involuntary treatment unless good cause is shown for a change of venue. The cost of the proceedings shall be borne by the state.

(6) The hearing shall be held as provided in RCW 71.05.310, and if the court or jury finds that the grounds for additional confinement as set forth in this ((subsection)) section are present, the court may order the committed person returned for an additional period of treatment not to exceed one hundred eighty days from the date of judgment. At the end of the one hundred eighty day period of commitment, the committed person shall be released unless a petition for another one hundred eighty day period of continued treatment is filed and heard in the same manner as provided in this ((subsection)) section. Successive one hundred eighty day commitments are permissible on the same grounds and pursuant to the same procedures as the original one hundred eighty day commitment. However, a commitment is not permissible under subsection (4) of this section if thirty-six months have passed since the last date of discharge from detention for inpatient treatment that preceded the current less restrictive alternative order, nor shall a commitment under subsection (4) of this section be permissible if the likelihood of serious harm in subsection (4)(c) of this section is based solely on harm to the property of others.

~~((4))~~ (7) No person committed as provided in this section may be detained unless a valid order of commitment is in effect. No order of commitment can exceed one hundred eighty days in length.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

When appropriate and subject to available funds, the treatment and training of a person with a developmental disability who is committed to the custody of the department or to a facility certified for ninety day treatment by the department for a further period of intensive treatment under RCW 71.05.320 must be provided in a program specifically reserved for the treatment and training of persons with developmental disabilities. A person so committed shall receive habilitation services pursuant to an individualized service plan specifically developed to treat the behavior which was the subject of the criminal proceedings. The treatment program shall be administered by developmental disabilities professionals and others trained specifically in the needs of persons with developmental disabilities. The department may limit admissions to this specialized program in order to ensure that expenditures for services do not exceed amounts appropriated by the legislature and allocated by the department for such services. The department may establish admission priorities in the event that the number of eligible persons exceeds the limits set by the department."

On page 1, line 2 of the title, after "treatment;" strike the remainder of the title and insert "amending RCW 71.05.320; adding a new section to chapter 71.05 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Green and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1349, as amended by the Senate.

MOTIONS

On motion of Representative Hinkle, Representatives Chandler and Rodne were excused. On motion of Representative Santos, Representatives Goodman, Hurst, Kenney, Lias, Pettigrew, Quall and Uptegrove were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1349, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; Nays, 0; Absent, 0; Excused, 9.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Goodman, Hurst, Kenney, Lias, Pettigrew, Quall, Rodne and Uptegrove.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1395 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28B.50.030 and 2007 c 277 s 301 are each amended to read as follows:

As used in this chapter, unless the context requires otherwise, the term:

(1) "System" shall mean the state system of community and technical colleges, which shall be a system of higher education.

(2) "Board" shall mean the workforce training and education coordinating board.

(3) "College board" shall mean the state board for community and technical colleges created by this chapter.

(4) "Director" shall mean the administrative director for the state system of community and technical colleges.

(5) "District" shall mean any one of the community and technical college districts created by this chapter.

(6) "Board of trustees" shall mean the local community and technical college board of trustees established for each college district within the state.

(7) "Occupational education" shall mean that education or training that will prepare a student for employment that does not require a baccalaureate degree, and education and training leading to an applied baccalaureate degree.

(8) "K-12 system" shall mean the public school program including kindergarten through the twelfth grade.

(9) "Common school board" shall mean a public school district board of directors.

(10) "Community college" shall include those higher education institutions that conduct education programs under RCW 28B.50.020.

(11) "Technical college" shall include those higher education institutions with the sole mission of conducting occupational education, basic skills, literacy programs, and offering on short notice, when appropriate, programs that meet specific industry needs. The programs of technical colleges shall include, but not be limited to, continuous enrollment, competency-based instruction, industry-experienced faculty, curriculum integrating vocational and basic skills education, and curriculum approved by representatives of employers and labor. For purposes of this chapter, technical colleges shall include Lake Washington Vocational-Technical Institute, Renton Vocational- Technical Institute, Bates Vocational-Technical Institute, Clover Park Vocational Institute, and Bellingham Vocational-Technical Institute.

(12) "Adult education" shall mean all education or instruction, including academic, vocational education or training, basic skills and literacy training, and "occupational education" provided by public educational institutions, including common school districts for persons who are eighteen years of age and over or who hold a high school diploma or certificate. However, "adult education" shall not include academic education or instruction for persons under twenty-one years of age who do not hold a high school degree or diploma and who are attending a public high school for the sole purpose of obtaining a high school diploma or certificate, nor shall "adult education" include education or instruction provided by any four year public institution of higher education.

(13) "Dislocated forest product worker" shall mean a forest products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing

demand for the business' services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(14) "Forest products worker" shall mean a worker in the forest products industries affected by the reduction of forest fiber enhancement, transportation, or production. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries assigned the major group standard industrial classification codes "24" and "26" and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment. The commissioner may adopt rules further interpreting these definitions. For the purposes of this subsection, "standard industrial classification code" means the code identified in RCW 50.29.025(3).

(15) "Dislocated salmon fishing worker" means a finfish products worker who: (a)(i) Has been terminated or received notice of termination from employment and is unlikely to return to employment in the individual's principal occupation or previous industry because of a diminishing demand for his or her skills in that occupation or industry; or (ii) is self-employed and has been displaced from his or her business because of the diminishing demand for the business's services or goods; and (b) at the time of last separation from employment, resided in or was employed in a rural natural resources impact area.

(16) "Salmon fishing worker" means a worker in the finfish industry affected by 1994 or future salmon disasters. The workers included within this definition shall be determined by the employment security department, but shall include workers employed in the industries involved in the commercial and recreational harvesting of finfish including buying and processing finfish. The commissioner may adopt rules further interpreting these definitions.

(17) "Rural natural resources impact area" means:

(a) A nonmetropolitan county, as defined by the 1990 decennial census, that meets three of the five criteria set forth in subsection (18) of this section;

(b) A nonmetropolitan county with a population of less than forty thousand in the 1990 decennial census, that meets two of the five criteria as set forth in subsection (18) of this section; or

(c) A nonurbanized area, as defined by the 1990 decennial census, that is located in a metropolitan county that meets three of the five criteria set forth in subsection (18) of this section.

(18) For the purposes of designating rural natural resources impact areas, the following criteria shall be considered:

(a) A lumber and wood products employment location quotient at or above the state average;

(b) A commercial salmon fishing employment location quotient at or above the state average;

(c) Projected or actual direct lumber and wood products job losses of one hundred positions or more;

(d) Projected or actual direct commercial salmon fishing job losses of one hundred positions or more; and

(e) An unemployment rate twenty percent or more above the state average. The counties that meet these criteria shall be determined by the employment security department for the most recent year for which data is available. For the purposes of administration of programs under this chapter, the United States post office five-digit zip code delivery areas will be used to determine residence status for eligibility purposes. For the purpose of this definition, a zip code delivery area of which any part is ten miles or more from an urbanized area is considered nonurbanized. A zip code totally surrounded by zip codes qualifying as nonurbanized under this definition is also considered nonurbanized. The office of financial management shall make available a zip code listing of the areas to all agencies and organizations providing services under this chapter.

(19) "Applied baccalaureate degree" means a baccalaureate degree awarded by a college under RCW 28B.50.810 for successful completion of a program of study that is:

(a) Specifically designed for individuals who hold an associate of applied science degree, or its equivalent, in order to maximize application of their technical course credits toward the baccalaureate degree; and

(b) Based on a curriculum that incorporates both theoretical and applied knowledge and skills in a specific technical field.

(20) "Qualified institutions of higher education" means:

(a) Washington public community and technical colleges;

(b) Private career schools that are members of an accrediting association recognized by rule of the higher education coordinating board for the purposes of chapter 28B.92 RCW; and

(c) Washington state apprenticeship and training council-approved apprenticeship programs.

(21) "High employer demand program of study" means an apprenticeship, or an undergraduate or graduate certificate or degree program in which the number of students prepared for employment per year from in-state institutions is substantially less than the number of projected job openings per year in that field, statewide or in a substate region.

Sec. 2. RCW 28B.50.273 and 2008 c 14 s 10 are each amended to read as follows:

For the purposes of identifying opportunity grant-eligible programs of study and other job training programs, the college board, in partnership with business, labor, and the workforce training and education coordinating board, shall:

(1) Identify high employer demand programs of study offered by qualified postsecondary institutions that lead to a credential, certificate, or degree;

(2) Identify job-specific training programs offered by qualified postsecondary institutions that lead to a credential, certificate, or degree in green industry occupations as established in chapter 14, Laws of 2008(~~and other high demand occupations, which are occupations where data show that employer demand for workers exceeds the supply of qualified job applicants throughout the state or in a specific region, and where training capacity is underutilized~~);

(~~2~~) (3) Gain recognition of the credentials, certificates, and degrees by Washington's employers and labor organizations. The college board shall designate these recognized credentials, certificates, and degrees as "opportunity grant-eligible programs of study"; and

(~~3~~) (4) Market the credentials, certificates, and degrees to potential students, businesses, and apprenticeship programs as a way for individuals to advance in their careers and to better meet the needs of industry.

Sec. 3. RCW 50.22.130 and 2000 c 2 s 6 are each amended to read as follows:

It is the intent of the legislature that a training benefits program be established to provide unemployment insurance benefits to unemployed individuals who participate in training programs necessary for their reemployment.

The legislature further intends that this program serve the following goals:

(1) Retraining should be available for those unemployed individuals whose skills are no longer in demand;

(2) To be eligible for retraining, an individual must have a long-term attachment to the labor force;

(3) Training must enhance the individual's marketable skills and earning power; and

(4) Retraining must be targeted to (~~those industries or skills that are in high demand within the labor market~~) high-demand occupations.

Individuals unemployed as a result of structural changes in the economy and technological advances rendering their skills obsolete must receive the highest priority for participation in this program. It is the further intent of the legislature that individuals for whom suitable employment is available are not eligible for additional benefits while participating in training.

The legislature further intends that funding for this program be limited by a specified maximum amount each fiscal year.

Sec. 4. RCW 50.22.150 and 2009 c 3 s 5 are each amended to read as follows:

(1) This section applies to claims with an effective date before April 5, 2009.

(2) Subject to availability of funds, training benefits are available for an individual who is eligible for or has exhausted entitlement to unemployment compensation benefits and who:

(a) Is a dislocated worker as defined in RCW 50.04.075;

(b) Except as provided under subsection (3) of this section, has demonstrated, through a work history, sufficient tenure in an occupation or in work with a particular skill set. This screening will take place during the assessment process;

(c) Is, after assessment of demand for the individual's occupation or skills in the individual's labor market, determined to need job-related training to find suitable employment in his or her labor market. Beginning July 1, 2001, the assessment of demand for the individual's occupation or skill sets must be substantially based on declining occupation or skill sets identified in local labor market areas by the local workforce development councils, in cooperation with the employment security department and its labor market information division, under subsection (11) of this section;

(d) Develops an individual training program that is submitted to the commissioner for approval within sixty days after the individual is notified by the employment security department of the requirements of this section;

(e) Enters the approved training program by ninety days after the date of the notification, unless the employment security department determines that the training is not available during the ninety-day period, in which case the individual enters training as soon as it is available; and

(f) Is enrolled in training approved under this section on a full-time basis as determined by the educational institution, and is making satisfactory progress in the training as certified by the educational institution.

(3) Until June 30, 2002, the following individuals who meet the requirements of subsection (2) of this section may, without regard to the tenure requirements under subsection (2)(b) of this section, receive training benefits as provided in this section:

(a) An exhaustee who has base year employment in the aerospace industry assigned the standard industrial classification code "372" or the North American industry classification system code "336411";

(b) An exhaustee who has base year employment in the forest products industry, determined by the department, but including the industries assigned the major group standard industrial classification codes "24" and "26" or any equivalent codes in the North American industry classification system code, and the industries involved in the harvesting and management of logs, transportation of logs and wood products, processing of wood products, and the manufacturing and distribution of wood processing and logging equipment; or

(c) An exhaustee who has base year employment in the fishing industry assigned the standard industrial classification code "0912" or any equivalent codes in the North American industry classification system code.

(4) An individual is not eligible for training benefits under this section if he or she:

(a) Is a standby claimant who expects recall to his or her regular employer;

(b) Has a definite recall date that is within six months of the date he or she is laid off; or

(c) Is unemployed due to a regular seasonal layoff which demonstrates a pattern of unemployment consistent with the provisions of RCW 50.20.015. Regular seasonal layoff does not include layoff due to permanent structural downsizing or structural changes in the individual's labor market.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Educational institution" means an institution of higher education as defined in RCW 28B.10.016 or an educational institution as defined in RCW 28C.04.410, including equivalent educational institutions in other states.

(b) "Sufficient tenure" means earning a plurality of wages in a particular occupation or using a particular skill set during the base year and at least two of the four twelve-month periods immediately preceding the base year.

(c) "Training benefits" means additional benefits paid under this section.

(d) "Training program" means:

(i) An education program determined to be necessary as a prerequisite to vocational training after counseling at the educational

institution in which the individual enrolls under his or her approved training program; or

(ii) A vocational training program at an educational institution:

(A) That is targeted to training for a high-demand occupation. Beginning July 1, 2001, the assessment of high-demand occupations authorized for training under this section must be substantially based on labor market and employment information developed by local workforce development councils, in cooperation with the employment security department and its labor market information division, under subsection (11) of this section;

(B) That is likely to enhance the individual's marketable skills and earning power; and

(C) That meets the criteria for performance developed by the workforce training and education coordinating board for the purpose of determining those training programs eligible for funding under Title I of P.L. 105-220.

"Training program" does not include any course of education primarily intended to meet the requirements of a baccalaureate or higher degree, unless the training meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(6) Benefits shall be paid as follows:

(a)(i) Except as provided in (a)(iii) of this subsection, for exhaustees who are eligible under subsection (2) of this section, the total training benefit amount shall be fifty-two times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(ii) For exhaustees who are eligible under subsection (3) of this section, for claims filed before June 30, 2002, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year; or

(iii) For exhaustees eligible under subsection (2) of this section from industries listed under subsection (3)(a) of this section, for claims filed on or after June 30, 2002, but before January 5, 2003, the total training benefit amount shall be seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits and extended benefits paid, or deemed paid, with respect to the benefit year.

(b) The weekly benefit amount shall be the same as the regular weekly amount payable during the applicable benefit year and shall be paid under the same terms and conditions as regular benefits. The training benefits shall be paid before any extended benefits but not before any similar federally funded program.

(c) Training benefits are not payable for weeks more than two years beyond the end of the benefit year of the regular claim.

(7) The requirement under RCW 50.22.010(10) relating to exhausting regular benefits does not apply to an individual otherwise eligible for training benefits under this section when the individual's benefit year ends before his or her training benefits are exhausted and the individual is eligible for a new benefit year. These individuals will have the option of remaining on the original claim or filing a new claim.

(8)(a) Except as provided in (b) of this subsection, individuals who receive training benefits under this section or under any previous additional benefits program for training are not eligible for training benefits under this section for five years from the last receipt of training benefits under this section or under any previous additional benefits program for training.

(b) With respect to claims that are filed before January 5, 2003, an individual in the aerospace industry assigned the standard industrial code "372" or the North American industry classification system code "336411" who received training benefits under this section, and who had been making satisfactory progress in a training program but did not complete the program, is eligible, without regard to the five-year limitation of this section and without regard to the requirement of subsection (2)(b) of this section, if applicable, to receive training benefits under this section in order to complete that training program. The total training benefit amount that applies to the individual is seventy-four times the individual's weekly benefit amount, reduced by the total amount of regular benefits paid, or

deemed paid, with respect to the benefit year in which the training program resumed and, if applicable, reduced by the amount of training benefits paid, or deemed paid, with respect to the benefit year in which the training program commenced.

(9) An individual eligible to receive a trade readjustment allowance under chapter 2 of Title II of the Trade Act of 1974, as amended, shall not be eligible to receive benefits under this section for each week the individual receives such trade readjustment allowance. An individual eligible to receive emergency unemployment compensation, so called, under any federal law, shall not be eligible to receive benefits under this section for each week the individual receives such compensation.

(10) All base year employers are interested parties to the approval of training and the granting of training benefits.

(11) By July 1, 2001, each local workforce development council, in cooperation with the employment security department and its labor market information division, must identify ~~((occupations and skill sets that are declining and occupations and skill sets that are in))~~ high-demand occupations and occupations in declining employer demand. For the purposes of RCW 50.22.130 through 50.22.150 and section 9, chapter 2, Laws of 2000, "high-demand occupation" means ~~((demand for employment that exceeds the supply of qualified workers for occupations or skill sets in a labor market area))~~ an occupation with a substantial number of current or projected employment opportunities. Local workforce development councils must use state and locally developed labor market information. Thereafter, each local workforce development council shall update this information annually or more frequently if needed.

(12) The commissioner shall adopt rules as necessary to implement this section.

Sec. 5. RCW 51.32.099 and 2007 c 72 s 2 are each amended to read as follows:

(1)(a) The legislature intends to create improved vocational outcomes for Washington state injured workers and employers through legislative and regulatory change under a pilot program for the period of January 1, 2008, through June 30, 2013. This pilot vocational system is intended to allow opportunities for eligible workers to participate in meaningful retraining in high-demand occupations, improve successful return to work and achieve positive outcomes for workers, reduce the incidence of repeat vocational services, increase accountability and responsibility, and improve cost predictability. To facilitate the study and evaluation of the results of the proposed changes, the department shall establish the temporary funding of certain state fund vocational costs through the medical aid account to ensure the appropriate assessments to employers for the costs of their claims for vocational services in accordance with RCW 51.32.0991.

(b) An independent review and study of the effects of the pilot program shall be conducted to determine whether it has achieved the appropriate outcomes at reasonable cost to the system. The review shall include, at a minimum, a report on the department's performance with regard to the provision of vocational services, the skills acquired by workers who receive retraining services, the types of training programs approved, whether the workers are employed, at what jobs and wages after completion of the training program and at various times subsequent to their claim closure, the number and demographics of workers who choose the option provided in subsection (4)(b) of this section, and their employment and earnings status at various times subsequent to claim closure. The department may adopt rules, in collaboration with the subcommittee created under (c)(iii) of this subsection, to further define the scope and elements of the required study. Reports of the independent researcher are due on December 1, 2010, December 1, 2011, and December 1, 2012.

(c) In implementing the pilot program, the department shall:

(i) Establish a vocational initiative project that includes participation by the department as a partner with WorkSource, the established state system that administers the federal workforce investment act of 1998. As a partner, the department shall place vocational professional full-time employees at pilot WorkSource locations; refer some workers for vocational services to these vocational professionals; and work with employers in work source pilot areas to market the benefits of on-the-job training programs and

with community colleges to reserve slots in high employer demand programs of study as defined in RCW 28B.50.030. These on-the-job training programs and community college slots may be considered by both department and private sector vocational professionals for vocational plan development. The department will also assist stakeholders in developing additional vocational training programs in various industries, including but not limited to agriculture and construction. These programs will expand the choices available to injured workers in developing their vocational training plans with the assistance of vocational professionals.

(ii) Develop and maintain a register of state fund and self-insured workers who have been retrained or have selected any of the vocational options described in this section for at least the duration of the pilot program.

(iii) Create a vocational rehabilitation subcommittee made up of members appointed by the director for at least the duration of the pilot program. This subcommittee shall provide the business and labor partnership needed to maintain focus on the intent of the pilot program, as described in this section, and provide consistency and transparency to the development of rules and policies. The subcommittee shall report to the director at least annually and recommend to the director and the legislature any additional statutory changes needed, which may include extension of the pilot period. The subcommittee shall provide input and oversight with the department concerning the study required under (b) of this subsection. The subcommittee shall provide recommendations for additional changes or incentives for injured workers to return to work with their employer of injury.

(iv) The department shall develop an annual report concerning Washington's workers' compensation vocational rehabilitation system to the legislature and to the subcommittee by December 1, 2009, and annually thereafter with the final report due by December 1, 2012. The annual report shall include the number of workers who have participated in more than one vocational training plan beginning with plans approved on January 1, 2008, and in which industries those workers were employed. The final report shall include the department's assessment and recommendations for further legislative action, in collaboration with the subcommittee.

(2)(a) For the purposes of this section, the day the worker commences vocational plan development means the date the department or self-insurer notifies the worker of his or her eligibility for plan development services.

(b) When vocational rehabilitation is both necessary and likely to make the worker employable at gainful employment, he or she shall be provided with services necessary to develop a vocational plan that, if completed, would render the worker employable. The vocational professional assigned to the claim shall, at the initial meeting with the worker, fully inform the worker of the return-to-work priorities set forth in RCW 51.32.095(2) and of his or her rights and responsibilities under the workers' compensation vocational system. The department shall provide tools to the vocational professional for communicating this and other information required by RCW 51.32.095 and this section to the worker.

(c) On the date the worker commences vocational plan development, the department shall also inform the employer in writing of the employer's right to make a valid return-to-work offer during the first fifteen days following the commencement of vocational plan development. To be valid, the offer must be for bona fide employment with the employer of injury, consistent with the worker's documented physical and mental restrictions as provided by the worker's health care provider. When the employer makes a valid return-to-work offer, the vocational plan development services and temporary total disability compensation shall be terminated effective ~~((from))~~ on the starting date for the job without regard to whether the worker accepts the return-to-work offer. Following the fifteen-day period, the employer may still provide, and the worker may accept, any valid return-to-work offer. The worker's acceptance of such an offer shall result in the termination of vocational plan development or implementation services and temporary total disability compensation effective the day the employment begins.

(3)(a) All vocational plans must contain an accountability agreement signed by the worker detailing expectations regarding progress, attendance, and other factors influencing successful

participation in the plan. Failure to abide by the agreed expectations shall result in suspension of vocational benefits pursuant to RCW 51.32.110.

(b) Any formal education included as part of the vocational plan must be for an accredited or licensed program or other program approved by the department. The department shall develop rules that provide criteria for the approval of nonaccredited or unlicensed programs.

(c) The vocational plan for an individual worker must be completed and submitted to the department within ninety days of the day the worker commences vocational plan development. The department may extend the ninety days for good cause. Criteria for good cause shall be provided in rule. The frequency and reasons for good cause extensions shall be reported to the subcommittee created under subsection (1)(c)(iii) of this section.

(d) Costs for the vocational plan may include books, tuition, fees, supplies, equipment, child or dependent care, training fees for on-the-job training, the cost of furnishing tools and other equipment necessary for self-employment or reemployment, and other necessary expenses in an amount not to exceed twelve thousand dollars. This amount shall be adjusted effective July 1 of each year for vocational plans or retraining benefits available under subsection (4)(b) of this section approved on or after this date but before June 30 of the next year based on the average percentage change in tuition for the next fall quarter for all Washington state community colleges.

(e) The duration of the vocational plan shall not exceed two years from the date the plan is implemented. The worker shall receive temporary total disability compensation under RCW 51.32.090 and the cost of transportation while he or she is actively and successfully participating in a vocational plan.

(f) If the worker is required to reside away from his or her customary residence, the reasonable cost of board and lodging shall also be paid.

(4) Vocational plan development services shall be completed within ninety days of commencing. During vocational plan development the worker shall, with the assistance of a vocational professional, participate in vocational counseling and occupational exploration to include, but not be limited to, identifying possible job goals, training needs, resources, and expenses, consistent with the worker's physical and mental status. A vocational rehabilitation plan shall be developed by the worker and the vocational professional and submitted to the department or self-insurer. Following this submission, the worker shall elect one of the following options:

(a) Option 1: The department or self-insurer implements and the worker participates in the vocational plan developed by the vocational professional and approved by the worker and the department or self-insurer. For state fund claims, the department must review and approve the vocational plan before implementation may begin. If the department takes no action within fifteen days, the plan is deemed approved. The worker may, within fifteen days of approval of the plan by the department, elect option 2.

(i) Following successful completion of the vocational plan, any subsequent assessment of whether vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1) shall include consideration of transferable skills obtained in the vocational plan.

(ii) If a vocational plan is successfully completed on a claim which is thereafter reopened as provided in RCW 51.32.160, the cost and duration available for any subsequent vocational plan is limited to that in subsection (3)(d) and (e) of this section, less that previously expended.

(b) Option 2: The worker declines further vocational services under the claim and receives an amount equal to six months of temporary total disability compensation under RCW 51.32.090. The award is payable in biweekly payments in accordance with the schedule of temporary total disability payments, until such award is paid in full. These payments shall not include interest on the unpaid balance. However, upon application by the worker, and at the discretion of the department, the compensation may be converted to a lump sum payment. The vocational costs defined in subsection (3)(d) of this section shall remain available to the worker, upon application to the department or self-insurer, for a period of five

years. The vocational costs shall, if expended, be available for programs or courses at any accredited or licensed institution or program from a list of those approved by the department for tuition, books, fees, supplies, equipment, and tools, without department or self-insurer oversight. The department shall issue an order as provided in RCW 51.52.050 confirming the option 2 election, setting a payment schedule, and terminating temporary total disability benefits. The department shall thereafter close the claim.

(i) If within five years from the date the option 2 order becomes final, the worker is subsequently injured or suffers an occupational disease or reopens the claim as provided in RCW 51.32.160, and vocational rehabilitation is found both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1), the duration of any vocational plan under subsection (3)(e) of this section shall not exceed eighteen months.

(ii) If the available vocational costs are utilized by the worker, any subsequent assessment of whether vocational rehabilitation is both necessary and likely to enable the injured worker to become employable at gainful employment under RCW 51.32.095(1) shall include consideration of the transferable skills obtained.

(iii) If the available vocational costs are utilized by the worker and the claim is thereafter reopened as provided in RCW 51.32.160, the cost available for any vocational plan is limited to that in subsection (3)(d) of this section less that previously expended.

(iv) Option 2 may only be elected once per worker.

(c) The director, in his or her sole discretion, may provide the worker vocational assistance not to exceed that in subsection (3) of this section, without regard to the worker's prior option selection or benefits expended, where vocational assistance would prevent permanent total disability under RCW 51.32.060.

(5)(a) As used in this section, "vocational plan interruption" means an occurrence which disrupts the plan to the extent the employability goal is no longer attainable. "Vocational plan interruption" does not include institutionally scheduled breaks in educational programs, occasional absence due to illness, or modifications to the plan which will allow it to be completed within the cost and time provisions of subsection (3)(d) and (e) of this section.

(b) When a vocational plan interruption is beyond the control of the worker, the department or self-insurer shall recommence plan development. If necessary to complete vocational services, the cost and duration of the plan may include credit for that expended prior to the interruption. A vocational plan interruption is considered outside the control of the worker when it is due to the closure of the accredited institution, when it is due to a death in the worker's immediate family, or when documented changes in the worker's accepted medical conditions prevent further participation in the vocational plan.

(c) When a vocational plan interruption is the result of the worker's actions, the worker's entitlement to benefits shall be suspended in accordance with RCW 51.32.110. If plan development or implementation is recommenced, the cost and duration of the plan shall not include credit for that expended prior to the interruption. A vocational plan interruption is considered a result of the worker's actions when it is due to the failure to meet attendance expectations set by the training or educational institution, failure to achieve passing grades or acceptable performance review, unaccepted or postinjury conditions that prevent further participation in the vocational plan, or the worker's failure to abide by the accountability agreement per subsection (3)(a) of this section.

Sec. 6. RCW 74.08A.250 and 2006 c 107 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter, "work activity" means:

(1) Unsubsidized paid employment in the private or public sector;

(2) Subsidized paid employment in the private or public sector, including employment through the state or federal work-study program for a period not to exceed twenty-four months;

(3) Work experience, including:

(a) An internship or practicum, that is paid or unpaid and is required to complete a course of vocational training or to obtain a license or certificate in a high-demand (~~field~~) occupation, as

determined by the employment security department. No internship or practicum shall exceed twelve months; or

(b) Work associated with the refurbishing of publicly assisted housing, if sufficient paid employment is not available;

(4) On-the-job training;

(5) Job search and job readiness assistance;

(6) Community service programs;

(7) Vocational educational training, not to exceed twelve months with respect to any individual;

(8) Job skills training directly related to employment;

(9) Education directly related to employment, in the case of a recipient who has not received a high school diploma or a GED;

(10) Satisfactory attendance at secondary school or in a course of study leading to a GED, in the case of a recipient who has not completed secondary school or received such a certificate;

(11) The provision of child care services to an individual who is participating in a community service program;

(12) Internships, that shall be paid or unpaid work experience performed by an intern in a business, industry, or government or nongovernmental agency setting;

(13) Practicums, which include any educational program in which a student is working under the close supervision of a professional in an agency, clinic, or other professional practice setting for purposes of advancing their skills and knowledge;

(14) Services required by the recipient under RCW 74.08.025(3) and 74.08A.010(3) to become employable; and

(15) Financial literacy activities designed to be effective in assisting a recipient in becoming self-sufficient and financially stable.

NEW SECTION. Sec. 7. Section 5 of this act expires June 30, 2013."

On page 1, line 2 of the title, after "development;" strike the remainder of the title and insert "amending RCW 28B.50.030, 28B.50.273, 50.22.130, 50.22.150, 51.32.099, and 74.08A.250; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1395 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Wallace spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1395, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1395, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias, Pettigrew, Quall, Rodne and Upthegrove.

HOUSE BILL NO. 1395, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1740 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 18.32.195 and 2005 c 454 s 1 and 2005 c 164 s 1 are each reenacted and amended to read as follows:

The commission may, without examination, issue a license to persons who possess the qualifications set forth in this section.

(1) The commission may, upon written request of the dean of the school of dentistry of the University of Washington, issue a license to practice dentistry in this state to persons who have been licensed or otherwise authorized to practice dentistry in another state or country and who have been accepted for employment by the school of dentistry as faculty members. For purposes of this subsection, this means teaching members of the faculty of the school of dentistry of the University of Washington. Such license shall permit the holder thereof to practice dentistry within the confines of the university facilities for a period of one year while he or she is so employed as a faculty member by the school of dentistry of the University of Washington. It shall terminate whenever the holder ceases to be a faculty member. Such license shall permit the holder thereof to practice dentistry only in connection with his or her duties in employment with the school of dentistry of the University of Washington. This limitation shall be stated on the license.

(2) The commission may, upon written request of the dean of the school of dentistry of the University of Washington or the director of a postdoctoral dental residency program (~~(under RCW 18.32.040)~~) approved by the commission, issue a limited license to practice dentistry in this state to university postdoctoral students or residents in (~~(postgraduate)~~) dental education or (~~(postdoctorate)~~) postdoctoral residents in a dental residency program (~~(under RCW 18.32.040)~~) approved by the commission. Prior to July 1, 2010, a dental residency program must be accredited by the commission on dental accreditation, or be in the process of obtaining such accreditation, in order to be approved by the commission. On or after July 1, 2010, the dental residency program must be accredited by the commission on dental accreditation in order to be approved by the commission. The license shall permit the resident dentist to provide dental care only in connection with his or her duties as a university postdoctoral dental student or resident or a (~~(postdoctorate)~~) postdoctoral resident in a program (~~(under RCW 18.32.040)~~) approved by the commission.

(3) The commission may condition the granting of a license under this section with terms the commission deems appropriate. All persons licensed under this section shall be subject to the jurisdiction of the commission to the same extent as other members of the dental profession, in accordance with this chapter, and in addition the licensee may be disciplined by the commission after a hearing has been held in accordance with the provisions set forth in this chapter, and determination by the commission that such licensee has violated any of the restrictions set forth in this section.

(4) Persons applying for licensure pursuant to this section shall pay the application fee determined by the secretary and, in the event the license applied for is issued, a license fee at the rate provided for licenses generally. After review by the commission, licenses issued under this section may be renewed annually if the licensee continues to be employed as a faculty member of the school of dentistry of the University of Washington, or is a university postdoctoral student or resident in (~~(postgraduate)~~) dental education, or a (~~(postdoctorate)~~) postdoctoral resident in a dental residency program (~~(under RCW 18.32.040)~~) approved by the commission, and otherwise meets the requirements of the provisions and conditions deemed appropriate by

the commission. Any person who obtains a license pursuant to this section may, without an additional application fee, apply for licensure under this chapter, in which case the applicant shall be subject to examination and the other requirements of this chapter.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "dentistry;" strike the remainder of the title and insert "reenacting and amending RCW 18.32.195; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1740 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1740, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1740, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias, Pettigrew, Quall, Rodne and Uptegrove.

SUBSTITUTE HOUSE BILL NO. 1740, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.631 and 1984 c 209 s 11 are each amended to read as follows:

(1) If an offender violates any condition or requirement of a sentence, a community corrections officer may arrest or cause the arrest of the offender without a warrant, pending a determination by the court or a department of corrections hearing officer. If there is reasonable cause to believe that an offender has violated a condition

or requirement of the sentence, a community corrections officer may require an offender ((may be required)) to submit to a search and seizure of the offender's person, residence, automobile, or other personal property.

(2) For the safety and security of department staff, an offender may be required to submit to pat searches, or other limited security searches, by community corrections officers, correctional officers, and other agency approved staff, without reasonable cause, when in or on department premises, grounds, or facilities, or while preparing to enter department premises, grounds, facilities, or vehicles. Pat searches of offenders shall be conducted only by staff who are the same gender as the offender, except in emergency situations.

(3) A community corrections officer may also arrest an offender for any crime committed in his or her presence. The facts and circumstances of the conduct of the offender shall be reported by the community corrections officer, with recommendations, to the court or department of corrections hearing officer.

If a community corrections officer arrests or causes the arrest of an offender under this section, the offender shall be confined and detained in the county jail of the county in which the offender was taken into custody, and the sheriff of that county shall receive and keep in the county jail, where room is available, all prisoners delivered to the jail by the community corrections officer, and such offenders shall not be released from custody on bail or personal recognizance, except upon approval of the court or authorized department staff, pursuant to a written order."

On page 1, line 2 of the title, after "personnel;" strike the remainder of the title and insert "and amending RCW 9.94A.631."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Dickerson and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1792, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1792, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 0; Absent, 0; Excused, 7.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias, Pettigrew, Quall, Rodne and Uptegrove.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 2, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1812 with the following amendment:

On page 2, after line 22, insert the following:

"NEW SECTION. Sec. 2. This act applies to wine made from grapes harvested after December 31, 2009."

On page 1, line 1 of the title, after "labels;" strike the remainder of the title and insert "amending RCW 66.28.110; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1812 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Conway spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1812, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1812, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams and Wood.

Excused: Representatives Chandler, Hurst, Liias, Pettigrew, Rodne and Upthegrove.

SUBSTITUTE HOUSE BILL NO. 1812, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1816 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 19.250.005 and 2008 c 271 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Directory" or "directory form" means a categorized list or compilation of phone numbers, or a single phone number, in written, audio, electronic, digital, or any other format.

(2) "Directory provider" means any person in the business of marketing, selling, or sharing the phone number of any subscriber in directory form for commercial purposes.

~~((2))~~ (3) "Radio communications service company" has the same meaning as in RCW 80.04.010.

~~((3))~~ (4) "Reverse phone number search services" means a service that provides the name of a subscriber associated with a phone number when the phone number is supplied.

~~((4))~~ (5) "Subscriber" means a person who resides in the state of Washington and subscribes to radio communications services, radio paging, or cellular communications service with a Washington state area code.

~~((5))~~ (6) "Wireless phone number" means a phone number unique to the subscriber that permits the subscriber to receive radio communications, radio paging, or cellular communications from others.

Sec. 2. RCW 19.250.030 and 2008 c 271 s 5 are each amended to read as follows:

(1) A subscriber ~~((who provides express, opt-in consent under RCW 19.250.010 and 19.250.020 may revoke that consent))~~ may request that a directory provider or a radio communications service company remove their wireless phone number from a directory of any form at any time. A radio communications service company ~~((and))~~ or a directory provider shall, at no cost to the subscriber, comply with the subscriber's request to ~~((opt-out))~~ remove their wireless phone number from a directory of any form within a reasonable period of time, not to exceed sixty days for printed directories and not to exceed thirty days for online or other directories.

(2) At the subscriber's request, a provider of a reverse phone number search service must allow a subscriber to perform a reverse phone number search free of charge to determine whether the subscriber's wireless phone number is listed in the reverse phone number search service. If the subscriber finds that his or her wireless phone number is contained in the reverse phone number search service, the subscriber may ~~((opt-out of having))~~ request that his or her wireless phone number ~~((included in))~~ be removed from the reverse phone number search service at any time. The provider of the reverse phone number search service must, at no cost to the subscriber, comply with the subscriber's request ~~((to opt-out))~~ within a reasonable period of time, not to exceed thirty days.

~~((3))~~ A subscriber shall not be charged for opting out of having his or her wireless phone number listed in a directory or reverse phone number search service.)

Sec. 3. RCW 19.250.070 and 2008 c 271 s 9 are each amended to read as follows:

~~((This chapter does not apply to the provision of wireless phone numbers, for the purposes indicated, to:))~~

(1) The provision or maintenance of a subscriber's wireless phone number is not prohibited by this chapter when the number is provided or maintained by:

(a) Any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or ~~((private for-profit))~~ corporation operating under contract with, and at the direction of, one or more of these agencies, ~~((for the exclusive purpose of responding to a 911 call or communicating an imminent threat to life or property. Information or records provided to a private for-profit corporation pursuant to subsection (2) of this section must be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records are not open to examination for any purpose not directly connected with the administration of the services specified in this subsection))~~ when carrying out official duties;

~~((2))~~ (A) (b) A person carrying out a lawful order or process issued under state or federal law;

~~((3))~~ (c) A telecommunications company providing service between service areas for the provision of telephone services to the

subscriber between service areas, or to third parties for the limited purpose of providing billing services;

~~((4))~~ (d) A telecommunications company to effectuate a customer's request to transfer the customer's assigned telephone number from the customer's existing provider of telecommunications services to a new provider of telecommunications services;

~~((5))~~ (e) The utilities and transportation commission pursuant to its jurisdiction and control over telecommunications companies;

~~((6))~~ (f) A sales agent to provide the subscriber's wireless phone numbers to the radio communications service company for the limited purpose of billing and customer service;

~~((7))~~ A directory provider that has undertaken a reasonable investigation pursuant to RCW 19.250.020 and is unable to determine whether the phone number is a wireless phone number;

~~((8))~~ (g) A directory provider ~~((that publishes a subscriber's wireless phone number in))~~ via a directory that is obtained directly from a radio communications service company and that radio communications service company has obtained the required express, opt-in consent for including in any directory the subscriber's wireless phone number as specified in RCW 19.250.010;

~~((9))~~ (h) A person ~~((that publishes a subscriber's wireless phone number in))~~ via a directory where the subscriber pays a fee to have the number published for commercial purposes;

~~((10))~~ (i) A person ~~((that publishes a subscriber's wireless phone number that was))~~ who ported the number from listed wireline service to wireless service within the previous fifteen months; ~~(and~~

~~(11) A consumer reporting agency as defined in RCW 19.182.010 for use as a unique identifier of a consumer in a consumer report as defined in RCW 19.182.010)~~

(j) A person for uses permitted or authorized under the federal fair credit reporting act (15 U.S.C. Sec. 1681(b)), or for uses permitted or authorized under Title V of the Gramm-Leach-Bliley Act (15 U.S.C. Sec. 6801, et seq.); and

(k) A person in comprehensive reports or public records when the public record is not altered from its original form. For purposes of this subsection, a comprehensive report means law enforcement investigations, risk and security analysis for employment or vendor evaluation, legal research and case management, legal compliance analysis, and academic research.

(2) The provision of a subscriber's wireless phone number is not prohibited by this chapter when the number is provided to any law enforcement agency, fire protection agency, public health agency, public environmental health agency, city or county emergency services planning agency, or corporation operating under contract with, and at the direction of, one or more of these agencies, when carrying out official duties. Information or records provided to a corporation pursuant to this section must be held in confidence by that corporation and by any individual employed by or associated with that corporation. Such information or records are not open to examination for any purpose not directly connected with carrying out an agency's official duties.

Sec. 4. RCW 19.250.050 and 2008 c 271 s 7 are each amended to read as follows:

(1) Every knowing violation of RCW 19.250.010 is punishable by a fine of not less than two thousand dollars and no more than fifty thousand dollars for each violation.

(2) Including a wireless phone number in a directory without a subscriber's express, opt-in consent pursuant to RCW 19.250.020 is a violation of this chapter and is punishable by a fine of up to fifty thousand dollars unless the directory provider first conducted a reasonable investigation as required in RCW 19.250.020 and was unable to determine if the published number was a wireless phone number.

~~((2))~~ (3) Failure to remove a wireless phone number from a directory of any form within a reasonable period of time as required in RCW 19.250.030 is a violation of this chapter and is punishable by a fine of up to fifty thousand dollars.

(4) The attorney general may bring actions to enforce compliance with this section. For the first violation by any company, organization, or person under this chapter, the attorney general may notify the company, organization, or person with a letter of warning that this chapter has been violated.

~~((3))~~ (5) A telecommunications company or directory provider, or any official or employee of a telecommunications company or directory provider, is not subject to criminal or civil liability for the release of customer information as authorized by this chapter.

NEW SECTION. Sec. 5. RCW 19.250.060 (Directories maintained before June 12, 2008--Application of section) and 2008 c 271 s 8 are each repealed."

On page 1, line 2 of the title, after "providers;" strike the remainder of the title and insert "amending RCW 19.250.005, 19.250.030, 19.250.070, and 19.250.050; repealing RCW 19.250.060; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1816 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Morrell and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1816, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1816, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 1; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Chase, Clibbom, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Carlyle.

Excused: Representatives Chandler, Hurst, Lias, Pettigrew, Rodne and Upthegrove.

SUBSTITUTE HOUSE BILL NO. 1816, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1835 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 44.04.280 and 2004 c 175 s 1 are each amended to read as follows:

(1) The legislature recognizes that language used in reference to individuals with disabilities shapes and reflects society's attitudes towards people with disabilities. Many of the terms currently used diminish the humanity and natural condition of having a disability.

Certain terms are demeaning and create an invisible barrier to inclusion as equal community members. The legislature finds it necessary to clarify preferred language for new and revised laws by requiring the use of terminology that puts the person before the disability.

(2)(a) The code reviser is directed to avoid all references to: Disabled, developmentally disabled, mentally disabled, mentally ill, mentally retarded, handicapped, cripple, and crippled, in any new statute, memorial, or resolution, and to change such references in any existing statute, memorial, or resolution as sections including these references are otherwise amended by law.

(b) The code reviser is directed to replace terms referenced in (a) of this subsection as appropriate with the following revised terminology: "Individuals with disabilities," "individuals with developmental disabilities," "individuals with mental illness," and "individuals with (~~mental retardation~~) intellectual disabilities."

(3) No statute, memorial, or resolution is invalid because it does not comply with this section.

NEW SECTION. Sec. 2. The code reviser is directed to submit a recommendation to the legislature, in the form of a bill, concerning replacement of the phrase "mental retardation" with the phrase "intellectual disability" and making other perfecting changes that may be required, throughout the Revised Code of Washington. The code reviser shall consult with legislative committee staff and other interested or affected parties. The recommendation must be submitted to the appropriate committees of the house of representatives and the senate by December 1, 2009."

On page 1, line 1 of the title, after "laws;" strike the remainder of the title and insert "amending RCW 44.04.280; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1835 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Angel and Hunt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1835, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1835, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias, Pettigrew, Rodne and Uptegrove.

HOUSE BILL NO. 1835, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1856 with the following amendment:

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 59.18.570 and 2004 c 17 s 2 are each amended to read as follows:

The definitions in this section apply throughout this section and RCW 59.18.575 through 59.18.585 unless the context clearly requires otherwise.

- (1) "Domestic violence" has the same meaning as set forth in RCW 26.50.010.
- (2) "Sexual assault" has the same meaning as set forth in RCW 70.125.030.
- (3) "Stalking" has the same meaning as set forth in RCW 9A.46.110.
- (4) "Qualified third party" means any of the following people acting in their official capacity:
 - (a) Law enforcement officers;
 - (b) Persons subject to the provisions of chapter 18.120 RCW;
 - (c) Employees of a court of the state;
 - (d) Licensed mental health professionals or other licensed counselors;
 - (e) Employees of crime victim/witness programs as defined in RCW 7.69.020 who are trained advocates for the program; and
 - (f) Members of the clergy as defined in RCW 26.44.020.
- (5) "Household member" means a child or adult residing with the tenant other than the perpetrator of domestic violence, stalking, or sexual assault.
- (6) "Tenant screening service provider" means any nongovernmental agency that provides, for a fee, background information on prospective tenants to landlords.
- (7) "Credit reporting agency" has the same meaning as set forth in RCW 19.182.010(5).
- (8) "Unlawful harassment" has the same meaning as in RCW 10.14.020 and also includes any request for sexual favors to a tenant or household member in return for a change in or performance of any or all terms of a lease or rental agreement.
- (9) "Landlord" has the same meaning as in RCW 59.18.030 and includes the landlord's employees.

Sec. 2. RCW 59.18.575 and 2006 c 138 s 27 are each amended to read as follows:

(1)(a) If a tenant notifies the landlord in writing that he or she or a household member was a victim of an act that constitutes a crime of domestic violence, sexual assault, unlawful harassment, or stalking, and either (a)(i) or (ii) of this subsection applies, then subsection (2) of this section applies:

(i) The tenant or the household member has a valid order for protection under one or more of the following: Chapter 7.90, 26.50, or 26.26 RCW or RCW 9A.46.040, 9A.46.050, 10.14.080, 10.99.040 (2) or (3), or 26.09.050; or

(ii) The tenant or the household member has reported the domestic violence, sexual assault, unlawful harassment, or stalking to a qualified third party acting in his or her official capacity and the qualified third party has provided the tenant or the household member a written record of the report signed by the qualified third party.

(b) When a copy of a valid order for protection or a written record of a report signed by a qualified third party, as required under (a) of this subsection, is made available to the landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under chapter ~~((59.12))~~ 59.18 RCW. However, the request to terminate the rental agreement must occur within ninety days of the reported act, event, or circumstance that gave rise to the protective order or report to a qualified third party. A record of the report to a qualified third party that is provided to the tenant or household member shall consist of a document signed and dated by the qualified third party stating: (i) That the tenant or the household member notified him or her that he or she was a victim of an act or acts that constitute a crime of domestic violence, sexual assault, unlawful harassment, or stalking; (ii) the time and date the act or acts occurred; (iii) the location where the act or acts occurred; (iv) a brief description of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking; and (v) that the tenant or household member informed him or her of the name of the alleged perpetrator of the act or acts. The record of the report provided to the tenant or household member shall not include the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking. The qualified third party shall keep a copy of the record of the report and shall note on the retained copy the name of the alleged perpetrator of the act or acts of domestic violence, sexual assault, unlawful harassment, or stalking. The record of the report to a qualified third party may be accomplished by completion of a form provided by the qualified third party, in substantially the following form:

.....
[Name of organization, agency, clinic, professional service provider]

I and/or my (household member) am/is a victim of

- ... domestic violence as defined by RCW 26.50.010.
- ... sexual assault as defined by RCW 70.125.030.
- ... stalking as defined by RCW 9A.46.110.
- ... unlawful harassment as defined by RCW 59.18.570.

Briefly describe the incident of domestic violence, sexual assault, unlawful harassment, or stalking:

.....
The incident(s) that I rely on in support of this declaration occurred on the following date(s) and time(s) and at the following location(s):

The incident(s) that I rely on in support of this declaration were committed by the following person(s):

.....
I state under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

Dated at (city) ., Washington, this ... day of, 20. ..

.....
Signature of Tenant or
Household Member

I verify that I have provided to the person whose signature appears above the statutes cited in RCW 59.18.575 and that the individual was a victim of an act that constitutes a crime of domestic violence, sexual assault, unlawful harassment, or stalking, and that the individual informed me of the name of the alleged perpetrator of the act.

Dated this ... day of, 20. ..

.....
 Signature of authorized
 officer/employee of
 (Organization, agency,
 clinic, professional
 service provider)

(2) A tenant who terminates a rental agreement under this section is discharged from the payment of rent for any period following the last day of the month of the quitting date. The tenant shall remain liable for the rent for the month in which he or she terminated the rental agreement unless the termination is in accordance with RCW 59.18.200(1). Notwithstanding lease provisions that allow for forfeiture of a deposit for early termination, a tenant who terminates under this section is entitled to the return of the full deposit, subject to RCW 59.18.020 and 59.18.280. Other tenants who are parties to the rental agreement, except household members who are the victims of sexual assault, stalking, unlawful harassment, or domestic violence, are not released from their obligations under the rental agreement or other obligations under this chapter.

(3)(a) Notwithstanding any other provision under this section, if a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may terminate the rental agreement and quit the premises without further obligation under the rental agreement or under this chapter prior to making a copy of a valid order for protection or a written record of a report signed by a qualified third party available to the landlord, provided that:

(i) The tenant must deliver a copy of a valid order for protection or written record of a report signed by a qualified third party to the landlord by mail, fax, or personal delivery by a third party within seven days of quitting the tenant's dwelling unit; and

(ii) A written record of a report signed by the qualified third party must be substantially in the form specified under subsection (1)(b) of this section. The record of the report provided to the landlord must not include the name of the alleged perpetrator of the act. On written request by the landlord, the qualified third party shall, within seven days, provide the name of the alleged perpetrator of the act to the landlord only if the alleged perpetrator was a person meeting the definition of the term "landlord" under RCW 59.18.570.

(b) A tenant who terminates his or her rental agreement under this subsection is discharged from the payment of rent for any period following the latter of: (i) The date the tenant vacates the unit; or (ii) the date the record of the report of the qualified third party and the written notice that the tenant has vacated are delivered to the landlord by mail, fax, or personal delivery by a third party. The tenant is entitled to a pro rata refund of any prepaid rent and must receive a full and specific statement of the basis for retaining any of the deposit together with any refund due in accordance with RCW 59.18.280.

(4) If a tenant or a household member is a victim of sexual assault, stalking, or unlawful harassment by a landlord, the tenant may change or add locks to the tenant's dwelling unit at the tenant's expense. If a tenant exercises his or her rights to change or add locks, the following rules apply:

(a) Within seven days of changing or adding locks, the tenant must deliver to the landlord by mail, fax, or personal delivery by a third party: (i) Written notice that the tenant has changed or added locks; and (ii) a copy of a valid order for protection or a written record of a report signed by a qualified third party. A written record of a report signed by a qualified third party must be substantially in the form specified under subsection (1)(b) of this section. The record of the report provided to the landlord must not include the name of the alleged perpetrator of the act. On written request by the landlord, the qualified third party shall, within seven days, provide the name of the alleged perpetrator to the landlord only if the alleged perpetrator was a person meeting the definition of the term "landlord" under RCW 59.18.570.

(b) After the tenant provides notice to the landlord that the tenant has changed or added locks, the tenant's rental agreement shall terminate on the ninetieth day after providing such notice, unless:

(i) Within sixty days of providing notice that the tenant has changed or added locks, the tenant notifies the landlord in writing that the tenant does not wish to terminate his or her rental agreement. If the perpetrator has been identified by the qualified third party and is no longer an employee or agent of the landlord or owner and does not reside at the property, the tenant shall provide the owner or owner's designated agent with a copy of the key to the new locks at the same time as providing notice that the tenant does not wish to terminate his or her rental agreement. A tenant who has a valid protection, antiharassment, or other protective order against the owner of the premises or against an employee or agent of the landlord or owner is not required to provide a key to the new locks until the protective order expires or the tenant vacates; or

(ii) The tenant exercises his or her rights to terminate the rental agreement under subsection (3) of this section within sixty days of providing notice that the tenant has changed or added locks.

(c) After a landlord receives notice that a tenant has changed or added locks to his or her dwelling unit under (a) of this subsection, the landlord may not enter the tenant's dwelling unit except as follows:

(i) In the case of an emergency, the landlord may enter the unit if accompanied by a law enforcement or fire official acting in his or her official capacity. If the landlord reasonably concludes that the circumstances require immediate entry into the unit, the landlord may, after notifying emergency services, use such force as necessary to enter the unit if the tenant is not present; or

(ii) The landlord complies with the requirements of RCW 59.18.150 and clearly specifies in writing the time and date that the landlord intends to enter the unit and the purpose for entering the unit. The tenant must make arrangements to permit access by the landlord.

(d) The exercise of rights to change or add locks under this subsection does not discharge the tenant from the payment of rent until the rental agreement is terminated and the tenant vacates the unit.

(e) The tenant may not change any locks to common areas and must make keys for new locks available to other household members.

(f) Upon vacating the dwelling unit, the tenant must deliver the key and all copies of the key to the landlord by mail or personal delivery by a third party.

(5) A tenant's remedies under this section do not preempt any other legal remedy available to the tenant.

(6) The provision of verification of a report under subsection (1)(b) of this section does not waive the confidential or privileged nature of the communication between a victim of domestic violence, sexual assault, or stalking with a qualified third party pursuant to RCW 5.60.060, 70.123.075, or 70.125.065. No record or evidence obtained from such disclosure may be used in any civil, administrative, or criminal proceeding against the victim unless a written waiver of applicable evidentiary privilege is obtained, except that the verification itself, and no other privileged information, under subsection (1)(b) of this section may be used in civil proceedings brought under this section."

On page 1, line 2 of the title, after "stalking;" strike the remainder of the title and insert "and amending RCW 59.18.570 and 59.18.575."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1856 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kessler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1856, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1856, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias, Pettigrew, Rodne and Upthegrove.

SUBSTITUTE HOUSE BILL NO. 1856, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the education of children who are deaf presents unique challenges because deafness is a low-incidence disability significantly impacting the child's ability to access communication at home, at school, and in the community. The legislature further finds that over the past fifty years, there have been numerous advances in technology as well as a growing awareness about the importance of delivering services to children in a variety of communication modalities to support their early and continued access to communication. The legislature intends to enhance the coordination of regionally delivered educational services and supports for children who are deaf or hard of hearing and to promote the development of communication-rich learning environments for these children.

NEW SECTION. Sec. 2. A new section is added to chapter 72.42 RCW to read as follows:

(1) The Washington state center for childhood deafness and hearing loss is established to provide statewide leadership for the coordination and delivery of educational services to children who are deaf or hard of hearing. The activities of the center shall be under the authority of the director and the board of trustees. The

superintendent and board of trustees of the state school for the deaf as of the effective date of this section shall be the director and board of trustees of the center.

(2) The center's primary functions are:

(a) Managing and directing the supervision of the state school for the deaf;

(b) Providing statewide leadership and support for the coordination of regionally delivered educational services in the full range of communication modalities, for children who are deaf or hard of hearing; and

(c) Collaborating with appropriate public and private partners for the training and professional development of educators serving children who are deaf or hard of hearing.

Sec. 3. RCW 72.40.010 and 2002 c 209 s 1 are each amended to read as follows:

There are established at Vancouver, Clark county, a school which shall be known as the state school for the blind, and a separate school which shall be known as the state school for the deaf. The primary purpose of the state school for the blind and the state school for the deaf is to educate and train hearing and visually impaired children.

The school for the blind shall be under the direction of the superintendent with the advice of the board of trustees. The school for the deaf shall be under the direction of the ~~((superintendent))~~ director of the center or the director's designee and the board of trustees.

Sec. 4. RCW 72.40.019 and 1985 c 378 s 14 are each amended to read as follows:

The governor shall appoint a ~~((superintendent))~~ director for the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss. The ~~((superintendent))~~ director shall have a masters or higher degree from an accredited college or university in school administration or deaf education, five or more years of experience teaching or providing habilitative services to deaf or hard of hearing students ~~((in the classroom))~~, and three or more years administrative or supervisory experience in programs for deaf or hard of hearing students.

NEW SECTION. Sec. 5. A new section is added to chapter 72.42 RCW to read as follows:

In addition to any other powers and duties prescribed by law, the director of the Washington state center for childhood deafness and hearing loss:

(1) Shall be responsible for the supervision and management of the center, including the state school for the deaf, and the property of various kinds. The director may designate an individual to oversee the day-to-day operation and supervision of students at the school;

(2) Shall employ members of the faculty, administrative officers, and other employees, who shall all be subject to chapter 41.06 RCW, the state civil service law, unless specifically exempted by other provisions of law;

(3) Shall provide technical assistance and support as appropriate to local and regional efforts to build critical mass and communication-rich networking opportunities for children who are deaf or hard of hearing and their families;

(4) Shall establish the course of study including vocational training, with the assistance of the faculty and the approval of the board of trustees;

(5) Shall, as approved by the board of trustees, control and authorize the use of the facilities for night school, summer school, public meetings, applied research and training for the instruction of students who are deaf or hard of hearing, outreach and support to families of children who are deaf or hard of hearing, or other purposes consistent with the purposes of the center;

(6) Shall purchase all supplies and lease or purchase equipment and other personal property needed for the operation or maintenance of the center;

(7) Shall prepare, submit to the board of trustees for approval, and administer the budget consistent with RCW 43.88.160 and the budget and accounting act, chapter 43.88 RCW generally, as applicable;

(8) Shall provide technical assistance and support to educational service districts for the regional delivery of a full range of educational services to students who are deaf or hard of hearing,

including but not limited to services relying on American Sign Language, auditory oral education, total communication, and signed exact English;

(9) As requested by educational service districts, shall recruit, employ, and deploy itinerant teachers to provide in-district services to children who are deaf or hard of hearing;

(10) May establish criteria, in addition to state certification, for the teachers at the school and employees of the center;

(11) May establish, with the approval of the board of trustees, new facilities as needs demand;

(12) May adopt rules, under chapter 34.05 RCW, as approved by the board of trustees and as deemed necessary for the governance, management, and operation of the center;

(13) May adopt rules, as approved by the board of trustees, for pedestrian and vehicular traffic on property owned, operated, and maintained by the center;

(14) Except as otherwise provided by law, may enter into contracts as the director deems essential to the purpose of the center;

(15) May receive gifts, grants, conveyances, devises, and bequests of real or personal property from whatever source, as may be made from time to time, in trust or otherwise, whenever the terms and conditions will aid in carrying out the programs of the center; sell, lease, or exchange, invest, or expend the same or the proceeds, rents, profits, and income thereof except as limited by the terms and conditions thereof; and adopt rules to govern the receipt and expenditure of the proceeds, rents, profits, and income thereof;

(16) May adopt rules, as approved by the board of trustees, providing for the transferability of employees between the center and the school for the blind consistent with collective bargaining agreements in effect; and

(17) May adopt rules under chapter 34.05 RCW, as approved by the board of trustees, and perform all other acts not forbidden by law as the director deems necessary or appropriate to the administration of the center.

Sec. 6. RCW 72.40.024 and 2002 c 209 s 4 are each amended to read as follows:

In addition to the powers and duties under RCW 72.40.022 (~~and 72.40.023~~) and section 5 of this act, the superintendent of (~~each~~) the school for the blind and the director of the Washington state center for childhood deafness and hearing loss, or the director's designee, shall:

(1) Monitor the location and educational placement of each student reported to the superintendent(~~s~~) and the director, or the director's designee, by the educational service district superintendents;

(2) Provide information about educational programs, instructional techniques, materials, equipment, and resources available to students with visual or auditory impairments to the parent or guardian, educational service district superintendent, and the superintendent of the school district where the student resides; and

(3) Serve as a consultant to the office of the superintendent of public instruction, provide instructional leadership, and assist school districts in improving their instructional programs for students with visual or hearing impairments.

Sec. 7. RCW 72.40.028 and 2006 c 263 s 829 are each amended to read as follows:

All teachers (~~at the state school for the deaf~~) employed by the Washington state center for childhood deafness and hearing loss and the state school for the blind shall meet all certification requirements and the programs shall meet all accreditation requirements and conform to the standards defined by law or by rule of the Washington professional educator standards board or the office of the state superintendent of public instruction. The superintendent(~~s~~) and the director, by rule, may adopt additional educational standards for their respective (~~schools~~) facilities. Salaries of all certificated employees shall be set so as to conform to and be contemporary with salaries paid to other certificated employees of similar background and experience in the school district in which the program or facility is located. The superintendent(~~s~~) and the director may provide for provisional certification for teachers in their respective (~~schools~~) facilities including certification for emergency, temporary, substitute, or provisional duty.

Sec. 8. RCW 72.40.120 and 1991 c 65 s 1 are each amended to read as follows:

Any appropriation for the (~~school for the deaf~~) Washington state center for childhood deafness and hearing loss or the school for the blind shall be made directly to the (~~school for the deaf~~) center or the school for the blind.

Sec. 9. RCW 72.40.200 and 2000 c 125 s 1 are each amended to read as follows:

The (~~state school for the deaf~~) Washington state center for childhood deafness and hearing loss and the state school for the blind shall promote the personal safety of students and protect the children who attend from child abuse and neglect as defined in RCW 26.44.020.

Sec. 10. RCW 72.40.210 and 2000 c 125 s 2 are each amended to read as follows:

The (~~superintendents~~) director of the (~~state school for the deaf~~) Washington state center for childhood deafness and hearing loss and the superintendent of the state school for the blind or their designees shall immediately report to the persons indicated the following events:

(1) To the child's parent, custodian, or guardian:

(a) The death of the child;

(b) Hospitalization of a child in attendance or residence at the (~~school~~) facility;

(c) Allegations of child abuse or neglect in which the parent's child in attendance or residence at the (~~school~~) facility is the alleged victim;

(d) Allegations of physical or sexual abuse in which the parent's child in attendance or residence at the (~~school~~) facility is the alleged perpetrator;

(e) Life-threatening illness;

(f) The attendance at the (~~school~~) facility of any child who is a registered sex offender under RCW 9A.44.130 as permitted by RCW 4.24.550.

(2) Notification to the parent shall be made by the means most likely to be received by the parent. If initial notification is made by telephone, such notification shall be followed by notification in writing within forty-eight hours after the initial (~~oral~~) verbal contact is made.

NEW SECTION. Sec. 11. (1) The state school for the deaf is hereby abolished and its powers, duties, and functions are hereby transferred to the Washington state center for childhood deafness and hearing loss. All references to the superintendent or the state school for the deaf in the Revised Code of Washington shall be construed to mean the director or the Washington state center for childhood deafness and hearing loss.

(2)(a) All reports, documents, surveys, books, records, files, papers, or written material in the possession of the state school for the deaf shall be delivered to the custody of the Washington state center for childhood deafness and hearing loss. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the state school for the deaf shall be made available to the Washington state center for childhood deafness and hearing loss. All funds, credits, or other assets held by the state school for the deaf shall be assigned to the Washington state center for childhood deafness and hearing loss.

(b) Any appropriations made to the state school for the deaf shall, on the effective date of this section, be transferred and credited to the Washington state center for childhood deafness and hearing loss.

(c) If any question arises as to the transfer of any personnel, funds, books, documents, records, papers, files, equipment, or other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned.

(3) All employees of the state school for the deaf are transferred to the jurisdiction of the Washington state center for childhood deafness and hearing loss. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the Washington state center for childhood deafness and hearing loss to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate

thereafter in accordance with the laws and rules governing state civil service.

(4) All rules and all pending business before the state school for the deaf shall be continued and acted upon by the Washington state center for childhood deafness and hearing loss. All existing contracts and obligations shall remain in full force and shall be performed by the Washington state center for childhood deafness and hearing loss.

(5) The transfer of the powers, duties, functions, and personnel of the state school for the deaf shall not affect the validity of any act performed before the effective date of this section.

(6) If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

(7) The existing bargaining units shall be transferred in their entirety without the merging of other bargaining units or the inclusion of employees from other bargaining units. Nothing contained in this section may be construed to alter any of the existing collective bargaining units unless the bargaining unit has been modified by action of the public employment relations commission as provided by law. Therefore, the certification of the existing bargaining units shall remain. However, the commission may, upon request, amend the certification to reflect the name of the new agency. In addition, nothing in this section may be construed to alter the provisions of any existing collective bargaining agreement until the agreement has expired.

Sec. 12. RCW 72.40.031 and 1985 c 378 s 16 are each amended to read as follows:

The school year for the state school for the blind and the state school for the deaf shall commence on the first day of July of each year and shall terminate on the 30th day of June of the succeeding year. The regular school term shall be for a period of nine months and shall commence as near as reasonably practical at the time of the commencement of regular terms in ~~((the))~~ other public schools, with the equivalent number of days as are now required by law, and the regulations of the superintendent of public instruction as now or hereafter amended, during the school year in ~~((the))~~ other public schools. The school and the center shall observe all legal holidays, in the same manner as other agencies of state government, and ~~((the schools))~~ will not be in session on such days and such other days as may be approved by the ~~((respective))~~ superintendent~~((s))~~ or the director. During the period when the schools are not in session during the regular school term, schools may be operated, subject to the approval of the ~~((respective))~~ superintendent~~((s))~~ or the director or the director's designee, for the instruction of students or for such other reasons which are in furtherance of the objects and purposes of ~~((such schools))~~ the respective facilities.

Sec. 13. RCW 72.42.010 and 2002 c 209 s 5 are each amended to read as follows:

It is the intention of the legislature, in creating a board of trustees for the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss to perform the duties set forth in this chapter, that the board of trustees perform needed oversight services to the governor and the legislature of the ~~((Washington state school for the deaf))~~ center in the development of programs for the hard of hearing ~~((impaired))~~, and in the operation of the ~~((Washington state))~~ center, including the school for the deaf.

Sec. 14. RCW 72.42.015 and 1985 c 378 s 32 are each amended to read as follows:

Unless the context clearly requires otherwise as used in this chapter "~~((superintendent))~~ director" means ~~((superintendent))~~ the director of the Washington state ~~((school for the deaf))~~ center for childhood deafness and hearing loss.

Sec. 15. RCW 72.42.016 and 2002 c 209 s 6 are each amended to read as follows:

Unless the context clearly requires otherwise, as used in this chapter:

(1) "Center" means the Washington state center for childhood deafness and hearing loss serving local school districts across the state; and

(2) "School" means the Washington state residential school for the deaf located in Vancouver, Washington.

Sec. 16. RCW 72.42.021 and 2002 c 209 s 7 are each amended to read as follows:

(1) The governance of the center and the school shall be vested in a board of trustees. The board shall consist of nine members appointed by the governor, with the consent of the senate. The board shall be composed of a resident from each of the state's congressional districts and may include:

(a) One member who is deaf or hard of hearing ~~((impaired))~~;

(b) Two members who are experienced educational professionals;

(c) One member who is experienced in providing residential services to youth; and

(d) One member who is the parent of a child who is deaf or hard of hearing ~~((impaired))~~ and who is receiving or has received educational services related to deafness or hearing impairment from a public educational institution.

(2) No voting trustee may be an employee of the school or the center, a member of the board of directors of any school district, a member of the governing board of any public or private educational institution ~~((a school district or educational service district administrator appointed after July 1, 1986,))~~ or an elected officer or member of the legislative authority of any municipal corporation. No more than two voting trustees may be school district or educational service district administrators appointed after July 1, 1986.

(3) Trustees shall be appointed by the governor to serve a term of five years, except that any person appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed within sixty days of the vacancy and appointed only for the remainder of the term. Of the initial members, three must be appointed for two-year terms, three must be appointed for three-year terms, and the remainder must be appointed for five-year terms.

(4) The board shall not be deemed unlawfully constituted and a trustee shall not be deemed ineligible to serve the remainder of the trustee's unexpired term on the board solely by reason of the establishment of new or revised boundaries for congressional districts. In such an event, each trustee may continue to serve in office for the balance of the term for which he or she was appointed so long as the trustee continues to reside within the boundaries of the congressional district as they existed at the time of his or her appointment. Vacancies which occur in a trustee position during the balance of any term shall be filled pursuant to subsection (3) of this section by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was appointed as they existed at the time of his or her appointment. At the completion of such term, and thereafter, a successor shall be appointed from the congressional district which corresponds in number with the congressional district from which the incumbent was appointed.

Sec. 17. RCW 72.42.041 and 2002 c 209 s 8 are each amended to read as follows:

The board of trustees of the ~~((school))~~ center:

(1) Shall adopt rules and regulations for its own governance;

(2) Shall direct the development of, approve, and monitor the enforcement of policies, rules, and regulations pertaining to the school and the center, including but not limited to:

(a) The use of classrooms and other facilities for summer or night schools or for public meetings and any other uses consistent with the mission of the center;

(b) Pedestrian and vehicular traffic on property owned, operated, or maintained by the ~~((school))~~ center;

(c) Governance, management, and operation of the residential facilities;

(d) Transferability of employees between the ~~((school for the deaf))~~ center and the school for the blind consistent with collective bargaining agreements in effect; and

(e) Compliance with state and federal education civil rights laws at the school;

(3) Shall develop a process for recommending candidates for the position of ~~((superintendent))~~ director and upon a vacancy shall submit a list of three qualified candidates for ~~((superintendent))~~ director to the governor;

(4) Shall submit an evaluation of the ~~((superintendent))~~ director to the governor by July 1st of each odd-numbered year that includes a recommendation regarding the retention of the ~~((superintendent))~~ director;

(5) May recommend to the governor at any time that the ~~((superintendent))~~ director be removed for conduct deemed by the board to be detrimental to the interests of the ~~((school))~~ center;

(6) Shall prepare and submit by July 1st of each even-numbered year a report to the governor and the appropriate committees of the legislature which contains a detailed summary of the ~~((school's))~~ center's progress on performance objectives and the ~~((school's))~~ center's work, facility conditions, and revenues and costs of the ~~((school))~~ center for the previous year and which contains those recommendations it deems necessary and advisable for the governor and the legislature to act on;

(7) Shall approve the ~~((school's))~~ center's budget and all funding requests, both operating and capital, submitted to the governor;

(8) Shall direct and approve the development and implementation of comprehensive programs of education, training, and as needed residential living, such that students served by the school receive a challenging and quality education in a safe school environment;

(9) Shall direct, monitor, and approve the implementation of a comprehensive continuous quality improvement system for the ~~((school))~~ center;

(10) Shall monitor and inspect all existing facilities of the ~~((school))~~ center and report its findings in its biennial report to the governor and appropriate committees of the legislature; and

(11) May grant to every student of the school, upon graduation or completion of a program or course of study, a suitable diploma, nonbaccalaureate degree, or certificate.

Sec. 18. RCW 72.40.070 and 1985 c 378 s 22 are each amended to read as follows:

It shall be the duty of each educational service district to make a full and specific report of visually ~~((or hearing))~~ impaired or deaf or hard of hearing youth to the superintendent of the school for the blind or the ~~((school for the deaf))~~ director of the Washington state center for childhood deafness and hearing loss, or the director's designee, as the case may be and the superintendent of public instruction, annually. The superintendent of public instruction shall report about the deaf or hard of hearing or visually impaired youth to the school for the blind and the ~~((school for the deaf))~~ Washington state center for childhood deafness and hearing loss, as the case may be, annually.

Sec. 19. RCW 72.40.220 and 2000 c 125 s 3 are each amended to read as follows:

(1) The ~~((superintendents))~~ director of the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, or the director's designee, and the superintendent of the state school for the blind shall maintain in writing and implement behavior management policies and procedures that accomplish the following:

(a) Support the child's appropriate social behavior, self-control, and the rights of others;

(b) Foster dignity and self-respect for the child;

(c) Reflect the ages and developmental levels of children in care.

(2) The state school for the deaf and the state school for the blind shall use proactive, positive behavior support techniques to manage potential child behavior problems. These techniques shall include but not be limited to:

(a) Organization of the physical environment and staffing patterns to reduce factors leading to behavior incidents;

(b) Intervention before behavior becomes disruptive, in the least invasive and least restrictive manner available;

(c) Emphasis on verbal deescalation to calm the upset child;

(d) Redirection strategies to present the child with alternative resolution choices.

Sec. 20. RCW 72.40.250 and 2000 c 125 s 6 are each amended to read as follows:

In addition to the powers and duties under RCW 72.40.022 and 72.40.024, the ~~((superintendents))~~ director of the ~~((state school for the deaf))~~ Washington state center for childhood deafness and

hearing loss, or the director's designee, and the superintendent of the state school for the blind shall:

(1) Develop written procedures for the supervision of employees and volunteers who have the potential for contact with students. Such procedures shall be designed to prevent child abuse and neglect by providing for adequate supervision of such employees and volunteers, taking into consideration such factors as the student population served, architectural factors, and the size of the facility. Such procedures shall include, but need not be limited to, the following:

(a) Staffing patterns and the rationale for such;

(b) Responsibilities of supervisors;

(c) The method by which staff and volunteers are made aware of the identity of all supervisors, including designated on-site supervisors;

(d) Provision of written supervisory guidelines to employees and volunteers;

(e) Periodic supervisory conferences for employees and volunteers; and

(f) Written performance evaluations of staff to be conducted by supervisors in a manner consistent with applicable provisions of the civil service law.

(2) Develop written procedures for the protection of students when there is reason to believe an incident has occurred which would render a ~~((child))~~ minor student an abused or neglected child within the meaning of RCW 26.44.020. Such procedures shall include, but need not be limited to, the following:

(a) Investigation. Immediately upon notification that a report of child abuse or neglect has been made to the department of social and health services or a law enforcement agency, the superintendent or the director, or the director's designee, shall:

(i) Preserve any potential evidence through such actions as securing the area where suspected abuse or neglect occurred;

(ii) Obtain proper and prompt medical evaluation and treatment, as needed, with documentation of any evidence of abuse or neglect; and

(iii) Provide necessary assistance to the department of social and health services and local law enforcement in their investigations;

(b) Safety. Upon notification that a report of suspected child abuse or neglect has been made to the department of social and health services or a law enforcement agency, the superintendent or the director or his or her designee, with consideration for causing as little disruption as possible to the daily routines of the students, shall evaluate the situation and immediately take appropriate action to assure the health and safety of the students involved in the report and of any other students similarly situated, and take such additional action as is necessary to prevent future acts of abuse or neglect. Such action may include:

(i) Consistent with federal and state law:

(A) Removing the alleged perpetrator from the school;

(B) Increasing the degree of supervision of the alleged perpetrator; and

(C) Initiating appropriate disciplinary action against the alleged perpetrator;

(ii) Provision of increased training and increased supervision to volunteers and staff pertinent to the prevention and remediation of abuse and neglect;

(iii) Temporary removal of the students from a program and reassignment of the students within the school, as an emergency measure, if it is determined that there is a risk to the health or safety of such students in remaining in that program. Whenever a student is removed, pursuant to this subsection (2)(b)(iii), from a special education program or service specified in his or her individualized education program, the action shall be reviewed in an individualized education program meeting; and

(iv) Provision of counseling to the students involved in the report or any other students, as appropriate;

(c) Corrective action plans. Upon receipt of the results of an investigation by the department of social and health services pursuant to a report of suspected child abuse or neglect, the superintendent or the director, or the director's designee, after consideration of any recommendations by the department of social and health services for preventive and remedial action, shall implement a written plan of

action designed to assure the continued health and safety of students and to provide for the prevention of future acts of abuse or neglect.

Sec. 21. RCW 72.40.280 and 2002 c 208 s 2 are each amended to read as follows:

(1) The department of social and health services must periodically monitor the residential program at the state school for the deaf, including but not limited to examining the residential-related policies and procedures as well as the residential facilities. The department of social and health services must make recommendations to the ~~((school's superintendent))~~ director and the board of trustees of the center or its successor board on health and safety improvements related to child safety and well-being. The department of social and health services must conduct the monitoring reviews at least ~~((quarterly until December 1, 2006))~~ annually. The director or the director's designee may from time to time request technical assistance from the department of social and health services.

(2) The department of social and health services must conduct a comprehensive child health and safety review, as defined in rule, of the residential program at the state school for the deaf every three years. ~~((The department of social and health services must deliver the first health and safety review to the governor, the legislature, the school's superintendent, and the school's board of trustees or successor board by December 1, 2004.))~~

(3) The state school for the deaf must provide the department of social and health services' staff with full and complete access to all records and documents that the department staff may request to carry out the requirements of this section. The department of social and health services must have full and complete access to all students and staff of the state school for the deaf to conduct interviews to carry out the requirements of this section.

(4) For the purposes of this section, the department of social and health services must use the safety standards established in this chapter when conducting the reviews.

Sec. 22. RCW 72.42.060 and 1975-'76 2nd ex.s. c 34 s 168 are each amended to read as follows:

Each member of the board of trustees shall receive travel expenses as provided in RCW 43.03.050 and 43.03.060 as now existing or hereafter amended, and such payments shall be a proper charge to any funds appropriated or allocated for the support of the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss.

Sec. 23. RCW 26.44.210 and 2002 c 208 s 1 are each amended to read as follows:

(1) The department must investigate referrals of alleged child abuse or neglect occurring at the state school for the deaf, including alleged incidents involving students abusing other students; determine whether there is a finding of abuse or neglect; and determine whether a referral to law enforcement is appropriate under this chapter.

(2) The department must send a copy of the investigation report, including the finding, regarding any incidents of alleged child abuse or neglect at the state school for the deaf to the ~~((school's superintendent))~~ center's director, or the director's designee. The department may include recommendations to the ~~((superintendent))~~ director and the board of trustees or its successor board for increasing the safety of the school's students.

Sec. 24. RCW 28A.155.160 and 2007 c 115 s 15 are each amended to read as follows:

Notwithstanding any other provision of law, the office of the superintendent of public instruction, the department of early learning, the Washington state ~~((school for the deaf))~~ center for childhood deafness and hearing loss, the Washington state school for the blind, school districts, educational service districts, and all other state and local government educational agencies and the department of services for the blind, the department of social and health services, and all other state and local government agencies concerned with the care, education, or habilitation or rehabilitation of children with disabilities may enter into interagency cooperative agreements for the purpose of providing assistive technology devices and services to children with disabilities. Such arrangements may include but are not limited to interagency agreements for the acquisition, including joint funding, maintenance, loan, sale, lease, or transfer of assistive

technology devices and for the provision of assistive technology services including but not limited to assistive technology assessments and training.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities. The term "assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. Assistive technology service includes:

(1) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(3) Selecting, designing, fitting, customizing, adapting, applying, retaining, repairing, or replacing of assistive technology devices;

(4) Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;

(5) Training or technical assistance for a child with a disability or if appropriate, the child's family; and

(6) Training or technical assistance for professionals, including individuals providing education and rehabilitation services, employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of children with disabilities.

Sec. 25. RCW 28A.310.010 and 1988 c 65 s 1 are each amended to read as follows:

It shall be the intent and purpose of this chapter to establish educational service districts as regional agencies which are intended to:

(1) Provide cooperative and informational services to local school districts;

(2) Assist the superintendent of public instruction and the state board of education in the performance of their respective statutory or constitutional duties; and

(3) Provide services to school districts and to the ~~((school for the deaf))~~ Washington state center for childhood deafness and hearing loss and the school for the blind to assure equal educational opportunities.

Sec. 26. RCW 28A.310.180 and 1990 c 33 s 276 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Comply with rules or regulations of the state board of education and the superintendent of public instruction.

(2) If the district board deems necessary, establish and operate for the schools within the boundaries of the educational service district a depository and distribution center for films, tapes, charts, maps, and other instructional material as recommended by the school district superintendents within the service area of the educational service district: PROVIDED, That the district may also provide the services of the depository and distribution center to private schools within the district so long as such private schools pay such fees that reflect actual costs for services and the use of instructional materials as may be established by the educational service district board.

(3) Establish cooperative service programs for school districts within the educational service district and joint purchasing programs for schools within the educational service district pursuant to RCW 28A.320.080(3): PROVIDED, That on matters relating to cooperative service programs the board and superintendent of the educational service district shall seek the prior advice of the superintendents of local school districts within the educational service district.

(4) Establish direct student service programs for school districts within the educational service district including pupil transportation. However, for the provision of state-funded pupil transportation for special education cooperatives programs for special education conducted under RCW 28A.155.010 through 28A.155.100, the

educational service district, with the consent of the participating school districts, shall be entitled to receive directly state apportionment funds for that purpose: PROVIDED, That the board of directors and superintendent of a local school district request the educational service district to perform said service or services: PROVIDED FURTHER, That the educational service district board of directors and superintendents agree to provide the requested services: PROVIDED, FURTHER, That the provisions of chapter 39.34 RCW are strictly adhered to: PROVIDED FURTHER, That the educational service district board of directors may contract with the ~~((school for the deaf))~~ Washington state center for childhood deafness and hearing loss and the school for the blind to provide transportation services or other services necessary for the regional delivery of educational services for children who are deaf or hearing impaired.

Sec. 27. RCW 28A.310.200 and 2006 c 263 s 610 are each amended to read as follows:

In addition to other powers and duties as provided by law, every educational service district board shall:

(1) Approve the budgets of the educational service district in accordance with the procedures provided for in this chapter;

(2) Meet regularly according to the schedule adopted at the organization meeting and in special session upon the call of the chair or a majority of the board;

(3) Approve the selection of educational service district personnel and clerical staff as provided in RCW 28A.310.230;

(4) Fix the amount of and approve the bonds for those educational service district employees designated by the board as being in need of bonding;

(5) Keep in the educational service district office a full and correct transcript of the boundaries of each school district within the educational service district;

(6) Acquire by borrowing funds or by purchase, lease, devise, bequest, and gift and otherwise contract for real and personal property necessary for the operation of the educational service district and to the execution of the duties of the board and superintendent thereof and sell, lease, or otherwise dispose of that property not necessary for district purposes. No real property shall be acquired or alienated without the prior approval of the superintendent of public instruction and the acquisition or alienation of all such property shall be subject to such provisions as the superintendent may establish. When borrowing funds for the purpose of acquiring property, the educational service district board shall pledge as collateral the property to be acquired. Borrowing shall be evidenced by a note or other instrument between the district and the lender;

(7) Under RCW 28A.310.010, upon the written request of the board of directors of a local school district or districts served by the educational service district, the educational service district board of directors may provide cooperative and informational services not in conflict with other law that provide for the development and implementation of programs, activities, services, or practices that support the education of preschool through twelfth grade students in the public schools or that support the effective, efficient, or safe management and operation of the school district or districts served by the educational service district;

(8) Adopt such bylaws and rules for its own operation as it deems necessary or appropriate; and

(9) Enter into contracts, including contracts with common and educational service districts and the ~~((school for the deaf))~~ Washington state center for childhood deafness and hearing loss and the school for the blind for the joint financing of cooperative service programs conducted pursuant to RCW 28A.310.180(3), and employ consultants and legal counsel relating to any of the duties, functions, and powers of the educational service districts.

Sec. 28. RCW 28A.335.205 and 1997 c 104 s 2 are each amended to read as follows:

Notwithstanding any other provision of law, the office of the superintendent of public instruction, the Washington state school for the blind, the Washington state ~~((school for the deaf))~~ center for childhood deafness and hearing loss, school districts, educational service districts, and all other state or local governmental agencies concerned with education may loan, lease, sell, or transfer assistive

devices for the use and benefit of children with disabilities to children with disabilities or their parents or to any other public or private nonprofit agency providing services to or on behalf of individuals with disabilities including but not limited to any agency providing educational, health, or rehabilitation services. The notice requirement in RCW 28A.335.180 does not apply to the loan, lease, sale, or transfer of such assistive devices. The sale or transfer of such devices is authorized under this section regardless of whether or not the devices have been declared surplus. The sale or transfer shall be recorded in an agreement between the parties and based upon the item's depreciated value.

For the purposes of this section, "assistive device" means any item, piece of equipment, or product system, whether acquired commercially off-the-shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of children with disabilities.

For the purpose of implementing this section, each educational agency shall establish and maintain an inventory of assistive technology devices in its possession that exceed one hundred dollars and, for each such device, shall establish a value, which shall be adjusted annually to reflect depreciation.

This section shall not enhance or diminish the obligation of school districts to provide assistive technology to children with disabilities where needed to achieve a free and appropriate public education and equal opportunity in accessing academic and extracurricular activities.

Sec. 29. RCW 28A.400.303 and 2007 c 35 s 1 are each amended to read as follows:

(1) School districts, educational service districts, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, and their contractors hiring employees who will have regularly scheduled unsupervised access to children shall require a record check through the Washington state patrol criminal identification system under RCW 43.43.830 through 43.43.834, 10.97.030, and 10.97.050 and through the federal bureau of investigation before hiring an employee. The record check shall include a fingerprint check using a complete Washington state criminal identification fingerprint card. The requesting entity shall provide a copy of the record report to the applicant. When necessary, applicants may be employed on a conditional basis pending completion of the investigation. If the applicant has had a record check within the previous two years, the district, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, or contractor may waive the requirement. Except as provided in subsection (2) of this section, the district, pursuant to chapter 41.59 or 41.56 RCW, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, or contractor hiring the employee shall determine who shall pay costs associated with the record check.

(2) Federal bureau of Indian affairs-funded schools may use the process in subsection (1) of this section to perform record checks for their employees and applicants for employment.

Sec. 30. RCW 28A.400.305 and 2007 c 35 s 2 are each amended to read as follows:

The superintendent of public instruction shall adopt rules as necessary under chapter 34.05 RCW on record check information. The rules shall include, but not be limited to the following:

(1) Written procedures providing a school district, ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, state school for the blind, or federal bureau of Indian affairs-funded school employee or applicant for certification or employment access to and review of information obtained based on the record check required under RCW 28A.400.303; and

(2) Written procedures limiting access to the superintendent of public instruction record check database to only those individuals processing record check information at the office of the superintendent of public instruction, the appropriate school district or districts, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, the appropriate educational service district or districts, and the appropriate federal bureau of Indian affairs-funded schools.

Sec. 31. RCW 28A.600.420 and 1997 c 265 s 5 are each amended to read as follows:

(1) Any elementary or secondary school student who is determined to have carried a firearm onto, or to have possessed a firearm on, public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools, shall be expelled from school for not less than one year under RCW 28A.600.010. The superintendent of the school district, educational service district, ~~((state school for the deaf))~~ or state school for the blind, or the director of the Washington state center for childhood deafness and hearing loss, or the director's designee, may modify the expulsion of a student on a case-by-case basis.

(2) For purposes of this section, "firearm" means a firearm as defined in 18 U.S.C. Sec. 921, and a "firearm" as defined in RCW 9.41.010.

(3) This section shall be construed in a manner consistent with the individuals with disabilities education act, 20 U.S.C. Sec. 1401 et seq.

(4) Nothing in this section prevents a public school district, educational service district, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, or the state school for the blind if it has expelled a student from such student's regular school setting from providing educational services to the student in an alternative setting.

(5) This section does not apply to:

(a) Any student while engaged in military education authorized by school authorities in which rifles are used but not other firearms; or

(b) Any student while involved in a convention, showing, demonstration, lecture, or firearms safety course authorized by school authorities in which the rifles of collectors or instructors are handled or displayed but not other firearms; or

(c) Any student while participating in a rifle competition authorized by school authorities.

(6) A school district may suspend or expel a student for up to one year subject to subsections (1), (3), (4), and (5) of this section, if the student acts with malice as defined under RCW 9A.04.110 and displays an instrument that ~~((appeared [appears]))~~ appears to be a firearm, on public elementary or secondary school premises, public school-provided transportation, or areas of facilities while being used exclusively by public schools.

Sec. 32. RCW 41.40.088 and 2000 c 247 s 107 are each amended to read as follows:

(1) A plan 1 member who is employed by a school district or districts, an educational service district, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, the state school for the blind, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable for six hundred thirty hours or more during that period, and is employed during nine months of that period, except that a member may not receive credit for any period prior to the member's employment in an eligible position;

(b) If a member in an eligible position does not meet the requirements of (a) of this subsection, the member is entitled to a service credit month for each month of the period he or she earns earnable compensation for seventy or more hours; and the member is entitled to a one-quarter service credit month for those calendar months during which he or she earned compensation for less than seventy hours.

(2) Except for any period prior to the member's employment in an eligible position, a plan 2 or plan 3 member who is employed by a school district or districts, an educational service district, the state school for the blind, the ~~((state school for the deaf))~~ Washington state center for childhood deafness and hearing loss, institutions of higher education, or community colleges:

(a) Shall receive a service credit month for each month of the period from September through August of the following year if he or she is employed in an eligible position, earns compensation earnable

for eight hundred ten hours or more during that period, and is employed during nine months of that period;

(b) If a member in an eligible position for each month of the period from September through August of the following year does not meet the hours requirements of (a) of this subsection, the member is entitled to one-half service credit month for each month of the period if he or she earns earnable compensation for at least six hundred thirty hours but less than eight hundred ten hours during that period, and is employed nine months of that period;

(c) In all other instances, a member in an eligible position is entitled to service credit months as follows:

(i) One service credit month for each month in which compensation is earned for ninety or more hours;

(ii) One-half service credit month for each month in which compensation is earned for at least seventy hours but less than ninety hours; and

(iii) One-quarter service credit month for each month in which compensation is earned for less than seventy hours;

(d) After August 31, 2000, school districts and educational service districts will no longer be employers for the public employees' retirement system plan 2 or plan 3.

(3) The department shall adopt rules implementing this section.

Sec. 33. RCW 70.198.020 and 2004 c 47 s 2 are each amended to read as follows:

(1) There is established an advisory council in the department of social and health services for the purpose of advancing the development of a comprehensive and effective statewide system to provide prompt and effective early interventions for children in the state who are deaf or hard of hearing and their families.

(2) Members of the advisory council shall have training, experience, or interest in hearing loss in children. Membership shall include, but not be limited to, the following: Pediatricians; audiologists; teachers of the deaf and hard of hearing; parents of children who are deaf or hard of hearing; a representative from the Washington state ~~((school for the deaf))~~ center for childhood deafness and hearing loss; and representatives of the infant toddler early intervention program in the department of social and health services, the department of health, and the office of the superintendent of public instruction.

NEW SECTION. Sec. 34. (1) The board of trustees and the director of the center for childhood deafness and hearing loss shall implement a process for gathering information from stakeholders to examine service availability and gaps and to identify service delivery options, resources, and policy changes for the implementation and operation of two demonstration sites for regional programs serving children who are deaf or hard of hearing. One demonstration site shall be in an educational service district in eastern Washington. Information may be gathered through meetings conducted in educational service district regions and through other appropriate means, including the P-20 network and internet technologies. Stakeholders from whom information shall be solicited include, but are not limited to:

(a) The office of the superintendent of public instruction, including the Washington sensory disabilities services office;

(b) The office of deaf and hard of hearing services in the department of social and health services;

(c) Educational service district superintendents and school district superintendents;

(d) Parents of school-age children who are deaf or hard of hearing, including organizations advocating for the educational interests of all children who are deaf or hard of hearing without regard to any specific communication modality;

(e) Students who are deaf or hard of hearing;

(f) Adults who are deaf or hard of hearing;

(g) Nongovernmental entities providing educational services in the following communication modalities: Oral communication, manual communication, and total communication;

(h) The department of health; and

(i) The department of early learning.

(2) Based on the information gathered from stakeholders, the board and the director of the center for childhood deafness and hearing loss shall develop a structure and plan for implementing regional education programs at two demonstration sites that:

(a) Are established within an educational service district and managed through shared governance by the school districts;

(b) Collaborate and partner with, enhance, and avoid duplication of existing and available services and programs, both public and private;

(c) Provide services at one or more central locations in the education service districts;

(d) Provide services to students in their resident districts, including students who are deaf or hard of hearing who may not qualify for special education services;

(e) Include educational and transportation services for children, consultation for teachers and staff, and outreach to families; and

(f) Support communication-rich learning environments and instruction of students in the full spectrum of communication modalities by qualified professionals, including American Sign Language, auditory oral education, total communication, and signed exact English.

(3) By December 1, 2010, the board and the director shall brief the legislature and the governor with a recommendation for the location, structure, and governance of the demonstration sites.

(4) This section expires January 1, 2011.

NEW SECTION. Sec. 35. RCW 72.40.023 (Superintendent of the state school for the deaf--Powers and duties) and 2002 c 209 s 3 are each repealed."

On page 1, line 2 of the title, after "impaired;" strike the remainder of the title and insert "amending RCW 72.40.010, 72.40.019, 72.40.024, 72.40.028, 72.40.120, 72.40.200, 72.40.210, 72.40.031, 72.42.010, 72.42.015, 72.42.016, 72.42.021, 72.42.041, 72.40.070, 72.40.220, 72.40.250, 72.40.280, 72.42.060, 26.44.210, 28A.155.160, 28A.310.010, 28A.310.180, 28A.310.200, 28A.335.205, 28A.400.303, 28A.400.305, 28A.600.420, 41.40.088, and 70.198.020; adding new sections to chapter 72.42 RCW; creating new sections; repealing RCW 72.40.023; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Jacks spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1879, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1879, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 0; Absent, 0; Excused, 6.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias, Pettigrew, Rodne and Upthegrove.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1899 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that increasing the number of retired physicians who provide volunteer health care services is a cost-effective way to improve access to health care for many citizens of this state. Physicians holding a retired active license must currently meet many of the same requirements as physicians in active practice, including at least fifty hours of continuing education a year, despite the fact that retired active physicians may only practice a maximum of ninety days a year, are limited to providing primary care services, and are limited to providing such services only in community clinics that are operated by public or private tax-exempt corporations. This presents both financial and practical barriers for retired physicians who wish to provide health care services on a volunteer basis, barriers that are not as stringent in other states that provide similar licenses for retired physicians. It is therefore the intent of the legislature to ease some of these barriers in a manner that does not adversely affect public safety.

Sec. 2. RCW 18.71.080 and 1996 c 191 s 52 are each amended to read as follows:

Every person licensed to practice medicine in this state shall pay licensing fees and renew his or her license in accordance with administrative procedures and administrative requirements adopted as provided in RCW 43.70.250 and 43.70.280. A physician who resides and practices in Washington and obtains or renews a retired active license shall be exempt from licensing fees imposed under this section. The commission may establish rules governing mandatory continuing education requirements which shall be met by physicians applying for renewal of licenses. The rules shall provide that mandatory continuing education requirements may be met in part by physicians showing evidence of the completion of approved activities relating to professional liability risk management. The number of hours of continuing education for a physician holding a retired active license shall not exceed fifty hours per year. The commission, in its sole discretion, may permit an applicant who has not renewed his or her license to be licensed without examination if it is satisfied that such applicant meets all the requirements for licensure in this state, and is competent to engage in the practice of medicine.

Sec. 3. RCW 18.130.250 and 1991 c 229 s 1 are each amended to read as follows:

The disciplining authority may adopt rules pursuant to this section authorizing a retired active license status. An individual credentialed by a disciplining authority regulated in the state under RCW 18.130.040, who is practicing only in emergent or intermittent circumstances as defined by rule established by the disciplining authority, may hold a retired active license at a reduced renewal fee established by the secretary under RCW 43.70.250 or, for a physician regulated pursuant to chapter 18.71 RCW who resides and practices in Washington and holds a retired active license, at no renewal fee. Except as provided in RCW 18.71.080, such a license shall meet the continuing education or continued competency requirements, if any, established by the disciplining authority for renewals, and is subject to the provisions of this chapter. Individuals who have entered into retired status agreements with the disciplinary authority in any jurisdiction shall not qualify for a retired active license under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 18.71 RCW to read as follows:

(1) The commission shall consider amending its rules on retired active physicians in a manner that improves access to health care services for the citizens of this state without compromising public safety. When considering whether to amend its rules, the commission shall, at a minimum, consider the following:

(a) Whether physicians holding retired active licenses should be allowed to provide health care services beyond primary care;

(b) Whether physicians holding retired active licenses should be allowed to provide health care services in settings beyond community clinics operated by public or private tax-exempt corporations; and

(c) The number and type of continuing education hours that physicians holding retired active licenses shall be required to obtain.

(2) The commission shall determine whether it will amend its rules in the manner suggested by this section no later than November 15, 2009. If the commission determines that it will not amend its rules, it shall provide a written explanation of its decision to the appropriate committees of the legislature no later than December 1, 2009.

Sec. 5. RCW 43.70.110 and 2007 c 259 s 11 are each amended to read as follows:

(1) The secretary shall charge fees to the licensee for obtaining a license. Physicians regulated pursuant to chapter 18.71 RCW who reside and practice in Washington and obtain or renew a retired active license are exempt from such fees. After June 30, 1995, municipal corporations providing emergency medical care and transportation services pursuant to chapter 18.73 RCW shall be exempt from such fees, provided that such other emergency services shall only be charged for their pro rata share of the cost of licensure and inspection, if appropriate. The secretary may waive the fees when, in the discretion of the secretary, the fees would not be in the best interest of public health and safety, or when the fees would be to the financial disadvantage of the state.

(2) Except as provided in subsection (3) of this section, fees charged shall be based on, but shall not exceed, the cost to the department for the licensure of the activity or class of activities and may include costs of necessary inspection.

(3) License fees shall include amounts in addition to the cost of licensure activities in the following circumstances:

(a) For registered nurses and licensed practical nurses licensed under chapter 18.79 RCW, support of a central nursing resource center as provided in RCW 18.79.202, until June 30, 2013;

(b) For all health care providers licensed under RCW 18.130.040, the cost of regulatory activities for retired volunteer medical worker licensees as provided in RCW 18.130.360; and

(c) For physicians licensed under chapter 18.71 RCW, physician assistants licensed under chapter 18.71A RCW, osteopathic physicians licensed under chapter 18.57 RCW, osteopathic physicians' assistants licensed under chapter 18.57A RCW, naturopaths licensed under chapter 18.36A RCW, podiatrists licensed under chapter 18.22 RCW, chiropractors licensed under chapter 18.25 RCW, psychologists licensed under chapter 18.83 RCW, registered nurses licensed under chapter 18.79 RCW, optometrists licensed under chapter 18.53 RCW, mental health counselors licensed under chapter 18.225 RCW, massage therapists licensed under chapter 18.108 RCW, clinical social workers licensed under chapter 18.225 RCW, and acupuncturists licensed under chapter 18.06 RCW, the license fees shall include up to an additional twenty-five dollars to be transferred by the department to the University of Washington for the purposes of RCW 43.70.112.

(4) Department of health advisory committees may review fees established by the secretary for licenses and comment upon the appropriateness of the level of such fees."

On page 1, line 1 of the title, after "license;" strike the remainder of the title and insert "amending RCW 18.71.080, 18.130.250, and 43.70.110; adding a new section to chapter 18.71 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1899 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Warnick and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1899, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1899, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias, Pettigrew and Rodne.

SECOND SUBSTITUTE HOUSE BILL NO. 1899, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1943 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that well-prepared and appropriately supported teachers and caregivers are essential to improving the quality of early learning programs and enhancing the nature of children's experiences in those programs. The legislature also finds that professional development programs and supports are most effective when they are easily accessed by workers; aligned with other elements of quality; and articulated with degree-granting programs and clearly defined career pathways. In addition, the legislature acknowledges the potential for early learning professionals to support effective and positive parenting, and the benefits of making information about early learning and development accessible to the many family, friends, and neighbors providing care for Washington's infants, toddlers, and preschoolers. The legislature further finds that the professional development consortium convened by the early learning advisory council has begun the work necessary to build an integrated system of preparation and ongoing professional development for the state's early learning and school-age program workforce. The legislature intends to promote the momentum of the consortium's work and to request periodic updates from the consortium before receiving a comprehensive report of progress and recommendations.

"NEW SECTION. Sec. 2. (1) In partnership with the department of early learning, the professional development

consortium convened by the early learning advisory council in response to the early learning partnership resolution between the department of early learning, the nongovernmental private-public partnership created in RCW 43.215.070, and the office of the superintendent of public instruction, shall develop recommendations for a statewide system of preparation and continuing professional development for the early learning and school-age program workforce. To develop its recommendations, the consortium shall collaborate or consult with existing work groups and similar efforts underway in Washington.

(2) The professional development consortium shall include representatives from a wide array of organizations, including but not limited to:

- (a) The department of early learning;
- (b) The Washington state department of health;
- (c) Educational service districts and school districts;
- (d) The state board for community and technical colleges;
- (e) The higher education coordinating board;
- (f) The office of the superintendent of public instruction;
- (g) Washington Indian tribes;
- (h) The nongovernmental private-public partnership created in RCW 43.215.070;

(i) The Washington state child care resource and referral network; and

(j) Any other organizations that represent, research, or provide professional development to the early learning and school-age program workforce.

(3) The professional development consortium shall map current professional development resources and strategies across the state to identify gaps in the current system and make recommendations for improving the coordination of existing resources and strategies; define core competencies or core knowledge areas for early learning professionals; and develop recommendations for a plan to implement a statewide, comprehensive, and integrated pathway of preparation and continuing professional development and support for the early learning and school-age program workforce.

(4) Recommendations for the plan shall include but not be limited to:

(a) Creation of a coherent system of professional development, including delineation of core competencies for early learning and school-age program staff, directors, and administrators;

(b) Requirements for articulation agreements between certificate and credential programs, degree-granting programs, professional development programs, and community-based training programs to enable students to transition effectively between two and four-year institutions of higher education and to apply approved training programs toward credit-based learning; and

(c) Creation of a comprehensive, integrated registry designed to capture information, including workforce and professional development data, for all early learning and school-age programs that is easily accessible, to the extent allowed by law, by early learning and school-age program professionals, directors, trainers, researchers, resource and referral networks, and the department of early learning.

(5) The report from the professional development consortium shall also include:

(a) An analysis of gaps in available professional development programs and recommendations for programs to address the needs of early learning and school-age providers who serve children with physical or developmental disabilities, behavioral challenges, and other special needs;

(b) A discussion of evidence-based incentives and supports for the early learning and school-age program workforce to obtain additional training and education;

(c) An analysis of evidence-based compensation policies that encourage and reward completion of professional development programs; and

(d) An exploration of strategies for providing professional development opportunities in languages other than English, and incorporation of these opportunities into the comprehensive pathway for preparation and professional development.

(6) The department of early learning and the professional development consortium shall report to the governor and the appropriate committees of the legislature by:

(a) September 15, 2009, and December 31, 2009, with a brief status update of the consortium's work plan; and

(b) December 31, 2010, with final recommendations for a comprehensive statewide integrated system of preparation and continuing professional development for the early learning and school-age program workforce.

(7) This section expires July 1, 2011."

On page 1, line 3 of the title, after "workforce;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1943 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1943, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1943, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darnelle, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias and Pettigrew.

SUBSTITUTE HOUSE BILL NO. 1943, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1951 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds: (1) The full utilization of state salmonid hatcheries is vital to the recreational and commercial fisheries and related economic development and employment; and (2) effective measures are necessary to maintain all hatchery operations that are consistent with conservation of wild salmon populations and support sustainable fisheries.

NEW SECTION. Sec. 2. A new section is added to chapter 77.95 RCW to read as follows:

(1) The department shall establish a program that utilizes department-partner agreements for the resumption or continued operation and management of state-owned salmonid hatcheries now closed or scheduled for closure during the 2009-2011 biennium. To implement the program, the department shall accept and review applications to determine the appropriateness of the partner to manage and operate selected salmonid hatcheries. The department shall accelerate the application process relating to any hatchery currently in operation to avoid cessation of ongoing salmon production.

(2)(a) To select a partner, the department shall develop and apply criteria identifying the appropriateness of a potential partner. The criteria must seek to ensure that the partner has a long-range business plan, which may include the sale of hatchery surplus salmon, including eggs and carcasses, to ensure the long-range future solvency of the partnership.

(b) Partners under this section must be:

(i) Qualified under section 501(c)(3) of the internal revenue code;

(ii) A for-profit private entity; or

(iii) A federally recognized tribe.

(3) The department shall place a higher priority on applications from partners that provide for the maximum resumption or continuation of existing hatchery production in a manner consistent with the mandate contained in RCW 77.04.012 to maintain the economic well-being and stability of the fishing industry.

(4) Agreements entered into with partners under this section must be consistent with existing state laws, agency rules, collective bargaining agreements, hatchery management policy involving species listed under the federal endangered species act, or, in the case of a tribal partner, any applicable tribal hatchery management policy or recreational and commercial harvest policy. Agreements under this section must also require that partners conducting hatchery operations maintain staff with comparable qualifications to those identified in the class specifications for the department's fish hatchery personnel.

(5) All partnership agreements entered into under this section must contain a provision that requires the partner to hold harmless the department and the state for any civil liability arising from the partner's participation in the agreement or activities at the subject hatchery or hatcheries.

(6) All partnership agreements entered into under this section must identify any maintenance or improvements to be made to the hatchery facility, and the source of funding for such maintenance or improvements. If funding for the maintenance or improvements is to come from state funds or revenue sources previously received by the department, the work must be performed either by employees in the classified service or in compliance with the contracting procedures set forth in RCW 41.06.142.

NEW SECTION. Sec. 3. A new section is added to chapter 77.95 RCW to read as follows:

The powers and authority conferred by this chapter must be construed as in addition and supplemental to powers or authority conferred by any other law and nothing contained in this chapter may be construed as limiting any other powers or authority of the department.

Sec. 4. RCW 77.95.090 and 2000 c 107 s 106 are each amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or the commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 77.95.110. Except as provided in section 2 of this act, funds

from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW."

On page 1, line 4 of the title, after "biennium;" strike the remainder of the title and insert "amending RCW 77.95.090; adding new sections to chapter 77.95 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1951 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Finn and Short spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1951, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1951, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darnelle, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst, Liias and Pettigrew.

SECOND SUBSTITUTE HOUSE BILL NO. 1951, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 31, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1957 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.15.010 and 2007 c 241 s 26 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Acquisition" means the purchase on a willing seller basis of fee or less than fee interests in real property. These interests include,

but are not limited to, options, rights of first refusal, conservation easements, leases, and mineral rights.

(2) "Board" means the recreation and conservation funding board.

(3) "Critical habitat" means lands important for the protection, management, or public enjoyment of certain wildlife species or groups of species, including, but not limited to, wintering range for deer, elk, and other species, waterfowl and upland bird habitat, fish habitat, and habitat for endangered, threatened, or sensitive species.

(4) "Farmlands" means any land defined as "farm and agricultural land" in RCW 84.34.020(2).

(5) "Local agencies" means a city, county, town, federally recognized Indian tribe, special purpose district, port district, or other political subdivision of the state providing services to less than the entire state.

(6) "Natural areas" means areas that have, to a significant degree, retained their natural character and are important in preserving rare or vanishing flora, fauna, geological, natural historical, or similar features of scientific or educational value.

(7) "Nonprofit nature conservancy corporation or association" means an organization as defined in RCW 84.34.250.

(8) "Riparian habitat" means land adjacent to water bodies, as well as submerged land such as streambeds, which can provide functional habitat for salmonids and other fish and wildlife species. Riparian habitat includes, but is not limited to, shorelines and near-shore marine habitat, estuaries, lakes, wetlands, streams, and rivers.

~~((8))~~ (9) "Special needs populations" means physically restricted people or people of limited means.

~~((9))~~ (10) "State agencies" means the state parks and recreation commission, the department of natural resources, the department of general administration, and the department of fish and wildlife.

~~((10))~~ (11) "Trails" means public ways constructed for and open to pedestrians, equestrians, or bicyclists, or any combination thereof, other than a sidewalk constructed as a part of a city street or county road for exclusive use of pedestrians.

~~((11))~~ (12) "Urban wildlife habitat" means lands that provide habitat important to wildlife in proximity to a metropolitan area.

~~((12))~~ (13) "Water access" means boat or foot access to marine waters, lakes, rivers, or streams.

Sec. 2. RCW 79A.15.030 and 2007 c 241 s 28 are each amended to read as follows:

(1) Moneys appropriated for this chapter shall be divided as follows:

(a) Appropriations for a biennium of forty million dollars or less must be allocated equally between the habitat conservation account and the outdoor recreation account.

(b) If appropriations for a biennium total more than forty million dollars, the money must be allocated as follows: (i) Twenty million dollars to the habitat conservation account and twenty million dollars to the outdoor recreation account; (ii) any amount over forty million dollars up to fifty million dollars shall be allocated as follows: (A) Ten percent to the habitat conservation account; (B) ten percent to the outdoor recreation account; (C) forty percent to the riparian protection account; and (D) forty percent to the farmlands preservation account; and (iii) any amounts over fifty million dollars must be allocated as follows: (A) Thirty percent to the habitat conservation account; (B) thirty percent to the outdoor recreation account; (C) thirty percent to the riparian protection account; and (D) ten percent to the farmlands preservation account.

(2) Except as otherwise provided in chapter 303, Laws of 2005, moneys deposited in these accounts shall be invested as authorized for other state funds, and any earnings on them shall be credited to the respective account.

(3) All moneys deposited in the habitat conservation, outdoor recreation, riparian protection, and farmlands preservation accounts shall be allocated as provided under RCW 79A.15.040, 79A.15.050, 79A.15.120, and 79A.15.130 as grants to state or local agencies or nonprofit nature conservancy organizations or associations for acquisition, development, and renovation within the jurisdiction of those agencies, subject to legislative appropriation. The board may use or permit the use of any funds appropriated for this chapter as matching funds where federal, local, or other funds are made available for projects within the purposes of this chapter. Moneys

appropriated to these accounts that are not obligated to a specific project may be used to fund projects from lists of alternate projects from the same account in biennia succeeding the biennium in which the moneys were originally appropriated.

(4) Projects receiving grants under this chapter that are developed or otherwise accessible for public recreational uses shall be available to the public.

(5) The board may make grants to an eligible project from the habitat conservation, outdoor recreation, riparian protection, and farmlands preservation accounts and any one or more of the applicable categories under such accounts described in RCW 79A.15.040, 79A.15.050, 79A.15.120, and 79A.15.130.

(6) The board may accept private donations to the habitat conservation account, the outdoor recreation account, the riparian protection account, and the farmlands preservation account for the purposes specified in this chapter.

(7) The board may apply up to three percent of the funds appropriated for this chapter for its office for the administration of the programs and purposes specified in this chapter.

(8) Habitat and recreation land and facilities acquired or developed with moneys appropriated for this chapter may not, without prior approval of the board, be converted to a use other than that for which funds were originally approved. The board shall adopt rules and procedures governing the approval of such a conversion.

Sec. 3. RCW 79A.15.060 and 2007 c 241 s 31 are each amended to read as follows:

(1) The board may adopt rules establishing acquisition policies and priorities for distributions from the habitat conservation account.

(2) Except as provided in RCW 79A.15.030(7), moneys appropriated for this chapter may not be used by the board to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(3) Moneys appropriated for this chapter may be used by grant recipients for costs incidental to acquisition, including, but not limited to, surveying expenses, fencing, and signing.

~~(4) (Moneys appropriated for this section may be used to fund mitigation banking projects involving the restoration, creation, enhancement, or preservation of critical habitat and urban wildlife habitat, provided that the parties seeking to use the mitigation bank meet the matching requirements of subsection (5) of this section. The moneys from this section may not be used to supplant an obligation of a state or local agency to provide mitigation. For the purposes of this section, a mitigation bank means a site or sites where critical habitat or urban wildlife habitat is restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized project impacts to similar resources.~~

~~—(5))~~ The board may not approve a local project where the local agency share is less than the amount to be awarded from the habitat conservation account.

~~((6))~~ (5) In determining acquisition priorities with respect to the habitat conservation account, the board shall consider, at a minimum, the following criteria:

- (a) For critical habitat and natural areas proposals:
 - (i) Community support for the project;
 - (ii) The project proposal's ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;
 - (iii) Recommendations as part of a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort, and for projects primarily intended to benefit salmon, limiting factors, or critical pathways analysis;
 - (iv) Immediacy of threat to the site;
 - (v) Uniqueness of the site;
 - (vi) Diversity of species using the site;
 - (vii) Quality of the habitat;
 - (viii) Long-term viability of the site;
 - (ix) Presence of endangered, threatened, or sensitive species;
 - (x) Enhancement of existing public property;
 - (xi) Consistency with a local land use plan, or a regional or statewide recreational or resource plan, including projects that assist

in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130;

(xii) Educational and scientific value of the site;

(xiii) Integration with recovery efforts for endangered, threatened, or sensitive species;

(xiv) For critical habitat proposals by local agencies, the statewide significance of the site.

(b) For urban wildlife habitat proposals, in addition to the criteria of (a) of this subsection:

(i) Population of, and distance from, the nearest urban area;

(ii) Proximity to other wildlife habitat;

(iii) Potential for public use; and

(iv) Potential for use by special needs populations.

~~((77))~~ (6) Before November 1st of each even-numbered year, the board shall recommend to the governor a prioritized list of all state agency and local projects to be funded under RCW 79A.15.040(1) (a), (b), and (c). The governor may remove projects from the list recommended by the board and shall submit this amended list in the capital budget request to the legislature. The list shall include, but not be limited to, a description of each project and any particular match requirement, and describe for each project any anticipated restrictions upon recreational activities allowed prior to the project.

Sec. 4. RCW 79A.15.120 and 2007 c 241 s 37 are each amended to read as follows:

(1) The riparian protection account is established in the state treasury. The board must administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board.

(2) Moneys appropriated for this chapter to the riparian protection account must be distributed for the acquisition or enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under subsection ~~((10))~~ (9)(a) of this section, must include the acquisition of a real property interest in order to be eligible.

(3) State and local agencies and lead entities under chapter 77.85 RCW, nonprofit nature conservancy organizations or associations, and the conservation commission may apply for acquisition and enhancement or restoration funds for riparian habitat projects under subsection (1) of this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

(4) The board may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

~~(7) (Moneys appropriated for this section may be used to fund mitigation banking projects involving the restoration, creation, enhancement, or preservation of riparian habitat, provided that the parties seeking to use the mitigation bank meet the matching requirements of subsection (8) of this section. The moneys from this section may not be used to supplant an obligation of a state or local agency to provide mitigation. For the purposes of this section, a mitigation bank means a site or sites where riparian habitat is restored, created, enhanced, or in exceptional circumstances, preserved expressly for the purpose of providing compensatory mitigation in advance of authorized project impacts to similar resources.~~

~~(8))~~ (8)) The board may not approve a local project where the local agency or nonprofit nature conservancy organization or association share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local

agency's or nonprofit nature conservancy organization's or association's share.

~~((9))~~ (8) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due.

~~((10))~~ (9) In determining acquisition priorities with respect to the riparian protection account, the board must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be eligible. Such applications are eligible for a conservation lease extension of at least twenty-five years of duration;

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether the proposal includes an ongoing stewardship program that includes control of noxious weeds, detrimental invasive species, and that identifies the source of the funds from which the stewardship program will be funded;

(e) Whether there is an immediate threat to the site;

(f) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(g) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(h) Whether the site has educational or scientific value; and

(i) Whether the site has passive recreational values for walking trails, wildlife viewing, or the observation of natural settings.

~~((11))~~ (10) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of projects to be funded under this section. The governor may remove projects from the list recommended by the board and will submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

Sec. 5. RCW 79A.15.130 and 2007 c 241 s 38 are each amended to read as follows:

(1) The farmlands preservation account is established in the state treasury. The board will administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board. Moneys appropriated for this chapter to the farmlands preservation account must be distributed for the acquisition and preservation of farmlands in order to maintain the opportunity for agricultural activity upon these lands.

(2)(a) Moneys appropriated for this chapter to the farmlands preservation account may be distributed for (i) the fee simple or less than fee simple acquisition of farmlands; (ii) the enhancement or restoration of ecological functions on those properties; or (iii) both. In order for a farmland preservation grant to provide for an environmental enhancement or restoration project, the project must include the acquisition of a real property interest.

(b) If a city ~~((or))~~, county, nonprofit nature conservancy organization or association, or the conservation commission acquires a property through this program in fee simple, the city ~~((or))~~, county, nonprofit nature conservancy organization or association, or the conservation commission shall endeavor to secure preservation of the

property through placing a conservation easement, or other form of deed restriction, on the property which dedicates the land to agricultural use and retains one or more property rights in perpetuity. Once an easement or other form of deed restriction is placed on the property, the city ~~((or))~~, county, nonprofit nature conservancy organization or association, or the conservation commission shall seek to sell the property, at fair market value, to a person or persons who will maintain the property in agricultural production. Any moneys from the sale of the property shall either be used to purchase interests in additional properties which meet the criteria in subsection (9) of this section, or to repay the grant from the state which was originally used to purchase the property.

(3) Cities ~~((and))~~, counties, nonprofit nature conservancy organizations or associations, and the conservation commission may apply for acquisition and enhancement or restoration funds for farmland preservation projects within their jurisdictions under subsection (1) of this section.

(4) The board may adopt rules establishing acquisition and enhancement or restoration policies and priorities for distributions from the farmlands preservation account.

(5) The acquisition of a property right in a project under this section by a county ~~((or))~~, city, nonprofit nature conservancy organization or association, or the conservation commission does not provide a right of access to the property by the public unless explicitly provided for in a conservation easement or other form of deed restriction.

(6) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by a city ~~((or))~~, county, nonprofit nature conservancy organization or association, or the conservation commission to fund operation or maintenance of areas acquired under this chapter.

(7) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(8) The board may not approve a local project where the local agency's or nonprofit nature conservancy organization's or association's share is less than the amount to be awarded from the farmlands preservation account. In-kind contributions, including contributions of a real property interest in land, may be used to satisfy the local agency's or nonprofit nature conservancy organization's or association's share.

(9) In determining the acquisition priorities, the board must consider, at a minimum, the following criteria:

- (a) Community support for the project;
- (b) A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort;
- (c) The likelihood of the conversion of the site to nonagricultural or more highly developed usage;
- (d) Consistency with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;
- (e) Benefits to salmonids;
- (f) Benefits to other fish and wildlife habitat;
- (g) Integration with recovery efforts for endangered, threatened, or sensitive species;
- (h) The viability of the site for continued agricultural production, including, but not limited to:
 - (i) Soil types;
 - (ii) On-site production and support facilities such as barns, irrigation systems, crop processing and storage facilities, wells, housing, livestock sheds, and other farming infrastructure;
 - (iii) Suitability for producing different types or varieties of crops;
 - (iv) Farm-to-market access;
 - (v) Water availability; and
 - (i) Other community values provided by the property when used as agricultural land, including, but not limited to:
 - (i) Viewshed;

- (ii) Aquifer recharge;
 - (iii) Occasional or periodic collector for storm water runoff;
 - (iv) Agricultural sector job creation;
 - (v) Migratory bird habitat and forage area; and
 - (vi) Educational and curriculum potential.
- (10) In allotting funds for environmental enhancement or restoration projects, the board will require the projects to meet the following criteria:

- (a) Enhancement or restoration projects must further the ecological functions of the farmlands;
- (b) The projects, such as fencing, bridging watercourses, replanting native vegetation, replacing culverts, clearing of waterways, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;
- (c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results; and
- (d) The projects should enhance the viability of the preserved farmland to provide agricultural production while conforming to any legal requirements for habitat protection.

(11) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of all projects to be funded under this section. The governor may remove projects from the list recommended by the board and must submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

Sec. 6. RCW 84.34.250 and 1975-'76 2nd ex.s. c 22 s 4 are each amended to read as follows:

As used in RCW 84.34.210, as now or hereafter amended, ~~((and))~~ RCW 84.34.220, as now or hereafter amended, and RCW 79A.15.010, "nonprofit nature conservancy corporation or association" means an organization which qualifies as being tax exempt under 26 U.S.C. section 501(c) (of the Internal Revenue Code) as it exists on June 25, 1976 and one which has as one of its principal purposes the conducting or facilitating of scientific research; the conserving of natural resources, including but not limited to biological resources, for the general public; or the conserving of open spaces, including but not limited to wildlife habitat to be utilized as public access areas, for the use and enjoyment of the general public.

NEW SECTION. Sec. 7. (1) Within existing funds, the recreation and conservation office must evaluate the use of land preservation mechanisms such as fee simple acquisitions, conservation easements, term conservation easements, and leases and the ability of each to respond to future economic, social, and environmental changes. The recreation and conservation office must compare the relative advantages and disadvantages and costs of each of these land preservation mechanisms. The recreation and conservation office must report its findings and recommendations to the appropriate committees of the legislature by January 1, 2010.

(2) This section expires June 30, 2010.
On page 1, line 2 of the title, after "program," strike the remainder of the title and insert "amending RCW 79A.15.010, 79A.15.030, 79A.15.060, 79A.15.120, 79A.15.130, and 84.34.250; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1957 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Jacks and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1957, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1957, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 65; Nays, 29; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives Chandler, Hurst, Liias and Pettigrew.

SUBSTITUTE HOUSE BILL NO. 1957, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1967 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 36.70A.110 and 2004 c 206 s 1 are each amended to read as follows:

(1) Each county that is required or chooses to plan under RCW 36.70A.040 shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature. Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city. An urban growth area may include territory that is located outside of a city only if such territory already is characterized by urban growth whether or not the urban growth area includes a city, or is adjacent to territory already characterized by urban growth, or is a designated new fully contained community as defined by RCW 36.70A.350.

(2) Based upon the growth management population projection made for the county by the office of financial management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period, except for those urban growth areas contained totally within a national historical reserve.

Each urban growth area shall permit urban densities and shall include greenbelt and open space areas. In the case of urban growth areas contained totally within a national historical reserve, the city may restrict densities, intensities, and forms of urban growth as determined to be necessary and appropriate to protect the physical, cultural, or historic integrity of the reserve. An urban growth area determination may include a reasonable land market supply factor and shall permit a range of urban densities and uses. In determining this market factor, cities and counties may consider local circumstances. Cities and counties have discretion in their comprehensive plans to make many choices about accommodating growth.

Within one year of July 1, 1990, each county that as of June 1, 1991, was required or chose to plan under RCW 36.70A.040, shall begin consulting with each city located within its boundaries and each city shall propose the location of an urban growth area. Within sixty days of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall begin this consultation with each city located within its boundaries. The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located. If such an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated the area an urban growth area. A city may object formally with the department over the designation of the urban growth area within which it is located. Where appropriate, the department shall attempt to resolve the conflicts, including the use of mediation services.

(3) Urban growth should be located first in areas already characterized by urban growth that have adequate existing public facility and service capacities to serve such development, second in areas already characterized by urban growth that will be served adequately by a combination of both existing public facilities and services and any additional needed public facilities and services that are provided by either public or private sources, and third in the remaining portions of the urban growth areas. Urban growth may also be located in designated new fully contained communities as defined by RCW 36.70A.350.

(4) In general, cities are the units of local government most appropriate to provide urban governmental services. In general, it is not appropriate that urban governmental services be extended to or expanded in rural areas except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.

(5) On or before October 1, 1993, each county that was initially required to plan under RCW 36.70A.040(1) shall adopt development regulations designating interim urban growth areas under this chapter. Within three years and three months of the date the county legislative authority of a county adopts its resolution of intention or of certification by the office of financial management, all other counties that are required or choose to plan under RCW 36.70A.040 shall adopt development regulations designating interim urban growth areas under this chapter. Adoption of the interim urban growth areas may only occur after public notice; public hearing; and compliance with the state environmental policy act, chapter 43.21C RCW, and ~~(RCW 36.70A.110)~~ under this section. Such action may be appealed to the appropriate growth management hearings board under RCW 36.70A.280. Final urban growth areas shall be adopted at the time of comprehensive plan adoption under this chapter.

(6) Each county shall include designations of urban growth areas in its comprehensive plan.

(7) An urban growth area designated in accordance with this section may include within its boundaries urban service areas or potential annexation areas designated for specific cities or towns within the county.

(8)(a) Except as provided in (b) of this subsection, the expansion of an urban growth area is prohibited into the one hundred year floodplain of any river or river segment that: (i) Is located west of the crest of the Cascade mountains; and (ii) has a mean annual flow of one thousand or more cubic feet per second as determined by the department of ecology.

(b) Subsection (8)(a) of this section does not apply to:

(i) Urban growth areas that are fully contained within a floodplain and lack adjacent buildable areas outside the floodplain;

(ii) Urban growth areas where expansions are precluded outside floodplains because:

(A) Urban governmental services cannot be physically provided to serve areas outside the floodplain; or

(B) Expansions outside the floodplain would require a river or estuary crossing to access the expansion; or

(iii) Urban growth area expansions where:

(A) Public facilities already exist within the floodplain and the expansion of an existing public facility is only possible on the land

to be included in the urban growth area and located within the floodplain; or

(B) Urban development already exists within a floodplain as of the effective date of this section and is adjacent to, but outside of, the urban growth area, and the expansion of the urban growth area is necessary to include such urban development within the urban growth area; or (C) The land is owned by a jurisdiction planning under this chapter or the rights to the development of the land have been permanently extinguished, and the following criteria are met:

(I) The permissible use of the land is limited to one of the following: Outdoor recreation; environmentally beneficial projects, including but not limited to habitat enhancement or environmental restoration; storm water facilities; flood control facilities; or underground conveyances; and

(II) The development and use of such facilities or projects will not decrease flood storage, increase storm water runoff, discharge pollutants to fresh or salt waters during normal operations or floods, or increase hazards to people and property.

(c) For the purposes of this subsection (8), "one hundred year floodplain" means the same as "special flood hazard area" as set forth in WAC 173-158-040 as it exists on the effective date of this section."

On page 1, line 2 of the title, after "floodplains;" strike the remainder of the title and insert "and amending RCW 36.70A.110."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1967 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives White and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1967, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1967, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 34; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Carlyle, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Kretz, Kristiansen, McCune, Morris, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Chandler, Hurst, Liias and Pettigrew.

ENGROSSED HOUSE BILL NO. 1967, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2003 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 28A.410 RCW to read as follows:

The professional educator standards board shall:

(1) Develop and maintain a research base of educator preparation best practices;

(2) Develop and coordinate initiatives for educator preparation in high-demand fields as well as outreach and recruitment initiatives for underrepresented populations;

(3) Provide program improvement technical assistance to providers of educator preparation programs;

(4) Assure educator preparation program compliance; and

(5) Prepare and maintain a cohesive educator development policy framework.

Sec. 2. RCW 28A.410.200 and 2005 c 497 s 202 are each amended to read as follows:

(1)(a) The Washington professional educator standards board is created, consisting of ~~((twenty))~~ twelve members to be appointed by the governor to four-year terms and the superintendent of public instruction. On August 1, 2009, the board shall be reduced to twelve members.

(b) ~~((As the four-year terms of the first appointees expire or)) Vacancies ~~((to))~~ on the board ~~((occur for the first time;))~~ shall be filled by appointment or reappointment by the governor ~~((shall appoint or reappoint the members of the board to one-year to four-year staggered terms. Once the one-year to three-year terms expire, all subsequent terms shall be for))~~ to terms of four years ~~((with the terms expiring on June 30th of the applicable year. The terms shall be staggered in such a way that, where possible, the terms of members representing a specific group do not expire simultaneously)).~~~~

(c) No person may serve as a member of the board for more than two consecutive full four-year terms.

(d) The governor shall ~~((annually))~~ biennially appoint the chair of the board ~~((from among the teachers and principals on the board)).~~ No board member may serve as chair for more than ~~((two))~~ four consecutive years.

(2) ~~((Seven of the members shall be public school teachers, one shall be a private school teacher, three shall represent higher education educator preparation programs, four shall be school administrators, two shall be educational staff associates, one shall be a classified employee who assists in public school student instruction, one shall be a parent, and one shall be a member of the public.~~

~~(3) Public school teachers appointed to the board must:~~

~~(a) Have at least three years of teaching experience in a Washington public school;~~

~~(b) Be currently certificated and actively employed in a teaching position; and~~

~~(c) Include one teacher currently teaching at the elementary school level, one at the middle school level, one at the high school level, and one vocationally certificated.~~

~~(4) Private school teachers appointed to the board must:~~

~~(a) Have at least three years of teaching experience in a Washington approved private school; and~~

~~(b) Be currently certificated and actively employed in a teaching position in an approved private school.~~

~~(5) Appointees from higher education educator preparation programs must include two representatives from institutions of higher education as defined in RCW 28B.10.016 and one representative from an institution of higher education as defined in RCW 28B.07.020.~~

~~(6) School administrators appointed to the board must:~~

~~(a) Have at least three years of administrative experience in a Washington public school district;~~

~~(b) Be currently certificated and actively employed in a school administrator position; and~~

~~— (c) Include two public school principals, one Washington approved private school principal, and one superintendent.~~

~~— (7) Educational staff associates appointed to the board must:~~

~~— (a) Have at least three years of educational staff associate experience in a Washington public school district; and~~

~~— (b) Be currently certificated and actively employed in an educational staff associate position.~~

~~— (8) Public school classified employees appointed to the board must:~~

~~— (a) Have at least three years of experience in assisting in the instruction of students in a Washington public school; and~~

~~— (b) Be currently employed in a position that requires the employee to assist in the instruction of students.~~

~~— (9) Each major caucus of the house of representatives and the senate shall submit a list of at least one public school teacher. In making the public school teacher appointments, the governor shall select one nominee from each list provided by each caucus. The governor shall appoint the remaining members of the board from a list of qualified nominees submitted to the governor by organizations representative of the constituencies of the board, from applications from other qualified individuals, or from both nominees and applicants.~~

~~— (10) All appointments to the board made by the governor shall be subject to confirmation by the senate.~~

~~— (11) The governor shall appoint the members of the initial board no later than June 1, 2000.~~

~~— (12) In appointing board members, the governor shall consider the diversity of the population of the state.~~

~~— (13)) A majority of the members of the board shall be active practitioners with the majority being classroom based. Membership on the board shall include individuals having one or more of the following:~~

~~— (a) Experience in one or more of the education roles for which state preparation program approval is required and certificates issued;~~

~~— (b) Experience providing or leading a state-approved teacher or educator preparation program;~~

~~— (c) Experience providing mentoring and coaching to education professionals or others; and~~

~~— (d) Education-related community experience.~~

~~— (3) In appointing board members, the governor shall consider the individual's commitment to quality education and the ongoing improvement of instruction, experiences in the public schools or private schools, involvement in developing quality teaching preparation and support programs, and vision for the most effective yet practical system of assuring teaching quality. The governor shall also consider the diversity of the population of the state.~~

~~— (4) All appointments to the board made by the governor are subject to confirmation by the senate.~~

~~— (5) Each member of the board shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses incurred in carrying out the duties of the board in accordance with RCW 43.03.050 and 43.03.060.~~

~~((14)) (6) The governor may remove a member of the board for neglect of duty, misconduct, malfeasance or misfeasance in office, or for incompetency or unprofessional conduct as defined in chapter 18.130 RCW. In such a case, the governor shall file with the secretary of state a statement of the causes for and the order of removal from office, and the secretary of state shall send a certified copy of the statement of causes and order of removal to the last known post office address of the member.~~

~~((15) If a vacancy occurs on the board, the governor shall appoint a replacement member from the nominees as specified in subsection (9) of this section to fill the remainder of the unexpired term. When filling a vacancy of a member nominated by a major caucus of the legislature, the governor shall select the new member from a list of at least one name submitted by the same caucus that provided the list from which the retiring member was appointed.~~

~~— (16)) (7) Members of the board shall hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes only.~~

~~— (8) Members of the board may create informal advisory groups as needed to inform the board's work.~~

Sec. 3. RCW 28A.410.100 and 2005 c 497 s 207 are each amended to read as follows:

Any teacher whose certificate to teach has been questioned under RCW 28A.410.090 shall have a right to be heard by the issuing authority before his or her certificate is revoked. ~~((Any teacher whose certificate to teach has been revoked shall have a right of appeal to the Washington professional educator standards board if notice of appeal is given by written affidavit to the board within thirty days after the certificate is revoked.~~

~~— An appeal to the Washington professional educator standards board within the time specified shall operate as a stay of revocation proceedings until the next regular or special meeting of said board and until the board's decision has been rendered.))~~

Sec. 4. RCW 28A.410.210 and 2008 c 176 s 1 are each amended to read as follows:

The purpose of the professional educator standards board is to establish policies and requirements for the preparation and certification of educators that provide standards for competency in professional knowledge and practice in the areas of certification; a foundation of skills, knowledge, and attitudes necessary to help students with diverse needs, abilities, cultural experiences, and learning styles meet or exceed the learning goals outlined in RCW 28A.150.210; knowledge of research-based practice; and professional development throughout a career. The Washington professional educator standards board shall:

(1) Establish policies and practices for the approval of programs of courses, requirements, and other activities leading to educator certification including teacher, school administrator, and educational staff associate certification;

(2) Establish policies and practices for the approval of the character of work required to be performed as a condition of entrance to and graduation from any educator preparation program including teacher, school administrator, and educational staff associate preparation program as provided in subsection (1) of this section;

(3) Establish a list of accredited institutions of higher education of this and other states whose graduates may be awarded educator certificates as teacher, school administrator, and educational staff associate and establish criteria and enter into agreements with other states to acquire reciprocal approval of educator preparation programs and certification, including teacher certification from the national board for professional teaching standards;

(4) Establish policies for approval of nontraditional educator preparation programs;

(5) Conduct a review of educator program approval standards at least every five years, beginning in 2006, to reflect research findings and assure continued improvement of preparation programs for teachers, administrators, and school specialized personnel;

(6) Specify the types and kinds of educator certificates to be issued and conditions for certification in accordance with subsection (1) of this section and RCW 28A.410.010;

~~(7) ((Hear and determine educator certification appeals as provided by RCW 28A.410.100;~~

~~— (8)) Apply for and receive federal or other funds on behalf of the state for purposes related to the duties of the board;~~

~~((9)) (8) Adopt rules under chapter 34.05 RCW that are necessary for the effective and efficient implementation of this chapter;~~

~~((10)) (9) Maintain data concerning educator preparation programs and their quality, educator certification, educator employment trends and needs, and other data deemed relevant by the board;~~

~~((11)) (10) Serve as an advisory body to the superintendent of public instruction on issues related to educator recruitment, hiring, mentoring and support, professional growth, retention, educator evaluation including but not limited to peer evaluation, and revocation and suspension of licensure;~~

~~((12)) (11) Submit, by October 15th of each even-numbered year, a joint report with the state board of education to the legislative education committees, the governor, and the superintendent of public instruction. The report shall address the progress the boards have made and the obstacles they have encountered, individually and collectively, in the work of achieving the goals set out in RCW 28A.150.210;~~

~~((+3))~~ (12) Establish the prospective teacher assessment system for basic skills and subject knowledge that shall be required to obtain residency certification pursuant to RCW 28A.410.220 through 28A.410.240;

~~((+4))~~ (13) By January 2010, set performance standards and develop, pilot, and implement a uniform and externally administered professional-level certification assessment based on demonstrated teaching skill. In the development of this assessment, consideration shall be given to changes in professional certification program components such as the culminating seminar; and

~~((+5))~~ (14) Conduct meetings under the provisions of chapter 42.30 RCW.

NEW SECTION. Sec. 5. Section 2 of this act takes effect August 1, 2009."

On page 1, line 2 of the title, after "duties;" strike the remainder of the title and insert "amending RCW 28A.410.200, 28A.410.100, and 28A.410.210; adding a new section to chapter 28A.410 RCW; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2003 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2003, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2003, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

SUBSTITUTE HOUSE BILL NO. 2003, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2014 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.64 RCW to read as follows:

(1) Effective July 1, 2010, every prescription written in this state by a licensed practitioner must be written on a tamper-resistant prescription pad or paper approved by the board.

(2) A pharmacist may not fill a written prescription from a licensed practitioner unless it is written on an approved tamper-resistant prescription pad or paper, except that a pharmacist may provide emergency supplies in accordance with the board and other insurance contract requirements.

(3) If a hard copy of an electronic prescription is given directly to the patient, the manually signed hard copy prescription must be on approved tamper-resistant paper that meets the requirements of this section.

(4) For the purposes of this section, "tamper-resistant prescription pads or paper" means a prescription pad or paper that has been approved by the board for use and contains the following characteristics:

(a) One or more industry-recognized features designed to prevent unauthorized copying of a completed or blank prescription form;

(b) One or more industry-recognized features designed to prevent the erasure or modification of information written on the prescription form by the practitioner; and

(c) One or more industry-recognized features designed to prevent the use of counterfeit prescription forms.

(5) Practitioners shall employ reasonable safeguards to assure against theft or unauthorized use of prescriptions.

(6) All vendors must have their tamper-resistant prescription pads or paper approved by the board prior to the marketing or sale of pads or paper in Washington state.

(7) The board shall create a seal of approval that confirms that a pad or paper contains all three industry-recognized characteristics required by this section. The seal must be affixed to all prescription pads or paper used in this state.

(8) The board may adopt rules necessary for the administration of this act.

(9) The tamper-resistant prescription pad or paper requirements in this section shall not apply to:

(a) Prescriptions that are transmitted to the pharmacy by telephone, facsimile, or electronic means; or

(b) Prescriptions written for inpatients of a hospital, outpatients of a hospital, residents of a nursing home, inpatients or residents of a mental health facility, or individuals incarcerated in a local, state, or federal correction facility, when the health care practitioner authorized to write prescriptions writes the order into the patient's medical or clinical record, the order is given directly to the pharmacy, and the patient never has the opportunity to handle the written order.

(10) All acts related to the prescribing, dispensing, and records maintenance of all prescriptions shall be in compliance with applicable federal and state laws, rules, and regulations."

On page 1, line 1 of the title, after "pads;" strike the remainder of the title and insert "and adding a new section to chapter 18.64 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2014 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kelley and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2014, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2014, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

HOUSE BILL NO. 2014, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2025 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.630 and 2007 c 191 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of a person may be released without informed written consent in the following circumstances:

(a) To a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) Consistent with the requirements of the health information portability and accountability act, to a licensed mental health professional, as defined in RCW 71.05.020, or a health care professional licensed under chapter 18.71, 18.71A, 18.57, 18.57A, 18.79, or 18.36A RCW who is providing care to a person, or to whom a person has been referred for evaluation or treatment, to assure coordinated care and treatment of that person. Psychotherapy notes, as defined in 45 C.F.R. Sec. 164.501, may not be released without authorization of the person who is the subject of the request for release of information.

(j) To administrative and office support staff designated to obtain medical records for those licensed professionals listed in (i) of this subsection.

(k) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

~~((f))~~ (l) Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.345, release of records under this section is limited to:

(i) An evaluation report provided pursuant to a written supervision plan.

(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.

(iii) When a person is returned from a treatment facility to a correctional facility, the information provided under ~~((f))~~ (l)(iv) of this subsection.

(iv) Any information necessary to establish or implement changes in the person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.

~~((k))~~ (m) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.

~~((h))~~ (n) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

~~((m))~~ (o) For purposes of coordinating health care, the department may release without informed written consent of the patient, information acquired for billing and collection purposes as

described in (b) of this subsection to all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department shall not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client.

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "and amending RCW 71.05.630."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2025 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Orwall and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2025, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2025, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

HOUSE BILL NO. 2025, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that information technologies have substantially altered the roles and responsibilities of employees in many state agencies since the creation of the Washington management service. With the

understanding that the current economic crisis dictates finding every possible efficiency, the legislature intends to review the state's senior management and exempt services and understands that possible refinements in the service are needed. A review, in consultation with the various stakeholders and in light of current best practices, is warranted.

Sec. 2. RCW 41.06.133 and 2002 c 354 s 204 are each amended to read as follows:

(1) The director shall adopt rules, consistent with the purposes and provisions of this chapter and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

((+)) (a) The reduction, dismissal, suspension, or demotion of an employee;

((+)) (b) Training and career development;

((+)) (c) Probationary periods of six to twelve months and rejections of probationary employees, depending on the job requirements of the class, except that entry level state park rangers shall serve a probationary period of twelve months;

((+)) (d) Transfers;

((+)) (e) Promotional preferences;

((+)) (f) Sick leaves and vacations;

((+)) (g) Hours of work;

((+)) (h) Layoffs when necessary and subsequent reemployment, except for the financial basis for layoffs;

((+)) (i) The number of names to be certified for vacancies;

((+)) (j) Adoption and revision of a state salary schedule to reflect the prevailing rates in Washington state private industries and other governmental units. The rates in the salary schedules or plans shall be increased if necessary to attain comparable worth under an implementation plan under RCW 41.06.155 and, for institutions of higher education and related boards, shall be competitive for positions of a similar nature in the state or the locality in which an institution of higher education or related board is located. Such adoption and revision is subject to approval by the director of financial management in accordance with chapter 43.88 RCW;

((+)) (k) Increment increases within the series of steps for each pay grade based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service;

((+)) (l) Optional lump sum relocation compensation approved by the agency director, whenever it is reasonably necessary that a person make a domiciliary move in accepting a transfer or other employment with the state. An agency must provide lump sum compensation within existing resources. If the person receiving the relocation payment terminates or causes termination with the state, for reasons other than layoff, disability separation, or other good cause as determined by an agency director, within one year of the date of the employment, the state is entitled to reimbursement of the lump sum compensation from the person;

((+)) (m) Providing for veteran's preference as required by existing statutes, with recognition of preference in regard to layoffs and subsequent reemployment for veterans and their surviving spouses by giving such eligible veterans and their surviving spouses additional credit in computing their seniority by adding to their unbroken state service, as defined by the director, the veteran's service in the military not to exceed five years. For the purposes of this section, "veteran" means any person who has one or more years of active military service in any branch of the armed forces of the United States or who has less than one year's service and is discharged with a disability incurred in the line of duty or is discharged at the convenience of the government and who, upon termination of such service, has received an honorable discharge, a discharge for physical reasons with an honorable record, or a release from active military service with evidence of service other than that for which an undesirable, bad conduct, or dishonorable discharge shall be given. However, the surviving spouse of a veteran is entitled to the benefits of this section regardless of the veteran's length of active military service. For the purposes of this section, "veteran" does not include any person who has voluntarily retired with twenty or more years of active military service and whose military retirement pay is in excess of five hundred dollars per month.

(2) Rules adopted under this section by the director shall provide for local administration and management by the institutions of higher education and related boards, subject to periodic audit and review by the director.

(3) Rules adopted by the director under this section may be superseded by the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130. The supersession of such rules shall only affect employees in the respective collective bargaining units.

(4)(a) The director shall require that each state agency report annually the following data:

(i) The number of classified, Washington management service, and exempt employees in the agency and the change compared to the previous report;

(ii) The number of bonuses and performance-based incentives awarded to agency staff and the base wages of such employees; and

(iii) The cost of each bonus or incentive awarded.

(b) A report that compiles the data in (a) of this subsection for all agencies will be provided annually to the governor and the appropriate committees of the legislature and must be posted for the public on the department of personnel's agency web site.

Sec. 3. RCW 41.06.170 and 2002 c 354 s 213 are each amended to read as follows:

(1) The director, in the adoption of rules governing suspensions for cause, shall not authorize an appointing authority to suspend an employee for more than fifteen calendar days as a single penalty or more than thirty calendar days in any one calendar year as an accumulation of several penalties. The director shall require that the appointing authority give written notice to the employee not later than one day after the suspension takes effect, stating the reasons for and the duration thereof.

(2) Any employee who is reduced, dismissed, suspended, or demoted, after completing his or her probationary period of service as provided by the rules of the director, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal, either individually or through his or her authorized representative, not later than thirty days after the effective date of such action to the personnel appeals board through June 30, 2005, and to the Washington personnel resources board after June 30, 2005. The employee shall be furnished with specified charges in writing when a reduction, dismissal, suspension, or demotion action is taken. Such appeal shall be in writing. Decisions of the Washington personnel resources board on appeals filed after June 30, 2005, shall be final and not subject to further appeal.

(3) Any employee whose position has been exempted after July 1, 1993, shall have the right to appeal, either individually or through his or her authorized representative, not later than thirty days after the effective date of such action to the personnel appeals board through June 30, 2005, and to the Washington personnel resources board after June 30, 2005. If the position being exempted is vacant, the exclusive bargaining unit representative may act in lieu of an employee for the purposes of appeal.

(4) An employee incumbent in a position at the time of its allocation or reallocation, or the agency utilizing the position, may appeal the allocation or reallocation to the personnel appeals board through December 31, 2005, and to the Washington personnel resources board after December 31, 2005. Notice of such appeal must be filed in writing within thirty days of the action from which appeal is taken.

(5) Subsections (1) and (2) of this section do not apply to any employee who is subject to the provisions of a collective bargaining agreement negotiated under RCW 41.80.001 and 41.80.010 through 41.80.130."

On page 1, line 1 of the title, after "employment;" strike the remainder of the title and insert "amending RCW 41.06.133 and 41.06.170; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Seaquist and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2049, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2049, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.06B RCW to read as follows:

(1) In 2007, the legislature directed the joint transportation committee to conduct a study of special needs transportation to examine and evaluate the effectiveness of special needs transportation in the state. A particular goal of the study was to explore opportunities to enhance coordination of special needs transportation programs to ensure that they are delivered efficiently and result in improved access and increased mobility options for their clients. It is the intent of the legislature to further consider some of the recommendations, and to implement many of these recommendations in the form of two pilot projects that will test the potential for applying these recommendations statewide in the future.

(2) The legislature is aware that the department of social and health services submitted an application in December of 2008 to the federal centers for medicare and medicaid services, seeking approval to use the medical match system, a federal funding system that has different requirements from the federal administrative match system currently used by the department. It is the intent of the legislature to advance the goals of this act and the recommendations of the study identified in subsection (1) of this section without jeopardizing the application made by the department.

(3) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group for the purpose of identifying relevant federal requirements related to special needs transportation, and identifying solutions to streamline the requirements and increase efficiencies in transportation services provided for persons with special transportation needs. To advance its purpose, the work group shall work with relevant federal representatives and agencies to identify and address various challenges and barriers.

(4) Membership of the work group must include, but not be limited to, one or more representatives from:

- (a) The departments of transportation, veterans affairs, health, and social and health services;
- (b) Medicaid nonemergency medical transportation brokers;
- (c) Public transit agencies;
- (d) Regional and metropolitan transportation planning organizations, including a representative of the regional transportation planning organization or organizations that provide staff support to the local coordinating coalition established under section 9 of this act;
- (e) Indian tribes;
- (f) The agency council on coordinated transportation;
- (g) The local coordinating coalitions established under section 9 of this act; and
- (h) The office of the superintendent of public instruction.

(5) The work group shall elect one or more of its members to service as chair or cochair.

(6) The work group shall immediately contact representatives of the federal congressional delegation for Washington state and the relevant federal agencies and coordinating authorities including, but not limited to, the federal transit administration, the United States department of health and human services, and the interagency transportation coordinating council on access and mobility, and invite the federal representatives to work collaboratively to:

(a) Identify transportation definitions and terminology used in the various relevant state and federal programs, and establish consistent transportation definitions and terminology. For purposes of this subsection, relevant state definitions exclude terminology that requires a medical determination, including whether a trip or service is medically necessary;

(b) Identify restrictions or barriers that preclude federal, state, and local agencies from sharing client lists or other client information, and make progress towards removing any restrictions or barriers;

(c) Identify relevant state and federal performance and cost reporting systems and requirements, and work towards establishing consistent and uniform performance and cost reporting systems and requirements; and

(d) Explore, subject to federal approval, opportunities to test cost allocation models, including the pilot projects established in section 11 of this act, that:

(i) Allow for cost sharing among public paratransit and medicaid nonemergency medical trips; and

(ii) Capture the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(7) By December 1, 2009, the work group shall submit a report to the joint transportation committee that explains the progress made towards the goals of this section and identifies any necessary legislative action that must be taken to implement all the provisions of this section. A second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

NEW SECTION. Sec. 2. A new section is added to chapter 47.06B RCW to read as follows:

(1) By August 15, 2009, the agency council on coordinated transportation shall appoint a work group to consider certain recommendations resulting from the study identified in section 1(1) of this act. In conducting its analysis, the work group must consult with the appropriate federal agencies, including the federal transit administration, the United States department of health and human

services, and the interagency transportation coordinating council on access and mobility.

(2) The work group must be chaired by a representative of the agency council on coordinated transportation, and members must include one or more representatives of:

- (a) Regional and metropolitan planning organizations;
- (b) Transit agencies;
- (c) Brokerages providing nonemergency medical transportation services; and
- (d) The department of social and health services.

(3) The work group may consider any recommendation resulting from the study identified in section 1(1) of this act, and shall specifically consider the study's recommendations regarding the procurement and designation of community access managers, including:

- (a) The most appropriate agency to make those designations;
- (b) The preferred geographic regions in which to establish community access managers;
- (c) The duties and responsibilities of community access managers; and
- (d) Any study recommendations that may interfere with the department's application as described in section 1(2) of this act, and potential solutions to those issues.

(4) The work group may also develop an alternative to the community access manager model proposed in the 2009 special needs transportation study recommendations, as described in section 1(1) of this act, as a recommendation to be considered by the joint transportation committee. Any proposed alternative model must build upon the work conducted in the pilot projects under section 11 of this act and the work completed in the 2009 study, and must be consistent with the goals of the 2009 study.

(5) Subject to available funds, the work group may consult with other agencies and organizations as needed.

(6) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee describing the work group's findings and recommendations for implementing the study recommendations. If the work group finds that additional time is needed to complete its analysis, a second progress report must be submitted to the joint transportation committee by June 1, 2010.

Sec. 3. RCW 47.06B.010 and 2007 c 421 s 1 are each amended to read as follows:

The legislature finds that transportation systems for persons with special needs are not operated as efficiently as possible. In too many cases, programs established by the legislature to assist persons with special needs can not be accessed due to these inefficiencies and coordination barriers.

The legislature further finds that the transportation needs of each community are unique, and that transportation services may be improved by establishing a system of statewide oversight that seeks input, collaboration, and cooperation from and among all local service providers, including public agencies, private organizations, and community-based groups.

It is the intent of the legislature that public transportation agencies, pupil transportation programs, private nonprofit transportation providers, and other public agencies sponsoring programs that require transportation services coordinate those transportation services. Through coordination of transportation services, programs will achieve increased efficiencies and will be able to provide more rides to a greater number of persons with special needs.

Sec. 4. RCW 47.06B.020 and 2007 c 421 s 2 are each amended to read as follows:

(1) The agency council on coordinated transportation is created. The purpose of the council is to advance and improve accessibility to and coordination of special needs transportation services statewide. The council is composed of ~~((ten))~~ fourteen voting members and four nonvoting, legislative members.

(2) The ~~((ten))~~ fourteen voting members are the superintendent of public instruction or a designee, the secretary of transportation or a designee, the secretary of the department of social and health services or a designee, and ~~((seven))~~ eleven members appointed by the governor as follows:

(a) One representative from the office of the governor;
 (b) Three persons who are consumers of special needs transportation services, which must include:

(i) One person designated by the executive director of the governor's committee on disability issues and employment; and

(ii) One person who is designated by the executive director of the developmental disabilities council;

(c) One representative from the Washington association of pupil transportation;

(d) One representative from the Washington state transit association; ~~(and)~~

(e) One of the following:

(i) A representative from the community transportation association of the Northwest; or

(ii) A representative from the community action council association;

(f) One person who represents regional transportation planning organizations and metropolitan planning organizations;

(g) One representative of brokers who provide non-emergency, medically necessary trips to persons with special transportation needs under the medicaid program administered by the department of social and health services;

(h) One representative from the Washington state department of veterans affairs; and

(i) One representative of the state association of counties.

(3) The four nonvoting members are legislators as follows:

(a) Two members from the house of representatives, one from each of the two largest caucuses, appointed by the speaker of the house of representatives, including at least one member from the house transportation policy and budget committee or the house appropriations committee; and

(b) Two members from the senate, one from each of the two largest caucuses, appointed by the president of the senate, including at least one member from the senate transportation committee or the senate ways and means committee.

(4) gubernatorial appointees of the council will serve two-year terms. Members may not receive compensation for their service on the council, but will be reimbursed for actual and necessary expenses incurred in performing their duties as members as set forth in RCW 43.03.220.

~~(5) (The secretary of transportation or a designee shall serve as the chair.~~

~~(6))~~ The council shall vote on an annual basis to elect one of its voting members to serve as chair. The position of chair must rotate among the represented agencies, associations, and interest groups at least every two years. If the position of chair is vacated for any reason, the secretary of transportation or the secretary's designee shall serve as acting chair until the next regular meeting of the council, at which time the members will elect a chair.

(6) The council shall periodically assess its membership to ensure that there exists a balanced representation of persons with special transportation needs and providers of special transportation needs services. Recommendations for modifying the membership of the council must be included in the council's biennial report to the legislature as provided in RCW 47.06B.050.

(7) The department of transportation shall provide necessary staff support for the council.

~~((7))~~ (8) The council may receive gifts, grants, or endowments from public or private sources that are made from time to time, in trust or otherwise, for the use and benefit of the purposes of the council and spend gifts, grants, or endowments or income from the public or private sources according to their terms, unless the receipt of the gifts, grants, or endowments violates RCW 42.17.710.

~~((8))~~ (9) The meetings of the council must be open to the public, with the agenda published in advance, and minutes kept and made available to the public. The public notice of the meetings must indicate that accommodations for persons with disabilities will be made available upon request.

~~((9))~~ (10) All meetings of the council must be held in locations that are readily accessible to public transportation, and must be scheduled for times when public transportation is available.

~~((10))~~ (11) The council shall make an effort to include presentations by and work sessions including persons with special transportation needs.

Sec. 5. RCW 47.06B.030 and 2007 c 421 s 3 are each amended to read as follows:

~~((1))~~ To assure implementation of an effective system of coordinated transportation that meets the needs of persons with special transportation needs, the agency council on coordinated transportation shall:

(1) Consistent with the policy goals set forth in RCW 47.04.280, propose statewide policies and objectives, subject to enactment by the legislature, that are designed to advance the coordination of and to increase efficiencies in special needs transportation services;

(2) Adopt a biennial work plan that must, at a minimum:

(a) Focus on projects that identify and address barriers in laws, policies, and procedures;

(b) Focus on results; and

(c) Identify and advocate for transportation system improvements for persons with special transportation needs(~~(-~~

~~(4) The council shall);~~

(3) Collaborate with and monitor the efforts of the local coordinating coalitions established under section 9 of this act;

(4) Establish uniform measurable outcome-based performance objectives and measures for evaluating:

(a) The effectiveness of any grant programs administered by the council;

(b) The council's progress made toward accomplishing its overall objectives; and

(c) In collaboration with local coordinating coalitions established under section 9 of this act, the progress made in each region toward advancing coordination of and accessibility to special needs transportation services;

(5) Periodically provide input and recommendations to local and regional planning organizations for advancing special needs coordinated transportation;

(6) Appoint members to local coordinating coalitions, as provided in section 9 of this act;

(7) Beginning with the 2009-2011 biennial transportation budget, and at the request of the department, review and assess applications made for state paratransit/special needs grants, as provided in section 223(1), chapter 121, Laws of 2008, or other special needs transportation grants administered by the department;

(8) As necessary, convene work groups at the state, regional, or local level to develop and implement coordinated approaches to special needs transportation(~~(-~~

~~(3));~~

(9) To improve the service experienced by persons with special transportation needs, ~~(the council shall)~~ develop statewide guidelines for customer complaint processes so that information about policies regarding the complaint processes is available consistently and consumers are appropriately educated about available options. To be eligible for funding on or after January 1, 2008, organizations applying for state paratransit/special needs grants as described in section 226(1), chapter 370, Laws of 2006 must implement a process following the guidelines established by the council(~~(-~~

~~(4) The council shall); and~~

(10) Represent the needs and interests of persons with special transportation needs in statewide efforts for emergency and disaster preparedness planning by advising the emergency management council on how to address transportation needs for high-risk individuals during and after disasters.

NEW SECTION. Sec. 6. A new section is added to chapter 47.06B RCW to read as follows:

(1) The legislature acknowledges that successful models of coordination among state, regional, and local service providers recognize that cost accounting and cost allocation are integral components in meeting the statutory obligations of the various funding sources that may be used to support the purchase of services from special needs transportation service providers. To that end, the agency council on coordinated transportation must work collaboratively with any appropriate agencies and transportation providers and organizations to:

(a) Develop and adopt common units of service definitions including, but not limited to, definitions for vehicle miles, vehicle hours, and passenger trips, consistent with any relevant definitions established under section 1 of this act. For purposes of this subsection, "common units of service" excludes elements involving medical determinations, including whether a trip type or transportation service is medically necessary; and

(b) Develop uniform performance and cost reporting systems, consistent with performance and cost reporting systems established under section 1 of this act.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

NEW SECTION. Sec. 7. A new section is added to chapter 47.06B RCW to read as follows:

(1) In cooperation with the department of social and health services and the Washington state patrol, the agency council on coordinated transportation shall make progress toward the goal of establishing a single clearinghouse for driver background checks within the most cost-effective agency. To that end, the council shall, at a minimum:

(a) Review any previous relevant studies;

(b) Identify and collaborate with agencies engaged in background check analysis; and

(c) Develop a work plan to achieve the objectives identified in this subsection.

(2) By December 1, 2009, the agency council on coordinated transportation shall submit a report to the joint transportation committee that, at a minimum, describes the progress made towards the goals of this section. If necessary, a second progress report must be submitted to the joint transportation committee by June 1, 2010, and a final report must be submitted to the joint transportation committee by December 1, 2010.

Sec. 8. RCW 47.06B.050 and 2007 c 421 s 6 are each amended to read as follows:

The agency council on coordinated transportation shall submit a progress report (~~on council activities~~) to the legislature by December 1, 2009, and every other year thereafter. The report must describe the council's progress in achieving its objectives and in attaining the applicable goals identified in the council's biennial work plan and highlight any problems encountered in achieving these goals. The report must also include the required performance measure evaluations established in RCW 47.06B.030(4). The information will be reported in a form established by the council.

NEW SECTION. Sec. 9. A new section is added to chapter 47.06B RCW to read as follows:

(1) A local coordinating coalition is created in each nonemergency medical transportation brokerage region, as designated by the department of social and health services, that encompasses:

(a) A single county that has a population of more than seven hundred fifty thousand but less than one million; and

(b) Five counties, and is comprised of at least one county that has a population of more than four hundred thousand.

(2) The purpose of a local coordinating coalition is to advance local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, contributing to the overall objectives and goals of the agency council on coordinated transportation. The local coordinating coalition shall serve in an advisory capacity to the agency council on coordinated transportation by providing the council with a focused and ongoing assessment of the special transportation needs and services provided within its region.

(3) The composition and size of each local coordinating coalition may vary by region. Local coordinating coalition members, appointed by the chair of the agency council on coordinated transportation to two-year terms, must reflect a balanced representation of the region's providers of special needs transportation services and must include:

(a) Members of existing local coordinating coalitions, with approval by those members;

(b) One or more representatives of the public transit agency or agencies serving the region;

(c) One or more representatives of private service providers;

(d) A representative of civic or community-based service providers;

(e) A consumer of special needs transportation services;

(f) A representative of nonemergency medical transportation medicaid brokers;

(g) A representative of social and human service programs;

(h) A representative of local high school districts; and

(i) A representative from the Washington state department of veterans affairs.

(4) Each coalition shall vote on an annual basis to elect one of its members to serve as chair. The position of chair must rotate among the represented members at least every two years. If the position of chair is vacated for any reason, the member representing the regional transportation planning organization described in subsection (6) of this section shall serve as acting chair until the next regular meeting of the coalition, at which time the members will elect a chair.

(5) Regular meetings of the local coordinating coalition may be convened at the call of the chair or by a majority of the members. Meetings must be open to the public, and held in locations that are readily accessible to public transportation.

(6) The regional transportation planning organization, as described in chapter 47.80 RCW, serving the region in which the local coordinating coalition is created shall provide necessary staff support for the local coordinating coalition. In regions served by more than one regional transportation planning organization, unless otherwise agreed to by the relevant planning organizations, the regional transportation planning organization serving the largest population within the region shall provide the necessary staff support.

NEW SECTION. Sec. 10. A new section is added to chapter 47.06B RCW to read as follows:

Local coordinating coalitions established under section 9 of this act shall:

(1) Identify, to the greatest extent possible, all local transportation facilities, services, and providers serving persons with special transportation needs in the region, including public transit agencies, private companies, nonprofit organizations, and community-based groups. For each service provider, the coalition shall identify the boundaries within which services are provided;

(2) Identify local service needs, including connectivity gaps and other barriers to reliable and efficient transportation within and across service boundaries;

(3) Consider strategies to address the local service needs and gaps identified in subsection (2) of this section;

(4) In consultation with the agency council on coordinated transportation, collaborate with local service providers and operators to identify and propose common connectivity standards. The connectivity standards must, at a minimum, address signage, transit information, schedule coordination, and services provided to address access to and from a transit stop or facility; and

(5) Beginning December 1, 2009, submit an annual report to the agency council on coordinated transportation that must, at a minimum, describe local efforts to coordinate and maximize efficiencies in special needs transportation programs and services, and progress made in addressing the duties described in this section.

NEW SECTION. Sec. 11. A new section is added to chapter 47.06B RCW to read as follows:

(1) In addition to the duties identified in sections 9 and 10 of this act, each local coordinating coalition shall develop or implement a pilot project within the coalition's region, as described under section 9(1) of this act, for the purpose of demonstrating cost sharing and cost saving opportunities as described in subsection (2) of this section, and shall keep the agency council on coordinated transportation informed of progress made toward implementing the pilot project. In developing or implementing the pilot project, the local coordinating coalition shall collaborate with the appropriate federal agencies, including the federal transit authority and United

States department of health and human services, and may collaborate with other agencies and organizations as deemed appropriate.

(2) The pilot project must be designed to:

(a) Demonstrate opportunities for cost sharing, including but not limited to opportunities among public paratransit and medicaid nonemergency medical trips; and

(b) Test the feasibility of capturing the value of medicaid trips provided by public transit agencies for which they are not currently reimbursed with a funding match by federal medicaid dollars.

(3) By December 1, 2009, and by June 1, 2010, each local coordinating coalition shall submit a status report to the joint transportation committee and agency council on coordinated transportation describing progress made in implementing the pilot project. By December 1, 2010, each local coordinating coalition shall issue a final report to the joint transportation committee and the agency council on coordinated transportation describing progress made in implementing the pilot project.

NEW SECTION. Sec. 12. A new section is added to chapter 28A.300 RCW to read as follows:

By December 31, 2010, the office of the superintendent of public instruction shall establish a uniform process designed to track the additional expenditures for transporting homeless students, including expenditures required under the McKinney Vento act, reauthorized as Title X, Part C, of the no child left behind act, P.L. 107-110, in January 2002. Once established, the superintendent shall adopt the necessary administrative rules to direct each school district to adopt and use the uniform process and track these expenditures. The superintendent shall provide information annually to the agency council on coordinated transportation, created in chapter 47.06B RCW, on total expenditures related to the transportation of homeless students.

NEW SECTION. Sec. 13. A new section is added to chapter 35.58 RCW to read as follows:

A municipality, as defined in RCW 35.58.272, and each regional transit authority shall work collaboratively with the appropriate local coordinating coalition or coalitions as described under section 9 of this act to advance the coordination of and maximize efficiencies in transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

Sec. 14. RCW 36.73.020 and 2006 c 311 s 25 are each amended to read as follows:

(1) The legislative authority of a county or city may establish a transportation benefit district within the county or city area or within the area specified in subsection (2) of this section, for the purpose of acquiring, constructing, improving, providing, and funding a transportation improvement within the district that is consistent with any existing state, regional, and local transportation plans and necessitated by existing or reasonably foreseeable congestion levels. The transportation improvements shall be owned by the county of jurisdiction if located in an unincorporated area, by the city of jurisdiction if located in an incorporated area, or by the state in cases where the transportation improvement is or becomes a state highway. However, if deemed appropriate by the governing body of the transportation benefit district, a transportation improvement may be owned by a participating port district or transit district, unless otherwise prohibited by law. Transportation improvements shall be administered and maintained as other public streets, roads, highways, and transportation improvements. To the extent practicable, the district shall consider the following criteria when selecting transportation improvements:

(a) Reduced risk of transportation facility failure and improved safety;

(b) Improved travel time;

(c) Improved air quality;

(d) Increases in daily and peak period trip capacity;

(e) Improved modal connectivity;

(f) Improved freight mobility;

(g) Cost-effectiveness of the investment;

(h) Optimal performance of the system through time; ~~(and)~~

(i) Improved accessibility for, or other benefits to, persons with special transportation needs as defined in RCW 47.06B.012; and

(j) Other criteria, as adopted by the governing body.

(2) Subject to subsection (6) of this section, the district may include area within more than one county, city, port district, county transportation authority, or public transportation benefit area, if the legislative authority of each participating jurisdiction has agreed to the inclusion as provided in an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the boundaries of the district need not include all territory within the boundaries of the participating jurisdictions comprising the district.

(3) The members of the legislative authority proposing to establish the district, acting ex officio and independently, shall constitute the governing body of the district: PROVIDED, That where a district includes area within more than one jurisdiction under subsection (2) of this section, the district shall be governed under an interlocal agreement adopted pursuant to chapter 39.34 RCW. However, the governing body shall be composed of at least five members including at least one elected official from the legislative authority of each participating jurisdiction.

(4) The treasurer of the jurisdiction proposing to establish the district shall act as the ex officio treasurer of the district, unless an interlocal agreement states otherwise.

(5) The electors of the district shall all be registered voters residing within the district.

(6) Prior to December 1, 2007, the authority under this section, regarding the establishment of or the participation in a district, shall not apply to:

(a) Counties with a population greater than one million five hundred thousand persons and any adjoining counties with a population greater than five hundred thousand persons;

(b) Cities with any area within the counties under (a) of this subsection; and

(c) Other jurisdictions with any area within the counties under (a) of this subsection.

Sec. 15. RCW 47.80.023 and 2007 c 421 s 5 are each amended to read as follows:

Each regional transportation planning organization shall have the following duties:

(1) Prepare and periodically update a transportation strategy for the region. The strategy shall address alternative transportation modes and transportation demand management measures in regional corridors and shall recommend preferred transportation policies to implement adopted growth strategies. The strategy shall serve as a guide in preparation of the regional transportation plan.

(2) Prepare a regional transportation plan as set forth in RCW 47.80.030 that is consistent with county-wide planning policies if such have been adopted pursuant to chapter 36.70A RCW, with county, city, and town comprehensive plans, and state transportation plans.

(3) Certify by December 31, 1996, that the transportation elements of comprehensive plans adopted by counties, cities, and towns within the region reflect the guidelines and principles developed pursuant to RCW 47.80.026, are consistent with the adopted regional transportation plan, and, where appropriate, conform with the requirements of RCW 36.70A.070.

(4) Where appropriate, certify that county-wide planning policies adopted under RCW 36.70A.210 and the adopted regional transportation plan are consistent.

(5) Develop, in cooperation with the department of transportation, operators of public transportation services and local governments within the region, a six-year regional transportation improvement program which proposes regionally significant transportation projects and programs and transportation demand management measures. The regional transportation improvement program shall be based on the programs, projects, and transportation demand management measures of regional significance as identified by transit agencies, cities, and counties pursuant to RCW 35.58.2795, 35.77.010, and 36.81.121, respectively, and any recommended programs or projects identified by the agency council on coordinated transportation, as provided in chapter 47.06B RCW, that advance special needs coordinated transportation as defined in RCW 47.06B.012. The program shall include a priority list of projects and programs, project segments and programs, transportation demand management measures, and a specific financial plan that demonstrates how the transportation improvement program can be

funded. The program shall be updated at least every two years for the ensuing six-year period.

(6) Include specific opportunities and projects to advance special needs coordinated transportation, as defined in RCW 47.06B.012, in the coordinated transit-human services transportation plan, after providing opportunity for public comment.

(7) Designate a lead planning agency to coordinate preparation of the regional transportation plan and carry out the other responsibilities of the organization. The lead planning agency may be a regional organization, a component county, city, or town agency, or the appropriate Washington state department of transportation district office.

((7)) (8) Review level of service methodologies used by cities and counties planning under chapter 36.70A RCW to promote a consistent regional evaluation of transportation facilities and corridors.

((8)) (9) Work with cities, counties, transit agencies, the department of transportation, and others to develop level of service standards or alternative transportation performance measures.

((9)) (10) Submit to the agency council on coordinated transportation, as provided in chapter 47.06B RCW, beginning on July 1, 2007, and every four years thereafter, an updated plan that includes the elements identified by the council. Each regional transportation planning organization must submit to the council every two years a prioritized regional human service and transportation project list.

NEW SECTION. Sec. 16. A new section is added to chapter 47.01 RCW to read as follows:

(1) To be eligible for funding on or after January 1, 2010, any organization applying for state paratransit/special needs grants, as described in section 223(1), chapter 121, Laws of 2008, or for other funding provided for persons with special transportation needs, as defined in RCW 47.06B.012, must include in its application, in addition to meeting other eligibility requirements provided in law, an explanation of how the requested funding will advance efficiencies in, accessibility to, or coordination of transportation services provided to persons with special transportation needs as defined in RCW 47.06B.012.

(2) Unless otherwise required by law, in administering federal funding provided for special needs transportation purposes, including funding under SAFETEA-LU, the safe, accountable, flexible, efficient transportation equity act, P.L. 109-59, or its successor, the department shall give priority to projects that result in increased efficiencies in special needs transportation or improved coordination among special needs transportation service providers.

(3) In making final grant award determinations under subsection (1) of this section, the department shall seek input from the agency council on coordinated transportation, as provided in chapter 47.06B RCW, and shall give substantial deference to applications recommended by the council.

Sec. 17. RCW 47.06B.900 and 2007 c 421 s 8 are each amended to read as follows:

The agency council on coordinated transportation is terminated on June 30, ~~((2010))~~ 2011, as provided in RCW 47.06B.901.

Sec. 18. RCW 47.06B.901 and 2007 c 421 s 9 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((2011))~~ 2012:

(1) RCW 47.06B.010 and 2009 c . . . s 3 (section 3 of this act), 2007 c 421 § 1, 1999 c 385 § 1, & 1998 c 173 § 1;

(2) RCW 47.06B.012 and 1999 c 385 § 2;

(3) RCW 47.06B.020 and 2009 c . . . s 4 (section 4 of this act), 2007 c 421 § 2, & 1998 c 173 § 2;

(4) RCW 47.06B.030 and 2009 c . . . s 5 (section 5 of this act), 2007 c 421 § 3, 1999 c 385 § 5, & 1998 c 173 § 3;

(5) RCW 47.06B.040 and 2007 c 421 § 4 & 1999 c 385 § 6;

~~((and))~~
(6) RCW 47.06B.050 and 2009 c . . . s 8 (section 8 of this act) & 2007 c 421 § 6;

(7) Section 1 of this act;

(8) Section 2 of this act;

(9) Section 6 of this act;

(10) Section 7 of this act;

(11) Section 9 of this act;

(12) Section 10 of this act; and

(13) Section 11 of this act.

NEW SECTION. Sec. 19. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus transportation appropriations act, this act is null and void."

On page 1, line 2 of the title, after "needs;" strike the remainder of the title and insert "amending RCW 47.06B.010, 47.06B.020, 47.06B.030, 47.06B.050, 36.73.020, 47.80.023, 47.06B.900, and 47.06B.901; adding new sections to chapter 47.06B RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 47.01 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Wallace spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2072, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2072, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmicke, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) A small number of persons with developmental disabilities commit crimes, are held in jail, are tried for their offenses, and are sentenced to serve time in our correctional system;

(b) Persons with developmental disabilities are often confused with persons with mental illness. These populations are different and must be understood as distinct groups, with different reasonable accommodation needs; and

(c) A developmental disability often stems from a mix of causes and many persons with developmental disabilities have cognitive impairments that require reasonable accommodations to assist them in understanding what is happening to them and what is expected of them when they encounter the criminal justice system.

(2) The legislature intends to improve the ability of corrections institutions to better identify and provide safe, appropriate accommodations for persons with developmental disabilities.

NEW SECTION. Sec. 2. (1) Within state and federal funds appropriated or otherwise available for this purpose, a work group is established, to be cochaired by representatives of the developmental disabilities council and the Washington association of sheriffs and police chiefs, to address issues relating to persons with developmental disabilities who are confined in correctional facilities.

(2) In addition to representatives from the developmental disabilities council and the Washington association of sheriffs and police chiefs, the work group shall consult with:

(a) The department of social and health services;

(b) The department of corrections;

(c) The Washington traumatic brain injury strategic partnership advisory council as defined in RCW 74.31.020;

(d) Disability rights Washington;

(e) Consumer advocates; and

(f) Other interested organizations as identified by the developmental disabilities council and the Washington association of sheriffs and police chiefs.

(3) By December 1, 2009, the work group shall develop recommendations and report to the appropriate committees of the legislature relating to:

(a) Expediently reviewing and determining eligibility for developmental disabilities services provided through the department of social and health services prior to a person's release from confinement from jail or confinement in the department of corrections;

(b) The appropriate role of the department of social and health services in providing potential alternatives to confinement for persons with developmental disabilities and consultation and technical assistance to jails and the department of corrections in their efforts to provide reasonable accommodations for persons with developmental disabilities who are confined in their facility;

(c) Increasing the appropriate use of the authority granted the courts under current sentencing reform act provisions, chapter 9.94A RCW, to order alternatives to confinement prior to trial or following conviction in cases with a sentence of twelve months or less;

(d) The establishment of new options under the sentencing reform act to divert persons with developmental disabilities from the criminal justice system while maintaining public safety;

(e) The feasibility of developing and adopting law enforcement training for responding to persons with developmental disabilities that is analogous to the crisis intervention training currently provided to law enforcement officers for responding to alleged criminal behavior by persons with mental illness;

(f) The feasibility of adopting standardized statewide screening and application practices and forms designed to facilitate the application of a confined person who is likely to be eligible for medical assistance services by the division of developmental disabilities;

(g) The need for and feasibility of developing a screening tool and training for corrections staff to be used to identify persons with developmental disabilities who are confined in prison with the department of corrections similar to the tool to be developed for jails under subsection (4) of this section; and

(h) The feasibility of developing a screening tool for traumatic brain injuries, and information on best practices and training regarding appropriate accommodations for persons with traumatic brain injuries.

(4) By July 1, 2010, the work group shall develop:

(a) A simple screening tool that may be used by jails as part of a jail's intake and/or classification process and which will assist in the

identification of offenders with the most common types of developmental disabilities;

(b) A model policy for the use of the screening tool;

(c) A cost-effective means to provide concise training to jail staff on the use of the tool; and

(d) Information on best practices and training regarding appropriate accommodations for persons with developmental disabilities during their confinement.

NEW SECTION. Sec. 3. The definitions in this section apply throughout sections 1 and 2 of this act unless the context clearly requires otherwise.

(1) "Jail" has the same meaning as provided in RCW 70.48.020; and

(2) "Confined" means incarcerated in a jail.

NEW SECTION. Sec. 4. This act expires December 1, 2010."

On page 1, line 2 of the title, after "jails;" strike the remainder of the title and insert "creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Roberts and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2078, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2078, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2079 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.370.020 and 2007 c 259 s 51 are each amended to read as follows:

(1) The office shall serve as a coordinating body for public and private efforts to improve quality in health care, promote cost-effectiveness in health care, and plan health facility and health service availability. In addition, the office shall facilitate access to health care data collected by public and private organizations as needed to conduct its planning responsibilities.

(2) The office shall:

(a) Conduct strategic health planning activities related to the preparation of the strategy, as specified in this chapter;

(b) Develop a computerized system for accessing, analyzing, and disseminating data relevant to strategic health planning responsibilities. The office may contract with an organization to create the computerized system capable of meeting the needs of the office;

~~(c) ((Maintain access to deidentified data collected and stored by any public and private organizations as necessary to support its planning responsibilities, including state purchased health care program data, hospital discharge data, and private efforts to collect utilization and claims-related data. The office is authorized to enter into any data sharing agreements and contractual arrangements necessary to obtain data or to distribute data. Among the sources of deidentified data that the office may access are any databases established pursuant to the recommendations of the health information infrastructure advisory board established by chapter 261, Laws of 2005. The office may store limited data sets as necessary to support its activities. Unless specifically authorized, the office shall not collect data directly from the records of health care providers and health care facilities, but shall make use of databases that have already collected such information)) Have access to the information submitted as part of the health professional licensing application and renewal process, excluding social security number and background check information, whether the license is issued by the secretary of the department of health or a board or commission. The office shall also have access to information submitted to the department of health as part of the medical or health facility licensing process. Access to and use of all data shall be in accordance with state and federal confidentiality laws and ethical guidelines, and the office shall maintain the same degree of confidentiality as the department of health. For professional licensing information provided to the office, the department of health shall replace any social security number with an alternative identifier capable of linking all licensing records of an individual; and~~

(d) Conduct research and analysis or arrange for research and analysis projects to be conducted by public or private organizations to further the purposes of the strategy.

(3) The office shall establish a technical advisory committee to assist in the development of the strategy. Members of the committee shall include health economists, health planners, representatives of government and nongovernment health care purchasers, representatives of state agencies that use or regulate entities with an interest in health planning, representatives of acute care facilities, representatives of long-term care facilities, representatives of community-based long-term care providers, representatives of health care providers, a representative of one or more federally recognized Indian tribes, and representatives of health care consumers. The committee shall include members with experience in the provision of health services to rural communities.

Sec. 2. RCW 43.70.050 and 2005 c 274 s 301 are each amended to read as follows:

(1) The legislature intends that the department and board promote and assess the quality, cost, and accessibility of health care throughout the state as their roles are specified in chapter 9, Laws of 1989 1st ex. sess. in accordance with the provisions of this chapter. In furtherance of this goal, the secretary shall create an ongoing program of data collection, storage, assessability, and review. The legislature does not intend that the department conduct or contract for the conduct of basic research activity. The secretary may request

appropriations for studies according to this section from the legislature, the federal government, or private sources.

(2) All state agencies which collect or have access to population-based, health-related data are directed to allow the secretary access to such data. This includes, but is not limited to, data on needed health services, facilities, and personnel; future health issues; emerging bioethical issues; health promotion; recommendations from state and national organizations and associations; and programmatic and statutory changes needed to address emerging health needs. Private entities, such as insurance companies, health maintenance organizations, and private purchasers are also encouraged to give the secretary access to such data in their possession. The secretary's access to and use of all data shall be in accordance with state and federal confidentiality laws and ethical guidelines. Such data in any form where the patient or provider of health care can be identified shall not be disclosed, subject to disclosure according to chapter 42.56 RCW, discoverable or admissible in judicial or administrative proceedings. Such data can be used in proceedings in which the use of the data is clearly relevant and necessary and both the department and the patient or provider are parties.

(3) The department shall serve as the clearinghouse for information concerning innovations in the delivery of health care services, the enhancement of competition in the health care marketplace, and federal and state information affecting health care costs.

(4) The secretary shall review any data collected, pursuant to this chapter, to:

(a) Identify high-priority health issues that require study or evaluation. Such issues may include, but are not limited to:

(i) Identification of variations of health practice which indicate a lack of consensus of appropriateness;

(ii) Evaluation of outcomes of health care interventions to assess their benefit to the people of the state;

(iii) Evaluation of specific population groups to identify needed changes in health practices and services;

(iv) Evaluation of the risks and benefits of various incentives aimed at individuals and providers for both preventing illnesses and improving health services;

(v) Identification and evaluation of bioethical issues affecting the people of the state; and

(vi) Other such objectives as may be appropriate;

(b) Further identify a list of high-priority health study issues for consideration by the board, within their authority, for inclusion in the state health report required by RCW 43.20.050. The list shall specify the objectives of each study, a study timeline, the specific improvements in the health status of the citizens expected as a result of the study, and the estimated cost of the study; and

(c) Provide background for the state health report required by RCW 43.20.050.

(5) Any data, research, or findings may also be made available to the general public, including health professions, health associations, the governor, professional boards and regulatory agencies and any person or group who has allowed the secretary access to data.

(6) Information submitted as part of the health professional licensing application and renewal process, excluding social security number and background check information, shall be available to the office of financial management consistent with RCW 43.370.020, whether the license is issued by the secretary of the department of health or a board or commission. The department shall replace any social security number with an alternative identifier capable of linking all licensing records of an individual. The office of financial management shall also have access to information submitted to the department of health as part of the medical or health facility licensing process.

(7) The secretary may charge a fee to persons requesting copies of any data, research, or findings. The fee shall be no more than necessary to cover the cost to the department of providing the copy."

On page 1, line 2 of the title, after "information;" strike the remainder of the title and insert "and amending RCW 43.370.020 and 43.70.050."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2079 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2079, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2079, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

SUBSTITUTE HOUSE BILL NO. 2079, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 13, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2119 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the economy of the state of Washington requires a well-prepared workforce. To meet the need, more Washington students need to be prepared for postsecondary education and training. Further, the personal enrichment and success of Washington citizens increasingly relies on their ability to use the state's postsecondary education and training system. To accomplish those ends, the legislature desires to increase the number of students who begin earning college credits while still in high school.

(2) The legislature further finds that dual credit programs introduce students to college-level work, provide a jump start on getting a college degree, and, perhaps most importantly, show students that they can succeed in college. Dual credit programs also provide another avenue of student financial aid, since many programs are offered for little or no cost to students.

(3) The legislature also finds that students must be provided a choice when selecting a dual credit program that is right for them. Options should be available for the student who wants to learn on a college campus and the student who wants to stay at the high school and take college-level courses. Options must also be available for the hands-on learner who seeks to complete an apprenticeship program.

(4) The legislature intends to blur the line between high school and college by articulating a vision to dramatically increase participation in dual credit programs. It is for this reason that the legislature should call on all education stakeholders to come together to coordinate resources, track outcomes, and improve program availability.

(5) The legislature further intends to provide high schools, colleges, and universities with a set of tools for growing and coordinating dual credit programs. Institutions should be given some flexibility in determining the best methods to secure long-term, ample financial support for these programs, while students should be given some help in offsetting instructional costs.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The office of the superintendent of public instruction, in collaboration with the state board for community and technical colleges, the Washington state apprenticeship and training council, the workforce training and education coordinating board, the higher education coordinating board, and the public baccalaureate institutions, shall report by September 1, 2010, and annually thereafter to the education and higher education committees of the legislature regarding participation in dual credit programs. The report shall include:

(a) Data about student participation rates and academic performance including but not limited to running start, college in the high school, tech prep, international baccalaureate, advanced placement, and running start for the trades;

(b) Data on the total unduplicated head count of students enrolled in at least one dual credit program course; and

(c) The percentage of students who enrolled in at least one dual credit program as percent of all students enrolled in grades nine through twelve.

(2) Data on student participation shall be disaggregated by race, ethnicity, gender, and receipt of free or reduced-price lunch.

NEW SECTION. Sec. 3. A new section is added to chapter 28A.600 RCW to read as follows:

(1) The superintendent of public instruction, the state board for community and technical colleges, the higher education coordinating board, and the public baccalaureate institutions shall jointly develop and each adopt rules governing the college in the high school program. The association of Washington school principals shall be consulted during the rules development. The rules shall be written to encourage the maximum use of the program and may not narrow or limit the enrollment options.

(2) College in the high school programs shall each be governed by a local contract between the district and the institution of higher education, in compliance with the guidelines adopted by the superintendent of public instruction, the state board for community and technical colleges, and the public baccalaureate institutions.

(3) The college in the high school program must include the provisions in this subsection.

(a) The high school and institution of higher education together shall define the criteria for student eligibility. The institution of higher education may charge tuition fees to participating students.

(b) School districts shall report no student for more than one full-time equivalent including college in the high school courses.

(c) The funds received by the institution of higher education may not be deemed tuition or operating fees and may be retained by the institution of higher education.

(d) Enrollment information on persons registered under this section must be maintained by the institution of higher education separately from other enrollment information and may not be included in official enrollment reports, nor may such persons be considered in any enrollment statistics that would affect higher education budgetary determinations.

(e) A school district must grant high school credit to a student enrolled in a program course if the student successfully completes the course. If no comparable course is offered by the school district, the school district superintendent shall determine how many credits to award for the course. The determination shall be made in writing before the student enrolls in the course. The credits shall be applied toward graduation requirements and subject area requirements.

Evidence of successful completion of each program course shall be included in the student's secondary school records and transcript.

(f) An institution of higher education must grant college credit to a student enrolled in a program course if the student successfully completes the course. The college credit shall be applied toward general education requirements or major requirements. If no comparable course is offered by the college, the institution of higher education at which the teacher of the program course is employed shall determine how many credits to award for the course and whether the course fulfills general education or major requirements. Evidence of successful completion of each program course must be included in the student's college transcript.

(g) Eleventh and twelfth grade students or students who have not yet received a high school diploma or its equivalent and are eligible to be in the eleventh or twelfth grades may participate in the college in the high school program.

(h) Participating school districts must provide general information about the college in the high school program to all students in grades ten, eleven, and twelve and to the parents and guardians of those students.

(i) Full-time and part-time faculty at institutions of higher education, including adjunct faculty, are eligible to teach program courses.

(4) The definitions in this subsection apply throughout this section.

(a) "Institution of higher education" has the meaning in RCW 28B.10.016 and also includes a public tribal college located in Washington and accredited by the Northwest commission on colleges and universities or another accrediting association recognized by the United States department of education.

(b) "Program course" means a college course offered in a high school under the college in the high school program.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.600 RCW to read as follows:

The superintendent of public instruction and the higher education coordinating board shall develop advising guidelines to assure that students and parents understand that college credits earned in high school dual credit programs may impact eligibility for financial aid.

Sec. 5. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ~~((28A.175.090;))~~ 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start ~~((community college or vocational-technical institute))~~ choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.400; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 6. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Parents and students dissatisfied with the opportunities

available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as ~~((work-based))~~ worksite learning, ~~((school-to-work transition))~~ internships, tech prep, ~~((vocational-))~~ career and technical education, running start, college in the high school, running start for the trades, and preparation for technical college, community college, or university education.

Sec. 7. RCW 28A.600.300 and 2005 c 207 s 5 are each amended to read as follows:

(1) The program established in this section through RCW 28A.600.400 shall be known as the running start program.

(2) For the purposes of RCW 28A.600.310 through 28A.600.400, "participating institution of higher education" or "institution of higher education" means:

~~((+))~~ (a) A community or technical college as defined in RCW 28B.50.030;

~~((2))~~ (b) A public tribal college located in Washington and accredited by the northwest commission on colleges and universities or another accrediting association recognized by the United States department of education; and

~~((3))~~ (c) Central Washington University, Eastern Washington University, Washington State University, and The Evergreen State College, if the institution's governing board decides to participate in the program in RCW 28A.600.310 through 28A.600.400.

Sec. 8. RCW 28A.600.310 and 2005 c 125 s 1 are each amended to read as follows:

(1) Eleventh and twelfth grade students or students who have not yet received the credits required for the award of a high school diploma and are eligible to be in the eleventh or twelfth grades may apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education. A student receiving home-based instruction enrolling in a public high school for the sole purpose of participating in courses or programs offered by institutions of higher education shall not be counted by the school district in any required state or federal accountability reporting if the student's parents or guardians filed a declaration of intent to provide home-based instruction and the student received home-based instruction during the school year before the school year in which the student intends to participate in courses or programs offered by the institution of higher education. Students receiving home-based instruction under chapter 28A.200 RCW and students attending private schools approved under chapter 28A.195 RCW shall not be required to meet the student learning goals, obtain a certificate of academic achievement or a certificate of individual achievement to graduate from high school, or to master the essential academic learning requirements. However, students are eligible to enroll in courses or programs in participating universities only if the board of directors of the student's school district has decided to participate in the program. Participating institutions of higher education, in consultation with school districts, may establish admission standards for these students. If the institution of higher education accepts a secondary school pupil for enrollment under this section, the institution of higher education shall send written notice to the pupil and the pupil's school district within ten days of acceptance. The notice shall indicate the course and hours of enrollment for that pupil.

(2) In lieu of tuition and fees, as defined in RCW 28B.15.020 and 28B.15.041, running start students shall pay to the community or technical college all other mandatory fees as established by each community or technical college; and all other institutions of higher education operating a running start program may charge technology fees. The fees charged shall be prorated based on credit load.

(3) The institutions of higher education must make available fee waivers for low-income running start students. Each institution must establish a written policy for the determination of low-income students before offering the fee waiver. A student shall be considered low income and eligible for a fee waiver upon proof that

the student is currently qualified to receive free or reduced-price lunch. Acceptable documentation of low-income status may also include, but is not limited to, documentation that a student has been deemed eligible for free or reduced-price lunches in the last five years, or other criteria established in the institution's policy.

(4) The pupil's school district shall transmit to the institution of higher education an amount per each full-time equivalent college student at statewide uniform rates for vocational and nonvocational students. The superintendent of public instruction shall separately calculate and allocate moneys appropriated for basic education under RCW 28A.150.260 to school districts for purposes of making such payments and for granting school districts seven percent thereof to offset program related costs. The calculations and allocations shall be based upon the estimated statewide annual average per full-time equivalent high school student allocations under RCW 28A.150.260, excluding small high school enhancements, and applicable rules adopted under chapter 34.05 RCW. The superintendent of public instruction, the higher education coordinating board, and the state board for community and technical colleges shall consult on the calculation and distribution of the funds. ~~((The institution of higher education shall not require the pupil to pay any other fees.))~~ The funds received by the institution of higher education from the school district shall not be deemed tuition or operating fees and may be retained by the institution of higher education. A student enrolled under this subsection shall ~~((not))~~ be counted for the purpose of ~~((determining any))~~ meeting enrollment ~~((restrictions imposed by the state on the institution of higher education))~~ targets in accordance with terms and conditions specified in the omnibus appropriations act.

(5) The state board for community and technical colleges, in collaboration with the other institutions of higher education that participate in the running start program and the office of the superintendent of public instruction, shall identify, assess, and report on alternatives for providing ongoing and adequate financial support for the program. Such alternatives shall include but are not limited to student tuition, increased support from local school districts, and reallocation of existing state financial support among the community and technical college system to account for differential running start enrollment levels and impacts. The state board for community and technical colleges shall report the assessment of alternatives to the governor and to the appropriate fiscal and policy committees of the legislature by September 1, 2010.

On page 1, line 1 of the title, after "opportunities;" strike the remainder of the title and insert "amending RCW 28A.225.290, 28A.600.160, 28A.600.300, and 28A.600.310; adding new sections to chapter 28A.600 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2119 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Wallace and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2119, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2119, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Orcutt and Shea.

Excused: Representatives Chandler, Hurst and Pettigrew.

SECOND SUBSTITUTE HOUSE BILL NO. 2119, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE HOUSE BILL NO. 2119.

KEVIN PARKER, 6th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE HOUSE BILL NO. 2119.

LARRY CROUSE, 4th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE HOUSE BILL NO. 2119.

JIM MCCUNE, 2nd District

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2129 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 80.80.010 and 2007 c 307 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Average available greenhouse ~~((gases [gas]))~~ gas emissions output" means the level of greenhouse ~~((gases [gas]))~~ gas emissions as surveyed and determined by the energy policy division of the department of community, trade, and economic development under RCW 80.80.050.

(4) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(5) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended:

(6) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(9) "Department" means the department of ecology.

(10) "Distributed generation" means electric generation connected to the distribution level of the transmission and distribution grid, which is usually located at or near the intended place of use.

(11) "Electric utility" means an electrical company or a consumer-owned utility.

(12) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(13) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(14) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(15) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(16) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(17) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by ~~(the energy facility site evaluation council or a local jurisdiction)~~ a jurisdiction inside or outside the state.

(18) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits as of July 22, 2007, but may result in incidental increases in generation capacity.

Sec. 2. RCW 80.80.040 and 2007 c 307 s 5 are each amended to read as follows:

(1) Beginning July 1, 2008, the greenhouse ~~((gases))~~ gas emissions performance standard for all baseload electric generation for which electric utilities enter into long-term financial commitments on or after such date is the lower of:

(a) One thousand one hundred pounds of greenhouse gases per megawatt-hour; or

(b) The average available greenhouse ~~((gases))~~ gas emissions output as determined under RCW 80.80.050.

(2) This chapter does not apply to long-term financial commitments with the Bonneville power administration.

(3) All baseload electric generation facilities in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse ~~((gases))~~ gas emissions performance standard established under this section until the facilities are the subject of long-term financial commitments. All baseload electric generation that commences operation after June 30, 2008, and is located in Washington, must

comply with the greenhouse ~~((gases))~~ gas emissions performance standard established in subsection (1) of this section.

~~((3))~~ (4) All electric generation facilities or power plants powered exclusively by renewable resources, as defined in RCW 19.280.020, are deemed to be in compliance with the greenhouse ~~((gases))~~ gas emissions performance standard established under this section.

~~((4))~~ (5) All cogeneration facilities in the state that are fueled by natural gas or waste gas or a combination of the two fuels, and that are in operation as of June 30, 2008, are deemed to be in compliance with the greenhouse ~~((gases))~~ gas emissions performance standard established under this section until the facilities are the subject of a new ownership interest or are upgraded.

~~((5))~~ (6) In determining the rate of emissions of greenhouse gases for baseload electric generation, the total emissions associated with producing electricity shall be included.

(7) In no case shall a long-term financial commitment be determined to be in compliance with the greenhouse gas emissions performance standard if the commitment includes more than twelve percent of electricity from unspecified sources.

(8) For a long-term financial commitment with multiple power plants, each specified power plant must be treated individually for the purpose of determining the annualized plant capacity factor and net emissions, and each power plant must comply with subsection (1) of this section, except as provided in subsections (3) through (5) of this section.

~~((6))~~ (9) The department shall establish an output-based methodology to ensure that the calculation of emissions of greenhouse gases for a cogeneration facility recognizes the total usable energy output of the process, and includes all greenhouse gases emitted by the facility in the production of both electrical and thermal energy. In developing and implementing the greenhouse ~~((gases))~~ gas emissions performance standard, the department shall consider and act in a manner consistent with any rules adopted pursuant to the public utilities regulatory policy act of 1978 (16 U.S.C. Sec. 824a-3), as amended:

~~((7))~~ (10) The following greenhouse ~~((gases))~~ gas emissions produced by baseload electric generation owned or contracted through a long-term financial commitment shall not be counted as emissions of the power plant in determining compliance with the greenhouse ~~((gases))~~ gas emissions performance standard:

(a) Those emissions that are injected permanently in geological formations;

(b) Those emissions that are permanently sequestered by other means approved by the department; and

(c) Those emissions sequestered or mitigated as approved under subsection ~~((13))~~ (16) of this section.

~~((8))~~ (11) In adopting and implementing the greenhouse ~~((gases))~~ gas emissions performance standard, the department of community, trade, and economic development energy policy division, in consultation with the commission, the department, the Bonneville power administration, the western electricity coordination council, the energy facility site evaluation council, electric utilities, public interest representatives, and consumer representatives, shall consider the effects of the greenhouse ~~((gases))~~ gas emissions performance standard on system reliability and overall costs to electricity customers.

~~((9))~~ (12) In developing and implementing the greenhouse ~~((gases))~~ gas emissions performance standard, the department shall, with assistance of the commission, the department of community, trade, and economic development energy policy division, and electric utilities, and to the extent practicable, address long-term purchases of electricity from unspecified sources in a manner consistent with this chapter.

~~((10))~~ (13) The directors of the energy facility site evaluation council and the department shall each adopt rules under chapter 34.05 RCW in coordination with each other to implement and enforce the greenhouse ~~((gases))~~ gas emissions performance standard. The rules necessary to implement this section shall be adopted by June 30, 2008.

~~((11))~~ (14) In adopting the rules for implementing this section, the energy facility site evaluation council and the department shall include criteria to be applied in evaluating the carbon sequestration

plan, for baseload electric generation that will rely on subsection ~~((7))~~ (10) of this section to demonstrate compliance, but that will commence sequestration after the date that electricity is first produced. The rules shall include but not be limited to:

(a) Provisions for financial assurances, as a condition of plant operation, sufficient to ensure successful implementation of the carbon sequestration plan, including construction and operation of necessary equipment, and any other significant costs;

(b) Provisions for geological or other approved sequestration commencing within five years of plant operation, including full and sufficient technical documentation to support the planned sequestration;

(c) Provisions for monitoring the effectiveness of the implementation of the sequestration plan;

(d) Penalties for failure to achieve implementation of the plan on schedule;

(e) Provisions for an owner to purchase emissions reductions in the event of the failure of a sequestration plan under subsection ~~((13))~~ (16) of this section; and

(f) Provisions for public notice and comment on the carbon sequestration plan.

~~((12))~~ (15)(a) Except as provided in (b) of this subsection, as part of its role enforcing the greenhouse ~~((gases))~~ gas emissions performance standard, the department shall determine whether sequestration or a plan for sequestration will provide safe, reliable, and permanent protection against the greenhouse gases entering the atmosphere from the power plant and all ancillary facilities.

(b) For facilities under its jurisdiction, the energy facility site evaluation council shall contract for review of sequestration or the carbon sequestration plan with the department consistent with the conditions under (a) of this subsection, consider the adequacy of sequestration or the plan in its adjudicative proceedings conducted under RCW 80.50.090(3), and incorporate specific findings regarding adequacy in its recommendation to the governor under RCW 80.50.100.

~~((13))~~ (16) A project under consideration by the energy facility site evaluation council by July 22, 2007, is required to include all of the requirements of subsection ~~((11))~~ (14) of this section in its carbon sequestration plan submitted as part of the energy facility site evaluation council process. A project under consideration by the energy facility site evaluation council by July 22, 2007, that receives final site certification agreement approval under chapter 80.50 RCW shall make a good faith effort to implement the sequestration plan. If the project owner determines that implementation is not feasible, the project owner shall submit documentation of that determination to the energy facility site evaluation council. The documentation shall demonstrate the steps taken to implement the sequestration plan and evidence of the technological and economic barriers to successful implementation. The project owner shall then provide to the energy facility site evaluation council notification that they shall implement the plan that requires the project owner to meet the greenhouse ~~((gases))~~ gas emissions performance standard by purchasing verifiable greenhouse ~~((gases))~~ gas emissions reductions from an electric generating facility located within the western interconnection, where the reduction would not have occurred otherwise or absent this contractual agreement, such that the sum of the emissions reductions purchased and the facility's emissions meets the standard for the life of the facility.

Sec. 3. RCW 80.80.060 and 2007 c 307 s 8 are each amended to read as follows:

(1) No electrical company may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with the greenhouse gases emissions performance standard established under RCW 80.80.040.

(2) In order to enforce the requirements of this chapter, the commission shall review in a general rate case or as provided in subsection (5) of this section any long-term financial commitment entered into by an electrical company after June 30, 2008, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse gases emissions performance standard established under RCW 80.80.040.

(3) In determining whether a long-term financial commitment is for baseload electric generation, the commission shall consider the design of the power plant and its intended use, based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the commission determines is relevant under the circumstances.

(4) Upon application by an electric utility, the commission may provide a case-by-case exemption from the greenhouse gases emissions performance standard to address: (a) Unanticipated electric system reliability needs; ~~((or))~~ (b) extraordinary cost impacts on utility ratepayers; or (c) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) Upon application by an electrical company, the commission shall determine whether the company's proposed decision to acquire electric generation or enter into a power purchase agreement for electricity complies with the greenhouse gases emissions performance standard established under RCW 80.80.040 ~~((whether the company has a need for the resource, and whether the specific resource selected is appropriate. The commission shall take into consideration factors such as the company's forecasted loads, need for energy, power plant technology, expected costs, and other associated investment decisions)).~~ The commission shall not decide in a proceeding under this subsection (5) issues involving the actual costs to construct and operate the selected resource, cost recovery, or other issues reserved by the commission for decision in a general rate case or other proceeding for recovery of the resource or contract costs. ~~((A proceeding under this subsection (5) shall be conducted pursuant to chapter 34.05 RCW (part IV). The commission shall adopt rules to provide that the schedule for a proceeding under this subsection takes into account both (a) the needs of the parties to the proposed resource acquisition or power purchase agreement for timely decisions that allow transactions to be completed; and (b) the procedural rights to be provided to parties in chapter 34.05 RCW (part IV), including intervention, discovery, briefing, and hearing.))~~

(6) An electrical company may account for and defer for later consideration by the commission costs incurred in connection with ~~((the))~~ a long-term financial commitment, including operating and maintenance costs, depreciation, taxes, and cost of invested capital. The deferral begins with the date on which the power plant begins commercial operation or the effective date of the power purchase agreement and continues for a period not to exceed twenty-four months; provided that if during such period the company files a general rate case or other proceeding for the recovery of such costs, deferral ends on the effective date of the final decision by the commission in such proceeding. Creation of such a deferral account does not by itself determine the actual costs of the long-term financial commitment, whether recovery of any or all of these costs is appropriate, or other issues to be decided by the commission in a general rate case or other proceeding for recovery of these costs. For the purpose of this subsection (6) only, the term "long-term financial commitment" also includes an electric company's ownership or power purchase agreement with a term of five or more years associated with an eligible renewable resource as defined in RCW 19.285.030.

(7) The commission shall consult with the department to apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under RCW 80.80.040. The department shall report to the commission whether baseload electric generation will comply with the greenhouse gases emissions performance standard for the duration of the period the baseload electric generation is supplied to the electrical company.

(8) The commission shall adopt rules for the enforcement of this section with respect to electrical companies and adopt procedural rules for approving costs incurred by an electrical company under subsection (4) of this section.

(9) The commission shall adopt rules necessary to implement this section by December 31, 2008.

Sec. 4. RCW 80.80.070 and 2007 c 307 s 9 are each amended to read as follows:

(1) No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation supplied under such a long-term financial commitment complies with

the greenhouse ((gases)) gas emissions performance standard established under RCW 80.80.040.

(2) The governing board shall review and make a determination on any long-term financial commitment by the utility, pursuant to this chapter and after consultation with the department, to determine whether the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse ((gases)) gas emissions performance standard established under RCW 80.80.040. No consumer-owned utility may enter into a long-term financial commitment unless the baseload electric generation to be supplied under that long-term financial commitment complies with the greenhouse ((gases)) gas emissions performance standard established under RCW 80.80.040.

(3) In confirming that a long-term financial commitment is for baseload electric generation, the governing board shall consider the design of the power plant and the intended use of the power plant based upon the electricity purchase contract, if any, permits necessary for the operation of the power plant, and any other matter the governing board determines is relevant under the circumstances.

(4) The governing board may provide a case-by-case exemption from the greenhouse ((gases)) gas emissions performance standard to address: (a) Unanticipated electric system reliability needs; ((or)) (b) extraordinary cost impacts on utility ratepayers; or (c) catastrophic events or threat of significant financial harm that may arise from unforeseen circumstances.

(5) The governing board shall apply the procedures adopted by the department to verify the emissions of greenhouse gases from baseload electric generation under RCW 80.80.040, and may request assistance from the department in doing so.

(6) For consumer-owned utilities, the auditor is responsible for auditing compliance with this chapter and rules adopted under this chapter that apply to those utilities and the attorney general is responsible for enforcing that compliance."

On page 1, line 2 of the title, after "80.80 RCW;" strike the remainder of the title and insert "and amending RCW 80.80.010, 80.80.040, 80.80.060, and 80.80.070."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2129 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Eddy spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2129, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2129, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor,

Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

HOUSE BILL NO. 2129, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2157 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** The legislature finds that:

(1) Washington has made significant investments in watershed-based activities, including the establishment of water resource inventory area (WRIA) planning units and lead agencies, lead entities, and regional salmon recovery organizations across the state. Washington watersheds have developed subbasin plans under the Northwest power and conservation council and national oceanic and atmospheric administration-approved regional salmon recovery plans that include locally prioritized salmon recovery projects;

(2) The governor's salmon recovery office was established to support the development and implementation of regional salmon recovery plans, to assist local governments in obtaining federal assurances, and to issue a biennial state of the salmon report;

(3) The salmon recovery funding board provides grants for salmon recovery and the forum on monitoring salmon recovery and watershed health works to provide greater coordination on monitoring. Administrative support for the board and the forum are provided by the recreation and conservation office;

(4) Lead entity funding to support infrastructure and capacity needs is provided through the recreation and conservation office, which contracts with the department of fish and wildlife to implement the program. Funding for WRIA planning units and lead agencies to develop and implement watershed-based plans under RCW 90.82.040 is provided by the department of ecology; and

(5) Currently, state watershed and salmon recovery-based programs are split among several state agencies or offices. Efficient implementation of these efforts will be enhanced by promoting consolidation and integration of their activities and programs. In addition, consolidation of reporting benefits the public and decision makers regarding watershed health, which includes salmon recovery. It is also the intent of the legislature, in cooperation with local and regional officials, and respecting the ability of local citizens and officials to organize in ways best suited to address local needs, to encourage the development of incentives that consolidate existing processes and promote more effective implementation of salmon recovery plans and watershed planning and implementation.

Sec. 2. RCW 77.85.030 and 2007 c 444 s 3 are each amended to read as follows:

(1) The governor's salmon recovery office (~~is created within the office of the governor to~~) shall coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. ~~((The))~~ A primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150.

(2) The governor's salmon recovery office is also responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) ~~((The governor's salmon recovery office shall also gather regional recovery plans from regional recovery organizations and submit the plans to the federal fish services for adoption as federal recovery plans.))~~ The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon

recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery ~~((The governor's salmon recovery office))~~ and shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans;

(c) Provide periodic reports pursuant to RCW 77.85.020;

(d) Provide, as appropriate, technical and administrative support to ~~((the independent))~~ science panels ~~((or other science-related panels))~~ on issues pertaining to salmon recovery;

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

(5) ~~((This section expires June 30, 2015.))~~ For administrative purposes, the governor's salmon recovery office is located within the recreation and conservation office.

Sec. 3. RCW 77.85.050 and 2005 c 309 s 6 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~((salmon recovery funding))~~ salmon recovery funding board in accordance with procedures adopted by the board.

(4) The recreation and conservation office shall administer funding to support the functions of lead entities.

Sec. 4. RCW 77.85.020 and 2007 c 444 s 2 are each amended to read as follows:

(1) ~~((No later than January 31, 2009, and every odd-numbered year until and including 2015, the governor's salmon recovery office shall submit a biennial state of the salmon report to the legislature and the governor regarding the implementation of the state's salmon recovery strategy. The report must include the following:~~

~~(a) A summary of habitat projects including but not limited to:~~

~~(i) A summary of accomplishments in removing barriers to salmon passage and an identification of existing barriers;~~

~~(ii) A summary of salmon restoration efforts undertaken in the past two years;~~

~~(iii) A summary of the role which private volunteer initiatives contribute in salmon habitat restoration efforts; and~~

~~(iv) A summary of efforts taken to protect salmon habitat;~~

~~(b) A summary of harvest and hatchery management activities affecting salmon recovery;~~

~~(c) A summary of the number and types of violations of existing laws pertaining to salmon. The summary may include information about the types of sanctions imposed for these violations.~~

~~(2) The report may include the following:~~

~~(a) A description of the amount of in-kind financial contributions, including volunteer, private, state, federal, tribal, as available, and local government funds directly spent on salmon recovery in response to endangered species act listings; and~~

~~(b) Information on the estimated carrying capacity of new habitat created pursuant to chapter 246, Laws of 1998.~~

~~(3) The report shall summarize the monitoring data coordinated by the forum on monitoring salmon recovery and watershed health. The summary may include but is not limited to data and analysis related to:~~

~~(a) Measures of progress in fish recovery;~~

~~(b) Measures of factors limiting recovery as well as trends in such factors; and~~

~~(c) The status of implementation of projects and activities.~~

(4)) Beginning December 2010, the recreation and conservation office shall produce a biennial report on the statewide status of salmon recovery and watershed health, summarize projects and programs funded by the salmon recovery funding board, and summarize progress as measured by high-level indicators and state agency compliance with applicable protocols established by the forum for monitoring salmon recovery and watershed health. The report must be a consolidation of the current reporting activities, including the salmon recovery funding board and the forum on monitoring salmon recovery and watershed health, on the status of salmon recovery and watershed health in Washington state, in accordance with RCW 77.85.250(8). The report shall also include a high-level status report on watershed planning efforts under chapter 90.82 RCW as summarized by the department of ecology and on salmon recovery and watershed planning as summarized by the Puget Sound partnership. The report's introduction must include a list of high-level questions related to the status of watershed health and salmon recovery to help decision makers and the public respond to salmon recovery and watershed health management needs.

(2) The department, the department of ecology, the department of natural resources, and the state conservation commission ~~((and the forum on monitoring salmon recovery and watershed health))~~ shall provide to the ~~((governor's salmon recovery))~~ recreation and conservation office information requested by the office necessary to prepare the ~~((state of the salmon report and other reports produced by the office))~~ consolidated report on salmon recovery and watershed health.

Sec. 5. RCW 77.85.250 and 2007 c 444 s 8 are each amended to read as follows:

(1) ~~((The legislature finds that pursuant to chapter 298, Laws of 2001, and acting upon recommendations of the state's independent science panel, the monitoring oversight committee developed recommendations for a comprehensive statewide strategy for monitoring watershed health, with a focus upon salmon recovery, entitled *The Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery*. The legislature further finds that funding to begin implementing the strategy and action plan was provided in the 2003-2005 biennial budget, and that executive order 04-03 was issued to coordinate state agency implementation activities. It is therefore the purpose of this~~

section to adopt the strategy and action plan and to provide guidance to ensure that the coordination activities directed by executive order 04-03 are effectively carried out.

~~((2))~~ The forum on monitoring salmon recovery and watershed health is created to implement the Washington Comprehensive Monitoring Strategy and Action Plan for Watershed Health and Salmon Recovery. For administrative purposes, the forum is located within the recreation and conservation office. The governor shall appoint a person with experience and expertise in natural resources and environmental quality monitoring to chair the forum. The chair shall serve four-year terms and may serve successive terms. The forum shall include representatives of the following state agencies and regional entities that have responsibilities related to monitoring of salmon recovery and watershed health:

- (a) Department of ecology;
- (b) Salmon recovery funding board;
- (c) ~~Governor's~~ salmon recovery office;
- (d) Department of fish and wildlife;
- (e) Department of natural resources;
- (f) Puget Sound ~~(action team, or a successor state agency))~~

partnership:

- (g) Conservation commission;
- (h) Department of agriculture;
- (i) Department of transportation; and
- (j) Each of the regional salmon recovery organizations.

~~((3))~~ (2) The forum on monitoring salmon recovery and watershed health shall provide a multiagency venue for coordinating technical and policy issues and actions related to monitoring salmon recovery and watershed health.

~~((4))~~ (3) The forum on monitoring salmon recovery and watershed health shall recommend a set of ~~(measures)~~ high-level indicators for use ((by the governor's salmon recovery office)) in the ((state of the salmon report)) consolidated report on salmon recovery and watershed health required by RCW 77.85.020 to convey results and progress on salmon recovery and watershed health in ways that are easily understood by the general public.

~~((5))~~ (4) The forum on monitoring salmon recovery and watershed health shall invite the participation of federal, tribal, regional, and local agencies and entities that carry out salmon recovery and watershed health monitoring, and work toward coordination and standardization of measures used.

~~((6))~~ (5) The forum on monitoring salmon recovery and watershed health shall periodically report to the governor and the appropriate standing committees of the senate and house of representatives on the forum's activities and recommendations for improving monitoring programs by state agencies ~~(- coordinating with the governor's salmon recovery office biennial report as)).~~ This information must be included within the consolidated report on salmon recovery and watershed health required by RCW 77.85.020.

~~((7))~~ (6) The forum on monitoring salmon recovery and watershed health shall review pilot monitoring programs including those that integrate (a) data collection, management, and access; and (b) information regarding habitat projects and project management.

~~((8))~~ (7) The forum on monitoring salmon recovery and watershed health shall review and make recommendations to the office of financial management and the appropriate legislative committees on agency budget requests related to monitoring salmon recovery and watershed health. These recommendations must be made no later than September 15th of each year. The goal of this review is to prioritize and integrate budget requests across agencies.

~~((9))~~ (8)(a) The forum on monitoring salmon recovery and watershed health shall adopt general high-level indicators for salmon recovery and watershed health in Washington by December 1, 2009. By July 1, 2010, the forum shall also adopt the protocols for monitoring these high-level indicators that will enable state-conducted or state-funded monitoring efforts to be capable of reporting results that will ensure reporting consistency and agency compliance under the consolidated reporting requirement of RCW 77.85.020. The forum on monitoring salmon recovery and watershed health shall indicate how the general high-level indicators are consistent with, and complement, the more detailed regional and local metrics used to measure watershed health and salmon recovery.

(b) High-level indicators shall inform a nontechnical summary of key metrics that indicate the state of salmon recovery and provide an index of watershed health in Washington.

~~((9))~~ This section expires June 30, ~~(2015))~~ 2011.

NEW SECTION. Sec. 6. (1) By December 1, 2009, the recreation and conservation office, in consultation with the department of ecology, the department of fish and wildlife, regional fisheries enhancement groups, lead entities, planning units and lead agencies, and regional salmon recovery organizations shall provide an assessment to the governor on additional coordination and incentive opportunities with lead entities, regional salmon recovery organizations, lead agencies, and WRIA planning units, and shall include any additional coordination and incentive opportunities for those organizations that exist and operate within a shared watershed boundary or portions of a shared watershed boundary.

(2) By December 1, 2009, the recreation and conservation office and the office of regulatory assistance, working in coordination with the departments of ecology and fish and wildlife, must identify and recommend one pilot project outside of Puget Sound that will effectively integrate salmon recovery and watershed planning missions and objectives. The pilot project's purpose is to demonstrate ways to achieve efficient permitting processes to implement projects identified in local or regional salmon recovery or WRIA-based watershed plans.

(3) This section expires December 31, 2009.

NEW SECTION. Sec. 7. (1) By December 1, 2009, the department of ecology must provide recommendations to the legislature on grant programs related to restoration and protection of water quality and for increases, augmentation, or conservation of water quantity supplies that may be more effectively and efficiently funded through the salmon recovery funding board. The recommendations should include ways to integrate salmon recovery data into reporting of watershed health.

(2) This section expires December 31, 2009.

Sec. 8. RCW 77.85.140 and 2007 c 241 s 22 are each amended to read as follows:

(1) Habitat project lists shall be submitted to the salmon recovery funding board for funding at least once a year on a schedule established by the board. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year for informational purposes. Project sponsors who complete salmon habitat projects approved for funding from habitat project lists and have met grant application deadlines will be paid by the salmon recovery funding board within thirty days of project completion.

(2) The recreation and conservation office shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

~~((3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 77.85.020.)~~

Sec. 9. RCW 77.85.005 and 2005 c 309 s 1 are each amended to read as follows:

The legislature finds that repeated attempts to improve salmonid fish runs throughout the state of Washington have failed to avert listings of salmon and steelhead runs as threatened or endangered under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.). These listings threaten the sport, commercial, and tribal fishing industries as well as the economic well-being and vitality of vast areas of the state. It is the intent of the legislature to begin activities required for the recovery of salmon stocks as soon as possible, although the legislature understands that successful recovery efforts may not be realized for many years because of the life cycle of salmon and the complex array of natural and human-caused problems they face.

The legislature finds that it is in the interest of the citizens of the state of Washington for the state to retain primary responsibility for managing the natural resources of the state, rather than abdicate those responsibilities to the federal government, and that the state may best accomplish this objective by integrating local and regional recovery

activities into a statewide strategy that can make the most effective use of provisions of federal laws allowing for a state lead in salmon recovery, delivered through implementation activities consistent with regional and watershed recovery plans. The legislature also finds that a statewide salmon recovery strategy must be developed and implemented through an active public involvement process in order to ensure public participation in, and support for, salmon recovery. The legislature also finds that there is a substantial link between the provisions of the federal endangered species act and the federal clean water act (33 U.S.C. Sec. 1251 et seq.). The legislature further finds that habitat restoration is a vital component of salmon recovery efforts. Therefore, it is the intent of the legislature to specifically address salmon habitat restoration in a coordinated manner and to develop a structure that allows for the coordinated delivery of federal, state, and local assistance to communities for habitat projects that will assist in the recovery and enhancement of salmon stocks. A strong watershed-based locally implemented plan is essential for local, regional, and statewide salmon recovery.

The legislature also finds that credible scientific review and oversight is essential for any salmon recovery effort to be successful.

The legislature further finds that it is important to monitor the overall health of the salmon resource to determine if recovery efforts are providing expected returns. It is important to monitor salmon habitat projects and salmon recovery activities to determine their effectiveness in order to secure federal acceptance of the state's approach to salmon recovery. Adaptive management cannot exist without monitoring. For these reasons, the legislature believes that a coordinated and integrated monitoring system should be developed and implemented.

The legislature therefore finds that a coordinated framework for responding to the salmon crisis is needed immediately. To that end, the governor's salmon recovery office should be created (~~(within the governor's office)~~) to provide overall coordination of the state's response; an independent science panel is needed to provide scientific review and oversight; a coordinated state funding process should be established through a salmon recovery funding board; the appropriate local or tribal government should provide local leadership in identifying and sequencing habitat projects to be funded by state agencies; habitat projects should be implemented without delay; and a strong locally based effort to restore salmon habitat should be established by providing a framework to allow citizen volunteers to work effectively.

Sec. 10. RCW 77.85.090 and 2007 c 444 s 5 and 2007 c 341 s 49 are each reenacted and amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office created in RCW 77.85.030(~~(during the time it is constituted,)~~) as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150. Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species, except for the program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

Sec. 11. RCW 77.85.150 and 2007 c 444 s 6 are each amended to read as follows:

(1) The governor shall, with the assistance of the governor's salmon recovery office, (~~(during the time it is constituted,)~~) maintain and revise, as appropriate, a statewide salmon recovery strategy.

(2) The governor and the governor's salmon recovery office shall be guided by the following considerations in maintaining and revising the strategy:

(a) The strategy should identify statewide initiatives and responsibilities with regional recovery plans and local watershed initiatives as the principal means for implementing the strategy;

(b) The strategy should emphasize collaborative, incentive-based approaches;

(c) The strategy should address all factors limiting the recovery of Washington's listed salmon stocks, including habitat and water quality degradation, harvest and hatchery management, inadequate streamflows, and other barriers to fish passage. Where other limiting factors are beyond the state's jurisdictional authorities to respond to, such as some natural predators and high seas fishing, the strategy shall include the state's requests for federal action to effectively address these factors;

(d) The strategy should identify immediate actions necessary to prevent extinction of a listed salmon stock, establish performance measures to determine if restoration efforts are working, recommend effective monitoring and data management, and recommend to the legislature clear and certain measures to be implemented if performance goals are not met;

(e) The strategy shall rely on the best scientific information available and provide for incorporation of new information as it is obtained;

(f) The strategy should seek a fair allocation of the burdens and costs upon economic and social sectors of the state whose activities may contribute to limiting the recovery of salmon; and

(g) The strategy should seek clear measures and procedures from the appropriate federal agencies for removing Washington's salmon stocks from listing under the federal act.

(3) If the strategy is updated, an active and thorough public involvement process, including early and meaningful opportunity for public comment, must be utilized. In obtaining public comment, the governor's salmon recovery office shall work with regional salmon recovery organizations throughout the state and shall encourage regional and local recovery planning efforts to ensure an active public involvement process.

(4) This section shall apply prospectively only and not retroactively. Nothing in this section shall be construed to invalidate actions taken in recovery planning at the local, regional, or state level prior to July 1, 1999.

Sec. 12. RCW 43.41.270 and 2007 c 444 s 7 and 2007 c 241 s 5 are each reenacted and amended to read as follows:

(1) The office of financial management shall assist natural resource-related agencies in developing outcome-focused performance measures for administering natural resource-related and environmentally based grant and loan programs. These performance measures are to be used in determining grant eligibility, for program management and performance assessment.

(2) The office of financial management and the (~~(governor's salmon recovery)~~) recreation and conservation office(~~(during the time it is constituted,)~~) shall assist natural resource-related agencies in developing recommendations for a monitoring program to measure outcome- focused performance measures required by this section. The recommendations must be consistent with the framework and coordinated monitoring strategy developed by the monitoring oversight committee established in RCW 77.85.210.

(3) Natural resource agencies shall consult with grant or loan recipients including local governments, tribes, nongovernmental organizations, and other interested parties, and report to the office of financial management on the implementation of this section.

(4) For purposes of this section, "natural resource-related agencies" include the department of ecology, the department of natural resources, the department of fish and wildlife, the state conservation commission, the recreation and conservation funding board, the salmon recovery funding board, and the public works board within the department of community, trade, and economic development.

(5) For purposes of this section, "natural resource-related environmentally based grant and loan programs" includes the conservation reserve enhancement program; dairy nutrient management grants under chapter 90.64 RCW; state conservation commission water quality grants under chapter 89.08 RCW; coordinated prevention grants, public participation grants, and remedial action grants under RCW 70.105D.070; water pollution

control facilities financing under chapter 70.146 RCW; aquatic lands enhancement grants under RCW 79.105.150; habitat grants under the Washington wildlife and recreation program under RCW 79A.15.040; salmon recovery grants under chapter 77.85 RCW; and the public works trust fund program under chapter 43.155 RCW. The term also includes programs administered by the department of fish and wildlife related to protection or recovery of fish stocks which are funded with moneys from the capital budget.

Sec. 13. RCW 79A.25.240 and 2007 c 241 s 57 are each amended to read as follows:

The recreation and conservation office shall provide necessary grants and loan administration support to the salmon recovery funding board as provided in RCW 77.85.120. The office shall also be responsible for tracking salmon recovery expenditures under RCW 77.85.140. The office shall provide all necessary administrative support to the salmon recovery funding board, and the salmon recovery funding board shall be located with the office. ~~((The office shall provide necessary coordination with the salmon recovery office.))~~

NEW SECTION. Sec. 14. Nothing in this act is intended to amend chapter 90.71 RCW.

NEW SECTION. Sec. 15. RCW 77.85.100 (Work group-- Evaluation of mitigation alternatives) and 2000 c 107 s 100 & 1998 c 246 s 16 are each repealed."

On page 1, line 2 of the title, after "office;" strike the remainder of the title and insert "amending RCW 77.85.030, 77.85.050, 77.85.020, 77.85.250, 77.85.140, 77.85.005, 77.85.150, and 79A.25.240; reenacting and amending RCW 77.85.090 and 43.41.270; creating new sections; repealing RCW 77.85.100; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2157 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Springer and McCune spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2157, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2157, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

SUBSTITUTE HOUSE BILL NO. 2157, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 31, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2160 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.30.140 and 2008 c 217 s 35 are each amended to read as follows:

(1) Except to the extent provided for in an applicable filing with the commissioner then in effect, no insurer, insurance producer, or title insurance agent shall, as an inducement to insurance, or after insurance has been effected, directly or indirectly, offer, promise, allow, give, set off, or pay to the insured or to any employee of the insured, any rebate, discount, abatement, or reduction of premium or any part thereof named in any insurance contract, or any commission thereon, or earnings, profits, dividends, or other benefit, or any other valuable consideration or inducement whatsoever which is not expressly provided for in the policy.

(2) Subsection (1) of this section shall not apply as to commissions paid to a licensed insurance producer, or title insurance agent for insurance placed on that person's own property or risks.

(3) This section shall not apply to the allowance by any marine insurer, or marine insurance producer, to any insured, in connection with marine insurance, of such discount as is sanctioned by custom among marine insurers as being additional to the insurance producer's commission.

(4) This section shall not apply to advertising or promotional programs conducted by insurers, insurance producers, or title insurance agents whereby prizes, goods, wares, or merchandise, not exceeding twenty-five dollars in value per person in the aggregate in any twelve month period, are given to all insureds or prospective insureds under similar qualifying circumstances.

(5) This section does not apply to an offset or reimbursement of all or part of a fee paid to an insurance producer as provided in RCW 48.17.270.

(6)(a) Subsection (1) of this section shall not be construed to prohibit a health carrier or disability insurer from including as part of a group or individual health benefit plan or contract containing health benefits, a wellness program which meets the requirements for an exception from the prohibition against discrimination based on a health factor under the health insurance portability and accountability act (P.L. 104-191; 110 Stat. 1936) and regulations adopted pursuant to that act.

(b) For purposes of this subsection: (i) "Health carrier" and "health benefit plan" have the same meaning as provided in RCW 48.43.005; and (ii) "wellness program" has the same meaning as provided in 45 CFR 146.121(f).

Sec. 2. RCW 48.30.150 and 2008 c 217 s 36 are each amended to read as follows:

(1) No insurer, insurance producer, title insurance agent, or other person shall, as an inducement to insurance, or in connection with any insurance transaction, provide in any policy for, or offer, or sell, buy, or offer or promise to buy or give, or promise, or allow to, or on behalf of, the insured or prospective insured in any manner whatsoever:

~~((+))~~ (a) Any shares of stock or other securities issued or at any time to be issued on any interest therein or rights thereto; or

~~((=))~~ (b) Any special advisory board contract, or other contract, agreement, or understanding of any kind, offering, providing for, or promising any profits or special returns or special dividends; or

~~((*)~~ (c) Any prizes, goods, wares, or merchandise of an aggregate value in excess of twenty-five dollars.

(2) Subsection (1) of this section shall not be deemed to prohibit the sale or purchase of securities as a condition to or in connection with surety insurance insuring the performance of an obligation as part of a plan of financing found by the commissioner to be designed

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and operated in good faith primarily for the purpose of such financing, nor shall it be deemed to prohibit the sale of redeemable securities of a registered investment company in the same transaction in which life insurance is sold.

(3)(a) Subsection (1) of this section shall not be deemed to prohibit a health carrier or disability insurer from including as part of a group or individual health benefit plan or contract providing health benefits, a wellness program which meets the requirements for an exception from the prohibition against discrimination based on a health factor under the health insurance portability and accountability act (P.L. 104-191; 110 Stat. 1936) and regulations adopted pursuant to that act.

(b) For purposes of this subsection: (i) "Health carrier" and "health benefit plan" have the same meaning as provided in RCW 48.43.005; and (ii) "wellness program" has the same meaning as provided in 45 CFR 146.121(f).

NEW SECTION. Sec. 3. A new section is added to chapter 48.43 RCW to read as follows:

Upon the renewal date of an individual or group health benefit plan or contract containing health benefits, the modification of a wellness program, as defined in 45 CFR 146.121(f), included in such a plan or contract shall not be considered a cancellation or nonrenewal of such plan or contract."

On page 1, line 1 of the title, after "incentives;" strike the remainder of the title and insert "amending RCW 48.30.140 and 48.30.150; and adding a new section to chapter 48.43 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2160 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Driscoll and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2160, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2160, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

SUBSTITUTE HOUSE BILL NO. 2160, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2199 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that restoration of degraded shoreline conditions is important to the ecological function of our waters. However, restoration projects that shift the location of the shoreline can inadvertently create hardships for property owners, particularly in urban areas. Hardship may occur when a shoreline restoration project shifts shoreline management act regulations into areas that had not previously been regulated under the act or shifts the location of required shoreline buffers. The legislature intends to provide relief to property owners in such cases, while protecting the viability of shoreline restoration projects.

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) The local government may grant relief from shoreline master program development standards and use regulations within urban growth areas when the following apply:

(a) A shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in the following:

(i)(A) Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or

(B) Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable shoreline master program; and

(ii) Application of shoreline master program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent;

(b) The proposed relief meets the following criteria:

(i) The proposed relief is the minimum necessary to relieve the hardship;

(ii) After granting the proposed relief, there is net environmental benefit from the restoration project;

(iii) Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the shoreline master program; and

(iv) Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section; and

(c) The application for relief must be submitted to the department for written approval or disapproval. This review must occur during the department's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then the department shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.

(i) Except as otherwise provided in subsection (2) of this section, the department shall provide at least twenty-days notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on their web site.

(ii) The department shall act within thirty calendar days of close of the public notice period, or within thirty days of receipt of the proposal from the local government if additional public notice is not required.

(2) The public notice requirements of subsection (1)(c) of this section do not apply if the relevant shoreline restoration project was included in a shoreline master program or shoreline restoration plan as defined in WAC 173-26-201, as follows:

(a) The restoration plan has been approved by the department under applicable shoreline master program guidelines;

(b) The shoreline restoration project is specifically identified in the shoreline master program or restoration plan or is located along

a shoreline reach identified in the shoreline master program or restoration plan as appropriate for granting relief from shoreline regulations; and

(c) The shoreline master program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

(3) A substantial development permit is not required on land within urban growth areas as defined in RCW 36.70A.030 that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the ordinary high water mark.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Shoreline restoration project" means a project designed to restore impaired ecological function of a shoreline.

(b) "Urban growth areas" has the same meaning as defined in RCW 36.70A.030."

On page 1, line 2 of the title, after "projects;" strike the remainder of the title and insert "adding a new section to chapter 90.58 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2199 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2199, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2199, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

HOUSE BILL NO. 2199, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.48.555 and 2004 c 225 s 2 are each amended to read as follows:

The provisions of this section apply to the construction and industrial storm water general permits issued by the department pursuant to the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and this chapter.

(1) Effluent limitations shall be included in construction and industrial storm water general permits as required under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and its implementing regulations. In accordance with federal clean water act requirements, pollutant specific, water quality-based effluent limitations shall be included in construction and industrial storm water general permits if there is a reasonable potential to cause or contribute to an excursion of a state water quality standard.

(2) Subject to the provisions of this section, both technology and water quality-based effluent limitations may be expressed as:

(a) Numeric effluent limitations;

(b) Narrative effluent limitations; or

(c) A combination of numeric and narrative effluent discharge limitations.

(3) The department must condition storm water general permits for industrial and construction activities issued under the national pollutant discharge elimination system of the federal clean water act to require compliance with numeric effluent discharge limits when such discharges are subject to:

(a) Numeric effluent limitations established in federally adopted, industry-specific effluent guidelines;

(b) State developed, industry-specific performance-based numeric effluent limitations;

(c) Numeric effluent limitations based on a completed total maximum daily load analysis or other pollution control measures; or

(d) A determination by the department that:

(i) The discharges covered under either the construction or industrial storm water general permits have a reasonable potential to cause or contribute to violation of state water quality standards; and

(ii) Effluent limitations based on nonnumeric best management practices are not effective in achieving compliance with state water quality standards.

(4) In making a determination under subsection (3)(d) of this section, the department shall use procedures that account for:

(a) Existing controls on point and nonpoint sources of pollution;

(b) The variability of the pollutant or pollutant parameter in the storm water discharge; and

(c) As appropriate, the dilution of the storm water in the receiving waters.

(5) Narrative effluent limitations requiring both the implementation of best management practices, when designed to satisfy the technology and water quality-based requirements of the federal clean water act, 33 U.S.C. Sec. 1251 et seq., and compliance with water quality standards, shall be used for construction and industrial storm water general permits, unless the provisions of subsection (3) of this section apply.

(6) Compliance with water quality standards shall be presumed, unless discharge monitoring data or other site specific information demonstrates that a discharge causes or contributes to violation of water quality standards, when the permittee is:

(a) In full compliance with all permit conditions, including planning, sampling, monitoring, reporting, and recordkeeping conditions; and

(b)(i) Fully implementing storm water best management practices contained in storm water technical manuals approved by the department, or practices that are demonstrably equivalent to practices contained in storm water technical manuals approved by the department, including the proper selection, implementation, and maintenance of all applicable and appropriate best management practices for on-site pollution control.

(ii) For the purposes of this section, "demonstrably equivalent" means that the technical basis for the selection of all storm water best management practices are documented within a storm water pollution prevention plan. The storm water pollution prevention plan must document:

(A) The method and reasons for choosing the storm water best management practices selected;

(B) The pollutant removal performance expected from the practices selected;

(C) The technical basis supporting the performance claims for the practices selected, including any available existing data concerning field performance of the practices selected;

(D) An assessment of how the selected practices will comply with state water quality standards; and

(E) An assessment of how the selected practices will satisfy both applicable federal technology-based treatment requirements and state requirements to use all known, available, and reasonable methods of prevention, control, and treatment.

(7)(a) By November 1, 2009, the department shall modify or reissue the industrial storm water general permit to require compliance ((by May 1, 2009,)) with appropriately derived numeric water quality-based effluent limitations for existing discharges to water bodies listed as impaired according to 33 U.S.C. Sec. 1313(d) (Sec. 303(d) of the federal clean water act, 33 U.S.C. Sec. 1251 et seq.).

(b) ((No later than September 1, 2008,)) The industrial storm water general permit must require permittees to comply with appropriately derived numeric water quality-based effluent limitations in the permit, as described in (a) of this subsection, by no later than six months after the effective date of the modified or reissued industrial storm water general permit.

(c) For permittees that the department determines are unable to comply with the numeric water quality-based effluent limitations required by (a) of this subsection, within the timeline established in (b) of this subsection, the department shall establish a compliance schedule as follows:

(i) Any compliance schedule provided by the department must require compliance as soon as possible, and must require compliance by no later than twenty-four months, or two complete wet seasons, after the effective date of the industrial storm water general permit. For purposes of this subsection (7)(c)(i), "wet seasons" means October 1st through June 30th.

(ii) The department shall post on its web site the name, location, industrial storm water permit number, and the reason for requesting a compliance schedule for each permittee who requests a compliance schedule according to this subsection (7)(c). The department shall post this information no later than thirty days after receiving a permittee's request for a compliance schedule under this subsection (7)(c). The department shall also prepare a list of organizations and individuals seeking to be notified when such requests for compliance schedules are made, and notify them within thirty days after receiving a permittee's request for a compliance schedule. Notification under this subsection may be accomplished electronically.

(d) The department shall report to the appropriate committees of the legislature specifying how the numeric effluent limitation in (a) of this subsection would be implemented. The report shall identify the number of dischargers to impaired water bodies and provide an assessment of anticipated compliance with the numeric effluent limitation established by (a) of this subsection.

(8)(a) Construction and industrial storm water general permits issued by the department shall include an enforceable adaptive management mechanism that includes appropriate monitoring, evaluation, and reporting. The adaptive management mechanism shall include elements designed to result in permit compliance and shall include, at a minimum, the following elements:

(i) An adaptive management indicator, such as monitoring benchmarks;

(ii) Monitoring;

(iii) Review and revisions to the storm water pollution prevention plan;

(iv) Documentation of remedial actions taken; and

(v) Reporting to the department.

(b) Construction and industrial storm water general permits issued by the department also shall include the timing and mechanisms for implementation of treatment best management practices.

(9) Construction and industrial storm water discharges authorized under general permits must not cause or have the reasonable potential to cause or contribute to a violation of an

applicable water quality standard. Where a discharge has already been authorized under a national pollutant discharge elimination system storm water permit and it is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable water quality standard, the department may notify the permittee of such a violation.

(10) Once notified by the department of a determination of reasonable potential to cause or contribute to the violation of an applicable water quality standard, the permittee must take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document those actions in the storm water pollution prevention plan and a report timely submitted to the department. If violations remain or recur, coverage under the construction or industrial storm water general permits may be terminated by the department, and an alternative general permit or individual permit may be issued. Compliance with the requirements of this subsection does not preclude any enforcement activity provided by the federal clean water act, 33 U.S.C. Sec. 1251 et seq., for the underlying violation.

(11) Receiving water sampling shall not be a requirement of an industrial or construction storm water general permit except to the extent that it can be conducted without endangering the health and safety of persons conducting the sampling.

(12) The department may authorize mixing zones only in compliance with and after making determinations mandated by the procedural and substantive requirements of applicable laws and regulations.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

(1) As funding to do so becomes available, the department shall create a storm water technical resource center in partnership with a university, nonprofit organization, or other public or private entity to provide tools for storm water management. The center shall use its authority to support the duties listed in this subsection through research, development, technology demonstration, technology transfer, education, outreach, recognition, and training programs. The center may:

(a) Review and evaluate emerging storm water technologies;

(b) Research and develop innovative and cost-effective technical solutions to remove pollutants from runoff and to reduce or eliminate storm water discharges;

(c) Conduct pilot projects to test technical solutions;

(d) Serve as a clearinghouse and outreach center for information on storm water technology;

(e) Assist in the development of storm water control methods to better protect water quality, including source control, product substitution, pollution prevention, and storm water treatment;

(f) Coordinate with federal, state, and local agencies and private organizations in administering programs related to storm water control measures; and

(g) Collaborate with existing storm water outreach programs.

(2) The department shall consult with an advisory committee in the development of the storm water technical resource center. The advisory committee must include representatives from relevant state agencies, local governments, the business community, the environmental community, tribes, and the building and development industry.

(3) The department, in consultation with the storm water technical resource center advisory committee, shall identify a funding strategy for funding the storm water technical resource center.

(4) The department shall encourage all interested parties to help and support the technical resource center with in-kind services.

(5) The department shall prepare and submit a biennial progress report to the legislature.

NEW SECTION. Sec. 3. Section 1 of this act expires January 1, 2015."

On page 1, line 2 of the title, after "permits;" strike the remainder of the title and insert "amending RCW 90.48.555; adding a new section to chapter 90.48 RCW; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2222, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2222, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler, Hurst and Pettigrew.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2223 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.25.060 and 2007 c 418 s 1 are each amended to read as follows:

(1)(a) No person may be issued a commercial driver's license unless that person is a resident of this state, has successfully completed a course of instruction in the operation of a commercial motor vehicle that has been approved by the director or has been certified by an employer as having the skills and training necessary to operate a commercial motor vehicle safely, and has passed a knowledge and skills test for driving a commercial motor vehicle that complies with minimum federal standards established by federal regulation enumerated in 49 C.F.R. part 383, subparts G and H, and has satisfied all other requirements of the CMVSA in addition to other requirements imposed by state law or federal regulation. The tests must be prescribed and conducted by the department. In addition to the fee charged for issuance or renewal of any license, the applicant shall pay a fee of no more than ten dollars for each classified knowledge examination, classified endorsement knowledge examination, or any combination of classified license and endorsement knowledge examinations. The applicant shall pay a fee of no more than one hundred dollars for each classified skill examination or combination of classified skill examinations conducted by the department.

(b) The department may authorize a person, including an agency of this or another state, an employer, a private driver training facility, or other private institution, or a department, agency, or instrumentality of local government, to administer the skills test specified by this section under the following conditions:

(i) The test is the same which would otherwise be administered by the state;

(ii) The third party has entered into an agreement with the state that complies with the requirements of 49 C.F.R. part 383.75; and

(iii) The director has adopted rules as to the third party testing program and the development and justification for fees charged by any third party.

(c) If the applicant's primary use of a commercial driver's license is for any of the following, then the applicant shall pay a fee of no more than seventy-five dollars for each classified skill examination or combination of classified skill examinations whether conducted by the department or a third-party tester:

(i) Public benefit not-for-profit corporations that are federally supported head start programs; or

(ii) Public benefit not-for-profit corporations that support early childhood education and assistance programs as described in RCW 43.215.405(4).

(2) The department shall work with the office of the superintendent of public instruction to develop modified P1 and P2 skill examinations that also include the skill examination components required to obtain an "S" endorsement. In no event may a new applicant for an "S" endorsement be required to take two separate examinations to obtain an "S" endorsement and either a P1 or P2 endorsement, unless that applicant is upgrading his or her existing commercial driver's license to include an "S" endorsement. The combined P1/S or P2/S skill examination must be offered to the applicant at the same cost as a regular P1 or P2 skill examination.

(3)(a) The department may waive the skills test and the requirement for completion of a course of instruction in the operation of a commercial motor vehicle specified in this section for a commercial driver's license applicant who meets the requirements of 49 C.F.R. part 383.77.

(b) An applicant who operates a commercial motor vehicle for agribusiness purposes is exempt from the course of instruction completion and employer skills and training certification requirements under this section. By January 1, 2010, the department shall submit recommendations regarding the continuance of this exemption to the transportation committees of the legislature. For purposes of this subsection (3)(b), "agribusiness" means a private carrier who in the normal course of business primarily transports:

(i) Farm machinery, farm equipment, implements of husbandry, farm supplies, and materials used in farming;

(ii) Agricultural inputs, such as seed, feed, fertilizer, and crop protection products;

(iii) Unprocessed agricultural commodities, as defined in RCW 17.21.020, where such commodities are produced by farmers, ranchers, vineyardists, or orchardists; or

(iv) Any combination of (b)(i) through (iii) of this subsection.

This subsection (3)(b) expires July 1, 2011.

(4) A commercial driver's license or commercial driver's instruction permit may not be issued to a person while the person is subject to a disqualification from driving a commercial motor vehicle, or while the person's driver's license is suspended, revoked, or canceled in any state, nor may a commercial driver's license be issued to a person who has a commercial driver's license issued by any other state unless the person first surrenders all such licenses, which must be returned to the issuing state for cancellation.

(5)(a) The department may issue a commercial driver's instruction permit to an applicant who is at least eighteen years of age and holds a valid Washington state driver's license and who has submitted a proper application, passed the general knowledge examination required for issuance of a commercial driver's license under subsection (1) of this section, and paid the appropriate fee for the knowledge examination and an application fee of ten dollars.

(b) A commercial driver's instruction permit may not be issued for a period to exceed six months. Only one renewal or reissuance may be granted within a two-year period.

(c) The holder of a commercial driver's instruction permit may drive a commercial motor vehicle on a highway only when accompanied by the holder of a commercial driver's license valid for the type of vehicle driven who occupies a seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle. The holder of a commercial driver's instruction permit is not authorized to operate a commercial motor vehicle transporting hazardous materials.

(d) The department shall transmit the fees collected for commercial driver's instruction permits to the state treasurer."

On page 1, line 2 of the title, after "purposes;" strike the remainder of the title and insert "amending RCW 46.25.060; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2223 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2223, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2223, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Klippert.

Excused: Representatives Chandler, Hurst and Pettigrew.

SUBSTITUTE HOUSE BILL NO. 2223, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced House intern Megan Cassou and asked the Chamber to acknowledge her.

There being no objection, the House reverted to the fifth order of business.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 18, 2009

HB 2318 Prime Sponsor, Representative Sells: Creating the Washington institute of aerospace technology and manufacturing studies. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Higher Education. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

There being no objection, the bill listed on the day's committee reports under the fifth order of business was placed on the second reading calendar.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1420 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 64.06.005 and 2007 c 107 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Improved residential real property" means:

(a) Real property consisting of, or improved by, one to four residential dwelling units;

(b) A residential condominium as defined in RCW 64.34.020(9), unless the sale is subject to the public offering statement requirement in the Washington condominium act, chapter 64.34 RCW;

(c) A residential timeshare, as defined in RCW 64.36.010(11), unless subject to written disclosure under the Washington timeshare act, chapter 64.36 RCW; or

(d) A mobile or manufactured home, as defined in RCW 43.22.335 or 46.04.302, that is personal property.

(2) "Residential real property" means both improved and unimproved residential real property.

(3) "Seller disclosure statement" means the form to be completed by the seller of residential real property as prescribed by this chapter.

(4) "Unimproved residential real property" means property zoned for residential use that is not improved by residential dwelling units, a residential condominium, a residential timeshare, ((or)) a mobile or manufactured home, or a commercial building. It does not include property defined as "timber land" under RCW 84.34.020.

"**Sec. 2.** RCW 64.06.015 and 2007 c 107 s 5 are each amended to read as follows:

(1) In a transaction for the sale of unimproved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

Format change to accommodate text.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

1. TITLE

- Yes No Don't know A. Do you have legal authority to sell the property? If no, please explain.
- Yes No Don't know *B. Is title to the property subject to any of the following?
 - (1) First right of refusal
 - (2) Option
 - (3) Lease or rental agreement
 - (4) Life estate?
- Yes No Don't know *C. Are there any encroachments, boundary agreements, or boundary disputes?
- Yes No Don't know *D. Is there a private road or easement agreement for access to the property?
- Yes No Don't know *E. Are there any rights-of-way, easements, or access limitations that ((~~may~~)) affect the Buyer's use of the property?
- Yes No Don't know *F. Are there any written agreements for joint maintenance of an easement or right-of-way?
- Yes No Don't know *G. Is there any study, survey project, or notice that would adversely affect the property?
- Yes No Don't know *H. Are there any pending or existing assessments against the property?
- Yes No Don't know *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that ((~~would~~)) affect future construction or remodeling?
- Yes No Don't know *J. Is there a boundary survey for the property?
- Yes No Don't know *K. Are there any covenants, conditions, or restrictions ((~~which affect~~)) recorded against title to the property?

2. WATER

- Yes No Don't know A. Household Water
 - (1) Does the property have potable water supply?
 - (2) If yes, the source of water for the property is:
 - Private or publicly owned water system
 - Private well serving only the property
 - * Other water system
 - *If shared, are there any written agreements?
 - *~~(3)~~ Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
 - *~~(4)~~ Are there any ((~~known~~)) problems or repairs needed?
 - (5) Is there a connection or hook-up charge payable before the property can be connected to the water main?
 - (6) Have you obtained a certificate of water availability from the water purveyor serving the property? (If yes, please attach a copy.)
 - (7) Is there a water right permit, certificate, or claim associated with household water supply for the property? (If yes, please attach a copy.)
 - (a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?
 - *~~(b)~~ If yes, has all or any portion of the water right not been used for five or more successive years? ((~~If yes, please explain:~~)))
 -
 - (c) If no or don't know, is the water withdrawn from the water source less than 5,000 gallons a day?
 - *~~(8)~~ Are there any defects in the operation of the water system (e.g., pipes, tank, pump, etc.)?
- Yes No Don't know B. Irrigation Water
 - (1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim? (If yes, please attach a copy.)
 - (a) If yes, has all or any portion of the water right not been used for five or more successive years?
 - (b) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?
 - *~~(2)~~ Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies irrigation water to the property:
 -
- Yes No Don't know C. Outdoor Sprinkler System
 - (1) Is there an outdoor sprinkler system for the property?
 - *~~(2)~~ If yes, are there any defects in the system?
 - *~~(3)~~ If yes, is the sprinkler system connected to irrigation water?

3. SEWER/SEPTIC SYSTEM

- Yes No Don't know A. The property is served by:
 - Public sewer system
 - On-site sewage system (including pipes, tanks, drainfields, and all other component parts)
 - Other disposal system, please describe:
 -

Yes No Don't know

B. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

C. If the property is connected to an on-site sewage system:

Yes No Don't know

* (1) Was a permit issued for its construction?

Yes No Don't know

* (2) Was it approved by the local health department or district following its construction?

Yes No Don't know

(3) Is the septic system a pressurized system?

Yes No Don't know

(4) Is the septic system a gravity system?

Yes No Don't know

* (5) Have there been any changes or repairs to the on-site sewage system?

Yes No Don't know

(6) Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain:

Yes No Don't know

* (7) Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? ~~((If yes, please explain:))~~

4. ELECTRICAL/GAS

Yes No Don't know

A. Is the property served by natural gas?

Yes No Don't know

B. Is there a connection charge for gas?

Yes No Don't know

C. Is the property served by electricity?

Yes No Don't know

D. Is there a connection charge for electricity?

Yes No Don't know

E. Are there any electrical problems on the property? ~~((If yes, please explain:))~~

5. FLOODING

Yes No Don't know

A. ~~((Are there any flooding, standing water, or drainage problems on the property or affecting access to the property? If yes, please explain:))~~

Yes No Don't know

B.) Is the property located in a government designated flood zone or floodplain?

6. SOIL STABILITY

Yes No Don't know

A. Are there any settlement, earth movement, slides, or similar soil problems on the property? ~~((If yes, please explain:))~~

Yes No Don't know

B. Does any part of the property contain fill dirt, waste, or other fill material? ~~If yes, please explain:))~~

7. ENVIRONMENTAL

Yes No Don't know

A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?

Yes No Don't know

B. Does any part of the property contain fill dirt, waste, or other fill material?

Yes No Don't know

C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?

Yes No Don't know

D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

Yes No Don't know

E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?

Yes No Don't know

F. Has the property been used for commercial or industrial purposes?

Yes No Don't know

G. Is there any soil or groundwater contamination?

Yes No Don't know

H. Are there transmission poles(~~(, transformers,)~~) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?

Yes No Don't know

I. Has the property been used as a legal or illegal dumping site?

Yes No Don't know

J. Has the property been used as an illegal drug manufacturing site?

Yes No Don't know

K. Are there any radio towers (~~(in the area)~~) that (~~((may))~~) cause interference with cellular telephone reception?

8. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

Yes No Don't know

A. Is there a homeowners' association? Name of association:

Yes No Don't know

B. Are there regular periodic assessments:

\$. . . per Month Year

Other

Yes No Don't know

C. Are there any pending special assessments?

Yes No Don't know

D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

9. OTHER FACTS

Yes No Don't know

A. Are there any disagreements, disputes, encroachments, or legal actions concerning the property? ~~((If yes, please explain:))~~

Yes No Don't know

B. Does the property have any plants or wildlife that are designated as species ~~((or of))~~ of concern, or listed as threatened or endangered by the government?

Yes No Don't know

C. Is the property classified or designated as forest land or open space? ~~((If so, specify:))~~

Yes No Don't know

D. Do you have a forest management plan? If yes, attach.

Yes No Don't know

E. Have any development-related permit applications been submitted to any government agencies? ~~((If so, specify:))~~

.....
If the answer to E is "yes," what is the status or outcome of those applications?
.....

10. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

Yes No Don't know

*Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

A Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.

B The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.

C Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

D This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.

E Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE

BUYER

BUYER

(2) If the disclosure statement is being completed for a property for which the maximum allowable development after full subdivision would be more than four residential units or structures, the disclosure statement is only required to contain and the seller is only required to complete the questions listed in item 7. Environmental.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 3. RCW 64.06.020 and 2007 c 107 s 4 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

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Seller is/ is not occupying the property.

I. SELLER'S DISCLOSURES:

*If you answer "Yes" to a question with an asterisk (*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

Yes No Don't know
 Yes No Don't know

1. TITLE

A. Do you have legal authority to sell the property? If no, please explain.

*B. Is title to the property subject to any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Life estate?

Yes No Don't know

*C. Are there any encroachments, boundary agreements, or boundary disputes?

Yes No Don't know

*D. Is there a private road or easement agreement for access to the property?

Yes No Don't know

*E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

Yes No Don't know

*F. Are there any written agreements for joint maintenance of an easement or right-of-way?

Yes No Don't know

*G. Is there any study, survey project, or notice that would adversely affect the property?

Yes No Don't know

*H. Are there any pending or existing assessments against the property?

Yes No Don't know

*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?

Yes No Don't know

*J. Is there a boundary survey for the property?

Yes No Don't know

*K. Are there any covenants, conditions, or restrictions (~~which affect~~) recorded against the property?

2. WATER

A. Household Water

(1) The source of water for the property is: Private or publicly owned water system Private well serving only the subject property * Other water system

Yes No Don't know

*If shared, are there any written agreements?

Yes No Don't know

*(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

Yes No Don't know

*(3) Are there any (~~known~~) problems or repairs needed?

Yes No Don't know

(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

Yes No Don't know

*(5) Are there any water treatment systems for the property? If yes, are they Leased Owned

Yes No Don't know

*(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

Yes No Don't know

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?

Yes No Don't know

*(b) If yes, has all or any portion of the water right not been used for five or more successive years? (~~if yes, please explain~~)

Yes No Don't know

*(7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

B. Irrigation Water

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

Yes No Don't know

*(a) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes No Don't know

*(b) If so, is the certificate available? (If yes, please attach a copy.)

Yes No Don't know

*(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed? (~~if so, explain~~)

Yes No Don't know

- Yes No Don't know *(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:
- Yes No Don't know C. Outdoor Sprinkler System
- Yes No Don't know (1) Is there an outdoor sprinkler system for the property?
- Yes No Don't know *(2) If yes, are there any defects in the system?((.....))
- Yes No Don't know *(3) If yes, is the sprinkler system connected to irrigation water?
- Yes No Don't know **3. SEWER/ON-SITE SEWAGE SYSTEM**
- Yes No Don't know A. The property is served by: Public sewer system, On-site sewage system (including pipes, tanks, drainfields, and all other component parts) Other disposal system, please describe:
- Yes No Don't know B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.
- Yes No Don't know *C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?
- Yes No Don't know D. If the property is connected to an on-site sewage system:
- Yes No Don't know *(1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?
- Yes No Don't know (2) When was it last pumped(+) ?
- Yes No Don't know *C. Are there any defects in the operation of the on-site sewage system?
- Yes No Don't know (4) When was it last inspected?
- Yes No Don't know By whom:
- Yes No Don't know (5) For how many bedrooms was the on-site sewage system approved?
- Yes No Don't know bedrooms
- Yes No Don't know E. Are all plumbing fixtures, including laundry drain, connected to the sewer/on-site sewage system? If no, please explain:
- Yes No Don't know *F. Have there been any changes or repairs to the on-site sewage system?
- Yes No Don't know G. Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain.
- Yes No Don't know *H. Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? ((If yes, please explain))

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

- Yes No Don't know **4. STRUCTURAL**
- Yes No Don't know *A. Has the roof leaked within the last five years?
- Yes No Don't know *B. Has the basement flooded or leaked?
- Yes No Don't know *C. Have there been any conversions, additions, or remodeling?
- Yes No Don't know *(1) If yes, were all building permits obtained?
- Yes No Don't know *(2) If yes, were all final inspections obtained?
- Yes No Don't know D. Do you know the age of the house? If yes, year of original construction:
- Yes No Don't know *E. Has there been any settling, slippage, or sliding of the property or its improvements?
- Yes No Don't know *F. Are there any defects with the following: (If yes, please check applicable items and explain.)
- Foundations Decks Exterior Walls
- Chimneys Interior Walls Fire Alarm
- Doors Windows Patio
- Ceilings Slab Floors Driveways
- Pools Hot Tub Sauna
- Sidewalks Outbuildings Fireplaces
- Garage Floors Walkways Siding
- Other Wood Stoves
- Yes No Don't know *G. Was a structural pest or "whole house" inspection done? If yes, when and by whom was the inspection completed?
- Yes No Don't know H. During your ownership, has the property had any wood destroying organism or pest infestation?
- Yes No Don't know I. Is the attic insulated?
- Yes No Don't know J. Is the basement insulated?
- Yes No Don't know **5. SYSTEMS AND FIXTURES**
- Yes No Don't know *A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.
- Yes No Don't know Electrical system, including wiring, switches, outlets, and service
- Yes No Don't know Plumbing system, including pipes, faucets, fixtures, and toilets
- Yes No Don't know Hot water tank
- Yes No Don't know Garbage disposal

Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know

Appliances
Sump pump
Heating and cooling systems
Security system Owned Leased
Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

Yes No Don't know
 Yes No Don't know
 Yes No Don't know

Security system
Tanks (type):
Satellite dish Other:

*C. Are any of the following kinds of wood burning appliances present at the property?

Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know

(1) Woodstove?
(2) Fireplace insert?
(3) Pellet stove?
(4) Fireplace?
If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know

A. Is there a Homeowners' Association? Name of Association:
B. Are there regular periodic assessments:
\$. . . per Month Year Other
*C. Are there any pending special assessments?
*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. ENVIRONMENTAL

Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know
 Yes No Don't know

*A. Have there been any flooding, standing water, or drainage problems on the property that affect the property or access to the property?
*B. Does any part of the property contain fill dirt, waste, or other fill material?
*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?
D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?
*E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?
*F. Has the property been used for commercial or industrial purposes?
*G. Is there any soil or groundwater contamination?
*H. Are there transmission poles (~~(transformers,))~~ or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?
*I. Has the property been used as a legal or illegal dumping site?
*J. Has the property been used as an illegal drug manufacturing site?
*K. Are there any radio towers in the area that (~~may~~) cause interference with cellular telephone reception?

8. MANUFACTURED AND MOBILE HOMES

Yes No Don't know
 Yes No Don't know
 Yes No Don't know

If the property includes a manufactured or mobile home,
*A. Did you make any alterations to the home? If yes, please describe the alterations:
*B. Did any previous owner make any alterations to the home? (~~If yes, please describe the alterations:~~)
*C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

Yes No Don't know

A. Other conditions or defects:
*Are there any other existing material defects affecting the property that a prospective buyer should know about?
B. Verification:
The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO THE BUYER
INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT. BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. DATE BUYER BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 4. RCW 64.06.040 and 1996 c 301 s 4 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller (~~becomes aware~~) learns from a source other than the buyer or others acting on the buyer's behalf such as an inspector of additional information(;) or an adverse change (~~occurs~~) which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three- business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

NEW SECTION. Sec. 5. This act applies prospectively only and not retroactively. It applies only to sales of property that arise on or after the effective date of this section."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.005, 64.06.015, 64.06.020, and 64.06.040; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1420 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.96.020 and 2006 c 82 s 3 are each amended to read as follows:

(1) The provisions of this section apply to claims for damages against all local governmental entities and their officers, employees, or volunteers, acting in such capacity, except that claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter.

(2) The governing body of each local governmental entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located. All claims for damages against a local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, shall be presented to the agent within the applicable period of limitations within which an action must be commenced. A claim is deemed presented when the claim form is delivered in person or is received by the agent by regular mail, registered mail, or certified mail, with return receipt requested, to the agent or other person designated to accept delivery at the agent's office. The failure of a local governmental entity to comply with the requirements of this section precludes that local governmental entity from raising a defense under this chapter.

(3) ((All claims for damages arising out of tortious conduct must locate and describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which the claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.)) For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division of the office of financial management, except as allowed under (c) of this subsection. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

(i) The claimant's name, date of birth, and contact information;

(ii) A description of the conduct and the circumstances that brought about the injury or damage;

(iii) A description of the injury or damage;

(iv) A statement of the time and place that the injury or damage occurred;

(v) A listing of the names of all persons involved and contact information, if known;

(vi) A statement of the amount of damages claimed; and

(vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

(i) By the claimant, verifying the claim;

(ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

(iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or

(iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) Local governmental entities shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity. If a local governmental entity chooses to also make available its own tort claim form in lieu of the standard tort claim form, the form:

(i) May require additional information beyond what is specified under this section, but the local governmental entity may not deny a claim because of the claimant's failure to provide that additional information;

(ii) Must not require the claimant's social security number; and

(iii) Must include instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity appointed to receive the claim.

(d) If any claim form provided by the local governmental entity fails to require the information specified in this section, or incorrectly lists the agent with whom the claim is to be filed, the local governmental entity is deemed to have waived any defense related to the failure to provide that specific information or to present the claim to the proper designated agent.

(e) Presenting either the standard tort claim form or the local governmental tort claim form satisfies the requirements of this chapter.

(f) The amount of damages stated on the claim form is not admissible at trial.

(4) No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against any local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim has first been presented to ((and filed with)) the agent of the governing body thereof. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty(=) calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed.

(5) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 2. RCW 4.92.100 and 2006 c 82 s 1 are each amended to read as follows:

(1) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct, except for claims involving injuries from health care, shall be presented to ((and filed with)) the risk management division. ((All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.)) Claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter. A claim is deemed presented when the claim form is delivered in person or by regular mail, registered mail,

or certified mail, with return receipt requested, to the risk management division. For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

(i) The claimant's name, date of birth, and contact information;

(ii) A description of the conduct and the circumstances that brought about the injury or damage;

(iii) A description of the injury or damage;

(iv) A statement of the time and place that the injury or damage occurred;

(v) A listing of the names of all persons involved and contact information, if known;

(vi) A statement of the amount of damages claimed; and

(vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

(i) By the claimant, verifying the claim;

(ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

(iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or

(iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) The amount of damages stated on the claim form is not admissible at trial.

(2) The state shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the risk management division. The standard tort claim form must not list the claimant's social security number and must not require information not specified under this section.

(3) With respect to the content of ((such)) claims under this section and all procedural requirements in this section, this section ((shall)) must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. RCW 4.92.110 and 2006 c 82 s 2 are each amended to read as follows:

No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to ((and filed with)) the risk management division. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty((-)) calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "and amending RCW 4.96.020, 4.92.100, and 4.92.110."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 9, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1081 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 35.43.040 and 1997 c 452 s 16 are each amended to read as follows:

Whenever the public interest or convenience may require, the legislative authority of any city or town may order the whole or any part of any local improvement including but not restricted to those, or any combination thereof, listed below to be constructed, reconstructed, repaired, or renewed and landscaping including but not restricted to the planting, setting out, cultivating, maintaining, and renewing of shade or ornamental trees and shrubbery thereon; may order any and all work to be done necessary for completion thereof; and may levy and collect special assessments on property specially benefited thereby to pay the whole or any part of the expense thereof, viz:

(1) Alleys, avenues, boulevards, lanes, park drives, parkways, parking facilities, public places, public squares, public streets, their grading, regrading, planking, replanking, paving, repaving, macadamizing, remacadamizing, graveling, regravelling, piling, repiling, capping, recapping, or other improvement; if the management and control of park drives, parkways, and boulevards is vested in a board of park commissioners, the plans and specifications for their improvement must be approved by the board of park commissioners before their adoption;

(2) Auxiliary water systems;

(3) Auditoriums, field houses, gymnasiums, swimming pools, or other recreational, playground, museum, cultural, or arts facilities or structures;

(4) Bridges, culverts, and trestles and approaches thereto;

(5) Bulkheads and retaining walls;

(6) Dikes and embankments;

(7) Drains, sewers, and sewer appurtenances which as to trunk sewers shall include as nearly as possible all the territory which can be drained through the trunk sewer and subsewers connected thereto;

(8) Escalators or moving sidewalks together with the expense of operation and maintenance;

(9) Parks and playgrounds;

(10) Sidewalks, curbing, and crosswalks;

(11) Street lighting systems together with the expense of furnishing electrical energy, maintenance, and operation;

(12) Underground utilities transmission lines;

(13) Water mains, hydrants, and appurtenances which as to trunk water mains shall include as nearly as possible all the territory in the zone or district to which water may be distributed from the trunk water mains through lateral service and distribution mains and services;

(14) Fences, culverts, syphons, or coverings or any other feasible safeguards along, in place of, or over open canals or ditches to protect the public from the hazards thereof;

(15) Roadbeds, trackage, signalization, storage facilities for rolling stock, overhead and underground wiring, and any other stationary equipment reasonably necessary for the operation of an electrified public streetcar line;

(16) Systems of surface, underground, or overhead railways, tramways, buses, or any other means of local transportation except taxis, and including passenger, terminal, station parking, and related facilities and properties, and such other facilities as may be necessary for passenger and vehicular access to and from such terminal, station, parking, and related facilities and properties, together with all lands, rights-of-way, property, equipment, and accessories necessary for such systems and facilities;

(17) Convention center facilities or structures in cities incorporated before January 1, 1982, with a population over sixty thousand located in a county with a population over one million, other than the city of Seattle. Assessments for purposes of convention center facilities or structures may be levied only to the extent necessary to cover a funding shortfall that occurs when funds received from special excise taxes imposed pursuant to chapter 67.28 RCW are insufficient to fund the annual debt service for such facilities or structures, and may not be levied on property exclusively maintained as single-family or multifamily permanent residences whether they are rented, leased, or owner occupied; ((and))

(18) Programs of aquatic plant control, lake or river restoration, or water quality enhancement. Such programs shall identify all the area of any lake or river which will be improved and shall include the adjacent waterfront property specially benefited by such programs of improvements. Assessments may be levied only on waterfront property including any waterfront property owned by the department of natural resources or any other state agency. Notice of an assessment on a private leasehold in public property shall comply with provisions of chapter 79.44 RCW. Programs under this subsection shall extend for a term of not more than five years; and

(19) Railroad crossing protection devices, including maintenance and repair. Any assessments for maintenance and repair after the initial indebtedness is retired may be levied only with the approval of a majority of the property owners within the local improvement district. Assessments for purposes of railroad crossing protection devices may not be levied on property owned or maintained by a railroad, railroad company, street railroad, or street railroad company, as defined in RCW 81.04.010, or a regional transit authority as defined in RCW 81.112.020."

On page 1, line 2 of the title, after "devices;" strike the remainder of the title and insert "and amending RCW 35.43.040."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE

MOTION

Representative Herrera moved that the House concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1081.

Representative Herrera spoke in favor of the motion to concur in the Senate amendment.

Representative Clibborn spoke against the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to concur in the Senate amendment to Second Substitute House Bill No. 1081.

With the consent of the House, Representative Hope was excused.

ROLL CALL

The Clerk called the roll on the adoption of the motion to concur in the Senate amendment to Second Substitute House Bill No. 1081 and the motion was not adopted by the following vote: Yeas: 35; Nays: 61; Absent: 0; Excused: 2.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh, and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood, and Mr. Speaker.

Excused: Representatives Chandler and Hope.

The House did not concur in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1081 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1373 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 74.09.521 and 2007 c 359 s 11 are each amended to read as follows:

(1) To the extent that funds are specifically appropriated for this purpose the department shall revise its medicaid healthy options managed care and fee-for-service program standards under medicaid, Title XIX of the federal social security act to improve access to mental health services for children who do not meet the regional support network access to care standards. Effective July 1, 2008, the program standards shall be revised to allow outpatient therapy services to be provided by licensed mental health professionals, as defined in RCW 71.34.020, or by a mental health professional regulated under Title 18 RCW who is under the direct supervision of a licensed mental health professional, and up to twenty outpatient therapy hours per calendar year, including family therapy visits integral to a child's treatment. This section shall be administered in a manner consistent with federal early periodic screening, diagnosis, and treatment requirements related to the receipt of medically necessary services when a child's need for such services is identified through developmental screening.

(2) ~~(This section expires July 1, 2010.)~~ The department and the children's mental health evidence-based practice institute established in RCW 71.24.061 shall collaborate to encourage and develop incentives for the use of prescribing practices and evidence-based and research-based treatment practices developed under RCW 74.09.490 by mental health professionals serving children under this section.

NEW SECTION. Sec. 2. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "services;" strike the remainder of the title and insert "amending RCW 74.09.521; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1373 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Dickerson spoke in favor of the passage of the bill.

Representatives Alexander and Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1373, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1373, as amended by the Senate, and the

bill passed the House by the following vote: Yeas, 69; Nays, 27; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liiias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Rodne, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Chandler and Hope.

SECOND SUBSTITUTE HOUSE BILL NO. 1373, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 10, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1793 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 47.04 RCW to read as follows:

Concurrent with the federal safe, accountable, flexible, efficient transportation equity act of 2005, a safe routes to school program is established within the department. The purpose of the program is to:

(1) Enable and encourage children, including those with disabilities, to walk and bicycle to school;

(2) Make bicycling and walking to school a safer and more appealing transportation alternative, encouraging a healthy and active lifestyle from an early age; and

(3) Facilitate the planning, development, and implementation of projects and activities that will improve safety and reduce traffic, fuel consumption, and air pollution in the vicinity of schools."

On page 1, line 1 of the title, after "transportation;" strike the remainder of the title and insert "and adding a new section to chapter 47.04 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1793 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1793, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1793, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Chandler and Hope.

SUBSTITUTE HOUSE BILL NO. 1793, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that substantial progress has been made toward achieving the equally important goals set in 2007 that all children in Washington state have health care coverage by 2010 and that child health outcomes improve. The legislature also finds that continued steps are necessary to reach the goals that all children in Washington state shall have access to the health services they need to be healthy and ready to learn and that key measures of child health outcomes will show year by year improvement. The legislature further finds that reaching these goals is integral to the state's ability to weather the current economic crisis. The recent reauthorization of the federal children's health insurance program provides additional opportunities for the state to reach these goals. In view of these important objectives, the legislature intends that the apple health for kids program be managed actively across administrations in the department of social and health services, and across state and local agencies, with clear accountability for achieving the intended program outcomes. The legislature further intends that the department continue the implementation of the apple health for kids program with a commitment to fully utilizing the new program identity with appropriate materials.

Sec. 2. RCW 74.09.470 and 2007 c 5 s 2 are each amended to read as follows:

(1) Consistent with the goals established in RCW 74.09.402, through the apple health for kids program authorized in this section, the department shall provide affordable health care coverage to children under the age of nineteen who reside in Washington state and whose family income at the time of enrollment is not greater than two hundred fifty percent of the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, and effective January 1, 2009, and only to the extent that funds are specifically appropriated therefor, to children whose family income is not greater than three hundred percent of the federal poverty level. In administering the program, the department shall take such actions as may be necessary to ensure the receipt of federal financial participation under the medical assistance program, as codified at Title XIX of the federal social security act, the state children's health insurance program, as codified at Title XXI of the federal social security act, and any other federal funding sources that are now available or may become available in the future. The department and the caseload forecast council shall estimate the anticipated caseload and costs of the program established in this section.

(2) The department shall accept applications for enrollment for children's health care coverage; establish appropriate minimum-enrollment periods, as may be necessary; and determine eligibility based on current family income. The department shall make eligibility determinations within the time frames for establishing eligibility for children on medical assistance, as defined by RCW 74.09.510. The application and annual renewal processes shall be designed to minimize administrative barriers for applicants and enrolled clients, and to minimize gaps in eligibility for families who are eligible for coverage. If a change in family income results in a change in ~~((program eligibility))~~ the source of funding for coverage, the department shall transfer the family members to the appropriate ~~((programs))~~ source of funding and notify the family with respect to any change in premium obligation, without a break in eligibility. The department shall use the same eligibility redetermination and appeals procedures as those provided for children on medical assistance programs. The department shall modify its eligibility renewal procedures to lower the percentage of children failing to annually renew. ~~((The department shall report to the appropriate committees of the legislature on its progress in this regard by December 2007.))~~ The department shall manage its outreach, application, and renewal procedures with the goals of: (a) Achieving year by year improvements in enrollment, enrollment rates, renewals, and renewal rates; (b) maximizing the use of existing program databases to obtain information related to earned and unearned income for purposes of eligibility determination and renewals, including, but not limited to, the basic food program, the child care subsidy program, federal social security administration programs, and the employment security department wage database; (c) streamlining renewal processes to rely primarily upon data matches, online submissions, and telephone interviews; and (d) implementing any other eligibility determination and renewal processes to allow the state to receive an enhanced federal matching rate and additional federal outreach funding available through the federal children's health insurance program reauthorization act of 2009 by January 2010. The department shall advise the governor and the legislature regarding the status of these efforts by September 30, 2009. The information provided should include the status of the department's efforts, the anticipated impact of those efforts on enrollment, and the costs associated with that enrollment.

(3) To ensure continuity of care and ease of understanding for families and health care providers, and to maximize the efficiency of the program, the amount, scope, and duration of health care services provided to children under this section shall be the same as that provided to children under medical assistance, as defined in RCW 74.09.520.

(4) The primary mechanism for purchasing health care coverage under this section shall be through contracts with managed health care systems as defined in RCW 74.09.522 ~~((except when utilization patterns suggest that fee-for-service purchasing could produce equally effective and cost-efficient care)),~~ subject to conditions, limitations, and appropriations provided in the biennial appropriations act. However, the department shall make every effort within available resources to purchase health care coverage for uninsured children whose families have access to dependent coverage through an employer-sponsored health plan or another source when it is cost-effective for the state to do so, and the purchase is consistent with requirements of Title XIX and Title XXI of the federal social security act. To the extent allowable under federal law, the department shall require families to enroll in available employer-sponsored coverage, as a condition of participating in the program established under ~~((chapter 5, Laws of 2007))~~ this section, when it is cost-effective for the state to do so. Families who enroll in available employer-sponsored coverage under ~~((chapter 5, Laws of 2007))~~ this section shall be accounted for separately in the annual report required by RCW 74.09.053.

(5)(a) To reflect appropriate parental responsibility, the department shall develop and implement a schedule of premiums for children's health care coverage due to the department from families with income greater than two hundred percent of the federal poverty level. For families with income greater than two hundred fifty percent of the federal poverty level, the premiums shall be established in consultation with the senate majority and minority

leaders and the speaker and minority leader of the house of representatives. Premiums shall be set at a reasonable level that does not pose a barrier to enrollment. The amount of the premium shall be based upon family income and shall not exceed the premium limitations in Title XXI of the federal social security act. Premiums shall not be imposed on children in households at or below two hundred percent of the federal poverty level as articulated in RCW 74.09.055.

(b) Beginning no later than January 1, ~~((2009))~~ 2010, the department shall offer families whose income is greater than three hundred percent of the federal poverty level the opportunity to purchase health care coverage for their children through the programs administered under this section without ~~((a))~~ an explicit premium subsidy from the state. The design of the health benefit package offered to these children should provide a benefit package substantially similar to that offered in the apple health for kids program, and may differ with respect to cost-sharing, and other appropriate elements from that provided to children under subsection (3) of this section including, but not limited to, application of preexisting conditions, waiting periods, and other design changes needed to offer affordable coverage. The amount paid by the family shall be in an amount equal to the rate paid by the state to the managed health care system for coverage of the child, including any associated and administrative costs to the state of providing coverage for the child. Any pooling of the program enrollees that results in state fiscal impact must be identified and brought to the legislature for consideration.

(6) The department shall undertake and continue a proactive, targeted outreach and education effort with the goal of enrolling children in health coverage and improving the health literacy of youth and parents. The department shall collaborate with the department of health, local public health jurisdictions, the office of ~~((the))~~ the superintendent of public instruction, the department of early learning, health educators, health care providers, health carriers, community-based organizations, and parents in the design and development of this effort. The outreach and education effort shall include the following components:

(a) Broad dissemination of information about the availability of coverage, including media campaigns;

(b) Assistance with completing applications, and community-based outreach efforts to help people apply for coverage. Community-based outreach efforts should be targeted to the populations least likely to be covered;

(c) Use of existing systems, such as enrollment information from the free and reduced-price lunch program, the department of early learning child care subsidy program, the department of health's women, infants, and children program, and the early childhood education and assistance program, to identify children who may be eligible but not enrolled in coverage;

(d) Contracting with community-based organizations and government entities to support community-based outreach efforts to help families apply for coverage. These efforts should be targeted to the populations least likely to be covered. The department shall provide informational materials for use by government entities and community-based organizations in their outreach activities, and should identify any available federal matching funds to support these efforts;

(e) Development and dissemination of materials to engage and inform parents and families statewide on issues such as: The benefits of health insurance coverage; the appropriate use of health services, including primary care provided by health care practitioners licensed under chapters 18.71, 18.57, 18.36A, and 18.79 RCW, and emergency services; the value of a medical home, well-child services and immunization, and other preventive health services with linkages to department of health child profile efforts; identifying and managing chronic conditions such as asthma and diabetes; and the value of good nutrition and physical activity;

(f) An evaluation of the outreach and education efforts, based upon clear, cost-effective outcome measures that are included in contracts with entities that undertake components of the outreach and education effort;

(g) ~~((A feasibility study and))~~ An implementation plan to develop online application capability that is integrated with the

department's automated client eligibility system, and to develop data linkages with the office of ~~((the))~~ the superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information. ~~((The department shall submit a feasibility study on the implementation of the requirements in this subsection to the governor and legislature by July 2008.))~~

(7) The department shall take action to increase the number of primary care physicians providing dental disease preventive services including oral health screenings, risk assessment, family education, the application of fluoride varnish, and referral to a dentist as needed.

(8) The department shall monitor the rates of substitution between private-sector health care coverage and the coverage provided under this section and shall report to appropriate committees of the legislature by December 2010.

NEW SECTION. Sec. 3. The department must identify, within existing resources, a staff position as the single point of contact and coordination for the apple health for kids program. The position must ensure planning and coordination of all aspects of the apple health for kids program across all the involved agencies and with the various stakeholders, facilitate the collection, reporting, and analysis of the outcome data required in section 4 of this act, and facilitate the collection and reporting of the data required in section 2 of this act. The position must strive to provide transparency and accountability for the apple health for kids program and provide public reporting of the data required in sections 2 and 4 of this act.

Sec. 4. RCW 74.09.480 and 2007 c 5 s 4 are each amended to read as follows:

(1) The department, in collaboration with the department of health, health carriers, local public health jurisdictions, children's health care providers including pediatricians, family practitioners, and pediatric subspecialists, community and migrant health centers, parents, and other purchasers, shall ~~((identify explicit performance measures that indicate that a child has an established and effective medical home, such as))~~ establish a concise set of explicit performance measures that can indicate whether children enrolled in the program are receiving health care through an established and effective medical home, and whether the overall health of enrolled children is improving. Such indicators may include, but are not limited to:

(a) Childhood immunization rates;

(b) Well child care utilization rates, including the use of behavioral and oral health screening, and validated, structured developmental ~~((assessment tools that include behavioral and oral health screening))~~ screens using tools, that are consistent with nationally accepted pediatric guidelines and recommended administration schedule, once funding is specifically appropriated for this purpose;

(c) Care management for children with chronic illnesses;

(d) Emergency room utilization; ~~((and))~~

(e) Visual acuity and eye health;

(f) Preventive oral health service utilization; and

(g) Children's mental health status. In defining these measures the department shall be guided by the measures provided in RCW 71.36.025.

Performance measures and targets for each performance measure must be ~~((reported to the appropriate committees of the senate and house of representatives by December 1, 2007))~~ established and monitored each biennium, with a goal of achieving measurable, improved health outcomes for the children of Washington state each biennium.

(2) Beginning in calendar year 2009, targeted provider rate increases shall be linked to quality improvement measures established under this section. The department, in conjunction with those groups identified in subsection (1) of this section, shall develop parameters for determining criteria for increased payment, alternative payment methodologies, or other incentives for those practices and health plans that incorporate evidence-based practice and improve and achieve sustained improvement with respect to the measures ~~((both fee for service and managed care))~~.

(3) The department shall provide ~~((an annual))~~ a report to the governor and the legislature related to provider performance on these measures, beginning in September 2010 for 2007 through 2009 and

~~((annually))~~ biennially thereafter. The department shall advise the legislature as to its progress towards developing this biennial reporting system by September 30, 2009.

NEW SECTION. Sec. 5. This act may be known and cited as the apple health for kids act."

On page 1, line 2 of the title, after "2010;" strike the remainder of the title and insert "amending RCW 74.09.470 and 74.09.480; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Seaquist and Cody spoke in favor of the passage of the bill.

Representatives Ericksen and Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2128, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2128, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Chandler and Hope.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5160,
SUBSTITUTE SENATE BILL NO. 5171,
SENATE BILL NO. 5180,
SUBSTITUTE SENATE BILL NO. 5229,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5262,
SUBSTITUTE SENATE BILL NO. 5268,
SENATE BILL NO. 5289,
SUBSTITUTE SENATE BILL NO. 5340,
SENATE BILL NO. 5355,
SUBSTITUTE SENATE BILL NO. 5360,

SUBSTITUTE SENATE BILL NO. 5367,
 SUBSTITUTE SENATE BILL NO. 5368,
 SUBSTITUTE SENATE BILL NO. 5402,
 SUBSTITUTE SENATE BILL NO. 5410,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5414,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1292 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature continues to support school districts seeking innovations to further the educational experiences of students and staff while also realizing increased efficiencies in day- to-day operations. School districts have suggested that efficiencies in heating, lighting, or maintenance expenses could be possible if districts were given the ability to create a more flexible calendar. Furthermore, the legislature finds that a flexible calendar could be beneficial to student learning by allowing for the use of the unscheduled days for professional development activities, planning, tutoring, special programs, parent conferences, and athletic events. A flexible calendar also has the potential to ease the burden of long commutes on students in rural areas and to lower absenteeism.

School districts in several western states have operated on a four- day school week and report increased efficiencies, family support, and reduced absenteeism, with no negative impact on student learning. Small rural school districts in particular could benefit due to their high per-pupil costs for transportation and utilities. Therefore, the legislature intends to provide increased flexibility to a limited number of school districts to explore the potential value of operating on a flexible calendar, so long as adequate safeguards are put in place to prevent any negative impact on student learning.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.305 RCW to read as follows:

(1) In addition to waivers authorized under RCW 28A.305.140 and 28A.655.180, the state board of education may grant waivers from the requirement for a one hundred eighty-day school year under RCW 28A.150.220 and 28A.150.250 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer an annual average instructional hour offering of at least one thousand hours shall not be waived.

(2) A school district seeking a waiver under this section must submit an application that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the state board of education may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt criteria to evaluate waiver requests. No more than seven districts may be granted waivers. Waivers may be granted for up to three years. After each school year, the state board of education shall analyze empirical evidence to determine whether the reduction is affecting student learning. If the state board of education determines that student learning is adversely affected, the school district shall discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the determination has been made. All waivers expire August 31, 2014.

(a) Two of the seven waivers granted under this subsection shall be granted to school districts with student populations of less than one hundred fifty students.

(b) Three of the five waivers granted under this subsection shall be granted to school districts with student populations of between one hundred fifty-one and five hundred students.

(c) Two of the seven waivers granted under this subsection (3) shall be granted to school districts with student populations greater than five hundred students and less than five thousand students.

(4) The state board of education shall examine the waivers granted under this section and make a recommendation to the education committees of the legislature by December 15, 2013, regarding whether the waiver program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the program resulted in improved student learning as demonstrated by empirical evidence. Such evidence includes, but is not limited to: Improved scores on the Washington assessment of student learning, results of the dynamic indicators of basic early literacy skills, student grades, and attendance.

(5) This section expires August 31, 2014.

Sec. 3. RCW 28A.655.180 and 1995 c 208 s 1 are each amended to read as follows:

(1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) School districts may use the application process in RCW 28A.305.140 ~~((or 28A.300.138))~~ to apply for the waivers under ~~((subsection (1) of))~~ this section.

~~((3) The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997.))~~

NEW SECTION. Sec. 4. RCW 28A.305.145 (Application process for waivers under RCW 28A.305.140) and 1993 c 336 s 302 are each repealed."

On page 1, line 2 of the title, after "year;" strike the remainder of the title and insert "amending RCW 28A.655.180; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.145; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1292 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 90.50A.020 and 1993 c 329 s 1 are each amended to read as follows:

(1) The water pollution control revolving fund is hereby established in the state treasury. Moneys in this fund may be spent only after legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) Other moneys provided by the federal government including funds under the American recovery and reinvestment act of 2009 for water pollution control facilities and related activities to achieve federal water pollution requirements;

(c) All state matching funds appropriated or authorized by the legislature;

~~((+))~~ (d) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;

~~((+))~~ (e) All repayments of moneys borrowed from the fund;

~~((+))~~ (f) All interest payments made by borrowers from the fund;

~~((+))~~ (g) Any other fee or charge levied in conjunction with administration of the fund; and

~~((+))~~ (h) Any new funds as a result of leveraging.

(3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.

Sec. 2. RCW 90.50A.030 and 2007 c 341 s 38 are each amended to read as follows:

The department shall use the moneys in the water pollution control revolving fund to provide financial assistance, as provided in the water quality act of 1987 and ~~((as provided in))~~ RCW 90.50A.040, and pursuant to other federal requirements for achieving state and federal water pollution control for protection of the state's waters:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized not later ~~((then))~~ than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans, including additional subsidization to eligible recipients in the form of forgiveness of principal and negative interest loans or grants or any combination thereof, may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; ~~((and))~~

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act; and

(d) For the planning, design, and construction of publicly owned wastewater treatment facilities, including publicly owned industrial

wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) The department may also use the money in the water pollution control revolving fund provided by congress for additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination thereof. Uses of forgiveness of principal and negative interest loans or grants include but are not limited to the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act;

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act;

(d) For storm water projects; and

(e) For combined sewer overflow projects.

(4) If additional subsidization is made available from moneys provided by congress to eligible recipients in the form of forgiveness of principal or negative interest loans or grants or any combination thereof, the department shall accept applications consistent with this chapter.

(5) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

~~((+))~~ (6) The department shall present a biennial progress report on the use of moneys from the account to the appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

~~((5))~~ The department may not use the moneys in the water pollution control revolving fund for grants;))

(7) When prioritizing project applications for loans, forgiveness of principal, and negative interest loans or grants or any combination thereof for water pollution control facilities, the department shall consider the following:

(a) The protection and improvement of water quality and public health;

(b) The cost to residential ratepayers if they must finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders, including projects with a history of noncompliance;

(d) Readiness of the project to proceed with planning, design, or construction;

(e) The cost-effectiveness of the project based on an analysis of alternatives, including regionalization;

(f) Whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(g) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(h) Effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is

sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(i) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(j) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

Sec. 3. RCW 90.50A.040 and 2007 c 341 s 39 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department. In administering the fund, the department shall:

(1) Consistent with RCW 90.50A.030 and 90.50A.080, allocate funds for loans, forgiveness of principal, negative interest loans or grants or any combination thereof in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act, and allocate funds for separate competitive programs relating to storm water systems, sewer systems, and septic systems prioritized on a worst case first need basis;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act amendments of 1987 and estuary programs developed under section 320 of that act;

(7) Comply with provisions of the water quality act of 1987; and

(8) After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

NEW SECTION. Sec. 4. A new section is added to chapter 90.50A RCW to read as follows:

Any public body receiving a loan, forgiveness of principal, or negative interest loan or grant or any combination thereof from the fund shall:

(1) Appear on the annual project priority list to be identified for funding under section 212 of the federal water pollution control act amendments of 1987 or be eligible under sections 319 and 320 of that act;

(2) Submit an application to the department;

(3) Establish and maintain a dedicated source of revenue or other acceptable source of revenue for the repayment of the loan; and

(4) Demonstrate to the satisfaction of the department it has sufficient legal authority to incur the debt for the loan that it is applying for.

Sec. 5. RCW 90.50A.060 and 1988 c 284 s 7 are each amended to read as follows:

If a public body defaults on loan payments due to the fund, the state may withhold any amounts otherwise due to the public body and direct that such funds be applied to the indebtedness and deposited into the account.

Sec. 6. RCW 90.48.110 and 2007 c 343 s 13 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or

sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter.

(a) The department shall require, through the development of rules, that plans established in this subsection (1) include the following elements:

(i) Reviews and updates of sewer plans on a six-year cycle, including asset management and financial planning;

(ii) An equitable sewer user charge system for residential, commercial, and industrial users to cover all financial obligation of the planned sewer utility;

(iii) Connection fees for new connections to a sewer system that reflect a fair share of infrastructure from which new connections will benefit;

(iv) A capital wastewater facilities reserve fund dedicated to paying for wastewater infrastructure and equipment replacement; and

(v) A sewer use ordinance that restricts certain connections and wastes to protect a local government's investment and enhance the wastewater treatment's process stability and effluent quality. The ordinance must, at least:

(A) Require new sewers and connections to be properly designed and constructed;

(B) Require a provision with a timeline and proximity in which existing and future residences must connect to the sewer system;

(C) Prohibit inflow sources into the sewer system; and

(D) Prohibit introduction of toxic or hazardous wastes into the sewer system in an amount or concentration that endangers the public's safety or the physical integrity of the system which may cause violations of the national pollutant discharge elimination system permit or state waste discharge permit.

(b) Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.118B RCW or for on-site sewage systems regulated by local health jurisdictions under rules of the state board of health.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section.

Sec. 7. RCW 70.146.070 and 2008 c 299 s 26 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

(a) The protection of water quality and public health;

(b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders;

(d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;

(e) Except as otherwise conditioned by RCW 70.146.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(g) Except as otherwise provided in RCW 70.146.120, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) When making grants or loans for water pollution control facilities, the department may award grants or provide loans to publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(5) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 8. RCW 90.48.290 and 1987 c 109 s 145 are each amended to read as follows:

The department is authorized to make and administer grants within appropriations authorized by the legislature to any municipal or public corporation, or political subdivision within the state for the purpose of aiding in the construction of water pollution control projects necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state including, but not limited to, projects for the control of storm or surface waters which will provide for the removal of waste or polluting materials therefrom.

Grants so made by the department shall be subject to the following limitations:

(1) No grant shall be made in an amount which exceeds the recipient's contribution to the estimated cost of the project: PROVIDED, That the following shall be considered a part of the recipient's contribution:

(a) Any grant received by the recipient from the federal government pursuant to section 8(f) of the Federal Water Pollution Control Act (33 U.S.C. 466) for the project;

(b) Any expenditure which is made by any municipal or public corporation, or political subdivision within the state as a part of a joint effort with the recipient to carry out the project and which has not been used as a matching contribution for another grant made pursuant to this chapter, and

(c) Any expenditure for the project made by the recipient out of moneys advanced by the department from a revolving fund and repayable to said fund.

(2) No grant shall be made for any project which does not qualify for and receive a grant of federal funds under the provisions of the Federal Water Pollution Control Act as now or hereafter amended: PROVIDED, That this restriction shall not apply to state grants made in any biennium over and above the amount of such grants required to match all federal funds allocated to the state for such biennium. As such, grants may be made for the planning, design, and construction of any publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) No grant shall be made to any municipal or public corporation, or political subdivision for any project located within a drainage basin unless the department shall have previously adopted a comprehensive water pollution control and abatement plan and unless the project is found by the department to conform with such basin comprehensive plan: PROVIDED, That the requirement for a project to conform to a comprehensive water pollution control and abatement plan may be waived by the department for any grant application filed with the department prior to July 1, 1974, in those situations where the department finds the public interest would be served better by approval of any grant application made prior to adoption of such plan than by its denial.

(4) Recipients of grants shall meet such qualifications and follow such procedures in applying for grants as shall be established by the department.

(5) Grants may be made to reimburse recipients for expenditures made after July 1, 1967, for projects which meet the requirements of this section and were commenced after the recipient had filed a grant application with the department.

NEW SECTION. Sec. 9. Except for RCW 90.50A.030(2)(d), 70.146.070, and 90.48.290, the department of ecology may adopt rules to implement this act.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "control," strike the remainder of the title and insert "amending RCW 90.50A.020, 90.50A.030, 90.50A.040, 90.50A.060, 90.48.110, 70.146.070, and 90.48.290; adding a new section to chapter 90.50A RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 7, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ~~((Except as provided in subsection (4) of this section.))~~ A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;

~~(((d) The third Tuesday in May;~~

~~—(e))~~ (c) The day of the primary as specified by RCW 29A.04.311; or

~~(((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (c) or ~~(((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ~~(((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) ~~((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(6))~~ This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 2. RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ~~((Except as provided in subsection (3) of this section.))~~ Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ~~((first))~~ second Tuesday ~~((after the first Monday))~~ in February;

(b) ~~((The second Tuesday in March;~~

~~—(c))~~ The fourth Tuesday in April;

~~(((d) The third Tuesday in May;~~

~~—(e))~~ (c) The day of the primary election as specified by RCW 29A.04.311; or

~~(((f))~~ (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ~~((through (d)))~~ and (b) of this section must be presented to the county auditor at least ~~((fifty-two))~~ forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)~~((e))~~ (c) or ~~(((f))~~ (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) ~~((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.~~

~~—(5))~~ In addition to subsection (2)(a) through ~~(((f))~~ (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)~~((e))~~ (c) and ~~(((f))~~ (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

~~(((6))~~ (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections."

On page 1, line 2 of the title, after "held;" strike the remainder of the title and insert "and amending RCW 29A.04.321 and 29A.04.330."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Armstrong moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018.

Representative Armstrong spoke in favor of the motion to concur in the Senate amendment.

Representative Hunt spoke against the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1018.

ROLL CALL

The Clerk called the roll on the adoption of the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1018 and the motion was not adopted by the following vote: Yeas: 43; Nays: 55; Absent: 0; Excused: 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hope, Hudgins, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Roberts, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

The House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.03.110 and 1987 c 109 s 72 are each amended to read as follows:

(1) Upon the filing of a petition with the department by a planning unit or by one or more persons claiming the right to ~~((divert))~~ any waters within the state or when, after investigation, in the judgment of the department, the ~~((interest of the public will be subserved by a determination of the rights thereto, it shall be the duty of the department to))~~ public interest will be served by a determination of the rights thereto, the department shall prepare a statement of the facts, together with a plan or map of the locality under investigation, and file such statement and plan or map in the superior court of the county in which said water is situated, or, in case such water flows or is situated in more than one county, in the county which the department shall determine to be the most convenient to the parties interested therein. Such a statement shall ~~((contain substantially the following matter, to wit:~~

~~(1) The names of all known persons claiming the right to divert said water, the right to the diversion of which is sought to be determined, and~~

~~(2) A brief statement of the facts in relation to such water, and the necessity for a determination of the rights thereto);~~

(a) Either (i) identify each person or entity owning real property situated within the area to be adjudicated but outside the boundaries of a city, town, or special purpose district that provides water to property within its service area; (ii) identify all known persons claiming a right to the water sought to be determined; or (iii) identify both; and

(b) Include a brief statement of the facts in relation to such water, and the necessity for a determination of the rights thereto.

(2) Prior to filing an adjudication under this chapter, the department shall:

(a) Consult with the administrative office of the courts to determine whether sufficient judicial resources are available to commence and to prosecute the adjudication in a timely manner; and

(b) Report to the appropriate committees of the legislature on the estimated budget needs for the court and the department to conduct the adjudication.

Sec. 2. RCW 90.03.120 and 1987 c 109 s 73 are each amended to read as follows:

(1) Upon the filing of the statement and map as provided in RCW 90.03.110 the judge of such superior court shall make an order directing summons to be issued, and fixing the return day thereof, which shall be not less than ~~((sixty))~~ one hundred nor more than ~~((ninety))~~ one hundred thirty days, after the making of such order: PROVIDED, That for good cause, the court, at the request of the department, may modify said time period.

(2) A summons issued under this section shall ~~((thereupon))~~ be issued out of said superior court, signed and attested by the clerk thereof, in the name of the state of Washington, as plaintiff, against all known persons ~~((claiming the right to divert the water involved and also all persons unknown claiming the right to divert the water involved, which said))~~ identified by the department under RCW 90.03.110. The summons shall contain a brief statement of the objects and purpose of the proceedings and shall require the defendants to appear on the return day thereof, and make and file ~~((a statement of))~~ an adjudication claim to, or interest in, the water involved and a statement that unless they appear at the time and place fixed and assert such right, judgment will be entered determining their rights according to the evidence: PROVIDED, HOWEVER, That any persons claiming the right to ~~((the use of))~~ water by virtue of a contract with a claimant to the right to divert the same, shall not be necessary parties to the proceeding.

(3) To the extent consistent with court rules and subject to the availability of funds provided either by direct appropriation or funded through the administrative office of the courts for this specific adjudicative proceeding, the court is encouraged to conduct the water rights adjudication employing innovative practices and technologies appropriate to large scale and complex cases, such as: (a) Electronic filing of documents, including notice and claims; (b) appearance via teleconferencing; (c) prefiling of testimony; and (d) other practices and technologies consistent with court rules and emerging technologies.

NEW SECTION. Sec. 3. A new section is added to chapter 90.03 RCW to read as follows:

(1) A judge in a water right adjudication filed under this chapter may be partially or fully disqualified from hearing the adjudication. Partial disqualification means disqualification from hearing specified claims. Full disqualification means disqualification from hearing any aspect of the adjudication.

(a) A judge is partially disqualified when the judge's impartiality might reasonably be questioned and the apparent or actual partiality is limited to specified claims.

(b) A judge is fully disqualified when the judge's impartiality might reasonably be questioned and the apparent or actual partiality extends beyond limited claims such that the judge should not hear any part of the adjudication.

(2) A judge may recuse himself or herself under this section or a party may file a motion for disqualification. A motion for disqualification must state whether the remedy being sought is full or partial disqualification.

(3)(a) For parties who are named in the original pleadings, a motion for disqualification is timely if it is filed before the judge issues a discretionary order or ruling in the adjudication.

(b) For a party who is joined in the adjudication after the original pleadings have been filed, a motion for disqualification is timely if it is filed within the earliest of either (i) thirty days of being joined in the adjudication; or (ii) after the joinder of the party, before the judge issues a discretionary order or ruling relating to the joined party.

(c) When a motion for disqualification is untimely filed under this subsection (3), the motion will be granted only when necessary to correct a substantial injustice.

(d) For purposes of this section, "discretionary order or ruling" has the same meaning as "order or ruling involving discretion" in RCW 4.12.050.

(4) A party filing a motion for disqualification under this section has the burden of proving by a preponderance of the evidence that the judge should be disqualified under the standards of subsection (1) of this section.

(5) The motion for disqualification may not be heard by the judge against whom the motion is filed. Subject to this limitation, the court may assign the disqualification motion to any superior court judge of the judicial district in which the adjudication was filed or to a visiting superior court judge under RCW 2.56.040.

(6) The standards set forth in RCW 2.28.030, which govern the disqualification of judicial officers generally, may be grounds for disqualification under this section.

NEW SECTION. Sec. 4. A new section is added to chapter 90.03 RCW to read as follows:

Upon expiration of the filing period established under RCW 90.03.120(2), the department shall file a motion for default against defendants who have been served but who have failed to file an adjudication claim under RCW 90.03.140. A party in default may file a late claim under the same circumstances the party could respond or defend under court rules on default judgments.

NEW SECTION. Sec. 5. A new section is added to chapter 90.03 RCW to read as follows:

If an adjudication claim is for a use for which a statement of claim was required to be filed under chapter 90.14 RCW and no such claim was filed, the department may move that the adjudication claim be denied. The court shall grant the department's motion unless the claimant shows good cause why the motion should not be granted.

Sec. 6. RCW 90.03.130 and 1987 c 109 s 74 are each amended to read as follows:

Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state: **PROVIDED, That ((for good cause, the court, at the request of the department, as an alternative to personal service, may authorize service of summons to be)) as an alternative to personal service, service may be made by certified mail, with return receipt signed and dated by defendant, a spouse of a defendant, or another person authorized to accept service. If the defendants, or either of them, cannot be found within the state of Washington, of which the return of the sheriff of the county in which the proceeding is pending or the failure to sign a receipt for certified mail shall be prima facie evidence, upon the filing of an affidavit by the department, or its attorney, in conformity with the statute relative to the service of summons by publication in civil actions, such service may be made by publication in a newspaper of general circulation in the county in which such proceeding is pending, and also publication of said summons in a newspaper of general circulation in each county in which any portion of the water is situated, once a week for six consecutive weeks (six publications). ((In cases where personal service can be had, such summons shall be served at least twenty days before the return day thereof.))** The summons by publication shall state that **((statements of)) adjudication claims must be filed within ((twenty)) sixty days after the last publication or before the return date, whichever is later. In cases where personal service or service by certified mail is had, summons must be served at least sixty days before the return day thereof. For summons by certified mail, completion of service occurs upon the date of receipt by the defendant.**

Personal service of summons may be made by department of ecology employees for actions pertaining to water rights.

Sec. 7. RCW 90.03.140 and 1987 c 109 s 75 are each amended to read as follows:

(1) On or before the ~~((return day of such summons, each defendant shall file in the office of the clerk of said court a statement, and therewith a copy thereof for the department, containing substantially the following:~~

- ~~(1) The name and post office address of defendant.~~
- ~~(2) The full nature of the right, or use, on which the claim is based.~~
- ~~(3) The time of initiation of such right and commencement of such use.~~

~~(4) The date of beginning and completion of construction.~~

~~(5) The dimensions and capacity of all ditches existing at the time of making said statement.~~

~~(6) The amount of land under irrigation and the maximum quantity of water used thereon prior to the date of said statement and if for power, or other purposes, the maximum quantity of water used prior to date of said statement.~~

~~(7) The legal description of the land upon which said water has been, or may be, put to beneficial use, and the legal description of the subdivision of land on which the point of diversion is located.~~

~~Such statement)) date specified in the summons, each defendant shall file with the clerk of the superior court an adjudication claim on a form and in a manner provided by the department, and mail or electronically mail a copy to the department. The department shall provide information that will assist claimants of small uses of water in completing their adjudication claims. The adjudication claim must contain substantially the following, except that when the legal basis for the claimed right is a federally reserved right, the information must be filed only as applicable:~~

~~(a) The name, mailing address, and telephone contact number of each defendant on the claim, and e-mail address, if available;~~

~~(b) The purpose or purposes of use of the water and the annual and instantaneous quantities of water put to beneficial use;~~

~~(c) For each use, the date the first steps were taken under the law to put the water to beneficial use;~~

~~(d) The date of beginning and completion of the construction of wells, ditches, or other works to put the water to use;~~

~~(e) The maximum amount of land ever under irrigation and the maximum annual and instantaneous quantities of water ever used thereon prior to the date of the statement and if for power, or other purposes, the maximum annual and instantaneous quantities of water ever used prior to the date of the adjudication claim;~~

~~(f) The dates between which water is used annually;~~

~~(g) If located outside the boundaries of a city, town, or special purpose district that provides water to property within its service area, the legal description and county tax parcel number of the land upon which the water as presently claimed has been, or may be, put to beneficial use;~~

~~(h) The legal description and county tax parcel number of the subdivision of land on which the point of diversion or withdrawal is located as well as land survey and geographic positioning coordinates of the same if available;~~

~~(i) Whether a right to surface or groundwater, or both, is claimed and the source of the surface water and the location and depth of all wells;~~

~~(j) The legal basis for the claimed right;~~

~~(k) Whether a statement of claim relating to the water right was filed under chapter 90.14 RCW or whether a declaration relating to the water right was filed under chapter 90.44 RCW and, if so, the claim or declaration number, and whether the right is documented by a permit or certificate and, if so, the permit number or certificate number. When the source is a well, the well log number must be provided, when available;~~

~~(l) The amount of land and the annual and instantaneous quantities of water used thereon, or used for power or other purposes, that the defendant claims as a present right.~~

~~(2) The adjudication claim shall be verified on oath by the defendant ((and in the discretion of the court may be amended)). The department shall furnish the form for the adjudication claim. A claimant may file an adjudication claim electronically if authorized under state and local court rules. The department may assist claimants in their effort by making the department's pertinent records and information accessible electronically or by other means and through conferring with claimants.~~

NEW SECTION. Sec. 8. A new section is added to chapter 90.03 RCW to read as follows:

Within the date set by the court for filing evidence, each claimant shall file with the court evidence to support the claimant's adjudication claims. The court is encouraged to set a date for filing evidence that is reasonable and fair for the timely processing of the adjudication. The evidence may include, without limitation, permits or certificates of water right, statements of claim made under chapter 90.14 RCW, deeds, documents related to issuance of a land patent,

aerial photographs, decrees of previous water rights adjudications, crop records, records of livestock purchases and sales, records of power use, metering records, declarations containing testimonial evidence, records of diversion, withdrawal or storage and delivery by irrigation districts or ditch companies, and any other evidence to support that a water right was obtained and was not thereafter abandoned or relinquished. The evidence filed may include matters that are outside the original adjudication claim filed, and within the date set by the court for filing evidence, the claimant may amend the adjudication claim to conform to the evidence filed. Thereafter, except for good cause shown, a claimant may not file additional evidence to support the claim.

NEW SECTION. Sec. 9. A new section is added to chapter 90.03 RCW to read as follows:

(1) Upon the receipt of adjudication claims and the filing of claimants' evidence, the department shall conduct a preliminary investigation for the purpose of examining:

(a) The uses of the subject waters by and any physical works in connection with the persons to whom the adjudication applies; and

(b) The uses for which a statement of claim has been filed under chapter 90.14 RCW or for which the department has a permit or certificate of water right on record.

(2)(a) The examination may include, as the department deems appropriate:

(i) An estimation of the amount of water that is reasonably necessary to accomplish various beneficial uses within the area;

(ii) The measurement of stream flows;

(iii) The measurement of any diversion or withdrawal rates;

(iv) An estimation of storage capacity and the amount of water stored;

(v) The types and numbers of stock watered;

(vi) The number of residences served;

(vii) The location and size of any irrigated land areas; and

(viii) Any other information pertinent to the determination of water rights in an adjudication under this chapter.

(b) The department may also take other necessary steps and gather other data and information as may be essential to the proper understanding of the water uses and associated rights of the affected water users, including review of each claimant's adjudication claim and evidence the claimant filed to support the claim. The claimants and the department are encouraged to confer as may be beneficial to clarify the factual and legal basis for the claim. To the extent consistent with court rules, the court may deem it appropriate to encourage claimants and the department to work closely together to reach agreement on a claimed water right that may result in timely settlement of water rights, reduced costs for the parties, greater equity and general public service, and better information that may be used for overall water management.

(3) The department shall file with the court the department's report of findings as to each adjudication claim filed timely under RCW 90.03.140. The department may divide its report of findings into two or more segments, covering particular drainages, uses, or other appropriate bases for dividing the report on adjudication claims. Based on the evidence filed by claimants and the department's report of findings, the department shall file with the superior court either or both of the following motions:

(a) A motion for a partial decree in favor of all stated claims under RCW 90.03.140 that the department finds to be substantiated with factual evidence; or

(b) A motion seeking determination of contested claims before the court.

Sec. 10. RCW 90.03.160 and 1989 c 80 s 1 are each amended to read as follows:

(1) Upon ~~(the completion of the service of summons as hereinbefore provided, the superior court in which said proceeding is pending shall make an order referring said proceeding to the department to take testimony by its duly authorized designee, as referee, and the designee shall report to and file with the superior court of the county in which such cause is pending a transcript of such testimony for adjudication thereon by such court. The superior court may, in any complex case with more than one thousand named defendants, including the United States, retain for hearing and further processing such portions of the proceeding as pertain to a discrete~~

~~class or classes of defendants or claims of water rights if the court determines that: (1) Resolution of claims of such classes appear to involve significant issues of law, either procedural or substantive; and (2) such a retention will both expedite the conclusion of the case and reduce the overall expenditures of the plaintiff, defendants, and the court)) filing of the department's motion or motions under section 9(3) of this act, any party with a claim filed under RCW 90.03.140 for the appropriation of water or waters of the subject adjudication may file and serve a response to the department's motion or motions within the time set by the court for such a response. Objections must include specific information in regard to the particular disposition against which the objection is being made. Objections must also state the underlying basis of the objection being made, including general information about the forms of evidence that support the objection. Any party may file testimony with the court and serve it on other parties. If a party intends to cross-examine a claimant or witness based on another party's prefiled testimony, the party intending to cross-examine shall file a notice of intent to cross-examine no later than fifteen days in advance of the hearing. If no notice of intent to cross-examine based on the prefiled testimony is given, then the claimant or witness is not required to appear at the hearing. Any party may present evidence in support of or in response to an objection.~~

~~(2) The superior court may appoint a referee or other judicial officer to assist the court.~~

~~(3) The superior court may adopt special rules of procedure for an adjudication of water rights under this chapter, including simplified procedures for claimants of small uses of water. The rules of procedure for a superior court apply to an adjudication of water rights under this chapter unless superseded by special rules of the court under this subsection. The superior court is encouraged to consider entering, after notice and hearing and as the court determines appropriate, pretrial orders from an adjudication commenced on October 12, 1977.~~

NEW SECTION. Sec. 11. A new section is added to chapter 90.03 RCW to read as follows:

(1) The legislature finds that early settlement of contested claims is needed for a fair and efficient adjudication of water rights. Therefore, the department and other parties should identify opportunities for settlement following the date set by the court for filing evidence for all parties. To the extent consistent with court rules, the court as it deems beneficial is encouraged to urge as many parties to the adjudication as possible to reach timely agreement on claimed water rights in a manner that limits costs to the public, claimants, counties, courts, and the department. Further, at appropriate times throughout the process the court as it deems beneficial is encouraged to direct parties to utilize alternative methods of dispute resolution, including informal meetings, negotiation, mediation, or other methods to reach agreement on disputed claims.

(2) Any time after the filing of all claims under RCW 90.03.140, the department or another party may move the superior court to allow parties to meet for settlement discussions for a set length of time, either before an appointed mediator or without a mediator. For good cause shown, the court may extend the length of time for settlement discussions. The costs of mediation must be equitably borne by the parties to the mediation.

(3) If the department and a claimant reach agreement on settlement, the department shall file a motion to approve the settlement pursuant to section 9(3)(a) of this act and shall disclose the terms of the settlement to other parties to the adjudication. The court shall conduct a hearing prior to approving a settlement and any party to the adjudication may object or offer modifications to the settlement.

Sec. 12. RCW 90.03.180 and 1995 c 292 s 21 are each amended to read as follows:

At the time of filing the ~~((statement))~~ adjudication claim as provided in RCW 90.03.140, each defendant, except the United States or an Indian tribe under 43 U.S.C. Sec. 666, shall pay to the clerk of the superior court a fee as set under RCW ~~((36.18.020))~~ 36.18.016.

Sec. 13. RCW 90.03.200 and 1988 c 202 s 91 are each amended to read as follows:

Upon the ~~(filing of the evidence and the report of the department, any interested party may, on or before five days prior to the date of said hearing, file exceptions to such report in writing and such exception shall set forth the grounds therefor and a copy thereof shall be served personally or by registered mail upon all parties who have appeared in the proceeding. If no exceptions be filed, the court shall enter a decree determining the rights of the parties according to the evidence and the report of the department, whether such parties have appeared therein or not. If exceptions are filed the action shall proceed as in case of reference of a suit in equity and the court may in its discretion take further evidence or, if necessary, remand the case for such further evidence to be taken by the department's designee, and may require further report by him. Costs, not including taxable attorneys fees, may be allowed or not; if allowed, may be apportioned among the parties in the discretion of the court))~~ court's determination of all issues, the court shall issue a final decree and provide notice of the decree to all parties. The final decree must order each party whose rights have been confirmed, except the United States or an Indian tribe under 43 U.S.C. Sec. 666, to pay the department the fees required by RCW 90.03.470(10) and any other applicable fee schedule within ninety days after the department sends notice to the party under RCW 90.03.240. Appellate review of the decree shall be in the same manner as in other cases in equity, except that review must be sought within sixty days from the entry thereof.

Sec. 14. RCW 90.03.210 and 2001 c 220 s 5 are each amended to read as follows:

(1) During the pendency of such adjudication proceedings prior to judgment or upon review by an appellate court, the stream or other water involved shall be regulated or partially regulated according to the schedule of rights specified in the department's report upon an order of the court authorizing such regulation: PROVIDED, Any interested party may file a bond and obtain an order staying the regulation of said stream as to him, in which case the court shall make such order regarding the regulation of the stream or other water as he may deem just. The bond shall be filed within five days following the service of notice of appeal in an amount to be fixed by the court and with sureties satisfactory to the court, conditioned to perform the judgment of the court.

(2) Any appeal of a decision of the department on an application to change or transfer a water right subject to ~~((a general))~~ an adjudication that is being litigated actively ~~((and was commenced before October 13, 1977;))~~ shall be conducted as follows:

(a) The appeal shall be filed with the court conducting the adjudication and served under RCW 34.05.542(3). The content of the notice of appeal shall conform to RCW 34.05.546. Standing to appeal shall be based on the requirements of RCW 34.05.530 and is not limited to parties to the adjudication.

(b) If the appeal includes a challenge to the portion of the department's decision that pertains to tentative determinations of the validity and extent of the water right, review of those tentative determinations shall be conducted by the court consistent with the provisions of RCW 34.05.510 through 34.05.598, except that the review shall be de novo.

(c) If the appeal includes a challenge to any portion of the department's decision other than the tentative determinations of the validity and extent of the right, the court must certify to the pollution control hearings board for review and decision those portions of the department's decision. Review by the pollution control hearings board shall be conducted consistent with chapter 43.21B RCW and the board's implementing regulations, except that the requirements for filing, service, and content of the notice of appeal shall be governed by (a) of this subsection. Any party to an appeal may move the court to certify portions of the appeal to the pollution control hearings board, but the appellant must file a motion for certification no later than ninety days after the appeal is filed under this section.

(d) Appeals shall be scheduled to afford all parties full opportunity to participate before the superior court and the pollution control hearings board.

(e) Any person wishing to appeal the decision of the board made under (c) of this subsection shall seek review of the decision in accordance with chapter 34.05 RCW, except that the petition for review must be filed with the superior court conducting the adjudication.

(3) Nothing in this section shall be construed to affect or modify any treaty or other federal rights of an Indian tribe, or the rights of any federal agency or other person or entity arising under federal law. Nothing in this section is intended or shall be construed as affecting or modifying any existing right of a federally recognized Indian tribe to protect from impairment its federally reserved water rights in federal court.

Sec. 15. RCW 90.03.240 and 1987 c 109 s 82 are each amended to read as follows:

Upon the court's final determination of the rights to ~~((the diversion of))~~ water ~~((it shall be the duty of)),~~ the department ~~((to))~~ shall issue to each person entitled to ~~((the diversion of))~~ a water right by such a determination, a certificate ~~((under his official seal))~~ of adjudicated water right, setting forth the name and ~~((post office))~~ mailing address of record with the court of such person; the priority and purpose of the right; the period during which said right may be exercised, the point of diversion or withdrawal, and the place of use; the land to which said water right is appurtenant ~~((and when applicable));~~ the maximum ~~((quantity))~~ annual and instantaneous quantities of water allowed; and specific provisions or limitations or both under which the water right has been confirmed.

The department shall provide notice to the water right holder that the certificate has been prepared for issuance and that fees for the issuance of the certificate are due in accordance with RCW 90.03.470 and any other applicable fee schedule. If the water right holder fails to submit the required fees within one year from the date the notice was issued by the department, the department may move the court for sanctions for violation of the court's order in the final decree requiring payment.

Sec. 16. RCW 90.03.243 and 1982 c 15 s 1 are each amended to read as follows:

The expenses incurred by the state in a proceeding to determine rights to water initiated under RCW 90.03.110 or 90.44.220 or upon appeal of such a determination shall be borne by the state. Subject to the availability of state funding provided either by direct appropriation or funded through the administrative office of the courts for this specific purpose, the county in which an adjudication or a suit to administer an adjudication is being held must be provided the extraordinary costs imposed on the superior court of that county due to the adjudication.

Sec. 17. RCW 90.44.220 and 1987 c 109 s 119 are each amended to read as follows:

~~((In its discretion or upon the application of any party claiming right to the withdrawal and use of public groundwater, the department may file a petition))~~ Upon the filing of a petition with the department by a planning unit or by one or more persons claiming a right to any waters within the state or when, after investigation, in the judgment of the department, the public interest will be served by a determination of the rights thereto, the department shall file a petition to conduct an adjudication with the superior court of the county for the determination of the rights of appropriators of any particular groundwater body and all the provisions of RCW 90.03.110 through 90.03.240 ((as heretofore amended)) and sections 3 through 5, 8, 9, and 11 of this act, shall govern and apply to the adjudication and determination of such groundwater body and to the ownership thereof. Hereafter, in any proceedings for the adjudication and determination of water rights--either rights to the use of surface water or to the use of groundwater, or both--pursuant to chapter 90.03 RCW ((as heretofore amended)), all appropriators of groundwater or of surface water in the particular basin or area may be included as parties to such adjudication, as ((pertinent)) set forth in chapter 90.03 RCW.

Sec. 18. RCW 43.21B.110 and 2003 c 393 s 19 are each amended to read as follows:

(1) The hearings board shall only have jurisdiction to hear and decide appeals from the following decisions of the department, the director, local conservation districts, and the air pollution control boards or authorities as established pursuant to chapter 70.94 RCW, or local health departments:

(a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431, 70.105.080, 70.107.050, 88.46.090, 90.03.600, 90.48.144, 90.56.310, and 90.56.330.

(b) Orders issued pursuant to RCW 18.104.043, 18.104.060, 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070, 90.14.130, 90.48.120, and 90.56.330.

(c) Except as provided in RCW 90.03.210(2), the issuance, modification, or termination of any permit, certificate, or license by the department or any air authority in the exercise of its jurisdiction, including the issuance or termination of a waste disposal permit, the denial of an application for a waste disposal permit, the modification of the conditions or the terms of a waste disposal permit, or a decision to approve or deny an application for a solid waste permit exemption under RCW 70.95.300.

(d) Decisions of local health departments regarding the grant or denial of solid waste permits pursuant to chapter 70.95 RCW.

(e) Decisions of local health departments regarding the issuance and enforcement of permits to use or dispose of biosolids under RCW 70.95J.080.

(f) Decisions of the department regarding waste-derived fertilizer or micronutrient fertilizer under RCW 15.54.820, and decisions of the department regarding waste-derived soil amendments under RCW 70.95.205.

(g) Decisions of local conservation districts related to the denial of approval or denial of certification of a dairy nutrient management plan; conditions contained in a plan; application of any dairy nutrient management practices, standards, methods, and technologies to a particular dairy farm; and failure to adhere to the plan review and approval timelines in RCW 90.64.026.

(h) Any other decision by the department or an air authority which pursuant to law must be decided as an adjudicative proceeding under chapter 34.05 RCW.

(2) The following hearings shall not be conducted by the hearings board:

(a) Hearings required by law to be conducted by the shorelines hearings board pursuant to chapter 90.58 RCW.

(b) Hearings conducted by the department pursuant to RCW 70.94.332, 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

(c) ~~(Proceedings conducted by the department, or the department's designee, under RCW 90.03.160 through 90.03.210 or 90.44.220-)~~ Appeals of decisions by the department under RCW 90.03.110 and 90.44.220.

(d) Hearings conducted by the department to adopt, modify, or repeal rules.

(e) Appeals of decisions by the department as provided in chapter 43.21L RCW.

(3) Review of rules and regulations adopted by the hearings board shall be subject to review in accordance with the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

Sec. 19. RCW 4.12.040 and 1989 c 15 s 1 are each amended to read as follows:

(1) No judge of a superior court of the state of Washington shall sit to hear or try any action or proceeding when it shall be established as hereinafter provided that said judge is prejudiced against any party or attorney, or the interest of any party or attorney appearing in such cause. In such case the presiding judge in judicial districts where there is more than one judge shall forthwith transfer the action to another department of the same court, or call in a judge from some other court. In all judicial districts where there is only one judge, a certified copy of the motion and affidavit filed in the cause shall be transmitted by the clerk of the superior court to the clerk of the superior court designated by the chief justice of the supreme court. Upon receipt the clerk of said superior court shall transmit the forwarded affidavit to the presiding judge who shall direct a visiting judge to hear and try such action as soon as convenient and practical.

(2) The presiding judge in judicial districts where there is more than one judge, or the presiding judge of judicial districts where there is only one judge, may send a case for trial to another court if the convenience of witnesses or the ends of justice will not be interfered with by such a course and the action is of such a character that a change of venue may be ordered: PROVIDED, That in criminal prosecutions the case shall not be sent for trial to any court outside the county unless the accused shall waive his or her right to a trial by a jury of the county in which the offense is alleged to have been committed.

(3) This section does not apply to water right adjudications filed under chapter 90.03 or 90.44 RCW. Disqualification of judges in water right adjudications is governed by section 3 of this act.

Sec. 20. RCW 4.12.050 and 1941 c 148 s 1 are each amended to read as follows:

(1) Any party to or any attorney appearing in any action or proceeding in a superior court, may establish such prejudice by motion, supported by affidavit that the judge before whom the action is pending is prejudiced against such party or attorney, so that such party or attorney cannot, or believes that he or she cannot, have a fair and impartial trial before such judge: PROVIDED, That such motion and affidavit is filed and called to the attention of the judge before he or she shall have made any ruling whatsoever in the case, either on the motion of the party making the affidavit, or on the motion of any other party to the action, of the hearing of which the party making the affidavit has been given notice, and before the judge presiding has made any order or ruling involving discretion, but the arrangement of the calendar, the setting of an action, motion or proceeding down for hearing or trial, the arraignment of the accused in a criminal action or the fixing of bail, shall not be construed as a ruling or order involving discretion within the meaning of this proviso; and in any event, in counties where there is but one resident judge, such motion and affidavit shall be filed not later than the day on which the case is called to be set for trial: AND PROVIDED FURTHER, That notwithstanding the filing of such motion and affidavit, if the parties shall, by stipulation in writing agree, such judge may hear argument and rule upon any preliminary motions, demurrers, or other matter thereafter presented: AND PROVIDED FURTHER, That no party or attorney shall be permitted to make more than one such application in any action or proceeding under this section and RCW 4.12.040.

(2) This section does not apply to water right adjudications filed under chapter 90.03 or 90.44 RCW. Disqualification of judges in water right adjudications is governed by section 3 of this act.

NEW SECTION. Sec. 21. Except for section 14 of this act, this act applies only to adjudications initiated after the effective date of this section.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

1.1.1.1. RCW 90.03.170 (Determination of water rights--Hearing--Notice--Prior rights preserved) and 1987 c 109 s 77 & 1917 c 117 s 20; and

1.1.1.2. RCW 90.03.190 (Determination of water rights--Transcript of testimony--Filing--Notice of hearing) and 1987 c 109 s 78 & 1917 c 117 s 22.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "rights;" strike the remainder of the title and insert "amending RCW 90.03.110, 90.03.120, 90.03.130, 90.03.140, 90.03.160, 90.03.180, 90.03.200, 90.03.210, 90.03.240, 90.03.243, 90.44.220, 43.21B.110, 4.12.040, and 4.12.050; adding new sections to chapter 90.03 RCW; creating a new section; and repealing RCW 90.03.170 and 90.03.190."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Blake moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571.

Representatives Blake and McCoy spoke in favor of the motion to concur in the Senate amendment.

Representative Chandler spoke against the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1571.

ROLL CALL

The Clerk called the roll on the adoption of the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1571 and the motion was adopted by the following vote: Yeas: 63; Nays: 35; Absent: 0; Excused: 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Upthegrove, Walsh and Warnick.

The House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Blake spoke in favor of the passage of the bill.

Representative Chandler spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1571, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1571, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 69; Nays, 29; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Grant-Herriot, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 2, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1166 with the following amendment:

On page 3, after line 11, insert the following:

"**Sec. 2.** RCW 43.86A.030 and 2008 c 187 s 2 are each amended to read as follows:

(1) Funds held in public depositaries not as demand deposits, as provided in RCW 43.86A.020 and (~~(43.86A.030)~~) this section, shall be available for a time certificate of deposit investment program according to the following formula: The state treasurer shall apportion to all participating depositaries an amount equal to five percent of the three year average mean of general state revenues as certified in accordance with Article VIII, section 1(b) of the state Constitution, or fifty percent of the total surplus treasury investment availability, whichever is less. Within thirty days after certification, those funds determined to be available according to this formula for the time certificate of deposit investment program shall be deposited in qualified public depositaries. These deposits shall be allocated among the participating depositaries on a basis to be determined by the state treasurer.

(2) Of all funds available under this section, the state treasurer may use up to one hundred seventy-five million dollars per year for the purposes of RCW 43.86A.060(2)(c) (i) and (iii) and up to fifteen million dollars per year for the purposes of RCW 43.86A.060(2)(c)(ii). The amounts made available to these public depositaries shall be equal to the amounts of outstanding loans made under RCW 43.86A.060.

(3) The formula so devised shall be a matter of public record giving consideration to, but not limited to deposits, assets, loans, capital structure, investments or some combination of these factors. However, in the judgment of the state treasurer the amount of allocation for certificates of deposit as determined by this section will impair the cash flow needs of the state treasury, the state treasurer may adjust the amount of the allocation accordingly."

On page 1, line 3 of the title, after "43.86A.060" insert "and 43.86A.030"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1166 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Hasegawa spoke in favor of the passage of the bill.

Representative Bailey spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1166, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1166, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko,

Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

HOUSE BILL NO. 1166, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1300 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 71.05.020 and 2008 c 156 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Admission" or "admit" means a decision by a physician or psychiatric advanced registered nurse practitioner that a person should be examined or treated as a patient in a hospital;

(2) "Antipsychotic medications" means that class of drugs primarily used to treat serious manifestations of mental illness associated with thought disorders, which includes, but is not limited to atypical antipsychotic medications;

(3) "Attending staff" means any person on the staff of a public or private agency having responsibility for the care and treatment of a patient;

(4) "Commitment" means the determination by a court that a person should be detained for a period of either evaluation or treatment, or both, in an inpatient or a less restrictive setting;

(5) "Conditional release" means a revocable modification of a commitment, which may be revoked upon violation of any of its terms;

(6) "Crisis stabilization unit" means a short-term facility or a portion of a facility licensed by the department of health and certified by the department of social and health services under RCW 71.24.035, such as an evaluation and treatment facility or a hospital, which has been designed to assess, diagnose, and treat individuals experiencing an acute crisis without the use of long-term hospitalization;

(7) "Custody" means involuntary detention under the provisions of this chapter or chapter 10.77 RCW, uninterrupted by any period of unconditional release from commitment from a facility providing involuntary care and treatment;

(8) "Department" means the department of social and health services;

(9) "Designated chemical dependency specialist" means a person designated by the county alcoholism and other drug addiction program coordinator designated under RCW 70.96A.310 to perform the commitment duties described in chapters 70.96A and 70.96B RCW;

(10) "Designated crisis responder" means a mental health professional appointed by the county or the regional support network to perform the duties specified in this chapter;

(11) "Designated mental health professional" means a mental health professional designated by the county or other authority authorized in rule to perform the duties specified in this chapter;

(12) "Detention" or "detain" means the lawful confinement of a person, under the provisions of this chapter;

(13) "Developmental disabilities professional" means a person who has specialized training and three years of experience in directly treating or working with persons with developmental disabilities and is a psychiatrist, psychologist, psychiatric advanced registered nurse practitioner, or social worker, and such other developmental

disabilities professionals as may be defined by rules adopted by the secretary;

(14) "Developmental disability" means that condition defined in RCW 71A.10.020(3);

(15) "Discharge" means the termination of hospital medical authority. The commitment may remain in place, be terminated, or be amended by court order;

(16) "Evaluation and treatment facility" means any facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, outpatient care, and timely and appropriate inpatient care to persons suffering from a mental disorder, and which is certified as such by the department. A physically separate and separately operated portion of a state hospital may be designated as an evaluation and treatment facility. A facility which is part of, or operated by, the department or any federal agency will not require certification. No correctional institution or facility, or jail, shall be an evaluation and treatment facility within the meaning of this chapter;

(17) "Gravely disabled" means a condition in which a person, as a result of a mental disorder: (a) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health or safety; or (b) manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving such care as is essential for his or her health or safety;

(18) "Habilitative services" means those services provided by program personnel to assist persons in acquiring and maintaining life skills and in raising their levels of physical, mental, social, and vocational functioning. Habilitative services include education, training for employment, and therapy. The habilitative process shall be undertaken with recognition of the risk to the public safety presented by the person being assisted as manifested by prior charged criminal conduct;

(19) "History of one or more violent acts" refers to the period of time ten years prior to the filing of a petition under this chapter, excluding any time spent, but not any violent acts committed, in a mental health facility or in confinement as a result of a criminal conviction;

(20) "Imminent" means the state or condition of being likely to occur at any moment or near at hand, rather than distant or remote;

(21) "Individualized service plan" means a plan prepared by a developmental disabilities professional with other professionals as a team, for a person with developmental disabilities, which shall state:

(a) The nature of the person's specific problems, prior charged criminal behavior, and habilitation needs;

(b) The conditions and strategies necessary to achieve the purposes of habilitation;

(c) The intermediate and long-range goals of the habilitation program, with a projected timetable for the attainment;

(d) The rationale for using this plan of habilitation to achieve those intermediate and long-range goals;

(e) The staff responsible for carrying out the plan;

(f) Where relevant in light of past criminal behavior and due consideration for public safety, the criteria for proposed movement to less-restrictive settings, criteria for proposed eventual discharge or release, and a projected possible date for discharge or release; and

(g) The type of residence immediately anticipated for the person and possible future types of residences;

(22) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information;

(23) "Judicial commitment" means a commitment by a court pursuant to the provisions of this chapter;

~~((23))~~ (24) "Legal counsel" means attorneys and staff employed by county prosecutor offices or the state attorney general acting in their capacity as legal representatives of public mental health service providers under RCW 71.05.130;

(25) "Likelihood of serious harm" means:

(a) A substantial risk that: (i) Physical harm will be inflicted by a person upon his or her own person, as evidenced by threats or

attempts to commit suicide or inflict physical harm on oneself; (ii) physical harm will be inflicted by a person upon another, as evidenced by behavior which has caused such harm or which places another person or persons in reasonable fear of sustaining such harm; or (iii) physical harm will be inflicted by a person upon the property of others, as evidenced by behavior which has caused substantial loss or damage to the property of others; or

(b) The person has threatened the physical safety of another and has a history of one or more violent acts;

~~((24))~~ (26) "Mental disorder" means any organic, mental, or emotional impairment which has substantial adverse effects on a person's cognitive or volitional functions;

~~((25))~~ (27) "Mental health professional" means a psychiatrist, psychologist, psychiatric nurse, or social worker, and such other mental health professionals as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((26))~~ (28) "Mental health service provider" means a public or private agency that provides mental health services to persons with mental disorders as defined under this section and receives funding from public sources. This includes, but is not limited to, hospitals licensed under chapter 70.41 RCW, evaluation and treatment facilities as defined in this section, community mental health service delivery systems or community mental health programs as defined in RCW 71.24.025, facilities conducting competency evaluations and restoration under chapter 10.77 RCW, and correctional facilities operated by state and local governments;

(29) "Peace officer" means a law enforcement official of a public agency or governmental unit, and includes persons specifically given peace officer powers by any state law, local ordinance, or judicial order of appointment;

~~((27))~~ (30) "Private agency" means any person, partnership, corporation, or association that is not a public agency, whether or not financed in whole or in part by public funds, which constitutes an evaluation and treatment facility or private institution, or hospital, which is conducted for, or includes a department or ward conducted for, the care and treatment of persons who are mentally ill;

~~((28))~~ (31) "Professional person" means a mental health professional and shall also mean a physician, psychiatric advanced registered nurse practitioner, registered nurse, and such others as may be defined by rules adopted by the secretary pursuant to the provisions of this chapter;

~~((29))~~ (32) "Psychiatric advanced registered nurse practitioner" means a person who is licensed as an advanced registered nurse practitioner pursuant to chapter 18.79 RCW; and who is board certified in advanced practice psychiatric and mental health nursing;

~~((30))~~ (33) "Psychiatrist" means a person having a license as a physician and surgeon in this state who has in addition completed three years of graduate training in psychiatry in a program approved by the American medical association or the American osteopathic association and is certified or eligible to be certified by the American board of psychiatry and neurology;

~~((31))~~ (34) "Psychologist" means a person who has been licensed as a psychologist pursuant to chapter 18.83 RCW;

~~((32))~~ (35) "Public agency" means any evaluation and treatment facility or institution, or hospital which is conducted for, or includes a department or ward conducted for, the care and treatment of persons with mental illness, if the agency is operated directly by, federal, state, county, or municipal government, or a combination of such governments;

~~((33))~~ (36) "Registration records" include all the records of the department, regional support networks, treatment facilities, and other persons providing services to the department, county departments, or facilities which identify persons who are receiving or who at any time have received services for mental illness;

~~((34))~~ (37) "Release" means legal termination of the commitment under the provisions of this chapter;

~~((35))~~ (38) "Resource management services" has the meaning given in chapter 71.24 RCW;

~~((36))~~ (39) "Secretary" means the secretary of the department of social and health services, or his or her designee;

~~((37))~~ (40) "Serious violent offense" has the same meaning as provided in RCW 9.94A.030;

(41) "Social worker" means a person with a master's or further advanced degree from an accredited school of social work or a degree deemed equivalent under rules adopted by the secretary;

~~((38))~~ (42) "Therapeutic court personnel" means the staff of a mental health court or other therapeutic court which has jurisdiction over defendants who are dually diagnosed with mental disorders, including court personnel, probation officers, a court monitor, prosecuting attorney, or defense counsel acting within the scope of therapeutic court duties;

(43) "Treatment records" include registration and all other records concerning persons who are receiving or who at any time have received services for mental illness, which are maintained by the department, by regional support networks and their staffs, and by treatment facilities. Treatment records include mental health information contained in a medical bill including but not limited to mental health drugs, a mental health diagnosis, provider name, and dates of service stemming from a medical service. Treatment records do not include notes or records maintained for personal use by a person providing treatment services for the department, regional support networks, or a treatment facility if the notes or records are not available to others;

~~((39))~~ (44) "Violent act" means behavior that resulted in homicide, attempted suicide, nonfatal injuries, or substantial damage to property.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) A mental health service provider shall release to the persons authorized under subsection (2) of this section, upon request:

(a) The fact, place, and date of an involuntary commitment, the fact and date of discharge or release, and the last known address of a person who has been committed under this chapter.

(b) Information related to mental health services, in the format determined under subsection (9) of this section, concerning a person who:

(i) Is currently committed to the custody or supervision of the department of corrections or the indeterminate sentence review board under chapter 9.94A or 9.95 RCW;

(ii) Has been convicted or found not guilty by reason of insanity of a serious violent offense; or

(iii) Was charged with a serious violent offense and such charges were dismissed under RCW 10.77.086.

Legal counsel may release such information to the persons authorized under subsection (2) of this section on behalf of the mental health service provider, provided that nothing in this subsection shall require the disclosure of attorney work product or attorney-client privileged information.

(2) The information subject to release under subsection (1) of this section shall be released to law enforcement officers, personnel of a county or city jail, designated mental health professionals, public health officers, therapeutic court personnel, personnel of the department of corrections, or personnel of the indeterminate sentence review board, when such information is requested during the course of business and for the purpose of carrying out the responsibilities of the requesting person's office. No mental health service provider or person employed by a mental health service provider, or its legal counsel, shall be liable for information released to or used under the provisions of this section or rules adopted under this section except under RCW 71.05.440.

(3) A person who requests information under subsection (1)(b) of this section must comply with the following restrictions:

(a) Information must be requested only for the purposes permitted by this subsection and for the purpose of carrying out the responsibilities of the requesting person's office. Appropriate purposes for requesting information under this section include:

(i) Completing presentence investigations or risk assessment reports;

(ii) Assessing a person's risk to the community;

(iii) Assessing a person's risk of harm to self or others when confined in a city or county jail;

(iv) Planning for and provision of supervision of an offender, including decisions related to sanctions for violations of conditions of community supervision; and

(v) Responding to an offender's failure to report for department of corrections supervision.

(b) Information shall not be requested under this section unless the requesting person has reasonable suspicion that the individual who is the subject of the information:

(i) Has engaged in activity indicating that a crime or a violation of community custody or parole has been committed or, based upon his or her current or recent past behavior, is likely to be committed in the near future; or

(ii) Is exhibiting signs of a deterioration in mental functioning which may make the individual appropriate for civil commitment under this chapter.

(c) Any information received under this section shall be held confidential and subject to the limitations on disclosure outlined in this chapter, except:

(i) Such information may be shared with other persons who have the right to request similar information under subsection (2) of this section, solely for the purpose of coordinating activities related to the individual who is the subject of the information in a manner consistent with the official responsibilities of the persons involved;

(ii) Such information may be shared with a prosecuting attorney acting in an advisory capacity for a person who receives information under this section. A prosecuting attorney under this subsection shall be subject to the same restrictions and confidentiality limitations as the person who requested the information; and

(iii) As provided in RCW 72.09.585.

(4) A request for information related to mental health services under this section shall not require the consent of the subject of the records. Such request shall be provided in writing, except to the extent authorized in subsection (5) of this section. A written request may include requests made by e-mail or facsimile so long as the requesting person is clearly identified. The request must specify the information being requested.

(5) In the event of an emergency situation that poses a significant risk to the public or the offender, a mental health service provider, or its legal counsel, shall release information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found to the department of corrections or law enforcement upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health service provider and the address or information about the location or whereabouts of the offender.

(6) Disclosure under this section to state or local law enforcement authorities is mandatory for the purposes of the health insurance portability and accountability act.

(7) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.

(8) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.

(9) In collaboration with interested organizations, the department shall develop a standard form for requests for information related to mental health services made under this section and a standard format for information provided in response to such requests. Consistent with the goals of the health information privacy provisions of the federal health insurance portability and accountability act, in developing the standard form for responsive information, the department shall design the form in such a way that the information disclosed is limited to the minimum necessary to serve the purpose for which the information is requested.

Sec. 3. RCW 71.05.390 and 2007 c 375 s 15 are each amended to read as follows:

Except as provided in this section, RCW 71.05.445, 71.05.630, 70.96A.150, section 2 of this act, or pursuant to a valid release under RCW 70.02.030, the fact of admission and all information and records compiled, obtained, or maintained in the course of providing

services to either voluntary or involuntary recipients of services at public or private agencies shall be confidential.

Information and records may be disclosed only:

(1) In communications between qualified professional persons to meet the requirements of this chapter, in the provision of services or appropriate referrals, or in the course of guardianship proceedings. The consent of the person, or his or her personal representative or guardian, shall be obtained before information or records may be disclosed by a professional person employed by a facility unless provided to a professional person:

- (a) Employed by the facility;
- (b) Who has medical responsibility for the patient's care;
- (c) Who is a designated mental health professional;
- (d) Who is providing services under chapter 71.24 RCW;
- (e) Who is employed by a state or local correctional facility where the person is confined or supervised; or
- (f) Who is providing evaluation, treatment, or follow-up services under chapter 10.77 RCW.

(2) When the communications regard the special needs of a patient and the necessary circumstances giving rise to such needs and the disclosure is made by a facility providing services to the operator of a facility in which the patient resides or will reside.

(3)(a) When the person receiving services, or his or her guardian, designates persons to whom information or records may be released, or if the person is a minor, when his or her parents make such designation.

(b) A public or private agency shall release to a person's next of kin, attorney, personal representative, guardian, or conservator, if any:

- (i) The information that the person is presently a patient in the facility or that the person is seriously physically ill;
- (ii) A statement evaluating the mental and physical condition of the patient, and a statement of the probable duration of the patient's confinement, if such information is requested by the next of kin, attorney, personal representative, guardian, or conservator; and
- (iii) Such other information requested by the next of kin or attorney as may be necessary to decide whether or not proceedings should be instituted to appoint a guardian or conservator.

(4) To the extent necessary for a recipient to make a claim, or for a claim to be made on behalf of a recipient for aid, insurance, or medical assistance to which he or she may be entitled.

(5)(a) For either program evaluation or research, or both: PROVIDED, That the secretary adopts rules for the conduct of the evaluation or research, or both. Such rules shall include, but need not be limited to, the requirement that all evaluators and researchers must sign an oath of confidentiality substantially as follows:

"As a condition of conducting evaluation or research concerning persons who have received services from (fill in the facility, agency, or person) I,, agree not to divulge, publish, or otherwise make known to unauthorized persons or the public any information obtained in the course of such evaluation or research regarding persons who have received services such that the person who received such services is identifiable.

I recognize that unauthorized release of confidential information may subject me to civil liability under the provisions of state law.

/s/"

(b) Nothing in this chapter shall be construed to prohibit the compilation and publication of statistical data for use by government or researchers under standards, including standards to assure maintenance of confidentiality, set forth by the secretary.

(6)(a) To the courts as necessary to the administration of this chapter or to a court ordering an evaluation or treatment under chapter 10.77 RCW solely for the purpose of preventing the entry of any evaluation or treatment order that is inconsistent with any order entered under this chapter.

(b) To a court or its designee in which a motion under chapter 10.77 RCW has been made for involuntary medication of a defendant for the purpose of competency restoration.

(c) Disclosure under this subsection is mandatory for the purpose of the health insurance portability and accountability act.

(7)(a) When a mental health professional is requested by a representative of a law enforcement or corrections agency, including a police officer, sheriff, community corrections officer, a municipal attorney, or prosecuting attorney to undertake an investigation or provide treatment under RCW 71.05.150, 10.31.110, or 71.05.153, the mental health professional shall, if requested to do so, advise the representative in writing of the results of the investigation including a statement of reasons for the decision to detain or release the person investigated. Such written report shall be submitted within seventy-two hours of the completion of the investigation or the request from the law enforcement or corrections representative, whichever occurs later.

~~((b) To law enforcement officers, public health officers, or personnel of the department of corrections or the indeterminate sentence review board for persons who are the subject of the records and who are committed to the custody or supervision of the department of corrections or indeterminate sentence review board which information or records are necessary to carry out the responsibilities of their office. Except for dissemination of information released pursuant to RCW 71.05.425 and 4.24.550, regarding persons committed under this chapter under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, the extent of information that may be released is limited as follows:~~

~~(i) Only the fact, place, and date of involuntary commitment, the fact and date of discharge or release, and the last known address shall be disclosed upon request;~~

~~(ii) The law enforcement and public health officers or personnel of the department of corrections or indeterminate sentence review board shall be obligated to keep such information confidential in accordance with this chapter;~~

~~(iii) Additional information shall be disclosed only after giving notice to said person and his or her counsel and upon a showing of clear, cogent, and convincing evidence that such information is necessary and that appropriate safeguards for strict confidentiality are and will be maintained. However, in the event the said person has escaped from custody, said notice prior to disclosure is not necessary and that the facility from which the person escaped shall include an evaluation as to whether the person is of danger to persons or property and has a propensity toward violence;~~

~~(iv) Information and records shall be disclosed to the department of corrections pursuant to and in compliance with the provisions of RCW 71.05.445 for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community; and~~

~~(v) (b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.~~

(8) To the attorney of the detained person.

(9) To the prosecuting attorney as necessary to carry out the responsibilities of the office under RCW 71.05.330(2) and 71.05.340(1)(b) and 71.05.335. The prosecutor shall be provided access to records regarding the committed person's treatment and prognosis, medication, behavior problems, and other records relevant to the issue of whether treatment less restrictive than inpatient treatment is in the best interest of the committed person or others. Information shall be disclosed only after giving notice to the committed person and the person's counsel.

(10)(a) To appropriate law enforcement agencies and to a person, when the identity of the person is known to the public or private agency, whose health and safety has been threatened, or who is known to have been repeatedly harassed, by the patient. The person may designate a representative to receive the disclosure. The disclosure shall be made by the professional person in charge of the public or private agency or his or her designee and shall include the dates of commitment, admission, discharge, or release, authorized or unauthorized absence from the agency's facility, and only such other information that is pertinent to the threat or harassment. The decision to disclose or not shall not result in civil liability for the agency or its employees so long as the decision was reached in good faith and without gross negligence.

(b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(11)(a) To appropriate corrections and law enforcement agencies all necessary and relevant information in the event of a crisis or emergent situation that poses a significant and imminent risk to the public. The decision to disclose or not shall not result in civil liability for the mental health service provider or its employees so long as the decision was reached in good faith and without gross negligence.

(b) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(12) To the persons designated in RCW 71.05.425 and section 2 of this act for the purposes described in ((that)) those sections.

(13) Civil liability and immunity for the release of information about a particular person who is committed to the department under RCW 71.05.280(3) and 71.05.320(3)(c) after dismissal of a sex offense as defined in RCW 9.94A.030, is governed by RCW 4.24.550.

(14) Upon the death of a person, his or her next of kin, personal representative, guardian, or conservator, if any, shall be notified.

Next of kin who are of legal age and competent shall be notified under this section in the following order: Spouse, parents, children, brothers and sisters, and other relatives according to the degree of relation. Access to all records and information compiled, obtained, or maintained in the course of providing services to a deceased patient shall be governed by RCW 70.02.140.

(15) To the department of health for the purposes of determining compliance with state or federal licensure, certification, or registration rules or laws. However, the information and records obtained under this subsection are exempt from public inspection and copying pursuant to chapter 42.56 RCW.

(16) To mark headstones or otherwise memorialize patients interred at state hospital cemeteries. The department of social and health services shall make available the name, date of birth, and date of death of patients buried in state hospital cemeteries fifty years after the death of a patient.

(17) To law enforcement officers and to prosecuting attorneys as are necessary to enforce RCW 9.41.040(2)(a)(ii). The extent of information that may be released is limited as follows:

(a) Only the fact, place, and date of involuntary commitment, an official copy of any order or orders of commitment, and an official copy of any written or oral notice of ineligibility to possess a firearm that was provided to the person pursuant to RCW 9.41.047(1), shall be disclosed upon request;

(b) The law enforcement and prosecuting attorneys may only release the information obtained to the person's attorney as required by court rule and to a jury or judge, if a jury is waived, that presides over any trial at which the person is charged with violating RCW 9.41.040(2)(a)(ii);

(c) Disclosure under this subsection is mandatory for the purposes of the health insurance portability and accountability act.

(18) When a patient would otherwise be subject to the provisions of ~~((RCW 71.05.390)) this section~~ and disclosure is necessary for the protection of the patient or others due to his or her unauthorized disappearance from the facility, and his or her whereabouts is unknown, notice of such disappearance, along with relevant information, may be made to relatives, the department of corrections when the person is under the supervision of the department, and governmental law enforcement agencies designated by the physician in charge of the patient or the professional person in charge of the facility, or his or her professional designee.

Except as otherwise provided in this chapter, the uniform health care information act, chapter 70.02 RCW, applies to all records and information compiled, obtained, or maintained in the course of providing services.

(19) The fact of admission, as well as all records, files, evidence, findings, or orders made, prepared, collected, or maintained pursuant to this chapter shall not be admissible as evidence in any legal proceeding outside this chapter without the written consent of the person who was the subject of the proceeding except as provided in section 2 of this act, in a subsequent criminal prosecution of a person committed pursuant to RCW 71.05.280(3) or 71.05.320(3)(c) on charges that were dismissed pursuant to chapter 10.77 RCW due to incompetency to stand trial, in a civil commitment

proceeding pursuant to chapter 71.09 RCW, or, in the case of a minor, a guardianship or dependency proceeding. The records and files maintained in any court proceeding pursuant to this chapter shall be confidential and available subsequent to such proceedings only to the person who was the subject of the proceeding or his or her attorney. In addition, the court may order the subsequent release or use of such records or files only upon good cause shown if the court finds that appropriate safeguards for strict confidentiality are and will be maintained.

Sec. 4. RCW 71.05.445 and 2005 c 504 s 711 are each amended to read as follows:

(1) ~~((The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~—(a) "Information related to mental health services" means all information and records compiled, obtained, or maintained in the course of providing services to either voluntary or involuntary recipients of services by a mental health service provider. This may include documents of legal proceedings under this chapter or chapter 71.34 or 10.77 RCW, or somatic health care information.~~

~~—(b) "Mental health service provider" means a public or private agency that provides services to persons with mental disorders as defined under RCW 71.05.020 and receives funding from public sources. This includes evaluation and treatment facilities as defined in RCW 71.05.020, community mental health service delivery systems, or community mental health programs as defined in RCW 71.24.025, and facilities conducting competency evaluations and restoration under chapter 10.77 RCW.~~

~~—(2)(a) Information related to mental health services delivered to a person subject to chapter 9.94A or 9.95 RCW shall be released, upon request, by a mental health service provider to department of corrections personnel for whom the information is necessary to carry out the responsibilities of their office. The information must be provided only for the purposes of completing presentence investigations or risk assessment reports, supervision of an incarcerated offender or offender under supervision in the community, planning for and provision of supervision of an offender, or assessment of an offender's risk to the community. The request shall be in writing and shall not require the consent of the subject of the records.~~

~~—(b) If an offender subject to chapter 9.94A or 9.95 RCW has failed to report for department of corrections supervision or in the event of an emergent situation that poses a significant risk to the public or the offender, information related to mental health services delivered to the offender and, if known, information regarding where the offender is likely to be found shall be released by the mental health services provider to the department of corrections upon request. The initial request may be written or oral. All oral requests must be subsequently confirmed in writing. Information released in response to an oral request is limited to a statement as to whether the offender is or is not being treated by the mental health services provider and the address or information about the location or whereabouts of the offender. Information released in response to a written request may include information identified by rule as provided in subsections (4) and (5) of this section. For purposes of this subsection a written request includes requests made by e-mail or facsimile so long as the requesting person at the department of corrections is clearly identified. The request must specify the information being requested. Disclosure of the information requested does not require the consent of the subject of the records unless the offender has received relief from disclosure under RCW 9.94A.562, 70.96A.155, or 71.05.132.~~

~~—(3))(a) When a mental health service provider conducts its initial assessment for a person receiving court-ordered treatment, the service provider shall inquire and shall be told by the offender whether he or she is subject to supervision by the department of corrections.~~

~~(b) When a person receiving court-ordered treatment or treatment ordered by the department of corrections discloses to his or her mental health service provider that he or she is subject to supervision by the department of corrections, the mental health service((s)) provider shall notify the department of corrections that he or she is treating the offender and shall notify the offender that his or her community corrections officer will be notified of the~~

treatment, provided that if the offender has received relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132 and the offender has provided the mental health service((s)) provider with a copy of the order granting relief from disclosure pursuant to RCW 9.94A.562, 70.96A.155, or 71.05.132, the mental health service((s)) provider is not required to notify the department of corrections that the mental health service((s)) provider is treating the offender. The notification may be written or oral and shall not require the consent of the offender. If an oral notification is made, it must be confirmed by a written notification. For purposes of this section, a written notification includes notification by e-mail or facsimile, so long as the notifying mental health service provider is clearly identified.

~~((4)) (2) The information to be released to the department of corrections shall include all relevant records and reports, as defined by rule, necessary for the department of corrections to carry out its duties(~~, including those records and reports identified in subsection (2) of this section~~)).~~

~~((5)) (3) The department and the department of corrections, in consultation with regional support networks, mental health service providers as defined in ~~((subsection (1) of this section))~~ RCW 71.05.020, mental health consumers, and advocates for persons with mental illness, shall adopt rules to implement the provisions of this section related to the type and scope of information to be released. These rules shall:~~

~~(a) Enhance and facilitate the ability of the department of corrections to carry out its responsibility of planning and ensuring community protection with respect to persons subject to sentencing under chapter 9.94A or 9.95 RCW, including accessing and releasing or disclosing information of persons who received mental health services as a minor; and~~

~~(b) Establish requirements for the notification of persons under the supervision of the department of corrections regarding the provisions of this section.~~

~~((6)) (4) The information received by the department of corrections under this section shall remain confidential and subject to the limitations on disclosure outlined in chapter 71.05 RCW, except as provided in RCW 72.09.585.~~

~~((7)) (5) No mental health service provider or individual employed by a mental health service provider shall be held responsible for information released to or used by the department of corrections under the provisions of this section or rules adopted under this section except under RCW 71.05.440.~~

~~((8)) (6) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for alcoholism or drug dependency, the release of the information may be restricted as necessary to comply with federal law and regulations.~~

~~((9)) (7) This section does not modify the terms and conditions of disclosure of information related to sexually transmitted diseases under chapter 70.24 RCW.~~

~~((10)) (8) The department shall, subject to available resources, electronically, or by the most cost-effective means available, provide the department of corrections with the names, last dates of services, and addresses of specific regional support networks and mental health service providers that delivered mental health services to a person subject to chapter 9.94A or 9.95 RCW pursuant to an agreement between the departments.~~

Sec. 5. RCW 71.05.630 and 2007 c 191 s 1 are each amended to read as follows:

(1) Except as otherwise provided by law, all treatment records shall remain confidential and may be released only to the persons designated in this section, or to other persons designated in an informed written consent of the patient.

(2) Treatment records of a person may be released without informed written consent in the following circumstances:

(a) To a person, organization, or agency as necessary for management or financial audits, or program monitoring and evaluation. Information obtained under this subsection shall remain confidential and may not be used in a manner that discloses the name or other identifying information about the person whose records are being released.

(b) To the department, the director of regional support networks, or a qualified staff member designated by the director only when necessary to be used for billing or collection purposes. The information shall remain confidential.

(c) For purposes of research as permitted in chapter 42.48 RCW.

(d) Pursuant to lawful order of a court.

(e) To qualified staff members of the department, to the director of regional support networks, to resource management services responsible for serving a patient, or to service providers designated by resource management services as necessary to determine the progress and adequacy of treatment and to determine whether the person should be transferred to a less restrictive or more appropriate treatment modality or facility. The information shall remain confidential.

(f) Within the treatment facility where the patient is receiving treatment, confidential information may be disclosed to persons employed, serving in bona fide training programs, or participating in supervised volunteer programs, at the facility when it is necessary to perform their duties.

(g) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of persons who are under the supervision of the department.

(h) To a licensed physician who has determined that the life or health of the person is in danger and that treatment without the information contained in the treatment records could be injurious to the patient's health. Disclosure shall be limited to the portions of the records necessary to meet the medical emergency.

(i) To a facility that is to receive a person who is involuntarily committed under chapter 71.05 RCW, or upon transfer of the person from one treatment facility to another. The release of records under this subsection shall be limited to the treatment records required by law, a record or summary of all somatic treatments, and a discharge summary. The discharge summary may include a statement of the patient's problem, the treatment goals, the type of treatment which has been provided, and recommendation for future treatment, but may not include the patient's complete treatment record.

~~(j) ((Notwithstanding the provisions of RCW 71.05.390(7), to a correctional facility or a corrections officer who is responsible for the supervision of a person who is receiving inpatient or outpatient evaluation or treatment. Except as provided in RCW 71.05.445 and 71.34.345, release of records under this section is limited to:~~

~~(i) An evaluation report provided pursuant to a written supervision plan.~~

~~(ii) The discharge summary, including a record or summary of all somatic treatments, at the termination of any treatment provided as part of the supervision plan.~~

~~(iii) When a person is returned from a treatment facility to a correctional facility, the information provided under (j)(iv) of this subsection.~~

~~(iv) Any information necessary to establish or implement changes in the person's treatment plan or the level or kind of supervision as determined by resource management services. In cases involving a person transferred back to a correctional facility, disclosure shall be made to clinical staff only.~~

~~(k)) To the person's counsel or guardian ad litem, without modification, at any time in order to prepare for involuntary commitment or recommitment proceedings, reexaminations, appeals, or other actions relating to detention, admission, commitment, or patient's rights under chapter 71.05 RCW.~~

~~((H)) (k) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of persons with mental disorders or developmental disabilities. Resource management services may limit the release of information to the name, birthdate, and county of residence of the patient, information regarding whether the patient was voluntarily admitted, or involuntarily committed, the date and place of admission, placement, or commitment, the name and address of a guardian of the patient, and the date and place of the guardian's appointment. Any staff member who wishes to obtain additional information shall notify the patient's resource management services in writing of the request and of the resource management services' right to object. The staff member shall send the notice by mail to the guardian's address. If the~~

guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information.

~~((M)) (l) For purposes of coordinating health care, the department may release without informed written consent of the patient, information acquired for billing and collection purposes as described in (b) of this subsection to all current treating providers of the patient with prescriptive authority who have written a prescription for the patient within the last twelve months. The department shall notify the patient that billing and collection information has been released to named providers, and provide the substance of the information released and the dates of such release. The department shall not release counseling, inpatient psychiatric hospitalization, or drug and alcohol treatment information without a signed written release from the client.~~

(3) Whenever federal law or federal regulations restrict the release of information contained in the treatment records of any patient who receives treatment for chemical dependency, the department may restrict the release of the information as necessary to comply with federal law and regulations.

NEW SECTION. Sec. 6. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state."

On page 1, line 4 of the title, after "felony;" strike the remainder of the title and insert "amending RCW 71.05.020, 71.05.390, 71.05.445, and 71.05.630; adding a new section to chapter 71.05 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1300 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hurst and Hinkle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1300, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1300, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1300, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 8, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.43.120 and 2001 c 329 s 3 are each amended to read as follows:

As used in ~~(the following sections)~~ RCW 43.43.120 through 43.43.320, unless a different meaning is plainly required by the context:

(1) "Retirement system" means the Washington state patrol retirement system.

(2) "Retirement fund" means the Washington state patrol retirement fund.

(3) "State treasurer" means the treasurer of the state of Washington.

(4) "Member" means any person included in the membership of the retirement fund.

(5) "Employee" means any commissioned employee of the Washington state patrol.

(6)(a) "Cadet," for a person who became a member of the retirement system after June 12, 1980, is a person who has passed the Washington state patrol's entry-level oral, written, physical performance, and background examinations and is, thereby, appointed by the chief as a candidate to be a commissioned officer of the Washington state patrol.

(b) "Cadet," for a person who became a member of the retirement system before June 12, 1980, is a trooper cadet, patrol cadet, or employee of like classification, employed for the express purpose of receiving the on-the-job training required for attendance at the state patrol academy and for becoming a commissioned trooper. "Like classification" includes: Radio operators or dispatchers; persons providing security for the governor or legislature; patrolmen; drivers' license examiners; weighmasters; vehicle safety inspectors; central wireless operators; and warehousemen.

(7) "Beneficiary" means any person in receipt of retirement allowance or any other benefit allowed by this chapter.

(8) "Regular interest" means interest compounded annually at such rates as may be determined by the director.

(9) "Retirement board" means the board provided for in this chapter.

(10) "Insurance commissioner" means the insurance commissioner of the state of Washington.

(11) "Lieutenant governor" means the lieutenant governor of the state of Washington.

(12) "Service" shall mean services rendered to the state of Washington or any political subdivisions thereof for which compensation has been paid. Full time employment for seventy or more hours in any given calendar month shall constitute one month of service. An employee who is reinstated in accordance with RCW 43.43.110 shall suffer no loss of service for the period reinstated subject to the contribution requirements of this chapter. Only months of service shall be counted in the computation of any retirement allowance or other benefit provided for herein. Years of service shall be determined by dividing the total number of months of service by twelve. Any fraction of a year of service as so determined shall be taken into account in the computation of such retirement allowance or benefit.

(13) "Prior service" shall mean all services rendered by a member to the state of Washington, or any of its political subdivisions prior to August 1, 1947, unless such service has been

credited in another public retirement or pension system operating in the state of Washington.

(14) "Current service" shall mean all service as a member rendered on or after August 1, 1947.

(15)(a) "Average final salary," for members commissioned prior to January 1, 2003, shall mean the average monthly salary received by a member during the member's last two years of service or any consecutive two-year period of service, whichever is the greater, as an employee of the Washington state patrol; or if the member has less than two years of service, then the average monthly salary received by the member during the member's total years of service.

(b) "Average final salary," for members commissioned on or after January 1, 2003, shall mean the average monthly salary received by a member for the highest consecutive sixty service credit months; or if the member has less than sixty months of service, then the average monthly salary received by the member during the member's total months of service.

(16) "Actuarial equivalent" shall mean a benefit of equal value when computed upon the basis of such mortality table as may be adopted and such interest rate as may be determined by the director.

(17) Unless the context expressly indicates otherwise, words importing the masculine gender shall be extended to include the feminine gender and words importing the feminine gender shall be extended to include the masculine gender.

(18) "Director" means the director of the department of retirement systems.

(19) "Department" means the department of retirement systems created in chapter 41.50 RCW.

(20) "State actuary" or "actuary" means the person appointed pursuant to RCW 44.44.010(2).

(21) "Contributions" means the deduction from the compensation of each member in accordance with the contribution rates established under chapter 41.45 RCW.

(22) "Annual increase" means as of July 1, 1999, seventy-seven cents per month per year of service which amount shall be increased each subsequent July 1st by three percent, rounded to the nearest cent.

(23)(a) "Salary," for members commissioned prior to July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040, or any voluntary overtime, earned on or after July 1, 2001.

(b) "Salary," for members commissioned on or after July 1, 2001, shall exclude any overtime earnings related to RCW 47.46.040 or any voluntary overtime, lump sum payments for deferred annual sick leave, unused accumulated vacation, unused accumulated annual leave, holiday pay, or any form of severance pay.

(24) "Plan 2" means the Washington state patrol retirement system plan 2, providing the benefits and funding provisions covering commissioned employees who first become members of the system on or after January 1, 2003.

(25) "Domestic partners" means two adults who have registered as domestic partners under RCW 26.60.020.

Sec. 2. RCW 43.43.260 and 2005 c 64 s 10 are each amended to read as follows:

Upon retirement from service as provided in RCW 43.43.250, a member shall be granted a retirement allowance which shall consist of:

(1) A prior service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of prior service rendered by the member.

(2) A current service allowance which shall be equal to two percent of the member's average final salary multiplied by the number of years of service rendered while a member of the retirement system.

(3)(a) Any member commissioned prior to January 1, 2003, with twenty-five years service in the Washington state patrol may have the member's service in the uniformed services credited as a member whether or not the individual left the employ of the Washington state patrol to enter such uniformed services: PROVIDED, That in no instance shall military service in excess of five years be credited: AND PROVIDED FURTHER, That in each instance, a member must restore all withdrawn accumulated contributions, which restoration must be completed on the date of the member's retirement, or as provided under RCW 43.43.130, whichever occurs first: AND

PROVIDED FURTHER, That this section shall not apply to any individual, not a veteran within the meaning of RCW 41.06.150.

(b) A member who leaves the Washington state patrol to enter the uniformed services of the United States shall be entitled to retirement system service credit for up to five years of military service. This subsection shall be administered in a manner consistent with the requirements of the federal uniformed services employment and reemployment rights act.

(i) The member qualifies for service credit under this subsection if:

(A) Within ninety days of the member's honorable discharge from the uniformed services of the United States, the member applies for reemployment with the employer who employed the member immediately prior to the member entering the uniformed services; and

(B) The member makes the employee contributions required under RCW 41.45.0631 and 41.45.067 within five years of resumption of service or prior to retirement, whichever comes sooner; or

(C) Prior to retirement and not within ninety days of the member's honorable discharge or five years of resumption of service the member pays the amount required under RCW 41.50.165(2).

(ii) Upon receipt of member contributions under (b)(i)(B), (b)(iv)(C), and (b)(v)(C) of this subsection, the department shall establish the member's service credit and shall bill the employer for its contribution required under RCW 41.45.060 for the period of military service, plus interest as determined by the department.

(iii) The contributions required under (b)(i)(B), (b)(iv)(C), and (b)(v)(C) of this subsection shall be based on the compensation the member would have earned if not on leave, or if that cannot be estimated with reasonable certainty, the compensation reported for the member in the year prior to when the member went on military leave.

(iv) The surviving spouse or lawful domestic partner or eligible child or children of a member who left the employ of an employer to enter the uniformed services of the United States and died while serving in the uniformed services may, on behalf of the deceased member, apply for retirement system service credit under this subsection up to the date of the member's death in the uniformed services. The department shall establish the deceased member's service credit if the surviving spouse or lawful domestic partner or eligible child or children:

(A) Provides to the director proof of the member's death while serving in the uniformed services;

(B) Provides to the director proof of the member's honorable service in the uniformed services prior to the date of death; and

(C) If the member was commissioned on or after January 1, 2003, pays the employee contributions required under chapter 41.45 RCW within five years of the date of death or prior to the distribution of any benefit, whichever comes first.

(v) A member who leaves the employ of an employer to enter the uniformed services of the United States and becomes totally incapacitated for continued employment by an employer while serving in the uniformed services is entitled to retirement system service credit under this subsection up to the date of discharge from the uniformed services if:

(A) The member obtains a determination from the director that he or she is totally incapacitated for continued employment due to conditions or events that occurred while serving in the uniformed services;

(B) The member provides to the director proof of honorable discharge from the uniformed services; and

(C) If the member was commissioned on or after January 1, 2003, the member pays the employee contributions required under chapter 41.45 RCW within five years of the director's determination of total disability or prior to the distribution of any benefit, whichever comes first.

(4) In no event shall the total retirement benefits from subsections (1), (2), and (3) of this section, of any member exceed seventy-five percent of the member's average final salary.

(5) Beginning July 1, 2001, and every year thereafter, the department shall determine the following information for each retired

member or beneficiary whose retirement allowance has been in effect for at least one year:

(a) The original dollar amount of the retirement allowance;

(b) The index for the calendar year prior to the effective date of the retirement allowance, to be known as "index A";

(c) The index for the calendar year prior to the date of determination, to be known as "index B"; and

(d) The ratio obtained when index B is divided by index A.

The value of the ratio obtained shall be the annual adjustment to the original retirement allowance and shall be applied beginning with the July payment. In no event, however, shall the annual adjustment:

(i) Produce a retirement allowance which is lower than the original retirement allowance;

(ii) Exceed three percent in the initial annual adjustment; or

(iii) Differ from the previous year's annual adjustment by more than three percent.

For the purposes of this section, "index" means, for any calendar year, that year's average consumer price index for the Seattle-Tacoma-Bremerton Washington area for urban wage earners and clerical workers, all items, compiled by the bureau of labor statistics, United States department of labor.

The provisions of this section shall apply to all members presently retired and to all members who shall retire in the future.

Sec. 3. RCW 43.43.270 and 2006 c 94 s 1 are each amended to read as follows:

For members commissioned prior to January 1, 2003:

(1) The normal form of retirement allowance shall be an allowance which shall continue as long as the member lives.

(2) If a member should die while in service the member's lawful spouse or lawful domestic partner shall be paid an allowance which shall be equal to fifty percent of the average final salary of the member. If the member should die after retirement the member's lawful spouse or lawful domestic partner shall be paid an allowance which shall be equal to the retirement allowance then payable to the member or fifty percent of the final average salary used in computing the member's retirement allowance, whichever is less. The allowance paid to the lawful spouse or lawful domestic partner shall continue as long as the spouse or domestic partner lives: PROVIDED, That if a surviving spouse or domestic partner who is receiving benefits under this subsection marries, or enters into a domestic partnership with, another member of this retirement system who subsequently predeceases such spouse or domestic partner, the spouse or domestic partner shall then be entitled to receive the higher of the two survivors' allowances for which eligibility requirements were met, but a surviving spouse or domestic partner shall not receive more than one survivor's allowance from this system at the same time under this subsection. To be eligible for an allowance the lawful surviving spouse or lawful domestic partner of a retired member shall have been married to, or in a domestic partnership with, the member prior to the member's retirement and continuously thereafter until the date of the member's death or shall have been married to, or in a domestic partnership with, the retired member at least two years prior to the member's death. The allowance paid to the lawful spouse or lawful domestic partner may be divided with an ex spouse or ex domestic partner of the member by a dissolution order as defined in RCW 41.50.500(3) incident to a ((divorce)) dissolution occurring after July 1, 2002. The dissolution order must specifically divide both the member's benefit and any spousal or domestic partner survivor benefit, and must fully comply with RCW 41.50.670 and 41.50.700.

(3) If a member should die, either while in service or after retirement, the member's surviving unmarried children under the age of eighteen years shall be provided for in the following manner:

(a) If there is a surviving spouse or domestic partner, each child shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse or domestic partner and all children shall not exceed sixty percent of the final average salary of the member or retired member; and

(b) If there is no surviving spouse or domestic partner or the spouse or domestic partner should die, the child or children shall be entitled to a benefit equal to thirty percent of the final average salary

of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary of the member or retired member. Payments under this subsection shall be prorated equally among the children, if more than one.

(4) If a member should die in the line of duty while employed by the Washington state patrol, the member's surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall be provided for in the following manner:

(a) If there is a surviving spouse or domestic partner, each child shall be entitled to a benefit equal to five percent of the final average salary of the member. The combined benefits to the surviving spouse or domestic partner and all children shall not exceed sixty percent of the final average salary of the member;

(b) If there is no surviving spouse or domestic partner or the spouse or domestic partner should die, the unmarried child or children shall be entitled to receive a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary. Payments under this subsection shall be prorated equally among the children, if more than one; and

(c) If a beneficiary under this subsection reaches the age of twenty-one years during the middle of a term of enrollment the benefit shall continue until the end of that term.

(5)(a) The provisions of this section shall apply to members who have been retired on disability as provided in RCW 43.43.040 if the officer was a member of the Washington state patrol retirement system at the time of such disability retirement.

(b) For the purposes of this subsection, average final salary as used in subsection (2) of this section means:

(i) For members commissioned prior to January 1, 2003, the average monthly salary received by active members of the patrol of the rank at which the member became disabled, during the two years prior to the death of the disabled member; and

(ii) For members commissioned on or after January 1, 2003, the average monthly salary received by active members of the patrol of the rank at which the member became disabled, during the five years prior to the death of the disabled member.

(c) The changes to the definitions of average final salary for the survivors of disabled members in this subsection shall apply retroactively. The department shall correct future payments to eligible survivors of members disabled prior to June 7, 2006, and, as soon as administratively practicable, pay each survivor a lump sum payment reflecting the difference, as determined by the director, between the survivor benefits previously received by the member, and those the member would have received under the definitions of average final salary created in chapter 94, Laws of 2006.

Sec. 4. RCW 43.43.271 and 2003 c 294 s 14 are each amended to read as follows:

(1) A member commissioned on or after January 1, 2003, upon retirement for service as prescribed in RCW 43.43.250 shall elect to have the retirement allowance paid pursuant to the following options, calculated so as to be actuarially equivalent to each other.

(a) Standard allowance. A member electing this option shall receive a retirement allowance payable throughout the member's life. However, if the retiree dies before the total of the retirement allowance paid to the retiree equals the amount of the retiree's accumulated contributions at the time of retirement, then the balance shall be paid to the member's estate, or such person or persons, trust, or organization as the retiree shall have nominated by written designation duly executed and filed with the department; or if there be no such designated person or persons still living at the time of the retiree's death, then to the surviving spouse or domestic partner; or if there be neither such designated person or persons still living at the time of death nor a surviving spouse or domestic partner, then to the retiree's legal representative.

(b) The department shall adopt rules that allow a member to select a retirement option that pays the member a reduced retirement

allowance and upon death, such portion of the member's reduced retirement allowance as the department by rule designates shall be continued throughout the life of and paid to a designated person. Such person shall be nominated by the member by written designation duly executed and filed with the department at the time of retirement. The options adopted by the department shall include, but are not limited to, a joint and one hundred percent survivor option and a joint and fifty percent survivor option.

(2)(a) A member, if married or in a domestic partnership, must provide the written consent of his or her spouse or domestic partner to the option selected under this section, except as provided in (b) of this subsection. If a member is married or in a domestic partnership and both the member and member's spouse or domestic partner do not give written consent to an option under this section, the department will pay the member a joint and fifty percent survivor benefit and record the member's spouse or domestic partner as the beneficiary. This benefit shall be calculated to be actuarially equivalent to the benefit options available under subsection (1) of this section unless (~~spousal~~) consent by the spouse or domestic partner is not required as provided in (b) of this subsection.

(b) If a copy of a dissolution order designating a survivor beneficiary under RCW 41.50.790 has been filed with the department at least thirty days prior to a member's retirement:

(i) The department shall honor the designation as if made by the member under subsection (1) of this section; and

(ii) The (~~spousal~~) spouse or domestic partner consent provisions of (a) of this subsection do not apply.

(3) No later than January 1, 2003, the department shall adopt rules that allow a member additional actuarially equivalent survivor benefit options, and shall include, but are not limited to:

(a)(i) A retired member who retired without designating a survivor beneficiary shall have the opportunity to designate their spouse or domestic partner from a postretirement marriage or domestic partnership as a survivor during a one-year period beginning one year after the date of the postretirement marriage or domestic partnership provided the retirement allowance payable to the retiree is not subject to periodic payments pursuant to a property division obligation as provided for in RCW 41.50.670.

(ii) A member who entered into a postretirement marriage or domestic partnership prior to the effective date of the rules adopted pursuant to this subsection and satisfies the conditions of (a)(i) of this subsection shall have one year to designate their spouse or domestic partner as a survivor beneficiary following the adoption of the rules.

(b) A retired member who elected to receive a reduced retirement allowance under this section and designated a nonspouse or a nondomestic partner as survivor beneficiary shall have the opportunity to remove the survivor designation and have their future benefit adjusted.

(c) The department may make an additional charge, if necessary, to ensure that the benefits provided under this subsection remain actuarially equivalent.

(4) No later than July 1, 2003, the department shall adopt rules to permit:

(a) A court-approved property settlement incident to a court decree of dissolution made before retirement to provide that benefits payable to a member who has completed at least five years of service and the member's divorcing spouse or former domestic partner be divided into two separate benefits payable over the life of each spouse or domestic partner.

The member shall have available the benefit options of subsection (1) of this section upon retirement, and if remarried or in a domestic partnership at the time of retirement remains subject to the (~~spousal~~) spouse or domestic partner consent requirements of subsection (2) of this section. Any reductions of the member's benefit subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

The nonmember ex spouse or former domestic partner shall be eligible to commence receiving their separate benefit upon reaching the ages provided in RCW 43.43.250(2) and after filing a written application with the department.

(b) A court-approved property settlement incident to a court decree of dissolution made after retirement may only divide the benefit into two separate benefits payable over the life of each spouse

or domestic partner if the nonmember ex spouse or former domestic partner was selected as a survivor beneficiary at retirement.

The retired member may later choose the survivor benefit options available in subsection (3) of this section. Any actuarial reductions subsequent to the division into two separate benefits shall be made solely to the separate benefit of the member.

Both the retired member and the nonmember divorced spouse or former domestic partner shall be eligible to commence receiving their separate benefits upon filing a copy of the dissolution order with the department in accordance with RCW 41.50.670.

(c) The department may make an additional charge or adjustment if necessary to ensure that the separate benefits provided under this subsection are actuarially equivalent to the benefits payable prior to the decree of dissolution.

Sec. 5. RCW 43.43.278 and 2001 c 329 s 9 are each amended to read as follows:

By July 1, 2000, the department of retirement systems shall adopt rules that allow a member to select an actuarially equivalent retirement option that pays the member a reduced retirement allowance and upon death shall be continued throughout the life of a lawful surviving spouse or lawful domestic partner. The continuing allowance to the lawful surviving spouse or lawful domestic partner shall be subject to the yearly increase provided by RCW 43.43.260(5). The allowance to the lawful surviving spouse or lawful domestic partner under this section, and the allowance for an eligible child or children under RCW 43.43.270, shall not be subject to the limit for combined benefits under RCW 43.43.270.

Sec. 6. RCW 43.43.280 and 1994 c 197 s 35 are each amended to read as follows:

(1) If a member dies before retirement, and has no surviving spouse or domestic partner or children under the age of eighteen years, all contributions made by the member, including any amount paid under RCW 41.50.165(2), with interest as determined by the director, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to such person or persons as the member shall have nominated by written designation duly executed and filed with the department, or if there be no such designated person or persons, then to the member's legal representative.

(2) If a member should cease to be an employee before attaining age sixty for reasons other than the member's death, or retirement, the individual shall thereupon cease to be a member except as provided under RCW 43.43.130 (2) ~~(and)~~, (3), and (4) and, the individual may withdraw the member's contributions to the retirement fund, including any amount paid under RCW 41.50.165(2), with interest as determined by the director, by making application therefor to the department, except that: A member who ceases to be an employee after having completed at least five years of service shall remain a member during the period of the member's absence from employment for the exclusive purpose only of receiving a retirement allowance to begin at attainment of age sixty, however such a member may upon written notice to the department elect to receive a reduced retirement allowance on or after age fifty-five which allowance shall be the actuarial equivalent of the sum necessary to pay regular retirement benefits as of age sixty: PROVIDED, That if such member should withdraw all or part of the member's accumulated contributions, the individual shall thereupon cease to be a member and this subsection shall not apply.

Sec. 7. RCW 43.43.285 and 2007 c 488 s 1 and 2007 c 487 s 9 are each reenacted and amended to read as follows:

(1) A one hundred fifty thousand dollar death benefit shall be paid to the member's estate, or such person or persons, trust or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's death benefit shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2)(a) The benefit under this section shall be paid only where death occurs as a result of (i) injuries sustained in the course of

employment; or (ii) an occupational disease or infection that arises naturally and proximately out of employment covered under this chapter. The determination of eligibility for the benefit shall be made consistent with Title 51 RCW by the department of labor and industries. The department of labor and industries shall notify the department of retirement systems by order under RCW 51.52.050.

(b) The retirement allowance paid to the spouse or domestic partner and dependent children of a member who is killed in the course of employment, as set forth in RCW 41.05.011(14), shall include reimbursement for any payments of premium rates to the Washington state health care authority under RCW 41.05.080.

Sec. 8. RCW 43.43.295 and 2004 c 171 s 1 are each amended to read as follows:

(1) For members commissioned on or after January 1, 2003, except as provided in RCW 11.07.010, if a member or a vested member who has not completed at least ten years of service dies, the amount of the accumulated contributions standing to such member's credit in the retirement system at the time of such member's death, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's estate, or such person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department. If there be no such designated person or persons still living at the time of the member's death, such member's accumulated contributions standing to such member's credit in the retirement system, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid to the member's surviving spouse or domestic partner as if in fact such spouse or domestic partner had been nominated by written designation, or if there be no such surviving spouse or domestic partner, then to such member's legal representatives.

(2) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, the surviving spouse or domestic partner or eligible child or children shall elect to receive either:

(a) A retirement allowance computed as provided for in RCW 43.43.260, actuarially reduced, except under subsection (4) of this section, by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 and actuarially adjusted to reflect a joint and one hundred percent survivor option under RCW 43.43.278 and if the member was not eligible for normal retirement at the date of death a further reduction from age fifty-five or when the member could have attained twenty-five years of service, whichever is less; if a surviving spouse or domestic partner who is receiving a retirement allowance dies leaving a child or children of the member under the age of majority, then such child or children shall continue to receive an allowance in an amount equal to that which was being received by the surviving spouse or domestic partner, share and share alike, until such child or children reach the age of majority; if there is no surviving spouse or domestic partner eligible to receive an allowance at the time of the member's death, such member's child or children under the age of majority shall receive an allowance share and share alike calculated under this section making the assumption that the ages of the spouse or domestic partner and member were equal at the time of the member's death; or

(b)(i) The member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670; or

(ii) If the member dies, one hundred fifty percent of the member's accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670. Any accumulated contributions attributable to restorations made under RCW 41.50.165(2) shall be refunded at one hundred percent.

(3) If a member who is eligible for retirement or a member who has completed at least ten years of service dies, and is not survived by a spouse or domestic partner or an eligible child, then the accumulated contributions standing to the member's credit, less any

amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, shall be paid:

(a) To an estate, a person or persons, trust, or organization as the member shall have nominated by written designation duly executed and filed with the department; or

(b) If there is no such designated person or persons still living at the time of the member's death, then to the member's legal representatives.

(4) The retirement allowance of a member who is killed in the course of employment, as determined by the director of the department of labor and industries, is not subject to an actuarial reduction.

Sec. 9 RCW 41.05.080 and 2007 c 114 s 6 are each amended to read as follows:

(1) Under the qualifications, terms, conditions, and benefits set by the board:

(a) Retired or disabled state employees, retired or disabled school employees, retired or disabled employees of county, municipal, or other political subdivisions, or retired or disabled employees of tribal governments covered by this chapter may continue their participation in insurance plans and contracts after retirement or disablement;

(b) Separated employees may continue their participation in insurance plans and contracts if participation is selected immediately upon separation from employment;

(c) Surviving spouses, surviving spouses or surviving domestic partners in the case of members of the Washington state patrol retirement system, and dependent children of emergency service personnel killed in the line of duty may participate in insurance plans and contracts.

(2) Rates charged surviving spouses, or surviving spouses or surviving domestic partners in the case of members of the Washington state patrol retirement system, of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or dependent children who are not eligible for parts A and B of medicare shall be based on the experience of the community rated risk pool established under RCW 41.05.022.

(3) Rates charged to surviving spouses, or surviving spouses or surviving domestic partners in the case of members of the Washington state patrol retirement system, of emergency service personnel killed in the line of duty, retired or disabled employees, separated employees, spouses, or children who are eligible for parts A and B of medicare shall be calculated from a separate experience risk pool comprised only of individuals eligible for parts A and B of medicare; however, the premiums charged to medicare-eligible retirees and disabled employees shall be reduced by the amount of the subsidy provided under RCW 41.05.085.

(4) Surviving spouses, surviving spouses or surviving domestic partners in the case of members of the Washington state patrol retirement system, and dependent children of emergency service personnel killed in the line of duty and retired or disabled and separated employees shall be responsible for payment of premium rates developed by the authority which shall include the cost to the authority of providing insurance coverage including any amounts necessary for reserves and administration in accordance with this chapter. These self pay rates will be established based on a separate rate for the employee, the spouse, the spouse or domestic partner in the case of members of the Washington state patrol retirement system, and the children.

(5) The term "retired state employees" for the purpose of this section shall include but not be limited to members of the legislature whether voluntarily or involuntarily leaving state office."

On page 1, line 2 of the title, after "system;" strike the remainder of the title and insert "amending RCW 43.43.120, 43.43.260, 43.43.270, 43.43.271, 43.43.278, 43.43.280, 43.43.295, and 41.05.080; and reenacting and amending RCW 43.43.285."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Simpson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1445, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1445, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445.

MARK MILOSCIA, 30th District

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 77.70 RCW to read as follows:

(1)(a) As part of a coastal commercial Dungeness crab pot removal program, the department shall issue a crab pot removal permit that allows the participants in the Dungeness crab-coastal fishery created in RCW 77.70.280 to remove crab pots belonging to state commercial licensed crab fisheries from coastal marine waters after the close of the primary commercial Dungeness crab-coastal harvest season, regardless of whether the crab pot was originally set by the participant or not.

(b) Beginning fifteen days after the close of the primary commercial Dungeness crab-coastal harvest season, any individual with a current commercial Dungeness crab-coastal license and a valid crab pot removal permit issued by the department may remove a crab pot or crab pots used to harvest Dungeness crabs remaining in coastal marine waters after the close of the primary commercial Dungeness crab-coastal harvest season.

(c) In cooperation with individuals with a current commercial Dungeness crab-coastal license, the department may expand the coastal commercial Dungeness crab pot removal program to those areas closed to commercial Dungeness crab harvest prior to the end of the primary season.

(d) Nothing in this section prohibits the department from exempting certain crab pots from the coastal commercial Dungeness crab pot removal program or from restricting crab pot removal activities to specific geographic areas.

(e) The department may adopt rules to implement this subsection (1).

(2) An individual participating in permitted crab pot removal activities in coastal marine waters who has a valid crab pot removal permit, and who adheres to the provisions of the permit as they relate to crab pot removal, is exempt from complying with the lost and found property provisions in chapter 63.21 RCW. The individual who removes the crab pot under a valid crab pot removal permit takes the property free and clear of all claims of the owner or previous holder and free and clear of all individuals claiming ownership under the previous owner.

(3)(a) A person is guilty of unlawful use of a crab pot removal permit if the person:

(i) Violates any terms or conditions of the permit issued under this section; or

(ii) Violates any rule of the department applicable to the requirement for, issuance of, or use of the permit.

(b) Unlawful use of a crab pot removal permit is a misdemeanor.

Sec. 2. RCW 63.21.080 and 1994 c 51 s 6 are each amended to read as follows:

This chapter shall not apply to:

(1) Motor vehicles under chapter 46.52 RCW;

(2) Unclaimed property in the hands of a bailee under chapter 63.24 RCW;

(3) Uniform disposition of unclaimed property under chapter 63.29 RCW; ~~(and)~~

(4) Secured vessels under chapter ~~((88.27))~~ 79A.65 RCW; and

(5) Crab pots in coastal marine waters under section 1 of this act.

On page 1, line 2 of the title, after "fisheries;" strike the remainder of the title and insert "amending RCW 63.21.080; adding a new section to chapter 77.70 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1516, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1516, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter,

Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1589 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 71.05.340 and 2000 c 94 s 8 are each amended to read as follows:

(1)(a) When, in the opinion of the superintendent or the professional person in charge of the hospital or facility providing involuntary treatment, the committed person can be appropriately served by outpatient treatment prior to or at the expiration of the period of commitment, then such outpatient care may be required as a term of conditional release for a period which, when added to the inpatient treatment period, shall not exceed the period of commitment. If the hospital or facility designated to provide outpatient treatment is other than the facility providing involuntary treatment, the outpatient facility so designated must agree in writing to assume such responsibility. A copy of the terms of conditional release shall be given to the patient, the ~~((county))~~ designated mental health professional in the county in which the patient is to receive outpatient treatment, and to the court of original commitment.

(b) Before a person committed under grounds set forth in RCW 71.05.280(3) or 71.05.320~~((2))~~ (3)(c) is conditionally released under (a) of this subsection, the superintendent or professional person in charge of the hospital or facility providing involuntary treatment shall in writing notify the prosecuting attorney of the county in which the criminal charges against the committed person were dismissed, of the decision to conditionally release the person. Notice and a copy of the terms of conditional release shall be provided at least thirty days before the person is released from inpatient care. Within twenty days after receiving notice, the prosecuting attorney may petition the court in the county that issued the commitment order to hold a hearing to determine whether the person may be conditionally released and the terms of the conditional release. The prosecuting attorney shall provide a copy of the petition to the superintendent or professional person in charge of the hospital or facility providing involuntary treatment, the attorney, if any, and guardian or conservator of the committed person, and the court of original commitment. If the county in which the committed person is to receive outpatient treatment is the same county in which the criminal charges against the committed person were dismissed, then the court shall, upon the motion of the prosecuting attorney, transfer the proceeding to the court in that county. The court shall conduct a hearing on the petition within ten days of the filing of the petition. The committed person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as set forth in this subsection and except that there shall be no right to jury trial. The issue to be determined at the hearing is whether or not the person may be conditionally released without substantial danger to other persons, or substantial likelihood of committing criminal acts jeopardizing public safety or security. If the court disapproves of the conditional release, it may do so only on the basis of substantial evidence. Pursuant to the determination of the court upon the hearing, the conditional release of the person shall be approved by the court on the same or modified conditions or the person shall be returned for involuntary treatment on an inpatient

basis subject to release at the end of the period for which he or she was committed, or otherwise in accordance with the provisions of this chapter.

(2) The hospital or facility designated to provide outpatient care or the secretary may modify the conditions for continued release when such modification is in the best interest of the person. Notification of such changes shall be sent to all persons receiving a copy of the original conditions.

(3)(a) If the hospital or facility designated to provide outpatient care, the ((county)) designated mental health professional, or the secretary determines that:

(i) A conditionally released person is failing to adhere to the terms and conditions of his or her release;

(ii) Substantial deterioration in a conditionally released person's functioning has occurred;

(iii) There is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or

(iv) The person poses a likelihood of serious harm.

Upon notification by the hospital or facility designated to provide outpatient care, or on his or her own motion, the ((county)) designated mental health professional or the secretary may order that the conditionally released person be apprehended and taken into custody and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment.

(b) The hospital or facility designated to provide outpatient treatment shall notify the secretary or ((county)) designated mental health professional when a conditionally released person fails to adhere to terms and conditions of his or her conditional release or experiences substantial deterioration in his or her condition and, as a result, presents an increased likelihood of serious harm. The ((county)) designated mental health professional or secretary shall order the person apprehended and temporarily detained in an evaluation and treatment facility in or near the county in which he or she is receiving outpatient treatment.

(c) A person detained under this subsection (3) shall be held until such time, not exceeding five days, as a hearing can be scheduled to determine whether or not the person should be returned to the hospital or facility from which he or she had been conditionally released. The ((county)) designated mental health professional or the secretary may modify or rescind such order at any time prior to commencement of the court hearing.

(d) The court that originally ordered commitment shall be notified within two judicial days of a person's detention under the provisions of this section, and the ((county)) designated mental health professional or the secretary shall file his or her petition and order of apprehension and detention with the court that originally ordered commitment or with the court in which the person is detained and serve them upon the person detained. His or her attorney, if any, and his or her guardian or conservator, if any, shall receive a copy of such papers as soon as possible. Such person shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except as specifically set forth in this section and except that there shall be no right to jury trial. The venue for proceedings regarding a petition for modification or revocation of an order for conditional release shall be in the county in which the petition was filed. The issues to be determined shall be: (i) Whether the conditionally released person did or did not adhere to the terms and conditions of his or her conditional release; (ii) that substantial deterioration in the person's functioning has occurred; (iii) there is evidence of substantial decompensation with a reasonable probability that the decompensation can be reversed by further inpatient treatment; or (iv) there is a likelihood of serious harm; and, if any of the conditions listed in this subsection (3)(d) have occurred, whether the terms of conditional release should be modified or the person should be returned to the facility.

(e) Pursuant to the determination of the court upon such hearing, the conditionally released person shall either continue to be conditionally released on the same or modified conditions or shall be returned for involuntary treatment on an inpatient basis subject to release at the end of the period for which he or she was committed for involuntary treatment, or otherwise in accordance with the

provisions of this chapter. Such hearing may be waived by the person and his or her counsel and his or her guardian or conservator, if any, but shall not be waivable unless all such persons agree to waive, and upon such waiver the person may be returned for involuntary treatment or continued on conditional release on the same or modified conditions.

(4) The proceedings set forth in subsection (3) of this section may be initiated by the ((county)) designated mental health professional or the secretary on the same basis set forth therein without requiring or ordering the apprehension and detention of the conditionally released person, in which case the court hearing shall take place in not less than five days from the date of service of the petition upon the conditionally released person. The petition may be filed in the court that originally ordered commitment or with the court in the county in which the person is present. The venue for the proceedings regarding the petition for modification or revocation of an order for conditional release shall be in the county in which the petition was filed.

Upon expiration of the period of commitment, or when the person is released from outpatient care, notice in writing to the court which committed the person for treatment shall be provided.

(5) The grounds and procedures for revocation of less restrictive alternative treatment shall be the same as those set forth in this section for conditional releases.

(6) In the event of a revocation of a conditional release, the subsequent treatment period may be for no longer than the actual period authorized in the original court order."

On page 1, line 2 of the title, after "release;" strike the remainder of the title and insert "and amending RCW 71.05.340."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1589 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Green and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1589, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1589, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 1589, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 2, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1824 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 4.24.660 and 1999 c 316 s 3 are each amended to read as follows:

(1) A school district shall not be liable for an injury to or the death of a person due to action or inaction of persons employed by, or under contract with, a youth program if:

(a) The action or inaction takes place on school property and during the delivery of services of the youth program;

(b) The private nonprofit group provides proof of being insured, under an accident and liability policy issued by an insurance company authorized to do business in this state, that covers any injury or damage arising from delivery of its services. Coverage for a policy meeting the requirements of this section must be at least fifty thousand dollars due to bodily injury or death of one person, or at least one hundred thousand dollars due to bodily injury or death of two or more persons in any incident. The private nonprofit shall also provide a statement of compliance with the policies for the management of concussion and head injury in youth sports as set forth in section 2 of this act; and

(c) The group provides proof of such insurance before the first use of the school facilities. The immunity granted shall last only as long as the insurance remains in effect.

(2) Immunity under this section does not apply to any school district before January 1, 2000.

(3) As used in this section, "youth programs" means any program or service, offered by a private nonprofit group, that is operated primarily to provide persons under the age of eighteen with opportunities to participate in services or programs.

(4) This section does not impair or change the ability of any person to recover damages for harm done by: (a) Any contractor or employee of a school district acting in his or her capacity as a contractor or employee; or (b) the existence of unsafe facilities or structures or programs of any school district.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.600 RCW to read as follows:

(1)(a) Concussions are one of the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. The centers for disease control and prevention estimates that as many as three million nine hundred thousand sports-related and recreation-related concussions occur in the United States each year. A concussion is caused by a blow or motion to the head or body that causes the brain to move rapidly inside the skull. The risk of catastrophic injuries or death are significant when a concussion or head injury is not properly evaluated and managed.

(b) Concussions are a type of brain injury that can range from mild to severe and can disrupt the way the brain normally works. Concussions can occur in any organized or unorganized sport or recreational activity and can result from a fall or from players colliding with each other, the ground, or with obstacles. Concussions occur with or without loss of consciousness, but the vast majority occurs without loss of consciousness.

(c) Continuing to play with a concussion or symptoms of head injury leaves the young athlete especially vulnerable to greater injury and even death. The legislature recognizes that, despite having generally recognized return to play standards for concussion and head injury, some affected youth athletes are prematurely returned to play resulting in actual or potential physical injury or death to youth athletes in the state of Washington.

(2) Each school district's board of directors shall work in concert with the Washington interscholastic activities association to develop the guidelines and other pertinent information and forms to inform and educate coaches, youth athletes, and their parents and/or guardians of the nature and risk of concussion and head injury including continuing to play after concussion or head injury. On a yearly basis, a concussion and head injury information sheet shall be signed and returned by the youth athlete and the athlete's parent

and/or guardian prior to the youth athlete's initiating practice or competition.

(3) A youth athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from competition at that time.

(4) A youth athlete who has been removed from play may not return to play until the athlete is evaluated by a licensed health care provider trained in the evaluation and management of concussion and receives written clearance to return to play from that health care provider. The health care provider may be a volunteer. A volunteer who authorizes a youth athlete to return to play is not liable for civil damages resulting from any act or omission in the rendering of such care, other than acts or omissions constituting gross negligence or willful or wanton misconduct.

(5) This section may be known and cited as the Zackery Lystedt law."

On page 1, line 2 of the title, after "sports;" strike the remainder of the title and insert "amending RCW 4.24.660; and adding a new section to chapter 28A.600 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1824 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Rodne and Quall spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1824, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1824, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 1824, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1946 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the state must educate more people to higher levels to adapt to the economic and social needs of the future. While our public colleges and universities have realized great success in helping students achieve their dreams, the legislature also recognizes that much more must be done to prepare current and future students for a twenty-first century economy. To raise the levels of skills and knowledge needed to sustain the state's economic prosperity and competitive position in a global environment, the public higher education system must reach out to every prospective student and citizen in unprecedented ways, with unprecedented focus.

To reach out to these citizens, the state must dismantle the barriers of geographic isolation, cost, and competing demands of work and family life. The state must create a more nimble system of learning that is student-centric, more welcoming of nontraditional and underserved students, easier to access and use, and more tailored to today's student needs and expectations.

Technology can play a key role in helping achieve this systemic goal. While only a decade ago access to personal computers was widely viewed a luxury, today computers, digital media, electronic information, and content have changed the nature of how students learn and instructors teach. This presents a vast, borderless opportunity to extend the reach and impact of the state's public educational institutions and educate more people to higher levels.

Each higher education institution and workforce program serves a unique group of students and as such, has customized its own technology solutions to meet its emerging needs. While local solutions may have served institutions of higher education in the past, paying for and operating multiple technology solutions, platforms, systems, models, agreements, and operational functionality for common applications and support services no longer serves students or the state.

Today's students access education differently. Rather than enrolling in one institution of higher education, staying two to four years and graduating, today's learners prefer a cafeteria approach; they often enroll in and move among multiple institutions - sometimes simultaneously. Rather than sitting in lecture halls taking notes, they may listen to podcasts of a lecture while grocery shopping or hold a virtual study group with classmates on a video chat room. They may prefer hybrid courses where part of their time is spent in the classroom and part is spent online. They prefer online access for commodity administrative services such as financial aid, admissions, transcript services, and more.

Institutions of higher education not only must rethink teaching and learning in a digital-networked world, but also must tailor their administrative and student services technologies to serve the mobile student who requires dynamic, customized information online and in real time. Because these relationships are changing so fast and so fundamentally, it is incumbent on the higher education system to transform its practices just as profoundly.

Therefore, the legislature intends to both study and implement its findings regarding how the state's public institutions of higher education can share core resources in instructional, including library, resources, student services, and administrative information technology resources, user help desk services, faculty professional development, and more. The study will examine how public institutions of higher education can pursue a strategy of implementing single, shared, statewide commonly needed standards-based software, web hosting and support service solutions that are cost-effective, easily integrated, user-friendly, flexible, and constantly improving. The full range of applications that serve students, faculty, and administration shall be included. Expensive, proprietary, nonstandards-based customized applications, databases and services, and other resources that do not allow for the transparent sharing of information across institutions, agencies, and educational levels, including K-12, are inconsistent with the state's objective of educating more people to higher levels.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.10 RCW to read as follows:

All institutions of higher education are encouraged to use common online learning technologies including, but not limited to, existing learning management and web conferencing systems currently managed and governed by the state board for community

and technical colleges; and share professional development materials and activities related to effective use of these tools. The state board for community and technical colleges may adjust existing vendor licenses to accommodate and provide enterprise services for any interested institutions of higher education. The common learning management system shall be designed in a way that allows for easy sharing of courses, learning objects, and other digital content among the institutions of higher education. Institutions of higher education may begin migration to these common systems immediately. The state board for community and technical colleges shall convene representatives from each four-year institution of higher education to develop a shared fee structure.

NEW SECTION. Sec. 3. (1) The higher education coordinating board shall convene a higher education technology transformation task force to improve the efficiency, effectiveness, and quality of education relative to the strategic and operational use of technology in public education.

(2) The task force shall be composed of one member from each public four-year institution of higher education; six members from the community and technical colleges; two faculty members from four-year institutions of higher education, at least one of whom is selected by statewide bargaining representatives; two faculty members from community or technical colleges, at least one of whom is selected by statewide bargaining representatives; and one member each from the state board for community and technical colleges; the higher education coordinating board; the workforce training and education coordinating board; the department of information services; and the council of presidents. The task force shall select a chair from its membership.

(3) The task force shall prepare a report that includes a plan to improve the efficiency, effectiveness, and quality of public higher education relative to the strategic and operational use of technology in higher education.

(4) In developing the plan, the institutions of higher education and their partners, identified in this section, shall take the following actions:

(a) Investigate similar efforts, strategies, programs, and options in other states, of private providers of higher education in the state, and global consortia related to:

(i) Online learning technologies including but not limited to: Learning management, ePortfolio, web conferencing systems, and other education applications;

(ii) Personalized online student services including but not limited to: Recruitment, admissions, retention, advising, academic planning, course catalogs, transfer, and financial aid management;

(iii) Integrated online administrative tools including but not limited to: Student information management; financial management; payroll; human resources; and data collection, reporting, and analysis;

(iv) Sharing library resources including but not limited to: Copyrighted physical and e-books, and consolidated electronic journals and research database licensing and other models;

(v) Methods and open licensing options for effectively sharing digital content including but not limited to: Open courseware, open textbooks, open journals, and open learning objects;

(vi) Methods for pooling, coordinating, and otherwise more efficiently managing enrollments so colleges with extra enrollment space in online courses can easily and efficiently make those spaces available to students at other colleges, or to high school students through existing dual-credit programs, without economic, governance, or institutional penalty or disincentive from the provider or recipient institution;

(vii) Methods for ensuring online courses meet agreed upon instructional guidelines, policies, and quality, and methods for sharing these best practices to improve traditional courses' quality;

(b) Develop a process and timeline for the implementation of a statewide approach based on the investigation in (a) of this subsection;

(c) Focus on statewide capability and standards that enable the efficient use of common applications, web hosting services, user support, staff training, and consolidated software licenses and open educational resources;

(d) Identify the metrics that can be used to gauge success;

(e) Conduct a comprehensive audit of existing resources used by public institutions of higher education or agencies including but not limited to technology-related: Employees; infrastructure; application licenses and costs; web hosting facilities and services; digital content licenses; student, faculty, and administrative applications and services; and the amounts and uses of technology fees charged to students. The failure of the individual public institution of higher education or agency to fully, accurately, and thoroughly account for these resources and fees in detail shall expressly be stated in the task force report;

(f) Recommend strategies and specific tactics to: (i) Reduce duplication of applications, web hosting, and support services; (ii) effectively and efficiently use technology to share costs, data, and faculty professional development; (iii) improve the quality of instruction; and (iv) increase student access, transfer capability, and the quality of student, faculty, and administration services; and

(g) Recommend governance models, funding models, and accountability measures to achieve these and related objectives.

(5) Subject to funds for this specific purpose, the higher education coordinating board shall engage an independent expert to conduct an independent technical analysis of the findings of the comprehensive technology audits outlined in subsection (4)(e) of this section.

(6) The public institutions of higher education and their partners shall jointly report their findings and recommendations to the appropriate committees of the legislature by December 1, 2010. A preliminary report shall be delivered to appropriate committees of the legislature by December 1, 2009.

NEW SECTION. Sec. 4. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

On page 1, line 1 of the title, after "technology;" strike the remainder of the title and insert "adding a new section to chapter 28B.10 RCW; and creating new sections."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1946 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Carlyle spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1946, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1946, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer,

Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1946, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2287 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.95 RCW to read as follows:

By July 1, 2010, each state agency shall develop and implement:

(1) A paper conservation program. Each state agency shall endeavor to conserve paper by at least thirty percent of their current paper use.

(2) A paper recycling program to encourage recycling of all paper products with the goal of recycling one hundred percent of all copy and printing paper in all buildings with twenty-five employees or more.

(3) For the purposes of this section, "state agencies" include, but are not limited to, colleges, universities, offices of elected and appointed officers, the supreme court, court of appeals, and administrative departments of state government.

NEW SECTION. Sec. 2. A new section is added to chapter 43.19A RCW to read as follows:

(1) By December 31, 2009, all state agencies shall purchase one hundred percent recycled content white cut sheet bond paper used in office printers and copiers. State agencies are encouraged to give priority to purchasing from companies that produce paper in facilities that generate energy from a renewable energy source.

(2) State agencies that utilize office printers and copiers that, after reasonable attempts, cannot be calibrated to utilize such paper referenced in subsection (1) of this section, must for those models of equipment:

(a) Purchase paper at the highest recycled content that can be utilized efficiently by the copier or printer;

(b) At the time of lease renewal or at the end of the life-cycle, either lease or purchase a model that will efficiently utilize one hundred percent recycled content white cut sheet bond paper;

(3) Printed projects that require the use of high volume production inserters or high-speed digital devices, such as those used by the state printer, department of information services, and the department of general administration, are not required to meet the one hundred percent recycled content white cut sheet bond paper standard, but must utilize the highest recycled content that can be utilized efficiently by such equipment and not impede the business of agencies.

(4) The state printer, department of general administration, and department of information services shall work together to identify for use by agencies one hundred percent recycled paper products that process efficiently through high-speed production equipment and do not impede the business of agencies.

Sec. 3. RCW 43.19A.020 and 2001 c 77 s 1 are each amended to read as follows:

(1) The federal product standards, adopted under 42 U.S.C. Sec. 6962(e) as it exists on July 1, 2001, are adopted as the minimum standards for the state of Washington. These standards shall be implemented for at least the products listed in this subsection, unless the director finds that a different standard would significantly increase recycled product availability or competition.

(a) ~~((Paper and paper products;~~

~~((b))) Organic recovered materials;~~

~~((c))) (b) Latex paint products;~~

~~((d))) (c) Products for lower value uses containing recycled plastics;~~

~~((e))) (d) Retread and remanufactured tires;~~

- ~~((f))~~ (e) Lubricating oils;
~~((g))~~ (f) Automotive batteries;
~~((h))~~ (g) Building products and materials;
~~((i))~~ (h) Panelboard; and
~~((j))~~ (i) Compost products.

(2) By July 1, 2001, the director shall adopt product standards for strawboard manufactured using as an ingredient straw that is produced as a by-product in the production of cereal grain or turf or grass seed and product standards for products made from strawboard.

(3) The standards required by this section shall be applied to recycled product purchasing by the department, other state agencies, and state postsecondary educational institutions. The standards may be adopted or applied by any other local government in product procurement. The standards shall provide for exceptions under appropriate circumstances to allow purchases of recycled products that do not meet the minimum content requirements of the standards.

Sec. 4. RCW 43.19A.050 and 1996 c 198 s 2 are each amended to read as follows:

The department shall prepare a strategy to increase purchases of recycled-content products by the department and all state agencies, including higher education institutions. The strategy shall include purchases from public works contracts. The strategy shall address the purchase of plastic products, retread and remanufactured tires, motor vehicle lubricants, latex paint, and lead acid batteries having recycled content. In addition, the strategy shall incorporate actions to achieve the following purchase level goals of ~~((recycled content paper and))~~ compost products:

~~((1))~~ Paper products as a percentage of the total dollar amount purchased on an annual basis:

- ~~((a))~~ At least sixty percent by 1996;
~~((b))~~ At least seventy percent by 1997;
~~((c))~~ At least eighty percent by 1998.

~~((2))~~ Compost products as a percentage of the total dollar amount on an annual basis:

- ~~((a))~~ (1) At least forty percent by 1996;
~~((b))~~ (2) At least sixty percent by 1997;
~~((c))~~ (3) At least eighty percent by 1998.

Sec. 5. RCW 43.78.170 and 1996 c 198 s 3 are each amended to read as follows: The public printer shall ~~((take all actions consistent with the plan under RCW 43.19A.050 to ensure that seventy-five percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1997, and ninety percent or more of the total dollar amount of printing paper stock used by the printer is recycled content paper by January 1, 1999))~~ use one hundred percent recycled copy and printing paper for all jobs printed on white copy and printing paper."

On page 1, line 2 of the title, after "paper;" strike the remainder of the title and insert "amending RCW 43.19A.020, 43.19A.050, and 43.78.170; adding a new section to chapter 70.95 RCW; and adding a new section to chapter 43.19A RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2287 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kessler and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2287, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2287, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2287, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced House intern Ruthie Skilbeck and asked the Chamber to acknowledge her.

The Speaker (Representative Morris presiding) called upon Representative Moeller to preside.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2338, by Representative Hunt

Concerning the administration and operations of growth management hearings boards.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2338 was substituted for Substitute House Bill No. 2338 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2338 was read the second time.

Representative Hunt moved the adoption of amendment (792):

On page 8, line 1, after "act" insert "are necessary for the immediate preservation of the public peace, health, or safety, or support of state government and its existing public institutions, and"

Representative Hunt spoke in favor of the adoption of the amendment.

Amendment (792) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2338.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2338 and the bill passed the House by the following vote: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Armstrong, Condotta, Cox, Crouse, Haler, Hinkle, Hope, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Schmick, Shea, Short, Taylor and Warnick.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2341, by Representatives Cody and Kelley

Modifying the basic health plan program.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2341 was substituted for House Bill No. 2341 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2341 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2341.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2341 and the bill passed the House by the following vote: Yeas, 89; Nays, 9; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Finn, Flannigan, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Chase, Conway, Eddy, Goodman, Grant-Herriot, Pedersen, Simpson, Walsh and Williams.

SUBSTITUTE HOUSE BILL NO. 2341, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2343, by Representative Haigh

Achieving savings in education programs.

The bill was read the second time.

There being no objection, Substitute House Bill 2343 was substituted for House Bill No. 2343 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2343 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Priest spoke in favor of the passage of the bill.

Representative Dammeier spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2343.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2343 and the bill passed the House by the following vote: Yeas, 77; Nays, 21; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Short, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Armstrong, Chandler, Condotta, Crouse, Dammeier, Ericksen, Grant-Herriot, Hinkle, Hope, Johnson, Maxwell, Orwall, Parker, Ross, Schmick, Shea, Simpson, Taylor, Warnick and Williams.

SUBSTITUTE HOUSE BILL NO. 2343, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2346, by Representative Kagi

Concerning crisis residential centers.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2346 was substituted for House Bill No. 2346 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2346 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2346.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2346 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 2346, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2347, by Representative Kagi

Concerning the review of support payments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2347.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2347 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 2347, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2349, by Representative Cody

Concerning disproportionate share hospital adjustments.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Bailey spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2349.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2349 and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

HOUSE BILL NO. 2349, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2361, by Representative Cody

Concerning modifying state payments for in-home care by prohibiting payment for services provided by agency employees who are related to or live with the client. Revised for 1st Substitute: Concerning modifying state payments for in-home care by prohibiting payment for services provided by agency employees who are related to the client.

The bill was read the second time.

There being no objection, Substitute House Bill 2361 was substituted for House Bill No. 2361 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2361 was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2361.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2361 and the bill passed the House by the following vote: Yeas, 90; Nays, 8; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Bailey, Chandler, Crouse, Grant-Herriot, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2361, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE HOUSE BILL NO. 2361.

AL O'BRIEN, 1st District

SECOND READING

HOUSE BILL NO. 2362, by Representative Kessler

Providing support for judicial branch agencies by imposing surcharges on court fees and requesting the supreme court to consider increases to attorney licensing fees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2362 was substituted for House Bill No. 2362 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2362 was read the second time.

Representative Bailey moved the adoption of amendment (807):

On page 5, beginning on line 20, strike all of section 6
Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Kessler spoke against the adoption of the amendment.

Amendment (807) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Kessler spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2362.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2362 and the bill passed the House by the following vote: Yeas, 52; Nays, 46; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Springer, Taylor, Wallace, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2362, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SECOND SUBSTITUTE SENATE BILL NO. 5045,
SUBSTITUTE SENATE BILL NO. 5273,
SUBSTITUTE SENATE BILL NO. 5539,
SENATE BILL NO. 5540,
SENATE BILL NO. 5547,
SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5561,
SUBSTITUTE SENATE BILL NO. 5565,
SUBSTITUTE SENATE BILL NO. 5566,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5601,
SUBSTITUTE SENATE BILL NO. 5608,
SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5616,
SENATE BILL NO. 5629,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5651,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2339, by Representatives Kessler, Seaquist, Roberts, Williams, Simpson, Nelson, Ormsby, Dunshee, Goodman, Pedersen, Cody, Hasegawa, Kirby, Maxwell, Upthegrove, Finn, Eddy, Hunt, Orwall, Rolfes, Morrell, Kenney, Clibborn, Morris, Green, Kagi, Chase, Sells, Wood, Flannigan, Ericks, McCoy, Campbell, Appleton, Pettigrew, White, Blake, Linville, Wallace, Conway, Carlyle, Miloscia, Takko, O'Brien, Hurst and Van De Wege

Requiring the department of licensing to collect a donation to benefit the state parks system as part of motor vehicle registration unless a vehicle owner opts not to provide a donation.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2339 was substituted for House Bill No. 2339 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2339 was read the second time.

Representative Schmick moved the adoption of amendment (812):

On page 2, after line 5, insert the following:
"Sec. 2. RCW 79A.05.215 and 2007 c 340 s 2 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16.076, and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

(2) Until all state parks that have been closed since the end of the year 2002 are reopened, all monies deposited into the account as a result of donations made under RCW 46.16.076 shall be used to fund the reopening of these state parks. Expenditures made for these purposes must be prioritized so that a state park that has been closed the longest receives enough funding to reopen the park before any

park that has been closed more recently receives any funding from donations made under RCW 46.16.076."

Correct the title.

Representative Schmick spoke in favor of the adoption of the amendment.

Representative Takko spoke against the adoption of the amendment.

Amendment (812) was not adopted.

Representative Bailey moved the adoption of amendment (795):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.16.076 and 2007 c 340 s 1 are each amended to read as follows:

(1)(a) The department shall provide an opportunity for owners of vehicles registered under RCW 46.16.0621 and vehicles licensed under RCW 46.16.070 with a declared gross weight of ten thousand pounds or less, to make a voluntary donation of five dollars at the time of initial or renewal registration. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(b) The department in consultation with the parks and recreation commission shall develop a public education program to raise public awareness about the importance of making a donation for the support and maintenance of state parks, with a goal of increasing the rate of donations to state parks through voluntary vehicle registrations.

(2) This section applies to registrations due or to become due on or after January 1, 2008.

(3) The state parks and recreation commission shall not close any parks during the 2009-11 biennium. By January 10, 2010, the state parks and recreation commission shall provide a report to the legislature on their budget and resources related to operating parks for the remainder of the biennium.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions and takes effect immediately."

Correct the title.

Representatives Bailey, Alexander, Orcutt, Short and Herrera spoke in favor of the adoption of the amendment.

Representatives Seaquist and Van De Wege spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 40 – YEAS; 58 – NAYS.

Amendment (795) was not adopted.

Representative McCune moved the adoption of amendment (796):

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 79A.05 RCW to read as follows:

(1) The commission shall attempt to recruit and maintain volunteers to serve as park hosts in all state parks. It is the goal of the commission to have volunteer park hosts available at each state park for at least eight hours of every day that the park is open. The commission shall report to the appropriate committees of the legislature by the end of each odd-numbered year regarding the state parks where this goal was not met and a summary of recruiting efforts conducted by the commission to meet the goal.

(2) Volunteer park hosts have the following responsibilities and duties:

(a) Solicit voluntary donations from park guests, including the provision of any pertinent information regarding the tax benefits of donations to state parks;

(b) Assist with visitor services, such as greeting guests, answering questions, and dispensing information;

(c) Conduct minor concessions at the park; and

(d) Perform minor maintenance of the park facilities.

(3) The commission shall, in state parks that are not staffed by volunteer park hosts, utilize unmanned donation collection boxes to solicit voluntary donations from park guests. The commission may use unmanned voluntary collection boxes in state parks staffed by volunteer park hosts.

(4) All donations collected under this section must be deposited into the state parks renewal and stewardship account established in RCW 79A.05.215.

(5) The commission shall not charge volunteer park hosts for camping, boat moorage, utility hookups, or other fees charged for the use of state parks and state parks facilities. The commission may establish minimum hourly commitments necessary for volunteer park hosts to qualify for fee waivers.

Sec. 2. RCW 79A.05.030 and 2005 c 373 s 1 and 2005 c 360 s 5 are each reenacted and amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways, upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than fifty years, and upon such conditions as shall be approved by the commission: **PROVIDED**, That leases exceeding a twenty-year term shall require a unanimous vote of the commission: **PROVIDED FURTHER**, That if, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease: **PROVIDED FURTHER**, That television station leases shall be subject to the provisions of RCW 79A.05.085, only: **PROVIDED FURTHER**, That the rates of such concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary and recruit volunteer assistance as required by section 1 of this act. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission ~~(, at its discretion, may)~~ shall waive commission fees ((otherwise applicable to volunteers)) for volunteer park hosts recruited under section 1 of this act and may waive fees for other park volunteers. The commission shall not use volunteers, other than volunteer park hosts recruited under section 1 of this act, to replace or supplant classified positions. The use of volunteers, other than volunteer park hosts recruited under section 1 of this act, may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) By majority vote of its authorized membership select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may, by majority vote of its authorized membership, obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights-of-way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteer park hosts and other park volunteers, and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. A permanent employee of the commission, employed as of July 24, 2005, is exempt from the provisions of this subsection.

Sec. 3. RCW 79A.05.215 and 2007 c 340 s 2 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16.076 and section 1 of this act, and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature."

Correct the title.

Representatives McCune, Hinkle and Short spoke in favor of the adoption of the amendment.

Representative Seaquist spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 39 – YEAS; 58 – NAYS.

Amendment (796) was not adopted.

Representative Hinkle moved the adoption of amendment (813):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 79A.15.020 and 2007 c 241 s 27 are each amended to read as follows:

The habitat conservation account is established in the state treasury. The board shall administer the account in accordance with chapter 79A.25 RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the board. By January 1, 2010, the state treasurer shall transfer from the habitat conservation account to the parks renewal and stewardship account created in RCW 79A.05.215, seven million five hundred thousand dollars.

Sec. 2. RCW 79A.15.120 and 2009 c 16 s 2 are each amended to read as follows:

(1) The riparian protection account is established in the state treasury. The board must administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board.

(2) Moneys appropriated for this chapter to the riparian protection account must be distributed for the acquisition or enhancement or restoration of riparian habitat. All enhancement or restoration projects, except those qualifying under subsection (9)(a) of this section, must include the acquisition of a real property interest in order to be eligible.

(3) State and local agencies and lead entities under chapter 77.85 RCW may apply for acquisition and enhancement or restoration funds for riparian habitat projects under subsection (1) of this section. Other state agencies not defined in RCW 79A.15.010, such as the department of transportation and the department of corrections, may enter into interagency agreements with state agencies to apply in partnership for funds under this section.

(4) The board may adopt rules establishing acquisition policies and priorities for distributions from the riparian protection account.

(5) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by a state, regional, or local agency to fund operation or maintenance of areas acquired under this chapter.

(6) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition, including, but not limited to, surveying expenses, fencing, and signing.

(7) The board may not approve a local project where the local agency share is less than the amount to be awarded from the riparian protection account. In-kind contributions, including contributions of a real property interest in land may be used to satisfy the local agency's share.

(8) State agencies receiving grants for acquisition of land under this section must pay an amount in lieu of real property taxes equal to the amount of tax that would be due if the land were taxable as open space land under chapter 84.34 RCW except taxes levied for any state purpose, plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. The county assessor and county legislative authority shall assist in determining the appropriate calculation of the amount of tax that would be due.

(9) In determining acquisition priorities with respect to the riparian protection account, the board must consider, at a minimum, the following criteria:

(a) Whether the project continues the conservation reserve enhancement program. Applications that extend the duration of leases of riparian areas that are currently enrolled in the conservation reserve enhancement program shall be eligible. Such applications are eligible for a conservation lease extension of at least twenty-five years of duration;

(b) Whether the projects are identified or recommended in a watershed planning process under chapter 247, Laws of 1998, salmon recovery planning under chapter 77.85 RCW, or other local plans, such as habitat conservation plans, and these must be highly considered in the process;

(c) Whether there is community support for the project;

(d) Whether the proposal includes an ongoing stewardship program that includes control of noxious weeds, detrimental invasive

species, and that identifies the source of the funds from which the stewardship program will be funded;

(e) Whether there is an immediate threat to the site;

(f) Whether the quality of the habitat is improved or, for projects including restoration or enhancement, the potential for restoring quality habitat including linkage of the site to other high quality habitat;

(g) Whether the project is consistent with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(h) Whether the site has educational or scientific value; and

(i) Whether the site has passive recreational values for walking trails, wildlife viewing, or the observation of natural settings.

(10) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of projects to be funded under this section. The governor may remove projects from the list recommended by the board and will submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

(11) By January 1, 2010, the state treasurer shall transfer from the riparian protection account to the parks renewal and stewardship account created in RCW 79A.05.215, seven million five hundred thousand dollars.

Sec. 3. RCW 79A.15.130 and 2007 c 241 s 38 are each amended to read as follows:

(1) The farmlands preservation account is established in the state treasury. The board will administer the account in accordance with chapter 79A.25 RCW and this chapter, and hold it separate and apart from all other money, funds, and accounts of the board. Moneys appropriated for this chapter to the farmlands preservation account must be distributed for the acquisition and preservation of farmlands in order to maintain the opportunity for agricultural activity upon these lands.

(2)(a) Moneys appropriated for this chapter to the farmlands preservation account may be distributed for (i) the fee simple or less than fee simple acquisition of farmlands; (ii) the enhancement or restoration of ecological functions on those properties; or (iii) both. In order for a farmland preservation grant to provide for an environmental enhancement or restoration project, the project must include the acquisition of a real property interest.

(b) If a city or county acquires a property through this program in fee simple, the city or county shall endeavor to secure preservation of the property through placing a conservation easement, or other form of deed restriction, on the property which dedicates the land to agricultural use and retains one or more property rights in perpetuity. Once an easement or other form of deed restriction is placed on the property, the city or county shall seek to sell the property, at fair market value, to a person or persons who will maintain the property in agricultural production. Any moneys from the sale of the property shall either be used to purchase interests in additional properties which meet the criteria in subsection (9) of this section, or to repay the grant from the state which was originally used to purchase the property.

(3) Cities and counties may apply for acquisition and enhancement or restoration funds for farmland preservation projects within their jurisdictions under subsection (1) of this section.

(4) The board may adopt rules establishing acquisition and enhancement or restoration policies and priorities for distributions from the farmlands preservation account.

(5) The acquisition of a property right in a project under this section by a county or city does not provide a right of access to the property by the public unless explicitly provided for in a conservation easement or other form of deed restriction.

(6) Except as provided in RCW 79A.15.030(7), moneys appropriated for this section may not be used by the board to fund staff positions or other overhead expenses, or by a city or county to fund operation or maintenance of areas acquired under this chapter.

(7) Moneys appropriated for this section may be used by grant recipients for costs incidental to restoration and acquisition,

including, but not limited to, surveying expenses, fencing, and signing.

(8) The board may not approve a local project where the local agency's share is less than the amount to be awarded from the farmlands preservation account. In-kind contributions, including contributions of a real property interest in land, may be used to satisfy the local agency's share.

(9) In determining the acquisition priorities, the board must consider, at a minimum, the following criteria:

(a) Community support for the project;

(b) A recommendation as part of a limiting factors or critical pathways analysis, a watershed plan or habitat conservation plan, or a coordinated regionwide prioritization effort;

(c) The likelihood of the conversion of the site to nonagricultural or more highly developed usage;

(d) Consistency with a local land use plan, or a regional or statewide recreational or resource plan. The projects that assist in the implementation of local shoreline master plans updated according to RCW 90.58.080 or local comprehensive plans updated according to RCW 36.70A.130 must be highly considered in the process;

(e) Benefits to salmonids;

(f) Benefits to other fish and wildlife habitat;

(g) Integration with recovery efforts for endangered, threatened, or sensitive species;

(h) The viability of the site for continued agricultural production, including, but not limited to:

(i) Soil types;

(ii) On-site production and support facilities such as barns, irrigation systems, crop processing and storage facilities, wells, housing, livestock sheds, and other farming infrastructure;

(iii) Suitability for producing different types or varieties of crops;

(iv) Farm-to-market access;

(v) Water availability; and

(i) Other community values provided by the property when used as agricultural land, including, but not limited to:

(i) Viewshed;

(ii) Aquifer recharge;

(iii) Occasional or periodic collector for storm water runoff;

(iv) Agricultural sector job creation;

(v) Migratory bird habitat and forage area; and

(vi) Educational and curriculum potential.

(10) In allotting funds for environmental enhancement or restoration projects, the board will require the projects to meet the following criteria:

(a) Enhancement or restoration projects must further the ecological functions of the farmlands;

(b) The projects, such as fencing, bridging watercourses, replanting native vegetation, replacing culverts, clearing of waterways, etc., must be less than fifty percent of the acquisition cost of the project including any in-kind contribution by any party;

(c) The projects should be based on accepted methods of achieving beneficial enhancement or restoration results; and

(d) The projects should enhance the viability of the preserved farmland to provide agricultural production while conforming to any legal requirements for habitat protection.

(11) Before November 1st of each even-numbered year, the board will recommend to the governor a prioritized list of all projects to be funded under this section. The governor may remove projects from the list recommended by the board and must submit this amended list in the capital budget request to the legislature. The list must include, but not be limited to, a description of each project and any particular match requirement.

(12) By January 1, 2010, the state treasurer shall transfer from the farmlands preservation account to the parks renewal and stewardship account created in RCW 79A.05.215, seven million five hundred thousand dollars.

Sec. 4. RCW 79A.25.060 and 2007 c 241 s 43 are each amended to read as follows:

The outdoor recreation account is created in the state treasury. Moneys in the account are subject to legislative appropriation. The board shall administer the account in accordance with chapter 79A.15

RCW and this chapter, and shall hold it separate and apart from all other money, funds, and accounts of the board.

Grants, gifts, or other financial assistance, proceeds received from public bodies as administrative cost contributions, and moneys made available to the state of Washington by the federal government for outdoor recreation, may be deposited into the account.

By January 1, 2010, the state treasurer shall transfer from the outdoor recreation account to the parks renewal and stewardship account created in RCW 79A.05.215, seven million five hundred thousand dollars.

Sec. 5. RCW 79A.05.215 and 2007 c 340 s 2 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16.076, and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature. All transfers into the parks renewal and stewardship account from the riparian protection account, the habitat conservation account, the outdoor recreation account, and the farmlands preservation account must be used for the maintenance and operations of state parks."

Correct the title.

Representatives Hinkle, Armstrong and Ericksen spoke in favor of the adoption of the amendment.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Ericksen, the Speaker would like to ask you to come back to the question of whether or not to transfer \$25 million from the capital budget to the state park fund. Please continue."

Representative Ericksen (again), Kretz, Kretz (again), Orcutt, Johnson, Shea and Anderson spoke in favor of the adoption of the amendment.

Representatives Seaquist, Dunshee and Dunshee (again) spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 41 – YEAS; 57 – NAYS.

Amendment (813) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kessler, Seaquist, Van De Wege, Rolfes, Dunshee and Pedersen spoke in favor of the passage of the bill.

Representatives Ross, Herrera and Hinkle spoke against the passage of the bill.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "The Speaker would remind members that on final passage arguments should be to vote for or to vote against the bill. I have searched Reed's Rules. I have not found the term "to put the bill down" anywhere, so I would encourage you to speak for or against on final passage."

Representatives Bailey, Kretz, Ericksen, Orcutt, Walsh and Roach spoke against the passage of the bill.

POINT OF ORDER

Representative Hudgins: "I would ask that the debate be focused on the topic in front of us and not use words such as deceptive or fooled as I have heard in the debate so far."

SPEAKER'S RULING

The Speaker (Representative Morris presiding): "Thank you for your point of order, Representative Hudgins. The Speaker believes that the methods around people's perceptions on the impact of the way this fee is being collected is allowable in the debate and is relative to the bill in question. The Speaker would encourage however that members try to shy away from terms like deceptive so that they may not be confused for words that may impugn motives behind it. It is a fairly grey area here and I would encourage members to try to pick their words carefully because the subject is allowable. But I would caution that would not be put in a way that might cause members to feel impugned.

Your point is not well taken at this point but please feel cautioned by the Speaker."

Representative Roach (continued), Armstrong and Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2339.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2339 and the bill passed the House by the following vote: Yeas, 56; Nays, 42; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

SUBSTITUTE HOUSE BILL NO. 2339, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

The House resumed consideration of ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208 on the concurrence/dispute calendar. The message from the Senate had been read, and there being no objection, the House concurred in the Senate amendment. (See Journal, Day 97, April 18, 2009.)

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hunter and Takko spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1208, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1208, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 60; Nays, 38; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208.

MIKE HOPE, 44th District

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1778 with the following amendment:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 77.15.050 and 1998 c 190 s 6 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, as used in this chapter, "conviction" means:

- (a) A final conviction in a state or municipal court;
- (b) A failure to appear at a hearing to contest an infraction or criminal citation; or
- (c) An unvacated forfeiture of bail paid as a final disposition for an offense ~~((or an unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court)).~~

(2) A plea of guilty, or a finding of guilt for a violation of this title or rule of the commission or director constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

Sec. 2. RCW 77.15.700 and 2007 c 163 s 2 are each amended to read as follows:

(1) The department shall impose revocation and suspension of privileges in the following circumstances:

~~((+))~~ (a) Upon conviction, if directed by statute for an offense();

~~((2))~~ (b) Upon conviction of a violation not involving commercial fishing, if the department finds that actions of the defendant demonstrated a willful or wanton disregard for conservation of fish or wildlife. ~~((Such))~~ Suspension of privileges under this subsection may be permanent. ~~((This subsection (2) does not apply to violations involving commercial fishing;~~

~~((3))~~ (c) If a person is convicted twice within ten years for a violation involving unlawful hunting, killing, or possessing big game(~~the department shall order~~). Revocation and suspension ~~((of))~~ under this subsection must be ordered for all hunting privileges for two years. ~~((RCW 77.12.722 or 77.16.050 as it existed before~~

~~June 11, 1998, may comprise one of the convictions constituting the basis for revocation and suspension under this subsection;~~

~~((4(a)))~~ (d) If a person violates, three times or more in a ten-year period, recreational hunting or fishing laws or rules for which the person: (i) Is convicted of an offense(); (ii) has an uncontested notice of infraction(); (iii) fails to appear at a hearing to contest ~~((am))~~ a fish and wildlife infraction(); or (iv) is found to have committed an infraction ~~((three times in ten years involving any violation of recreational hunting or fishing laws or rules, the department shall order a)).~~ Revocation and suspension under this subsection must be ordered of all recreational hunting and fishing privileges for two years.

~~((b))~~ (2)(a) A violation punishable as an infraction counts towards the revocation and suspension of recreational hunting and fishing privileges ~~((only where))~~ under this section if that violation is:

(i) Punishable as a crime on July 24, 2005, and is subsequently decriminalized; or

(ii) One of the following violations, as they exist on July 24, 2005: RCW 77.15.160 ~~((+ or (2)))~~; WAC 220-56-116; WAC 220-56-315(1); or WAC 220-56-355 (1) through (4).

~~((e))~~ (b) The commission may, by rule, designate ~~((additional))~~ infractions that do not count towards the revocation and suspension of recreational hunting and fishing privileges.

~~((5))~~ (3) If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, except for a violation of RCW 77.15.400 (1) through (3), the department may revoke all hunting licenses and tags and may order a suspension of ~~((one))~~ either or both the deferred education licensee's and the nondeferred accompanying person's hunting privileges for one year.

Sec. 3. RCW 77.15.310 and 2003 c 39 s 38 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW ~~((77.55.040 or 77.55.320))~~ 77.57.010 or 77.57.070; or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

Sec. 4. RCW 77.15.320 and 2000 c 107 s 241 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW ~~((77.55.060))~~ 77.57.030;

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

Sec. 5. RCW 77.15.610 and 1998 c 190 s 33 are each amended to read as follows:

(1) A person who holds a fur buyer's license or taxidermy license is guilty of unlawful use of a commercial wildlife license if the person:

(a) Fails to have the license in possession while engaged in fur buying or practicing taxidermy for commercial purposes; or

(b) Violates any rule of the department regarding reporting requirements or the use, possession, display, or presentation of the taxidermy or fur buyer's license.

(2) Unlawful use of a commercial wildlife license is a misdemeanor.

Sec. 6. RCW 77.32.470 and 2008 c 35 s 1 are each amended to read as follows:

(1) A personal use saltwater, freshwater, combination, temporary, or family fishing weekend license is required for all persons fifteen years of age or older to fish for or possess fish taken for personal use from state waters or offshore waters.

(2) The fees for annual personal use saltwater, freshwater, or combination licenses are as follows:

(a) A combination license allows the holder to fish for or possess fish, shellfish, and seaweed from state waters or offshore waters. The fee for this license is thirty-six dollars for residents, seventy-two dollars for nonresidents, and five dollars for youth. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created in RCW 77.12.702.

(b) A saltwater license allows the holder to fish for or possess fish taken from saltwater areas. The fee for this license is eighteen dollars for residents, thirty-six dollars for nonresidents, and five dollars for resident seniors. There is an additional fifty-cent surcharge for this license, to be deposited in the rockfish research account created in RCW 77.12.702.

(c) A freshwater license allows the holder to fish for, take, or possess food fish or game fish species in all freshwater areas. The fee for this license is twenty dollars for residents, forty dollars for nonresidents, and five dollars for resident seniors.

(3)(a) A temporary combination fishing license is valid for one to five consecutive days and allows the holder to fish for or possess fish, shellfish, and seaweed taken from state waters or offshore waters. The fee for this temporary fishing license is:

(i) One day - Seven dollars for residents and fourteen dollars for nonresidents;

(ii) Two days - Ten dollars for residents and twenty dollars for nonresidents;

(iii) Three days - Thirteen dollars for residents and twenty-six dollars for nonresidents;

(iv) Four days - Fifteen dollars for residents and thirty dollars for nonresidents; and

(v) Five days - Seventeen dollars for residents and thirty-four dollars for nonresidents.

(b) The fee for a charter stamp is seven dollars for a one-day temporary combination fishing license for residents and nonresidents for use on a charter boat as defined in RCW 77.65.150.

(c) A transaction fee to support the automated licensing system will be taken from the amounts set forth in this subsection for temporary licenses.

(d) Except for active duty military personnel serving in any branch of the United States armed forces, the temporary combination fishing license is not valid on game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season as defined by rule of the commission.

(e) The temporary combination fishing license fee for active duty military personnel serving in any branch of the United States armed forces is the resident rate as set forth in (a) of this subsection. Active duty military personnel must provide a valid military identification card at the time of purchase of the temporary license to qualify for the resident rate.

(f) There is an additional fifty-cent surcharge on the temporary combination fishing license and the associated charter stamp, to be deposited in the rockfish research account created in RCW 77.12.702.

(4) A family fishing weekend license allows for a maximum of six anglers: One resident and five youth; two residents and four youth; or one resident, one nonresident, and four youth. This license allows the holders to fish for or possess fish taken from state waters or offshore waters. The fee for this license is twenty dollars. This

license is only valid during periods as specified by rule of the department.

(5) The commission may adopt rules to create and sell combination licenses for all hunting and fishing activities at or below a fee equal to the total cost of the individual license contained within any combination.

(6) The commission may adopt rules to allow the use of two fishing poles per fishing license holder for use on selected state waters. If authorized by the commission, license holders must purchase a two-pole stamp to use a second pole. The proceeds from the sale of the two-pole stamp must be deposited into the state wildlife account created in RCW 77.12.170 and used for the operation and maintenance of state-owned fish hatcheries. The fee for a two-pole stamp is twenty dollars for residents and nonresidents, and five dollars for resident seniors.

Sec. 7. RCW 77.65.010 and 2005 c 20 s 1 are each amended to read as follows:

(1) Except as otherwise provided by this title, a person (~~may not~~) must have a license or permit issued by the director in order to engage in any of the following activities ((without a license or permit issued by the director)):

(a) Commercially fish for or take food fish or shellfish;

(b) Deliver from a commercial fishing vessel food fish or shellfish taken for commercial purposes in offshore waters. As used in this subsection, "deliver" means arrival at a place or port, and includes arrivals from offshore waters to waters within the state and arrivals from state or offshore waters;

(c) Operate a charter boat or commercial fishing vessel engaged in a fishery;

(d) Engage in processing or wholesaling food fish or shellfish; or

(e) Act as a food fish guide ((for salmon)) for personal use in freshwater rivers and streams, ((other than that part of the Columbia river below the bridge at Longview)) except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) No person may engage in the activities described in subsection (1) of this section unless the licenses or permits required by this title are in the person's possession, and the person is the named license holder or an alternate operator designated on the license and the person's license is not suspended.

(3) A valid Oregon license that is equivalent to a license under this title is valid in the concurrent waters of the Columbia river if the state of Oregon recognizes as valid the equivalent Washington license. The director may identify by rule what Oregon licenses are equivalent.

(4) No license or permit is required for the production or harvesting of private sector cultured aquatic products as defined in RCW 15.85.020 or for the delivery, processing, or wholesaling of such aquatic products. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, the exemption from licensing or permit requirements established by this subsection applies only if the aquatic products are identified in conformance with those rules.

Sec. 8. RCW 77.65.370 and 1998 c 190 s 98 are each amended to read as follows:

(1) A person shall not offer or perform the services of a ((professional salmon)) food fish guide without a food fish guide license in the taking of ((salmon)) food fish for personal use in freshwater rivers and streams, ((other than in that part of the Columbia river below the bridge at Longview, without a professional salmon guide license)) except that a charter boat license is required to operate a vessel from which a person may for a fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

(2) Only an individual at least sixteen years of age may hold a ((professional salmon)) food fish guide license. No individual may hold more than one ((professional salmon)) food fish guide license.

Sec. 9. RCW 77.65.440 and 2000 c 107 s 55 are each amended to read as follows:

The director shall issue the personal licenses listed in this section according to the requirements of this title. The licenses and their annual fees are:

Personal License	Annual Fee		Governing Section
	(RCW 77.95.090 Resident)	(RCW 77.95.090 Nonresident Surchage)	
(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
(3) ((Salmon)) Food Fish Guide	\$130 (plus \$20)	\$630 (plus \$100)	RCW 77.65.370

Sec. 10. RCW 77.15.510 and 2001 c 253 s 43 are each amended to read as follows:

(1) A person is guilty of ~~((commercial))~~ acting as a game fish ~~((guiding))~~ guide, food fish guide, or chartering without a license if:

(a) The person operates a charter boat and does not hold the charter boat license required for the food fish taken;

(b) The person acts as a ~~((professional salmon))~~ food fish guide and does not hold a ~~((professional salmon))~~ food fish guide license; or

(c) The person acts as a game fish guide and does not hold a game fish guide license.

(2) ~~((Commercial))~~ Acting without a game fish ~~((guiding or chartering without a))~~ guide license, food fish guide license, or charter license is a gross misdemeanor.

Sec. 11. RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for ~~((profit))~~ commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for ~~((profit))~~ commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars.

(3) A ~~((fishing))~~ game fish guide license allows the holder to offer or perform the services of a ~~((professional))~~ game fish guide in the taking of game fish. The fee for this license is one hundred eighty dollars for a resident and six hundred dollars for a nonresident.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the commission. The fee for this permit is twenty-four dollars.

(6) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the commission. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars.

(7)(a) An anadromous game fish buyer's license allows the holder to purchase or sell steelhead trout and other anadromous game fish harvested by Indian ~~((fishermen))~~ fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, under conditions prescribed by rule of the director. The fee for this license is one hundred eighty dollars.

(b) An anadromous game fish buyer's license is not required for those businesses that buy steelhead trout and other anadromous game fish from Washington licensed game fish dealers and sell solely at retail.

Sec. 12. RCW 77.08.010 and 2008 c 277 s 2 are each amended to read as follows:

The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

(1) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

(2) "Aquatic invasive species" means any invasive, prohibited, regulated, unregulated, or unlisted aquatic animal or plant species as defined under subsections ~~((48 through 53))~~ (3), (28), (40), (44), (58), and (59) of this section, aquatic noxious weeds as defined under

RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW 77.60.130(1).

(3) "Aquatic plant species" means an emergent, submersed, partially submersed, free-floating, or floating-leaving plant species that grows in or near a body of water or wetland.

(4) "Bag limit" means the maximum number of game animals, game birds, or game fish which may be taken, caught, killed, or possessed by a person, as specified by rule of the commission for a particular period of time, or as to size, sex, or species.

(5) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

(6) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission as an open season.

(7) "Closed waters" means all or part of a lake, river, stream, or other body of water, where fishing or harvesting is prohibited.

(8) "Commercial" means related to or connected with buying, selling, or bartering.

(9) "Commission" means the state fish and wildlife commission.

(10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

~~((11))~~ (11) "Contraband" means any property that is unlawful to produce or possess.

~~((12))~~ (12) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

~~((13))~~ (13) "Department" means the department of fish and wildlife.

~~((14))~~ (14) "Director" means the director of fish and wildlife.

~~((15))~~ (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

~~((16))~~ (16) "Ex officio fish and wildlife officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fish and wildlife officer" includes special agents of the national marine fisheries service, state parks commissioned officers, United States fish and wildlife special agents, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

~~((17))~~ (17) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all fin fish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

~~((18))~~ (18) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

~~((19))~~ (19) "Fish broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together.

(20) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

~~((21))~~ (21) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

~~((22))~~ (22) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

~~((23))~~ (23) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

~~((22))~~ (24) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

~~((23))~~ (25) "Game farm" means property on which wildlife is held or raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

~~((24))~~ (26) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

~~((25))~~ (27) "Illegal items" means those items unlawful to be possessed.

~~(28)~~ (28) "Invasive species" means a plant species or a nonnative animal species that either:

(a) Causes or may cause displacement of, or otherwise threatens, native species in their natural communities;

(b) Threatens or may threaten natural resources or their use in the state;

(c) Causes or may cause economic damage to commercial or recreational activities that are dependent upon state waters; or

(d) Threatens or harms human health.

~~((26))~~ (29) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

~~((27))~~ (30) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

~~((28))~~ (31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

~~(32)~~ (32) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((29))~~ (33) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((30))~~ (34) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, fish, take, harvest, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

~~((31))~~ (35) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

~~(36)~~ (36) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

~~((32))~~ (37) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

~~((33))~~ (38) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

~~(39)~~ (39) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

~~((34))~~ (40) "Prohibited aquatic animal species" means an invasive species of the animal kingdom that has been classified as a prohibited aquatic animal species by the commission.

~~((35))~~ (41) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

~~((36))~~ (42) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

~~((37))~~ (43) "Recreational and commercial watercraft" includes the boat, as well as equipment used to transport the boat, and any auxiliary equipment such as attached or detached outboard motors.

~~((38))~~ (44) "Regulated aquatic animal species" means a potentially invasive species of the animal kingdom that has been classified as a regulated aquatic animal species by the commission.

~~((39))~~ (45) "Resident" means:

(a) A person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an

application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state; and

(b) A person age eighteen or younger who does not qualify as a resident under (a) of this subsection, but who has a parent that qualifies as a resident under (a) of this subsection.

~~((40))~~ (46) "Retail-eligible species" means commercially harvested salmon, crab, and sturgeon.

~~((41))~~ (47) "Saltwater" means those marine waters seaward of river mouths.

~~((42))~~ (48) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

~~((43))~~ (49) "Senior" means a person seventy years old or older.

~~((44))~~ (50) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((45))~~ (51) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((46))~~ (52) "To fish," "to harvest," and "to take," and their derivatives means an effort to kill, injure, harass, or catch a fish or shellfish.

~~((47))~~ (53) "To hunt" and its derivatives means an effort to kill, injure, capture, or harass a wild animal or wild bird.

~~((48))~~ (54) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

~~((49))~~ (55) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

~~((50))~~ (56) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

~~((51))~~ (57) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

~~(58)~~ (58) "Unlisted aquatic animal species" means a nonnative animal species that has not been classified as a prohibited aquatic animal species, a regulated aquatic animal species, or an unregulated aquatic animal species by the commission.

~~((52))~~ (59) "Unregulated aquatic animal species" means a nonnative animal species that has been classified as an unregulated aquatic animal species by the commission.

~~((53))~~ (60) "Wholesale fish dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce.

~~(61)~~ (61) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state and the species *Rana catesbeiana* (bullfrog). The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

~~((54))~~ (62) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

~~((55))~~ (63) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

~~((56))~~ (64) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

Sec. 13. RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state wildlife account which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes, unless the property is seized or recovered through a fish, shellfish, or wildlife enforcement action;

(c) The assessment of administrative penalties, and the sale of licenses, permits, tags, and stamps required by chapter 77.32 RCW and RCW 77.65.490, except annual resident adult saltwater and all annual razor clam and shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;

(e) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates and Washington's Wildlife license plate collection as provided in chapter 46.16 RCW;

(f) Articles or wildlife sold by the director under this title;

(g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320. However, this excludes fish and shellfish overages, and court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action, as such moneys must be deposited pursuant to RCW 77.15.425;

(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

~~(i) ((The sale of personal property seized by the department for fish, shellfish, or wildlife violations;~~

~~—(j))~~ The department's share of revenues from auctions and raffles authorized by the commission; and

~~((k))~~ (i) The sale of watchable wildlife decals under RCW 77.32.560.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife account.

NEW SECTION. Sec. 14. A new section is added to chapter 77.15 RCW to read as follows:

(1) A person is guilty of unlawful use of a department permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.

(2) Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, depredation permits, landowner hunting permits, commercial carp license permits, permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor control board. Permits excluded from subsection (1) of this section include fish and wildlife lands vehicle use permits, commercial use or activity permits, noncommercial use or activity permits, parking permits, experimental fishery permits, trial commercial fishery permits, and scientific collection permits.

(3) Unlawful use of a department permit is a misdemeanor.

(4) A person is guilty of unlawful use of an experimental fishery permit or a trial commercial fishery permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the issuance or use of the permit.

(5) Unlawful use of an experimental fishery permit or a trial commercial fishery permit is a gross misdemeanor.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Experimental fishery permit" means a permit issued by the director for either:

(i) An "emerging commercial fishery," defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or

(ii) An "expanding commercial fishery," defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.

(b) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species or harvest of a previously classified species in a new area or by a new means.

NEW SECTION. Sec. 15. A new section is added to chapter 77.32 RCW to read as follows:

(1) In order to effectively manage wildlife in areas or at times when a higher proficiency and demonstrated skill level are needed for resource protection or public safety, the department establishes the master hunter permit program. The master hunter permit program emphasizes safe, ethical, responsible, and lawful hunting practices. Program goals include improving the public's perception of hunting and perpetuating the highest hunting standards.

(2) A master hunter permit is required to participate in controlled hunts to eliminate problem animals that damage property or threaten public safety. The commission may establish by rule the requirements an applicant must comply with when applying for or renewing a master hunter permit, including but not limited to a criminal background check. The director may establish an advisory group to assist the department with administering the master hunter program.

(3) The fee for an initial master hunter permit may not exceed fifty dollars, and the cost of renewing a master hunter permit may not exceed twenty-five dollars. Funds generated under this section must be deposited into the fish and wildlife enforcement reward account established in RCW 77.15.425, and the funds must be used exclusively to administer the master hunter program.

NEW SECTION. Sec. 16. A new section is added to chapter 77.15 RCW to read as follows:

(1) The department may suspend a person's master hunter permit for the following reasons and corresponding lengths of time:

(a) If the person pays the required fine or is found to have committed an infraction under this chapter or the department's rules, the department shall suspend the person's master hunter permit for two years;

(b) If the person pays the required fine or is convicted of a misdemeanor, gross misdemeanor, or felony under this chapter, the department shall suspend the person's master hunter permit for life;

(c) If the person pays the required fine or is convicted of trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department shall suspend the person's master hunter permit for life;

(d) If the person pays the required fine or is convicted of a felony prohibiting the possession of firearms, unless firearm possession is reinstated, the department shall suspend the person's master hunter permit for life;

(e) If the person has a hunting or fishing license revoked or has hunting or fishing license privileges suspended in another state, the department shall suspend the person's master hunter permit for life;

(f) If the person is cited, or charged by complaint, for an offense under this chapter; or for trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department, the department may immediately suspend the person's master hunter permit until the offense has been adjudicated; or

(g) If the person submits fraudulent information to the department, the department shall suspend the person's master hunter permit for life.

(2) Any master hunter who is notified of an intended suspension may request an appeal hearing under chapter 34.05 RCW.

Sec. 17. RCW 77.15.370 and 2005 c 406 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes, possesses, or retains two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director or commission setting the amount of food

fish, game fish, or shellfish that can be taken, possessed, or retained for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express rule of the commission or director; ~~((or))~~

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or possession of such fish is specifically allowed under federal or state law; or

(e) The person possesses a sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

Sec. 18. RCW 77.15.425 and 2006 c 148 s 2 are each amended to read as follows:

The fish and wildlife enforcement reward account is created in the custody of the state treasurer. ~~((All receipts from criminal wildlife penalty assessments under RCW 77.15.420 and 77.15.400 must be deposited into the account.))~~ Deposits to the account include: Receipts from fish and shellfish overages as a result of a department enforcement action; fees for hunter education deferral applications; fees for master hunter applications and master hunter certification renewals; all receipts from criminal wildlife penalty assessments under RCW 77.15.400 and 77.15.420; all receipts of court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action; and proceeds from forfeitures and evidence pursuant to RCW 77.15.070 and 77.15.100. The department may accept money or personal property from persons under conditions requiring the property or money to be used consistent with the intent of expenditures from the fish and wildlife enforcement reward account. Expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of this title and rules adopted under this title, to offset department-approved costs incurred to administer the hunter education deferral program and the master hunter program, and for other valid enforcement uses as determined by the commission. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 19. RCW 77.15.568 and 2007 c 337 s 4 are each amended to read as follows:

(1) A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if:

(a) The person sells fish or shellfish at retail, stores or holds fish or shellfish for another in exchange for valuable consideration, ships fish or shellfish in exchange for valuable consideration, or brokers fish or shellfish in exchange for valuable consideration;

(b) The fish or shellfish were required to be entered on a Washington fish receiving ticket or a Washington aquatic farm production annual report; and

(c) The person fails to maintain records of each receipt of fish or shellfish, as required under subsections (3) through (5) of this section, at the location where the fish or shellfish are being sold, at the location where the fish or shellfish are being stored or held, or at the principal place of business of the shipper or broker.

(2) This section ~~((does not apply))~~ applies to a wholesale fish dealer((s)) acting in the capacity of a broker. However, this section does not apply to a wholesale fish dealer acting in the capacity of a wholesale fish dealer, to a fisher selling under a direct retail sale endorsement, or to a registered aquatic farmer.

(3) Records of the receipt of fish or shellfish required to be kept under this section must be in the English language and be maintained for three years from the date fish or shellfish are received, shipped, or brokered.

(4) Records maintained by persons that retail or broker must include the following:

(a) The name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic

farmer or shellstock shipper from whom the fish or shellfish were purchased or received;

(b) The Washington fish receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;

(c) The date of purchase or receipt; and

(d) The amount and species of fish or shellfish purchased or received.

(5) Records maintained by persons that store, hold, or ship fish or shellfish for others must state the following:

(a) The name, address, and phone number of the person and business from whom the fish or shellfish were received;

(b) The date of receipt; and

(c) The amount and species of fish or shellfish received.

(6) A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor.

Sec. 20. RCW 77.15.620 and 2002 c 301 s 7 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the person:

(a) Engages in the commercial processing of fish or shellfish, including custom canning or processing of personal use fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct retail endorsement under RCW 77.65.510;

(b) Engages in the wholesale selling, buying, or brokering of food fish or shellfish and does not hold a wholesale dealer's or buying license required by RCW 77.65.280(2) or 77.65.480 for anadromous game fish;

(c) Is a fisher who lands and sells his or her catch or harvest in the state to anyone other than a licensed wholesale dealer within or outside the state and does not hold a direct retail endorsement required by RCW 77.65.510; or

(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other byproducts from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

(2) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(3) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves: (a) Fish or shellfish worth two hundred fifty dollars or more; (b) a failure to document such fish or shellfish with a fish receiving ticket or other documentation required by statute or rule of the department; or (c) violates any other rule of the department regarding wholesale fish buying and dealing. Engaging in fish dealing activity without a license in the first degree is a class C felony.

Sec. 21. RCW 77.12.870 and 2002 c 20 s 3 are each amended to read as follows:

(1) The department, in consultation with the Northwest straits commission, the department of natural resources, and other interested parties, must create and maintain a database of known derelict fishing gear, including the type of gear and its location.

(2) A person who loses or abandons commercial fishing gear within the waters of the state is encouraged to report the location of the loss and the type of gear lost to the department within forty-eight hours of the loss.

~~((3) The department, in consultation with fishing industry groups and tribal co-managers, must evaluate methods to reduce future losses of fishing gear and report the results of this evaluation to the appropriate legislative committees by January 1, 2003.))~~

Sec. 22. RCW 77.12.879 and 2007 c 350 s 3 are each amended to read as follows:

(1) The aquatic invasive species prevention account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the aquatic invasive species prevention account may be appropriated to the department to develop an aquatic invasive

species prevention program for recreational and commercial watercraft. Funds must be expended as follows:

(a) To inspect recreational and commercial watercraft;

(b) To educate general law enforcement officers on how to enforce state laws relating to preventing the spread of aquatic invasive species;

(c) To evaluate and survey the risk posed by recreational and commercial watercraft in spreading aquatic invasive species into Washington state waters;

(d) To evaluate the risk posed by float planes in spreading aquatic invasive species into Washington state waters; and

(e) To implement an aquatic invasive species early detection and rapid response plan. The plan must address the treatment and immediate response to the introduction to Washington waters of aquatic invasive species. Agency and public review of the plan must be conducted under chapter 43.21C RCW, the state environmental policy act. If the implementation measures or actions would have a probable significant adverse environmental impact, a detailed statement under chapter 43.21C RCW must be prepared on the plan.

(3) Funds in the aquatic invasive species enforcement account created in RCW 43.43.400 may be appropriated to the department and Washington state patrol to develop an aquatic invasive species enforcement program for recreational and commercial watercraft. The department shall provide training to Washington state patrol employees working at port of entry weigh stations, and other local law enforcement employees, on how to inspect recreational and commercial watercraft for the presence of aquatic invasive species. A person who enters Washington by road transporting any commercial or recreational watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department must have in his or her possession valid documentation that the watercraft has been inspected and found free of aquatic invasive species. The department is authorized to require persons transporting recreational and commercial watercraft to stop at check stations. Check stations must be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, must bear the expense for any necessary impoundment, transportation, cleaning, and decontamination of the watercraft. Any person stopped at a check station who possesses a recreational or commercial watercraft that has been used in any designated aquatic invasive species state or foreign country as defined by rule of the department, or that is contaminated with aquatic invasive species, is exempt from the criminal penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that person complies with all department directives for the proper decontamination of the watercraft and equipment.

(4) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. ~~((The first report is due December 1, 2007.))~~

Sec. 23. RCW 77.60.150 and 2001 c 273 s 1 are each amended to read as follows:

(1) The department shall initiate a pilot project to evaluate the feasibility and potential of intensively culturing shellfish on currently nonproductive oyster reserve land in Puget Sound. The pilot program shall include no fewer than three long-term lease agreements with commercial shellfish growers. Except as provided in subsection ~~((4))~~ (3) of this section, revenues from the lease of such lands shall be deposited in the oyster reserve land account created in RCW 77.60.160.

(2) The department shall form one advisory committee each for the Willapa Bay oyster reserve lands and the Puget Sound oyster reserve lands. The advisory committees shall make recommendations on management practices to conserve, protect, and develop oyster reserve lands. The advisory committees may make recommendations regarding the management practices on oyster reserve lands, in particular to ensure that they are managed in a

manner that will: (a) Increase revenue through production of high-value shellfish; (b) not be detrimental to the market for shellfish grown on nonreserve lands; and (c) avoid negative impacts to existing shellfish populations. The advisory committees may also make recommendation on the distribution of funds in RCW 77.60.160(2)(a). The department shall attempt to structure each advisory committee to include equal representation between shellfish growers that participate in reserve sales and shellfish growers that do not.

~~(3) ((The department shall submit a brief progress report on the status of the pilot programs to the appropriate standing committees of the legislature by January 7, 2003.~~

~~((4))~~ (4) The department of natural resources, in consultation with the department of fish and wildlife, shall administer the leases for oyster reserves entered into under this chapter. In administering the leases, the department of natural resources shall exercise its authority under RCW ~~((79.96.090))~~ 79.135.300. Vacation of state oyster reserves by the department ~~((of fish and wildlife))~~ shall not be a requirement for the department of natural resources to lease any oyster reserves under this section. The department of natural resources may recover reasonable costs directly associated with the administration of the leases for oyster reserves entered into under this chapter. All administrative fees collected by the department of natural resources pursuant to this section shall be deposited into the resource management cost account established in RCW 79.64.020. The department of ~~((fish and wildlife))~~ may not assess charges to recover the costs of consulting with the department of natural resources under this subsection.

~~((5))~~ (4) The Puget Sound pilot program shall not include the culture of geoduck.

Sec. 24. RCW 77.85.230 and 2003 c 391 s 5 are each amended to read as follows:

(1) In consultation with the appropriate task force formed under RCW 77.85.220, the conservation commission may contract with universities, private consultants, nonprofit groups, or other entities to assist it in developing a plan incorporating the following elements:

(a) An inventory of existing tide gates located on streams in the county. The inventory shall include location, age, type, and maintenance history of the tide gates and other factors as determined by the appropriate task force in consultation with the county and diking and drainage districts;

(b) An assessment of the role of tide gates located on streams in the county; the role of intertidal fish habitat for various life stages of salmon; the quantity and characterization of intertidal fish habitat currently accessible to fish; the quantity and characterization of the present intertidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential intertidal fish habitat on public lands and alternatives to enhance this habitat; the effects of saltwater intrusion on agricultural land, including the effects of backfeeding of saltwater through the underground drainage system; the role of tide gates in drainage systems, including relieving excess water from saturated soil and providing reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning intertidal fish habitat; a map of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term plan for intertidal salmon habitat enhancement to meet the goals of salmon recovery and protection of agricultural lands. The proposal shall consider all other means to achieve salmon recovery without converting farmland. The proposal shall include methods to increase fish passage and otherwise enhance intertidal habitat on public lands pursuant to subsection (2) of this section, voluntary methods to increase fish passage on private lands, a priority list of intertidal salmon enhancement projects, and recommendations for funding of high priority projects. The task force also may propose pilot projects that will be designed to test and measure the success of various proposed strategies.

(2) In conjunction with other public landowners and the appropriate task force formed under RCW 77.85.220, the department shall develop an initial salmon intertidal habitat enhancement plan for public lands in the county. The initial plan shall include a list of

public properties in the intertidal zone that could be enhanced for salmon, a description of how those properties could be altered to support salmon, a description of costs and sources of funds to enhance the property, and a strategy and schedule for prioritizing the enhancement of public lands for intertidal salmon habitat. This initial plan shall be submitted to the appropriate task force at least six months before the deadline established in subsection (3) of this section.

(3) The final intertidal salmon enhancement plan shall be completed within two years from the date the task force is formed under RCW 77.85.220 and funding has been secured. A final plan shall be submitted by the appropriate task force to the lead entity for the geographic area established under this chapter.

Sec. 25. RCW 77.85.050 and 2005 c 309 s 6 are each amended to read as follows:

(1)(a) Counties, cities, and tribal governments must jointly designate, by resolution or by letters of support, the area for which a habitat project list is to be developed and the lead entity that is to be responsible for submitting the habitat project list. No project included on a habitat project list shall be considered mandatory in nature and no private landowner may be forced or coerced into participation in any respect. The lead entity may be a county, city, conservation district, special district, tribal government, regional recovery organization, or other entity.

(b) The lead entity shall establish a committee that consists of representative interests of counties, cities, conservation districts, tribes, environmental groups, business interests, landowners, citizens, volunteer groups, regional fish enhancement groups, and other habitat interests. The purpose of the committee is to provide a citizen-based evaluation of the projects proposed to promote salmon habitat.

(c) The committee shall compile a list of habitat projects, establish priorities for individual projects, define the sequence for project implementation, and submit these activities as the habitat project list. The committee shall also identify potential federal, state, local, and private funding sources.

(2) The area covered by the habitat project list must be based, at a minimum, on a WRIA, combination of WRIAs, or any other area as agreed to by the counties, cities, and tribes in resolutions or in letters of support meeting the requirements of this subsection. Preference will be given to projects in an area that contain a salmon species that is listed or proposed for listing under the federal endangered species act.

(3) The lead entity shall submit the habitat project list to the ~~((salmon recovery funding))~~ salmon recovery funding board in accordance with procedures adopted by the board.

Sec. 26. RCW 77.120.030 and 2007 c 350 s 10 are each amended to read as follows:

(1) The owner or operator in charge of any vessel covered by this chapter is required to ensure that the vessel under their ownership or control does not discharge ballast water into the waters of the state except as authorized by this section.

(2) Discharge of ballast water into waters of the state is authorized only if there has been an open sea exchange, or if the vessel has treated its ballast water, to meet standards set by the department consistent with applicable state and federal laws.

(3) The department, in consultation with ~~((the ballast water work group, or similar))~~ a collaborative forum, shall adopt by rule standards for the discharge of ballast water into the waters of the state and their implementation timelines. The standards are intended to ensure that the discharge of ballast water poses minimal risk of introducing nonindigenous species. In developing these standards, the department shall consider the extent to which the requirement is technologically and practically feasible. Where practical and appropriate, the standards must be compatible with standards set by the United States coast guard, the federal clean water act (33 U.S.C. Sec. 1251-1387), or the international maritime organization.

(4) The master, operator, or person in charge of a vessel is not required to conduct an open sea exchange or treatment of ballast water if the master, operator, or person in charge of a vessel determines that the operation would threaten the safety of the vessel, its crew, or its passengers, because of adverse weather, vessel design limitations, equipment failure, or any other extraordinary conditions.

A master, operator, or person in charge of a vessel who relies on this exemption must file documentation defined by the department, subject to: (a) Payment of a fee not to exceed five thousand dollars; (b) discharging only the minimal amount of ballast water operationally necessary; (c) ensuring that ballast water records accurately reflect any reasons for not complying with the mandatory requirements; and (d) any other requirements identified by the department by rule as provided in subsections (3) and (6) of this section.

(5) For treatment technologies requiring shipyard modification, the department may enter into a compliance plan with the vessel owner. The compliance plan must include a timeline consistent with drydock and shipyard schedules for completion of the modification. The department shall adopt rules for compliance plans under this subsection.

(6) For an exemption claimed in subsection (4) of this section, the department shall adopt rules for defining exemption conditions, requirements, compliance plans, or alternative ballast water management strategies to meet the intent of this section.

(7) The department shall make every effort to align ballast water standards with adopted international and federal standards while ensuring that the goals of this chapter are met.

(8) The requirements of this section do not apply to a vessel discharging ballast water or sediments that originated solely within the waters of Washington ~~((state))~~, the Columbia river system, or the internal waters of British Columbia south of latitude fifty degrees north, including the waters of the Straits of Georgia and Juan de Fuca.

(9) Open sea exchange is an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

Sec. 27. RCW 77.120.110 and 2007 c 350 s 14 are each amended to read as follows:

(1) The ballast water management account is created in the state treasury. All receipts from legislative appropriations, gifts, grants, donations, penalties, and fees received under this chapter must be deposited into the account.

(2) Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only to carry out the purposes of this chapter or support the goals of this chapter through research and monitoring except:

(a) Expenditures may not be used for the salaries of permanent department employees; and

(b) Penalties deposited into the account may be used ~~((in consultation with the ballast water work group created in section 11 of this act))~~ only to support basic and applied research and carry out education and outreach related to the state's ballast water management.

Sec. 28. RCW 77.120.120 and 2007 c 350 s 15 are each amended to read as follows:

The department may issue a special operating authorization for passenger vessels conducting or assisting in research and testing activities to determine the presence of invasive species in ballast water collected in the waters of southeast Alaska north of latitude fifty-four degrees thirty minutes north to sixty-one degrees ten minutes north, extending to longitude one hundred forty-nine degrees thirty minutes west. ~~((Such testing and research shall be reviewed by the ballast water work group, who may make recommendations to the department.))~~ The department may adopt rules for defining special operating authorization conditions, requirements, limitations, and fees as necessary to implement this section, consistent with the intent of this chapter.

Sec. 29. RCW 77.95.200 and 1998 c 251 s 2 are each amended to read as follows:

(1) The department shall develop and implement a program utilizing remote site incubators in Washington state. The program shall identify sites in tributaries that are suitable for reestablishing self-sustaining, locally adapted populations of coho, chum, or chinook salmon. The initial selection of sites shall be ~~((completed by July 1, 1999, and))~~ updated annually ~~((thereafter))~~.

(2) The department may only approve a remote site incubator project if the department deems it is consistent with the conservation

of wild salmon and trout. The department shall only utilize appropriate salmonid eggs in remote site incubators, and may acquire eggs by gift or purchase.

(3) The department shall depend chiefly upon volunteer efforts to implement the remote site incubator program through volunteer cooperative projects and the regional fisheries enhancement groups. The department may prioritize remote site incubator projects within regional enhancement areas.

(4) The department may purchase remote site incubators and may use agency employees to construct remote site incubators. ~~((The director and the secretary of the department of corrections shall jointly investigate the potential of producing remote site incubators through the prison industries program of the department of corrections, and shall jointly report their finding to the natural resources committees of the house of representatives and the senate by December 1, 1999-))~~

(5) The department shall investigate the use of the remote site incubator technology for the production of warm water fish.

(6) ~~((The department shall evaluate the initial results of the program and report to the legislature by December 1, 2000-))~~ Annual reports on the progress of the program shall be provided to the fish and wildlife commission.

Sec. 30. RCW 77.95.310 and 1997 c 414 s 1 are each amended to read as follows:

~~((Beginning September 1, 1998, and each September 1st thereafter,))~~ (1) The department shall ~~((submit))~~ maintain a report ~~((to the appropriate standing committees of the legislature))~~ identifying ~~((the))~~ total salmon and steelhead harvest ~~((of the preceding season))~~.

This report shall include the final commercial harvests and recreational harvests. At a minimum, the report shall clearly identify:

~~((+))~~ (a) The total treaty tribal and nontribal harvests by species and by management unit;

~~((+))~~ (b) Where and why the nontribal harvest does not meet the full allocation allowed under *United States v. Washington*, 384 F. Supp. 312 (1974) (Boldt I) including a summary of the key policies within the management plan that result in a less than full nontribal allocation; and

~~((+))~~ (c) The location and quantity of salmon and steelhead harvested under the wastage provisions of *United States v. Washington*, 384 F. Supp. 312 (1974).

(2) Upon request, the department shall present the report required to be maintained under this section to the appropriate committees of the legislature.

Sec. 31. RCW 77.12.184 and 2000 c 252 s 1 are each amended to read as follows:

(1) The department shall deposit all moneys received from the following activities into the state wildlife ~~((fund))~~ account created in RCW 77.12.170:

(a) The sale of interpretive, recreational, historical, educational, and informational literature and materials;

(b) The sale of advertisements in regulation pamphlets and other appropriate mediums; and

(c) Enrollment fees in department-sponsored educational training events.

(2) Moneys collected under subsection (1) of this section shall be spent primarily for producing regulation booklets for users and for the development, production, reprinting, and distribution of informational and educational materials. The department may also spend these moneys for necessary expenses associated with training activities, and other activities as determined by the director.

(3) Regulation pamphlets may be subsidized through appropriate advertising, but must be made available free of charge to the users.

(4) The director may enter into joint ventures with other agencies and organizations to generate revenue for providing public information and education on wildlife and hunting and fishing rules.

Sec. 32. RCW 77.12.190 and 1991 sp.s. c 31 s 17 are each amended to read as follows:

Moneys in the state wildlife ~~((fund))~~ account created in RCW 77.12.170 may be used only for the purposes of this title, including the payment of principal and interest on bonds issued for capital projects.

Sec. 33. RCW 77.12.210 and 2000 c 107 s 218 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department, and to sell or lease the department's real or personal property or grant concessions or rights-of-way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170: PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the commission determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170.

Sec. 34. RCW 77.12.230 and 1987 c 506 s 32 are each amended to read as follows:

The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the state wildlife ~~((fund))~~ account created in RCW 77.12.170 to the department.

Sec. 35. RCW 77.12.323 and 1987 c 506 s 42 are each amended to read as follows:

(1) There is established in the state wildlife ~~((fund))~~ account created in RCW 77.12.170 a special wildlife account. Moneys received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The director may advise the state treasurer and the state investment board of a surplus in the special wildlife account above the current needs. The state investment board may invest and reinvest the surplus, as the commission deems appropriate, in an investment authorized by RCW 43.84.150 or in securities issued by the United States government as defined by RCW 43.84.080 (1) and (4). Income received from the investments shall be deposited to the credit of the special wildlife account.

Sec. 36. RCW 77.12.380 and 1987 c 506 s 44 are each amended to read as follows:

Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the state wildlife ~~((fund))~~ account created in RCW 77.12.170 in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal.

Sec. 37. RCW 77.12.390 and 1987 c 506 s 45 are each amended to read as follows:

Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the state wildlife ~~((fund))~~ account created in RCW 77.12.170 in favor of the fund for which the withdrawn lands are held.

Sec. 38. RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33 are each reenacted and amended to read as follows:

The migratory waterfowl art committee is responsible for the selection of the annual migratory bird stamp design and shall provide the design to the department. If the committee does not perform this duty within the time frame necessary to achieve proper and timely distribution of the stamps to license dealers, the director shall initiate the art work selection for that year. The committee shall create collector art prints and related artwork, utilizing the same design as provided to the department. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the migratory waterfowl art committee.

The total amount brought in from the sale of prints and related artwork shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The costs of producing and marketing of prints and related artwork, including administrative expenses mutually agreed upon by the committee and the director, shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property.

The migratory waterfowl art committee shall have an annual audit of its finances conducted by the state auditor and shall furnish a copy of the audit to the commission.

Sec. 39. RCW 77.15.100 and 2000 c 107 s 235 are each amended to read as follows:

(1) Unless otherwise provided in this title, fish, shellfish, or wildlife unlawfully taken or possessed, or involved in a violation shall be forfeited to the state upon conviction. Unless already held by, sold, destroyed, or disposed of by the department, the court shall order such fish or wildlife to be delivered to the department. Where delay will cause loss to the value of the property and a ready wholesale buying market exists, the department may sell property to a wholesale buyer at a fair market value.

(2) When seized property is forfeited to the department, the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release the property to the agency for the use of enforcing this title, or sell such property and deposit the proceeds into the ~~((state wildlife fund))~~ fish and wildlife enforcement reward account established under RCW ~~((77.12.170))~~ 77.15.425. Any sale of other property shall be at public auction or after public advertisement reasonably designed to obtain the highest price. The time, place, and manner of holding the sale shall be determined by the director. The director may contract for the sale to be through the department of general administration as state surplus property, or, except where not justifiable by the value of the property, the director shall publish notice of the sale once a week for at least two consecutive weeks before the sale in at least one newspaper of general circulation in the county in which the sale is to be held.

Sec. 40. RCW 77.32.430 and 2005 c 192 s 2 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the commission. There is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs ten dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than three dollars, including any or all fees authorized under RCW 77.32.050, when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than one dollar, including any or all fees authorized under RCW

77.32.050, when purchased for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

(3) Catch record cards issued with affixed temporary short-term charter stamp licenses are not subject to the ten-dollar charge nor to the Dungeness crab endorsement fee provided for in this section. Charter boat or guide operators issuing temporary short-term charter stamp licenses shall affix the stamp to each catch record card issued before fishing commences. Catch record cards issued with a temporary short-term charter stamp are valid for one day.

(4) The department shall include provisions for recording marked and unmarked salmon in catch record cards issued after March 31, 2004.

(5) The funds received from the sale of catch record cards and the Dungeness crab endorsement must be deposited into the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The funds received from the Dungeness crab endorsement may be used only for the sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries. Moneys allocated under this section shall supplement and not supplant other federal, state, and local funds used for Dungeness crab recreational fisheries management.

Sec. 41. RCW 77.32.530 and 1996 c 101 s 5 are each amended to read as follows:

(1) The commission in consultation with the director may authorize hunting of big game animals and wild turkeys through auction. The department may conduct the auction for the hunt or contract with a nonprofit wildlife conservation organization to conduct the auction for the hunt.

(2) The commission in consultation with the director may authorize hunting of up to a total of ~~((fifteen))~~ thirty big game animals and wild turkeys per year through raffle. The department may conduct raffles or contract with a nonprofit wildlife conservation organization to conduct raffles for hunting these animals. In consultation with the gambling commission, the director may adopt rules for the implementation of raffles involving hunting.

(3) The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the commission to ensure that the animals to be killed are properly identified.

(4) After deducting the expenses of conducting an auction or raffle, any revenues retained by a nonprofit organization, as specified under contract with the department, shall be devoted solely for wildlife conservation, consistent with its qualification as a bona fide nonprofit organization for wildlife conservation.

(5) The department's share of revenues from auctions and raffles shall be deposited in the state wildlife ~~((fund))~~ account created in RCW 77.12.170. The revenues shall be used to improve ~~((the habitat, health, and welfare of the species auctioned or raffled))~~ game management and shall supplement, rather than replace, other funds budgeted for management of ~~((that))~~ game species. The commission may solicit input from groups or individuals with special interest in and expertise on a species in determining how to use these revenues.

(6) A nonprofit wildlife conservation organization may petition the commission to authorize an auction or raffle for a special hunt for big game animals and wild turkeys.

Sec. 42. RCW 77.32.560 and 2003 c 317 s 2 are each amended to read as follows:

(1) The department may sell watchable wildlife decals. Proceeds from the sale of the decal must be deposited into the state wildlife ~~((fund))~~ account created in RCW 77.12.170 and must be dedicated to the support of the department's watchable wildlife activities. The department may also use proceeds from the sale of the decal for marketing the decal and for marketing watchable wildlife activities in the state.

(2) The term "watchable wildlife activities" includes but is not limited to: Initiating partnerships with communities to jointly develop watchable wildlife projects, building infrastructure to serve wildlife viewers, assisting and training communities in conducting wildlife watching events, developing destination wildlife viewing corridors and trails, tours, maps, brochures, and travel aides, and offering grants to assist rural communities in identifying key wildlife attractions and ways to protect and promote them.

(3) The commission must adopt by rule the cost of the watchable wildlife decal. A person may, at their discretion, contribute more than the cost as set by the commission by rule for the watchable wildlife decal in order to support watchable wildlife activities. A person who purchases a watchable wildlife decal must be issued one vehicle use permit free of charge.

Sec. 43. RCW 77.44.050 and 1999 c 235 s 1 are each amended to read as follows:

The warm water game fish account is hereby created in the state wildlife (~~fund~~) account created in RCW 77.12.170. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the warm water game fish enhancement program, including the development of warm water pond and lake habitat, culture of warm water game fish, improvement of warm water fish habitat, management of warm water fish populations, and other practical activities that will improve the fishing for warm water fish. Funds for warm water game fish as provided in RCW 77.32.440 shall not serve as replacement funding for department-operated warm water fish projects existing on December 31, 1994 (~~except that an amount not to exceed ninety-one thousand dollars may be used for warm water fish culture at the Rod Meseberg warm water fish production facility during the biennium ending June 30, 2001~~).

NEW SECTION. Sec. 44. Whenever any personal property comes into the possession of the officers of the department in connection with the official performance of their duties and the personal property remains unclaimed or not taken away for a period of sixty days from the date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition that may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time the property came into the possession of the department, unless the property has been held as evidence in any court, then, in that event, after sixty days from date when the case has been finally disposed of and the property released as evidence by order of the court, the department may:

(1) At any time thereafter sell the personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the department subject to giving notice in the manner prescribed in RCW 63.35.030 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the director, the property consists of firearms or other items specifically usable in law enforcement work. At the end of each calendar year during which there has been such a retention, the department shall provide the office of financial management and retain for public inspection a list of such retained items and an estimation of each item's replacement value;

(3) Destroy an item of personal property at the discretion of the director if the director determines that the following circumstances have occurred:

(a) The property has no substantial commercial value or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The director has determined that the item is illegal to possess or sell or unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in this section may be offered by the director to bona fide dealers, in trade for law enforcement equipment, which equipment must be treated as retained property for the purpose of annual listing requirements of subsection (2) of this section; or

(5) At the end of one year, any unclaimed firearm must be disposed of pursuant to RCW 9.41.098(2). Any other item that is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the director, in a manner that is illegal, may be destroyed.

NEW SECTION. Sec. 45. Before the personal property shall be sold, a notice of such a sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the

advertisement for sale, and containing a description of the property to be sold must be published at least once in a newspaper of general circulation in the county in which the property is to be sold at least ten days prior to the date fixed for the auction. The notice must be signed by the director. If the owner fails to reclaim the property prior to the time fixed for the sale in such a notice, the director shall conduct the sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of the bid shall deliver the property to the bidder.

NEW SECTION. Sec. 46. The moneys arising from sales under the provisions of this chapter must be first applied to the payment of the costs and expenses of the sale and then to the payment of lawful charges and expenses for the keep of the personal property and the balance, if any, must be forwarded to the state treasurer to be deposited into the fish and wildlife enforcement reward account under RCW 77.15.425.

NEW SECTION. Sec. 47. If the owner of the personal property so sold, or the owner's legal representative, shall, at any time within three years after the money has been deposited in the fish and wildlife enforcement reward account, furnish satisfactory evidence to the state treasurer of the ownership of the personal property, the owner or the owner's legal representative is entitled to receive from the fish and wildlife enforcement reward account the amount so deposited, with interest.

NEW SECTION. Sec. 48. (1) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department.

(2) The uniform unclaimed property act, chapter 63.29 RCW, does not apply to personal property in the possession of the department.

NEW SECTION. Sec. 49. In addition to any other method of disposition of unclaimed property provided under this chapter, the department may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

NEW SECTION. Sec. 50. Sections 44 through 49 of this act constitute a new chapter in Title 77 RCW.

NEW SECTION. Sec. 51. RCW 77.12.065 (Wildlife viewing tourism) and 2003 c 183 s 1 are each repealed.

Sec. 52. RCW 77.12.820 and 1997 c 422 s 5 are each amended to read as follows:

The eastern Washington pheasant enhancement account is created in the custody of the state treasurer. All receipts under RCW 77.12.810 must be deposited in the account. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the eastern Washington pheasant enhancement program. The department may use moneys from the account to improve pheasant habitat or to purchase or produce pheasants. (~~Not less than eighty percent of expenditures from the account must be used to purchase or produce pheasants.~~) The department must continue to release rooster pheasants in eastern Washington. The eastern Washington pheasant enhancement account funds must not be used for the purchase of land. The account may be used to offer grants to improve pheasant habitat on public or private lands that are open to public hunting. The department may enter partnerships with private landowners, nonprofit corporations, cooperative groups, and federal or state agencies for the purposes of pheasant habitat enhancement in areas that will be available for public hunting. The department shall submit an annual report to the appropriate committees of the legislature by December 1st regarding the department's eastern Washington pheasant activities.

NEW SECTION. Sec. 53. (1) The legislature finds that healthy wildlife populations are a valuable and treasured public resource to the people of the state of Washington. However, the legislature also finds that as the human population increases and encroaches on wildlife habitat, interactions between humans and wildlife will become more frequent.

(2) The legislature further finds that interactions between humans and wildlife can have significant financial impacts on the affected landowner. Although the resulting wildlife damage is felt

most closely by the landowner, the general public, as beneficiaries and stewards of healthy wildlife populations, should bear some responsibility, as outlined in and limited by this act, for providing a measure of restitution to the impacted landowner, provided that the landowner has exhausted all legal, practicable self-help methods available to prevent wildlife damage from occurring.

(3) The legislature further finds that the commercial agriculture, horticulture, and livestock industries are important components of the state economy that can be negatively impacted by interactions with wildlife. However, the legislature also finds that other landowners, both commercial and residential, may be faced with wildlife interactions that result in property damage. It is the intent of the legislature to craft a solution whereby all property owners have a potential avenue to petition the state for some mitigation of the damages caused by wildlife.

(4) The legislature further finds that it is in the best interests of the state for the department of fish and wildlife to respond quickly to wildlife damage complaints and to work with those affected to prevent and minimize negative interactions while maintaining healthy wildlife populations.

(5) The legislature further finds that negative wildlife interactions can be best reduced by encouraging landowners to contribute, through their land management practices, to healthy wildlife populations and to provide access for related recreation.

Sec. 54. RCW 77.36.010 and 1996 c 54 s 2 are each amended to read as follows:

~~((Unless otherwise specified,)) The ((following)) definitions in this section apply throughout this chapter((:)) unless the context clearly requires otherwise.~~

(1) "Claim" means an application to the department for compensation under this chapter.

(2) "Commercial crop" means a ((commercially raised)) horticultural ((and/or)) or agricultural product ((and includes)), including the growing or harvested product ((but does not include livestock)). For the purposes of this chapter all parts of horticultural trees shall be considered a commercial crop and shall be eligible for claims.

((2) "Emergency" means an unforeseen circumstance beyond the control of the landowner or tenant that presents a real and immediate threat to crops, domestic animals, or fowl.))

(3) "Commercial livestock" means cattle, sheep, and horses held or raised by a person for sale.

(4) "Compensation" means a cash payment, materials, or service.

(5) "Damage" means economic losses caused by wildlife interactions.

(6) "Immediate family member" means spouse, state registered domestic partner, brother, sister, grandparent, parent, child, or grandchild.

(7) "Owner" means a person who has a legal right to commercial crops, commercial livestock, or other property that was damaged during a wildlife interaction.

(8) "Wildlife interaction" means the negative interaction and the resultant damage between wildlife and commercial crops, commercial livestock, or other property.

NEW SECTION. Sec. 55. A new section is added to chapter 77.36 RCW to read as follows:

(1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk or to the owners of commercial livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the commercial livestock has been diminished. Payments for claims for damage to commercial livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not exceed the total amount specifically appropriated therefor.

(b) Owners of commercial crops or commercial livestock are only eligible for a claim under this subsection if:

(i) The owner satisfies the definition of "eligible farmer" in RCW 82.08.855;

(ii) The conditions of section 56 of this act have been satisfied; and

(iii) The damage caused to the commercial crop or commercial livestock satisfies the criteria for damage established by the commission under this subsection.

(c) The commission shall adopt and maintain by rule criteria that clarifies the damage to commercial crops and commercial livestock qualifying for compensation under this subsection. An owner of a commercial crop or commercial livestock must satisfy the criteria prior to receiving compensation under this subsection. The criteria for damage adopted under this subsection must include, but not be limited to, a required minimum economic loss to the owner of the commercial crop or commercial livestock, which may not be set at a value of less than five hundred dollars.

(2)(a) The department may offer to provide noncash compensation only to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or commercial livestock that is the result of a mammalian or avian species of wildlife on a case-specific basis if the conditions of section 56 of this act have been satisfied and if the damage satisfies the criteria for damage established by the commission under this subsection.

(b) The commission shall adopt and maintain by rule criteria for damage to property other than a commercial crop or commercial livestock that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.

(3)(a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions if the actions are designed to address damage that satisfies the criteria for damage established by the commission under this subsection.

(b) The commission shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for submitting an application under this section.

(4) An owner who files a claim under this section may appeal the decision of the department pursuant to rules adopted by the commission if the claim:

(a) Is denied; or

(b) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.

NEW SECTION. Sec. 56. A new section is added to chapter 77.36 RCW to read as follows:

(1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:

(a) Utilized applicable legal and practicable self-help preventive measures available to prevent the damage, including the use of nonlethal methods and department-provided materials and services when available under section 55 of this act; and

(b) Exhausted all available compensation options available from nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions.

(2) In determining if the requirements of this section have been satisfied, the department may recognize and consider the following:

(a) Property losses may occur without future or anticipated knowledge of potential problems resulting in an owner being unable to take preemptive measures.

(b) Normal agricultural practices, animal husbandry practices, recognized standard management techniques, and other industry-recognized management practices may represent adequate preventative efforts.

(c) Under certain circumstances, as determined by the department, wildlife may not logistically or practicably be managed by nonlethal efforts.

(d) Not all available legal preventative efforts are cost-effective for the owner to practicably employ.

(e) There are certain effective preventative control options not available due to federal or state restrictions.

(f) Under certain circumstances, as determined by the department, permitting public hunting may not be a practicable self-help method due to the size and nature of the property, the property's setting, or the ability of the landowner to accommodate public access.

(3) An owner is not eligible to receive compensation if the damages are covered by insurance.

(4) The commission shall adopt rules implementing this section, including requirements that owners document nonlethal preventive efforts undertaken and all permits issued by the department under RCW 77.12.240 and 77.12.150.

NEW SECTION. Sec. 57. A new section is added to chapter 77.36 RCW to read as follows:

The department shall establish:

(1) The form of affidavits or proof required to accompany all claims under this chapter;

(2) The process, time, and methods used to identify and assess damage, including the anticipated timeline for the initiation and conclusion of department action;

(3) How claims will be prioritized when available funds for reimbursement are limited;

(4) Timelines after the discovery of damage by which an owner must file a claim or notify the department;

(5) Protocols for an owner to follow if the owner wishes to undertake activities that would complicate the determination of damages, such as harvesting damaged crops;

(6) The process for determining damage assessments, including the role and selection of professional damage assessors and the responsibility for reimbursing third-party assessors for their services;

(7) Timelines for a claimant to accept, reject, or appeal a determination made by the department;

(8) The identification of instances when an owner would be ineligible for compensation;

(9) An appeals process for an owner eligible for compensation under section 55 of this act who is denied a claim or feels the compensation is insufficient; and

(10) Other policies necessary for administering this chapter.

NEW SECTION. Sec. 58. A new section is added to chapter 77.36 RCW to read as follows:

(1) Except as otherwise provided in this section and as limited by section 55 of this act and RCW 77.36.070 and 77.36.080, the cash compensation portion of each claim by the department under this chapter is limited to the lesser of:

(a) The value of the damage to the property by wildlife reduced by the amount of compensation provided to the claimant by any nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions, except that, subject to appropriation to pay compensation for damage to commercial livestock, the value of killed or injured commercial livestock may be no more than two hundred dollars per sheep, one thousand five hundred dollars per head of cattle, and one thousand five hundred dollars per horse; or

(b) Ten thousand dollars.

(2) The department may offer to pay a claim for an amount in excess of ten thousand dollars to the owners of commercial crops or commercial livestock filing a claim under section 55 of this act only if the outcome of an appeal filed by the claimant under section 55 of this act determines a payment higher than ten thousand dollars.

(3) All payments of claims by the department under this chapter must be paid to the owner of the damaged property and may not be assigned to a third party.

(4) The burden of proving all property damage, including damage to commercial crops and commercial livestock, belongs to the claimant.

Sec. 59. RCW 77.36.070 and 1996 c 54 s 8 are each amended to read as follows:

The department may pay no more than one hundred twenty thousand dollars per fiscal year from the state wildlife (~~fund~~) account created in RCW 77.12.170 for claims (~~under RCW 77.36.040 and for assessment costs and compromise of claims. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was not restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage~~) and assessment costs for damage to commercial crops caused by wild deer or elk submitted under section 55 of this act.

Sec. 60. RCW 77.36.080 and 1996 c 54 s 9 are each amended to read as follows:

(1) ~~Unless the legislature declares an emergency under this section, the department may pay no more than thirty thousand dollars per fiscal year from the general fund for claims (under RCW 77.36.040 and for assessment costs and compromise of claims unless the legislature declares an emergency. Such money shall be used to pay animal damage claims only if the claim meets the conditions of RCW 77.36.040 and the damage occurred in a place where the opportunity to hunt was restricted or prohibited by a county, municipality, or other public entity during the season prior to the occurrence of the damage) and assessment costs for damage to commercial crops caused by wild deer or elk submitted under section 55 of this act.~~

(2)(a) ~~The legislature may declare an emergency (defined for the purposes of this section as any happening arising from) if weather, fire, or other natural (conditions, or fire that causes unusually great) events result in deer or elk causing excessive damage to (commercially raised agricultural or horticultural) commercial crops (by deer or elk). (Am)~~

(b) ~~After an emergency declaration, the department may pay as much as may be subsequently appropriated, in addition to the funds authorized under subsection (1) of this section, for claims and assessment costs under (RCW 77.36.040 and for assessment and compromise of claims) section 55 of this act. Such money shall be used to pay (animal damage) wildlife interaction claims only if the claim meets the conditions of (RCW 77.36.040) section 55 of this act and the department has expended all funds authorized under RCW 77.36.070 or subsection (1) of this section.~~

Sec. 61. RCW 77.36.030 and 1996 c 54 s 4 are each amended to read as follows:

(1) Subject to (~~the following~~) limitations and conditions established by the commission, the owner, the owner's immediate family member, the owner's documented employee, or a tenant of real property may trap, consistent with RCW 77.15.194, or kill wildlife that is threatening human safety or causing property damage on that property, without the licenses required under RCW 77.32.010 or authorization from the director under RCW 77.12.240 (~~wild animals or wild birds that are damaging crops, domestic animals, or fowl:~~

~~(a) Threatened or endangered species shall not be hunted, trapped, or killed;~~

~~(b) Except in an emergency situation, deer, elk, and protected wildlife shall not be killed without a permit issued and conditioned by the director or the director's designee. In an emergency, the department may give verbal permission followed by written permission to trap or kill any deer, elk, or protected wildlife that is damaging crops, domestic animals, or fowl; and~~

~~(c) On privately owned cattle ranching lands, the land owner or lessee may declare an emergency only when the department has not responded within forty-eight hours after having been contacted by the land owner or lessee regarding damage caused by wild animals or wild birds. In such an emergency, the owner or lessee may trap or kill any deer, elk, or other protected wildlife that is causing the damage but deer and elk may only be killed if such lands were open to public hunting during the previous hunting season, or the closure to public hunting was coordinated with the department to protect property and livestock).~~

(2) (~~Except for coyotes and Columbian ground squirrels;~~) The commission shall establish the limitations and conditions of this section by rule. The rules must include:

~~(a) Appropriate protection for threatened or endangered species;~~

~~(b) Instances when verbal or written permission is required to kill wildlife;~~

~~(c) Species that may be killed under this section; and~~

~~(d) Requirements for the disposal of wildlife trapped or killed under this section ((remain the property of the state, and the person trapping or killing the wildlife shall notify the department immediately. The department shall dispose of wildlife so taken within three days of receiving such a notification and in a manner determined by the director to be in the best interest of the state)).~~

(3) In establishing the limitations and conditions of this section, the commission shall take into consideration the recommendations of the Washington state wolf conservation and management plan.

NEW SECTION. Sec. 62. A new section is added to chapter 77.36 RCW to read as follows:

This chapter represents the exclusive remedy against the state for damage caused by wildlife interactions.

Sec. 63. RCW 77.12.240 and 1989 c 197 s 1 are each amended to read as follows:

(1) The ~~((director))~~ department may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

(2) The ~~((director or other employees of the))~~ department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Proceeds from sales shall be deposited in the state treasury to be credited to the state wildlife ~~((fund))~~ account created in RCW 77.12.170.

NEW SECTION. Sec. 64. The fish and wildlife commission shall formally review the rules and policies adopted under sections 53 through 66 of this act. If, in the process of reviewing the rules, the fish and wildlife commission identifies recommended statutory changes related to the subject of sections 53 through 66 of this act and to the ability of the fish and wildlife commission to fulfill the intent of sections 53 through 66 of this act, those recommendations must be forwarded to the appropriate policy committees of the legislature during the regularly scheduled 2014 legislative session.

NEW SECTION. Sec. 65. The following acts or parts of acts are each repealed:

1.1.1.3. RCW 77.36.005 (Findings) and 1996 c 54 s 1;

1.1.1.4. RCW 77.36.020 (Game damage control--Special hunt/remedial action) and 2003 c 385 s 1 & 1996 c 54 s 3;

1.1.1.5. RCW 77.36.040 (Payment of claims for damages--Procedure-- Limitations) and 1996 c 54 s 5;

1.1.1.6. RCW 77.36.050 (Claimant refusal--Excessive claims) and 1996 c 54 s 6;

1.1.1.7. RCW 77.36.060 (Claim refused--Posted property) and 1996 c 54 s 7; and

1.1.1.8. RCW 77.12.260 (Agreements to prevent damage to private property) and 1987 c 506 s 34, 1980 c 78 s 43, & 1955 c 36 s 77.12.260.

NEW SECTION. Sec. 66. The following sections are each decodified:

RCW 77.36.900; and

RCW 77.36.901.

NEW SECTION. Sec. 67. Sections 53 through 66 of this act apply prospectively only and not retroactively. Sections 53 through 66 of this act apply only to claims that arise on or after July 1, 2010. Claims under chapter 77.36 RCW that arise prior to July 1, 2010, must be adjudicated under chapter 77.36 RCW as it existed prior to July 1, 2010.

NEW SECTION. Sec. 68. The fish and wildlife commission shall complete all initial rule-making activities that are required in order to allow sections 53 through 66 of this act to take effect on July 1, 2010.

NEW SECTION. Sec. 69. Sections 53 through 66 of this act take effect July 1, 2010.

NEW SECTION. Sec. 70. Section 64 of this act expires July 30, 2014.

Sec. 71. RCW 77.32.050 and 2003 c 389 s 1 are each amended to read as follows:

(1) All recreational licenses, permits, tags, and stamps required by this title and raffle tickets authorized under chapter 77.12 RCW shall be issued under the authority of the commission. The commission shall adopt rules for the issuance of recreational licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, terms and conditions to govern dealers, and dealers' fees. A transaction fee on recreational documents issued through an automated licensing system may be set by the commission and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. Fees retained by dealers shall be uniform throughout the state. The

department shall authorize dealers to collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document, except that the commission may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form.

(2) For the 2009-2011 biennium, the department shall charge an additional transaction fee of ten percent on all recreational licenses, permits, tags, stamps, or raffle tickets. These transaction fees must be deposited into the state wildlife account, created in RCW 77.12.170, for funding fishing and hunting opportunities for recreational license holders.

Sec. 72. RCW 77.32.350 and 2002 c 283 s 1 are each amended to read as follows:

In addition to a small game hunting license, a supplemental permit or stamp is required to hunt for ~~((western Washington pheasant or))~~ migratory birds.

(1) ~~((A western Washington pheasant permit is required to hunt for pheasant in western Washington. Western Washington pheasant permits must contain numbered spaces for recording the location and date of harvest of each western Washington pheasant.~~

~~((2) The permit shall be available as a season option, a youth full season option, or a three-day option. The fee for this permit is:~~

~~((a) For the resident and nonresident full season option, thirty-six dollars;~~

~~((b) For the youth full season option, eighteen dollars;~~

~~((c) For the three-day option, twenty dollars.~~

~~((3)) A migratory bird validation is required for all persons sixteen years of age or older to hunt migratory birds. The fee for the validation for hunters is ten dollars for residents and nonresidents. The fee for the stamp for collectors is ten dollars.~~

~~((4)) (2) The migratory bird license must be validated at the time of signature of the licensee.~~

NEW SECTION. Sec. 73. A new section is added to chapter 77.32 RCW to read as follows:

(1) A western Washington pheasant permit is required to hunt for pheasant in western Washington.

(2) The permit is available as a season option, a youth full season option, or a three-day option. The fee for the permit is:

(a) For the resident full season option, seventy-five dollars;

(b) For the nonresident full season option, one hundred fifty dollars;

(c) For the youth full season option, thirty-five dollars;

(d) For the three-day option for a resident, thirty-five dollars and for a nonresident, seventy dollars.

NEW SECTION. Sec. 74. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "wildlife;" strike the remainder of the title and insert "amending RCW 77.15.050, 77.15.700, 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370, 77.65.440, 77.15.510, 77.65.480, 77.08.010, 77.15.370, 77.15.425, 77.15.568, 77.15.620, 77.12.870, 77.12.879, 77.60.150, 77.85.230, 77.85.050, 77.120.030, 77.120.110, 77.120.120, 77.95.200, 77.95.310, 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.323, 77.12.380, 77.12.390, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.44.050, 77.12.820, 77.36.010, 77.36.070, 77.36.080, 77.36.030, 77.12.240, 77.32.050, and 77.32.350; reenacting and amending RCW 77.12.170 and 77.12.690; adding new sections to chapter 77.15 RCW; adding new sections to chapter 77.36 RCW; adding new sections to chapter 77.32 RCW; adding a new chapter to Title 77 RCW; creating new sections; decodifying RCW 77.36.900 and 77.36.901; repealing RCW 77.12.065, 77.36.005, 77.36.020, 77.36.040, 77.36.050, 77.36.060, and 77.12.260; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1778 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Blake spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1778, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1778, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 63; Nays, 35; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Kretz, Linville, Maxwell, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Campbell, Condotta, Cox, Crouse, Dammeier, DeBolt, Erickson, Goodman, Grant-Herriot, Haler, Herrera, Hope, Hurst, Johnson, Kelley, Klippert, Kristiansen, Liias, McCoy, McCune, Orcutt, Pearson, Probst, Roach, Ross, Schmick, Shea, Short, Upthegrove, Van De Wege, Wallace and Walsh.

SUBSTITUTE HOUSE BILL NO. 1778, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 14, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that a myriad of financial aid programs exist for students at the federal, state, local, community, and institutional levels. These programs enable thousands of students across Washington to access all sectors of higher education, from apprenticeship programs to public and private four and two-year institutions of higher education. The legislature further finds that Washington state is a national leader in the distribution of financial aid to increase college access and affordability, ranking fourth in the nation in 2007 in terms of state student grant aid funding per capita.

It is the intent of the legislature to promote and expand access to state financial aid programs by determining which programs provide the greatest value to the largest number of students, and by fully supporting those programs. Furthermore, it is the intent of the legislature to designate all existing financial aid an opportunity pathway, with the effect of providing students with a clear understanding of available resources to pay for postsecondary education, thereby increasing access to postsecondary education and meeting the needs of local business and industry.

It is the intent of the legislature that the higher education coordinating board, the state board for community and technical colleges, the office of the superintendent of public instruction, the workforce training and education coordinating board, and institutions

of higher education coordinate the development of outreach tools, such as a web-based portal for information on all opportunity pathway aid programs. The information should be communicated in a format and manner that provides an ease of understanding for students and their families and include other pertinent information on institutions of higher education, costs, and academic programs. It is also the intent of the legislature for institutions of higher education to incorporate this information in promotional materials to prospective and current students and their families.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.101 RCW to read as follows:

(1) The legislature intends to consolidate the educational opportunity grant program over a period of two years. As of August 1, 2009, no new educational opportunity grants may be made. Persons who have been selected by the higher education coordinating board to receive a grant before August 1, 2009, shall receive the full amount of their award, not to exceed two thousand five hundred dollars per academic year for a maximum of two years. All persons awarded an educational opportunity grant before August 1, 2009, must complete using the award before August 1, 2011. For these recipients, eligibility for the grant is forfeited after this period.

(2) This section expires August 1, 2011.

NEW SECTION. Sec. 3. A new section is added to chapter 28B.92 RCW to read as follows:

(1) To the extent funds are appropriated for this purpose and within overall appropriations for the state need grant, enhanced need grants are provided for persons who meet all of the following criteria:

(a) Are needy students as defined in RCW 28B.92.030;

(b) Are placebound students as defined in RCW 28B.92.030; and

(c) Have completed the associate of arts or the associate of science degree, or its equivalent.

(2) The enhanced need grants established in this section are provided to this specific group of students in addition to the base state need grant, as defined by rule of the board.

Sec. 4. RCW 28B.92.060 and 2007 c 404 s 2 are each amended to read as follows:

In awarding need grants, the board shall proceed substantially as follows: PROVIDED, That nothing contained herein shall be construed to prevent the board, in the exercise of its sound discretion, from following another procedure when the best interest of the program so dictates:

(1) The board shall annually select the financial aid award recipients from among Washington residents applying for student financial aid who have been ranked according to:

(a) Financial need as determined by the amount of the family contribution; and

(b) Other considerations, such as whether the student is a former foster youth, or is a placebound student who has completed an associate of arts or associate of science degree or its equivalent.

(2) The financial need of the highest ranked students shall be met by grants depending upon the evaluation of financial need until the total allocation has been disbursed. Funds from grants which are declined, forfeited or otherwise unused shall be reawarded until disbursed, except that eligible former foster youth shall be assured receipt of a grant.

(3) A student shall be eligible to receive a state need grant for up to five years, or the credit or clock hour equivalent of five years, or up to one hundred twenty-five percent of the published length of time of the student's program. A student may not start a new associate degree program as a state need grant recipient until at least five years have elapsed since earning an associate degree as a need grant recipient, except that a student may earn two associate degrees concurrently. Qualifications for renewal will include maintaining satisfactory academic progress toward completion of an eligible program as determined by the board. Should the recipient terminate his or her enrollment for any reason during the academic year, the unused portion of the grant shall be returned to the state educational grant fund by the institution according to the institution's own policy for issuing refunds, except as provided in RCW 28B.92.070.

(4) In computing financial need, the board shall determine a maximum student expense budget allowance, not to exceed an amount equal to the total maximum student expense budget at the

public institutions plus the current average state appropriation per student for operating expense in the public institutions. Any child support payments received by students who are parents attending less than half-time shall not be used in computing financial need.

(5)(a) A student who is enrolled in three to six credit-bearing quarter credits, or the equivalent semester credits, may receive a grant for up to one academic year before beginning a program that leads to a degree or certificate.

(b) An eligible student enrolled on a less-than-full-time basis shall receive a prorated portion of his or her state need grant for any academic period in which he or she is enrolled on a less-than-full-time basis, as long as funds are available.

(c) An institution of higher education may award a state need grant to an eligible student enrolled in three to six credit-bearing quarter credits, or the semester equivalent, on a provisional basis if:

(i) The student has not previously received a state need grant from that institution;

(ii) The student completes the required free application for federal student aid;

(iii) The institution has reviewed the student's financial condition, and the financial condition of the student's family if the student is a dependent student, and has determined that the student is likely eligible for a state need grant; and

(iv) The student has signed a document attesting to the fact that the financial information provided on the free application for federal student aid and any additional financial information provided directly to the institution is accurate and complete, and that the student agrees to repay the institution for the grant amount if the student submitted false or incomplete information.

(6) As used in this section, "former foster youth" means a person who is at least eighteen years of age, but not more than twenty-four years of age, who was a dependent of the department of social and health services at the time he or she attained the age of eighteen.

Sec. 5. RCW 28B.92.030 and 2004 c 275 s 35 are each amended to read as follows:

As used in this chapter:

(1) "Institution" or "institutions of higher education" means:

(a) Any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof; or

(b) Any other university, college, school, or institute in the state of Washington offering instruction beyond the high school level which is a member institution of an accrediting association recognized by rule of the board for the purposes of this section: PROVIDED, That any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association, or a branch of a member institution of an accrediting association recognized by rule of the board for purposes of this section, that is eligible for federal student financial aid assistance and has operated as a nonprofit college or university delivering on-site classroom instruction for a minimum of twenty consecutive years within the state of Washington, and has an annual enrollment of at least seven hundred full-time equivalent students: PROVIDED FURTHER, That no institution of higher education shall be eligible to participate in a student financial aid program unless it agrees to and complies with program rules and regulations adopted pursuant to RCW 28B.92.150.

(2) "Financial aid" means loans and/or grants to needy students enrolled or accepted for enrollment as a student at institutions of higher education.

(3) "Needy student" means a post high school student of an institution of higher education who demonstrates to the board the financial inability, either through the student's parents, family and/or personally, to meet the total cost of board, room, books, and tuition and incidental fees for any semester or quarter.

(4) "Disadvantaged student" means a post high school student who by reason of adverse cultural, educational, environmental, experiential, familial or other circumstances is unable to qualify for enrollment as a full time student in an institution of higher education, who would otherwise qualify as a needy student, and who is attending an institution of higher education under an established

program designed to qualify the student for enrollment as a full time student.

(5) "Board" means the higher education coordinating board.

(6) "Placebound student" means a student who (a) is unable to complete a college program because of family or employment commitments, health concerns, monetary inability, or other similar factors; and (b) may be influenced by the receipt of an enhanced student financial aid award to complete a baccalaureate degree at an eligible institution.

Sec. 6. RCW 28B.15.0681 and 2007 c 151 s 2 are each amended to read as follows:

(1) In addition to the requirement in RCW 28B.76.300(4), institutions of higher education shall disclose to their undergraduate resident students on the tuition billing statement, in dollar figures for a full-time equivalent student:

~~((+))~~ (a) The full cost of instruction ~~(-2))~~;

~~(b)~~ The amount collected from student tuition and fees ~~(-))~~; and ~~((+))~~ (c) The difference between the amounts for the full cost of instruction and the student tuition and fees ~~(-noting))~~;

(2) The tuition billing statement shall note that the difference between the cost and tuition under subsection (1)(c) of this section was paid by state tax funds and other moneys.

(3) Beginning in the 2010-11 academic year, the amount determined in subsection (1)(c) of this section shall be labeled an "opportunity pathway" on the tuition billing statement.

(4) Beginning in the 2010-11 academic year, institutions of higher education shall label financial aid awarded to resident undergraduate students as an "opportunity pathway" on the tuition billing statement or financial aid award notification. Aid granted to students outside of the financial aid package provided through the institution of higher education and loans provided by the federal government are not subject to the labeling provisions in this subsection. All other aid from all sources including federal, state, and local governments, local communities, nonprofit and for-profit organizations, and institutions of higher education must be included. The disclosure requirements specified in this section do not change the source, award amount, student eligibility, or student obligations associated with each award. Institutions of higher education retain the ability to customize their tuition billing statements to inform students of the assistance source, amount, and type so long as provisions of this section are also fulfilled.

(5) The tuition billing statement disclosures shall be in twelve-point type and boldface type where appropriate.

(6) All tuition billing statements or financial aid award notifications at institutions of higher education must notify resident undergraduate students of federal tax credits related to higher education for which they may be eligible.

Sec. 7. RCW 28B.76.500 and 1985 c 370 s 23 are each amended to read as follows:

(1) The board shall administer any state program or state-administered federal program of student financial aid now or hereafter established.

(2) Each of the student financial aid programs administered by the board shall be labeled an "opportunity pathway." Loans provided by the federal government and aid granted to students outside of the financial aid package provided through institutions of higher education are not subject to the labeling provisions in this subsection. All communication materials, including, but not limited to, printed materials, presentations, and web content, shall include the "opportunity pathway" label.

(3) If the board develops a one-stop college information web-based portal that includes financial, academic, and career planning information, the portal shall display all available student financial aid programs, except federal student loans and aid granted to students outside of the financial aid package provided through institutions of higher education, under the "opportunity pathway" label. The portal shall also display information regarding federal tax credits related to higher education available for students or their families.

(4) The labeling requirements in this section do not change the source, eligibility requirements, or student obligations associated with each program. The board shall customize its communications to differentiate between programs, eligibility requirements, and

student obligations, so long as the reporting provisions of this chapter are also fulfilled.

NEW SECTION. Sec. 8. A new section is added to chapter 28B.15 RCW to read as follows:

As used in this chapter, "dual credit program" means a program, administered by either an institution of higher education or a high school, through which high school students in the eleventh or twelfth grade who have not yet received the credits required for the award of a high school diploma apply to a participating institution of higher education to enroll in courses or programs offered by the institution of higher education and simultaneously earn high school and college credit.

Sec. 9. RCW 28B.15.820 and 2007 c 404 s 4 are each amended to read as follows:

(1) Each institution of higher education, including technical colleges, shall deposit a minimum of three and one-half percent of revenues collected from tuition and services and activities fees in an institutional financial aid fund that is hereby created and which shall be held locally. Moneys in the fund shall be used only for the following purposes: (a) To make guaranteed long-term loans to eligible students as provided in subsections (3) through (8) of this section; (b) to make short-term loans as provided in subsection (9) of this section; ~~((or))~~ (c) to provide financial aid to needy students as provided in subsection (10) of this section; or (d) to provide financial aid to students as provided in subsection (11) of this section.

(2) An "eligible student" for the purposes of subsections (3) through (8) and (10) of this section is a student registered for at least three credit hours or the equivalent, who is eligible for resident tuition and fee rates as defined in RCW 28B.15.012 and 28B.15.013, and who is a "needy student" as defined in RCW 28B.92.030.

(3) The amount of the guaranteed long-term loans made under this section shall not exceed the demonstrated financial need of the student. Each institution shall establish loan terms and conditions which shall be consistent with the terms of the guaranteed loan program established by 20 U.S. Code Section 1071 et seq., as now or hereafter amended. All loans made shall be guaranteed by the Washington student loan guaranty association or its successor agency. Institutions are hereby granted full authority to operate as an eligible lender under the guaranteed loan program.

(4) Before approving a guaranteed long-term loan, each institution shall analyze the ability of the student to repay the loan based on factors which include, but are not limited to, the student's accumulated total education loan burdens and the employment opportunities and average starting salary characteristics of the student's chosen fields of study. The institution shall counsel the student on the advisability of acquiring additional debt, and on the availability of other forms of financial aid.

(5) Each institution is responsible for collection of guaranteed long-term loans made under this section and shall exercise due diligence in such collection, maintaining all necessary records to insure that maximum repayments are made. Institutions shall cooperate with other lenders and the Washington student loan guaranty association, or its successor agency, in the coordinated collection of guaranteed loans, and shall assure that the guarantability of the loans is not violated. Collection and servicing of guaranteed long-term loans under this section shall be performed by entities approved for such servicing by the Washington student loan guaranty association or its successor agency: PROVIDED, That institutions be permitted to perform such servicing if specifically recognized to do so by the Washington student loan guaranty association or its successor agency. Collection and servicing of guaranteed long-term loans made by community colleges under subsection (1) of this section shall be coordinated by the state board for community and technical colleges and shall be conducted under procedures adopted by the state board.

(6) Receipts from payment of interest or principal or any other subsidies to which institutions as lenders are entitled, that are paid by or on behalf of borrowers of funds under subsections (3) through (8) of this section, shall be deposited in each institution's financial aid fund and shall be used to cover the costs of making the guaranteed long-term loans under this section and maintaining necessary records and making collections under subsection (5) of this section: PROVIDED, That such costs shall not exceed five percent of

aggregate outstanding loan principal. Institutions shall maintain accurate records of such costs, and all receipts beyond those necessary to pay such costs, shall be deposited in the institution's financial aid fund.

(7) The governing boards of the state universities, the regional universities, and The Evergreen State College, and the state board for community and technical colleges, on behalf of the community colleges and technical colleges, shall each adopt necessary rules and regulations to implement this section.

(8) First priority for any guaranteed long-term loans made under this section shall be directed toward students who would not normally have access to educational loans from private financial institutions in Washington state, and maximum use shall be made of secondary markets in the support of loan consolidation.

(9) Short-term loans, not to exceed one year, may be made from the institutional financial aid fund to students enrolled in the institution. No such loan shall be made to any student who is known by the institution to be in default or delinquent in the payment of any outstanding student loan. A short-term loan may be made only if the institution has ample evidence that the student has the capability of repaying the loan within the time frame specified by the institution for repayment.

(10) Any moneys deposited in the institutional financial aid fund that are not used in making long-term or short-term loans may be used by the institution for locally administered financial aid programs for needy students, such as need-based institutional employment programs or need-based tuition and fee scholarship or grant programs. These funds shall be used in addition to and not to replace institutional funds that would otherwise support these locally administered financial aid programs. First priority in the use of these funds shall be given to needy students who have accumulated excessive educational loan burdens. An excessive educational loan burden is a burden that will be difficult to repay given employment opportunities and average starting salaries in the student's chosen fields of study. Second priority in the use of these funds shall be given to needy single parents, to assist these students with their educational expenses, including expenses associated with child care and transportation.

(11) Any moneys deposited in the institutional financial aid fund may be used by the institution for a locally administered financial aid program for high school students enrolled in dual credit programs. If institutions use funds in this manner, the governing boards of the state universities, the regional universities, The Evergreen State College, and the state board for community and technical colleges shall each adopt necessary rules to implement this subsection. Moneys from this fund may be used for all educational expenses related to a student's participation in a dual credit program including but not limited to tuition, fees, course materials, and transportation.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.92 RCW to read as follows:

Institutions of higher education are encouraged to review their policies and procedures regarding financial aid for students enrolled in dual credit programs as defined in section 8 of this act. Institutions of higher education are further encouraged to implement policies and procedures providing students enrolled in dual credit programs with the same access to institutional aid, including all educational expenses, as provided to resident undergraduate students.

Sec. 11. RCW 28B.12.060 and 2005 c 93 s 4 are each amended to read as follows:

The higher education coordinating board shall adopt rules as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 34.05 RCW, the state higher education administrative procedure act. Such rules shall include provisions designed to make employment under the work-study program reasonably available, to the extent of available funds, to all eligible needy students in eligible post-secondary institutions ~~((in need thereof))~~. The rules shall include:

(1) Providing work under the state work-study program that will not result in the displacement of employed workers or impair existing contracts for services;

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology;

(3) Placing priority on providing:

(a) Work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.012 and 28B.15.013, particularly former foster youth as defined in RCW 28B.92.060(~~g~~ except resident students defined in RCW 28B.15.012(2)(g));

(b) Job placements in fields related to each student's academic or vocational pursuits, with an emphasis on off-campus job placements whenever appropriate; and

(c) Off-campus community service placements;

(4) To the extent practicable, limiting the proportion of state subsidy expended upon nonresident students to fifteen percent, or such less amount as specified in the biennial appropriations act;

(5) Provisions to assure that in the state institutions of higher education, utilization of this work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 41.06 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the director of personnel's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service unless the overall scope and responsibilities of the position indicate a higher level; and

~~((5))~~ (6) Provisions to encourage job placements in occupations that meet Washington's economic development goals, especially those in international trade and international relations. The board shall permit appropriate job placements in other states and other countries.

NEW SECTION. Sec. 12. A new section is added to chapter 28B.12 RCW to read as follows:

(1) Within existing resources, the higher education coordinating board shall establish the work-study opportunity grant for high-demand occupations, a competitive grant program to encourage job placements in high-demand fields. The board shall award grants to eligible institutions of higher education that have developed a partnership with a proximate organization willing to host work-study placements. Partner organizations may be nonprofit organizations, for-profit firms, or public agencies. Eligible institutions of higher education must verify that all job placements will last for a minimum of one academic quarter or one academic semester, depending on the system used by the eligible institution of higher education.

(2) The board may adopt rules to identify high-demand fields for purposes of this section. The legislature recognizes that the high-demand fields identified by the board may differ in different regions of the state.

(3) The board may award grants to eligible institutions of higher education that cover both student wages and program administration.

(4) The board shall develop performance benchmarks regarding program success including, but not limited to, the number of students served, the amount of employer contributions, and the number of participating high-demand employers.

NEW SECTION. Sec. 13. (1) The Washington higher education loan program is created. The program is created to assist students in need of additional low-cost student loans and related loan benefits.

(2) The program shall be administered by the board. In administering the program, the board must:

(a) Periodically assess the needs and target the benefits to selected students;

(b) Devise a program to address the following issues related to loans:

(i) Issuance of low-interest educational loans;

(ii) Determining loan repayment obligations and options;

(iii) Borrowing educational loans at low interest rates;

(iv) Developing conditional loans that can be forgiven in exchange for service; and

(v) Creating an emergency loan fund to help students until other state and federal long-term financing can be secured;

(c) Accept public and private contributions;

(d) Publicize the program; and

(e) Work with public and private colleges and universities, the state board for community and technical colleges, the workforce training and education coordinating board, and with students, to conduct periodic assessment of program needs. The board may also consult with other groups and individuals as needed.

NEW SECTION. Sec. 14. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Board" means the higher education coordinating board.

(2) "Institution of higher education" means a college or university in the state of Washington that is accredited by an accrediting association recognized as such by rule of the board.

(3) "Program" means the Washington higher education loan program.

(4) "Resident student" has the definition in RCW 28B.15.012(2) (a) through (d).

NEW SECTION. Sec. 15. The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective August 1, 2011:

1.1.1.9. RCW 28B.101.005 (Finding--Intent) and 2003 c 233 s 1 & 1990 c 288 s 2;

1.1.1.10. RCW 28B.101.010 (Program created) and 2003 c 233 s 2 & 1990 c 288 s 3;

1.1.1.11. RCW 28B.101.020 (Definition--Eligibility) and 2004 c 275 s 67, 2003 c 233 s 3, & 1990 c 288 s 4;

1.1.1.12. RCW 28B.101.030 (Administration of program--Payments to participants) and 1990 c 288 s 5; and

1.1.1.13. RCW 28B.101.040 (Use of grants) and 2003 c 233 s 4 & 2002 c 186 s 3.

NEW SECTION. Sec. 16. Sections 13 and 14 of this act constitute a new chapter in Title 28B RCW.

NEW SECTION. Sec. 17. This act takes effect August 1, 2009."

On page 1, line 1 of the title, after "aid," strike the remainder of the title and insert "amending RCW 28B.92.060, 28B.92.030, 28B.15.0681, 28B.76.500, 28B.15.820, and 28B.12.060; adding a new section to chapter 28B.101 RCW; adding new sections to chapter 28B.92 RCW; adding a new section to chapter 28B.15 RCW; adding a new section to chapter 28B.12 RCW; adding a new chapter to Title 28B RCW; creating a new section; repealing RCW 28B.101.005, 28B.101.010, 28B.101.020, 28B.101.030, and 28B.101.040; providing effective dates; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kenney spoke in favor of the passage of the bill.

Representative Anderson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2021, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2021, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 34; Absent, 0; Excused, 0.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

SECOND SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 20, 2009

HB 2348 Prime Sponsor, Representative Moeller: Regarding surcharges on fee-based activities related to public health. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross and Schmick.

There being no objection, the bill listed on the day's second supplemental committee reports under the fifth order of business was placed on the second reading calendar.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) Public education in Washington state has evolved since the enactment of the Washington basic education act of 1977. Decisions by the courts have played a part in this evolution, as have studies and research about education practices and education funding. The legislature finds ample evidence of a need for continuing to refine the program of basic education that is funded by the state and delivered by school districts.

(2) The legislature reaffirms the work of Washington Learns and other educational task forces that have been convened over the past four years and their recommendations to make bold reforms to the

entire educational system in order to educate all students to a higher level; to focus on the individualized instructional needs of students; to strive towards closing the achievement gap and reducing dropout rates; and to prepare students for a constantly evolving workforce and increasingly demanding global economy. In enacting this legislation, the legislature intends to continue to review, evaluate, and revise the definition and funding of basic education in order to continue to fulfill the state obligation under Article IX of the state Constitution. The legislature also intends to continue to strengthen and modify the structure of the entire K-12 educational system, including nonbasic education programmatic elements, in order to build the capacity to anticipate and support potential future enhancements to basic education as the educational needs of our citizens continue to evolve.

(3) The legislature recognizes that the first step in revising the definition and funding of basic education is to create a transparent funding system for both allocations and expenditures so that not only policymakers and educators understand how the state supports basic education but also taxpayers. An adequate data system that enables the legislature to make rational, data-driven decisions on which educational programs impact student learning in order to more effectively and efficiently deliver the resources necessary to provide an ample program of basic education is also a necessity. A new prototypical funding system will allow the legislature to better understand how current resources are being used. A more complete and accurate educational data system will allow the legislature to understand whether current basic education programs are supporting student learning. Only with both of these systems in place can the legislature make informed decisions on how to best implement a dynamic and evolving system of basic education.

(4) For practical and educational reasons, major changes of the program of basic education and the funding formulas to support it cannot occur instantaneously. The legislature intends to build upon the previous efforts of the legislature and the basic education task force in order to develop a realistic implementation strategy for a new instructional program after technical experts develop the details of the prototypical schools funding formulas and the data and reporting system that will support a new instructional program. The legislature also intends to establish a formal structure for monitoring the implementation by the legislature of an evolving program of basic education and the financing necessary to support such a program. The legislature intends that the redefined program of basic education and funding for the program be fully implemented by 2018.

(5) It is the further intent of the legislature to also address additional issues that are of importance to the legislature but are not part of basic education.

NEW SECTION. Sec. 2. It is the intent of the legislature that specified policies and allocation formulas adopted under this act will constitute the legislature's definition of basic education under Article IX of the state Constitution once fully implemented. The legislature intends, however, to continue to review and revise the formulas and schedules and may make additional revisions, including revisions for technical purposes and consistency in the event of mathematical or other technical errors.

PART I PROGRAM AND FUNDING OF BASIC EDUCATION

Sec. 101. RCW 28A.150.200 and 1990 c 33 s 104 are each amended to read as follows:

~~((This 1977 amendatory act shall be known and may be cited as "The Washington Basic Education Act of 1977." The program evolving from the Basic Education Act shall include (1) the goal of the school system as defined in RCW 28A.150.210, (2) those program requirements enumerated in RCW 28A.150.220, and (3) the determination and distribution of state resources as defined in RCW 28A.150.250 and 28A.150.260.~~

~~The requirements of the Basic Education Act are)) (1) The program of basic education established under this chapter is deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution, which states that "It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex," and~~

~~((are))~~ is adopted pursuant to Article IX, section 2 of the state Constitution, which states that "The legislature shall provide for a general and uniform system of public schools."

(2) The legislature defines the program of basic education under this chapter as that which is necessary to provide the opportunity to develop the knowledge and skills necessary to meet the state-established high school graduation requirements that are intended to allow students to have the opportunity to graduate with a meaningful diploma that prepares them for postsecondary education, gainful employment, and citizenship. Basic education by necessity is an evolving program of instruction intended to reflect the changing educational opportunities that are needed to equip students for their role as productive citizens and includes the following:

(a) The instructional program of basic education the minimum components of which are described in RCW 28A.150.220;

(b) The program of education provided by chapter 28A.190 RCW for students in residential schools as defined by RCW 28A.190.020 and for juveniles in detention facilities as identified by RCW 28A.190.010;

(c) The program of education provided by chapter 28A.193 RCW for individuals under the age of eighteen who are incarcerated in adult correctional facilities; and

(d) Transportation and transportation services to and from school for eligible students as provided under RCW 28A.160.150 through 28A.160.180.

NEW SECTION. Sec. 102. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Basic education goal" means the student learning goals and the student knowledge and skills described under RCW 28A.150.210.

(2) "Certificated administrative staff" means all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).

(3) "Certificated employee" as used in this chapter and RCW 28A.195.010, 28A.405.100, 28A.405.210, 28A.405.240, 28A.405.250, 28A.405.300 through 28A.405.380, and chapter 41.59 RCW, means those persons who hold certificates as authorized by rule of the Washington professional educator standards board.

(4) "Certificated instructional staff" means those persons employed by a school district who are nonsupervisory certificated employees within the meaning of RCW 41.59.020(8).

(5) "Class size" means an instructional grouping of students where, on average, the ratio of students to teacher is the number specified.

(6) "Classified employee" means a person who does not hold a professional education certificate or is employed in a position that does not require such a certificate.

(7) "Classroom teacher" means a person who holds a professional education certificate and is employed in a position for which such certificate is required whose primary duty is the daily educational instruction of students. In exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision, but the hiring of such classified employees shall not occur during a labor dispute, and such classified employees shall not be hired to replace certificated employees during a labor dispute.

(8) "Instructional program of basic education" means the minimum program required to be provided by school districts and includes instructional hour requirements and other components under RCW 28A.150.220.

(9) "Program of basic education" means the overall program under RCW 28A.150.200 and deemed by the legislature to comply with the requirements of Article IX, section 1 of the state Constitution.

(10) "School day" means each day of the school year on which pupils enrolled in the common schools of a school district are engaged in academic and career and technical instruction planned by and under the direction of the school.

(11) "School year" includes the minimum number of school days required under RCW 28A.150.220 and begins on the first day of September and ends with the last day of August, except that any school district may elect to commence the annual school term in the

month of August of any calendar year and in such case the operation of a school district for such period in August shall be credited by the superintendent of public instruction to the succeeding school year for the purpose of the allocation and distribution of state funds for the support of such school district.

(12) "Teacher planning period" means a period of a school day as determined by the administration and board of the directors of the district that may be used by teachers for instruction-related activities including but not limited to preparing instructional materials; reviewing student performance; recording student data; consulting with other teachers, instructional assistants, mentors, instructional coaches, administrators, and parents; or participating in professional development.

Sec. 103. RCW 28A.150.210 and 2007 c 400 s 1 are each amended to read as follows:

~~((The goal of the basic education act for the schools of the state of Washington set forth in this chapter shall be))~~ A basic education is an evolving program of instruction that is intended to provide students with the opportunity to become responsible and respectful global citizens, to contribute to their economic well-being and that of their families and communities, to explore and understand different perspectives, and to enjoy productive and satisfying lives. Additionally, the state of Washington intends to provide for a public school system that is able to evolve and adapt in order to better focus on strengthening the educational achievement of all students, which includes high expectations for all students and gives all students the opportunity to achieve personal and academic success. To these ends, the goals of each school district, with the involvement of parents and community members, shall be to provide opportunities for every student to develop the knowledge and skills essential to:

(1) Read with comprehension, write effectively, and communicate successfully in a variety of ways and settings and with a variety of audiences;

(2) Know and apply the core concepts and principles of mathematics; social, physical, and life sciences; civics and history, including different cultures and participation in representative government; geography; arts; and health and fitness;

(3) Think analytically, logically, and creatively, and to integrate different experiences and knowledge to form reasoned judgments and solve problems; and

(4) Understand the importance of work and finance and how performance, effort, and decisions directly affect future career and educational opportunities.

Sec. 104. RCW 28A.150.220 and 1993 c 371 s 2 are each amended to read as follows:

(1) ~~((Satisfaction of the basic education program requirements identified in RCW 28A.150.210 shall be considered to be implemented by the following program:~~

~~—(a) Each school district shall make available to students enrolled in kindergarten at least a total instructional offering of four hundred fifty hours. The program shall include instruction in the essential academic learning requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such program;~~

~~—(b)) In order for students to have the opportunity to develop the basic education knowledge and skills under RCW 28A.150.210, school districts must provide instruction of sufficient quantity and quality and give students the opportunity to complete graduation requirements that are intended to prepare them for postsecondary education, gainful employment, and citizenship. The program established under this section shall be the minimum instructional program of basic education offered by school districts.~~

~~(2) Each school district shall make available to students the following minimum instructional offering each school year:~~

~~(a) For students enrolled in grades one through twelve, at least a district-wide annual average ((total instructional hour offering)) of one thousand hours((The state board of education may define alternatives to classroom instructional time for students in grades nine through twelve enrolled in alternative learning experiences. The state board of education shall establish rules to determine annual average instructional hours for districts including fewer than twelve grades. The program shall include the essential academic learning~~

~~requirements under RCW 28A.630.885 and such other subjects and such activities as the school district shall determine to be appropriate for the education of the school district's students enrolled in such group)), which shall be increased to at least one thousand eighty instructional hours for students enrolled in each of grades seven through twelve and at least one thousand instructional hours for students in each of grades one through six according to an implementation schedule adopted by the legislature; and~~

~~(b) For students enrolled in kindergarten, at least four hundred fifty instructional hours, which shall be increased to at least one thousand instructional hours according to the implementation schedule under RCW 28A.150.315.~~

~~(3) The instructional program of basic education provided by each school district shall include:~~

~~(a) Instruction in the essential academic learning requirements under RCW 28A.655.070;~~

~~(b) Instruction that provides students the opportunity to complete twenty-four credits for high school graduation, subject to a phased-in implementation of the twenty-four credits as established by the legislature. Course distribution requirements may be established by the state board of education under RCW 28A.230.090;~~

~~(c) If the essential academic learning requirements include a requirement of languages other than English, the requirement may be met by students receiving instruction in one or more American Indian languages;~~

~~(d) Supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065;~~

~~(e) Supplemental instruction and services for eligible and enrolled students whose primary language is other than English through the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080;~~

~~(f) The opportunity for an appropriate education at public expense as defined by RCW 28A.155.020 for all eligible students with disabilities as defined in RCW 28A.155.020; and~~

~~(g) Programs for highly capable students under RCW 28A.185.010 through 28A.185.030.~~

~~((2)) (4) Nothing contained in ((subsection (1) of)) this section shall be construed to require individual students to attend school for any particular number of hours per day or to take any particular courses.~~

~~((3)) (5) Each school district's kindergarten through twelfth grade basic educational program shall be accessible to all students who are five years of age, as provided by RCW 28A.225.160, and less than twenty-one years of age and shall consist of a minimum of one hundred eighty school days per school year in such grades as are conducted by a school district, and one hundred eighty half-days of instruction, or equivalent, in kindergarten((- PROVIDED, That)), to be increased to a minimum of one hundred eighty school days per school year according to the implementation schedule under RCW 28A.150.315. However, effective May 1, 1979, a school district may schedule the last five school days of the one hundred and eighty day school year for noninstructional purposes in the case of students who are graduating from high school, including, but not limited to, the observance of graduation and early release from school upon the request of a student, and all such students may be claimed as a full-time equivalent student to the extent they could otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260.~~

~~((4)) (6) Nothing in this section precludes a school district from enriching the instructional program of basic education, such as offering additional instruction or providing additional services, programs, or activities that the school district determines to be appropriate for the education of the school district's students.~~

~~(7) The state board of education shall adopt rules to implement and ensure compliance with the program requirements imposed by this section, RCW 28A.150.250 and 28A.150.260, and such related supplemental program approval requirements as the state board may establish.~~

Sec. 105. RCW 28A.150.250 and 1990 c 33 s 107 are each amended to read as follows:

(1) From those funds made available by the legislature for the current use of the common schools, the superintendent of public

instruction shall distribute annually as provided in RCW 28A.510.250 to each school district of the state operating a basic education instructional program approved by the state board of education an amount based on the formulas provided in RCW 28A.150.260, 28A.150.390, and section 109 of this act which, when combined with an appropriate portion of such locally available revenues, other than receipts from federal forest revenues distributed to school districts pursuant to RCW 28A.520.010 and 28A.520.020, as the superintendent of public instruction may deem appropriate for consideration in computing state equalization support, excluding excess property tax levies, will constitute a basic education allocation in dollars for each annual average full-time equivalent student enrolled(~~(- based upon one full school year of one hundred eighty days, except that for kindergartens one full school year shall be one hundred eighty half days of instruction, or the equivalent as provided in RCW 28A.150.220)).~~

(2) The instructional program of basic education shall be considered to be fully funded by those amounts of dollars appropriated by the legislature pursuant to RCW ~~((28A.150.250 and))~~ 28A.150.260, 28A.150.390, and section 109 of this act to fund those program requirements identified in RCW 28A.150.220 in accordance with the formula ~~((and ratios))~~ provided in RCW 28A.150.260 and those amounts of dollars appropriated by the legislature to fund the salary requirements of RCW ~~((28A.150.100 and))~~ 28A.150.410.

~~((Operation of a program approved by the state board of education, for the purposes of this section, shall include a finding that the ratio of students per classroom teacher in grades kindergarten through three is not greater than the ratio of students per classroom teacher in grades four and above for such district. PROVIDED, That for the purposes of this section, "classroom teacher" shall be defined as an instructional employee possessing at least a provisional certificate, but not necessarily employed as a certificated employee, whose primary duty is the daily educational instruction of students: PROVIDED FURTHER, That the state board of education shall adopt rules and regulations to insure compliance with the student/teacher ratio provisions of this section, and such rules and regulations shall allow for exemptions for those special programs and/or school districts which may be deemed unable to practicably meet the student/teacher ratio requirements of this section by virtue of a small number of students.))~~

(3) If a school district's basic education program fails to meet the basic education requirements enumerated in RCW ~~((28A.150.250;))~~ 28A.150.260~~((;))~~ and 28A.150.220, the state board of education shall require the superintendent of public instruction to withhold state funds in whole or in part for the basic education allocation until program compliance is assured~~(((- PROVIDED, That)). However, the state board of education may waive this requirement in the event of substantial lack of classroom space.~~

Sec. 106. RCW 28A.150.260 and 2006 c 263 s 322 are each amended to read as follows:

~~((The basic education allocation for each annual average full time equivalent student shall be determined in accordance with the following procedures)) The purpose of this section is to provide for the allocation of state funding that the legislature deems necessary to support school districts in offering the minimum instructional program of basic education under RCW 28A.150.220. The allocation shall be determined as follows:~~

(1) The governor shall and the superintendent of public instruction may recommend to the legislature a formula ~~((based on a ratio of students to staff))~~ for the distribution of a basic education instructional allocation for each ~~((annual average full time equivalent student enrolled in a))~~ common school district. ~~((The distribution formula shall have the primary objective of equalizing educational opportunities and shall provide appropriate recognition of the following costs among the various districts within the state:~~

~~— (a) Certificated instructional staff and their related costs;~~

~~— (b) Certificated administrative staff and their related costs;~~

~~— (c) Classified staff and their related costs;~~

~~— (d) Nonsalary costs;~~

~~— (e) Extraordinary costs, including school facilities, of remote and necessary schools as judged by the superintendent of public instruction, with recommendations from the school facilities citizen~~

~~advisory panel under RCW 28A.525.025, and small high schools, including costs of additional certificated and classified staff; and~~

~~(f) The attendance of students pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district.)~~

~~(2)((a)) The distribution formula under this section shall be for allocation purposes only. Except as may be required under chapter 28A.165, 28A.180, or 28A.155 RCW, or federal laws and regulations, nothing in this section requires school districts to use basic education instructional funds to implement a particular instructional approach or service. Nothing in this section requires school districts to maintain a particular classroom teacher-to-student ratio or other staff-to-student ratio or to use allocated funds to pay for particular types or classifications of staff. Nothing in this section entitles an individual teacher to a particular teacher planning period.~~

~~(3)(a) To the extent the technical details of the formula have been adopted by the legislature, the distribution formula for the basic education instructional allocation shall be based on minimum staffing and nonstaff costs the legislature deems necessary to support instruction and operations in prototypical schools serving high, middle, and elementary school students as provided in this section. The use of prototypical schools for the distribution formula does not constitute legislative intent that schools should be operated or structured in a similar fashion as the prototypes. Prototypical schools illustrate the level of resources needed to operate a school of a particular size with particular types and grade levels of students using commonly understood terms and inputs, such as class size, hours of instruction, and various categories of school staff. It is the intent that the funding allocations to school districts be adjusted from the school prototypes based on the actual number of annual average full-time equivalent students in each grade level at each school in the district and not based on the grade-level configuration of the school to the extent that data is available. The allocations shall be further adjusted from the school prototypes with minimum allocations for small schools and to reflect other factors identified in the omnibus appropriations act.~~

~~(b) For the purposes of this section, prototypical schools are defined as follows:~~

~~(i) A prototypical high school has six hundred average annual full-time equivalent students in grades nine through twelve;~~

~~(ii) A prototypical middle school has four hundred thirty-two average annual full-time equivalent students in grades seven and eight; and~~

~~(iii) A prototypical elementary school has four hundred average annual full-time equivalent students in grades kindergarten through six.~~

~~(c) The minimum allocation for each level of prototypical school shall be based on the number of full-time equivalent classroom teachers needed to provide instruction over the minimum required annual instructional hours under RCW 28A.150.220 and provide at least one teacher planning period per school day, and based on an average class size as specified in the omnibus appropriations act. The omnibus appropriations act shall at a minimum specify:~~

~~(i) Basic average class size;~~

~~(ii) Basic average class size in schools where more than fifty percent of the students are eligible for free and reduced-price meals;~~

~~(iii) Average class size for exploratory and preparatory career and technical education, laboratory science, advanced placement, and international baccalaureate courses; and~~

~~(iv) Average class size in grades kindergarten through three.~~

~~(d) The minimum allocation for each level of prototypical school shall include allocations for the following types of staff in addition to classroom teachers:~~

~~(i) Principals, including assistant principals, and other certificated building-level administrators;~~

~~(ii) Teacher librarians, performing functions including information literacy, technology, and media to support school library media programs;~~

~~(iii) Student health services, a function that includes school nurses, whether certificated instructional or classified employee, and social workers;~~

~~(iv) Guidance counselors, performing functions including parent outreach and graduation advisor;~~

~~(v) Professional development coaches;~~

~~(vi) Teaching assistance, which includes any aspect of educational instructional services provided by classified employees;~~

~~(vii) Office support, technology support, and other noninstructional aides;~~

~~(viii) Custodians, warehouse, maintenance, laborer, and professional and technical education support employees; and~~

~~(ix) Classified staff providing student and staff safety.~~

~~(4)(a) The minimum allocation for each school district shall include allocations per annual average full-time equivalent student for the following materials, supplies, and operating costs: Student technology; utilities; curriculum, textbooks, library materials, and instructional supplies; instructional professional development for both certificated and classified staff; other building-level costs including maintenance, custodial, and security; and central office administration.~~

~~(b) The annual average full-time equivalent student amounts in (a) of this subsection shall be enhanced based on full-time equivalent student enrollment in exploratory career and technical education courses for students in grades seven through twelve; laboratory science courses for students in grades nine through twelve; preparatory career and technical education courses for students in grades nine through twelve offered in a high school; and preparatory career and technical education courses for students in grades eleven and twelve offered through a skill center.~~

~~(5) The allocations provided under subsections (3) and (4) of this section shall be enhanced as follows to provide additional allocations for classroom teachers and maintenance, supplies, and operating costs:~~

~~(a) To provide supplemental instruction and services for underachieving students through the learning assistance program under RCW 28A.165.005 through 28A.165.065, allocations shall be based on the percent of students in each school who are eligible for free and reduced-price meals. The minimum allocation for the learning assistance program shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.~~

~~(b) To provide supplemental instruction and services for students whose primary language is other than English, allocations shall be based on the number of students in each school who are eligible for and enrolled in the transitional bilingual instruction program under RCW 28A.180.010 through 28A.180.080. The minimum allocation for each level of prototypical school shall provide for supplemental instruction based on percent of the school day a student is assumed to receive supplemental instruction and a per student allocation for maintenance, supplies, and operating costs.~~

~~(6) The allocations provided under subsections (3) and (4) of this section shall be enhanced to provide additional allocations to support programs for highly capable students under RCW 28A.185.010 through 28A.185.030, based on two and three hundred fourteen one-thousandths percent of each school district's full-time equivalent enrollment. The minimum allocation for the programs shall provide an extended school day and extended school year for each level of prototypical school and a per student allocation for maintenance, supplies, and operating costs.~~

~~(7) The allocations under subsections (3)(b), (c)(i), and (d), (4), and (8) of this section shall be enhanced as provided under RCW 28A.150.390 on an excess cost basis to provide supplemental instructional resources for students with disabilities.~~

~~(8) The distribution formula shall include allocations to school districts to support certificated and classified staffing of central office administration. The minimum allocation shall be calculated as a percentage, identified in the omnibus appropriations act, of the total allocations for staff under subsections (3) and (6) of this section for all schools in the district.~~

~~(9)(a) For the purposes of allocations for prototypical high schools and middle schools under subsections (3) and (5) of this section that are based on the percent of students in the school who are eligible for free and reduced-price meals, the actual percent of such students in a school shall be adjusted by a factor identified in the omnibus appropriations act to reflect underreporting of free and~~

reduced-price meal eligibility among middle and high school students.

(b) Allocations or enhancements provided under subsections (3) and (4) of this section for exploratory and preparatory career and technical education courses shall be provided only for courses approved by the office of the superintendent of public instruction under chapter 28A.700 RCW.

(10)(a) This formula for distribution of basic education funds shall be reviewed biennially by the superintendent and governor. The recommended formula shall be subject to approval, amendment or rejection by the legislature. ((The formula shall be for allocation purposes only. While the legislature intends that the allocations for additional instructional staff be used to increase the ratio of such staff to students, nothing in this section shall require districts to reduce the number of administrative staff below existing levels.

(b) The formula adopted by the legislature shall reflect the following ratios at a minimum: (i) Forty-nine certificated instructional staff to one thousand annual average full time equivalent students enrolled in grades kindergarten through three; (ii) forty-six certificated instructional staff to one thousand annual average full time equivalent students in grades four through twelve; (iii) four certificated administrative staff to one thousand annual average full time equivalent students in grades kindergarten through twelve; and (iv) sixteen and sixty-seven one-hundredths classified personnel to one thousand annual average full time equivalent students enrolled in grades kindergarten through twelve.

((c)) (b) In the event the legislature rejects the distribution formula recommended by the governor, without adopting a new distribution formula, the distribution formula for the previous school year shall remain in effect((~~PROVIDED, That the distribution formula developed pursuant to this section shall be for state apportionment and equalization purposes only and shall not be construed as mandating specific operational functions of local school districts other than those program requirements identified in RCW 28A.150.220 and 28A.150.100).~~

(c) The enrollment of any district shall be the annual average number of full-time equivalent students and part-time students as provided in RCW 28A.150.350, enrolled on the first school day of each month ((and shall exclude full time equivalent students with disabilities recognized for the purposes of allocation of state funds for programs under RCW 28A.155.010 through 28A.155.100)), including students who are in attendance pursuant to RCW 28A.335.160 and 28A.225.250 who do not reside within the servicing school district. The definition of full-time equivalent student shall be determined by rules of the superintendent of public instruction((~~PROVIDED, That the definition~~)) and shall be included as part of the superintendent's biennial budget request((~~PROVIDED, FURTHER, That~~)). The definition shall be based on the minimum instructional hour offerings required under RCW 28A.150.220. Any revision of the present definition shall not take effect until approved by the house ((~~appropriations~~)) ways and means committee and the senate ways and means committee((~~PROVIDED, FURTHER, That~~)).

(d) The office of financial management shall make a monthly review of the superintendent's reported full-time equivalent students in the common schools in conjunction with RCW 43.62.050.

((3)(a) Certificated instructional staff shall include those persons employed by a school district who are nonsupervisory employees within the meaning of RCW 41.59.020(8): PROVIDED, That in exceptional cases, people of unusual competence but without certification may teach students so long as a certificated person exercises general supervision: PROVIDED, FURTHER, That the hiring of such classified people shall not occur during a labor dispute and such classified people shall not be hired to replace certificated employees during a labor dispute.

(b) Certificated administrative staff shall include all those persons who are chief executive officers, chief administrative officers, confidential employees, supervisors, principals, or assistant principals within the meaning of RCW 41.59.020(4).))

Sec. 107. RCW 28A.150.315 and 2007 c 400 s 2 are each amended to read as follows:

(1) Beginning with the 2007-08 school year, funding for voluntary all-day kindergarten programs shall be phased-in beginning with schools with the highest poverty levels, defined as those schools

with the highest percentages of students qualifying for free and reduced-price lunch support in the prior school year. Once a school receives funding for the all-day kindergarten program, that school shall remain eligible for funding in subsequent school years regardless of changes in the school's percentage of students eligible for free and reduced-price lunches as long as other program requirements are fulfilled. Additionally, schools receiving all-day kindergarten program support shall agree to the following conditions:

(a) Provide at least a one thousand-hour instructional program;

(b) Provide a curriculum that offers a rich, varied set of experiences that assist students in:

(i) Developing initial skills in the academic areas of reading, mathematics, and writing;

(ii) Developing a variety of communication skills;

(iii) Providing experiences in science, social studies, arts, health and physical education, and a world language other than English;

(iv) Acquiring large and small motor skills;

(v) Acquiring social and emotional skills including successful participation in learning activities as an individual and as part of a group; and

(vi) Learning through hands-on experiences;

(c) Establish learning environments that are developmentally appropriate and promote creativity;

(d) Demonstrate strong connections and communication with early learning community providers; and

(e) Participate in kindergarten program readiness activities with early learning providers and parents.

(2) Subject to funds appropriated for this purpose, the superintendent of public instruction shall designate one or more school districts to serve as resources and examples of best practices in designing and operating a high-quality all-day kindergarten program. Designated school districts shall serve as lighthouse programs and provide technical assistance to other school districts in the initial stages of implementing an all-day kindergarten program. Examples of topics addressed by the technical assistance include strategic planning, developing the instructional program and curriculum, working with early learning providers to identify students and communicate with parents, and developing kindergarten program readiness activities.

((3) Any funds allocated to support all-day kindergarten programs under this section shall not be considered as basic education funding.))

Sec. 108. RCW 28A.150.390 and 1995 c 77 s 6 are each amended to read as follows:

(1) The superintendent of public instruction shall submit to each regular session of the legislature during an odd-numbered year a programmed budget request for special education programs for students with disabilities. Funding for programs operated by local school districts shall be on an excess cost basis from appropriations provided by the legislature for special education programs for students with disabilities and shall take account of state funds accruing through RCW ((~~28A.150.250;~~)) 28A.150.260((~~;~~)) (3) (b), (c)(i), and (d), (4), and (8) and federal medical assistance and private funds accruing under RCW 74.09.5249 through 74.09.5253 and 74.09.5254 through 74.09.5256((~~;~~ and other state and local funds, excluding special excess levies)).

(2) The excess cost allocation to school districts shall be based on the following:

(a) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten who are eligible for and enrolled in special education, multiplied by the district's base allocation per full-time equivalent student, multiplied by 1.15; and

(b) A district's annual average full-time equivalent basic education enrollment, multiplied by the district's funded enrollment percent, multiplied by the district's base allocation per full-time equivalent student, multiplied by 0.9309.

(3) As used in this section:

(a) "Base allocation" means the total state allocation to all schools in the district generated by the distribution formula under RCW 28A.150.260 (3) (b), (c)(i), and (d), (4), and (8), to be divided by the district's full-time equivalent enrollment.

(b) "Basic education enrollment" means enrollment of resident students including nonresident students enrolled under RCW 28A.225.225 and students from nonhigh districts enrolled under RCW 28A.225.210 and excluding students residing in another district enrolled as part of an interdistrict cooperative program under RCW 28A.225.250.

(c) "Enrollment percent" means the district's resident special education annual average enrollment, excluding students ages birth through four and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

(d) "Funded enrollment percent" means the lesser of the district's actual enrollment percent or twelve and seven-tenths percent.

NEW SECTION. Sec. 109. (1) To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided through the special education funding formula under RCW 28A.150.390. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in any fiscal year, then the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state revenues related to services for special education-eligible students and all federal revenues from federal impact aid, medicaid, and the individuals with disabilities education act-Part B and appropriate special projects. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services, which may include consideration of proximity to group homes, military bases, and regional hospitals. Safety net awards under this subsection (1)(c) shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent of public instruction in accordance with chapter 318, Laws of 1999.

(f) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Before revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature. In adopting and revising the rules, the superintendent shall ensure the application process to access safety net funding is streamlined, timelines for submission are not in conflict, feedback to school districts is timely and provides sufficient information to allow school districts to understand how to correct any deficiencies in a safety net application, and that there is consistency between awards approved by school district and by application period. The office of the superintendent of public instruction shall also provide technical

assistance to school districts in preparing and submitting special education safety net applications.

(3) On an annual basis, the superintendent shall survey districts regarding their satisfaction with the safety net process and consider feedback from districts to improve the safety net process. Each year by December 1st, the superintendent shall prepare and submit a report to the office of financial management and the appropriate policy and fiscal committees of the legislature that summarizes the survey results and those changes made to the safety net process as a result of the school district feedback.

(4) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

Sec. 110. RCW 28A.150.380 and 2001 c 3 s 10 are each amended to read as follows:

(1) The state legislature shall, at each regular session in an odd-numbered year, appropriate ~~(from the state general fund)~~ for the current use of the common schools such amounts as needed for state support to ~~(the common schools)~~ school districts during the ensuing biennium ~~(as provided in this chapter, RCW 28A.160.150 through 28A.160.210, 28A.300.170, and 28A.500.010)~~ for the program of basic education under RCW 28A.150.200.

(2) In addition to those state funds provided to school districts for basic education, the legislature may appropriate funds to be distributed to school districts for other factors and for other special programs to enhance or enrich the program of basic education.

(3) The state legislature shall also, at each regular session in an odd-numbered year, appropriate from the student achievement fund and education construction fund solely for the purposes of and in accordance with the provisions of the student achievement act during the ensuing biennium.

Sec. 111. RCW 28A.230.090 and 2006 c 114 s 3 are each amended to read as follows:

(1) The state board of education shall establish high school graduation requirements or equivalencies for students, except those equivalencies established by local high schools or school districts under RCW 28A.230.097.

(a) Any course in Washington state history and government used to fulfill high school graduation requirements shall consider including information on the culture, history, and government of the American Indian peoples who were the first inhabitants of the state.

(b) The certificate of academic achievement requirements under RCW 28A.655.061 or the certificate of individual achievement requirements under RCW 28A.155.045 are required for graduation from a public high school but are not the only requirements for graduation.

(c) Any decision on whether a student has met the state board's high school graduation requirements for a high school and beyond plan shall remain at the local level.

(2)(a) In recognition of the statutory authority of the state board of education to establish and enforce minimum high school graduation requirements, the state board shall periodically reevaluate the graduation requirements and shall report such findings to the legislature in a timely manner as determined by the state board.

(b) The state board shall reevaluate the graduation requirements for students enrolled in vocationally intensive and rigorous career and technical education programs, particularly those programs that lead to a certificate or credential that is state or nationally recognized. The purpose of the evaluation is to ensure that students enrolled in these programs have sufficient opportunity to earn a certificate of academic achievement, complete the program and earn the program's certificate or credential, and complete other state and local graduation requirements. ~~((The board shall reports [report] its findings and recommendations for additional flexibility in graduation requirements, if necessary, to the legislature by December 1, 2007.))~~

(c) The state board shall forward any proposed changes to the high school graduation requirements to the education committees of

the legislature for review and to the quality education council established under section 114 of this act. The legislature shall have the opportunity to act during a regular legislative session before the changes are adopted through administrative rule by the state board. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized and funded by the legislature through the omnibus appropriations act or other enacted legislation.

(3) Pursuant to any requirement for instruction in languages other than English established by the state board of education or a local school district, or both, for purposes of high school graduation, students who receive instruction in American sign language or one or more American Indian languages shall be considered to have satisfied the state or local school district graduation requirement for instruction in one or more languages other than English.

(4) If requested by the student and his or her family, a student who has completed high school courses before attending high school shall be given high school credit which shall be applied to fulfilling high school graduation requirements if:

(a) The course was taken with high school students, if the academic level of the course exceeds the requirements for seventh and eighth grade classes, and the student has successfully passed by completing the same course requirements and examinations as the high school students enrolled in the class; or

(b) The academic level of the course exceeds the requirements for seventh and eighth grade classes and the course would qualify for high school credit, because the course is similar or equivalent to a course offered at a high school in the district as determined by the school district board of directors.

(5) Students who have taken and successfully completed high school courses under the circumstances in subsection (4) of this section shall not be required to take an additional competency examination or perform any other additional assignment to receive credit.

(6) At the college or university level, five quarter or three semester hours equals one high school credit.

NEW SECTION. Sec. 112. (1) The legislature intends to continue to redefine the instructional program of education under RCW 28A.150.220 that fulfills the obligations and requirements of Article IX of the state Constitution. The funding formulas under RCW 28A.150.260 to support the instructional program shall be implemented to the extent the technical details of the formula have been established and according to an implementation schedule to be adopted by the legislature. The object of the schedule is to assure that any increases in funding allocations are timely, predictable, and occur concurrently with any increases in program or instructional requirements. It is the intent of the legislature that no increased programmatic or instructional expectations be imposed upon schools or school districts without an accompanying increase in resources as necessary to support those increased expectations.

(2) The office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to:

(a) Develop the details of the funding formulas under RCW 28A.150.260;

(b) Recommend to the legislature an implementation schedule for phasing-in any increased program or instructional requirements concurrently with increases in funding for adoption by the legislature; and

(c) Examine possible sources of revenue to support increases in funding allocations and present options to the legislature and the quality education council created in section 114 of this act for consideration.

(3) The working group shall include representatives of the legislative evaluation and accountability program committee, school district and educational service district financial managers, the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene

advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The working group shall be monitored and overseen by the legislature and the quality education council established in section 114 of this act. The working group shall submit its recommendations to the legislature by December 1, 2009.

NEW SECTION. Sec. 113. A new section is added to chapter 28A.300 RCW to read as follows:

(1) As part of the estimates and information submitted to the governor by the superintendent of public instruction under RCW 28A.300.170, the superintendent of public instruction shall biennially make determinations on the educational system's capacity to accommodate increased resources in relation to the elements in the prototypical funding allocation model. In areas where there are specific and significant capacity limitations to providing enhancements to a recommended element, the superintendent of public instruction shall identify those limitations and make recommendations on how to address the issue.

(2) The legislature shall:

(a) Review the recommendations of the superintendent of public instruction submitted under subsection (1) of this section; and

(b) Use the information as it continues to review, evaluate, and revise the definition and funding of basic education in a manner that serves the educational needs of the citizen's of Washington; continues to fulfill the state's obligation under Article IX of the state Constitution and ensures that no enhancements are imposed on the educational system that cannot be accommodated by the existing system capacity.

(3) "System capacity" for purposes of this section includes, but is not limited to, the ability of schools and districts to provide the capital facilities necessary to support a particular instructional program, the staffing levels necessary to support an instructional program both in terms of actual numbers of staff as well as the experience level and types of staff available to fill positions, the higher education systems capacity to prepare the next generation of educators, and the availability of data and a data system capable of helping the state allocate its resources in a manner consistent with evidence-based practices that are shown to improve student learning.

(4) The office of the superintendent of public instruction shall report to the legislature on a biennial basis beginning December 1, 2010.

NEW SECTION. Sec. 114. (1) The quality education council is created to recommend and inform the ongoing implementation by the legislature of an evolving program of basic education and the financing necessary to support such program. The council shall develop strategic recommendations on the program of basic education for the common schools. The council shall take into consideration the capacity report produced under section 113 of this act and the availability of data and progress of implementing the data systems required under section 202 of this act. Any recommendations for modifications to the program of basic education shall be based on evidence that the programs effectively support student learning. The council shall update the statewide strategic recommendations every four years. The recommendations of the council are intended to:

(a) Inform future educational policy and funding decisions of the legislature and governor;

(b) Identify measurable goals and priorities for the educational system in Washington state for a ten-year time period, including the goals of basic education and ongoing strategies for coordinating statewide efforts to eliminate the achievement gap and reduce student dropout rates; and

(c) Enable the state of Washington to continue to implement an evolving program of basic education.

(2) The council may request updates and progress reports from the office of the superintendent of public instruction, the state board of education, the professional educator standards board, and the department of early learning on the work of the agencies as well as educational working groups established by the legislature.

(3) The chair of the council shall be selected from the councilmembers. The council shall be composed of the following members:

(a) Four members of the house of representatives, with two members representing each of the major caucuses and appointed by the speaker of the house of representatives;

(b) Four members of the senate, with two members representing each of the major caucuses and appointed by the president of the senate; and

(c) One representative each from the office of the governor, office of the superintendent of public instruction, state board of education, professional educator standards board, and department of early learning.

(4) In the 2009 fiscal year, the council shall meet as often as necessary as determined by the chair. In subsequent years, the council shall meet no more than four times a year.

(5)(a) The council shall submit an initial report to the governor and the legislature by January 1, 2010, detailing its recommendations, including recommendations for resolving issues or decisions requiring legislative action during the 2010 legislative session, and recommendations for any funding necessary to continue development and implementation of chapter . . . , Laws of 2009 (this act).

(b) The initial report shall, at a minimum, include:

(i) Consideration of how to establish a statewide beginning teacher mentoring and support system;

(ii) Recommendations for a program of early learning for at-risk children;

(iii) A recommended schedule for the concurrent phase-in of the changes to the instructional program of basic education and the implementation of the funding formulas and allocations to support the new instructional program of basic education as established under chapter . . . , Laws of 2009 (this act). The phase-in schedule shall have full implementation completed by September 1, 2018; and

(iv) A recommended schedule for phased-in implementation of the new distribution formula for allocating state funds to school districts for the transportation of students to and from school, with phase-in beginning no later than September 1, 2013.

(6) The council shall be staffed by the office of the superintendent of public instruction and the office of financial management. Additional staff support shall be provided by the state entities with representatives on the committee. Senate committee services and the house of representatives office of program research may provide additional staff support.

(7) Legislative members of the council shall serve without additional compensation but may be reimbursed for travel expenses in accordance with RCW 44.04.120 while attending sessions of the council or on official business authorized by the council. Nonlegislative members of the council may be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 115. (1) The legislature finds that a critical factor in the eventual successful outcome of a K-12 education is for students to begin school ready, both intellectually and socially, to learn. The legislature also finds that, due to a variety of factors, disadvantaged young children need supplemental instruction in preschool to assure that they have the opportunity to meaningfully participate and reach the necessary levels of achievement in the regular program of basic education. Therefore the legislature intends to establish a program of early learning for at-risk children and intends to include this program within the overall program of basic education.

(2) The office of the superintendent of public instruction, with the support and assistance from the department of early learning, shall convene a working group to develop the basic education program of early learning. The early learning working group shall be composed of representatives from head start and early childhood education and assistance program providers, school districts, thrive by five Washington, and other stakeholders with expertise in early learning. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(3) The early learning working group shall continue the preliminary work of the department of early learning under RCW 43.215.125 to develop a proposal for a statewide Washington head start program. The working group shall:

(a) Recommend student eligibility criteria that focus on children age three and four considered most at-risk;

(b) Develop options for a service delivery system that includes school districts, educational service districts, community and technical colleges, and public and private nonsectarian organizations;

(c) Develop options for shared governance that include the superintendent of public instruction and the department of early learning each with appropriate supervisory and administrative responsibilities;

(d) Develop recommended parameters and minimum standards for the program; and

(e) Continue development of a statewide kindergarten assessment process.

(4) The early learning working group shall be monitored and overseen by the quality education council established in section 114 of this act and shall submit progress reports to the council by September 1, 2010, and September 1, 2011, with a final report by September 1, 2012.

PART II EDUCATION DATA IMPROVEMENT SYSTEM

Sec. 201. RCW 43.41.400 and 2007 c 401 s 3 are each amended to read as follows:

(1) An education data center shall be established in the office of financial management. The education data center shall jointly, with the legislative ~~((education [evaluation]))~~ evaluation and accountability program committee, conduct collaborative analyses of early learning, K-12, and higher education programs and education issues across the P-20 system, which includes the department of early learning, the superintendent of public instruction, the professional educator standards board, the state board of education, the state board for community and technical colleges, the workforce training and education coordinating board, the higher education coordinating board, public and private nonprofit four-year institutions of higher education, and the employment security department. The education data center shall conduct collaborative analyses under this section with the legislative evaluation and accountability program committee and provide data electronically to the legislative evaluation and accountability program committee, to the extent permitted by state and federal confidentiality requirements. The education data center shall be considered an authorized representative of the state educational agencies in this section under applicable federal and state statutes for purposes of accessing and compiling student record data for research purposes.

(2) The education data center shall:

(a) In consultation with the legislative evaluation and accountability program committee and the agencies and organizations participating in the education data center, identify the critical research and policy questions that are intended to be addressed by the education data center and the data needed to address the questions;

(b) Coordinate with other state education agencies to compile and analyze education data, including data on student demographics that is disaggregated by distinct ethnic categories within racial subgroups, and complete P-20 research projects;

~~((b))~~ (c) Collaborate with the legislative evaluation and accountability program committee and the education and fiscal committees of the legislature in identifying the data to be compiled and analyzed to ensure that legislative interests are served;

~~((c))~~ (d) Annually provide to the K-12 data governance group a list of data elements and data quality improvements that are necessary to answer the research and policy questions identified by the education data center and have been identified by the legislative committees in (c) of this subsection. Within three months of receiving the list, the K-12 data governance group shall develop and transmit to the education data center a feasibility analysis of obtaining or improving the data, including the steps required, estimated time frame, and the financial and other resources that would be required. Based on the analysis, the education data center shall submit, if necessary, a recommendation to the legislature regarding any statutory changes or resources that would be needed to collect or improve the data;

(e) Monitor and evaluate the education data collection systems of the organizations and agencies represented in the education data center ensuring that data systems are flexible, able to adapt to evolving needs for information, and to the extent feasible and necessary, include data that are needed to conduct the analyses and provide answers to the research and policy questions identified in (a) of this subsection;

(f) Track enrollment and outcomes through the public centralized higher education enrollment system;

~~((f))~~ (g) Assist other state educational agencies' collaborative efforts to develop a long-range enrollment plan for higher education including estimates to meet demographic and workforce needs; ~~(and~~

~~(e))~~ (h) Provide research that focuses on student transitions within and among the early learning, K-12, and higher education sectors in the P-20 system; and

(i) Make recommendations to the legislature as necessary to help ensure the goals and objectives of this section and sections 202 and 203 of this act are met.

(3) The department of early learning, superintendent of public instruction, professional educator standards board, state board of education, state board for community and technical colleges, workforce training and education coordinating board, higher education coordinating board, public four-year institutions of higher education, and employment security department shall work with the education data center to develop data-sharing and research agreements, consistent with applicable security and confidentiality requirements, to facilitate the work of the center. Private, nonprofit institutions of higher education that provide programs of education beyond the high school level leading at least to the baccalaureate degree and are accredited by the Northwest association of schools and colleges or their peer accreditation bodies may also develop data-sharing and research agreements with the education data center, consistent with applicable security and confidentiality requirements. The education data center shall make data from collaborative analyses available to the education agencies and institutions that contribute data to the education data center to the extent allowed by federal and state security and confidentiality requirements applicable to the data of each contributing agency or institution.

NEW SECTION. Sec. 202. A new section is added to chapter 28A.655 RCW to read as follows:

(1) It is the legislature's intent to establish a comprehensive K-12 education data improvement system for financial, student, and educator data. The objective of the system is to monitor student progress, have information on the quality of the educator workforce, monitor and analyze the costs of programs, provide for financial integrity and accountability, and have the capability to link across these various data components by student, by class, by teacher, by school, by district, and statewide. Education data systems must be flexible and able to adapt to evolving needs for information, but there must be an objective and orderly data governance process for determining when changes are needed and how to implement them. It is the further intent of the legislature to provide independent review and evaluation of a comprehensive K-12 education data improvement system by assigning the review and monitoring responsibilities to the education data center and the legislative evaluation and accountability program committee.

(2) It is the intent that the data system specifically service reporting requirements for teachers, parents, superintendents, school boards, the legislature, the office of the superintendent of public instruction, and the public.

(3) It is the legislature's intent that the K-12 education data improvement system used by school districts and the state include but not be limited to the following information and functionality:

(a) Comprehensive educator information, including grade level and courses taught, building or location, program, job assignment, years of experience, the institution of higher education from which the educator obtained his or her degree, compensation, class size, mobility of class population, socioeconomic data of class, number of languages and which languages are spoken by students, general resources available for curriculum and other classroom needs, and number and type of instructional support staff in the building;

(b) The capacity to link educator assignment information with educator certification information such as certification number, type

of certification, route to certification, certification program, and certification assessment or evaluation scores;

(c) Common coding of secondary courses and major areas of study at the elementary level or standard coding of course content;

(d) Robust student information, including but not limited to student characteristics, course and program enrollment, performance on statewide and district summative and formative assessments to the extent district assessments are used, and performance on college readiness tests;

(e) A subset of student information elements to serve as a dropout early warning system;

(f) The capacity to link educator information with student information;

(g) A common, standardized structure for reporting the costs of programs at the school and district level with a focus on the cost of services delivered to students;

(h) Separate accounting of state, federal, and local revenues and costs;

(i) Information linking state funding formulas to school district budgeting and accounting, including procedures:

(i) To support the accuracy and auditing of financial data; and

(ii) Using the prototypical school model for school district financial accounting reporting;

(j) The capacity to link program cost information with student performance information to gauge the cost-effectiveness of programs;

(k) Information that is centrally accessible and updated regularly; and

(l) An anonymous, nonidentifiable replicated copy of data that is updated at least quarterly, and made available to the public by the state.

(4) It is the legislature's goal that all school districts have the capability to collect state-identified common data and export it in a standard format to support a statewide K-12 education data improvement system under this section.

(5) It is the legislature's intent that the K-12 education data improvement system be developed to provide the capability to make reports as required under section 203 of this act available.

(6) It is the legislature's intent that school districts collect and report new data elements to satisfy the requirements of RCW 43.41.400, this section, and section 203 of this act, only to the extent funds are available for this purpose.

NEW SECTION. Sec. 203. A new section is added to chapter 28A.300 RCW to read as follows:

(1) A K-12 data governance group shall be established within the office of the superintendent of public instruction to assist in the design and implementation of a K-12 education data improvement system for financial, student, and educator data. It is the intent that the data system reporting specifically serve requirements for teachers, parents, superintendents, school boards, the office of the superintendent of public instruction, the legislature, and the public.

(2) The K-12 data governance group shall include representatives of the education data center, the office of the superintendent of public instruction, the legislative evaluation and accountability program committee, the professional educator standards board, the state board of education, and school district staff, including information technology staff. Additional entities with expertise in education data may be included in the K-12 data governance group.

(3) The K-12 data governance group shall:

(a) Identify the critical research and policy questions that need to be addressed by the K-12 education data improvement system;

(b) Identify reports and other information that should be made available on the internet in addition to the reports identified in subsection (5) of this section;

(c) Create a comprehensive needs requirement document detailing the specific information and technical capacity needed by school districts and the state to meet the legislature's expectations for a comprehensive K-12 education data improvement system as described under section 202 of this act;

(d) Conduct a gap analysis of current and planned information compared to the needs requirement document, including an analysis of the strengths and limitations of an education data system and programs currently used by school districts and the state, and

specifically the gap analysis must look at the extent to which the existing data can be transformed into canonical form and where existing software can be used to meet the needs requirement document;

(e) Focus on financial and cost data necessary to support the new K-12 financial models and funding formulas, including any necessary changes to school district budgeting and accounting, and on assuring the capacity to link data across financial, student, and educator systems; and

(f) Define the operating rules and governance structure for K-12 data collections, ensuring that data systems are flexible and able to adapt to evolving needs for information, within an objective and orderly data governance process for determining when changes are needed and how to implement them. Strong consideration must be made to the current practice and cost of migration to new requirements. The operating rules should delineate the coordination, delegation, and escalation authority for data collection issues, business rules, and performance goals for each K-12 data collection system, including:

(i) Defining and maintaining standards for privacy and confidentiality;

(ii) Setting data collection priorities;

(iii) Defining and updating a standard data dictionary;

(iv) Ensuring data compliance with the data dictionary;

(v) Ensuring data accuracy; and

(vi) Establishing minimum standards for school, student, financial, and teacher data systems. Data elements may be specified "to the extent feasible" or "to the extent available" to collect more and better data sets from districts with more flexible software. Nothing in RCW 43.41.400, this section, or section 202 of this act should be construed to require that a data dictionary or reporting should be hobbled to the lowest common set. The work of the K-12 data governance group must specify which data are desirable. Districts that can meet these requirements shall report the desirable data. Funding from the legislature must establish which subset data are absolutely required.

(4)(a) The K-12 data governance group shall provide updates on its work as requested by the education data center and the legislative evaluation and accountability program committee.

(b) The work of the K-12 data governance group shall be periodically reviewed and monitored by the educational data center and the legislative evaluation and accountability program committee.

(5) To the extent data is available, the office of the superintendent of public instruction shall make the following minimum reports available on the internet. The reports must either be run on demand against current data, or, if a static report, must have been run against the most recent data:

(a) The percentage of data compliance and data accuracy by school district;

(b) The magnitude of spending per student, by student estimated by the following algorithm and reported as the detailed summation of the following components:

(i) An approximate, prorated fraction of each teacher or human resource element that directly serves the student. Each human resource element must be listed or accessible through online tunneling in the report;

(ii) An approximate, prorated fraction of classroom or building costs used by the student;

(iii) An approximate, prorated fraction of transportation costs used by the student; and

(iv) An approximate, prorated fraction of all other resources within the district. District-wide components should be disaggregated to the extent that it is sensible and economical;

(c) The cost of K-12 basic education, per student, by student, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(d) The cost of K-12 special education services per student, by student receiving those services, by school district, estimated by the algorithm in (b) of this subsection, and reported in the same manner as required in (b) of this subsection;

(e) Improvement on the statewide assessments computed as both a percentage change and absolute change on a scale score metric by

district, by school, and by teacher that can also be filtered by a student's length of full-time enrollment within the school district;

(f) Number of K-12 students per classroom teacher on a per teacher basis;

(g) Number of K-12 classroom teachers per student on a per student basis;

(h) Percentage of a classroom teacher per student on a per student basis; and

(i) The cost of K-12 education per student by school district sorted by federal, state, and local dollars.

(6) The superintendent of public instruction shall submit a preliminary report to the legislature by November 15, 2009, including the analyses by the K-12 data governance group under subsection (3) of this section and preliminary options for addressing identified gaps. A final report, including a proposed phase-in plan and preliminary cost estimates for implementation of a comprehensive data improvement system for financial, student, and educator data shall be submitted to the legislature by September 1, 2010.

(7) All reports and data referenced in this section, RCW 43.41.400, and section 202 of this act shall be made available in a manner consistent with the technical requirements of the legislative evaluation and accountability program committee and the education data center so that selected data can be provided to the legislature, governor, school districts, and the public.

(8) Reports shall contain data to the extent it is available. All reports must include documentation of which data are not available or are estimated. Reports must not be suppressed because of poor data accuracy or completeness. Reports may be accompanied with documentation to inform the reader of why some data are missing or inaccurate or estimated.

NEW SECTION. Sec. 204. A new section is added to chapter 43.41 RCW to read as follows:

The education data center and the superintendent of public instruction shall take all actions necessary to secure federal funds to implement sections 201 through 203 of this act.

PART III OTHER EDUCATIONAL PROVISIONS

NEW SECTION. Sec. 301. A new section is added to chapter 28A.500 RCW to read as follows:

(1) The legislature finds that while the state has the responsibility to provide for a general and uniform system of public schools, there is also a need for some diversity in the public school system. A successful system of public education must permit some variation among school districts outside the basic education provided for by the state to respond to and reflect the unique desires of local communities. The opportunity for local communities to invest in enriched education programs promotes support for local public schools. Further, the ability of local school districts to experiment with enriched programs can inform the legislature's long-term evolution of the definition of basic education. Therefore, local levy authority remains an important component of the overall finance system in support of the public schools even though it is outside the state's obligation for basic education.

(2) However, the value of permitting local levies must be balanced with the value of equity and fairness to students and to taxpayers, neither of whom should be unduly disadvantaged due to differences in the tax bases used to support local levies. Equity and fairness require both an equitable basis for supplemental funding outside basic education and a mechanism for property tax-poor school districts to fairly access supplemental funding. As such, local effort assistance, while also outside the state's obligation for basic education, is another important component of school finance.

NEW SECTION. Sec. 302. (1) Beginning July 1, 2010, the office of financial management, with assistance and support from the office of the superintendent of public instruction, shall convene a technical working group to develop options for a new system of supplemental school funding through local school levies and local effort assistance.

(2) The working group shall consider the impact on overall school district revenues of the new basic education funding system

established under this act and shall recommend a phase-in plan that ensures that no school district suffers a decrease in funding from one school year to the next due to implementation of the new system of supplemental funding.

(3) The working group shall be composed of representatives from the department of revenue, the legislative evaluation and accountability program committee, school district and educational service district financial managers, and representatives of the Washington association of school business officers, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with expertise in education finance. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(4) The local funding working group shall be monitored and overseen by the legislature and by the quality education council created in section 114 of this act. The working group shall report to the legislature December 1, 2011.

Sec. 303. RCW 28A.195.010 and 2004 c 19 s 106 are each amended to read as follows:

The legislature hereby recognizes that private schools should be subject only to those minimum state controls necessary to insure the health and safety of all the students in the state and to insure a sufficient basic education to meet usual graduation requirements. The state, any agency or official thereof, shall not restrict or dictate any specific educational or other programs for private schools except as hereinafter in this section provided.

Principals of private schools or superintendents of private school districts shall file each year with the state superintendent of public instruction a statement certifying that the minimum requirements hereinafter set forth are being met, noting any deviations. After review of the statement, the state superintendent will notify schools or school districts of those deviations which must be corrected. In case of major deviations, the school or school district may request and the state board of education may grant provisional status for one year in order that the school or school district may take action to meet the requirements. The state board of education shall not require private school students to meet the student learning goals, obtain a certificate of academic achievement, or a certificate of individual achievement to graduate from high school, to master the essential academic learning requirements, or to be assessed pursuant to RCW 28A.655.061. However, private schools may choose, on a voluntary basis, to have their students master these essential academic learning requirements, take the assessments, and obtain a certificate of academic achievement or a certificate of individual achievement. Minimum requirements shall be as follows:

(1) The minimum school year for instructional purposes shall consist of no less than one hundred eighty school days or the equivalent in annual minimum ~~((program)) instructional hour offerings (as prescribed in RCW 28A.150.220), with a school-wide annual average total instructional hour offering of one thousand hours for students enrolled in grades one through twelve, and at least four hundred fifty hours for students enrolled in kindergarten.~~

(2) The school day shall be the same as ~~((that required in RCW 28A.150.030 and 28A.150.220, except that the percentages of total program hour offerings as prescribed in RCW 28A.150.220 for basic skills, work skills, and optional subjects and activities shall not apply to private schools or private sectarian schools)) defined in section 102 of this act.~~

(3) All classroom teachers shall hold appropriate Washington state certification except as follows:

(a) Teachers for religious courses or courses for which no counterpart exists in public schools shall not be required to obtain a state certificate to teach those courses.

(b) In exceptional cases, people of unusual competence but without certification may teach students so long as a certified person exercises general supervision. Annual written statements shall be submitted to the office of the superintendent of public instruction reporting and explaining such circumstances.

(4) An approved private school may operate an extension program for parents, guardians, or persons having legal custody of a

child to teach children in their custody. The extension program shall require at a minimum that:

(a) The parent, guardian, or custodian be under the supervision of an employee of the approved private school who is certified under chapter 28A.410 RCW;

(b) The planning by the certified person and the parent, guardian, or person having legal custody include objectives consistent with this subsection and subsections (1), (2), (5), (6), and (7) of this section;

(c) The certified person spend a minimum average each month of one contact hour per week with each student under his or her supervision who is enrolled in the approved private school extension program;

(d) Each student's progress be evaluated by the certified person; and

(e) The certified employee shall not supervise more than thirty students enrolled in the approved private school's extension program.

(5) Appropriate measures shall be taken to safeguard all permanent records against loss or damage.

(6) The physical facilities of the school or district shall be adequate to meet the program offered by the school or district: PROVIDED, That each school building shall meet reasonable health and fire safety requirements. A residential dwelling of the parent, guardian, or custodian shall be deemed to be an adequate physical facility when a parent, guardian, or person having legal custody is instructing his or her child under subsection (4) of this section.

(7) Private school curriculum shall include instruction of the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music, all in sufficient units for meeting state board of education graduation requirements.

(8) Each school or school district shall be required to maintain up-to-date policy statements related to the administration and operation of the school or school district.

All decisions of policy, philosophy, selection of books, teaching material, curriculum, except as in subsection (7) of this section provided, school rules and administration, or other matters not specifically referred to in this section, shall be the responsibility of the administration and administrators of the particular private school involved.

Sec. 304. RCW 28A.160.150 and 1996 c 279 s 1 are each amended to read as follows:

Funds allocated for transportation costs, except for funds provided for transportation and transportation services to and from school shall be in addition to the basic education allocation. The distribution formula developed in RCW 28A.160.150 through 28A.160.180 shall be for allocation purposes only and shall not be construed as mandating specific levels of pupil transportation services by local districts. Operating costs as determined under RCW 28A.160.150 through 28A.160.180 shall be funded at one hundred percent or as close thereto as reasonably possible for transportation of an eligible student to and from school as defined in RCW 28A.160.160(3). In addition, funding shall be provided for transportation services for students living within ~~((one radius mile from school)) the walk area as determined under RCW ((28A.160.180(2))) 28A.160.160(5).~~

Sec. 305. RCW 28A.160.160 and 1996 c 279 s 2 are each amended to read as follows:

For purposes of RCW 28A.160.150 through 28A.160.190, except where the context shall clearly indicate otherwise, the following definitions apply:

(1) "Eligible student" means any student served by the transportation program of a school district or compensated for individual transportation arrangements authorized by RCW 28A.160.030 whose route stop is ~~((more than one radius mile from the)) outside the walk area for a student's school, except if the student to be transported is disabled under RCW 28A.155.020 and is either not ambulatory or not capable of protecting his or her own welfare while traveling to or from the school or agency where special education services are provided, in which case no mileage distance restriction applies.~~

(2) "Superintendent" means the superintendent of public instruction.

(3) "To and from school" means the transportation of students for the following purposes:

- (a) Transportation to and from route stops and schools;
- (b) Transportation to and from schools pursuant to an interdistrict agreement pursuant to RCW 28A.335.160;
- (c) Transportation of students between schools and learning centers for instruction specifically required by statute; and
- (d) Transportation of students with disabilities to and from schools and agencies for special education services.

Academic extended day transportation for the instructional program of basic education under RCW 28A.150.220 shall (not) be considered part of transportation of students "to and from school" for the purposes of ((chapter 61, Laws of 1983 1st ex. sess)) this section. Transportation for field trips may not be considered part of transportation of students "to and from school" under this section.

(4) "Transportation services" for students living within ~~((one radius mile from school means school transportation services including the use of buses;))~~ the walk area includes the coordination of walk-to- school programs, the funding of crossing guards, and matching funds for local and state transportation projects intended to mitigate hazardous walking conditions. Priority for transportation services shall be given to students in grades kindergarten through five.

(5) As used in this section, "walk area" means that area around a school with an adequate roadway configuration to provide students access to school with a walking distance of less than one mile. Mileage must be measured along the shortest roadway or maintained public walkway where hazardous conditions do not exist. The hazardous conditions must be documented by a process established in rule by the superintendent of public instruction and must include roadway, environmental, and social conditions. Each elementary school shall identify walk routes within the walk area.

Sec. 306. RCW 28A.160.170 and 2007 c 139 s 1 are each amended to read as follows:

Each district shall submit three times each year to the superintendent of public instruction during October, February, and May of each year a report containing the following:

(1)(a) The number of eligible students transported to and from school as provided for in RCW 28A.160.150 ~~((for the current school year and the number of miles estimated to be driven for pupil transportation services)),~~ along with ~~((a map describing student route))~~ identification of stop locations and school locations, and (b) the number of miles driven for pupil transportation services as authorized in RCW 28A.160.150 the previous school year; and

(2) Other operational data and descriptions as required by the superintendent to determine allocation requirements for each district. The superintendent shall require that districts separate the costs of operating the program for the transportation of eligible students to and from school as defined by RCW 28A.160.160(3) from non-to-and-from- school pupil transportation costs in the annual financial statement. The cost, quantity, and type of all fuel purchased by school districts for use in to-and-from-school transportation shall be included in the annual financial statement.

Each district shall submit the information required in this section on a timely basis as a condition of the continuing receipt of school transportation moneys.

Sec. 307. RCW 28A.160.180 and 1996 c 279 s 3 are each amended to read as follows:

Each district's annual student transportation allocation shall be ~~((based on differential rates))~~ determined by the superintendent of public instruction in the following manner:

(1) The superintendent shall annually calculate ~~((a standard student mile allocation rate for determining))~~ the transportation allocation for those services provided for in RCW 28A.160.150. ~~((("Standard student mile allocation rate," as used in this chapter, means the per mile allocation rate for transporting an eligible student.))~~ The ~~((standard student mile))~~ allocation ~~((rate))~~ formula may be adjusted to include such additional differential factors as ~~((distance; restricted))~~ basic and special passenger (load; circumstances that require use of special types of transportation vehicles; student with disabilities load; and small fleet maintenance)) counts as defined by the superintendent of public instruction, average distance to school, and number of locations served.

~~((2) ((For transportation services for students living within one radius mile from school;))~~ The allocation shall be based on a regression analysis of the number of basic and special students ~~((in grades kindergarten through five living within one radius mile as specified in the biennial appropriations act))~~ transported and as many other site characteristics that are identified as being statistically significant.

~~((3) ((The superintendent of public instruction shall annually calculate allocation rate(s), which shall include vehicle amortization, for determining))~~ The transportation allocation for transporting students in district-owned passenger cars, as defined in RCW 46.04.382, pursuant to RCW 28A.160.010 for services provided for in RCW 28A.160.150 if a school district deems it advisable to use such vehicles after the school district board of directors has considered the safety of the students being transported as well as the economy of utilizing a district-owned passenger car in lieu of a school bus is the private vehicle reimbursement rate in effect on September 1st of each school year. Students transported in district-owned passenger cars must be included in the corresponding basic or special passenger counts.

(4) Prior to June 1st of each year the superintendent shall submit to the office of financial management, and the education and fiscal committees ((on education and ways and means of the senate and house of representatives)) of the legislature, a report outlining the methodology and rationale used in determining the statistical coefficients for each site characteristic used to determine the allocation ~~((rates to be used))~~ for the following year.

Sec. 308. RCW 28A.160.190 and 1990 c 33 s 145 are each amended to read as follows:

The superintendent shall notify districts of their student transportation allocation before January 15th. ~~((If the number of eligible students in a school district changes ten percent or more from the October report, and the change is maintained for a period of twenty consecutive school days or more, the district may submit revised eligible student data to the superintendent of public instruction.))~~ The superintendent shall ~~((; to the extent funds are available;))~~ recalculate and prorate the district's allocation for the transportation of pupils to and from school.

The superintendent shall make the student transportation allocation in accordance with the apportionment payment schedule in RCW 28A.510.250. Such allocation payments may be based on ~~((estimated amounts))~~ the prior school year's ridership report for payments to be made in September, October, November, December, and January.

NEW SECTION. Sec. 309. A new section is added to chapter 28A.160 RCW to read as follows:

The superintendent of public instruction shall ensure that the allocation formula results in adequate appropriation for low enrollment districts, nonhigh districts, districts involved in cooperative transportation agreements, and cooperative special transportation services operated by educational service districts. If necessary, the superintendent shall develop a separate process to adjust the allocation of the districts.

NEW SECTION. Sec. 310. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction shall encourage efficient use of state resources by providing a linear programming process that compares school district transportation operations. If a school district's operation is calculated to be less than ninety percent efficient, the regional transportation coordinators shall provide an individual review to determine what measures are available to the school district to improve efficiency. The evaluation shall include such measures as:

- (a) Efficient routing of buses;
- (b) Efficient use of vehicle capacity; and
- (c) Reasonable controls on compensation costs.

(2) The superintendent shall submit to the fiscal and education committees of the legislature no later than December 1st of each year a report summarizing the efficiency reviews and the resulting changes implemented by school districts in response to the recommendations of the regional transportation coordinators.

NEW SECTION. Sec. 311. A new section is added to chapter 28A.160 RCW to read as follows:

(1) The superintendent of public instruction shall phase-in the implementation of the distribution formula under this chapter for allocating state funds to school districts for the transportation of students to and from school. The phase-in shall be according to the implementation schedule adopted by the legislature and shall begin no later than the 2013-14 school year.

(a) The formula must be developed and revised on an ongoing basis using the major cost factors in student transportation, including basic and special student loads, school district land area, average distance to school, roadway miles, and number of locations served. Factors must include all those site characteristics that are statistically significant after analysis of the data required by the revised reporting process.

(b) The formula must allocate funds to school districts based on the average predicted costs of transporting students to and from school, using a regression analysis.

(2) During the phase-in period, funding provided to school districts for student transportation operations shall be distributed on the following basis:

(a) Annually, each school district shall receive the lesser of the previous school year's pupil transportation operations allocation, or the total of allowable pupil transportation expenditures identified on the previous school year's final expenditure report to the state plus district indirect expenses using the state recovery rate identified by the superintendent; and

(b) Annually, any funds appropriated by the legislature in excess of the maintenance level funding amount for student transportation shall be distributed among school districts on a prorated basis using the difference between the amount identified in (a) of this subsection and the amount determined under the formula in RCW 28A.160.180.

(3) The superintendent shall develop, implement, and provide a copy of the rules specifying the student transportation reporting requirements to the legislature and school districts no later than December 1, 2009.

(4) Beginning in December 2009, and continuing until December 2014, the superintendent shall provide quarterly updates and progress reports to the fiscal committees of the legislature on the implementation and testing of the distribution formula.

PART IV CERTIFICATION AND PROFESSIONAL DEVELOPMENT

NEW SECTION. Sec. 401. The legislature recognizes that the key to providing all students the opportunity to achieve the basic education goal is effective teaching and leadership. Teachers, principals, and administrators must be provided with access to the opportunities they need to gain the knowledge and skills that will enable them to be increasingly successful in their classroom and schools. A system that clearly defines, supports, measures, and recognizes effective teaching and leadership is one of the most important investments to be made.

NEW SECTION. Sec. 402. A new section is added to chapter 28A.410 RCW to read as follows:

(1)(a) By January 1, 2010, the professional educator standards board shall adopt a set of articulated teacher knowledge, skill, and performance standards for effective teaching that are evidence-based, measurable, meaningful, and documented in high quality research as being associated with improved student learning. The standards shall be calibrated for each level of certification and along the entire career continuum. In developing the standards, the board shall, to the extent possible, incorporate standards for cultural competency along the entire continuum. For the purposes of this subsection, "cultural competency" includes knowledge of student cultural histories and contexts, as well as family norms and values in different cultures; knowledge and skills in accessing community resources and community and parent outreach; and skills in adapting instruction to students' experiences and identifying cultural contexts for individual students.

(b) By January 1, 2010, the professional educator standards board shall adopt a definition of master teacher, with a comparable level of increased competency between professional certification level and master level as between professional certification level and national board certification. Within the definition established by the

professional educator standards board, teachers certified through the national board for professional teaching standards shall be considered master teachers.

(2) By January 1, 2010, the professional educator standards board shall submit to the governor and the education and fiscal committees of the legislature:

(a) An update on the status of implementation of the professional certificate external and uniform assessment authorized in RCW 28A.410.210;

(b) A proposal for a uniform, statewide, valid, and reliable classroom-based means of evaluating teacher effectiveness as a culminating measure at the preservice level that is to be used during the student-teaching field experience. This assessment shall include multiple measures of teacher performance in classrooms, evidence of positive impact on student learning, and shall include review of artifacts, such as use of a variety of assessment and instructional strategies, and student work. The proposal shall establish a timeline for when the assessment will be required for successful completion of a Washington state-approved teacher preparation program. The timeline shall take into account the capacity of the K-12 education and higher education systems to accommodate the new assessment. The proposal and timeline shall also address how the assessment will be included in state-reported data on preparation program quality; and

(c) A recommendation on the length of time that a residency certificate issued to a teacher is valid and within what time period a teacher must meet the minimum level of performance for and receive a professional certificate in order to continue being certified as a teacher. In developing this recommendation, the professional educator standards board shall consult with interested stakeholders including the Washington education association, the Washington association of school administrators, association of Washington school principals, and the Washington state school directors' association and shall include with its recommendation a description of each stakeholder's comments on the recommendation.

(3) The update and proposal in subsection (2)(a) and (b) of this section shall include, at a minimum, descriptions of:

(a) Estimated costs and statutory authority needed for further development and implementation of these assessments;

(b) A common and standardized rubric for determining whether a teacher meets the minimum level of performance of the assessments; and

(c) Administration and management of the assessments.

(4) To the extent that funds are appropriated for this purpose and in accordance with the timeline established in subsection (2) of this section, recognizing the capacity limitations of the education systems, the professional educator standards board shall develop the system and process as established in subsections (1), (2), and (3) of this section throughout the remainder of the 2010-11 and 2011-12 school years.

(5) Beginning no earlier than September 1, 2011, award of a professional certificate shall be based on a minimum of two years of successful teaching experience as defined by the board and on the results of the evaluation authorized under RCW 28A.410.210(14) and under this section, and may not require candidates to enroll in a professional certification program.

(6) Beginning July 1, 2011, educator preparation programs approved to offer the residency teaching certificate shall be required to demonstrate how the program produces effective teachers as evidenced by the measures established under this section and other criteria established by the professional educator standards board.

Sec. 403. RCW 28A.415.360 and 2007 c 402 s 9 are each amended to read as follows:

(1) Subject to funds appropriated for this purpose, targeted professional development programs, to be known as learning improvement days, are authorized to further the development of outstanding mathematics, science, and reading teaching and learning opportunities in the state of Washington. The intent of this section is to provide guidance for the learning improvement days in the omnibus appropriations act. The learning improvement days authorized in this section shall not be considered part of the definition of basic education.

(2) ~~((The expected outcomes of these programs are))~~ A school district is eligible to receive funding for learning improvement days that are limited to specific activities related to student learning that contribute to the following outcomes:

(a) Provision of meaningful, targeted professional development for all teachers in mathematics, science, or reading;

(b) Increased knowledge and instructional skill for mathematics, science, or reading teachers;

(c) Increased use of curriculum materials with supporting diagnostic and supplemental materials that align with state standards;

(d) Skillful guidance for students participating in alternative assessment activities;

(e) Increased rigor of course offerings especially in mathematics, science, and reading;

(f) Increased student opportunities for focused, applied mathematics and science classes;

(g) Increased student success on state achievement measures; and

(h) Increased student appreciation of the value and uses of mathematics, science, and reading knowledge and exploration of related careers.

(3) School districts receiving resources under this section shall submit reports to the superintendent of public instruction ~~((regarding the use of the funds;))~~ documenting how the use of the funds ~~((is associated with))~~ contributes to measurable improvement in the ~~((expected))~~ outcomes described under subsection (2) of this section; and how other professional development resources and programs authorized in statute or in the omnibus appropriations act contribute to the expected outcomes. The superintendent of public instruction and the office of financial management shall collaborate on required report content and format.

PART V SHARED ACCOUNTABILITY FOR SCHOOL AND DISTRICT IMPROVEMENT

NEW SECTION. Sec. 501. (1)(a) The legislature intends to develop a system in which the state and school districts share accountability for achieving state educational standards and supporting continuous school improvement. The legislature recognizes that comprehensive education finance reform and the increased investment of public resources necessary to implement that reform must be accompanied by a new mechanism for clearly defining the relationships and expectations for the state, school districts, and schools. It is the legislature's intent that this be accomplished through the development of a proactive, collaborative accountability system that focuses on a school improvement system that engages and serves the local school board, parents, students, staff in the schools and districts, and the community. The improvement system shall be based on progressive levels of support, with a goal of continuous improvement in student achievement and alignment with the federal system of accountability.

(b) The legislature further recognizes that it is the state's responsibility to provide schools and districts with the tools and resources necessary to improve student achievement. These tools include the necessary accounting and data reporting systems, assessment systems to monitor student achievement, and a system of general support, targeted assistance, recognition, and, if necessary, state intervention.

(2) The legislature has already charged the state board of education to develop criteria to identify schools and districts that are successful, in need of assistance, and those where students persistently fail, as well as to identify a range of intervention strategies and a performance incentive system. The legislature finds that the state board of education should build on the work that the board has already begun in these areas. As development of these formulas, processes, and systems progresses, the legislature should monitor the progress.

Sec. 502. RCW 28A.305.130 and 2008 c 27 s 1 are each amended to read as follows:

The purpose of the state board of education is to provide advocacy and strategic oversight of public education; implement a standards- based accountability ~~((system))~~ framework that creates a

unified system of increasing levels of support for schools in order to improve student academic achievement; provide leadership in the creation of a system that personalizes education for each student and respects diverse cultures, abilities, and learning styles; and promote achievement of the goals of RCW 28A.150.210. In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Hold regularly scheduled meetings at such time and place within the state as the board shall determine and may hold such special meetings as may be deemed necessary for the transaction of public business;

(2) Form committees as necessary to effectively and efficiently conduct the work of the board;

(3) Seek advice from the public and interested parties regarding the work of the board;

(4) For purposes of statewide accountability:

(a) Adopt and revise performance improvement goals in reading, writing, science, and mathematics, by subject and grade level, once assessments in these subjects are required statewide; academic and technical skills, as appropriate, in secondary career and technical education programs; and student attendance, as the board deems appropriate to improve student learning. The goals shall be consistent with student privacy protection provisions of RCW 28A.655.090(7) and shall not conflict with requirements contained in Title I of the federal elementary and secondary education act of 1965, or the requirements of the Carl D. Perkins vocational education act of 1998, each as amended: The goals may be established for all students, economically disadvantaged students, limited English proficient students, students with disabilities, and students from disproportionately academically underachieving racial and ethnic backgrounds. The board may establish school and school district goals addressing high school graduation rates and dropout reduction goals for students in grades seven through twelve. The board shall adopt the goals by rule. However, before each goal is implemented, the board shall present the goal to the education committees of the house of representatives and the senate for the committees' review and comment in a time frame that will permit the legislature to take statutory action on the goal if such action is deemed warranted by the legislature;

(b) Identify the scores students must achieve in order to meet the standard on the Washington assessment of student learning and, for high school students, to obtain a certificate of academic achievement. The board shall also determine student scores that identify levels of student performance below and beyond the standard. The board shall consider the incorporation of the standard error of measurement into the decision regarding the award of the certificates. The board shall set such performance standards and levels in consultation with the superintendent of public instruction and after consideration of any recommendations that may be developed by any advisory committees that may be established for this purpose. The initial performance standards and any changes recommended by the board in the performance standards for the tenth grade assessment shall be presented to the education committees of the house of representatives and the senate by November 30th of the school year in which the changes will take place to permit the legislature to take statutory action before the changes are implemented if such action is deemed warranted by the legislature. The legislature shall be advised of the initial performance standards and any changes made to the elementary level performance standards and the middle school level performance standards;

~~((Adopt objective, systematic criteria to identify successful schools and school districts and recommend to the superintendent of public instruction schools and districts to be recognized for two types of accomplishments, student achievement and improvements in student achievement. Recognition for improvements in student achievement shall include consideration of one or more of the following accomplishments:~~

~~((i) An increase in the percent of students meeting standards. The level of achievement required for recognition may be based on the achievement goals established by the legislature and by the board under (a) of this subsection;~~

~~((ii) Positive progress on an improvement index that measures improvement in all levels of the assessment; and~~

~~— (iii) Improvements despite challenges such as high levels of mobility, poverty, English as a second language learners, and large numbers of students in special populations as measured by either the percent of students meeting the standard, or the improvement index. When determining the baseline year or years for recognizing individual schools, the board may use the assessment results from the initial years the assessments were administered, if doing so with individual schools would be appropriate;~~

~~— (d) Adopt objective, systematic criteria to identify schools and school districts in need of assistance and those in which significant numbers of students persistently fail to meet state standards. In its deliberations, the board shall consider the use of all statewide mandated criterion-referenced and norm-referenced standardized tests;~~

~~— (c) Identify schools and school districts in which state intervention measures will be needed and a range of appropriate intervention strategies after the legislature has authorized a set of intervention strategies. After the legislature has authorized a set of intervention strategies, at the request of the board, the superintendent shall intervene in the school or school district and take corrective actions. This chapter does not provide additional authority for the board or the superintendent of public instruction to intervene in a school or school district;~~

~~— (f) Identify performance incentive systems that have improved or have the potential to improve student achievement;~~

~~— (g)) Annually review the assessment reporting system to ensure fairness, accuracy, timeliness, and equity of opportunity, especially with regard to schools with special circumstances and unique populations of students, and a recommendation to the superintendent of public instruction of any improvements needed to the system; and~~

~~((h)) (d) Include in the biennial report required under RCW 28A.305.035, information on the progress that has been made in achieving goals adopted by the board;~~

(5) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all private schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.195.010, private schools carrying out a program for any or all of the grades kindergarten through twelve: PROVIDED, That no private school may be approved that operates a kindergarten program only: PROVIDED FURTHER, That no private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials;

(6) Articulate with the institutions of higher education, workforce representatives, and early learning policymakers and providers to coordinate and unify the work of the public school system;

(7) Hire an executive director and an administrative assistant to reside in the office of the superintendent of public instruction for administrative purposes. Any other personnel of the board shall be appointed as provided by RCW 28A.300.020. The board may delegate to the executive director by resolution such duties as deemed necessary to efficiently carry on the business of the board including, but not limited to, the authority to employ necessary personnel and the authority to enter into, amend, and terminate contracts on behalf of the board. The executive director, administrative assistant, and all but one of the other personnel of the board are exempt from civil service, together with other staff as now or hereafter designated as exempt in accordance with chapter 41.06 RCW; and

(8) Adopt a seal that shall be kept in the office of the superintendent of public instruction.

NEW SECTION, Sec. 503. A new section is added to chapter 28A.305 RCW to read as follows:

(1) The state board of education shall continue to refine the development of an accountability framework that creates a unified system of support for challenged schools, that aligns with basic education, increases the level of support based upon the magnitude of need, and uses data for decisions.

(2) The state board of education shall develop an accountability index to identify schools and districts for recognition and for additional state support. The index shall be based on criteria that are fair, consistent, and transparent. Performance shall be measured using multiple outcomes and indicators including, but not limited to,

graduation rates and results from statewide assessments. The index shall be developed in such a way as to be easily understood by both employees within the schools and districts, as well as parents and community members. It is the legislature's intent that the index provide feedback to schools and districts to self-assess their progress, and enable the identification of schools with exemplary student performance and those that need assistance to overcome challenges in order to achieve exemplary student performance. Once the accountability index has identified schools that need additional help, a more thorough analysis will be done to analyze specific conditions in the district including but not limited to the level of state resources a school or school district receives in support of the basic education system, achievement gaps for different groups of students, and community support.

(3) Based on the accountability index and in consultation with the superintendent of public instruction, the state board of education shall develop a proposal and timeline for implementation of a comprehensive system of voluntary support and assistance for schools and districts. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. Changes that have a fiscal impact on school districts, as identified by a fiscal analysis prepared by the office of the superintendent of public instruction, shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(4)(a) The state board of education shall develop a proposal and implementation timeline for a more formalized comprehensive system improvement targeted to challenged schools and districts that have not demonstrated sufficient improvement through the voluntary system. The timeline must take into account and accommodate capacity limitations of the K-12 educational system. The proposal and timeline shall be submitted to the education committees of the legislature by December 1, 2009, and shall include recommended legislation and recommended resources to implement the system according to the timeline developed.

(b) The proposal shall outline a process for addressing performance challenges that will include the following features: (i) An academic performance audit using peer review teams of educators that considers school and community factors in addition to other factors in developing recommended specific corrective actions that should be undertaken to improve student learning; (ii) a requirement for the local school board plan to develop and be responsible for implementation of corrective action plan taking into account the audit findings, which plan must be approved by the state board of education at which time the plan becomes binding upon the school district to implement; and (iii) monitoring of local district progress by the office of the superintendent of public instruction. The proposal shall take effect only if formally authorized by the legislature through the omnibus appropriations act or other enacted legislation.

(5) In coordination with the superintendent of public instruction, the state board of education shall seek approval from the United States department of education for use of the accountability index and the state system of support, assistance, and intervention, to replace the federal accountability system under P.L. 107-110, the no child left behind act of 2001.

(6) The state board of education shall work with the education data center established within the office of financial management and the technical working group established in section 112 of this act to determine the feasibility of using the prototypical funding allocation model as not only a tool for allocating resources to schools and districts but also as a tool for schools and districts to report to the state legislature and the state board of education on how the state resources received are being used.

PART VI COMPENSATION

NEW SECTION, Sec. 601. A new section is added to chapter 43.41 RCW to read as follows:

(1) The legislature recognizes that providing students with the opportunity to access a world-class educational system depends on our continuing ability to provide students with access to world-class

educators. The legislature also understands that continuing to attract and retain the highest quality educators will require increased investments. The legislature intends to enhance the current salary allocation model and recognizes that changes to the current model cannot be imposed without great deliberation and input from teachers, administrators, and classified employees. Therefore, it is the intent of the legislature to begin the process of developing an enhanced salary allocation model that is collaboratively designed to ensure the rationality of any conclusions regarding what constitutes adequate compensation.

(2) Beginning July 1, 2011, the office of financial management shall convene a technical working group to recommend the details of an enhanced salary allocation model that aligns state expectations for educator development and certification with the compensation system and establishes recommendations for a concurrent implementation schedule. In addition to any other details the technical working group deems necessary, the technical working group shall make recommendations on the following:

- (a) How to reduce the number of tiers within the existing salary allocation model;
- (b) How to account for labor market adjustments;
- (c) How to account for different geographic regions of the state where districts may encounter difficulty recruiting and retaining teachers;
- (d) The role of and types of bonuses available;
- (e) Ways to accomplish salary equalization over a set number of years; and
- (f) Initial fiscal estimates for implementing the recommendations including a recognition that staff on the existing salary allocation model would have the option to grandfather in permanently to the existing schedule.

(3) As part of its work, the technical working group shall conduct or contract for a preliminary comparative labor market analysis of salaries and other compensation for school district employees to be conducted and shall include the results in any reports to the legislature. For the purposes of this subsection, "salaries and other compensation" includes average base salaries, average total salaries, average employee basic benefits, and retirement benefits.

(4) The analysis required under subsection (1) of this section must:

- (a) Examine salaries and other compensation for teachers, other certificated instructional staff, principals, and other building-level certificated administrators, and the types of classified employees for whom salaries are allocated;
- (b) Be calculated at a statewide level that identifies labor markets in Washington through the use of data from the United States bureau of the census and the bureau of labor statistics; and
- (c) Include a comparison of salaries and other compensation to the appropriate labor market for at least the following subgroups of educators: Beginning teachers and types of educational staff associates.

(5) The working group shall include representatives of the department of personnel, the professional educator standards board, the office of the superintendent of public instruction, the Washington education association, the Washington association of school administrators, the association of Washington school principals, the Washington state school directors' association, the public school employees of Washington, and other interested stakeholders with appropriate expertise in compensation related matters. The working group may convene advisory subgroups on specific topics as necessary to assure participation and input from a broad array of diverse stakeholders.

(6) The working group shall be monitored and overseen by the legislature and the quality education council created in section 114 of this act. The working group shall make an initial report to the legislature by December 1, 2012, and shall include in its report recommendations for whether additional further work of the group is necessary.

PART VII GENERAL PROVISIONS--PROGRAM OF BASIC EDUCATION

Sec. 701. RCW 28A.165.005 and 2004 c 20 s 1 are each amended to read as follows:

~~((The learning assistance program requirements in))~~ This chapter ~~(are)~~ is designed to: (1) Promote the use of assessment data when developing programs to assist underachieving students; and (2) guide school districts in providing the most effective and efficient practices when implementing ~~((programs))~~ supplemental instruction and services to assist underachieving students. ~~((Further, this chapter provides the means by which a school district becomes eligible for learning assistance program funds and the distribution of those funds.))~~

Sec. 702. RCW 28A.165.015 and 2004 c 20 s 2 are each amended to read as follows:

Unless the context clearly indicates otherwise the definitions in this section apply throughout this chapter.

(1) "Approved program" means a program submitted to and approved by the office of the superintendent of public instruction and conducted pursuant to the plan that addresses the required elements as provided for in this chapter.

(2) "Basic skills areas" means reading, writing, and mathematics as well as readiness associated with these skills.

(3) "Participating student" means a student in kindergarten through grade ~~(eleven who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services. Beginning with the 2007-2008 school year, "participating student" means a student in kindergarten through grade)~~ twelve who scores below standard for his or her grade level on the statewide assessments and who is identified in the approved plan to receive services.

(4) "Statewide assessments" means one or more of the several basic skills assessments administered as part of the state's student assessment system, and assessments in the basic skills areas administered by local school districts.

(5) "Underachieving students" means students with the greatest academic deficits in basic skills as identified by the statewide assessments.

Sec. 703. RCW 28A.165.055 and 2008 c 321 s 10 are each amended to read as follows:

~~((+))~~ Each school district with an approved program is eligible for state funds provided for the learning assistance program. The funds shall be appropriated for the learning assistance program in accordance with RCW 28A.150.260 and the ((biennial)) omnibus appropriations act. The distribution formula is for school district allocation purposes only, but funds appropriated for the learning assistance program must be expended for the purposes of RCW 28A.165.005 through 28A.165.065. ~~((The distribution formula shall be based on one or more family income factors measuring economic need.~~

~~—(2) In addition to the funds allocated to eligible school districts on the basis of family income factors, enhanced funds shall be allocated for school districts where more than twenty percent of students are eligible for and enrolled in the transitional bilingual instruction program under chapter 28A.180 RCW as provided in this subsection. The enhanced funding provided in this subsection shall take effect beginning in the 2008-09 school year.~~

~~—(a) If, in the prior school year, a district's percent of October headcount student enrollment in grades kindergarten through twelve who are enrolled in the transitional bilingual instruction program, based on an average of the program headcount taken in October and May, exceeds twenty percent, twenty percent shall be subtracted from the district's percent transitional bilingual instruction program enrollment and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.~~

~~—(b) The number calculated under (a) of this subsection shall be the number of additional funded students for purposes of this subsection, to be multiplied by the per-funded student allocation rates specified in the omnibus appropriations act.~~

~~—(c) School districts are only eligible for the enhanced funds under this subsection if their percentage of October headcount enrollment in grades kindergarten through twelve eligible for free or reduced-price lunch exceeded forty percent in the prior school year.))~~

Sec. 704. RCW 28A.180.010 and 1990 c 33 s 163 are each amended to read as follows:

RCW 28A.180.010 through 28A.180.080 shall be known and cited as "the transitional bilingual instruction act." The legislature finds that there are large numbers of children who come from homes where the primary language is other than English. The legislature finds that a transitional bilingual education program can meet the needs of these children. Pursuant to the policy of this state to insure equal educational opportunity to every child in this state, it is the purpose of RCW 28A.180.010 through 28A.180.080 to provide for the implementation of transitional bilingual education programs in the public schools (~~and to provide supplemental financial assistance to school districts to meet the extra costs of these programs~~).

Sec. 705. RCW 28A.180.080 and 1995 c 335 s 601 are each amended to read as follows:

~~((The superintendent of public instruction shall prepare and submit biennially to the governor and the legislature a budget request for bilingual instruction programs.))~~ Moneys appropriated by the legislature for the purposes of RCW 28A.180.010 through 28A.180.080 shall be allocated by the superintendent of public instruction to school districts for the sole purpose of operating an approved bilingual instruction program (~~and priorities for funding shall exist for the early elementary grades. No moneys shall be allocated pursuant to this section to fund more than three school years of bilingual instruction for each eligible pupil within a district. PROVIDED, That such moneys may be allocated to fund more than three school years of bilingual instruction for any pupil who fails to demonstrate improvement in English language skills adequate to remove impairment of learning when taught only in English. The superintendent of public instruction shall set standards and approve a test for the measurement of such English language skills~~).

Sec. 706. RCW 28A.225.200 and 1990 c 33 s 234 are each amended to read as follows:

(1) A local district may be authorized by the educational service district superintendent to transport and educate its pupils in other districts for one year, either by payment of a compensation agreed upon by such school districts, or under other terms mutually satisfactory to the districts concerned when this will afford better educational facilities for the pupils and when a saving may be effected in the cost of education (~~PROVIDED, That~~). Notwithstanding any other provision of law, the amount to be paid by the state to the resident school district for apportionment purposes and otherwise payable pursuant to RCW (~~28A.150.100~~) 28A.150.250 through 28A.150.290, 28A.150.350 through 28A.150.410, 28A.160.150 through 28A.160.200, (~~28A.160.220~~) 28A.300.035, and 28A.300.170 (~~and 28A.500.010~~) shall not be greater than the regular apportionment for each high school student of the receiving district. Such authorization may be extended for an additional year at the discretion of the educational service district superintendent.

(2) Subsection (1) of this section shall not apply to districts participating in a cooperative project established under RCW 28A.340.030 which exceeds two years in duration.

Sec. 707. RCW 28A.185.010 and 1984 c 278 s 12 are each amended to read as follows:

Pursuant to rules (~~and regulations~~) adopted by the superintendent of public instruction for the administration of this chapter, the superintendent of public instruction shall carry out a program for highly capable students. Such program may include conducting, coordinating and aiding in research (including pilot programs), disseminating information to local school districts, providing statewide staff development, and allocating to school districts supplementary funds for additional costs of district programs, as provided by RCW (~~28A.185.020~~) 28A.150.260.

Sec. 708. RCW 28A.185.020 and 1990 c 33 s 168 are each amended to read as follows:

(1) The legislature finds that, for highly capable students, access to accelerated learning and enhanced instruction is access to a basic education. There are multiple definitions of highly capable, from intellectual to academic to artistic. The research literature strongly supports using multiple criteria to identify highly capable students, and therefore, the legislature does not intend to prescribe a single method. Instead, the legislature intends to allocate funding based on

two and three hundred fourteen one-thousandths percent of each school district's population and authorize school districts to identify through the use of multiple, objective criteria those students most highly capable and eligible to receive accelerated learning and enhanced instruction in the program offered by the district. Access to accelerated learning and enhanced instruction through the program for highly capable students does not constitute an individual entitlement for any particular student.

(2) Supplementary funds ((as may be) provided by the state for ((this program, in accordance with RCW 28A.150.370,)) the program for highly capable students under RCW 28A.150.260 shall be categorical funding ((on an excess cost basis based upon a per student amount not to exceed three percent of any district's full-time equivalent enrollment)) to provide services to highly capable students as determined by a school district under RCW 28A.185.030.

NEW SECTION. Sec. 709. A new section is added to chapter 28A.185 RCW to read as follows:

To the extent necessary, funds shall be made available for safety net awards for districts with demonstrated needs for funding for a highly capable program beyond the amounts provided through the highly capable funding formula under RCW 28A.150.260 and 28A.185.020. Safety net funds shall be awarded by the state safety net oversight committee subject to the conditions and limitations in subsections (1) through (4) of this section.

(1) The committee shall consider additional funds for districts that can convincingly demonstrate that all legitimate expenditures for the highly capable program exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for students in the highly capable program.

(2) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the safety net award process for the highly capable program, including determining the maximum allowable indirect cost for calculating safety net eligibility.

(3) The superintendent of public instruction shall provide technical assistance to school districts in preparing and submitting safety net applications for highly capable programs.

(4) The safety net committee for highly capable programs shall be composed of at least the following members:

(a) One staff member from the office of the superintendent of public instruction;

(b) Staff of the office of the state auditor, who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of highly capable programs and funding.

NEW SECTION. Sec. 710. The following acts or parts of acts are each repealed:

1.1.1.14. RCW 28A.150.030 (School day) and 1971 ex.s. c 161 s 1 & 1969 ex.s. c 223 s 28A.01.010;

1.1.1.15. RCW 28A.150.060 (Certificated employee) and 2005 c 497 s 212, 1990 c 33 s 102, 1977 ex.s. c 359 s 17, 1975 1st ex.s. c 288 s 21, & 1973 1st ex.s. c 105 s 1;

1.1.1.16. RCW 28A.150.100 (Basic education certificated instructional staff--Definition--Ratio to students) and 1990 c 33 s 103 & 1987 1st ex.s. c 2 s 203;

1.1.1.17. RCW 28A.150.040 (School year--Beginning--End) and 1990 c 33 s 101, 1982 c 158 s 5, 1977 ex.s. c 286 s 1, 1975-'76 2nd ex.s. c 118 s 22, & 1969 ex.s. c 223 s 28A.01.020;

1.1.1.18. RCW 28A.150.370 (Additional programs for which legislative appropriations must or may be made) and 1995 c 335 s 102, 1995 c 77 s 5, 1990 c 33 s 114, 1982 1st ex.s. c 24 s 1, & 1977 ex.s. c 359 s 7; and

1.1.1.19. RCW 28A.155.180 (Safety net funds--Application--Technical assistance--Annual survey) and 2007 c 400 s 8.

MISCELLANEOUS PROVISIONS

NEW SECTION. Sec. 801. Part headings used in this act are not any part of the law.

NEW SECTION. Sec. 802. Sections 1, 102, and 109 of this act are each added to chapter 28A.150 RCW.

NEW SECTION. Sec. 803. Section 114 of this act constitutes a new chapter in Title 28A RCW.

NEW SECTION. Sec. 804. Sections 101 through 110 and 701 through 710 of this act take effect September 1, 2011.

NEW SECTION. Sec. 805. Sections 304 through 311 of this act take effect September 1, 2013.

NEW SECTION. Sec. 806. Section 112 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. Sec. 807. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.150.200, 28A.150.210, 28A.150.220, 28A.150.250, 28A.150.260, 28A.150.315, 28A.150.390, 28A.150.380, 28A.230.090, 43.41.400, 28A.195.010, 28A.160.150, 28A.160.160, 28A.160.170, 28A.160.180, 28A.160.190, 28A.415.360, 28A.305.130, 28A.165.005, 28A.165.015, 28A.165.055, 28A.180.010, 28A.180.080, 28A.225.200, 28A.185.010, and 28A.185.020; adding new sections to chapter 28A.150 RCW; adding a new section to chapter 28A.300 RCW; adding a new section to chapter 28A.655 RCW; adding new sections to chapter 43.41 RCW; adding a new section to chapter 28A.500 RCW; adding new sections to chapter 28A.160 RCW; adding a new section to chapter 28A.410 RCW; adding a new section to chapter 28A.305 RCW; adding a new section to chapter 28A.185 RCW; adding a new chapter to Title 28A RCW; creating new sections; repealing RCW 28A.150.030, 28A.150.060, 28A.150.100, 28A.150.040, 28A.150.370, and 28A.155.180; providing effective dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Sullivan, Priest, Hunter, Anderson, Maxwell, Santos, Kagi, McCoy and Flannigan spoke in favor of the passage of the bill.

Representatives Chase, Appleton, Sells, Williams, Alexander, Hunt and Hasegawa spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2261, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2261, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 31; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Angel, Armstrong, Blake, Carlyle, Clibborn, Cody, Condotta, Dammeier, Darneille, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hudgins, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Appleton, Bailey, Campbell, Chandler, Chase, Conway, Cox, Crouse, DeBolt, Dunshee, Green, Hasegawa, Hope, Hunt, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Ross, Schmick, Seaquist, Sells, Shea, Short, Taylor, Van De Wege and Williams.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261.

LARRY HALER, 8th District

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 21, 2009, the 100th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ONE HUNDREDTH DAY

House Chamber, Olympia, Tuesday, April 21, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Detrix Custodio and Kelby Hawthorne. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Judy Warnick.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6121,
SENATE BILL NO. 6157,
SENATE BILL NO. 6167,
SENATE BILL NO. 6168,
SUBSTITUTE SENATE BILL NO. 6172,
SENATE BILL NO. 6179,
SENATE BILL NO. 6181,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 20, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5452,
SUBSTITUTE SENATE BILL NO. 5461,
SUBSTITUTE SENATE BILL NO. 5468,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5473,
SENATE BILL NO. 5482,
SUBSTITUTE SENATE BILL NO. 5504,
SUBSTITUTE SENATE BILL NO. 5509,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5513,
SUBSTITUTE SENATE BILL NO. 5531,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688,
and the same are herewith transmitted.

Thomas Hoemann, Secretary
April 20, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5120,
SUBSTITUTE SENATE BILL NO. 5199,
SUBSTITUTE SENATE BILL NO. 5248,
SUBSTITUTE SENATE BILL NO. 5270,
SUBSTITUTE SENATE BILL NO. 5286,
SUBSTITUTE SENATE BILL NO. 5318,
SECOND SUBSTITUTE SENATE BILL NO. 5346,
SUBSTITUTE SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5501,
SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5673,
SUBSTITUTE SENATE BILL NO. 5719,
SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5724,
SENATE BILL NO. 5731,
SUBSTITUTE SENATE BILL NO. 5738,
ENGROSSED SENATE BILL NO. 5810,
SUBSTITUTE SENATE BILL NO. 5834,

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854,
SUBSTITUTE SENATE BILL NO. 5891,
SUBSTITUTE SENATE BILL NO. 5921,
ENGROSSED SENATE BILL NO. 5925,

and the same are herewith transmitted.

Thomas Hoemann, Secretary
April 21, 2009

Mr. Speaker:

The President has signed the following:

SECOND SUBSTITUTE SENATE BILL NO. 5045,
SUBSTITUTE SENATE BILL NO. 5273,
SUBSTITUTE SENATE BILL NO. 5539,
SENATE BILL NO. 5540,
SUBSTITUTE SENATE BILL NO. 5556,
SUBSTITUTE SENATE BILL NO. 5561,
SUBSTITUTE SENATE BILL NO. 5565,
SUBSTITUTE SENATE BILL NO. 5566,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5583,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5601,
SUBSTITUTE SENATE BILL NO. 5608,
SUBSTITUTE SENATE BILL NO. 5610,
SUBSTITUTE SENATE BILL NO. 5616,
SENATE BILL NO. 5629,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5651,
SUBSTITUTE SENATE BILL NO. 5665,
SENATE BILL NO. 5673,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1238 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 13.50.010 and 1998 c 269 s 4 are each amended to read as follows:

(1) For purposes of this chapter:

(a) "Juvenile justice or care agency" means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the legislative children's oversight committee, the office of ~~((the))~~ the family and children's ombudsman, the department of social and health services and its contracting agencies, schools; persons or public or private agencies having children committed to their custody; and any placement oversight committee created under RCW 72.05.415;

(b) "Official juvenile court file" means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;

(c) "Records" means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case;

(d) "Social file" means the juvenile court file containing the records and reports of the probation counselor.

(2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.

(3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:

(a) The agency may never knowingly record inaccurate information. Any information in records maintained by the department of social and health services relating to a petition filed

pursuant to chapter 13.34 RCW that is found by the court to be false or inaccurate shall be corrected or expunged from such records by the agency;

(b) An agency shall take reasonable steps to assure the security of its records and prevent tampering with them; and

(c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.

(4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.

(5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.

(6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment. The court may also permit inspection by or release to individuals or agencies, including juvenile justice advisory committees of county law and justice councils, engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050((++)) (12). The court shall release to the sentencing guidelines commission records needed for its research and data-gathering functions under RCW 9.94A.850 and other statutes. Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the sentencing guidelines commission under RCW 9.94A.850 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

(10) Requirements in this chapter relating to the court's authority to compel disclosure shall not apply to the legislative children's oversight committee or the office of the family and children's ombudsman.

(11) The administrative office of the courts shall maintain an electronic research copy of all records in the judicial information system related to juveniles. For purposes of this chapter, "research copy" means an electronic replica of all records entered into the judicial information system related to juveniles including records destroyed or removed from the judicial information system under RCW 13.50.050 (17) and (18) and 13.50.100(3) and used for the purposes of legitimate research for educational, scientific, or public purposes.

(12) The court shall release to the Washington state office of public defense records needed to implement the agency's oversight, technical assistance, and other functions as required by RCW 2.70.020. Access to the records used as a basis for oversight, technical assistance, or other agency functions is restricted to the

Washington state office of public defense. The Washington state office of public defense shall maintain the confidentiality of all confidential information included in the records."

On page 1, line 3 of the title, after "defense;" strike the remainder of the title and insert "and amending RCW 13.50.010."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

POINT OF ORDER

Representative Green requested a scope and object ruling on the Senate amendment to House Bill No. 1238.

SPEAKER'S RULING

Mr. Speaker (Representative Moeller presiding): "The title of House Bill No. 1238 is narrowly drafted to allow two specified entities – the Washington State Center for Court Research and the Washington Office of Public Defense – to access juvenile court records.

The Senate amendment allows access to such records by other individuals and entities and is outside the scope of the bill.

Representative Green, your point of order is well taken."

There being no objection, the House did not concur in the Senate amendment to HOUSE BILL NO. 1238 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that the deployment and adoption of high-speed internet services and technology advancements enhance economic development and public safety for the state's communities. Such deployment also offers improved health care, access to consumer and legal services, increased educational and civic participation opportunities, and a better quality of life for the state's residents. The legislature further finds that improvements in the deployment and adoption of high-speed internet services and the strategic inclusion of technology advancements and technology education are critical to ensuring that Washington remains competitive and continues to provide a skilled workforce, attract businesses, and stimulate job growth.

(2) The legislature intends to support strategic partnerships of public, private, nonprofit, and community-based sectors in the continued growth and development of high-speed internet services and information technology. The legislature further intends to ensure that all Washington citizens, businesses, schools, and organizations are able to obtain and utilize broadband fully, regardless of location, economic status, literacy level, age, disability, structure, or size. In addition, the legislature intends that a statewide assessment of the availability, location, service levels, and other characteristics of high-speed internet services and other advanced telecommunications services in the state be conducted.

(3) In recognition of the importance of broadband deployment and adoption to the economy, health, safety, and welfare of the people of Washington, it is the purpose of this act to make high-speed internet service more readily available throughout the state, especially in areas and for populations with a low utilization rate.

NEW SECTION. Sec. 2. (1) The broadband mapping account is established in the custody of the state treasurer. The department

shall deposit into the account such funds received from legislative appropriation, federal grants authorized under the federal broadband data improvement act, P.L. 110-385, Title I, and donated funds from private and public sources. Expenditures from the account may be used only for the purposes of sections 3 through 5 of this act. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of information services is the single eligible entity in the state for purposes of the federal broadband data improvement act, P.L. 110-385, Title I.

(3) Funding received by the department under the federal broadband data improvement act, P.L. 110-385, Title I, must be used in accordance with the requirements of that act and, subject to those requirements, may be distributed by the department on a competitive basis to other entities in the state to achieve the purposes of that act.

(4) The department of information services shall consult with the department of community, trade, and economic development or its successor agency, the office of financial management, and the utilities and transportation commission in coordinating broadband mapping activities. In carrying out any broadband mapping activities, the provisions of P.L. 110-385, Title I, regarding trade secrets, commercial or financial information, and privileged or confidential information submitted by the federal communications commission or a broadband provider are deemed to encompass the consulted agencies.

NEW SECTION. Sec. 3. (1) Subject to the availability of federal or state funding, the department may:

(a) Develop an interactive web site to allow residents to self-report whether high-speed internet is available at their home or residence and at what speed; and

(b) Conduct a detailed survey of all high-speed internet infrastructure owned or leased by state agencies and creating a geographic information system map of all high-speed internet infrastructure owned or leased by the state.

(2) State agencies responding to a survey request from the department under subsection (1)(b) of this section shall respond in a reasonable and timely manner, not to exceed one hundred twenty days. The department shall request of state agencies, at a minimum:

(a) The total bandwidth of high-speed internet infrastructure owned or leased;

(b) The cost of maintaining that high-speed internet infrastructure, if owned, or the price paid for the high-speed internet infrastructure, if leased; and

(c) The leasing entity, if applicable.

(3) The department may adopt rules as necessary to carry out the provisions of this section.

(4) For purposes of this section, "state agency" includes every state office, department, division, bureau, board, commission, or other state agency.

NEW SECTION. Sec. 4. (1) The department is authorized, through a competitive bidding process, to procure on behalf of the state a geographic information system map detailing high-speed internet infrastructure, service availability, and adoption. This geographic information system map may include adoption information, availability information, type of high-speed internet deployment technology, and available speed tiers for high-speed internet based on any publicly available data.

(2) The department may procure this map either by:

(a) Contracting for and purchasing a completed map from a third party; or

(b) Working directly with the federal communications commission to accept publicly available data.

(3) The department shall establish an accountability and oversight structure to ensure that there is transparency in the bidding and contracting process and full financial and technical accountability for any information or actions taken by a third-party contractor creating this map.

(4) In contracting for purchase of the map in subsection (2)(a) of this section, the department may take no action, nor impose any condition on the third party, that causes any record submitted by a public or private broadband service provider to the third party to

meet the standard of a public record as defined in RCW 42.56.010. This prohibition does not apply to any records delivered to the department by the third party as a component of the completed map. For the purpose of RCW 42.56.010(2), the purchase by the department of a completed map may not be deemed use or ownership by the department of the underlying information used by the third party to complete the map.

(5) Data or information that is publicly available as of the effective date of this section will not cease to be publicly available due to any provision of this act.

NEW SECTION. Sec. 5. (1) The department, in coordination with the department of community, trade, and economic development and the utilities and transportation commission, and such advisors as the department chooses, may prepare regular reports that identify the following:

(a) The geographic areas of greatest priority for the deployment of advanced telecommunications infrastructure in the state;

(b) A detailed explanation of how any amount of funding received from the federal government for the purposes of broadband mapping, deployment, and adoption will be or have been used; and

(c) A determination of how nonfederal sources may be utilized to achieve the purposes of broadband mapping, deployment, and adoption activities in the state.

(2) To the greatest extent possible, the initial report should be based upon the information identified in the geographic system maps developed under the requirements of this chapter.

(3) The initial report should be delivered to the appropriate committees of the legislature as soon as feasible, but no later than January 18, 2010.

(4) Future reports based upon the requirements of subsection (1) of this section should be delivered to the appropriate committees of the legislature by January 15th of each year.

Sec. 6. RCW 28B.32.010 and 2008 c 262 s 6 are each amended to read as follows:

The community technology opportunity program is created to support the efforts of community technology programs throughout the state. The community technology opportunity program must be administered by the (~~Washington State University extension, in consultation with the~~) department of information services. The (~~Washington State University extension~~) department may contract for services in order to carry out the (~~extension's~~) department's obligations under this section.

(1) In implementing the community technology opportunity program the administrator must, to the extent funds are appropriated for this purpose:

(a) Provide organizational and capacity building support to community technology programs throughout the state, and identify and facilitate the availability of other public and private sources of funds to enhance the purposes of the program and the work of community technology programs. No more than fifteen percent of funds received by the administrator for the program may be expended on these functions;

(b) Establish a competitive grant program and provide grants to community technology programs to provide training and skill-building opportunities; access to hardware and software; internet connectivity; digital media literacy; assistance in the adoption of information and communication technologies in low-income and underserved areas of the state; and development of locally relevant content and delivery of vital services through technology.

(2) Grant applicants must:

(a) Provide evidence that the applicant is a nonprofit entity or a public entity that is working in partnership with a nonprofit entity;

(b) Define the geographic area or population to be served;

(c) Include in the application the results of a needs assessment addressing, in the geographic area or among the population to be served: The impact of inadequacies in technology access or knowledge, barriers faced, and services needed;

(d) Explain in detail the strategy for addressing the needs identified and an implementation plan including objectives, tasks, and benchmarks for the applicant and the role that other organizations will play in assisting the applicant's efforts;

(e) Provide evidence of matching funds and resources, which are equivalent to at least one-quarter of the grant amount committed to the applicant's strategy;

(f) Provide evidence that funds applied for, if received, will be used to provide effective delivery of community technology services in alignment with the goals of this program and to increase the applicant's level of effort beyond the current level; and

(g) Comply with such other requirements as the administrator establishes.

(3) The administrator may use no more than ten percent of funds received for the community technology opportunity program to cover administrative expenses.

(4) The administrator must establish expected program outcomes for each grant recipient and must require grant recipients to provide an annual accounting of program outcomes.

Sec. 7. RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

~~((As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:))~~ The definitions in this section apply throughout this chapter unless the context clearly required otherwise.

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(7) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television

broadcast stations as currently designated by the department of community, trade, and economic development under chapter 43.330 RCW;

(17) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(19) "K-20 network" means the network established in RCW 43.105.820;

(20) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board;

(21) "Administrator" means the community technology opportunity program administrator designated by the department;

(22) "Community technology programs" means programs that are engaged in diffusing information and communications technology in local communities, particularly in unserved and underserved areas of the state. These programs may include, but are not limited to, programs that provide education and skill-building opportunities, hardware and software, internet connectivity, digital media literacy, development of locally relevant content, and delivery of vital services through technology;

(23) "Broadband" means a high-speed, high capacity transmission medium, using land-based, satellite, wireless, or any other mechanism, that can carry either signals or transmit data, or both, over long distances by using a wide range of frequencies;

(24) "Council" means the advisory council on digital inclusion created in section 10 of this act;

(25) "High-speed internet" means broadband.

Sec. 8. RCW 28B.32.030 and 2008 c 262 s 8 are each amended to read as follows:

The Washington community technology opportunity account is established in the state treasury. The governor or the governor's designee and the director or the director's designee shall deposit into the account federal grants to the state authorized under Division B, Title VI of the American recovery and reinvestment act of 2009, legislative appropriations, and donated funds from private and public sources for purposes related to broadband deployment and adoption, including matching funds required by the act. Donated funds from private and public sources may be deposited into the account. Expenditures from the account may be used only ~~((for))~~ as matching funds for federal and other grants to fund the operation of the community technology opportunity program ((as provided in RCW 28B.32.010)) under this chapter and to fund other activities authorized in this act. Only the ~~((administrator))~~ director or the ((administrator's)) director's designee may authorize expenditures from the account.

NEW SECTION. Sec. 9. (1) The governor may take all appropriate steps to carry out the purposes of Division B, Title VI of the American recovery and reinvestment act of 2009, P.L. 111-5, and maximize investment in broadband deployment and adoption in the state of Washington consistent with this act. Such steps may include the designation of a broadband deployment and adoption coordinator; review and prioritization of grant applications by public and private entities as directed by the national telecommunications and information administration, the rural utility services, and the federal communications commission; disbursement of block grant funding; and direction to state agencies to provide staffing as necessary to carry out this section. The authority for overseeing broadband adoption and deployment efforts on behalf of the state is vested in the department.

(2) The department may apply for federal funds and other grants or donations, may deposit such funds in the Washington community technology opportunity account created in RCW 28B.32.030 (as recodified by this act), may oversee implementation of federally funded or mandated broadband programs for the state and may adopt rules to administer the programs. These programs may include but are not limited to the following:

(a) Engaging in periodic statewide surveys of residents, businesses, and nonprofit organizations concerning their use and

adoption of high-speed internet, computer, and related information technology for the purpose of identifying barriers to adoption;

(b) Working with communities to identify barriers to the adoption of broadband service and related information technology services by individuals, nonprofit organizations, and businesses;

(c) Identifying broadband demand opportunities in communities by working cooperatively with local organizations, government agencies, and businesses;

(d) Creating, implementing, and administering programs to improve computer ownership, technology literacy, digital media literacy, and high-speed internet access for populations not currently served or underserved in the state. This may include programs to provide low-income families, community-based nonprofit organizations, nonprofit entities, and public entities that work in partnership with nonprofit entities to provide increased access to computers and broadband, with reduced cost internet access;

(e) Administering the community technology opportunity program under chapter 28B.32 RCW (as recodified by this act);

(f) Creating additional programs to spur the development of high-speed internet resources in the state;

(g) Establishing technology literacy and digital inclusion programs and establishing low-cost hardware, software, and internet purchasing programs that may include allowing participation by community technology programs in state purchasing programs; and

(h) Developing technology loan programs targeting small businesses or businesses located in unserved and underserved areas.

NEW SECTION. Sec. 10. (1) Subject to the availability of federal or state funding, the department may reconvene the high-speed internet work group previously established by chapter 262, Laws of 2008. The work group is renamed the advisory council on digital inclusion, and is an advisory group to the department. The council must include, but is not limited to, volunteer representatives from community technology organizations, telecommunications providers, higher education institutions, K-12 education institutions, public health institutions, public housing entities, and local government and other governmental entities that are engaged in community technology activities.

(2) The council shall prepare a report by January 15th of each year and submit it to the department, the governor, and the appropriate committees of the legislature. The report must contain:

(a) An analysis of how support from public and private sector partnerships, the philanthropic community, and other not-for-profit organizations in the community, along with strong relationships with the state board for community and technical colleges, the higher education coordinating board, and higher education institutions, could establish a variety of high-speed internet access alternatives for citizens;

(b) Proposed strategies for continued broadband deployment and adoption efforts, as well as further development of advanced telecommunications applications;

(c) Recommendations on methods for maximizing the state's research and development capacity at universities and in the private sector for developing advanced telecommunications applications and services, and recommendations on incentives to stimulate the demand for and development of these applications and services;

(d) An identification of barriers that hinder the advancement of technology entrepreneurship in the state; and

(e) An evaluation of programs designed to advance digital literacy and computer access that are made available by the federal government, local agencies, telecommunications providers, and business and charitable entities.

NEW SECTION. Sec. 11. If any part of this act is found to be in conflict with federal requirements that are a prescribed condition to the allocation of federal funds to the state, the conflicting part of this act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding does not affect the operation of the remainder of this act in its application to the agencies concerned. Rules adopted under this act must meet federal requirements that are a necessary condition to the receipt of federal funds by the state.

NEW SECTION. Sec. 12. Sections 2 through 5, 9, and 10 of this act are each added to chapter 43.105 RCW.

NEW SECTION. Sec. 13. RCW 28B.32.010, 28B.32.030, 28B.32.900, and 28B.32.901 are each recodified as sections in chapter 43.105 RCW.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

1.1.1.1. RCW 28B.32.020 (Definitions) and 2008 c 262 s 7; and

1.1.1.2. RCW 43.105.350 (Request for information from providers-- Limitation) and 2008 c 262 s 3.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 16. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009.

NEW SECTION. Sec. 17. If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2009, in the omnibus appropriations act, this act is null and void."

On page 1, line 2 of the title, after "activities;" strike the remainder of the title and insert "amending RCW 28B.32.010, 43.105.020, and 28B.32.030; adding new sections to chapter 43.105 RCW; creating new sections; recodifying RCW 28B.32.010, 28B.32.030, 28B.32.900, and 28B.32.901; repealing RCW 28B.32.020 and 43.105.350; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative and shall determine whether the department has made efforts in this regard;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal

custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order, including why placement with a relative is not appropriate at this time. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of

change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 2. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. If the court does not place the child with a relative, the court shall indicate why placement with a relative did not occur. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out- of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 3. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives and if not, the court shall indicate why the child is not in a relative placement;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under (~~RCW 13.34.130 and this section~~) **this chapter** is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

NEW SECTION. Sec. 4. A new section is added to chapter 13.34 RCW to read as follows:

(1) At a disposition, review, or any other hearing that occurs after a dependency is established under this chapter, the court shall ensure that a dependent child over the age of twelve, who is otherwise present in the courtroom, is aware of and understands the duties and responsibilities the department has to a child subject to a dependency including, but not limited to, the following:

(a) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(b) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(c) Parent-child visits;

(d) Statutory preference for placement with a relative, if appropriate; and

(e) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(2) If the dependent child is already represented by counsel, the court need not comply with subsection (1) of this section.

NEW SECTION. Sec. 5. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts shall develop standard court forms and format rules for mandatory use by parties in dependency matters commenced under this chapter or chapter 26.44 RCW. Forms shall be developed not later than November 1, 2009, and the mandatory use requirement shall be effective January 1, 2010. The administrative office of the courts has continuing responsibility to develop and revise mandatory forms and format rules as appropriate.

(2) According to rules established by the administrative office of the courts, a party may delete unnecessary portions of the forms and may supplement the mandatory forms with additional material.

(3) Failure by a party to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. The court may, however, require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

(4) The administrative office of the courts shall distribute a master copy of the mandatory forms to all county court clerks. Upon request, the administrative office of the courts and county clerks must distribute the forms to the public and may charge for the cost of production and distribution of the forms. Private vendors also may distribute the forms. Distribution of forms may be in printed or electronic form.

Sec. 6. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services

including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the

purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(16)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative, if appropriate; and

(v) Statutory preference that an out-of-home placement be found that would allow the child to remain in the same school district, if practical.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 7. A new section is added to chapter 74.13 RCW to read as follows:

Once a dependency is established under chapter 13.34 RCW, the social worker assigned to the case shall provide the dependent child with a document containing the information contained in RCW 74.13.031(16). The social worker shall also explain the content of the document to the child and direct the child to the department's web site for further information. The social worker shall document, in the electronic data system, that this requirement was met.

Sec. 8. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

(1) The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

(2) Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

(3) Such agreements shall meet the following criteria:

~~((+))~~ (a) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

~~((2))~~ (b) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

~~((3))~~ (c) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

~~((4))~~ (d) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

(4) Six months before an adoption is finalized under chapter 26.33 RCW and RCW 74.13.100 through 74.13.145, the department must provide to the prospective adoptive parents, in writing,

information describing the limits of the adoption support program including the following information:

(a) The limits on monthly in-cash payments to adoptive families;

(b) The limits on the availability of mental health services and the funds with which to pay for these services;

(c) How to access mental health services for children receiving adoption support services;

(d) The limits on the one-time cash payments to adoptive families for expenses related to their adopted children;

(e) That payment for residential or group care is not available for adopted children under the adoption support program;

(f) The risks inherent in adopting a child from the department.

Sec. 9. RCW 74.13.250 and 1990 c 284 s 2 are each amended to read as follows:

(1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; information on the limits of the adoption support program as provided in RCW 74.13.109(4); and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Preservice training shall be completed prior to the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

Sec. 10. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

(1) A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

~~((+))~~ (a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

~~((2))~~ (b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

~~((3))~~ (c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

~~((4))~~ (d) The foster parent has advocated for services on behalf of the foster child;

~~((5))~~ (e) The foster parent has sought to adopt a foster child in the foster parent's care; or

~~((6))~~ (f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) The ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombudsman in writing, within thirty days of receiving the ombudsman's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents."

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.065, 74.13.031, 74.13.109, 74.13.250, and 74.13.333; reenacting and amending RCW 13.34.130 and 13.34.138; adding new sections to chapter 13.34 RCW; and adding a new section to chapter 74.13 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782 and asked the Senate to recede therefrom.

The Speaker (Representative Moeller presiding) announced that the House was under the "three minute rule" limiting debate to three minutes per person.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1385 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 9A.44.093 and 2005 c 262 s 2 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the first degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual intercourse with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with ~~((a registered))~~ an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual intercourse with his or her foster child who is at least sixteen.

(2) Sexual misconduct with a minor in the first degree is a class C felony.

(3) For the purposes of this section((c)):

(a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW.

(b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW,

who is not enrolled as a student of the common school or private school.

Sec. 2. RCW 9A.44.096 and 2005 c 262 s 3 are each amended to read as follows:

(1) A person is guilty of sexual misconduct with a minor in the second degree when: (a) The person has, or knowingly causes another person under the age of eighteen to have, sexual contact with another person who is at least sixteen years old but less than eighteen years old and not married to the perpetrator, if the perpetrator is at least sixty months older than the victim, is in a significant relationship to the victim, and abuses a supervisory position within that relationship in order to engage in or cause another person under the age of eighteen to engage in sexual contact with the victim; (b) the person is a school employee who has, or knowingly causes another person under the age of eighteen to have, sexual contact with ~~((a registered))~~ an enrolled student of the school who is at least sixteen years old and not more than twenty-one years old and not married to the employee, if the employee is at least sixty months older than the student; or (c) the person is a foster parent who has, or knowingly causes another person under the age of eighteen to have, sexual contact with his or her foster child who is at least sixteen.

(2) Sexual misconduct with a minor in the second degree is a gross misdemeanor.

(3) For the purposes of this section((c)):

(a) "Enrolled student" means any student enrolled at or attending a program hosted or sponsored by a common school as defined in RCW 28A.150.020, or a student enrolled at or attending a program hosted or sponsored by a private school under chapter 28A.195 RCW, or any person who receives home-based instruction under chapter 28A.200 RCW.

(b) "School employee" means an employee of a common school defined in RCW 28A.150.020, or a grade kindergarten through twelve employee of a private school under chapter 28A.195 RCW, who is not enrolled as a student of the common school or private school.

On page 1, line 1 of the title, after "employees;" strike the remainder of the title and insert "and amending RCW 9A.44.093 and 9A.44.096."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1385 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Haler and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1385, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1385, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; Nays, 16; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Clibborn, Cody, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz,

Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Orwall, Parker, Pearson, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White and Mr. Speaker.

Voting nay: Representatives Appleton, Carlyle, Chase, Conway, Darneille, Dickerson, Dunshee, Eddy, Goodman, Hasegawa, Nelson, Ormsby, Pedersen, Roberts, Williams and Wood.

ENGROSSED HOUSE BILL NO. 1385, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED HOUSE BILL NO. 1385.

STEVE CONWAY, 29th District

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1484 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 76.09.040 and 2000 c 11 s 3 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall adopt forest practices rules pursuant to chapter 34.05 RCW and in accordance with the procedures enumerated in this section that:

(a) Establish minimum standards for forest practices;

(b) Provide procedures for the voluntary development of resource management plans which may be adopted as an alternative to the minimum standards in (a) of this subsection if the plan is consistent with the purposes and policies stated in RCW 76.09.010 and the plan meets or exceeds the objectives of the minimum standards;

(c) Set forth necessary administrative provisions;

(d) Establish procedures for the collection and administration of forest practice fees as set forth by this chapter; and

(e) Allow for the development of watershed analyses.

Forest practices rules pertaining to water quality protection shall be adopted by the board after reaching agreement with the director of the department of ecology or the director's designee on the board with respect thereto. All other forest practices rules shall be adopted by the board.

Forest practices rules shall be administered and enforced by either the department or the local governmental entity as provided in this chapter. Such rules shall be adopted and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board shall prepare proposed forest practices rules. In addition to any forest practices rules relating to water quality protection proposed by the board, the department of ecology may submit to the board proposed forest practices rules relating to water quality protection.

Prior to initiating the rule-making process, the proposed rules shall be submitted for review and comments to the department of fish and wildlife and to the counties of the state. After receipt of the proposed forest practices rules, the department of fish and wildlife and the counties of the state shall have thirty days in which to review and submit comments to the board, and to the department of ecology with respect to its proposed rules relating to water quality protection. After the expiration of such thirty day period the board and the department of ecology shall jointly hold one or more hearings on the proposed rules pursuant to chapter 34.05 RCW. At such hearing(s) any county may propose specific forest practices rules relating to

problems existing within such county. The board may adopt and the department of ecology may approve such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

(3) The board shall establish by rule a program for the acquisition of riparian open space ((program that includes acquisition of a fee interest in, or at the landowner's option, a conservation easement on)) and critical habitat for threatened or endangered species as designated by the board. Acquisition must be a conservation easement. Lands eligible for acquisition are forest lands within unconfined ((avulsing)) channel migration zones or forest lands containing critical habitat for threatened or endangered species as designated by the board. Once acquired, these lands may be held and managed by the department, transferred to another state agency, transferred to an appropriate local government agency, or transferred to a private nonprofit nature conservancy corporation, as defined in RCW 64.04.130, in fee or transfer of management obligation. The board shall adopt rules governing the acquisition by the state or donation to the state of such interest in lands including the right of refusal if the lands are subject to unacceptable liabilities. The rules shall include definitions of qualifying lands, priorities for acquisition, and provide for the opportunity to transfer such lands with limited warranties and with a description of boundaries that does not require full surveys where the cost of securing the surveys would be unreasonable in relation to the value of the lands conveyed. The rules shall provide for the management of the lands for ecological protection or fisheries enhancement. ((Because there are few, if any, comparable sales of forest land within unconfined avulsing channel migration zones, separate from the other lands or assets, these lands are likely to be extraordinarily difficult to appraise and the cost of a conventional appraisal often would be unreasonable in relation to the value of the land involved. Therefore, for the purposes of voluntary sales under this section, the legislature declares that these lands are presumed to have a value equal to: (a) The acreage in the sale multiplied by the average value of commercial forest land in the region under the land value tables used for property tax purposes under RCW 84.33.120; plus (b) the cruised volume of any timber located within the channel migration multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091. For purposes of this section, there shall be an eastside region and a westside region as defined in the forests and fish report as defined in RCW 76.09.020.)) For the purposes of conservation easements entered into under this section, the following apply: (a) For conveyances of a conservation easement in which the landowner conveys an interest in the trees only, the compensation must include the timber value component, as determined by the cruised volume of any timber located within the channel migration zone or critical habitat for threatened or endangered species as designated by the board, multiplied by the appropriate quality code stumpage value for timber of the same species shown on the appropriate table used for timber harvest excise tax purposes under RCW 84.33.091; (b) for conveyances of a conservation easement in which the landowner conveys interests in both land and trees, the compensation must include the timber value component in (a) of this subsection plus such portion of the land value component as determined just and equitable by the department. The land value component must be the acreage of qualifying channel migration zone or critical habitat for threatened or endangered species as determined by the board, to be conveyed, multiplied by the average per acre value of all commercial forest land in western Washington or the average for eastern Washington, whichever average is applicable to the qualifying lands. The department must determine the western and eastern Washington averages based on the land value tables established by RCW 84.33.140 and revised annually by the department of revenue.

(4) Subject to appropriations sufficient to cover the cost of such an acquisition program and the related costs of administering the program, the department ((is directed to purchase a fee interest or, at the owner's option,)) must establish a conservation easement in land that an owner tenders for purchase; provided that such lands have been taxed as forest lands and are located within an unconfined ((avulsing)) channel migration zone or contain critical habitat for

threatened or endangered species as designated by the board. Lands acquired under this section shall become riparian or habitat open space. These acquisitions shall not be deemed to trigger the compensating tax of chapters 84.33 and 84.34 RCW.

(5) Instead of offering to sell interests in qualifying lands, owners may elect to donate the interests to the state.

(6) Any acquired interest in qualifying lands by the state under this section shall be managed as riparian open space or critical habitat.

Sec. 2. RCW 84.33.140 and 2007 c 54 s 24 are each amended to read as follows:

(1) When land has been designated as forest land under RCW 84.33.130, a notation of the designation shall be made each year upon the assessment and tax rolls. A copy of the notice of approval together with the legal description or assessor's parcel numbers for the land shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded.

(2) In preparing the assessment roll as of January 1, 2002, for taxes payable in 2003 and each January 1st thereafter, the assessor shall list each parcel of designated forest land at a value with respect to the grade and class provided in this subsection and adjusted as provided in subsection (3) of this section. The assessor shall compute the assessed value of the land using the same assessment ratio applied generally in computing the assessed value of other property in the county. Values for the several grades of bare forest land shall be as follows:

LAND GRADE	OPERABILITY CLASS	VALUES PER ACRE
1	1	\$234
	2	229
	3	217
	4	157
2	1	198
	2	190
	3	183
	4	132
3	1	154
	2	149
	3	148
	4	113
4	1	117
	2	114
	3	113
	4	86
5	1	85
	2	78
	3	77
	4	52
6	1	43
	2	39
	3	39
	4	37
7	1	21
	2	21
	3	20
	4	20
8		1

(3) On or before December 31, 2001, the department shall adjust by rule under chapter 34.05 RCW, the forest land values contained in subsection (2) of this section in accordance with this subsection, and shall certify the adjusted values to the assessor who will use these values in preparing the assessment roll as of January 1, 2002. For the adjustment to be made on or before December 31, 2001, for use in the 2002 assessment year, the department shall:

(a) Divide the aggregate value of all timber harvested within the state between July 1, 1996, and June 30, 2001, by the aggregate harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(b) Divide the aggregate value of all timber harvested within the state between July 1, 1995, and June 30, 2000, by the aggregate

harvest volume for the same period, as determined from the harvester excise tax returns filed with the department under RCW 84.33.074; and

(c) Adjust the forest land values contained in subsection (2) of this section by a percentage equal to one-half of the percentage change in the average values of harvested timber reflected by comparing the resultant values calculated under (a) and (b) of this subsection.

(4) For the adjustments to be made on or before December 31, 2002, and each succeeding year thereafter, the same procedure described in subsection (3) of this section shall be followed using harvester excise tax returns filed under RCW 84.33.074. However, this adjustment shall be made to the prior year's adjusted value, and the five-year periods for calculating average harvested timber values shall be successively one year more recent.

(5) Land graded, assessed, and valued as forest land shall continue to be so graded, assessed, and valued until removal of designation by the assessor upon the occurrence of any of the following:

(a) Receipt of notice from the owner to remove the designation;
 (b) Sale or transfer to an ownership making the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of forest land designation continuance, except transfer to an owner who is an heir or devisee of a deceased owner, shall not, by itself, result in removal of designation. The signed notice of continuance shall be attached to the real estate excise tax affidavit provided for in RCW 82.45.150. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all compensating taxes calculated under subsection (11) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding designated forest land for filing or recording unless the new owner has signed the notice of continuance or the compensating tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (11) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that:

(i) The land is no longer primarily devoted to and used for growing and harvesting timber. However, land shall not be removed from designation if a governmental agency, organization, or other recipient identified in subsection (13) or (14) of this section as exempt from the payment of compensating tax has manifested its intent in writing or by other official action to acquire a property interest in the designated forest land by means of a transaction that qualifies for an exemption under subsection (13) or (14) of this section. The governmental agency, organization, or recipient shall annually provide the assessor of the county in which the land is located reasonable evidence in writing of the intent to acquire the designated land as long as the intent continues or within sixty days of a request by the assessor. The assessor may not request this evidence more than once in a calendar year;

(ii) The owner has failed to comply with a final administrative or judicial order with respect to a violation of the restocking, forest management, fire protection, insect and disease control, and forest debris provisions of Title 76 RCW or any applicable rules under Title 76 RCW; or

(iii) Restocking has not occurred to the extent or within the time specified in the application for designation of such land.

(6) Land shall not be removed from designation if there is a governmental restriction that prohibits, in whole or in part, the owner from harvesting timber from the owner's designated forest land. If only a portion of the parcel is impacted by governmental restrictions of this nature, the restrictions cannot be used as a basis to remove the remainder of the forest land from designation under this chapter. For the purposes of this section, "governmental restrictions" includes: (a) Any law, regulation, rule, ordinance, program, or other action

adopted or taken by a federal, state, county, city, or other governmental entity; or (b) the land's zoning or its presence within an urban growth area designated under RCW 36.70A.110.

(7) The assessor shall have the option of requiring an owner of forest land to file a timber management plan with the assessor upon the occurrence of one of the following:

(a) An application for designation as forest land is submitted; or

(b) Designated forest land is sold or transferred and a notice of continuance, described in subsection (5)(c) of this section, is signed.

(8) If land is removed from designation because of any of the circumstances listed in subsection (5)(a) through (c) of this section, the removal shall apply only to the land affected. If land is removed from designation because of subsection (5)(d) of this section, the removal shall apply only to the actual area of land that is no longer primarily devoted to the growing and harvesting of timber, without regard to any other land that may have been included in the application and approved for designation, as long as the remaining designated forest land meets the definition of forest land contained in RCW 84.33.035.

(9) Within thirty days after the removal of designation as forest land, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(10) Unless the removal is reversed on appeal a copy of the notice of removal with a notation of the action, if any, upon appeal, together with the legal description or assessor's parcel numbers for the land removed from designation shall, at the expense of the applicant, be filed by the assessor in the same manner as deeds are recorded and a notation of removal from designation shall immediately be made upon the assessment and tax rolls. The assessor shall revalue the land to be removed with reference to its true and fair value as of January 1st of the year of removal from designation. Both the assessed value before and after the removal of designation shall be listed. Taxes based on the value of the land as forest land shall be assessed and payable up until the date of removal and taxes based on the true and fair value of the land shall be assessed and payable from the date of removal from designation.

(11) Except as provided in subsection (5)(c), (13), or (14) of this section, a compensating tax shall be imposed on land removed from designation as forest land. The compensating tax shall be due and payable to the treasurer thirty days after the owner is notified of the amount of this tax. As soon as possible after the land is removed from designation, the assessor shall compute the amount of compensating tax and mail a notice to the owner of the amount of compensating tax owed and the date on which payment of this tax is due. The amount of compensating tax shall be equal to the difference between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed value of the land multiplied by the dollar rate of the last levy extended against the land, multiplied by a number, in no event greater than nine, equal to the number of years for which the land was designated as forest land, plus compensating taxes on the land at forest land values up until the date of removal and the prorated taxes on the land at true and fair value from the date of removal to the end of the current tax year.

(12) Compensating tax, together with applicable interest thereon, shall become a lien on the land which shall attach at the time the land is removed from designation as forest land and shall have priority to and shall be fully paid and satisfied before any recognition, mortgage, judgment, debt, obligation, or responsibility to or with which the land may become charged or liable. The lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any compensating tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(13) The compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation under subsection (5) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other forest land located within the state of Washington;

(b) A taking through the exercise of the power of eminent domain, or sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power;

(c) A donation of fee title, development rights, or the right to harvest timber, to a government agency or organization qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections, or the sale or transfer of fee title to a governmental entity or a nonprofit nature conservancy corporation, as defined in RCW 64.04.130, exclusively for the protection and conservation of lands recommended for state natural area preserve purposes by the natural heritage council and natural heritage plan as defined in chapter 79.70 RCW or approved for state natural resources conservation area purposes as defined in chapter 79.71 RCW. At such time as the land is not used for the purposes enumerated, the compensating tax specified in subsection (11) of this section shall be imposed upon the current owner;

(d) The sale or transfer of fee title to the parks and recreation commission for park and recreation purposes;

(e) Official action by an agency of the state of Washington or by the county or city within which the land is located that disallows the present use of the land;

(f) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(g) The creation, sale, or transfer of a ~~((fee interest or a))~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(h) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under this chapter, or classified under chapter 84.34 RCW continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (13)(h).

(14) In a county with a population of more than ~~((one million))~~ six hundred thousand inhabitants, the compensating tax specified in subsection (11) of this section shall not be imposed if the removal of designation as forest land under subsection (5) of this section resulted solely from:

(a) An action described in subsection (13) of this section; or

(b) A transfer of a property interest to a government entity, or to a nonprofit historic preservation corporation or nonprofit nature conservancy corporation, as defined in RCW 64.04.130, to protect or enhance public resources, or to preserve, maintain, improve, restore, limit the future use of, or otherwise to conserve for public use or enjoyment, the property interest being transferred. At such time as the property interest is not used for the purposes enumerated, the compensating tax shall be imposed upon the current owner.

Sec. 3. RCW 84.34.108 and 2007 c 54 s 25 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance

regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after such removal of all or a portion of the land from current use classification, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)(e);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a ~~((fee interest or a))~~ conservation easement ~~((for the riparian open space program))~~ of private forest lands within unconfined channel migration zones or containing critical habitat for threatened or endangered species under RCW 76.09.040; or

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k).

Sec. 4. RCW 84.33.145 and 2001 c 249 s 4 are each amended to read as follows:

(1) If no later than thirty days after removal of designation the owner applies for classification under RCW 84.34.020 (1), (2), or (3), then the designated forest land shall not be considered removed from designation for purposes of the compensating tax under RCW 84.33.140 until the application for current use classification under chapter 84.34 RCW is denied or the property is removed from classification under RCW 84.34.108. Upon removal of classification under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:

(a) The difference, if any, between the amount of tax last levied on the land as designated forest land and an amount equal to the new assessed valuation of the land when removed from classification under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against the land, multiplied by

(b) A number equal to:

(i) The number of years the land was designated under this chapter, if the total number of years the land was designated under this chapter and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was designated under this chapter and classified under chapter 84.34 RCW is at least ten.

(2) Nothing in this section authorizes the continued designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the definition of forest land under RCW 84.33.035. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

(3) In a county with a population of more than ~~((one million))~~ six hundred thousand inhabitants, no amount of compensating tax is due under this section if the removal from classification under RCW

84.34.108 results from a transfer of property described in RCW 84.34.108(6).

Sec. 5. RCW 76.09.020 and 2003 c 311 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Appeals board" means the forest practices appeals board created by RCW 76.09.210.

(3) "Aquatic resources" includes water quality, salmon, other species of the vertebrate classes Cephalaspidomorphi and Osteichthyes identified in the forests and fish report, the Columbia torrent salamander (*Rhyacotriton kezeri*), the Cascade torrent salamander (*Rhyacotriton cascadae*), the Olympic torrent salamander (*Rhyacotriton olympian*), the Dunn's salamander (*Plethodon dunni*), the Van Dyke's salamander (*Plethodon vandyke*), the tailed frog (*Ascaphus truei*), and their respective habitats.

(4) "Commissioner" means the commissioner of public lands.

(5) "Contiguous" means land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right-of-way shall be considered contiguous.

(6) "Conversion to a use other than commercial timber operation" means a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices rules.

(7) "Department" means the department of natural resources.

(8) "Fish passage barrier" means any artificial instream structure that impedes the free passage of fish.

(9) "Forest land" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing. Forest land does not include agricultural land that is or was enrolled in the conservation reserve enhancement program by contract if such agricultural land was historically used for agricultural purposes and the landowner intends to continue to use the land for agricultural purposes in the future. As it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, the term "forest land" excludes:

(a) Residential home sites, which may include up to five acres; and

(b) Cropfields, orchards, vineyards, pastures, feedlots, fish pens, and the land on which appurtenances necessary to the production, preparation, or sale of crops, fruit, dairy products, fish, and livestock exist.

(10) "Forest landowner" means any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner. However, any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest landowner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

(11) "Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

(a) Road and trail construction;

(b) Harvesting, final and intermediate;

(c) Precommercial thinning;

(d) Reforestation;

(e) Fertilization;

(f) Prevention and suppression of diseases and insects;

(g) Salvage of trees; and

(h) Brush control.

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

(12) "Forest practices rules" means any rules adopted pursuant to RCW 76.09.040.

(13) "Forest road," as it applies to the operation of the road maintenance and abandonment plan element of the forest practices rules on small forest landowners, means a road or road segment that crosses land that meets the definition of forest land, but excludes residential access roads.

(14) "Forest trees" does not include hardwood trees cultivated by agricultural methods in growing cycles shorter than fifteen years if the trees were planted on land that was not in forest use immediately before the trees were planted and before the land was prepared for planting the trees. "Forest trees" includes Christmas trees, but does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(15) "Forests and fish report" means the forests and fish report to the board dated April 29, 1999.

(16) "Application" means the application required pursuant to RCW 76.09.050.

(17) "Operator" means any person engaging in forest practices except an employee with wages as his or her sole compensation.

(18) "Person" means any individual, partnership, private, public, or municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

(19) "Public resources" means water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

(20) "Small forest landowner" has the same meaning as defined in RCW 76.09.450.

(21) "Timber" means forest trees, standing or down, of a commercial species, including Christmas trees. However, "timber" does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

(22) "Timber owner" means any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean the contract purchaser.

(23) "Board" means the forest practices board created in RCW 76.09.030.

(24) "Unconfined (~~avulsing~~) channel migration zone" means the area within which the active channel of an unconfined (~~avulsing~~) stream is prone to move and where the movement would result in a potential near-term loss of riparian forest adjacent to the stream. Sizeable islands with productive timber may exist within the zone.

(25) "Unconfined (~~avulsing~~) stream" means generally fifth order or larger waters that experience abrupt shifts in channel location, creating a complex floodplain characterized by extensive gravel bars, disturbance species of vegetation of variable age, numerous side channels, wall-based channels, oxbow lakes, and wetland complexes. Many of these streams have dikes and levees that may temporarily or permanently restrict channel movement.

NEW SECTION. Sec. 6. (1) The legislature finds that the revenue generated from state forest lands is a vital component of the operating budget in many rural counties. The dependence on a natural resource-based economy is especially underscored in counties with lower population levels and large holdings of public land. The high cost of compliance with the federal endangered species act on state forest lands within these smaller counties is disproportionately burdensome when compared to their total county budgets.

(2) The intent of this act is to provide sustainable revenue to smaller counties that are heavily dependent on state forest land revenues while promoting long-term protection, conservation, and recovery of marbled murrelets and northern spotted owls. This act provides the necessary tools for the state to maintain long-term working forests by replacing state forest lands with endangered species-based harvest encumbrances with productive, working forest lands.

Sec. 7. RCW 79.22.060 and 2003 c 334 s 221 are each amended to read as follows:

(1) With the approval of the board, the department may directly transfer or dispose of state forest lands without public auction, if (~~such~~) the lands:

~~(a) Consist of ten contiguous acres or less; ~~(or)~~;~~
~~(b) Have a value of twenty-five thousand dollars or less; or~~
~~(c) Are located in a county with a population of twenty-five thousand or less and are encumbered with timber harvest deferrals, associated with wildlife species listed under the federal endangered species act, greater than thirty years in length. ~~((Such))~~~~

~~(2) Disposal under this section may only occur in the following circumstances:~~

~~(a) Transfers in lieu of condemnation; ~~(and)~~~~

~~(b) Transfers to resolve trespass and property ownership disputes; or~~

~~(c) In counties with a population of twenty-five thousand or less, transfers to public agencies.~~

~~((2)) (3) Real property to be transferred or disposed of under this section shall be transferred or disposed of only after appraisal and for at least fair market value, and only if ~~((such))~~ the transaction is in the best interest of the state or affected trust. Valuable materials attached to lands transferred to public agencies under subsection (2)(c) of this section must be appraised at the fair market value without consideration of management or regulatory encumbrances associated with wildlife species listed under the federal endangered species act.~~

~~((3)) (4) The proceeds from real property transferred or disposed of under this section shall be deposited into the park land trust revolving fund and be solely used to buy replacement land within the same county as the property transferred or disposed. In counties with a population of twenty-five thousand or less, the portion of the proceeds associated with valuable materials on the transferred land must be distributed as provided in RCW 79.64.110.~~

Sec. 8. RCW 79.64.110 and 2007 c 503 s 1 are each amended to read as follows:

Any moneys derived from the lease of state forest lands or from the sale of valuable materials, oils, gases, coal, minerals, or fossils from those lands, or the appraised value of these resources when transferred to a public agency under RCW 79.22.060, must be distributed as follows:

(1) State forest lands acquired through RCW 79.22.040 or by exchange for lands acquired through RCW 79.22.040:

(a) The expense incurred by the state for administration, reforestation, and protection, not to exceed twenty-five percent, which rate of percentage shall be determined by the board, must be returned to the forest development account in the state general fund.

(b) Any balance remaining must be paid to the county in which the land is located to be paid, distributed, and prorated, except as otherwise provided in this section, to the various funds in the same manner as general taxes are paid and distributed during the year of payment.

(c) Any balance remaining, paid to a county with a population of less than sixteen thousand, must first be applied to the reduction of any indebtedness existing in the current expense fund of the county during the year of payment.

(d) With regard to moneys remaining under this subsection (1), within seven working days of receipt of these moneys, the department shall certify to the state treasurer the amounts to be distributed to the counties. The state treasurer shall distribute funds to the counties four times per month, with no more than ten days between each payment date.

(2) State forest lands acquired through RCW 79.22.010 or by exchange for lands acquired through RCW 79.22.010, except as provided in RCW 79.64.120:

(a) Fifty percent shall be placed in the forest development account.

(b) Fifty percent shall be prorated and distributed to the state general fund, to be dedicated for the benefit of the public schools, and the county in which the land is located according to the relative proportions of tax levies of all taxing districts in the county. The portion to be distributed to the state general fund shall be based on the regular school levy rate under RCW 84.52.065 and the levy rate for any maintenance and operation special school levies. With regard to the portion to be distributed to the counties, the department shall certify to the state treasurer the amounts to be distributed within seven working days of receipt of the money. The state treasurer shall distribute funds to the counties four times per month, with no more

than ten days between each payment date. The money distributed to the county must be paid, distributed, and prorated to the various other funds in the same manner as general taxes are paid and distributed during the year of payment.

(3) A school district may transfer amounts deposited in its debt service fund pursuant to this section into its capital projects fund as authorized in RCW 28A.320.330.

Sec. 9. RCW 43.30.385 and 2004 c 103 s 1 are each amended to read as follows:

(1) The park land trust revolving fund is to be utilized by the department for the purpose of acquiring real property, including all reasonable costs associated with these acquisitions, as a replacement for the property transferred to the state parks and recreation commission, as directed by the legislature in order to maintain the land base of the affected trusts or under RCW 79.22.060 and to receive voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department. Proceeds from transfers of real property to the state parks and recreation commission or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in this fund. Disbursement from the park land trust revolving fund to acquire replacement property and for operating and maintaining public use and recreation facilities shall be on the authorization of the department. The proceeds from real property transferred or disposed under RCW 79.22.060 must be solely used to purchase replacement forest land, that must be actively managed as a working forest, within the same county as the property transferred or disposed. In order to maintain an effective expenditure and revenue control, the park land trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

(2) The department is authorized to solicit and receive voluntary contributions for the purpose of operating and maintaining public use and recreation facilities, including trails, managed by the department. The department may seek voluntary contributions from individuals and organizations for this purpose. Voluntary contributions will be deposited into the park land trust revolving fund and used solely for the purpose of public use and recreation facilities operations and maintenance. Voluntary contributions are not considered a fee for use of these facilities.

NEW SECTION. Sec. 10. (1) By October 31, 2010, the department of natural resources shall prepare a report to the appropriate committees of the legislature detailing the procedure and timeline, and estimating the costs, of full implementation of the intent of this act.

(2) The report required by this section must include a recommended process to transfer state forest lands encumbered by long-term endangered species-based harvest deferrals, associated with wildlife species listed under the federal endangered species act, through the trust land transfer program into a natural resource conservation area status. This element of the report must assume the following:

(a) Encumbered property would be transferred at a specified biennial rate designed to provide sustainable revenue to the impacted counties;

(b) The value of the land and timber would be bifurcated, with the timber value being distributed to the county as timber revenue, and the land value being utilized to purchase replacement working forest land within the affected county and placed in the appropriate trust designation; and

(c) The land and timber value of the parcels identified for transfer will be appraised at full market value, without consideration of the devaluing effect of harvest encumbrances associated with wildlife species listed under the federal endangered species act.

(3) This section expires June 30, 2011."

On page 1, line 1 of the title, after "space;" strike the remainder of the title and insert "amending RCW 76.09.040, 84.33.140, 84.34.108, 84.33.145, 76.09.020, 79.22.060, 79.64.110, and 43.30.385; creating new sections; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1484 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Van De Wege and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1484, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1484, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SECOND SUBSTITUTE HOUSE BILL NO. 1484, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 2106 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 74.13 RCW to read as follows:

The legislature declares that the safety and well-being of children and families is essential to the social and economic health of Washington. It is the duty of the state to provide children at risk of out-of-home placement and their families with reasonable opportunities to access supportive services that enhance their safety and well-being. The legislature directs the programmatic and administrative changes required in this act to be accomplished in conformance with this foregoing principle.

The legislature finds that research in the area of child safety and well-being supports the conclusion that a restructuring of the administration and delivery of child welfare services through the use of performance-based contracts can enhance safety and well-being, when done so in a careful, well-planned and collaborative manner.

The legislature intends to encourage broad participation by interested entities in the bidding process. The legislature directs that the department retain those positions necessary to provide child protective and investigative services and to administer performance-based contracts.

The legislature further intends that the programmatic and administrative changes contained in this act have the result of reducing racial disproportionality in the child welfare system and racial disparities in child outcomes.

The legislature, in creating the committee in section 8 of this act, is establishing the mechanism to design, in collaboration with the executive and judicial branches and all affected entities, the transition to performance-based contracts in the delivery of out-of-home care and case management services.

Sec. 2. RCW 74.13.020 and 1999 c 267 s 7 are each amended to read as follows:

~~(As used in Title 74 RCW, child welfare services shall be defined as public social services including adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:~~

~~(1) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;~~

~~(2) Protecting and caring for dependent or neglected children;~~

~~(3) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children with services designed to resolve such conflicts;~~

~~(4) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;~~

~~(5) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.~~

~~As used in this chapter, child means a person less than eighteen years of age.~~

~~The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations provided by the legislature for implementation of the plan:))~~

~~For purposes of this chapter:~~

~~(1) "Case management" means the management of services delivered to children and families in the child welfare system, including permanency services, caseworker-child visits, family visits, the convening of family group conferences, the development and revision of the case plan, the coordination and monitoring of services needed by the child and family, and the assumption of court-related duties, excluding legal representation, including preparing court reports, attending judicial hearings and permanency hearings, and ensuring that the child is progressing toward permanency within state and federal mandates, including the Indian child welfare act.~~

~~(2) "Child" means a person less than eighteen years of age.~~

~~(3) "Child protective services" has the same meaning as in RCW 26.44.020.~~

~~(4) "Child welfare services" means social services including voluntary and in-home services, out-of-home care, case management, and adoption services which strengthen, supplement, or substitute for, parental care and supervision for the purpose of:~~

~~(a) Preventing or remedying, or assisting in the solution of problems which may result in families in conflict, or the neglect, abuse, exploitation, or criminal behavior of children;~~

~~(b) Protecting and caring for dependent, abused, or neglected children;~~

~~(c) Assisting children who are in conflict with their parents, and assisting parents who are in conflict with their children, with services designed to resolve such conflicts;~~

~~(d) Protecting and promoting the welfare of children, including the strengthening of their own homes where possible, or, where needed;~~

~~(e) Providing adequate care of children away from their homes in foster family homes or day care or other child care agencies or facilities.~~

~~"Child welfare services" does not include child protection services.~~

~~(5) "Committee" means the child welfare transformation design committee.~~

~~(6) "Department" means the department of social and health services.~~

~~(7) "Measurable effects" means a statistically significant change which occurs as a result of the service or services a supervising~~

agency is assigned in a performance-based contract, in time periods established in the contract.

(8) "Out-of-home care services" means services provided after the shelter care hearing to or for children in out-of-home care, as that term is defined in RCW 13.34.030, and their families, including the recruitment, training, and management of foster parents, the recruitment of adoptive families, and the facilitation of the adoption process, family reunification, independent living, emergency shelter, residential group care, and foster care, including relative placement.

(9) "Performance-based contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts shall also include provisions that link the performance of the contractor to the level and timing of reimbursement.

(10) "Permanency services" means long-term services provided to secure a child's safety, permanency, and well-being, including foster care services, family reunification services, adoption services, and preparation for independent living services.

(11) "Primary prevention services" means services which are designed and delivered for the primary purpose of enhancing child and family well-being and are shown, by analysis of outcomes, to reduce the risk to the likelihood of the initial need for child welfare services.

(12) "Supervising agency" means an agency licensed by the state under RCW 74.15.090, or an Indian tribe under RCW 74.15.190, that has entered into a performance-based contract with the department to provide child welfare services.

NEW SECTION. Sec. 3. A new section is added to chapter 74.13 RCW to read as follows:

(1) No later than January 1, 2011, the department shall convert its current contracts with providers into performance-based contracts. In accomplishing this conversion, the department shall decrease the total number of contracts it uses to purchase services from providers.

(2) No later than July 1, 2012:

(a) In the demonstration sites selected under section 8(4)(a) of this act, child welfare services shall be provided by supervising agencies with whom the department has entered into performance-based contracts. Supervising agencies may enter into subcontracts with other licensed agencies; and

(b) Except as provided in subsection (4) of this section, and notwithstanding any law to the contrary, the department may not directly provide child welfare services to families and children provided child welfare services by supervising agencies in the demonstration sites selected under section 8(4)(a) of this act.

(3) No later than July 1, 2012, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under section 8(4)(a) of this act, the department is responsible for only the following:

(a) Monitoring the quality of services for which the department contracts under this chapter;

(b) Ensuring that the services are provided in accordance with federal law and the laws of this state, including the Indian child welfare act;

(c) Providing child protection functions and services, including intake and investigation of allegations of child abuse or neglect, emergency shelter care functions under RCW 13.34.050, and referrals to appropriate providers; and

(d) Issuing licenses pursuant to chapter 74.15 RCW.

(4) No later than July 1, 2012, for families and children provided child welfare services by supervising agencies in the demonstration sites selected under section 8(4)(a) of this act, the department may provide child welfare services only in an emergency or as a provider of last resort. The department shall adopt rules describing the circumstances under which the department may provide those services. For purposes of this section, "provider of last resort" means the department is unable to contract with a private agency to provide child welfare services in a particular geographic area or, after entering into a contract with a private agency, either the contractor or the department terminates the contract.

(5) For purposes of this chapter, on and after September 1, 2010, performance-based contracts shall be structured to hold the

supervising agencies accountable for achieving the following goals in order of importance: Child safety; child permanency, including reunification; and child well-being.

(6) A federally recognized tribe located in this state may enter into a performance-based contract with the department to provide child welfare services to Indian children whether or not they reside on a reservation.

NEW SECTION. Sec. 4. A new section is added to chapter 74.13 RCW to read as follows:

Pursuant to RCW 41.06.142(3), performance-based contracting under section 3 of this act is expressly mandated by the legislature and is not subject to the processes set forth in RCW 41.06.142 (1), (4), and (5).

A continuation or expansion of delivery of child welfare services under the provisions of section 10 of this act shall be considered expressly mandated by the legislature and not subject to the provisions of RCW 41.06.142 (1), (4), and (5).

NEW SECTION. Sec. 5. A new section is added to chapter 74.13 RCW to read as follows:

Children whose cases are managed by a supervising agency remain under the care and placement authority of the state.

NEW SECTION. Sec. 6. A new section is added to chapter 74.13 RCW to read as follows:

Performance-based contracts with private nonprofit entities who otherwise meet the definition of supervising agency shall receive primary preference. This section does not apply to Indian tribes.

NEW SECTION. Sec. 7. A new section is added to chapter 43.10 RCW to read as follows:

The office of the attorney general shall provide, or cause to be provided, legal services in only dependency or termination of parental rights matters to supervising agencies with whom the department of social and health services has entered into performance-based contracts to provide child welfare services as soon as the contracts become effective.

NEW SECTION. Sec. 8. A new section is added to chapter 74.13 RCW to read as follows:

(1)(a) The child welfare transformation design committee is established, with members as provided in this subsection.

(i) The governor or the governor's designee;

(ii) Four private agencies that, as of the effective date of this section, provide child welfare services to children and families referred to them by the department. Two agencies must be headquartered in western Washington and two must be headquartered in eastern Washington. Two agencies must have an annual budget of at least one million state-contracted dollars and two must have an annual budget of less than one million state-contracted dollars;

(iii) The assistant secretary of the children's administration in the department;

(iv) Two regional administrators in the children's administration selected by the assistant secretary, one from one of the department's administrative regions one or two, and one from one of the department's administrative regions three, four, five, or six;

(v) The administrator for the division of licensed resources in the children's administration;

(vi) Two nationally recognized experts in performance-based contracts;

(vii) The attorney general or the attorney general's designee;

(viii) A representative of the collective bargaining unit that represents the largest number of employees in the children's administration;

(ix) A representative from the office of the family and children's ombudsman;

(x) Four representatives from the Indian policy advisory committee convened by the department's office of Indian policy and support services;

(xi) Two currently elected or former superior court judges with significant experience in dependency matters, selected by the superior court judge's association;

(xii) One representative from partners for our children affiliated with the University of Washington school of social work;

(xiii) A member of the Washington state racial disproportionality advisory committee;

(xiv) A foster parent; and

(xv) A parent representative who has had personal experience with the dependency system.

(b) The president of the senate and the speaker of the house of representatives shall jointly appoint the members under (a)(ii), (xiv), and (xv) of this subsection.

(c) The representative from partners for our children shall convene the initial meeting of the committee no later than June 15, 2009.

(d) The cochairs of the committee shall be the assistant secretary for the children's administration and another member selected by a majority vote of those members present at the initial meeting.

(2) The committee shall establish a transition plan containing recommendations to the legislature and the governor consistent with this section for the provision of child welfare services by supervising agencies pursuant to section 3 of this act.

(3) The plan shall include the following:

(a) A model or framework for performance-based contracts to be used by the department that clearly defines:

(i) The target population;

(ii) The referral and exit criteria for the services;

(iii) The child welfare services including the use of evidence-based services and practices to be provided by contractors;

(iv) The roles and responsibilities of public and private agency workers in key case decisions;

(v) Contract performance and outcomes, including those related to eliminating racial disparities in child outcomes;

(vi) That supervising agencies will provide culturally competent service;

(vii) How to measure whether each contractor has met the goals listed in section 3(5) of this act; and

(viii) Incentives to meet performance outcomes;

(b) A method by which the department will substantially reduce its current number of contracts for child welfare services;

(c) A method or methods by which clients will access community-based services, how private supervising agencies will engage other services or form local service networks, develop subcontracts, and share information and supervision of children;

(d) Methods to address the effects of racial disproportionality, as identified in the 2008 Racial Disproportionality Advisory Committee Report published by the Washington state institute for public policy in June 2008;

(e) Methods for inclusion of the principles and requirements of the centennial accord executed in November 2001, executed between the state of Washington and federally recognized tribes in Washington state;

(f) Methods for assuring performance-based contracts adhere to the letter and intent of the federal Indian child welfare act;

(g) Contract monitoring and evaluation procedures that will ensure that children and families are receiving timely and quality services and that contract terms are being implemented;

(h) A method or methods by which to ensure that the children's administration has sufficiently trained and experienced staff to monitor and manage performance-based contracts;

(i) A process by which to expand the capacity of supervising and other private agencies to meet the service needs of children and families in a performance-based contractual arrangement;

(j) A method or methods by which supervising and other private agencies can expand services in underserved areas of the state;

(k) The appropriate amounts and procedures for the reimbursement of supervising agencies given the proposed services restructuring;

(l) A method by which to access and enhance existing data systems to include contract performance information;

(m) A financing arrangement for the contracts that examines:

(i) The use of case rates or performance-based fee-for-service contracts that include incentive payments or payment schedules that link reimbursement to outcomes; and

(ii) Ways to reduce a contractor's financial risk that could jeopardize the solvency of the contractor, including consideration of the use of a risk-reward corridor that limits risk of loss and potential profits or the establishment of a statewide risk pool;

(n) A description of how the transition will impact the state's ability to obtain federal funding and examine options to further maximize federal funding opportunities and increased flexibility;

(o) A review of whether current administrative staffing levels in the regions should be continued when the majority of child welfare services are being provided by supervising agencies;

(p) A description of the costs of the transition, the initial start-up costs and the mechanisms to periodically assess the overall adequacy of funds and the fiscal impact of the changes, and the feasibility of the plan and the impact of the plan on department employees during the transition; and

(q) Identification of any statutory and regulatory revisions necessary to accomplish the transition.

(4)(a) The committee, with the assistance of the department, shall select two demonstration sites within which to implement this act. One site must be located on the eastern side of the state. The other site must be located on the western side of the state. Neither site must be wholly located in any of the department's administrative regions.

(b) The committee shall develop two sets of performance outcomes to be included in the performance-based contracts the department enters into with supervising agencies. The first set of outcomes shall be used for those cases transferred to a supervising agency over time. The second set of outcomes shall be used for new entrants to the child welfare system.

(c) The committee shall also identify methods for ensuring that comparison of performance between supervising agencies and the existing service delivery system takes into account the variation in the characteristics of the populations being served as well as historical trends in outcomes for those populations.

(5) The committee shall determine the appropriate size of the child and family populations to be provided services under performance-based contracts with supervising agencies. The committee shall also identify the time frame within which cases will be transferred to supervising agencies. The performance-based contracts entered into with supervising agencies shall encompass the provision of child welfare services to enough children and families in each demonstration site to allow for the assessment of whether there are meaningful differences, to be defined by the committee, between the outcomes achieved in the demonstration sites and the comparison sites or populations. To ensure adequate statistical power to assess these differences, the populations served shall be large enough to provide a probability greater than seventy percent that meaningful difference will be detected and a ninety-five percent probability that observed differences are not due to chance alone.

(6) The committee shall also prepare as part of the plan a recommendation as to how to implement this act so that full implementation of this act is achieved no later than June 30, 2012.

(7) The committee shall prepare the plan to manage the delivery of child welfare services in a manner that achieves coordination of the services and programs that deliver primary prevention services.

(8) Beginning June 30, 2009, the committee shall report quarterly to the governor and the legislative children's oversight committee established in RCW 44.04.220. From June 30, 2012, until January 1, 2015, the committee need only report twice a year. The committee shall report on its progress in meeting its duties under subsections (2) and (3) of this section and on any other matters the committee or the legislative children's oversight committee or the governor deems appropriate. The portion of the plan required in subsection (6) of this section shall be due to the legislative children's oversight committee on or before June 1, 2010. The reports shall be in written form.

(9) The committee, by majority vote, may establish advisory committees as it deems necessary.

(10) All state executive branch agencies and the agencies with whom the department contracts for child welfare services shall cooperate with the committee and provide timely information as the chair or cochairs may request. Cooperation by the children's administration must include developing and scheduling training for supervising agencies to access data and information necessary to implement and monitor the contracts.

(11) It is expected that the administrative costs for the committee will be supported through private funds.

(12) Staff support for the committee shall be provided jointly by partners for our children and legislative staff.

(13) The committee is subject to chapters 42.30 (open public meetings act) and 42.52 (ethics in public service) RCW.

(14) This section expires July 1, 2015.

NEW SECTION. Sec. 9. A new section is added to chapter 74.13 RCW to read as follows:

(1) Based upon the recommendations of the child welfare transformation design committee, including the two sets of outcomes developed by the committee under section 8(4)(b) of this act, the Washington state institute for public policy is to conduct a review of measurable effects achieved by the supervising agencies and compare those measurable effects with the existing services offered by the state. The report on the measurable effects shall be provided to the governor and the legislature no later than April 1, 2015.

(2) No later than June 30, 2011, the Washington state institute for public policy shall provide the legislature and the governor an initial report on the department's conversion to the use of performance-based contracts as provided in section 3(1) of this act. No later than June 30, 2012, the Washington state institute for public policy shall provide the governor and the legislature with a second report on the department's conversion of its contracts to performance-based contracts.

(3) The department shall respond to the Washington institute for public policy's request for data and other information with which to complete these reports in a timely manner.

NEW SECTION. Sec. 10. A new section is added to chapter 74.13 RCW to read as follows:

Not later than June 1, 2015, the governor shall, based on the report by the Washington state institute for public policy, determine whether to expand this act to the remainder of the state or terminate this act. The governor shall inform the legislature of his or her decision within seven days of the decision. The department shall, regardless of the decision of the governor regarding the delivery of child welfare services, continue to purchase services through the use of performance-based contracts.

NEW SECTION. Sec. 11. The department of social and health services, the office of financial management, and the caseload forecast council shall develop a proposal for submission to the legislature and the governor for the reinvestment of savings, including savings in reduced foster care caseloads, into evidence-based prevention and intervention programs designed to prevent the need for or reduce the duration of foster care placements. The proposal must be submitted to the legislature and the governor by November 30, 2010, and shall include sufficient detail regarding accounting, budgeting, and allocation or other procedures for legislative consideration and approval.

Sec. 12. RCW 74.15.010 and 1995 c 302 s 2 are each amended to read as follows:

The purpose of chapter 74.15 RCW and RCW 74.13.031 is:

(1) To safeguard the health, safety, and well-being of children, expectant mothers and developmentally disabled persons receiving care away from their own homes, which is paramount over the right of any person to provide care;

(2) To strengthen and encourage family unity and to sustain parental rights and responsibilities to the end that foster care is provided only when a child's family, through the use of all available resources, is unable to provide necessary care;

(3) To promote the development of a sufficient number and variety of adequate (~~child-care~~) foster family homes and maternity-care facilities, both public and private, through the cooperative efforts of public and (~~voluntary~~) supervising agencies and related groups;

(4) To provide consultation to agencies caring for children, expectant mothers or developmentally disabled persons in order to help them to improve their methods of and facilities for care;

(5) To license agencies as defined in RCW 74.15.020 and to assure the users of such agencies, their parents, the community at large and the agencies themselves that adequate minimum standards are maintained by all agencies caring for children, expectant mothers and developmentally disabled persons.

Sec. 13. RCW 74.15.020 and 2007 c 412 s 1 are each amended to read as follows:

For the purpose of this chapter and RCW 74.13.031, and unless otherwise clearly indicated by the context thereof, the following terms shall mean:

(1) "Agency" means any person, firm, partnership, association, corporation, or facility which receives children, expectant mothers, or persons with developmental disabilities for control, care, or maintenance outside their own homes, or which places, arranges the placement of, or assists in the placement of children, expectant mothers, or persons with developmental disabilities for foster care or placement of children for adoption, and shall include the following irrespective of whether there is compensation to the agency or to the children, expectant mothers or persons with developmental disabilities for services rendered:

(a) "Child-placing agency" means an agency which places a child or children for temporary care, continued care, or for adoption;

(b) "Community facility" means a group care facility operated for the care of juveniles committed to the department under RCW 13.40.185. A county detention facility that houses juveniles committed to the department under RCW 13.40.185 pursuant to a contract with the department is not a community facility;

(c) "Crisis residential center" means an agency which is a temporary protective residential facility operated to perform the duties specified in chapter 13.32A RCW, in the manner provided in RCW 74.13.032 through 74.13.036;

(d) "Emergency respite center" is an agency that may be commonly known as a crisis nursery, that provides emergency and crisis care for up to seventy-two hours to children who have been admitted by their parents or guardians to prevent abuse or neglect. Emergency respite centers may operate for up to twenty-four hours a day, and for up to seven days a week. Emergency respite centers may provide care for children ages birth through seventeen, and for persons eighteen through twenty with developmental disabilities who are admitted with a sibling or siblings through age seventeen. Emergency respite centers may not substitute for crisis residential centers or HOPE centers, or any other services defined under this section, and may not substitute for services which are required under chapter 13.32A or 13.34 RCW;

(e) "Foster-family home" means an agency which regularly provides care on a twenty-four hour basis to one or more children, expectant mothers, or persons with developmental disabilities in the family abode of the person or persons under whose direct care and supervision the child, expectant mother, or person with a developmental disability is placed;

(f) "Group-care facility" means an agency, other than a foster-family home, which is maintained and operated for the care of a group of children on a twenty-four hour basis;

(g) "HOPE center" means an agency licensed by the secretary to provide temporary residential placement and other services to street youth. A street youth may remain in a HOPE center for thirty days while services are arranged and permanent placement is coordinated. No street youth may stay longer than thirty days unless approved by the department and any additional days approved by the department must be based on the unavailability of a long-term placement option. A street youth whose parent wants him or her returned to home may remain in a HOPE center until his or her parent arranges return of the youth, not longer. All other street youth must have court approval under chapter 13.34 or 13.32A RCW to remain in a HOPE center up to thirty days;

(h) "Maternity service" means an agency which provides or arranges for care or services to expectant mothers, before or during confinement, or which provides care as needed to mothers and their infants after confinement;

(i) "Responsible living skills program" means an agency licensed by the secretary that provides residential and transitional living services to persons ages sixteen to eighteen who are dependent under chapter 13.34 RCW and who have been unable to live in his or her legally authorized residence and, as a result, the minor lived outdoors or in another unsafe location not intended for occupancy by the minor. Dependent minors ages fourteen and fifteen may be eligible if no other placement alternative is available and the department approves the placement;

(j) "Service provider" means the entity that operates a community facility.

(2) "Agency" shall not include the following:

(a) Persons related to the child, expectant mother, or person with developmental disability in the following ways:

(i) Any blood relative, including those of half-blood, and including first cousins, second cousins, nephews or nieces, and persons of preceding generations as denoted by prefixes of grand, great, or great-great;

(ii) Stepfather, stepmother, stepbrother, and stepsister;

(iii) A person who legally adopts a child or the child's parent as well as the natural and other legally adopted children of such persons, and other relatives of the adoptive parents in accordance with state law;

(iv) Spouses of any persons named in (i), (ii), or (iii) of this subsection (2)(a), even after the marriage is terminated;

(v) Relatives, as named in (i), (ii), (iii), or (iv) of this subsection (2)(a), of any half sibling of the child; or

(vi) Extended family members, as defined by the law or custom of the Indian child's tribe or, in the absence of such law or custom, a person who has reached the age of eighteen and who is the Indian child's grandparent, aunt or uncle, brother or sister, brother-in-law or sister-in-law, niece or nephew, first or second cousin, or stepparent who provides care in the family abode on a twenty-four-hour basis to an Indian child as defined in 25 U.S.C. Sec. 1903(4);

(b) Persons who are legal guardians of the child, expectant mother, or persons with developmental disabilities;

(c) Persons who care for a neighbor's or friend's child or children, with or without compensation, where the parent and person providing care on a twenty-four-hour basis have agreed to the placement in writing and the state is not providing any payment for the care;

(d) A person, partnership, corporation, or other entity that provides placement or similar services to exchange students or international student exchange visitors or persons who have the care of an exchange student in their home;

(e) A person, partnership, corporation, or other entity that provides placement or similar services to international children who have entered the country by obtaining visas that meet the criteria for medical care as established by the United States citizenship and immigration (and naturalization) services, or persons who have the care of such an international child in their home;

(f) Schools, including boarding schools, which are engaged primarily in education, operate on a definite school year schedule, follow a stated academic curriculum, accept on only school-age children and do not accept custody of children;

(g) Hospitals licensed pursuant to chapter 70.41 RCW when performing functions defined in chapter 70.41 RCW, nursing homes licensed under chapter 18.51 RCW and boarding homes licensed under chapter 18.20 RCW;

(h) Licensed physicians or lawyers;

(i) Facilities approved and certified under chapter 71A.22 RCW;

(j) Any agency having been in operation in this state ten years prior to June 8, 1967, and not seeking or accepting moneys or assistance from any state or federal agency, and is supported in part by an endowment or trust fund;

(k) Persons who have a child in their home for purposes of adoption, if the child was placed in such home by a licensed child-placing agency, an authorized public or tribal agency or court or if a replacement report has been filed under chapter 26.33 RCW and the placement has been approved by the court;

(l) An agency operated by any unit of local, state, or federal government or an agency licensed by an Indian tribe pursuant to RCW 74.15.190;

(m) A maximum or medium security program for juvenile offenders operated by or under contract with the department;

(n) An agency located on a federal military reservation, except where the military authorities request that such agency be subject to the licensing requirements of this chapter.

(3) "Department" means the state department of social and health services.

(4) (~~"Family child care licensee" means a person who: (a) Provides regularly scheduled care for a child or children in the home of the provider for periods of less than twenty-four hours or, if necessary due to the nature of the parent's work, for periods equal to~~

~~or greater than twenty-four hours; (b) does not receive child care subsidies; and (c) is licensed by the state under RCW 74.15.030.~~

~~(5)) "Juvenile" means a person under the age of twenty-one who has been sentenced to a term of confinement under the supervision of the department under RCW 13.40.185.~~

(5) "Performance-based contracts" or "contracting" means the structuring of all aspects of the procurement of services around the purpose of the work to be performed and the desired results with the contract requirements set forth in clear, specific, and objective terms with measurable outcomes. Contracts may also include provisions that link the performance of the contractor to the level and timing of the reimbursement.

(6) "Probationary license" means a license issued as a disciplinary measure to an agency that has previously been issued a full license but is out of compliance with licensing standards.

(7) "Requirement" means any rule, regulation, or standard of care to be maintained by an agency.

(8) "Secretary" means the secretary of social and health services.

(9) "Street youth" means a person under the age of eighteen who lives outdoors or in another unsafe location not intended for occupancy by the minor and who is not residing with his or her parent or at his or her legally authorized residence.

(10) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(11) "Transitional living services" means at a minimum, to the extent funds are available, the following:

(a) Educational services, including basic literacy and computational skills training, either in local alternative or public high schools or in a high school equivalency program that leads to obtaining a high school equivalency degree;

(b) Assistance and counseling related to obtaining vocational training or higher education, job readiness, job search assistance, and placement programs;

(c) Counseling and instruction in life skills such as money management, home management, consumer skills, parenting, health care, access to community resources, and transportation and housing options;

(d) Individual and group counseling; and

(e) Establishing networks with federal agencies and state and local organizations such as the United States department of labor, employment and training administration programs including the ~~((job training partnership))~~ workforce investment act which administers private industry councils and the job corps; vocational rehabilitation; and volunteer programs.

Sec. 14. RCW 74.15.030 and 2007 c 387 s 5 and 2007 c 17 s 14 are each reenacted and amended to read as follows:

The secretary shall have the power and it shall be the secretary's duty:

(1) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to designate categories of facilities for which separate or different requirements shall be developed as may be appropriate whether because of variations in the ages, sex and other characteristics of persons served, variations in the purposes and services offered or size or structure of the agencies to be licensed ~~((hereunder))~~ under this chapter, or because of any other relevant factor ((relevant thereto));

(2) In consultation with the children's services advisory committee, and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt and publish minimum requirements for licensing applicable to each of the various categories of agencies to be licensed.

The minimum requirements shall be limited to:

(a) The size and suitability of a facility and the plan of operation for carrying out the purpose for which an applicant seeks a license;

(b) Obtaining background information and any out-of-state equivalent, to determine whether the applicant or service provider is disqualified and to determine the character, competence, and suitability of an agency, the agency's employees, volunteers, and other persons associated with an agency;

(c) Conducting background checks for those who will or may have unsupervised access to children, expectant mothers, or individuals with a developmental disability;

(d) Obtaining child protective services information or records maintained in the department's ~~((case management))~~ information technology system. ~~((No))~~ Unfounded allegations of child abuse or neglect as defined in RCW 26.44.020 ~~((may))~~ shall be disclosed to ~~((a child-placing agency, private adoption agency, or any other provider licensed))~~ supervising agencies under this chapter;

(e) Submitting a fingerprint-based background check through the Washington state patrol under chapter 10.97 RCW and through the federal bureau of investigation for:

(i) Agencies and their staff, volunteers, students, and interns when the agency is seeking license or relicense;

(ii) Foster care and adoption placements; and

(iii) Any adult living in a home where a child may be placed;

(f) If any adult living in the home has not resided in the state of Washington for the preceding five years, the department shall review any child abuse and neglect registries maintained by any state where the adult has resided over the preceding five years;

(g) The cost of fingerprint background check fees will be paid as required in RCW 43.43.837;

(h) National and state background information must be used solely for the purpose of determining eligibility for a license and for determining the character, suitability, and competence of those persons or agencies, excluding parents, not required to be licensed who are authorized to care for children or expectant mothers;

(i) The number of qualified persons required to render the type of care and treatment for which an agency seeks a license;

(j) The safety, cleanliness, and general adequacy of the premises to provide for the comfort, care and well-being of children, expectant mothers or developmentally disabled persons;

(k) The provision of necessary care, including food, clothing, supervision and discipline; physical, mental and social well-being; and educational, recreational and spiritual opportunities for those served;

(l) The financial ability of an agency to comply with minimum requirements established pursuant to chapter 74.15 RCW and RCW 74.13.031; and

(m) The maintenance of records pertaining to the admission, progress, health and discharge of persons served;

(3) To investigate any person, including relatives by blood or marriage except for parents, for character, suitability, and competence in the care and treatment of children, expectant mothers, and developmentally disabled persons prior to authorizing that person to care for children, expectant mothers, and developmentally disabled persons. However, if a child is placed with a relative under RCW 13.34.065 or 13.34.130, and if such relative appears otherwise suitable and competent to provide care and treatment the criminal history background check required by this section need not be completed before placement, but shall be completed as soon as possible after placement;

(4) On reports of alleged child abuse and neglect, to investigate agencies in accordance with chapter 26.44 RCW, including child day-care centers and family day-care homes, to determine whether the alleged abuse or neglect has occurred, and whether child protective services or referral to a law enforcement agency is appropriate;

(5) To issue, revoke, or deny licenses to agencies pursuant to chapter 74.15 RCW and RCW 74.13.031. Licenses shall specify the category of care which an agency is authorized to render and the ages, sex and number of persons to be served;

(6) To prescribe the procedures and the form and contents of reports necessary for the administration of chapter 74.15 RCW and RCW 74.13.031 and to require regular reports from each licensee;

(7) To inspect agencies periodically to determine whether or not there is compliance with chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted hereunder;

(8) To review requirements adopted hereunder at least every two years and to adopt appropriate changes after consultation with affected groups for child day-care requirements and with the children's services advisory committee for requirements for other agencies; and

(9) To consult with public and private agencies in order to help them improve their methods and facilities for the care of children, expectant mothers and developmentally disabled persons.

Sec. 15. RCW 74.15.050 and 1995 c 369 s 62 are each amended to read as follows:

The chief of the Washington state patrol, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(7) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department ~~((of social and health services))~~ before a license shall be issued, except that ~~((a provisional))~~ an initial license may be issued as provided in RCW 74.15.120.

Sec. 16. RCW 74.15.100 and 2006 c 265 s 403 are each amended to read as follows:

Each agency or supervising agency shall make application for a license or renewal of license to the department ~~((of social and health services))~~ on forms prescribed by the department. A licensed agency having foster-family homes under its supervision may make application for a license on behalf of any such foster-family home. Such a foster home license shall cease to be valid when the home is no longer under the supervision of that agency. Upon receipt of such application, the department shall either grant or deny a license within ninety days unless the application is for licensure as a foster-family home, in which case RCW 74.15.040 shall govern. A license shall be granted if the agency meets the minimum requirements set forth in chapter 74.15 RCW and RCW 74.13.031 and the departmental requirements consistent herewith, except that an initial license may be issued as provided in RCW 74.15.120. Licenses provided for in chapter 74.15 RCW and RCW 74.13.031 shall be issued for a period of three years. The licensee, however, shall advise the secretary of any material change in circumstances which might constitute grounds for reclassification of license as to category. The license issued under this chapter is not transferable and applies only to the licensee and the location stated in the application. For licensed foster-family homes having an acceptable history of child care, the license may remain in effect for two weeks after a move, except that this will apply only if the family remains intact.

Sec. 17. RCW 26.44.020 and 2007 c 220 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW 9A.16.100; or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section.

(2) "Child" or "children" means any person under the age of eighteen years of age.

(3) "Child protective services" means those services provided by the department designed to protect children from child abuse and neglect and safeguard such children from future abuse and neglect, and conduct investigations of child abuse and neglect reports. Investigations may be conducted regardless of the location of the alleged abuse or neglect. Child protective services includes referral to services to ameliorate conditions that endanger the welfare of children, the coordination of necessary programs and services

relevant to the prevention, intervention, and treatment of child abuse and neglect, and services to children to ensure that each child has a permanent home. In determining whether protective services should be provided, the department shall not decline to provide such services solely because of the child's unwillingness or developmental inability to describe the nature and severity of the abuse or neglect.

(4) "Child protective services section" means the child protective services section of the department.

(5) "Clergy" means any regularly licensed or ordained minister, priest, or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(6) "Court" means the superior court of the state of Washington, juvenile department.

(7) "Department" means the state department of social and health services.

(8) "Founded" means the determination following an investigation by the department that, based on available information, it is more likely than not that child abuse or neglect did occur.

(9) "Inconclusive" means the determination following an investigation by the department, prior to October 1, 2008, that based on available information a decision cannot be made that more likely than not, child abuse or neglect did or did not occur.

(10) "Institution" means a private or public hospital or any other facility providing medical diagnosis, treatment, or care.

(11) "Law enforcement agency" means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(12) "Malice" or "maliciously" means an intent, wish, or design to intimidate, annoy, or injure another person. Such malice may be inferred from an act done in willful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a willful disregard of social duty.

(13) "Negligent treatment or maltreatment" means an act or a failure to act, or the cumulative effects of a pattern of conduct, behavior, or inaction, that evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to a child's health, welfare, or safety, including but not limited to conduct prohibited under RCW 9A.42.100. When considering whether a clear and present danger exists, evidence of a parent's substance abuse as a contributing factor to negligent treatment or maltreatment shall be given great weight. The fact that siblings share a bedroom is not, in and of itself, negligent treatment or maltreatment. Poverty, homelessness, or exposure to domestic violence as defined in RCW 26.50.010 that is perpetrated against someone other than the child does not constitute negligent treatment or maltreatment in and of itself.

(14) "Pharmacist" means any registered pharmacist under chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(15) "Practitioner of the healing arts" or "practitioner" means a person licensed by this state to practice podiatric medicine and surgery, optometry, chiropractic, nursing, dentistry, osteopathic medicine and surgery, or medicine and surgery or to provide other health services. The term "practitioner" includes a duly accredited Christian Science practitioner (~~PROVIDED, HOWEVER, THAT~~), A person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner will not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(16) "Professional school personnel" include, but are not limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(17) "Psychologist" means any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(18) "Screened-out report" means a report of alleged child abuse or neglect that the department has determined does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.

(19) "Sexual exploitation" includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child by any person.

(20) "Sexually aggressive youth" means a child who is defined in RCW 74.13.075(1)(b) as being a sexually aggressive youth.

(21) "Social service counselor" means anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support, or education of children, or providing social services to adults or families, including mental health, drug and alcohol treatment, and domestic violence programs, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(22) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 that has entered into a performance-based contract with the department to provide child welfare services.

(23) "Unfounded" means the determination following an investigation by the department that available information indicates that, more likely than not, child abuse or neglect did not occur, or that there is insufficient evidence for the department to determine whether the alleged child abuse did or did not occur.

Sec. 18. RCW 26.44.200 and 2002 c 134 s 4 are each amended to read as follows:

A law enforcement agency in the course of investigating: (1) An allegation under RCW 69.50.401 ~~((1))~~ (1) and (2) (a) through (e) relating to manufacture of methamphetamine; or (2) an allegation under RCW 69.50.440 relating to possession of ephedrine or any of its salts or isomers or salts of isomers, pseudoephedrine or any of its salts or isomers or salts of isomers, pressurized ammonia gas, or pressurized ammonia gas solution with intent to manufacture methamphetamine, that discovers a child present at the site, shall contact the department immediately.

NEW SECTION. Sec. 19. A new section is added to chapter 26.44 RCW to read as follows:

Within existing resources, the department shall develop a curriculum designed to train child protective services staff in forensic techniques used for investigating allegations of child abuse or neglect.

Sec. 20. RCW 13.34.025 and 2007 c 410 s 2 are each amended to read as follows:

(1) The department ~~((of social and health services))~~ and supervising agencies shall develop methods for coordination of services to parents and children in child dependency cases. To the maximum extent possible under current funding levels, the department and supervising agencies must:

(a) Coordinate and integrate services to children and families, using service plans and activities that address the children's and families' multiple needs, including ensuring that siblings have regular visits with each other, as appropriate. Assessment criteria should screen for multiple needs;

(b) Develop treatment plans for the individual needs of the client in a manner that minimizes the number of contacts the client is required to make; and

(c) Access training for department and supervising agency staff to increase skills across disciplines to assess needs for mental health, substance abuse, developmental disabilities, and other areas.

(2) The department shall coordinate within the administrations of the department, and with contracted service providers including supervising agencies, to ensure that parents in dependency proceedings under this chapter receive priority access to remedial services recommended by the department or supervising agency in its social study or ordered by the court for the purpose of correcting any parental deficiencies identified in the dependency proceeding that are capable of being corrected in the foreseeable future. Services may also be provided to caregivers other than the parents as identified in RCW 13.34.138.

(a) For purposes of this chapter, remedial services are those services defined in the federal adoption and safe families act as time-limited family reunification services. Remedial services include individual, group, and family counseling; substance abuse treatment services; mental health services; assistance to address domestic

violence; services designed to provide temporary child care and therapeutic services for families; and transportation to or from any of the above services and activities.

(b) The department shall provide funds for remedial services if the parent is unable to pay to the extent funding is appropriated in the operating budget or otherwise available to the department for such specific services. As a condition for receiving funded remedial services, the court may inquire into the parent's ability to pay for all or part of such services or may require that the parent make appropriate applications for funding to alternative funding sources for such services.

(c) If court-ordered remedial services are unavailable for any reason, including lack of funding, lack of services, or language barriers, the department or supervising agency shall promptly notify the court that the parent is unable to engage in the treatment due to the inability to access such services.

(d) This section does not create an entitlement to services and does not create judicial authority to order the provision of services except for the specific purpose of making reasonable efforts to remedy parental deficiencies identified in a dependency proceeding under this chapter.

Sec. 21. RCW 13.34.030 and 2003 c 227 s 2 are each amended to read as follows:

For purposes of this chapter:

(1) "Abandoned" means when the child's parent, guardian, or other custodian has expressed, either by statement or conduct, an intent to forego, for an extended period, parental rights or responsibilities despite an ability to exercise such rights and responsibilities. If the court finds that the petitioner has exercised due diligence in attempting to locate the parent, no contact between the child and the child's parent, guardian, or other custodian for a period of three months creates a rebuttable presumption of abandonment, even if there is no expressed intent to abandon.

(2) "Child" and "juvenile" means any individual under the age of eighteen years.

(3) "Current placement episode" means the period of time that begins with the most recent date that the child was removed from the home of the parent, guardian, or legal custodian for purposes of placement in out-of-home care and continues until: (a) The child returns home; (b) an adoption decree, a permanent custody order, or guardianship order is entered; or (c) the dependency is dismissed, whichever occurs first.

(4) "Department" means the department of social and health services.

(5) "Dependency guardian" means the person, nonprofit corporation, or Indian tribe appointed by the court pursuant to this chapter for the limited purpose of assisting the court in the supervision of the dependency.

~~((5))~~ (6) "Dependent child" means any child who:

(a) Has been abandoned;

(b) Is abused or neglected as defined in chapter 26.44 RCW by a person legally responsible for the care of the child; or

(c) Has no parent, guardian, or custodian capable of adequately caring for the child, such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development.

~~((6))~~ (7) "Developmental disability" means a disability attributable to mental retardation, cerebral palsy, epilepsy, autism, or another neurological or other condition of an individual found by the secretary to be closely related to mental retardation or to require treatment similar to that required for individuals with mental retardation, which disability originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial handicap to the individual.

~~((7))~~ (8) "Guardian" means the person or agency that: (a) Has been appointed as the guardian of a child in a legal proceeding other than a proceeding under this chapter; and (b) has the legal right to custody of the child pursuant to such appointment. The term "guardian" shall not include a "dependency guardian" appointed pursuant to a proceeding under this chapter.

~~((8))~~ (9) "Guardian ad litem" means a person, appointed by the court to represent the best interests of a child in a proceeding under

this chapter, or in any matter which may be consolidated with a proceeding under this chapter. A "court-appointed special advocate" appointed by the court to be the guardian ad litem for the child, or to perform substantially the same duties and functions as a guardian ad litem, shall be deemed to be guardian ad litem for all purposes and uses of this chapter.

~~((9))~~ (10) "Guardian ad litem program" means a court-authorized volunteer program, which is or may be established by the superior court of the county in which such proceeding is filed, to manage all aspects of volunteer guardian ad litem representation for children alleged or found to be dependent. Such management shall include but is not limited to: Recruitment, screening, training, supervision, assignment, and discharge of volunteers.

~~((10))~~ (11) "Indigent" means a person who, at any stage of a court proceeding, is:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, general assistance, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, or supplemental security income; or

(b) Involuntarily committed to a public mental health facility; or

(c) Receiving an annual income, after taxes, of one hundred twenty- five percent or less of the federally established poverty level; or

(d) Unable to pay the anticipated cost of counsel for the matter before the court because his or her available funds are insufficient to pay any amount for the retention of counsel.

~~((11))~~ (12) "Out-of-home care" means placement in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW or placement in a home, other than that of the child's parent, guardian, or legal custodian, not required to be licensed pursuant to chapter 74.15 RCW.

~~((12))~~ (13) "Preventive services" means preservation services, as defined in chapter 74.14C RCW, and other reasonably available services, including housing services, capable of preventing the need for out-of-home placement while protecting the child. Housing services may include, but are not limited to, referrals to federal, state, local, or private agencies or organizations, assistance with forms and applications, or financial subsidies for housing.

~~((13))~~ (14) "Shelter care" means temporary physical care in a facility licensed pursuant to RCW 74.15.030 or in a home not required to be licensed pursuant to RCW 74.15.030.

~~((14))~~ (15) "Sibling" means a child's birth brother, birth sister, adoptive brother, adoptive sister, half-brother, or half-sister, or as defined by the law or custom of the Indian child's tribe for an Indian child as defined in 25 U.S.C. Sec. 1903(4).

~~((15))~~ (16) "Social study" means a written evaluation of matters relevant to the disposition of the case and shall contain the following information:

(a) A statement of the specific harm or harms to the child that intervention is designed to alleviate;

(b) A description of the specific services and activities, for both the parents and child, that are needed in order to prevent serious harm to the child; the reasons why such services and activities are likely to be useful; the availability of any proposed services; and the agency's overall plan for ensuring that the services will be delivered. The description shall identify the services chosen and approved by the parent;

(c) If removal is recommended, a full description of the reasons why the child cannot be protected adequately in the home, including a description of any previous efforts to work with the parents and the child in the home; the in-home treatment programs that have been considered and rejected; the preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home; and the parents' attitude toward placement of the child;

(d) A statement of the likely harms the child will suffer as a result of removal;

(e) A description of the steps that will be taken to minimize the harm to the child that may result if separation occurs including an assessment of the child's relationship and emotional bond with any

siblings, and the agency's plan to provide ongoing contact between the child and the child's siblings if appropriate; and

(f) Behavior that will be expected before determination that supervision of the family or placement is no longer necessary.

(17) "Supervising agency" means an agency licensed by the state under RCW 74.15.090 or an Indian tribe under RCW 74.15.190 with whom the department has entered into a performance-based contract to provide child welfare services as defined in RCW 74.13.020.

Sec. 22. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) If it is likely that the child will remain in shelter care longer than seventy-two hours, in those areas in which child welfare services are being provided by a supervising agency, the supervising agency shall assume case management responsibilities of the case. The department ((of social and health services)) or supervising agency shall submit a recommendation to the court as to the further need for shelter care in all cases in which ((it is the petitioner)) the child will remain in shelter care longer than the seventy-two hour period. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order ~~((the supervising agency or))~~ the department ~~((of social and health services))~~ to make reasonable efforts to advise the parent, guardian,

or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the department or supervising agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department or supervising agency in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative pursuant to RCW 13.34.060(1).

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the department's or supervising agency's case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 23. RCW 13.34.067 and 2004 c 147 s 1 are each amended to read as follows:

(1)(a) Following shelter care and no later than thirty days prior to fact-finding, the department or supervising agency shall convene a case conference as required in the shelter care order to develop and specify in a written service agreement the expectations of both the department or supervising agency and the parent regarding voluntary services for the parent.

(b) The case conference shall include the parent, counsel for the parent, caseworker, counsel for the state, guardian ad litem, counsel for the child, and any other person agreed upon by the parties. Once the shelter care order is entered, the department or supervising agency is not required to provide additional notice of the case conference to any participants in the case conference.

(c) The written service agreement expectations must correlate with the court's findings at the shelter care hearing. The written service agreement must set forth specific services to be provided to the parent.

(d) The case conference agreement must be agreed to and signed by the parties. The court shall not consider the content of the discussions at the case conference at the time of the fact-finding

hearing for the purposes of establishing that the child is a dependent child, and the court shall not consider any documents or written materials presented at the case conference but not incorporated into the case conference agreement, unless the documents or written materials were prepared for purposes other than or as a result of the case conference and are otherwise admissible under the rules of evidence.

(2) At any other stage in a dependency proceeding, the department or supervising agency, upon the parent's request, shall convene a case conference.

Sec. 24. RCW 13.34.094 and 2004 c 147 s 3 are each amended to read as follows:

The department, or supervising agency after the shelter care hearing, shall, within existing resources, provide to parents requesting or participating in a multidisciplinary team, family group conference, case conference, or prognostic staffing information that describes these processes prior to the processes being undertaken.

Sec. 25. RCW 13.34.096 and 2007 c 409 s 1 are each amended to read as follows:

The department ((of social and health services or other)) or supervising agency shall provide the child's foster parents, preadoptive parents, or other caregivers with notice of their right to be heard prior to each proceeding held with respect to the child in juvenile court under this chapter. The rights to notice and to be heard apply only to persons with whom a child has been placed by the department before shelter care or ((other)) supervising agency and who are providing care to the child at the time of the proceeding. This section shall not be construed to grant party status to any person solely on the basis of such notice and right to be heard.

Sec. 26. RCW 13.34.125 and 1999 c 173 s 2 are each amended to read as follows:

In those cases where an alleged father, birth parent, or parent has indicated his or her intention to make a voluntary adoption plan for the child and has agreed to the termination of his or her parental rights, the department or supervising agency shall follow the wishes of the alleged father, birth parent, or parent regarding the proposed adoptive placement of the child, if the court determines that the adoption is in the best interest of the child, and the prospective adoptive parents chosen by the alleged father, birth parent, or parent are properly qualified to adopt in compliance with the standards in this chapter and chapter 26.33 RCW. If the department or supervising agency has filed a termination petition, an alleged father's, birth parent's, or parent's preferences regarding the proposed adoptive placement of the child shall be given consideration.

Sec. 27. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative ~~((or))~~, the department, or a ((licensed child placing)) supervising agency for supervision of the child's placement. The department or supervising agency ((supervising the child's placement)) has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii) in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and

otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, such child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; and (B) willing and available to care for the child.

(2) Placement of the child with a relative under this subsection shall be given preference by the court. An order for out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative, the child shall remain in foster care and the court shall direct the department or supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement.

Any placements with relatives, pursuant to this section, shall be contingent upon cooperation by the relative with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's home, subject to review by the court.

Sec. 28. RCW 13.34.136 and 2008 c 267 s 3 and 2008 c 152 s 2 are each reenacted and amended to read as follows:

(1) Whenever a child is ordered removed from the home, a permanency plan shall be developed no later than sixty days from the time the supervising agency assumes responsibility for providing services, including placing the child, or at the time of a hearing under RCW 13.34.130, whichever occurs first. The permanency planning process continues until a permanency planning goal is achieved or dependency is dismissed. The planning process shall include reasonable efforts to return the child to the parent's home.

(2) The agency supervising the dependency shall submit a written permanency plan to all parties and the court not less than fourteen days prior to the scheduled hearing. Responsive reports of parties not in agreement with the department's or supervising agency's proposed permanency plan must be provided to the department or supervising agency, all other parties, and the court at least seven days prior to the hearing.

The permanency plan shall include:

(a) A permanency plan of care that shall identify one of the following outcomes as a primary goal and may identify additional outcomes as alternative goals: Return of the child to the home of the child's parent, guardian, or legal custodian; adoption; guardianship; permanent legal custody; long-term relative or foster care, until the child is age eighteen, with a written agreement between the parties and the care provider; successful completion of a responsible living skills program; or independent living, if appropriate and if the child is age sixteen or older. The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW;

(b) Unless the court has ordered, pursuant to RCW 13.34.130(5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to return the child home, what steps the supervising agency or the department will take to promote existing appropriate sibling relationships and/or facilitate placement together or contact in accordance with the best interests of each child, and what actions the department or supervising agency will take to maintain parent-child ties. All aspects of the plan shall include the goal of achieving permanence for the child.

(i) The department's or supervising agency's plan shall specify what services the parents will be offered to enable them to resume custody, what requirements the parents must meet to resume custody, and a time limit for each service plan and parental requirement.

(ii) Visitation is the right of the family, including the child and the parent, in cases in which visitation is in the best interest of the child. Early, consistent, and frequent visitation is crucial for maintaining parent-child relationships and making it possible for parents and children to safely reunify. The supervising agency or department shall encourage the maximum parent and child and sibling contact possible, when it is in the best interest of the child, including regular visitation and participation by the parents in the care of the child while the child is in placement. Visitation shall not be limited as a sanction for a parent's failure to comply with court orders or services where the health, safety, or welfare of the child is not at risk as a result of the visitation. Visitation may be limited or denied only if the court determines that such limitation or denial is necessary to protect the child's health, safety, or welfare. The court and the department or supervising agency should rely upon community resources, relatives, foster parents, and other appropriate persons to provide transportation and supervision for visitation to the extent that such resources are available, and appropriate, and the child's safety would not be compromised.

(iii) A child shall be placed as close to the child's home as possible, preferably in the child's own neighborhood, unless the court

finds that placement at a greater distance is necessary to promote the child's or parents' well-being.

(iv) The plan shall state whether both in-state and, where appropriate, out-of-state placement options have been considered by the department or supervising agency.

(v) Unless it is not in the best interests of the child, whenever practical, the plan should ensure the child remains enrolled in the school the child was attending at the time the child entered foster care.

(vi) The supervising agency (~~charged with supervising a child in placement~~) or department shall provide all reasonable services that are available within the department or supervising agency, or within the community, or those services which the department has existing contracts to purchase. It shall report to the court if it is unable to provide such services; and

(c) If the court has ordered, pursuant to RCW 13.34.130(5), that a termination petition be filed, a specific plan as to where the child will be placed, what steps will be taken to achieve permanency for the child, services to be offered or provided to the child, and, if visitation would be in the best interests of the child, a recommendation to the court regarding visitation between parent and child pending a fact-finding hearing on the termination petition. The department or supervising agency shall not be required to develop a plan of services for the parents or provide services to the parents if the court orders a termination petition be filed. However, reasonable efforts to ensure visitation and contact between siblings shall be made unless there is reasonable cause to believe the best interests of the child or siblings would be jeopardized.

(3) Permanency planning goals should be achieved at the earliest possible date. If the child has been in out-of-home care for fifteen of the most recent twenty-two months, the court shall require the department or supervising agency to file a petition seeking termination of parental rights in accordance with RCW 13.34.145(3)(b)(vi). In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(4) If the court determines that the continuation of reasonable efforts to prevent or eliminate the need to remove the child from his or her home or to safely return the child home should not be part of the permanency plan of care for the child, reasonable efforts shall be made to place the child in a timely manner and to complete whatever steps are necessary to finalize the permanent placement of the child.

(5) The identified outcomes and goals of the permanency plan may change over time based upon the circumstances of the particular case.

(6) The court shall consider the child's relationships with the child's siblings in accordance with RCW 13.34.130(3).

(7) For purposes related to permanency planning:

(a) "Guardianship" means a dependency guardianship or a legal guardianship pursuant to chapter 11.88 RCW or equivalent laws of another state or a federally recognized Indian tribe.

(b) "Permanent custody order" means a custody order entered pursuant to chapter 26.10 RCW.

(c) "Permanent legal custody" means legal custody pursuant to chapter 26.10 RCW or equivalent laws of another state or a federally recognized Indian tribe.

Sec. 29. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW, the status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision by the supervising agency or department shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department or supervising agency must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the supervising agency or the department is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with ~~(the)~~ the supervising agency's case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the department's or supervising agency's case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 30. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the department or supervising agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to department or supervising agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the department or supervising agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department or supervising agency to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department or supervising agency shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the supervising agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision by the department or supervising agency shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the department or supervising agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 31. RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department or supervising agency shall not continue to supervise the placement.

(2) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

(3) Any order entered in the dependency court establishing or modifying a permanent legal custody order under chapter 26.10 RCW shall also be filed in the chapter 26.10 RCW action by the prevailing party. Once filed, any order establishing or modifying permanent legal custody shall survive dismissal of the dependency proceeding.

Sec. 32. RCW 13.34.174 and 2000 c 122 s 23 are each amended to read as follows:

(1) The provisions of this section shall apply when a court orders a party to undergo an alcohol or substance abuse diagnostic investigation and evaluation.

(2) The facility conducting the investigation and evaluation shall make a written report to the court stating its findings and recommendations including family-based services or treatment when appropriate. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (a) Type of treatment;
- (b) Nature of treatment;
- (c) Length of treatment;
- (d) A treatment time schedule; and
- (e) Approximate cost of the treatment.

The affected person shall be included in developing the appropriate treatment plan. The treatment plan must be signed by the treatment provider and the affected person. The initial written progress report based on the treatment plan shall be sent to the appropriate persons six weeks after initiation of treatment. Subsequent progress reports shall be provided after three months, six months, twelve months, and thereafter every six months if treatment exceeds twelve months. Reports are to be filed with the court in a timely manner. Close-out of the treatment record must include summary of pretreatment and posttreatment, with final outcome and disposition. The report shall also include recommendations for ongoing stability and decrease in destructive behavior.

Each report shall also be filed with the court and a copy given to the person evaluated and the person's counsel. A copy of the treatment plan shall also be given to the department's or supervising agency's caseworker and to the guardian ad litem. Any program for chemical dependency shall meet the program requirements contained in chapter 70.96A RCW.

(3) If the court has ordered treatment pursuant to a dependency proceeding it shall also require the treatment program to provide, in the reports required by subsection (2) of this section, status reports to the court, the department, the supervising (~~(child-placing)~~) agency (~~(if any)~~), and the person or person's counsel regarding the person's cooperation with the treatment plan proposed and the person's progress in treatment.

(4) If a person subject to this section fails or neglects to carry out and fulfill any term or condition of the treatment plan, the program or agency administering the treatment shall report such breach to the court, the department, the guardian ad litem, the supervising (~~(child-placing)~~) agency if any, and the person or

person's counsel, within twenty-four hours, together with its recommendation. These reports shall be made as a declaration by the person who is personally responsible for providing the treatment.

(5) Nothing in this chapter may be construed as allowing the court to require the department to pay for the cost of any alcohol or substance abuse evaluation or treatment program.

Sec. 33. RCW 13.34.176 and 2000 c 122 s 24 are each amended to read as follows:

(1) The court, upon receiving a report under RCW 13.34.174(4) or at the department's or supervising agency's request, may schedule a show cause hearing to determine whether the person is in violation of the treatment conditions. All parties shall be given notice of the hearing. The court shall hold the hearing within ten days of the request for a hearing. At the hearing, testimony, declarations, reports, or other relevant information may be presented on the person's alleged failure to comply with the treatment plan and the person shall have the right to present similar information on his or her own behalf.

(2) If the court finds that there has been a violation of the treatment conditions it shall modify the dependency order, as necessary, to ensure the safety of the child. The modified order shall remain in effect until the party is in full compliance with the treatment requirements.

Sec. 34. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party, including the supervising agency, to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; or

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the ~~((department of social and health services))~~ supervising agency and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

Sec. 35. RCW 13.34.210 and 2003 c 227 s 8 are each amended to read as follows:

If, upon entering an order terminating the parental rights of a parent, there remains no parent having parental rights, the court shall commit the child to the custody of the department or ~~((to))~~ a ~~((licensed child-placing))~~ supervising agency willing to accept custody for the purpose of placing the child for adoption. If an adoptive home has not been identified, the department or supervising agency shall place the child in a licensed foster home, or take other suitable measures for the care and welfare of the child. The custodian shall have authority to consent to the adoption of the child consistent with chapter 26.33 RCW, the marriage of the child, the enlistment of the child in the armed forces of the United States, necessary surgical and other medical treatment for the child, and to consent to such other matters as might normally be required of the parent of the child.

If a child has not been adopted within six months after the date of the order and a guardianship of the child under RCW 13.34.231 or chapter 11.88 RCW, or a permanent custody order under chapter 26.10 RCW, has not been entered by the court, the court shall review the case every six months until a decree of adoption is entered except for those cases which are reviewed by a citizen review board under chapter 13.70 RCW. The supervising agency shall take reasonable steps to ensure that the child maintains relationships with siblings as

provided in RCW 13.34.130(3) and shall report to the court the status and extent of such relationships.

Sec. 36. RCW 13.34.215 and 2008 c 267 s 1 are each amended to read as follows:

(1) A child may petition the juvenile court to reinstate the previously terminated parental rights of his or her parent under the following circumstances:

(a) The child was previously found to be a dependent child under this chapter;

(b) The child's parent's rights were terminated in a proceeding under this chapter;

(c) The child has not achieved his or her permanency plan within three years of a final order of termination; and

(d) The child must be at least twelve years old at the time the petition is filed. Upon the child's motion for good cause shown, or on its own motion, the court may hear a petition filed by a child younger than twelve years old.

(2) A child seeking to petition under this section shall be provided counsel at no cost to the child.

(3) The petition must be signed by the child in the absence of a showing of good cause as to why the child could not do so.

(4) If, after a threshold hearing to consider the parent's apparent fitness and interest in reinstatement of parental rights, the court finds by a preponderance of the evidence that the best interests of the child may be served by reinstatement of parental rights, the juvenile court shall order that a hearing on the merits of the petition be held.

(5) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department or the supervising agency, the child's attorney, and the child. The court shall also order the department or supervising agency to give prior notice of any hearing to the child's former parent whose parental rights are the subject of the petition, any parent whose rights have not been terminated, the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(6) The juvenile court shall conditionally grant the petition if it finds by clear and convincing evidence that the child has not achieved his or her permanency plan and is not likely to imminently achieve his or her permanency plan and that reinstatement of parental rights is in the child's best interest. In determining whether reinstatement is in the child's best interest the court shall consider, but is not limited to, the following:

(a) Whether the parent whose rights are to be reinstated is a fit parent and has remedied his or her deficits as provided in the record of the prior termination proceedings and prior termination order;

(b) The age and maturity of the child, and the ability of the child to express his or her preference;

(c) Whether the reinstatement of parental rights will present a risk to the child's health, welfare, or safety; and

(d) Other material changes in circumstances, if any, that may have occurred which warrant the granting of the petition.

(7) In determining whether the child has or has not achieved his or her permanency plan or whether the child is likely to achieve his or her permanency plan, the department or supervising agency shall provide the court, and the court shall review, information related to any efforts to achieve the permanency plan including efforts to achieve adoption or a permanent guardianship.

(8)(a) If the court conditionally grants the petition under subsection (6) of this section, the case will be continued for six months and a temporary order of reinstatement entered. During this period, the child shall be placed in the custody of the parent. The department or supervising agency shall develop a permanency plan for the child reflecting the plan to be reunification and shall provide transition services to the family as appropriate.

(b) If the child must be removed from the parent due to abuse or neglect allegations prior to the expiration of the conditional six-month period, the court shall dismiss the petition for reinstatement of parental rights if the court finds the allegations have been proven by a preponderance of the evidence.

(c) If the child has been successfully placed with the parent for six months, the court order reinstating parental rights remains in effect and the court shall dismiss the dependency.

(9) After the child has been placed with the parent for six months, the court shall hold a hearing. If the placement with the

parent has been successful, the court shall enter a final order of reinstatement of parental rights, which shall restore all rights, powers, privileges, immunities, duties, and obligations of the parent as to the child, including those relating to custody, control, and support of the child. The court shall dismiss the dependency and direct the clerk's office to provide a certified copy of the final order of reinstatement of parental rights to the parent at no cost.

(10) The granting of the petition under this section does not vacate or otherwise affect the validity of the original termination order.

(11) Any parent whose rights are reinstated under this section shall not be liable for any child support owed to the department pursuant to RCW 13.34.160 or Title 26 RCW or costs of other services provided to a child for the time period from the date of termination of parental rights to the date parental rights are reinstated.

(12) A proceeding to reinstate parental rights is a separate action from the termination of parental rights proceeding and does not vacate the original termination of parental rights. An order granted under this section reinstates the parental rights to the child. This reinstatement is a recognition that the situation of the parent and child have changed since the time of the termination of parental rights and reunification is now appropriate.

(13) This section is retroactive and applies to any child who is under the jurisdiction of the juvenile court at the time of the hearing regardless of the date parental rights were terminated.

(14) The state, the department, the supervising agency, and its employees are not liable for civil damages resulting from any act or omission in the provision of services under this section, unless the act or omission constitutes gross negligence. This section does not create any duty and shall not be construed to create a duty where none exists. This section does not create a cause of action against the state, the department, the supervising agency, or its employees concerning the original termination.

Sec. 37. RCW 13.34.230 and 1981 c 195 s 1 are each amended to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department (~~(of social and health services)~~) or supervising agency shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings.

Sec. 38. RCW 13.34.233 and 2000 c 122 s 30 are each amended to read as follows:

(1) Any party may request the court under RCW 13.34.150 to modify or terminate a dependency guardianship order. Notice of any motion to modify or terminate the guardianship shall be served on all other parties, including any agency that was responsible for supervising the child's placement at the time the guardianship petition was filed. Notice in all cases shall be served upon the department. If the department or supervising agency was not previously a party to the guardianship proceeding, the department or supervising agency shall nevertheless have the right to: (a) Initiate a proceeding to modify or terminate a guardianship; and (b) intervene at any stage of such a proceeding.

(2) The guardianship may be modified or terminated upon the motion of any party (~~((or))~~), the department, or the supervising agency if the court finds by a preponderance of the evidence that there has been a substantial change of circumstances subsequent to the establishment of the guardianship and that it is in the child's best interest to modify or terminate the guardianship. The court shall hold a hearing on the motion before modifying or terminating a guardianship.

(3) Upon entry of an order terminating the guardianship, the dependency guardian shall not have any rights or responsibilities with respect to the child and shall not have legal standing to participate as a party in further dependency proceedings pertaining to the child. The court may allow the child's dependency guardian to attend dependency review proceedings pertaining to the child for the sole purpose of providing information about the child to the court.

(4) Upon entry of an order terminating the guardianship, the child shall remain dependent and the court shall either return the child to the child's parent or order the child into the custody, control,

and care of the department or a (~~licensed child-placing~~) supervising agency for placement in a foster home or group care facility licensed pursuant to chapter 74.15 RCW or in a home not required to be licensed pursuant to such chapter. The court shall not place a child in the custody of the child's parent unless the court finds that reasons for removal as set forth in RCW 13.34.130 no longer exist and that such placement is in the child's best interest. The court shall thereafter conduct reviews as provided in RCW 13.34.138 and, where applicable, shall hold a permanency planning hearing in accordance with RCW 13.34.145.

Sec. 39. RCW 13.34.245 and 1997 c 386 s 18 are each amended to read as follows:

(1) Where any parent or Indian custodian voluntarily consents to foster care placement of an Indian child and a petition for dependency has not been filed regarding the child, such consent shall not be valid unless executed in writing before the court and filed with the court. The consent shall be accompanied by the written certification of the court that the terms and consequences of the consent were fully explained in detail to the parent or Indian custodian during the court proceeding and were fully understood by the parent or Indian custodian. The court shall also certify in writing either that the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within ten days after, the birth of the Indian child shall not be valid.

(2) To obtain court validation of a voluntary consent to foster care placement, any person may file a petition for validation alleging that there is located or residing within the county an Indian child whose parent or Indian custodian wishes to voluntarily consent to foster care placement of the child and requesting that the court validate the consent as provided in this section. The petition shall contain the name, date of birth, and residence of the child, the names and residences of the consenting parent or Indian custodian, and the name and location of the Indian tribe in which the child is a member or eligible for membership. The petition shall state whether the placement preferences of 25 U.S.C. Sec. 1915 (b) or (c) will be followed. Reasonable attempts shall be made by the petitioner to ascertain and set forth in the petition the identity, location, and custodial status of any parent or Indian custodian who has not consented to foster care placement and why that parent or Indian custodian cannot assume custody of the child.

(3) Upon filing of the petition for validation, the clerk of the court shall schedule the petition for a hearing on the court validation of the voluntary consent no later than forty-eight hours after the petition has been filed, excluding Saturdays, Sundays, and holidays. Notification of time, date, location, and purpose of the validation hearing shall be provided as soon as possible to the consenting parent or Indian custodian, the department or (~~other child-placing~~) supervising agency which is to assume responsibility for the child's placement and care pursuant to the consent to foster care placement, and the Indian tribe in which the child is enrolled or eligible for enrollment as a member. If the identity and location of any nonconsenting parent or Indian custodian is known, reasonable attempts shall be made to notify the parent or Indian custodian of the consent to placement and the validation hearing. Notification under this subsection may be given by the most expedient means, including, but not limited to, mail, personal service, telephone, and telegraph.

(4) Any parent or Indian custodian may withdraw consent to a voluntary foster care placement, made under this section, at any time. Unless the Indian child has been taken in custody pursuant to RCW 13.34.050 or 26.44.050, placed in shelter care pursuant to RCW 13.34.060, or placed in foster care pursuant to RCW 13.34.130, the Indian child shall be returned to the parent or Indian custodian upon withdrawal of consent to foster care placement of the child.

(5) Upon termination of the voluntary foster care placement and return of the child to the parent or Indian custodian, the department or (~~other child-placing~~) supervising agency which had assumed responsibility for the child's placement and care pursuant to the consent to foster care placement shall file with the court written notification of the child's return and shall also send such notification to the Indian tribe in which the child is enrolled or eligible for

enrollment as a member and to any other party to the validation proceeding including any noncustodial parent.

Sec. 40. RCW 13.34.320 and 1999 c 188 s 2 are each amended to read as follows:

The department or supervising agency shall obtain the prior consent of a child's parent, legal guardian, or legal custodian before a dependent child is admitted into an inpatient mental health treatment facility. If the child's parent, legal guardian, or legal custodian is unavailable or does not agree with the proposed admission, the department or supervising agency shall request a hearing and provide notice to all interested parties to seek prior approval of the juvenile court before such admission. In the event that an emergent situation creating a risk of substantial harm to the health and welfare of a child in the custody of the department or supervising agency does not allow time for the department or supervising agency to obtain prior approval or to request a court hearing before consenting to the admission of the child into an inpatient mental health hospital, the department or supervising agency shall seek court approval by requesting that a hearing be set on the first available court date.

Sec. 41. RCW 13.34.330 and 1999 c 188 s 3 are each amended to read as follows:

A dependent child who is admitted to an inpatient mental health facility shall be placed in a facility, with available treatment space, that is closest to the family home, unless the department or supervising agency, in consultation with the admitting authority finds that admission in the facility closest to the child's home would jeopardize the health or safety of the child.

Sec. 42. RCW 13.34.340 and 2000 c 122 s 35 are each amended to read as follows:

For minors who cannot consent to the release of their records with the department or supervising agency because they are not old enough to consent to treatment, or, if old enough, lack the capacity to consent, or if the minor is receiving treatment involuntarily with a provider the department or supervising agency has authorized to provide mental health treatment under RCW 13.34.320, the department or supervising agency shall disclose, upon the treating physician's request, all relevant records, including the minor's passport as established under RCW 74.13.285, in the department's or supervising agency's possession that the treating physician determines contain information required for treatment of the minor. The treating physician shall maintain all records received from the department or supervising agency in a manner that distinguishes the records from any other records in the minor's file with the treating physician and the department or supervising agency records may not be disclosed by the treating physician to any other person or entity absent a court order except that, for medical purposes only, a treating physician may disclose the department or supervising agency records to another treating physician.

Sec. 43. RCW 13.34.350 and 2001 c 52 s 2 are each amended to read as follows:

In order to facilitate communication of information needed to serve the best interest of any child who is the subject of a dependency case filed under this chapter, the department (~~of social and health services~~) shall, consistent with state and federal law governing the release of confidential information, establish guidelines, and shall use those guidelines for the facilitation of communication of relevant information among divisions, providers, the courts, the family, caregivers, caseworkers, and others.

Sec. 44. RCW 13.34.370 and 2004 c 146 s 2 are each amended to read as follows:

The court may order expert evaluations of parties to obtain information regarding visitation issues or other issues in a case. These evaluations shall be performed by appointed evaluators who are mutually agreed upon by the court, the (~~state~~) supervising agency, the department, and the parents' counsel, and, if the child is to be evaluated, by the representative for the child. If no agreement can be reached, the court shall select the expert evaluator.

Sec. 45. RCW 13.34.380 and 2004 c 146 s 3 are each amended to read as follows:

The department (~~of social and health services~~) shall develop consistent policies and protocols, based on current relevant research, concerning visitation for dependent children to be implemented

consistently throughout the state. The department shall develop the policies and protocols in consultation with researchers in the field, community-based agencies, court-appointed special advocates, parents' representatives, and court representatives. The policies and protocols shall include, but not be limited to: The structure and quality of visitations; and training for department and supervising agency caseworkers, visitation supervisors, and foster parents related to visitation.

The policies and protocols shall be consistent with the provisions of this chapter and implementation of the policies and protocols shall be consistent with relevant orders of the court.

Sec. 46. RCW 13.34.385 and 2008 c 259 s 1 are each amended to read as follows:

(1) A relative of a dependent child may petition the juvenile court for reasonable visitation with the child if:

(a) The child has been found to be a dependent child under this chapter;

(b) The parental rights of both of the child's parents have been terminated;

(c) The child is in the custody of the department ~~((or))~~, another public ~~((or private))~~ agency, or a supervising agency; and

(d) The child has not been adopted and is not in a preadoptive home or other permanent placement at the time the petition for visitation is filed.

(2) The court shall give prior notice for any proceeding under this section, or cause prior notice to be given, to the department ~~((or))~~, other public ((or private)) agency, or supervising agency having custody of the child, the child's attorney or guardian ad litem if applicable, and the child. The court shall also order the custodial agency to give prior notice of any hearing to the child's current foster parent, relative caregiver, guardian or custodian, and the child's tribe, if applicable.

(3) The juvenile court may grant the petition for visitation if it finds that the requirements of subsection (1) of this section have been met, and that unsupervised visitation between the child and the relative does not present a risk to the child's safety or well-being and that the visitation is in the best interests of the child. In determining the best interests of the child the court shall consider, but is not limited to, the following:

(a) The love, affection, and strength of the relationship between the child and the relative;

(b) The length and quality of the prior relationship between the child and the relative;

(c) Any criminal convictions for or founded history of abuse or neglect of a child by the relative;

(d) Whether the visitation will present a risk to the child's health, welfare, or safety;

(e) The child's reasonable preference, if the court considers the child to be of sufficient age to express a preference;

(f) Any other factor relevant to the child's best interest.

(4) The visitation order may be modified at any time upon a showing that the visitation poses a risk to the child's safety or well-being. The visitation order shall state that visitation will automatically terminate upon the child's placement in a preadoptive home, if the child is adopted, or if there is a subsequent founded abuse or neglect allegation against the relative.

(5) The granting of the petition under this section does not grant the relative the right to participate in the dependency action and does not grant any rights to the relative not otherwise specified in the visitation order.

(6) This section is retroactive and applies to any eligible dependent child at the time of the filing of the petition for visitation, regardless of the date parental rights were terminated.

(7) For the purpose of this section, "relative" means a relative as defined in RCW 74.15.020(2)(a), except parents.

(8) This section is intended to provide an additional procedure by which a relative may request visitation with a dependent child. It is not intended to impair or alter the ability a court currently has to order visitation with a relative under the dependency statutes.

Sec. 47. RCW 13.34.390 and 2005 c 504 s 303 are each amended to read as follows:

The department ~~((of social and health services))~~ and the department of health shall develop and expand comprehensive

services for drug- affected and alcohol-affected mothers and infants. Subject to funds appropriated for this purpose, the expansion shall be in evidence-based, research-based, or consensus-based practices, ~~((as those terms are defined in section 603 of this act,))~~ and shall expand capacity in underserved regions of the state.

Sec. 48. RCW 13.34.400 and 2007 c 411 s 2 are each amended to read as follows:

In any proceeding under this chapter, if the department or supervising agency submits a report to the court in which the department is recommending a new placement or a change in placement, the department or supervising agency shall include the documents relevant to persons in the home in which a child will be placed and listed in subsections (1) through (5) of this section to the report. The department or supervising agency shall include only these relevant documents and shall not attach the entire history of the subject of the report.

(1) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to substance abuse treatment, mental health treatment, anger management classes, or domestic violence classes, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report or evaluation submitted by the provider, but may not include the entire history with the provider.

(2) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to visitation with a child, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the most recent visitation report, a visitation report referencing a specific incident alleged in the report, or summary of the visitation prepared by the person who supervised the visitation. The documentation attached to the report shall not include the entire visitation history.

(3) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to the psychological status of a person, the department or supervising agency shall attach the document upon which the recommendation, opinion, or assertion was based. The documentation may include the progress report, evaluation, or summary submitted by the provider, but shall not include the entire history of the person.

(4) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to injuries to a child, the department or supervising agency shall attach a summary of the physician's report, prepared by the physician or the physician's designee, relating to the recommendation, opinion, or assertion by the department.

(5) If the report contains a recommendation, opinion, or assertion by the department or supervising agency relating to a home study, licensing action, or background check information, the department or supervising agency shall attach the document or documents upon which that recommendation, opinion, or assertion is based.

Sec. 49. RCW 74.13.010 and 1965 c 30 s 2 are each amended to read as follows:

The purpose of this chapter is to safeguard, protect, and contribute to the welfare of the children of the state, through a comprehensive and coordinated program of ~~((public))~~ child welfare services provided by both the department and supervising agencies providing for: Social services and facilities for children who require guidance, care, control, protection, treatment, or rehabilitation; setting of standards for social services and facilities for children; cooperation with public and voluntary agencies, organizations, and citizen groups in the development and coordination of programs and activities in behalf of children; and promotion of community conditions and resources that help parents to discharge their responsibilities for the care, development, and well-being of their children.

NEW SECTION. Sec. 50. A new section is added to chapter 74.13 RCW to read as follows:

The department's duty to provide services to homeless families with children is set forth in RCW 43.20A.790 and in appropriations

provided by the legislature for implementation of the comprehensive plan for homeless families with children.

Sec. 51. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

~~((The department shall have the duty to provide child welfare services and shall:))~~

(1) The department and supervising agencies shall develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, the department and supervising agencies shall recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and the department shall annually report to the governor and the legislature concerning the department's and supervising agency's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) The department shall investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) The department or supervising agencies shall offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) The department or supervising agencies shall monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. ~~((The policy for monitoring placements))~~ Under this section ~~((shall require that))~~ children in out-of-home care and in-home dependencies and their caregivers shall receive a private and individual face-to-face visit each month.

~~((a))~~ The department or supervising agencies shall conduct the monthly visits with children and caregivers ~~((required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.~~

~~((b))~~ n cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days)) to whom it is providing child welfare services.

(6) The department and supervising agencies shall have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95- 608 (25 U.S.C. Sec. 1915), no private adoption

agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) The department and supervising agency shall have authority to purchase care for children ~~((and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department))~~.

(9) The department shall establish a children's services advisory committee with sufficient members representing supervising agencies which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) The department and supervising agencies shall have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) The department shall refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) The department and supervising agencies shall have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department ~~((of social and health services))~~ under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, the supervising agency or department shall provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) The department and supervising agencies shall have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) The department and supervising agencies shall consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving

information and comment regarding how the department (~~(its)~~ and supervising agencies are performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

Sec. 52. RCW 74.13.0311 and 2002 c 219 s 13 are each amended to read as follows:

The department or (~~its contractors~~) supervising agencies may provide child welfare services pursuant to a deferred prosecution plan ordered under chapter 10.05 RCW. Child welfare services provided under this chapter pursuant to a deferred prosecution order may not be construed to prohibit the department or supervising agencies from providing services or undertaking proceedings pursuant to chapter 13.34 or 26.44 RCW.

Sec. 53. RCW 74.13.032 and 1998 c 296 s 4 are each amended to read as follows:

(1) The department shall establish, (~~by~~) through performance-based contracts with private or public vendors, regional crisis residential centers with semi-secure facilities. These facilities shall be structured group care facilities licensed under rules adopted by the department and shall have an average of at least four adult staff members and in no event less than three adult staff members to every eight children.

(2) Within available funds appropriated for this purpose, the department shall establish, (~~by~~) through performance-based contracts with private or public vendors, regional crisis residential centers with secure facilities. These facilities shall be facilities licensed under rules adopted by the department. These centers may also include semi-secure facilities and to such extent shall be subject to subsection (1) of this section.

(3) The department shall, in addition to the facilities established under subsections (1) and (2) of this section, establish additional crisis residential centers pursuant to performance-based contracts with licensed private group care facilities.

(4) The staff at the facilities established under this section shall be trained so that they may effectively counsel juveniles admitted to the centers, provide treatment, supervision, and structure to the juveniles that recognize the need for support and the varying circumstances that cause children to leave their families, and carry out the responsibilities stated in RCW 13.32A.090. The responsibilities stated in RCW 13.32A.090 may, in any of the centers, be carried out by the department.

(5) The secure facilities located within crisis residential centers shall be operated to conform with the definition in RCW 13.32A.030. The facilities shall have an average of no less than one adult staff member to every ten children. The staffing ratio shall continue to ensure the safety of the children.

(6) If a secure crisis residential center is located in or adjacent to a secure juvenile detention facility, the center shall be operated in a manner that prevents in-person contact between the residents of the center and the persons held in such facility.

Sec. 54. RCW 74.13.036 and 2003 c 207 s 2 are each amended to read as follows:

(1) The department (~~(of social and health services)~~) shall oversee implementation of chapter 13.34 RCW and chapter 13.32A RCW. The oversight shall be comprised of working with affected parts of the criminal justice and child care systems as well as with local government, legislative, and executive authorities to effectively carry out these chapters. The department shall work with all such entities to ensure that chapters 13.32A and 13.34 RCW are implemented in a uniform manner throughout the state.

(2) The department shall develop a plan and procedures, in cooperation with the statewide advisory committee, to insure the full implementation of the provisions of chapter 13.32A RCW. Such plan and procedures shall include but are not limited to:

(a) Procedures defining and delineating the role of the department and juvenile court with regard to the execution of the child in need of services placement process;

(b) Procedures for designating department or supervising agency staff responsible for family reconciliation services;

(c) Procedures assuring enforcement of contempt proceedings in accordance with RCW 13.32A.170 and 13.32A.250; and

(d) Procedures for the continued education of all individuals in the criminal juvenile justice and child care systems who are affected by chapter 13.32A RCW, as well as members of the legislative and executive branches of government.

There shall be uniform application of the procedures developed by the department and juvenile court personnel, to the extent practicable. Local and regional differences shall be taken into consideration in the development of procedures required under this subsection.

(3) In addition to its other oversight duties, the department shall:

(a) Identify and evaluate resource needs in each region of the state;

(b) Disseminate information collected as part of the oversight process to affected groups and the general public;

(c) Educate affected entities within the juvenile justice and child care systems, local government, and the legislative branch regarding the implementation of chapters 13.32A and 13.34 RCW;

(d) Review complaints concerning the services, policies, and procedures of those entities charged with implementing chapters 13.32A and 13.34 RCW; and

(e) Report any violations and misunderstandings regarding the implementation of chapters 13.32A and 13.34 RCW.

(4) The department shall provide an annual report to the legislature not later than December 1 of each year only when it has declined to accept custody of a child from a law enforcement agency or it has received a report of a child being released without placement. The report shall indicate the number of times it has declined to accept custody of a child from a law enforcement agency under chapter 13.32A RCW and the number of times it has received a report of a child being released without placement under RCW 13.32A.060(1)(c). The report shall include the dates, places, and reasons the department declined to accept custody and the dates and places children are released without placement.

Sec. 55. RCW 74.13.037 and 1997 c 146 s 9 are each amended to read as follows:

Within available funds appropriated for this purpose, the department shall establish, (~~by~~) through performance-based contracts with private vendors, transitional living programs for youth who are being assisted by the department in being emancipated as part of their permanency plan under chapter 13.34 RCW. These programs shall be licensed under rules adopted by the department.

Sec. 56. RCW 74.13.042 and 1995 c 311 s 14 are each amended to read as follows:

If the department or supervising agency is denied lawful access to records or information, or requested records or information is not provided in a timely manner, the department or supervising agency may petition the court for an order compelling disclosure.

(1) The petition shall be filed in the juvenile court for the county in which the record or information is located or the county in which the person who is the subject of the record or information resides. If the person who is the subject of the record or information is a party to or the subject of a pending proceeding under chapter 13.32A or 13.34 RCW, the petition shall be filed in such proceeding.

(2) Except as otherwise provided in this section, the persons from whom and about whom the record or information is sought shall be served with a summons and a petition at least seven calendar days prior to a hearing on the petition. The court may order disclosure upon ex parte application of the department or supervising agency, without prior notice to any person, if the court finds there is reason to believe access to the record or information is necessary to determine whether the child is in imminent danger and in need of immediate protection.

(3) The court shall grant the petition upon a showing that there is reason to believe that the record or information sought is necessary for the health, safety, or welfare of the child who is currently receiving child welfare services.

Sec. 57. RCW 74.13.045 and 1998 c 245 s 146 are each amended to read as follows:

The department shall develop and implement an informal, nonadversarial complaint resolution process to be used by clients of the department or supervising agency, foster parents, and other

affected individuals who have complaints regarding a department policy or procedure, ~~((or))~~ the application of such a policy or procedure, or the performance of an entity that has entered into a performance-based contract with the department, related to programs administered under this chapter. The process shall not apply in circumstances where the complainant has the right under Title 13, 26, or 74 RCW to seek resolution of the complaint through judicial review or through an adjudicative proceeding.

Nothing in this section shall be construed to create substantive or procedural rights in any person. Participation in the complaint resolution process shall not entitle any person to an adjudicative proceeding under chapter 34.05 RCW or to superior court review. Participation in the process shall not affect the right of any person to seek other statutorily or constitutionally permitted remedies.

The department shall develop procedures to assure that clients and foster parents are informed of the availability of the complaint resolution process and how to access it. The department shall incorporate information regarding the complaint resolution process into the training for foster parents and department and supervising agency caseworkers.

The department shall compile complaint resolution data including the nature of the complaint and the outcome of the process.

Sec. 58. RCW 74.13.055 and 1998 c 245 s 147 are each amended to read as follows:

The department shall adopt rules pursuant to chapter 34.05 RCW which establish goals as to the maximum number of children who will remain in foster care for a period of longer than twenty-four months. The department shall also work cooperatively with ~~((the major private child care providers))~~ supervising agencies to assure that a partnership plan for utilizing the resources of the public and private sector in all matters pertaining to child welfare is developed and implemented.

Sec. 59. RCW 74.13.060 and 1971 ex.s. c 169 s 7 are each amended to read as follows:

(1) The secretary or his or her designees or delegates shall be the custodian without compensation of such moneys and other funds of any person which may come into the possession of the secretary during the period such person is placed with the department ~~((of social and health services))~~ or an entity with which it has entered into a performance-based contract pursuant to chapter 74.13 RCW. As such custodian, the secretary shall have authority to disburse moneys from the person's funds for the following purposes only and subject to the following limitations:

~~((1))~~ The secretary may disburse any of the funds belonging to such person) (a) For such personal needs of such person as the secretary may deem proper and necessary.

~~((2))~~ The secretary may apply such funds) (b) Against the amount of public assistance otherwise payable to such person. This includes applying, as reimbursement, any benefits, payments, funds, or accrual paid to or on behalf of said person from any source against the amount of public assistance expended on behalf of said person during the period for which the benefits, payments, funds or accruals were paid.

~~((3))~~ (2) All funds held by the secretary as custodian may be deposited in a single fund, the receipts and expenditures therefrom to be accurately accounted for by him or her on an individual basis. Whenever, the funds belonging to any one person exceed the sum of five hundred dollars, the secretary may deposit said funds in a savings and loan association account on behalf of that particular person.

~~((4))~~ (3) When the conditions of placement no longer exist and public assistance is no longer being provided for such person, upon a showing of legal competency and proper authority, the secretary shall deliver to such person, or the parent, person, or agency legally responsible for such person, all funds belonging to the person remaining in his or her possession as custodian, together with a full and final accounting of all receipts and expenditures made therefrom.

~~((5))~~ (4) The appointment of a guardian for the estate of such person shall terminate the secretary's authority as custodian of said funds upon receipt by the secretary of a certified copy of letters of guardianship. Upon the guardian's request, the secretary shall immediately forward to such guardian any funds of such person

remaining in the secretary's possession together with full and final accounting of all receipts and expenditures made therefrom.

Sec. 60. RCW 74.13.065 and 2002 c 52 s 8 are each amended to read as follows:

(1) The department~~((;))~~ or supervising agency ~~((responsible for supervising a child in out-of-home care;))~~ shall conduct a social study whenever a child is placed in out-of-home care under the supervision of the department or ~~((other))~~ supervising agency. The study shall be conducted prior to placement, or, if it is not feasible to conduct the study prior to placement due to the circumstances of the case, the study shall be conducted as soon as possible following placement.

(2) The social study shall include, but not be limited to, an assessment of the following factors:

(a) The physical and emotional strengths and needs of the child;

(b) Emotional bonds with siblings and the need to maintain regular sibling contacts;

(c) The proximity of the child's placement to the child's family to aid reunification;

(d) The possibility of placement with the child's relatives or extended family;

(e) The racial, ethnic, cultural, and religious background of the child;

(f) The least-restrictive, most family-like placement reasonably available and capable of meeting the child's needs; and

(g) Compliance with RCW 13.34.260 regarding parental preferences for placement of their children.

Sec. 61. RCW 74.13.075 and 1994 c 169 s 1 are each amended to read as follows:

(1) For the purposes of funds appropriated for the treatment of sexually aggressive youth, the term "sexually aggressive youth" means those juveniles who:

(a) Have been abused and have committed a sexually aggressive act or other violent act that is sexual in nature; and

(i) Are in the care and custody of the state or a federally recognized Indian tribe located within the state; or

(ii) Are the subject of a proceeding under chapter 13.34 RCW or a child welfare proceeding held before a tribal court located within the state; or

(b) Cannot be detained under the juvenile justice system due to being under age twelve and incompetent to stand trial for acts that could be prosecuted as sex offenses as defined by RCW 9.94A.030 if the juvenile was over twelve years of age, or competent to stand trial if under twelve years of age.

(2) In expending these funds, the department ~~((of social and health services))~~ shall establish in each region a case review committee to review all cases for which the funds are used. In determining whether to use these funds in a particular case, the committee shall consider:

(a) The age of the juvenile;

(b) The extent and type of abuse to which the juvenile has been subjected;

(c) The juvenile's past conduct;

(d) The benefits that can be expected from the treatment;

(e) The cost of the treatment; and

(f) The ability of the juvenile's parent or guardian to pay for the treatment.

(3) The department may provide funds, under this section, for youth in the care and custody of a tribe or through a tribal court, for the treatment of sexually aggressive youth only if: (a) The tribe uses the same or equivalent definitions and standards for determining which youth are sexually aggressive; and (b) the department seeks to recover any federal funds available for the treatment of youth.

Sec. 62. RCW 74.13.077 and 1993 c 402 s 4 are each amended to read as follows:

The secretary ~~((of the department of social and health services))~~ is authorized to transfer surplus, unused treatment funds from the civil commitment center operated under chapter 71.09 RCW to the division of children and family services to provide treatment services for sexually aggressive youth.

Sec. 63. RCW 74.13.096 and 2007 c 465 s 2 are each amended to read as follows:

(1) The secretary ~~((of the department of social and health services))~~ shall convene an advisory committee to analyze and make

recommendations on the disproportionate representation of children of color in Washington's child welfare system. The department shall collaborate with the Washington institute for public policy and private sector entities to develop a methodology for the advisory committee to follow in conducting a baseline analysis of data from the child welfare system to determine whether racial disproportionality and racial disparity exist in this system. The Washington institute for public policy shall serve as technical staff for the advisory committee. In determining whether racial disproportionality or racial disparity exists, the committee shall utilize existing research and evaluations conducted within Washington state, nationally, and in other states and localities that have similarly analyzed the prevalence of racial disproportionality and disparity in child welfare.

(2) At a minimum, the advisory committee shall examine and analyze: (a) The level of involvement of children of color at each stage in the state's child welfare system, including the points of entry and exit, and each point at which a treatment decision is made; (b) the number of children of color in low-income or single-parent families involved in the state's child welfare system; (c) the family structures of families involved in the state's child welfare system; and (d) the outcomes for children in the existing child welfare system. This analysis shall be disaggregated by racial and ethnic group, and by geographic region.

(3) The committee of not more than fifteen individuals shall consist of experts in social work, law, child welfare, psychology, or related fields, at least two tribal representatives, a representative of the governor's juvenile justice advisory committee, a representative of a community-based organization involved with child welfare issues, a representative of the department (~~of social and health services~~), a current or former foster care youth, a current or former foster care parent, and a parent previously involved with Washington's child welfare system. Committee members shall be selected as follows: (a) Five members selected by the senate majority leader; (b) five members selected by the speaker of the house of representatives; and (c) five members selected by the secretary of the department (~~of social and health services~~). The secretary, the senate majority leader, and the speaker of the house of representatives shall coordinate appointments to ensure the representation specified in this subsection is achieved. After the advisory committee appointments are finalized, the committee shall select two individuals to serve as co-chairs of the committee, one of whom shall be a representative from a nongovernmental entity.

(4) The secretary shall make reasonable efforts to seek public and private funding for the advisory committee.

(5) Not later than June 1, 2008, the advisory committee created in subsection (1) of this section shall report to the secretary of the department (~~of social and health services~~) on the results of the analysis. If the results of the analysis indicate disproportionality or disparity exists for any racial or ethnic group in any region of the state, the committee, in conjunction with the secretary of the department (~~of social and health services~~), shall develop a plan for remedying the disproportionality or disparity. The remediation plan shall include: (a) Recommendations for administrative and legislative actions related to appropriate programs and services to reduce and eliminate disparities in the system and improve the long-term outcomes for children of color who are served by the system; and (b) performance measures for implementing the remediation plan. To the extent possible and appropriate, the remediation plan shall be developed to integrate the recommendations required in this subsection with the department's existing compliance plans, training efforts, and other practice improvement and reform initiatives in progress. The advisory committee shall be responsible for ongoing evaluation of current and prospective policies and procedures for their contribution to or effect on racial disproportionality and disparity.

(6) Not later than December 1, 2008, the secretary shall report the results of the analysis conducted under subsection (2) of this section and shall describe the remediation plan required under subsection (5) of this section to the appropriate committees of the legislature with jurisdiction over policy and fiscal matters relating to children, families, and human services. Beginning January 1, 2010, the secretary shall report annually to the appropriate committees of

the legislature on the implementation of the remediation plan, including any measurable progress made in reducing and eliminating racial disproportionality and disparity in the state's child welfare system.

Sec. 64. RCW 74.13.103 and 1971 ex.s. c 63 s 2 are each amended to read as follows:

When a child proposed for adoption is placed with a prospective adoptive parent the department may charge such parent a fee in payment or part payment of such adoptive parent's part of the cost of the adoption services rendered and to be rendered by the department.

In charging such fees the department shall treat a husband and wife as a single prospective adoptive parent.

Each such fee shall be fixed according to a sliding scale based on the ability to pay of the prospective adoptive parent or parents.

Such fee scale shall be annually fixed by the secretary after considering the recommendations of the committee designated by the secretary to advise him or her on child welfare and pursuant to the regulations to be issued by the secretary in accordance with the provisions of Title 34 RCW.

The secretary may waive, defer, or provide for payment in installments without interest of, any such fee whenever in his or her judgment payment or immediate payment would cause economic hardship to such adoptive parent or parents.

Nothing in this section shall require the payment of a fee to the state of Washington in a case in which an adoption results from independent placement or placement by a licensed child-placing or supervising agency.

Sec. 65. RCW 74.13.106 and 1985 c 7 s 134 are each amended to read as follows:

All fees paid for adoption services pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) shall be credited to the general fund. Expenses incurred in connection with supporting the adoption of hard to place children shall be paid by warrants drawn against such appropriations as may be available. The secretary may for such purposes, contract with any public agency or (~~licensed child placing~~) supervising agency and/or adoptive parent and is authorized to accept funds from other sources including federal, private, and other public funding sources to carry out such purposes.

The secretary shall actively seek, where consistent with the policies and programs of the department, and shall make maximum use of, such federal funds as are or may be made available to the department for the purpose of supporting the adoption of hard to place children. The secretary may, if permitted by federal law, deposit federal funds for adoption support, aid to adoptions, or subsidized adoption in the general fund and may use such funds, subject to such limitations as may be imposed by federal or state law, to carry out the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

Sec. 66. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act).

Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

Such agreements shall meet the following criteria:

(1) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

(2) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

(3) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support (~~(- provided that)~~). If the secretary (~~(shall)~~) finds that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), including annual review of the amount of such support.

(4) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

Sec. 67. RCW 74.13.124 and 1985 c 7 s 140 are each amended to read as follows:

An agreement for adoption support made (~~(pursuant to RCW 26.32.115)~~) before January 1, 1985, or pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), although subject to review and adjustment as provided for herein, shall, as to the standard used by the secretary in making such review or reviews and any such adjustment, constitutes a contract within the meaning of section 10, Article I of the United States Constitution and section 23, Article I of the state Constitution. For that reason once such an agreement has been made any review of and adjustment under such agreement shall as to the standards used by the secretary, be made only subject to the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) and such rules and regulations relating thereto as they exist on the date of the initial determination in connection with such agreement or such more generous standard or parts of such standard as may hereafter be provided for by law or regulation. Once made such an agreement shall constitute a solemn undertaking by the state of Washington with such adoptive parent or parents. The termination of the effective period of RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) or a decision by the state or federal government to discontinue or reduce general appropriations made available for the purposes to be served by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act), shall not affect the state's specific continuing obligations to support such adoptions, subject to such annual review and adjustment for all such agreements as have theretofore been entered into by the state.

The purpose of this section is to assure any such parent that, upon his or her consenting to assume the burdens of adopting a hard to place child, the state will not in future so act by way of general reduction of appropriations for the program authorized by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) or ratable reductions, to impair the trust and confidence necessarily reposed by such parent in the state as a condition of such parent taking upon himself or herself the obligations of parenthood of a difficult to place child.

Should the secretary and any such adoptive parent differ as to whether any standard or part of a standard adopted by the secretary after the date of an initial agreement, which standard or part is used by the secretary in making any review and adjustment, is more generous than the standard in effect as of the date of the initial determination with respect to such agreement such adoptive parent may invoke his or her rights, including all rights of appeal under the fair hearing provisions, available to him or her under RCW 74.13.127 (as recodified by this act).

Sec. 68. RCW 74.13.136 and 1985 c 7 s 144 are each amended to read as follows:

Any (~~(child-caring)~~) supervising agency or person having a child in foster care or institutional care and wishing to recommend to the secretary support of the adoption of such child as provided for in RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act) may do so, and may include in its or his or her recommendation advice as to the appropriate level of support and any other information likely to assist the secretary in carrying out the functions vested in the secretary by RCW 26.33.320 and 74.13.100 through 74.13.145 (as recodified by this act). Such agency may, but is not required to, be retained by the secretary to make the required preplacement study of the prospective adoptive parent or parents.

Sec. 69. RCW 74.13.165 and 1997 c 272 s 4 are each amended to read as follows:

The secretary or the secretary's designee (~~(may)~~) shall purchase services from nonprofit agencies for the purpose of conducting home studies for legally free children who have been awaiting adoption finalization for more than (~~(ninety)~~) sixty days. The home studies selected to be done under this section shall be for the children who have been legally free and awaiting adoption finalization the longest period of time.

This section expires June 30, 2011.

Sec. 70. RCW 74.13.170 and 1991 c 326 s 2 are each amended to read as follows:

The department (~~(of social and health services)~~) may, through performance-based contracts with supervising agencies, implement a therapeutic family home program for up to fifteen youth in the custody of the department under chapter 13.34 RCW. The program shall strive to develop and maintain a mutually reinforcing relationship between the youth and the therapeutic staff associated with the program.

Sec. 71. RCW 74.13.250 and 1990 c 284 s 2 are each amended to read as follows:

(1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements, responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Foster parents shall complete preservice training (~~(shall be completed prior to)~~) before the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

Sec. 72. RCW 74.13.280 and 2007 c 409 s 6 and 2007 c 220 s 4 are each reenacted and amended to read as follows:

(1) Except as provided in RCW 70.24.105, whenever a child is placed in out-of-home care by the department or a (~~(child-placing)~~) supervising agency, the department or agency shall share information known to the department or agency about the child and the child's family with the care provider and shall consult with the care provider regarding the child's case plan. If the child is dependent pursuant to a proceeding under chapter 13.34 RCW, the department or supervising agency shall keep the care provider informed regarding the dates and location of dependency review and permanency planning hearings pertaining to the child.

(2) Information about the child and the child's family shall include information known to the department or agency as to whether the child is a sexually reactive child, has exhibited high-risk behaviors, or is physically assaultive or physically aggressive, as defined in this section.

(3) Information about the child shall also include information known to the department or agency that the child:

(a) Has received a medical diagnosis of fetal alcohol syndrome or fetal alcohol effect;

(b) Has been diagnosed by a qualified mental health professional as having a mental health disorder;

(c) Has witnessed a death or substantial physical violence in the past or recent past; or

(d) Was a victim of sexual or severe physical abuse in the recent past.

(4) Any person who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information except as authorized by law. Care providers shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

(5) Nothing in this section shall be construed to limit the authority of the department or ~~((child-placing))~~ supervising agencies to disclose client information or to maintain client confidentiality as provided by law.

(6) As used in this section:

(a) "Sexually reactive child" means a child who exhibits sexual behavior problems including, but not limited to, sexual behaviors that are developmentally inappropriate for their age or are harmful to the child or others.

(b) "High-risk behavior" means an observed or reported and documented history of one or more of the following:

(i) Suicide attempts or suicidal behavior or ideation;

(ii) Self-mutilation or similar self-destructive behavior;

(iii) Fire-setting or a developmentally inappropriate fascination with fire;

(iv) Animal torture;

(v) Property destruction; or

(vi) Substance or alcohol abuse.

(c) "Physically assaultive or physically aggressive" means a child who exhibits one or more of the following behaviors that are developmentally inappropriate and harmful to the child or to others:

(i) Observed assaultive behavior;

(ii) Reported and documented history of the child willfully assaulting or inflicting bodily harm; or

(iii) Attempting to assault or inflict bodily harm on other children or adults under circumstances where the child has the apparent ability or capability to carry out the attempted assaults including threats to use a weapon.

Sec. 73. RCW 74.13.283 and 2008 c 267 s 7 are each amended to read as follows:

(1) For the purpose of assisting foster youth in obtaining a Washington state identicard, submission of the information and materials listed in this subsection from the department or supervising agency to the department of licensing is sufficient proof of identity and residency and shall serve as the necessary authorization for the youth to apply for and obtain a Washington state identicard:

(a) A written signed statement prepared on department or supervising agency letterhead, verifying the following:

(i) The youth is a minor who resides in Washington;

(ii) Pursuant to a court order, the youth is dependent and the department or ~~((other))~~ supervising agency is the legal custodian of the youth under chapter 13.34 RCW or under the interstate compact on the placement of children;

(iii) The youth's full name and date of birth;

(iv) The youth's social security number, if available;

(v) A brief physical description of the youth;

(vi) The appropriate address to be listed on the youth's identicard; and

(vii) Contact information for the appropriate person ~~((at))~~ with the department or supervising agency.

(b) A photograph of the youth, which may be digitized and integrated into the statement.

(2) The department or supervising agency may provide the statement and the photograph via any of the following methods, whichever is most efficient or convenient:

(a) Delivered via first-class mail or electronically to the headquarters office of the department of licensing; or

(b) Hand-delivered to a local office of the department of licensing by a department or supervising agency case worker.

(3) A copy of the statement shall be provided to the youth who shall provide the copy to the department of licensing when making an in-person application for a Washington state identicard.

(4) To the extent other identifying information is readily available, the department or supervising agency shall include the additional information with the submission of information required under subsection (1) of this section.

Sec. 74. RCW 74.13.285 and 2007 c 409 s 7 are each amended to read as follows:

(1) Within available resources, the department or supervising agency shall prepare a passport containing all known and available information concerning the mental, physical, health, and educational status of the child for any child who has been in a foster home for ninety consecutive days or more. The passport shall contain education records obtained pursuant to RCW 28A.150.510. The passport shall be provided to a foster parent at any placement of a child covered by this section. The department or supervising agency shall update the passport during the regularly scheduled court reviews required under chapter 13.34 RCW.

New placements ~~((after July 1, 1997;))~~ shall have first priority in the preparation of passports. ~~((Within available resources, the department may prepare passports for any child in a foster home on July 1, 1997, provided that no time spent in a foster home before July 1, 1997, shall be included in the computation of the ninety days.))~~

(2) In addition to the requirements of subsection (1) of this section, the department or supervising agency shall, within available resources, notify a foster parent before placement of a child of any known health conditions that pose a serious threat to the child and any known behavioral history that presents a serious risk of harm to the child or others.

(3) The department shall hold harmless the provider including supervising agencies for any unauthorized disclosures caused by the department.

(4) Any foster parent who receives information about a child or a child's family pursuant to this section shall keep the information confidential and shall not further disclose or disseminate the information, except as authorized by law. Such individuals shall agree in writing to keep the information that they receive confidential and shall affirm that the information will not be further disclosed or disseminated, except as authorized by law.

Sec. 75. RCW 74.13.288 and 2004 c 40 s 2 are each amended to read as follows:

~~((+))~~ The department of health shall develop recommendations concerning evidence-based practices for testing for blood-borne pathogens of children under one year of age who have been placed in out-of-home care and shall identify the specific pathogens for which testing is recommended.

~~((2))~~ The department shall report to the appropriate committees of the legislature on the recommendations developed in accordance with subsection (1) of this section by January 1, 2005.

Sec. 76. RCW 74.13.289 and 2004 c 40 s 3 are each amended to read as follows:

(1) Upon any placement, the department ~~((of social and health services))~~ or supervising agency shall inform each out-of-home care provider if the child to be placed in that provider's care is infected with a blood-borne pathogen, and shall identify the specific blood-borne pathogen for which the child was tested if known by the department or supervising agency.

(2) All out-of-home care providers licensed by the department shall receive training related to blood-borne pathogens, including prevention, transmission, infection control, treatment, testing, and confidentiality.

(3) Any disclosure of information related to HIV must be in accordance with RCW 70.24.105.

(4) The department of health shall identify by rule the term "blood-borne pathogen" as used in this section.

Sec. 77. RCW 74.13.300 and 1990 c 284 s 12 are each amended to read as follows:

(1) Whenever a child has been placed in a foster family home by the department or ~~((a child-placing))~~ supervising agency and the child has thereafter resided in the home for at least ninety consecutive days, the department or ~~((child-placing))~~ supervising

agency shall notify the foster family at least five days prior to moving the child to another placement, unless:

(a) A court order has been entered requiring an immediate change in placement;

(b) The child is being returned home;

(c) The child's safety is in jeopardy; or

(d) The child is residing in a receiving home or a group home.

(2) If the child has resided in a foster family home for less than ninety days or if, due to one or more of the circumstances in subsection (1) of this section, it is not possible to give five days' notification, the department or ~~((child-placing))~~ supervising agency shall notify the foster family of proposed placement changes as soon as reasonably possible.

(3) This section is intended solely to assist in minimizing disruption to the child in changing foster care placements. Nothing in this section shall be construed to require that a court hearing be held prior to changing a child's foster care placement nor to create any substantive custody rights in the foster parents.

Sec. 78. RCW 74.13.310 and 1990 c 284 s 13 are each amended to read as follows:

Adequate foster parent training has been identified as directly associated with increasing the length of time foster parents are willing to provide foster care and reducing the number of placement disruptions for children. Placement disruptions can be harmful to children by denying them consistent and nurturing support. Foster parents have expressed the desire to receive training in addition to the foster parent ~~((SCOPE))~~ training currently offered. Foster parents who care for more demanding children, such as children with severe emotional, mental, or physical handicaps, would especially benefit from additional training. The department and supervising agency shall develop additional training for foster parents that focuses on skills to assist foster parents in caring for emotionally, mentally, or physically handicapped children.

Sec. 79. RCW 74.13.315 and 1997 c 272 s 6 are each amended to read as follows:

The department or supervising agency may provide child care for all foster parents who are required to attend department-sponsored or supervising agency-sponsored meetings or training sessions. If the department or supervising agency does not provide such child care, the department or supervising agency, where feasible, shall conduct the activities covered by this section in the foster parent's home or other location acceptable to the foster parent.

Sec. 80. RCW 74.13.320 and 1990 c 284 s 15 are each amended to read as follows:

~~((The legislature finds that during the fiscal years 1987 to 1989 the number of children in foster care has risen by 14.3 percent. At the same time there has been a 31 percent turnover rate in foster homes because many foster parents have declined to continue to care for foster children. This situation has caused a dangerously critical shortage of foster homes.~~

~~The department of social and health services shall develop and implement a project to recruit more foster homes and adoptive homes for special needs children by developing a request for proposal to licensed private foster care, licensed adoption agencies, and other organizations qualified to provide this service.~~

~~The project shall consist of one statewide administrator of recruitment programs, and one or more licensed foster care or adoption agency contracts in each of the six departmental regions. These contracts shall enhance currently provided services and may not replace services currently funded by the agencies. No more than sixty thousand dollars may be spent annually to fund the administrator position.~~

~~The agencies shall recruit foster care homes and adoptive homes for children classified as special needs children under chapter 74.08 RCW. The agencies shall utilize their own network of contacts and shall also develop programs similar to those used effectively in other states. The department shall expand the foster-adopt program statewide to encourage stable placements for foster children for whom permanent out-of-home placement is a likelihood. The department shall carefully consider existing programs to eliminate duplication of services.~~

The department shall assist ~~((the private contractors))~~ supervising agencies by providing printing services for informational

brochures and other necessary recruitment materials. No more than fifty thousand dollars of the funds provided for this section may be expended annually for recruitment materials.

Sec. 81. RCW 74.13.325 and 1997 c 272 s 3 are each amended to read as follows:

Within available resources, the department and supervising agencies shall increase the number of adoptive and foster families available to accept children through an intensive recruitment and retention program. The department shall ~~((contract with a private agency to))~~ enter into performance-based contracts with supervising agencies, under which the agencies will coordinate all foster care and adoptive home recruitment activities ~~((for the department and private agencies)).~~

Sec. 82. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

A foster parent who believes that a department or supervising agency employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

(1) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, ~~((or))~~ the department, or the supervising agency, provided information, or otherwise cooperated with the investigation of such a complaint;

(2) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

(3) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

(4) The foster parent has advocated for services on behalf of the foster child;

(5) The foster parent has sought to adopt a foster child in the foster parent's care; or

(6) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW,

may file a complaint with the office of the family and children's ombudsman. The office of the family and children's ombudsman shall include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department or supervising agency and foster parents.

Sec. 83. RCW 74.13.334 and 2004 c 181 s 2 are each amended to read as follows:

The department and supervising agency shall develop procedures for responding to recommendations of the office of the family and children's ombudsman as a result of any and all complaints filed by foster parents under RCW 74.13.333.

Sec. 84. RCW 74.13.500 and 2005 c 274 s 351 are each amended to read as follows:

(1) Consistent with the provisions of chapter 42.56 RCW and applicable federal law, the secretary, or the secretary's designee, shall disclose information regarding the abuse or neglect of a child, the investigation of the abuse, neglect, or near fatality of a child, and any services related to the abuse or neglect of a child if any one of the following factors is present:

(a) The subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained by the department in its case and management information system;

(b) The investigation of the abuse or neglect of the child by the department or the provision of services by the department or a supervising agency has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a prosecuting attorney, any other state or local investigative agency or official, or by a judge of the superior court;

(c) There has been a prior knowing, voluntary public disclosure by an individual concerning a report of child abuse or neglect in which such individual is named as the subject of the report; or

(d) The child named in the report has died and the child's death resulted from abuse or neglect or the child was in the care of, or receiving services from the department or a supervising agency at the time of death or within twelve months before death.

(2) The secretary is not required to disclose information if the factors in subsection (1) of this section are present if he or she specifically determines the disclosure is contrary to the best interests of the child, the child's siblings, or other children in the household.

(3) Except for cases in subsection (1)(d) of this section, requests for information under this section shall specifically identify the case about which information is sought and the facts that support a determination that one of the factors specified in subsection (1) of this section is present.

(4) For the purposes of this section, "near fatality" means an act that, as certified by a physician, places the child in serious or critical condition. The secretary is under no obligation to have an act certified by a physician in order to comply with this section.

Sec. 85. RCW 74.13.515 and 2005 c 274 s 352 are each amended to read as follows:

For purposes of RCW 74.13.500(1)(d), the secretary must make the fullest possible disclosure consistent with chapter 42.56 RCW and applicable federal law in cases of all fatalities of children who were in the care of, or receiving services from, the department or a supervising agency at the time of their death or within the twelve months previous to their death.

If the secretary specifically determines that disclosure of the name of the deceased child is contrary to the best interests of the child's siblings or other children in the household, the secretary may remove personally identifying information.

For the purposes of this section, "personally identifying information" means the name, street address, social security number, and day of birth of the child who died and of private persons who are relatives of the child named in child welfare records. "Personally identifying information" shall not include the month or year of birth of the child who has died. Once this personally identifying information is removed, the remainder of the records pertaining to a child who has died must be released regardless of whether the remaining facts in the records are embarrassing to the unidentifiable other private parties or to identifiable public workers who handled the case.

Sec. 86. RCW 74.13.525 and 2005 c 274 s 353 are each amended to read as follows:

The department or supervising agency, when acting in good faith, is immune from any criminal or civil liability, except as provided under RCW 42.56.550, for any action taken under RCW 74.13.500 through 74.13.520.

Sec. 87. RCW 74.13.530 and 2001 c 318 s 4 are each amended to read as follows:

(1) No child may be placed or remain in a specific out-of-home placement under this chapter or chapter 13.34 RCW when there is a conflict of interest on the part of any adult residing in the home in which the child is to be or has been placed. A conflict of interest exists when:

(a) There is an adult in the home who, as a result of: (i) His or her employment; and (ii) an allegation of abuse or neglect of the child, conducts or has conducted an investigation of the allegation; or

(b) The child has been, is, or is likely to be a witness in any pending cause of action against any adult in the home when the cause includes: (i) An allegation of abuse or neglect against the child or any sibling of the child; or (ii) a claim of damages resulting from wrongful interference with the parent-child relationship of the child and his or her biological or adoptive parent.

(2) For purposes of this section, "investigation" means the exercise of professional judgment in the review of allegations of abuse or neglect by: (a) Law enforcement personnel; (b) persons employed by, or under contract with, the state; (c) persons licensed to practice law and their employees; and (d) mental health professionals as defined in chapter 71.05 RCW.

(3) The prohibition set forth in subsection (1) of this section may not be waived or deferred by the department or a supervising agency under any circumstance or at the request of any person, regardless of who has made the request or the length of time of the requested placement.

Sec. 88. RCW 74.13.560 and 2003 c 112 s 3 are each amended to read as follows:

The administrative regions of the department and the supervising agencies shall develop protocols with the respective school districts in their regions specifying specific strategies for communication, coordination, and collaboration regarding the status and progress of foster children placed in the region, in order to maximize the educational continuity and achievement for foster children. The protocols shall include methods to assure effective sharing of information consistent with RCW 28A.225.330.

Sec. 89. RCW 74.13.590 and 2003 c 112 s 6 are each amended to read as follows:

The department and supervising agencies shall perform the tasks provided in RCW 74.13.550 through 74.13.580 based on available resources.

Sec. 90. RCW 74.13.600 and 2003 c 284 s 1 are each amended to read as follows:

(1) For the purposes of this section, "kin" means persons eighteen years of age or older to whom the child is related by blood, adoption, or marriage, including marriages that have been dissolved, and means: (a) Any person denoted by the prefix "grand" or "great"; (b) sibling, whether full, half, or step; (c) uncle or aunt; (d) nephew or niece; or (e) first cousin.

(2) The department and supervising agencies shall plan, design, and implement strategies to prioritize the placement of children with willing and able kin when out-of-home placement is required.

These strategies must include at least the following:

(a) Development of standardized, statewide procedures to be used by supervising agencies when searching for kin of children prior to out-of-home placement. The procedures must include a requirement that documentation be maintained in the child's case record that identifies kin, and documentation that identifies the assessment criteria and procedures that were followed during all kin searches. The procedures must be used when a child is placed in out-of-home care under authority of chapter 13.34 RCW, when a petition is filed under RCW 13.32A.140, or when a child is placed under a voluntary placement agreement. To assist with implementation of the procedures, the department or supervising agencies shall request that the juvenile court require parents to disclose to the (department) agencies all contact information for available and appropriate kin within two weeks of an entered order. For placements under signed voluntary agreements, the department and supervising agencies shall encourage the parents to disclose to the department and agencies all contact information for available and appropriate kin within two weeks of the date the parent signs the voluntary placement agreement.

(b) Development of procedures for conducting active outreach efforts to identify and locate kin during all searches. The procedures must include at least the following elements:

(i) Reasonable efforts to interview known kin, friends, teachers, and other identified community members who may have knowledge of the child's kin, within sixty days of the child entering out-of-home care;

(ii) Increased use of those procedures determined by research to be the most effective methods of promoting reunification efforts, permanency planning, and placement decisions;

(iii) Contacts with kin identified through outreach efforts and interviews under this subsection as part of permanency planning activities and change of placement discussions;

(iv) Establishment of a process for ongoing contact with kin who express interest in being considered as a placement resource for the child; and

(v) A requirement that when the decision is made to not place the child with any kin, the department or supervising agency provides documentation as part of the child's individual service and safety plan that clearly identifies the rationale for the decision and corrective action or actions the kin must take to be considered as a viable placement option.

(3) Nothing in this section shall be construed to create an entitlement to services or to create judicial authority to order the provision of services to any person or family if the services are unavailable or unsuitable or the child or family is not eligible for such services.

Sec. 91. RCW 74.13.640 and 2008 c 211 s 1 are each amended to read as follows:

(1) The department (~~of social and health services~~) shall conduct a child fatality review in the event of an unexpected death of a minor in the state who is in the care of or receiving services described in chapter 74.13 RCW from the department or a supervising agency or who has been in the care of or received services described in chapter 74.13 RCW from the department or a supervising agency within one year preceding the minor's death.

(2) Upon conclusion of a child fatality review required pursuant to subsection (1) of this section, the department shall within one hundred eighty days following the fatality issue a report on the results of the review, unless an extension has been granted by the governor. Reports shall be distributed to the appropriate committees of the legislature, and the department shall create a public web site where all child fatality review reports required under this section shall be posted and maintained.

(3) The department shall develop and implement procedures to carry out the requirements of subsections (1) and (2) of this section.

(4) In the event a child fatality is the result of apparent abuse or neglect by the child's parent or caregiver, the department shall ensure that the fatality review team is comprised of individuals who had no previous involvement in the case and whose professional expertise is pertinent to the dynamics of the case.

(5) In the event of a near-fatality of a child who is in the care of or receiving services described in this chapter from the department or who has been in the care of or received services described in this chapter from the department within one year preceding the near-fatality, the department shall promptly notify the office of the family and children's ombudsman.

Sec. 92. RCW 74.13.650 and 2007 c 220 s 7 are each amended to read as follows:

A foster parent critical support and retention program is established to retain foster parents who care for sexually reactive children, physically assaultive children, or children with other high-risk behaviors, as defined in RCW 74.13.280. Services shall consist of short-term therapeutic and educational interventions to support the stability of the placement. ~~The ((foster parent critical support and retention program is to be implemented under the division of children and family services' contract and supervision. A contractor must demonstrate experience providing in-home case management, as well as experience working with caregivers of children with significant behavioral issues that pose a threat to others or themselves or the stability of the placement)) department shall enter into performance-based contracts with supervising agencies to provide this program.~~

Sec. 93. RCW 74.13.670 and 2007 c 220 s 5 are each amended to read as follows:

(1) A care provider may not be found to have abused or neglected a child under chapter 26.44 RCW or be denied a license pursuant to chapter 74.15 RCW and RCW 74.13.031 for any allegations of failure to supervise (~~wherein~~) in which:

(a) The allegations arise from the child's conduct that is substantially similar to prior behavior of the child, and:

(i) The child is a sexually reactive youth, exhibits high-risk behaviors, or is physically assaultive or physically aggressive as defined in RCW 74.13.280, and this information and the child's prior behavior was not disclosed to the care provider as required by RCW 74.13.280; and

(ii) The care provider did not know or have reason to know that the child needed supervision as a sexually reactive or physically assaultive or physically aggressive youth, or because of a documented history of high-risk behaviors, as a result of the care provider's involvement with or independent knowledge of the child or training and experience; or

(b) The child was not within the reasonable control of the care provider at the time of the incident that is the subject of the allegation, and the care provider was acting in good faith and did not know or have reason to know that reasonable control or supervision of the child was necessary to prevent harm or risk of harm to the child or other persons.

(2) Allegations of child abuse or neglect that meet the provisions of this section shall be designated as "unfounded" as defined in RCW 26.44.020.

NEW SECTION. Sec. 94. RCW 74.13.085, 74.13.0902, 74.13.095, and 74.15.031 are each recodified as new sections in chapter 43.215 RCW.

NEW SECTION. Sec. 95. RCW 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170 are each recodified as a new chapter in Title 74 RCW.

NEW SECTION. Sec. 96. Section 63 of this act expires June 30, 2014.

NEW SECTION. Sec. 97. The following acts or parts of acts are each repealed:

1.1.1.1. RCW 13.34.803 (Drug-affected and alcohol-affected infants-- Comprehensive plan--Report) and 1998 c 314 s 40;

1.1.1.2. RCW 13.34.805 (Drug-affected infants--Study) and 1998 c 314 s 31;

1.1.1.3. RCW 13.34.8051 (Drug-affected infants--Study--Alcohol-affected infants to be included) and 1998 c 314 s 32;

1.1.1.4. RCW 13.34.810 (Implementation of chapter 314, Laws of 1998) and 1998 c 314 s 48;

1.1.1.5. RCW 26.44.230 (Abuse of adolescents--Reviews and reports) and 2005 c 345 s 2;

1.1.1.6. RCW 74.13.200 (Demonstration project for protection, care, and treatment of children at-risk of abuse or neglect) and 1979 ex.s. c 248 s 1;

1.1.1.7. RCW 74.13.210 (Project day care center--Definition) and 1979 ex.s. c 248 s 2;

1.1.1.8. RCW 74.13.220 (Project services) and 1979 ex.s. c 248 s 3;

1.1.1.9. RCW 74.13.230 (Project shall utilize community services) and 1979 ex.s. c 248 s 4;

1.1.1.10. RCW 74.13.340 (Foster parent liaison) and 1997 c 272 s 2;

1.1.1.11. RCW 74.13.630 (Family decision meetings) and 2004 c 182 s 2; and

1.1.1.12. RCW 74.13.800 (Intensive resource home pilot) and 2008 c 281 s 2.

NEW SECTION. Sec. 98. Section 8 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "reforms;" strike the remainder of the title and insert "amending RCW 74.13.020, 74.15.010, 74.15.020, 74.15.050, 74.15.100, 26.44.020, 26.44.200, 13.34.025, 13.34.030, 13.34.065, 13.34.067, 13.34.094, 13.34.096, 13.34.125, 13.34.145, 13.34.155, 13.34.174, 13.34.176, 13.34.180, 13.34.210, 13.34.215, 13.34.230, 13.34.233, 13.34.245, 13.34.320, 13.34.330, 13.34.340, 13.34.350, 13.34.370, 13.34.380, 13.34.385, 13.34.390, 13.34.400, 74.13.010, 74.13.031, 74.13.0311, 74.13.032, 74.13.036, 74.13.037, 74.13.042, 74.13.045, 74.13.055, 74.13.060, 74.13.065, 74.13.075, 74.13.077, 74.13.096, 74.13.103, 74.13.106, 74.13.109, 74.13.124, 74.13.136, 74.13.165, 74.13.170, 74.13.250, 74.13.283, 74.13.285, 74.13.288, 74.13.289, 74.13.300, 74.13.310, 74.13.315, 74.13.320, 74.13.325, 74.13.333, 74.13.334, 74.13.500, 74.13.515, 74.13.525, 74.13.530, 74.13.560, 74.13.590, 74.13.600, 74.13.640, 74.13.650, and 74.13.670; reenacting and amending RCW 74.15.030, 13.34.130, 13.34.136, 13.34.138, and 74.13.280; adding new sections to chapter 74.13 RCW; adding a new section to chapter 43.10 RCW; adding a new section to chapter 26.44 RCW; creating a new section; recodifying RCW 74.13.085, 74.13.0902, 74.13.095, 74.15.031, 74.13.100, 74.13.103, 74.13.106, 74.13.109, 74.13.112, 74.13.115, 74.13.116, 74.13.118, 74.13.121, 74.13.124, 74.13.127, 74.13.130, 74.13.133, 74.13.136, 74.13.139, 74.13.145, 74.13.150, 74.13.152, 74.13.153, 74.13.154, 74.13.155, 74.13.156, 74.13.157, 74.13.158, 74.13.159, 74.13.165, and 74.13.170; repealing RCW 13.34.803, 13.34.805, 13.34.8051, 13.34.810, 26.44.230, 74.13.200, 74.13.210, 74.13.220, 74.13.230, 74.13.340, 74.13.630, and 74.13.800; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 2106 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi, Alexander and Linville spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2106, as amended by the Senate.

MOTION

On motion of Representative Santos, Representative Clibborn was excused.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2106, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Clibborn.

SECOND SUBSTITUTE HOUSE BILL NO. 2106, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2146 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.91.020 and 2006 c 88 s 2 are each amended to read as follows:

(1) Except as provided under subsection (2) of this section, the governing body of any city, town, county, water-sewer district, or drainage district, hereinafter referred to as a "municipality" may contract with owners of real estate for the construction of storm, sanitary, or combination sewers, pumping stations, and disposal plants, water mains, hydrants, reservoirs, or appurtenances, hereinafter called "water or sewer facilities," within their boundaries or (except for counties) within ten miles from their corporate limits connecting with the public water or sewerage system to serve the area in which the real estate of such owners is located, and to provide for a period of not to exceed ~~((fifteen))~~ twenty years for the reimbursement of such owners and their assigns by any owner of real

estate who did not contribute to the original cost of such water or sewer facilities and who subsequently tap onto or use the same of a fair pro rata share of the cost of the construction of said water or sewer facilities, including not only those directly connected thereto, but also users connected to laterals or branches connecting thereto, subject to such reasonable rules and regulations as the governing body of such municipality may provide or contract, and notwithstanding the provisions of any other law.

(2)(a) The contract may provide for an extension of the ~~((fifteen))~~ twenty-year reimbursement period for a time not to exceed the duration of any moratorium, phasing ordinance, concurrency designation, or other governmental action that prevents making applications for, or the approval of, any new development within the benefit area for a period of six months or more.

(b) Upon the extension of the reimbursement period pursuant to (a) of this subsection, the contract must specify the duration of the contract extension and must be filed and recorded with the county auditor. Property owners who are subject to the reimbursement obligations under subsection (1) of this section shall be notified by the contracting municipality of the extension filed under this subsection.

(3) Each contract shall include a provision requiring that every two years from the date the contract is executed a property owner entitled to reimbursement under this section provide the contracting municipality with information regarding the current contract name, address, and telephone number of the person, company, or partnership that originally entered into the contract. If the property owner fails to comply with the notification requirements of this subsection within sixty days of the specified time, then the contracting municipality may collect any reimbursement funds owed to the property owner under the contract. Such funds must be deposited in the capital fund of the municipality.

(4) To the extent it may require in the performance of such contract, such municipality may install said water or sewer facilities in and along the county streets in the area to be served as hereinabove provided, subject to such reasonable requirements as to the manner of occupancy of such streets as the county may by resolution provide. The provisions of such contract shall not be effective as to any owner of real estate not a party thereto unless such contract has been recorded in the office of the county auditor of the county in which the real estate of such owner is located prior to the time such owner taps into or connects to said water or sewer facilities."

On page 1, line 2 of the title, after "facilities;" strike the remainder of the title and insert "and amending RCW 35.91.020."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2146 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2146, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2146, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Cox, Crouse, Dammeyer, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Clibborn.

HOUSE BILL NO. 2146, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature intends to modify the energy freedom program and account in order to receive federal funds and other sources of funding. Also, the legislature intends to expand the mission of the energy freedom program to accelerate energy efficiency improvements, renewable energy improvements, and deployment of innovative energy technologies. Additionally, the legislature intends to support, through the energy freedom program, research, demonstration, and commercialization of energy efficiency improvements, renewable energy improvements, and innovation energy technologies.

Sec. 2. RCW 43.325.010 and 2007 c 348 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means ~~the state and~~ any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes ~~(and)~~, state institutions of higher education with appropriate research capabilities, any organization described in section 501(c)(3) of the internal revenue code, and private entities that are eligible to receive federal funds.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other cellulosic matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(7) "Coordinator" means the person appointed by the director of the department of community, trade, and economic development.

(8) "Department" means the department of community, trade, and economic development.

(9) "Director" means the director of the department of community, trade, and economic development.

(10) "Energy efficiency improvement" means an installation or modification that is designed to reduce energy consumption. The term includes, but is not limited to: Insulation; storm windows and doors; automatic energy control systems; energy efficiency audits; heating, ventilating, or air conditioning and distribution system modifications or replacements in buildings or central plants; caulking and weather stripping; energy recovery systems; geothermal heat pumps; and day lighting systems.

(11) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

~~((+))~~ (12) "Innovative energy technology" means, but is not limited to, the following: Smart grid or smart metering; biogas from landfills, wastewater treatment plants, anaerobic digesters, or other processes; wave or tidal power; fuel cells; high efficiency cogeneration; and energy storage systems.

(13) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

~~((+2))~~ (14) "Project" ((means)) includes: (a) The construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion; (b) clean energy projects identified by the clean energy leadership council, created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009; and (c) energy efficiency improvements, renewable energy improvements, or innovative energy technologies. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels. The definition of project does not apply to projects as described in RCW 43.325.020(5).

(15) "Renewable energy improvements" means a fixture, product, system, device, or interacting group of devices that produces energy from renewable resources. The term includes, but is not limited to: Photovoltaic systems; solar thermal systems; small wind systems; biomass systems; and geothermal systems.

~~((+3))~~ (16) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

~~((+4))~~ (17) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

Sec. 3. RCW 43.325.020 and 2007 c 348 s 302 are each amended to read as follows:

(1) The energy freedom program is established within the department. The director may establish policies and procedures necessary for processing, reviewing, and approving applications made under this chapter.

(2) When reviewing applications submitted under this program, the director shall consult with those agencies and other public entities having expertise and knowledge to assess the technical and business feasibility of the project and probability of success. These agencies may include, but are not limited to, Washington State University, the University of Washington, the department of ecology, the department of natural resources, the department of agriculture, the department of general administration, local clean air authorities, ~~(and)~~ the Washington state conservation commission, and the clean energy leadership council created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009.

(3) Except as provided in subsections (4) and (5) of this section, the director, in cooperation with the department of agriculture, may approve an application only if the director finds:

(a) The project will convert farm products, wastes, cellulose, or biogas directly into electricity or biofuel or other coproducts associated with such conversion;

(b) The project demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The facility will produce long-term economic benefits to the state, a region of the state, or a particular community in the state;

(d) The project does not require continuing state support;

(e) The assistance will result in new jobs, job retention, or higher incomes for citizens of the state;

(f) The state is provided an option under the assistance agreement to purchase a portion of the fuel or feedstock to be produced by the project, exercisable by the department of general administration;

(g) The project will increase energy independence or diversity for the state;

(h) The project will use feedstocks produced in the state, if feasible, except this criterion does not apply to the construction of facilities used to distribute and store fuels that are produced from farm products or wastes;

(i) Any product produced by the project will be suitable for its intended use, will meet accepted national or state standards, and will be stored and distributed in a safe and environmentally sound manner;

(j) The application provides for adequate reporting or disclosure of financial and employment data to the director, and permits the director to require an annual or other periodic audit of the project books; and

(k) For research and development projects, the application has been independently reviewed by a peer review committee as defined in RCW 43.325.010 and the findings delivered to the director.

(4) When reviewing an application for a refueling project, the coordinator may award a grant or a loan to an applicant if the director finds:

(a) The project will offer alternative fuels to the motoring public;

(b) The project does not require continued state support;

(c) The project is located within a green highway zone as defined in RCW 43.325.010;

(d) The project will contribute towards an efficient and adequately spaced alternative fuel refueling network along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140; and

(e) The project will result in increased access to alternative fueling infrastructure for the motoring public along the green highways designated in RCW 47.17.020, 47.17.135, and 47.17.140.

(5) When reviewing an application for energy efficiency improvements, renewable energy improvements, or innovative energy technology, the director may award a grant or a loan to an applicant if the director finds:

(a) The project or program will result in increased access for the public, state and local governments, and businesses to energy efficiency improvements, renewable energy improvements, or innovative energy technologies;

(b) The project or program demonstrates technical feasibility and directly assists in moving a commercially viable project into the marketplace for use by Washington state citizens;

(c) The project or program does not require continued state support; or

(d) The federal government has provided funds with a limited time frame for use for energy independence and security, energy efficiency, renewable energy, innovative energy technologies, or conservation.

(6)(a) The director may approve a project application for assistance under subsection (3) of this section up to five million dollars. In no circumstances shall this assistance constitute more than fifty percent of the total project cost.

(b) The director may approve a refueling project application for a grant or a loan under subsection (4) of this section up to fifty

thousand dollars. In no circumstances shall a grant or a loan award constitute more than fifty percent of the total project cost.

~~((6))~~ (7) The director shall enter into agreements with approved applicants to fix the terms and rates of the assistance to minimize the costs to the applicants, and to encourage establishment of a viable bioenergy or biofuel industry, or a viable energy efficiency, renewable energy, or innovative energy technology industry. The agreement shall include provisions to protect the state's investment, including a requirement that a successful applicant enter into contracts with any partners that may be involved in the use of any assistance provided under this program, including services, facilities, infrastructure, or equipment. Contracts with any partners shall become part of the application record.

~~((7))~~ (8) The director may defer any payments for up to twenty- four months or until the project starts to receive revenue from operations, whichever is sooner.

Sec. 4. RCW 43.325.030 and 2007 c 348 s 205 are each amended to read as follows:

The director of the department shall appoint a coordinator that is responsible for:

(1) Managing, directing, inventorying, and coordinating state efforts to promote, develop, and encourage ~~((a))~~ biofuel~~((s))~~ and energy efficiency, renewable energy, and innovative energy technology markets in Washington;

(2) Developing, coordinating, and overseeing the implementation of a plan, or series of plans, for the production, transport, distribution, and delivery of biofuels produced predominantly from recycled products or Washington feedstocks;

(3) Working with the departments of transportation and general administration, and other applicable state and local governmental entities and the private sector, to ensure the development of biofuel fueling stations for use by state and local governmental motor vehicle fleets, and to provide greater availability of public biofuel fueling stations for use by state and local governmental motor vehicle fleets;

(4) Coordinating with the Western Washington University alternative automobile program for opportunities to support new Washington state technology for conversion of fossil fuel fleets to biofuel, hybrid, or alternative fuel propulsion;

(5) Coordinating with the University of Washington's college of forest management and the Olympic natural resources center for the identification of barriers to using the state's forest resources for fuel production, including the economic and transportation barriers of physically bringing forest biomass to the market;

(6) Coordinating with the department of agriculture and Washington State University for the identification of other barriers for future biofuels development and development of strategies for furthering the penetration of the Washington state fossil fuel market with Washington produced biofuels, particularly among public entities.

Sec. 5. RCW 43.325.040 and 2007 c 348 s 305 are each amended to read as follows:

(1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under ~~((this chapter))~~ the energy freedom account must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for financial assistance for further funding for projects consistent with this chapter or otherwise authorized by the legislature.

(2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:

(a) Refueling projects awarded under this chapter;

(b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in RCW 43.325.110; and

(c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.

(3)(a) The energy recovery act account is created in the state treasury. State and federal funds may be deposited into the account and any loan payments of principal and interest derived from loans

made from the energy recovery act account must be deposited into the account. Moneys in the account may be spent only after appropriation.

(b) Expenditures from the account may be used only for loans, loan guarantees, and grants that encourage the establishment of innovative and sustainable industries for renewable energy and energy efficiency technology, including but not limited to:

(i) Renewable energy projects or programs that require interim financing to complete project development and implementation;

(ii) Companies with innovative, near-commercial or commercial, clean energy technology; and

(iii) Energy efficiency technologies that have a viable repayment stream from reduced utility costs.

(c) The director shall establish policies and procedures for processing, reviewing, and approving applications for funding under this section. When developing these policies and procedures, the department must consider the clean energy leadership strategy developed under section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009.

(d) The director shall enter into agreements with approved applicants to fix the term and rates of funding provided from this account.

(e) The policies and procedures of this subsection (3) do not apply to assistance awarded for projects under RCW 43.325.020(3).

(4) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.

~~((4))~~ (5) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.

~~((5))~~ (6) Subsections (2) ~~(through)~~, (4) and (5) of this section do not apply to assistance awarded for projects under RCW 43.325.020(3).

Sec. 6. RCW 43.325.070 and 2007 c 348 s 303 are each amended to read as follows:

(1) If the total requested dollar amount of assistance awarded for projects under RCW 43.325.020(3) exceeds the amount available in the energy freedom account created in RCW 43.325.040, the applications must be prioritized based upon the following criteria:

(a) The extent to which the project will help reduce dependence on petroleum fuels and imported energy either directly or indirectly;

(b) The extent to which the project will reduce air and water pollution either directly or indirectly;

(c) The extent to which the project will establish a viable bioenergy or biofuel production capacity, energy efficiency, renewable energy, or innovative energy technology industry in Washington;

(d) The benefits to Washington's agricultural producers;

(e) The benefits to the health of Washington's forests;

(f) The beneficial uses of biogas; ~~(and)~~

(g) The number and quality of jobs and economic benefits created by the project; and

(h) Other criteria as determined by the clean energy leadership council created in section 2, chapter . . . (Substitute Senate Bill No. 5921), Laws of 2009.

(2) This section does not apply to grants or loans awarded for refueling projects under RCW 43.325.020 (4) and (5).

Sec. 7. RCW 43.84.092 and 2008 c 106 s 3 are each amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury

income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, The Evergreen State College capital projects account, the federal forest revolving account, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction account, the highway infrastructure account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the real estate appraiser commission account, the regional mobility grant program account, the resource management cost account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special wildlife account, the state employees' insurance account, the state employees' insurance

reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 8. RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the supplemental pension

account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 9. Section 8 of this act takes effect July 1, 2009.

NEW SECTION. Sec. 10. (1) Sections 2, 3, 5, and 6 of this act expire June 30, 2016.

(2) Section 7 of this act expires July 1, 2009.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "program;" strike the remainder of the title and insert "amending RCW 43.325.010, 43.325.020, 43.325.030, 43.325.040, 43.325.070, and 43.84.092; reenacting and amending RCW 43.84.092; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McCoy and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2289, as amended by the Senate.

MOTION

On motion of Representative Hinkle, Representative Ericksen was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2289, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Cody, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloschia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Condotta, Klippert, McCune and Shea.

Excused: Representatives Clibborn and Ericksen.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2363, by Representative Linville

Temporarily suspending cost-of-living increases for educational employees.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2363 was substituted for House Bill No. 2363 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2363 was read the second time.

Representative Alexander moved the adoption of amendment (821):

On page 2, beginning on line 13, strike all of subsection (d)

On page 3, beginning on line 21, strike all of subsection (e)

On page 4, beginning on line 28, strike all of subsection (e)

Renumber the remaining subsections consecutively and correct any internal references accordingly

Representative Alexander spoke in favor of the adoption of the amendment.

Representative Haigh spoke against the adoption of the amendment.

Amendment (821) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Priest, Haigh and Cox spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2363.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2363 and the bill passed the House by the following vote: Yeas, 84; Nays, 12; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Carlyle, Chandler, Chase, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Van De Wege, Wallace, Walsh, Warnick, Wood and Mr. Speaker.

Voting nay: Representatives Campbell, Driscoll, Grant-Herriot, Hope, McCune, Ormsby, Probst, Sells, Simpson, Upthegrove, White and Williams.

Excused: Representatives Clibborn and Ericksen.

SUBSTITUTE HOUSE BILL NO. 2363, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.320.330 and 2007 c 503 s 2 and 2007 c 129 s 2 are each reenacted and amended to read as follows:

School districts shall establish the following funds in addition to those provided elsewhere by law:

(1) A general fund for maintenance and operation of the school district to account for all financial operations of the school district except those required to be accounted for in another fund.

(2) A capital projects fund shall be established for major capital purposes. All statutory references to a "building fund" shall mean the capital projects fund so established. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies authorized by RCW 84.52.053, state apportionment proceeds as authorized by RCW 28A.150.270, earnings from capital projects fund investments as authorized by RCW 28A.320.310 and 28A.320.320, and state forest revenues transferred pursuant to subsection (3) of this section.

Money derived from the sale of bonds, including interest earnings thereof, may only be used for those purposes described in RCW 28A.530.010, except that accrued interest paid for bonds shall be deposited in the debt service fund.

Money to be deposited into the capital projects fund shall include but not be limited to rental and lease proceeds as authorized by RCW 28A.335.060, and proceeds from the sale of real property as authorized by RCW 28A.335.130.

Money legally deposited into the capital projects fund from other sources may be used for the purposes described in RCW 28A.530.010, and for the purposes of:

(a) Major renovation(~~(including the)~~) and replacement of facilities and systems where periodical repairs are no longer economical or extend the useful life of the facility or system beyond its original planned useful life. (~~Major~~) Such renovation and replacement shall include, but shall not be limited to, major repairs, exterior painting of facilities, replacement and refurbishment of roofing, exterior walls, windows, heating and ventilating systems,

floor covering in classrooms and public or common areas, and electrical and plumbing systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(f)(i) Costs associated with implementing technology systems, facilities, and projects, including acquiring hardware, licensing software, and online applications and training related to the installation of the foregoing. However, the software or applications must be an integral part of the district's technology systems, facilities, or projects.

(ii) Costs associated with the application and modernization of technology systems for operations and instruction including, but not limited to, the ongoing fees for online applications, subscriptions, or software licenses, including upgrades and incidental services, and ongoing training related to the installation and integration of these products and services. However, to the extent the funds are used for the purpose under this subsection (2)(f)(ii), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(g) Major equipment repair, painting of facilities, and other major preventative maintenance purposes. Funds used for this purpose may not supplant routine annual preventive maintenance expenditures made from the district's general fund. However, to the extent the funds are used for the purpose under this subsection (2)(g), the school district shall transfer to the district's general fund the portion of the capital projects fund used for this purpose. The office of the superintendent of public instruction shall develop accounting guidelines for these transfers in accordance with internal revenue service regulations.

(3) A debt service fund to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39.44 RCW. State forest land revenues that are deposited in a school district's debt service fund pursuant to RCW 79.64.110 and to the extent not necessary for payment of debt service on school district bonds may be transferred by the school district into the district's capital projects fund.

(4) An associated student body fund as authorized by RCW 28A.325.030.

(5) Advance refunding bond funds and refunded bond funds to provide for the proceeds and disbursements as authorized in chapter 39.53 RCW.

Sec. 2. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year

through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 84.52.053; and reenacting and amending RCW 28A.320.330."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1332 with the following amendments: (1332-S AMS JARR S3091.1)

On page 2, line 13, after "RCW 8.25.290;" strike "and"

On page 2, line 16, after "condemnation" insert "; and

(c) With any city that is not a member of the watershed management partnership and that has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, enter into an interlocal agreement to allow eminent domain within that city prior to exercising authority under this section" (1332-s AMS CARR KIRC 013)

On page 2, line 16, after "condemnation" strike "." and insert "; and

(c) Obtain authorization from the city, town, or county with jurisdiction over the subject property after the legislative authority of the city, town, or county has passed an ordinance requiring that property be taken for public use."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in Senate amendment (1332-S AMS JARR S3091.1) to SUBSTITUTE HOUSE

BILL NO. 1332 but refused to concur in Senate amendment (1332-S AMS CARR KIRC 013) and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1347 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.300.450 and 2004 c 247 s 2 are each amended to read as follows:

(1) A financial (~~(literacy)~~) education public-private partnership is established, composed of (~~up to four members representing the legislature, one from and appointed by the office of the superintendent of public instruction, one from and appointed by the department of financial institutions, up to four from the financial services sector, and four educators. One or two members of the senate, one of whom is a member of the senate committee on financial services, insurance and housing, shall be appointed by the president of the senate. One or two members of the house of representatives, one of whom is a member of the house committee on financial institutions and insurance, shall be appointed by the speaker of the house of representatives. The superintendent of public instruction shall appoint the members from the financial services sector and educator members-)~~) the following members:

(a) Four members of the legislature, with one member from each caucus of the house of representatives appointed by the speaker of the house of representatives, and one member from each caucus of the senate appointed by the president of the senate;

(b) Four representatives from the private for-profit and nonprofit financial services sector, including at least one representative from the jumpstart coalition, to be appointed by the governor;

(c) Four teachers to be appointed by the superintendent of public instruction, with one each representing the elementary, middle, secondary, and postsecondary education sectors;

(d) A representative from the department of financial institutions to be appointed by the director;

(e) Two representatives from the office of the superintendent of public instruction, with one involved in curriculum development and one involved in teacher professional development, to be appointed by the superintendent.

(2) The chair of the partnership shall be selected by the members of the partnership from among the legislative members.

~~((2))~~ (3) To the extent funds are appropriated or are available for this purpose, the partnership may hire a staff person who shall reside in the office of the superintendent of public instruction for administrative purposes. Additional technical and logistical support may be provided by the office of the superintendent of public instruction, the department of financial institutions, the organizations composing the partnership, and other participants in the financial (~~(literacy)~~) education public-private partnership. ((The superintendent of public instruction shall compile the initial list of members and convene the first meeting of the partnership.

~~(3))~~ (4) The members of the (~~(committee)~~) partnership shall be appointed by (~~July 1, 2004~~) August 1, 2009.

~~((4))~~ (5) Legislative members of the partnership shall receive per diem and travel under RCW 44.04.120.

~~((5))~~ (6) Travel and other expenses of members of the partnership shall be provided by the agency, association, or organization that member represents.

(7) This section shall be implemented to the extent funds are available.

Sec. 2. RCW 28A.300.460 and 2007 c 459 s 2 are each amended to read as follows:

(1) The task of the financial (~~(literacy)~~) education public-private partnership is to seek out and determine the best methods of equipping students with the knowledge and skills they need, before they become self-supporting, in order for them to make critical decisions regarding their personal finances. The components of personal financial (~~(literacy examined)~~) education shall include(~~at~~

~~a minimum, consumer financial education, personal finance, and personal credit. The partnership shall identify the types of outcome measures expected from participating districts and students, in accordance with the definitions and outcomes developed under RCW 28A.300.455)) the achievement of skills and knowledge necessary to make informed judgments and effective decisions regarding earning, spending, and the management of money and credit.~~

~~(2) In carrying out its task, and to the extent funds are available, the partnership shall:~~

~~(a) Communicate to school districts the financial education standards adopted under section 3 of this act, other important financial education skills and content knowledge, and strategies for expanding the provision and increasing the quality of financial education instruction;~~

~~(b) Review on an ongoing basis financial education curriculum that is available to school districts, including instructional materials and programs and schoolwide programs that include the important financial skills and content knowledge;~~

~~(c) Develop evaluation standards and a procedure for endorsing financial education curriculum that the partnership determines should be recommended for use in school districts;~~

~~(d) Identify assessments and outcome measures that schools and communities may use to determine whether students have met the financial education standards adopted under section 3 of this act;~~

~~(e) Monitor and provide guidance for professional development for educators regarding financial education, including ways that teachers at different grade levels may integrate financial skills and content knowledge into mathematics, social studies, and other course content areas;~~

~~(f) Work with the office of the superintendent of public instruction and the professional educator standards board to create professional development that could lead to a certificate endorsement or other certification of competency in financial education;~~

~~(g) Develop academic guidelines and standards-based protocols for use by classroom volunteers who participate in delivering financial education to students in the public schools; and~~

~~(h) Provide an annual report beginning December 1, 2009, as provided in section 4 of this act, to the governor, the superintendent of public instruction, and the committees of the legislature with oversight over K-12 education and higher education.~~

NEW SECTION. Sec. 3. A new section is added to chapter 28A.300 RCW to read as follows:

(1) Subject to funds appropriated specifically for this purpose, the office of the superintendent of public instruction and the financial education public-private partnership shall provide technical assistance and grants to support demonstration projects for district-wide adoption and implementation of the financial education learning standards under this section.

(2) School districts may apply on a competitive basis to participate as a demonstration project. The office and the partnership shall select up to four school districts as demonstration projects, with two districts located in eastern Washington and two districts located in western Washington, if possible.

(3) Selected districts must:

(a) Adopt the jumpstart coalition national standards in K-12 personal finance education as the essential academic learning requirements for financial education and provide students with an opportunity to master the standards;

(b) Make a commitment to integrate financial education into instruction at all grade levels and in all schools in the district;

(c) Establish local partnerships within the community to promote financial education in the schools; and

(d) Conduct pre- and post-testing of students' financial literacy.

(4) The office of the superintendent of public instruction, with the advice of the financial education public-private partnership, shall provide assistance to the demonstration projects regarding curriculum, professional development, and innovative instructional programs to implement the financial education standards.

(5) The selected districts must report findings and results of the demonstration project to the office of the superintendent of public instruction and appropriate committees of the legislature by April 30, 2011.

NEW SECTION. Sec. 4. A new section is added to chapter 28A.300 RCW to read as follows:

The annual report from the financial education public-private partnership, provided funds are available, shall include:

(1) Results from the jumpstart survey of personal financial literacy;

(2) Progress toward statewide adoption of financial education standards by school districts;

(3) Professional development activities related to equipping teachers with the knowledge and skills to teach financial education;

(4) Activities related to financial education curriculum development; and

(5) Any recommendations for policies or other activities to support financial education instruction in public schools.

Sec. 5. RCW 28A.300.465 and 2004 c 247 s 6 are each amended to read as follows:

The Washington financial (~~(literacy)~~) education public-private partnership account is hereby created in the custody of the state treasurer. The purpose of the account is to support the financial (~~(literacy)~~) education public-private partnership, and to provide financial (~~(literacy)~~) education opportunities for students and financial (~~(literacy)~~) education professional development opportunities for the teachers providing those educational opportunities. Revenues to the account may include gifts from the private sector, federal funds, and any appropriations made by the legislature or other sources. Grants and their administration shall be paid from the account. Only the superintendent of public instruction or the superintendent's designee may authorize expenditures from the account, and only at the direction of the partnership. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

1.1.1.1. RCW 28A.300.455 (Financial literacy public-private partnership responsibilities--Definition of financial literacy--Strategies-- Reports) and 2007 c 459 s 1, 2005 c 277 s 2, & 2004 c 247 s 3;

1.1.1.2. RCW 28A.300.470 (Financial literacy public-private partnership--Expiration) and 2007 c 459 s 4 & 2004 c 247 s 7; and

1.1.1.3. RCW 28A.230.205 (Financial literacy skills--Duties of the superintendent of public instruction and of school districts) and 2007 c 459 s 3."

On page 1, line 1 of the title, after "education;" strike the remainder of the title and insert "amending RCW 28A.300.450, 28A.300.460, and 28A.300.465; adding new sections to chapter 28A.300 RCW; and repealing RCW 28A.300.455, 28A.300.470, and 28A.230.205."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1347 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Santos and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1347, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1347, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 78; Nays, 20; Absent, 0; Excused, 0.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Armstrong, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Haler, Hinkle, Johnson, Klippert, Kristiansen, Pearson, Ross, Shea, Smith, Taylor and Warnick.

SUBSTITUTE HOUSE BILL NO. 1347, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1919 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.96A.350 and 2008 c 329 s 918 are each amended to read as follows:

(1) The criminal justice treatment account is created in the state treasury. Moneys in the account may be expended solely for: (a) Substance abuse treatment and treatment support services for offenders with an addiction or a substance abuse problem that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state; (b) the provision of drug and alcohol treatment services and treatment support services for nonviolent offenders within a drug court program; ((and)) (c) the administrative and overhead costs associated with the operation of a drug court; and (d) during the 2007-2009 biennium, operation of the integrated crisis response and intensive case management pilots contracted with the department of social and health services division of alcohol and substance abuse. Moneys in the account may be spent only after appropriation.

(2) For purposes of this section:

(a) "Treatment" means services that are critical to a participant's successful completion of his or her substance abuse treatment program, but does not include the following services: Housing other than that provided as part of an inpatient substance abuse treatment program, vocational training, and mental health counseling; and

(b) "Treatment support" means transportation to or from inpatient or outpatient treatment services when no viable alternative exists, and child care services that are necessary to ensure a participant's ability to attend outpatient treatment sessions.

(3) Revenues to the criminal justice treatment account consist of: (a) Funds transferred to the account pursuant to this section; and (b) any other revenues appropriated to or deposited in the account.

(4)(a) For the fiscal biennium beginning July 1, 2003, the state treasurer shall transfer eight million nine hundred fifty thousand dollars from the general fund into the criminal justice treatment account, divided into eight equal quarterly payments. For the fiscal year beginning July 1, 2005, and each subsequent fiscal year, the state treasurer shall transfer eight million two hundred fifty thousand dollars from the general fund to the criminal justice treatment account, divided into four equal quarterly payments. For the fiscal year beginning July 1, 2006, and each subsequent fiscal year, the amount transferred shall be increased on an annual basis by the

implicit price deflator as published by the federal bureau of labor statistics.

(b) For the fiscal biennium beginning July 1, 2003, and each biennium thereafter, the state treasurer shall transfer two million nine hundred eighty-four thousand dollars from the general fund into the violence reduction and drug enforcement account, divided into eight quarterly payments. The amounts transferred pursuant to this subsection (4)(b) shall be used solely for providing drug and alcohol treatment services to offenders confined in a state correctional facility who are assessed with an addiction or a substance abuse problem that if not treated would result in addiction.

(c) In each odd-numbered year, the legislature shall appropriate the amount transferred to the criminal justice treatment account in (a) of this subsection to the division of alcohol and substance abuse for the purposes of subsection (5) of this section.

(5) Moneys appropriated to the division of alcohol and substance abuse from the criminal justice treatment account shall be distributed as specified in this subsection. The department shall serve as the fiscal agent for purposes of distribution. Until July 1, 2004, the department may not use moneys appropriated from the criminal justice treatment account for administrative expenses and shall distribute all amounts appropriated under subsection (4)(c) of this section in accordance with this subsection. Beginning in July 1, 2004, the department may retain up to three percent of the amount appropriated under subsection (4)(c) of this section for its administrative costs.

(a) Seventy percent of amounts appropriated to the division from the account shall be distributed to counties pursuant to the distribution formula adopted under this section. The division of alcohol and substance abuse, in consultation with the department of corrections, the sentencing guidelines commission, the Washington state association of counties, the Washington state association of drug court professionals, the superior court judges' association, the Washington association of prosecuting attorneys, representatives of the criminal defense bar, representatives of substance abuse treatment providers, and any other person deemed by the division to be necessary, shall establish a fair and reasonable methodology for distribution to counties of moneys in the criminal justice treatment account. County or regional plans submitted for the expenditure of formula funds must be approved by the panel established in (b) of this subsection.

(b) Thirty percent of the amounts appropriated to the division from the account shall be distributed as grants for purposes of treating offenders against whom charges are filed by a county prosecuting attorney. The division shall appoint a panel of representatives from the Washington association of prosecuting attorneys, the Washington association of sheriffs and police chiefs, the superior court judges' association, the Washington state association of counties, the Washington defender's association or the Washington association of criminal defense lawyers, the department of corrections, the Washington state association of drug court professionals, substance abuse treatment providers, and the division. The panel shall review county or regional plans for funding under (a) of this subsection and grants approved under this subsection. The panel shall attempt to ensure that treatment as funded by the grants is available to offenders statewide.

(6) The county alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court shall jointly submit a plan, approved by the county legislative authority or authorities, to the panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county. The funds shall be used solely to provide approved alcohol and substance abuse treatment pursuant to RCW 70.96A.090, ((and)) treatment support services, and for the administrative and overhead costs associated with the operation of a drug court.

(a) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent on the

administrative and overhead costs associated with the operation of a drug court.

(b) No more than ten percent of the total moneys received under subsections (4) and (5) of this section by a county or group of counties participating in a regional agreement shall be spent for treatment support services.

(7) Counties are encouraged to consider regional agreements and submit regional plans for the efficient delivery of treatment under this section.

(8) Moneys allocated under this section shall be used to supplement, not supplant, other federal, state, and local funds used for substance abuse treatment.

(9) Counties must meet the criteria established in RCW 2.28.170(3)(b).

(10) The authority under this section to use funds from the criminal justice treatment account for the administrative and overhead costs associated with the operation of a drug court expires June 30, 2013.

Sec. 2. RCW 2.28.170 and 2006 c 339 s 106 are each amended to read as follows:

(1) Counties may establish and operate drug courts.

(2) For the purposes of this section, "drug court" means a court that has special calendars or dockets designed to achieve a reduction in recidivism and substance abuse among nonviolent, substance abusing felony and nonfelony offenders, whether adult or juvenile, by increasing their likelihood for successful rehabilitation through early, continuous, and intense judicially supervised treatment; mandatory periodic drug testing; and the use of appropriate sanctions and other rehabilitation services.

(3)(a) Any jurisdiction that seeks a state appropriation to fund a drug court program must first:

(i) Exhaust all federal funding that is available to support the operations of its drug court and associated services; and

(ii) Match, on a dollar-for-dollar basis, state moneys allocated for drug court programs with local cash or in-kind resources. Moneys allocated by the state must be used to supplement, not supplant, other federal, state, and local funds for drug court operations and associated services. However, from the effective date of this act until June 30, 2013, no match is required for state moneys expended for the administrative and overhead costs associated with the operation of a drug court pursuant to RCW 70.96A.350.

(b) Any county that establishes a drug court pursuant to this section shall establish minimum requirements for the participation of offenders in the program. The drug court may adopt local requirements that are more stringent than the minimum. The minimum requirements are:

(i) The offender would benefit from substance abuse treatment;

(ii) The offender has not previously been convicted of a serious violent offense or sex offense as defined in RCW 9.94A.030; and

(iii) Without regard to whether proof of any of these elements is required to convict, the offender is not currently charged with or convicted of an offense:

(A) That is a sex offense;

(B) That is a serious violent offense;

(C) During which the defendant used a firearm; or

(D) During which the defendant caused substantial or great bodily harm or death to another person."

On page 1, line 1 of the title, after "funding;" strike the remainder of the title and insert "and amending RCW 70.96A.350 and 2.28.1701"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1919 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kagi and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1919, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1919, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

SUBSTITUTE HOUSE BILL NO. 1919, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1986 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that peer mentoring provides tangible and long-lasting opportunities for all students, especially for low-income students, students of color, and first generation students. These benefits include improved student achievement and planning for success in postsecondary education. The legislature further finds that mentoring increases the self-worth of both mentees and mentors, while cultivating opportunities to improve communication skills and develop and enhance leadership and other critical transferable skills. Furthermore, the legislature finds that mentorship provides a valuable opportunity to increase student interest in career opportunities in the counseling and teaching professions, and thus intends to support those efforts to the maximum extent possible.

NEW SECTION. Sec. 2. A new section is added to chapter 28B.12 RCW to read as follows:

(1) Western Washington University shall create and implement a pilot mentoring program to inspire academic success and introduce elementary students to educational opportunities. In addition to establishing a pilot project on its own campus, the university, in close collaboration with the state board for community and technical colleges, shall jointly identify a community or technical college to participate in the pilot program. The community or technical college selected shall demonstrate active partnerships with interested common schools, local businesses, and community organizations. Western Washington University and the state board for community and technical colleges shall identify the community or technical college by August 1, 2009.

(2) The state board for community and technical colleges shall work in close collaboration with Western Washington University to

identify a community or technical college to participate in the pilot mentoring program.

(3) The goals of the pilot project are to:

(a) Encourage at-risk elementary school students to complete high school and attend college, boosting the percentage of Washington students who continue onto college;

(b) Provide positive role models for at-risk students and allow college students the opportunity to perform community service;

(c) Strengthen relationships between the community, the university, and area youth;

(d) Introduce at-risk students to college and provide them an opportunity to experience their public colleges and universities;

(e) Increase the number of youth who view going to college as both necessary and achievable; and

(f) Develop a model that is scalable statewide.

(4) Within existing resources, the pilot institutions shall:

(a) Recruit college students interested in serving as mentors to elementary school students;

(b) Identify local elementary schools with demonstrated need for a mentoring program;

(c) Develop a curriculum used for training college mentors. The college may grant college-level credit to students who complete the course;

(d) Develop any necessary contracts or interagency agreements to facilitate program implementation;

(e) Provide ongoing support and oversight of the program;

(f) Solicit grants, awards, and gifts from individuals, businesses, agencies, and foundations;

(g) Provide community outreach and publicity for the program;

(h) Develop appropriate outcome measures and evaluate the program at regular intervals;

(i) Together with the state board for community and technical colleges and in close collaboration with other community and institutional partners, submit to the legislature:

(i) A preliminary progress report by December 1, 2010, that includes a review of preliminary findings from the pilot project, recommendations regarding the resources necessary to expand the model statewide, and a process and timeline for statewide implementation; and

(ii) A final report, updating the findings from the preliminary report, by December 1, 2011."

On page 1, line 1 of the title, after "mentoring;" strike the remainder of the title and insert "adding a new section to chapter 28B.12 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1986 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hasegawa and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1986, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1986, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED HOUSE BILL NO. 1986, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** 2008 c 230 s 4 (uncodified) is amended to read as follows:

(1) The sex offender policy board, as created by chapter . . . (Substitute Senate Bill No. 6596), Laws of 2008, shall review and make recommendations for changes to the statutory requirements relating to sex offender and kidnapping offender registration and notification. The review and recommendations shall include, but are not limited to:

(a) The appropriate class of felony and sentencing designations for a conviction of the failure to register;

(b) The appropriate groups and classes of adult offenders who should be required to register;

(c) The appropriate groups and classes of juvenile offenders who should be required to register;

(d) When a sex offender or kidnapping offender should be relieved of registration or notification requirements and the process for termination of those obligations; ~~(and)~~

(e) Simplification of the statutory language to allow the department of corrections, law enforcement, and offenders to more easily identify registration and notification requirements; and

(f) The appropriate groups and classes of adult, and juvenile, if any, offenders who should be required to submit their electronic mail address or any other internet communication name or identity including, but not limited to, instant message, chat, or social networking names or identities, and the uniform resource locator of any personal web site created or operated by the person, for purposes of monitoring potentially inappropriate online behavior, and the appropriate sanctions for failure to provide such information in a timely and accurate manner, as well as any other issues associated with establishing and implementing such a requirement.

(2) In formulating its recommendations, the board shall review the experience of other jurisdictions and any available evidence-based research to ensure that its recommendations have the maximum impact on public safety.

(3) The board shall report to the governor and the relevant committees of the legislature no later than November 1, 2009."

On page 1, line 3 of the title, after "operate;" strike the remainder of the title and insert "and amending 2008 c 230 s 4 (uncodified)."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Klippert and Hurst spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2035, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2035, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Uptegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. FINDINGS. The legislature finds that the 2009 American recovery and reinvestment act includes new investments in research and development for green industries, renewable energy production, and incentives for installation and use of renewable energy and energy efficiency retrofits. The legislature further finds that state level initiatives include additional incentives for installation of renewable energy and energy efficiency retrofits. These initiatives include new incentives for production of renewable energy that will encourage the state to use renewable energy as well as become a major supplier of renewable energy to the world.

The legislature believes that these investments and initiatives will significantly increase demand for production of renewable energy and installation of energy efficiency retrofits. The legislature recognizes that these demands will cultivate job opportunities for Washington state residents during economic downturns as such investments are particularly valuable during those times. The legislature also finds that the state's residents and economy may be unable to take full advantage of these opportunities if there is a shortage of workers with the skills needed for jobs in renewable energy and energy efficiency.

Further, the legislature finds that the current state and federal economic climate lends itself to the acceleration of the greening of

the Washington economy, and presents an opportunity for Washington to take its place as a leader in the green economy of the future. The legislature recognizes that in order to most efficiently and effectively capture and use existing and new funding streams and ensure that Washington does in fact become a leader in the green economy, the use of stimulus funds must be monitored to ensure that local organizations participating in the programs receive the state support they need.

Therefore, the legislature intends that Washington state accelerate the greening of its economy by creating a highly skilled green jobs workforce by emphasizing green jobs skills within existing education and training funds through the evergreen jobs initiative. The legislature intends to establish the evergreen jobs initiative to ensure that the state's workforce is prepared for the new green economy; the state attracts investment and job creation in the green economy; the state is a net exporter of green industry products and services, with special attention to renewable energy technology and components; and Washington is a national and world leader in the green economy.

To achieve these ends, the evergreen jobs initiative will create a comprehensive and responsive framework to assist Washington in receiving at least a per capita share of federal stimulus funds and to ensure that state and local agencies and organizations receive the institutional support they need to capture and effectively use those funds.

NEW SECTION. Sec. 2. EVERGREEN JOBS INITIATIVE.

The Washington state evergreen jobs initiative is established as a comprehensive green economy jobs growth initiative with the goals of:

- (1) Creating fifteen thousand new green economy jobs by 2020, with a target of thirty percent of those jobs going to veterans, members of the national guard, and low-income and disadvantaged populations;
- (2) Capturing and deploying federal funds in a focused, effective, and coordinated manner;
- (3) Preparing the state's workforce to take full advantage of green economy job opportunities and to meet the recruitment and training needs of industry and small businesses;
- (4) Attracting private sector investment that will create new and expand existing jobs, with an emphasis on services and products that have a high economic or environmental impact and can be exported domestically and internationally;
- (5) Making Washington state a net exporter of green industry products and services, with special attention to renewable energy technology and components;
- (6) Empowering local agencies and organizations to recruit green economy businesses and jobs into the state by providing state support and assistance;
- (7) Capitalizing on existing partnership agreements in the Washington works plan and the Washington workforce compact; and
- (8) Operating in concert with the fourteen guiding principles identified by the department in its Washington state's green economy strategic framework.

NEW SECTION. Sec. 3. EVERGREEN JOBS LEADERSHIP TEAM. The department and the workforce board must create the evergreen jobs leadership team, consisting of, at a minimum, the workforce board, the economic development commission, the state board for community and technical colleges, the employment security department, the Washington state apprenticeship training council, the office of the superintendent of public instruction, labor, business, at least one representative of a local workforce development council, and other agencies or organizations as may be necessary. This leadership team may be an extension of an existing working group. The leadership team shall be chaired by a currently employed full-time equivalent person within the office of financial management designated by the governor as the single point of accountability for all energy and climate change initiatives within state agencies.

NEW SECTION. Sec. 4. EVERGREEN JOBS LEADERSHIP TEAM DUTIES. (1) The department and the workforce board, in consultation with the leadership team, must:

- (a) Coordinate efforts across the state to ensure that federal training and education funds are captured and deployed in a focused

and effective manner in order to support green economy projects and accomplish the goals of the evergreen jobs initiative;

(b) Accelerate and coordinate efforts by state and local organizations to identify, apply for, and secure all sources of funds, particularly those created by the 2009 American recovery and reinvestment act, and to ensure that distributions of funding to local organizations are allocated in a manner that is time-efficient and user-friendly for the local organizations. Local organizations eligible to receive support include but are not limited to:

- (i) Associate development organizations;
- (ii) Workforce development councils;
- (iii) Public utility districts; and
- (iv) Community action agencies;

(c) Support green economy projects at both the state and local level by developing a process and a framework to provide, at a minimum:

- (i) Administrative and technical assistance;
- (ii) Assistance with and expediting of permit processes; and
- (iii) Priority consideration of opportunities leading to exportable green economy goods and services, including renewable energy technology;

(d) Coordinate local and state implementation of projects using federal funds to ensure implementation is time-efficient and user-friendly for local organizations;

(e) Emphasize through both support and outreach efforts, projects that:

- (i) Have a strong and lasting economic or environmental impact;
- (ii) Lead to a domestically or internationally exportable good or service, including renewable energy technology;
- (iii) Create training programs leading to a credential, certificate, or degree in a green economy field;
- (iv) Strengthen the state's competitiveness in a particular sector or cluster of the green economy;

(v) Create employment opportunities for veterans, members of the national guard, and low-income and disadvantaged populations;

(vi) Comply with prevailing wage provisions of chapter 39.12 RCW;

(vii) Ensure at least fifteen percent of labor hours are performed by apprentices;

(f) Identify emerging technologies and innovations that are likely to contribute to advancements in the green economy, including the activities in designated innovation partnership zones established in RCW 43.330.270;

(g) Identify statewide performance metrics for projects receiving agency assistance. Such metrics may include:

(i) The number of new green jobs created each year, their wage levels, and, to the extent determinable, the percentage of new green jobs filled by veterans, members of the national guard, and low-income and disadvantaged populations;

(ii) The total amount of new federal funding secured, the respective amounts allocated to the state and local levels, and the timeliness of deployment of new funding by state agencies to the local level;

(iii) The timeliness of state deployment of funds and support to local organizations; and

(iv) If available, the completion rates, time to completion, and training-related placement rates for green economy postsecondary training programs;

(h) Identify strategies to allocate existing and new funding streams for green economy workforce training programs and education to emphasize those leading to a credential, certificate, or degree in a green economy field;

(i) Identify and implement strategies to allocate existing and new funding streams for workforce development councils and associate development organizations to increase their effectiveness and efficiency and increase local capacity to respond rapidly and comprehensively to opportunities to attract green jobs to local communities;

(j) Develop targeting criteria for existing investments that are consistent with the economic development commission's economic development strategy and the goals of this section and sections 8, 9, and 12 of this act; and

(k) Make and support outreach efforts so that residents of Washington, particularly members of target populations, become aware of educational and employment opportunities identified and funded through the evergreen jobs act.

(2) The department and the workforce board, in consultation with the leadership team, must provide semiannual performance reports to the governor and appropriate committees of the legislature on:

(a) Actual statewide performance based on the performance measures identified in subsection (1)(g) of this section;

(b) How the state is emphasizing and supporting projects that lead to a domestically or internationally exportable good or service, including renewable energy technology;

(c) A list of projects supported, created, or funded in furtherance of the goals of the evergreen jobs initiative and the actions taken by state and local organizations, including the effectiveness of state agency support provided to local organizations as directed in subsection (1)(b) and (c) of this section;

(d) Recommendations for new or expanded financial incentives and comprehensive strategies to:

(i) Recruit, retain, and expand green economy industries and small businesses; and

(ii) Stimulate research and development of green technology and innovation, which may include designating innovation partnership zones linked to the green economy;

(e) Any information that associate development organizations and workforce development councils choose to provide to appropriate legislative committees regarding the effectiveness, timeliness, and coordination of support provided by state agencies under this section and sections 8, 9, and 12 of this act; and

(f) Any recommended statutory changes necessary to increase the effectiveness of the evergreen jobs initiative and state responsiveness to local agencies and organizations.

(3) The definitions, designations, and results of the employment security department's broader labor market research under RCW 43.330.010 shall inform the planning and strategic direction of the department, the state workforce training and education coordinating board, the state board for community and technical colleges, and the higher education coordinating board.

Sec. 5. RCW 43.330.010 and 2007 c 322 s 2 are each amended to read as follows:

DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of community, trade, and economic development.

(3) "Director" means the director of the department of community, trade, and economic development.

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) "Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.

(6) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of community, trade, and economic development and local microenterprise development organizations.

(7) "Apprentice" means an apprentice enrolled in an apprenticeship training program approved by the Washington state apprenticeship council.

(8) "High-demand occupation" means an occupation with a substantial number of current or projected employment opportunities.

(9) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the project. This includes hours performed by workers employed by the contractor and all subcontractors working on the project but does not include hours worked by foremen, superintendents, and owners.

(10) "Leadership team" means the leadership team created by the department in section 3 of this act.

(11) "State board" means the state board for community and technical colleges created in RCW 28B.50.050.

(12) "Target populations" means:

(a) Entry-level or incumbent workers who are in, or are preparing for, middle or high-wage, high-demand occupations in the green economy;

(b) Dislocated workers in declining industries who may be retrained for middle or high-wage occupations in the green economy;

(c) Eligible veterans or national guard members;

(d) Disadvantaged populations; or

(e) Anyone eligible to participate in the state opportunity grant program under RCW 28B.50.271.

(13) "Workforce board" means the workforce training and education coordinating board created in RCW 28C.18.020.

NEW SECTION. Sec. 6. EVERGREEN JOBS LOGO. The leadership team must develop a logo or sign to indicate a particular project is funded in whole or in part by Washington's evergreen jobs act or other economic recovery efforts. The department and the state board must also adopt rules requiring organizations and each project site receiving funds through the department under section 7 of this act or through the state board under section 10 of this act to prominently display such logo or sign on site and in all written materials and communications.

NEW SECTION. Sec. 7. SKILL AND QUALIFICATIONS IDENTIFICATION. (1) The leadership team, in consultation with the department, the state board, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction, shall identify the necessary skills and qualifications required to perform the energy audits and energy efficiency services authorized under chapter . . . , Laws of 2009 (Engrossed Second Substitute Senate Bill No. 5649) and satisfy the goals of chapter . . . , Laws of 2009 (Substitute Senate Bill No. 5921).

(2) The leadership team, in consultation with the department, the state board, and the workforce board, shall direct the delivery of education and training resource moneys, provided in the omnibus appropriations act, to establish workforce training and apprenticeship programs to meet the demand for workers trained in energy audit and energy efficiency services and to serve the programs established in chapter . . . , Laws of 2009 (Engrossed Second Substitute Senate Bill No. 5649). Moneys must be used to fund training programs that satisfy the strategic plan developed under chapter . . . , Laws of 2009 (Substitute Senate Bill No. 5921).

(a) Training resource moneys may be provided to energy audit and energy efficiency services educational programs for the following purposes:

(i) To develop and deploy curricula and training programs in accordance with this section;

(ii) To expand existing high school, community and technical college, journey-level skills improvement and apprenticeship training programs, and community-based training programs providing energy audit and energy efficiency services training;

(iii) To implement new training programs developed under the terms of this section;

(iv) To supplement internship, preapprenticeship, and apprenticeship programs using curricula developed under this section;

(v) To recruit people into these training programs; and

(vi) For other training activities identified by the department to supplement and expand the skills of the existing workforce.

(b) The department must, in consultation with the workforce board and the leadership team, prioritize educational programs that:

(i) Provide convincing evidence that they are able to provide the requisite skills education and training expeditiously; or

(ii) Provide skills education and training services to underserved and disadvantaged communities in the state, in accordance with this section. This may include, but is not limited to, at-risk youth seeking employment pathways out of poverty and into economic self-sufficiency. The department and workforce board shall consult with the employment security department to create a strategy to ensure that the workers who receive training under these programs are

provided with the type of employment opportunities contemplated by this chapter.

NEW SECTION. Sec. 8. A new section is added to chapter 28C.18 RCW to read as follows:

GREEN INDUSTRY SKILL PANELS. (1) The legislature directs the board to create and pilot green industry skill panels. These panels shall consist of business representatives from industry sectors related to clean energy, labor unions representing workers in those industries or labor affiliates administering state-approved, joint apprenticeship programs or labor-management partnership programs that train workers for these industries, state and local veterans agencies, employer associations, educational institutions, and local workforce development councils within the region that the panels propose to operate, and other key stakeholders as determined by the applicant. Any of these stakeholder organizations are eligible to receive grants under this section and serve as the intermediary that convenes and leads the panel. Panel applicants must provide labor market and industry analysis that demonstrates high demand, or demand of strategic importance to the development of the state's clean energy economy as identified in this section, for middle or high-wage occupations, or occupations that are part of career pathways to the same, within the relevant industry sector. The panel shall, in consultation with the department and the leadership team:

(a) Conduct labor market and industry analyses, in consultation with the employment security department, and drawing on the findings of its research when available;

(b) Recommend strategies to meet the recruitment and training needs of the industry and small businesses; and

(c) Recommend strategies to leverage and align other public and private funding sources.

(2) The board may prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to:

(a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts may be conducted in partnership with local workforce development councils.

(3) The definitions in RCW 43.330.010 apply to this section.

NEW SECTION. Sec. 9. A new section is added to chapter 28B.50 RCW to read as follows:

CURRICULUM DEVELOPMENT AND FUNDING. (1) The state board shall work with the leadership team, the Washington state apprenticeship and training council, and the office of the superintendent of public instruction to jointly develop, by June 30, 2010, curricula and training programs, to include on-the-job training, classroom training, and safety and health training, for the development of the skills and qualifications identified by the department of community, trade, and economic development under section 7 of this act.

(2) The board shall target a portion of any federal stimulus funding received to ensure commensurate capacity for high employer-demand programs of study developed under this section. To that end, the state board must coordinate with the department, the leadership team, the workforce board, or another appropriate state agency in the application for and receipt of any funding that may be made available through the federal youthbuild program, workforce investment act, job corps, or other relevant federal programs.

(3) The board shall provide an interim report to the appropriate committees of the legislature by December 1, 2011, and a final report by December 1, 2013, detailing the effectiveness of, and any recommendations for improving, the worker training curricula and programs established in this section.

(4) Existing curricula and training programs or programs provided by community and technical colleges in the state developed under this section must be recognized as programs of study under RCW 28B.50.273.

(5) Subject to available funding, the board may grant enrollment priority to persons who qualify for a waiver under RCW 28B.15.522 and who enroll in curricula and training programs provided by community or technical colleges in the state that have been developed in accordance with this section.

(6) The college board may prioritize workforce training programs that lead to a credential, certificate, or degree in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy including clean energy, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs, if the programs meet minimum criteria for identification as a high-demand program of study as defined by the state board for community and technical colleges, however any additional community and technical college high-demand funding authorized for the 2009-2011 fiscal biennium and thereafter may be subject to prioritization; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(7) The definitions in RCW 43.330.010 apply to this section and section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 28B.50 RCW to read as follows:

EVERGREEN JOBS TRAINING ACCOUNT. The evergreen jobs training account is created in the state treasury. Funds deposited to the account may include gifts, grants, or endowments from public or private sources, in trust or otherwise. Moneys from the account must be used to supplement the state opportunity grant program established under RCW 28B.50.271. All receipts from appropriations directed to the account must be deposited into the account. Expenditures from the account may be used only for the activities identified in this section. The state board, in consultation with the department and the leadership team, may authorize expenditures from the account but must distribute grants from the account on a competitive basis. Grant funds from the evergreen jobs training account should be used when other public or private funds are insufficient or unavailable.

(1) These grant funds may be used for, but are not limited to uses for:

- (a) Curriculum development;
- (b) Transitional jobs strategies for dislocated workers in declining industries who may be retrained for high-wage occupations in green industries;
- (c) Workforce education to target populations;
- (d) Adult basic and remedial education as necessary linked to occupation skills training; and
- (e) Coordinated outreach efforts by institutions of higher education and workforce development councils.

(2) These grant funds may not be used for student assistance and support services available through the state opportunity grant program under RCW 28B.50.271.

(3) Applicants eligible to receive these grants may be any organization or a partnership of organizations that has demonstrated expertise in:

- (a) Implementing effective education and training programs that meet industry demand; and
- (b) Recruiting and supporting, to successful completion of those training programs carried out under these grants, the target populations of workers.

(4) In awarding grants from the evergreen jobs training account, the state board shall give priority to applicants that demonstrate the ability to:

- (a) Use labor market and industry analysis developed by the employment security department and green industry skill panels in the design and delivery of the relevant education and training program, and otherwise use strategies developed by green industry skill panels;

(b) Leverage and align existing public programs and resources and private resources toward the goal of recruiting, supporting, educating, and training target populations of workers;

(c) Work collaboratively with other relevant stakeholders in the regional economy;

(d) Link adult basic and remedial education, where necessary, with occupation skills training;

(e) Involve employers and, where applicable, labor unions in the determination of relevant skills and competencies and, where relevant, the validation of career pathways; and

(f) Ensure that supportive services, where necessary, are integrated with education and training and are delivered by organizations with direct access to and experience with the targeted population of workers.

NEW SECTION. Sec. 11. A new section is added to chapter 50.12 RCW to read as follows:

LABOR MARKET RESEARCH. The employment security department, in consultation with the department, the workforce board, and the leadership team must take the following actions:

(1) Conduct and update labor market research on a biennial basis to analyze the current public and private labor market and projected job growth in the green economy, the current and projected recruitment and skill requirement of public and private green economy employers, the wage and benefits ranges of jobs within green economy industries, and the education and training requirements of entry-level and incumbent workers in those industries;

(2) Propose which industries will be considered high-demand green industries, based on current and projected job creation and their strategic importance to the development of the state's green economy; and

(3) Define which family-sustaining wage and benefits ranges within green economy industries will be considered middle or high-wage occupations and occupations that are part of career pathways to the same.

NEW SECTION. Sec. 12. A new section is added to chapter 49.04 RCW to read as follows:

APPRENTICESHIP PROGRAMS. (1) The council must evaluate the potential of existing apprenticeship and training programs that would produce workers with the skills needed to conduct energy audits and provide energy efficiency services and deliver its findings to the department of community, trade, and economic development, the leadership team, and the appropriate committees of the legislature as soon as possible, but no later than January 18, 2010.

(2) The council may prioritize workforce training programs that lead to apprenticeship programs in green economy jobs. For purposes of this section, green economy jobs include those in the primary industries of a green economy, including clean energy, the forestry industry, high-efficiency building, green transportation, and environmental protection. Prioritization efforts may include but are not limited to: (a) Prioritization of the use of high employer-demand funding for workforce training programs in green economy jobs; (b) increased outreach efforts to public utilities, education, labor, government, and private industry to develop tailored, green job training programs; and (c) increased outreach efforts to target populations. Outreach efforts shall be conducted in partnership with local workforce development councils.

(3) The definitions in RCW 43.330.010 apply to this section.

NEW SECTION. Sec. 13. PRECLUSION. Nothing in this act may be construed as a requirement for any agency to gain approval from another before allocating funding to the local level. Nothing in this act may be construed as precluding nonstate agencies from directly applying for and securing funds from the federal government. Nothing in this act may be construed as allowing agencies to require additional reporting or approval processes from local organizations or to impose unfunded mandates on local organizations.

NEW SECTION. Sec. 14. REPEALER. RCW 43.330.310 (Comprehensive green economy jobs growth initiative--Establishment--Green industries jobs training account--Creation) and 2008 c 14 s 9 are each repealed.

NEW SECTION. Sec. 15. SHORT TITLE. This act may be known and cited as the evergreen jobs act.

NEW SECTION. Sec. 16. Sections 2 through 4, 6, and 7 of this act are each added to chapter 43.330 RCW.

NEW SECTION. Sec. 17. Captions used in this act are not any part of the law."

On page 1, line 1 of the title, after "jobs;" strike the remainder of the title and insert "amending RCW 43.330.010; adding new sections to chapter 43.330 RCW; adding a new section to chapter 28C.18 RCW; adding new sections to chapter 28B.50 RCW; adding a new section to chapter 50.12 RCW; adding a new section to chapter 49.04 RCW; creating new sections; and repealing RCW 43.330.310."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Probst, Smith and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 2227, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 2227, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 76; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Armstrong, Chandler, Condotta, Crouse, Ericksen, Grant-Herriot, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser and Shin)

Concerning prescription drug use in state purchased health care programs.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was before the House for purpose of amendment. (For committee amendment, see Journal, Day 100, April 18, 2009.)

Representative Cody moved the adoption of amendment (838) to the committee amendment:

On page 3, line 2 of the amendment, after "making," insert "Department of social and health services prior authorization programs must provide for responses within twenty-four hours and at least a seventy-two hour emergency supply of the requested drug."

Representative Cody spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (838) to the committee amendment was adopted.

Representative Hinkle moved the adoption of amendment (839) to the committee amendment:

On page 3, line 13, after "(v)" strike all material through "making." on line 15, and insert "Specifically for antipsychotic drugs, a state purchased health care program will allow dispense as written if an endorsing practitioner is writing the prescription to treat food and drug administration approved indications for that medication."

Representatives Hinkle, Alexander, Herrera and Angel spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Cody and Green spoke against the adoption of the amendment to the committee amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Moeller presiding) divided the House. The result was 46 – YEAS; 52 – NAYS.

Amendment (839) to the committee amendment was not adopted.

Representative Bailey moved the adoption of amendment (810) to the committee amendment:

On page 3, beginning on line 31 of the amendment, strike all of section 2

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Cody spoke against the adoption of the amendment to the committee amendment.

Amendment (810) to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Cody spoke in favor of the passage of the bill.

Representatives Hinkle, Klippert and Johnson spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5892, as amended by the House.

MOTION

On motion of Representative Santos, Representative Liias was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5892, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morris, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Sullivan, Taylor, Walsh, Warnick and Williams.

Excused: Representative Liias.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5892, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE SENATE BILL NO. 5892.

JOHN DRISCOLL, 6th District

SECOND READING

HOUSE BILL NO. 2356, by Representative Haigh

Revising student achievement fund allocations.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2356 was substituted for House Bill No. 2356 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2356 was read the second time.

Representative Alexander moved the adoption of amendment (820):

On page 2, beginning on line 4, after "act." strike all material through "years." on line 7

Representative Alexander spoke in favor of the adoption of the amendment.

Representative Haigh spoke against the adoption of the amendment.

Amendment (820) was not adopted.

Representative Bailey moved the adoption of amendment (809):

On page 3, beginning on line 1, strike all of section 2
Correct the title.

Representative Bailey spoke in favor of the adoption of the amendment.

Representative Haigh spoke against the adoption of the amendment.

Amendment (809) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Priest, Cox, Rolfes and Angel spoke in favor of the passage of the bill.

Representative Herrera spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2356.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2356 and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dameille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Pedersen, Pettigrew, Priest, Quall, Roberts, Santos, Seaquist, Springer, Sullivan, Takko, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Appleton, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Goodman, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Ormsby, Orwall, Parker, Pearson, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Sells, Shea, Short, Simpson, Smith, Taylor, Upthegrove, Walsh, Warnick and Williams.

Excused: Representative Liias.

SUBSTITUTE HOUSE BILL NO. 2356, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2358, by Representative Conway

Increasing liquor license fees limited to fees for beer and/or wine restaurants; taverns; snack bars; combined beer and wine retailers; grocery stores; beer and/or wine specialty shops; passenger trains, vessels, and airplanes; spirits, beer, and wine restaurants; spirits, beer, and wine private clubs; beer and wine private clubs; and public houses.

The bill was read the second time.

With the consent of the House, amendment (835) was withdrawn.

Representative Conway moved the adoption of amendment (793):

On page 16, after line 32, insert the following:

"NEW SECTION, Sec. 14. This act expires July 1, 2011."
Correct the title.

Representative Conway spoke in favor of the adoption of the amendment.

Amendment (793) was adopted.

Representative Conway moved the adoption of amendment (841):

On page 16, after line 32, insert the following:

"NEW SECTION. Sec. 14. A new section is added to chapter 66.08 RCW to read as follows:

Ten and a half percent of total license fee revenues collected for the following licenses established in RCW 66.24: beer and/or wine restaurants; taverns; snack bars; combined beer and wine retailers; grocery stores; beer and/or wine specialty shops; passenger trains, vessels, and airplanes; spirits, beer, and wine restaurants; spirits, beer, and wine private clubs; beer and wine private clubs; and public houses, shall be deposited in the liquor revolving fund, is not subject to the distribution specified in RCW 66.08.180, and may be expended only for purposes of the administration and enforcement of these licenses."

Correct the title.

Representative Conway spoke in favor of the adoption of the amendment.

Amendment (841) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Conway, Darneille and Roberts spoke in favor of the passage of the bill.

Representatives Alexander, Schmick, Anderson, Angel, Condotta and Ericksen spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2358.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2358 and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Blake, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Campbell, Carlyle, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Springer, Taylor, Upthegrove, Wallace, Walsh and Warnick.

Excused: Representative Liias.

ENGROSSED HOUSE BILL NO. 2358, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 21, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5110,
SENATE BILL NO. 5120,
SUBSTITUTE SENATE BILL NO. 5199,
SUBSTITUTE SENATE BILL NO. 5248,
SUBSTITUTE SENATE BILL NO. 5270,

SUBSTITUTE SENATE BILL NO. 5286,
SUBSTITUTE SENATE BILL NO. 5318,
SECOND SUBSTITUTE SENATE BILL NO. 5346,
SUBSTITUTE SENATE BILL NO. 5401,
SUBSTITUTE SENATE BILL NO. 5501,
SENATE BILL NO. 5547,
SUBSTITUTE SENATE BILL NO. 5719,
SENATE BILL NO. 5720,
SUBSTITUTE SENATE BILL NO. 5724,
SENATE BILL NO. 5731,
SUBSTITUTE SENATE BILL NO. 5738,
ENGROSSED SENATE BILL NO. 5810,
SUBSTITUTE SENATE BILL NO. 5834,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854,
SUBSTITUTE SENATE BILL NO. 5891,
SUBSTITUTE SENATE BILL NO. 5921,
ENGROSSED SENATE BILL NO. 5925,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 21, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649,
SUBSTITUTE SENATE BILL NO. 5931,
SECOND SUBSTITUTE SENATE BILL NO. 5945,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
SENATE BILL NO. 5974,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5978,
SUBSTITUTE SENATE BILL NO. 6009,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015,
SUBSTITUTE SENATE BILL NO. 6016,
ENGROSSED SENATE BILL NO. 6033,
SUBSTITUTE SENATE BILL NO. 6036,
SENATE BILL NO. 6070,
SUBSTITUTE SENATE BILL NO. 6088,
SUBSTITUTE SENATE BILL NO. 6095,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2331, by Representatives Darneille, Dickerson, Pettigrew, Kenney, Williams, Simpson, Nelson and Ormsby

Concerning the existing document recording fee for services for the homeless.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Darneille and Kagi spoke in favor of the passage of the bill.

Representatives Alexander, Angel, Campbell and Armstrong spoke against the passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Representative Ericksen: Mr. Speaker, as you know, we have explored the question in the past as to whether or not the extractions made over the past few years for these programs are really taxes or fees.

These document recording fees have moved in the last six years from the \$5 that it actually cost to process the paper to a current amount of \$42. This bill would move that cost to \$62 while still providing only \$5 to cover the actual cost of processing the paper.

In 2007, the Lieutenant Governor reluctantly ruled a similar recording fee increase in Engrossed Second Substitute House Bill 1359 a fee and thus requiring only a simple majority vote. However, the Lieutenant Governor warned the body that he was concerned that

“the entirety of the bill’s language could allow the revenue raised to be used for multiple purposes, such as providing many very worthy yet additional services that may not be directly related to housing.”

And I would also note that the revenue raised by the fee increase in this bill will be transferred to the General Fund, yet another indication of a tax, not a fee.

Mr. Speaker, I know that these charges in the past have been called fees, or not general fund revenue so under the old Initiative 601 tests, not a 2/3 vote requirement. However, as the total charges continue to climb and the purposes continue to expand, have we not reached a point where these extractions become a tax, subject under I-960 to a 2/3 vote for approval?

Thank you, Mr. Speaker. “

SPEAKER’S RULING

Mr. Speaker (Representative Moeller presiding): Representative Ericksen has raised a point of parliamentary inquiry as to the number of votes needed on final passage of House Bill No. 2331. This requires a determination as to whether the funds raised in the bill constitute a fee, which may be enacted by a simple majority, or a tax, which under the provisions of Initiative 960 may be enacted only with a 2/3 supermajority vote.

The Speaker begins by noting that in 2007, the Legislature amended RCW 36.22.179 to allow the use of document recording surcharges to fund housing and shelter for homeless persons, including grants to shelters, transitional housing, partial payment for rental assistance, consolidated emergency assistance, overnight youth shelters and emergency shelter assistance.

House Bill No. 2331 increases the document recording surcharge in that statute. It does not change or expand the purposes for which the funds raised may be expended.

The question then becomes whether there is a sufficient connection between the charge imposed and these purposes. The Speaker finds that there is a logical and sufficient connection and that the charge imposed is a fee and not a tax.

While not dispositive, the Speaker notes that the President of the Senate reached the same conclusion regarding a document recording surcharge for these same purposes in a 2007 ruling.

For these reasons, the Speaker rules that a simple majority, 50 votes, is needed for final passage."

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of House Bill No. 2331.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2331 and the bill passed the House by the following vote: Yeas, 51; Nays, 44; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Goodman, Green, Haigh, Hasegawa, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hudgins, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Takko, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Crouse, Flannigan and Liias.

HOUSE BILL NO. 2331, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 21, 2009

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 6002,
SENATE BILL NO. 6065,
SENATE BILL NO. 6126,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 21, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

- SECOND SUBSTITUTE HOUSE BILL NO. 1021
- SUBSTITUTE HOUSE BILL NO. 1036
- ENGROSSED HOUSE BILL NO. 1087
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123
- HOUSE BILL NO. 1127
- HOUSE BILL NO. 1137
- HOUSE BILL NO. 1158
- HOUSE BILL NO. 1166
- ENGROSSED HOUSE BILL NO. 1167
- HOUSE BILL NO. 1184
- SUBSTITUTE HOUSE BILL NO. 1201
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208
- SUBSTITUTE HOUSE BILL NO. 1215
- SUBSTITUTE HOUSE BILL NO. 1225
- HOUSE BILL NO. 1295
- SUBSTITUTE HOUSE BILL NO. 1300
- SUBSTITUTE HOUSE BILL NO. 1309
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362
- SECOND SUBSTITUTE HOUSE BILL NO. 1373
- ENGROSSED HOUSE BILL NO. 1385
- HOUSE BILL NO. 1395
- SUBSTITUTE HOUSE BILL NO. 1402
- HOUSE BILL NO. 1433
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445
- HOUSE BILL NO. 1448
- SECOND SUBSTITUTE HOUSE BILL NO. 1484
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516
- SUBSTITUTE HOUSE BILL NO. 1529
- ENGROSSED HOUSE BILL NO. 1530
- SUBSTITUTE HOUSE BILL NO. 1552
- ENGROSSED HOUSE BILL NO. 1566
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571
- SUBSTITUTE HOUSE BILL NO. 1583
- HOUSE BILL NO. 1589
- HOUSE BILL NO. 1640
- HOUSE BILL NO. 1717
- SUBSTITUTE HOUSE BILL NO. 1740
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741
- SUBSTITUTE HOUSE BILL NO. 1749
- SUBSTITUTE HOUSE BILL NO. 1769
- SUBSTITUTE HOUSE BILL NO. 1778
- HOUSE BILL NO. 1789
- HOUSE BILL NO. 1790
- SUBSTITUTE HOUSE BILL NO. 1791
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792
- SUBSTITUTE HOUSE BILL NO. 1793
- SUBSTITUTE HOUSE BILL NO. 1812
- SUBSTITUTE HOUSE BILL NO. 1816
- ENGROSSED HOUSE BILL NO. 1824
- HOUSE BILL NO. 1835
- SUBSTITUTE HOUSE BILL NO. 1856
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879
- SECOND SUBSTITUTE HOUSE BILL NO. 1899
- SUBSTITUTE HOUSE BILL NO. 1943
- SECOND SUBSTITUTE HOUSE BILL NO. 1946
- SECOND SUBSTITUTE HOUSE BILL NO. 1951
- SUBSTITUTE HOUSE BILL NO. 1957

ENGROSSED HOUSE BILL NO. 1967
 SUBSTITUTE HOUSE BILL NO. 2003
 HOUSE BILL NO. 2014
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021
 HOUSE BILL NO. 2025
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078
 SUBSTITUTE HOUSE BILL NO. 2079
 SECOND SUBSTITUTE HOUSE BILL NO. 2106
 SECOND SUBSTITUTE HOUSE BILL NO. 2119
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128
 HOUSE BILL NO. 2129
 HOUSE BILL NO. 2146
 SUBSTITUTE HOUSE BILL NO. 2157
 SUBSTITUTE HOUSE BILL NO. 2160
 HOUSE BILL NO. 2199
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222
 SUBSTITUTE HOUSE BILL NO. 2223
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261
 SUBSTITUTE HOUSE BILL NO. 2287
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289
 HOUSE BILL NO. 2313
 SENATE BILL NO. 5008
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5011
 SENATE BILL NO. 5038
 SUBSTITUTE SENATE BILL NO. 5040
 SUBSTITUTE SENATE BILL NO. 5042
 SECOND SUBSTITUTE SENATE BILL NO. 5045
 SECOND SUBSTITUTE SENATE BILL NO. 5045
 SUBSTITUTE SENATE BILL NO. 5056
 SENATE BILL NO. 5060
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5110
 SENATE BILL NO. 5120
 SENATE BILL NO. 5153
 SUBSTITUTE SENATE BILL NO. 5160
 SUBSTITUTE SENATE BILL NO. 5171
 SUBSTITUTE SENATE BILL NO. 5172
 SENATE BILL NO. 5173
 SUBSTITUTE SENATE BILL NO. 5177
 SENATE BILL NO. 5180
 SUBSTITUTE SENATE BILL NO. 5199
 SUBSTITUTE SENATE BILL NO. 5229
 SUBSTITUTE SENATE BILL NO. 5248
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5262
 SUBSTITUTE SENATE BILL NO. 5268
 SUBSTITUTE SENATE BILL NO. 5270
 SUBSTITUTE SENATE BILL NO. 5273
 SUBSTITUTE SENATE BILL NO. 5273
 SENATE BILL NO. 5277
 SUBSTITUTE SENATE BILL NO. 5286
 SENATE BILL NO. 5289
 SUBSTITUTE SENATE BILL NO. 5318
 SUBSTITUTE SENATE BILL NO. 5340
 SECOND SUBSTITUTE SENATE BILL NO. 5346
 SENATE BILL NO. 5355
 SUBSTITUTE SENATE BILL NO. 5360
 SUBSTITUTE SENATE BILL NO. 5367
 SUBSTITUTE SENATE BILL NO. 5368
 SUBSTITUTE SENATE BILL NO. 5401
 SUBSTITUTE SENATE BILL NO. 5402
 SUBSTITUTE SENATE BILL NO. 5410
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5414
 SENATE BILL NO. 5452
 SENATE BILL NO. 5452
 SUBSTITUTE SENATE BILL NO. 5461
 SUBSTITUTE SENATE BILL NO. 5461
 SUBSTITUTE SENATE BILL NO. 5468
 SUBSTITUTE SENATE BILL NO. 5468
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5473
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5473
 SENATE BILL NO. 5482
 SENATE BILL NO. 5482
 SUBSTITUTE SENATE BILL NO. 5501
 SUBSTITUTE SENATE BILL NO. 5504
 SUBSTITUTE SENATE BILL NO. 5504
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 SUBSTITUTE SENATE BILL NO. 5531

SUBSTITUTE SENATE BILL NO. 5539
 SUBSTITUTE SENATE BILL NO. 5539
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 SENATE BILL NO. 5568
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5583
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5583
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5601
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5601
 SUBSTITUTE SENATE BILL NO. 5608
 SUBSTITUTE SENATE BILL NO. 5608
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 SUBSTITUTE SENATE BILL NO. 5616
 SUBSTITUTE SENATE BILL NO. 5616
 SENATE BILL NO. 5629
 SENATE BILL NO. 5629
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5651
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5651
 SUBSTITUTE SENATE BILL NO. 5665
 SUBSTITUTE SENATE BILL NO. 5665
 SENATE BILL NO. 5673
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 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5688
 SUBSTITUTE SENATE BILL NO. 5719
 SENATE BILL NO. 5720
 SUBSTITUTE SENATE BILL NO. 5724
 SENATE BILL NO. 5731
 SUBSTITUTE SENATE BILL NO. 5738
 ENGROSSED SENATE BILL NO. 5810
 SUBSTITUTE SENATE BILL NO. 5834
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5854
 SUBSTITUTE SENATE BILL NO. 5891
 SUBSTITUTE SENATE BILL NO. 5921
 ENGROSSED SENATE BILL NO. 5925

The Speaker called upon Representative Moeller to preside.

SECOND READING

HOUSE BILL NO. 2318, by Representatives Sells, Ericks, Kenney, Liias, Simpson, Hope, McCoy, Conway and Roberts

Creating the Washington institute of aerospace technology and manufacturing studies.

The bill was read the second time.

There being no objection, Second Substitute House Bill No. 2318 was substituted for House Bill No. 2318 and the second substitute bill was placed on the second reading calendar.

SECOND SUBSTITUTE HOUSE BILL NO. 2318 was read the second time.

Representative Hasegawa moved the adoption of amendment (853):

On page 2, beginning on line 16, strike "headquartered in Snohomish county and"

Representative Hasegawa spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (853) was not adopted.

Representative Morris moved the adoption of amendment (848):

On page 2, beginning on line 19, after "with the" strike "Washington council on aerospace" and insert "agency or entity designated by the governor"

On page 2, line 32, after "and" strike "council" and insert "the agency or entity designated by the governor"

On page 2, after line 35, insert the following:

"NEW SECTION, Sec. 4. A new section is added to Title 43 RCW to read as follows:

(1) The Washington aerospace futures account is created in the custody of the state treasurer. The governor may authorize expenditures from the account. Expenditures from the account may be made only for purposes of statewide aerospace workforce and industry development, including programs and activities related to workforce training and education, research and development, and aerospace industry retention and expansion. Administrative expenses, including staff support, may be paid from the account. Revenues to the account consist of moneys received from grants and donations, funds administered under the governor's discretion that are deposited into the account, and moneys received pursuant to legislative appropriations.

(2) For fiscal years 2009 through 2011, such programs and activities shall be supported by federal workforce investment act funds or other discretionary funds administered by the governor. These funds may be invested independently to support such programs and activities or may be used as match to leverage additional investments.

NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Renumber the remaining section consecutively and correct any internal references accordingly.

Correct the title.

Representative Condotta moved the adoption of amendment (849) to amendment (848):

On page 1, line 14 of the amendment, after "of" strike "statewide" and insert ": (a) Statewide"

On page 1, line 17 of the amendment, after "expansion" insert "; (b) evaluation of the statewide economic impact on real per capita personal income, charitable contributions, housing prices, and the net reduction in state and local tax collections if the aerospace industry moved twenty five percent of its existing operations out of Washington state; and (c) identification of recommendations regarding improving Washington's competitiveness with respect to aerospace industry retention and expansion by: (i) Reducing the cost of industrial insurance through the use of final settlement agreements; (ii) modifications to the state's worker's compensation system to ensure that Washington does not rank in the top quartile of states in benefits paid per worker and percentage of covered wages paid; and (iii) specific modifications to the state's unemployment insurance system to ensure that unemployment insurance tax payments per employee are no more than two hundred percent of the national average"

Representative Condotta spoke in favor of the adoption of the amendment to amendment (848).

Representative Morris spoke against the adoption of the amendment to amendment (848).

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the adoption of amendment (849) to amendment (848) to Engrossed Second Substitute House Bill No. 2318.

ROLL CALL

The Clerk called the roll on the adoption of amendment (849) to amendment (848) to Engrossed Second Substitute House Bill No. 2318 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 56; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Crouse, Flannigan and Liias.

Amendment (849) was not adopted.

The question before the House was the adoption of amendment (848).

Representatives Morris and Smith spoke in favor of the adoption of the amendment.

Amendment (848) was adopted.

Representative Hasegawa moved the adoption of amendment (854):

On page 2, line 29, after "partners" insert "and interested community based programs and state agencies such as the state board for community and technical colleges, workforce training and education coordinating board, department of labor and industries, and employment security department"

Representative Hasegawa spoke in favor of the adoption of the amendment.

Representative Kenney spoke against the adoption of the amendment.

Amendment (854) was not adopted.

Representative Hasegawa moved the adoption of amendment (852):

On page 2, line 30, after "institute;" strike "and"

On page 2, line 31, after "structure" insert "; and (g) Strategies for creating pathways to family wage aerospace jobs for workers from low income or economically challenged communities."

Representative Hasegawa spoke in favor of the adoption of the amendment.

Representative Sells spoke against the adoption of the amendment.

Amendment (852) was not adopted.

The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Sells, Hasegawa, Smith, Morris, Priest, Conway and Kenney spoke in favor of the passage of the bill.

Representatives Orcutt spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 2318.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 2318 and the bill passed the House by the following vote: Yeas, 86; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Cox, Klippert, Kretz, Orcutt, Shea, Short and Taylor.

Excused: Representatives Crouse, Flannigan and Liias.

SECOND SUBSTITUTE HOUSE BILL NO. 2318, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SECOND SUBSTITUTE HOUSE BILL NO. 2318.

MARKO LIAS, 21st District

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6108, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Holmquist and Kohl-Welles)

Allowing the state lottery to enter into agreements to conduct multistate shared games. Revised for 1st Substitute: Allowing the state lottery to enter into agreements to conduct multistate shared games. (REVISED FOR ENGROSSED: Allowing the state lottery commission to enter into an agreement to conduct an additional shared lottery game.)

The bill was read the second time.

With the consent of the House, amendments (836), (837) and (840) were withdrawn.

Representative Maxwell moved the adoption of amendment (858):

On page 2, after line 1, insert the following:

"Sec. 2. RCW 67.70.340 and 2005 c 369 s 4 are each amended to read as follows:

(1) The legislature recognizes that creating a shared game lottery could result in less revenue being raised by the existing state lottery ticket sales. The legislature further recognizes that the two funds most impacted by this potential event are the student achievement fund and the education construction account. Therefore,

it is the intent of the legislature to use some of the proceeds from the shared game lottery to make up the difference that the potential state lottery revenue loss would have on the student achievement fund and the education construction account. The legislature further intends to use some of the proceeds from the shared game lottery to fund programs and services related to problem and pathological gambling.

(2) The student achievement fund and the education construction account are expected to collectively receive one hundred two million dollars annually from state lottery games other than the shared game lottery. For fiscal year 2003 and thereafter, if the amount of lottery revenues earmarked for the student achievement fund and the education construction account is less than one hundred two million dollars, the commission, after making the transfer required under subsection (3) of this section, must transfer sufficient moneys from revenues derived from the shared game lottery into the student achievement fund and the education construction account to bring the total revenue up to one hundred two million dollars. The funds transferred from the shared game lottery account under this subsection must be divided between the student achievement fund and the education construction account in a manner consistent with RCW 67.70.240(3).

(3) (a) The commission shall transfer, from revenue derived from the shared game lottery, to the problem gambling account created in RCW 43.20A.892, an amount equal to the percentage specified in (b) of this subsection of net receipts. For purposes of this subsection, "net receipts" means the difference between (i) revenue received from the sale of lottery tickets or shares and revenue received from the sale of shared game lottery tickets or shares; and (ii) the sum of payments made to winners.

(b) In fiscal year 2006, the percentage to be transferred to the problem gambling account is one-tenth of one percent. In fiscal year 2007 and subsequent fiscal years, the percentage to be transferred to the problem gambling account is thirteen one-hundredths of one percent.

(4) The commission shall transfer the remaining net revenues, if any, derived from the shared game lottery "Powerball" authorized in section 1(1) of this act after the transfers pursuant to this section into the state general fund for the student achievement program under RCW 28A.505.220.

((4)) (5) The remaining net revenues, if any, in the shared game lottery account after the transfers pursuant to this section shall be deposited into the general fund."

Correct the title.

Representatives Maxwell and Angel spoke in favor of the adoption of the amendment.

Amendment (858) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6108, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6108, as amended by the House, and the bill passed the House by the following vote: Yeas, 60; Nays, 35; Absent, 0; Excused, 3.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen,

Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Armstrong, Bailey, Carlyle, Chandler, Condotta, Cox, Dammeier, DeBolt, Eddy, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Crouse, Flannigan and Liias.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6108, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Regala and Shin)

Reducing the categories of offenders supervised by the department of corrections. Revised for 1st Substitute: Reducing the categories of offenders supervised by the department of corrections. (REVISED FOR ENGROSSED: Changing provisions regarding supervision of offenders.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was before the body for purpose of amendment. (For committee amendment, see Journal, Day 99, April 20, 2009.)

Representative Pearson moved the adoption of amendment (855) to the committee amendment:

On page 1, after line 2 of the striking amendment, insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 9.94A RCW to read as follows:

The legislature finds that Washington state has one of the lowest incarceration rates in the nation. Earned release time for felony offenders of fifteen percent, thirty-three percent and fifty percent are based on the promise of community supervision among other things to ensure our communities remain safe. It is the intent of the legislature to ensure by this act that high risk offenders and offenders convicted of fourth degree assault, violation of a domestic violence court order and who also have a prior conviction for a previous violent offense; sex offense; crime against a person; fourth degree assault; or violation of a domestic violence court order; and offenders convicted of sexual misconduct with a minor second degree; custodial sexual misconduct second degree; communication with a minor for immoral purposes; or failure to register are adequately supervised to maintain an adequate level of public safety."

Renumber remaining sections consecutively and correct any internal references accordingly.

On page 46, after line 29, insert the following:

"NEW SECTION. Sec. 16. (1) In order to provide supervision of misdemeanant offenders ordered to probation and felony offenders sentenced to community custody whose risk assessment, conducted pursuant to section 1(1)(5) and section 2(1)(5) of this act, places the offender in one of the two highest risk categories, and offenders sentenced for a misdemeanor or gross misdemeanor in superior court pursuant to subsections (1)(b)(iii) and (iv) of sections 1 and 2, for any budget adopted by the legislature for the 2009-11 biennium, the number of full-time equivalent positions for the community corrections program of the department of corrections shall be the same as or greater than the number in the 2007-09 biennial budget as enacted by the legislature in 2008.

(2) For any budget adopted by the legislature for the 2009-11 biennium, the number of full-time equivalent positions for the community corrections program of the department of corrections shall be the same as or greater than the number in the 2007-09 biennial budget as enacted by the legislature in 2008."

Renumber remaining sections consecutively and correct any internal references accordingly.
Correct the title.

Representatives Pearson and Klippert spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dickerson spoke against the adoption of the amendment to the committee amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 41 – YEA; 54 – NAY.

Amendment (855) to the committee amendment was not adopted.

Representative Pearson moved the adoption of amendment (857) to the committee amendment:

On page 2, line 12, after "offender))" strike all material through "9A.44.130." on line 30 and insert "(a) The department shall supervise every offender convicted of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense included in (b) of this subsection.

(b) The superior court shall order probation for:

(i) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:

(A) A violent offense

(B) A sex offense;

(C) A crime against a person as provided in RCW 9.94A.411;

(D) Fourth degree assault; or

(E) Violation of a domestic violence court order;

(ii) Offenders convicted of:

(A) Sexual misconduct with a minor second degree;

(B) Custodial sexual misconduct second degree;

(C) Communication with a minor for immoral purposes; and

(D) Failure to register pursuant to RCW 9A.44.130;

(iii) An offense included in (b)(i) where the offender does not have a prior conviction or the offender has a prior conviction other than one of those identified in (b)(i)(A) through (b)(i)(E) and the offender's risk assessment, conducted pursuant to subsection (5) of this section, places the offender in one of the two highest risk categories; and

(iv) An offense not included in (b)(i) or (b)(ii) where the offender's risk assessment, conducted pursuant to subsection (5) of this section, places the offender in one of the two highest risk categories."

On page 3, line 18, after "for" strike "every" and insert ":

(a) Every"

On page 3, line 20, after "section" insert the following: "; and

(b) Every offender sentenced for a misdemeanor or gross misdemeanor in superior court pursuant to subsections (1)(b)(iii) and (1)(b)(iv) of this section"

On page 4, beginning on line 22, after "offender))" strike all material through "9A.44.130." on page 5, line 2 and insert "(a) The department shall supervise every offender convicted of a misdemeanor or gross misdemeanor offense who is sentenced to probation in superior court, pursuant to RCW 9.92.060, 9.95.204, or 9.95.210, for an offense included in (b) of this subsection.

(b) The superior court shall order probation for:

(i) Offenders convicted of fourth degree assault, violation of a domestic violence court order pursuant to RCW 10.99.040, 10.99.050, 26.09.300, 26.10.220, 26.26.138, 26.50.110, 26.52.070, or 74.34.145, and who also have a prior conviction for one or more of the following:

(A) A violent offense

(B) A sex offense;

- (C) A crime against a person as provided in RCW 9.94A.411;
 - (D) Fourth degree assault; or
 - (E) Violation of a domestic violence court order;
- (ii) Offenders convicted of:
- (A) Sexual misconduct with a minor second degree;
 - (B) Custodial sexual misconduct second degree;
 - (C) Communication with a minor for immoral purposes; and
 - (D) Failure to register pursuant to RCW 9A.44.130;

(iii) An offense included in (b)(i) where the offender does not have a prior conviction or the offender has a prior conviction other than one of those identified in (b)(i)(A) through (b)(i)(E) and the offender's risk assessment, conducted pursuant to subsection (5) of this section, places the offender in one of the two highest risk categories; and

(iv) An offense not included in (b)(i) or (b)(ii) where the offender's risk assessment, conducted pursuant to subsection (5) of this section, places the offender in one of the two highest risk categories."

On page 5, line 27, after "for" strike "every" and insert":

(a) Every"

On page 5, line 29, after "section" insert the following:"; and

(b) Every offender sentenced for a misdemeanor or gross misdemeanor in superior court pursuant to subsections (1)(b)(iii) and (1)(b)(iv) of this section"

On page 5, after line 29, insert the following:

"**Sec. 3.** RCW 9.94A.500 and 2008 c 231 s 2 are each amended to read as follows:

(1) Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing.

Except in cases where the defendant shall be sentenced to a term of total confinement for life without the possibility of release or, when authorized by RCW 10.95.030 for the crime of aggravated murder in the first degree, sentenced to death, the court may order the department to complete a risk assessment report. The court shall, however, at the time of plea or conviction order the department to complete a risk assessment report for offenders sentenced pursuant to section 1(1)(b)(iii) and (iv) and section 2(1)(b)(iii) and (iv) of this act. If available before sentencing, the report shall be provided to the court.

Unless specifically waived by the court, the court shall order the department to complete a chemical dependency screening report before imposing a sentence upon a defendant who has been convicted of a violation of the uniform controlled substances act under chapter 69.50 RCW, a criminal solicitation to commit such a violation under chapter 9A.28 RCW, or any felony where the court finds that the offender has a chemical dependency that has contributed to his or her offense. In addition, the court shall, at the time of plea or conviction, order the department to complete a presentence report before imposing a sentence upon a defendant who has been convicted of a felony sexual offense. The department of corrections shall give priority to presentence investigations for sexual offenders. If the court determines that the defendant may be a mentally ill person as defined in RCW 71.24.025, although the defendant has not established that at the time of the crime he or she lacked the capacity to commit the crime, was incompetent to commit the crime, or was insane at the time of the crime, the court shall order the department to complete a presentence report before imposing a sentence.

The court shall consider the risk assessment report and presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed.

A criminal history summary relating to the defendant from the prosecuting authority or from a state, federal, or foreign governmental agency shall be prima facie evidence of the existence

and validity of the convictions listed therein. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all risk assessment reports and presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

(2) To prevent wrongful disclosure of information related to mental health services, as defined in RCW 71.05.445 and 71.34.345, a court may take only those steps necessary during a sentencing hearing or any hearing in which the department presents information related to mental health services to the court. The steps may be taken on motion of the defendant, the prosecuting attorney, or on the court's own motion. The court may seal the portion of the record relating to information relating to mental health services, exclude the public from the hearing during presentation or discussion of information relating to mental health services, or grant other relief to achieve the result intended by this subsection, but nothing in this subsection shall be construed to prevent the subsequent release of information related to mental health services as authorized by RCW 71.05.445, 71.34.345, or 72.09.585. Any person who otherwise is permitted to attend any hearing pursuant to chapter 7.69 or 7.69A RCW shall not be excluded from the hearing solely because the department intends to disclose or discloses information related to mental health services."

Renumber remaining sections consecutively and correct any internal references accordingly.

On page 46, after line 17, insert the following:

"**NEW SECTION. Sec. 15.** (1) The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for any harm caused by the actions of a felony or misdemeanor offender who is under the department's supervision under this act.

(2) The state of Washington, the department of corrections and its employees, community corrections officers, and volunteers who assist community corrections officers are not liable for civil damages resulting from any act or omission in the rendering of activities under this act unless the act or omission constitutes gross negligence. For the purposes of this section, "volunteers" is defined according to RCW 51.12.035."

Renumber remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Pearson, Klippert and Chandler spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Dickerson, Williams and Darneille spoke against the adoption of the amendment to the committee amendment.

Amendment (857) to the committee amendment was not adopted.

Representative Darneille moved the adoption of amendment (856) to the committee amendment:

On page 2, line 29, after "purposes;" strike "or" and insert "and"

On page 2, at the beginning of line 31, strike "(c)" and insert "(2)"

On page 2, at the beginning of line 34, strike "(2)" and insert "(3)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 5, line 1, after "purposes;" strike "or" and insert "and"

On page 5, at the beginning of line 3, strike "(c)" and insert "(2)"

On page 5, at the beginning of line 6, strike "(2)" and insert "(3)"
 Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Darneille and Dammeier spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (856) to the committee amendment was adopted.

Representative Bailey moved the adoption of amendment (850) to the committee amendment:

On page 47, beginning on line 2 of the amendment, after "Sec. 18." strike all material through "(2)" on line 6

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dickerson spoke against the adoption of the amendment to the committee amendment.

Amendment (850) to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson, and Darneille spoke in favor of the passage of the bill.

Representatives Dammeier, Angel, Pearson, Orcutt and Klippert spoke against the passage of the bill.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5288, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5288, as amended by the House, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Dammeier, DeBolt, Driscoll, Ericksen, Goodman, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Simpson, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Crouse and Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 22, 2009, the 101st Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ONE HUNDRED FIRST DAY

House Chamber, Olympia, Wednesday, April 22, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cheyenne Wang and Taylor Wang. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Sherry Appleton.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

SB 6121 by Senators Tom, Zarelli and Keiser

AN ACT Relating to the surcharge to fund biotoxin testing and monitoring; amending RCW 77.32.555; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6157 by Senators Prentice, Tom, Hobbs and Fraser

AN ACT Relating to the calculation of compensation for public retirement purposes during the 2009-2011 fiscal biennium; and amending RCW 41.40.010.

Referred to Committee on Ways & Means.

SB 6167 by Senators Kline, Regala and Hargrove

AN ACT Relating to crimes against property; amending RCW 4.24.230, 9A.48.070, 9A.48.080, 9A.48.090, 9A.56.030, 9A.56.040, 9A.56.050, 9A.56.060, 9A.56.096, 9A.56.150, 9A.56.160, 9A.56.170, and 9A.56.350; adding a new section to chapter 9.94A RCW; adding a new section to chapter 3.50 RCW; adding a new section to chapter 3.66 RCW; adding a new section to chapter 35.20 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Ways & Means.

SB 6168 by Senators Tom and Prentice

AN ACT Relating to reducing costs in state elementary and secondary education programs; and amending RCW 28A.415.380, 28A.320.190, 28A.415.340, 28A.300.515, 28A.630.035, 28A.300.130, 28A.245.060, 28A.625.020, 28A.300.520, and 28A.320.125.

Referred to Committee on Ways & Means.

SSB 6172 by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Ranker)

AN ACT Relating to oil spill advisory council; creating a new section; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6179 by Senators Tom, Fairley and Prentice

AN ACT Relating to chemical dependency specialist services; and amending RCW 70.96A.037.

Referred to Committee on Ways & Means.

SB 6181 by Senators Tom, Prentice and Fairley

AN ACT Relating to the intensive resource home pilot; and amending RCW 74.13.800.

Referred to Committee on Ways & Means.

SUPPLEMENTAL
INTRODUCTION AND FIRST READING

SSB 6161 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to actuarial funding of pension systems; amending RCW 41.45.010, 41.45.035, 41.45.060, 41.45.070, 41.45.150, and 41.45.155; reenacting and amending RCW 41.45.0631; adding a new section to chapter 41.45 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

ESSB 6169 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency; amending RCW 82.32.235; and creating a new section.

Referred to Committee on Finance.

ESSB 6170 by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs and Prentice)

AN ACT Relating to environmental tax incentives; amending RCW 81.104.170, 82.14.050, 82.14.060, 82.04.263, 82.04.294, 82.08.9651, 82.12.9651, 82.16.110, 82.16.120, 82.16.130, 82.08.890, 82.12.890, 82.16.010, 82.16.020, and 82.08.020; adding new sections to chapter 82.08 RCW; adding new sections to chapter 82.12 RCW; adding a new section to chapter 82.14 RCW; adding a new section to chapter 82.04 RCW; creating new sections; repealing RCW 82.08.813 and 82.12.813; providing effective dates; providing expiration dates; and declaring an emergency.

Referred to Committee on Finance.

SB 6173 by Senator Prentice

AN ACT Relating to improving sales tax compliance; amending RCW 82.04.470, 82.08.050, 82.08.130, 82.14B.042, 82.14B.200, 82.32.087, 82.32.290, 82.32.291, 82.32.330, 82.72.040, and 82.72.070; reenacting and amending RCW 82.04.050; adding new sections to chapter 82.32 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Finance.

There being no objection, the bills listed on the day's introduction sheet and supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1614,
HOUSE BILL NO. 2334,

There being no objection, HOUSE BILL NO. 2308 was returned to the Committee on Rules.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 5617 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendments to ENGROSSED SENATE BILL NO. 5617 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

April 18, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 5200 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendments to ENGROSSED SENATE BILL NO. 5200 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1103 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 11.84.010 and 1965 c 145 s 11.84.010 are each amended to read as follows:

As used in this chapter:

(1) "Abuser" means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful financial exploitation of a vulnerable adult.

(2) "Decedent" means:

(a) Any person whose life is taken by a slayer, or

(b) Any deceased person who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser.

(3) "Financial exploitation" has the same meaning as provided in RCW 74.34.020, as enacted or hereafter amended.

(4) "Property" includes any real and personal property and any right or interest therein.

(5) "Slayer" (~~shall~~) means any person who participates, either as a principal or an accessory before the fact, in the willful and unlawful killing of any other person.

(~~(2)~~) "Decedent" shall mean any person whose life is so taken.

(~~(3)~~) "Property" shall include any real and personal property and any right or interest therein.) (6) "Vulnerable adult" has the same meaning as provided in RCW 74.34.020.

Sec. 2. RCW 11.84.020 and 1965 c 145 s 11.84.020 are each amended to read as follows:

No slayer or abuser shall in any way acquire any property or receive any benefit as the result of the death of the decedent, but such property shall pass as provided in the sections following.

Sec. 3. RCW 11.84.025 and 1998 c 292 s 502 are each amended to read as follows:

Proceeds payable to a slayer or abuser as the beneficiary of any benefits flowing from one of the retirement systems listed in RCW 41.50.030, by virtue of the decedent's membership in the department of retirement systems or by virtue of the death of decedent, shall be paid instead as designated in RCW 41.04.273.

Sec. 4. RCW 11.84.030 and 2008 c 6 s 624 are each amended to read as follows:

The slayer or abuser shall be deemed to have predeceased the decedent as to property which would have passed from the decedent or his or her estate to the slayer or abuser under the statutes of descent and distribution or have been acquired by statutory right as surviving spouse or surviving domestic partner or under any agreement made with the decedent under the provisions of RCW 26.16.120 as it now exists or is hereafter amended.

Sec. 5. RCW 11.84.040 and 1965 c 145 s 11.84.040 are each amended to read as follows:

Property which would have passed to or for the benefit of the slayer or abuser by devise or legacy from the decedent shall be distributed as if he or she had predeceased the decedent.

Sec. 6. RCW 11.84.050 and 1965 c 145 s 11.84.050 are each amended to read as follows:

(1) One-half of any property held by the slayer or abuser and the decedent as joint tenants, joint owners or joint obligees shall pass upon the death of the decedent to his or her estate, and the other half shall pass to his or her estate upon the death of the slayer or abuser, unless the slayer or abuser obtains a separation or severance of the property or a decree granting partition.

(2) As to property held jointly by three or more persons, including the slayer or abuser and the decedent, any enrichment which would have accrued to the slayer or abuser as a result of the death of the decedent shall pass to the estate of the decedent. If the slayer or abuser becomes the final survivor, one-half of the property shall immediately pass to the estate of the decedent and the other half shall pass to his or her estate upon the death of the slayer or abuser, unless the slayer or abuser obtains a separation or severance of the property or a decree granting partition.

(3) The provisions of this section shall not affect any enforceable agreement between the parties or any trust arising because a greater proportion of the property has been contributed by one party than by the other.

Sec. 7. RCW 11.84.070 and 1965 c 145 s 11.84.070 are each amended to read as follows:

Any interest in property whether vested or not, held by the slayer or abuser, subject to be divested, diminished in any way or extinguished, if the decedent survives him or her or lives to a certain age, shall be held by the slayer or abuser during his or her lifetime or until the decedent would have reached such age, but shall then pass as if the decedent had died immediately thereafter.

Sec. 8. RCW 11.84.080 and 1965 c 145 s 11.84.080 are each amended to read as follows:

As to any contingent remainder or executory or other future interest held by the slayer or abuser, subject to become vested in him or her or increased in any way for him or her upon the condition of the death of the decedent:

(1) If the interest would not have become vested or increased if he or she had predeceased the decedent, he or she shall be deemed to have so predeceased the decedent;

(2) In any case the interest shall not be vested or increased during the period of the life expectancy of the decedent.

Sec. 9. RCW 11.84.090 and 1965 c 145 s 11.84.090 are each amended to read as follows:

(1) Property appointed by the will of the decedent to or for the benefit of the slayer or abuser shall be distributed as if the slayer or abuser had predeceased the decedent.

(2) Property held either presently or in remainder by the slayer or abuser, subject to be divested by the exercise by the decedent of a power of revocation or a general power of appointment shall pass to the estate of the decedent, and property so held by the slayer or abuser, subject to be divested by the exercise by the decedent of a power of appointment to a particular person or persons or to a class of persons, shall pass to such person or persons, or in equal shares to the members of such class of persons, exclusive of the slayer or abuser.

Sec. 10. RCW 11.84.100 and 1965 c 145 s 11.84.100 are each amended to read as follows:

(1) Insurance proceeds payable to the slayer or abuser as the beneficiary or assignee of any policy or certificate of insurance on the life of the decedent, or as the survivor of a joint life policy, shall be paid instead to the estate of the decedent, unless the policy or certificate designate some person other than the slayer or abuser or his or her estate as secondary beneficiary to him or her and in which case such proceeds shall be paid to such secondary beneficiary in accordance with the applicable terms of the policy.

(2) If the decedent is beneficiary or assignee of any policy or certificate of insurance on the life of the slayer or abuser, the proceeds shall be paid to the estate of the decedent upon the death of the slayer or abuser, unless the policy names some person other than the slayer or abuser or his or her estate as secondary beneficiary, or unless the slayer or abuser by naming a new beneficiary or assigning the policy performs an act which would have deprived the decedent of his or her interest in the policy if he or she had been living.

Sec. 11. RCW 11.84.110 and 1965 c 145 s 11.84.110 are each amended to read as follows:

Any insurance company making payment according to the terms of its policy or any bank or other person performing an obligation for the slayer or abuser as one of several joint obligees shall not be subjected to additional liability by the terms of this chapter if such payment or performance is made without written notice, at its home office or at an individual's home or business address, of the killing by a slayer or financial exploitation by an abuser.

Sec. 12. RCW 11.84.120 and 1965 c 145 s 11.84.120 are each amended to read as follows:

The provisions of this chapter shall not affect the rights of any person who, before the interests of the slayer or abuser have been adjudicated, purchases or has agreed to purchase, from the slayer or abuser for value and without notice property which the slayer or abuser would have acquired except for the terms of this chapter, but all proceeds received by the slayer or abuser from such sale shall be held by him or her in trust for the persons entitled to the property under the provisions of this chapter, and the slayer or abuser shall also be liable both for any portion of such proceeds which he or she may have dissipated and for any difference between the actual value of the property and the amount of such proceeds.

Sec. 13. RCW 11.84.130 and 1965 c 145 s 11.84.130 are each amended to read as follows:

~~((The))~~ Any record of ~~((his))~~ conviction ~~((of))~~ for having participated in the ~~((willful))~~ willful and unlawful killing of the decedent or for conduct constituting financial exploitation against the decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, shall be admissible in evidence against a claimant of property in any civil ~~((action))~~ proceeding arising under this chapter.

NEW SECTION. Sec. 14. A new section is added to chapter 11.84 RCW to read as follows:

(1) A final judgment of conviction for the willful and unlawful killing of the decedent is conclusive for purposes of determining whether a person is a slayer under this section.

(2) In the absence of a criminal conviction, a superior court finding by a preponderance of the evidence that a person participated in the willful and unlawful killing of the decedent is conclusive for

purposes of determining whether a person is a slayer under this section.

NEW SECTION. Sec. 15. A new section is added to chapter 11.84 RCW to read as follows:

(1) A final judgment of conviction for conduct constituting financial exploitation against the decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, is conclusive for purposes of determining whether a person is an abuser under this section.

(2) In the absence of a criminal conviction, a superior court finding by clear, cogent, and convincing evidence that a person participated in conduct constituting financial exploitation against the decedent is conclusive for purposes of determining whether a person is an abuser under this section.

NEW SECTION. Sec. 16. A new section is added to chapter 11.84 RCW to read as follows:

(1) In determining whether a person is an abuser for purposes of this chapter, the court must find by clear, cogent, and convincing evidence that:

(a) The decedent was a vulnerable adult at the time the alleged financial exploitation took place; and

(b) The conduct constituting financial exploitation was willful action or willful inaction causing injury to the property of the vulnerable adult.

(2) A finding of abuse by the department of social and health services is not admissible for any purpose in any claim or proceeding under this chapter.

(3) Except as provided in subsection (2) of this section, evidence of financial exploitation is admissible if it is not inadmissible pursuant to the rules of evidence.

NEW SECTION. Sec. 17. A new section is added to chapter 11.84 RCW to read as follows:

Notwithstanding the provisions of this chapter:

(1) An abuser is entitled to acquire or receive an interest in property or any other benefit described in this chapter if the court determines by clear, cogent, and convincing evidence that the decedent:

(a) Knew of the financial exploitation; and

(b) Subsequently ratified his or her intent to transfer the property interest or benefit to that person.

(2) The court may consider the record of proceedings and in its discretion allow an abuser to acquire or receive an interest in property or any other benefit described in this chapter in any manner the court deems equitable. In determining what is equitable, the court may consider, among other things:

(a) The various elements of the decedent's dispositive scheme;

(b) The decedent's likely intent given the totality of the circumstances; and

(c) The degree of harm resulting from the abuser's financial exploitation of the decedent.

Sec. 18. RCW 26.16.120 and 2008 c 6 s 612 are each amended to read as follows:

Nothing contained in any of the provisions of this chapter or in any law of this state, shall prevent both spouses or both domestic partners from jointly entering into any agreement concerning the status or disposition of the whole or any portion of the community property, then owned by them or afterwards to be acquired, to take effect upon the death of either. But such agreement may be made at any time by both spouses or both domestic partners by the execution of an instrument in writing under their hands and seals, and to be witnessed, acknowledged and certified in the same manner as deeds to real estate are required to be, under the laws of the state, and the same may at any time thereafter be altered or amended in the same manner. Such agreement shall not derogate from the right of creditors; nor be construed to curtail the powers of the superior court to set aside or cancel such agreement for fraud or under some other recognized head of equity jurisdiction, at the suit of either party; nor prevent the application of laws governing the community property and inheritance rights of slayers or abusers under chapter 11.84 RCW.

Sec. 19. RCW 41.04.273 and 1998 c 292 s 501 are each amended to read as follows:

(1) For purposes of this section, the following definitions shall apply:

(a) (~~"Slayer" means a slayer as defined~~) "Abuser" has the same meaning as provided in RCW 11.84.010.

(b) ~~"Decedent" means any person (whose life is taken by a slayer, and)~~ who is entitled to benefits from the Washington state department of retirement systems by written designation or by operation of law:

(i) Whose life is taken by a slayer; or

(ii) Who is deceased and who, at any time during life in which he or she was a vulnerable adult, was the victim of financial exploitation by an abuser, except as provided in section 17 of this act.

(c) "Slayer" means a slayer as defined in RCW 11.84.010.

(2) Property that would have passed to or for the benefit of a beneficiary under one of the retirement systems listed in RCW 41.50.030 shall not pass to that beneficiary if the beneficiary was a slayer or abuser of the decedent and the property shall be distributed as if the slayer or abuser had predeceased the decedent.

(3) A slayer or abuser is deemed to have predeceased the decedent as to property which, by designation or by operation of law, would have passed from the decedent to the slayer or abuser because of the decedent's entitlement to benefits under one of the retirement systems listed in RCW 41.50.030.

(4)(a) The department of retirement systems has no affirmative duty to determine whether a beneficiary is, or is alleged to be, a slayer or abuser. However, upon receipt of written notice that a beneficiary is a defendant in a civil lawsuit or probate proceeding that alleges the beneficiary is a slayer or abuser, or is charged with a crime that, if committed, means the beneficiary is a slayer or abuser, the department of retirement systems shall determine whether the beneficiary is a defendant in such a civil ~~(suit)~~ proceeding or has been formally charged in court with the crime, or both. If so, the department shall withhold payment of any benefits until:

(i) The case or charges, or both if both are pending, are dismissed;

(ii) The beneficiary is found not guilty in the criminal case or prevails in the civil ~~(suit)~~ proceeding, or both if both are pending; or

(iii) The beneficiary is convicted or is found to be a slayer or abuser in the civil ~~(suit)~~ proceeding.

(b) If the case or charges, or both if both are pending, are dismissed or if a beneficiary is found not guilty or prevails in the civil ~~(suit)~~ proceeding, or both if both are pending, the department shall pay the beneficiary the benefits the beneficiary is entitled to receive. If the beneficiary is convicted or found to be a slayer or abuser in a civil ~~(suit)~~ proceeding, the department shall distribute the benefits according to subsection (2) of this section.

(5) ~~(The slayer's)~~ Any record of conviction for having participated in the willful and unlawful killing of the decedent or for conduct constituting financial exploitation against the decedent, including but not limited to theft, forgery, fraud, identity theft, robbery, burglary, or extortion, shall be admissible in evidence against a claimant of property in any civil action arising under this section.

(6) In the absence of a criminal conviction, a superior court may determine:

(a) By a preponderance of the evidence whether a person participated in the willful and unlawful killing of the decedent;

(b) By clear, cogent, and convincing evidence whether a person participated in conduct constituting financial exploitation against the decedent, as provided in chapter 11.84 RCW.

(7) This section shall not subject the department of retirement systems to liability for payment made to a slayer or abuser or alleged slayer or abuser, prior to the department's receipt of written notice that the slayer or abuser has been convicted of, or the alleged slayer or abuser has been formally criminally or civilly charged in court with, the death or financial exploitation of the decedent. If the conviction or civil judgment of a slayer or abuser is reversed on appeal, the department of retirement systems shall not be liable for payment made prior to the receipt of written notice of the reversal to a beneficiary other than the person whose conviction or civil judgment is reversed.

Sec. 20. RCW 11.96A.030 and 2008 c 6 s 927 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Matter" includes any issue, question, or dispute involving:

(a) The determination of any class of creditors, devisees, legatees, heirs, next of kin, or other persons interested in an estate, trust, nonprobate asset, or with respect to any other asset or property interest passing at death;

(b) The direction of a personal representative or trustee to do or to abstain from doing any act in a fiduciary capacity;

(c) The determination of any question arising in the administration of an estate or trust, or with respect to any nonprobate asset, or with respect to any other asset or property interest passing at death, that may include, without limitation, questions relating to:

(i) The construction of wills, trusts, community property agreements, and other writings; (ii) a change of personal representative or trustee; (iii) a change of the situs of a trust; (iv) an accounting from a personal representative or trustee; or (v) the determination of fees for a personal representative or trustee;

(d) The grant to a personal representative or trustee of any necessary or desirable power not otherwise granted in the governing instrument or given by law;

(e) An action or proceeding under chapter 11.84 RCW;

(f) The amendment, reformation, or conformation of a will or a trust instrument to comply with statutes and regulations of the United States internal revenue service in order to achieve qualification for deductions, elections, and other tax requirements, including the qualification of any gift thereunder for the benefit of a surviving spouse who is not a citizen of the United States for the estate tax marital deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a qualified domestic trust under section 2056A of the internal revenue code, the qualification of any gift thereunder as a qualified conservation easement as permitted by federal law, or the qualification of any gift for the charitable estate tax deduction permitted by federal law, including the addition of mandatory governing instrument requirements for a charitable remainder trust; and

~~((f))~~ (g) With respect to any nonprobate asset, or with respect to any other asset or property interest passing at death, including joint tenancy property, property subject to a community property agreement, or assets subject to a pay on death or transfer on death designation:

(i) The ascertaining of any class of creditors or others for purposes of chapter 11.18 or 11.42 RCW;

(ii) The ordering of a qualified person, the notice agent, or resident agent, as those terms are defined in chapter 11.42 RCW, or any combination of them, to do or abstain from doing any particular act with respect to a nonprobate asset;

(iii) The ordering of a custodian of any of the decedent's records relating to a nonprobate asset to do or abstain from doing any particular act with respect to those records;

(iv) The determination of any question arising in the administration under chapter 11.18 or 11.42 RCW of a nonprobate asset;

(v) The determination of any questions relating to the abatement, rights of creditors, or other matter relating to the administration, settlement, or final disposition of a nonprobate asset under this title;

(vi) The resolution of any matter referencing this chapter, including a determination of any questions relating to the ownership or distribution of an individual retirement account on the death of the spouse of the account holder as contemplated by RCW 6.15.020(6);

(vii) The resolution of any other matter that could affect the nonprobate asset.

(2) "Notice agent" has the meanings given in RCW 11.42.010.

(3) "Nonprobate assets" has the meaning given in RCW 11.02.005.

(4) "Party" or "parties" means each of the following persons who has an interest in the subject of the particular proceeding and whose name and address are known to, or are reasonably ascertainable by, the petitioner:

(a) The trustor if living;

- (b) The trustee;
- (c) The personal representative;
- (d) An heir;
- (e) A beneficiary, including devisees, legatees, and trust beneficiaries;
- (f) The surviving spouse or surviving domestic partner of a decedent with respect to his or her interest in the decedent's property;
- (g) A guardian ad litem;
- (h) A creditor;
- (i) Any other person who has an interest in the subject of the particular proceeding;
- (j) The attorney general if required under RCW 11.110.120;
- (k) Any duly appointed and acting legal representative of a party such as a guardian, special representative, or attorney-in-fact;
- (l) Where applicable, the virtual representative of any person described in this subsection the giving of notice to whom would meet notice requirements as provided in RCW 11.96A.120;
- (m) Any notice agent, resident agent, or a qualified person, as those terms are defined in chapter 11.42 RCW; and
- (n) The owner or the personal representative of the estate of the deceased owner of the nonprobate asset that is the subject of the particular proceeding, if the subject of the particular proceeding relates to the beneficiary's liability to a decedent's estate or creditors under RCW 11.18.200.

(5) "Persons interested in the estate or trust" means the trustor, if living, all persons beneficially interested in the estate or trust, persons holding powers over the trust or estate assets, the attorney general in the case of any charitable trust where the attorney general would be a necessary party to judicial proceedings concerning the trust, and any personal representative or trustee of the estate or trust.

(6) "Principal place of administration of the trust" means the trustee's usual place of business where the day-to-day records pertaining to the trust are kept, or the trustee's residence if the trustee has no such place of business.

(7) The "situs" of a trust means the place where the principal place of administration of the trust is located, unless otherwise provided in the instrument creating the trust.

(8) "Trustee" means any acting and qualified trustee of the trust.

(9) "Representative" and other similar terms refer to a person who virtually represents another under RCW 11.96A.120.

(10) "Citation" or "cite" and other similar terms, when required of a person interested in the estate or trust or a party to a petition, means to give notice as required under RCW 11.96A.100. "Citation" or "cite" and other similar terms, when required of the court, means to order, as authorized under RCW 11.96A.020 and 11.96A.060, and as authorized by law.

NEW SECTION. Sec. 21. A new section is added to chapter 11.84 RCW to read as follows:

The provisions of this act are supplemental to, and do not derogate from, any other statutory or common law proceedings, theories, or remedies including, but not limited to, the common law allocation of the burden of proof or production among the parties."

On page 1, line 1 of the title, after "adults;" strike the remainder of the title and insert "amending RCW 11.84.010, 11.84.020, 11.84.025, 11.84.030, 11.84.040, 11.84.050, 11.84.070, 11.84.080, 11.84.090, 11.84.100, 11.84.110, 11.84.120, 11.84.130, 26.16.120, 41.04.273, and 11.96A.030; and adding new sections to chapter 11.84 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1103 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Moeller spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1103, as amended by the Senate.

MOTION

On motion of Representative Santos, Representatives Conway, Flannigan, Hunter and Springer were excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1103, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Conway, Flannigan, Hunter and Springer.

SUBSTITUTE HOUSE BILL NO. 1103, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1148 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that considerable research shows a strong correlation between animal abuse, child abuse, and domestic violence. The legislature intends that perpetrators of domestic violence not be allowed to further terrorize and manipulate their victims, or the children of their victims, by using the threat of violence toward pets.

Sec. 2. RCW 26.50.060 and 2000 c 119 s 15 are each amended to read as follows:

(1) Upon notice and after hearing, the court may provide relief as follows:

(a) Restrain the respondent from committing acts of domestic violence;

(b) Exclude the respondent from the dwelling that the parties share, from the residence, workplace, or school of the petitioner, or from the day care or school of a child;

(c) Prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance from a specified location;

(d) On the same basis as is provided in chapter 26.09 RCW, the court shall make residential provision with regard to minor children of the parties. However, parenting plans as specified in chapter 26.09 RCW shall not be required under this chapter;

(e) Order the respondent to participate in a domestic violence perpetrator treatment program approved under RCW 26.50.150;

(f) Order other relief as it deems necessary for the protection of the petitioner and other family or household members sought to be

protected, including orders or directives to a peace officer, as allowed under this chapter;

(g) Require the respondent to pay the administrative court costs and service fees, as established by the county or municipality incurring the expense and to reimburse the petitioner for costs incurred in bringing the action, including reasonable attorneys' fees;

(h) Restrain the respondent from having any contact with the victim of domestic violence or the victim's children or members of the victim's household;

(i) Require the respondent to submit to electronic monitoring. The order shall specify who shall provide the electronic monitoring services and the terms under which the monitoring must be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the respondent to pay for electronic monitoring;

(j) Consider the provisions of RCW 9.41.800;

(k) Order possession and use of essential personal effects. The court shall list the essential personal effects with sufficient specificity to make it clear which property is included. Personal effects may include pets. The court may order that a petitioner be granted the exclusive custody or control of any pet owned, possessed, leased, kept, or held by the petitioner, respondent, or minor child residing with either the petitioner or respondent and may prohibit the respondent from interfering with the petitioner's efforts to remove the pet. The court may also prohibit the respondent from knowingly coming within, or knowingly remaining within, a specified distance of specified locations where the pet is regularly found; and

(l) Order use of a vehicle.

(2) If a protection order restrains the respondent from contacting the respondent's minor children the restraint shall be for a fixed period not to exceed one year. This limitation is not applicable to orders for protection issued under chapter 26.09, 26.10, or 26.26 RCW. With regard to other relief, if the petitioner has petitioned for relief on his or her own behalf or on behalf of the petitioner's family or household members or minor children, and the court finds that the respondent is likely to resume acts of domestic violence against the petitioner or the petitioner's family or household members or minor children when the order expires, the court may either grant relief for a fixed period or enter a permanent order of protection.

If the petitioner has petitioned for relief on behalf of the respondent's minor children, the court shall advise the petitioner that if the petitioner wants to continue protection for a period beyond one year the petitioner may either petition for renewal pursuant to the provisions of this chapter or may seek relief pursuant to the provisions of chapter 26.09 or 26.26 RCW.

(3) If the court grants an order for a fixed time period, the petitioner may apply for renewal of the order by filing a petition for renewal at any time within the three months before the order expires. The petition for renewal shall state the reasons why the petitioner seeks to renew the protection order. Upon receipt of the petition for renewal the court shall order a hearing which shall be not later than fourteen days from the date of the order. Except as provided in RCW 26.50.085, personal service shall be made on the respondent not less than five days before the hearing. If timely service cannot be made the court shall set a new hearing date and shall either require additional attempts at obtaining personal service or permit service by publication as provided in RCW 26.50.085 or by mail as provided in RCW 26.50.123. If the court permits service by publication or mail, the court shall set the new hearing date not later than twenty-four days from the date of the order. If the order expires because timely service cannot be made the court shall grant an ex parte order of protection as provided in RCW 26.50.070. The court shall grant the petition for renewal unless the respondent proves by a preponderance of the evidence that the respondent will not resume acts of domestic violence against the petitioner or the petitioner's children or family or household members when the order expires. The court may renew the protection order for another fixed time period or may enter a permanent order as provided in this section. The court may award court costs, service fees, and reasonable attorneys' fees as provided in subsection (1)((f)) (g) of this section.

(4) In providing relief under this chapter, the court may realign the designation of the parties as "petitioner" and "respondent" where the court finds that the original petitioner is the abuser and the

original respondent is the victim of domestic violence and may issue an ex parte temporary order for protection in accordance with RCW 26.50.070 on behalf of the victim until the victim is able to prepare a petition for an order for protection in accordance with RCW 26.50.030.

(5) Except as provided in subsection (4) of this section, no order for protection shall grant relief to any party except upon notice to the respondent and hearing pursuant to a petition or counter-petition filed and served by the party seeking relief in accordance with RCW 26.50.050.

(6) The court order shall specify the date the order expires if any. The court order shall also state whether the court issued the protection order following personal service, service by publication, or service by mail and whether the court has approved service by publication or mail of an order issued under this section.

(7) If the court declines to issue an order for protection or declines to renew an order for protection, the court shall state in writing on the order the particular reasons for the court's denial.

Sec. 3. RCW 26.50.110 and 2007 c 173 s 2 are each amended to read as follows:

(1)(a) Whenever an order is granted under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or there is a valid foreign protection order as defined in RCW 26.52.020, and the respondent or person to be restrained knows of the order, a violation of any of the following provisions of the order is a gross misdemeanor, except as provided in subsections (4) and (5) of this section:

(i) The restraint provisions prohibiting acts or threats of violence against, or stalking of, a protected party, or restraint provisions prohibiting contact with a protected party;

(ii) A provision excluding the person from a residence, workplace, school, or day care;

(iii) A provision prohibiting a person from knowingly coming within, or knowingly remaining within, a specified distance of a location; ((or))

(iv) A provision prohibiting interfering with the protected party's efforts to remove a pet owned, possessed, leased, kept, or held by the petitioner, respondent, or a minor child residing with either the petitioner or the respondent; or

(v) A provision of a foreign protection order specifically indicating that a violation will be a crime.

(b) Upon conviction, and in addition to any other penalties provided by law, the court may require that the respondent submit to electronic monitoring. The court shall specify who shall provide the electronic monitoring services, and the terms under which the monitoring shall be performed. The order also may include a requirement that the respondent pay the costs of the monitoring. The court shall consider the ability of the convicted person to pay for electronic monitoring.

(2) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, that restrains the person or excludes the person from a residence, workplace, school, or day care, or prohibits the person from knowingly coming within, or knowingly remaining within, a specified distance of a location, if the person restrained knows of the order. Presence of the order in the law enforcement computer-based criminal intelligence information system is not the only means of establishing knowledge of the order.

(3) A violation of an order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, shall also constitute contempt of court, and is subject to the penalties prescribed by law.

(4) Any assault that is a violation of an order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, and that does not amount to assault in the first or second degree under RCW 9A.36.011 or 9A.36.021 is a class C felony, and any conduct in violation of such an order that is reckless and creates a substantial risk of death or serious physical injury to another person is a class C felony.

(5) A violation of a court order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or of a valid foreign protection order as defined in RCW 26.52.020, is a class C felony if the offender has at least two previous convictions for violating the provisions of an order issued under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020. The previous convictions may involve the same victim or other victims specifically protected by the orders the offender violated.

(6) Upon the filing of an affidavit by the petitioner or any peace officer alleging that the respondent has violated an order granted under this chapter, chapter 7.90, 10.99, 26.09, 26.10, 26.26, or 74.34 RCW, or a valid foreign protection order as defined in RCW 26.52.020, the court may issue an order to the respondent, requiring the respondent to appear and show cause within fourteen days why the respondent should not be found in contempt of court and punished accordingly. The hearing may be held in the court of any county or municipality in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation."

On page 1, line 2 of the title, after "violence;" strike the remainder of the title and insert "amending RCW 26.50.060 and 26.50.110; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1148 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Van De Wege spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1148, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1148, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Conway, Flannigan, Hunter and Springer.

HOUSE BILL NO. 1148, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1172 with the following amendment:

On page 5, line 31, after "forestry;" strike "and"

On page 5, line 33, after "priorities" insert "; and (d) Land that is in current use as a manufactured/mobile home park as defined in chapter 59.20 RCW"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1172 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Darneille spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1172, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1172, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 66; Nays, 30; Absent, 0; Excused, 2.

Voting yea: Representatives Anderson, Appleton, Armstrong, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hinkle, Hudgins, Hunt, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Flannigan and Hunter.

SECOND SUBSTITUTE HOUSE BILL NO. 1172, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE HOUSE BILL NO. 1172.

BILL HINKLE, 13th District

MESSAGE FROM THE SENATE

April 15, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1517 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.08.520 and 2005 c 246 s 15 are each amended to read as follows:

(1) ~~((Upon receiving official notice of a person's conviction of a felony in either state or federal court, if the convicted person is a registered voter in the county, the county auditor shall cancel the defendant's voter registration. Additionally, the secretary of state in conjunction with the department of corrections, the Washington state patrol, the office of the administrator for the courts, and other appropriate state agencies shall arrange for a quarterly comparison of a list of known felons with the statewide voter registration list. If a person is found on a felon list and the statewide voter registration list))~~ For a felony conviction in a Washington state court, the right to vote is provisionally restored as long as the person is not under the authority of the department of corrections. For a felony conviction in a federal court or any state court other than a Washington state court, the right to vote is restored as long as the person is no longer incarcerated.

(2)(a) Once the right to vote has been provisionally restored, the sentencing court may revoke the provisional restoration of voting rights if the sentencing court determines that a person has willfully failed to comply with the terms of his or her order to pay legal financial obligations.

(b) If the person has failed to make three payments in a twelve-month period and the county clerk or restitution recipient requests, the prosecutor shall seek revocation of the provisional restoration of voting rights from the court.

(c) To the extent practicable, the prosecutor and county clerk shall inform a restitution recipient of the recipient's right to ask for the revocation of the provisional restoration of voting rights.

(3) If the court revokes the provisional restoration of voting rights, the revocation shall remain in effect until, upon motion by the person whose provisional voting rights have been revoked, the person shows that he or she has made a good faith effort to pay as defined in RCW 10.82.090.

(4) The county clerk shall enter into a database maintained by the administrator for the courts the names of all persons whose provisional voting rights have been revoked, and update the database for any person whose voting rights have subsequently been restored pursuant to subsection (6) of this section.

(5) At least twice a year, the secretary of state shall compare the list of registered voters to a list of felons who are not eligible to vote as provided in subsections (1) and (3) of this section. If a registered voter is not eligible to vote as provided in this section, the secretary of state or county auditor shall confirm the match through a date of birth comparison and suspend the voter registration from the official state voter registration list. The ~~((canceling authority))~~ secretary of state or county auditor shall send to the person at his or her last known voter registration address and at the department of corrections, if the person is under the authority of the department, a notice of the proposed cancellation and an explanation of the requirements for provisionally and permanently restoring the right to vote ~~((once all terms of sentencing have been completed))~~ and reregistering. ~~((If the person does not respond within thirty days, the registration must be canceled.))~~ To the extent possible, the secretary of state shall time the comparison required by this subsection to allow notice and cancellation of voting rights for ineligible voters prior to a primary or general election.

~~((2))~~ (6) The right to vote may be permanently restored by (; ~~for each felony conviction.))~~ one of the following for each felony conviction:

(a) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

(b) A court order restoring the right, as provided in RCW 9.92.066;

(c) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

(d) A certificate of restoration issued by the governor, as provided in RCW 9.96.020.

(7) For the purposes of this section, a person is under the authority of the department of corrections if the person is:

(a) Serving a sentence of confinement in the custody of the department of corrections; or

(b) Subject to community custody as defined in RCW 9.94A.030.

Sec. 2. RCW 9.92.066 and 2003 c 66 s 2 are each amended to read as follows:

(1) Upon termination of any suspended sentence under RCW 9.92.060 or 9.95.210, such person may apply to the court for restoration of his or her civil rights not already restored by RCW 29A.08.520. Thereupon the court may in its discretion enter an order directing that such defendant shall thereafter be released from all penalties and disabilities resulting from the offense or crime of which he or she has been convicted.

(2)(a) Upon termination of a suspended sentence under RCW 9.92.060 or 9.95.210, the person may apply to the sentencing court for a vacation of the person's record of conviction under RCW 9.94A.640. The court may, in its discretion, clear the record of conviction if it finds the person has met the equivalent of the tests in RCW 9.94A.640(2) as those tests would be applied to a person convicted of a crime committed before July 1, 1984.

(b) The clerk of the court in which the vacation order is entered shall immediately transmit the order vacating the conviction to the Washington state patrol identification section and to the local police agency, if any, which holds criminal history information for the person who is the subject of the conviction. The Washington state patrol and any such local police agency shall immediately update their records to reflect the vacation of the conviction, and shall transmit the order vacating the conviction to the federal bureau of investigation. A conviction that has been vacated under this section may not be disseminated or disclosed by the state patrol or local law enforcement agency to any person, except other criminal justice enforcement agencies.

Sec. 3. RCW 9.94A.637 and 2007 c 171 s 1 are each amended to read as follows:

(1)(a) When an offender has completed all requirements of the sentence, including any and all legal financial obligations, and while under the custody and supervision of the department, the secretary or the secretary's designee shall notify the sentencing court, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(b)(i) When an offender has reached the end of his or her supervision with the department and has completed all the requirements of the sentence except his or her legal financial obligations, the secretary's designee shall provide the county clerk with a notice that the offender has completed all nonfinancial requirements of the sentence.

(ii) When the department has provided the county clerk with notice that an offender has completed all the requirements of the sentence and the offender subsequently satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court, including the notice from the department, which shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(c) When an offender who is subject to requirements of the sentence in addition to the payment of legal financial obligations either is not subject to supervision by the department or does not complete the requirements while under supervision of the department, it is the offender's responsibility to provide the court with verification of the completion of the sentence conditions other than the payment of legal financial obligations. When the offender satisfies all legal financial obligations under the sentence, the county clerk shall notify the sentencing court that the legal financial obligations have been satisfied. When the court has received both notification from the clerk and adequate verification from the offender that the sentence requirements have been completed, the court shall discharge the offender and provide the offender with a certificate of discharge by issuing the certificate to the offender in person or by mailing the certificate to the offender's last known address.

(2) Every signed certificate and order of discharge shall be filed with the county clerk of the sentencing county. In addition, the court shall send to the department a copy of every signed certificate and order of discharge for offender sentences under the authority of the department. The county clerk shall enter into a database maintained by the administrator for the courts the names of all felons who have been issued certificates of discharge, the date of discharge, and the date of conviction and offense.

(3) An offender who is not convicted of a violent offense or a sex offense and is sentenced to a term involving community supervision may be considered for a discharge of sentence by the sentencing court prior to the completion of community supervision, provided that the offender has completed at least one-half of the term of community supervision and has met all other sentence requirements.

(4) Except as provided in subsection (5) of this section, the discharge shall have the effect of restoring all civil rights (~~lost by operation of law upon conviction~~) not already restored by RCW 29A.08.520, and the certificate of discharge shall so state. Nothing in this section prohibits the use of an offender's prior record for purposes of determining sentences for later offenses as provided in this chapter. Nothing in this section affects or prevents use of the offender's prior conviction in a later criminal prosecution either as an element of an offense or for impeachment purposes. A certificate of discharge is not based on a finding of rehabilitation.

(5) Unless otherwise ordered by the sentencing court, a certificate of discharge shall not terminate the offender's obligation to comply with an order issued under chapter 10.99 RCW that excludes or prohibits the offender from having contact with a specified person or coming within a set distance of any specified location that was contained in the judgment and sentence. An offender who violates such an order after a certificate of discharge has been issued shall be subject to prosecution according to the chapter under which the order was originally issued.

(6) Upon release from custody, the offender may apply to the department for counseling and help in adjusting to the community. This voluntary help may be provided for up to one year following the release from custody.

Sec. 4. RCW 9.96.050 and 2007 c 363 s 4 and 2007 c 171 s 2 are each reenacted and amended to read as follows:

(1)(a) When an offender on parole has performed all obligations of his or her release, including any and all legal financial obligations, for such time as shall satisfy the indeterminate sentence review board that his or her final release is not incompatible with the best interests of society and the welfare of the paroled individual, the board may make a final order of discharge and issue a certificate of discharge to the offender.

(b) The board retains the jurisdiction to issue a certificate of discharge after the expiration of the offender's or parolee's maximum statutory sentence. If not earlier granted and any and all legal financial obligations have been paid, the board shall issue a final order of discharge three years from the date of parole unless the parolee is on suspended or revoked status at the expiration of the three years.

(c) The discharge, regardless of when issued, shall have the effect of restoring all civil rights (~~lost by operation of law upon conviction~~) not already restored by RCW 29A.08.520, and the certification of discharge shall so state.

(d) This restoration of civil rights shall not restore the right to receive, possess, own, or transport firearms.

(e) The board shall issue a certificate of discharge to the offender in person or by mail to the offender's last known address.

(2) The board shall send to the department of corrections a copy of every signed certificate of discharge for offender sentences under the authority of the department of corrections.

(3) The discharge provided for in this section shall be considered as a part of the sentence of the convicted person and shall not in any manner be construed as affecting the powers of the governor to pardon any such person.

Sec. 5. RCW 10.64.140 and 2005 c 246 s 1 are each amended to read as follows:

(1) When a person is convicted of a felony, the court shall require the defendant to sign a statement acknowledging that:

~~((+))~~ (a) The defendant's right to vote has been lost due to the felony conviction;

~~((+))~~ (b) If the defendant is registered to vote, the voter registration will be canceled;

~~((+))~~ (c) The right to vote is provisionally restored as long as the defendant is not under the authority of the department of corrections;

~~((+))~~ (d) The defendant must reregister before voting;

~~((+))~~ (e) The provisional right to vote may be revoked if the defendant fails to comply with all the terms of his or her legal financial obligations or an agreement for the payment of legal financial obligations;

~~((+))~~ (f) The right to vote may be permanently restored by one of the following for each felony conviction:

~~((+))~~ (i) A certificate of discharge issued by the sentencing court, as provided in RCW 9.94A.637;

~~((+))~~ (ii) A court order issued by the sentencing court restoring the right, as provided in RCW 9.92.066;

~~((+))~~ (iii) A final order of discharge issued by the indeterminate sentence review board, as provided in RCW 9.96.050; or

~~((+))~~ (iv) A certificate of restoration issued by the governor, as provided in RCW 9.96.020; and

~~((+))~~ (g) Voting before the right is restored is a class C felony under RCW 29A.84.660.

(2) For the purposes of this section, a person is under the authority of the department of corrections if the person is:

(a) Serving a sentence of confinement in the custody of the department of corrections; or

(b) Subject to community custody as defined in RCW 9.94A.030.

Sec. 6. RCW 9.94A.885 and 1999 c 323 s 3 are each amended to read as follows:

(1) The clemency and pardons board shall receive petitions from individuals, organizations, and the department for review and commutation of sentences and pardoning of offenders in extraordinary cases, and shall make recommendations thereon to the governor.

(2) The board shall receive petitions from individuals or organizations for the restoration of civil rights lost by operation of state law as a result of convictions for federal offenses or out-of-state felonies. The board may issue certificates of restoration limited to ~~((the elective rights to vote and to engage))~~ engaging in political office. Any certifications granted by the board must be filed with the secretary of state to be effective. In all other cases, the board shall make recommendations to the governor.

(3) The board shall not recommend that the governor grant clemency under subsection (1) of this section until a public hearing has been held on the petition. The prosecuting attorney of the county where the conviction was obtained shall be notified at least thirty days prior to the scheduled hearing that a petition has been filed and the date and place at which the hearing on the petition will be held. The board may waive the thirty-day notice requirement in cases where it determines that waiver is necessary to permit timely action on the petition. A copy of the petition shall be sent to the prosecuting attorney. The prosecuting attorney shall make reasonable efforts to notify victims, survivors of victims, witnesses, and the law enforcement agency or agencies that conducted the investigation, of the date and place of the hearing. Information regarding victims, survivors of victims, or witnesses receiving this notice are confidential and shall not be available to the offender. The board shall consider written, oral, audio, or videotaped statements regarding the petition received, personally or by representation, from the individuals who receive notice pursuant to this section. This subsection is intended solely for the guidance of the board. Nothing in this section is intended or may be relied upon to create a right or benefit, substantive or procedural, enforceable at law by any person.

NEW SECTION. Sec. 7. RCW 10.64.021 (Notice of conviction) and 1994 c 57 s 1 are each repealed."

On page 1, line 2 of the title, after "felonies;" strike the remainder of the title and insert "amending RCW 29A.08.520, 9.92.066, 9.94A.637, 10.64.140, and 9.94A.885; reenacting and amending RCW 9.96.050; and repealing RCW 10.64.021."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1517 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Darneille spoke in favor of the passage of the bill.

Representatives Ericksen and Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1517, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1517, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 44; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Dameille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Flannigan and Hunter.

HOUSE BILL NO. 1517, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2208 with the following amendment:

On page 8, after line 1, insert the following:

"NEW SECTION. Sec. 3. This act expires on August 1, 2009."

On page 1, line 2 of the title, after "46.93.170", insert "providing an expiration date;"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2208 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hope and Wood spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2208, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2208, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Dameille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Flannigan and Hunter.

SUBSTITUTE HOUSE BILL NO. 2208, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 18, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5359 and asks the House to recede therefrom. and the same is/are herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SENATE BILL NO. 5359. Under the suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5359, by Senators Oemig, Pridemore, Kline and McDermott

Preventing rejection of ballots that have voter identifying marks.

Representative Hunt moved the adoption of amendment (824):

On page 1, line 14, after "other." Strike "((No paper ballot or ballot card may be marked in any way that would permit the identification of the person who voted that ballot.))" and insert "No paper ballot or ballot card may be marked by or at the direction of an

election official in any way that would permit the identification of the person who voted that ballot."

On page 1, line 17, after "(2)" remove all material through "official." on page 2, line 15 and insert "An elections official may not enter into or extend any contract with a vendor if such contract may allow the vendor to acquire an ownership interest in any data pertaining to any voter, any voter's address, registration number, or history, or any ballot."

Representatives Hunt and Armstrong spoke in favor of the adoption of the amendment.

Amendment (824) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Armstrong spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5359, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5359, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

SENATE BILL NO. 5359, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SENATE BILL NO. 5894 and asks the House to recede therefrom, and the same is/are herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SENATE BILL NO. 5894. Under the suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5894, by Senators Haugen and Parlette

Authorizing the utilities and transportation commission to forbear from rate and service regulation of certain transportation services.

Representative Rolfes moved the adoption of amendment (864):

On page 149, line 13, reduce the general fund--state appropriation by \$1,408,000

On page 149, line 14, increase the general fund--state appropriation by \$1,400,000

On page 149, line 18, correct the total.

On page 149, line 21, after "(1)" strike "\$178,359,000" and insert "\$176,591,000"

On page 149, line 22, after "2010," strike "\$203,171,000" and insert "\$204,571,000"

On page 149, line 29, after "study," insert "Washington scholars"

On page 149, line 32, after "act." strike all material through line 34, "award."

On page 150, line 1, after "below" strike "70" and insert "65"

On page 150, line 4, after "51 and" strike "70" and insert "65"

On page 150, line 7, after "MFI;" strike "65" and insert "68"

On page 150, line 8, after "MFI;" insert "and"

On page 150, beginning on line 10, after "MFI;" strike all material on through "levels" on line 14.

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Rolfes and Angel spoke in favor of the adoption of the amendment.

Amendment (864) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5894, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5894, as amended by the House, and the bill passed the House by the following vote: Yeas, 97; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

ENGROSSED SENATE BILL NO. 5894, as amended by the House, having received the necessary constitutional majority, was declared passed.

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced House intern Alicia Keefe, University of Washington and asked the Chamber to acknowledge her.

MESSAGES FROM THE SENATE

April 22, 2009

Mr. Speaker:

The President has signed the following:

SECOND SUBSTITUTE HOUSE BILL NO. 1021,
SUBSTITUTE HOUSE BILL NO. 1036,
ENGROSSED HOUSE BILL NO. 1087,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1123,
HOUSE BILL NO. 1127,
HOUSE BILL NO. 1137,
HOUSE BILL NO. 1166,
ENGROSSED HOUSE BILL NO. 1167,
SUBSTITUTE HOUSE BILL NO. 1201,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1208,
SUBSTITUTE HOUSE BILL NO. 1215,
SUBSTITUTE HOUSE BILL NO. 1225,
HOUSE BILL NO. 1295,
SUBSTITUTE HOUSE BILL NO. 1300,
SUBSTITUTE HOUSE BILL NO. 1309,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1326,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1349,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1362,
SECOND SUBSTITUTE HOUSE BILL NO. 1373,
ENGROSSED HOUSE BILL NO. 1385,
HOUSE BILL NO. 1395,
SUBSTITUTE HOUSE BILL NO. 1402,
HOUSE BILL NO. 1433,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1445,
HOUSE BILL NO. 1448,
SECOND SUBSTITUTE HOUSE BILL NO. 1484,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 21, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5557,
ENGROSSED SENATE BILL NO. 5915,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

SECOND READING

HOUSE BILL NO. 2344, by Representative Haigh

Regarding resident undergraduate tuition.

The bill was read the second time.

There being no objection, Substitute House Bill No. 2344 was substituted for House Bill No. 2344 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 2344 was read the second time.

With the consent of the House, amendments (823) and (863) were withdrawn.

Representative Hasegawa moved the adoption of amendment (825):

On page 2, line 3, after "(2)", insert "Tuition fees charged to resident undergraduates for the 2011-12 academic year shall not exceed the maximum of tuition fees that could have been charged in 2011-12 had the cap imposed under RCW 28B.15.068 remained in effect for the 2009-10 and 2010-11 academic years.

(3)"

On page 2, at the beginning of line 26, strike "(3)" and insert "(((3)))4)"

On page 2, at the beginning of line 34, strike "(4)" and insert "(((4)))5)"

On page 3, at the beginning of line 4, strike "(5)" and insert "(6)"

Representatives Hasegawa, Anderson and Williams spoke in favor of the adoption of the amendment.

Representatives Wallace, Liias and Haigh spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (825) to Substitute House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the adoption of amendment (825) to Substitute House Bill No. 2344 and the amendment was not adopted by the following vote: Yeas, 48; Nays, 49; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Campbell, Chandler, Chase, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Orwall, Parker, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh and Williams.

Voting nay: Representatives Blake, Carlyle, Clibborn, Cody, Darneille, Dickerson, Dunshee, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (825) was not adopted.

Representative Anderson moved the adoption of amendment (861):

On page 2, line 3, after "(2)" insert "Beginning in the 2009-10 academic year, the state universities, regional universities, and the Evergreen State College shall assign all new resident undergraduate students to a tuition guarantee group based on the academic year in which they first enroll. After the respective governing boards set tuition fees for full time resident undergraduate students within the limits provided in the omnibus appropriations act, tuition fees for each tuition guarantee group shall be charged at that same rate for four consecutive academic years or until graduation, whichever comes first. The tuition guarantee only applies to students seeking their first bachelor's degree who maintain a minimum grade point average of 3.00. Tuition fees may vary among the universities and the Evergreen State College. Guaranteed tuition fees may be extended for up to two additional consecutive academic years for programs that encourage students to receive a double major or for which the published credits required for completion exceeds one hundred eighty quarter or one hundred twenty semester credits.

(3)"

On page 2, at the beginning of line 26, strike "(3)" and insert "(((3)))4)"

On page 2, at the beginning of line 34, strike "(4)" and insert "(((4)))5)"

On page 3, at the beginning of line 4, strike "(5)" and insert "(6)"

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Haigh spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (861) to Substitute House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the adoption of amendment (861) to Substitute House Bill No. 2344 and the amendment was not adopted by the following vote: Yeas, 44; Nays, 53; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCoy, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Sullivan, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (861) was not adopted.

Representative Anderson moved the adoption of amendment (859):

On page 3, after line 8, after "2009." insert the following:

"(6) Beginning in the 2009-10 academic year and ending in the 2012-13 academic year, tuition and fees pursuant to chapter 28B.15 RCW charged to undergraduate resident students enrolled in science, engineering, technology or math programs shall remain at the rates charged in the 2008-09 academic year."

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Haigh spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (859) to Substitute House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the adoption of amendment (859) to Substitute House Bill No. 2344 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 55; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt,

Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (859) was not adopted.

Representative Anderson moved the adoption of amendment (862):

On page 3, after line 8, insert the following:

"**NEW SECTION. Sec. 2.** A new section is added to chapter 28B.15 RCW to read as follows:

(1) When courses or sections of courses offered by the state universities, regional universities, and The Evergreen State College are full, full-time resident undergraduate students may enroll in an equivalent course offered at another public institution of higher education, either on campus or online, on a space available basis. The course must be required for completion of a student's major course of study in pursuit of the student's first bachelor's degree. Course equivalency shall be determined by the institution at which the student is enrolled full-time.

(2) The institution at which the student is enrolled full-time shall pay all tuition fees associated with the course taken outside of the institution via interagency transfer. The student may not be charged tuition fees.

(3) The public institutions of higher education shall adopt policies and procedures to implement this section. Provisions included in this section shall not impact a student's eligibility for or receipt of student financial aid."

Renumber the remaining sections consecutively and correct any internal reference accordingly.

Correct the title.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Haigh spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (862) to Substitute House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the adoption of amendment (862) to Substitute House Bill No. 2344 and the amendment was not adopted by the following vote: Yeas, 41; Nays, 56; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Amendment (862) was not adopted.

Representative Miloscia moved the adoption of amendment (871):

On page 3, after line 8, insert the following:

"(6) For the 2009-10 academic year, tuition fees charged to full-time resident undergraduate students may increase no greater than fourteen percent over the previous academic year in any institution of higher education.

(7) Beginning with the 2010-11 academic year, any action or combination of actions by the legislature that raises undergraduate resident tuition above the annual state median wage growth rate, as calculated by the office of financial management, may be taken only if approved by a two-thirds vote of each house of the legislature."

Representative Miloscia spoke in favor of the adoption of the amendment.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Miloscia, the Speaker would like to ask that you link back to the question of the amendment which is a two thirds vote of both houses. Over half your time has expired. You have not mentioned that key element in the amendment. Please link your remarks back to the key element."

Representative Miloscia (again) spoke in favor of the adoption of the amendment.

Representatives Anderson, Haigh and Wallace spoke against the adoption of the amendment.

Amendment (871) was not adopted.

Representative Liias moved the adoption of amendment (818):

On page 3, after line 33, insert the following:

"Sec. 3. RCW 28B.15.0681 and 2007 c 151 s 2 are each amended to read as follows:

(1) In addition to the requirement in RCW 28B.76.300(4), institutions of higher education shall disclose to their undergraduate resident students on the tuition billing statement, in dollar figures for a full-time equivalent student: ((+))(a) The full cost of instruction, ((-))(b) the amount collected from student tuition and fees, and ((-))(c) the difference between the amounts for the full cost of instruction and the student tuition and fees, noting that the difference between the cost and tuition was paid by state tax funds and other moneys.

(2) Institutions of higher education shall label annual tuition increases for resident undergraduates that are greater than seven percent as a "higher education student tax" on the tuition billing statement."

Representatives Liias, Herrera and Anderson spoke in favor of the adoption of the amendment.

Representative Wallace spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (818) to Substitute House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the adoption of amendment (818) to Substitute House Bill No. 2344 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Cox, Crouse, Dammeier,

DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Orwall, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Representative Anderson moved the adoption of amendment (860):

On page 3, after line 33 of the striking amendment, insert the following:

"Sec. 3. RCW 41.76.035 and 2002 c 356 s 10 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, provisions of collective bargaining agreements relating to compensation shall not exceed the amount or percentage established by the legislature in the appropriations act. If any compensation provision is affected by subsequent modification of the appropriations act by the legislature, both parties shall immediately enter into collective bargaining for the sole purpose of arriving at a mutually agreed upon replacement for the affected provision.

(2) An employer may provide additional compensation to faculty that exceeds that provided by the legislature. Employers shall first use resident undergraduate tuition fees, as defined in chapter 28B.15.020 RCW, to provide compensation to faculty prior to using revenue from any other source. Only after tuition fees are expended may other sources be used."

Correct the title.

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Haigh spoke against the adoption of the amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (860) to Substitute House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the adoption of amendment (860) to Substitute House Bill No. 2344 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 57; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Representative Wallace moved the adoption of amendment (867):

On page 3, after line 33, insert the following:

"NEW SECTION, Sec. 3. (1) Within existing resources, the joint legislative audit and review committee shall complete a systemic performance audit of the state universities, regional universities, and The Evergreen State College. The purpose of the audit is to create a transparent link between revenues, expenditures, and performance outcomes as outlined in the performance agreements developed under RCW 28B.10.920 and the strategic master plan for higher education as adopted by the legislature. The study shall:

(a) Identify standardized categories of costs that will allow comparison across various administrative, student support, and academic functions;

(b) Based on available management data, estimate current annual costs at each institution for the various cost categories;

(c) Based on available management data, identify fund sources that support the cost categories at each institution; and

(d) Identify barriers or gaps in data linking revenues, expenditures and performance agreement outcome measures.

(2) The auditor shall report findings and recommendations to the appropriate committees of the legislature by December 1, 2010. The report shall include, but is not limited to, the following elements as they relate to the purpose of the audit:

(a) The identification of cost savings and programs or services that could be eliminated;

(b) Analysis of gaps or overlaps in programs or services and recommendations to correct gaps or overlaps;

(c) Feasibility of pooling technology systems or elements of technology systems pursuant to chapter __ RCW (Second Substitute House Bill No. 1946), laws of 2009;

(d) Recommendations for statutory or regulatory changes that may be necessary for the state universities, regional universities, and The Evergreen State College to meet performance agreement objectives mutually agreed upon pursuant to 28B.10.922; and

(e) Recommendations on the development of a uniform higher education performance, budgeting, accounting and reporting system."

Representatives Wallace, Priest, Haigh and Anderson spoke in favor of the adoption of the amendment.

Amendment (867) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh, Kessler, Haigh (again), and Wallace spoke in favor of the passage of the bill.

Representatives Anderson, Armstrong, Priest, Hasegawa, Angel, Miloscia, Lias, Herrera, Johnson and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2344.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2344 and the bill passed the House by the following vote: Yeas, 50; Nays, 47; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Santos, Seaquist, Sells, Springer, Sullivan,

Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Lias, McCune, Miloscia, Morrell, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

Excused: Representative Flannigan.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5734, by Senate Committee on Higher Education & Workforce Development (originally sponsored by Senators Kilmer, Delvin and Shin)

Making certain current higher education tuition-setting practices permanent. Revised for 1st Substitute: Regarding tuition at institutions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was before the House for purpose of amendment. (For committee amendment, see Journal, Day 97, April 18, 2009.)

With the consent of the House, amendments (803), (830), (737), (736), (717), (695), (738), (668), (777), (705), (704), (706), (694), (816), (822), (654), (773), (700), (702), (701), (788), (797), (872), (791), (814), (771), (770), (772), (834), (843), (844), (801) and (703) were withdrawn.

Representative Wallace moved the adoption of amendment (875) to the committee amendment:

On page 1, line 8 of the striking amendment, after "((2008-09))" strike "2010-11" and insert "2012-13"

On page 1, line 12 of the striking amendment, after "((2008-09))" strike "2010-11" and insert "2012-13"

Representatives Wallace and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (875) was adopted.

Representative Anderson moved the adoption of amendment (667) to the committee amendment:

On page 1, line 9 of the striking amendment, after "resident" strike "undergraduates" and insert "((undergraduates)) undergraduate, graduate, and professional students,"

On page 1, at the beginning of line 16 of the striking amendment, strike "undergraduates," and insert "((undergraduates,)) undergraduate, graduate, and professional students,"

On page 2, after line 34 of the striking amendment, insert the following:

"**Sec. 2.** RCW 28B.15.068 and 2007 c 151 s 1 are each amended to read as follows:

(1) Beginning with the 2007-08 academic year and ending with the 2016-17 academic year, tuition fees charged to full-time resident undergraduate, graduate, and professional students may increase no greater than seven percent over the previous academic year in any institution of higher education. Annual reductions or increases in full-time tuition fees for resident undergraduate, graduate, and professional students shall be as provided in the omnibus appropriations act, within the seven percent increase limit established in this section. To the extent that state appropriations combined with tuition and fee revenues are insufficient to achieve the total per-student funding goals established in subsection (2) of this section, the

legislature may revisit state appropriations, authorized enrollment levels, and changes in tuition fees for any given fiscal year.

(2) The state shall adopt as its goal total per-student funding levels, from state appropriations plus tuition and fees, of at least the sixtieth percentile of total per-student funding at similar public institutions of higher education in the global challenge states. In defining comparable per-student funding levels, the office of financial management shall adjust for regional cost-of-living differences; for differences in program offerings and in the relative mix of lower division, upper division, and graduate students; and for accounting and reporting differences among the comparison institutions. The office of financial management shall develop a funding trajectory for each four-year institution of higher education and for the community and technical college system as a whole that when combined with tuition and fees revenue allows the state to achieve its funding goal for each four-year institution and the community and technical college system as a whole no later than fiscal year 2017. The state shall not reduce enrollment levels below fiscal year 2007 budgeted levels in order to improve or alter the per-student funding amount at any four-year institution of higher education or the community and technical college system as a whole. The state recognizes that each four-year institution of higher education and the community and technical college system as a whole have different funding requirements to achieve desired performance levels, and that increases to the total per-student funding amount may need to exceed the minimum funding goal.

(3) By September 1st of each year beginning [in] 2008, the office of financial management shall report to the governor, the higher education coordinating board, and appropriate committees of the legislature with updated estimates of the total per-student funding level that represents the sixtieth percentile of funding for comparable institutions of higher education in the global challenge states, and the progress toward that goal that was made for each of the public institutions of higher education.

(4) As used in this section, "global challenge states" are the top performing states on the new economy index published by the progressive policy institute as of July 22, 2007. The new economy index ranks states on indicators of their potential to compete in the new economy. At least once every five years, the office of financial management shall determine if changes to the list of global challenge states are appropriate. The office of financial management shall report its findings to the governor and the legislature."

Representatives Anderson, Hasegawa and Liias spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wallace spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (667) to the committee amendment to Substitute Senate Bill No. 5734.

ROLL CALL

The Clerk called the roll on the adoption of amendment (667) to the committee amendment to Substitute Senate Bill No. 5734 and the amendment was not adopted by the following vote: Yeas, 42; Nays, 55; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Cox, Dameille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien,

Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Representative Liias moved the adoption of amendment (789) to the committee amendment:

On page 1, line 11 of the striking amendment, after "(3)(a)" insert "Beginning with the 2009-10 academic year and ending with the 2010-11 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may increase full-time tuition fees for resident law, medical, dental, pharmacy, and business graduate and professional students not to exceed fifteen percent over tuition fees charged for the same classifications of students in the previous academic year.

(b) Beginning with the 2009-10 academic year and ending with the 2010-11 academic year, the governing boards of the state universities, the regional universities, and The Evergreen State College may increase tuition fees for all other resident graduate students not to exceed seven percent over tuition fees charged for the same classification of students in the previous academic year.

(c)"

ReNUMBER the remaining subsections consecutively and correct any internal references accordingly.

On page 1, line 15 of the striking amendment, after "all" strike "students other than resident undergraduates" and insert "'(students other than resident undergraduates)other students not identified in subsections (2) and (3)(a) and (3)(b) of this section"

Representative Liias spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Anderson and Wallace spoke against the adoption of the amendment to the committee amendment.

Amendment (789) was not adopted.

Representative Williams moved the adoption of amendment (781) to the committee amendment:

On page 2, line 24 of the striking amendment, after "through" strike "2008-09" and insert "'(2008-09)) 2010-11"

On page 2, line 27 of the striking amendment, after "through academic year" strike "2008-09" and insert "'(2008-09)) 2010-11"

On page 2, line 29 of the striking amendment, after "through" strike "2008-09" and insert "'(2008-09)) 2010-11"

On page 2, at the beginning of line 33 of the striking amendment, strike "2008-09" and insert "'(2008-09)) 2010-11"

Representative Williams spoke in favor of the adoption of the amendment to the committee amendment.

Representatives Anderson and Wallace spoke against the adoption of the amendment to the committee amendment.

Amendment (781) was not adopted.

Representative Hasegawa moved the adoption of amendment (774) to the committee amendment:

On page 2, after line 34 of the striking amendment, insert the following:

"(10) The governing boards of the state universities, regional universities, The Evergreen State College, and the state board for community and technical colleges shall act to expend all available resources down to minimum prudent reserve levels prior to increasing full time resident undergraduate and graduate tuition fees. Available resources shall include, but are not limited to, general fund state, education legacy trust, revenue generated by intercollegiate athletics, and endowment funds, to the extent permitted by terms and conditions of the endowment funds."

Representatives Hasegawa and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wallace spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (774) to the committee amendment to Substitute Senate Bill No. 5734.

ROLL CALL

The Clerk called the roll on the adoption of amendment (774) to the committee amendment to Substitute Senate Bill No. 5734 and the amendment was not adopted by the following vote: Yeas, 46; Nays, 51; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Conway, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Kirby, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick, Williams and Wood.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Condotta, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Klippert, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White and Mr. Speaker.

Excused: Representative Flannigan.

Representative Hasegawa moved the adoption of amendment (802) to the committee amendment:

On page 2, after line 34 of the striking amendment, insert the following:

"NEW SECTION. Sec. 2. A new section is added to 28B.15 RCW to read as follows:

Tuition fees charged to resident undergraduates for the 2011-12 academic year shall not exceed the maximum of tuition fees that could have been charged in 2011-12 had the cap imposed under RCW 28B.15.068 remained in effect for the 2009-10 and 2010-11 academic years."

Representative Hasegawa and Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wallace spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (802) to the committee amendment to Substitute Senate Bill No. 5734.

ROLL CALL

The Clerk called the roll on the adoption of amendment (802) to the committee amendment to Substitute Senate Bill No. 5734 and the amendment was not adopted by the following vote: Yeas, 47; Nays, 50; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Armstrong, Bailey, Campbell, Chandler, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Orwall, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

Voting nay: Representatives Blake, Carlyle, Chase, Clibborn, Cody, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Representative Armstrong moved the adoption of amendment (811) to the committee amendment:

On page 2, after line 34 of the striking amendment, insert the following:

"NEW SECTION. Sec. 2. A new section is added to 28B.15 RCW to read as follows:

If the legislature enacts and the governing boards of institutions of higher education adopt temporary surcharge increases in addition to or in replacement of annual tuition increases, the surcharge shall be considered as tuition and fees as defined in RCW 28B.95.020 for the purposes of the advanced college tuition program as defined in chapter 28B.95 RCW."

Representative Armstrong spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wallace spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (811) to the committee amendment to Substitute Senate Bill No. 5734.

ROLL CALL

The Clerk called the roll on the adoption of amendment (811) to the committee amendment to Substitute Senate Bill No. 5734 and the amendment was not adopted by the following vote: Yeas, 45; Nays, 52; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Orwall, Parker, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Simpson, Smith, Sullivan, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Sells, Springer, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Representative White moved the adoption of amendment (827) to the committee amendment:

On page 2, after line 34 of the striking amendment, insert the following:

"(10) Any tuition increases above seven percent shall fund costs of instruction, library and student services, utilities and maintenance, other costs related to instruction as well as institutional financial aid. Through 2010-11, any funding reductions to instruction, library and student services, utilities and maintenance and other costs related to instruction shall be proportionally less than other program areas including administration."

Representative White, Anderson and Wallace spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (827) was adopted.

Representative Anderson moved the adoption of amendment (845) to the committee amendment:

On page 2, after line 34, insert the following:

"Sec. 2. RCW 28B.20.382 and 1999 c 346 s 3 are each amended to read as follows:

(1) ((Until authorized by statute of the legislature, the board of regents of the university, with respect to the university tract, shall not sell the land or any part thereof or any improvement thereon, or lease the land or any part thereof or any improvement thereon or renew or extend any lease thereof for a term of more than eighty years. Any sale of the land or any part thereof or any improvement thereon, or any lease or renewal or extension of any lease of the land or any part thereof or any improvement thereon for a term of more than eighty years made or attempted to be made by the board of regents shall be null and void until the same has been approved or ratified and confirmed by legislative act.))The board of regents of the university shall sell any property with respect to the university tract that is not under an existing lease. Whenever existing leases expire the property shall be sold rather than renewing the lease. The sale shall be done through a competitive bidding process.

(2) The board of regents shall have power from time to time to lease the land, or any part thereof or any improvement thereon for a term of not more than eighty years. Any and all records, books, accounts, and agreements of any lessee or sublessee under this section, pertaining to compliance with the terms and conditions of such lease or sublease, shall be open to inspection by the board of regents, the ways and means committee of the senate, the appropriations committee of the house of representatives, and the joint legislative audit and review committee or any successor committees. It is not intended that unrelated records, books, accounts, and agreements of lessees, sublessees, or related companies be open to such inspection. The board of regents shall make a full, detailed report of all leases and transactions pertaining to the land or any part thereof or any improvement thereon to the joint legislative audit and review committee, including one copy to the staff of the committee, during odd-numbered years.

(3) The net proceeds from the sale ((or lease))of land in the university tract shall first pay any previously incurred debt, and then((, or any part thereof or any improvement thereon, shall be deposited into the University of Washington facilities bond retirement account hereby established outside the state treasury as a nonappropriated local fund to be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings at the University of Washington. The board of regents shall transfer from the University of Washington facilities bond retirement account to the University of Washington building account under RCW 43.79.080 any funds in excess of amounts reasonably necessary for payment of debt service in combination with other nonappropriated local funds related to capital projects for which debt service is required under section 4, chapter 380, Laws of 1999.))be deposited into the University of Washington metropolitan tract tuition account hereby established as an appropriated fund to be used exclusively for tuition support purposes, only for residential undergraduate and graduate students of the University of Washington. The proceeds from the sale of any university tract property shall be kept whole at all times. Only revenue from interest earnings shall be appropriated."

Representative Anderson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Wallace spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (845) to the committee amendment to Substitute Senate Bill No. 5734.

ROLL CALL

The Clerk called the roll on the adoption of amendment (845) to the committee amendment to Substitute Senate Bill No. 5734 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 58; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Erickson, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representative Flannigan.

Representative Anderson moved the adoption of amendment (870) to the committee amendment:

On page 2, after line 34 of the striking amendment, insert the following:

"**NEW SECTION. Sec. 2.** (1) Within existing resources, the joint legislative audit and review committee shall complete a systemic performance audit of the state universities, regional universities, and The Evergreen State College. The purpose of the audit is to create a transparent link between revenues, expenditures, and performance outcomes as outlined in the performance agreements developed under RCW 28B.10.920 and the strategic master plan for higher education as adopted by the legislature. The study shall:

(a) Identify standardized categories of costs that will allow comparison across various administrative, student support, and academic functions;

(b) Based on available management data, estimate current annual costs at each institution for the various cost categories;

(c) Based on available management data, identify fund sources that support the cost categories at each institution; and

(d) Identify barriers or gaps in data linking revenues, expenditures and performance agreement outcome measures.

(2) The auditor shall report findings and recommendations to the appropriate committees of the legislature by December 1, 2010. The report shall include, but is not limited to, the following elements as they relate to the purpose of the audit:

(a) The identification of cost savings and programs or services that could be eliminated;

(b) Analysis of gaps or overlaps in programs or services and recommendations to correct gaps or overlaps;

(c) Feasibility of pooling technology systems or elements of technology systems pursuant to chapter __ RCW (Second Substitute House Bill No. 1946), laws of 2009;

(d) Recommendations for statutory or regulatory changes that may be necessary for the state universities, regional universities, and The Evergreen State College to meet performance agreement objectives mutually agreed upon pursuant to 28B.10.922; and

(e) Recommendations on the development of a uniform higher education performance, budgeting, accounting and reporting system."

Representatives Anderson and Wallace spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (870) was adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace, Haigh, Kagi and White spoke in favor of the passage of the bill.

Representatives Anderson, Williams, Armstrong, Conway, Liias and Hasegawa spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5734, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5734, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 44; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Darneille, Dickerson, Driscoll, Dunshee, Ericks, Finn, Goodman, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Crouse, Dammeier, DeBolt, Eddy, Ericksen, Grant-Herriot, Green, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Liias, McCune, Miloscia, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh, Warnick and Williams.

Excused: Representative Flannigan.

SUBSTITUTE SENATE BILL NO. 5734, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1081, and passed the bill without said amendments, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2009

Mr. Speaker:

The President has signed the following:

HOUSE BILL NO. 1158,
HOUSE BILL NO. 1184,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1516,
SUBSTITUTE HOUSE BILL NO. 1529,
ENGROSSED HOUSE BILL NO. 1530,
SUBSTITUTE HOUSE BILL NO. 1552,
ENGROSSED HOUSE BILL NO. 1566,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1571,
SUBSTITUTE HOUSE BILL NO. 1583,
HOUSE BILL NO. 1589,
HOUSE BILL NO. 1640,
HOUSE BILL NO. 1717,
SUBSTITUTE HOUSE BILL NO. 1740,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1741,
SUBSTITUTE HOUSE BILL NO. 1749,
SUBSTITUTE HOUSE BILL NO. 1769,
SUBSTITUTE HOUSE BILL NO. 1778,
HOUSE BILL NO. 1789,
HOUSE BILL NO. 1790,

SUBSTITUTE HOUSE BILL NO. 1791,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1792,
SUBSTITUTE HOUSE BILL NO. 1793,
SUBSTITUTE HOUSE BILL NO. 1812,
SUBSTITUTE HOUSE BILL NO. 1816,
ENGROSSED HOUSE BILL NO. 1824,
HOUSE BILL NO. 1835,
SUBSTITUTE HOUSE BILL NO. 1856,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1879,
SECOND SUBSTITUTE HOUSE BILL NO. 1899,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2009

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5166, and passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SPEAKER'S PRIVILEGE

The Speaker (Representative Morris presiding) introduced House intern Katie White, University of Washington and asked the Chamber to acknowledge her.

SECOND READING

SENATE BILL NO. 5525, by Senators Carrell, Hargrove, Stevens, Regala, Brandland, Kauffman and McAuliffe

Concerning rental vouchers to allow release from state institutions.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was before the House for purpose of amendment. (For committee amendment, see Journal, Day 101, April 18, 2009.)

With the consent of the House, amendment (780) was withdrawn.

Representative Herrera moved the adoption of amendment (776) to the committee amendment:

On page 14, beginning on line 11, strike all of section 6
Correct the title.

Representatives Herrera and Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Dickerson spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (776) to the committee amendment to Senate Bill No. 5525.

ROLL CALL

The Clerk called the roll on the adoption of amendment (776) to the committee amendment to Senate Bill No. 5525 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 54; Absent, 0; Excused, 1.

Voting yea: Representatives Alexander, Angel, Armstrong, Bailey, Campbell, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Roach,

Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.
Excused: Representative Flannigan.

The committee amendment was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson, Kagi, Roberts, O'Brien, Darneille, Orwall, Appleton and Rolfes spoke in favor of the passage of the bill.

Representatives Dammeier, Haler, Pearson, Orcutt, Shea, Short, Ericksen, Anderson and Klippert spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5525, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5525, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 43; Absent, 0; Excused, 1.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representative Flannigan.

SENATE BILL NO. 5525, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6065 by Senators Fairley and Shin

AN ACT Relating to the structure and authority of the liquor control board; amending RCW 66.04.010, 66.08.012, 66.08.014, 66.08.022, 66.08.050, 66.08.0501, 66.08.150, and 66.08.166; adding a new section to chapter 66.08 RCW; repealing RCW 66.08.020; providing an effective date; and declaring an emergency.

There being no objection, SENATE BILL NO. 6065 was read the first time, and under suspension of the rules, the bill was placed on the second reading calendar.

REPORTS OF STANDING COMMITTEES

April 22, 2009

SB 5470 Prime Sponsor, Senator Stevens: Providing sales and use tax exemptions for senior residents of qualified low-income senior housing facilities. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member; Condotta; Conway; Ericks; Santos and Springer.

April 22, 2009

ESSB 6169 Prime Sponsor, Committee on Ways & Means: Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

April 22, 2009

ESSB 6170 Prime Sponsor, Committee on Ways & Means: Concerning environmental tax incentives. Reported by Committee on Finance

MAJORITY recommendation: Do pass as amended:

Beginning on page 1, line 13, strike all of sections 101 and 102 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows: (1)(a) Except as provided in section 104 of this act, purchasers who have paid the tax imposed by RCW 82.08.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) From July 1, 2009, through June 30, 2013, a partial exemption in the form of a remittance is provided for the tax levied by RCW 82.08.020 to the sale of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Buyers who receive this partial exemption must comply with the prevailing wage requirements of chapter 39.12 RCW on all installations.

(d) Buyers who receive this partial exemption for installation projects with equipment or machinery costs of thirty-five thousand dollars or more must ensure that no less than fifteen percent of the labor hours installing the equipment or machinery are performed by apprentices.

(2) Sellers must collect the tax on sales subject to this exemption. The buyer must apply for a refund directly from the department in a form and manner required by the department. The refund is for fifty percent of the state sales tax.

(3) For purposes of this section and section 102 of this act, the following definitions apply:

(a) "Biomass energy" includes: (i) Byproducts of pulping and wood manufacturing process; (ii) animal waste; (iii) solid organic fuels from wood; (iv) forest or field residues; (v) wooden demolition or construction debris; (vi) food waste; (vii) liquors derived from

algae and other sources; (viii) dedicated energy crops; (ix) biosolids; and (x) yard waste. "Biomass energy" does not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; wood from old growth forests; or municipal solid waste.

(b) "Fuel cell" means an electrochemical reaction that generates electricity by combining atoms of hydrogen and oxygen in the presence of a catalyst.

(c) "Landfill gas" means biomass fuel, of the type qualified for federal tax credits under Title 26 U.S.C. Sec. 29 of the federal internal revenue code, collected from a "landfill" as defined under RCW 70.95.030.

(d)(i) "Machinery and equipment" means fixtures, devices, and support facilities that are integral and necessary to the generation of electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power.

(ii) "Machinery and equipment" does not include: (A) Hand-powered tools; (B) property with a useful life of less than one year; (C) repair parts required to restore machinery and equipment to normal working order; (D) replacement parts that do not increase productivity, improve efficiency, or extend the useful life of machinery and equipment; (E) buildings; or (F) building fixtures that are not integral and necessary to the generation of electricity that are permanently affixed to and become a physical part of a building.

(e) "Apprentice" means an apprentice enrolled in an apprenticeship training program approved by the Washington state apprenticeship council; and

(f) "Labor hours" means the total hours of workers receiving an hourly wage who are directly employed on the site of the project. "Labor hours" includes hours performed by workers employed by the contractor and all subcontractors working on the project. "Labor hours" does not include hours worked by foremen, superintendents, owners, and workers who are not subject to prevailing wage requirements.

(3)(a) Machinery and equipment is "used directly" in generating electricity by wind energy, solar energy, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas power if it provides any part of the process that captures the energy of the wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(b) Machinery and equipment is "used directly" in generating electricity by fuel cells if it provides any part of the process that captures the energy of the fuel, converts that energy to electricity, and stores, transforms, or transmits that electricity for entry into or operation in parallel with electric transmission and distribution systems.

(4)(a) A purchaser claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.08.020 and all applicable local sales taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The purchaser may then apply to the department for remittance in a form and manner prescribed by the department. A purchaser may not apply for a remittance under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax claimed and the qualifying purchases for which the exemption is claimed. The purchaser must retain, in adequate detail, records to enable the department to determine whether the purchaser is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying purchasers who submitted applications during the previous quarter.

(5) This section expires July 1, 2013.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

(1)(a) Except as provided in section 105 of this act, purchasers who have paid the tax imposed by RCW 82.12.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) From July 1, 2009, through June 30, 2013, a partial exemption in the form of a remittance is provided for the tax levied by RCW 82.08.020 to the sale of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Buyers who receive this partial exemption must comply with the prevailing wage requirements of chapter 39.12 RCW on all installations.

(d) Buyers who receive this partial exemption for installation projects with equipment or machinery costs of thirty-five thousand dollars or more must ensure that no less than fifteen percent of the labor hours installing the equipment or machinery are performed by apprentices.

(2) Sellers must collect the tax on sales subject to this exemption. The buyer must apply for a refund directly from the department in a form and manner required by the department. The refund is for fifty percent of the state sales tax.

(3)(a) A person claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.12.020 and all applicable local use taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The consumer may then apply to the department for remittance in a form and manner prescribed by the department. A consumer may not apply for a remittance under this section more frequently than once per quarter. The consumer must specify the amount of exempted tax claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The consumer must retain, in adequate detail, records to enable the department to determine whether the consumer is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the consumer, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying consumers who submitted applications during the previous quarter.

(3) Purchases exempt under section 101 of this act are also exempt from the tax imposed under RCW 82.12.020.

(4) The definitions in section 101 of this act apply to this section.

(5) This section expires July 1, 2013.

NEW SECTION. Sec. 3. A new section is added to chapter 82.32 RCW to read as follows:

(1) The state treasurer must periodically transfer from the general fund to the green industries jobs training account created in RCW 43.330.310, the fifty percent portion of tax refund requests not subject to a refund under RCW 82.08.02567 or 82.12.02567.

(2)(a) For the purposes of this section, "electricity generation sales and use tax exemption" means the sales and use tax exemption under RCW 82.08.02567 and 82.12.02567.

(b) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(c)(i) A person who receives the benefit of an electricity generation sales and use tax exemption must make an annual report to the department detailing employment, wages, use of apprentices, and employer-provided health and retirement benefits. The report

must detail employment by the total number of full-time, part-time, and temporary positions. The report must detail compliance with the prevailing wage requirements of chapter 39.12 RCW on all installations and the use of apprentices for all installations of electricity generation equipment and machinery that costs thirty-five thousand dollars or more.

(ii) The report is due by March 31st following any year in which a tax exemption is claimed or used. The report may not include names of employees. The first report filed under this subsection must include employment, wage, benefit information, and use of apprentices for the twelve-month period immediately before first use of a tax exemption.

(iii) Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(iv) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department must declare the amount of taxes exempted for that year to be immediately due and payable. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(d) The department must study the electricity generation sales and use tax exemption authorized under RCW 82.08.02567 and 82.12.02567. The department must submit a report to the finance committee of the house of representatives and the ways and means committee of the senate by December 1, 2011, and December 1, 2014. The report must detail employment, wages, and employer-provided health and retirement benefits. The report must measure compliance with the prevailing wage requirements on all installations and the use of apprentices for all installations of electricity generation equipment and machinery that costs thirty-five thousand dollars or more."

Renumber the remaining sections consecutively, correct any internal references accordingly, and correct the title.

On page 3, line 12, after "building," insert the following:

"(e) "Purchaser" means a qualifying utility purchasing machinery or equipment, or a person contracting with a qualifying utility for the sale of electric power generated by a facility containing machinery and equipment.

(f) "Qualifying utility" means a utility subject to renewable resource target requirements under chapter 19.285 RCW."

Beginning on page 4, line 13, after "act," strike all material through "quarter." on page 5, line 15 and insert "purchasers who have paid the tax imposed by RCW 82.12.020 on machinery and equipment used directly in generating electricity using fuel cells, wind, sun, biomass energy, tidal or wave energy, geothermal resources, anaerobic digestion, technology that converts otherwise lost energy from exhaust, or landfill gas as the principal source of power, or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment, are eligible for an exemption as provided in this section, but only if the purchaser develops with such machinery, equipment, and labor a facility capable of generating not less than one thousand watts of electricity.

(b) Beginning on July 1, 2009, through June 30, 2011, the provisions of this chapter do not apply in respect to the use of machinery and equipment described in (a) of this subsection that are used directly in generating electricity or to sales of or charges made for labor and services rendered in respect to installing such machinery and equipment.

(c) Beginning on July 1, 2011, through June 30, 2013, the amount of the exemption under this subsection (1) is equal to seventy-five percent of the state and local sales tax paid. The purchaser is eligible for an exemption under this subsection (1)(c) in the form of a remittance.

(2)(a) A purchaser claiming an exemption in the form of a remittance under subsection (1)(c) of this section must pay the tax imposed by RCW 82.12.020 and all applicable local use taxes imposed under the authority of chapters 82.14 and 81.104 RCW. The purchaser may then apply to the department for remittance in a form and manner prescribed by the department. A purchaser may not apply for a remittance under this section more frequently than once per quarter. The purchaser must specify the amount of exempted tax

claimed and the qualifying purchases or acquisitions for which the exemption is claimed. The purchaser must retain, in adequate detail, records to enable the department to determine whether the purchaser is entitled to an exemption under this section, including: Invoices; proof of tax paid; and documents describing the machinery and equipment.

(b) The department must determine eligibility under this section based on the information provided by the purchaser, which is subject to audit verification by the department. The department must on a quarterly basis remit exempted amounts to qualifying purchasers who submitted applications during the previous quarter."

On page 11, after line 28, insert the following:

"(5) This section expires July 1, 2019."

On page 25, after line 20, insert the following:

"(5) This section expires July 1, 2019."

On page 26, after line 17, insert the following:

"(4) This section expires July 1, 2019."

Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

April 22, 2009

SB 6173 Prime Sponsor, Senator Prentice: Improving sales tax compliance. Reported by Committee on Finance

MAJORITY recommendation: Do pass. Signed by Representatives Hunter, Chair; Hasegawa, Vice Chair; Conway; Ericks; Santos and Springer.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Parker, Assistant Ranking Minority Member and Condotta.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were placed on the second reading calendar.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate insists on its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709 and asks the House to concur therein, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Bailey moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709.

Representative Bailey spoke in favor of the adoption of the motion to concur in the Senate amendment

Representative Kirby spoke against the adoption of the motion to concur in the Senate amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 1709.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 1709 and the motion was not adopted by the following vote: Yeas: 36; Nays: 61; Absent: 0; Excused: 1.

Voting yea: Representatives Alexander, Anderson, Angel, Armstrong, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Lias, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood, and Mr. Speaker.
Excused: Representative Flannigan.

The House adhered to its position on the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709 and asked the Senate to concur therein.

MESSAGES FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5732,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850,
SECOND SUBSTITUTE SENATE BILL NO. 5973,
SENATE BILL NO. 6104,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1957, and passed the bill without said amendments, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED HOUSE BILL NO. 2040, and passed the bill without said amendment. and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709, and passed the bill without said amendments, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE HOUSE BILL NO. 1943,
SECOND SUBSTITUTE HOUSE BILL NO. 1946,
SECOND SUBSTITUTE HOUSE BILL NO. 1951,
SUBSTITUTE HOUSE BILL NO. 1957,

ENGROSSED HOUSE BILL NO. 1967,
SUBSTITUTE HOUSE BILL NO. 2003,
HOUSE BILL NO. 2014,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2021,
HOUSE BILL NO. 2025,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2049,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2072,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2075,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2078,
SUBSTITUTE HOUSE BILL NO. 2079,
SECOND SUBSTITUTE HOUSE BILL NO. 2106,
SECOND SUBSTITUTE HOUSE BILL NO. 2119,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2128,
HOUSE BILL NO. 2129,
HOUSE BILL NO. 2146,
SUBSTITUTE HOUSE BILL NO. 2157,
SUBSTITUTE HOUSE BILL NO. 2160,
HOUSE BILL NO. 2199,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2222,
SUBSTITUTE HOUSE BILL NO. 2223,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2261,
SUBSTITUTE HOUSE BILL NO. 2287,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2289,
HOUSE BILL NO. 2313,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 22, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5252,
SUBSTITUTE SENATE BILL NO. 5391,
SUBSTITUTE SENATE BILL NO. 5718,
SUBSTITUTE SENATE BILL NO. 5723,
SUBSTITUTE SENATE BILL NO. 5725,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, by Senate Committee on Transportation (originally sponsored by Senators Murray, Jarrett, Swecker, Haugen and Kohl-Welles)

Concerning the state route number 99 Alaskan Way viaduct replacement project.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Transportation was before the House for purpose of amendment. (For committee amendment, see Journal, Day 101, April 6, 2009.)

With the consent of the House, amendments (783) and (829) to the committee amendment were withdrawn.

Representative Ericksen moved the adoption of amendment (784) to the committee amendment:

On page 1, after line 12 of the striking amendment, strike the remainder of the section and insert the following:
"Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state must take the necessary steps to expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of

the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

(2) The state route number 99 Alaskan Way viaduct replacement project finance plan shall be structured as a public private partnership as specified in this subsection and in sections 2, 3, and 4 of this act. State and private funds that constitute the finance plan must be used solely to build a replacement tunnel, as described in subsection (1) of this section, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements.

NEW SECTION. Sec. 2. A new section is added to chapter 47.01 RCW to read as follows:

(1) The state's contribution toward the Alaskan Way viaduct replacement project must not exceed two billion four hundred million dollars. The state's contribution shall be financed, in part, by a public private partnership as described in subsection (2) of this section.

(2) The secretary of transportation or the secretary's designee shall, after consultation with King County and the city of Seattle, solicit proposals and enter into an agreement with a private entity to finance at least fifty percent of the state's contribution of two billion four hundred million dollars through tolling, dedication of future tax revenues generated by development in the area of the tunnel and existing viaduct, tax incentives, tax increment financing, and other financing tools for construction of the deep bore tunnel and removal of the existing viaduct.

(a) The agreement must retain state ownership of the state route number 99 Alaskan Way viaduct.

(b) The department shall negotiate the terms and compensation due to the private entity under the agreement. The total amount of compensation to be agreed upon must be comprised of a mix of funds from tolling revenue and financing tools described in subsection (2) of this section. The department shall make every effort to maximize compensation from tax incentives and other financing tools, and minimize direct payments from toll revenue. Payments to private entities must be completed within twenty-five years of the date the project is complete.

(c) Any bonds issued to support the finance plan must be issued by the private entity.

(3) For the purpose of facilitating construction and to assist the private entity in the development, construction, maintenance, and operation of the deep bore tunnel, the agreement must, as required by the private entity, include provisions for the department of transportation to exercise its authority, including the following: Leasing of facilities, rights-of-way, and airspace; exercising the power of eminent domain; granting development rights and opportunities; granting necessary easements and rights of access; issuing permits and other authorizations; granting contractual and real property rights; and negotiating acquisition of rights-of-way in excess of appraised value and any other provision deemed necessary.

(4) Operation and maintenance services to be provided by the private entity include, but are not limited to, roadway maintenance and repair, drainage maintenance and repair, and tunnel maintenance.

NEW SECTION. Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

After entering into an agreement under section 2 of this act, the department shall retain at least one billion two hundred million dollars of the state's contribution to the Alaskan Way viaduct replacement project in the transportation partnership account for use on state highway safety and congestion relief projects identified by the legislature.

NEW SECTION. Sec. 4. A new section is added to chapter 82.32 RCW to read as follows:

The tax imposed and collected under chapters 82.08 and 82.12 RCW, less any credits allowed under chapter 82.14 RCW, on the initial construction for a deep bored tunnel must be transferred to the department of transportation to defray state costs of work on the Alaskan Way viaduct replacement project as described in section 2 of this act.

Sec. 5. RCW 47.56.820 and 2008 c 122 s 4 are each amended to read as follows:

(1) Unless otherwise delegated or agreed to by the state and private entity pursuant to section 2 of this act, only the legislature may authorize the imposition of tolls on eligible toll facilities.

(2) All revenue from an eligible toll facility must be used only to construct, improve, preserve, maintain, manage, or operate the eligible toll facility on or in which the revenue is collected. Expenditures of toll revenues are subject to appropriation and must be made only:

(a) To cover the operating costs of the eligible toll facility, including necessary maintenance, preservation, administration, and toll enforcement by public law enforcement within the boundaries of the facility;

(b) To meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves and insurance;

(c) To meet any other obligations to provide funding contributions for any projects or operations on the eligible toll facilities;

(d) To provide for the operations of conveyances of people or goods; or

(e) For any other improvements to the eligible toll facilities."

On page 3, beginning on line 24, strike all of section 3

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Ericksen spoke in favor of the adoption of the amendment to the committee amendment.

Representative Liias spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (784) to the committee amendment to Engrossed Substitute Senate Bill No. 5768.

ROLL CALL

The Clerk called the roll on the adoption of amendment (784) to the committee amendment to Engrossed Substitute Senate Bill No. 5768 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 56; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seauquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Flannigan.

Representative Roach moved the adoption of amendment (785) to the committee amendment:

On page 1, after line 12 of the striking amendment, strike the remainder of the section and insert the following:

"Therefore, it is the conclusion of the legislature that time is of the essence, and that Washington state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure. The state shall take the necessary steps to

expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

The legislature further finds that some funding currently programmed for the Alaskan Way viaduct should be reallocated to projects that are ready for construction or in need of additional funding. Reallocating this funding will create jobs and provide immediate and long-term economic benefits for Washington state citizens.

(2) Subject to sections 2 through 10 of this act, the state route number 99 Alaskan Way viaduct replacement project finance plan must include state and transportation infrastructure improvement zone funding not to exceed two billion four hundred million dollars. These funds must be used solely to build a replacement tunnel, as described in subsection (1) of this section, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall improvements.

NEW SECTION. Sec. 2. The definitions in this section apply to sections 3 through 10 of this act unless the context clearly requires otherwise.

(1) "Transportation infrastructure improvement zone" or "improvement zone" means the geographic zone from which taxes are to be appropriated to finance public improvements authorized under this chapter.

(2) "Department" means the department of revenue.

(3) "City" means a city with a population of more than five hundred fifty thousand persons.

(4) "Ordinance" means any appropriate method of taking legislative action by a city.

(5) "Public improvements" means infrastructure improvements that relate to the removal of a viaduct damaged by an earthquake and the construction of a deep bore tunnel as its replacement.

(6) "Public improvement costs" means the costs of: (a) Design, planning, acquisition including land acquisition, site preparation including land clearing, construction, reconstruction, rehabilitation, improvement, and installation of public improvements; (b) demolishing, relocating, maintaining, and operating property pending construction of public improvements; (c) relocating utilities as a result of public improvements; and (d) financing public improvements, including interest during construction, legal and other professional services, taxes, insurance, principal and interest costs on indebtedness issued to finance public improvements, and any necessary reserves for indebtedness.

(7) "State equivalency payments" means the equivalent amount of state property taxes derived within the improvement zone.

(8) "Tax allocation revenues" means all tax revenues derived from state and local sales taxes, state and local business and occupation taxes, state and local public utility taxes, local regular property taxes, state and local real estate excise taxes, and state and local leasehold excise taxes within the improvement zone from all taxing districts included within the improvement zone. "Tax allocation revenues" also includes state equivalency payments and state and local sales taxes from the initial construction of any new development in the improvement zone.

NEW SECTION. Sec. 3. A city must finance public improvements using transportation infrastructure improvement zone financing subject to the following conditions:

(1) The city adopts an ordinance designating an improvement zone within its boundaries and specifying the public improvements proposed to be financed in whole or in part with the use of tax allocation revenues.

(2) The boundaries of an improvement zone may not change once the improvement zone is established by ordinance.

(3) The ordinance must specify the initial date tax allocation revenues will be distributed to the city to fund public improvement costs.

(4) Tax allocation revenues distributed to the city to fund public improvement costs must cease twenty-five years from the date described in subsection (3) of this section.

(5) The boundaries of the improvement zone may only include territory around the location where a viaduct damaged by earthquake is razed. As part of this determination, the city may include an estimate of the increase in tax allocation revenues upon completion of the construction of the public improvements and any associated private development.

NEW SECTION. Sec. 4. (1) Before adopting an ordinance creating the improvement zone, a city must hold a public hearing on the proposed financing of the public improvement in whole or in part with improvement zone financing.

(a) Notice of the public hearing must be published in a legal newspaper of general circulation within the proposed improvement zone at least ten days before the public hearing and posted in at least six conspicuous public places located in the proposed improvement zone.

(b) Notices must describe the contemplated public improvements, estimate the costs of the public improvements, describe the portion of the costs of the public improvements to be borne by tax allocation revenues, describe any other sources of revenue to finance the public improvements, describe the boundaries of the proposed improvement zone, and estimate the period during which the improvement zone financing is contemplated to be used. The public hearing may be held by either the governing body of the city, or a committee of the governing body that includes at least a majority of the whole governing body.

(2) In order to create an improvement zone, a city must adopt an ordinance establishing the improvement zone that:

(a) Describes the public improvements;

(b) Describes the boundaries of the improvement zone;

(c) Estimates the cost of the public improvements and the portion of these costs to be financed by transportation tax allocation revenues;

(d) Estimates the time during which tax allocation revenues are to be used to finance public improvement costs associated with the public improvements financed in whole or in part by improvement zone financing;

(e) Provides the date when the use of improvement zone tax allocation revenues will commence; and

(f) Provides a schedule for when development rights above the location where a viaduct damaged by earthquake is razed will be available for purchase.

NEW SECTION. Sec. 5. (1) A city that adopts an ordinance creating an improvement zone under this chapter must, within ninety days of adopting the ordinance:

(a) Publish notice in a legal newspaper of general circulation within the improvement zone that describes the public improvement, describes the boundaries of the improvement zone, and identifies the location and times where the ordinance and other public information concerning the public improvement may be inspected; and

(b) Deliver a certified copy of the ordinance to the county treasurer, the county assessor, the department of revenue, and the governing body of each taxing authority within which the improvement zone is located.

(2) Any challenge to the formation must be brought within sixty days of the later of the date of its formation or August 1, 2009.

NEW SECTION. Sec. 6. A city that adopts an ordinance creating an improvement zone under this chapter must sell development rights in the area where a viaduct damaged by earthquake is razed. All proceeds from the sale of development rights shall be deposited in the special fund or funds described under section 8 of this act and must be used to defease bonds for public improvements.

NEW SECTION. Sec. 7. The city must use all tax allocation revenues for the razing of a viaduct damaged by an earthquake and the construction of a deep bore tunnel as its replacement and related public improvements. Tax allocation revenues shall be deposited in a special fund or funds described under section 8 of this act or other segregated account of the city to be used exclusively for the funding of public improvements. By December 31st of each year, the state treasurer must transfer from the state general fund to the city the

amount of the state equivalency payment for that year. By December 31st of each year, the county treasurer must transfer to the appropriate fund or funds of the city the amount of any local property taxes levied for collection in that year within the improvement zone. On a quarterly basis, the state treasurer must transfer tax allocation revenues derived from state and local sales taxes, state business and occupation taxes, state and local real estate excise taxes, and state and local leasehold excise taxes to the city.

NEW SECTION. Sec. 8. (1) A city must issue revenue bonds to fund public improvements, or portions of public improvements, that are located within an improvement zone and that it is authorized to provide or operate. Whenever revenue bonds are to be issued, the legislative authority of the city must create or have created a special fund or funds from which, along with any reserves created pursuant to RCW 39.44.140, the principal and interest on these revenue bonds must exclusively be payable. The legislative authority of the city may obligate the city to set aside and pay into the special fund or funds a fixed proportion or a fixed amount of the tax allocation revenues obtained within the improvement zone. This amount or proportion is a lien and charge against these revenues, subject only to operating and maintenance expenses. The city must have due regard for the cost of operation and maintenance of the public improvements that are funded by the revenue bonds, and shall not set aside into the special fund or funds a greater amount or proportion of the revenues that in its judgment will be available over and above the cost of maintenance and operation and the amount or proportion, if any, of the revenue previously pledged. The city may also provide that revenue bonds payable out of the same source or sources of revenue may later be issued on a parity with any revenue bonds being issued and sold.

(2) Revenue bonds issued pursuant to this section are not an indebtedness of the city issuing the bonds, and the interest and principal on the bonds must only be payable from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The owner or bearer of a revenue bond or any interest coupon issued pursuant to this section shall not have any claim against the city arising from the bond or coupon except for payment from the revenues lawfully pledged to meet the principal and interest requirements and any reserves created pursuant to RCW 39.44.140. The substance of the limitations included in this subsection must be plainly printed, written, or engraved on each bond issued pursuant to this section.

(3) Revenue bonds with a maturity in excess of twenty-five years may not be issued. The legislative authority of the city must by resolution determine for each revenue bond issue the amount, date, form, terms, conditions, denominations, maximum fixed or variable interest rate or rates, maturity or maturities, redemption rights, registration privileges, manner of execution, manner of sale, callable provisions, if any, and covenants including the refunding of existing revenue bonds. Facsimile signatures may be used on the bonds and any coupons. Refunding revenue bonds may be issued in the same manner as revenue bonds are issued.

NEW SECTION. Sec. 9. The tax allocation revenues and state equivalency payments constitute one billion dollars of the state contribution of two billion four hundred million dollars toward the replacement of a viaduct damaged by earthquake and to construct a deep bored tunnel. The department of transportation shall retain one billion dollars of the state's contribution to the Alaskan Way viaduct replacement project in the transportation partnership account for use on state highway safety and congestion relief projects identified by the legislature.

NEW SECTION. Sec. 10. A new section is added to chapter 82.32 RCW to read as follows:

The tax imposed and collected under chapters 82.08 and 82.12 RCW on the construction of a deep bore tunnel must be transferred to a city that creates a transportation infrastructure improvement zone, as defined in section 2 of this act. The city must deposit any revenues received under this section into the special fund or funds described in section 8 of this act and must be used to reduce project costs.

NEW SECTION. Sec. 11. Sections 2 through 10 of this act constitute a new chapter in Title 39 RCW."

On page 3, beginning on line 6, strike all of sections 2 and 3. Renumber the remaining sections consecutively and correct any internal references accordingly.

Representatives Roach and Erickson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (785) to the committee amendment to Engrossed Substitute Senate Bill No. 5768.

ROLL CALL

The Clerk called the roll on the adoption of amendment (785) to the committee amendment to Engrossed Substitute Senate Bill No. 5768 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Erickson, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Flannigan.

Representative Roach moved the adoption of amendment (815) to the committee amendment:

On page 1, beginning on line 21 of the striking amendment, strike all material through "improvements." on page 2, line 12, and insert "While the department and stakeholder process considered many options, including the deep bore tunnel alternative, as jointly proposed by the state, city, and county departments of transportation and recommended by the governor, King County, and city of Seattle in a letter of agreement dated January 13, 2009, there still remain many concerns regarding the deep bore tunnel's cost, capacity to adequately and efficiently move people and goods, and access to the state route 99 corridor.

Notwithstanding these concerns, the legislature finds that time is of the essence, and that the state cannot wait for a disaster to make it fully appreciate the urgency of the need to replace this vulnerable structure.

(2) Subject to subsections (3) and (4) of this section, the state shall take the necessary steps to expedite the environmental review and design processes to replace the Alaskan Way viaduct with a deep bore tunnel under First Avenue from the vicinity of the sports stadiums in Seattle to Aurora Avenue north of the Battery Street tunnel. The tunnel must include four general purpose lanes in a stacked formation.

(3)(a) The state route number 99 Alaskan Way viaduct replacement project finance plan must include state funding not to exceed two billion four hundred million dollars. For purposes of this section, the state route number 99 Alaskan Way viaduct replacement project includes all building blocks and elements of the Alaskan Way viaduct replacement project along the state route 99 corridor, as proposed by the state and affected city and county departments of transportation and as described in the January 13, 2009, letter, including but not limited to construction of the deep bore tunnel,

removal of the existing viaduct structure, right of way purchase, design, engineering, environmental review, surface street and transit enhancements, and any related work north and south of the existing viaduct structure.

(b) State funding for the Alaskan Way viaduct replacement project is subject to the following requirements and limitations:

(i) State funding for any aspect of the replacement project shall not be increased for any reason, including but not limited to revised costs or revenue estimates, cost overruns, or unforeseen circumstances;

(ii) All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department; and

(iii) State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements.

(4)(a) The department is authorized to work on any element of the Alaskan way viaduct replacement project that is consistent with its responsibilities as defined in the January 13, 2009, letter of agreement, described in subsection (1) of this section, and is also design neutral and compatible with any replacement design alternative for the existing viaduct structure. The department is also authorized to proceed with preliminary design, engineering, and other work necessary to prepare for construction of the tunnel, including but not limited to conducting test boring, environmental impact analysis, and soil analysis, and executing a contract for construction of the deep bore tunnel machine.

(b) Except as provided in (a) of this subsection, the department is not authorized to work on any element of the Alaskan way viaduct replacement project that is inconsistent with its responsibilities as outlined in the January 13, 2009, letter of agreement, described in subsection (1) of this section, and is not design neutral or compatible with any replacement design alternative for the existing viaduct structure, and state funding shall not be obligated and shall remain in an unallotted status until the following conditions are met:

(i) The department and the city of Seattle execute a binding agreement in which the city agrees to fund any cost overruns related to work undertaken by the department on the Alaskan Way viaduct replacement project that exceed two billion four hundred million dollars;

(ii) The city of Seattle develops a finance plan that fully secures local funding sources sufficient to meet its pledged contribution to the project of over nine hundred thirty million dollars and any additional risk or contingency funding necessary to provide for potential cost overruns described in (a) of this subsection. For purposes of this subsection, "fully secures" means that the legislative authority of the city has taken every step necessary to approve, implement, and obligate any funding source necessary to meet the city's obligations as described in this subsection, including obtaining, if necessary, voter approval of any funding source included in the finance plan; and

(iii) The agreement and finance plan as described in (b)(i) and (ii) of this subsection have been approved by the legislature during the 2010 regular legislative session."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 3, beginning on line 1, strike all of subsection (6)

On page 3, beginning on line 6, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. (1) The state department of transportation and affected city and county departments of transportation must jointly prepare an access study for a state route number 99 deep bore tunnel for the purpose of evaluating how access for neighborhoods along the state route 99 corridor will be impacted by the deep bore tunnel alternative. In evaluating the impact on access, the departments of transportation must conduct public outreach with affected neighborhoods and property owners and develop recommendations for preserving neighborhood access to state route 99.

(2) By December 1 2009, the departments must submit a joint report on the results of the access study described in subsection (1)

of this section, including recommendations for preserving neighborhood access, to the governor and the legislature."

On page 3, beginning on line 24, strike all of section 3

Renumber the sections consecutively and correct any internal references accordingly.

Representative Roach spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (815) to the committee amendment to Engrossed Substitute Senate Bill No. 5768.

ROLL CALL

The Clerk called the roll on the adoption of amendment (815) to the committee amendment to Engrossed Substitute Senate Bill No. 5768 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 53; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Flannigan.

Representative Klippert moved the adoption of amendment (786) to the committee amendment:

On page 1, line 24 of the striking amendment, after "structure." strike "The" and insert "Subject to section 2 of this act, the"

On page 2, line 1, after "(2)", strike "The" and insert "Subject to section 2 of this act, the"

On page 2, beginning on line 13, strike all material through "county." on page 3, line 5

On page 3, beginning on line 6, strike all of section 2 and insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 47.01 RCW to read as follows:

(1) Prior to beginning any work related to construction of the deep bore tunnel or removal of the existing viaduct, the department of transportation must prepare a traffic and revenue study for a state route number 99 deep bore tunnel for the purpose of determining the facility's potential to generate toll revenue. The department shall regularly report to the transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility. The study must include the following information:

(a) An analysis of the potential diversion from state route number 99 to other parts of the transportation system resulting from tolls on the facility;

(b) An analysis of potential mitigation measures to offset or reduce diversion from state route number 99;

(c) A summary of the amount of revenue generated from tolling the deep bore tunnel; and

(d) An analysis of the impact of tolls on the performance of the facility.

(2) The department must provide the results of the study described in subsection (1) of this section to the governor and the legislature by January 2010. If the results of the study conclude that toll revenues are unlikely to generate at least four hundred million dollars, as provided in section 1 of this act, the state shall retrofit the existing viaduct structure as the preferred alternative design, at a cost not to exceed one billion three hundred million dollars in state funding, and may not construct a deep bored tunnel or any other facility related to the Alaskan Way viaduct replacement project.

NEW SECTION. Sec. 3. A new section is added to chapter 47.01 RCW to read as follows:

If the state retrofits the existing viaduct structure pursuant to section 2 of this act, the department shall retain one billion one hundred million dollars of the state's contribution to the Alaskan Way viaduct replacement project in the transportation partnership account for use on state highway safety and congestion relief projects identified by the legislature."

On page 3, beginning on line 24, strike all of section 3

Representative Klippert spoke in favor of the adoption of the amendment to the committee amendment.

Representative Springer spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (786) to the committee amendment to Engrossed Substitute Senate Bill No. 5768.

ROLL CALL

The Clerk called the roll on the adoption of amendment (786) to the committee amendment to Engrossed Substitute Senate Bill No. 5768 and the amendment was not adopted by the following vote: Yeas, 36; Nays, 60; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeyer, DeBolt, Driscoll, Grant-Herriot, Haler, Hinkle, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Anderson, Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Green, Haigh, Hasegawa, Herrera, Hope, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwell, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Flannigan.

Representative Roach moved the adoption of amendment (794) to the committee amendment:

On page 2, beginning on line 1 of the striking amendment, strike all material through "county." on page 3, line 5, and insert the following:

"(2) The state route number 99 Alaskan Way viaduct replacement project finance plan must include state funding not to exceed two billion four hundred million dollars. State funding is contingent on a four hundred million dollar contribution by the city of Seattle, which shall be applied to construction of the deep bore tunnel. The city's contribution of four hundred million dollars shall be in addition to the city's pledged contribution of over nine hundred thirty million dollars to the replacement project, and shall not transfer any ownership rights or interests in the deep bore tunnel from the

state to the city. The combined state and city funds, as described in this subsection, must be used solely to build a replacement tunnel, as described in subsection (1) of this section, and to remove the existing state route number 99 Alaskan Way viaduct. All costs associated with city utility relocations for state work as described in this section must be borne by the city of Seattle and provided in a manner that meets project construction schedule requirements as determined by the department. State funding is not authorized for any utility relocation costs, or for central seawall or waterfront promenade improvements."

On page 3, beginning on line 24, strike all of section 3
Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Roach and DeBolt spoke in favor of the adoption of the amendment to the committee amendment.

Representative Liias spoke against the adoption of the amendment to the committee amendment.

Amendment (794) to the committee amendment was not adopted.

Representative Clibborn moved the adoption of amendment (826) to the committee amendment:

On page 2, line 3 of the striking amendment, after "include" strike "at least" and insert "no more than"

On page 3, line 1, after "(6)" strike "The state, city," and insert "(a) The city"

On page 3, after line 5, insert the following:
"(b) The state's contribution shall not exceed two billion four hundred million dollars. If costs exceed two billion four hundred million dollars, no more than four hundred million of the additional costs shall be financed with toll revenue. Any costs in excess of two billion eight hundred million dollars shall be borne by property owners in the Seattle area who benefit from replacement of the existing viaduct with the deep bore tunnel."

Representatives Clibborn, Roach and Seaquist spoke in favor of the adoption of the amendment to the committee amendment.

Representative Priest and Carlyle spoke against the adoption of the amendment to the committee amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 49 – YEAS; 47 – NAYS.

Amendment (826) to the committee amendment was adopted.

Representative Rodne moved the adoption of amendment (828) to the committee amendment:

On page 3, after line 5 of the striking amendment, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 47.01 RCW to read as follows:

(1) The legislature finds that that it is critical to protect the state's contribution of no more than two billion four hundred million dollars to the Alaskan Way viaduct replacement project by ensuring that it is delivered in a manner that is both on time and within budget.

(2) Appropriations for the Alaskan Way viaduct replacement project provided in the 2009-2011 omnibus transportation appropriations act, as well as all future appropriations for this project, shall be appropriated subject to the following conditions:

(a)(i) The legislature understands that the port of Seattle intends to contribute at least \$300,000,000 to the Alaskan Way viaduct replacement project. By no later than September 30, 2010, the

department of transportation shall enter into a binding agreement with the port, which must commit the port to contribute at least \$300,000,000 to the project.

(ii) If the agreement in (a)(i) of this subsection is not executed by September 30, 2010, then:

(A) No appropriated funds identified in this section may be expended after that date for the purposes of the viaduct replacement project if the funds have not been obligated to the project, and any remaining funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under (a)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document 2009-1, Highway Improvement Program (I), as provided in the 2009-2011 omnibus transportation appropriations act;

(b)(i) The department of transportation has determined that construction of the deep bore tunnel will begin by December 2011.

(ii) If the construction of the deep bore tunnel in subsection (b)(i) of this subsection does not begin by December 2011, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under (b)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document 2009-1, Highway Improvement Program (I), as provided in the 2009-2011 omnibus transportation appropriations act;

(c)(i) The department of transportation has determined that the south end viaduct replacement project, as described in the list of moving forward projects that are neutral to all viaduct replacement design options, will be completed by 2013 and is estimated to cost no more than \$556,000,000.

(ii) If the south end viaduct replacement project under (c)(i) of this subsection is not completed by 2013 or within its estimated cost, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under (c)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document 2009-1, Highway Improvement Program (I), as provided in the 2009-2011 omnibus transportation appropriations act; and

(d)(i) The department of transportation has determined that the transit enhancements and other improvements in the south end, as described in the list of moving forward projects that are neutral to all viaduct replacement design options, will be completed by 2013 and are estimated to cost no more than \$110,000,000.

(ii) If the transit enhancements and other improvements under (d)(i) of this subsection are not completed by 2013 or within the estimated amount, then:

(A) No funds may be expended after that date for the purposes of the viaduct replacement project, and any remaining unobligated funds shall be placed into a reserve status; and

(B) The department shall obligate funds remaining under (d)(ii)(A) of this subsection, and apply any future funding programmed for the project, to the transportation partnership projects identified by the legislature as listed in the LEAP Transportation Document 2009-1, Highway Improvement Program (I), as provided in the 2009-2011 omnibus transportation appropriations act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

Representative Rodne spoke in favor of the adoption of the amendment to the committee amendment.

Representative Liias spoke against the adoption of the amendment to the committee amendment.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (828) to the committee amendment to Engrossed Substitute Senate Bill No. 5768.

ROLL CALL

The Clerk called the roll on the adoption of amendment (828) to the committee amendment to Engrossed Substitute Senate Bill No. 5768 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 56; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seauquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Flannigan.

Amendment (828) to the committee amendment was not adopted.

Representative Cox moved the adoption of amendment (842) to the committee amendment:

On page 3, after line 5 of the striking amendment, insert the following:

"(7) Compression brakes may be used by authorized motor vehicles in the deep bore tunnel in a manner consistent with the requirements of RCW 46.37.395."

Representatives Cox and Clibborn spoke in favor of the adoption of the amendment to the committee amendment.

Amendment (842) to the committee amendment was adopted.

Representative Smith moved the adoption of amendment (718) to the committee amendment:

On page 3, beginning on line 24, strike all of section 3
Renumber the remaining sections consecutively and correct any internal references accordingly.

Correct the title.

Representatives Nelson and Dickerson spoke in favor of the adoption of the amendment to the committee amendment.

Representative Roach spoke against the adoption of the amendment to the committee amendment.

Amendment (718) to the committee amendment was adopted.

Representative Bailey moved the adoption of amendment (790) to the committee amendment:

On page 5, beginning on line 17 of the amendment, strike all of section 4

Representative Bailey spoke in favor of the adoption of the amendment to the committee amendment.

Representative Clibborn spoke against the adoption of the amendment to the committee amendment.

Amendment (842) to the committee amendment was not adopted.

The committee amendment as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Clibborn, Carlyle and Takko spoke in favor of the passage of the bill.

Representatives Roach, Klippert, Rodne and Ericksen spoke against the passage of the bill.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5768, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5768, as amended by the House, and the bill passed the House by the following vote: Yeas, 53; Nays, 43; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Darneille, Dunshee, Eddy, Finn, Goodman, Haigh, Hinkle, Hope, Hudgins, Hunt, Hunter, Jacks, Johnson, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Ross, Seaquist, Sells, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Warnick, White, Williams and Wood.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Dickerson, Driscoll, Ericks, Ericksen, Grant-Herriot, Green, Haler, Hasegawa, Herrera, Hurst, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Santos, Schmick, Shea, Short, Simpson, Smith, Wallace, Walsh and Mr. Speaker.

Excused: Representatives Armstrong and Flannigan.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 10:00 a.m., April 23, 2009, the 102nd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ONE HUNDRED SECOND DAY

House Chamber, Olympia, Thursday, April 23, 2009

The House was called to order at 10:00 a.m. by the Speaker (Representative Moeller presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Brandon Miller and Adam Kinkley. The Speaker (Representative Moeller presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Pastor Mike Fogaras, Gateway Christian Center, Lacey.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

INTRODUCTION AND FIRST READING

HB 2383 by Representatives Simpson and Van De Wege

AN ACT Relating to the international wildland urban interface code; and amending RCW 19.27.031.

Referred to Committee on Local Government & Housing.

HB 2384 by Representatives Quall and Ormsby

AN ACT Relating to providing salary bonuses for nationally certified educational staff associates; and amending RCW 28A.405.415.

Referred to Committee on Education.

HB 2385 by Representatives Williams, Green, Appleton, Ormsby, Nelson, Sells, Chase, Dunshee, Simpson and Hasegawa

AN ACT Relating to improving unemployment benefits; and amending RCW 50.20.050, 50.20.100, 50.20.119, and 50.20.120.

Referred to Committee on Commerce & Labor.

ESSB 5557 by Senate Committee on Ways & Means (originally sponsored by Senator Pridemore)

AN ACT Relating to adopting the recommendations of the citizen commission for performance measurement of tax preferences concerning calculation of the business and occupation tax deduction for radio and television broadcasting, reporting data on the community benefits of nonprofit nursing homes and hospitals, and a property tax exemption for airports belonging to municipalities of adjoining states; amending RCW 82.04.280, 82.04.280, and 84.36.840; amending 2006 c 300 s 12 (uncodified); adding a new section to chapter 82.04 RCW; creating new sections; repealing RCW 84.36.130; providing an effective date; providing a contingent effective date; providing an expiration date; providing a contingent expiration date; and declaring an emergency.

Referred to Committee on Finance.

ESB 5915 by Senators Prentice and Fairley

AN ACT Relating to authorizing emergency rule making when necessary to implement budget appropriations and reductions; amending RCW 34.05.350; and declaring an emergency.

Referred to Committee on Ways & Means.

SB 6002 by Senators Keiser and Pridemore

AN ACT Relating to the Washington state quality forum; amending RCW 70.56.030; and repealing RCW 41.05.029.

Referred to Committee on Ways & Means.

SB 6126 by Senators Prentice and Tom

AN ACT Relating to boxing, martial arts, and wrestling events; and amending RCW 67.08.050, 67.08.055, 67.08.105, and 43.24.150.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 6166,
ENGROSSED SENATE BILL NO. 6183,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1527 with the following amendment:

On page 2, beginning on line 36, after "services," strike all material down to and including line 3 on page 3 and insert "the department shall comply with all public notice and hearing requirements of the administrative procedures act, chapter 34.05 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to HOUSE BILL NO. 1527 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1776 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 84.52.0531 and 2009 c 4 s 908 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ~~(2011)~~ 2014, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year ~~((had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess.))~~ using the

Initiative 728 base and the allocation the district received in the current school year pursuant to RCW 84.52.068~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004)); and~~

(b) The difference between the allocations the district would have received the prior school year ~~((had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess.))~~ using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.))~~

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection (6) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

(7) ~~((For the purposes of this section,))~~ The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

~~(a)~~ "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((8))~~ ~~((For the purposes of this section,))~~ (b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 base" means the allocation to the student achievement fund for the prior year that would have been made under chapter 3, Laws of 2001, as approved by the voters, if all annual adjustments to the initial 2001 allocation had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's annual salary cost-of-living increases as they would have been calculated under chapter 4, Laws of 2001, as approved by the voters, if each annual cost-of-living increase had been made in previous years and in each subsequent year as provided for under chapter 4, Laws of 2001.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules ~~((and regulations))~~ and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 2. A new section is added to chapter 84.52 RCW to read as follows:

The legislature recognizes that school districts request voter approval for two-year through four-year levies based on their projected levy capacities at the time that the levies are submitted to the voters. It is the intent of the legislature to permit school districts with voter-approved maintenance and operation levies to seek an additional approval from the voters, if subsequently enacted legislation would permit a higher levy.

Sec. 3. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2)(f), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's levy base or maximum levy percentage. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 4. 2006 c 119 s 3 (uncodified) is amended to read as follows:

This act expires January 1, ~~((2012))~~ 2015.

Sec. 5. 2009 c 4 s 909 (uncodified) is amended to read as follows:

Section 908 of this act expires January 1, ~~((2012))~~ 2015."

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 84.52.0531 and 84.52.053; amending 2006 c 119 s 3 (uncodified); amending 2009 c 4 s 909 (uncodified); adding a new section to chapter 84.52 RCW; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1776 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 17, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.167.020 and 2007 c 501 s 4 are each amended to read as follows:

(1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities; ~~((and~~

~~—(b) Exercise such additional powers as may be authorized by law))~~

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement the purposes and duties of an authority;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, lease, and sell real and personal property;

(e) Hold in trust, improve, and develop land;

(f) Invest, deposit, and reinvest its funds;

(g) Incur debt in furtherance of its mission; and

(h) Lend its funds, property, credit, or services for corporate purposes.

(2) A community preservation and development authority ~~((shall have))~~ has no power of eminent domain nor any power to levy taxes or special assessments.

(3) A community preservation and development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and to RCW 42.17.128; and

(b) May not use the funds to support or oppose a candidate, ballot proposition, political party, or political committee.

Sec. 2. RCW 43.167.030 and 2007 c 501 s 5 are each amended to read as follows:

A community preservation and development authority shall have the duty to:

(1) Establish specific geographic boundaries for the authority within its bylaws based on the general geographic boundaries established in the proposal submitted and approved by the legislature;

(2) Solicit input from members of its community and develop a strategic preservation and development plan to restore and promote the health, safety, and economic well-being of the impacted community and to restore and preserve its cultural and historical identity;

(3) Include within the strategic plan a prioritized list of projects identified and supported by the community, including capital or operating components ~~((that address one or more of the purposes under section 1(3) of this act));~~

(4) Establish funding mechanisms to support projects and programs identified in the strategic plan including but not limited to grants and loans;

(5) Use gifts, grants, loans, and other aid from public or private entities to carry out projects identified in the strategic plan including, but not limited to, those that: (a) Enhance public safety; (b) reduce community blight; and (c) provide ongoing mitigation of the adverse effects of multiple publicly funded projects on the impacted community; and

(6) Demonstrate ongoing accountability for its actions by:

(a) Reporting to the appropriate committees of the legislature, one year after formation and every biennium thereafter, on the authority's strategic plan, activities, accomplishments, and any recommendations for statutory changes;

(b) Reporting any changes in the authority's geographic boundaries to the appropriate committees of the legislature when the legislature next convenes in regular session;

(c) Convening a local town hall meeting with its constituency on an annual basis to: (i) Report its activities and accomplishments from the previous year; (ii) present and receive input from members of the impacted community regarding its proposed strategic plan and activities for the upcoming year; and (iii) hold board member elections as necessary; and

(d) Maintaining books and records as appropriate for the conduct of its affairs."

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "and amending RCW 43.167.020 and 43.167.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 with the following amendment:

Beginning on page 7, line 14, strike all of section 5
Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 17, beginning on line 9, strike all material through "1985 c 418 s 8;" on line 13

Renumber the remaining subsection consecutively.

On page 1, line 3 of the title, after "13.60.110," strike "74.13.031,"

On page 1, line 8 of the title, after "43.70.518," strike "43.215.080, 43.215.435,"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Ericks and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2327, as amended by the Senate.

MOTIONS

On motion of Representative Santos, Representatives Kirby, Morris and Pettigrew were excused. On motion of Representative Hinkle, Representative Armstrong was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2327, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby, Morris and Pettigrew.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2328 with the following amendment:

On page 4, after line 37, insert the following:

"NEW SECTION. Sec. 5. (1) Within this section, "sensory disability" means a sensory condition that materially limits, contributes to limiting, or, if not corrected or accommodated, will probably result in limiting an individual's activities or functioning.

(2) The department of personnel shall adopt rules that authorize state agencies to provide allowances to employees with sensory disabilities who must attend training necessary to attain a new service animal. The employee's absence must be treated in the same manner as that granted to employees who are absent to attend training that supports or improves their job performance, except that the employee shall not be eligible for reimbursement under RCW 43.03.050 or 43.03.060. The department of personnel shall adopt rules as necessary to implement this chapter.

(3) If the necessity to attend training for a new service animal is foreseeable and the training will cause the employee to miss work, the employee shall provide the employer with not less than thirty days' notice, before the date the absence is to begin, of the employee's impending absence. If the date of the training requires the absence to begin in less than thirty days, the employee shall provide notice as is practicable.

(4) An agency may require that a request to attend service animal training be supported by a certification issued by the relevant training organization. The employee must provide, in a timely manner, a copy of the certification to the agency. Certification provided under this section is sufficient if it states: (a) The date on which the service animal training session is scheduled to commence; and (b) the session's duration.

NEW SECTION. Sec. 6. Section 5 of this act constitutes a new chapter in Title 49 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 3 of the title, after "(uncodified);" insert "adding a new chapter to Title 49 RCW;"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 2328 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Seaquist and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2328, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2328, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby, Morris and Pettigrew.

HOUSE BILL NO. 2328, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5285, and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5285. Under the suspension of the rules, the bill was returned to second reading for purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5285, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Regala, Hargrove, Kauffman and Stevens)

Revising procedures for appointment of guardians ad litem.

Representative Goodman moved the adoption of amendment (787):

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 26.44.030 and 2008 c 211 s 5 are each amended to read as follows:

(1)(a) When any practitioner, county coroner or medical examiner, law enforcement officer, professional school personnel, registered or licensed nurse, social service counselor, psychologist, pharmacist, employee of the department of early learning, licensed or certified child care providers or their employees, employee of the department, juvenile probation officer, placement and liaison specialist, responsible living skills program staff, HOPE center staff,

or state family and children's ombudsman or any volunteer in the ombudsman's office has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(b) When any person, in his or her official supervisory capacity with a nonprofit or for-profit organization, has reasonable cause to believe that a child has suffered abuse or neglect caused by a person over whom he or she regularly exercises supervisory authority, he or she shall report such incident, or cause a report to be made, to the proper law enforcement agency, provided that the person alleged to have caused the abuse or neglect is employed by, contracted by, or volunteers with the organization and coaches, trains, educates, or counsels a child or children or regularly has unsupervised access to a child or children as part of the employment, contract, or voluntary service. No one shall be required to report under this section when he or she obtains the information solely as a result of a privileged communication as provided in RCW 5.60.060.

Nothing in this subsection (1)(b) shall limit a person's duty to report under (a) of this subsection.

For the purposes of this subsection, the following definitions apply:

(i) "Official supervisory capacity" means a position, status, or role created, recognized, or designated by any nonprofit or for-profit organization, either for financial gain or without financial gain, whose scope includes, but is not limited to, overseeing, directing, or managing another person who is employed by, contracted by, or volunteers with the nonprofit or for-profit organization.

(ii) "Regularly exercises supervisory authority" means to act in his or her official supervisory capacity on an ongoing or continuing basis with regards to a particular person.

(c) The reporting requirement also applies to department of corrections personnel who, in the course of their employment, observe offenders or the children with whom the offenders are in contact. If, as a result of observations or information received in the course of his or her employment, any department of corrections personnel has reasonable cause to believe that a child has suffered abuse or neglect, he or she shall report the incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040.

(d) The reporting requirement shall also apply to any adult who has reasonable cause to believe that a child who resides with them, has suffered severe abuse, and is able or capable of making a report. For the purposes of this subsection, "severe abuse" means any of the following: Any single act of abuse that causes physical trauma of sufficient severity that, if left untreated, could cause death; any single act of sexual abuse that causes significant bleeding, deep bruising, or significant external or internal swelling; or more than one act of physical abuse, each of which causes bleeding, deep bruising, significant external or internal swelling, bone fracture, or unconsciousness.

(e) The reporting requirement also applies to guardians ad litem, including court appointed special advocates, appointed under Titles 11, 13, and 26 RCW, who in the course of their representation of children in these actions have reasonable cause to believe a child has been abused or neglected.

(f) The report must be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child has suffered abuse or neglect. The report must include the identity of the accused if known.

(2) The reporting requirement of subsection (1) of this section does not apply to the discovery of abuse or neglect that occurred during childhood if it is discovered after the child has become an adult. However, if there is reasonable cause to believe other children are or may be at risk of abuse or neglect by the accused, the reporting requirement of subsection (1) of this section does apply.

(3) Any other person who has reasonable cause to believe that a child has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(4) The department, upon receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him

or her other than by accidental means or who has been subjected to alleged sexual abuse, shall report such incident to the proper law enforcement agency. In emergency cases, where the child's welfare is endangered, the department shall notify the proper law enforcement agency within twenty-four hours after a report is received by the department. In all other cases, the department shall notify the law enforcement agency within seventy-two hours after a report is received by the department. If the department makes an oral report, a written report must also be made to the proper law enforcement agency within five days thereafter.

(5) Any law enforcement agency receiving a report of an incident of alleged abuse or neglect pursuant to this chapter, involving a child who has died or has had physical injury or injuries inflicted upon him or her other than by accidental means, or who has been subjected to alleged sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them. In emergency cases, where the child's welfare is endangered, the law enforcement agency shall notify the department within twenty-four hours. In all other cases, the law enforcement agency shall notify the department within seventy-two hours after a report is received by the law enforcement agency.

(6) Any county prosecutor or city attorney receiving a report under subsection (5) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(7) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section, with consultants designated by the department, and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently receiving child protective services. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child. Information considered privileged by statute and not directly related to reports required by this section must not be divulged without a valid written waiver of the privilege.

(8) Any case referred to the department by a physician licensed under chapter 18.57 or 18.71 RCW on the basis of an expert medical opinion that child abuse, neglect, or sexual assault has occurred and that the child's safety will be seriously endangered if returned home, the department shall file a dependency petition unless a second licensed physician of the parents' choice believes that such expert medical opinion is incorrect. If the parents fail to designate a second physician, the department may make the selection. If a physician finds that a child has suffered abuse or neglect but that such abuse or neglect does not constitute imminent danger to the child's health or safety, and the department agrees with the physician's assessment, the child may be left in the parents' home while the department proceeds with reasonable efforts to remedy parenting deficiencies.

(9) Persons or agencies exchanging information under subsection (7) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor.

(10) Upon receiving a report of alleged abuse or neglect, the department shall make reasonable efforts to learn the name, address, and telephone number of each person making a report of abuse or neglect under this section. The department shall provide assurances of appropriate confidentiality of the identification of persons reporting under this section. If the department is unable to learn the information required under this subsection, the department shall only investigate cases in which:

(a) The department believes there is a serious threat of substantial harm to the child;

(b) The report indicates conduct involving a criminal offense that has, or is about to occur, in which the child is the victim; or

(c) The department has a prior founded report of abuse or neglect with regard to a member of the household that is within three years of receipt of the referral.

(11)(a) For reports of alleged abuse or neglect that are accepted for investigation by the department, the investigation shall be conducted within time frames established by the department in rule. In no case shall the investigation extend longer than ninety days from the date the report is received, unless the investigation is being conducted under a written protocol pursuant to RCW 26.44.180 and a law enforcement agency or prosecuting attorney has determined that a longer investigation period is necessary. At the completion of the investigation, the department shall make a finding that the report of child abuse or neglect is founded or unfounded.

(b) If a court in a civil or criminal proceeding, considering the same facts or circumstances as are contained in the report being investigated by the department, makes a judicial finding by a preponderance of the evidence or higher that the subject of the pending investigation has abused or neglected the child, the department shall adopt the finding in its investigation.

(12) In conducting an investigation of alleged abuse or neglect, the department or law enforcement agency:

(a) May interview children. The interviews may be conducted on school premises, at day-care facilities, at the child's home, or at other suitable locations outside of the presence of parents. Parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview the department or law enforcement agency shall determine whether the child wishes a third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the department or law enforcement agency shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation; and

(b) Shall have access to all relevant records of the child in the possession of mandated reporters and their employees.

(13) If a report of alleged abuse or neglect is founded and constitutes the third founded report received by the department within the last twelve months involving the same child or family, the department shall promptly notify the office of the family and children's ombudsman of the contents of the report. The department shall also notify the ombudsman of the disposition of the report.

(14) In investigating and responding to allegations of child abuse and neglect, the department may conduct background checks as authorized by state and federal law.

(15) The department shall maintain investigation records and conduct timely and periodic reviews of all founded cases of abuse and neglect. The department shall maintain a log of screened-out nonabusive cases.

(16) The department shall use a risk assessment process when investigating alleged child abuse and neglect referrals. The department shall present the risk factors at all hearings in which the placement of a dependent child is an issue. Substance abuse must be a risk factor. The department shall, within funds appropriated for this purpose, offer enhanced community-based services to persons who are determined not to require further state intervention.

(17) Upon receipt of a report of alleged abuse or neglect the law enforcement agency may arrange to interview the person making the report and any collateral sources to determine if any malice is involved in the reporting.

(18) Upon receiving a report of alleged abuse or neglect involving a child under the court's jurisdiction under chapter 13.34 RCW, the department shall promptly notify the child's guardian ad litem of the report's contents. The department shall also notify the guardian ad litem of the disposition of the report. For purposes of this subsection, "guardian ad litem" has the meaning provided in RCW 13.34.030.

Sec. 2. RCW 13.34.100 and 2000 c 124 s 2 are each amended to read as follows:

(1) The court shall appoint a guardian ad litem for a child who is the subject of an action under this chapter, unless a court for good cause finds the appointment unnecessary. The requirement of a guardian ad litem may be deemed satisfied if the child is represented by independent counsel in the proceedings. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs.

(2) If the court does not have available to it a guardian ad litem program with a sufficient number of volunteers, the court may appoint a suitable person to act as guardian ad litem for the child under this chapter. Another party to the proceeding or the party's employee or representative shall not be so appointed.

(3) Each guardian ad litem program shall maintain a background information record for each guardian ad litem in the program. The background ~~(file)~~ information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian(s) ad litem's duties;

(c) Specific training related to issues potentially faced by children in the dependency system;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

~~((f))~~ (f) Number of appointments as a guardian ad litem and the county or counties of appointment;

~~((g))~~ (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; ~~(and~~

~~(h))~~ (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination of state and national criminal identification data. The examination shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050, the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834, and the federal bureau of investigation. The background check shall be done through the Washington state patrol criminal identification section and must include a national check from the federal bureau of investigation based on the submission of fingerprints; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information ~~(report)~~ record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program ~~((the))~~ a suitable person appointed by the court to act as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, or guardian ad litem program, shall provide the parties or their attorneys with a ~~((statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment))~~ copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background ~~((statement))~~ information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) The appointment of the guardian ad litem shall remain in effect until the court discharges the appointment or no longer has jurisdiction, whichever comes first. The guardian ad litem may also be discharged upon entry of an order of guardianship.

(5) A guardian ad litem through counsel, or as otherwise authorized by the court, shall have the right to present evidence, examine and cross-examine witnesses, and to be present at all hearings. A guardian ad litem shall receive copies of all pleadings and other documents filed or submitted to the court, and notice of all hearings according to court rules. The guardian ad litem shall receive all notice contemplated for a parent or other party in all proceedings under this chapter.

(6) If the child requests legal counsel and is age twelve or older, or if the guardian ad litem or the court determines that the child needs to be independently represented by counsel, the court may appoint an attorney to represent the child's position.

(7) For the purposes of child abuse prevention and treatment act (42 U.S.C. Secs. 5101 et seq.) grants to this state under P.L. 93-247, or any related state or federal legislation, a person appointed pursuant to RCW 13.34.100 shall be deemed a guardian ad litem to represent the best interests of the minor in proceedings before the court.

(8) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends ~~((and the appointment shall be effective immediately)).~~ The program shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The court shall immediately appoint the person recommended by the program.

(9) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 3. RCW 26.12.175 and 2000 c 124 s 6 are each amended to read as follows:

(1)(a) The court may appoint a guardian ad litem to represent the interests of a minor or dependent child when the court believes the appointment of a guardian ad litem is necessary to protect the best interests of the child in any proceeding under this chapter. The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county. The court shall attempt to match a child with special needs with a guardian ad litem who has specific training or education related to the child's individual needs. The family court services professionals may also make a recommendation to the court regarding whether a guardian ad litem should be appointed for the child. ~~((The court may appoint a guardian ad litem from the court-appointed special advocate program, if that program exists in the county.))~~

(b) ~~((Unless otherwise ordered,))~~ The guardian ad litem's role is to investigate and report factual information regarding the issues ordered to be reported or investigated to the court ((concerning parenting arrangements for the child, and to represent the child's best interests)). The guardian ad litem shall always represent the best interests of the child. Guardians ad litem and investigators under this title may make recommendations based upon ~~((an independent investigation regarding the best interests of the child))~~ his or her investigation, which the court may consider and weigh in conjunction with the recommendations of all of the parties. If a child expresses a preference regarding the parenting plan, the guardian ad litem shall report the preferences to the court, together with the facts relative to whether any preferences are being expressed voluntarily and the degree of the child's understanding. The court may require the guardian ad litem to provide periodic reports to the parties regarding the status of his or her investigation. The guardian ad litem shall file his or her report at least sixty days prior to trial.

(c) The parties to the proceeding may file with the court written responses to any report filed by the guardian ad litem or investigator. The court shall consider any written responses to a report filed by the guardian ad litem or investigator, including any factual information or recommendations provided in the report.

(d) The court shall enter an order for costs, fees, and disbursements to cover the costs of the guardian ad litem. The court may order either or both parents to pay for the costs of the guardian ad litem, according to their ability to pay. If both parents are indigent, the county shall bear the cost of the guardian, subject to appropriation for guardians' ad litem services by the county legislative authority. Guardians ad litem who are not volunteers shall provide the parties with an itemized accounting of their time and billing for services each month.

(2)(a) If the guardian ad litem appointed is from the county court-appointed special advocate program, the program shall supervise any guardian ad litem assigned to the case. The court-appointed special advocate program shall be entitled to notice of all proceedings in the case.

(b) The legislative authority of each county may authorize creation of a court-appointed special advocate program. The county legislative authority may adopt rules of eligibility for court-appointed special advocate program services that are not inconsistent with this section.

(3) Each guardian ad litem program for compensated guardians ad litem and each court-appointed special advocate program shall maintain a background information record for each guardian ad litem in the program. The background ~~((f))~~ information record shall include, but is not limited to, the following information:

(a) Level of formal education;

(b) General training related to the guardian~~((s))~~ ad litem's duties;

(c) Specific training related to issues potentially faced by children in dissolution, custody, paternity, and other family law proceedings;

(d) Specific training or education related to child disability or developmental issues;

(e) Number of years' experience as a guardian ad litem;

~~((f))~~ (f) Number of appointments as a guardian ad litem and county or counties of appointment;

~~((g))~~ (g) The names of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; ~~((and~~

~~((f))~~ (h) Founded allegations of abuse or neglect as defined in RCW 26.44.020;

(i) The results of an examination that shall consist of a background check as allowed through the Washington state criminal records privacy act under RCW 10.97.050 and the Washington state patrol criminal identification system under RCW 43.43.832 through 43.43.834. This background check shall be done through the Washington state patrol criminal identification section; and

(j) Criminal history, as defined in RCW 9.94A.030, for the period covering ten years prior to the appointment.

The background information ~~((report))~~ record shall be updated annually. As a condition of appointment, the guardian ad litem's background information record shall be made available to the court. If the appointed guardian ad litem is not a member of a guardian ad litem program the person appointed as guardian ad litem shall provide the background information record to the court.

Upon appointment, the guardian ad litem, court-appointed special advocate program or guardian ad litem program, shall provide the parties or their attorneys with a ~~((statement containing: His or her training relating to the duties as a guardian ad litem; the name of any counties in which the person was removed from a guardian ad litem registry pursuant to a grievance action, and the name of the court and the cause number of any case in which the court has removed the person for cause; and his or her criminal history as defined in RCW 9.94A.030 for the period covering ten years prior to the appointment))~~ copy of the background information record. The portion of the background information record containing the results of the criminal background check and the criminal history shall not be disclosed to the parties or their attorneys. The background ~~((statement))~~ information record shall not include identifying information that may be used to harm a guardian ad litem, such as home addresses and home telephone numbers, and for volunteer guardians ad litem the court may allow the use of maiden names or pseudonyms as necessary for their safety.

(4) When a court-appointed special advocate or volunteer guardian ad litem is requested on a case, the program shall give the court the name of the person it recommends ~~((and the appointment shall be effective immediately)).~~ The court shall immediately appoint the person recommended by the program.

(5) If a party in a case reasonably believes the court-appointed special advocate or volunteer guardian ad litem is inappropriate or unqualified, the party may request a review of the appointment by the program. The program must complete the review within five judicial

days and remove any appointee for good cause. If the party seeking the review is not satisfied with the outcome of the review, the party may file a motion with the court for the removal of the court-appointed special advocate or volunteer guardian ad litem on the grounds the advocate or volunteer is inappropriate or unqualified.

Sec. 4. RCW 26.12.177 and 2007 c 496 s 305 are each amended to read as follows:

(1) All guardians ad litem and investigators appointed under this title must comply with the training requirements established under RCW 2.56.030(15), prior to their appointment in cases under Title 26 RCW, except that volunteer guardians ad litem or court-appointed special advocates may comply with alternative training requirements approved by the administrative office of the courts that meet or exceed the statewide requirements. In cases involving allegations of limiting factors under RCW 26.09.191, the guardians ad litem and investigators appointed under this title must have additional relevant training under RCW 2.56.030(15) and as recommended under RCW 2.53.040, when it is available.

(2)(a) Each guardian ad litem program for compensated guardians ad litem shall establish a rotational registry system for the appointment of guardians ad litem and investigators under this title. If a judicial district does not have a program the court shall establish the rotational registry system. Guardians ad litem and investigators under this title shall be selected from the registry except in exceptional circumstances as determined and documented by the court. The parties may make a joint recommendation for the appointment of a guardian ad litem from the registry.

(b) In judicial districts with a population over one hundred thousand, a list of three names shall be selected from the registry and given to the parties along with the background information record as specified in RCW 26.12.175(3), including their hourly rate for services. Each party may, within three judicial days, strike one name from the list. If more than one name remains on the list, the court shall make the appointment from the names on the list. In the event all three names are stricken the person whose name appears next on the registry shall be appointed.

(c) If a party reasonably believes that the appointed guardian ad litem ~~((lacks the necessary expertise for the proceeding))~~ is inappropriate or unqualified, charges an hourly rate higher than what is reasonable for the particular proceeding, or has a conflict of interest, the party may, within three judicial days from the appointment, move for substitution of the appointed guardian ad litem by filing a motion with the court.

(d) Under this section, within either registry referred to in (a) of this subsection, a subregistry may be created that consists of guardians ad litem under contract with the department of social and health services' division of child support. Guardians ad litem on such a subregistry shall be selected and appointed in state-initiated paternity cases only.

(e) The superior court shall remove any person from the guardian ad litem registry who ~~((misrepresents))~~ has been found to have misrepresented his or her qualifications ~~((pursuant to a grievance procedure established by the court)).~~

(3) The rotational registry system shall not apply to court-appointed special advocate programs."

Representatives Goodman and McCune spoke in favor of the adoption of the amendment.

Amendment (787) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and McCune spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5285, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5285, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby, Morris and Pettigrew.

SUBSTITUTE SENATE BILL NO. 5285, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5354 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SENATE BILL NO. 5354. Under suspension of the rules, the bill was returned to second reading for purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5354, by Senators Haugen and Ranker

Regarding public hospital capital facility areas.

Representative Simpson moved the adoption of amendment (847):

Beginning on page 1, line 18, after "islands" strike all material through "boundaries" on page 2, line 4, and insert "that receives medical services from a hospital district, but is prevented by geography and the absence of contiguous boundaries from annexing to that district"

Beginning on page 2, line 16, strike all of section 3 and insert the following:

"NEW SECTION. Sec. 3. ESTABLISHING A PUBLIC HOSPITAL CAPITAL FACILITY AREA--BALLOT PROPOSITIONS. (1)(a) Upon receipt of a completed petition to both establish a public hospital capital facility area and submit a ballot proposition under section 7 of this act to finance public hospital capital facilities and other capital health care facilities, the legislative authority of the county in which a proposed public hospital capital facility area is to be established shall submit separate ballot propositions to voters to authorize establishing the proposed public hospital capital facility area and authorizing the public hospital capital facility area, if established, to finance public hospital capital facilities or other capital health care facilities by issuing

general indebtedness and imposing excess levies to retire the indebtedness. A petition submitted under this section must be accompanied by a written request to establish a public hospital capital facility area that is signed by a majority of the commissioners of the public hospital district serving the proposed area.

(b) The ballot propositions must be submitted to voters of the proposed public hospital capital facility area at a general or special election. If the proposed election date is not a general election, the county legislative authority is encouraged to request an election when another unit of local government with territory located in the proposed public hospital capital facility area is already holding a special election under RCW 29A.04.330. Approval of the ballot proposition to create a public hospital capital facility area requires a simple majority vote by the voters participating in the election.

(2) A completed petition submitted under this section must include:

(a) A description of the boundaries of the public hospital capital facility area; and

(b) A copy of a resolution of the legislative authority of each city, town, and hospital district with territory in the proposed public hospital capital facility area indicating both: (i) Approval of the creation of the proposed public hospital capital facility area; and (ii) agreement on how election costs will be paid for ballot propositions to voters that authorize the public hospital capital facility area to incur general indebtedness and impose excess levies to retire the general indebtedness."

On page 3, line 16, after "facility" insert "area"

On page 3, line 21, after "proposed" strike "district" and insert "public hospital capital facility area"

On page 5, at the beginning of line 36, strike "chapter 70.44 RCW" and insert "this chapter"

Representative Simpson spoke in favor of the adoption of the amendment.

Representative Orcutt spoke against the adoption of the amendment.

Amendment (847) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Simpson and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5354, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5354, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby, Morris and Pettigrew.

SENATE BILL NO. 5354, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5777, and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5777. Under suspension of the rules, the bill was returned to second reading for purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5777, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray and Parlette)

Concerning the Washington state insurance pool.

Representative Cody moved the adoption of amendment (877):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 48.66 RCW to read as follows:

Any medicare eligible person who is rejected for medical reasons, is required to accept restrictive riders, an up-rated premium, or preexisting conditions limitations, the effect of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member as defined in RCW 48.41.030(14) shall be provided written notice from the issuer of medicare supplement coverage to whom application was made of the decision not to accept the person's application for enrollment, or to require such restrictions. The notice shall further state that the person is eligible for medicare part C coverage offered in the person's geographic area or coverage provided by the Washington state health insurance pool for Washington residents, and shall include information about medicare part C plans offered in the person's geographic area, about the Washington state health insurance pool, and about available resources to assist the person in choosing appropriate coverage.

Sec. 2. RCW 48.41.060 and 2008 c 217 s 47 are each amended to read as follows:

(1) The board shall have the general powers and authority granted under the laws of this state to insurance companies, health care service contractors, and health maintenance organizations, licensed or registered to offer or provide the kinds of health coverage defined under this title. In addition thereto, the board shall:

(a) Designate or establish the standard health questionnaire to be used under RCW 48.41.100 and 48.43.018, including the form and content of the standard health questionnaire and the method of its application. The questionnaire must provide for an objective evaluation of an individual's health status by assigning a discreet measure, such as a system of point scoring to each individual. The questionnaire must not contain any questions related to pregnancy, and pregnancy shall not be a basis for coverage by the pool. The questionnaire shall be designed such that it is reasonably expected to identify the eight percent of persons who are the most costly to treat who are under individual coverage in health benefit plans, as defined in RCW 48.43.005, in Washington state or are covered by the pool, if applied to all such persons;

(b) Obtain from a member of the American academy of actuaries, who is independent of the board, a certification that the standard health questionnaire meets the requirements of (a) of this subsection;

(c) Approve the standard health questionnaire and any modifications needed to comply with this chapter. The standard health questionnaire shall be submitted to an actuary for certification, modified as necessary, and approved at least every ~~(eighteen)~~ thirty-six months. The designation and approval of the standard health questionnaire by the board shall not be subject to review and approval by the commissioner. The standard health questionnaire or any modification thereto shall not be used until ninety days after public notice of the approval of the questionnaire or any modification thereto, except that the initial standard health questionnaire approved for use by the board after March 23, 2000, may be used immediately following public notice of such approval;

(d) Establish appropriate rates, rate schedules, rate adjustments, expense allowances, claim reserve formulas and any other actuarial functions appropriate to the operation of the pool. Rates shall not be unreasonable in relation to the coverage provided, the risk experience, and expenses of providing the coverage. Rates and rate schedules may be adjusted for appropriate risk factors such as age and area variation in claim costs and shall take into consideration appropriate risk factors in accordance with established actuarial underwriting practices consistent with Washington state individual plan rating requirements under RCW 48.44.022 and 48.46.064;

(e)(i) Assess members of the pool in accordance with the provisions of this chapter, and make advance interim assessments as may be reasonable and necessary for the organizational or interim operating expenses. Any interim assessments will be credited as offsets against any regular assessments due following the close of the year.

(ii) Self-funded multiple employer welfare arrangements are subject to assessment under this subsection only in the event that assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq. The arrangements and the commissioner shall initially request an advisory opinion from the United States department of labor or obtain a declaratory ruling from a federal court on the legality of imposing assessments on these arrangements before imposing the assessment. Once the legality of the assessments has been determined, the multiple employer welfare arrangement certified by the insurance commissioner must begin payment of these assessments.

(iii) If there has not been a final determination of the legality of these assessments, then beginning on the earlier of (A) the date the fourth multiple employer welfare arrangement has been certified by the insurance commissioner, or (B) April 1, 2006, the arrangement shall deposit the assessments imposed by this subsection into an interest bearing escrow account maintained by the arrangement. Upon a final determination that the assessments are not preempted by the employee retirement income security act of 1974, as amended, 29 U.S.C. Sec. 1001 et seq., all funds in the interest bearing escrow account shall be transferred to the board;

(f) Issue policies of health coverage in accordance with the requirements of this chapter;

(g) Establish procedures for the administration of the premium discount provided under RCW 48.41.200(3)(a)(iii);

(h) Contract with the Washington state health care authority for the administration of the premium discounts provided under RCW 48.41.200(3)(a) (i) and (ii);

(i) Set a reasonable fee to be paid to an insurance producer licensed in Washington state for submitting an acceptable application for enrollment in the pool; and

(j) Provide certification to the commissioner when assessments will exceed the threshold level established in RCW 48.41.037.

(2) In addition thereto, the board may:

(a) Enter into contracts as are necessary or proper to carry out the provisions and purposes of this chapter including the authority, with the approval of the commissioner, to enter into contracts with similar pools of other states for the joint performance of common administrative functions, or with persons or other organizations for the performance of administrative functions;

(b) Sue or be sued, including taking any legal action as necessary to avoid the payment of improper claims against the pool or the coverage provided by or through the pool;

(c) Appoint appropriate legal, actuarial, and other committees as necessary to provide technical assistance in the operation of the pool, policy, and other contract design, and any other function within the authority of the pool; and

(d) Conduct periodic audits to assure the general accuracy of the financial data submitted to the pool, and the board shall cause the pool to have an annual audit of its operations by an independent certified public accountant.

(3) Nothing in this section shall be construed to require or authorize the adoption of rules under chapter 34.05 RCW.

Sec. 3. RCW 48.41.100 and 2007 c 259 s 30 are each amended to read as follows:

(1)(a) The following persons who are residents of this state are eligible for pool coverage:

~~((a))~~ (i) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

~~((b))~~ (ii) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

~~((c))~~ (iii) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool;

~~((d))~~ (iv) Any ~~((medicare eligible))~~ person ~~((upon providing))~~ become eligible for medicare before August 1, 2009, who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, ((or)) (D) a preexisting conditions limitation ((on a)), or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application; and

(v) Any person becoming eligible for medicare on or after August 1, 2009, who does not have access to a reasonable choice of comprehensive medicare part C plans, as defined in (b) of this subsection, and who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(b) For purposes of (a)(v) of this subsection (1), a person does not have access to a reasonable choice of plans unless the person has a choice of health maintenance organization or preferred provider organization medicare part C plans offered by at least three different carriers that have had provider networks in the person's county of residence for at least five years. The plan options must include coverage at least as comprehensive as a plan F medicare supplement plan combined with medicare parts A and B. The plan options must also provide access to adequate and stable provider networks that make up-to-date provider directories easily accessible on the carrier web site, and will provide them in hard copy, if requested. In addition, if no health maintenance organization or preferred provider organization plan includes the health care provider with whom the person has an established care relationship and from whom he or she has received treatment within the past twelve months, the person does not have reasonable access.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) ~~Inmates of public institutions and those persons ((whose benefits are duplicated under public programs)) who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010.~~ However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)~~((a))~~ ~~(a)(iv)~~ of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)~~((a))~~ ~~(a)(iii)~~ of this section in that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)~~((a))~~ ~~(a)(iii)~~ of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)~~((a))~~ ~~(a)(iii)~~ of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a)~~(i)~~, ~~((b))~~ ~~(ii)~~, or ~~((d))~~ ~~(iv)~~ of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)~~((b))~~ ~~(a)(ii)~~ of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicare enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

Sec. 4. RCW 48.41.100 and 2008 c 317 s 4 are each amended to read as follows:

(1)(a) The following persons who are residents of this state are eligible for pool coverage:

~~((a))~~ (i) Any person who provides evidence of a carrier's decision not to accept him or her for enrollment in an individual health benefit plan as defined in RCW 48.43.005 based upon, and within ninety days of the receipt of, the results of the standard health questionnaire designated by the board and administered by health carriers under RCW 48.43.018;

~~((b))~~ (ii) Any person who continues to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator pursuant to subsection (3) of this section;

~~((c))~~ (iii) Any person who resides in a county of the state where no carrier or insurer eligible under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool, and who makes direct application to the pool;

~~(and~~
~~(d) Any medicare eligible person upon providing))~~ (iv) Any person becoming eligible for medicare before August 1, 2009, who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, ~~((or))~~ (D) a preexisting conditions limitation ~~((or a))~~, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application; and

(v) Any person becoming eligible for medicare on or after August 1, 2009, who does not have access to a reasonable choice of comprehensive medicare part C plans, as defined in (b) of this subsection, and who provides evidence of (A) a rejection for medical reasons, (B) a requirement of restrictive riders, (C) an up-rated premium, (D) a preexisting conditions limitation, or (E) lack of access to or for a comprehensive medicare supplemental insurance policy under chapter 48.66 RCW, the effect of any of which is to substantially reduce coverage from that received by a person considered a standard risk by at least one member within six months of the date of application.

(b) For purposes of (a)(v) of this subsection (1), a person does not have access to a reasonable choice of plans unless the person has a choice of health maintenance organization or preferred provider organization medicare part C plans offered by at least three different carriers that have had provider networks in the person's county of residence for at least five years. The plan options must include coverage at least as comprehensive as a plan F medicare supplement plan combined with medicare parts A and B. The plan options must also provide access to adequate and stable provider networks that make up-to-date provider directories easily accessible on the carrier web site, and will provide them in hard copy, if requested. In addition, if no health maintenance organization or preferred provider organization plan includes the health care provider with whom the person has an established care relationship and from whom he or she has received treatment within the past twelve months, the person does not have reasonable access.

(2) The following persons are not eligible for coverage by the pool:

(a) Any person having terminated coverage in the pool unless (i) twelve months have lapsed since termination, or (ii) that person can show continuous other coverage which has been involuntarily terminated for any reason other than nonpayment of premiums. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(b) Any person on whose behalf the pool has paid out two million dollars in benefits;

(c) Inmates of public institutions, and those persons who become eligible for medical assistance after June 30, 2008, as defined in RCW 74.09.010. However, these exclusions do not apply to eligible individuals as defined in section 2741(b) of the federal health insurance portability and accountability act of 1996 (42 U.S.C. Sec. 300gg-41(b));

(d) Any person who resides in a county of the state where any carrier or insurer regulated under chapter 48.15 RCW offers to the public an individual health benefit plan other than a catastrophic health plan as defined in RCW 48.43.005 at the time of application to the pool and who does not qualify for pool coverage based upon the results of the standard health questionnaire, or pursuant to subsection (1)(~~(c))~~) (a)(iv) of this section.

(3) When a carrier or insurer regulated under chapter 48.15 RCW begins to offer an individual health benefit plan in a county where no carrier had been offering an individual health benefit plan:

(a) If the health benefit plan offered is other than a catastrophic health plan as defined in RCW 48.43.005, any person enrolled in a pool plan pursuant to subsection (1)(~~(c))~~) (a)(iii) of this section in

that county shall no longer be eligible for coverage under that plan pursuant to subsection (1)(~~(c))~~) (a)(iii) of this section, but may continue to be eligible for pool coverage based upon the results of the standard health questionnaire designated by the board and administered by the pool administrator. The pool administrator shall offer to administer the questionnaire to each person no longer eligible for coverage under subsection (1)(~~(c))~~) (a)(iii) of this section within thirty days of determining that he or she is no longer eligible;

(b) Losing eligibility for pool coverage under this subsection (3) does not affect a person's eligibility for pool coverage under subsection (1)(a)(i), ~~((b))~~ (ii), or ~~((c))~~ (iv) of this section; and

(c) The pool administrator shall provide written notice to any person who is no longer eligible for coverage under a pool plan under this subsection (3) within thirty days of the administrator's determination that the person is no longer eligible. The notice shall: (i) Indicate that coverage under the plan will cease ninety days from the date that the notice is dated; (ii) describe any other coverage options, either in or outside of the pool, available to the person; (iii) describe the procedures for the administration of the standard health questionnaire to determine the person's continued eligibility for coverage under subsection (1)(~~(b))~~) (a)(ii) of this section; and (iv) describe the enrollment process for the available options outside of the pool.

(4) The board shall ensure that an independent analysis of the eligibility standards for the pool coverage is conducted, including examining the eight percent eligibility threshold, eligibility for medicaid enrollees and other publicly sponsored enrollees, and the impacts on the pool and the state budget. The board shall report the findings to the legislature by December 1, 2007.

NEW SECTION. Sec. 5. The board of the Washington state health insurance pool shall conduct a study of options for equitable, stable, and broad-based funding sources for the operation of the pool. The board is authorized to solicit funds to conduct the study. The board shall report its findings and recommendations to the appropriate committees of the senate and house of representatives by December 15, 2009.

NEW SECTION. Sec. 6. Section 3 of this act takes effect if section 4, chapter 317, Laws of 2008 is null and void on the effective date of this act; otherwise section 3 of this act is null and void.

NEW SECTION. Sec. 7. Section 4 of this act takes effect if section 4, chapter 317, Laws of 2008 is in effect on the effective date of this act; otherwise section 4 of this act is null and void."

Correct the title.

Representative Cody spoke in favor of the adoption of the amendment.

Amendment (877) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5777, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5777, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert,

Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby and Morris.

SUBSTITUTE SENATE BILL NO. 5777, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5321 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

MOTION

Representative Hunter moved that the House recede from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5321.

Representative Hunter spoke in favor of the motion to recede.

Representative Orcutt spoke against the motion to recede.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion that the House recede from its amendment to Engrossed Substitute Senate Bill No. 5321.

ROLL CALL

The Clerk called the roll on the motion that the House recede from its amendment to Engrossed Substitute Senate Bill No. 5321 and the motion was adopted by the following vote: Yeas: 55; Nays: 40; Absent: 0; Excused: 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Armstrong, Kirby and Morris.

The House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5321. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Kline, Pflug, Berkey, Shin, Hobbs, McAuliffe, Tom, Keiser, Jarrett and Kauffman)

Extending a local sales and use tax that is credited against the state sales and use tax.

With the consent of the House, amendment (879) was withdrawn.

Representative Hunter moved the adoption of amendment (880):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.415 and 2006 c 361 s 1 are each amended to read as follows:

(1) The legislative authority of any city (~~with a population less than four hundred thousand and which~~) that is located in a county with a population greater than six hundred thousand that annexes an area consistent with its comprehensive plan required by chapter 36.70A RCW, may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the city. The tax may only be imposed by a city if:

(a) The city has commenced annexation of an area (~~under chapter 35.13 or 35A.14 RCW~~) having a population of at least ten thousand people, or four thousand in the case of a city described under subsection (3)(a)(i) of this section, prior to January 1, (~~2010~~) 2015; and

(b) The city legislative authority determines by resolution or ordinance that the projected cost to provide municipal services to the annexation area exceeds the projected general revenue that the city would otherwise receive from the annexation area on an annual basis.

(2) The tax authorized under this section is a credit against the state tax under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the city at no cost to the city and shall remit the tax to the city as provided in RCW 82.14.060.

(3)(a) ~~Except as provided in (b) of this subsection, the maximum rate of tax any city may impose under this section ((shall be 0.2 percent for the total number of annexed areas the city may annex. The rate of the tax imposed under this section)) is:~~

~~(i) 0.1 percent for each annexed area in which the population ((that)) is greater than ten thousand and less than twenty thousand. ((The rate of the tax imposed under this section shall be)) The ten thousand population threshold in this subsection (3)(a)(i) is four thousand for a city with a population between one hundred fifteen thousand and one hundred forty thousand and located within a county with a population over one million five hundred thousand; and~~

(ii) 0.2 percent for an annexed area in which the population is greater than twenty thousand.

~~(b) Beginning July 1, 2011, the maximum rate of tax imposed under this section is 0.85 percent for an annexed area in which the population is greater than eighteen thousand if the annexed area was, prior to November 1, 2008, officially designated as a potential annexation area by more than one city, one of which has a population greater than four hundred thousand.~~

~~(4)(a) Except as provided in (b) of this subsection, the maximum cumulative rate of tax a city may impose under subsection (3)(a) of this section is 0.2 percent for the total number of annexed areas the city may annex.~~

~~(b) The maximum cumulative rate of tax a city may impose under subsection (3)(a) of this section is 0.3 percent, beginning July 1, 2011, if the city commenced annexation of an area, prior to January 1, 2010, that would have otherwise allowed the city to increase the rate of tax imposed under this section absent the rate limit imposed in (a) of this subsection.~~

~~(c) The maximum cumulative rate of tax a city may impose under subsection (3)(b) of this section is 0.85 percent for the single annexed area the city may annex and the amount of tax distributed to~~

a city under subsection (3)(b) of this section shall not exceed five million dollars per fiscal year.

~~((5))~~ (5) The tax imposed by this section shall only be imposed at the beginning of a fiscal year and shall continue for no more than ten years from the date that each increment of the tax is first imposed. Tax rate increases due to additional annexed areas shall be effective on July 1st of the fiscal year following the fiscal year in which the annexation occurred, provided that notice is given to the department as set forth in subsection ~~((8))~~ (9) of this section.

~~((5))~~ (6) All revenue collected under this section shall be used solely to provide, maintain, and operate municipal services for the annexation area.

~~((6))~~ (7) The revenues from the tax authorized in this section may not exceed that which the city deems necessary to generate revenue equal to the difference between the city's cost to provide, maintain, and operate municipal services for the annexation area and the general revenues that the cities would otherwise expect to receive from the annexation during a year. If the revenues from the tax authorized in this section and the revenues from the annexation area exceed the costs to the city to provide, maintain, and operate municipal services for the annexation area during a given year, the city shall notify the department and the tax distributions authorized in this section shall be suspended for the remainder of the year.

~~((7))~~ (8) No tax may be imposed under this section before July 1, 2007. Before imposing a tax under this section, the legislative authority of a city shall adopt an ordinance that includes the following:

(a) A certification that the amount needed to provide municipal services to the annexed area reflects the city's true and actual costs;

(b) The rate of tax under this section that shall be imposed within the city; and

~~((b))~~ (c) The threshold amount for the first fiscal year following the annexation and passage of the ordinance.

~~((8))~~ (9) The tax shall cease to be distributed to the city for the remainder of the fiscal year once the threshold amount has been reached. No later than March 1st of each year, the city shall provide the department with a certification of the city's true and actual costs to provide municipal services to the annexed area, a new threshold amount for the next fiscal year, and notice of any applicable tax rate changes. Distributions of tax under this section shall begin again on July 1st of the next fiscal year and continue until the new threshold amount has been reached or June 30th, whichever is sooner. Any revenue generated by the tax in excess of the threshold amount shall belong to the state of Washington. Any amount resulting from the threshold amount less the total fiscal year distributions, as of June 30th, shall not be carried forward to the next fiscal year.

(10) The tax shall cease to be distributed to a city imposing the tax under subsection (3)(b) of this section for the remainder of the fiscal year, if the total distributions to the city imposing the tax exceed five million dollars for the fiscal year.

~~((9))~~ (11) The following definitions apply throughout this section unless the context clearly requires otherwise:

(a) "Annexation area" means an area that has been annexed to a city under chapter 35.13 or 35A.14 RCW. "Annexation area" includes all territory described in the city resolution.

(b) "Commenced annexation" means the initiation of annexation proceedings has taken place under the direct petition method or the election method under chapter 35.13 or 35A.14 RCW.

(c) "Department" means the department of revenue.

~~((c))~~ (d) "Municipal services" means those services customarily provided to the public by city government.

~~((d))~~ (e) "Fiscal year" means the year beginning July 1st and ending the following June 30th.

(f) "Potential annexation area" means one or more geographic areas that a city has officially designated for potential future annexation, as part of its comprehensive plan adoption process under the state growth management act, chapter 36.70A RCW.

~~((e))~~ (g) "Threshold amount" means the maximum amount of tax distributions as determined by the city in accordance with subsection ~~((6))~~ (7) of this section that the department shall distribute to the city generated from the tax imposed under this section in a fiscal year.

Sec. 2. RCW 9.46.295 and 1974 ex.s. c 155 s 6 are each amended to read as follows:

(1) Any license to engage in any of the gambling activities authorized by this chapter as now exists or as hereafter amended, and issued under the authority thereof shall be legal authority to engage in the gambling activities for which issued throughout the incorporated and unincorporated area of any county, except that a city located therein with respect to that city, or a county with respect to all areas within that county except for such cities, may absolutely prohibit, but may not change the scope of license, any or all of the gambling activities for which the license was issued.

(2) A city or town with a prohibition on house-banked social card game licenses that annexes an area that is within a city, town, or county that permits house-banked social card games may allow a house-banked social card game business that was licensed by the commission as of the effective date of this act to continue operating if the city or town is authorized to impose a tax under RCW 82.14.415 and can demonstrate that the continuation of the house-banked social card game business will reduce the credit against the state sales and use tax as provided in RCW 82.14.415(7). A city or town that allows a house-banked social card game business in an annexed area to continue operating is not required to allow additional house-banked social card game businesses."

Correct the title.

Representative Hunter spoke in favor of the adoption of the amendment.

Representative Orcutt spoke against the adoption of the amendment.

Amendment (880) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter and Maxwell spoke in favor of the passage of the bill.

Representatives Orcutt and Angel spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5321, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5321, as amended by the House, and the bill passed the House by the following vote: Yeas, 54; Nays, 41; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Uptegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeyer, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Roach, Rodne, Rolfs, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Wamick.

Excused: Representatives Armstrong, Kirby and Morris.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5913 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendments to SUBSTITUTE SENATE BILL NO. 5913 and asked the Senate to concur therein.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5470, by Senators Stevens, Carrell, Parlette, Swecker, McCaslin, Hewitt, Schoesler, King, Holmquist, Pflug, Roach, Delvin and Benton

Providing sales and use tax exemptions for senior residents of qualified low-income senior housing facilities.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hasegawa and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 5470.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5470 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby and Morris.

SENATE BILL NO. 5470, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6169, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Enhancing tax collection tools for the department of revenue in order to promote fairness and administrative efficiency.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks, Hasegawa and Darneille spoke in favor of the passage of the bill.

Representatives Orcutt and Condotta spoke against the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6169.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6169 and the bill passed the House by the following vote: Yeas, 52; Nays, 43; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Armstrong, Kirby and Morris.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6169, having received the necessary constitutional majority, was declared passed.

There being no objection, the House advanced to the seventh order of business.

POINT OF PERSONAL PRIVILEGE

Representative DeBolt: "Mr. Speaker, as you know, one of our members, Representative Mike Armstrong went to the hospital yesterday. I wanted to update everyone. Mike is out of his procedure. It went well. The doctors did put a stent in and he is now in recovery. Mary Armstrong is at the hospital with him."

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1555 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 18.27 RCW to read as follows:

A contractor must maintain and have available for inspection by the department a list of all direct subcontractors and a copy of their certificate of registration.

NEW SECTION. Sec. 2. A new section is added to chapter 35.21 RCW to read as follows:

A city that issues a business license to a person required to be registered under chapter 18.27 RCW may verify that the person is registered under chapter 18.27 RCW and report violations to the department of labor and industries. The department of licensing shall conduct the verification for cities that participate in the master license system.

NEW SECTION. Sec. 3. A new section is added to chapter 35A.21 RCW to read as follows:

A city that issues a business license to a person required to be registered under chapter 18.27 RCW may verify that the person is registered under chapter 18.27 RCW and report violations to the department of labor and industries. The department of licensing shall conduct the verification for cities that participate in the master license system.

NEW SECTION. Sec. 4. A new section is added to chapter 36.01 RCW to read as follows:

A county that issues a business license to a person required to be registered under chapter 18.27 RCW may verify that the person is registered under chapter 18.27 RCW and report violations to the department of labor and industries.

Sec. 5. RCW 60.28.011 and 2007 c 494 s 504 and 2007 c 218 s 92 are each reenacted and amended to read as follows:

(1) Public improvement contracts shall provide, and public bodies shall reserve, a contract retainage not to exceed five percent of the moneys earned by the contractor as a trust fund for the protection and payment of: (a) The claims of any person arising under the contract; and (b) the state with respect to taxes imposed pursuant to Titles 50, 51, and 82 RCW which may be due from such contractor.

(2) Every person performing labor or furnishing supplies toward the completion of a public improvement contract shall have a lien upon moneys reserved by a public body under the provisions of a public improvement contract. However, the notice of the lien of the claimant shall be given within forty-five days of completion of the contract work, and in the manner provided in RCW 39.08.030.

(3) The contractor at any time may request the contract retainage be reduced to one hundred percent of the value of the work remaining on the project.

(a) After completion of all contract work other than landscaping, the contractor may request that the public body release and pay in full the amounts retained during the performance of the contract, and sixty days thereafter the public body must release and pay in full the amounts retained (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of chapters 39.12 and 60.28 RCW.

(b) Sixty days after completion of all contract work the public body must release and pay in full the amounts retained during the performance of the contract subject to the provisions of chapters 39.12 and 60.28 RCW.

(4) The moneys reserved by a public body under the provisions of a public improvement contract, at the option of the contractor, shall be:

(a) Retained in a fund by the public body;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association. Interest on moneys reserved by a public body under the provision of a public improvement contract shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body. When the moneys reserved are placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. This check shall be converted into bonds and securities chosen by the contractor and approved by the public body and the bonds and securities shall be held in escrow. Interest on the bonds and securities shall be paid to the contractor as the interest accrues.

(5) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(6) A contractor may submit a bond for all or any portion of the contract retainage in a form acceptable to the public body and from a bonding company meeting standards established by the public body. The public body shall accept a bond meeting these requirements unless the public body can demonstrate good cause for

refusing to accept it. This bond and any proceeds therefrom are subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(7) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in this case any amounts retained and accumulated under this section shall be held for a period of sixty days following the completion. In the event that the work is terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter are exclusive and shall supersede all provisions and regulations in conflict herewith.

(8) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, sixty days after completion of all contract work on each ferry vessel, the department must release and pay in full the amounts retained in connection with the construction of the vessel subject to the provisions of RCW 60.28.020 and chapter 39.12 RCW. However, the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on the ferry after a period of sixty days following completion of the ferry; and if taxes are certified or claims filed, recovery may be had on the bond by the department of revenue, the employment security department, the department of labor and industries, and the material suppliers and laborers filing claims.

(9) Except as provided in subsection (1) of this section, reservation by a public body for any purpose from the moneys earned by a contractor by fulfilling its responsibilities under public improvement contracts is prohibited.

(10) Contracts on projects funded in whole or in part by farmers home administration and subject to farmers home administration regulations are not subject to subsections (1) through (9) of this section.

(11) This subsection applies only to a public body that has contracted for the construction of a facility using the general contractor/construction manager procedure, as defined under RCW 39.10.210. If the work performed by a subcontractor on the project has been completed within the first half of the time provided in the general contractor/construction manager contract for completing the work, the public body may accept the completion of the subcontract. The public body must give public notice of this acceptance. After a forty-five day period for giving notice of liens, and compliance with the retainage release procedures in RCW 60.28.021, the public body may release that portion of the retained funds associated with the subcontract. Claims against the retained funds after the forty-five day period are not valid.

(12) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) "Contract retainage" means an amount reserved by a public body from the moneys earned by a person under a public improvement contract.

(b) "Person" means a person or persons, mechanic, subcontractor, or material person who performs labor or provides

materials for a public improvement contract, and any other person who supplies the person with provisions or supplies for the carrying on of a public improvement contract.

(c) "Public body" means the state, or a county, city, town, district, board, or other public body.

(d) "Public improvement contract" means a contract for public improvements or work, other than for professional services, or a work order as defined in RCW 39.10.210.

Sec. 6. RCW 60.28.021 and 2007 c 218 s 94 are each amended to read as follows:

After the expiration of the forty-five day period for giving notice of lien provided in RCW 60.28.011(2), and after receipt of the ~~((department of revenue's))~~ certificates of the department of revenue, the employment security department, and the department of labor and industries, and the public body is satisfied that the taxes certified as due or to become due by the department of revenue, the employment security department, and the department of labor and industries are discharged, and the claims of material suppliers and laborers who have filed their claims, together with a sum sufficient to defray the cost of foreclosing the liens of such claims, and to pay attorneys' fees, have been paid, the public body may withhold from the remaining retained amounts for claims the public body may have against the contractor and shall pay the balance, if any, to the contractor the fund retained by it or release to the contractor the securities and bonds held in escrow.

If such taxes have not been discharged or the claims, expenses, and fees have not been paid, the public body shall either retain in its fund, or in an interest bearing account, or retain in escrow, at the option of the contractor, an amount equal to such unpaid taxes and unpaid claims together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and shall pay, or release from escrow, the remainder to the contractor.

Sec. 7. RCW 60.28.040 and 1985 c 80 s 1 are each amended to read as follows:

(1) Subject to subsection (5) of this section, the amount of all taxes, increases, and penalties due or to become due under Title 82 RCW, from a contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is twenty thousand dollars or more, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract~~((, except that)).~~

(2) Subject to subsection (5) of this section, after payment of all taxes, increases, and penalties due or to become due under Title 82 RCW, from a contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is twenty thousand dollars or more, the amount of all other taxes, increases, and penalties under Title 82 RCW, due and owing from the contractor, shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.

(3) Subject to subsection (5) of this section, after payment of all taxes, increases, and penalties due or to become due under Title 82 RCW, the amount of all taxes, increases, and penalties due or to become due under Titles 50 and 51 RCW from the contractor or the contractor's successors or assignees with respect to a public improvement contract wherein the contract price is twenty thousand dollars or more shall be a lien prior to all other liens upon the amount of the retained percentage withheld by the disbursing officer under such contract.

(4) Subject to subsection (5) of this section, the amount of all other taxes, increases, and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.

(5) The employees of a contractor or the contractor's successors or assignees who have not been paid the prevailing wage under such a public improvement contract shall have a first priority lien against the bond or retainage prior to all other liens. ~~((The amount of all other taxes, increases and penalties due and owing from the contractor shall be a lien upon the balance of such retained percentage remaining in the possession of the disbursing officer after all other statutory lien claims have been paid.))~~

Sec. 8. RCW 60.28.051 and 2007 c 210 s 2 are each amended to read as follows:

Upon completion of a contract, the state, county, or other municipal officer charged with the duty of disbursing or authorizing disbursement or payment of such contracts shall forthwith notify the department of revenue, the employment security department, and the department of labor and industries of the completion of contracts over thirty-five thousand dollars. Such officer shall not make any payment from the retained percentage fund or release any retained percentage escrow account to any person, until he or she has received from the department of revenue ~~((a)),~~ the employment security department, and the department of labor and industries certificates that all taxes, increases, and penalties due from the contractor, and all taxes due and to become due with respect to such contract have been paid in full or that they are, in ~~((the))~~ each department's opinion, readily collectible without recourse to the state's lien on the retained percentage.

Sec. 9. RCW 60.28.060 and 1967 ex.s. c 26 s 25 are each amended to read as follows:

If within thirty days after receipt of notice by the department of revenue, the employment security department, and the department of labor and industries of the completion of the contract, the amount of all taxes, increases and penalties due from the contractor or any of his successors or assignees or to become due with respect to such contract have not been paid, the department of revenue, the employment security department, and the department of labor and industries may certify to the disbursing officer the amount of all taxes, increases and penalties due from the contractor, together with the amount of all taxes due and to become due with respect to the contract and may request payment thereof ~~((to the department of revenue))~~ in accordance with the priority provided by this chapter. The disbursing officer shall within ten days after receipt of such certificate and request pay to the department of revenue, the employment security department, and the department of labor and industries the amount of all taxes, increases and penalties certified to be due or to become due ~~((with respect to the particular contract, and, after payment of))~~ and all claims which by statute are a lien upon the retained percentage withheld by the disbursing officer~~((, shall pay to the department of revenue the balance, if any, or so much thereof as shall be necessary to satisfy the claim of the department of revenue for the balance of all taxes, increases or penalties shown to be due by the certificate of the department of revenue))~~ in accordance with the priority provided by this chapter. If the contractor owes no taxes imposed pursuant to Titles 50, 51, and 82 RCW, the department of revenue, the employment security department, and the department of labor and industries shall so certify to the disbursing officer.

NEW SECTION. Sec. 10. A new section is added to chapter 51.04 RCW to read as follows:

The department shall conduct education and outreach to employers on workers' compensation requirements and premium responsibilities, including independent contractor issues. The department shall work with new employers on an individual basis and also establish mass education campaigns.

Sec. 11. RCW 50.12.070 and 2008 c 120 s 7 are each amended to read as follows:

(1)(a) Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe. Such records shall be open to inspection and be subject to being copied by the commissioner or his or her authorized representatives at any reasonable time and as often as may be necessary. The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he or she deems necessary for the effective administration of this title.

(b) An employer who contracts with another person or entity for work subject to chapter 18.27 or 19.28 RCW shall obtain and preserve a record of the unified business identifier account number for and compensation paid to the person or entity performing the work. In addition to the penalty in subsection (3) of this section, failure to obtain or maintain the record is subject to RCW 39.06.010 ~~((and to a penalty determined by the commissioner, but not to exceed two hundred fifty dollars, to be collected as provided in RCW 50.24.120)).~~

(2)(a) Each employer shall register with the department and obtain an employment security account number. Registration must include the names and social security numbers of the owners, partners, members, or corporate officers of the business, as well as their mailing addresses and telephone numbers and other information the commissioner may by rule prescribe. Registration of corporations must also include the percentage of stock ownership for each corporate officer, delineated by zero percent, less than ten percent, or ten percent or more. Any changes in the owners, partners, members, or corporate officers of the business, and changes in percentage of ownership of the outstanding shares of stock of the corporation, must be reported to the department at intervals prescribed by the commissioner under (b) of this subsection.

(b) Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the full names and social security numbers of all such workers, and the total hours worked by each worker and such other information as the commissioner may by regulation prescribe.

(c) If the employing unit fails or has failed to report the number of hours in a reporting period for which a worker worked, such number will be computed by the commissioner and given the same force and effect as if it had been reported by the employing unit. In computing the number of such hours worked, the total wages for the reporting period, as reported by the employing unit, shall be divided by the dollar amount of the state's minimum wage in effect for such reporting period and the quotient, disregarding any remainder, shall be credited to the worker: PROVIDED, That although the computation so made will not be subject to appeal by the employing unit, monetary entitlement may be redetermined upon request if the department is provided with credible evidence of the actual hours worked. Benefits paid using computed hours are not considered an overpayment and are not subject to collections when the correction of computed hours results in an invalid or reduced claim; however:

(i) A contribution paying employer who fails to report the number of hours worked will have its experience rating account charged for all benefits paid that are based on hours computed under this subsection; and

(ii) An employer who reimburses the trust fund for benefits paid to workers and fails to report the number of hours worked shall reimburse the trust fund for all benefits paid that are based on hours computed under this subsection.

(3) Any employer who fails to keep and preserve records required by this section shall be subject to a penalty determined by the commissioner but not to exceed two hundred fifty dollars or two hundred percent of the quarterly tax for each offense, whichever is greater.

Sec. 12. 2008 c 120 s 10 (uncodified) is amended to read as follows:

(1) The joint legislative task force on the underground economy (~~(in the Washington state construction industry)~~) is established. For purposes of this section, "underground economy" means (~~(contracting and construction)~~) business activities in which payroll is unreported or underreported with consequent nonpayment of payroll taxes to federal and state agencies including nonpayment of workers' compensation and unemployment compensation taxes.

(2) The purpose of the task force is to formulate a state policy to establish cohesion and transparency between state agencies so as to increase the oversight and regulation of the underground economy practices (~~(in the construction industry)~~) in this state. To assist the task force in achieving this goal and to determine the extent of and projected costs to the state and workers of the underground economy (~~(in the construction industry)~~), the task force shall contract with the institute for public policy, or, if the institute is unavailable, another entity with expertise capable of providing such assistance.

(3)(a) The task force shall consist of the following members:

(i) The chair and ranking minority member of the senate labor, commerce, research and development committee;

(ii) The chair and ranking minority member of the house of representatives commerce and labor committee;

(iii) Four members representing (~~(the construction)~~) business interests, selected from nominations submitted by statewide (~~(construction)~~) business organizations and appointed jointly by the

president of the senate and the speaker of the house of representatives;

(iv) Four members representing (~~(construction laborers)~~) labor interests, selected from nominations submitted by statewide labor organizations and appointed jointly by the president of the senate and the speaker of the house of representatives;

(v) One member representing cities, appointed by an association of cities;

(vi) One member representing counties, appointed by an association of counties.

(b) In addition, the employment security department, the department of labor and industries, and the department of revenue shall cooperate with the task force and shall each maintain a liaison representative, who is a nonvoting member of the task force. The departments shall cooperate with the task force and the institute for public policy, or other entity as appropriate, and shall provide information and data as the task force or the institute, or other entity as appropriate, may reasonably request.

(c) The task force shall choose its chair or cochairs from among its legislative membership. The chairs of the senate labor, commerce, research and development committee and the house of representatives commerce and labor committee shall convene the initial meeting of the task force.

(4) In conducting its study in 2009, the task force may consider:

(a) Issues previously discussed by the joint legislative task force on the underground economy in the construction industry and whether these issues need to be addressed in nonconstruction industries;

(b) The role of local governments in monitoring the underground economy;

(c) The need to establish additional benchmarks and measures for purposes of section 13 of this act;

(d) Such other items the task force deems necessary.

(5)(a) The task force shall use legislative facilities and staff support shall be provided by senate committee services and the house of representatives office of program research. Within available funding, the task force may hire additional staff with specific technical expertise if such expertise is necessary to carry out the mandates of this study.

(b) Legislative members of the task force shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The expenses of the task force will be paid jointly by the senate and house of representatives. Task force expenditures are subject to approval by the senate facilities and operations committee and the house of representatives executive rules committee, or their successor committees.

~~((5))~~ (6) The task force shall report its (~~(preliminary)~~) findings and recommendations to the legislature by (~~(January 1, 2008, and submit a final report to the legislature by)~~) December (~~(31, 2008)~~) 1, 2009.

~~((6))~~ (7) This section expires (~~(July 1,)~~) December 15, 2009.

NEW SECTION. Sec. 13. The department of labor and industries, the employment security department, and the department of revenue shall coordinate and report to the appropriate committees of the legislature by December 1st of each year on the effectiveness of efforts implemented since July 1, 2008, to address the underground economy. The agencies shall use benchmarks and measures established by the institute for public policy and other measures it determines appropriate.

NEW SECTION. Sec. 14. Section 11 of this act takes effect October 1, 2009."

On page 1, line 2 of the title, after "industry;" strike the remainder of the title and insert "amending RCW 60.28.021, 60.28.040, 60.28.051, 60.28.060, and 50.12.070; amending 2008 c 120 s 10 (uncodified); reenacting and amending RCW 60.28.011; adding a new section to chapter 18.27 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding a new section to chapter 51.04 RCW; creating a new section; prescribing penalties; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1555 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Conway and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1555, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1555, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 1; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Anderson.

Excused: Representatives Armstrong and Kirby.

SUBSTITUTE HOUSE BILL NO. 1555, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 16, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2299 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 35.57.010 and 2007 c 486 s 1 are each amended to read as follows:

(1)(a) The legislative authority of any town or city located in a county with a population of less than one million may create a public facilities district.

(b) The legislative authorities of any contiguous group of towns or cities located in a county or counties each with a population of less than one million may enter an agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(c) The legislative authority of any town or city, or any contiguous group of towns or cities, located in a county with a population of less than one million and the legislative authority of a contiguous county, or the legislative authority of the county or counties in which the towns or cities are located, may enter into an

agreement under chapter 39.34 RCW for the creation and joint operation of a public facilities district.

(d) The legislative authority of a city located in a county with a population greater than one million may create a public facilities district, when the city has a total population of less than one hundred fifteen thousand but greater than eighty thousand and commences construction of a regional center prior to July 1, 2008.

(e) At least two legislative authorities, one or more of which previously created a public facilities district or districts under (b) or (c) of this subsection, may create an additional public facilities district notwithstanding the fact that one or more of those towns or cities, with or without a county or counties, previously have created one or more public facilities districts within the geographic boundaries of the additional public facilities district. Those existing districts may continue their full corporate existence and activities notwithstanding the creation and existence of the additional district within all or part of the same geographic area. Additional public facilities districts formed under this subsection may be comprised of a maximum of three contiguous towns or cities separately or in combination with a maximum of two contiguous counties.

(2)(a) A public facilities district shall be coextensive with the boundaries of the city or town or contiguous group of cities or towns that created the district.

(b) A public facilities district created by an agreement between a town or city, or a contiguous group of towns or cities, and a contiguous county or the county in which they are located, shall be coextensive with the boundaries of the towns or cities, and the boundaries of the county or counties as to the unincorporated areas of the county or counties. The boundaries shall not include incorporated towns or cities that are not parties to the agreement for the creation and joint operation of the district.

(3)(a) A public facilities district created by a single city or town shall be governed by a board of directors consisting of five members selected as follows: (i) Two members appointed by the legislative authority of the city or town; and (ii) three members appointed by legislative authority based on recommendations from local organizations. The members appointed under (a)(i) of this subsection, shall not be members of the legislative authority of the city or town. The members appointed under (a)(ii) of this subsection, shall be based on recommendations received from local organizations that may include, but are not limited to the local chamber of commerce, local economic development council, and local labor council. The members shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(b) A public facilities district created by a contiguous group of cities and towns shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities and towns; and (ii) four members appointed by the legislative ~~((authority))~~ authorities of the cities and towns based on recommendations from local organizations. The members appointed under (b)(i) of this subsection shall not be members of the legislative authorities of the cities and towns. The members appointed under (b)(ii) of this subsection, shall be based on recommendations received from local organizations that include, but are not limited to the local chamber of commerce, local economic development council, local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(c) A public facilities district created by a town or city, or a contiguous group of towns or cities, and a contiguous county or the county or counties in which they are located, shall be governed by a board of directors consisting of seven members selected as follows: (i) Three members appointed by the legislative authorities of the cities, towns, and county; and (ii) four members appointed by the legislative ~~((authority))~~ authorities of the cities, towns, and county

based on recommendations from local organizations. The members appointed under (c)(i) of this subsection shall not be members of the legislative authorities of the cities, towns, or county. The members appointed under (c)(ii) of this subsection shall be based on recommendations received from local organizations that include, but are not limited to, the local chamber of commerce, the local economic development council, the local labor council, and a neighborhood organization that is directly affected by the location of the regional center in their area. The members of the board of directors shall be appointed in accordance with the terms of the agreement under chapter 39.34 RCW for the joint operation of the district and shall serve four-year terms. Of the initial members, one must be appointed for a one-year term, one must be appointed for a two-year term, one must be appointed for a three-year term, and the remainder must be appointed for four-year terms.

(d)(i) A public facilities district created under subsection (1)(e) of this section may provide, in the agreement providing for its creation and operation, that the district must be governed by a board of directors appointed under (b) or (c) of this subsection, or by a board of directors of not more than nine members who are also members of the legislative authorities that created the public facilities district or of the governing boards of the public facilities district or districts, or both, previously created by those legislative authorities.

(ii) A board of directors formed under this subsection must have an equal number of members representing each city, town, or county participating in the public facilities district. If a public facilities district is created by an even number of legislative authorities, the members representing or appointed by those legislative authorities shall appoint an additional board member. For a board formed under this subsection to approve a proposition, the proposition must be approved by a majority of the members representing or appointed by each legislative authority participating in the public facilities district.

(4) A public facilities district is a municipal corporation, an independent taxing "authority" within the meaning of Article VII, section 1 of the state Constitution, and a "taxing district" within the meaning of Article VII, section 2 of the state Constitution.

(5) A public facilities district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by statute, including, but not limited to, the authority to hire employees, staff, and services, to enter into contracts, and to sue and be sued.

(6) A public facilities district may acquire and transfer real and personal property by lease, sublease, purchase, or sale. No direct or collateral attack on any public facilities district purported to be authorized or created in conformance with this chapter may be commenced more than thirty days after creation by the city and/or county legislative authority.

Sec. 2. RCW 35.57.020 and 2002 c 363 s 2 and 2002 c 218 s 25 are each reenacted and amended to read as follows:

(1)(a) Except for a public facilities district created under RCW 35.57.010(1)(e), a public facilities district is authorized to acquire, construct, own, remodel, maintain, equip, reequip, repair, finance, and operate one or more regional centers. For purposes of this chapter, "regional center" means a convention, conference, or special events center, or any combination of facilities, and related parking facilities, serving a regional population constructed, improved, or rehabilitated after July 25, 1999, at a cost of at least ten million dollars, including debt service. "Regional center" also includes an existing convention, conference, or special events center, and related parking facilities, serving a regional population, that is improved or rehabilitated after July 25, 1999, where the costs of improvement or rehabilitation are at least ten million dollars, including debt service. A "special events center" is a facility, available to the public, used for community events, sporting events, trade shows, and artistic, musical, theatrical, or other cultural exhibitions, presentations, or performances. A regional center is conclusively presumed to serve a regional population if state and local government investment in the construction, improvement, or rehabilitation of the regional center is equal to or greater than ten million dollars.

(b) A public facilities district created under RCW 35.57.010(1)(e) is authorized to acquire, construct, own, remodel,

maintain, equip, reequip, repair, finance, and operate one or more recreational facilities other than a ski area.

(2) A public facilities district may enter into contracts with any city or town for the purpose of exercising any powers of a community renewal agency under chapter 35.81 RCW.

(3) A public facilities district may impose charges and fees for the use of its facilities, and may accept and expend or use gifts, grants, and donations for the purpose of a regional center.

(4) A public facilities district may impose charges, fees, and taxes authorized in RCW 35.57.040, and use revenues derived therefrom for the purpose of paying principal and interest payments on bonds issued by the public facilities district to construct a regional center.

(5) Notwithstanding the establishment of a career, civil, or merit service system, a public facilities district may contract with a public or private entity for the operation or management of its public facilities.

(6) A public facilities district is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center.

(7) A city or town in conjunction with any special agency, authority, or other district established by a county or any other governmental agency is authorized to use the supplemental alternative public works contracting procedures set forth in chapter 39.10 RCW in connection with the design, construction, reconstruction, remodel, or alteration of any regional center funded in whole or in part by a public facilities district.

Sec. 3. RCW 82.14.048 and 2008 c 86 s 103 are each amended to read as follows:

(1) The governing board of a public facilities district under chapter 36.100 or 35.57 RCW may submit an authorizing proposition to the voters of the district, and if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the public facilities district. The rate of tax shall not exceed two-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. A public facilities district formed under RCW 35.57.010(1)(e) may not impose the tax authorized under this subsection at a rate that exceeds two-tenths of one percent minus the rate of the highest tax authorized by this subsection that is imposed by any other public facilities district within its boundaries. If a public facilities district formed under RCW 35.57.010(1)(e) has imposed a tax under this subsection and issued or incurred obligations pledging that tax, so long as those obligations are outstanding no other public facilities district within its boundaries may thereafter impose a tax under this subsection at a rate that would reduce the rate of the tax that was pledged to the repayment of those obligations. A public facilities district that imposes a tax under this subsection is responsible for the payment of any costs incurred for the purpose of administering the provisions of this subsection, RCW 35.57.010(1)(e), and 35.57.020(1)(b), including any administrative costs associated with the imposition of a tax under this subsection incurred by either the department of revenue or local government, or both.

(3) Moneys received from any tax imposed under the authority of this section shall be used for the purpose of providing funds for the costs associated with the financing, design, acquisition, construction, equipping, operating, maintaining, remodeling, repairing, and reequipping of its public facilities.

Sec. 4. RCW 36.100.180 and 1995 c 396 s 15 are each amended to read as follows:

(1) The public facilities district may secure services by means of an agreement with a service provider. The public facilities district shall publish notice, establish criteria, receive and evaluate proposals, and negotiate with respondents under requirements set forth by district resolution.

(2) For personal service contracts of one hundred fifty thousand dollars or greater not otherwise governed by chapter 39.80 RCW, contracts for architectural and engineering services, a competitive solicitation process is required. The district shall establish the process by resolution, which must at a minimum include the following:

(a) Notice. A notice inviting statements of either qualifications or proposals, or both, from interested parties must be published in a newspaper of general circulation throughout the county in which the district is located at least ten days before the date for submitting the statements of qualifications or proposals.

(b) Description of services required. The request for statements of either qualifications or proposals, or both published or provided to interested parties must describe the services required and list the types of information and data required of each proposal. It may also describe the evaluation criteria and state the relative importance of the criteria if then available.

(c) Review and evaluation. The district shall establish a process to review and evaluate statements of either qualifications or proposals, or both. That process may include a selection board identified by the district or some other panel of evaluators. If appropriate, the reviewers may hear oral presentations by proposers.

(d) Selection. The evaluators shall select and rank the most qualified proposers. In selecting and ranking such proposers, the selection board shall consider the evaluation criteria established by the district and may consider such other information as may be secured during the evaluation process related to a proposer's qualifications and experience.

(e) Negotiations. The district shall enter into contract negotiations with the top-ranked proposer or proposers identified in the selection process. Negotiations may be conducted concurrently or sequentially as may be allowed by law.

(f) Approval. When negotiations are complete, the proposed contract will be presented to the district's governing body at its next regularly scheduled meeting for approval or ratification.

(3) Exceptions. The requirements of this section need not be met in the following circumstances:

(a) Emergency. When the contracting authority makes a finding that an emergency requires the immediate execution of the work involved. As used in this subsection, "emergency" has the same meaning as provided in RCW 39.29.006;

(b) Contract amendment. Amendments to existing service contracts are exempt from these requirements; and

(c) Sole source. In the event that the services being sought can only be obtained from a single source, then the district shall make a formal written finding stating the factual basis for the exception and the solicitation requirements of this section do not apply. As used in this subsection, "sole source" has the same meaning as provided in RCW 39.29.006.

(4) Prospective application. Nothing in this section affects the validity or effect of any district contract executed prior to the effective date of this act."

On page 1, line 2 of the title, after "districts;" strike the remainder of the title and insert "amending RCW 35.57.010, 82.14.048, and 36.100.180; and reenacting and amending RCW 35.57.020."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2299 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Klippert and Hunter spoke in favor of the passage of the bill.

MOTION

On motion of Representative Hinkle, Representative Kristiansen was excused

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2299, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2299, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 2; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Simpson and Van De Wege.
Excused: Representatives Armstrong, Kirby and Kristiansen.

ENGROSSED HOUSE BILL NO. 2299, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5684 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5684, and advanced the bill to final passage without the House amendment.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5684 without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5684, without the House amendment, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks,

Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby and Kristiansen.

SUBSTITUTE SENATE BILL NO. 5684, without the House amendment, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5811 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5811. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens, Shin and Roach)

Concerning the placement of foster children. Revised for 1st Substitute: Concerning foster child placements.

With the consent of the House, amendment (882) was withdrawn.

Representative Kagi moved the adoption of amendment (886):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

(i) The parent, guardian, or custodian has the right to a shelter care hearing;

(ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and

(iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative. The court shall ask the parents whether the department discussed with them the placement of the child with a relative or other suitable person described in RCW 13.34.130(1)(b) and shall determine what efforts have been made toward such a placement;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative or other suitable person as described in RCW 13.34.130(1)(b), unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The court must also determine whether placement with the relative or other suitable person is in the child's best interests. The relative or other suitable person must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative or other suitable person, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to locate a relative or other suitable person pursuant to RCW 13.34.060(1).

(d) If a relative or other suitable person is not available, the court shall order continued shelter care ~~((or order placement with another suitable person, and the court))~~ and shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other suitable person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other suitable person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative or other suitable person under (b) of this subsection ~~((or with another suitable person under (d) of this subsection))~~.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered

by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 3. RCW 13.34.130 and 2007 c 413 s 6 and 2007 c 412 s 2 are each reenacted and amended to read as follows:

If, after a fact-finding hearing pursuant to RCW 13.34.110, it has been proven by a preponderance of the evidence that the child is dependent within the meaning of RCW 13.34.030 after consideration of the social study prepared pursuant to RCW 13.34.110 and after a disposition hearing has been held pursuant to RCW 13.34.110, the court shall enter an order of disposition pursuant to this section.

(1) The court shall order one of the following dispositions of the case:

(a) Order a disposition other than removal of the child from his or her home, which shall provide a program designed to alleviate the immediate danger to the child, to mitigate or cure any damage the child has already suffered, and to aid the parents so that the child will not be endangered in the future. In determining the disposition, the court should choose those services, including housing assistance, that least interfere with family autonomy and are adequate to protect the child.

(b) Order the child to be removed from his or her home and into the custody, control, and care of a relative or other suitable person or the department or a licensed child placing agency for supervision of the child's placement. The department or agency supervising the child's placement has the authority to place the child, subject to review and approval by the court (i) with a relative as defined in RCW 74.15.020(2)(a), (ii) ~~((in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW, or (iii)))~~ in the home of another suitable person if the child or family has a preexisting relationship with that person, and the person has completed all required criminal history background checks and otherwise appears to the department or supervising agency to be suitable and competent to provide care for the child, or (iii) in a foster family home or group care facility licensed pursuant to chapter 74.15 RCW. Absent good cause, the department or supervising agency shall follow the wishes of the natural parent regarding the placement of the child in accordance with RCW 13.34.260. The department or supervising agency may only place a child with a person not related to the child as defined in RCW 74.15.020(2)(a) when the court finds that such placement is in the best interest of the child. Unless there is reasonable cause to believe that the health, safety, or welfare of the child would be jeopardized or that efforts to reunite the parent and child will be hindered, ~~((such))~~ the child shall be placed with a person who is: (A) Related to the child as defined in RCW 74.15.020(2)(a) with whom the child has a relationship and is comfortable; or (B) a suitable person as described in this subsection (1)(b); and ~~((B))~~ (C) willing, appropriate, and available to care for the child. The court shall consider the child's existing relationships and attachments when determining placement.

(2) Placement of the child with a relative ~~((under this subsection))~~ or other suitable person as described in subsection (1)(b) of this section shall be given preference by the court. An order for

out-of-home placement may be made only if the court finds that reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home, specifying the services that have been provided to the child and the child's parent, guardian, or legal custodian, and that preventive services have been offered or provided and have failed to prevent the need for out-of-home placement, unless the health, safety, and welfare of the child cannot be protected adequately in the home, and that:

(a) There is no parent or guardian available to care for such child;

(b) The parent, guardian, or legal custodian is not willing to take custody of the child; or

(c) The court finds, by clear, cogent, and convincing evidence, a manifest danger exists that the child will suffer serious abuse or neglect if the child is not removed from the home and an order under RCW 26.44.063 would not protect the child from danger.

(3) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court shall consider whether it is in a child's best interest to be placed with, have contact with, or have visits with siblings.

(a) There shall be a presumption that such placement, contact, or visits are in the best interests of the child provided that:

(i) The court has jurisdiction over all siblings subject to the order of placement, contact, or visitation pursuant to petitions filed under this chapter or the parents of a child for whom there is no jurisdiction are willing to agree; and

(ii) There is no reasonable cause to believe that the health, safety, or welfare of any child subject to the order of placement, contact, or visitation would be jeopardized or that efforts to reunite the parent and child would be hindered by such placement, contact, or visitation. In no event shall parental visitation time be reduced in order to provide sibling visitation.

(b) The court may also order placement, contact, or visitation of a child with a step-brother or step-sister provided that in addition to the factors in (a) of this subsection, the child has a relationship and is comfortable with the step-sibling.

(4) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section and placed into nonparental or nonrelative care, the court shall order a placement that allows the child to remain in the same school he or she attended prior to the initiation of the dependency proceeding when such a placement is practical and in the child's best interest.

(5) If the court has ordered a child removed from his or her home pursuant to subsection (1)(b) of this section, the court may order that a petition seeking termination of the parent and child relationship be filed if the requirements of RCW 13.34.132 are met.

(6) If there is insufficient information at the time of the disposition hearing upon which to base a determination regarding the suitability of a proposed placement with a relative or other suitable person, the child shall remain in foster care and the court shall direct the supervising agency to conduct necessary background investigations as provided in chapter 74.15 RCW and report the results of such investigation to the court within thirty days. However, if such relative or other person appears otherwise suitable and competent to provide care and treatment, the criminal history background check need not be completed before placement, but as soon as possible after placement. Any placements with relatives or other suitable persons, pursuant to this section, shall be contingent upon cooperation by the relative or other suitable person with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order shall be grounds for removal of the child from the relative's or other suitable person's home, subject to review by the court.

Sec. 4. RCW 13.34.138 and 2007 c 413 s 8 and 2007 c 410 s 1 are each reenacted and amended to read as follows:

(1) (~~Except for children whose cases are reviewed by a citizen review board under chapter 13.70 RCW,)~~ The status of all children found to be dependent shall be reviewed by the court at least every six months from the beginning date of the placement episode or the

date dependency is established, whichever is first. The purpose of the hearing shall be to review the progress of the parties and determine whether court supervision should continue.

(a) The initial review hearing shall be an in-court review and shall be set six months from the beginning date of the placement episode or no more than ninety days from the entry of the disposition order, whichever comes first. The requirements for the initial review hearing, including the in-court review requirement, shall be accomplished within existing resources.

(b) The initial review hearing may be a permanency planning hearing when necessary to meet the time frames set forth in RCW 13.34.145 (1)(a) or 13.34.134.

(2)(a) A child shall not be returned home at the review hearing unless the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists. The parents, guardian, or legal custodian shall report to the court the efforts they have made to correct the conditions which led to removal. If a child is returned, casework supervision shall continue for a period of six months, at which time there shall be a hearing on the need for continued intervention.

(b) Prior to the child returning home, the department must complete the following:

(i) Identify all adults residing in the home and conduct background checks on those persons;

(ii) Identify any persons who may act as a caregiver for the child in addition to the parent with whom the child is being placed and determine whether such persons are in need of any services in order to ensure the safety of the child, regardless of whether such persons are a party to the dependency. The department or supervising agency may recommend to the court and the court may order that placement of the child in the parent's home be contingent on or delayed based on the need for such persons to engage in or complete services to ensure the safety of the child prior to placement. If services are recommended for the caregiver, and the caregiver fails to engage in or follow through with the recommended services, the department or supervising agency must promptly notify the court; and

(iii) Notify the parent with whom the child is being placed that he or she has an ongoing duty to notify the department or supervising agency of all persons who reside in the home or who may act as a caregiver for the child both prior to the placement of the child in the home and subsequent to the placement of the child in the home as long as the court retains jurisdiction of the dependency proceeding or the department is providing or monitoring either remedial services to the parent or services to ensure the safety of the child to any caregivers.

Caregivers may be required to engage in services under this subsection solely for the purpose of ensuring the present and future safety of a child who is a ward of the court. This subsection does not grant party status to any individual not already a party to the dependency proceeding, create an entitlement to services or a duty on the part of the department or supervising agency to provide services, or create judicial authority to order the provision of services to any person other than for the express purposes of this section or RCW 13.34.025 or if the services are unavailable or unsuitable or the person is not eligible for such services.

(c) If the child is not returned home, the court shall establish in writing:

(i) Whether the agency is making reasonable efforts to provide services to the family and eliminate the need for placement of the child. If additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents, the court shall order that reasonable services be offered specifying such services;

(ii) Whether there has been compliance with the case plan by the child, the child's parents, and the agency supervising the placement;

(iii) Whether progress has been made toward correcting the problems that necessitated the child's placement in out-of-home care;

(iv) Whether the services set forth in the case plan and the responsibilities of the parties need to be clarified or modified due to the availability of additional information or changed circumstances;

(v) Whether there is a continuing need for placement;

(vi) Whether the child is in an appropriate placement which adequately meets all physical, emotional, and educational needs;

(vii) Whether preference has been given to placement with the child's relatives if such placement is in the child's best interests;

(viii) Whether both in-state and, where appropriate, out-of-state placements have been considered;

(ix) Whether the parents have visited the child and any reasons why visitation has not occurred or has been infrequent;

(x) Whether terms of visitation need to be modified;

(xi) Whether the court-approved long-term permanent plan for the child remains the best plan for the child;

(xii) Whether any additional court orders need to be made to move the case toward permanency; and

(xiii) The projected date by which the child will be returned home or other permanent plan of care will be implemented.

(d) The court at the review hearing may order that a petition seeking termination of the parent and child relationship be filed.

(3)(a) In any case in which the court orders that a dependent child may be returned to or remain in the child's home, the in-home placement shall be contingent upon the following:

(i) The compliance of the parents with court orders related to the care and supervision of the child, including compliance with an agency case plan; and

(ii) The continued participation of the parents, if applicable, in available substance abuse or mental health treatment if substance abuse or mental illness was a contributing factor to the removal of the child.

(b) The following may be grounds for removal of the child from the home, subject to review by the court:

(i) Noncompliance by the parents with the agency case plan or court order;

(ii) The parent's inability, unwillingness, or failure to participate in available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect; or

(iii) The failure of the parents to successfully and substantially complete available services or treatment for themselves or the child, including substance abuse treatment if a parent's substance abuse was a contributing factor to the abuse or neglect.

(c) In a pending dependency case in which the court orders that a dependent child may be returned home and that child is later removed from the home, the court shall hold a review hearing within thirty days from the date of removal to determine whether the permanency plan should be changed, a termination petition should be filed, or other action is warranted. The best interests of the child shall be the court's primary consideration in the review hearing.

(4) The court's ability to order housing assistance under RCW 13.34.130 and this section is: (a) Limited to cases in which homelessness or the lack of adequate and safe housing is the primary reason for an out-of-home placement; and (b) subject to the availability of funds appropriated for this specific purpose.

(5) The court shall consider the child's relationship with siblings in accordance with RCW 13.34.130(3).

Sec. 5. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree,

guardianship order, or a permanent custody order is entered, or the dependency is dismissed.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall ~~((also))~~:

~~(i) Enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096; and~~

~~(ii) If the department or supervising agency is recommending a placement other than the child's current placement with a foster parent, relative, or other suitable person, enter a finding as to the reasons for the recommendation for a change in placement.~~

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 6. RCW 13.34.260 and 2003 c 226 s 2 are each amended to read as follows:

(1) In an attempt to minimize the inherent intrusion in the lives of families involved in the foster care system and to maintain parental authority where appropriate, the department, absent good cause, shall follow the wishes of the natural parent regarding the placement of the child with a relative or other suitable person pursuant to RCW 13.34.130. Preferences such as family constellation, sibling relationships, ethnicity, and religion shall be considered when matching children to foster homes. Parental authority is appropriate in areas that are not connected with the abuse or neglect that resulted in the dependency and shall be integrated through the foster care team.

(2) When a child is placed in out-of-home care, relatives, other suitable persons, and foster parents are encouraged to:

(a) Provide consultation to the foster care team based upon their experience with the child placed in their care;

(b) Assist the birth parents by helping them understand their child's needs and correlating appropriate parenting responses;

(c) Participate in educational activities, and enter into community-building activities with birth families and other foster families;

(d) Transport children to family time visits with birth families and assist children and their families in maximizing the purposefulness of family time.

(3) For purposes of this section, "foster care team" means the relative, other suitable person, or foster parent currently providing care, the currently assigned social worker, and the parent or parents; and "birth family" means the persons described in RCW 74.15.020(2)(a).

NEW SECTION. Sec. 7. A new section is added to chapter 13.34 RCW to read as follows:

(1) The administrative office of the courts shall develop standard court forms and format rules for mandatory use by parties in dependency matters commenced under this chapter or chapter 26.44 RCW. Forms shall be developed not later than November 1, 2009, and the mandatory use requirement shall be effective January 1, 2010. The administrative office of the courts has continuing responsibility to develop and revise mandatory forms and format rules as appropriate.

(2) According to rules established by the administrative office of the courts, a party may delete unnecessary portions of the forms and may supplement the mandatory forms with additional material.

(3) Failure by a party to use the mandatory forms or follow the format rules shall not be a reason to dismiss a case, refuse a filing, or strike a pleading. The court may, however, require the party to submit a corrected pleading and may impose terms payable to the opposing party or payable to the court, or both.

(4) The administrative office of the courts shall distribute a master copy of the mandatory forms to all county court clerks. Upon request, the administrative office of the courts and county clerks must distribute the forms to the public and may charge for the cost of production and distribution of the forms. Private vendors also may distribute the forms. Distribution of forms may be in printed or electronic form.

Sec. 8. RCW 74.13.031 and 2008 c 267 s 6 are each amended to read as follows:

The department shall have the duty to provide child welfare services and shall:

(1) Develop, administer, supervise, and monitor a coordinated and comprehensive plan that establishes, aids, and strengthens services for the protection and care of runaway, dependent, or neglected children.

(2) Within available resources, recruit an adequate number of prospective adoptive and foster homes, both regular and specialized, i.e. homes for children of ethnic minority, including Indian homes for Indian children, sibling groups, handicapped and emotionally disturbed, teens, pregnant and parenting teens, and annually report to the governor and the legislature concerning the department's success in: (a) Meeting the need for adoptive and foster home placements; (b) reducing the foster parent turnover rate; (c) completing home studies for legally free children; and (d) implementing and operating the passport program required by RCW 74.13.285. The report shall include a section entitled "Foster Home Turn-Over, Causes and Recommendations."

(3) Investigate complaints of any recent act or failure to act on the part of a parent or caretaker that results in death, serious physical or emotional harm, or sexual abuse or exploitation, or that presents an imminent risk of serious harm, and on the basis of the findings of such investigation, offer child welfare services in relation to the problem to such parents, legal custodians, or persons serving in loco parentis, and/or bring the situation to the attention of an appropriate court, or another community agency. An investigation is not required of nonaccidental injuries which are clearly not the result of a lack of care or supervision by the child's parents, legal custodians, or persons serving in loco parentis. If the investigation reveals that a crime against a child may have been committed, the department shall notify the appropriate law enforcement agency.

(4) Offer, on a voluntary basis, family reconciliation services to families who are in conflict.

(5) Monitor placements of children in out-of-home care and in-home dependencies to assure the safety, well-being, and quality of care being provided is within the scope of the intent of the legislature as defined in RCW 74.13.010 and 74.15.010. The policy for monitoring placements under this section shall require that children in out-of-home care and in-home dependencies and their caregivers receive a private and individual face-to-face visit each month.

(a) The department shall conduct the monthly visits with children and caregivers required under this section unless the child's placement is being supervised under a contract between the department and a private agency accredited by a national child welfare accrediting entity, in which case the private agency shall, within existing resources, conduct the monthly visits with the child and with the child's caregiver according to the standards described in this subsection and shall provide the department with a written report of the visits within fifteen days of completing the visits.

(b) In cases where the monthly visits required under this subsection are being conducted by a private agency, the department shall conduct a face-to-face health and safety visit with the child at least once every ninety days.

(6) Have authority to accept custody of children from parents and to accept custody of children from juvenile courts, where authorized to do so under law, to provide child welfare services including placement for adoption, to provide for the routine and necessary medical, dental, and mental health care, or necessary emergency care of the children, and to provide for the physical care of such children and make payment of maintenance costs if needed. Except where required by Public Law 95-608 (25 U.S.C. Sec. 1915), no private adoption agency which receives children for adoption from the department shall discriminate on the basis of race, creed, or color when considering applications in their placement for adoption.

(7) Have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.

(8) Have authority to purchase care for children; and shall follow in general the policy of using properly approved private agency services for the actual care and supervision of such children insofar as they are available, paying for care of such children as are accepted by the department as eligible for support at reasonable rates established by the department.

(9) Establish a children's services advisory committee which shall assist the secretary in the development of a partnership plan for utilizing resources of the public and private sectors, and advise on all matters pertaining to child welfare, licensing of child care agencies, adoption, and services related thereto. At least one member shall represent the adoption community.

(10)(a) Have authority to provide continued foster care or group care as needed to participate in or complete a high school or vocational school program.

(b)(i) Beginning in 2006, the department has the authority to allow up to fifty youth reaching age eighteen to continue in foster care or group care as needed to participate in or complete a posthigh school academic or vocational program, and to receive necessary support and transition services.

(ii) In 2007 and 2008, the department has the authority to allow up to fifty additional youth per year reaching age eighteen to remain in foster care or group care as provided in (b)(i) of this subsection.

(iii) A youth who remains eligible for such placement and services pursuant to department rules may continue in foster care or group care until the youth reaches his or her twenty-first birthday. Eligibility requirements shall include active enrollment in a posthigh school academic or vocational program and maintenance of a 2.0 grade point average.

(11) Refer cases to the division of child support whenever state or federal funds are expended for the care and maintenance of a child, including a child with a developmental disability who is placed as a result of an action under chapter 13.34 RCW, unless the department finds that there is good cause not to pursue collection of child support against the parent or parents of the child. Cases involving individuals age eighteen through twenty shall not be referred to the division of child support unless required by federal law.

(12) Have authority within funds appropriated for foster care services to purchase care for Indian children who are in the custody of a federally recognized Indian tribe or tribally licensed child-placing agency pursuant to parental consent, tribal court order, or state juvenile court order; and the purchase of such care shall be subject to the same eligibility standards and rates of support applicable to other children for whom the department purchases care.

Notwithstanding any other provision of RCW 13.32A.170 through 13.32A.200 and 74.13.032 through 74.13.036, or of this section all services to be provided by the department of social and health services under subsections (4), (6), and (7) of this section, subject to the limitations of these subsections, may be provided by any program offering such services funded pursuant to Titles II and III of the federal juvenile justice and delinquency prevention act of 1974.

(13) Within amounts appropriated for this specific purpose, provide preventive services to families with children that prevent or shorten the duration of an out-of-home placement.

(14) Have authority to provide independent living services to youths, including individuals who have attained eighteen years of age, and have not attained twenty-one years of age who are or have been in foster care.

(15) Consult at least quarterly with foster parents, including members of the foster parent association of Washington state, for the purpose of receiving information and comment regarding how the department is performing the duties and meeting the obligations specified in this section and RCW 74.13.250 and 74.13.320 regarding the recruitment of foster homes, reducing foster parent turnover rates, providing effective training for foster parents, and administering a coordinated and comprehensive plan that strengthens services for the protection of children. Consultation shall occur at the regional and statewide levels.

(16)(a) Within current funding levels, place on the public web site maintained by the department a document listing the duties and responsibilities the department has to a child subject to a dependency petition including, but not limited to, the following:

(i) Reasonable efforts, including the provision of services, toward reunification of the child with his or her family;

(ii) Sibling visits subject to the restrictions in RCW 13.34.136(2)(b)(ii);

(iii) Parent-child visits;

(iv) Statutory preference for placement with a relative or other suitable person, if appropriate; and

(v) Statutory preference for an out-of-home placement that allows the child to remain in the same school or school district, if practical and in the child's best interests.

(b) The document must be prepared in conjunction with a community-based organization and must be updated as needed.

NEW SECTION. Sec. 9. A new section is added to chapter 74.13 RCW to read as follows:

Once a dependency is established under chapter 13.34 RCW, the social worker assigned to the case shall provide the dependent child age twelve years and older with a document containing the information described in RCW 74.13.031(16). The social worker shall explain the contents of the document to the child and direct the child to the department's web site for further information. The social worker shall document, in the electronic data system, that this requirement was met.

Sec. 10. RCW 74.13.109 and 1990 c 285 s 7 are each amended to read as follows:

(1) The secretary shall issue rules and regulations to assist in the administration of the program of adoption support authorized by RCW 26.33.320 and 74.13.100 through 74.13.145.

(2) Disbursements from the appropriations available from the general fund shall be made pursuant to such rules and regulations and pursuant to agreements conforming thereto to be made by the secretary with parents for the purpose of supporting the adoption of children in, or likely to be placed in, foster homes or child caring institutions who are found by the secretary to be difficult to place in adoption because of physical or other reasons; including, but not limited to, physical or mental handicap, emotional disturbance, ethnic background, language, race, color, age, or sibling grouping.

(3) Such agreements shall meet the following criteria:

~~((+))~~ (a) The child whose adoption is to be supported pursuant to such agreement shall be or have been a child hard to place in adoption.

~~((+))~~ (b) Such agreement must relate to a child who was or is residing in a foster home or child-caring institution or a child who, in the judgment of the secretary, is both eligible for, and likely to be placed in, either a foster home or a child-caring institution.

~~((+))~~ (c) Such agreement shall provide that adoption support shall not continue beyond the time that the adopted child reaches eighteen years of age, becomes emancipated, dies, or otherwise ceases to need support, provided that if the secretary shall find that continuing dependency of such child after such child reaches eighteen years of age warrants the continuation of support pursuant to RCW 26.33.320 and 74.13.100 through 74.13.145 the secretary may do so, subject to all the provisions of RCW 26.33.320 and 74.13.100 through 74.13.145, including annual review of the amount of such support.

~~((+))~~ (d) Any prospective parent who is to be a party to such agreement shall be a person who has the character, judgment, sense of responsibility, and disposition which make him or her suitable as an adoptive parent of such child.

(4) At least six months before an adoption is finalized under chapter 26.33 RCW and RCW 74.13.100 through 74.13.145, the department must provide to the prospective adoptive parent, in writing, information describing the limits of the adoption support program including the following information:

(a) The limits on monthly cash payments to adoptive families;

(b) The limits on the availability of children's mental health services and the funds with which to pay for these services;

(c) The process for accessing mental health services for children receiving adoption support services;

(d) The limits on the one-time cash payments to adoptive families for expenses related to their adopted children; and

(e) That payment for residential or group care is not available for adopted children under the adoption support program.

Sec. 11. RCW 74.13.250 and 1990 c 284 s 2 are each amended to read as follows:

(1) Preservice training is recognized as a valuable tool to reduce placement disruptions, the length of time children are in care, and foster parent turnover rates. Preservice training also assists potential foster parents in making their final decisions about foster parenting and assists social service agencies in obtaining information about whether to approve potential foster parents.

(2) Foster parent preservice training shall include information about the potential impact of placement on foster children; social service agency administrative processes; the requirements,

responsibilities, expectations, and skills needed to be a foster parent; attachment, separation, and loss issues faced by birth parents, foster children, and foster parents; child management and discipline; birth family relationships; information on the limits of the adoption support program as provided in RCW 74.13.109(4); and helping children leave foster care. Preservice training shall assist applicants in making informed decisions about whether they want to be foster parents. Preservice training shall be designed to enable the agency to assess the ability, readiness, and appropriateness of families to be foster parents. As a decision tool, effective preservice training provides potential foster parents with enough information to make an appropriate decision, affords potential foster parents an opportunity to discuss their decision with others and consider its implications for their family, clarifies foster family expectations, presents a realistic picture of what foster parenting involves, and allows potential foster parents to consider and explore the different types of children they might serve.

(3) Preservice training shall be completed prior to the issuance of a foster care license, except that the department may, on a case by case basis, issue a written waiver that allows the foster parent to complete the training after licensure, so long as the training is completed within ninety days following licensure.

Sec. 12. RCW 74.13.333 and 2004 c 181 s 1 are each amended to read as follows:

(1) A foster parent who believes that a department employee has retaliated against the foster parent or in any other manner discriminated against the foster parent because:

~~((+))~~ (a) The foster parent made a complaint with the office of the family and children's ombudsman, the attorney general, law enforcement agencies, or the department, provided information, or otherwise cooperated with the investigation of such a complaint;

~~((+))~~ (b) The foster parent has caused to be instituted any proceedings under or related to Title 13 RCW;

~~((+))~~ (c) The foster parent has testified or is about to testify in any proceedings under or related to Title 13 RCW;

~~((+))~~ (d) The foster parent has advocated for services on behalf of the foster child;

~~((+))~~ (e) The foster parent has sought to adopt a foster child in the foster parent's care; or

~~((+))~~ (f) The foster parent has discussed or consulted with anyone concerning the foster parent's rights under this chapter or chapter 74.15 or 13.34 RCW, may file a complaint with the office of the family and children's ombudsman.

(2) The ombudsman may investigate the allegations of retaliation. The ombudsman shall have access to all relevant information and resources held by or within the department by which to conduct the investigation. Upon the conclusion of its investigation, the ombudsman shall provide its findings in written form to the department.

(3) The department shall notify the office of the family and children's ombudsman in writing, within thirty days of receiving the ombudsman's findings, of any personnel action taken or to be taken with regard to the department employee.

(4) The office of the family and children's ombudsman shall also include its recommendations regarding complaints filed under this section in its annual report pursuant to RCW 43.06A.030. The office of the family and children's ombudsman shall identify trends which may indicate a need to improve relations between the department and foster parents."

Correct the title.

Representative Kagi spoke in favor of the adoption of the amendment.

Amendment (886) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Kagi and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5811, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5811, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby and Kristiansen.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5811, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5889. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, by Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Hobbs, McAuliffe, McDermott and Oemig)

Providing flexibility in the education system.

With the consent of the House, amendments (878) and (865) were withdrawn.

Representative Quall moved the adoption of amendment (885):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.165.025 and 2004 c 20 s 3 are each amended to read as follows:

~~((By July 1st of each year;)) (1) A participating school district shall submit the district's plan for using learning assistance funds to the office of the superintendent of public instruction for approval, to the extent required under subsection (2) of this section. ((For the 2004-05 school year, school districts must identify the program activities to be implemented from RCW 28A.165.035 and are~~

~~encouraged to implement the elements in subsections (1) through (8) of this section. Beginning in the 2005-06 school year;)) The program plan must identify the program activities to be implemented from RCW 28A.165.035 and implement all of the elements in ((subsections (1)) (a) through ((8)) (h) of this ((section)) subsection. The school district plan shall include the following:~~

~~((1)) (a) District and school-level data on reading, writing, and mathematics achievement as reported pursuant to chapter 28A.655 RCW and relevant federal law;~~

~~((2)) (b) Processes used for identifying the underachieving students to be served by the program, including the identification of school or program sites providing program activities;~~

~~((3)) (c) How accelerated learning plans are developed and implemented for participating students. Accelerated learning plans may be developed as part of existing student achievement plan process such as student plans for achieving state high school graduation standards, individual student academic plans, or the achievement plans for groups of students. Accelerated learning plans shall include:~~

~~((a)) (i) Achievement goals for the students;~~

~~((b)) (ii) Roles of the student, parents, or guardians and teachers in the plan;~~

~~((c)) (iii) Communication procedures regarding student accomplishment; and~~

~~((d)) (iv) Plan reviews and adjustments processes;~~

~~((4)) (d) How state level and classroom assessments are used to inform instruction;~~

~~((5)) (e) How focused and intentional instructional strategies have been identified and implemented;~~

~~((6)) (f) How highly qualified instructional staff are developed and supported in the program and in participating schools;~~

~~((7)) (g) How other federal, state, district, and school resources are coordinated with school improvement plans and the district's strategic plan to support underachieving students; and~~

~~((8)) (h) How a program evaluation will be conducted to determine direction for the following school year.~~

(2) If a school district has received approval of its plan once, it is not required to submit a plan for approval under RCW 28A.165.045 or this section unless the district has made a significant change to the plan. If a district has made a significant change to only a portion of the plan the district need only submit a description of the changes made and not the entire plan. Plans or descriptions of changes to the plan must be submitted by July 1st as required under this section. The office of the superintendent of public instruction shall establish guidelines for what a "significant change" is.

Sec. 2. RCW 28A.165.045 and 2004 c 20 s 5 are each amended to read as follows:

A participating school district shall ~~((annually))~~ submit a program plan to the office of the superintendent of public instruction for approval to the extent required by RCW 28A.165.025. The program plan must address all of the elements in RCW 28A.165.025 and identify the program activities to be implemented from RCW 28A.165.035.

School districts achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW shall have their program approved once the program plan and activities submittal is completed.

School districts not achieving state reading and mathematics goals as prescribed in chapter 28A.655 RCW and that are not in a state or federal program of school improvement shall be subject to program approval once the plan components are reviewed by the office of the superintendent of public instruction for the purpose of receiving technical assistance in the final development of the plan.

School districts with one or more schools in a state or federal program of school improvement shall have their plans and activities reviewed and approved in conjunction with the state or federal program school improvement program requirements.

Sec. 3. RCW 28A.210.010 and 1971 c 32 s 1 are each amended to read as follows:

The state board of health, after consultation with the superintendent of public instruction, shall adopt reasonable rules ~~((and regulations))~~ regarding the presence of persons on or about any school premises who have, or who have been exposed to, contagious

diseases deemed by the state board of health as dangerous to the public health. Such rules ~~((and regulations))~~ shall specify reasonable and precautionary procedures as to such presence and/or readmission of such persons and may include the requirement for a certificate from a licensed physician that there is no danger of contagion. The superintendent of public instruction shall ~~((print and distribute the))~~ provide to appropriate school officials and personnel, access and notice of these rules ((and regulations)) of the state board of health ((above provided to appropriate school officials and personnel)). Providing online access to these rules satisfies the requirements of this section. The superintendent of public instruction is required to provide this notice only when there are significant changes to the rules.

Sec. 4. RCW 28A.210.040 and 1990 c 33 s 189 are each amended to read as follows:

The superintendent of public instruction shall ~~((print and distribute))~~ provide access to appropriate school officials the rules ((and regulations)) adopted by the state board of health pursuant to RCW 28A.210.020 and the recommended records and forms to be used in making and reporting such screenings. Providing online access to the materials satisfies the requirements of this section.

Sec. 5. RCW 28A.225.005 and 1992 c 205 s 201 are each amended to read as follows:

Each school within a school district shall inform the students and the parents of the students enrolled in the school about the compulsory education requirements under this chapter. The school shall ~~((distribute))~~ provide access to the information at least annually. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 6. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually ~~((distribute an))~~ provide access to information ((booklet)) outlining parents' and guardians' enrollment options for their children. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

(2) ~~((Before the 1991-92 school year, the booklet shall be distributed to all school districts by the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries))~~ School districts shall provide access to the information in this section to the public. Providing online access to the information satisfies the requirements of this subsection unless a parent or guardian specifically requests the information to be provided in written form.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, 28A.175.090, 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start - community college or vocational-technical institute choice program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.390; and

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090.

Sec. 7. RCW 28A.225.300 and 1990 1st ex.s. c 9 s 208 are each amended to read as follows:

Each school district board of directors annually shall inform parents of the district's intradistrict and interdistrict enrollment options and parental involvement opportunities. Information on intradistrict enrollment options and interdistrict acceptance policies shall be provided to nonresidents on request. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically requests information to be provided in written form.

Sec. 8. RCW 28A.230.095 and 2006 c 113 s 2 are each amended to read as follows:

(1) By the end of the 2008-09 school year, school districts shall have in place in elementary schools, middle schools, and high

schools assessments or other strategies chosen by the district to assure that students have an opportunity to learn the essential academic learning requirements in social studies, the arts, and health and fitness. Social studies includes history, geography, civics, economics, and social studies skills. Beginning with the 2008-09 school year, school districts shall annually submit an implementation verification report to the office of the superintendent of public instruction. The office of the superintendent of public instruction may not require school districts to use a classroom-based assessment in social studies, the arts, and health and fitness to meet the requirements of this section and shall clearly communicate to districts their option to use other strategies chosen by the district.

(2) Beginning with the 2008-09 school year, school districts shall require students in ~~((the fourth or fifth grades [grade]))~~ the seventh or eighth ~~((grades [grade]))~~ grade, and the eleventh or twelfth ~~((grades [grade]))~~ grade to each complete at least one classroom-based assessment in civics. Beginning with the 2010-11 school year, school districts shall require students in the fourth or fifth grade to complete at least one classroom-based assessment in civics. The civics assessment may be selected from a list of classroom-based assessments approved by the office of the superintendent of public instruction. Beginning with the 2008-09 school year, school districts shall annually submit implementation verification reports to the office of the superintendent of public instruction documenting the use of the classroom-based assessments in civics.

(3) Verification reports shall require school districts to report only the information necessary to comply with this section.

Sec. 9. RCW 28A.230.125 and 2006 c 263 s 401 and 2006 c 115 s 6 are each reenacted and amended to read as follows:

(1) The superintendent of public instruction, in consultation with the higher education coordinating board, the state board for community and technical colleges, and the workforce training and education coordinating board, shall develop for use by all public school districts a standardized high school transcript. The superintendent shall establish clear definitions for the terms "credits" and "hours" so that school programs operating on the quarter, semester, or trimester system can be compared.

(2) The standardized high school transcript shall include a notation of whether the student has earned a certificate of individual achievement or a certificate of academic achievement.

~~((3))~~ Transcripts are important documents to students who will apply for admission to postsecondary institutions of higher education. Transcripts are also important to students who will seek employment upon or prior to graduation from high school. It is recognized that student transcripts may be the only record available to employers in their decision-making processes regarding prospective employees. The superintendent of public instruction shall require school districts to inform annually all high school students that prospective employers may request to see transcripts and that the prospective employee's decision to release transcripts can be an important part of the process of applying for employment.)

Sec. 10. RCW 28A.300.040 and 2006 c 263 s 104 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the powers and duties of the superintendent of public instruction shall be:

(1) To have supervision over all matters pertaining to the public schools of the state;

(2) To report to the governor and the legislature such information and data as may be required for the management and improvement of the schools;

(3) To prepare and have printed such forms, registers, courses of study, rules for the government of the common schools, and such other material and books as may be necessary for the discharge of the duties of teachers and officials charged with the administration of the laws relating to the common schools, and to distribute the same to educational service district superintendents;

(4) To travel, without neglecting his or her other official duties as superintendent of public instruction, for the purpose of attending educational meetings or conventions, of visiting schools, and of consulting educational service district superintendents or other school officials;

(5) To prepare and from time to time to revise a manual of the Washington state common school code, copies of which shall be ~~((provided in such numbers as determined by the superintendent of public instruction at no cost to those public agencies within the common school system))~~ made available online and which shall be sold at approximate actual cost of publication and distribution per volume to ~~((all other))~~ public and nonpublic agencies or individuals, said manual to contain Titles 28A and 28C RCW, rules related to the common schools, and such other matter as the state superintendent or the state board of education shall determine. Proceeds of the sale of such code shall be transmitted to the public printer who shall credit the state superintendent's account within the state printing plant revolving fund by a like amount;

(6) To file all papers, reports and public documents transmitted to the superintendent by the school officials of the several counties or districts of the state, each year separately. Copies of all papers filed in the superintendent's office, and the superintendent's official acts, may, or upon request, shall be certified by the superintendent and attested by the superintendent's official seal, and when so certified shall be evidence of the papers or acts so certified to;

(7) To require annually, on or before the 15th day of August, of the president, manager, or principal of every educational institution in this state, a report as required by the superintendent of public instruction; and it is the duty of every president, manager, or principal, to complete and return such forms within such time as the superintendent of public instruction shall direct;

(8) To keep in the superintendent's office a record of all teachers receiving certificates to teach in the common schools of this state;

(9) To issue certificates as provided by law;

(10) To keep in the superintendent's office at the capital of the state, all books and papers pertaining to the business of the superintendent's office, and to keep and preserve in the superintendent's office a complete record of statistics, as well as a record of the meetings of the state board of education;

(11) With the assistance of the office of the attorney general, to decide all points of law which may be submitted to the superintendent in writing by any educational service district superintendent, or that may be submitted to the superintendent by any other person, upon appeal from the decision of any educational service district superintendent; and the superintendent shall publish his or her rulings and decisions from time to time for the information of school officials and teachers; and the superintendent's decision shall be final unless set aside by a court of competent jurisdiction;

(12) To administer oaths and affirmations in the discharge of the superintendent's official duties;

(13) To deliver to his or her successor, at the expiration of the superintendent's term of office, all records, books, maps, documents and papers of whatever kind belonging to the superintendent's office or which may have been received by the superintendent's for the use of the superintendent's office;

(14) To administer family services and programs to promote the state's policy as provided in RCW 74.14A.025;

(15) To promote the adoption of school-based curricula and policies that provide quality, daily physical education for all students, and to encourage policies that provide all students with opportunities for physical activity outside of formal physical education classes;

(16) To perform such other duties as may be required by law.

Sec. 11. RCW 28A.300.525 and 2008 c 297 s 2 are each amended to read as follows:

(1) The superintendent of public instruction shall provide an annual aggregate report to the legislature on the educational experiences and progress of students in children's administration out-of-home care. This data should be disaggregated in the smallest units allowable by law that do not identify an individual student, in order to learn which school districts are experiencing the greatest success and challenges in achieving quality educational outcomes with students in children's administration out-of-home care.

(2) This section is suspended until July 1, 2011.

Sec. 12. RCW 28A.320.165 and 2001 c 333 s 4 are each amended to read as follows:

Schools as defined in RCW 17.21.415 shall provide notice of pesticide use to parents or guardians of students and employees

pursuant to chapter 17.21 RCW, upon the request of the parent or guardian.

Sec. 13. RCW 28A.320.180 and 2007 c 396 s 11 are each amended to read as follows:

(1) Subject to funding appropriated for this purpose and beginning in the fall of 2009, school districts shall provide all high school students enrolled in the district the option of taking the mathematics college readiness test developed under RCW 28B.10.679 once at no cost to the students. Districts shall encourage, but not require, students to take the test in their junior or senior year of high school.

(2) Subject to funding appropriated for this purpose, the office of the superintendent of public instruction shall reimburse each district for the costs incurred by the district in providing students the opportunity to take the mathematics placement test.

(3) This section is suspended until July 1, 2011.

Sec. 14. RCW 28A.600.160 and 1998 c 225 s 2 are each amended to read as follows:

Any middle school, junior high school, or high school using educational pathways shall ensure that all participating students will continue to have access to the courses and instruction necessary to meet admission requirements at baccalaureate institutions. Students shall be allowed to enter the educational pathway of their choice. Before accepting a student into an educational pathway, the school shall inform the student's parent of the pathway chosen, the opportunities available to the student through the pathway, and the career objectives the student will have exposure to while pursuing the pathway. Providing online access to the information satisfies the requirements of this section unless a parent or guardian specifically request information to be provided in written form. Parents and students dissatisfied with the opportunities available through the selected educational pathway shall be provided with the opportunity to transfer the student to any other pathway provided in the school. Schools may not develop educational pathways that retain students in high school beyond the date they are eligible to graduate, and may not require students who transfer between pathways to complete pathway requirements beyond the date the student is eligible to graduate. Educational pathways may include, but are not limited to, programs such as work-based learning, ~~((school-to-work transition,))~~ tech prep, ~~((vocational-technical))~~ career and technical education, running start, and preparation for technical college, community college, or university education.

Sec. 15. RCW 28A.655.075 and 2007 c 396 s 16 are each amended to read as follows:

(1) Within funds specifically appropriated therefor, by December 1, 2008, the superintendent of public instruction shall develop essential academic learning requirements and grade level expectations for educational technology literacy and technology fluency that identify the knowledge and skills that all public school students need to know and be able to do in the areas of technology and technology literacy. The development process shall include a review of current standards that have been developed or are used by other states and national and international technology associations. To the maximum extent possible, the superintendent shall integrate goal four and the knowledge and skill areas in the other goals in the technology essential academic learning requirements.

(a) As used in this section, "technology literacy" means the ability to responsibly, creatively, and effectively use appropriate technology to communicate; access, collect, manage, integrate, and evaluate information; solve problems and create solutions; build and share knowledge; and improve and enhance learning in all subject areas and experiences.

(b) Technology fluency builds upon technology literacy and is demonstrated when students: Apply technology to real-world experiences; adapt to changing technologies; modify current and create new technologies; and personalize technology to meet personal needs, interests, and learning styles.

(2)(a) Within funds specifically appropriated therefor, the superintendent shall obtain or develop education technology assessments that may be administered in the elementary, middle, and high school grades to assess the essential academic learning requirements for technology. The assessments shall be designed to be classroom or project-based so that they can be embedded in

classroom instruction and be administered and scored by school staff throughout the regular school year using consistent scoring criteria and procedures. By the 2010-11 school year, these assessments shall be made available to school districts for the districts' voluntary use. If a school district uses the assessments created under this section, then the school district shall notify the superintendent of public instruction of the use. The superintendent shall report annually to the legislature on the number of school districts that use the assessments each school year.

(b) Beginning December 1, 2010, and annually thereafter, the superintendent of public instruction shall provide a report to the relevant legislative committees regarding the use of the assessments.

(3) This section is suspended until July 1, 2011.

Sec. 16. RCW 17.21.415 and 2001 c 333 s 3 are each amended to read as follows:

(1) As used in this section, "school" means a licensed day care center or a public kindergarten or a public elementary or secondary school.

(2) A school shall provide written notification (~~(annually or upon enrollment)~~), upon request, to parents or guardians of students and employees describing the school's pest control policies and methods, including the posting and notification requirements of this section.

(3) A school shall establish a notification system that, as a minimum, notifies interested parents or guardians of students and employees at least forty-eight hours before a pesticide application to a school facility. The notification system shall include posting of the notification in a prominent place in the main office of the school.

(4) All notifications to parents, guardians, and employees shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (a) The product name of the pesticide to be applied;
- (b) The intended date and time of application;
- (c) The location to which the pesticide is to be applied;
- (d) The pest to be controlled; and
- (e) The name and phone number of a contact person at the school.

(5) A school facility application must be made within forty-eight hours following the intended date and time stated in the notification or the notification process shall be repeated.

(6) A school shall, at the time of application, post notification signs for all pesticide applications made to school facilities unless the application is otherwise required to be posted by a certified applicator under the provisions of RCW 17.21.410(1)(d).

(a) Notification signs for applications made to school grounds by school employees shall be placed at the location of the application and at each primary point of entry to the school grounds. The signs shall be a minimum of four inches by five inches and shall include the words: "THIS LANDSCAPE HAS BEEN RECENTLY SPRAYED OR TREATED WITH PESTICIDES BY YOUR SCHOOL" as the headline and "FOR MORE INFORMATION PLEASE CALL" as the footer. The footer shall provide the name and telephone number of a contact person at the school.

(b) Notification signs for applications made to school facilities other than school grounds shall be posted at the location of the application. The signs shall be a minimum of eight and one-half by eleven inches and shall include the heading "Notice: Pesticide Application" and, at a minimum, shall state:

- (i) The product name of the pesticide applied;
- (ii) The date and time of application;
- (iii) The location to which the pesticide was applied;
- (iv) The pest to be controlled; and
- (v) The name and phone number of a contact person at the school.

(c) Notification signs shall be printed in colors contrasting to the background.

(d) Notification signs shall remain in place for at least twenty-four hours from the time the application is completed. In the event the pesticide label requires a restricted entry interval greater than twenty-four hours, the notification sign shall remain in place consistent with the restricted entry interval time as required by the label.

(7) A school facility application does not include the application of antimicrobial pesticides or the placement of insect or rodent baits that are not accessible to children.

(8) The prenotification requirements of this section do not apply if the school facility application is made when the school is not occupied by students for at least two consecutive days after the application.

(9) The prenotification requirements of this section do not apply to any emergency school facility application for control of any pest that poses an immediate human health or safety threat, such as an application to control stinging insects. When an emergency school facility application is made, notification consistent with the school's notification system shall occur as soon as possible after the application. The notification shall include information consistent with subsection (6)(b) of this section.

(10) A school shall make the records of all pesticide applications to school facilities required under this chapter, including an annual summary of the records, readily accessible to interested persons.

(11) A school is not liable for the removal of signs by unauthorized persons. A school that complies with this section may not be held liable for personal property damage or bodily injury resulting from signs that are placed as required.

Sec. 17. RCW 28A.650.015 and 2006 c 263 s 917 are each amended to read as follows:

(1) The superintendent of public instruction, to the extent funds are appropriated, shall develop and implement a Washington state K-12 education technology plan. The technology plan shall be updated on at least a biennial basis, shall be developed to coordinate and expand the use of education technology in the common schools of the state. The plan shall be consistent with applicable provisions of chapter 43.105 RCW. The plan, at a minimum, shall address:

- (a) The provision of technical assistance to schools and school districts for the planning, implementation, and training of staff in the use of technology in curricular and administrative functions;
- (b) The continued development of a network to connect school districts, institutions of higher learning, and other sources of online information; and
- (c) Methods to equitably increase the use of education technology by students and school personnel throughout the state.

(2) The superintendent of public instruction shall appoint an educational technology advisory committee to assist in the development and implementation of the technology plan in subsection (1) of this section. The committee shall include, but is not limited to, persons representing: The department of information services, educational service districts, school directors, school administrators, school principals, teachers, classified staff, higher education faculty, parents, students, business, labor, scientists and mathematicians, the higher education coordinating board, the workforce training and education coordinating board, and the state library.

(3) The plan adopted and implemented under this section may not impose on school districts any requirements that are not specifically required by federal law or regulation, including requirements to maintain eligibility for the federal schools and libraries program of the universal service fund.

Sec. 18. RCW 28A.210.020 and 1971 c 32 s 2 are each amended to read as follows:

Every board of school directors shall have the power, and it shall be its duty to provide for and require screening for the visual and auditory acuity of all children attending schools in their districts to ascertain which if any of such children have defects sufficient to retard them in their studies. Auditory and visual screening shall be made in accordance with procedures and standards adopted by rule or regulation of the state board of health. Prior to the adoption or revision of such rules or regulations the state board of health shall seek the recommendations of the superintendent of public instruction regarding the administration of visual and auditory screening and the qualifications of persons competent to administer such screening. Persons performing visual screening may include, but are not limited to, ophthalmologists, optometrists, or opticians who donate their professional services to schools or school districts. If a vision professional who donates his or her services identifies a vision defect sufficient to affect a student's learning, the vision professional must

notify the school nurse and/or the school principal in writing and may not contact the student's parents or guardians directly. A school official shall inform parents or guardians of students in writing that a visual examination was recommended, but may not communicate the name or contact information of the vision professional conducting the screening.

Sec. 19. RCW 28A.655.065 and 2008 c 170 s 205 are each amended to read as follows:

(1) The legislature has made a commitment to rigorous academic standards for receipt of a high school diploma. The primary way that students will demonstrate that they meet the standards in reading, writing, mathematics, and science is through the Washington assessment of student learning. Only objective assessments that are comparable in rigor to the state assessment are authorized as an alternative assessment. Before seeking an alternative assessment, the legislature expects students to make a genuine effort to meet state standards, through regular and consistent attendance at school and participation in extended learning and other assistance programs.

(2) Under RCW 28A.655.061, beginning in the 2006-07 school year, the superintendent of public instruction shall implement objective alternative assessment methods as provided in this section for students to demonstrate achievement of the state standards in content areas in which the student has not yet met the standard on the high school Washington assessment of student learning. A student may access an alternative if the student meets applicable eligibility criteria in RCW 28A.655.061 and this section and other eligibility criteria established by the superintendent of public instruction, including but not limited to attendance criteria and participation in the remediation or supplemental instruction contained in the student learning plan developed under RCW 28A.655.061. A school district may waive attendance and/or remediation criteria for special, unavoidable circumstances.

(3) For the purposes of this section, "applicant" means a student seeking to use one of the alternative assessment methods in this section.

(4) One alternative assessment method shall be a combination of the applicant's grades in applicable courses and the applicant's highest score on the high school Washington assessment of student learning, as provided in this subsection. A student is eligible to apply for the alternative assessment method under this subsection (4) if the student has a cumulative grade point average of at least 3.2 on a four point grading scale. The superintendent of public instruction shall determine which high school courses are applicable to the alternative assessment method and shall issue guidelines to school districts.

(a) Using guidelines prepared by the superintendent of public instruction, a school district shall identify the group of students in the same school as the applicant who took the same high school courses as the applicant in the applicable content area. From the group of students identified in this manner, the district shall select the comparison cohort that shall be those students who met or slightly exceeded the state standard on the Washington assessment of student learning.

(b) The district shall compare the applicant's grades in high school courses in the applicable content area to the grades of students in the comparison cohort for the same high school courses. If the applicant's grades are equal to or above the mean grades of the comparison cohort, the applicant shall be deemed to have met the state standard on the alternative assessment.

(c) An applicant may not use the alternative assessment under this subsection (4) if there are fewer than six students in the comparison cohort.

(5) The superintendent of public instruction shall develop an alternative assessment method that shall be an evaluation of a collection of work samples prepared and submitted by the applicant. Effective September 1, 2009, collection of work samples may be submitted only in content areas where meeting the state standard on the high school assessment is required for purposes of graduation.

(a) The superintendent of public instruction shall develop guidelines for the types and number of work samples in each content area that may be submitted as a collection of evidence that the applicant has met the state standard in that content area. Work samples may be collected from academic, career and technical, or

remedial courses and may include performance tasks as well as written products. The superintendent shall submit the guidelines for approval by the state board of education.

(b) The superintendent shall develop protocols for submission of the collection of work samples that include affidavits from the applicant's teachers and school district that the samples are the work of the applicant and a requirement that a portion of the samples be prepared under the direct supervision of a classroom teacher. The superintendent shall submit the protocols for approval by the state board of education.

(c) The superintendent shall develop uniform scoring criteria for evaluating the collection of work samples and submit the scoring criteria for approval by the state board of education. Collections shall be scored at the state level or regionally by a panel of educators selected and trained by the superintendent to ensure objectivity, reliability, and rigor in the evaluation. An educator may not score work samples submitted by applicants from the educator's school district. If the panel awards an applicant's collection of work samples the minimum required score, the applicant shall be deemed to have met the state standard on the alternative assessment.

(d) Using an open and public process that includes consultation with district superintendents, school principals, and other educators, the state board of education shall consider the guidelines, protocols, scoring criteria, and other information regarding the collection of work samples submitted by the superintendent of public instruction. The collection of work samples may be implemented as an alternative assessment after the state board of education has approved the guidelines, protocols, and scoring criteria and determined that the collection of work samples: (i) Will meet professionally accepted standards for a valid and reliable measure of the grade level expectations and the essential academic learning requirements; and (ii) is comparable to or exceeds the rigor of the skills and knowledge that a student must demonstrate on the Washington assessment of student learning in the applicable content area. The state board shall make an approval decision and determination no later than December 1, 2006, and thereafter may increase the required rigor of the collection of work samples.

(e) By September of 2006, the superintendent of public instruction shall develop informational materials for parents, teachers, and students regarding the collection of work samples and the status of its development as an alternative assessment method. The materials shall provide specific guidance regarding the type and number of work samples likely to be required, include examples of work that meets the state learning standards, and describe the scoring criteria and process for the collection. The materials shall also encourage students in the graduating class of 2008 to begin creating a collection if they believe they may seek to use the collection once it is implemented as an alternative assessment.

(6)(a) For students enrolled in a career and technical education program approved under RCW 28A.700.030, the superintendent of public instruction shall develop additional guidelines for collections of work samples that are tailored to different career and technical programs. The additional guidelines shall:

(i) Provide multiple examples of work samples that are related to the particular career and technical program;

(ii) Permit work samples based on completed activities or projects where demonstration of academic knowledge is inferred; and

(iii) Provide multiple examples of work samples drawn from career and technical courses.

(b) The purpose of the additional guidelines is to provide a clear pathway toward a certificate of academic achievement for career and technical students by showing them applied and relevant opportunities to demonstrate their knowledge and skills, and to provide guidance to teachers in integrating academic and career and technical instruction and assessment and assisting career and technical students in compiling a collection. The superintendent of public instruction shall develop and disseminate additional guidelines for no fewer than ten career and technical education programs representing a variety of program offerings by no later than September 1, 2008. Guidelines for ten additional programs shall be developed and disseminated no later than June 1, 2009.

(c) The superintendent shall consult with community and technical colleges, employers, the workforce training and education

coordinating board, apprenticeship programs, and other regional and national experts in career and technical education to create appropriate guidelines and examples of work samples and other evidence of a career and technical student's knowledge and skills on the state academic standards.

(7) The superintendent of public instruction shall study the feasibility of using existing mathematics assessments in languages other than English as an additional alternative assessment option. The study shall include an estimation of the cost of translating the tenth grade mathematics assessment into other languages and scoring the assessments should they be implemented.

(8) The superintendent of public instruction shall implement:

(a) By June 1, 2006, a process for students to appeal the score they received on the high school assessments; and

(b) By January 1, 2007, guidelines and appeal processes for waiving specific requirements in RCW 28A.655.061 pertaining to the certificate of academic achievement and to the certificate of individual achievement for students who: (i) Transfer to a Washington public school in their junior or senior year with the intent of obtaining a public high school diploma, or (ii) have special, unavoidable circumstances.

(9) The state board of education shall examine opportunities for additional alternative assessments, including the possible use of one or more standardized norm-referenced student achievement tests and the possible use of the reading, writing, or mathematics portions of the ACT ASSET and ACT COMPASS test instruments as objective alternative assessments for demonstrating that a student has met the state standards for the certificate of academic achievement. The state board shall submit its findings and recommendations to the education committees of the legislature by January 10, 2008.

(10) The superintendent of public instruction shall adopt rules to implement this section.

NEW SECTION. Sec. 20. The following acts or parts of acts, as now existing or hereafter amended, are each repealed:

1.1.1.1. RCW 28A.230.092 (Washington state history and government-- Course content) and 2008 c 190 s 2;

1.1.1.2. RCW 28A.230.185 (Family preservation education program) and 2005 c 491 s 2;

1.1.1.3. RCW 28A.300.412 (Washington civil liberties public education program--Report) and 2000 c 210 s 6;

1.1.1.4. RCW 28A.600.415 (Alternatives to suspension--Community service encouraged--Information provided to school districts) and 1992 c 155 s 2;

1.1.1.5. RCW 28A.625.010 (Short title) and 1995 c 335 s 107, 1990 c 33 s 513, & 1986 c 147 s 1;

1.1.1.6. RCW 28A.625.020 (Recipients--Awards) and 1991 c 255 s 1;

1.1.1.7. RCW 28A.625.030 (Washington State Christa McAuliffe award for teachers) and 1991 c 255 s 2 & 1986 c 147 s 3;

1.1.1.8. RCW 28A.625.042 (Certificates--Recognition awards) and 1994 c 279 s 4;

1.1.1.9. RCW 28A.625.050 (Rules) and 1995 c 335 s 108, 1991 c 255 s 8, 1990 c 33 s 516, 1988 c 251 s 2, & 1986 c 147 s 5;

1.1.1.10. RCW 28A.625.350 (Short title) and 1990 1st ex.s. c 10 s 1;

1.1.1.11. RCW 28A.625.360 (Excellence in teacher preparation award) and 2006 c 263 s 804 & 1990 1st ex.s. c 10 s 2;

1.1.1.12. RCW 28A.625.370 (Award for teacher educator) and 2006 c 263 s 820 & 1990 1st ex.s. c 10 s 3;

1.1.1.13. RCW 28A.625.380 (Rules) and 2006 c 263 s 821 & 1990 1st ex.s. c 10 s 4;

1.1.1.14. RCW 28A.625.390 (Educational grant--Eligibility--Award) and 2006 c 263 s 822 & 1990 1st ex.s. c 10 s 5;

1.1.1.15. RCW 28A.625.900 (Severability--1990 1st ex.s. c 10) and 1990 1st ex.s. c 10 s 10;

1.1.1.16. RCW 28A.630.045 (Local control and flexibility in assessments--Pilot project) and 2006 c 175 s 1; and

1.1.1.17. RCW 28A.630.881 (School-to-work transition project--Findings--Intent--Outreach--Technical assistance) and 1997 c 58 s 304.

NEW SECTION. Sec. 21. Sections 11, 13, and 15 of this act expire July 1, 2011."

Correct the title.

Representatives Quall and Anderson spoke in favor of the adoption of the amendment.

Amendment (885) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5889, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 1; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfs, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Hasegawa.

Excused: Representatives Armstrong, Kirby and Kristiansen.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5889, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 21, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5431, and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5431. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5431, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Regala, McAuliffe, Carrell, Brandland and King)

Regarding placement of a child returning to out-of-home care.

Representative Kagi moved the adoption of amendment (887):

On page 1, line 9, after "child." insert "Pursuant to RCW 13.34.060 and 13.34.130, placement of the child with a relative or other suitable person is the preferred option."

Beginning on page 1, line 14, after "care," strike all material through "and the" on page 2, line 3, and insert "and the department cannot locate an appropriate and available relative or other suitable person, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:

(a) The foster family home is available and willing to care for the child;

(b) The foster family is appropriate and able to meet the child's needs; and

(c) The"

On page 2, after line 3, insert the following:

"NEW SECTION, Sec. 2. A new section is added to chapter 13.34 RCW to read as follows:

If a child has been previously placed in out-of-home care and is subsequently returned to out-of-home care, and the department cannot locate an appropriate and available relative or other suitable person, the preferred placement for the child is in a foster family home where the child previously was placed, if the following conditions are met:

(1) The foster family home is available and willing to care for the child;

(2) The foster family is appropriate and able to meet the child's needs; and

(3) The placement is in the best interest of the child."

Correct the title.

Representatives Kagi and Haler spoke in favor of the adoption of the amendment.

Amendment (887) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5431, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5431, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Kirby and Kristiansen.

SUBSTITUTE SENATE BILL NO. 5431, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5548 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position in its amendments to SENATE BILL NO. 5548 and asked the Senate to concur therein.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SECOND SUBSTITUTE SENATE BILL NO. 5433 and asks the House for a Conference thereon, and the same is herewith transmitted

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Hunter moved to grant the Senate's request for a Conference on SECOND SUBSTITUTE SENATE BILL NO. 5433.

Representative Hunter spoke in favor of the motion to grant the Senate's request.

Representative Orcutt spoke against the motion to grant the Senate's request.

An electronic roll call was requested.

The Speaker (Representative Moeller presiding) stated the question before the House to be the motion to grant the Senate's request for a Conference on Second Substitute Senate Bill No. 5433.

ROLL CALL

The Clerk called the roll on the motion to grant the Senate's request for a Conference on Second Substitute Senate Bill No. 5433 and the motion was adopted by the following vote: Yeas: 54; Nays: 41; Absent: 0; Excused: 3

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Santos, Sequist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Rolfes, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Armstrong, Kirby and Kristiansen.

The Speaker (Representative Moeller presiding) appointed Representatives Hunter, Nelson and Orcutt as Conferees.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO 5352 and asks the House for a Conference thereon. The President has appointed following members as Conferees: Senators Haugen, Marr and Swecker, and the same is herewith transmitted

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House granted the Senate's request for a Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352. The Speaker (Representative Moeller presiding) appointed Representatives Clibborn, Liias and Roach as Conferees.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READINGESB 6183 by Senator Regala

AN ACT Relating to early deportation of illegal alien offenders; and amending RCW 9.94A.685.

There being no objection, ENGROSSED SENATE BILL NO. 6183 was read the first time, and under suspension of the rules, the bill was placed on the second reading calendar.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of the following bills, and the bills were placed on the second reading calendar:

HOUSE BILL NO. 1216
HOUSE BILL NO. 1244
HOUSE BILL NO. 1272

There being no objection, the following bills were returned to the Committee on Rules:

HOUSE BILL NO. 2250
HOUSE BILL NO. 2351
HOUSE BILL NO. 2348

There being no objection, the House reverted to the sixth order of business.

SECOND READING**ENGROSSED SENATE BILL NO. 6173, by Senator Prentice****Improving sales tax compliance.**

The bill was read the second time.

Representative Hunter moved the adoption of amendment (888):

Strike everything after the enacting clause and insert the following:

**"PART I
FINDING AND INTENT**

NEW SECTION. Sec. 101. The legislature finds that the department of revenue's 2008 compliance study estimates that sales tax noncompliance exceeds well over one hundred million dollars annually in unpaid state and local sales and use taxes.

The legislature intends to address this significant problem by eliminating the use of resale certificates to document wholesale purchases. Resale certificates will be replaced with seller's permits, which will be issued by the department of revenue only to those

businesses that make wholesale purchases, such as retailers, wholesalers, manufacturers, and qualified contractors. Businesses that do not make wholesale purchases, such as most service businesses, will not be entitled to a seller's permit.

**PART II
REPLACING RESALE CERTIFICATES
WITH SELLER'S PERMITS****ISSUED BY THE DEPARTMENT OF REVENUE**

NEW SECTION. Sec. 201. A new section is added to chapter 82.32 RCW to read as follows:

(1) Taxpayers seeking a new seller's permit or to renew or reinstate a seller's permit, other than taxpayers subject to the provisions of section 202 of this act, must apply to the department in a form and manner prescribed by the department. The department must rule on applications within sixty days of receiving a complete application. An application must be denied if the department determines that, based on the nature of the applicant's business, the applicant is not entitled to make purchases at wholesale or is otherwise prohibited from using a seller's permit. The department may also deny an application if it determines that denial would be in the best interest of collecting taxes due under this title. The department's decision whether to approve or deny an application may be based on tax returns previously filed with the department by the applicant, a current or previous examination of the applicant's books and records by the department, information provided by the applicant in the master application and the seller's permit application, and other information available to the department.

(2) Notwithstanding subsection (1) of this section, the department may issue a seller's permit to a taxpayer that has not applied for the permit if it appears to the department's satisfaction, based on the nature of the taxpayer's business activities and any other information available to the department, that the taxpayer is entitled to make purchases at wholesale.

(3) Seller's permits issued by the department will be in a form prescribed by the department, which may include an electronic form, and must contain a unique identifying number assigned by the department.

(4)(a) Except as otherwise provided in this section, seller's permits issued, renewed, or reinstated under this section will be valid for a period of forty-eight months from the date of issuance, renewal, or reinstatement.

(b) A seller's permit issued to taxpayers who register with the department under RCW 82.32.030 after January 1, 2009, is valid for a period of twenty-four months and may be renewed for the period prescribed in (a) of this subsection (4).

(c) A seller's permit is no longer valid if the permit holder's certificate of registration is revoked by the department or the person otherwise ceases to engage in business.

(5)(a) The department may revoke a seller's permit of a taxpayer for any of the following reasons:

(i) The taxpayer used or allowed or caused its seller's permit to be used to purchase any item or service without payment of sales tax, but the taxpayer or other purchaser was not entitled to use the seller's permit for the purchase;

(ii) The department issued the seller's permit to the taxpayer in error;

(iii) The department determines that the taxpayer is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the seller's permit would be in the best interest of collecting taxes due under this title.

(b) The notice of revocation must be in writing and is effective on the date specified in the revocation notice. The notice must also advise the taxpayer of its right to a review by the department.

(c) The department may refuse to reinstate a seller's permit revoked under (a)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a taxpayer whose seller's permit has been revoked under this subsection reorganizes, the new business resulting from the reorganization is not entitled to a seller's permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(d) For purposes of this subsection, "reorganize" or "reorganization" means: (i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly; (ii) a mere change in identity or form of ownership, however effected; or (iii) the new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(6) The department may provide lists of valid and revoked seller's permit numbers on its web site.

(7) The department must provide by rule for the review of the department's decision to deny, revoke, or refuse to reinstate a seller's permit. Such review must be consistent with the requirements of chapter 34.05 RCW.

(8) As part of its continuing efforts to educate taxpayers on their sales and use tax responsibilities, the department will educate taxpayers on the appropriate use of a seller's permit or uniform exemption certificate authorized under RCW 82.04.470 and the consequences of misusing such permits or exemption certificates.

Sec. 202. A new section is added to chapter 82.32 RCW to read as follows:

(1)(a) Contractors seeking a new seller's permit or to renew or reinstate a seller's permit must apply to the department in a form and manner prescribed by the department.

(b) As part of the application, the contractor must report the dollar amount of all purchases of materials and labor during the preceding twelve months for retail construction activity, speculative building, public road construction, and government contracting. If the contractor was not engaged in business as a contractor during the preceding twelve months, the contractor may provide an estimate of the dollar amount of purchases of materials and labor for retail construction activity, speculative building, public road construction, and government contracting during the twelve-month period for which the seller's permit will be valid.

(c) The department must rule on applications within sixty days of receiving a complete application.

(d)(i) An application must be denied if:

(A) The department determines that the applicant is not entitled to make purchases at wholesale;

(B) The application contains any material misstatement;

(C) The application is incomplete; or

(D) Less than twenty-five percent of the taxpayer's total dollar amount of actual or, if applicable, estimated material and labor purchases as reported on the application is for retail construction activity performed by the applicant. However, the department may approve an application not meeting the criteria in this subsection (1)(d)(i)(D) if the department is satisfied that approval is unlikely to jeopardize collection of the taxes due under this title.

(ii) The department may also deny an application if the department determines that denial would be in the best interest of collecting taxes due under this title.

(e) Applications to renew a seller's permit may not be made more than ninety days before the expiration of the seller's permit.

(2) Sellers' permits issued by the department will be in a form prescribed by the department, which may include an electronic form, and must contain a unique identifying number assigned by the department.

(3)(a) Sellers' permits issued, renewed, or reinstated under this section will be valid for a period of twelve months from the date of issuance, renewal, or reinstatement.

(b) A seller's permit is no longer valid if the permit holder's certificate of registration is revoked by the department or the person otherwise ceases to engage in business.

(4)(a) The department may revoke a seller's permit of a contractor for any of the following reasons:

(i) The contractor used or allowed or caused its seller's permit to be used to purchase any item or service without payment of sales tax, but the contractor or other purchaser was not entitled to use the seller's permit for the purchase;

(ii) The department issued the seller's permit to the contractor in error;

(iii) The department determines that the contractor is no longer entitled to make purchases at wholesale; or

(iv) The department determines that revocation of the seller's permit would be in the best interest of collecting taxes due under this title.

(b) The notice of revocation must be in writing and is effective on the date specified in the revocation notice. The notice must also advise the contractor of its right to a review by the department.

(c) The department may refuse to reinstate a seller's permit revoked under (a)(i) of this subsection until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full. In the event a contractor whose seller's permit has been revoked under this subsection reorganizes, the new business resulting from the reorganization is not entitled to a seller's permit until all taxes, penalties, and interest due on any improperly purchased item or service have been paid in full.

(d) For purposes of this subsection, "reorganize" or "reorganization" means: (i) The transfer, however effected, of a majority of the assets of one business to another business where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly; (ii) a mere change in identity or form of ownership, however effected; or (iii) the new business is a mere continuation of the former business based on significant shared features such as owners, personnel, assets, or general business activity.

(5) The department may provide lists of valid and revoked sellers' permit numbers on its web site.

(6) The department must provide by rule for the review of the department's decision to deny, revoke, or refuse to reinstate a seller's permit. Such review must be consistent with the requirements of chapter 34.05 RCW.

(7) As part of its continuing efforts to educate taxpayers on their sales and use tax responsibilities, the department will educate taxpayers on the appropriate use of a seller's permit or uniform exemption certificate authorized under RCW 82.04.470 and the consequences of misusing such permits or exemption certificates.

(8) As used in this section, the following definitions apply:

(a) "Contractor" means a person who engages in any retail construction activity, or who engages in any activity that brings the person within the definition of consumer in RCW 82.04.190(3) or (6), or who is a speculative builder as defined by rule of the department.

(b) "Government contracting" means the activity described in RCW 82.04.190(6).

(c) "Public road construction" means the activity described in RCW 82.04.190(3).

(d) "Retail construction activity" means any activity defined as a retail sale in RCW 82.04.050(2)(b) or (c).

(e) "Speculative building" means the activities of a speculative builder as the term "speculative builder" is defined by rule of the department.

NEW SECTION. Sec. 203. A new section is added to chapter 82.32 RCW to read as follows:

The department of revenue must, by January 1, 2011, develop a system, as resources permit, allowing sellers to voluntarily verify through electronic means the validity of sellers' permits presented to sellers from their customers.

NEW SECTION. Sec. 204. A new section is added to chapter 82.32 RCW to read as follows:

A person must, upon request of the department, provide the department with a copy of all sellers' permits, or uniform exemption certificates as authorized in RCW 82.04.470, accepted by that person during the period specified by the department.

Sec. 205. RCW 82.04.470 and 2007 c 6 s 1201 are each amended to read as follows:

(1) Unless a seller has taken from the buyer a (~~resale certificate~~) seller's permit, the burden of proving that a sale of tangible personal property, ~~extended warranty~~, or of services, was not a sale at retail shall be upon the person who made it.

(2) If a seller does not receive a (~~resale certificate~~) seller's permit at the time of the sale, have a (~~resale certificate~~) seller's permit on file at the time of the sale, or obtain a (~~resale certificate~~)

seller's permit from the buyer within a reasonable time after the sale, the seller shall remain liable for the tax as provided in RCW 82.08.050, unless the seller can demonstrate facts and circumstances according to rules adopted by the department ~~((of revenue))~~ that show the sale was properly made without payment of retail sales tax.

~~(3) ((The department may provide by rule for suggested forms for resale certificates or equivalent documents containing the information that will be accepted as resale certificates. The department shall provide by rule the categories of items or services that must be specified on resale certificates and the business classifications that may use a blanket resale certificate.~~

~~(4) As used in this section, "resale certificate" means documentation provided by a buyer to a seller stating that the purchase is for resale in the regular course of business, or that the buyer is exempt from retail sales tax, and containing the following information)) A seller's permit must contain such information as required by the department, which may include, but is not limited to:~~

~~(a) The name and address of the buyer;~~

~~(b) The ~~((uniform business identifier or revenue registration number of the buyer, if the buyer is required to be registered))~~ seller's permit number issued by the department;~~

~~(c) The type of business engaged in;~~

~~(d) The categories of items or services to be purchased for resale or that are ~~((exempt))~~ otherwise to be purchased at wholesale, unless the buyer presents a blanket ~~((resale certificate))~~ seller's permit;~~

~~(e) The date on which the ~~((certificate))~~ permit was provided to the seller;~~

~~(f) A statement that the items or services purchased either: (i) Are purchased for resale in the regular course of business; or (ii) are ~~((exempt from tax pursuant to statute))~~ otherwise purchased at wholesale;~~

~~(g) A statement that the buyer acknowledges that the buyer is solely responsible for purchasing within the categories specified on the ~~((certificate))~~ permit and that misuse of the resale ~~((or exemption))~~ privilege claimed on the ~~((certificate))~~ permit subjects the buyer to ~~((a penalty of fifty percent of the tax due))~~ revocation of the seller's permit, penalties as provided in RCW 82.32.290 and 82.32.291, in addition to the tax, interest, and any other penalties imposed by law;~~

~~(h) The name of the individual authorized to sign the ~~((certificate))~~ permit, printed in a legible fashion;~~

~~(i) The signature of the authorized individual; ~~((and))~~~~

~~(j) The name of the seller;~~

~~(k) The date the permit was issued, renewed, or reinstated by the department;~~

~~(l) The date that the permit expires;~~

~~(m) Instructions for renewing the permit; and~~

~~(n) A statement that the department is authorized to obtain information concerning the buyer's purchase of items or services under the permit from the seller to verify whether the buyer was authorized to purchase such items or services without payment of retail sales tax.~~

~~((5)) (4) Subsection ~~((4))~~ (3)(h)(;) and (i)(; and (j)) of this section does not apply if the ~~((certificate))~~ permit is provided in a format other than paper. If the ~~((certificate))~~ permit is provided in a format other than paper, the name of the individual providing the ~~((certificate))~~ permit must be included in the ~~((certificate))~~ permit.~~

~~(5)(a) In lieu of a seller's permit issued by the department under section 201 or 202 of this act, a seller may accept from a buyer that is not required to be registered with the department under RCW 82.32.030 a properly completed:~~

~~(i) Uniform sales and use tax exemption certificate developed by the multistate tax commission; or~~

~~(ii) Uniform exemption certificate approved by the streamlined sales and use tax agreement governing board.~~

~~(b) A seller who accepts a properly completed exemption certificate as authorized in (a) of this subsection is relieved of the obligation to collect and remit retail sales tax.~~

~~(6) In lieu of a seller's permit issued by the department under section 201 or 202 of this act, a seller may accept from a buyer that is required to be registered with the department under RCW 82.32.030 a properly completed uniform exemption certificate approved by the streamlined sales and use tax agreement governing~~

board as long as that certificate includes the seller's permit number issued by the department to the buyer.

(7) As used in this section, "seller's permit" means documentation issued by the department under section 201 or 202 of this act and provided by a buyer to a seller to substantiate a wholesale sale.

Sec. 206. RCW 82.08.050 and 2007 c 6 s 1202 are each amended to read as follows:

(1) The tax hereby imposed shall be paid by the buyer to the seller, and each seller shall collect from the buyer the full amount of the tax payable in respect to each taxable sale in accordance with the schedule of collections adopted by the department pursuant to the provisions of RCW 82.08.060.

(2) The tax required by this chapter, to be collected by the seller, shall be deemed to be held in trust by the seller until paid to the department, and any seller who appropriates or converts the tax collected to his or her own use or to any use other than the payment of the tax to the extent that the money required to be collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(3) In case any seller fails to collect the tax herein imposed or, having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of his or her own acts or the result of acts or conditions beyond his or her control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax, unless the seller has taken from the buyer a ~~((resale certificate))~~ seller's permit or uniform exemption certificate authorized under RCW 82.04.470, a copy of a direct pay permit issued under RCW 82.32.087, a direct mail form under RCW 82.32.730(5), or other information required under the streamlined sales and use tax agreement, or information required under rules adopted by the department.

(4) Sellers shall not be relieved from personal liability for the amount of the tax unless they maintain proper records of exempt transactions and provide them to the department when requested.

(5) Sellers are not relieved from personal liability for the amount of tax if they fraudulently fail to collect the tax or if they solicit purchasers to participate in an unlawful claim of exemption.

(6) Sellers are not relieved from personal liability for the amount of tax if they accept an exemption certificate from a purchaser claiming an entity-based exemption if:

(a) The subject of the transaction sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the seller in Washington; and

(b) Washington provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in Washington. Graying out exemption reason types on a uniform form and posting it on the department's web site is a clear and affirmative indication that the grayed out exemptions are not available.

(7)(a) Sellers are relieved from personal liability for the amount of tax if they obtain a fully completed exemption certificate or capture the relevant data elements required under the streamlined sales and use tax agreement within ninety days, or a longer period as may be provided by rule by the department, subsequent to the date of sale.

(b) If the seller has not obtained an exemption certificate or all relevant data elements required under the streamlined sales and use tax agreement within the period allowed subsequent to the date of sale, the seller may, within one hundred twenty days, or a longer period as may be provided by rule by the department, subsequent to a request for substantiation by the department, either prove that the transaction was not subject to tax by other means or obtain a fully completed exemption certificate from the purchaser, taken in good faith.

(c) Sellers are relieved from personal liability for the amount of tax if they obtain a blanket exemption certificate for a purchaser with which the seller has a recurring business relationship. The department may not request from a seller renewal of blanket certificates or updates of exemption certificate information or data elements if there is a recurring business relationship between the buyer and seller. For purposes of this subsection (7)(c), a "recurring

business relationship" means at least one sale transaction within a period of twelve consecutive months.

(8) The amount of tax, until paid by the buyer to the seller or to the department, shall constitute a debt from the buyer to the seller and any seller who fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter is guilty of a misdemeanor.

(9) The tax required by this chapter to be collected by the seller shall be stated separately from the selling price in any sales invoice or other instrument of sale. On all retail sales through vending machines, the tax need not be stated separately from the selling price or collected separately from the buyer. For purposes of determining the tax due from the buyer to the seller and from the seller to the department it shall be conclusively presumed that the selling price quoted in any price list, sales document, contract or other agreement between the parties does not include the tax imposed by this chapter, but if the seller advertises the price as including the tax or that the seller is paying the tax, the advertised price shall not be considered the selling price.

(10) Where a buyer has failed to pay to the seller the tax imposed by this chapter and the seller has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the buyer for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the buyer to pay the same to the seller, regardless of when the tax may be collected by the department; and all of the provisions of chapter 82.32 RCW, including those relative to interest and penalties, shall apply in addition; and, for the sole purpose of applying the various provisions of chapter 82.32 RCW, the twenty-fifth day of the month following the tax period in which the purchase was made shall be considered as the due date of the tax.

(11) Notwithstanding subsections (1) through (10) of this section, any person making sales is not obligated to collect the tax imposed by this chapter if:

(a) The person's activities in this state, whether conducted directly or through another person, are limited to:

- (i) The storage, dissemination, or display of advertising;
- (ii) The taking of orders; or
- (iii) The processing of payments; and

(b) The activities are conducted electronically via a web site on a server or other computer equipment located in Washington that is not owned or operated by the person making sales into this state nor owned or operated by an affiliated person. "Affiliated persons" has the same meaning as provided in RCW 82.04.424.

(12) Subsection (11) of this section expires when: (a) The United States congress grants individual states the authority to impose sales and use tax collection duties on remote sellers; or (b) it is determined by a court of competent jurisdiction, in a judgment not subject to review, that a state can impose sales and use tax collection duties on remote sellers.

(13) For purposes of this section, "seller" includes a certified service provider, as defined in RCW 82.32.020, acting as agent for the seller.

Sec. 207. RCW 82.08.130 and 1993 sp.s. c 25 s 702 are each amended to read as follows:

(1) If a buyer normally is engaged in both consuming and reselling certain types of articles of tangible personal property and is not able to determine at the time of purchase whether the particular property acquired will be consumed or resold, the buyer may use a ((resale certificate)) seller's permit or, if eligible, a uniform exemption certificate authorized under RCW 82.04.470 for the entire purchase if the buyer principally resells the articles according to the general nature of the buyer's business. The buyer shall account for the value of any articles purchased with a ((resale certificate)) seller's permit or uniform exemption certificate authorized under RCW 82.04.470 that are used by the buyer and remit the deferred sales tax on the articles to the department.

(2) A buyer who pays a tax on all purchases and subsequently resells an article or service at retail, without intervening use by the buyer, shall collect the tax from the purchaser as otherwise provided by law and is entitled to a deduction or credit on the buyer's tax

return equal to, in the case of a deduction, the cost to the buyer of the property or service resold upon which retail sales tax has been paid, and in the case of a credit, the amount of state and local sales taxes paid with respect to the property or service resold. The deduction or credit is allowed only if the taxpayer keeps and preserves records that show the names of the persons from whom the articles or services were purchased, the date of the purchase, the type of articles or services, the amount of the purchase, and the tax that was paid.

(3) The department ((shall)) must provide by rule for the refund or credit of retail sales tax paid by a buyer for purchases that are later ((sold at wholesale)) resold without intervening use by the buyer or for purchases that would otherwise have met the definition of wholesale sale if the buyer had provided the seller with a seller's permit or uniform exemption certificate as authorized in RCW 82.04.470.

(4) Nothing in this section may be construed to authorize a deduction or credit in respect to the purchase of services if the services are not of a type that can be sold at wholesale under the definition of wholesale sale in RCW 82.04.060.

Sec. 208. RCW 82.14B.042 and 2002 c 341 s 10 are each amended to read as follows:

(1) The state enhanced 911 excise taxes imposed by this chapter must be paid by the subscriber to the local exchange company providing the switched access line or the radio communications service company providing the radio access line, and each local exchange company and each radio communications service company shall collect from the subscriber the full amount of the taxes payable. The state enhanced 911 excise taxes required by this chapter to be collected by the local exchange company or the radio communications service company are deemed to be held in trust by the local exchange company or the radio communications service company until paid to the department. Any local exchange company or radio communications service company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company or radio communications service company fails to collect the state enhanced 911 excise tax or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of facts or conditions beyond its control, the local exchange company or the radio communications service company is personally liable to the state for the amount of the tax, unless the local exchange company or the radio communications service company has taken from the buyer in good faith ((a properly executed resale certificate under RCW 82.14B.200)) documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for the state enhanced 911 tax.

(3) The amount of tax, until paid by the subscriber to the local exchange company, the radio communications service company, or to the department, constitutes a debt from the subscriber to the local exchange company or the radio communications service company. Any local exchange company or radio communications service company that fails or refuses to collect the tax as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber who refuses to pay any tax due under this chapter is guilty of a misdemeanor. The state enhanced 911 excise taxes required by this chapter to be collected by the local exchange company or the radio communications service company must be stated separately on the billing statement that is sent to the subscriber.

(4) If a subscriber has failed to pay to the local exchange company or the radio communications service company the state enhanced 911 excise taxes imposed by this chapter and the local exchange company or the radio communications service company has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber to pay the tax to the local exchange company or the radio communications service company, regardless of when the tax is collected by the

department. Tax under this chapter is due as provided under RCW 82.14B.061.

Sec.209. RCW 82.14B.200 and 2002 c 341 s 12 are each amended to read as follows:

(1) Unless a local exchange company or a radio communications service company has taken from the buyer ~~((a resale certificate or equivalent document under RCW 82.04.470))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for the tax, the burden of proving that a sale of the use of a switched access line or radio access line was not a sale to a subscriber or was not otherwise subject to the tax is upon the person who made the sale.

(2) If a local exchange company or a radio communications service company does not receive ~~((a resale certificate))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for the tax at the time of the sale, have ~~((a resale certificate))~~ such documentation on file at the time of the sale, or obtain ~~((a resale certificate))~~ such documentation from the buyer within a reasonable time after the sale, the local exchange company or the radio communications service company remains liable for the tax as provided in RCW 82.14B.042, unless the local exchange company or the radio communications service company can demonstrate facts and circumstances according to rules adopted by the department of revenue that show the sale was properly made without payment of the state enhanced 911 excise tax.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on state enhanced 911 excise taxes due but not paid as a result of the improper use of ~~((a resale certificate))~~ documentation stating that the buyer is not a subscriber or is otherwise not liable for the state enhanced 911 tax. This subsection does not prohibit or restrict the application of other penalties authorized by law.

Sec.210. RCW 82.32.087 and 2001 c 188 s 2 are each amended to read as follows:

(1) The director may grant a direct pay permit to a taxpayer who demonstrates, to the satisfaction of the director, that the taxpayer meets the requirements of this section. The direct pay permit allows the taxpayer to accrue and remit directly to the department use tax on the acquisition of tangible personal property or sales tax on the sale of or charges made for labor and/or services, in accordance with all of the applicable provisions of this title. Any taxpayer that uses a direct pay permit shall remit state and local sales or use tax directly to the department. The agreement by the purchaser to remit tax directly to the department, rather than pay sales or use tax to the seller, relieves the seller of the obligation to collect sales or use tax and requires the buyer to pay use tax on the tangible personal property and sales tax on the sale of or charges made for labor and/or services.

(2)(a) A taxpayer may apply for a permit under this section if the taxpayer (i) is subject to mandatory use of electronic funds transfer under RCW 82.32.080; or (ii) makes purchases subject to the taxes imposed under chapter 82.08 or 82.12 RCW in excess of ten million dollars per calendar year.

(b) Application for a permit must be made in writing to the director in a form and manner prescribed by the department. A taxpayer who transacts business in two or more locations may submit one application to cover the multiple locations.

(c) The director shall review a direct pay permit application in a timely manner and shall notify the applicant, in writing, of the approval or denial of the application. The department shall approve or deny an application based on the applicant's ability to comply with local government use tax coding capabilities and responsibilities; requirements for vendor notification; recordkeeping obligations; electronic data capabilities; and tax reporting procedures. Additionally, an application may be denied if the director determines that denial would be in the best interest of collecting taxes due under this title. The department shall provide a direct pay permit to an approved applicant with the notice of approval. The direct pay permit shall clearly state that the holder is solely responsible for the accrual and payment of the tax imposed under chapters 82.08 and 82.12 RCW and that the seller is relieved of liability to collect tax imposed under chapters 82.08 and 82.12 RCW on all sales to the

direct pay permit holder. The taxpayer may petition the director for reconsideration of a denial.

(d) A taxpayer who uses a direct pay permit must continue to maintain records that are necessary to a determination of the tax liability in accordance with this title. A direct pay permit is not transferable and the use of a direct pay permit may not be assigned to a third party.

(3) Taxes for which the direct pay permit is used are due and payable on the tax return for the reporting period in which the taxpayer (a) receives the tangible personal property purchased or in which the labor and/or services are performed or (b) receives an invoice for such property or such labor and/or services, whichever period is earlier.

(4) The holder of a direct pay permit shall furnish a copy of the direct pay permit to each vendor with whom the taxpayer has opted to use a direct pay permit. Sellers who make sales upon which the sales or use tax is not collected by reason of the provisions of this section, in addition to existing requirements under this title, shall maintain a copy of the direct pay permit and any such records or information as the department may specify.

(5) A direct pay permit is subject to revocation by the director at any time the department determines that the taxpayer has violated any provision of this section or that revocation would be in the best interests of collecting the taxes due under this title. The notice of revocation must be in writing and is effective either as of the end of the taxpayer's next normal reporting period or a date deemed appropriate by the director and identified in the revocation notice. The taxpayer may petition the director for reconsideration of a revocation and reinstatement of the permit.

(6) Any taxpayer who chooses to no longer use a direct pay permit or whose permit is revoked by the department, shall return the permit to the department and immediately make a good faith effort to notify all vendors to whom the permit was given, advising them that the permit is no longer valid.

(7) Except as provided in this subsection, the direct pay permit may be used for any purchase of tangible personal property and any retail sale under RCW 82.04.050. The direct pay permit may not be used for:

- (a) Purchases of meals or beverages;
- (b) Purchases of motor vehicles, trailers, boats, airplanes, and other property subject to requirements for title transactions by the department of licensing;
- (c) Purchases for which a ~~((resale certificate))~~ seller's permit or uniform exemption certificate authorized under RCW 82.04.470 may be used;
- (d) Purchases that meet the definitions of RCW 82.04.050 (2) (e) and (f), (3) (a) through (d), (f), and (g), and (5); or
- (e) Other activities subject to tax under chapter 82.08 or 82.12 RCW that the department by rule designates, consistent with the purposes of this section, as activities for which a direct pay permit is not appropriate and may not be used.

Sec. 211. RCW 82.32.290 and 1985 c 414 s 2 are each amended to read as follows:

- (1)(a) It shall be unlawful:
 - (i) For any person to engage in business without having obtained a certificate of registration as provided in this chapter;
 - (ii) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business without having obtained a certificate of registration as provided in this chapter;
 - (iii) For any person to tear down or remove any order or notice posted by the department;
 - (iv) For any person to aid or abet another in any attempt to evade the payment of any tax or any part thereof;
 - (v) For any purchaser to fraudulently sign or furnish to a seller a ~~((resale certificate))~~ seller's permit or uniform exemption certificate authorized under RCW 82.04.470 without intent to resell the property purchased; or
 - (vi) For any person to fail or refuse to permit the examination of any book, paper, account, record, or other data by the department or its duly authorized agent; or to fail or refuse to permit the inspection or appraisal of any property by the department or its duly authorized

agent; or to refuse to offer testimony or produce any record as required.

(b) Any person violating any of the provisions of this subsection (1) shall be guilty of a gross misdemeanor in accordance with chapter 9A.20 RCW.

(2)(a) It shall be unlawful:

(i) For any person to engage in business after revocation of a certificate of registration;

(ii) For the president, vice president, secretary, treasurer, or other officer of any company to cause or permit the company to engage in business after revocation of a certificate of registration; or

(iii) For any person to make any false or fraudulent return or false statement in any return, with intent to defraud the state or evade the payment of any tax or part thereof.

(b) Any person violating any of the provisions of this subsection (2) shall be guilty of a class C felony in accordance with chapter 9A.20 RCW.

(3) In addition to the foregoing penalties, any person who knowingly swears to or verifies any false or fraudulent return, or any return containing any false or fraudulent statement with the intent aforesaid, shall be guilty of the offense of perjury in the second degree; and any company for which a false return, or a return containing a false statement, as aforesaid, is made, shall be punished, upon conviction thereof, by a fine of not more than one thousand dollars. All penalties or punishments provided in this section shall be in addition to all other penalties provided by law.

Sec. 212. RCW 82.32.291 and 1993 sp.s. c 25 s 703 are each amended to read as follows:

Any person who uses a (~~resale certificate~~) seller's permit to purchase items or services without payment of sales tax, or who uses a uniform exemption certificate developed by the multistate tax commission or approved by the streamlined sales and use tax agreement governing board to claim a purchase for resale exemption, and who is not entitled to use the seller's permit or exemption certificate for the purchase shall be assessed a penalty of fifty percent of the tax due, in addition to all other taxes, penalties, and interest due, on the improperly purchased item or service. The department may waive the penalty imposed under this section if it finds that the use of the seller's permit or exemption certificate was due to circumstances beyond the taxpayer's control or if the seller's permit or exemption certificate was properly used for purchases for dual purposes. The department shall define by rule what circumstances are considered to be beyond the taxpayer's control.

Sec. 213. RCW 82.32.330 and 2008 c 81 s 11 are each amended to read as follows:

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information;

(b) "Return" means a tax or information return or claim for refund required by, or provided for or permitted under, the laws of this state which is filed with the department of revenue by, on behalf of, or with respect to a person, and any amendment or supplement thereto, including supporting schedules, attachments, or lists that are supplemental to, or part of, the return so filed;

(c) "Tax information" means (i) a taxpayer's identity, (ii) the nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemptions, credits, assets, liabilities, net worth, tax liability deficiencies, overassessments, or tax payments, whether taken from the taxpayer's books and records or any other source, (iii) whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing, (iv) a part of a written determination that is not designated as a precedent and disclosed pursuant to RCW 82.32.410, or a background file document relating to a written determination, and (v) other data received by, recorded by, prepared by, furnished to, or collected by the department of revenue with respect to the determination of the existence, or possible existence, of liability, or the amount thereof, of a person under the laws of this state for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense (~~PROVIDED, That~~). However, data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Except as provided by RCW 82.32.410, nothing in this chapter shall require any person possessing data, material, or

documents made confidential and privileged by this section to delete information from such data, material, or documents so as to permit its disclosure;

(d) "State agency" means every Washington state office, department, division, bureau, board, commission, or other state agency;

(e) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer; and

(f) "Department" means the department of revenue or its officer, agent, employee, or representative.

(2) Returns and tax information (~~shall be~~) are confidential and privileged, and except as authorized by this section, neither the department of revenue nor any other person may disclose any return or tax information.

(3) This section does not prohibit the department of revenue from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding;

(i) In respect of any tax imposed under the laws of this state if the taxpayer or its officer or other person liable under Title 82 RCW is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding;

(b) Disclosing, subject to such requirements and conditions as the director (~~shall~~) prescribes by rules adopted pursuant to chapter 34.05 RCW, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person (~~PROVIDED, That~~). However, tax information not received from the taxpayer (~~shall~~) must not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been either issued or filed and remains outstanding for a period of at least ten working days. The department (~~shall~~) is not (~~be~~) required to disclose any information under this subsection if a taxpayer: (i) Has been issued a tax assessment; (ii) has been issued a warrant that has not been filed; and (iii) has entered a deferred payment arrangement with the department of revenue and is making payments upon such deficiency that will fully satisfy the indebtedness within twelve months;

(d) Disclosing the name of a taxpayer with a deficiency greater than five thousand dollars and against whom a warrant under RCW 82.32.210 has been filed with a court of record and remains outstanding;

(e) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(f) Disclosing such return or tax information, for official purposes only, to the governor or attorney general, or to any state agency, or to any committee or subcommittee of the legislature dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(g) Permitting the department of revenue's records to be audited and examined by the proper state officer, his or her agents and employees;

(h) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace

officer or county prosecuting attorney who receives the return or tax information may disclose that return or tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the return or tax information originally was sought;

(i) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of this state;

(j) Disclosing any such return or tax information to the Department of Justice, including the Bureau of Alcohol, Tobacco, Firearms and Explosives within the Department of Justice, the Department of Defense, the Immigration and Customs Enforcement and the Customs and Border Protection agencies of the United States Department of Homeland Security, the Coast Guard of the United States, and the United States Department of Transportation, or any authorized representative (~~thereof~~) of these federal agencies, for official purposes;

(k) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;

(l) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers, seller's permit numbers and the status of such permits, North American industry classification system or standard industrial classification code of a taxpayer, and the dates of opening and closing of business. This subsection (~~shall~~) must not be construed as giving authority to the department to give, sell, or provide access to any list of taxpayers for any commercial purpose;

(m) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.56 RCW or is a document maintained by a court of record and is not otherwise prohibited from disclosure;

(n) Disclosing such return or tax information to the United States department of agriculture for the limited purpose of investigating food stamp fraud by retailers;

(o) Disclosing to a financial institution, escrow company, or title company, in connection with specific real property that is the subject of a real estate transaction, current amounts due the department for a filed tax warrant, judgment, or lien against the real property;

(p) Disclosing to a person against whom the department has asserted liability as a successor under RCW 82.32.140 return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded;

(q) Disclosing such return or tax information in the possession of the department relating to the administration or enforcement of the real estate excise tax imposed under chapter 82.45 RCW, including information regarding transactions exempt or otherwise not subject to tax; or

(r) Disclosing to local taxing jurisdictions the identity of sellers granted relief under RCW 82.32.430(5)(b)(i) and the period for which relief is granted.

(4)(a) The department may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with the department's official duties relating to an audit, collection activity, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income

tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the department (~~shall~~) must, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence (~~shall~~) must clearly identify the data, materials, or documents to be disclosed. The department may not disclose any tax return or tax information under this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court shall limit or deny the request of the department if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The department (~~shall~~) must reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the department of revenue and any person acquiring knowledge of any return or tax information as provided under subsection (3)(f), (g), (h), (i), (j), or (n) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the state, such person (~~shall~~) must forfeit such office or employment and (~~shall be~~) is incapable of holding any public office or employment in this state for a period of two years thereafter.

Sec. 214. RCW 82.72.040 and 2004 c 254 s 6 are each amended to read as follows:

(1) Telephone program excise taxes must be paid by the subscriber to the local exchange company providing the switched access line, and each local exchange company shall collect from the subscriber the full amount of the taxes payable. Telephone program excise taxes to be collected by the local exchange company are deemed to be held in trust by the local exchange company until paid to the department. Any local exchange company that appropriates or converts the tax collected to its own use or to any use other than the payment of the tax to the extent that the money collected is not available for payment on the due date as prescribed in this chapter is guilty of a gross misdemeanor.

(2) If any local exchange company fails to collect telephone program excise taxes or, after collecting the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of its own act or the result of acts or conditions beyond its control, the local exchange company is personally liable to the state for the amount of the tax, unless the local exchange company has taken from the buyer in good faith (~~a properly executed resale certificate under RCW 82.72.070~~) documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for telephone program excise taxes.

(3) The amount of tax, until paid by the subscriber to the local exchange company or to the department, constitutes a debt from the subscriber to the local exchange company. Any local exchange

company that fails or refuses to collect telephone program excise taxes as required with intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any subscriber who refuses to pay any telephone excise tax is guilty of a misdemeanor.

(4) If a subscriber has failed to pay to the local exchange company the telephone program excise taxes and the local exchange company has not paid the amount of the tax to the department, the department may, in its discretion, proceed directly against the subscriber for collection of the tax, in which case a penalty of ten percent may be added to the amount of the tax for failure of the subscriber to pay the tax to the local exchange company, regardless of when the tax is collected by the department. Telephone program excise taxes are due as provided under RCW 82.72.050.

Sec. 215. RCW 82.72.070 and 2004 c 254 s 9 are each amended to read as follows:

(1) Unless a local exchange company has taken from the buyer ~~((a resale certificate or equivalent document under RCW 82.04.470))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for telephone program excise taxes, the burden of proving that a sale of the use of a switched access line was not a sale to a subscriber or was otherwise not subject to telephone program excise taxes is upon the person who made the sale.

(2) If a local exchange company does not receive ~~((a resale certificate))~~ documentation, in a form and manner prescribed by the department, stating that the buyer is not a subscriber or is otherwise not liable for telephone program excise taxes at the time of the sale, have ~~((a resale certificate))~~ such documentation on file at the time of the sale, or obtain ~~((a resale certificate))~~ such documentation from the buyer within a reasonable time after the sale, the local exchange company remains liable for the telephone program excise taxes as provided in RCW 82.72.040, unless the local exchange company can demonstrate facts and circumstances according to rules adopted by the department that show the sale was properly made without payment of telephone program excise taxes.

(3) The penalty imposed by RCW 82.32.291 may not be assessed on telephone program excise taxes that are due but not paid as a result of the improper use of ~~((a resale certificate))~~ documentation stating that the buyer is not a subscriber or is otherwise not liable for telephone program excise taxes. This subsection does not prohibit or restrict the application of other penalties authorized by law.

PART III TECHNICAL CHANGES

Sec. 301. RCW 82.04.050 and 2007 c 54 s 4 and 2007 c 6 s 1004 are each reenacted and amended to read as follows:

(1) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who presents a ~~((resale certificate under))~~ seller's permit or uniform exemption certificate in conformity with RCW 82.04.470 and who:

(a) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, but a purchase for the purpose of resale by a regional transit authority under RCW 81.112.300 is not a sale for resale; or

(b) Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(c) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(d) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(e) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280 (2) and (7), 82.04.290, and 82.04.2908; or

(f) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(2) The term "sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of self-service laundry facilities, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(b) The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(c) The constructing, repairing, or improving of any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;

(d) The cleaning, fumigating, razing, or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(e) Automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;

(f) The furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(g) Persons taxable under (a), (b), (c), (d), (e), and (f) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be

resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (1) of this section and nothing contained in subsection (1) of this section shall be construed to modify this subsection.

(3) The term "sale at retail" or "retail sale" shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows, day trips for sightseeing purposes, and others, when provided to consumers;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, turkish bath services, escort services, and dating services.

(4)(a) The term shall also include:

(i) The renting or leasing of tangible personal property to consumers; and

(ii) Providing tangible personal property along with an operator for a fixed or indeterminate period of time. A consideration of this is that the operator is necessary for the tangible personal property to perform as designed. For the purpose of this subsection (4)(a)(ii), an operator must do more than maintain, inspect, or set up the tangible personal property.

(b) The term shall not include the renting or leasing of tangible personal property where the lease or rental is for the purpose of sublease or subrent.

(5) The term shall also include the providing of "competitive telephone service," "telecommunications service," or "ancillary services," as those terms are defined in RCW 82.04.065, to consumers.

(6) The term shall also include the sale of prewritten computer software other than a sale to a person who presents a (~~resale certificate under~~) seller's permit or uniform exemption certificate in conformity with RCW 82.04.470, regardless of the method of delivery to the end user, but shall not include custom software or the customization of prewritten computer software.

(7) The term shall also include the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement. For purposes of this subsection, "sales price" has the same meaning as in RCW 82.08.010.

(8) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.

(9) The term shall also not include sales of chemical sprays or washes to persons for the purpose of postharvest treatment of fruit for the prevention of scald, fungus, mold, or decay, nor shall it include sales of feed, seed, seedlings, fertilizer, agents for enhanced

pollination including insects such as bees, and spray materials to: (a) Persons who participate in the federal conservation reserve program, the environmental quality incentives program, the wetlands reserve program, and the wildlife habitat incentives program, or their successors administered by the United States department of agriculture; (b) farmers for the purpose of producing for sale any agricultural product; and (c) farmers acting under cooperative habitat development or access contracts with an organization exempt from federal income tax under 26 U.S.C. Sec. 501(c)(3) or the Washington state department of fish and wildlife to produce or improve wildlife habitat on land that the farmer owns or leases.

(10) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.

(11) The term shall not include the sale of or charge made for labor, services, or tangible personal property pursuant to agreements providing maintenance services for bus, rail, or rail fixed guideway equipment when a regional transit authority is the recipient of the labor, services, or tangible personal property, and a transit agency, as defined in RCW 81.104.015, performs the labor or services.

PART IV MISCELLANEOUS

NEW SECTION. Sec. 401. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 402. This act must be liberally construed in order to carry out its purposes.

NEW SECTION. Sec. 403. This act takes effect January 1, 2010.

NEW SECTION. Sec. 404. The effective date in section 403 of this act may not be construed as preventing the department of revenue from accepting applications for, or issuing, sellers' permits before January 1, 2010, or taking any other action before January 1, 2010, necessary to ensure the effective implementation of this act.

NEW SECTION. Sec. 405. Part headings used in this act are not any part of the law."

Representative Orcutt moved the adoption of amendment (894) to amendment (888):

On page 38, line 2 of the amendment, before "or taking" insert "adopting rules,"

Representatives Orcutt and Hunter spoke in favor of the adoption of the amendment to amendment (888).

Amendment (894) to amendment (888) was adopted.

Representative Hunter moved the adoption of amendment (893) to amendment (888):

On page 38, after line 3 of the amendment, insert the following: **"NEW SECTION. Sec. 405.** By December 1, 2009, the finance committee of the house of representatives and the joint legislative task force on the underground economy in the Washington state construction industry, shall each prepare a report that reviews the issues and concerns that need to be addressed by the legislature as a result of the changes made in this act. The reports shall include any

recommendations on potential modifications to the provisions of this act. The department of revenue shall provide necessary support and information."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Hunter and Condotta spoke in favor of the adoption of the amendment to amendment (888).

Amendment (893) to amendment (888) was adopted.

Amendment (888) as amended was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunter, Orcutt and Condotta spoke in favor of the passage of the bill.

The Speaker (Representative Moeller presiding) stated the question before the House to be the final passage of Senate Bill No. 6173, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6173, as amended by the House, and the bill passed the House by the following vote: Yeas, 86; Nays, 9; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Cox, Ericksen, Herrera, McCune, Pearson, Roach, Shea and Taylor.

Excused: Representatives Armstrong, Kirby and Kristiansen.

SENATE BILL NO. 6173, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 19, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5840 and asks the House for a Conference thereon, and the same is herewith transmitted
Thomas Hoemann, Secretary

There being no objection, the House granted the Senate's request for a Conference on SENATE BILL NO. 5840. The Speaker (Representative Moeller presiding) appointed Representatives McCoy, Kessler and Crouse as Conferees.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5574 and asks the House to recede therefrom, and the same is herewith transmitted
Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House insisted on its position on SUBSTITUTE SENATE BILL NO. 5574 and requests a Conference thereon. The Speaker (Representative Moeller presiding) appointed Representatives Clibborn, Eddy and Shea as conferees.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., April 24, 2009, the 103rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ONE HUNDRED THIRD DAY

House Chamber, Olympia, Friday, April 24, 2009

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Andrew Garon and Aaron Roper. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Ed Orcutt.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 1290,
ENGROSSED HOUSE BILL NO. 1616,
HOUSE BILL NO. 2359,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5073, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 2343,
HOUSE BILL NO. 2347,
HOUSE BILL NO. 2349,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

INTRODUCTION AND FIRST READING

HB 2386 by Representatives Taylor, Alexander, Angel, Shea, Johnson, Ross, Dammeier, Klippert, Schmick, Crouse, Short, Cox, Warnick, Haler, Hinkle, Orcutt, Herrera, Smith and McCune

AN ACT Relating to requiring a seventy-two hour budget review period prior to hearings or votes on appropriation and revenue bills; adding new sections to chapter 44.04 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESSB 5073 by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Swecker, Benton and Parlette)

AN ACT Relating to consolidating accounts into the state general fund; amending RCW 3.50.100, 3.58.060, 3.62.020, 3.62.040, 7.68.030, 7.68.035, 7.68.085, 9.41.110, 9A.82.110, 9.68A.120, 10.82.070, 10.82.090, 10.105.010, 28A.150.380, 28A.505.210, 28A.505.220, 35.20.220, 36.18.012, 36.18.025, 36.70A.130, 39.42.070, 41.05.068, 43.08.250, 43.17.150,

43.41.260, 43.79.480, 43.99H.060, 43.99K.030, 43.99L.040, 43.135.025, 46.61.5058, 46.64.055, 66.24.210, 66.24.290, 67.70.240, 67.70.340, 69.50.505, 70.05.125, 70.47.015, 70.96A.350, 70.146.010, 70.146.020, 70.146.030, 70.146.040, 70.146.075, 70.190.010, 70.190.100, 72.09.111, 74.09.053, 77.12.201, 82.08.150, 82.24.026, 82.24.027, 82.24.028, 82.26.020, 82.64.020, 84.52.067, and 90.71.370; reenacting and amending RCW 2.56.030, 36.18.020, 43.84.092, 43.135.035, 43.135.045, 46.63.110, 48.14.0201, 70.146.060, 72.09.480, 82.04.260, and 82.24.020; creating a new section; repealing RCW 43.72.900, 69.50.520, 70.146.080, 82.32.390, and 84.52.068; providing an effective date; and declaring an emergency.

ESB 6166

by Senators Hargrove, Ranker, Rockefeller, Jacobsen and Morton

AN ACT Relating to the sale of timber from state trust lands; amending RCW 79.15.510, 79.15.520, and 79.15.060; adding a new section to chapter 79.15 RCW; creating new sections; and providing an expiration date.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated, except ENGROSSED SUBSTITUTE SENATE BILL NO. 5073 which was placed on the second reading calendar.

MESSAGES FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate has granted the request of the House for a Conference on SUBSTITUTE SENATE BILL NO. 5574. The President has appointed the following members as Conferees: Senators Kohl-Welles, Kauffman and Holmquist, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The President has appointed the following members as Conferees for the Conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 5840: Senators Brown, Rockefeller and Honeyford, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5107,
SUBSTITUTE SENATE BILL NO. 5252,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5746,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850,
SECOND SUBSTITUTE SENATE BILL NO. 5973,
ENGROSSED SENATE BILL NO. 6033,
SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 5995, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The President has signed the following:

SUBSTITUTE SENATE BILL NO. 5166,
 SUBSTITUTE SENATE BILL NO. 5391,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649,
 SUBSTITUTE SENATE BILL NO. 5718,
 SUBSTITUTE SENATE BILL NO. 5723,
 SUBSTITUTE SENATE BILL NO. 5725,
 SUBSTITUTE SENATE BILL NO. 5732,
 SUBSTITUTE SENATE BILL NO. 5931,
 SECOND SUBSTITUTE SENATE BILL NO. 5945,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5967,
 SENATE BILL NO. 5974,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5978,
 SUBSTITUTE SENATE BILL NO. 6009,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015,
 SUBSTITUTE SENATE BILL NO. 6016,
 SUBSTITUTE SENATE BILL NO. 6036,
 SENATE BILL NO. 6070,
 SUBSTITUTE SENATE BILL NO. 6088,
 SUBSTITUTE SENATE BILL NO. 6095,
 SENATE BILL NO. 6104,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 23, 2009

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 6122,
 SENATE BILL NO. 6165,
 SUBSTITUTE SENATE BILL NO. 6171,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018. Under suspension of the rules, Engrossed Substitute House Bill No. 1018 was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county

governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative measures and referendum measures provided by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ((Except as provided in subsection (4) of this section.)) A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ((first)) second Tuesday ((after the first Monday)) in February;

(b) ((The second Tuesday in March;

(c)) The fourth Tuesday in April;

((((d))) (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;

((((e))) (d) The day of the primary as specified by RCW 29A.04.311; or

((((f))) (e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through ((d)) (c) of this section must be presented to the county auditor at least ((fifty-two)) forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection (2)((e)) (d) or ((f)) (e) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ((f)) (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(6)) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 2. RCW 29A.04.321 and 2006 c 344 s 2 are each amended to read as follows:

(1) All state, county, city, town, and district general elections for the election of federal, state, legislative, judicial, county, city, town, and district officers, and for the submission to the voters of the state, county, city, town, or district of any measure for their adoption and approval or rejection, shall be held on the first Tuesday after the first Monday of November, in the year in which they may be called. A statewide general election shall be held on the first Tuesday after the first Monday of November of each year. However, the statewide general election held in odd-numbered years shall be limited to (a) city, town, and district general elections as provided for in RCW 29A.04.330, or as otherwise provided by law; (b) the election of federal officers for the remainder of any unexpired terms in the membership of either branch of the Congress of the United States; (c) the election of state and county officers for the remainder of any unexpired terms of offices created by or whose duties are described in Article II, section 15, Article III, sections 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the state Constitution and RCW 2.06.080; (d) the election of county officers in any county governed by a charter containing provisions calling for general county elections at this time; and (e) the approval or rejection of state measures, including proposed constitutional amendments, matters pertaining to any proposed constitutional convention, initiative

measures and referendum measures proposed by the electorate, referendum bills, and any other matter provided by the legislature for submission to the electorate.

(2) A county legislative authority may call a special county election by presenting a resolution to the county auditor prior to the proposed election date. ((Except as provided in subsection (4) of this section.)) A special election called by the county legislative authority shall be held on one of the following dates as decided by such governing body:

(a) The ((first)) second Tuesday ((after the first Monday)) in February;

(b) ((The second Tuesday in March;

(c))) The fourth Tuesday in April;

((d) The third Tuesday in May;

(e))) (c) The day of the primary as specified by RCW 29A.04.311; or

((f)) (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) ((through (d))) and (b) of this section must be presented to the county auditor at least ((fifty-two)) forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection 2)((e)) (c) or ((f)) (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) In addition to the dates set forth in subsection (2)(a) through ((f)) (d) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God. Such county special election shall be noticed and conducted in the manner provided by law.

(5) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called by the county legislative authority under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(6)) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections except for those elections held pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution. This section shall not be construed as fixing the time for holding primary elections, or elections for the recall of any elective public officer.

Sec. 3. RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ((Except as provided in subsection (3) of this section.)) Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ((first)) second Tuesday ((after the first Monday)) in February;

(b) ((The second Tuesday in March;

(c))) The fourth Tuesday in April;

((d)) (c) The third Tuesday in May for tax levies that failed previously in that calendar year and new bond issues;

((e)) (d) The day of the primary election as specified by RCW 29A.04.311; or

((f)) (e) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection (2)(a) through ((d)) (c) of this section must be presented to the county auditor at least ((fifty-two)) forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection 2)((e)) (d) or ((f)) (e) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5)) In addition to subsection 2)(a) through ((f)) (e) of this section, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection 2)((e)) (d) and ((f)) (e) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

((6)) (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

Sec. 4. RCW 29A.04.330 and 2006 c 344 s 3 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

(a) Elections for the recall of any elective public officer;

(b) Public utility districts, conservation districts, or district elections at which the ownership of property within those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto;

(c) Consolidation proposals as provided for in RCW 28A.315.235 and nonhigh capital fund aid proposals as provided for in chapter 28A.540 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to the auditor prior to the proposed election date, may call a special election in such city, town, or district, and for the purpose of such special election he or she may combine, unite, or divide precincts. ((Except as provided in subsection (3) of this section.)) Such a special election shall be held on one of the following dates as decided by the governing body:

(a) The ((first)) second Tuesday ((after the first Monday)) in February;

(b) ((The second Tuesday in March;

(c))) The fourth Tuesday in April;

((d) The third Tuesday in May;

(e)) (c) The day of the primary election as specified by RCW 29A.04.311; or

((f)) (d) The first Tuesday after the first Monday in November.

(3) A resolution calling for a special election on a date set forth in subsection 2)(a) ((through (d))) and (b) of this section must be presented to the county auditor at least ((fifty-two)) forty-five days prior to the election date. A resolution calling for a special election on a date set forth in subsection 2)((e)) (c) or ((f)) (d) of this section must be presented to the county auditor at least eighty-four days prior to the election date.

(4) ((In a presidential election year, if a presidential preference primary is conducted in February, March, April, or May under chapter 29A.56 RCW, the date on which a special election may be called under subsection (2) of this section during the month of that primary is the date of the presidential primary.

(5)) In addition to subsection 2)(a) through ((f)) (d) of this section, a special election to validate an excess levy or bond issue

may be called at any time to meet the needs resulting from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in subsection (2)((e)) (c) and ((f)) (d) of this section. Such special election shall be conducted and notice thereof given in the manner provided by law.

((6)) (5) This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION. Sec. 5. Sections 1 and 3 of this act expire July 1, 2011.

NEW SECTION. Sec. 6. Sections 2 and 4 of this act take effect July 1, 2011."

On page 1, line 2 of the title, after "held;" strike the remainder of the title and insert "amending RCW 29A.04.321, 29A.04.321, 29A.04.330, and 29A.04.330; providing an effective date; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Appleton, Herrera and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1018, as amended by the Senate.

MOTIONS

On motion of Representative Santos, Representatives Hasegawa, Kirby and Lias were excused. On motion of Representative Hinkle, Representatives Armstrong and Short were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1018, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby, Lias and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1119. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. SHORT TITLE. This act may be known and cited as the uniform prudent management of institutional funds act.

NEW SECTION. Sec. 2. DEFINITIONS. In this chapter:

(1) "Charitable purpose" means the relief of poverty, the advancement of education or religion, the promotion of health, the promotion of a governmental purpose, or any other purpose the achievement of which is beneficial to the community.

(2) "Endowment fund" means an institutional fund or part thereof that, under the terms of a gift instrument, is not wholly expendable by the institution on a current basis. "Endowment fund" does not include assets that an institution designates as an endowment fund for its own use.

(3) "Gift instrument" means a record or records, including an institutional solicitation, under which property is granted to, transferred to, or held by an institution as an institutional fund.

(4) "Institution" means:

(a) A person, other than an individual, organized and operated exclusively for charitable purposes;

(b) A government or governmental subdivision, agency, or instrumentality, to the extent that it holds funds exclusively for a charitable purpose; or

(c) A trust that had both charitable and noncharitable interests, after all noncharitable interests have terminated.

(5) "Institutional fund" means a fund held by an institution exclusively for charitable purposes. "Institutional fund" does not include:

(a) Program-related assets;

(b) A fund held for an institution by a trustee that is not an institution; or

(c) A fund in which a beneficiary that is not an institution has an interest, other than an interest that could arise upon violation or failure of the purposes of the fund.

(6) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(7) "Program-related asset" means an asset held by an institution primarily to accomplish a charitable purpose of the institution and not primarily for investment.

(8) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

NEW SECTION. Sec. 3. STANDARD OF CONDUCT IN MANAGING AND INVESTING INSTITUTIONAL FUND. (1) Subject to the intent of a donor expressed in a gift instrument, an institution, in managing and investing an institutional fund, shall consider the charitable purposes of the institution and the purposes of the institutional fund.

(2) In addition to complying with the duty of loyalty imposed by law other than this chapter, each person responsible for managing and investing an institutional fund shall manage and invest the fund in good faith and with the care an ordinarily prudent person in a like position would exercise under similar circumstances.

(3) In managing and investing an institutional fund, an institution:

(a) May incur only costs that are appropriate and reasonable in relation to the assets, the purposes of the institution, and the skills available to the institution; and

(b) Shall make a reasonable effort to verify facts relevant to the management and investment of the fund.

(4) An institution may pool two or more institutional funds for purposes of management and investment.

(5) Except as otherwise provided by a gift instrument, the following rules apply:

(a) In managing and investing an institutional fund, the following factors, if relevant, must be considered:

(i) General economic conditions;

(ii) The possible effect of inflation or deflation;

(iii) The expected tax consequences, if any, of investment decisions or strategies;

(iv) The role that each investment or course of action plays within the overall investment portfolio of the fund;

(v) The expected total return from income and the appreciation of investments;

(vi) Other resources of the institution;

(vii) The needs of the institution and the institutional fund to make distributions and to preserve capital; and

(viii) An asset's special relationship or special value, if any, to the charitable purposes of the institution.

(b) Management and investment decisions about an individual asset must be made not in isolation but rather in the context of the institutional fund's portfolio of investments as a whole and as a part of an overall investment strategy having risk and return objectives reasonably suited to the institutional fund and to the institution.

(c) Except as otherwise provided by law, an institution may invest in any kind of property or type of investment consistent with this section.

(d) An institution shall diversify the investments of an institutional fund unless the institution reasonably determines that, because of special circumstances, the purposes of the fund are better served without diversification.

(e) Within a reasonable time after receiving property, an institution shall make and carry out decisions concerning the retention or disposition of the property or to rebalance a portfolio, in order to bring the institutional fund into compliance with the purposes, terms, and distribution requirements of the institution as necessary to meet other circumstances of the institution and the requirements of this chapter.

(f) A person that has special skills or expertise, or is selected in reliance upon the person's representation that the person has special skills or expertise, has a duty to use those skills or that expertise in managing and investing institutional funds.

NEW SECTION. Sec. 4. APPROPRIATION FOR EXPENDITURE OR ACCUMULATION OF ENDOWMENT FUND--RULES OF CONSTRUCTION. (1) Subject to the intent of a donor expressed in the gift instrument, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

(a) The duration and preservation of the endowment fund;

(b) The purposes of the institution and the endowment fund;

(c) General economic conditions;

(d) The possible effect of inflation or deflation;

(e) The expected total return from income and the appreciation of investments;

(f) Other resources of the institution; and

(g) The investment policy of the institution.

(2) To limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section, a gift instrument must specifically state the limitation.

(3) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income," "interest," "dividends," or "rents, issues, or profits," or "to preserve the principal intact," or words of similar import:

(a) Create an endowment fund of permanent duration unless other language in the gift instrument limits the duration or purpose of the fund; and

(b) Do not otherwise limit the authority to appropriate for expenditure or accumulate under subsection (1) of this section.

NEW SECTION. Sec. 5. DELEGATION OF MANAGEMENT AND INVESTMENT FUNCTIONS. (1) Subject to any specific limitation set forth in a gift instrument or in law other than this chapter, an institution may delegate to an external agent the management and investment of an institutional fund to the extent that an institution could prudently delegate under the circumstances. An institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, in:

(a) Selecting an agent;

(b) Establishing the scope and terms of the delegation, consistent with the purposes of the institution and the institutional fund; and

(c) Periodically reviewing the agent's actions in order to monitor the agent's performance and compliance with the scope and terms of the delegation.

(2) In performing a delegated function, an agent owes a duty to the institution to exercise reasonable care to comply with the scope and terms of the delegation.

(3) An institution that complies with subsection (1) of this section is not liable for the decisions or actions of an agent to which the function was delegated.

(4) By accepting delegation of a management or investment function from an institution that is subject to the laws of this state, an agent submits to the jurisdiction of the courts of this state in all proceedings arising from or related to the delegation or the performance of the delegated function.

(5) An institution may delegate management and investment functions to its committees, officers, or employees as authorized by law.

NEW SECTION. Sec. 6. RELEASE OR MODIFICATION OF RESTRICTIONS ON MANAGEMENT, INVESTMENT, OR PURPOSE. (1) If the donor consents in a record, an institution may release or modify, in whole or in part, a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund. A release or modification may not allow a fund to be used for a purpose other than a charitable purpose of the institution.

(2) The court, upon application of an institution, may modify a restriction contained in a gift instrument regarding the management or investment of an institutional fund if the restriction has become impracticable or wasteful, if it impairs the management or investment of the fund, or if, because of circumstances not anticipated by the donor, a modification of a restriction will further the purposes of the fund. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard. To the extent practicable, any modification must be made in accordance with the donor's probable intention.

(3) If a particular charitable purpose or a restriction contained in a gift instrument on the use of an institutional fund becomes unlawful, impracticable, impossible to achieve, or wasteful, the court, upon application of an institution, may modify the purpose of the fund or the restriction on the use of the fund in a manner consistent with the charitable purposes expressed in the gift instrument. The institution shall notify the attorney general of the application, and the attorney general must be given an opportunity to be heard.

(4) If an institution determines that a restriction contained in a gift instrument on the management, investment, or purpose of an institutional fund is unlawful, impracticable, impossible to achieve, or wasteful, the institution, sixty days after notification to the attorney general, may release or modify the restriction, in whole or part, if:

(a) The institutional fund subject to the restriction has a total value of less than seventy-five thousand dollars. On the first day of July of each year, beginning on July 1, 2011, the dollar limit provided in this subsection (4)(a) shall increase by an amount of two thousand five hundred dollars;

(b) More than twenty years have elapsed since the fund was established; and

(c) The institution uses the property in a manner consistent with the charitable purposes expressed in the gift instrument.

NEW SECTION. Sec. 7. REVIEWING COMPLIANCE. Compliance with this chapter is determined in light of the facts and circumstances existing at the time a decision is made or action is taken, and not by hindsight.

NEW SECTION. Sec. 8. APPLICATION TO EXISTING INSTITUTIONAL FUNDS. (1) Before July 1, 2009, this chapter applies to an institutional fund existing on the effective date of this act only if the institution's governing body elects to apply this chapter to the institutional fund before July 1, 2009.

(2) On and after July 1, 2009, this chapter applies to all institutional funds.

(3) As applied to institutional funds existing on the effective date of this act, this chapter governs only decisions made or actions taken on or after July 1, 2009, except that in the case of an institution that makes the election under subsection (1) of this section this chapter governs decisions made or actions taken on or after the date the institution elects to be covered by this chapter.

NEW SECTION. Sec. 9. RELATION TO ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT. This chapter modifies, limits, and supersedes the electronic signatures in global and national commerce act (15 U.S.C. Sec. 7001 et seq.), but does not modify, limit, or supersede 15 U.S.C. Sec. 7001(a), or authorize electronic delivery of any of the notices described in 15 U.S.C. Sec. 7003(b).

NEW SECTION. Sec. 10. UNIFORMITY OF APPLICATION AND CONSTRUCTION. In applying and construing this uniform act, consideration must be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

NEW SECTION. Sec. 11. CAPTIONS NOT LAW. Captions used in this act are not any part of the law.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act constitute a new chapter in Title 24 RCW.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed, effective July 1, 2009:

§ RCW 24.44.010 (Definitions) and 1973 c 17 s 1;

§ RCW 24.44.020 (Appropriation of appreciation) and 1973 c 17 s 2;

§ RCW 24.44.030 (Investment authority) and 1973 c 17 s 3;

§ RCW 24.44.040 (Delegation of investment management) and 1973 c 17 s 4;

§ RCW 24.44.050 (Standard of conduct) and 1973 c 17 s 5;

§ RCW 24.44.060 (Release of restrictions on use or investments) and 1973 c 17 s 6;

§ RCW 24.44.070 (Uniformity of application and construction) and 1973 c 17 s 8;

§ RCW 24.44.080 (Short title) and 1973 c 17 s 9;

§ RCW 24.44.090 (Section headings) and 1973 c 17 s 10; and

§ RCW 24.44.900 (Severability--1973 c 17) and 1973 c 17 s 7.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "institutions;" strike the remainder of the title and insert "adding a new chapter to Title 24 RCW; repealing RCW 24.44.010, 24.44.020, 24.44.030, 24.44.040, 24.44.050, 24.44.060, 24.44.070, 24.44.080, 24.44.090, and 24.44.900; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1119 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1119, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1119, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

SUBSTITUTE HOUSE BILL NO. 1119, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 70.54 RCW to read as follows:

(1) For purposes of this section:

(a) "Customer" means an individual who is lawfully on the premises of a retail establishment.

(b) "Eligible medical condition" means:

(i) Crohn's disease, ulcerative colitis, or any other inflammatory bowel disease;

(ii) Irritable bowel syndrome;

(iii) Any condition requiring use of an ostomy device; or

(iv) Any permanent or temporary medical condition that requires immediate access to a restroom.

(c) "Employee restroom" means a restroom intended for employees only in a retail facility and not intended for customers.

(d) "Health care provider" means an advanced registered nurse practitioner licensed under chapter 18.79 RCW, an osteopathic physician or surgeon licensed under chapter 18.57 RCW, an osteopathic physicians assistant licensed under chapter 18.57A RCW,

a physician or surgeon licensed under chapter 18.71 RCW, or a physician assistant licensed under chapter 18.71A RCW.

(e) "Retail establishment" means a place of business open to the general public for the sale of goods or services. Retail establishment does not include any structure such as a filling station, service station, or restaurant of eight hundred square feet or less that has an employee restroom located within that structure.

(2) A retail establishment that has an employee restroom must allow a customer with an eligible medical condition to use that employee restroom during normal business hours if:

(a) The customer requesting the use of the employee restroom provides in writing either:

(i) A signed statement by the customer's health care provider on a form that has been prepared by the department of health under subsection (4) of this section; or

(ii) An identification card that is issued by a nonprofit organization whose purpose includes serving individuals who suffer from an eligible medical condition; and

(b) One of the following conditions are met:

(i) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(ii) Allowing the customer to access the restroom facility does not pose a security risk to the retail establishment or its employees.

(3) A retail establishment that has an employee restroom must allow a customer to use that employee restroom during normal business hours if:

(a)(i) Three or more employees of the retail establishment are working at the time the customer requests use of the employee restroom; and

(ii) The retail establishment does not normally make a restroom available to the public; and

(b)(i) The employee restroom is reasonably safe and is not located in an area where providing access would create an obvious health or safety risk to the customer; or

(ii) Allowing the customer to access the employee restroom does not pose a security risk to the retail establishment or its employees.

(4) The department of health shall develop a standard electronic form that may be signed by a health care provider as evidence of the existence of an eligible medical condition as required by subsection (2) of this section. The form shall include a brief description of a customer's rights under this section and shall be made available for a customer or his or her health care provider to access by computer. Nothing in this section requires the department to distribute printed versions of the form.

(5) Fraudulent use of a form as evidence of the existence of an eligible medical condition is a misdemeanor punishable under RCW 9A.20.010.

(6) For a first violation of this section, the city or county attorney shall issue a warning letter to the owner or operator of the retail establishment, and to any employee of a retail establishment who denies access to an employee restroom in violation of this section, informing the owner or operator of the establishment and employee of the requirements of this section. A retail establishment or an employee of a retail establishment that violates this section after receiving a warning letter is guilty of a class 2 civil infraction under chapter 7.80 RCW.

(7) A retail establishment is not required to make any physical changes to an employee restroom under this section and may require that an employee accompany a customer or a customer with an eligible medical condition to the employee restroom.

(8) A retail establishment or an employee of a retail establishment is not civilly liable for any act or omission in allowing a customer or a customer with an eligible medical condition to use an employee restroom if the act or omission meets all of the following:

(a) It is not willful or grossly negligent;

(b) It occurs in an area of the retail establishment that is not accessible to the public; and

(c) It results in an injury to or death of the customer or the customer with an eligible medical condition or any individual other than an employee accompanying the customer or the customer with an eligible medical condition."

On page 1, line 2 of the title, after "establishment;" strike the remainder of the title and insert "adding a new section to chapter 70.54 RCW; and prescribing penalties."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1138, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1138, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darnelle, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, as amended by the Senate.

JIM MCCUNE, 2nd District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138, as amended by the Senate.

MATTHEW SHEA, 4th District

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1170. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

Sec. 1. RCW 26.09.004 and 2008 c 6 s 1003 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) "Temporary parenting plan" means a plan for parenting of the child pending final resolution of any action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation which is incorporated in a temporary order.

(2) "Permanent parenting plan" means a plan for parenting the child, including allocation of parenting functions, which plan is incorporated in any final decree or decree of modification in an action for dissolution of marriage or domestic partnership, declaration of invalidity, or legal separation.

(3) "Parenting functions" means those aspects of the parent-child relationship in which the parent makes decisions and performs functions necessary for the care and growth of the child. Parenting functions include:

(a) Maintaining a loving, stable, consistent, and nurturing relationship with the child;

(b) Attending to the daily needs of the child, such as feeding, clothing, physical care and grooming, supervision, health care, and day care, and engaging in other activities which are appropriate to the developmental level of the child and that are within the social and economic circumstances of the particular family;

(c) Attending to adequate education for the child, including remedial or other education essential to the best interests of the child;

(d) Assisting the child in developing and maintaining appropriate interpersonal relationships;

(e) Exercising appropriate judgment regarding the child's welfare, consistent with the child's developmental level and the family's social and economic circumstances; and

(f) Providing for the financial support of the child.

(4) "Military duties potentially impacting parenting functions" means those obligations imposed, voluntarily or involuntarily, on a parent serving in the armed forces that may interfere with that parent's abilities to perform his or her parenting functions under a temporary or permanent parenting plan. Military duties potentially impacting parenting functions include, but are not limited to:

(a) "Deployment," which means the temporary transfer of a service member serving in an active-duty status to another location in support of a military operation, to include any tour of duty classified by the member's branch of the armed forces as "remote" or "unaccompanied";

(b) "Activation" or "mobilization," which means the call-up of a national guard or reserve service member to extended active-duty status. For purposes of this definition, "mobilization" does not include national guard or reserve annual training, inactive duty days, or drill weekends; or

(c) "Temporary duty," which means the transfer of a service member from one military base or the service member's home to a different location, usually another base, for a limited period of time to accomplish training or to assist in the performance of a noncombat mission.

Sec. 2. RCW 26.09.010 and 2008 c 6 s 1004 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage or domestic partnership, legal separation or a declaration concerning the validity of a marriage or domestic partnership shall be entitled "In re the marriage of and" or "In re the domestic partnership of and" Such proceedings may be filed in the superior court of the county where the petitioner resides.

(3) In cases where there has been no prior proceeding in this state involving the marital or domestic partnership status of the parties or support obligations for a minor child, a separate parenting and support proceeding between the parents shall be entitled "In re the parenting and support of"

(4) The initial pleading in all proceedings under this chapter shall be denominated a petition. A responsive pleading shall be

denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage or domestic partnership shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed.

(7) In order to provide a means by which to facilitate a fair, efficient, and swift process to resolve matters regarding custody and visitation when a parent serving in the armed forces receives temporary duty, deployment, activation, or mobilization orders from the military, the court shall, upon motion of such a parent:

(a) For good cause shown, hold an expedited hearing in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability, or anticipated ability, to appear in person at a regularly scheduled hearing; and

(b) Upon reasonable advance notice to the affected parties and for good cause shown, allow the parent to present testimony and evidence by electronic means in custody and visitation matters instituted under this chapter when the military duties of the parent have a material effect on the parent's ability to appear in person at a regularly scheduled hearing. The phrase "electronic means" includes communication by telephone, video teleconference, or the internet.

Sec. 3. RCW 26.09.260 and 2000 c 21 s 19 are each amended to read as follows:

(1) Except as otherwise provided in subsections (4), (5), (6), (8), and (10) of this section, the court shall not modify a prior custody decree or a parenting plan unless it finds, upon the basis of facts that have arisen since the prior decree or plan or that were unknown to the court at the time of the prior decree or plan, that a substantial change has occurred in the circumstances of the child or the nonmoving party and that the modification is in the best interest of the child and is necessary to serve the best interests of the child. The effect of a parent's military duties potentially impacting parenting functions shall not, by itself, be a substantial change of circumstances justifying a permanent modification of a prior decree or plan.

(2) In applying these standards, the court shall retain the residential schedule established by the decree or parenting plan unless:

(a) The parents agree to the modification;

(b) The child has been integrated into the family of the petitioner with the consent of the other parent in substantial deviation from the parenting plan;

(c) The child's present environment is detrimental to the child's physical, mental, or emotional health and the harm likely to be caused by a change of environment is outweighed by the advantage of a change to the child; or

(d) The court has found the nonmoving parent in contempt of court at least twice within three years because the parent failed to comply with the residential time provisions in the court-ordered parenting plan, or the parent has been convicted of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070.

(3) A conviction of custodial interference in the first or second degree under RCW 9A.40.060 or 9A.40.070 shall constitute a substantial change of circumstances for the purposes of this section.

(4) The court may reduce or restrict contact between the child and the parent with whom the child does not reside a majority of the time if it finds that the reduction or restriction would serve and protect the best interests of the child using the criteria in RCW 26.09.191.

(5) The court may order adjustments to the residential aspects of a parenting plan upon a showing of a substantial change in circumstances of either parent or of the child, and without consideration of the factors set forth in subsection (2) of this section, if the proposed modification is only a minor modification in the residential schedule that does not change the residence the child is scheduled to reside in the majority of the time and:

(a) Does not exceed twenty-four full days in a calendar year; or

(b) Is based on a change of residence of the parent with whom the child does not reside the majority of the time or an involuntary change in work schedule by a parent which makes the residential schedule in the parenting plan impractical to follow; or

(c) Does not result in a schedule that exceeds ninety overnights per year in total, if the court finds that, at the time the petition for modification is filed, the decree of dissolution or parenting plan does not provide reasonable time with the parent with whom the child does not reside a majority of the time, and further, the court finds that it is in the best interests of the child to increase residential time with the parent in excess of the residential time period in (a) of this subsection. However, any motion under this subsection (5)(c) is subject to the factors established in subsection (2) of this section if the party bringing the petition has previously been granted a modification under this same subsection within twenty-four months of the current motion. Relief granted under this section shall not be the sole basis for adjusting or modifying child support.

(6) The court may order adjustments to the residential aspects of a parenting plan pursuant to a proceeding to permit or restrain a relocation of the child. The person objecting to the relocation of the child or the relocating person's proposed revised residential schedule may file a petition to modify the parenting plan, including a change of the residence in which the child resides the majority of the time, without a showing of adequate cause other than the proposed relocation itself. A hearing to determine adequate cause for modification shall not be required so long as the request for relocation of the child is being pursued. In making a determination of a modification pursuant to relocation of the child, the court shall first determine whether to permit or restrain the relocation of the child using the procedures and standards provided in RCW 26.09.405 through 26.09.560. Following that determination, the court shall determine what modification pursuant to relocation should be made, if any, to the parenting plan or custody order or visitation order.

(7) A parent with whom the child does not reside a majority of the time and whose residential time with the child is subject to limitations pursuant to RCW 26.09.191 (2) or (3) may not seek expansion of residential time under subsection (5)(c) of this section unless that parent demonstrates a substantial change in circumstances specifically related to the basis for the limitation.

(8)(a) If a parent with whom the child does not reside a majority of the time voluntarily fails to exercise residential time for an extended period, that is, one year or longer, the court upon proper motion may make adjustments to the parenting plan in keeping with the best interests of the minor child.

(b) For the purposes of determining whether the parent has failed to exercise residential time for one year or longer, the court may not count any time periods during which the parent did not exercise residential time due to the effect of the parent's military duties potentially impacting parenting functions.

(9) A parent with whom the child does not reside a majority of the time who is required by the existing parenting plan to complete evaluations, treatment, parenting, or other classes may not seek expansion of residential time under subsection (5)(c) of this section unless that parent has fully complied with such requirements.

(10) The court may order adjustments to any of the nonresidential aspects of a parenting plan upon a showing of a substantial change of circumstances of either parent or of a child, and the adjustment is in the best interest of the child. Adjustments ordered under this section may be made without consideration of the factors set forth in subsection (2) of this section.

(11) If the parent with whom the child resides a majority of the time receives temporary duty, deployment, activation, or mobilization orders from the military that involve moving a substantial distance away from the parent's residence or otherwise would have a material effect on the parent's ability to exercise parenting functions and primary placement responsibilities, then:

(a) Any temporary custody order for the child during the parent's absence shall end no later than ten days after the returning parent provides notice to the temporary custodian, but shall not impair the discretion of the court to conduct an expedited or emergency hearing for resolution of the child's residential placement upon return of the parent and within ten days of the filing of a motion alleging an immediate danger of irreparable harm to the child. If a motion

alleging immediate danger has not been filed, the motion for an order restoring the previous residential schedule shall be granted; and

(b) The temporary duty, activation, mobilization, or deployment and the temporary disruption to the child's schedule shall not be a factor in a determination of change of circumstances if a motion is filed to transfer residential placement from the parent who is a military service member.

(12) If a parent receives military temporary duty, deployment, activation, or mobilization orders that involve moving a substantial distance away from the military parent's residence or otherwise have a material effect on the military parent's ability to exercise residential time or visitation rights, at the request of the military parent, the court may delegate the military parent's residential time or visitation rights, or a portion thereof, to a child's family member, including a stepparent, or another person other than a parent, with a close and substantial relationship to the minor child for the duration of the military parent's absence, if delegating residential time or visitation rights is in the child's best interest. The court may not permit the delegation of residential time or visitation rights to a person who would be subject to limitations on residential time under RCW 26.09.191. The parties shall attempt to resolve disputes regarding delegation of residential time or visitation rights through the dispute resolution process specified in their parenting plan, unless excused by the court for good cause shown. Such a court-ordered temporary delegation of a military parent's residential time or visitation rights does not create separate rights to residential time or visitation for a person other than a parent.

(13) If the court finds that a motion to modify a prior decree or parenting plan has been brought in bad faith, the court shall assess the attorney's fees and court costs of the nonmoving parent against the moving party."

On page 1, line 2 of the title, after "parent;" strike the remainder of the title and insert "and amending RCW 26.09.004, 26.09.010, and 26.09.260."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1170 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives McCoy and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1170, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1170, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne,

Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

SUBSTITUTE HOUSE BILL NO. 1170, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1553. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 4.96.020 and 2006 c 82 s 3 are each amended to read as follows:

(1) The provisions of this section apply to claims for damages against all local governmental entities and their officers, employees, or volunteers, acting in such capacity, except that claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter.

(2) The governing body of each local governmental entity shall appoint an agent to receive any claim for damages made under this chapter. The identity of the agent and the address where he or she may be reached during the normal business hours of the local governmental entity are public records and shall be recorded with the auditor of the county in which the entity is located. All claims for damages against a local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, shall be presented to the agent within the applicable period of limitations within which an action must be commenced. A claim is deemed presented when the claim form is delivered in person or is received by the agent by regular mail, registered mail, or certified mail, with return receipt requested, to the agent or other person designated to accept delivery at the agent's office. The failure of a local governmental entity to comply with the requirements of this section precludes that local governmental entity from raising a defense under this chapter.

(3) ((All claims for damages arising out of tortious conduct must locate and describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which the claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing the claimant.)) For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division of the office of financial management, except as allowed under (c) of this subsection. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

- (i) The claimant's name, date of birth, and contact information;
- (ii) A description of the conduct and the circumstances that brought about the injury or damage;
- (iii) A description of the injury or damage;

(iv) A statement of the time and place that the injury or damage occurred;

(v) A listing of the names of all persons involved and contact information, if known;

(vi) A statement of the amount of damages claimed; and

(vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

(i) By the claimant, verifying the claim;

(ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

(iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or

(iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) Local governmental entities shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity. If a local governmental entity chooses to also make available its own tort claim form in lieu of the standard tort claim form, the form:

(i) May require additional information beyond what is specified under this section, but the local governmental entity may not deny a claim because of the claimant's failure to provide that additional information;

(ii) Must not require the claimant's social security number; and

(iii) Must include instructions on how the form is to be presented and the name, address, and business hours of the agent of the local governmental entity appointed to receive the claim.

(d) If any claim form provided by the local governmental entity fails to require the information specified in this section, or incorrectly lists the agent with whom the claim is to be filed, the local governmental entity is deemed to have waived any defense related to the failure to provide that specific information or to present the claim to the proper designated agent.

(e) Presenting either the standard tort claim form or the local government tort claim form satisfies the requirements of this chapter.

(f) The amount of damages stated on the claim form is not admissible at trial.

(4) No action subject to the claim filing requirements of this section shall be commenced against any local governmental entity, or against any local governmental entity's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim has first been presented to ((and filed with)) the agent of the governing body thereof. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty(±) calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed.

(5) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 2. RCW 4.92.100 and 2006 c 82 s 1 are each amended to read as follows:

(1) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct, except for claims involving injuries from health care, shall be presented to ((and filed with)) the risk management division. ((All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing the claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the

~~claimant by any relative, attorney, or agent representing the claimant.)~~ Claims involving injuries from health care are governed solely by the procedures set forth in chapter 7.70 RCW and are exempt from this chapter. A claim is deemed presented when the claim form is delivered in person or by regular mail, registered mail, or certified mail, with return receipt requested, to the risk management division. For claims for damages presented after the effective date of this section, all claims for damages must be presented on the standard tort claim form that is maintained by the risk management division. The standard tort claim form must be posted on the office of financial management's web site.

(a) The standard tort claim form must, at a minimum, require the following information:

(i) The claimant's name, date of birth, and contact information;

(ii) A description of the conduct and the circumstances that brought about the injury or damage;

(iii) A description of the injury or damage;

(iv) A statement of the time and place that the injury or damage occurred;

(v) A listing of the names of all persons involved and contact information, if known;

(vi) A statement of the amount of damages claimed; and

(vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) The standard tort claim form must be signed either:

(i) By the claimant, verifying the claim;

(ii) Pursuant to a written power of attorney, by the attorney in fact for the claimant;

(iii) By an attorney admitted to practice in Washington state on the claimant's behalf; or

(iv) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(c) The amount of damages stated on the claim form is not admissible at trial.

(2) The state shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the risk management division. The standard tort claim form must not list the claimant's social security number and must not require information not specified under this section.

(3) With respect to the content of ~~((such))~~ claims under this section and all procedural requirements in this section, this section ~~((shall))~~ must be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. RCW 4.92.110 and 2006 c 82 s 2 are each amended to read as follows:

No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to ~~((and filed with))~~ the risk management division. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty~~((=))~~ calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed.

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "and amending RCW 4.96.020, 4.92.100, and 4.92.110."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1553 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Takko spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1553, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1553, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

HOUSE BILL NO. 1553, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1592. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 25.15.270 and 2006 c 48 s 4 are each amended to read as follows:

A limited liability company is dissolved and its affairs shall be wound up upon the first to occur of the following:

(1)(a) The dissolution date, if any, specified in the certificate of formation. If a dissolution date is not specified in the certificate of formation, the limited liability company's existence will continue until the first to occur of the events described in subsections (2) through (6) of this section. If a dissolution date is specified in the certificate of formation, the certificate of formation may be amended and the existence of the limited liability company may be extended by vote of all the members(;;).

(b) This subsection does not apply to a limited liability company formed under RCW 30.08.025 or 32.08.025(;;);

(2) The happening of events specified in a limited liability company agreement;

(3) The written consent of all members;

(4) Unless the limited liability company agreement provides otherwise, ninety days following an event of dissociation of the last remaining member, unless those having the rights of assignees in the limited liability company under RCW 25.15.130(1) have, by the ninetieth day, voted to admit one or more members, voting as though they were members, and in the manner set forth in RCW 25.15.120(1);

(5) The entry of a decree of judicial dissolution under RCW 25.15.275; or

(6) The expiration of ((two)) five years after the effective date of dissolution under RCW 25.15.285 without the reinstatement of the limited liability company.

Sec. 2. RCW 25.15.290 and 1994 c 211 s 805 are each amended to read as follows:

(1) A limited liability company administratively dissolved under RCW 25.15.285 may apply to the secretary of state for reinstatement within ((two)) five years after the effective date of dissolution. The application must:

(a) Recite the name of the limited liability company and the effective date of its administrative dissolution;

(b) State that the ground or grounds for dissolution either did not exist or have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice, as provided in RCW 25.15.285(1), of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the administrative dissolution and the limited liability company may resume carrying on its business as if the administrative dissolution had never occurred.

(4) If an application for reinstatement is not made within the ((two-year)) five-year period set forth in subsection (1) of this section, or if the application made within this period is not granted, the ((secretary of state shall cancel the)) limited liability company's certificate of formation is deemed canceled.

NEW SECTION. Sec. 3. A new section is added to chapter 25.15 RCW under the subchapter heading "Article VIII. Dissolution" to read as follows:

(1) A limited liability company voluntarily dissolved under RCW 25.15.270 may apply to the secretary of state for reinstatement within one hundred twenty days after the effective date of dissolution. The application must:

(a) Recite the name of the limited liability company and the effective date of its voluntary dissolution;

(b) State that the ground or grounds for voluntary dissolution have been eliminated; and

(c) State that the limited liability company's name satisfies the requirements of RCW 25.15.010.

(2) If the secretary of state determines that the application contains the information required by subsection (1) of this section and that the name is available, the secretary of state shall reinstate the limited liability company and give the limited liability company written notice of the reinstatement that recites the effective date of reinstatement. If the name is not available, the limited liability company must file with its application for reinstatement an amendment to its certificate of formation reflecting a change of name.

(3) When the reinstatement is effective, it relates back to and takes effect as of the effective date of the voluntary dissolution and the limited liability company may resume carrying on its business as if the voluntary dissolution had never occurred.

(4) If an application for reinstatement is not made within the one hundred twenty-day period set forth in subsection (1) of this section, or if the application made within this period is not granted, the secretary of state shall cancel the limited liability company's certificate of formation.

Sec. 4. RCW 25.05.500 and 1998 c 103 s 1101 are each amended to read as follows:

(1) A partnership which is not a limited liability partnership on June 11, 1998, may become a limited liability partnership upon the approval of the terms and conditions upon which it becomes a limited liability partnership by the vote necessary to amend the partnership agreement except, in the case of a partnership agreement that expressly considers obligations to contribute to the partnership, the vote necessary to amend those provisions, and by filing the

applications required by subsection (2) of this section. A partnership which is a limited liability partnership on June 11, 1998, continues as a limited liability partnership under this chapter.

(2)(a) To become and to continue as a limited liability partnership, a partnership shall file with the secretary of state an application stating the name of the partnership; the location of a registered office, which need not be a place of its activity in this state; the address of its principal office; if the partnership's principal office is not located in this state, the address of a registered office and the name and address of a registered agent for service of process in this state which the partnership will be required to continuously maintain; the number of partners; a brief statement of the business in which the partnership engages; any other matters that the partnership determines to include; and that the partnership thereby applies for status as a limited liability partnership.

(b) A registered agent for service of process under (a) of this subsection must be an individual who is a resident of this state or other person authorized to do business in this state.

(3) The application shall be accompanied by a fee of one hundred seventy-five dollars for each partnership.

(4) The secretary of state shall register as a limited liability partnership any partnership that submits a completed application with the required fee.

(5) A partnership registered under this section shall pay an annual fee, in each year following the year in which its application is filed, on a date and in an amount specified by the secretary of state. The fee must be accompanied by a notice, on a form provided by the secretary of state, of the number of partners currently in the partnership and of any material changes in the information contained in the partnership's application for registration.

(6) Registration is effective immediately after the date an application is filed, and remains effective until:

(a) It is voluntarily withdrawn by filing with the secretary of state a written withdrawal notice executed by a majority of the partners or by one or more partners or other persons authorized to execute a withdrawal notice; or

(b) Thirty days after receipt by the partnership of a notice from the secretary of state, which notice shall be sent by first-class mail, postage prepaid, that the partnership has failed to make timely payment of the annual fee specified in subsection (5) of this section, unless the fee is paid within such a thirty-day period.

(7) The status of a partnership as a limited liability partnership, and the liability of the partners thereof, shall not be affected by: (a) Errors in the information stated in an application under subsection (2) of this section or a notice under subsection (6) of this section; or (b) changes after the filing of such an application or notice in the information stated in the application or notice.

(8) The secretary of state may provide forms for the application under subsection (2) of this section or a notice under subsection (6) of this section.

NEW SECTION. Sec. 5. CHANGE OF REGISTERED OFFICE OR AGENT FOR SERVICE OF PROCESS. (1) In order to change its registered office, registered agent for service of process, or the address of its registered agent for service of process, a limited liability partnership must deliver to the secretary of state for filing a statement of change containing:

(a) The name of the limited liability partnership;

(b) The street and mailing address of its current registered office;

(c) If the current registered office is to be changed, the street and mailing address of the new registered office;

(d) The name and street and mailing address of its current registered agent for service of process; and

(e) If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.

(2) A statement of change is effective when filed by the secretary of state.

NEW SECTION. Sec. 6. RESIGNATION OF REGISTERED AGENT FOR SERVICE OF PROCESS. (1) In order to resign as a registered agent for service of process of a limited liability partnership, the registered agent must deliver to the secretary of state for filing a statement of resignation containing the name of the limited liability partnership.

(2) After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the registered office of the limited liability partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the registered office.

(3) A registered agent for service of process is terminated on the thirty-first day after the secretary of state files the statement of resignation.

NEW SECTION. Sec. 7. SERVICE OF PROCESS. (1) A registered agent for service of process appointed by a limited liability partnership is a registered agent of the limited liability partnership for service of any process, notice, or demand required or permitted by law to be served upon the limited liability partnership.

(2) If a limited liability partnership does not appoint or maintain a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the limited liability partnership upon whom process, notice, or demand may be served.

(3) Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the limited liability partnership at its registered office.

(4) Service is effected under subsection (3) of this section at the earliest of:

(a) The date the limited liability partnership receives the process, notice, or demand;

(b) The date shown on the return receipt, if signed on behalf of the limited liability partnership; or

(c) Five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(5) The secretary of state shall keep a record of each process, notice, and demand served pursuant to this section and record the time of, and the action taken regarding, the service.

(6) This section does not affect the right to serve process, notice, or demand in any other manner provided by law.

NEW SECTION. Sec. 8. REGISTERED OFFICE AND AGENT FOR SERVICE OF PROCESS. (1) A foreign limited liability partnership shall designate and continuously maintain in this state:

(a) A registered office, which need not be a place of its activity in this state; and

(b) A registered agent for service of process.

(2) A registered agent for service of process of a foreign limited liability partnership must be an individual who is a resident of this state or other person authorized to do business in this state.

NEW SECTION. Sec. 9. CHANGE OF REGISTERED OFFICE OR AGENT FOR SERVICE OF PROCESS. (1) In order to change its registered office, registered agent for service of process, or the address of its registered agent for service of process, a foreign limited liability partnership must deliver to the secretary of state for filing a statement of change containing:

(a) The name of the foreign limited liability partnership;

(b) The street and mailing address of its current registered office;

(c) If the current registered office is to be changed, the street and mailing address of the new registered office;

(d) The name and street and mailing address of its current registered agent for service of process; and

(e) If the current registered agent for service of process or an address of the registered agent is to be changed, the new information.

(2) A statement of change is effective when filed by the secretary of state.

NEW SECTION. Sec. 10. RESIGNATION OF REGISTERED AGENT FOR SERVICE OF PROCESS. (1) In order to resign as a registered agent for service of process of a foreign limited liability partnership, the registered agent must deliver to the secretary of state for filing a statement of resignation containing the name of the foreign limited liability partnership.

(2) After receiving a statement of resignation, the secretary of state shall file it and mail a copy to the registered office of the foreign limited liability partnership and another copy to the principal office if the address of the office appears in the records of the secretary of state and is different from the address of the registered office.

(3) A registered agent for service of process is terminated on the thirty-first day after the secretary of state files the statement of resignation.

NEW SECTION. Sec. 11. SERVICE OF PROCESS. (1) A registered agent for service of process appointed by a foreign limited liability partnership is a registered agent of the foreign limited liability partnership for service of any process, notice, or demand required or permitted by law to be served upon the foreign limited liability partnership.

(2) If a foreign limited liability partnership does not appoint or maintain a registered agent for service of process in this state or the registered agent for service of process cannot with reasonable diligence be found at the registered agent's address, the secretary of state is an agent of the foreign limited liability partnership upon whom process, notice, or demand may be served.

(3) Service of any process, notice, or demand on the secretary of state may be made by delivering to and leaving with the secretary of state duplicate copies of the process, notice, or demand. If a process, notice, or demand is served on the secretary of state, the secretary of state shall forward one of the copies by registered or certified mail, return receipt requested, to the foreign limited liability partnership at its registered office.

(4) Service is effected under subsection (3) of this section at the earliest of:

(a) The date the foreign limited liability partnership receives the process, notice, or demand;

(b) The date shown on the return receipt, if signed on behalf of the foreign limited liability partnership; or

(c) Five days after the process, notice, or demand is deposited in the mail, if mailed postpaid and correctly addressed.

(5) The secretary of state shall keep a record of each process, notice, and demand served pursuant to this section and record the time of, and the action taken regarding, the service.

(6) This section does not affect the right to serve process, notice, or demand in any other manner provided by law.

Sec. 12. RCW 25.05.560 and 1998 c 103 s 1203 are each amended to read as follows:

(1) A foreign limited liability partnership transacting business in this state may not maintain an action or proceeding in this state unless it has in effect a registration as a foreign limited liability partnership.

(2) The failure of a foreign limited liability partnership to have in effect a registration as a foreign limited liability partnership does not impair the validity of a contract or act of the foreign limited liability partnership or preclude it from defending an action or proceeding in this state.

(3) A limitation on personal liability of a partner is not waived solely by transacting business in this state without registration as a foreign limited liability partnership.

(4) If a foreign limited liability partnership transacts business in this state without a registration as a foreign limited liability partnership, the secretary of state is its agent, as set forth under section 11 of this act, for service of process with respect to a right of action arising out of the transaction of business in this state.

NEW SECTION. Sec. 13. A new section is added to chapter 24.12 RCW to read as follows:

(1) Each corporation sole registered in this state shall file, with a ten dollar filing fee and within the time prescribed by this chapter, an annual report in the form prescribed by the secretary of state. The report shall set forth:

(a) The name of the corporation sole and the state or country under the laws of which it is incorporated;

(b) The address of the principal place of business of the corporation sole in this state including street and number;

(c) The name and respective address of the bishop, overseer, or presiding elder of the corporation sole; and

(d) The corporation sole's unified business identifier number.

(2)(a) The information shall be given as of the date of the execution of the report. It shall be executed by the corporation sole or, if the corporation sole is in the hands of a receiver or trustee, it shall be executed on behalf of the corporation sole by such receiver or trustee.

(b) The secretary of state may provide that correcting or updating information appearing on previous annual or biennial filings is sufficient to constitute the current filing.

(3) The secretary may administratively dissolve a corporation sole that does not comply with this section. However, the secretary shall reinstate a corporation sole administratively dissolved under this subsection if the corporation sole complies with the requirements of section 15 of this act within five years of the administrative dissolution.

NEW SECTION. Sec. 14. A new section is added to chapter 24.12 RCW to read as follows:

(1) Not less than thirty days prior to a corporation sole's renewal date, the secretary of state shall mail to each corporation sole, by first-class mail addressed to its registered office, a notice that its annual report must be filed as required by this chapter, and stating that if it fails to file its annual report it shall be dissolved or its certificate of authority revoked, as the case may be. Failure of the secretary of state to mail the notice does not relieve a corporation sole from its obligation to file the annual reports required by this chapter.

(2)(a) The report of a corporation sole shall be delivered to the secretary of state on an annual renewal date as the secretary of state may establish. The secretary of state may adopt rules to establish biennial reporting dates and to stagger reporting dates.

(b) If the secretary of state finds that the report substantially conforms to the requirements of this chapter, the secretary of state shall file that report.

NEW SECTION. Sec. 15. A new section is added to chapter 24.12 RCW to read as follows:

(1) The secretary of state shall, when exigent or mitigating circumstances are presented, reinstate to full active status any corporation sole previously in good standing that would otherwise be penalized or lose its active status. Any corporation sole desiring to seek relief under this section shall, within five years of the missed filing or lapse, notify the secretary of state in writing. The notification must include the name and mailing address of the corporation sole, the corporate sole officer to whom correspondence should be sent, and a statement under oath by a responsible corporate sole officer, setting forth the nature of the missed filing or lapse, the circumstances of the missed filing or lapse, that disproportionate harm would occur to the corporation sole if relief were not granted, and the relief sought.

(2) Upon receipt of the notice under subsection (1) of this section, the secretary of state shall investigate the circumstances of the missed filing or lapse.

(a) If the secretary of state is satisfied that sufficient exigent or mitigating circumstances exist; that the corporation sole has demonstrated good faith and a reasonable attempt to comply with the applicable corporate sole license statutes of this state; that disproportionate harm would occur to the corporation sole if relief were not granted; and that relief would not be contrary to the public interest expressed in this title, the secretary may issue an order reinstating the corporation sole and specifying any terms and conditions of the relief. Reinstatement may relate back to the date of lapse or dissolution.

(b) If the secretary of state determines the request does not comply with the requirements for relief, the secretary shall issue an order denying the requested relief and stating the reasons for the denial. Any denial of relief by the secretary of state is final and is not appealable.

(c) The secretary of state shall keep records of all requests for relief and the disposition of the requests. The secretary of state shall annually report to the legislature the number of relief requests received in the preceding year and a summary of the secretary's disposition of the requests.

NEW SECTION. Sec. 16. A new section is added to chapter 24.12 RCW to read as follows:

Effective August 1, 2009, a corporation sole may not be formed or incorporated under this chapter.

NEW SECTION. Sec. 17. Sections 5 through 7 of this act are each added to chapter 25.05 RCW under the subchapter heading "Article 11 Limited Liability Partnership."

NEW SECTION. Sec. 18. Sections 8 through 11 of this act are each added to chapter 25.05 RCW under the subchapter heading "Article 12 Foreign Limited Liability Partnership."

NEW SECTION. Sec. 19. Captions used in this act are not any part of the law."

On page 1, line 2 of the title, after "state;" strike the remainder of the title and insert "amending RCW 25.15.270, 25.15.290, 25.05.500, and 25.05.560; adding a new section to chapter 25.15 RCW; adding new sections to chapter 24.12 RCW; adding new sections to chapter 25.05 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1592 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Pedersen and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1592, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1592, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

SUBSTITUTE HOUSE BILL NO. 1592, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1815 the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 84.34.020 and 2005 c 57 s 1 are each amended to read as follows:

As used in this chapter, unless a different meaning is required by the context:

(1) "Open space land" means (a) any land area so designated by an official comprehensive land use plan adopted by any city or county and zoned accordingly, or (b) any land area, the preservation of which in its present use would (i) conserve and enhance natural or scenic resources, or (ii) protect streams or water supply, or (iii) promote conservation of soils, wetlands, beaches or tidal marshes, or (iv) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries or other open space, or (v) enhance recreation opportunities, or (vi) preserve historic sites, or (vii) preserve visual quality along highway, road, and street corridors or scenic vistas, or (viii) retain in its natural state tracts of land not less than one acre situated in an urban area and open to public use on such conditions as may be reasonably required by the legislative body granting the open space classification, or (c) any land meeting the definition of farm and agricultural conservation land under subsection (8) of this section. As a condition of granting open space classification, the legislative body may not require public access on land classified under (b)(iii) of this subsection for the purpose of promoting conservation of wetlands.

(2) "Farm and agricultural land" means:

(a) Any parcel of land that is twenty or more acres or multiple parcels of land that are contiguous and total twenty or more acres:

(i) Devoted primarily to the production of livestock or agricultural commodities for commercial purposes;

(ii) Enrolled in the federal conservation reserve program or its successor administered by the United States department of agriculture; or

(iii) Other similar commercial activities as may be established by rule;

(b)(i) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which has produced a gross income from agricultural uses equivalent to, as of January 1, 1993:

(A) One hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(B) On or after January 1, 1993, two hundred dollars or more per acre per year for three of the five calendar years preceding the date of application for classification under this chapter;

(ii) For the purposes of (b)(i) of this subsection, "gross income from agricultural uses" includes, but is not limited to, the wholesale value of agricultural products donated to nonprofit food banks or feeding programs;

(c) Any parcel of land of less than five acres devoted primarily to agricultural uses which has produced a gross income as of January 1, 1993, of:

(i) One thousand dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter for all parcels of land that are classified under this subsection or all parcels of land for which an application for classification under this subsection is made with the granting authority prior to January 1, 1993; and

(ii) On or after January 1, 1993, fifteen hundred dollars or more per year for three of the five calendar years preceding the date of application for classification under this chapter.

Parcels of land described in (b)(i)(A) and (c)(i) of this subsection shall, upon any transfer of the property excluding a transfer to a surviving spouse, be subject to the limits of (b)(i)(B) and (c)(ii) of this subsection;

(d) Any parcel of land that is five acres or more but less than twenty acres devoted primarily to agricultural uses, which meet one of the following criteria:

(i) Has produced a gross income from agricultural uses equivalent to two hundred dollars or more per acre per year for three

of the five calendar years preceding the date of application for classification under this chapter;

(ii) Has standing crops with an expectation of harvest within seven years, except as provided in (d)(iii) of this subsection, and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year. For the purposes of this subsection (2)(d)(ii), "standing crop" means Christmas trees, vineyards, fruit trees, or other perennial crops that: (A) Are planted using agricultural methods normally used in the commercial production of that particular crop; and (B) typically do not produce harvestable quantities in the initial years after planting; or

(iii) Has a standing crop of short rotation hardwoods with an expectation of harvest within fifteen years and a demonstrable investment in the production of those crops equivalent to one hundred dollars or more per acre in the current or previous calendar year;

(e) Any lands including incidental uses as are compatible with agricultural purposes, including wetlands preservation, provided such incidental use does not exceed twenty percent of the classified land and the land on which appurtenances necessary to the production, preparation, or sale of the agricultural products exist in conjunction with the lands producing such products. Agricultural lands shall also include any parcel of land of one to five acres, which is not contiguous, but which otherwise constitutes an integral part of farming operations being conducted on land qualifying under this section as "farm and agricultural lands"; or

~~((e))~~ (f) The land on which housing for employees and the principal place of residence of the farm operator or owner of land classified pursuant to (a) of this subsection is sited if: The housing or residence is on or contiguous to the classified parcel; and the use of the housing or the residence is integral to the use of the classified land for agricultural purposes.

(3) "Timber land" means any parcel of land that is five or more acres or multiple parcels of land that are contiguous and total five or more acres which is or are devoted primarily to the growth and harvest of timber for commercial purposes. Timber land means the land only and does not include a residential homesite. The term includes land used for incidental uses that are compatible with the growing and harvesting of timber but no more than ten percent of the land may be used for such incidental uses. It also includes the land on which appurtenances necessary for the production, preparation, or sale of the timber products exist in conjunction with land producing these products.

(4) "Current" or "currently" means as of the date on which property is to be listed and valued by the assessor.

(5) "Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

(6) "Contiguous" means land adjoining and touching other property held by the same ownership. Land divided by a public road, but otherwise an integral part of a farming operation, shall be considered contiguous.

(7) "Granting authority" means the appropriate agency or official who acts on an application for classification of land pursuant to this chapter.

(8) "Farm and agricultural conservation land" means either:

(a) Land that was previously classified under subsection (2) of this section, that no longer meets the criteria of subsection (2) of this section, and that is reclassified under subsection (1) of this section; or

(b) Land that is traditional farmland that is not classified under chapter 84.33 or 84.34 RCW, that has not been irrevocably devoted to a use inconsistent with agricultural uses, and that has a high potential for returning to commercial agriculture.

Sec. 2. RCW 84.34.108 and 2007 c 54 s 25 are each amended to read as follows:

(1) When land has once been classified under this chapter, a notation of the classification shall be made each year upon the assessment and tax rolls and the land shall be valued pursuant to RCW 84.34.060 or 84.34.065 until removal of all or a portion of the classification by the assessor upon occurrence of any of the following:

(a) Receipt of notice from the owner to remove all or a portion of the classification;

(b) Sale or transfer to an ownership, except a transfer that resulted from a default in loan payments made to or secured by a governmental agency that intends to or is required by law or regulation to resell the property for the same use as before, making all or a portion of the land exempt from ad valorem taxation;

(c) Sale or transfer of all or a portion of the land to a new owner, unless the new owner has signed a notice of classification continuance, except transfer to an owner who is an heir or devisee of a deceased owner shall not, by itself, result in removal of classification. The notice of continuance shall be on a form prepared by the department. If the notice of continuance is not signed by the new owner and attached to the real estate excise tax affidavit, all additional taxes calculated pursuant to subsection (4) of this section shall become due and payable by the seller or transferor at time of sale. The auditor shall not accept an instrument of conveyance regarding classified land for filing or recording unless the new owner has signed the notice of continuance or the additional tax has been paid, as evidenced by the real estate excise tax stamp affixed thereto by the treasurer. The seller, transferor, or new owner may appeal the new assessed valuation calculated under subsection (4) of this section to the county board of equalization in accordance with the provisions of RCW 84.40.038. Jurisdiction is hereby conferred on the county board of equalization to hear these appeals;

(d) Determination by the assessor, after giving the owner written notice and an opportunity to be heard, that all or a portion of the land no longer meets the criteria for classification under this chapter. The criteria for classification pursuant to this chapter continue to apply after classification has been granted.

The granting authority, upon request of an assessor, shall provide reasonable assistance to the assessor in making a determination whether the land continues to meet the qualifications of RCW 84.34.020 (1) or (3). The assistance shall be provided within thirty days of receipt of the request.

(2) Land may not be removed from classification because of:

(a) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120; or

(b) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040.

(3) Within thirty days after ~~(such)~~ the removal of all or a portion of the land from current use classification under subsection (1) of this section, the assessor shall notify the owner in writing, setting forth the reasons for the removal. The seller, transferor, or owner may appeal the removal to the county board of equalization in accordance with the provisions of RCW 84.40.038. The removal notice must explain the steps needed to appeal the removal decision, including when a notice of appeal must be filed, where the forms may be obtained, and how to contact the county board of equalization.

(4) Unless the removal is reversed on appeal, the assessor shall revalue the affected land with reference to its true and fair value on January 1st of the year of removal from classification. Both the assessed valuation before and after the removal of classification shall be listed and taxes shall be allocated according to that part of the year to which each assessed valuation applies. Except as provided in subsection (6) of this section, an additional tax, applicable interest, and penalty shall be imposed which shall be due and payable to the treasurer thirty days after the owner is notified of the amount of the additional tax. As soon as possible, the assessor shall compute the amount of additional tax, applicable interest, and penalty and the treasurer shall mail notice to the owner of the amount thereof and the date on which payment is due. The amount of the additional tax, applicable interest, and penalty shall be determined as follows:

(a) The amount of additional tax shall be equal to the difference between the property tax paid as "open space land," "farm and agricultural land," or "timber land" and the amount of property tax otherwise due and payable for the seven years last past had the land not been so classified;

(b) The amount of applicable interest shall be equal to the interest upon the amounts of the additional tax paid at the same statutory rate charged on delinquent property taxes from the dates on

which the additional tax could have been paid without penalty if the land had been assessed at a value without regard to this chapter;

(c) The amount of the penalty shall be as provided in RCW 84.34.080. The penalty shall not be imposed if the removal satisfies the conditions of RCW 84.34.070.

(5) Additional tax, applicable interest, and penalty, shall become a lien on the land which shall attach at the time the land is removed from classification under this chapter and shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the land may become charged or liable. This lien may be foreclosed upon expiration of the same period after delinquency and in the same manner provided by law for foreclosure of liens for delinquent real property taxes as provided in RCW 84.64.050. Any additional tax unpaid on its due date shall thereupon become delinquent. From the date of delinquency until paid, interest shall be charged at the same rate applied by law to delinquent ad valorem property taxes.

(6) The additional tax, applicable interest, and penalty specified in subsection (4) of this section shall not be imposed if the removal of classification pursuant to subsection (1) of this section resulted solely from:

(a) Transfer to a government entity in exchange for other land located within the state of Washington;

(b)(i) A taking through the exercise of the power of eminent domain, or (ii) sale or transfer to an entity having the power of eminent domain in anticipation of the exercise of such power, said entity having manifested its intent in writing or by other official action;

(c) A natural disaster such as a flood, windstorm, earthquake, or other such calamity rather than by virtue of the act of the landowner changing the use of the property;

(d) Official action by an agency of the state of Washington or by the county or city within which the land is located which disallows the present use of the land;

(e) Transfer of land to a church when the land would qualify for exemption pursuant to RCW 84.36.020;

(f) Acquisition of property interests by state agencies or agencies or organizations qualified under RCW 84.34.210 and 64.04.130 for the purposes enumerated in those sections. At such time as these property interests are not used for the purposes enumerated in RCW 84.34.210 and 64.04.130 the additional tax specified in subsection (4) of this section shall be imposed;

(g) Removal of land classified as farm and agricultural land under RCW 84.34.020(2)~~((f))~~ (f);

(h) Removal of land from classification after enactment of a statutory exemption that qualifies the land for exemption and receipt of notice from the owner to remove the land from classification;

(i) The creation, sale, or transfer of forestry riparian easements under RCW 76.13.120;

(j) The creation, sale, or transfer of a fee interest or a conservation easement for the riparian open space program under RCW 76.09.040; or

(k) The sale or transfer of land within two years after the death of the owner of at least a fifty percent interest in the land if the land has been assessed and valued as classified forest land, designated as forest land under chapter 84.33 RCW, or classified under this chapter continuously since 1993. The date of death shown on a death certificate is the date used for the purposes of this subsection (6)(k)."

On page 1, line 2 of the title, after "program;" strike the remainder of the title and insert "and amending RCW 84.34.020 and 84.34.108."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 1815 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Sullivan, Orcutt and Hunter spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1815, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1815, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 0; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

ENGROSSED HOUSE BILL NO. 1815, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5436 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5436. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5436, by Senate Committee on Health & Long-Term Care (originally sponsored by Senators Murray, Keiser, Pflug, Marr, Parlette, Kastama and Roach)

Concerning direct patient-provider primary care practice arrangements.

Representative Cody moved the adoption of amendment (896):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 48.150.010 and 2007 c 267 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct patient-provider primary care practice" and "direct practice" means a provider, group, or entity that meets the following criteria in (a), (b), (c), and (d) of this subsection:

(a)(i) A health care provider who furnishes primary care services through a direct agreement;

(ii) A group of health care providers who furnish primary care services through a direct agreement; or

(iii) An entity that sponsors, employs, or is otherwise affiliated with a group of health care providers who furnish only primary care services through a direct agreement, which entity is wholly owned by the group of health care providers or is a nonprofit corporation exempt from taxation under section 501(c)(3) of the internal revenue code, and is not otherwise regulated as a health care service contractor, health maintenance organization, or disability insurer under Title 48 RCW. Such entity is not prohibited from sponsoring, employing, or being otherwise affiliated with other types of health care providers not engaged in a direct practice;

(b) Enters into direct agreements with direct patients or parents or legal guardians of direct patients;

(c) Does not accept payment for health care services provided to direct patients from any entity subject to regulation under Title 48 RCW(§) or plans administered under chapter 41.05, 70.47, or 70.47A RCW(, or self-insured plans); and

(d) Does not provide, in consideration for the direct fee, services, procedures, or supplies such as prescription drugs, hospitalization costs, major surgery, dialysis, high level radiology (CT, MRI, PET scans or invasive radiology), rehabilitation services, procedures requiring general anesthesia, or similar advanced procedures, services, or supplies.

(2) "Direct patient" means a person who is party to a direct agreement and is entitled to receive primary care services under the direct agreement from the direct practice.

(3) "Direct fee" means a fee charged by a direct practice as consideration for being available to provide and providing primary care services as specified in a direct agreement.

(4) "Direct agreement" means a written agreement entered into between a direct practice and an individual direct patient, or the parent or legal guardian of the direct patient or a family of direct patients, whereby the direct practice charges a direct fee as consideration for being available to provide and providing primary care services to the individual direct patient. A direct agreement must (a) describe the specific health care services the direct practice will provide; and (b) be terminable at will upon written notice by the direct patient.

(5) "Health care provider" or "provider" means a person regulated under Title 18 RCW or chapter 70.127 RCW to practice health or health-related services or otherwise practicing health care services in this state consistent with state law.

(6) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(7) "Primary care" means routine health care services, including screening, assessment, diagnosis, and treatment for the purpose of promotion of health, and detection and management of disease or injury.

(8) "Network" means the group of participating providers and facilities providing health care services to a particular health carrier's health plan or to plans administered under chapter 41.05, 70.47, or 70.47A RCW.

Sec. 2. RCW 48.150.040 and 2007 c 267 s 6 are each amended to read as follows:

(1) Direct practices may not:

(a) Enter into a participating provider contract as defined in RCW 48.44.010 or 48.46.020 with any carrier or with any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, to provide health care services through a direct agreement except as set forth in subsection (2) of this section;

(b) Submit a claim for payment to any carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, for health care services provided to direct patients as covered by their agreement;

(c) With respect to services provided through a direct agreement, be identified by a carrier or any carrier's contractor or subcontractor, or plans administered under chapter 41.05, 70.47, or 70.47A RCW, as a participant in the carrier's or any carrier's contractor or subcontractor network for purposes of determining network adequacy or being available for selection by an enrollee under a carrier's benefit plan; or

(d) Pay for health care services covered by a direct agreement rendered to direct patients by providers other than the providers in the direct practice or their employees, except as described in subsection (2)(b) of this section.

(2) Direct practices and providers may:

(a) Enter into a participating provider contract as defined by RCW 48.44.010 and 48.46.020 or plans administered under chapter 41.05, 70.47, or 70.47A RCW for purposes other than payment of claims for services provided to direct patients through a direct agreement. Such providers shall be subject to all other provisions of the participating provider contract applicable to participating providers including but not limited to the right to:

(i) Make referrals to other participating providers;

(ii) Admit the carrier's members to participating hospitals and other health care facilities;

(iii) Prescribe prescription drugs; and

(iv) Implement other customary provisions of the contract not dealing with reimbursement of services;

(b) Pay for charges associated with the provision of routine lab and imaging services (~~provided in connection with wellness physical examinations~~). In aggregate such payments per year per direct patient are not to exceed fifteen percent of the total annual direct fee charged that direct patient. Exceptions to this limitation may occur in the event of short-term equipment failure if such failure prevents the provision of care that should not be delayed; and

(c) Charge an additional fee to direct patients for supplies, medications, and specific vaccines provided to direct patients that are specifically excluded under the agreement, provided the direct practice notifies the direct patient of the additional charge, prior to their administration or delivery.

Sec. 3. RCW 48.150.050 and 2007 c 267 s 7 are each amended to read as follows:

(1) Direct practices may not decline to accept new direct patients or discontinue care to existing patients solely because of the patient's health status. A direct practice may decline to accept a patient if the practice has reached its maximum capacity, or if the patient's medical condition is such that the provider is unable to provide the appropriate level and type of health care services in the direct practice. So long as the direct practice provides the patient notice and opportunity to obtain care from another physician, the direct practice may discontinue care for direct patients if: (a) The patient fails to pay the direct fee under the terms required by the direct agreement; (b) the patient has performed an act that constitutes fraud; (c) the patient repeatedly fails to comply with the recommended treatment plan; (d) the patient is abusive and presents an emotional or physical danger to the staff or other patients of the direct practice; or (e) the direct practice discontinues operation as a direct practice.

(2) Subject to the restrictions established in this chapter, direct practices may accept payment of direct fees directly or indirectly from ((nonemployer)) third parties. A direct practice may accept a direct fee paid by an employer on behalf of an employee who is a direct patient. However, a direct practice shall not enter into a contract with an employer relating to direct practice agreements between the direct practice and employees of that employer, other than to establish the timing and method of the payment of the direct fee by the employer.

Sec. 4. RCW 48.41.030 and 2004 c 260 s 25 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Accounting year" means a twelve-month period determined by the board for purposes of record-keeping and accounting. The first accounting year may be more or less than twelve months and, from time to time in subsequent years, the board may order an

accounting year of other than twelve months as may be required for orderly management and accounting of the pool.

(2) "Administrator" means the entity chosen by the board to administer the pool under RCW 48.41.080.

(3) "Board" means the board of directors of the pool.

(4) "Commissioner" means the insurance commissioner.

(5) "Covered person" means any individual resident of this state who is eligible to receive benefits from any member, or other health plan.

(6) "Health care facility" has the same meaning as in RCW 70.38.025.

(7) "Health care provider" means any physician, facility, or health care professional, who is licensed in Washington state and entitled to reimbursement for health care services.

(8) "Health care services" means services for the purpose of preventing, alleviating, curing, or healing human illness or injury.

(9) "Health carrier" or "carrier" has the same meaning as in RCW 48.43.005.

(10) "Health coverage" means any group or individual disability insurance policy, health care service contract, and health maintenance agreement, except those contracts entered into for the provision of health care services pursuant to Title XVIII of the Social Security Act, 42 U.S.C. Sec. 1395 et seq. The term does not include short-term care, long-term care, dental, vision, accident, fixed indemnity, disability income contracts, limited benefit or credit insurance, coverage issued as a supplement to liability insurance, insurance arising out of the worker's compensation or similar law, automobile medical payment insurance, or insurance under which benefits are payable with or without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(11) "Health plan" means any arrangement by which persons, including dependents or spouses, covered or making application to be covered under this pool, have access to hospital and medical benefits or reimbursement including any group or individual disability insurance policy; health care service contract; health maintenance agreement; uninsured arrangements of group or group-type contracts including employer self-insured, cost-plus, or other benefit methodologies not involving insurance or not governed by Title 48 RCW; coverage under group-type contracts which are not available to the general public and can be obtained only because of connection with a particular organization or group; and coverage by medicare or other governmental benefits. This term includes coverage through "health coverage" as defined under this section, and specifically excludes those types of programs excluded under the definition of "health coverage" in subsection (10) of this section.

(12) "Medical assistance" means coverage under Title XIX of the federal Social Security Act (42 U.S.C., Sec. 1396 et seq.) and chapter 74.09 RCW.

(13) "Medicare" means coverage under Title XVIII of the Social Security Act, (42 U.S.C. Sec. 1395 et seq., as amended).

(14) "Member" means any commercial insurer which provides disability insurance or stop loss insurance, any health care service contractor, any health maintenance organization licensed under Title 48 RCW, and any self-funded multiple employer welfare arrangement as defined in RCW 48.125.010. "Member" also means the Washington state health care authority as issuer of the state uniform medical plan. "Member" shall also mean, as soon as authorized by federal law, employers and other entities, including a self-funding entity and employee welfare benefit plans that provide health plan benefits in this state on or after May 18, 1987. "Member" also means a direct practice as defined in RCW 48.150.010. "Member" does not include any insurer, health care service contractor, or health maintenance organization whose products are exclusively dental products or those products excluded from the definition of "health coverage" set forth in subsection (10) of this section.

(15) "Network provider" means a health care provider who has contracted in writing with the pool administrator or a health carrier contracting with the pool administrator to offer pool coverage to accept payment from and to look solely to the pool or health carrier according to the terms of the pool health plans.

(16) "Plan of operation" means the pool, including articles, by-laws, and operating rules, adopted by the board pursuant to RCW 48.41.050.

(17) "Point of service plan" means a benefit plan offered by the pool under which a covered person may elect to receive covered services from network providers, or nonnetwork providers at a reduced rate of benefits.

(18) "Pool" means the Washington state health insurance pool as created in RCW 48.41.040.

Sec. 5. RCW 48.150.110 and 2007 c 267 s 13 are each amended to read as follows:

(1) A direct agreement must include the following disclaimer: "This agreement does not provide comprehensive health insurance coverage. It provides only the health care services specifically described." The direct agreement may not be sold to a group and may not be entered with a group of subscribers. It must be an agreement between a direct practice and an individual direct patient. Nothing prohibits the presentation of marketing materials to groups of potential subscribers or their representatives. All marketing materials must be filed for approval with the commissioner prior to use. All advertising and marketing materials must be filed with the commissioner at least thirty days prior to use.

(2) A comprehensive disclosure statement shall be distributed to all direct patients with their participation forms. Such disclosure must inform the direct patients of their financial rights and responsibilities to the direct practice as provided for in this chapter, encourage that direct patients obtain and maintain insurance for services not provided by the direct practice, and state that the direct practice will not bill a carrier for services covered under the direct agreement. The disclosure statement shall include contact information for the office of the insurance commissioner."

Correct the title.

Representative Cody spoke in favor of the adoption of the amendment.

Representative Ericksen spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 57 – YEAS; 36 – NAYS.

Amendment (896) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Green, Seaquist and Driscoll spoke in favor of the passage of the bill.

Representatives Hinkle and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5436, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5436, as amended by the House, and the bill passed the House by the following vote: Yeas, 57; Nays, 36; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Linville, Maxwell, McCoy, Miloscia, Moeller, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan,

Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Morrell, Morris, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby, Liias and Short.

SUBSTITUTE SENATE BILL NO. 5436, as amended by the House, having received the necessary constitutional majority, was declared passed.

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018
 SECOND SUBSTITUTE HOUSE BILL NO. 1081
 SUBSTITUTE HOUSE BILL NO. 1103
 SUBSTITUTE HOUSE BILL NO. 1119
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138
 HOUSE BILL NO. 1148
 SUBSTITUTE HOUSE BILL NO. 1170
 SECOND SUBSTITUTE HOUSE BILL NO. 1172
 SECOND SUBSTITUTE HOUSE BILL NO. 1290
 SUBSTITUTE HOUSE BILL NO. 1347
 HOUSE BILL NO. 1517
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553
 SUBSTITUTE HOUSE BILL NO. 1555
 SUBSTITUTE HOUSE BILL NO. 1592
 ENGROSSED HOUSE BILL NO. 1616
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709
 ENGROSSED HOUSE BILL NO. 1815
 SUBSTITUTE HOUSE BILL NO. 1919
 ENGROSSED HOUSE BILL NO. 1986
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035
 ENGROSSED HOUSE BILL NO. 2040
 SUBSTITUTE HOUSE BILL NO. 2208
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227
 ENGROSSED HOUSE BILL NO. 2299
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327
 HOUSE BILL NO. 2328
 SUBSTITUTE HOUSE BILL NO. 2343
 HOUSE BILL NO. 2347
 HOUSE BILL NO. 2349
 HOUSE BILL NO. 2359
 SENATE BILL NO. 5107
 SUBSTITUTE SENATE BILL NO. 5166
 SUBSTITUTE SENATE BILL NO. 5252
 SUBSTITUTE SENATE BILL NO. 5391
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5560
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5649
 SUBSTITUTE SENATE BILL NO. 5718
 SUBSTITUTE SENATE BILL NO. 5723
 SUBSTITUTE SENATE BILL NO. 5725
 SUBSTITUTE SENATE BILL NO. 5732
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5746
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5850
 SUBSTITUTE SENATE BILL NO. 5931
 SECOND SUBSTITUTE SENATE BILL NO. 5945
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5967
 SECOND SUBSTITUTE SENATE BILL NO. 5973
 SENATE BILL NO. 5974
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5978
 SUBSTITUTE SENATE BILL NO. 6009
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 6015
 SUBSTITUTE SENATE BILL NO. 6016
 ENGROSSED SENATE BILL NO. 6033
 SUBSTITUTE SENATE BILL NO. 6036
 SENATE BILL NO. 6070
 SUBSTITUTE SENATE BILL NO. 6088
 SUBSTITUTE SENATE BILL NO. 6095
 SENATE BILL NO. 6104
 SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 8404

MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The President has appointed the following members as Conferees on the Conference for SECOND SUBSTITUTE SENATE BILL NO. 5433: Senators Tom, Regala and King, and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1292 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature continues to support school districts seeking innovations to further the educational experiences of students and staff while also realizing increased efficiencies in day- to-day operations. School districts have suggested that efficiencies in heating, lighting, or maintenance expenses could be possible if districts were given the ability to create a more flexible calendar. Furthermore, the legislature finds that a flexible calendar could be beneficial to student learning by allowing for the use of the unscheduled days for professional development activities, planning, tutoring, special programs, parent conferences, and athletic events. A flexible calendar also has the potential to ease the burden of long commutes on students in rural areas and to lower absenteeism.

School districts in several western states have operated on a four- day school week and report increased efficiencies, family support, and reduced absenteeism, with no negative impact on student learning. Small rural school districts in particular could benefit due to their high per-pupil costs for transportation and utilities. Therefore, the legislature intends to provide increased flexibility to a limited number of school districts to explore the potential value of operating on a flexible calendar, so long as adequate safeguards are put in place to prevent any negative impact on student learning.

NEW SECTION. Sec. 2. A new section is added to chapter 28A.305 RCW to read as follows:

(1) In addition to waivers authorized under RCW 28A.305.140 and 28A.655.180, the state board of education may grant waivers from the requirement for a one hundred eighty-day school year under RCW 28A.150.220 and 28A.150.250 to school districts that propose to operate one or more schools on a flexible calendar for purposes of economy and efficiency as provided in this section. The requirement under RCW 28A.150.220 that school districts offer an annual average instructional hour offering of at least one thousand hours shall not be waived.

(2) A school district seeking a waiver under this section must submit an application that includes:

(a) A proposed calendar for the school day and school year that demonstrates how the instructional hour requirement will be maintained;

(b) An explanation and estimate of the economies and efficiencies to be gained from compressing the instructional hours into fewer than one hundred eighty days;

(c) An explanation of how monetary savings from the proposal will be redirected to support student learning;

(d) A summary of comments received at one or more public hearings on the proposal and how concerns will be addressed;

(e) An explanation of the impact on students who rely upon free and reduced-price school child nutrition services and the impact on the ability of the child nutrition program to operate an economically independent program;

(f) An explanation of the impact on the ability to recruit and retain employees in education support positions;

(g) An explanation of the impact on students whose parents work during the missed school day; and

(h) Other information that the state board of education may request to assure that the proposed flexible calendar will not adversely affect student learning.

(3) The state board of education shall adopt criteria to evaluate waiver requests. No more than five districts may be granted waivers. Waivers may be granted for up to three years. After each school year, the state board of education shall analyze empirical evidence to determine whether the reduction is affecting student learning. If the state board of education determines that student learning is adversely affected, the school district shall discontinue the flexible calendar as soon as possible but not later than the beginning of the next school year after the determination has been made. All waivers expire August 31, 2014.

(a) Two of the five waivers granted under this subsection shall be granted to school districts with student populations of less than one hundred fifty students.

(b) Three of the five waivers granted under this subsection shall be granted to school districts with student populations of between one hundred fifty-one and five hundred students.

(4) The state board of education shall examine the waivers granted under this section and make a recommendation to the education committees of the legislature by December 15, 2013, regarding whether the waiver program should be continued, modified, or allowed to terminate. This recommendation should focus on whether the program resulted in improved student learning as demonstrated by empirical evidence. Such evidence includes, but is not limited to: Improved scores on the Washington assessment of student learning, results of the dynamic indicators of basic early literacy skills, student grades, and attendance.

(5) This section expires August 31, 2014.

Sec. 3. RCW 28A.655.180 and 1995 c 208 s 1 are each amended to read as follows:

(1) The state board of education, where appropriate, or the superintendent of public instruction, where appropriate, may grant waivers to districts from the provisions of statutes or rules relating to: The length of the school year; student-to-teacher ratios; and other administrative rules that in the opinion of the state board of education or the opinion of the superintendent of public instruction may need to be waived in order for a district to implement a plan for restructuring its educational program or the educational program of individual schools within the district.

(2) School districts may use the application process in RCW 28A.305.140 ((or 28A.300.138)) to apply for the waivers under ((subsection (1) of)) this section.

((3) The joint select committee on education restructuring shall study which waivers of state laws or rules are necessary for school districts to implement education restructuring. The committee shall study whether the waivers are used to implement specific essential academic learning requirements and student learning goals. The committee shall study the availability of waivers under the schools for the twenty-first century program created by chapter 525, Laws of 1987, and the use of those waivers by schools participating in that program. The committee shall also study the use of waivers authorized under RCW 28A.305.140. The committee shall report its findings to the legislature by December 1, 1997.))

NEW SECTION. Sec. 4. RCW 28A.305.145 (Application process for waivers under RCW 28A.305.140) and 1993 c 336 s 302 are each repealed."

On page 1, line 2 of the title, after "year;" strike the remainder of the title and insert "amending RCW 28A.655.180; adding a new section to chapter 28A.305 RCW; creating a new section; repealing RCW 28A.305.145; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1292 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1292, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1292, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; Nays, 9; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Crouse, Hope, Kristiansen, McCune, Morrell, Pearson, Ross and Shea.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1292, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1758. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature has previously affirmed the value of career and technical education, particularly in programs that lead to nationally recognized certification. These programs provide students with the knowledge and skills to become responsible citizens and contribute to their own economic well-being and that of their families and communities, which is the goal of education in the public schools. The legislature has also previously affirmed the value of dual enrollment in college and high school programs that can lead to both an associate degree and a high school diploma. Therefore, the legislature intends to maximize students' options and choices for completing high school by awarding diplomas to students who complete these valuable postsecondary programs.

Sec. 2. RCW 28B.50.535 and 2007 c 355 s 2 are each amended to read as follows:

A community or technical college may issue a high school diploma or certificate as provided under this section.

(1) An individual who satisfactorily meets the requirements for high school completion shall be awarded a diploma from the college,

subject to rules adopted by the superintendent of public instruction and the state board of education.

(2) An individual enrolled through the option established under RCW 28A.600.310 through 28A.600.400 who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student.

(3) An individual, twenty-one years or older, who enrolls in a community or technical college for the purpose of obtaining an associate degree and who satisfactorily completes an associate degree, including an associate of arts degree, associate of science degree, associate of technology degree, or associate in applied science degree, shall be awarded a diploma from the college upon written request from the student. Individuals under this subsection are not eligible for funding provided under chapter 28A.150 RCW.

Sec. 3. RCW 28A.225.290 and 1990 1st ex.s. c 9 s 207 are each amended to read as follows:

(1) The superintendent of public instruction shall prepare and annually distribute an information booklet outlining parents' and guardians' enrollment options for their children.

(2) ~~((Before the 1991-92 school year,))~~ The booklet shall be distributed to all school districts by the office of the superintendent of public instruction and shall be posted on the web site of the office of the superintendent of public instruction. School districts shall have a copy of the information booklet available for public inspection at each school in the district, at the district office, and in public libraries.

(3) The booklet shall include:

(a) Information about enrollment options and program opportunities, including but not limited to programs in RCW 28A.225.220, 28A.185.040, 28A.225.200 through 28A.225.215, 28A.225.230 through 28A.225.250, ~~((28A.175.090,))~~ 28A.340.010 through 28A.340.070 (small high school cooperative projects), and 28A.335.160.

(b) Information about the running start ~~((community college or vocational-technical institute choice))~~ program under RCW 28A.600.300 through ~~((28A.600.395))~~ 28A.600.400; ((and))

(c) Information about the seventh and eighth grade choice program under RCW 28A.230.090; and

(d) Information about the college high school diploma options under RCW 28B.50.535.

Sec. 4. RCW 28A.600.320 and 2008 c 95 s 3 are each amended to read as follows:

A school district shall provide general information about the program to all pupils in grades ten, eleven, and twelve and the parents and guardians of those pupils, including information about the opportunity to enroll in the program through online courses available at community and technical colleges and other state institutions of higher education and including the college high school diploma options under RCW 28B.50.535. To assist the district in planning, a pupil shall inform the district of the pupil's intent to enroll in courses at an institution of higher education for credit. Students are responsible for applying for admission to the institution of higher education.

Sec. 5. RCW 28A.655.061 and 2008 c 321 s 2 are each amended to read as follows:

(1) The high school assessment system shall include but need not be limited to the Washington assessment of student learning, opportunities for a student to retake the content areas of the assessment in which the student was not successful, and if approved by the legislature pursuant to subsection (10) of this section, one or more objective alternative assessments for a student to demonstrate achievement of state academic standards. The objective alternative assessments for each content area shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning for each content area.

(2) Subject to the conditions in this section, a certificate of academic achievement shall be obtained by most students at about the age of sixteen, and is evidence that the students have successfully met the state standard in the content areas included in the certificate. With the exception of students satisfying the provisions of RCW 28A.155.045 or 28A.655.0611, acquisition of the certificate is

required for graduation from a public high school but is not the only requirement for graduation.

(3) Beginning with the graduating class of 2008, with the exception of students satisfying the provisions of RCW 28A.155.045, a student who meets the state standards on the reading, writing, and mathematics content areas of the high school Washington assessment of student learning shall earn a certificate of academic achievement. If a student does not successfully meet the state standards in one or more content areas required for the certificate of academic achievement, then the student may retake the assessment in the content area up to four times at no cost to the student. If the student successfully meets the state standards on a retake of the assessment then the student shall earn a certificate of academic achievement. Once objective alternative assessments are authorized pursuant to subsection (10) of this section, a student may use the objective alternative assessments to demonstrate that the student successfully meets the state standards for that content area if the student has taken the Washington assessment of student learning at least once. If the student successfully meets the state standards on the objective alternative assessments then the student shall earn a certificate of academic achievement.

(4) Beginning no later than with the graduating class of 2013, a student must meet the state standards in science in addition to the other content areas required under subsection (3) of this section on the Washington assessment of student learning or the objective alternative assessments in order to earn a certificate of academic achievement. The state board of education may adopt a rule that implements the requirements of this subsection (4) beginning with a graduating class before the graduating class of 2013, if the state board of education adopts the rule by September 1st of the freshman school year of the graduating class to which the requirements of this subsection (4) apply. The state board of education's authority under this subsection (4) does not alter the requirement that any change in performance standards for the tenth grade assessment must comply with RCW 28A.305.130.

(5) The state board of education may not require the acquisition of the certificate of academic achievement for students in home-based instruction under chapter 28A.200 RCW, for students enrolled in private schools under chapter 28A.195 RCW, or for students satisfying the provisions of RCW 28A.155.045.

(6) A student may retain and use the highest result from each successfully completed content area of the high school assessment.

(7) School districts must make available to students the following options:

(a) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a public school; or

(b) To retake the Washington assessment of student learning up to four times in the content areas in which the student did not meet the state standards if the student is enrolled in a high school completion program at a community or technical college. The superintendent of public instruction and the state board for community and technical colleges shall jointly identify means by which students in these programs can be assessed.

(8) Students who achieve the standard in a content area of the high school assessment but who wish to improve their results shall pay for retaking the assessment, using a uniform cost determined by the superintendent of public instruction.

(9) Opportunities to retake the assessment at least twice a year shall be available to each school district.

(10)(a) The office of the superintendent of public instruction shall develop options for implementing objective alternative assessments, which may include an appeals process for students' scores, for students to demonstrate achievement of the state academic standards. The objective alternative assessments shall be comparable in rigor to the skills and knowledge that the student must demonstrate on the Washington assessment of student learning and be objective in its determination of student achievement of the state standards. Before any objective alternative assessments in addition to those authorized in RCW 28A.655.065 or (b) of this subsection are used by a student to demonstrate that the student has met the state standards in a content area required to obtain a certificate, the legislature shall formally approve the use of any objective alternative assessments

through the omnibus appropriations act or by statute or concurrent resolution.

(b)(i) A student's score on the mathematics, reading or English, or writing portion of the ~~(scholastic assessment test)~~ SAT ~~(3)~~ or the ~~(American college test)~~ ACT ~~(7)~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standards for the certificate of academic achievement. The state board of education shall identify the scores students must achieve on the relevant portion of the SAT or ACT to meet or exceed the state standard in the relevant content area on the Washington assessment of student learning. The state board of education shall identify the first scores by December 1, 2007. After the first scores are established, the state board may increase but not decrease the scores required for students to meet or exceed the state standards.

(ii) Until August 31, 2008, a student's score on the mathematics portion of the ~~(preliminary scholastic assessment test)~~ PSAT ~~(7)~~ may be used as an objective alternative assessment under this section for demonstrating that a student has met or exceeded the state standard for the certificate of academic achievement. The state board of education shall identify the score students must achieve on the mathematics portion of the PSAT to meet or exceed the state standard in that content area on the Washington assessment of student learning.

(iii) A student who scores at least a three on the grading scale of one to five for selected AP examinations may use the score as an objective alternative assessment under this section for demonstrating that a student has met or exceeded state standards for the certificate of academic achievement. A score of three on the AP examinations in calculus or statistics may be used as an alternative assessment for the mathematics portion of the Washington assessment of student learning. A score of three on the AP examinations in English language and composition may be used as an alternative assessment for the writing portion of the Washington assessment of student learning. A score of three on the AP examinations in English literature and composition, macroeconomics, microeconomics, psychology, United States history, world history, United States government and politics, or comparative government and politics may be used as an alternative assessment for the reading portion of the Washington assessment of student learning.

(11) By December 15, 2004, the house of representatives and senate education committees shall obtain information and conclusions from recognized, independent, national assessment experts regarding the validity and reliability of the high school Washington assessment of student learning for making individual student high school graduation determinations.

(12) To help assure continued progress in academic achievement as a foundation for high school graduation and to assure that students are on track for high school graduation, each school district shall prepare plans for and notify students and their parents or legal guardians as provided in this subsection (12).

(a) Student learning plans are required for eighth through twelfth grade students who were not successful on any or all of the content areas of the Washington assessment for student learning during the previous school year or who may not be on track to graduate due to credit deficiencies or absences. The parent or legal guardian shall be notified about the information in the student learning plan, preferably through a parent conference and at least annually. To the extent feasible, schools serving English language learner students and their parents shall translate the plan into the primary language of the family. The plan shall include the following information as applicable:

(i) The student's results on the Washington assessment of student learning;

(ii) If the student is in the transitional bilingual program, the score on his or her Washington language proficiency test II;

(iii) Any credit deficiencies;

(iv) The student's attendance rates over the previous two years;

(v) The student's progress toward meeting state and local graduation requirements;

(vi) The courses, competencies, and other steps needed to be taken by the student to meet state academic standards and stay on track for graduation;

(vii) Remediation strategies and alternative education options available to students, including informing students of the option to continue to receive instructional services after grade twelve or until the age of twenty-one;

(viii) The alternative assessment options available to students under this section and RCW 28A.655.065;

(ix) School district programs, high school courses, and career and technical education options available for students to meet graduation requirements; and

(x) Available programs offered through skill centers or community and technical colleges, including the college high school diploma options under RCW 28B.50.535.

(b) All fifth grade students who were not successful in one or more of the content areas of the fourth grade Washington assessment of student learning shall have a student learning plan.

(i) The parent or guardian of the student shall be notified, preferably through a parent conference, of the student's results on the Washington assessment of student learning, actions the school intends to take to improve the student's skills in any content area in which the student was unsuccessful, and provide strategies to help them improve their student's skills.

(ii) Progress made on the student plan shall be reported to the student's parents or guardian at least annually and adjustments to the plan made as necessary."

On page 1, line 2 of the title, after "diplomas;" strike the remainder of the title and insert "amending RCW 28B.50.535, 28A.225.290, 28A.600.320, and 28A.655.061; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1758 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Quall and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1758, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1758, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1758, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1845. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.09.105 and 1994 c 230 s 1 are each amended to read as follows:

(1) ~~(In entering or modifying)~~ Whenever a child support order is entered or modified under this chapter, the court shall require ~~((either or))~~ both parents to provide medical support for any child named in the order as provided in this section.

(a) Medical support consists of:

(i) Health insurance coverage; and

(ii) Cash medical support.

(b) Cash medical support consists of:

(i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and

(ii) A parent's proportionate share of uninsured medical expenses.

(c) Under appropriate circumstances, the court may excuse one parent from the responsibility to provide health insurance coverage or the monthly payment toward the premium.

(d) The court shall always require both parents to contribute their proportionate share of uninsured medical expenses.

(2) Both parents share the obligation to provide medical support for the child or children specified in the order, by providing health insurance coverage or contributing a cash medical support obligation when appropriate, and paying a proportionate share of any uninsured medical expenses.

(3)(a) The court may specify how medical support must be provided by each parent under subsection (4) of this section.

(b) If the court does not specify how medical support will be provided or if neither parent provides proof that he or she is providing health insurance coverage for the child at the time the support order is entered, the division of child support or either parent may enforce a parent's obligation to provide medical support under RCW 26.18.170.

(4)(a) If there is sufficient evidence provided at the time the order is entered, the court may make a determination of which parent must provide coverage and which parent must contribute a sum certain amount as his or her monthly payment toward the premium.

(b) If both parents have available health insurance coverage that is accessible to the child at the time the support order is entered, the court has discretion to order the parent with better coverage to provide the health insurance coverage for the child and the other parent to pay a monthly payment toward the premium. In making the determination of which coverage is better, the court shall consider the needs of the child, the cost and extent of each parent's coverage, and the accessibility of the coverage.

(c) Each parent shall remain responsible for his or her proportionate share of uninsured medical expenses.

(5) The order must provide that if the parties' circumstances change, the parties' medical support obligations will be enforced as provided in RCW 26.18.170.

(6) A parent who is ordered to maintain or provide health insurance coverage ~~((except as provided in subsection (2) of this section.))~~ may comply with that requirement by:

(a) Providing proof of accessible private insurance coverage for any child named in the order ~~((if: (a))); or~~

~~(b) Providing coverage that can be extended to cover the child that is ((or becomes)) available to that parent through employment or that is union-related ((and~~
~~(b)), if the cost of such coverage does not exceed twenty-five percent of ((the obligated)) that parent's basic child support obligation.~~

~~((2)) (7) The court ((shall consider the best interests of the child and have discretion to)) may order a parent to provide health insurance coverage ((when entering or modifying a support order under this chapter if the cost of such coverage)) that exceeds twenty-five percent of ((the obligated)) that parent's basic support obligation if it is in the best interests of the child to provide coverage.~~

~~((3)) (8) If the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the obligated parent shall pay a monthly payment toward the premium.~~

~~(9) Each parent is responsible for his or her proportionate share of uninsured medical expenses for the child or children covered by the support order.~~

~~(10) The parents ((shall)) must maintain ((such)) health insurance coverage as required under this section until:~~

~~(a) Further order of the court;~~

~~(b) The child is emancipated, if there is no express language to the contrary in the order; or~~

~~(c) Health insurance is no longer available through the parents' employer or union and no conversion privileges exist to continue coverage following termination of employment.~~

~~((4)) (11) A parent who is required to extend health insurance coverage to a child under this section is liable for any covered health care costs for which the parent receives direct payment from an insurer.~~

~~((5)) (12) This section shall not be construed to limit the authority of the court to enter or modify support orders containing provisions for payment of uninsured health expenses, health care costs, or insurance premiums which are in addition to and not inconsistent with this section.~~

~~((6)) (13) A parent ordered to provide health insurance coverage ((shall)) must provide proof of such coverage or proof that such coverage is unavailable within twenty days of the entry of the order to:~~

~~(a) The ((physical custodian)) other parent; or~~

~~(b) The department of social and health services if the parent has been notified or ordered to make support payments to the Washington state support registry.~~

~~((7)) (14) Every order requiring a parent to provide health care or insurance coverage ((shall)) must be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.~~

~~((8) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW-))~~

~~(15) When a parent is providing health insurance coverage at the time the order is entered, the premium shall be included in the worksheets for the calculation of child support under chapter 26.19 RCW.~~

~~(16) As used in this section:~~

~~(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.~~

~~(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.~~

~~(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.~~

~~(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.~~

~~(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.~~

~~(f) "Proportionate share" means an amount equal to a parent's percentage share of the combined monthly net income of both parents~~

~~as computed when determining a parent's child support obligation under chapter 26.19 RCW.~~

~~(g) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.~~

~~(17) The department of social and health services has rule-making authority to enact rules in compliance with 45 C.F.R. Parts 302, 303, 304, 305, and 308.~~

~~Sec. 2. RCW 26.18.170 and 2007 c 143 s 1 are each amended to read as follows:~~

~~(1) Whenever a parent ((who)) has been ordered to provide ((health insurance coverage)) medical support for a dependent child ((fails to provide such coverage or lets it lapse)), the department or ((a)) the other parent may seek enforcement of the ((coverage order)) medical support as provided under this section.~~

~~(a) If the obligated parent provides proof that he or she provides accessible coverage for the child through private insurance, that parent has satisfied his or her obligation to provide health insurance coverage.~~

~~(b) If the obligated parent does not provide proof of coverage, either the department or the other parent may take appropriate action as provided in this section to enforce the obligation.~~

~~(2) The department may attempt to enforce a parent's obligation to provide health insurance coverage for the dependent child. If health insurance coverage is not available through the parent's employment or union at a cost not to exceed twenty-five percent of the parent's basic support obligation, or as otherwise provided in the support order, the department may enforce any monthly payment toward the premium ordered to be provided under RCW 26.09.105 or 74.20A.300.~~

~~(3) A parent seeking to enforce another parent's monthly payment toward the premium under RCW 26.09.105 may:~~

~~(a) Apply for support enforcement services from the division of child support as provided by rule; or~~

~~(b) Take action on his or her own behalf by:~~

~~(i) Filing a motion in the underlying superior court action; or~~

~~(ii) Initiating an action in superior court to determine the amount owed by the obligated parent, if there is not already an underlying superior court action.~~

~~(4)(a) The department may serve a notice of support owed under RCW 26.23.110 on a parent to determine the amount of that parent's monthly payment toward the premium.~~

~~(b) Whether or not the child receives temporary assistance for needy families or medicaid, the department may enforce the responsible parent's monthly payment toward the premium. When the child receives state-financed medical coverage through the department under chapter 74.09 RCW for which there is an assignment, the department may disburse amounts collected to the custodial parent to be used for the medical costs of the child or the department may retain amounts collected and apply them toward the cost of providing the child's state-financed medical coverage. The department may disregard monthly payments toward the premium which are passed through to the family in accordance with federal law.~~

~~(5)(a) If the ((parent's)) order to provide health insurance coverage contains language notifying the parent ordered to provide coverage that failure to provide such coverage or proof that such coverage is unavailable may result in direct enforcement of the order and orders payments through, or has been submitted to, the Washington state support registry for enforcement, then the department may, without further notice to the parent, send a national medical support notice pursuant to 42 U.S.C. Sec. 666(a)(19), and sections 401 (e) and (f) of the federal child support and performance incentive act of 1998 to the parent's employer or union. The notice shall be served:~~

~~(i) By regular mail;~~

~~(ii) In the manner prescribed for the service of a summons in a civil action;~~

~~(iii) By certified mail, return receipt requested; or~~

~~(iv) By electronic means if there is an agreement between the secretary of the department and the person, firm, corporation,~~

association, political subdivision, department of the state, or agency, subdivision, or instrumentality of the United States to accept service by electronic means.

(b) The notice shall require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((3))~~ (8) of this section.

(c) The returned part A of the national medical support notice to the division of child support by the employer constitutes proof of service of the notice in the case where the notice was served by regular mail.

~~((4))~~ (6) Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator is responsible for complying with the provisions of the notice.

(7) If the parent's order to provide health insurance coverage does not order payments through, and has not been submitted to, the Washington state support registry for enforcement:

~~((7))~~ (a) The parent seeking enforcement may, without further notice to the ~~((other))~~ obligated parent, send a certified copy of the order requiring health insurance coverage to the ~~((obligor's))~~ parent's employer or union by certified mail, return receipt requested; and

~~((7))~~ (b) The parent seeking enforcement shall attach a notarized statement to the order declaring that the order is the latest order addressing coverage entered by the court and require the employer or union to enroll the child in the health insurance plan as provided in subsection ~~((3))~~ (8) of this section.

~~((3))~~ (8) Upon receipt of an order that provides for health insurance coverage:

(a) The parent's employer or union shall answer the party who sent the order within twenty days and confirm that the child:

(i) Has been enrolled in the health insurance plan;

(ii) Will be enrolled; or

(iii) Cannot be covered, stating the reasons why such coverage cannot be provided;

(b) The employer or union shall withhold any required premium from the parent's income or wages;

(c) If more than one plan is offered by the employer or union, and each plan may be extended to cover the child, then the child shall be enrolled in the parent's plan. If the parent's plan does not provide coverage which is accessible to the child, the child shall be enrolled in the least expensive plan otherwise available to the parent;

(d) The employer or union shall provide information about the name of the health insurance coverage provider or issuer and the extent of coverage available to the parent and shall make available any necessary claim forms or enrollment membership cards.

~~((4))~~ Upon receipt of a national medical support notice from a child support agency operating under Title IV-D of the federal social security act:

(a) The parent's employer or union shall comply with the provisions of the notice, including meeting response time frames and withholding requirements required under part A of the notice;

(b) The parent's employer or union shall also be responsible for complying with forwarding part B of the notice to the child's plan administrator, if required by the notice;

(c) The plan administrator shall be responsible for complying with the provisions of the notice.

~~((5))~~ (9) If the order for coverage contains no language notifying either or both parents that failure to provide health insurance coverage or proof that such coverage is unavailable may result in direct enforcement of the order, the department or the parent seeking enforcement may serve a written notice of intent to enforce the order on the ~~((other))~~ obligated parent by certified mail, return receipt requested, or by personal service. If the parent required to provide medical support fails to provide written proof that such coverage has been obtained or applied for or fails to provide proof that such coverage is unavailable within twenty days of service of the notice,

the department or the parent seeking enforcement may proceed to enforce the order directly as provided in subsection ~~((2))~~ (5) of this section.

~~((6))~~ (10) If the parent ordered to provide health insurance coverage elects to provide coverage that will not be accessible to the child because of geographic or other limitations when accessible coverage is otherwise available, the department or the parent seeking enforcement may serve a written notice of intent to purchase health insurance coverage on the obligated parent (~~((required to provide medical support))~~) by certified mail, return receipt requested. The notice shall also specify the type and cost of coverage.

~~((7))~~ (11) If the department serves a notice under subsection ~~((6))~~ (10) of this section the parent required to provide medical support shall, within twenty days of the date of service:

(a) File an application for an adjudicative proceeding; or

(b) Provide written proof to the department that the obligated parent has either applied for, or obtained, coverage accessible to the child.

~~((8))~~ (12) If the parent seeking enforcement serves a notice under subsection ~~((6))~~ (10) of this section, within twenty days of the date of service the parent required to provide medical support shall provide written proof to the parent seeking enforcement that ~~((the parent required to provide medical support))~~ he or she has either applied for, or obtained, coverage accessible to the child.

~~((9))~~ (13) If the parent required to provide medical support fails to respond to a notice served under subsection ~~((6))~~ (10) of this section to the party who served the notice, the party who served the notice may purchase the health insurance coverage specified in the notice directly.

(a) If the obligated parent is the responsible parent, the amount of the monthly premium shall be added to the support debt and be collectible without further notice.

(b) If the obligated parent is the custodial parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(c) The amount of the monthly premium may be collected or accrued until the parent required to provide medical support provides proof of the required coverage.

~~((10))~~ (14) The signature of the parent seeking enforcement or of a department employee shall be a valid authorization to the coverage provider or issuer for purposes of processing a payment to the child's health services provider. An order for health insurance coverage shall operate as an assignment of all benefit rights to the parent seeking enforcement or to the child's health services provider, and in any claim against the coverage provider or issuer, the parent seeking enforcement or his or her assignee shall be subrogated to the rights of the parent obligated to provide medical support for the child. Notwithstanding the provisions of this section regarding assignment of benefits, this section shall not require a health care service contractor authorized under chapter 48.44 RCW or a health maintenance organization authorized under chapter 48.46 RCW to deviate from their contractual provisions and restrictions regarding reimbursement for covered services. If the coverage is terminated, the employer shall mail a notice of termination to the department or the parent seeking enforcement at that parent's last known address within thirty days of the termination date.

~~((11))~~ (15) This section shall not be construed to limit the right of the parents or parties to the support order to bring an action in superior court at any time to enforce, modify, or clarify the original support order.

~~((12))~~ (16) Where a child does not reside in the issuer's service area, an issuer shall cover no less than urgent and emergent care. Where the issuer offers broader coverage, whether by policy or reciprocal agreement, the issuer shall provide such coverage to any child otherwise covered that does not reside in the issuer's service area.

~~((13))~~ (17) If a parent required to provide medical support fails to pay his or her portion, determined under RCW 26.19.080, of any premium, deductible, copay, or uninsured medical expense incurred on behalf of the child, pursuant to a child support order, the department or the ~~((obligee))~~ parent seeking reimbursement of medical expenses may enforce collection of ~~((that))~~ the obligated parent's portion of the premium, deductible, copay, or uninsured medical expense incurred on behalf of the child.

~~(a)~~ If the department is enforcing the order ~~(the parent required to provide medical support shall have his or her)~~ and the responsible parent is the obligated parent, the obligated parent's portion of the premium, deductible, copay, or uninsured medical expenses incurred on behalf of the child added to the support debt and be collectible without further notice, following the reduction of the expenses to a sum certain either in a court order or by the department, pursuant to RCW 26.23.110.

~~((14))~~ (b) If the custodial parent is the obligated parent, the responsible parent may file an application for enforcement services and ask the department to establish and enforce the custodial parent's obligation.

(18) As used in this section:

(a) "Accessible" means health insurance coverage which provides primary care services to the child or children with reasonable effort by the custodian.

(b) "Cash medical support" means a combination of: (i) A parent's monthly payment toward the premium paid for coverage by either the other parent or the state, which represents the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation; and (ii) a parent's proportionate share of uninsured medical expenses.

(c) "Health insurance coverage" does not include medical assistance provided under chapter 74.09 RCW.

(d) "Uninsured medical expenses" includes premiums, copays, deductibles, along with other health care costs not covered by insurance.

(e) "Obligated parent" means a parent ordered to provide health insurance coverage for the children.

(f) "Monthly payment toward the premium" means a parent's contribution toward premiums paid by the other parent or the state for insurance coverage for the child, which is based on the obligated parent's proportionate share of the premium paid, but no more than twenty-five percent of the obligated parent's basic support obligation.

(19) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~(parts)~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 3. RCW 26.18.180 and 2000 c 86 s 3 are each amended to read as follows:

(1) ~~(An obligated parent's)~~ The employer or union of a parent who has been ordered to provide health insurance coverage shall be liable for a fine of up to one thousand dollars per occurrence, if the employer or union fails or refuses, within twenty days of receiving the order or notice for health insurance coverage to:

(a) Promptly enroll the ~~(obligated)~~ parent's child in the health insurance plan; or

(b) Make a written answer to the person or entity who sent the order or notice for health insurance coverage stating that the child:

(i) Will be enrolled in the next available open enrollment period; or

(ii) Cannot be covered and explaining the reasons why coverage cannot be provided.

(2) Liability may be established and the fine may be collected by the office of support enforcement under chapter 74.20A or 26.23 RCW using any of the remedies contained in those chapters.

(3) Any employer or union who enrolls a child in a health insurance plan in compliance with chapter 26.18 RCW shall be exempt from liability resulting from such enrollment.

Sec. 4. RCW 26.23.050 and 2007 c 143 s 3 are each amended to read as follows:

(1) If the division of child support is providing support enforcement services under RCW 26.23.045, or if a party is applying for support enforcement services by signing the application form on the bottom of the support order, the superior court shall include in all court orders that establish or modify a support obligation:

(a) A provision that orders and directs the responsible parent to make all support payments to the Washington state support registry;

(b) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real

and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) A statement that the receiving parent might be required to submit an accounting of how the support, including any cash medical support, is being spent to benefit the child;

(d) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

~~((14))~~ (e) A statement that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320.

As used in this subsection and subsection (3) of this section, "good cause not to require immediate income withholding" means a written determination of why implementing immediate wage withholding would not be in the child's best interests and, in modification cases, proof of timely payment of previously ordered support.

(2) In all other cases not under subsection (1) of this section, the court may order the responsible parent to make payments directly to the person entitled to receive the payments, to the Washington state support registry, or may order that payments be made in accordance with an alternate arrangement agreed upon by the parties.

(a) The superior court shall include in all orders under this subsection that establish or modify a support obligation:

(i) A statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of the court order, unless:

(A) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding and that withholding should be delayed until a payment is past due; or

(B) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement; ~~(and)~~

(ii) A statement that the receiving parent may be required to submit an accounting of how the support is being spent to benefit the child;

(iii) A statement that any parent required to provide health insurance coverage for the child or children covered by the order must notify the division of child support and the other parent when the coverage terminates; and

(iv) A statement that a parent seeking to enforce the obligation to provide health insurance coverage may:

(A) File a motion in the underlying superior court action; or

(B) If there is not already an underlying superior court action, initiate an action in the superior court.

As used in this subsection, "good cause not to require immediate income withholding" is any reason that the court finds appropriate.

(b) The superior court may order immediate or delayed income withholding as follows:

(i) Immediate income withholding may be ordered if the responsible parent has earnings. If immediate income withholding is ordered under this subsection, all support payments shall be paid to the Washington state support registry. The superior court shall issue a mandatory wage assignment order as set forth in chapter 26.18 RCW when the support order is signed by the court. The parent entitled to receive the transfer payment is responsible for serving the employer with the order and for its enforcement as set forth in chapter 26.18 RCW.

(ii) If immediate income withholding is not ordered, the court shall require that income withholding be delayed until a payment is past due. The support order shall contain a statement that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child

support statutes of this or any other state, without further notice to the responsible parent, after a payment is past due.

(c) If a mandatory wage withholding order under chapter 26.18 RCW is issued under this subsection and the division of child support provides support enforcement services under RCW 26.23.045, the existing wage withholding assignment is prospectively superseded upon the division of child support's subsequent service of an income withholding notice.

(3) The office of administrative hearings and the department of social and health services shall require that all support obligations established as administrative orders include a provision which orders and directs that the responsible parent shall make all support payments to the Washington state support registry. All administrative orders shall also state that the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320. All administrative orders shall also state that withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state without further notice to the responsible parent at any time after entry of the order, unless:

(a) One of the parties demonstrates, and the presiding officer finds, that there is good cause not to require immediate income withholding; or

(b) The parties reach a written agreement that is approved by the presiding officer that provides for an alternate agreement.

(4) If the support order does not include the provision ordering and directing that all payments be made to the Washington state support registry and a statement that withholding action may be taken against wages, earnings, assets, or benefits if a support payment is past due or at any time after the entry of the order, or that a parent's licensing privileges may not be renewed, or may be suspended, the division of child support may serve a notice on the responsible parent stating such requirements and authorizations. Service may be by personal service or any form of mail requiring a return receipt.

(5) Every support order shall state:

(a) The address where the support payment is to be sent;

(b) That withholding action may be taken against wages, earnings, assets, or benefits, and liens enforced against real and personal property under the child support statutes of this or any other state, without further notice to the responsible parent at any time after entry of a support order, unless:

(i) One of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding; or

(ii) The parties reach a written agreement that is approved by the court that provides for an alternate arrangement;

(c) The income of the parties, if known, or that their income is unknown and the income upon which the support award is based;

(d) The support award as a sum certain amount;

(e) The specific day or date on which the support payment is due;

(f) The names and ages of the dependent children;

(g) A provision requiring both the responsible parent and the custodial parent to keep the Washington state support registry informed of whether he or she has access to health insurance coverage at reasonable cost and, if so, the health insurance policy information;

(h) That either or both the responsible parent and the custodial parent shall be obligated to provide (health insurance coverage) medical support for his or her child through health insurance coverage if:

(i) The obligated parent provides accessible coverage for the child through private insurance; or

(ii) Coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related; or

(iii) In the absence of such coverage, through an additional sum certain amount, as that parent's monthly payment toward the premium as provided under RCW 26.09.105;

(i) That a parent providing health insurance coverage must notify both the division of child support and the other parent when coverage terminates;

(j) That if proof of health insurance coverage or proof that the coverage is unavailable is not provided within twenty days, the parent seeking enforcement or the department may seek direct enforcement of the coverage through the employer or union of the parent required to provide medical support without further notice to the parent as provided under chapter 26.18 RCW;

(~~(j)~~) (k) The reasons for not ordering health insurance coverage if the order fails to require such coverage;

(~~(k)~~) (l) That the responsible parent's privileges to obtain and maintain a license, as defined in RCW 74.20A.320, may not be renewed, or may be suspended if the parent is not in compliance with a support order as provided in RCW 74.20A.320;

(~~(l)~~) (m) That each parent must:

(i) Promptly file with the court and update as necessary the confidential information form required by subsection (7) of this section; and

(ii) Provide the state case registry and update as necessary the information required by subsection (7) of this section; and

(~~(m)~~) (n) That parties to administrative support orders shall provide to the state case registry and update as necessary their residential addresses and the address of the responsible parent's employer. The division of child support may adopt rules that govern the collection of parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, the names of the children, social security numbers of the children, dates of birth of the children, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers to enforce an administrative support order. The division of child support shall not release this information if the division of child support determines that there is reason to believe that release of the information may result in physical or emotional harm to the party or to the child, or a restraining order or protective order is in effect to protect one party from the other party.

(6) After the responsible parent has been ordered or notified to make payments to the Washington state support registry under this section, the responsible parent shall be fully responsible for making all payments to the Washington state support registry and shall be subject to payroll deduction or other income-withholding action. The responsible parent shall not be entitled to credit against a support obligation for any payments made to a person or agency other than to the Washington state support registry except as provided under RCW 74.20.101. A civil action may be brought by the payor to recover payments made to persons or agencies who have received and retained support moneys paid contrary to the provisions of this section.

(7) All petitioners and parties to all court actions under chapters 26.09, 26.10, 26.12, 26.18, 26.21A, 26.23, 26.26, and 26.27 RCW shall complete to the best of their knowledge a verified and signed confidential information form or equivalent that provides the parties' current residence and mailing addresses, telephone numbers, dates of birth, social security numbers, driver's license numbers, and the names, addresses, and telephone numbers of the parties' employers. The clerk of the court shall not accept petitions, except in parentage actions initiated by the state, orders of child support, decrees of dissolution, or paternity orders for filing in such actions unless accompanied by the confidential information form or equivalent, or unless the confidential information form or equivalent is already on file with the court clerk. In lieu of or in addition to requiring the parties to complete a separate confidential information form, the clerk may collect the information in electronic form. The clerk of the court shall transmit the confidential information form or its data to the division of child support with a copy of the order of child support or paternity order, and may provide copies of the confidential information form or its data and any related findings, decrees, parenting plans, orders, or other documents to the state administrative agency that administers Title IV-A, IV-D, IV-E, or XIX of the federal social security act. In state initiated paternity actions, the parties adjudicated the parents of the child or children shall complete the confidential information form or equivalent or the state's attorney of record may complete that form to the best of the attorney's knowledge.

(8) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19)

as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 5. RCW 26.23.110 and 2007 c 143 s 4 are each amended to read as follows:

(1) The department may serve a notice of support owed on a responsible parent when a support order:

(a) Does not state the current and future support obligation as a fixed dollar amount;

(b) Contains an escalation clause or adjustment provision for which additional information not contained in the support order is needed to determine the fixed dollar amount of the support debt or the fixed dollar amount of the current and future support obligation, or both; or

(c) Provides that the responsible parent is responsible for paying for a portion of uninsured medical costs, copayments, and/or deductibles incurred on behalf of the child, but does not reduce the costs to a fixed dollar amount.

(2) The department may serve a notice of support owed on a parent who has been designated to pay per a support order a portion of uninsured medical costs, copayments, or deductibles incurred on behalf of the child, but only when the support order does not reduce the costs to a fixed dollar amount.

(3) The department may serve a notice of support owed to determine a parent's monthly payment toward the premium as defined in RCW 26.09.105, if the support order does not set a fixed dollar amount for the monthly payment toward the premium.

(4) The notice of support owed shall facilitate enforcement of the support order and implement and effectuate the terms of the support order, rather than modify those terms. When the office of support enforcement issues a notice of support owed, the office shall inform the payee under the support order.

~~((4))~~ (5) The notice of support owed shall be served on a responsible parent by personal service or any form of mailing requiring a return receipt. The notice shall be served on the applicant or recipient of services by first-class mail to the last known address. The notice of support owed shall contain an initial finding of the fixed dollar amount of current and future support obligation that should be paid or the fixed dollar amount of the support debt owed under the support order, or both.

~~((5))~~ (6) A parent who objects to the fixed dollar amounts stated in the notice of support owed has twenty days from the date of the service of the notice of support owed to file an application for an adjudicative proceeding or initiate an action in superior court.

~~((6))~~ (7) The notice of support owed shall state that the parent may:

(a) File an application for an adjudicative proceeding governed by chapter 34.05 RCW, the administrative procedure act, in which the parent will be required to appear and show cause why the fixed dollar amount of support debt or current and future support obligation, or both, stated in the notice of support owed is incorrect and should not be ordered; or

(b) Initiate an action in superior court.

~~((7))~~ (8) If either parent does not file an application for an adjudicative proceeding or initiate an action in superior court, the fixed dollar amount of current and future support obligation or support debt, or both, stated in the notice of support owed shall become final and subject to collection action.

~~((8))~~ (9) If an adjudicative proceeding is requested, the department shall mail a copy of the notice of adjudicative proceeding to the parties.

~~((9))~~ (10) If either parent does not initiate an action in superior court, and serve notice of the action on the department and the other party to the support order within the twenty-day period, the parent shall be deemed to have made an election of remedies and shall be required to exhaust administrative remedies under this chapter with judicial review available as provided for in RCW 34.05.510 through 34.05.598.

~~((10))~~ (11) An adjudicative order entered in accordance with this section shall state the basis, rationale, or formula upon which the fixed dollar amounts established in the adjudicative order were based. The fixed dollar amount of current and future support obligation or

the amount of the support debt, or both, determined under this section shall be subject to collection under this chapter and other applicable state statutes.

~~((11))~~ (12) The department shall also provide for:

(a) An annual review of the support order if either the office of support enforcement or the parent requests such a review; and

(b) A late adjudicative proceeding if the parent fails to file an application for an adjudicative proceeding in a timely manner under this section.

~~((12))~~ (13) If an annual review or late adjudicative proceeding is requested under subsection ~~((11))~~ (12) of this section, the department shall mail a copy of the notice of adjudicative proceeding to the parties' last known address.

~~((13))~~ (14) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 6. RCW 74.20A.300 and 1994 c 230 s 22 are each amended to read as follows:

(1) Whenever a support order is entered or modified under this chapter, the department shall require ~~((the responsible))~~ either or both parents to ~~((maintain or provide health insurance coverage))~~ provide medical support for any dependent child, in the nature of health insurance coverage or a monthly payment toward the premium, as provided under RCW 26.09.105.

(2) "Health insurance coverage" as used in this section does not include medical assistance provided under chapter 74.09 RCW.

(3) A parent ordered to provide health insurance coverage shall provide proof of such coverage or proof that such coverage is unavailable to the department within twenty days of the entry of the order.

(4) A parent required to provide health insurance coverage must notify the department and the other parent when coverage terminates.

(5) Every order requiring a parent to provide health insurance coverage shall be entered in compliance with RCW 26.23.050 and be subject to direct enforcement as provided under chapter 26.18 RCW.

Sec. 7. RCW 74.20A.055 and 2007 c 143 s 8 are each amended to read as follows:

(1) The secretary may, if there is no order that establishes the responsible parent's support obligation or specifically relieves the responsible parent of a support obligation or pursuant to an establishment of paternity under chapter 26.26 RCW, serve on the responsible parent or parents and custodial parent a notice and finding of financial responsibility requiring the parents to appear and show cause in an adjudicative proceeding why the finding of responsibility and/or the amount thereof is incorrect, should not be finally ordered, but should be rescinded or modified. This notice and finding shall relate to the support debt accrued and/or accruing under this chapter and/or RCW 26.16.205, including periodic payments to be made in the future. The hearing shall be held pursuant to this section, chapter 34.05 RCW, the Administrative Procedure Act, and the rules of the department. A custodian who has physical custody of a child has the same rights that a custodial parent has under this section.

(2) The notice and finding of financial responsibility shall be served in the same manner prescribed for the service of a summons in a civil action or may be served on the responsible parent by certified mail, return receipt requested. The receipt shall be prima facie evidence of service. The notice shall be served upon the debtor within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought. If the notice is not served within sixty days from such date, the department shall lose the right to reimbursement of payments made after the sixty-day period and before the date of notification: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so the entire sixty-day period is tolled until such time as the debtor can be located. The notice may be served upon the custodial parent who is the nonassistance applicant or public assistance recipient by first-class mail to the last known address. If the custodial parent is not the

nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent.

(3) The notice and finding of financial responsibility shall set forth the amount the department has determined the responsible parent owes, the support debt accrued and/or accruing, and periodic payments to be made in the future. The notice and finding shall also include:

(a) A statement of the name of the custodial parent and the name of the child or children for whom support is sought;

(b) A statement of the amount of periodic future support payments as to which financial responsibility is alleged;

(c) A statement that the responsible parent or custodial parent may object to all or any part of the notice and finding, and file an application for an adjudicative proceeding to show cause why the terms set forth in the notice should not be ordered;

(d) A statement that, if neither the responsible parent nor the custodial parent files in a timely fashion an application for an adjudicative proceeding, the support debt and payments stated in the notice and finding, including periodic support payments in the future, shall be assessed and determined and ordered by the department and that this debt and amounts due under the notice shall be subject to collection action;

(e) A statement that the property of the debtor, without further advance notice or hearing, will be subject to lien and foreclosure, distraint, seizure and sale, order to withhold and deliver, notice of payroll deduction or other collection action to satisfy the debt and enforce the support obligation established under the notice;

(f) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child either through private health insurance which is accessible to the child or through coverage that is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105.

(4) A responsible parent or custodial parent who objects to the notice and finding of financial responsibility may file an application for an adjudicative proceeding within twenty days of the date of service of the notice or thereafter as provided under this subsection.

(a) If the responsible parent or custodial parent files the application within twenty days, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application stays collection action pending the entry of a final administrative order;

(b) If both the responsible parent and the custodial parent fail to file an application within twenty days, the notice and finding shall become a final administrative order. The amounts for current and future support and the support debt stated in the notice are final and subject to collection, except as provided under (c) and (d) of this subsection;

(c) If the responsible parent or custodial parent files the application more than twenty days after, but within one year of the date of service, the office of administrative hearings shall schedule an adjudicative proceeding to hear the parent's or parents' objection and determine the support obligation for the entire period covered by the notice and finding of financial responsibility. The filing of the application does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action;

(d) If the responsible parent or custodial parent files the application more than one year after the date of service, the office of administrative hearings shall schedule an adjudicative proceeding at which the parent who requested the late hearing must show good cause for failure to file a timely application. The filing of the application does not stay future collection action and does not affect prior collection action;

(i) If the presiding officer finds that good cause exists, the presiding officer shall proceed to hear the parent's objection to the notice and determine the support obligation;

(ii) If the presiding officer finds that good cause does not exist, the presiding officer shall treat the application as a petition for prospective modification of the amount for current and future support

established under the notice and finding. In the modification proceeding, the presiding officer shall set current and future support under chapter 26.19 RCW. The petitioning parent need show neither good cause nor a substantial change of circumstances to justify modification of current and future support;

(e) If the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard, the division of child support may file an application for adjudicative proceeding more than twenty days after the date of service of the notice. The office of administrative hearings shall schedule an adjudicative proceeding and provide notice of the hearing to the responsible parent and the custodial parent. The presiding officer shall determine the support obligation for the entire period covered by the notice, based upon credible evidence presented by the division of child support, the responsible parent, or the custodial parent, or may determine that the support obligation set forth in the notice is correct. The division of child support demonstrates good cause by showing that the responsible parent's support obligation was based upon imputed median net income, the grant standard, or the family need standard. The filing of the application by the division of child support does not stay further collection action, pending the entry of a final administrative order, and does not affect any prior collection action.

(f) The department shall retain and/or shall not refund support money collected more than twenty days after the date of service of the notice. Money withheld as the result of collection action shall be delivered to the department. The department shall distribute such money, as provided in published rules.

(5) If an application for an adjudicative proceeding is filed, the presiding or reviewing officer shall determine the past liability and responsibility, if any, of the alleged responsible parent and shall also determine the amount of periodic payments to be made in the future, which amount is not limited by the amount of any public assistance payment made to or for the benefit of the child. If deviating from the child support schedule in making these determinations, the presiding or reviewing officer shall apply the standards contained in the child support schedule and enter written findings of fact supporting the deviation.

(6) If either the responsible parent or the custodial parent fails to attend or participate in the hearing or other stage of an adjudicative proceeding, upon a showing of valid service, the presiding officer shall enter an order of default against each party who did not appear and may enter an administrative order declaring the support debt and payment provisions stated in the notice and finding of financial responsibility to be assessed and determined and subject to collection action. The parties who appear may enter an agreed settlement or consent order, which may be different than the terms of the department's notice. Any party who appears may choose to proceed to the hearing, after the conclusion of which the presiding officer or reviewing officer may enter an order that is different than the terms stated in the notice, if the obligation is supported by credible evidence presented by any party at the hearing.

(7) The final administrative order establishing liability and/or future periodic support payments shall be superseded upon entry of a superior court order for support to the extent the superior court order is inconsistent with the administrative order.

(8) Debts determined pursuant to this section, accrued and not paid, are subject to collection action under this chapter without further necessity of action by a presiding or reviewing officer.

(9) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ((parts)) 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 8. RCW 74.20A.056 and 2007 c 143 s 9 are each amended to read as follows:

(1) If an alleged father has signed an affidavit acknowledging paternity which has been filed with the state registrar of vital statistics before July 1, 1997, the division of child support may serve a notice and finding of parental responsibility on him and the custodial parent. Procedures for and responsibility resulting from acknowledgments filed after July 1, 1997, are in subsections (8) and

(9) of this section. Service of the notice shall be in the same manner as a summons in a civil action or by certified mail, return receipt requested, on the alleged father. The custodial parent shall be served by first-class mail to the last known address. If the custodial parent is not the nonassistance applicant or public assistance recipient, service shall be in the same manner as for the responsible parent. The notice shall have attached to it a copy of the affidavit or certification of birth record information advising of the existence of a filed affidavit, provided by the state registrar of vital statistics, and shall state that:

(a) Either or both parents are responsible for providing health insurance for their child either through private health insurance which is accessible to the child or through coverage that if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related, or for paying a monthly payment toward the premium if no such coverage is available, as provided under RCW 26.09.105;

(b) The alleged father or custodial parent may file an application for an adjudicative proceeding at which they both will be required to appear and show cause why the amount stated in the notice as to support is incorrect and should not be ordered;

(c) An alleged father or mother, if she is also the custodial parent, may request that a blood or genetic test be administered to determine whether such test would exclude him from being a natural parent and, if not excluded, may subsequently request that the division of child support initiate an action in superior court to determine the existence of the parent-child relationship; and

(d) If neither the alleged father nor the custodial parent requests that a blood or genetic test be administered or files an application for an adjudicative proceeding, the amount of support stated in the notice and finding of parental responsibility shall become final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist.

(2) An alleged father or custodial parent who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt, the amount of the current and future support obligation, and the reimbursement of the costs of blood or genetic tests if advanced by the department. A custodian who is not the parent of a child and who has physical custody of a child has the same notice and hearing rights that a custodial parent has under this section.

(3) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department. If no application is filed within twenty days:

(a) The amounts in the notice shall become final and the debt created therein shall be subject to collection action; and

(b) Any amounts so collected shall neither be refunded nor returned if the alleged father is later found not to be a responsible parent.

(4) An alleged father or the mother, if she is also the custodial parent, may request that a blood or genetic test be administered at any time. The request for testing shall be in writing, or as the department may specify by rule, and served on the division of child support. If a request for testing is made, the department shall arrange for the test and, pursuant to rules adopted by the department, may advance the cost of such testing. The department shall mail a copy of the test results by certified mail, return receipt requested, to the alleged father's and mother's, if she is also the custodial parent, last known address.

(5) If the test excludes the alleged father from being a natural parent, the division of child support shall file a copy of the results with the state registrar of vital statistics and shall dismiss any pending administrative collection proceedings based upon the affidavit in issue. The state registrar of vital statistics shall remove the alleged father's name from the birth certificate and change the child's surname to be the same as the mother's maiden name as stated

on the birth certificate, or any other name which the mother may select.

(6) The alleged father or mother, if she is also the custodial parent, may, within twenty days after the date of receipt of the test results, request the division of child support to initiate an action under RCW 26.26.500 through 26.26.630 to determine the existence of the parent-child relationship. If the division of child support initiates a superior court action at the request of the alleged father or mother and the decision of the court is that the alleged father is a natural parent, the parent who requested the test shall be liable for court costs incurred.

(7) If the alleged father or mother, if she is also the custodial parent, does not request the division of child support to initiate a superior court action, or fails to appear and cooperate with blood or genetic testing, the notice of parental responsibility shall become final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(8)(a) Subsections (1) through (7) of this section do not apply to acknowledgments of paternity filed with the state registrar of vital statistics after July 1, 1997.

(b) If an acknowledged father has signed an acknowledgment of paternity that has been filed with the state registrar of vital statistics after July 1, 1997:

(i) The division of child support may serve a notice and finding of financial responsibility under RCW 74.20A.055 based on the acknowledgment. The division of child support shall attach a copy of the acknowledgment or certification of the birth record information advising of the existence of a filed acknowledgment of paternity to the notice;

(ii) The notice shall include a statement that the acknowledged father or any other signatory may commence a proceeding in court to rescind or challenge the acknowledgment or denial of paternity under RCW 26.26.330 and 26.26.335;

(iii) A statement that either or both parents are responsible for providing health insurance for his or her child if coverage that can be extended to cover the child is or becomes available to the parent through employment or is union-related as provided under RCW 26.09.105; and

(iv) The party commencing the action to rescind or challenge the acknowledgment or denial must serve notice on the division of child support and the office of the prosecuting attorney in the county in which the proceeding is commenced. Commencement of a proceeding to rescind or challenge the acknowledgment or denial stays the establishment of the notice and finding of financial responsibility, if the notice has not yet become a final order.

(c) If neither the acknowledged father nor the other party to the notice files an application for an adjudicative proceeding or the signatories to the acknowledgment or denial do not commence a proceeding to rescind or challenge the acknowledgment of paternity, the amount of support stated in the notice and finding of financial responsibility becomes final, subject only to a subsequent determination under RCW 26.26.500 through 26.26.630 that the parent-child relationship does not exist. The division of child support does not refund nor return any amounts collected under a notice that becomes final under this section or RCW 74.20A.055, even if a court later determines that the acknowledgment is void.

(d) An acknowledged father or other party to the notice who objects to the amount of support requested in the notice may file an application for an adjudicative proceeding up to twenty days after the date the notice was served. An application for an adjudicative proceeding may be filed within one year of service of the notice and finding of parental responsibility without the necessity for a showing of good cause or upon a showing of good cause thereafter. An adjudicative proceeding under this section shall be pursuant to RCW 74.20A.055. The only issues shall be the amount of the accrued debt and the amount of the current and future support obligation.

(i) If the application for an adjudicative proceeding is filed within twenty days of service of the notice, collection action shall be stayed pending a final decision by the department.

(ii) If the application for an adjudicative proceeding is not filed within twenty days of the service of the notice, any amounts collected

under the notice shall be neither refunded nor returned if the alleged father is later found not to be a responsible parent.

(e) If neither the acknowledged father nor the custodial parent requests an adjudicative proceeding, or if no timely action is brought to rescind or challenge the acknowledgment or denial after service of the notice, the notice of financial responsibility becomes final for all intents and purposes and may be overturned only by a subsequent superior court order entered under RCW 26.26.500 through 26.26.630.

(9) Acknowledgments of paternity that are filed after July 1, 1997, are subject to requirements of chapters 26.26, the uniform parentage act, and 70.58 RCW.

(10) The department and the department of health may adopt rules to implement the requirements under this section.

(11) The department has rule-making authority to enact rules consistent with 42 U.S.C. Sec. 652(f) and 42 U.S.C. Sec. 666(a)(19) as amended by section 7307 of the deficit reduction act of 2005. Additionally, the department has rule-making authority to implement regulations required under ~~((parts))~~ 45 C.F.R. Parts 302, 303, 304, 305, and 308.

Sec. 9. RCW 74.20A.059 and 1991 c 367 s 47 are each amended to read as follows:

(1) The department, the physical custodian, or the responsible parent may petition for a prospective modification of a final administrative order if:

(a) The administrative order has not been superseded by a superior court order; and

(b) There has been a substantial change of circumstances, except as provided under RCW 74.20A.055(4)(d).

(2) An order of child support may be modified one year or more after it has been entered without showing a substantial change of circumstances:

(a) If the order in practice works a severe economic hardship on either party or the child; or

(b) If a party requests an adjustment in an order for child support that was based on guidelines which determined the amount of support according to the child's age, and the child is no longer in the age category on which the current support amount was based; or

(c) If a child is a full-time student and reasonably expected to complete secondary school or the equivalent level of vocational or technical training before the child becomes nineteen years of age upon a finding that there is a need to extend support beyond the eighteenth birthday.

(3) An order may be modified without showing a substantial change of circumstances if the requested modification is to:

(a) ~~Require (health insurance coverage) medical support under RCW 26.09.105~~ for a child covered by the order; or

(b) Modify an existing order for health insurance coverage.

(4) Support orders may be adjusted once every twenty-four months based upon changes in the income of the parents without a showing of substantially changed circumstances.

(5)(a) All administrative orders entered on, before, or after September 1, 1991, may be modified based upon changes in the child support schedule established in chapter 26.19 RCW without a substantial change of circumstances. The petition may be filed based on changes in the child support schedule after twelve months has expired from the entry of the administrative order or the most recent modification order setting child support, whichever is later. However, if a party is granted relief under this provision, twenty-four months must pass before another petition for modification may be filed pursuant to subsection (4) of this section.

(b) If, pursuant to subsection (4) of this section or (a) of this subsection, the order modifies a child support obligation by more than thirty percent and the change would cause significant hardship, the change may be implemented in two equal increments, one at the time of the entry of the order and the second six months from the entry of the order. Twenty-four months must pass following the second change before a petition for modification under subsection (4) of this section may be filed.

(6) An increase in the wage or salary of the parent or custodian who is receiving the support transfer payments (~~as defined in section 24 of this act~~) is not a substantial change in circumstances for purposes of modification under subsection (1)(b) of this section. An

obligor's voluntary unemployment or voluntary underemployment, by itself, is not a substantial change of circumstances.

(7) The department shall file the petition and a supporting affidavit with the secretary or the secretary's designee when the department petitions for modification.

(8) The responsible parent or the physical custodian shall follow the procedures in this chapter for filing an application for an adjudicative proceeding to petition for modification.

(9) Upon the filing of a proper petition or application, the secretary or the secretary's designee shall issue an order directing each party to appear and show cause why the order should not be modified.

(10) If the presiding or reviewing officer finds a modification is appropriate, the officer shall modify the order and set current and future support under chapter 26.19 RCW.

NEW SECTION. Sec. 10. This act takes effect October 1, 2009."

On page 1, line 1 of the title, after "obligations;" strike the remainder of the title and insert "amending RCW 26.09.105, 26.18.170, 26.18.180, 26.23.050, 26.23.110, 74.20A.300, 74.20A.055, 74.20A.056, and 74.20A.059; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1845 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Rodne and Pedersen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1845, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1845, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darnelle, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1845, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1239. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.04.030 and 2005 c 290 s 1 and 2005 c 238 s 1 are each reenacted and amended to read as follows:

(1) Except as provided in this section, the juvenile courts in this state shall have exclusive original jurisdiction over all proceedings:

(a) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(b) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through ~~((13.34.170))~~ 13.34.161;

(c) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210;

(d) To approve or disapprove out-of-home placement as provided in RCW 13.32A.170;

(e) Relating to juveniles alleged or found to have committed offenses, traffic or civil infractions, or violations as provided in RCW 13.40.020 through 13.40.230, unless:

(i) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110;

(ii) The statute of limitations applicable to adult prosecution for the offense, traffic or civil infraction, or violation has expired;

(iii) The alleged offense or infraction is a traffic, fish, boating, or game offense, or traffic or civil infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction, and no guardian ad litem is required in any such proceeding due to the juvenile's age (~~(- PROVIDED, That)~~). If such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters (~~(- PROVIDED FURTHER, That)~~). The jurisdiction under this subsection does not constitute "transfer" or a "decline" for purposes of RCW 13.40.110(1) or (e)(i) of this subsection (~~(- PROVIDED FURTHER, That)~~). Courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(iv) The alleged offense is a traffic or civil infraction, a violation of compulsory school attendance provisions under chapter 28A.225 RCW, or a misdemeanor, and a court of limited jurisdiction has assumed concurrent jurisdiction over those offenses as provided in RCW 13.04.0301; or

(v) The juvenile is sixteen or seventeen years old on the date the alleged offense is committed and the alleged offense is:

(A) A serious violent offense as defined in RCW 9.94A.030;

(B) A violent offense as defined in RCW 9.94A.030 and the juvenile has a criminal history consisting of: (I) One or more prior serious violent offenses; (II) two or more prior violent offenses; or (III) three or more of any combination of the following offenses: Any class A felony, any class B felony, vehicular assault, or manslaughter in the second degree, all of which must have been committed after the juvenile's thirteenth birthday and prosecuted separately;

(C) Robbery in the first degree, rape of a child in the first degree, or drive-by shooting, committed on or after July 1, 1997;

(D) Burglary in the first degree committed on or after July 1, 1997, and the juvenile has a criminal history consisting of one or more prior felony or misdemeanor offenses; or

(E) Any violent offense as defined in RCW 9.94A.030 committed on or after July 1, 1997, and the juvenile is alleged to have been armed with a firearm.

(I) In such a case the adult criminal court shall have exclusive original jurisdiction, except as provided in (e)(v)(E)(II) of this subsection.

(II) The juvenile court shall have exclusive jurisdiction over the

disposition of any remaining charges in any case in which the juvenile is found not guilty in the adult criminal court of the charge or charges for which he or she was transferred, or is convicted in the adult criminal court of a lesser included offense that is not also an offense listed in (e)(v) of this subsection. The juvenile court shall enter an order extending juvenile court jurisdiction if the juvenile has turned eighteen years of age during the adult criminal court proceedings pursuant to RCW 13.40.300. However, once the case is returned to juvenile court, the court may hold a decline hearing pursuant to RCW 13.40.110 to determine whether to retain the case in juvenile court for the purpose of disposition or return the case to adult criminal court for sentencing.

If the juvenile challenges the state's determination of the juvenile's criminal history under (e)(v) of this subsection, the state may establish the offender's criminal history by a preponderance of the evidence. If the criminal history consists of adjudications entered upon a plea of guilty, the state shall not bear a burden of establishing the knowing and voluntariness of the plea;

(f) Under the interstate compact on juveniles as provided in chapter 13.24 RCW;

(g) Relating to termination of a diversion agreement under RCW 13.40.080, including a proceeding in which the divertee has attained eighteen years of age;

(h) Relating to court validation of a voluntary consent to an out-of-home placement under chapter 13.34 RCW, by the parent or Indian custodian of an Indian child, except if the parent or Indian custodian and child are residents of or domiciled within the boundaries of a federally recognized Indian reservation over which the tribe exercises exclusive jurisdiction;

(i) Relating to petitions to compel disclosure of information filed by the department of social and health services pursuant to RCW 74.13.042; and

(j) Relating to judicial determinations and permanency planning hearings involving developmentally disabled children who have been placed in out-of-home care pursuant to a voluntary placement agreement between the child's parent, guardian, or legal custodian and the department of social and health services.

(2) The family court shall have concurrent original jurisdiction with the juvenile court over all proceedings under this section if the superior court judges of a county authorize concurrent jurisdiction as provided in RCW 26.12.010.

(3) The juvenile court shall have concurrent original jurisdiction with the family court over child custody proceedings under chapter 26.10 RCW and parenting plans or residential schedules under chapters 26.09 and 26.26 RCW as provided for in RCW 13.34.155.

(4) A juvenile subject to adult superior court jurisdiction under subsection (1)(e)(i) through (v) of this section, who is detained pending trial, may be detained in a detention facility as defined in RCW 13.40.020 pending sentencing or a dismissal.

"**Sec. 2** RCW 13.34.155 and 2000 c 135 s 1 are each amended to read as follows:

(1) The court hearing the dependency petition may hear and determine issues related to chapter 26.10 RCW in a dependency proceeding as necessary to facilitate a permanency plan for the child or children as part of the dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child. The parents, guardians, or legal custodian of the child must agree, subject to court approval, to establish a permanent custody order. This agreed order may have the concurrence of the other parties to the dependency including the supervising agency, the guardian ad litem of the child, and the child if age twelve or older, and must also be in the best interests of the child. If the petitioner for a custody order under chapter 26.10 RCW is not a party to the dependency proceeding, he or she must agree on the record or by the filing of a declaration to the entry of a custody order. Once an order is entered under chapter 26.10 RCW, and the dependency petition dismissed, the department shall not continue to supervise the placement.

(2)(a) The court hearing the dependency petition may establish or modify a parenting plan under chapter 26.09 or 26.26 RCW as part of a disposition order or at a review hearing when doing so will implement a permanent plan of care for the child and result in dismissal of the dependency.

(b) The dependency court shall adhere to procedural requirements under chapter 26.09 RCW and must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(c) Unless the whereabouts of one of the parents is unknown to either the department or the court, the parents must agree, subject to court approval, to establish the parenting plan or modify an existing parenting plan.

(d) Whenever the court is asked to establish or modify a parenting plan, the child's residential schedule, the allocation of decision-making authority, and dispute resolution under this section, the dependency court may:

(i) Appoint a guardian ad litem to represent the interests of the child when the court believes the appointment is necessary to protect the best interests of the child; and

(ii) Appoint an attorney to represent the interests of the child with respect to provisions for the parenting plan.

(e) The dependency court must make a written finding that the parenting plan established or modified by the dependency court under this section is in the child's best interests.

(f) The dependency court may interview the child in chambers to ascertain the child's wishes as to the child's residential schedule in a proceeding for the entry or modification of a parenting plan under this section. The court may permit counsel to be present at the interview. The court shall cause a record of the interview to be made and to become part of the court record of the dependency case and the case under chapter 26.09 or 26.26 RCW.

(g) In the absence of agreement by a parent, guardian, or legal custodian of the child to allow the juvenile court to hear and determine issues related to the establishment or modification of a parenting plan under chapter 26.09 or 26.26 RCW, a party may move the court to transfer such issues to the family law department of the superior court for further resolution. The court may only grant the motion upon entry of a written finding that it is in the best interests of the child.

(h) In any parenting plan agreed to by the parents and entered or modified in juvenile court under this section, all issues pertaining to child support and the division of marital property shall be referred to or retained by the family law department of the superior court.

(3) Any court order determining issues under chapter 26.10 RCW is subject to modification upon the same showing and standards as a court order determining Title 26 RCW issues.

((=)) (4) Any order entered in the dependency court establishing or modifying a permanent legal custody order or parenting plan, or residential schedule under chapters 26.09, 26.10, and 26.26 RCW shall also be filed in the chapter 26.09, 26.10, and 26.26 RCW action by the moving or prevailing party. If the petitioning or moving party has been found indigent and appointed counsel at public expense in the dependency proceeding, no filing fees shall be imposed by the clerk. Once filed, any order, parenting plan, or residential schedule establishing or modifying permanent legal custody of a child shall survive dismissal of the dependency proceeding."

On page 1, line 2 of the title, after "proceedings;" strike the remainder of the title and insert "amending RCW 13.34.155; and reenacting and amending RCW 13.04.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1239 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1239, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1239, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darnelle, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1239, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from the amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that the state, cities, and counties have moratoria authority granted through constitutional and statutory provisions and that this authority, when properly exercised, is an important aspect of complying with environmental stewardship and protection requirements.

Recognizing the fundamental role and value of properly exercised moratoria, the legislature intends to establish new moratoria procedures and to affirm moratoria authority that local governments have and may exercise when implementing the shoreline management act, while recognizing the legitimate interests of existing shoreline related developments during the period of interim moratoria.

The legislature finds that temporary moratoria on the processing of less than comprehensive shoreline amendments to the shoreline master program are occasionally necessary along "shorelines of the state."

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement this chapter.

(2)(a) A local government adopting a moratorium or control under this section must:

(i) Hold a public hearing on the moratorium or control;

(ii) Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

(iii) Notify the department of the moratorium or control immediately after its adoption. The notification must specify the

time, place, and date of any public hearing required by this subsection;

(iv) Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

(b) The public hearing required by this section must be held within sixty days of the adoption of the moratorium or control.

(3) A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the local government complies with subsection (2)(a) of this section before each renewal. If a moratorium or control is in effect on the date a proposed master program or amendment is submitted to the department, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if the department has not taken final action.

(4) Nothing in this section may be construed to modify county and city moratoria powers conferred outside this chapter.

NEW SECTION. Sec. 3. A new section is added to chapter 90.58 RCW to read as follows:

(1) A temporary moratorium on the processing of less than comprehensive amendments to the shoreline master program is created along the Puget Sound, Deschutes Waterway, and Capitol Lake "shorelines of the state" in Olympia.

(2)(a) The moratorium takes effect under the following conditions:

(i) The city submits less than comprehensive amendments to its shoreline master program; and

(ii) The submittal is made either after the effective date of a state grant awarded to the city for the purpose of updating its comprehensive shoreline master program, or after work has commenced to implement the plans funded by the grant.

(b) Development proposals shall not be segmented while the moratorium is in effect.

(3) The moratorium shall not end until the comprehensive amendment to the comprehensive shoreline master program is submitted to and approved by the department.

(4) This section does not apply to any "critical area" amendments submitted solely for the purpose of incorporating critical area ordinance standards into a shoreline master program.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding new sections to chapter 90.58 RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

POINT OF ORDER

Representative Simpson requested a scope and object ruling on the Senate amendment to Engrossed Substitute House Bill No. 1379.

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Engrossed Substitute House Bill No. 1379 was introduced in response to a Supreme Court case raising questions about the authority of local governments to adopt moratoria under the Shoreline Management Act. The bill as passed by the House authorized local governments

to adopt moratoria, set out procedural requirements for their adoption, and limit the duration of such moratoria.

A previous Senate amendment was found to exceed the scope and object of the bill because it dealt with the authority of state government to impose permanent restrictions on certain shorelines.

While the Senate amendment now before us related to moratoria and not permanent restrictions, it still deals with state government's authority under the Shoreline management Act, not the authority of local governments.

For that reason, the Speaker finds that the amendment exceeds the scope and object of the bill.

Representative Simpson, your point of order is well taken."

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 19, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5554 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5510. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 5554, by Senators Kilmer, Hobbs, Kastama, King, Jarrett, Marr, McAuliffe, Shin and Pridemore

Regarding the job skills program.

Representative Wallace moved the adoption of amendment (658):

On page 4, at the beginning of line 12, insert the following:

"(a) Proposing training that leads to transferable skills that are interchangeable among different jobs, employers, or workplaces."

Renumber the remaining subsections consecutively and correct any internal references accordingly.

Representatives Wallace and Anderson spoke in favor of the adoption of the amendment.

Amendment (658) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Wallace and Anderson spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 5554, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5554, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SENATE BILL NO. 5554, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate insists on its position in the House amendment to HOUSE BILL NO. 1212 and asks the House for a Conference thereon. The President has appointed the following members as Conferees: Senators Keiser, Kohl-Welles and Holmquist, and the same is herewith transmitted.

Thomas Hoemann, Secretary

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Condotta moved to concur in the amendment to HOUSE BILL NO. 1212.

Representative Condotta spoke in favor of the adoption of the motion.

Representative Conway spoke against the adoption of the motion.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of the motion to concur in the Senate amendment to House Bill No. 1212.

ROLL CALL

The Clerk called the roll on the adoption of the motion to concur in the Senate amendment to House Bill No. 1212 and the motion was not adopted by the following vote: Yeas, 34; Nays, 60; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Herrera, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells,

Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

The House granted the Senate's request for a Conference on HOUSE BILL NO. 1212. The Speaker (Representative Morris presiding) appointed Representatives Conway, Kirby and Condotta as conferees.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1420. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 64.06.005 and 2007 c 107 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Improved residential real property" means:

(a) Real property consisting of, or improved by, one to four residential dwelling units;

(b) A residential condominium as defined in RCW 64.34.020(9), unless the sale is subject to the public offering statement requirement in the Washington condominium act, chapter 64.34 RCW;

(c) A residential timeshare, as defined in RCW 64.36.010(11), unless subject to written disclosure under the Washington timeshare act, chapter 64.36 RCW; or

(d) A mobile or manufactured home, as defined in RCW 43.22.335 or 46.04.302, that is personal property.

(2) "Residential real property" means both improved and unimproved residential real property.

(3) "Seller disclosure statement" means the form to be completed by the seller of residential real property as prescribed by this chapter.

(4) "Unimproved residential real property" means property zoned for residential use that is not improved by residential dwelling units, a residential condominium, a residential timeshare, or a mobile or manufactured home. It does not include property defined as "timber land" under RCW 84.34.020.

"Sec. 2. RCW 64.06.015 and 2007 c 107 s 5 are each amended to read as follows:

(1) In a transaction for the sale of unimproved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

Format change to accommodate text.

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller . . . is/ . . . is not occupying the property.

I. SELLER'S DISCLOSURES:

*If you answer "Yes" to a question with an asterisk (*), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

- | | | |
|------------------------------|-----------------------------|-------------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |

1. TITLE

- A. Do you have legal authority to sell the property? If no, please explain.
- *B. Is title to the property subject to any of the following?
 - (1) First right of refusal
 - (2) Option
 - (3) Lease or rental agreement
 - (4) Life estate?
- *C. Are there any encroachments, boundary agreements, or boundary disputes?
- *D. Is there a private road or easement agreement for access to the property?
- *E. Are there any rights-of-way, easements, or access limitations that ((~~may~~)) affect the Buyer's use of the property?
- *F. Are there any written agreements for joint maintenance of an easement or right-of-way?
- *G. Is there any study, survey project, or notice that would adversely affect the property?
- *H. Are there any pending or existing assessments against the property?
- *I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that ((~~would~~)) affect future construction or remodeling?
- *J. Is there a boundary survey for the property?
- *K. Are there any covenants, conditions, or restrictions ((~~which affect~~)) recorded against title to the property?

2. WATER

- | | | |
|------------------------------|-----------------------------|-------------------------------------|
| <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Don't know |
|------------------------------|-----------------------------|-------------------------------------|
- A. Household Water
 - (1) Does the property have potable water supply?
 - (2) If yes, the source of water for the property is:

			<input type="checkbox"/> Private or publicly owned water system
			<input type="checkbox"/> Private well serving only the property
			* <input type="checkbox"/> Other water system
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*If shared, are there any written agreements?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (3) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (4) Are there any ((known)) problems or repairs needed?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(5) Is there a connection or hook-up charge payable before the property can be connected to the water main?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(6) Have you obtained a certificate of water availability from the water purveyor serving the property? (If yes, please attach a copy.)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(7) Is there a water right permit, certificate, or claim associated with household water supply for the property? (If yes, please attach a copy.)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?
			* <input type="checkbox"/> (b) If yes, has all or any portion of the water right not been used for five or more successive years? ((If yes, please explain.))
		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(c) If no or don't know, is the water withdrawn from the water source less than 5,000 gallons a day?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (8) Are there any defects in the operation of the water system (e.g., pipes, tank, pump, etc.)?
			B. Irrigation Water
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim? (If yes, please attach a copy.)
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(a) If yes, has all or any portion of the water right not been used for five or more successive years?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(b) If yes, has the water right permit certificate, or claim been assigned, transferred, or changed?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies irrigation water to the property:
		
			C. Outdoor Sprinkler System
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(1) Is there an outdoor sprinkler system for the property?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (2) If yes, are there any defects in the system?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (3) If yes, is the sprinkler system connected to irrigation water?
			3. SEWER/SEPTIC SYSTEM
			A. The property is served by:
			<input type="checkbox"/> Public sewer system
			<input type="checkbox"/> On-site sewage system (including pipes, tanks, drainfields, and all other component parts)
			<input type="checkbox"/> Other disposal system, please describe:
		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	B. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?
			C. If the property is connected to an on-site sewage system:
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (1) Was a permit issued for its construction?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (2) Was it approved by the local health department or district following its construction?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(3) Is the septic system a pressurized system?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(4) Is the septic system a gravity system?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	* <input type="checkbox"/> (5) Have there been any changes or repairs to the on-site sewage system?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(6) Is the on-site sewage system, including the drainfield, located entirely within the boundaries of the property? If no, please explain:
		

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<p><u>*(7) Does the on-site sewage system require monitoring and maintenance services more frequently than once a year? ((If yes, please explain:))</u></p> <p>.....</p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<p>4. ELECTRICAL/GAS</p> <p>A. Is the property served by natural gas?</p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	B. Is there a connection charge for gas?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	C. Is the property served by electricity?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	D. Is there a connection charge for electricity?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<p><u>*E. Are there any electrical problems on the property? ((If yes, please explain:))</u></p> <p>.....</p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<p>5. FLOODING</p> <p>A. ((Are there any flooding, standing water, or drainage problems on the property or affecting access to the property? If yes, please explain:</p> <p>.....</p>
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Don't know	B.)) Is the property located in a government designated flood zone or floodplain?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<p>6. SOIL STABILITY</p> <p><u>*A. Are there any settlement, earth movement, slides, or similar soil problems on the property? ((If yes, please explain:</u></p> <p>.....</p>
<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Don't know	<u>B. Does any part of the property contain fill dirt, waste, or other fill material? If yes, please explain:))</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<p>7. ENVIRONMENTAL</p> <p><u>*A. Have there been any <u>flooding, standing water, or drainage</u> problems on the property <u>that affect the property or access to the property?</u></u></p>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>*B. Does any part of the property contain fill <u>dirt, waste, or other fill</u> material?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>*E. Are there any substances, materials, or products <u>in or on</u> the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>*F. Has the property been used for commercial or industrial purposes?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>*G. Is there any soil or groundwater contamination?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>*H. Are there transmission poles(; <u>transformers,</u>) or other <u>electrical</u> utility equipment installed, maintained, or buried on the property <u>that do not provide utility service to the structures on the property?</u></u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>*I. Has the property been used as a legal or illegal dumping site?</u>

Yes No Don't know

Yes No Don't know

*J. Has the property been used as an illegal drug manufacturing site?
 *K. Are there any radio towers (~~in the area~~) that (~~may~~) cause interference with cellular telephone reception?

8. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

A. Is there a homeowners' association?
 Name of association:

B. Are there regular periodic assessments:
 \$. . . per Month Year
 Other

*C. Are there any pending special assessments?
 *D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

9. OTHER FACTS

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

*A. Are there any disagreements, disputes, encroachments, or legal actions concerning the property? (~~If yes, please explain:~~)

*B. Does the property have any plants or wildlife that are designated as species (~~or of~~) of concern, or listed as threatened or endangered by the government?
 *C. Is the property classified or designated as forest land or open space? (~~If so, specify:~~)

D. Do you have a forest management plan? If yes, attach.
 *E. Have any development-related permit applications been submitted to any government agencies? (~~If so, specify:~~)

If the answer to E is "yes," what is the status or outcome of those applications?

10. FULL DISCLOSURE BY SELLERS

Yes No Don't know

A. Other conditions or defects:
 *Are there any other existing material defects affecting the property that a prospective buyer should know about?
 B. Verification:
 The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO BUYER

INFORMATION REGARDING REGISTERED SEX OFFENDERS MAY BE OBTAINED FROM LOCAL LAW ENFORCEMENT AGENCIES. THIS NOTICE IS INTENDED ONLY TO INFORM YOU OF WHERE TO OBTAIN THIS INFORMATION AND IS NOT AN INDICATION OF THE PRESENCE OF REGISTERED SEX OFFENDERS.

II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.
- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

BUYER HEREBY ACKNOWLEDGES RECEIPT OF A COPY OF THIS DISCLOSURE STATEMENT AND ACKNOWLEDGES THAT THE DISCLOSURES MADE HEREIN ARE THOSE OF THE SELLER ONLY, AND NOT OF ANY REAL ESTATE LICENSEE OR OTHER PARTY.

DATE BUYER BUYER

(2) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 3. RCW 64.06.020 and 2007 c 107 s 4 are each amended to read as follows:

(1) In a transaction for the sale of improved residential real property, the seller shall, unless the buyer has expressly waived the right to receive the disclosure statement under RCW 64.06.010, or unless the transfer is otherwise exempt under RCW 64.06.010, deliver to the buyer a completed seller disclosure statement in the following format and that contains, at a minimum, the following information:

INSTRUCTIONS TO THE SELLER

Please complete the following form. Do not leave any spaces blank. If the question clearly does not apply to the property write "NA." If the answer is "yes" to any * items, please explain on attached sheets. Please refer to the line number(s) of the question(s) when you provide your explanation(s). For your protection you must date and sign each page of this disclosure statement and each attachment. Delivery of the disclosure statement must occur not later than five business days, unless otherwise agreed, after mutual acceptance of a written contract to purchase between a buyer and a seller.

NOTICE TO THE BUYER

THE FOLLOWING DISCLOSURES ARE MADE BY SELLER ABOUT THE CONDITION OF THE PROPERTY LOCATED AT ("THE PROPERTY"), OR AS LEGALLY DESCRIBED ON ATTACHED EXHIBIT A.

SELLER MAKES THE FOLLOWING DISCLOSURES OF EXISTING MATERIAL FACTS OR MATERIAL DEFECTS TO BUYER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS YOU AND SELLER OTHERWISE AGREE IN WRITING, YOU HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO YOU TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. IF THE SELLER DOES NOT GIVE YOU A COMPLETED DISCLOSURE STATEMENT, THEN YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

THE FOLLOWING ARE DISCLOSURES MADE BY SELLER AND ARE NOT THE REPRESENTATIONS OF ANY REAL ESTATE LICENSEE OR OTHER PARTY. THIS INFORMATION IS FOR DISCLOSURE ONLY AND IS NOT INTENDED TO BE A PART OF ANY WRITTEN AGREEMENT BETWEEN BUYER AND SELLER.

FOR A MORE COMPREHENSIVE EXAMINATION OF THE SPECIFIC CONDITION OF THIS PROPERTY YOU ARE ADVISED TO OBTAIN AND PAY FOR THE SERVICES OF QUALIFIED EXPERTS TO INSPECT THE PROPERTY, WHICH MAY INCLUDE, WITHOUT LIMITATION, ARCHITECTS, ENGINEERS, LAND SURVEYORS, PLUMBERS, ELECTRICIANS, ROOFERS, BUILDING INSPECTORS, ON-SITE WASTEWATER TREATMENT INSPECTORS, OR STRUCTURAL PEST INSPECTORS. THE PROSPECTIVE BUYER AND SELLER MAY WISH TO OBTAIN PROFESSIONAL ADVICE OR INSPECTIONS OF THE PROPERTY OR TO PROVIDE APPROPRIATE PROVISIONS IN A CONTRACT BETWEEN THEM WITH RESPECT TO ANY ADVICE, INSPECTION, DEFECTS OR WARRANTIES.

Seller is/ is not occupying the property.

I. SELLER'S DISCLOSURES:

If you answer "Yes" to a question with an asterisk (), please explain your answer and attach documents, if available and not otherwise publicly recorded. If necessary, use an attached sheet.

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

1. TITLE

A. Do you have legal authority to sell the property? If no, please explain.

*B. Is title to the property subject to any of the following?

- (1) First right of refusal
- (2) Option
- (3) Lease or rental agreement
- (4) Life estate?

*C. Are there any encroachments, boundary agreements, or boundary disputes?

*D. Is there a private road or easement agreement for access to the property?

*E. Are there any rights-of-way, easements, or access limitations that may affect the Buyer's use of the property?

*F. Are there any written agreements for joint maintenance of an easement or right-of-way?

*G. Is there any study, survey project, or notice that would adversely affect the property?

*H. Are there any pending or existing assessments against the property?

*I. Are there any zoning violations, nonconforming uses, or any unusual restrictions on the property that would affect future construction or remodeling?

*J. Is there a boundary survey for the property?

*K. Are there any covenants, conditions, or restrictions (~~which~~ affect) recorded against the property?

2. WATER

A. Household Water

(1) The source of water for the property is:

Private or publicly owned water system

Private well serving only the subject property

* Other water system

*If shared, are there any written agreements?

(2) Is there an easement (recorded or unrecorded) for access to and/or maintenance of the water source?

(3) Are there any (~~known~~) problems or repairs needed?

(4) During your ownership, has the source provided an adequate year-round supply of potable water? If no, please explain.

(5) Are there any water treatment systems for the property? If yes, are they Leased Owned

(6) Are there any water rights for the property associated with its domestic water supply, such as a water right permit, certificate, or claim?

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

Yes No Don't know

(a) If yes, has the water right permit, certificate, or claim been assigned, transferred, or changed?
*(b) If yes, has all or any portion of the water right not been used for five or more successive years? (~~if yes, please explain.~~)

Yes No Don't know

*(7) Are there any defects in the operation of the water system (e.g. pipes, tank, pump, etc.)?

Yes No Don't know

B. Irrigation Water

(1) Are there any irrigation water rights for the property, such as a water right permit, certificate, or claim?

Yes No Don't know

*(a) If yes, has all or any portion of the water right not been used for five or more successive years?

Yes No Don't know

*(b) If so, is the certificate available? (If yes, please attach a copy.)

Yes No Don't know

*(c) If so, has the water right permit, certificate, or claim been assigned, transferred, or changed? (~~if so, explain.~~)

Yes No Don't know

*(2) Does the property receive irrigation water from a ditch company, irrigation district, or other entity? If so, please identify the entity that supplies water to the property:

Yes No Don't know

C. Outdoor Sprinkler System

(1) Is there an outdoor sprinkler system for the property?

Yes No Don't know

*(2) If yes, are there any defects in the system? (~~if so, explain.~~)

Yes No Don't know

*(3) If yes, is the sprinkler system connected to irrigation water?

3. SEWER/ON-SITE SEWAGE SYSTEM

A. The property is served by:

- Public sewer system,
- On-site sewage system (including pipes, tanks, drainfields, and all other component parts)
- Other disposal system, please describe:

Yes No Don't know

B. If public sewer system service is available to the property, is the house connected to the sewer main? If no, please explain.

Yes No Don't know

*C. Is the property subject to any sewage system fees or charges in addition to those covered in your regularly billed sewer or on-site sewage system maintenance service?

Yes No Don't know

D. If the property is connected to an on-site sewage system:

- *(1) Was a permit issued for its construction, and was it approved by the local health department or district following its construction?
- (2) When was it last pumped? (e) ?

Yes No Don't know

*(3) Are there any defects in the operation of the on-site sewage system?

Don't know (4) When was it last inspected?
.....
By whom:

Don't know (5) For how many bedrooms was
the on-site sewage system
approved?

Yes No Don't know E. Are all plumbing fixtures, including
laundry drain, connected to the
sewer/on-site sewage system? If no,
please explain:

Yes No Don't know *F. Have there been any changes or
repairs to the on-site sewage system?

Yes No Don't know G. Is the on-site sewage system,
including the drainfield, located entirely
within the boundaries of the property?
If no, please explain.
.....

Yes No Don't know *H. Does the on-site sewage system
require monitoring and maintenance
services more frequently than once a
year? (~~If yes, please explain.~~)
.....

NOTICE: IF THIS RESIDENTIAL REAL PROPERTY DISCLOSURE STATEMENT IS BEING COMPLETED FOR NEW CONSTRUCTION WHICH HAS NEVER BEEN OCCUPIED, THE SELLER IS NOT REQUIRED TO COMPLETE THE QUESTIONS LISTED IN ITEM 4. STRUCTURAL OR ITEM 5. SYSTEMS AND FIXTURES

Yes No Don't know **4. STRUCTURAL**
* A. Has the roof leaked within the last
five years?

Yes No Don't know *B. Has the basement flooded or
leaked?

Yes No Don't know *C. Have there been any conversions,
additions, or remodeling?
*(1) If yes, were all building
permits obtained?
*(2) If yes, were all final
inspections obtained?

Yes No Don't know D. Do you know the age of the house?
If yes, year of original construction:
.....

Yes No Don't know *E. Has there been any settling,
slippage, or sliding of the property or its
improvements?

Yes No Don't know *F. Are there any defects with the
following: (If yes, please check
applicable items and explain.)

- | | | |
|--|---|---|
| <input type="checkbox"/> Foundations | <input type="checkbox"/> Decks | <input type="checkbox"/> Exterior Walls |
| <input type="checkbox"/> Chimneys | <input type="checkbox"/> Interior Walls | <input type="checkbox"/> Fire Alarm |
| <input type="checkbox"/> Doors | <input type="checkbox"/> Windows | <input type="checkbox"/> Patio |
| <input type="checkbox"/> Ceilings | <input type="checkbox"/> Slab Floors | <input type="checkbox"/> Driveways |
| <input type="checkbox"/> Pools | <input type="checkbox"/> Hot Tub | <input type="checkbox"/> Sauna |
| <input type="checkbox"/> Sidewalks | <input type="checkbox"/> Outbuildings | <input type="checkbox"/> Fireplaces |
| <input type="checkbox"/> Garage Floors | <input type="checkbox"/> Walkways | <input type="checkbox"/> Siding |
| <input type="checkbox"/> Other | <input type="checkbox"/> Wood Stoves | |

Yes No Don't know *G. Was a structural pest or "whole
house" inspection done? If yes, when
and by whom was the inspection
completed?

Yes No Don't know H. During your ownership, has the
property had any wood destroying
organism or pest infestation?

Yes No Don't know I. Is the attic insulated?

Yes No Don't know J. Is the basement insulated?

5. SYSTEMS AND FIXTURES

*A. If any of the following systems or fixtures are included with the transfer, are there any defects? If yes, please explain.

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Electrical system, including wiring, switches, outlets, and service
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Plumbing system, including pipes, faucets, fixtures, and toilets
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Hot water tank
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Garbage disposal
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Appliances
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Sump pump
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Heating and cooling systems
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Security system
			<input type="checkbox"/> Owned <input type="checkbox"/> Leased
			Other

*B. If any of the following fixtures or property is included with the transfer, are they leased? (If yes, please attach copy of lease.)

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Security system
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Tanks (type):
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	Satellite dish
			Other:

*C. Are any of the following kinds of wood burning appliances present at the property?

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(1) Woodstove?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(2) Fireplace insert?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(3) Pellet stove?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	(4) Fireplace?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	<u>If yes, are all of the (1) woodstoves or (2) fireplace inserts certified by the U.S. Environmental Protection Agency as clean burning appliances to improve air quality and public health?</u>

6. HOMEOWNERS' ASSOCIATION/COMMON INTERESTS

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	A. Is there a Homeowners' Association? Name of Association:
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	B. Are there regular periodic assessments: \$. . . per <input type="checkbox"/> Month <input type="checkbox"/> Year <input type="checkbox"/> Other
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*C. Are there any pending special assessments?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*D. Are there any shared "common areas" or any joint maintenance agreements (facilities such as walls, fences, landscaping, pools, tennis courts, walkways, or other areas co-owned in undivided interest with others)?

7. ENVIRONMENTAL

<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*A. Have there been any <u>flooding, standing water, or drainage problems on the property that affect the property or access to the property?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*B. Does <u>any part of</u> the property contain fill <u>dirt, waste, or other fill material?</u>
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	*C. Is there any material damage to the property from fire, wind, floods, beach movements, earthquake, expansive soils, or landslides?
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Don't know	D. Are there any shorelines, wetlands, floodplains, or critical areas on the property?

- Yes No Don't know *E. Are there any substances, materials, or products in or on the property that may be environmental concerns, such as asbestos, formaldehyde, radon gas, lead-based paint, fuel or chemical storage tanks, or contaminated soil or water?
- Yes No Don't know *F. Has the property been used for commercial or industrial purposes?
- Yes No Don't know *G. Is there any soil or groundwater contamination?
- Yes No Don't know *H. Are there transmission poles(~~;~~ ~~transformers;~~) or other electrical utility equipment installed, maintained, or buried on the property that do not provide utility service to the structures on the property?
- Yes No Don't know *I. Has the property been used as a legal or illegal dumping site?
- Yes No Don't know *J. Has the property been used as an illegal drug manufacturing site?
- Yes No Don't know *K. Are there any radio towers in the area that (~~may~~) cause interference with cellular telephone reception?

8. MANUFACTURED AND MOBILE HOMES

If the property includes a manufactured or mobile home,

- Yes No Don't know *A. Did you make any alterations to the home? If yes, please describe the alterations:
- Yes No Don't know *B. Did any previous owner make any alterations to the home? (~~(If yes, please describe the alterations:)~~)
- Yes No Don't know *C. If alterations were made, were permits or variances for these alterations obtained?

9. FULL DISCLOSURE BY SELLERS

A. Other conditions or defects:

- Yes No Don't know *Are there any other existing material defects affecting the property that a prospective buyer should know about?

B. Verification:

The foregoing answers and attached explanations (if any) are complete and correct to the best of my/our knowledge and I/we have received a copy hereof. I/we authorize all of my/our real estate licensees, if any, to deliver a copy of this disclosure statement to other real estate licensees and all prospective buyers of the property.

DATE SELLER SELLER

NOTICE TO THE BUYER

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II. BUYER'S ACKNOWLEDGMENT

- A. Buyer hereby acknowledges that: Buyer has a duty to pay diligent attention to any material defects that are known to Buyer or can be known to Buyer by utilizing diligent attention and observation.
- B. The disclosures set forth in this statement and in any amendments to this statement are made only by the Seller and not by any real estate licensee or other party.
- C. Buyer acknowledges that, pursuant to RCW 64.06.050(2), real estate licensees are not liable for inaccurate information provided by Seller, except to the extent that real estate licensees know of such inaccurate information.

- D. This information is for disclosure only and is not intended to be a part of the written agreement between the Buyer and Seller.
- E. Buyer (which term includes all persons signing the "Buyer's acceptance" portion of this disclosure statement below) has received a copy of this Disclosure Statement (including attachments, if any) bearing Seller's signature.

DISCLOSURES CONTAINED IN THIS DISCLOSURE STATEMENT ARE PROVIDED BY SELLER BASED ON SELLER'S ACTUAL KNOWLEDGE OF THE PROPERTY AT THE TIME SELLER COMPLETES THIS DISCLOSURE STATEMENT. UNLESS BUYER AND SELLER OTHERWISE AGREE IN WRITING, BUYER SHALL HAVE THREE BUSINESS DAYS FROM THE DAY SELLER OR SELLER'S AGENT DELIVERS THIS DISCLOSURE STATEMENT TO RESCIND THE AGREEMENT BY DELIVERING A SEPARATELY SIGNED WRITTEN STATEMENT OF RESCISSION TO SELLER OR SELLER'S AGENT. YOU MAY WAIVE THE RIGHT TO RESCIND PRIOR TO OR AFTER THE TIME YOU ENTER INTO A SALE AGREEMENT.

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DATE BUYER BUYER

(2) If the disclosure statement is being completed for new construction which has never been occupied, the disclosure statement is not required to contain and the seller is not required to complete the questions listed in item 4. Structural or item 5. Systems and Fixtures.

(3) The seller disclosure statement shall be for disclosure only, and shall not be considered part of any written agreement between the buyer and seller of residential property. The seller disclosure statement shall be only a disclosure made by the seller, and not any real estate licensee involved in the transaction, and shall not be construed as a warranty of any kind by the seller or any real estate licensee involved in the transaction.

Sec. 4. RCW 64.06.040 and 1996 c 301 s 4 are each amended to read as follows:

(1) If, after the date that a seller of residential real property completes a real property transfer disclosure statement, the seller (~~becomes aware~~) learns from a source other than the buyer or others acting on the buyer's behalf such as an inspector of additional information(;) or an adverse change (~~occurs~~) which makes any of the disclosures made inaccurate, the seller shall amend the real property transfer disclosure statement, and deliver the amendment to the buyer. No amendment shall be required, however, if the seller takes whatever corrective action is necessary so that the accuracy of the disclosure is restored, or the adverse change is corrected, at least three business days prior to the closing date. Unless the corrective action is completed by the seller prior to the closing date, the buyer shall have the right to exercise one of the following two options: (a) Approving and accepting the amendment, or (b) rescinding the agreement of purchase and sale of the property within three business days after receiving the amended real property transfer disclosure statement. Acceptance or rescission shall be subject to the same procedures described in RCW 64.06.030. If the closing date provided in the purchase and sale agreement is scheduled to occur within the three-business-day rescission period provided for in this section, the closing date shall be extended until the expiration of the three- business-day rescission period. The buyer shall have no right of rescission if the seller takes whatever action is necessary so that the accuracy of the disclosure is restored at least three business days prior to the closing date.

(2) In the event any act, occurrence, or agreement arising or becoming known after the closing of a residential real property transfer causes a real property transfer disclosure statement to be inaccurate in any way, the seller of such property shall have no obligation to amend the disclosure statement, and the buyer shall not have the right to rescind the transaction under this chapter.

(3) If the seller in a residential real property transfer fails or refuses to provide to the prospective buyer a real property transfer disclosure statement as required under this chapter, the prospective buyer's right of rescission under this section shall apply until the earlier of three business days after receipt of the real property transfer disclosure statement or the date the transfer has closed, unless the buyer has otherwise waived the right of rescission in writing. Closing is deemed to occur when the buyer has paid the purchase price, or down payment, and the conveyance document, including a deed or real estate contract, from the seller has been delivered and recorded. After closing, the seller's obligation to deliver the real property transfer disclosure statement and the buyer's rights and remedies under this chapter shall terminate.

NEW SECTION. Sec. 5. This act applies prospectively only and not retroactively. It applies only to sales of property that arise on or after the effective date of this section."

On page 1, line 1 of the title, after "disclosure;" strike the remainder of the title and insert "amending RCW 64.06.005, 64.06.015, 64.06.020, and 64.06.040; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1420 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1420, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1420, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 58; Nays, 36; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1420, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1481 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds the development of electric vehicle infrastructure to be a critical step in creating jobs, fostering economic growth, reducing greenhouse gas emissions, reducing our reliance on foreign fuels, and reducing the pollution of Puget Sound attributable to the operation of petroleum-based vehicles on streets and highways. Limited driving distance between battery charges is a fundamental disadvantage and obstacle to broad consumer adoption of vehicles powered by electricity. In order to eliminate this fundamental disadvantage and dramatically increase consumer acceptance and usage of electric vehicles, it is essential that an infrastructure of convenient electric vehicle charging opportunities be developed. The purpose of this act is to encourage the transition to electric vehicle use and to expedite the establishment of a convenient, cost-effective, electric vehicle infrastructure that such a transition necessitates. The state's success in encouraging this transition will serve as an economic stimulus to the creation of short-

term and long-term jobs as the entire automobile industry and its associated direct and indirect jobs transform over time from combustion to electric vehicles.

NEW SECTION. Sec. 2. (1) A regional transportation planning organization containing any county with a population in excess of one million in collaboration with representatives from the department of ecology, the department of community, trade, and economic development, local governments, and the office of regulatory assistance must seek federal or private funding for the planning for, deployment of, or regulations concerning electric vehicle infrastructure. These efforts should include:

(a) Development of short-term and long-term plans outlining how state, regional, and local government construction may include electric vehicle infrastructure in publicly available off-street parking and government fleet vehicle parking, including what ratios of charge spots to parking may be appropriate based on location or type of facility or building;

(b) Consultations with the state building code council and the department of labor and industries to coordinate the plans with state standards for new residential, commercial, and industrial buildings to ensure that the appropriate electric circuitry is installed to support electric vehicle infrastructure;

(c) Consultation with the workforce development council and the higher education coordinating board to ensure the development of appropriate educational and training opportunities for citizens of the state in support of the transition of some portion of vehicular transportation from combustion to electric vehicles;

(d) Development of an implementation plan for counties with a population greater than five hundred thousand with the goal of having public and private parking spaces, in the aggregate, be ten percent electric vehicle ready by December 31, 2018; and

(e) Development of model ordinances and guidance for local governments for siting and installing electric vehicle infrastructure, in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment.

(2) These plans and any recommendations developed as a result of the consultations required by this section must be submitted to the legislature by December 31, 2010, or as soon as reasonably practicable after the securing of any federal or private funding. Priority will be given to the activities in subsection (1)(e) of this section and any ordinances or guidance that is developed will be submitted to the legislature, the department of community, trade, and economic development, and affected local governments prior to December 31, 2010, if completed.

(3) The definitions in this subsection apply through this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 82.29A RCW to read as follows:

(1) Leasehold excise tax may not be imposed on leases to tenants of public lands for purposes of installing, maintaining, and operating electric vehicle infrastructure.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(3) This section expires January 1, 2020.

NEW SECTION. Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax imposed by RCW 82.08.020 does not apply to:

(a) The sale of batteries for electric vehicles;

(b) The sale of or charge made for labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries;

(c) The sale of or charge made for labor and services rendered in respect to installing, constructing, repairing, or improving electric vehicle infrastructure; and

(d) The sale of tangible personal property that will become a component of electric vehicle infrastructure during the course of installing, constructing, repairing, or improving electric vehicle infrastructure.

(2) Sellers may make tax exempt sales under this section only if the buyer provides the seller with an exemption certification in a form and manner prescribed by the department. The seller must retain a copy of the certificate for the seller's files.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(4) This section expires January 1, 2020.

NEW SECTION. Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

(1) The tax imposed by RCW 82.12.020 does not apply to the use of:

(a) Electric vehicle batteries;

(b) Labor and services rendered in respect to installing, repairing, altering, or improving electric vehicle batteries; and

(c) Tangible personal property that will become a component of electric vehicle infrastructure during the course of installing, constructing, repairing, or improving electric vehicle infrastructure.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(3) This section expires January 1, 2020.

NEW SECTION. Sec. 6. A new section is added to chapter 79.13 RCW under the subchapter heading "general provisions" to read as follows:

(1) The state and any local government, including any housing authority, is authorized to lease land owned by such an entity to any person for purposes of installing, maintaining, and operating a battery charging station, a battery exchange station, or a rapid charging station, for a term not in excess of fifty years, for rent of not less than one dollar per year, and with such other terms as the public entity's governing body determines in its sole discretion.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

Sec. 7. RCW 43.19.648 and 2007 c 348 s 202 are each amended to read as follows:

(1) Effective June 1, 2015, all state agencies and local government subdivisions of the state, to the extent determined practicable by the rules adopted by the department of community, trade, and economic development pursuant to RCW 43.325.080, are required to satisfy one hundred percent of their fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel.

(2) In order to phase in this transition for the state, all state agencies, to the extent determined practicable by the department of community, trade, and economic development by rules adopted pursuant to RCW 43.325.080, are required to achieve forty percent fuel usage for operating publicly owned vessels, vehicles, and construction equipment from electricity or biofuel by June 1, 2013. The department of general administration, in consultation with the department of community, trade, and economic development, shall

report to the governor and the legislature by December 1, 2013, on what percentage of the state's fuel usage is from electricity or biofuel.

(3) Except for cars owned or operated by the Washington state patrol, when tires on vehicles in the state's motor vehicle fleet are replaced, they must be replaced with tires that have the same or better rolling resistance as the original tires.

(4) By December 31, 2015, the state must, to the extent practicable, install electrical outlets capable of charging electric vehicles in each of the state's fleet parking and maintenance facilities.

(5) The department of transportation's obligations under subsection (2) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (2) of this section.

(6) The department of transportation's obligations under subsection (4) of this section are subject to the availability of amounts appropriated for the specific purpose identified in subsection (4) of this section unless the department receives federal or private funds for the specific purpose identified in subsection (4) of this section.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 8. A new section is added to chapter 43.21C RCW to read as follows:

(1) The installation of individual battery charging stations and battery exchange stations, which individually are categorically exempt under the rules adopted under RCW 43.21C.110, may not be disqualified from such categorically exempt status as a result of their being parts of a larger proposal that includes other such facilities and related utility networks under the rules adopted under RCW 43.21C.110.

(2) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 9. A new section is added to chapter 35.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;

planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 10. A new section is added to chapter 35A.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;

planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development

regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 11. A new section is added to chapter 36.70 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction with a population over six hundred thousand or with a state capitol within its borders planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Counties are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include

bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 12. A new section is added to chapter 36.70A RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction:

(a) Adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520, with a population over twenty thousand, and located in a county with a population over one million five hundred thousand; or

(b) Adjacent to Interstate 5 and located in a county with a population greater than six hundred thousand; or

(c) Adjacent to Interstate 5 and located in a county with a state capitol within its borders;

planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Cities are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any

standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 13. A new section is added to chapter 35.63 RCW to read as follows:

(1) By July 1, 2010, the development regulations of any jurisdiction with a population over six hundred thousand or with a state capitol within its borders planning under this chapter must allow electric vehicle infrastructure as a use in all areas within one mile of Interstate 5, Interstate 90, Interstate 405, or state route number 520, except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(2) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction adjacent to Interstate 5, Interstate 90, Interstate 405, or state route number 520 planning under this chapter must allow electric vehicle infrastructure as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(3) By July 1, 2011, or six months after the distribution required under section 18 of this act occurs, whichever is later, the development regulations of any jurisdiction planning under this chapter must allow battery charging stations as a use in all areas except those zoned for residential or resource use or critical areas. A jurisdiction may adopt and apply other development regulations that do not have the effect of precluding the siting of electric vehicle infrastructure in areas where that use is allowed.

(4) Counties are authorized to adopt incentive programs to encourage the retrofitting of existing structures with the electrical outlets capable of charging electric vehicles. Incentives may include bonus height, site coverage, floor area ratio, and transferable development rights for use in urban growth areas.

(5) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(c) "Electric vehicle infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

(d) "Rapid charging station" means an industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries

through higher power levels, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(6) If federal funding for public investment in electric vehicles, electric vehicle infrastructure, or alternative fuel distribution infrastructure is not provided by February 1, 2010, subsection (1) of this section is null and void.

NEW SECTION. Sec. 14. A new section is added to chapter 47.38 RCW to read as follows:

(1) As a necessary and desirable step to spur public and private investment in electric vehicle infrastructure in accordance with section 1 of this act, and to begin implementing the provisions of RCW 43.19.648, the legislature authorizes an alternative fuels corridor pilot project capable of supporting electric vehicle charging and battery exchange technologies.

(2) To the extent permitted under federal programs, rules, or law, the department may enter into partnership agreements with other public and private entities for the use of land and facilities along state routes and within interstate highway rights-of-way for an alternative fuels corridor pilot project. At a minimum, the pilot project must:

(a) Limit renewable fuel and vehicle technology offerings to those with a forecasted demand over the next fifteen years and approved by the department;

(b) Ensure that a pilot project site does not compete with existing retail businesses in the same geographic area for the provision of the same refueling services, recharging technologies, or other retail commercial activities;

(c) Provide existing truck stop operators and retail truck refueling businesses with an absolute right of first refusal over the offering of refueling services to class six trucks with a maximum gross vehicle weight of twenty-six thousand pounds within the same geographic area identified for a possible pilot project site;

(d) Reach agreement with the department of services for the blind ensuring that any activities at host sites do not materially affect the revenues forecasted from their vending operations at each site;

(e) Regulate the internal rate of return from the partnership, including provisions to reduce or eliminate the level of state support once the partnership attains economic self-sufficiency;

(f) Be limited to not more than five locations on state-owned land within federal interstate rights-of-way or state highway rights-of-way in Washington; and

(g) Be limited in duration to a term of years reasonably necessary for the partnership to recover the cost of capital investments, plus the regulated internal rate of return.

(3) The department is not responsible for providing capital equipment nor operating refueling or recharging services. The department must provide periodic status reports on the pilot project to the office of financial management and the relevant standing committees of the legislature not less than every biennium.

(4) The provisions of this section are subject to the availability of existing funds. However, capital improvements under this section must be funded with federal or private funds.

NEW SECTION. Sec. 15. A new section is added to chapter 47.38 RCW to read as follows:

(1) By December 31, 2015, the state must, to the extent practicable, install electrical outlets capable of charging electric vehicles in each state-operated highway rest stop.

(2) By December 31, 2015, the state must provide the opportunity to lease space for the limited purpose of installing and operating a battery exchange station or a battery charging station in appropriate state-owned highway rest stops.

(3) The department of transportation's obligations under this section are subject to the availability of amounts appropriated for the specific purpose identified in this section, unless the department receives federal or private funds for the specific purpose identified in this section.

(4) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Battery charging station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

(b) "Battery exchange station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 19.27 RCW to read as follows:

The building code council shall adopt rules for electric vehicle infrastructure requirements. Rules adopted by the state building code council must consider applicable national and international standards and be consistent with rules adopted under section 17 of this act.

NEW SECTION. Sec. 17. A new section is added to chapter 19.28 RCW to read as follows:

The director shall adopt by rule standards for the installation of electric vehicle infrastructure, including all wires and equipment that convey electric current and any equipment to be operated by electric current, in, on, or about buildings or structures. The rules must be consistent with rules adopted under section 16 of this act.

NEW SECTION. Sec. 18. The department of community, trade, and economic development must distribute to local governments model ordinances, model development regulations, and guidance for local governments for siting and installing electric vehicle infrastructure, and in particular battery charging stations, and appropriate handling, recycling, and storage of electric vehicle batteries and equipment, when available. The model ordinances, model development regulations, and guidance must be developed by a federal or state agency, or nationally recognized organizations with specific expertise in land-use regulations or electric vehicle infrastructure."

On page 1, line 1 of the title, after "vehicles;" strike the remainder of the title and insert "amending RCW 43.19.648; adding a new section to chapter 82.29A RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new section to chapter 79.13 RCW; adding a new section to chapter 43.21C RCW; adding new sections to chapter 35.63 RCW; adding a new section to chapter 35A.63 RCW; adding a new section to chapter 36.70 RCW; adding a new section to chapter 36.70A RCW; adding new sections to chapter 47.38 RCW; adding a new section to chapter 19.27 RCW; adding a new section to chapter 19.28 RCW; creating new sections; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SECOND SUBSTITUTE HOUSE BILL NO. 1481 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative McCoy spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute House Bill No. 1481, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1481, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 65; Nays, 29; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Crouse,

Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Bailey, Chandler, Condotta, Cox, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Probst, Roach, Ross, Schmick, Shea, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SECOND SUBSTITUTE HOUSE BILL NO. 1481, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1579 with the following amendment:

On page 1, line 8, after "individuals" insert "from whom no charge for services is collected"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to HOUSE BILL NO. 1579 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Appleton spoke in favor of the passage of the bill.

Representative Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 1579, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1579, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 33; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

HOUSE BILL NO. 1579, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on HOUSE BILL NO. 1579.
BRUCE DAMMEIER, 25th District

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1868. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1 A new section is added to chapter 70.01 RCW to read as follows:

(1) Health care providers licensed under Title 18 RCW and health care facilities licensed under Title 70 RCW, shall provide the following to a patient upon request:

(a) An estimate of fees and charges related to a specific service, visit, or stay; and

(b) Information regarding other types of fees or charges a patient may receive in conjunction with their visit to the provider or facility. Hospitals licensed under chapter 70.41 RCW may fulfill this requirement by providing a statement and contact information as described in RCW 70.41.400.

(2) Providers and facilities listed in subsection (1) of this section may, after disclosing estimated charges and fees to a patient, refer the patient to the patient's insurer, if applicable, for specific information on the insurer's charges and fees, any cost-sharing responsibilities required of the patient, and the network status of ancillary providers who may or may not share the same network status as the provider or facility.

(3) Except for hospitals licensed under chapter 70.41 RCW, providers and facilities listed in subsection (1) of this section shall post a sign in patient registration areas containing at least the following language: "Information about the estimated charges of your health services is available upon request. Please do not hesitate to ask for information."

NEW SECTION. Sec. 2 A new section is added to chapter 70.41 RCW to read as follows:

Hospitals licensed under this chapter shall post a sign in patient registration areas containing at least the following language: "Information about the estimated charges of your hospital services is available upon request. Please do not hesitate to ask for information.""

On page 1, line 1 of the title, after "information;" strike the remainder of the title and insert "and adding a new section to chapter 70.01 RCW, and chapter 70.41 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1868 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Bailey and Cody spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1869, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1869, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

SUBSTITUTE HOUSE BILL NO. 1869, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 70.128.040 and 2007 c 184 s 8 are each amended to read as follows:

(1) The department shall adopt rules and standards with respect to adult family homes and the operators thereof to be licensed under this chapter to carry out the purposes and requirements of this chapter. The rules and standards relating to applicants and operators shall address the differences between individual providers and providers that are partnerships, corporations, associations, or companies. The rules and standards shall also recognize and be appropriate to the different needs and capacities of the various populations served by adult family homes such as but not limited to persons who are developmentally disabled or elderly. In developing rules and standards the department shall recognize the residential family-like nature of adult family homes and not develop rules and standards which by their complexity serve as an overly restrictive barrier to the development of the adult family homes in the state. Procedures and forms established by the department shall be developed so they are easy to understand and comply with. Paper work requirements shall be minimal. Easy to understand materials shall be developed for applicants and providers explaining licensure requirements and procedures.

(2)(a) In developing the rules and standards, the department shall consult with all divisions and administrations within the department serving the various populations living in adult family homes, including the division of developmental disabilities and the aging and adult services administration. Involvement by the divisions and administration shall be for the purposes of assisting the department to develop rules and standards appropriate to the different

needs and capacities of the various populations served by adult family homes. During the initial stages of development of proposed rules, the department shall provide notice of development of the rules to organizations representing adult family homes and their residents, and other groups that the department finds appropriate. The notice shall state the subject of the rules under consideration and solicit written recommendations regarding their form and content.

(b) In addition, the department shall engage in negotiated rule making pursuant to RCW 34.05.310(2)(a) with the exclusive representative of the adult family home licensees selected in accordance with RCW 70.128.043 and with other affected interests before adopting requirements that affect adult family home licensees.

(3) Except where provided otherwise, chapter 34.05 RCW shall govern all department rule-making and adjudicative activities under this chapter.

(4) The department shall establish a specialty license to include geriatric specialty certification for providers who have successfully completed the University of Washington school of nursing certified geriatric certification program and testing.

Sec. 2. RCW 70.128.005 and 2001 c 319 s 1 are each amended to read as follows:

(1) The legislature finds that:

(a) Adult family homes are an important part of the state's long-term care system. Adult family homes provide an alternative to institutional care and promote a high degree of independent living for residents.

(b) Persons with functional limitations have broadly varying service needs. Adult family homes that can meet those needs are an essential component of a long-term system. ~~((The legislature further finds that))~~ Different populations living in adult family homes, such as ~~((the developmentally disabled))~~ persons with developmental disabilities and ~~((the))~~ elderly persons, often have significantly different needs and capacities from one another.

(c) There is a need to update certain restrictive covenants to take into consideration the legislative findings cited in (a) and (b) of this subsection; the need to prevent or reduce institutionalization; and the legislative and judicial mandates to provide care and services in the least restrictive setting appropriate to the needs of the individual. Restrictive covenants which directly or indirectly restrict or prohibit the use of property for adult family homes (i) are contrary to the public interest served by establishing adult family homes and (ii) discriminate against individuals with disabilities in violation of RCW 49.60.224.

(2) It is the legislature's intent that department rules and policies relating to the licensing and operation of adult family homes recognize and accommodate the different needs and capacities of the various populations served by the homes. Furthermore, the development and operation of adult family homes that can provide quality personal care and special care services should be encouraged.

(3) The legislature finds that many residents of community-based long-term care facilities are vulnerable and their health and well-being are dependent on their caregivers. The quality, skills, and knowledge of their caregivers are the key to good care. The legislature finds that the need for well-trained caregivers is growing as the state's population ages and residents' needs increase. The legislature intends that current training standards be enhanced.

(4) The legislature finds that the state of Washington has a compelling interest in protecting and promoting the health, welfare, and safety of vulnerable adults residing in adult family homes. The health, safety, and well-being of vulnerable adults must be the paramount concern in determining whether to issue a license to an applicant, whether to suspend or revoke a license, or whether to take other licensing actions.

NEW SECTION. Sec. 3. A new section is added to chapter 70.128 RCW to read as follows:

(1) To effectuate the public policies of this chapter, restrictive covenants may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under this chapter; or

(b) Persons and legal entities from operating adult family homes licensed under this chapter, whether for-profit or nonprofit, to provide services covered under this chapter. However, this subsection does not prohibit application of reasonable

nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the restrictive covenant.

(2) This section applies retroactively to all restrictive covenants in effect on the effective date of this section. Any provision in a restrictive covenant in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

NEW SECTION. Sec. 4. A new section is added to chapter 64.38 RCW to read as follows:

(1) To effectuate the public policy of chapter 70.128 RCW, the governing documents may not limit, directly or indirectly:

(a) Persons with disabilities from living in an adult family home licensed under chapter 70.128 RCW; or

(b) Persons and legal entities from operating adult family homes licensed under chapter 70.128 RCW, whether for-profit or nonprofit, to provide services covered under chapter 70.128 RCW. However, this subsection does not prohibit application of reasonable nondiscriminatory regulation, including but not limited to landscaping standards or regulation of sign location or size, that applies to all residential property subject to the governing documents.

(2) This section applies retroactively to any governing documents in effect on the effective date of this section. Any provision in a governing document in effect on or after the effective date of this section that is inconsistent with subsection (1) of this section is unenforceable to the extent of the conflict.

Sec. 5. RCW 70.128.060 and 2004 c 140 s 3 are each amended to read as follows:

(1) An application for license shall be made to the department upon forms provided by it and shall contain such information as the department reasonably requires.

(2) Subject to the provisions of this section, the department shall issue a license to an adult family home if the department finds that the applicant and the home are in compliance with this chapter and the rules adopted under this chapter, unless (a) the applicant or a person affiliated with the applicant has prior violations of this chapter relating to the adult family home subject to the application or any other adult family home, or of any other law regulating residential care facilities within the past five years that resulted in revocation, suspension, or nonrenewal of a license or contract with the department; or (b) the applicant or a person affiliated with the applicant has a history of significant noncompliance with federal, state, or local laws, rules, or regulations relating to the provision of care or services to vulnerable adults or to children. A person is considered affiliated with an applicant if the person is listed on the license application as a partner, officer, director, resident manager, or majority owner of the applying entity, or is the spouse of the applicant.

(3) The license fee shall be submitted with the application.

(4) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of his or her application for a license as provided in chapter 34.05 RCW by requesting a hearing in writing within twenty-eight days after receipt of the notice of denial.

(5) The department shall not issue a license to a provider if the department finds that the provider or spouse of the provider or any partner, officer, director, managerial employee, or majority owner has a history of significant noncompliance with federal or state regulations, rules, or laws in providing care or services to vulnerable adults or to children.

(6) The department shall license an adult family home for the maximum level of care that the adult family home may provide. The department shall define, in rule, license levels based upon the education, training, and caregiving experience of the licensed provider or staff.

(7) The department shall establish, by rule, standards used to license nonresident providers and multiple facility operators.

(8) The department shall establish, by rule, for multiple facility operators educational standards substantially equivalent to recognized national certification standards for residential care administrators.

(9) The license fee shall be set at ~~((fifty))~~ one hundred dollars per year for each home. ~~((A fifty))~~ An eight hundred dollar processing fee shall also be charged each home when the home is initially licensed. The processing fee will be applied toward the license renewal in the subsequent three years. A five hundred dollar rebate will be returned to any home that renews after four years in operation.

(10) A provider who receives notification of the department's initiation of a denial, suspension, nonrenewal, or revocation of an adult family home license may, in lieu of appealing the department's action, surrender or relinquish the license. The department shall not issue a new license to or contract with the provider, for the purposes of providing care to vulnerable adults or children, for a period of twenty years following the surrendering or relinquishment of the former license. The licensing record shall indicate that the provider relinquished or surrendered the license, without admitting the violations, after receiving notice of the department's initiation of a denial, suspension, nonrenewal, or revocation of a license.

(11) The department shall establish, by rule, the circumstances requiring a change in the licensed provider, which include, but are not limited to, a change in ownership or control of the adult family home or provider, a change in the provider's form of legal organization, such as from sole proprietorship to partnership or corporation, and a dissolution or merger of the licensed entity with another legal organization. The new provider is subject to the provisions of this chapter, the rules adopted under this chapter, and other applicable law. In order to ensure that the safety of residents is not compromised by a change in provider, the new provider is responsible for correction of all violations that may exist at the time of the new license.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 70.128.040, 70.128.005, and 70.128.060; adding a new section to chapter 70.128 RCW; and adding a new section to chapter 64.38 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Morrell spoke in favor of the passage of the bill.

Representative Schmick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1935, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1935, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 70; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Herrera, Hope, Hudgins,

Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Roach, Ross, Schmick, Shea, Taylor and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 on final passage as amended by the Senate.

DAN ROACH, 31st District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935 on final passage as amended by the Senate.

JAIME HERRERA, 18th District

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from amendment (301) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959 and passed the bill without said amendment. The Senate refuses to recede from amendment (270), and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in Senate amendment (270) to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Simpson and Angel spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1959, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1959, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh,

Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 90.50A.020 and 1993 c 329 s 1 are each amended to read as follows:

(1) The water pollution control revolving fund is hereby established in the state treasury. Moneys in this fund may be spent only after legislative appropriation. Moneys in the fund may be spent only in a manner consistent with this chapter.

(2) The water pollution control revolving fund shall consist of:

(a) All capitalization grants provided by the federal government under the federal water quality act of 1987;

(b) Other moneys provided by the federal government including funds under the American recovery and reinvestment act of 2009 for water pollution control facilities and related activities to achieve federal water pollution requirements;

~~(c)~~ All state matching funds appropriated or authorized by the legislature;

~~((c))~~ (d) Any other revenues derived from gifts or bequests pledged to the state for the purpose of providing financial assistance for water pollution control projects;

~~((d))~~ (e) All repayments of moneys borrowed from the fund;

~~((e))~~ (f) All interest payments made by borrowers from the fund;

~~((f))~~ (g) Any other fee or charge levied in conjunction with administration of the fund; and

~~((g))~~ (h) Any new funds as a result of leveraging.

(3) The state treasurer may invest and reinvest moneys in the water pollution control revolving fund in the manner provided by law. All earnings from such investment and reinvestment shall be credited to the water pollution control revolving fund.

"**Sec. 2.** RCW 90.50A.030 and 2007 c 341 s 38 are each amended to read as follows:

The department shall use the moneys in the water pollution control revolving fund to provide financial assistance, as provided in the water quality act of 1987 and ~~((as provided in))~~ RCW 90.50A.040, and pursuant to other federal requirements for achieving state and federal water pollution control for protection of the state's waters:

(1) To make loans, on the condition that:

(a) Such loans are made at or below market interest rates, including interest free loans, at terms not to exceed twenty years;

(b) Annual principal and interest payments will commence not later than one year after completion of any project and all loans will be fully amortized not later ~~((then))~~ than twenty years after project completion;

(c) The recipient of a loan will establish a dedicated source of revenue for repayment of loans; and

(d) The fund will be credited with all payments of principal and interest on all loans.

(2) Loans, including additional subsidization to eligible recipients in the form of forgiveness of principal and negative interest loans or grants or any combination thereof, may be made for the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act; ~~((and))~~

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act; and

(d) For the planning, design, and construction of publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) The department may also use the money in the water pollution control revolving fund provided by congress for additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination thereof. Uses of forgiveness of principal and negative interest loans or grants include but are not limited to the following purposes:

(a) To public bodies for the construction or replacement of water pollution control facilities as defined in section 212 of the federal water quality act of 1987;

(b) For the implementation of a management program established under section 319 of the federal water quality act of 1987 relating to the management of nonpoint sources of pollution, subject to the requirements of that act;

(c) For development and implementation of a conservation and management plan under section 320 of the federal water quality act of 1987 relating to the national estuary program, subject to the requirements of that act;

(d) For storm water projects; and

(e) For combined sewer overflow projects.

(4) If additional subsidization is made available from moneys provided by congress to eligible recipients in the form of forgiveness of principal or negative interest loans or grants or any combination thereof, the department shall accept applications consistent with this chapter.

(5) The department may also use the moneys in the fund for the following purposes:

(a) To buy or refinance the water pollution control facilities' debt obligations of public bodies at or below market rates, if such debt was incurred after March 7, 1985;

(b) To guarantee, or purchase insurance for, public body obligations for water pollution control facility construction or replacement or activities if the guarantee or insurance would improve credit market access or reduce interest rates, or to provide loans to a public body for this purpose;

(c) As a source of revenue or security for the payment of principal and interest on revenue or general obligation bonds issued by the state if the proceeds of the sale of such bonds will be deposited in the fund;

(d) To earn interest on fund accounts; and

(e) To pay the expenses of the department in administering the water pollution control revolving fund according to administrative reserves authorized by federal and state law.

~~((4))~~ (6) The department shall present a biennial progress report on the use of moneys from the account to the appropriate committees of the legislature. The report shall consist of a list of each recipient, project description, and amount of the grant, loan, or both.

~~((5))~~ The department may not use the moneys in the water pollution control revolving fund for grants;

(7) When prioritizing project applications for loans, forgiveness of principal, and negative interest loans or grants or any combination

thereof for water pollution control facilities, the department shall consider the following:

(a) The protection and improvement of water quality and public health;

(b) The cost to residential ratepayers if they must finance water pollution control facilities without state assistance;

(c) Actions required under federal and state permits and compliance orders, including projects with a history of noncompliance;

(d) Readiness of the project to proceed with planning, design, or construction;

(e) The cost-effectiveness of the project based on an analysis of alternatives, including regionalization;

(f) Whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;

(g) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;

(h) Effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(i) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(j) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

Sec. 3. RCW 90.50A.040 and 2007 c 341 s 39 are each amended to read as follows:

Moneys deposited in the water pollution control revolving fund shall be administered by the department. In administering the fund, the department shall:

(1) Consistent with RCW 90.50A.030 and 90.50A.080, allocate funds for loans, forgiveness of principal, negative interest loans or grants or any combination thereof in accordance with the annual project priority list in accordance with section 212 of the federal water pollution control act as amended in 1987, and allocate funds under sections 319 and 320 according to the provisions of that act, and allocate funds for separate competitive programs relating to storm water systems, sewer systems, and septic systems prioritized on a worst case first need basis;

(2) Use accounting, audit, and fiscal procedures that conform to generally accepted government accounting standards;

(3) Prepare any reports required by the federal government as a condition to awarding federal capitalization grants;

(4) Adopt by rule any procedures or standards necessary to carry out the provisions of this chapter;

(5) Enter into agreements with the federal environmental protection agency;

(6) Cooperate with local, substate regional, and interstate entities regarding state assessment reports and state management programs related to the nonpoint source management programs as noted in section 319(c) of the federal water pollution control act amendments of 1987 and estuary programs developed under section 320 of that act;

(7) Comply with provisions of the water quality act of 1987; and

(8) After January 1, 2010, not provide funding for projects designed to address the restoration of Puget Sound that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

NEW SECTION. Sec. 4. A new section is added to chapter 90.50A RCW to read as follows:

Any public body receiving a loan, forgiveness of principal, or negative interest loan or grant or any combination thereof from the fund shall:

(1) Appear on the annual project priority list to be identified for funding under section 212 of the federal water pollution control act

amendments of 1987 or be eligible under sections 319 and 320 of that act;

(2) Submit an application to the department;

(3) Establish and maintain a dedicated source of revenue or other acceptable source of revenue for the repayment of the loan; and

(4) Demonstrate to the satisfaction of the department it has sufficient legal authority to incur the debt for the loan that it is applying for.

Sec. 5. RCW 90.50A.060 and 1988 c 284 s 7 are each amended to read as follows:

If a public body defaults on loan payments due to the fund, the state may withhold any amounts otherwise due to the public body and direct that such funds be applied to the indebtedness and deposited into the account.

Sec. 6. RCW 90.48.110 and 2007 c 343 s 13 are each amended to read as follows:

(1) Except under subsection (2) of this section, all engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage systems or sewage treatment or disposal plants, and the proposed method of future operation and maintenance of said facility or facilities, shall be submitted to and be approved by the department, before construction thereof may begin. No approval shall be given until the department is satisfied that said plans and specifications and the methods of operation and maintenance submitted are adequate to protect the quality of the state's waters as provided for in this chapter.

(a) The department shall require, through the development of rules, that plans established in this subsection (1) include the following elements:

(i) Reviews and updates of sewer plans on a six-year cycle, including asset management and financial planning;

(ii) An equitable sewer user charge system for residential, commercial, and industrial users to cover all financial obligation of the planned sewer utility;

(iii) Connection fees for new connections to a sewer system that reflect a fair share cost of infrastructure from which new connections will benefit;

(iv) A capital wastewater facilities reserve fund dedicated to paying for wastewater infrastructure and equipment replacement; and

(v) A sewer use ordinance that restricts certain connections and wastes to protect a local government's investment and enhance the wastewater treatment's process stability and effluent quality. The ordinance must, at least:

(A) Require new sewers and connections to be properly designed and constructed;

(B) Require a provision with a timeline and proximity in which existing and future residences must connect to the sewer system;

(C) Prohibit inflow sources into the sewer system; and

(D) Prohibit introduction of toxic or hazardous wastes into the sewer system in an amount or concentration that endangers the public's safety or the physical integrity of the system which may cause violations of the national pollutant discharge elimination system permit or state waste discharge permit.

(b) Approval under this chapter is not required for large on-site sewage systems permitted by the department of health under chapter 70.118B RCW or for on-site sewage systems regulated by local health jurisdictions under rules of the state board of health.

(2) To promote efficiency in service delivery and intergovernmental cooperation in protecting the quality of the state's waters, the department may delegate the authority for review and approval of engineering reports, plans, and specifications for the construction of new sewerage systems, sewage treatment or disposal plants or systems, or for improvements or extensions to existing sewerage system or sewage treatment or disposal plants, and the proposed method of future operations and maintenance of said facility or facilities and industrial pretreatment systems, to local units of government requesting such delegation and meeting criteria established by the department.

(3) For any new or revised general sewer plan submitted for review under this section, the department shall review and either approve, conditionally approve, reject, or request amendments within ninety days of the receipt of the submission of the plan. The

department may extend this ninety-day time limitation for new submittals by up to an additional ninety days if insufficient time exists to adequately review the general sewer plan. For rejections of plans or extensions of the timeline, the department shall provide in writing to the local government entity the reason for such action. In addition, the governing body of the local government entity and the department may mutually agree to an extension of the deadlines contained in this section.

Sec. 7. RCW 70.146.070 and 2008 c 299 s 26 are each amended to read as follows:

(1) When making grants or loans for water pollution control facilities, the department shall consider the following:

- (a) The protection of water quality and public health;
- (b) The cost to residential ratepayers if they had to finance water pollution control facilities without state assistance;
- (c) Actions required under federal and state permits and compliance orders;
- (d) The level of local fiscal effort by residential ratepayers since 1972 in financing water pollution control facilities;
- (e) Except as otherwise conditioned by RCW 70.146.110, whether the entity receiving assistance is a Puget Sound partner, as defined in RCW 90.71.010;
- (f) Whether the project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310;
- (g) Except as otherwise provided in RCW 70.146.120, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the project is sponsored by an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030;

(h) The extent to which the applicant county or city, or if the applicant is another public body, the extent to which the county or city in which the applicant public body is located, has established programs to mitigate nonpoint pollution of the surface or subterranean water sought to be protected by the water pollution control facility named in the application for state assistance; and

(i) The recommendations of the Puget Sound partnership, created in RCW 90.71.210, and any other board, council, commission, or group established by the legislature or a state agency to study water pollution control issues in the state.

(2) Except where necessary to address a public health need or substantial environmental degradation, a county, city, or town planning under RCW 36.70A.040 may not receive a grant or loan for water pollution control facilities unless it has adopted a comprehensive plan, including a capital facilities plan element, and development regulations as required by RCW 36.70A.040. This subsection does not require any county, city, or town planning under RCW 36.70A.040 to adopt a comprehensive plan or development regulations before requesting or receiving a grant or loan under this chapter if such request is made before the expiration of the time periods specified in RCW 36.70A.040. A county, city, or town planning under RCW 36.70A.040 which has not adopted a comprehensive plan and development regulations within the time periods specified in RCW 36.70A.040 is not prohibited from receiving a grant or loan under this chapter if the comprehensive plan and development regulations are adopted as required by RCW 36.70A.040 before submitting a request for a grant or loan.

(3) Whenever the department is considering awarding grants or loans for public facilities to special districts requesting funding for a proposed facility located in a county, city, or town planning under RCW 36.70A.040, it shall consider whether the county, city, or town planning under RCW 36.70A.040 in whose planning jurisdiction the proposed facility is located has adopted a comprehensive plan and development regulations as required by RCW 36.70A.040.

(4) When making grants or loans for water pollution control facilities, the department may award grants or provide loans to publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(5) After January 1, 2010, any project designed to address the effects of water pollution on Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 8. RCW 90.48.290 and 1987 c 109 s 145 are each amended to read as follows:

The department is authorized to make and administer grants within appropriations authorized by the legislature to any municipal or public corporation, or political subdivision within the state for the purpose of aiding in the construction of water pollution control projects necessary to prevent the discharge of untreated or inadequately treated sewage or other waste into the waters of the state including, but not limited to, projects for the control of storm or surface waters which will provide for the removal of waste or polluting materials therefrom.

Grants so made by the department shall be subject to the following limitations:

(1) No grant shall be made in an amount which exceeds the recipient's contribution to the estimated cost of the project: PROVIDED, That the following shall be considered a part of the recipient's contribution:

(a) Any grant received by the recipient from the federal government pursuant to section 8(f) of the Federal Water Pollution Control Act (33 U.S.C. 466) for the project;

(b) Any expenditure which is made by any municipal or public corporation, or political subdivision within the state as a part of a joint effort with the recipient to carry out the project and which has not been used as a matching contribution for another grant made pursuant to this chapter, and

(c) Any expenditure for the project made by the recipient out of moneys advanced by the department from a revolving fund and repayable to said fund.

(2) No grant shall be made for any project which does not qualify for and receive a grant of federal funds under the provisions of the Federal Water Pollution Control Act as now or hereafter amended: PROVIDED, That this restriction shall not apply to state grants made in any biennium over and above the amount of such grants required to match all federal funds allocated to the state for such biennium. As such, grants may be made for the planning, design, and construction of any publicly owned wastewater treatment facilities, including publicly owned industrial wastewater treatment facilities that relieve a city of the burden of processing industrial wastewater.

(3) No grant shall be made to any municipal or public corporation, or political subdivision for any project located within a drainage basin unless the department shall have previously adopted a comprehensive water pollution control and abatement plan and unless the project is found by the department to conform with such basin comprehensive plan: PROVIDED, That the requirement for a project to conform to a comprehensive water pollution control and abatement plan may be waived by the department for any grant application filed with the department prior to July 1, 1974, in those situations where the department finds the public interest would be served better by approval of any grant application made prior to adoption of such plan than by its denial.

(4) Recipients of grants shall meet such qualifications and follow such procedures in applying for grants as shall be established by the department.

(5) Grants may be made to reimburse recipients for expenditures made after July 1, 1967, for projects which meet the requirements of this section and were commenced after the recipient had filed a grant application with the department.

NEW SECTION. Sec. 9. The department of ecology may adopt rules to implement this act.

NEW SECTION. Sec. 10. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

On page 1, line 1 of the title, after "control;" strike the remainder of the title and insert "amending RCW 90.50A.020, 90.50A.030, 90.50A.040, 90.50A.060, 90.48.110, 70.146.070, and 90.48.290; adding a new section to chapter 90.50A RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Warnick moved that the House concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116.

Representative Warnick spoke in favor of the motion to concur.

Representative Dunshee spoke against of the motion to concur.

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 2116.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendment to Engrossed Substitute House Bill No. 2116, and the motion was not adopted by the following vote: Yeas, 35; Nays, 59; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

The House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2116 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 20, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, by Senate Committee on Ways & Means (originally sponsored by Senator Hargrove)

Creating a temporary workforce employment and training program. Revised for 2nd Substitute: Revising unemployment compensation and workforce training provisions.

Representative Conway moved the adoption of amendment (892):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) This is a time of great economic difficulty for the residents of Washington state;

(b) Education and training provides opportunity for unemployed workers and economically disadvantaged adults to move into living wage jobs and is of critical importance to the current and future prosperity of the residents of Washington state;

(c) Community and technical college workforce training programs, private career schools and colleges, and Washington state apprenticeship and training council-approved apprenticeship programs provide effective and efficient pathways for people to enter high-demand occupations while also meeting the needs of the economy;

(d) The identification of high-demand occupations needs to be based on reliable labor market research; and

(e) Workforce development councils are in a position to provide funding for economically disadvantaged adults and unemployed workers to access training.

(2) Consistent with the intent of the workforce investment act and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the legislature intends that individuals who are eligible for services under the workforce investment act and dislocated worker programs, or are receiving or have exhausted entitlement to unemployment compensation benefits be provided the opportunity to enroll in training programs to prepare for a high-demand occupation.

Sec. 2. RCW 50.24.014 and 2007 c 327 s 2 are each amended to read as follows:

(1)(a) A separate and identifiable account to provide for the financing of special programs to assist the unemployed is established in the administrative contingency fund. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, and those employers who are required to make payments in lieu of contributions, at a basic rate of two one-hundredths of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010.

(b) A separate and identifiable account is established in the administrative contingency fund for financing the employment security department's administrative costs under RCW 50.22.150 and section 4, chapter 3, Laws of 2009 and the costs under RCW 50.22.150(~~((+0))~~) (11) and section 4(14), chapter 3, Laws of 2009. All money in this account shall be expended solely for the purposes of this title and for no other purposes whatsoever. Contributions to this account shall accrue and become payable by each employer, except employers as described in RCW 50.44.010 and 50.44.030 who have properly elected to make payments in lieu of contributions, taxable local government employers as described in RCW 50.44.035, those employers who are required to make payments in lieu of contributions, those employers described under RCW 50.29.025(1)(f)(ii), and those qualified employers assigned rate class 20 or rate class 40, as applicable, under RCW 50.29.025, at a basic rate of one one-hundredth of one percent. The amount of wages subject to tax shall be determined under RCW 50.24.010. Any amount of contributions payable under this subsection (1)(b) that exceeds the amount that would have been collected at a rate of four one-thousandths of one percent must be deposited in the account created in (a) of this subsection.

(2)(a) Contributions under this section shall become due and be paid by each employer under rules as the commissioner may prescribe, and shall not be deducted, in whole or in part, from the

remuneration of individuals in the employ of the employer. Any deduction in violation of this section is unlawful.

(b) In the payment of any contributions under this section, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(3) If the commissioner determines that federal funding has been increased to provide financing for the services specified in chapter 50.62 RCW, the commissioner shall direct that collection of contributions under this section be terminated on the following January 1st.

NEW SECTION. Sec. 3. (1) Subject to the availability of funds through March 1, 2011, funds appropriated in the 2009-2011 operating budget for the purposes of this act shall be distributed by the employment security department to workforce development councils as a match to American recovery and reinvestment act formula funds or local workforce investment act funds that workforce development councils provide specifically for the education and training of eligible individuals in high-demand occupations for the purposes identified in section 5(2) of this act. The education and training of eligible individuals in occupations in the aerospace, energy efficiency, forest product, and health care industries shall be given priority, so long as the priority is consistent with federal law.

(a) Funds used to increase capacity as described in section 5(2)(a) of this act shall receive a seventy-five percent match.

(b) Funds used to provide student financial aid described in section 5(2)(b) of this act shall receive a twenty-five percent match.

(2) Funds available for the purposes identified in section 5(2) of this act but not distributed under subsection (1) of this section shall be allocated to the state board for community and technical colleges March 1, 2011. The board shall only use the funds to increase capacity as described in section 5(2)(a) of this act. The board shall report to the employment security department on the use of these funds.

(3) The employment security department, in cooperation with the workforce training and education coordinating board and the state board for community and technical colleges, shall develop a set of guidelines on allowable uses for the incentive funds made available under this section. These guidelines shall emphasize training programs that expand the skills for Washington workers in order to obtain and retain jobs in high-demand industries such as those referenced in the American recovery and reinvestment act of 2009.

(4) This section expires July 1, 2011.

NEW SECTION. Sec. 4. The governor shall direct ten percent of state-wide funds made available for activities under the workforce investment act in Title VIII of division A of the American recovery and reinvestment act of 2009 (P.L. 111-5) to be used for the purposes of section 3 of this act.

NEW SECTION. Sec. 5. (1) Consistent with the intent of the workforce investment act adult and dislocated worker program provisions of the American recovery and reinvestment act of 2009, the employment security department shall encourage an increase in education and training through grants and local plan modifications with workforce development councils. The department shall encourage workforce development councils to collaborate with other local recipients of American recovery and reinvestment act funding for the purposes of increasing training and supporting individuals who receive training. The department shall also require workforce development councils to determine the number of participants who will receive education and training in high-demand industries. The department shall require the workforce development councils to report on these efforts to accomplish the tasks described in this subsection.

(2) The employment security department shall use funds as described in section 3 of this act to encourage workforce development councils to use American recovery and reinvestment act and workforce investment act adult and dislocated worker formula resources for the following education and training purposes:

(a) To provide enrollment support or enter into contracts with the community and technical college system to increase capacity for training eligible individuals for high-demand and other occupations listed in section 3(1) of this act in programs on the eligible training provider list or new programs; and

(b) For the provision of individual training accounts that provide financial aid for eligible students training for high-demand and other occupations listed in section 3(1) of this act in programs on the eligible training provider list.

(3) American recovery and reinvestment act formula funds described in this section may not be used to replace or supplant any existing enrollments, programs, support services, or funding sources.

(4) The employment security department, in its role as fiscal agent for workforce funds available under the American recovery and reinvestment act, shall monitor and report to the governor on the use of these funds and identify specific actions that the governor or the legislature may take to ensure the state and local workforce development councils are effectively meeting the intent of this act. This shall include such reports as required by the American recovery and reinvestment act of 2009 and the governor.

(5) This section expires July 1, 2011.

NEW SECTION. Sec. 6. The employment security department, in collaboration with the workforce training and education coordinating board, workforce development councils, and the state board for community and technical colleges, shall submit a report to the governor and to the appropriate committees of the legislature by December 1, 2010. The report shall describe the implementation of this act, and shall include the following:

(1) The amounts of expenditures on education and training;

(2) The number of students receiving training;

(3) The types of training received by the students;

(4) Training completion and employment rates;

(5) Comparisons of preprogram and postprogram wage levels;

(6) Student demographics and institution/program demographics;

(7) Efforts made to ensure training was provided in areas that would lead to employment;

(8) Efforts to develop capacity in occupations that are of particularly high demand; and

(9) Specific enhancements made in the workforce system to ensure additional training in high-demand occupations is accessible to low-income and dislocated workers.

NEW SECTION. Sec. 7. A new section is added to chapter 50.22 RCW to read as follows:

The employment security department shall periodically bring together representatives of the workforce training and education coordinating board, workforce development councils, the state board for community and technical colleges, business, labor, and the legislature to review development and implementation of chapter . . . , Laws of 2009 (this act) and related programs under this chapter.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Conway spoke in favor of the adoption of the amendment.

Representative Condotta spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 58 – YEAS; 36 – NAYS.

Amendment (892) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Conway spoke in favor of the passage of the bill.

Representative Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 5809, as amended by the House, and the bill passed the House by the following vote: Yeas, 63; Nays, 31; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809, as amended by the House, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, as amended by the Senate, passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Second Substitute House Bill No. 1935, as amended by the Senate, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 1935, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 70; Nays, 24; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Hinkle, Johnson, Klippert, Kretz, Kristiansen, McCune, Parker, Pearson, Roach, Ross, Schmick, Shea, Taylor and Warnick.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 22, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2242 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 43.330.007 and 1993 c 280 s 2 are each amended to read as follows:

The purpose of this chapter is to establish the broad outline of the structure of the department of (~~community, trade, and economic development~~) commerce, leaving specific details of its internal organization and management to those charged with its administration. This chapter identifies the broad functions and responsibilities of the (~~new~~) department and is intended to provide flexibility to the director to reorganize these functions and to make recommendations for changes (~~through the implementation plan required in section 8, chapter 280, Laws of 1993~~).

Sec. 2. RCW 43.330.010 and 2007 c 322 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Associate development organization" means a local economic development nonprofit corporation that is broadly representative of community interests.

(2) "Department" means the department of (~~community, trade, and economic development~~) commerce.

(3) "Director" means the director of the department of (~~community, trade, and economic development~~) commerce.

(4) "Financial institution" means a bank, trust company, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) "Microenterprise development organization" means a community development corporation, a nonprofit development organization, a nonprofit social services organization or other locally operated nonprofit entity that provides services to low-income entrepreneurs.

(6) "Statewide microenterprise association" means a nonprofit entity with microenterprise development organizations as members that serves as an intermediary between the department of (~~community, trade, and economic development~~) commerce and local microenterprise development organizations.

Sec. 3. RCW 43.330.020 and 1993 c 280 s 4 are each amended to read as follows:

A department of (~~community, trade, and economic development~~) commerce is created. The department shall be vested with all powers and duties established or transferred to it under this chapter and such other powers and duties as may be authorized by law. Unless otherwise specifically provided (~~in chapter 280, Laws of 1993~~), the existing responsibilities and functions of the agency programs will continue to be administered in accordance with their implementing legislation.

NEW SECTION. Sec. 4. A new section is added to chapter 43.330 RCW to read as follows:

(1) The director shall, in collaboration with the office of the governor, the office of financial management, the Washington economic development commission, the chairs and ranking minority members of the community and economic development and trade committee of the house of representatives and the economic development, trade and innovation committee of the senate, and the chairs and ranking members, or their designees, of the ways and means committees of the house of representatives and the senate and the house of representatives capital budget committee, develop a report with analysis and recommendations on statutory changes that would ensure that the department's efforts are efficient, effective, and:

(a) Are organized around a concise core mission and aligned with the state's comprehensive plan for economic development;

(b) Are capable of providing focused and flexible responses to changing economic conditions;

(c) Generate greater local capacity to respond to local opportunities and needs;

(d) Face no administrative barriers to leveraging state resources or procuring private and federal resources;

(e) Maximize results through partnerships and the use of intermediaries; and

(f) Provide transparency and increased accountability to the public, the governor, and the legislature.

(2) The report shall include recommendations for creating or consolidating programs deemed important to meeting the department's core mission and recommendations for terminating or transferring specific programs if they are not consistent with the department's core mission.

(3) In developing the recommendations, the director shall solicit the input of businesses, employees, economic development practitioners, local governments, planning professionals, community and housing organizations, and other key economic and community development stakeholders.

(4) The recommendations must be delivered to the governor and the appropriate legislative committees by November 1, 2009.

Sec. 5. RCW 43.330.092 and 2005 c 136 s 15 are each amended to read as follows:

The film and video promotion account is created in the state treasury. All revenue received for film and video promotion purposes under RCW 43.330.090~~((+))~~ (2)(b) and all receipts from RCW 36.102.060(14) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of ~~((community, trade, and economic development))~~ commerce only for the purposes of promotion of the film and video production industry in the state of Washington.

Sec. 6. RCW 43.330.094 and 2007 c 228 s 202 are each amended to read as follows:

The tourism development and promotion account is created in the state treasury. All receipts from RCW 36.102.060(10) must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used by the department of ~~((community, trade, and economic development))~~ commerce only for the purposes of expanding and promoting the tourism industry in the state of Washington.

Sec. 7. RCW 43.330.125 and 1995 c 347 s 430 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce shall provide training and technical assistance to counties and cities to assist them in fulfilling the requirements of chapter 36.70B RCW.

Sec. 8. RCW 43.330.135 and 1995 c 13 s 1 are each amended to read as follows:

(1) The department of ~~((community, trade, and economic development))~~ commerce shall distribute such funds as are appropriated for the statewide technical support, development, and enhancement of court-appointed special advocate programs.

(2) In order to receive money under subsection (1) of this section, an organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must meet all of the following requirements:

(a) The organization must provide statewide support, development, and enhancement of court-appointed special advocate programs that offer guardian ad litem services as provided in RCW 26.12.175, 26.44.053, and 13.34.100;

(b) All guardians ad litem working under court-appointed special advocate programs supported, developed, or enhanced by the organization must be volunteers and may not receive payment for services rendered pursuant to the program. The organization may include paid positions that are exclusively administrative in nature, in keeping with the scope and purpose of this section; and

(c) The organization providing statewide technical support, development, and enhancement of court-appointed special advocate programs must be a public benefit nonprofit corporation as defined in RCW 24.03.490.

(3) If more than one organization is eligible to receive money under this section, the department shall develop criteria for allocation of appropriated money among the eligible organizations.

Sec. 9. RCW 43.330.167 and 2004 c 276 s 718 are each amended to read as follows:

(1)(a) There is created in the custody of the state treasurer an account to be known as the homeless families services fund.

Revenues to the fund consist of a one-time appropriation by the legislature, private contributions, and all other sources deposited in the fund.

(b) Expenditures from the fund may only be used for the purposes of the program established in this section, including administrative expenses. Only the director of the department of ~~((community, trade, and economic development))~~ commerce, or the director's designee, may authorize expenditures.

(c) Expenditures from the fund are exempt from appropriations and the allotment provisions of chapter 43.88 RCW. However, money used for program administration by the department is subject to the allotment and budgetary controls of chapter 43.88 RCW, and an appropriation is required for these expenditures.

(2) The department may expend moneys from the fund to provide state matching funds for housing-based supportive services for homeless families over a period of at least ten years.

(3) Activities eligible for funding through the fund include, but are not limited to, the following:

- (a) Case management;
- (b) Counseling;
- (c) Referrals to employment support and job training services and direct employment support and job training services;
- (d) Domestic violence services and programs;
- (e) Mental health treatment, services, and programs;
- (f) Substance abuse treatment, services, and programs;
- (g) Parenting skills education and training;
- (h) Transportation assistance;
- (i) Child care; and
- (j) Other supportive services identified by the department to be an important link for housing stability.

(4) Organizations that may receive funds from the fund include local housing authorities, nonprofit community or neighborhood-based organizations, public development authorities, federally recognized Indian tribes in the state, and regional or statewide nonprofit housing assistance organizations.

Sec. 10. RCW 43.330.170 and 2002 c 294 s 4 are each amended to read as follows:

The office of community development of the department of ~~((community, trade, and economic development))~~ commerce is directed to conduct a statewide housing market analysis by region. The purpose of the analysis is to identify areas of greatest need for the appropriate investment of state affordable housing funds, using vacancy data and other appropriate measures of need for low-income housing. The analysis shall include the number and types of projects that counties have developed using the funds collected under chapter 294, Laws of 2002. The analysis shall be completed by September 2003, and updated every two years thereafter.

Sec. 11. RCW 43.330.210 and 2000 c 120 s 5 are each amended to read as follows:

The developmental disabilities endowment governing board is established to design and administer the developmental disabilities endowment. To the extent funds are appropriated for this purpose, the director of the department of ~~((community, trade, and economic development))~~ commerce shall provide staff and administrative support to the governing board.

(1) The governing board shall consist of seven members as follows:

(a) Three of the members, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as finance, actuarial science, management, business, or public policy.

(b) Three members of the board, who shall be appointed by the governor, shall be persons who have demonstrated expertise and leadership in areas such as business, developmental disabilities service design, management, or public policy, and shall be family members of persons with developmental disabilities.

(c) The seventh member of the board, who shall serve as chair of the board, shall be appointed by the remaining six members of the board.

(2) Members of the board shall serve terms of four years and may be appointed for successive terms of four years at the discretion of the appointing authority. However, the governor may stagger the

terms of the initial six members of the board so that approximately one-fourth of the members' terms expire each year.

(3) Members of the board shall be compensated for their service under RCW 43.03.240 and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(4) The board shall meet periodically as specified by the call of the chair, or a majority of the board.

(5) Members of the governing board and the state investment board shall not be considered an insurer of the funds or assets of the endowment trust fund or the individual trust accounts. Neither of these two boards or their members shall be liable for the action or ~~((inactions [inaction]))~~ inaction of the other.

(6) Members of the governing board and the state investment board are not liable to the state, to the fund, or to any other person as a result of their activities as members, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The department and the state investment board, respectively, may purchase liability insurance for members.

Sec. 12. RCW 43.330.240 and 2000 c 120 s 9 are each amended to read as follows:

The department of ~~((community, trade, and economic development))~~ commerce shall adopt rules for the implementation of policies established by the governing board in RCW 43.330.200 through 43.330.230. Such rules will be consistent with those statutes and chapter 34.05 RCW.

Sec. 13. RCW 43.330.250 and 2008 c 329 s 914 are each amended to read as follows:

(1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.

(2) Only the governor, with the recommendation of the director of the department of ~~((community, trade, and economic development))~~ commerce and the economic development commission, may authorize expenditures from the account.

(3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.

(4) During the 2007-2009 fiscal biennium, moneys in the account may also be transferred into the state general fund.

(5) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:

(a) Workforce development;

(b) Public infrastructure needed to support or sustain the operations of the business or facility; and

(c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.

(6) The funds shall not be expended from the account unless:

(a) The circumstances are such that time does not permit the director of the department of ~~((community, trade, and economic development))~~ commerce or the business or facility to secure funding from other state sources;

(b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;

(c) The business or facility does not require continuing state support;

(d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;

(e) The expenditure will not supplant private investment; and

(f) The expenditure is accompanied by private investment.

(7) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.

(8) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of

fifteen million dollars shall be transferred to the education construction account.

Sec. 14. RCW 43.330.280 and 2007 c 227 s 2 are each amended to read as follows:

(1) The Washington state economic development commission shall, with the advice of an innovation partnership advisory group selected by the commission, have oversight responsibility for the implementation of the state's efforts to further innovation partnerships throughout the state. The commission shall:

(a) Provide information and advice to the department of ~~((community, trade, and economic development))~~ commerce to assist in the implementation of the innovation partnership zone program, including criteria to be used in the selection of grant applicants for funding;

(b) Document clusters of companies throughout the state that have comparative competitive advantage or the potential for comparative competitive advantage, using the process and criteria for identifying strategic clusters developed by the working group specified in subsection (2) of this section;

(c) Conduct an innovation opportunity analysis to identify (i) the strongest current intellectual assets and research teams in the state focused on emerging technologies and their commercialization, and (ii) faculty and researchers that could increase their focus on commercialization of technology if provided the appropriate technical assistance and resources;

(d) Based on its findings and analysis, and in conjunction with the higher education coordinating board and research institutions:

(i) Develop a plan to build on existing, and develop new, intellectual assets and innovation research teams in the state in research areas where there is a high potential to commercialize technologies. The commission shall present the plan to the governor and legislature by December 31, 2007. The higher education coordinating board shall be responsible for implementing the plan in conjunction with the publicly funded research institutions in the state. The plan shall address the following elements and such other elements as the commission deems important:

(A) Specific mechanisms to support, enhance, or develop innovation research teams and strengthen their research and commercialization capacity in areas identified as useful to strategic clusters and innovative firms in the state;

(B) Identification of the funding necessary for laboratory infrastructure needed to house innovation research teams;

(C) Specification of the most promising research areas meriting enhanced resources and recruitment of significant entrepreneurial researchers to join or lead innovation research teams;

(D) The most productive approaches to take in the recruitment, in the identified promising research areas, of a minimum of ten significant entrepreneurial researchers over the next ten years to join or lead innovation research teams;

(E) Steps to take in solicitation of private sector support for the recruitment of entrepreneurial researchers and the commercialization activity of innovation research teams; and

(F) Mechanisms for ensuring the location of innovation research teams in innovation partnership zones;

(ii) Provide direction for the development of comprehensive entrepreneurial assistance programs at research institutions. The programs may involve multidisciplinary students, faculty, entrepreneurial researchers, entrepreneurs, and investors in building business models and evolving business plans around innovative ideas. The programs may provide technical assistance and the support of an entrepreneur-in-residence to innovation research teams and offer entrepreneurial training to faculty, researchers, undergraduates, and graduate students. Curriculum leading to a certificate in entrepreneurship may also be offered;

(e) Develop performance measures to be used in evaluating the performance of innovation research teams, the implementation of the plan and programs under (d)(i) and (ii) of this subsection, and the performance of innovation partnership zone grant recipients, including but not limited to private investment measures, business initiation measures, job creation measures, and measures of innovation such as licensing of ideas in research institutions, patents, or other recognized measures of innovation. The performance measures developed shall be consistent with the economic

development commission's comprehensive plan for economic development and its standards and metrics for program evaluation. The commission shall report to the legislature and the governor by December 31, 2008, on the measures developed; and

(f) Using the performance measures developed, perform a biennial assessment and report, the first of which shall be due December 31, 2012, on:

(i) Commercialization of technologies developed at state universities, found at other research institutions in the state, and facilitated with public assistance at existing companies;

(ii) Outcomes of the funding of innovation research teams and recruitment of significant entrepreneurial researchers;

(iii) Comparison with other states of Washington's outcomes from the innovation research teams and efforts to recruit significant entrepreneurial researchers; and

(iv) Outcomes of the grants for innovation partnership zones. The report shall include recommendations for modifications of chapter 227, Laws of 2007 and of state commercialization efforts that would enhance the state's economic competitiveness.

(2) The economic development commission and the workforce training and education coordinating board shall jointly convene a working group to:

(a) Specify the process and criteria for identification of substate geographic concentrations of firms or employment in an industry and the industry's customers, suppliers, supporting businesses, and institutions, which process will include the use of labor market information from the employment security department and local labor markets; and

(b) Establish criteria for identifying strategic clusters which are important to economic prosperity in the state, considering cluster size, growth rate, and wage levels among other factors.

Sec. 15. RCW 43.330.290 and 2007 c 322 s 3 are each amended to read as follows:

The microenterprise development program is established in the department of ~~((community, trade, and economic development))~~ commerce. In implementing the program, the department:

(1) Shall provide organizational support to a statewide microenterprise association and shall contract with the association for the delivery of services and distribution of grants;

(a) The association shall serve as the department's agent in carrying out the purpose and service delivery requirements of this section;

(b) The association's contract with the department shall specify that in administering the funds provided for under subsection (3) of this section, the association may use no greater than ten percent of the funds to cover administrative expenses;

(2) Shall provide funds for capacity building for the statewide microenterprise association and microenterprise development organizations throughout the state;

(3) Shall provide grants to microenterprise development organizations for the delivery of training and technical assistance services;

(4) Shall identify and facilitate the availability of state, federal, and private sources of funds which may enhance microenterprise development in the state;

(5) Shall develop with the statewide microenterprise association criteria for the distribution of grants to microenterprise development organizations. Such criteria may include:

(a) The geographic representation of all regions of the state, including both urban and rural communities;

(b) The ability of the microenterprise development organization to provide business development services in low-income communities;

(c) The scope of services offered by a microenterprise development organization and their efficiency in delivery of such services;

(d) The ability of the microenterprise development organization to monitor the progress of its customers and identify technical and financial assistance needs;

(e) The ability of the microenterprise development organization to work with other organizations, public entities, and financial institutions to meet the technical and financial assistance needs of its customers;

(f) The sufficiency of operating funds for the microenterprise development organization; and

(g) Such other criteria as agreed by the department and the association;

(6) Shall require the statewide microenterprise association and any microenterprise development organization receiving funds through the microenterprise development program to raise and contribute to the effort funded by the microenterprise development program an amount equal to twenty-five percent of the microenterprise development program funds received. Such matching funds may come from private foundations, federal or local sources, financial institutions, or any other source other than funds appropriated from the legislature;

(7) Shall require under its contract with the statewide microenterprise association an annual accounting of program outcomes, including job creation, access to capital, leveraging of nonstate funds, and other outcome measures specified by the department. By January 1, 2012, the joint legislative audit and review committee shall use these outcome data and other relevant information to evaluate the program's effectiveness; and

(8) May adopt rules as necessary to implement this section.

Sec. 16. RCW 43.330.300 and 2008 c 290 s 1 are each amended to read as follows:

(1) The financial fraud and identity theft crimes investigation and prosecution program is created in the department of ~~((community, trade, and economic development))~~ commerce. The department shall:

(a) Appoint members of the financial fraud task forces created in subsection (2) of this section;

(b) Administer the account created in subsection (3) of this section; and

(c) By December 31st of each year submit a report to the appropriate committees of the legislature and the governor regarding the progress of the program and task forces. The report must include recommendations on changes to the program, including expansion.

(2)(a) The department shall establish two regional financial fraud and identity theft crime task forces that include a central Puget Sound task force that includes King and Pierce counties, and a Spokane county task force. Each task force must be comprised of local law enforcement, county prosecutors, representatives of the office of the attorney general, financial institutions, and other state and local law enforcement.

(b) The department shall appoint: (i) Representatives of local law enforcement from a list provided by the Washington association of sheriffs and police chiefs; (ii) representatives of county prosecutors from a list provided by the Washington association of prosecuting attorneys; and (iii) representatives of financial institutions.

(c) Each task force shall:

(i) Hold regular meetings to discuss emerging trends and threats of local financial fraud and identity theft crimes;

(ii) Set priorities for the activities for the task force;

(iii) Apply to the department for funding to (A) hire prosecutors and/or law enforcement personnel dedicated to investigating and prosecuting financial fraud and identity theft crimes; and (B) acquire other needed resources to conduct the work of the task force;

(iv) Establish outcome-based performance measures; and

(v) Twice annually report to the department regarding the activities and performance of the task force.

(3) The financial fraud and identity theft crimes investigation and prosecution account is created in the state treasury. Moneys in the account may be spent only after appropriation. Revenue to the account may include appropriations, revenues generated by the surcharge imposed in RCW 62A.9A-525, federal funds, and any other gifts or grants. Expenditures from the account may be used only to support the activities of the financial fraud and identity theft crime investigation and prosecution task forces and the program administrative expenses of the department, which may not exceed ten percent of the amount appropriated.

(4) For purposes of this section, "financial fraud and identity theft crimes" includes those that involve: Check fraud, chronic unlawful issuance of bank checks, embezzlement, credit/debit card fraud, identity theft, forgery, counterfeit instruments such as checks

or documents, organized counterfeit check rings, and organized identification theft rings.

Sec. 17. RCW 43.330.900 and 1993 c 280 s 79 are each amended to read as follows:

~~((+)) All references to the director or department of community, trade, and economic development in the Revised Code of Washington shall be construed to mean the director of ((community, trade, and economic development)) commerce or the department of ((community, trade, and economic development)) commerce.~~

~~((2) All references to the director or department of trade and economic development in the Revised Code of Washington shall be construed to mean the director of community, trade, and economic development or the department of community, trade, and economic development.)~~

Sec. 18. RCW 19.260.020 and 2006 c 194 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Automatic commercial ice cube machine" means a factory-made assembly, not necessarily shipped in one package, consisting of a condensing unit and ice-making section operating as an integrated unit with means for making and harvesting ice cubes. It may also include integrated components for storing or dispensing ice, or both.

(2) "Ballast" means a device used with an electric discharge lamp to obtain necessary circuit conditions, such as voltage, current, and waveform, for starting and operating the lamp.

(3) "Commercial clothes washer" means a soft mount horizontal or vertical-axis clothes washer that: (a) Has a clothes container compartment no greater than 3.5 cubic feet in the case of a horizontal-axis product or no greater than 4.0 cubic feet in the case of a vertical-axis product; and (b) is designed for use by more than one household, such as in multifamily housing, apartments, or coin laundries.

(4) "Commercial prerinse spray valve" means a handheld device designed and marketed for use with commercial dishwashing and warewashing equipment and that sprays water on dishes, flatware, and other food service items for the purpose of removing food residue prior to their cleaning.

(5)(a) "Commercial refrigerators and freezers" means refrigerators, freezers, or refrigerator-freezers designed for use by commercial or institutional facilities for the purpose of storing or merchandising food products, beverages, or ice at specified temperatures that: (i) Incorporate most components involved in the vapor-compression cycle and the refrigerated compartment in a single cabinet; and (ii) may be configured with either solid or transparent doors as a reach-in cabinet, pass-through cabinet, roll-in cabinet, or roll-through cabinet.

(b) "Commercial refrigerators and freezers" does not include: (i) Products with 85 cubic feet or more of internal volume; (ii) walk-in refrigerators or freezers; (iii) consumer products that are federally regulated pursuant to 42 U.S.C. Sec. 6291 et seq.; (iv) products without doors; or (v) freezers specifically designed for ice cream.

(6) "Compensation" means money or any other valuable thing, regardless of form, received or to be received by a person for services rendered.

(7) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(8) "High-intensity discharge lamp" means a lamp in which light is produced by the passage of an electric current through a vapor or gas, and in which the light-producing arc is stabilized by bulb wall temperature and the arc tube has a bulb wall loading in excess of three watts per square centimeter.

(9) "Metal halide lamp" means a high-intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

(10) "Metal halide lamp fixture" means a light fixture designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

(11) "Pass-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on both the front and rear of the unit.

(12) "Probe-start metal halide ballast" means a ballast used to operate metal halide lamps which does not contain an igniter and which instead starts lamps by using a third starting electrode "probe" in the arc tube.

(13) "Reach-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors or lids, but does not include roll-in or roll-through cabinets or pass-through cabinets.

(14)(a) "Roll-in cabinet" means a commercial refrigerator or freezer with hinged or sliding doors that allow wheeled racks of product to be rolled into the unit.

(b) "Roll-through cabinet" means a commercial refrigerator or freezer with hinged or sliding doors on two sides of the cabinet that allow wheeled racks of product to be rolled through the unit.

(15)(a) "Single-voltage external AC to DC power supply" means a device that: (i) Is designed to convert line voltage alternating current input into lower voltage direct current output; (ii) is able to convert to only one DC output voltage at a time; (iii) is sold with, or intended to be used with, a separate end-use product that constitutes the primary power load; (iv) is contained within a separate physical enclosure from the end-use product; (v) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and (vi) has a nameplate output power less than or equal to 250 watts.

(b) "Single-voltage external AC to DC power supply" does not include: (i) Products with batteries or battery packs that physically attach directly to the power supply unit; (ii) products with a battery chemistry or type selector switch and indicator light; or (iii) products with a battery chemistry or type selector switch and a state of charge meter.

(16) "State-regulated incandescent reflector lamp" means a lamp that is not colored or designed for rough or vibration service applications, that has an inner reflective coating on the outer bulb to direct the light, an E26 medium screw base, and a rated voltage or voltage range that lies at least partially within 115 to 130 volts, and that falls into one of the following categories:

(a) A bulged reflector or elliptical reflector bulb shape and which has a diameter which equals or exceeds 2.25 inches;

(b) A reflector, parabolic aluminized reflector, or similar bulb shape and which has a diameter of 2.25 to 2.75 inches.

(17) "Transformer" means a device consisting of two or more coils of insulated wire and that is designed to transfer alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

(18)(a) "Unit heater" means a self-contained, vented fan-type commercial space heater that uses natural gas or propane, and that is designed to be installed without ducts within a heated space.

(b) "Unit heater" does not include any products covered by federal standards established pursuant to 42 U.S.C. Sec. 6291 et seq. or any product that is a direct vent, forced flue heater with a sealed combustion burner.

Sec. 19. RCW 19.280.020 and 2006 c 195 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the utilities and transportation commission.

(2) "Conservation and efficiency resources" means any reduction in electric power consumption that results from increases in the efficiency of energy use, production, transmission, or distribution.

(3) "Consumer-owned utility" includes a municipal electric utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, a port district formed under Title 53 RCW, or a water-sewer district formed under Title 57 RCW, that is engaged in the business of distributing electricity to one or more retail electric customers in the state.

(4) "Department" means the department of (~~community, trade, and economic development~~) commerce.

(5) "Electric utility" means a consumer-owned or investor-owned utility.

(6) "Full requirements customer" means an electric utility that relies on the Bonneville power administration for all power needed to supply its total load requirement other than that served by nondispatchable generating resources totaling no more than six megawatts or renewable resources.

(7) "Governing body" means the elected board of directors, city council, commissioners, or board of any consumer-owned utility.

(8) "High efficiency cogeneration" means the sequential production of electricity and useful thermal energy from a common fuel source, where, under normal operating conditions, the facility has a useful thermal energy output of no less than thirty-three percent of the total energy output.

(9) "Integrated resource plan" means an analysis describing the mix of generating resources and conservation and efficiency resources that will meet current and projected needs at the lowest reasonable cost to the utility and its ratepayers and that complies with the requirements specified in RCW 19.280.030(1).

(10) "Investor-owned utility" means a corporation owned by investors that meets the definition in RCW 80.04.010 and is engaged in distributing electricity to more than one retail electric customer in the state.

(11) "Lowest reasonable cost" means the lowest cost mix of generating resources and conservation and efficiency resources determined through a detailed and consistent analysis of a wide range of commercially available resources. At a minimum, this analysis must consider resource cost, market-volatility risks, demand-side resource uncertainties, resource dispatchability, resource effect on system operation, the risks imposed on the utility and its ratepayers, public policies regarding resource preference adopted by Washington state or the federal government, and the cost of risks associated with environmental effects including emissions of carbon dioxide.

(12) "Plan" means either an "integrated resource plan" or a "resource plan."

(13) "Renewable resources" means electricity generation facilities fueled by: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) biomass energy utilizing animal waste, solid organic fuels from wood, forest, or field residues or dedicated energy crops that do not include wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (g) byproducts of pulping or wood manufacturing processes, including but not limited to bark, wood chips, sawdust, and lignin in spent pulping liquors; (h) ocean thermal, wave, or tidal power; or (i) gas from sewage treatment facilities.

(14) "Resource plan" means an assessment that estimates electricity loads and resources over a defined period of time and complies with the requirements in RCW 19.280.030(2).

Sec. 20. RCW 19.285.030 and 2007 c 1 s 3 (Initiative Measure No. 937) are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for qualifying utilities under its jurisdiction that are not investor-owned utilities; or (b) an independent auditor selected by a qualifying utility that is not under the jurisdiction of the state auditor and is not an investor-owned utility.

(3) "Commission" means the Washington state utilities and transportation commission.

(4) "Conservation" means any reduction in electric power consumption resulting from increases in the efficiency of energy use, production, or distribution.

(5) "Cost-effective" has the same meaning as defined in RCW 80.52.030.

(6) "Council" means the Washington state apprenticeship and training council within the department of labor and industries.

(7) "Customer" means a person or entity that purchases electricity for ultimate consumption and not for resale.

(8) "Department" means the department of (~~community, trade, and economic development~~) commerce or its successor.

(9) "Distributed generation" means an eligible renewable resource where the generation facility or any integrated cluster of such facilities has a generating capacity of not more than five megawatts.

(10) "Eligible renewable resource" means:

(a) Electricity from a generation facility powered by a renewable resource other than fresh water that commences operation after March 31, 1999, where: (i) The facility is located in the Pacific Northwest; or (ii) the electricity from the facility is delivered into Washington state on a real-time basis without shaping, storage, or integration services; or

(b) Incremental electricity produced as a result of efficiency improvements completed after March 31, 1999, to hydroelectric generation projects owned by a qualifying utility and located in the Pacific Northwest or to hydroelectric generation in irrigation pipes and canals located in the Pacific Northwest, where the additional generation in either case does not result in new water diversions or impoundments.

(11) "Investor-owned utility" has the same meaning as defined in RCW 19.29A.010.

(12) "Load" means the amount of kilowatt-hours of electricity delivered in the most recently completed year by a qualifying utility to its Washington retail customers.

(13) "Nonpower attributes" means all environmentally related characteristics, exclusive of energy, capacity reliability, and other electrical power service attributes, that are associated with the generation of electricity from a renewable resource, including but not limited to the facility's fuel type, geographic location, vintage, qualification as an eligible renewable resource, and avoided emissions of pollutants to the air, soil, or water, and avoided emissions of carbon dioxide and other greenhouse gases.

(14) "Pacific Northwest" has the same meaning as defined for the Bonneville power administration in section 3 of the Pacific Northwest electric power planning and conservation act (94 Stat. 2698; 16 U.S.C. Sec. 839a).

(15) "Public facility" has the same meaning as defined in RCW 39.35C.010.

(16) "Qualifying utility" means an electric utility, as the term "electric utility" is defined in RCW 19.29A.010, that serves more than twenty-five thousand customers in the state of Washington. The number of customers served may be based on data reported by a utility in form 861, "annual electric utility report," filed with the energy information administration, United States department of energy.

(17) "Renewable energy credit" means a tradable certificate of proof of at least one megawatt-hour of an eligible renewable resource where the generation facility is not powered by fresh water, the certificate includes all of the nonpower attributes associated with that one megawatt-hour of electricity, and the certificate is verified by a renewable energy credit tracking system selected by the department.

(18) "Renewable resource" means: (a) Water; (b) wind; (c) solar energy; (d) geothermal energy; (e) landfill gas; (f) wave, ocean, or tidal power; (g) gas from sewage treatment facilities; (h) biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and (i) biomass energy based on animal waste or solid organic fuels from wood, forest, or field residues, or dedicated energy crops that do not include (i) wood pieces that have been treated with chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenic; (ii) black liquor byproduct from paper production; (iii) wood from old growth forests; or (iv) municipal solid waste.

(19) "Rule" means rules adopted by an agency or other entity of Washington state government to carry out the intent and purposes of this chapter.

(20) "Year" means the twelve-month period commencing January 1st and ending December 31st.

Sec. 21. RCW 35.105.010 and 2008 c 299 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Community and urban forest assessment" means an analysis of the community and urban forest inventory to: Establish the scope and scale of forest-related benefits and services; determine the economic valuation of such benefits, highlight trends, and issues of concern; identify high priority areas to be addressed; outline strategies for addressing the critical issues and urban landscapes; and identify opportunities for retaining trees, expanding forest canopy, and planting additional trees to sustain Washington's urban and community forests.

(2) "Community and urban forest inventory" means a management tool designed to gauge the condition, management status, health, and diversity of a community and urban forest. An inventory may evaluate individual trees or groups of trees or canopy cover within community and urban forests, and will be periodically updated by the department of natural resources.

(3) "Department" means the department of ~~((community, trade, and economic development))~~ **commerce**.

(4) "Evergreen community ordinances" means ordinances adopted by the legislative body of a city, town, or county that relate to urban forests and are consistent with this chapter.

(5) "Evergreen community" means a city, town, or county designated as such under RCW 35.105.030.

(6) "Management plan" means an evergreen community urban forest management plan developed pursuant to this chapter.

(7) "Public facilities" has the same meaning as defined in RCW 36.70A.030.

(8) "Public forest" means urban forests owned by the state, city, town, county, or other public entity within or adjacent to the urban growth areas.

(9) "Reforestation" means establishing and maintaining trees and urban forest canopy in plantable spaces such as street rights-of-way, transportation corridors, interchanges and highways, riparian areas, unstable slopes, shorelines, public lands, and property of willing private landowners.

(10) "Tree canopy" means the layer of leaves, branches, and stems of trees that cover the ground when viewed from above and that can be measured as a percentage of a land area shaded by trees.

(11) "Urban forest" has the same definition as provided for the term "community and urban forest" in RCW 76.15.010.

Sec. 22. RCW 36.70A.030 and 2005 c 423 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, finfish in upland hatcheries, or livestock, and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

(6) "Department" means the department of ~~((community, trade, and economic development))~~ **commerce**.

(7) "Development regulations" or "regulation" means the controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, critical areas ordinances, shoreline master programs, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances together with any amendments thereto. A

development regulation does not include a decision to approve a project permit application, as defined in RCW 36.70B.020, even though the decision may be expressed in a resolution or ordinance of the legislative body of the county or city.

(8) "Forest land" means land primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, and that has long-term commercial significance. In determining whether forest land is primarily devoted to growing trees for long-term commercial timber production on land that can be economically and practically managed for such production, the following factors shall be considered: (a) The proximity of the land to urban, suburban, and rural settlements; (b) surrounding parcel size and the compatibility and intensity of adjacent and nearby land uses; (c) long-term local economic conditions that affect the ability to manage for timber production; and (d) the availability of public facilities and services conducive to conversion of forest land to other uses.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Recreational land" means land so designated under RCW 36.70A.1701 and that, immediately prior to this designation, was designated as agricultural land of long-term commercial significance under RCW 36.70A.170. Recreational land must have playing fields and supporting facilities existing before July 1, 2004, for sports played on grass playing fields.

(15) "Rural character" refers to the patterns of land use and development established by a county in the rural element of its comprehensive plan:

(a) In which open space, the natural landscape, and vegetation predominate over the built environment;

(b) That foster traditional rural lifestyles, rural-based economies, and opportunities to both live and work in rural areas;

(c) That provide visual landscapes that are traditionally found in rural areas and communities;

(d) That are compatible with the use of the land by wildlife and for fish and wildlife habitat;

(e) That reduce the inappropriate conversion of undeveloped land into sprawling, low-density development;

(f) That generally do not require the extension of urban governmental services; and

(g) That are consistent with the protection of natural surface water flows and groundwater and surface water recharge and discharge areas.

(16) "Rural development" refers to development outside the urban growth area and outside agricultural, forest, and mineral resource lands designated pursuant to RCW 36.70A.170. Rural development can consist of a variety of uses and residential densities, including clustered residential development, at levels that are consistent with the preservation of rural character and the requirements of the rural element. Rural development does not refer to agriculture or forestry activities that may be conducted in rural areas.

(17) "Rural governmental services" or "rural services" include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include

domestic water systems, fire and police protection services, transportation and public transit services, and other public utilities associated with rural development and normally not associated with urban areas. Rural services do not include storm or sanitary sewers, except as otherwise authorized by RCW 36.70A.110(4).

(18) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources, rural uses, rural development, and natural resource lands designated pursuant to RCW 36.70A.170. A pattern of more intensive rural development, as provided in RCW 36.70A.070(5)(d), is not urban growth. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(19) "Urban growth areas" means those areas designated by a county pursuant to RCW 36.70A.110.

(20) "Urban governmental services" or "urban services" include those public services and public facilities at an intensity historically and typically provided in cities, specifically including storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with rural areas.

(21) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.

Sec. 23. RCW 39.86.110 and 1995 c 399 s 57 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Agency" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Board" means the community economic revitalization board established under chapter 43.160 RCW.

(3) "Bonds" means bonds, notes, or other obligations of an issuer.

(4) "Bond use category" means any of the following categories of bonds which are subject to the state ceiling: (a) Housing, (b) student loans, (c) small issue, (d) exempt facility, (e) redevelopment, (f) public utility; and (g) remainder.

(5) "Carryforward" is an allocation or reallocation of the state ceiling which is carried from one calendar year to a later year, in accordance with the code.

(6) "Code" means the federal internal revenue code of 1986 as it exists on May 8, 1987. It also means the code as amended after May 8, 1987, but only if the amendments are approved by the agency under RCW 39.86.180.

(7) "Director" means the director of the agency or the director's designee.

(8) "Exempt facility" means the bond use category which includes all bonds which are exempt facility bonds as described in the code, except those for qualified residential rental projects.

(9) "Firm and convincing evidence" means documentation that satisfies the director that the issuer is committed to the prompt financing of, and will issue tax exempt bonds for, the project or program for which it requests an allocation from the state ceiling.

(10) "Housing" means the bond use category which includes: (a) Mortgage revenue bonds and mortgage credit certificates as

described in the code; and (b) exempt facility bonds for qualified residential rental projects as described in the code.

(11) "Initial allocation" means the portion or dollar value of the state ceiling which initially in each calendar year is allocated to a bond use category for the issuance of private activity bonds, in accordance with RCW 39.86.120.

(12) "Issuer" means the state, any agency or instrumentality of the state, any political subdivision, or any other entity authorized to issue private activity bonds under state law.

(13) "Private activity bonds" means obligations that are private activity bonds as defined in the code or bonds for purposes described in section 1317(25) of the tax reform act of 1986.

(14) "Program" means the activities for which housing bonds or student loan bonds may be issued.

(15) "Public utility" means the bond use category which includes those bonds described in section 1317(25) of the tax reform act of 1986.

(16) "Redevelopment" means the bond use category which includes qualified redevelopment bonds as described in the code.

(17) "Remainder" means that portion of the state ceiling remaining after initial allocations are made under RCW 39.86.120 for any other bond use category.

(18) "Small issue" means the bond use category which includes all industrial development bonds that constitute qualified small issue bonds, as described in the code.

(19) "State" means the state of Washington.

(20) "State ceiling" means the volume limitation for each calendar year on tax-exempt private activity bonds, as imposed by the code.

(21) "Student loans" means the bond use category which includes qualified student loan bonds as described in the code.

Sec. 24. RCW 42.17.2401 and 2007 c 341 s 48, 2007 c 241 s 2, and 2007 c 15 s 1 are each reenacted and amended to read as follows:

For the purposes of RCW 42.17.240, the term "executive state officer" includes:

(1) The chief administrative law judge, the director of agriculture, the administrator of the Washington basic health plan, the director of the department of services for the blind, the director of the state system of community and technical colleges, the director of ~~((community, trade, and economic development))~~ commerce, the secretary of corrections, the director of early learning, the director of ecology, the commissioner of employment security, the chair of the energy facility site evaluation council, the secretary of the state finance committee, the director of financial management, the director of fish and wildlife, the executive secretary of the forest practices appeals board, the director of the gambling commission, the director of general administration, the secretary of health, the administrator of the Washington state health care authority, the executive secretary of the health care facilities authority, the executive secretary of the higher education facilities authority, the executive secretary of the horse racing commission, the executive secretary of the human rights commission, the executive secretary of the indeterminate sentence review board, the director of the department of information services, the executive director of the state investment board, the director of labor and industries, the director of licensing, the director of the lottery commission, the director of the office of minority and women's business enterprises, the director of parks and recreation, the director of personnel, the executive director of the public disclosure commission, the executive director of the Puget Sound partnership, the director of the recreation and conservation office, the director of retirement systems, the director of revenue, the secretary of social and health services, the chief of the Washington state patrol, the executive secretary of the board of tax appeals, the secretary of transportation, the secretary of the utilities and transportation commission, the director of veterans affairs, the president of each of the regional and state universities and the president of The Evergreen State College, and each district and each campus president of each state community college;

(2) Each professional staff member of the office of the governor;

(3) Each professional staff member of the legislature; and

(4) Central Washington University board of trustees, the boards of trustees of each community college and each technical college, each member of the state board for community and technical

colleges, state convention and trade center board of directors, committee for deferred compensation, Eastern Washington University board of trustees, Washington economic development finance authority, The Evergreen State College board of trustees, executive ethics board, forest practices appeals board, forest practices board, gambling commission, life sciences discovery fund authority board of trustees, Washington health care facilities authority, each member of the Washington health services commission, higher education coordinating board, higher education facilities authority, horse racing commission, state housing finance commission, human rights commission, indeterminate sentence review board, board of industrial insurance appeals, information services board, recreation and conservation funding board, state investment board, commission on judicial conduct, legislative ethics board, liquor control board, lottery commission, marine oversight board, Pacific Northwest electric power and conservation planning council, parks and recreation commission, board of pilotage commissioners, pollution control hearings board, public disclosure commission, public pension commission, shorelines ~~((hearings))~~ hearings board, public employees' benefits board, salmon recovery funding board, board of tax appeals, transportation commission, University of Washington board of regents, utilities and transportation commission, Washington state maritime commission, Washington personnel resources board, Washington public power supply system executive board, Washington State University board of regents, Western Washington University board of trustees, and fish and wildlife commission.

Sec. 25. RCW 43.17.010 and 2007 c 341 s 46 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of fish and wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of general administration, (9) the department of ~~((community, trade, and economic development))~~ commerce, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, (17) the department of early learning, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

Sec. 26. RCW 43.17.020 and 2007 c 341 s 47 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of ~~((community, trade, and economic development))~~ commerce, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, (17) the director of early learning, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 27. RCW 43.21F.025 and 1996 c 186 s 102 are each amended to read as follows:

(1) "Energy" means petroleum or other liquid fuels; natural or synthetic fuel gas; solid carbonaceous fuels; fissionable nuclear material; electricity; solar radiation; geothermal resources; hydropower; organic waste products; wind; tidal activity; any other substance or process used to produce heat, light, or motion; or the savings from nongeneration technologies, including conservation or

improved efficiency in the usage of any of the sources described in this subsection;

(2) "Person" means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, joint operating agency, or any other entity, public or private, however organized;

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce;

(4) "Assistant director" means the assistant director of the department of ~~((community, trade, and economic development))~~ commerce responsible for energy policy activities;

(5) "Department" means the department of ~~((community, trade, and economic development))~~ commerce;

(6) "Distributor" means any person, private corporation, partnership, individual proprietorship, utility, including investor-owned utilities, municipal utility, public utility district, joint operating agency, or cooperative, which engages in or is authorized to engage in the activity of generating, transmitting, or distributing energy in this state; and

(7) "State energy strategy" means the document and energy policy direction developed under section 1, chapter 201, Laws of 1991 including any related appendices.

Sec. 28. RCW 43.31.455 and 2005 c 402 s 3 are each amended to read as follows:

The definitions in this section apply throughout RCW 43.31.450 through 43.31.475 unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Foster youth" means a person who is fifteen years of age or older who is a dependent of the department of social and health services; or a person who is at least fifteen years of age, but not more than twenty-three years of age, who was a dependent of the department of social and health services for at least twenty-four months after attaining thirteen years of age.

(4) "Individual development account" or "account" means an account established by contract between a low-income individual and a sponsoring organization for the benefit of the low-income individual and funded through periodic contributions by the low-income individual which are matched with contributions by or through the sponsoring organization.

(5) "Low-income individual" means a person whose household income is equal to or less than either:

(a) Eighty percent of the median family income, adjusted for household size, for the county or metropolitan statistical area where the person resides; or

(b) Two hundred percent of the federal poverty guidelines updated periodically in the federal register by the United States department of health and human services under the authority of 42 U.S.C. 9902(2).

(6) "Program" means the individual development account program established pursuant to RCW 43.31.450 through 43.31.475.

(7) "Sponsoring organization" means: (a) A nonprofit, fund-raising organization that is exempt from taxation under section 501(c)(3) of the internal revenue code as amended and in effect on January 1, 2005; (b) a housing authority established under RCW 35.82.030; or (c) a federally recognized Indian tribe.

Sec. 29. RCW 43.31.522 and 2005 c 136 s 17 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 43.31.524:

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of ~~((community, trade, and economic development))~~ commerce.

(3) "Local nonprofit organization" means a local nonprofit organization organized to provide economic development or community development services, including but not limited to associate development organizations, economic development councils, and community development corporations.

Sec. 30. RCW 43.31.800 and 1993 c 280 s 52 are each amended to read as follows:

"Director" as used in RCW 43.31.790 through 43.31.850 and 67.16.100 means the director of (~~community, trade, and economic development~~) commerce.

Sec. 31. RCW 43.31C.010 and 2000 c 212 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Area" means a geographic area within a local government that is described by a close perimeter boundary.

(2) "Community empowerment zone" means an area meeting the requirements of RCW 43.31C.020 and officially designated by the director.

(3) "Department" means the department of (~~community, trade, and economic development~~) commerce.

(4) "Director" means the director of the department of (~~community, trade, and economic development~~) commerce.

(5) "Local government" means a city, code city, town, or county.

Sec. 32. RCW 43.105.020 and 2003 c 18 s 2 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) "Department" means the department of information services;

(2) "Board" means the information services board;

(3) "Committee" means the state interoperability executive committee;

(4) "Local governments" includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(5) "Director" means the director of the department;

(6) "Purchased services" means services provided by a vendor to accomplish routine, continuing, and necessary functions. This term includes, but is not limited to, services acquired for equipment maintenance and repair, operation of a physical plant, security, computer hardware and software installation and maintenance, telecommunications installation and maintenance, data entry, keypunch services, programming services, and computer time-sharing;

(7) "Backbone network" means the shared high-density portions of the state's telecommunications transmission facilities. It includes specially conditioned high-speed communications carrier lines, multiplexors, switches associated with such communications lines, and any equipment and software components necessary for management and control of the backbone network;

(8) "Telecommunications" means the transmission of information by wire, radio, optical cable, electromagnetic, or other means;

(9) "Information" includes, but is not limited to, data, text, voice, and video;

(10) "Information processing" means the electronic capture, collection, storage, manipulation, transmission, retrieval, and presentation of information in the form of data, text, voice, or image and includes telecommunications and office automation functions;

(11) "Information services" means data processing, telecommunications, office automation, and computerized information systems;

(12) "Equipment" means the machines, devices, and transmission facilities used in information processing, such as computers, word processors, terminals, telephones, wireless communications system facilities, cables, and any physical facility necessary for the operation of such equipment;

(13) "Information technology portfolio" or "portfolio" means a strategic management process documenting relationships between agency missions and information technology and telecommunications investments;

(14) "Oversight" means a process of comprehensive risk analysis and management designed to ensure optimum use of information technology resources and telecommunications;

(15) "Proprietary software" means that software offered for sale or license;

(16) "Video telecommunications" means the electronic interconnection of two or more sites for the purpose of transmitting and/or receiving visual and associated audio information. Video telecommunications shall not include existing public television broadcast stations as currently designated by the department of (~~community, trade, and economic development~~) commerce under chapter 43.330 RCW;

(17) "K-20 educational network board" or "K-20 board" means the K-20 educational network board created in RCW 43.105.800;

(18) "K-20 network technical steering committee" or "committee" means the K-20 network technical steering committee created in RCW 43.105.810;

(19) "K-20 network" means the network established in RCW 43.105.820;

(20) "Educational sectors" means those institutions of higher education, school districts, and educational service districts that use the network for distance education, data transmission, and other uses permitted by the K-20 board.

Sec. 33. RCW 43.155.020 and 2001 c 131 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Capital facility plan" means a capital facility plan required by the growth management act under chapter 36.70A RCW or, for local governments not fully planning under the growth management act, a plan required by the public works board.

(3) "Department" means the department of (~~community, trade, and economic development~~) commerce.

(4) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(5) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(6) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities. A planning project may include the compilation of biological, hydrological, or other data on a county, drainage basin, or region necessary to develop a base of information for a capital facility plan.

(7) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(8) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities.

Sec. 34. RCW 43.157.010 and 2004 c 275 s 63 are each amended to read as follows:

(1) For purposes of this chapter and RCW 28A.525.166, 28B.76.210, 28C.18.080, 43.21A.350, 47.06.030, and 90.58.100 and an industrial project of statewide significance is a border crossing project that involves both private and public investments carried out in conjunction with adjacent states or provinces or a private industrial development with private capital investment in manufacturing or research and development. To qualify as an industrial project of statewide significance: (a) The project must be completed after January 1, 1997; (b) the applicant must submit an application for designation as an industrial project of statewide significance to the department of (~~community, trade, and economic development~~) commerce; and (c) the project must have:

(i) In counties with a population of less than or equal to twenty thousand, a capital investment of twenty million dollars;

(ii) In counties with a population of greater than twenty thousand but no more than fifty thousand, a capital investment of fifty million dollars;

(iii) In counties with a population of greater than fifty thousand but no more than one hundred thousand, a capital investment of one hundred million dollars;

(iv) In counties with a population of greater than one hundred thousand but no more than two hundred thousand, a capital investment of two hundred million dollars;

(v) In counties with a population of greater than two hundred thousand but no more than four hundred thousand, a capital investment of four hundred million dollars;

(vi) In counties with a population of greater than four hundred thousand but no more than one million, a capital investment of six hundred million dollars;

(vii) In counties with a population of greater than one million, a capital investment of one billion dollars;

(viii) In counties with fewer than one hundred persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of fifty or greater;

(ix) In counties with one hundred or more persons per square mile as determined annually by the office of financial management and published by the department of revenue effective for the period July 1st through June 30th, projected full-time employment positions after completion of construction of one hundred or greater; or

(x) Been designated by the director of community, trade, and economic development as an industrial project of statewide significance either: (A) Because the county in which the project is to be located is a distressed county and the economic circumstances of the county merit the additional assistance such designation will bring; or (B) because the impact on a region due to the size and complexity of the project merits such designation.

(2) The term manufacturing shall have the meaning assigned it in RCW 82.61.010.

(3) The term research and development shall have the meaning assigned it in RCW 82.61.010.

(4) The term applicant means a person applying to the department of ~~((community, trade, and economic development))~~ commerce for designation of a development project as an industrial project of statewide significance.

Sec. 35. RCW 43.160.020 and 2008 c 327 s 2 and 2008 c 131 s 1 are each reenacted and amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Board" means the community economic revitalization board.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Local government" or "political subdivision" means any port district, county, city, town, special purpose district, and any other municipal corporations or quasi-municipal corporations in the state providing for public facilities under this chapter.

(4) "Public facilities" means a project of a local government or a federally recognized Indian tribe for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of bridges, roads, domestic and industrial water, earth stabilization, sanitary sewer, storm sewer, railroad, electricity, telecommunications, transportation, natural gas, buildings or structures, and port facilities, all for the purpose of job creation, job retention, or job expansion.

(5) "Rural county" means a county with a population density of fewer than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles, as determined by the office of financial management and published each year by the department for the period July 1st to June 30th.

Sec. 36. RCW 43.168.020 and 2008 c 131 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of ~~((community, trade, and economic development))~~ commerce.

(3) "Distressed area" means: (a) A rural county; (b) a county which has an unemployment rate which is twenty percent above the state average for the immediately previous three years; (c) a county that has a median household income that is less than seventy-five percent of the state median household income for the previous three years; (d) a metropolitan statistical area, as defined by the office of federal statistical policy and standards, United States department of commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application is filed under this chapter exceeds the average state unemployment for such calendar year by twenty percent; or (e) an area within a county, which area: (i) Is composed of contiguous census tracts; (ii) has a minimum population of five thousand persons; (iii) has at least seventy percent of its families and unrelated individuals with incomes below eighty percent of the county's median income for families and unrelated individuals; and (iv) has an unemployment rate which is at least forty percent higher than the county's unemployment rate. For purposes of this definition, "families and unrelated individuals" has the same meaning that is ascribed to that term by the federal department of housing and urban development in its regulations authorizing action grants for economic development and neighborhood revitalization projects.

(4) "Fund" means the rural Washington loan fund.

(5) "Local development organization" means a nonprofit organization which is organized to operate within an area, demonstrates a commitment to a long-standing effort for an economic development program, and makes a demonstrable effort to assist in the employment of unemployed or underemployed residents in an area.

(6) "Project" means the establishment of a new or expanded business in an area which when completed will provide employment opportunities. "Project" also means the retention of an existing business in an area which when completed will provide employment opportunities.

(7) "Rural county" has the same meaning as provided in RCW 82.14.370.

Sec. 37. RCW 43.185.020 and 1995 c 399 s 101 are each amended to read as follows:

"Department" means the department of ~~((community, trade, and economic development))~~ commerce. "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

Sec. 38. RCW 43.185A.010 and 2008 c 6 s 301 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing for rental occupancy which, as long as the same is occupied by low-income households, requires payment of monthly housing costs, including utilities other than telephone, of no more than thirty percent of the family's income. The department shall adopt policies for residential homeownership housing, occupied by low-income households, which specify the percentage of family income that may be spent on monthly housing costs, including utilities other than telephone, to qualify as affordable housing.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(4) "First-time home buyer" means an individual or his or her spouse or domestic partner who have not owned a home during the three-year period prior to purchase of a home.

(5) "Low-income household" means a single person, family or unrelated persons living together whose adjusted income is less than eighty percent of the median family income, adjusted for household size, for the county where the project is located.

Sec. 39. RCW 43.185B.010 and 1995 c 399 s 104 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affordable housing" means residential housing that is rented or owned by a person or household whose monthly housing costs, including utilities other than telephone, do not exceed thirty percent of the household's monthly income.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of ~~((community, trade, and economic development))~~ commerce.

(4) "Nonprofit organization" means any public or private nonprofit organization that: (a) Is organized under federal, state, or local laws; (b) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual; and (c) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income, low-income, or moderate-income households and special needs populations.

(5) "Regulatory barriers to affordable housing" and "regulatory barriers" mean any public policies (including those embodied in statutes, ordinances, regulations, or administrative procedures or processes) required to be identified by the state or local government in connection with its strategy under section 105(b)(4) of the Cranston-Gonzalez national affordable housing act (42 U.S.C. 12701 et seq.).

(6) "Tenant-based organization" means a nonprofit organization whose governing body includes a majority of members who reside in the housing development and are considered low-income households.

Sec. 40. RCW 43.185C.010 and 2007 c 427 s 3 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Homeless person" means an individual living outside or in a building not meant for human habitation or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This definition includes substance abusers, people with mental illness, and sex offenders who are homeless.

(4) "Washington homeless census" means an annual statewide census conducted as a collaborative effort by towns, cities, counties, community-based organizations, and state agencies, with the technical support and coordination of the department, to count and collect data on all homeless individuals in Washington.

(5) "Home security fund account" means the state treasury account receiving the state's portion of income from revenue from the sources established by RCW 36.22.179, RCW 36.22.1791, and all other sources directed to the homeless housing and assistance program.

(6) "Homeless housing grant program" means the vehicle by which competitive grants are awarded by the department, utilizing moneys from the ~~((homeless housing))~~ home security fund account, to local governments for programs directly related to housing homeless individuals and families, addressing the root causes of homelessness, preventing homelessness, collecting data on homeless individuals, and other efforts directly related to housing homeless persons.

(7) "Local government" means a county government in the state of Washington or a city government, if the legislative authority of the city affirmatively elects to accept the responsibility for housing homeless persons within its borders.

(8) "Housing continuum" means the progression of individuals along a housing-focused continuum with homelessness at one end and homeownership at the other.

(9) "Local homeless housing task force" means a voluntary local committee created to advise a local government on the creation of a local homeless housing plan and participate in a local homeless housing program. It must include a representative of the county, a

representative of the largest city located within the county, at least one homeless or formerly homeless person, such other members as may be required to maintain eligibility for federal funding related to housing programs and services and if feasible, a representative of a private nonprofit organization with experience in low-income housing.

(10) "Long-term private or public housing" means subsidized and unsubsidized rental or owner-occupied housing in which there is no established time limit for habitation of less than two years.

(11) "Interagency council on homelessness" means a committee appointed by the governor and consisting of, at least, policy level representatives of the following entities: (a) The department of ~~((community, trade, and economic development))~~ commerce; (b) the department of corrections; (c) the department of social and health services; (d) the department of veterans affairs; and (e) the department of health.

(12) "Performance measurement" means the process of comparing specific measures of success against ultimate and interim goals.

(13) "Community action agency" means a nonprofit private or public organization established under the economic opportunity act of 1964.

(14) "Housing authority" means any of the public corporations created by chapter 35.82 RCW.

(15) "Homeless housing program" means the program authorized under this chapter as administered by the department at the state level and by the local government or its designated subcontractor at the local level.

(16) "Homeless housing plan" means the ten-year plan developed by the county or other local government to address housing for homeless persons.

(17) "Homeless housing strategic plan" means the ten-year plan developed by the department, in consultation with the interagency council on homelessness and the affordable housing advisory board.

(18) "Washington homeless client management information system" means a database of information about homeless individuals in the state used to coordinate resources to assist homeless clients to obtain and retain housing and reach greater levels of self-sufficiency or economic independence when appropriate, depending upon their individual situations.

Sec. 41. RCW 43.325.010 and 2007 c 348 s 301 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Applicant" means any political subdivision of the state, including port districts, counties, cities, towns, special purpose districts, and other municipal corporations or quasi-municipal corporations. "Applicant" may also include federally recognized tribes and state institutions of higher education with appropriate research capabilities.

(2) "Alternative fuel" means all products or energy sources used to propel motor vehicles, other than conventional gasoline, diesel, or reformulated gasoline. "Alternative fuel" includes, but is not limited to, cellulose, liquefied petroleum gas, liquefied natural gas, compressed natural gas, biofuels, biodiesel fuel, E85 motor fuel, fuels containing seventy percent or more by volume of alcohol fuel, fuels that are derived from biomass, hydrogen fuel, anhydrous ammonia fuel, nonhazardous motor fuel, or electricity, excluding onboard electric generation.

(3) "Assistance" includes loans, leases, product purchases, or other forms of financial or technical assistance.

(4) "Biofuel" includes, but is not limited to, biodiesel, ethanol, and ethanol blend fuels and renewable liquid natural gas or liquid compressed natural gas made from biogas.

(5) "Biogas" includes waste gases derived from landfills and wastewater treatment plants and dairy and farm wastes.

(6) "Cellulose" means lignocellulosic, hemicellulosic, or other cellulosic matter that is available on a renewable or recurring basis, including dedicated energy crops and trees, wood and wood residues, plants, grasses, agricultural residues, fibers, animal wastes and other waste materials, and municipal solid waste.

(7) "Coordinator" means the person appointed by the director of the department of ~~((community, trade, and economic development))~~ commerce.

(8) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(9) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(10) "Green highway zone" means an area in the state designated by the department that is within reasonable proximity of state route number 5, state route number 90, and state route number 82.

(11) "Peer review committee" means a board, appointed by the director, that includes bioenergy specialists, energy conservation specialists, scientists, and individuals with specific recognized expertise.

(12) "Project" means the construction of facilities, including the purchase of equipment, to convert farm products or wastes into electricity or gaseous or liquid fuels or other coproducts associated with such conversion. These specifically include fixed or mobile facilities to generate electricity or methane from the anaerobic digestion of organic matter, and fixed or mobile facilities for extracting oils from canola, rape, mustard, and other oilseeds. "Project" may also include the construction of facilities associated with such conversion for the distribution and storage of such feedstocks and fuels.

(13) "Refueling project" means the construction of new alternative fuel refueling facilities, as well as upgrades and expansion of existing refueling facilities, that will enable these facilities to offer alternative fuels to the public.

(14) "Research and development project" means research and development, by an institution of higher education as defined in subsection (1) of this section, relating to:

(a) Bioenergy sources including but not limited to biomass and associated gases; or

(b) The development of markets for bioenergy coproducts.

Sec. 42. RCW 43.336.010 and 2007 c 228 s 101 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the Washington tourism commission.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department.

(4) "Executive director" means the executive director of the commission.

Sec. 43. RCW 43.338.010 and 2008 c 315 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Costs of extension services" and "extension service costs" mean the direct costs experienced under a contract with a qualified manufacturing extension partnership affiliate for modernization extension services, including but not limited to amounts in the contract for costs of consulting, instruction, materials, equipment, rental of class space, marketing, and overhead.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Innovation and modernization extension voucher" and "voucher" mean an instrument issued to a successful applicant from the department, verifying that funds from the manufacturing innovation and modernization account will be forwarded to the qualified manufacturing extension partnership affiliate selected by the participant and will cover identified costs of extension services.

(5) "Innovation and modernization extension services" and "service" mean a service funded under this chapter and performed by a qualified manufacturing extension partnership affiliate. The services may include but are not limited to strategic planning, continuous improvement, business development, six sigma, quality improvement, environmental health and safety, lean processes, energy management, innovation and product development, human

resources and training, supply chain management, and project management.

(6) "Outreach services" means those activities performed by an affiliate to either assess the technical assistance needs of Washington manufacturers or increase manufacturers' awareness of the opportunities and benefits of implementing cutting edge technology, techniques, and best practices. "Outreach services" includes but is not limited to salaries of outreach staff, needs assessments, client follow-up, public educational events, manufacturing orientated trade shows, electronic communications, newsletters, advertising, direct mail efforts, and contacting business organizations for names of manufacturers who might need assistance.

(7) "Program" means the Washington manufacturing innovation and modernization extension service program created in RCW 43.338.020.

(8) "Program participant" and "participant" mean an applicant for assistance under the program that has received a voucher or a small manufacturer receiving services through an industry association or cluster association that has received a voucher.

(9) "Qualified manufacturing extension partnership affiliate" and "affiliate" mean a private nonprofit organization established under RCW 24.50.010 or other organization that is eligible or certified to receive federal matching funds from the national institute of standards and technology manufacturing extension partnership program of the United States department of commerce.

(10) "Small manufacturer" means a private employer whose primary business is adding value to a product through a manufacturing process and employs one hundred or fewer employees within Washington state.

Sec. 44. RCW 43.360.010 and 2005 c 514 s 908 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Area" means a geographic area within a local government that is described by a closed perimeter boundary.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(4) "Local government" means a city, code city, or town.

(5) "Qualified levels of participation" means a local downtown or neighborhood commercial district revitalization program that has been designated by the department.

Sec. 45. RCW 43.362.010 and 2007 c 482 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Nongovernmental entities" includes nonprofit or membership organizations with experience or expertise in transferring development rights.

(3) "Transfer of development rights" includes methods for protecting land from development by voluntarily removing the development rights from a sending area and transferring them to a receiving area for the purpose of increasing development density in the receiving area.

Sec. 46. RCW 43.365.010 and 2006 c 247 s 2 are each amended to read as follows:

The following definitions apply to this chapter, unless the context clearly requires otherwise.

(1) "Approved motion picture competitiveness program" means a nonprofit organization under the internal revenue code, section 501(c)(6), with the sole purpose of revitalizing the state's economic, cultural, and educational standing in the national and international market of motion picture production by recommending and awarding financial assistance for costs associated with motion pictures in the state of Washington.

(2) "Contribution" means cash contributions.

(3) "Costs" means actual expenses of production and postproduction expended in Washington state for the production of motion pictures, including but not limited to payments made for salaries, wages, and health insurance and retirement benefits, the

rental costs of machinery and equipment and the purchase of services, food, property, lodging, and permits for work conducted in Washington state.

(4) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Motion picture" means a recorded audio-visual production intended for distribution to theaters, DVD, video, or the internet, or television, or one or more episodes of a single television series, television pilots or presentations, or a commercial. "Motion picture" does not mean production of a television commercial of an amount less than two hundred fifty thousand dollars in actual total investment or one or more segments of a newscast or sporting event.

(6) "Funding assistance" means cash expenditures from an approved motion picture competitiveness program.

(7) "Person" has the same meaning as provided in RCW 82.04.030.

Sec. 47. RCW 59.21.010 and 2002 c 257 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Director" means the director of the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Fund" means the mobile home park relocation fund established under RCW 59.21.050.

(4) "Mobile home park" or "park" means real property that is rented or held out for rent to others for the placement of two or more mobile homes for the primary purpose of production of income, except where the real property is rented or held out for rent for seasonal recreational purpose only and is not intended for year-round occupancy.

(5) "Landlord" or "park-owner" means the owner of the mobile home park that is being closed at the time relocation assistance is provided.

(6) "Relocate" means to remove the mobile home from the mobile home park being closed and to either reinstall it in another location or to demolish it and purchase another mobile/manufactured home constructed to the standards set by the department of housing and urban development.

(7) "Relocation assistance" means the monetary assistance provided under this chapter.

Sec. 48. RCW 59.22.020 and 1995 c 399 s 155 are each amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Account" means the ~~((mobile home affairs))~~ manufactured housing account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(4) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(5) "Fee" means the mobile home title transfer fee imposed under RCW 59.22.080.

(6) "Fund" or "park purchase account" means the mobile home park purchase account created pursuant to RCW 59.22.030.

(7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(9) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/manufactured home which is used as their primary residence.

(10) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(11) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030~~((4))~~ (10), or a manufactured home park subdivision as defined by RCW 59.20.030~~((6))~~ (12) created by the conversion to resident ownership of a mobile home park.

(12) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(13) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(14) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(15) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

(16) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

(17) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

Sec. 49. RCW 70.103.020 and 2003 c 322 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards.

(a) Abatement includes, but is not limited to:

(i) The removal of paint and dust, the permanent enclosure or encapsulation of lead-based paint, the replacement of painted surfaces or fixtures, or the removal or permanent covering of soil, when lead-based paint hazards are present in such paint, dust, or soil; and

(ii) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(b) Specifically, abatement includes, but is not limited to:

(i) Projects for which there is a written contract or other documentation, which provides that an individual or firm will be conducting activities in or to a residential dwelling or child-occupied facility that:

(A) Shall result in the permanent elimination of lead-based paint hazards; or

(B) Are designed to permanently eliminate lead-based paint hazards and are described in (a)(i) and (ii) of this subsection;

(ii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by certified firms or individuals, unless such projects are covered by (c) of this subsection;

(iii) Projects resulting in the permanent elimination of lead-based paint hazards, conducted by firms or individuals who, through

their company name or promotional literature, represent, advertise, or hold themselves out to be in the business of performing lead-based paint activities as identified and defined by this section, unless such projects are covered by (c) of this subsection; or

(iv) Projects resulting in the permanent elimination of lead-based paint hazards, that are conducted in response to state or local abatement orders.

(c) Abatement does not include renovation, remodeling, landscaping, or other activities, when such activities are not designed to permanently eliminate lead-based paint hazards, but, instead, are designed to repair, restore, or remodel a given structure or dwelling, even though these activities may incidentally result in a reduction or elimination of lead-based paint hazards. Furthermore, abatement does not include interim controls, operations and maintenance activities, or other measures and activities designed to temporarily, but not permanently, reduce lead-based paint hazards.

(2) "Accredited training program" means a training program that has been accredited by the department to provide training for individuals engaged in lead-based paint activities.

(3) "Certified inspector" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct inspections.

(4) "Certified abatement worker" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to perform abatements.

(5) "Certified firm" includes a company, partnership, corporation, sole proprietorship, association, agency, or other business entity that meets all the qualifications established by the department and performs lead-based paint activities to which the department has issued a certificate.

(6) "Certified project designer" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to prepare abatement project designs, occupant protection plans, and abatement reports.

(7) "Certified risk assessor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to conduct risk assessments and sample for the presence of lead in dust and soil for the purposes of abatement clearance testing.

(8) "Certified supervisor" means an individual who has been trained by an accredited training program, meets all the qualifications established by the department, and is certified by the department to supervise and conduct abatements, and to prepare occupant protection plans and abatement reports.

(9) "Department" means the Washington state department of ~~((community, trade, and economic development))~~ commerce.

(10) "Director" means the director of the Washington state department of ~~((community, trade, and economic development))~~ commerce.

(11) "Federal laws and rules" means:

(a) Title IV, toxic substances control act (15 U.S.C. Sec. 2681 et seq.) and the rules adopted by the United States environmental protection agency under that law for authorization of state programs;

(b) Any regulations or requirements adopted by the United States department of housing and urban development regarding eligibility for grants to states and local governments; and

(c) Any other requirements adopted by a federal agency with jurisdiction over lead-based paint hazards.

(12) "Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

(13) "Lead-based paint activity" includes inspection, testing, risk assessment, lead-based paint hazard reduction project design or planning, or abatement of lead-based paint hazards.

(14) "Lead-based paint hazard" means any condition that causes exposure to lead from lead-contaminated dust, lead-contaminated soil, or lead-contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as identified by the

administrator of the United States environmental protection agency under the toxic substances control act, section 403.

(15) "State program" means a state administered lead-based paint activities certification and training program that meets the federal environmental protection agency requirements.

(16) "Person" includes an individual, corporation, firm, partnership, or association, an Indian tribe, state, or political subdivision of a state, and a state department or agency.

(17) "Risk assessment" means:

(a) An on-site investigation to determine the existence, nature, severity, and location of lead-based paint hazards; and

(b) The provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

Sec. 50. RCW 70.125.030 and 2000 c 54 s 1 are each amended to read as follows:

As used in this chapter and unless the context indicates otherwise:

(1) "Core services" means treatment services for victims of sexual assault including information and referral, crisis intervention, medical advocacy, legal advocacy, support, system coordination, and prevention for potential victims of sexual assault.

(2) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(3) "Law enforcement agencies" means police and sheriff's departments of this state.

(4) "Personal representative" means a friend, relative, attorney, or employee or volunteer from a community sexual assault program or specialized treatment service provider.

(5) "Rape crisis center" means a community-based social service agency which provides services to victims of sexual assault.

(6) "Community sexual assault program" means a community-based social service agency that is qualified to provide and provides core services to victims of sexual assault.

(7) "Sexual assault" means one or more of the following:

(a) Rape or rape of a child;

(b) Assault with intent to commit rape or rape of a child;

(c) Incest or indecent liberties;

(d) Child molestation;

(e) Sexual misconduct with a minor;

(f) Custodial sexual misconduct;

(g) Crimes with a sexual motivation; or

(h) An attempt to commit any of the aforementioned offenses.

(8) "Specialized services" means treatment services for victims of sexual assault including support groups, therapy, and specialized sexual assault medical examination.

(9) "Victim" means any person who suffers physical and/or mental anguish as a proximate result of a sexual assault.

Sec. 51. RCW 70.164.020 and 1995 c 399 s 199 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Department" means the department of ~~((community, trade, and economic development))~~ commerce.

(2) "Energy assessment" means an analysis of a dwelling unit to determine the need for cost-effective energy conservation measures as determined by the department.

(3) "Household" means an individual or group of individuals living in a dwelling unit as defined by the department.

(4) "Low income" means household income that is at or below one hundred twenty-five percent of the federally established poverty level.

(5) "Nonutility sponsor" means any sponsor other than a public service company, municipality, public utility district, mutual or cooperative, furnishing gas or electricity used to heat low-income residences.

(6) "Residence" means a dwelling unit as defined by the department.

(7) "Sponsor" means any entity that submits a proposal under RCW 70.164.040, including but not limited to any local community action agency, community service agency, or any other participating agency or any public service company, municipality, public utility

district, mutual or cooperative, or any combination of such entities that jointly submits a proposal.

(8) "Sponsor match" means the share, if any, of the cost of weatherization to be paid by the sponsor.

(9) "Weatherization" means materials or measures, and their installation, that are used to improve the thermal efficiency of a residence.

(10) "Weatherizing agency" means any approved department grantee or any public service company, municipality, public utility district, mutual or cooperative, or other entity that bears the responsibility for ensuring the performance of weatherization of residences under this chapter and has been approved by the department.

Sec. 52. RCW 70.190.010 and 1996 c 132 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Administrative costs" means the costs associated with procurement; payroll processing; personnel functions; management; maintenance and operation of space and property; data processing and computer services; accounting; budgeting; auditing; indirect costs; and organizational planning, consultation, coordination, and training.

(2) "Assessment" has the same meaning as provided in RCW 43.70.010.

(3) "At-risk" children are children who engage in or are victims of at-risk behaviors.

(4) "At-risk behaviors" means violent delinquent acts, teen substance abuse, teen pregnancy and male parentage, teen suicide attempts, dropping out of school, child abuse or neglect, and domestic violence.

(5) "Community public health and safety networks" or "networks" means the organizations authorized under RCW 70.190.060.

(6) "Comprehensive plan" means a two-year plan that examines available resources and unmet needs for a county or multicounty area, barriers that limit the effective use of resources, and a plan to address these issues that is broadly supported by local residents.

(7) "Participating state agencies" means the office of the superintendent of public instruction, the department of social and health services, the department of health, the employment security department, the department of ~~((community, trade, and economic development))~~ commerce, and such other departments as may be specifically designated by the governor.

(8) "Family policy council" or "council" means the superintendent of public instruction, the secretary of social and health services, the secretary of health, the commissioner of the employment security department, and the director of the department of ~~((community, trade, and economic development))~~ commerce or their designees, one legislator from each caucus of the senate and house of representatives, and one representative of the governor.

(9) "Fiduciary interest" means (a) the right to compensation from a health, educational, social service, or justice system organization that receives public funds, or (b) budgetary or policy-making authority for an organization listed in (a) of this subsection. A person who acts solely in an advisory capacity and receives no compensation from a health, educational, social service, or justice system organization, and who has no budgetary or policy-making authority is deemed to have no fiduciary interest in the organization.

(10) "Outcome" or "outcome based" means defined and measurable outcomes used to evaluate progress in reducing the rate of at-risk children and youth through reducing risk factors and increasing protective factors.

(11) "Matching funds" means an amount no less than twenty-five percent of the amount budgeted for a network. The network's matching funds may be in-kind goods and services. Funding sources allowable for match include appropriate federal or local levy funds, private charitable funding, and other charitable giving. Basic education funds shall not be used as a match. State general funds shall not be used as a match for violence reduction and drug enforcement account funds created under RCW 69.50.520.

(12) "Policy development" has the same meaning as provided in RCW 43.70.010.

(13) "Protective factors" means those factors determined by the department of health to be empirically associated with behaviors that contribute to socially acceptable and healthy nonviolent behaviors. Protective factors include promulgation, identification, and acceptance of community norms regarding appropriate behaviors in the area of delinquency, early sexual activity, alcohol and substance abuse, educational opportunities, employment opportunities, and absence of crime.

(14) "Risk factors" means those factors determined by the department of health to be empirically associated with at-risk behaviors that contribute to violence.

Sec. 53. RCW 80.36.005 and 2003 c 134 s 1 are each amended to read as follows:

The definitions in this section apply throughout RCW 80.36.410 through 80.36.475, unless the context clearly requires otherwise.

(1) "Community agency" means local community agencies that administer community service voice mail programs.

(2) "Community service voice mail" means a computerized voice mail system that provides low-income recipients with: (a) An individually assigned telephone number; (b) the ability to record a personal greeting; and (c) a private security code to retrieve messages.

(3) "Department" means the department of social and health services.

(4) "Service year" means the period between July 1st and June 30th.

(5) "Community action agency" means local community action agencies or local community service agencies designated by the department of ~~((community, trade, and economic development))~~ commerce under chapter 43.63A RCW.

Sec. 54. RCW 80.80.010 and 2007 c 307 s 2 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the Washington state office of the attorney general.

(2) "Auditor" means: (a) The Washington state auditor's office or its designee for consumer-owned utilities under its jurisdiction; or (b) an independent auditor selected by a consumer-owned utility that is not under the jurisdiction of the state auditor.

(3) "Average available greenhouse ~~((gases [gas]))~~ gas emissions output" means the level of greenhouse ~~((gases [gas]))~~ gas emissions as surveyed and determined by the energy policy division of the department of ~~((community, trade, and economic development))~~ commerce under RCW 80.80.050.

(4) "Baseload electric generation" means electric generation from a power plant that is designed and intended to provide electricity at an annualized plant capacity factor of at least sixty percent.

(5) "Cogeneration facility" means a power plant in which the heat or steam is also used for industrial or commercial heating or cooling purposes and that meets federal energy regulatory commission standards for qualifying facilities under the public utility regulatory policies act of 1978 (16 U.S.C. Sec. 824a-3), as amended:

(6) "Combined-cycle natural gas thermal electric generation facility" means a power plant that employs a combination of one or more gas turbines and steam turbines in which electricity is produced in the steam turbine from otherwise lost waste heat exiting from one or more of the gas turbines.

(7) "Commission" means the Washington utilities and transportation commission.

(8) "Consumer-owned utility" means a municipal utility formed under Title 35 RCW, a public utility district formed under Title 54 RCW, an irrigation district formed under chapter 87.03 RCW, a cooperative formed under chapter 23.86 RCW, a mutual corporation or association formed under chapter 24.06 RCW, or port district within which an industrial district has been established as authorized by Title 53 RCW, that is engaged in the business of distributing electricity to more than one retail electric customer in the state.

(9) "Department" means the department of ecology.

(10) "Distributed generation" means electric generation connected to the distribution level of the transmission and

distribution grid, which is usually located at or near the intended place of use.

(11) "Electric utility" means an electrical company or a consumer-owned utility.

(12) "Electrical company" means a company owned by investors that meets the definition of RCW 80.04.010.

(13) "Governing board" means the board of directors or legislative authority of a consumer-owned utility.

(14) "Greenhouse gases" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(15) "Long-term financial commitment" means:

(a) Either a new ownership interest in baseload electric generation or an upgrade to a baseload electric generation facility; or

(b) A new or renewed contract for baseload electric generation with a term of five or more years for the provision of retail power or wholesale power to end-use customers in this state.

(16) "Plant capacity factor" means the ratio of the electricity produced during a given time period, measured in kilowatt-hours, to the electricity the unit could have produced if it had been operated at its rated capacity during that period, expressed in kilowatt-hours.

(17) "Power plant" means a facility for the generation of electricity that is permitted as a single plant by the energy facility site evaluation council or a local jurisdiction.

(18) "Upgrade" means any modification made for the primary purpose of increasing the electric generation capacity of a baseload electric generation facility. "Upgrade" does not include routine or necessary maintenance, installation of emission control equipment, installation, replacement, or modification of equipment that improves the heat rate of the facility, or installation, replacement, or modification of equipment for the primary purpose of maintaining reliable generation output capability that does not increase the heat input or fuel usage as specified in existing generation air quality permits as of July 22, 2007, but may result in incidental increases in generation capacity.

Sec. 55. RCW 82.73.010 and 2005 c 514 s 902 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Applicant" means a person applying for a tax credit under this chapter.

(2) "Contribution" means cash contributions.

(3) "Department" means the department of revenue.

(4) "Person" has the meaning given in RCW 82.04.030.

(5) "Program" means a nonprofit organization under internal revenue code sections 501(c)(3) or 501(c)(6), with the sole mission of revitalizing a downtown or neighborhood commercial district area, that is designated by the department of ~~((community, trade, and economic development))~~ commerce as described in RCW 43.360.010 through 43.360.050.

(6) "Main street trust fund" means the department of ~~((community, trade, and economic development's))~~ commerce's main street trust fund account under RCW 43.360.050.

NEW SECTION. Sec. 56. RCW 43.330.005 and 43.330.904 are decodified.

NEW SECTION. Sec. 57. (1) Section 16 of this act expires July 1, 2015.

(2) Section 41 of this act expires June 30, 2016.

NEW SECTION. Sec. 58. The code reviser shall note wherever director or department of community, trade, and economic development is used or referred to in statute that the name of the department has changed. The code reviser shall prepare legislation for the 2010 regular session that changes all statutory references to director or department of community, trade, and economic development to director or department of commerce."

On page 1, line 1 of the title, after "commerce;" strike the remainder of the title and insert "amending RCW 43.330.007, 43.330.010, 43.330.020, 43.330.092, 43.330.094, 43.330.125, 43.330.135, 43.330.167, 43.330.170, 43.330.210, 43.330.240, 43.330.250, 43.330.280, 43.330.290, 43.330.300, 43.330.900, 19.260.020, 19.280.020, 19.285.030, 35.105.010, 36.70A.030, 39.86.110, 43.17.010, 43.17.020, 43.21F.025, 43.31.455, 43.31.522, 43.31.800, 43.31C.010, 43.105.020, 43.155.020, 43.157.010,

43.168.020, 43.185.020, 43.185A.010, 43.185B.010, 43.185C.010, 43.325.010, 43.336.010, 43.338.010, 43.360.010, 43.362.010, 43.365.010, 59.21.010, 59.22.020, 70.103.020, 70.125.030, 70.164.020, 70.190.010, 80.36.005, 80.80.010, and 82.73.010; reenacting and amending RCW 42.17.2401 and 43.160.020; adding a new section to chapter 43.330 RCW; creating a new section; decodifying RCW 43.330.005 and 43.330.904; and providing expiration dates."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2242 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Kenney and Smith spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2242, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2242, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; Nays, 1; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representative Carlyle.

Excused: Representatives Armstrong, Hasegawa, Kirby and Short.

ENGROSSED HOUSE BILL NO. 2242, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

SENATE BILL NO. 5359,
SENATE BILL NO. 5525,
SUBSTITUTE SENATE BILL NO. 5734,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,
ENGROSSED SENATE BILL NO. 5894,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6108,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1244, by Representatives Linville, Alexander and Ericks

Making 2009-2011 operating appropriations. Revised for 1st Substitute: Making operating appropriations for fiscal years 2007-2009 and 2009-2011.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1244 was substituted for House Bill No. 1244 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1244 was read the second time.

With the consent of the House, amendments (586), (819), (669), (804), (805), (868), (901), (906), (846), (899) and (908) were withdrawn.

Format change to accommodate text.

Representative Linville moved the adoption of amendment
(895):

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A budget is hereby adopted and, subject to the provisions set forth in the following sections, the several amounts specified in parts I through IX of this act, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for salaries, wages, and other expenses of the agencies and offices of the state and for other specified purposes for the fiscal biennium beginning July 1, 2009, and ending June 30, 2011, except as otherwise provided, out of the several funds of the state hereinafter named.

(2) Unless the context clearly requires otherwise, the definitions in this section apply throughout this act.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "FTE" means full time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose which is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART I
GENERAL GOVERNMENT**

NEW SECTION. Sec. 101. FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2010)	\$33,500,000
General Fund--State Appropriation (FY 2011)	\$33,379,000
TOTAL APPROPRIATION	\$66,879,000

NEW SECTION. Sec. 102. FOR THE SENATE

General Fund--State Appropriation (FY 2010)	\$24,957,000
General Fund--State Appropriation (FY 2011)	\$27,182,000
TOTAL APPROPRIATION	\$52,139,000

NEW SECTION. Sec. 103. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

General Fund--State Appropriation (FY 2010)	\$2,874,000
General Fund--State Appropriation (FY 2011)	\$2,884,000
TOTAL APPROPRIATION	\$5,758,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Notwithstanding the provisions of this section, the joint legislative audit and review committee may adjust the due dates for projects included on the committee's 2009-11 work plan as necessary to efficiently manage workload.

(2) Within the amounts appropriated in this section, the committee shall conduct a review of the effect of risk management practices on tort payouts. This review shall include an analysis of the state's laws, policies, procedures, and practices as they relate to the conduct of post-incident reviews and the impact of such reviews on the state's conduct and liability.

(3) Within the amounts appropriated in this section, the committee shall conduct a review of the state's workplace safety and health program. The review shall examine workplace safety inspection, enforcement, training, and outreach efforts compared to other states and federal programs; analyze workplace injury and illness rates and trends in Washington; identify factors that may influence workplace safety and health; and identify practices that may improve workplace safety and health and/or impact insurance costs.

(4) Within the amounts appropriated in this section, the committee shall prepare an evaluation of the implementation of legislation designed to improve communication, collaboration, and expedited medicaid attainment with regard to persons released from confinement who have mental health or chemical dependency disorders. The review shall evaluate the implementation of: (a) Chapter 166, Laws of 2004 (E2SSB 6358); (b) sections 507 and 508 of chapter 504, Laws of 2005 (E2SSB 5763); (c) sections 12 and 13 of chapter 503, Laws of 2005 (E2SHB 1290); and (d) section 8 of chapter 359, Laws of 2007 (2SHB 1088). The departments of corrections and social and health services, the administrative office of the courts, institutions for mental disease, city and county jails, city and county courts, county clerks, and mental health and chemical dependency treatment providers shall provide the committee with information necessary for the study.

(5) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a review of the state's recreational boating programs. This review shall include examination of the following:

(a) Revenue sources for state recreational boating programs;

(b) Expenditures for state boating programs;

(c) Methods of administrating state recreational boating programs, including the roles of both state and local government entities; and

(d) Approaches other states have taken to funding and administering their recreational boating programs.

The committee shall complete the review by October 31, 2010.

(6) Within amounts appropriated in this section, the joint legislative audit and review committee shall implement Engrossed Substitute House Bill No. 2338 (growth management hearings boards).

(7) Within the amount appropriated in this section, the joint legislative audit and review committee shall examine the operations of employment and day services as provided by the department of social and health services, division of developmental disabilities and administered by the counties. The examination shall include a thorough review of the contracts for all services including, but not limited to, employment services, day services, child development services and other uses of state dollars for county administration of services to the developmentally disabled. In its final report, due to the legislature by September 1, 2010, the joint legislative audit and review committee shall provide: A description of how funds are used and the rates paid to vendors, and a recommendation on best practices the agency may use for the development of a consistent, outcome-based contract for services provided under contract with the counties.

(8) Within the amount appropriated in this section, the joint legislative audit and review committee shall conduct a study of the relationship between the cost of school districts and their enrollment size. The study shall be completed by June 2010 and shall include:

(a) An analysis of how categories of costs vary related to size, including but not limited to facility costs, transportation costs, educational costs, and administrative costs;

(b) A review of other factors that may impact costs, such as revenues available from local levies and other sources, geographic dispersion, demographics, level of services received from educational service districts, and whether districts operate a high school;

- (c) Case studies on the change in cost patterns occurring after school district consolidations and for school districts operating under state oversight condition specified in RCW 28A.505.110; and
- (d) A review of available research on nonfinancial benefits and impacts associated with school and school district size.

NEW SECTION. Sec. 104. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

General Fund--State Appropriation (FY 2010)	\$1,748,000
General Fund--State Appropriation (FY 2011)	\$1,927,000
TOTAL APPROPRIATION	\$3,675,000

The appropriations in this section are subject to the following conditions and limitations: \$36,000 of the general fund--state appropriation for fiscal year 2010 and \$35,000 of the general fund-- state appropriation for fiscal year 2011 are for the implementation of Engrossed Senate Bill No. 6048 (state education system). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 105. FOR THE OFFICE OF THE STATE ACTUARY

General Fund--State Appropriation (FY 2010)	\$200,000
General Fund--State Appropriation (FY 2011)	\$25,000
Health Care Authority Administrative Account--State Appropriation	\$735,000
Department of Retirement Systems Expense Account--State Appropriation	\$3,309,000
TOTAL APPROPRIATION	\$4,269,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000 of the department of retirement systems--state appropriation is provided solely for the continued study of local government liabilities for postretirement medical benefits for members of plan 1 of the law enforcement officers' and firefighters' retirement system.
- (2) \$51,000 of the department of retirement systems expense account--state appropriation is provided solely for the state actuary to contract with the Washington state institute for public policy for a study of the disability benefits provided to the plan 2 and plan 3 members of the public employees' retirement system, the teachers' retirement system, and the school employees' retirement system. Among the options the institute shall examine include statutory changes to the retirement systems and insurance products. The institute shall report its findings and recommendations to the select committee on pension policy by November 1, 2009.
- (3) \$20,000 of the department of retirement systems--state appropriation is provided solely to assist the University of Washington medical center and Harborview medical center with the financial reporting of their postretirement benefits liabilities.
- (4) \$175,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the office of the state actuary to conduct an independent assessment of alternatives for assuring the long-term financial solvency of the guaranteed education tuition program including suspension of the program. In conducting this review, the office may contract for assistance, and shall consult with the higher education coordinating board, the operating budget committees of the legislature, the office of financial management, and the state's public colleges and universities. The office shall report findings, an assessment of the major alternatives, and suggested actions to the governor and to the relevant legislative committees by November 15, 2009.
- (5) \$735,000 of the health care authority administrative account-- state appropriation is provided solely for the state actuary to conduct a study, directly or by contract, of the cost of providing health benefits for public employees. The study shall conduct a comparison of the actuarial value of health benefits provided to employees of Washington state retirement systems--participating employers, and the cost of those benefits to employees and employers. All state retirement system participating employers shall provide data requested by the state actuary to conduct the study, including the ages and genders of covered employees and dependents, counts of covered employees by medical conditions, eligibility criteria, plan design, and costs to employers and employees by employee tier. By December 15, 2010, the state actuary shall report the findings of the study to the governor and the fiscal committees of the legislature.

NEW SECTION. Sec. 106. FOR THE JOINT LEGISLATIVE SYSTEMS COMMITTEE

General Fund--State Appropriation (FY 2010)	\$8,651,000
General Fund--State Appropriation (FY 2011)	\$8,519,000
TOTAL APPROPRIATION	\$17,170,000

NEW SECTION. Sec. 107. FOR THE STATUTE LAW COMMITTEE

General Fund--State Appropriation (FY 2010)	\$4,610,000
General Fund--State Appropriation (FY 2011)	\$5,029,000
TOTAL APPROPRIATION	\$9,639,000

NEW SECTION. Sec. 108. FOR THE REDISTRICTING COMMISSION

General Fund--State Appropriation (FY 2011)	\$610,000
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NEW SECTION. Sec. 109. LEGISLATIVE AGENCIES. In order to achieve operating efficiencies within the financial resources available to the legislative branch, the executive rules committee of the house of representatives and the facilities and operations committee of the senate by joint action may transfer funds among the house of representatives, senate, joint legislative audit and review committee, legislative evaluation and accountability program committee, legislative transportation committee, office of the state actuary, joint legislative systems committee, statute law committee, and redistricting commission.

NEW SECTION. Sec. 110. FOR THE SUPREME COURT

General Fund--State Appropriation (FY 2010)	\$6,912,000
General Fund--State Appropriation (FY 2011)	\$6,948,000
TOTAL APPROPRIATION	\$13,860,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

NEW SECTION. Sec. 111. FOR THE LAW LIBRARY

General Fund--State Appropriation (FY 2010)	\$1,924,000
General Fund--State Appropriation (FY 2011)	\$1,922,000
TOTAL APPROPRIATION	\$3,846,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

NEW SECTION. Sec. 112. FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2010)	\$15,793,000
General Fund--State Appropriation (FY 2011)	\$15,895,000
TOTAL APPROPRIATION	\$31,688,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

NEW SECTION. Sec. 113. FOR THE COMMISSION ON JUDICIAL CONDUCT

General Fund--State Appropriation (FY 2010)	\$1,032,000
General Fund--State Appropriation (FY 2011)	\$1,082,000
TOTAL APPROPRIATION	\$2,114,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

NEW SECTION. Sec. 114. FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2010)	\$53,607,000
General Fund--State Appropriation (FY 2011)	\$51,812,000
Judicial Information Systems Account--State Appropriation	\$29,676,000
Judicial Stabilization Trust Account--State Appropriation	\$6,598,000
TOTAL APPROPRIATION	\$141,693,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,800,000 of the general fund--state appropriation for fiscal year 2010 and \$1,800,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(2)(a) \$8,252,000 of the general fund--state appropriation for fiscal year 2010 and \$8,253,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2009-11 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(3) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(4) \$5,700,000 of the judicial information systems account--state appropriation is provided solely for modernization and integration of the judicial information system.

(a) Of this amount, \$1,700,000 is for the development of a comprehensive enterprise-level information technology strategy and detailed business and operational plans in support of that strategy, and \$4,000,000 is to continue to modernize and integrate current systems and enhance case management functionality on an incremental basis.

(b) The amount provided in this subsection may not be expended without prior approval by the judicial information system committee and the information services board. The administrator shall regularly submit project plan updates for approval to the judicial information system committee and the information services board.

(c) The judicial information system committee and the information services board shall review project progress on a regular basis and may require quality assurance plans. The judicial information systems committee and the information services board shall provide a report to the appropriate committees of the legislature no later than November 1, 2011, on the status of the judicial information system modernization and integration, and the consistency of the project with the state's architecture, infrastructure and statewide enterprise view of service delivery.

(5) \$3,000,000 of the judicial information systems account--state appropriation is provided solely for replacing computer equipment at state courts, and at state judicial agencies. The administrator for the courts shall prioritize equipment replacement purchasing and shall fund those items that are most essential or critical. By October 1, 2010, the administrative office of the courts shall report to the appropriate legislative fiscal committees on expenditures for equipment under this subsection.

(6) \$12,000 of the judicial information systems account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1954 (sealing juvenile records). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$106,000 of the general fund--state appropriation for fiscal year 2010 and \$106,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(8) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

Sec. 115. 2009 c 4 s 113 (uncodified) is amended to read as follows:

FOR THE OFFICE OF PUBLIC DEFENSE

General Fund--State Appropriation (FY 2010)	\$25,385,000
General Fund--State Appropriation (FY 2011)	\$24,592,000
Judicial Stabilization Trust Account--State Appropriation	\$2,923,000
TOTAL APPROPRIATION	\$52,900,000

The appropriations in this section are subject to the following conditions and limitations:

(1) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

(2) The amounts provided include funding for expert and investigative services in death penalty personal restraint petitions.

NEW SECTION. Sec. 116. FOR THE OFFICE OF CIVIL LEGAL AID

General Fund--State Appropriation (FY 2010)	\$11,175,000
General Fund--State Appropriation (FY 2011)	\$11,105,000
Judicial Stabilization Trust Account--State Appropriation	\$1,160,000
TOTAL APPROPRIATION	\$23,440,000

The appropriations in this section are subject to the following conditions and limitations:

(1) An amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2010 and an amount not to exceed \$40,000 of the general fund--state appropriation for fiscal year 2011 may be used to provide telephonic legal advice and assistance to otherwise eligible persons who are sixty years of age or older on matters authorized by RCW 2.53.030(2) (a) through (k) regardless of household income or asset level.

(2) It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those state government administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

NEW SECTION. Sec. 117. FOR THE OFFICE OF THE GOVERNOR

General Fund--State Appropriation (FY 2010)	\$5,880,000
General Fund--State Appropriation (FY 2011)	\$5,876,000
Economic Development Strategic Reserve Account--State Appropriation	\$1,500,000
TOTAL APPROPRIATION	\$13,256,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,500,000 of the economic development strategic reserve account appropriation is provided solely for efforts to assist with currently active industrial recruitment efforts that will bring new jobs to the state or will retain headquarter locations of major companies currently housed in the state.

(2)(a) Within the funds appropriated in this section, the governor shall convene a joint legislative and executive task force on coal fired power plants.

(i) The members of the task force shall consist of:

- (A) One member from each of the major caucuses of the senate, or their designees, as appointed by the president of the senate;
- (B) One member from each of the major caucuses of the house, or their designees, as appointed by the speaker of the house; and
- (C) The governor's designee.

(ii) The task force shall be chaired by the governor's designee.

(iii) Staff from the state energy office at the department of community, trade, and economic development, the department of revenue, and from the legislature as available, shall support the task force.

(b) The task force shall evaluate alternatives for how existing coal-fired power plants can meet the state's greenhouse gas emissions performance standard as required by Engrossed Second Substitute Senate Bill No. 5735.

(i) The task force shall review information on:

- (A) The availability of alternative power production technologies;
- (B) The timelines for planning, design, permitting, and construction of new power facilities;
- (C) The construction and operation costs of alternatives; and
- (D) Options for financing and cost recovery, including private joint ventures, government incentives, long-term purchase options, public power, and private-public partnerships.

(ii) The task force shall consider:

- (A) the long-term needs for the supply of electricity in western Washington;
- (B) The generation and transmission needs required to meet future supplies and sustain the electrical grid;
- (C) Existing government incentives for power facilities; and
- (D) Options for retaining jobs during a transition to cleaner energy facilities.

(iii) The task force shall identify barriers and opportunities for how existing coal-fired power plants can meet the state's emissions performance standard, and make recommendations for policies and incentives that could facilitate or accelerate meeting the requirements of Engrossed Second Substitute Senate Bill No. 5735.

(iv) The task force shall solicit information and advice from a broad range of experts, including representatives of:

- (A) Coal-fired power plants in Washington state, and the coal-fired power industry;
- (B) Clean energy industry associations;
- (C) Public and investor-owned utilities that supply electricity;
- (D) Financial institutions that invest in generation of electricity;
- (E) Environmental groups that focus on clean energy;
- (F) Federal and state agencies with jurisdiction or expertise in generation and distribution of electricity; and
- (G) Others as needed.

(v) The governor shall invite representatives from the Bonneville power administration and the Northwest power and conservation council to participate on the task force.

(4) By December 1, 2010, the task force shall submit a report to the governor and appropriate standing committees of the legislature, with recommendations for policies or incentives that would facilitate and accelerate the ability of existing coal-fired power plants to meet the state's greenhouse gas emissions performance standard. The task force recommendations must include timelines for interim decision points and other benchmarks needed to meet the requirements of Engrossed Second Substitute Senate Bill No. 5735 in an orderly fashion, including consideration of the following targets:

(a) By 2012, a determination of the potential for long-term sequestration of carbon emissions in geological formations near existing coal-fired power plants;

(b) By 2015, a determination of the feasibility for deploying large-scale capture and sequestration of greenhouse gas emissions, and if determined not feasible, what alternatives will be pursued to meet the performance standard; and

(c) By 2018, a decision on the type of clean energy facility needed to meet the state's emission performance standard, including actions taken by such date to ensure compliance with the standard in a timely fashion.

(5) By June 30, 2011, and every year thereafter, the department of community, trade, and economic development shall provide a progress report to the appropriate standing committees of the legislature on the actions undertaken pursuant to this section, including actions by the owner or operator of the coal-fired power plants to progress toward compliance with the state's emissions performance standard pursuant to Engrossed Second Substitute Senate Bill No. 5735.

NEW SECTION. Sec. 118. FOR THE LIEUTENANT GOVERNOR

General Fund--State Appropriation (FY 2010)	\$770,000
General Fund--State Appropriation (FY 2011)	\$788,000
General Fund--Private/Local Appropriation	\$90,000
TOTAL APPROPRIATION	\$1,648,000

NEW SECTION. Sec. 119. FOR THE PUBLIC DISCLOSURE COMMISSION

General Fund--State Appropriation (FY 2010)	\$2,267,000
General Fund--State Appropriation (FY 2011)	\$2,264,000
TOTAL APPROPRIATION	\$4,531,000

NEW SECTION. Sec. 120. FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2010)	\$21,370,000
General Fund--State Appropriation (FY 2011)	\$18,444,000
General Fund--Federal Appropriation	\$8,121,000
Archives and Records Management Account--State Appropriation	\$8,863,000
Department of Personnel Service Account--State Appropriation	\$760,000
Local Government Archives Account--State Appropriation	\$11,777,000
Election Account--Federal Appropriation	\$29,715,000
TOTAL APPROPRIATION	\$99,050,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$4,101,000 of the general fund--state appropriation for fiscal year 2010 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2)(a) \$1,897,000 of the general fund--state appropriation for fiscal year 2010 and \$2,076,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2009-2011 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(3) The appropriations in this section are based upon savings assumed from the implementation of Senate Bill No. 6122 (election costs).

(4) The secretary of state shall not reduce the services provided by the talking book and Braille library below the service level provided in fiscal year 2008.

(5) In implementing budget reductions, the office of the secretary of state must make its first priority to maintain funding for the elections division.

NEW SECTION. Sec. 121. FOR THE GOVERNOR'S OFFICE OF INDIAN AFFAIRS

General Fund--State Appropriation (FY 2010)	\$266,000
General Fund--State Appropriation (FY 2011)	\$276,000
TOTAL APPROPRIATION	\$542,000

The appropriations in this section are subject to the following conditions and limitations: The office shall assist the department of personnel on providing the government-to-government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department of personnel shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 122. FOR THE COMMISSION ON ASIAN PACIFIC AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2010)	\$236,000
General Fund--State Appropriation (FY 2011)	\$224,000
TOTAL APPROPRIATION	\$460,000

NEW SECTION. Sec. 123. FOR THE STATE TREASURER

State Treasurer's Service Account--State Appropriation	\$14,802,000
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NEW SECTION. Sec. 124. FOR THE STATE AUDITOR

General Fund--State Appropriation (FY 2010)	\$722,000
General Fund--State Appropriation (FY 2011)	\$729,000
State Auditing Services Revolving Account--State Appropriation	\$12,061,000
TOTAL APPROPRIATION	\$13,512,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Audits of school districts by the division of municipal corporations shall include findings regarding the accuracy of: (a) Student enrollment data; and (b) the experience and education of the district's certified instructional staff, as reported to the superintendent of public instruction for allocation of state funding.

(2) \$722,000 of the general fund--state appropriation for fiscal year 2010 and \$729,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for staff and related costs to verify the accuracy of reported school district data submitted for state funding purposes; conduct school district program audits of state funded public school programs; establish the specific amount of state funding adjustments whenever audit exceptions occur and the amount is not firmly established in the course of regular public school audits; and to assist the state special education safety net committee when requested.

(3) By November 1 of each fiscal year of the 2009-11 biennium, the state auditor shall report to the senate and house of representatives committees on ways and means on state expenditure savings achieved from the implementation of performance audits conducted by the state auditor. It is the intent of the legislature to reduce the 2009-11 legislative transfers from the performance audits of government accounts to recognize actual reductions achieved in expenditures from the state treasury as a result of these performance audits.

NEW SECTION. Sec. 125. FOR THE CITIZENS' COMMISSION ON SALARIES FOR ELECTED OFFICIALS

General Fund--State Appropriation (FY 2010)	\$171,000
General Fund--State Appropriation (FY 2011)	\$212,000
TOTAL APPROPRIATION	\$383,000

NEW SECTION. Sec. 126. FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2010)	\$5,325,000
General Fund--State Appropriation (FY 2011)	\$5,654,000
General Fund--Federal Appropriation	\$4,026,000
New Motor Vehicle Arbitration Account--State Appropriation	\$1,346,000
Legal Services Revolving Account--State Appropriation	\$221,515,000
Tobacco Prevention and Control Account--State Appropriation	\$270,000
TOTAL APPROPRIATION	\$238,136,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year. As part of its by agency report to the legislative fiscal committees and the office of financial management, the office of the attorney general shall include information detailing the agency's expenditures for its agency-wide overhead and a breakdown by division of division administration expenses.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on ways and means.

(3) The office of the attorney general is authorized to expend \$2,100,000 from the Zyprexa and other cy pres awards towards consumer protection costs in accordance with uses authorized in the court orders.

(4) The attorney general shall annually report to the fiscal committees of the legislature all new cy pres awards and settlements and all new accounts, disclosing their intended uses, balances, the nature of the claim or account, proposals, and intended timeframes for the expenditure of each amount. The report shall be distributed electronically and posted on the attorney general's web site. The report shall not be printed on paper or distributed physically.

(5) \$40,000 of the fiscal year 2010 general fund--state appropriation and \$40,000 of the fiscal year 2011 general fund--state appropriation are provided solely to implement Second Substitute Senate Bill No. 5850 (human trafficking violations). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 127. FOR THE CASELOAD FORECAST COUNCIL

General Fund--State Appropriation (FY 2010)	\$779,000
General Fund--State Appropriation (FY 2011)	\$772,000
TOTAL APPROPRIATION	\$1,551,000

The appropriations in this section are subject to the following conditions and limitations: \$13,000 of the general fund--state appropriation for fiscal year 2010 and \$7,000 of the general fund-- state appropriation for fiscal year 2011 are for the implementation of Second Substitute House Bill No. 2106 (improving child welfare outcomes through the phased implementation of strategic and proven reforms). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 128. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

General Fund--State Appropriation (FY 2010)	\$51,240,000
General Fund--State Appropriation (FY 2011)	\$51,938,000
General Fund--Federal Appropriation	\$384,540,000
General Fund--Private/Local Appropriation	\$16,266,000
Public Works Assistance Account--State Appropriation	\$2,990,000
Tourism Development and Promotion Account--State Appropriation	\$1,003,000
Drinking Water Assistance Administrative Account--State Appropriation	\$439,000
Lead Paint Account--State Appropriation	\$18,000
Building Code Council Account--State Appropriation	\$1,286,000
Home Security Fund Account--State Appropriation	\$23,498,000
Affordable Housing for All Account--State Appropriation	\$11,900,000
Washington Auto Theft Prevention Authority Account--State Appropriation	\$300,000
Independent Youth Housing Account--State Appropriation	\$80,000
Community Preservation and Development Authority Account--State Appropriation	\$350,000
Financial Fraud and Identity Theft Crimes Investigation and Prosecution Account--State Appropriation	\$1,166,000
Low-Income Weatherization Assistance Account--State Appropriation	\$8,382,000
Manufacturing Innovation and Modernization Account--State Appropriation	\$246,000
Community and Economic Development Fee Account--State Appropriation	\$1,833,000
Washington Housing Trust Account--State Appropriation	\$15,372,000
Public Facility Construction Loan Revolving Account--State Appropriation	\$755,000
TOTAL APPROPRIATION	\$573,602,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,520,000 of the general fund--state appropriation for fiscal year 2010 and \$2,521,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a contract with the Washington technology center for work essential to the mission of the Washington technology center and conducted in partnership with universities.

(2) Repayments of outstanding loans granted under RCW 43.63A.600, the mortgage and rental assistance program, shall be remitted to the department, including any current revolving account balances. The department shall collect payments on outstanding loans, and deposit them into the state general fund. Repayments of funds owed under the program shall be remitted to the department according to the terms included in the original loan agreements.

(3) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement section 2(7) of Engrossed Substitute House Bill No. 1959 (land use and transportation planning for marine container ports).

(4) \$102,000 of the building code council account--state appropriation is provided solely for the implementation of sections 3 and 7 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If sections 3 and 7 of the bill are not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(5)(a) \$10,500,000 of the general fund--federal appropriation is provided for training and technical assistance associated with low income weatherization programs. Subject to federal requirements, the department shall provide: (i) Up to \$4,000,000 to the state board for community and technical colleges to provide workforce training related to weatherization and energy efficiency; (ii) up to \$3,000,000 to the Bellingham opportunity council to provide workforce training related to energy efficiency and weatherization; and (iii) up to \$3,500,000 to community-based organizations and to community action agencies consistent with the provisions of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). Any funding remaining shall be expended in project 91000013, weatherization, in the omnibus capital appropriations act, Substitute House Bill No. 1216 (capital budget).

(b) \$6,787,000 of the general fund--federal appropriation is provided solely for the state energy program, including not less than \$5,000,000 to provide credit enhancements consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings).

(c) Of the general fund--federal appropriation the department shall provide: \$14,500,000 to the Washington State University for the purpose of making grants for pilot projects providing community-wide urban, residential, and commercial energy efficiency upgrades consistent with the provisions of Engrossed Second Substitute Senate Bill No. 5649 (energy efficiency in buildings); \$500,000 to Washington State University to conduct farm energy assessments. In contracting with the Washington State University for the provision of these services, the total administration of Washington State University and the department shall not exceed 3 percent of the amounts provided.

(d) \$38,500,000 of the general fund--federal appropriation is provided for deposit in the energy recovery act account to establish a revolving loan program, consistent with the provisions of Engrossed Substitute House Bill No. 2289 (expanding energy freedom program).

(e) \$10,646,000 of the general fund--federal appropriation is provided pursuant to the energy efficiency and conservation block grant under the American reinvestment and recovery act. The department may use up to \$3,000,000 of the amount provided in this subsection to provide technical assistance for energy programs administered by the agency under the American reinvestment and recovery act.

(6) \$14,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5560 (state agency climate leadership). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$22,000 of the general fund--state appropriation for fiscal year 2010 and \$20,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(8) Associate development organizations receiving funding through the appropriations in this section shall work with the community and technical colleges to better align workforce and economic development programs within industry clusters identified by the associate development associations as necessary to deploy funds in response to high-demand fields and consistent with Engrossed Second Substitute Senate Bill No. 5809 (revising unemployment compensation and workforce training provisions). The workforce programs should be consistent with industry clusters identified by the associate development organization and approved by a private industry partner within the industry cluster.

(9) \$22,400,000 of the general fund--federal appropriation is provided solely for the justice assistance grant program and is contingent upon the department transferring: \$1,200,000 to the department of corrections for security threat mitigation, \$2,336,000 to the department of corrections for offender reentry, \$1,960,000 to the Washington state patrol for law enforcement activities, \$2,087,000 to the department of social and health services, division of alcohol and substance abuse for drug courts, and \$428,000 to the department of social and health services for sex abuse recognition training. The remaining funds shall be distributed by the department to local jurisdictions.

(10) \$20,000 of the general fund--state appropriation for fiscal year 2010 and \$20,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to KCTS public television to support Spanish language programming and the V-me Spanish language channel.

(11) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to resolution Washington to building statewide capacity for alternative dispute resolution centers and dispute resolution programs that guarantee that citizens have access to low-cost resolution as an alternative to litigation.

(12) \$76,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5840 (energy independence). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(13) \$30,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 6015 (commercialization of technology). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(14) By June 30, 2011, the department shall request information that describes what jurisdictions have adopted, or are in the process of adopting, plans that address RCW 36.70A.020 and helps achieve the greenhouse gas emission reductions established in RCW 70.235.020. This information request in this subsection applies to jurisdictions that are required to review and if necessary revise their comprehensive plans by December 1, 2011, in accordance with RCW 36.70A.130.

(15) During the 2009-11 fiscal biennium, the department shall allot all of its appropriations subject to allotment by object, account, and expenditure authority code to conform with the office of financial management's definition of an option 2 allotment. For those funds subject to allotment but not appropriation, the agency shall submit option 2 allotments to the office of financial management.

(16) A county receiving funds pursuant to RCW 36.22.178, 36.22.179, and 36.22.1791, shall, within that funding:

(a) Beginning July 1, 2009, include a life-cycle cost analysis program as one of the criteria in deciding which proposals to award funds. "Life-cycle cost analysis" means an analysis of the total discounted dollar cost of owning, operating, maintaining, and disposing of a building or building system to compare the cost of capital developments to vouchers, and to compare the cost of two or more competing development proposals.

(b) By September 30, 2009, and September 30, 2010, submit to the department of community, trade, and economic development a report describing the distribution of the funds. The report shall include:

(i) A description of the process used by the county for allocating funds;

(ii) The use of funds including, but not limited to, housing vouchers, program services, and housing projects; and

(iii) The criteria used for making funding allocation decisions.

(c) By December 1st of each year, the department of community, trade, and economic development shall prepare a report to the legislature and the office of financial management compiling the reports submitted under (b) of this subsection. For the funds collected under RCW 36.22.178, 36.22.179, and 36.22.1791, and allocated by the department to entities other than counties, this report must also include:

(i) A description of the process used by the department for allocating funds;

(ii) The use of funds including, but not limited to, housing vouchers, program services, and housing projects; and

(iii) The criteria used for making funding allocation decisions.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant for the state's participation in the Pacific Northwest economic region.

(18) The Washington state economic development commission shall review existing state infrastructure programs which are focused on economic development and provide analysis, findings, and recommendations to the legislature and governor on preferred policy priorities and funding options for existing programs and possible revised or new programs to best ensure successful state economic efforts which are: (a) Aligned with the state's comprehensive plan for economic development; (b) responding to emerging economic conditions and opportunities; (c) improving local capacity; (d) maximizing results through partnerships and leveraging private capital; and (e) providing accountability to the public, the executive branch, and the legislative branch. The commission shall submit its report to the governor and the legislature by December 1, 2009.

(19) \$712,000 of the general fund--state appropriation for fiscal year 2010 and \$712,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of crime victims advocacy. These funds shall be contracted with the 39 county prosecuting attorneys' offices to support victim-witness services. The funds must be prioritized to ensure a full-time victim-witness coordinator in each county. The office may retain only the amount currently allocated for this activity for administrative costs.

(20) \$306,000 of the general fund--state appropriation for fiscal year 2010 and \$306,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant to the retired senior volunteer program.

(21) \$65,000 of the general fund--state appropriation for fiscal year 2010 and \$65,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a contract with a food distribution program for communities in the southwestern portion of the state and for workers impacted by timber and salmon fishing closures and reductions. The department may not charge administrative overhead or expenses to the funds provided in this subsection.

(22) \$371,000 of the general fund--state appropriation for fiscal year 2010 and \$371,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the northwest agriculture business center.

(23) The department shall administer its growth management act technical assistance so that smaller cities receive proportionately more assistance than larger cities or counties. Pass-through grants shall continue to be funded under 2007-09 policy.

(24) \$212,000 of the general fund--federal appropriation is provided solely for implementation of Second Substitute House Bill No. 1172 (development rights transfer). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(25) \$24,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Second Substitute House Bill No. 1797 (rural and resource lands study). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(26) \$69,000 of the general fund--state appropriation for fiscal year 2010 and \$66,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(27) \$350,000 of the community development and preservation authority account--state appropriation is provided solely for a grant to a community development authority established under chapter 43.167 RCW. The community preservation and development's board of directors may contract with nonprofit community organizations to aid in mitigating the effects of increased public impact on urban neighborhoods due to events in stadia that have a capacity of over 50,000 spectators.

(28) \$300,000 of the Washington auto theft prevention authority account--state appropriation is provided solely for a contract with a community group to build local community capacity and economic development within the state by strengthening political relationships between economically distressed communities and governmental institutions. The community group shall identify opportunities for collaboration and initiate activities and events that bring community organizations, local governments, and state agencies together to address the impacts of poverty, political disenfranchisement, and economic inequality on communities of color. These funds must be matched by other nonstate sources on an equal basis.

(29) \$1,800,000 of the home security fund--state appropriation is provided for transitional housing assistance or partial payments for rental assistance under the independent youth housing program.

(30) \$5,000,000 of the home security fund--state appropriation is provided solely for the operation, repair, and staffing of shelters in the homeless family shelter program.

NEW SECTION. Sec. 129. FOR THE ECONOMIC AND REVENUE FORECAST COUNCIL

General Fund--State Appropriation (FY 2010)	\$727,000
General Fund--State Appropriation (FY 2011)	\$793,000
TOTAL APPROPRIATION	\$1,520,000

NEW SECTION. Sec. 130. FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2010)	\$22,163,000
General Fund--State Appropriation (FY 2011)	\$20,792,000
General Fund--Federal Appropriation	\$23,597,000
General Fund--Private/Local Appropriation	\$1,270,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
Economic Development Strategic Reserve Account--State Appropriation	\$280,000
TOTAL APPROPRIATION	\$68,127,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$188,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$542,000 of the general fund--state appropriation for fiscal year 2010 and \$542,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Engrossed Senate Bill No. 6048 (state's education system). If the bill is not enacted by June 30, 2009, the accounts provided in this subsection shall lapse.

(3) The office of financial management shall conduct a study on alternatives for consolidating or transferring activities and responsibilities of the state lottery commission, state horse racing commission, state liquor control board, and the state gambling commission to achieve cost savings and regulatory efficiencies. In conducting the study, the office of financial management shall consult with the legislative fiscal committees. Further, the office of financial management shall establish an advisory group to include, but not be limited to, representatives of affected businesses, state agencies or entities, local governments, and stakeholder groups. The office of financial management shall submit a final report to the governor and the legislative fiscal committees by November 15, 2009.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for a study of the feasibility of closing state institutional facilities and a plan on eliminating beds in the state institutional facility inventory. The office of financial management shall contract with consultants with expertise related to the subject matters included in this study. The office of financial management and the consultants shall consult with the department of social and health services, the department of corrections, stakeholder groups that represent the people served in these institutions, labor organizations that represent employees who work in these institutions and other persons or entities with expertise in the areas being studied.

(a) For the purposes of this study, "state institutional facilities" means facilities operated by the department of corrections to house persons convicted of a criminal offense, Green Hill school and Maple Lane school operated by the department of social and health services juvenile rehabilitation administration, and residential habilitation centers operated by the department of social and health services.

(b) In conducting this study, the consultants shall consider the following factors as appropriate:

(i) The availability of alternate facilities including alternatives and opportunities for consolidation with other facilities, impacts on those alternate facilities, and any related capital costs;

(ii) The cost of operating the facility, including the cost of providing services and the cost of maintaining or improving the physical plant of the facility;

(iii) The geographic factors associated with the facility, including the impact of the facility on the local economy and the economic impact of its closure, and alternative uses for a facility recommended for closure;

(iv) The costs associated with closing the facility, including the continuing costs following the closure of the facility;

(v) Number and type of staff and the impact on the facility staff including other employment opportunities if the facility is closed;

(vi) The savings that will accrue to the state from closure or consolidation of a facility and the impact any closure would have on funding the associated services; and

(vii) For the residential habilitation centers, the impact on clients in the facility being recommended for closure and their families, including ability to get alternate services and impact on being moved to another facility.

(c) The office of financial management shall submit a final report to the governor and the ways and means committees of the house of representatives and senate by November 1, 2009. The report shall provide a recommendation and a plan to eliminate 1,580 beds in the department of corrections facilities, 235 beds from juvenile rehabilitation facilities, and 250 funded beds in the residential habilitation centers through closure or consolidation of facilities. The report shall include an assessment of each facility studied, where and how the services should be provided, and any costs or savings associated with each recommendation. In considering the recommendations of the report, the governor and the legislature shall not consider closure of any state institutional facility unless the report recommended the facility for closure.

NEW SECTION. Sec. 131. FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State Appropriation \$33,473,000

NEW SECTION. Sec. 132. FOR THE DEPARTMENT OF PERSONNEL

Department of Personnel Service Account--State Appropriation \$22,025,000
 Higher Education Personnel Services Account--State Appropriation \$1,716,000
TOTAL APPROPRIATION \$23,741,000

The appropriations in this section are subject to the following conditions and limitations: The department shall coordinate with the governor's office of Indian affairs on providing the government-to- government training sessions for federal, state, local, and tribal government employees. The training sessions shall cover tribal historical perspectives, legal issues, tribal sovereignty, and tribal governments. Costs of the training sessions shall be recouped through a fee charged to the participants of each session. The department shall be responsible for all of the administrative aspects of the training, including the billing and collection of the fees for the training.

NEW SECTION. Sec. 133. FOR THE WASHINGTON STATE LOTTERY

Lottery Administrative Account--State Appropriation \$27,776,000

NEW SECTION. Sec. 134. FOR THE COMMISSION ON HISPANIC AFFAIRS

General Fund--State Appropriation (FY 2010) \$253,000
 General Fund--State Appropriation (FY 2011) \$260,000
TOTAL APPROPRIATION \$513,000

NEW SECTION. Sec. 135. FOR THE COMMISSION ON AFRICAN-AMERICAN AFFAIRS

General Fund--State Appropriation (FY 2010) \$243,000
 General Fund--State Appropriation (FY 2011) \$244,000
TOTAL APPROPRIATION \$487,000

NEW SECTION. Sec. 136. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--OPERATIONS

Department of Retirement Systems Expense Account--State Appropriation \$49,504,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$148,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5303 (transferring members of retirement systems). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(2) \$66,000 of the department of retirement systems expense account--state appropriation is provided for the department of retirement systems to make revisions to various administrative processes as necessary to implement Engrossed Second Substitute Senate Bill No. 5688 (registered domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) \$12,000 of the department of retirement systems--state appropriation is provided solely for the administrative costs associated with implementation of Senate Bill No. 5542 or House Bill No. 1678 (minimum disability benefits). If neither bill is enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(4) \$45,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed Substitute House Bill No. 1445 (Washington state patrol retirement system domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$45,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Engrossed House Bill No. 1616 (law enforcement officers' and firefighters' retirement system plan 2 domestic partners). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$56,000 of the department of retirement systems expense account--state appropriation is provided solely to implement House Bill No. 1548 (military service credit purchases). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$35,000 of the department of retirement systems expense account--state appropriation is provided solely to implement Substitute House Bill No. 1953 (department of fish and wildlife enforcement officers' past service credit). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 137. FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2010) \$109,412,000
 General Fund--State Appropriation (FY 2011) \$108,505,000
 Timber Tax Distribution Account--State Appropriation \$5,904,000
 Waste Reduction/Recycling/Litter Control--State Appropriation \$130,000
 Waste Tire Removal Account--State Appropriation \$2,000
 Real Estate Excise Tax Grant Account--State Appropriation \$1,050,000
 State Toxics Control Account--State Appropriation \$87,000
 Oil Spill Prevention Account--State Appropriation \$19,000
TOTAL APPROPRIATION \$225,109,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$469,000 of the general fund--state appropriation for fiscal year 2010 and \$374,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Substitute Senate Bill No. 5368 (annual property revaluation). If the bill is not enacted by June 30, 2009, the amounts in this subsection shall lapse.

(2) \$5,453,000 of the general fund--state appropriation for fiscal year 2010 and \$5,242,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of revenue enhancement strategies. The strategies must include increased out-of-state auditing and compliance, the purchase of third party data sources for enhanced audit selection, and increased traditional auditing and compliance efforts.

(3) \$3,127,000 of the general fund--state appropriation for fiscal year 2010 and \$1,737,000 of the general fund--state appropriation for fiscal year 2011 are for the implementation of Senate Bill No. 6173 (sales tax compliance). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$97,000 of the general fund--state appropriation for fiscal year 2010 is for the implementation of Substitute House Bill No. 1597 (tax administration). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 138. FOR THE STATE INVESTMENT BOARD

State Investment Board Expense Account--State Appropriation \$29,581,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,471,000 of the state investment board expense account--state appropriation is provided solely for development of a risk management information system, with the intent that further expenditures for this project be made only by appropriation.
- (2) The state investment board shall include funding for any future salary increases authorized under RCW 43.33A.100 in the agency's budget request submitted in accordance with chapter 43.88 RCW in advance of granting related salary increases. The biennial salary survey required under RCW 43.33A.100 shall also be provided to the office of financial management and to the fiscal committees of the legislature as part of the state investment board's biennial budget submittal, and shall include the total amount of compensation increases proposed, as well as recommended salary ranges.

NEW SECTION. Sec. 139. FOR THE BOARD OF TAX APPEALS

General Fund--State Appropriation (FY 2010) \$1,364,000
 General Fund--State Appropriation (FY 2011) \$1,368,000
 TOTAL APPROPRIATION \$2,732,000

NEW SECTION. Sec. 140. FOR THE MUNICIPAL RESEARCH COUNCIL

County Research Services Account--State Appropriation \$940,000
 City and Town Research Services--State Appropriation \$4,515,000
 TOTAL APPROPRIATION \$5,455,000

NEW SECTION. Sec. 141. FOR THE OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

OMWBE Enterprises Account--State Appropriation \$3,622,000

NEW SECTION. Sec. 142. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2010) \$815,000
 General Fund--State Appropriation (FY 2011) \$811,000
 General Fund--Federal Appropriation \$5,738,000
 General Administration Service Account--State Appropriation \$35,044,000
 TOTAL APPROPRIATION \$42,408,000

The appropriations in this section are subject to the following conditions and limitations: \$28,000 of the general fund--state appropriation for fiscal year 2010 and \$28,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purposes of section 8 of Engrossed Second Substitute Senate Bill No. 5854 (built environment pollution). If section 8 of the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 143. FOR THE DEPARTMENT OF INFORMATION SERVICES

General Fund--State Appropriation (FY 2010) \$1,104,000
 General Fund--State Appropriation (FY 2011) \$1,104,000
 General Fund--Federal Appropriation \$701,000
 Data Processing Revolving Account--State Appropriation \$7,824,000
 TOTAL APPROPRIATION \$10,733,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purposes of Engrossed Second Substitute House Bill No. 1701 (high-speed internet), including expenditure for deposit to the community technology opportunity account. If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (2) The department shall implement some or all of the following strategies to achieve savings on information technology expenditures through: (a) Holistic virtualization strategies; (b) wide-area network optimization strategies; (c) replacement of traditional telephone communications systems with alternatives; and (d) migration of external voice mail systems to internal voice mail systems coordinated by the department. The department shall report to the office of financial management and the fiscal committees of the legislature semiannually on progress made towards the implementation of savings strategies and the savings realized to date. No later than June 30, 2011, the department shall submit a final report on its findings and savings realized to the office of financial management and the fiscal committees of the legislature.

NEW SECTION. Sec. 144. FOR THE INSURANCE COMMISSIONER

General Fund--Federal Appropriation \$1,943,000
 Insurance Commissioners Regulatory Account--State Appropriation \$47,978,000
 TOTAL APPROPRIATION \$49,921,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$410,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5480 (discount health plans). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (2) \$598,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Substitute Senate Bill No. 5195 (life settlements model act). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (3) \$551,000 of the insurance commissioner's regulatory account appropriation is provided solely to implement Second Substitute Senate Bill No. 5346 (health care administration simplification). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 145. FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation \$3,016,000

NEW SECTION. Sec. 146. FOR THE FORENSIC INVESTIGATION COUNCIL

Death Investigations Account--State Appropriation \$280,000

The appropriation in this section is subject to the following conditions and limitations: \$250,000 of the death investigation account appropriation is provided solely for providing financial assistance to local jurisdictions in multiple death investigations. The forensic investigation council shall develop criteria for awarding these funds for multiple death investigations involving an unanticipated, extraordinary, and catastrophic event or those involving multiple jurisdictions.

NEW SECTION. Sec. 147. FOR THE HORSE RACING COMMISSION

Horse Racing Commission Operating Account--State Appropriation \$5,123,000

The appropriation in this section is subject to the following conditions and limitations: Pursuant to RCW 43.135.055, the commission is authorized to increase licensing fees during the 2009-2011 fiscal biennium as necessary to support the appropriation in this section.

NEW SECTION. Sec. 148. FOR THE LIQUOR CONTROL BOARD

Liquor Control Board Construction and Maintenance Account--State Appropriation \$8,817,000
 Liquor Revolving Account--State Appropriation \$200,506,000
 TOTAL APPROPRIATION \$209,323,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,306,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to open five new state stores.
- (2) \$40,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to open ten new contract stores.
- (3) \$3,059,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to increase state and local revenues from new retail strategies including opening nine state stores on Sunday, opening state liquor stores on seven holidays, opening six mall locations during the holiday season, and increasing lottery sales.
- (4) \$173,000 of the liquor revolving account--state appropriation is provided solely for the Engrossed House Bill No. 2040 (beer and wine regulation commission). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (5) If Senate Bill No. 6065 is not enacted by June 30, 2009, the liquor revolving account appropriation in this section shall be increased by \$728,000.

NEW SECTION. Sec. 149. FOR THE BOARD FOR VOLUNTEER FIREFIGHTERS

Volunteer Firefighters' and Reserve Officers' Administrative Account--State Appropriation \$1,044,000

NEW SECTION. Sec. 150. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Public Service Revolving Account--State Appropriation \$31,306,000
 Pipeline Safety Account--State Appropriation \$3,194,000
 Pipeline Safety Account--Federal Appropriation \$1,536,000
 TOTAL APPROPRIATION \$36,036,000

NEW SECTION. Sec. 151. FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2010) \$10,244,000
 General Fund--State Appropriation (FY 2011) \$10,290,000
 General Fund--Federal Appropriation \$149,101,000
 Enhanced 911 Account--State Appropriation \$39,598,000
 Disaster Response Account--State Appropriation \$28,194,000
 Disaster Response Account--Federal Appropriation \$91,263,000
 Military Department Rent and Lease Account--State Appropriation \$615,000
 Military Department Active State Service Account--Federal Appropriation \$200,000
 Worker and Community Right-to-Know Account--State Appropriation \$341,000
 Nisqually Earthquake Account--State Appropriation \$144,000
 Nisqually Earthquake Account--Federal Appropriation \$856,000
 TOTAL APPROPRIATION \$330,846,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$28,194,000 of the disaster response account--state appropriation and \$91,263,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.
- (2) \$144,000 of the Nisqually earthquake account--state appropriation and \$856,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including:

(a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2009-2011 biennium based on current revenue and expenditure patterns.

(3) \$85,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(c) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall use any of the funds for administrative purposes.

NEW SECTION. Sec. 152. FOR THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

General Fund--State Appropriation (FY 2010)	\$3,128,000
General Fund--State Appropriation (FY 2011)	\$3,130,000
Department of Personnel Service Account--State Appropriation	\$3,290,000
TOTAL APPROPRIATION	\$9,548,000

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund--state appropriation for fiscal year 2010 and \$20,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for implementation of Substitute House Bill No. 1329 (child care center bargaining). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 153. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

General Fund--State Appropriation (FY 2010)	\$1,418,000
General Fund--State Appropriation (FY 2011)	\$1,380,000
General Fund--Federal Appropriation	\$1,653,000
General Fund--Private/Local Appropriation	\$14,000
TOTAL APPROPRIATION	\$4,465,000

The appropriations in this section are subject to the following conditions and limitations: \$44,000 of the general fund--state appropriation for fiscal year 2010 and \$22,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for implementation of Second Substitute House Bill No. 1090 (human remains). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 154. FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2010)	\$1,674,000
General Fund--State Appropriation (FY 2011)	\$1,549,000
TOTAL APPROPRIATION	\$3,223,000

NEW SECTION. Sec. 155. FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State Appropriation	\$60,127,000
State Convention and Trade Center Operating Account--State Appropriation	\$56,995,000
TOTAL APPROPRIATION	\$117,122,000

**PART II
HUMAN SERVICES**

NEW SECTION. Sec. 201. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county, during the 2009-2011 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing

arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, 2010, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year 2010 among programs after approval by the director of financial management.

(6) The legislature finds that medicaid payment rates, as calculated by the department pursuant to the appropriations in this act, bear a reasonable relationship to the costs incurred by efficiently and economically operated facilities for providing quality services and will be sufficient to enlist enough providers so that care and services are available to the extent that such care and services are available to the general population in the geographic area. The legislature finds that cost reports, payment data from the federal government, historical utilization, economic data, and clinical input constitute reliable data upon which to determine the payment rates.

NEW SECTION. Sec. 202. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	\$315,241,000
General Fund--State Appropriation (FY 2011)	\$317,248,000
General Fund--Federal Appropriation	\$496,509,000
General Fund--Private/Local Appropriation	\$828,000
Home Security Fund Appropriation	\$8,389,000
Domestic Violence Prevention Account--State Appropriation	\$1,154,000
Education Legacy Trust Account--State Appropriation	\$725,000
TOTAL APPROPRIATION	\$1,140,094,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$5,563,000 of the general fund--state appropriation for fiscal year 2010 and \$5,563,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for intensive family preservation services as defined in RCW 74.14C.010 and for evidence-based services that prevent out-of-home placement and reduce length of stay in the child welfare system.

(2) \$993,000 of the general fund--state appropriation for fiscal year 2010 and \$993,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse- affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$2,500,000 of the general fund--state appropriation for fiscal year 2010 and \$2,500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for secure crisis residential centers. Within appropriated amounts, the department shall collaborate with providers to maintain no less than forty-five beds that are geographically representative of the state. The department shall examine current secure crisis residential staffing requirements, flexible payment options, center specific waivers, and other appropriate methods to accomplish this outcome.

(5) A maximum of \$76,831,000 of the general fund--state appropriations and \$56,901,000 of the general fund--federal appropriations for the 2009-11 biennium shall be expended for behavioral rehabilitative services and these amounts are provided solely for this purpose. The department shall work with behavioral rehabilitative service providers to decrease the length of stay through improved emotional, behavioral, or medical outcomes for children in behavioral rehabilitative services in order to achieve the appropriated levels.

(a) Contracted providers shall act in good faith and accept the hardest to place children, to the greatest extent possible, in order to improve their emotional, behavioral, or medical conditions.

(b) The department and the contracted provider shall mutually agree and establish an exit date for when the child is to exit the behavioral rehabilitative service provider. The department and the contracted provider should mutually agree, to the greatest extent possible, on a viable placement for the child to go to once the child's treatment process has been completed. The child shall exit only when the emotional, behavioral, or medical condition has improved or if the provider has not shown progress toward the outcomes specified in the signed contract at the time of exit. This subsection (b) does not prevent or eliminate the department's responsibility for removing the child from the provider if the child's emotional, behavioral, or medical condition worsens or is threatened.

(c) The department is encouraged to use performance-based contracts with incentives directly tied to outcomes described in this section. The contracts should incentivize contracted providers to accept the hardest to place children and incentivize improvement in children's emotional, mental, and medical well-being within the established exit date. The department is further encouraged to increase the use of behavioral rehabilitative service group homes, wrap around services to facilitate and support placement of youth with relatives, and other means to control expenditures.

(d) The total foster care per capita amount shall not increase more than four percent in the 2009-11 biennium and shall not include behavioral rehabilitative service.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$37,000 of the general fund--state appropriation for fiscal year 2010, \$37,000 of the general fund--state appropriation for fiscal year 2011, and \$32,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 465, Laws of 2007 (child welfare).

(9) \$125,000 of the general fund--state appropriation for fiscal year 2010 and \$125,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for continuum of care services. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2010. \$100,000 of this amount is for Casey family partners and \$25,000 of this amount is for volunteers of America crosswalk in fiscal year 2011.

(10) \$616,000 of the general fund--state appropriation for fiscal year 2010, \$616,000 of the general fund--state appropriation for fiscal year 2011, and \$368,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$800,000 of this amount is for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$800,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

(11) \$7,970,000 of the general fund--state appropriation for fiscal year 2010, \$7,711,000 of the general fund--state appropriation for fiscal year 2011, and \$5,177,000 of the general fund--federal appropriation are provided solely for court-ordered supervised visits between parents and dependent children and for sibling visits. The department shall work collaboratively with the juvenile dependency courts to stay within appropriations without impeding reunification outcomes between parents and dependent children. The department shall report to the legislative fiscal committees quarterly, the number of children in foster care who receive supervised visits, their frequency, length of time of each visit, and whether reunification is attained.

(12) \$1,789,000 of the home security fund--state appropriation is provided solely for street youth program services.

(13) \$1,584,000 of the general fund--state appropriation for fiscal year 2010, \$1,584,000 of the general fund--state appropriation for fiscal year 2011, and \$1,586,000 of the general fund--federal appropriation are provided solely for the department to recruit foster parents. The recruitment efforts shall include collaborating with community-based organizations and current or former foster parents to recruit foster parents.

(14) \$725,000 of the education legacy trust account--state appropriation is provided solely for children's administration to contract with an educational advocacy provider with expertise in foster care educational outreach. Funding is provided solely for contracted education coordinators to assist foster children in succeeding in K-12 and higher education systems. Funding shall be prioritized to regions with high numbers of foster care youth and/or regions where backlogs of youth that have formerly requested educational outreach services exist.

(15) \$1,300,000 of the home security fund account--state appropriation is provided solely for HOPE beds.

(16) \$5,300,000 of the home security fund account--state appropriation is provided solely for the crisis residential centers.

(17) The appropriations in this section reflect reductions in the appropriations for the children's administration administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(18) Within the amounts appropriated in this section, the department shall contract for a pilot project with family and community networks in Whatcom county and up to four additional counties to provide services. The pilot project shall be designed to provide a continuum of services that reduce out-of-home placements and the lengths of stay for children in out-of-home placement. The department and the community networks shall collaboratively select the additional counties for the pilot project and shall collaboratively design the contract. Within the framework of the pilot project, the contract shall seek to maximize federal funds. The pilot project in each county shall include the creation of advisory and management teams which include members from neighborhood-based family advisory committees, residents, parents, youth, providers, and local and regional department staff. The Whatcom county team shall facilitate the development of outcome-based protocols and policies for the pilot project and develop a structure to oversee, monitor, and evaluate the results of the pilot projects. The department shall report the costs and savings of the pilot project to the appropriate committees of the legislature by November 1 of each year.

(19) \$157,000 of the general fund--state appropriation for fiscal year 2010 and \$157,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to contract with a nonprofit entity for a reunification pilot project in Whatcom and Skagit counties. The contract for the reunification pilot project shall include a rate of \$46.16 per hour for evidence-based interventions, in combination with supervised visits, to provide 3,564 hours of services to reduce the length of stay for children in the child welfare system. The contract shall also include evidence-based intensive parenting skills building services and family support case management services for 38 families participating in the reunification pilot project. The contract shall include the flexibility for the nonprofit entity to subcontract with trained providers.

(20) \$303,000 of the general fund--state appropriation for fiscal year 2010, \$418,000 of the general fund--state appropriation for fiscal year 2011, and \$257,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute House Bill No. 1961 (increasing adoptions act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to contract with an agency that is working in partnership with, and has been evaluated by, the University of Washington school of social work to implement promising practice constellation hub models of foster care support.

(22) The legislature intends for the department to reduce the time a child remains in the child welfare system. The department shall establish a measurable goal and report progress toward meeting that goal to the legislature by January 15 of each fiscal year of the 2009- 11 fiscal biennium. To the extent that actual caseloads exceed those assumed in this section, it is the intent of the legislature to address those issues in a manner similar to all other caseload programs.

NEW SECTION. Sec. 203. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2010)	\$104,870,000
General Fund--State Appropriation (FY 2011)	\$93,081,000
General Fund--Federal Appropriation	\$6,565,000
General Fund--Private/Local Appropriation	\$1,900,000
Washington Auto Theft Prevention Authority Account--State Appropriation	\$3,896,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$2,801,000
TOTAL APPROPRIATION	\$213,113,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the general fund--state appropriation for fiscal year 2010 and \$353,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated

with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,578,000 of the general fund--state appropriation for fiscal year 2010 and \$3,578,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$3,716,000 of the general fund--state appropriation for fiscal year 2010 and \$3,716,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the general fund--state appropriation for fiscal year 2010 and \$1,506,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$3,066,000 of the general fund--state appropriation for fiscal year 2010 and \$3,066,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs, or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2010 and \$1,287,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions, and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7)(a) For the fiscal year ending June 30, 2010, the juvenile rehabilitation administration shall administer a block grant, rather than categorical funding, of consolidated juvenile service funds, community juvenile accountability act grants, the chemical dependency disposition alternative funds, the special sex offender disposition alternative funds, the mental health disposition alternative, sentencing disposition alternative, and evidence-based program expansion grants to juvenile courts for the purpose of serving youth adjudicated in the juvenile justice system. Evidence-based programs, based on the criteria established by the Washington state institute for public policy, and disposition alternatives will be funding priorities. Funds may be used for promising practices when approved by juvenile rehabilitation administration, based on criteria established in consultation with Washington state institute for public policy and the juvenile courts.

By September 1, 2009, a committee with four members, in consultation with Washington state institute for public policy, shall develop a funding formula that takes into account the juvenile courts average daily population of program eligible youth in conjunction with the number of youth served in each approved evidence-based program or disposition alternative. The committee shall have one representative from the juvenile rehabilitation administration, one representative from the office of financial management, one representative from the office of the administrator of the courts, and one representative from the juvenile courts. Decision making will be by majority rule.

By September 1, 2010, the Washington state institute for public policy shall provide a report to the office of financial management and the legislature on the administration of the block grant authorized in this subsection. The report shall include the criteria used for allocating the funding as a block grant and the participation targets and actual participation in the programs subject to the block grant.

(b) By December 1, 2009, the committee established in (a) of this subsection, in consultation with Washington state institute for public policy, shall propose to the office of financial management and the legislature changes in the process of funding and managing, including accountability and information collection and dissemination, grants to juvenile courts for serving youth adjudicated in the juvenile court system use in the fiscal year ending June 30, 2011. The proposal shall include, but is not limited to: A process of making a block grant of funds consistent with (a) of this subsection; a program of data collection and measurement criteria for receiving the funds which will include targets of the number of youth served in identified evidence-based programs and disposition alternatives in which the juvenile courts and office of the administrator of the courts will have responsibility for collecting and distributing information and providing access to the data systems to the juvenile rehabilitation administration and the Washington state institute for public policy related to program and outcome data; and necessary changes to the Washington administrative code.

(c) Within the funds provided for criminal justice analysis in section 610(4) of this act, the Washington state institute for public policy shall conduct an analysis of the costs per participant of evidence-based programs by the juvenile courts and by December 1, 2009, shall report the results of this analysis to the juvenile rehabilitation administration, the juvenile courts, office of the administrator of the courts, the office of financial management, and the fiscal committees of the legislature.

(8) \$3,700,000 of the Washington auto theft prevention authority account--state appropriation is provided solely for competitive grants to community-based organizations to provide at-risk youth intervention services, including but not limited to, case management, employment services, educational services, and street outreach intervention programs. Projects funded should focus on preventing, intervening, and suppressing behavioral problems and violence while linking at-risk youth to pro-social activities. The department may not expend more than \$1,850,000 per fiscal year. The costs of administration must not exceed four percent of appropriated funding for each grant recipient. Each entity receiving funds must report to the juvenile rehabilitation administration on the number and types of youth served, the services provided, and the impact of those services upon the youth and the community.

NEW SECTION. Sec. 204. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2010)	\$266,677,000
General Fund--State Appropriation (FY 2011)	\$296,619,000
General Fund--Federal Appropriation	\$463,180,000
General Fund--Private/Local Appropriation	\$14,868,000
TOTAL APPROPRIATION	\$1,041,344,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$113,689,000 of the general fund--state appropriation for fiscal year 2010 and \$113,689,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for persons and services not covered by the medicaid program. This is a reduction of \$11,606,000 each fiscal year from the nonmedicaid funding that was allocated for expenditure by regional support networks during fiscal year 2009 prior to supplemental budget reductions. This \$11,606,000 reduction shall be distributed among regional support networks proportional to each network's share of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2010 and \$16,900,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department and regional support networks to contract for implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 617 per day during the first quarter of fiscal year 2010, and 587 per day thereafter. Beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. The department shall separately charge regional support networks for persons served in the PALS program.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) \$4,582,000 of the general fund--state appropriation for fiscal year 2010 and \$4,582,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement.

(f) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(g) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(h) \$1,500,000 of the general fund--state appropriation for fiscal year 2010 and \$1,500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Spokane regional support network to implement services to reduce utilization and the census at eastern state hospital. Such services shall include:

(i) High intensity treatment team for persons who are high utilizers of psychiatric inpatient services, including those with co-occurring disorders and other special needs;

(ii) Crisis outreach and diversion services to stabilize in the community individuals in crisis who are at risk of requiring inpatient care or jail services;

(iii) Mental health services provided in nursing facilities to individuals with dementia, and consultation to facility staff treating those individuals; and

(iv) Services at the sixteen-bed evaluation and treatment facility.

At least annually, the Spokane regional support network shall assess the effectiveness of these services in reducing utilization at eastern state hospital, identify services that are not optimally effective, and modify those services to improve their effectiveness.

(i) The department shall return to the Spokane regional support network fifty percent of the amounts assessed against the network during the last six months of calendar year 2009 for state hospital utilization in excess of its contractual limit. The regional support network shall use these funds for operation during its initial months of a new sixteen-bed evaluation and treatment facility that will enable the network to reduce its use of the state hospital, and for diversion and community support services for persons with dementia who would likely otherwise require care at the state hospital.

(j) The department is directed to identify and implement program efficiencies and benefit changes in its delivery of medicaid managed-care services that are sufficient to operate within the state and federal appropriations in this section. Such actions may include but are not limited to methods such as adjusting the care access standards; improved utilization management of ongoing, recurring, and high-intensity services; and increased uniformity in provider payment rates. The department shall ensure that the capitation rate adjustments necessary to accomplish these efficiencies and changes are distributed uniformly and equitably across all regional support networks statewide. The department is directed to report to the relevant legislative fiscal and policy committees at least thirty days prior to implementing rate adjustments reflecting these changes.

(k) In developing the new medicaid managed care rates under which the public mental health managed care system will operate during the five years beginning in fiscal year 2011, the department should seek to estimate the reasonable and necessary cost of efficiently and effectively providing a comparable set of medically necessary mental health benefits to persons of different acuity levels regardless of where in the state they live. Actual prior period spending in a regional administrative area shall not be a key determinant of future payment rates. The department shall report to the office of financial management and to the relevant fiscal and policy committees of the legislature on its proposed new waiver and mental health managed care rate-setting approach by October 1, 2009, and again at least sixty days prior to implementation of new capitation rates.

(l) \$1,529,000 of the general fund--state appropriation for fiscal year 2010 and \$1,529,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(m) The legislature intends and expects that regional support networks and contracted community mental health agencies shall make all possible efforts to, at a minimum, maintain current compensation levels of direct care staff. Such efforts shall include, but not be limited to, identifying local funding that can preserve client services and staff compensation, achieving administrative reductions at the regional support network level, and engaging stakeholders on cost-savings ideas that maintain client services and staff compensation. For purposes of this section, "direct care staff" means persons employed by community mental health agencies whose primary responsibility is providing direct treatment and support to people with mental illness, or whose primary responsibility is providing direct support to such staff in areas such as client scheduling, client intake, client reception, client records-keeping, and facilities maintenance.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010)	\$120,679,000
General Fund--State Appropriation (FY 2011)	\$125,017,000
General Fund--Federal Appropriation	\$151,300,000
General Fund--Private/Local Appropriation	\$65,870,000
TOTAL APPROPRIATION	\$462,866,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.
- (b) \$231,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(b) are for the salaries, benefits, supplies, and equipment for one full-time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.
- (c) \$45,000 of the general fund--state appropriation for fiscal year 2010 and \$45,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2010)	\$1,819,000
General Fund--State Appropriation (FY 2011)	\$1,812,000
General Fund--Federal Appropriation	\$2,142,000
TOTAL APPROPRIATION	\$5,773,000

The appropriations in this subsection are subject to the following conditions and limitations: \$1,511,000 of the general fund--state appropriation for fiscal year 2010 and \$1,511,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for children's evidence based mental health services. Funding is sufficient to continue serving children at the same levels as fiscal year 2009.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2010)	\$4,123,000
General Fund--State Appropriation (FY 2011)	\$4,155,000
General Fund--Federal Appropriation	\$7,330,000
TOTAL APPROPRIATION	\$15,608,000

(a) Within the amounts appropriated in this section, the department shall provide reports to the legislature and governor on May 31, 2010, and January 31, 2011, concerning the waiting periods experienced for competency evaluations and competency restoration treatment during the nine month periods ending on March 31, 2010, and December 31, 2010, respectively.

The reports shall state, by county, the average number of days over the reporting period spent by the defendant between the signing of the court order and distribution of report: (i) In jail; (ii) in the state hospital; and (iii) waiting for the order and supporting documents to be received by the department. By state hospital catchment, the report shall also state these averages on a monthly basis. With respect to competency evaluations, the report shall separate evaluations ordered to occur in a jail, evaluations ordered to occur in the community, evaluations ordered to occur in a state hospital, and evaluations transferred to the state hospital which were originally ordered to occur in another setting. The department shall state the percentage of defendants that were found by the department to be competent following each type of evaluation. The department shall also state how many evaluations referrals contained a request for evaluation of insanity and diminished capacity, and what proportion of defendants for whom this evaluation was requested were found by the department to meet the criteria for these defenses.

With respect to competency restoration, the report shall separate restoration referrals by stage of competency restoration and state the percentage of defendants found by the department to be competent at the conclusion of each stage.

The report shall identify factors which have caused delays in the completion of competency evaluations, and analyze a sample of cases in which evaluation time exceeded the standard deviation. The report shall provide recommendations as to what measures state or local governments may take to improve the speed of competency evaluations, and identify any statutory or regulatory barriers that obstruct the evaluation process.

(b) The department is authorized and encouraged to continue its contract with the Washington state institute for public policy to provide a longitudinal analysis of long-term mental health outcomes as directed in chapter 334, Laws of 2001 (mental health performance audit); to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

NEW SECTION. Sec. 205. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2010)	\$313,050,000
General Fund--State Appropriation (FY 2011)	\$368,549,000
General Fund--Federal Appropriation	\$851,610,000
TOTAL APPROPRIATION	\$1,533,209,000

The appropriations in this subsection are subject to the following conditions and limitations:

- (a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.
- (b) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(c) Amounts appropriated in this section are sufficient to develop and implement the use of a consistent, statewide outcome-based vendor contract for employment and day services by April 1, 2011. The rates paid to vendors under this contract shall also be made consistent. In its description of activities the agency shall include activity listings and dollars appropriated for: Employment services, day services, child development services and county administration of services to the developmentally disabled. The department shall begin reporting to the office of financial management on these activities beginning in fiscal year 2010.

(d) \$5,593,000 of the general fund--state appropriation for fiscal year 2010, \$4,002,000 of the general fund--state appropriation for fiscal year 2011, and \$14,701,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e)(i) \$493,000 of the general fund--state appropriation for fiscal year 2010, \$1,463,000 of the general fund--state appropriation for fiscal year 2011, and \$2,741,000 of the general fund--federal appropriation are provided solely for community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (A) clients being diverted or discharged from the state psychiatric hospitals; (B) clients participating in the dangerous mentally ill offender program; (C) clients participating in the community protection program; and (D) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 per day in fiscal year 2010 and \$356 per day in fiscal year 2011. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated.

(ii) The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(f) \$302,000 of the general fund--state appropriation for fiscal year 2010, \$831,000 of the general fund--state appropriation for fiscal year 2011, and \$1,592,000 of the general fund--federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(g)(i) \$682,000 of the general fund--state appropriation for fiscal year 2010, \$1,651,000 of the general fund--state appropriation for fiscal year 2011, and \$1,678,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(ii) The federal portion of the amounts in this subsection (g) is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(iii) Expenditures for the purposes specified in this subsection (g) shall not exceed the amounts provided in this subsection.

(h) Within the amounts appropriated in this subsection, the department may expand the new freedom waiver program to accommodate new waiver recipients throughout the state. As possible, and in compliance with current state and federal laws, the department shall allow current waiver recipients to transfer to the new freedom waiver.

(i) Within the amounts appropriated in this subsection (1), the department shall implement all necessary rules to facilitate the transfer to a department home and community-based services (HCBS) waiver of all eligible individuals who (i) currently receive services under the existing state-only employment and day program or the existing state-only residential program, and (ii) otherwise meet the waiver eligibility requirements. The amounts appropriated are sufficient to ensure that all individuals currently receiving services under the state-only employment and day and state-only residential programs who are not transferred to a department HCBS waiver will continue to receive services.

(j) Adult day health services shall only be authorized for in-home clients.

(k) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(l) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(m) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

(i) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;

(ii) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and

(iii) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

(n) The amounts appropriated in this subsection reflect a reduction in funds available for employment and day services. In administering this reduction the department shall negotiate with counties and their vendors so that this reduction, to the greatest extent possible, is achieved by reducing vendor rates and allowable contract administrative charges (overhead) and not through reductions to direct client services or direct service delivery or programs.

(o) Within the amounts allotted for employment and day services in this section, the department shall prioritize the funding of employment services for students graduating from high school during fiscal years 2010 and 2011. However, nothing in this subsection is intended to displace services for other recipients of employment services.

(p) As part of the needs assessment instrument, the department may collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department may ensure that this information is collected as part of the client assessment process.

(q) Within the amounts appropriated in this section, waiver clients must receive employment and day services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall establish and maintain a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, time frames for seeking paid employment, and services provided under pathway to employment while paid employment is sought. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010)	\$61,612,000
General Fund--State Appropriation (FY 2011)	\$74,185,000
General Fund--Federal Appropriation	\$202,160,000
General Fund--Private/Local Appropriation	\$22,441,000
TOTAL APPROPRIATION	\$360,398,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(b) The developmental disabilities program is authorized to use funds appropriated in this subsection to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(c) \$721,000 of the general fund--state appropriation for fiscal year 2010 and \$721,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(d) In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2010)	\$1,428,000
General Fund--State Appropriation (FY 2011)	\$1,388,000
General Fund--Federal Appropriation	\$1,372,000
TOTAL APPROPRIATION	\$4,188,000

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this subsection reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2010)	\$15,000
General Fund--State Appropriation (FY 2011)	\$15,000
General Fund--Federal Appropriation	\$21,066,000
TOTAL APPROPRIATION	\$21,096,000

The appropriations in this subsection are subject to the following conditions and limitations: The appropriations in this subsection are available solely for the infant toddler early intervention program.

NEW SECTION. Sec. 206. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	\$585,667,000
General Fund--State Appropriation (FY 2011)	\$698,622,000
General Fund--Federal Appropriation	\$1,814,099,000
General Fund--Private/Local Appropriation	\$20,373,000
Traumatic Brain Injury Account--State Appropriation	\$1,816,000
TOTAL APPROPRIATION	\$3,120,577,000

The appropriations in this section are subject to the following conditions and limitations:

(1) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$156.37 for fiscal year 2010 and shall not exceed \$158.74 for fiscal year 2011, including the rate add-on described in subsection (12) of this section. There will be no adjustments for economic trends and conditions in fiscal years 2010 and 2011. The economic trends and conditions factor or factors defined in the biennial appropriations act shall not be compounded with the economic trends and conditions factor or factors defined in any other biennial appropriations acts before applying it to the component rate allocations established in accordance with chapter 74.46 RCW. When no economic trends and conditions factor for either fiscal year is defined in a biennial appropriations act, no economic trends and conditions factor or factors defined in any earlier biennial appropriations act shall be applied solely or compounded to the component rate allocations established in accordance with chapter 74.46 RCW.

(2) In accordance with chapter 74.46 RCW, the department shall issue no additional certificates of capital authorization for fiscal year 2010 and no new certificates of capital authorization for fiscal year 2011.

(3) The long-term care program may develop and pay enhanced rates for exceptional care to nursing homes for persons with traumatic brain injuries who are transitioning from hospital care. The cost per patient day for caring for these clients in a nursing home setting may be equal to or less than the cost of caring for these clients in a hospital setting.

(4) Within the appropriations of this section, the department shall reduce all seventeen payment levels of the seventeen-level payment system from the fiscal year 2009 levels for boarding homes, boarding homes contracted as assisted living, and adult family homes. Excluded from the reductions are exceptional care rate add-ons. The long-term care program may develop add-ons to pay exceptional care rates to adult family homes and boarding homes with specialty contracts to provide support for the following specifically eligible clients:

- (a) Persons with AIDS or HIV-related diseases who might otherwise require nursing home or hospital care;
- (b) Persons with Alzheimer's disease and related dementia who might otherwise require nursing home care; and
- (c) Persons with co-occurring mental illness and long-term care needs who are eligible for expanded community services and who might otherwise require state and local psychiatric hospital care.

Within amounts appropriated, exceptional add-on rates for AIDS/HIV, dementia specialty care, and expanded community services may be standardized within each program.

(5) Amounts appropriated in this section reflect a reduction to funds appropriated for in-home care. The department shall reduce the number of in-home hours authorized. The reduction shall be scaled based on the acuity level of care recipients. The largest hour reductions shall be to lower acuity patients and the smallest hour reductions shall be to higher acuity patients. In doing so, the department shall comply with all maintenance of effort requirements contained in the American reinvestment and recovery act.

(6) \$536,000 of the general fund--state appropriation for fiscal year 2010, \$1,477,000 of the general fund--state appropriation for fiscal year 2011, and \$2,830,000 of the general fund--federal appropriation are provided solely for health care benefits pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(7)(a) \$1,212,000 of the general fund--state appropriation for fiscal year 2010, \$2,934,000 of the general fund--state appropriation for fiscal year 2011, and \$2,982,000 of the general fund--federal appropriation are provided solely for the state's contribution to the training partnership, as provided in RCW 74.39A.360, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(b) \$330,000 of the general fund--state appropriation for fiscal year 2010, \$660,000 of the general fund--state appropriation for fiscal year 2011, and \$810,000 of the general fund--federal appropriation are provided solely for transfer from the department to the training partnership, as provided in RCW 74.39A.360, for infrastructure and instructional costs associated with training of individual providers, pursuant to a collective bargaining agreement negotiated with the exclusive bargaining representative of individual providers established under RCW 74.39A.270.

(c) The federal portion of the amounts in this subsection is contingent upon federal approval of participation in contributions to the trust and shall remain unallotted and placed in reserve status until the office of financial management and the department of social and health services receive federal approval.

(d) Expenditures for the purposes specified in this subsection shall not exceed the amounts provided in this subsection.

(8) Within the amounts appropriated in this section, the department may expand the new freedom waiver program to accommodate new waiver recipients throughout the state. As possible, and in compliance with current state and federal laws, the department shall allow current waiver recipients to transfer to the new freedom waiver.

(9) Individuals receiving services as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(10) Adult day health services shall only be authorized for in-home clients.

(11) \$3,955,000 of the general fund--state appropriation for fiscal year 2010, \$4,239,000 of the general fund--state appropriation for fiscal year 2011, and \$10,190,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(12) Within the funds provided, the department shall continue to provide an add-on per medicaid resident day per facility not to exceed \$1.57. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2008, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall continue reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(13) \$1,840,000 of the general fund--state appropriation for fiscal year 2010 and \$1,877,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for operation of the volunteer chore services program.

(14) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(15) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(16) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

(17) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member, pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(18) \$204,000 of the general fund--state appropriation for fiscal year 2010, \$1,099,000 of the general fund--state appropriation for fiscal year 2011, and \$1,697,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall

collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(19) Sufficient funding is provided in this section for the department to implement Engrossed Second Substitute House Bill No. 1935 (adult family homes). During the 2009-11 biennium, the initial licensing fee for an adult family home shall be set at \$900.00. During the 2009-11 biennium, the annual licensing renewal fee shall be set at \$100.00.

NEW SECTION. Sec. 207. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	\$557,621,000
General Fund--State Appropriation (FY 2011)	\$588,286,000
General Fund--Federal Appropriation	\$1,140,367,000
General Fund--Private/Local Appropriation	\$27,920,000
Administrative Contingency Account--State Appropriation	\$29,136,000
TOTAL APPROPRIATION	\$2,343,330,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$303,196,000 of the general fund--state appropriation for fiscal year 2010, \$309,755,000 of the general fund--state appropriation for fiscal year 2011, \$29,136,000 of the administrative contingency account--state appropriation, and \$778,606,000 of the general fund-- federal appropriation are provided solely for all components of the WorkFirst program. The department shall use moneys from the administrative contingency account for WorkFirst job placement services provided by the employment security department. Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. In addition, within the amounts provided for WorkFirst the department shall:

(a) Establish a career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report electronically by October 1, 2009, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2009-2011 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;

(e) Maintain the fiscal year 2009 grant standard for the temporary assistance for needy families grant.

(2) The department and the office of financial management shall electronically report quarterly the expenditures, maintenance of effort allotments, expenditure amounts, and caseloads for the WorkFirst program to the legislative fiscal committees.

(3) \$4,856,000 of the general fund--state appropriation for fiscal year 2010 and \$95,173,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for cash assistance and other services to recipients in the general assistance--unemployable program. Within these amounts:

(a) The department shall aggressively pursue opportunities to transfer general assistance unemployable clients to general assistance expedited coverage and to facilitate client applications for federal supplemental security income when the client's incapacities indicate that he or she would be likely to meet the federal disability criteria for supplemental security income. The department shall initiate and file the federal supplemental security income interim agreement as quickly as possible in order to maximize the recovery of federal funds;

(b) The department shall review the general assistance caseload to identify recipients that would benefit from assistance in becoming naturalized citizens, and thus be eligible to receive federal supplemental security income benefits. Those cases shall be given high priority for naturalization funding through the department;

(c) The department shall actively coordinate with local workforce development councils to expedite access to worker retraining programs for general assistance unemployable clients in those regions of the state with the greatest number of such clients;

(d) By July 1, 2009, the department shall enter into an interagency agreement with the department of veterans' affairs to establish a process for referral of veterans who may be eligible for veteran's services. This agreement must include outstationing department of veterans' affairs staff in selected community service office locations in King and Pierce counties to facilitate applications for veterans' services; and

(e) In addition to any earlier evaluation that may have been conducted, the department shall intensively evaluate those clients who have been receiving general assistance unemployable benefits for twelve months or more as of July 1, 2009, or thereafter, if the available medical and incapacity related evidence indicates that the client is unlikely to meet the disability standard for federal supplemental security income benefits. The evaluation shall identify services necessary to eliminate or minimize barriers to employment, including mental health treatment, substance abuse treatment and vocational rehabilitation services. The department shall expedite referrals to chemical dependency treatment, mental health and vocational rehabilitation services for these clients.

(f) The appropriations in this subsection reflect a change in the earned income disregard policy for general assistance unemployable clients. It is the intent of the legislature that the department shall adopt the temporary assistance for needy families earned income policy for general assistance unemployable.

(4) The department shall report to the legislature on outcomes of the reorganization of the office of refugee and immigrant assistance. The report shall include information on efficiencies and outcomes related to client services, training and technical assistance to providers, and administrative oversight prior to the year of the reorganization compared to the outcomes achieved following the reorganization. In addition to self reporting the department shall solicit comments relevant to this report from service providers and the report shall include their responses. To increase transparency and understanding of the office's funding practices, the report shall also include information on the base budgets of funding sources for services provided by the office of refugee and immigrant assistance. A preliminary report shall be due to the legislature by December 1, 2009. A final report shall be due June 1, 2010.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for naturalization services.

(6)(a) \$3,550,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for refugee employment services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency

pathway services; and \$3,550,000 of the general fund--state appropriation for fiscal year 2011 is provided solely for refugee employment services, of which \$2,650,000 is provided solely for the department to pass through to statewide refugee assistance organizations for limited English proficiency pathway services.

(b) The legislature intends that the appropriation in this subsection for the 2009-11 fiscal biennium will maintain funding for refugee programs at a level at least equal to expenditures on these programs in the 2007-09 fiscal biennium.

(7) The appropriations in this section reflect reductions in the appropriations for the economic services administration's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

NEW SECTION. Sec. 208. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2010)	\$82,117,000
General Fund--State Appropriation (FY 2011)	\$84,772,000
General Fund--Federal Appropriation	\$145,671,000
General Fund--Private/Local Appropriation	\$2,719,000
Criminal Justice Treatment Account--State Appropriation	\$17,747,000
Problem Gambling Account--State Appropriation	\$1,459,000
TOTAL APPROPRIATION	\$334,485,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the department may contract with the University of Washington and community-based providers for the provision of the parent-child assistance program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) Within the amounts appropriated in this section, the department shall continue to provide for chemical dependency treatment services for adult medicaid eligible and general assistance-unemployable patients.

(3) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

NEW SECTION. Sec. 209. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2010)	\$1,597,387,000
General Fund--State Appropriation (FY 2011)	\$1,984,797,000
General Fund--Federal Appropriation	\$5,210,672,000
General Fund--Private/Local Appropriation	\$12,903,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,076,000
Tobacco Prevention and Control Account--State Appropriation	\$3,766,000
TOTAL APPROPRIATION	\$8,824,601,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(4) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,110,000 of the general fund--federal appropriation and \$1,105,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$9,818,000 of the general fund--state appropriation for fiscal year 2011, and \$9,865,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients, and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2009-11 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2009, and by November 1, 2010, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative

uses of local, state, and federal resources as a replacement for this program. During fiscal year 2010 and fiscal year 2011, hospitals in the program shall be paid and shall retain one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance and one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, (b) one half of the indigent assistance disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005, and (c) all of the other disproportionate share hospital payment amounts paid to and retained by each hospital during fiscal year 2005 to the extent the same disproportionate share hospital programs exist in the 2009-11 biennium. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$6,570,000 of the general fund--state appropriation for fiscal year 2010, which is appropriated in section 204(1) of this act, and \$1,500,000 of the general fund--state appropriation for fiscal year 2011, which is appropriated in section 204(1) of this act, are provided solely for state grants for the participating hospitals. Sufficient amounts are appropriated in this section for the remaining state grants for the participating hospitals.

(9) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(10) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(11) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(12) \$93,000 of the general fund--state appropriation for fiscal year 2010 and \$93,000 of the general fund--federal appropriation are provided solely for the department to pursue a federal Medicaid waiver pursuant to Second Substitute Senate Bill No. 5945 (Washington health partnership plan). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(13) The department shall require managed health care systems that have contracts with the department to serve medical assistance clients to limit any reimbursements or payments the systems make to providers not employed by or under contract with the systems to no more than the medical assistance rates paid by the department to providers for comparable services rendered to clients in the fee-for-service delivery system.

(14) Appropriations in this section are sufficient for the department to continue to fund family planning nurses in the community services offices.

(15) The department, in coordination with stakeholders, will conduct an analysis of potential savings in utilization of home dialysis. The department shall present its findings to the appropriate house of representatives and senate committees by December 2010.

(16) A maximum of \$166,875,000 of the general fund--state appropriation and \$38,389,000 of the general fund--federal appropriation may be expended in the fiscal biennium for the general assistance-unemployable medical program, and these amounts are provided solely for this program. Of these amounts, \$10,749,000 of the general fund--state appropriation for fiscal year 2010 and \$10,892,000 of the general fund--federal appropriation are provided solely for payments to hospitals for providing outpatient services to low income patients who are recipients of general assistance-unemployable. Pursuant to RCW 74.09.035, the department shall not expend for the general assistance medical care services program any amounts in excess of the amounts provided in this subsection.

(17) If the department determines that it is feasible within the amounts provided in subsection (16) of this section, and without the loss of federal disproportionate share hospital funds, the department shall contract with the carrier currently operating a managed care pilot project for the provision of medical care services to general assistance-unemployable clients. Mental health services shall be included in the services provided through the managed care system. If the department determines that it is feasible, effective October 1, 2009, in addition to serving clients in the pilot counties, the carrier shall expand managed care services to clients residing in at least the following counties: Spokane, Yakima, Chelan, Kitsap, and Cowlitz. If the department determines that it is feasible, the carrier shall complete implementation into the remaining counties. Total per person costs to the state, including outpatient and inpatient services and any additional costs due to stop loss agreements, shall not exceed the per capita payments projected for the general assistance-unemployable eligibility category, by fiscal year, in the February 2009 medical assistance expenditures forecast. The department, in collaboration with the carrier, shall seek to improve the transition rate of general assistance clients to the federal supplemental security income program.

(18) The department shall evaluate the impact of the use of a managed care delivery and financing system on state costs and outcomes for general assistance medical clients. Outcomes measured shall include state costs, utilization, changes in mental health status and symptoms, and involvement in the criminal justice system.

(19) The department shall report to the governor and the fiscal committees of the legislature by June 1, 2010, on its progress toward achieving a twenty percentage point increase in the generic prescription drug utilization rate.

(20) State funds shall not be used by hospitals for advertising purposes.

(21) The department shall seek a medicaid state plan amendment to create a professional services supplemental payment program for University of Washington medicine professional providers no later than July 1, 2009. The department shall apply federal rules for identifying the shortfall between current fee-for-service medicaid payments to participating providers and the applicable federal upper payment limit. Participating providers shall be solely responsible for providing the local funds required to obtain federal matching funds. Any incremental costs incurred by the department in the development, implementation, and maintenance of this program will be the responsibility of the participating providers. Participating providers will retain the full amount of supplemental payments provided under this program, net of any potential costs for any related audits or litigation brought against the state. The department shall report to the governor and the legislative fiscal committees on the prospects for expansion of the program to other qualifying providers as soon as feasibility is determined but no later than December 31, 2009. The report will outline estimated impacts on the participating providers, the procedures necessary to comply with federal guidelines, and the administrative resource requirements necessary to implement the program. The department will create a process for expansion of the program to other qualifying providers as soon as it is determined feasible by both the department and providers but no later than June 30, 2010.

(22) \$9,350,000 of the general fund--state appropriation for fiscal year 2010, \$8,313,000 of the general fund--state appropriation for fiscal year 2011, and \$20,371,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement

system for the existing medicaid management information system. The amounts provided in this subsection are conditioned on the department satisfying the requirements of section 902 of this act.

(23) \$506,000 of the general fund--state appropriation for fiscal year 2011 and \$657,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1373 (children's mental health). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(24) Pursuant to 42 U.S.C. Sec. 1396(a)(25), the department shall pursue insurance claims on behalf of medicaid children served through its in-home medically intensive child program under WAC 388-551-3000. The department shall report to the Legislature by December 31, 2009, on the results of its efforts to recover such claims.

(25) The department may, on a case-by-case basis and in the best interests of the child, set payment rates for medically intensive home care services to promote access to home care as an alternative to hospitalization. Expenditures related to these increased payments shall not exceed the amount the department would otherwise pay for hospitalization for the child receiving medically intensive home care services.

(26) \$425,000 of the general fund--state appropriation for fiscal year 2010, \$425,000 of the general fund--state appropriation for fiscal year 2011, and \$1,580,000 of the general fund--federal appropriation are provided solely to continue children's health coverage outreach and education efforts under RCW 74.09.470. These efforts shall rely on existing relationships and systems developed with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that are or may become available to provide on-going support for outreach and education efforts under the federal children's health insurance program reauthorization act of 2009.

(27) The department, in conjunction with the office of financial management, shall reduce outpatient and inpatient hospital rates and implement a prorated inpatient payment policy. In determining the level of reductions needed, the department shall include in its calculations services paid under fee-for-service, managed care, and certified public expenditure payment methods; but reductions shall not apply to payments for psychiatric inpatient services or payments to critical access hospitals.

(28) The department will pursue a competitive procurement process for antihemophilic products, emphasizing evidence-based medicine and protection of patient access without significant disruption in treatment.

(29) The department will pursue several strategies towards reducing pharmacy expenditures including but not limited to increasing generic prescription drug utilization by 20 percentage points and promoting increased utilization of the existing mail-order pharmacy program.

(30) The department shall reduce reimbursement for over-the-counter medications while maintaining reimbursement for those over-the-counter medications that can replace more costly prescription medications.

(31) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

(32) The department shall target funding for maternity support services towards pregnant women with factors that lead to higher rates of poor birth outcomes, including hypertension, a preterm or low birth weight birth in the most recent previous birth, a cognitive deficit or developmental disability, substance abuse, severe mental illness, unhealthy weight or failure to gain weight, tobacco use, or African American or Native American race.

(33) The department shall direct graduate medical education funds to programs that focus on primary care training.

(34) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$53,000 of the general fund--federal appropriation are provided solely to implement Substitute House Bill No. 1845 (medical support obligations).

(35) \$63,000 of the general fund--state appropriation for fiscal year 2010, \$583,000 of the general fund--state appropriation for fiscal year 2011, and \$864,000 of the general fund--federal appropriation are provided solely to implement Engrossed House Bill No. 2194 (extraordinary medical placement for offenders). The department shall work in partnership with the department of corrections to identify services and find placements for offenders who are released through the extraordinary medical placement program. The department shall collaborate with the department of corrections to identify and track cost savings to the department of corrections, including medical cost savings, and to identify and track expenditures incurred by the aging and disability services program for community services and by the medical assistance program for medical expenses. A joint report regarding the identified savings and expenditures shall be provided to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010. If this bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(36) Sufficient amounts are provided in this section to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with RCW 74.09.520.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2010)	\$10,452,000
General Fund--State Appropriation (FY 2011)	\$10,127,000
General Fund--Federal Appropriation	\$83,553,000
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,979,000
TOTAL APPROPRIATION	\$106,111,000

The appropriations in this section are subject to the following conditions and limitations: The vocational rehabilitation program shall coordinate closely with the economic services program to serve general assistance unemployable clients who are referred for eligibility determination and vocational rehabilitation services, and shall make every effort, within the requirements of the federal rehabilitation act of 1973, to serve these clients.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2010)	\$54,027,000
General Fund--State Appropriation (FY 2011)	\$53,137,000
TOTAL APPROPRIATION	\$107,164,000

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

General Fund--State Appropriation (FY 2010)	\$34,549,000
General Fund--State Appropriation (FY 2011)	\$34,843,000
General Fund--Federal Appropriation	\$55,149,000

General Fund--Private/Local Appropriation	\$1,526,000
TOTAL APPROPRIATION	\$126,067,000

The appropriations in this section are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(1) \$150,000 of the general fund--state appropriation for fiscal year 2010 and \$150,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state mentors program to continue its public-private partnerships to provide technical assistance and training to mentoring programs that serve at-risk youth.

(2) \$445,000 of the general fund--state appropriation for fiscal year 2010 and \$445,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for funding of the teamchild project through the governor's juvenile justice advisory committee.

(3) \$178,000 of the general fund--state appropriation for fiscal year 2010 and \$178,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the juvenile detention alternatives initiative.

(4) Amounts appropriated in this section reflect a reduction to the family policy council. The family policy council shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

(5) Amounts appropriated in this section reflect a reduction to the council on children and families. The council on children and families shall reevaluate staffing levels and administrative costs to ensure to the extent possible a maximum ratio of grant moneys provided and administrative costs.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2010)	\$53,431,000
General Fund--State Appropriation (FY 2011)	\$53,472,000
General Fund--Federal Appropriation	\$49,494,000
TOTAL APPROPRIATION	\$156,397,000

NEW SECTION. Sec. 214. FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2010)	\$206,295,000
General Fund--State Appropriation (FY 2011)	\$182,138,000
General Fund--Federal Appropriation	\$6,302,000
State Health Care Authority Administration Account--State Appropriation	\$35,261,000
Medical Aid Account--State Appropriation	\$529,000
TOTAL APPROPRIATION	\$430,525,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) In order to maximize the funding appropriated for the basic health plan, the health care authority is directed to make modifications that will reduce the total number of subsidized enrollees to approximately 65,000 by January 1, 2010. In addition to the reduced enrollment, other modifications may include changes in enrollee premium obligations, changes in benefits, enrollee cost-sharing, and termination of the enrollment of individuals concurrently enrolled in a medical assistance program as provided in Substitute House Bill No. 2341.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2010 and \$250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5360 (community collaboratives). If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.

(6) The department shall seek public-private partnerships and federal funds that are or may become available to implement health information technology projects under the federal American recovery and reinvestment act of 2009.

NEW SECTION. Sec. 215. FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2010)	\$2,802,000
General Fund--State Appropriation (FY 2011)	\$2,814,000
General Fund--Federal Appropriation	\$1,299,000
TOTAL APPROPRIATION	\$6,915,000

NEW SECTION. Sec. 216. FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

.Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	\$18,453,000

Medical Aid Account--State Appropriation	\$18,453,000
TOTAL APPROPRIATION	\$36,926,000

NEW SECTION. Sec. 217. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2010)	\$19,146,000
General Fund--State Appropriation (FY 2011)	\$19,176,000
General Fund--Private/Local Appropriation	\$200,000
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account--State Appropriation	\$5,844,000
TOTAL APPROPRIATION	\$44,974,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,874,000 of the general fund--state appropriation for fiscal year 2010 and \$1,922,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for 10 additional basic law enforcement academies in fiscal year 2010 and 10 additional basic law enforcement academies in fiscal year 2011.

(2) \$1,191,000 of the general fund--state appropriation for fiscal year 2010 and \$1,191,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(3) \$5,000,000 of the general fund--state appropriation for fiscal year 2010 and \$5,000,000 of the general fund--state appropriation for fiscal year 2011, are provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

- (i) For level I offenders, every twelve months;
- (ii) For level II offenders, every six months; and
- (iii) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program; and

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by December 31, each year.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing-to-register offenses.

(4) \$30,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Second Substitute House Bill No. 2078 (persons with developmental disabilities in correctional facilities or jails). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2010)	\$24,224,000
General Fund--State Appropriation (FY 2011)	\$25,237,000
General Fund--Federal Appropriation	\$100,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$924,000
Electrical License Account--State Appropriation	\$43,162,000
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$1,979,000
Public Works Administration Account--State Appropriation	\$5,764,000
Manufactured Home Installation Training Account-- State Appropriation	\$138,000
Accident Account--State Appropriation	\$248,281,000
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	\$249,537,000
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	\$1,693,000
Pressure Systems Safety Account--State Appropriation	\$3,775,000
TOTAL APPROPRIATION	\$631,650,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, the department is authorized to increase fees related to factory assembled structures, contractor registration, electricians, plumbers, asbestos removal, boilers, elevators, and manufactured home installers. These increases are necessary to support expenditures authorized in this section, consistent with chapters 43.22, 18.27, 19.28, and 18.106 RCW, RCW 49.26.130, and chapters 70.79, 70.87, and 43.22A RCW.

(2) \$424,000 of the accident account--state appropriation and \$76,000 of the medical aid account--state appropriation are provided solely for implementation of a community agricultural worker safety grant at the department of agriculture. The department shall enter into an interagency agreement with the department of agriculture to implement the grant.

(3) \$4,850,000 of the medical aid account--state appropriation is provided solely to continue the program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(4) \$150,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the

effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(5) The department shall continue to conduct utilization reviews of physical and occupational therapy cases at the 24th visit. The department shall continue to report performance measures and targets for these reviews on the agency web site. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(6) The appropriations in this section reflect reductions in the appropriations for the department of labor and industries' administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing administrative costs only.

(7) \$500,000 of the accident account--state appropriation is provided solely for the department to contract with one or more independent experts to oversee and assist the department's implementation of improvements to the rating plan under chapter 51.18 RCW, in collaboration with the department and with the department's work group of retrospective rating and workers' compensation stakeholders. The independent experts will validate the impact of recommended changes on retrospective rating participants and nonparticipants, confirm implementation technology changes, and provide other implementation assistance as determined by the department.

(8) \$194,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5346 (health care administrative procedures). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) \$131,000 of the accident account--state appropriation and \$128,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5613 (stop work orders). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$68,000 of the accident account--state appropriation and \$68,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5688 (registered domestic partners). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(11) \$320,000 of the accident account--state appropriation and \$147,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 5873 (apprenticeship utilization). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(12) \$337,000 of the general fund--state appropriation for fiscal year 2010 and \$183,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Senate Bill No. 5895 (residential real property). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(13) \$394,000 of the accident account--state appropriation and \$394,000 of the medical aid account--state appropriation are provided solely for implementation of Senate Bill No. 6035 (retrospective rating plans). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(14) \$269,000 of the general fund--state appropriation for fiscal year 2010 and \$183,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1393 (residential construction). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(15) \$73,000 of the general fund--state appropriation for fiscal year 2010, \$66,000 of the general fund--state appropriation for fiscal year 2011, \$606,000 of the accident account--state appropriation, and \$600,000 of the medical aid account--state appropriation are provided solely for the implementation of House Bill No. 1555 (underground economy). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(16) \$574,000 of the accident account--state appropriation and \$579,000 of the medical account--state appropriation are provided solely for the implementation of House Bill No. 1402 (industrial insurance appeals). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 219. FOR THE INDETERMINATE SENTENCE REVIEW BOARD

General Fund--State Appropriation (FY 2010)	\$1,913,000
General Fund--State Appropriation (FY 2011)	\$1,917,000
TOTAL APPROPRIATION	\$3,830,000

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2010)	\$1,913,000
General Fund--State Appropriation (FY 2011)	\$1,899,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000
TOTAL APPROPRIATION	\$3,822,000

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2010)	\$4,885,000
General Fund--State Appropriation (FY 2011)	\$4,943,000
General Fund--Federal Appropriation	\$1,842,000
General Fund--Private/Local Appropriation	\$3,491,000
Veterans Innovations Program Account--State Appropriation	\$648,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,069,000
TOTAL APPROPRIATION	\$16,878,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall collaborate with the department of social and health services to identify and assist eligible general assistance unemployable clients to access the federal department of veterans affairs benefits.

(b) \$648,000 of the veterans innovations program account--state appropriation is provided solely for the department to continue support for returning combat veterans through the veterans innovation program, including emergency financial assistance through the defenders' fund and long-term financial assistance through the competitive grant program.

(c) In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2010)	\$3,638,000
General Fund--State Appropriation (FY 2011)	\$2,845,000
General Fund--Federal Appropriation	\$50,791,000
General Fund--Private/Local Appropriation	\$31,734,000
TOTAL APPROPRIATION	\$89,008,000

The appropriations in this subsection are subject to the following conditions and limitations: In addition to other reductions, the appropriations in this section reflect reductions targeted specifically to state government administrative costs. These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

NEW SECTION. Sec. 221. FOR THE HOME CARE QUALITY AUTHORITY

General Fund--State Appropriation (FY 2010)	\$1,229,000
General Fund--State Appropriation (FY 2011)	\$1,221,000
TOTAL APPROPRIATION	\$2,450,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2010)	\$108,879,000
General Fund--State Appropriation (FY 2011)	\$84,169,000
General Fund--Federal Appropriation	\$480,871,000
General Fund--Private/Local Appropriation	\$138,846,000
Hospital Data Collection Account--State Appropriation	\$326,000
Health Professions Account--State Appropriation	\$76,218,000
Aquatic Lands Enhancement Account--State Appropriation	\$603,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$13,531,000
Safe Drinking Water Account--State Appropriation	\$2,723,000
Drinking Water Assistance Account--Federal Appropriation	\$22,817,000
Waterworks Operator Certification--State Appropriation	\$1,519,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$326,000
State Toxics Control Account--State Appropriation	\$3,600,000
Medical Test Site Licensure Account--State Appropriation	\$2,117,000
Youth Tobacco Prevention Account--State Appropriation	\$1,512,000
Public Health Supplemental Account--Private/Local Appropriation	\$3,525,000
Accident Account--State Appropriation	\$295,000
Medical Aid Account--State Appropriation	\$48,000
Tobacco Prevention and Control Account-- State Appropriation	\$46,884,000
Biotoxin Account--State Appropriation	\$1,165,000
TOTAL APPROPRIATION	\$989,974,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department of health and the state board of health shall not implement any new or amended rules pertaining to primary and secondary school facilities until the rules and a final cost estimate have been presented to the legislature, and the legislature has formally funded implementation of the rules through the omnibus appropriations act or by statute. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(2) Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is authorized to establish fees by the amount necessary to fully support the cost of activities related to the administration of long-term care worker certification. The department is further authorized to increase fees by the amount necessary to implement the regulatory requirements of the following bills: House Bill No. 1414 (health care assistants), House Bill No. 1740 (dental residency licenses), and House Bill No. 1899 (retired active physician licenses).

(3) Within the amounts appropriated in this section, the department of health shall continue operations of the pesticide incident report and tracking review panel.

(4) \$764,000 of the health professions account--state appropriation is provided solely for the medical quality assurance commission to maintain disciplinary staff and associated costs sufficient to reduce the backlog of disciplinary cases and to continue to manage the disciplinary caseload of the commission.

(5) \$57,000 of the general fund--state appropriation for fiscal year 2010 and \$58,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(6) Funding for the human papillomavirus vaccine shall not be included in the department's universal vaccine purchase program in fiscal year 2010. Remaining funds for the universal vaccine purchase program shall be used to continue the purchase of all other vaccines included

in the program until May 1, 2010, or until state funds are exhausted, at which point state funding for the universal vaccine purchase program shall be discontinued. Funds from section 317 of the federal public health services act direct assistance shall not be used in lieu of state funds.

(7) Beginning July 1, 2010, the department, in collaboration with the department of social and health services, shall maximize the use of existing federal funds, including section 317 of the federal public health services act direct assistance as well as federal funds that may become available under the American recovery and reinvestment act, in order to continue to provide immunizations for low-income, nonmedicaid eligible children up to three hundred percent of the federal poverty level in state-sponsored health programs.

(8) The department shall eliminate outreach activities for the health care directives registry and use the remaining amounts to maintain the contract for the registry and minimal staffing necessary to administer the basic entry functions for the registry.

(9) Funding in this section reflects a temporary reduction of resources for the 2009-11 fiscal biennium for the state board of health to conduct health impact reviews.

(10) Pursuant to RCW 43.135.055 and 43.70.125, the department is authorized to adopt rules to establish a fee schedule to apply to applicants for initial certification surveys of health care facilities for purposes of receiving federal health care program reimbursement. The fees shall only apply when the department has determined that federal funding is not sufficient to compensate the department for the cost of conducting initial certification surveys. The fees for initial certification surveys may be established as follows: Up to \$1,815 for ambulatory surgery centers, up to \$2,015 for critical access hospitals, up to \$980 for end stage renal disease facilities, up to \$2,285 for home health agencies, up to \$2,285 for hospice agencies, up to \$2,285 for hospitals, up to \$520 for rehabilitation facilities, up to \$690 for rural health clinics, and up to \$7,000 for transplant hospitals.

(11) Funding for family planning grants for fiscal year 2011 is eliminated in the expectation that federal funding shall become available to expand coverage of services for individuals through programs at the department of social and health services. In the event that such funding is not provided, the legislature intends to continue funding through a supplemental appropriation at fiscal year 2010 levels.

(12) \$16,000,000 of the tobacco prevention and control account-- state appropriation is provided solely for local health jurisdictions to conduct core public health functions as defined in RCW 43.70.514.

(13) \$100,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1414 (health care assistants). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(14) \$42,000 of the health professions account--state appropriation is provided solely to implement Substitute House Bill No. 1740 (dentistry license issuance). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(15) \$23,000 of the health professions account--state appropriation is provided solely to implement Second Substitute House Bill No. 1899 (retired active physician licenses). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(16) \$12,000 of the general fund--state appropriation for fiscal year 2010 and \$67,000 of the general fund--private/local appropriation are provided solely to implement House Bill No. 1510 (birth certificates). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

(17) \$31,000 of the health professions account is provided for the implementation of Second Substitute Senate Bill No. 5850 (human trafficking). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(18) \$282,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5752 (dentists cost recovery). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(19) \$106,000 of the health professions account is provided for the implementation of Substitute Senate Bill No. 5601 (speech language assistants). If the bill is not enacted by June 2009, the amount provided in this subsection shall lapse.

(20) Sufficient funds are provided in this section to continue the health care WorkForce survey pursuant to RCW 43.70.695.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2010)	\$55,622,000
General Fund--State Appropriation (FY 2011)	\$56,318,000
TOTAL APPROPRIATION	\$111,940,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2010 and \$35,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2010)	\$459,575,000
General Fund--State Appropriation (FY 2011)	\$629,070,000
General Fund--Federal Appropriation	\$185,131,000
General Fund--Private/Local Appropriation	\$3,536,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$5,960,000
TOTAL APPROPRIATION	\$1,283,272,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2009-11 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) The appropriations in this subsection are based upon savings assumed from the implementation of the following bills: Engrossed Senate Bill No. 6183 (illegal alien offenders), Engrossed House Bill No. 2194 (extraordinary medical placement), Senate Bill No. 6167 (crimes against property), Senate Bill No. 5525 (state institutions/release), chapter 147, Laws of 2009 (Substitute Senate Bill No. 5987) (corrections department personnel), and Substitute Senate Bill No. 6160 (criminal justice sentencing).

(g) A political subdivision which is applying for funding to mitigate one-time impacts associated with construction or expansion of a correctional institution, consistent with WAC 137-12A-030, may apply for the mitigation funds in the fiscal biennium in which the impacts occur or in the immediately succeeding fiscal biennium.

(h) Within amounts provided in this subsection, the department, jointly with the department of social and health services, shall identify the number of offenders released through the extraordinary medical placement program, the cost savings to the department of corrections, including estimated medical cost savings, and the costs for medical services in the community incurred by the department of social and health services. The department and the department of social and health services shall jointly report to the office of financial management and the appropriate fiscal committees of the legislature by November 30, 2010.

(i) \$11,863,000 of the general fund--state appropriation for fiscal year 2010, \$11,864,000 of the general fund--state appropriation for fiscal year 2011, and \$2,336,000 of the general fund--private/local appropriation are provided solely for in-prison evidence-based programs and for the reception diagnostic center program as part of the offender re-entry initiative.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2010)	\$152,122,000
General Fund--State Appropriation (FY 2011)	\$141,982,000
General Fund--Federal Appropriation	\$750,000
TOTAL APPROPRIATION	\$294,854,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) \$2,083,000 of the general fund--state appropriation for fiscal year 2010 and \$2,083,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Senate Bill No. 5525 (state institutions/release). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(c) \$375,000 of the general fund--state appropriation for fiscal year 2010 is provided solely as a matching amount of state funds for a federal second chance act grant and is contingent upon receipt of \$750,000 of federal funding under the second chance act.

(d) The appropriations in this subsection are based upon savings assumed from the implementation of Engrossed Substitute Senate Bill No. 5288 (supervision of offenders).

(e) \$2,791,000 of the general fund--state appropriation for fiscal year 2010 and \$3,166,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for evidence-based community programs and for community justice centers as part of the offender re-entry initiative.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2010)	\$2,574,000
General Fund--State Appropriation (FY 2011)	\$2,565,000
TOTAL APPROPRIATION	\$5,139,000

The appropriations in this subsection are subject to the following conditions and limitations: \$132,000 of the general fund--state appropriation for fiscal year 2010 and \$132,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2010)	\$40,455,000
General Fund--State Appropriation (FY 2011)	\$40,450,000
TOTAL APPROPRIATION	\$80,905,000

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2010)	\$2,544,000
General Fund--State Appropriation (FY 2011)	\$2,550,000
General Fund--Federal Appropriation	\$18,125,000
General Fund--Private/Local Appropriation	\$20,000
TOTAL APPROPRIATION	\$23,239,000

The amounts appropriated in this section are subject to the following conditions and limitations: Sufficient amounts are appropriated in this section to support contracts for services that provide employment support and help with life activities for deaf and blind individuals in King county.

NEW SECTION. Sec. 225. FOR THE SENTENCING GUIDELINES COMMISSION

General Fund--State Appropriation (FY 2010)	\$978,000
General Fund--State Appropriation (FY 2011)	\$976,000
TOTAL APPROPRIATION	\$1,954,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the amounts appropriated in this section, the sentencing guidelines commission, in partnership with the courts, shall develop a plan to implement an evidence-based system of community custody for adult felons that will include the consistent use of evidence-based risk and needs assessment tools, programs, supervision modalities, and monitoring of program integrity. The plan for the evidence-based system of community custody shall include provisions for identifying cost-effective rehabilitative programs; identifying offenders for whom such programs would be cost-effective; monitoring the system for cost-effectiveness; and reporting annually to the legislature. In developing the plan, the sentencing guidelines shall consult with: The Washington state institute for public policy; the legislature; the department of corrections; local governments; prosecutors; defense attorneys; victim advocate groups; law enforcement; the Washington federation of state employees; and other interested entities. The sentencing guidelines commission shall report its recommendations to the governor and the legislature by December 1, 2009.

(2)(a) Except as provided in subsection (b), during the 2009-11 biennium, the reports required by RCW 9.94A.480(2) and 9.94A.850(2) (d) and (h) shall be prepared within the available funds and may be delayed or suspended at the discretion of the commission.

(b) The commission shall submit the analysis described in section 15 of Engrossed Substitute Senate Bill No. 5288 no later than December 1, 2011.

NEW SECTION. Sec. 226. FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2010)	\$7,054,000
General Fund--State Appropriation (FY 2011)	\$53,000
General Fund--Federal Appropriation	\$320,561,000
General Fund--Private/Local Appropriation	\$33,825,000
Unemployment Compensation Administration Account--Federal Appropriation	\$332,904,000
Administrative Contingency Account--State Appropriation	\$293,000
Employment Service Administrative Account-- State Appropriation	\$37,195,000
TOTAL APPROPRIATION	\$731,885,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) \$49,697,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(2) \$32,067,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the replacement of the unemployment insurance tax information system (TAXIS) for the employment security department. This section is subject to section 902 of this act.

(3) \$110,000 of the unemployment compensation administration account--federal appropriation is provided solely for implementation of Senate Bill No. 5804 (leaving part time work voluntarily). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$1,263,000 of the unemployment compensation administration account--federal appropriation is provided solely for implementation of Senate Bill No. 5963 (unemployment insurance). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(5) \$159,000 of the unemployment compensation account--federal appropriation is provided solely for the implementation of House Bill No. 1555 (underground economy) from funds made available to the state by section 903(d) of the social security act (Reed act).

(6) \$293,000 of the administrative contingency--state appropriation for fiscal year 2010 is provided solely for the implementation of House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) \$7,000,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the implementation of Senate Bill No. 5809 (WorkForce employment and training). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

**PART III
NATURAL RESOURCES**

NEW SECTION. Sec. 301. FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2010)	\$441,000
General Fund--State Appropriation (FY 2011)	\$445,000
General Fund--Federal Appropriation	\$30,000
General Fund--Private/Local Appropriation	\$864,000
TOTAL APPROPRIATION	\$1,780,000

NEW SECTION. Sec. 302. FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2010)	\$60,166,000
General Fund--State Appropriation (FY 2011)	\$58,190,000
General Fund--Federal Appropriation	\$82,452,000
General Fund--Private/Local Appropriation	\$16,668,000
Special Grass Seed Burning Research Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	\$3,679,000
Flood Control Assistance Account--State Appropriation	\$1,965,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$14,554,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	\$426,000
Freshwater Aquatic Algae Control Account--State Appropriation	\$509,000
Water Rights Tracking System Account--State Appropriation	\$116,000
Site Closure Account--State Appropriation	\$706,000

Wood Stove Education and Enforcement Account-- State Appropriation	\$612,000
Worker and Community Right-to-Know Account-- State Appropriation	\$1,670,000
State Toxics Control Account--State Appropriation	\$101,727,000
State Toxics Control Account--Private/Local Appropriation	\$383,000
Local Toxics Control Account--State Appropriation	\$24,730,000
Water Quality Permit Account--State Appropriation	\$37,433,000
Underground Storage Tank Account--State Appropriation	\$3,298,000
Biosolids Permit Account--State Appropriation	\$1,413,000
Hazardous Waste Assistance Account--State Appropriation	\$5,930,000
Air Pollution Control Account--State Appropriation	\$2,843,000
Oil Spill Prevention Account--State Appropriation	\$10,688,000
Air Operating Permit Account--State Appropriation	\$2,783,000
Freshwater Aquatic Weeds Account--State Appropriation	\$1,699,000
Oil Spill Response Account--State Appropriation	\$7,078,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	\$465,000
Water Pollution Control Revolving Account--Federal Appropriation	\$1,940,000
Emissions Reduction Assistance Account--State Appropriation	\$49,000
TOTAL APPROPRIATION	\$444,200,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.
- (2) \$240,000 of the woodstove education and enforcement account-- state appropriation is provided solely for citizen outreach efforts to improve understanding of burn curtailments, the proper use of wood heating devices, and public awareness of the adverse health effects of woodsmoke pollution.
- (3) \$3,000,000 of the general fund--private/local appropriation is provided solely for contracted toxic-site cleanup actions at sites where multiple potentially liable parties agree to provide funding.
- (4) \$3,600,000 of the local toxics account--state appropriation is provided solely for the standby emergency rescue tug stationed at Neah Bay.
- (5) \$811,000 of the state toxics account--state appropriation is provided solely for oversight of toxic cleanup at facilities that treat, store, and dispose of hazardous wastes.
- (6) \$1,456,000 of the state toxics account--state appropriation is provided solely for toxic cleanup at sites where willing parties negotiate prepayment agreements with the department and provide necessary funding.
- (7) \$558,000 of the state toxics account--state appropriation and \$3,000,000 of the local toxics account--state appropriation are provided solely for grants and technical assistance to Puget Sound-area local governments engaged in updating shoreline master programs.
- (8) \$950,000 of the state toxics control account--state appropriation is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery, beginning in fiscal year 2011.
- (9) RCW 70.105.280 authorizes the department to assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that involves both a nonradioactive hazardous component and a radioactive component. Service charges may not exceed the costs to the department in carrying out the duties in RCW 70.105.280. The current service charges do not meet the costs of the department to carry out its duties. Pursuant to RCW 43.135.055 and 70.105.280, the department is authorized to increase the service charges no greater than 18 percent for fiscal year 2010 and no greater than 15 percent for fiscal year 2011. Such service charges shall include all costs of public participation grants awarded to qualified entities by the department pursuant to RCW 70.105D.070(5) for facilities at which such grants are recognized as a component of a community relations or public participation plan authorized or required as an element of a consent order, federal facility agreement or agreed order entered into or issued by the department pursuant to any federal or state law governing investigation and remediation of releases of hazardous substances. Public participation grants funded by such service charges shall be in addition to, and not in place of, any other grants made pursuant to RCW 70.105D.070(5). Costs for the public participation grants shall be billed individually to the mixed waste facility associated with the grant.
- (10) The department is authorized to increase the following fees in the 2009-2011 biennium as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Environmental lab accreditation, dam safety and inspection, biosolids permitting, air emissions new source review, and manufacturer registration and renewal.
- (11) \$813,000 of the air pollution control account--state appropriation and \$49,000 of the emissions reduction account--state appropriation are provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5735 (reducing greenhouse gas emissions). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (12) \$63,000 of the state toxics control account--state appropriation is provided solely for implementation of Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (13) \$225,000 of the general fund--state appropriation for fiscal year 2010 and \$193,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (14) \$150,000 of the general fund--state appropriation for fiscal year 2010 and \$150,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for watershed planning implementation grants to continue ongoing efforts to develop and implement water agreements in the Nooksack Basin and the Bertrand watershed. These amounts are intended to support project administration; monitoring; negotiations in the Nooksack watershed between tribes, the department, and affected water users; continued implementation of a flow augmentation project; plan implementation in the Fishtrap watershed; and the development of a water bank.
- (15) \$215,000 of the general fund--state appropriation for fiscal year 2010 and \$235,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to provide watershed planning implementation grants for WRIA 32 to implement Substitute House Bill No. 1580 (pilot local water management program). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.
- (16) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the purpose of supporting the trust water rights program and processing trust water right transfer applications that improve instream flow.

(17)(a) The department shall convene a stock water working group that includes: Legislators, four members representing agricultural interests, three members representing environmental interests, the attorney general or designee, the director of the department of ecology or designee, the director of the department of agriculture or designee, and affected federally recognized tribes shall be invited to send participants.

(b) The group shall review issues surrounding the use of permit- exempt wells for stock-watering purposes and may develop recommendations for legislative action.

(c) The working group shall meet periodically and report its activities and recommendations to the governor and the appropriate legislative committees by December 1, 2009.

(18) \$22,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5282 (bisphenol A use). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(19) \$73,000 of the water quality permit account--state appropriation is provided solely to implement Substitute House Bill No. 1413 (water discharge fees). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(20) The department shall continue to work with the Columbia Snake River irrigators' association to determine how seasonal water operation and maintenance conservation can be utilized. In implementing this proviso, the department shall also consult with the Columbia River policy advisory group as appropriate.

(21) The department shall track any changes in costs, wages, and benefits that would have resulted if House Bill No. 1716 (public contract living wages), as introduced in the 2009 regular session of the legislature, were enacted and made applicable to contracts and related subcontracts entered into, renewed, or extended during the 2009-11 biennium. The department shall submit a report to the house of representatives commerce and labor committee and the senate labor, commerce, and consumer protection committee by December 1, 2011. The report shall include data on any aggregate changes in wages and benefits that would have resulted during the 2009-11 biennium.

(22) Within amounts appropriated in this section the department shall develop recommendations by December 1, 2009, for a convenient and effective mercury-containing light recycling program for residents, small businesses, and small school districts throughout the state. The department shall consider options including but not limited to, a producer-funded program, a recycler-supported or recycle fee program, a consumer fee at the time of purchase, general fund appropriations, or a currently existing dedicated account. The department shall involve and consult with stakeholders including persons who represent retailers, waste haulers, recyclers, mercury-containing light manufacturers or wholesalers, cities, counties, environmental organizations and other interested parties. The department shall report its findings and recommendations for a recycling program for mercury-containing lights to the appropriate committees of the legislature by December 1, 2009.

(23) During the 2009-11 biennium, the department shall implement its cost reimbursement authority for processing water right applications using a competitive bidding process. For each cost reimbursement application, the department shall obtain cost proposals and other necessary information from at least three prequalified costs reimbursement consultants and shall select the lowest responsive bidder.

(24) \$140,000 of the freshwater aquatic algae control account-- state appropriation is provided solely for grants to cities, counties, tribes, special purpose districts, and state agencies for capital and operational expenses used to manage and study excessive saltwater algae with an emphasis on the periodic accumulation of sea lettuce on Puget Sound beaches.

(25) By December 1, 2009, the department in consultation with local governments shall conduct a remedial action grant financing alternatives report. The report shall address options for financing the remedial action grants identified in the department's report, entitled "House Bill 1761, Model Toxics Control Accounts Ten-Year Financing Plan" and shall include but not be limited to the following: (a) Capitalizing cleanup costs using debt insurance; (b) capitalizing cleanup costs using prefunded cost-cap insurance; (c) other contractual instruments with local governments; and (d) an assessment of overall economic benefits of the remedial action grants funded using the instruments identified in this section.

NEW SECTION. Sec. 303. FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2010)	\$23,541,000
General Fund--State Appropriation (FY 2011)	\$22,944,000
General Fund--Federal Appropriation	\$5,902,000
General Fund--Private/Local Appropriation	\$73,000
Winter Recreation Program Account--State Appropriation	\$1,558,000
Off Road Vehicle Account--State Appropriation	\$239,000
Snowmobile Account--State Appropriation	\$4,842,000
Aquatic Lands Enhancement Account--State Appropriation	\$363,000
Recreation Resources Account--State Appropriation	\$9,802,000
NOVA Program Account--State Appropriation	\$9,560,000
Parks Renewal and Stewardship Account--State Appropriation	\$73,278,000
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
TOTAL APPROPRIATION	\$152,402,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$79,000 of the general fund--state appropriation for fiscal year 2010 and \$79,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a grant for the operation of the Northwest avalanche center.

(2) \$1,500,000 of the parks renewal and stewardship account--state appropriation is provided solely to implement Substitute House Bill No. 2109 (state parks and recreation funding). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(3) Proceeds received from voluntary donations given by motor vehicle registration applicants shall be used solely for the operation and maintenance of state parks.

(4) The commission shall actively pursue transferring ownership of state parks to local governments, tribes, or other entities that have expressed an interest in operating the park. The commission shall provide biannual updates of this effort to the office of financial management and the appropriate fiscal committees of the legislature. The first report shall be submitted no later than December 1, 2009.

(5) With the passage of Substitute House Bill No. 2339 (state parks system donation), the legislature finds that it has provided sufficient funds to ensure that all state parks remain open during the 2009-11 biennium. The commission shall not close state parks unless the bill is not enacted by June 30, 2009, or revenue collections are insufficient to fund the ongoing operation of state parks. By January 10, 2010, the commission shall provide a report to the legislature on their budget and resources related to operating parks for the remainder of the biennium.

(6) The commission shall work with the department of general administration to evaluate the commission's existing leases with the intention of increasing net revenue to state parks. The commission shall provide to the office of financial management and the legislative fiscal committees no later than September 30, 2009, a list of leases the commission proposes be managed by the department of general administration.

NEW SECTION. Sec. 304. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

General Fund--State Appropriation (FY 2010)	\$1,511,000
General Fund--State Appropriation (FY 2011)	\$1,558,000
General Fund--Federal Appropriation	\$10,431,000
General Fund--Private/Local Appropriation	\$250,000
Aquatic Lands Enhancement Account--State Appropriation	\$278,000
Firearms Range Account--State Appropriation	\$39,000
Recreation Resources Account--State Appropriation	\$2,805,000
NOVA Program Account--State Appropriation	\$1,062,000
TOTAL APPROPRIATION	\$17,934,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$204,000 of the general fund--state appropriation for fiscal year 2010 and \$244,000 of the general fund-- state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute House Bill No. 2157 (salmon recovery). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) The recreation and conservation office, under the direction of the salmon recovery funding board, shall assess watershed and regional-scale capacity issues relating to the support and implementation of salmon recovery. The assessment shall examine priority setting and incentives to further promote coordination to ensure that effective and efficient mechanisms for delivery of salmon recovery funding board funds are being utilized. The salmon recovery funding board shall distribute its operational funding to the appropriate entities based on this assessment.

NEW SECTION. Sec. 305. FOR THE ENVIRONMENTAL HEARINGS OFFICE

General Fund--State Appropriation (FY 2010)	\$1,079,000
General Fund--State Appropriation (FY 2011)	\$1,074,000
TOTAL APPROPRIATION	\$2,153,000

NEW SECTION. Sec. 306. FOR THE CONSERVATION COMMISSION

General Fund--State Appropriation (FY 2010)	\$7,692,000
General Fund--State Appropriation (FY 2011)	\$7,707,000
General Fund--Federal Appropriation	\$1,179,000
TOTAL APPROPRIATION	\$16,578,000

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2010)	\$41,234,000
General Fund--State Appropriation (FY 2011)	\$39,939,000
General Fund--Federal Appropriation	\$86,330,000
General Fund--Private/Local Appropriation	\$47,490,000
Off Road Vehicle Account--State Appropriation	\$415,000
Aquatic Lands Enhancement Account--State Appropriation	\$6,757,000
Recreational Fisheries Enhancement--State Appropriation	\$3,640,000
Warm Water Game Fish Account--State Appropriation	\$2,877,000
Eastern Washington Pheasant Enhancement Account-- State Appropriation	\$848,000
Aquatic Invasive Species Enforcement Account-- State Appropriation	\$207,000
Aquatic Invasive Species Prevention Account-- State Appropriation	\$844,000
Wildlife Account--State Appropriation	\$74,744,000
Game Special Wildlife Account--State Appropriation	\$2,381,000
Game Special Wildlife Account--Federal Appropriation	\$8,928,000
Game Special Wildlife Account--Private/Local Appropriation	\$487,000
Wildlife Rehabilitation Account--State Appropriation	\$270,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$5,001,000
Oil Spill Prevention Account--State Appropriation	\$884,000
Oyster Reserve Land Account--State Appropriation	\$918,000
TOTAL APPROPRIATION	\$324,194,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$294,000 of the aquatic lands enhancement account--state appropriation is provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(2) \$355,000 of the general fund--state appropriation for fiscal year 2010 and \$422,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program. For the purposes of the pilot project:

(a) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(b) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(c) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(d) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(e) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(3) Prior to submitting its 2011-2013 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management with their agency budget proposal.

(4) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2011.

(5) \$66,000 of the state wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 1972 (outdoor recreation info). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$1,232,000 of the state wildlife account--state appropriation is provided solely to implement Substitute House Bill No. 1778 (fish and wildlife). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(7) \$400,000 of the general fund--state appropriation for fiscal year 2010 and \$400,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for removal of derelict gear in Washington waters.

(9) The department of fish and wildlife shall dispose of all fixed wing aircraft it currently owns. The proceeds from the aircraft shall be deposited into the state wildlife account. Disposal of the aircraft must occur no later than June 30, 2010.

(10) \$50,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for an electron project fish passage study consistent with the recommendations and protocols contained in the 2008 electron project downstream fish passage final report.

(11) \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$60,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(12) If sufficient new revenues are not identified to continue hatchery operations, within the constraints of legally binding tribal agreements, the department shall dispose of, by removal, sale, lease, reversion, or transfer of ownership, the following hatcheries: McKernan, Colville, Omak, Bellingham, Arlington, and Mossyrock. Disposal of the hatcheries must occur by June 30, 2011, and any proceeds received from disposal shall be deposited in the state wildlife account. Within available funds, the department shall provide quarterly reports on the progress of disposal to the office of financial management and the appropriate fiscal committees of the legislature. The first report shall be submitted no later than September 30, 2009.

(13) \$100,000 of the eastern Washington pheasant enhancement account--state appropriation is provided solely for the department to support efforts to enhance permanent and temporary pheasant habitat on public and private lands in Grant, Franklin, and Adams counties. The department may support efforts by entities including conservation districts, nonprofit organizations, and landowners, and must require such entities to provide significant nonstate matching resources, which may be in the form of funds, material, or labor.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2010)	\$40,275,000
General Fund--State Appropriation (FY 2011)	\$40,857,000
General Fund--Federal Appropriation	\$26,731,000
General Fund--Private/Local Appropriation	\$1,371,000
Forest Development Account--State Appropriation	\$41,765,000
Off Road Vehicle Account--State Appropriation	\$4,236,000
Surveys and Maps Account--State Appropriation	\$2,543,000
Aquatic Lands Enhancement Account--State Appropriation	\$7,217,000
Resources Management Cost Account--State Appropriation	\$78,951,000
Surface Mining Reclamation Account--State Appropriation	\$3,490,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$8,000,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$1,336,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$80,000
Air Pollution Control Account--State Appropriation	\$569,000
NOVA Program Account--State Appropriation	\$982,000
Derelict Vessel Removal Account--State Appropriation	\$1,754,000
Agricultural College Trust Management Account-- State Appropriation	\$2,643,000
TOTAL APPROPRIATION	\$267,834,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,355,000 of the general fund--state appropriation for fiscal year 2010 and \$1,299,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$11,128,000 of the general fund--state appropriation for fiscal year 2010, \$11,128,000 of the general fund--state appropriation for fiscal year 2011, and \$5,000,000 of the disaster response account-- state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations. The department of natural resources shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from the disaster response account. This work shall be done in coordination with the military department.

(3) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse.

(4) \$600,000 of the derelict vessel removal account--state appropriation is provided solely for removal of derelict and abandoned vessels that have the potential to contaminate Puget Sound.

(5) \$666,000 of the general fund--federal appropriation is provided solely to implement House Bill No. 2165 (forest biomass energy project). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(6) \$5,000 of the general fund--state appropriation for fiscal year 2010 and \$5,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute House Bill No. 1038 (specialized forest products). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(7) \$440,000 of the state general fund--state appropriation for fiscal year 2010 and \$440,000 of the state general fund--state appropriation for fiscal year 2011 are provided solely for forest work crews that support correctional camps and are contingent upon continuing operations of Naselle youth camp at the level provided in fiscal year 2008. The department shall consider using up to \$2,000,000 of the general fund--federal appropriation to support and utilize correctional camp crews to implement natural resource projects approved by the federal government for federal stimulus funding.

(8) The department of natural resources shall dispose of the King Air aircraft it currently owns. Disposal of the aircraft must occur no later than June 30, 2010, and the proceeds from the sale of the aircraft shall be deposited into the natural resources equipment revolving fund. At the expiration of current leases, the department shall lease facilities in eastern Washington sufficient to house the necessary aircraft, mechanics, and pilots used for forest fire prevention and suppression.

(9) \$30,000 of the general fund--state appropriation for fiscal year 2010 and \$30,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute Bill No. 5560 (agency climate leadership). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF AGRICULTURE

General Fund--State Appropriation (FY 2010)	\$12,616,000
General Fund--State Appropriation (FY 2011)	\$12,295,000
General Fund--Federal Appropriation	\$11,565,000
General Fund--Private/Local Appropriation	\$194,000
Aquatic Lands Enhancement Account--State Appropriation	\$2,559,000
State Toxics Control Account--State Appropriation	\$4,298,000
Water Quality Permit Account--State Appropriation	\$61,000
TOTAL APPROPRIATION	\$43,588,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$350,000 of the aquatic lands enhancement account appropriation is provided solely for funding to the Pacific county noxious weed control board to eradicate remaining spartina in Willipa Bay.

(2) \$19,000 of the general fund--state appropriation for fiscal year 2010 and \$6,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5797 (solid waste handling permits). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) The department is authorized to establish or increase the following fees in the 2009-11 biennium as necessary to meet the actual costs of conducting business: Christmas tree grower licensing, nursery dealer licensing, plant pest inspection and testing, and commission merchant testing licensing.

(4) Within the amounts appropriated in this section, the department of agriculture shall convene meetings with the dairy industry representatives and affected groups to consider alternatives for stabilizing farm milk prices. The department of agriculture shall provide a report of findings to the appropriate committees of the legislature and the office of financial management no later than December 15, 2009.

(5) \$63,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Substitute Bill No. 5005 (naturally raised beef cattle). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 310. FOR THE WASHINGTON POLLUTION LIABILITY REINSURANCE PROGRAM

Pollution Liability Insurance Program Trust Account--State Appropriation	\$638,000
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NEW SECTION. Sec. 311. FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2010)	\$3,223,000
General Fund--State Appropriation (FY 2011)	\$3,194,000
General Fund--Federal Appropriation	\$3,623,000
Aquatic Lands Enhancement Account--State Appropriation	\$500,000
State Toxics Control Account--State Appropriation	\$896,000
TOTAL APPROPRIATION	\$11,436,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$305,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for measuring water and habitat quality to determine watershed health and assist salmon recovery.

(2) \$896,000 of the state toxics control account--state appropriation is provided solely for activities that contribute to Puget Sound protection and recovery, including provision of independent advice and assessment of the state's oil spill prevention, preparedness, and response programs, including review of existing activities and recommendations for any necessary improvements. The partnership may carry out this function through an existing committee, such as the ecosystem coordination board or the leadership council, or may appoint a special advisory council. Because this is a unique statewide program, the partnership may invite participation from outside the Puget Sound region.

(3) Within the amounts appropriated in this section, the Puget Sound partnership shall facilitate an ongoing monitoring consortium to integrate monitoring efforts for storm water, water quality, watershed health, and other indicators to enhance monitoring efforts in Puget Sound.

(4) The Puget Sound partnership shall work with Washington State University and the environmental protection agency to secure funding for the beach watchers program.

(5) \$877,000 of the general fund--state appropriation for fiscal year 2010 and \$877,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to support public education and volunteer programs. The partnership is directed to distribute the majority of funding as grants to local organizations, local governments, and education, communication, and outreach network partners. The partnership shall track progress for this activity through the accountability system of the Puget Sound partnership.

NEW SECTION. Sec. 312. Transfers from natural resource funds in part VIII of this act are intended to support natural resource agencies.

**PART IV
TRANSPORTATION**

NEW SECTION. Sec. 401. FOR THE DEPARTMENT OF LICENSING

General Fund--State Appropriation (FY 2010)	\$1,668,000
General Fund--State Appropriation (FY 2011)	\$1,712,000
Architects' License Account--State Appropriation	\$1,056,000
Cemetery Account--State Appropriation	\$414,000
Professional Engineers' Account--State Appropriation	\$3,586,000
Real Estate Commission Account--State Appropriation	\$10,047,000
Master License Account--State Appropriation	\$15,718,000
Uniform Commercial Code Account--State Appropriation	\$3,100,000
Real Estate Education Account--State Appropriation	\$276,000
Real Estate Appraiser Commission Account--State Appropriation	\$1,692,000
Business and Professions Account--State Appropriation	\$15,270,000
Real Estate Research Account--State Appropriation	\$320,000
Funeral Directors And Embalmers Account--State Appropriation	\$885,000
Geologists' Account--State Appropriation	\$53,000
Derelict Vessel Removal Account--State Appropriation	\$31,000
TOTAL APPROPRIATION	\$55,828,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Pursuant to RCW 43.135.055, the department is authorized to increase fees for cosmetologists, funeral directors, cemeteries, court reporters and appraisers. These increases are necessary to support the expenditures authorized in this section, consistent with RCW 43.24.086.
- (2) \$1,352,000 of the business and professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 5391 (tattoo and body piercing). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (3) \$289,000 of the architects' license account--state appropriation is provided solely to implement Senate Bill No. 5529 (architects). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (4) \$358,000 of the business and professions account--state appropriation is provided solely to implement Senate Bill No. 6126 (professional athletics). If the bill is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 402. FOR THE STATE PATROL

General Fund--State Appropriation (FY 2010)	\$41,468,000
General Fund--State Appropriation (FY 2011)	\$40,366,000
General Fund--Federal Appropriation	\$11,401,000
General Fund--Private/Local Appropriation	\$3,568,000
Death Investigations Account--State Appropriation	\$6,022,000
Enhanced 911 Account--State Appropriation	\$589,000
County Criminal Justice Assistance Account--State Appropriation	\$3,122,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,245,000
Fire Service Trust Account--State Appropriation	\$131,000
Disaster Response Account--State Appropriation	\$8,002,000
Fire Service Training Account--State Appropriation	\$8,717,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation	\$504,000
Fingerprint Identification Account--State Appropriation	\$7,371,000
TOTAL APPROPRIATION	\$132,560,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (2) \$8,000,000 of the disaster response account--state appropriation is provided solely for Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964. The state patrol shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on current and planned expenditures from this account. This work shall be done in coordination with the military department.
- (3) The state patrol shall implement a cost recovery method to fully recover costs for operating the two king air airplanes. Users of the plane, including the state patrol and the governor's office, shall be charged an appropriate amount to cover all operating and maintenance costs of the plane. The state patrol shall report on this method, the rates being charged, total operational expenses, and information regarding usage of the planes to the office of financial management and the appropriate committees of the legislature.
- (4) The 2010 legislature will review the use of king air planes by the executive branch and the adequacy of funding in this budget regarding maintaining and operating the planes to successfully accomplish their mission.
- (5) The appropriations in this section reflect reductions in the appropriations for the agency's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.
- (6) \$400,000 of the fire service training account--state appropriation is provided solely for the firefighter apprenticeship training program.
- (7) \$48,000 of the fingerprint identification account--state appropriation is provided solely to implement Substitute House Bill No. 1621 (consumer loan companies). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

PART V

EDUCATION

NEW SECTION. Sec. 501. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2010)	\$34,798,000
General Fund--State Appropriation (FY 2011)	\$32,969,000
General Fund--Federal Appropriation	\$86,571,000
TOTAL APPROPRIATION	\$154,338,000

The appropriations in this section are subject to the following conditions and limitations:

(1) A maximum of \$22,532,000 of the general fund--state appropriation for fiscal year 2010 and \$21,023,000 of the general fund--state appropriation for fiscal year 2011 is for state agency operations.

(a) \$11,792,000 of the general fund--state appropriation for fiscal year 2010 and \$11,325,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the office of the superintendent of public instruction.

(i) Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award.

(ii) Within amounts appropriated in this subsection (1)(a), the office of the superintendent of public instruction, consistent with WAC 392-121-182 (alternative learning experience requirements) which requires documentation of alternative learning experience student headcount and full-time equivalent (FTE) enrollment claimed for basic education funding, shall provide, via the monthly report of school district enrollment, accurate monthly headcount and FTE enrollments for students in internet alternative learning experience (ALE) programs as well as information about resident and serving districts.

(iii) \$927,000 of the general fund--state appropriation for fiscal year 2010 and \$941,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for research and development activities associated with the development of options for new school finance systems, including technical staff, reprogramming, and analysis of alternative student funding formulae. Within this amount is \$150,000 for the state board of education for further development of accountability systems, and \$150,000 for the professional educator standards board for continued development of teacher certification and evaluation systems.

(b) \$965,000 of the general fund--state appropriation for fiscal year 2010 and \$965,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities.

(c) \$5,366,000 of the general fund--state appropriation for fiscal year 2010 and \$5,264,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the professional educator standards board for the following:

(i) \$1,070,000 in fiscal year 2010 and \$1,070,000 in fiscal year 2011 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program;

(ii) \$3,431,000 of the general fund--state appropriation for fiscal year 2010 and \$3,431,000 of the general fund--state appropriation for fiscal year 2011 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of these amounts:

(A) \$500,000 each year is for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(B) \$2,372,000 for fiscal year 2010 and \$2,372,000 for fiscal year 2011 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education;

(C) Any remaining amounts in this subsection (c) shall be used to continue existing alternative routes to certification programs; and

(D) Candidates seeking math and science endorsements under (A) and (B) of this subsection shall receive priority for funding;

(iii) \$231,000 of the general fund--state appropriation for fiscal year 2010 and \$231,000 of the general fund--state appropriation for fiscal year 2011 are for the recruiting Washington teachers program;

(iv) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 provided in this subsection are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators program;

(v) \$244,000 of the general fund--state appropriation for fiscal year 2010 and \$244,000 of the general fund--state appropriation for fiscal year 2011 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program. The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework; and

(vi) \$102,000 of the general fund--state appropriation for fiscal year 2010 is provided for the implementation of Second Substitute Senate Bill No. 5973 (student achievement gap). The professional educator standards board (PESB) will convene a workgroup to identify a list of model standards for cultural competency and make recommendations to the education committees of the legislature on the strengths and weaknesses of those standards. Funding is also included here in the amount of \$10,000 for the PESB to develop an interagency agreement with the center for the improvement of student learning to participate.

(d) \$1,099,000 of the general fund--state appropriation for fiscal year 2010 and \$144,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(e) \$1,227,000 of the general fund--state appropriation for fiscal year 2010 and \$1,227,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(f) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to promote the financial literacy of students. The effort will be coordinated through the financial education public-private partnership.

(g) To the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

(h) \$44,000 of the general fund--state appropriation for fiscal year 2010 and \$45,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of House Bill No. 1075 (enacting the interstate compact on educational opportunity for military children).

(i) \$700,000 of the general fund--state appropriation for fiscal year 2010 and \$700,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the implementation of Substitute Senate Bill No. 5410 (online learning).

(j) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for project citizen, a program sponsored by the national conference of state legislatures and the center for civic education to promote participation in government by middle school students.

(2) \$12,836,000 of the general fund--state appropriation for fiscal year 2010, \$12,407,000 of the general fund--state appropriation for fiscal year 2011, and \$55,890,000 of the general fund--federal appropriation are for statewide programs.

(a) HEALTH AND SAFETY

(i) \$2,541,000 of the general fund--state appropriation for fiscal year 2010 and \$2,541,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(ii) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(iii) \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(iv) \$96,000 of the general fund--state appropriation for fiscal year 2010 and \$96,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(A) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(B) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(v) \$70,000 of the general fund--state appropriation for fiscal year 2010 and \$70,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the youth suicide prevention program.

(vi) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a nonviolence and leadership training program provided by the institute for community leadership.

(b) TECHNOLOGY

(i) \$1,939,000 of the general fund--state appropriation for fiscal year 2010 and \$1,939,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(ii) \$1,475,000 of the general fund--state appropriation for fiscal year 2010, \$1,045,000 of the general fund--state appropriation for fiscal year 2011, and \$435,000 of the general fund--federal appropriation are provided solely for implementing a comprehensive data system to include financial, student, and educator data. The office of the superintendent of public instruction will convene a data governance group to create a comprehensive needs-requirement document, conduct a gap analysis, and define operating rules and a governance structure for K-12 data collections. A preliminary report shall be submitted to the fiscal committees and the education policy committees of the house of representatives and senate by November 2009.

(iii) \$1,656,000 of the general fund--federal appropriation for fiscal year 2010 and \$2,483,000 of the general fund--federal appropriation for fiscal year 2011 of the American recovery and reinvestment act (ARRA) 2009 funds for education technology are provided solely for distribution to school districts, by formula, as provided in the ARRA and related federal guidelines. \$4,139,000 of the general fund--federal appropriation of the American recovery and reinvestment act (ARRA) 2009 funds for education technology shall be awarded to local education agencies through a competitive grant process.

(c) GRANTS AND ALLOCATIONS

(i) \$1,329,000 of the general fund--state appropriation for fiscal year 2010 and \$1,329,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016.

(ii) \$750,000 of the general fund--state appropriation for fiscal year 2010 and \$750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.

(iii) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for developing and disseminating curriculum and other materials documenting women's role in World War II.

(iv) \$175,000 of the general fund--state appropriation for fiscal year 2010 and \$175,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.

(v) \$3,219,000 of the general fund--state appropriation for fiscal year 2010 and \$3,220,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the dissemination of the navigation 101 curriculum to all districts. The funding shall support electronic student planning tools and software for analyzing the impact of navigation 101 on student performance, as well as grants to a maximum of one hundred school districts each year, based on progress and need for the implementation of the navigation 101 program. The implementation grants shall be awarded to a cross-section of school districts reflecting a balance of geographic and demographic characteristics. Within the amounts provided, the office of the superintendent of public instruction will create a navigation 101 accountability model to analyze the impact of the program.

(vi) \$675,000 of the general fund--state appropriation for fiscal year 2010 and \$675,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of a statewide program for comprehensive dropout prevention, intervention, and retrieval.

(vii) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for program initiatives to address the educational needs of Latino students and families. Using the full amounts of the appropriations under this subsection (2)(c)(vii), the office of the superintendent of public instruction shall contract with the Seattle

community coalition of compaña quetzal to provide for three initiatives: (A) Early childhood education; (B) parent leadership training; and (C) high school success and college preparation programs. (viii) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. Using the full amounts of the appropriation under this subsection, the office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.

(ix) \$145,000 of the general fund--state appropriation for fiscal year 2010 and \$145,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of the superintendent of public instruction to enhance the reading skills of students with dyslexia by implementing the findings of the dyslexia pilot program. Funds shall be used to provide information and training to classroom teachers and reading specialists, for development of a dyslexia handbook, and to take other statewide actions to improve the reading skills of students with dyslexia. The training program shall be delivered regionally through the educational service districts.

(x) \$97,000 of the general fund--state appropriation for fiscal year 2010 and \$97,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to support vocational student leadership organizations.

(xi) \$25,000 of the general--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the communities in school program in Pierce county.

NEW SECTION. Sec. 502. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2010)	\$5,083,217,000
General Fund--State Appropriation (FY 2011)	\$5,103,543,000
TOTAL APPROPRIATION	\$10,186,760,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for certificated staff salaries for the 2009-10 and 2010-11 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:

(a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:

(i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;

(ii)(A) Fifty-three and two-tenths certificated instructional staff units per thousand full-time equivalent students in grades K-4 for districts that enroll fewer than 25 percent of their total full-time equivalent student enrollment in grades K-4 in digital or online learning programs defined in WAC 392-121-182.

(B) All other districts shall be allocated a minimum of forty-nine certificated instructional staff units per 1,000 full-time-equivalent (FTE) students in grades K through four, and shall be allocated additional certificated instructional staff units to equal the documented staffing level in grades K through four, up to a maximum of fifty-three and two-tenths certificated instructional staff units per 1,000 FTE students.

(C) Certificated instructional staff allocations in this subsection (2)(a)(ii) exceeding the statutory minimums established in RCW 28A.150.260 shall not be considered part of basic education.

(iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 5-12;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2010-11 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full time equivalent students.

Units calculated under (f)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(h) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2009-10 and 2010-11 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (h) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.43 percent in the 2009-10 school year and 14.43 percent in the 2010-11 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 16.58 percent in the 2009-10 school year and 16.58 percent in the 2010-11 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (g) of this section, there shall be provided a maximum of \$10,179 per certificated staff unit in the 2009-10 school year and a maximum of \$10,445 per certificated staff unit in the 2010-11 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$24,999 per certificated staff unit in the 2009-10 school year and a maximum of \$25,449 per certificated staff unit in the 2010-11 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$19,395 per certificated staff unit in the 2009-10 school year and a maximum of \$19,744 per certificated staff unit in the 2010-11 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$607.44 for the 2009-10 and 2010-11 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) Funding in this section is sufficient to provide additional service year credits to educational staff associates pursuant to chapter 403, Laws of 2007.

(10)(a) The superintendent may distribute a maximum of \$7,288,000 outside the basic education formula during fiscal years 2010 and 2011 as follows:

(i) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$567,000 may be expended in fiscal year 2010 and a maximum of \$577,000 may be expended in fiscal year 2011;

(ii) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2010 fiscal year and a maximum of \$2,385,000 for the 2011 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(iii) A maximum of \$404,000 may be expended for school district emergencies; and

(iv) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs.

(b) Funding in this section is sufficient to fund a maximum of 1.6 FTE enrollment for skills center students pursuant to chapter 463, Laws of 2007.

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 4.0 percent from the 2008-09 school year to the 2009-10 school year and 4.0 percent from the 2009-10 school year to the 2010-11 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (g) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

NEW SECTION. Sec. 503. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--BASIC EDUCATION EMPLOYEE COMPENSATION. (1) The following calculations determine the salaries used in the general fund allocations for certificated instructional, certificated administrative, and classified staff units under section 502 of this act:

(a) Salary allocations for certificated instructional staff units shall be determined for each district by multiplying the district's certificated instructional total base salary shown on LEAP Document 2 by the district's average staff mix factor for certificated instructional staff in that school year, computed using LEAP Document 1; and

(b) Salary allocations for certificated administrative staff units and classified staff units for each district shall be based on the district's certificated administrative and classified salary allocation amounts shown on LEAP Document 2.

(2) For the purposes of this section:

(a) "LEAP Document 1" means the staff mix factors for certificated instructional staff according to education and years of experience, as developed by the legislative evaluation and accountability program committee on April 22, 2009, at 08:22 hours; and

(b) "LEAP Document 2" means the school year salary allocations for certificated administrative staff and classified staff and derived and total base salaries for certificated instructional staff as developed by the legislative evaluation and accountability program committee on April 22, 2009, at 08:22 hours.

(3) Incremental fringe benefit factors shall be applied to salary adjustments at a rate of 14.43 percent for school year 2009-10 and 14.43 percent for school year 2010-11 for certificated staff and for classified staff 16.58 percent for school year 2009-10 and 16.58 percent for the 2010-11 school year.

(4)(a) Pursuant to RCW28A.150.410, the following state-wide salary allocation schedules for certificated instructional staff are established for basic education salary allocations:

Table Of Total Base Salaries For Certificated Instructional Staff
For School Year 2009-10

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	34,237	35,162	36,120	37,080	40,161	42,145	41,047	44,128	46,115
1	34,698	35,635	36,606	37,608	40,721	42,695	41,503	44,617	46,589
2	35,137	36,083	37,064	38,144	41,248	43,242	41,963	45,067	47,061
3	35,589	36,545	37,536	38,650	41,749	43,791	42,398	45,494	47,538
4	36,033	37,031	38,028	39,180	42,297	44,354	42,855	45,971	48,030
5	36,492	37,494	38,501	39,718	42,823	44,921	43,319	46,425	48,523
6	36,963	37,943	38,984	40,262	43,352	45,462	43,794	46,885	48,993
7	37,790	38,786	39,841	41,187	44,324	46,491	44,685	47,820	49,989
8	39,002	40,052	41,132	42,590	45,768	48,016	46,086	49,266	51,512
9		41,363	42,497	44,008	47,260	49,584	47,503	50,757	53,081
10			43,877	45,498	48,794	51,195	48,995	52,291	54,692
11				47,032	50,399	52,849	50,528	53,897	56,345
12				48,517	52,048	54,571	52,122	55,545	58,068
13					53,737	56,335	53,773	57,234	59,831
14					55,434	58,165	55,471	59,042	61,663
15					56,877	59,679	56,913	60,577	63,266
16 or more					58,014	60,871	58,051	61,788	64,531

Table Of Total Base Salaries For Certificated Instructional Staff
For School Year 2010-11

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 or PHD
0	34,237	35,162	36,120	37,080	40,161	42,145	41,047	44,128	46,115
1	34,698	35,635	36,606	37,608	40,721	42,695	41,503	44,617	46,589
2	35,137	36,083	37,064	38,144	41,248	43,242	41,963	45,067	47,061
3	35,589	36,545	37,536	38,650	41,749	43,791	42,398	45,494	47,538
4	36,033	37,031	38,028	39,180	42,297	44,354	42,855	45,971	48,030
5	36,492	37,494	38,501	39,718	42,823	44,921	43,319	46,425	48,523
6	36,963	37,943	38,984	40,262	43,352	45,462	43,794	46,885	48,993
7	37,790	38,786	39,841	41,187	44,324	46,491	44,685	47,820	49,989
8	39,002	40,052	41,132	42,590	45,768	48,016	46,086	49,266	51,512
9		41,363	42,497	44,008	47,260	49,584	47,503	50,757	53,081
10			43,877	45,498	48,794	51,195	48,995	52,291	54,692
11				47,032	50,399	52,849	50,528	53,897	56,345
12				48,517	52,048	54,571	52,122	55,545	58,068
13					53,737	56,335	53,773	57,234	59,831
14					55,434	58,165	55,471	59,042	61,663
15					56,877	59,679	56,913	60,577	63,266
16 or more					58,014	60,871	58,051	61,788	64,531

(b) As used in this subsection, the column headings "BA+(N)" refer to the number of credits earned since receiving the baccalaureate degree.

(c) For credits earned after the baccalaureate degree but before the masters degree, any credits in excess of forty-five credits may be counted after the masters degree. Thus, as used in this subsection, the column headings "MA+(N)" refer to the total of:

- (i) Credits earned since receiving the masters degree; and
- (ii) Any credits in excess of forty-five credits that were earned after the baccalaureate degree but before the masters degree.

(5) For the purposes of this section:

- (a) "BA" means a baccalaureate degree.
- (b) "MA" means a masters degree.
- (c) "PHD" means a doctorate degree.
- (d) "Years of service" shall be calculated under the same rules adopted by the superintendent of public instruction.
- (e) "Credits" means college quarter hour credits and equivalent in- service credits computed in accordance with RCW 28A.415.020 and 28A.415.023.

(6) No more than ninety college quarter-hour credits received by any employee after the baccalaureate degree may be used to determine compensation allocations under the state salary allocation schedule and LEAP documents referenced in this act, or any replacement schedules and documents, unless:

- (a) The employee has a masters degree; or
- (b) The credits were used in generating state salary allocations before January 1, 1992.
- (7) The salary allocation schedules established in this section are for allocation purposes only except as provided in RCW 28A.400.200(2).

NEW SECTION. Sec. 504. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS

General Fund--State Appropriation (FY 2010)	(\$4,215,000)
General Fund--State Appropriation (FY 2011)	\$14,172,000
General Fund--Federal Appropriation	\$6,000
TOTAL APPROPRIATION	\$9,963,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Additional salary adjustments as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary adjustments shall be provided to all districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

(b) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These adjustments shall ensure a minimum salary allocation for certificated administrative staff of \$57,986 in the 2009-10 school year and \$57,986 in the 2010-11 school year.

(c) Additional salary adjustments to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These salary adjustments ensure a minimum salary allocation for classified staff of \$31,865 in the 2009- 10 school year and \$31,865 in the 2010-11 school year.

(d) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.79 percent for the 2009-10 school year and 13.79 percent for the 2010-11 school year for certificated staff and 13.08 percent for the 2009-10 school year and 13.08 percent for the 2010-11 school year for classified staff.

(e) The appropriations in this section include the increased or decreased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Changes for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Changes for special education result from changes in each district's basic education allocation per student. Changes for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act. The appropriations in this section provide incremental fringe benefit alterations based on formula adjustments as follows:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0	\$0
Highly Capable (per formula student)	(\$1.49)	(\$1.49)
Transitional Bilingual Education (per eligible bilingual student)	(\$3.93)	(\$3.93)
Learning Assistance (per formula student)	(\$1.18)	(\$1.18)

(f) The appropriations in this section include no salary adjustments for substitute teachers.

(2) \$44,188,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$732.00 per month for the 2009-10 and 2010-11 school years. The appropriations in this section provide for a rate increase to \$745.00 per month for the 2009-10 school year and \$768.00 per month for the 2010-11 school year. The adjustments to health insurance benefits are at the following rates:

	School Year	
	2009-10	2010-11
Pupil Transportation (per weighted pupil mile)	\$0.12	\$0.33
Highly Capable (per formula student)	\$0.82	\$2.22
Transitional Bilingual Education (per eligible bilingual student)	\$2.10	\$5.83
Learning Assistance (per formula student)	\$0.54	\$1.49

(3) The rates specified in this section are subject to revision each year by the legislature.

NEW SECTION. Sec. 505. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2010)	\$307,357,000
General Fund--State Appropriation (FY 2011)	\$307,070,000

TOTAL APPROPRIATION \$614,427,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) A maximum of \$878,000 of this fiscal year 2010 appropriation and a maximum of \$894,000 of the fiscal year 2011 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.
- (3) Allocations for transportation of students shall be based on reimbursement rates of \$48.15 per weighted mile in the 2009-10 school year and \$48.40 per weighted mile in the 2010-11 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.
- (4) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.
- (5) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.
- (6) Funding levels in this section reflect reductions from the implementation of Substitute House Bill No. 1292 (authorizing waivers from the one hundred eighty-day school year requirement in order to allow four-day school weeks).

NEW SECTION. Sec. 506. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL FOOD SERVICE PROGRAMS

General Fund--State Appropriation (FY 2010) \$3,159,000
 General Fund--State Appropriation (FY 2011) \$3,159,000
 General Fund--Federal Appropriation \$281,988,000
 TOTAL APPROPRIATION \$288,306,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,000,000 of the general fund--state appropriation for fiscal year 2010 and \$3,000,000 of the general fund--state appropriation for fiscal year 2011 are provided for state matching money for federal child nutrition programs.
- (2) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the 2011 fiscal year appropriation are provided for summer food programs for children in low-income areas.
- (3) \$59,000 of the general fund--state appropriation for fiscal year 2010 and \$59,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to reimburse school districts for school breakfasts served to students enrolled in the free or reduced price meal program pursuant to chapter 287, Laws of 2005 (requiring school breakfast programs in certain schools).
- (4) \$1,588,000 of the general fund--federal appropriation of American recovery and reinvestment act of 2009 (ARRA) funds is provided solely for equipment assistance to school food authorities (SFAs) participating in the national school lunch program (NSLP). Local SFAs may apply to the office of the superintendent of public instruction to receive grants in accordance with provisions of the ARRA. As stipulated in the ARRA, priority will be given to SFAs for equipment for schools in which at least 50 percent of the students are eligible for free or reduced-priced meals.

NEW SECTION. Sec. 507. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2010) \$640,959,000
 General Fund--State Appropriation (FY 2011) \$652,388,000
 General Fund--Federal Appropriation \$656,052,000
 Education Legacy Trust Account--State Appropriation \$756,000
 TOTAL APPROPRIATION \$1,950,155,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.
 - (2)(a) The superintendent of public instruction shall ensure that:
 - (i) Special education students are basic education students first;
 - (ii) As a class, special education students are entitled to the full basic education allocation; and
 - (iii) Special education students are basic education students for the entire school day.
 - (b) The superintendent of public instruction shall continue to implement the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006.
- (3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2009-10 and 2010-11 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, \$73,668,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate that they are maximizing their eligibility for all state and federal revenues related to services for special education-eligible students. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. The safety net awards to school districts shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999. The state safety net oversight committee shall ensure that safety net documentation and awards are based on current medicaid revenue amounts.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund--state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high-cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(14) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(15) \$262,000 of the general fund--state appropriation for fiscal year 2010 and \$251,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

(16) \$221,357,000 of the general fund--federal appropriation of American recovery and reinvestment act of 2009 funds is provided solely for the individuals with disabilities education act (IDEA), Part B, for distribution to school districts. The funds' use is to be consistent with the current IDEA, Part B statutory and regulatory requirements.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2010, \$50,000 of the general fund--state appropriation for fiscal 2011, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction.

NEW SECTION. Sec. 508. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR EDUCATIONAL SERVICE DISTRICTS

General Fund--State Appropriation (FY 2010)	\$8,394,000
General Fund--State Appropriation (FY 2011)	\$8,395,000
TOTAL APPROPRIATION	\$16,789,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The educational service districts shall continue to furnish financial services required by the superintendent of public instruction and RCW 28A.310.190 (3) and (4).

(2) \$3,355,000 of the general fund--state appropriation for fiscal year 2010 and \$3,355,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for regional professional development related to mathematics and science curriculum and instructional strategies. Funding shall be distributed among the educational service districts in the same proportion as distributions in the 2007-2009 biennium. Each educational service district shall use this funding solely for salary and benefits for a certificated instructional staff with expertise in the appropriate subject matter and in professional development delivery, and for travel, materials, and other expenditures related to providing regional professional development support. The office of superintendent of public instruction shall also allocate to each educational service district additional amounts provided in section 504 of this act for compensation increases associated with the salary amounts and staffing provided in this subsection (2).

(3) The educational service districts, at the request of the state board of education pursuant to RCW 28A.310.010 and 28A.310.340, may receive and screen applications for school accreditation, conduct school accreditation site visits pursuant to state board of education rules, and submit to the state board of education post-site visit recommendations for school accreditation. The educational service districts may assess a cooperative service fee to recover actual plus reasonable indirect costs for the purposes of this subsection.

NEW SECTION. Sec. 509. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2010)	\$42,921,000
General Fund--State Appropriation (FY 2011)	\$209,997,000
General Fund--Federal Appropriation	\$176,284,000
TOTAL APPROPRIATION	\$429,202,000

The appropriations in this section are subject to the following conditions and limitations: \$176,284,000 of the general fund--federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for local effort assistance payments.

NEW SECTION. Sec. 510. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2010)	\$18,943,000
General Fund--State Appropriation (FY 2011)	\$17,992,000
TOTAL APPROPRIATION	\$36,935,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$329,000 of the general fund--state appropriation for fiscal year 2010 and \$329,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

NEW SECTION. Sec. 511. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2010)	\$9,430,000
General Fund--State Appropriation (FY 2011)	\$9,437,000
TOTAL APPROPRIATION	\$18,867,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$401.08 per funded student for the 2009-10 school year and \$401.08 per funded student for the 2010-11 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$90,000 of the fiscal year 2010 appropriation and \$90,000 of the fiscal year 2011 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

(4) \$170,000 of the fiscal year 2010 appropriation and \$170,000 of the fiscal year 2011 appropriation are provided for the centrum program at Fort Worden state park.

NEW SECTION. Sec. 512. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR MISCELLANEOUS PURPOSES UNDER THE ELEMENTARY AND SECONDARY SCHOOL IMPROVEMENT ACT AND THE NO CHILD LEFT BEHIND ACT

General Fund--Federal Appropriation \$43,450,000

NEW SECTION. Sec. 513. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2010) \$95,181,000
 General Fund--State Appropriation (FY 2011) \$102,512,000
 General Fund--Federal Appropriation \$152,626,000
 Education Legacy Trust Account--State Appropriation \$95,112,000
TOTAL APPROPRIATION \$445,431,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$36,806,000 of the general fund--state appropriation for fiscal year 2010, \$34,516,000 of the general fund--state appropriation for fiscal year 2011, \$1,850,000 of the education legacy trust account--state appropriation, and \$15,868,000 of the general fund-- federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2010 and \$3,249,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the design of the state assessment system and the implementation of end of course assessments for high school math.

(3) \$1,014,000 of the education legacy trust account appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of two additional professional development days for fourth and fifth grade teachers during the 2008-2009 school year. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(4) \$3,241,000 of the education legacy trust fund appropriation is provided solely for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math and science teachers during the 2008- 2009 school year, as well as specialized training for one math and science teacher in each middle school and high school during the 2008- 2009 school year. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(5) \$3,850,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to chapter 396, Laws of 2007. Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities for up to twenty-five instructional coaches in middle and high school math and twenty-five instructional coaches in middle and high school science in each year of the biennium; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program.

(6) \$1,781,000 of the general fund--state appropriation for fiscal year 2010 and \$1,943,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding. The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. If Second Substitute Senate Bill No. 5676 is enacted the allocations are formula-driven, otherwise the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(7) \$139,000 of the general fund--state appropriation for fiscal year 2010 and \$139,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(8) \$1,579,000 of the general fund--state appropriation for fiscal year 2010 and \$1,579,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state leadership and assistance for science education reform (LASER) regional partnership activities coordinated at the Pacific science center, including instructional material purchases, teacher and principal professional development, and school and community engagement events. Funding shall be distributed to the various LASER activities in a manner proportional to LASER program spending during the 2007-2009 biennium.

(9) \$81,010,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in chapter 400, Laws of 2007. The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 20 percent of kindergarten enrollment. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

(10) \$700,000 of the general fund--state appropriation for fiscal year 2010 and \$900,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(11) \$105,754,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(12) \$3,046,000 of the general fund--state appropriation for fiscal year 2010 and \$3,046,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Funding in this subsection may be used for focused assistance programs for individual schools as well as school districts.

(13) \$30,702,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(14) \$1,667,000 of the general fund--state appropriation for fiscal year 2010 and \$1,667,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to eliminate the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(15) \$5,285,000 of the general fund--state appropriation for fiscal year 2010 and \$5,285,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(16) \$1,056,000 of the general fund--state appropriation for fiscal year 2010 and \$1,056,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2009 through August 31, 2011.

(17) \$3,594,000 of the general fund--state appropriation for fiscal year 2010 and \$3,594,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(18) \$1,959,000 of the general fund--state appropriation for fiscal year 2010 and \$1,959,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2010 and \$125,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(20) \$250,000 of the education legacy trust account--state appropriation is provided solely for costs associated with the office of the superintendent of public instruction's statewide director of technology position.

(21)(a) \$28,270,000 of the general fund--state appropriation for fiscal year 2010 and \$36,513,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher beginning in the 2007-08 school year and adjusted for inflation in each school year thereafter in which Initiative 732 cost of living adjustments are provided. National board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification;

(ii) An additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch;

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner; and

(iv) During the 2009-10 and 2010-11 school years, and within the available appropriation, certificated instructional staff who have met the eligibility requirements and have applied for certification from the national board for professional teaching standards may receive a conditional two thousand dollars or the amount set by the office of the superintendent of public instruction to contribute toward the current assessment fee, not including the initial up-front candidacy payment. The fee shall be an advance on the first annual bonus under RCW 28A.405.415. The assessment fee for national certification is provided in addition to compensation received under a district's salary schedule adopted in accordance with RCW 28A.405.200 and shall not be included in calculations of a district's average salary and associated salary limitation under RCW 28A.400.200. Recipients who fail to receive certification after three years are required to repay the assessment fee, not including the initial up-front candidacy payment, as set by the national board for professional teaching standards and administered by the office of the superintendent of public instruction. The office of the superintendent of public instruction shall adopt rules to define the terms for initial grant of the assessment fee and repayment, including applicable fees.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits.

(22) \$2,750,000 of the general fund--state appropriation for fiscal year 2010 and \$2,750,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for secondary career and technical education grants pursuant to chapter 170, Laws of 2008. This funding may additionally be used to support FIRST Robotics programs.

(23) \$300,000 of the general fund--state appropriation for fiscal year 2010 and \$300,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the local farms-healthy kids program as described in chapter 215, Laws of 2008.

(24) \$2,348,000 of the general fund--state appropriation for fiscal year 2010 and \$2,348,000 of the general fund--state appropriation for fiscal year 2011 are appropriated for a beginning educator support program. School districts and/or regional consortia may apply for grant funding beginning in the 2009-10 school year. The superintendent shall implement this program in 5 to 15 school districts and/or regional consortia. The program provided by a district and/or regional consortia shall include: A paid orientation; assignment of a qualified mentor; development of a professional growth plan for each beginning teacher aligned with professional certification; release time for mentors and new teachers to work together, and teacher observation time with accomplished peers. \$250,000 may be used to provide state-wide professional development opportunities for mentors and beginning educators. The superintendent of public instruction shall adopt rules to establish and operate a research-based beginning educator support program no later than August 31, 2009. OSPI must evaluate the program's progress and may contract for this work. A report to the legislature about the beginning educator support program is due November 1, 2010.

(25) \$4,400,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, consistent with the recommendations of the Washington assessment of student learning work group.

(26) \$70,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for implementation of Engrossed Substitute Senate Bill No. 5414 (statewide assessments and curricula).

(27) \$530,000 of the general fund--state appropriation for fiscal year 2010 and \$530,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the leadership internship program for superintendents, principals, and program administrators.

NEW SECTION. Sec. 514. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2010)	\$77,994,000
General Fund--State Appropriation (FY 2011)	\$80,937,000
General Fund--Federal Appropriation	\$45,263,000
TOTAL APPROPRIATION	\$204,194,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) The superintendent shall distribute a maximum of \$901.46 per eligible bilingual student in the 2009-10 school year and \$901.46 in the 2010-11 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.
- (3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).
- (4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.
- (5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

NEW SECTION. Sec. 515. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2010)	\$101,067,000
General Fund--State Appropriation (FY 2011)	\$102,237,000
General Fund--Federal Appropriation	\$543,925,000
Education Legacy Trust Account--State Appropriation	\$47,980,000
TOTAL APPROPRIATION	\$795,209,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The general fund--state appropriations in this section are subject to the following conditions and limitations:
 - (a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
 - (b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$281.71 per funded student for the 2009-10 school year and \$282.63 per funded student for the 2010-11 school year exclusive of salary and benefit adjustments provided under section 504 of this act.
 - (c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:
 - (i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and
 - (ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K- 12 annual average full-time equivalent enrollment for the prior school year.
 - (d) In addition to the amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students, subject to the following rules and conditions:
 - (i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.
 - (ii) Districts meeting the specifications in (d)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (d)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.
- (2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.
- (3) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.
- (4) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

(5) Within amounts appropriated in this section, funding is provided for the implementation of extended learning programs required in chapter 328, Laws of 2008.

(6) \$51,970,000 of the general fund--federal appropriation for fiscal year 2010 and \$77,955,000 of the general fund--federal appropriation for fiscal year 2011 of American recovery and reinvestment act of 2009 (ARRA) Title I, Part A funds are in addition to regular Title I, Part A allocations solely for allocation to eligible school districts in accordance with the guidelines of ARRA.

(7) \$48,981,000 of the general fund--federal appropriation from the American recovery and reinvestment act of 2009 (ARRA) is for school improvement. This consists of 4 percent, or \$5,413,000 of the Title I, Part A recovery funds which must be set aside for school improvement as well as \$43,568,000 in additional school improvement funds.

NEW SECTION. Sec. 516. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

General Fund--State Appropriation (FY 2011)	\$104,101,000
General Fund--Federal Appropriation	\$200,295,000
TOTAL APPROPRIATION	\$304,396,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$131.16 per FTE student for the 2009-10 school year and \$99.32 per FTE student for the 2010-11 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly apportionment schedule defined in RCW 28A.510.250.

(4) \$200,295,000 of the general fund--federal appropriation for fiscal year 2010 is provided solely for American recovery and reinvestment act of 2009 (ARRA) fiscal stabilization funds to restore state reductions for the student achievement program.

NEW SECTION. Sec. 517. K-12 CARRYFORWARD AND PRIOR SCHOOL YEAR ADJUSTMENTS. State general fund and state student achievement fund appropriations provided to the superintendent of public instruction for state entitlement programs in the public schools in this part V of this act may be expended as needed by the superintendent for adjustments to apportionment for prior fiscal periods. Recoveries of state general fund moneys from school districts and educational service districts for a prior fiscal period shall be made as reductions in apportionment payments for the current fiscal period and shall be shown as prior year adjustments on apportionment reports for the current period. Such recoveries shall not be treated as revenues to the state, but as a reduction in the amount expended against the appropriation for the current fiscal period.

NEW SECTION. Sec. 518. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Appropriations made in this act to the office of the superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act.

**PART VI
HIGHER EDUCATION**

NEW SECTION. Sec. 601. The appropriations in sections 605 through 611 of this act are subject to the following conditions and limitations:

(1) "Institutions" means the institutions of higher education receiving appropriations under sections 605 through 611 of this act.

(2) The legislature, the office of financial management, and other state agencies need consistent and accurate personnel data from institutions of higher education for policy planning purposes. Institutions of higher education shall report personnel data to the department of personnel for inclusion in the department's data warehouse. Uniform reporting procedures shall be established by the department of personnel for use by the reporting institutions, including provisions for common job classifications and common definitions of full-time equivalent staff. Annual contract amounts, number of contract months, and funding sources shall be consistently reported for employees under contract.

(3) In addition to waivers granted under the authority of RCW 28B.15.910, the governing boards and the state board may waive all or a portion of operating fees for any student. State general fund appropriations shall not be provided to replace tuition and fee revenue foregone as a result of waivers granted under this subsection.

(4) The colleges of education for institutions with appropriations in sections 606 through 611 shall develop a plan, by October 30, 2009, to increase the number of math and science teacher endorsements and certificates granted by the institution. The plan shall address the college's math and science teacher endorsement and certification completion goal for each of the next six years, beginning with the 2010-2011 academic year, and shall be reported to the governor, the relevant policy committees of the legislature, the higher education coordinating board (HECB) and the professional educator standards board (PESB). Plan components may address: Student advising practices, increased outreach and recruitment efforts to under-represented populations, linkages with university mathematics and science departments, and implementation of redesigned, innovative endorsement and certification programs. To accomplish this work, enrollments may need to be shifted from low-need

endorsement and certificate areas to math and science. A report shall be made each October 30th to the HECB and PESB regarding the degree to which plan goals have been met and activities undertaken to support those outcomes.

(5) In accordance with RCW 28B.10.920 through 28B.10.922, the state performance agreement committee and each public four-year institution of higher education shall develop performance agreements for the period September 1, 2009, through June 30, 2015. The agreements shall reflect the level of state, tuition, and other resources appropriated or authorized for each institution in this act and in the omnibus 2009-11 omnibus capital budget act, as well as reasonably anticipated changes in such resources for the two subsequent biennia as required to accomplish the higher education master plan as adopted by the legislature. The agreements shall build upon each institution's actual performance relative to the 2011 targets previously negotiated between the institution, the higher education coordinating board, and the office of financial management, and shall include measurable performance targets, benchmarks, and goals in areas including but not limited to:

- (a) Student enrollment levels, by campus;
- (b) Baccalaureate and advanced degree production;
- (c) Baccalaureate and advanced degree production in high employer- demand fields;
- (d) Undergraduate retention and graduation rates;
- (e) Time-to-degree for students entering as freshmen, and as upper- division transfers;
- (f) Efficiency to degree; and
- (g) Capital investment as required to (i) maintain existing capacity, and (ii) meet enrollment targets in accordance with the master plan as adopted by the legislature.

Each institution shall report progress toward its performance targets during the preceding academic year to the state performance agreement committee prior to November 1, 2010. The higher education coordinating board shall consolidate and summarize the institutional reports, and provide them to the relevant policy and fiscal committees of the legislature by December 1, 2010.

(6) To facilitate transparency and compliance with the American recovery and reinvestment act, the institutions of higher education receiving state and federal appropriations under sections 605 through 611 of this act shall allot anticipated state, federal, and tuition expenditures by budget program and fiscal year. The office of financial management shall notify the legislative ways and means committees of the proposed allotments at least ten days prior to their approval.

(7) To the extent permitted by the applicable personnel system rules, and to the extent collectively bargained with represented employees, institutions of higher education are encouraged to achieve the reductions in full-time-equivalent employment and payroll levels necessary to operate within this budget through strategies that will minimize impacts on employees, their families, their communities, and short- and longer-term accomplishment of institutional mission. Institutions are encouraged to utilize strategies such as reduced work- hours per day or week, voluntary leave without pay, and temporary furloughs that enable employees to maintain permanent employment status. Institutions are further encouraged to implement such strategies in ways that will enable employees to maintain full insurance benefits, full retirement service credit, and a living wage.

(8)(a) For institutions receiving appropriations in section 605 of this act the only allowable salary increases provided are those with normally occurring promotions and increases related to faculty and staff retention, to the extent permitted by Engrossed Substitute Senate Bill No. 5460, and House Bill No. 2328.

(b) For employees under the jurisdiction of chapter 41.56 RCW, salary increases will be in accordance with the applicable collective bargaining agreement. However, an increase shall not be provided to any classified employee whose salary is above the approved salary range maximum for the class to which the employee's position is allocated.

(c) For each institution of higher education receiving appropriations under sections 606 through 611 of this act:

(i) The only allowable salary increases are those associated with normally occurring promotions and increases related to faculty and staff retention, to the extent permitted by Engrossed Substitute Senate Bill No. 5460 and House Bill No. 2328; and

(ii) Institutions may provide salary increases from other sources to instructional and research faculty, exempt professional staff, teaching and research assistants, as classified by the office of financial management, and all other nonclassified staff, but not including employees under RCW 28B.16.015, to the extent permitted by Engrossed Substitute Senate Bill No. 5460 and House Bill No. 2328. Any salary increase granted under the authority of this subsection (8)(c)(ii) shall not be included in an institution's salary base for future state funding. It is the intent of the legislature that state general fund support for an institution shall not increase during the current or any future biennium as a result of any salary increases authorized under this subsection (8)(c)(ii).

NEW SECTION. Sec. 602. (1) Within the funds appropriated in this act, each institution of higher education is expected to enroll and educate at least the following numbers of full-time equivalent state- supported students per academic year:

	2009-10 Annual Average	2010-11 Annual Average
University of Washington	36,546	37,162
Washington State University	22,250	22,250
Central Washington University	8,477	8,734
Eastern Washington University	8,469	8,808
The Evergreen State College	4,213	4,213
Western Washington University	11,373	11,762
State Board for Community & Technical Colleges		
Adult Students	139,237	139,237
Running Start Students	11,558	11,558

(2) In achieving or exceeding these enrollment targets, each institution shall seek to:

(a) Maintain and to the extent possible increase enrollment opportunities at branch campuses;

(b) Maintain and to the extent possible increase enrollment opportunities at university centers and other partnership programs that enable students to earn baccalaureate degrees on community college campuses; and

(c) Eliminate and consolidate programs of study for which there is limited student or employer demand, or that are not areas of core academic strength for the institution, particularly when such programs duplicate offerings by other in-state institutions.

(3) By September 1, 2009, each institution shall report to the higher education committees and the relevant fiscal committees of the legislature on its plans for achieving the objectives in this section.

(4) For purposes of monitoring and reporting statewide enrollment, the University of Washington and Washington State University shall notify the office of financial management of the number of full-time student equivalent enrollments budgeted for each of their campuses.

NEW SECTION. Sec. 603. PUBLIC BACCALAUREATE INSTITUTIONS. In order to operate within the state funds appropriated in this act, the governing boards of the state research universities, the state regional universities, and The Evergreen State College are authorized to adopt and adjust tuition and fees for the 2009-10 and 2010-11 academic years as provided in this section:

- (1) Each governing board may increase the tuition fees, as defined in RCW 28B.15.020, charged to resident undergraduate students by no more than fourteen percent over the amounts charged to resident undergraduate students for the prior academic year.
- (2) Each governing board is authorized to increase tuition charges to graduate and professional students, and to nonresident undergraduate students, by amounts judged reasonable and necessary by the governing board.
- (3) Each governing board is authorized to increase summer quarter or semester tuition fees for resident and nonresident undergraduate, graduate, and professional students pursuant to RCW 28B.15.067.
- (4) Each governing board is authorized to adopt or increase charges for fee-based, self-sustaining degree programs, credit courses, noncredit workshops and courses, and special contract courses by amounts judged reasonable and necessary by the governing board.
- (5) Each governing board is authorized to adopt or increase services and activities fees for all categories of students as provided in RCW 28B.15.069.
- (6) Each governing board is authorized to adopt or increase technology fees as provided in RCW 28B.15.069.
- (7) Each governing board is authorized to adopt or increase special course and lab fees, and health and counseling fees, to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.
- (8) Each governing board is authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the governing board.
- (9) In addition to the 3.5 percent of tuition and services and activities fees used for institutional financial aid as required by RCW 28B.15.820, each governing board shall assure that at least one-seventh of the additional tuition revenue that would otherwise be collected as a result of resident undergraduate tuition increases in excess of seven percent per year is used to provide additional financial aid to resident undergraduate students. Each institution shall report to the relevant policy and fiscal committees of the legislature by December 1, 2009, and again by December 1, 2010, demonstrating how it has modified financial aid policies and practices during the current academic year to accomplish this purpose.

NEW SECTION. Sec. 604. STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES. In order to operate within the state funds appropriated in this act, the state board for community and technical colleges and the trustees of the state's community and technical colleges are authorized to adopt and adjust tuition and fees for the 2009-10 and 2010-11 academic years as provided in this section:

- (1) The state board may increase the tuition fees charged to resident undergraduate students by no more than seven percent over the amounts charged to resident undergraduates during the prior academic year. The board may increase tuition fees under this subsection differentially based on student credit hour load, provided that the overall increase in average tuition revenue per student does not exceed seven percent each year.
- (2) The state board may increase the tuition fees charged to resident undergraduates enrolled in upper division applied baccalaureate programs by no more than fourteen percent over the amounts charged during the prior academic year.
- (3) The state board may increase the tuition fees charged to nonresident students by amounts judged reasonable and necessary by the board.
- (4) The trustees of the technical colleges are authorized to either (a) increase operating fees by no more than the percentage increases authorized for community colleges by the state board; or (b) fully adopt the tuition fee charge schedule adopted by the state board for community colleges.
- (5) For the 2009-10 academic year, the trustees of the technical colleges are authorized to increase building fees by four cents per clock hour and by sixty-two cents per credit hour. For the 2010-11 academic year, the trustees are authorized to increase building fees by four cents per clock hour and by sixty-nine cents per credit hour. The purpose of these increases is to progress toward parity with the building fees charged students attending the community colleges.
- (6) The state board is authorized to increase the maximum allowable services and activities fee as provided in RCW 28B.15.069. The trustees of the community and technical colleges are authorized to increase services and activities fees up to the maximum level authorized by the state board.
- (7) The trustees of the community and technical colleges are authorized to adopt or increase charges for fee-based, self-sustaining programs such as summer session, international student contracts, and special contract courses by amounts judged reasonable and necessary by the trustees.
- (8) The trustees of the community and technical colleges are authorized to adopt or increase special course and lab fees to the extent necessary to cover the reasonable and necessary exceptional cost of the course or service.
- (9) The trustees of the community and technical colleges are authorized to adopt or increase administrative fees such as but not limited to those charged for application, matriculation, special testing, and transcripts by amounts judged reasonable and necessary by the trustees.

NEW SECTION. Sec. 605. FOR THE STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

General Fund--State Appropriation (FY 2010)	\$620,071,000
General Fund--State Appropriation (FY 2011)	\$642,509,000
General Fund--Federal Appropriation	\$17,171,000
Education Legacy Trust Account--State Appropriation	\$95,125,000
TOTAL APPROPRIATION	\$1,374,876,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$28,761,000 of the general fund--state appropriation for fiscal year 2010 and \$28,761,000 of the general fund--state appropriation for fiscal year 2011 are provided solely as special funds for training and related support services, including financial aid, as specified in RCW 28C.04.390. Funding is provided to support at least 6,200 full-time equivalent students in fiscal year 2010 and at least 6,200 full-time equivalent students in fiscal year 2011.
- (2) \$2,725,000 of the general fund--state appropriation for fiscal year 2010 and \$2,725,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for administration and customized training contracts through the job skills program. The state board shall make an annual report by January 1st of each year to the governor and to the appropriate policy and fiscal committees of the legislature regarding implementation of this section, listing the scope of grant awards, the distribution of funds by educational sector and region of the state, and the results of the partnerships supported by these funds.
- (3) Of the amounts appropriated in this section, \$3,500,000 is provided solely for the student achievement initiative.
- (4) When implementing the appropriations in this section, the state board and the trustees of the individual community and technical colleges shall minimize impact on academic programs, maximize reductions in administration, and shall at least maintain, and endeavor to

increase, enrollment opportunities and degree and certificate production in high employer-demand fields of study at their academic year 2008-09 levels.

(5) Within the board's 2009-11 biennial budget allocation to Bellevue College, and pursuant to RCW 28B.50.810, the college may implement, on a tuition and fee basis, an additional applied baccalaureate degree in interior design. This program is intended to provide students with additional opportunities to earn baccalaureate degrees and to respond to emerging job and economic growth opportunities. The program reviews and approval decisions required by RCW 28B.50.810 (3) and (4) shall be completed by July 31, 2009, so that the degree may be offered during the 2009-10 academic year.

(6) In accordance with the recommendations of the higher education coordinating board's 2008 *Kitsap region higher education center study*, the state board shall facilitate development of university centers by allocating thirty 2-year and 4-year partnership full-time enrollment equivalencies to Olympic College and ten 2-year and 4-year partnership full-time enrollment equivalencies to Peninsula College. The colleges shall use the allocations to establish a partnership with a baccalaureate university or universities for delivery of upper division degree programs in the Kitsap region. The Olympic and Peninsula Community College districts shall additionally work together to ensure coordinated development of these and other future baccalaureate opportunities through coordinated needs assessment, planning, and scheduling.

(7) By September 1, 2009, the state board for community and technical colleges, the higher education coordinating board, and the office of financial management shall review and to the extent necessary revise current 2009-11 performance measures and targets based on the level of state, tuition, and other resources appropriated or authorized in this act and in the omnibus 2009-11 omnibus capital budget act. The boards and the office of financial management shall additionally develop new performance targets for the 2011-13 and the 2013-15 biennia that will guide and measure the community and technical college system's contributions to achievement of the state's higher education master plan goals.

(8) \$2,250,000 of the general fund--state appropriation for fiscal year 2010 and \$2,250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the hospital employee education and training program under which labor, management, and college partnerships develop or expand and evaluate training programs for incumbent hospital workers that lead to careers in nursing and other high-demand health care occupations. The board shall report student progress, outcomes, and costs to the relevant fiscal and policy committees of the legislature by November 2009 and November 2010.

(9) Community and technical colleges are not required to send mass mailings of course catalogs to residents of their districts. Community and technical colleges shall consider lower cost alternatives, such as mailing postcards or brochures that direct individuals to online information and other ways of acquiring print catalogs.

(10) \$1,112,000 of the general fund--state appropriation for fiscal year 2010 and \$1,113,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the state board to enhance online distance learning and open courseware technology. Funds shall be used to support open courseware, open textbooks, open licenses to increase access, affordability and quality of courses in higher education. The state board for community and technical colleges shall select the most appropriate courses to support open courseware based solely upon criteria of maximizing the value of instruction and reducing costs of textbooks and other instructional materials for the greatest number of students in higher education, regardless of the type of institution those students attend.

NEW SECTION. Sec. 606. FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2010)	\$269,552,000
General Fund--State Appropriation (FY 2011)	\$297,130,000
General Fund--Federal Appropriation	\$24,730,000
Education Legacy Trust Account--State Appropriation	\$54,408,000
Accident Account--State Appropriation	\$6,712,000
Medical Aid Account--State Appropriation	\$6,524,000
Biotoxin Account--State Appropriation	\$450,000
TOTAL APPROPRIATION	\$659,506,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for forestry research by the Olympic natural resources center.

(4) \$150,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the William D. Ruckelshaus center for facilitation, support, and analysis to support the nurse staffing steering committee in its work to apply best practices related to patient safety and nurse staffing.

(5) \$54,000 of the general fund--state appropriation for fiscal year 2010 and \$54,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the University of Washington geriatric education center to provide a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(6) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$52,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the center for international trade in forest products in the college of forest resources.

NEW SECTION. Sec. 607. FOR WASHINGTON STATE UNIVERSITY

General Fund--State Appropriation (FY 2010)	\$178,578,000
General Fund--State Appropriation (FY 2011)	\$196,163,000
General Fund--Federal Appropriation	\$15,772,000
Education Legacy Trust Account--State Appropriation	\$34,696,000
TOTAL APPROPRIATION	\$425,209,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and regents shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) When implementing reductions for fiscal year 2010 and fiscal year 2011, Washington State University shall minimize reductions to extension services and agriculture extension services. Agriculture extension includes:

(a) Faculty with extension appointments working within the following departments in the college of agricultural, human, and natural resource sciences with extension appointments: Animal sciences, crop and soil sciences, entomology, horticulture, and plant pathology;

(b) The portion of county extension educators' appointments assigned to the "agricultural programs" area;

(c) Staff with extension appointments and extension operating allocations located at the irrigated agriculture research and extension center (Prosser), northwest Washington research and extension center (Mt. Vernon), and tree fruit research and extension center (Wenatchee); and

(d) Extension contributions to the center for precision agricultural systems, center for sustaining agriculture and natural resources, and the agriculture weather network.

(4) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for research related to honeybee colony collapse disease.

NEW SECTION. Sec. 608. FOR EASTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	\$34,685,000
General Fund--State Appropriation (FY 2011)	\$40,796,000
General Fund--Federal Appropriation	\$5,522,000
Education Legacy Trust Account--State Appropriation	\$16,087,000
TOTAL APPROPRIATION	\$97,090,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) At least \$200,000 of the general fund--state appropriation for fiscal year 2010 and at least \$200,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the northwest autism center.

NEW SECTION. Sec. 609. FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	\$30,284,000
General Fund--State Appropriation (FY 2011)	\$37,580,000
General Fund--Federal Appropriation	\$6,975,000
Education Legacy Trust Account--State Appropriation	\$19,076,000
TOTAL APPROPRIATION	\$93,915,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

NEW SECTION. Sec. 610. FOR THE EVERGREEN STATE COLLEGE

General Fund--State Appropriation (FY 2010)	\$20,512,000
General Fund--State Appropriation (FY 2011)	\$22,865,000
General Fund--Federal Appropriation	\$2,366,000
Education Legacy Trust Account--State Appropriation	\$5,450,000
TOTAL APPROPRIATION	\$51,193,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the college shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

(3) At least \$100,000 of the general fund--state appropriation for fiscal year 2010 and at least \$100,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the labor education and research center.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the Washington state institute for public policy to report to the legislature regarding efficient and effective programs and policies. The report shall calculate the return on investment to taxpayers from evidence-based prevention and intervention programs and policies that influence crime, K-12 education outcomes, child maltreatment, substance abuse, mental health, public health, public assistance, employment, and housing. The institute for public policy shall provide the legislature with a comprehensive list of programs and policies that improve these outcomes for children and adults in Washington and result in more cost-efficient use of public resources. The

institute shall submit interim reports by December 15, 2009, and October 1, 2010, and a final report by June 30, 2011. The institute may receive additional funds from a private organization for the purpose of conducting this study.

(5) To the extent federal or private funding is available for this purpose, the Washington state institute for public policy and the center for reinventing public education at the University of Washington shall examine the relationship between participation in pension systems and teacher quality and mobility patterns in the state. The department of retirement systems shall facilitate researchers' access to necessary individual-level data necessary to effectively conduct the study. The researchers shall ensure that no individually identifiable information will be disclosed at any time. An interim report on project findings shall be completed by November 15, 2010, and a final report shall be submitted to the governor and to the relevant committees of the legislature by October 15, 2011.

(6) At least \$200,000 of the general fund--state appropriation for fiscal year 2010 and at least \$200,000 of the general fund--state appropriation for fiscal year 2011 shall be expended on the Washington center for undergraduate education.

(7) \$15,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute for public policy to examine the need for and methods to increase the availability of nonfood items, such as personal hygiene supplies, soaps, paper products, and other items, to needy persons in the state. The study shall examine existing private and public programs that provide such products, and develop recommendations for the most cost-effective incentives for private and public agencies to increase local distribution outlets and local and regional networks of supplies. A final report shall be delivered to the legislature and the governor by December 1, 2009.

(8) \$17,000 of the general fund--state appropriation for fiscal year 2010 and \$42,000 of the general fund--state appropriation for fiscal year 2011 are provided to the Washington state institute for public policy to implement Second Substitute House Bill No. 2106 (child welfare outcomes). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) \$54,000 of the general fund--state appropriation for fiscal year 2010 and \$23,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Substitute Senate Bill No. 5882 (racial disproportionality). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute of public policy to evaluate the adequacy of and access to financial aid and independent living programs for youth in foster care. The examination shall include opportunities to improve efficiencies within these programs. The institute shall report its findings by December 1, 2009.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2010 is provided solely for the Washington state institute for public policy to conduct an assessment of the general assistance unemployable program and other similar programs. The assessment shall include a review of programs in other states that provide similar services and will include recommendations on promising approaches that both improve client outcomes and reduce state costs. A report is due by December 1, 2009.

(12) To the extent funds are available, the Washington state institute for public policy is encouraged to continue the longitudinal analysis of long-term mental health outcomes directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders); and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

NEW SECTION. Sec. 611. FOR WESTERN WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2010)	\$43,141,000
General Fund--State Appropriation (FY 2011)	\$52,752,000
General Fund--Federal Appropriation	\$8,885,000
Education Legacy Trust Account--State Appropriation	\$13,036,000
TOTAL APPROPRIATION	\$117,814,000

The appropriations in this section are subject to the following conditions and limitations:

(1) In implementing the appropriations in this section, the president and governing board shall seek to minimize impacts on student services and instructional programs by maximizing reductions in administration and other non-instructional activities.

(2) Because higher education is an essential driver of economic recovery and development, the university shall maintain, and endeavor to increase, enrollment and degree production levels at or beyond their academic year 2008-09 levels in the following high-demand fields: Biological and biomedical sciences; computer and information sciences; education with specializations in special education, math, or science; engineering and engineering technology; health professions and related clinical sciences; and mathematics and statistics.

NEW SECTION. Sec. 612. FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2010)	\$6,611,000
General Fund--State Appropriation (FY 2011)	\$6,203,000
General Fund--Federal Appropriation	\$4,352,000
TOTAL APPROPRIATION	\$17,166,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Within the funds appropriated in this section, the higher education coordinating board shall complete a system design planning project that defines how the current higher education delivery system can be shaped and expanded over the next ten years to best meet the needs of Washington citizens and businesses for high quality and accessible post-secondary education. The board shall propose policies and specific, fiscally feasible implementation recommendations to accomplish the goals established in the *2008 strategic master plan for higher education*. The project shall specifically address the roles, missions, and instructional delivery systems both of the existing and of proposed new components of the higher education system; the extent to which specific academic programs should be expanded, consolidated, or discontinued and how that would be accomplished; the utilization of innovative instructional delivery systems and pedagogies to reach both traditional and nontraditional students; and opportunities to consolidate institutional administrative functions. The study recommendations shall also address the proposed location, role, mission, academic program, and governance of any recommended new campus, institution, or university center. During the planning process, the board shall inform and actively involve the chairs from the senate and house of representatives committees on higher education, or their designees. The board shall report the findings and recommendations of this system design planning project to the governor and the appropriate committees of the legislature by December 1, 2009.

(2) \$146,000 of the general fund--state appropriation for fiscal year 2010 and \$65,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to administer Engrossed Second Substitute House Bill No. 2021 (revitalizing student financial aid). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(3) \$227,000 of the general fund--state appropriation for fiscal year 2010 and \$11,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to implement Engrossed Second Substitute House Bill No. 1946 (regarding higher education online technology). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(4) \$400,000 of the general fund--state appropriation for fiscal year 2010 and \$400,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the higher education coordinating board to contract with the Pacific Northwest university of health sciences to conduct training and education of health care professionals to promote osteopathic physician services in rural and underserved areas of the state.

NEW SECTION. Sec. 613. FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2010)	\$204,332,000
General Fund--State Appropriation (FY 2011)	\$229,711,000
General Fund--Federal Appropriation	\$13,124,000
Education Legacy Trust Account--State Appropriation	\$88,062,000
TOTAL APPROPRIATION	\$535,229,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$191,704,000 of the general fund--state appropriation for fiscal year 2010, \$232,929,000 of the general fund--state appropriation for fiscal year 2011, \$80,190,000 of the education legacy trust account appropriation, and \$2,446,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including up to a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. State need grant, Washington award for vocational excellence, and state work study awards shall be adjusted to offset the cost of the resident undergraduate tuition increases authorized under this act. The Washington scholars program shall provide awards sufficient to offset ninety percent of the total tuition and fee award.

(2)(a) Within the funds appropriated in this section, eligibility for the state need grant shall include students with family incomes at or below 70 percent of the state median family income (MFI), adjusted for family size. Awards for all students shall be adjusted by the estimated amount by which Pell grant increases exceed projected increases in the noninstructional costs of attendance. Awards for students with incomes between 51 and 70 percent of the state median shall be prorated at the following percentages of the award amount granted to those with incomes below 51 percent of the MFI: 70 percent for students with family incomes between 51 and 55 percent MFI; 65 percent for students with family incomes between 56 and 60 percent MFI; 60 percent for students with family incomes between 61 and 65 percent MFI; and 50 percent for students with family incomes between 66 and 70 percent MFI.

(b) Grant awards for students at private four-year colleges shall be set at the same level as the student would receive if attending one of the public research universities.

(3) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is for the future teacher scholarship and conditional loan program. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary schools and classrooms.

(4) \$3,872,000 of the education legacy trust account--state appropriation is provided solely for the passport to college scholarship program. Funds are provided for student scholarships, provider training, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services.

(5) \$1,250,000 of the general fund--state appropriation for fiscal year 2010 and \$1,250,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the health professional scholarship and loan program. The funds provided in this subsection shall be: (a) Prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) allocated between loan repayments and scholarships proportional to current program allocations.

(6) For fiscal year 2010 and fiscal year 2011, the board shall defer loan or conditional scholarship repayments to the future teachers conditional scholarship and loan repayment program for up to one year for each participant if the participant has shown evidence of efforts to find a teaching job but has been unable to secure a teaching job per the requirements of the program.

(7) \$246,000 of the general fund--state appropriation for fiscal year 2010 and \$246,000 of the general fund--state appropriation for fiscal year 2011 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2010 and \$500,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for state need grants provided to students enrolled in three to five credit-bearing quarter credits, or the equivalent semester credits. Total state expenditures on this program shall not exceed the amounts provided in this subsection.

(9) \$3,000,000 of the education legacy trust account--state appropriation is provided solely for the gaining early awareness and readiness for undergraduate programs project.

(10) \$75,000 of the general fund--state appropriation for fiscal year 2010 and \$75,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

NEW SECTION. Sec. 614. FOR THE WORK FORCE TRAINING AND EDUCATION COORDINATING BOARD

General Fund--State Appropriation (FY 2010)	\$1,587,000
General Fund--State Appropriation (FY 2011)	\$1,556,000
General Fund--Federal Appropriation	\$54,262,000
TOTAL APPROPRIATION	\$57,405,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$142,000 of the general fund--federal appropriation for fiscal year 2010 and \$88,000 of the general fund--federal appropriation for fiscal year 2011 are provided solely for implementation of Second Substitute House Bill No. 1355 (opportunity internships). Of these amounts, \$82,000 for fiscal year 2010 and \$28,000 for fiscal year 2011 are to be contracted to the higher education coordinating board for administration of state need grant program coordination and for enhancement of existing administration and tracking tools to accommodate opportunity

internship students eligible for state need grants. It is expected that the federal funds appropriated in this subsection shall be from among the workforce investment act statewide discretionary funds available for projects in support of disadvantaged youth. If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(2) \$60,000 of the general fund--state appropriation for fiscal year 2010 and \$60,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 2227 (evergreen jobs act). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 615. FOR THE SPOKANE INTERCOLLEGIATE RESEARCH AND TECHNOLOGY INSTITUTE

General Fund--State Appropriation (FY 2010)	\$1,598,000
General Fund--State Appropriation (FY 2011)	\$1,611,000
TOTAL APPROPRIATION	\$3,209,000

NEW SECTION. Sec. 616. FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2010)	\$60,478,000
General Fund--State Appropriation (FY 2011)	\$61,045,000
General Fund--Federal Appropriation	\$244,859,000
TOTAL APPROPRIATION	\$366,382,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$55,696,000 of the general fund--state appropriation for fiscal year 2010 and \$55,696,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for early childhood education and assistance program services. This appropriation temporarily reduces the number of slots for the 2009-11 fiscal biennium for the early childhood education and assistance program. The department shall reduce slots where providers serve both federal headstart and early childhood education and assistance program children, to the greatest extent possible, in order to achieve no reduction of slots across the state. The amounts in this subsection also reflect reductions to the administrative expenditures for the early childhood education and assistance program. The department shall reduce administrative expenditures, to the greatest extent possible, prior to reducing early childhood education and assistance program slots. Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(2) \$1,000,000 of the general fund--federal appropriation is provided to the department to contract with Thrive by Five, Washington for a pilot project for a quality rating and improvement system to provide parents with information they need to choose quality child care and education programs and to improve the quality of early care and education programs. The department in collaboration with Thrive by Five shall operate the pilot projects in King, Yakima, Clark, Spokane, and Kitsap counties. The department shall use child care development fund quality money for this purpose.

(3) \$425,000 of the general fund--state appropriation for fiscal year 2010, \$425,000 of the general fund--state appropriation for fiscal year 2011, and \$850,000 of the general fund--federal appropriation are provided solely for child care resource and referral network services. The general fund--federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(4) \$750,000 of the general fund--state appropriation for fiscal year 2010, \$750,000 of the general fund--state appropriation for fiscal year 2011, and \$1,500,000 of the general fund--federal appropriation are provided solely for the career and wage ladder program created by chapter 507, Laws of 2005. The general fund--federal funding represents moneys from the American recovery and reinvestment act of 2009 (child care development block grant).

(5) \$50,000 of the general fund--state appropriation for fiscal year 2010 and \$50,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for the department to work with stakeholders and the office of the superintendent of public instruction to identify and test a kindergarten assessment process and tools in geographically diverse school districts. School districts may participate in testing the kindergarten assessment process on a voluntary basis. The department shall report to the legislature on the kindergarten assessment process not later than January 15, 2011. Expenditure of amounts provided in this subsection is contingent on receipt of an equal match from private sources. As matching funds are made available, the department may expend the amounts provided in this subsection.

(6) \$1,600,000 of the general fund--federal appropriation is provided solely for the department to fund programs to improve the quality of infant and toddler child care through training, technical assistance, and child care consultation.

(7) \$200,000 of the general fund--state appropriation for fiscal year 2010 and \$200,000 of the general fund--state appropriation for fiscal year 2011 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers.

(8) \$100,000 of the general fund--state appropriation for fiscal year 2010 and \$100,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Substitute House Bill No. 1329 (child care center collective bargaining). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

(9) The department is the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

(11) Within available amounts, the department in consultation with the office of financial management and the department of social and health services shall report quarterly enrollments and active caseload for the working connections child care program to the legislative fiscal committees. The report shall also identify the number of cases participating in both temporary assistance for needy families and working connections child care.

(12) The appropriations in this section reflect reductions in the appropriations for the department's administrative expenses. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or program.

NEW SECTION. Sec. 617. FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2010)	\$5,902,000
General Fund--State Appropriation (FY 2011)	\$5,908,000
General Fund--Private/Local Appropriation	\$1,928,000
TOTAL APPROPRIATION	\$13,738,000

The appropriations in this section are subject to the following conditions and limitations: \$271,000 of the general fund-- private/local appropriation is provided solely for the school for the blind to offer short course programs, allowing students the opportunity to leave their home schools for short periods and receive intensive training. The school for the blind shall provide this service to the extent that it is funded by contracts with school districts and educational services districts.

NEW SECTION. Sec. 618. FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2010)	\$8,592,000
General Fund--State Appropriation (FY 2011)	\$8,656,000
General Fund--Private/Local Appropriation	\$526,000
TOTAL APPROPRIATION	\$17,774,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$210,000 of the general fund--private/local appropriation is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

(2) \$25,000 of the general fund--state appropriation for fiscal year 2010 and \$25,000 of the general fund--state appropriation for fiscal year 2011 are provided solely for implementation of Engrossed Second Substitute House Bill No. 1879 (deaf and hard of hearing). If the bill is not enacted by June 30, 2009, the amounts provided in this subsection shall lapse.

NEW SECTION. Sec. 619. FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2010)	\$1,876,000
General Fund--State Appropriation (FY 2011)	\$1,883,000
General Fund--Federal Appropriation	\$1,923,000
General Fund--Private/Local Appropriation	\$1,054,000
TOTAL APPROPRIATION	\$6,736,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

NEW SECTION. Sec. 620. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2010)	\$2,592,000
General Fund--State Appropriation (FY 2011)	\$2,636,000
TOTAL APPROPRIATION	\$5,228,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

NEW SECTION. Sec. 621. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

General Fund--State Appropriation (FY 2010)	\$1,612,000
General Fund--State Appropriation (FY 2011)	\$1,655,000
TOTAL APPROPRIATION	\$3,267,000

The appropriations in this section are subject to the following conditions and limitations: It is the intent of the legislature that the reductions in appropriations in this section shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. The agency shall, to the greatest extent possible, reduce spending in those areas that shall have the least impact on implementing its mission.

**PART VII
SPECIAL APPROPRIATIONS**

NEW SECTION. Sec. 701. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2010)	\$854,991,000
General Fund--State Appropriation (FY 2011)	\$901,265,000
State Building Construction Account--State Appropriation	\$11,707,000
Columbia River Basin Water Supply Development Account-- State Appropriation	\$92,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	\$11,000
State Taxable Building Construction Account--State Appropriation	\$1,136,000
Gardner-Evans Higher Education Construction Account-- State Appropriation	\$260,000
Debt-Limit Reimbursable Bond Retirement Account--State Appropriation	\$2,619,000
TOTAL APPROPRIATION	\$1,772,081,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2010 shall be expended into the debt-limit general fund bond retirement account by June 30, 2010.

NEW SECTION. Sec. 702. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation	\$14,543,000
Accident Account--State Appropriation	\$5,171,000
Medical Aid Account--State Appropriation	\$5,171,000
TOTAL APPROPRIATION	\$24,885,000

NEW SECTION. Sec. 703. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2010)	\$26,463,000
General Fund--State Appropriation (FY 2011)	\$27,811,000
School Construction and Skill Centers Building Account--State Appropriation	\$477,000
Nondebt-Limit Reimbursable Bond Retirement Account-- State Appropriation	\$141,507,000
TOTAL APPROPRIATION	\$196,258,000

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2010 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2010.

NEW SECTION. Sec. 704. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2010)	\$1,357,000
General Fund--State Appropriation (FY 2011)	\$1,357,000
State Building Construction Account--State Appropriation	\$1,273,000
Columbia River Basin Water Supply Development Account--State Appropriation	\$6,000
Hood Canal Aquatic Rehabilitation Bond Account-- State Appropriation	\$1,000
State Taxable Building Construction Account--State Appropriation	\$72,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$18,000
School Construction and Skill Centers Building Account--State Appropriation	\$30,000
TOTAL APPROPRIATION	\$4,114,000

NEW SECTION. Sec. 705. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- FIRE CONTINGENCY

General Fund--State Appropriation (FY 2010)	\$4,000,000
General Fund--State Appropriation (FY 2011)	\$4,000,000
TOTAL APPROPRIATION	\$8,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account.

NEW SECTION. Sec. 706. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- DISASTER RESPONSE ACCOUNT

General Fund--State Appropriation (FY 2010)	\$14,558,000
General Fund--State Appropriation (FY 2011)	\$15,087,000
TOTAL APPROPRIATION	\$29,645,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account. \$5,000,000 of the appropriation is provided for emergency fire suppression by the department of natural resources.

NEW SECTION. Sec. 707. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EMERGENCY FUND

General Fund--State Appropriation (FY 2010)	\$850,000
General Fund--State Appropriation (FY 2011)	\$850,000
TOTAL APPROPRIATION	\$1,700,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are for the governor's emergency fund for the critically necessary work of any agency.

NEW SECTION. Sec. 708. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT-- COUNTY PUBLIC HEALTH ASSISTANCE

General Fund--State Appropriation (FY 2010)	\$24,000,000
General Fund--State Appropriation (FY 2011)	\$24,000,000
TOTAL APPROPRIATION	\$48,000,000

The appropriations in this section are subject to the following conditions and limitations: The director of the department of community, trade, and economic development shall distribute the appropriations to the following counties and health districts in the amounts designated to support public health services, including public health nursing:

Health District	FY 2010	FY 2011	FY 2010-11 Biennium
Adams County Health District	\$30,951	\$30,951	\$61,902
Asotin County Health District	\$67,714	\$67,714	\$135,428
Benton-Franklin Health District	\$1,165,612	\$1,165,612	\$2,331,224
Chelan-Douglas Health District	\$184,761	\$184,761	\$369,522
Clallam County Health and Human Services Department	\$141,752	\$141,752	\$283,504

Southwest Washington Health District	\$1,084,473	\$1,084,473	\$2,168,946
Columbia County Health District	\$40,529	\$40,529	\$81,058
Cowlitz County Health Department	\$278,560	\$278,560	\$557,120
Garfield County Health District	\$15,028	\$15,028	\$30,056
Grant County Health District	\$118,595	\$118,596	\$237,191
Grays Harbor Health Department	\$183,870	183,870	\$367,740
Island County Health Department	\$91,892	\$91,892	\$183,784
Jefferson County Health and Human Services	\$85,782	\$85,782	\$171,564
Seattle-King County Department of Public Health	\$9,531,747	\$9,531,747	\$19,063,494
Bremerton-Kitsap County Health District	\$554,669	\$554,669	\$1,109,338
Kittitas County Health Department	\$92,499	\$92,499	\$184,998
Klickitat County Health Department	\$62,402	\$62,402	\$124,804
Lewis County Health Department	\$105,801	\$105,801	\$211,602
Lincoln County Health Department	\$29,705	\$29,705	\$59,410
Mason County Department of Health Services	\$95,988	\$95,988	\$191,976
Okanogan County Health District	\$63,458	\$63,458	\$126,916
Pacific County Health Department	\$77,427	\$77,427	\$154,854
Tacoma-Pierce County Health Department	\$2,820,590	\$2,820,590	\$5,641,180
San Juan County Health and Community Services	\$37,531	\$37,531	\$75,062
Skagit County Health Department	\$223,927	\$223,927	\$447,854
Snohomish Health District	\$2,258,207	\$2,258,207	\$4,516,414
Spokane County Health District	\$2,101,429	\$2,101,429	\$4,202,858
Northeast Tri-County Health District	\$110,454	\$110,454	\$220,908
Thurston County Health Department	\$600,419	\$600,419	\$1,200,838
Wahkiakum County Health Department	\$13,773	\$13,772	\$27,545
Walla Walla County-City Health Department	\$172,062	\$172,062	\$344,124
Whatcom County Health Department	\$855,863	\$855,863	\$1,711,726
Whitman County Health Department	\$78,733	\$78,733	\$157,466
Yakima Health District	\$623,797	\$623,797	\$1,247,594
TOTAL APPROPRIATIONS	\$24,000,000	\$24,000,000	\$48,000,000

NEW SECTION. Sec. 709. BELATED CLAIMS. The agencies and institutions of the state may expend moneys appropriated in this act, upon approval of the office of financial management, for the payment of supplies and services furnished to the agency or institution in prior fiscal biennia.

NEW SECTION. Sec. 710. FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS.

The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2009, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and firefighters' retirement system:

General Fund--State Appropriation (FY 2010)	\$51,500,000
General Fund--State Appropriation (FY 2011)	\$54,300,000
TOTAL APPROPRIATION	\$105,800,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2010)	\$11,570,000
General Fund--State Appropriation (FY 2011)	\$12,860,000
TOTAL APPROPRIATION	\$24,430,000

NEW SECTION. Sec. 711. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- EDUCATION TECHNOLOGY REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2010)	\$8,000,000
General Fund--State Appropriation (FY 2011)	\$8,000,000
TOTAL APPROPRIATION	\$16,000,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for expenditure into the education technology revolving account for the purpose of covering ongoing operational and equipment replacement costs incurred by the K-20 educational network program in providing telecommunication services to network participants.

NEW SECTION. Sec. 712. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- WATER POLLUTION CONTROL REVOLVING ACCOUNT

General Fund--State Appropriation (FY 2010)	\$4,600,000
General Fund--State Appropriation (FY 2011)	\$4,600,000
TOTAL APPROPRIATION	\$9,200,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the water pollution control revolving account.

NEW SECTION. Sec. 713. INCENTIVE SAVINGS--FY 2010. The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2010, from the total amount of unspent fiscal year 2010 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed one hundred million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 714. INCENTIVE SAVINGS--FY 2011. The sum of one hundred twenty-five million dollars or so much thereof as may be available on June 30, 2011, from the total amount of unspent fiscal year 2011 state general fund appropriations, exclusive of amounts expressly placed into unallotted status by this act, is appropriated for the purposes of RCW 43.79.460 in the manner provided in this section.

(1) Of the total appropriated amount, one-half of that portion that is attributable to incentive savings, not to exceed twenty-five million dollars, is appropriated to the savings incentive account for the purpose of improving the quality, efficiency, and effectiveness of agency services, and credited to the agency that generated the savings.

(2) The remainder of the total amount, not to exceed one hundred million dollars, is appropriated to the education savings account.

NEW SECTION. Sec. 715. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- COUNTY SUBSTANCE ABUSE PROGRAMS

General Fund--State Appropriation (FY 2010)	\$1,300,000
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The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section are provided solely for allocation to counties that are eligible for funding for chemical dependency or substance abuse treatment programs pursuant to RCW 70.96A.325.

NEW SECTION. Sec. 716. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- SMALL AGENCY TECHNOLOGY POOL

General Fund--State Appropriation (FY 2010)	\$250,000
General Fund--State Appropriation (FY 2011)	\$250,000
TOTAL APPROPRIATION	\$500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the data processing revolving account for the small agency technology pool.

NEW SECTION. Sec. 717. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CAPITOL BUILDING CONSTRUCTION ACCOUNT

General Fund--State Appropriation (FY 2010)	\$2,312,000
General Fund--State Appropriation (FY 2011)	\$3,615,000
TOTAL APPROPRIATION	\$5,927,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the capitol building construction account.

NEW SECTION. Sec. 718. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- TRANSITIONAL HOUSING OPERATING AND RENT ACCOUNT

Home Security Fund--State Appropriation	\$7,000,000
Washington Housing Trust Account--State Appropriation	\$1,500,000
TOTAL APPROPRIATION	\$8,500,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the transitional housing operating and rent account.

NEW SECTION. Sec. 719. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- O'BRIEN BUILDING IMPROVEMENT

General Fund--State Appropriation (FY 2010)	\$1,435,000
General Fund--State Appropriation (FY 2011)	\$1,435,000
TOTAL APPROPRIATION	\$2,870,000

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the general administration services account for payment of principal, interest, and financing expenses associated with the certificate of participation for the O'Brien building improvement, project number 20081007.

NEW SECTION. Sec. 720. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- CONTRIBUTIONS TO RETIREMENT SYSTEMS

General Fund--State Appropriation (FY 2010)	\$400,000
General Fund--State Appropriation (FY 2011)	\$400,000
Special Account Retirement System Contribution Increase Revolving Account Appropriation	\$1,000,000
TOTAL APPROPRIATION	\$1,800,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations in this section are provided solely to increase agency and institution appropriations and public school funding allocations to reflect increased employer contribution rates in the public employees' retirement system and the school employees' retirement system as a result of the provisions of Substitute Senate Bill No. 6157 (calculating compensation for public retirement purposes). If the bill is not enacted by June 30, 2009, the amounts provided in this section shall lapse.

(2) To facilitate the transfer of moneys to dedicated funds and accounts, the state treasurer shall transfer sufficient moneys to each dedicated fund or account from the special account retirement contribution increase revolving account in accordance with schedules provided by the office of financial management.

NEW SECTION. Sec. 721. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- COMMUNITY PRESERVATION AND DEVELOPMENT AUTHORITY ACCOUNT

General Fund--State Appropriation (FY 2010) \$350,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the community preservation and development authority account.

NEW SECTION. Sec. 722. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- VETERANS INNOVATIONS PROGRAM ACCOUNT

General Fund--State Appropriation (FY 2010) \$500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for deposit into the veterans innovations program account.

**PART VIII
OTHER TRANSFERS AND APPROPRIATIONS**

NEW SECTION. Sec. 801. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions	.....	\$8,268,000
General Fund Appropriation for public utility district excise tax distributions	.....	\$48,771,000
General Fund Appropriation for prosecuting attorney distributions	.....	\$6,281,000
General Fund Appropriation for boating safety and education distributions	.....	\$4,854,000
General Fund Appropriation for other tax distributions	.....	\$50,000
General Fund Appropriation for habitat conservation program distributions	.....	\$3,000,000
Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies	.....	\$2,544,000
Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution	.....	\$170,000
Timber Tax Distribution Account Appropriation for distribution to "timber" counties	.....	\$69,288,000
County Criminal Justice Assistance Appropriation	.....	\$66,374,000
Municipal Criminal Justice Assistance Appropriation	.....	\$25,622,000
City-County Assistance Account Appropriation for local government financial assistance distribution	.....	\$28,564,000
Liquor Excise Tax Account Appropriation for liquor excise tax distribution	.....	\$50,950,000
Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes	.....	\$65,038,000
Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation	.....	\$7,308,000
Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians	.....	\$4,676,000
Liquor Revolving Account Appropriation for liquor profits distribution	.....	\$80,435,000
Liquor Revolving Account Appropriation for additional liquor profits distribution to local governments	.....	\$18,677,000
TOTAL APPROPRIATION	.....	\$490,870,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 802. FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation \$2,351,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2009-11 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 803. FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driver Safety Account Appropriation \$1,543,000

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2009-11 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

NEW SECTION. Sec. 804. FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal flood control funds distribution	.....	\$70,000
General Fund Appropriation for federal grazing fees distribution	.....	\$2,296,000
Forest Reserve Fund Appropriation for federal forestreserve fund distribution	.....	\$85,200,000
TOTAL APPROPRIATION	.....	\$87,566,000

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

NEW SECTION. Sec. 805. FOR THE STATE TREASURER--TRANSFERS.

State Treasurer's Service Account: For transfer to the state general fund, \$10,400,000 for fiscal year 2010 and \$10,400,000 for fiscal year 2011	\$20,800,000
Waste Reduction, Recycling and Litter Control Account: For transfer to the state general fund, \$2,000,000 for fiscal year 2010 and \$2,000,000 for fiscal year 2011	\$4,000,000
State Toxics Control Account: For transfer to the state general fund, \$15,340,000 for fiscal year 2010 and \$14,400,000 for fiscal year 2011	\$29,740,000
Local Toxics Control Account: For transfer to the state general fund, \$37,060,000 for fiscal year 2010 and \$36,000,000 for fiscal year 2011	\$73,060,000
Education Construction Account: For transfer to the state general fund, \$93,362,000 for fiscal year 2010 and \$100,401,000 for fiscal year 2011	\$193,763,000
Aquatics Lands Enhancement Account: For transfer to the state general fund, \$5,050,000 for fiscal year 2010 and \$5,050,000 for fiscal year 2011	\$10,100,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account	\$28,600,000
Economic Development Strategic Reserve Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2010 and \$2,500,000 for fiscal year 2011	\$5,000,000
Tobacco Settlement Account: For transfer to the state general fund, in an amount not to exceed by more than \$26,000,000 the actual amount of the annual payment to the tobacco settlement account	\$204,098,000
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed \$26,000,000 less than the actual amount of the strategic contribution supplemental payment to the tobacco settlement account	\$39,170,000
General Fund: For transfer to the streamline sales and use tax account, \$31,447,000 for fiscal year 2010 and \$33,591,000 for fiscal year 2011	\$65,038,000
State Convention and Trade Center Account: For transfer to the state convention and trade center operations account, \$1,000,000 for fiscal year 2010 and \$3,100,000 for fiscal year 2011	\$4,100,000
State Convention and Trade Center Account: For transfer to the state general fund, \$11,000,000 in fiscal year 2010 and \$11,000,000 in fiscal year 2011	\$22,000,000
Tobacco Prevention and Control Account: For transfer to the state general fund for fiscal year 2010	\$1,961,000
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2010	\$500,000
Judicial Information Systems Account: For transfer to the state general fund, \$2,500,000 for fiscal year 2010 and \$2,500,000 for fiscal year 2011	\$5,000,000
Department of Retirement Systems Expense Account: For transfer to the state general fund for fiscal year 2011	\$1,500,000
State Emergency Water Projects Account: For transfer to the state general fund, \$390,000 for fiscal year 2011	\$390,000
The Charitable, Educational, Penal, and Reformatory Institutions Account: For transfer to the state general fund, \$5,550,000 for fiscal year 2010 and \$5,550,000 for fiscal year 2011	\$11,100,000
Energy Freedom Account: For transfer to the state general fund, \$2,978,000 for fiscal year 2010 and \$2,978,000 for fiscal year 2011	\$5,956,000
Thurston County Capital Facilities Account: For transfer to the state general fund, \$4,194,000 for fiscal year 2010 and \$4,194,000 for fiscal year 2011	\$8,388,000
Public Works Assistance Account: For transfer to the state general fund, \$184,000,000 for fiscal year 2010 and \$184,000,000 for fiscal year 2011	\$368,000,000
Budget Stabilization Account: For transfer to the state general fund for fiscal year 2010	\$45,130,000
Liquor Revolving Account: For transfer to the state general fund, \$31,000,000 for fiscal year 2010 and \$31,000,000 for fiscal year 2011	\$62,000,000
Public Works Assistance Account: For transfer to the city-county assistance account, \$5,000,000 on July 1, 2009, and \$5,000,000 on July 1, 2010	\$10,000,000
Public Works Assistance Account: For transfer to the drinking water assistance account, \$4,000,000 for fiscal year 2010 and \$4,000,000 for fiscal year 2011	\$8,000,000
Flood Control Assistance Account: For transfer to the state general fund for fiscal year 2010	\$2,000,000
Performance Audits of Government Account: For transfer to the state general fund, \$22,120,000 in fiscal year 2010 and \$7,120,000 in fiscal year 2011	\$29,240,000

**PART IX
MISCELLANEOUS**

NEW SECTION. Sec. 901. EXPENDITURE AUTHORIZATIONS. The appropriations contained in this act are maximum expenditure authorizations. Pursuant to RCW 43.88.037, moneys disbursed from the treasury on the basis of a formal loan agreement shall be recorded as loans receivable and not as expenditures for accounting purposes. To the extent that moneys are disbursed on a loan basis, the corresponding appropriation shall be reduced by the amount of loan moneys disbursed from the treasury during the 2007-2009 biennium.

NEW SECTION. Sec. 902. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- (a) System refurbishment, acquisitions, and development efforts;
- (b) Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- (c) Assessment of overall information processing performance, resources, and capabilities;
- (d) Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- (e) Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 903. (1) The legislature intends to continue the work that began in 2007 with the creation of the information technology work group.

(2) The vice-chair of the house ways and means committee, the chair of the general government appropriations committee, and the respective ranking minority members of these two committees shall convene a work group with representation that includes other interested legislators from the house of representatives and the senate, and representatives of the office of the governor, the office of financial management, the department of information services, state agency chief information officers, and the technology sector.

(3) The work group will:

- (a) Review the findings and recommendations of the 2008-2009 state information technology study;
- (b) Consider how to implement some or all of the study's recommendations; and
- (c) Consider ways the state may improve the administration and coordination of state information technology and achieve budgetary efficiencies.

(4) Staff support for the work group shall be provided by the house of representatives office of program research and the senate committee services to the extent senators participate in the work group.

(5) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120.

(6) The expenses of the work group shall be paid jointly by the senate and the house of representatives. Work group expenditures are subject to approval by the senate facilities and operations committee and the house executive rules committee, or their successor committees.

(7) The work group may report its findings and recommendations, if any, in the form of draft legislation.

NEW SECTION. Sec. 904. INFORMATION TECHNOLOGY ENTERPRISE SERVICES. Agencies may make use of the department of information services when acquiring information technology services, products, and assets.

"Information technology services" means the acquisition, provisioning, or approval of hardware, software, and purchased or personal services provided by the department of information services.

If an information technology enterprise service is provided by the department, or an agency has a specific requirement to acquire hardware, software, or purchased or personal services directly, the agency shall consult with the department of information services.

NEW SECTION. Sec. 905. VIDEO TELECOMMUNICATIONS. The department of information services shall act as lead agency in coordinating video telecommunications services for state agencies. As lead agency, the department shall develop standards and common specifications for leased and purchased telecommunications equipment and assist state agencies in developing a video telecommunications expenditure plan. No agency may spend any portion of any appropriation in this act for new video telecommunication equipment, new video telecommunication transmission, or new video telecommunication programming, or for expanding current video telecommunication systems without first complying with chapter 43.105 RCW, including but not limited to, RCW 43.105.041(2), and without first submitting a video telecommunications expenditure plan, in accordance with the policies of the department of information services, for review and assessment by the department of information services under RCW 43.105.052. Prior to any such expenditure by a public school, a video telecommunications expenditure plan shall be approved by the superintendent of public instruction. The office of the superintendent of public instruction shall submit the plans to the department of information services in a form prescribed by the department. The office of the superintendent of public instruction shall coordinate the use of video telecommunications in public schools by providing educational information to local school districts and shall assist local school districts and educational service districts in telecommunications planning and

curriculum development. Prior to any such expenditure by a public institution of postsecondary education, a telecommunications expenditure plan shall be approved by the higher education coordinating board. The higher education coordinating board shall coordinate the use of video telecommunications for instruction and instructional support in postsecondary education, including the review and approval of instructional telecommunications course offerings.

NEW SECTION. Sec. 906. CENTRAL SERVICES. The governor shall convene a work group consisting of representatives from the central service agencies and their clients to collaborate on methods for providing commonly needed services to state agencies, including, but not limited to: Human resource management, employee benefits, payroll, accounting, purchasing, information technology, real estate services, facility management, building and grounds maintenance, fleet management, printing services, and office mail distribution. The work group should consider the experience of other states and large organizations and should identify opportunities to improve service delivery and reduce costs, including, but not limited to:

- (1) Simplifying processes and gaining efficiencies;
- (2) Using a shared, common service model;
- (3) Centralizing services or activities which may lead to consolidating or eliminating existing programs or state agencies; and
- (4) Revising agencies' authority or governance structures.

The work group shall submit a proposal that improves the delivery of central services to state agencies, including changes to the current governance structure, organizational changes that improves and simplifies service delivery, and any statutory changes that may be necessary to the governor by October 1, 2009.

NEW SECTION. Sec. 907. NATURAL RESOURCES ORGANIZATIONS. The governor shall convene a work group consisting of representatives from the natural resource agencies. The work group shall consider the experience of other states and their organizational structures to identify consolidation opportunities to improve service delivery and reduce costs. The work group shall submit a comprehensive written recommendation to the governor and the office of financial management by September 1, 2009.

NEW SECTION. Sec. 908. PUGET SOUND PROTECTION AND RESTORATION. Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that expenditures are either in, or consistent with, the 2020 action agenda.

NEW SECTION. Sec. 909. EMERGENCY FUND ALLOCATIONS. Whenever allocations are made from the governor's emergency fund appropriation to an agency that is financed in whole or in part by other than general fund moneys, the director of financial management may direct the repayment of such allocated amount to the general fund from any balance in the fund or funds which finance the agency. No appropriation shall be necessary to effect such repayment.

NEW SECTION. Sec. 910. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenues for distribution, state contributions to the law enforcement officers' and fire fighters' retirement system plan 2, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under chapters 39.94 and 39.96 RCW or any proper bond covenant made under law.

NEW SECTION. Sec. 911. BOND EXPENSES. In addition to such other appropriations as are made by this act, there is hereby appropriated to the state finance committee from legally available bond proceeds in the applicable construction or building funds and accounts such amounts as are necessary to pay the expenses incurred in the issuance and sale of the subject bonds.

NEW SECTION. Sec. 912. VOLUNTARY RETIREMENT, SEPARATION, AND DOWNSHIFTING INCENTIVES. As a management tool to reduce costs and make more effective use of resources, while improving employee productivity and morale, agencies may implement a voluntary retirement, separation, and/or downshifting incentive program that is cost neutral or results in cost savings over a two year period following the commencement of the program, provided that such a program is approved by the director of financial management.

Agencies participating in this authorization may offer voluntary retirement, separation, and/or downshifting incentives and options according to procedures and guidelines established by the office of financial management, in consultation with the department of personnel and the department of retirement systems. The options may include, but are not limited to, financial incentives for: Voluntary separation or retirement, voluntary leave-without-pay, voluntary workweek or work hour reduction, voluntary downward movement, or temporary separation for development purposes. An employee does not have a contractual right to a financial incentive offered pursuant to this section.

Offers shall be reviewed and monitored jointly by the department of personnel and the department of retirement systems. Agencies are required to submit a report by June 30, 2011, to the legislature and the office of financial management on the outcome of their approved incentive program. The report should include information on the details of the program including resulting service delivery changes, agency efficiencies, the cost of the incentive per participant, the total cost to the state, and the projected or actual net dollar savings over the 2009-11 biennium.

NEW SECTION. Sec. 913. ADMINISTRATIVE REDUCTIONS. (1) The appropriations in this act reflect significant reductions in the appropriations for the administrative expenses of state government. It is the intent of the legislature that these reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs. Agencies shall review their management costs and reduce expenditures on salaries and benefits for management positions as part of these administrative reductions.

(2) To the extent permitted by the applicable personnel system rules, and to the extent collectively bargained with represented employees where applicable, the agencies and institutions of state government are encouraged to achieve the reductions in full-time- equivalent employment and payroll levels necessary to operate within these appropriations through strategies that will minimize impacts on employees, their families, their communities, and short- and long-term accomplishment of the agency's mission. Agencies are encouraged to use strategies such as reduced work-hours per day or week, voluntary leave without pay, and temporary furloughs that enable employees to maintain permanent employment status. Agencies are further encouraged to implement such strategies in ways that will enable employees to maintain full insurance benefits, full accrual of retirement service credit, and a living wage.

NEW SECTION. Sec. 914. COMPENSATION--INSURANCE BENEFITS. Appropriations for state agencies in this act are sufficient for nonrepresented and represented state employee health benefits for state agencies, including institutions of higher education and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$745 per eligible employee for fiscal year 2010. For fiscal year 2011 the monthly employer funding rate shall not exceed \$768 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments, increases in point-of-service cost sharing, the implementation of managed competition, or make other changes to benefits consistent with RCW 41.05.065. During the 2009-11 fiscal biennium, the board may only authorize benefit plans and premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented under the personnel system reform act of 2002.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments, into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) The conditions in this section apply to benefits for nonrepresented employees, employees represented by the super coalition, and represented employees outside of the super coalition, including employees represented under chapter 47.64 RCW.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for Medicare, pursuant to RCW 41.05.085. From January 1, 2010, through the remainder of the 2009-11 fiscal biennium, the subsidy shall be \$182.89.

(3) Technical colleges, school districts, and educational service districts shall remit to the health care authority for deposit into the public employees' and retirees' insurance account established in RCW 41.05.120 the following amounts:

(a) For each full-time employee, \$59.59 per month beginning September 1, 2009, and \$64.90 beginning September 1, 2010;

(b) For each part-time employee, who at the time of the remittance is employed in an eligible position as defined in RCW 41.32.010 or 41.40.010 and is eligible for employer fringe benefit contributions for basic benefits, \$59.59 each month beginning September 1, 2009, and \$64.90 beginning September 1, 2010, prorated by the proportion of employer fringe benefit contributions for a full-time employee that the part-time employee receives. The remittance requirements specified in this subsection shall not apply to employees of a technical college, school district, or educational service district who purchase insurance benefits through contracts with the health care authority.

NEW SECTION. Sec. 915. COMPENSATION--REVISE PENSION CONTRIBUTION RATES. The appropriations for school districts and state agencies, including institutions of higher education are subject to the following conditions and limitations: Appropriations are adjusted to reflect changes to agency appropriations to reflect savings resulting from changes to pension funding as provided in Engrossed Substitute Senate Bill No. 6161 (actuarial funding of pension systems). If the bill is not enacted by June 30, 2009, this section shall lapse.

NEW SECTION. Sec. 916. COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED. Nothing in this act or chapter 5 (ESSB 5460), Laws of 2009 prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of chapter 5, Laws of 2009 (February 18, 2009).

NEW SECTION. Sec. 917. FIRST-TIME HOME BUYERS. To accelerate the receipt of federal tax credits for first-time home buyers provided in the 2009 American recovery and relief act, the state housing finance commission is authorized to obtain services from a qualified public depository. The housing finance commission and the state treasurer are further authorized to enter into an agreement with the selected public depository to receive an off-setting deposit of up to \$25,000,000 in state funds. The off-setting deposit shall be made at market rates. Deposit can only be made from May 1, 2009, until the expiration of the federal tax credit if an established account with a minimum value of \$400,000, at least \$200,000 of which must be cash, exists to finance first losses, and funds are used consistent with federal requirements.

Sec. 918. RCW 2.68.020 and 2005 c 282 s 11 are each amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The administrative office of the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments. During the 2009-2011 fiscal biennium, the legislature may transfer from the judicial information system account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 919. RCW 28A.160.130 and 1991 c 114 s 2 are each amended to read as follows:

(1) There is created a fund on deposit with each county treasurer for each school district of the county, which shall be known as the transportation vehicle fund. Money to be deposited into the transportation vehicle fund shall include, but is not limited to, the following:

(a) The balance of accounts held in the general fund of each school district for the purchase of approved transportation equipment and for major transportation equipment repairs under RCW 28A.150.280. The amount transferred shall be the balance of the account as of September 1, 1982;

(b) Reimbursement payments provided for in RCW 28A.160.200 except those provided under RCW 28A.160.200((4)) (3) that are necessary for contracted payments to private carriers;

(c) Earnings from transportation vehicle fund investments as authorized in RCW 28A.320.300; and

(d) The district's share of the proceeds from the sale of transportation vehicles, as determined by the superintendent of public instruction.

(2) Funds in the transportation vehicle fund may be used for the following purposes:

(a) Purchase of pupil transportation vehicles pursuant to RCW 28A.160.200 and 28A.150.280;

(b) Payment of conditional sales contracts as authorized in RCW 28A.335.200 or payment of obligations authorized in RCW 28A.530.080, entered into or issued for the purpose of pupil transportation vehicles;

(c) Major repairs to pupil transportation vehicles;

(d) For the 2009-2011 biennium, a school district that is wholly contained on an island and has a student enrollment greater than two hundred fifty students and fewer than five hundred and fifty students may transfer from the transportation vehicle fund to the school district's general fund such amounts as necessary for instructional costs.

The superintendent of public instruction shall adopt rules which shall establish the standards, conditions, and procedures governing the establishment and use of the transportation vehicle fund. The rules shall not permit the transfer of funds from the transportation vehicle fund to any other fund of the district, except as provided under subsection (2)(d) of this section.

Sec. 920. RCW 28B.105.110 and 2008 c 329 s 908 are each amended to read as follows:

- (1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.
- (2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.
- (3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the ~~((2007-09))~~ 2009-2011 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.
- (4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.
- (5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.
- (6) Disbursements from the account shall be made only on the authorization of the board.

Sec. 921. RCW 35.104.060 and 2007 c 251 s 6 are each amended to read as follows:

- (1) The authority has all the general powers necessary to carry out its purposes and duties and to exercise its specific powers, including the authority may:
 - (a) Sue and be sued in its own name;
 - (b) Make and execute agreements, contracts, and other instruments, with any public or private entity or person, in accordance with this chapter;
 - (c) Employ, contract with, or engage independent counsel, financial advisors, auditors, other technical or professional assistants, and such other personnel as are necessary or desirable to implement this chapter;
 - (d) Establish such special funds, and control deposits to and disbursements from them, as it finds convenient for the implementation of this chapter;
 - (e) Enter into contracts with public and private entities for research to be conducted in this state;
 - (f) Delegate any of its powers and duties if consistent with the purposes of this chapter;
 - (g) Exercise any other power reasonably required to implement the purposes of this chapter; and
 - (h) Hire staff and pay administrative costs; however, such expenses shall be paid from moneys provided by the sponsoring local government and moneys received from gifts, grants, and bequests and the interest earned on the authority's accounts and investments. During the 2009-2011 fiscal biennium, up to ten percent of the amounts received under RCW 82.14.480 may be used by a health services and sciences authority for the purposes of subsections (1)(c) and (h) of this section.
- (2) In addition to other powers and duties prescribed in this chapter, the authority is empowered to:
 - (a) Use the authority's public moneys, leveraging those moneys with amounts received from other public and private sources in accordance with contribution agreements, to promote bioscience-based economic development, and to advance new therapies and procedures to combat disease and promote public health;
 - (b) Solicit and receive gifts, grants, and bequests, and enter into contribution agreements with private entities and public entities to receive moneys in consideration of the authority's promise to leverage those moneys with the revenue generated by the tax authorized under RCW 82.14.480 and contributions from other public entities and private entities, in order to use those moneys to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;
 - (c) Hold funds received by the authority in trust for their use pursuant to this chapter to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health;
 - (d) Manage its funds, obligations, and investments as necessary and consistent with its purpose, including the segregation of revenues into separate funds and accounts;
 - (e) Make grants to entities pursuant to contract to promote bioscience-based economic development and advance new therapies and procedures to combat disease and promote public health. Grant agreements shall specify the deliverables to be provided by the recipient pursuant to the grant. Grants to private entities may only be provided under a contractual agreement that ensures the state will receive appropriate consideration, such as an assurance of job creation or retention, or the delivery of services that provide for the public health, safety, and welfare. The authority shall solicit requests for funding and evaluate the requests by reference to factors such as: (i) The quality of the proposed research; (ii) its potential to improve health outcomes, with particular attention to the likelihood that it will also lower health care costs, substitute for a more costly diagnostic or treatment modality, or offer a breakthrough treatment for a particular disease or condition; (iii) its potential to leverage additional funding; (iv) its potential to provide health care benefits; (v) its potential to stimulate employment; and (vi) evidence of public and private collaboration;
 - (f) Create one or more advisory boards composed of scientists, industrialists, and others familiar with health sciences and services; and
 - (g) Adopt policies and procedures to facilitate the orderly process of grant application, review, and reward.
- (3) The records of the authority shall be subject to audit by the office of the state auditor.

Sec. 922. RCW 38.52.106 and 2008 c 329 s 909 are each amended to read as follows:

The Nisqually earthquake account is created in the state treasury. Moneys may be placed in the account from tax revenues, budget transfers or appropriations, federal appropriations, gifts, or any other lawful source. Moneys in the account may be spent only after appropriation. Moneys in the account shall be used only to support state and local government disaster response and recovery efforts associated with the Nisqually earthquake. During the 2003-2005 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for fire suppression and mobilization costs. During the 2007-2009 fiscal biennium, moneys in the account may also be used to support disaster response and recovery efforts associated with flood and storm damage. During the 2009-2011 fiscal biennium, the legislature may transfer moneys from the Nisqually earthquake account to the disaster response account for disaster response and recovery efforts associated with flood and storm damage.

Sec. 923. RCW 41.48.060 and 1991 sp.s. c 13 s 112 are each amended to read as follows:

(1) There is hereby established a special account in the state treasury to be known as the OASI contribution account. Such account shall consist of and there shall be deposited in such account: (a) All contributions and penalties collected under RCW 41.48.040 and 41.48.050; (b) all moneys appropriated thereto under this chapter; (c) any property or securities belonging to the account; and (d) all sums recovered upon the bond of the custodian or otherwise for losses sustained by the account and all other moneys received for the account from any other source. All moneys in the account shall be mingled and undivided. Subject to the provisions of this chapter, the governor is vested with full power, authority and jurisdiction over the account, including all moneys and property or securities belonging thereto, and may perform any and all acts whether or not specifically designated, which are necessary to the administration thereof and are consistent with the provisions of this chapter. During the 2009-2011 fiscal biennium, moneys in the OASI contribution account may also be transferred into the OASI revolving fund.

(2) The OASI contribution account shall be established and held separate and apart from any other funds of the state and shall be used and administered exclusively for the purpose of this chapter. Withdrawals from such account shall be made for, and solely for (a) payment of amounts required to be paid to the secretary of the treasury pursuant to an agreement entered into under RCW 41.48.030; (b) payment of refunds provided for in RCW 41.48.040(3); and (c) refunds of overpayments, not otherwise adjustable, made by a political subdivision or instrumentality.

(3) From the OASI contribution account the custodian of the fund [account] shall pay to the secretary of the treasury such amounts and at such time or times as may be directed by the governor in accordance with any agreement entered into under RCW 41.48.030 and the social security act.

(4) The treasurer of the state shall be ex officio treasurer and custodian of the OASI contribution account and shall administer such account in accordance with the provisions of this chapter and the directions of the governor and shall pay all warrants drawn upon it in accordance with the provisions of this section and with the regulations as the governor may prescribe pursuant thereto.

Sec. 924. RCW 41.50.110 and 2008 c 329 s 911 are each amended to read as follows:

(1) Except as provided by RCW 41.50.255 and subsection (6) of this section, all expenses of the administration of the department, the expenses of administration of the retirement systems, and the expenses of the administration of the office of the state actuary created in chapters 2.10, 2.12, 41.26, 41.32, 41.40, 41.34, 41.35, 41.37, 43.43, and 44.44 RCW shall be paid from the department of retirement systems expense fund.

(2) In order to reimburse the department of retirement systems expense fund on an equitable basis the department shall ascertain and report to each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, the sum necessary to defray its proportional share of the entire expense of the administration of the retirement system that the employer participates in during the ensuing biennium or fiscal year whichever may be required. Such sum is to be computed in an amount directly proportional to the estimated entire expense of the administration as the ratio of monthly salaries of the employer's members bears to the total salaries of all members in the entire system. It shall then be the duty of all such employers to include in their budgets or otherwise provide the amounts so required.

(3) The department shall compute and bill each employer, as defined in RCW 41.26.030, 41.32.010, 41.35.010, 41.37.010, or 41.40.010, at the end of each month for the amount due for that month to the department of retirement systems expense fund and the same shall be paid as are its other obligations. Such computation as to each employer shall be made on a percentage rate of salary established by the department. However, the department may at its discretion establish a system of billing based upon calendar year quarters in which event the said billing shall be at the end of each such quarter.

(4) The director may adjust the expense fund contribution rate for each system at any time when necessary to reflect unanticipated costs or savings in administering the department.

(5) An employer who fails to submit timely and accurate reports to the department may be assessed an additional fee related to the increased costs incurred by the department in processing the deficient reports. Fees paid under this subsection shall be deposited in the retirement system expense fund.

(a) Every six months the department shall determine the amount of an employer's fee by reviewing the timeliness and accuracy of the reports submitted by the employer in the preceding six months. If those reports were not both timely and accurate the department may prospectively assess an additional fee under this subsection.

(b) An additional fee assessed by the department under this subsection shall not exceed fifty percent of the standard fee.

(c) The department shall adopt rules implementing this section.

(6) Expenses other than those under RCW 41.34.060(3) shall be paid pursuant to subsection (1) of this section.

(7) During the 2007-2009 and 2009-2011 fiscal (~~biennium~~) biennia, the legislature may transfer from the department of retirement systems' expense fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 925. RCW 43.03.310 and 1998 c 164 s 1 are each amended to read as follows:

(1) The citizens' commission on salaries for elected officials shall study the relationship of salaries to the duties of members of the legislature, all elected officials of the executive branch of state government, and all judges of the supreme court, court of appeals, superior courts, and district courts, and shall fix the salary for each respective position.

(2) Except as provided otherwise in RCW 43.03.305 and this section, the commission shall be solely responsible for its own organization, operation, and action and shall enjoy the fullest cooperation of all state officials, departments, and agencies.

(3) Members of the commission shall receive no compensation for their services, but shall be eligible to receive a subsistence allowance and travel expenses pursuant to RCW 43.03.050 and 43.03.060.

(4) The members of the commission shall elect a chair from among their number. The commission shall set a schedule of salaries by an affirmative vote of not less than nine members of the commission.

(5) The commission shall file its initial schedule of salaries for the elected officials with the secretary of state no later than the first Monday in June, 1987, and shall file a schedule biennially thereafter. Each such schedule shall be filed in legislative bill form, shall be assigned a chapter number and published with the session laws of the legislature, and shall be codified by the statute law committee. The signature of the chair of the commission shall be affixed to each schedule submitted to the secretary of state. The chair shall certify that the schedule has been adopted in accordance with the provisions of state law and with the rules, if any, of the commission. Such schedules shall become effective ninety days after the filing thereof, except as provided in Article XXVIII, section 1 of the state Constitution. State laws regarding referendum petitions shall apply to such schedules to the extent consistent with Article XXVIII, section 1 of the state Constitution.

(6) Before the filing of any salary schedule, the commission shall first develop a proposed salary schedule and then hold no fewer than four regular meetings as defined by chapter 42.30 RCW to take public testimony on the proposed schedule within the four months immediately preceding the filing. In the 2009-2011 fiscal biennium, the commission shall hold no more than two regular meetings as defined by chapter 42.30 RCW to take public testimony on the proposed schedule within the four months immediately preceding the filing. At the last public

hearing that is held as a regular meeting on the proposed schedule, the commission shall adopt the salary schedule as originally proposed or as amended at that meeting that will be filed with the secretary of state.

(7) All meetings, actions, hearings, and business of the commission shall be subject in full to the open public meetings act, chapter 42.30 RCW.

(8) Salaries of the officials referred to in subsection (1) of this section that are in effect on January 12, 1987, shall continue until modified by the commission under this section.

Sec. 926. RCW 43.08.190 and 2008 c 329 s 912 are each amended to read as follows:

There is hereby created a fund within the state treasury to be known as the "state treasurer's service fund." Such fund shall be used solely for the payment of costs and expenses incurred in the operation and administration of the state treasurer's office.

Moneys shall be allocated monthly and placed in the state treasurer's service fund equivalent to a maximum of one percent of the trust and treasury average daily cash balances from the earnings generated under the authority of RCW 43.79A.040 and 43.84.080 other than earnings generated from investment of balances in funds and accounts specified in RCW 43.79A.040 or 43.84.092(4). The allocation shall precede the distribution of the remaining earnings as prescribed under RCW 43.79A.040 and 43.84.092. The state treasurer shall establish a uniform allocation rate based on the appropriations for the treasurer's office.

During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may transfer from the state treasurer's service fund to the state general fund such amounts as reflect the excess fund balance of the fund.

Sec. 927. RCW 43.09.260 and 1995 c 301 s 15 are each amended to read as follows:

(1) The examination of the financial affairs of all local governments shall be made at such reasonable, periodic intervals as the state auditor shall determine. However, an examination of the financial affairs of all local governments shall be made at least once in every three years, and an examination of individual local government health and welfare benefit plans and local government self-insurance programs shall be made at least once every two years.

(2) During the 2009-2011 fiscal biennium, the state auditor shall conduct audits no more often than once every two years of local governments with annual general fund revenues of ten million dollars or less and no findings of impropriety for the three-year period immediately preceding the audit period. This subsection does not prohibit the state auditor from conducting audits: (a) To address suspected fraud or irregular conduct; (b) at the request of the local government governing body; or (c) as required by federal laws or regulations.

(3) The term local governments for purposes of this chapter includes but is not limited to all counties, cities, and other political subdivisions, municipal corporations, and quasi-municipal corporations, however denominated.

(4) The state auditor shall establish a schedule to govern the auditing of local governments which shall include: A designation of the various classifications of local governments; a designation of the frequency for auditing each type of local government; and a description of events which cause a more frequent audit to be conducted.

(5) On every such examination, inquiry shall be made as to the financial condition and resources of the local government; whether the Constitution and laws of the state, the ordinances and orders of the local government, and the requirements of the state auditor have been properly complied with; and into the methods and accuracy of the accounts and reports.

(6) A report of such examination shall be made and filed in the office of state auditor, and one copy shall be transmitted to the local government. A copy of any report containing findings of noncompliance with state law shall be transmitted to the attorney general. If any such report discloses malfeasance, misfeasance, or nonfeasance in office on the part of any public officer or employee, within thirty days from the receipt of his or her copy of the report, the attorney general shall institute, in the proper county, such legal action as is proper in the premises by civil process and prosecute the same to final determination to carry into effect the findings of the examination.

(7) It shall be unlawful for any local government or the responsible head thereof, to make a settlement or compromise of any claim arising out of such malfeasance, misfeasance, or nonfeasance, or any action commenced therefor, or for any court to enter upon any compromise or settlement of such action, without the written approval and consent of the attorney general and the state auditor.

Sec. 928. RCW 43.09.282 and 2008 c 328 s 6007 are each amended to read as follows:

For the purposes of centralized funding, accounting, and distribution of the costs of the audits performed on local governments by the state auditor, there is hereby created an account entitled the municipal revolving account. The state treasurer shall be custodian of the account. All moneys received by the state auditor or by any officer or employee thereof shall be deposited with the state treasurer and credited to the municipal revolving account. Only the state auditor or the auditor's designee may authorize expenditures from the account. No appropriation is required for expenditures. The state auditor shall keep such records as are necessary to detail the auditing costs attributable to the various types of local governments. ~~((During the 2007-2009 fiscal biennium, the legislature may transfer from the municipal revolving account to the Washington state heritage center account such amounts as reflect excess fund balance in the account.))~~ During the 2009-2011 fiscal biennium, the state auditor shall reduce the municipal revolving account charges for financial audits performed on local governments by five percent.

Sec. 929. RCW 43.09.475 and 2006 c 1 s 5 are each amended to read as follows:

The performance audits of government account is hereby created in the custody of the state treasurer. Revenue identified in RCW 82.08.020(5) and 82.12.0201 shall be deposited in the account. Money in the account shall be used to fund the performance audits and follow-up performance audits under RCW 43.09.470 and shall be expended by the state auditor in accordance with chapter 1, Laws of 2006. Only the state auditor or the state auditor's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. During the 2009-2011 fiscal biennium, the legislature may transfer from the performance audits of government account to the state general fund such amounts as deemed to be appropriate or necessary.

Sec. 930. RCW 43.10.180 and 2007 c 522 s 951 are each amended to read as follows:

(1) The attorney general shall keep such records as are necessary to facilitate proper allocation of costs to funds and agencies served and the director of financial management shall prescribe appropriate accounting procedures to accurately allocate costs to funds and agencies served. Billings shall be adjusted in line with actual costs incurred at intervals not to exceed six months.

(2) During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, all expenses for administration of the office of the attorney general shall be allocated to and paid from the legal services revolving fund in accordance with accounting procedures prescribed by the director of financial management.

Sec. 931. RCW 43.17.390 and 2005 c 384 s 4 are each amended to read as follows:

Starting ~~((no later than 2008))~~ in 2012, and at least once every three years thereafter, each agency shall apply to the Washington state quality award, or similar organization, for an independent assessment of its quality management, accountability, and performance system. The

assessment shall evaluate the effectiveness of all elements of its management, accountability, and performance system, including: Leadership, strategic planning, customer focus, analysis and information, employee performance management, and process improvement. The purpose of the assessment is to recognize best practice and identify improvement opportunities.

Sec. 932. RCW 43.19.501 and 2008 c 328 s 6016 are each amended to read as follows:

The Thurston county capital facilities account is created in the state treasury. The account is subject to the appropriation and allotment procedures under chapter 43.88 RCW. Moneys in the account may be expended for capital projects in facilities owned and managed by the department of general administration in Thurston county. For the 2007-2009 biennium, moneys in the account may be used for predesign identified in section 1037, chapter 328, Laws of 2008.

During the 2009-2011 fiscal biennium, the legislature may transfer from the Thurston county capital facilities account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 933. RCW 43.21A.667 and 2005 c 464 s 4 are each amended to read as follows:

(1) The freshwater aquatic algae control account is created in the state treasury. Moneys directed to the account from RCW 88.02.050 must be deposited in the account. Expenditures from the account may only be used as provided in this section. Moneys in the account may be spent only after appropriation.

(2) Funds in the freshwater aquatic algae control account may be appropriated to the department to develop a freshwater aquatic algae control program. Funds must be expended as follows:

(a) As grants to cities, counties, tribes, special purpose districts, and state agencies to manage excessive freshwater algae, with priority for the treatment of lakes in which harmful algal blooms have occurred within the past three years; and during the 2009-2011 fiscal biennium to provide grants for sea lettuce research and removal to assist Puget Sound communities that are impacted by hyperblooms of sea lettuce; and

(b) To provide technical assistance to applicants and the public about aquatic algae control.

(3) The department shall submit a biennial report to the appropriate legislative committees describing the actions taken to implement this section along with suggestions on how to better fulfill the intent of chapter 464, Laws of 2005. The first report is due December 1, 2007.

NEW SECTION. Sec. 934. A new section is added to chapter 43.70 RCW to read as follows:

The universal vaccine purchase account is created in the custody of the state treasurer. Receipts from public and private sources for the purpose of increasing access to vaccines for children may be deposited into the account. Expenditures from the account must be used exclusively for the purchase of vaccines, at no cost to health care providers in Washington, to administer to children under nineteen years old who are not eligible to receive vaccines at no cost through federal programs. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

Sec. 935. RCW 43.79.201 and 1995 c 399 s 77 are each amended to read as follows:

(1) The charitable, educational, penal and reformatory institutions account is hereby created, in the state treasury, into which account there shall be deposited all moneys arising from the sale, lease or transfer of the land granted by the United States government to the state for charitable, educational, penal and reformatory institutions by section 17 of the enabling act, or otherwise set apart for such institutions, except all moneys arising from the sale, lease, or transfer of that certain one hundred thousand acres of such land assigned for the support of the University of Washington by chapter 91, Laws of 1903 and section 9, chapter 122, Laws of 1893.

(2) If feasible, not less than one-half of all income to the charitable, educational, penal, and reformatory institutions account shall be appropriated for the purpose of providing housing, including repair and renovation of state institutions, for persons (~~who are mentally ill, developmentally disabled~~) with mental illness or developmental disabilities, or youth who are blind, deaf, or otherwise disabled. If moneys are appropriated for community-based housing, the moneys shall be appropriated to the department of community, trade, and economic development for the housing assistance program under chapter 43.185 RCW. During the 2009-2011 fiscal biennium, the legislature may transfer from the charitable, educational, penal and reformatory institutions account to the state general fund such amounts as reflect excess fund balance of the fund.

Sec. 936. RCW 43.79.460 and 2009 c 4 s 902 are each amended to read as follows:

(1) The savings incentive account is created in the custody of the state treasurer. The account shall consist of all moneys appropriated to the account by the legislature. The account is subject to the allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures from the account.

(2) Within the savings incentive account, the state treasurer may create subaccounts to be credited with incentive savings attributable to individual state agencies, as determined by the office of financial management in consultation with the legislative fiscal committees. Moneys deposited in the subaccounts may be expended only on the authorization of the agency's executive head or designee and only for the purpose of one-time expenditures to improve the quality, efficiency, and effectiveness of services to customers of the state, such as one-time expenditures for employee training, employee incentives, technology improvements, new work processes, or performance measurement. Funds may not be expended from the account to establish new programs or services, expand existing programs or services, or incur ongoing costs that would require future expenditures.

(3) For purposes of this section, "incentive savings" means state general fund appropriations that are unspent as of June 30th of a fiscal year, excluding any amounts included in across-the-board reductions under RCW 43.88.110 and excluding unspent appropriations for:

(a) Caseload and enrollment in entitlement programs, except to the extent that an agency has clearly demonstrated that efficiencies have been achieved in the administration of the entitlement program. "Entitlement program," as used in this section, includes programs for which specific sums of money are appropriated for pass-through to third parties or other entities;

(b) Enrollments in state institutions of higher education;

(c) A specific amount contained in a condition or limitation to an appropriation in the biennial appropriations act, if the agency did not achieve the specific purpose or objective of the condition or limitation;

(d) Debt service on state obligations; and

(e) State retirement system obligations.

(4) The office of financial management, after consulting with the legislative fiscal committees, shall report to the treasurer the amount of savings incentives achieved. By December 1, (~~(1998)~~) 2010, and each December 1st thereafter, the office of financial management shall submit a report to the fiscal committees of the legislature on the implementation of this section. The report shall (a) evaluate the impact of this section on agency reversions and end-of-biennium expenditure patterns, and (b) itemize agency expenditures from the savings recovery account. The office of financial management is relieved from having to submit a report by December 1, 2008.

(5) For fiscal year 2009, the legislature may transfer from the savings incentive account to the state general fund such amounts as reflect the fund balance of the account attributable to unspent state general fund appropriations for fiscal year 2008.

Sec. 937. RCW 43.79.480 and 2005 c 424 s 12 are each amended to read as follows:

(1) Moneys received by the state of Washington in accordance with the settlement of the state's legal action against tobacco product manufacturers, exclusive of costs and attorneys' fees, shall be deposited in the tobacco settlement account created in this section except as these moneys are sold or assigned under chapter 43.340 RCW.

(2) The tobacco settlement account is created in the state treasury. Moneys in the tobacco settlement account may only be transferred to the health services account for the purposes set forth in RCW 43.72.900, and to the tobacco prevention and control account for purposes set forth in this section. The legislature shall transfer amounts received as strategic contribution payments as defined in RCW 43.350.010 to the life sciences discovery fund created in RCW 43.350.070. During the 2009-2011 fiscal biennium, the legislature may transfer less than the entire strategic contribution payments.

(3) The tobacco prevention and control account is created in the state treasury. The source of revenue for this account is moneys transferred to the account from the tobacco settlement account, investment earnings, donations to the account, and other revenues as directed by law. Expenditures from the account are subject to appropriation. During the 2009-2011 fiscal biennium, the legislature may transfer from the tobacco prevention and control account to the state general fund such amounts as represent the excess fund balance of the account.

Sec. 938. RCW 43.83B.360 and 1991 sp.s. c 13 s 33 are each amended to read as follows:

The proceeds from the sale of bonds authorized by RCW 43.83B.300, and 43.83B.355 through 43.83B.375 shall be deposited in the state emergency water projects revolving account, hereby created in the state treasury, and shall be used exclusively for the purposes specified in RCW 43.83B.300, and 43.83B.355 through 43.83B.375 and for the payment of expenses incurred in the issuance and sale of such bonds. During the 2009-2011 fiscal biennium, the legislature may transfer from the state emergency water projects revolving account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 939. RCW 43.135.045 and 2007 c 520 s 6035 and 2007 c 484 s 5 are each reenacted and amended to read as follows:

(1) The student achievement fund is hereby created in the state treasury.

(2) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction. During the 2007-2009 fiscal biennium, funds may also be used for higher education facilities preservation and maintenance. During the 2009-2011 fiscal biennium, the legislature may transfer from the education construction fund to the state general fund such amounts as reflect the excess fund balance of the fund.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(3) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

Sec. 940. RCW 43.155.050 and 2008 c 328 s 6002 are each amended to read as follows:

(1) The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. ~~((For the 2007-2009 biennium, moneys in the account may be used for grants for projects identified in section 138, chapter 488, Laws of 2005, for the infrastructure investment system implementation plan identified in section 1022, chapter 328, Laws of 2008; for the interest rate buy-down pilot program identified in section 1004, chapter 328, Laws of 2008; and for the housing assistance, weatherization, and affordable housing program identified in section 1005, chapter 328, Laws of 2008;))~~ During the 2009-2011 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund and the city-county assistance account such amounts as reflect the excess fund balance of the account.

(2) The job development fund is hereby established in the state treasury. ~~((Up to fifty million dollars each biennium from the public works assistance account may be transferred into the job development fund. Money in the job development fund may be used solely for job development fund program grants, administrative expenses related to the administration of the job development fund program created in RCW 43.160.230, and for the report prepared by the joint legislative audit and review committee pursuant to RCW 44.28.801(2);))~~ Moneys in the job development fund may be spent only after appropriation. ~~((The board shall prepare a prioritized list of proposed projects of up to fifty million dollars as part of the department's 2007-09 biennial budget request. The board may provide an additional alternate job development fund project list of up to ten million dollars. The legislature may remove projects from the list recommended by the board. The legislature may not change the prioritization of projects recommended for funding by the board, but may add projects from the alternate list in order of priority, as long as the total funding does not exceed fifty million dollars.))~~

Sec. 941. RCW 43.215.125 and 2008 c 164 s 2 are each amended to read as follows:

(1) ~~((Within existing funds))~~ For the 2009-2011 fiscal biennium, to the extent funds are appropriated for this purpose, the department shall develop a proposal for implementing a statewide Washington head start program. To the extent possible while maintaining quality standards, the proposal should align the state early childhood education and assistance program with federal head start program eligibility criteria, guidelines, performance standards, and methods/processes for ensuring continuous improvement in program quality. In this proposal, the department shall make recommendations that:

(a) Identify federal head start program guidelines, performance measures and standards, or other requirements for which state flexibility would be recommended. This shall include an analysis of how state flexibility may impact outcomes for children and how that flexibility might deviate from outcomes associated with the federal standards. Areas to be examined must include, but are not limited to, transportation requirements, service hour configurations, delivery methods, and impact on rural programs;

- (b) Provide comparative data regarding child performance, readiness, and educational outcomes for Washington's existing head start and early childhood education and assistance programs;
 - (c) Determine the alignment between head start standards and the recommendations of Washington learns;
 - (d) Identify any change in the state early childhood education and assistance program laws that would be required to implement the Washington head start proposal;
 - (e) Identify additional resources needed to meet federal guidelines and standards. Areas to be examined must include, but are not limited to: Per-child funding levels, professional development and training needs, facilities needs, and technical assistance;
 - (f) Identify state early childhood education and assistance programs that do and do not offer full-day, full-year services to children, and what transition steps would be needed for these programs to operate in the same manner as federal head start programs;
 - (g) Provide steps for phasing-in the Washington head start proposal;
 - (h) Include a timeline, strategy, and funding needs to implement a statewide, state-supported early head start program as a component of the Washington head start proposal; and
 - (i) Detail the process the department would take with the regional office of federal head start in identifying any exceptions or waivers needed to provide flexibility and maintain high quality standards.
- (2) In developing its recommendations for this proposal, the department shall seek, where appropriate and available, training or technical assistance from the appropriate regional office of federal head start in order to maximize nonstate resources that might be available for the consultative work and research involved with developing this proposal. The department also shall consult with and solicit input from:
- (a) State early childhood education and assistance program providers on Indian reservations and across the state, including providers who operate solely state-supported programs;
 - (b) Tribal governments operating head start programs and early head start programs in the state to ensure that the needs of Indian and Alaskan native children and their families are incorporated into the recommendations of the proposal, especially as they pertain to standards or guidelines around language acquisition, school readiness, availability and need for services among Indian and Alaskan native children and their families, and curriculum development; and
 - (c) Providers operating migrant and seasonal head start programs in the state in order to address the needs of the children of migrant and seasonal farmworker families.
- (3) The department shall make recommendations on how it would periodically review the standards and guidelines within the Washington head start program, including incorporation of the latest research and information on early childhood development as well as any new innovations that may further improve outcomes to low-income children and their families.
- (4) The department's recommendations on a Washington head start proposal shall include how the proposal aligns with the department's current statutory duties. The recommendations shall also include any other options that may improve the quality of state-supported early learning programs.
- (5) The department shall deliver its report to the governor and legislature by December 1, 2009.

Sec. 942. RCW 43.325.040 and 2007 c 348 s 305 are each amended to read as follows:

- (1) The energy freedom account is created in the state treasury. All receipts from appropriations made to the account and any loan payments of principal and interest derived from loans made under this chapter must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for assistance for projects consistent with this chapter or otherwise authorized by the legislature.
- (2) The green energy incentive account is created in the state treasury as a subaccount of the energy freedom account. All receipts from appropriations made to the green energy incentive account shall be deposited into the account, and may be spent only after appropriation. Expenditures from the account may be used only for:
 - (a) Refueling projects awarded under this chapter;
 - (b) Pilot projects for plug-in hybrids, including grants provided for the electrification program set forth in RCW 43.325.110; and
 - (c) Demonstration projects developed with state universities as defined in RCW 28B.10.016 and local governments that result in the design and building of a hydrogen vehicle fueling station.
- (3) Any state agency receiving funding from the energy freedom account is prohibited from retaining greater than three percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce unless this provision is waived in writing by the director.
- (4) Any university, institute, or other entity that is not a state agency receiving funding from the energy freedom account is prohibited from retaining greater than fifteen percent of any funding provided from the energy freedom account for administrative overhead or other deductions not directly associated with conducting the research, projects, or other end products that the funding is designed to produce.
- (5) Subsections (2) through (4) of this section do not apply to assistance awarded for projects under RCW 43.325.020(3).
- (6) During the 2009-2011 fiscal biennium, the legislature may transfer from the energy freedom account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 943. RCW 43.330.250 and 2008 c 329 s 914 are each amended to read as follows:

- (1) The economic development strategic reserve account is created in the state treasury to be used only for the purposes of this section.
- (2) Only the governor, with the recommendation of the director of the department of community, trade, and economic development and the economic development commission, may authorize expenditures from the account.
- (3) Expenditures from the account shall be made in an amount sufficient to fund a minimum of one staff position for the economic development commission and to cover any other operational costs of the commission.
- (4) During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, moneys in the account may also be transferred into the state general fund.
- (5) Expenditures from the account may be made to prevent closure of a business or facility, to prevent relocation of a business or facility in the state to a location outside the state, or to recruit a business or facility to the state. Expenditures may be authorized for:
 - (a) Workforce development;
 - (b) Public infrastructure needed to support or sustain the operations of the business or facility; and
 - (c) Other lawfully provided assistance, including, but not limited to, technical assistance, environmental analysis, relocation assistance, and planning assistance. Funding may be provided for such assistance only when it is in the public interest and may only be provided under a contractual arrangement ensuring that the state will receive appropriate consideration, such as an assurance of job creation or retention.
- (6) The funds shall not be expended from the account unless:
 - (a) The circumstances are such that time does not permit the director of the department of community, trade, and economic development or the business or facility to secure funding from other state sources;

- (b) The business or facility produces or will produce significant long-term economic benefits to the state, a region of the state, or a particular community in the state;
 - (c) The business or facility does not require continuing state support;
 - (d) The expenditure will result in new jobs, job retention, or higher incomes for citizens of the state;
 - (e) The expenditure will not supplant private investment; and
 - (f) The expenditure is accompanied by private investment.
- (7) No more than three million dollars per year may be expended from the account for the purpose of assisting an individual business or facility pursuant to the authority specified in this section.
- (8) If the account balance in the strategic reserve account exceeds fifteen million dollars at any time, the amount in excess of fifteen million dollars shall be transferred to the education construction account.

Sec. 944. RCW 46.09.170 and 2007 c 522 s 953 and 2007 c 241 s 16 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty- three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.09.110, may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110, expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the ~~((2007-09))~~ 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the NOVA account to the department of natural resources ~~((for planning and designing))~~ to install consistent off-road vehicle signage at department-managed recreation sites, and ~~((for planning))~~ to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission for maintenance and operation of parks and to improve accessibility for boaters and off-road vehicle users. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

Sec. 945. RCW 46.66.080 and 2007 c 199 s 27 are each amended to read as follows:

(1) The Washington auto theft prevention authority account is created in the state treasury, subject to appropriation. All revenues from the traffic infraction surcharge in RCW 46.63.110(7)(b) and all receipts from gifts, grants, bequests, devises, or other funds from public and private sources to support the activities of the auto theft prevention authority must be deposited into the account. Expenditures from the account may be used only for activities relating to motor vehicle theft, including education, prevention, law enforcement, investigation, prosecution, and confinement. During the 2009-2011 fiscal biennium, the legislature may appropriate moneys from the Washington auto theft prevention authority account for criminal justice purposes and community building.

(2) The authority shall allocate moneys appropriated from the account to public agencies for the purpose of establishing, maintaining, and supporting programs that are designed to prevent motor vehicle theft, including:

(a) Financial support to prosecution agencies to increase the effectiveness of motor vehicle theft prosecution;

(b) Financial support to a unit of local government or a team consisting of units of local governments to increase the effectiveness of motor vehicle theft enforcement;

(c) Financial support for the procurement of equipment and technologies for use by law enforcement agencies for the purpose of enforcing motor vehicle theft laws; and

(d) Financial support for programs that are designed to educate and assist the public in the prevention of motor vehicle theft.

(3) The costs of administration shall not exceed ten percent of the moneys in the account in any one year so that the greatest possible portion of the moneys available to the authority is expended on combating motor vehicle theft.

(4) Prior to awarding any moneys from the Washington auto theft prevention authority account for motor vehicle theft enforcement, the auto theft prevention authority must verify that the financial award includes sufficient funding to cover proposed activities, which include, but are not limited to: (a) State, municipal, and county offender and juvenile confinement costs; (b) administration costs; (c) law enforcement costs; (d) prosecutor costs; and (e) court costs, with a priority being given to ensuring that sufficient funding is available to cover state, municipal, and county offender and juvenile confinement costs.

(5) Moneys expended from the Washington auto theft prevention authority account under subsection (2) of this section shall be used to supplement, not supplant, other moneys that are available for motor vehicle theft prevention.

(6) Grants provided under subsection (2) of this section constitute reimbursement for purposes of RCW 43.135.060(1).

Sec. 946. RCW 50.16.010 and 2009 c 4 s 906 are each amended to read as follows:

(1) There shall be maintained as special funds, separate and apart from all public moneys or funds of this state an unemployment compensation fund, an administrative contingency fund, and a federal interest payment fund, which shall be administered by the commissioner exclusively for the purposes of this title, and to which RCW 43.01.050 shall not be applicable.

(2)(a) The unemployment compensation fund shall consist of:

(i) All contributions collected under RCW 50.24.010 and payments in lieu of contributions collected pursuant to the provisions of this title;

(ii) Any property or securities acquired through the use of moneys belonging to the fund;

(iii) All earnings of such property or securities;

(iv) Any moneys received from the federal unemployment account in the unemployment trust fund in accordance with Title XII of the social security act, as amended;

(v) All money recovered on official bonds for losses sustained by the fund;

(vi) All money credited to this state's account in the unemployment trust fund pursuant to section 903 of the social security act, as amended;

(vii) All money received from the federal government as reimbursement pursuant to section 204 of the federal-state extended compensation act of 1970 (84 Stat. 708-712; 26 U.S.C. Sec. 3304); and

(viii) All moneys received for the fund from any other source.

(b) All moneys in the unemployment compensation fund shall be commingled and undivided.

(3)(a) Except as provided in (b) of this subsection, the administrative contingency fund shall consist of:

(i) All interest on delinquent contributions collected pursuant to this title;

(ii) All fines and penalties collected pursuant to the provisions of this title;

(iii) All sums recovered on official bonds for losses sustained by the fund; and

(iv) Revenue received under RCW 50.24.014.

(b) All fees, fines, forfeitures, and penalties collected or assessed by a district court because of the violation of this title or rules adopted under this title shall be remitted as provided in chapter 3.62 RCW.

(c) ~~(During the 2007-2009 biennium)~~ Except as provided in (d) of this subsection, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014~~((+)(a))~~, shall be expended ~~((as appropriated by the legislature for the (i) cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges, and (ii) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development, and the remaining appropriation))~~ upon the direction of the commissioner, with the approval of the governor, whenever it appears to him or her that such expenditure is necessary solely for:

(i) The proper administration of this title and that insufficient federal funds are available for the specific purpose to which such expenditure is to be made, provided, the moneys are not substituted for appropriations from federal funds which, in the absence of such moneys, would be made available.

(ii) The proper administration of this title for which purpose appropriations from federal funds have been requested but not yet received, provided, the administrative contingency fund will be reimbursed upon receipt of the requested federal appropriation.

(iii) The proper administration of this title for which compliance and audit issues have been identified that establish federal claims requiring the expenditure of state resources in resolution. Claims must be resolved in the following priority: First priority is to provide services to eligible participants within the state; second priority is to provide substitute services or program support; and last priority is the direct payment of funds to the federal government.

(d)(i) During the 2007-2009 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended as appropriated by the legislature for: (A) The cost of the job skills or worker retraining programs at the community and technical colleges and administrative costs at the state board for community and technical colleges; and (B) reemployment services such as business and project development assistance, local economic development capacity building, and local economic development financial assistance at the department of community, trade, and economic development. The remaining appropriation may be expended as specified in (c) of this subsection.

(ii) During the 2009-2011 fiscal biennium, moneys available in the administrative contingency fund, other than money in the special account created under RCW 50.24.014(1)(a), shall be expended by the department of social and health services as appropriated by the legislature for employment and training services and programs in the WorkFirst program, and for the administrative costs of state agencies participating in the WorkFirst program. The remaining appropriation may be expended as specified in (c) of this subsection.

(4) Money in the special account created under RCW 50.24.014(1)(a) may only be expended, after appropriation, for the purposes specified in this section and RCW 50.62.010, 50.62.020, 50.62.030, 50.24.014, 50.44.053, and 50.22.010.

Sec. 947. RCW 66.08.170 and 2002 c 371 s 917 are each amended to read as follows:

There shall be a fund, known as the "liquor revolving fund", which shall consist of all license fees, permit fees, penalties, forfeitures, and all other moneys, income, or revenue received by the board. The state treasurer shall be custodian of the fund. All moneys received by the board or any employee thereof, except for change funds and an amount of petty cash as fixed by the board within the authority of law shall be deposited each day in a depository approved by the state treasurer and transferred to the state treasurer to be credited to the liquor revolving fund. During the (2001-2003) 2009-2011 fiscal biennium, the legislature may transfer funds from the liquor revolving account to the state general fund ((such amounts as reflect the excess fund balance of the fund and reductions made by the 2002 supplemental appropriations act for administrative efficiencies and savings)) and may direct an additional amount of liquor profits to be distributed to local governments. Neither the transfer of funds nor the additional distribution of liquor profits to local governments during the 2009- 2011 fiscal biennium may reduce the excess fund distributions that otherwise would occur under RCW 66.08.190. Disbursements from the revolving fund shall be on authorization of the board or a duly authorized representative thereof. In order to maintain an effective expenditure and revenue control the liquor revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from such fund.

Sec. 948. RCW 67.40.040 and 2008 c 329 s 917 and 2008 c 328 s 6011 are each reenacted and amended to read as follows:

(1) The proceeds from the sale of the bonds authorized in RCW 67.40.030, proceeds of the taxes imposed under RCW 67.40.090 and 67.40.130, and all other moneys received by the state convention and trade center from any public or private source which are intended to fund the acquisition, design, construction, expansion, exterior cleanup and repair of the Eagles building, conversion of various retail and other space to meeting rooms, purchase of the land and building known as the McKay Parcel, development of low-income housing, or renovation of the center, and those expenditures authorized under RCW 67.40.170 shall be deposited in the state convention and trade center account hereby created in the state treasury and in such subaccounts as are deemed appropriate by the directors of the corporation.

(2) Moneys in the account, including unanticipated revenues under RCW 43.79.270, shall be used exclusively for the following purposes in the following priority:

(a) For reimbursement of the state general fund under RCW 67.40.060;

(b) After appropriation by statute:

(i) For payment of expenses incurred in the issuance and sale of the bonds issued under RCW 67.40.030;

(ii) For expenditures authorized in RCW 67.40.170, and during the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the legislature may transfer from the state convention and trade center account ~~((to the Washington housing trust account such amounts as reflect the excess fund balance in the account; and during the 2007-2009 biennium, the legislature may transfer from the state convention and trade center account))~~ to the general fund such amounts as reflect the excess fund balance in the account;

(iii) For acquisition, design, and construction of the state convention and trade center;

(iv) For debt service for the acquisition, design, and construction and retrofit of the museum of history and industry museum property or other future expansions of the convention center as approved by the legislature; and

(v) For reimbursement of any expenditures from the state general fund in support of the state convention and trade center; and

(c) For transfer to the state convention and trade center operations account.

(3) The corporation shall identify with specificity those facilities of the state convention and trade center that are to be financed with proceeds of general obligation bonds, the interest on which is intended to be excluded from gross income for federal income tax purposes. The corporation shall not permit the extent or manner of private business use of those bond-financed facilities to be inconsistent with treatment of such bonds as governmental bonds under applicable provisions of the Internal Revenue Code of 1986, as amended:

(4) In order to ensure consistent treatment of bonds authorized under RCW 67.40.030 with applicable provisions of the Internal Revenue Code of 1986, as amended, and notwithstanding RCW 43.84.092, investment earnings on bond proceeds deposited in the state convention and trade center account in the state treasury shall be retained in the account, and shall be expended by the corporation for the purposes authorized under chapter 386, Laws of 1995 and in a manner consistent with applicable provisions of the Internal Revenue Code of 1986, as amended:

(5) Subject to the conditions in subsection (6) of this section, starting in fiscal year 2008, and except for the 2009-2011 fiscal biennium in which no transfers shall be made, the state treasurer shall transfer:

(a) The sum of four million dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism enterprise account, with the maximum transfer being four million dollars per fiscal year; and

(b) The sum of five hundred thousand dollars, or as much as may be available pursuant to conditions set forth in this section, from the state convention and trade center account to the tourism development and promotion account, with the maximum transfer being five hundred thousand dollars per fiscal year.

(6)(a) Funds required for debt service payments and reserves for bonds issued under RCW 67.40.030; for debt service authorized under RCW 67.40.170; and for the issuance and sale of financial instruments associated with the acquisition, design, construction, and retrofit of the museum of history and industry museum property or for other future expansions of the center, as approved by the legislature, shall be maintained within the state convention and trade center account.

(b) Except for during the 2009-2011 fiscal biennium, during which no reserve shall be retained, no less than six million one hundred fifty thousand dollars per year shall be retained in the state convention and trade center account for funding capital maintenance as required by the center's long-term capital plan, facility enhancements, unanticipated replacements, and operating reserves for the convention center operation. This amount shall be escalated annually as follows:

(i) Four percent for annual inflation for capital maintenance, repairs, and replacement;

(ii) An additional two percent for enhancement to the facility; and

(iii) An additional three percent for growth in expenditure due to aging of the facility and the need to maintain an operating reserve.

(c) Sufficient funds shall be reserved within the state convention and trade center account to fund operating appropriations for the annual operation of the convention center.

Sec. 949. RCW 67.70.190 and 2005 c 427 s 2 are each amended to read as follows:

Unclaimed prizes shall be retained in the state lottery account for the person entitled thereto for one hundred eighty days after the drawing in which the prize is won, or after the official end of the game for instant prizes. If no claim is made for the prize within this time, all rights to the prize shall be extinguished, and the prize shall be retained in the state lottery fund for further use as prizes, except that one-third of all unclaimed prize money shall be deposited in the economic development strategic reserve account created in RCW 43.330.250.

On July 1, 2009, June 30, 2010, and June 30, 2011, all unclaimed prize money retained in the state lottery fund in excess of three million dollars, excluding amounts distributed to the economic development strategic reserve account, shall be transferred into the state general fund.

Sec. 950. RCW 70.93.180 and 2005 c 518 s 939 are each amended to read as follows:

(1) There is hereby created an account within the state treasury to be known as the "waste reduction, recycling, and litter control account". Moneys in the account may be spent only after appropriation. Expenditures from the waste reduction, recycling, and litter control account shall be used as follows:

(a) Fifty percent to the department of ecology, for use by the departments of ecology, natural resources, revenue, transportation, and corrections, and the parks and recreation commission, for use in litter collection programs, to be distributed under RCW 70.93.220. The amount to the department of ecology shall also be used for a central coordination function for litter control efforts statewide, for the biennial litter survey under RCW 70.93.200(8), and for statewide public awareness programs under RCW 70.93.200(7). The amount to the department shall also be used to defray the costs of administering the funding, coordination, and oversight of local government programs for waste reduction, litter control, and recycling, so that local governments can apply one hundred percent of their funding to achieving program goals. The amount to the department of revenue shall be used to enforce compliance with the litter tax imposed in chapter 82.19 RCW;

(b) Twenty percent to the department for local government funding programs for waste reduction, litter control, and recycling activities by cities and counties under RCW 70.93.250, to be administered by the department of ecology; and

(c) Thirty percent to the department of ecology for waste reduction and recycling efforts.

(2) All taxes imposed in RCW 82.19.010 and fines and bail forfeitures collected or received pursuant to this chapter shall be deposited in the waste reduction, recycling, and litter control account and used for the programs under subsection (1) of this section.

(3) Not less than five percent and no more than ten percent of the amount appropriated into the waste reduction, recycling, and litter control account every biennium shall be reserved for capital needs, including the purchase of vehicles for transporting crews and for collecting litter and solid waste. Capital funds shall be distributed among state agencies and local governments according to the same criteria provided in RCW 70.93.220 for the remainder of the funds, so that the most effective waste reduction, litter control, and recycling programs receive the most funding. The intent of this subsection is to provide funds for the purchase of equipment that will enable the department to account for the greatest return on investment in terms of reaching a zero litter goal.

(4) During the ~~((2005-2007))~~ 2009-2011 fiscal biennium, the legislature may transfer from the waste reduction, recycling, and litter control account to the state general fund such amounts as reflect the excess fund balance of the account. For purposes of subsection (1) of this section, this transfer shall be treated as an expenditure for litter collection.

Sec. 951. RCW 70.105D.070 and 2008 c 329 s 921, 2008 c 329 s 920, 2008 c 329 s 919, and 2008 c 328 s 6009 are each reenacted and amended to read as follows:

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; ~~((and))~~

(xii) Development and demonstration of alternative management technologies designed to carry out the hazardous waste management priorities of RCW 70.105.150; and

(xiii) During the 2009-2011 fiscal biennium, shoreline update technical assistance.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority:

(i) Remedial actions;

(ii) Hazardous waste plans and programs under chapter 70.105 RCW;

(iii) Solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(iv) Funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and

(v) Cleanup and disposal of hazardous substances from abandoned or derelict vessels, defined for the purposes of this section as vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel, that pose a threat to human health or the environment.

(b) Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that is a Puget Sound partner, as defined in RCW 90.71.010, along with any project that is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, shall, except as conditioned by RCW 70.105D.120, receive priority for any available funding for any grant or funding programs or sources that use a competitive bidding process. During the 2007-2009 fiscal biennium, moneys in the account may also be used for grants to local governments to retrofit public sector diesel equipment and for storm water planning and implementation activities.

~~(c) ((Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.~~

~~((d))~~ To expedite cleanups throughout the state, the department shall partner with local communities and liable parties for cleanups. The department is authorized to use the following additional strategies in order to ensure a healthful environment for future generations:

(i) The director may alter grant-matching requirements to create incentives for local governments to expedite cleanups when one of the following conditions exists:

(A) Funding would prevent or mitigate unfair economic hardship imposed by the clean-up liability;

(B) Funding would create new substantial economic development, public recreational, or habitat restoration opportunities that would not otherwise occur; or

(C) Funding would create an opportunity for acquisition and redevelopment of vacant, orphaned, or abandoned property under RCW 70.105D.040(5) that would not otherwise occur;

(ii) The use of outside contracts to conduct necessary studies;

(iii) The purchase of remedial action cost-cap insurance, when necessary to expedite multiparty clean-up efforts.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) ~~Except during the 2009-2011 fiscal biennium, one percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. ((However, during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars.))~~ No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation, or, after January 1, 2010, for projects designed to address the restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(7) The department shall adopt rules for grant or loan issuance and performance.

(8) During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the local toxics control account to ~~((the state toxics control))~~ either the state general fund or the oil spill prevention account, or both such amounts as reflect excess fund balance in the account.

(9) During the ~~((2007-2009))~~ 2009-2011 fiscal biennium, the local toxics control account may also be used for a standby rescue tug at Neah Bay, local government shoreline update grants, private and public sector diesel equipment retrofit, and oil spill prevention, preparedness, and response activities.

(10) During the 2009-2011 fiscal biennium, the legislature may transfer from the state toxics control account to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 952. RCW 71.24.310 and 2006 c 333 s 107 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that the department and the regional support networks shall work together to implement chapter 71.05 RCW as follows:

(1) By June 1, 2006, regional support networks shall recommend to the department the number of state hospital beds that should be allocated for use by each regional support network. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the regional support networks regarding the number of state hospital beds that should be allocated for use by each regional support network, the department shall contract with each regional support network accordingly.

(3) If there is not consensus among the regional support networks regarding the number of beds that should be allocated for use by each regional support network, the department shall establish by emergency rule the number of state hospital beds that are available for use by each regional support network. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of ~~((acutely and chronically mentally ill))~~ adults with acute and chronic mental illness in each regional support network area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with regional support networks to provide some or all of the regional support network's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the regional support network in the state hospital.

(6) If a regional support network uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during calendar year 2009, implementing new services that will enable a regional support network to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among regional support networks that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

Sec. 953. RCW 74.08A.340 and 2008 c 329 s 922 are each amended to read as follows:

The department of social and health services shall operate the Washington WorkFirst program authorized under RCW 74.08A.200 through 74.08A.330, 43.330.145, 43.215.545, and 74.25.040, and chapter 74.12 RCW within the following constraints:

(1) The full amount of the temporary assistance for needy families block grant, plus qualifying state expenditures as appropriated in the biennial operating budget, shall be appropriated to the department each year in the biennial appropriations act to carry out the provisions of the program authorized in RCW 74.08A.200 through 74.08A.330, 43.330.145, 43.215.545, and 74.25.040, and chapter 74.12 RCW.

(2)(a) The department may expend funds defined in subsection (1) of this section in any manner that will effectively accomplish the outcome measures defined in RCW 74.08A.410 with the following exception: Beginning with the 2007-2009 biennium, funds that constitute the working connections child care program, child care quality programs, and child care licensing functions.

(b) Beginning in the 2007-2009 fiscal biennium, the legislature shall appropriate and the departments of early learning and social and health services shall expend funds defined in subsection (1) of this section that constitute the working connections child care program, child care quality programs, and child care licensing functions in a manner that is consistent with the outcome measures defined in RCW 74.08A.410.

(c) No more than fifteen percent of the amount provided in subsection (1) of this section may be spent for administrative purposes. For the purpose of this subsection, "administrative purposes" does not include expenditures for information technology and computerization needed for tracking and monitoring required by P.L. 104-193. The department shall not increase grant levels to recipients of the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW, except as authorized in the omnibus appropriations act for the ~~((2007-2009))~~ 2009-2011 biennium.

(3) The department shall implement strategies that accomplish the outcome measures identified in RCW 74.08A.410 that are within the funding constraints in this section. Specifically, the department shall implement strategies that will cause the number of cases in the program authorized in RCW 74.08A.200 through 74.08A.330 and 43.330.145 and chapter 74.12 RCW to decrease by at least fifteen percent during the

1997-99 biennium and by at least five percent in the subsequent biennium. The department may transfer appropriation authority between funding categories within the economic services program in order to carry out the requirements of this subsection.

(4) The department shall monitor expenditures against the appropriation levels provided for in subsection (1) of this section. The department shall quarterly make a determination as to whether expenditure levels will exceed available funding and communicate its finding to the legislature. If the determination indicates that expenditures will exceed funding at the end of the fiscal year, the department shall take all necessary actions to ensure that all services provided under this chapter shall be made available only to the extent of the availability and level of appropriation made by the legislature.

Sec. 954. RCW 74.13.621 and 2005 c 439 s 1 are each amended to read as follows:

(1) Within existing resources, the department shall establish an oversight committee to monitor, guide, and report on kinship care recommendations and implementation activities. The committee shall:

(a) Draft a kinship care definition that is restricted to persons related by blood, marriage, or adoption, including marriages that have been dissolved, or for a minor defined as an "Indian child" under the federal Indian child welfare act (25 U.S.C. Sec. 1901 et seq.), the definition of "extended family member" under the federal Indian child welfare act, and a set of principles. If the committee concludes that one or more programs or services would be more efficiently and effectively delivered under a different definition of kin, it shall state what definition is needed, and identify the program or service in the report. It shall also provide evidence of how the program or service will be more efficiently and effectively delivered under the different definition. The department shall not adopt rules or policies changing the definition of kin without authorizing legislation;

(b) Monitor and provide consultation on the implementation of recommendations contained in the 2002 kinship care report, including but not limited to the recommendations relating to legal and respite care services and resources;

(c) Partner with nonprofit organizations and private sector businesses to guide a public education awareness campaign; and

(d) Assist with developing future recommendations on kinship care issues.

(2) The department shall consult with the oversight committee on its efforts to better collaborate and coordinate services to benefit kinship care families.

(3) The oversight committee must consist of a minimum of thirty percent kinship caregivers, who shall represent a diversity of kinship families. Statewide representation with geographic, ethnic, and gender diversity is required. Other members shall include representatives of the department, representatives of relevant state agencies, representatives of the private nonprofit and business sectors, child advocates, representatives of Washington state Indian tribes as defined under the federal Indian welfare act (25 U.S.C. Sec. 1901 et seq.), and representatives of the legal or judicial field. Birth parents, foster parents, and others who have an interest in these issues may also be included.

(4) To the extent funding is available, the department may reimburse nondepartmental members of the oversight committee for costs incurred in participating in the meetings of the oversight committee.

(5) The kinship care oversight committee shall update the legislature and governor annually on committee activities, with the first update due by January 1, 2006.

(6) This section expires (~~January 1, 2010~~) June 30, 2011.

Sec. 955. RCW 77.12.820 and 1997 c 422 s 5 are each amended to read as follows:

The eastern Washington pheasant enhancement account is created in the custody of the state treasurer. All receipts under RCW 77.12.810 must be deposited in the account. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the eastern Washington pheasant enhancement program. The department may use moneys from the account to improve pheasant habitat or to purchase or produce pheasants. Except as otherwise provided in the omnibus appropriations act for the 2009-2011 fiscal biennium, not less than eighty percent of expenditures from the account must be used to purchase or produce pheasants. The eastern Washington pheasant enhancement account funds must not be used for the purchase of land. The account may be used to offer grants to improve pheasant habitat on public or private lands that are open to public hunting. The department may enter partnerships with private landowners, nonprofit corporations, cooperative groups, and federal or state agencies for the purposes of pheasant habitat enhancement in areas that will be available for public hunting.

Sec. 956. RCW 77.32.010 and 2008 c 329 s 923 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a recreational license issued by the director is required to hunt for or take wild animals or wild birds, fish for, take, or harvest fish, shellfish, and seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish, and a hunting license is not required for bullfrogs.

(2) A permit issued by the department is required to park a motor vehicle upon improved department access facilities.

(3) During the (~~2007-09~~) 2009-2011 fiscal biennium to enable the implementation of the pilot project established in section 307, chapter 329, Laws of 2008, a fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirements in subsection (1) of this section on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and a Colville Tribes tribal member identification card shall satisfy the license requirements in subsection (1) of this section on all waters of Lake Rufus Woods.

Sec. 957. RCW 79.64.040 and 2007 c 522 s 958 are each amended to read as follows:

(1) The board shall determine the amount deemed necessary in order to achieve the purposes of this chapter and shall provide by rule for the deduction of this amount from the moneys received from all leases, sales, contracts, licenses, permits, easements, and rights-of-way issued by the department and affecting state lands and aquatic lands, provided that no deduction shall be made from the proceeds from agricultural college lands.

(2) Moneys received as deposits from successful bidders, advance payments, and security under RCW 79.15.100, 79.15.080, and 79.11.150 prior to December 1, 1981, which have not been subjected to deduction under this section are not subject to deduction under this section.

(3) Except as otherwise provided in subsection (5) of this section, the deductions authorized under this section shall not exceed twenty-five percent of the moneys received by the department in connection with any one transaction pertaining to state lands and aquatic lands other than second-class tide and shore lands and the beds of navigable waters, and fifty percent of the moneys received by the department pertaining to second-class tide and shore lands and the beds of navigable waters.

(4) In the event that the department sells logs using the contract harvesting process described in RCW 79.15.500 through 79.15.530, the moneys received subject to this section are the net proceeds from the contract harvesting sale.

(5) During the (~~2007-2009~~) 2009-2011 fiscal biennium, the twenty-five percent limitation on deductions set in subsection (3) of this section may be increased up to thirty percent by the board (~~provided the total amount deducted does not exceed the total appropriations in the operating and capital budgets for the fiscal period. At the end of the fiscal period, any amounts deducted in excess of the appropriations shall be transferred to the appropriate beneficiary distribution accounts~~).

Sec. 958. RCW 79A.25.080 and 2007 c 241 s 44 are each amended to read as follows:

(1) Moneys transferred to the recreation resource account from the marine fuel tax refund account may be used when appropriated by the legislature, as well as any federal or other funds now or hereafter available, to pay the office and necessary administrative and coordinative costs of the recreation and conservation funding board established by RCW 79A.25.110. All moneys so transferred, except those appropriated as aforesaid, shall be divided into two equal shares and shall be used to benefit watercraft recreation in this state as follows:

~~((+))~~ (a) One share as grants to state agencies for ~~((+))~~ (i) acquisition of title to, or any interests or rights in, marine recreation land, ~~((+))~~ (ii) capital improvement and renovation of marine recreation land, including periodic dredging in accordance with subsection ~~((+))~~ (2) of this section, if needed, to maintain or make the facility more useful, or ~~((+))~~ (iii) matching funds in any case where federal or other funds are made available on a matching basis for purposes described in (a)(i) or ~~((+))~~ (ii) of this subsection;

~~((+))~~ (b) One share as grants to public bodies to help finance ~~((+))~~ (i) acquisition of title to, or any interests or rights in, marine recreation land, or ~~((+))~~ (ii) capital improvement and renovation of marine recreation land, including periodic dredging in accordance with subsection ~~((+))~~ (2) of this section, if needed, to maintain or make the facility more useful. A public body is authorized to use a grant, together with its own contribution, as matching funds in any case where federal or other funds are made available for purposes described in (a)(i) or ~~((+))~~ (ii) of this subsection. The board may prescribe further terms and conditions for the making of grants in order to carry out the purposes of this chapter.

~~((+))~~ (2) For the purposes of this section "periodic dredging" is limited to dredging of materials that have been deposited in a channel due to unforeseen events. This dredging should extend the expected usefulness of the facility for at least five years.

(3) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the recreation resource account to the state parks and recreation commission for maintenance and operation of parks and to improve accessibility for boaters and off-road vehicle users. This appropriation is not required to follow the specific distribution specified in subsection (1)(a) and (b) of this section.

Sec. 959. RCW 79.105.150 and 2008 c 299 s 28 are each amended to read as follows:

(1) After deduction for management costs as provided in RCW 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys received by the state from the sale or lease of state-owned aquatic lands and from the sale of valuable material from state-owned aquatic lands shall be deposited in the aquatic lands enhancement account which is hereby created in the state treasury. After appropriation, these funds shall be used solely for aquatic lands enhancement projects; for the purchase, improvement, or protection of aquatic lands for public purposes; for providing and improving access to the lands; and for volunteer cooperative fish and game projects. During the 2009-11 fiscal biennium, the legislature may transfer from the aquatic lands enhancement account to the state general fund such amounts as reflect excess fund balance of the account.

(2) In providing grants for aquatic lands enhancement projects, the recreation and conservation funding board shall:

(a) Require grant recipients to incorporate the environmental benefits of the project into their grant applications;

(b) Utilize the statement of environmental benefits, consideration, except as provided in RCW 79.105.610, of whether the applicant is a Puget Sound partner, as defined in RCW 90.71.010, whether a project is referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310, and except as otherwise provided in RCW 79.105.630, and effective one calendar year following the development and statewide availability of model evergreen community management plans and ordinances under RCW 35.105.050, whether the applicant is an entity that has been recognized, and what gradation of recognition was received, in the evergreen community recognition program created in RCW 35.105.030 in its prioritization and selection process; and

(c) Develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grants.

(3) To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270.

(4) The department shall consult with affected interest groups in implementing this section.

(5) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

Sec. 960. RCW 80.36.430 and 2004 c 254 s 2 are each amended to read as follows:

(1) The Washington telephone assistance program shall be funded by a telephone assistance excise tax on all switched access lines and by funds from any federal government or other programs for this purpose. Switched access lines are defined in RCW 82.14B.020. The telephone assistance excise tax shall be applied equally to all residential and business access lines not to exceed fourteen cents per month. The department shall submit an approved annual budget for the Washington telephone assistance program to the department of revenue no later than March 1st prior to the beginning of each fiscal year. The department of revenue shall then determine the amount of telephone assistance excise tax to be placed on each switched access line and shall inform local exchange companies and the utilities and transportation commission of this amount no later than May 1st. The department of revenue shall determine the amount of telephone assistance excise tax by dividing the total of the program budget funded by the telephone assistance excise tax, as submitted by the department, by the total number of switched access lines in the prior calendar year. The telephone assistance excise tax shall be separately identified on each ratepayer's bill as the "Washington telephone assistance program." All money collected from the telephone assistance excise tax shall be transferred to a telephone assistance fund administered by the department.

(2) Local exchange companies shall bill the fund for their expenses incurred in offering the telephone assistance program, including administrative and program expenses. The department shall disburse the money to the local exchange companies. The department is exempted from having to conclude a contract with local exchange companies in order to effect this reimbursement. The department shall recover its administrative costs from the fund. The department may specify by rule the range and extent of administrative and program expenses that will be reimbursed to local exchange companies.

(3) The department shall enter into an agreement with the department of community, trade, and economic development for an amount not to exceed eight percent of the prior fiscal year's total revenue for the administrative and program expenses of providing community service voice mail services. The community service voice mail service may include toll-free lines in community action agencies through which recipients can access their community service voice mailboxes at no charge.

(4) During the 2009-2011 biennium, the department shall enter into an agreement with the military department for one million dollars to support the WIN 211 program.

Sec. 961. RCW 86.26.007 and 2005 c 518 s 947 are each amended to read as follows:

The flood control assistance account is hereby established in the state treasury. At the beginning of the 2005-2007 fiscal biennium, the state treasurer shall transfer three million dollars from the general fund to the flood control assistance account. Each biennium thereafter the

state treasurer shall transfer four million dollars from the general fund to the flood control assistance account, except that during the 2009-2011 fiscal biennium, the state treasurer shall transfer two million dollars from the general fund to the flood control assistance account. Moneys in the flood control assistance account may be spent only after appropriation for purposes specified under this chapter.

NEW SECTION. Sec. 962. Section 940 of this act expires June 30, 2011.

NEW SECTION. Sec. 963. Section 946 of this act expires June 30, 2016.

**PART X
GENERAL GOVERNMENT**

Sec. 1001. 2009 c 4 s 101 (uncodified) is amended to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund--State Appropriation (FY 2008)	\$34,807,000
General Fund--State Appropriation (FY 2009)	(\$35,053,000)
	<u>\$35,483,000</u>
Pension Funding Stabilization Account Appropriation	\$560,000
TOTAL APPROPRIATION	(\$70,420,000)
	<u>\$70,850,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$56,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Senate Bill No. 5926 (construction industry). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.
- (2) \$52,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Third Substitute House Bill No. 1741 (oral history). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
- (3) \$194,000 of the general fund--state appropriation for fiscal year 2008 and \$194,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the legislature to contract for an independent economic and actuarial analysis of health care reform proposals pursuant to Engrossed Substitute Senate Bill No. 6333. The results of this evaluation will be submitted to the governor, the health and fiscal policy committees of the legislature, and the work group by December 15, 2008.

Sec. 1002. 2009 c 4 s 110 (uncodified) is amended to read as follows:

FOR THE COURT OF APPEALS

General Fund--State Appropriation (FY 2008)	\$16,092,000
General Fund--State Appropriation (FY 2009)	(\$16,765,000)
	<u>\$16,813,000</u>
TOTAL APPROPRIATION	(\$32,857,000)
	<u>\$32,905,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for chapter 34, Laws of 2007 (Senate Bill No. 5351, court of appeals judges' travel).
- (2) In addition to other reductions, the reduced appropriations in this section reflect an additional \$376,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 1003. 2009 c 4 s 112 (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

General Fund--State Appropriation (FY 2008)	\$30,659,000
General Fund--State Appropriation (FY 2009)	(\$33,239,000)
	<u>\$33,294,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$22,558,000
Public Safety and Education Account--State Appropriation (FY 2009)	(\$23,694,000)
	<u>\$23,713,000</u>
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2008)	\$3,175,000
Equal Justice Subaccount of the Public Safety and Education Account--State Appropriation (FY 2009)	\$3,175,000
Judicial Information Systems Account--State Appropriation	\$40,923,000
TOTAL APPROPRIATION	(\$157,423,000)
	<u>\$157,497,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$3,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for court-appointed special advocates in dependency matters. The administrator for the courts, after consulting with the association of juvenile court administrators and the association of court-appointed special advocate/guardian ad litem programs, shall distribute the funds to volunteer court-appointed special advocate/guardian ad litem programs. The distribution of funding shall be based on the number of children who need volunteer court-appointed special advocate representation and shall be equally accessible to all volunteer court-appointed special advocate/guardian ad litem programs. The administrator for the courts shall not retain more than six percent of total funding to cover administrative or any other agency costs. Funding distributed in this subsection shall not be used to supplant existing local funding for the court-appointed special advocates program.
- (2) \$300,000 of the general fund--state appropriation for fiscal year 2008, \$300,000 of the general fund--state appropriation for fiscal year 2009, \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$1,500,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for school districts for petitions to juvenile court for truant students as provided in RCW 28A.225.030 and 28A.225.035. The office of the administrator for the courts shall develop an interagency

agreement with the superintendent of public instruction to allocate the funding provided in this subsection. Allocation of this money to school districts shall be based on the number of petitions filed. This funding includes amounts school districts may expend on the cost of serving petitions filed under RCW 28A.225.030 by certified mail or by personal service or for the performance of service of process for any hearing associated with RCW 28A.225.030.

(3)(a) \$1,640,000 of the general fund--state appropriation for fiscal year 2008, \$1,641,000 of the general fund--state appropriation for fiscal year 2009, \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2008, and \$6,612,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for distribution to county juvenile court administrators to fund the costs of processing truancy, children in need of services, and at-risk youth petitions. The administrator for the courts, in conjunction with the juvenile court administrators, shall develop an equitable funding distribution formula. The formula shall neither reward counties with higher than average per-petition processing costs nor shall it penalize counties with lower than average per-petition processing costs.

(b) Each fiscal year during the 2007-09 fiscal biennium, each county shall report the number of petitions processed and the total actual costs of processing truancy, children in need of services, and at-risk youth petitions. Counties shall submit the reports to the administrator for the courts no later than 45 days after the end of the fiscal year. The administrator for the courts shall electronically transmit this information to the chairs and ranking minority members of the house of representatives appropriations committee and the senate ways and means committee no later than 60 days after a fiscal year ends. These reports are deemed informational in nature and are not for the purpose of distributing funds.

(4) The distributions made under this subsection and distributions from the county criminal justice assistance account made pursuant to section 801 of this act constitute appropriate reimbursement for costs for any new programs or increased level of service for purposes of RCW 43.135.060.

(5) \$325,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of the juror pay pilot and research project.

(6) \$830,000 of the general fund--state appropriation for fiscal year 2008 and \$1,170,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for improving interpreter services at the trial court level.

(a) Of these amounts, \$170,000 for fiscal year 2008 and \$170,000 for fiscal year 2009 are provided solely to assist trial courts in developing and implementing language assistance plans. The administrator of the courts, in consultation with the interpreter commission, shall adopt language assistance plan standards consistent with chapters 2.42 and 2.43 RCW. The standards shall include guidelines on local community input, provisions on notifying court users on the right and methods to obtain an interpreter, information on training for judges and court personnel, procedures for identifying and appointing an interpreter, access to translations of commonly used forms, and processes to evaluate the development and implementation of the plan.

(b) Of these amounts, \$610,000 for fiscal year 2008 and \$950,000 for fiscal year 2009 are provided solely to assist trial courts with interpreter services. In order to be eligible for assistance, a trial court must have completed a language assistance plan consistent with the standards established in (a) of this subsection that is approved by the administrator of the courts and submit the amounts spent annually on interpreter services for fiscal years 2005, 2006, and 2007. The funding in this subsection (b) shall not be used to supplant existing funding and cannot be used for any purpose other than assisting trial courts with interpreter services. At the end of the fiscal year, recipients shall report to the administrator of the court the amount the trial court spent on interpreter services.

(c) \$50,000 for fiscal year 2008 and \$50,000 for fiscal year 2009 are provided solely to the administrator of the courts for administration of this subsection. By December 1, 2009, the administrator of the courts shall report to the appropriate policy and fiscal committees of the legislature: (i) The number of trial courts in the state that have completed a language assistance plan; (ii) the number of trial courts in the state that have not completed a language assistance plan; (iii) the number of trial courts in the state that received assistance under this subsection, the amount of the assistance, and the amount each trial court spent on interpreter services for fiscal years 2005 through 2008 and fiscal year 2009 to date.

(7) \$443,000 of the general fund--state appropriation for fiscal year 2008 and \$543,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Within the amounts provided:

(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for developing training materials for the family court liaisons.

(b) \$43,000 of the general fund--state appropriation for fiscal year 2008 and \$43,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for reimbursement costs related to the family law handbook;

(c) \$350,000 of the general fund--state appropriation for fiscal year 2008 and \$350,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for distribution to counties to provide guardian ad litem services for the indigent for a reduced or waived fee;

(d) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementing the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution).

(8)(a) \$20,458,000 of the judicial information systems account-- state appropriation is provided solely for the development and implementation of the core case management system. In expending the funds provided within this subsection, the following conditions must first be satisfied before any subsequent funds may be expended:

(i) Completion of feasibility studies detailing linkages between the objectives of the core case management system and the following: The technology efforts required and the impacts of the new investments on existing infrastructure and business functions, including the estimated fiscal impacts to the judicial information systems account and the near general fund accounts; the alignment of critical system requirements of varying size courts at the municipal, district, and superior court level with their respective proposed business processes resulting from business process engineering, and detail on the costs and other impacts to the courts for providing critical business requirements not addressed by new common business processes; the specific requirements and business process needs of state agencies dependent on data exchange with the judicial information system; and the results from a proof of implementation phase; and

(ii) Discussion with and presentation to the department of information systems and the information services board regarding the impact on the state agencies dependent on successful data exchange with the judicial information system and the results of the feasibility studies.

(b) The judicial information systems committee shall provide quarterly updates to the appropriate committees of the legislature and the department of information systems on the status of implementation of the core case management system.

(c) The legislature respectfully requests the judicial information systems committee invite representatives from the state agencies dependent on successful data exchange to their regular meetings for consultation as nonvoting members.

(9) \$534,000 of the general fund--state appropriation for fiscal year 2008 and \$949,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Substitute Senate Bill No. 5320 (public guardianship office). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$29,000 of the general fund--state appropriation for fiscal year 2008 and \$102,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the twenty-third superior court judge position in Pierce county. The funds appropriated in this subsection shall be expended only if the judge is appointed and serving on the bench.

(11) \$800,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2822 (family and juvenile court). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$90,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Second Substitute House Bill No. 2903 (access coordinator). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) In addition to other reductions, the reduced appropriations in this section reflect an additional \$207,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(14) \$55,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the 53rd superior court judge position in King county. The amounts provided in this subsection shall be expended only if the judge is appointed and serving on the bench.

Sec. 1004. 2009 c 4 s 118 (uncodified) is amended to read as follows:

FOR THE SECRETARY OF STATE

General Fund--State Appropriation (FY 2008)	\$33,863,000
General Fund--State Appropriation (FY 2009)	(\$20,782,000)
	<u>\$21,205,000</u>
General Fund--Federal Appropriation	\$7,279,000
General Fund--Private/Local Appropriation	\$132,000
Archives and Records Management Account--State Appropriation	(\$8,337,000)
	<u>\$8,442,000</u>
Department of Personnel Service Account--State Appropriation	\$760,000
Local Government Archives Account--State Appropriation	\$15,342,000
<u>Election Account--State Appropriation</u>	<u>\$228,000</u>
Election Account--Federal Appropriation	\$31,511,000
Charitable Organization Education Account--State Appropriation	\$122,000
TOTAL APPROPRIATION	(\$118,128,000)
	<u>\$118,884,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$13,290,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to reimburse counties for the state's share of primary and general election costs and the costs of conducting mandatory recounts on state measures. Counties shall be reimbursed only for those odd-year election costs that the secretary of state validates as eligible for reimbursement.

(2) \$2,556,000 of the general fund--state appropriation for fiscal year 2008 and \$3,965,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the verification of initiative and referendum petitions, maintenance of related voter registration records, and the publication and distribution of the voters and candidates pamphlet.

(3) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$118,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for legal advertising of state measures under RCW 29A.52.330.

(4)(a) \$2,465,000 of the general fund--state appropriation for fiscal year 2008 and \$2,501,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for contracting with a nonprofit organization to produce gavel-to-gavel television coverage of state government deliberations and other events of statewide significance during the 2007-09 biennium. The funding level for each year of the contract shall be based on the amount provided in this subsection. The nonprofit organization shall be required to raise contributions or commitments to make contributions, in cash or in kind, in an amount equal to forty percent of the state contribution. The office of the secretary of state may make full or partial payment once all criteria in this subsection have been satisfactorily documented.

(b) The legislature finds that the commitment of on-going funding is necessary to ensure continuous, autonomous, and independent coverage of public affairs. For that purpose, the secretary of state shall enter into a contract with the nonprofit organization to provide public affairs coverage.

(c) The nonprofit organization shall prepare an annual independent audit, an annual financial statement, and an annual report, including benchmarks that measure the success of the nonprofit organization in meeting the intent of the program.

(d) No portion of any amounts disbursed pursuant to this subsection may be used, directly or indirectly, for any of the following purposes:

(i) Attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington, by any county, city, town, or other political subdivision of the state of Washington, or by the congress, or the adoption or rejection of any rule, standard, rate, or other legislative enactment of any state agency;

(ii) Making contributions reportable under chapter 42.17 RCW; or

(iii) Providing any: (A) Gift; (B) honoraria; or (C) travel, lodging, meals, or entertainment to a public officer or employee.

(5) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for humanities Washington's "we the people" community conversations program.

(6) \$575,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for settlement costs and attorney fees resulting from the resolution of *Washington Association of Churches, et al. v. Reed*, United States District Court Western District of Washington at Seattle, Case No. CV06-0726RSM.

Sec. 1005. 2009 c 4 s 124 (uncodified) is amended to read as follows:

FOR THE ATTORNEY GENERAL

General Fund--State Appropriation (FY 2008)	\$6,262,000
General Fund--State Appropriation (FY 2009)	\$5,541,000
General Fund--Federal Appropriation	\$3,960,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,143,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,228,000
New Motor Vehicle Arbitration Account--State Appropriation	\$1,312,000
Legal Services Revolving Account--State Appropriation	(\$229,579,000)
	<u>\$231,391,000</u>

Tobacco Prevention and Control Account--State Appropriation	\$270,000
TOTAL APPROPRIATION	(\$249,295,000)
	<u>\$251,107,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The attorney general shall report each fiscal year on actual legal services expenditures and actual attorney staffing levels for each agency receiving legal services. The report shall be submitted to the office of financial management and the fiscal committees of the senate and house of representatives no later than ninety days after the end of each fiscal year.

(2) Prior to entering into any negotiated settlement of a claim against the state that exceeds five million dollars, the attorney general shall notify the director of financial management and the chairs of the senate committee on ways and means and the house of representatives committee on appropriations.

(3) \$9,446,000 of the legal services revolving account--state appropriation is provided solely for increases in salaries and benefits of assistant attorneys general effective July 1, 2007. This funding is provided solely for increases to address critical recruitment and retention problems, and shall not be used for the performance management program or to fund general administration. The attorney general shall report to the office of financial management and the fiscal committees of the senate and house of representatives by October 1, 2008, and provide detailed demographic information regarding assistant attorneys general who received increased salaries and benefits as a result of the appropriation. The report shall include at a minimum information regarding the years of service, division assignment within the attorney general's office, and client agencies represented by assistant attorneys general receiving increased salaries and benefits as a result of the amount provided in this subsection. The report shall include a proposed salary schedule for all assistant attorneys general using the same factors used to determine increased salaries under this section. The report shall also provide initial findings regarding the effect of the increases on recruitment and retention of assistant attorneys general.

(4) \$69,000 of the legal services revolving fund--state appropriation is provided solely for Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$44,000 of the legal services revolving fund--state appropriation is provided solely for Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(6) \$110,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 3274 (port district contracting). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(7) \$346,000 of the legal services revolving account--state appropriation is provided solely for implementation of sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(8) \$492,000 of the legal services revolving account--state appropriation is provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(9) The agency shall submit a staffing model that supports the need for increased resources due to casework associated with the sexually violent predator population to the office of financial management and the fiscal committees of the legislature by October 31, 2008.

(10) The attorney general shall deposit to the health services account at least \$680,000 from the *cy pres* monetary portion of the consent decree in settlement of the consumer protection act litigation against Caremark Rx, LLC (King county superior court cause no. 08-2- 06098-5). These moneys shall be expended pursuant to legislative appropriation consistent with the terms of the consent decree.

Sec. 1006. 2009 c 4 s 128 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

General Fund--State Appropriation (FY 2008)	\$24,110,000
General Fund--State Appropriation (FY 2009)	(\$33,485,000)
	<u>\$33,835,000</u>
General Fund--Federal Appropriation	\$23,934,000
General Fund--Private/Local Appropriation	\$1,269,000
State Auditing Services Revolving Account--State Appropriation	\$25,000
Violence Reduction and Drug Enforcement Account-- State Appropriation (FY 2008)	\$123,000
Economic Development Strategic Reserve Account-- State Appropriation	\$175,000
TOTAL APPROPRIATION	(\$83,121,000)
	<u>\$83,471,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$33,000 of the general fund--state appropriation for fiscal year 2008 and \$58,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to continue the agricultural pilot programs that identify projects to enhance farm income and improve natural resource protection. Specific work will include project outreach and refinement, stakeholder support, staffing the oversight committee, seeking federal and private match funding, and further refining the list of projects to be recommended for funding.

(2) \$155,000 of the general fund--state appropriation for fiscal year 2008 and \$254,000 of the general fund--state appropriation for fiscal year 2009 are provided for a contract with the Ruckelshaus center to fund "proof-of-concept" model and projects recommended by the oversight committee, as provided in subsection (1) of this section.

(3) \$580,000 of the general fund--state appropriation for fiscal year 2008 and \$505,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the association of Washington cities and the Washington state association of counties for improving project permitting and mitigation processes.

(4) \$320,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the office of regulatory assistance to develop statewide multiagency permits for transportation infrastructure and other projects that integrate local, state, and federal permit requirements and mitigation standards.

(5) \$1,050,000 of the general fund--state appropriation for fiscal year 2008 and \$1,050,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5122 (regulatory assistance programs). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$190,000 of the general fund--state appropriation for fiscal year 2008 and \$90,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement chapter 139, Laws of 2007 (student transportation funding) which requires development of two options for a new K-12 pupil transportation funding formula.

(7) \$175,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for financial assistance to local government agencies in counties representing populations of fewer than 350,000 residents for the acquisition and development of streamlined permitting

technology infrastructure through an integrated business portal approach. Grant awards may not exceed \$100,000 per local government agency per fiscal year. The funding must be used to acquire and implement permit tracking systems that can support and are compatible with a multijurisdictional, integrated approach. Prior to granting funds, the office of regulatory assistance shall ensure that the proposed systems and technology are based on open-industry standards, allow for future integration of processes and sharing of data, and are extendable.

(8) \$474,000 of the general fund--state appropriation for fiscal year 2008 and \$331,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of sections 50 through 57 (health resources strategy) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(9) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement section 3 of Substitute Senate Bill No. 5248 (preserving the viability of agricultural lands). Funds are provided for a contract with the Ruckelshaus center to examine conflicts between agriculture activities and critical areas ordinances. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) The education data center within the office of financial management may convene a work group to assess the feasibility, costs, and benefits of a higher education data system that uses privacy-protected student-level data.

(11) \$250,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of financial management to establish and provide staff support for the Washington citizens' work group on health care reform, pursuant to Engrossed Substitute Senate Bill No. 6333.

(12) \$11,372,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development and implementation of the Washington assessment of student learning (WASL) and related activities and is in addition to the funding amounts provided in section 511 of this act. The funding provided in this subsection is subject to the following conditions and limitations: The office of financial management shall develop an interagency agreement with the office of the superintendent of public instruction for the expenditure of these funds based on a quarterly allotment schedule. Before releasing funds to the office of the superintendent of public instruction each quarter, the office of financial management shall ensure compliance with this subsection. Effective with the 2009 administration of the Washington assessment of student learning, while maintaining the reliability and validity of the assessment, the office of the superintendent of public instruction shall redesign the assessment in the content areas of reading, mathematics, and science in all grades except high school by shortening test administration, reducing the number of short answer and extended response questions, and potentially decreasing the number of items utilized in the assessment, particularly in grades tested under the requirements of the federal no child left behind act. In selecting and developing the new contractual obligations for the assessment contractor beginning in fiscal year 2009, the office of the superintendent of public instruction shall preserve legislative authority to set the student learning assessment policy and potentially make minor or significant changes to that policy in the future with the least amount of adverse fiscal and other impacts to the state as possible. In doing this, the office of the superintendent of public instruction shall advise and consult with the appropriate policy and fiscal committees of the legislature and the Washington assessment of student learning work group created in this subsection. Within the amounts appropriated in this subsection, a legislative work group on the Washington assessment of student learning is established. The work group will consist of a maximum of nine members. Legislative members shall be appointed by the president of the senate and the speaker of the house of representatives and shall represent the two largest caucuses of both the senate and the house of representatives. The purpose of this work group is to review and evaluate the current assessment system by January 1, 2009, and potentially make recommendations to improve it. Of the amount provided in this section, \$150,000 is provided solely for costs associated with hiring independent technical experts to advise the Washington assessment of student learning work group created in this subsection.

(13) Through prior legislation, many state activities that protect the general public by safeguarding health, safety, employees, and consumers are supported by fees assessed on items such as licensing, registration, certification, and inspections. Moreover, higher education, workforce training, and a number of other government services are supported at least in part by fees assessed on those who participate in these programs. Therefore, the office of financial management shall conduct a review and analysis of all fees for which the legislature has delegated to state agencies and institutions of higher education the ability to establish and determine the amount, either upon initial establishment or subsequent increases. Fees, as used in this subsection, has the same meaning as used in RCW 43.135.055. The objective of the review and analysis is to document the level of fees paid over the past five years, the cost of those programs over that same time period, and, to the extent available, the effectiveness of the activity in meeting its performance targets. The review and analysis shall include the following information:

(a) Information about the program, including the statutory authority for the program, date enacted, and the parties that benefit from the program; and

(b) Information about the program fees, including name and description of the fees, the parties that bear the cost of the fees, the methodology for determining the fees, and whether the fees directly fund the program; and

(c) Financial related information, including an assessment of the program's fee amount assessed over the past five years, the scope of the program and related costs over the past 5 years, and whether the program's expenditures are subject to appropriation or allotment procedures under chapter 43.88 RCW; and

(d) To the extent available, information on the program activities and related performance measures that may assist in assessing the effectiveness of the program in achieving its goals.

The office of financial management shall report its findings to the governor and the fiscal committees of the legislature by October 1, 2008.

(14) In addition to other reductions, the reduced appropriations in this section reflect an additional \$305,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 1007. 2009 c 4 s 129 (uncodified) is amended to read as follows:

FOR THE OFFICE OF ADMINISTRATIVE HEARINGS

Administrative Hearings Revolving Account--State Appropriation	((\$32,702,000))
	<u>\$32,163,000</u>

Sec. 1008. 2009 c 4 s 135 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

General Fund--State Appropriation (FY 2008)	\$98,150,000
General Fund--State Appropriation (FY 2009)	((\$103,003,000))
	<u>\$97,782,000</u>
Timber Tax Distribution Account--State Appropriation	\$5,788,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$128,000

Waste Tire Removal Account--State Appropriation	\$2,000
Real Estate Excise Tax Grant Account--State Appropriation	\$3,000,000
State Toxics Control Account--State Appropriation	\$87,000
Oil Spill Prevention Account--State Appropriation	\$16,000
Pension Funding Stabilization Account Appropriation	\$2,370,000
TOTAL APPROPRIATION	<u>(\$212,544,000)</u>
	<u>\$207,323,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are for the implementation of Substitute House Bill No. 1002 (taxation of vessels). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(2) \$31,000 of the general fund--state appropriation for fiscal year 2008 is for the implementation of Substitute House Bill No. 1891 (prescription drugs). If the bill is not enacted by June 30, 2007, the amount in this subsection shall lapse.

(3)(a) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to conduct a study of the taxation of electronically delivered products. The legislature recognizes that chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007, relates to specific types of electronically delivered products and does not address the taxation of numerous other types of electronically delivered products. Therefore, a policy question remains concerning the sales and use taxation of other electronically delivered products.

(b)(i) To perform the study, the department of revenue shall be assisted by a committee. The committee shall include four legislative members appointed as follows:

(A) The president of the senate shall appoint one member from each of the two largest caucuses of the senate; and

(B) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(ii) The department of revenue shall appoint additional members with balanced representation from different segments of government and industry, and shall consider representation from the following areas: Small and large businesses that generate, deliver, or use electronically delivered products; financial institutions; insurers; persons with expertise in tax law in an academic or private sector setting; and persons experienced in working with computers and electronically delivered products. The department of revenue shall appoint additional members from the department with expertise in the excise taxation of electronically delivered products.

(iii) The committee shall choose its chair from among its membership.

(iv) The department and committee shall review the following issues: The provision of explicit statutory definitions for electronically delivered products; the current excise tax treatment of electronically delivered products in the state of Washington and other states as well as the tax treatment of these products under the streamlined sales and use tax agreement; the administration, costs, and potential recipients of the tax exemptions provided in chapter . . . (Engrossed Substitute House Bill No. 1981), Laws of 2007; and alternatives to the excise taxation of electronically delivered products.

(v) Legislative members of the committee are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members of the committee, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(c) The department shall report its preliminary findings and recommendations to the appropriate fiscal committees of the legislature by November 30, 2007. The department shall provide the final report of its findings and recommendations to the appropriate fiscal committees of the legislature by September 1, 2008.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Engrossed Substitute Senate Bill No. 6809 (working families tax exemption). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse. This subsection does not constitute approval of the exemption under section 2, chapter . . . (ESSB 6809), Laws of 2008 or authorize payments of remittances.

(5) \$22,000 of the general fund--state appropriation for fiscal year 2009 is for the implementation of Second Substitute House Bill No. 3104 (domestic partnerships). If the bill is not enacted by June 30, 2008, the amounts in this subsection shall lapse.

(6) In addition to other reductions, the reduced appropriations in this section reflect an additional \$214,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 1009. 2009 c 4 s 140 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$591,000
General Fund--State Appropriation (FY 2009)	<u>(\$557,000)</u>
	\$783,000
General Fund--Federal Appropriation	\$3,651,000
General Administration Service Account--State Appropriation	\$36,893,000
TOTAL APPROPRIATION	<u>(\$41,692,000)</u>
	<u>\$41,918,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the temporary emergency food assistance program.

(2) Within the appropriations in this section, specific funding is provided to implement Second Substitute House Bill No. 1332 (affordable housing).

(3) \$391,000 of the general administration services account--state appropriation for fiscal year 2009 is provided solely for implementation of costs associated with the planning of agency moves out of the general administration building.

(4) The department shall work with the office of financial management to develop a plan that balances revenues and expenditures for each line of business within the general administration services account. State agency rates developed for the 2009-2011 biennium must equitably and reasonably reflect the actual cost of services provided to state agencies including the appropriate allocation of agency overhead costs. By

August 31, 2008, the department shall submit to the office of financial management and the fiscal committees of the legislature financial statements for each line of business that shall inform the basis for agency rate development for the forthcoming biennium.

(5) The department shall submit a report to the office of financial management and the fiscal committees of the legislature that responds to each of the state auditor's motor pool audit recommendations by August 31, 2008. This report shall consist of recommendations that have been adopted by the department, progress made towards achieving those recommendations not yet completed, and justification for why the department is unable to fulfill any of the recommendations in the report.

Sec. 1010. 2009 c 4 s 143 (uncodified) is amended to read as follows:

FOR THE BOARD OF ACCOUNTANCY

Certified Public Accountants' Account--State Appropriation	((\$2,574,000))
	<u>\$2,924,000</u>

Sec. 1011. 2009 c 4 s 145 (uncodified) is amended to read as follows:

FOR THE LIQUOR CONTROL BOARD

General Fund--State Appropriation (FY 2008)	\$1,910,000
Liquor Control Board Construction and Maintenance Account--State Appropriation	\$13,430,000
Liquor Revolving Account--State Appropriation	((\$194,556,000))
	<u>\$196,556,000</u>
TOTAL APPROPRIATION	((\$209,896,000))
	<u>\$211,896,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$91,000 of the liquor revolving account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5859 (retail liquor licenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(2) \$2,070,000 of the liquor revolving account--state appropriation is provided solely for the liquor control board to operate an additional 29 state stores on Sundays by September 1, 2007. The board shall determine the impacts on sales as a result of operating the additional stores on Sunday. In doing so, the liquor control board shall also examine the sales of state and contract liquor stores in proximity to those stores opened on Sundays to determine whether Sunday openings have reduced the sales of other state and contract liquor stores that are not open on Sundays. The board shall present this information to the appropriate policy and fiscal committees of the legislature by January 31, 2009.

Sec. 1012. 2009 c 4 s 148 (uncodified) is amended to read as follows:

FOR THE MILITARY DEPARTMENT

General Fund--State Appropriation (FY 2008)	\$12,430,000
General Fund--State Appropriation (FY 2009)	((\$11,353,000))
	<u>\$11,526,000</u>
General Fund--Federal Appropriation	\$129,334,000
General Fund--Private/Local Appropriation	\$2,000
Enhanced 911 Account--State Appropriation	\$42,293,000
Disaster Response Account--State Appropriation	((\$24,454,000))
	<u>\$27,820,000</u>
Disaster Response Account--Federal Appropriation	((\$86,757,000))
	<u>\$98,441,000</u>
Military Department Rent and Lease Account--State Appropriation	\$814,000
Worker and Community Right-to-Know Account--State Appropriation	\$337,000
Nisqually Earthquake Account--State Appropriation	((\$556,000))
	<u>\$215,000</u>
Nisqually Earthquake Account--Federal Appropriation	((\$1,269,000))
	<u>\$1,382,000</u>
TOTAL APPROPRIATION	((\$309,599,000))
	<u>\$324,594,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ((~~\$24,454,000~~)) \$27,820,000 of the disaster response account-- state appropriation and ((~~\$86,757,000~~)) \$98,441,000 of the disaster response account--federal appropriation may be spent only on disasters declared by the governor and with the approval of the office of financial management. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the disaster response account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(2) ((~~\$556,000~~)) \$215,000 of the Nisqually earthquake account-- state appropriation and ((~~\$1,269,000~~)) \$1,382,000 of the Nisqually earthquake account--federal appropriation are provided solely for response and recovery costs associated with the February 28, 2001, earthquake. The military department shall submit a report quarterly to the office of financial management and the legislative fiscal committees detailing earthquake recovery costs, including: (a) Estimates of total costs; (b) incremental changes from the previous estimate; (c) actual expenditures; (d) estimates of total remaining costs to be paid; and (e) estimates of future payments by biennium. This information shall be displayed by fund, by type of assistance, and by amount paid on behalf of state agencies or local organizations. The military department shall also submit a report quarterly to the office of financial management and the legislative fiscal committees detailing information on the Nisqually earthquake account, including: (a) The amount and type of deposits into the account; (b) the current available fund balance as of the reporting date; and (c) the projected fund balance at the end of the 2007-2009 biennium based on current revenue and expenditure patterns.

(3) \$61,000,000 of the general fund--federal appropriation is provided solely for homeland security, subject to the following conditions:

(a) Any communications equipment purchased by local jurisdictions or state agencies shall be consistent with standards set by the Washington state interoperability executive committee;

(b) This amount shall not be allotted until a spending plan is reviewed by the governor's domestic security advisory group and approved by the office of financial management;

(c) The department shall submit a quarterly report to the office of financial management and the legislative fiscal committees detailing the governor's domestic security advisory group recommendations; homeland security revenues and expenditures, including estimates of total federal funding for the state; incremental changes from the previous estimate, planned and actual homeland security expenditures by the state and local governments with this federal funding; and matching or accompanying state or local expenditures; and

(d) The department shall submit a report by December 1st of each year to the office of financial management and the legislative fiscal committees detailing homeland security revenues and expenditures for the previous fiscal year by county and legislative district.

(4) Within the funds appropriated in this section, the department shall implement Substitute House Bill No. 1507 (uniformed service shared leave).

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the military department to contract with the Washington information network 2-1-1 to operate a statewide 2-1-1 system. The department shall provide the entire amount for 2-1-1 and shall not take any of the funds for administrative purposes.

(6) \$200,000 of the enhanced 911 account--state appropriation is provided solely for the department to recommend an appropriate funding mechanism for the implementation of next generation 911. The department shall consult with the utilities and transportation commission, the department of revenue, local governments, and representatives from companies providing telecommunications services in order to complete the report required under this subsection. The department may also consult with other public safety and medical associations in order to complete the study. The department shall submit the report to the finance committee and the technology, energy, and communications committee of the house of representatives, and the ways and means committee and the water, energy, and telecommunications committee of the senate, by December 1, 2008.

Sec. 1013. 2009 c 4 s 151 (uncodified) is amended to read as follows:

FOR THE GROWTH MANAGEMENT HEARINGS BOARD

General Fund--State Appropriation (FY 2008)	\$1,893,000
General Fund--State Appropriation (FY 2009)	(\$1,878,000)
	<u>\$1,924,000</u>
TOTAL APPROPRIATION	(\$3,771,000)
	<u>\$3,817,000</u>

Sec. 1014. 2008 c 329 s 151 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

State Convention and Trade Center Account--State Appropriation	(\$44,773,000)
	<u>\$39,769,000</u>
State Convention and Trade Center Operating Account--State Appropriation	\$53,750,000
TOTAL APPROPRIATION	(\$98,523,000)
	<u>\$93,519,000</u>

**PART XI
HUMAN SERVICES**

Sec. 1101. 2008 c 329 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES. (1) Appropriations made in this act to the department of social

and health services shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act except as expressly provided in this act, nor shall allotment modifications permit moneys that are provided solely for a specified purpose to be used for other than that purpose.

(2) The department of social and health services shall not initiate any services that require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation providing appropriation authority, and an equal amount of appropriated state general fund moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act.

(4) The department is authorized to develop an integrated health care program designed to slow the progression of illness and disability and better manage medicaid expenditures for the aged and disabled population. Under this Washington medicaid integration partnership (WMIP), the department may combine and transfer such medicaid funds appropriated under sections 204, 206, 208, and 209 of this act as may be necessary to finance a unified health care plan for the WMIP program enrollment. The WMIP pilot projects shall not exceed a daily enrollment of 6,000 persons, nor expand beyond one county, during the 2007-2009 biennium. The amount of funding assigned to the pilot projects from each program may not exceed the average per capita cost assumed in this act for individuals covered by that program, actuarially adjusted for the health condition of persons enrolled in the pilot project, times the number of clients enrolled in the pilot project. In implementing the WMIP pilot projects, the department may: (a) Withhold from calculations of "available resources" as set forth in RCW 71.24.025 a sum equal to the capitated rate for individuals enrolled in the pilots; and (b) employ capitation financing and risk-sharing arrangements in collaboration with health care service contractors licensed by the office of the insurance commissioner and qualified to participate in both the medicaid and medicare programs. The department shall conduct an evaluation of the WMIP, measuring changes in participant health outcomes, changes in patterns of service utilization, participant satisfaction, participant access to services, and the state fiscal impact.

(5)(a) The appropriations to the department of social and health services in this act shall be expended for the programs and in the amounts specified in this act. However, after May 1, ~~((2008))~~ 2009, unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2008))~~ 2009 among programs after approval by the director of financial management. However, the department shall not transfer state moneys that are provided solely for a specified purpose except as expressly provided in (b) of this subsection.

(b) To the extent that transfers under (a) of this subsection are insufficient to fund actual expenditures in excess of fiscal year ~~((2008))~~ 2009 caseload forecasts and utilization assumptions in the medical assistance, long-term care, foster care, adoption support, and child support

programs, the department may transfer state moneys that are provided solely for a specified purpose. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any allotment modifications or transfers under this subsection. The written notification shall include a narrative explanation and justification of the changes, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.

Sec. 1102. 2009 c 4 s 201 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--CHILDREN AND FAMILY SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$316,353,000
General Fund--State Appropriation (FY 2009)	(\$338,838,000)
	\$340,780,000
General Fund--Federal Appropriation	(\$490,314,000)
	\$500,718,000
General Fund--Private/Local Appropriation	\$2,187,000
Domestic Violence Prevention Account--State Appropriation	\$1,000,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$3,251,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,254,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$2,934,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$2,934,000
Pension Funding Stabilization Account--State Appropriation	\$2,298,000
TOTAL APPROPRIATION	(\$1,163,363,000)
	<u>\$1,175,709,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$3,063,000 of the general fund--state appropriation for fiscal year 2008 and \$2,993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the category of services titled "intensive family preservation services."

(2) \$945,000 of the general fund--state appropriation for fiscal year 2008 and \$993,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to contract for the operation of one pediatric interim care facility. The facility shall provide residential care for up to seventeen children through two years of age. Seventy-five percent of the children served by the facility must be in need of special care as a result of substance abuse by their mothers. The facility shall also provide on-site training to biological, adoptive, or foster parents. The facility shall provide at least three months of consultation and support to parents accepting placement of children from the facility. The facility may recruit new and current foster and adoptive parents for infants served by the facility. The department shall not require case management as a condition of the contract.

(3) \$375,000 of the general fund--state appropriation for fiscal year 2008, \$375,000 of the general fund--state appropriation for fiscal year 2009, and \$322,000 of the general fund--federal appropriation are provided solely for up to three nonfacility-based programs for the training, consultation, support, and recruitment of biological, foster, and adoptive parents of children through age three in need of special care as a result of substance abuse by their mothers, except that each program may serve up to three medically fragile nonsubstance-abuse-affected children. In selecting nonfacility-based programs, preference shall be given to programs whose federal or private funding sources have expired or that have successfully performed under the existing pediatric interim care program.

(4) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a foster parent retention program. This program is directed at foster parents caring for children who act out sexually.

(5) The providers for the 31 HOPE beds shall be paid a \$1,020 base payment per bed per month, and reimbursed for the remainder of the bed cost only when the beds are occupied.

(6) Within amounts provided for the foster care and adoption support programs, the department shall control reimbursement decisions for foster care and adoption support cases such that the aggregate average cost per case for foster care and for adoption support does not exceed the amounts assumed in the projected caseload expenditures.

(7) Within amounts appropriated in this section, priority shall be given to proven intervention models, including evidence-based prevention and early intervention programs identified by the Washington state institute for public policy and the department. The department shall include information on the number, type, and outcomes of the evidence-based programs being implemented in its reports on child welfare reform efforts.

(8) \$500,000 of the general fund--state appropriation for fiscal year 2008, \$500,000 of the general fund--state appropriation for fiscal year 2009, and \$429,000 of the general fund--federal appropriation are provided solely to increase services provided through children's advocacy centers.

(9) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a street youth program in Spokane.

(10) \$41,000 of the general fund--state appropriation for fiscal year 2008, \$37,000 of the general fund--state appropriation for fiscal year 2009, and \$34,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1472 (child welfare).

(11) \$858,000 of the general fund--state appropriation for fiscal year 2008, \$809,000 of the general fund--state appropriation for fiscal year 2009, and \$715,000 of the general fund--federal appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5774 (background checks), including sections 6 and 7. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$4,962,000 of the general fund--state appropriation for fiscal year 2008, \$4,586,000 of the general fund--state appropriation for fiscal year 2009, and \$9,548,000 of the general fund--federal appropriation are provided solely for development and implementation of a statewide automated child welfare information system.

(13) \$126,000 of the general fund--state appropriation for fiscal year 2009 and \$55,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5321 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$707,000 of the general fund--state appropriation for fiscal year 2008, \$680,000 of the general fund--state appropriation for fiscal year 2009, and \$594,000 of the general fund--federal appropriation are provided solely for the implementation of Second Substitute House Bill No. 1334 (child welfare proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$2,237,000 of the general fund--state appropriation for fiscal year 2008, \$2,238,000 of the general fund--state appropriation for fiscal year 2009, and \$1,918,000 of the general fund--federal appropriation are provided solely for the implementation of Substitute House Bill No. 1333 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$137,000 of the general fund--state appropriation for fiscal year 2008, \$137,000 of the general fund--state appropriation for fiscal year 2009, and \$118,000 of the general fund--federal appropriation are provided solely for implementation of Substitute House Bill No. 1287 (foster children). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the Washington state institute for public policy to study evidence-based, cost-effective programs and policies to reduce the likelihood of children entering and remaining in the child welfare system, including both prevention and intervention programs. If the department does not receive \$100,000 in matching funds from a private organization for the purpose of conducting this study, the amount provided in this subsection shall lapse. The study shall be completed by April 30, 2008. The department shall cooperate with the institute in facilitating access to data in their administrative systems. The board of the Washington state institute for public policy may adjust the due date for this project as necessary to efficiently manage workload.

(18) \$103,000 of the general fund--state appropriation for fiscal year 2008, \$407,000 of the general fund--state appropriation for fiscal year 2009, and \$48,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). This includes funding to develop, implement, and administer a program of educational transition planning for youth in foster care as specified in the bill. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(19) The department shall continue spending levels for continuum of care in region one at the same level allotted during the 2005-2007 biennium.

(20) Within the amounts provided, the department shall develop and implement a two-tiered reimbursement rate schedule for children from birth through twenty-four months of age and children twenty-five months of age through age five served by the medicaid treatment child care program. The department shall work in collaboration with contracted providers of the program to develop the rate schedule, taking into consideration such factors as higher staff level and small group size requirements for each age group. The department shall implement the rate schedule no later than January 1, 2008, and neither reimbursement rate in the two-tiered schedule shall be lower than the reimbursement rate level from the 2007 fiscal year.

(21) \$60,000 of the general fund--state appropriation for fiscal year 2008, \$20,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Substitute House Bill No. 1624 (child welfare). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(22) \$49,000 of the general fund--state appropriation for fiscal year 2008, \$24,000 of the general fund--state appropriation for fiscal year 2009, and \$35,000 of the general fund--federal appropriation are provided solely for the implementation of chapter 384, Laws of 2007.

(23) The department shall work with the exclusive bargaining representative for the children's administration social workers to prioritize social worker tasks and devise methods by which to alleviate from the social workers' workload lower priority tasks. Discussions on methods shall include the use of contracting services and home support specialists. The department and the bargaining representative shall jointly report their efforts to the appropriate committees of the legislature by submitting a progress report no later than July 1, 2008, and a final report by November 15, 2008.

(24) \$10,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with the largest nonprofit organization in the state conducting education and outreach on RCW 13.34.360, the safety of newborn children law.

(25) \$616,000 of the general fund--state appropriation for fiscal year 2009 and \$184,000 of the general fund--federal appropriation are provided solely to contract with medical professionals for comprehensive safety assessments of high-risk families. The safety assessments will use validated assessment tools to guide intervention decisions through the identification of additional safety and risk factors. \$400,000 of this amount is for comprehensive safety assessments for families receiving in-home child protective services or family voluntary services. \$400,000 of this amount is for comprehensive safety assessments of families with an infant age birth to fifteen days where the infant was, at birth, diagnosed as substance exposed and the department received an intake referral related to the infant due to the substance exposure.

(26) \$42,000 of the general fund--state appropriation for fiscal year 2009 and \$29,000 of the general fund--federal appropriation are provided solely for the department to implement Second Substitute Senate Bill No. 6206 (child fatality). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(27) \$857,000 of the general fund--state appropriation for fiscal year 2009 and \$140,000 of the general fund--federal appropriation are provided solely for implementation of Engrossed Second Substitute House Bill No. 3145 (foster parent licensing). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(28) \$415,000 of the general fund--state appropriation for fiscal year 2008, \$469,000 of the general fund--state appropriation for fiscal year 2009, and \$264,000 of the general fund--federal appropriation are provided solely for the hiring of staff to expedite the phase-in of the state's policy of a private and individual face-to-face visit each month with children in out-of-home care and in-home dependencies and their caregivers.

(29) \$109,000 of the general fund--state appropriation for fiscal year 2009 and \$35,000 of the general fund--federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(30) The appropriations in this section provide specific funds to implement Engrossed Substitute Senate Bill No. 6792 (dependency matters).

(31) \$812,000 of the general fund--state appropriation for fiscal year 2009 and \$256,000 of the general fund--federal appropriation are provided solely for the department to hire additional staff to perform child health education and tracking screens.

(32) \$1,829,000 of the general fund--state appropriation for fiscal year 2009 and \$578,000 of the general fund--federal appropriation are provided solely for the department to contract with (~~nonprofit~~) organizations to facilitate twice-monthly visits between siblings living apart from each other in out-of-home care.

(33) The department shall not close any secure crisis residential center facilities. The total number of statewide secure crisis residential center beds is reduced from 63 to 44.

Sec. 1103. 2009 c 4 s 202 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--JUVENILE REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008)	\$87,822,000
General Fund--State Appropriation (FY 2009)	((\$84,716,000))
	<u>\$82,553,000</u>
General Fund--Federal Appropriation	((\$5,662,000))
	<u>\$5,870,000</u>

General Fund--Private/Local Appropriation	\$1,898,000
Reinvesting in Youth--State Appropriation	\$1,414,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$171,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$21,975,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$22,078,000
Juvenile Accountability Incentive Account--Federal Appropriation	\$2,510,000
Pension Funding Stabilization Account--State Appropriation	\$2,200,000
TOTAL APPROPRIATION	<u>(\$230,446,000)</u>
	<u>\$228,491,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$353,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely for deposit in the county criminal justice assistance account for costs to the criminal justice system associated with the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county adult court costs associated with the implementation of chapter 338, Laws of 1997 and shall be distributed in accordance with RCW 82.14.310.

(2) \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$3,078,000 of the violence reduction and drug enforcement account appropriation and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of chapter 338, Laws of 1997 (juvenile code revisions). The amounts provided in this subsection are intended to provide funding for county impacts associated with the implementation of chapter 338, Laws of 1997 and shall be distributed to counties as prescribed in the current consolidated juvenile services (CJS) formula.

(3) \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,030,000 of the general fund--state appropriation and \$2,686,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement community juvenile accountability grants pursuant to chapter 338, Laws of 1997 (juvenile code revisions). Funds provided in this subsection may be used solely for community juvenile accountability grants, administration of the grants, and evaluations of programs funded by the grants.

(4) \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2008 and \$1,506,000 of the violence reduction and drug enforcement account appropriation for fiscal year 2009 are provided solely to implement alcohol and substance abuse treatment programs for locally committed offenders. The juvenile rehabilitation administration shall award these moneys on a competitive basis to counties that submitted a plan for the provision of services approved by the division of alcohol and substance abuse. The juvenile rehabilitation administration shall develop criteria for evaluation of plans submitted and a timeline for awarding funding and shall assist counties in creating and submitting plans for evaluation.

(5) \$2,669,000 of the general fund--state appropriation for fiscal year 2008 and \$2,947,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to county juvenile courts for the following programs identified by the Washington state institute for public policy (institute) in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Functional family therapy, multi-systemic therapy, aggression replacement training and interagency coordination programs or other programs with a positive benefit-cost finding in the institute's report. County juvenile courts shall apply to the juvenile rehabilitation administration for funding for program-specific participation and the administration shall provide grants to the courts consistent with the per-participant treatment costs identified by the institute.

(6) \$1,287,000 of the general fund--state appropriation for fiscal year 2008 and \$787,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for expansion of the following treatments and therapies in juvenile rehabilitation administration programs identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates": Multidimensional treatment foster care, family integrated transitions and aggression replacement training. The administration may concentrate delivery of these treatments and therapies at a limited number of programs to deliver the treatments in a cost-effective manner.

(7) The juvenile rehabilitation administration shall provide a block grant, rather than categorical funding, of consolidated juvenile services funds, community juvenile accountability act grants, the chemically dependent disposition alternative, and the special sex offender disposition to county juvenile courts, or groups of courts, including the Pierce county juvenile court. The juvenile rehabilitation administration and the family policy council shall jointly write criteria for awarding and administering block grants to county juvenile courts. In developing the criteria, the juvenile rehabilitation administration and the family policy council shall seek the advice of the Washington state institute for public policy. The criteria shall address, but not be limited to:

(a) The selection of courts for participation in the block grant;

(b) The types of evidence-based programs and practices to which the funds will be applied. The evidence-based programs and practices shall either be consistent with those cost-beneficial options identified by the Washington state institute for public policy in its October 2006 report: "Evidence-Based Public Policy Options to Reduce Future Prison Construction, Criminal Justice Costs and Crime Rates," or be new approaches that have the potential to demonstrate positive returns for the taxpayer; and

(c) The protocols for participating courts to collect information on the effectiveness of programs funded under the block grant, including:

(i) Developing intermediate client outcomes based on the risk assessment tool currently used by juvenile courts and in coordination with the juvenile rehabilitation administration; (ii) reporting treatment outcomes including a process evaluation to the juvenile rehabilitation administration and the family policy council by June 20, 2008, and an outcome evaluation of recidivism and benefit-cost results submitted within eighteen months of the initiation of the treatment, when follow-up data are available. The courts shall develop these evaluations in consultation with the juvenile rehabilitation administration, the family policy council, and the Washington state institute for public policy; and (iii) documenting the process for managing block grant funds on a quarterly basis and provide this report to the juvenile rehabilitation administration and the family policy council.

(8) \$73,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$98,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

Sec. 1104. 2009 c 4 s 203 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MENTAL HEALTH PROGRAM

(1) COMMUNITY SERVICES/REGIONAL SUPPORT NETWORKS

General Fund--State Appropriation (FY 2008)	\$305,732,000
General Fund--State Appropriation (FY 2009)	(\$308,382,000)
	\$298,118,000
General Fund--Federal Appropriation	(\$396,996,000)
	\$414,136,000
General Fund--Private/Local Appropriation	(\$16,157,000)
	\$18,732,000
TOTAL APPROPRIATION	(\$1,027,267,000)
	\$1,036,718,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$103,989,000 of the general fund--state appropriation for fiscal year 2008 and \$122,119,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for persons and services not covered by the medicaid program. Reductions to fiscal year 2009 allocations shall be distributed proportionally to each regional support network's percentage of the total state population. To the extent possible, levels of regional support network spending shall be maintained in the following priority order: (i) Crisis and commitment services; (ii) community inpatient services; and (iii) residential care services, including personal care and emergency housing assistance.

(b) \$16,900,000 of the general fund--state appropriation for fiscal year 2008 and \$16,900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department and regional support networks to contract for development and initial implementation of high-intensity program for active community treatment (PACT) teams, and other proven program approaches that the department concurs will enable the regional support network to achieve significant reductions during fiscal year 2008 and thereafter in the number of beds the regional support network would otherwise need to use at the state hospitals.

(c) The number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 222 per day throughout fiscal year 2008. Beginning January 1, 2009, the number of nonforensic beds allocated for use by regional support networks at eastern state hospital shall be 192 per day. The number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 777 per day during the first and second quarters of fiscal year 2008, and 677 per day from January 2008 through August 2008. Beginning September 2008, the number of nonforensic beds allocated for use by regional support networks at western state hospital shall be 647 per day until May 2009, at which time the bed allocation shall be 617 beds per day. Beginning January 2008, beds in the program for adaptive living skills (PALS) are not included in the preceding bed allocations. Beginning that month, the department shall separately charge regional support networks for persons served in the PALS program.

(d) From the general fund--state appropriations in this subsection, the secretary of social and health services shall assure that regional support networks reimburse the aging and disability services administration for the general fund--state cost of medicaid personal care services that enrolled regional support network consumers use because of their psychiatric disability.

(e) At least \$902,000 of the federal block grant funding appropriated in this subsection shall be used for the continued operation of the mentally ill offender pilot program.

(f) \$5,000,000 of the general fund--state appropriation for fiscal year 2008 and \$5,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for mental health services for mentally ill offenders while confined in a county or city jail and for facilitating access to programs that offer mental health services upon release from confinement. The department is authorized to transfer up to \$418,000 of these amounts each fiscal year to the economic services program for purposes of facilitating prompt access after their release from confinement to medical and income assistance services for which defendants and offenders may be eligible.

(g) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,091,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants for innovative mental health service delivery projects. Such projects may include, but are not limited to, clubhouse programs and projects for integrated health care and behavioral health services for general assistance recipients. These amounts shall supplement, and not supplant, local or other funding currently being used for activities funded under the projects authorized in this subsection. The department shall not terminate early any grant that was contracted under this subsection prior to January 1, 2009, for the use of funds during fiscal year 2009.

(h) The department is authorized to continue to expend federal block grant funds and special purpose federal grants through direct contracts, rather than through contracts with regional support networks, and to allocate such funds through such formulas as it shall adopt.

(i) The department is authorized to continue to contract directly, rather than through contracts with regional support networks, for children's long-term inpatient facility services.

(j) \$2,250,000 of the general fund--state appropriation for fiscal year 2008, \$2,250,000 of the general fund--state appropriation for fiscal year 2009, and \$4,500,000 of the general fund--federal appropriation are provided solely for the continued operation of community residential and support services for persons who are older adults or who have co-occurring medical and behavioral disorders and who have been discharged or diverted from a state psychiatric hospital. These funds shall be used to serve individuals whose treatment needs constitute substantial barriers to community placement, who no longer require active psychiatric treatment at an inpatient hospital level of care, and who no longer meet the criteria for inpatient involuntary commitment. Coordination of these services will be done in partnership between the mental health program and the aging and disability services administration.

(k) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue performance-based incentive contracts to provide appropriate community support services for individuals with severe mental illness who were discharged from the state hospitals as part of the expanding community services initiative. These funds will be used to enhance community residential and support services provided by regional support networks through other state and federal funding.

(l) \$135,000 of the general fund--state appropriation for fiscal year 2008, \$2,961,000 of the general fund--state appropriation for fiscal year 2009, and \$1,289,000 of the general fund--private/local appropriation are provided solely to enable the department to contract with Pierce county human services for the provision of community mental health services to include crisis triage, evaluation and treatment, and mobile crisis services. The legislature intends this to be one-time funding while a replacement regional support network is being secured. The department is authorized to reserve \$402,000 general fund--state and \$201,000 general fund--local of these amounts for reasonable costs incurred by Pierce county for the provision of mental health crisis and related services that exceed reimbursement levels contracted by the department. In order to receive these funds, Pierce county must demonstrate to the department that the total cost of mental health services provided by the county in accordance with formal agreements has exceeded the revenues received from the department and third-party payers for these services. The department shall determine the documentation that is required.

(m) \$504,000 of the general fund--state appropriation for fiscal year 2008 and \$1,529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to reimburse Pierce and Spokane counties for the cost of conducting 180-day commitment hearings at the state psychiatric hospitals.

(n) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the Spokane regional support network to implement a comprehensive plan for reducing its utilization of eastern state hospital. Key elements of the plan, which shall be developed and implemented in consultation with and with the assistance of the department, may include but shall not be limited to development of additional crisis triage, crisis stabilization, and evaluation and treatment beds; provision of housing assistance for high-utilizers of hospital and jail services who are at risk of homelessness; implementation of an intensive outpatient treatment team for persons with co-occurring disorders and other special needs; and delivery of respite care to assist elderly individuals avoid or return home after hospitalization. Spokane regional support network shall receive a proportional share of the fiscal year 2009 nonmedicaid rate reduction out of its base funding distribution.

(o) The department shall return to the Spokane regional support network fifty percent of the amounts assessed against the network during fiscal year 2009 for state hospital utilization in excess of its contractual limit. The regional support network shall use these funds for start-up and operation during its initial months of a new sixteen- bed evaluation and treatment facility that will enable the network to reduce its use of the state hospital.

(p) The department shall not reduce medicaid capitation rates below those in effect as of December 15, 2008.

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$138,340,000
General Fund--State Appropriation (FY 2009)	(\$129,272,000)
	<u>\$126,164,000</u>
General Fund--Federal Appropriation	(\$145,552,000)
	<u>\$148,501,000</u>
General Fund--Private/Local Appropriation	(\$66,302,000)
	<u>\$66,521,000</u>
Pension Funding Stabilization Account--State Appropriation	\$7,058,000
TOTAL APPROPRIATION	(\$486,524,000)
	<u>\$486,584,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The state psychiatric hospitals may use funds appropriated in this subsection to purchase goods and supplies through hospital group purchasing organizations when it is cost-effective to do so.

(b) \$45,000 of the general fund--state appropriation for fiscal year 2008 and \$45,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for payment to the city of Lakewood for police services provided by the city at western state hospital and adjacent areas.

(c) \$18,575,000 of the general fund--state appropriation for fiscal year 2008 and \$9,675,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to operate on a temporary basis five additional adult civil commitment wards at the state psychiatric hospitals. The legislature intends for these wards to close, on a phased basis, during the 2007-09 biennium as a result of targeted investments in community services for persons who would otherwise need care in the hospitals.

(d) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for safety training and for protective equipment for staff at eastern and western state hospitals. Protective equipment shall include shields, helmets, gloves, and body protection.

(e) \$304,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a community partnership between western state hospital and the city of Lakewood to support community policing efforts in the Lakewood community surrounding western state hospital. The amounts provided in this subsection (2)(e) are for the salaries, benefits, supplies, and equipment for one full- time investigator, one full-time police officer, and one full-time community service officer at the city of Lakewood.

(f) \$133,000 of the general fund--state appropriation for fiscal year 2008 and \$2,145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to pilot a direct care nurse staffing plan for two high incident wards at eastern state hospital and four high incident wards at western state hospital. The pilot provides funding to fully staff registered nurses, licensed practical nurses, and mental health technicians in accordance with the state psychiatric hospitals direct care staffing review and recommendations. The department shall have the authority to fill the positions with any mix of these direct care nursing staff so long as a good faith effort is made to first hire and recruit positions in accordance with the direct care nurse staffing plan. The department shall monitor outcomes for improved patient and staff safety and provide a written report to the legislature by October 1, 2009.

(g) \$617,000 of the general fund--state appropriation for fiscal year 2008 and \$334,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to cover additional operating costs related to the October 11, 2007, laundry fire at western state hospital.

(3) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$1,892,000
General Fund--State Appropriation (FY 2009)	\$2,269,000
General Fund--Federal Appropriation	\$3,276,000
TOTAL APPROPRIATION	\$7,437,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$877,000 of the general fund--state appropriation for fiscal year 2008, \$1,189,000 of the general fund--state appropriation for fiscal year 2009, and \$140,000 of the general fund--federal appropriation are provided solely for implementation of sections 4, 7, 10, and other provisions of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse. Funds are also appropriated in sections 207 and 209 of this act for implementation of 5, 8, and 11 of Second Substitute House Bill No. 1088.

(b) \$80,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the general fund--federal appropriation are provided solely as one-time funding to make available a mental health train the trainer first aid course consisting of twelve hours of instruction based upon a program created by the department of psychiatry, University of Melbourne in Australia. The course will provide training to members of the public related to: (i) Giving appropriate initial help and support to a person suffering from a mental disorder and responding to mental health crisis situations; and (ii) depression, anxiety disorders, psychosis, and substance use disorder, including recognizing symptoms, possible causes or risk factors, and evidenced-based treatment options. Participants in the first aid course will train others to provide the training.

(4) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$4,966,000
General Fund--State Appropriation (FY 2009)	(\$4,500,000)
	<u>\$4,477,000</u>
General Fund--Federal Appropriation	(\$7,557,000)
	<u>\$7,580,000</u>
TOTAL APPROPRIATION	\$17,023,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$164,000 of the general fund--federal appropriation are provided solely for the institute for public policy to continue the longitudinal analysis directed in chapter 334, Laws of 2001 (mental health performance audit), to build upon the evaluation of the impacts of chapter 214, Laws of 1999 (mentally ill offenders), and to assess program outcomes and cost effectiveness of the children's mental health pilot projects as required by chapter 372, Laws of 2006.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to contract with a facilitator to coordinate a review and make recommendations on:

- (i) Ward sizes at eastern and western state hospitals and patient case mix by ward;
- (ii) Discharge practices for state hospitals to include the child and study treatment center; and
- (iii) Community placements to include placements for adults and children.

By October 15, 2008, the department shall provide to the legislature recommendations for system improvement to include a cost/benefit analysis. The department shall include representation from regional support networks in the review and development of recommendations for discharge practices and community placements.

Sec. 1105. 2009 c 4 s 204 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

General Fund--State Appropriation (FY 2008)	\$348,327,000
General Fund--State Appropriation (FY 2009)	(\$362,407,000)
	<u>\$343,503,000</u>
General Fund--Federal Appropriation	(\$653,802,000)
	<u>\$693,402,000</u>
Health Services Account--State Appropriation (FY 2008)	\$452,000
Health Services Account--State Appropriation (FY 2009)	\$452,000
TOTAL APPROPRIATION	(\$1,365,440,000)
	\$1,386,136,000

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The entire health services account appropriation, \$615,000 of the general fund--state appropriation for fiscal year 2008, \$892,000 of the general fund--state appropriation for fiscal year 2009, and \$2,546,011 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 in fiscal year 2009.

(b) Individuals receiving family support or high school transition payments as supplemental security income (SSI) state supplemental payments shall not become eligible for medical assistance under RCW 74.09.510 due solely to the receipt of SSI state supplemental payments.

(c) \$4,903,000 of the general fund--state appropriation for fiscal year 2008, \$9,295,000 of the general fund--state appropriation for fiscal year 2009, and \$15,016,000 of the general fund--federal appropriation are provided solely for community residential and support services. Funding in this subsection shall be prioritized for (i) residents of residential habilitation centers who are able to be adequately cared for in community settings and who choose to live in those community settings; (ii) clients without residential services who are at immediate risk of institutionalization or in crisis; (iii) children who are at risk of institutionalization or who are aging out of other state services; and (iv) current home and community-based waiver program clients who have been assessed as having an immediate need for increased services. First priority shall be given to children who are at risk of institutionalization. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$300. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds, provided the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(d) \$2,399,000 of the general fund--state appropriation for fiscal year 2008, \$5,961,000 of the general fund--state appropriation for fiscal year 2009, and \$8,849,000 of the general fund--federal appropriation are provided solely for expanded community services for persons with developmental disabilities who also have community protection issues. Funding in this subsection shall be prioritized for (i) clients being diverted or discharged from the state psychiatric hospitals; (ii) clients participating in the dangerous mentally ill offender program; (iii) clients participating in the community protection program; and (iv) mental health crisis diversion outplacements. The department shall ensure that the average cost per day for all program services other than start-up costs shall not exceed \$349 in fiscal year 2008 and \$356 in fiscal year 2009. In order to maximize the number of clients served and ensure the cost-effectiveness of the waiver programs, the department will strive to limit new client placement expenditures to 90 percent of the budgeted daily rate. If this can be accomplished, additional clients may be served with excess funds if the total projected carry-forward expenditures do not exceed the amounts estimated. The department shall implement the four new waiver programs such that decisions about enrollment levels and the amount, duration, and scope of services maintain expenditures within appropriations. The department shall electronically report to the appropriate committees of the legislature, within 45 days following each fiscal year quarter, the number of persons served with these additional community services, where they were residing, what kinds of services they were receiving prior to placement, and the actual expenditures for all community services to support these clients.

(e) \$13,198,000 of the general fund--state appropriation for fiscal year 2008, \$16,354,000 of the general fund--state appropriation for fiscal year 2009, and \$8,579,000 of the general fund--federal appropriation are provided solely for family support programs for individuals with

developmental disabilities. Of the amounts provided in this subsection (e), \$696,000 of the general fund--state appropriation for fiscal year 2008 and \$3,852,000 of the general fund-- state appropriation for fiscal year 2009 are for state-only services for individuals with developmental disabilities, as described in Second Substitute Senate Bill No. 5467 (developmental disabilities). By January 1, 2008, and by November 1, 2008, the department shall provide a status report to the appropriate policy and fiscal committees of the legislature on the individual and family services program for people with developmental disabilities, which shall include the following information: The number of applicants for funding; the total number of awards; the number and amount of both annual and one-time awards, broken down by household income levels; and the purpose of the awards.

(f) \$1,692,000 of the general fund--state appropriation for fiscal year 2008, \$3,645,000 of the general fund--state appropriation for fiscal year 2009, and \$2,397,000 of the general fund--federal appropriation are provided solely for employment and day services. Priority consideration for this new funding shall be young adults with developmental disabilities living with their family who need employment opportunities and assistance after high school graduation. Services shall be provided for both waiver and nonwaiver clients. The legislature finds that some waiver clients are not receiving employment services that are authorized under their waivers. Within the amounts appropriated in this section, waiver clients must receive services as authorized by their waiver, such as pathway to employment, while waiting for paid employment to be developed. The department shall work with the counties to establish a consistent proposed policy for minimum direct service hours for clients, minimum hours of support, time frames for seeking paid employment, and services provided under pathway to employment while paid employment is sought. The department shall report to the office of financial management and the appropriate committees of the legislature on this proposal by November 1, 2008, including estimated fiscal impacts and an option for making the policy budget neutral for the current level of clients served. In order to maximize the number of clients served, the department may serve additional nonwaiver clients with unspent funds for waiver clients, provided the total projected carry-forward expenditures do not exceed the amounts estimated.

(g) \$160,000 of the general fund--state appropriation for fiscal year 2008 and \$140,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute Senate Bill No. 5467 (developmental disabilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h)(i) Amounts appropriated in this subsection are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.

(ii) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(iii) Amounts provided in this section and in section 206 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

(i) ~~(\$921,000)~~ \$494,000 of the general fund--state appropriation for fiscal year 2009 and ~~(\$963,000)~~ \$518,000 of the general fund--federal appropriation are provided solely for the development and implementation of a federal home and community-based care waiver to provide intensive behavior support services to up to one hundred children with developmental disabilities who have intense behaviors, and their families.

(i) To receive services under the waiver, the child must have a developmental disability and: (A) Meet an acuity measure, as determined by the department, indicating that the child is at high risk of needing an out-of-home placement; (B) be eligible for developmental disabilities services and a home and community-based care waiver program; (C) reside in his or her family home or temporarily in an out-of-home placement with a plan to return home; and (D) have family that demonstrates the willingness to participate in the services offered through the waiver, and is not subject to a pending child protective services referral.

(ii) The department shall authorize, contract for, and evaluate the provision of intensive in-home services that support the ability of the child to remain at home with their parents or relatives. Intensive behavior support services under the waiver shall be provided directly or by contract, and may include, but are not limited to: (A) Behavior consultation and management, therapies and respite care; (B) minor home or motor vehicle modifications and transportation; (C) specialized nutrition and clothing; (D) training of families and other individuals working with the child; and (E) inclusion in community activities.

(j) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the purpose of settling all claims in the *Washington Federation of State Employees, et. al v. State of Washington*, Thurston County Superior Court Cause No. 05-2-02422-4. The expenditure of this appropriation is contingent on the release of all claims in this case, and total settlement costs shall not exceed the appropriation in this subsection (j). If settlement is not executed by June 30, 2008, the appropriation in this subsection (j) shall lapse.

(k) Within the amounts appropriated in this section, the department shall review current infant-toddler early intervention services statewide and report to the office of financial management by November 1, 2008, and the appropriate committees of the legislature on a recommended consistent funding approach per child for the 2009-11 biennium, recognizing the new level of funding anticipated by school district participation. The recommendations must also include a budget neutral option for the current level of clients served.

(l) \$325,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for state-only employment services for young adults with developmental disabilities who need employment opportunities and assistance after high school graduation.

(m) Within the amounts appropriated in this subsection (1), the department shall implement all necessary rules to facilitate the transfer to a department home and community-based services (HCBS) waiver of all eligible individuals who (i) currently receive services under the existing state-only employment and day program, and (ii) otherwise meet the waiver eligibility requirements. The amounts appropriated are sufficient to ensure that all individuals currently receiving services under the state-only employment and day program who are not transferred to a department HCBS waiver will continue to receive services.

(n) ~~(Within the amounts appropriated in this subsection (1), the department shall define in-home personal care services to include a client's ability to manage their personal care worker as identified by characteristics in the functional assessment. Clients whose assessments demonstrate they are able to manage their own plan of care are not eligible for personal care through a home care agency. The department shall adopt rules to implement this section.~~

~~(o) The department shall not reduce and shall continue to provide adult day health services.)~~

~~(o) The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).~~

(2) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008) \$80,469,000

General Fund--State Appropriation (FY 2009)	((\$69,825,000))
	<u>\$65,359,000</u>
General Fund--Federal Appropriation	((\$179,338,000))
	<u>\$184,387,000</u>
General Fund--Private/Local Appropriation	((\$21,629,000))
	<u>\$22,203,000</u>
Pension Funding Stabilization Account--State Appropriation	\$5,614,000
TOTAL APPROPRIATION	((\$356,875,000))
	<u>\$358,032,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The developmental disabilities program is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the program determines it is cost-effective to do so.

(b) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for services provided to community clients provided by licensed professionals at the state rehabilitation centers. The division shall submit claims for reimbursement for services provided to clients living in the community to medical assistance or third-party health care coverage, as appropriate, and shall implement a system for billing clients without coverage.

(c) \$642,000 of the general fund--state appropriation for fiscal year 2008 and \$721,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to fulfill its contracts with the school districts under chapter 28A.190 RCW to provide transportation, building space, and other support services as are reasonably necessary to support the educational programs of students living in residential habilitation centers.

(d) The department shall ~~((not reduce and shall))~~ continue to provide ~~((subsidies to clients of))~~ professional services at the residential habilitation centers ((professional providers to support the treatment of developmentally disabled clients who do not reside in a residential habilitation center, but shall not expand eligibility for these services)) to eligible community clients within appropriation limits.

(3) PROGRAM SUPPORT

General Fund--State Appropriation (FY 2008)	\$2,262,000
General Fund--State Appropriation (FY 2009)	\$1,903,000
General Fund--Federal Appropriation	\$2,788,000
TOTAL APPROPRIATION	\$6,953,000

The appropriations in this subsection are subject to the following conditions and limitations:

(1) As part of the needs assessment instrument, the department shall collect data on family income for minor children with developmental disabilities and all individuals who are receiving state-only funded services. The department shall ensure that this information is collected as part of the client assessment process.

(2) In addition to other reductions, the reduced appropriations in this section reflect an additional \$399,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(4) SPECIAL PROJECTS

General Fund--State Appropriation (FY 2008)	\$17,000
General Fund--State Appropriation (FY 2009)	\$15,000
General Fund--Federal Appropriation	((\$16,809,000))
	<u>\$21,033,000</u>
TOTAL APPROPRIATION	((\$16,841,000))
	<u>\$21,065,000</u>

Sec. 1106. 2009 c 4 s 205 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--AGING AND ADULT SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$700,332,000
General Fund--State Appropriation (FY 2009)	((\$707,293,000))
	<u>\$655,024,000</u>
General Fund--Federal Appropriation	((\$1,569,912,000))
	<u>\$1,628,163,000</u>
General Fund--Private/Local Appropriation	\$19,525,000
Pension Funding Stabilization Account--State Appropriation	\$1,448,000
Health Services Account--State Appropriation (FY 2008)	\$2,444,000
Health Services Account--State Appropriation (FY 2009)	\$2,444,000
Traumatic Brain Injury Account--State Appropriation	\$1,212,000
TOTAL APPROPRIATION	((\$3,004,610,000))
	<u>\$3,010,592,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The entire health services account appropriation, \$10,456,000 of the general fund--state appropriation for fiscal year 2008, \$11,370,000 of the general fund--state appropriation for fiscal year 2009, and \$26,778,000 of the general fund--federal appropriation are provided solely for health care benefits for agency home care workers who are employed through state contracts for at least twenty hours a week. The state contribution to the cost of health care benefits per eligible participating worker per month shall be no greater than \$532.00 in fiscal year 2008 and \$585.00 per month in fiscal year 2009.

(2)(a) For purposes of implementing chapter 74.46 RCW, the weighted average nursing facility payment rate shall not exceed \$159.34 for fiscal year 2008 and shall not exceed ~~((~~\$163.72~~))~~ \$164.85 for fiscal year 2009, including the rate add-on described in subsection (9) of this section. For all nursing facilities, the direct care, therapy care, support services, and operations component rates established in accordance with

chapter 74.46 RCW shall be adjusted for economic trends and conditions by 3.2 percent effective July 1, 2007, and by 1.99 percent effective July 1, 2008.

(b) \$1,835,000 of the general fund--state appropriation for fiscal year 2009 and \$2,574,000 of the general fund--federal appropriation are provided solely for restoration of the statewide weighted average nursing facility payment rate up to the payment rate specified in (a) of this subsection.

(3) In accordance with chapter 74.46 RCW, the department shall issue certificates of capital authorization that result in up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2008; up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2009 (~~and up to \$16,000,000 of increased asset value completed and ready for occupancy in fiscal year 2010~~).

~~((4) Adult day health services shall not be considered a duplication of services for persons receiving care in long-term care settings licensed under chapter 18.20, 72.36, or 70.128 RCW. The department shall not reduce and shall continue to provide adult day health services.))~~

(5) In accordance with chapter 74.39 RCW, the department may implement two medicaid waiver programs for persons who do not qualify for such services as categorically needy, subject to federal approval and the following conditions and limitations:

(a) One waiver program shall include coverage of care in community residential facilities. Enrollment in the waiver shall not exceed 600 persons at any time.

(b) The second waiver program shall include coverage of in-home care. Enrollment in this second waiver shall not exceed 200 persons at any time.

(c) The department shall identify the number of medically needy nursing home residents, and enrollment and expenditures on each of the two medically needy waivers, on monthly management reports.

(d) If it is necessary to establish a waiting list for either waiver because the budgeted number of enrollment opportunities has been reached, the department shall track how the long-term care needs of applicants assigned to the waiting list are met.

(6) \$1,840,000 of the general fund--state appropriation for fiscal year 2008 and \$1,877,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operation of the volunteer chore services program.

(7) The department shall establish waiting lists to the extent necessary to assure that annual expenditures on the community options program entry systems (COPES) program do not exceed appropriated levels. In establishing and managing any such waiting list, the department shall assure priority access to persons with the greatest unmet needs, as determined by department assessment processes.

(8) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$3,000,000 of the general fund--state appropriation for fiscal year 2009 and \$3,134,000 of the general fund--federal appropriation are provided solely to increase compensation for low-wage workers in nursing homes beginning July 1, 2008. Within the funds provided, the department shall provide an add-on per resident day per facility based on the total funding divided by the total number of fiscal year 2009 medicaid patient days as forecasted by the caseload forecast council, not to exceed \$1.57. The department may reduce the level of add-on if necessary to fit within this appropriation if the caseload forecasted days increase from the February 2008 forecast. The add-on shall be used to increase wages, benefits, and/or staffing levels for certified nurse aides; or to increase wages and/or benefits for dietary aides, housekeepers, laundry aides, or any other category of worker whose statewide average dollars-per-hour wage was less than \$15 in calendar year 2006, according to cost report data. The add-on may also be used to address resulting wage compression for related job classes immediately affected by wage increases to low-wage workers. The department shall implement reporting requirements and a settlement process to ensure that the funds are spent according to this subsection. The department shall adopt rules to implement the terms of this subsection.

(10) Within amounts appropriated in this section, the department is authorized to expand the number of boarding homes and adult family homes that receive exceptional care rates for persons with Alzheimer's disease and related dementias who might otherwise require nursing home care. The department may expand the number of licensed boarding home facilities that specialize in caring for such conditions by up to 100 beds. Effective July 1, 2008, the department shall be authorized to provide adult family homes that specialize in caring for such conditions with exceptional care rates for up to 50 beds. The department will develop standards for adult family homes to qualify for such exceptional care rates in order to enhance consumer choice.

(11) \$1,212,000 of the traumatic brain injury account--state appropriation is provided solely for the implementation of Second Substitute House Bill No. 2055 (traumatic brain injury). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12)(a) Amounts appropriated in this section are sufficient to increase provider payment rates by 6.0 percent for boarding homes, effective July 1, 2007, including those currently receiving exceptional care rates; and by 3.2 percent, effective July 1, 2007, for adult family homes, including those currently receiving exceptional care rates.

(b) The department shall implement phase one of full implementation of a seventeen CARE level payment system for community residential providers. Amounts appropriated in this section are sufficient to increase adult family home provider payment rates on average, effective July 1, 2008, including those currently receiving exceptional care rates, and to adjust adult family home rates for the first phase of a seventeen CARE level payment system. Effective July 1, 2008, the provider payment rate allocation for boarding homes contracted as assisted living shall be the provider's June 30, 2008, payment rate allocation, and the provider payment rate for boarding homes contracted as ARCs and EARCs shall be adjusted to reflect phase one of a seventeen CARE level payment system. This will be in effect until such time as the rates are consistent between adult family homes and boarding homes for delivery of the same patient care levels.

(c) Amounts provided in this section and in section 205 of this act are sufficient to assist adult family home providers with the cost of paying liability insurance.

(13) The department shall contract for housing with service models, such as cluster care, to create efficiencies in service delivery and responsiveness to unscheduled personal care needs by clustering hours for clients that live in close proximity to each other.

(14) \$2,463,000 of the general fund--state appropriation for fiscal year 2009 and \$1,002,000 of the general fund--federal appropriation are provided solely to implement sections 4 and 8 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(15) \$40,000 of the general fund--state appropriation for fiscal year 2009 and \$40,000 of the general fund--federal appropriation are provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(16) Within the funds appropriated in the section, the department shall establish one statewide hourly rate to reimburse home care agencies for the costs related to state clients for hours worked by direct care workers in receiving mandatory training. The statewide hourly rate shall be based on the hourly wage paid to individual providers plus mandatory taxes plus an adjustment based on the formula created under RCW 74.39A.310.

(17) ~~((Within the amounts appropriated in this section, the department shall define in-home personal care services to include a client's ability to manage their personal care worker as identified by characteristics in the functional assessment. Clients whose assessments~~

~~demonstrate they are able to manage their own plan of care are not eligible for personal care through a home care agency. The department shall adopt rules to implement this section))~~ The department shall not pay a home care agency licensed under chapter 70.127 RCW for personal care services provided by a family member pursuant to Substitute House Bill No. 2361 (modifying state payments for in-home care).

(18) In addition to other reductions, the reduced appropriations in this section reflect an additional \$1,002,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(19) Adult day health services shall only be authorized for clients in nonresidential settings.

Sec.1107. 2009 c 4 s 206 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ECONOMIC SERVICES PROGRAM

General Fund--State Appropriation (FY 2008)	\$586,369,000
General Fund--State Appropriation (FY 2009)	(\$464,586,000)
	<u>\$467,807,000</u>
General Fund--Federal Appropriation	(\$1,168,223,000)
	<u>\$1,219,837,000</u>
General Fund--Private/Local Appropriation	\$33,233,000
Pension Funding Stabilization Account--State Appropriation	\$4,592,000
TOTAL APPROPRIATION	(\$2,257,003,000)
	<u>\$2,311,838,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~\$344,694,000 of the general fund--state appropriation for fiscal year 2008, (~~\$362,304,000~~) \$218,162,000 of the general fund-- state appropriation for fiscal year 2009, and (~~\$733,276,000~~) \$505,967,000 of the general fund--federal appropriation are provided solely for all components of the WorkFirst program.~~ Within the amounts provided for the WorkFirst program, the department may provide assistance using state-only funds for families eligible for temporary assistance for needy families. Within the amounts provided for the WorkFirst program, the department shall:

(a) Establish a career services work transition program;

(b) Continue to implement WorkFirst program improvements that are designed to achieve progress against outcome measures specified in RCW 74.08A.410. Outcome data regarding job retention and wage progression shall be reported quarterly to appropriate fiscal and policy committees of the legislature for families who leave assistance, measured after 12 months, 24 months, and 36 months. The department shall also report the percentage of families who have returned to temporary assistance for needy families after 12 months, 24 months, and 36 months;

(c) Submit a report by October 1, 2007, to the fiscal committees of the legislature containing a spending plan for the WorkFirst program. The plan shall identify how spending levels in the 2007-2009 biennium will be adjusted to stay within available federal grant levels and the appropriated state-fund levels;

(d) Provide quarterly fiscal reports to the office of financial management and the legislative fiscal committees detailing information on the amount expended from general fund--state and general fund-- federal by activity;

(e) For fiscal year 2009, increase the temporary assistance for needy families grant standard by three percent to account for increased housing costs.

(2) Up to \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 of the amounts in subsection (1) of this section are for the WorkFirst pathway to engagement program. The department shall collaborate with community partners and represented staff to identify additional services needed for WorkFirst clients in sanction status. The department shall contract with qualified community-based organizations to deliver such services, provided that such services are complimentary to the work of the department and are not intended to supplant existing staff or services. The department shall also contract with community-based organizations for the provision of services for WorkFirst clients who have been terminated after six months of sanction. Contracts established pursuant to this subsection shall have a performance-based component and shall include both presanction termination and postsanction termination services. Clients shall be able to choose whether or not to accept the services. The department shall develop outcome measures for the program related to outreach and reengagement, reduction of barriers to employment, and client feedback and satisfaction. Nothing in this subsection is intended to modify a collective bargaining agreement under chapter 41.80 RCW or to change the state's responsibility under chapter 41.80 RCW. The department shall report to the appropriate policy and fiscal committees of the legislature by December 1, 2007, on program implementation and outcomes. The department also shall report on implementation of specialized caseloads for clients in sanction status, including average caseload size, referral process and criteria, and expected outcomes for specialized caseloads.

(3) \$210,000 of the general fund--state appropriation for fiscal year 2008, \$187,000 of the general fund--state appropriation for fiscal year 2009, and \$396,000 of the general fund--federal appropriation are provided solely for implementation of section 8 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(4) \$152,000 of the general fund--state appropriation for fiscal year 2008, \$96,000 of the general fund--state appropriation for fiscal year 2009, and \$482,000 of the general fund--federal appropriation are provided solely for implementation of Second Substitute House Bill No. 1009 (child support schedule). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$750,000 of the general fund--state appropriation for fiscal year 2008 and \$750,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase naturalization services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(6) \$1,500,000 of the general fund--state appropriation for fiscal year 2008 and \$1,500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to increase limited English proficiency pathway services. These amounts shall supplement and not supplant state and federal resources currently provided by the department for this purpose.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$5,782,000 of the general fund--state appropriation for fiscal year 2009, and \$6,431,000 of the general fund--federal appropriation are provided solely for implementation of Substitute Senate Bill No. 5244 (deficit reduction act). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(8) Within amounts appropriated in this section, the department shall: (a) Increase the state supplemental payment by \$1.77 per month beginning July 1, 2007, and by an additional \$1.83 per month beginning July 1, 2008, for SSI clients who reside in nursing facilities, residential habilitation centers, or state hospitals and who receive a personal needs allowance; and (b) decrease other state supplemental payments.

(9) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department for the data tracking provisions specified in sections 701 and 702 of Second Substitute Senate Bill No. 5470 (dissolution proceedings). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(10) \$1,552,000 of the general fund--state appropriation for fiscal year 2008 and \$1,552,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Second Substitute Senate Bill No. 6016 (workfirst program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to award grants to small mutual assistance associations or small community-based organizations that contract with the department for immigrant and refugee assistance services. The funds shall be awarded to demonstrate the impact of providing funding for a case worker in the community organization on the refugees' economic self-sufficiency through the effective use of social services, and financial and medical assistance.

(12) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(13) \$1,100,000 of the general fund--state appropriation for fiscal year 2009 and \$850,000 of the general fund--federal appropriation are provided solely to increase the gross income limits for eligibility for programs authorized under RCW 74.04.500 and 74.08A.120 to 200 percent of the federal poverty level. The department shall adjust its rules and information technology systems to make the eligibility change effective October 1, 2008.

(14) The department, in conjunction with the House Bill No. 1290 work group, shall identify and analyze barriers preventing city, county, and state referrals of persons potentially eligible for expedited application processing authorized under RCW 74.09.555. The department, in conjunction with the House Bill No. 1290 work group, shall report its findings and recommendations to the appropriate committees of the legislature no later than November 15, 2008.

(15) \$656,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to the department to increase immigration and naturalization services. These funds shall not supplant state and federal resources currently provided by the department for this purpose.

(16) The department shall not increase the child care copayment for families above 82 percent of the federal poverty level.

(17) In addition to other reductions, the reduced appropriations in this section reflect an additional \$516,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 1108. 2009 c 4 s 207 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ALCOHOL AND SUBSTANCE ABUSE PROGRAM

General Fund--State Appropriation (FY 2008)	\$69,252,000
General Fund--State Appropriation (FY 2009)	(\$54,049,000)
	<u>\$55,324,000</u>
General Fund--Federal Appropriation	(\$168,949,000)
	<u>\$177,314,000</u>
General Fund--Private/Local Appropriation	\$6,083,000
Criminal Justice Treatment Account--State Appropriation	\$18,555,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$22,186,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$22,186,000
Problem Gambling Account--State Appropriation	\$1,464,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$3,396,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$3,395,000
Pension Funding Stabilization Account--State Appropriation	\$146,000
TOTAL APPROPRIATION	(\$369,661,000)
	<u>\$379,301,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,786,000 of the general fund--state appropriation for fiscal year 2008 and \$2,785,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the parent child assistance program. The department shall contract with the University of Washington and community-based providers for the provision of this program. For all contractors, indirect charges for administering the program shall not exceed ten percent of the total contract amount.

(2) \$11,113,000 of the general fund--state appropriation for fiscal year 2008, \$14,490,000 of the general fund--state appropriation for fiscal year 2009, and \$14,269,000 of the general fund--federal appropriation are provided solely for the expansion of chemical dependency treatment services for adult Medicaid eligible and general assistance-unemployable patients authorized under the 2005-07 biennial appropriations act. By September 30, 2007, the department shall submit an expenditure and program report relating to the patients receiving treatment and other services pursuant to the funding provided in this subsection (2), as well as to other patients receiving treatment funded by the department. The report shall be submitted to the office of financial management and the appropriate policy and fiscal committees of the legislature. Subsequent updates to this report shall be provided by January 31 and July 31 of each fiscal year of the 2007-09 biennium. The reports shall include, but not necessarily be limited to, the following information: (a) The number and demographics (including categories) of patients served; (b) geographic distribution; (c) modality of treatment services provided (i.e. residential or out-patient); (d) treatment completion rates; (e) funds spent; and (f) where applicable, the estimated cost offsets in medical assistance on a total and per patient basis.

(3) \$698,000 of the general fund--state appropriation for fiscal year 2008, \$1,060,000 of the general fund--state appropriation for fiscal year 2009, and \$154,000 of the general fund--federal appropriation are provided solely for the expansion authorized under the 2005-07 biennial appropriations act of chemical dependency treatment services for minors who are under 200 percent of the federal poverty level. The department shall monitor the number and type of clients entering treatment, for purposes of determining potential cost offsets.

(4) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$145,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for the following: (a) To continue an existing pilot program in Pierce county limited to individuals who began chemical dependency treatment using the prometa protocol prior to March 11, 2008; and (b) to contract with an independent evaluator who will, to the extent possible, evaluate the Pierce county pilot, as well as summarize other research on the efficacy of the prometa protocol.

(5) \$4,449,000 of the general fund--state appropriation for fiscal year 2009 and \$1,000,000 of the criminal justice treatment account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 6665 (crisis response), to continue existing pilot programs and to expand the intensive crisis response pilot to Spokane county. The continuation and expansion of the pilot programs expires June 30, 2009. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(6) The department shall not reduce and shall continue to provide adult care and low-income treatment and detoxification services.

(7) The department shall not reduce and shall continue to support the families in recovery program.

(8) The department shall not reduce and shall continue the student employment program.

(9) The department shall not reduce and shall continue to provide funding for living allowances to clients in treatment under RCW 74.50.050.

(10) The department shall not reduce and shall continue to provide funding to drug courts for treatment.

(11) In addition to other reductions, the reduced appropriations in this section reflect an additional \$76,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

(12) The department shall not reduce and shall continue to secure and provide for evaluation training for assessing children with fetal alcohol spectrum disorders (FASD).

Sec. 1109. 2009 c 4 s 208 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--MEDICAL ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008)	\$1,602,827,000
General Fund--State Appropriation (FY 2009)	(\$1,533,431,000)
	<u>\$1,453,789,000</u>
General Fund--Federal Appropriation	(\$4,439,060,000)
	<u>\$4,669,537,000</u>
General Fund--Private/Local Appropriation	\$2,000,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$15,076,000
Health Services Account--State Appropriation (FY 2008)	\$388,946,000
Health Services Account--State Appropriation (FY 2009)	(\$392,857,000)
	<u>\$364,314,000</u>
Tobacco Prevention and Control Account--State Appropriation	(\$1,883,000)
	<u>\$1,727,000</u>
Pension Funding Stabilization Account--State Appropriation	\$646,000
TOTAL APPROPRIATION	(\$8,376,726,000)
	<u>\$8,498,862,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Based on quarterly expenditure reports and caseload forecasts, if the department estimates that expenditures for the medical assistance program will exceed the appropriations, the department shall take steps including but not limited to reduction of rates or elimination of optional services to reduce expenditures so that total program costs do not exceed the annual appropriation authority.

(2) In determining financial eligibility for medicaid-funded services, the department is authorized to disregard recoveries by Holocaust survivors of insurance proceeds or other assets, as defined in RCW 48.104.030.

(3) Sufficient amounts are appropriated in this section for the department to continue podiatry services for medicaid-eligible adults.

(4) Sufficient amounts are appropriated in this section for the department to provide an adult dental benefit that is at least equivalent to the benefit provided in the 2003-05 biennium.

(5) In accordance with RCW 74.46.625, \$6,000,000 of the general fund--federal appropriation is provided solely for supplemental payments to nursing homes operated by public hospital districts. The public hospital district shall be responsible for providing the required nonfederal match for the supplemental payment, and the payments shall not exceed the maximum allowable under federal rules. It is the legislature's intent that the payments shall be supplemental to and shall not in any way offset or reduce the payments calculated and provided in accordance with part E of chapter 74.46 RCW. It is the legislature's further intent that costs otherwise allowable for rate- setting and settlement against payments under chapter 74.46 RCW shall not be disallowed solely because such costs have been paid by revenues retained by the nursing home from these supplemental payments. The supplemental payments are subject to retrospective interim and final cost settlements based on the nursing homes' as-filed and final medicare cost reports. The timing of the interim and final cost settlements shall be at the department's discretion. During either the interim cost settlement or the final cost settlement, the department shall recoup from the public hospital districts the supplemental payments that exceed the medicaid cost limit and/or the medicare upper payment limit. The department shall apply federal rules for identifying the eligible incurred medicaid costs and the medicare upper payment limit.

(6) \$1,111,000 of the health services account appropriation for fiscal year 2008, \$1,110,000 of the health services account appropriation for fiscal year 2009, \$5,402,000 of the general fund-- federal appropriation, \$1,590,000 of the general fund--state appropriation for fiscal year 2008, and \$1,591,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for grants to rural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(7) \$10,546,000 of the health services account appropriation for fiscal year 2008, \$10,546,000 of the health services account--state appropriation for fiscal year 2009, and \$19,725,000 of the general fund--federal appropriation are provided solely for grants to nonrural hospitals. The department shall distribute the funds under a formula that provides a relatively larger share of the available funding to hospitals that (a) serve a disproportionate share of low-income and medically indigent patients and (b) have relatively smaller net financial margins, to the extent allowed by the federal medicaid program.

(8) The department shall continue the inpatient hospital certified public expenditures program for the 2007-2009 biennium. The program shall apply to all public hospitals, including those owned or operated by the state, except those classified as critical access hospitals or state psychiatric institutions. The department shall submit reports to the governor and legislature by November 1, 2007, and by November 1, 2008, that evaluate whether savings continue to exceed costs for this program. If the certified public expenditures (CPE) program in its current form is no longer cost-effective to maintain, the department shall submit a report to the governor and legislature detailing cost-effective alternative uses of local, state, and federal resources as a replacement for this program. During fiscal year 2008 and fiscal year 2009, hospitals in the program shall be paid and shall retain (a) one hundred percent of the federal portion of the allowable hospital cost for each medicaid inpatient fee-for-service claim payable by medical assistance; and (b) one hundred percent of the federal portion of the maximum disproportionate share hospital payment allowable under federal regulations. Inpatient medicaid payments shall be established using an allowable methodology that approximates the cost of claims submitted by the hospitals. Payments made to each hospital in the program in each fiscal year of the biennium shall be compared to a baseline amount. The baseline amount will be determined by the total of (a) the inpatient claim payment amounts that would have been paid during the fiscal year had the hospital not been in the CPE program, and (b) disproportionate share hospital payment

amounts paid to and retained by each hospital during fiscal year 2005 that pertain to fiscal year 2005. If payments during the fiscal year exceed the hospital's baseline amount, no additional payments will be made to the hospital except the federal portion of allowable disproportionate share hospital payments for which the hospital can certify allowable match. If payments during the fiscal year are less than the baseline amount, the hospital will be paid a state grant equal to the difference between payments during the fiscal year and the applicable baseline amount. Payment of the state grant shall be made in the applicable fiscal year and distributed in monthly payments. The grants will be recalculated and redistributed as the baseline is updated during the fiscal year. The grant payments are subject to an interim settlement within eleven months after the end of the fiscal year. A final settlement shall be performed within two years after the end of the related fiscal year. To the extent that either settlement determines that a hospital has received funds in excess of what it would have received as described in this subsection, the hospital must repay the excess amounts to the state when requested. \$61,728,000 of the general fund--state appropriation for fiscal year 2008, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, and (~~(\$47,745,000)~~) \$46,490,000 of the general fund--state appropriation for fiscal year 2009, of which \$6,570,000 is appropriated in section 204(1) of this act and the balance in this section, are provided solely for state grants for the participating hospitals.

(9) \$4,399,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$6,391,000)~~) \$6,094,000 of the general fund--state appropriation for fiscal year 2009, and (~~(\$55,384,000)~~) \$53,470,000 of the general fund--federal appropriation are provided solely for development and implementation of a replacement system for the existing medicaid management information system. The amounts are conditioned on the department satisfying the requirements of section 902 of this act.

(10) When a person is ineligible for medicaid solely by reason of residence in an institution for mental diseases, the department shall provide the person with the same benefits as he or she would receive if eligible for medicaid, using state-only funds to the extent necessary.

(11) The department is authorized to use funds appropriated in this section to purchase goods and supplies through direct contracting with vendors when the department determines it is cost-effective to do so.

(12) The legislature affirms that it is in the state's interest for Harborview medical center to remain an economically viable component of the state's health care system.

(13) The department shall, within available resources, continue operation of the medical care services care management pilot project for clients receiving general assistance benefits in King and Pierce counties. The project may use a full or partial capitation model that includes a mechanism for shared savings.

(14) \$1,688,000 of the general fund--state appropriation for fiscal year 2008 and \$1,689,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to incorporate a mental health service component to the pilot project established pursuant to subsection (13) of this section. Addition of the mental health service component authorized in this subsection is contingent upon the managed care contractor or the participating counties providing, alone or in combination, matching funds in cash or in kind, in an amount equal to one-ninth of the amounts appropriated in this subsection. The mental health service component may include care coordination, mental health services, and integrated medical and mental health service delivery for general assistance clients with mental health disorders, as well as primary care provider training and education. The department shall provide a report to the appropriate committees of the legislature by January 1, 2009, on costs, savings, and any outcomes or quality measures associated with the pilot projects during calendar year 2007 and 2008. To the extent possible, the report shall address any impact that the mental health services component has had upon clients' use of medical services, including but not limited to primary care physician's visits, emergency room utilization, and prescription drug utilization.

(15) \$341,000 of the health services account appropriation for fiscal year 2008, \$1,054,000 of the health services account appropriation for fiscal year 2009, and \$1,461,000 of the general fund--federal appropriation are provided solely to implement Second Substitute House Bill No. 1201 (foster care youth medical). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$6,728,000 of the general fund--state appropriation for fiscal year 2008 and \$8,563,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to provide full benefit dual eligible beneficiaries with medicare part D prescription drug copayment coverage in accordance with chapter 3, Laws of 2007 (part D copayment drug program).

(17) The department shall conduct a study to determine the financial impact associated with continuing to cover brand name medications versus the same medication in its generic form. The study shall account for all rebates paid to the state on each product studied up until the point where the generic form is less expensive, net of federally required rebates. The department shall submit its report to the legislative fiscal committees by December 1, 2007.

(18) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$134,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the first two years of a four-year project by the Seattle-King county health department to improve management of symptoms and reduce complications related to asthma among medicaid eligible children. The department shall contract with the Seattle-King county health department to have trained community health workers visit medicaid eligible children in their homes to identify and reduce exposure to asthma triggers, improve clients' self-management skills, and coordinate clients' care with their primary care and specialty providers. The contract shall include an evaluation of the impact of the services provided under the contract on urgent physician's visits, emergency room utilization, and inpatient hospitalization.

(19) \$1,529,000 of the general fund--state appropriation for fiscal year 2008 and \$1,624,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development and implementation of an outreach program as provided in chapter 5, Laws of 2007 (Second Substitute Senate Bill No. 5093, health services for children).

(a) By December 15, 2007, the department shall provide a report to the appropriate committees of the legislature on the progress of implementing the following activities:

- (i) Feasibility study and implementation plan to develop online application capability that is integrated with the department's automated client eligibility system;
- (ii) Development of data linkages with the office of superintendent of public instruction for free and reduced-price lunch enrollment information and the department of early learning for child care subsidy program enrollment information;
- (iii) Informing insurers and providers when their enrollees' eligibility is going to expire so insurers and providers can help families reenroll;
- (iv) Outreach contracts with local governmental entities, community based organizations, and tribes;
- (v) Results of data sharing with outreach contractors, and other contracted entities such as local governments, community-based organizations, tribes, health care providers, and insurers to engage, enroll, and reenroll identified children;
- (vi) Results of efforts to maximize federal matching funds, wherever possible; and
- (vii) Plans for sustaining outreach programs proven to be successful.

(b)(i) Within the amounts provided under this subsection (19), sufficient funding is provided to the department to develop and implement in conjunction with the employment security department a plan that would:

(A) Allow applicants and recipients of unemployment insurance to request assistance with obtaining health coverage for household members; and

(B) Authorize the exchange of information between the employment security department and the department of social and health services to more efficiently determine eligibility for health coverage under chapter 74.09 RCW.

(ii) The plan developed in (b)(i) of this subsection should address permissible uses of federal employment security funding and infrastructure, identification of any necessary statutory changes, and cost information. The department shall submit the plan in a report to the governor and the appropriate committees of the legislature by November 15, 2008.

(20) \$640,000 of the general fund--state appropriation for fiscal year 2008 and \$616,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a medicare advantage program. The department shall:

(a) Pay the premiums associated with enrollment in a medicare advantage plan for those full benefit dual eligible beneficiaries, as defined in RCW 74.09.010, who were enrolled on or before November 14, 2006 in a medicare advantage plan sponsored by an entity accredited by the national committee for quality assurance and for whom the department had been paying Part C premium as of November 2006; and

(b) Undertake, directly or by contract, a study to determine the cost-effectiveness of paying premiums for enrollment of full benefit dual eligible beneficiaries in medicare advantage plans in lieu of paying full benefit dual eligible beneficiaries' medicare cost-sharing. The study shall compare the cost and health outcomes experience, including rates of nursing home placement and costs for groups of full benefit dual eligible beneficiaries who are enrolled in medicare advantage plans, in medicare special needs plan or in medicare fee-for-service. The study shall compare the health status and utilization of health and long-term care services for the three groups, and the impact of access to a medical home and specialty care, over a period of two years to determine any differences in health status, health outcomes, and state expenditures that result. The department shall submit the results of the study to the governor and the legislature by June 30, 2009. The department is authorized to accept private cash and in-kind donations and grants to support the study and evaluation.

(c) Track enrollment and expenditures for this population on department monthly management reports.

(21) The department may not transition to managed care delivery any population that has been primarily served under fee-for-service delivery unless the department first conducts a cost-effectiveness evaluation of the transition, including an evaluation of historical data on utilization patterns, and finds that the transition would result in a more effective and cost-efficient form of service delivery, pursuant to RCW 74.09.470. Any such finding must be provided to the governor and the legislature no less than ninety days before the transition begins.

(22) \$756,000 of the general fund--state appropriation for fiscal year 2008, \$1,193,000 of the general fund--state appropriation for fiscal year 2009, \$1,261,000 of the health services account--state appropriation for fiscal year 2009, and \$2,448,000 of the general fund--federal appropriation are provided solely to implement sections 5, 7, 8, and 11 of Second Substitute House Bill No. 1088 (children's mental health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$288,000 of the general fund--state appropriation for fiscal year 2008, \$277,000 of the general fund--state appropriation for fiscal year 2009, and \$566,000 of the general fund--federal appropriation are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon comm/health care). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$45,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department of social and health services, in consultation with the health care authority and the employment security department, to prepare and submit a report and recommendations to the governor and the legislature related to coverage of low-wage workers enrolled on state plans who are employed by employers with more than fifty employees. The report shall address multiple approaches, including but not limited to the proposal included in House Bill No. 2094 (taxpayer health care fairness act). The discussion of each approach included in the report should identify how the approach would further the goal of shared responsibility for coverage of low-wage workers, obstacles to implementation and options to address them, and estimated implementation costs. The report shall be submitted on or before November 15, 2007. The agencies shall establish a workgroup, which shall be closely involved and consulted in the development of the report and recommendations under this subsection. The workgroup shall include the following participants: Persons or organizations representing large employers in the retail, agricultural and grocery trades, other large employers, organizations representing employees of large employers, organizations representing low-wage employees of large employers, state and local governmental entities as employers, and organizations representing employees of state and local governmental entities. In addition, the workgroup shall include three members from each of the two largest caucuses of the house of representatives, appointed by the speaker, and three members from each of the two largest caucuses of the senate, appointed by the president of the senate.

(25) \$1,883,000 of the tobacco prevention and control account--state appropriation and \$1,742,000 of the general fund--federal appropriation are for the provision of smoking cessation benefits pursuant to Senate Bill No. 6421 (smoking cessation). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(26) As part of the five-year plan on state purchasing to improve health care quality under chapter 259, Laws of 2007, the department, in collaboration with the department of health, shall provide a report to the appropriate committees of the legislature outlining a strategy to improve immunization rates for all children in the state, including but not limited to vaccine administration fee increases and pay-for-performance incentives. The department shall submit the report to the governor and the health policy and fiscal committees of the legislature by November 1, 2008.

(27) Within existing funds, the department shall evaluate the fiscal impact of the federal upper limits on medicaid reimbursement to pharmacies implemented under the federal deficit reduction act, and report its findings to the legislature by December 1, 2008.

(28)(a) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a feasibility study to examine processes and systems that would expeditiously link persons released from confinement in state and local correctional facilities and institutions for mental diseases to medical assistance benefits for which they qualify. The study shall present an analysis of the costs and benefits associated with:

(i) Suspending eligibility for persons who were receiving medical assistance at the time their confinement began, such that upon the person's release from confinement, medical assistance benefits would immediately resume without the filing of a new application. In the evaluation of eligibility suspension, the department shall examine process modifications that would allow confined persons to recertify eligibility before or immediately after release from confinement;

(ii) Improving the efficiency and expanding the scope of the expedited medical assistance reinstatement and eligibility determination process established under RCW 74.09.555, including extending the process to persons other than those with mental disorders, both for persons who had been previously eligible before confinement and for persons who had not been eligible before confinement;

(iii) Providing medical and mental health evaluations to determine disability for purposes of the medical assistance program before the person's release from confinement; and

(iv) Notifying the department in a timely manner when a person who has been enrolled in medical assistance is confined in a state correctional institution or institution for mental diseases or is released from confinement.

(b) In conducting the study, the department shall collaborate with the Washington association of sheriffs and police chiefs, the department of corrections, the regional support networks, department field offices, institutions for mental diseases, and correctional institutions. The department shall submit the study to the governor and the legislature by November 15, 2008.

(29) \$50,000 of the general fund--state appropriation for fiscal year 2009 and \$50,000 of the general fund--federal appropriation are provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(30) The department shall not reduce and shall continue to provide family planning nurses and supplies at community services offices.

- (31) The department shall not eliminate and shall continue to provide a nurse hotline for foster parents.
- (32) The department shall not reduce and shall provide medical assistance to children under three-hundred percent of the federal poverty level.
- (33) The department shall not reduce and shall continue to provide maternity support services to pregnant and postpartum women.
- (34) ~~((The department shall not reduce and shall continue to provide transportation services to patients receiving adult day health services.))~~
- ~~((35))~~ The department shall continue children's health coverage outreach and education efforts. These efforts shall rely on existing relationships and systems developed to implement the program under RCW 74.09.470, such as those with local public health agencies, health care providers, public schools, the women, infants, and children program, the early childhood education and assistance program, child care providers, newborn visiting nurses, and other community-based organizations. The department shall seek public-private partnerships and federal funds that may become available to provide on-going support for outreach and education efforts.
- ~~((36))~~ (35) The department shall reduce expenditures on pharmaceuticals and durable medical equipment.
- ~~((37))~~ (36) The department shall not reduce hospital rates.
- ~~((38))~~ (37) In addition to other reductions, the reduced appropriations in this section reflect an additional \$1,062,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 1110. 2009 c 4 s 209 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--VOCATIONAL REHABILITATION PROGRAM

General Fund--State Appropriation (FY 2008)	\$11,543,000
General Fund--State Appropriation (FY 2009)	(\$8,182,000)
	<u>\$8,170,000</u>
General Fund--Federal Appropriation	(\$95,975,000)
	<u>\$100,521,000</u>
Telecommunications Devices for the Hearing and Speech Impaired--State Appropriation	\$1,975,000
Pension Funding Stabilization Account--State Appropriation	\$116,000
TOTAL APPROPRIATION	(\$117,791,000)
	<u>\$122,325,000</u>

Sec. 1111. 2009 c 4 s 210 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--SPECIAL COMMITMENT PROGRAM

General Fund--State Appropriation (FY 2008)	\$52,506,000
General Fund--State Appropriation (FY 2009)	(\$52,216,000)
	<u>\$51,478,000</u>
TOTAL APPROPRIATION	(\$104,722,000)
	<u>\$103,984,000</u>

Sec. 1112. 2009 c 4 s 212 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--PAYMENTS TO OTHER AGENCIES PROGRAM

General Fund--State Appropriation (FY 2008)	\$59,085,000
General Fund--State Appropriation (FY 2009)	(\$52,540,000)
	<u>\$53,620,000</u>
General Fund--Federal Appropriation	(\$53,302,000)
	<u>\$53,864,000</u>
TOTAL APPROPRIATION	(\$164,927,000)
	<u>\$166,569,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$235,000 of the general fund--state appropriation for fiscal year 2009 and \$111,000 of the general fund-- federal appropriation are provided solely to implement sections 2 and 3 of Engrossed Second Substitute House Bill No. 3205 (child long-term well-being). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 1113. 2009 c 4 s 213 (uncodified) is amended to read as follows:

FOR THE STATE HEALTH CARE AUTHORITY

General Fund--State Appropriation (FY 2008)	\$1,000,000
General Fund--State Appropriation (FY 2009)	<u>\$500,000</u>
General Fund--Federal Appropriation	\$4,934,000
State Health Care Authority Administrative Account-- State Appropriation	\$41,497,000
State Health Care Authority Administrative Account--Private/Local Appropriation	\$100,000
Medical Aid Account--State Appropriation	\$527,000
Health Services Account--State Appropriation (FY 2008)	\$271,478,000
Health Services Account--State Appropriation (FY 2009)	(\$291,795,000)
	<u>\$289,124,000</u>
TOTAL APPROPRIATION	(\$611,331,000)
	<u>\$609,160,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Within amounts appropriated in this section and sections 205 and 206 of this act, the health care authority shall continue to provide an enhanced basic health plan subsidy for foster parents licensed under chapter 74.15 RCW and workers in state-funded home care programs. Under this enhanced subsidy option, foster parents eligible to participate in the basic health plan as subsidized enrollees and home care workers with family incomes below 200 percent of the federal poverty level shall be allowed to enroll in the basic health plan at the minimum premium amount charged to enrollees with incomes below sixty-five percent of the federal poverty level.

(2) The health care authority shall require organizations and individuals that are paid to deliver basic health plan services and that choose to sponsor enrollment in the subsidized basic health plan to pay 133 percent of the premium amount which would otherwise be due from the sponsored enrollees.

(3) The administrator shall take at least the following actions to assure that persons participating in the basic health plan are eligible for the level of assistance they receive: (a) Require submission of (i) income tax returns, and recent pay history, from all applicants, or (ii) other verifiable evidence of earned and unearned income from those persons not required to file income tax returns; (b) check employment security payroll records at least once every twelve months on all enrollees; (c) require enrollees whose income as indicated by payroll records exceeds that upon which their subsidy is based to document their current income as a condition of continued eligibility; (d) require enrollees for whom employment security payroll records cannot be obtained to document their current income at least once every six months; (e) not reduce gross family income for self-employed persons by noncash-flow expenses such as, but not limited to, depreciation, amortization, and home office deductions, as defined by the United States internal revenue service; and (f) pursue repayment and civil penalties from persons who have received excessive subsidies, as provided in RCW 70.47.060(9).

(4) Appropriations in this act include specific funding for health records banking under section 10 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(5) \$11,934,000 of the health services account--state appropriation for fiscal year 2008 and \$11,834,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for funding for health care services provided through local community clinics.

(6) \$784,000 of the health services account--state appropriation for fiscal year 2008, \$540,000 of the general fund--federal appropriation, and \$8,200,000 of the state health care authority administrative account--state appropriation are provided for the development of a new benefits administration and insurance accounting system.

(7) \$2,000,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for the authority to provide one-time competitive grants to community health centers to increase the number of adults served on an ongoing basis. Each clinic receiving grant funding shall report annually, beginning December 2008, on key adult access indicators established by the authority, including but not limited to increases in the number of low-income adults served.

(8) \$1,639,000 of the health services account--state appropriation for fiscal year 2008 is provided solely for section 5 of Engrossed Second Substitute House Bill No. 1569 (health insurance partnership board) and related provisions of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(9) \$664,000 of the health services account--state appropriation for fiscal year 2008 is provided solely for the implementation of the Washington quality forum, pursuant to section 9 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(10) \$600,000 of the state health care authority administrative account--state appropriation is provided solely for the implementation of the state employee health pilot, pursuant to section 41 of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the section is not enacted by June 2007, the amounts provided in this subsection shall lapse.

(11) \$250,000 of the health services account--state appropriation for fiscal year 2008 and \$250,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for continuation of the community health collaborative grant program in accordance with chapter 67, Laws of 2006 (E2SSB 6459). The applicant organizations must assure measurable improvements in health access within their service region, demonstrate active collaboration with key community partners, and provide two dollars in matching funds for each grant dollar awarded.

(12) \$731,000 of the health services account--state appropriation for fiscal year 2008 and \$977,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for the dental residency program, including maintenance of the existing residency positions and the establishment of six additional resident positions in fiscal year 2008 (four in eastern Washington and two in the Seattle area), and five additional positions in fiscal year 2009.

(13) Appropriations in this act include funding for sections 14 (reducing unnecessary emergency room use) and 40 (state employee health program) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission).

(14) \$100,000 of the health services account--state appropriation for fiscal year 2009 is provided solely for implementation of the agency's responsibilities in Engrossed Second Substitute House Bill No. 2549 (patient-centered primary care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 1114. 2009 c 4 s 214 (uncodified) is amended to read as follows:

FOR THE HUMAN RIGHTS COMMISSION

General Fund--State Appropriation (FY 2008)	\$3,377,000
General Fund--State Appropriation (FY 2009)	\$3,580,000
General Fund--Federal Appropriation	(\$1,523,000)
	<u>\$1,723,000</u>
TOTAL APPROPRIATION	(\$8,480,000)
	<u>\$8,680,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$115,000 of the general fund--state appropriation for fiscal year 2008 and \$190,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute Senate Bill No. 6776 (whistleblower protections). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

Sec. 1115. 2009 c 4 s 215 (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

Worker and Community Right-to-Know Account--State Appropriation	\$20,000
Accident Account--State Appropriation	(\$17,963,000)
	<u>\$18,045,000</u>
Medical Aid Account--State Appropriation	(\$17,964,000)
	<u>\$18,046,000</u>
TOTAL APPROPRIATION	(\$35,947,000)
	<u>\$36,111,000</u>

The appropriations in this section are subject to the following conditions and limitations: \$82,000 of the accident account--state appropriation for fiscal year 2009 and \$82,000 of the medical aid account--state appropriation for fiscal year 2009 are provided solely for implementation of chapter 280, Laws of 2008 (industrial insurance orders).

Sec. 1116. 2009 c 4 s 216 (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

General Fund--State Appropriation (FY 2009)	\$306,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$15,680,000
Public Safety and Education Account--State Appropriation (FY 2009)	(\$21,445,000)
	<u>\$21,320,000</u>
Death Investigations Account--State Appropriation	\$148,000
Municipal Criminal Justice Assistance Account-- State Appropriation	\$460,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$12,322,000
TOTAL APPROPRIATION	(\$50,361,000)
	<u>\$50,236,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) During the 2007-2009 biennium, the criminal justice training commission is authorized to raise existing fees charged for firearms certification for security guards in excess of the fiscal growth factor established pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting the certification programs and the appropriation levels in this section.

(2) \$2,390,000 of the public safety and education account--state appropriation for fiscal year 2008 and ~~(\$1,809,000)~~ \$1,684,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for ten additional basic law enforcement academies in fiscal year 2008 and ~~(nine)~~ eight additional basic law enforcement academies in fiscal year 2009.

(3) \$1,044,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$1,191,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for the Washington association of sheriffs and police chiefs to continue to develop, maintain, and operate the jail booking and reporting system (JBRS) and the statewide automated victim information and notification system (SAVIN).

(4) \$28,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of chapter 10, Laws of 2007 (SSB 5191, missing persons).

(5) \$5,400,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$6,922,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(6) \$150,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$150,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to deliver multi-disciplinary team training sessions aimed at improving the coordination of, and communication between, agencies involved in the investigation of child fatality, child sexual abuse, child physical abuse, and criminal neglect cases.

(7) \$25,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5987 (gang-related offenses). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$50,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$50,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely for support of the coalition of small police agencies major crimes task force. The purpose of this task force is to pool its resources and to establish an efficient and cooperative approach in addressing major violent crimes.

(9) \$20,000 of the public safety and education account--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5315 (forest fires/property access). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$5,000,000 of the public safety and education account--state appropriation for fiscal year 2009 is provided to the Washington association of sheriffs and police chiefs solely to verify the address and residency of all registered sex offenders and kidnapping offenders under RCW 9A.44.130. The Washington association of sheriffs and police chiefs shall:

(a) Enter into performance-based agreements with units of local government to ensure that registered offender address and residency are verified:

- (A) For level I offenders, every twelve months;
- (B) For level II offenders, every six months; and
- (C) For level III offenders, every three months.

For the purposes of this subsection, unclassified offenders and kidnapping offenders shall be considered at risk level I unless in the opinion of the local jurisdiction a higher classification is in the interest of public safety.

(b) Collect performance data from all participating jurisdictions sufficient to evaluate the efficiency and effectiveness of the address and residency verification program.

(c) Submit a report on the effectiveness of the address and residency verification program to the governor and the appropriate committees of the house of representatives and senate by September 1, 2009.

The Washington association of sheriffs and police chiefs may retain up to three percent of the amount provided in this subsection for the cost of administration. Any funds not disbursed for address and residency verification or retained for administration may be allocated to local prosecutors for the prosecution costs associated with failing to register offenses.

(11) \$750,000 of the public safety and education fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(12) \$306,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a grant program to pay for the costs of local law enforcement agencies participating in specialized crisis intervention training.

Sec. 1117. 2009 c 4 s 217 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$8,716,000
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General Fund--State Appropriation (FY 2009)	\$8,624,000
General Fund--Federal Appropriation	\$100,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$15,393,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$16,525,000
Public Safety and Education Account--Federal Appropriation	\$10,000,000
Asbestos Account--State Appropriation	\$908,000
Electrical License Account--State Appropriation	\$41,104,000
Farm Labor Revolving Account--Private/Local Appropriation	\$28,000
Worker and Community Right-to-Know Account--State Appropriation	\$1,941,000
Public Works Administration Account--State Appropriation	\$3,948,000
Manufactured Home Installation Training Account-- State Appropriation	\$192,000
Accident Account--State Appropriation	(\$232,295,000)
	<u>\$232,617,000</u>
Accident Account--Federal Appropriation	\$13,622,000
Medical Aid Account--State Appropriation	(\$235,445,000)
	<u>\$235,766,000</u>
Medical Aid Account--Federal Appropriation	\$3,186,000
Plumbing Certificate Account--State Appropriation	\$1,634,000
Pressure Systems Safety Account--State Appropriation	\$3,646,000
TOTAL APPROPRIATION	(\$597,307,000)
	<u>\$597,950,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,413,000 of the medical aid account--state appropriation is provided solely for conducting utilization reviews of physical and occupational therapy cases at the 24th visit and the associated administrative costs, including those of entering data into the claimant's file. The department shall develop and report performance measures and targets for these reviews to the office of financial management. The reports are due September 30th for the prior fiscal year and must include the amount spent and the estimated savings per fiscal year.

(2) \$2,247,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(3) \$822,000 of the medical aid account--state appropriation is provided solely for vocational services professional staff salary adjustments necessary to recruit and retain positions required for anticipated changes in work duties as a result of Engrossed Substitute Senate Bill No. 5920 (vocational rehabilitation). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse. Compensation for anticipated changes to work duties is subject to review and approval by the director of the department of personnel and is subject to collective bargaining.

(4) \$8,000,000 of the medical aid account--state appropriation is provided solely to establish a program of safety and health as authorized by RCW 49.17.210 to be administered under rules adopted pursuant to chapter 34.05 RCW, provided that projects funded involve workplaces insured by the medical aid fund, and that priority is given to projects fostering accident prevention through cooperation between employers and employees or their representatives.

(5) \$600,000 of the medical aid account--state appropriation is provided solely for the department to contract with one or more independent experts to evaluate and recommend improvements to the rating plan under chapter 51.18 RCW, including analyzing how risks are pooled, the effect of including worker premium contributions in adjustment calculations, incentives for accident and illness prevention, return-to-work practices, and other sound risk-management strategies that are consistent with recognized insurance principles.

(6) \$181,000 of the accident account--state appropriation and \$181,000 of the medical aid account--state appropriation are provided solely to implement Substitute Senate Bill No. 5443 (workers' compensation claims). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$558,000 of the medical aid account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5290 (workers' compensation advisory committees). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$104,000 of the public safety and education account--state appropriation for fiscal year 2008, \$104,000 of the public safety and education account--state appropriation for fiscal year 2009, \$361,000 of the accident account--state appropriation, and \$361,000 of the medical aid account--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5675 (workers' compensation benefits). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(9) \$730,000 of the medical aid account--state appropriation is provided solely for implementation of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(10) \$437,000 of the accident account--state appropriation and \$437,000 of the medical aid account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5053 (industrial insurance ombudsman). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$74,000 of the accident account--state appropriation and \$74,000 of the medical aid--state appropriation are provided solely for implementation of Engrossed Substitute Senate Bill No. 5915 (notices to employers). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$605,000 of the accident account--state appropriation for fiscal year 2008 is provided solely for a study of the incidence of permanent total disability pensions in the state's workers' compensation system. To conduct the study, the department shall contract with an independent researcher that has demonstrated expertise in workers' compensation systems. When selecting the independent researcher, the department shall consult the labor and business members of the workers' compensation advisory committee and, if the labor and business members of the workers' compensation advisory committee agree on a particular independent researcher, the department shall select that independent researcher. The study must consider causes of the recent increase in permanent total disability cases, future anticipated permanent total disability trends, a comparison of Washington's permanent total disability claims experience and injured workers with other states and jurisdictions, the impact of the standard for finding workers employable on the incidence of permanent total disability pensions, and the impact of vocational rehabilitation under RCW 51.32.095 on the incidence of permanent total disability pensions. The department shall report to the workers' compensation advisory committee, the house of representatives commerce and labor committee, and the senate labor, commerce, research and development committee on the results of the study on or before July 1, 2008.

(13) \$1,089,000 of the accident account--state appropriation and \$192,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 27, Laws of 2007 (ESHB 2171, crane safety).

(14) \$100,000 of the general fund--federal appropriation and \$192,000 of the manufactured home installation training account--state appropriation are provided solely for Substitute House Bill No. 2118 (mobile/manufactured homes). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$107,000 of the accident account--state appropriation and \$107,000 of the medical aid account--state appropriation are provided solely to implement Senate Bill No. 6839 (workers' compensation coverage). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(16) ~~(\$224,000)~~ \$169,000 of the general fund--state appropriation for fiscal year 2009, \$741,000 of the accident account--state appropriation, and \$741,000 of the medical aid account--state appropriation are provided solely for implementation of Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(17) \$408,000 of the accident account--state appropriation and \$72,000 of the medical aid account--state appropriation are provided solely to implement Substitute House Bill No. 2602 (victims' employment leave). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(18) \$3,000 of the public safety and education account--state appropriation for fiscal year 2008 and \$3,000 of the public safety and education account--state appropriation for fiscal year 2009 are provided solely to implement Substitute Senate Bill No. 6246 (industrial insurance claims). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(19) \$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to conduct a review of the need for regulation of general and specialty contractors involved in the repair, alteration, or construction of single-family homes using the public interest criteria set forth in RCW 18.118.010 and as generally described in Second Substitute House Bill No. 3349 (residential contractors). By October 1, 2008, the department and the department of licensing shall report their findings to the appropriate committees of the legislature.

~~(20) ((The department of labor and industries shall enter into an interagency agreement with the employment security department to expend funds from the family leave insurance account for the implementation of the family leave insurance program.~~

~~(21))~~ Pursuant to RCW 43.135.055, the department is authorized to increase the following fees as necessary to meet the actual costs of conducting business and the appropriation levels in this section and by not more than 5.53 percent in fiscal year 2008: Boiler inspection permits and fees; boiler permit fees; plumbers' continuing education; and plumbers' licensing and examination fees.

(21) \$256,000 of the accident account--state appropriation and \$256,000 of the medical aid account--state appropriation are provided solely for implementation of chapter 280, Laws of 2008 (industrial insurance orders).

Sec. 1118. 2009 c 4 s 219 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

(1) HEADQUARTERS

General Fund--State Appropriation (FY 2008)	\$2,124,000
General Fund--State Appropriation (FY 2009)	\$1,926,000
Charitable, Educational, Penal, and Reformatory Institutions Account--State Appropriation	\$10,000

TOTAL APPROPRIATION \$4,060,000

(2) FIELD SERVICES

General Fund--State Appropriation (FY 2008)	\$5,264,000
General Fund--State Appropriation (FY 2009)	\$5,476,000
General Fund--Federal Appropriation	(\$1,025,000)
	\$1,332,000
General Fund--Private/Local Appropriation	(\$3,317,000)
	\$3,640,000
Veterans Innovations Program Account Appropriation	\$1,437,000
Veteran Estate Management Account--Private/Local Appropriation	\$1,062,000
TOTAL APPROPRIATION	(\$17,581,000)
	<u>\$18,211,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$560,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute Senate Bill No. 5164 (veterans' conservation corps). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(b) The department shall not reduce field service contracts.

(3) INSTITUTIONAL SERVICES

General Fund--State Appropriation (FY 2008)	\$7,948,000
General Fund--State Appropriation (FY 2009)	(\$5,484,000)
	\$4,833,000
General Fund--Federal Appropriation	(\$43,120,000)
	\$43,207,000
General Fund--Private/Local Appropriation	(\$31,569,000)
	\$32,241,000
TOTAL APPROPRIATION	(\$88,121,000)
	<u>\$88,229,000</u>

Sec. 1119. 2009 c 4 s 221 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF HEALTH

General Fund--State Appropriation (FY 2008)	\$81,232,000
General Fund--State Appropriation (FY 2009)	(\$80,596,000)
	\$80,719,000
General Fund--Federal Appropriation	\$477,065,000
General Fund--Private/Local Appropriation	(\$119,875,000)
	<u>\$135,219,000</u>

Hospital Commission Account--State Appropriation	(\$144,000)
	\$215,000
Health Professions Account--State Appropriation	(\$68,726,000)
	\$69,054,000
Aquatic Lands Enhancement Account--State Appropriation	\$600,000
Emergency Medical Services and Trauma Care Systems Trust Account--State Appropriation	\$12,606,000
Safe Drinking Water Account--State Appropriation	\$3,041,000
Public Health Services Account--State Appropriation	\$1,000,000
Drinking Water Assistance Account--Federal Appropriation	\$19,027,000
Waterworks Operator Certification--State Appropriation	\$1,513,000
Drinking Water Assistance Administrative Account-- State Appropriation	\$326,000
Water Quality Account--State Appropriation (FY 2008)	\$1,975,000
Water Quality Account--State Appropriation (FY 2009)	\$1,983,000
State Toxics Control Account--State Appropriation	\$3,460,000
Medical Test Site Licensure Account--State Appropriation	\$2,055,000
Youth Tobacco Prevention Account--State Appropriation	\$1,512,000
Public Health Supplemental Account--Private/Local Appropriation	\$3,918,000
Accident Account--State Appropriation	\$291,000
Medical Aid Account--State Appropriation	\$48,000
Health Services Account--State Appropriation (FY 2008)	\$42,122,000
Health Services Account--State Appropriation (FY 2009)	(\$49,729,000)
	\$46,398,000
Tobacco Prevention and Control Account--State Appropriation	(\$52,846,000)
	\$47,846,000
TOTAL APPROPRIATION	(\$1,025,690,000)
	<u>\$1,033,225,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department is authorized to raise existing fees charged for its fee-supported programs in excess of the fiscal growth factor pursuant to RCW 43.135.055, if necessary, to meet the actual costs of conducting business and the appropriation levels in this section. Pursuant to RCW 43.135.055 and RCW 43.70.250, the department is further authorized to increase fees in its fee-supported programs as necessary to meet the actual costs of conducting business and the appropriation levels in this section, as specifically authorized in LEAP Document DOH-2008, as developed by the legislative evaluation and accountability program on March 11, 2008.

(2) The department of health shall not initiate any services that will require expenditure of state general fund moneys unless expressly authorized in this act or other law. The department may seek, receive, and spend, under RCW 43.79.260 through 43.79.282, federal moneys not anticipated in this act as long as the federal funding does not require expenditure of state moneys for the program in excess of amounts anticipated in this act. If the department receives unanticipated unrestricted federal moneys, those moneys shall be spent for services authorized in this act or in any other legislation that provides appropriation authority, and an equal amount of appropriated state moneys shall lapse. Upon the lapsing of any moneys under this subsection, the office of financial management shall notify the legislative fiscal committees. As used in this subsection, "unrestricted federal moneys" includes block grants and other funds that federal law does not require to be spent on specifically defined projects or matched on a formula basis by state funds.

(3) \$877,000 of the health professions account appropriation is provided solely for implementation of Substitute House Bill No. 1099 (dental professions). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 2304 (cardiac care services). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(5) \$138,000 of the general fund--state appropriation for fiscal year 2008 and \$220,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an evaluation of chronic care provider training.

(6) \$51,000 of the general fund--state appropriation for fiscal year 2008 and \$24,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5297 (sex education). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(7) \$103,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute House Bill No. 1837 (nonambulatory persons). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$201,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute House Bill No. 2087 (health care facilities). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(9) \$293,000 of the general fund--state appropriation for fiscal year 2008 and \$287,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for public service announcements regarding childhood lead poisoning, information pamphlets, rule development, and for early identification of persons at risk of having elevated blood-lead levels, which includes systematically screening children under six years of age and other target populations identified by the department. Priority will be given to testing children and increasing the registry in the lead surveillance program.

(10) \$101,000 of the general fund--state appropriation for fiscal year 2008, \$81,000 of the general fund--state appropriation for fiscal year 2009, and \$6,000 of the general fund--private/local appropriation are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1414 (ambulatory surgical facilities). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$55,000 of the health professions account appropriation is provided solely for the implementation of Substitute House Bill No. 1397 (massage therapy). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$58,000 of the general fund--private/local appropriation is provided solely for the implementation of Senate Bill No. 5398 (specialty hospitals). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(13) \$34,000 of the general fund--state appropriation for fiscal year 2008, \$44,000 of the general fund--state appropriation for fiscal year 2009, and \$224,000 of the oyster reserve land account--state appropriation are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$571,000 of the general fund--state appropriation for fiscal year 2008 and \$458,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Second Substitute House Bill No. 1106 (hospital acquired infections). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$4,000,000 of the general fund--state appropriation for fiscal year 2008, \$5,000,000 of the general fund--state appropriation for fiscal year 2009, and \$1,000,000 of the public health services account--state appropriation are provided solely for department of health-funded family planning clinics to increase the capacity of the clinics to provide family planning and reproductive health services to low-income men and women who are not otherwise eligible for services through the department of social and health services medical assistance program and for clinical or other health services associated with sexually transmitted disease testing through the infertility prevention project. Funds appropriated and expended under this subsection for fiscal year 2009 shall be distributed in a manner that allocates funding to department of health-funded family planning clinics based upon the percentage of medical assistance family planning waiver clients in calendar year 2005 who received services from a provider located in the geographic area served by the department of health-funded clinic. Of these amounts, the department is authorized to expend up to \$1,000,000 of its general fund--state appropriation for fiscal year 2009 for services provided in fiscal year 2008, if necessary, to offset reductions in federal funding.

(16) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is for one-time funding to purchase and store antiviral medications to be used in accordance with the state pandemic influenza response plan. These drugs are to be purchased through the United States department of health and human services to take advantage of federal subsidies.

(17) \$147,000 of the general fund--state appropriation for fiscal year 2008 and \$32,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of health to provide relevant information on measures taken to facilitate expanded use of reclaimed water pursuant to Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$550,000 of the general fund--state appropriation for fiscal year 2008 and \$550,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the lifelong AIDS alliance to restore lost federal funding.

(19) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for medical nutritional therapy for people with HIV/AIDS and other low-income residents in King county with chronic illnesses.

(20) \$645,000 of the general fund--state appropriation for fiscal year 2008 and \$645,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the neurodevelopmental center system, which provides therapy and medical services for young, low-income children with developmental disabilities.

(21) \$100,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to continue the autism task force established by chapter 259, Laws of 2005, through June 30, 2008. The task force shall:

(a) Review and continue to refine criteria for regional autism centers throughout Washington state based on community needs in each area, and address the role of autism centers within the larger context of developmental disabilities;

(b) Prioritize its December 2006 recommendations and develop an implementation plan for the highest priorities. The plan should detail how systems will coordinate to improve service and avoid duplication between state agencies including the department of social and health services, department of health, office of superintendent of public instruction, as well as school districts, autism centers, and local partners and providers. The plan shall also estimate the costs of the highest priority recommendations and report to the legislature and governor by December 1, 2007;

(c) Compile information for and draft the "Washington Service Guidelines for Individuals with Autism - Birth Through Lifespan" book described in the task force's recommendations. Funding to print and distribute the book is expected to come from federal or private sources; and

(d) Monitor the federal combating autism act and its funding availability and make recommendations on applying for grants to assist in implementation of the 2006 task force recommendations. The department of health shall be the lead agency in providing staff for the task force. The department may seek additional staff assistance from the office of the superintendent of public instruction and the committee staff of the legislature. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses.

(22) \$200,000 of the general fund--state appropriation for fiscal year 2008 and \$200,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of the Washington state hepatitis C strategic plan.

(23) \$142,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5403 (animal massage practitioners). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$174,000 of the health professions account appropriation is provided solely for the implementation of Substitute Senate Bill No. 5503 (athletic trainers). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$75,000 of the health professions account appropriation is provided solely for the implementation of Engrossed Substitute Senate Bill No. 5292 (physical therapist assistants). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(26) \$94,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Engrossed Second Substitute Senate Bill No. 6032 (medical use of marijuana). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(27) \$386,000 of the general fund--state appropriation for fiscal year 2008 and \$384,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Substitute Senate Bill No. 5894 (large on-site sewage systems). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(28) \$1,721,000 of the health professions account appropriation is provided solely for the implementation of sections 11 and 12 (medical information) of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). If the sections are not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(29) \$10,000,000 of the health services account--state appropriation for fiscal year 2008 and \$10,000,000 of the health services account--state appropriation for fiscal year 2009 are provided solely for distribution to local health jurisdictions and for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care), subject to the following conditions and limitations:

(a) During the month of January 2008, and January 2009, the department of health shall distribute funds appropriated in this section to local health jurisdictions, less an amount not to exceed five percent for the costs of administering the public health related sections of Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care). The amount of funding for distribution to a jurisdiction before the administrative deduction shall be the greater of: (i) One hundred thousand dollars; or (ii) (A) a base level of funding of seventy-five thousand dollars plus the per capita amount, for a jurisdiction with a population of four hundred thousand persons or fewer; or (B) a base level of funding of twenty-five thousand dollars plus the per capita amount, for a jurisdiction with a population greater than four hundred thousand persons. Amounts distributed under this subsection must be used to fund core public health functions of statewide significance as defined in Engrossed Second Substitute Senate Bill No. 5930 (blue ribbon commission on health care).

(b) For the purposes of this subsection:

(i) "Per capita amount" means an amount equal to seven million five hundred thousand dollars multiplied by the proportion of the population of the jurisdiction in the previous calendar year to the population of the state in the previous calendar year.

(ii) "Population" means the number of persons as last determined by the office of financial management. If the jurisdiction comprises a single county, "population" means the number of persons in the county. For a jurisdiction comprising two or more counties, "population" means the number of persons in all counties comprising the jurisdiction.

(iii) "Local health jurisdiction" or "jurisdiction" means a county board of health organized under chapter 70.05 RCW, a health district organized under chapter 70.46 RCW, or a combined city and county health department organized under chapter 70.08 RCW.

(c) The department may adopt rules necessary to administer this subsection.

(30) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the health professions account--state appropriation are provided solely for an evaluation of the economic benefits to the state's health care system of the midwifery licensure and regulatory program under chapter 18.50 RCW. In particular, the department shall contract with a consultant to conduct a review of existing research literature on whether these economic benefits exceed the state expenditures to subsidize the cost of the midwifery licensing and regulatory program under RCW 43.70.250. The evaluation shall include an assessment of the economic benefits to consumers who elect to have out-of-hospital births with midwives, including any reduced use of procedures that increase the costs of childbirth. The department shall submit the report to the appropriate policy and fiscal committees of the legislature by January 1, 2008.

(31) \$147,000 of the health professions account--state appropriation is provided solely for the department of health to convene a work group to develop recommendations regarding the need to regulate those individuals currently registered with the department of health as counselors. The department of health shall submit recommendations of the work group to the legislature and governor by November 15, 2007. Based on the recommendations of the work group, the department of health shall draft credentialing guidelines for all registered counselors by January 1, 2008. Guidelines shall include education in risk assessment, ethics, professional standards, and deadlines for compliance.

(32) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Second Substitute Senate Bill No. 6483 (local food production). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(33) \$400,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the senior falls prevention pilot program, pursuant to section 7 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs).

(34) \$585,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington state breast and cervical health program to increase the provider reimbursement rate for digital mammographies to the medicare equivalent rate.

(35) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the child death review program. The program shall be transferred from the community and family health division to the injury prevention division within the department.

(36) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the northwest sickle cell collaborative program.

(37) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$154,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the restoration of maxillofacial/cleft palate teams in Yakima, Spokane, Seattle, and Tacoma.

(38) \$17,000 of the health professions account--state appropriation is provided solely to implement Second Substitute Senate Bill No. 6220 (nurse delegation) or sections 11 and 12 of Engrossed Second Substitute House Bill No. 2668 (long-term care programs). If neither bill is enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(39) \$11,000 of the health professions account--state appropriation is provided solely to implement Substitute Senate Bill No. 6439 (radiologist assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(40) \$115,000 of the general fund--state appropriation for fiscal year 2009 and \$4,261,000 of the health professions account--state appropriation are provided solely for implementation of Fourth Substitute House Bill No. 1103 (health professions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(41) \$558,000 of the health professions account--state appropriation is provided solely for implementation of Second Substitute House Bill No. 2674 (counselor credentialing). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(42) The department of licensing and the department of health shall jointly review and report to the appropriate policy committees of the legislature by December 1, 2008, recommendations for implementing a process of holding in abeyance for up to six months following the conclusion of active duty service the expiration of, and currency requirements for, professional licenses and certificates for individuals who have been called to active duty military service.

(43) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

(44) \$35,000 of the general fund--state appropriation for fiscal year 2009 and \$80,000 of the state toxics control account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(45) \$143,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6340 (water system program). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(46) \$194,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Engrossed Second Substitute House Bill No. 2549 (patient-centered care). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(47) \$96,000 of the health professions account--state appropriation is provided solely for the implementation of Substitute House Bill No. 2881 (practice of dentistry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(48) \$130,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the midwifery licensure and regulatory program to offset a reduction in revenue from fees. There shall be no change to the current annual fees for new or renewed licenses for the midwifery program. The department shall convene the midwifery advisory committee on a quarterly basis to address issues related to licensed midwifery.

(49) \$900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the Washington colon health program. Through the program, the department shall provide grants to participating counties to provide free colorectal screening exams to individuals fifty to sixty-four years old who are below two hundred fifty percent of the federal poverty level.

(50) In addition to other reductions, the reduced appropriations in this section reflect an additional \$90,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 1120. 2008 c 329 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS. ~~((+))~~ The appropriations to the department of corrections in this act shall be expended for the programs and in the amounts specified herein. However, after May 1, ~~((2008))~~ 2009, after approval by the director of financial management and unless specifically prohibited by this act, the department may transfer general fund--state appropriations for fiscal year ~~((2008))~~ 2009 between programs. The department shall not transfer funds, and the director of financial management shall not approve the transfer, unless the transfer is consistent with the objective of conserving, to the maximum extent possible, the expenditure of state funds and not federal funds. The director of financial management shall notify the appropriate fiscal committees of the senate and house of representatives in writing seven days prior to approving any deviations from appropriation levels. The written notification shall include a narrative explanation and justification of the changes ~~((, along with expenditures and allotments by budget unit and appropriation, both before and after any allotment modifications or transfers.~~

~~— (2) The department may transfer up to \$15,000,000 of the general fund--state appropriation for fiscal year 2009 into fiscal year 2008, if deemed necessary by the department and approved in advance by the director of financial management. The director of financial management shall notify the fiscal committees of the legislature in writing seven days prior to approving a transfer under this subsection. The written notification shall include a narrative explanation and justification of the transfer including allotment detail by program, budget object, and budget unit for both fiscal years, both before and after any transfers).~~

Sec. 1121. 2009 c 4 s 222 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) ADMINISTRATION AND SUPPORT SERVICES

General Fund--State Appropriation (FY 2008)	\$57,545,000
General Fund--State Appropriation (FY 2009)	((52,652,000))
	<u>\$52,320,000</u>
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$169,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$13,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$13,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,467,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,481,000
Pension Funding Stabilization Account--State Appropriation	\$1,280,000
TOTAL APPROPRIATION	((114,620,000))
	<u>\$114,288,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) \$9,389,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the completion of phase three of the department's offender-based tracking system replacement project. This amount is conditioned on the department satisfying the requirements of section 902 of this act.

(b) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and support of a statewide council on mentally ill offenders that includes as its members representatives of community-based mental health treatment programs, current or former judicial officers, and directors and commanders of city and county jails and state prison facilities. The council will begin to investigate and promote cost-effective approaches to meeting the long-term needs of adults and juveniles with mental disorders who have a history of offending or who are at-risk of offending, including their mental health, physiological, housing, employment, and job training needs.

(c) \$169,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 is provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(d) \$102,000 of the general fund--state appropriation for fiscal year 2008 and \$95,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute House Bill No. 1422 (incarcerated parents). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(e) Within funds appropriated in this section, the department shall seek contracts for chemical dependency vendors to provide chemical dependency treatment of offenders in corrections facilities, including corrections centers and community supervision facilities, which have demonstrated effectiveness in treatment of offenders and are able to provide data to show a successful treatment rate.

(f) \$314,000 of the general fund--state appropriation for fiscal year 2008 and \$294,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for four additional staff to collect and analyze data for programs funded through the offender reentry initiative and collect, analyze, and disseminate information required by the GMAP process, performance audits, data requests, and quality assessments and assurances.

(g) \$32,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Substitute Senate Bill No. 6244 (conversion of facilities to house violators of community supervision). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(h) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2712 (criminal street gangs). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(2) CORRECTIONAL OPERATIONS

General Fund--State Appropriation (FY 2008)	((601,402,000))
	<u>\$616,402,000</u>
General Fund--State Appropriation (FY 2009)	((647,608,000))
	<u>\$655,534,000</u>
General Fund--Federal Appropriation	((4,157,000))
	<u>\$3,941,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,050,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$1,350,000
Washington Auto Theft Prevention Authority Account-- State Appropriation	\$1,338,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,492,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,492,000
Pension Funding Stabilization Account--State Appropriation	\$11,800,000
TOTAL APPROPRIATION	((1,271,689,000))

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department may expend funds generated by contractual agreements entered into for mitigation of severe overcrowding in local jails. Any funds generated in excess of actual costs shall be deposited in the state general fund. Expenditures shall not exceed revenue generated by such agreements and shall be treated as a recovery of costs.

(b) The department shall provide funding for the pet partnership program at the Washington corrections center for women at a level at least equal to that provided in the 1995-97 biennium.

(c) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(d) During the 2007-09 biennium, when contracts are established or renewed for offender pay phone and other telephone services provided to inmates, the department shall select the contractor or contractors primarily based on the following factors: (i) The lowest rate charged to both the inmate and the person paying for the telephone call; and (ii) the lowest commission rates paid to the department, while providing reasonable compensation to cover the costs of the department to provide the telephone services to inmates and provide sufficient revenues for the activities funded from the institutional welfare betterment account.

(e) The Harborview medical center shall provide inpatient and outpatient hospital services to offenders confined in department of corrections facilities at a rate no greater than the average rate that the department has negotiated with other community hospitals in Washington state.

(f) \$358,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2008 and \$980,000 of the Washington auto theft prevention authority account--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Third Substitute House Bill No. 1001 (auto theft). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(g) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1097 (vulnerable adults). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(h) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$22,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute House Bill No. 1319 (correctional agency employee). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(i) \$87,000 of the general fund--state appropriation for fiscal year 2008 and \$87,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of House Bill No. 1592 (sentence review board). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(j) \$544,000 of the general fund--state appropriation for fiscal year 2008 and \$496,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for development of individual reentry plans to prepare offenders for release into the community as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). Individual reentry plans shall be based on an assessment of the offender using a standardized and comprehensive tool. The individual reentry plan may be one document, or may be a series of individual plans that combine to meet the requirements. The individual reentry plan shall, at a minimum, include:

(i) A plan to maintain contact with the inmate's children and family, if appropriate. The plan should determine whether parenting classes, or other services, are appropriate;

(ii) A description of the offender's education, certifications, work experience, skills, and training; and

(iii) A plan for the offender during the period of incarceration through reentry into the community that addresses the needs of the offender including education, employment, substance abuse treatment, mental health treatment, and family reunification. The individual reentry plan shall be updated as appropriate during the period of incarceration, and prior to the inmate's release to address public safety concerns, consistency with the offender risk management level assigned by the department, housing, and connecting with a community justice center in the area in which the offender will be residing, if a community justice center is located in that area.

(iv) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(3) COMMUNITY SUPERVISION

General Fund--State Appropriation (FY 2008)	\$133,157,000
General Fund--State Appropriation (FY 2009)	(\$145,881,000)
	<u>\$146,344,000</u>
General Fund--Federal Appropriation	\$416,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$9,319,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$9,370,000
Pension Funding Stabilization Account--State Appropriation	\$2,800,000
TOTAL APPROPRIATION	(\$300,943,000)
	<u>\$301,406,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

(a) The department shall accomplish personnel reductions with the least possible impact on correctional custody staff, community custody staff, and correctional industries. For the purposes of this subsection, correctional custody staff means employees responsible for the direct supervision of offenders.

(b) For the acquisition of properties and facilities, the department of corrections is authorized to enter into financial contracts, paid for from operating resources, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. This authority applies to the following: Lease-develop with the option to purchase or lease-purchase work release beds in facilities throughout the state for \$8,561,000.

(c) \$1,167,000 of the general fund--state appropriation for fiscal year 2008 and \$2,295,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the establishment and operation of community justice centers by the department as generally described in Engrossed Substitute Senate Bill No. 6157 (offender recidivism). At a minimum, a community justice center shall include:

(i) A violator program to allow the department to utilize a range of available sanctions for offenders who violate conditions of their supervision;

(ii) An employment opportunity program to assist an offender in finding employment;

- (iii) On-site services or resources for connecting offenders with services such as mental health and substance abuse treatment, transportation, training, family reunification, and community services; and
- (iv) The services of a transition coordinator to facilitate connections between the former offender and the community. The transition coordinator shall provide information to former offenders regarding services available to them in the community including, but not limited to housing assistance, employment assistance, education, vocational training, parent education, financial literacy, treatment for substance abuse, mental health, anger management, and shall assist offenders in their efforts to access needed services.
- (v) If the appropriation in this subsection is not sufficient for this program, the department shall prioritize the use of available funds.

(4) CORRECTIONAL INDUSTRIES

General Fund--State Appropriation (FY 2008)	\$1,001,000
General Fund--State Appropriation (FY 2009)	\$2,357,000
TOTAL APPROPRIATION	<u>\$3,358,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$124,000 of the general fund--state appropriation for fiscal year 2008 and \$132,000 of the general fund-- state appropriation for fiscal year 2009 are provided solely for transfer to the jail industries board. The board shall use the amounts provided only for administrative expenses, equipment purchases, and technical assistance associated with advising cities and counties in developing, promoting, and implementing consistent, safe, and efficient offender work programs.

(5) INTERAGENCY PAYMENTS

General Fund--State Appropriation (FY 2008)	\$35,036,000
General Fund--State Appropriation (FY 2009)	(\$28,082,000)
	<u>\$29,043,000</u>
TOTAL APPROPRIATION	(\$63,118,000)
	<u>\$64,079,000</u>

The appropriations in this subsection are subject to the following conditions and limitations: \$35,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for expenditures related to the *Farrakhan v. Locke* litigation.

Sec. 1122. 2009 c 4 s 223 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SERVICES FOR THE BLIND

General Fund--State Appropriation (FY 2008)	\$2,566,000
General Fund--State Appropriation (FY 2009)	\$2,375,000
General Fund--Federal Appropriation	(\$17,584,000)
	<u>\$18,757,000</u>
General Fund--Private/Local Appropriation	\$20,000
TOTAL APPROPRIATION	(\$22,545,000)
	<u>\$23,718,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for an adjustment to the agency lease rate for space occupied and parking in the Tacoma Rhodes center. The department of general administration shall increase lease rates to meet the cash gain/loss break-even point for the Tacoma Rhodes center effective July 1, 2007.
- (2) The department shall not reduce and shall continue to provide funding for contracted services that provide employment support and help with life activities for deaf and blind individuals in King county.

Sec. 1123. 2009 c 4 s 225 (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

General Fund--State Appropriation (FY 2008)	\$60,000
General Fund--State Appropriation (FY 2009)	\$272,000
General Fund--Federal Appropriation	(\$264,967,000)
	<u>\$320,249,000</u>
General Fund--Private/Local Appropriation	\$33,578,000
Unemployment Compensation Administration Account--Federal Appropriation	(\$252,907,000)
	<u>\$273,138,000</u>
Administrative Contingency Account--State Appropriation	\$22,802,000
Employment Service Administrative Account--State Appropriation	\$33,843,000
Family Leave Insurance Account--State Appropriation	\$1,764,000
TOTAL APPROPRIATION	(\$610,193,000)
	<u>\$685,706,000</u>

The appropriations in this subsection are subject to the following conditions and limitations:

- (1) \$4,578,000 of the unemployment compensation administration account--federal appropriation is provided from funds made available to the state by section 903(d) of the social security act (Reed Act). These funds are authorized to provide direct services to unemployment insurance claimants and providing job search review.
- (2) \$2,300,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue implementation of chapter 4, Laws of 2003 2nd sp. sess. and for implementation costs relating to chapter 133, Laws of 2005 (unemployment insurance).
- (3) \$23,162,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to continue current unemployment insurance functions and department services to employers and job seekers.

(4) \$372,000 of the administrative contingency account--state appropriation is provided solely to implement Substitute Senate Bill No. 5653 (self-employment). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$12,054,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to fund the unemployment insurance tax information system (TAXIS) technology initiative for the employment security department.

(6) \$430,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to replace high-risk servers used by the unemployment security department.

(7) \$503,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed act). This amount is authorized to provide a system to track computer upgrades and changes for the unemployment security department.

(8) \$183,000 of the unemployment compensation administration account--federal appropriation is provided from the amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized to conduct a feasibility study to integrate job search data systems.

(9) \$2,331,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for hardware and software to ensure the ongoing, reliable operation of the telecenters.

(10) \$488,000 of the unemployment compensation administration account--federal appropriation is provided from amounts made available to the state by section 903(d) of the social security act (Reed Act). This amount is authorized for the relocation of the WorkSource office in Lakewood.

(11) \$1,764,000 of the family leave insurance account--state appropriation is provided solely for implementation of the family leave insurance program.

~~((a) The amount provided in this subsection assumes that, in developing the information technology systems to support the payment of benefits, the department will incorporate the claim filing and benefit payment efficiencies recommended by the joint legislative task force on family leave insurance in Part III of its final report dated January 23, 2008, including:~~

- ~~(i) Eliminating the option for awarding attorney fees and costs for administrative hearings;~~
- ~~(ii) Authorizing claims for benefits to be filed in the six-week period beginning on the first day of the calendar week in which the individual is on family leave;~~
- ~~(iii) Not requiring claimants to verify the birth of a child or the placement of a child for adoption;~~
- ~~(iv) Including an attestation from the claimant that written notice has been provided to the employer of the intention to take family leave;~~

- ~~and~~
- ~~(v) Not deducting and withholding federal income taxes from benefit payments;~~
- ~~(b) In addition, the department shall incorporate the following claim filing and benefit payment efficiencies:~~
 - ~~(i) Define "qualifying year" to mean the first four of the last five completed calendar quarters or, if eligibility is not established, the last four completed calendar immediately preceding the first day of the application year;~~
 - ~~(ii) Allow individuals to file a claim for benefits in the six-week period beginning on the first day of the calendar year in which the individual is on family leave; and~~
 - ~~(iii) After an initial family leave insurance benefit is paid, subsequent payments must be made biweekly, rather than semimonthly, thereafter.))~~

(12) \$222,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement Engrossed Second Substitute House Bill No. 2815 (greenhouse gas emissions). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(13) \$155,000 of the unemployment compensation administration account--federal appropriation is provided solely to implement Second Substitute Senate Bill No. 6732 (construction industry). If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

**PART XII
NATURAL RESOURCES**

Sec. 1201. 2009 c 4 s 301 (uncodified) is amended to read as follows:

FOR THE COLUMBIA RIVER GORGE COMMISSION

General Fund--State Appropriation (FY 2008)	\$524,000
General Fund--State Appropriation (FY 2009)	\$509,000
General Fund--Federal Appropriation	\$9,000
General Fund--Private/Local Appropriation	(\$1,044,000)
	<u>\$1,017,000</u>
TOTAL APPROPRIATION	(\$2,086,000)
	<u>\$2,059,000</u>

Sec. 1202. 2009 c 4 s 302 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

General Fund--State Appropriation (FY 2008)	\$50,109,000
General Fund--State Appropriation (FY 2009)	(\$45,748,000)
	<u>\$45,561,000</u>
General Fund--Federal Appropriation	\$83,013,000
General Fund--Private/Local Appropriation	\$13,618,000
Special Grass Seed Burning Research Account--State Appropriation	\$14,000
Reclamation Account--State Appropriation	\$4,207,000
Flood Control Assistance Account--State Appropriation	\$4,151,000
Aquatic Lands Enhancement Account--State Appropriation	\$400,000
State Emergency Water Projects Revolving Account--State Appropriation	\$390,000
Waste Reduction/Recycling/Litter Control--State Appropriation	\$19,588,000
State Drought Preparedness--State Appropriation	\$115,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State Appropriation	\$421,000

Vessel Response Account--State Appropriation	\$1,604,000
Freshwater Aquatic Algae Control Account--State Appropriation	\$509,000
Site Closure Account--State Appropriation	\$694,000
Water Quality Account--State Appropriation (FY 2008)	\$15,137,000
Water Quality Account--State Appropriation (FY 2009)	\$16,493,000
Wood Stove Education and Enforcement Account--State Appropriation	\$370,000
Worker and Community Right-to-Know Account--State Appropriation	\$2,247,000
State Toxics Control Account--State Appropriation	(\$99,235,000)
	<u>\$95,125,000</u>
State Toxics Control Account--Private/Local Appropriation	\$381,000
Local Toxics Control Account--State Appropriation	\$20,952,000
Water Quality Permit Account--State Appropriation	\$34,022,000
Underground Storage Tank Account--State Appropriation	\$3,635,000
Biosolids Permit Account--State Appropriation	\$1,396,000
Hazardous Waste Assistance Account--State Appropriation	\$5,834,000
Air Pollution Control Account--State Appropriation	\$6,306,000
Oil Spill Prevention Account--State Appropriation	\$12,205,000
Air Operating Permit Account--State Appropriation	\$2,680,000
Freshwater Aquatic Weeds Account--State Appropriation	\$1,690,000
Oil Spill Response Account--State Appropriation	\$7,078,000
Metals Mining Account--State Appropriation	\$14,000
Water Pollution Control Revolving Account--State Appropriation	\$464,000
Water Pollution Control Revolving Account--Federal Appropriation	\$2,271,000
Columbia River Water Delivery Account--State Appropriation	\$2,150,000
TOTAL APPROPRIATION	(\$459,141,000)
	<u>\$454,844,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$170,000 of the oil spill prevention account--state appropriation is provided solely for a contract with the University of Washington's sea grant program to continue an educational program targeted to small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas.

(2) \$256,000 of the general fund--state appropriation for fiscal year 2008, \$209,000 of the general fund--state appropriation for fiscal year 2009, and \$200,000 of the general fund--private local appropriation are provided solely to implement activities associated with a regional haze program. Funds shall be collected and expended in accordance with the terms of the contract entered into with affected businesses and the department of ecology.

(3) \$2,000,000 of the local toxics control account--state appropriation is provided solely to local governments outside of Puget Sound for municipal storm water programs, including but not limited to, implementation of phase II municipal storm water permits, source control for toxics in association with cleanup of contaminated sediment sites, and source control programs for shellfish protection districts where storm water is a significant contributor.

(4) Fees approved by the department of ecology in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055. Pursuant to RCW 43.135.055, the department is further authorized to increase the following fees in fiscal year 2009 as necessary to meet the actual costs of conducting business and the appropriation levels in this section: Wastewater discharge permit, not more than 5.57 percent; dam periodic inspection permit, not more than 5.57 percent; dam construction permit, not more than 5.57 percent; and mixed waste management, not more than 14.14 percent.

(5) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 and \$927,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to improve the performance of wetland mitigation. Of this amount, \$55,000 of the general fund--state appropriation for fiscal year 2008 and \$55,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support a wetland in Whatcom county. The program will engage local, state, and federal agencies, private investors, property owners, and others in the creation of one or more wetland banks and other measures to protect habitat functions and values while accommodating urban growth in the region. Priority shall be given to state and local government partnerships for wetland characterization. The department shall issue a report of its findings and recommendations on how wetland mitigation success can be improved to the office of financial management and the appropriate policy committees of the legislature.

(6) \$260,000 of the state toxics control account--state appropriation is provided solely to support pesticide container recycling activities in Washington.

(7) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a pilot project to provide grants to two local government jurisdictions located in the Puget Sound area to improve compliance with existing environmental laws. Grant funds shall be used for providing information on existing requirements, providing technical assistance necessary to comply on a voluntary basis, and taking enforcement action.

(8) \$1,257,000 of the reclamation account--state appropriation is provided solely to implement Substitute Senate Bill No. 5881 (water power license fees). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(9) \$694,000 of the underground storage tank account--state appropriation is provided solely to implement Substitute Senate Bill No. 5475 (underground storage tanks). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(10) \$2,026,000 of the local toxics control account--state appropriation is provided solely for local governments located near hazardous waste clean-up sites, including Duwamish Waterway, Commencement Bay, and Bellingham Bay, to work with small businesses and citizens to safely manage hazardous and solid wastes to prevent the contamination.

(11) \$876,000 of the state toxics control account and \$876,000 of the local toxics control account are provided solely for public participation grants related to toxic cleanup sites within and around Puget Sound.

(12) \$831,000 of the general fund--state appropriation for fiscal year 2008 and \$669,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement watershed plans. Of this amount, \$313,650 of the general fund--state appropriation for fiscal year 2008 and \$529,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to support the implementation of the WRIA 1 watershed plan and the Bertrand watershed improvement district plan, including but not limited to implementation of the Nooksack River basin stream gauging program, study of the feasibility of a public utility district pipeline in the Bertrand watershed, study and construction of

water storage and augmentation in the Bertrand watershed, and preparation and development of the next subbasin watershed plan agreed to by the Bertrand instream flow policy group.

(13) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop, by rule, guidelines for the appropriate siting and operation of geoduck aquaculture operations to be included in any master program under the shorelines management act. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for convening a stakeholder group to recommend establishing a sustainable statewide regional CBRNE/Hazmat response capability.

(15) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement key recommendations and actions identified in the "Washington's Ocean Action Plan: Enhancing Management of Washington State's Ocean and Outer Coast". The department shall provide a progress report on implementing this plan to the appropriate policy committees of the legislature by December 31, 2008.

(16) \$464,000 of the general fund--state appropriation for fiscal year 2008 and \$136,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 6001 (climate change). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to oversee beach seaweed removal in the west Seattle Fauntleroy community. The department may spend up to \$25,000 of this amount for its cost of administration.

(18) \$693,000 of the state toxics control account is provided solely for implementation of Senate Bill No. 5421 (environmental covenants). If the bill is not enacted by June 30, 2007, the amount provided in this section shall lapse.

(19) \$99,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a marshland study of key areas of salmon habitat along the Snohomish river estuary.

(20) \$196,000 of the general fund--state appropriation for fiscal year 2008, \$132,000 of the general fund--state appropriation for fiscal year 2009, and \$19,000 of the oil spill prevention account appropriation are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(21) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to contract with the U.S. institute for environmental conflict resolution, a federal agency, to develop a pilot water management process with three federally recognized treaty Indian tribes. \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the northwest Indian fisheries commission to help establish the pathway for the process in federal agencies.

(22) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to continue the pilot water pathways project through the remainder of the biennium. The department will work with the northwest Indian fisheries commission and the U.S. institute on environmental conflict resolution to find resolution on persistent water policy issues between tribes and nontribal entities.

(23) \$319,000 of the general fund--state appropriation for fiscal year 2008 and \$241,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6117 (reclaimed water). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(24) \$53,000 of the oil spill prevention account--state appropriation is provided solely for the implementation of Senate Bill No. 5552 (penalties for oil spills). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$50,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the department to convene a shellfish aquaculture regulatory committee, composed of a balanced representation from interested state regulatory agencies, Native American tribes, local governments and the environmental and shellfish farming communities. The group will be facilitated by the office of regulatory assistance and will address federal, state, and local regulatory issues related to shellfish farming.

(26) Within the appropriations provided in this section for the development of water supplies in the Columbia river basin, the department shall assist county governments located east of the crest of the Cascade mountain range that: Have an international border; or border a county with an international boundary and a county with four hundred thousand or more residents, to identify water supply projects to compete for funding from the Columbia river basin water management program. The department shall provide technical assistance as needed to further refine priority projects identified by these counties. The department shall consider and balance regional water supply needs in its funding allocation decisions made as a part of this program.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for coordinating with the University of Washington to assess the current energy profile of Washington state pulp and paper mills. The energy consumption and energy generation capability will be determined for both steam and electrical power. In addition, the sources and types of fuels used in various boilers will be assessed.

(28) \$195,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to support a collaborative process to design a proposed comprehensive water management structure for the Walla Walla river basin. The proposed structure should address the allocation of functions, authorities, resource requirements, and issues associated with interstate watershed management of the basin. Invited participants should include but not be limited to the confederated tribes of the Umatilla Indian reservation; appropriate state agencies; and Walla Walla basin interests such as municipalities, irrigation districts, conservation districts, fisheries, agriculture, economic development, and environmental representatives. A report outlining the proposed governance and water management structure shall be submitted to the governor and the appropriate committees of the legislature by November 15, 2008.

(29) \$333,000 of the state toxics control account--state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 2647 (children's safe products). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(30) \$256,000 of the general fund--state appropriation for fiscal year 2008 and \$1,027,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Engrossed Second Substitute House Bill No. 2815 (reducing greenhouse gases emissions in the Washington economy). In participating in the western climate initiative under Engrossed Second Substitute House Bill No. 2815, the director of the department shall seek to ensure that the design for a regional multisector market-based system confers equitable economic benefits and opportunities to electric utilities operating in Washington by having that system recognize at least the following: (a) Voluntary investments made by Washington utilities in energy efficiency measures; (b) emission reduction benefits that other state and provincial participants in the western climate initiative derive from consuming renewable energy generated in Washington; and (c) adverse impacts that climate change uniquely has upon the capabilities of hydroelectric power generation. Washington state's representatives to the western climate initiative process shall advocate for a regional multisector market-based design that addresses competitive disadvantages that could be experienced by in-region industries as compared to industries in states or countries that do not have greenhouse gas reduction programs that are substantively

equivalent to the system designed under the western climate initiative process. If the bill is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(31) Within the appropriations provided in this section the department shall ensure that standard statewide protocols for surface water monitoring are developed and included in status and trends monitoring to utilize information from other entities, including other state agencies, local governments, and volunteer groups.

(32)(a) \$2,000,000 of the Columbia river water delivery account appropriation is provided solely for distribution to affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water) to mitigate for negative impacts caused by releases of Lake Roosevelt water for the purposes described in that bill. The criteria for allocating these funds shall be developed by the department in consultation with affected local governments.

(b) \$150,000 of the Columbia river water delivery account appropriation is provided solely for the department to retain a contractor to perform an independent analysis of legislative options to protect rural communities in northeast Washington from disproportionate economic, agricultural, and environmental impacts when upstream water rights are purchased and transferred for use, or idled and used as mitigation, in a downstream watershed or county. Before retaining a contractor, the department shall consult with affected counties as defined in Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water). The contractor selected shall conduct the independent analysis and develop a report describing options and recommended actions. The department of ecology shall provide the report to the appropriate committees of the legislature by December 1, 2008.

(c) If Engrossed Second Substitute Senate Bill No. 6874 (Columbia river water delivery) is not enacted by June 30, 2008, the amounts provided in this subsection shall lapse.

(33) \$210,000 of the local toxics control account--state appropriation is provided solely to clean up naturally occurring asbestos from Swift Creek.

(34) \$80,000 of the state toxics control account--state appropriation is provided solely for the department to create a stakeholder advisory committee to review and develop recommendations to help businesses achieve a fifty percent toxics reduction use goal. The committee shall: (a) Review and make recommendations to improve the effectiveness and delivery of technical assistance in pollution prevention planning; (b) develop recommendations for strategies to encourage moving away from "end-of-pipe" pollution reduction approaches to increase hazardous waste prevention throughout the state; and (c) review and make recommendations on revising the hazardous waste planning fee under RCW 70.95E.030, including opportunities to provide incentives that reward businesses for toxic use reduction successes in meeting a fifty percent toxics use reduction goal. The committee shall report its findings and recommendations to the fiscal and policy committees of the senate and house of representatives by November 1, 2008.

(35) \$70,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6805 (relating to promoting farm and forest land preservation and environmental restoration through conservation markets). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(36) RCW 70.105.280 authorizes the department to assess reasonable service charges against those facilities that store, treat, incinerate, or dispose of dangerous or extremely hazardous waste that involves both a nonradioactive hazardous component and a radioactive component. Service charges may not exceed the costs to the department in carrying out the duties in RCW 70.105.280. The current service charges do not meet the costs of the department to carry out its duties. Pursuant to RCW 43.135.055 and 70.105.280, the department is authorized to increase the service charges no greater than 10% for fiscal year 2009.

Sec. 1203. 2009 c 4 s 303 (uncodified) is amended to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

General Fund--State Appropriation (FY 2008)	\$48,970,000
General Fund--State Appropriation (FY 2009)	(\$45,503,000)
	<u>\$45,508,000</u>
General Fund--Federal Appropriation	\$5,731,000
General Fund--Private/Local Appropriation	\$73,000
Winter Recreation Program Account--State Appropriation	\$1,559,000
Off-Road Vehicle Account--State Appropriation	\$234,000
Snowmobile Account--State Appropriation	\$4,829,000
Aquatic Lands Enhancement Account--State Appropriation	\$363,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$23,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$24,000
Parks Renewal and Stewardship Account--State Appropriation	(\$37,334,000)
	<u>\$38,584,000</u>
Parks Renewal and Stewardship Account--Private/Local Appropriation	\$300,000
TOTAL APPROPRIATION	(\$144,943,000)
	<u>\$146,198,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Fees approved by the state parks and recreation commission in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(2) \$79,000 of the general fund--state appropriation for fiscal year 2008 and \$79,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a grant for the operation of the Northwest avalanche center.

(3) \$300,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for project scoping and cost estimating for the agency's 2009-11 capital budget submittal.

(4) \$2,255,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for costs associated with relocating the commission's Tumwater headquarters office.

(5) \$272,000 of the general fund--state appropriation for fiscal year 2008 and \$271,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for costs associated with relocating the commission's eastern Washington regional headquarters office.

(6) \$1,000,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for replacing vehicles and equipment.

(7) \$1,611,000 of the general fund--state appropriation for fiscal year 2008 and \$1,428,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for planned and emergency maintenance of park facilities.

(8) \$1,700,000 of the general fund--federal appropriation for fiscal year 2009 is provided solely for the recreational boating safety program.

(9) \$954,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$1,007,000)~~ \$1,932,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operations of Cama Beach state park.

(10) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5219 (weather and avalanche center). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) \$9,000 of the general fund--state appropriation for fiscal year 2008 and \$9,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(13) \$264,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$217,000)~~ \$132,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish a pilot lifeguard program at Lake Sammamish and Nolte state parks. The department shall complete a comprehensive risk analysis to determine if expansion of the lifeguard program or other drowning risk reduction measures should be implemented. The department shall report its findings to the office of financial management and the appropriate committees of the legislature by July 1, 2009. The department shall fully implement this program as intended in this subsection.

(14) \$455,000 of the general fund--state appropriation for fiscal year 2008 and \$10,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a long-range plan for Fort Worden state park, including architectural and site design guidelines, business and operations implementation, site and facilities use plan, and for the department to convene a task force to recommend alternative governance structures for the park.

(15) \$1,600,000 of the parks renewal stewardship account--state appropriation is provided solely for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship and other state park purposes, pursuant to Substitute House Bill No. 2275 (raising funds for state parks). Expenditures from the amount provided in this subsection shall not exceed actual revenues received under Substitute House Bill No. 2275. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) ~~(\$40,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.~~

~~(17))~~ \$58,000 of the general fund--state appropriation for fiscal year 2008 and \$73,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for one-time financial assistance to the northwest weather and avalanche center, administered by the United States forest service, to keep the center operational through the remainder of the biennium.

~~((18))~~ (17) Funds in this section are sufficient for continued implementation of Engrossed Substitute Senate Bill No. 5010 (foster home pass). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 1204. 2009 c 4 s 307 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF FISH AND WILDLIFE

General Fund--State Appropriation (FY 2008)	\$56,158,000
General Fund--State Appropriation (FY 2009)	(\$49,062,000)
	<u>\$49,094,000</u>
General Fund--Federal Appropriation	\$52,270,000
General Fund--Private/Local Appropriation	\$37,184,000
Off-Road Vehicle Account--State Appropriation	\$413,000
Aquatic Lands Enhancement Account--State Appropriation	\$6,022,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$268,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$323,000
Recreational Fisheries Enhancement--State Appropriation	\$3,600,000
Warm Water Game Fish Account--State Appropriation	\$2,992,000
Eastern Washington Pheasant Enhancement Account--State Appropriation	\$753,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$204,000
Aquatic Invasive Species Prevention Account--State Appropriation	\$842,000
Wildlife Account--State Appropriation	\$63,549,000
Wildlife Account--Federal Appropriation	\$34,279,000
Wildlife Account--Private/Local Appropriation	\$13,187,000
Game Special Wildlife Account--State Appropriation	\$2,478,000
Game Special Wildlife Account--Federal Appropriation	\$8,911,000
Game Special Wildlife Account--Private/Local Appropriation	\$483,000
Water Quality Account--State Appropriation (FY 2008)	\$160,000
Water Quality Account--State Appropriation (FY 2009)	\$160,000
Regional Fisheries Salmonid Recovery Account--Federal Appropriation	\$5,001,000
Oil Spill Prevention Account--State Appropriation	\$1,093,000
Oyster Reserve Land Account--State Appropriation	\$416,000
Wildlife Rehabilitation Account--State Appropriation	(\$270,000)
	<u>\$240,000</u>
TOTAL APPROPRIATION	(\$340,078,000)
	<u>\$340,080,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall use the department of printing for printing needs. Funds provided in this section may not be used to staff or fund a stand-alone printing operation.

(2) \$175,000 of the general fund--state appropriation for fiscal year 2008 and \$175,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of hatchery reform recommendations defined by the hatchery scientific review group.

(3) The department shall support the activities of the aquatic nuisance species coordination committee to foster state, federal, tribal, and private cooperation on aquatic nuisance species issues. The committee shall strive to prevent the introduction of nonnative aquatic species and to minimize the spread of species that are introduced.

(4) The department shall emphasize enforcement of laws related to protection of fish habitat and the illegal harvest of salmon and steelhead. Within the amount provided for the agency, the department shall provide support to the department of health to enforce state shellfish harvest laws.

(5) \$400,000 of the general fund--state appropriation for fiscal year 2008 and \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a state match to support the Puget Sound nearshore partnership between the department and the U.S. army corps of engineers.

(6) The department shall assist the office of regulatory assistance in implementing activities consistent with the governor's regulatory improvement program. The department shall support and provide expertise to facilitate, coordinate, and simplify citizen and business interactions so as to improve state regulatory processes involving state, local, and federal stakeholders.

(7) \$634,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for operations and fish production costs at department-operated Mitchell act hatchery facilities.

(8) \$609,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department to implement a pilot project with the Confederated Tribes of the Colville Reservation to develop expanded recreational fishing opportunities on Lake Rufus Woods and its northern shoreline and to conduct joint enforcement of lake fisheries on Lake Rufus Woods and adjoining waters, pursuant to state and tribal intergovernmental agreements developed under the Columbia River water supply program.

(a) For the purposes of the pilot project:

(i) A fishing permit issued to a nontribal member by the Colville Tribes shall satisfy the license requirement of RCW 77.32.010 on the waters of Lake Rufus Woods and on the north shore of Lake Rufus Woods;

(ii) The Colville Tribes have agreed to provide to holders of its nontribal member fishing permits a means to demonstrate that fish in their possession were lawfully taken in Lake Rufus Woods;

(iii) A Colville tribal member identification card shall satisfy the license requirement of RCW 77.32.010 on all waters of Lake Rufus Woods;

(iv) The department and the Colville Tribes shall jointly designate fishing areas on the north shore of Lake Rufus Woods for the purposes of enhancing access to the recreational fisheries on the lake; and

(v) The Colville Tribes have agreed to recognize a fishing license issued under RCW 77.32.470 or RCW 77.32.490 as satisfying the nontribal member fishing permit requirements of Colville tribal law on the reservation portion of the waters of Lake Rufus Woods and at designated fishing areas on the north shore of Lake Rufus Woods;

(b) The director, in collaboration with the Colville Tribes, shall provide an interim report to the office of financial management and the appropriate committees of the legislature by December 31, 2008. The report shall describe the status of the pilot project, and make recommendations as needed to fully implement the project, pursuant to the state and tribal agreement on Lake Rufus Woods.

(9) \$182,000 of the general fund--state appropriation for fiscal year 2008 and \$182,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue the ballast water management program in Puget Sound and expand the program to include the Columbia river and coastal ports.

(10) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for hatchery facility maintenance improvements.

(11) \$440,000 of the general fund--state appropriation for fiscal year 2008 and \$409,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for estimates of juvenile abundance of federally listed salmon and steelhead populations. The department shall report to the office of financial management and the appropriate fiscal committees of the legislature with a letter stating the use and measurable results of activities that are supported by these funds.

(12) \$125,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the strategic budget and accountability program.

(13) \$113,000 of the general fund--state appropriation for fiscal year 2008 and \$113,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(14) Prior to submitting its 2009-11 biennial operating and capital budget request related to state fish hatcheries to the office of financial management, the department shall contract with the hatchery scientific review group (HSRG) to review this request. This review shall: (a) Determine if the proposed requests are consistent with HSRG recommendations; (b) prioritize the components of the requests based on their contributions to protecting wild salmonid stocks and meeting the recommendations of the HSRG; and (c) evaluate whether the proposed requests are being made in the most cost effective manner. The department shall provide a copy of the HSRG review to the office of financial management and the appropriate legislative committees by October 1, 2008.

(15) \$43,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the implementation of Substitute Senate Bill No. 5447 (coastal Dungeness crab). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(16) \$4,000 of the general fund--state appropriation for fiscal year 2008 and \$4,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(17) \$89,000 of the general fund--state appropriation for fiscal year 2008 and \$89,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$204,000 of the aquatic invasive species enforcement account-- state appropriation is provided solely for the implementation of Substitute Senate Bill No. 5923 (aquatic invasive species). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(19) \$352,000 of the wildlife rehabilitation account is provided solely for the implementation of Senate Bill No. 5188 (wildlife rehabilitation). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(20) \$77,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department of fish and wildlife to participate in the upper Columbia salmon recovery plan implementation, habitat conservation plan hatchery committees, and the priest rapids salmon and steelhead agreement hatchery technical committee.

(21)(a) Within existing funds, the department of fish and wildlife shall sell the upper 20-acre parcel of the Beebe springs property.

(b) Proceeds from the sale are to be used to develop the Beebe springs natural interpretive site. Up to \$300,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the development of the Beebe springs natural interpretive site. The department shall not expend more than the amount received from the sale proceeds.

(22) \$50,000 of the general fund--state appropriation for fiscal year 2008 and \$49,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2049 (marine resource committees). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(23) \$35,000 of the general fund--state appropriation for fiscal year 2008 and \$35,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a study of introducing oxygen to the waters of Hood Canal. The study shall propose a location in a small marine area where a large number of bottom-dwelling fish species exist, and analyze the impact of injected dissolved oxygen on aquatic life.

The department shall report to the appropriate committees of the legislature on the results of the study and recommend whether to proceed with a project to inject oxygen into Hood Canal.

(24) \$1,310,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to replace state wildlife account funds for the engineering program and \$610,000 of the general fund--state appropriation for fiscal year 2008 are provided solely to replace state wildlife account funds for the hydraulic project permitting program, including the development of a permit fee schedule for the hydraulic project approval program to make the program self supporting. Fees may be based on factors relating to the complexity of the permit issuance. The fees received by the department must be deposited into the state wildlife account and shall be expended exclusively for the purposes of the hydraulic project permitting program. By December 1, 2008, the department shall provide a permit fee schedule for the hydraulic project approval program to the office of financial management and the appropriate committees of the legislature.

(25) \$245,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to the department to work in cooperation with the department of natural resources to assist with the implementation of the wild horse coordinated resource management plan. Implementation may include providing grant funding to other state and nonstate entities as needed.

(26) \$270,000 of the general fund--state appropriation for fiscal year 2008 and \$270,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to develop siting guidelines for power generation facilities, provide technical assistance for permitting, support voluntary compliance with the guidelines, and to conduct bird and wildlife assessments on state lands most eligible for wind power leases.

(27) \$50,000 of the general fund--state appropriation for fiscal year 2008 is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall develop and maintain an electronic database for aquatic farmer registration. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(28) During the 2007-09 biennium, the department shall not make a permanent closure of any hatchery facility currently in operation.

(29) Within existing funds, the department shall continue implementing its capital program action plan dated September 1, 2007, including the purchase of the necessary maintenance and support costs for the capital programs and engineering tools. The department shall report to the office of financial management and the appropriate committees of the legislature, its progress in implementing the plan, including improvements instituted in its capital program, by September 30, 2008.

(30) \$46,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Second Substitute House Bill No. 2514 (orca whale protection). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(31) The department shall complete an inventory of department purchased or leased lands acquired for mixed agriculture and fish and wildlife habitat and provide for each purchase or lease agreement the cost and date of the agreement, the previous use of the land, any agreement or deed specifying continuing use of the land, and the current management cost and status of each parcel of purchased or leased lands. The department shall provide the inventory to the appropriate committees of the legislature by December 1, 2008.

(32) \$289,000 of the general fund--state appropriation for fiscal year 2008 and \$301,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for selective fisheries.

(33) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for removal of derelict gear in Washington waters.

(34) \$135,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for a review of the effectiveness of the department's existing hydraulic project approval process and environmental outcomes.

(35) \$75,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to implement the 2008 Wiley Slough restoration project report to the legislature recommendation to establish a private farmland, public recreation partnership that would provide farmland preservation, waterfowl management, and public recreational access.

(36) \$95,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Ebey Island property management costs.

(37)(a) A work group on Electron dam salmon passage is established, with members as provided in this subsection.

(i) The president of the senate shall appoint one member from each of the two largest caucuses of the senate.

(ii) The speaker of the house of representatives shall appoint one member from each of the two largest caucuses of the house of representatives.

(iii) The department of fish and wildlife shall appoint at least one representative from each of the following entities: The department of fish and wildlife, Puyallup Tribe of Indians, and Puget Sound energy.

(b) The department of fish and wildlife shall provide staff support to the work group.

(c) The work group shall study possible enhancements for improving outbound juvenile salmon passage at Electron dam on the Puyallup river.

(d) Legislative members of the work group shall be reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members, except those representing an employer or organization, are entitled to be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(e) The expenses of the work group, other than travel expenses of legislative members, shall be paid within existing funds from the department of fish and wildlife.

(f) The work group shall present its findings and recommendations to the appropriate committees of the legislature by January 1, 2009.

(g) This subsection expires January 1, 2009.

(38) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

(39) Within the appropriations in this section, specific funding is provided to implement Engrossed Senate Bill No. 6821 (fish and wildlife information).

(40) \$250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Second Substitute Senate Bill No. 6227 (outer coast marine resources committees). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(41) \$115,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for Substitute Senate Bill No. 6231 (marine protected areas). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

Sec. 1205. 2009 c 4 s 308 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund--State Appropriation (FY 2008)	\$50,328,000
General Fund--State Appropriation (FY 2009)	((\$48,695,000))
	<u>\$65,720,000</u>
General Fund--Federal Appropriation	\$27,855,000
General Fund--Private/Local Appropriation	\$1,408,000

Forest Development Account--State Appropriation	((\$57,603,000))
	<u>\$57,647,000</u>
Off-Road Vehicle Account--State Appropriation	\$4,196,000
Surveys and Maps Account--State Appropriation	\$2,523,000
Aquatic Lands Enhancement Account--State Appropriation	\$7,897,000
Resources Management Cost Account--State Appropriation	((\$94,633,000))
	<u>\$95,426,000</u>
Surface Mining Reclamation Account--State Appropriation	\$3,279,000
Disaster Response Account--State Appropriation	\$5,000,000
Forest and Fish Support Account--State Appropriation	\$7,000,000
Water Quality Account--State Appropriation (FY 2008)	\$1,348,000
Water Quality Account--State Appropriation (FY 2009)	\$1,348,000
Aquatic Land Dredged Material Disposal Site Account--State Appropriation	\$1,335,000
Natural Resources Conservation Areas Stewardship Account--State Appropriation	\$34,000
State Toxics Control Account--State Appropriation	\$80,000
Air Pollution Control Account--State Appropriation	\$567,000
Nonhighway and Off-Road Vehicle Activities Program Account--State Appropriation	\$982,000
Derelict Vessel Removal Account--State Appropriation	\$3,650,000
Agricultural College Trust Management Account--State Appropriation	\$2,046,000
TOTAL APPROPRIATION	((\$321,807,000))
	<u>\$339,669,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,021,000 of the general fund--state appropriation for fiscal year 2008 and \$1,043,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for deposit into the agricultural college trust management account and are provided solely to manage approximately 70,700 acres of Washington State University's agricultural college trust lands.

(2) \$13,920,000 of the general fund--state appropriation for fiscal year 2008, ((~~\$13,542,000~~)) \$30,292,000 of the general fund--state appropriation for fiscal year 2009, and \$5,000,000 of the disaster response account--state appropriation are provided solely for emergency fire suppression. None of the general fund and disaster response account amounts provided in this subsection may be used to fund agency indirect and administrative expenses. Agency indirect and administrative costs shall be allocated among the agency's remaining accounts and appropriations.

(3) Fees approved by the department of natural resources and the board of natural resources in the 2007-09 biennium are authorized to exceed the fiscal growth factor under RCW 43.135.055.

(4) \$198,000 of the general fund--state appropriation for fiscal year 2008 and \$199,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to work with appropriate stakeholders and state agencies in determining how privately owned lands, in combination with other land ownership such as public and tribal lands, contribute to wildlife habitat. The assessment will also determine how commercial forests, forest lands on the urban fringe, and small privately-owned forest lands that are managed according to Washington's forest and fish prescriptions, in combination with other forest management activities, function as wildlife habitat now and in the future.

(5) \$5,000,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to tribes. If federal funding for this purpose is reinstated, the amount provided in this subsection shall lapse. The department shall compile the outcomes of these grants annually and submit them to the office of financial management by September 1 of 2008 and 2009.

(6) \$400,000 of the forest and fish support account--state appropriation is provided solely for adaptive management, monitoring, and participation grants to the departments of ecology and fish and wildlife. If federal funding for this purpose is reinstated, this subsection shall lapse.

(7) The department shall prepare a feasibility study that analyzes applicable business processes and develops the scope, requirements, and alternatives for replacement of the department's current suite of payroll-support systems. The department shall use an independent consultant to assist with the study, and shall submit the completed analysis to the office of financial management, the department of personnel, and the department of information services by August 1, 2008.

(8) \$600,000 of the general fund--state appropriation for fiscal year 2008 and \$600,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to continue interagency agreements with the department of fish and wildlife and the department of ecology for forest and fish report field implementation tasks.

(9) All department staff serving as recreation-management trail stewards shall be noncommissioned.

(10) \$112,000 of the aquatic lands enhancement account--state appropriation is provided solely for spartina eradication efforts. The department may enter into agreements with federal agencies to eradicate spartina from private lands that may provide a source of reinfestation to public lands.

(11) \$40,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to convene and staff a work group to study issues related to wildfire prevention and protection. The work group shall be composed of members representing rural counties in eastern and western Washington, fire districts, environmental protection organizations, industrial forest landowners, the agricultural community, the beef industry, small forest landowners, the building industry, realtors, the governor or a designee, the insurance commissioner or a designee, the office of financial management, the state fire marshal or a designee, the state building code council, and the commissioner or public lands or a designee. The work group shall issue a report of findings and recommendations to the appropriate committees of the legislature by August 1, 2008.

(12) \$249,000 of the aquatic lands enhancement account--state appropriation is provided solely to implement Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, the department shall execute activities as described in Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership).

(13) \$2,000,000 of the derelict vessel removal account--state appropriation is provided solely for the implementation of Engrossed Second Substitute Senate Bill No. 6044 (derelict vessels). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(14) \$34,000 of the general fund--state appropriation for fiscal year 2008 and \$34,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 5236 (public lands management). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(15) \$14,000 of the forest development account--state appropriation and \$52,000 of the resources management cost account--state appropriation are provided solely for implementation of Substitute Senate Bill No. 5463 (forest fire protection). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(16) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$900,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the removal of one or two large floating dry docks off Lake Washington near the Port Quendall site in north Renton.

(17) \$547,000 of the general fund--state appropriation for fiscal year 2008 and \$726,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the implementation of Substitute Senate Bill No. 6141 (forest health). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(18) \$22,000 of the surface mining reclamation account--state appropriation and \$22,000 of the resources management cost account--state appropriation are provided solely for the implementation of Substitute Senate Bill No. 5972 (surface mining reclamation). If the bill is not enacted by June 30, 2007, the amounts in this subsection shall lapse.

(19) \$125,000 of the general fund--state appropriation for fiscal year 2008, \$125,000 of the general fund--state appropriation for fiscal year 2009, and \$250,000 of the resource management cost account--state appropriation are provided solely to extend the 2005-2007 contract with the University of Washington college of forestry resources for additional research and technical assistance on the future of Washington forests. Reports shall be submitted by June 30, 2009, to the appropriate committees of the legislature on the following topics:

(a) An exploration of the potential markets for renewable energy from biomass from Washington forests, especially from material removed from eastern Washington forests as part of forest health improvement efforts. This exploration shall assess the feasibility of converting large amounts of underutilized forest biomass into useful products and green energy by providing required analyses needed to efficiently collect and deliver forest biomass to green energy end users. The role of transportation and processing infrastructure in developing markets for such material for both clean energy and value-added products shall be included in the exploration. The college shall coordinate with Washington State University efforts to identify what new biological, chemical, and engineering technologies are emerging for converting forest biomass to clean and efficient energy.

(b) Recommendations for the college's northwest environmental forum for retaining the highest valued working forest lands at risk of conversion to nonforest uses. These recommendations should include an examination of means to enhance biodiversity through strategic retention of certain lands, as well as economic incentives for landowners to retain lands as working forests and provide ecosystem services. The recommendations shall consider the health and value of the forest lands, the rate of loss of working forest lands in the area, the risk to timber processing infrastructure from continued loss of working forest lands, and the multiple benefits derived from retaining working forest lands. The recommendations shall prioritize forest lands in the Cascade foothills, which include the area generally encompassing the nonurbanized lands within the Cascade mountain range and drainages lying between three hundred and three thousand feet above mean sea level, and located within Whatcom, Skagit, Snohomish, King, Pierce, Thurston, and Lewis counties.

(20) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for Chelan county, as the chair of the Stemilt partnership, to perform the following:

(a) Work with private and public land management entities to identify and evaluate land ownership possibilities;

(b) Allocate up to \$10,000 to the department of fish and wildlife to perform technical studies, baseline assessments, environmental review, due diligence, and similar real estate evaluations; and

(c) Implement real estate transactions based on the results of the studies.

(21) \$15,000 of the general fund--state appropriation for fiscal year 2008 and \$15,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for health benefits to Washington conservation corps employees.

(22) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for staff support for the natural heritage program to integrate, analyze, and provide bird area information, and for state designations and mapping support, among other activities.

(23) \$48,000 of the resource management cost account--state appropriation is provided solely to implement Second Substitute House Bill No. 2220 (shellfish). The department shall participate in a shellfish aquaculture regulatory committee, convened by the department of ecology. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(24) \$150,000 of the general fund--private/local appropriation is provided solely for the implementation of Substitute Senate Bill No. 5445 (cost-reimbursement agreements). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(25) \$191,000 of the aquatic lands enhancement account--state appropriation is provided solely for the department to coordinate with the Puget Sound partnership to complete a final habitat conservation plan for state-owned aquatic lands and an environmental impact statement by June 2009.

(26) \$251,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Second Substitute House Bill No. 2844 (urban forestry). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(27) \$80,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to complete maps of lower Hood Canal, including subsurface geologic layers, lithology, digital layers, and maps to identify liquifiable sediments for hazard mitigation. The department shall provide a report to the appropriate committees of the legislature on maps that were produced by December 1, 2008.

(28) As part of its 2009-11 biennial budget request, the department shall submit a report detailing the methodology for determining the value of payment in lieu of taxes as provided in RCW 79.70.130. At a minimum, the report will show the number of acres subject to the payment in lieu of taxes, the tax rates assumed by each affected county, and the resulting value of the state general fund obligation.

(29) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to supplement other available funds for an analysis of whether forest practices rules (including rules for harvest on potentially unstable slopes, road construction and maintenance, and post-harvest slash treatment) effectively protect public resources and public safety from landslides, and other storm-related impacts. The analysis is to be accomplished using the forest practices board adaptive management process. The cooperative monitoring, evaluation, and research (CMER) committee of the adaptive management program shall submit a report of its preliminary analysis and conclusions to the appropriate committees of the legislature by December 1, 2008. The forest practices board shall submit a complete report of the CMER study on the effectiveness of current prescriptions and practices by June 30, 2009. This amount is ongoing solely to make improvements to the state's geological survey.

(30) \$26,000 of the general fund--state appropriation for fiscal year 2008 and \$71,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Substitute House Bill No. 2472 (recreational opportunities).

Sec. 1206. 2009 c 4 s 311 (uncodified) is amended to read as follows:

FOR THE PUGET SOUND PARTNERSHIP

General Fund--State Appropriation (FY 2008)	\$370,000
General Fund--State Appropriation (FY 2009)	\$560,000

General Fund--Federal Appropriation	\$2,655,000
General Fund--Private/Local Appropriation	\$2,500,000
Aquatic Lands Enhancement Account--State Appropriation	\$500,000
Water Quality Account--State Appropriation (FY 2008)	\$3,660,000
Water Quality Account--State Appropriation (FY 2009)	(\$4,098,000)
	<u>\$3,898,000</u>
State Toxics Account--State Appropriation	(\$1,510,000)
	<u>\$1,710,000</u>
TOTAL APPROPRIATION	\$15,853,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$600,000 of the water quality account--state appropriation for fiscal year 2008, ~~(\$1,400,000)~~ \$1,200,000 of the water quality account--state appropriation for fiscal year 2009, and \$2,500,000 of the general fund--private/local appropriation are provided solely for the education of citizens through attracting and utilizing volunteers to engage in activities that result in environmental benefits.

(2) \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$370,000 of the general fund--state appropriation for fiscal year 2008, \$560,000 of the general fund--state appropriation for fiscal year 2009, and \$1,155,000 of the general fund--federal appropriation are provided solely to implement Substitute Senate Bill No. 5372 (Puget Sound partnership). If the bill is not enacted by June 30, 2007, then \$2,208,000 of the water quality account--state appropriation for fiscal year 2008, \$2,209,000 of the water quality account--state appropriation for fiscal year 2009, \$1,155,000 of the general fund--federal appropriation, \$500,000 of the general fund--state appropriation for fiscal year 2008, and \$500,000 of the general fund--state appropriation for fiscal year 2009 are appropriated to the office of the governor for operation of the Puget Sound action team.

(3) To implement the 2007-09 Puget Sound biennial plan required by Engrossed Substitute Senate Bill No. 5372 (Puget Sound partnership), funding is provided solely for Puget Sound recovery activities in the budgets of selected agencies and institutions of higher education, including the department of agriculture, department of community, trade and economic development, conservation commission, department of ecology, department of fish and wildlife, department of health, interagency committee for outdoor recreation, department of natural resources, state parks and recreation commission, the Puget Sound partnership, University of Washington, and Washington State University. During the 2007-09 biennium, moneys are provided solely for these agencies and institutions of higher education as provided for in ~~(LEAP)~~ OFM document ~~((PSAT-2007))~~ PSP-2009.

(4) \$305,000 of the water quality account--state appropriation for fiscal year 2009 ~~((and \$305,000 of the general fund--federal appropriation are))~~ is provided solely for an outcome monitoring program first for Puget Sound and Washington's coastline and then across the remaining salmon recovery regions across the state.

(5) \$852,000 of the water quality account--state appropriation for fiscal year 2008, \$231,000 of the water quality account--state appropriation for fiscal year 2009, and \$900,000 of the state toxics control account appropriation are provided solely for development and implementation of the 2020 action agenda.

**PART XIII
TRANSPORTATION**

Sec. 1301. 2009 c 4 s 402 (uncodified) is amended to read as follows:

FOR THE STATE PATROL

General Fund--State Appropriation (FY 2008)	\$38,968,000
General Fund--State Appropriation (FY 2009)	(\$28,334,000)
	<u>\$32,288,000</u>
General Fund--Federal Appropriation	\$5,629,000
General Fund--Private/Local Appropriation	\$1,223,000
Death Investigations Account--State Appropriation	(\$5,680,000)
	<u>\$5,681,000</u>
Public Safety and Education Account--State Appropriation (FY 2008)	\$1,476,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$2,687,000
Enhanced 911 Account--State Appropriation	\$572,000
County Criminal Justice Assistance Account--State Appropriation	\$3,133,000
Municipal Criminal Justice Assistance Account--State Appropriation	\$1,222,000
Fire Service Trust Account--State Appropriation	\$131,000
Disaster Response Account--State Appropriation	\$2,000
Fire Service Training Account--State Appropriation	\$8,010,000
Aquatic Invasive Species Enforcement Account--State Appropriation	\$54,000
State Toxics Control Account--State Appropriation	\$495,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$3,007,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$4,429,000
Fingerprint Identification Account--State Appropriation	\$10,057,000
TOTAL APPROPRIATION	(\$115,109,000)
	<u>\$119,064,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$233,000 of the general fund--state appropriation for fiscal year 2008, \$282,000 of the general fund--state appropriation for fiscal year 2009, and \$357,000 of the fingerprint identification account--state appropriation are provided solely for workload associated with implementation of the federal Adam Walsh Act -- the Children's Safety and Violent Crime Reduction Act of 2006.

(2) In accordance with RCW 10.97.100 and chapter 43.43 RCW, the Washington state patrol is authorized to perform and charge fees for criminal history and background checks for state and local agencies, and nonprofit and other private entities and disseminate the records. It is the policy of the state of Washington that the fees cover, as nearly as practicable, the direct and indirect costs of performing criminal history and background checks activities. Pursuant to RCW 43.135.055, during the 2007-2009 fiscal biennium, the Washington state patrol may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the direct and indirect cost of the criminal history and background check activities.

- (3) \$200,000 of the fire service training account--state appropriation is provided solely for two FTEs in the office of the state director of fire protection to exclusively review K-12 construction documents for fire and life safety in accordance with the state building code. It is the intent of this appropriation to provide these services only to those districts that are located in counties without qualified review capabilities.
- (4) \$350,000 of the fire service training account--state appropriation is provided solely to implement the provisions of Senate Bill No. 6119 (firefighter apprenticeship training program). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.
- (5) \$200,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for efforts to reduce the number of convicted offender biological samples awaiting DNA analysis.
- (6) Within the appropriations in this section, specific funding is provided to implement Second Substitute Senate Bill No. 5642 (cigarette ignition).

**PART XIV
EDUCATION**

Sec. 1401. 2009 c 4 s 501 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund--State Appropriation (FY 2008)	\$36,444,000
General Fund--State Appropriation (FY 2009)	(\$38,605,000)
	<u>\$38,708,000</u>
General Fund--Federal Appropriation	\$77,182,000
TOTAL APPROPRIATION	(\$152,231,000)
	<u>\$152,334,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(A maximum of)~~ \$11,920,000 of the general fund--state appropriation for fiscal year 2008 and ~~(a maximum of \$12,019,000)~~ \$10,152,000 of the general fund--state appropriation for fiscal year 2009 are for the operation and expenses of the office of the superintendent of public instruction. Within the amounts provided in this subsection, the superintendent shall recognize the extraordinary accomplishments of four students who have demonstrated a strong understanding of the civics essential learning requirements to receive the Daniel J. Evans civic education award. The students selected for the award must demonstrate understanding through completion of at least one of the classroom-based civics assessment models developed by the superintendent of public instruction, and through leadership in the civic life of their communities. The superintendent shall select two students from eastern Washington and two students from western Washington to receive the award, and shall notify the governor and legislature of the names of the recipients.

(2) \$1,080,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$815,000)~~ \$796,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the operation and expenses of the state board of education, including basic education assistance activities. Within the amounts provided, the board shall implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) for which it is responsible, including: (a) Develop a comprehensive set of recommendations for an accountability system; (b) adopt high school graduation requirements aligned with international performance standards in mathematics and science and, in conjunction with the office of the superintendent of public instruction, identify no more than three curricula that are aligned with these standards; and (c) review all requirements related to the high school diploma as directed by section 405, chapter 263, Laws of 2006.

(3) \$4,779,000 of the general fund--state appropriation for fiscal year 2008 and ~~(\$6,248,000)~~ \$5,808,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the professional educator standards board for the following:

(a) \$930,000 in fiscal year 2008 and \$1,257,000 in fiscal year 2009 are for the operation and expenses of the Washington professional educator standards board, including administering the alternative routes to certification program, pipeline for paraeducators conditional scholarship loan program, and the retooling to teach math conditional loan program. Within the amounts provided in this subsection (3)(a), the professional educator standards board shall: (i) Revise the teacher mathematics endorsement competencies and alignment of teacher tests to the updated competencies; (ii) review teacher preparation requirements in cultural understanding and make recommendations for strengthening these standards; (iii) create a new professional level teacher assessment; (iv) expand the alternative routes to teacher certification program for business professionals and instructional assistants who will teach math and science; (v) revise requirements for college and university teacher preparation programs to match a new knowledge- and skill-based performance system; and (vi) test implementation of a revised teacher preparation program approach that is classroom experience-intensive and performance-based;

(b) \$3,269,000 of the general fund--state appropriation for fiscal year 2008 and \$3,966,000 of the general fund--state appropriation for fiscal year 2009 are for conditional scholarship loans and mentor stipends provided through the alternative routes to certification program administered by the professional educator standards board. Of the amounts provided in this subsection (3)(b):

(i) \$500,000 each year is provided solely for conditional scholarships to candidates seeking an endorsement in special education, math, science, or bilingual education;

(ii) \$2,210,000 for fiscal year 2008 and \$3,230,000 for fiscal year 2009 are for the expansion of conditional scholarship loans and mentor stipends for individuals enrolled in alternative route state partnership programs and seeking endorsements in math, science, special education or bilingual education;

(iii) Remaining amounts in this subsection (3)(b) shall be used to continue existing alternative routes to certification programs; and

(iv) Candidates seeking math and science endorsements under (i) and (ii) of this subsection (3)(b) shall receive priority for funding;

(c) \$236,000 of the general fund--state appropriation for fiscal year 2008 and \$231,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the recruiting Washington teachers program established in Second Substitute Senate Bill No. 5955 (educator preparation, professional development, and compensation);

(d) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$110,000 of the general fund--state appropriation for fiscal year 2009 provided in this subsection (3) are for \$4,000 conditional loan stipends for paraeducators participating in the pipeline for paraeducators established in Second Substitute House Bill No. 1906 (improving mathematics and science education); and

(e) \$244,000 of the general fund--state appropriation for fiscal year 2008 and \$244,000 of the general fund--state appropriation for fiscal year 2009 are for conditional stipends for certificated teachers pursuing a mathematics or science endorsement under the retooling to teach mathematics or science program established in Second Substitute House Bill No. 1906 (improving mathematics and science education). The conditional stipends shall be for endorsement exam fees as well as stipends for teachers who must also complete coursework.

(4) Within the amounts appropriated in this section, funding is for the professional educator standards board (PESB) to convene a work group to develop recommendations for increasing teacher knowledge, skills, and competencies to address the needs of English language learner students, pursuant to Second Substitute Senate Bill No. 6673 (student learning opportunities).

(5) \$425,000 of the general fund--state appropriation for fiscal year 2008 and \$1,975,000 of the general fund--state appropriation for fiscal year 2009 are for replacement of the apportionment system, which includes the processes that collect school district budget and expenditure information, staffing characteristics, and the student enrollments that drive the funding process.

(6) Within the amounts appropriated in this section, funding is for direct services and support to schools around an integrated, interdisciplinary approach to instruction in conservation, natural resources, sustainability, and human adaptation to the environment. Specific integration efforts will focus on science, math, and the social sciences. Integration between basic education and career and technical education, particularly agricultural and natural sciences education, is to be a major element.

(7) Within the amounts appropriated in this section, funding is for the creation of a statewide data base of longitudinal student information. This amount is conditioned on the department satisfying the requirements in section 902 of this act.

(8) Within the amounts appropriated in this section, funding is for comprehensive cultural competence and anti-bias education programs for educators and students. The office of superintendent of public instruction shall administer grants to school districts with the assistance and input of groups such as the anti-defamation league and the Jewish federation of Seattle.

(9) Within the amounts appropriated in this section, funding is to promote the financial literacy of students. The effort will be coordinated through the financial literacy public-private partnership.

(10) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 5843 (regarding educational data and data systems).

(11) Within the amounts appropriated in this section, funding is for the implementation of Substitute House Bill No. 1052 (legislative youth advisory council). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(12) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute House Bill No. 1422 (children and families of incarcerated parents).

(13) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5098 (Washington college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(14) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Substitute Senate Bill No. 5297 (regarding providing medically and scientifically accurate sexual health education in schools).

(15) Within the amounts appropriated in this section, funding is for a program to recognize the work of outstanding classified staff in school districts throughout the state.

(16) Within the amounts appropriated in this section, funding is for a full-time director of skills centers within the office of the superintendent of public instruction.

(17) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to contract with the northwest educational research laboratory (NWREL) to conduct two educational studies. Specifically, NWREL shall:

(a) Conduct a study regarding teacher preparation, training, and coordinated instructional support strategies for English language learners, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature; and

(b) Conduct a study of the effectiveness of the K-3 demonstration projects as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). An interim report is due November 1, 2008, and the final report is due December 1, 2009. Both reports shall be delivered to the governor, the office of the superintendent of public instruction, and the appropriate early learning, education, and fiscal committees of the legislature.

(18) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to contract with Washington State University social and economic sciences research center (WSU-SESRC) to conduct to educational research studies. The WSU-SESRC shall:

(a) Conduct a study which reviews chapter 207, Laws of 2002 (bullying in schools), evaluate the outcomes resulting from the legislation, and to make recommendations for continued improvement. The study shall, at a minimum, determine: (i) Whether the policies have been developed and implemented in all elementary, middle, and high schools; (ii) whether there has been any measurable improvement in the safety and civility of schools' climate and environment as a result of the legislation; (iii) whether there are still issues that need to be addressed in light of the original intent of the legislation; and (iv) recommended actions to be taken at the school, district, and state level to address the identified issues. Additionally, WSU-SESRC shall research and identify effective programs and the components of effective programs. A report shall be submitted to the education committees of the legislature and the office of the superintendent of public instruction by September 1, 2008.

(b) Conduct an evaluation of the mathematics and science instructional coach program as described in Second Substitute House Bill No. 1906 (improving mathematics and science education). Findings shall include an evaluation of the coach development institute, coaching support seminars, and other coach support activities; recommendations with regard to the characteristics required of the coaches; identification of changes in teacher instruction related to coaching activities; and identification of the satisfaction level with coaching activities as experienced by classroom teachers and administrators. An interim report is due November 1, 2008. The final report is due December 1, 2009. Both the interim and final report shall be presented to the governor, the office of the superintendent of public instruction, and the education and fiscal committees of the legislature.

(19) Within the amounts appropriated in this section, funding is for additional costs incurred by the state board of education in reviewing proposed math standards and curriculum.

(20) During the 2007-09 biennium, to the maximum extent possible, in adopting new agency rules or making any changes to existing rules or policies related to the fiscal provisions in the administration of part V of this act, the office of the superintendent of public instruction shall attempt to request approval through the normal legislative budget process.

(21) Within the amounts appropriated in this section, funding is for a comprehensive analysis of math and science teacher supply and demand issues by the professional educator standards board. By December 1, 2008, the professional educator standards board shall submit a final report to the governor and appropriate policy and fiscal committees of the legislature, that includes, but is not limited to: (a) Specific information on the current number of math and science teachers assigned to teach mathematics and science both with and without appropriate certification in those subjects by region and statewide; (b) projected demand information by detailing the number of K-12 mathematics and science teachers needed by the 2010-11 school year by region and statewide; (c) specific recommendations on how the demand will be met through recruitment programs, alternative route certification programs, potential financial incentives, retention strategies, and other efforts; and (d) identification of strategies, based on best practices, to improve the rigor and productivity of state-funded mathematics and science teacher preparation programs. As part of the final report, the professional educator standards board and the Washington state institute for public policy shall provide information from a study of differential pay for teachers in high-demand subject areas such as mathematics and science, including the design, successes, and limitations of differential pay programs in other states. In order for the professional educator standards board to quantify demand, each school district shall provide to the board, by a date and in a format specified by the board, the number of

teachers assigned to teach mathematics and science, both with and without appropriate certification and endorsement in those subjects, and the number of mathematics and science teaching vacancies needing to be filled, and the board shall include this data, by district, in its analysis.

(22) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6556 (anaphylactic policy).

(23) Within the amounts appropriated in this section, funding is for the implementation of Substitute Senate Bill No. 6742 (guidelines for students with autism) and Substitute Senate Bill No. 6743 (training for students with autism).

(24) Within the appropriations in this section, specific funding is provided for the implementation of Second Engrossed Substitute Senate Bill No. 5100 (health insurance information for students).

(25) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2722 (achievement gap for African-American students). The center for the improvement of student learning will convene an advisory committee to conduct a detailed analysis of the achievement gap for African-American students; recommend a comprehensive plan for closing the gap pursuant to goals under the federal no child left behind act for all groups of students to meet academic standards by 2014; and identify performance measures to monitor adequate yearly progress. A study update shall be submitted by September 15, 2008, and the committee's final report shall be submitted by December 30, 2008, to the superintendent of public instruction, the state board of education, the governor, the P-20 council, the basic education finance task force, and the education committees of the legislature.

(26) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2598 (online mathematics curriculum).

(27) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 2635 (school district boundaries and organization).

(28) Within the appropriations in this section specific funding is provided to implement Second Substitute House Bill No. 3129 (online learning programs for high school students to earn college credit).

(29) Within the amounts appropriated in this section, funding is for the office of superintendent of public instruction to assign at least one full-time equivalent staff position to serve as the world language supervisor.

(30) Within the amounts appropriated in this section, funding is for a corps of nurses located at educational service districts, as determined by the superintendent of public instruction, to be dispatched to the most needy schools to provide direct care to students, health education, and training for school staff.

(31) Within the amounts appropriated in this section, funding is for the school safety center in the office of the superintendent of public instruction subject to the following conditions and limitations:

(a) The safety center shall: Disseminate successful models of school safety plans and cooperative efforts; provide assistance to schools to establish a comprehensive safe school plan; select models of cooperative efforts that have been proven successful; act as an information dissemination and resource center when an incident occurs in a school district either in Washington or in another state; coordinate activities relating to school safety; review and approve manuals and curricula used for school safety models and training; and develop and maintain a school safety information web site.

(b) The school safety center advisory committee shall develop a training program, using the best practices in school safety, for all school safety personnel.

(32) Within the amounts appropriated in this section, funding is for a school safety training program provided by the criminal justice training commission. The commission, in collaboration with the school safety center advisory committee, shall provide the school safety training for all school administrators and school safety personnel, including school safety personnel hired after the effective date of this section.

(33) Within the amounts appropriated in this section, funding is for the safety center advisory committee to develop and distribute a pamphlet to promote internet safety for children, particularly in grades seven through twelve. The pamphlet shall be posted on the superintendent of public instruction's web site. To the extent possible, the pamphlet shall be distributed in schools throughout the state and in other areas accessible to youth, including but not limited to libraries and community centers.

(34) \$9,670,000 of the general fund--federal appropriation is provided for safe and drug free schools and communities grants for drug and violence prevention activities and strategies.

(35) Within the amounts appropriated in this section, funding is for a nonviolence and leadership training program provided by the institute for community leadership. The program shall provide a request for proposal process, with up to 80 percent funding, for nonviolence leadership workshops serving at least 12 school districts with direct programming in 36 elementary, middle, and high schools throughout Washington state.

(36) Within the amounts appropriated in this section, funding is for a pilot youth suicide prevention and information program. The office of superintendent of public instruction will work with selected school districts and community agencies in identifying effective strategies for preventing youth suicide.

(37) Within the amounts appropriated in this section, funding is for programs to improve safety and emergency preparedness and planning in public schools, as generally described in Substitute Senate Bill No. 5097. The superintendent of public instruction shall design and implement the grant program in consultation with the educational service districts, the school safety advisory committee, and the Washington association of sheriffs and police chiefs. The funding shall support grants to school districts for the development and updating of comprehensive safe school plans, school safety training, and the conducting of safety-related drills. As a condition of receiving these funds, school districts must ensure that schools (a) conduct at least one lockdown and one shelter in place safety drill each school year, and (b) send updated school mapping database information on an annual basis to the Washington association of sheriffs and police chiefs.

(38) Within the amounts appropriated in this section, funding is for the Washington state school directors' association to mediate and facilitate a school disciplinary action task force to review and make recommendations on a model policy regarding the use of physical force in schools. The model policy shall be submitted to the appropriate policy committees of the legislature by November 1, 2008.

(39) Within the amounts appropriated in this section, funding is for K-20 telecommunications network technical support in the K-12 sector to prevent system failures and avoid interruptions in school utilization of the data processing and video-conferencing capabilities of the network. These funds may be used to purchase engineering and advanced technical support for the network.

(40) The office of the superintendent of public instruction shall coordinate, in collaboration with educational service districts, a system of outreach to school districts not currently maximizing their eligibility for federal e-rate funding through the schools and libraries program administered by the federal communications commission. By December 15, 2008, the office of the superintendent of public instruction shall issue a report to the fiscal committees of the legislature identifying school districts that were eligible but did not apply for e-rate funding for the last two years, and an estimate of the amounts for which they were eligible in those years. The report shall also include recommendations for following-up on the findings relative to the e-rate program contained in the state auditor's performance audit of educational service districts completed September, 2007.

(41) Within the amounts appropriated in this section, funding is to expand the special services pilot project to include up to seven participating districts. The office of the superintendent of public instruction shall allocate these funds to the district or districts participating in the pilot program according to the provisions of RCW 28A.630.016.

- (42) Within the amounts appropriated in this section, funding is for operation of the Cispus environmental learning center.
- (43) Within the amounts appropriated in this section, funding is for vocational student leadership organizations.
- (44) Within the amounts appropriated in this section, funding is for the Washington civil liberties education program.
- (45) Within the amounts appropriated in this section, funding is for the Washington state achievers scholarship program. The funds shall be used to support community involvement officers that recruit, train, and match community volunteer mentors with students selected as achievers scholars.
- (46) Within the amounts appropriated in this section, funding is for the Lorraine Wojahn dyslexia pilot reading program in up to five school districts.
- (47) Within the amounts appropriated in this section, funding is for developing and disseminating curriculum and other materials documenting women's role in World War II.
- (48) Within the amounts appropriated in this section, funding is for incentive grants for districts and pilot projects to develop preapprenticeship programs. Incentive grant awards up to \$10,000 each shall be used to support the program's design, school/business/labor agreement negotiations, and recruiting high school students for preapprenticeship programs in the building trades and crafts.
- (49) Within the amounts appropriated in this section, funding is for the dissemination of the Navigation 101 curriculum to all districts, including disseminating electronic student planning tools and software for analyzing the impact of the implementation of Navigation 101 on student performance, and grants to at least one hundred school districts each year for the implementation of the Navigation 101 program. The implementation grants will be limited to a maximum of two years and the school districts selected shall represent various regions of the state and reflect differences in school district size and enrollment characteristics.
- (50) Within the amounts appropriated in this section, funding is for the enhancement of civics education. Of this amount, \$25,000 each year is provided solely for competitive grants to school districts for curriculum alignment, development of innovative civics projects, and other activities that support the civics assessment established in chapter 113, Laws of 2006.
- (51) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute House Bill No. 1573 (authorizing a statewide program for comprehensive dropout prevention, intervention, and retrieval).
- (52) Within the amounts appropriated in this section, funding is for the communities in school program in Pierce county.
- (53) Within the amounts appropriated in this section, funding is for support and expansion of the mentoring advanced placement program in current operation in southwest Washington.
- (54) Within the amounts appropriated in this section, funding is for program initiatives to address the educational needs of Latino students and families. The office of the superintendent of public instruction shall contract with the Seattle community coalition of compana quetzal to provide for three initiatives: (a) Early childhood education; (b) parent leadership training; and (c) high school success and college preparation programs. Campana quetzal shall report to the office of the superintendent of public instruction by June 30, 2009, regarding impact of the programs on addressing the academic achievement gap, including high school drop-out rates and college readiness rates, for Latino students.
- (55) Within the amounts appropriated in this section, funding is for implementation of Second Substitute House Bill No. 2870 (professional development for instructional assistants). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.
- (56) Within the amounts appropriated in this section, funding is for a pilot project to encourage bilingual high school students to pursue public school teaching as a profession. The office of the superintendent of public instruction shall contract with the Latino/a educational achievement project (LEAP) to work with school districts to identify and mentor not fewer than fifty bilingual students in their junior year of high school, encouraging them to become bilingual instructors in schools with high English language learner populations. Students shall be mentored by bilingual teachers and complete a curriculum developed and approved by the participating districts.
- (57) In addition to other reductions, the reduced appropriations in this section reflect an additional (~~(\$225,000)~~) \$122,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 1402. 2009 c 4 s 502 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR GENERAL APPORTIONMENT

General Fund--State Appropriation (FY 2008)	\$4,436,719,000
General Fund--State Appropriation (FY 2009)	(\$4,477,998,000)
	<u>\$4,510,419,000</u>
Education Legacy Trust Account--State Appropriation	(\$9,373,000)
	<u>\$9,387,000</u>
Pension Funding Stabilization Account Appropriation	\$341,624,000
TOTAL APPROPRIATION	(\$9,265,714,000)
	<u>\$9,298,149,000</u>

The appropriations in this section are subject to the following conditions and limitations:

- (1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.
- (2) Allocations for certificated staff salaries for the 2007-08 and 2008-09 school years shall be determined using formula-generated staff units calculated pursuant to this subsection. Staff allocations for small school enrollments in (e) through (g) of this subsection shall be reduced for vocational full-time equivalent enrollments. Staff allocations for small school enrollments in grades K-6 shall be the greater of that generated under (a) of this subsection, or under (d) and (e) of this subsection. Certificated staffing allocations shall be as follows:
 - (a) On the basis of each 1,000 average annual full-time equivalent enrollments, excluding full-time equivalent enrollment otherwise recognized for certificated staff unit allocations under (d) through (g) of this subsection:
 - (i) Four certificated administrative staff units per thousand full-time equivalent students in grades K-12;
 - (ii) Forty-nine certificated instructional staff units per thousand full-time equivalent students in grades K-3;
 - (iii) Forty-six certificated instructional staff units per thousand full-time equivalent students in grades 4-12; and
 - (iv) An additional 4.2 certificated instructional staff units for grades K-3 and an additional 7.2 certificated instructional staff units for grade 4.
- 4. Any funds allocated for the additional certificated units provided in this subsection (iv) shall not be considered as basic education funding;
 - (A) Funds provided under this subsection (2)(a)(iv) in excess of the amount required to maintain the statutory minimum ratio established under RCW 28A.150.260(2)(b) shall be allocated only if the district documents an actual ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students. For any school district documenting a lower certificated instructional staff ratio, the allocation shall be based on the district's actual grades K-4 certificated instructional staff ratio achieved in that school year, or the statutory minimum ratio established under RCW 28A.150.260(2)(b), if greater;

(B) Districts at or above 51.0 certificated instructional staff per one thousand full-time equivalent students in grades K-4 may dedicate up to 1.3 of the 53.2 funding ratio to employ additional classified instructional assistants assigned to basic education classrooms in grades K-4. For purposes of documenting a district's staff ratio under this section, funds used by the district to employ additional classified instructional assistants shall be converted to a certificated staff equivalent and added to the district's actual certificated instructional staff ratio. Additional classified instructional assistants, for the purposes of this subsection, shall be determined using the 1989-90 school year as the base year;

(C) Any district maintaining a ratio in grades K-4 equal to or greater than 53.2 certificated instructional staff per thousand full-time equivalent students may use allocations generated under this subsection (2)(a)(iv) in excess of that required to maintain the minimum ratio established under RCW 28A.150.260(2)(b) to employ additional basic education certificated instructional staff or classified instructional assistants in grades 5-6. Funds allocated under this subsection (2)(a)(iv) shall only be expended to reduce class size in grades K-6. No more than 1.3 of the certificated instructional funding ratio amount may be expended for provision of classified instructional assistants;

(b) For school districts with a minimum enrollment of 250 full-time equivalent students whose full-time equivalent student enrollment count in a given month exceeds the first of the month full-time equivalent enrollment count by 5 percent, an additional state allocation of 110 percent of the share that such increased enrollment would have generated had such additional full-time equivalent students been included in the normal enrollment count for that particular month;

(c)(i) On the basis of full-time equivalent enrollment in:

(A) Vocational education programs approved by the superintendent of public instruction, a maximum of 0.92 certificated instructional staff units and 0.08 certificated administrative staff units for each 19.5 full-time equivalent vocational students; and

(B) Skills center programs meeting the standards for skills center funding established in January 1999 by the superintendent of public instruction with a waiver allowed for skills centers in current operation that are not meeting this standard until the 2008-09 school year, 0.92 certificated instructional staff units and 0.08 certificated administrative units for each 16.67 full-time equivalent vocational students;

(ii) Vocational full-time equivalent enrollment shall be reported on the same monthly basis as the enrollment for students eligible for basic support, and payments shall be adjusted for reported vocational enrollments on the same monthly basis as those adjustments for enrollment for students eligible for basic support; and

(iii) Indirect cost charges by a school district to vocational- secondary programs shall not exceed 15 percent of the combined basic education and vocational enhancement allocations of state funds;

(d) For districts enrolling not more than twenty-five average annual full-time equivalent students in grades K-8, and for small school plants within any school district which have been judged to be remote and necessary by the state board of education and enroll not more than twenty-five average annual full-time equivalent students in grades K-8:

(i) For those enrolling no students in grades 7 and 8, 1.76 certificated instructional staff units and 0.24 certificated administrative staff units for enrollment of not more than five students, plus one-twentieth of a certificated instructional staff unit for each additional student enrolled; and

(ii) For those enrolling students in grades 7 or 8, 1.68 certificated instructional staff units and 0.32 certificated administrative staff units for enrollment of not more than five students, plus one-tenth of a certificated instructional staff unit for each additional student enrolled;

(e) For specified enrollments in districts enrolling more than twenty-five but not more than one hundred average annual full-time equivalent students in grades K-8, and for small school plants within any school district which enroll more than twenty-five average annual full-time equivalent students in grades K-8 and have been judged to be remote and necessary by the state board of education:

(i) For enrollment of up to sixty annual average full-time equivalent students in grades K-6, 2.76 certificated instructional staff units and 0.24 certificated administrative staff units; and

(ii) For enrollment of up to twenty annual average full-time equivalent students in grades 7 and 8, 0.92 certificated instructional staff units and 0.08 certificated administrative staff units;

(f) For districts operating no more than two high schools with enrollments of less than three hundred average annual full-time equivalent students, for enrollment in grades 9-12 in each such school, other than alternative schools:

(i) For remote and necessary schools enrolling students in any grades 9-12 but no more than twenty-five average annual full-time equivalent students in grades K-12, four and one-half certificated instructional staff units and one-quarter of a certificated administrative staff unit;

(ii) For all other small high schools under this subsection, nine certificated instructional staff units and one-half of a certificated administrative staff unit for the first sixty average annual full-time equivalent students, and additional staff units based on a ratio of 0.8732 certificated instructional staff units and 0.1268 certificated administrative staff units per each additional forty-three and one-half average annual full-time equivalent students.

Units calculated under (g)(ii) of this subsection shall be reduced by certificated staff units at the rate of forty-six certificated instructional staff units and four certificated administrative staff units per thousand vocational full-time equivalent students;

(g) For each nonhigh school district having an enrollment of more than seventy annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated instructional staff unit; and

(i) For each nonhigh school district having an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated instructional staff unit.

(3) Allocations for classified salaries for the 2007-08 and 2008-09 school years shall be calculated using formula-generated classified staff units determined as follows:

(a) For enrollments generating certificated staff unit allocations under subsection (2)(e) through (i) of this section, one classified staff unit for each 2.94 certificated staff units allocated under such subsections;

(b) For all other enrollment in grades K-12, including vocational full-time equivalent enrollments, one classified staff unit for each 58.75 average annual full-time equivalent students; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full-time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(4) Fringe benefit allocations shall be calculated at a rate of 14.11 percent in the 2007-08 school year and 16.75 percent in the 2008-09 school year for certificated salary allocations provided under subsection (2) of this section, and a rate of 17.04 percent in the 2007-08 school year and 18.72 percent in the 2008-09 school year for classified salary allocations provided under subsection (3) of this section.

(5) Insurance benefit allocations shall be calculated at the maintenance rate specified in section 504(2) of this act, based on the number of benefit units determined as follows:

(a) The number of certificated staff units determined in subsection (2) of this section; and

(b) The number of classified staff units determined in subsection (3) of this section multiplied by 1.152. This factor is intended to adjust allocations so that, for the purposes of distributing insurance benefits, full-time equivalent classified employees may be calculated on the basis of 1440 hours of work per year, with no individual employee counted as more than one full-time equivalent.

(6)(a) For nonemployee-related costs associated with each certificated staff unit allocated under subsection (2)(a), (b), and (d) through (h) of this section, there shall be provided a maximum of \$9,703 per certificated staff unit in the 2007-08 school year and a maximum of \$10,178 per certificated staff unit in the 2008-09 school year.

(b) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(A) of this section, there shall be provided a maximum of \$23,831 per certificated staff unit in the 2007-08 school year and a maximum of \$24,999 per certificated staff unit in the 2008-09 school year.

(c) For nonemployee-related costs associated with each vocational certificated staff unit allocated under subsection (2)(c)(i)(B) of this section, there shall be provided a maximum of \$18,489 per certificated staff unit in the 2007-08 school year and a maximum of \$19,395 per certificated staff unit in the 2008-09 school year.

(7) Allocations for substitute costs for classroom teachers shall be distributed at a maintenance rate of \$555.20 for the 2007-08 and 2008-09 school years per allocated classroom teachers exclusive of salary increase amounts provided in section 504 of this act. Solely for the purposes of this subsection, allocated classroom teachers shall be equal to the number of certificated instructional staff units allocated under subsection (2) of this section, multiplied by the ratio between the number of actual basic education certificated teachers and the number of actual basic education certificated instructional staff reported statewide for the prior school year.

(8) Any school district board of directors may petition the superintendent of public instruction by submission of a resolution adopted in a public meeting to reduce or delay any portion of its basic education allocation for any school year. The superintendent of public instruction shall approve such reduction or delay if it does not impair the district's financial condition. Any delay shall not be for more than two school years. Any reduction or delay shall have no impact on levy authority pursuant to RCW 84.52.0531 and local effort assistance pursuant to chapter 28A.500 RCW.

(9) \$1,870,000 of the general fund--state appropriation for fiscal year 2008 and \$2,421,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to implement Engrossed Second Substitute House Bill No. 1432 (granting service credit to educational staff associates for nonschool employment).

(10) The superintendent may distribute a maximum of ~~(\$16,620,000)~~ \$16,634,000 outside the basic education formula during fiscal years 2008 and 2009 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$547,000 may be expended in fiscal year 2008 and a maximum of \$567,000 may be expended in fiscal year 2009;

(b) For summer vocational programs at skills centers, a maximum of \$2,385,000 may be expended for the 2008 fiscal year and a maximum of \$2,385,000 for the 2009 fiscal year. 20 percent of each fiscal year amount may carry over from one year to the next;

(c) A maximum of \$393,000 may be expended for school district emergencies;

(d) A maximum of \$485,000 each fiscal year may be expended for programs providing skills training for secondary students who are enrolled in extended day school-to-work programs, as approved by the superintendent of public instruction. The funds shall be allocated at a rate not to exceed \$500 per full-time equivalent student enrolled in those programs; and

(e) ~~(\$9,373,000)~~ \$9,387,000 of the education legacy trust account appropriation is provided solely for allocations for equipment replacement in vocational programs and skills centers. Each year of the biennium, the funding shall be allocated based on \$75 per full-time equivalent vocational student and \$125 per full-time equivalent skills center student.

(f) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 5790 (regarding skills centers).

(11) For purposes of RCW 84.52.0531, the increase per full-time equivalent student is 5.7 percent from the 2006-07 school year to the 2007-08 school year and 6.0 percent from the 2007-08 school year to the 2008-09 school year.

(12) If two or more school districts consolidate and each district was receiving additional basic education formula staff units pursuant to subsection (2)(b) through (h) of this section, the following shall apply:

(a) For three school years following consolidation, the number of basic education formula staff units shall not be less than the number of basic education formula staff units received by the districts in the school year prior to the consolidation; and

(b) For the fourth through eighth school years following consolidation, the difference between the basic education formula staff units received by the districts for the school year prior to consolidation and the basic education formula staff units after consolidation pursuant to subsection (2)(a) through (h) of this section shall be reduced in increments of twenty percent per year.

(13) The appropriation levels in part V of this act assume implementation of the reimbursement provisions of Senate Bill No. 6450 (school district reimbursement of performance audits).

Sec. 1403. 2008 c 329 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR SCHOOL EMPLOYEE COMPENSATION ADJUSTMENTS	
General Fund--State Appropriation (FY 2008)	\$161,280,000
General Fund--State Appropriation (FY 2009)	(\$405,228,000)
	<u>\$407,478,000</u>
General Fund--Federal Appropriation	(\$275,000)
	<u>\$276,000</u>
TOTAL APPROPRIATION	(\$566,783,000)
	<u>\$569,034,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) ~~(\$500,195,000)~~ \$502,039,000 is provided solely for the following:

(a) A cost of living adjustment of 3.7 percent effective September 1, 2007, and another 3.9 percent effective September 1, 2008, pursuant to Initiative Measure No. 732.

(b) An additional .5 percent cost of living adjustment is provided above the amount required by Initiative Measure No. 732, effective September 1, 2008.

(c) Additional salary increases as necessary to fund the base salaries for certificated instructional staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. Allocations for these salary increases shall be provided to all 262 districts that are not grandfathered to receive salary allocations above the statewide salary allocation schedule, and to certain grandfathered districts to the extent necessary to ensure that salary allocations for districts that are currently grandfathered do not fall below the statewide salary allocation schedule.

These additional salary increases will result in a decrease in the number of grandfathered districts from the current thirty-four to twenty-four in the 2007-08 school year and to twelve in the 2008-09 school year.

(d) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for certificated administrative staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases shall ensure a minimum salary allocation for certificated administrative staff of \$54,405 in the 2007-08 school year and \$57,986 in the 2008-09 school year.

(e) Additional salary increases to certain districts as necessary to fund the per full-time-equivalent salary allocations for classified staff as listed for each district in LEAP Document 2, defined in section 503(2)(b) of this act. These additional salary increases ensure a minimum salary allocation for classified staff of \$30,111 in the 2007-08 school year and \$31,865 in the 2008-09 school year.

(f) The appropriations in this subsection (1) include associated incremental fringe benefit allocations at rates 13.47 percent for the 2007-08 school year and 16.11 percent for the 2008-09 school year for certificated staff and 13.54 percent for the 2007-08 school year and 15.22 percent for the 2008-09 school year for classified staff.

(g) The appropriations in this section include the increased portion of salaries and incremental fringe benefits for all relevant state-funded school programs in part V of this act. Increases for general apportionment (basic education) are based on the salary allocation schedules and methodology in sections 502 and 503 of this act. Increases for special education result from increases in each district's basic education allocation per student. Increases for educational service districts and institutional education programs are determined by the superintendent of public instruction using the methodology for general apportionment salaries and benefits in sections 502 and 503 of this act.

(h) The appropriations in this section provide cost of living and incremental fringe benefit allocations based on formula adjustments as follows:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$1.08	\$2.46
Highly Capable (per formula student)	\$11.13	\$25.51
Transitional Bilingual Education (per eligible bilingual student)	\$29.80	\$68.33
Learning Assistance (per formula student)	\$7.00	\$18.86

(i) The appropriations in this section include \$925,000 for fiscal year 2008 and ~~(\$2,314,000)~~ \$2,322,000 for fiscal year 2009 for salary increase adjustments for substitute teachers.

(2) ~~(\$66,591,000)~~ \$66,719,000 is provided for adjustments to insurance benefit allocations. The maintenance rate for insurance benefit allocations is \$682.54 per month for the 2007-08 and 2008-09 school years. The appropriations in this section provide for a rate increase to \$707.00 per month for the 2007-08 school year and \$732.00 per month for the 2008-09 school year. The adjustments to health insurance benefit allocations are at the following rates:

	School Year	
	2007-08	2008-09
Pupil Transportation (per weighted pupil mile)	\$0.22	\$0.45
Highly Capable (per formula student)	\$1.50	\$3.05
Transitional Bilingual Education (per eligible bilingual student)	\$3.96	\$8.01
Learning Assistance (per formula student)	\$0.86	\$2.05

(3) The rates specified in this section are subject to revision each year by the legislature.

Sec. 1404. 2008 c 329 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PUPIL TRANSPORTATION

General Fund--State Appropriation (FY 2008)	\$273,409,000
General Fund--State Appropriation (FY 2009)	(\$276,510,000)
	<u>\$291,499,000</u>
Education Legacy Trust Account--State Appropriation	\$25,000,000
TOTAL APPROPRIATION	(\$574,919,000)
	<u>\$589,908,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) A maximum of \$848,000 of this fiscal year 2008 appropriation and a maximum of \$878,000 of the fiscal year 2009 appropriation may be expended for regional transportation coordinators and related activities. The transportation coordinators shall ensure that data submitted by school districts for state transportation funding shall, to the greatest extent practical, reflect the actual transportation activity of each district.

(3) \$5,000 of the fiscal year 2008 appropriation and \$5,000 of the fiscal year 2009 appropriation are provided solely for the transportation of students enrolled in "choice" programs. Transportation shall be limited to low-income students who are transferring to "choice" programs solely for educational reasons.

(4) Allocations for transportation of students shall be based on reimbursement rates of \$44.84 per weighted mile in the 2007-08 school year and \$45.68 per weighted mile in the 2008-09 school year exclusive of salary and benefit adjustments provided in section 504 of this act. Allocations for transportation of students transported more than one radius mile shall be based on weighted miles as determined by superintendent of public instruction multiplied by the per mile reimbursement rates for the school year pursuant to the formulas adopted by the superintendent of public instruction. Allocations for transportation of students living within one radius mile shall be based on the number of enrolled students in grades kindergarten through five living within one radius mile of their assigned school multiplied by the per mile reimbursement rate for the school year multiplied by 1.29.

(5) \$25,000,000 of the education legacy trust account--state appropriation is provided solely for temporary assistance to school districts for pupil transportation programs. The office of the superintendent of public instruction, in consultation with the joint legislative audit and

review committee, will develop a method of allocating these funds to school districts. The allocation method shall be based primarily on the findings and analysis from the joint legislative and audit review committee's K-12 pupil transportation study completed in December 2006.

(6) The office of the superintendent of public instruction shall provide reimbursement funding to a school district only after the superintendent of public instruction determines that the school bus was purchased from the list established pursuant to RCW 28A.160.195(2) or a comparable competitive bid process based on the lowest price quote based on similar bus categories to those used to establish the list pursuant to RCW 28A.160.195.

(7) The superintendent of public instruction shall base depreciation payments for school district buses on the five-year average of lowest bids in the appropriate category of bus. In the final year on the depreciation schedule, the depreciation payment shall be based on the lowest bid in the appropriate bus category for that school year.

Sec. 1405. 2008 c 329 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR SPECIAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2008)	\$543,469,000
General Fund--State Appropriation (FY 2009)	(\$581,925,000)
	<u>\$580,312,000</u>
General Fund--Federal Appropriation	(\$435,692,000)
	<u>\$438,852,000</u>
Education Legacy Trust Account--State Appropriation	\$14,561,000
TOTAL APPROPRIATION	(\$1,575,647,000)
	<u>\$1,577,194,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for special education programs is provided on an excess cost basis, pursuant to RCW 28A.150.390. School districts shall ensure that special education students as a class receive their full share of the general apportionment allocation accruing through sections 502 and 504 of this act. To the extent a school district cannot provide an appropriate education for special education students under chapter 28A.155 RCW through the general apportionment allocation, it shall provide services through the special education excess cost allocation funded in this section.

(2)(a) The superintendent of public instruction shall ensure that:

- (i) Special education students are basic education students first;
- (ii) As a class, special education students are entitled to the full basic education allocation; and
- (iii) Special education students are basic education students for the entire school day.

(b) The superintendent of public instruction shall adopt the full cost method of excess cost accounting, as designed by the committee and recommended by the superintendent, pursuant to section 501(1)(k), chapter 372, Laws of 2006, and ensure that all school districts adopt the method beginning in the 2007-08 school year.

(3) Each fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(4) The superintendent of public instruction shall distribute state funds to school districts based on two categories: (a) The first category includes (i) children birth through age two who are eligible for the optional program for special education eligible developmentally delayed infants and toddlers, and (ii) students eligible for the mandatory special education program and who are age three or four, or five and not yet enrolled in kindergarten; and (b) the second category includes students who are eligible for the mandatory special education program and who are age five and enrolled in kindergarten and students age six through 21.

(5)(a) For the 2007-08 and 2008-09 school years, the superintendent shall make allocations to each district based on the sum of:

(i) A district's annual average headcount enrollment of students ages birth through four and those five year olds not yet enrolled in kindergarten, as defined in subsection (4) of this section, multiplied by the district's average basic education allocation per full-time equivalent student, multiplied by 1.15; and

(ii) A district's annual average full-time equivalent basic education enrollment multiplied by the funded enrollment percent determined pursuant to subsection (6)(b) of this section, multiplied by the district's average basic education allocation per full-time equivalent student multiplied by 0.9309.

(b) For purposes of this subsection, "average basic education allocation per full-time equivalent student" for a district shall be based on the staffing ratios required by RCW 28A.150.260 and shall not include enhancements, secondary vocational education, or small schools.

(6) The definitions in this subsection apply throughout this section.

(a) "Annual average full-time equivalent basic education enrollment" means the resident enrollment including students enrolled through choice (RCW 28A.225.225) and students from nonhigh districts (RCW 28A.225.210) and excluding students residing in another district enrolled as part of an interdistrict cooperative program (RCW 28A.225.250).

(b) "Enrollment percent" means the district's resident special education annual average enrollment, excluding the birth through age four enrollment and those five year olds not yet enrolled in kindergarten, as a percent of the district's annual average full-time equivalent basic education enrollment.

Each district's general fund--state funded special education enrollment shall be the lesser of the district's actual enrollment percent or 12.7 percent.

(7) At the request of any interdistrict cooperative of at least 15 districts in which all excess cost services for special education students of the districts are provided by the cooperative, the maximum enrollment percent shall be calculated in accordance with subsection (6)(b) of this section, and shall be calculated in the aggregate rather than individual district units. For purposes of this subsection, the average basic education allocation per full-time equivalent student shall be calculated in the aggregate rather than individual district units.

(8) To the extent necessary, ~~(\$53,926,000)~~ \$56,553,000 of the general fund--state appropriation and \$29,574,000 of the general fund--federal appropriation are provided for safety net awards for districts with demonstrated needs for special education funding beyond the amounts provided in subsection (5) of this section. If the federal safety net awards based on the federal eligibility threshold exceed the federal appropriation in this subsection (8) in any fiscal year, the superintendent shall expend all available federal discretionary funds necessary to meet this need. Safety net funds shall be awarded by the state safety net oversight committee subject to the following conditions and limitations:

(a) The committee shall consider unmet needs for districts that can convincingly demonstrate that all legitimate expenditures for special education exceed all available revenues from state funding formulas. In the determination of need, the committee shall also consider additional available revenues from federal sources. Differences in program costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards. In the determination of need, the committee shall require that districts demonstrate

that they are maximizing their eligibility for all state and federal revenues related to services for special education-eligible students. Awards associated with (b) and (c) of this subsection shall not exceed the total of a district's specific determination of need.

(b) The committee shall then consider the extraordinary high cost needs of one or more individual special education students. Differences in costs attributable to district philosophy, service delivery choice, or accounting practices are not a legitimate basis for safety net awards.

(c) Using criteria developed by the committee, the committee shall then consider extraordinary costs associated with communities that draw a larger number of families with children in need of special education services. The safety net awards to school districts shall be adjusted to reflect amounts awarded under (b) of this subsection.

(d) The maximum allowable indirect cost for calculating safety net eligibility may not exceed the federal restricted indirect cost rate for the district plus one percent.

(e) Safety net awards must be adjusted for any audit findings or exceptions related to special education funding.

(f) Safety net awards shall be adjusted based on the percent of potential medicaid eligible students billed as calculated by the superintendent in accordance with chapter 318, Laws of 1999. The state safety net oversight committee shall ensure that safety net documentation and awards are based on current medicaid revenue amounts.

(9) The superintendent of public instruction may adopt such rules and procedures as are necessary to administer the special education funding and safety net award process. Prior to revising any standards, procedures, or rules, the superintendent shall consult with the office of financial management and the fiscal committees of the legislature.

(10) The safety net oversight committee appointed by the superintendent of public instruction shall consist of:

(a) One staff from the office of superintendent of public instruction;

(b) Staff of the office of the state auditor who shall be nonvoting members of the committee; and

(c) One or more representatives from school districts or educational service districts knowledgeable of special education programs and funding.

(11) The office of the superintendent of public instruction shall review and streamline the application process to access safety net funds, provide technical assistance to school districts, and annually survey school districts regarding improvement to the process.

(12) A maximum of \$678,000 may be expended from the general fund-- state appropriations to fund 5.43 full-time equivalent teachers and 2.1 full-time equivalent aides at children's orthopedic hospital and medical center. This amount is in lieu of money provided through the home and hospital allocation and the special education program.

(13) A maximum of \$1,000,000 of the general fund--federal appropriation is provided for projects to provide special education students with appropriate job and independent living skills, including work experience where possible, to facilitate their successful transition out of the public school system. The funds provided by this subsection shall be from federal discretionary grants.

(14) \$50,000 of the general fund--state appropriation for fiscal year 2008, \$50,000 of the general fund--state appropriation for fiscal 2009, and \$100,000 of the general fund--federal appropriation shall be expended to support a special education ombudsman program within the office of superintendent of public instruction. The purpose of the program is to provide support to parents, guardians, educators, and students with disabilities. The program will provide information to help families and educators understand state laws, rules, and regulations, and access training and support, technical information services, and mediation services. The ombudsman program will provide data, information, and appropriate recommendations to the office of superintendent of public instruction, school districts, educational service districts, state need projects, and the parent and teacher information center. Within the appropriations in this section there is sufficient funding provided to also provide at least a half-time support staff position for the special education ombudsman program.

(15) The superintendent shall maintain the percentage of federal flow-through to school districts at 85 percent. In addition to other purposes, school districts may use increased federal funds for high- cost students, for purchasing regional special education services from educational service districts, and for staff development activities particularly relating to inclusion issues.

(16) A maximum of \$1,200,000 of the general fund--federal appropriation may be expended by the superintendent for projects related to use of inclusion strategies by school districts for provision of special education services.

(17) The superintendent, consistent with the new federal IDEA reauthorization, shall continue to educate school districts on how to implement a birth-to-three program and review the cost effectiveness and learning benefits of early intervention.

(18) A school district may carry over from one year to the next year up to 10 percent of the general fund--state funds allocated under this program; however, carryover funds shall be expended in the special education program.

(19) \$262,000 of the general fund--state appropriation for fiscal year 2008 and \$251,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for two additional full-time equivalent staff to support the work of the safety net committee and to provide training and support to districts applying for safety net awards.

Sec. 1406. 2008 c 329 s 508 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR LOCAL EFFORT ASSISTANCE

General Fund--State Appropriation (FY 2008)	\$203,555,000
General Fund--State Appropriation (FY 2009)	((\$220,100,000))
	<u>\$224,514,000</u>
TOTAL APPROPRIATION	((\$423,655,000))
	<u>\$428,069,000</u>

Sec. 1407. 2008 c 329 s 509 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR INSTITUTIONAL EDUCATION PROGRAMS

General Fund--State Appropriation (FY 2008)	\$19,105,000
General Fund--State Appropriation (FY 2009)	((\$19,764,000))
	<u>\$21,664,000</u>
TOTAL APPROPRIATION	((\$38,869,000))
	<u>\$40,769,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund--state fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) State funding provided under this section is based on salaries and other expenditures for a 220-day school year. The superintendent of public instruction shall monitor school district expenditure plans for institutional education programs to ensure that districts plan for a full-time summer program.

(3) State funding for each institutional education program shall be based on the institution's annual average full-time equivalent student enrollment. Staffing ratios for each category of institution shall remain the same as those funded in the 1995-97 biennium.

(4) The funded staffing ratios for education programs for juveniles age 18 or less in department of corrections facilities shall be the same as those provided in the 1997-99 biennium.

(5) \$187,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$133,797)~~) \$329,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain at least one certificated instructional staff and related support services at an institution whenever the K-12 enrollment is not sufficient to support one full-time equivalent certificated instructional staff to furnish the educational program. The following types of institutions are included: Residential programs under the department of social and health services for developmentally disabled juveniles, programs for juveniles under the department of corrections, and programs for juveniles under the juvenile rehabilitation administration.

(6) Ten percent of the funds allocated for each institution may be carried over from one year to the next.

Sec. 1408. 2008 c 329 s 510 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund--State Appropriation (FY 2008)	\$8,383,000
General Fund--State Appropriation (FY 2009)	(\$8,788,000)
	<u>\$8,776,000</u>
TOTAL APPROPRIATION	(\$17,171,000)
	<u>\$17,159,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) Allocations for school district programs for highly capable students shall be distributed at a maximum rate of \$372.15 per funded student for the 2007-08 school year and (~~(\$378.13)~~) \$378.32 per funded student for the 2008-09 school year, exclusive of salary and benefit adjustments pursuant to section 504 of this act. The number of funded students shall be a maximum of 2.314 percent of each district's full-time equivalent basic education enrollment.

(3) \$170,000 of the fiscal year 2008 appropriation and \$170,000 of the fiscal year 2009 appropriation are provided for the centrum program at Fort Worden state park.

(4) \$90,000 of the fiscal year 2008 appropriation and \$90,000 of the fiscal year 2009 appropriation are provided for the Washington destination imagination network and future problem-solving programs.

Sec. 1409. 2008 c 329 s 512 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR TRANSITIONAL BILINGUAL PROGRAMS

General Fund--State Appropriation (FY 2008)	\$65,595,000
General Fund--State Appropriation (FY 2009)	(\$69,560,000)
	<u>\$68,924,000</u>
General Fund--Federal Appropriation	\$45,243,000
TOTAL APPROPRIATION	(\$180,398,000)
	<u>\$179,762,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) Each general fund fiscal year appropriation includes such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(2) The superintendent shall distribute a maximum of \$824.12 per eligible bilingual student in the 2007-08 school year and \$840.64 in the 2008-09 school year, exclusive of salary and benefit adjustments provided in section 504 of this act.

(3) The superintendent may withhold up to 1.5 percent of the school year allocations to school districts in subsection (2) of this section, and adjust the per eligible pupil rates in subsection (2) of this section accordingly, solely for the central provision of assessments as provided in RCW 28A.180.090 (1) and (2).

(4) \$70,000 of the amounts appropriated in this section are provided solely to track current and former transitional bilingual program students.

(5) The general fund--federal appropriation in this section is provided for migrant education under Title I Part C and English language acquisition, and language enhancement grants under Title III of the elementary and secondary education act.

(6) Pursuant to RCW 28A.150.260, during the 2007-09 biennium, the office of the superintendent of public instruction shall not make exit of the transitional bilingual program contingent on passing both the Washington language proficiency test and the Washington assessment of student learning without prior legislative approval.

Sec. 1410. 2009 c 4 s 504 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--EDUCATION REFORM PROGRAMS

General Fund--State Appropriation (FY 2008)	\$66,272,000
General Fund--State Appropriation (FY 2009)	(\$84,636,000)
	<u>\$84,663,000</u>
Education Legacy Trust Account--State Appropriation	\$117,890,000
General Fund--Federal Appropriation	(\$152,568,000)
	<u>\$158,499,000</u>
TOTAL APPROPRIATION	(\$421,366,000)
	<u>\$427,324,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$19,716,000 of the general fund--state appropriation for fiscal year 2008, (~~(\$20,948,000)~~) \$22,096,000 of the general fund--state appropriation for fiscal year 2009, \$1,350,000 of the education legacy trust account--state appropriation, and (~~(\$15,870,000)~~) \$18,236,000 of the general fund--federal appropriation are provided solely for development and implementation of the Washington assessments of student learning (WASL), including: (i) Development and implementation of retake assessments for high school students who are not successful in

one or more content areas of the WASL; and (ii) development and implementation of alternative assessments or appeals procedures to implement the certificate of academic achievement. The superintendent of public instruction shall report quarterly on the progress on development and implementation of alternative assessments or appeals procedures. Within these amounts, the superintendent of public instruction shall contract for the early return of 10th grade student WASL results, on or around June 10th of each year. In addition to the amounts provided for the Washington assessments of student learning in this subsection, \$11,372,000 is also included in the appropriations to the office of financial management in this act for an interagency agreement with the office of superintendent of public instruction for the expenditure of those funds based on compliance with certain requirements.

(2) \$3,249,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the implementation of Substitute House Bill No. 3166 (design of the state assessment system and the Washington assessment of student learning), including section 3 of the act providing for end-of-course tests in math. If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(3) \$250,000 of the general fund--state appropriation for fiscal year 2008, \$250,000 of the general fund--state appropriation for fiscal year 2009, and \$1,630,000 of the education legacy trust account--state appropriation is provided solely for the development and implementation of diagnostic assessments, subject to the following terms and conditions:

(a) A maximum of \$2,540,000 of the funding provided in this subsection shall support the development and implementation of voluntary classroom-based diagnostic assessments and progress monitoring tools for all subject areas included in the WASL by the office of the superintendent of public instruction; and

(b) \$2,360,000 of the funding provided in this subsection is for allocations to school districts to purchase assessment tools which supplement the system of diagnostic tests developed by the office of the superintendent of public instruction as described in (a) of this subsection.

(4) Within the amounts appropriated in this section, funding is for second grade assessments.

(5) \$1,414,000 of the general fund--state appropriation for fiscal year 2008 (~~and~~) is provided solely for (a) the tenth grade mathematics assessment tool that: (i) Presents the mathematics essential learnings in segments for assessment; (ii) is comparable in content and rigor to the tenth grade mathematics WASL when all segments are considered together; (iii) is reliable and valid; and (iv) can be used to determine a student's academic performance level; (b) tenth grade mathematics knowledge and skill learning modules to teach middle and high school students specific skills that have been identified as areas of difficulty for tenth grade students; and (c) making the modules available on-line.

(6) \$1,966,000 of the general fund--state appropriation for fiscal year 2009 and \$2,337,000 of the education legacy trust account appropriation are provided solely to develop a system of mathematics and science standards and instructional materials that are internationally competitive and consistent with emerging best practices research. Funding in this subsection shall fund all of the following specific projects:

(a) The office of the superintendent of public instruction shall adopt revised state standards in mathematics as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in mathematics selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in mathematics.

(b) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic mathematics curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised mathematics standards.

(c) The office of the superintendent of public instruction shall adopt revised state standards in science as directed by Second Substitute House Bill No. 1906 (improving mathematics and science education). Activities include conducting research at the request of the state board of education, engaging one or more national experts in science selected by the board, and convening education practitioners and community members in an advisory capacity regarding revised standards in science.

(d) The office of the superintendent of public instruction, in consultation with the state board of education, shall research and identify not more than three basic science curricula as well as diagnostic and supplemental instructional materials for elementary, middle, and high school grade spans that align with the revised science standards.

(e) The office of the superintendent of public instruction shall evaluate science textbooks, instructional materials, and diagnostic tools to determine the extent to which they are aligned with the revised science standards. Once the evaluations have been conducted, results will be shared with science teachers, other educators, and community members.

(f) Funding is provided for the office of the superintendent of public instruction to develop WASL knowledge and skill learning modules to assist students performing at tenth grade level 1 and level 2 in science.

(g) Of the amounts provided in this subsection, \$300,000 is provided solely to the state board of education to increase capacity to implement the provisions of Second Substitute House Bill No. 1906 (improving mathematics and science education) and Engrossed Second Substitute Senate Bill No. 6023 (regarding alternative assessments).

(7) \$8,950,000 of the education legacy trust account appropriation is for allocations to districts for salaries and benefits for the equivalent of two additional professional development days each school year for fourth and fifth grade teachers. The allocations shall be made based on the calculations of certificated instructional staff units for fourth and fifth grade provided in section 502 of this act and on the calculations of compensation provided in sections 503 and 504 of this act. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. In the 2007-08 school year, the professional development activities funded by this subsection shall be focused on development of mathematics knowledge and instructional skills and on improving instruction in science. In the 2008-09 school year, the additional professional development shall focus on skills related to implementing the new international mathematics and science standards and curriculum. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development.

(8) \$13,058,000 of the education legacy trust fund appropriation is for allocations to districts for salaries and benefits for the equivalent of three additional professional development days for middle and high school math teachers and the equivalent of three additional professional development days for middle and high school science teachers. The office of the superintendent of public instruction shall develop rules to determine the number of math and science teachers in middle and high schools within each district. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008. Districts may use the funding to support additional days for professional development as well as job-embedded forms of professional development, consistent with the following:

(a) For middle school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on development of basic mathematics knowledge and instructional skills and the additional science professional development shall focus on examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For middle school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(b) For high school teachers during the 2007-08 school year the additional math professional development funded in this subsection shall focus on skills related to implementing state math learning modules, the segmented math class/assessment program, the collection of evidence alternative assessment, and basic mathematics knowledge and instructional skills, and the additional science professional development shall focus on skills related to examination of student science assessment data and identification of science knowledge and skill areas in need of additional instructional attention. For high school teachers during the 2008-09 school year the additional math professional development shall focus on skills related to implementing the new international mathematics standards and the additional science professional development shall focus on skills related to implementing the new international science standards.

(9) \$17,491,000 of the education legacy trust fund appropriation is for allocations to districts for specialized professional development in math for one math teacher and one science teacher in each middle school and one math teacher and one science teacher in each high school. The allocations shall be based on five additional professional development days per teacher and an additional allocation per teacher of \$1,500 for training costs. In order to generate an allocation under this subsection, a teacher must participate in specialized professional development that leads to the implementation of mathematics and science courses that add new rigor to the math and science course offerings in the school. Allocations made pursuant to this subsection are intended to be formula-driven, and the office of the superintendent of public instruction shall provide updated projections of the relevant budget drivers by November 20, 2007, and by November 20, 2008.

(10) \$5,376,000 of the education legacy trust account--state appropriation is provided solely for a math and science instructional coaches program pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). Funding shall be used to provide grants to schools and districts to provide salaries, benefits, and professional development activities to twenty-five instructional coaches in middle and high school math in the 2007-08 and 2008-09 school years and twenty-five instructional coaches in middle and high school science in the 2008-09 school years; and up to \$300,000 may be used by the office of the superintendent of public instruction to administer and coordinate the program. Each instructional coach will receive five days of training at a coaching institute prior to being assigned to serve two schools each. These coaches will attend meetings during the year to further their training and assist with coordinating statewide trainings on math and science.

(11) \$1,133,000 of the general fund--state appropriation for fiscal year 2008 and \$1,133,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to allow approved middle and junior high school career and technical education programs to receive enhanced vocational funding pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education). The office of the superintendent of public instruction shall provide allocations to districts for middle and junior high school students in accordance with the funding formulas provided in section 502 of this act. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall adjust funding to stay within the amounts provided in this subsection.

(12) Within the amounts appropriated in this section, funding is for (a) staff at the office of the superintendent of public instruction to coordinate and promote efforts to develop integrated math, science, technology, and engineering programs in schools and districts across the state; and (b) grants of \$2,500 to provide twenty middle and high school teachers each year professional development training for implementing integrated math, science, technology, and engineering program in their schools.

(13) Within the amounts appropriated in this section, funding is for in-service training and educational programs conducted by the Pacific science center and for the Washington state leadership assistance for science education reform (LASER) regional partnership coordinated at the Pacific science center.

(14) \$51,701,000 of the education legacy trust account--state appropriation is provided solely for grants for voluntary full-day kindergarten at the highest poverty schools, as provided in Engrossed Second Substitute Senate Bill 5841 (enhancing student learning opportunities and achievement). The office of the superintendent of public instruction shall provide allocations to districts for recipient schools in accordance with the funding formulas provided in section 502 of this act. Each kindergarten student who enrolls for the voluntary full-day program in a recipient school shall count as one-half of one full-time equivalent student for the purpose of making allocations under this subsection. Although the allocations are formula-driven, the office of the superintendent shall consider the funding provided in this subsection as a fixed amount, and shall limit the number of recipient schools so as to stay within the amounts appropriated each fiscal year in this subsection. The funding provided in this subsection is estimated to provide full-day kindergarten programs for 10 percent of kindergarten enrollment in the 2007-08 school year and 20 percent of kindergarten enrollment in the 2008-09 school year. Funding priority shall be given to schools with the highest poverty levels, as measured by prior year free and reduced priced lunch eligibility rates in each school. Additionally, as a condition of funding, school districts must agree to provide the full-day program to the children of parents who request it in each eligible school. For the purposes of calculating a school district levy base, funding provided in this subsection shall be considered a state block grant program under RCW 84.52.0531.

(a) Of the amounts provided in this subsection, a maximum of \$272,000 may be used for administrative support of the full-day kindergarten program within the office of the superintendent of public instruction.

(b) Student enrollment pursuant to this program shall not be included in the determination of a school district's overall K-12 FTE for the allocation of student achievement programs and other funding formulas unless specifically stated.

(15) Within the amounts appropriated in this section, funding is for support of a full-day kindergarten "lighthouse" resource program at the Bremerton school district, as provided in Engrossed Second Senate Bill No. 5841 (enhancing student learning opportunities and achievement). The purpose of the program is to provide technical assistance to districts in the initial stages of implementing a high quality full-day kindergarten program.

(16) Within the amounts appropriated in this section, funding is for grants for three demonstration projects for kindergarten through grade three. The purpose of the grants is to implement best practices in developmental learning in kindergarten through third grade pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement).

(17) \$300,000 of the general fund--state appropriation for fiscal year 2008 and \$1,000,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the development of a leadership academy for school principals and administrators. The superintendent of public instruction shall contract with an independent organization to design, field test, and implement a state-of-the-art education leadership academy that will be accessible throughout the state. Initial development of the content of the academy activities shall be supported by private funds. Semiannually the independent organization shall report on amounts committed by foundations and others to support the development and implementation of this program. Leadership academy partners, with varying roles, shall include the state level organizations for school administrators and principals, the superintendent of public instruction, the professional educator standards board, and others as the independent organization shall identify.

(18) Within the amounts appropriated in this section, funding is for grants to school districts to implement emerging best practices activities in support of classroom teachers' instruction of students, with a first language other than English, who struggle with acquiring academic English skills, as outlined in Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). Best practices shall focus on professional development for classroom teachers and support of instruction for English language learners in regular classrooms. School districts qualifying for these grants shall serve a student population that reflects many different first languages among their

students. The Northwest educational research laboratory (NWREL) shall evaluate the effectiveness of the practices supported by the grants as provided in section 501 of this act. Recipients of these grants shall cooperate with NWREL in the collection of program data.

(19) Within the amounts appropriated in this section, funding is for training of paraprofessional classroom assistants and certificated staff who work with classroom assistants as provided in RCW 28A.415.310.

(20) Within the amounts appropriated in this section, funding is provided for mentor teacher assistance, including state support activities, under RCW 28A.415.250 and 28A.415.260, and for a mentor academy. Up to \$200,000 of the amount in this subsection may be used each fiscal year to operate a mentor academy to help districts provide effective training for peer mentors. Funds for the teacher assistance program shall be allocated to school districts based on the number of first year beginning teachers.

(21) Within the amounts appropriated in this section, funding is for the leadership internship program for superintendents, principals, and program administrators.

(22) \$105,765,000 of the general fund--federal appropriation is provided for preparing, training, and recruiting high quality teachers and principals under Title II of the no child left behind act.

(23) Within the amounts appropriated in this section, funding is for a principal support program. The office of the superintendent of public instruction may contract with an independent organization to administer the program. The program shall include: (a) Development of an individualized professional growth plan for a new principal or principal candidate; and (b) participation of a mentor principal who works over a period of between one and three years with the new principal or principal candidate to help him or her build the skills identified as critical to the success of the professional growth plan. Within the amounts provided, \$25,000 per year shall be used to support additional participation of secondary principals.

(24) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction for focused assistance. The office of the superintendent of public instruction shall conduct educational audits of low-performing schools and enter into performance agreements between school districts and the office to implement the recommendations of the audit and the community. Each educational audit shall include recommendations for best practices and ways to address identified needs and shall be presented to the community in a public meeting to seek input on ways to implement the audit and its recommendations.

(25) Within the amounts appropriated in this section, funding is for a high school and school district improvement program modeled after the office of the superintendent of public instruction's existing focused assistance program in subsection (25)(b) of this section. The state funding for this improvement program will match an equal amount committed by a nonprofit foundation in furtherance of a jointly funded program.

(26) Within the amounts appropriated in this section, funding is for summer accountability institutes offered by the superintendent of public instruction. The institutes shall provide school district staff with training in the analysis of student assessment data, information regarding successful district and school teaching models, research on curriculum and instruction, and planning tools for districts to improve instruction in reading, mathematics, language arts, social studies, including civics, and guidance and counseling. The superintendent of public instruction shall offer at least one institute specifically for improving instruction in mathematics in fiscal years 2008 and 2009 and at least one institute specifically for improving instruction in science in fiscal year 2009.

(27) Within the amounts appropriated in this section, funding is for the evaluation of mathematics textbooks, other instructional materials, and diagnostic tools to determine the extent to which they are aligned with the state standards. Once the evaluations have been conducted, results will be shared with math teachers, other educators, and community members for the purposes of validating the conclusions and then selecting up to three curricula, supporting materials, and diagnostic instruments as those best able to assist students to learn and teachers to teach the content of international standards. In addition, the office of the superintendent shall continue to provide support and information on essential components of comprehensive, school-based reading programs.

(28) Within the amounts appropriated in this section, funding is for the mathematics helping corps subject to the following conditions and limitations:

(a) In order to increase the availability and quality of technical mathematics assistance statewide, the superintendent of public instruction shall employ mathematics school improvement specialists to provide assistance to schools and districts. The specialists shall be hired by and work under the direction of a statewide school improvement coordinator. The mathematics improvement specialists shall not be permanent employees of the superintendent of public instruction.

(b) The school improvement specialists shall provide the following:

(i) Assistance to schools to disaggregate student performance data and develop improvement plans based on those data;

(ii) Consultation with schools and districts concerning their performance on the Washington assessment of student learning and other assessments emphasizing the performance on the mathematics assessments;

(iii) Consultation concerning curricula that aligns with the essential academic learning requirements emphasizing the academic learning requirements for mathematics, the Washington assessment of student learning, and meets the needs of diverse learners;

(iv) Assistance in the identification and implementation of research-based instructional practices in mathematics;

(v) Staff training that emphasizes effective instructional strategies and classroom-based assessment for mathematics;

(vi) Assistance in developing and implementing family and community involvement programs emphasizing mathematics; and

(vii) Other assistance to schools and school districts intended to improve student mathematics learning.

(29) Within the amounts appropriated in this section, funding is for the improvement of reading achievement and implementation of research-based reading models. The superintendent shall evaluate reading curriculum programs and other instructional materials to determine the extent to which they are aligned with state standards. A report of the analyses shall be made available to school districts. The superintendent shall report to districts the assessments that are available to screen and diagnose reading difficulties, and shall provide training on how to implement a reading assessment system. Resources may also be used to disseminate grade level expectations and develop professional development modules and web-based materials.

(30) \$30,706,000 of the general fund--federal appropriation is provided for the reading first program under Title I of the no child left behind act.

(31) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the office of the superintendent of public instruction to award five grants to parent, community, and school district partnership programs that will meet the unique needs of different groups of students in closing the achievement gap. The legislature intends that the pilot programs will help students meet state learning standards, achieve the skills and knowledge necessary for college or the workplace, reduce the achievement gap, prevent dropouts, and improve graduation rates.

(a) The pilot programs shall be designed in such a way as to be supplemental to educational services provided in the district and shall utilize a community partnership based approach to helping students and their parents.

(b) The grant recipients shall work in collaboration with the office of the superintendent of public instruction to develop measurable goals and evaluation methodologies for the pilot programs. \$25,000 of this appropriation may be used by the office of the superintendent of public instruction to hold a statewide meeting to disseminate successful strategies developed by the grantees.

(c) The office of the superintendent of public instruction shall issue a report to the legislature in the 2009 session on the progress of each of the pilot programs.

(32) Within the amounts appropriated in this section, funding is for the office of the superintendent of public instruction to support and award Washington community learning center program grants pursuant to Engrossed Second Substitute Senate Bill No. 5841 (enhancing student learning opportunities and achievement). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(33) Within the amounts appropriated in this section, funding is for the elimination of the lunch co-pay for students in grades kindergarten through third grade that are eligible for reduced price lunch.

(34) Within the amounts appropriated in this section, funding is for the development of mathematics support activities provided by community organizations in after school programs. Pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education), the office of the superintendent of public instruction shall administer grants to community organizations that partner with school districts to provide these activities and develop a mechanism to report program and student success.

(35) Within the amounts appropriated in this section, funding is for: (a) The meals for kids program under RCW 28A.235.145 through 28A.235.155; (b) to eliminate the breakfast co-pay for students eligible for reduced price lunch; and (c) for additional assistance for school districts initiating a summer food service program.

(36) Within the amounts appropriated in this section, funding is for the Washington reading corps. The superintendent shall allocate reading corps members to low-performing schools and school districts that are implementing comprehensive, proven, research-based reading programs. Two or more schools may combine their Washington reading corps programs. Grants provided under this section may be used by school districts for expenditures from September 2007 through August 31, 2009.

(37) Within the amounts appropriated in this section, funding is for grants to school districts to provide a continuum of care for children and families to help children become ready to learn. Grant proposals from school districts shall contain local plans designed collaboratively with community service providers. If a continuum of care program exists in the area in which the school district is located, the local plan shall provide for coordination with existing programs to the greatest extent possible. Grant funds shall be allocated pursuant to RCW 70.190.040.

(38) Within the amounts appropriated in this section, funding is for improving technology infrastructure, monitoring and reporting on school district technology development, promoting standards for school district technology, promoting statewide coordination and planning for technology development, and providing regional educational technology support centers, including state support activities, under chapter 28A.650 RCW. The superintendent of public instruction shall coordinate a process to facilitate the evaluation and provision of online curriculum courses to school districts which includes the following: Creation of a general listing of the types of available online curriculum courses; a survey conducted by each regional educational technology support center of school districts in its region regarding the types of online curriculum courses desired by school districts; a process to evaluate and recommend to school districts the best online courses in terms of curriculum, student performance, and cost; and assistance to school districts in procuring and providing the courses to students.

(39) Within the amounts appropriated in this section, funding is for the development and posting of web-based instructional tools, assessment data, and other information that assists schools and teachers implementing higher academic standards.

(40) Within the amounts appropriated in this section, funding is for the operation of the center for the improvement of student learning pursuant to RCW 28A.300.130.

(41) Within the amounts appropriated in this section, funding is for one-time allocations for technology upgrades and improvements. The funding shall be allocated based on \$3,000 for each elementary school, \$6,000 for each middle or junior high school, and \$11,000 for each high school. In cases where a particular school's grade span or configuration does not fall into these categories, the office of superintendent of public instruction will develop an allocation to that school that recognizes the unique characteristics but maintains the proportionate allocation identified in this subsection.

(42) Within the amounts appropriated in this section, funding is for costs associated with office of the superintendent of public instruction establishing a statewide director of technology position pursuant to Second Substitute House Bill No. 1906 (improving mathematics and science education).

(43)(a) Within the amounts appropriated in this section, funding is for the following bonuses for teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching in a Washington public school, subject to the following conditions and limitations:

(i) For national board certified teachers, a bonus of \$5,000 per teacher in fiscal year 2008 and adjusted for inflation in fiscal year 2009. Beginning in the 2007-2008 school year and thereafter, national board certified teachers who become public school principals shall continue to receive this bonus for as long as they are principals and maintain the national board certification;

(ii) During the 2007-2008 school year, for national board certified teachers who teach in schools where at least 70 percent of student headcount enrollment is eligible for the federal free or reduced price lunch program, an additional \$5,000 annual bonus to be paid in one lump sum. Beginning in the 2008-2009 school year and thereafter, an additional \$5,000 annual bonus shall be paid to national board certified teachers who teach in either: (A) High schools where at least 50 percent of student headcount enrollment is eligible for federal free or reduced price lunch, (B) middle schools where at least 60 percent of student headcount enrollment is eligible for federal free or reduced price lunch, or (C) elementary schools where at least 70 percent of student headcount enrollment is eligible for federal free or reduced price lunch; and

(iii) The superintendent of public instruction shall adopt rules to ensure that national board certified teachers meet the qualifications for bonuses under (a)(ii) of this subsection for less than one full school year receive bonuses in a pro-rated manner.

(b) Included in the amounts provided in this subsection are amounts for mandatory fringe benefits. Unless Senate Bill No. 6657 (salary bonuses for individuals certified by the national board for professional teaching standards) is enacted by June 30, 2008, the annual bonus shall not be included in the definition of "earnable compensation" under RCW 41.32.010(10).

(c) For purposes of this subsection, "the percent of the student headcount enrollment eligible for the federal free or reduced price lunch program" shall be defined as: (i) For the 2007-08 and the 2008-09 school years, schools in which the prior year percentage of students eligible for the federal free and reduced price lunch program meets the criteria specified in subsection (41)(a)(ii) of this section; and (ii) in the 2008-09 school year, any school that met the criterion in (c)(i) of this subsection in the 2007-08 school year.

(d) Within the amounts appropriated in this subsection, the office of superintendent of public instruction shall revise rules to allow teachers who hold valid, unexpired certification from the national board for professional teaching standards and who are teaching at the Washington school for the deaf or Washington school for the blind, to receive the annual bonus amounts specified in this subsection if they are otherwise eligible.

(44) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6377 (career and technical education).

(45) \$3,900,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for an allocation of four dollars and nine cents per full-time equivalent student, or as much as the funding in this subsection will allow, to maintain and improve library materials, collections, and services. The funding provided in this subsection shall be used to augment current funding for librarian programs provided

through basic education and other existing funding mechanisms. In order to receive allocations under this section, school districts must agree that to the maximum extent possible they will ensure that library programs and services are equitably provided throughout the district.

(46) Within the amounts appropriated in this section, funding is for the implementation of Second Substitute Senate Bill No. 6483 (local farms-healthy kids and communities).

(47) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which requires the office of the superintendent of public instruction to explore online curriculum support in languages other than English.

(48) Within the amounts appropriated in this section, funding is for grants to five skills centers to develop and plan for implementation of integrated English language development/career skills programs that pair English language development teachers with career/technical education instructors in the classroom. The office of the superintendent of public instruction and skill center staff shall work with the state board for community and technical colleges I-BEST program staff and local community and technical college program staff to develop the program to assure critical program elements are included and that the skill center programs provide a seamless transition for high school students to the community and technical college programs for students choosing that pathway. The request for proposal or grant application shall be issued no later than May 1, 2008, so that grant recipients can begin program planning and development efforts on July 1, 2008. The superintendent of public instruction shall provide the resulting implementation plans to the governor and the appropriate committees of the legislature by November 1, 2008.

(49) Within the amounts appropriated in this section, funding is for support of public high schools' participation in the FIRST robotics program. The office of the superintendent of public instruction shall issue grants not to exceed \$10,000 per school to be used for teacher stipends, registration fees, equipment, and other costs associated with direct participation in the program. High-poverty schools and schools starting up robotics programs shall be given priority in funding.

(50) In addition to other reductions, the reduced appropriations in this section reflect an additional (~~(\$499,000)~~) \$602,000 reduction in administrative costs required by Engrossed Substitute Senate Bill No. 5460 (reducing state government administrative costs). These administrative reductions shall be achieved, to the greatest extent possible, by reducing those administrative costs that do not affect direct client services or direct service delivery or programs.

Sec. 1411. 2009 c 4 s 505 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR THE LEARNING ASSISTANCE PROGRAM

General Fund--State Appropriation (FY 2008)	\$68,381,000
General Fund--State Appropriation (FY 2009)	(\$84,654,000)
	<u>\$86,268,000</u>
General Fund--Federal Appropriation	\$360,660,000
Education Legacy Trust Account--State Appropriation	\$45,953,000
TOTAL APPROPRIATION	(\$559,648,000) <u>\$561,262,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) The general fund--state appropriations in this section are subject to the following conditions and limitations:

(a) The appropriations include such funds as are necessary to complete the school year ending in the fiscal year and for prior fiscal year adjustments.

(b) Funding for school district learning assistance programs shall be allocated at maximum rates of \$220.34 per funded student for the 2007-08 school year and \$265.08 per funded student for the 2008-09 school year exclusive of salary and benefit adjustments provided under section 504 of this act.

(c) A school district's funded students for the learning assistance program shall be the sum of the following as appropriate:

(i) The district's full-time equivalent enrollment in grades K-12 for the prior school year multiplied by the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch in the prior school year; and

(ii) If, in the prior school year, the district's percentage of October headcount enrollment in grades K-12 eligible for free or reduced price lunch exceeded forty percent, subtract forty percent from the district's percentage and multiply the result by the district's K- 12 annual average full-time equivalent enrollment for the prior school year.

(d) In addition to amounts allocated in (b) and (c) of this subsection, an additional amount shall be allocated to a school district for each school year in which the district's allocation is less than the amount the district received for the general fund--state learning assistance program allocation in the 2004-05 school year. The amount of the allocation in this section shall be sufficient to maintain the 2004-05 school year allocation.

(e) If Second Substitute Senate Bill No. 6673 (student learning opportunities) is enacted by June 30, 2008, in addition to the amounts allocated in (b), (c), and (d) of this subsection, an additional amount shall be allocated to school districts with high concentrations of poverty and English language learner students beginning in the 2008- 2009 school year, subject to the following rules and conditions:

(i) To qualify for additional funding under this subsection, a district's October headcount enrollment in grades kindergarten through grade twelve must have at least twenty percent enrolled in the transitional bilingual instruction program based on an average of the program headcount taken in October and May of the prior school year; and must also have at least forty percent eligible for free or reduced price lunch based on October headcount enrollment in grades kindergarten through twelve in the prior school year.

(ii) Districts meeting the specifications in (e)(i) of this subsection shall receive additional funded students for the learning assistance program at the rates specified in subsection (1)(b) of this section. The number of additional funded student units shall be calculated by subtracting twenty percent from the district's percent transitional bilingual instruction program enrollment as defined in (e)(i) of this subsection, and the resulting percent shall be multiplied by the district's kindergarten through twelve annual average full-time equivalent enrollment for the prior school year.

(2) The general fund--federal appropriation in this section is provided for Title I Part A allocations of the no child left behind act of 2001.

(3) Small school districts are encouraged to make the most efficient use of the funding provided by using regional educational service district cooperatives to hire staff, provide professional development activities, and implement reading and mathematics programs consistent with research-based guidelines provided by the office of the superintendent of public instruction.

(4) A school district may carry over from one year to the next up to 10 percent of the general fund--state or education legacy trust funds allocated under this program; however, carryover funds shall be expended for the learning assistance program.

(5) School districts are encouraged to coordinate the use of these funds with other federal, state, and local sources to serve students who are below grade level and to make efficient use of resources in meeting the needs of students with the greatest academic deficits.

(6) Within the amounts appropriated in this section, funding is for the implementation of Engrossed Second Substitute Senate Bill No. 6673 (student learning opportunities) which establishes the extended learning program to provide additional instructional services for eligible students in grades eight, eleven, and twelve during the regular school day, evenings, on weekends, or at other times in order to meet the needs of these students. This funding is in addition to the estimated \$986,000 of associated compensation increases associated with this legislation in section 504 of this act.

Sec. 1412. 2009 c 4 s 506 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION--FOR STUDENT ACHIEVEMENT PROGRAM

Student Achievement Account--State Appropriation (FY 2008)	\$423,369,000
Student Achievement Account--State Appropriation (FY 2009)	((\$436,910,000))
	<u>\$74,910,000</u>
<u>General Fund--Federal Appropriation</u>	<u>\$362,000,000</u>
TOTAL APPROPRIATION	\$860,279,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Funding for school district student achievement programs shall be allocated at a maximum rate of \$450.00 per FTE student for the 2007-08 school year and \$458.10 per FTE student for the 2008-09 school year. For the purposes of this section, FTE student refers to the annual average full-time equivalent enrollment of the school district in grades kindergarten through twelve for the prior school year, as reported to the office of the superintendent of public instruction by August 31st of the previous school year.

(2) The appropriation is allocated for the following uses as specified in RCW 28A.505.210:

(a) To reduce class size by hiring certificated elementary classroom teachers in grades K-4 and paying nonemployee-related costs associated with those new teachers;

(b) To make selected reductions in class size in grades 5-12, such as small high school writing classes;

(c) To provide extended learning opportunities to improve student academic achievement in grades K-12, including, but not limited to, extended school year, extended school day, before-and-after-school programs, special tutoring programs, weekend school programs, summer school, and all-day kindergarten;

(d) To provide additional professional development for educators including additional paid time for curriculum and lesson redesign and alignment, training to ensure that instruction is aligned with state standards and student needs, reimbursement for higher education costs related to enhancing teaching skills and knowledge, and mentoring programs to match teachers with skilled, master teachers. The funding shall not be used for salary increases or additional compensation for existing teaching duties, but may be used for extended year and extended day teaching contracts;

(e) To provide early assistance for children who need prekindergarten support in order to be successful in school; or

(f) To provide improvements or additions to school building facilities which are directly related to the class size reductions and extended learning opportunities under (a) through (c) of this subsection (2).

(3) The superintendent of public instruction shall distribute the school year allocation according to the monthly schedule defined in RCW 28A.505.220.

**PART XV
HIGHER EDUCATION**

Sec. 1501. 2009 c 4 s 603 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund--State Appropriation (FY 2008)	\$373,726,000
General Fund--State Appropriation (FY 2009)	\$358,727,000
General Fund--Private/Local Appropriation	((\$300,000))
	<u>\$350,000</u>
Education Legacy Trust Account--State Appropriation	\$43,181,000
Accident Account--State Appropriation	\$6,513,000
Medical Aid Account--State Appropriation	\$6,371,000
TOTAL APPROPRIATION	((\$788,818,000))
	<u>\$788,868,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$15,744,000 of the education legacy trust account--state appropriation is to expand general enrollments by 625 student FTEs in fiscal year 2008 and by an additional 625 student FTEs in fiscal year 2009. Of these, 165 FTEs in 2008 and 165 FTEs in 2009 are expected to be graduate student FTEs.

(2) \$6,975,000 of the education legacy trust account--state appropriation is to expand math and science undergraduate enrollments by 250 student FTEs in each fiscal year. The programs expanded shall include mathematics, engineering, and the physical sciences. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in math and science programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$85,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the Washington state academy of sciences, authorized by chapter 70.220 RCW.

(4) \$100,000 of the general fund--state appropriation for fiscal year 2008 and \$100,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support of the William D. Ruckelshaus center.

(5) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at the University of Washington by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(6) \$84,000 of the general fund--state appropriation for fiscal year 2008 and \$84,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to establish the state climatologist position.

(7) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$125,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center to identify and carry out, or otherwise appropriately support, a process to identify issues that have led to conflict around land use requirements and property rights, and explore practical and effective ways to resolve or reduce that conflict. A report with conclusions and recommendations shall be submitted to the governor and the chairs of the appropriate committees of the legislature by October 31, 2007. Work will continue after the submission of the initial report, to include continuing research and the development of financial and policy options and a progress report on fact finding efforts and stakeholder positions due December 1, 2008.

(8) \$3,830,000 of the education legacy trust account--state appropriation is provided solely to expand health sciences capacity at the University of Washington. Consistent with the medical and dental school extension program appropriations at Washington State University and Eastern Washington University, funding is provided to expand classes at the University of Washington. Medical and dental students shall take the first year of courses for this program at the Riverpoint campus in Spokane and the second year of courses at the University of Washington in Seattle.

(9) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the University of Washington are enumerated as follows:

- (a) Increase the combined number of baccalaureate degrees conferred per year at all campuses to 8,850;
- (b) Increase the combined number of high-demand baccalaureate degrees conferred at all campuses per year to 1,380;
- (c) Increase the combined number of advanced degrees conferred per year at all campuses to 3,610;
- (d) Improve the six-year graduation rate for baccalaureate students to 74.7 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 76.0 percent;
- (f) Improve the freshman retention rate to 93.0 percent;
- (g) Improve time to degree for baccalaureate students to 92 percent at the Seattle campus and 92.5 percent at the Bothell and Tacoma campuses, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this subsection.

The University of Washington shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(10) \$750,000 of the education legacy trust account appropriation is provided solely to increase participation in international learning opportunities, particularly for students with lower incomes who would otherwise not have the chance to study, work, or volunteer outside the United States.

(11) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for forestry research by the Olympic natural resources center.

(12) \$25,000 of the general fund--state appropriation for fiscal year 2008 and \$25,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for coastal marine research by the Olympic natural resources center.

(13) \$95,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for increased education, training, and support services for the families of children with autism, and for the production and distribution of digital video discs in both English and Spanish about strategies for working with people with autism.

(14) \$2,900,000 of the general fund--state appropriation for fiscal year 2008 and \$3,400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for operating support for the department of global health.

(15) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(16) \$150,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the rural technology initiative (initiative) at the University of Washington and the transportation research group (group) at the Washington State University to conduct an economic analysis of the costs to safely provide log hauling services. The initiative will be the lead investigator and administer the project. Neither the University of Washington nor the Washington State University may make a deduction for administrative costs. The project shall rely upon the Washington state patrol for determination of basic safe characteristics, consistent with applicable state and federal law. The analysis shall include:

- (a) An estimate of log haulers' cost to operate and maintain a basic and safe log truck without operator including:
 - (i) Variable costs such as fuel, etc;
 - (ii) Quasi-variable costs such as:
 - (A) Tires, brakes, wrappers, and other safety related equipment;
 - (B) Vehicle insurance, taxes, fees, etc;
 - (C) Maintenance costs such as oil, lubrication, and minor repairs; and
 - (D) Depreciation and replacement costs;
- (b) The source of these cost estimates where possible should be independent vendors of equipment and services or already existing studies;
- (c) A calculation of costs for safe operation expressed as per mile, hour or load volume including consideration for regional differences as well as off-road vs. on-road;
- (d) An evaluation of comparable trucking services; and
- (e) A review of log truck safety statistics in Washington state.

In conducting the analysis, the initiative shall consult with the northwest log truckers cooperative, the Washington trucking association, the Washington contract loggers association, the Washington farm forestry association, and the Washington forest protection association. By June 30, 2008, the initiative shall provide a report of its findings to the legislature and governor and distribute the findings to interested industry groups.

(17) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the Burke museum to support science and social science educational programs including public outreach programs, new educational programs and resources, web-based interactive learning experiences, teacher training, and traveling educational opportunities.

(18) \$150,000 of the general fund--state appropriation for fiscal year 2008 and \$300,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to the institute for learning and brain sciences.

(19) \$30,000 of the general fund--state appropriation for fiscal year 2008 and \$30,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington to gather data and conduct research associated with preparing the basin-wide

assessment and to solicit nominations for review and submittal to the Washington academy of sciences for the creation of the Puget Sound science panel pursuant to Engrossed Second Substitute Senate Bill No. 5372 (Puget Sound partnership).

(20)(a) \$500,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the University of Washington school of law loan repayment assistance program endowment fund. The University of Washington shall conduct fund-raising activities to increase private sector support of the endowment program and \$250,000 of the appropriation in this subsection is contingent on a private sector match. Funds in the law school repayment assistance program endowment fund shall be used to provide graduates who pursue careers in public interest legal positions with payment assistance toward their student loan debt.

(b) The University of Washington law school shall report to the legislature by December 1, 2010, information about the loan repayment assistance program. The report shall contain at least the following information:

(i) A financial summary of the endowment program;

(ii) The number of individuals receiving assistance from the program and information related to the positions in which these individuals are working;

(iii) Any available information regarding the effect of the loan repayment assistance program on student recruitment and enrollment; and

(iv) Other information the school of law deems relevant to the evaluation of the program.

(c) In its rules for administering the program, the school of law must make provision for cases of hardship or exceptional circumstances, as defined by the school of law. Examples of such circumstances include, but are not limited to, family leave, medical leave, illness or disability, and loss of employment.

(d) The loan repayment assistance program must be available to otherwise eligible graduates of the law school who work in positions with nonprofit organizations or government agencies. Such positions must be located within Washington state. Government agencies shall include the various branches of the military.

(21) \$54,000 of the general fund--state appropriation for fiscal year 2008 and \$54,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the University of Washington geriatric education center to develop a voluntary adult family home certification program. In addition to the minimum qualifications required under RCW 70.128.120, individuals participating in the voluntary adult family home certification program shall complete fifty- two hours of class requirements as established by the University of Washington geriatric education center. Individuals completing the requirements of RCW 70.128.120 and the voluntary adult family home certification program shall be issued a certified adult family home license by the department of social and health services. The department of social and health services shall adopt rules implementing the provisions of this subsection.

(22) \$22,000 of the general fund--state appropriation for fiscal year 2008 and \$97,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the William D. Ruckelshaus center for implementation of section 5 of Engrossed Second Substitute House Bill No. 3123 (nurse staffing). If section 5 of the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

(23) \$1,000,000 of the general fund--state appropriation for fiscal year 2009 is provided solely to establish an e-Science institute that will provide infrastructure and consulting expertise to university researchers in advanced computational techniques needed to capture, store, organize, access, mine, visualize, and interpret massive data sets.

(24) \$50,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for incentive grants to support medical research or medical training projects focused upon improvement of services to persons with developmental disabilities. The university shall report to appropriate committees of the legislature by December 1, 2008, on incentive grants awarded, and other efforts to improve training for medical students in treating persons with developmental disabilities.

(25) When implementing reductions in fiscal year 2009, the University of Washington shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 1502. 2009 c 4 s 606 (uncodified) is amended to read as follows:

FOR CENTRAL WASHINGTON UNIVERSITY

General Fund--State Appropriation (FY 2008)	\$47,691,000
General Fund--State Appropriation (FY 2009)	(\$45,272,000)
	<u>\$45,275,000</u>
Education Legacy Trust Account--State Appropriation	\$16,219,000
Pension Funding Stabilization Account Appropriation	\$4,330,000
TOTAL APPROPRIATION	(\$113,512,000)
	<u>\$113,515,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,474,000 of the education legacy trust account--state appropriation is to increase general enrollments by 70 FTE students in fiscal year 2008 and by an additional 211 FTE enrollments in fiscal year 2009. At least 30 of the additional fiscal year 2009 enrollments are expected to be graduate students.

(2) \$1,816,000 of the education legacy trust account--state appropriation for fiscal year 2008 is to increase math and science enrollments by 105 FTE students in fiscal year 2008 and by an additional 89 FTE students in fiscal year 2009. The university shall provide data to the office of financial management regarding math and science enrollments, graduations, and employment of college graduates related to state investments in math and science enrollment programs. Data may be provided through the centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(3) \$1,801,000 of the education legacy trust account--state appropriation is to increase high-demand undergraduate enrollments by 85 student FTEs in fiscal year 2008 and by an additional 70 FTE students in fiscal year 2009. The programs expanded shall include, but are not limited to, bilingual education and information technology. The university shall provide data to the office of financial management that is required to track changes in enrollments, graduations, and the employment of college graduates related to state investments in high-demand enrollment programs. Data may be provided through the public centralized higher education enrollment system or through an alternative means agreed to by the institutions and the office of financial management.

(4) \$500,000 of the education legacy trust account--state appropriation is provided solely to expand the number of TRIO eligible students served in the student support services program at Central Washington University by 250 students each year. TRIO students include low-income, first-generation, and college students with disabilities. The student support services program shall report annually to the office of financial management and the appropriate policy and fiscal committees of the legislature on the retention and completion rates of students served through this appropriation. Retention rates shall continue to exceed 85 percent for TRIO students in this program.

(5) The higher education coordinating board, the office of financial management, and the higher education institutions negotiated a set of performance measures, checkpoints, and targets in 2006. By July 31, 2007, the university and the board shall review and revise these targets

based on per-student funding in the 2007-09 appropriations act. In addition, the board shall compile comparable data from peer institutions in the eight global challenge states identified in the Washington Learns study.

The checkpoints previously agreed by the board and the Central Washington University are enumerated as follows:

- (a) Increase the number of baccalaureate degrees conferred per year to 2,050;
- (b) Increase the number of high-demand baccalaureate degrees conferred per year to 49;
- (c) Increase the number of advanced degrees conferred per year at all campuses to 196;
- (d) Improve the six-year graduation rate for baccalaureate students to 51.1 percent;
- (e) Improve the three-year graduation rate for students who transfer with an associates degree to 72.3 percent;
- (f) Improve the freshman retention rate to 78.2 percent;
- (g) Improve time to degree for baccalaureate students to 86.6 percent, measured by the percent of admitted students who graduate within 125 percent of the credits required for a degree; and

(h) The institution shall provide a report on Pell grant recipients' performance within each of the measures included in this section.

Central Washington University shall report its progress and ongoing efforts toward meeting the provisions of this section to the higher education coordinating board prior to November 1, 2009.

(6) \$500,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Substitute House Bill No. 1497 (Central Washington University operating fee waivers). If the bill is not enacted by June 30, 2007, this appropriation shall lapse.

(7) In an effort to introduce students to and inform students of post-secondary opportunities in Washington state, by October 1st of each year the university shall report to the higher education coordinating board progress towards developing and implementing outreach programs designed to increase awareness of higher education to K-12 populations.

(8) When implementing reductions in fiscal year 2009, Central Washington University shall minimize impacts on academic programs, maximize reductions in administration, and not reduce enrollments below enrollment levels referenced in 2008 c 329 s 604 and section 601 of this act.

Sec. 1503. 2009 c 4 s 609 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--POLICY COORDINATION AND ADMINISTRATION

General Fund--State Appropriation (FY 2008)	\$7,008,000
General Fund--State Appropriation (FY 2009)	\$6,533,000
General Fund--Federal Appropriation	\$4,333,000
TOTAL APPROPRIATION	\$17,874,000

The appropriations in this section are subject to the following conditions and limitations:

~~(1) ((\$87,000 of the general fund--state appropriation for fiscal year 2008 and \$169,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to maintain and update a scholarship clearinghouse that lists every public and private scholarship available to Washington students))~~ Within the funds appropriated in this section, the board shall maintain and update a scholarship clearing house that lists every public and private scholarship available to Washington students. The higher education coordinating board shall develop a web-based interface for students and families as well as a common application for these scholarships.

~~(2) ((\$339,000 of the general fund--state appropriation for fiscal year 2008 and \$330,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of))~~ Within the funds appropriated in this section, the board shall implement Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~(3) ((\$200,000 of the general fund--state appropriation for fiscal year 2008 and \$150,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of))~~ Within the funds appropriated in this section, the board shall implement Engrossed Substitute House Bill No. 1131 (the passport to college promise). If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

~~(4) ((\$152,000 of the general fund--state appropriation for fiscal year 2008 and \$191,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for administration of))~~ Within the funds appropriated in this section, the board shall implement conditional scholarships.

~~(5) ((Except for moneys provided in this section for specific purposes, and to the extent that the executive director finds that the agency will not require the full amount appropriated for a fiscal year in this section, the unexpended appropriation shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes of fulfilling unfunded scholarship commitments that the board made under its federal GEAR UP Grant~~

~~---~~ ~~(6))~~ \$200,000 of the general fund--state appropriation is provided solely to implement a capital facility and technology capacity study which will compare the 10-year enrollment projections with the capital facility requirements and technology application and hardware capacity needed to deliver higher education programs for the period 2009-2019. The higher education coordinating board shall:

- (a) Develop the study in collaboration with the state board for community and technical colleges, four-year universities, and the Washington independent colleges;
- (b) Determine the 10-year capital facilities and technology application and hardware investment needed by location to deliver higher education programs to additional student FTE;
- (c) Estimate operational and capital costs of the additional capacity; and
- (d) Report findings to the legislature on October 1, 2008.

~~((7) \$85,000 of the general fund--state appropriation for fiscal year 2008 and \$127,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the board to))~~ (6) Within the funds appropriated in this section, the board shall prepare a program and operating plan for a higher education center in the Kitsap county area. The plan shall be developed in consultation with an advisory committee of civic, business, and educational leaders from Clallam, Jefferson, Kitsap, and Mason counties. It shall include a projection of lower and upper division and graduate enrollment trends in the study area; a review of assessments of employer needs; an inventory of existing and needed postsecondary programs; recommended strategies for promoting active program participation in and extensive program offerings at the center by public and private baccalaureate institutions; and an estimate of operating and capital costs for the creation and operation of the center. The board shall submit its findings and recommendations to the governor and legislature by December 1, 2008.

~~((8) \$60,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for implementation of))~~ (7) Within the funds appropriated in this section, the board shall implement Engrossed House Bill No. 2641 (education performance agreements). If the bill is not enacted by June 30, 2008, the amount provided in this subsection shall lapse.

~~((9))~~ (8) The higher education coordinating board, the department of licensing, and the department of health shall jointly review and report to appropriate policy committees of the legislature by December 1, 2008, on barriers and opportunities for increasing the extent to which

veterans separating from duty are able to apply skills sets and education required while in service to certification, licensure, and degree requirements.

~~((10) \$100,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the higher education coordinating board to)) (9) Within the funds appropriated in this section, the board shall convene interested parties from Snohomish, Island, and Skagit counties to consider the November 2007 site options and recommendations for a new campus of the University of Washington in Snohomish county. The three local communities shall develop a consensus recommendation on a single preferred site and present the recommendation to the higher education coordinating board. The higher education coordinating board shall then present the single preferred site recommendation to the appropriate legislative fiscal and policy committees by December 1, 2008.~~

Sec. 1504. 2009 c 4 s 610 (uncodified) is amended to read as follows:

FOR THE HIGHER EDUCATION COORDINATING BOARD--FINANCIAL AID AND GRANT PROGRAMS

General Fund--State Appropriation (FY 2008)	\$163,286,000
General Fund--State Appropriation (FY 2009)	\$188,498,000
General Fund--Federal Appropriation	\$13,113,000
Education Legacy Trust Account--State Appropriation	(\$108,188,000)
	\$106,588,000
TOTAL APPROPRIATION	(\$473,085,000)
	<u>\$471,485,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$154,760,000 of the general fund--state appropriation for fiscal year 2008, \$178,707,000 of the general fund--state appropriation for fiscal year 2009, \$49,902,000 of the education legacy trust account appropriation for fiscal year 2008, \$40,050,000 of the education legacy trust account appropriation for fiscal year 2009, and \$2,886,000 of the general fund--federal appropriation are provided solely for student financial aid payments under the state need grant; the state work study program including a four percent administrative allowance; the Washington scholars program; and the Washington award for vocational excellence. All four programs shall increase grant awards sufficiently to offset the full cost of the resident undergraduate tuition increases authorized under this act.

(2) Within the funds appropriated in this section, eligibility for the state need grant shall be expanded to include students with family incomes at or below 70 percent of the state median family income, adjusted for family size. Awards for students with incomes between 66 percent and 70 percent of the state median shall be 50 percent of the award amount granted to those with incomes below 51 percent of the median.

(3) To the extent that the executive director determines that the agency will not award the full amount appropriated in subsection (1) of this section for a fiscal year, unexpended funds shall be transferred to the state education trust account established under RCW 28B.92.140 for purposes first of fulfilling the unfunded scholarship commitments that the board made under its federal GEAR UP Grant 1.

(4) \$7,400,000 of the education legacy trust account appropriation is provided solely for investment to fulfill the scholarship commitments that the state incurs in accordance with Second Substitute Senate Bill No. 5098 (the college bound scholarship). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(5) \$2,500,000 of the education legacy trust account--state appropriation is provided solely to expand the gaining early awareness and readiness for undergraduate programs project to at least 25 additional school districts.

(6) \$1,000,000 of the education legacy trust account--state appropriation is provided solely to encourage more students to teach secondary mathematics and science. \$500,000 of this amount is provided to increase the future teacher scholarship and conditional loan program by at least 35 students per year. \$500,000 of this amount is provided to support state work study positions for students to intern in secondary math and science classrooms.

(7) ~~(\$2,336,000)~~ \$736,000 of the education legacy trust account--state appropriation for fiscal year 2009 is provided solely for implementation of Engrossed Substitute House Bill No. 1131 (passport to college). Funds are provided for student scholarships, and for incentive payments to the colleges they attend for individualized student support services which may include, but are not limited to, college and career advising, counseling, tutoring, costs incurred for students while school is not in session, personal expenses, health insurance, and emergency services. If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(8) \$246,000 of the general fund--state appropriation for fiscal year 2008 and \$246,000 of the general fund--state appropriation for fiscal year 2009 are for community scholarship matching grants and its administration. To be eligible for the matching grant, nonprofit groups organized under section 501(c)(3) of the federal internal revenue code must demonstrate they have raised at least \$2,000 in new moneys for college scholarships after the effective date of this section. Groups may receive no more than one \$2,000 matching grant per year and preference shall be given to groups affiliated with scholarship America. Up to a total of \$46,000 per year of the amount appropriated in this section may be awarded to a nonprofit community organization to administer scholarship matching grants, with preference given to an organization affiliated with scholarship America.

(9) \$75,000 of the general fund--state appropriation for fiscal year 2008 and \$75,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for higher education student child care matching grants under chapter 28B.135 RCW.

(10) \$500,000 of the general fund--state appropriation for fiscal year 2008 and \$500,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for implementation of Engrossed Substitute House Bill No. 1179 (state need grant). State need grants provided to students enrolled in just three to five credit-bearing quarter credits, or the equivalent semester credits, shall not exceed the amounts appropriated in this subsection. By November 1 of each year, the board shall report to the office of financial management and to the operating budget committees of the house of representatives and senate on the number of eligible but unserved students enrolled in just three to five quarterly credits, or the semester equivalent, and the estimated cost of serving them. If the bill is not enacted by June 30, 2007, the amounts provided in this subsection shall lapse.

(11) \$5,000,000 of the education legacy trust account appropriation is provided solely to implement Engrossed Second Substitute House Bill No. 1779 (GET ready for math and science). If the bill is not enacted by June 30, 2007, the amount provided in this subsection shall lapse.

(12) \$1,250,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the health professional scholarship and loan program. The funds provided in this subsection (a) shall be prioritized for health care deliver sites demonstrating a commitment to serving the uninsured; and (b) shall be allocated between loan repayments and scholarships proportional to current program allocations.

Sec. 1505. 2009 c 4 s 613 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EARLY LEARNING

General Fund--State Appropriation (FY 2008)	\$62,362,000
General Fund--State Appropriation (FY 2009)	\$69,120,000

General Fund--Federal Appropriation	((\$192,192,000))
	<u>\$201,512,000</u>
General Fund--Private/Local Appropriation	\$6,000
TOTAL APPROPRIATION	((\$323,680,000))
	<u>\$333,000,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$47,919,000 of the general fund--state appropriation for fiscal year 2008 and \$56,437,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for early childhood education and assistance program services.

(a) Of these amounts, \$10,284,000 is a portion of the biennial amount of state matching dollars required to receive federal child care and development fund grant dollars.

(b) Within the amounts provided in this subsection (1), the department shall increase the number of children receiving early childhood education and assistance program services by 2,250 slots.

(c) Within the amounts provided in this subsection (1), the department shall increase the minimum provider per slot payment to \$6,500 in fiscal year 2008. Any provider receiving slot payments higher than \$6,500 shall receive a 2.0 percent vendor rate increase in fiscal year 2008. All providers shall receive a 2.0 percent vendor rate increase in fiscal year 2009.

(2) \$775,000 of the general fund--state appropriation for fiscal year 2008 and \$1,825,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to: (a) Develop a quality rating and improvement system; and (b) pilot the quality rating and improvement system in multiple locations. Four of the pilot sites are to be located within the following counties: Spokane, Kitsap, King, and Yakima. The department shall analyze and evaluate the pilot sites and report initial findings to the legislature by December 1, 2008. Prior to statewide implementation of the quality rating and improvement system, the department of early learning shall present the system to the legislature and the legislature shall formally approve the implementation of the system through the omnibus appropriations act or by statute or concurrent resolution.

(3) \$850,000 of the general fund--state appropriation for fiscal year 2008 and \$850,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for the department to contract for child care referral services.

(4) \$1,200,000 of the general fund--state appropriation for fiscal year 2008 and \$800,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to develop and provide culturally relevant supports for parents, family, and other caregivers. This includes funding for the department to conduct a random sample survey of parents to determine the types of early learning services and materials parents are interested in receiving from the state. The department shall report the findings to the appropriate policy and fiscal committees of the legislature by October 1, 2008.

(5) \$250,000 of the general fund--state appropriation for fiscal year 2008 and \$250,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a child care consultation pilot program linking child care providers with evidence-based and best practice resources regarding caring for infants and young children who present behavior concerns.

(6) \$500,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$500,000)~~) \$400,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to expand the child care career and wage ladder program created by chapter 507, Laws of 2005.

(7) \$172,000 of the general fund--state appropriation for fiscal year 2008 is provided solely for the department to purchase licensing capability from the department of social and health services through the statewide automated child welfare information system.

(8) \$1,100,000 of the general fund--state appropriation for fiscal year 2008 and (~~(\$1,100,000)~~) \$1,025,000 of the general fund--state appropriation for fiscal year 2009 are provided solely for a childcare grant program for public community colleges and public universities. A community college or university that employs collectively bargained staff to operate childcare programs may apply for up to \$25,000 per year from the department per each type of the following programs: Head start, childcare, early childhood assistance and education. The funding shall only be provided for salaries for collectively bargained employees.

(9) Beginning October 1, 2007, the department shall be the lead agency for and recipient of the federal child care and development fund grant. Amounts within this grant shall be used to fund child care licensing, quality initiatives, agency administration, and other costs associated with child care subsidies. The department shall transfer a portion of this grant to the department of social and health services to partially fund the child care subsidies paid by the department of social and health services on behalf of the department of early learning.

(10) Prior to the development of an early learning information system, the department shall submit to the education and fiscal committees of the legislature a completed feasibility study and a proposal approved by the department of information systems and the information services board. The department shall ensure that any proposal for the early learning information system includes the cost for modifying the system as a result of licensing rule changes and implementation of the quality rating and improvement system.

(11) The department, in conjunction with the early learning advisory council, shall report by June 30, 2009, to the governor and the appropriate committees of the legislature regarding the following:

(a) Administration of the state training and registry system, including annual expenditures, participants, and average hours of training provided per participant; and

(b) An evaluation of the child care resource and referral network in providing information to parents and training and technical assistance to child care providers.

(12) The department shall use child care development fund money to satisfy the federal audit requirement of the improper payments act (IPIA) of 2002. In accordance with the IPIA's rules, the money spent on the audits will not count against the five percent state limit on administrative expenditures.

(13) \$150,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for the department of early learning to work with the office of the superintendent of public instruction, and collaborate with thrive by five Washington, to study and make recommendations regarding the implementation of a statewide kindergarten entry assessment. The department and the office of the superintendent of public instruction shall jointly submit a report with recommendations for implementing the kindergarten entry assessment to the governor and the appropriate committees of the legislature by December 15, 2008. In the study and development of the recommendations, the department shall:

(a) Consult with early learning experts, including research and educator associations, early learning and kindergarten teachers, and Washington Indian tribes;

(b) Identify a preferred kindergarten entry assessment based on research and examples of other assessments, and which is sensitive to cultural and socioeconomic differences influencing the development of young children;

(c) Recommend a plan for the use of the assessment in a pilot phase and a voluntary use phase, and recommend a time certain when school districts must offer the assessment;

(d) Recommend how to report the results of the assessment to parents, the office of the superintendent of public instruction, and the department of early learning in a common format, and for a methodology for conducting the assessments;

- (e) Analyze how the assessment could be used to improve instruction for individual students entering kindergarten and identify whether and how the assessment results could be used to improve the early learning and K-12 systems, including the transition between the systems;
- (f) Identify the costs of the assessment, including the time required to administer the assessment; and
- (g) Recommend how to ensure that the assessment shall not be used to screen or otherwise preclude children from entering kindergarten if they are otherwise eligible.

(14) \$120,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for encouraging private match investment for innovative, existing local early learning coalitions to achieve one or more of the following:

- (a) Increase communities' abilities to implement their business plans for comprehensive local and regional early learning systems;
- (b) Involve parents in their children's education;
- (c) Enhance coordination between the early childhood and K-12 system; or
- (d) Improve training and support for raising the level of child care givers' professional skills to ensure that children are healthy and ready to succeed in school and life.

Sec. 1506. 2009 c 4 s 614 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE BLIND

General Fund--State Appropriation (FY 2008)	\$5,969,000
General Fund--State Appropriation (FY 2009)	(\$6,069,000)
	<u>\$6,135,000</u>
General Fund--Private/Local Appropriation	\$1,561,000
TOTAL APPROPRIATION	(\$13,599,000)
	<u>\$13,665,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$10,000 of the general fund--state appropriation for fiscal year 2008 and \$40,000 of the general fund--state appropriation for fiscal year 2009 are provided solely to defend the state's interpretive position in the case of *Delyria & Koch v. Washington State School for the Blind*.

(2) \$5,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 1507. 2009 c 4 s 615 (uncodified) is amended to read as follows:

FOR THE STATE SCHOOL FOR THE DEAF

General Fund--State Appropriation (FY 2008)	\$8,858,000
General Fund--State Appropriation (FY 2009)	(\$8,764,000)
	<u>\$8,792,000</u>
General Fund--Private/Local Appropriation	\$316,000
TOTAL APPROPRIATION	(\$17,938,000)
	<u>\$17,966,000</u>

The appropriations in this section are subject to the following conditions and limitations:

(1) \$84,000 of the general fund--private/local appropriation for fiscal year 2009 is provided solely for the operation of the shared reading video outreach program. The school for the deaf shall provide this service to the extent it is funded by contracts with school districts and educational service districts.

(2) \$9,000 of the general fund--state appropriation for fiscal year 2009 is provided solely for increasing salaries for certificated instructional staff by an average of one-half of one percent effective July 1, 2008.

Sec. 1508. 2009 c 4 s 616 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE ARTS COMMISSION

General Fund--State Appropriation (FY 2008)	\$2,548,000
General Fund--State Appropriation (FY 2009)	(\$2,454,000)
	<u>\$2,434,000</u>
General Fund--Federal Appropriation	(\$1,382,000)
	<u>\$1,518,000</u>
General Fund--Private/Local Appropriation	\$154,000
TOTAL APPROPRIATION	(\$6,538,000)
	<u>\$6,654,000</u>

**PART XVI
SPECIAL APPROPRIATIONS**

Sec. 1601. 2008 c 329 s 701 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR DEBT SUBJECT TO THE DEBT LIMIT

General Fund--State Appropriation (FY 2008)	\$823,274,000
General Fund--State Appropriation (FY 2009)	(\$696,324,000)
	<u>\$690,224,000</u>
State Building Construction Account--State Appropriation	\$11,970,000
Columbia River Basin Water Supply Development Account--State Appropriation	\$148,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	\$23,000
State Taxable Building Construction Account--State Appropriation	\$513,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$1,902,000
Debt-Limit Reimbursable Bond Retire Account--State Appropriation	(\$2,589,000)
	<u>\$2,590,000</u>
TOTAL APPROPRIATION	(\$1,536,743,000)
	<u>\$1,530,644,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriations are for expenditure into the debt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2008 shall be expended into the debt-limit general fund bond retirement account by June 30, 2008.

Sec. 1602. 2008 c 329 s 702 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED BY ENTERPRISE ACTIVITIES

State Convention and Trade Center Account--State Appropriation	\$22,535,000
Accident Account--State Appropriation	((\$5,135,000))
	<u>\$5,136,000</u>
Medical Aid Account--State Appropriation	((\$5,135,000))
	<u>\$5,136,000</u>
TOTAL APPROPRIATION	((\$32,805,000))
	<u>\$32,807,000</u>

Sec. 1603. 2008 c 329 s 703 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR GENERAL OBLIGATION DEBT TO BE REIMBURSED AS PRESCRIBED BY STATUTE

General Fund--State Appropriation (FY 2008)	\$26,848,000
General Fund--State Appropriation (FY 2009)	((\$27,728,000))
	<u>\$27,729,000</u>
<u>School Construction and Skills Centers Building Account--State Appropriation</u>	<u>\$50,000</u>
Nondebt-Limit Reimbursable Bond Retirement Account--State Appropriation	((\$135,967,000))
	<u>\$136,147,000</u>
TOTAL APPROPRIATION	((\$190,543,000))
	<u>\$190,774,000</u>

The appropriations in this section are subject to the following conditions and limitations: The general fund appropriation is for expenditure into the nondebt-limit general fund bond retirement account. The entire general fund--state appropriation for fiscal year 2008 shall be expended into the nondebt-limit general fund bond retirement account by June 30, 2008.

Sec. 1604. 2008 c 329 s 704 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES

General Fund--State Appropriation (FY 2008)	\$750,000
General Fund--State Appropriation (FY 2009)	\$750,000
State Building Construction Account--State Appropriation	\$1,546,000
Columbia River Basin Water Supply Development Account--State Appropriation	\$17,000
Hood Canal Aquatic Rehabilitation Bond Account--State Appropriation	\$3,000
State Taxable Building Construction Account--State Appropriation	\$122,000
Gardner-Evans Higher Education Construction Account--State Appropriation	\$452,000
<u>School Construction and Skills Centers Building Account--State Appropriation</u>	<u>\$9,000</u>
TOTAL APPROPRIATION	((\$3,640,000))
	<u>\$3,649,000</u>

Sec. 1605. 2008 c 329 s 705 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY POOL

Disaster Response Account--State Appropriation	((\$8,500,000))
	<u>\$9,500,000</u>

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is for the purpose of making allocations to the Washington state patrol for any Washington state fire service resource mobilization costs incurred in response to an emergency or disaster authorized under RCW 43.43.960 and 43.43.964.

Sec. 1606. 2008 c 329 s 706 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--FIRE CONTINGENCY

General Fund--State Appropriation (FY 2008)	\$6,500,000
General Fund--State Appropriation (FY 2009)	((\$2,000,000))
	<u>\$3,000,000</u>
TOTAL APPROPRIATION	((\$8,500,000))
	<u>\$9,500,000</u>

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for expenditure into the disaster response account for the purposes specified in section 705 of this act.

Sec. 1607. 2008 c 329 s 707 (uncodified) is amended to read as follows:

FOR SUNDRY CLAIMS. The following sums, or so much thereof as may be necessary, are appropriated from the general fund, unless otherwise indicated, for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) Reimbursement of criminal defendants acquitted on the basis of self-defense, pursuant to RCW 9A.16.110:
 - (a) George E. Linkenhoker, claim number SCJ 2008-01 \$24,628
 - (b) Charles A. Gardner, claim number SCJ 2008-02 \$ 2,715

(c) Judd Hurst, claim number SCJ 2008-03	\$ 2,000
(d) Thomas J. Nelson, claim number SCJ 2008-04	\$ 5,000
(e) William R. Sauters, Jr., claim number SCJ 2008-05	\$11,408
(f) Michael E. Greene, claim number SCJ 2008-06	\$ 1,500
(g) Jeffery A. Cobb, claim number SCJ 2008-08	\$ 7,600
(h) Robert R. Park, claim number SCJ 2008-09	\$26,385
(i) Donald Willett, claim number SCJ 2008-11	\$6,600
(j) Antonio Perez, claim number SCJ 2009-01	\$7,179
(k) James D. Romans, claim number SCJ 2009-02	\$4,481
(l) Michael V. Shong, claim number SCJ 2009-03	\$15,118
(m) Gerald A. Tinkess, claim number SCJ 2009-04	\$68,865
(n) Linh D. Hguyen, claim number SCJ 2009-05	\$4,000
(o) Rafael R. Robinson, claim number SCJ 2009-06	\$7,200
(p) Anthony J. Magnesi, claim number SCJ 2009-07	\$74,888
(q) Jerry Startzell, claim number 99970000	\$12,975
(2) Payment from the state wildlife account for damage to crops by wildlife pursuant to RCW 77.36.050:	
(a) David Guenther, claim number 99970001	\$3,660
(b) Wilbur Eaton, claim number 99970002	\$3,069
(c) Eaton Brothers, claim number 99970003	\$2,809
(d) Travis Eaton, claim number 99970004	\$1,532

Sec. 1608. 2007 c 522 s 712 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS--CONTRIBUTIONS TO RETIREMENT SYSTEMS. The appropriations in this section are subject to the following conditions and limitations: The appropriations for the law enforcement officers' and firefighters' retirement system shall be made on a monthly basis beginning July 1, 2007, consistent with chapter 41.45 RCW, and the appropriations for the judges and judicial retirement systems shall be made on a quarterly basis consistent with chapters 2.10 and 2.12 RCW.

(1) There is appropriated for state contributions to the law enforcement officers' and fire fighters' retirement system:

General Fund--State Appropriation (FY 2008)	\$46,200,000
General Fund--State Appropriation (FY 2009)	(\$50,400,000)
	\$51,122,000
TOTAL APPROPRIATION	(\$96,600,000)
	\$97,322,000

(2) There is appropriated for contributions to the judicial retirement system:

General Fund--State Appropriation (FY 2008)	\$9,600,000
General Fund--State Appropriation (FY 2009)	\$10,200,000
TOTAL APPROPRIATION	\$19,800,000

Sec. 1609. 2008 c 329 s 714 (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--HEALTH CARE AUTHORITY ADMINISTRATIVE ACCOUNT

General Fund--State Appropriation (FY 2008)	\$2,618,000
General Fund--State Appropriation (FY 2009)	\$1,993,000
Public Safety and Education Account--State Appropriation (FY 2008)	\$13,000
Public Safety and Education Account--State Appropriation (FY 2009)	\$13,000
Water Quality Account--State Appropriation (FY 2008)	\$4,000
Water Quality Account--State Appropriation (FY 2009)	\$4,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2008)	\$1,000
Violence Reduction and Drug Enforcement Account--State Appropriation (FY 2009)	\$1,000
Health Services Account--State Appropriation (FY 2008)	\$7,000
Health Services Account--State Appropriation (FY 2009)	\$7,000
(Dedicated Funds and Accounts Appropriation)	\$640,000
TOTAL APPROPRIATION	(\$5,301,000)
	\$4,661,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The appropriations are provided solely for expenditure into the health care authority administrative account.

(2) To facilitate the transfer of moneys from dedicated funds and accounts, the office of financial management shall transfer or direct the transfer of sufficient moneys from each dedicated fund or account, including local funds of state agencies and institutions of higher education, to the health care authority administrative account in accordance with LEAP document number C04-2008, dated March 10, 2008. Agencies and institutions of higher education with local funds will deposit sufficient money to the health care authority administrative account.

NEW SECTION. Sec. 1610. A new section is added to 2007 c 522 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CAPITOL BUILDING CONSTRUCTION ACCOUNT

General Fund--State Appropriation (FY 2009)	\$5,512,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the capitol building construction account.

NEW SECTION. Sec. 1611. A new section is added to 2007 c 522 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--HELP AMERICA VOTE ACT

General Fund--State Appropriation (FY 2009)	\$228,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the election account.

NEW SECTION. Sec. 1612. A new section is added to 2007 c 522 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--CLARKE-MCNARY ACCOUNT

General Fund--State Appropriation (FY 2009) \$1,353,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the Clarke-McNary account.

NEW SECTION. Sec. 1613. A new section is added to 2007 c 522 (uncodified) to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT--EXTRAORDINARY CRIMINAL JUSTICE COSTS

General Fund--State Appropriation (FY 2009) \$500,000

The appropriation in this section is subject to the following conditions and limitations: The director of financial management shall distribute funds to Franklin county (\$87,000), Skagit county (\$13,000), Yakima county (\$15,000), Spokane county (\$99,000), and King county (\$286,000) for extraordinary criminal justice costs.

NEW SECTION. Sec. 1614. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- OIL SPILL PREVENTION ACCOUNT

General Fund--State Appropriation (FY 2009) \$6,500,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for expenditure into the oil spill prevention account.

**PART XVII
OTHER TRANSFERS AND APPROPRIATIONS**

Sec. 1701. 2009 c 4 s 801 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premium distributions ~~(\$7,654,000)~~

General Fund Appropriation for public utility district excise tax distributions ~~(\$47,557,000)~~

General Fund Appropriation for prosecuting attorney distributions. Of this amount, \$903,000 is provided solely for the implementation of Substitute Senate Bill No. 6297 (prosecuting attorney salaries). If the bill is not enacted by June 30, 2008, the amount provided shall lapse. ~~(\$4,902,000)~~

General Fund Appropriation for boating safety and education distributions ~~(\$4,400,000)~~

General Fund Appropriation for other tax distributions \$48,000

General Fund Appropriation for habitat conservation program distributions ~~(\$1,245,000)~~

Columbia River Water Delivery Account Appropriation for the Confederated Tribes of the Colville Reservation. This amount is provided solely for implementation of Engrossed Substitute Senate Bill No. 6874 (Columbia River water delivery). If the bill is not enacted by June 30, 2008, this amount shall lapse. \$3,775,000

Columbia River Water Delivery Account Appropriation for the Spokane Tribe of Indians. This amount is provided solely for implementation of Engrossed Substitute Senate Bill No. 6874 (Columbia River water delivery). If the bill is not enacted by June 30, 2008, this amount shall lapse. \$2,250,000

Death Investigations Account Appropriation for distribution to counties for publicly funded autopsies ~~(\$2,192,000)~~

Aquatic Lands Enhancement Account Appropriation for harbor improvement revenue distribution \$148,000

Timber Tax Distribution Account Appropriation for distribution to "timber" counties ~~(\$77,753,000)~~

County Criminal Justice Assistance Appropriation ~~(\$62,127,000)~~

Municipal Criminal Justice Assistance Appropriation ~~(\$24,636,000)~~

Liquor Excise Tax Account Appropriation for liquor excise tax distribution ~~(\$49,397,000)~~

Liquor Revolving Account Appropriation for liquor profits distribution ~~(\$82,148,000)~~

City-County Assistance Account Appropriation for local government financial assistance distribution; PROVIDED: That the legislature, in making this appropriation for distribution under the formula prescribed in RCW 43.08.290 for the 2007-09 biennium, ratifies and approves the prior distributions, as certified by the department of revenue to the state treasurer, made for the 2005-07 biennium from the appropriation in section 801, chapter 372, Laws of 2006 as amended by section 1701, chapter 522, Laws of 2007 ~~(\$29,865,000)~~

..... \$20,985,000

Streamline Sales and Use Tax Account Appropriation for distribution to local taxing jurisdictions to mitigate the unintended revenue redistribution effect of the sourcing law changes	\$22,980,000
TOTAL APPROPRIATION	<u>(\$423,077,000)</u> <u>\$395,415,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1702. 2009 c 4 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--TRANSFERS.

State Treasurer's Service Account: For transfer to the state general fund, \$10,000,000 for fiscal year 2008 and \$31,000,000 for fiscal year 2009	\$41,000,000
Education Legacy Trust Account: For transfer to the state general fund for fiscal year 2009	\$67,000,000
Pension Funding Stabilization Account: For transfer to the state general fund for fiscal year 2009	\$10,000,000
Economic Development Strategic Reserve Account: For transfer to the state general fund for fiscal year 2009	\$4,000,000
State Convention and Trade Center Operations Account: For transfer to the state general fund on June 30, 2009	\$5,000,000
State Convention and Trade Center Capital Account: For transfer to the state general fund on June 30, 2009	\$52,000,000
After the transfers in this section are made from the state convention and trade center operations and capital accounts, these accounts will have sufficient funds for: (1) A ten million dollar requirement for the retrofit of the museum of history and industry; (2) the requirements of RCW 67.40.040(5) and 67.40.040(6); and (3) a sufficient capital reserve. After the transfer is made, the capital reserve may be applicable for payment of debt service or operating shortfalls.	
Department of Retirement Systems Expense Account: For transfer to the state general fund for fiscal year 2009	\$11,200,000
General Fund: For transfer to the water quality account, \$12,200,000 for fiscal year 2008 and (\$12,201,000) <u>\$7,851,000</u> for fiscal year 2009	(\$24,401,000) <u>\$20,051,000</u>
Education Legacy Trust Account: For transfer to the student achievement account for fiscal year 2009	\$90,800,000
Drinking Water Assistance Account: For transfer to the drinking water assistance repayment account, an amount not to exceed	(\$25,000,000) <u>\$24,000,000</u>
Public Works Assistance Account: For transfer to the drinking water assistance account, \$7,200,000 for fiscal year 2008 and \$3,600,000 for fiscal year 2009	\$10,800,000
Public Works Assistance Account: For transfer to the job development account, \$25,000,000 for fiscal year 2008 and \$25,000,000 for fiscal year 2009	\$50,000,000
<u>Local Toxics Control Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$75,000,000</u>
State Toxics Control Account: For transfer to the oil spill prevention account for fiscal year 2009	\$2,400,000
<u>State Toxics Control Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$2,000,000</u>
<u>Natural Resources Equipment Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$3,300,000</u>
Tobacco Settlement Account: For transfer to the health services account, in an amount not to exceed the actual amount of the annual base payment to the tobacco settlement account	(\$168,111,000) <u>\$181,585,000</u>
Tobacco Settlement Account: For transfer to the life sciences discovery fund, in an amount not to exceed the actual amount of the strategic contribution supplemental payment to the tobacco settlement account	(\$70,000,000) <u>\$65,220,000</u>
Health Services Account: For transfer to the water quality account, \$3,942,500 for fiscal year 2008 and \$3,942,500 for fiscal year 2009	\$7,885,000
Health Services Account: For transfer to the violence reduction and drug enforcement account, \$3,466,000 for fiscal year 2008 and \$3,466,000 for fiscal year 2009	\$6,932,000
Health Services Account: For transfer to the tobacco prevention and control account, \$10,523,000 for fiscal year 2008 and (\$10,168,000) <u>\$9,601,000</u> for fiscal year 2009	(\$20,691,000) <u>\$20,124,000</u>
General Fund: For transfer to the streamline sales and use tax account for fiscal year 2009	\$31,600,000
((General Fund: For transfer to the health services account for fiscal year 2009	\$53,000,000)
<u>Health Services Account: For transfer to the State general fund for fiscal year 2009</u>	<u>\$47,000,000</u>
Nisqually Earthquake Account: For transfer to the disaster response account for fiscal year 2008	\$3,000,000
Public Safety and Education Account: For transfer to the state general fund for fiscal year 2009	\$6,000,000
Reading Achievement Account: For transfer to the state general fund, an amount not to exceed the actual balance of the reading achievement account. This transfer is intended to liquidate the reading achievement account	\$1,691,000
Family Leave Insurance Account: For transfer to the state general fund, an amount not to exceed the actual balance of the family leave insurance account on the effective date of this section.	\$4,458,000
Streamline Sales Tax Account: For transfer to the state general fund on June 30, 2009, an amount not to exceed the actual balance of the streamline sales tax account.	\$8,620,000
Savings Incentive Account: For transfer to the state general fund for fiscal year 2009	\$9,204,000
Education Savings Account: For transfer to the state general fund for fiscal year 2009	\$51,088,000
<u>Pension Funding Stabilization Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$2,400,000</u>

<u>Budget Stabilization Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$400,000,000</u>
<u>Employment Training Finance Account: For transfer to the state general fund for fiscal year 2009. After the transfer in this section is made, the employment training finance account shall have a balance of \$175,000 to continue customized training program activities</u>	<u>\$3,000,000</u>
<u>College Faculty Awards Trust Fund: For transfer to the state general fund for fiscal year 2009, an amount not to exceed the actual balance of the college faculty awards trust fund. This transfer is intended to liquidate the college faculty awards trust fund</u>	<u>\$4,900,000</u>
<u>Washington Distinguished Professorship Trust Account: For transfer to the state general fund for fiscal year 2009, an amount not to exceed the actual balance of the Washington distinguished professorship trust account. This transfer is intended to liquidate the Washington distinguished professorship trust account</u>	<u>\$5,000,000</u>
<u>Washington Graduate Fellowship Trust Account: For transfer to the state general fund for fiscal year 2009, an amount not to exceed the actual balance of the Washington graduate fellowship trust account. This transfer is intended to liquidate the Washington graduate fellowship trust account</u>	<u>\$1,400,000</u>
<u>Get Ready for Math and Science Scholarship Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$1,900,000</u>
<u>Judicial Information System Account: For transfer to the state general fund for fiscal year 2009</u>	<u>\$5,000,000</u>
<u>Student Achievement Fund: For transfer to the state general fund for fiscal year 2009</u>	<u>\$218,000,000</u>
<u>Student Achievement Fund: For transfer to the education legacy trust account</u>	<u>\$91,000,000</u>

Sec. 1703. 2007 c 522 s 804 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FEDERAL REVENUES FOR DISTRIBUTION

General Fund Appropriation for federal grazing fees distribution	((\$2,950,000))
	\$3,145,000
General Fund Appropriation for federal flood control funds distribution	((\$74,000))
	\$69,000
Forest Reserve Fund Appropriation for federal forest reserve fund distribution	((\$84,500,000))
	\$85,201,000
TOTAL APPROPRIATION	((\$87,524,000))
	<u>\$88,415,000</u>

The total expenditures from the state treasury under the appropriations in this section shall not exceed the funds available under statutory distributions for the stated purposes.

Sec. 1704. 2007 c 522 s 802 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE COUNTY CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation	((\$2,174,000))
	<u>\$3,050,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium in accordance with RCW 82.14.310. This funding is provided to counties for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

Sec. 1705. 2007 c 522 s 803 (uncodified) is amended to read as follows:

FOR THE STATE TREASURER--FOR THE MUNICIPAL CRIMINAL JUSTICE ASSISTANCE ACCOUNT

Impaired Driving Safety Account Appropriation	((\$1,449,000))
	<u>\$2,033,000</u>

The appropriation in this section is subject to the following conditions and limitations: The amount appropriated in this section shall be distributed quarterly during the 2007-09 biennium to all cities ratably based on population as last determined by the office of financial management. The distributions to any city that substantially decriminalizes or repeals its criminal code after July 1, 1990, and that does not reimburse the county for costs associated with criminal cases under RCW 3.50.800 or 3.50.805(2), shall be made to the county in which the city is located. This funding is provided to cities for the costs of implementing criminal justice legislation including, but not limited to: Chapter 206, Laws of 1998 (drunk driving penalties); chapter 207, Laws of 1998 (DUI penalties); chapter 208, Laws of 1998 (deferred prosecution); chapter 209, Laws of 1998 (DUI/license suspension); chapter 210, Laws of 1998 (ignition interlock violations); chapter 211, Laws of 1998 (DUI penalties); chapter 212, Laws of 1998 (DUI penalties); chapter 213, Laws of 1998 (intoxication levels lowered); chapter 214, Laws of 1998 (DUI penalties); and chapter 215, Laws of 1998 (DUI provisions).

**PART XVIII
MISCELLANEOUS**

NEW SECTION. Sec. 1801. A new section is added to 2007 c 522 (uncodified) to read as follows:

COLLECTIVE BARGAINING AGREEMENTS NOT IMPAIRED. Nothing in this act or chapter 5 (ESSB 5460), Laws of 2009 prohibits the expenditure of any funds by an agency or institution of the state for benefits guaranteed by any collective bargaining agreement in effect on the effective date of chapter 5, Laws of 2009 (February 18, 2009).

Sec. 1802. RCW 2.68.020 and 2005 c 282 s 11 are each amended to read as follows:

There is created an account in the custody of the state treasurer to be known as the judicial information system account. The administrative office of the courts shall maintain and administer the account, in which shall be deposited all moneys received from in-state noncourt users and any out-of-state users of the judicial information system and moneys as specified in RCW 2.68.040 for the purposes of providing judicial

information system access to noncourt users and providing an adequate level of automated services to the judiciary. The legislature shall appropriate the funds in the account for the purposes of the judicial information system. The account shall be used for the acquisition of equipment, software, supplies, services, and other costs incidental to the acquisition, development, operation, and administration of information services, telecommunications, systems, software, supplies, and equipment, including the payment of principal and interest on items paid in installments. During the 2007-2009 fiscal biennium, the legislature may transfer from the judicial information system account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 1803. RCW 28B.50.837 and 2003 c 129 s 2 are each amended to read as follows:

- (1) The Washington community and technical college exceptional faculty awards program is established. The program shall be administered by the college board. The college faculty awards trust fund hereby created shall be administered by the state treasurer.
- (2) Funds appropriated by the legislature for the community and technical college exceptional faculty awards program shall be deposited in the college faculty awards trust fund. At the request of the college board, the treasurer shall release the state matching funds to the local endowment fund of the college or its foundation. No appropriation is necessary for the expenditure of moneys from the fund. Expenditures from the fund may be used solely for the exceptional faculty awards program. During the 2007-2009 fiscal biennium, the legislature may transfer from the college faculty awards trust fund to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 1804. RCW 28B.67.030 and 2006 c 112 s 8 are each amended to read as follows:

- (1) All payments received from a participant in the Washington customized employment training program created in RCW 28B.67.020 shall be deposited into the employment training finance account, which is hereby created in the custody of the state treasurer. Only the state board for community and technical colleges may authorize expenditures from the account and no appropriation is required for expenditures. The money in the account must be used solely for training allowances under the Washington customized employment training program created in RCW 28B.67.020. The deposit of payments under this section from a participant shall cease when the board specifies that the participant has met the monetary obligations of the program. During the 2007-2009 fiscal biennium, the legislature may transfer from the employment training finance account to the state general fund such amounts as reflect the excess fund balance in the account.
- (2) All revenue solicited and received under the provisions of RCW 28B.67.020(4) shall be deposited into the employment training finance account to provide training allowances.
- (3) The definitions in RCW 28B.67.010 apply to this section.
- (4) This section expires July 1, 2012.

Sec. 1805. RCW 28B.76.565 and 2004 c 275 s 20 are each amended to read as follows:

Funds appropriated by the legislature for the distinguished professorship program shall be deposited in the distinguished professorship trust fund. At the request of the higher education coordinating board under RCW 28B.76.575, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund. During the 2007-2009 fiscal biennium, the legislature may transfer from the distinguished professorship trust fund to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 1806. RCW 28B.76.610 and 2004 c 275 s 22 are each amended to read as follows:

Funds appropriated by the legislature for the graduate fellowship program shall be deposited in the graduate fellowship trust fund. At the request of the higher education coordinating board under RCW 28B.76.620, the treasurer shall release the state matching funds to the designated institution's local endowment fund. No appropriation is required for expenditures from the fund. During the 2007-2009 fiscal biennium, the legislature may transfer from the graduate fellowship trust fund to the state general fund such amounts as reflect the excess fund balance in the account.

Sec. 1807. RCW 28B.105.110 and 2008 c 329 s 908 are each amended to read as follows:

- (1) The GET ready for math and science scholarship account is created in the custody of the state treasurer.
- (2) The board shall deposit into the account all money received for the GET ready for math and science scholarship program from appropriations and private sources. The account shall be self-sustaining.
- (3) Expenditures from the account shall be used for scholarships to eligible students and for purchases of GET units. Purchased GET units shall be owned and held in trust by the board. Expenditures from the account shall be an equal match of state appropriations and private funds raised by the program administrator. During the 2007-09 fiscal biennium, expenditures from the account not to exceed five percent may be used by the program administrator to carry out the provisions of RCW 28B.105.090.
- (4) With the exception of the operating costs associated with the management of the account by the treasurer's office as authorized in chapter 43.79A RCW, the account shall be credited with all investment income earned by the account.
- (5) Disbursements from the account are exempt from appropriations and the allotment provisions of chapter 43.88 RCW.
- (6) Disbursements from the account shall be made only on the authorization of the board.
- (7) During the 2007-2009 fiscal biennium, the legislature may transfer state appropriations to the GET ready for math and science scholarship account that have not been matched by private contributions to the state general fund.

Sec. 1808. RCW 41.45.230 and 2008 c 329 s 910 are each amended to read as follows:

The pension funding stabilization account is created in the state treasury. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for payment of state government employer contributions for members of the public employees' retirement system, the teachers' retirement system, the school employees' retirement system, and the public safety employees' retirement system. During the 2007-09 fiscal biennium, expenditures from the account may also be used for payment of the retirement and annuity plans for higher education employees and for transfer into the general fund. The account may not be used to pay for any new benefit or for any benefit increase that takes effect after July 1, 2005. An increase that is provided in accordance with a formula that is in existence on July 1, 2005, is not considered a benefit increase for this purpose. Moneys in the account shall be for the exclusive use of the specified retirement systems and invested by the state investment board pursuant to RCW 43.33A.030 and 43.33A.170. For purposes of RCW 43.135.035, expenditures from the pension funding stabilization account shall not be considered a state program cost shift from the state general fund to another account. During the 2007-2009 fiscal biennium, the legislature may transfer from the pension funding stabilization account to the state general fund such amounts as reflect the excess fund balance of the account.

Sec. 1809. RCW 43.30.305 and 2005 c 518 s 928 are each amended to read as follows:

A revolving fund in the custody of the state treasurer, to be known as the natural resources equipment fund, is hereby created to be expended by the department without appropriation solely for the purchase of equipment, machinery, and supplies for the use of the department and for the payment of the costs of repair and maintenance of such equipment, machinery, and supplies. During the ~~((2005-2007))~~ 2007-2009 fiscal biennium the legislature may transfer such amounts as represent the excess balance of the fund to the state general fund.

Sec. 1810. RCW 71.24.310 and 2006 c 333 s 107 are each amended to read as follows:

The legislature finds that administration of chapter 71.05 RCW and this chapter can be most efficiently and effectively implemented as part of the regional support network defined in RCW 71.24.025. For this reason, the legislature intends that the department and the regional support networks shall work together to implement chapter 71.05 RCW as follows:

(1) By June 1, 2006, regional support networks shall recommend to the department the number of state hospital beds that should be allocated for use by each regional support network. The statewide total allocation shall not exceed the number of state hospital beds offering long-term inpatient care, as defined in this chapter, for which funding is provided in the biennial appropriations act.

(2) If there is consensus among the regional support networks regarding the number of state hospital beds that should be allocated for use by each regional support network, the department shall contract with each regional support network accordingly.

(3) If there is not consensus among the regional support networks regarding the number of beds that should be allocated for use by each regional support network, the department shall establish by emergency rule the number of state hospital beds that are available for use by each regional support network. The emergency rule shall be effective September 1, 2006. The primary factor used in the allocation shall be the estimated number of ~~((acutely and chronically mentally ill))~~ adults with acute and chronic mental illness in each regional support network area, based upon population-adjusted incidence and utilization.

(4) The allocation formula shall be updated at least every three years to reflect demographic changes, and new evidence regarding the incidence of acute and chronic mental illness and the need for long-term inpatient care. In the updates, the statewide total allocation shall include (a) all state hospital beds offering long-term inpatient care for which funding is provided in the biennial appropriations act; plus (b) the estimated equivalent number of beds or comparable diversion services contracted in accordance with subsection (5) of this section.

(5) The department is encouraged to enter performance-based contracts with regional support networks to provide some or all of the regional support network's allocated long-term inpatient treatment capacity in the community, rather than in the state hospital. The performance contracts shall specify the number of patient days of care available for use by the regional support network in the state hospital.

(6) If a regional support network uses more state hospital patient days of care than it has been allocated under subsection (3) or (4) of this section, or than it has contracted to use under subsection (5) of this section, whichever is less, it shall reimburse the department for that care. The reimbursement rate per day shall be the hospital's total annual budget for long-term inpatient care, divided by the total patient days of care assumed in development of that budget.

(7) One-half of any reimbursements received pursuant to subsection (6) of this section shall be used to support the cost of operating the state hospital and, during the 2007-2009 fiscal biennium, implementing new services that will enable a regional support network to reduce its utilization of the state hospital. The department shall distribute the remaining half of such reimbursements among regional support networks that have used less than their allocated or contracted patient days of care at that hospital, proportional to the number of patient days of care not used.

NEW SECTION. Sec. 1811. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1812. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

Representative Sells moved the adoption of amendment (910) to amendment (895):

On page 4, line 21 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2010 by \$36,000.

On page 4, line 22 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2011 by \$35,000.

On page 4, line 23 of the striking amendment, correct the total Beginning on page 4, line 24 of the striking amendment, strike all material through line 30

On page 27, line 17 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2010 by \$542,000.

On page 27, line 18 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2011 by \$542,000.

On page 27, line 25 of the striking amendment, correct the total On page 27, beginning on line 33 of the striking amendment, strike all of subsection (2)

Renumber the subsections consecutively and correct any internal references accordingly.

On page 123, line 5 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2010 by \$3,501,000

On page 123, line 6 of the striking amendment, reduce the general fund--state appropriation for fiscal year 2011 by \$1,520,000

On page 123, line 8 of the striking amendment, correct the total

On page 123, beginning on line 33 of the striking amendment, strike all of subsection (iii)

Renumber the subsections consecutively and correct any internal references accordingly.

On page 125, line 28 of the striking amendment, strike all of subsection (d)

Renumber the sections consecutively and correct any internal references accordingly.

On page 128, beginning on line 10 of the striking amendment, strike all of subsection (ii)

Renumber the sections consecutively and correct any internal references accordingly.

On page 162, line 28 of the striking amendment, increase the general fund--state appropriation for fiscal year 2011 by \$6,176,000.

On page 162, line 30 of the striking amendment, correct the total

On page 162, line 35 of the striking amendment, after "year and" strike "\$99.32" and insert "\$106.00"

Renumber the sections consecutively and correct any internal references accordingly.

Representative Sells spoke in favor of the adoption of the amendment to amendment (895).

Representative Hunter spoke against the adoption of the amendment to amendment (895).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (910) to amendment (895) to Substitute House Bill No. 1244.

ROLL CALL

The Clerk called the roll on the adoption of amendment (910) to amendment (895) to Engrossed Substitute House Bill No. 1244 and the amendment was not adopted by the following vote: Yeas, 32; Nays, 63; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Appleton, Bailey, Campbell, Chase, Conway, Cox, Crouse, DeBolt, Dunshee, Erickson, Green, Haler, Hope, Johnson, Kirby, Kretz, Kristiansen, Liias, McCune, Miloscia, Orcutt, Ormsby, Orwall, Pearson, Rolfes, Ross, Schmick, Sells, Shea, Simpson and Williams.

Voting nay: Representatives Anderson, Angel, Blake, Carlyle, Chandler, Clibborn, Cody, Condotta, Dammeier, Darneille, Dickerson, Driscoll, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Haigh, Herrera, Hinkle, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Klippert, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Parker, Pedersen,

Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Santos, Seaquist, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Short.

Amendment (910) to amendment (895) was not adopted.

Representative Linville moved the adoption of amendment (907) to amendment (895):

On page 4 of the striking amendment, strike all material on lines 24 through 30

On page 22, beginning on line 26 of the striking amendment, strike all of subsection (7)

Renumber remaining subsections consecutively and correct internal references accordingly.

On page 27, line 33 of the striking amendment, after "(2)" strike all material through "(3)" on page 28, line 4

Renumber remaining subsections consecutively and correct internal references accordingly.

On page 71, line 1 of the striking amendment, after "(3)" strike "\$4,856,000" and insert "\$84,856,000"

On page 82, line 31 of the striking amendment, increase the general fund--federal appropriation by \$258,000

On page 82, line 33, correct the total.

On page 87, line 28 of the striking amendment, strike "Public Safety and Education Account--Federal" and insert "General Fund--Federal"

On page 95 of the striking amendment, at the beginning of line 24, strike "eliminated" and insert "reduced"

On page 102, line 3 of the striking amendment, after "(1)" strike "\$49,697,000" and insert "\$55,029,000"

On page 126 of the striking amendment, beginning on line 15, strike "House Bill No. 1075" and insert "Substitute Senate Bill No. 5248"

On page 140 of the striking amendment, after line 11 insert the following:

"(7) The certificated instructional staff base salary specified for each district in LEAP Document 2 and the salary schedules in subsection (4)(a) of this section include one learning improvement day. A school district is eligible for the learning improvement day funds only if the learning improvement day has been added to the 180- day contract year. If fewer days are added, the additional learning improvement allocation shall be adjusted accordingly. The additional day shall be limited to specific activities identified in the state required school improvement plan related to improving student learning that are consistent with education reform implementation, and shall not be considered part of basic education. The principal in each school shall assure that the days are used to provide the necessary school-wide, all staff professional development that is tied directly to the school improvement plan. The school principal and the district superintendent shall maintain documentation as to their approval of these activities. The length of a learning improvement day shall not be less than the length of a full day under the base contract. The superintendent of public instruction shall ensure that school districts adhere to the intent and purposes of this subsection."

Renumber remaining subsection consecutively.

On page 152, line 19 of the striking amendment, strike "\$1,850,000" and insert "\$1,350,000"

On page 157, line 13, after "(19)" strike "\$125,000" and insert "\$225,000"

On page 157, line 14, after "2010 and" strike "\$125,000" and insert "\$225,000"

On page 205 of the striking amendment, strike all material on lines 34 and 35

On page 389, line 5, of the striking amendment strike "\$1,932,000" and insert "\$932,000"

On page 480, line 20 of the striking amendment, decrease the general fund--federal appropriation by \$820,000

On page 480, line 23 of the striking amendment, correct the total.

Representative Linville spoke in favor of the adoption of the amendment to amendment (895).

Amendment (907) to amendment (895) was adopted.

Representative Ericks moved the adoption of amendment (902) to amendment (895):

On page 10, line 2, after "committee" strike "and" and insert "in consultation with"

Representative Ericks spoke in favor of the adoption of the amendment to amendment (895).

Amendment (902) to amendment (895) was adopted.

Representative Williams moved the adoption of amendment (903) to amendment (895):

On page 10, line 2, after "committee" strike "and" and insert "in consultation with"

Representative Williams spoke in favor of the adoption of the amendment to amendment (895).

Representative Cody spoke against the adoption of the amendment to amendment (895).

Amendment (903) to amendment (895) was not adopted.

Representative Simpson moved the adoption of amendment (904) to amendment (895):

On page 64, line 27, increase the general fund--state appropriation for FY 2010 by \$3,310,000

On page 64, line 28, decrease the general fund--state appropriation for FY 2011 by \$3,741,000

On page 64, line 29, increase the general fund--federal appropriation by \$756,000

On page 64, line 32, correct the total

On page 64, line 36, after "not exceed" strike "\$156.37" and insert "\$158.74"

On page 65, line 1, after "not exceed" strike "\$158.74" and insert "\$156.37"

Representative Simpson spoke in favor of the adoption of the amendment to amendment (895).

Representative Pettigrew spoke against the adoption of the amendment to amendment (895).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (904) to amendment (895) to Substitute House Bill No. 1244.

ROLL CALL

The Clerk called the roll on the adoption of amendment (904) to amendment (895) to Engrossed Substitute House Bill No. 1244 and the amendment was not adopted by the following vote: Yeas, 45; Nays, 50; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Campbell, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Goodman, Grant-Herriot, Green, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, Lias, McCune, Miloscia, Orcutt, Ormsby, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Sells, Shea, Simpson, Smith, Takko, Taylor, Walsh, Warnick and Williams.

Voting nay: Representatives Angel, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Haigh, Haler, Hudgins, Hunt, Hunter, Hurst, Jacks,

Kagi, Kelley, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Springer, Sullivan, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Short.

Amendment (904) to amendment (895) was not adopted.

Representative Cox moved the adoption of amendment (913) to amendment (895):

Format change to accommodate text. On page 138, after line 11 of the striking amendment, strike all material through line 20 on page 139 and insert the following:

Format change to accommodate text.

**"Table Of Total Base Salaries For Certificated Instructional Staff
For School Year 2009-10
*** Education Experience *****

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52788
10			43,635	45,247	48,524	50,913	48,724	52,003	54390
11				46,772	50,121	52,557	50,249	53,599	56034
12				48,249	51,761	54,269	51,835	55,238	57748
13					53,440	56,024	53,476	56,918	59501
14					55,128	57,844	55,165	58,716	61322
15					56,563	59,349	56,599	60,242	62917
16 or more					57,693	60,535	57,731	61,447	64174

**Table Of Total Base Salaries For Certificated Instructional Staff
For School Year 2010-11
*** Education Experience *****

Years of Service	BA	BA+15	BA+30	BA+45	BA+90	BA+135	MA	MA+45	MA+90 OR Ph.D.
0	34,048	34,968	35,920	36,875	39,939	41,913	40,820	43,885	45860
1	34,506	35,439	36,403	37,400	40,496	42,459	41,274	44,370	46332
2	34,943	35,884	36,859	37,933	41,020	43,004	41,731	44,818	46802
3	35,393	36,343	37,329	38,437	41,518	43,549	42,164	45,243	47276
4	35,834	36,826	37,818	38,964	42,064	44,110	42,618	45,718	47765
5	36,290	37,287	38,288	39,498	42,586	44,673	43,080	46,169	48256
6	36,759	37,734	38,769	40,039	43,113	45,211	43,552	46,626	48723
7	37,582	38,572	39,621	40,960	44,079	46,235	44,438	47,556	49713
8	38,787	39,831	40,905	42,355	45,516	47,751	45,832	48,994	51228
9		41,135	42,262	43,765	46,999	49,310	47,241	50,477	52788
10			43,635	45,247	48,524	50,913	48,724	52,003	54390
11				46,772	50,121	52,557	50,249	53,599	56034
12				48,249	51,761	54,269	51,835	55,238	57748
13					53,440	56,024	53,476	56,918	59501
14					55,128	57,844	55,165	58,716	61322
15					56,563	59,349	56,599	60,242	62917
16 or more					57,693	60,535	57,731	61,447	64174

On page 140, line 16 of the striking amendment, decrease the general fund--state appropriation for fiscal year 2010 by \$15,814,000

On page 140, line 17 of the striking amendment, decrease the general fund--state appropriation for fiscal year 2010 by \$19,854,000

On page 140, line 19 of the striking amendment, correct the total

On page 142, after line 12 of the striking amendment, insert the following: "(4) The office of the superintendent of public instruction and the office of financial management shall modify all applicable compensation rates for affected programs in Section 5 of this act to reflect the elimination of two learning improvement days."

On page 150, line 7 of the striking amendment, increase the general fund--state appropriation for fiscal year 2010 by \$11,914,000

On page 150, line 8 of the striking amendment, increase the general fund--state appropriation for fiscal year 2011 by \$22,134,000

On page 150, line 10 of the striking amendment, correct the total.

Representatives Cox, Priest, Anderson, Walsh and Parker spoke in favor of the adoption of the amendment to amendment (895).

Representatives Haigh, Sullivan and Hunt spoke against the adoption of the amendment to amendment (895).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (913) to amendment (895) to Substitute House Bill No. 1244.

ROLL CALL

The Clerk called the roll on the adoption of amendment (913) to amendment (895) to Engrossed Substitute House Bill No. 1244 and the amendment was not adopted by the following vote: Yeas, 43; Nays, 52; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Van De Wege, Walsh and Warnick.

Voting nay: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Lias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Short.

Amendment (913) to amendment (895) was not adopted.

Representative Carlyle moved the adoption of amendment (909) to amendment (895):

On page 184, line 6, after "program", strike all material through "services." on line 11 and insert the following: "pursuant to chapter 28B.117 RCW. The higher education coordinating board shall contract with a college scholarship organization with expertise in managing scholarships for low-income, high-potential students and foster care children and young adults to administer the program. Of the amount in this subsection, \$39,000 is provided solely for the higher education coordinating board for administration of the contract and the remaining shall be contracted out to the organization for the following purposes:

- (a) \$384,000 is provided solely for program administration, and
- (b) \$3,449,000 is provided solely for student financial aid for up to 151 students and to fund student support services."

Representatives Carlyle and Anderson spoke in favor of the adoption of the amendment to amendment (895).

Amendment (909) to amendment (895) was adopted.

Representative Miloscia moved the adoption of amendment (900) to amendment (895):

On page 228, line 33 of the striking amendment, after "in" strike "2012" and insert "2010"

On page 228, line 35 of the striking amendment, after "award" strike ", or similar organization," and insert "(, or similar organization,)"

On page 229, line 7 of the striking amendment, after "opportunities" insert ". All agencies shall provide electronic copies of WSQA applications, feedback reports, and corrective action plans. Copies shall be posted on the GMAP web site, and provided

electronically to the state auditor as well as JLARC and other appropriate committees of the legislature"

Representative Miloscia spoke in favor of the adoption of the amendment to amendment (895).

Representative Ericks spoke against the adoption of the amendment to amendment (895).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (900) to amendment (895) to Substitute House Bill No. 1244.

ROLL CALL

The Clerk called the roll on the adoption of amendment (900) to amendment (895) to Engrossed Substitute House Bill No. 1244 and the amendment was not adopted by the following vote: Yeas, 40; Nays, 55; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Angel, Campbell, Carlyle, Condotta, Cox, DeBolt, Driscoll, Ericksen, Goodman, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, Lias, McCune, Miloscia, Nelson, Orcutt, Ormsby, Pearson, Priest, Roach, Rodne, Rolfes, Ross, Schmick, Sells, Simpson, Smith, Sullivan, Walsh, Warnick and Williams.

Voting nay: Representatives Alexander, Appleton, Bailey, Blake, Chandler, Chase, Clibborn, Cody, Conway, Crouse, Dammeier, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Grant-Herriot, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, O'Brien, Orwall, Parker, Pedersen, Pettigrew, Probst, Quall, Roberts, Santos, Seaquist, Shea, Springer, Takko, Taylor, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Short.

Amendment (900) to amendment (895) was not adopted.

Representative Linville moved the adoption of amendment (915) to amendment (895):

On page 464, after line 20 of the striking amendment, insert the following:

"Sec. 1412. 2008 c 329 s 517 (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Appropriations made in this act to the office of superintendent of public instruction shall initially be allotted as required by this act. Subsequent allotment modifications shall not include transfers of moneys between sections of this act, except as expressly provided in subsection (2) of this section.

(2) The appropriations to the office of the superintendent of public instruction in this act shall be expended for the programs and amounts specified in this act. However, after May 1, ((2008)) 2009, unless specifically prohibited by this act and after approval by the director of financial management, the superintendent of public instruction may transfer state general fund appropriations for fiscal year ((2008)) 2009 among the following programs to meet the apportionment schedule for a specified formula in another of these programs: General apportionment; employee compensation adjustments; pupil transportation; special education programs; institutional education programs; transitional bilingual programs; and learning assistance programs.

(3) The director of financial management shall notify the appropriate legislative fiscal committees in writing prior to approving any allotment modifications or transfers under this section."

Correct the title.

Representative Linville spoke in favor of the adoption of the amendment to amendment (895).

Amendment (915) to amendment (895) was adopted.

Amendment (895) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Darneille, Haigh, Kagi, Seaquist, Hunt, Hunter, Pettigrew, Nelson, Dickerson, Cody, Wallace, Hurst, Morrell and Appleton spoke in favor of the passage of the bill.

Representatives Alexander, DeBolt, Herrera, Dammeier, Bailey, Parker, Kristiansen, Anderson, Hinkle, Haler, Orcutt, Shea, Pearson, Rodne, Taylor, Schmick, Angel and Ericksen spoke against the passage of the bill.

COLLOQUY

Representative Condotta: "Regarding the appropriations that assume a retail price increase on liquor, is it the intent to exclude liquor licensees from this provision?"

Representative Conway: "Yes, it is the intent of the Legislature that any increase in the price of spirits that occurs as a result of this biennial budget bill will not apply to LCB liquor licensees."

House Rule 16(C) was suspended to allow closing remarks.

Representative Linville spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1244.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1244 and the bill passed the House by the following vote: Yeas, 54; Nays, 42; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Springer, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Hasegawa, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Miloscia, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Sells, Shea, Simpson, Smith, Sullivan, Taylor, Walsh, Warnick and Williams.

Excused: Representatives Armstrong and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Linville thanked the OPR staff of the Ways & Means Committee and asked the Chamber to acknowledge their hard work."

POINT OF PERSONAL PRIVILEGE

Representative Alexander reiterated the comments of the good lady from the 42nd District and joined the Chamber in thanking the Ways & Means Committee staff.

There being no objection, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESB 5995 by Senators Pridemore, Schoesler and Honeyford

AN ACT Relating to eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009; amending RCW 18.06.080, 70.128.163, 70.149.040, 79A.75.900, 70.14.060, 4.92.130, 18.84.040, 18.84.070, 28B.116.020, 28B.12.040, 43.43.866, 43.10.240, and 43.15.020; reenacting and amending RCW 70.105D.030; creating new sections; repealing RCW 72.09.800, 28B.04.085, 70.128.225, 18.20.260, 4.92.230, 21.20.550, 21.20.560, 21.20.570, 21.20.580, 21.20.590, 28B.116.040, 18.155.050, 74.32.100, 74.32.110, 74.32.120, 74.32.130, 74.32.140, 74.32.150, 74.32.160, 74.32.170, 74.32.180, 43.43.858, 43.43.860, 43.43.862, 43.43.864, 10.29.030, 10.29.040, 10.29.080, and 10.29.090; repealing 2008 c 311 s 1 (uncodified); repealing 2008 c 311 s 2 (uncodified); repealing 2008 c 311 s 3 (uncodified); repealing 2008 c 311 s 4 (uncodified); repealing 1997 c 406 s 1 (uncodified); providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

SSB 6122 by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli and Brandland)

AN ACT Relating to reducing costs of the elections division of the office of the secretary of state; amending RCW 29A.52.330, 29A.52.340, 43.78.030, 29A.32.031, 29A.32.040, 29A.32.050, 29A.40.061, 29A.72.025, 29A.04.530, 29A.04.540, 29A.04.570, 43.07.310, and 29A.40.150; reenacting and amending RCW 29A.32.070; and repealing RCW 29A.04.236 and 29A.04.245.

Referred to Committee on Ways & Means.

SB 6165 by Senators Ranker, Rockefeller, Tom and Jarrett

AN ACT Relating to allowing greater use of short boards for appeals before the shorelines hearings board; and amending RCW 90.58.185.

Referred to Committee on Ways & Means.

SSB 6171 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to savings in programs under the supervision of the department of health; amending RCW 43.20.050, 43.20.240, 70.119A.020, 70.119A.050, 70.119A.060, 70.119A.130, 64.44.070, 70.54.220, 70.54.220, 70.104.030, 70.104.050, 70.56.020, 70.56.030, and 70.56.040; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Ways & Means.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

**HOUSE BILL NO. 1216, by Representatives Dunshee,
Warnick and Ormsby**

**Adopting a 2009-2011 capital budget. Revised for 1st
Substitute: Concerning the capital budget.**

The bill was read the second time.

There being no objection, Substitute House Bill No. 1216 was substituted for House Bill No. 1216 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1216 was read the second time.

With the consent of the House, amendments (778) and (610) were withdrawn.

Format change to accommodate text.

Representative Dunshee moved the adoption of amendment (905):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) A capital budget is hereby adopted and, subject to the provisions set forth in this act, the several dollar amounts hereinafter specified, or so much thereof as shall be sufficient to accomplish the purposes designated, are hereby appropriated and authorized to be incurred for capital projects during the period beginning with the effective date of this act and ending June 30, 2011, out of the several funds specified in this act.

(2) The definitions in this subsection apply throughout this act unless the context clearly requires otherwise.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(d) "Provided solely" means the specified amount may be spent only for the specified purpose.

Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

**PART 1
GENERAL GOVERNMENT**

NEW SECTION. Sec. 1001. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Rural Washington Loan Fund (19882002)

Reappropriation:

Rural Washington Loan Account--State	\$1,036,000
Prior Biennia (Expenditures)	\$2,856,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,892,000

NEW SECTION. Sec. 1002. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water Assistance Account (20044002)

The reappropriation in this section is subject to the following conditions and limitations: Expenditures of the reappropriation shall comply with RCW 70.119A.170.

Reappropriation:

Drinking Water Assistance Repayment Account--State	\$4,200,000
Prior Biennia (Expenditures)	\$12,493,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,693,000

NEW SECTION. Sec. 1003. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water State Revolving Fund - Authorization to Use Loan Repayments (20044010)

Reappropriation:

Drinking Water Assistance Repayment Account--State	\$5,867,000
Prior Biennia (Expenditures)	\$9,333,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,200,000

NEW SECTION. Sec. 1004. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Local and Community Projects (20044011)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The projects must comply with RCW 43.63A.125(2)(c) and other requirements for community projects administered by the department, except that the Highline historical society project is land acquisition.

(2) The reappropriation is subject to the project list in section 204, chapter 277, Laws of 2004.

Reappropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$12,615,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,315,000

NEW SECTION. Sec. 1005. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Local and Community Projects (20064008)

The reappropriation in this section is subject to the following conditions and limitations: (1) \$64,319 of the remaining reappropriation for El Centro de la raza may be used for building infrastructure. (2) \$10,000 of the remaining reappropriation for miracle league handicapped baseball may be used for pre-grading and resurfacing construction.

Reappropriation:

State Building Construction Account--State	\$10,658,000
Prior Biennia (Expenditures)	\$37,141,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$47,799,000

NEW SECTION. Sec. 1006. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Housing Assistance, Weatherization, and Affordable Housing (20064001)

Reappropriation:

State Taxable Building Construction Account--State	\$1,843,000
Prior Biennia (Expenditures)	\$98,157,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000,000

NEW SECTION. Sec. 1007. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Public Works Trust Fund (20064004)

Reappropriation:

Public Works Assistance Account--State	\$61,339,000
Prior Biennia (Expenditures)	\$227,561,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$288,900,000

NEW SECTION. Sec. 1008. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Rural Washington Loan Fund (20064010)

Reappropriation:

Rural Washington Loan Account--State	\$3,878,000
Prior Biennia (Expenditures)	\$249,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,127,000

NEW SECTION. Sec. 1009. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Economic Revitalization Board (20064011)

The reappropriation in this section is subject to the following conditions and limitations: A maximum of twenty-five percent of the reappropriation in this section may be used for grants.

Reappropriation:

Public Facility Construction Loan Revolving Account--State	\$15,549,000
Prior Biennia (Expenditures)	\$4,899,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,448,000

NEW SECTION. Sec. 1010. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Drinking Water Assistance Program (20064003)

Reappropriation:

Drinking Water Assistance Repayment Account--State	\$21,780,000
Prior Biennia (Expenditures)	\$8,100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,880,000

NEW SECTION. Sec. 1011. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Water System Acquisition and Rehabilitation Program (20064850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation must be jointly administered by the department of health, the public works board, and the department of community, trade, and economic development using the drinking water state revolving fund loan program as an administrative model. In order to expedite the use of these funds and minimize administration costs, this reappropriation must be administered by guidance, rather than rule. Projects must generally be prioritized using the drinking water state revolving fund loan program criteria. All financing provided through this program must be in the form of grants that must partially cover project costs. The maximum grant to any eligible entity may not exceed twenty-five percent of the funds allocated to this reappropriation.

Reappropriation:

State Building Construction Account--State	\$6,000
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Prior Biennia (Expenditures)	\$1,994,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1012. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Housing Assistance, Weatherization, and Affordable Housing (20064851)

Reappropriation:

Washington Housing Trust Account--State	\$172,000
Prior Biennia (Expenditures)	\$16,828,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,000,000

NEW SECTION. Sec. 1013. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Job and Economic Development Grants (20064950)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of section 107, chapter 371, Laws of 2006.
- (2) The reappropriation is subject to the project list in section 107, chapter 371, Laws of 2006.
- (3) Up to \$1,000,000 of the reappropriation for the Pacific Northwest national labs campus infrastructure project is provided solely for giga-pop infrastructure.

(4) Up to \$2,200,000 of the reappropriation is provided solely for military communities infrastructure projects. Military communities infrastructure projects shall include:

(a) Grants to counties and cities for the purchase of development easements and the purchase of real property in fee simple to restrict the use of accident potential zones and clear zones. The office of financial management shall establish a competitive process for selecting projects to receive the grants. Final allocation of these grants shall be at the discretion and with the approval of the director of the office of financial management.

The grants are subject to the following conditions:

- (i) The county or city must be subject to and in compliance with RCW 36.70A.530;
- (ii) The grants may not be used to remove encroachments into these zones allowed by county or city zoning or permitting actions;
- (iii) The county or city must have an encroachment prevention plan preventing future encroachment into these zones; and
- (iv) The grant provided by the state must not exceed one-third of the project cost with funds from local and federal sources providing the balance of the funds.

(b) Up to \$481,000 of the reappropriation is provided solely for improvements to a military department site on Fairchild air force base.

Reappropriation:

Public Works Assistance Account--State	\$14,172,000
Prior Biennia (Expenditures)	\$35,828,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 1014. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Jobs in Communities (20064951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 140, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State	\$10,960,000
Prior Biennia (Expenditures)	\$1,290,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,250,000

NEW SECTION. Sec. 1015. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Building for the Arts Grants (20074001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of RCW 43.63A.750.
- (2) The reappropriation is subject to the provisions of section 1027, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State	\$2,240,000
Prior Biennia (Expenditures)	\$9,760,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,000,000

NEW SECTION. Sec. 1016. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Community Services Facilities Grants (20074002)

The reappropriation in this section is subject to the following conditions and limitations:
 (1) The reappropriation is subject to the provisions of RCW 43.63A.125.
 (2) The reappropriation is subject to the provisions of section 1029, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State	\$1,495,000
Prior Biennia (Expenditures)	\$8,652,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,147,000

NEW SECTION. Sec. 1017. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Youth Recreational Facilities Grants (20074003)

The reappropriation in this section is subject to the following conditions and limitations:
 (1) The reappropriation is subject to the provisions of RCW 43.63A.135.
 (2) The reappropriation is subject to the provisions of section 1007, chapter 328, Laws of 2008.

Reappropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$5,050,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,050,000

NEW SECTION. Sec. 1018. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Drinking Water Assistance Program (20074004)

Reappropriation:

Drinking Water Assistance Account--State	\$8,718,000
Drinking Water Assistance Repayment Account--State	\$21,100,000
Subtotal Reappropriation	\$29,818,000
Prior Biennia (Expenditures)	\$2,082,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,900,000

NEW SECTION. Sec. 1019. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Public Works Trust Fund (20074005)

Reappropriation:

Public Works Assistance Account--State	\$232,000,000
State Taxable Building Construction Account--State	\$95,000,000
Subtotal Reappropriation	\$327,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$327,000,000

NEW SECTION. Sec. 1020. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Water System Acquisition Rehabilitation Program (20074006)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$1,000,000 of the reappropriation is provided solely for the city of Republic to acquire the Pine Grove water system.

Reappropriation:

State Building Construction Account--State	\$2,191,000
Prior Biennia (Expenditures)	\$1,559,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,750,000

NEW SECTION. Sec. 1021. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Rural Washington Loan Fund (20074008)

Reappropriation:

Rural Washington Loan Account--State	\$1,782,000
Prior Biennia (Expenditures)	\$245,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,027,000

NEW SECTION. Sec. 1022. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Housing Assistance, Weatherization, and Affordable Housing (20074009)

The reappropriations in this section are subject to the following conditions and limitations:

- (1) Up to \$9,000,000 of the reappropriations are provided solely for weatherization administered through the energy matchmakers program.
- (2) Up to \$5,000,000 of the reappropriations are provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) Up to \$2,500,000 of the reappropriations are provided solely for grants to nonprofit organizations and public housing authorities for revolving loan, self-help housing programs for low and moderate income families.
- (4) Up to \$1,000,000 of the reappropriations are provided solely for shelters, transitional housing, or other housing facilities for victims of domestic violence.
- (5) Up to \$5,000,000 of the reappropriations are provided solely for the development of emergency shelters and transitional housing opportunities for homeless families with children.
- (6) Up to \$1,500,000 of the reappropriations are provided solely for the development of housing for low-income or homeless Native Americans. The department shall work with Native American tribes, not-for-profit organizations with experience in serving Native American populations, and Native American housing development organizations to prioritize projects located in the areas of highest identified need.
- (7) Up to \$4,000,000 of the reappropriations are provided solely for loans and grants to eligible organizations to purchase manufactured/mobile home communities with the intent of preserving the communities for affordable housing.
- (8) Up to \$10,000,000 of the reappropriations are for the creation and development of low-income housing within areas declared disasters by the governor after November 2007.
- (9) Up to \$2,000,000 of the reappropriation from the state taxable building construction account is provided solely for the development or preservation of farmworker housing for migrant and seasonal farmworkers located on private farms. This reappropriation is subject to appropriate agreements to protect the public investment. Any of this reappropriation that is not obligated by June 30, 2009, shall be added to the amount appropriated for the general pool of projects.
- (10) The reappropriations in this section from the state building construction account shall be distributed as grants.
- (11) Up to \$250,000 of the reappropriation from the Washington housing trust account is provided solely to the city of Burien for housing related purposes.
- (12) The reappropriations in this section shall not be used for the administrative costs of the department. The amount of the reappropriations shall be included in the calculation of annual funds available for determining the administrative costs authorized under RCW 43.185.050.
- (13) Within available funding provided in this section, the department shall prepare an inventory of housing assistance programs. The inventory shall include all state funded programs, the housing finance commission programs, all programs funded by local governments and housing authorities, including a description of expenditures from fees and taxes specifically authorized by state law for housing assistance and homeless programs, all property tax and sales tax provisions that are intended to support housing assistance programs, and all federally funded housing assistance programs provided in the state. The inventory shall include a description of the program, biennial appropriation and expenditure levels since the 1999-2001 biennium through the 2007-2009 biennium, a description of eligibility criteria and the amount of benefit provided per unit or per family, and the number of units or families assisted. The department shall coordinate with the joint legislative audit and review committee to reduce duplicative efforts that may be required by legislation.
- (14)(a) Up to \$10,000,000 of the reappropriations are provided solely for the department to contract with the Washington state housing finance commission to provide grants or loans to eligible organizations, described under RCW 43.185A.040, to purchase land or real property for affordable housing and community facilities preservation or development in rapidly gentrifying neighborhoods, redevelopment areas, or communities with a significant low-income population that is threatened with displacement by such gentrification. Loans or grants may be made to purchase land or real property for the preservation or development of affordable housing or community facilities, including reasonable costs and fees. The Washington state housing finance commission's review and evaluation of projects for loans and grants must include, but is not limited to the following: (i) Consideration of mobile home parks facing closure; (ii) properties in neighborhoods in King county that are facing gentrification or redevelopment; and (iii) properties located in the city of Spokane that are facing the threat of displacing low-income tenants due to the loss of affordable housing rental units. The Washington state housing finance commission, with approval from the department, may adopt guidelines and requirements that are necessary to administer the affordable housing and community facilities rapid response program. A loan recipient must preserve affordable rental housing acquired or developed under this section as affordable housing for a minimum of thirty years. Interest rates on loans made under this section may be as low as zero percent but may not exceed three percent. All loan repayments must be deposited into the Washington housing trust account and accounted for separately from other funds in the account.
- (b) By December 1, 2009, the Washington state housing finance commission shall report to the department and the appropriate committees of the legislature: (i) The number of loans that were made in the program; (ii) for what purposes the loans were made; (iii) to whom the loans were made; and (iv) when the loans are expected to be paid back.
- (15) Up to \$10,000,000 of the reappropriations are for the department to contract with the Washington state housing finance commission to administer the facilitation of nonprofit entities' use of tax-exempt multifamily bonds issued by the Washington state housing finance commission.
- (16)(a) Up to \$100,000 of the reappropriation from the Washington housing trust account is provided solely for the department to work in consultation with the affordable housing advisory board and representatives from nonprofit housing development organizations and affordable housing advocacy groups in the state to:
 - (i) Identify and analyze all costs associated with affordable housing development projects financed through the Washington housing trust fund under chapters 43.185 and 43.185A RCW, which may include, but are not limited to, costs associated with legal and architectural services, permitting and impact fees, land acquisition, and general construction costs;
 - (ii) Make recommendations for strategies, which must include recommendations for changes to public policy and department procedures, to reduce the costs identified in (a)(i) of this subsection; and
 - (iii) Make recommendations for potential performance measures appropriate for each strategy identified.
- (b) In developing recommendations for strategies to reduce costs, the department shall analyze and address the fiscal impact of public policies of the state and of local governments, Washington housing trust fund policies, and general market forces on affordable housing development.
- (c) The department shall report its findings and recommendations to the governor and to the appropriate committees of the legislature by September 30, 2009.

Reappropriation:

State Building Construction Account--State	\$24,152,000
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State Taxable Building Construction Account--State	\$48,097,000
Washington Housing Trust Account--State	\$12,950,000
Subtotal Reappropriation	\$85,199,000
Prior Biennia (Expenditures)	\$114,801,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000,000

NEW SECTION. Sec. 1023. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Job Development Fund Grants (20074010)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1032, chapter 520, Laws of 2007.

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for a grant to the port of Grays Harbor for the bulk liquid facility project.

Reappropriation:

Job Development Account--State	\$22,228,000
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Appropriation:

Job Development Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$24,702,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,930,000

NEW SECTION. Sec. 1024. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Community Economic Revitalization Board (20074015)

The reappropriations in this section are subject to the following conditions and limitations: A maximum of twenty-five percent of the appropriation may be used for grants.

Reappropriation:

State Taxable Building Construction Account--State	\$8,130,000
Public Facility Construction Loan Revolving Account--State	\$7,289,000
Subtotal Reappropriation	\$15,419,000
Prior Biennia (Expenditures)	\$4,581,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 1025. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Longview Regional Water Treatment Plant Dredging (20081001)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely for emergency dredging to prevent the sandbars in the Cowlitz river from obstructing the intake facility necessary for the city of Longview to obtain drinking water.

Reappropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$150,000

NEW SECTION. Sec. 1026. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Quincy Water Treatment System Phase I (20081002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to increase the capacity of the water treatment facility in the city of Quincy.

Reappropriation:

State Building Construction Account--State	\$4,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,500,000

NEW SECTION. Sec. 1027. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Innovation Partnership Zones (20082003)

The reappropriation in this section is subject to the following conditions and limitations: The state will designate unique areas of the state as innovation partnership zones, where globally competitive companies, research institutions, and advanced training are creating special

competitive advantages for the state. From among the innovation partnership zones, using a competitive process based on need, estimated economic impact, geographic diversity, and local matches, six zones or projects will be selected to receive funding. The reappropriation in this section is provided solely for shared telecommunications within the zone, shared infrastructure and facilities, long-term capital purchases, and up to 10 percent for zone administration through the locally-designated innovation partnership zone administrator. It is the intent of the legislature that innovation partnership zone grants should consider the commercialization of inventions and innovations.

Reappropriation:

State Building Construction Account--State	\$4,021,000
Prior Biennia (Expenditures)	\$979,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 1028. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Washington State Horse Park (20082004)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation shall complete the state's capital obligation for the facility.
- (2) Land provided for the state horse park by the county or city in which the park is located shall remain in the ownership of that county or city unless the county or city determines otherwise. The legislature encourages the county or city to provide a long-term lease of selected property to the Washington state horse park authority at a minimal charge.

Reappropriation:

State Building Construction Account--State	\$3,376,000
Prior Biennia (Expenditures)	\$124,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 1029. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Local and Community Projects (20084001)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The projects must comply with RCW 43.63A.125 and other requirements for community projects administered by the department.
- (2) The reappropriation is subject to the provisions of section 1008, chapter 328, Laws of 2008.
- (3) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition. If the facility is not constructed by June 30, 2015, the school district shall reimburse the state an amount equal to \$1,000,000 increased by the average percentage appreciation in property values for undeveloped land in the surrounding area between the date the school district acquired the property and June 30, 2015 or the date the school district disposes of the property.
- (4) \$600,000 of the remaining reappropriation for the institute for community leadership may be used for land acquisition.
- (5) \$250,000 of the remaining reappropriation for the Pacific Northwest ilocandia association may be used for acquisition and renovation.
- (6) \$200,000 of the remaining reappropriation for the library connection at Greenbridge may be used for construction and equipment.
- (7) \$1,000,000 of the remaining reappropriation for the Evergreen school district health and biosciences academy may be used for land acquisition.

Reappropriation:

State Building Construction Account--State	\$61,200,000
Prior Biennia (Expenditures)	\$71,694,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$132,894,000

NEW SECTION. Sec. 1030. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Community Development Fund (20084850)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is subject to the provisions of section 1014, chapter 328, Laws of 2008.
- (2) \$105,521 of the remaining reappropriation for El Centro de la raza center may be used for building infrastructure.

Reappropriation:

State Building Construction Account--State	\$9,715,000
Prior Biennia (Expenditures)	\$11,451,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$21,166,000

NEW SECTION. Sec. 1031. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Belfair Sewer Improvements (20084852)

Reappropriation:

State Building Construction Account--State	\$5,500,000
Public Works Assistance Account--State	\$4,800,000
Subtotal Reappropriation	\$10,300,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,300,000

NEW SECTION. Sec. 1032. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Building Communities Fund Program (20084855)

Reappropriation:

State Building Construction Account--State	\$50,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 1033. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Community Schools Program (20084856)

The reappropriation in this section is subject to the following conditions and limitations:

- (1) The reappropriation is provided solely for the acquisition, rehabilitation, expansion, or improvement of surplus school buildings to be converted into community facilities for the delivery of nonresidential coordinated services for children and families.
- (2) Eligible applicants include local governments, nonprofit organizations, nonprofit early learning providers, and tribal governments. Only the following surplus schools may be eligible for grant funding under this section: (a) Allen school; (b) Crown Hill school; (c) Fauntleroy school; (d) University Heights school; (e) Martin Luther King elementary school; and (f) Lincoln high school north wing.
- (3) As part of the grant process, applicants must submit a comprehensive plan for the use of the surplus school that includes information on the following:
 - (a) A list of partner entities that will assist the lead eligible applicant to provide or coordinate services for children and families;
 - (b) A memorandum of understanding between the lead eligible applicant and each partner; and
 - (c) An examination of capital and operating funding sources that applicants intend to apply to the project and coordinated services at each school to be served, whether such funding is derived from grants under this section or from other federal, state, local, or private sources.
- (4) Project applicants must demonstrate that the proposed project is ready to proceed, will make timely use of the funds, and requires state funding to accomplish a discrete, usable phase of the project that may include acquisition.
- (5) If grant funds under this subsection are used for the acquisition of surplus school facilities, the sale proceeds must be used by the local school board disposing of such property for renovation, replacement, or new construction of school facilities in the district, but shall not be used as local match for projects receiving state school construction assistance grants.
- (6) In contracts for grants authorized under this subsection, the department shall include provisions that require that capital improvements must be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Reappropriation:

State Building Construction Account--State	\$3,927,000
Prior Biennia (Expenditures)	\$658,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,585,000

NEW SECTION. Sec. 1034. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Quillayute Valley Wood-Fire Boiler (20084858)

Reappropriation:

Energy Freedom Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1035. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Snohomish County Biodiesel (20084859)

Reappropriation:

Energy Freedom Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1036. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 2008 Local and Community Projects (20084861)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 1019, chapter 328, Laws of 2008.

Reappropriation:

State Building Construction Account--State	\$12,751,000
Prior Biennia (Expenditures)	\$5,378,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,129,000

NEW SECTION. Sec. 1037. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Grays Harbor Wind Project (20084950)

Reappropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 1038. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Skagit County Digester (20084951)

Reappropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1039. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Drinking Water State Revolving Fund Loan Program (30000005)

Appropriation:

Drinking Water Assistance Account--State	\$8,000,000
Drinking Water Assistance Repayment Account--State	\$31,201,000
Subtotal Appropriation	\$39,201,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$215,974,000
TOTAL	\$255,175,000

NEW SECTION. Sec. 1040. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Building for the Arts Grants (30000006)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Projects must be selected based on their readiness to proceed.
- (2) The appropriation is provided solely for the following list of projects:

Admiral Theatre-No Theatre Left Behind	\$140,000
Artspace Everett Lofts	\$1,000,000
Building a Foundation for Discovery	\$250,000
Campus Consolidation (Comish)	\$375,000
Convert Key Bank to Everett's Plaza Theatre	\$500,000
Cottage Renovation (Hedgebrook)	\$20,000
Downstairs at the 5th	\$800,000
Federal Way Performing Arts Center	\$325,000
Gateway Center (Lummi)	\$150,000
James Center for the Performing Arts (Sequim)	\$150,000
Langston Hughes Performing Arts Center	\$475,000
Legacy Project (Imagine)	\$200,000
Modular Classrooms for Dance (Gladish)	\$30,000
Mt. Baker Theatre	\$1,000,000
Museum Expansion (Maryhill)	\$1,500,000
New Hands On Children's Museum	\$1,000,000
Reconstruction of First Stage (Issaquah)	\$400,000
Seattle Opera Center	\$650,000
Stage Two (Whidbey)	\$450,000
Vashon Arts Center	\$1,115,000
Visual Arts Education Center (Snohomish County)	\$1,000,000
Viva Vera Capital Campaign	\$70,000

Total	\$11,600,000
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Appropriation:

State Building Construction Account--State	\$11,600,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$48,000,000
TOTAL	\$59,600,000

NEW SECTION. Sec. 1041. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Youth Recreational Facilities Grants (30000007)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Projects must be selected based on their readiness to proceed.
- (2) The appropriation is provided solely for the following list of projects:

Allen Place	\$800,000
Auburn Boys & Girls Club	\$800,000
Central Kitsap Community Campus YMCA	\$800,000
Coal Creek Family YMCA	\$800,000
East Pierce County HOPE Center	\$800,000
Highline YMCA	\$800,000
Hough Pool Renovation	\$150,000
Jim Parsley Community Center	\$800,000
Kitsap Girl Scout Center	\$205,000
Naval Avenue Boys & Girls Club	\$80,000
Toutle River Ranch	\$360,000
West Sound Teen Center	\$305,000
YMCA Spokane Central	\$800,000
 Total	 \$7,500,000

Appropriation:

State Building Construction Account--State	\$7,500,000
 Prior Biennia (Expenditures)	 \$0
Future Biennia (Projected Costs)	\$30,000,000
TOTAL	\$37,500,000

NEW SECTION. Sec. 1042. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Building Communities Fund Grants (30000008)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Except as otherwise directed before the effective date of this section, the department shall not expend the appropriation in this section unless and until the nonstate share of project costs have been either expended, or firmly committed, or both, in an amount sufficient to complete the project or a distinct phase of the project that is useable to the public for the purpose intended by the legislature.
- (2) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.
- (3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.
- (4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.
- (5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).
- (6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay state prevailing wages.
- (7) The appropriation is provided solely for the following list of projects:

A Home for Opportunity - CASA Latina	\$325,000
Building the new Eastside Clinic - Community Health Care	\$1,900,000
Community Center for Sand Point Housing	\$350,000
Donald G. Topping HOPE Center - Boys & Girls Clubs of Puget Sound	\$1,934,250
Dove House (Domestic Violence/Sexual Assault Program of Jefferson County)	\$240,000
Duvall Multi-Service Center - Hopelink	\$617,985
Education and Training Center Mt. Baker Planned Parenthood	\$881,847
Emmanuel Family Life Center - Richard Allen Enterprises	\$400,594
Eritrean Community Center Expansion	\$300,000
Ferndale Boys & Girls Club	\$752,847
Giant Step - RRA	\$520,761
Greenbridge Early Learning Center	\$1,419,281
High Point Neighborhood Center	\$2,000,000
Highline YMCA	\$1,163,000
Milgard Work Opportunity Center - Tacoma Goodwill	\$1,850,000
Northeast Community Center Expansion	\$1,300,000
Pierce County Therapy Center	\$128,000
Rainier Vista & Rainier Valley Teen Center	\$2,400,000
Repurposing Daybreak Star	\$87,500

Riverwalk Point Community Building - Spokane Neighborhood Action Program	\$79,253
Rotary Support Center for Families	\$3,500,000
Safety & Systems Improvements at El Centro de la raza	\$250,031
TAF Community Learning Space (CLS)	\$1,500,000
The Keller House Services Center	\$600,000
YMCA/YWCA Central Spokane Facility	\$3,500,000
Total	\$28,000,349

Appropriation:

State Building Construction Account--State	\$28,001,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,001,000

NEW SECTION. Sec. 1043. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Economic Revitalization Board (30000010)

Appropriation:

Public Facility Construction Loan Revolving Account--State	\$6,253,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$109,735,000
TOTAL	\$115,988,000

NEW SECTION. Sec. 1044. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Innovation Partnership Zones (30000012)

Appropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$21,500,000

NEW SECTION. Sec. 1045. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Housing Assistance, Weatherization, and Affordable Housing (30000013)

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$7,000,000 of the appropriations is provided solely for facilities housing low-income migrant, seasonal, or temporary farmworkers. The operation of the facilities built under this section shall be in compliance with 8 U.S.C. Sec. 1342. The department shall work with the farmworker housing advisory committee to prioritize funding of projects to the areas of highest need. Funding may also be provided, to the extent qualified projects are submitted, for health and safety projects. Any of this appropriation that is not obligated by June 30, 2011, shall be added to the amount appropriated for the general pool of projects.
- (2) \$3,000,000 of the appropriations is provided solely to promote development of safe and affordable housing units for persons eligible for services from the division of developmental disabilities within the department of social and health services.
- (3) \$10,000 of the appropriations is provided solely to the Ballard food bank/Ballard homes for all coalition for the construction of a mobile camp facility.
- (4) \$2,500,000 of the appropriations is provided solely for the development of farm infrastructure improvements. Any of this appropriation that is not obligated by June 30, 2011, must be added to the amount appropriated for the general pool of projects.
- (5) \$1,000,000 from the taxable bonds account is provided solely for the development or preservation of farmworker housing for migrant and seasonal farmworkers located on private farms.
- (6) \$5,000,000 of the appropriation from the state building construction account is provided solely to build low-income housing units in underserved communities and to concurrently develop capacity in these same communities. Underserved communities of concern are those that have high levels of poverty, specifically, thirty percent of the local median income; experience chronic homelessness; and lack affordable housing. Underserved communities include veterans, immigrants, refugees, and those communities of color disproportionately impacted by chronic homelessness and lack of affordable housing. The department shall collaborate with representatives of underserved communities and organizations committed to assistance in these efforts to prioritize and plan distribution of funding.
- (7) The department may not make loans from capital bond proceeds appropriated in this section if the appropriations are also obligated for other grants or loans or if the anticipated repayments of the loans are from future state legislative appropriations.
- (8) The legislature recognizes and supports the housing priorities reflected in the American recovery and reinvestment act of 2009 with the estimated amount of \$144,000,000 provided solely for the following programs:
 - (a) The community development fund's neighborhood stabilization fund to purchase and rehabilitate foreclosed vacant properties and to help create affordable housing and stabilize neighborhoods.
 - (b) The public housing capital fund to assist housing authorities build and rehabilitate low-income housing stock. Housing authorities are required to give priority consideration to the rehabilitation of vacant rental units and capital projects that are already underway or included in the five-year capital fund plans.
 - (c) HOME funding to the Washington state housing finance commission for a competitive program pursuant to the qualified allocation plan to owners of projects who have received or receive simultaneously an award of low-income housing tax credits under section 42(h) of the internal revenue code of 1986.
 - (d) Weatherization appropriated in section 1052 of this act for grants and loans to local energy programs for weatherization of multifamily and single family homes.

Appropriation:

State Building Construction Account--State	\$30,000,000
State Taxable Building Construction Account--State	\$60,000,000
Washington Housing Trust Account--State	\$10,000,000
Subtotal Appropriation	\$100,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	\$500,000,000

NEW SECTION. Sec. 1046. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Community Schools (91000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the following:

(1) The acquisition, rehabilitation, expansion, or improvement of surplus school buildings to be converted into community facilities for the delivery of nonresidential coordinated services for children and families.

(a) Eligible applicants include local governments, nonprofit organizations, nonprofit early learning providers, and tribal governments. Only the following surplus schools may be eligible for grant funding under this section: Fautleroy school, University Heights school, and Martin Luther King elementary school.

(b) As part of the grant process, applicants must submit a comprehensive plan for the use of the surplus school that includes information on the following:

(i) A list of partner entities that will assist the lead eligible applicant to provide or coordinate services for children and families;

(ii) A memorandum of understanding between the lead eligible applicant and each partner; and

(iii) An examination of capital and operating funding sources that applicants intend to apply to the project and coordinated services at each school to be served, whether such funding is derived from grants under this section or from other federal, state, local, or private sources.

(c) Project applicants must demonstrate that the proposed project is ready to proceed, will make timely use of the funds, and requires state funding to accomplish a discrete, usable phase of the project that may include acquisition.

(d) If grant funds under this subsection are used for the acquisition of surplus school facilities, the sale proceeds must be used by the local school board disposing of such property for renovation, replacement, or new construction of school facilities in the district, but shall not be used as local match for projects receiving state school construction assistance grants.

(e) In contracts for grants authorized under this subsection, the department shall include provisions that require that capital improvements must be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities must be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

(2) The construction of a non-mobile facility, accessible to students in central and eastern Washington for the purpose of financial literacy education, for the eastern and western Washington junior achievement world initiative.

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
Total	\$5,000,000

NEW SECTION. Sec. 1047. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Renewable Farming (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the Washington renewable farming group to conduct grant writing activities in order to raise funds other than state funds to promote research, development, and marketing of bioproducts.

Appropriation:

Energy Freedom Account--State	\$45,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
Total	\$45,000

NEW SECTION. Sec. 1048. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Local and Community Projects (30000019)

The appropriation in this section is subject to the following conditions and limitations:

(1) Prior to receiving funds, project recipients must demonstrate that the project site is under control for a minimum of ten years, either through ownership or a long-term lease. This requirement does not apply to appropriations for preconstruction activities or appropriations whose sole purpose is to purchase real property that does not include a construction or renovation component.

(3) Projects funded in this section may be required to comply with Washington's high performance building standards as required by chapter 39.35D RCW.

(4) Project funds are available on a reimbursement basis only, and shall not be advanced under any circumstances.

(5) Projects funded in this section must be held by the recipient for a minimum of ten years and used for the same purpose or purposes intended by the legislature as required in RCW 43.63A.125(2)(c).

(6) Projects funded in this section, including those that are owned and operated by nonprofit organizations, are generally required to pay

state prevailing wages.

(7) The appropriation is provided solely for the following list of projects:

Local Community Projects

7th St. Theater	\$330,000
Arc of Tri-Cities	\$900,000
Bellevue Clinic--Seattle Children's Hospital	\$2,000,000
Blessed Sacrament Food and Emergency Facilities Renovation	\$200,000
Children's Village Expansion Project	\$500,000
Coal Creek YMCA (Newcastle)	\$800,000
Dawson Place Child Advocacy Center	\$1,000,000
Federal Way National Little League Field Lighting Project and Monument Entry Sign	\$177,000
Harlequin Theater	\$235,000
Home Dialysis Center and Professional Workforce Training	\$250,000
Kirkland Park Place Redevelopment	\$2,000,000
Livingston Baker Fire and Life Safety	\$750,000
Marshland Diking District	\$500,000
Marysville Boys & Girls Club	\$500,000
McClure Middle School Energy Saving Performance Contract Demonstration Project	\$1,000,000
Mountains to Sound Greenway	\$100,000
Mukilteo Boys & Girls Club	\$150,000
Neighborcare Health Clinic and Rainier Beach Medical Clinic	\$1,000,000
Parkland at Japanese Gulch	\$1,000,000
Petrovitsky Park Upgrade	\$750,000
Phoenix House	\$200,000
Poulsbo Marine Center	\$500,000
Public Broadcasting Frequency Expansion	\$223,000
Ready by Five Early Learning Center	\$1,000,000
Renovations to Mill Creek City Annex Building	\$30,000
Snohomish County Emergency Center	\$1,000,000
South Tacoma Community Center	\$1,000,000
Whatcom Hospice House	\$700,000
Zina Linnik	\$950,000

Appropriation:

State Building Construction Account--State	\$19,745,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$19,745,000

NEW SECTION. Sec. 1049. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Community Development Block Grant (91000011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided from the American recovery and reinvestment act of 2009 for community development block grants.

Appropriation:

General Fund--Federal	\$4,200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,200,000

NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
 Temporary Public Works Grant Program (92000021)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for the specified public works projects and competitive public works grant programs specified below. The public works board (board) shall administer the following competitive public works grant programs within the amounts specified, provided that up to ten percent of the amounts provided for competitive grant programs may be transferred to other competitive grant categories if acceptable applications for any category do not total the amount available.

(1) \$10,000,000 is provided solely for a competitive public works grant program for local governments serving communities in rural counties as defined in RCW 43.160.020. The board shall prioritize applications for funding for this small community jobs program based on the following criteria:

- (a) The unemployment rate of the community;
- (b) The ability of the applicant to complete the project promptly; and
- (c) The value the project presents to the community in lasting improvements to public safety, environmental quality, recreation and community life, or economic development.

(2) \$10,000,000 is provided solely for a competitive public works grant program for local governments serving high density urban communities. The board shall prioritize applications for funding from this urban vitality program based on the following criteria:

(a) The proposed project's ability to decrease the per capita vehicle miles driven in the community by increasing access to mass transit, supporting residential density in proximity to employment opportunities, and improving the safety and appeal of walking and biking in a community;

(b) The ability of the applicant to complete the project promptly; and

(c) The local support for the project as indicated by the level of local matching funds devoted to the project. Local matching funds do not include funds from other state sources.

(3) The state taxable building construction account--state appropriation is provided solely for emergency loans under RCW 43.155.065.

(4) \$40,803,000 is provided solely for the following list of projects. The appropriation for Airway Heights wastewater treatment plant is contingent upon a capacity agreement with the Kalspel Tribe that precludes the need to build multiple wastewater treatment facilities on the West Plains. If any project on the following list is unable to show reasonable progress towards accomplishing the intended project by December 31, 2010, the board may transfer the amount allocated for the project to the competitive grant categories in subsections (1) and (2) of this section.

Airway Heights Water Treatment Plant	\$1,000,000
Emergency Public Works Loans	\$2,000,000
Small Community Jobs - Assistance for Grand Coulee School	\$500,000
Small Community Jobs - Camano Island County Park Development	\$300,000
Small Community Jobs - Carnation Farmers Market	\$162,000
Small Community Jobs - Competitive Grants	\$10,000,000
Small Community Jobs - Dayton School Biomass Heating System	\$100,000
Small Community Jobs - Grandview Downtown Revitalization	\$500,000
Small Community Jobs - Green Acres Neighborhood Park	\$200,000
Small Community Jobs - Hoh Tribe Fire Station	\$623,000
Small Community Jobs - Longview Elementary Safety Underpass	\$250,000
Small Community Jobs - Mesa Playground	\$35,000
Small Community Jobs - Pasco Commercial Avenue Construction	\$800,000
Small Community Jobs - Union Gap School Crossing Improvement	\$227,000
Small Community Jobs - Yakima Downtown Futures	\$1,000,000
Small Community Jobs - Yelm Longmire Park	\$400,000
Urban Vitality - Competitive Grants	\$10,000,000
Urban Vitality - Federal Way Urban Infrastructure	\$5,000,000
Urban Vitality - Infrastructure for Puyallup (Parametrix)	\$2,000,000
Urban Vitality - Percival Landing	\$3,000,000
Urban Vitality - Redmond Square Development	\$2,000,000
Urban Vitality - Renton Hawks Landing	\$1,700,000
Water - Gig Harbor Waste Water Treatment	\$2,500,000
Water - Pine Terrace Water Association Project	\$300,000

Appropriation:

State Building Construction Account--State	\$42,597,000
State Taxable Building Construction Account--State	\$2,000,000
Subtotal Appropriation	\$44,597,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$44,597,000

NEW SECTION. Sec. 1051. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Energy Freedom Program (30000056)

The appropriation in this section is subject to the following conditions and limitations: \$38,500,000 of the general fund--federal is provided solely for deposit in the energy recovery act account to establish a revolving loan program, consistent with provisions of chapter . . . , Laws of 2009 (ESHB 2289). The department must consult with the clean energy leadership council, once it is established, prior to awarding funds from this account. The utilization of these funds shall be consistent with the recommendations, once developed, of the clean energy leadership council created by chapter . . . , Laws of 2009 (SSB 5921).

Appropriation:

Energy Recovery Act Account--Federal	\$38,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$38,500,000

NEW SECTION. Sec. 1052. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT
Weatherization (91000013)

Appropriation:

General Fund--Federal	\$49,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$49,000,000

NEW SECTION. Sec. 1053. FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Oversight of State Facilities (20082855)

Appropriation:

State Building Construction Account--State	\$1,532,000
Prior Biennia (Expenditures)	\$1,419,000
Future Biennia (Projected Costs)	\$6,192,000
TOTAL	\$9,143,000

NEW SECTION. Sec. 1054. FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Cowlitz River Dredging (20082856)

Reappropriation:

State Building Construction Account--State	\$313,000
Prior Biennia (Expenditures)	\$687,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 1055. FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Catastrophic Flood Relief (20084850)

Reappropriation:

State Building Construction Account--State	\$47,351,000
Prior Biennia (Expenditures)	\$2,649,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 1056. FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Graving Dock Settlement (20084001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely to fulfill the state's obligations in the settlement agreement in the case of *Lower Elwha Klallam Tribe et al v. State et al*, Thurston county superior court, cause no. 05-2-01595-8, and the associated economic development agreement, specifically to the city of Port Angeles for archaeological work as specified in the settlement agreement.

Appropriation:

State Building Construction Account--State	\$280,000
Prior Biennia (Expenditures)	\$15,480,000
Future Biennia (Projected Costs)	\$140,000
TOTAL	\$15,900,000

NEW SECTION. Sec. 1057. FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Law Enforcement Academy Evaluation (92000001)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall contract with the police executive research forum to conduct an analysis of options for delivering basic law enforcement training to local law enforcement agencies and the Washington state patrol. The office of financial management shall establish a steering committee to advise the office of financial management and direct the work of the contractor. The steering committee shall include a representative of the governor, a representative of the Washington association of sheriffs and police chiefs, a representative of the criminal justice training commission, a representative of the Washington state patrol, a member of the senate, and a member of the house of representatives. The analysis shall include, but is not limited to:

(1) Evaluation of the existing academy resources of the Washington state patrol and the criminal justice training commission, basic law enforcement academy, including the ability to meet demand for training, the potential for growth, and the condition of the facilities; and

(2) Evaluation of the modes for delivering the training, including but not limited to: The use of community colleges for criminal law instruction; the use of distance learning at community and technical colleges; maintaining separate, geographically separate academies for the criminal justice training commission and the Washington state patrol; sharing facilities but maintaining separate curricula and instructors; and the consolidating instruction and facilities.

The office of financial management shall submit the final report to the legislature by November 1, 2009. The contract required by this section is not subject to chapter 5, Laws of 2009.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 1058. FOR THE OFFICE OF FINANCIAL MANAGEMENT
 Higher Education Preservation Information (30000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely to refresh preservation information that resides in the state's comparable framework for higher education buildings including any necessary revisions or adjustments that will enable more direct translation of information, updates for last renewal or replacement of major systems, and quality assurance field sampling. In executing this continued capital study, the office of financial management shall consult the legislative fiscal committees about its workplan to ensure field sampling of facilities prioritized for renovation or replacement, and timely delivery of assembled facilities information and related capital models in an easy to understand format. As a general condition, upon appropriations provided to higher education agencies in this act, the state board for community and technical colleges and each state baccalaureate institution shall provide requested facilities information in a timely manner to enable the office of financial management to complete the tasks and oversight assigned in this section.

Appropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION, Sec. 1059. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor Works - Program (20082012)

Reappropriation:

State Building Construction Account--State	\$15,000
Prior Biennia (Expenditures)	\$355,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$370,000

NEW SECTION, Sec. 1060. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Transportation Building Preservation (20021008)

Reappropriation:

Thurston County Capital Facilities Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$7,116,000
Future Biennia (Projected Costs)	\$22,706,000
TOTAL	\$32,322,000

NEW SECTION, Sec. 1061. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Highway-License Building Repair and Renewal (20061013)

Reappropriation:

Thurston County Capital Facilities Account--State	\$100,000
Prior Biennia (Expenditures)	\$3,423,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,523,000

NEW SECTION, Sec. 1062. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Heritage Center/Executive Office Bldg Development (20082954)

Reappropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$1,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION, Sec. 1063. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Natural Resources Building Repairs and Renewal (20061014)

Reappropriation:

State Vehicle Parking Account--State	\$30,000
Thurston County Capital Facilities Account--State	\$100,000
Subtotal Reappropriation	\$130,000
Prior Biennia (Expenditures)	\$2,853,000
Future Biennia (Projected Costs)	\$4,520,000
TOTAL	\$7,503,000

NEW SECTION, Sec. 1064. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
Minor Works - Infrastructure Preservation (20081004)

Reappropriation:

Thurston County Capital Facilities Account--State	\$136,000
State Building Construction Account--State	\$584,000
Subtotal Reappropriation	\$720,000
Prior Biennia (Expenditures)	\$4,401,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,121,000

NEW SECTION. Sec. 1065. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 O'Brien Building Improvements (20081007)

Reappropriation:	
State Building Construction Account--State	\$1,500,000
Appropriation:	
State Building Construction Account--State	\$9,671,000
Prior Biennia (Expenditures)	\$1,481,000
Future Biennia (Projected Costs)	\$5,329,000
TOTAL	\$17,981,000

NEW SECTION. Sec. 1066. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Capitol Campus High Voltage System Improvements (20081010)

Reappropriation:	
State Building Construction Account--State	\$1,300,000
Prior Biennia (Expenditures)	\$904,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,204,000

NEW SECTION. Sec. 1067. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Legislative Building Improvements (20081011)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the repair and patching of the outside of the legislative building.

Reappropriation:	
State Building Construction Account--State	\$172,000
Appropriation:	
State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$1,079,000
Future Biennia (Projected Costs)	\$4,639,000
TOTAL	\$6,390,000

NEW SECTION. Sec. 1068. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Minor Works - Facility Preservation (20081015)

Reappropriation:	
State Building Construction Account--State	\$380,000
Thurston County Capital Facilities Account--State	\$723,000
Subtotal Reappropriation	\$1,103,000
Prior Biennia (Expenditures)	\$5,583,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,686,000

NEW SECTION. Sec. 1069. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Infrastructure Relocation (20082028)

Reappropriation:	
State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1070. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Emergency Newhouse Repairs and South Campus Plan (20082952)

Reappropriation:	
State Building Construction Account--State	\$175,000

Prior Biennia (Expenditures)	\$575,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$750,000

NEW SECTION. Sec. 1071. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Capital Lake Plan Completion (20082953)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 1072. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Campus Monuments Repair and Restoration (20091003)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$88,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$288,000

NEW SECTION. Sec. 1073. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Minor Works Preservation (30000012)

Appropriation:

State Building Construction Account--State	\$2,800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$34,109,000
TOTAL	\$36,909,000

NEW SECTION. Sec. 1074. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Emergency Repairs (30000033)

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,000,000
TOTAL	\$9,500,000

NEW SECTION. Sec. 1075. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Powerhouse: Improvements and Preservation (30000056)

Appropriation:

State Building Construction Account--State	\$1,459,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,459,000

NEW SECTION. Sec. 1076. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Facility Oversight Program: Staffing (30000063)

The appropriation in this section is subject to the following conditions and limitations: The appropriation in this section is provided solely for the department of general administration to assist the office of financial management with the development and implementation of RCW 43.82.035 and 43.82.055.

Appropriation:

State Building Construction Account--State	\$740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,597,000
TOTAL	\$6,337,000

NEW SECTION. Sec. 1077. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION
 Heritage Center and Executive Office Building (20082858)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided to reimburse the general administration services account for design costs for the executive office building, and for a revision to the predesign of the heritage

center executive office building. The revised predesign must align the scope of the project with the level of financing that available revenues will support. The revised predesign must specify the tenants of the executive office building, based on the capital campus master plan criteria, and must reduce the size of the heritage center to what is needed for the state library and exhibit space for historically significant documents from the state archives and rotating exhibits from national, state, and local historical museums.

Appropriation:

State Building Construction Account--State	\$2,200,000
Washington State Heritage Center Account--State	\$1,000,000
Subtotal Appropriation	\$3,200,000
Prior Biennia (Expenditures)	\$5,805,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,005,000

NEW SECTION, Sec. 1078. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Engineering and Architectural Services: Staffing (30000086)

Appropriation:

State Building Construction Account--State	\$9,300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$43,033,000
TOTAL	\$52,333,000

NEW SECTION, Sec. 1079. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Infrastructure Savings (30000480)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

NEW SECTION, Sec. 1080. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Disposal Plan for Downtown Olympia DFW Properties (92000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the development of a plan for the disposal of the department of fish and wildlife facilities in downtown Olympia. The plan shall include consultation with the city of Olympia for determining how development options for the site fit within the city's development plans for downtown. The plan shall also recommend options for disposal that will yield the highest return to the state, including selling the property as is under existing surplus property laws, transferring the property to the city for eventual development with the appropriate share of investment returns paid to the state, preparing the site for development and then selling the property, and other options for disposal.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION, Sec. 1081. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Pro Arts Building (91000002)

The appropriation in this section is subject to the following conditions and limitations: Predesign and design funds are provided solely to develop a new office building. Up to \$225,000 may be used to develop the predesign for the Pro Arts site to include a new office building that may house tenants from the general administration building including the office of financial management, the Puget Sound partnership, the office of the state treasurer, and other small commissions and agencies. The predesign shall be developed with representatives from the capitol campus design advisory committee, the department of general administration, and the office of financial management. The predesign shall be used to develop the optimum use of space for the Pro Arts site, identify any required mitigation, parking requirements, schedule of construction, and cost of construction. The predesign shall be provided to the appropriate fiscal committees of the legislature and the office of financial management by February 1, 2010. The allotment for design funds will be made after the predesign is approved by the office of financial management and the appropriate fiscal committees of the legislature.

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$2,000,000

NEW SECTION. Sec. 1082. FOR THE LIQUOR CONTROL BOARD

Minor Works (30000009)

Appropriation:

Liquor Control Board Construction and Maintenance Account--State \$315,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$315,000

NEW SECTION. Sec. 1083. FOR THE MILITARY DEPARTMENT

Minor Works - Facility Preservation (20081004)

Reappropriation:

General Fund--Federal \$1,610,000
State Building Construction Account--State \$374,000
Subtotal Reappropriation \$1,984,000
Prior Biennia (Expenditures) \$5,839,000
Future Biennia (Projected Costs) \$0
TOTAL \$7,823,000

NEW SECTION. Sec. 1084. FOR THE MILITARY DEPARTMENT

Minor Works - Program (20082003)

Reappropriation:

General Fund--Federal \$1,467,000
State Building Construction Account--State \$255,000
Subtotal Reappropriation \$1,722,000
Prior Biennia (Expenditures) \$4,381,000
Future Biennia (Projected Costs) \$0
TOTAL \$6,103,000

NEW SECTION. Sec. 1085. FOR THE MILITARY DEPARTMENT

Flood Warning Systems (20082851)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the emergency management division in consultation with the department of ecology, the department of community, trade, and economic development, the Washington association of counties, the United States army corps of engineers, the national oceanic and atmospheric association, and the national weather service to develop the following:

- (1) An inventory and description of flood warning systems currently in place in flood hazard areas of the state, including manual systems and electronic systems;
- (2) A needs assessment indicating what specific areas of the state could be better served by flood warning systems based on flooding areas mapped under the federal emergency management act. The needs assessment must include recommendations regarding how to make timely notification of flood warnings and how to gather and share data about potential flood areas;
- (3) An information bank of flood warning systems, with descriptions of available and emerging technologies, and estimates of the costs of purchasing, installing, and maintaining these systems;
- (4) Sources of potential federal assistance for local flood warning systems; and
- (5) Recommendations to assist local governments in the financing of capital costs of flood warning systems, including the potential to modify existing state programs.

The recommendations must be reported to the office of financial management and legislature by December 15, 2009.

Reappropriation:

State Building Construction Account--State \$250,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
TOTAL \$250,000

NEW SECTION. Sec. 1086. FOR THE MILITARY DEPARTMENT

Minor Works Preservation (30000002)

Appropriation:

General Fund--Federal \$3,069,000
State Building Construction Account--State \$1,709,000
Subtotal Appropriation \$4,778,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$18,700,000
TOTAL \$23,478,000

NEW SECTION, Sec. 1087. FOR THE MILITARY DEPARTMENT

Minor Works Program (30000003)

Appropriation:

General Fund--Federal	\$679,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,229,000
TOTAL	\$10,908,000

NEW SECTION, Sec. 1088. FOR THE MILITARY DEPARTMENT

Emergency Repairs (30000059)

Appropriation:

State Building Construction Account--State	\$100,000
General Fund--Federal	\$100,000
Subtotal Appropriation	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$800,000
TOTAL	\$1,000,000

NEW SECTION, Sec. 1089. FOR THE MILITARY DEPARTMENT

Infrastructure Savings (30000480)

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

NEW SECTION, Sec. 1090. FOR THE MILITARY DEPARTMENT

Energy Conservation Projects (20082005)

Reappropriation:

General Fund--Federal	\$30,000
State Building Construction Account--State	\$30,000
Subtotal Reappropriation	\$60,000
Prior Biennia (Expenditures)	\$490,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$550,000

NEW SECTION, Sec. 1091. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Historical Courthouse Rehabilitation (20082851)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovation completed since January 1, 2006, and improvements to access and accommodations for persons with disabilities. All rehabilitation work must comply with the secretary of interior's standards for rehabilitation. Grants may not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall use up to two percent of the appropriation for program administration.

(2) The society shall continue to use the revised eligibility criteria and grant application process that includes the review of projects selected for funding by the courthouse advisory committee. Those projects chosen for funding shall undergo a review by the department of general administration's barrier free program to ensure that they meet Americans with disabilities act standards and accessibility and all other Americans with disabilities act requirements are maintained during the construction. The existing historic courthouse advisory committee shall continue to review grant applications and make funding recommendations to the state historic preservation officer.

(3) The society and the courthouse advisory committee shall include readiness to proceed when developing the priority list of projects to fund.

Reappropriation:

State Building Construction Account--State	\$2,800,000
Prior Biennia (Expenditures)	\$2,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION, Sec. 1092. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Historic Barn Preservation (20084851)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for implementation of the heritage barn preservation program created in chapter 333, Laws of 2007.

Reappropriation:

State Building Construction Account--State	\$158,000
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Appropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$342,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 1093. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION
Courthouse Preservation (30000004)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely for courthouse protection and preservation, including character defining architectural features, general repairs, system upgrades, payments for renovation completed since January 1, 2006, and improvements to access and accommodations for persons with disabilities. All rehabilitation work must comply with the secretary of interior's standards for rehabilitation. Grants may not be used for expenditures for courthouse maintenance. Only counties with historic courthouses that continue to maintain county functions are eligible for grants. Counties receiving grants shall provide an equal amount of matching funds from public or private sources. The department shall use up to two percent of the appropriation for program administration.

(2) The department shall continue to use the revised eligibility criteria and grant application process that includes the review of projects selected for funding by the courthouse advisory committee. Those projects chosen for funding shall undergo a review by the department of general administration's barrier free program to ensure that they meet the Americans with disabilities act standards and that all other Americans with disabilities act requirements are maintained during the construction. The existing historic courthouse advisory committee shall continue to review grant applications and make funding recommendations to the state historic preservation officer.

(3) The department and the courthouse advisory committee shall include readiness to proceed when developing the priority list of projects to fund.

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 1094. FOR THE STATE CONVENTION AND TRADE CENTER
Convention Center Expansion (91000001)

The appropriation in this section is subject to the following conditions and limitations:

(1) After July 1, 2010, the convention center shall enter into a financing contract for up to \$10,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to conduct planning and design activities for expansion of the state convention center. By December 1, 2009, the state convention and trade center corporation shall submit to the office of financial management and the fiscal committees of the legislature, a study of the feasibility and a proposal for the long-term financing of expansion of the state convention center. The study shall include a description by the state treasurer's office of options for financing the convention center expansion without the use of bonds subject to the state constitutional limit on debt service payments with the estimated annual debt service payments for those options. The report shall also include a forecast by the office of financial management of revenues that are intended to support debt service payments for the convention center expansion.

(2) The convention and trade center corporation shall work with labor and business stakeholders from the hospitality industry to develop a plan that must include the following elements: (a) Recommendations on how to best achieve the creation of full-time, stable, living wage jobs in the hospitality/hotel industry resulting from the convention place station expansion; (b) ways to recruit local residents and members of communities experiencing high unemployment for the new jobs created; (c) a process to promote positive labor relations in order to protect the government's financial investment and to avoid disruptions of the convention center operations and of businesses supporting the convention center and its visitors; and (d) a competitive bidding process for the selection of a hotel developer and operator in potential public/private hotel partnerships. The report must be submitted with the feasibility study, required in this subsection, to the office of financial management and the fiscal committees of the legislature.

Appropriation:

State Convention and Trade Center Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 1093. FOR THE STATE CONVENTION AND TRADE CENTER
Minor Works Facility Preservation (30000001)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Convention and Trade Center Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

**PART 2
HUMAN SERVICES**

NEW SECTION. Sec. 2001. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

Replace Hawthorne Hall Dormitory (20082001)

The appropriation in this section is subject to the following conditions and limitations: The office of financial management shall allot funds for the dormitory construction at the criminal justice training commission only after the recommendation of the steering committee participating in the analysis in section 1057 of this act has been provided to the legislative fiscal committees and submitted to the office of financial management for review.

Appropriation:

State Building Construction Account--State	\$16,745,000
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Reappropriation:

State Building Construction Account--State	\$632,000
Prior Biennia (Expenditures)	\$1,293,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,670,000

NEW SECTION. Sec. 2002. FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

School Mapping (30000011)

The appropriation in this section is subject to the following conditions and limitations: The legislature intends to complete half of the remaining community and technical college mapping with this appropriation and to appropriate funding for the remaining half of unmapped square feet in community and technical colleges in the 2011-13 biennium.

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$546,000
TOTAL	\$1,046,000

NEW SECTION. Sec. 2003. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Facilities Assessment and Cultural Resources Planning (20061120)

Reappropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$150,000
Future Biennia (Projected Costs)	\$1,200,000
TOTAL	\$1,500,000

NEW SECTION. Sec. 2004. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Green Hill School: New Inmate Management Unit, Health Center, and Administration (20062202)

Reappropriation:

State Building Construction Account--State	\$3,600,000
Prior Biennia (Expenditures)	\$11,227,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,827,000

NEW SECTION. Sec. 2005. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental Health Division-Eastern Washington: Evaluation and Treatment (20064352)

Reappropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 2006. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Mental Health Division-Children's Long-Term Inpatient Program Facilities: Preservation (20064353)

The reappropriation in this section is subject to the following conditions and limitations: The department shall evaluate options for maximizing federal fund contributions for capital needs of privately owned facilities that contract with the department for children's long-term inpatient program services.

Reappropriation:

State Building Construction Account--State	\$1,250,000
Prior Biennia (Expenditures)	\$2,762,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,012,000

NEW SECTION. Sec. 2007. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency Repairs (20081101)

Reappropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$877,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$977,000

NEW SECTION. Sec. 2008. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Health, Safety, and Code Requirements (20081111)

Reappropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$3,200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,200,000

NEW SECTION. Sec. 2009. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Facility Preservation (20081112)

Reappropriation:

State Building Construction Account--State	\$3,500,000
Prior Biennia (Expenditures)	\$5,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,000,000

NEW SECTION. Sec. 2010. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Infrastructure Preservation (20081113)

Reappropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$2,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,700,000

NEW SECTION. Sec. 2011. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Hazards Abatement and Demolition (20081119)

Reappropriation:

State Building Construction Account--State	\$400,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,600,000

NEW SECTION. Sec. 2012. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Westem State Hospital New Kitchen and Commissary Building (20081319)

Reappropriation:

State Building Construction Account--State	\$400,000
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Appropriation:

State Building Construction Account--State	\$650,000
Prior Biennia (Expenditures)	\$250,000
Future Biennia (Projected Costs)	\$0

TOTAL \$1,300,000

NEW SECTION. Sec. 2013. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Western State Hospital Laundry Upgrades (20081325)

Reappropriation:
 State Building Construction Account--State \$200,000

 Prior Biennia (Expenditures) \$2,658,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,858,000

NEW SECTION. Sec. 2014. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Special Commitment Center: Utility Replacements (20081504)

The reappropriation and appropriation in this section are subject to the following conditions and limitations: It is the intent of the appropriation and reappropriation to replace essential utilities, such as sanitary sewer, high voltage electrical, and fiber optic communications, serving the special commitment center and McNeil corrections center on McNeil Island by replacing the Island's electrical feed from the shoreline landing to the McNeil corrections center generator building, and continuing on to the special commitment center. The department shall coordinate the work with the department of corrections for the most cost-effective approach to the work.

Reappropriation:
 State Building Construction Account--State \$2,900,000

 Appropriation:
 State Building Construction Account--State \$3,490,000

 Prior Biennia (Expenditures) \$140,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,530,000

NEW SECTION. Sec. 2015. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Rainier School Waste Treatment Plant (20082001)

Reappropriation:
 State Building Construction Account--State \$400,000

 Prior Biennia (Expenditures) \$3,800,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,200,000

NEW SECTION. Sec. 2016. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Special Commitment Center Medium Management Housing Addition (20082505)

The reappropriation in this section is subject to the following conditions and limitations:
 The reappropriation is to add residential space to existing facilities by remodeling existing residential space and converting existing program space to residential space for additional beds.

Reappropriation:
 State Building Construction Account--State \$700,000
 Prior Biennia (Expenditures) \$575,000
 Future Biennia (Projected Costs) \$53,664,000
 TOTAL \$54,939,000

NEW SECTION. Sec. 2017. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Fircrest Campus Master Plan (20082850)

The reappropriation in this section is subject to the following conditions and limitations:
 (1) The department shall resume and complete a master plan of the portion of the Fircrest campus that is not utilized by the Fircrest school or the department of health.
 (2) In drafting the master plan, the department shall consult with the following:
 (a) The city of Shoreline;
 (b) The department of natural resources;
 (c) The department of health regarding their master planning effort;
 (d) Representatives of institutions of higher education with whom the department has a partnership; and
 (e) Representatives of the Shoreline community and neighboring communities.

Reappropriation:
 State Building Construction Account--State \$50,000

 Prior Biennia (Expenditures) \$395,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$445,000

NEW SECTION. Sec. 2018. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Lakeland Village: Nine Cottages Renovation, Phase 4, 5, and 6 (20061402)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$5,536,000
Future Biennia (Projected Costs)	\$3,063,000
TOTAL	\$8,799,000

NEW SECTION. Sec. 2019. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Echo Glen Children's Center - Housing Units (20081041)

Reappropriation:

State Building Construction Account--State	\$4,500,000
Prior Biennia (Expenditures)	\$900,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,400,000

NEW SECTION. Sec. 2020. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Health, Safety, and Code Requirements (30000366)

Appropriation:

State Building Construction Account--State	\$2,650,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,458,000
TOTAL	\$23,108,000

NEW SECTION. Sec. 2021. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Infrastructure Preservation (30000367)

Appropriation:

State Building Construction Account--State	\$2,320,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,658,000
TOTAL	\$18,978,000

NEW SECTION. Sec. 2022. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Minor Works - Facilities Preservation (30000368)

Appropriation:

State Building Construction Account--State	\$5,590,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$30,739,000
TOTAL	\$36,329,000

NEW SECTION. Sec. 2023. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Emergency Repairs (30000485)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 2024. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Capital Project Management: Staffing (30000486)

Appropriation:

State Building Construction Account--State	\$1,250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,250,000

NEW SECTION. Sec. 2025. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Western State Hospital: Traffic Study Implementation (30000843)

Appropriation:

State Building Construction Account--State	\$355,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$996,000
TOTAL	\$1,351,000

NEW SECTION, Sec. 2026. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Echo Glen Childrens Center: Portable Classroom Replacement (30000844)

Appropriation:

State Building Construction Account--State	\$850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$743,000
TOTAL	\$1,593,000

NEW SECTION, Sec. 2027. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Eastern State Hospital: Roof Replacements (30000846)

Appropriation:

State Building Construction Account--State	\$1,085,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,088,000
TOTAL	\$2,173,000

NEW SECTION, Sec. 2028. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Western State Hospital: Roof Replacements (30000851)

Appropriation:

State Building Construction Account--State	\$620,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,198,000
TOTAL	\$3,818,000

NEW SECTION, Sec. 2029. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Eastern State Hospital: Westlake Building Renovation (30000852)

Appropriation:

State Building Construction Account--State	\$840,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,093,000
TOTAL	\$2,933,000

NEW SECTION, Sec. 2030. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Infrastructure Savings (30000480)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

NEW SECTION, Sec. 2031. FOR THE DEPARTMENT OF HEALTH
 Public Health Laboratory Addition (20082003)

Appropriation:

State Building Construction Account--State	\$8,165,000
Prior Biennia (Expenditures)	\$2,012,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,177,000

NEW SECTION, Sec. 2032. FOR THE DEPARTMENT OF HEALTH
 Drinking Water Assistance Program (20064001)

Reappropriation:

Drinking Water Assistance Account--Federal	\$36,000,000
Prior Biennia (Expenditures)	\$58,596,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$94,596,000

NEW SECTION. Sec. 2033. FOR THE DEPARTMENT OF HEALTH

Public Health Laboratory HVAC Systems Upgrades (20081002)

Reappropriation:

State Building Construction Account--State	\$4,500,000
Prior Biennia (Expenditures)	\$412,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,912,000

NEW SECTION. Sec. 2034. FOR THE DEPARTMENT OF HEALTH

Drinking Water Assistance Program (30000013)

The appropriation in this section is subject to the following conditions and limitations: \$38,462,000 is provided from the American recovery and reinvestment act of 2009.

Appropriation:

Drinking Water Assistance Account--Federal	\$24,348,000
Drinking Water Assistance Account--Federal	
American Recovery and Reinvestment Act	\$38,462,000
Subtotal Appropriation	\$62,810,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,810,000

NEW SECTION. Sec. 2035. FOR THE DEPARTMENT OF HEALTH

Greywater Rule Development (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for greywater rule development activities required by RCW 90.46.015 for the protection of public health. The rules must be adopted by December 31, 2010. As a part of the rulemaking process, the department must consider methods to reduce barriers to and provide incentives for greywater use.

Appropriation:

Public Works Assistance Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 2036. FOR THE DEPARTMENT OF HEALTH

Minor Works - Facility Preservation (30000015)

Appropriation:

State Building Construction Account--State	\$597,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$597,000

NEW SECTION. Sec. 2037. FOR THE DEPARTMENT OF VETERANS AFFAIRS

State Veterans Cemetery (20082004)

Reappropriation:

General Fund--Federal	\$6,815,000
Prior Biennia (Expenditures)	\$1,010,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,825,000

NEW SECTION. Sec. 2038. FOR THE DEPARTMENT OF VETERANS AFFAIRS

Minor Works - Facilities Preservation (30000003)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs) \$6,585,000
 TOTAL \$7,085,000

NEW SECTION. Sec. 2039. FOR THE DEPARTMENT OF VETERANS AFFAIRS
 Minor Works - Program Projects (30000004)

Appropriation:
 State Building Construction Account--State \$115,000

 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$5,463,000
 TOTAL \$5,578,000

NEW SECTION. Sec. 2040. FOR THE DEPARTMENT OF VETERANS AFFAIRS
 Emergency Repairs (30000053)

Appropriation:
 State Building Construction Account--State \$300,000

 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$1,200,000
 TOTAL \$1,500,000

NEW SECTION. Sec. 2041. FOR THE DEPARTMENT OF CORRECTIONS
 Coyote Ridge Corrections Center: Design and Construct Medium Security Beds (19982011)

Reappropriation:
 State Building Construction Account--State \$4,772,000

 Prior Biennia (Expenditures) \$228,170,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$232,942,000

NEW SECTION. Sec. 2042. FOR THE DEPARTMENT OF CORRECTIONS
 Washington Corrections Center: Regional Infrastructure (20042008)

Reappropriation:
 State Building Construction Account--State \$5,700,000
 Appropriation:
 State Building Construction Account--State \$900,000

 Prior Biennia (Expenditures) \$9,029,000
 Future Biennia (Projected Costs) \$4,000,000
 TOTAL \$19,629,000

NEW SECTION. Sec. 2043. FOR THE DEPARTMENT OF CORRECTIONS
 McNeil Island Corrections: Replace and Stabilize Housing Unit Siding (20061005)

Reappropriation:
 State Building Construction Account--State \$400,000

 Prior Biennia (Expenditures) \$3,394,000
 Future Biennia (Projected Costs) \$4,087,000
 TOTAL \$7,881,000

NEW SECTION. Sec. 2044. FOR THE DEPARTMENT OF CORRECTIONS
 Washington State Penitentiary: South Close Security Complex (20062021)

Reappropriation:
 State Building Construction Account--State \$35,950,000

 Prior Biennia (Expenditures) \$29,344,000
 Future Biennia (Projected Costs) \$14,276,000
 TOTAL \$79,570,000

NEW SECTION. Sec. 2045. FOR THE DEPARTMENT OF CORRECTIONS
 Monroe Corrections Center: Health Care Facility (20062043)

Reappropriation:
 State Building Construction Account--State \$283,000

 Prior Biennia (Expenditures) \$417,000
 Future Biennia (Projected Costs) \$89,446,000

TOTAL \$90,146,000

NEW SECTION. Sec. 2046. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Healthcare Center (20062066)

Reappropriation:

State Building Construction Account--State \$7,700,000

Prior Biennia (Expenditures) \$11,358,000

Future Biennia (Projected Costs) \$0

TOTAL \$19,058,000

NEW SECTION. Sec. 2047. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center Install Close Custody Slider Doors (20062070)

Reappropriation:

State Building Construction Account--State \$374,000

Appropriation:

State Building Construction Account--State \$2,160,000

Prior Biennia (Expenditures) \$376,000

Future Biennia (Projected Costs) \$16,000,000

TOTAL \$18,910,000

NEW SECTION. Sec. 2048. FOR THE DEPARTMENT OF CORRECTIONS

Larch Corrections Center: 80-Bed Expansion (20062852)

Reappropriation:

State Building Construction Account--State \$560,000

Prior Biennia (Expenditures) \$2,512,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,072,000

NEW SECTION. Sec. 2049. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Heating and Cooling Loop Replacement (20081001)

Reappropriation:

State Building Construction Account--State \$180,000

Prior Biennia (Expenditures) \$2,745,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,925,000

NEW SECTION. Sec. 2050. FOR THE DEPARTMENT OF CORRECTIONS

McNeil Island Corrections Center: Replace Barge Slip Pilings (20081002)

Reappropriation:

State Building Construction Account--State \$3,612,000

Prior Biennia (Expenditures) \$288,000

Future Biennia (Projected Costs) \$0

TOTAL \$3,900,000

NEW SECTION. Sec. 2051. FOR THE DEPARTMENT OF CORRECTIONS

Replace Kitchen Roofs at Monroe Correctional Complex (20081003)

Reappropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$1,812,000

Future Biennia (Projected Costs) \$0

TOTAL \$2,062,000

NEW SECTION. Sec. 2052. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Replace G Building Roof (20081004)

Reappropriation:

State Building Construction Account--State \$412,000

Prior Biennia (Expenditures) \$4,019,000

Future Biennia (Projected Costs) \$0

TOTAL \$4,431,000

NEW SECTION. Sec. 2053. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Replace Roofs (20081005)

Reappropriation:

State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$5,766,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,666,000

NEW SECTION. Sec. 2054. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Replace Roofs (20081007)

Reappropriation:

State Building Construction Account--State	\$1,200,000
Prior Biennia (Expenditures)	\$589,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,789,000

NEW SECTION. Sec. 2055. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Replace Fire Alarm System (20081008)

Reappropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$924,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,524,000

NEW SECTION. Sec. 2056. FOR THE DEPARTMENT OF CORRECTIONS

Replace Electrical Distribution Building at Special Offenders Unit (20081009)

Reappropriation:

State Building Construction Account--State	\$539,000
Prior Biennia (Expenditures)	\$683,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,222,000

NEW SECTION. Sec. 2057. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Reformatory: Replace Cell Door and Electronics (20081010)

Reappropriation:

State Building Construction Account--State	\$230,000
Prior Biennia (Expenditures)	\$1,315,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,545,000

NEW SECTION. Sec. 2058. FOR THE DEPARTMENT OF CORRECTIONS

Clallam Bay Corrections Center: Replace Telecommunications Infrastructure (20081013)

Reappropriation:

State Building Construction Account--State	\$1,329,000
Prior Biennia (Expenditures)	\$521,000
Future Biennia (Projected Costs)	\$19,045,000
TOTAL	\$20,895,000

NEW SECTION. Sec. 2059. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Infrastructure Preservation (20081018)

Reappropriation:

State Building Construction Account--State	\$1,034,000
Prior Biennia (Expenditures)	\$966,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 2060. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code Requirements (20081031)

Reappropriation:

State Building Construction Account--State	\$1,391,000
Prior Biennia (Expenditures)	\$1,609,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION, Sec. 2061. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Facility Preservation (20081024)

Reappropriation:

State Building Construction Account--State	\$441,000
Prior Biennia (Expenditures)	\$2,559,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION, Sec. 2062. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Laundry Improvements (20081033)

Reappropriation:

State Building Construction Account--State	\$3,701,000
Prior Biennia (Expenditures)	\$350,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,051,000

NEW SECTION, Sec. 2063. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Expand Reception Center (20082016)

The appropriation in this section is subject to the following conditions and limitations: Prior to the allotment of design funds, the office of financial management shall undertake a budget evaluation study of the project.

Reappropriation:

State Building Construction Account--State	\$73,000
Prior Biennia (Expenditures)	\$397,000
Future Biennia (Projected Costs)	\$64,100,000
TOTAL	\$64,570,000

NEW SECTION, Sec. 2064. FOR THE DEPARTMENT OF CORRECTIONS

Mission Creek Corrections Center for Women: 100-Bed Expansion (20082020)

Reappropriation:

State Building Construction Account--State	\$5,331,000
Prior Biennia (Expenditures)	\$1,296,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,627,000

NEW SECTION, Sec. 2065. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Correctional Complex: Close Sewer Lagoon (20082022)

Reappropriation:

State Building Construction Account--State	\$101,000
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Appropriation:

State Building Construction Account--State	\$1,162,000
Prior Biennia (Expenditures)	\$128,000
Future Biennia (Projected Costs)	\$9,524,000
TOTAL	\$10,915,000

NEW SECTION, Sec. 2066. FOR THE DEPARTMENT OF CORRECTIONS

Airway Heights Corrections Center: Sex Offender Treatment Program Building (20082028)

Reappropriation:

State Building Construction Account--State	\$550,000
Prior Biennia (Expenditures)	\$4,397,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,947,000

NEW SECTION, Sec. 2067. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center for Women: Roof Replacement (30000178)

Reappropriation:

State Building Construction Account--State	\$1,832,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,832,000

NEW SECTION. Sec. 2068. FOR THE DEPARTMENT OF CORRECTIONS
 300 Minimum Security Bed Expansion - Three Locations (20082850)

Reappropriation:

State Building Construction Account--State	\$321,000
Prior Biennia (Expenditures)	\$156,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$477,000

NEW SECTION. Sec. 2069. FOR THE DEPARTMENT OF CORRECTIONS
 Minor Works - Infrastructure Preservation (30000016)

Appropriation:

State Building Construction Account--State	\$1,446,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,238,000
TOTAL	\$10,684,000

NEW SECTION. Sec. 2070. FOR THE DEPARTMENT OF CORRECTIONS
 Minor Works - Health, Safety, and Code Requirements (30000047)

Appropriation:

State Building Construction Account--State	\$2,609,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,374,000
TOTAL	\$15,983,000

NEW SECTION. Sec. 2071. FOR THE DEPARTMENT OF CORRECTIONS
 Minor Works - Facility Preservation (30000086)

Appropriation:

State Building Construction Account--State	\$2,857,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,741,000
TOTAL	\$14,598,000

NEW SECTION. Sec. 2072. FOR THE DEPARTMENT OF CORRECTIONS
 Clallam Bay Corrections Center: Replace 5 Towers and Housing Roofs (30000108)

The appropriation in this section is subject to the following conditions and limitations: The funding is provided solely for the replacement of roofs on offender housing units.

Appropriation:

State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 2073. FOR THE DEPARTMENT OF CORRECTIONS
 Washington Corrections Center for Women: Replace Fire Alarm (30000121)

Appropriation:

State Building Construction Account--State	\$1,625,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,625,000

NEW SECTION. Sec. 2074. FOR THE DEPARTMENT OF CORRECTIONS

Washington Corrections Center: Replace Fire Detection/Suppression (30000123)

Appropriation:

State Building Construction Account--State	\$1,098,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,098,000

NEW SECTION. Sec. 2075. FOR THE DEPARTMENT OF CORRECTIONS

Monroe Corrections Center: Water Line Replacements (30000137)

Appropriation:

State Building Construction Account--State	\$1,809,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,809,000

NEW SECTION. Sec. 2076. FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Programmatic Projects (30000173)

Appropriation:

State Building Construction Account--State	\$3,734,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,423,000
TOTAL	\$25,157,000

NEW SECTION. Sec. 2077. FOR THE DEPARTMENT OF CORRECTIONS

Emergency Repairs (30000346)

Appropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$13,500,000

NEW SECTION. Sec. 2078. FOR THE DEPARTMENT OF CORRECTIONS

Washington State Penitentiary: Kitchen Improvements (20061007)

Reappropriation:

State Building Construction Account--State	\$402,000
Prior Biennia (Expenditures)	\$228,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$630,000

NEW SECTION. Sec. 2079. FOR THE DEPARTMENT OF CORRECTIONS

Infrastructure Savings (30000480)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

**PART 3
NATURAL RESOURCES**

NEW SECTION. Sec. 3001. FOR THE DEPARTMENT OF ECOLOGY

Water Supply Facilities (19742006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$2,035,000
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Prior Biennia (Expenditures)	\$18,163,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,198,000

NEW SECTION. Sec. 3002. FOR THE DEPARTMENT OF ECOLOGY
 Low-Level Nuclear Waste Disposal Trench Closure (19972012)

The appropriation in this section is subject to the following conditions and limitations: \$9,000,000 of the appropriation is provided solely for design, engineering, and construction of a cover for filled trenches at the commercial low-level radioactive waste disposal facility. The cover must be placed as an interim remedial action in accordance with WAC 173-340-430. The office of financial management shall not authorize expenditure of this funding until the department of ecology and the department of health jointly submit to the office of financial management an updated schedule of actions and funding needed to complete site closure and decommissioning in accordance with the requirements described in the May 28, 2004, final environmental impact statement for the commercial low-level radioactive waste disposal site, located on the Hanford federal facility site.

Reappropriation:

Site Closure Account--State	\$3,900,000
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Appropriation:

Site Closure Account--State	\$9,000,000
Prior Biennia (Expenditures)	\$2,533,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,433,000

NEW SECTION. Sec. 3003. FOR THE DEPARTMENT OF ECOLOGY
 Water Supply Facilities (20024006)

Reappropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$1,022,000
Prior Biennia (Expenditures)	\$4,978,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3004. FOR THE DEPARTMENT OF ECOLOGY
 Water Supply Facilities (20044006)

Reappropriation:

State Building Construction Account--State	\$1,600,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$392,000
Subtotal Reappropriation	\$1,992,000
Prior Biennia (Expenditures)	\$11,658,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,650,000

NEW SECTION. Sec. 3005. FOR THE DEPARTMENT OF ECOLOGY
 Centennial Clean Water Fund (20044007)

Reappropriation:

State Building Construction Account--State	\$1,481,000
Water Quality Capital Account--State	\$31,000
Subtotal Reappropriation	\$1,512,000
Prior Biennia (Expenditures)	\$43,538,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,050,000

NEW SECTION. Sec. 3006. FOR THE DEPARTMENT OF ECOLOGY
 Water Conveyance Infrastructure Projects (20052850)

Reappropriation:

Water Quality Capital Account--State	\$81,000
State Building Construction Account--State	\$1,708,000
State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$438,000
Subtotal Reappropriation	\$2,227,000
Prior Biennia (Expenditures)	\$3,573,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,800,000

NEW SECTION. Sec. 3007. FOR THE DEPARTMENT OF ECOLOGY

Sunnyside Valley Irrigation District Water Conservation (20052851)

Reappropriation:	
State Building Construction Account--State	\$2,800,000
Appropriation:	
State Building Construction Account--State	\$2,850,000
Prior Biennia (Expenditures)	\$4,147,000
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$13,797,000

NEW SECTION. Sec. 3008. FOR THE DEPARTMENT OF ECOLOGY
Quad Cities Water Right Mitigation (20052852)

Reappropriation:	
State Building Construction Account--State	\$1,925,000
Prior Biennia (Expenditures)	\$275,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,200,000

NEW SECTION. Sec. 3009. FOR THE DEPARTMENT OF ECOLOGY
State Drought Preparedness (20054009)

Reappropriation:	
State Drought Preparedness Account--State	\$738,000
Prior Biennia (Expenditures)	\$15,662,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,400,000

NEW SECTION. Sec. 3010. FOR THE DEPARTMENT OF ECOLOGY
Low Impact Development for Storm Water Management (20062006)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for grants to local governments in Puget Sound to fund innovative, low- impact development storm water management projects to meet critical storm water management needs and protect or restore water quality. Projects may include use of bioretention, rainwater harvest, permeable pavement, vegetated roofs, and other low-impact development techniques. Projects funded in Puget Sound must meet the design guidelines contained in the low-impact development technical guidance manual for Puget Sound, unless the municipality can demonstrate that site conditions warrant a deviation from the design guidelines and the deviations in design provides similar performance. All projects must include performance monitoring.

Reappropriation:	
State Toxics Control Account--State	\$799,000
Prior Biennia (Expenditures)	\$1,701,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,500,000

NEW SECTION. Sec. 3011. FOR THE DEPARTMENT OF ECOLOGY
Columbia River Program (20062010)

Reappropriation:	
State Building Construction Account--State	\$1,423,000
Prior Biennia (Expenditures)	\$14,577,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,000,000

NEW SECTION. Sec. 3012. FOR THE DEPARTMENT OF ECOLOGY
Motor Vehicle Mercury Removal Program (20062850)

Reappropriation:	
State Toxics Control Account--State	\$498,000
Prior Biennia (Expenditures)	\$502,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3013. FOR THE DEPARTMENT OF ECOLOGY
Columbia River Basin Water Supply Development Program (20062950)

Reappropriation:	
Columbia River Basin Water Supply Development Account--State	\$42,874,000

Prior Biennia (Expenditures)	\$1,626,000
Future Biennia (Projected Costs)	\$60,000,000
TOTAL	\$104,500,000

NEW SECTION, Sec. 3014. FOR THE DEPARTMENT OF ECOLOGY

Water Pollution Control Revolving Account (20064002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The department must give priority loan funding consideration to on-site septic system rehabilitation and replacement programs in Mason, Kitsap, and Jefferson counties for up to \$1,000,000 from the water pollution control revolving account--state in the second year of the funding cycle.

(2) Up to \$5,000,000 of the water pollution control revolving account--state reappropriation is for loans for on-site sewage replacement. This reappropriation may be used to: (a) Establish new or expand existing on-site sewage repair and replacement loan programs by county governments or tribes; or (b) develop a pilot program to administer an on-site sewage repair and replacement loan program through a qualified private or nonprofit lending institution. This reappropriation must be used in conjunction with water quality capital account--state reappropriation in section 3015 of this act provided solely for this purpose. The department must work with the department of health, the Puget Sound water quality action team, local governments, and the lending industry in developing and piloting this program.

Reappropriation:

Water Pollution Control Revolving Account--Federal	\$14,602,000
Water Pollution Control Revolving Account--State	\$23,752,000
Subtotal Reappropriation	\$38,354,000

Prior Biennia (Expenditures)	\$201,262,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$239,616,000

NEW SECTION, Sec. 3015. FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (20064007)

Reappropriation:

Water Quality Capital Account--State	\$3,663,000
State Building Construction Account--State	\$4,637,000
Subtotal Reappropriation	\$8,300,000

Prior Biennia (Expenditures)	\$39,190,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$47,490,000

NEW SECTION, Sec. 3016. FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (20064008)

Reappropriation:

State Building Construction Account--State	\$21,237,000
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Prior Biennia (Expenditures)	\$77,663,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$98,900,000

NEW SECTION, Sec. 3017. FOR THE DEPARTMENT OF ECOLOGY

Transfer of Water Rights for Cabin Owners (20081951)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the purchase of water for domestic water users in the Yakima Basin (Water Resource Inventory Areas 37, 38, and 39) that have a surface water right with a priority date later than May 10, 1905, as well as for all out-of-priority surface water users in the Yakima Basin. A portion of the reappropriation may be used for administrative and other costs associated with acquiring and transferring the water rights. The department must recover all costs from participating domestic water users for their prorated portion of the cost of securing a water right or rights for this purpose and associated annual operational costs owed to the United States bureau of reclamation. Funds recovered in this manner shall be placed in the drought preparedness account.

Reappropriation:

State Building Construction Account--State	\$450,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$450,000

NEW SECTION, Sec. 3018. FOR THE DEPARTMENT OF ECOLOGY

Puget Sound Storm Water Projects (20082002)

Reappropriation:

State Building Construction Account--State	\$17,294,000
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Prior Biennia (Expenditures)	\$626,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,920,000

NEW SECTION. Sec. 3019. FOR THE DEPARTMENT OF ECOLOGY
Storm Water Projects (20082003)

Reappropriation:

State Building Construction Account--State	\$1,792,000
Prior Biennia (Expenditures)	\$1,208,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 3020. FOR THE DEPARTMENT OF ECOLOGY
Breazeale Interpretive Center (20082856)

Reappropriation:

General Fund--Federal	\$270,000
Prior Biennia (Expenditures)	\$225,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$495,000

NEW SECTION. Sec. 3021. FOR THE DEPARTMENT OF ECOLOGY
Reclaimed Water (20084002)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for grants to local governments in Puget Sound to complete reclaimed water projects. Priority must be given to projects in water short areas where reclaimed water can be used to replace other water sources and where reclaimed water can be used to restore important ecosystem functions in Puget Sound.

Reappropriation:

State Building Construction Account--State	\$4,782,000
Prior Biennia (Expenditures)	\$673,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,455,000

NEW SECTION. Sec. 3022. FOR THE DEPARTMENT OF ECOLOGY
Puget Sound Aquatic Cleanup and Restoration (20084004)

Reappropriation:

State Toxics Control Account--State	\$2,209,000
Prior Biennia (Expenditures)	\$2,791,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3023. FOR THE DEPARTMENT OF ECOLOGY
Cleanup Toxic Sites in Puget Sound (20084005)

The reappropriation in this section is subject to the following conditions and limitations: Funding is provided solely for the clean- up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean-ups must include orphaned and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department must provide the Puget Sound partnership, as created by chapter 341, Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review must be consistent with the funding schedule for the program.

Reappropriation:

State Building Construction Account--State	\$5,431,000
Prior Biennia (Expenditures)	\$1,336,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,767,000

NEW SECTION. Sec. 3024. FOR THE DEPARTMENT OF ECOLOGY
Remedial Action Grants (20084008)

Reappropriation:

State Building Construction Account--State	\$54,000,000
Prior Biennia (Expenditures)	\$38,875,000
Future Biennia (Projected Costs)	\$0

TOTAL \$92,875,000

NEW SECTION. Sec. 3025. FOR THE DEPARTMENT OF ECOLOGY
 Safe Soils Remediation Grants (20084009)

Reappropriation:
 State Toxics Control Account--State \$2,069,000
 Prior Biennia (Expenditures) \$2,431,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,500,000

NEW SECTION. Sec. 3026. FOR THE DEPARTMENT OF ECOLOGY
 Centennial Clean Water Program (20084010)

Reappropriation:
 State Building Construction Account--State \$34,870,000
 Water Quality Capital Account--State \$4,698,000
 Subtotal Reappropriation \$39,568,000
 Prior Biennia (Expenditures) \$27,315,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$66,883,000

NEW SECTION. Sec. 3027. FOR THE DEPARTMENT OF ECOLOGY
 Water Pollution Control Loan Program (20084011)

Reappropriation:
 Water Pollution Control Revolving Account--Federal \$46,769,000
 Water Pollution Control Revolving Account--State \$55,521,000
 Subtotal Reappropriation \$102,290,000
 Prior Biennia (Expenditures) \$37,710,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$140,000,000

NEW SECTION. Sec. 3028. FOR THE DEPARTMENT OF ECOLOGY
 On-Site Septic Replacement Program (20084012)

Reappropriation:
 Water Quality Capital Account--State \$2,133,000
 Prior Biennia (Expenditures) \$867,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$3,000,000

NEW SECTION. Sec. 3029. FOR THE DEPARTMENT OF ECOLOGY
 Coordinated Prevention Grants (20084015)

Reappropriation:
 State Building Construction Account--State \$16,275,000
 Prior Biennia (Expenditures) \$9,225,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$25,500,000

NEW SECTION. Sec. 3030. FOR THE DEPARTMENT OF ECOLOGY
 Reduce Public Health Risks from Wood Stove Pollution (20084019)

Reappropriation:
 State Building Construction Account--State \$350,000
 Prior Biennia (Expenditures) \$1,650,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,000,000

NEW SECTION. Sec. 3031. FOR THE DEPARTMENT OF ECOLOGY
 Skykomish Cleanup (20084020)

Reappropriation:
 State Building Construction Account--State \$3,000,000
 Cleanup Settlement Account--State \$422,000
 Subtotal Reappropriation \$3,422,000

Prior Biennia (Expenditures)	\$6,578,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3032. FOR THE DEPARTMENT OF ECOLOGY

Waste Tire Pile Cleanup (20084022)

Reappropriation:

Waste Tire Removal Account--State	\$2,450,000
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Prior Biennia (Expenditures)	\$2,550,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 3033. FOR THE DEPARTMENT OF ECOLOGY

Reduce Health Risks from Toxic Diesel Pollution (20084024)

The reappropriation in this section is subject to the following conditions and limitations:

(1) Up to \$5,380,000 of the reappropriation is provided solely for clean diesel school bus projects for local school districts, that the department may use for the purposes of RCW 28A.160.205.

(2) Up to \$4,830,000 of the reappropriation is provided solely for clean diesel projects, other than for school buses, as described in RCW 70.94.017(2)(a) and may be distributed through grants to air pollution control authorities.

Reappropriation:

State Building Construction Account--State	\$3,449,000
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Prior Biennia (Expenditures)	\$6,761,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,210,000

NEW SECTION. Sec. 3034. FOR THE DEPARTMENT OF ECOLOGY

Twin Lake Aquifer Recharge Project (20042951)

Reappropriation:

State Building Construction Account--State	\$497,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$497,000

NEW SECTION. Sec. 3035. FOR THE DEPARTMENT OF ECOLOGY

Yakima River Basin Water Storage Feasibility Study (20084026)

The appropriation and reappropriation in this section are subject to the following conditions and limitations: The appropriation and reappropriation are provided solely for completion of the United States bureau of reclamation's Yakima Basin storage feasibility study, including the associated joint national environmental policy act, the state environmental policy act, and environmental impact statement. The appropriated and reappropriated funds are to be used by the bureau of reclamation and the department of ecology to evaluate potential in basin storage facilities such as the proposed Black Rock and Wymer reservoirs and other reasonable alternatives that will enhance water supply in the Yakima Basin.

Reappropriation:

State Building Construction Account--State	\$500,000
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Appropriation:

State Building Construction Account--State	\$2,000,000
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Prior Biennia (Expenditures)	\$2,750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,250,000

NEW SECTION. Sec. 3036. FOR THE DEPARTMENT OF ECOLOGY

Water Irrigation Efficiencies (20084028)

Reappropriation:

State Building Construction Account--State	\$1,715,000
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Prior Biennia (Expenditures)	\$1,285,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 3037. FOR THE DEPARTMENT OF ECOLOGY

Watershed Plan Implementation and Flow Achievement (20084029)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

(1) Surface or ground water storage projects, where such projects are consistent with the recommendations of the water storage task force. The department shall consult the departments of agriculture and fish and wildlife before issuing water storage grants.

(2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.

(3) Agricultural water supply projects that improve water conservation and water use efficiency.

(4) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use measurement.

(5) Acquisition of water to achieve instream flows or to establish water banks. The department must give priority to acquisitions in salmon critical basins. The department must place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW).

(6) Up to \$200,000 of the reappropriation is provided solely for a portion of the costs of the Ahtanum creek watershed restoration program, including construction of the Pine Hollow reservoir, provided there is agreement among the Yakama nation, Ahtanum irrigation district, and other jurisdictional federal, state, and local agencies and entities to proceed with the environmental impact statement.

(7) Up to \$560,000 is provided solely for the Chehalis watershed.

(8) Up to \$300,000 is provided solely for a grant to the Nisqually river foundation to support the watershed conservation plan, low-impact development program, and Nisqually river education program.

(9) Up to \$1,200,000 of the reappropriation is provided solely for grants to lead local government entities for planning unit administrative support to watershed planning units. Such grants must be provided only to those entities that have completed, approved plans that are actively being implemented. Grant amounts will range from \$30,000 to \$60,000, based on criteria to be developed by the department. Criteria should consider factors including complexity of water issues, geographical size, population growth pressure, rate of plan implementation, and others issues to be determined by the department.

Reappropriation:

State Building Construction Account--State	\$12,000,000
Prior Biennia (Expenditures)	\$2,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,000,000

NEW SECTION, Sec. 3038. FOR THE DEPARTMENT OF ECOLOGY

Mason County Consortium (20084851)

Reappropriation:

State Toxics Control Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION, Sec. 3039. FOR THE DEPARTMENT OF ECOLOGY

Flood Protection Study (20082855)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely for the department to conduct a study to determine the number of decertified levees in the state and to identify strategies for recertifying the levees so that they provide optimum protection for the communities protected by the levees. The department must prioritize areas to include in the study based on population and the economic impact of potential flood damage.

The study must include the following components:

(1) A working group of levee managers to advise and inform the study;

(2) A technical review of the structural integrity of levee systems;

(3) An inventory, map, and rate the effectiveness of existing levee systems; and

(4) The development of strategies and actions needed to improve the existing levee system and to ensure certification by the United States army corps of engineers for one-hundred year flood protection.

The study must be completed and a report provided to the appropriate legislative committees by July 1, 2010.

Reappropriation:

State Building Construction Account--State	\$280,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$280,000

NEW SECTION, Sec. 3040. FOR THE DEPARTMENT OF ECOLOGY

Water Measuring Devices (2001H009)

Reappropriation:

State Building Construction Account--State	\$652,000
Prior Biennia (Expenditures)	\$2,878,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,530,000

NEW SECTION. Sec. 3041. FOR THE DEPARTMENT OF ECOLOGY
Watershed Plan Implementation and Flow Achievement (20062003)

Reappropriation:

State Building Construction Account--State	\$2,600,000
Prior Biennia (Expenditures)	\$11,694,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,294,000

NEW SECTION. Sec. 3042. FOR THE DEPARTMENT OF ECOLOGY
Water Pollution Control Revolving Fund Program (30000007)

The appropriations in this section are subject to the following conditions and limitations: \$65,000,000 is provided from the American recovery and reinvestment act of 2009. For 2011 funding cycle, the department must accept applications until December 1, 2009. When reviewing project applications for financial assistance, the department shall prioritize projects related to actions required under federal and state permits and compliance orders, including projects with a history of noncompliance.

Appropriation:

Water Pollution Control Revolving Account--State	\$65,000,000
Water Pollution Control Revolving Account--Federal	\$45,000,000
Water Pollution Control--Federal ARRA	\$68,700,000
Subtotal Appropriation	\$178,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$285,000,000
TOTAL	\$463,700,000

NEW SECTION. Sec. 3043. FOR THE DEPARTMENT OF ECOLOGY
Centennial Clean Water Program (30000008)

The appropriation in this section is subject to the following conditions and limitations: The department must accept applications for the program until December 1, 2009. The program must include competitive application processes for projects relating to storm water systems, sewer systems, and septic systems prioritized on a worst-case, first-need basis.

Appropriation:

State Building Construction Account--State	\$30,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$240,000,000
TOTAL	\$270,000,000

NEW SECTION. Sec. 3044. FOR THE DEPARTMENT OF ECOLOGY
Reducing Health Threats from Woodstove Pollution (30000010)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$9,000,000

NEW SECTION. Sec. 3045. FOR THE DEPARTMENT OF ECOLOGY
Padilla Bay Reserve Boat Garage (30000011)

Appropriation:

General Fund--Federal	\$265,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$265,000

NEW SECTION. Sec. 3046. FOR THE DEPARTMENT OF ECOLOGY
Cleanup and Prevention of Waste Tire Piles (30000012)

Appropriation:

Waste Tire Removal Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3047. FOR THE DEPARTMENT OF ECOLOGY

Coordinated Prevention Grants (30000013)

The appropriation in this section is subject to the following conditions and limitations: \$4,270,000 of the appropriation is provided solely for grants to local governments for local waste and pollution prevention projects. Grants must fund new organics composting and conversion, green building, and moderate risk waste initiatives described in the state "beyond waste" plan, including alternatives to backyard burning of organic materials.

Appropriation:

State Building Construction Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$125,680,000
TOTAL	\$135,680,000

NEW SECTION, Sec. 3048. FOR THE DEPARTMENT OF ECOLOGY
Swift Creek Natural Asbestos Cleanup (30000015)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,800,000
TOTAL	\$15,800,000

NEW SECTION, Sec. 3049. FOR THE DEPARTMENT OF ECOLOGY
Upper Columbia River Black Sand Beach Cleanup (30000016)

Appropriation:

State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION, Sec. 3050. FOR THE DEPARTMENT OF ECOLOGY
Orphaned and Abandoned Site Cleanup Initiative (30000018)

Appropriation:

State Building Construction Account--State	\$1,000,000
Cleanup Settlement Account--State	\$277,000
Subtotal Appropriation	\$1,277,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,600,000
TOTAL	\$8,877,000

NEW SECTION, Sec. 3051. FOR THE DEPARTMENT OF ECOLOGY
Water Irrigation Efficiencies (30000027)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$15,000,000

NEW SECTION, Sec. 3052. FOR THE DEPARTMENT OF ECOLOGY
Safe Soils Remediation Program (30000019)

Appropriation:

State Building Construction Account--State	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION, Sec. 3053. FOR THE DEPARTMENT OF ECOLOGY
Skykomish Cleanup and Restoration (30000020)

Appropriation:

State Building Construction Account--State	\$2,300,000
Cleanup Settlement Account--State	\$2,050,000
Subtotal Appropriation	\$4,350,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,350,000

NEW SECTION. Sec. 3054. FOR THE DEPARTMENT OF ECOLOGY
 Storm Water Retrofit and Low-Impact Development Grant Program (30000097)

Appropriation:

State Building Construction Account--State	\$3,000,000
State and Local Improvements Revolving Account - Waste Disposal Facilities	\$1,284,000
State and Local Improvements Revolving Account - Waste Disposal Facilities, 1980	\$325,000
Subtotal Appropriation	\$4,609,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,609,000

NEW SECTION. Sec. 3055. FOR THE DEPARTMENT OF ECOLOGY
 Protect Communities from Flood and Drought (92000002)

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$2,500,000 of the appropriation is provided solely for the Columbia basin ground water management area ground water hydrologic modeling project. The project shall submit a report to the appropriate committees of the legislature that does the following:
 - (a) Describes the physical properties of the aquifer system and the variation of those properties throughout the area of concern,
 - (b) Quantifies the rate and location of aquifer recharge and discharge within the subarea,
 - (c) Quantifies the water balance for the by land use type,
 - (d) Demonstrates with empirical data a viable solution to the observed problems in the area of concern,
 - (e) Estimates the quantity of water needed for the solution, and
 - (f) Evaluates the physical and legal availability of such water from the Columbia River. The final report must be submitted by June 30, 2011.
- (2) \$10,000,000 of the appropriation is provided solely for a grant to repair the Horseshoe Bend levy that protects communities in the Kent valley.
- (3) \$150,000 of the appropriation is provided solely for a grant for the King County fire protection district no. 16 to prevent flood damage to the fire station.
- (4) \$2,350,000 of the appropriation is provided solely for a competitive grant program for projects that protect communities from flood damage and prepare communities for drought and water shortages. The department shall prioritize applications from communities most at risk to flood damage and drought and who are least able to fund mitigation projects from local resources. The department shall also seek to balance the needs of different regions of the state, and choose projects most ready to proceed.

Appropriation:

State Building Construction Account--State	\$15,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,000,000

NEW SECTION. Sec. 3056. FOR THE DEPARTMENT OF ECOLOGY
 Habitat Mitigation (91000007)

Appropriation:

State Building Construction Account--State	\$4,400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,400,000

NEW SECTION. Sec. 3057. FOR THE DEPARTMENT OF ECOLOGY
 Protect Coastal Beaches in Southwest Washington (30000024)

Appropriation:

State Building Construction Account--State	\$1,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,700,000

NEW SECTION. Sec. 3058. FOR THE DEPARTMENT OF ECOLOGY
 Watershed Plan Implementation and Flow Achievement (30000028)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for grants for projects that improve water supplies and help achieve instream flows by implementing watershed plans, as follows:

(1) Surface or groundwater storage feasibility projects, where such projects are consistent with the recommendations of the water storage task force report to the Legislature, February 2001 (department of ecology publication # 01-11-2002). The department shall consult the departments of agriculture and fish and wildlife before issuing water storage grants.

(2) Infrastructure or water management projects that resolve conflicts among water needs for municipal, agricultural, rural, and fish restoration purposes. The stream flow improvements and other public benefits secured from these projects must be commensurate with the investment of state funds.

(3) Water supply projects for public agriculture water supply facilities that improve water conservation and water use efficiency.

(4) Purchase and installation of water measuring devices in salmon critical basins and areas participating in the department of fish and wildlife fish screening and cooperative compliance program, and basins where watershed plans call for additional water use or stream flow measurement.

(5) Acquisition of water to achieve instream flows or to establish water banks, water exchanges or similar tools. The department of ecology must give priority to water acquisitions in salmon critical basins and in basins with approved watershed plans. The department of ecology must place acquired water into the state's trust water rights program (chapters 90.38 and 90.42 RCW).

(6) Up to \$600,000 of the appropriation is provided solely for grants to lead local government entities for planning unit administrative support to watershed planning units. Such grants shall only be provided to those entities that have completed, approved plans that are actively being implemented and provide one hundred percent in-kind or monetary match. Grant amounts will range from \$30,000 to \$60,000, based on criteria to be developed by the department. Criteria should consider factors including complexity of water issues, geographical size, population growth pressure, rate of plan implementation, and others issues to be determined by the department.

Appropriation:

State Building Construction Account--State	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	\$46,000,000

NEW SECTION, Sec. 3059. FOR THE DEPARTMENT OF ECOLOGY

Kittitas Groundwater Study (30000029)

Appropriation:

State and Local Improvements Revolving Account (Water Supply Facilities)--State	\$700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$700,000

NEW SECTION, Sec. 3060. FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grant Program (30000039)

Appropriation:

State Building Construction Account--State	\$37,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	\$217,700,000

NEW SECTION, Sec. 3061. FOR THE DEPARTMENT OF ECOLOGY

Leaking Underground Tanks (91000002)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided from the American recovery and reinvestment act of 2009 for leaking underground tanks.

Appropriation:

General Fund--Federal	\$3,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION, Sec. 3062. FOR THE DEPARTMENT OF ECOLOGY

Diesel Emissions Reduction (91000003)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided from the American recovery and reinvestment act of 2009 for diesel emissions reduction.

Appropriation:

General Fund--Federal	\$1,730,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,730,000

NEW SECTION. Sec. 3063. FOR THE STATE PARKS AND RECREATION COMMISSION
Rocky Reach - Chelan County Public Utility District (20061023)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation in this section is provided solely to construct and surface the northern mile of Rocky Reach trail, and partially fund installation of signs, interpretive panels, and bridges related to the 5.1 mile project.

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3064. FOR THE STATE PARKS AND RECREATION COMMISSION
Cama Beach Donation (20062853)

Reappropriation:

General Fund--Private/Local	\$1,630,000
Prior Biennia (Expenditures)	\$286,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,916,000

NEW SECTION. Sec. 3065. FOR THE STATE PARKS AND RECREATION COMMISSION
Hood Canal Wastewater (20061850)

Reappropriation:

Hood Canal Aquatic Rehabilitation Bond Account-- State	\$3,930,000
Prior Biennia (Expenditures)	\$1,990,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,920,000

NEW SECTION. Sec. 3066. FOR THE STATE PARKS AND RECREATION COMMISSION
Puget Sound Wastewater (20061851)

Reappropriation:

State Building Construction Account--State	\$1,300,000
Prior Biennia (Expenditures)	\$6,075,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,375,000

NEW SECTION. Sec. 3067. FOR THE STATE PARKS AND RECREATION COMMISSION
Minor Works - Facility Preservation (20081001)

Reappropriation:

State Building Construction Account--State	\$2,810,000
State Toxics Control Account--State	\$100,000
Subtotal Reappropriation	\$2,910,000
Prior Biennia (Expenditures)	\$6,090,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,000,000

NEW SECTION. Sec. 3068. FOR THE STATE PARKS AND RECREATION COMMISSION
Historic Preservation (20081002)

Reappropriation:

State Building Construction Account--State	\$2,127,000
Prior Biennia (Expenditures)	\$4,064,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,191,000

NEW SECTION. Sec. 3069. FOR THE STATE PARKS AND RECREATION COMMISSION
Cape Disappointment Major Park Upgrade (20081012)

Reappropriation:

State Building Construction Account--State	\$10,000
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Prior Biennia (Expenditures)	\$490,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3070. FOR THE STATE PARKS AND RECREATION COMMISSION
 Lake Sammamish Major Park Upgrade (20081014)

Reappropriation:

State Building Construction Account--State	\$425,000
Prior Biennia (Expenditures)	\$758,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,183,000

NEW SECTION. Sec. 3071. FOR THE STATE PARKS AND RECREATION COMMISSION
 Storm Water Improvements (20081027)

Reappropriation:

State Building Construction Account--State	\$235,000
Prior Biennia (Expenditures)	\$336,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$571,000

NEW SECTION. Sec. 3072. FOR THE STATE PARKS AND RECREATION COMMISSION
 Road Preservation (20081036)

Reappropriation:

State Building Construction Account--State	\$1,227,000
Prior Biennia (Expenditures)	\$2,473,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,700,000

NEW SECTION. Sec. 3073. FOR THE STATE PARKS AND RECREATION COMMISSION
 Ft. Flagler - Parkwide Sewage Treatment System (20081044)

Reappropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$1,973,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,773,000

NEW SECTION. Sec. 3074. FOR THE STATE PARKS AND RECREATION COMMISSION
 Visible Park Improvements (20081951)

Reappropriation:

State Building Construction Account--State	\$2,730,000
Prior Biennia (Expenditures)	\$7,270,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 3075. FOR THE STATE PARKS AND RECREATION COMMISSION
 Nisqually Mashel State Park (20081953)

Reappropriation:

State Building Construction Account--State	\$84,000
Prior Biennia (Expenditures)	\$416,000
Future Biennia (Projected Costs)	\$1,618,000
TOTAL	\$2,118,000

NEW SECTION. Sec. 3076. FOR THE STATE PARKS AND RECREATION COMMISSION
 Pearrygin Lake Major Park Upgrade (20082016)

Reappropriation:

State Building Construction Account--State	\$460,000
Prior Biennia (Expenditures)	\$907,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,367,000

NEW SECTION. Sec. 3077. FOR THE STATE PARKS AND RECREATION COMMISSION
Bay View Park Wide Wastewater Treatment System (20082041)

Reappropriation:

State Building Construction Account--State	\$1,760,000
Prior Biennia (Expenditures)	\$427,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,187,000

NEW SECTION. Sec. 3078. FOR THE STATE PARKS AND RECREATION COMMISSION
Bigelow House (20082850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for a grant for capital improvements to the Bigelow house.

Reappropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 3079. FOR THE STATE PARKS AND RECREATION COMMISSION
Ike Kinswa State Park Improvement (20082950)

Reappropriation:

Parks Renewal and Stewardship Account--Private/Local	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 3080. FOR THE STATE PARKS AND RECREATION COMMISSION
Clean Vessel Boating Pumpout Grants (20084035)

Reappropriation:

General Fund--Federal	\$700,000
Prior Biennia (Expenditures)	\$300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3081. FOR THE STATE PARKS AND RECREATION COMMISSION
Trail Development (20081008)

Reappropriation:

State Building Construction Account--State	\$950,000
Prior Biennia (Expenditures)	\$3,050,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3082. FOR THE STATE PARKS AND RECREATION COMMISSION
Minor Works Preservation (30000001)

Appropriation:

State Building Construction Account--State	\$6,930,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,641,000
TOTAL	\$47,571,000

NEW SECTION. Sec. 3083. FOR THE STATE PARKS AND RECREATION COMMISSION
Trail Development (30000003)

Appropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 3084. FOR THE STATE PARKS AND RECREATION COMMISSION
 Facility and Infrastructure Backlog Reduction (30000005)

The appropriation in this section is subject to the following conditions and limitations: Based on the plan developed during the 2007-09 biennium that addressed the key findings in the 2006 study of the commission's capital development, execution, and monitoring process, the commission shall, prior to allotment of funds, provide the office of financial management a comprehensive list of deferred maintenance projects that when completed will reduce the commission's backlog of preservation projects.

Appropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$15,500,000

NEW SECTION. Sec. 3085. FOR THE STATE PARKS AND RECREATION COMMISSION
 Federal Grant Authority (30000006)

Appropriation:

General Fund--Federal	\$990,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$4,990,000

NEW SECTION. Sec. 3086. FOR THE STATE PARKS AND RECREATION COMMISSION
 Local Grant Authority (30000007)

Appropriation:

Parks Renewal and Stewardship Account--Private/Local	\$990,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$4,990,000

NEW SECTION. Sec. 3087. FOR THE STATE PARKS AND RECREATION COMMISSION
 Parkland Acquisition (91000005)

Appropriation:

Parkland Acquisition Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 3088. FOR THE STATE PARKS AND RECREATION COMMISSION
 Emergency Repairs (30000010)

Appropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,400,000
TOTAL	\$3,000,000

NEW SECTION. Sec. 3089. FOR THE STATE PARKS AND RECREATION COMMISSION
 Clean Vessel Boating Pumpout Grants (30000021)

The appropriation in this section is subject to the following conditions and limitations: The state parks and recreation commission shall provide lists of potential purchases and sales to the office of financial management and the appropriate policy and fiscal committees of the legislature prior to committing the state parks and recreation commission to any sale or purchase of land or buildings and prior to any allotments made for those purchases. The list must include any potential operating or capital cost impacts known to the state parks and recreation commission.

Appropriation:

General Fund--Federal	\$3,465,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,200,000
TOTAL	\$10,665,000

NEW SECTION. Sec. 3090. FOR THE STATE PARKS AND RECREATION COMMISSION
 Illahee State Park Wastewater Treatment Upgrade (30000447)

Appropriation:

State Building Construction Account--State	\$1,850,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,850,000

NEW SECTION. Sec. 3091. FOR THE STATE PARKS AND RECREATION COMMISSION

Cama Beach State Park (30000101)

Appropriation:

State Building Construction Account--State	\$3,265,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,265,000

NEW SECTION. Sec. 3092. FOR THE STATE PARKS AND RECREATION COMMISSION

Rocky Reach State Park Trail Development (30000169)

Appropriation:

State Building Construction Account--State	\$168,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,000,000
TOTAL	\$1,168,000

NEW SECTION. Sec. 3093. FOR THE STATE PARKS AND RECREATION COMMISSION

Flaming Geyser State Park Park-wide Infrastructure Redevelopment (30000173)

Appropriation:

State Building Construction Account--State	\$3,533,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,533,000

NEW SECTION. Sec. 3094. FOR THE STATE PARKS AND RECREATION COMMISSION

Dash Point State Park Sanitary Sewer Collection System (30000269)

Appropriation:

State Building Construction Account--State	\$3,820,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,820,000

NEW SECTION. Sec. 3095. FOR THE STATE PARKS AND RECREATION COMMISSION

Kiket Island Acquisition (30000431)

Appropriation:

General Fund--Federal	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 3096. FOR THE STATE PARKS AND RECREATION COMMISSION

Admiralty Inlet Heritage Forest (30000432)

Appropriation:

General Fund--Federal	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3097. FOR THE STATE PARKS AND RECREATION COMMISSION

Fort Worden State Park Housing Areas Exterior Improvements (30000433)

Appropriation:

State Building Construction Account--State	\$746,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,476,000
TOTAL	\$3,222,000

NEW SECTION, Sec. 3098. FOR THE STATE PARKS AND RECREATION COMMISSION
 Infrastructure Savings (30000480)

The appropriation in this section is subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1

NEW SECTION, Sec. 3099. FOR THE STATE PARKS AND RECREATION COMMISSION
 Puget Sound Initiative (30000050)

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$26,698,000
TOTAL	\$28,698,000

NEW SECTION, Sec. 3100. FOR THE STATE PARKS AND RECREATION COMMISSION
 Twanoh State Park: Storm Water Improvements (30000054)

Appropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,374,000
TOTAL	\$2,624,000

NEW SECTION, Sec. 3101. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Boating Facilities Projects (19982001)

Reappropriation:

Recreation Resources Account--State	\$359,000
Prior Biennia (Expenditures)	\$25,019,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$25,378,000

NEW SECTION, Sec. 3102. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Washington Wildlife and Recreation Program (19982003)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are subject to the provisions in section 158, chapter 371, Laws of 2006.

Reappropriation:

Outdoor Recreation Account--State	\$596,000
Habitat Conservation Account--State	\$687,000
Subtotal Reappropriation	\$1,283,000
Prior Biennia (Expenditures)	\$176,988,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$178,271,000

NEW SECTION, Sec. 3103. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Firearms and Archery Range Program (19982004)

Reappropriation:

Firearms Range Account--State	\$13,000
Prior Biennia (Expenditures)	\$872,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$885,000

NEW SECTION. Sec. 3104. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
Firearms and Archery Range Program (20020001)

Reappropriation:

Firearms Range Account--State	\$21,000
Prior Biennia (Expenditures)	\$379,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

NEW SECTION. Sec. 3105. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
Boating Facilities Program (20024001)

Reappropriation:

Recreation Resources Account--State	\$158,000
Prior Biennia (Expenditures)	\$6,776,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,934,000

NEW SECTION. Sec. 3106. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
Washington Wildlife and Recreation Program (20024003)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund projects in the following order: (1) The department of natural resources Cypress Island project; and (2) alternate projects approved by the legislature from the same account in biennia succeeding that in which the funds were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$158,000
Habitat Conservation Account--State	\$479,000
Subtotal Reappropriation	\$637,000
Prior Biennia (Expenditures)	\$44,363,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$45,000,000

NEW SECTION. Sec. 3107. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
Salmon Recovery Funding Board Programs (20024007)

Reappropriation:

State Building Construction Account--State	\$253,000
Prior Biennia (Expenditures)	\$69,313,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$69,566,000

NEW SECTION. Sec. 3108. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
Salmon Recovery Fund Board Programs (20044001)

Reappropriation:

State Building Construction Account--State	\$2,500,000
General Fund--Federal	\$9,540,000
Subtotal Reappropriation	\$12,040,000
Prior Biennia (Expenditures)	\$34,335,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$46,375,000

NEW SECTION. Sec. 3109. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
Washington Wildlife and Recreation Program (20044002)

The reappropriations in this section are subject to the following conditions and limitations: Any amount of the reappropriations that is not obligated to a specific project may be used to fund alternate projects approved by the legislature from the same account in biennia succeeding that in which the moneys were originally appropriated.

Reappropriation:

Outdoor Recreation Account--State	\$1,499,000
Habitat Conservation Account--State	\$4,789,000
Subtotal Reappropriation	\$6,288,000
Prior Biennia (Expenditures)	\$38,712,000
Future Biennia (Projected Costs)	\$0

TOTAL \$45,000,000

NEW SECTION, Sec. 3110. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Boating Facilities Program (20044003)

Reappropriation:
 Recreation Resources Account--State \$165,000
 Prior Biennia (Expenditures) \$7,342,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$7,507,000

NEW SECTION, Sec. 3111. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Nonhighway and Off-Road Vehicle Activities Program (20044004)

Reappropriation:
 NOVA Program Account--State \$1,032,000
 Prior Biennia (Expenditures) \$5,895,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,927,000

NEW SECTION, Sec. 3112. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Firearms and Archery Range Program (20044006)

Reappropriation:
 Firearms Range Account--State \$28,000
 Prior Biennia (Expenditures) \$222,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$250,000

NEW SECTION, Sec. 3113. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Land and Water Conservation Fund (20044007)

Reappropriation:
 General Fund--Federal \$267,000
 Prior Biennia (Expenditures) \$5,468,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$5,735,000

NEW SECTION, Sec. 3114. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Boating Infrastructure Grant (20044009)

Reappropriation:
 General Fund--Federal \$262,000
 Prior Biennia (Expenditures) \$1,666,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,928,000

NEW SECTION, Sec. 3115. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Youth Athletic Fields (20062952)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for competitive grants for acquisition, development, and renovation of youth athletic fields. The committee shall follow the applicable rules of the youth athletic facilities program, except that grants for maintenance are not eligible and the amount of a grant need not be in proportion to the population of the city or county where the community outdoor athletic facility is located, and if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the recreation and conservation funding board may distribute any remaining funds to other categories within the youth athletic facility account.

Reappropriation:
 State Building Construction Account--State \$1,971,000
 Prior Biennia (Expenditures) \$529,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$2,500,000

NEW SECTION, Sec. 3116. FOR THE RECREATION AND CONSERVATION FUNDING BOARD
 Salmon Recovery Fund Board Programs (20064001)

The reappropriations in this section are subject to the following conditions and limitations: The reappropriations are provided solely for grants for salmon recovery efforts. These grants may include a grant to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

Reappropriation:

General Fund--Federal	\$21,012,000
State Building Construction Account--State	\$6,522,000
Subtotal Reappropriation	\$27,534,000
Prior Biennia (Expenditures)	\$34,466,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$62,000,000

NEW SECTION. Sec. 3117. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife and Recreation Program (20064002)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2005-14 as developed on April 9, 2005.

(2) Funds reappropriated for distribution according to RCW 79A.15.050 must fulfill the uses and restrictions of each category whether the funds are distributed according to the statutory allotment, the unallocated distribution, or a reassignment of reappropriations. If the cumulative total for acquisition projects is less than the statutory requirement, the difference may be allocated to the remaining development projects.

(3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

Reappropriation:

Habitat Conservation Account--State	\$6,725,000
Outdoor Recreation Account--State	\$6,859,000
Subtotal Reappropriation	\$13,584,000
Prior Biennia (Expenditures)	\$36,416,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$50,000,000

NEW SECTION. Sec. 3118. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (20064003)

Reappropriation:

Recreation Resources Account--State	\$451,000
Prior Biennia (Expenditures)	\$6,820,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,271,000

NEW SECTION. Sec. 3119. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway and Off-Road Vehicle Program (20064004)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$100,000 of the reappropriation is for the following studies:

(1) The board must prepare cost estimates for creating a database of motorized and nonmotorized off-road trails and facilities in Washington state. The cost estimate shall consider the possibility of a database that allows the downloading of maps formatted for the most widely used global positioning system devices, including the feasibility and cost to make global positioning system maps readily available for all users of Washington recreational lands and facilities. For this purpose, available global positioning system maps shall include global positioning system maps developed by state agencies, by federal agencies, and proprietary maps offered by private companies.

(2) The board must recommend a program for enhanced education and enforcement regarding excessive noise from off-road vehicles. The study must include a review of relevant existing laws and regulations. The recommendations must address the appropriate equipment needed for enforcement, model ordinances, enhanced educational strategies, and a proposed grant program to assist local governments to more effectively reduce the impact of excessive off-road vehicle noise in rural residential neighborhoods and nonresidential areas, including consideration of grant programs for planning departments, code enforcement departments, health departments, or other entities of local government.

Reappropriation:

NOVA Program Account--State	\$2,364,000
Prior Biennia (Expenditures)	\$5,215,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,579,000

NEW SECTION. Sec. 3120. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Firearm and Archery Range Program (20064006)

Reappropriation:

Firearms Range Account--State	\$18,000
Prior Biennia (Expenditures)	\$204,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$222,000

NEW SECTION. Sec. 3121. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Land and Water Conservation Fund (20064007)

Reappropriation:

General Fund--Federal	\$1,880,000
Prior Biennia (Expenditures)	\$1,474,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,354,000

NEW SECTION. Sec. 3122. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

National Recreation Trails Program (20064008)

Reappropriation:

General Fund--Federal	\$501,000
Prior Biennia (Expenditures)	\$2,297,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,798,000

NEW SECTION. Sec. 3123. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest and Fish Passage Program (20082001)

Reappropriation:

State Building Construction Account--State	\$2,859,000
Prior Biennia (Expenditures)	\$3,141,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3124. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Facilities Program (20084001)

Reappropriation:

Recreation Resources Account--State	\$6,850,000
Prior Biennia (Expenditures)	\$1,171,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,021,000

NEW SECTION. Sec. 3125. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Improvement Grants (20084002)

Reappropriation:

General Fund--Federal	\$158,000
Prior Biennia (Expenditures)	\$42,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 3126. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Firearms and Archery Range Recreation (20084003)

Reappropriation:

Firearms Range Account--State	\$358,000
Prior Biennia (Expenditures)	\$114,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$472,000

NEW SECTION. Sec. 3127. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Restoration and Acquisition (20084004)

Reappropriation:

State Building Construction Account--State	\$29,083,000
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Prior Biennia (Expenditures)	\$11,667,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$40,750,000

NEW SECTION. Sec. 3128. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (20084005)

The reappropriation in this section is subject to the following conditions and limitations:

(1) The reappropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.

(2) The board shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list must result from a competitive grants program developed by the board based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

Reappropriation:

State Building Construction Account--State	\$3,326,000
Prior Biennia (Expenditures)	\$1,699,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,025,000

NEW SECTION. Sec. 3129. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Hatchery Reform Program (20084006)

Reappropriation:

General Fund--Federal	\$400,000
Prior Biennia (Expenditures)	\$5,600,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3130. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Land and Water Conservation Fund (20084007)

Reappropriation:

General Fund--Federal	\$765,000
Prior Biennia (Expenditures)	\$235,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 3131. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Nonhighway Off-Road Vehicle Activities Program (20084008)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$450,000 of the reappropriation is provided solely for grants to local law enforcement and noise enforcement agencies for the enforcement of existing state noise laws and regulations. Grants may be used to acquire noise monitoring equipment and to compensate law enforcement agencies for staff overtime and administrative expenses. Funds for noise enforcement grants shall come from amounts allocated for the purposes specified in RCW 46.09.170(2)(d).

Reappropriation:

NOVA Program Account--State	\$7,184,000
Prior Biennia (Expenditures)	\$1,852,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,036,000

NEW SECTION. Sec. 3132. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

National Recreational Trails Program (20084009)

Reappropriation:

General Fund--Federal	\$2,395,000
Prior Biennia (Expenditures)	\$1,105,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 3133. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (20084011)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for the approved list of projects in LEAP capital document No. 2007-3 as developed on March 17, 2007, and LEAP capital document No. 2008-1 as developed on February 13, 2008.

(2) If additional funds are available after funding the farmlands preservation account projects approved in subsection (1) of this section, the committee may: Provide one-time grants of up to \$25,000 each to counties requesting assistance in developing farmlands preservation strategies for the purpose of seeking grants from the farmlands preservation account in future grant cycles.

(3) Funds reappropriated for distribution according to the provisions of RCW 79A.15.040(1)(c) must be allocated forty percent to local government projects and sixty percent to state agency projects. If the cumulative total of local government projects is less than forty percent of the total distribution to this category, the difference may be allocated to state agency projects.

(4) Up to \$627,299 of the reappropriation from the riparian protection account is provided solely for the Chehalis river surge plain natural area preserve. This amount may not be expended for the project until the department of natural resources has completed a management plan for the preserve that maintains recreational access and that management plan is presented to the house of representatives capital budget and senate ways and means committees.

Reappropriation:

Farmlands Preservation Account--State	\$5,300,000
Riparian Protection Account--State	\$12,500,000
Habitat Conservation Account--State	\$23,956,000
Outdoor Recreation Account--State	\$22,994,000
Subtotal Reappropriation	\$64,750,000
Prior Biennia (Expenditures)	\$35,250,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000,000

NEW SECTION. Sec. 3134. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Fund Board Programs (20084851)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations in this section are provided solely for grants for salmon recovery efforts. These grants may include grants to any regional recovery board and/or may include grants for additional restoration projects, monitoring activities, or other salmon recovery actions.

(2) The administrative funding currently provided by the salmon recovery funding board for the regional salmon recovery organization in Puget Sound shall be redirected to the Puget Sound partnership created in chapter 341, Laws of 2007.

(3) Prior to awarding project grants for projects in Puget Sound, the salmon recovery funding board must submit the list of proposed projects to the Puget Sound partnership for their review. The Puget Sound partnership must provide their comments back to the salmon recovery funding board within forty-five days of receiving the proposed list of projects.

Reappropriation:

General Fund--Federal	\$25,616,000
State Building Construction Account--State	\$11,681,000
Subtotal Reappropriation	\$37,297,000
Prior Biennia (Expenditures)	\$22,703,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$60,000,000

NEW SECTION. Sec. 3135. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Washington Wildlife Recreation Grants (30000002)

The appropriations in this section are subject to the following conditions and limitations:

The appropriations are provided solely for the list of projects in LEAP capital document No. 2009-1a, developed April 23, 2009.

Appropriation:

Riparian Protection Account--State	\$10,000,000
Habitat Conservation Account--State	\$27,000,000
Outdoor Recreation Account--State	\$27,000,000
Farmlands Preservation Account--State	\$6,000,000
Subtotal Appropriation	\$70,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$270,000,000

NEW SECTION. Sec. 3136. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Salmon Recovery Fund Board Programs (30000003)

Appropriation:

General Fund--Federal	\$60,000,000
State Building Construction Account--State	\$10,000,000
Subtotal Appropriation	\$70,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$240,000,000
TOTAL	\$310,000,000

NEW SECTION. Sec. 3137. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Land and Water Conservation Fund (30000005)

Appropriation:

General Fund--Federal	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3138. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account (30000007)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the list of projects in LEAP capital document No. 2009-3, developed March 9, 2009.

Appropriation:

State Building Construction Account--State	\$5,025,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,100,000
TOTAL	\$25,125,000

NEW SECTION. Sec. 3139. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Firearms and Archery Range Recreation (30000009)

Appropriation:

Firearms Range Account--State	\$495,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,412,000
TOTAL	\$1,907,000

NEW SECTION. Sec. 3140. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Boating Improvement Grants (30000010)

Appropriation:

General Fund--Federal	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$5,000,000

NEW SECTION. Sec. 3141. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

National Recreational Trails Program (30000012)

Appropriation:

General Fund--Federal	\$4,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$20,000,000

NEW SECTION. Sec. 3142. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Acquisition and Restoration (30000080)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to protect and restore habitat in Puget Sound with a focus on acquiring and protecting critical habitat and restoring habitat function.

(2) Only projects on approved watershed three-year work plans or specified in the Puget Sound action agenda are eligible for funding. Projects approved must advance the priorities of the Puget Sound salmon recovery plan, the Hood Canal summer chum plan, or the action agenda.

(3) The salmon recovery funding board shall award grants pursuant to a prioritized list submitted by the leadership council of the Puget Sound partnership. The list shall be based upon recommendations made by the Puget Sound salmon recovery council and the Hood Canal coordinating council. The technical review panel of the salmon recovery funding board shall conduct final design review and advise the board on project selection.

(4) The recreation and conservation office shall administer these grants and shall retain three percent for administrative purposes. The partnership and the recreation and conservation office may negotiate an additional amount not to exceed six percent to cover costs incurred by lead entities and the partnership to recruit, review, and prioritize these projects.

(5) An equitable share of the cost of the technical review panel of the salmon recovery funding board shall be paid from this appropriation to conduct final design review and advise the salmon recovery funding board and the partnership of its views on proposed projects.

(6) By September 15, 2010, the Puget Sound partnership leadership council shall submit a list of proposed projects to the office of financial management for the 2011-2013 biennium.

Appropriation:

State Building Construction Account--State	\$33,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$132,000,000
TOTAL	\$165,000,000

NEW SECTION. Sec. 3143. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Puget Sound Estuary and Salmon Restoration Program (30000081)

The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is provided solely to restore nearshore habitat and estuaries in Puget Sound. The focus shall be on protecting and restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The recreation and conservation office shall award grants pursuant to a prioritized list submitted by the leadership council of the Puget Sound partnership. Project evaluation criteria shall be developed in cooperation with the Puget Sound nearshore steering committee and the Puget Sound partnership. The criteria shall be consistent and aligned with the actions and priorities of the action agenda and the technical guidance developed by the Puget Sound nearshore science team.

(3) Eligible projects must be within Puget Sound and identified in a current salmon recovery, watershed, nearshore habitat restoration and protection plan or the Puget Sound partnership 2020 action agenda.

(4) The recreation and conservation office shall retain three percent for administrative purposes.

Appropriation:

State Building Construction Account--State	\$7,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,000,000
TOTAL	\$35,000,000

NEW SECTION. Sec. 3144. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Family Forest Fish Passage Program (91000001)

Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,000,000
TOTAL	\$23,000,000

NEW SECTION. Sec. 3145. FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Habitat Restoration Grants (91000002)

Appropriation:

General Fund--Federal	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 3146. FOR THE STATE CONSERVATION COMMISSION

Livestock Nutrient Program (20084001)

Reappropriation:

Water Quality Capital Account--State	\$700,000
Prior Biennia (Expenditures)	\$3,300,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 3147. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program Water Quality (20084002)

Reappropriation:

State Building Construction Account--State	\$707,000
Prior Biennia (Expenditures)	\$2,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$709,000

NEW SECTION. Sec. 3148. FOR THE STATE CONSERVATION COMMISSION

Conservation Reserve Enhancement Program Cost Share (20084005)

Reappropriation:

State Building Construction Account--State	\$1,100,000
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Prior Biennia (Expenditures)	\$70,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,170,000

NEW SECTION, Sec. 3149. FOR THE STATE CONSERVATION COMMISSION
 Flood Assistance for Farm Communities (20084850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely to restore agricultural infrastructure and equipment necessary to repair, replace, or maintain infrastructure that provides public health and safety, water quality, and fish and wildlife habitat protection, including debris removal, fencing, replacing manure lagoons, and properly functioning equipment and facilities.

Reappropriation:

State Building Construction Account--State	\$1,300,000
Prior Biennia (Expenditures)	\$200,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION, Sec. 3150. FOR THE STATE CONSERVATION COMMISSION
 Skokomish Anaerobic Digester (20064009)

Reappropriation:

State Building Construction Account--State	\$474,000
Prior Biennia (Expenditures)	\$86,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$560,000

NEW SECTION, Sec. 3151. FOR THE STATE CONSERVATION COMMISSION
 Livestock Nutrient Program (30000001)

Appropriation:

State Taxable Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$18,000,000

NEW SECTION, Sec. 3152. FOR THE STATE CONSERVATION COMMISSION
 Conservation Reserve Enhancement Program (30000003)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$7,200,000
TOTAL	\$8,200,000

NEW SECTION, Sec. 3153. FOR THE STATE CONSERVATION COMMISSION
 Practice Incentive Payment Loan Program (30000005)

Appropriation:

Conservation Assistance Revolving Account--State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,000,000
TOTAL	\$2,400,000

NEW SECTION, Sec. 3154. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Facility, Infrastructure, Lands, and Access Condition Improvements (20061002)

Reappropriation:

State Building Construction Account--State	\$240,000
Prior Biennia (Expenditures)	\$6,255,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,495,000

NEW SECTION, Sec. 3155. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Puget Sound Initiative - Nearshore Salmon Restoration (20062001)

The reappropriations in this section are subject to the following conditions and limitations:

(1) The reappropriations are provided solely for efforts to restore nearshore habitat and estuaries in Puget Sound. The department of fish and wildlife must focus on restoring natural nearshore processes, including protection and restoration of beach sediments and removal of existing bulkheads.

(2) The department of fish and wildlife shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007 the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review must be consistent with the funding schedule for the program.

(3) Funded projects require a nonstate match or in-kind contributions. The department of fish and wildlife must seek to maximize the amount of nonstate match from local, state, tribal, and federal partners. Individual projects require a minimum 33 percent cash or in-kind match.

(4) Eligible projects must be within Puget Sound and identified by a salmon recovery lead entity or marine resource committee and identified in a current salmon recovery, watershed, or nearshore habitat restoration and protection plan.

(5) Project evaluation criteria must be developed by the Puget Sound nearshore steering committee. The criteria must be consistent with the technical guidance developed by the Puget Sound nearshore science team and shall be coordinated with the salmon recovery funding board to ensure that project funding and matching requirements are maximized to the greatest extent possible.

(6) The department of fish and wildlife must not utilize any amount of these reappropriations to support administration or overhead. Funding to support the administration of the funds and the implementation of selected projects must be obtained from the department of fish and wildlife's operating budget.

(7) In recognition of the urgent need to complete the Puget Sound nearshore ecosystem restoration project general investigation, up to \$1,446,000 of these reappropriations may be used to match federal funds implementing the cost-share agreement between the department and the United States army corps of engineers.

(8) Up to \$2,061,735 of the reappropriations are provided solely for the following projects:

Project	Amount
Duwamish Garden estuary restoration	\$300,000
Seahurst Park bulkhead phase II	\$1,100,000
Lower Dosewallips floodplain	\$609,875
Titlow Beach pocket estuary restoration	\$51,860

Reappropriation:

State Building Construction Account--State	\$6,636,000
General Fund--Federal	\$600,000
Subtotal Reappropriation	\$7,236,000
Prior Biennia (Expenditures)	\$7,190,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,426,000

NEW SECTION. Sec. 3156. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Health Safety and Code Requirements (20081001)

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$1,850,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,100,000

NEW SECTION. Sec. 3157. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Voights Creek Hatchery (20081003)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$200,000 of the amount appropriated is provided solely for the repair necessary to restore the facility for limited operations;

(2) \$550,000 of the amount appropriated is provided solely for property acquisition. If the department does not acquire property that is adjacent to the existing property, the amount provided in this subsection shall lapse; and

(3) \$50,000 of the amount appropriated is provided solely for the department to participate in a work group with the Puyallup Tribe of Indians that will make recommendations no later than December 1, 2009, regarding the options for improving production from hatcheries along the Puyallup river system while reducing cost. Options to be considered include shifting production among the hatcheries, consolidation of hatcheries, and shifting responsibilities for construction, maintenance and operations of hatcheries.

Reappropriation:

State Building Construction Account--State	\$150,000
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Appropriation:

State Building Construction Account--State	\$800,000
Prior Biennia (Expenditures)	\$355,000
Future Biennia (Projected Costs)	\$1,800,000
TOTAL	\$3,105,000

NEW SECTION. Sec. 3158. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Statewide Fencing Renovation and Replacement (20081009)

Reappropriation:

State Building Construction Account--State	\$140,000
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Prior Biennia (Expenditures)	\$3,291,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,431,000

NEW SECTION. Sec. 3159. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Minor Works - Facility Preservation (20081013)

Reappropriation:

State Building Construction Account--State	\$829,000
Prior Biennia (Expenditures)	\$2,696,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,525,000

NEW SECTION. Sec. 3160. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Minor Works - Infrastructure Preservation (20081014)

Reappropriation:

State Building Construction Account--State	\$2,018,000
Prior Biennia (Expenditures)	\$3,982,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$6,000,000

NEW SECTION. Sec. 3161. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Wiley Slough Restoration (20081028)

Reappropriation:

State Building Construction Account--State	\$265,000
General Fund--Federal	\$500,000
Subtotal Reappropriation	\$765,000
Prior Biennia (Expenditures)	\$2,030,000
Future Biennia (Projected Costs)	\$318,000
TOTAL	\$3,113,000

NEW SECTION. Sec. 3162. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Bee Be Property (20081029)

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$252,000
Future Biennia (Projected Costs)	\$3,250,000
TOTAL	\$3,752,000

NEW SECTION. Sec. 3163. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Issaquah Hatchery Gravity Intake (20081850)

Reappropriation:

State Building Construction Account--State	\$560,000
Prior Biennia (Expenditures)	\$2,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$562,000

NEW SECTION. Sec. 3164. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Grazing Monitoring on Fish and Wildlife Lands (20082001)

Reappropriation:

State Building Construction Account--State	\$60,000
Prior Biennia (Expenditures)	\$140,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 3165. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Spokane Region One Office (20082008)

Reappropriation:

State Building Construction Account--State	\$180,000
Prior Biennia (Expenditures)	\$6,027,000

Future Biennia (Projected Costs) \$4,561,000
 TOTAL \$10,768,000

NEW SECTION. Sec. 3166. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Skookumchuck Hatchery Renovation (20082015)

Reappropriation:
 State Building Construction Account--State \$200,000

Appropriation:
 State Building Construction Account--State \$3,728,000

 Prior Biennia (Expenditures) \$328,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,256,000

NEW SECTION. Sec. 3167. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Stemilt Basin Acquisition (20082029)

Reappropriation:
 State Building Construction Account--State \$200,000

 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$0
 TOTAL \$200,000

NEW SECTION. Sec. 3168. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Mitigation Projects and Dedicated Funding (20082048)

The reappropriation in this section is subject to the following conditions and limitations: Up to \$2,300,000 of the reappropriation is provided solely for capital projects and engineering to pay the total cost of labor and materials provided by the department of fish and wildlife.

Reappropriation:
 General Fund--Federal \$9,000,000

Appropriation:
 General Fund--Private/Local \$2,500,000
 Game Special Wildlife Account--Federal \$600,000
 Game Special Wildlife Account--Private/Local \$900,000
 General Fund--Federal \$25,000,000
 Subtotal Appropriation \$29,000,000

 Prior Biennia (Expenditures) \$19,125,000
 Future Biennia (Projected Costs) \$114,800,000
 TOTAL \$171,925,000

NEW SECTION. Sec. 3169. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Minor Works - Facility Preservation (30000149)

Appropriation:
 State Building Construction Account--State \$677,000

 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$10,000,000
 TOTAL \$10,677,000

NEW SECTION. Sec. 3170. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Methow Culverts Replacement (20081027)

Reappropriation:
 State Building Construction Account--State \$350,000

 Prior Biennia (Expenditures) \$404,000
 Future Biennia (Projected Costs) \$482,000
 TOTAL \$1,236,000

NEW SECTION. Sec. 3171. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Migratory Waterfowl Habitat (20082045)

Appropriation:
 Wildlife Account--State \$550,000

 Prior Biennia (Expenditures) \$700,000

Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$4,250,000

NEW SECTION. Sec. 3172. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Minor Works - Road Maintenance and Abandonment Plan (30000022)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,050,000
TOTAL	\$5,050,000

NEW SECTION. Sec. 3173. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Minor Works - Access Areas Preservation (30000086)

Appropriation:

State Building Construction Account--State	\$408,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,167,000
TOTAL	\$9,575,000

NEW SECTION. Sec. 3174. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Washougal Hatchery Pond Renovation (30000094)

Appropriation:

State Building Construction Account--State	\$1,236,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,236,000

NEW SECTION. Sec. 3175. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Grays River Intake Replacement (30000089)

Appropriation:

State Building Construction Account--State	\$549,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,499,000
TOTAL	\$4,048,000

NEW SECTION. Sec. 3176. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Skamania Hatchery Intake Replacement (30000088)

Appropriation:

State Building Construction Account--State	\$824,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,900,000
TOTAL	\$9,724,000

NEW SECTION. Sec. 3177. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Minor Works - Health Safety and Code Requirements (30000135)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$11,000,000

NEW SECTION. Sec. 3178. FOR THE DEPARTMENT OF FISH AND WILDLIFE
 Minor Works - Dam and Dike (30000145)

Appropriation:

State Building Construction Account--State	\$943,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,780,000
TOTAL	\$4,723,000

NEW SECTION. Sec. 3179. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Infrastructure Preservation (30000147)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$19,119,000
TOTAL	\$20,119,000

NEW SECTION. Sec. 3180. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Emergency Projects (30000161)

Appropriation:

State Building Construction Account--State	\$750,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$3,750,000

NEW SECTION. Sec. 3181. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Fish Passage Barrier Corrections (30000173)

Appropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,250,000
TOTAL	\$10,250,000

NEW SECTION. Sec. 3182. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Minor Works - Programmatic (30000179)

Appropriation:

State Building Construction Account--State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$5,500,000
TOTAL	\$5,900,000

NEW SECTION. Sec. 3183. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Deschutes Watershed Center (20062008)

Reappropriation:

State Building Construction Account--State	\$979,000
Prior Biennia (Expenditures)	\$2,216,000
Future Biennia (Projected Costs)	\$7,425,000
TOTAL	\$10,620,000

NEW SECTION. Sec. 3184. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Chambers Creek Adult Trap (20081004)

Reappropriation:

State Building Construction Account--State	\$240,000
Prior Biennia (Expenditures)	\$12,000
Future Biennia (Projected Costs)	\$450,000
TOTAL	\$702,000

NEW SECTION. Sec. 3185. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Tokol Creek Hatchery (20081005)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$235,000
Future Biennia (Projected Costs)	\$3,108,000
TOTAL	\$3,543,000

NEW SECTION. Sec. 3186. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Bebee Springs Phase 3 (92000006)

Appropriation:

State Building Construction Account--State	\$2,643,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,643,000

NEW SECTION. Sec. 3187. FOR THE DEPARTMENT OF FISH AND WILDLIFE

Arlington Hatchery (91000002)

Appropriation:

Wildlife Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$200,000

NEW SECTION. Sec. 3188. FOR THE DEPARTMENT OF NATURAL RESOURCES

Marine Station (20081015)

Reappropriation:

Resource Management Cost Account--State	\$550,000
State Building Construction Account--State	\$550,000
Subtotal Reappropriation	\$1,100,000
Prior Biennia (Expenditures)	\$400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,500,000

NEW SECTION. Sec. 3189. FOR THE DEPARTMENT OF NATURAL RESOURCES

Colville Armory (20082851)

Reappropriation:

Forest Development Account--State	\$306,000
Resource Management Cost Account--State	\$323,000
State Building Construction Account--State	\$292,000
Subtotal Reappropriation	\$921,000
Prior Biennia (Expenditures)	\$21,000
Future Biennia (Projected Costs)	\$3,000,000
TOTAL	\$3,942,000

NEW SECTION. Sec. 3190. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy (20042015)

Reappropriation:

General Fund--Federal	\$4,200,000
Prior Biennia (Expenditures)	\$18,300,000
Future Biennia (Projected Costs)	\$41,000,000
TOTAL	\$63,500,000

NEW SECTION. Sec. 3191. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Acquisition Grants (20052021)

Reappropriation:

General Fund--Federal	\$23,098,000
Prior Biennia (Expenditures)	\$27,308,000
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$82,406,000

NEW SECTION. Sec. 3192. FOR THE DEPARTMENT OF NATURAL RESOURCES

Blanchard Mountain (20081951)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely as a continuing compensation for preservation of the core of Blanchard mountain in Skagit County and the subsequent acquisition of replacement working forest lands as Skagit county state forest lands. The department shall consult with the University of Washington college of forest resources' northwest environmental forum and with other interest groups prior to the purchase.

Reappropriation:

State Building Construction Account--State	\$3,975,000
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Appropriation:

State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$25,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,500,000

NEW SECTION, Sec. 3193. FOR THE DEPARTMENT OF NATURAL RESOURCES

Road Maintenance and Abandonment Projects (30000071)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,800,000
TOTAL	\$2,300,000

NEW SECTION, Sec. 3194. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Areas Facilities Preservation and Access (30000079)

Appropriation:

State Building Construction Account--State	\$700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,923,000
TOTAL	\$14,623,000

NEW SECTION, Sec. 3195. FOR THE DEPARTMENT OF NATURAL RESOURCES

Recreation Capital Renovations (30000109)

Appropriation:

State Building Construction Account--State	\$816,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,682,000
TOTAL	\$33,498,000

NEW SECTION, Sec. 3196. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Bank (30000050)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands at risk of conversion to nonforest uses and working natural resource lands that will protect and enhance the value of trust land holdings. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products and other natural resource industries, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2010, and every two years thereafter, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intent of the legislature to lease the development rights of these conversion lands and retain them as long-term working natural resource lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan.

Appropriation:

Resources Management Cost Account--State	\$25,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$100,000,000
TOTAL	\$125,000,000

NEW SECTION, Sec. 3197. FOR THE DEPARTMENT OF NATURAL RESOURCES

Natural Resources Real Property Replacement (30000051)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for acquisition of working forest lands at risk of conversion to nonforest uses and working natural resource lands that will protect and enhance the value of trust land holdings. The legislature finds that the chronic loss of working forest lands threatens the long-term prospects of the timber products and other natural resource industries, which in turn threatens the long-term economic return for the beneficiaries of state trust lands. Acquisition of these lands is intended to help stabilize the primary source of revenue to trust land beneficiaries. The department shall submit a report to the appropriate committees of the legislature by October 1, 2010, and every two years thereafter, indicating the lands purchased under this section, showing the locations, acres, purchase price, and within that purchase price, the value of the property attributed to the future value of timber harvests given an expected rate of return for timber lands, and the value of the property attributed to future development of the property. It is the intent of the legislature to lease the development rights of these conversion lands and retain them as long-term working natural resource lands under the sustainable harvest plan. Working forest lands acquired under this section shall be managed at a level equal to or greater than seventy-five percent of the expected harvest under the sustainable harvest plan.

Appropriation:

Natural Resources Real Property Replacement Account--State	\$50,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$200,000,000
TOTAL	\$250,000,000

NEW SECTION. Sec. 3198. FOR THE DEPARTMENT OF NATURAL RESOURCES

Forest Legacy (30000060)

Appropriation:

General Fund--Federal	\$9,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$41,000,000
TOTAL	\$50,000,000

NEW SECTION. Sec. 3199. FOR THE DEPARTMENT OF NATURAL RESOURCES

Land Acquisition Grants (30000061)

Appropriation:

General Fund--Federal	\$6,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$32,000,000
TOTAL	\$38,000,000

NEW SECTION. Sec. 3200. FOR THE DEPARTMENT OF NATURAL RESOURCES

Statewide Aquatic Restoration Projects (30000062)

Appropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,535,000
TOTAL	\$1,835,000

NEW SECTION. Sec. 3201. FOR THE DEPARTMENT OF NATURAL RESOURCES

State Lands Maintenance (30000063)

Appropriation:

Resources Management Cost Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,732,000
TOTAL	\$14,732,000

NEW SECTION. Sec. 3202. FOR THE DEPARTMENT OF NATURAL RESOURCES

Community and Technical College Trust Land Acquisition (30000065)

Appropriation:

Community and Technical College Forest Reserve Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,050,000
TOTAL	\$1,250,000

NEW SECTION. Sec. 3203. FOR THE DEPARTMENT OF NATURAL RESOURCES

Trust Land Transfer (30000066)

The appropriation in this section is subject to the following conditions and limitations:

(1) The total appropriation is provided to the department solely to transfer from trust status, or enter into fifty year leases for, certain trust lands of statewide significance deemed appropriate for state park, fish and wildlife habitat, natural area preserve, natural resources conservation area, open space, housing and essential government services, or recreation purposes. The approved list of properties for lease or transfer is identified in the LEAP capital document No. 2009-2a, developed April 23, 2009.

(2) Property transferred under this section must be appraised and transferred at fair market value. The value of the timber transferred must be deposited by the department to the common school construction account in the same manner as timber revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040. The value of the land transferred must be deposited in the natural resources real property replacement account.

(3) Property subject to lease agreements under this section must be appraised at fair market value. Lease terms must be fifty years with options to renew for an additional fifty years. Lease payments must be lump sum payments for the entire term of the lease at the beginning of the lease. The department shall calculate such lump sum payments using professional appraisal standards. These lease payments may not

exceed the fee simple purchase price based on current fair market value and must be deposited by the department to the common school construction account in the same manner as lease revenues from other common school trust lands. No deduction may be made for the resource management cost account under RCW 79.64.040.

(4) All reasonable costs incurred by the department to implement this section are authorized to be paid out of the appropriations. Authorized costs include the actual cost of appraisals, staff time, environmental reviews, surveys, and other similar costs and shall not exceed one and nine-tenths percent of the appropriation.

(5) Intergrant exchanges between common school and other trust lands of equal value may occur if the exchange is in the interest of each trust, as determined by the board of natural resources.

(6) Prior to or concurrent with conveyance of these properties, the department, with full cooperation of the receiving agencies, shall execute and record a real property instrument that dedicates the transferred properties to the purposes identified in subsection (1) of this section. Transfer and lease agreements for properties identified in subsection (1) of this section must include terms that restrict the use of the property to the intended purpose. Transfer and lease agreements may include provisions for receiving agencies to request alternative uses of the property, provided the alternative uses are compatible with the original intended public purpose and the department and legislature approves such uses.

(7) The department and receiving agencies shall work in good faith to carry out the intent of this section. However, the department or receiving agencies may remove a property from the transfer list based on new, substantive information, if it is determined that transfer of the property is not in the statewide interest of either the common school trust or the receiving agency.

(8) The department shall execute trust land transfers that, after the deduction of reasonable costs as provided in subsection (4) of this section, eighty percent of the total value of transferred property is timber value and is deposited in the common school construction account. To achieve the eighty percent requirement, the department may choose to lease properties originally intended as transfers.

(9) \$4,189,000 of the amount appropriated is provided solely for fifty-year leases of development rights from timber lands at risk of conversion to non-timber land uses purchased from appropriations in the 2007-2009 fiscal period.

(10) On June 30, 2011, the state treasurer shall transfer all remaining uncommitted funds from this appropriation to the common school construction account and the appropriations in this section shall be reduced by an equivalent amount.

Appropriation:

State Building Construction Account--State	\$100,133,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$400,000,000
TOTAL	\$500,133,000

NEW SECTION. Sec. 3404. FOR THE DEPARTMENT OF NATURAL RESOURCES

Riparian Open Space Program (30000064)

Appropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	\$4,500,000

NEW SECTION. Sec. 3205. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Programmatic (30000067)

Appropriation:

Forest Development Account--State	\$143,000
Resources Management Cost Account--State	\$142,000
Subtotal Appropriation	\$285,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,100,000
TOTAL	\$13,385,000

NEW SECTION. Sec. 3206. FOR THE DEPARTMENT OF NATURAL RESOURCES

Hazardous Fuels Reduction, Forest Health, and Ecosystem Improvements (91000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided from the American recovery and reinvestment act of 2009 for hazardous fuels reduction, forest health, and ecosystem improvements.

Appropriation:

General Fund--Federal	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION. Sec. 3207. FOR THE DEPARTMENT OF NATURAL RESOURCES

Right-of-Way Acquisition (30000069)

Appropriation:

Forest Development Account--State	\$150,000
Resources Management Cost Account--State	\$350,000
Subtotal Appropriation	\$500,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,450,000
TOTAL	\$2,950,000

NEW SECTION. Sec. 3208. FOR THE DEPARTMENT OF NATURAL RESOURCES

Minor Works - Preservation (30000098)

Appropriation:

State Building Construction Account--State	\$201,000
Forest Development Account--State	\$134,000
Resources Management Cost Account--State	\$144,000
Subtotal Appropriation	\$479,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,600,000
TOTAL	\$10,079,000

NEW SECTION. Sec. 3209. FOR THE DEPARTMENT OF AGRICULTURE

Fair Improvements (30000001)

Appropriation:

State Building Construction Account--State	\$400,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$400,000

**PART 4
TRANSPORTATION**

NEW SECTION. Sec. 4001. FOR THE WASHINGTON STATE PATROL

Minor Works - Preservation (20081001)

Reappropriation:

State Building Construction Account--State	\$80,000
Prior Biennia (Expenditures)	\$400,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$480,000

NEW SECTION. Sec. 4002. FOR THE WASHINGTON STATE PATROL

Fire Training Academy Sanitary System (20082002)

Reappropriation:

Fire Service Training Account--State	\$440,000
Prior Biennia (Expenditures)	\$3,060,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,500,000

NEW SECTION. Sec. 4003. FOR THE WASHINGTON STATE PATROL

Replace Existing Dormitory (20082003)

Reappropriation:

State Building Construction Account--State	\$131,000
Prior Biennia (Expenditures)	\$1,229,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,360,000

NEW SECTION. Sec. 4004. FOR THE WASHINGTON STATE PATROL

DNA Crime Lab Computer System (20082952)

Reappropriation:

State Building Construction Account--State	\$500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 4005. FOR THE WASHINGTON STATE PATROL

Minor Works Projects (30000015)

Appropriation:

State Building Construction Account--State	\$375,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$570,000
TOTAL	\$945,000

NEW SECTION. Sec. 4006. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
Columbia River Dredging (2003H001)

Reappropriation:

State Building Construction Account--State	\$1,977,000
Prior Biennia (Expenditures)	\$15,723,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,700,000

NEW SECTION. Sec. 4007. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
Culvert Replacements (20081001)

Reappropriation:

State Building Construction Account--State	\$4,900,000
Prior Biennia (Expenditures)	\$100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 4008. FOR THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
Commute Trip Reduction for Thurston County State Agencies (92000001)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for implementation of chapter . . . (Substitute Senate Bill No. 6088 (commute trip reduction)), Laws of 2009.

Appropriation:

State Vehicle Parking Account--State	\$734,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$734,000

PART 5
EDUCATION

NEW SECTION. Sec. 5001. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
2001-03 School Construction Assistance Grant Program (20024001)

Reappropriation:

Common School Construction Account--State	\$135,000
Prior Biennia (Expenditures)	\$346,718,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$346,853,000

NEW SECTION. Sec. 5002. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
2003-05 School Construction Assistance Grant Program (20044001)

Reappropriation:

State Building Construction Account--State	\$6,190,000
Common School Construction Account--State	\$3,950,000
Subtotal Reappropriation	\$10,140,000
Prior Biennia (Expenditures)	\$392,129,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$402,269,000

NEW SECTION. Sec. 5003. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
2005-07 School Construction Assistance Grant Program (20064100)

Reappropriation:

Common School Construction Account--State	\$60,000,000
Prior Biennia (Expenditures)	\$581,766,000
Future Biennia (Projected Costs)	\$0

TOTAL \$641,766,000

NEW SECTION. Sec. 5004. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 2005-07 High Performance School Building Grants (20064852)

Reappropriation:
 State Building Construction Account--State \$3,942,000
 Prior Biennia (Expenditures) \$2,558,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$6,500,000

NEW SECTION. Sec. 5005. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Aviation High School (20081002)

Reappropriation:
 State Building Construction Account--State \$900,000
 Prior Biennia (Expenditures) \$275,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$1,175,000

NEW SECTION. Sec. 5006. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 School Construction Assistance Grants (20084200)

Reappropriation:
 Common School Construction Account--State \$176,922,000

Appropriation:
 State Building Construction Account--State \$137,267,000
 Prior Biennia (Expenditures) \$477,570,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$791,759,000

NEW SECTION. Sec. 5007. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Vocational Skills Centers (20084300)

Reappropriation:
 State Building Construction Account--State \$58,546,000
 Prior Biennia (Expenditures) \$15,161,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$73,707,000

NEW SECTION. Sec. 5008. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Northeast King County Skills Center (20084855)

Appropriation:
 School Construction/Skills Center Building Account--State \$9,049,000
 Prior Biennia (Expenditures) \$550,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$9,599,000

NEW SECTION. Sec. 5009. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 North Central Technical Skills Center (20084861)

Appropriation:
 School Construction/Skills Center Building Account--State \$4,007,000
 Prior Biennia (Expenditures) \$50,000
 Future Biennia (Projected Costs) \$18,500,000
 TOTAL \$22,557,000

NEW SECTION. Sec. 5010. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Pierce County Skills Center (20084856)

Reappropriation:
 School Construction/Skills Center Building Account--State \$1,563,000

Appropriation:
 School Construction/Skills Center Building Account--State \$10,000,000

Prior Biennia (Expenditures)	\$473,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,036,000

NEW SECTION, Sec. 5011. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Health, Safety, and Small Repair Grants (91000007)

The appropriation in this section is subject to the following conditions and limitations:

(1) Up to \$3,000,000 of the appropriation is provided solely for nonrecurring costs associated with school facility repairs and renovations necessary for health and safety. The office of the superintendent of public instruction, after consulting with maintenance and operations administrators of school districts, shall develop criteria for providing funding for specific projects to stay within the appropriation level provided in this section. The criteria must include, but are not limited to, the following: (a) Limiting recipient district applications to one hundred thousand dollars per three-year period; (b) limiting districts eligible to receive the grant only once in any three-year period; and (c) requiring any district receiving funding provided in this section to demonstrate a consistent commitment to addressing school facilities needs.

(2) The appropriation is provided solely for energy operational cost savings and safety and health infrastructure improvements to school facilities initiated after July 1, 2009. The appropriation must be distributed using the performance-based contracting method of delivering energy operational cost savings and safety and health infrastructure improvements to public facilities, unless the minimal cost or the immediacy of the project makes performance-based contracting impracticable. If the minimal cost or immediacy of the project makes performance-based contracting impracticable, the school district must receive a waiver from the office of the superintendent of public instruction in order to use the appropriation to address safety and health needs.

(3) The superintendent of public instruction must report to the appropriate committees of the legislature and the office of financial management on the timing and use of the funds by the end of each fiscal year, until the funds are fully expended.

(4) \$100,000 of the appropriation is provided solely to the Monroe public schools for retrofitting the Frank Wagner Elementary chimney.

Appropriation:

State Building Construction Account--State	\$20,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION, Sec. 5012. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Capital Project Administration (30000037)

Within amounts appropriated in this section, the office of the superintendent of public instruction shall:

(1) Develop a plan, in consultation with the department of natural resources, to assist schools in regularly communicating with the department of natural resources about options for school districts to acquire and lease state trust land;

(2) Continue to develop an asset preservation program;

(3) Conduct an analysis of the appropriate level for the state area cost allowance and the average square-foot space needs for use in the school construction funding formula. The office of the superintendent of public instruction shall provide recommendations regarding the appropriate levels for the area cost allowance and average square-foot space needs to the joint task force on school construction funding by September 1, 2009; and

(4) Convene a definitions work group on the joint use of public school facilities. The work group must report its findings and recommendations to the appropriate committees of the legislature by January 1, 2010.

Appropriation:

Common School Construction Account--State	\$3,337,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,097,000
TOTAL	\$17,434,000

NEW SECTION, Sec. 5013. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Vocational Skills Center Minor Capital Projects (30000002)

Appropriation:

School Construction and Skill Centers Building Account--State	\$3,694,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,694,000

NEW SECTION, Sec. 5014. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 2009-11 School Construction Assistance Grant Program (30000031)

The appropriation in this section is subject to the following conditions and limitations:

(1) The office of the superintendent of public instruction shall develop a tracking system to increase accuracy in predicting the timing of school district claims for reimbursement for school construction assistance grants. The office of the superintendent of public instruction shall also improve its communication with school districts regarding the status of grant projects and create requirements regarding the timing of reimbursement claims. The office of the superintendent of public instruction shall submit a report on the progress of the new tracking and communication system to the appropriate committees of the legislature by November 15, 2009. The report must include a list of school district capital projects receiving state funding and each project's anticipated final reimbursement date.

(2) In calculating square foot eligibility for state assistance grants, kindergarten student headcount shall not be reduced by fifty percent.

Appropriation:

State Building Construction Account--State	\$369,920,000
Common School Construction Account--State	\$259,029,000
Common School Construction Account--Federal	\$2,500,000
School Construction and Skill Centers Building Account--Bond--State	\$58,284,000
Subtotal Appropriation	\$689,733,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,921,000,000
TOTAL	\$4,610,733,000

NEW SECTION. Sec. 5015. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Apple Awards (91000001)

The appropriation in this section is subject to the following conditions and limitations: Grants of \$25,000 may be awarded to public elementary schools whose students propose capital projects on school property or on other public property in the community, city, or county in which the school is located. The program must be administered by the office of the superintendent of public instruction which shall determine competitive criteria for awarding the grants. \$125,000 of the appropriation is available for five awards of \$25,000 each in the 2009-2010 school year and \$125,000 of the appropriation for five awards of \$25,000 each in the 2010-2011 school year. The funds must be used exclusively for capital projects as proposed by the students in the schools and approved by the district's school board.

Appropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 5016. FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
 Tri-Tech Skills Center Walla Walla Branch Campus (91000005)

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the predesign phase of the Walla Walla branch campus of the tri-tech skills center.

Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$100,000

NEW SECTION. Sec. 5017. (1) The joint legislative task force on school construction funding, established in the 2007-09 capital budget, is continued to explore the following: (a) Changing the state funding assistance ratio used in the school construction assistance grant program formula; (b) methods to accommodate specialized program space or unique building circumstances (such as all-day kindergarten and science labs); and (c) ways to account for regional cost differences in the school construction assistance grant program formula.

(2)(a) The task force shall consist of six members, including one member from each major caucus from the house of representatives, appointed by the speaker of the house of representatives, and one member from each major caucus from the senate, appointed by the president of the senate. The president of the senate and the speaker of the house of representatives jointly shall appoint two members representing large and small school districts.

(3) Staff support for the task force must be provided by the senate committee services and the house of representatives office of program research.

(4) The task force must conduct its work without incurring travel, per diem, or other costs.

(5) The task force must report its findings and recommendations to the appropriate committees of the legislature by January 1, 2010.

NEW SECTION. Sec. 5018. FOR THE STATE SCHOOL FOR THE BLIND
 Minor Works Preservation (30000002)

Appropriation:

State Building Construction Account--State	\$620,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,290,000
TOTAL	\$2,910,000

NEW SECTION. Sec. 5019. FOR THE STATE SCHOOL FOR THE BLIND
 New Physical Education Center (20082001)

Reappropriation:

State Building Construction Account--State	\$200,000
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Appropriation:

State Building Construction Account--State	\$100,000
Prior Biennia (Expenditures)	\$9,100,000

Future Biennia (Projected Costs) \$0
 TOTAL \$9,400,000

NEW SECTION. Sec. 5020. FOR THE STATE SCHOOL FOR THE DEAF
 Vocational Education, Cafeteria, and Maintenance Support Building (20082002)

Reappropriation:
 State Building Construction Account--State \$1,713,000
 Prior Biennia (Expenditures) \$9,187,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$10,900,000

NEW SECTION. Sec. 5021. FOR THE STATE SCHOOL FOR THE DEAF
 Minor Works Preservation (30000001)

Appropriation:
 State Building Construction Account--State \$820,000
 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$2,794,000
 TOTAL \$3,614,000

NEW SECTION. Sec. 5022. FOR THE UNIVERSITY OF WASHINGTON
 Computing and Communications Upgrades and Data Center (20082004)

Reappropriation:
 State Building Construction Account--State \$10,500,000
 Prior Biennia (Expenditures) \$14,500,000
 Future Biennia (Projected Costs) \$15,000,000
 TOTAL \$40,000,000

NEW SECTION. Sec. 5023. FOR THE UNIVERSITY OF WASHINGTON
 Savery Hall Renovation (20061005)

Reappropriation:
 Gardner-Evans Higher Education Construction Account--State \$11,000,000
 Prior Biennia (Expenditures) \$50,510,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$61,510,000

NEW SECTION. Sec. 5024. FOR THE UNIVERSITY OF WASHINGTON
 Clark Hall Renovation (20061007)

Reappropriation:
 Education Construction Account--State \$2,000,000
 Prior Biennia (Expenditures) \$16,054,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$18,054,000

NEW SECTION. Sec. 5025. FOR THE UNIVERSITY OF WASHINGTON
 Minor Works - Facility Preservation (20081001)

Reappropriation:
 University of Washington Building Account--State \$16,000,000
 Prior Biennia (Expenditures) \$7,000,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$23,000,000

NEW SECTION. Sec. 5026. FOR THE UNIVERSITY OF WASHINGTON
 Denny Hall Renovation (20081002)

Reappropriation:
 State Building Construction Account--State \$800,000
 Prior Biennia (Expenditures) \$3,200,000
 Future Biennia (Projected Costs) \$47,992,000
 TOTAL \$51,992,000

NEW SECTION. Sec. 5027. FOR THE UNIVERSITY OF WASHINGTON
Balmer Hall Reconstruction (20081004)

Reappropriation:

State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$38,600,000
TOTAL	\$42,600,000

NEW SECTION. Sec. 5028. FOR THE UNIVERSITY OF WASHINGTON
Intermediate Student Service and Classroom Improvements (20081005)

Reappropriation:

Education Construction Account--State	\$7,245,000
Prior Biennia (Expenditures)	\$6,036,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$13,281,000

NEW SECTION. Sec. 5029. FOR THE UNIVERSITY OF WASHINGTON
Interdisciplinary Academic Building (20082003)

In conjunction with the reappropriation in this section, the University of Washington is authorized to issue a bond or bonds in an amount not to exceed \$53,554,000 in value for construction of the molecular engineering building identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account, in accordance with RCW 28B.20.700 through 28B.20.740.

Reappropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$4,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,000,000

NEW SECTION. Sec. 5030. FOR THE UNIVERSITY OF WASHINGTON
UW Tacoma (20082005)

Reappropriation:

State Building Construction Account--State	\$4,000,000
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Appropriation:

State Building Construction Account--State	\$34,000,000
Prior Biennia (Expenditures)	\$2,150,000
Future Biennia (Projected Costs)	\$17,044,000
TOTAL	\$57,194,000

NEW SECTION. Sec. 5031. FOR THE UNIVERSITY OF WASHINGTON
UW Bothell (20082006)

Reappropriation:

State Building Construction Account--State	\$150,000
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Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$62,850,000
TOTAL	\$68,000,000

NEW SECTION. Sec. 5032. FOR THE UNIVERSITY OF WASHINGTON
Burke Museum Renovation (20082850)

Reappropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$300,000

NEW SECTION. Sec. 5033. FOR THE UNIVERSITY OF WASHINGTON
UW Tacoma - Soils Remediation (20082852)

Reappropriation:

State Toxics Control Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5034. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Land Acquisition (20062852)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$384,000
Prior Biennia (Expenditures)	\$3,616,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 5035. FOR THE UNIVERSITY OF WASHINGTON

UW Tacoma - Land Acquisition (20092003)

Reappropriation:

Education Construction Account--State	\$469,000
Prior Biennia (Expenditures)	\$1,531,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 5036. FOR THE UNIVERSITY OF WASHINGTON

Anderson Hall Renovation (20091002)

Appropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$21,225,000
TOTAL	\$21,425,000

NEW SECTION. Sec. 5037. FOR THE UNIVERSITY OF WASHINGTON

Lewis Hall Renovation (20081003)

Reappropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$1,000,000
Future Biennia (Projected Costs)	\$23,585,000
TOTAL	\$25,585,000

NEW SECTION. Sec. 5038. FOR THE UNIVERSITY OF WASHINGTON

House of Knowledge Longhouse (30000021)

Appropriation:

State Building Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$11,757,000
TOTAL	\$12,057,000

NEW SECTION. Sec. 5039. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Facility Preservation (30000027)

Appropriation:

State Building Construction Account--State	\$26,000,000
University of Washington Building Account--State	\$8,175,000
Subtotal Appropriation	\$34,175,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$146,000,000
TOTAL	\$180,175,000

NEW SECTION. Sec. 5040. FOR THE UNIVERSITY OF WASHINGTON

Minor Works - Program (30000110)

Appropriation:

University of Washington Building Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,000,000
TOTAL	\$25,000,000

NEW SECTION. Sec. 5041. FOR THE UNIVERSITY OF WASHINGTON
 Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

University of Washington Building Account--State	\$25,825,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$103,300,000
TOTAL	\$129,125,000

NEW SECTION. Sec. 5042. FOR THE UNIVERSITY OF WASHINGTON
 Safe Campus (30000022)

Appropriation:

University of Washington Building Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 5043. FOR THE UNIVERSITY OF WASHINGTON
 Infrastructure Savings (30000289)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5044. FOR THE WASHINGTON STATE UNIVERSITY
 WSU Pullman - Biomedical Sciences Facility (20042009)

In conjunction with the appropriations in this section, Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$95,780,000 in value for construction of the facility identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account in accordance with RCW 28B.30.700 through 28B.30.780.

Prior Biennia (Expenditures)	\$250,000
TOTAL	\$250,000

NEW SECTION. Sec. 5045. FOR THE WASHINGTON STATE UNIVERSITY
 WSU Pullman - Biotechnology and Life Sciences 2 (20042085)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$5,710,000
Prior Biennia (Expenditures)	\$57,768,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$63,478,000

NEW SECTION. Sec. 5046. FOR THE WASHINGTON STATE UNIVERSITY
 WSU Spokane - Nursing Building at Riverpoint (20042941)

Reappropriation:

State Building Construction Account--State	\$1,750,000
Prior Biennia (Expenditures)	\$32,850,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$34,600,000

NEW SECTION. Sec. 5047. FOR THE WASHINGTON STATE UNIVERSITY

WSU Vancouver - Applied Technology and Classroom Building (20062950)

In conjunction with the appropriation in this section, Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$10,000,000 in value for construction of the facility identified in this section. The bond must be financed from building fee and trust land revenues deposited into the university's bond retirement account in accordance with RCW 28B.30.700 through 28B.30.780.

Reappropriation:	
State Building Construction Account--State	\$1,500,000
Appropriation:	
State Building Construction Account--State	\$26,742,000
Prior Biennia (Expenditures)	\$3,420,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,662,000

NEW SECTION. Sec. 5048. FOR THE WASHINGTON STATE UNIVERSITY
 WSU Vancouver - Undergraduate Classroom Building (20062951)

Reappropriation:	
State Building Construction Account--State	\$6,117,000
Prior Biennia (Expenditures)	\$21,883,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,000,000

NEW SECTION. Sec. 5049. FOR THE WASHINGTON STATE UNIVERSITY
 Utilities Extension (20081100)

Reappropriation:	
Washington State University Building Account--State	\$900,000
Prior Biennia (Expenditures)	\$10,636,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,536,000

NEW SECTION. Sec. 5050. FOR THE WASHINGTON STATE UNIVERSITY
 University-wide Infrastructure (20081701)

Reappropriation:	
State Building Construction Account--State	\$1,500,000
Prior Biennia (Expenditures)	\$6,500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,000,000

NEW SECTION. Sec. 5051. FOR THE WASHINGTON STATE UNIVERSITY
 Library Road Infrastructure (20081703)

Reappropriation:	
State Building Construction Account--State	\$250,000
Washington State University Building Account--State	\$2,950,000
Subtotal Reappropriation	\$3,200,000
Prior Biennia (Expenditures)	\$11,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,000,000

NEW SECTION. Sec. 5052. FOR THE WASHINGTON STATE UNIVERSITY
 Minor Works - Program (20082002)

Reappropriation:	
Washington State University Building Account--State	\$1,900,000
Prior Biennia (Expenditures)	\$15,100,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,000,000

NEW SECTION. Sec. 5053. FOR THE WASHINGTON STATE UNIVERSITY
 Minor Works - Facility Preservation (20081001)

Reappropriation:	
State Building Construction Account--State	\$1,475,000
Washington State University Building Account--State	\$2,350,000

Subtotal Reappropriation	\$3,825,000
Prior Biennia (Expenditures)	\$35,075,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$38,900,000

NEW SECTION. Sec. 5054. FOR THE WASHINGTON STATE UNIVERSITY
 WSU Spokane - Riverpoint Biomedical & Health Sciences (20162953)

Appropriation:

State Building Construction Account--State	\$4,340,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$39,775,000
TOTAL	\$44,115,000

NEW SECTION. Sec. 5055. FOR THE WASHINGTON STATE UNIVERSITY
 Minor Works - Preservation (30000065)

Appropriation:

State Building Construction Account--State	\$17,628,000
Washington State University Building Account-- State	\$10,000,000
Subtotal Appropriation	\$27,628,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$27,628,000

NEW SECTION. Sec. 5056. FOR THE WASHINGTON STATE UNIVERSITY
 Minor Works - Program (30000066)

Appropriation:

State Building Construction Account--State	\$7,042,000
Washington State University Building Account--State	\$10,485,000
Subtotal Appropriation	\$17,527,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$3,073,000
TOTAL	\$20,600,000

NEW SECTION. Sec. 5057. FOR THE WASHINGTON STATE UNIVERSITY
 Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Washington State University Building Account--State	\$10,115,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,460,000
TOTAL	\$50,575,000

NEW SECTION. Sec. 5058. FOR THE WASHINGTON STATE UNIVERSITY
 Global Animal Health Phase I (92000001)

Contingent upon expenditure of a \$25,000,000 million private grant for the same purpose, Washington State University is authorized to issue a bond or bonds in an amount not to exceed \$6,200,000 in value for construction of the facility identified in this section. The bond shall be financed from building fee and trust land revenues deposited into the university's bond retirement account in accordance with RCW 28B.30.700 through 28B.30.780.

NEW SECTION. Sec. 5059. FOR THE WASHINGTON STATE UNIVERSITY
 Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0

TOTAL \$2

NEW SECTION. Sec. 5060. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (20081001)

Reappropriation:

State Building Construction Account--State \$250,000
 Eastern Washington University Capital Projects Account--State \$1,500,000
 Subtotal Reappropriation \$1,750,000

 Prior Biennia (Expenditures) \$2,250,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5061. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (20081002)

Reappropriation:

Education Construction Account--State \$1,500,000

 Prior Biennia (Expenditures) \$2,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5062. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (20081003)

Reappropriation:

State Building Construction Account--State \$2,500,000

 Prior Biennia (Expenditures) \$1,500,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$4,000,000

NEW SECTION. Sec. 5063. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Program (20082001)

Reappropriation:

State Building Construction Account--State \$1,000,000
 Eastern Washington University Capital Projects Account--State \$2,300,000
 Subtotal Reappropriation \$3,300,000

 Prior Biennia (Expenditures) \$7,700,000
 Future Biennia (Projected Costs) \$0
 TOTAL \$11,000,000

NEW SECTION. Sec. 5064. FOR THE EASTERN WASHINGTON UNIVERSITY

Patterson Hall Remodel (20062002)

Reappropriation:

State Building Construction Account--State \$400,000

Appropriation:

State Building Construction Account--State \$26,600,000

 Prior Biennia (Expenditures) \$1,734,000
 Future Biennia (Projected Costs) \$34,416,000
 TOTAL \$63,150,000

NEW SECTION. Sec. 5065. FOR THE EASTERN WASHINGTON UNIVERSITY

Preventive Maintenance and Building System Repairs (30000044)

Appropriation:

Eastern Washington University Capital Projects Account--State \$2,217,000

 Prior Biennia (Expenditures) \$0
 Future Biennia (Projected Costs) \$8,868,000
 TOTAL \$11,085,000

NEW SECTION. Sec. 5066. FOR THE EASTERN WASHINGTON UNIVERSITY

Biology Chemistry Science Center (30000001)

Appropriation:

State Building Construction Account--State \$400,000

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$59,491,000
TOTAL	\$59,891,000

NEW SECTION. Sec. 5067. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety and Code Compliance (30000053)

Appropriation:

State Building Construction Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$12,500,000

NEW SECTION. Sec. 5068. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Facility Preservation (30000054)

Appropriation:

State Building Construction Account--State	\$3,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000

NEW SECTION. Sec. 5069. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure Preservation (30000055)

Appropriation:

State Building Construction Account--State	\$500,000
Eastern Washington University Capital Projects Account--State	\$1,000,000
Subtotal Appropriation	\$1,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$6,000,000
TOTAL	\$7,500,000

NEW SECTION. Sec. 5070. FOR THE EASTERN WASHINGTON UNIVERSITY

Minor Works - Program (30000056)

Appropriation:

Eastern Washington University Capital Projects Account--State	\$3,306,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$27,200,000
TOTAL	\$30,506,000

NEW SECTION. Sec. 5071. FOR THE EASTERN WASHINGTON UNIVERSITY

Riverpoint Center Acquisition (30000061)

The appropriation in this section is subject to the following conditions and limitations:

- (1) Eastern Washington University is authorized to sell its center at 701 West First Avenue in downtown Spokane, and directed to deposit the proceeds of the sale into the Eastern Washington University capital projects account.
- (2) Contingent upon and following the sale, and after completion of a current independent appraisal, Eastern Washington University is authorized to expend an amount not to exceed the total appropriation in this section to acquire an at least fifty percent ownership interest in a facility on or adjacent to the Riverpoint higher education campus to support delivery of the university's Spokane-based programs.
- (3) The university shall report to the office of financial management and to the appropriate committees of the legislature upon the sale of the downtown center and completion of the updated appraisal.

Appropriation:

Eastern Washington University Capital Projects Account--State	\$5,500,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,500,000

NEW SECTION. Sec. 5072. FOR THE EASTERN WASHINGTON UNIVERSITY

Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5073. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works - Facility Preservation (20081001)

Reappropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$2,175,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,175,000

NEW SECTION. Sec. 5074. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works - Health, Safety, and Code Requirements (20081009)

Reappropriation:

Central Washington University Capital Projects Account--State	\$250,000
Prior Biennia (Expenditures)	\$3,085,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,335,000

NEW SECTION. Sec. 5075. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works - Infrastructure Preservation (20081010)

Reappropriation:

State Building Construction Account--State	\$500,000
Central Washington University Capital Projects Account--State	\$100,000
Subtotal Reappropriation	\$600,000
Prior Biennia (Expenditures)	\$2,690,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,290,000

NEW SECTION. Sec. 5076. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works - Program (20082002)

Reappropriation:

State Building Construction Account--State	\$500,000
Central Washington University Capital Projects Account--State	\$500,000
Subtotal Reappropriation	\$1,000,000
Prior Biennia (Expenditures)	\$6,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,800,000

NEW SECTION. Sec. 5077. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Hogue Hall Renovation and Addition (20082003)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,500,000
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Appropriation:

State Building Construction Account--State	\$27,265,000
Prior Biennia (Expenditures)	\$1,500,000
Future Biennia (Projected Costs)	\$18,837,000
TOTAL	\$49,102,000

NEW SECTION. Sec. 5078. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works - Health Safety and Code Requirements (30000002)

Appropriation:

State Building Construction Account--State	\$950,000
Central Washington University Capital Projects Account--State	\$700,000
Subtotal Appropriation	\$1,650,000
Prior Biennia (Expenditures)	\$0

Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$13,650,000

NEW SECTION, Sec. 5079. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works - Infrastructure Preservation (30000009)

Appropriation:

State Building Construction Account--State	\$690,000
Central Washington University Capital Projects Account--State	\$2,050,000
Subtotal Appropriation	\$2,740,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,740,000

NEW SECTION, Sec. 5080. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works - Facility Preservation (30000016)

Appropriation:

State Building Construction Account--State	\$2,610,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$14,610,000

NEW SECTION, Sec. 5081. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Minor Works - Program (30000025)

Appropriation:

State Building Construction Account--State	\$2,000,000
Central Washington University Capital Projects Account--State	\$1,181,000
Subtotal Appropriation	\$3,181,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$28,000,000
TOTAL	\$31,181,000

NEW SECTION, Sec. 5082. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Science Building (30000045)

Appropriation:

State Building Construction Account--State	\$600,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$55,870,000
TOTAL	\$56,470,000

NEW SECTION, Sec. 5083. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Central Washington University Capital Project Account--State	\$2,422,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$9,688,000
TOTAL	\$12,110,000

NEW SECTION, Sec. 5084. FOR THE CENTRAL WASHINGTON UNIVERSITY
 Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5085. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Preservation (20081001)

Reappropriation:

The Evergreen State College Capital Projects Account--State	\$910,000
Prior Biennia (Expenditures)	\$4,390,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,300,000

NEW SECTION. Sec. 5086. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Health, Safety, and Code Requirements (20081002)

Reappropriation:

State Building Construction Account--State	\$725,000
Prior Biennia (Expenditures)	\$2,275,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 5087. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Infrastructure Preservation (20081004)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$500,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$700,000

NEW SECTION. Sec. 5088. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Program (20082003)

Reappropriation:

State Building Construction Account--State	\$75,000
Prior Biennia (Expenditures)	\$855,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$930,000

NEW SECTION. Sec. 5089. FOR THE EVERGREEN STATE COLLEGE

Longhouse Expansion (20082007)

Reappropriation:

State Building Construction Account--State	\$760,000
Prior Biennia (Expenditures)	\$940,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,700,000

NEW SECTION. Sec. 5090. FOR THE EVERGREEN STATE COLLEGE

College Activities Building Renovation (20082009)

Reappropriation:

State Building Construction Account--State	\$4,120,000
Prior Biennia (Expenditures)	\$780,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,900,000

NEW SECTION. Sec. 5091. FOR THE EVERGREEN STATE COLLEGE

Communications Laboratory Building Preservation and Renovation (30000002)

Appropriation:

State Building Construction Account--State	\$1,821,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,835,000
TOTAL	\$10,656,000

NEW SECTION. Sec. 5092. FOR THE EVERGREEN STATE COLLEGE

Minor Works - Preservation (30000003)

Appropriation:

State Building Construction Account--State	\$760,000
The Evergreen State College Capital Projects Account--State	\$3,765,000
Subtotal Appropriation	\$4,525,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,525,000

NEW SECTION. Sec. 5093. FOR THE EVERGREEN STATE COLLEGE
 Minor Works - Health, Safety, Code Compliance (30000016)

Appropriation:

State Building Construction Account--State	\$2,515,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,515,000

NEW SECTION. Sec. 5094. FOR THE EVERGREEN STATE COLLEGE
 Laboratory and Art Annex Building Renovation (30000026)

Appropriation:

State Building Construction Account--State	\$4,849,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,849,000

NEW SECTION. Sec. 5095. FOR THE EVERGREEN STATE COLLEGE
 Minor Works - Program (30000031)

Appropriation:

State Building Construction Account--State	\$1,550,000
The Evergreen State College Capital Projects Account--State	\$520,000
Subtotal Appropriation	\$2,070,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,070,000

NEW SECTION. Sec. 5096. FOR THE EVERGREEN STATE COLLEGE
 Minor Works - Infrastructure (30000046)

Appropriation:

State Building Construction Account--State	\$1,380,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,380,000

NEW SECTION. Sec. 5097. FOR THE EVERGREEN STATE COLLEGE
 Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

The Evergreen State College Capital Projects Account--State	\$760,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$760,000

NEW SECTION. Sec. 5098. FOR THE EVERGREEN STATE COLLEGE
 Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5099. FOR THE WESTERN WASHINGTON UNIVERSITY
 Academic Instructional Center (20022026)

Reappropriation:	
State Building Construction Account--State	\$1,000,000
Western Washington University Capital Projects Account--State	\$400,000
Subtotal Reappropriation	\$1,400,000
Prior Biennia (Expenditures)	\$62,844,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$64,244,000

NEW SECTION. Sec. 5100. FOR THE WESTERN WASHINGTON UNIVERSITY
 Miller Hall Renovation (20041953)

Reappropriation:	
State Building Construction Account--State	\$2,000,000
Appropriation:	
State Building Construction Account--State	\$54,625,000
Prior Biennia (Expenditures)	\$3,773,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$60,398,000

NEW SECTION. Sec. 5101. FOR THE WESTERN WASHINGTON UNIVERSITY
 Minor Works - Health, Safety, and Code Requirements (20081090)

Reappropriation:	
State Building Construction Account--State	\$1,400,000
Prior Biennia (Expenditures)	\$1,533,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,933,000

NEW SECTION. Sec. 5102. FOR THE WESTERN WASHINGTON UNIVERSITY
 Minor Works - Facility Preservation (20081091)

Reappropriation:	
State Building Construction Account--State	\$2,700,000
Prior Biennia (Expenditures)	\$2,351,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,051,000

NEW SECTION. Sec. 5103. FOR THE WESTERN WASHINGTON UNIVERSITY
 Minor Works - Infrastructure Preservation (20081092)

Reappropriation:	
State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$1,116,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,016,000

NEW SECTION. Sec. 5104. FOR THE WESTERN WASHINGTON UNIVERSITY
 Minor Works - Program (20082093)

Reappropriation:	
State Building Construction Account--State	\$1,500,000
Western Washington University Capital Projects Account--State	\$2,500,000
Subtotal Reappropriation	\$4,000,000
Prior Biennia (Expenditures)	\$6,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 5105. FOR THE WESTERN WASHINGTON UNIVERSITY
 Academic Facilities Modernization Projects (20082099)

Reappropriation:

State Building Construction Account--State	\$9,300,000
Prior Biennia (Expenditures)	\$1,700,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$11,000,000

NEW SECTION. Sec. 5106. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Health, Safety, and Code Requirements (30000004)

Appropriation:

State Building Construction Account--State	\$2,572,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$10,000,000
TOTAL	\$12,572,000

NEW SECTION. Sec. 5107. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Facilities Preservation (30000005)

Appropriation:

State Building Construction Account--State	\$3,911,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,000,000
TOTAL	\$17,911,000

NEW SECTION. Sec. 5108. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Infrastructure (30000006)

Appropriation:

State Building Construction Account--State	\$1,781,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	\$9,781,000

NEW SECTION. Sec. 5109. FOR THE WESTERN WASHINGTON UNIVERSITY

Minor Works - Program (30000007)

Appropriation:

State Building Construction Account--State	\$5,248,000
Western Washington University Capital Projects Account--State	\$3,000,000
Subtotal Appropriation	\$8,248,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$36,000,000
TOTAL	\$44,248,000

NEW SECTION. Sec. 5110. FOR THE WESTERN WASHINGTON UNIVERSITY

Network Infrastructure/Switches (30000011)

Appropriation:

Western Washington University Capital Projects Account--State	\$4,616,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,616,000

NEW SECTION. Sec. 5111. FOR THE WESTERN WASHINGTON UNIVERSITY

Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Western Washington University Capital Projects Account--State	\$3,614,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$14,456,000
TOTAL	\$18,070,000

NEW SECTION. Sec. 5112. FOR THE WESTERN WASHINGTON UNIVERSITY

Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5113. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Pacific-Lewis and Clark Station Camp Park Project (2002S001)

Reappropriation:

State Building Construction Account--State	\$2,422,000
Prior Biennia (Expenditures)	\$2,011,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,433,000

NEW SECTION. Sec. 5114. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Lewis and Clark Trail Interpretive Infrastructure Grant (20024001)

Reappropriation:

State Building Construction Account--State	\$918,000
Prior Biennia (Expenditures)	\$1,082,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION. Sec. 5115. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Washington Heritage Projects (20044004)

Reappropriation:

State Building Construction Account--State	\$690,000
Prior Biennia (Expenditures)	\$3,310,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,000,000

NEW SECTION. Sec. 5116. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Statewide - Washington Heritage Project Grants (20064004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the provisions of section 733, chapter 488, Laws of 2005.

Reappropriation:

State Building Construction Account--State	\$1,318,000
Prior Biennia (Expenditures)	\$3,346,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,664,000

NEW SECTION. Sec. 5117. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Tacoma State History Museum Building Preservation (20071001)

Reappropriation:

State Building Construction Account--State	\$75,000
Prior Biennia (Expenditures)	\$425,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$500,000

NEW SECTION. Sec. 5118. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
Washington Heritage Grants (20074004)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is subject to the project list in section 5137, chapter 520, Laws of 2007.

Reappropriation:

State Building Construction Account--State	\$7,630,000
Prior Biennia (Expenditures)	\$2,370,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,000,000

NEW SECTION. Sec. 5119. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
 Olympia - State Capitol Museum: Building Preservation (20081002)

Reappropriation:

State Building Construction Account--State	\$60,000
Prior Biennia (Expenditures)	\$147,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$207,000

NEW SECTION. Sec. 5120. FOR THE WASHINGTON STATE HISTORICAL SOCIETY
 Washington Heritage Project Capital Grants (30000011)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects.
- (3) The 2011-13 projects must be selected based on their readiness to proceed.

Project	Recommended
Wenatchee Valley Museum	\$150,000
West Point Light Station	\$300,000
Des Moines Field House	\$420,000
Washington Hall	\$381,000
Percival Landing	\$567,000
Roslyn City Hall & Library	\$194,000
Spokane County courthouse	\$500,000
Snoqualmie Chapel car #5	\$125,000
Edmonds Carnegie Library museum	\$48,000
Ilwaco museum collections	\$41,000
Minkler Mansion	\$200,000
Cheney house for a museum	\$87,000
Longview Columbia theatre	\$1,000,000
Chinook School	\$350,000
Territorial Courthouse of 1858	\$167,000
Hanford Interpretive Center	\$147,000
Carnegie Library Museum	\$883,000
Dynamite Train Canopy	\$50,000
King Street Station	\$750,000
Lakewood Carriage House	\$110,000
Lincoln School	\$175,000
Quincy Pioneer Church	\$195,000
Ezra Meeker Mansion	\$100,000
Port Townsend Storage Facility	\$450,000
Puyallup Church Spire	\$17,000
Morris House and Washington Harbor School	\$27,000
Kalama Interpretive Center	\$212,000
Foss Waterway Seaport Building	\$750,000
Pioneer State Bank Building	\$201,000
Kirkman House	\$32,000
Malo Sawmill	\$70,000
Stimson-Green Mansion	\$23,000
Lightship #83	\$335,000
Masonic Temple Building	\$350,000
Wilkeson Centennial Monument	\$10,000
Eddon Boatyard ways and dock	\$243,000
Commencement Restoration	\$86,000
Vessel Shenandoah	\$179,000
Walt's Mill	\$75,000
TOTAL	\$10,000,000

Appropriation:

State Building Construction Account--State	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000

TOTAL \$50,000,000

NEW SECTION. Sec. 5121. FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Preservation (30000093)

Appropriation:

State Building Construction Account--State \$1,402,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$9,000,000

TOTAL \$10,402,000

NEW SECTION. Sec. 5122. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Museum System Repair and Upgrades/Preservation (20081013)

Reappropriation:

State Building Construction Account--State \$400,000

Appropriation:

State Building Construction Account--State \$857,000

Prior Biennia (Expenditures) \$600,000

Future Biennia (Projected Costs) \$0

TOTAL \$1,857,000

NEW SECTION. Sec. 5123. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Health, Safety, and Code Requirements (30000001)

Appropriation:

State Building Construction Account--State \$250,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$1,250,000

TOTAL \$1,500,000

NEW SECTION. Sec. 5124. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Facility Preservation (30000004)

Appropriation:

State Building Construction Account--State \$534,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$534,000

NEW SECTION. Sec. 5125. FOR THE EASTERN WASHINGTON STATE HISTORICAL SOCIETY

Minor Works - Program (30000008)

Appropriation:

State Building Construction Account--State \$298,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$191,000

TOTAL \$489,000

NEW SECTION. Sec. 5126. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup - Expansion (20002676)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State \$69,000

Prior Biennia (Expenditures) \$25,266,000

Future Biennia (Projected Costs) \$0

TOTAL \$25,335,000

NEW SECTION. Sec. 5127. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Tacoma Community College - Science Building (20012687)

Reappropriation:

State Building Construction Account--State \$1,773,000

Prior Biennia (Expenditures) \$30,123,000

Future Biennia (Projected Costs) \$0

TOTAL \$31,896,000

NEW SECTION. Sec. 5128. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College - Science Building (20012688)

Reappropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$28,803,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,803,000

NEW SECTION. Sec. 5129. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Yakima Valley Community College - Glenn Anthon Hall - Replacement (20041207)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,573,000
Prior Biennia (Expenditures)	\$27,072,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$28,645,000

NEW SECTION. Sec. 5130. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Peninsula College - Replacement Science and Technology Building (20041208)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$37,000
Prior Biennia (Expenditures)	\$23,603,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$23,640,000

NEW SECTION. Sec. 5131. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Skagit Valley College - Science Building Replacement (20041209)

Reappropriation:

State Building Construction Account--State	\$10,700,000
Prior Biennia (Expenditures)	\$20,737,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$31,437,000

NEW SECTION. Sec. 5132. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Spokane Community College - Science Building Replacement (20041212)

Reappropriation:

State Building Construction Account--State	\$400,000
Prior Biennia (Expenditures)	\$15,487,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,887,000

NEW SECTION. Sec. 5133. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Bellingham Technical College - Welding and Auto Collision Replacement (20041213)

Reappropriation:

State Building Construction Account--State	\$117,000
Prior Biennia (Expenditures)	\$16,721,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$16,838,000

NEW SECTION. Sec. 5134. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Lower Columbia College - Instructional Fine Arts Building (20041214)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$300,000
Prior Biennia (Expenditures)	\$24,362,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$24,662,000

NEW SECTION. Sec. 5135. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Clark College - East County Satellite (20041689)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$24,876,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,876,000

NEW SECTION, Sec. 5136. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Green River Community College - Computer Technology Center (20042682)

Reappropriation:

State Building Construction Account--State	\$200,000
Prior Biennia (Expenditures)	\$11,800,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$12,000,000

NEW SECTION, Sec. 5137. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Bellevue Community College - Science and Technology (20042690)

Reappropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$38,070,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$39,070,000

NEW SECTION, Sec. 5138. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College Puyallup - Communication Arts and Health Building (20042691)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$18,500,000
Prior Biennia (Expenditures)	\$8,750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$27,250,000

NEW SECTION, Sec. 5139. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Everett Community College - University Center at North Puget Sound (20042692)

Reappropriation:

State Building Construction Account--State	\$3,870,000
Prior Biennia (Expenditures)	\$48,068,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$51,938,000

NEW SECTION, Sec. 5140. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Cascadia - Center for Arts, Technology, Communication (20042693)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$23,063,000
Prior Biennia (Expenditures)	\$12,764,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$35,827,000

NEW SECTION, Sec. 5141. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Pierce College, Fort Steilacoom - Science and Technology (20042694)

Reappropriation:

State Building Construction Account--State	\$20,000,000
Prior Biennia (Expenditures)	\$12,393,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,393,000

NEW SECTION, Sec. 5142. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College - Science Complex (20042695)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$250,000
State Building Construction Account--State	\$1,000,000

Subtotal Reappropriation	\$1,250,000
Prior Biennia (Expenditures)	\$27,870,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$29,120,000

NEW SECTION. Sec. 5143. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Centralia Community College - Science Building (20042850)

Reappropriation:

State Building Construction Account--State	\$194,000
Gardner-Evans Higher Education Construction Account--State	\$3,000,000
Subtotal Reappropriation	\$3,194,000
Prior Biennia (Expenditures)	\$28,919,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$32,113,000

NEW SECTION. Sec. 5144. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Spokane Falls - Business and Social Science Building (20051853)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$19,313,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,313,000

NEW SECTION. Sec. 5145. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 South Seattle Community College - Training Facility (20051854)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$32,000
Prior Biennia (Expenditures)	\$9,720,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,752,000

NEW SECTION. Sec. 5146. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Minor Works Preservation (Repairs and Minor Improvements) (20061001)

Reappropriation:

Community/Technical College Capital Projects Account--State	\$474,000
Prior Biennia (Expenditures)	\$13,526,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,000,000

NEW SECTION. Sec. 5147. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Roof Repairs (20061010)

Reappropriation:

Community/Technical College Capital Projects Account--State	\$500,000
Prior Biennia (Expenditures)	\$8,340,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$8,840,000

NEW SECTION. Sec. 5148. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Facility Repairs (20061050)

Reappropriation:

Community and Technical College Capital Projects Account--State	\$2,500,000
Prior Biennia (Expenditures)	\$19,827,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$22,327,000

NEW SECTION. Sec. 5149. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Site Repairs (20061090)

Reappropriation:

Community and Technical College Capital Projects Account--State	\$800,000
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Prior Biennia (Expenditures)	\$3,037,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,837,000

NEW SECTION. Sec. 5150. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Olympic College - Humanities and Student Services (20061204)

Reappropriation:

State Building Construction Account--State	\$25,000,000
Prior Biennia (Expenditures)	\$16,388,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$41,388,000

NEW SECTION. Sec. 5151. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Green River Community College - Humanities and Classroom Building (20061205)

Reappropriation:

State Building Construction Account--State	\$1,054,000
Prior Biennia (Expenditures)	\$1,827,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,881,000

NEW SECTION. Sec. 5152. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Grays Harbor College - Vocational Education Renovation (20061303)

Reappropriation:

State Building Construction Account--State	\$230,000
Prior Biennia (Expenditures)	\$5,141,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,371,000

NEW SECTION. Sec. 5153. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Peninsula College - Library Renovation (20061305)

Reappropriation:

State Building Construction Account--State	\$40,000
Prior Biennia (Expenditures)	\$13,960,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,000,000

NEW SECTION. Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Shoreline Community College - Annex Renovation (20061312)

Reappropriation:

State Building Construction Account--State	\$180,000
Prior Biennia (Expenditures)	\$2,559,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,739,000

NEW SECTION. Sec. 5155. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Green River Community College - Physical Education Renovation (20061313)

Reappropriation:

State Building Construction Account--State	\$900,000
Prior Biennia (Expenditures)	\$3,395,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,295,000

NEW SECTION. Sec. 5156. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Yakima Valley Community College - Raymond Hall Renovation (20061325)

Reappropriation:

State Building Construction Account--State	\$150,000
Prior Biennia (Expenditures)	\$4,018,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$4,168,000

NEW SECTION. Sec. 5157. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Pierce College Fort Steilacoom - Cascade Core (20061326)

Reappropriation:

Community/Technical College Capital Projects Account--State	\$1,000,000
State Building Construction Account--State	\$5,000,000
Subtotal Reappropriation	\$6,000,000
Prior Biennia (Expenditures)	\$20,953,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$26,953,000

NEW SECTION. Sec. 5158. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
North Seattle Community College - Wellness Center Repairs (20061330)

Reappropriation:

State Building Construction Account--State	\$250,000
Prior Biennia (Expenditures)	\$2,750,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

NEW SECTION. Sec. 5159. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Green River Community College - Water System Replacement (20061501)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,942,000
Prior Biennia (Expenditures)	\$9,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,951,000

NEW SECTION. Sec. 5160. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College - Maritime Academy Repairs (20061502)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$1,700,000
Prior Biennia (Expenditures)	\$256,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,956,000

NEW SECTION. Sec. 5161. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Infrastructure Savings (20061751)

Reappropriation:

Gardner-Evans Higher Education Construction Account--State	\$519,000
Prior Biennia (Expenditures)	\$2,197,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,716,000

NEW SECTION. Sec. 5162. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Minor Works - Program (20062130)

Reappropriation:

State Building Construction Account--State	\$920,000
Prior Biennia (Expenditures)	\$19,083,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,003,000

NEW SECTION. Sec. 5163. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
Seattle Central Community College - Greenhouse/Educational Center (20062410)

Reappropriation:

State Building Construction Account--State	\$206,000
Prior Biennia (Expenditures)	\$44,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$250,000

NEW SECTION. Sec. 5164. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College - Campus Classrooms (20062696)

Reappropriation:

State Building Construction Account--State	\$1,450,000
Prior Biennia (Expenditures)	\$434,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,884,000

NEW SECTION, Sec. 5165. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Lake Washington Technical College - Allied Health Building (20062697)

Reappropriation:

State Building Construction Account--State	\$900,000
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Appropriation:

State Building Construction Account--State	\$25,986,000
Prior Biennia (Expenditures)	\$1,029,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$27,915,000

NEW SECTION, Sec. 5166. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

South Puget Sound Community College - Learning Resource Center (20062698)

Reappropriation:

State Building Construction Account--State	\$3,256,000
Prior Biennia (Expenditures)	\$209,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,465,000

NEW SECTION, Sec. 5167. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Clover Park Technical College - Allied Health Care Facility (20062699)

Reappropriation:

State Building Construction Account--State	\$1,020,000
Prior Biennia (Expenditures)	\$1,425,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,445,000

NEW SECTION, Sec. 5168. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

North Seattle Community College - Employment Resource Center (20062851)

Reappropriation:

State Building Construction Account--State	\$700,000
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Appropriation:

State Building Construction Account--State	\$5,000,000
Prior Biennia (Expenditures)	\$1,790,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$7,490,000

NEW SECTION, Sec. 5169. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Shoreline Community College - Automotive Building (Phase I) (20062951)

Reappropriation:

State Building Construction Account--State	\$769,000
Prior Biennia (Expenditures)	\$231,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION, Sec. 5170. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Preservation - Repairs and Minor Improvements (20081001)

Reappropriation:

Community/Technical College Capital Projects Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$7,000,000
Future Biennia (Projected Costs)	\$0

TOTAL \$15,000,000

NEW SECTION. Sec. 5171. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Facility Preservation - Roof Repairs (20081010)

Reappropriation:

Education Construction Account--State \$2,500,000
State Building Construction Account--State \$1,000,000
Subtotal Reappropriation \$3,500,000

Prior Biennia (Expenditures) \$4,176,000
Future Biennia (Projected Costs) \$0
TOTAL \$7,676,000

NEW SECTION. Sec. 5172. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Facility Preservation (20081050)

Reappropriation:

Community/Technical College Capital Projects Account--State \$13,000,000

Prior Biennia (Expenditures) \$8,243,000
Future Biennia (Projected Costs) \$0
TOTAL \$21,243,000

NEW SECTION. Sec. 5173. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Infrastructure Preservation (20081090)

Reappropriation:

Community/Technical College Capital Projects Account--State \$924,000

Prior Biennia (Expenditures) \$1,158,000
Future Biennia (Projected Costs) \$0
TOTAL \$2,082,000

NEW SECTION. Sec. 5174. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College: Wood Construction Center (20081216)

Reappropriation:

State Building Construction Account--State \$2,000,000

Appropriation:

State Building Construction Account--State \$24,645,000

Prior Biennia (Expenditures) \$549,000
Future Biennia (Projected Costs) \$0
TOTAL \$27,194,000

NEW SECTION. Sec. 5175. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Columbia Basin College: Vocational Building (20081217)

Reappropriation:

State Building Construction Account--State \$1,100,000

Appropriation:

State Building Construction Account--State \$20,144,000

Prior Biennia (Expenditures) \$702,000
Future Biennia (Projected Costs) \$0
TOTAL \$21,946,000

NEW SECTION. Sec. 5176. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Peninsula College: Business and Humanities Center (20081218)

Reappropriation:

State Building Construction Account--State \$1,200,000

Appropriation:

State Building Construction Account--State \$33,627,000

Prior Biennia (Expenditures) \$1,100,000
Future Biennia (Projected Costs) \$0
TOTAL \$35,927,000

NEW SECTION. Sec. 5177. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Spokane Falls Community College - Chemistry and Life Science Building (20081219)

Reappropriation:	
State Building Construction Account--State	\$1,200,000
Appropriation:	
State Building Construction Account--State	\$27,800,000
Prior Biennia (Expenditures)	\$1,320,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$30,320,000

NEW SECTION. Sec. 5178. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Spokane Community College - Technical Education Building (20081220)

Reappropriation:	
State Building Construction Account--State	\$1,600,000
Appropriation:	
State Building Construction Account--State	\$30,718,000
Prior Biennia (Expenditures)	\$793,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$33,111,000

NEW SECTION. Sec. 5179. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Everett Community College - Index Hall Replacement (20081221)

Reappropriation:	
State Building Construction Account--State	\$1,150,000
Appropriation:	
State Building Construction Account--State	\$2,301,000
Prior Biennia (Expenditures)	\$1,650,000
Future Biennia (Projected Costs)	\$40,205,000
TOTAL	\$45,306,000

NEW SECTION. Sec. 5180. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Green River Community College - Trades and Industry Building (20081222)

Reappropriation:	
State Building Construction Account--State	\$11,000
Appropriation:	
State Building Construction Account--State	\$2,625,000
Prior Biennia (Expenditures)	\$127,000
Future Biennia (Projected Costs)	\$28,737,000
TOTAL	\$31,500,000

NEW SECTION. Sec. 5181. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Bellingham Technical College - Instructional Resource Center (20081223)

Reappropriation:	
State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5182. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Skagit Valley College - Academic and Student Services Building (20081224)

Reappropriation:	
State Building Construction Account--State	\$35,000
Appropriation:	
State Building Construction Account--State	\$2,116,000
Prior Biennia (Expenditures)	\$101,000
Future Biennia (Projected Costs)	\$28,949,000
TOTAL	\$31,201,000

NEW SECTION. Sec. 5183. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Lower Columbia College - Health and Science Building (20081225)

Appropriation:	
State Building Construction Account--State	\$2,969,000

Prior Biennia (Expenditures)	\$2,500,000
Future Biennia (Projected Costs)	\$36,405,000
TOTAL	\$41,874,000

NEW SECTION. Sec. 5154. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Grays Harbor College - Science and Math Building (20081226)

Reappropriation:	
State Building Construction Account--State	\$45,000
Appropriation:	
State Building Construction Account--State	\$3,583,000
Prior Biennia (Expenditures)	\$231,000
Future Biennia (Projected Costs)	\$40,478,000
TOTAL	\$44,337,000

NEW SECTION. Sec. 5185. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Seattle Central Community College - Edison North Renovation (20081314)

Reappropriation:	
State Building Construction Account--State	\$16,500,000
Prior Biennia (Expenditures)	\$1,784,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$18,284,000

NEW SECTION. Sec. 5186. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Columbia Basin College - Business Education Building (20081315)

Reappropriation:	
State Building Construction Account--State	\$1,400,000
Prior Biennia (Expenditures)	\$3,620,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,020,000

NEW SECTION. Sec. 5187. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 South Puget Sound Community College - Building 22 Renovation (20081316)

Reappropriation:	
State Building Construction Account--State	\$9,300,000
Appropriation:	
State Building Construction Account--State	\$10,002,000
Prior Biennia (Expenditures)	\$1,059,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,361,000

NEW SECTION. Sec. 5188. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Yakima Valley Community College - Brown Dental Hygiene Building (20081317)

Reappropriation:	
State Building Construction Account--State	\$3,500,000
Prior Biennia (Expenditures)	\$2,175,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$5,675,000

NEW SECTION. Sec. 5189. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Edmonds Community College - Meadowdale Hall Renovation (20081318)

Reappropriation:	
State Building Construction Account--State	\$8,400,000
Prior Biennia (Expenditures)	\$856,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$9,256,000

NEW SECTION. Sec. 5190. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Spokane Community College - Building 7 Renovation (20081319)

Reappropriation:	
State Building Construction Account--State	\$986,000

Appropriation:

State Building Construction Account--State	\$9,748,000
Prior Biennia (Expenditures)	\$23,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$10,757,000

NEW SECTION, Sec. 5191. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Spokane Falls Community College - Music Building 15 Renovation (20081320)

Reappropriation:

State Building Construction Account--State	\$475,000
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Appropriation:

State Building Construction Account--State	\$13,806,000
Prior Biennia (Expenditures)	\$667,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$14,948,000

NEW SECTION, Sec. 5192. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Pierce College Fort Steilacoom - Cascade Core (20081321)

Reappropriation:

State Building Construction Account--State	\$1,200,000
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Appropriation:

State Building Construction Account--State	\$15,000,000
Prior Biennia (Expenditures)	\$1,042,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$17,242,000

NEW SECTION, Sec. 5193. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Green River Community College - Primary Electrical Replacement (20081506)

Reappropriation:

State Building Construction Account--State	\$589,000
Prior Biennia (Expenditures)	\$1,281,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,870,000

NEW SECTION, Sec. 5194. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Edmonds Community College - Primary Electrical Replacement (20081508)

Reappropriation:

State Building Construction Account--State	\$1,662,000
Prior Biennia (Expenditures)	\$804,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,466,000

NEW SECTION, Sec. 5195. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Bellevue Community College - L Building Emergency Repairs (20081850)

Reappropriation:

State Building Construction Account--State	\$1,460,000
Prior Biennia (Expenditures)	\$203,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,663,000

NEW SECTION, Sec. 5196. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Minor Works - Program (20082130)

Reappropriation:

Community/Technical College Capital Projects Account--State	\$8,000,000
Prior Biennia (Expenditures)	\$12,000,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$20,000,000

NEW SECTION, Sec. 5197. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Shoreline Community College - Automotive Training Center (20082413)

Reappropriation:

State Building Construction Account--State	\$994,000
Prior Biennia (Expenditures)	\$6,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5198. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Centralia College - Health and Wellness Education Center (20082414)

Reappropriation:

State Building Construction Account--State	\$5,000
Prior Biennia (Expenditures)	\$995,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5199. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Spokane Falls Community College - Magnuson Building Remodel (20082415)

Reappropriation:

State Building Construction Account--State	\$888,000
Prior Biennia (Expenditures)	\$53,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$941,000

NEW SECTION. Sec. 5200. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Grays Harbor College - Child Care Facility (20082416)

Reappropriation:

State Building Construction Account--State	\$954,000
Prior Biennia (Expenditures)	\$46,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5201. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Clark College - Child and Family Studies Center (20082417)

Reappropriation:

State Building Construction Account--State	\$1,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5202. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Tacoma Community College - Early Childhood Education and Child Care Center (20082418)

Reappropriation:

State Building Construction Account--State	\$6,000
Prior Biennia (Expenditures)	\$994,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5203. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Walla Walla Community College - Culinary Arts/Student Development Center (20082419)

Reappropriation:

State Building Construction Account--State	\$975,000
Prior Biennia (Expenditures)	\$25,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,000,000

NEW SECTION. Sec. 5204. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Tacoma Community College - Health Careers Center (20082701)

Reappropriation:

State Building Construction Account--State	\$15,000
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Appropriation:

State Building Construction Account--State	\$2,946,000
Prior Biennia (Expenditures)	\$240,000
Future Biennia (Projected Costs)	\$35,565,000
TOTAL	\$38,766,000

NEW SECTION, Sec. 5205. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Bellevue Community College - Health Science Building (20082702)

Appropriation:

State Building Construction Account--State	\$4,350,000
Prior Biennia (Expenditures)	\$144,000
Future Biennia (Projected Costs)	\$36,506,000
TOTAL	\$41,000,000

NEW SECTION, Sec. 5206. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Bates Technical College - Mohler Communications Technology Center (20082703)

Reappropriation:

State Building Construction Account--State	\$20,000
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Appropriation:

State Building Construction Account--State	\$1,755,000
Prior Biennia (Expenditures)	\$153,000
Future Biennia (Projected Costs)	\$23,398,000
TOTAL	\$25,326,000

NEW SECTION, Sec. 5207. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Columbia Basin College - Social Science Center (20082704)

Reappropriation:

State Building Construction Account--State	\$25,000
Prior Biennia (Expenditures)	\$86,000
Future Biennia (Projected Costs)	\$14,041,000
TOTAL	\$14,152,000

NEW SECTION, Sec. 5208. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Clark College - Health and Advanced Technologies Building (20082705)

Reappropriation:

State Building Construction Account--State	\$14,000
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Appropriation:

State Building Construction Account--State	\$2,506,000
Prior Biennia (Expenditures)	\$236,000
Future Biennia (Projected Costs)	\$33,598,000
TOTAL	\$36,354,000

NEW SECTION, Sec. 5209. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Higher Education Cost Escalation (20082850)

The reappropriation in this section is subject to the following conditions and limitations: The reappropriation is provided solely for the state board for community and technical colleges to assist public community and technical colleges to manage unanticipated cost escalation for projects bid during the 2007-09 biennium. Not more than \$750,000 shall be made available to any single project and amounts provided for this purpose must be matched equally from other resources. The state board for community and technical colleges shall manage the distribution of funds to ensure that the requesting college has managed its project within the current appropriation through preparation of bid documents and that the scope of the project is no greater than was originally specified in the design. Prior to the office of financial management approving use of a minor works appropriation as a match, and its transfer to the project with unanticipated cost escalation, the state board for community and technical colleges shall require the college to describe what it has done to identify and develop alternative resources for a match, and the specific minor works projects that would be deferred as a result of the transfer. The state board for community and technical colleges will report to the office of financial management and the appropriate fiscal committees of the legislature on the use of these funds.

Reappropriation:

State Building Construction Account--State	\$1,641,000
Prior Biennia (Expenditures)	\$597,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,238,000

NEW SECTION, Sec. 5210. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Roof Repairs "A" (30000010)

Appropriation:

State Building Construction Account--State	\$8,493,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$24,000,000
TOTAL	\$32,493,000

NEW SECTION, Sec. 5211. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Site Repairs "A" (30000036)

Appropriation:

Community/Technical College Capital Projects Account--State	\$2,710,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$16,000,000
TOTAL	\$18,710,000

NEW SECTION, Sec. 5212. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Facility Repairs "A" (30000048)

Appropriation:

State Building Construction Account--State	\$16,728,000
Community/Technical College Capital Projects Account--State	\$1,807,000
Subtotal Appropriation	\$18,535,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$98,535,000

NEW SECTION, Sec. 5213. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Minor Works - Program (30000078)

Appropriation:

State Building Construction Account--State	\$3,858,000
Community/Technical College Capital Projects Account--State	\$9,714,000
Subtotal Appropriation	\$13,572,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$80,000,000
TOTAL	\$93,572,000

NEW SECTION, Sec. 5214. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Yakima Valley Community College - College and City Library (30000113)

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION, Sec. 5215. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Olympic College - Sophia Bremer Child Development Center (30000115)

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION, Sec. 5216. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Wenatchee Valley College - Music and Arts Center (30000119)

Appropriation:

State Building Construction Account--State	\$2,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

NEW SECTION, Sec. 5217. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Seattle Central Community College - Seattle Maritime Academy (30000120)

Appropriation:

State Building Construction Account--State	\$2,839,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,483,000
TOTAL	\$18,322,000

NEW SECTION. Sec. 5218. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Yakima Valley Community College - Palmer Martin Building (30000121)

Appropriation:

State Building Construction Account--State	\$1,464,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$13,509,000
TOTAL	\$14,973,000

NEW SECTION. Sec. 5219. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 North Seattle Community College - Technology Building Renewal (30000129)

Appropriation:

State Building Construction Account--State	\$2,976,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$22,337,000
TOTAL	\$25,313,000

NEW SECTION. Sec. 5220. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Green River Community College - Science Math and Technology Building (30000130)

Appropriation:

State Building Construction Account--State	\$1,700,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$15,545,000
TOTAL	\$17,245,000

NEW SECTION. Sec. 5221. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Everett Community College - Infrastructure (30000190)

Appropriation:

State Building Construction Account--State	\$2,061,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,061,000

NEW SECTION. Sec. 5222. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Seattle Central Community College: Culinary Kitchen Modernization (91000009)

Appropriation:

State Building Construction Account--State	\$378,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$378,000

NEW SECTION. Sec. 5223. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Minor Works - Preservation (30000210)

Appropriation:

State Building Construction Account--State	\$15,116,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$15,116,000

NEW SECTION. Sec. 5224. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Preventative Facility Maintenance and Building System Repairs (30000287)

Appropriation:

Community and Technical Colleges Capital Projects Account--State	\$22,800,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$91,208,000
TOTAL	\$114,008,000

NEW SECTION. Sec. 5225. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Infrastructure Savings (30000421)

The appropriations in this section are subject to the following conditions and limitations: Projects that are completed in accordance with section 6004 of this act may have their remaining funds transferred to this appropriation for other preservation projects approved by the office of financial management.

Appropriation:

State Building Construction Account--State	\$1
Gardner-Evans Higher Education Construction Account--State	\$1
Subtotal Appropriation	\$2

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2

NEW SECTION. Sec. 5226. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Tri-Cities STEM School (91000004)

Appropriation:

State Building Construction Account--State	\$800,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$800,000

NEW SECTION. Sec. 5227. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Walla Walla Community College Water and Environment Center (91000007)

Appropriation:

State Building Construction Account--State	\$1,750,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$1,750,000

NEW SECTION. Sec. 5228. FOR THE COMMUNITY AND TECHNICAL COLLEGE SYSTEM
 Bellingham Technical College - Fisheries Program (30000117)

Appropriation:

State Building Construction Account--State	\$2,000,000
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Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$2,000,000

PART 6
MISCELLANEOUS AND SUPPLEMENTAL PROVISIONS

NEW SECTION. Sec. 6001. (1) Allotments for appropriations in this act shall be provided in accordance with the capital project review requirements adopted by the office of financial management and in compliance with RCW 43.88.110. Projects that will be employing alternative public works construction procedures under chapter 39.10 RCW are subject to the allotment procedures defined in this section and RCW 43.88.110.

(2) Each project is defined as proposed in the legislative budget notes or in the governor's budget document.

NEW SECTION. Sec. 6002. To ensure that major construction projects are carried out in accordance with legislative and executive intent, appropriations in this act in excess of \$5,000,000 shall not be expended or encumbered until the office of financial management has reviewed and approved the agency's predesign. The predesign document shall include but not be limited to program, site, and cost analysis in accordance with the predesign manual adopted by the office of financial management. To improve monitoring of major construction projects, progress reports shall be submitted by the agency administering the project to the office of financial management and to the fiscal committees of the house of representatives and senate. Reports will be submitted on July 1st and December 31st each year in a format to be developed by the office of financial management.

NEW SECTION. Sec. 6003. (1) To ensure minor works appropriations are carried out in accordance with legislative intent, funds appropriated in this act shall not be allotted until project lists are on file at the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee. All projects must meet the criteria included in subsection (2)(a) of this section. Revisions to the lists must be filed with the office of financial management, the house of representatives capital budget committee, and the senate ways and means committee and include an explanation of variances from the prior lists before funds may be expended on the revisions.

(2)(a) Minor works projects are single line appropriations that include multiple projects of a similar nature and that are valued between \$25,000 and \$1,000,000 each, with the exception of higher education minor works projects that may be valued up to \$2,000,000. These projects can generally be completed within two years of the appropriation with the funding provided. Agencies are prohibited from including projects on their minor works lists that are a phase of a larger project, and that if combined over a continuous period of time, would exceed \$1,000,000, or \$2,000,000 for higher education minor works projects. Improvements for accessibility in compliance with the Americans with disabilities act may be included in any of the above minor works categories.

(b) Minor works appropriations shall not be used for, among other things: Studies, except for technical or engineering reviews or designs that lead directly to and support a project on the same minor works list; planning; design outside the scope of work on a minor works list; moveable, temporary, and traditionally funded operating equipment not in compliance with the equipment criteria established by the office of financial management; software not dedicated to control of a specialized system; moving expenses; land or facility acquisition; or to supplement funding for projects with funding shortfalls unless expressly authorized elsewhere in this act. The office of financial management may make an exception to the limitations described in this subsection (2)(b) for exigent circumstances after notifying the legislative fiscal committees and waiting ten days for comments by the legislature regarding the proposed exception.

(3) It is generally not the intent of the legislature to make future appropriations for capital expenditures or for maintenance and operating expenses for an acquisition project or a significant expansion project that is initiated through the minor works process and therefore does not receive a policy and fiscal analysis by the legislature. Minor works projects are intended to be one-time expenditures that do not require future state resources to complete.

NEW SECTION. Sec. 6004. (1) The office of financial management may authorize a transfer of appropriation authority provided for a capital project that is in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient. No such transfer may be used to expand the capacity of any facility beyond that intended in making the appropriation. Such transfers may be effected only between capital appropriations to a specific department, commission, agency, or institution of higher education and only between capital projects that are funded from the same fund or account. No transfers may occur between projects to local government agencies except where the grants are provided within a single omnibus appropriation and where such transfers are specifically authorized by the implementing statutes that govern the grants.

(2) The office of financial management may find that an amount is in excess of the amount required for the completion of a project only if: (a) The project as defined in the notes to the budget document is substantially complete and there are funds remaining; or (b) bids have been let on a project and it appears to a substantial certainty that the project as defined in the notes to the budget document can be completed within the biennium for less than the amount appropriated in this act.

(3) For the purposes of this section, the intent is that each project be defined as proposed to the legislature in the governor's budget document, unless it clearly appears from the legislative history that the legislature intended to define the scope of a project in a different way.

(4) Transfers of funds to an agency's infrastructure savings appropriation are subject to review and approval by the office of financial management. Expenditures from an infrastructure savings appropriation are limited to projects that have a primary purpose to correct infrastructure deficiencies or conditions that: (a) Adversely affect the ability to utilize the infrastructure for its current programmatic use; (b) reduce the life expectancy of the infrastructure; or (c) increase the operating costs of the infrastructure for its current programmatic use. Eligible infrastructure projects may include structures and surface improvements, site amenities, utility systems outside building footprints and natural environmental changes or requirements as part of an environmental regulation, a declaration of emergency for an infrastructure issue in conformance with RCW 43.88.250, or infrastructure planning as part of a facility master plan.

(5) A report of any transfer effected under this section, except emergency projects or any transfer under \$250,000, shall be filed with the legislative fiscal committees of the senate and house of representatives by the office of financial management at least thirty days before the date the transfer is effected. The office of financial management shall report all emergency or smaller transfers within thirty days from the date of transfer.

NEW SECTION. Sec. 6005. (1) It is expected that projects be ready to proceed in a timely manner depending on the type or phase of the project or program that is the subject of the appropriation in this act. Except for major projects that customarily may take more than two biennia to complete from predesign to the end of construction, or large infrastructure grant or loan programs supporting projects that often take more than two biennia to complete, the legislature generally does not intend to reappropriate funds more than once, particularly for smaller grant programs, local/community projects, and minor works.

(2) Agencies shall expedite the expenditure of reappropriations and appropriations in this act in order to: (a) Rehabilitate infrastructure resources; (b) accelerate environmental rehabilitation and restoration projects for the improvement of the state's natural environment; (c) reduce additional costs associated with acquisition and construction inflationary pressures; and (d) provide additional employment opportunities associated with capital expenditures.

(3) To the extent feasible, agencies are directed to accelerate expenditure rates at their current level of permanent employees and shall use contracted design and construction services wherever necessary to meet the goals of this section.

NEW SECTION. Sec. 6006. State agencies, including institutions of higher education, shall allot and report full-time equivalent staff for capital projects in a manner comparable to staff reporting for operating expenditures.

NEW SECTION. Sec. 6007. The department of general administration shall not charge the facility depreciation component of lease charges for nonprofit tenants in the building adjoining Capitol Way and 11th avenue during the 2009-2011 biennium.

NEW SECTION. Sec. 6008. Executive Order No. 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions shall comply with the requirements set forth in this executive order.

NEW SECTION. Sec. 6009. ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Department of corrections: Enter into a financing contract for up to \$17,958,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase or build work release beds, violator beds, or other community-based re-entry facilities.

(2) Community and technical colleges:

(a) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(b) Enter into a financing contract on behalf of Bellingham Technical College for up to \$1,390,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an instructional resource center.

(c) Enter into a financing contract on behalf of Bellingham Technical College for up to \$28,968,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an instructional resource center. The cost of this financing contract shall be paid from the community and technical colleges capital projects account. This facility shall be eligible for maintenance and operations funding on the same terms as if constructed with state general obligation bonds.

(d) Enter into a financing contract on behalf of Edmonds Community College for up to \$5,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide space for allied health and construction industry.

(e) Contingent upon the sale and purchase specified in section 5071 of this act, enter into a financing contract on behalf of Spokane Community College for up to \$3,400,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase the Riverpoint One building.

(f) Enter into a financing contract on behalf of North Seattle Community College for up to \$8,900,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an employment resource center.

(g) Enter into a financing contract on behalf of Everett Community College for up to \$25,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a student fitness and health center.

(h) Enter into a financing contract on behalf of Wenatchee Valley Community College for up to \$2,700,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase a music and art center.

(i) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 40,000 square foot addition to Green River Kent station.

(j) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the water and environment center.

(k) Enter into a financing contract pursuant to chapter 39.94 RCW on behalf of Green River Community College for up to \$26,532,000 plus financing expenses and required reserves to construct a new classrooms facility as specified in project 20061205. The cost of this financing contract shall be paid from the community and technical colleges capital projects account. This facility shall be eligible for maintenance and operations funding on the same terms as if constructed with state general obligation bonds.

(3) Parks and recreation commission: Enter into a financing contract for up to \$2,500,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the Mount Spokane lodge. The parks and recreation commission shall use energy savings performance contracting if practicable. The lodge shall be operated by a private concessionaire under a contract with the parks and recreation commission that is a qualified management contract under the applicable internal revenue service guidelines.

(4) Department of general administration: Enter into a financing contract for up to \$27,144,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building, subject to approval of the project scope by the speaker of the house of representatives and the chief clerk of the house of representatives.

(5) Department of ecology: Enter into a financing contract for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to rebuild the east wall of the department of ecology's headquarters building in Lacey, Washington.

NEW SECTION. Sec. 6010. PUGET SOUND PROTECTION AND RESTORATION. Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that projects and expenditures are either in, or consistent with the 2020 action agenda. These consultations shall include the exchange of information on specific actions, projects, associated funding, performance measures, and other information necessary to track project implementation and ensure alignment with the action agenda. In situations where the Puget Sound partnership finds that a project is not in, or is not consistent with the action agenda Puget Sound partnership shall document this finding and report back to the governor and legislative fiscal committees.

NEW SECTION. Sec. 6011. FOR THE ARTS COMMISSION--ART WORK ALLOWANCE POOLING. (1) One-half of one percent of moneys appropriated in this act for original construction of school plant facilities is provided solely for the purposes of RCW 28A.335.210. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the superintendent of public instruction and representatives of school district boards.

(2) One-half of one percent of moneys appropriated in this act for original construction or any major renovation or remodel work exceeding two hundred thousand dollars by colleges or universities is provided solely for the purposes of RCW 28B.10.027. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the board of regents or trustees.

(3) One-half of one percent of moneys appropriated in this act for original construction of any public building by a state agency as defined in RCW 43.17.020 is provided solely for the purposes of RCW 43.17.200. The Washington state arts commission may combine the proceeds from individual projects in order to fund larger works of art or mobile art displays in consultation with the state agency.

(4) At least eighty-five percent of the moneys spent by the Washington state arts commission during the 2009-2011 biennium for the purposes of RCW 28A.335.210, 28B.10.027, and 43.17.200 must be expended solely for direct acquisition of works of art. The commission may use up to \$100,000 of this amount to conserve or maintain existing pieces in the state art collection pursuant to chapter 36, Laws of 2005.

NEW SECTION. Sec. 6012. The amounts shown under the headings "Prior Biennia," "Future Biennia," and "Total" in this act are for informational purposes only and do not constitute legislative approval of these amounts. "Prior biennia" typically refers to the immediate prior biennium for reappropriations, but may refer to multiple biennia in the case of specific projects. A "future biennia" amount is an estimate of

what may be appropriated for the project or program in the 2011-2013 biennium and the following three biennia; an amount of zero does not necessarily constitute legislative intent to not provide funding for the project or program in the future.

NEW SECTION. Sec. 6013. (1) "Reappropriations" in this act are appropriations and, unless the context clearly provides otherwise, are subject to the relevant conditions and limitations applicable to appropriations. Reappropriations shall be limited to the unexpended balances remaining on June 30, 2009, from the 2007-2009 biennial appropriations for each project.

(2) "Reappropriations" in sections 5126, 5130, and 5131 of this act shall be reduced in this act to the unexpended balance remaining as of the end of fiscal year 2009 for the 2007-09 biennial appropriations in sections 1085, 1086, and 5145, chapter 520, Laws of 2007.

NEW SECTION. Sec. 6014. To carry out the provisions of this act, the governor may assign responsibility for predesign, design, construction, and other related activities to any appropriate agency.

NEW SECTION. Sec. 6015. If any federal moneys appropriated by this act for capital projects are not received by the state, the department or agency to which the moneys were appropriated may replace the federal moneys with funds available from private or local sources. No replacement may occur under this section without the prior approval of the director of financial management in consultation with the senate ways and means committee and the house of representatives capital budget committee.

NEW SECTION. Sec. 6016. (1) Unless otherwise stated, for all appropriations under this act that require a match of nonstate money or in-kind contributions, the following requirement, consistent with RCW 43.88.150, shall apply: Expenditures of state money shall be timed so that the state share of project expenditures never exceeds the intended state share of total project costs.

(2) Provision of the full amount of required matching funds is not required to permit the expenditure of capital budget appropriations for phased projects if a proportional amount of the required matching funds is provided for each distinct, identifiable phase of the project.

NEW SECTION. Sec. 6017. NONTAXABLE AND TAXABLE BOND PROCEEDS. Portions of the appropriation authority granted by this act from the state building construction account, or any other account receiving bond proceeds, may be transferred to the state taxable building construction account as deemed necessary by the state finance committee to comply with the federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds. Portions of the general obligation bond proceeds authorized by chapter . . . , Laws of 2009 for deposit into the state taxable building construction account that are in excess of amounts required to comply with the federal internal revenue service rules and regulations shall be deposited into the state building construction account. The state treasurer shall submit written notification to the director of financial management if it is determined that a shift of appropriation authority between the state building construction account, or any other account receiving bond proceeds, and the state taxable building construction account is necessary.

NEW SECTION. Sec. 6018. The office of financial management, in consultation with the fiscal committees of the legislature, may select capital projects that have completed predesign to undergo a budget evaluation study. The budget evaluation study team approach using value engineering techniques must be utilized by the office of financial management in conducting the studies. The office of financial management shall select the budget evaluation team members, contract for the study, and report the results to the legislature and agencies in a timely manner following the study. Funds from the project appropriation must be used by the office of financial management through an interagency agreement with the affected agencies to cover the cost of the study.

Sec. 6019. RCW 28B.15.210 and 1985 c 390 s 20 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund, and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5). During the 2009-2011 biennium, sums credited to the University of Washington building account shall also be used for routine facility maintenance and utility costs.

Sec. 6020. RCW 28B.15.310 and 1985 c 390 s 22 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid into the state treasury and credited to the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, except for any sums transferred as authorized by law. During the 2009-2011 biennium, sums credited to the Washington State University building account shall also be used for routine facility maintenance and utility costs. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 6021. RCW 28B.35.370 and 1991 sp.s. c 13 s 49 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the Eastern Washington University

capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used exclusively to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law. During the 2009-2011 biennium, sums in the respective capital accounts shall also be used for routine facility maintenance and utility costs.

Sec. 6022. RCW 28B.50.360 and 2005 c 488 s 922 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be exclusively devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended exclusively to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes. During the 2009-2011 biennium, sums in the capital projects account shall also be used for routine facility maintenance and utility costs.

Sec. 6023. RCW 43.63A.125 and 2008 c 327 s 15 are each amended to read as follows:

(1) The department shall establish the building communities fund program. Under the program, capital and technical assistance grants may be made to nonprofit organizations for acquiring, constructing, or rehabilitating facilities used for the delivery of nonresidential community services, including social service centers and multipurpose community centers, including those serving a distinct or ethnic population. Such facilities must be located in a distressed community or serve a substantial number of low-income or disadvantaged persons.

(2) The department shall establish a competitive process to solicit, ~~(and)~~ evaluate, and rank applications for the building communities fund program as follows:

(a) The department shall conduct a statewide solicitation of project applications from nonprofit organizations.

(b) The department shall evaluate and rank applications in consultation with a citizen advisory committee using objective criteria. To be considered qualified, applicants must demonstrate that the proposed project:

(i) Will increase the range, efficiency, or quality of the services provided to citizens;

(ii) Will be located in a distressed community or will serve a substantial number of low-income or disadvantaged persons;

(iii) Will offer three or more distinct activities that meet a single community service objective or a diverse set of activities that meet multiple community service objectives, including but not limited to: Providing social services; expanding employment opportunities for or increasing the employability of community residents; or offering educational or recreational opportunities separate from the public school system or private schools, as long as recreation is not the sole purpose of the facility;

(iv) Reflects a long-term vision for the development of the community, shared by residents, businesses, leaders, and partners;

(v) Requires state funding to accomplish a discrete, usable phase of the project;

(vi) Is ready to proceed and will make timely use of the funds;

(vii) Is sponsored by one or more entities that have the organizational and financial capacity to fulfill the terms of the grant agreement and to maintain the project into the future;

(viii) Fills an unmet need for community services;

(ix) Will achieve its stated objectives; and

(x) Is a community priority as shown through tangible commitments of existing or future assets made to the project by community residents, leaders, businesses, and government partners.

(c) The evaluation process shall also include an examination of existing assets that applicants may apply to projects. Grant assistance under this section shall not exceed twenty-five percent of the total cost of the project, except, under exceptional circumstances, the department may reduce the amount of nonstate match required. The nonstate portion of the total project cost may include cash, the value of real property when acquired solely for the purpose of the project, and in-kind contributions.

(d) The department may not set a monetary limit to funding requests.

(e) No more than ten percent of the total granted amount may be awarded to qualified eligible projects that meet the definition of exceptional circumstances defined in this subsection. For purposes of this subsection, exceptional circumstances include but are not limited to: Natural disasters affecting projects; emergencies beyond an applicant's control, such as a fire or an unanticipated loss of a lease where services are currently provided; a delay that could result in a threat to public health or safety; or instances where a local community could quantifiably demonstrate that they had exhausted all possible fund-raising efforts.

(3) The department shall submit (~~(annually)~~) biennially to the governor and the legislature in the department's capital budget request (~~(an unranked)~~) a ranked list of the qualified eligible projects for which applications were received. The list must include a description of each project, its total cost, and the amount of state funding requested. The appropriate fiscal committees of the legislature shall use this list to determine building communities fund projects that may receive funding in the capital budget. The total amount of state capital funding available for all projects on the (~~(annual)~~) biennial list shall be determined by the capital budget beginning with the 2009- 2011 biennium and thereafter. In addition, if cash funds have been appropriated, up to three million dollars may be used for technical assistance grants. The department shall not sign contracts or otherwise financially obligate funds under this section until the legislature has approved a specific list of projects.

(4) In addition to the list of ranked qualified eligible projects, the department shall submit to the appropriate fiscal committees of the legislature a summary report that describes the solicitation and evaluation processes, including but not limited to the number of applications received, the total amount of funding requested, issues encountered, if any, and any recommendations for process improvements.

(5) After the legislature has approved a specific list of projects in law, the department shall develop and manage appropriate contracts with the selected applicants; monitor project expenditures and grantee performance; report project and contract information; and exercise due diligence and other contract management responsibilities as required.

(6) In contracts for grants authorized under this section the department shall include provisions which require that capital improvements shall be held by the grantee for a specified period of time appropriate to the amount of the grant and that facilities shall be used for the express purpose of the grant. If the grantee is found to be out of compliance with provisions of the contract, the grantee shall repay to the state general fund the principal amount of the grant plus interest calculated at the rate of interest on state of Washington general obligation bonds issued most closely to the date of authorization of the grant.

Sec. 6024. RCW 79.17.010 and 2008 c 328 s 6012 are each amended to read as follows:

(1) The department, with the approval of the board, may exchange any state land and any timber thereon for any land of equal value in order to:

- (a) Facilitate the marketing of forest products of state lands;
- (b) Consolidate and block-up state lands;
- (c) Acquire lands having commercial recreational leasing potential;
- (d) Acquire county-owned lands;
- (e) Acquire urban property which has greater income potential or which could be more efficiently managed by the department in exchange for state urban lands as defined in RCW 79.19.100; or
- (f) Acquire any other lands when such exchange is determined by the board to be in the best interest of the trust for which the state land is held.

(2) Land exchanged under this section shall not be used to reduce the publicly owned forest land base.

(3) The board shall determine that each land exchange is in the best interest of the trust for which the land is held prior to authorizing the land exchange.

(4) During the biennium ending June 30, (~~(2009)~~) 2011, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the resource management cost account to pay for administrative expenses incurred in carrying out an exchange transaction. These administrative expenses include road maintenance and abandonment expenses. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(5) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

Sec. 6025. RCW 79.17.020 and 2008 c 328 s 6013 are each amended to read as follows:

(1) The board of county commissioners of any county and/or the mayor and city council or city commission of any city or town and/or the board shall have authority to exchange, each with the other, or with the federal forest service, the federal government or any proper agency thereof and/or with any private landowner, county land of any character, land owned by municipalities of any character, and state forest land owned by the state under the jurisdiction of the department, for real property of equal value for the purpose of consolidating and blocking up the respective land holdings of any county, municipality, the federal government, or the state of Washington or for the purpose of obtaining lands having commercial recreational leasing potential.

(2) During the biennium ending June 30, (~~(2009)~~) 2011, for the purposes of maintaining working farm and forest landscapes or acquiring natural resource lands at risk of development, the department, with approval of the board of natural resources, may exchange any state land and any timber thereon for any land and proceeds of equal value, when it can be demonstrated that the trust fiduciary obligations can be better fulfilled after an exchange is completed. Proceeds may be in the form of cash or services in order to achieve the purposes established in this section. Any cash received as part of an exchange transaction shall be deposited in the forest development account to pay for administrative expenses incurred in carrying out an exchange transaction. The amount of proceeds received from the exchange partner may not exceed five percent of the total value of the exchange. The receipt of proceeds shall not change the character of the transaction from an exchange to a sale.

(3) Prior to executing an exchange under this section, and in addition to the public notice requirements set forth in RCW 79.17.050, the department shall consult with legislative members, other state and federal agencies, local governments, tribes, local stakeholders, conservation groups, and any other interested parties to identify and address cultural resource issues, and the potential of the state lands proposed for exchange to be used for open space, park, school, or critical habitat purposes.

Sec. 6026. RCW 43.99N.060 and 2008 c 328 s 6017 are each amended to read as follows:

(1) The stadium and exhibition center account is created in the custody of the state treasurer. All receipts from the taxes imposed under RCW 82.14.0494 and distributions under RCW 67.70.240(5) shall be deposited into the account. Only the director of the office of financial management or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW. An appropriation is not required for expenditures from this account.

(2) Until bonds are issued under RCW 43.99N.020, up to five million dollars per year beginning January 1, 1999, shall be used for the purposes of subsection (3)(b) of this section, all remaining moneys in the account shall be transferred to the public stadium authority, created under RCW 36.102.020, to be used for public stadium authority operations and development of the stadium and exhibition center.

(3) After bonds are issued under RCW 43.99N.020, all moneys in the stadium and exhibition center account shall be used exclusively for the following purposes in the following priority:

(a) On or before June 30th of each year, the office of financial management shall accumulate in the stadium and exhibition center account an amount at least equal to the amount required in the next succeeding twelve months for the payment of principal of and interest on the bonds issued under RCW 43.99N.020;

(b) An additional reserve amount not in excess of the expected average annual principal and interest requirements of bonds issued under RCW 43.99N.020 shall be accumulated and maintained in the account, subject to withdrawal by the state treasurer at any time if necessary to meet the requirements of (a) of this subsection, and, following any withdrawal, reaccumulated from the first tax revenues and other amounts deposited in the account after meeting the requirements of (a) of this subsection; and

(c) The balance, if any, shall be transferred to the youth athletic facility account under subsection (4) of this section.

Any revenues derived from the taxes authorized by RCW 36.38.010(5) and 36.38.040 or other amounts that if used as provided under (a) and (b) of this subsection would cause the loss of any tax exemption under federal law for interest on bonds issued under RCW 43.99N.020 shall be deposited in and used exclusively for the purposes of the youth athletic facility account and shall not be used, directly or indirectly, as a source of payment of principal of or interest on bonds issued under RCW 43.99N.020, or to replace or reimburse other funds used for that purpose.

(4) Any moneys in the stadium and exhibition center account not required or permitted to be used for the purposes described in subsection (3)(a) and (b) of this section shall be deposited in the youth athletic facility account hereby created in the state treasury. Expenditures from the account may be used only for purposes of grants or loans to cities, counties, and qualified nonprofit organizations for community outdoor athletic facilities. ~~((For the 2005-2007 biennium, moneys in the account may also be used for a recreation level of service study for local and regional active recreation facilities.))~~ Only the director of the recreation and conservation office or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The athletic facility grants or loans may be used for acquiring, developing, equipping, maintaining, and improving community outdoor athletic facilities. Funds shall be divided equally between the development of new community outdoor athletic facilities, the improvement of existing community outdoor athletic facilities, and the maintenance of existing community outdoor athletic facilities. Cities, counties, and qualified nonprofit organizations must submit proposals for grants or loans from the account. To the extent that funds are available, cities, counties, and qualified nonprofit organizations must meet eligibility criteria as established by the director of the recreation and conservation office. The grants and loans shall be awarded on a competitive application process and the amount of the grant or loan shall be in proportion to the population of the city or county for where the community outdoor athletic facility is located. Grants or loans awarded in any one year need not be distributed in that year. In the ~~((2007-2009))~~ 2009-2011 biennium, if there are not enough project applications submitted in a category within the account to meet the requirement of equal distribution of funds to each category, the director of the recreation and conservation office may distribute any remaining funds to other categories within the account. The director of the recreation and conservation office may expend up to one and one-half percent of the moneys deposited in the account created in this subsection for administrative purposes.

NEW SECTION. Sec. 6027. FOR FUTURE DEVELOPMENT OF FOUR-YEAR HIGHER EDUCATION CAMPUS

It is the intent of the legislature that the next location for a new campus or branch campus of a four-year state institution of higher education will be in Snohomish county.

Sec. 6028. 2008 c 328 s 6001 (uncodified) is amended to read as follows:

ACQUISITION OF PROPERTIES AND FACILITIES THROUGH FINANCIAL CONTRACTS. The following agencies may enter into financial contracts, paid from any funds of an agency, appropriated or nonappropriated, for the purposes indicated and in not more than the principal amounts indicated, plus financing expenses and required reserves pursuant to chapter 39.94 RCW. When securing properties under this section, agencies shall use the most economical financial contract option available, including long-term leases, lease-purchase agreements, lease-development with option to purchase agreements or financial contracts using certificates of participation. Expenditures made by an agency for one of the indicated purposes before the issue date of the authorized financial contract and any certificates of participation therein are intended to be reimbursed from proceeds of the financial contract and any certificates of participation therein to the extent provided in the agency's financing plan approved by the state finance committee.

State agencies may enter into agreements with the department of general administration and the state treasurer's office to develop requests to the legislature for acquisition of properties and facilities through financial contracts. The agreements may include charges for services rendered.

Those noninstructional facilities of higher education institutions authorized in this section to enter into financial contracts are not eligible for state funded maintenance and operations. Instructional space that is available for regularly scheduled classes for academic transfer, basic skills, and workforce training programs may be eligible for state funded maintenance and operations.

(1) Washington state patrol: Enter into a financing contract for up to \$1,360,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to replace the dormitory facility at the Washington state patrol fire training academy in North Bend, Washington.

(2) Department of general administration: Enter into a financing contract for up to \$685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the preservation of the transportation building.

(3) Department of corrections: Enter into a financing contract for up to \$17,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to provide additional work release beds.

(4) Parks and recreation commission: Enter into a financing contract in an amount not to exceed \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop Cama Beach state park.

(5) Community and technical colleges:

(a) Enter into a financing contract on behalf of Green River Community College for up to \$20,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase Kent Station phase 2.

(b) Enter into a financing contract on behalf of Tacoma Community College for up to \$3,600,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct an early childhood education and learning center.

(c) Enter into a financing contract on behalf of Walla Walla Community College for up to \$1,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase up to 40 acres of land.

(d) Enter into a financing contract on behalf of Columbia Basin College for up to \$300,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop an academic support and achievement center.

(e) Enter into a financing contract on behalf of Wenatchee Valley College for up to \$3,347,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to develop a 72 bed student housing facility.

(f) Enter into a financing contract on behalf of Seattle Central Community College for up to \$3,100,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase property adjacent the main campus.

(6) ~~The~~ Evergreen State College: Enter into a financing contract for up to \$16,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the college activities building renovation.

(7) Washington state convention and trade center: Enter into a financing contract for up to \$58,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to purchase and renovate the museum condominium unit located adjacent to the state convention center. The purchase price shall not exceed fair market value. A purchase agreement with the owner of the unit on the effective date of this section shall include the following requirements: (a) Upon completion of the purchase of the property, the seller shall retain \$5,750,000 of the sale proceeds in a restricted investment account, reserving such funds for capital costs associated with development of its principal heritage center to be located within the city of Seattle. Principal and accrued earnings in such an account shall be available for expenditure by the seller when the seller or the city of Seattle has executed a construction contract for either a new facility or improvements to an existing structure to serve as the principal heritage center to be operated by the seller within the city; and (b) in the event that the conditions of (a) of this subsection are not met by June 30, 2017, the entire amount in the restricted account shall be transferred to the state general fund and shall represent a recovery of the state's contribution towards the development of the museum. In the event of such a transfer, the rightful ownership of the property by the Washington state convention and trade center shall not be impaired.

(8) Department of information services: Enter into a financing contract for an amount approved by the office of financial management for costs and financing expenses and required reserves pursuant to chapter 39.94 RCW to lease develop or lease purchase a state ~~((general)) data center and an office building ((and facilities))~~ for the department of information services and other state agency tenants, as determined by the office of financial management, on the state-owned property called "the Wheeler block" in Olympia. The office building~~(s)~~ shall be constructed and financed so that agencies occupancy costs per gross square foot or per employee will not exceed 110 percent of comparable private market rental rates per gross square foot or per employee. The comparable ~~((general))~~ office space rate shall be calculated based on recent Thurston county leases of new space of at least 100,000 rentable square feet ~~((adjusted for known escalation clauses, expected inflation, and differences in the level of service provided by the comparable leases as determined by the department in consultation with the department of general administration. In addition to the department of information services, state agency tenants shall include the consolidation of state patrol offices and general office facilities for small agencies and offices. The department of information services shall design and operate the general office facilities for small agencies and offices as a demonstration of the efficiencies gained from the integration of office space and telecommunications and computer technology. The demonstration project shall provide office space, furniture, telecommunications, and computer technology as a single package. The facility shall be designed so that small agencies and offices can move in and out of the facility without the typical moving expenses that result from individual agency ownership of furniture and technology. The facility for small agencies and offices shall also provide for staffing and space efficiencies resulting from central reception, support services, and spaces. The office of financial management shall certify to the state treasurer: (a) The project description and dollar amount; and (b) that all requirements of this subsection (8) have been met)).~~ Such comparable leases shall be for typical office space with typical office tenant improvements adjusted for known escalation clauses, expected inflation, nontypical tenant improvements or code requirements, leadership in energy and environmental design requirements, nontypical on and off site requirements, infrastructure upgrades, market conditions and differences in the level of service provided by the comparable leases as determined by the department in consultation with the office of financial management. The department of information services shall design and operate the facilities. Should the department of information services choose to use a financing contract that does not provide for the issuance of certificates of participation, the financing contract shall be subject to approval by the state finance committee as required by RCW 39.94.010. ~~((In approving a financing contract not providing for the use of certificates of participation, the state finance committee should be reasonably certain that the contract is excluded from the computation of indebtedness, particularly that the contract is not backed by the full faith and credit of the state and the legislature is expressly not obligated to appropriate funds to make payments. For purposes of this section, "financing contract" includes but is not limited to a certificate of participation and tax exempt financing similar to that authorized in RCW 47.79.140.))~~ The department, in consultation with the office of financial management, shall submit an implementation plan to the fiscal committees of the legislature by December 15, 2009 identifying a schedule of consolidation of agency data centers to achieve cost savings to offset higher facility costs resulting from the construction of the new consolidated data center.

(9) Office of the secretary of state: Enter into a financing contract for up to \$134,935,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the heritage center. The heritage center is one part of a combined facility of the heritage center and executive office building, authorized in subsection (10) of this section. The authorization for financing under this subsection (9) shall lapse unless chapter 523, Laws of 2007 is enacted by June 30, 2007.

(10) Department of general administration:

(a) Enter into a financing contract for up to \$79,981,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to construct the executive office building. The executive office building is one part of a combined facility of the executive office building and the heritage center authorized in subsection (9) of this section. The authorization for financing under this subsection (10) shall lapse unless chapter 523, Laws of 2007 is enacted by June 30, 2007.

(b) Enter into a financing contract for up to \$17,144,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the rehabilitation of the John L. O'Brien building, subject to approval of the project scope by the speaker of the house of representatives and the chief clerk of the house of representatives.

(c) Enter into a financing contract for up to \$2,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for the "Perry street child care site" renovations and purchase.

(d) Enter into a financing contract for up to \$2,685,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW for land acquisition in Olympia, Washington.

(11) Department of ecology: Enter into a financing contract for up to \$11,000,000 plus financing expenses and required reserves pursuant to chapter 39.94 RCW to rebuild the east wall of the department of ecology's headquarters building in Lacey, Washington.

Sec. 6029. 2007 c 520 s 2020 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Statewide: Facilities Assessment and Cultural Resources Planning ~~((06-1-120))~~ (20061120)

Reappropriation:

Charitable, Educational, Penal, and Reformatory

Institutions Account--State ~~((300,000))~~
\$150,000

Appropriation:

<u>State Building Construction Account--State</u>	<u>\$150,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$300,000</u>

Sec. 6030. 2007 c 520 s 2023 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Emergency Repairs (~~((08-1-101))~~) (20081101)

Appropriation:

<u>State Building Construction Account--State</u>	<u>\$100,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State	(\$933,000) <u>\$833,000</u>
State Social and Health Services Construction Account--State	<u>\$67,000</u>
Subtotal Appropriation	<u>\$1,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$4,000,000
TOTAL	<u>\$5,000,000</u>

Sec. 6031. 2007 c 520 s 2046 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF VETERANS AFFAIRS

Building 10 Assisted Living Upgrades (~~((08-2-005))~~) (20082005)

Appropriation:

((Charitable, Educational, Penal, and Reformatory Institutions Account--State	\$1,242,000)
State Building Construction Account--State	(\$571,000) <u>\$1,813,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	<u>\$1,813,000</u>

Sec. 6032. 2007 c 520 s 2085 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Infrastructure Preservation (~~((08-1-018))~~) (20081018)

Appropriation:

State Building Construction Account--State	(\$1,000,000) <u>\$1,441,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State	(\$1,000,000) <u>\$559,000</u>
Subtotal Appropriation	<u>\$2,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$8,000,000
TOTAL	<u>\$10,000,000</u>

Sec. 6033. 2007 c 520 s 2083 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Facility Preservation (~~((08-1-024))~~) (20081024)

Appropriation:

<u>State Building Construction Account--State</u>	<u>\$469,000</u>
Charitable, Educational, Penal, and Reformatory Institutions Account--State	(\$3,000,000) <u>\$2,531,000</u>
Subtotal Appropriation	<u>\$3,000,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	<u>\$15,000,000</u>

Sec. 6034. 2007 c 520 s 2084 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

Minor Works - Health, Safety, and Code Requirements (~~((08-1-031))~~) (20081031)

Appropriation:

<u>State Building Construction Account--State</u>	<u>\$1,391,000</u>
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Charitable, Educational, Penal, and Reformatory

Institutions Account--State	((\$3,000,000))
	<u>\$1,609,000</u>
Subtotal Appropriation	<u>\$3,000,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$12,000,000
TOTAL	\$15,000,000

Sec. 6035. 2008 c 328 s 1004 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT

Public Works Trust Fund (~~((07-4-005)))~~ (20074005)

The appropriations in this section (~~((is))~~) are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the appropriations (~~((is))~~) are for the public works board, in consultation with the house of representatives capital budget committee, the senate ways and means committee, and the office of financial management, to implement an infrastructure interest rate buy-down pilot program. The purpose of the program is to demonstrate options for the most efficient use of the state's investment in local infrastructure by funding more projects at an accelerated rate.

(2) The pilot program must provide grants to local governments to offset the difference in interest rates between one-half of one percent, as offered by the public works board, and the interest rate the local government receives on issuance of their own debt.

(3) The pilot program must include the following projects:

(a) Those with high scores from the list of projects that were not funded, as identified in the public works board 2008 legislative report;

(b) Projects located in economically distressed areas or that may be significantly impacted by a possible upcoming recession; and

(c) Projects located in jurisdictions that have unused debt capacity and are willing and able to acquire additional debt to finance the proposed infrastructure project.

Appropriation:

Public Works Assistance Account--State	((\$327,000,000))
	<u>\$232,000,000</u>
State Taxable Building Construction Account--State	<u>\$95,000,000</u>
Subtotal Appropriation	<u>\$327,000,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$1,400,000,000
TOTAL	\$1,727,000,000

Sec. 6036. 2007 c 520 s 3026 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Local Toxics Grants for Cleanup and Prevention (~~((06-4-008)))~~ (20064008)

Reappropriation:

Local Toxics Control Account--State	((\$56,470,000))
	<u>\$35,233,000</u>

Appropriation:

State Building Construction Account--State	\$21,237,000
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Prior Biennia (Expenditures)	\$42,430,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$98,900,000

Sec. 6037. 2007 c 520 s 3042 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Storm Water Projects (~~((08-2-003)))~~ (20082003)

Appropriation:

State Building Construction Account--State	\$1,792,000
State Toxics Control Account--State	((\$3,000,000))
	<u>\$1,208,000</u>
Subtotal Appropriation	<u>\$3,000,000</u>

Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$0
TOTAL	\$3,000,000

Sec. 6038. 2008 c 328 s 3003 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program (~~((08-4-010)))~~ (20084010)

The appropriations in this section are subject to the following conditions and limitations:

(1) Up to \$10,000,000 of the state building construction account-- state appropriation is for the extended grant payment to Spokane for the Spokane-Rathdrum Prairie aquifer.

(2) \$5,000,000 of the state building construction account--state appropriation is provided solely for water quality grants for hardship communities with a population of less than 5,000. The department shall give priority consideration to: (a) Communities subject to a regulatory order from the department of ecology for noncompliance with water quality rules; (b) projects for which design work has been completed; and (c) projects with a local match from reasonable water quality rates and charges.

(3) \$2,000,000 of the state building construction account--state appropriation is provided solely for the Adams and Lincoln counties ground water mapping project. The project shall submit a report to the appropriate committees of the legislature describing the dynamic relationship between groundwater and surface water in the region. The report shall be submitted by January 1, 2009.

(4) \$2,100,000 of the state toxics control account appropriation is provided solely for wastewater and clean water improvement projects at Illahee state park, Fort Flagler state park, and Larrabee state park.

(5)(a) \$4,400,000 of the state building construction account--state appropriation is provided solely for the Tenino waste water treatment facility and collection system to replace the city of Tenino's septic systems.

(b) \$22,113,000 of the state building construction account--state appropriation is provided solely for the following projects:

Project	Amount
City of Carnation waste water treatment system	\$3,000,000
Mansfield waste water treatment upgrade	\$960,000
Rock Island waste water treatment system	\$870,000
Enumclaw waste water treatment system	\$750,000
Snohomish waste water treatment system	\$5,425,000
Freeland sewer district	\$1,000,000
Clark county regional sewer cooperative	\$4,000,000
Town of Warden waste water	\$3,000,000
Gig Harbor waste water system improvements	\$1,000,000
Ritzville waste water treatment system	\$1,608,000
Sultan waste water system improvements	\$500,000

(c) The appropriation for entities that are listed in (b) of this subsection shall not affect the entities' eligibility for centennial fund hardship assistance and shall be excluded from any financial hardship calculation that would have the effect of reducing other moneys for which the entity is currently contracted and eligible under WAC 173-95A-030(8), as it existed on the effective date of this section.

(d) The appropriation to the city of Carnation is for payment to King county for the county connection charge and other eligible costs.

Appropriation:

State Building Construction Account--State	((\$42,629,000))
	<u>\$58,427,000</u>
Water Quality Capital Account--State	\$5,417,000
State Toxics Control Account--State	((\$18,837,000))
	<u>\$3,039,000</u>
Subtotal Appropriation	\$66,883,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$178,400,000
TOTAL	\$245,283,000

Sec. 6039. 2007 c 520 s 3022 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Centennial Clean Water Program ((~~06-4-007~~)) (20064007)

Reappropriation:

State Building Construction Account--State	\$5,900,000
Water Quality Capital Account--State	\$8,500,000
State Toxics Control Account--State	((\$10,000,000))
	<u>\$8,700,000</u>
Subtotal Reappropriation	((\$24,400,000))
	<u>\$23,100,000</u>

Appropriation:

<u>State Building Construction Account--State</u>	<u>\$1,300,000</u>
Prior Biennia (Expenditures)	\$32,024,000
Future Biennia (Projected Costs)	\$0
TOTAL	\$56,424,000

Sec. 6040. 2007 c 520 s 3041 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Puget Sound Storm Water Projects ((~~08-2-002~~)) (20082002)

The appropriations in this section are subject to the following conditions and limitations: The appropriations are provided solely for grants to local governments within Puget Sound for municipal storm water projects, including but not limited to, retrofit of existing storm water projects in urban areas where storm water is a significant source of contamination, identification and removal of nonstorm water discharges into municipal storm sewer systems, and local innovative storm water projects that implement low-impact development. The department shall provide the Puget Sound partnership, as created by chapter . . . (Engrossed Substitute Senate Bill No. 5372), Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Building Construction Account--State	((\$12,920,000))
	<u>\$17,482,000</u>
Local Toxics Control Account--State	((\$5,000,000))
	<u>\$438,000</u>
Subtotal Appropriation	\$17,920,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$56,680,000
TOTAL	\$74,600,000

Sec. 6041. 2008 c 328 s 3006 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Cleanup Toxic Sites in Puget Sound ((~~08-4-005~~)) (20084005)

The appropriations in this section ((~~is~~)) are subject to the following conditions and limitations: Funding is provided solely for the clean up of contaminated sites that lie adjacent to and are within one-half mile of Puget Sound. Clean ups shall include orphan and abandoned sites that pose a threat to Puget Sound with the highest priority sites being cleaned up first. The department shall provide the Puget Sound partnership, as created by chapter 341, Laws of 2007, the opportunity to review and provide comment on proposed projects and activities recommended for funding. This review shall be consistent with the funding schedule for the program.

Appropriation:

State Building Construction Account--State	\$5,431,000
State Toxics Control Account--State	((\$6,767,000))
	<u>\$1,336,000</u>
Subtotal Appropriation	<u>\$6,767,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$18,820,000
TOTAL	\$25,587,000

Sec. 6042. 2008 c 328 s 3008 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Remedial Action Grants ((~~08-4-008~~)) (20084008)

Appropriation:

State Building Construction Account--State	\$54,000,000
Local Toxics Control Account--State	((\$92,875,000))
	<u>\$38,875,000</u>
Subtotal Appropriation	<u>\$92,875,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$180,000,000
TOTAL	\$272,875,000

Sec. 6043. 2008 c 328 s 3010 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

Skykomish Cleanup ((~~08-4-020~~)) (20084020)

The appropriations in this section ((~~is~~)) are subject to the following conditions and limitations: \$3,000,000 of the cleanup settlement account appropriation is provided solely for implementation of chapter 106 (Senate Bill No. 6722 (cleanup settlement account)), Laws of 2008. If the bill is not enacted by June 30, 2008, the amounts provided in this section shall lapse.

Appropriation:

State Building Construction Account--State	\$3,000,000
State Toxics Control Account--State	((\$7,000,000))
	<u>\$4,000,000</u>
Clean Up Settlement Account--State	\$3,000,000
Subtotal Appropriation	\$10,000,000
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$2,050,000
TOTAL	\$12,050,000

Sec. 6044. 2007 c 520 s 3135 (uncodified) is amended to read as follows:

FOR THE RECREATION AND CONSERVATION FUNDING BOARD

Aquatic Lands Enhancement Account ((~~08-4-005~~)) (20084005)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation in this section is provided solely for the list of projects in LEAP capital document No. 2007-1, developed March 17, 2007.
- (2) The committee shall submit a list of recommended projects to be funded from the aquatic lands enhancement account in the 2009-2011 capital budget to the office of financial management and the appropriate legislative committees. The list shall result from a competitive grants

program developed by the committee based upon, at a minimum: (a) Uniform criteria for selecting projects and awarding grants for up to fifty percent of the total projects cost; (b) local community support for the projects; and (c) environmental benefits to be derived from projects.

Appropriation:

State Building Construction Account--State	\$3,326,000
Aquatic Lands Enhancement Account--State	(\$5,025,000)
	<u>\$1,699,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$20,100,000
TOTAL	\$25,125,000

Sec. 6045. 2007 c 520 s 5137 (uncodified) is amended to read as follows:

FOR THE WASHINGTON STATE HISTORICAL SOCIETY

Washington Heritage Grants (07-4-004)

The appropriation in this section is subject to the following conditions and limitations:

- (1) The appropriation is subject to the provisions of RCW 27.34.330.
- (2) The appropriation is provided solely for the following list of projects:

Project	Recommended
Cascade land conservancy	\$202,000
Suquamish museum and arts center	\$1,000,000
Moses Lake museum and arts center	\$1,000,000
White River Valley museum	\$245,000
The Tulalip tribe	\$1,000,000
City of Mukilteo	\$490,000
Lewis county historical museum	\$43,000
((Pacific county historical society	\$186,000))
City of Gig Harbor	\$1,000,000
Bainbridge Island metro parks and recreation	\$70,000
Polson museum	\$171,000
Washington trust for historic preservation	\$83,000
Historic Seattle PDA	\$500,000
City of Tacoma	\$77,000
City of Des Moines	\$1,000,000
Fort Walla Walla museum	(\$859,000)
	<u>\$1,000,000</u>
Foss waterway seaport	\$300,000
LaConner quilt museum	\$125,000
Cowlitz River Valley historical society	\$158,000
Western forest industries museum	\$158,000
San Juan historical society	\$25,000
Central Washington fair association	\$48,000
Urban league of metro Seattle	\$650,000
The center for wooden boats	\$235,000
Jefferson county historical society	\$200,000
Mansfield museum	\$10,000
Martin Luther King Ballet	\$50,000
The northwest railway museum	\$75,000
Northpoint cooperative preschool	\$40,000
Total	(\$10,000,000)
	<u>\$9,955,000</u>

Appropriation:

State Building Construction Account--State	(\$10,000,000)
	<u>\$9,955,000</u>
Prior Biennia (Expenditures)	\$0
Future Biennia (Projected Costs)	\$40,000,000
TOTAL	(\$50,000,000)
	<u>\$49,955,000</u>

NEW SECTION. Sec. 6046. PUGET SOUND PROTECTION AND RESTORATION. Consistent with RCW 90.71.340, when expending appropriations under this act that contribute to Puget Sound protection and recovery, agencies shall consult with the Puget Sound partnership to ensure that projects and expenditures are either in, or consistent with the 2020 action agenda. These consultations shall include the exchange of information on specific actions, projects, associated funding, performance measures, and other information necessary to track project implementation and ensure alignment with the action agenda. In situations in which the Puget Sound partnership finds that a project

is not in, or is not consistent with, the action agenda, the Puget Sound partnership shall document this finding and report back to the governor and legislative fiscal committees.

NEW SECTION. Sec. 6047. Section 6002 of this act expires June 30, 2011.

NEW SECTION. Sec. 6048. Sections 6022 and 6023 of this act expire June 30, 2011.

NEW SECTION. Sec. 6049. 2007 c 520 s 6006 (uncodified) is repealed.

NEW SECTION. Sec. 6050. Part headings and captions in this act are not any part of the law.

NEW SECTION. Sec. 6051. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 6052. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately, except for sections 6020, 6021, and 6024 through 6028 of this act which take effect July 1, 2009.

Correct the title.

Representative Dunshee moved the adoption of amendment (922) to amendment (905):

On page 3, line 18, after "construction." insert the following: "(3) \$1,394,107 of the remaining reappropriation for MOBIUS/inland northwest science and technology center may be used for design and construction."

On page 30, after line 29, insert "Clark County Food Distribution Facility \$1,500,000"

On page 31, line 19, increase the appropriation by \$950,000

On page 31, line 22, increase the total by \$950,000

On page 33, line 4, strike "\$40,803,000" and insert "\$22,597,000"

On page 51, on line 6, after "(1)" strike all material through "convention center." on line 9, and insert the following: "The appropriation is provided solely to the state convention and trade center corporation, after July 1, 2010, for the convention place station expansion including the planning, environmental studies, design, preparation of construction plans and specifications, exploration of potential co-development, bidding and contingent construction contracting, and other activities for the expansion."

On page 71, line 21, strike "Reappropriation" and insert "Appropriation"

On page 90, line 4, after "limitations:" strike "The" and insert "For the 2011 funding cycle, the"

On page 104, beginning on line 14, strike everything through the end of line 22

On page 129, line 9, after "acquire property" strike "that is adjacent to the existing property"

On page 158, line 18, strike "\$800,000" and insert "\$1,700,000" and adjust the totals accordingly

On page 166, line 8, reduce the appropriation by \$1,500,000

On page 166, line 11, reduce the subtotal by \$1,500,000

On page 166, line 14, reduce the total by \$1,500,000

On page 255, line 18, after "through" strike "6028" and insert "6027"

Representatives Dunshee and Warnick spoke in favor of the adoption of the amendment to amendment (905).

Amendment (922) to amendment (905) was adopted.

Representative Warnick moved the adoption of amendment (924) to amendment (905):

On page 32, beginning on 1, insert the following:

"NEW SECTION. Sec. 1050. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Public Works Trust Fund (90000015)

Appropriation:

Public Works Assistance Account--State \$378,000,000

Prior Biennia (Expenditures) \$0

Future Biennia (Projected Costs) \$0

TOTAL \$378,000,000"

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Warnick and McCune spoke in favor of the adoption of the amendment to amendment (905).

Representative Ormsby spoke against the adoption of the amendment to amendment (905).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (924) to amendment (905) to Substitute House Bill No. 1216.

ROLL CALL

The Clerk called the roll on the adoption of amendment (924) to amendment (905) to Substitute House Bill No. 1216 and the amendment was not adopted by the following vote: Yeas, 35; Nays, 61; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Flannigan, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Short.

Amendment (924) to amendment (905) was not adopted.

Representative Hinkle moved the adoption of amendment (929) to amendment (905):

On page 35, after line 1 of the striking amendment, insert the following:

"NEW SECTION. Sec. 1053. FOR THE DEPARTMENT OF COMMUNITY, TRADE, AND ECONOMIC DEVELOPMENT Enhanced 911 Capital Costs

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for the capital costs associated with House Bill 2351 (enhanced 911 emergency communication systems). If the bill is not enacted by June 30, 2009, the amount provided in this section shall lapse.

Appropriation:

State Building Construction Account--State \$25,000,000
Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$0
Total \$25,000,000"

Renumber the sections consecutively and correct any internal references accordingly.

On page 120, beginning on line 31, after "No." strike all material through "270,000,000" on page 121, line 4, and insert the following:

"2009-1b, developed April 24, 2009.

Riparian Protection Account--State \$2,000,000
Habitat Conservation Account--State \$20,500,000
Outdoor Recreation Account--State \$20,500,000
Farmlands Preservation Account--State \$2,000,000
Subtotal Appropriation \$45,000,000

Prior Biennia (Expenditures) \$0
Future Biennia (Projected Costs) \$200,000,000
TOTAL \$245,000,000"

Representatives Hinkle, Orcutt, Hope, Hinkle (again), Klippert, Anderson, Shea, Rodne, Taylor, DeBolt, Parker, Hope (again), Ericksen, Shea (again), Klippert (again) and McCune spoke in favor of the adoption of the amendment to amendment (905).

Representatives Ericks, Hudgins, Carlyle, Upthegrove, Nelson, Dunshee, White, Van De Wege, McCoy, Dunshee (again), Liias and Rolfes spoke against the adoption of the amendment to amendment (905).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (929) to amendment (905) to Substitute House Bill No. 1216.

ROLL CALL

The Clerk called the roll on the adoption of amendment (929) to amendment (905) to Substitute House Bill No. 1216 and the amendment was not adopted by the following vote: Yeas, 39; Nays, 57; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Short.

Amendment (929) to amendment (905) was not adopted.

Representative Chase moved the adoption of amendment (911) to amendment (905):

On page 62, starting on line 17, strike all of section 2031

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Chase, Warnick and Johnson spoke in favor of the adoption of the amendment to amendment (905).

Representative Seaquist spoke against the adoption of the amendment to amendment (905).

Amendment (911) to amendment (905) was not adopted.

Representative Anderson moved the adoption of amendment (918) to amendment (905):

On page 142, beginning on line 1 of the striking amendment, strike all of section 3203

Renumber the sections consecutively and correct any internal references accordingly.

On page 157, after line 16, insert the following:

"NEW SECTION. Sec. 5022. FOR THE HIGHER EDUCATION COORDINATION BOARD

Higher Education Enrollment Pool (91000002)

The appropriation in this section is subject to the following conditions and limitations:

(1) \$49,976,500 of the appropriation in fiscal year 2010 and \$49,976,500 of the appropriation in fiscal year 2011 are provided solely for the higher education coordinating board to develop and implement a competitive high demand enrollment grant process. The board will manage a competitive process to award at least 8,250 FTE student enrollments in high-demand fields at a state budgeted rate of \$11,000 per FTE. Public four year institutions are eligible to apply for high demand enrollments. Selected programs shall demonstrate need as outlined by the higher education master plan. Specifically, selected proposals shall:

(a) Meet an identified industry skill gap shortage within the state;

(b) Demonstrate need for increased capacity in the state;

(c) Address strategies to directly link students to industry partners during the academic program;

(d) Demonstrate that program graduates will have the opportunity to fill high wage job openings;

(e) Describe the institution of higher education's effort to create career pathways for students;

(f) Provide evidence of optimizing state resources; and

(g) Use innovation to deliver a relevant, quality program to the student.

(2) Priority will be given to programs that involve cross-crediting between departments.

(3) Selected programs will receive ninety percent of the enrollment funding upon selection and the remaining ten percent upon successful completion of the program by the student.

(4) Of the amount appropriated in this section, \$180,000 is provided to the board for administration and oversight of the grant process."

Renumber the sections consecutively and correct any internal references accordingly.

Representative Anderson spoke in favor of the adoption of the amendment to amendment (905).

Representative Dunshee spoke against the adoption of the amendment to amendment (905).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (918) to amendment (905) to Substitute House Bill No. 1216.

ROLL CALL

The Clerk called the roll on the adoption of the adoption of amendment (918) to amendment (905) to Substitute House Bill No. 1216 and the amendment was not adopted by the following vote: Yeas, 31; Nays, 65; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Bailey, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Short.

Amendment (918) to amendment (905) was not adopted.

Representative Ross moved the adoption of amendment (923) to amendment (905):

On page 218, after line 11, insert the following:

"NEW SECTION. Sec. 6002. The state treasurer shall not execute transfers from the following accounts during the 2009-11 biennium: Aquatic Lands Enhancement Account; Charitable, Educational, Penal, and Reformatory Institutions Account; Education Savings Account; Energy Freedom Account; Local Toxics Control Account; Public Works Assistance Account; State Toxics Control Account; and the Thurston County Capital Facilities Account."

Renumber the sections consecutively and correct any internal references accordingly.

Representatives Ross and Orcutt spoke in favor of the adoption of the amendment to amendment (905).

Representative Ormsby spoke against the adoption of the amendment to amendment (905).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (923) to amendment (905) to Substitute House Bill No. 1216.

ROLL CALL

The Clerk called the roll on the adoption of the adoption of amendment (923) to amendment (905) to Substitute House Bill No. 1216 and the amendment was not adopted by the following vote: Yeas, 35; Nays, 61; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Santos, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Voting nay: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Short.

Amendment (929) to amendment (905) was not adopted.

The question before the House was the adoption of amendment (905) as amended.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 63 – YEAS; 33 – NAYS.

Amendment (905) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Maxwell and White spoke in favor of the passage of the bill.

Representatives Warnick, Pearson, Orcutt and Smith spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1216.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1216 and the bill passed the House by the following vote: Yeas, 63; Nays, 33; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong and Short.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216, having received the necessary constitutional majority, was declared passed.

POINT OF PERSONAL PRIVILEGE

Representative Dunshee thanked the OPR staff of the Capital Budget Committee and asked the Chamber to acknowledge their hard work.

POINT OF PERSONAL PRIVILEGE

Representative Warnick reiterated the comments of the good gentleman from the 44th District and joined the Chamber in thanking the Capital Budget staff.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., April 25, 2009, the 104th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ONE HUNDRED FOURTH DAY

House Chamber, Olympia, Saturday, April 25, 2009

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Dave Mangino and Albert H. Thompson IV. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Larry Haler.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2339, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 24, 2009

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5768, and passed the bills as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

CONFERENCE COMMITTEE REPORT

ESSB 5352

April 24, 2009

Includes "new item": YES

Mr. Speaker:

Mr. President:

We of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, making 2009-11 transportation appropriations, have had the same under consideration and we recommend that all previous amendments not be adopted, the attached amendment (H-3424.5/09) be adopted and that (H-3424.5/09) be further amended as follows:

On page 39, line 23, after "subsection" insert "from the state route number 520 corridor account—state appropriation"

On page 65, line 9, strike "Motor Vehicle" and insert "Highway Safety"

Format change to accommodate text.

Strike everything after the enacting clause and insert the following:

"2009-11 FISCAL BIENNIUM

NEW SECTION. Sec. 1. (1) The transportation budget of the state is hereby adopted and, subject to the provisions set forth, the several amounts specified, or as much thereof as may be necessary to accomplish the purposes designated, are hereby appropriated from the several accounts and funds named to the designated state agencies and offices for employee compensation and other expenses, for capital projects, and for other specified purposes, including the payment of any final judgments arising out of such activities, for the period ending June 30, 2011.

(2) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this act.

(a) "Fiscal year 2010" or "FY 2010" means the fiscal year ending June 30, 2010.

(b) "Fiscal year 2011" or "FY 2011" means the fiscal year ending June 30, 2011.

(c) "FTE" means full-time equivalent.

(d) "Lapse" or "revert" means the amount shall return to an unappropriated status.

(e) "Provided solely" means the specified amount may be spent only for the specified purpose. Unless otherwise specifically authorized in this act, any portion of an amount provided solely for a specified purpose that is not expended subject to the specified conditions and limitations to fulfill the specified purpose shall lapse.

(f) "Reappropriation" means appropriation and, unless the context clearly provides otherwise, is subject to the relevant conditions and limitations applicable to appropriations.

(g) "LEAP" means the legislative evaluation and accountability program committee.

GENERAL GOVERNMENT AGENCIES--OPERATING

NEW SECTION. Sec. 101. FOR THE DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

Motor Vehicle Account--State Appropriation \$422,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for staffing costs to be dedicated to state transportation activities. Staff hired to support transportation activities must have practical experience with complex construction projects.

NEW SECTION. Sec. 102. FOR THE UTILITIES AND TRANSPORTATION COMMISSION

Grade Crossing Protective Account--State Appropriation \$705,000

NEW SECTION. Sec. 103. FOR THE OFFICE OF FINANCIAL MANAGEMENT

Motor Vehicle Account--State Appropriation \$3,389,000

Puget Sound Ferry Operations Account--State Appropriation \$100,000

TOTAL APPROPRIATION \$3,489,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$1,699,000 of the motor vehicle account--state appropriation is provided solely for the office of regulatory assistance integrated permitting project.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely for the continued maintenance and support of the transportation executive information system. Of the amount provided in this subsection, \$502,000 is for two existing FTEs at the department of transportation to maintain and support the system.

NEW SECTION. Sec. 104. FOR THE MARINE EMPLOYEES COMMISSION

Puget Sound Ferry Operations Account--State Appropriation \$446,000

NEW SECTION. Sec. 105. FOR THE STATE PARKS AND RECREATION COMMISSION

Motor Vehicle Account--State Appropriation \$986,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation in this section is provided solely for road maintenance purposes.

NEW SECTION. Sec. 106. FOR THE DEPARTMENT OF AGRICULTURE

Motor Vehicle Account--State Appropriation \$1,507,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$351,000 of the motor vehicle account--state appropriation is provided solely for costs associated with the motor fuel quality program.

(2) \$1,004,000 of the motor vehicle account--state appropriation is provided solely to test the quality of biofuel. The department must test fuel quality at the biofuel manufacturer, distributor, and retailer.

NEW SECTION. Sec. 107. FOR THE LEGISLATIVE EVALUATION AND ACCOUNTABILITY PROGRAM COMMITTEE

Motor Vehicle Account--State Appropriation \$502,000

NEW SECTION. Sec. 108. FOR THE JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE

(1) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall audit the capital cost accounting practices of the Washington state ferries. The audit must review the following and provide a report on its findings and any related recommendations to the legislature by January 2011:

(a) Costs assigned to capital accounts to determine whether they are capital costs that meet the statutory requirements for preservation and improvement activities and whether they are within the scope of legislative appropriations;

(b) Implementation of the life-cycle cost model required under RCW 47.60.345 to determine if it was developed as required and is maintained and updated when asset inspections are made; and

(c) Washington state ferries' implementation of the cost allocation methodology evaluated under section 205, chapter 518, Laws of 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training.

(2) The joint legislative audit and review committee shall use existing staff and resources to conduct a review of scoping and cost estimates for transportation highway improvement and preservation projects funded in whole, or in part, by transportation partnership account--state and transportation 2003 account (nickel account)--state funds, excluding mega-projects. The review will examine whether the scoping and cost estimates guidelines used by the department of transportation are consistent with general construction industry practices and other appropriate standards. The review will include an analysis of a sample of scope and cost estimates for future projects. A report on the committee's findings and recommendations must be submitted to the house of representatives and senate transportation committees by December 2009.

(3) As part of its 2009-11 fiscal biennium work plan, the joint legislative audit and review committee shall conduct an analysis of the cost of credit card payment options at the department of transportation. For programs where a credit card payment option is offered, the review must include:

- (a) An analysis of the direct and indirect cost per transaction to process customer payments using credit cards;
- (b) An analysis of the direct and indirect cost per transaction for other methods of processing customer payments;
- (c) An analysis of the historical and projected total aggregate costs for processing all forms of customer payments;
- (d) Identification of whether there are customer service, administrative, and revenue collection benefits resulting from credit card usage;

and

- (e) A review of the use of credit card payment options in other state agencies and in similar transportation programs at other states.

The committee shall provide a report on its findings and any related recommendations to the legislature by January 2010.

TRANSPORTATION AGENCIES--OPERATING

NEW SECTION. 201. FOR THE WASHINGTON TRAFFIC SAFETY COMMISSION

Highway Safety Account--State Appropriation	\$2,542,000
Highway Safety Account--Federal Appropriation	\$16,540,000
School Zone Safety Account--State Appropriation	\$3,340,000
Highway Safety Account--Local Appropriation	\$50,000
TOTAL APPROPRIATION	\$22,472,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$2,670,000 of the highway safety account--federal appropriation is provided solely for a target zero trooper pilot program, which the commission shall develop and implement in collaboration with the Washington state patrol. The pilot program must demonstrate the effectiveness of intense, high visibility, driving under the influence enforcement in Washington. The commission shall apply to the national highway traffic safety administration for federal highway safety grants to cover the cost of the pilot program. If the pilot program is approved for funding by the national highway traffic safety administration, and sufficient federal grants are received, the commission shall provide grants to the Washington state patrol for the purchase of twenty-one fully equipped patrol vehicles in fiscal year 2010, and up to twenty-four months of salaries and benefits for eighteen troopers and three sergeants beginning in fiscal year 2011. The legislature anticipates that an additional \$1,830,000 will be appropriated from the highway safety account--federal in the 2011-13 fiscal biennium to conclude this pilot program.

(2) The commission may oversee pilot projects implementing the use of automated traffic safety cameras to detect speed violations within cities west of the Cascade mountains that have a population over two hundred thousand. For the purposes of pilot projects in this subsection, no more than one automated traffic safety camera may be used to detect speed violations within any one jurisdiction.

- (a) The commission shall comply with RCW 46.63.170 in administering the projects.

(b) In order to ensure adequate time in the 2009-11 fiscal biennium to evaluate the effectiveness of the pilot projects, any projects authorized by the commission must be authorized by December 31, 2009.

(c) By January 1, 2011, the commission shall provide a report to the legislature regarding the use, public acceptance, outcomes, and other relevant issues regarding automated traffic safety cameras demonstrated by the projects.

NEW SECTION. Sec. 202. FOR THE COUNTY ROAD ADMINISTRATION BOARD

Rural Arterial Trust Account--State Appropriation	\$920,000
Motor Vehicle Account--State Appropriation	\$2,129,000
County Arterial Preservation Account--State Appropriation	\$1,423,000
TOTAL APPROPRIATION	\$4,472,000

NEW SECTION. Sec. 203. FOR THE TRANSPORTATION IMPROVEMENT BOARD

Urban Arterial Trust Account--State Appropriation	\$1,824,000
Transportation Improvement Account--State Appropriation	\$1,827,000
TOTAL APPROPRIATION	\$3,651,000

NEW SECTION. Sec. 204. FOR THE JOINT TRANSPORTATION COMMITTEE

Motor Vehicle Account--State Appropriation	\$1,901,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$236,000 of the motor vehicle account--state appropriation is a reappropriation from the 2007-09 fiscal biennium for a comprehensive analysis of mid-term and long-term transportation funding mechanisms and methods. Elements of the study will include existing data and trends, policy objectives, performance and evaluation criteria, incremental transition strategies, and possibly, scaled testing. Baseline data and methods assessment must be concluded by December 31, 2009. Performance criteria must be developed by June 30, 2010, and recommended planning level alternative funding strategies must be completed by December 31, 2010.

(2) \$200,000 of the motor vehicle account--state appropriation is for the joint transportation committee to convene an independent expert review panel to review the assumptions for toll operations costs used by the department to model financial plans for tolled facilities. The joint transportation committee shall work with staff from the senate and the house of representatives transportation committees to identify the scope of the review and to assure that the work performed meets the needs of the house of representatives and the senate. The joint transportation committee shall provide a report to the house of representatives and senate transportation committees by September 1, 2009.

(3) \$300,000 of the motor vehicle account--state appropriation is for an independent analysis of methodologies to value the reversible lanes on Interstate 90 to be used for high capacity transit pursuant to sound transit proposition 1 approved by voters in November 2008. The independent analysis shall be conducted by sound transit and the department of transportation, using consultant resources deemed appropriate by the secretary of the department, the chief executive officer of sound transit, and the cochairs of the joint transportation committee. It shall be conducted in consultation with the federal transit and federal highway administrations and account for applicable federal laws, regulations, and practices. It shall also account for the 1976 Interstate 90 memorandum of agreement and subsequent 2004 amendment and the 1978 federal secretary of transportation's environmental decision on Interstate 90. The department and sound transit must provide periodic reports to the joint transportation committee, the sound transit board of directors, and the governor, and report final recommendations by November 1, 2009.

NEW SECTION. Sec. 205. FOR THE TRANSPORTATION COMMISSION

Motor Vehicle Account--State Appropriation	\$2,237,000
Multimodal Transportation Account--State Appropriation	\$112,000
TOTAL APPROPRIATION	\$2,349,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of fares for the Washington state ferry system. The transportation commission may increase ferry fares, except no fare schedule modifications may be made prior to September 1, 2009. For purposes of this subsection, "modify" includes increases or decreases to the schedule. The commission may only approve ferry fare rate changes that have the same proportionate change for passengers as for vehicles.

(2) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify a schedule of toll charges applicable to the state route number 167 high occupancy toll lane pilot project, as required under RCW 47.56.403. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(3) Pursuant to RCW 43.135.055, during the 2009-11 fiscal biennium, the transportation commission shall periodically review and, if necessary, modify the schedule of toll charges applicable to the Tacoma Narrows bridge, taking into consideration the recommendations of the citizen advisory committee created under RCW 47.46.091. For purposes of this subsection, "modify" includes increases or decreases to the schedule.

(4) The commission may name state ferry vessels consistent with its authority to name state transportation facilities under RCW 47.01.420. When naming or renaming state ferry vessels, the commission shall investigate selling the naming rights and shall make recommendations to the legislature regarding this option.

(5) \$350,000 of the motor vehicle account--state appropriation is provided solely for consultant support services to assist the commission in updating the statewide transportation plan. The updated plan must be submitted to the legislature by December 1, 2010.

(6) If the commission considers implementing a ferry fuel surcharge, it must first submit an analysis and business plan to the office of financial management and either the joint transportation committee or the transportation committees of the legislature.

NEW SECTION. Sec. 206. FOR THE FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

Motor Vehicle Account--State Appropriation	\$695,000
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The appropriation in this section is subject to the following conditions and limitations: The freight mobility strategic investment board shall, on a quarterly basis, provide status reports to the office of financial management and the transportation committees of the legislature on the delivery of projects funded by this act.

NEW SECTION. Sec. 207. FOR THE WASHINGTON STATE PATROL--FIELD OPERATIONS BUREAU

State Patrol Highway Account--State Appropriation	\$228,024,000
State Patrol Highway Account--Federal Appropriation	\$10,602,000
State Patrol Highway Account--Private/Local Appropriation	\$859,000
TOTAL APPROPRIATION	\$239,485,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Washington state patrol officers engaged in off-duty uniformed employment providing traffic control services to the department of transportation or other state agencies may use state patrol vehicles for the purpose of that employment, subject to guidelines adopted by the chief of the Washington state patrol. The Washington state patrol shall be reimbursed for the use of the vehicle at the prevailing state employee rate for mileage and hours of usage, subject to guidelines developed by the chief of the Washington state patrol, and Cessna pilots funded from the state patrol highway account who are certified to fly the King Airs may pilot those aircraft for general fund purposes with the general fund reimbursing the state patrol highway account an hourly rate to cover the costs incurred during the flights since the aviation section will no longer be part of the Washington state patrol cost allocation system as of July 1, 2009.

(2) The patrol shall not account for or record locally provided DUI cost reimbursement payments as expenditure credits to the state patrol highway account. The patrol shall report the amount of expected locally provided DUI cost reimbursements to the office of financial management and transportation committees of the legislature by September 30th of each year.

(3) During the 2009-11 fiscal biennium, the Washington state patrol shall continue to perform traffic accident investigations on Thurston county roads, and shall work with the county to transition the traffic accident investigations on Thurston county roads to the county by July 1, 2011.

(4) Within existing resources, the Washington state patrol shall make every reasonable effort to increase the enrollment in each academy class that commences during the 2009-11 fiscal biennium to fifty-five cadets.

(5) The Washington state patrol shall collaborate with the Washington traffic safety commission to develop and implement the target zero trooper pilot program referenced in section 201 of this act.

(6) The Washington state patrol shall discuss the implementation of the pilot program described under section 218(2) of this act with any union representing the affected employees.

(7) The Washington state patrol shall assign necessary personnel and equipment to implement and operate the pilot program described under section 218(2) of this act using the portion of the automated traffic safety camera fines deposited into the state patrol highway account, but not to exceed \$370,000. If the fines deposited into the state patrol highway account from automated traffic safety camera infractions do not reach \$370,000, the department of transportation shall remit funds necessary to the Washington state patrol to ensure the completion of the pilot program.

NEW SECTION. Sec. 208. FOR THE WASHINGTON STATE PATROL-- INVESTIGATIVE SERVICES BUREAU

State Patrol Highway Account--State Appropriation \$1,557,000

NEW SECTION. Sec. 209. FOR THE WASHINGTON STATE PATROL-- TECHNICAL SERVICES BUREAU

State Patrol Highway Account--State Appropriation \$105,680,000
 State Patrol Highway Account--Private/Local Appropriation \$2,008,000
TOTAL APPROPRIATION \$107,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The Washington state patrol shall work with the risk management division in the office of financial management in compiling the Washington state patrol's data for establishing the agency's risk management insurance premiums to the tort claims account. The office of financial management and the Washington state patrol shall submit a report to the legislative transportation committees by December 31st of each year on the number of claims, estimated claims to be paid, method of calculation, and the adjustment in the premium.

(2) \$8,673,000 of the total appropriation is provided solely for automobile fuel in the 2009-11 fiscal biennium.

(3) \$7,421,000 of the total appropriation is provided solely for the purchase of pursuit vehicles.

(4) \$6,328,000 of the total appropriation is provided solely for vehicle repair and maintenance costs of vehicles used for highway purposes.

(5) \$384,000 of the total appropriation is provided solely for the purchase of mission vehicles used for highway purposes in the commercial vehicle and traffic investigation sections of the Washington state patrol.

(6) The Washington state patrol may submit information technology- related requests for funding only if the patrol has coordinated with the department of information services as required under section 601 of this act.

(7) \$345,000 of the state patrol highway account--state appropriation is provided solely for the implementation of Engrossed Substitute House Bill No. 1445 (domestic partners/Washington state patrol retirement system). If Engrossed Substitute House Bill No. 1445 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 210. FOR THE DEPARTMENT OF LICENSING

Marine Fuel Tax Refund Account--State Appropriation \$32,000
 Motorcycle Safety Education Account--State Appropriation \$4,373,000
 Wildlife Account--State Appropriation \$837,000
 Highway Safety Account--State Appropriation \$145,085,000
 Highway Safety Account--Federal Appropriation \$8,000
 Motor Vehicle Account--State Appropriation \$78,805,000
 Motor Vehicle Account--Private/Local Appropriation \$1,372,000
 Motor Vehicle Account--Federal Appropriation \$242,000
 Department of Licensing Services Account--State Appropriation \$3,867,000
 Washington State Patrol Highway Account--State Appropriation \$738,000
 Ignition Interlock Device Revolving Account--State Appropriation \$2,490,000
TOTAL APPROPRIATION \$237,849,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) By November 1, 2009, the department of licensing, working with the department of revenue, shall analyze and plan for the transfer by July 1, 2010, of the administration of fuel taxes imposed under chapters 82.36, 82.38, 82.41, and 82.42 RCW and other provisions of law from the department of licensing to the department of revenue. By November 1, 2009, the departments shall report findings and recommendations to the governor and the transportation and fiscal committees of the legislature.

(b) The analysis and planning directed under this subsection must include, but is not limited to, the following:

(i) Outreach to and solicitation of comment from parties affected by the fuel taxes, including taxpayers, industry associations, state and federal agencies, and Indian tribes, and from the transportation and fiscal committees of the legislature;

(ii) Identification and analysis of relevant factors including, but not limited to:

(A) Taxpayer reporting and payment processes;

(B) The international fuel tax agreement;

(C) Proportional registration under the provisions of the international registration plan and chapter 46.87 RCW;

(D) Computer systems;

(E) Best management practices and efficiencies;

(F) Costs; and

(G) Personnel matters;

(iii) Development of recommended actions to accomplish the transfer; and

(iv) An implementation plan and schedule.

(c) The report must include draft legislation, which transfers administration of fuel taxes as described under (a) of this subsection to the department of revenue on July 1, 2010, and amends existing law as needed.

(2) \$55,845,000 of the highway safety account--state appropriation is provided solely for the driver examining program. In order to reduce costs and make the most efficient use of existing resources, the department may consolidate licensing service offices by closing the vehicle services counter at the highways licensing building in Olympia and up to twenty-five licensing service offices.

(a) When closing offices, the department may redistribute staff from consolidated offices to neighboring offices and local community supercenters.

(b) In order to mitigate the effects of office consolidations on customers, the department shall, within existing resources, provide the following enhanced services:

(i) Extended daily and weekend hours in regional supercenter offices;

(ii) Staffed greeter stations to improve office work flow; and

(iii) Self-service stations for online transaction access, including vehicle renewal transactions.

(c) In areas that are not consolidated, the department will work to reduce costs by identifying opportunities to share facilities with subagent offices and state, county, or local government offices and by analyzing hours and days of operation to meet demand.

(d) The department shall work with vehicle licensing subagents regarding potential placement of self-service driver licensing kiosks in communities that will be affected by licensing services offices closures. The department may place kiosks in those subagent offices where both parties agree, and may pay the subagents the fair market value for any space used for kiosks.

(e) The department shall report to the joint transportation committee by November 30, 2009, on the department's consolidation implementation to date and its plan for continued implementation.

(3) \$11,688,000 of the highway safety account--state appropriation is provided solely for costs associated with: Issuing enhanced drivers' licenses and identicards at the enhanced licensing services offices; extended hours at those licensing services offices; cross- border tourism education; and other education campaigns. This is the maximum amount the department may expend for this purpose.

(4) \$2,490,000 of the ignition interlock device revolving account-- state appropriation is provided solely for the department to assist indigent persons with the costs of installing, removing, and leasing the device, and applicable licensing pursuant to RCW 46.68.340.

(5) By December 31, 2009, the department shall report to the office of financial management and the transportation committees of the legislature a cost-benefit analysis of leasing versus purchasing field office equipment.

(6) By December 31, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature draft legislation that rewrites RCW 46.52.130 (driving record abstracts) in plain language.

(7) The department may seek federal funds to implement a driver's license and identicard biometric matching system pilot program to verify the identity of applicants for, and holders of, drivers' licenses and identicards. If funds are received, the department shall report any benefits or problems identified during the course of the pilot program to the transportation committees of the legislature upon the completion of the program.

(8) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

(9) Consistent with the authority delegated to the director of licensing under RCW 46.01.100, the department may adopt a new organizational structure that includes the following programs: (a) Driver and vehicle services, which must encompass services relating to driver licensing customers, vehicle industry and fuel tax licensees, and vehicle and vessel licensing and registration; and (b) driver policy and programs, which must encompass policy development for all driver-related programs, including driver examining, driver records, commercial driver's license testing and auditing, driver training schools, motorcycle safety, technical services, hearings, driver special investigations, drivers' data management, central issuance contract management, and state and federal initiatives.

(10) The legislature finds that measuring the performance of the department requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently:

(a) The department shall develop a set of metrics that measure that performance and report to the transportation committees of the house of representatives and the senate and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act;

(b) The department shall study the process in place at the licensing services office and present to the 2010 legislature recommendations for process changes to improve efficiencies for both the department and the customer; and

(c) The department shall, on a quarterly basis, report to the transportation committees of the legislature the following monthly data by licensing service office locations: (i) Lease costs; (ii) salary and benefit costs; (iii) other costs; (iv) actual FTEs; (v) number of transactions completed, by type of transaction; and (vi) office hours.

NEW SECTION. Sec. 211. FOR THE DEPARTMENT OF TRANSPORTATION-- TOLL OPERATIONS AND MAINTENANCE--PROGRAM B

High Occupancy Toll Lanes Operations Account--State Appropriation	\$2,867,000
Motor Vehicle Account--State Appropriation	\$585,000
Tacoma Narrows Toll Bridge Account--State Appropriation	\$27,358,000
State Route Number 520 Corridor Account--State Appropriation	\$58,088,000
TOTAL APPROPRIATION	\$88,898,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall make detailed quarterly expenditure reports available to the transportation commission and to the public on the department's web site using current department resources. The reports must include a summary of revenue generated by tolls on the Tacoma Narrows bridge and an itemized depiction of the use of that revenue.

(2) The department shall work with the office of financial management to review insurance coverage, deductibles, and limitations on tolled facilities to assure that the assets are well protected at a reasonable cost. Results from this review must be used to negotiate any future new or extended insurance agreements.

(3) \$58,088,000 of the state route number 520 corridor account-- state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. Of this amount, \$175,000 is for the immediate costs necessary to pursue a request for proposal to implement variable, open road tolling on the state route number 520 floating bridge. The request for proposal must include tolling infrastructure and signage, customer service centers, collection and billing procedures, and, to the extent practicable, the maintenance and dispensing of transponders by the vendor. The remaining \$57,913,000 must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this subsection is contingent on the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this subsection are not satisfied, the amount provided in this subsection shall lapse.

NEW SECTION. Sec. 212. FOR THE DEPARTMENT OF TRANSPORTATION-- INFORMATION TECHNOLOGY--PROGRAM C

Transportation Partnership Account--State Appropriation	\$2,675,000
Motor Vehicle Account--State Appropriation	\$67,811,000
Motor Vehicle Account--Federal Appropriation	\$240,000
Multimodal Transportation Account--State Appropriation	\$363,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$2,676,000
TOTAL APPROPRIATION	\$73,765,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall consult with the office of financial management and the department of information services to: (a) Ensure that the department's current and future system development is consistent with the overall direction of other key state systems; and (b) when possible, use or develop common statewide information systems to encourage coordination and integration of information used by the department and other state agencies and to avoid duplication.

(2) \$1,216,000 of the transportation partnership account--state appropriation and \$1,216,000 of the transportation 2003 account (nickel account)--state appropriation are provided solely for the department to develop a project management and reporting system which is a collection of integrated tools for capital construction project managers to use to perform all the necessary tasks associated with project management. The department shall integrate commercial off-the-shelf software with existing department systems and enhanced approaches to data management to provide web-based access for multi-level reporting and improved business work flows and reporting. On a quarterly basis, the department shall report to the office of financial management and the transportation committees of the legislature on the status of the development and integration of the system. At a minimum, the reports shall indicate the status of the work as it compares to the work plan, any discrepancies, and proposed adjustments necessary to bring the project back on schedule or budget if necessary.

(3) The department may submit information technology-related requests for funding only if the department has coordinated with the department of information services as required under section 601 of this act.

NEW SECTION. Sec. 213. FOR THE DEPARTMENT OF TRANSPORTATION-- FACILITY MAINTENANCE, OPERATIONS AND CONSTRUCTION--PROGRAM D--OPERATING

Motor Vehicle Account--State Appropriation \$25,501,000

NEW SECTION. Sec. 214. FOR THE DEPARTMENT OF TRANSPORTATION-- AVIATION--PROGRAM F

Aeronautics Account--State Appropriation \$6,009,000
 Aeronautics Account--Federal Appropriation \$2,150,000
TOTAL APPROPRIATION \$8,159,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$50,000 of the aeronautics account--state appropriation is a reappropriation provided solely to pay any outstanding obligations of the aviation planning council, which expires July 1, 2009.
- (2) \$150,000 of the aeronautics account--state appropriation is a reappropriation provided solely to complete runway preservation projects.

NEW SECTION. Sec. 215. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM DELIVERY MANAGEMENT AND SUPPORT--PROGRAM H

Motor Vehicle Account--State Appropriation \$48,032,000
 Motor Vehicle Account--Federal Appropriation \$500,000
 Multimodal Transportation Account--State Appropriation \$250,000
 Water Pollution Account--State Appropriation \$2,000,000
TOTAL APPROPRIATION \$50,782,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall develop a plan for all current and future surplus property parcels based on the recommendations from the surplus property legislative work group that were presented to the senate transportation committee on February 26, 2009. The plan must include, at a minimum, strategies for maximizing the number of parcels sold, a schedule that optimizes proceeds, a recommended cash discount, a plan to report to the joint transportation committee, a recommendation for regional incentives, and a recommendation for equivalent value exchanges. This plan must accompany the department's 2010 supplemental budget request.

(2) If the department determines that all or a portion of real property or an interest in real property that was acquired through condemnation or the threat of condemnation is no longer necessary for a public purpose and should be sold as surplus property, the former owner shall have a right of repurchase. "Former owner" means the person or entity from whom the department acquired title and that person's or entity's successors or assigns to the property or property interest subject to the repurchase right. At least ninety days prior to the date on which the property is to be sold by the department, the department must mail notice of the planned sale to the former owner of the property at the former owner's last known address or to a forwarding address if that owner has provided the department with a forwarding address. If the former owner notifies the department within thirty days of the date of the notice that the former owner intends to repurchase the property, the department shall proceed with the sale of the property to the former owner and shall not list the property for sale to other owners. If the former owner does not provide timely written notice to the department of the intent to exercise a repurchase right, or if the sale to the former owner is not completed within one year of the date of notice that the former owner intends to repurchase the property, that right shall be extinguished.

(3) The legislature recognizes that the Dryden pit site (WSDOT Inventory Control (IC) No. 2-04-00103) is unused state-owned real property under the jurisdiction of the department of transportation, and that the public would benefit significantly from the complete enjoyment of the natural scenic beauty and recreational opportunities available at the site. Therefore, pursuant to RCW 47.12.080, the legislature declares that transferring the property to the department of fish and wildlife is consistent with the public interest in order to preserve the area for the use of the public. The department of transportation shall, as soon as is practicable, transfer and convey the Dryden pit site to the department of fish and wildlife for adequate consideration in the amount of no less than \$600,000, the proceeds of which must be deposited in the motor vehicle fund. By July 1, 2009, the department shall submit a status report regarding the transaction to the chairs of the legislative transportation committees.

(4) \$2,000,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water. If Substitute House Bill No. 1614 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(5) \$750,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

(6) The department shall provide updated information on six project milestones for all active projects, funded in part or in whole with 2005 transportation partnership account funds or 2003 nickel account funds, on a quarterly basis in the transportation executive information system (TEIS). The department shall also provide updated information on six project milestones for projects, funded with preexisting funds and that are agreed to by the legislature, office of financial management, and the department, on a quarterly basis in TEIS.

NEW SECTION. Sec. 216. FOR THE DEPARTMENT OF TRANSPORTATION-- ECONOMIC PARTNERSHIPS--PROGRAM K

Motor Vehicle Account--State Appropriation \$615,000
 Multimodal Transportation Account--State Appropriation \$200,000
TOTAL APPROPRIATION \$815,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$200,000 of the multimodal transportation account--state appropriation is provided solely for the department to develop and implement public private partnerships at high priority terminals as identified in the January 12, 2009, final report on joint development opportunities at Washington state ferries terminals. The department shall first consider a mutually beneficial agreement at the Edmonds terminal.
- (2) \$50,000 of the motor vehicle account--state appropriation is provided solely for the department to investigate the potential to generate revenue from web site sponsorships and similar ventures and, if feasible, pursue partnership opportunities.

NEW SECTION. Sec. 217. FOR THE DEPARTMENT OF TRANSPORTATION-- HIGHWAY MAINTENANCE--PROGRAM

M

Motor Vehicle Account--State Appropriation	\$347,637,000
Motor Vehicle Account--Federal Appropriation	\$2,000,000
Motor Vehicle Account--Private/Local Appropriation	\$5,797,000
Water Pollution Account--State Appropriation	\$12,500,000
TOTAL APPROPRIATION	\$367,934,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) If portions of the appropriations in this section are required to fund maintenance work resulting from major disasters not covered by federal emergency funds such as fire, flooding, snow, and major slides, supplemental appropriations must be requested to restore state funding for ongoing maintenance activities.
- (2) The department shall request an unanticipated receipt for any federal moneys received for emergency snow and ice removal and shall place an equal amount of the motor vehicle account--state into unallotted status. This exchange shall not affect the amount of funding available for snow and ice removal.
- (3) The department shall request an unanticipated receipt for any private or local funds received for reimbursements of third party damages that are in excess of the motor vehicle account--private/local appropriation.
- (4) \$2,000,000 of the motor vehicle account--federal appropriation is for unanticipated federal funds that may be received during the 2009-11 fiscal biennium. Upon receipt of the funds, the department shall provide a report on the use of the funds to the transportation committees of the legislature and the office of financial management.
- (5) The department may incur costs related to the maintenance of the decorative lights on the Tacoma Narrows bridge only if:
 - (a) The nonprofit corporation, narrows bridge lights organization, maintains an account balance sufficient to reimburse the department for all costs; and
 - (b) The department is reimbursed from the narrows bridge lights organization within three months from the date any maintenance work is performed. If the narrows bridge lights organization is unable to reimburse the department for any future costs incurred, the lights must be removed at the expense of the narrows bridge lights organization subject to the terms of the contract.
- (6) The department may work with the department of corrections to utilize corrections crews for the purposes of litter pickup on state highways.
- (7) \$650,000 of the motor vehicle account--state appropriation is provided solely for increased asphalt costs. If Senate Bill No. 5976 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (8) \$16,800,000 of the motor vehicle account--state appropriation is provided solely for the high priority maintenance backlog. Addressing the maintenance backlog must result in increased levels of service.
- (9) \$12,500,000 of the water pollution account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit, consistent with the purposes described in Substitute House Bill No. 1614, addressing petroleum pollution in storm water. If Substitute House Bill No. 1614 is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.
- (10) \$750,000 of the motor vehicle account--state appropriation is provided solely for the department's compliance with its national pollution discharge elimination system permit.

NEW SECTION. Sec. 218. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q--OPERATING

Motor Vehicle Account--State Appropriation	\$51,526,000
Motor Vehicle Account--Federal Appropriation	\$2,050,000
Motor Vehicle Account--Private/Local Appropriation	\$127,000
TOTAL APPROPRIATION	\$53,703,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$2,400,000 of the motor vehicle account--state appropriation is provided solely for low-cost enhancements. The department shall give priority to low-cost enhancement projects that improve safety or provide congestion relief. The department shall prioritize low-cost enhancement projects on a statewide rather than regional basis. By September 1st of each even-numbered year, the department shall provide a report to the legislature listing all low-cost enhancement projects prioritized on a statewide rather than regional basis completed in the prior year.
- (2) The department, in consultation with the Washington state patrol, may continue a pilot program for the patrol to issue infractions based on information from automated traffic safety cameras in roadway construction zones on state highways. For the purpose of this pilot program, during the 2009-11 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors are not present but where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on any public roadway pursuant to ongoing construction. The department shall use the following guidelines to administer the program:
 - (a) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle;
 - (b) The department shall plainly mark the locations where the automated traffic safety cameras are used by placing signs on locations that clearly indicate to a driver that he or she is entering a roadway construction zone where traffic laws are enforced by an automated traffic safety camera;
 - (c) Notices of infractions must be mailed to the registered owner of a vehicle within fourteen days of the infraction occurring;
 - (d) The owner of the vehicle is not responsible for the violation if the owner of the vehicle, within fourteen days of receiving notification of the violation, mails to the patrol, a declaration under penalty of perjury, stating that the vehicle involved was, at the time, stolen or in the care, custody, or control of some person other than the registered owner, or any other extenuating circumstances;

(e) For purposes of the 2009-11 fiscal biennium pilot program, infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras must be processed in the same manner as parking infractions for the purposes of RCW 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued under this subsection (2) for an infraction generated through the use of an automated traffic safety camera is one hundred thirty-seven dollars. The court shall remit thirty-two dollars of the fine to the state treasurer for deposit into the state patrol highway account; and

(f) If a notice of infraction is sent to the registered owner and the registered owner is a rental car business, the infraction must be dismissed against the business if it mails to the patrol, within fourteen days of receiving the notice, a declaration under penalty of perjury of the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred. If the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred, the business must sign a declaration under penalty of perjury to this effect. The declaration must be mailed to the patrol within fourteen days of receiving the notice of traffic infraction. Timely mailing of this declaration to the issuing agency relieves a rental car business of any liability under this section for the notice of infraction. A declaration form suitable for this purpose must be included with each automated traffic infraction notice issued, along with instructions for its completion and use.

(3) The department shall implement a pilot project to evaluate the benefits of using electronic traffic flagging devices. Electronic traffic flagging devices must be tested by the department at multiple sites and reviewed for efficiency and safety. The department shall report to the transportation committees of the legislature on the best use and practices involving electronic traffic flagging devices, including recommendations for future use, by June 30, 2010.

(4) \$173,000 of the motor vehicle account--state appropriation is provided solely for the department to continue a pilot tow truck incentive program and to expand the program to other areas of the state. The department may provide incentive payments to towing companies that meet clearance goals on accidents that involve heavy trucks. The department shall report to the office of financial management and the transportation committees of the legislature on the effectiveness of the clearance goals and submit recommendations to improve the pilot program with the department's 2010 supplemental omnibus transportation appropriations act submittal.

NEW SECTION. Sec. 219. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION MANAGEMENT AND SUPPORT--PROGRAM S

Motor Vehicle Account--State Appropriation	\$29,153,000
Motor Vehicle Account--Federal Appropriation	\$30,000
Multimodal Transportation Account--State Appropriation	\$973,000
State Route Number 520 Corridor Account--State Appropriation	\$264,000
TOTAL APPROPRIATION	\$30,420,000

The appropriations in this section are subject to the following conditions and limitations: \$264,000 of the state route number 520 corridor account--state appropriation is provided solely for the costs directly related to tolling the state route number 520 floating bridge. This amount must be retained in unallotted status, and may only be released by the office of financial management after consultation with the joint transportation committee following the committee's examination of toll operations costs referenced in section 204(2) of this act. The amount provided in this section is contingent on the enactment of (1) Engrossed Substitute House Bill No. 2211 and (2) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this section are not satisfied, the amount provided in this section shall lapse.

NEW SECTION. Sec. 220. FOR THE DEPARTMENT OF TRANSPORTATION-- TRANSPORTATION PLANNING, DATA, AND RESEARCH--PROGRAM T

Motor Vehicle Account--State Appropriation	\$24,724,000
Motor Vehicle Account--Federal Appropriation	\$19,116,000
Multimodal Transportation Account--State Appropriation	\$696,000
Multimodal Transportation Account--Federal Appropriation	\$2,809,000
Multimodal Transportation Account--Private/Local Appropriation	\$100,000
TOTAL APPROPRIATION	\$47,445,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$150,000 of the motor vehicle account--federal appropriation is provided solely for the costs to develop an electronic map-based computer application that will enable law enforcement officers and others to more easily locate collisions and other incidents in the field.

(2) \$400,000 of the motor vehicle account--state appropriation is provided solely for a diesel multiple unit feasibility and initial planning study. The study must evaluate potential service on the Stampede Pass line from Maple Valley to Auburn via Covington. The study must evaluate the potential demand for service, the business model and capital needs for launching and running the line, and the need for improvements in switching, signaling, and tracking. A report on the study must be submitted to the legislature by June 30, 2010.

(3) \$243,000 of the motor vehicle account--state appropriation and \$81,000 of the motor vehicle account--federal appropriation are provided solely for the development of a freight database to help guide freight investment decisions and track project effectiveness. The database must be based on truck movement tracked through geographic information system technology. TransNow shall contribute additional federal funds that are not appropriated in this act. The department shall work with the freight mobility strategic investment board to implement this database.

NEW SECTION. Sec. 221. FOR THE DEPARTMENT OF TRANSPORTATION-- CHARGES FROM OTHER AGENCIES--PROGRAM U

Motor Vehicle Account--State Appropriation	\$87,331,000
Motor Vehicle Account--Federal Appropriation	\$400,000
Multimodal Transportation Account--State Appropriation	\$561,000
TOTAL APPROPRIATION	\$88,292,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The office of financial management must provide a detailed accounting of the revenues and expenditures of the self- insurance fund to the transportation committees of the legislature on December 31st and June 30th of each year.

(2) Payments in this section represent charges from other state agencies to the department of transportation.

(a) FOR PAYMENT OF OFFICE OF FINANCIAL MANAGEMENT DIVISION OF RISK MANAGEMENT FEES . . .	\$1,639,000
(b) FOR PAYMENT OF COSTS OF THE OFFICE OF THE STATE AUDITOR	\$937,000
(c) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF GENERAL ADMINISTRATION	\$6,060,000
(d) FOR PAYMENT OF COSTS OF THE DEPARTMENT OF PERSONNEL	\$6,347,000
(e) FOR PAYMENT OF SELF-INSURANCE LIABILITY PREMIUMS AND ADMINISTRATION	\$44,418,000
(f) FOR ARCHIVES AND RECORDS MANAGEMENT	\$623,000
(g) FOR OFFICE OF MINORITIES AND WOMEN BUSINESS ENTERPRISES	\$1,008,000
(h) FOR USE OF FINANCIAL AND REPORTING SYSTEMS PROVIDED BY THE OFFICE OF FINANCIAL MANAGEMENT	\$1,143,000
(i) FOR POLICY AND SYSTEM ASSISTANCE FROM THE DEPARTMENT OF INFORMATION SERVICES	\$1,980,000
(j) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE	\$8,526,000
(k) FOR LEGAL SERVICE PROVIDED BY THE ATTORNEY GENERAL'S OFFICE FOR THE SECOND PHASE OF THE BOLDT LITIGATION	\$672,000

NEW SECTION. Sec. 222. FOR THE DEPARTMENT OF TRANSPORTATION-- PUBLIC TRANSPORTATION--PROGRAM

V

Regional Mobility Grant Program Account--State Appropriation	\$54,677,000
Multimodal Transportation Account--State Appropriation	\$65,795,000
Multimodal Transportation Account--Federal Appropriation	\$2,582,000
Multimodal Transportation Account--Private/Local Appropriation	\$1,027,000
TOTAL APPROPRIATION	\$124,081,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$25,000,000 of the multimodal transportation account--state appropriation is provided solely for a grant program for special needs transportation provided by transit agencies and nonprofit providers of transportation.
 - (a) \$5,500,000 of the amount provided in this subsection is provided solely for grants to nonprofit providers of special needs transportation. Grants for nonprofit providers shall be based on need, including the availability of other providers of service in the area, efforts to coordinate trips among providers and riders, and the cost effectiveness of trips provided.
 - (b) \$19,500,000 of the amount provided in this subsection is provided solely for grants to transit agencies to transport persons with special transportation needs. To receive a grant, the transit agency must have a maintenance of effort for special needs transportation that is no less than the previous year's maintenance of effort for special needs transportation. Grants for transit agencies shall be prorated based on the amount expended for demand response service and route deviated service in calendar year 2007 as reported in the "Summary of Public Transportation - 2007" published by the department of transportation. No transit agency may receive more than thirty percent of these distributions.
- (2) Funds are provided for the rural mobility grant program as follows:
 - (a) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely for grants for those transit systems serving small cities and rural areas as identified in the "Summary of Public Transportation - 2007" published by the department of transportation. Noncompetitive grants must be distributed to the transit systems serving small cities and rural areas in a manner similar to past disparity equalization programs.
 - (b) \$8,500,000 of the multimodal transportation account--state appropriation is provided solely to providers of rural mobility service in areas not served or underserved by transit agencies through a competitive grant process.
- (3) \$7,000,000 of the multimodal transportation account--state appropriation is provided solely for a vanpool grant program for: (a) Public transit agencies to add vanpools or replace vans; and (b) incentives for employers to increase employee vanpool use. The grant program for public transit agencies will cover capital costs only; operating costs for public transit agencies are not eligible for funding under this grant program. Additional employees may not be hired from the funds provided in this section for the vanpool grant program, and supplanting of transit funds currently funding vanpools is not allowed. The department shall encourage grant applicants and recipients to leverage funds other than state funds. At least \$1,600,000 of this amount must be used for vanpool grants in congested corridors.
- (4) \$400,000 of the multimodal transportation account--state appropriation is provided solely for a grant for a flexible carpooling pilot project program to be administered and monitored by the department. Funds are appropriated for one time only. The pilot project program must: Test and implement at least one flexible carpooling system in a high-volume commuter area that enables carpooling without prearrangement; utilize technologies that, among other things, allow for transfer of ride credits between participants; and be a membership system that involves prescreening to ensure safety of the participants. The program must include a pilot project that targets commuter traffic on the state route number 520 bridge. The department shall submit to the legislature by December 2010 a report on the program results and any recommendations for additional flexible carpooling programs.
- (5) \$3,318,000 of the multimodal transportation account--state appropriation and \$21,248,000 of the regional mobility grant program account--state appropriation are reappropriated and provided solely for the regional mobility grant projects identified on the LEAP Transportation Document 2007-B, as developed April 20, 2007, or the LEAP Transportation Document 2006-D, as developed March 8, 2006. The department shall continue to review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects on the LEAP Transportation Document 2006-D, as developed March 8, 2006; the LEAP Transportation Document 2007-B, as developed April 20, 2007; or the LEAP Transportation Document 2009-B, as developed April 24, 2009. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.
- (6) \$33,429,000 of the regional mobility grant program account-- state appropriation is provided solely for the regional mobility grant projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award, must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and any remaining funds available to the office of transit mobility must be used only to fund projects identified in LEAP Transportation Document 2009-B, as developed April 24, 2009. The department shall provide annual status reports on December 15, 2009, and December 15, 2010, to the office of financial management and the transportation committees of the legislature regarding the projects receiving the grants. It is the intent of the legislature to appropriate funds through the regional mobility grant program only for projects that will be completed on schedule.

(7) \$300,000 of the multimodal transportation account--state appropriation is provided solely for a transportation demand management program, developed by the Whatcom council of governments, to further reduce drive-alone trips and maximize the use of sustainable transportation choices. The community-based program must focus on all trips, not only commute trips, by providing education, assistance, and incentives to four target audiences: (a) Large work sites; (b) employees of businesses in downtown areas; (c) school children; and (d) residents of Bellingham.

(8) \$130,000 of the multimodal transportation account--state appropriation is provided solely to the department to distribute to support Engrossed Substitute House Bill No. 2072 (special needs transportation).

(a) \$80,000 of the amount provided in this subsection is provided solely for implementation of the work group related to federal requirements in section 1, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009.

(b) \$50,000 of the amount provided in this subsection is provided solely to support the pilot project to be developed or implemented by the local coordinating coalition comprised of a single county, described in sections 9, 10, and 11, chapter . . . (Engrossed Substitute House Bill No. 2072), Laws of 2009. The department shall assist the local coordinating coalition to seek funding sufficient to fully fund the pilot project from a variety of sources including, but not limited to, the regional transit authority serving the county, the regional transportation planning organization serving the county, and other appropriate state and federal agencies and grants. Development or implementation of the pilot project is contingent on securing funding sufficient to fully fund the pilot project.

(c) If Engrossed Substitute House Bill No. 2072 is not enacted by June 30, 2009, the amount provided in this subsection (8) lapses. If Engrossed Substitute House Bill No. 2072 is enacted by June 30, 2009, but a commitment from other sources to fully fund the pilot project described in (b) of this subsection has not been obtained by September 30, 2009, the amount provided in (b) of this subsection lapses.

(9) Funds provided for the commute trip reduction program may also be used for the growth and transportation efficiency center program.

(10) An affected urban growth area that has not previously implemented a commute trip reduction program is exempt from the requirements in RCW 70.94.527 if a solution to address the state highway deficiency that exceeds the person hours of delay threshold has been funded and is in progress during the 2009-11 fiscal biennium.

(11) \$2,309,000 of the multimodal transportation account--state appropriation is provided solely for the tri-county connection service for Island, Skagit, and Whatcom transit agencies.

NEW SECTION. Sec. 223. FOR THE DEPARTMENT OF TRANSPORTATION-- MARINE--PROGRAM X

Puget Sound Ferry Operations Account--State Appropriation \$400,592,000

The appropriation in this section is subject to the following conditions and limitations:

(1) \$53,110,560 of the Puget Sound ferry operations account--state appropriation is provided solely for auto ferry vessel operating fuel in the 2009-11 fiscal biennium. This appropriation is contingent upon the enactment of section 716 of this act.

(2) To protect the waters of Puget Sound, the department shall investigate nontoxic alternatives to fuel additives and other commercial products that are used to operate, maintain, and preserve vessels.

(3) If, after the department's review of fares and pricing policies, the department proposes a fuel surcharge, the department must evaluate other cost savings and fuel price stabilization strategies that would be implemented before the imposition of a fuel surcharge.

(4) The department shall strive to significantly reduce the number of injuries suffered by Washington state ferries employees. By December 15, 2009, the department shall submit to the office of financial management and the transportation committees of the legislature its implementation plan to reduce such injuries.

(5) The department shall continue to provide service to Sidney, British Columbia. The department may place a Sidney terminal departure surcharge on fares for out of state residents riding the Washington state ferry route that runs between Anacortes, Washington and Sidney, British Columbia, if the cost for landing/license fee, taxes, and additional amounts charged for docking are in excess of \$280,000 CDN. The surcharge must be limited to recovering amounts above \$280,000 CDN.

(6) The department shall analyze operational solutions to enhance service on the Bremerton to Seattle ferry run. The Washington state ferries shall report its analysis to the transportation committees of the legislature by December 1, 2009.

(7) The office of financial management budget instructions require agencies to recast enacted budgets into activities. The Washington state ferries shall include a greater level of detail in its 2011-13 omnibus transportation appropriations act request, as determined jointly by the office of financial management, the Washington state ferries, and the legislative transportation committees.

(8) \$3,000,000 of the Puget Sound ferry operations account--state appropriation is provided solely for commercial insurance for ferry assets. The office of financial management, after consultation with the transportation committees of the legislature, must present a business plan for the Washington state ferry system's insurance coverage to the 2010 legislature. The business plan must include a cost-benefit analysis of Washington state ferries' current commercial insurance purchased for ferry assets and a review of self-insurance for noncatastrophic events.

(9) \$1,100,000 of the Puget Sound ferry operations account--state appropriation is provided solely for a marketing program. The department shall present a marketing program proposal to the transportation committees of the legislature during the 2010 legislative session before implementing this program. Of this amount, \$10,000 is for the city of Port Townsend and \$10,000 is for the town of Coupeville for mitigation expenses related to only one vessel operating on the Port Townsend/Keystone ferry route. The moneys provided to the city of Port Townsend and town of Coupeville are not contingent upon the required marketing proposal.

(10) \$350,000 of the Puget Sound ferry operations account--state appropriation is provided solely for two extra trips per day during the summer of 2009 season, beyond the current schedule, on the Port Townsend/Keystone route.

(11) When purchasing uniforms that are required by collective bargaining agreements, the department shall contract with the lowest cost provider.

(12) The legislature finds that measuring the performance of Washington state ferries requires the measurement of quality, timeliness, and unit cost of services delivered to customers. Consequently, the department must develop a set of metrics that measure that performance and report to the transportation committees of the legislature and to the office of financial management on the development of these measurements along with recommendations to the 2010 legislature on which measurements must become a part of the next omnibus transportation appropriations act.

(13) As a priority task, the department is directed to propose a comprehensive incident and accident investigation policy and appropriate procedures, and to provide the proposal to the legislature by November 1, 2009, using existing resources and staff expertise. In addition to consulting with ferry system unions and the United States coast guard, the Washington state ferries is encouraged to solicit independent outside expertise on incident and accident investigation best practices as they may be found in other organizations with a similar concern for marine safety. It is the intent of the legislature to enact the policies into law and to publish that law and procedures as a manual for Washington state ferries' accident/incident investigations. Until that time, the Washington state ferry system must exercise particular diligence to assure that any incident or accident investigations are conducted within the spirit of the guidelines of this act. The proposed policy must contain, at a minimum:

- (a) The definition of an incident and an accident and the type of investigation that is required by both types of events;
- (b) The process for appointing an investigating officer or officers and a description of the authorities and responsibilities of the investigating officer or officers. The investigating officer or officers must:
 - (i) Have the appropriate training and experience as determined by the policy;
 - (ii) Not have been involved in the incident or accident so as to avoid any conflict of interest;
 - (iii) Have full access to all persons, records, and relevant organizations that may have information about or may have contributed to, directly or indirectly, the incident or accident under investigation, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW;
 - (iv) Be provided with, if requested by the investigating officer or officers, appropriate outside technical expertise; and
 - (v) Be provided with staff and legal support by the Washington state ferries as may be appropriate to the type of investigation;
- (c) The process of working with the affected employee or employees in accordance with the employee's or employees' respective collective bargaining agreement and the appropriate union officials, within protocols afforded to all public employees;
- (d) The process by which the United States coast guard is kept informed of, interacts with, and reviews the investigation;
- (e) The process for review, approval, and implementation of any approved recommendations within the department; and
- (f) The process for keeping the public informed of the investigation and its outcomes, in compliance with any affected employee's or employees' respective collective bargaining agreement and state laws and rules regarding public disclosure under chapter 42.56 RCW.

NEW SECTION. Sec. 224. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--OPERATING
 Multimodal Transportation Account--State Appropriation \$34,933,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$29,091,000 of the multimodal transportation account--state appropriation is provided solely for the Amtrak service contract and Talgo maintenance contract associated with providing and maintaining the state-supported passenger rail service. Upon completion of the rail platform project in the city of Stanwood, the department shall provide daily Amtrak Cascades service to the city.
- (2) Amtrak Cascade runs may not be eliminated.
- (3) The department shall begin planning for a third roundtrip Cascades train between Seattle and Vancouver, B.C. by 2010.

NEW SECTION. Sec. 225. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z--OPERATING
 Motor Vehicle Account--State Appropriation \$8,739,000
 Motor Vehicle Account--Federal Appropriation \$2,567,000
 TOTAL APPROPRIATION \$11,306,000

NEW SECTION. Sec. 226. The legislature recognizes that the department of transportation operates a seventh administrative region, including the urban corridors office. Therefore, the legislature intends that the secretary of the department of transportation identify and implement operational efficiencies. This may result in a decrease in the number of total regions and the amount of regional staff. The secretary shall report to the office of financial management and the joint transportation committee by January 2010 with a report regarding how the operational efficiencies were achieved.

TRANSPORTATION AGENCIES--CAPITAL

NEW SECTION. Sec. 301. FOR THE WASHINGTON STATE PATROL
 State Patrol Highway Account--State Appropriation \$3,126,000

The appropriation in this section is subject to the following conditions and limitations:

- (1) \$1,626,000 of the state patrol highway account--state appropriation is provided solely for the following minor works projects: \$450,000 for Shelton training academy roofs; \$150,000 for HVAC control replacements; \$168,000 for upgrades to scales; \$50,000 for Bellevue electrical equipment upgrades; \$90,000 for South King detachment window replacement; \$200,000 for the replacement of the Naselle radio tower, generator shelter, and fence; \$200,000 for unforeseen emergency repairs; and \$318,000 for the Shelton training academy drive course/skid pan repair.
- (2) \$1,500,000 of the state patrol highway account--state appropriation is provided solely for the Shelton academy of the Washington state patrol and is contingent upon a signed agreement between the city of Shelton, the department of corrections, and the Washington state patrol that provides for an on-going payment to these three entities, based on their percentage of the total investment in the project, from all hookup fees, late comer fees, LIDS, and all other initial fees collected for the new waste water treatment lines, waste water plants, water lines, and water systems.

NEW SECTION. Sec. 302. FOR THE COUNTY ROAD ADMINISTRATION BOARD
 Rural Arterial Trust Account--State Appropriation \$51,000,000
 Motor Vehicle Account--State Appropriation \$1,048,000
 County Arterial Preservation Account--State Appropriation \$31,400,000
 TOTAL APPROPRIATION \$83,448,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) \$1,048,000 of the motor vehicle account--state appropriation may be used for county ferry projects as developed pursuant to RCW 47.56.725(4).
- (2) The appropriations in this section include funding to counties to assist them in efforts to recover from federally declared emergencies, by providing capitalization advances and local match for federal emergency funding as determined by the county road administration board. The county road administration board shall specifically identify any such selected projects and shall include information concerning such selected projects in its next annual report to the legislature.

NEW SECTION. Sec. 303. FOR THE TRANSPORTATION IMPROVEMENT BOARD
 Small City Pavement and Sidewalk Account--State Appropriation \$5,779,000
 Urban Arterial Trust Account--State Appropriation \$122,400,000

Transportation Improvement Account--State Appropriation	\$85,643,000
TOTAL APPROPRIATION	\$213,822,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) The transportation improvement account--state appropriation includes up to \$7,143,000 in proceeds from the sale of bonds authorized in RCW 47.26.500.
- (2) The urban arterial trust account--state appropriation includes up to \$15,000,000 in proceeds from the sale of bonds authorized in RCW 47.26.420.

NEW SECTION. Sec. 304. FOR THE DEPARTMENT OF TRANSPORTATION. As part of its budget submittal for the 2011-13 fiscal biennium, the department shall provide an update to the report provided to the legislature in 2008 that:

- (1) Compares the original project cost estimates approved in the 2003 and 2005 project lists to the completed cost of the project, or the most recent legislatively approved budget and total project costs for projects not yet completed;
- (2) Identifies highway projects that may be reduced in scope and still achieve a functional benefit;
- (3) Identifies highway projects that have experienced scope increases and that can be reduced in scope;
- (4) Identifies highway projects that have lost significant local or regional contributions that were essential to completing the project; and
- (5) Identifies contingency amounts allocated to projects.

NEW SECTION. Sec. 305. FOR THE DEPARTMENT OF TRANSPORTATION-- PROGRAM D (DEPARTMENT OF TRANSPORTATION-ONLY PROJECTS)--CAPITAL

Motor Vehicle Account--State Appropriation	\$4,810,000
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- (1) \$1,198,000 of the motor vehicle account--state appropriation is provided solely for the Olympic region site acquisition debt service payments and administrative costs associated with capital improvement and preservation project and financial management.
- (2) \$3,612,000 of the motor vehicle account--state appropriation is provided solely for high priority safety projects that are directly linked to employee safety, environmental risk, or minor works that prevent facility deterioration. This includes the administrative costs associated with those projects and the reconstruction of the Wandermere facility that was destroyed in the 2008-09 winter storms.

NEW SECTION. Sec. 306. FOR THE DEPARTMENT OF TRANSPORTATION-- IMPROVEMENTS--PROGRAM I

Multimodal Transportation Account--State Appropriation	\$1,000
Transportation Partnership Account--State Appropriation	\$1,723,834,000
Motor Vehicle Account--State Appropriation	\$80,735,000
Motor Vehicle Account--Federal Appropriation	\$410,341,000
Motor Vehicle Account--Private/Local Appropriation	\$65,494,000
Special Category C Account--State Appropriation	\$24,549,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$703,708,000
Freight Mobility Multimodal Account--State Appropriation	\$4,422,000
Tacoma Narrows Toll Bridge Account--State Appropriation	\$788,000
State Route Number 520 Corridor Account--State Appropriation	\$106,000,000
TOTAL APPROPRIATION	\$3,119,872,000

The appropriations in this section are subject to the following conditions and limitations:

- (1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1 as developed April 24, 2009, Program - Highway Improvement Program (I). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) As a result of economic changes since the initial development of the improvement program budget for the 2009-11 fiscal biennium, the department has received bids on construction contracts over the last several months that are favorable with respect to current estimates of project costs. National economic forecasts indicate that inflationary pressures are likely to remain lower than previously expected for the next several years. As a result, the nominal project cost totals shown in LEAP Transportation Document 2009-1 in aggregate for the 2009-11 fiscal biennium and the 2011-13 fiscal biennium are expected to exceed the likely amount necessary to deliver the projects listed within those biennia by \$63,500,000 in the 2009-11 fiscal biennium and \$52,700,000 in the 2011-13 fiscal biennium. The appropriations provided in this section for the projects in those biennia are therefore \$63,500,000 less in the 2009-11 fiscal biennium and \$52,700,000 less in the 2011-13 fiscal biennium than the aggregate total of project costs listed. It is the intent of the legislature that the department shall deliver the projects listed in LEAP Transportation Document 2009-1 within the time, scope, and budgets identified in that document, provided that the prices of commodities used in transportation projects do not differ significantly from those assumed for the 2009-11 and 2011-13 fiscal biennia in the March 2009 forecast of the economic and revenue forecast council.

(3) \$162,900,000 of the transportation partnership account--state appropriation and \$106,000,000 of the state route number 520 corridor account--state appropriation are provided solely for the state route number 520 bridge replacement and HOV project. The department shall submit an application for the eastside transit and HOV project to the supplemental discretionary grant program for regionally significant projects as provided in the American Recovery and Reinvestment Act of 2009. Eastside state route number 520 improvements shall be designed and constructed to accommodate a future full interchange at 124th Avenue Northeast. Concurrent with the eastside transit and HOV project, the department shall conduct engineering design of a full interchange at 124th Avenue Northeast. The amount provided in this subsection is contingent on the enactment of (a) Engrossed Substitute House Bill No. 2211 and (b) either Engrossed Substitute House Bill No. 2326 or other legislation authorizing bonds for the state route number 520 corridor projects. If the conditions of this subsection are not satisfied, the state route number 520 corridor account--state appropriation shall lapse.

(4) As required under section 305(6), chapter 518, Laws of 2007, the department shall report by January 2010 to the transportation committees of the legislature on the findings of the King county noise reduction solutions pilot project.

(5) Funding allocated for mitigation costs is provided solely for the purpose of project impact mitigation, and shall not be used to develop or otherwise participate in the environmental assessment process.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P including, but not limited to, the SR 518, SR 520, Columbia river crossing, and Alaskan Way viaduct projects.

(7) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account and transportation 2003 account (nickel account) projects relating to bridge rail, guard rail, fish passage barrier removal, and roadside safety projects should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(8) The transportation 2003 account (nickel account)--state appropriation includes up to \$628,000,000 in proceeds from the sale of bonds authorized by RCW 47.10.861.

(9) The transportation partnership account--state appropriation includes up to \$1,360,528,000 in proceeds from the sale of bonds authorized in RCW 47.10.873.

(10) The special category C account--state appropriation includes up to \$22,127,000 in proceeds from the sale of bonds authorized in RCW 47.10.812.

(11) The motor vehicle account--state appropriation includes up to \$31,500,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

(12) The department must prepare a tolling study for the Columbia river crossing project. While conducting the study, the department must coordinate with the Oregon department of transportation to perform the following activities:

(a) Evaluate the potential diversion of traffic from Interstate 5 to other parts of the transportation system when tolls are implemented on Interstate 5 in the vicinity of the Columbia river;

(b) Evaluate the most advanced tolling technology to maintain travel time speed and reliability for users of the Interstate 5 bridge;

(c) Evaluate available active traffic management technology to determine the most effective options for technology that could maintain travel time speed and reliability on the Interstate 5 bridge;

(d) Confer with the project sponsor's council, as well as local and regional governing bodies adjacent to the Interstate 5 Columbia river crossing corridor and the Interstate 205 corridor regarding the implementation of tolls, the impacts that the implementation of tolls might have on the operation of the corridors, the diversion of traffic to local streets, and potential mitigation measures;

(e) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility;

(f) Research and evaluate options for a potential toll-setting framework between the Oregon and Washington transportation commissions;

(g) Conduct public work sessions and open houses to provide information to citizens, including users of the bridge and business and freight interests, regarding implementation of tolls on the Interstate 5 and to solicit citizen views on the following items:

(i) Funding a portion of the Columbia river crossing project with tolls;

(ii) Implementing variable tolling as a way to reduce congestion on the facility; and

(iii) Tolling Interstate 205 separately as a management tool for the broader state and regional transportation system; and

(h) Provide a report to the governor and the legislature by January 2010.

(13)(a) By January 2010, the department must prepare a traffic and revenue study for Interstate 405 in King county and Snohomish county that includes funding for improvements and high occupancy toll lanes, as defined in RCW 47.56.401, for traffic management. The department must develop a plan to operate up to two high occupancy toll lanes in each direction on Interstate 405.

(b) For the facility listed in (a) of this subsection, the department must:

(i) Confer with the mayors and city councils of jurisdictions in the vicinity of the project regarding the implementation of high occupancy toll lanes and the impacts that the implementation of these high occupancy toll lanes might have on the operation of the corridor and adjacent local streets;

(ii) Conduct public work sessions and open houses to provide information to citizens regarding implementation of high occupancy toll lanes and to solicit citizen views;

(iii) Regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's toll setting on the facility; and

(iv) Provide a report to the governor and the legislature by January 2010.

(14) \$9,199,985 of the motor vehicle account--state appropriation is provided solely for project 100224I, as identified in the LEAP transportation document in subsection (1) of this section: US 2 high priority safety project. Expenditure of these funds is for safety projects on state route number 2 between Monroe and Gold Bar, which may include median rumble strips, traffic cameras, and electronic message signs.

(15) Expenditures for the state route number 99 Alaskan Way viaduct replacement project must be made in conformance with Engrossed Substitute Senate Bill No. 5768.

(16) The department shall conduct a public outreach process to identify and respond to community concerns regarding the Belfair bypass. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider and develop design alternatives that alter the project's scope so that the community's needs are met within the project budget. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(17) The legislature is committed to the timely completion of R8A which supports the construction of sound transit's east link. Following the completion of the independent analysis of the methodologies to value the reversible lanes on Interstate 90 which may be used for high capacity transit as directed in section 204 of this act, the department shall complete the process of negotiations with sound transit. Such agreement shall be completed no later than December 1, 2009.

(18) \$250,000 of the motor vehicle account--state appropriation is provided solely for the design and construction of a right turn lane to improve visibility and traffic flow on state route number 195 and Cheney-Spokane Road.

(19) \$846,700 of the motor vehicle account--federal appropriation and \$17,280 of the motor vehicle account--state appropriation are provided solely for the Westview school noise wall.

(20) \$1,360 of the motor vehicle account--state appropriation and \$35,786 of the motor vehicle account--federal appropriation are provided solely for interchange design and planning work on US 12 at A Street and Tank Farm Road.

(21) \$20,011,125 of the transportation partnership account--state appropriation, \$2,550 of the motor vehicle account--state appropriation, \$30,003,473 of the motor vehicle account--private/local appropriation, and \$1,482,066 of the motor vehicle account--federal appropriation are

provided solely for the I-5/Columbia river crossing/Vancouver project. The funding described in this subsection includes a \$30,003,473 contribution from the state of Oregon.

(22) It is important that the public and policymakers have accurate and timely access to information related to the Alaskan Way viaduct replacement project as it proceeds to, and during, the construction of all aspects of the project including, but not limited to, information regarding costs, schedules, contracts, project status, and neighborhood impacts. Therefore, it is the intent of the legislature that the state, city, and county departments of transportation establish a single source of accountability for integration, coordination, tracking, and information of all requisite components of the replacement project, which must include, at a minimum:

(a) A master schedule of all subprojects included in the full replacement project or program; and

(b) A single point of contact for the public, media, stakeholders, and other interested parties.

(23) The state route number 520 corridor account--state appropriation includes up to \$106,000,000 in proceeds from the sale of bonds authorized in Engrossed Substitute House Bill No. 2326 or in legislation authorizing bonds for the state route number 520 corridor projects. If Engrossed Substitute House Bill No. 2326, or legislation authorizing bonds for the state route number 520 corridor projects, is not enacted by June 30, 2009, the amount provided in this subsection shall lapse.

(24) The department shall evaluate a potential deep bore culvert for the state route number 305/Bjorgen creek fish barrier project identified as project 330514A in LEAP Transportation Document ALL PROJECTS 2009-2, as developed April 24, 2009. The department shall evaluate whether a deep bore culvert will be a less costly alternative than a traditional culvert since a traditional culvert would require extensive road detours during construction.

(25) Project number 330215A in the LEAP transportation document described in subsection (1) of this section is expanded to include safety and congestion improvements from the Key Peninsula Highway to the vicinity of Purdy. The department shall consult with the Washington traffic safety commission to ensure that this project includes improvements at intersections and along the roadway to reduce the frequency and severity of collisions related to roadway conditions and traffic congestion.

(26) \$10,600,000 of the transportation partnership account--state appropriation is provided solely for project 109040Q, the Interstate 90 Two Way Transit and HOV Improvements--Stage 2 and 3 project, as indicated in the LEAP transportation document referenced in subsection (1) of this section. Funds shall be used solely for preliminary engineering on stages 2 and 3 of this project.

(27) The department shall continue to work with the local partners in developing transportation solutions necessary for the economic growth in the Red Mountain American Viticulture Area of Benton county.

(28) For highway construction projects where the department considers agricultural lands of long-term commercial significance, as defined in RCW 36.70A.030, in reviewing and selecting sites to meet environmental mitigation requirements under the national environmental policy act (42 U.S.C. Sec. 4321 et seq.) and the state environmental policy act (chapter 43.21C RCW), the department shall, to the greatest extent possible, consider using public land first. If public lands are not available that meet the required environmental mitigation needs, the department may use other sites while making every effort to avoid any net loss of agricultural lands that have a designation of long-term commercial significance.

(29) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(30) Within the amounts provided in this section, \$200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 167 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 316718A in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

(a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;

(b) Maximizing the efficient operation of the corridor; and

(c) Economic considerations for future system investments.

(31) Within the amounts provided in this section, \$200,000 of the transportation partnership account--state appropriation is provided solely for the department to prepare a comprehensive tolling study of the state route number 509 corridor to determine the feasibility of administering tolls within the corridor, identified as project number 850901F in the LEAP transportation document described in subsection (1) of this section. The department shall report to the joint transportation committee by September 30, 2010. The department shall regularly report to the Washington transportation commission regarding the progress of the study for the purpose of guiding the commission's potential toll setting on the facility. The elements of the study must include, at a minimum:

(a) The potential for value pricing to generate revenues for needed transportation facilities within the corridor;

(b) Maximizing the efficient operation of the corridor; and

(c) Economic considerations for future system investments.

(32) Within the amounts provided in this section, \$28,000,000 of the transportation partnership account--state appropriation is for project 600010A, as identified in the LEAP transportation document in subsection (1) of this section: NSC-North Spokane corridor design and right-of-way - new alignment. Expenditure of these funds is for preliminary engineering and right-of-way purchasing to prepare for four lanes to be built from where existing construction ends at Francis Avenue for three miles to the Spokane river. Additionally, any savings realized on project 600001A, as identified in the LEAP transportation document in subsection (1) of this section: US 395/NSC-Francis Avenue to Farwell Road - New Alignment, must be applied to project 600010A.

(33) \$400,000 of the motor vehicle account--state appropriation is provided solely for the department to conduct a state route number 2 route development plan that will identify essential improvements needed between the port of Everett/Naval station and approaching the state route number 9 interchange near the city of Snohomish.

(34) If the SR 26 - Intersection and Illumination Improvements are not completed by June 30, 2009, the department shall ensure that the improvements are completed as soon as practicable after June 30, 2009, and shall submit monthly progress reports on the improvements beginning July 1, 2009.

(35) \$200,000 of the transportation partnership account--state appropriation, identified on project number 400506A in the LEAP transportation document described in subsection (1) of this section, is provided solely for the department to work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on the Columbia river crossing project. This project must be conducted with active archaeological management and result in one report that spans the single cultural area in Oregon and Washington. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(36) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all mega-highway projects and large ferry terminal projects. These projects must be conducted with

active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(37) Within the amounts provided in this section, \$1,500,000 of the motor vehicle account--state appropriation is provided solely for necessary work along the south side of SR 532, identified as project number 053255C in the LEAP transportation document described in subsection (1) of this section.

(38) \$10,000,000 of the transportation partnership account--state appropriation is provided solely for the Spokane street viaduct portion of project 809936Z, SR 99/Alaskan Way Viaduct – Replacement project as indicated in the LEAP transportation document referenced in subsection (1) of this section.

(39) The department shall conduct a public outreach process to identify and respond to community concerns regarding the portion of John's Creek Road that connects state route number 3 and state route number 101. The process must include representatives from Mason county, the legislature, area businesses, and community members. The department shall use this process to consider, develop, and design a project scope so that the community's needs are met for the lowest cost. The department shall provide a report on the process and outcomes to the legislature by June 30, 2010.

(40) The department shall apply for the competitive portion of federal transit administration funds for eligible transit-related costs of the state route number 520 bridge replacement and HOV project and the Columbia river crossing project. The federal funds described in this subsection must not include those federal transit administration funds distributed by formula. The department shall provide a report regarding this effort to the legislature by January 1, 2010.

NEW SECTION. Sec. 307. FOR THE DEPARTMENT OF TRANSPORTATION-- PRESERVATION--PROGRAM P

Transportation Partnership Account--State Appropriation	\$103,077,000
Motor Vehicle Account--State Appropriation	\$88,142,000
Motor Vehicle Account--Federal Appropriation	\$524,954,000
Motor Vehicle Account--Private/Local Appropriation	\$6,417,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$7,237,000
Puyallup Tribal Settlement Account--State Appropriation	\$6,500,000
TOTAL APPROPRIATION	\$736,327,000

The appropriations in this section are subject to the following conditions and limitations:

(1) Except as provided otherwise in this section, the entire transportation 2003 account (nickel account) appropriation and the entire transportation partnership account appropriation are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document 2009-1 as developed April 24, 2009, Program - Highway Preservation Program (P). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(2) \$544,639 of the motor vehicle account--federal appropriation and \$455,361 of the motor vehicle account--state appropriation are provided solely for project 602110F, as identified in the LEAP transportation document in subsection (1) of this section: SR 21/Keller ferry boat - Preservation. Funds are provided solely for preservation work on the existing vessel, the Martha S.

(3) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in Programs I and P.

(4) \$6,500,000 of the Puyallup tribal settlement account--state appropriation is provided solely for mitigation costs associated with the Murray Morgan/11th Street bridge demolition. The department may negotiate with the city of Tacoma for the purpose of transferring ownership of the Murray Morgan/11th Street bridge to the city. If the city agrees to accept ownership of the bridge, the department may use the Puyallup tribal settlement account appropriation and other appropriated funds for bridge rehabilitation, bridge replacement, bridge demolition, and related mitigation. The department's participation, including prior expenditures, may not exceed \$39,953,000. Funds may not be expended unless the city of Tacoma agrees to take ownership of the bridge in its entirety and provides that the payment of these funds extinguishes any real or implied agreements regarding future bridge expenditures.

(5) The department and the city of Tacoma must present to the legislature an agreement on the timing of the transfer of ownership of the Murray Morgan/11th Street bridge and any additional necessary state funding required to achieve the transfer and rehabilitation of the bridge by January 1, 2010.

(6) The department shall, on a quarterly basis beginning July 1, 2009, provide to the office of financial management and the legislature reports providing the status on each active project funded in part or whole by the transportation 2003 account (nickel account) or the transportation partnership account. Funding provided at a programmatic level for transportation partnership account projects relating to seismic bridges should be reported on a programmatic basis. Projects within this programmatic level funding should be completed on a priority basis and scoped to be completed within the current programmatic budget. The department shall work with the office of financial management and the transportation committees of the legislature to agree on report formatting and elements. Elements must include, but not be limited to, project scope, schedule, and costs. For new construction contracts valued at fifteen million dollars or more, the department must also use an earned value method of project monitoring. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information systems (TEIS).

(7) The department of transportation shall continue to implement the lowest life cycle cost planning approach to pavement management throughout the state to encourage the most effective and efficient use of pavement preservation funds. Emphasis should be placed on increasing the number of roads addressed on time and reducing the number of roads past due.

(8)(a) The department shall conduct an analysis of state highway pavement replacement needs for the next ten years. The report must include:

- (i) The current backlog of asphalt and concrete pavement preservation projects;
- (ii) The level of investment needed to reduce or eliminate the backlog and resume the lowest life-cycle cost;
- (iii) Strategies for addressing the recent rapid escalation of asphalt prices, including alternatives to using hot mix asphalt;
- (iv) Criteria for determining which type of pavement will be used for specific projects, including annualized cost per mile, traffic volume per lane mile, and heavy truck traffic volume per lane mile; and
- (v) The use of recycled asphalt and concrete in state highway construction and the effect on highway pavement replacement needs.

(b) Additionally, the department shall work with the department of ecology, the county road administration board, and the transportation improvement board to explore and explain the potential use of permeable asphalt and concrete pavement in state highway construction as an alternative method of storm water mitigation and the potential effects on highway pavement replacement needs.

(c) The department shall submit the report to the office of financial management and the transportation committees of the legislature by December 1, 2010, in order to inform the development of the 2011-13 omnibus transportation appropriations act.

(9) \$1,722 of the motor vehicle account--state appropriation, \$9,608,115 of the motor vehicle account--federal appropriation, and \$272,141 of the transportation partnership account--state appropriation are provided solely for the SR 104/Hood Canal bridge - replace east half project, identified as project 310407B in the LEAP transportation document described in subsection (1) of this section.

(10) Within the motor vehicle account--state appropriation and motor vehicle account--federal appropriation, the department may transfer funds between programs I and P, except for funds that are otherwise restricted in this act.

(11) Within the amounts provided in this section, \$1,510,000 of the motor vehicle account--state appropriation is provided solely to complete the rehabilitation of the SR 532/84th Avenue NW bridge deck.

(12) \$1,500,000 of the motor vehicle account--federal appropriation is provided solely for the environmental impact statement and preliminary planning for the replacement of the state route number 9 Snohomish river bridge.

NEW SECTION. Sec. 308. FOR THE DEPARTMENT OF TRANSPORTATION-- TRAFFIC OPERATIONS--PROGRAM Q-- CAPITAL

Motor Vehicle Account--State Appropriation	\$6,394,000
Motor Vehicle Account--Federal Appropriation	\$9,262,000
TOTAL APPROPRIATION	\$15,656,000

NEW SECTION. Sec. 309. FOR THE DEPARTMENT OF TRANSPORTATION-- WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W

Puget Sound Capital Construction Account--State Appropriation	\$118,752,000
Puget Sound Capital Construction Account--Federal Appropriation	\$38,306,000
Puget Sound Capital Construction Account--Local Appropriation	\$8,492,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$51,734,000
Transportation Partnership Account--State Appropriation	\$67,234,000
Multimodal Transportation Account--State Appropriation	\$170,000
TOTAL APPROPRIATION	\$284,688,000

The appropriations in this section are subject to the following conditions and limitations:

(1) \$118,752,000 of the Puget Sound capital construction account-- state appropriation, \$38,306,000 of the Puget Sound capital construction account--federal appropriation, \$8,492,000 of the Puget Sound capital construction account--local appropriation, \$67,234,000 of the transportation partnership account--state appropriation, \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation, and \$170,000 of the multimodal transportation account-- state appropriation are provided solely for ferry capital projects, project support, and administration as listed in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program - Ferries Construction Program (W). Of the total appropriation, a maximum of \$10,627,000 may be used for administrative support, a maximum of \$8,184,000 may be used for terminal project support, and a maximum of \$4,497,000 may be used for vessel project support.

(2) \$51,734,000 of the transportation 2003 account (nickel account)--state appropriation and \$63,100,000 of the transportation partnership account--state appropriation are provided solely for the acquisition of three new Island Home class ferry vessels subject to the conditions of RCW 47.56.780. The department shall pursue a contract for the second and third Island Home class ferry vessels with an option to purchase a fourth Island Home class ferry vessel. However, if sufficient resources are available to build one 144-auto vessel prior to exercising the option to build the fourth Island Home class ferry vessel, procurement of the fourth Island Home class ferry vessel will be postponed and the department shall pursue procurement of a 144-auto vessel.

(a) The first two Island Home class ferry vessels must be placed on the Port Townsend-Keystone route.

(b) The department may add additional passenger capacity to one of the Island Home class ferry vessels to make it more flexible within the system in the future, if doing so does not require additional staffing on the vessel.

(c) Cost savings from the following initiatives will be included in the funding of these vessels: The department's review and update of the vessel life-cycle cost model as required under this section; and the implementation of technology efficiencies as required under section 602 of this act.

(3) \$2,450,000 of the Puget Sound capital construction account-- state appropriation is provided solely for contingencies associated with closing out the existing contract for the technical design of the 144-auto vessel and the storage and maintenance of vessel owner- furnished equipment already procured. The department shall use as much of the already procured equipment as is practicable on the Island Home class ferry vessel if it is likely to be obsolete before it is used in procured 144-auto vessels.

(4) \$6,300,000 of the Puget Sound capital construction account-- state appropriation is provided solely for emergency capital costs.

(5) The Anacortes terminal may be replaced if additional federal funds are sought and received by the department. If federal funds received are not sufficient to replace the terminal, only usable, discrete phases of the project, up to the amount of federal funds received, may be constructed with the funds.

(6) \$3,965,000 of the Puget Sound capital construction account-- state appropriation is provided solely for the following vessel projects: Waste heat recovery pilot project; steering gear ventilation pilot project; and a new propulsion system for the MV Yakima. Before beginning these projects, the Washington state ferries must ensure the vessels' out-of-service time does not negatively impact service to the system.

(7) The department shall pursue purchasing a foreign-flagged vessel for service on the Anacortes, Washington to Sidney, British Columbia ferry route.

(8) The department shall provide to the office of financial management and the legislature quarterly reports providing the status on each project listed in this section and in the project lists submitted pursuant to this act and on any additional projects for which the department has expended funds during the 2009-11 fiscal biennium. Elements must include, but not be limited to, project scope, schedule, and costs. The department shall also provide the information required under this subsection via the transportation executive information systems (TEIS). The quarterly report regarding the status of projects identified on the list referenced in subsection (1) of this section must be developed according to an earned value method of project monitoring.

(9) The department shall review and adjust its capital program staffing levels to ensure staffing is at the most efficient level necessary to implement the capital program in the omnibus transportation appropriations act. The Washington state ferries shall report this review and adjustment to the office of financial management and the house and senate transportation committees of the legislature by July 2009.

(10) \$3,763,000 of the total appropriation is provided solely for the Washington state ferries to develop a reservation system. The department shall complete a predesign study and present the study to the joint transportation committee by November 1, 2009. This analysis must include an evaluation of the compatibility of the Washington state ferries' electronic fare system, proposed reservation system, and the implementation of smart card. The department may not implement a statewide reservation system until the department is authorized to do so in the 2010 supplemental omnibus transportation appropriations act.

(11) \$1,200,000 of the total appropriation is provided solely for improving the toll booth configuration at the Port Townsend and Keystone ferry terminals.

(12) \$3,249,915 of the total appropriation is provided solely for continued permitting and archaeological work in order to determine the feasibility of relocating the Mukilteo ferry terminal. In order to ensure that the cultural resources investigation is properly conducted in a coordinated fashion, the department shall work with the department of archaeology and historic preservation and shall conduct work with active archaeological management. The department shall seek additional federal funding for this project.

(13) The department shall develop a proposed ferry vessel maintenance, preservation, and improvement program and present it to the transportation committees of the legislature by July 1, 2010. The proposal must:

(a) Improve the basis for budgeting vessel maintenance, preservation, and improvement costs and for projecting those costs into a sixteen-year financial plan;

(b) Limit the amount of planned out-of-service time to the greatest extent possible, including options associated with department staff as well as commercial shipyards. At a minimum, the department shall consider the following:

(i) The costs compared to benefits of Eagle Harbor repair and maintenance facility operations options to include staffing costs and benefits in terms of reduced out-of-service time;

(ii) The maintenance requirements for on-vessel staff, including the benefits of a systemwide standard;

(iii) The costs compared to benefits of staff performing preservation or maintenance work, or both, while the vessel is underway, tied up between sailings, or not deployed;

(iv) A review of the department's vessel maintenance, preservation, and improvement program contracting process and contractual requirements;

(v) The costs compared to benefits of allowing for increased costs associated with expedited delivery;

(vi) A method for comparing the anticipated out-of-service time of proposed projects and other projects planned during the same construction period;

(vii) Coordination with required United States coast guard dry dockings;

(viii) A method for comparing how proposed projects relate to the service requirements of the route on which the vessel normally operates; and

(ix) A method for evaluating the ongoing maintenance and preservation costs associated with proposed improvement projects; and

(c) Be based on the service plan in the capital plan, recognizing that vessel preservation and improvement needs may vary by route.

(14) \$247,000 of the Puget Sound capital construction account-- state appropriation is provided solely for the Washington state ferries to review and update its vessel life-cycle cost model and report the results to the house of representatives and senate transportation committees of the legislature by December 1, 2009. This review will evaluate the impact of the planned out-of-service periods scheduled for each vessel on the ability of the overall system to deliver uninterrupted service and will assess the risk of service disruption from unscheduled maintenance or longer than planned maintenance periods.

(15) The department shall work with the department of archaeology and historic preservation to ensure that the cultural resources investigation is properly conducted on all large ferry terminal projects. These projects must be conducted with active archaeological management. Additionally, the department shall establish a scientific peer review of independent archaeologists that are knowledgeable about the region and its cultural resources.

(16) The Puget Sound capital construction account--state appropriation includes up to \$118,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.843.

NEW SECTION. Sec. 310. FOR THE DEPARTMENT OF TRANSPORTATION-- RAIL--PROGRAM Y--CAPITAL

Essential Rail Assistance Account--State Appropriation	\$675,000
Transportation Infrastructure Account--State Appropriation	\$13,100,000
Multimodal Transportation Account--State Appropriation	\$68,530,000
Multimodal Transportation Account--Federal Appropriation	\$16,054,000
Multimodal Transportation Account--Private/Local Appropriation	\$81,000
TOTAL APPROPRIATION	\$98,440,000

The appropriations in this section are subject to the following conditions and limitations:

(1)(a) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program - Rail Capital Program (Y). However, limited transfers of specific line-item project appropriations may occur between projects for those amounts listed subject to the conditions and limitations in section 603 of this act.

(b)(i) Within the amounts provided in this section, \$116,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Ephrata for rehabilitation of a rail spur.

(ii) Within the amounts provided in this section, \$1,200,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Everett for a new rail track to connect a cement loading facility to the mainline.

(iii) Within the amounts provided in this section, \$3,684,000 of the transportation infrastructure account--state appropriation is for a low-interest loan through the freight rail investment bank program to the Port of Quincy for construction of a rail loop.

(iv) The department shall issue the loans referenced in this subsection (1)(b) with a repayment period of no more than ten years, and only so much interest as is necessary to recoup the department's costs to administer the loans.

(c)(i) Within the amounts provided in this section, \$1,712,022 of the multimodal transportation account--state appropriation and \$175,000 of the essential rail assistance account--state appropriation are for statewide - emergent freight rail assistance projects as follows: Port of Ephrata/Ephrata - additional spur rehabilitation (BIN 722710A) \$362,746; Tacoma Rail/Tacoma - new refinery spur tracks (BIN 711010A) \$420,000; CW Line/Lincoln County - grade crossing rehabilitation (BIN 700610A) \$370,650; Clark County owned railroad/Vancouver - track rehabilitation (BIN 710110A) \$366,813; Tacoma Rail/Tacoma - improved locomotive facility (BIN 711010B) \$366,813.

(ii) Within the amounts provided in this section, \$500,000 of the essential rail assistance account--state appropriation and \$25,000 of the multimodal transportation account--state appropriation are for a statewide - emergent freight rail assistance project grant for the Tacoma Rail/Roy - new connection to BNSF and Yelm (BIN 711310A) project, provided that the grantee first executes a written instrument that imposes on the grantee the obligation to repay the grant within thirty days in the event that the grantee discontinues or significantly diminishes service along the line within a period of five years from the date that the grant is awarded.

(iii) Within the amounts provided in this section, \$337,978 of the multimodal transportation account--state appropriation is for a statewide - emergent freight rail assistance project grant for the Lincoln County PDA/Creston - new rail spur (BIN 710510A) project, provided that the

grantee first documents to the satisfaction of the department sufficient commitments from the new shipper or shippers to locate in the publicly owned industrial park west of Creston to ensure that the net present value of the public benefits of the project is greater than the grant amount.

(d) Within the amounts provided in this section, \$8,100,000 of the transportation infrastructure account--state appropriation is for grants to any intergovernmental entity or local rail district to which the department of transportation assigns the management and oversight responsibility for the business and economic development elements of existing operating leases on the Palouse River and Coulee City (PCC) rail lines. The PCC rail line system is made up of the CW, P&L, and PV Hooper rail lines. Business and economic development elements include such items as levels of service and business operating plans, but must not include the state's oversight of railroad regulatory compliance, rail infrastructure condition, or real property management issues. The PCC rail system must be managed in a self-sustaining manner and best efforts must be used to ensure that it does not require state capital or operating subsidy beyond the level of state funding expended on it to date. The assignment of the stated responsibilities to an intergovernmental entity or rail district must be on terms and conditions as the department of transportation and the intergovernmental entity or rail district mutually agree. The grant funds may be used only to refurbish the rail lines. It is the intent of the legislature to make the funds appropriated in this section available as grants to an intergovernmental entity or local rail district for the purposes stated in this section at least until June 30, 2012, and to reappropriate as necessary any portion of the appropriation in this section that is not used by June 30, 2011.

(2)(a) The department shall issue a call for projects for the freight rail investment bank program and the emergent freight rail assistance program, and shall evaluate the applications according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. By November 1, 2010, the department shall submit a prioritized list of recommended projects to the office of financial management and the transportation committees of the legislature.

(b) When the department identifies a prospective rail project that may have strategic significance for the state, or at the request of a proponent of a prospective rail project or a member of the legislature, the department shall evaluate the prospective project according to the cost benefit methodology developed during the 2008 interim using the legislative priorities specified in (c) of this subsection. The department shall report its cost benefit evaluation of the prospective rail project, as well as the department's best estimate of an appropriate construction schedule and total project costs, to the office of financial management and the transportation committees of the legislature.

(c) The legislative priorities to be used in the cost benefit methodology are, in order of relative importance:

- (i) Economic, safety, or environmental advantages of freight movement by rail compared to alternative modes;
- (ii) Self-sustaining economic development that creates family-wage jobs;
- (iii) Preservation of transportation corridors that would otherwise be lost;
- (iv) Increased access to efficient and cost-effective transport to market for Washington's agricultural and industrial products;
- (v) Better integration and cooperation within the regional, national, and international systems of freight distribution; and
- (vi) Mitigation of impacts of increased rail traffic on communities.

(3) The department is directed to seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in program Y.

(4) At the earliest possible date, the department shall apply, and assist ports and local jurisdictions in applying, for any federal funding that may be available for any projects that may qualify for such federal funding. State projects must be (a) currently identified on the project list referenced in subsection (1)(a) of this section or (b) projects for which no state match is required to complete the project. Local or port projects must not require additional state funding in order to complete the project, with the exception of (c) state funds currently appropriated for such project if currently identified on the project list referenced in subsection (1)(a) of this section or (d) potential grants awarded in the competitive grant process for the essential rail assistance program. If the department receives any federal funding, the department is authorized to obligate and spend the federal funds in accordance with federal law. To the extent permissible by federal law, federal funds may be used (e) in addition to state funds appropriated for projects currently identified on the project list referenced in subsection (1)(a) of this section in order to advance funding from future biennia for such project(s) or (f) in lieu of state funds; however, the state funds must be redirected within the rail capital program to advance funding for other projects currently identified on the project list referenced in subsection (1)(a) of this section. State funds may be redirected only upon consultation with the transportation committees of the legislature and the office of financial management, and approval by the director of the office of financial management. The department shall spend the federal funds before the state funds, and shall consult the office of financial management and the transportation committees of the legislature regarding project scope changes.

(5) The department shall provide quarterly reports to the office of financial management and the transportation committees of the legislature regarding applications that the department submits for federal funds, the status of such applications, and the status of projects identified on the list referenced in subsection (1)(a) of this section. The quarterly report regarding the status of projects identified on the list referenced in subsection (1)(a) of this section must be developed according to an earned value method of project monitoring.

(6) The multimodal transportation account--state appropriation includes up to \$20,000,000 in proceeds from the sale of bonds authorized in RCW 47.10.867.

(7) When the balance of that portion of the miscellaneous program account apportioned to the department for the grain train program reaches \$1,180,000, the department shall acquire twenty-nine additional grain train railcars.

NEW SECTION. Sec. 311. FOR THE DEPARTMENT OF TRANSPORTATION-- LOCAL PROGRAMS--PROGRAM Z-- CAPITAL

Highway Infrastructure Account--State Appropriation	\$207,000
Highway Infrastructure Account--Federal Appropriation	\$1,602,000
Freight Mobility Investment Account--State Appropriation	\$13,548,000
Transportation Partnership Account--State Appropriation	\$8,863,000
Motor Vehicle Account--State Appropriation	\$12,954,000
Motor Vehicle Account--Federal Appropriation	\$39,572,000
Freight Mobility Multimodal Account--State Appropriation	\$14,920,000
Freight Mobility Multimodal Account--Local Appropriation	\$3,135,000
Multimodal Transportation Account--Federal Appropriation	\$2,098,000
Multimodal Transportation Account--State Appropriation	\$28,262,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$709,000
Passenger Ferry Account--State Appropriation	\$2,879,000
TOTAL APPROPRIATION	\$128,749,000

The appropriations in this section are subject to the following conditions and limitations:

(1) The department shall, on a quarterly basis, provide status reports to the legislature on the delivery of projects as outlined in the project lists incorporated in this section. For projects funded by new revenue in the 2003 and 2005 transportation packages, reporting elements shall

include, but not be limited to, project scope, schedule, and costs. Other projects may be reported on a programmatic basis. The department shall also provide the information required under this subsection on a quarterly basis via the transportation executive information system (TEIS).

(2) \$2,729,000 of the passenger ferry account--state appropriation is provided solely for near and long-term costs of capital improvements in a business plan approved by the governor for passenger ferry service.

(3) \$150,000 of the passenger ferry account--state appropriation is provided solely for the Port of Kingston for a one-time operating subsidy needed to retain a federal grant.

(4) \$3,000,000 of the motor vehicle account--federal appropriation is provided solely for the Coal Creek parkway project (L1000025).

(5) The department shall seek the use of unprogrammed federal rail crossing funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(6) The department shall apply for surface transportation program (STP) enhancement funds to be expended in lieu of or in addition to state funds for eligible costs of projects in local programs, program Z capital.

(7) Federal funds may be transferred from program Z to programs I and P and state funds shall be transferred from programs I and P to program Z to replace those federal funds in a dollar-for-dollar match. Fund transfers authorized under this subsection shall not affect project prioritization status. Appropriations shall initially be allotted as appropriated in this act. The department may not transfer funds as authorized under this subsection without approval of the office of financial management. The department shall submit a report on those projects receiving fund transfers to the office of financial management and the transportation committees of the legislature by December 1, 2009, and December 1, 2010.

(8) The city of Winthrop may utilize a design-build process for the Winthrop bike path project. Of the amount appropriated in this section for this project, \$500,000 of the multimodal transportation account-- state appropriation is contingent upon the state receiving from the city of Winthrop \$500,000 in federal funds awarded to the city of Winthrop by its local planning organization.

(9) \$18,182,113 of the multimodal transportation account--state appropriation, \$8,753,895 of the motor vehicle account--federal appropriation, and \$4,000,000 of the transportation partnership account--state appropriation are provided solely for the pedestrian and bicycle safety program projects and safe routes to schools program projects identified in LEAP Transportation Document 2009-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 30, 2009, LEAP Transportation Document 2007-A, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed April 20, 2007, and LEAP Transportation Document 2006-B, pedestrian and bicycle safety program projects and safe routes to schools program projects, as developed March 8, 2006. Projects must be allocated funding based on order of priority. The department shall review all projects receiving grant awards under this program at least semiannually to determine whether the projects are making satisfactory progress. Any project that has been awarded funds, but does not report activity on the project within one year of the grant award must be reviewed by the department to determine whether the grant should be terminated. The department shall promptly close out grants when projects have been completed, and identify where unused grant funds remain because actual project costs were lower than estimated in the grant award.

(10) Except as provided otherwise in this section, the entire appropriations in this section are provided solely for the projects and activities as listed by fund, project, and amount in LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Programs - Local Program (Z).

(11) For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects managed by the freight mobility strategic investment board in order for the board to manage project spending and efficiently deliver all projects in the respective program.

(12) \$913,386 of the motor vehicle account--state appropriation and \$2,858,216 of the motor vehicle account--federal appropriation are provided solely for completion of the US 101 northeast peninsula safety rest area and associated roadway improvements east of Port Angeles at the Deer Park scenic view point. The department must surplus any right-of-way previously purchased for this project near Sequim. Approval to proceed with construction is contingent on surplus of previously purchased right-of-way. \$865,000 of the motor vehicle account--state appropriation is to be placed into unallotted status until such time as the right-of-way sale is completed.

TRANSFERS AND DISTRIBUTIONS

NEW SECTION. Sec. 401. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND TRANSPORTATION FUND REVENUE

Highway Bond Retirement Account Appropriation	\$742,400,000
Ferry Bond Retirement Account Appropriation	\$33,771,000
Transportation Improvement Board Bond Retirement Account--State Appropriation	\$22,541,000
Nondebt-Limit Reimbursable Account Appropriation	\$18,400,000
Transportation Partnership Account--State Appropriation	\$8,318,000
Motor Vehicle Account--State Appropriation	\$901,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$4,116,000
Special Category C Account--State Appropriation	\$148,000
Urban Arterial Trust Account--State Appropriation	\$85,000
Transportation Improvement Account--State Appropriation	\$41,000
Multimodal Transportation Account--State Appropriation	\$283,000
TOTAL APPROPRIATION	\$831,004,000

NEW SECTION. Sec. 402. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR BOND SALE EXPENSES AND FISCAL AGENT CHARGES

Transportation Partnership Account--State Appropriation	\$523,000
Motor Vehicle Account--State Appropriation	\$57,000
Transportation 2003 Account (Nickel Account)--State Appropriation	\$259,000
Special Category C Account--State Appropriation	\$10,000
Urban Arterial Trust Account--State Appropriation	\$5,000
Transportation Improvement Account--State Appropriation	\$3,000
Multimodal Transportation Account--State Appropriation	\$18,000
TOTAL APPROPRIATION	\$875,000

NEW SECTION. Sec. 403. FOR THE STATE TREASURER--BOND RETIREMENT AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR MVFT BONDS AND TRANSFERS

Motor Vehicle Account--State Appropriation:
 For transfer to the Puget Sound Capital Construction Account \$118,000,000

The department of transportation is authorized to sell up to \$118,000,000 in bonds authorized by RCW 47.10.843 for vessel and terminal acquisition, major and minor improvements, and long lead-time materials acquisition for the Washington state ferries.

NEW SECTION. Sec. 404. FOR THE STATE TREASURER--STATE REVENUES FOR DISTRIBUTION

Motor Vehicle Account Appropriation for motor vehicle fuel tax distributions to cities and counties \$488,843,000

NEW SECTION. Sec. 405. FOR THE STATE TREASURER--TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and statutory transfers \$1,310,279,000

NEW SECTION. Sec. 406. FOR THE DEPARTMENT OF LICENSING-- TRANSFERS

Motor Vehicle Account--State Appropriation: For motor vehicle fuel tax refunds and transfers \$129,178,000

NEW SECTION. Sec. 407. FOR THE STATE TREASURER--ADMINISTRATIVE TRANSFERS

(1) Tacoma Narrows Toll Bridge Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$5,288,000
 (2) Motor Vehicle Account--State Appropriation:
 For transfer to the Puget Sound Ferry Operations Account--State \$17,000,000
 (3) Recreational Vehicle Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$2,000,000
 (4) License Plate Technology Account--State Appropriation: For transfer to the Motor Vehicle Account--State \$2,750,000
 (5) Multimodal Transportation Account--State Appropriation: For transfer to the Puget Sound
 Ferry Operations Account--State \$9,000,000
 (6) Highway Safety Account--State Appropriation:
 For transfer to the Multimodal Transportation Account--State \$18,750,000
 (7) Department of Licensing Services Account--State Appropriation: For transfer to the Motor Vehicle
 Account--State \$2,000,000
 (8) Advanced Right-of-Way Account: For transfer to the Motor Vehicle Account--State \$14,000,000
 (9) Motor Vehicle Account--State Appropriation: For transfer to the Transportation Partnership
 Account--State \$8,000,000

The transfers identified in this section are subject to the following conditions and limitations: The amount transferred in subsection (1) of this section represents repayment of operating loans and reserve payments provided to the Tacoma Narrows toll bridge account from the motor vehicle account in the 2005-07 fiscal biennium.

NEW SECTION. Sec. 408. STATUTORY APPROPRIATIONS. In addition to the amounts appropriated in this act for revenue for distribution, state contributions to the law enforcement officers' and firefighters' retirement system, and bond retirement and interest including ongoing bond registration and transfer charges, transfers, interest on registered warrants, and certificates of indebtedness, there is also appropriated such further amounts as may be required or available for these purposes under any statutory formula or under any proper bond covenant made under law.

NEW SECTION. Sec. 409. The department of transportation is authorized to undertake federal advance construction projects under the provisions of 23 U.S.C. Sec. 115 in order to maintain progress in meeting approved highway construction and preservation objectives. The legislature recognizes that the use of state funds may be required to temporarily fund expenditures of the federal appropriations for the highway construction and preservation programs for federal advance construction projects prior to conversion to federal funding.

COMPENSATION

NEW SECTION. Sec. 501. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- REVISED PENSION CONTRIBUTION RATES

Aeronautics Account--State (\$40,000)
 Grade Crossing Protective Account--State (\$2,000)
 State Patrol Highway Account--State (\$5,593,000)
 Motorcycle Safety Education Account--State (\$18,000)
 High Occupancy Toll Lanes Operations Account--State (\$20,000)
 Rural Arterial Trust Account--State (\$20,000)
 Wildlife Account--State (\$16,000)
 Highway Safety Account--State (\$1,869,000)
 Highway Safety Account--Federal (\$56,000)
 Motor Vehicle Account--State (\$11,348,000)
 Puget Sound Ferry Operations Account--State (\$5,019,000)
 Urban Arterial Trust Account--State (\$26,000)
 Transportation Improvement Account--State (\$26,000)
 County Arterial Preservation Account--State (\$22,000)
 Department of Licensing Services Account--State (\$36,000)
 Multimodal Transportation Account--State (\$220,000)
 Tacoma Narrows Toll Bridge Account--State (\$28,000)
 Puget Sound Capital Construction Account--State (\$459,000)
 Motor Vehicle Account--Federal (\$8,791,000)

Appropriations are adjusted to reflect changes to appropriations to reflect savings resulting from pension funding. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and

fund in LEAP transportation document Z9R-2009. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2009-11 omnibus operating appropriations act. Any allotment reductions under this section shall be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 502. FOR THE OFFICE OF FINANCIAL MANAGEMENT-- REVISED EMPLOYER HEALTH BENEFIT RATES

Aeronautics Account--State	\$9,000
State Patrol Highway Account--State	\$1,537,000
Motorcycle Safety Education Account--State	\$6,000
Puget Sound Capital Construction--State	\$85,000
High Occupancy Toll Lanes Operations Account--State	\$5,000
Rural Arterial Trust Account--State	\$3,000
Wildlife Account--State	\$4,000
Highway Safety Account--State	\$644,000
Highway Safety Account--Federal	\$14,000
Motor Vehicle Account--State	\$2,886,000
Puget Sound Ferry Operations Account--State	\$1,311,000
Urban Arterial Trust Account--State	\$5,000
Transportation Improvement Account--State	\$5,000
County Arterial Preservation Account--State	\$4,000
Department of Licensing Services Account--State	\$6,000
Multimodal Transportation Account--State	\$43,000
Tacoma Narrows Toll Bridge Account--State	\$7,000
Motor Vehicle Account--Federal	\$2,108,000

Appropriations are adjusted to reflect changes to appropriations to reflect changes in the employer cost of providing health benefit coverage. The office of financial management shall update agency appropriations schedules to reflect the changes to funding levels in this section as identified by agency and fund in LEAP transportation document 6M-2009. From the applicable accounts, the office of financial management shall adjust allotments to the respective agencies by an amount that conforms with funding adjustments enacted in the 2009-11 omnibus operating appropriations act. Any allotment reductions under this section shall be placed in reserve status and remain unexpended.

NEW SECTION. Sec. 503. COMPENSATION--INSURANCE BENEFITS. Appropriations for state agencies in this act are sufficient for nonrepresented and represented state employee health benefits for state agencies, and are subject to the following conditions and limitations:

(1)(a) The monthly employer funding rate for insurance benefit premiums, public employees' benefits board administration, and the uniform medical plan, shall not exceed \$745 per eligible employee for fiscal year 2010. For fiscal year 2011, the monthly employer funding rate shall not exceed \$768 per eligible employee.

(b) In order to achieve the level of funding provided for health benefits, the public employees' benefits board shall require any or all of the following: Employee premium copayments; increases in point-of- service cost sharing; the implementation of managed competition; or make other changes to benefits consistent with RCW 41.05.065. During the 2009-11 fiscal biennium, the board may only authorize benefit plans and premium contributions for an employee and the employee's dependents that are the same, regardless of an employee's status as represented or nonrepresented under the personnel system reform act of 2002.

(c) The health care authority shall deposit any moneys received on behalf of the uniform medical plan as a result of rebates on prescription drugs, audits of hospitals, subrogation payments, or any other moneys recovered as a result of prior uniform medical plan claims payments into the public employees' and retirees' insurance account to be used for insurance benefits. Such receipts shall not be used for administrative expenditures.

(d) The conditions in this section apply to benefits for nonrepresented employees, employees represented by the super coalition, and represented employees outside of the super coalition, including employees represented under chapter 47.64 RCW.

(2) The health care authority, subject to the approval of the public employees' benefits board, shall provide subsidies for health benefit premiums to eligible retired or disabled public employees and school district employees who are eligible for medicare, pursuant to RCW 41.05.085. From January 1, 2010, through December 31, 2010, the subsidy shall be \$182.89. Beginning January 1, 2011, the subsidy shall be \$182.89 per month.

IMPLEMENTING PROVISIONS

NEW SECTION. Sec. 601. INFORMATION SYSTEMS PROJECTS. Agencies shall comply with the following requirements regarding information systems projects when specifically directed to do so by this act.

(1) Agency planning and decisions concerning information technology shall be made in the context of its information technology portfolio. "Information technology portfolio" means a strategic management approach in which the relationships between agency missions and information technology investments can be seen and understood, such that: Technology efforts are linked to agency objectives and business plans; the impact of new investments on existing infrastructure and business functions are assessed and understood before implementation; and agency activities are consistent with the development of an integrated, nonduplicative statewide infrastructure.

(2) Agencies shall use their information technology portfolios in making decisions on matters related to the following:

- System refurbishment, acquisitions, and development efforts;
- Setting goals and objectives for using information technology in meeting legislatively-mandated missions and business needs;
- Assessment of overall information processing performance, resources, and capabilities;
- Ensuring appropriate transfer of technological expertise for the operation of any new systems developed using external resources; and
- Progress toward enabling electronic access to public information.

(3) Each project will be planned and designed to take optimal advantage of Internet technologies and protocols. Agencies shall ensure that the project is in compliance with the architecture, infrastructure, principles, policies, and standards of digital government as maintained by the information services board.

(4) The agency shall produce a feasibility study for information technology projects at the direction of the information services board and in accordance with published department of information services policies and guidelines. At a minimum, such studies shall include a statement of: (a) The purpose or impetus for change; (b) the business value to the agency, including an examination and evaluation of benefits, advantages, and cost; (c) a comprehensive risk assessment based on the proposed project's impact on both citizens and state operations, its

visibility, and the consequences of doing nothing; (d) the impact on agency and statewide information infrastructure; and (e) the impact of the proposed enhancements to an agency's information technology capabilities on meeting service delivery demands.

(5) The agency shall produce a comprehensive management plan for each project. The plan or plans shall address all factors critical to successful completion of each project. The plan(s) shall include, but is not limited to, the following elements: A description of the problem or opportunity that the information technology project is intended to address; a statement of project objectives and assumptions; a definition and schedule of phases, tasks, and activities to be accomplished; and the estimated cost of each phase. The planning for the phased approach shall be such that the business case justification for a project needs to demonstrate how the project recovers cost or adds measurable value or positive cost benefit to the agency's business functions within each development cycle.

(6) The agency shall produce quality assurance plans for information technology projects. Consistent with the direction of the information services board and the published policies and guidelines of the department of information services, the quality assurance plan shall address all factors critical to successful completion of the project and successful integration with the agency and state information technology infrastructure. At a minimum, quality assurance plans shall provide time and budget benchmarks against which project progress can be measured, a specification of quality assurance responsibilities, and a statement of reporting requirements. The quality assurance plans shall set out the functionality requirements for each phase of a project.

(7) A copy of each feasibility study, project management plan, and quality assurance plan shall be provided to the department of information services, the office of financial management, and legislative fiscal committees. The plans and studies shall demonstrate a sound business case that justifies the investment of taxpayer funds on any new project, an assessment of the impact of the proposed system on the existing information technology infrastructure, the disciplined use of preventative measures to mitigate risk, and the leveraging of private-sector expertise as needed. Authority to expend any funds for individual information systems projects is conditioned on the approval of the relevant feasibility study, project management plan, and quality assurance plan by the department of information services and the office of financial management.

(8) Quality assurance status reports shall be submitted to the department of information services, the office of financial management, and legislative fiscal committees at intervals specified in the project's quality assurance plan.

NEW SECTION. Sec. 602. Transportation agencies shall consider some or all of the following strategies to achieve savings on information technology expenditures: (a) Holistic virtualization strategies; (b) wide-area network optimization strategies; (c) replacement of traditional telephone communications systems with alternatives; and (d) migration of external voice mail systems to internal voice mail systems. Agencies shall select an experienced firm from the prequalified contractors on the department of information services ITPS master agreement to develop a consolidated strategy and plan to achieve these strategies. By December 1, 2009, agencies shall report findings, including anticipated savings for the 2010 supplemental omnibus transportation appropriations act, to the office of financial management and the transportation committees of the legislature.

NEW SECTION. Sec. 603. FUND TRANSFERS. (1) The transportation 2003 projects or improvements and the 2005 transportation partnership projects or improvements are listed in LEAP Transportation Document 2009-1 as developed April 24, 2009, which consists of a list of specific projects by fund source and amount over a sixteen year period. Current fiscal biennium funding for each project is a line item appropriation, while the outer year funding allocations represent a sixteen year plan. The department is expected to use the flexibility provided in this section to assist in the delivery and completion of all transportation partnership account and transportation 2003 (nickel) account projects on the LEAP lists referenced in this act. For the 2009-11 project appropriations, unless otherwise provided in this act, the director of financial management may authorize a transfer of appropriation authority between projects funded with transportation 2003 account (nickel account) appropriations, transportation partnership account appropriations, or multimodal transportation account appropriations, in order to manage project spending and efficiently deliver all projects in the respective program under the following conditions and limitations:

(a) Transfers may only be made within each specific fund source referenced on the respective project list;

(b) Transfers from a project may not be made as a result of the reduction of the scope of a project, nor shall a transfer be made to support increases in the scope of a project;

(c) Each transfer between projects may only occur if the director of financial management finds that any resulting change will not hinder the completion of the projects as approved by the legislature. Until the legislature reconvenes to consider the 2010 supplemental budget, any unexpended 2007-09 appropriation balance as approved by the office of financial management, in consultation with the legislative staff of the house of representatives and senate transportation committees, may be considered when transferring funds between projects;

(d) Transfers from a project may be made if the funds appropriated to the project are in excess of the amount needed to complete the project;

(e) Transfers may not occur to projects not identified on the applicable project list, except for those projects that were expected to be completed in the 2007-09 fiscal biennium; and

(f) Transfers may not be made while the legislature is in session.

(2) At the time the department submits a request to transfer funds under this section a copy of the request shall be submitted to the transportation committees of the legislature.

(3) The office of financial management shall work with legislative staff of the house of representatives and senate transportation committees to review the requested transfers.

(4) The office of financial management shall document approved transfers and/or schedule changes in the transportation executive information system (TEIS), compare changes to the legislative baseline funding and schedules identified by project identification number identified in the LEAP lists adopted in this act, and transmit revised project lists to chairs of the transportation committees of the legislature on a quarterly basis.

NEW SECTION. Sec. 604. Executive Order number 05-05, archaeological and cultural resources, was issued effective November 10, 2005. Agencies and higher education institutions that issue grants or loans for capital projects shall comply with the requirements set forth in this executive order.

MISCELLANEOUS 2009-11 FISCAL BIENNIUM

Sec. 701. RCW 46.68.170 and 2007 c 518 s 701 are each amended to read as follows:

There is hereby created in the motor vehicle fund the RV account. All moneys hereafter deposited in said account shall be used by the department of transportation for the construction, maintenance, and operation of recreational vehicle sanitary disposal systems at safety rest areas in accordance with the department's highway system plan as prescribed in chapter 47.06 RCW. During the (~~2005-2007 and~~) 2007-2009

and 2009-2011 fiscal biennia, the legislature may transfer from the RV account to the motor vehicle fund such amounts as reflect the excess fund balance of the RV account to accomplish the purposes identified in this section.

Sec. 702. RCW 47.29.170 and 2007 c 518 s 702 are each amended to read as follows:

Before accepting any unsolicited project proposals, the commission must adopt rules to facilitate the acceptance, review, evaluation, and selection of unsolicited project proposals. These rules must include the following:

- (1) Provisions that specify unsolicited proposals must meet predetermined criteria;
- (2) Provisions governing procedures for the cessation of negotiations and consideration;
- (3) Provisions outlining that unsolicited proposals are subject to a two-step process that begins with concept proposals and would only advance to the second step, which are fully detailed proposals, if the commission so directed;
- (4) Provisions that require concept proposals to include at least the following information: Proposers' qualifications and experience; description of the proposed project and impact; proposed project financing; and known public benefits and opposition; and
- (5) Provisions that specify the process to be followed if the commission is interested in the concept proposal, which must include provisions:
 - (a) Requiring that information regarding the potential project would be published for a period of not less than thirty days, during which time entities could express interest in submitting a proposal;
 - (b) Specifying that if letters of interest were received during the thirty days, then an additional sixty days for submission of the fully detailed proposal would be allowed; and
 - (c) Procedures for what will happen if there are insufficient proposals submitted or if there are no letters of interest submitted in the appropriate time frame.

The commission may adopt other rules as necessary to avoid conflicts with existing laws, statutes, or contractual obligations of the state.

The commission may not accept or consider any unsolicited proposals before July 1, ~~((2009))~~ 2011.

NEW SECTION. Sec. 703. To the extent that any appropriation authorizes expenditures of state funds from the motor vehicle account, special category C account, Tacoma Narrows toll bridge account, transportation 2003 account (nickel account), transportation partnership account, transportation improvement account, Puget Sound capital construction account, multimodal transportation account, or other transportation capital project account in the state treasury for a state transportation program that is specified to be funded with proceeds from the sale of bonds authorized in chapter 47.10 RCW, the legislature declares that any such expenditures made prior to the issue date of the applicable transportation bonds for that state transportation program are intended to be reimbursed from proceeds of those transportation bonds in a maximum amount equal to the amount of such appropriation.

Sec. 704. RCW 46.16.685 and 2007 c 518 s 704 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under RCW 46.01.140(4)(e)(ii) must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the license plate technology account to the ~~((multimodal transportation))~~ highway safety account such amounts as reflect the excess fund balance of the license plate technology account.

Sec. 705. RCW 47.01.380 and 2006 c 311 s 26 are each amended to read as follows:

The department shall not commence construction on any part of the state route number 520 bridge replacement and HOV project until a record of decision has been reached providing reasonable assurance that project impacts will be avoided, minimized, or mitigated as much as practicable to protect against further adverse impacts on neighborhood environmental quality as a result of repairs and improvements made to the state route number 520 bridge and its connecting roadways, and that any such impacts will be addressed through engineering design choices, mitigation measures, or a combination of both. The requirements of this section shall not apply to off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project. The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 706. RCW 47.01.390 and 2007 c 518 s 705 are each amended to read as follows:

(1) Prior to commencing construction on either project, the department of transportation must complete all of the following requirements for both the Alaskan Way viaduct and Seattle Seawall replacement project, and the state route number 520 bridge replacement and HOV project: (a) In accordance with the national environmental policy act, the department must designate the preferred alternative, prepare a substantial project mitigation plan, and complete a comprehensive cost estimate review using the department's cost estimate validation process, for each project; (b) in accordance with all applicable federal highway administration planning and project management requirements, the department must prepare a project finance plan for each project that clearly identifies secured and anticipated fund sources, cash flow timing requirements, and project staging and phasing plans if applicable; and (c) the department must report these results for each project to the joint transportation committee.

(2) The requirements of this section shall not apply to (a) utility relocation work, and related activities, on the Alaskan Way viaduct and Seattle Seawall replacement project and (b) off-site pontoon construction supporting the state route number 520 bridge replacement and HOV project.

(3) The requirements of subsection (1) of this section shall not apply during the 2007-2009 fiscal biennium.

(4) The requirements of subsection (1) of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 707. RCW 47.60.395 and 2007 c 512 s 15 are each amended to read as follows:

(1) The joint legislative audit and review committee shall assess and report as follows:

(a) Audit the implementation of the cost allocation methodology evaluated under [section 205,] chapter 518, Laws of 2007, as it exists on July 22, 2007, assessing whether actual costs are allocated consistently with the methodology, whether there are sufficient internal controls to ensure proper allocation, and the adequacy of staff training; and

(b) Review the assignment of preservation costs and improvement costs for fiscal year 2009 to determine whether:

- (i) The costs are capital costs;
- (ii) The costs meet the statutory requirements for preservation activities and for improvement activities; and
- (iii) Improvement costs are within the scope of legislative appropriations.

- (2) The report on the evaluations in this section is due by January 31, 2010.
 (3) This section expires December 31, 2010.
 (4) The requirements of this section shall not apply during the 2009-2011 fiscal biennium.

Sec. 708. RCW 88.16.090 and 2008 c 128 s 4 are each amended to read as follows:

(1) A person may pilot any vessel subject to this chapter on waters covered by this chapter only if licensed to pilot such vessels on such waters under this chapter.

(2)(a) A person is eligible to be licensed as a pilot or a pilot trainee if the person:

- (i) Is a citizen of the United States;
 (ii) Is over the age of twenty-five years and under the age of seventy years;

(iii)(A) Holds at the time of application, as a minimum, a United States government license as master of steam or motor vessels of not more than one thousand six hundred gross register tons (three thousand international tonnage convention tons) upon oceans, near coastal waters, or inland waters; or the then most equivalent federal license as determined by the board; any such license to have been held by the applicant for a period of at least two years before application;

(B) Holds at the time of licensure as a pilot, after successful completion of the board-required training program, a first class United States endorsement without restrictions on the United States government license for the pilotage district in which the pilot applicant desires to be licensed; however, all applicants for a pilot examination scheduled to be given before July 1, 2008, must have the United States pilotage endorsement at the time of application; and

(C) The board may require that applicants and pilots have federal licenses and endorsements as it deems appropriate; and

(iv) Successfully completes a board-specified training program.

(b) In addition to the requirements of (a) of this subsection, a pilot applicant must meet such other qualifications as may be required by the board.

(c) A person applying for a license under this section shall not have been convicted of an offense involving drugs or the personal consumption of alcohol in the twelve months prior to the date of application. This restriction does not apply to license renewals under this section.

(3) The board may establish such other training license and pilot license requirements as it deems appropriate.

(4) Pilot applicants shall be evaluated and may be ranked for entry into a board-specified training program in a manner specified by the board based on their performance on a written examination or examinations established by the board, performance on other evaluation exercises as may be required by the board, and other criteria or qualifications as may be set by the board.

When the board determines that the demand for pilots requires entry of an applicant into the training program it shall issue a training license to that applicant, but under no circumstances may an applicant be issued a training license more than four years after taking the written entry examination. The training license authorizes the trainee to do such actions as are specified in the training program.

After the completion of the training program the board shall evaluate the trainee's performance and knowledge. The board, as it deems appropriate, may then issue a pilot license, delay the issuance of the pilot license, deny the issuance of the pilot license, or require further training and evaluation.

(5) The board may (a) appoint a special independent committee or (b) contract with private or governmental entities knowledgeable and experienced in the development, administration, and grading of licensing examinations or simulator evaluations for marine pilots, or (c) do both. Active, licensed pilots designated by the board may participate in the development, administration, and grading of examinations and other evaluation exercises. If the board does appoint a special examination or evaluation development committee, it is authorized to pay the members of the committee the same compensation and travel expenses as received by members of the board. Any person who willfully gives advance knowledge of information contained on a pilot examination or other evaluation exercise is guilty of a gross misdemeanor.

(6) This subsection applies to the review of a pilot applicant's written examinations and evaluation exercises to qualify to be placed on a waiting list to become a pilot trainee. Failure to comply with the process set forth in this subsection renders the results of the pilot applicant's written examinations and evaluation exercises final. A pilot applicant may seek board review, administrative review, and judicial review of the results of the written examinations and evaluation exercises in the following manner:

(a) A pilot applicant who seeks a review of the results of his or her written examinations or evaluation exercises must request from the board-appointed or board-designated examination committee an administrative review of the results of his or her written examinations or evaluation exercises as set forth by board rule.

(b) The determination of the examination committee's review of a pilot applicant's examination results becomes final after thirty days from the date of service of written notification of the committee's determination unless a full adjudicative hearing before an administrative law judge has been requested by the pilot applicant before the thirty-day period has expired, as set forth by board rule.

(c) When a full adjudicative hearing has been requested by the pilot applicant, the board shall request the appointment of an administrative law judge under chapter 34.12 RCW who has sufficient experience and familiarity with pilotage matters to be able to conduct a fair and impartial hearing. The hearing shall be governed by chapter 34.05 RCW. The administrative law judge shall issue an initial order.

(d) The initial order of the administrative law judge is final unless within thirty days of the date of service of the initial order the board or pilot applicant requests review of the initial order under chapter 34.05 RCW.

(e) The board may appoint a person to review the initial order and to prepare and enter a final order as governed by chapter 34.05 RCW and as set forth by board rule. The person appointed by the board under this subsection (6)(e) is called the board reviewing officer.

(7) Pilots are licensed under this section for a term of five years from and after the date of the issuance of their respective state licenses. Licenses must thereafter be renewed as a matter of course, unless the board withholds the license for good cause. Each pilot shall pay to the state treasurer an annual license fee in an amount set by the board by rule. Pursuant to RCW 43.135.055, the fees established under this subsection may be increased (in excess of the fiscal growth factor as provided in RCW 43.135.055) through the fiscal year ending June 30, ((2009)) 2011. The fees must be deposited in the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(8) All pilots and pilot trainees are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the pilot's or pilot trainee's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots and pilot trainees licensed by the state are able to perform their duties. Within ninety days of the date of each annual physical examination, and after review of the physician's report, the board shall make a determination of whether the pilot or pilot trainee is fully able to carry out the duties of a pilot or pilot trainee under this chapter. The board may in its discretion check with the appropriate authority for any convictions of or information regarding offenses by a licensed pilot or pilot trainee involving drugs or the personal consumption of alcohol in the prior twelve months.

(9) The board may require vessel simulator training for a pilot trainee and shall require vessel simulator training for a licensed pilot subject to RCW 88.16.105. The board shall also require vessel simulator training in the first year of active duty for a new pilot and at least once every five years for all active pilots.

(10) The board shall prescribe, pursuant to chapter 34.05 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims. Willful misrepresentation of such required information by a pilot applicant shall result in disqualification of the pilot applicant.

Sec. 709. RCW 47.12.244 and 2007 c 518 s 707 are each amended to read as follows:

There is created the "advance right-of-way revolving fund" in the custody of the treasurer, into which the department is authorized to deposit directly and expend without appropriation:

(1) An initial deposit of ten million dollars from the motor vehicle fund included in the department of transportation's 1991-93 budget;

(2) All moneys received by the department as rental income from real properties that are not subject to federal aid reimbursement, except moneys received from rental of capital facilities properties as defined in chapter 47.13 RCW; and

(3) Any federal moneys available for acquisition of right-of-way for future construction under the provisions of section 108 of Title 23, United States Code.

~~((4))~~ During the ~~((2007-09))~~ 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the advance right-of-way revolving fund to the motor vehicle account amounts as reflect the excess fund balance of the advance right-of-way revolving fund.

Sec. 710. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees;

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for.

(4) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, ~~((2009))~~ 2011. During this period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 711. RCW 46.68.060 and 2007 c 518 s 714 are each amended to read as follows:

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. During the ~~((2005-2007 and))~~ 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the highway safety fund to the motor vehicle fund and the multimodal transportation account such amounts as reflect the excess fund balance of the highway safety fund.

Sec. 712. RCW 46.68.220 and 2009 c 8 s 503 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under RCW 46.01.140(4)(b) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for information and service delivery systems for the department, and for reimbursement of county licensing activities. During the 2007-2009 and 2009-2011 fiscal ~~((biennium))~~ biennia, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

Sec. 713. RCW 46.61.527 and 1994 c 141 s 1 are each amended to read as follows:

(1) The secretary of transportation shall adopt standards and specifications for the use of traffic control devices in roadway construction zones on state highways. A roadway construction zone is an area where construction, repair, or maintenance work is being conducted by public employees or private contractors, on or adjacent to any public roadway. For the purpose of the pilot program referenced in section 218(2) of this act, during the 2009-2011 fiscal biennium, a roadway construction zone includes areas where public employees or private contractors are not present but where a driving condition exists that would make it unsafe to drive at higher speeds, such as, when the department is redirecting or realigning lanes on or adjacent to any public roadway pursuant to ongoing construction.

(2) No person may drive a vehicle in a roadway construction zone at a speed greater than that allowed by traffic control devices.

(3) A person found to have committed any infraction relating to speed restrictions in a roadway construction zone shall be assessed a monetary penalty equal to twice the penalty assessed under RCW 46.63.110. This penalty may not be waived, reduced, or suspended.

(4) A person who drives a vehicle in a roadway construction zone in such a manner as to endanger or be likely to endanger any persons or property, or who removes, evades, or intentionally strikes a traffic safety or control device is guilty of reckless endangerment of roadway workers. A violation of this subsection is a gross misdemeanor punishable under chapter 9A.20 RCW.

(5) The department shall suspend for sixty days the license or permit to drive or a nonresident driving privilege of a person convicted of reckless endangerment of roadway workers.

Sec. 714. RCW 46.63.170 and 2007 c 372 s 3 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2) of this act if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

~~((e))~~ (e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

~~((f))~~ (f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

~~((g))~~ (g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

~~((h))~~ (h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

~~((i))~~ (i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW ~~((3-46-120))~~ 3.50.100, 35.20.220, 46.16.216, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2) of this act.

(6) During the 2009-2011 fiscal biennium, this section does not apply to automated traffic safety cameras for the purposes of section 218(2) of this act.

Sec. 715. RCW 47.12.080 and 1984 c 7 s 121 are each amended to read as follows:

(1) Except as provided otherwise in this section, the secretary of transportation may transfer and convey to the United States, its agencies or instrumentalities, to any other state agency, to any county or city or port district of this state, or to any public utility company, any unused state-owned real property under the jurisdiction of the department of transportation when, in the judgment of the secretary of transportation and the attorney general, the transfer and conveyance is consistent with public interest. Whenever the secretary makes an agreement for any such transfer or conveyance, and the attorney general concurs therein, the secretary shall execute and deliver unto the grantee a deed of conveyance, easement, or other instrument, duly acknowledged, as shall be necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund.

(2) Through the end of the 2009-2011 fiscal biennium, the legislature may designate property under the jurisdiction of the department as unused state-owned real property and may further designate the transfer and conveyance of the property as consistent with the public interest. Once designated under this subsection, the legislature may direct the transfer and conveyance of the property to any entity described in subsection (1) of this section for adequate consideration as deemed such by the legislature, and need not require fair market value in exchange for the property.

Sec. 716. RCW 43.19.642 and 2007 c 348 s 201 are each amended to read as follows:

(1) Effective June 1, 2006, for agencies complying with the ultra- low sulfur diesel mandate of the United States environmental protection agency for on-highway diesel fuel, agencies shall use biodiesel as an additive to ultra-low sulfur diesel for lubricity, provided that the use of a lubricity additive is warranted and that the use of biodiesel is comparable in performance and cost with other available lubricity additives. The amount of biodiesel added to the ultra-low sulfur diesel fuel shall be not less than two percent.

(2) Effective June 1, 2009, state agencies are required to use a minimum of twenty percent biodiesel as compared to total volume of all diesel purchases made by the agencies for the operation of the agencies' diesel-powered vessels, vehicles, and construction equipment.

(3) All state agencies using biodiesel fuel shall, beginning on July 1, 2006, file biannual reports with the department of general administration documenting the use of the fuel and a description of how any problems encountered were resolved.

(4) For the 2009-2011 fiscal biennium, the Washington state ferries is required to use a minimum of five percent biodiesel as compared to total volume of all diesel purchases made by the Washington state ferries for the operation of the Washington state ferries diesel- powered vessels so long as the per gallon price of diesel containing a five percent biodiesel blend level does not exceed the per gallon price of diesel by more than five percent. If the per gallon price of diesel containing a five percent biodiesel blend level exceeds the per gallon price of diesel by more than five percent, the requirements of this section do not apply to vessel fuel purchases by the Washington state ferries.

(5) By December 1, 2009, the department of general administration shall:

(a) Report to the legislature on the average true price differential for biodiesel by blend and location; and

(b) Examine alternative fuel procurement methods that work to address potential market barriers for in-state biodiesel producers and report these findings to the legislature.

Sec. 717. RCW 43.19.534 and 1993 sp.s. c 20 s 1 are each amended to read as follows:

(1) State agencies, the legislature, and departments shall purchase for their use all goods and services required by the legislature, agencies, or departments that are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections through state contract. These goods and services shall not be purchased from any other source unless, upon application by the department or agency: ~~((+))~~ (a) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, ~~((+))~~ (b) are not of equal or better quality, or ~~((+))~~ (c) the price of the product or service is higher than that produced by the private sector. However, the criteria contained in ~~((+))~~ (a), ~~((+))~~ (b), and ~~((+))~~ (c) of this section for purchasing goods and services from sources other than correctional industries do not apply to goods and services produced by correctional industries that primarily replace goods manufactured or services obtained from outside the state. The department of corrections and department of general administration shall adopt administrative rules that implement this section.

(2) During the 2009-2011 fiscal biennium, and in conformance with section 223(11) of this act, this section does not apply to the purchase of uniforms by the Washington state ferries.

Sec. 718. RCW 47.68.090 and 1980 c 67 s 1 are each amended to read as follows:

The department of transportation may make available its engineering and other technical services, with or without charge, to any municipality or person desiring them in connection with the planning, acquisition, construction, improvement, maintenance or operation of airports or air navigation facilities.

The department may render financial assistance by grant or loan or both to any municipality or municipalities acting jointly in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled by such municipality or municipalities, or to any Indian tribe recognized as such by the federal government or such tribes acting jointly in the planning, acquisition, construction, improvement, maintenance or operation of an airport, owned or controlled, or to be owned or controlled by such tribe or tribes and to be held available for the general use of the public, out of appropriations made by the legislature for such purposes. Such financial assistance may be furnished in connection with federal or other financial aid for the same purposes: PROVIDED, That no grant or loan or both shall be in excess of two hundred fifty thousand dollars, or five hundred thousand dollars during the 2009-2011 fiscal biennium, for any one project: PROVIDED FURTHER, That no grant or loan or both shall be granted unless the municipality or municipalities acting jointly, or the tribe or tribes acting jointly shall from their own funds match any funds made available by the department upon such ratio as the department may prescribe.

The department is authorized to act as agent of any municipality or municipalities acting jointly or any tribe or tribes acting jointly, upon the request of such municipality or municipalities, or such tribe or tribes in accepting, receiving, receipting for and disbursing federal moneys, and other moneys public or private, made available to finance, in whole or in part, the planning, acquisition, construction, improvement, maintenance or operation of an airport or air navigation facility; and if requested by such municipality or municipalities, or tribe or tribes, may act as its or their agent in contracting for and supervising such planning, acquisition, construction, improvement, maintenance, or operation; and all municipalities and tribes are authorized to designate the department as their agent for the foregoing purposes. The department, as principal on behalf of the state, and any municipality on its own behalf, may enter into any contracts, with each other or with the United States or with any person, which may be required in connection with a grant or loan of federal moneys for airport or air navigation facility purposes. All federal moneys accepted under this section shall be accepted and transferred or expended by the department upon such terms and conditions as are prescribed by the United States. All moneys received by the department pursuant to this section shall be deposited in the state treasury, and, unless otherwise prescribed by the authority from which such moneys were received, shall be kept in separate funds designated according to the purposes for which the moneys were made available, and held by the state in trust for such purposes. All such moneys are hereby appropriated for the purposes for which the same were made available, to be disbursed or expended in accordance with the terms and conditions upon which they were made available: PROVIDED, That any landing fee or charge imposed by any Indian tribe or tribes for the privilege of use of an airport facility planned, acquired, constructed, improved, maintained, or operated with financial assistance from the department pursuant to this section must apply equally to tribal and nontribal members: PROVIDED FURTHER, That in the event any municipality or municipalities or Indian tribe or tribes, or any distributor of aircraft fuel as defined by RCW 82.42.020 which operates in any airport facility which has received financial assistance pursuant to this section, fails to collect the aircraft fuel excise tax as specified in chapter 82.42 RCW, all funds or value of technical assistance given or paid to such municipality or municipalities or Indian tribe or tribes under the provisions of this section shall revert to the department, and shall be due and payable to the department immediately.

MISCELLANEOUS

NEW SECTION. Sec. 801. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 802. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

Correct the title.

and that the bill do pass as recommended by the Conference Committee.

Senators Haugen, Marr and Swecker
Representatives Clibborn and Liias

MOTION

Representative Clibborn moved to adopt the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352 and advance the bill as recommended by the Conference Committee to final passage.

Representative Clibborn spoke in favor of the adoption of the motion.

Representative Roach spoke against the adoption of the motion.

The motion to adopt the report of the Conference Committee on Engrossed Substitute Senate Bill No. 5352 and advance the bill as recommended by the Conference Committee to final passage was adopted.

There being no objection, the House advanced to the seventh order of business.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5352 as recommended by the Conference Committee.

Representatives Clibborn, Seaquist and Driscoll spoke in favor of the passage of the bill.

Representatives Roach and Bailey spoke against the passage of the bill.

MOTIONS

On motion of Representative Van De Wege, Representative Hasegawa was excused. On motion of Representative Walsh, Representative Armstrong was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5352, as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 77; Nays, 19; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Chandler, Condotta, Cox, Crouse, DeBolt, Ericksen, Haler, Klippert, Kretz, Kristiansen, Roach, Rodne, Schmick, Shea, Short and Taylor.

Excused: Representatives Armstrong and Hasegawa.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, as recommended by the Conference Committee, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1332. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** A new section is added to chapter 39.34 RCW to read as follows:

(1) As limited in subsection (3) of this section, a watershed management partnership formed or qualified under the authority of RCW 39.34.200 and 39.34.210, including the separate legal entity established by such a partnership under RCW 39.34.030(3)(b) to conduct the cooperative undertaking of the partnership under the same statutory authority, may exercise the power of eminent domain as provided in chapter 8.12 RCW.

(2) The eminent domain authority granted under subsection (1) of this section may be exercised only for those utility purposes for which the watershed partnership was formed and is limited solely to providing water services to its customers.

(3) Subsection (1) of this section applies only to a watershed management partnership that:

(a) Was formed or qualified before July 1, 2006, under the authority of RCW 39.34.200 and 39.34.210;

(b) Is not engaged in planning or in implementing a plan for a water resource inventory area under the terms of chapter 90.82 RCW;

(c) Is composed entirely of cities and water-sewer districts authorized to exercise the power of eminent domain in the manner provided by chapter 8.12 RCW; and

(d) Is governed by a board of directors consisting entirely of elected officials from the cities and water-sewer districts that constitute the watershed management partnership.

(4) A watershed management partnership exercising authority under this section shall:

(a) Comply with the notice requirements of RCW 8.25.290;

(b) Provide notice to the city, town, or county with jurisdiction over the subject property by certified mail thirty days prior to the partnership board authorizing condemnation; and

(c) With any city that is not a member of the watershed management partnership and that has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, enter into an interlocal agreement to allow eminent domain within that city prior to exercising eminent domain authority under this section.

(5) The legislature is currently unaware of any information suggesting that the expected use by the watershed management partnership of the Lake Tapps water supply will have a significantly adverse effect on surrounding communities. However, if the watershed management partnership's Lake Tapps water supply operations result in a negative impact to the water supplies of a city that is not a member of the watershed management partnership and the city has water or sewer service areas within one-half mile of Lake Tapps or water or sewer service areas within five miles upstream from Lake Tapps along the White river, the city claiming a negative impact under this subsection must notify the watershed management partnership of their claim and give the partnership at least sixty days to resolve the claimed impact. If the watershed management partnership fails to resolve the claimed negative impact or disputes that the negative impact exists, the city claiming the negative impact under this subsection may pursue existing legal remedies in accordance with state and federal law. If a court determines that a negative impact has occurred as provided under this subsection, the watershed management partnership shall implement a remedy acceptable to the claiming city. If the affected city or cities and the watershed management partnership cannot agree on the terms required under this subsection, the court shall establish the terms for the remedy required under this subsection."

On page 1, line 2 of the title, after "governments;" strike the remainder of the title and insert "and adding a new section to chapter 39.34 RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1332 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1332, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1332, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 4; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Erickson, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Herrera, Orcutt and Taylor.

Excused: Representatives Armstrong and Hasegawa.

SUBSTITUTE HOUSE BILL NO. 1332, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1751 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 82.14.370 and 2007 c 478 s 1 and 2007 c 250 s 1 are each reenacted and amended to read as follows:

(1) The legislative authority of a rural county may impose a sales and use tax in accordance with the terms of this chapter. The tax is in addition to other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall not exceed 0.09 percent of the selling price in the case of a sales tax or value of the article used in the case of a use tax, except that for rural counties with population densities between sixty and one hundred persons per

square mile, the rate shall not exceed 0.04 percent before January 1, 2000.

(2) The tax imposed under subsection (1) of this section shall be deducted from the amount of tax otherwise required to be collected or paid over to the department of revenue under chapter 82.08 or 82.12 RCW. The department of revenue shall perform the collection of such taxes on behalf of the county at no cost to the county.

(3)(a) Moneys collected under this section shall only be used to finance public facilities serving economic development purposes in rural counties and finance personnel in economic development offices. The public facility must be listed as an item in the officially adopted county overall economic development plan, or the economic development section of the county's comprehensive plan, or the comprehensive plan of a city or town located within the county for those counties planning under RCW 36.70A.040. For those counties that do not have an adopted overall economic development plan and do not plan under the growth management act, the public facility must be listed in the county's capital facilities plan or the capital facilities plan of a city or town located within the county.

(b) In implementing this section, the county shall consult with cities, towns, and port districts located within the county and the associate development organization serving the county to ensure that the expenditure meets the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection. Each county collecting money under this section shall report, as follows, to the office of the state auditor, within one hundred fifty days after the close of each fiscal year: (i) A list of new projects begun during the fiscal year, showing that the county has used the funds for those projects consistent with the goals of chapter 130, Laws of 2004 and the requirements of (a) of this subsection; and (ii) expenditures during the fiscal year on projects begun in a previous year. Any projects financed prior to June 10, 2004, from the proceeds of obligations to which the tax imposed under subsection (1) of this section has been pledged shall not be deemed to be new projects under this subsection. No new projects funded with money collected under this section may be for justice system facilities.

(c) The definitions in this section apply throughout this section.

(i) "Public facilities" means bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and port facilities in the state of Washington.

(ii) "Economic development purposes" means those purposes which facilitate the creation or retention of businesses and jobs in a county.

(iii) "Economic development office" means an office of a county, port districts, or an associate development organization as defined in RCW 43.330.010, which promotes economic development purposes within the county.

(4) No tax may be collected under this section before July 1, 1998. (a) Except as provided in (b) of this subsection, no tax may be collected under this section by a county more than twenty-five years after the date that a tax is first imposed under this section.

(b) For counties imposing the tax at the rate of 0.09 percent before August 1, 2009, the tax expires on the date that is twenty-five years after the date that the 0.09 percent tax rate was first imposed by that county.

(5) For purposes of this section, "rural county" means a county with a population density of less than one hundred persons per square mile or a county smaller than two hundred twenty-five square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th."

On page 1, line 2 of the title, after "collected;" strike the remainder of the title and insert "and reenacting and amending RCW 82.14.370."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1751 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Hunter and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1751, as amended by the Senate.

MOTION

On motion of Representative Van De Wege, Representative Moeller was excused.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1751, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Moeller.

SUBSTITUTE HOUSE BILL NO. 1751, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. It is the intent of the legislature that the state authorize early tolling on the state route number 520 corridor in order to secure the authority to spend federal grant moneys provided to Washington state as part of the urban partnership grant program.

It is further the intent of the legislature to impose tolls on the state route number 520 floating bridge subject to section 2 of this act, to help finance construction of the replacement state route number 520 floating bridge and necessary landings.

It is further the intent of the legislature to expedite the replacement of the floating bridge and necessary landings in a manner that does not preclude local design options on either side of the state route number 520 corridor. For all projects in the state route number 520 corridor program, the legislature intends that the total cost will be no more than four billion six hundred fifty million dollars.

It is further the intent of the legislature that if the tolls on the state route number 520 corridor significantly alter the performance of nearby facilities, the legislature will reconsider the tolling policy for the corridor.

It is further the intent of the legislature that the department of transportation applies for federal stimulus funds for projects in the corridor.

NEW SECTION. Sec. 2. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

(1) The initial imposition of tolls on the state route number 520 corridor is authorized, the state route number 520 corridor is designated an eligible toll facility, and toll revenue generated in the corridor must only be expended as allowed under RCW 47.56.820.

(2) The state route number 520 corridor consists of that portion of state route number 520 between the junctions of Interstate 5 and state route number 202. The toll imposed by this section shall be charged only for travel on the floating bridge portion of the state route number 520 corridor.

(3)(a) In setting the toll rates for the corridor pursuant to RCW 47.56.850, the tolling authority shall set a variable schedule of toll rates to maintain travel time, speed, and reliability on the corridor and generate the necessary revenue as required under (b) of this subsection.

(b) The tolling authority shall initially set the variable schedule of toll rates, which the tolling authority may adjust at least annually to reflect inflation as measured by the consumer price index or as necessary to meet the redemption of bonds and interest payments on the bonds, to generate revenue sufficient to provide for:

(i) The issuance of general obligation bonds first payable from toll revenue and then excise taxes on motor vehicle and special fuels pledged for the payment of those bonds in the amount necessary to fund the replacement state route number 520 floating bridge and necessary landings, subject to subsection (4) of this section; and

(ii) Costs associated with the project designated in subsection (4) of this section that are eligible under RCW 47.56.820.

(4) The proceeds of the bonds designated in subsection (3)(b)(i) of this section, which together with other appropriated and identified state and federal funds is sufficient to pay for the replacement of the floating bridge segment and necessary landings of state route number 520, must be used only to fund the construction of the replacement state route number 520 floating bridge and necessary landings.

(5) The department may carry out the construction and improvements designated in subsection (4) of this section and administer the tolling program on the state route number 520 corridor.

NEW SECTION. Sec. 3. A new section is added to chapter 47.56 RCW to read as follows:

(1)(a) The state route number 520 work group is created. The work group shall consist of the following members:

(i) The legislators from the forty-third legislative district;

(ii) The legislators from the forty-eighth legislative district;

(iii) The secretary of transportation;

(iv) Two legislators from each of the forty-sixth and forty-fifth legislative districts as jointly determined by the speaker of the house of representatives and the president of the senate;

(v) The chairs of the transportation committees of the legislature, who may each appoint one additional legislator from the joint transportation committee representing a legislative district outside of the state route number 520 corridor; and

(vi) The member of the transportation commission representing King county.

(b) The work group members shall elect two cochairs to consist of one legislative member representing the east side of the state route number 520 corridor and one legislative member representing the west side of the state route number 520 corridor. The work group shall conduct at least three meetings consisting of an initial meeting, a midcourse meeting, and a final meeting.

(2) The state route number 520 work group must:

(a) Review and recommend a financing strategy, in conjunction with the department, to fund the projects in the state route number 520 corridor that reflects the design options recommended under (b) of this subsection. The financing strategy must be based on a total

cost of all the intended projects in the state route number 520 corridor that does not exceed four billion six hundred fifty million dollars;

(b) Recommend design options that provide for a full state route number 520 corridor project, including projects in the corridor for which the department applies for federal stimulus funds provided in the American recovery and reinvestment act of 2009, that meets the needs of the region's transportation system while providing appropriate mitigation for the neighborhood and communities in the area directly impacted by the project; and

(c) Present a final report with recommendations on financing and design options to the legislature and the governor by January 1, 2010. The recommendations will inform the supplemental draft environmental impact statement process for the state route number 520 corridor. The process must continue through 2009.

(3) All design options considered or recommended by the state route number 520 work group must adhere to RCW 47.01.408.

(4) The state route number 520 work group shall form a westside subgroup to conduct a detailed review and make recommendations on design options on the west side of the corridor, which extends from the west end of the floating bridge to Interstate 5. The westside subgroup shall consult with neighborhood and community groups impacted by the potential design options. The work group may form an eastside subgroup to review current design options on the east side of the corridor, which extends from the east end of the floating bridge to state route number 202.

(5) The state route number 520 work group shall consult with the governor and legislators representing the primary users of the state route number 520 corridor.

(6) The department shall provide staff support to the state route number 520 work group.

NEW SECTION. Sec. 4. A new section is added to chapter 47.56 RCW under the subchapter heading "toll facilities created after July 1, 2008" to read as follows:

A special account to be known as the state route number 520 corridor account is created in the state treasury.

(1) Deposits to the account must include:

(a) All proceeds of bonds issued for construction of the replacement state route number 520 floating bridge and necessary landings, including any capitalized interest;

(b) All of the tolls and other revenues received from the operation of the state route number 520 corridor as a toll facility, to be deposited at least monthly;

(c) Any interest that may be earned from the deposit or investment of those revenues;

(d) Notwithstanding RCW 47.12.063, proceeds from the sale of any surplus real property acquired for the purpose of building the replacement state route number 520 floating bridge and necessary landings; and

(e) All damages, liquidated or otherwise, collected under any contract involving the construction of the replacement state route number 520 floating bridge and necessary landings.

(2) Subject to the covenants made by the state in the bond proceedings authorizing the issuance and sale of bonds for the replacement state route number 520 floating bridge and necessary landings, toll charges, other revenues, and interest received from the operation of the state route number 520 corridor as a toll facility may be used to:

(a) Pay any required costs allowed under RCW 47.56.820; and

(b) Repay amounts to the motor vehicle fund as required.

(3) When repaying the motor vehicle fund, the state treasurer shall transfer funds from the state route number 520 corridor account to the motor vehicle fund on or before each debt service date for bonds issued for the replacement state route number 520 floating bridge project and necessary landings in an amount sufficient to repay the motor vehicle fund for amounts transferred from that fund to the highway bond retirement fund to provide for any bond principal and interest due on that date. The state treasurer may establish subaccounts for the purpose of segregating toll charges, bond sale proceeds, and other revenues.

Sec. 5. RCW 43.84.092 and 2008 c 128 s 19 and 2008 c 106 s 4 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the health services account, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account,

the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the safety and education account, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)((a)) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

NEW SECTION. Sec. 6. A new section is added to chapter 47.56 RCW to read as follows:

Prior to the convening of each regular session of the legislature, the transportation commission must provide the transportation committees of the legislature with a detailed report regarding any increase or decrease in any toll rate approved by the commission that has not been described in a previous report provided pursuant to this section, along with a detailed justification for each such increase or decrease.

NEW SECTION. Sec. 7. This act takes effect August 1, 2009."

On page 1, line 2 of the title, after "corridor;" strike the remainder of the title and insert "reenacting and amending RCW 43.84.092; adding new sections to chapter 47.56 RCW; creating a new section; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Clibborn spoke in favor of the passage of the bill.

Representative Roach spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2211, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2211, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 43; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Haigh, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams and Wood.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericksen, Goodman, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Not voting: Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Moeller.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which Engrossed Substitute House Bill No. 2211, as amended by the Senate, passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2211, as amended by the Senate, on reconsideration

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2211, as amended by the Senate, on reconsideration, and the bill passed the House by the following vote: Yeas, 52; Nays, 43; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Ericks, Finn, Flannigan, Haigh, Hudgins, Hunt, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells,

Simpson, Springer, Sullivan, Takko, Uptegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeyer, DeBolt, Driscoll, Eddy, Ericksen, Goodman, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa and Moeller.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211, as amended by the Senate, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.210 and 1985 c 390 s 20 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees at the University of Washington, including building fees to be charged students registering in the schools of medicine and dentistry, shall be paid into the state treasury and credited as follows:

One-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of the bond retirement fund(~~(; and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter, and thirty-seven dollars and fifty cents per each nonresident student per quarter)~~) to the "University of Washington bond retirement fund" and the remainder thereof to the "University of Washington building account." The sum so credited to the University of Washington building account shall be used exclusively for the purpose of erecting, altering, maintaining, equipping, or furnishing buildings, ~~and for certificates of participation under chapter 39.94 RCW,~~ except for any sums transferred as authorized in RCW 28B.20.725(3). The sum so credited to the University of Washington bond retirement fund shall be used for the payment of principal of and interest on bonds outstanding as provided by chapter 28B.20 RCW except for any sums transferred as authorized in RCW 28B.20.725(5).

Sec. 2. RCW 28B.15.310 and 1985 c 390 s 22 are each amended to read as follows:

Within thirty-five days from the date of collection thereof, all building fees shall be paid (~~into the state treasury~~) and credited as follows: To the Washington State University bond retirement fund, one-half or such larger portion as may be necessary to prevent a default in the payments required to be made out of such bond retirement fund; ~~and~~ the remainder thereof to the Washington State University building account.

The sum so credited to the Washington State University building account shall be expended by the board of regents for buildings, equipment, or maintenance on the campus of Washington State University as may be deemed most advisable and for the best interests of the university, ~~and for certificates of participation under chapter 39.94 RCW,~~ except for any sums transferred as authorized by law. Expenditures so made shall be accounted for in accordance with existing law and shall not be expended until appropriated by the legislature.

The sum so credited to the Washington State University bond retirement fund shall be used to pay and secure the payment of the principal of and interest on building bonds issued by the university, except for any sums which may be transferred out of such fund as authorized by law.

Sec. 3. RCW 28B.20.720 and 1985 c 390 s 39 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due,

~~there is created in the custody of the state treasurer a special trust fund to be known as the University of Washington bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the ((state treasury and credited to a special trust fund to be known as the University of Washington bond retirement)) fund, the following:~~

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund(~~(; and in no event shall such one-half be less than twelve dollars and fifty cents per each resident student per quarter and less than thirty-seven dollars and fifty cents per each nonresident student per quarter)~~);

(2) Any gifts, bequests, or grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

~~((Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall,)) While any ((of such)) bonds issued in accordance with the provisions of this chapter or any interest thereon remain((s)) unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in RCW 28B.20.725(5). As a part of the contract of sale of such bonds, the board undertakes to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.~~

Sec. 4. RCW 28B.30.740 and 1985 c 390 s 44 are each amended to read as follows:

For the purpose of paying and securing the payment of the principal of and interest on the bonds as the same shall become due, ~~there is created in the custody of the state treasurer a special trust fund to be known as the Washington State University bond retirement fund. An appropriation is not required for expenditures from the fund. There shall be paid into the ((state treasury and credited to a special trust fund to be known as the Washington State University bond retirement fund, which fund is hereby created in the state treasury)) fund, the following:~~

(1) One-half of such building fees as the board may from time to time determine, or such larger portion as may be necessary to prevent default in the payments required to be made out of the bond retirement fund;

(2) Any grants which may be made, or may become available, for the purpose of furthering the construction of any authorized projects, or for the repayment of the costs thereof;

(3) Such additional funds as the legislature may provide.

~~((Said bond retirement fund shall be kept segregated from all moneys in the state treasury and shall,)) While any ((of such)) bonds issued in accordance with the provisions of this chapter or any interest thereon remain unpaid, the bond retirement fund shall be available solely for the payment thereof except as provided in ((subdivision (5) of)) RCW 28B.30.750(5). As a part of the contract of sale of such bonds, the board shall undertake to charge and collect building fees and to deposit the portion of such fees in the bond retirement fund in amounts which will be sufficient to pay the principal of, and interest on all such bonds outstanding.~~

Sec. 5. RCW 28B.35.370 and 1991 sp.s. c 13 s 49 are each amended to read as follows:

Within thirty-five days from the date of collection thereof all building fees of each regional university and The Evergreen State College shall be paid into the state treasury and these together with such normal school fund revenues as provided in RCW 28B.35.751 as are received by the state treasury shall be credited as follows:

(1) On or before June 30th of each year the board of trustees of each regional university and The Evergreen State College, if issuing bonds payable out of its building fees and above described normal school fund revenues, shall certify to the state treasurer the amounts required in the ensuing twelve months to pay and secure the payment of the principal of and interest on such bonds. The amounts so certified by each regional university and The Evergreen State College shall be a prior lien and charge against all building fees and above described normal school fund revenues of such institution. The state treasurer shall thereupon deposit the amounts so certified in the

Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The amounts deposited in the respective capital projects accounts shall be used ((exclusively)) to pay and secure the payment of the principal of and interest on the building bonds issued by such regional universities and The Evergreen State College as authorized by law. If in any twelve month period it shall appear that the amount certified by any such board of trustees is insufficient to pay and secure the payment of the principal of and interest on the outstanding building and above described normal school fund revenue bonds of its institution, the state treasurer shall notify the board of trustees and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal of and interest on all such bonds then outstanding shall be fully met at all times.

(2) All normal school fund revenue pursuant to RCW 28B.35.751 shall be deposited in the Eastern Washington University capital projects account, the Central Washington University capital projects account, the Western Washington University capital projects account, or The Evergreen State College capital projects account respectively, which accounts are hereby created in the state treasury. The sums deposited in the respective capital projects accounts shall be appropriated and expended ((exclusively)) to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and normal school revenue and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto except for any sums transferred therefrom as authorized by law.

(3) Funds available in the respective capital projects accounts may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 6. RCW 28B.50.360 and 2005 c 488 s 922 are each amended to read as follows:

Within thirty-five days from the date of start of each quarter all collected building fees of each such community and technical college shall be paid into the state treasury, and shall be credited as follows:

(1) On or before June 30th of each year the college board if issuing bonds payable out of building fees shall certify to the state treasurer the amounts required in the ensuing twelve-month period to pay and secure the payment of the principal of and interest on such bonds. The state treasurer shall thereupon deposit the amounts so certified in the community and technical college capital projects account. Such amounts of the funds deposited in the community and technical college capital projects account as are necessary to pay and secure the payment of the principal of and interest on the building bonds issued by the college board as authorized by this chapter shall be ((exclusively)) devoted to that purpose. If in any twelve-month period it shall appear that the amount certified by the college board is insufficient to pay and secure the payment of the principal of and interest on the outstanding building bonds, the state treasurer shall notify the college board and such board shall adjust its certificate so that all requirements of moneys to pay and secure the payment of the principal and interest on all such bonds then outstanding shall be fully met at all times.

(2) The community and technical college capital projects account is hereby created in the state treasury. The sums deposited in the capital projects account shall be appropriated and expended ((exclusively)) to pay and secure the payment of the principal of and interest on bonds payable out of the building fees and for the construction, reconstruction, erection, equipping, maintenance, demolition and major alteration of buildings and other capital assets owned by the state board for community and technical colleges in the name of the state of Washington, and the acquisition of sites, rights-of-way, easements, improvements or appurtenances in relation thereto, engineering and architectural services provided by the department of general administration, and for the payment of principal of and interest on any bonds issued for such purposes.

(3) Funds available in the community and technical college capital projects account may also be used for certificates of participation under chapter 39.94 RCW.

Sec. 7. RCW 28B.20.715 and 1985 c 390 s 38 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

(1) Shall not constitute
 (a) An obligation, either general or special, of the state; or
 (b) A general obligation of the University of Washington or of the board;

(2) Shall be
 (a) Either registered or in coupon form; and
 (b) Issued in denominations of not less than one hundred dollars;

and
 (c) Fully negotiable instruments under the laws of this state; and
 (d) Signed on behalf of the university by the president of the board, attested by the secretary of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;

(3) Shall state
 (a) The date of issue; and
 (b) The series of the issue and be consecutively numbered within the series; and

(c) That, except as otherwise provided in subsection (8)(e) of this section, the bond is payable both principal and interest solely out of the bond retirement fund;

(4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;

(5) Shall be payable both principal and interest out of the bond retirement fund;

(6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;

(7) Shall be sold in such manner and at such price as the board may prescribe;

(8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with this chapter, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement fund, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the University of Washington building account to the bond retirement fund when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement fund to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued;

(e) A covenant to obligate, to pay the principal of or interest on the bonds, all or a component of the fees and revenues of the University of Washington that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state

revenues for the purpose of calculating statutory limits on state indebtedness pursuant to RCW 39.42.060.

The proceeds of the sale of all bonds (~~exclusive of accrued interest which shall be deposited in the bond retirement fund, shall be deposited in the state treasury to the credit of the University of Washington building account and~~) issued in accordance with this chapter shall be used solely for paying the costs of the projects, including costs of issuance and other financing costs.

Sec. 8. RCW 28B.20.735 and 1985 c 390 s 40 are each amended to read as follows:

The bonds authorized to be issued pursuant to the provisions of RCW 28B.20.700 through 28B.20.740 shall not be general obligations of the state of Washington, but shall be limited obligation bonds payable only from the special fund created for their payment (~~derived from the building fees~~) as herein provided. The legislature may provide additional means for raising money for the payment of interest and principal of said bonds. RCW 28B.20.700 through 28B.20.740 shall not be deemed to provide an exclusive method for such payment. The power given to the legislature by this section to provide additional means for raising money is permissive, and shall not in any way be construed as a pledge of the general credit of the state of Washington.

Sec. 9. RCW 28B.30.730 and 2002 c 238 s 302 are each amended to read as follows:

For the purpose of financing the cost of any projects, the board is hereby authorized to adopt the resolution or resolutions and prepare all other documents necessary for the issuance, sale and delivery of the bonds or any part thereof at such time or times as it shall deem necessary and advisable. Said bonds:

- (1) Shall not constitute
 - (a) An obligation, either general or special, of the state; or
 - (b) A general obligation of Washington State University or of the board;
- (2) Shall be
 - (a) Either registered or in coupon form; and
 - (b) Issued in denominations of not less than one hundred dollars; and
 - (c) Fully negotiable instruments under the laws of this state; and
 - (d) Signed on behalf of the university by the president of the board, attested by the secretary or the treasurer of the board, have the seal of the university impressed thereon or a facsimile of such seal printed or lithographed in the bottom border thereof, and the coupons attached thereto shall be signed with the facsimile signatures of such president and secretary;
- (3) Shall state
 - (a) The date of issue; and
 - (b) The series of the issue and be consecutively numbered within the series; and
- (c) That, except as otherwise provided in subsection (8)(e) of this section, the bond is payable both principal and interest solely out of the bond retirement fund;
- (4) Each series of bonds shall bear interest, payable either annually or semiannually, as the board may determine;
- (5) Shall be payable both principal and interest out of the bond retirement fund;
- (6) Shall be payable at such times over a period of not to exceed forty years from date of issuance, at such place or places, and with such reserved rights of prior redemption, as the board may prescribe;
- (7) Shall be sold in such manner and at such price as the board may prescribe;
- (8) Shall be issued under and subject to such terms, conditions and covenants providing for the payment of the principal thereof and interest thereon and such other terms, conditions, covenants and protective provisions safeguarding such payment, not inconsistent with RCW 28B.30.700 through 28B.30.780, and as found to be necessary by the board for the most advantageous sale thereof, which may include but not be limited to:

(a) A covenant that the building fees shall be established, maintained and collected in such amounts that will provide money sufficient to pay the principal of and interest on all bonds payable out of the bond retirement account, to set aside and maintain the reserves required to secure the payment of such principal and interest, and to

maintain any coverage which may be required over such principal and interest;

(b) A covenant that a reserve account shall be created in the bond retirement fund to secure the payment of the principal of and interest on all bonds issued and a provision made that certain amounts be set aside and maintained therein;

(c) A covenant that sufficient moneys may be transferred from the Washington State University building account to the bond retirement account when ordered by the board of regents in the event there is ever an insufficient amount of money in the bond retirement account to pay any installment of interest or principal and interest coming due on the bonds or any of them;

(d) A covenant fixing conditions under which bonds on a parity with any bonds outstanding may be issued;

(e) A covenant to obligate, to pay the principal of or interest on the bonds, all or a component of the fees and revenues of Washington State University that are not subject to appropriation by the legislature and that do not constitute general state revenues as defined in Article VIII, section 1 of the state Constitution or general state revenues for the purpose of calculating statutory limits on state indebtedness pursuant to RCW 39.42.060.

The proceeds of the sale of all bonds (~~shall be deposited in the state treasury to the credit of the Washington State University building account and~~) issued in accordance with this chapter shall be used solely for paying the costs of the projects, including costs of issuance and other financing costs. The Washington State University building account shall be credited with the investment income derived pursuant to RCW 43.84.080 on the investable balances of scientific permanent fund and agricultural permanent fund, less the allocation to the state treasurer's service fund pursuant to RCW 43.08.190. (~~During the 2001-2003 fiscal biennium, the legislature may transfer from the Washington State University building account to the state general fund such amounts as reflect the excess fund balance of the account.~~)"

On page 1, line 2 of the title, after "universities;" strike the remainder of the title and insert "and amending RCW 28B.15.210, 28B.15.310, 28B.20.720, 28B.30.740, 28B.35.370, 28B.50.360, 28B.20.715, 28B.20.735, and 28B.30.730."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative White spoke in favor of the passage of the bill.

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2254, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2254, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney,

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Kessler, Kirby, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Johnson, Kelley, Klippert, Kretz, Kristiansen, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Walsh.

Excused: Representatives Armstrong and Hasegawa.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate insists on its position on ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701 and asks the House to concur thereon, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1701 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Hudgins and Crouse spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1701, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1701, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Hasegawa.

SUBSTITUTE HOUSE BILL NO. 1701, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

Mr. Speaker:

The Senate refuses to concur in the House amendment (621) (BARC 034) to ENGROSSED SENATE BILL NO. 5013 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment (621) to ENGROSSED SENATE BILL NO. 5013, and advanced the bill, without the House amendment, to final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5013 without House amendment (621).

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5013, without House amendment (621) and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Bailey, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Klippert, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Kretz, Kristiansen, Liias, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representatives Armstrong and Hasegawa.

ENGROSSED SENATE BILL NO. 5013, without House amendment (621), having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 24, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5263 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to ENGROSSED SUBSTITUTE SENATE BILL NO. 5263. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, by Senate Committee on Judiciary (originally sponsored by Senators Hargrove, Brandland and Tom)

Prohibiting devices in schools that are designed to administer to a person or an animal an electric shock, charge, or impulse.

Representative Pedersen moved the adoption of amendment (912).

On page 3, line 37, after "activities" insert ". However, a person who is not a commissioned law enforcement officer and who provides school security services under the direction of a school administrator may not possess a device listed in subsection (1)(f) of this section unless he or she has successfully completed training in the use of such devices that is equivalent to the training received by commissioned law enforcement officers"

Representatives Pedersen and Rodne spoke in favor of the adoption of the amendment.

Amendment (912) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on second reading.

Representatives Pedersen, Rodne and Klippert spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5263, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5263, as amended by the House, and the bill passed the House by the following vote: Yeas, 81; Nays, 15; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pedersen, Pettigrew, Priest, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler, Condotta, Cox, Crouse, Hinkle, Kretz, Kristiansen, Orcutt, Pearson, Probst, Schmick, Shea, Short, Taylor and Warnick.

Excused: Representatives Armstrong and Hasegawa.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263, as amended by the House, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HB 2387 by Representatives Campbell, Chase and Appleton

AN ACT Relating to the humane treatment of dogs; adding a new section to chapter 16.52 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Judiciary.

There being no objection, the bill listed on the day's introduction sheet under the fourth order of business was referred to the committee so designated.

CONFERENCE COMMITTEE REPORT

SSB 5574

April 24, 2009

Includes "New Item": NO

Mr. Speaker:

We of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5574, protecting consumer data in motor vehicles, have had the same under consideration and we recommend that:

the House floor striking amendment (H-3232.1/09) be adopted

and that the bill do pass as recommended by the Conference Committee. (For amendment, see Journal, Day 93, April 14, 2009).

Senators Kohl-Welles, Kauffman and Holmquist
Representatives Clibborn, Eddy and Shea

There being no objection, the House adopted the Conference Committee report on SUBSTITUTE SENATE BILL NO. 5574 and advanced the bill as recommended by the conference committee to final passage.

There being no objection, the House advanced to the seventh order of business.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representatives Clibborn and Shea spoke in favor of the passage of the bill as recommended by the conference committee.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5574 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5574, as recommended by the conference committee, and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Hasegawa.

SUBSTITUTE SENATE BILL NO. 5574, as recommended by the conference committee, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1614, by Representatives Ormsby, Priest, Rodne, Eddy, Hunt, Pettigrew, Upthegrove, Blake, Nelson, Appleton, Pedersen, Simpson, Darneille, Williams, Hudgins, Dunshee, McCoy and Wood

Reducing the amount of petroleum pollution in storm water.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1614 was substituted for House Bill No. 1614 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1614 was read the second time.

With the consent of the House, amendments (869) and (890) were withdrawn. Amendment (883), which was drafted to amendment (869), was ruled out of order.

Representative Ormsby moved the adoption of amendment (889):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that contaminated storm water runoff is a major water pollution problem in the state creating a significant burden on the rivers, aquifers, lakes, and streams across Washington. In addition, mitigating the burdens of storm water and storm water pollution is one of the Puget Sound partnership's top strategic priorities for Puget Sound recovery.

(2) The legislature recognizes that the burden of storm water pollution is a function of both increased volumes of storm water runoff due to the expansion of impervious surfaces and the toxic substances that pollute the runoff. Local governments may address the burdens created by increased impervious surface through storm water utility fees, but it has been difficult to regulate the toxic substances that contaminate storm water runoff and result in nonpoint source pollution.

(3) The legislature finds that contamination from one category of toxic substances, petroleum products, accounts for a significant portion of the total pollution load in Puget Sound and other areas in the state.

(4) The legislature finds that, although future expenditures for required storm water remediation have not been fully quantified, existing information shows that near-term costs for storm water permit compliance and retrofit projects are in excess of one billion dollars. To meet federal storm water permit requirements and complete other storm water projects necessary to meet water quality recovery goals, more than two hundred fifty million dollars will need to be spent by cities, counties, ports, and the state department of transportation every year. The fee imposed in section 3 of this act on petroleum products, which account for between forty-five percent and sixty-five percent of storm water pollution, will generate less than half of the minimum of the annual costs of necessary storm water remediation projects.

(5) The legislature finds that the burden of storm water pollution from petroleum products is difficult to offset because the source of pollution is not a single physical point, but occurs wherever the petroleum products are purchased, consumed, or used. Nonpoint pollution sources like petroleum and petroleum byproducts contaminate storm water through a multitude of pathways. Combustion of gasoline, diesel, residual fuel oil, and other petroleum products emit pollutants such as hydrocarbons, polycyclic aromatic hydrocarbons, zinc, and arsenic, which then disperse and deposit on the ground. Petroleum-based chemicals leach from substances like paving asphalt. Oil and grease drip from vehicles and equipment onto roads and parking lots. When rainwater flows across impervious surfaces, these contaminants are mobilized and transported to water bodies.

(6) The legislature finds that the possession of petroleum and petroleum byproducts such as asphalt and road oil, lubricants, motor vehicle fuel, and motor diesel fuel directly contributes to storm water contamination because once these products are present in the state, the immediate, foreseeable, and unavoidable consequences of their distribution and use are emissions that significantly contribute to storm water pollution.

(7) The legislature finds that the federal government and the state of Washington have identified remediation of storm water runoff through national pollutant discharge elimination system phase I and II as a requirement for the state and local jurisdictions. Impacts from the polluted storm water may be mitigated through retrofit projects for existing infrastructure.

(8) The legislature finds that resources needed to offset the direct burdens of storm water polluted by these substances are insufficient to meet existing needs. Existing funding is raised largely by local governments and is disproportionately borne by fees levied on individual developers and property owners.

(9) Finally, the legislature finds that imposing a fee on the first in-state possession of petroleum products that contribute to nonpoint storm water pollution is the most administratively feasible method of regulation that proportionally allocates the costs of offsetting the burdens that these products place on the environment. The legislature therefore authorizes a fee to regulate nonpoint source pollution from petroleum products and offset the burdens that such nonpoint pollution places on the environment and the waters of the state.

NEW SECTION. Sec. 2. A new section is added to chapter 90.48 RCW to read as follows:

(1) The water pollution account is created in the state treasury. All fees collected under section 3 of this act must be deposited in the account. Moneys in the account may be spent only after appropriation. Expenditures from the account must be used on activities or capital projects that mitigate or prevent storm water pollution by petroleum products or storm water pollution associated with petroleum products.

(2) After deducting the department's administrative costs associated with collecting the fees and administering a competitive grant process:

(a) Approximately forty percent of the moneys must be allocated through the grant process to local governments to fund activities or capital projects that address petroleum contamination of storm water through the implementation of the national pollutant discharge elimination system programs permitted under this chapter. To be eligible, local governments must provide fifty percent of project or activity costs from other nonstate fund sources. To qualify for funding, applicants must also demonstrate the following:

(i) A clear relationship between petroleum products that contribute to storm water pollution and the project's or activity's outcomes; and

(ii) For project proposals, that the project is an identified priority based on an analysis of ecological or water quality needs throughout the jurisdiction, basin, or watershed.

(b) Approximately forty percent of the moneys must be allocated through the grant process to local governments for retrofit projects that address petroleum contamination of storm water. The moneys must be prioritized for projects that utilize low-impact development retrofit strategies, but moneys may be awarded for other retrofit projects if the site does not lend itself to low-impact development techniques. After December 31, 2012, in order to qualify for funding, applicants must demonstrate the following:

(i) A clear relationship between petroleum products that contribute to storm water pollution and the project's outcomes; and

(ii) That the project is an identified priority based on an analysis of ecological or water quality needs throughout the jurisdiction, basin, or watershed.

(c) Approximately ten percent of the money must be allocated as grants to the department of transportation to fund activities or capital projects that address petroleum contamination of storm water related to existing transportation infrastructure through the implementation of the department of transportation's national pollutant discharge elimination system programs permitted under this chapter. To qualify for funding, the department must demonstrate the following:

(i) A clear relationship between petroleum products that contribute to storm water pollution and the project's or activity's outcomes; and

(ii) For project proposals, that the project is an identified priority based on an analysis of ecological or water quality needs throughout the jurisdiction, basin, or watershed.

(d) Approximately ten percent of the money must be allocated through either existing storm water grant programs or the grant process to projects under (a) or (b) of this subsection and to the highest priority projects based upon ecological and water quality benefits determined by the department. For projects qualifying under this subsection (2)(d), moneys may be allocated to meet the matching requirements under (a) of this subsection to jurisdictions that demonstrate economic hardship in meeting the matching requirement. To qualify for funding, applicants must also demonstrate the following:

(i) A clear relationship between petroleum products that contribute to storm water pollution and the project's outcomes; and
 (ii) That the project is an identified priority based on an analysis of ecological or water quality needs throughout the jurisdiction, basin, or watershed.

(3) The department shall develop criteria for administering the program and ranking projects for funding. In developing criteria applicable to projects in the Puget Sound basin, the department shall consult with the Puget Sound partnership. All projects approved for funding must demonstrate the potential to achieve clear ecological or water quality benefits. The department shall endeavor to distribute the moneys within each geographic region of the state in proportion to the severity of impacts on the state's waters from petroleum contamination.

(4) Administration of the grant program, including the collection of fees under section 3 of this act, must be paid for out of the water pollution account. Notwithstanding program implementation costs, no more than three percent of the moneys from the account may be used to administer the grant program on a continuing basis.

(5) The department shall initiate the grant application process by July 1, 2010.

(6) By December 1, 2011, and every two years thereafter, the department shall report to the governor and the appropriate committees of the legislature on the progress of the program and the suitability of the percentage allocations specified in subsection (2)(a) through (d) of this section.

(7) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Low-impact development" means a storm water management and land development strategy applied at the parcel and subdivision level that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

(b) "Retrofit" means the renovation of existing development to improve or eliminate storm water problems associated with the site.

(c) "Capital project" means the capital project, including the construction and associated costs, described in capital budget instructions issued by the office of financial management.

NEW SECTION. Sec. 3. A new section is added to chapter 90.48 RCW to read as follows:

(1) Effective January 1, 2010, a fee is imposed on the first possession of petroleum products that contribute to storm water pollution, as defined in subsection (6) of this section, for the purpose of offsetting the burden caused by petroleum pollution of storm water in this state. The fee is one dollar and fifty cents per barrel of petroleum product that contributes to storm water pollution.

(2) Fees collected under this section must be deposited in the water pollution account created in section 2 of this act and applied solely for the pollution prevention and mitigation purposes permitted under section 2 of this act and for the administration of the program required under section 2 of this act.

(3) The fee must be collected by the department. No later than January 1, 2010, the department shall adopt rules governing the collection of the fees. The department may enter into agreements with other state agencies to facilitate the most efficient collection system.

(4) It is the intent of this section to impose a fee only once for petroleum products that contribute to storm water pollution that are possessed in this state. Accordingly, the fee is imposed on the first possession of such products. The fee is not imposed on the possession of small amounts of petroleum products that is first possessed by a consumer or by a retailer for the purpose of sale to ultimate consumers.

(5) Petroleum products exported from or sold for export from the state are not subject to the fee imposed under this section.

(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Barrel" means a unit of measurement of volume equal to forty-two United States gallons of petroleum product.

(b) "Control" means the power to sell or use the petroleum product or to authorize the sale or use by another.

(c) "Petroleum products that contribute to storm water pollution" means asphalt and road oil, lubricants, motor vehicle fuel, motor diesel fuel, and residual fuel oil, and any other petroleum substance that the department determines contributes to storm water pollution in the state. The term does not include crude oil, aviation gasoline, jet fuel, home heating oil, dyed special fuel, or clear special fuel used for agricultural purposes.

(d) "Possession" means the act of taking control of the petroleum product located within this state, whether the person taking control does so by bringing, receiving, creating, or extracting the petroleum product in this state, and includes both actual and constructive possession. "Actual possession" occurs when the person with control obtains physical possession. "Constructive possession" occurs when the person with control does not obtain physical possession."

Correct the title.

Representative Ormsby moved the adoption of amendment (891) to amendment (889):

On page 3, line 35 of the striking amendment, after "techniques." strike "After December 31, 2012, in order to" and insert "To"

Representative Ormsby spoke in favor of the adoption of the amendment to amendment (889).

Representative Warnick spoke against the adoption of the amendment to amendment (889).

Amendment (891) to amendment (889) was adopted.

Amendment (889) as amended was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Ormsby spoke in favor of the passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Representative Ross: "Mr. Speaker, as you know, simply calling an extraction a "fee" does not exempt it from the 2/3 vote requirement under Initiative 960.

House Bill 1614 imposes a \$1.50 per barrel "fee" on the first possession of petroleum products. The money is deposited in the newly created Water Pollution Account for the purpose of mitigating or preventing storm water pollution from petroleum products.

While this language would appear to tie this "fee" to a specific purpose, there does not appear to be a sufficient connection between those paying the fee and the benefits of mitigating or preventing storm water pollution from petroleum products. In fact, the Department of Ecology has identified at least 14 different sources of storm water contamination, petroleum being one of them. It appears that the money from this new account could also go toward the cleanup of the remaining 13 non-petroleum storm water pollutants.

I believe the benefits of mitigating or preventing storm water pollution benefit the general public, not just those paying this fee, suggesting that House Bill 1614 is actually a tax.

Mr. Speaker, does House Bill 1614 require a 2/3 vote under Initiative 960? Thank you."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "In ruling upon the point of inquiry whether Substitute House Bill No. 1614 requires a two-thirds vote on final passage under statutes enacted by Initiative 960 because it "raises taxes", the Speaker finds and rules as follows:

Determining whether a revenue measure requires a simple majority or a 2/3 vote can be a difficult challenge. To be considered a fee, there must be a relationship between the source of the revenue and the purposes for which the proceeds may be used. The more direct the connection between the money collected and the narrow purpose for which it may be spent, the more likely it is a fee.

Substitute House Bill 1614 raises revenue by imposing a \$1.50 charge on the first possession of each barrel of petroleum products that contribute to storm water pollution. The revenue raised may only be used to fund projects that mitigate storm water pollution and that demonstrate a clear relationship between these petroleum products and project outcomes.

While revenue raised by the charge is substantial, other significant funding sources finance storm water remediation and retrofit projects. The bill includes a legislative finding that to meet federal storm water permit requirements and complete other storm water projects necessary to meet water quality recovery goals, more than two hundred fifty million dollars will need to be spent by cities, counties, ports, and the state department of transportation every year.

The bill also includes a legislative finding that petroleum products account for forty-five to sixty-five percent of the pollution in storm water. The charge imposed in Substitute House Bill 1614 will generate less than half of the minimum of the annual costs of necessary storm water remediation projects, and thus will mitigate only a portion of the burden that the covered petroleum products place on the environment through nonpoint storm water pollution.

Substitute House Bill 1614 is narrowly tailored to fund projects that address the specific impacts of these petroleum products in storm water. The Speaker finds that the revenue source is sufficiently limited so as to be considered a fee for a dedicated purpose. For these reasons, the Speaker finds that the measure will take only a simple majority for final passage."

Representative Nelson spoke in favor of the passage of the bill.

POINT OF ORDER

Representative Ericksen: "I urge the good gentle lady from District 34th to contain her comments to the bill in front of us."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you for your point of order, Representative Ericksen. The Speaker believes that the remarks of the good lady from the 34th District are in regard to her expressing her thoughts in regard to the industry to whom the fees are being placed on to be able to absorb or afford these costs. The Speaker would also agree that the examples in question are getting close to inflaming debate not engendering it and would caution the good lady to pick her words carefully.

Your point is partially well taken, Mr. Ericksen."

Representatives Nelson (again), Upthegrove, Finn, Campbell, McCoy, Chase, Lias and Appleton spoke in favor of the passage of the bill.

Representatives Orcutt, Warnick, Hinkle, Johnson, DeBolt, Angel and Haler spoke against the passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Representative Simpson: "Under Rule 22 of the House anyone can appeal the decision of the Speaker but I believe it disrespectful to the Speaker and indecorous to the House and institution, to continually assert that the Speaker's ruling was incorrect. This is a fee, not a tax."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you for your point of order, Mr. Simpson. Your point is well taken. The Speaker has ruled on a point of parliamentary inquiry on the question of a fee or tax. The Speaker would ask the members to confine their remarks to the policy question in the bill before us."

Representatives Haler (again), Taylor, Kretz, Smith, Klippert, Ross and Ericksen spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1614.

MOTION

On motion of Representative Hinkle, Representative Roach was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1614 and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Blake, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Linville, McCune, Morris, Orcutt, Parker, Pearson, Probst, Quall, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Walsh and Warnick.

Excused: Representatives Armstrong and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1614, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

April 25, 2009

HB 2357 Prime Sponsor, Representative Cody: Concerning modifying nursing facility medicaid payments by clarifying legislative intent regarding the statewide weighted average, freezing case mix indices, and revising the use of the economic trends and conditions factor. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SB 6002 Prime Sponsor, Senator Keiser: Abolishing the Washington state quality forum. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority

Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SB 6121 Prime Sponsor, Senator Tom: Regarding the surcharge to fund biotoxin testing and monitoring. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SB 6165 Prime Sponsor, Senator Ranker: Allowing greater use of short boards for appeals before the shorelines hearings board. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SB 6168 Prime Sponsor, Senator Tom: Reducing costs in state elementary and secondary education programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SSB 6171 Prime Sponsor, Committee on Ways & Means: Concerning savings in programs under the supervision of the department of health. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SSB 6172 Prime Sponsor, Committee on Ways & Means: Suspending the powers and duties of the oil spill advisory council for the 2009-2011 biennium. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"**NEW SECTION. Sec. 1.** During the 2009-2011 biennium, the powers and duties of the oil spill advisory council established in RCW 90.56.120 and 90.56.130 are suspended.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2009."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SB 6179 Prime Sponsor, Senator Tom: Concerning chemical dependency specialist services. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SB 6181 Prime Sponsor, Senator Tom: Concerning the intensive resource home pilot. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

SUPPLEMENTAL REPORTS OF STANDING COMMITTEES

April 25, 2009

HB 2376 Prime Sponsor, Representative Pettigrew: Delaying the implementation of Initiative Measure No. 1029. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler and Schmick.

Passed to Committee on Rules for second reading.

April 25, 2009

ESB 5915 Prime Sponsor, Senator Prentice: Authorizing emergency rule making when the state employment growth forecast is estimated to be less than one percent. (REVISED FOR ENGROSSED: Authorizing emergency rule making when necessary to implement budget appropriations and reductions.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross and Schmick.

April 25, 2009
ESB 5995 Prime Sponsor, Senator Pridmore: Eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009. (REVISED FOR ENGROSSED: Eliminating certain boards, committees, and commissions and the transfer of certain duties.) Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Intent. One of the key roles of advisory boards, committees, and commissions is to provide input, advice and recommendations from stakeholders, other interested parties, and the public to state agencies. Some advisory boards, committees, and commissions may be abolished without detriment to the mission of the agency each supports. Most of the advisory functions of some boards, committees, and commissions can be performed without the administrative costs of maintaining formal organizations. In the interest of building a leaner, more efficient, and more responsible government, this vital communications conduit must be maintained for the benefit of the state and its citizens, through the use of modern communication technology. It is the intent of the legislature this interim to identify criteria to evaluate those advisory boards, committees, and commissions that may be eliminated or consolidated, and for agencies to identify new, less costly, and more effective opportunities to ensure a broad range of citizen participation is provided and that all reasonable efforts are made to ensure that channels are maintained for vital input from the citizens of Washington.

Acupuncture Ad Hoc Committee

Sec. 2. RCW 18.06.080 and 1995 c 323 s 7 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of Licensed Acupuncturist.

(4) ~~((The secretary may appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.~~

~~—((5)))~~ The secretary, ad hoc committee members, or individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Airport Impact Mitigation Advisory Board

Sec. 3. RCW 43.63A.760 and 2003 1st sp.s. c 26 s 928 are each amended to read as follows:

(1) The airport impact mitigation account is created in the custody of the state treasury. Moneys deposited in the account, including moneys received from the port of Seattle for purposes of this section, may be used only for airport mitigation purposes as provided in this section. Only the director of the department of community, trade, and economic development or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) The department of community, trade, and economic development shall establish a competitive process to prioritize applications for airport impact mitigation assistance through the account created in subsection (1) of this section. The department shall conduct a solicitation of project applications in the airport impact area as defined in subsection ~~((4))~~ (3) of this section. Eligible applicants include public entities such as cities, counties, schools, parks, fire districts, and shall include organizations eligible to apply for grants under RCW 43.63A.125. The department of community, trade, and economic development shall evaluate and rank applications ~~((in conjunction with the airport impact mitigation advisory board established in subsection (3) of this section))~~ using objective criteria developed by the department ~~((in conjunction with the airport impact mitigation advisory board))~~. At a minimum, the criteria must consider: The extent to which the applicant is impacted by the airport; and the other resources available to the applicant to mitigate the impact, including other mitigation funds. The director of the department of community, trade, and economic development shall award grants annually to the extent funds are available in the account created in subsection (1) of this section.

~~(3) ((The director of the department of community, trade, and economic development shall establish the airport impact mitigation advisory board comprised of persons in the airport impact area to assist the director in developing criteria and ranking applications under this section. The advisory board shall include representation of local governments, the public in general, businesses, schools, community services organizations, parks and recreational activities, and others at the discretion of the director. The advisory board shall be weighted toward those communities closest to the airport that are more adversely impacted by airport activities.~~

~~—((4)))~~ The airport impact area includes the incorporated areas of Burien, Normandy Park, Des Moines, SeaTac, Tukwilla, Kent, and Federal Way, and the unincorporated portion of west King county.

~~((5)))~~ (4) The department of community, trade, and economic development shall report on its activities related to the account created in this section by January 1, 2004, and each January 1st thereafter.

Advisory Council on Adult Education

NEW SECTION. Sec. 4. RCW 28B.50.254 (Advisory council on adult education--Workforce training and education coordinating board to monitor) and 1991 c 238 s 19 are each repealed.

Sec. 5. RCW 28C.18.050 and 1995 c 130 s 3 are each amended to read as follows:

(1) The board shall be designated as the state board of vocational education as provided for in P.L. 98-524, as amended, and shall perform such functions as is necessary to comply with federal directives pertaining to the provisions of such law.

(2) The board shall perform the functions of the human resource investment council as provided for in the federal job training partnership act, P.L. 97-300, as amended:

(3) The board shall provide policy advice for any federal act pertaining to workforce development that is not required by state or federal law to be provided by another state body.

(4) Upon enactment of new federal initiatives relating to workforce development, the board shall advise the governor and the legislature on mechanisms for integrating the federal initiatives into the state's workforce development system and make recommendations on the legislative or administrative measures necessary to streamline and coordinate state efforts to meet federal guidelines.

(5) The board shall monitor for consistency with the state comprehensive plan for workforce training and education the policies and plans established by the state job training coordinating council (~~the advisory council on adult education~~) and the Washington state plan for adult basic education, and provide guidance for making such policies and plans consistent with the state comprehensive plan for workforce training and education.

Sec. 6. RCW 28C.18.090 and 1995 c 130 s 4 are each amended to read as follows:

(1) The board shall specify, by December 31, 1995, the common core data to be collected by the operating agencies of the state training system and the standards for data collection and maintenance required in RCW 28C.18.060(8).

(2) The minimum standards for program evaluation by operating agencies required in RCW 28C.18.060(9) shall include biennial program evaluations; the first of such evaluations shall be completed by the operating agencies July 1, 1996. The program evaluation of adult basic skills education shall be provided by the (~~advisory council on adult education~~) board.

(3) The board shall complete, by January 1, 1996, its first outcome-based evaluation and, by September 1, 1996, its nonexperimental net-impact and cost-benefit evaluations of the training system. The outcome, net-impact, and cost-benefit evaluations shall for the first evaluations, include evaluations of each of the following programs: Secondary vocational-technical education, work-related adult basic skills education, postsecondary workforce training, job training partnership act titles II and III, as well as of the system as a whole.

(4) The board shall use the results of its outcome, net-impact, and cost-benefit evaluations to develop and make recommendations to the legislature and the governor for the modification, consolidation, initiation, or elimination of workforce training and education programs in the state.

The board shall perform the requirements of this section in cooperation with the operating agencies.

Character-Building Residential Services in Prisons, Oversight Committee

NEW SECTION. Sec. 7. RCW 72.09.800 (Comprehensive plan for character-building residential services in prisons--Establishment of oversight committee) and 2008 c 104 s 2 are each repealed.

Displaced Homemaker Program Statewide Advisory Committee

NEW SECTION. Sec. 8. RCW 28B.04.085 (Displaced homemaker program advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each repealed.

Adult Family Home Advisory Committee

NEW SECTION. Sec. 9. RCW 70.128.225 (Advisory committee) and 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed. Sec. 10. RCW 70.128.163 and 2001 c 193 s 6 are each amended to read as follows:

(1) When the department has summarily suspended a license, the licensee may, subject to the department's approval, elect to participate in a temporary management program. All provisions of this section shall apply.

The purposes of a temporary management program are as follows:

(a) To mitigate dislocation and transfer trauma of residents while the department and licensee may pursue dispute resolution or appeal of a summary suspension of license;

(b) To facilitate the continuity of safe and appropriate resident care and services;

(c) To preserve a residential option that meets a specialized service need and/or is in a geographical area that has a lack of available providers; and

(d) To provide residents with the opportunity for orderly discharge.

(2) Licensee participation in the temporary management program is voluntary. The department shall have the discretion to approve any temporary manager and the temporary management arrangements. The temporary management shall assume the total responsibility for the daily operations of the home.

(3) The temporary management shall contract with the licensee as an independent contractor and is responsible for ensuring that all minimum licensing requirements are met. The temporary management shall protect the health, safety, and well-being of the residents for the duration of the temporary management and shall perform all acts reasonably necessary to ensure that residents' needs are met. The licensee is responsible for all costs related to administering the temporary management program and contracting with the temporary management. The temporary management agreement shall at a minimum address the following:

(a) Provision of liability insurance to protect residents and their property;

(b) Preservation of resident trust funds;

(c) The timely payment of past due or current accounts, operating expenses, including but not limited to staff compensation, and all debt that comes due during the period of the temporary management;

(d) The responsibilities for addressing all other financial obligations that would interfere with the ability of the temporary manager to provide adequate care and services to residents; and

(e) The authority of the temporary manager to manage the home, including the hiring, managing, and firing of employees for good cause, and to provide adequate care and services to residents.

(4) The licensee and department shall provide written notification immediately to all residents, legal representatives, interested family members, and the state long-term care ombudsman program, of the temporary management and the reasons for it. This notification shall include notice that residents may move from the home without notifying the licensee in advance, and without incurring any charges, fees, or costs otherwise available for insufficient advance notice, during the temporary management period.

(5) The temporary management period under this section concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of administrative proceedings, whichever date is later. Nothing in this section precludes the department from revoking its approval of the temporary management and/or exercising its licensing enforcement authority under this chapter. The department's decision whether to approve or to revoke a temporary management arrangement is not subject to the administrative procedure act, chapter 34.05 RCW.

(6) The department is authorized to adopt rules implementing this section. In implementing this section, the department shall consult with consumers, advocates, (~~the adult family home advisory committee established under chapter 18.48 RCW~~) and organizations representing adult family homes. The department may recruit and approve qualified, licensed providers interested in serving as temporary managers.

Boarding Home Advisory Board

NEW SECTION. Sec. 11. RCW 18.20.260 (Advisory board) and 2000 c 47 s 8 are each repealed.

Citizens' Work Group on Health Care Reform

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

2008 c 311 s 1 (uncodified);

2008 c 311 s 2 (uncodified);

2008 c 311 s 3 (uncodified); and

2008 c 311 s 4 (uncodified).

Firearms Range Advisory Committee

NEW SECTION. Sec. 13. RCW 79A.25.220 (Firearms range advisory committee) and 2007 c 241 s 55, 1993 sp.s. c 2 s 71, & 1990 c 195 s 3 are each repealed.

Model Toxic Control Act Science Advisory Board

NEW SECTION. Sec. 14. 1997 c 406 s 1 (uncodified) is repealed.

Sec. 15. RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and 2007 c 104 s 19 are each reenacted and amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion

on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before December 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts; and

(e) Provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~(5) ((The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020 and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

~~—(6))~~ The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~((7))~~ (6) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department

has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Oil Heat Advisory Committee

Sec. 16. RCW 70.149.040 and 2007 c 240 s 1 are each amended to read as follows: The director shall: (1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the director finds that contamination is not present or that the contamination is apparently minor and not a threat to human health or the environment, the director may provide written opinions and conclusions on the results of the investigation to owners and operators of active and abandoned heating oil tanks. The agency is authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited in the heating oil pollution liability trust account. The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

(12) ~~((Create an advisory committee of stakeholders to advise the director on all aspects of program operations and fees authorized by this chapter, including pollution prevention programs. The advisory committee must have one member each from the Pacific Northwest oil heat council, the Washington oil marketers association, the western states petroleum association, and the department of ecology and three members from among the owners of home heating~~

oil tanks registered with the pollution liability insurance agency who are generally representative of the geographical distribution and types of registered owners. The committee should meet at least quarterly, or more frequently at the discretion of the director, and
 (13)) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees.

Parks Centennial Advisory Committee

Sec. 17. RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read as follows:
 This act expires (~~December 31, 2013~~) June 30, 2009.

Prescription Drug Purchasing Consortium Advisory Committee

Sec. 18. RCW 70.14.060 and 2005 c 129 s 1 are each amended to read as follows:

(1) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under this section. The administrator shall not require any supplemental rebate offered to the department of social and health services by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

(3) ~~(The prescription drug consortium advisory committee is created within the authority. The function of the prescription drug advisory committee is to advise the administrator of the state health care authority on the implementation of the prescription drug purchasing consortium.~~

~~(4) The prescription drug consortium advisory committee shall be composed of eleven members selected as provided in this subsection.~~

~~(a) The administrator shall select one member of the prescription drug consortium advisory committee from each list of three nominees submitted by statewide organizations representing the following:~~

~~(i) One representative of state employees, who represents an employee union certified as exclusive representative of at least one bargaining unit of classified employees;~~

~~(ii) One member who is a licensed physician;~~

~~(iii) One member who is a licensed pharmacist;~~

~~(iv) One member who is a licensed advanced registered nurse practitioner;~~

~~(v) One member representing a health carrier licensed under Title 48 RCW; and~~

~~(vi) One member representing unions that represent private sector employees;~~

~~(b) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing consumers. One of the consumer members shall have knowledge or experience regarding senior citizen prescription drug cost and utilization issues;~~

~~(c) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide~~

~~organizations representing business, one of whom shall represent small businesses who employ fifty or fewer employees and one of whom shall represent large businesses; and~~

~~(d) The administrator shall select one member who is versed in biologic medicine through research or academia from the University of Washington or Washington State University.~~

~~(5) The administrator shall consult with the advisory committee on at least a quarterly basis on significant policy decisions related to implementation of the purchasing consortium.~~

~~(6)) This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.~~

~~((7)) (4) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.~~

~~((8)) (5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.~~

Risk Management Advisory Committee

NEW SECTION. Sec. 19. RCW 4.92.230 (Risk management--Advisory committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are each repealed.

Sec. 20. RCW 4.92.130 and 2002 c 332 s 14 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager (~~with the consultation and advice of the risk management advisory committee~~). An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the risk management division. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the risk management division in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds.

Securities Advisory Committee

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

- (1) RCW 21.20.550 (State advisory committee--Composition, appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282 s 55;
- (2) RCW 21.20.560 (State advisory committee--Chairperson, secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s 4, & 1959 c 282 s 56;
- (3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and 1959 c 282 s 57;
- (4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and
- (5) RCW 21.20.590 (State advisory committee--Reimbursement of travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, & 1959 c 282 s 59.

Radiologic Technologists Ad Hoc Committee

Sec. 22. RCW 18.84.040 and 2008 c 246 s 4 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

- (a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;
- (b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;
- (c) Establish forms and procedures necessary to administer this chapter;
- (d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;
- (e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;
- (f) Issue a certificate to any applicant who has met the education, training, examination, and conduct requirements for certification; and
- (g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

~~((4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.))~~

Sec. 23. RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended to read as follows:

The secretary (~~--ad hoc committee members--~~) or individuals acting on (~~their~~) his or her behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Pesticide Committees

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

- (1) RCW 17.15.040 (Interagency integrated pest management coordinating committee--Creation--Composition--Duties--Public notice--Progress reports) and 1997 c 357 s 5;
- (2) RCW 17.21.230 (Pesticide advisory board) and 1994 c 283 s 26, 1989 c 380 s 54, 1988 c 36 s 8, 1974 ex.s. c 20 s 1, 1971 ex.s. c 191 s 8, 1967 c 177 s 14, & 1961 c 249 s 23;

(3) RCW 17.21.240 (Pesticide advisory board--Vacancies) and 1994 c 283 s 27, 1989 c 380 s 55, & 1961 c 249 s 24;

(4) RCW 17.21.250 (Pesticide advisory board--Duties) and 1989 c 380 s 56 & 1961 c 249 s 25;

(5) RCW 17.21.260 (Pesticide advisory board--Officers, meetings) and 1994 c 283 s 28, 1989 c 380 s 57, & 1961 c 249 s 26; and

(6) RCW 17.21.270 (Pesticide advisory board--Travel expenses) and 1989 c 380 s 58, 1975-'76 2nd ex.s. c 34 s 24, & 1961 c 249 s 27.

Sec. 25. RCW 15.92.070 and 1991 c 341 s 8 are each amended to read as follows:

The laboratory is advised by a board appointed by the dean of the Washington State University college of agriculture and home economics. The dean shall cooperate with appropriate officials in Washington, Idaho, and Oregon in selecting board members.

(1) The board shall consist of one representative from each of the following interests: A human toxicologist or a health professional knowledgeable in worker exposure to pesticides, the Washington State University vice-provost for research or research administrator, representatives from the state department of agriculture, the department of ecology, the department of health, the department of labor and (~~industry [industries]~~) industries, privately owned Washington pesticide analytical laboratories, federal regional pesticide laboratories, an Idaho and Oregon laboratory, whether state, university, or private, a chemical and fertilizer industry representative, farm organizations, food processors, marketers, farm labor, environmental organizations, and consumers. Each board member shall serve a three-year term. The members of the board shall serve without compensation but shall be reimbursed for travel expenses incurred while engaged in the business of the board as provided in RCW 43.03.050 and 43.03.060.

(2) The board (~~(is in liaison with the pesticide advisory board and the pesticide incident reporting and tracking panel and)~~) shall review the chemicals investigated by the laboratory according to the following criteria:

(a) Chemical uses for which a database exists on environmental fate and acute toxicology, and that appear safer environmentally than pesticides available on the market;

(b) Chemical uses not currently under evaluation by public laboratories in Idaho or Oregon for use on Washington crops;

(c) Chemicals that have lost or may lose their registration and that no reasonably viable alternatives for Washington crops are known; and

(d) Other chemicals vital to Washington agriculture.

(3) The laboratory shall conduct research activities using approved good laboratory practices, namely procedures and recordkeeping required of the national IR-4 minor use pesticide registration program.

(4) The laboratory shall coordinate activities with the national IR-4 program.

Sec. 26. RCW 17.21.020 and 2004 c 100 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Agricultural commodity" means any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(2) "Agricultural land" means land on which an agricultural commodity is produced or land that is in a government-recognized conservation reserve program. This definition does not apply to private gardens where agricultural commodities are produced for personal consumption.

(3) "Antimicrobial pesticide" means a pesticide that is used for the control of microbial pests, including but not limited to viruses, bacteria, algae, and protozoa, and is intended for use as a disinfectant or sanitizer.

(4) "Apparatus" means any type of ground, water, or aerial equipment, device, or contrivance using motorized, mechanical, or pressurized power and used to apply any pesticide on land and anything that may be growing, habitating, or stored on or in such

land, but shall not include any pressurized handsized household device used to apply any pesticide, or any equipment, device, or contrivance of which the person who is applying the pesticide is the source of power or energy in making such pesticide application, or any other small equipment, device, or contrivance that is transported in a piece of equipment licensed under this chapter as an apparatus.

(5) "Arthropod" means any invertebrate animal that belongs to the phylum arthropoda, which in addition to insects, includes allied classes whose members are wingless and usually have more than six legs; for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(6) "Certified applicator" means any individual who is licensed as a commercial pesticide applicator, commercial pesticide operator, public operator, private-commercial applicator, demonstration and research applicator, private applicator, limited private applicator, rancher private applicator, or any other individual who is certified by the director to use or supervise the use of any pesticide which is classified by the EPA or the director as a restricted use pesticide.

(7) "Commercial pesticide applicator" means any person who engages in the business of applying pesticides to the land of another.

(8) "Commercial pesticide operator" means any employee of a commercial pesticide applicator who uses or supervises the use of any pesticide and who is required to be licensed under provisions of this chapter.

(9) "Defoliant" means any substance or mixture of substances intended to cause the leaves or foliage to drop from a plant with or without causing abscission.

(10) "Department" means the Washington state department of agriculture.

(11) "Desiccant" means any substance or mixture of substances intended to artificially accelerate the drying of plant tissues.

(12) "Device" means any instrument or contrivance intended to trap, destroy, control, repel, or mitigate pests, but not including equipment used for the application of pesticides when sold separately from the pesticides.

(13) "Direct supervision" by certified private applicators shall mean that the designated restricted use pesticide shall be applied for purposes of producing any agricultural commodity on land owned or rented by the applicator or the applicator's employer, by a competent person acting under the instructions and control of a certified private applicator who is available if and when needed, even though such certified private applicator is not physically present at the time and place the pesticide is applied. The certified private applicator shall have direct management responsibility and familiarity of the pesticide, manner of application, pest, and land to which the pesticide is being applied. Direct supervision by all other certified applicators means direct on-the-job supervision and shall require that the certified applicator be physically present at the application site and that the person making the application be in voice and visual contact with the certified applicator at all times during the application. However, direct supervision for forest application does not require constant voice and visual contact when general use pesticides are applied using nonapparatus type equipment, the certified applicator is physically present and readily available in the immediate application area, and the certified applicator directly observes pesticide mixing and batching. Direct supervision of an aerial apparatus means the pilot of the aircraft must be appropriately certified.

(14) "Director" means the director of the department or a duly authorized representative.

(15) "Engage in business" means any application of pesticides by any person upon lands or crops of another.

(16) "EPA" means the United States environmental protection agency.

(17) "EPA restricted use pesticide" means any pesticide classified for restricted use by the administrator, EPA.

(18) "FIFRA" means the federal insecticide, fungicide and rodenticide act as amended (61 Stat. 163, 7 U.S.C. Sec. 136 et seq.).

(19) "Forest application" means the application of pesticides to agricultural land used to grow trees for the commercial production of wood or wood fiber for products such as dimensional lumber, shakes, plywood, poles, posts, pilings, particle board, hardboard, oriented strand board, pulp, paper, cardboard, or other similar products.

(20) "Fumigant" means any pesticide product or combination of products that is a vapor or gas or forms a vapor or gas on application and whose method of pesticidal action is through the gaseous state.

(21) "Fungi" means all nonchlorophyll-bearing thallophytes (all nonchlorophyll-bearing plants of lower order than mosses and liverworts); for example, rusts, smuts, mildews, molds, and yeasts, except those on or in a living person or other animals.

(22) "Fungicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any fungi.

(23) "Herbicide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any weed or other higher plant.

(24) "Immediate service call" means a landscape application to satisfy an emergency customer request for service, or a treatment to control a pest to landscape plants.

(25) "Insect" means any small invertebrate animal, in any life stage, whose adult form is segmented and which generally belongs to the class insecta, comprised of six-legged, usually winged forms, as, for example, beetles, bugs, bees, and flies. The term insect shall also apply to other allied classes of arthropods whose members are wingless and usually have more than six legs, for example, spiders, mites, ticks, centipedes, and isopod crustaceans.

(26) "Insecticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect.

(27) "Land" means all land and water areas, including airspace and all plants, animals, structures, buildings, devices, and contrivances, appurtenant to or situated on, fixed or mobile, including any used for transportation.

(28) "Landscape application" means an application of any EPA registered pesticide to any exterior landscape area around residential property, commercial properties such as apartments or shopping centers, parks, golf courses, schools including nursery schools and licensed day cares, or cemeteries or similar areas. This definition shall not apply to: (a) Applications made by private applicators, limited private applicators, or rancher private applicators; (b) mosquito abatement, gypsy moth eradication, or similar wide-area pest control programs sponsored by governmental entities; and (c) commercial pesticide applicators making structural applications.

(29) "Limited private applicator" means a certified applicator who uses or is in direct supervision, as defined for private applicators in this section, of the use of any herbicide classified by the EPA or the director as a restricted use pesticide, for the sole purpose of controlling weeds on nonproduction agricultural land owned or rented by the applicator or the applicator's employer. Limited private applicators may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state and local regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A limited private applicator may apply restricted use herbicides to the types of land described in this subsection of another person if applied without compensation other than trading of personal services between the applicator and the other person. This license is only valid when making applications in counties of Washington located east of the crest of the Cascade mountains.

(30) "Limited production agricultural land" means land used to grow hay and grain crops that are consumed by the livestock on the farm where produced. No more than ten percent of the hay and grain crops grown on limited production agricultural land may be sold each crop year. Limited production agricultural land does not include aquatic sites.

(31) "Nematocide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate nematodes.

(32) "Nematode" means any invertebrate animal of the phylum nemathelminthes and class nematoda, that is, unsegmented round worms with elongated, fusiform, or saclike bodies covered with cuticle, and inhabiting soil, water, plants or plant parts. Nematodes may also be called nemas or eelworms.

(33) "Nonproduction agricultural land" means pastures, rangeland, fencerows, and areas around farm buildings but not aquatic sites.

(34) "Person" means any individual, partnership, association, corporation, or organized group of persons whether or not incorporated.

(35) "Pest" means, but is not limited to, any insect, rodent, nematode, snail, slug, weed, and any form of plant or animal life or virus, except virus, bacteria, or other microorganisms on or in a living person or other animal or in or on processed food or beverages or pharmaceuticals, which is normally considered to be a pest, or which the director may declare to be a pest.

(36) "Pesticide" means, but is not limited to:

(a) Any substance or mixture of substances intended to prevent, destroy, control, repel, or mitigate any pest;

(b) Any substance or mixture of substances intended to be used as a plant regulator, defoliant or desiccant; and

(c) Any spray adjuvant as defined in RCW 15.58.030.

(37) ~~("Pesticide advisory board" means the pesticide advisory board as provided for in this chapter.~~

~~(38))~~ (38) "Plant regulator" means any substance or mixture of substances intended through physiological action, to accelerate or retard the rate of growth or maturation, or to otherwise alter the behavior of ornamental or crop plants or their produce, but shall not include substances insofar as they are intended to be used as plant nutrients, trace elements, nutritional chemicals, plant inoculants, or soil amendments.

~~(39))~~ (38) "Private applicator" means a certified applicator who uses or is in direct supervision of the use of any pesticide classified by the EPA or the director as a restricted use pesticide, for the purposes of producing any agricultural commodity and for any associated noncrop application on land owned or rented by the applicator or the applicator's employer or if applied without compensation other than trading of personal services between producers of agricultural commodities on the land of another person.

~~(40))~~ (39) "Private-commercial applicator" means a certified applicator who uses or supervises the use of any pesticide classified by the EPA or the director as a restricted use pesticide for purposes other than the production of any agricultural commodity on lands owned or rented by the applicator or the applicator's employer.

~~(41))~~ (40) "Rancher private applicator" means a certified applicator who uses or is in direct supervision, as defined for private applicators in this section, of the use of any herbicide or any rodenticide classified by the EPA or the director as a restricted use pesticide for the purpose of controlling weeds and pest animals on nonproduction agricultural land and limited production agricultural land owned or rented by the applicator or the applicator's employer. Rancher private applicators may also use restricted use pesticides on timber areas, excluding aquatic sites, to control weeds designated for mandatory control under chapters 17.04, 17.06, and 17.10 RCW and state and local regulations adopted under chapters 17.04, 17.06, and 17.10 RCW. A rancher private applicator may apply restricted use herbicides and rodenticides to the types of land described in this subsection of another person if applied without compensation other than trading of personal services between the applicator and the other person. This license is only valid when making applications in counties of Washington located east of the crest of the Cascade mountains.

~~(42))~~ (41) "Residential property" includes property less than one acre in size zoned as residential by a city, town, or county, but does not include property zoned as agricultural or agricultural homesites.

~~(43))~~ (42) "Restricted use pesticide" means any pesticide or device which, when used as directed or in accordance with a widespread and commonly recognized practice, the director determines, subsequent to a hearing, requires additional restrictions for that use to prevent unreasonable adverse effects on the environment including people, lands, beneficial insects, animals, crops, and wildlife, other than pests.

~~(44))~~ (43) "Rodenticide" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents, or any other vertebrate animal which the director may declare by rule to be a pest.

~~(45))~~ (44) "School facility" means any facility used for licensed day care center purposes or for the purposes of a public kindergarten or public elementary or secondary school. School facility includes the buildings or structures, playgrounds, landscape areas, athletic fields, school vehicles, or any other area of school property.

~~(46))~~ (45) "Snails or slugs" include all harmful mollusks.

~~(47))~~ (46) "Unreasonable adverse effects on the environment" means any unreasonable risk to people or the environment taking into account the economic, social, and environmental costs and benefits of the use of any pesticide, or as otherwise determined by the director.

~~(48))~~ (47) "Weed" means any plant which grows where it is not wanted.

Foster Care Endowed Scholarship Advisory Board

NEW SECTION. Sec. 27. RCW 28B.116.040 (Foster care endowed scholarship advisory board) and 2005 c 215 s 5 are each repealed.

Sec. 28. RCW 28B.116.020 and 2005 c 215 s 3 are each amended to read as follows:

(1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the higher education coordinating board.

(2) In administering the program, the higher education coordinating board's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines; and

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship endowment fund~~(-and~~

~~(c) Establishing and assisting the foster care endowed scholarship advisory board in its duties as described in RCW 28B.116.040).~~

(3) In administering the program, the higher education coordinating board's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students.

Higher Education Coordinating Board--Work Study

Sec. 29. RCW 28B.12.040 and 1994 c 130 s 4 are each amended to read as follows:

~~(With the assistance of an advisory committee,))~~ The higher education coordinating board shall develop and administer the state work-study program. The board shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

~~(The members of the work-study advisory committee may include, but need not be limited to representatives of public and private community colleges, technical colleges, and four-year institutions of higher education; vocational schools; students; community service organizations; public schools; business; and labor. When selecting members of the advisory committee, the board shall consult with institutions of higher education, the state board for community and technical colleges, the workforce training and education coordinating board, and appropriate associations and organizations.))~~ With the exception of off-campus community service placements, the share from moneys disbursed under the state work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers.

Sexual Offender Treatment Providers Advisory Committee

NEW SECTION. Sec. 30. RCW 18.155.050 (Sexual offender treatment providers advisory committee) and 1990 c 3 s 805 are each repealed.

Vendor Rates Advisory Committee

NEW SECTION. Sec. 31. The following acts or parts of acts are each repealed:

(1) RCW 74.32.100 (Advisory committee on vendor rates--Created--Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

(2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor rates" defined) and 1969 ex.s. c 203 s 2;

(3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203 s 3;

(4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

(5) RCW 74.32.140 (Investigation to determine if additional requirements or standards affecting vendor group) and 1971 ex.s. c 298 s 1;

(6) RCW 74.32.150 (Investigation to determine if additional requirements or standards affecting vendor group--Scope of investigation) and 1971 ex.s. c 298 s 2;

(7) RCW 74.32.160 (Investigation to determine if additional requirements or standards affecting vendor group--Changes investigated regardless of source) and 1971 ex.s. c 298 s 3;

(8) RCW 74.32.170 (Investigation to determine if additional requirements or standards affecting vendor group--Prevailing wage scales and fringe benefit programs to be considered) and 1971 ex.s. c 298 s 4; and

(9) RCW 74.32.180 (Investigation to determine if additional requirements or standards affecting vendor group--Additional factors to be accounted for) and 1971 ex.s. c 298 s 5.

Organized Crime Advisory Board

NEW SECTION. Sec. 32. The following acts or parts of acts are each repealed:

(1) RCW 43.43.858 (Organized crime advisory board--Created--Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c 202 s 5;

(2) RCW 43.43.860 (Organized crime advisory board--Terms of members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s 6;

(3) RCW 43.43.862 (Organized crime advisory board--Powers and duties) and 1973 1st ex.s. c 202 s 7;

(4) RCW 43.43.864 (Information to be furnished board--Security--Confidentiality) and 1973 1st ex.s. c 202 s 8;

(5) RCW 10.29.030 (Appointment of statewide special inquiry judge--Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s 3;

(6) RCW 10.29.040 (Scope of investigation and proceeding--Request for additional authority) and 1980 c 146 s 4;

(7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--Removal) and 1980 c 146 s 8; and

(8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c 274 s 205 & 1980 c 146 s 9.

Sec. 33. RCW 43.43.866 and 1980 c 146 s 16 are each amended to read as follows:

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the ~~((organized crime advisory board pursuant to RCW 10.29.090))~~ chief of the Washington state patrol, and may be made either on authorization of the governor or the governor's designee, or upon request of ~~((a majority of the members of the organized crime advisory board))~~ the chief of the Washington state patrol. In order to maintain an effective expenditure and revenue control, the organized crime prosecution revolving fund shall be subject in all respects to chapter 43.88 RCW

but no appropriation shall be required to permit expenditures and payment of obligations from the fund.

Sec. 34. RCW 43.10.240 and 1985 c 251 s 1 are each amended to read as follows:

The attorney general shall annually report to the ~~((organized crime advisory board))~~ chief of the Washington state patrol a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the ~~((board))~~ chief of the Washington state patrol shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately ~~((by members of the board))~~.

Special License Plate Review Board

NEW SECTION. Sec. 35. RCW 46.16.705 (Special license plate review board--Created) and 2005 c 319 s 117 & 2003 c 196 s 101 are each repealed.

Sec. 36. RCW 46.16.233 and 2003 c 361 s 501 and 2003 c 196 s 401 are each reenacted and amended to read as follows:

(1) Except for those license plates issued under RCW 46.16.305(1) before January 1, 1987, under RCW 46.16.305(3), and to commercial vehicles with a gross weight in excess of twenty-six thousand pounds, effective with vehicle registrations due or to become due on January 1, 2001, the appearance of the background of all vehicle license plates may vary in color and design but must be legible and clearly identifiable as a Washington state license plate, as designated by the department. Additionally, to ensure maximum legibility and reflectivity, the department shall periodically provide for the replacement of license plates, except for commercial vehicles with a gross weight in excess of twenty-six thousand pounds. Frequency of replacement shall be established in accordance with empirical studies documenting the longevity of the reflective materials used to make license plates.

(2) Special license plate series approved by the special license plate review board created under RCW 46.16.705 and enacted by the legislature prior to June 30, 2009, may display a symbol or artwork approved by the special license plate review board. Beginning July 1, 2009, special license plate series approved by the department and enacted into law by the legislature may display a symbol or artwork approved by the department.

(3) By November 1, 2003, in providing for the periodic replacement of license plates, the department shall offer to vehicle owners the option of retaining their current license plate numbers. The department shall charge a retention fee of twenty dollars if this option is exercised. Revenue generated from the retention fee must be deposited into the multimodal transportation account.

Sec. 37. RCW 46.16.316 and 2005 c 210 s 2 are each amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates: (a) Under RCW 46.16.30901, 46.16.30903, 46.16.30905, or 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; (b) approved by the ~~((special license plate review board under RCW 46.16.715 through 46.16.775))~~; or (c) under RCW 46.16.601 sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of ten dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.

(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

Sec. 38. RCW 46.16.715 and 2005 c 319 s 118 are each amended to read as follows:

~~((1)) The board shall meet periodically at the call of the chair, but must meet at least one time each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.~~

~~(2) The board will be compensated from the general appropriation for the department of licensing in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, in no event may a board member be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.~~

~~(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.~~

~~((4)) The department of licensing shall ((provide administrative support to the board, which must include at least the following)):~~

~~((a)) Provide general staffing to meet the administrative needs of the board;~~

~~((b)) (1) Report to the ((board)) department on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;~~

~~((c)) (2) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization; and~~

~~((d)) (3) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the ((board for review and approval)) department.~~

Sec. 39. RCW 46.16.725 and 2008 c 72 s 2 are each amended to read as follows:

~~(1) ((The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.~~

~~((2)) The ((board)) department must review and either approve or reject special license plate applications submitted by sponsoring organizations.~~

~~((3)) (2) Duties of the ((board)) department include but are not limited to the following:~~

~~(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;~~

~~(b) Report annually to the senate and house transportation committees on the special license plate applications that were considered by the ((board)) department;~~

~~(c) Issue approval and rejection notification letters to sponsoring organizations, ((the department,)) the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;~~

~~(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The ((board)) department may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees(;~~

~~((e)) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates that an organization or a governmental entity may apply for).~~

~~((4)) (3) Except as provided in chapter 72, Laws of 2008, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2009. During this~~

period of time, the special license plate review board created in RCW 46.16.705 and the department of licensing are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, no special license plate may be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

Sec. 40. RCW 46.16.745 and 2005 c 210 s 8 are each amended to read as follows:

~~(1) A sponsoring organization meeting the requirements of RCW 46.16.735, applying for the creation of a special license plate ((to the special license plate review board)) must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section.~~

~~(2) The sponsoring organization shall:~~

~~(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under RCW 46.16.755((4)) (3);~~

~~(b) Provide a proposed license plate design;~~

~~(c) Provide a marketing strategy outlining short and long-term marketing plans for each special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;~~

~~(d) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate;~~

~~(e) Provide proof of organizational qualifications as determined by the department as provided for in RCW 46.16.735;~~

~~(f) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of three thousand five hundred intended purchases of the special license plate.~~

~~(3) After an application is approved by the ((special license plate review board)) department, the application need not be reviewed again ((by the board)) for a period of three years.~~

Sec. 41. RCW 46.16.755 and 2004 c 222 s 4 are each amended to read as follows:

~~(1)(a) Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in RCW 46.16.745((3)) must be deposited into the motor vehicle account until the department determines that the state's implementation costs have been fully reimbursed. The department shall apply the application fee required under RCW 46.16.745((3)(a)) towards those costs.~~

~~(b) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the treasurer, and commence the distribution of the revenue as otherwise provided by law.~~

~~(2) If reimbursement does not occur within two years from the date the plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Special plates issued before discontinuation are valid until replaced under RCW 46.16.233.~~

~~(3) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants, except the application fee as provided in RCW 46.16.745((3)), must be deposited into the account. Only the director of the department or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, nor is an appropriation required for disbursements.~~

~~(4) The department shall provide the special license plate applicant with a written receipt for the payment.~~

~~(5) The department shall maintain a record of each special license plate applicant trust account deposit, including, but not limited to, the name and address of each special license plate applicant whose funds are being deposited, the amount paid, and the date of the deposit.~~

(6) After the department receives written notice that the special license plate applicant's application has been:

(a) Approved by the legislature, the director shall request that the money be transferred to the motor vehicle account;

(b) Denied by the ~~((special license plate review board))~~ department or the legislature, the director shall provide a refund to the applicant within thirty days; or

(c) Withdrawn by the special license plate applicant, the director shall provide a refund to the applicant within thirty days.

Sec. 42. RCW 46.16.775 and 2003 c 196 s 304 are each amended to read as follows:

(1) A special license plate series created by the legislature after January 1, ~~((2004))~~ 2011, that has not been reviewed and approved by the ~~((special license plate review board))~~ department is subject to the following requirements:

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund. The creation and implementation of the plate series may not commence until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the revenues generated from the sale of the special license plates must be deposited in the motor vehicle account until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it is determined that the state has been fully reimbursed the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

(c) The sponsoring organization must provide a proposed license plate design to the department within thirty days of enactment of the legislation creating the plate series.

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Those plates issued before discontinuation are valid until replaced under RCW 46.16.233.

(3) If the sponsoring organization ceases to exist or the purpose of the special plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle account.

(4) A sponsoring organization may not seek to redesign their plate series until all of the existing inventory is sold or purchased by the organization itself. All cost for redesign of a plate series must be paid by the sponsoring organization.

Sec. 43. RCW 46.16.30901 and 2004 c 35 s 1 are each amended to read as follows:

The department shall issue a special license plate displaying a symbol, approved by the special license plate review board before June 30, 2009, for professional firefighters and paramedics who are members of the Washington State Council of Firefighters. Upon initial application and subsequent renewals, applicants must show proof of eligibility by providing a certificate of current membership from the Washington State Council of Firefighters. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon the terms and conditions established by the department.

Sec. 44. RCW 46.16.30903 and 2004 c 48 s 1 are each amended to read as follows:

~~((1)) The legislature recognizes the Helping Kids Speak license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~—(2))~~ The department shall issue a special license plate

displaying a symbol, as approved by the special license plate review board before June 30, 2009, recognizing an organization that supports programs that provide no-cost speech pathology programs to children. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will commemorate an organization that supports programs that provide free diagnostic and therapeutic services to children who have a severe delay in language or speech development.

Sec. 45. RCW 46.16.30905 and 2004 c 221 s 1 are each amended to read as follows:

~~((1)) The legislature recognizes that the law enforcement memorial license plate has been reviewed by the special license plate review board as specified in chapter 196, Laws of 2003, and was found to fully comply with all provisions of chapter 196, Laws of 2003.~~

~~—(2))~~ The department shall issue a special license plate displaying a symbol, as approved by the special license plate review board before June 30, 2009, honoring law enforcement officers in Washington killed in the line of duty. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon the terms and conditions established by the department.

Sec. 46. RCW 46.16.30907 and 2005 c 42 s 1 are each amended to read as follows:

~~((1)) The legislature recognizes that the Washington's Wildlife license plate collection, to include three distinct designs including bear, deer, and elk, has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~—(2))~~ The department shall issue a special license plate collection displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing Washington's wildlife, that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 47. RCW 46.16.30909 and 2005 c 44 s 1 are each amended to read as follows:

~~((1)) The legislature recognizes that the Washington state parks and recreation commission license plate application has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~—(2))~~ The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources, that may be used in lieu of regular or personalized license plates for vehicles required to display one and two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 48. RCW 46.16.30911 and 2005 c 48 s 1 are each amended to read as follows:

~~((1)) The legislature recognizes that the "Washington Lighthouses" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

~~—(2))~~ The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing an organization that supports selected Washington state lighthouses and provides environmental education programs. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 49. RCW 46.16.30913 and 2005 c 53 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Keep Kids Safe" license plate has been reviewed and approved by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~—(2)) The department shall issue a special license plate displaying artwork, as approved by the special license plate review board before June 30, 2009, recognizing efforts to prevent child abuse and neglect. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.~~

Sec. 50. RCW 46.16.30914 and 2005 c 71 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "we love our pets" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board before June 30, 2009, recognizing an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets, in order to reduce pet overpopulation. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.~~

Sec. 51. RCW 46.16.30916 and 2005 c 85 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Gonzaga University alumni association license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board before June 30, 2009, recognizing the Gonzaga University alumni association. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.~~

Sec. 52. RCW 46.16.30918 and 2005 c 177 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Washington's National Park Fund" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

~~—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing Washington's National Park Fund, that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.~~

Sec. 53. RCW 46.16.30920 and 2008 c 183 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the armed forces license plate collection has been reviewed and approved by the special license plate review board.~~

~~—(2)) The department shall issue a special license plate collection, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing the contribution of veterans, active duty military personnel, reservists, and members of the national guard. The collection includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.~~

~~((3)) (2) Armed forces special license plates may be used in lieu of regular or personalized license plates for vehicles required to~~

display one and two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

~~((4)) (3) Upon request, the department must make available to the purchaser, at no additional cost, a decal indicating the purchaser's military status. The department must work with the department of veterans affairs to establish a list of the decals to be made available. The list of available decals must include, but is not limited to, "veteran," "disabled veteran," "reservist," "retiree," or "active duty." The department may specify where the decal may be placed on the license plate. Decals are required to be made available only for standard six-inch by twelve-inch license plates.~~

~~((5)) (4) Armed forces license plates and decals are available only to veterans as defined in RCW 41.04.007, active duty military personnel, reservists, members of the national guard, and the families of veterans and service members. Upon initial application, any purchaser requesting an armed forces license plate and decal will be required to show proof of eligibility by providing: A DD-214 or discharge papers if a veteran; a military identification or retired military identification card; or a declaration of fact attesting to the purchaser's eligibility as required under this section. "Family" or "families" means an individual's spouse, child, parent, sibling, aunt, uncle, or cousin. A child includes stepchild, adopted child, foster child, grandchild, and son or daughter-in-law. A parent includes stepparent, grandparent, and in-laws. A sibling includes brother, half brother, stepbrother, sister, half sister, stepsister, and brother or sister-in-law.~~

~~((6)) (5) The department of veterans affairs must enter into an agreement with the department to reimburse the department for the costs associated with providing military status decals described in subsection ((4)) (3) of this section.~~

~~((7)) (6) Armed forces license plates are not available free of charge to disabled veterans, former prisoners of war, or spouses of deceased former prisoners of war under the privileges defined in RCW 73.04.110 and 73.04.115.~~

Sec. 54. RCW 46.16.30922 and 2005 c 220 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the "Ski & Ride Washington" license plate has been reviewed and approved by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.~~

~~—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing the Washington snowsports industry, that may be used in lieu of regular or personalized license plates for vehicles required to display vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.~~

Sec. 55. RCW 46.16.30924 and 2005 c 224 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Wild On Washington license plate has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, referred to as "Wild On Washington license plates," that may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.~~

Sec. 56. RCW 46.16.30926 and 2005 c 225 s 1 are each amended to read as follows:

~~((1) The legislature recognizes that the Endangered Wildlife license plate has been reviewed by the special license plate review board under RCW 46.16.725 and was found to fully comply with all provisions of RCW 46.16.715 through 46.16.775.~~

~~—(2)) The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, referred to as "Endangered Wildlife license plates," that may be used in lieu~~

of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department.

Sec. 57. RCW 46.16.30928 and 2005 c 426 s 1 are each amended to read as follows:

~~((t))~~ The legislature recognizes that the "Share the Road" license plate has been reviewed by the special license plate review board under RCW 46.16.725, and found to fully comply with RCW 46.16.715 through 46.16.775.

~~(z))~~ The department shall issue a special license plate displaying a symbol or artwork, as approved by the special license plate review board and the legislature before June 30, 2009, recognizing an organization that promotes bicycle safety and awareness education. The special license plate may be used in lieu of regular or personalized license plates for vehicles required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special plates will commemorate the life of Cooper Jones.

Lieutenant Governor Appointments and Assignments

Sec. 58. RCW 43.15.020 and 2008 c 152 s 9 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

- (a) Capitol furnishings preservation committee, RCW 27.48.040;
- (b) Washington higher education facilities authority, RCW 28B.07.030;
- (c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;
- (d) State finance committee, RCW 43.33.010;
- (e) State capitol committee, RCW 43.34.010;
- (f) Washington health care facilities authority, RCW 70.37.030;
- (g) State medal of merit nominating committee, RCW 1.40.020;
- (h) Medal of valor committee, RCW 1.60.020; and
- (i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

- ~~(a)~~ ~~((Organized crime advisory board, RCW 43.43.858;~~
- ~~(b))~~ Civil legal aid oversight committee, RCW 2.53.010;
- ~~((c))~~ (b) Office of public defense advisory committee, RCW 2.70.030;
- ~~((d))~~ (c) Washington state gambling commission, RCW 9.46.040;
- ~~((e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;
- ~~((f))~~ (e) State building code council, RCW 19.27.070;
- ~~((g))~~ (f) Women's history consortium board of advisors, RCW 27.34.365;
- ~~((h))~~ (g) Financial literacy public-private partnership, RCW 28A.300.450;
- ~~((i))~~ (h) Joint administrative rules review committee, RCW 34.05.610;
- ~~((j))~~ (i) Capital projects advisory review board, RCW 39.10.220;
- ~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;
- ~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;
- ~~((m))~~ (l) Washington citizens' commission on salaries, RCW 43.03.305;
- ~~((n))~~ (m) Legislative oral history (~~(advisory)~~) committee, RCW ~~(43.07.230)~~ 44.04.325;
- ~~((o))~~ (n) State council on aging, RCW 43.20A.685;
- ~~((p))~~ (o) State investment board, RCW 43.33A.020;
- ~~((q))~~ (p) Capitol campus design advisory committee, RCW 43.34.080;
- ~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;
- ~~((s))~~ (r) Information services board, RCW 43.105.032;

~~((t))~~ (s) K-20 educational network board, RCW 43.105.800;

~~((u))~~ (t) Municipal research council, RCW 43.110.010;

~~((v))~~ (u) Council for children and families, RCW 43.121.020;

~~((w))~~ (v) PNWER-Net working subgroup under chapter 43.147 RCW;

~~((x))~~ (w) Community economic revitalization board, RCW 43.160.030;

~~((y))~~ (x) Washington economic development finance authority, RCW 43.163.020;

~~((z))~~ ~~Tourism development advisory committee, RCW 43.330.095;~~

~~((aa))~~ (y) Life sciences discovery fund authority, RCW 43.350.020;

~~((bb))~~ (z) Legislative children's oversight committee, RCW 44.04.220;

~~((cc))~~ (aa) Joint legislative audit and review committee, RCW 44.28.010;

~~((dd))~~ (bb) Joint committee on energy supply and energy conservation, RCW 44.39.015;

~~((ee))~~ (cc) Legislative evaluation and accountability program committee, RCW 44.48.010;

~~((ff))~~ (dd) Agency council on coordinated transportation, RCW 47.06B.020;

~~((gg))~~ (ee) Manufactured housing task force, RCW 59.22.090;

~~((hh))~~ (ff) Washington horse racing commission, RCW 67.16.014;

~~((ii))~~ (gg) Correctional industries board of directors, RCW 72.09.080;

~~((jj))~~ (hh) Joint committee on veterans' and military affairs, RCW 73.04.150;

~~((kk))~~ ~~Washington state parks centennial advisory committee, RCW 79A.75.010;~~

~~((ll))~~ ~~Puget Sound council, RCW 90.71.030;~~

~~((mm))~~ (ii) Joint legislative committee on water supply during drought, RCW 90.86.020;

~~((nn))~~ (jj) Statute law committee, RCW 1.08.001; and

~~((oo))~~ (kk) Joint legislative oversight committee on trade policy, RCW 44.55.020.

NEW SECTION. Sec. 59. (1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund.

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

NEW SECTION. Sec. 60. Subheadings used in this act are not any part of the law.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009
SSB 6122 Prime Sponsor, Committee on Ways & Means:
Reducing costs of the elections division of the office of the secretary of state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

Beginning on page 1, line 8, strike all of sections 1 and 2

Renumber remaining sections consecutively and correct internal references.

Correct the title.

On page 13, after line 15, insert the following:

"NEW SECTION. Sec. 16. The sums of eighty thousand dollars for the fiscal year ending June 30, 2010, and eighty thousand dollars for the fiscal year ending June 30, 2011, or so much thereof as may be necessary, are appropriated from the state general fund to the office of the secretary of state solely for legal advertising under RCW 29A.52.330."

Correct the title.

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SB 6126 Prime Sponsor, Senator Prentice: Concerning boxing, martial arts, and wrestling events. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

On page 2, beginning on line 8, strike all of subsection (3) and insert the following:

"((3) A complimentary ticket may not have a face value of less than the least expensive ticket available for sale to the general public. The number of untaxed complimentary tickets shall be limited to ten percent of the total tickets sold per event location, not to exceed one thousand tickets. All complimentary tickets exceeding this exemption shall be subject to taxation.))"

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Priest; Ross; Schmick and Seaquist.

April 25, 2009

SB 6157 Prime Sponsor, Senator Prentice: Calculating compensation for public retirement purposes during the 2009-2011 fiscal biennium. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SSB 6161 Prime Sponsor, Committee on Ways & Means: Addressing the actuarial funding of pension systems. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass as amended:

On page 14, line 19, after "system shall be" strike "5.25 percent, of which 1.25" and insert "5.13 percent, of which 1.13"

On page 14, line 24, after "system shall be" strike "7.80 percent, of which 1.25" and insert "7.68 percent, of which 1.13"

On page 14, line 29, after "system shall be" strike "6.17 percent, of which 2.04" and insert "5.98 percent, of which 1.85"

On page 14, line 34, after "system shall be" strike "5.39 percent, of which 1.25" and insert "5.27 percent, of which 1.13"

Signed by Representatives Linville, Chair; Ericks, Vice Chair; Cody; Conway; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Hinkle; Priest; Ross; Schmick and Seaquist.

April 25, 2009

ESB 6166 Prime Sponsor, Senator Hargrove: Concerning the sale of timber from state trust lands. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Chandler; Cody; Conway; Darneille; Haigh; Hinkle; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Priest; Ross; Schmick; Seaquist and Sullivan.

April 25, 2009

SB 6167 Prime Sponsor, Senator Kline: Concerning crimes against property. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Linville, Chair; Ericks, Vice Chair; Chandler; Cody; Darneille; Haigh; Hunt; Hunter; Kagi; Kenney; Kessler; Pettigrew; Seaquist and Sullivan.

MINORITY recommendation: Do not pass. Signed by Representatives Alexander, Ranking Minority Member; Bailey, Assistant Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Conway; Hinkle; Priest; Ross and Schmick.

There being no objection, the bills listed on the day's committee reports and supplemental committee reports under the fifth order of business were placed on the second reading calendar with the exception of HOUSE BILL NO. 2376 which was referred to the Committee on Rules.

There being no objection, the House advanced to the eighth order of business.

There being no objection, the Committee on Rules was relieved of SUBSTITUTE SENATE BILL NO. 5499, and the bill was placed on the second reading calendar.

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1018,
SECOND SUBSTITUTE HOUSE BILL NO. 1081,
SUBSTITUTE HOUSE BILL NO. 1103,
SUBSTITUTE HOUSE BILL NO. 1119,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1138,
HOUSE BILL NO. 1148,
SUBSTITUTE HOUSE BILL NO. 1170,
SECOND SUBSTITUTE HOUSE BILL NO. 1172,
SECOND SUBSTITUTE HOUSE BILL NO. 1290,
SUBSTITUTE HOUSE BILL NO. 1347,
HOUSE BILL NO. 1517,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1553,
SUBSTITUTE HOUSE BILL NO. 1555,
SUBSTITUTE HOUSE BILL NO. 1592,
ENGROSSED HOUSE BILL NO. 1616,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1709,
 ENGROSSED HOUSE BILL NO. 1815,
 SUBSTITUTE HOUSE BILL NO. 1919,
 ENGROSSED HOUSE BILL NO. 1986,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2035,
 ENGROSSED HOUSE BILL NO. 2040,
 SUBSTITUTE HOUSE BILL NO. 2208,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2227,
 ENGROSSED HOUSE BILL NO. 2299,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2327,
 HOUSE BILL NO. 2328,
 SUBSTITUTE HOUSE BILL NO. 2343,
 HOUSE BILL NO. 2347,
 HOUSE BILL NO. 2349,
 HOUSE BILL NO. 2359,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1238, and passed the bill without said amendment, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1527, and passed the bill without said amendment, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate concurred in the House amendment to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5288,
 SENATE BILL NO. 5354,
 SUBSTITUTE SENATE BILL NO. 5431,
 SENATE BILL NO. 5554,
 SUBSTITUTE SENATE BILL NO. 5777,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
 SUBSTITUTE SENATE BILL NO. 5913,
 SENATE BILL NO. 6173,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1287 and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073, by Senate Committee on Ways & Means (originally sponsored by Senators Zarelli, Swecker, Benton and Parlette)

Improving budget transparency by consolidating accounts into the state general fund.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5073.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5073 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Roach.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073, having received the necessary constitutional majority, was declared passed.

HOUSE BILL NO. 2357, by Representative Cody

Concerning modifying nursing facility medicaid payments by clarifying legislative intent regarding the statewide weighted average, freezing case mix indices, and revising the use of the economic trends and conditions factor.

The bill was read the second time.

Representative Cody moved the adoption of amendment (933):

On page 9, after line 21, insert:

"NEW SECTION. Sec. 4 This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representatives Cody and Alexander spoke in favor of the adoption of the amendment.

Amendment (933) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2357.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2357 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

ENGROSSED HOUSE BILL NO. 2357, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6002, by Senators Keiser and Pridemore

Abolishing the Washington state quality forum.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6002.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6002 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6002, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6121, by Senators Tom, Zarelli and Keiser

Regarding the surcharge to fund biotoxin testing and monitoring.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Chase and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6121.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6121 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6121, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6165, by Senators Ranker, Rockefeller, Tom and Jarrett

Allowing greater use of short boards for appeals before the shorelines hearings board.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunt and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6165.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6165 and the bill passed the House by the following vote: Yeas, 83; Nays, 12; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Conway, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Condotta, Cox, Crouse, Herrera, Hinkle, McCune, Orcutt, Shea, Short and Taylor.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6165, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 6165.

KIRK PEARSON, 39th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SENATE BILL NO. 6165.
DAN KRISTIANSEN, 39th District

SECOND READING

SENATE BILL NO. 6168, by Senators Tom and Prentice

Reducing costs in state elementary and secondary education programs.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Haigh and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6168.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6168 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6168, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6172, by Senate Committee on Ways & Means (originally sponsored by Senators Rockefeller and Ranker)

Eliminating the oil spill advisory council. Revised for 1st Substitute: Suspending the powers and duties of the oil spill advisory council for the 2009-2011 biennium.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6172, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6172, as amended by the House, and the bill passed the House by the following vote: Yeas, 88; Nays, 7; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Takko, Taylor, Upthegrove, Wallace, Walsh, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Dunshee, Nelson, Rolfes, Simpson, Sullivan, Van De Wege and Williams.

Excused: Representatives Armstrong, Hasegawa and Roach.

SUBSTITUTE SENATE BILL NO. 6172, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6179, by Senators Tom, Fairley and Prentice

Concerning chemical dependency specialist services.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6179.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6179 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6179, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6181, by Senators Tom, Prentice and Fairley**Concerning the intensive resource home pilot.**

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Kagi and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6181.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6181 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Walsh, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Roach.

SENATE BILL NO. 6181, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5421,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESSB 5421 by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Parlette, Jacobsen, Rockefeller, Swecker, Hargrove, Shin and Marr)

AN ACT Relating to creating the Columbia river recreational salmon and steelhead pilot stamp program; adding new sections to chapter 77.12 RCW; adding a new section to chapter 77.32 RCW; creating new sections; providing an effective date; and providing an expiration date.

ESSB 6180 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Tom and Prentice)

AN ACT Relating to the training and background checks of long-term care workers; amending RCW 74.39A.009,

74.39A.055, 18.20.125, 18.88B.030, 43.20A.710, 43.43.837, 74.39A.050, 74.39A.095, 74.39A.260, 74.39A.073, 74.39A.075, 74.39A.340, 74.39A.350, 74.39A.085, 18.88B.040, 18.88A.115, 18.88B.050, and 18.88B.020; and providing an effective date.

There being no objection, the bills listed on the day's supplemental introduction sheet under the fourth order of business were read the first time, and under suspension of the rules were placed on the second reading calendar.

There being no objection, House Rule 13 (C) was suspended allowing the House to work past 10:00 p.m.

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 5285, and passed the bill as amended by the Senate, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The President has signed the following:

SENATE BILL NO. 5359,
SENATE BILL NO. 5470,
SENATE BILL NO. 5525,
SUBSTITUTE SENATE BILL NO. 5684,
SUBSTITUTE SENATE BILL NO. 5734,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5768,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5892,
ENGROSSED SENATE BILL NO. 5894,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6108,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6169,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed the following bills:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,
SUBSTITUTE HOUSE BILL NO. 2356,
ENGROSSED HOUSE BILL NO. 2358,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338 with the following amendment:

On page 7, line 23, after "(6)" strike "additional methods of improving compliance with the growth management act that may reduce costs to all parties" and insert "the costs and benefits of complying with the growth management act, including full costs to local governments of defending appeals and their success rate"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature recognizes that cities and counties have moratoria authority granted through constitutional and statutory provisions and that this authority, when properly exercised, is an important aspect of complying with environmental stewardship and protection requirements.

Recognizing the fundamental role and value of properly exercised moratoria, the legislature intends to establish new moratoria procedures and to affirm moratoria authority that local governments have and may exercise when implementing the shoreline management act, while recognizing the legitimate interests of existing shoreline related developments during the period of interim moratoria.

NEW SECTION. Sec. 2. A new section is added to chapter 90.58 RCW to read as follows:

(1) Local governments may adopt moratoria or other interim official controls as necessary and appropriate to implement this chapter.

(2)(a) A local government adopting a moratorium or control under this section must:

(i) Hold a public hearing on the moratorium or control;

(ii) Adopt detailed findings of fact that include, but are not limited to justifications for the proposed or adopted actions and explanations of the desired and likely outcomes;

(iii) Notify the department of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing required by this subsection;

(iv) Provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.

(b) The public hearing required by this section must be held within sixty days of the adoption of the moratorium or control.

(3) A moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the local government complies with subsection (2)(a) of this section before each renewal. If a moratorium or control is in effect on the date a proposed master program or amendment is submitted to the department, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if the department has not taken final action.

(4) Nothing in this section may be construed to modify county and city moratoria powers conferred outside this chapter."

On page 1, line 2 of the title, after "act;" strike the remainder of the title and insert "adding a new section to chapter 90.58 RCW; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Seaquist spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1379, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1379, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 67; Nays, 28; Absent, 0; Excused, 3.

Voting yea: Representatives Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Angel, Chandler, Condotta, Cox, Crouse, Dammeier, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Probst, Ross, Schmick, Shea, Short, Taylor, Walsh and Warnick.

Excused: Representatives Armstrong, Hasegawa and Roach.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379.

NORMA SMITH, 10th District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379.

BARBARA BAILEY, 10th District

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619. Under suspension of the rules, the bill was returned to second reading for purpose of amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

On page 1, line 3 of the title, after "28A.320.330;" insert "and"

On page 1, line 3 of the title, after "section" strike "; and providing an expiration date"

On page 1, beginning on line 5, strike section 1, through page 2 line 3, and renumber the sections consecutively.

On page 2, line 35, after "major repairs," insert "exterior painting of facilities,"

On page 4, line 12, after "service regulations," insert "Based on the district's most recent two-year history of general fund maintenance expenditures, funds used for this purpose may not replace routine annual preventive maintenance expenditures made from the district's general fund."

On page 5, line 16, strike "**NEW SECTION, Sec. 4.** This act expires July 1, 2013."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives White and Warnick spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1619, as amended by the Senate.

MOTION

On motion of Representative Hinkle, Representative Walsh was excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782. Under suspension of the rules, the bill was returned to second reading for purpose of

amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The legislature finds that when children have been found dependent and placed in out-of-home care, the likelihood of reunification with their parents diminishes significantly after fifteen months. The legislature also finds that early and consistent parental engagement in services and participation in appropriate parent-child contact and visitation increases the likelihood of successful reunifications. The legislature intends to promote greater awareness among parents in dependency cases of the importance of active participation in services, visitation, and case planning for the child, and the risks created by failure to participate in their child's case over the long term.

Sec. 2. RCW 13.34.062 and 2007 c 413 s 4 and 2007 c 409 s 5 are each reenacted and amended to read as follows:

(1)(a) Whenever a child is taken into custody by child protective services pursuant to a court order issued under RCW 13.34.050 or when child protective services is notified that a child has been taken into custody pursuant to RCW 26.44.050 or 26.44.056, child protective services shall make reasonable efforts to inform the parent, guardian, or legal custodian of the fact that the child has been taken into custody, the reasons why the child was taken into custody, and their legal rights under this title, including the right to a shelter care hearing, as soon as possible. Notice must be provided in an understandable manner and take into consideration the parent's, guardian's, or legal custodian's primary language, level of education, and cultural issues.

(b) In no event shall the notice required by this section be provided to the parent, guardian, or legal custodian more than twenty- four hours after the child has been taken into custody or twenty-four hours after child protective services has been notified that the child has been taken into custody.

(2)(a) The notice of custody and rights may be given by any means reasonably certain of notifying the parents including, but not limited to, written, telephone, or in person oral notification. If the initial notification is provided by a means other than writing, child protective services shall make reasonable efforts to also provide written notification.

(b) The written notice of custody and rights required by this section shall be in substantially the following form:

"NOTICE

Your child has been placed in temporary custody under the supervision of Child Protective Services (or other person or agency). You have important legal rights and you must take steps to protect your interests.

1. A court hearing will be held before a judge within 72 hours of the time your child is taken into custody excluding Saturdays, Sundays, and holidays. You should call the court at (insert appropriate phone number here) for specific information about the date, time, and location of the court hearing.

2. You have the right to have a lawyer represent you at the hearing. Your right to representation continues after the shelter care hearing. You have the right to records the department intends to rely upon. A lawyer can look at the files in your case, talk to child protective services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

4. If your hearing occurs before a court commissioner, you have the right to have the decision of the court commissioner reviewed by a superior court judge. To obtain that review, you must, within ten days after the entry of the decision of the court commissioner, file with the court a motion for revision of the decision, as provided in RCW 2.24.050.

You should be present at any shelter care hearing. If you do not come, the judge will not hear what you have to say.

You may call the Child Protective Services' caseworker for more information about your child. The caseworker's name and telephone number are: (insert name and telephone number).

5. You have a right to a case conference to develop a written service agreement following the shelter care hearing. The service agreement may not conflict with the court's order of shelter care. You may request that a multidisciplinary team, family group conference, or prognostic staffing be convened for your child's case. You may participate in these processes with your counsel present.

6. If your child is placed in the custody of the department of social and health services or other supervising agency, immediately following the shelter care hearing, the court will enter an order granting the department or other supervising agency the right to inspect and copy all health, medical, mental health, and education records of the child, directing health care providers to release such information without your further consent, and granting the department or supervising agency or its designee the authority and responsibility, where applicable, to:

- (1) Notify the child's school that the child is in out-of-home placement;
- (2) Enroll the child in school;
- (3) Request the school transfer records;
- (4) Request and authorize evaluation of special needs;
- (5) Attend parent or teacher conferences;
- (6) Excuse absences;
- (7) Grant permission for extracurricular activities;
- (8) Authorize medications which need to be administered during school hours and sign for medical needs that arise during school hours; and
- (9) Complete or update school emergency records.

7. If the court decides to place your child in the custody of the department of social and health services or other supervising agency, the department or agency will create a permanency plan for your child, including a primary placement goal and secondary placement goal. The department or agency also will recommend that the court order services for your child and for you, if needed. The department or agency is required to make reasonable efforts to provide you with services to address your parenting problems, and to provide you with visitation with your child according to court orders. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your parental rights.

8. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Absent good cause, and when appropriate, the department or other supervising agency must follow the wishes of a natural parent regarding placement of a child. You should tell your lawyer and the court where you wish your child placed immediately, including whether you want your child placed with you, with a relative, or with another suitable person. You also should tell your lawyer and the court what services you feel are necessary and your wishes regarding visitation with your child. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department or other supervising agency, and the court if you want to be a secondary placement option, and you should comply with court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

9. A dependency petition begins a judicial process, which, if the court finds your child dependent, could result in substantial restrictions including, the entry or modification of a parenting plan or residential schedule, nonparental custody order or decree, guardianship order, or permanent loss of your parental rights."

Upon receipt of the written notice, the parent, guardian, or legal custodian shall acknowledge such notice by signing a receipt prepared by child protective services. If the parent, guardian, or legal custodian does not sign the receipt, the reason for lack of a signature shall be written on the receipt. The receipt shall be made a part of the court's file in the dependency action.

If after making reasonable efforts to provide notification, child protective services is unable to determine the whereabouts of the parents, guardian, or legal custodian, the notice shall be delivered or sent to the last known address of the parent, guardian, or legal custodian.

(3) If child protective services is not required to give notice under this section, the juvenile court counselor assigned to the matter shall make all reasonable efforts to advise the parents, guardian, or legal custodian of the time and place of any shelter care hearing, request that they be present, and inform them of their basic rights as provided in RCW 13.34.090.

(4) Reasonable efforts to advise and to give notice, as required in this section, shall include, at a minimum, investigation of the whereabouts of the parent, guardian, or legal custodian. If such reasonable efforts are not successful, or the parent, guardian, or legal custodian does not appear at the shelter care hearing, the petitioner shall testify at the hearing or state in a declaration:

- (a) The efforts made to investigate the whereabouts of, and to advise, the parent, guardian, or (~~legal~~) custodian; and
- (b) Whether actual advice of rights was made, to whom it was made, and how it was made, including the substance of any oral communication or copies of written materials used.

Sec. 3. RCW 13.34.065 and 2008 c 267 s 2 are each amended to read as follows:

(1)(a) When a child is taken into custody, the court shall hold a shelter care hearing within seventy-two hours, excluding Saturdays, Sundays, and holidays. The primary purpose of the shelter care hearing is to determine whether the child can be immediately and safely returned home while the adjudication of the dependency is pending.

(b) Any parent, guardian, or legal custodian who for good cause is unable to attend the shelter care hearing may request that a subsequent shelter care hearing be scheduled. The request shall be made to the clerk of the court where the petition is filed prior to the initial shelter care hearing. Upon the request of the parent, the court shall schedule the hearing within seventy-two hours of the request, excluding Saturdays, Sundays, and holidays. The clerk shall notify all other parties of the hearing by any reasonable means.

(2)(a) The department of social and health services shall submit a recommendation to the court as to the further need for shelter care in all cases in which it is the petitioner. In all other cases, the recommendation shall be submitted by the juvenile court probation counselor.

(b) All parties have the right to present testimony to the court regarding the need or lack of need for shelter care.

(c) Hearsay evidence before the court regarding the need or lack of need for shelter care must be supported by sworn testimony, affidavit, or declaration of the person offering such evidence.

(3)(a) At the commencement of the hearing, the court shall notify the parent, guardian, or custodian of the following:

- (i) The parent, guardian, or custodian has the right to a shelter care hearing;
- (ii) The nature of the shelter care hearing, the rights of the parents, and the proceedings that will follow; and
- (iii) If the parent, guardian, or custodian is not represented by counsel, the right to be represented. If the parent, guardian, or custodian is indigent, the court shall appoint counsel as provided in RCW 13.34.090; and

(b) If a parent, guardian, or legal custodian desires to waive the shelter care hearing, the court shall determine, on the record and with the parties present, whether such waiver is knowing and voluntary. A parent may not waive his or her right to the shelter care hearing unless he or she appears in court and the court determines that the waiver is knowing and voluntary. Regardless of whether the court accepts the parental waiver of the shelter care hearing, the court must provide notice to the parents of their rights required under (a) of this subsection and make the finding required under subsection (4) of this section.

(4) At the shelter care hearing the court shall examine the need for shelter care and inquire into the status of the case. The paramount consideration for the court shall be the health, welfare, and safety of the child. At a minimum, the court shall inquire into the following:

(a) Whether the notice required under RCW 13.34.062 was given to all known parents, guardians, or legal custodians of the child. The court shall make an express finding as to whether the notice required under RCW 13.34.062 was given to the parent, guardian, or legal custodian. If actual notice was not given to the parent, guardian, or legal custodian and the whereabouts of such person is known or can be ascertained, the court shall order the supervising agency or the department of social and health services to make reasonable efforts to advise the parent, guardian, or legal custodian of the status of the case, including the date and time of any subsequent hearings, and their rights under RCW 13.34.090;

(b) Whether the child can be safely returned home while the adjudication of the dependency is pending;

(c) What efforts have been made to place the child with a relative;

(d) What services were provided to the family to prevent or eliminate the need for removal of the child from the child's home;

(e) Is the placement proposed by the agency the least disruptive and most family-like setting that meets the needs of the child;

(f) Whether it is in the best interest of the child to remain enrolled in the school, developmental program, or child care the child was in prior to placement and what efforts have been made to maintain the child in the school, program, or child care if it would be in the best interest of the child to remain in the same school, program, or child care;

(g) Appointment of a guardian ad litem or attorney;

(h) Whether the child is or may be an Indian child as defined in 25 U.S.C. Sec. 1903, whether the provisions of the Indian child welfare act apply, and whether there is compliance with the Indian child welfare act, including notice to the child's tribe;

(i) Whether, as provided in RCW 26.44.063, restraining orders, or orders expelling an allegedly abusive household member from the home of a nonabusive parent, guardian, or legal custodian, will allow the child to safely remain in the home;

(j) Whether any orders for examinations, evaluations, or immediate services are needed. The court may not order a parent to undergo examinations, evaluation, or services at the shelter care hearing unless the parent agrees to the examination, evaluation, or service;

(k) The terms and conditions for parental, sibling, and family visitation.

(5)(a) The court shall release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian unless the court finds there is reasonable cause to believe that:

(i) After consideration of the specific services that have been provided, reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home; and

(ii)(A) The child has no parent, guardian, or legal custodian to provide supervision and care for such child; or

(B) The release of such child would present a serious threat of substantial harm to such child, notwithstanding an order entered pursuant to RCW 26.44.063; or

(C) The parent, guardian, or custodian to whom the child could be released has been charged with violating RCW 9A.40.060 or 9A.40.070.

(b) If the court does not release the child to his or her parent, guardian, or legal custodian, the court shall order placement with a relative, unless there is reasonable cause to believe the health, safety, or welfare of the child would be jeopardized or that the efforts to reunite the parent and child will be hindered. The relative must be willing and available to:

(i) Care for the child and be able to meet any special needs of the child;

(ii) Facilitate the child's visitation with siblings, if such visitation is part of the supervising agency's plan or is ordered by the court; and

(iii) Cooperate with the department in providing necessary background checks and home studies.

(c) If the child was not initially placed with a relative, and the court does not release the child to his or her parent, guardian, or legal custodian, the supervising agency shall make reasonable efforts to

locate a relative pursuant to RCW 13.34.060(1). In determining placement, the court shall weigh the child's length of stay and attachment to the current provider in determining what is in the best interest of the child.

(d) If a relative is not available, the court shall order continued shelter care or order placement with another suitable person, and the court shall set forth its reasons for the order. If the court orders placement of the child with a person not related to the child and not licensed to provide foster care, the placement is subject to all terms and conditions of this section that apply to relative placements.

(e) Any placement with a relative, or other person approved by the court pursuant to this section, shall be contingent upon cooperation with the agency case plan and compliance with court orders related to the care and supervision of the child including, but not limited to, court orders regarding parent-child contacts, sibling contacts, and any other conditions imposed by the court. Noncompliance with the case plan or court order is grounds for removal of the child from the home of the relative or other person, subject to review by the court.

(f) Uncertainty by a parent, guardian, legal custodian, relative, or other suitable person that the alleged abuser has in fact abused the child shall not, alone, be the basis upon which a child is removed from the care of a parent, guardian, or legal custodian under (a) of this subsection, nor shall it be a basis, alone, to preclude placement with a relative under (b) of this subsection or with another suitable person under (d) of this subsection.

(6)(a) A shelter care order issued pursuant to this section shall include the requirement for a case conference as provided in RCW 13.34.067. However, if the parent is not present at the shelter care hearing, or does not agree to the case conference, the court shall not include the requirement for the case conference in the shelter care order.

(b) If the court orders a case conference, the shelter care order shall include notice to all parties and establish the date, time, and location of the case conference which shall be no later than thirty days before the fact-finding hearing.

(c) The court may order another conference, case staffing, or hearing as an alternative to the case conference required under RCW 13.34.067 so long as the conference, case staffing, or hearing ordered by the court meets all requirements under RCW 13.34.067, including the requirement of a written agreement specifying the services to be provided to the parent.

(7)(a) A shelter care order issued pursuant to this section may be amended at any time with notice and hearing thereon. The shelter care decision of placement shall be modified only upon a showing of change in circumstances. No child may be placed in shelter care for longer than thirty days without an order, signed by the judge, authorizing continued shelter care.

(b)(i) An order releasing the child on any conditions specified in this section may at any time be amended, with notice and hearing thereon, so as to return the child to shelter care for failure of the parties to conform to the conditions originally imposed.

(ii) The court shall consider whether nonconformance with any conditions resulted from circumstances beyond the control of the parent, guardian, or legal custodian and give weight to that fact before ordering return of the child to shelter care.

(8)(a) If a child is returned home from shelter care a second time in the case, or if the supervisor of the caseworker deems it necessary, the multidisciplinary team may be reconvened.

(b) If a child is returned home from shelter care a second time in the case a law enforcement officer must be present and file a report to the department.

Sec. 4. RCW 13.34.145 and 2008 c 152 s 3 are each amended to read as follows:

(1) The purpose of a permanency planning hearing is to review the permanency plan for the child, inquire into the welfare of the child and progress of the case, and reach decisions regarding the permanent placement of the child.

(a) A permanency planning hearing shall be held in all cases where the child has remained in out-of-home care for at least nine months and an adoption decree, guardianship order, or permanent custody order has not previously been entered. The hearing shall

take place no later than twelve months following commencement of the current placement episode.

(b) Whenever a child is removed from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian but is placed in out-of-home care, a permanency planning hearing shall take place no later than twelve months, as provided in this section, following the date of removal unless, prior to the hearing, the child returns to the home of the dependency guardian or long-term care provider, the child is placed in the home of the parent, guardian, or legal custodian, an adoption decree, guardianship order, or a permanent custody order is entered, or the dependency is dismissed. Every effort shall be made to provide stability in long-term placement, and to avoid disruption of placement, unless the child is being returned home or it is in the best interest of the child.

(c) Permanency planning goals should be achieved at the earliest possible date, preferably before the child has been in out-of-home care for fifteen months. In cases where parental rights have been terminated, the child is legally free for adoption, and adoption has been identified as the primary permanency planning goal, it shall be a goal to complete the adoption within six months following entry of the termination order.

(2) No later than ten working days prior to the permanency planning hearing, the agency having custody of the child shall submit a written permanency plan to the court and shall mail a copy of the plan to all parties and their legal counsel, if any.

(3) At the permanency planning hearing, the court shall conduct the following inquiry:

(a) If a goal of long-term foster or relative care has been achieved prior to the permanency planning hearing, the court shall review the child's status to determine whether the placement and the plan for the child's care remain appropriate.

(b) In cases where the primary permanency planning goal has not been achieved, the court shall inquire regarding the reasons why the primary goal has not been achieved and determine what needs to be done to make it possible to achieve the primary goal. The court shall review the permanency plan prepared by the agency and make explicit findings regarding each of the following:

(i) The continuing necessity for, and the safety and appropriateness of, the placement;

(ii) The extent of compliance with the permanency plan by the agency and any other service providers, the child's parents, the child, and the child's guardian, if any;

(iii) The extent of any efforts to involve appropriate service providers in addition to agency staff in planning to meet the special needs of the child and the child's parents;

(iv) The progress toward eliminating the causes for the child's placement outside of his or her home and toward returning the child safely to his or her home or obtaining a permanent placement for the child;

(v) The date by which it is likely that the child will be returned to his or her home or placed for adoption, with a guardian or in some other alternative permanent placement; and

(vi) If the child has been placed outside of his or her home for fifteen of the most recent twenty-two months, not including any period during which the child was a runaway from the out-of-home placement or the first six months of any period during which the child was returned to his or her home for a trial home visit, the appropriateness of the permanency plan, whether reasonable efforts were made by the agency to achieve the goal of the permanency plan, and the circumstances which prevent the child from any of the following:

(A) Being returned safely to his or her home;

(B) Having a petition for the involuntary termination of parental rights filed on behalf of the child;

(C) Being placed for adoption;

(D) Being placed with a guardian;

(E) Being placed in the home of a fit and willing relative of the child; or

(F) Being placed in some other alternative permanent placement, including independent living or long-term foster care.

At this hearing, the court shall order the department to file a petition seeking termination of parental rights if the child has been in out-of-home care for fifteen of the last twenty-two months since the date the dependency petition was filed unless the court makes a good cause exception as to why the filing of a termination of parental rights petition is not appropriate. Any good cause finding shall be reviewed at all subsequent hearings pertaining to the child. For purposes of this section, "good cause exception" includes but is not limited to the following: The child is being cared for by a relative; the department has not provided to the child's family such services as the court and the department have deemed necessary for the child's safe return home; or the department has documented in the case plan a compelling reason for determining that filing a petition to terminate parental rights would not be in the child's best interests.

(c)(i) If the permanency plan identifies independent living as a goal, the court shall make a finding that the provision of services to assist the child in making a transition from foster care to independent living will allow the child to manage his or her financial, personal, social, educational, and nonfinancial affairs prior to approving independent living as a permanency plan of care.

(ii) The permanency plan shall also specifically identify the services that will be provided to assist the child to make a successful transition from foster care to independent living.

(iii) The department shall not discharge a child to an independent living situation before the child is eighteen years of age unless the child becomes emancipated pursuant to chapter 13.64 RCW.

(d) If the child has resided in the home of a foster parent or relative for more than six months prior to the permanency planning hearing, the court shall also enter a finding regarding whether the foster parent or relative was informed of the hearing as required in RCW 74.13.280, 13.34.215(5), and 13.34.096.

(4) In all cases, at the permanency planning hearing, the court shall:

(a)(i) Order the permanency plan prepared by the agency to be implemented; or

(ii) Modify the permanency plan, and order implementation of the modified plan; and

(b)(i) Order the child returned home only if the court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists; or

(ii) Order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan.

(5) Following the first permanency planning hearing, the court shall hold a further permanency planning hearing in accordance with this section at least once every twelve months until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first.

(6) Prior to the second permanency planning hearing, the agency that has custody of the child shall consider whether to file a petition for termination of parental rights.

(7) If the court orders the child returned home, casework supervision shall continue for at least six months, at which time a review hearing shall be held pursuant to RCW 13.34.138, and the court shall determine the need for continued intervention.

(8) The juvenile court may hear a petition for permanent legal custody when: (a) The court has ordered implementation of a permanency plan that includes permanent legal custody; and (b) the party pursuing the permanent legal custody is the party identified in the permanency plan as the prospective legal custodian. During the pendency of such proceeding, the court shall conduct review hearings and further permanency planning hearings as provided in this chapter. At the conclusion of the legal guardianship or permanent legal custody proceeding, a juvenile court hearing shall be held for the purpose of determining whether dependency should be dismissed. If a guardianship or permanent custody order has been entered, the dependency shall be dismissed.

(9) Continued juvenile court jurisdiction under this chapter shall not be a barrier to the entry of an order establishing a legal guardianship or permanent legal custody when the requirements of subsection (8) of this section are met.

(10) Nothing in this chapter may be construed to limit the ability of the agency that has custody of the child to file a petition for termination of parental rights or a guardianship petition at any time following the establishment of dependency. Upon the filing of such a petition, a fact-finding hearing shall be scheduled and held in accordance with this chapter unless the agency requests dismissal of the petition prior to the hearing or unless the parties enter an agreed order terminating parental rights, establishing guardianship, or otherwise resolving the matter.

(11) The approval of a permanency plan that does not contemplate return of the child to the parent does not relieve the supervising agency of its obligation to provide reasonable services, under this chapter, intended to effectuate the return of the child to the parent, including but not limited to, visitation rights. The court shall consider the child's relationships with siblings in accordance with RCW 13.34.130.

(12) Nothing in this chapter may be construed to limit the procedural due process rights of any party in a termination or guardianship proceeding filed under this chapter.

Sec. 5. RCW 13.34.180 and 2001 c 332 s 4 are each amended to read as follows:

(1) A petition seeking termination of a parent and child relationship may be filed in juvenile court by any party to the dependency proceedings concerning that child. Such petition shall conform to the requirements of RCW 13.34.040, shall be served upon the parties as provided in RCW 13.34.070(8), and shall allege all of the following unless subsection (2) or (3) of this section applies:

(a) That the child has been found to be a dependent child;

(b) That the court has entered a dispositional order pursuant to RCW 13.34.130;

(c) That the child has been removed or will, at the time of the hearing, have been removed from the custody of the parent for a period of at least six months pursuant to a finding of dependency;

(d) That the services ordered under RCW 13.34.136 have been expressly and understandably offered or provided and all necessary services, reasonably available, capable of correcting the parental deficiencies within the foreseeable future have been expressly and understandably offered or provided;

(e) That there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. A parent's failure to substantially improve parental deficiencies within twelve months following entry of the dispositional order shall give rise to a rebuttable presumption that there is little likelihood that conditions will be remedied so that the child can be returned to the parent in the near future. The presumption shall not arise unless the petitioner makes a showing that all necessary services reasonably capable of correcting the parental deficiencies within the foreseeable future have been clearly offered or provided. In determining whether the conditions will be remedied the court may consider, but is not limited to, the following factors:

(i) Use of intoxicating or controlled substances so as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documented multiple failed treatment attempts; ~~(or)~~

(ii) Psychological incapacity or mental deficiency of the parent that is so severe and chronic as to render the parent incapable of providing proper care for the child for extended periods of time or for periods of time that present a risk of imminent harm to the child, and documented unwillingness of the parent to receive and complete treatment or documentation that there is no treatment that can render the parent capable of providing proper care for the child in the near future; or

(iii) Failure of the parent to have contact with the child for an extended period of time after the filing of the dependency petition if the parent was provided an opportunity to have a relationship with the child by the department or the court and received documented notice of the potential consequences of this failure, except that the actual inability of a parent to have visitation with the child including, but not limited to, mitigating circumstances such as a parent's incarceration or service in the military does not in and of itself constitute failure to have contact with the child; and

(f) That continuation of the parent and child relationship clearly diminishes the child's prospects for early integration into a stable and permanent home.

(2) In lieu of the allegations in subsection (1) of this section, the petition may allege that the child was found under such circumstances that the whereabouts of the child's parent are unknown and no person has acknowledged paternity or maternity and requested custody of the child within two months after the child was found.

(3) In lieu of the allegations in subsection (1)(b) through (f) of this section, the petition may allege that the parent has been convicted of:

(a) Murder in the first degree, murder in the second degree, or homicide by abuse as defined in chapter 9A.32 RCW against another child of the parent;

(b) Manslaughter in the first degree or manslaughter in the second degree, as defined in chapter 9A.32 RCW against another child of the parent;

(c) Attempting, conspiring, or soliciting another to commit one or more of the crimes listed in (a) or (b) of this subsection; or

(d) Assault in the first or second degree, as defined in chapter 9A.36 RCW, against the surviving child or another child of the parent.

(4) Notice of rights shall be served upon the parent, guardian, or legal custodian with the petition and shall be in substantially the following form:

"NOTICE

A petition for termination of parental rights has been filed against you. You have important legal rights and you must take steps to protect your interests. This petition could result in permanent loss of your parental rights.

1. You have the right to a fact-finding hearing before a judge.

2. You have the right to have a lawyer represent you at the hearing. A lawyer can look at the files in your case, talk to the department of social and health services and other agencies, tell you about the law, help you understand your rights, and help you at hearings. If you cannot afford a lawyer, the court will appoint one to represent you. To get a court-appointed lawyer you must contact: (explain local procedure).

3. At the hearing, you have the right to speak on your own behalf, to introduce evidence, to examine witnesses, and to receive a decision based solely on the evidence presented to the judge.

You should be present at this hearing.

You may call (insert agency) for more information about your child. The agency's name and telephone number are (insert name and telephone number)."

On page 1, line 2 of the title, after "matters;" strike the remainder of the title and insert "amending RCW 13.34.065, 13.34.145, and 13.34.180; reenacting and amending RCW 13.34.062; and creating a new section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Goodman spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1782, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1782, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Chandler and Taylor.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 2331 with the following amendments:

On page 1, line 8, strike "~~(ten)~~ thirty" and insert "ten"

On page 1, line 10, after "law." Insert "During the 2009-11 and 2011-13 biennia, the surcharge shall be thirty dollars."

On page 2, after "to" on line 25, insert "(a)"

On page 2, after "trust" on line 26, insert ", or (b) documents recording a birth, marriage, divorce, or death or any documents otherwise exempted from a recording fee under state law"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendments to HOUSE BILL NO. 2331 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Darneille spoke in favor of the passage of the bill.

Representative Alexander spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of House Bill No. 2331, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2331, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; Nays, 44; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Haigh, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Blake, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hudgins, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Liias, McCune, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

HOUSE BILL NO. 2331, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2346 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 13.32A.130 and 2000 c 162 s 13 and 2000 c 123 s 15 are each reenacted and amended to read as follows:

(1) A child admitted to a secure facility located in a juvenile detention center shall remain in the facility for at least twenty-four hours after admission but for not more than five consecutive days. ~~((If the child admitted under this section is transferred between secure and semi-secure facilities, the aggregate length of time spent in all such centers or facilities may not exceed five consecutive days per admission.))~~ A child admitted to a secure facility not located in a juvenile detention center or a semi-secure facility may remain for not more than fifteen consecutive days. If a child is transferred between a secure and semi-secure facility, the aggregate length of time a child may remain in both facilities shall not exceed fifteen consecutive days per admission, and in no event may a child's stay in a secure facility located in a juvenile detention center exceed five days per admission.

(2)(a)(i) The facility administrator shall determine within twenty-four hours after a child's admission to a secure facility whether the child is likely to remain in a semi-secure facility and may transfer the child to a semi-secure facility or release the child to the department. The determination shall be based on: (A) The need for continued assessment, protection, and treatment of the child in a secure facility; and (B) the likelihood the child would remain at a semi-secure facility until his or her parents can take the child home or a petition can be filed under this title.

(ii) In making the determination the administrator shall consider the following information if known: (A) The child's age and maturity; (B) the child's condition upon arrival at the center; (C) the circumstances that led to the child's being taken to the center; (D) whether the child's behavior endangers the health, safety, or welfare of the child or any other person; (E) the child's history of running away; and (F) the child's willingness to cooperate in the assessment.

(b) If the administrator of a secure facility determines the child is unlikely to remain in a semi-secure facility, the administrator shall keep the child in the secure facility pursuant to this chapter and in order to provide for space for the child may transfer another child who has been in the facility for at least seventy-two hours to a semi-secure facility. The administrator shall only make a transfer of a

child after determining that the child who may be transferred is likely to remain at the semi-secure facility.

(c) A crisis residential center administrator is authorized to transfer a child to a crisis residential center in the area where the child's parents reside or where the child's lawfully prescribed residence is located.

(d) An administrator may transfer a child from a semi-secure facility to a secure facility whenever he or she reasonably believes that the child is likely to leave the semi-secure facility and not return and after full consideration of all factors in (a)(i) and (ii) of this subsection.

(3) If no parent is available or willing to remove the child during the first seventy-two hours following admission, the department shall consider the filing of a petition under RCW 13.32A.140.

(4) Notwithstanding the provisions of subsection (1) of this section, the parents may remove the child at any time (~~during the five-day period~~) unless the staff of the crisis residential center has reasonable cause to believe that the child is absent from the home because he or she is abused or neglected or if allegations of abuse or neglect have been made against the parents. The department or any agency legally charged with the supervision of a child may remove a child from a crisis residential center at any time after the first twenty-four-hour period after admission has elapsed and only after full consideration by all parties of the factors in subsection (2)(a) of this section.

(5) Crisis residential center staff shall make reasonable efforts to protect the child and achieve a reconciliation of the family. If a reconciliation and voluntary return of the child has not been achieved within forty-eight hours from the time of admission, and if the administrator of the center does not consider it likely that reconciliation will be achieved within ~~((the five-day period))~~ five days of the child's admission to the center, then the administrator shall inform the parent and child of: (a) The availability of counseling services; (b) the right to file a child in need of services petition for an out-of-home placement, the right of a parent to file an at-risk youth petition, and the right of the parent and child to obtain assistance in filing the petition; (c) the right to request the facility administrator or his or her designee to form a multidisciplinary team; (d) the right to request a review of any out-of-home placement; (e) the right to request a mental health or chemical dependency evaluation by a county-designated professional or a private treatment facility; and (f) the right to request treatment in a program to address the child's at-risk behavior under RCW 13.32A.197.

(6) At no time shall information regarding a parent's or child's rights be withheld. The department shall develop and distribute to all law enforcement agencies and to each crisis residential center administrator a written statement delineating the services and rights. The administrator of the facility or his or her designee shall provide every resident and parent with a copy of the statement.

(7) A crisis residential center and any person employed at the center acting in good faith in carrying out the provisions of this section are immune from criminal or civil liability for such actions.

Sec. 2. RCW 74.13.0321 and 1995 c 312 s 61 are each amended to read as follows:

No contract may provide reimbursement or compensation to:

(1) ~~A ((crisis residential center's)) secure facility located in a juvenile detention center for any service delivered or provided to a resident child after five consecutive days of residence; or~~

(2) A secure facility not located in a juvenile detention center or a semi-secure crisis residential center facility for any service delivered or provided to a resident child after fifteen consecutive days of residence.

Sec. 3. RCW 74.13.033 and 2000 c 162 s 16 are each amended to read as follows:

(1) If a resident of a crisis residential center becomes by his or her behavior disruptive to the facility's program, such resident may be immediately removed to a separate area within the facility and counseled on an individual basis until such time as the child regains his or her composure. The department may set rules and regulations establishing additional procedures for dealing with severely disruptive children on the premises.

(2) When the juvenile resides in this facility, all services deemed necessary to the juvenile's reentry to normal family life shall be made

available to the juvenile as required by chapter 13.32A RCW. In assessing the child and providing these services, the facility staff shall:

(a) Interview the juvenile as soon as possible;

(b) Contact the juvenile's parents and arrange for a counseling interview with the juvenile and his or her parents as soon as possible;

(c) Conduct counseling interviews with the juvenile and his or her parents, to the end that resolution of the child/parent conflict is attained and the child is returned home as soon as possible;

(d) Provide additional crisis counseling as needed, to the end that placement of the child in the crisis residential center will be required for the shortest time possible, but not to exceed ~~((five))~~ fifteen consecutive days; and

(e) Convene, when appropriate, a multidisciplinary team.

(3) Based on the assessments done under subsection (2) of this section the ~~((facility))~~ center staff may refer any child who, as the result of a mental or emotional disorder, or intoxication by alcohol or other drugs, is suicidal, seriously assaultive, or seriously destructive toward others, or otherwise similarly evidences an immediate need for emergency medical evaluation and possible care, for evaluation pursuant to chapter 71.34 RCW, to a mental health professional pursuant to chapter 71.05 RCW, or to a chemical dependency specialist pursuant to chapter 70.96A RCW whenever such action is deemed appropriate and consistent with law.

(4) A juvenile taking unauthorized leave from a facility shall be apprehended and returned to it by law enforcement officers or other persons designated as having this authority as provided in RCW 13.32A.050. If returned to the facility after having taken unauthorized leave for a period of more than twenty-four hours a juvenile shall be supervised by such a facility for a period, pursuant to this chapter, which, unless where otherwise provided, may not exceed ~~((five))~~ fifteen consecutive days ~~((on the premises))~~. Costs of housing juveniles admitted to crisis residential centers shall be assumed by the department for a period not to exceed ~~((five))~~ fifteen consecutive days.

Sec. 4. RCW 74.13.034 and 2000 c 162 s 17 are each amended to read as follows:

(1) A child taken into custody and taken to a crisis residential center established pursuant to RCW 74.13.032 may, if the center is unable to provide appropriate treatment, supervision, and structure to the child, be taken at department expense to another crisis residential center, the nearest regional secure crisis residential center, or a secure facility with which it is collocated under RCW 74.13.032. Placement in both locations shall not exceed ~~((five))~~ fifteen consecutive days from the point of intake as provided in RCW 13.32A.130.

(2) A child taken into custody and taken to a crisis residential center established by this chapter may be placed physically by the department or the department's designee and, at departmental expense and approval, in a secure juvenile detention facility operated by the county in which the center is located for a maximum of forty-eight hours, including Saturdays, Sundays, and holidays, if the child has taken unauthorized leave from the center and the person in charge of the center determines that the center cannot provide supervision and structure adequate to ensure that the child will not again take unauthorized leave. Juveniles placed in such a facility pursuant to this section may not, to the extent possible, come in contact with alleged or convicted juvenile or adult offenders.

(3) Any child placed in secure detention pursuant to this section shall, during the period of confinement, be provided with appropriate treatment by the department or the department's designee, which shall include the services defined in RCW 74.13.033(2). If the child placed in secure detention is not returned home or if an alternative living arrangement agreeable to the parent and the child is not made within twenty-four hours after the child's admission, the child shall be taken at the department's expense to a crisis residential center. Placement in the crisis residential center or centers plus placement in juvenile detention shall not exceed five consecutive days from the point of intake as provided in RCW 13.32A.130.

(4) Juvenile detention facilities used pursuant to this section shall first be certified by the department to ensure that juveniles placed in the facility pursuant to this section are provided with living conditions suitable to the well-being of the child. Where space is available, juvenile courts, when certified by the department to do so,

shall provide secure placement for juveniles pursuant to this section, at department expense.

NEW SECTION. Sec. 5. A new section is added to chapter 13.32A RCW to read as follows:

The department may take a runaway youth to a secure facility after attempting to notify the parent of the child's whereabouts. The department may not take a child to a secure facility if the department has reasonable cause to believe that the reason for the child's runaway status is the result of abuse or neglect."

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "amending RCW 74.13.0321, 74.13.033, and 74.13.034; reenacting and amending RCW 13.32A.130; and adding a new section to chapter 13.32A RCW."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2346 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Kagi spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2346, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2346, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE HOUSE BILL NO. 2346, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 23, 2009

Mr. Speaker:

The President ruled that the House amendment is outside the "scope and object" of the matter. The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5510 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5510. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5510, by Senate Committee on Human Services & Corrections (originally sponsored by Senators Stevens, Hargrove, Swecker and Shin)

Regarding notification in dependency matters.

Representative Kagi moved the adoption of amendment (888):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 13.34 RCW to read as follows:

(1) After entry of a dispositional order pursuant to RCW 13.34.130 ordering placement of a child in out-of-home care, the department shall continue to encourage the parent, guardian, or custodian of the child to engage in services and maintain contact with the child, which shall be accomplished by attaching a standard notice to the services and safety plan to be provided in advance of hearings conducted pursuant to RCW 13.34.138.

(2) The notice shall be photocopied on contrasting paper to distinguish it from the services and safety plan to which it is attached, and shall be in substantially the following form:

"NOTICE

If you have not been maintaining consistent contact with your child in out-of-home care, your ability to reunify with your child may be jeopardized. If this is your situation, you need to be aware that you have important legal rights and must take steps to protect your interests.

1. The department of social and health services (or other supervising agency) and the court have created a permanency plan for your child, including a primary placement plan and a secondary placement plan, and recommending services needed before your child can be placed in the primary or secondary placement. If you want the court to order that your child be reunified with you, you should notify your lawyer and the department, and you should carefully comply with court orders for services and participate regularly in visitation with your child. Failure to promptly engage in services or to maintain contact with your child may lead to the filing of a petition to terminate your rights as a parent.

2. Primary and secondary permanency plans are intended to run at the same time so that your child will have a permanent home as quickly as possible. Even if you want another parent or person to be the primary placement choice for your child, you should tell your lawyer, the department, and the court if you want to be the secondary placement option, and you should comply with any court orders for services and participate in visitation with your child. Early and consistent involvement in your child's case plan is important for the well-being of your child.

3. Dependency review hearings, and all other dependency case hearings, are legal proceedings with potentially serious consequences. Failure to participate, respond, or comply with court orders may lead to the loss of your parental rights."

Correct the title.

Representatives Kagi and Haler spoke in favor of the adoption of the amendment.

Amendment (888) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Goodman and Haler spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5510, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5510, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander and DeBolt.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 5510, as amended by the House, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5510.

RICHARD DEBOLT, 20th District

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SUBSTITUTE SENATE BILL NO. 5510.

GARY ALEXANDER, 20th District

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6171, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Concerning savings in programs under the supervision of the department of health.

Representative Campbell moved the adoption of amendment (935):

On page 11, beginning on line 23, strike all of section 11
Renummer the remaining sections consecutively and correct any internal references accordingly.
Correct the title.

Representatives Campbell and Chase spoke in favor of the adoption of the amendment.

Amendment (935) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6171, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6171, as amended by the House, and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 6171, as amended by the House, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5499, by Senate Committee on Transportation (originally sponsored by Senators Jarrett, Swecker, Haugen, Marr and Shin)

Concerning bond amounts for department of transportation highway contracts.

Representative Hudgins moved the adoption of amendment (491):

On page 3, line 25, after "project," insert "Before the secretary may approve any bond authorized to be less than the full contract price of a project, the office of financial management shall review and approve the analysis supporting the amount of the bond set by the department to ensure that one hundred percent of the state's exposure to loss is adequately protected."

Representatives Hudgins and Rodne spoke in favor of the adoption of the amendment.

Amendment (491) was adopted.

With the consent of the House, amendment (492) was withdrawn.

Representative Hudgins moved the adoption of amendment (934):

On page 4, after line 5, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 39.08 RCW to read as follows:

In consultation with the director of the office of financial management and the secretary of the department of transportation, the governor shall approve any contract and bond amount authorized with respect to contracts in which the department intends to authorize bonds under RCW 39.08.030 in an amount less than the full contract price of the contract."

Renumber remaining section consecutively, correct internal references accordingly, and correct the title.

Representatives Hudgins and Rodne spoke in favor of the adoption of the amendment.

Amendment (934) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Liias and Rodne spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5499, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5499, as amended by the House, and the bill passed the House by the following vote: Yeas, 92; Nays, 2; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson and Eddy.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 5499, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5421, by Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Parlette, Jacobsen, Rockefeller, Swecker, Hargrove, Shin and Marr)

Establishing the upper Columbia river recreational salmon and steelhead pilot stamp program. Revised for 1st Substitute: Creating the Columbia river recreational salmon and steelhead pilot stamp program.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Blake spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 5421.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5421 and the bill passed the House by the following vote: Yeas, 77; Nays, 17; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Smith, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Chandler, Crouse, Grant-Herriot, Haler, Herrera, Johnson, Kristiansen, Orcutt, Parker, Pearson, Ross, Schmick, Shea, Short and Taylor.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 5421, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SUBSTITUTE SENATE BILL NO. 5421.

MIKE HOPE, 44th District

SECOND READING

ENGROSSED SENATE BILL NO. 5915, by Senators Prentice and Fairley

Authorizing emergency rule making when the state employment growth forecast is estimated to be less than one percent. (REVISED FOR ENGROSSED: Authorizing emergency rule making when necessary to implement budget appropriations and reductions.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5915.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5915 and the bill passed the House by the following vote: Yeas, 57; Nays, 37; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt,

Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Warnick and Williams.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SENATE BILL NO. 5915, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6122, by Senate Committee on Ways & Means (originally sponsored by Senators Prentice, Zarelli and Brandland)

Reducing costs of the elections division of the office of the secretary of state.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Hunt and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6122, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6122, as amended by the House, and the bill passed the House by the following vote: Yeas, 90; Nays, 4; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Quall, Roberts, Rodne, Ross, Rolfes, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Grant-Herriot, Lias, Morrell and Probst.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 6122, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6126, by Senators Prentice and Tom

Concerning boxing, martial arts, and wrestling events.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representative Linville spoke in favor of the passage of the bill.

Representative Hinkle spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6126, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6126, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 44; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SENATE BILL NO. 6126, as amended by the House, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6157, by Senators Prentice, Tom, Hobbs and Fraser

Calculating compensation for public retirement purposes during the 2009-2011 fiscal biennium.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6157.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6157 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SENATE BILL NO. 6157, having received the necessary constitutional majority, was declared passed.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Tom and Prentice)

Relating to home care workers. Revised for 1st Substitute: Concerning the training and background checks of long-term care workers.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Cody and Priest spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6180.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6180 and the bill passed the House by the following vote: Yeas, 72; Nays, 22; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Appleton, Bailey, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Condotta, Conway, Darneille, DeBolt, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Short, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Anderson, Angel, Chandler, Cox, Crouse, Dammeier, Driscoll, Ericksen, Herrera, Hinkle, Hope, Johnson, McCune, Morrell, Parker, Pearson, Rodne, Ross, Schmick, Shea, Smith and Taylor.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6180, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 6161, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Relating to the actuarial funding of pension systems. Revised for 1st Substitute: Addressing the actuarial funding of pension systems.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

Representative Anderson moved the adoption of amendment (939):

On page 1, beginning on line 7, strike all of section 1 and insert the following:

"Sec. 1. RCW 41.45.010 and 2005 c 370 s 4 are each amended to read as follows:

It is the intent of the legislature to provide a dependable and systematic process for funding the benefits provided to members and retirees of the public employees' retirement system, chapter 41.40 RCW; the teachers' retirement system, chapter 41.32 RCW; the law enforcement officers' and firefighters' retirement systems, chapter 41.26 RCW; the school employees' retirement system, chapter 41.35 RCW; the public safety employees' retirement system, chapter 41.37 RCW; and the Washington state patrol retirement system, chapter 43.43 RCW.

((The legislature finds that the funding status of the state retirement systems has improved dramatically since 1989. Because of the big reduction in unfunded pension liabilities, it is now prudent to adjust the long-term economic assumptions that are used in the actuarial studies conducted by the state actuary. The legislature finds that it is reasonable to increase the salary growth assumption in light of Initiative Measure No. 732, to increase the investment return assumption in light of the asset allocation policies and historical returns of the state investment board, and to reestablish June 30, 2024, as the target date to achieve full funding of all liabilities in the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and firefighters' retirement system plan 1.))

The funding process established by this chapter is intended to achieve the following goals:

(1) To fully fund the public employees' retirement system plans 2 and 3, the teachers' retirement system plans 2 and 3, the school employees' retirement system plans 2 and 3, the public safety employees' retirement system plan 2, and the law enforcement officers' and firefighters' retirement system plan 2 as provided by law;

(2) To fully amortize the total costs of the public employees' retirement system plan 1, the teachers' retirement system plan 1, and the law enforcement officers' and firefighters' retirement system plan 1, not later than June 30, ~~((2024))~~2020;

(3) To establish long-term employer contribution rates which will remain a relatively predictable proportion of the future state budgets; and

(4) To fund, to the extent feasible, benefit increases for plan 1 members and all benefits for plan 2 and 3 members over the working lives of those members so that the cost of those benefits are paid by the taxpayers who receive the benefit of those members' service."

On page 4, beginning on line 5, strike all of sections 3 through 8.

Renumber the remaining sections consecutively and correct the title.

Representatives Anderson and Chandler spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (939) was not adopted.

Representative Anderson moved the adoption of amendment (940):

On page 3, line 7, after "shall be" strike "8" and insert "~~((8))~~7.25"

Representative Anderson spoke in favor of the adoption of the amendment.

Representative Conway spoke against the adoption of the amendment.

Amendment (940) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Conway and Seaquist spoke in favor of the passage of the bill.

Representatives Bailey, Smith and Anderson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6161, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6161, as amended by the House, and the bill passed the House by the following vote: Yeas, 50; Nays, 44; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Liiias, Linville, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, Maxwell, McCune, Morrell, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Rodne, Ross, Schmick, Sells, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SUBSTITUTE SENATE BILL NO. 6161, as amended by the House, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6166, by Senators Hargrove, Ranker, Rockefeller, Jacobsen and Morton

Concerning the sale of timber from state trust lands.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Blake, Orcutt and Linville spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6166.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6166 and the bill passed the House by the following vote: Yeas, 94; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liiias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove,

Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

ENGROSSED SENATE BILL NO. 6166, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6167, by Senators Kline, Regala and Hargrove

Concerning crimes against property.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hurst spoke in favor of the passage of the bill.

Representative Pearson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6167.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6167 and the bill passed the House by the following vote: Yeas, 53; Nays, 41; Absent, 0; Excused, 4.

Voting yea: Representatives Appleton, Blake, Carlyle, Chandler, Chase, Clibborn, Cody, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Liiias, Linville, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rodne, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Condotta, Conway, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kirby, Klippert, Kretz, Kristiansen, Maxwell, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Ross, Schmick, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Roach and Walsh.

SENATE BILL NO. 6167, having received the necessary constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5537, by Senate Committee on Ways & Means (originally sponsored by Senator Fraser)

Eliminating the statutory debt limit.

With the consent of the House, amendment (691) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Dunshee spoke in favor of the passage of the bill.

Representative Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5537.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5537 and the bill passed the House by the following vote: Yeas, 50; Nays, 44; Absent, 1; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Goodman, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Miloscia, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace and Warnick.

Absent: Representative Sells.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE SENATE BILL NO. 5537, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

Had I been present, I would have voted YEA on SUBSTITUTE SENATE BILL NO. 5537.

MIKE SELLS, 38th District

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

HOUSE BILL NO. 1238
 SUBSTITUTE HOUSE BILL NO. 1239
 HOUSE BILL NO. 1287
 SUBSTITUTE HOUSE BILL NO. 1292
 SUBSTITUTE HOUSE BILL NO. 1332
 SUBSTITUTE HOUSE BILL NO. 1420
 SECOND SUBSTITUTE HOUSE BILL NO. 1481
 HOUSE BILL NO. 1527
 HOUSE BILL NO. 1579
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701
 SUBSTITUTE HOUSE BILL NO. 1751
 SUBSTITUTE HOUSE BILL NO. 1758
 SUBSTITUTE HOUSE BILL NO. 1845
 SUBSTITUTE HOUSE BILL NO. 1869
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211
 ENGROSSED HOUSE BILL NO. 2242
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254
 SUBSTITUTE HOUSE BILL NO. 2339
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344
 SUBSTITUTE HOUSE BILL NO. 2356
 ENGROSSED HOUSE BILL NO. 2358
 SENATE BILL NO. 5359
 SENATE BILL NO. 5470
 SENATE BILL NO. 5525
 SUBSTITUTE SENATE BILL NO. 5684
 SUBSTITUTE SENATE BILL NO. 5734
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5768
 SUBSTITUTE SENATE BILL NO. 5840
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5892
 ENGROSSED SENATE BILL NO. 5894
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6108
 ENGROSSED SUBSTITUTE SENATE BILL NO. 6169

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:00 a.m., April 26, 2009, the 105th Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

SIXTY-FIRST LEGISLATURE - REGULAR SESSION

ONE HUNDRED FIFTH DAY

House Chamber, Olympia, Sunday, April 26, 2009

The House was called to order at 9:00 a.m. by the Speaker (Representative Morris presiding). The Clerk called the roll and a quorum was present.

The flags were escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Glenn Wilkes and Rod Lobe. The Speaker (Representative Morris presiding) led the Chamber in the Pledge of Allegiance. The prayer was offered by Representative Jaime Hererra.

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has adopted the report of Conference Committee on SUBSTITUTE SENATE BILL NO. 5574, and has passed the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has adopted the report of Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 5352, and has passed the bill as recommended by the Conference Committee, and the same is/are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
SUBSTITUTE SENATE BILL NO. 5436,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6158, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6162, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6160, and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 2361 and asks the House to concur, and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House did not concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2361, and again asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2194 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 9.94A.728 and 2008 c 231 s 34 are each amended to read as follows:

No person serving a sentence imposed pursuant to this chapter and committed to the custody of the department shall leave the confines of the correctional facility or be released prior to the expiration of the sentence except as follows:

(1) Except as otherwise provided for in subsection (2) of this section, the term of the sentence of an offender committed to a correctional facility operated by the department may be reduced by earned release time in accordance with procedures that shall be developed and promulgated by the correctional agency having jurisdiction in which the offender is confined. The earned release time shall be for good behavior and good performance, as determined by the correctional agency having jurisdiction. The correctional agency shall not credit the offender with earned release credits in advance of the offender actually earning the credits. Any program established pursuant to this section shall allow an offender to earn early release credits for presentence incarceration. If an offender is transferred from a county jail to the department, the administrator of a county jail facility shall certify to the department the amount of time spent in custody at the facility and the amount of earned release time. An offender who has been convicted of a felony committed after July 23, 1995, that involves any applicable deadly weapon enhancements under RCW 9.94A.533 (3) or (4), or both, shall not receive any good time credits or earned release time for that portion of his or her sentence that results from any deadly weapon enhancements.

(a) In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 1990, and before July 1, 2003, the aggregate earned release time may not exceed fifteen percent of the sentence. In the case of an offender convicted of a serious violent offense, or a sex offense that is a class A felony, committed on or after July 1, 2003, the aggregate earned release time may not exceed ten percent of the sentence.

(b)(i) In the case of an offender who qualifies under (b)(ii) of this subsection, the aggregate earned release time may not exceed fifty percent of the sentence.

(ii) An offender is qualified to earn up to fifty percent of aggregate earned release time under this subsection (1)(b) if he or she:

- (A) Is classified in one of the two lowest risk categories under (b)(iii) of this subsection;
- (B) Is not confined pursuant to a sentence for:
 - (I) A sex offense;
 - (II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;
 (IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor); (C) Has no prior conviction for:

(I) A sex offense;

(II) A violent offense;

(III) A crime against persons as defined in RCW 9.94A.411;

(IV) A felony that is domestic violence as defined in RCW 10.99.020;

(V) A violation of RCW 9A.52.025 (residential burglary);

(VI) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine; or

(VII) A violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor);

(D) Participates in programming or activities as directed by the offender's individual reentry plan as provided under RCW 72.09.270 to the extent that such programming or activities are made available by the department; and

(E) Has not committed a new felony after July 22, 2007, while under community custody.

(iii) For purposes of determining an offender's eligibility under this subsection (1)(b), the department shall perform a risk assessment of every offender committed to a correctional facility operated by the department who has no current or prior conviction for a sex offense, a violent offense, a crime against persons as defined in RCW 9.94A.411, a felony that is domestic violence as defined in RCW 10.99.020, a violation of RCW 9A.52.025 (residential burglary), a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by manufacture or delivery or possession with intent to deliver methamphetamine, or a violation of, or an attempt, solicitation, or conspiracy to violate, RCW 69.50.406 (delivery of a controlled substance to a minor). The department must classify each assessed offender in one of four risk categories between highest and lowest risk.

(iv) The department shall recalculate the earned release time and reschedule the expected release dates for each qualified offender under this subsection (1)(b).

(v) This subsection (1)(b) applies retroactively to eligible offenders serving terms of total confinement in a state correctional facility as of July 1, 2003.

(vi) This subsection (1)(b) does not apply to offenders convicted after July 1, 2010.

(c) In no other case shall the aggregate earned release time exceed one-third of the total sentence;

(2)(a) A person convicted of a sex offense, a violent offense, any crime against persons under RCW 9.94A.411(2), or a felony offense under chapter 69.50 or 69.52 RCW, may become eligible, in accordance with a program developed by the department, for transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section;

(b) The department shall, as a part of its program for release to the community in lieu of earned release, require the offender to propose a release plan that includes an approved residence and living arrangement. All offenders with community custody terms eligible for release to community custody in lieu of earned release shall provide an approved residence and living arrangement prior to release to the community;

(c) The department may deny transfer to community custody in lieu of earned release time pursuant to subsection (1) of this section if the department determines an offender's release plan, including proposed residence location and living arrangements, may violate the conditions of the sentence or conditions of supervision, place the offender at risk to violate the conditions of the sentence, place the offender at risk to reoffend, or present a risk to victim safety or community safety. The department's authority under this section is

independent of any court-ordered condition of sentence or statutory provision regarding conditions for community custody;

(d) If the department denies transfer to community custody in lieu of earned early release pursuant to (c) of this subsection, the department may transfer an offender to partial confinement in lieu of earned early release up to three months. The three months in partial confinement is in addition to that portion of the offender's term of confinement that may be served in partial confinement as provided in this section;

(e) An offender serving a term of confinement imposed under RCW 9.94A.670(5)(a) is not eligible for earned release credits under this section;

(3) An offender may leave a correctional facility pursuant to an authorized furlough or leave of absence. In addition, offenders may leave a correctional facility when in the custody of a corrections officer or officers;

(4)(a) The secretary may authorize an extraordinary medical placement for an offender when all of the following conditions exist:

(i) The offender has a medical condition that is serious ~~((enough))~~ and is expected to require costly care or treatment;

(ii) The offender poses a low risk to the community because he or she is currently physically incapacitated due to age or the medical condition or is expected to be so at the time of release; and

(iii) It is expected that granting the extraordinary medical placement will result in a cost savings to the state.

(b) An offender sentenced to death or to life imprisonment without the possibility of release or parole is not eligible for an extraordinary medical placement.

(c) The secretary shall require electronic monitoring for all offenders in extraordinary medical placement unless the electronic monitoring equipment interferes with the function of the offender's medical equipment or results in the loss of funding for the offender's medical care, in which case, an alternative type of monitoring shall be utilized. The secretary shall specify who shall provide the monitoring services and the terms under which the monitoring shall be performed.

(d) The secretary may revoke an extraordinary medical placement under this subsection at any time;

(5) The governor, upon recommendation from the clemency and pardons board, may grant an extraordinary release for reasons of serious health problems, senility, advanced age, extraordinary meritorious acts, or other extraordinary circumstances;

(6) No more than the final six months of the offender's term of confinement may be served in partial confinement designed to aid the offender in finding work and reestablishing himself or herself in the community. This is in addition to that period of earned early release time that may be exchanged for partial confinement pursuant to subsection (2)(d) of this section;

(7) The governor may pardon any offender;

(8) The department may release an offender from confinement any time within ten days before a release date calculated under this section;

(9) An offender may leave a correctional facility prior to completion of his or her sentence if the sentence has been reduced as provided in RCW 9.94A.870; and

(10) Notwithstanding any other provisions of this section, an offender sentenced for a felony crime listed in RCW 9.94A.540 as subject to a mandatory minimum sentence of total confinement shall not be released from total confinement before the completion of the listed mandatory minimum sentence for that felony crime of conviction unless allowed under RCW 9.94A.540, however persistent offenders are not eligible for extraordinary medical placement.

NEW SECTION. Sec. 2. This act takes effect August 1, 2009."

On page 1, line 1 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 9.94A.728; and providing an effective date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2194 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Appleton spoke in favor of the passage of the bill.

Representative Dammeier spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2194, as amended by the Senate.

MOTIONS

On motion of Representative Santos, Representatives Hasegawa and Liias were excused. On motion of Representative Hinkle, Representatives Hinkle, Rodne and Walsh were excused.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2194, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 52; Nays, 41; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Liias, Rodne and Walsh.

ENGROSSED HOUSE BILL NO. 2194, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2341 with the following amendment:

On page 8, line 33, after "requirements.", insert:

"(g) To collect from all public employees a voluntary opt in donation of varying amounts through a monthly or one-time payroll deduction as provided for in RCW 41.04.230. The donation must be deposited in the health services account established in RCW 43.72.900 to be used for the sole purpose of maintaining enrollment capacity in the basic health plan.

The administrator shall send an annual notice to state employees extending the opportunity to participate in the opt-in donation program for the purpose of saving enrollment slots for the basic health plan. The first such notice shall be sent to public employees no later than June 1, 2009.

The notice shall include monthly sponsorship levels of fifteen dollars per month, thirty dollars per month, fifty dollars per month and any other amounts deemed reasonable by the administrator. The sponsorship levels shall be named "Safety Net Contributor," "Safety Net Hero," and "Safety Net Champion" respectively. The donation amounts provided shall be tied to the level of coverage the employee will be purchasing for a working poor individual without access to health care coverage.

The administrator shall ensure that employees are given an opportunity to establish a monthly standard deduction or a one-time deduction towards the basic health plan donation program. The basic health plan donation program shall be known as the "Save the Safety Net Program."

The donation permitted under this subsection may not be collected from any public employee who does not actively opt in to the donation program. Written notification of intent to discontinue participation in the donation program must be provided by the public employee at least fourteen days prior to the next standard deduction.

On page 17, after line 34, insert

NEW SECTION. Sec. 8. Section 3 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

On page 1, line 2 of the title, after "budget;" strike "and"

On page 1, line 4 of the title, after "70.47.170" insert ";and declaring an emergency"

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2341 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2341, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2341, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 86; Nays, 7; Absent, 0; Excused, 5.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Chandler, Goodman, Grant-Herriot, Simpson, Van De Wege and Williams.

Excused: Representatives Armstrong, Hasegawa, Liias, Rodne and Walsh.

SUBSTITUTE HOUSE BILL NO. 2341, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2362 with the following amendment:

On page 5, line 12, after "is", strike "established in the custody of the state treasurer." And insert "created within the state treasury, subject to appropriation."

On page 5, line 16, strike ", except as otherwise provided by this section."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2362 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representative Ericks spoke in favor of the passage of the bill.

Representative Shea spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2362, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2362, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 51; Nays, 42; Absent, 0; Excused, 5.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt, Orwall, Parker, Pearson, Priest, Probst, Roach, Ross, Schmick, Seaquist, Shea, Short, Smith, Taylor, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa, Liias, Rodne and Walsh.

SUBSTITUTE HOUSE BILL NO. 2362, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

ESB 6158 by Senators Keiser, Brown, Prentice and Tom

AN ACT Relating to delaying the implementation of the family leave insurance program; and amending RCW 49.86.030 and 49.86.210.

Referred to Committee on Ways & Means.

SSB 6160 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to criminal justice sentencing by amending the sentencing grid to allow judges greater discretion and addressing mitigating and aggravating circumstances that may allow the imposition of a sentence above or below the standard sentence range; amending RCW 9.94A.510, 9.94A.190, and 9.94A.850; reenacting and amending RCW 9.94A.535; prescribing penalties; and providing an effective date.

SSB 6162 by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to criminal justice: Providing for the supervision of offenders sentenced to community custody regardless of risk classification if the offender has a current conviction for a serious violent offense as defined in RCW 9.94A.030; amending RCW 9.94A.501 and 9.94A.501; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency.

ESSB 6180 by Senate Committee on Ways & Means (originally sponsored by Senators Keiser, Tom and Prentice)

AN ACT Relating to the training and background checks of long-term care workers; amending RCW 74.39A.009, 74.39A.055, 18.20.125, 18.88B.030, 43.20A.710, 43.43.837, 74.39A.050, 74.39A.095, 74.39A.260, 74.39A.073, 74.39A.075, 74.39A.340, 74.39A.350, 74.39A.085, 18.88B.040, 18.88A.115, 18.88B.050, and 18.88B.020; and providing an effective date.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were read the first time, the rules were suspended and the bills were placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6162, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Relating to criminal justice. Revised for 1st Substitute: Providing for the supervision of offenders sentenced to community custody regardless of risk classification if the offender has a current conviction for a serious violent offense.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Ericks and Dammeier spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6162.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6162 and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE SENATE BILL NO. 6162, having received the necessary constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 6158, by Senators Keiser, Brown, Prentice and Tom

Delaying the implementation of the family leave insurance program.

The bill was read the second time.

Representative Alexander moved the adoption of amendment (945):

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.79A.040 and 2009 c 87 s 4 are each amended to read as follows:

(1) Money in the treasurer's trust fund may be deposited, invested, and reinvested by the state treasurer in accordance with RCW 43.84.080 in the same manner and to the same extent as if the money were in the state treasury.

(2) All income received from investment of the treasurer's trust fund shall be set aside in an account in the treasury trust fund to be known as the investment income account.

(3) The investment income account may be utilized for the payment of purchased banking services on behalf of treasurer's trust funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasurer or affected state agencies. The investment income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4)(a) Monthly, the state treasurer shall distribute the earnings credited to the investment income account to the state general fund except under (b) and (c) of this subsection.

(b) The following accounts and funds shall receive their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The Washington promise scholarship account, the college savings program account, the Washington advanced college tuition payment program account, the agricultural local fund, the American Indian scholarship endowment fund, the foster care scholarship endowment fund, the foster care endowed scholarship trust fund, the students with dependents grant account, the basic health plan self-insurance reserve account, the contract harvesting revolving account, the Washington state combined fund drive account, the commemorative works account, the Washington international exchange scholarship endowment fund, the toll collection account, the developmental disabilities endowment trust fund, the energy account, the fair fund, ~~((the family leave insurance account,))~~ the food animal veterinarian conditional scholarship account, the fruit and vegetable inspection account, the future teachers conditional scholarship account, the game farm alternative account, the GET ready for math and science scholarship

account, the grain inspection revolving fund, the juvenile accountability incentive account, the law enforcement officers' and firefighters' plan 2 expense fund, the local tourism promotion account, the pilotage account, the produce railcar pool account, the regional transportation investment district account, the rural rehabilitation account, the stadium and exhibition center account, the youth athletic facility account, the self-insurance revolving fund, the sulfur dioxide abatement account, the children's trust fund, the Washington horse racing commission Washington bred owners' bonus fund and breeder awards account, the Washington horse racing commission class C purse fund account, the individual development account program account, the Washington horse racing commission operating account (earnings from the Washington horse racing commission operating account must be credited to the Washington horse racing commission class C purse fund account), the life sciences discovery fund, the Washington state heritage center account, the reduced cigarette ignition propensity account, and the reading achievement account. However, the earnings to be distributed shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(c) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The advanced right-of-way revolving fund, the advanced environmental mitigation revolving account, the city and county advance right-of-way revolving fund, the federal narcotics asset forfeitures account, the high occupancy vehicle account, the local rail service assistance account, and the miscellaneous transportation programs account.

(5) In conformance with Article II, section 37 of the state Constitution, no trust accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

Sec. 2. RCW 51.44.033 and 2007 c 357 s 23 are each amended to read as follows:

There shall be, in the office of the state treasurer, a fund to be known and designated as the "supplemental pension fund". The director shall be the administrator thereof. The fund shall be used for the sole purposes of making the additional payments therefrom prescribed in this title ~~((and the loans therefrom authorized in RCW 49.86.190)).~~

NEW SECTION. Sec. 3. The following acts or parts of acts are each delayed indefinitely:

- \$ RCW 49.86.005 (Findings) and 2007 c 357 s 1;
- \$ RCW 49.86.010 (Definitions) and 2007 c 357 s 3;
- \$ RCW 49.86.020 (Family leave insurance program) and 2007 c 357 s 4;
- \$ RCW 49.86.030 (Eligibility for benefits) and 2007 c 357 s 5;
- \$ RCW 49.86.040 (Disqualification from benefits) and 2007 c 357 s 6;
- \$ RCW 49.86.050 (Duration of benefits--Payment of benefits) and 2007 c 357 s 7;
- \$ RCW 49.86.060 (Amount of benefits) and 2007 c 357 s 8;
- \$ RCW 49.86.070 (Federal income tax) and 2007 c 357 s 9;
- \$ RCW 49.86.080 (Erroneous payments--Payments induced by willful misrepresentation--Claim rejected after payments) and 2007 c 357 s 10;
- \$ RCW 49.86.090 (Leave and employment protection) and 2007 c 357 s 11;
- \$ RCW 49.86.100 (Employment by same employer) and 2007 c 357 s 12;
- \$ RCW 49.86.110 (Elective coverage) and 2007 c 357 s 13;
- \$ RCW 49.86.120 (Appeals) and 2007 c 357 s 14;
- \$ RCW 49.86.130 (Prohibited acts--Discrimination--Enforcement) and 2007 c 357 s 15;
- \$ RCW 49.86.140 (Coordination of leave) and 2007 c 357 s 16;
- \$ RCW 49.86.150 (Continuing entitlement or contractual rights-- Not created) and 2007 c 357 s 17;
- \$ RCW 49.86.160 (Rules) and 2007 c 357 s 18;
- \$ RCW 49.86.170 (Family leave insurance account) and 2009 c 4 s 905 and 2007 c 357 s 19;
- \$ RCW 49.86.180 (Family leave insurance account funds--Investment) and 2007 c 357 s 20;
- \$ RCW 49.86.190 (Initial program administration--Loans) and 2007 c 357 s 22;

§ RCW 49.86.200 (Authority to contract) and 2007 c 357 s 24;
 § RCW 49.86.210 (Reports) and 2007 c 357 s 26;
 § RCW 49.86.900 (Severability--2007 c 357) and 2007 c 357 s
 27;
 § RCW 49.86.901 (Captions not law--2007 c 357) and 2007 c
 357 s 28; and
 § RCW 49.86.902 (Effective dates--2007 c 357) and 2007 c 357
 s 30.

NEW SECTION. Sec. 4. The code reviser shall alphabetize the accounts and funds in RCW 43.79A.040(4)(b).

NEW SECTION. Sec. 5. This act takes effect August 1, 2009."

Correct the title.

Representatives Alexander, Ericksen, Condotta and Orcutt spoke in favor of the adoption of amendment (945).

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Representative Orcutt, the Speaker would like you to come back to the amendment at hand. There was a reference to possible federal funding. I think that it is allowable and relevant to talk about whether we should or should not accept that federal funding but you need to link it back to the indefinite postponement of this program underneath."

Representatives Orcutt (again), Bailey, Shea and Hinkle spoke in favor of the adoption of the amendment.

POINT OF ORDER

Representative Hudgins: "I would like to ask if you would interpret the gentleman's remarks as being to the indefinite or later date that the amendment before us is addressing or not?"

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you, Representative Hudgins. Representative Hinkle, as I previously ruled with Representative Orcutt, I think comments are relevant to the bill about whether we should or should not take federal funding because it was brought up by the good gentleman from the 29th District. I want to clarify again the slippery slope I am trying to avoid here which is when we start to get off subject about the federal deficit that it opens up the floor debate to what may have caused that deficit, how that occurred and so forth. I would rather not go there in this debate. So I ask that we keep to the amendment here at hand which is whether or not we should delay this program indefinitely and whether federal funds should be used or not. It would be much appreciated by the Speaker. Please continue."

Representative Hinkle (again) spoke in favor of the adoption of amendment (945).

Representatives Dickerson and Conway spoke against the adoption of amendment (945).

An electronic roll call was requested.

The Speaker (Representative Morris presiding) stated the question before the House to be the adoption of amendment (945) to Engrossed Senate Bill No. 6158.

ROLL CALL

The Clerk called the roll on the adoption of amendment (945) to Engrossed Senate Bill No. 6158 and the amendment was not adopted by the following vote: Yeas, 38; Nays, 57; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Finn, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Klippert, Kretz, Kristiansen, McCune, Orcutt,

Parker, Pearson, Priest, Roach, Rodne, Ross, Santos, Schmick, Shea, Short, Simpson, Smith, Taylor and Warnick.

Voting nay: Representatives Angel, Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

Amendment (945) was not adopted.

With the consent of the House, amendment (944) was withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Dickerson, Conway, Flannigan, Ericks and Takko spoke in favor of the passage of the bill.

Representatives Condotta, Herrera, Orcutt, Ross, Short, Hinkle and Angel spoke against the passage of the bill.

POINT OF ORDER

Representative Dickerson: "Mr. Speaker, the underlying bill is the suspension of family leave for the birth of babies and the adoption of new babies. It has nothing to do with other kinds of family leave. The gentle lady's remarks are not on the bill."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you. Your point is well taken. If we can confine our remarks to the actual policy limitations to implement them or not implement them in the question before us, it would be much appreciated. Please continue."

Representative Angel (again) spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6158.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6158, and the bill passed the House by the following vote: Yeas, 61; Nays, 34; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Moeller, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Armstrong, Hasegawa and Walsh.

ENGROSSED SENATE BILL NO. 6158, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on ENGROSSED SENATE BILL NO. 5433.

JIM MOELLER, 49th District

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The President has signed the following:

HOUSE BILL NO. 1238,
 SUBSTITUTE HOUSE BILL NO. 1239,
 HOUSE BILL NO. 1287,
 SUBSTITUTE HOUSE BILL NO. 1292,
 SUBSTITUTE HOUSE BILL NO. 1332,
 SUBSTITUTE HOUSE BILL NO. 1420,
 SECOND SUBSTITUTE HOUSE BILL NO. 1481,
 HOUSE BILL NO. 1527,
 HOUSE BILL NO. 1579,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1701,
 SUBSTITUTE HOUSE BILL NO. 1751,
 SUBSTITUTE HOUSE BILL NO. 1758,
 SUBSTITUTE HOUSE BILL NO. 1845,
 SUBSTITUTE HOUSE BILL NO. 1869,
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1935,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1959,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2211,
 ENGROSSED HOUSE BILL NO. 2242,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2254,
 SUBSTITUTE HOUSE BILL NO. 2339,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2344,
 SUBSTITUTE HOUSE BILL NO. 2356,
 ENGROSSED HOUSE BILL NO. 2358,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 25, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245, and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1062 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.16.0421 and 2004 c 240 s 1 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Chlor-alkali electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a chlor-alkali electrolytic process to split the electrochemical bonds of sodium chloride and water to make chlorine and sodium hydroxide. A "chlor-alkali electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of June 10, 2004.

(b) "Sodium chlorate electrolytic processing business" means a person who is engaged in a business that uses more than ten average megawatts of electricity per month in a sodium chlorate electrolytic process to split the electrochemical bonds of sodium chloride and water to make sodium chlorate and hydrogen. A "sodium chlorate electrolytic processing business" does not include direct service industrial customers or their subsidiaries that contract for the purchase of power from the Bonneville power administration as of June 10, 2004.

(2) Effective July 1, 2004, the tax levied under this chapter does not apply to sales of electricity made by a light and power business to a chlor-alkali electrolytic processing business or a sodium chlorate electrolytic processing business for the electrolytic process if the

contract for sale of electricity to the business contains the following terms:

(a) The electricity to be used in the electrolytic process is separately metered from the electricity used for general operations of the business;

(b) The price charged for the electricity used in the electrolytic process will be reduced by an amount equal to the tax exemption available to the light and power business under this section; and

(c) Disallowance of all or part of the exemption under this section is a breach of contract and the damages to be paid by the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business are the amount of the tax exemption disallowed.

(3) The exemption provided for in this section does not apply to amounts received from the remarketing or resale of electricity originally obtained by contract for the electrolytic process.

(4) In order to claim an exemption under this section, the chlor-alkali electrolytic processing business or the sodium chlorate electrolytic processing business must provide the light and power business with an exemption certificate in a form and manner prescribed by the department.

(5)(a) This section does not apply to sales of electricity made after December 31, ~~((2010))~~ 2018.

(b) This section expires June 30, ~~((2011))~~ 2019.

Sec. 2. RCW 82.32.560 and 2004 c 240 s 2 are each amended to read as follows:

(1) For the purposes of this section, "electrolytic processing business tax exemption" means the exemption and preferential tax rate under RCW 82.16.0421.

(2) The legislature finds that accountability and effectiveness are important aspects of setting tax policy. In order to make policy choices regarding the best use of limited state resources, the legislature needs information to evaluate whether the stated goals of legislation were achieved.

(3) The goals of the electrolytic processing business tax exemption are:

(a) To retain family wage jobs by enabling electrolytic processing businesses to maintain production of chlor-alkali and sodium chlorate at a level that will preserve at least seventy-five percent of the jobs that were on the payroll effective January 1, 2004; and

(b) To allow the electrolytic processing industries to continue production in this state ~~((through 2011))~~ so that the industries will remain competitive and be positioned to preserve and create new jobs ~~((when the anticipated reduction of energy costs occur)).~~

(4)(a) A person who receives the benefit of an electrolytic processing business tax exemption shall make an annual report to the department detailing employment, wages, and employer-provided health and retirement benefits per job at the manufacturing site. The report is due by March 31st following any year in which a tax exemption is claimed or used. The report shall not include names of employees. The report shall detail employment by the total number of full-time, part-time, and temporary positions. The report shall indicate the quantity of product produced at the plant during the time period covered by the report. The first report filed under this subsection shall include employment, wage, and benefit information for the twelve-month period immediately before first use of a tax exemption. Employment reports shall include data for actual levels of employment and identification of the number of jobs affected by any employment reductions that have been publicly announced at the time of the report. Information in a report under this section is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(b) If a person fails to submit an annual report under (a) of this subsection by the due date of the report, the department shall declare the amount of taxes exempted for that year to be immediately due and payable. Public utility taxes payable under this subsection are subject to interest but not penalties, as provided under this chapter. This information is not subject to the confidentiality provisions of RCW 82.32.330 and may be disclosed to the public upon request.

(5) ~~((By December 1, 2007, and by December 1, 2010, the fiscal committees of the house of representatives and the senate, in consultation with the department, shall report to the legislature on the~~

effectiveness of the tax incentive under RCW 82.16.0421. The report shall measure)) Pursuant to chapter 43.136 RCW, the citizen commission for performance measurement of tax preferences must schedule the electrolytic processing business tax exemption under RCW 82.16.0421 for a tax preference review by the joint legislative audit and review committee. In addition to any of the factors in RCW 43.136.055(1), the committee must also study and report on the effect of the incentive on job retention for Washington residents, and other factors as the committee(s) selects. The report shall also discuss expected trends or changes to electricity prices as they affect the industries that benefit from the incentives.

NEW SECTION. Sec. 3. If chapter . . . , Laws of 2009 (Substitute House Bill No. 1597 (H-2475/09)) is enacted, section 2, chapter . . . , Laws of 2009 (section 2 of this act) is null and void."

On page 1, line 3 of the title, after "exemption;" strike the remainder of the title and insert "amending RCW 82.16.0421 and 82.32.560; creating a new section; and providing an expiration date."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1062 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Takko and Orcutt spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1062, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1062, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; Nays, 4; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Carlyle, Dickerson, Goodman and Williams.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE HOUSE BILL NO. 1062, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate receded from its amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125. Under suspension of the rules, the bill was returned to second reading for purpose of

amendment. The Senate adopted the following amendment and passed the bill as amended by the Senate:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 43.167.010 and 2007 c 501 s 3 are each amended to read as follows:

(1) The residents, property owners, employees, or business owners of an impacted community may propose formation of a community preservation and development authority. The proposal to form a community preservation and development authority must be presented in writing to the appropriate legislative committee in both the house of representatives and the senate. The proposal must contain proposed general geographic boundaries that will be used to define the community for the purposes of the authority. Proposals presented after January 1, 2008, must identify in its proposal one or more stable revenue sources that (a) have a nexus with the multiple publicly funded facilities that have adversely impacted the community, and (b) can be used to support future operating or capital projects that will be identified in the strategic plan required under RCW 43.167.030.

(2) Formation of the community preservation and development authority is subject to legislative authorization by statute. The legislature must find that (a) the area within the proposal's geographic boundaries meets the definition of "impacted community" contained in section 2(4) of this act and (b) those persons that have brought forth the proposal are members of the community as defined in section 2(1) of this act and, if the authority were approved, would meet the definition of constituency contained in section 2(3) of this act. For proposals brought after January 1, 2008, the legislature must also find that the community has identified one or more stable revenue sources as required in subsection (1) of this section. The legislature may then act to authorize the establishment of the community preservation and development authority in law.

(3) The affairs of a community preservation and development authority shall be managed by a board of directors, consisting of the following members:

(a) Two members who own, operate, or represent businesses within the community;

(b) Two members who reside in the community;

(c) Two members who are involved in providing nonprofit community or social services within the community;

~~((e))~~ (d) Two members who are involved in the arts and entertainment within the community;

~~((f))~~ (e) Two members with knowledge of the community's culture and history; ~~and~~

~~((g))~~ (f) One member who is involved in a nonprofit or public planning organization that directly serves the impacted community; and

(g) Two representatives of the local legislative authority or authorities, as ex officio members.

(4) No member of the board shall hold office for more than four years. Board positions shall be numbered one through nine, and the terms staggered as follows:

(a) Board members elected to positions one through five shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(b) Board members initially elected to positions six through ~~((nine))~~ thirteen shall serve a three-year term only.

(c) Board members elected to positions six through ~~((nine))~~ thirteen after the initial three-year term shall serve two-year terms, and if reelected, may serve no more than one additional two-year term.

(5) With respect to an authority's initial board of directors: The state legislative delegation and those proposing formation of the authority shall jointly establish a committee to develop a list of candidates to stand for election once the authority has received legislative approval as established in subsection (2) of this section. For the purpose of developing the list and identifying those persons who meet the criteria in subsection (3)(a) through (e) of this section, community shall mean the proposed geographic boundaries as set out in the proposal. The board of directors shall be elected by the

constituency during a meeting convened for that purpose by the state legislative delegation.

(6) With respect to subsequent elections of an authority's board of directors: A list of candidates shall be developed by the authority's existing board of directors and the election shall be held during the annual local town hall meeting as required in RCW 43.167.030.

Sec. 2. RCW 43.167.020 and 2007 c 501 s 4 are each amended to read as follows:

(1) A community preservation and development authority shall have the power to:

(a) Accept gifts, grants, loans, or other aid from public or private entities; ~~(and~~

~~(b) Exercise such additional powers as may be authorized by law))~~

(b) Employ and appoint such agents, attorneys, officers, and employees as may be necessary to implement the purposes and duties of an authority;

(c) Contract and enter into partnerships with individuals, associations, corporations, and local, state, and federal governments;

(d) Buy, own, lease, and sell real and personal property;

(e) Hold in trust, improve, and develop land;

(f) Invest, deposit, and reinvest its funds;

(g) Incur debt in furtherance of its mission; and

(h) Lend its funds, property, credit, or services for corporate purposes.

(2) A community preservation and development authority ~~(shall have))~~ has no power of eminent domain nor any power to levy taxes or special assessments.

(3) A community preservation and development authority that accepts public funds under subsection (1)(a) of this section:

(a) Is subject in all respects to Article VIII, section 5 or 7, as appropriate, of the state Constitution, and to RCW 42.17.128; and

(b) May not use the funds to support or oppose a candidate, ballot proposition, political party, or political committee.

Sec. 3. RCW 43.167.030 and 2007 c 501 s 5 are each amended to read as follows:

A community preservation and development authority shall have the duty to:

(1) Establish specific geographic boundaries for the authority within its bylaws based on the general geographic boundaries established in the proposal submitted and approved by the legislature;

(2) Solicit input from members of its community and develop a strategic preservation and development plan to restore and promote the health, safety, and economic well-being of the impacted community and to restore and preserve its cultural and historical identity;

(3) Include within the strategic plan a prioritized list of projects identified and supported by the community, including capital or operating components ~~((that address one or more of the purposes under section 1(3) of this act))~~;

(4) Establish funding mechanisms to support projects and programs identified in the strategic plan including but not limited to grants and loans;

(5) Use gifts, grants, loans, and other aid from public or private entities to carry out projects identified in the strategic plan including, but not limited to, those that: (a) Enhance public safety; (b) reduce community blight; and (c) provide ongoing mitigation of the adverse effects of multiple publicly funded projects on the impacted community; and

(6) Demonstrate ongoing accountability for its actions by:

(a) Reporting to the appropriate committees of the legislature, one year after formation and every biennium thereafter, on the authority's strategic plan, activities, accomplishments, and any recommendations for statutory changes;

(b) Reporting any changes in the authority's geographic boundaries to the appropriate committees of the legislature when the legislature next convenes in regular session;

(c) Convening a local town hall meeting with its constituency on an annual basis to: (i) Report its activities and accomplishments from the previous year; (ii) present and receive input from members of the impacted community regarding its proposed strategic plan and activities for the upcoming year; and (iii) hold board member elections as necessary; and

(d) Maintaining books and records as appropriate for the conduct of its affairs."

On page 1, line 2 of the title, after "authorities;" strike the remainder of the title and insert "and amending RCW 43.167.010, 43.167.020, and 43.167.030."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Santos spoke in favor of the passage of the bill.

Representative Smith spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2125, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2125, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 59; Nays, 36; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Armstrong, Hasegawa and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The President ruled that the amendment is outside the "scope and object" of the measure. The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 5795 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 5795, and advanced the bill to final passage without the House amendment.

**FINAL PASSAGE OF SENATE BILL
WITHOUT HOUSE AMENDMENT**

Representatives Clibborn and Roach spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5795 without the House amendment.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5795, without the House amendment, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE SENATE BILL NO. 5795, without the House amendment, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has adopted the report of Conference Committee on SECOND SUBSTITUTE SENATE BILL NO. 5433, and has passed the bill as recommended by the Conference Committee and the same is herewith transmitted.

Thomas Hoemann, Secretary

CONFERENCE COMMITTEE REPORT

April 25, 2009

Second Substitute Senate Bill No. 5433

Includes "New Item": YES

Mr. Speaker:

We of your Conference Committee, to whom was referred SECOND SUBSTITUTE SENATE BILL NO. 5433, modifying provisions of local option taxes, have had the same under consideration and we recommend that:

all previous amendments not be adopted and that the attached striking amendment (H-3442.2/09) be adopted.

and that the bill do pass as recommended by the Conference Committee:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 82.14.450 and 2007 c 380 s 1 are each amended to read as follows:

(1) A county legislative authority may submit an authorizing proposition to the county voters at a primary or general election and, if the proposition is approved by a majority of persons voting, impose a sales and use tax in accordance with the terms of this chapter. The title of each ballot measure must clearly state the purposes for which the proposed sales and use tax will be used. Funds raised under this

tax shall not supplant existing funds used for these purposes, except as follows: Up to one hundred percent may be used to supplant existing funding in calendar year 2010; up to eighty percent may be used to supplant existing funding in calendar year 2011; up to sixty percent may be used to supplant existing funding in calendar year 2012; up to forty percent may be used to supplant existing funding in calendar year 2013; and up to twenty percent may be used to supplant existing funding in calendar year 2014. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the county or city receiving the services, and major nonrecurring capital expenditures. The rate of tax under this section (~~shall~~) may not exceed three-tenths of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(2) The tax authorized in this section is in addition to any other taxes authorized by law and (~~shall~~) must be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county.

(3) The retail sale or use of motor vehicles, and the lease of motor vehicles for up to the first thirty-six months of the lease, are exempt from tax imposed under this section.

(4) One-third of all money received under this section (~~shall~~) must be used solely for criminal justice purposes, fire protection purposes, or both. For the purposes of this subsection, "criminal justice purposes" (~~means additional police protection, mitigation of congested court systems, or relief of overcrowded jails or other local correctional facilities~~) has the same meaning as provided in RCW 82.14.340.

(5) Money received under this section (~~shall~~) must be shared between the county and the cities as follows: Sixty percent (~~shall~~) must be retained by the county and forty percent (~~shall~~) must be distributed on a per capita basis to cities in the county.

Sec. 2. RCW 82.14.460 and 2008 c 157 s 2 are each amended to read as follows:

(1) A county legislative authority may authorize, fix, and impose a sales and use tax in accordance with the terms of this chapter.

(2) The tax authorized in this section shall be in addition to any other taxes authorized by law and shall be collected from those persons who are taxable by the state under chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the county. The rate of tax shall equal one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax.

(3) Moneys collected under this section shall be used solely for the purpose of providing for the operation or delivery of (~~new or expanded~~) chemical dependency or mental health treatment programs and services and for the operation or delivery of (~~new or expanded~~) therapeutic court programs and services. For the purposes of this section, "programs and services" includes, but is not limited to, treatment services, case management, and housing that are a component of a coordinated chemical dependency or mental health treatment program or service.

(4) All moneys collected under this section must be used solely for the purpose of providing new or expanded programs and services as provided in this section, except a portion of moneys collected under this section (~~shall not~~) may be used to supplant existing funding for these purposes (~~provided that~~) in any county as follows: Up to fifty percent may be used to supplant existing funding in calendar year 2010; up to forty percent may be used to supplant existing funding in calendar year 2011; up to thirty percent may be used to supplant existing funding in calendar year 2012; up to twenty percent may be used to supplant existing funding in calendar year 2013; and up to ten percent may be used to supplant existing funding in calendar year 2014.

(5) Nothing in this section (~~shall~~) may be interpreted to prohibit the use of moneys collected under this section for the replacement of lapsed federal funding previously provided for the operation or delivery of services and programs as provided in this section.

Sec. 3. RCW 84.55.050 and 2008 c 319 s 1 are each amended to read as follows:

(1) Subject to any otherwise applicable statutory dollar rate limitations, regular property taxes may be levied by or for a taxing district in an amount exceeding the limitations provided for in this chapter if such levy is authorized by a proposition approved by a majority of the voters of the taxing district voting on the proposition at a general election held within the district or at a special election within the taxing district called by the district for the purpose of submitting such proposition to the voters. Any election held pursuant to this section shall be held not more than twelve months prior to the date on which the proposed levy is to be made, except as provided in subsection (2) of this section. The ballot of the proposition shall state the dollar rate proposed and shall clearly state the conditions, if any, which are applicable under subsection (4) of this section.

(2)(a) Subject to statutory dollar limitations, a proposition placed before the voters under this section may authorize annual increases in levies for multiple consecutive years, up to six consecutive years, during which period each year's authorized maximum legal levy shall be used as the base upon which an increased levy limit for the succeeding year is computed, but the ballot proposition must state the dollar rate proposed only for the first year of the consecutive years and must state the limit factor, or a specified index to be used for determining a limit factor, such as the consumer price index, which need not be the same for all years, by which the regular tax levy for the district may be increased in each of the subsequent consecutive years. Elections for this purpose must be held at a primary or general election. The title of each ballot measure must state the limited purposes for which the proposed annual increases during the specified period of up to six consecutive years shall be used ~~(, and funds raised under the levy shall not supplant existing funds used for these purposes)~~.

(b)(i) Except as otherwise provided in this subsection (2)(b), funds raised by a levy under this subsection may not supplant existing funds used for the limited purpose specified in the ballot title. For purposes of this subsection, existing funds means the actual operating expenditures for the calendar year in which the ballot measure is approved by voters. Actual operating expenditures excludes lost federal funds, lost or expired state grants or loans, extraordinary events not likely to reoccur, changes in contract provisions beyond the control of the taxing district receiving the services, and major nonrecurring capital expenditures.

(ii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar years 2009, 2010, and 2011, in any county with a population of one million five hundred thousand or more. This subsection (2)(b)(ii) only applies to levies approved by the voters after the effective date of this act.

(iii) The supplanting limitations in (b)(i) of this subsection do not apply to levies approved by the voters in calendar year 2009 and thereafter in any county with a population less than one million five hundred thousand. This subsection (2)(b)(iii) only applies to levies approved by the voters after the effective date of this act.

(3) After a levy authorized pursuant to this section is made, the dollar amount of such levy may not be used for the purpose of computing the limitations for subsequent levies provided for in this chapter, unless the ballot proposition expressly states that the levy made under this section will be used for this purpose.

(4) If expressly stated, a proposition placed before the voters under subsection (1) or (2) of this section may:

(a) Use the dollar amount of a levy under subsection (1) of this section, or the dollar amount of the final levy under subsection (2) of this section, for the purpose of computing the limitations for subsequent levies provided for in this chapter;

(b) Limit the period for which the increased levy is to be made under (a) of this subsection;

(c) Limit the purpose for which the increased levy is to be made under (a) of this subsection, but if the limited purpose includes making redemption payments on bonds, the period for which the increased levies are made shall not exceed nine years;

(d) Set the levy or levies at a rate less than the maximum rate allowed for the district; or

(e) Include any combination of the conditions in this subsection.

(5) Except as otherwise expressly stated in an approved ballot measure under this section, subsequent levies shall be computed as if:

(a) The proposition under this section had not been approved; and

(b) The taxing district had made levies at the maximum rates which would otherwise have been allowed under this chapter during the years levies were made under the proposition.

Sec. 4. RCW 36.54.130 and 2007 c 223 s 6 are each amended to read as follows:

(1) To carry out the purposes for which ferry districts are created, the governing body of a ferry district may levy each year an ad valorem tax on all taxable property located in the district not to exceed seventy-five cents per thousand dollars of assessed value, except a ferry district in a county with a population of one million five hundred thousand or more may not levy at a rate that exceeds seven and one-half cents per thousand dollars of assessed value. The levy must be sufficient for the provision of ferry services as shown to be required by the budget prepared by the governing body of the ferry district.

(2) A tax imposed under this section may be used only for:

(a) Providing ferry services, including the purchase, lease, or rental of ferry vessels and dock facilities;

(b) The operation, maintenance, and improvement of ferry vessels and dock facilities;

(c) Providing shuttle services between the ferry terminal and passenger parking facilities, and other landside improvements directly related to the provision of passenger-only ferry service; and

(d) Related personnel costs.

NEW SECTION. Sec. 5. A new section is added to chapter 84.52 RCW to read as follows:

(1) A county with a population of one million five hundred thousand or more may impose an additional regular property tax levy in an amount not to exceed seven and one-half cents per thousand dollars of the assessed value of property in the county in accordance with the terms of this section.

(2) Any tax imposed under this section shall be used as follows:

(a) The first one cent for expanding transit capacity along state route number 520 by adding core and other supporting bus routes;

(b) The remainder for transit-related expenditures.

(3) The limitations in RCW 84.52.043 do not apply to the tax authorized in this section.

(4) The limitation in RCW 84.55.010 does not apply to the first tax levy imposed under this section.

Sec. 6. RCW 84.52.043 and 2005 c 122 s 3 are each amended to read as follows:

Within and subject to the limitations imposed by RCW 84.52.050 as amended, the regular ad valorem tax levies upon real and personal property by the taxing districts hereafter named shall be as follows:

(1) Levies of the senior taxing districts shall be as follows: (a) The levy by the state shall not exceed three dollars and sixty cents per thousand dollars of assessed value adjusted to the state equalized value in accordance with the indicated ratio fixed by the state department of revenue to be used exclusively for the support of the common schools; (b) the levy by any county shall not exceed one dollar and eighty cents per thousand dollars of assessed value; (c) the levy by any road district shall not exceed two dollars and twenty-five cents per thousand dollars of assessed value; and (d) the levy by any city or town shall not exceed three dollars and thirty-seven and one-half cents per thousand dollars of assessed value. However any county is hereby authorized to increase its levy from one dollar and eighty cents to a rate not to exceed two dollars and forty-seven and one-half cents per thousand dollars of assessed value for general county purposes if the total levies for both the county and any road district within the county do not exceed four dollars and five cents per thousand dollars of assessed value, and no other taxing district has its levy reduced as a result of the increased county levy.

(2) The aggregate levies of junior taxing districts and senior taxing districts, other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed valuation. The term "junior taxing districts" includes all taxing districts other than the state, counties, road districts, cities, towns, port districts, and public

utility districts. The limitations provided in this subsection shall not apply to: (a) Levies at the rates provided by existing law by or for any port or public utility district; (b) excess property tax levies authorized in Article VII, section 2 of the state Constitution; (c) levies for acquiring conservation futures as authorized under RCW 84.34.230; (d) levies for emergency medical care or emergency medical services imposed under RCW 84.52.069; (e) levies to finance affordable housing for very low-income housing imposed under RCW 84.52.105; (f) the portions of levies by metropolitan park districts that are protected under RCW 84.52.120; (g) levies imposed by ferry districts under RCW 36.54.130; (h) levies for criminal justice purposes under RCW 84.52.135; ~~((and))~~ (i) the portions of levies by fire protection districts that are protected under RCW 84.52.125; and (j) levies by counties for transit-related purposes under section 5 of this act.

Sec. 7. RCW 84.52.010 and 2007 c 54 s 26 are each amended to read as follows:

Except as is permitted under RCW 84.55.050, all taxes shall be levied or voted in specific amounts.

The rate percent of all taxes for state and county purposes, and purposes of taxing districts coextensive with the county, shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the county, as shown by the completed tax rolls of the county, and the rate percent of all taxes levied for purposes of taxing districts within any county shall be determined, calculated and fixed by the county assessors of the respective counties, within the limitations provided by law, upon the assessed valuation of the property of the taxing districts respectively.

When a county assessor finds that the aggregate rate of tax levy on any property, that is subject to the limitations set forth in RCW 84.52.043 or 84.52.050, exceeds the limitations provided in either of these sections, the assessor shall recompute and establish a consolidated levy in the following manner:

(1) The full certified rates of tax levy for state, county, county road district, and city or town purposes shall be extended on the tax rolls in amounts not exceeding the limitations established by law; however any state levy shall take precedence over all other levies and shall not be reduced for any purpose other than that required by RCW 84.55.010. If, as a result of the levies imposed under RCW 36.54.130, 84.34.230, 84.52.069, 84.52.105, the portion of the levy by a metropolitan park district that was protected under RCW 84.52.120, 84.52.125, ~~((and))~~ 84.52.135, and section 5 of this act, the combined rate of regular property tax levies that are subject to the one percent limitation exceeds one percent of the true and fair value of any property, then these levies shall be reduced as follows:

(a) The levy imposed by a county under section 5 of this act shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

(b) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a fire protection district that is protected under RCW 84.52.125 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated;

~~((c))~~ (c) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a county under RCW 84.52.135 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((d))~~ (d) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the levy imposed by a ferry district under RCW 36.54.130 must be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or must be eliminated;

~~((e))~~ (e) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, the portion of the levy by a metropolitan park district that is protected under RCW 84.52.120 shall be reduced until the combined rate no longer exceeds one

percent of the true and fair value of any property or shall be eliminated;

~~((f))~~ (f) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the levies imposed under RCW 84.34.230, 84.52.105, and any portion of the levy imposed under RCW 84.52.069 that is in excess of thirty cents per thousand dollars of assessed value, shall be reduced on a pro rata basis until the combined rate no longer exceeds one percent of the true and fair value of any property or shall be eliminated; and

~~((g))~~ (g) If the combined rate of regular property tax levies that are subject to the one percent limitation still exceeds one percent of the true and fair value of any property, then the thirty cents per thousand dollars of assessed value of tax levy imposed under RCW 84.52.069 shall be reduced until the combined rate no longer exceeds one percent of the true and fair value of any property or eliminated.

(2) The certified rates of tax levy subject to these limitations by all junior taxing districts imposing taxes on such property shall be reduced or eliminated as follows to bring the consolidated levy of taxes on such property within the provisions of these limitations:

(a) First, the certified property tax levy rates of those junior taxing districts authorized under RCW 36.68.525, 36.69.145, 35.95A.100, and 67.38.130 shall be reduced on a pro rata basis or eliminated;

(b) Second, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of flood control zone districts shall be reduced on a pro rata basis or eliminated;

(c) Third, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates of all other junior taxing districts, other than fire protection districts, regional fire protection service authorities, library districts, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts, and the first fifty cent per thousand dollars of assessed valuation levies for public hospital districts, shall be reduced on a pro rata basis or eliminated;

(d) Fourth, if the consolidated tax levy rate still exceeds these limitations, the first fifty cent per thousand dollars of assessed valuation levies for metropolitan park districts created on or after January 1, 2002, shall be reduced on a pro rata basis or eliminated;

(e) Fifth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized to fire protection districts under RCW 52.16.140 and 52.16.160 and regional fire protection service authorities under RCW 52.26.140(1) (b) and (c) shall be reduced on a pro rata basis or eliminated; and

(f) Sixth, if the consolidated tax levy rate still exceeds these limitations, the certified property tax levy rates authorized for fire protection districts under RCW 52.16.130, regional fire protection service authorities under RCW 52.26.140(1)(a), library districts, metropolitan park districts created before January 1, 2002, under their first fifty cent per thousand dollars of assessed valuation levy, and public hospital districts under their first fifty cent per thousand dollars of assessed valuation levy, shall be reduced on a pro rata basis or eliminated.

NEW SECTION. Sec. 8. A new section is added to chapter 82.80 RCW to read as follows:

(1) Subject to voter approval, a public transportation entity may fix and impose an annual congestion reduction tax, not to exceed twenty dollars per vehicle registered within the boundaries of the public transportation entity, for each vehicle subject to license tab fees under RCW 46.16.0621 and for each vehicle subject to gross weight fees under RCW 46.16.070 with an unladen weight of six thousand pounds or less. For purposes of this section, a "public transportation entity" includes public transportation benefit areas under chapter 36.57A RCW, metropolitan municipal corporations providing public transportation services under chapter 36.56 or 35.58 RCW, city-owned transit systems under chapter 35.58 RCW, county public transportation authorities under chapter 36.57 RCW, and unincorporated transportation benefit areas under chapter 36.57 RCW.

(2) The department of licensing must administer and collect the tax for the relevant public transportation entity identified in subsection (1) of this section. The department of licensing must deduct a percentage amount, as provided by contract, not to exceed

one percent of the taxes collected, for administration and collection expenses incurred by it. The department of licensing must remit remaining proceeds to the custody of the state treasurer. The state treasurer must distribute the proceeds to the public transportation entity on a monthly basis.

(3) No tax under this section may be collected until six months after it has been approved by a majority of the voters within the public transportation entity's boundaries.

(4) The congestion reduction tax under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(5) The following vehicles are exempt from the tax under this section:

(a) Farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181;

(b) Off-road and nonhighway vehicles as defined in RCW 46.09.020;

(c) Vehicles registered under chapter 46.87 RCW and the international registration plan; and

(d) Snowmobiles as defined in RCW 46.10.010.

NEW SECTION. Sec. 9. A new section is added to chapter 36.57A RCW to read as follows:

In addition to other general and specific powers granted to a public transportation benefit area authority, the legislative authority of a public transportation benefit area may submit an authorizing proposition to the voters and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax. A public transportation benefit area authority must provide a credit against the tax imposed under this section for any tax imposed by a city or metropolitan municipal corporation under section 10 of this act.

NEW SECTION. Sec. 10. A new section is added to chapter 35.58 RCW to read as follows:

In addition to other general and specific powers granted to metropolitan municipal corporations and city-owned transit systems, the legislative authorities of metropolitan municipal corporations and city-owned transit systems may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 11. A new section is added to chapter 36.57 RCW to read as follows:

In addition to other general and specific powers granted to county public transportation authorities and unincorporated transportation benefit areas, the legislative authorities of a county public transportation authority and an unincorporated transportation benefit area may submit an authorizing proposition to the voters within their respective boundaries and if approved may impose an annual congestion reduction tax in accordance with section 8 of this act. The proposition must include a specific description of the public transportation services or improvements that will be funded by the congestion reduction tax.

NEW SECTION. Sec. 12. Sections 1 and 2 of this act expire January 1, 2015."

On page 1, line 1 of the title, after "taxes;" strike the remainder of the title and insert "amending RCW 82.14.450, 82.14.460, 84.55.050, 36.54.130, 84.52.043, and 84.52.010; adding a new section to chapter 84.52 RCW; adding a new section to chapter 82.80 RCW; adding a new section to chapter 36.57A RCW; adding a new section to chapter 35.58 RCW; adding a new section to chapter 36.57 RCW; and providing an expiration date."

Senators Regala and Tom
Representatives Hunter and Nelson

There being no objection, the House adopted the conference committee report on SECOND SUBSTITUTE SENATE BILL NO. 5433 and advanced the bill as recommended by the conference committee to final passage.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

Representative Hunter spoke in favor of the passage of the bill as recommended by the conference committee.

Representative Orcutt spoke against the passage of the bill as recommended by the conference committee.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Second Substitute Senate Bill No. 5433 as recommended by the conference committee.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 5433, as recommended by the conference committee, and the bill passed the House by the following votes: Yeas, 51; Nays, 44; Absent, 0; Excused, 3.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Haigh, Hudgins, Hunt, Hunter, Jacks, Kagi, Kenney, Kessler, Kirby, Kretz, Maxwell, McCoy, Miloscia, Moeller, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Green, Haler, Herrera, Hinkle, Hope, Hurst, Johnson, Kelley, Klippert, Kristiansen, Lias, Linville, McCune, Morrell, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor, Van De Wege, Wallace and Warnick.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SECOND SUBSTITUTE SENATE BILL NO. 5433, as recommended by the conference committee, having received the necessary constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I intended to vote YEA on SECOND SUBSTITUTE SENATE BILL NO. 5433, as recommended by the conference committee.

KELLI LINVILLE, 42 District

STATEMENT FOR THE JOURNAL

I intended to vote NAY on SECOND SUBSTITUTE SENATE BILL NO. 5433, as recommended by the conference committee.

JOEL KRETZ, 7 District

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 5995, by Senators Pridemore, Schoesler and Honeyford

Eliminating certain boards, committees, and commissions and the transfer of certain duties effective June 30, 2009. (REVISED FOR ENGROSSED: Eliminating certain boards, committees, and commissions and the transfer of certain duties.)

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Ways & Means was not adopted. (For committee amendment, see Journal, Day 104, April 25, 2009.)

With the consent of the House, amendment (998) was withdrawn.

Representative Hunt moved the adoption of amendment (999):

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. Intent. One of the key roles of advisory boards, committees, and commissions is to provide input, advice and recommendations from stakeholders, other interested parties, and the public to state agencies. Some advisory boards, committees, and commissions may be abolished without detriment to the mission of the agency each supports. Most of the advisory functions of some boards, committees, and commissions can be performed without the administrative costs of maintaining formal organizations. In the interest of building a leaner, more efficient, and more responsible government, this vital communications conduit must be maintained for the benefit of the state and its citizens, through the use of modern communication technology. It is the intent of the legislature this interim to identify criteria to evaluate those advisory boards, committees, and commissions that may be eliminated or consolidated, and for agencies to identify new, less costly, and more effective opportunities to ensure a broad range of citizen participation is provided and that all reasonable efforts are made to ensure that channels are maintained for vital input from the citizens of Washington.

Acupuncture Ad Hoc Committee

Sec. 2. RCW 18.06.080 and 1995 c 323 s 7 are each amended to read as follows:

(1) The secretary is hereby authorized and empowered to execute the provisions of this chapter and shall offer examinations in acupuncture at least twice a year at such times and places as the secretary may select. The examination shall be a written examination and may include a practical examination.

(2) The secretary shall develop or approve a licensure examination in the subjects that the secretary determines are within the scope of and commensurate with the work performed by licensed acupuncturists and shall include but not necessarily be limited to anatomy, physiology, microbiology, biochemistry, pathology, hygiene, and acupuncture. All application papers shall be deposited with the secretary and there retained for at least one year, when they may be destroyed.

(3) If the examination is successfully passed, the secretary shall confer on such candidate the title of Licensed Acupuncturist.

(4) ~~((The secretary may appoint members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.~~

~~(5))~~ The secretary, ad hoc committee members, or individuals acting in their behalf are immune from suit in a civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Character-Building Residential Services in Prisons, Oversight Committee

NEW SECTION. Sec. 3. RCW 72.09.800 (Comprehensive plan for character-building residential services in prisons-- Establishment of oversight committee) and 2008 c 104 s 2 are each repealed.

Displaced Homemaker Program Statewide Advisory Committee

NEW SECTION. Sec. 4. RCW 28B.04.085 (Displaced homemaker program advisory committee) and 2004 c 275 s 32 & 1987 c 230 s 2 are each repealed.

Adult Family Home Advisory Committee

NEW SECTION. Sec. 5. RCW 70.128.225 (Advisory committee) and 2007 c 40 s 1 & 2002 c 223 s 4 are each repealed.

Sec. 6. RCW 70.128.163 and 2001 c 193 s 6 are each amended to read as follows:

(1) When the department has summarily suspended a license, the licensee may, subject to the department's approval, elect to participate in a temporary management program. All provisions of this section shall apply.

The purposes of a temporary management program are as follows:

(a) To mitigate dislocation and transfer trauma of residents while the department and licensee may pursue dispute resolution or appeal of a summary suspension of license;

(b) To facilitate the continuity of safe and appropriate resident care and services;

(c) To preserve a residential option that meets a specialized service need and/or is in a geographical area that has a lack of available providers; and

(d) To provide residents with the opportunity for orderly discharge.

(2) Licensee participation in the temporary management program is voluntary. The department shall have the discretion to approve any temporary manager and the temporary management arrangements. The temporary management shall assume the total responsibility for the daily operations of the home.

(3) The temporary management shall contract with the licensee as an independent contractor and is responsible for ensuring that all minimum licensing requirements are met. The temporary management shall protect the health, safety, and well-being of the residents for the duration of the temporary management and shall perform all acts reasonably necessary to ensure that residents' needs are met. The licensee is responsible for all costs related to administering the temporary management program and contracting with the temporary management. The temporary management agreement shall at a minimum address the following:

(a) Provision of liability insurance to protect residents and their property;

(b) Preservation of resident trust funds;

(c) The timely payment of past due or current accounts, operating expenses, including but not limited to staff compensation, and all debt that comes due during the period of the temporary management;

(d) The responsibilities for addressing all other financial obligations that would interfere with the ability of the temporary manager to provide adequate care and services to residents; and

(e) The authority of the temporary manager to manage the home, including the hiring, managing, and firing of employees for good cause, and to provide adequate care and services to residents.

(4) The licensee and department shall provide written notification immediately to all residents, legal representatives, interested family members, and the state long-term care ombudsman program, of the temporary management and the reasons for it. This notification shall include notice that residents may move from the home without notifying the licensee in advance, and without incurring any charges, fees, or costs otherwise available for insufficient advance notice, during the temporary management period.

(5) The temporary management period under this section concludes twenty-eight days after issuance of the formal notification of enforcement action or conclusion of administrative proceedings, whichever date is later. Nothing in this section precludes the department from revoking its approval of the temporary management and/or exercising its licensing enforcement authority under this chapter. The department's decision whether to approve or to revoke a temporary management arrangement is not subject to the administrative procedure act, chapter 34.05 RCW.

(6) The department is authorized to adopt rules implementing this section. In implementing this section, the department shall consult with consumers, advocates, ~~((the adult family home advisory committee established under chapter 18.48 RCW,))~~ and organizations representing adult family homes. The department may recruit and

approve qualified, licensed providers interested in serving as temporary managers.

Boarding Home Advisory Board

NEW SECTION. Sec. 7. RCW 18.20.260 (Advisory board) and 2000 c 47 s 8 are each repealed.

Citizens' Work Group on Health Care Reform

NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

- 2008 c 311 s 1 (uncodified);
- 2008 c 311 s 2 (uncodified);
- 2008 c 311 s 3 (uncodified); and
- 2008 c 311 s 4 (uncodified).

Model Toxic Control Act Science Advisory Board

NEW SECTION. Sec. 9. 1997 c 406 s 1 (uncodified) is repealed.

Sec. 10. RCW 70.105D.030 and 2007 c 446 s 1, 2007 c 225 s 1, and 2007 c 104 s 19 are each reenacted and amended to read as follows:

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the attendance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or willful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020 and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, environmental covenants where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing an environmental covenant under this subsection, the department shall consult with and seek comment from a city or county department with land use planning authority for real property subject to the environmental covenant;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment and the notification requirements established in RCW 70.105D.110, and impose penalties for violations of that section consistent with RCW 70.105D.050;

(h) Require holders to conduct remedial actions necessary to abate an imminent or substantial endangerment pursuant to RCW 70.105D.020(17)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. Nothing in this chapter may be construed to preclude the department from issuing a written opinion on whether further remedial action is necessary at any portion of the real property located within a facility, even if further remedial action is still necessary elsewhere at the same facility. Such a written opinion on a portion of a facility must also provide an opinion on the status of the facility as a whole. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial clean-up standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) To achieve and protect the state's long-term ecological health, the department shall prioritize sufficient funding to clean up

hazardous waste sites and prevent the creation of future hazards due to improper disposal of toxic wastes, and create financing tools to clean up large-scale hazardous waste sites requiring multiyear commitments. To effectively monitor toxic accounts expenditures, the department shall develop a comprehensive ten-year financing report that identifies long-term remedial action project costs, tracks expenses, and projects future needs.

(4) Before December 20th of each even-numbered year, the department shall:

(a) Develop a comprehensive ten-year financing report in coordination with all local governments with clean-up responsibilities that identifies the projected biennial hazardous waste site remedial action needs that are eligible for funding from the local toxics control account;

(b) Work with local governments to develop working capital reserves to be incorporated in the ten-year financing report;

(c) Identify the projected remedial action needs for orphaned, abandoned, and other clean-up sites that are eligible for funding from the state toxics control account;

(d) Project the remedial action need, cost, revenue, and any recommended working capital reserve estimate to the next biennium's long-term remedial action needs from both the local toxics control account and the state toxics control account, and submit this information to the appropriate standing fiscal and environmental committees of the senate and house of representatives. This submittal must also include a ranked list of such remedial action projects for both accounts; and

(e) Provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state and local toxics control accounts, including a list of known hazardous waste sites and their hazard rankings, actions taken and planned at each site, how the department is meeting its waste management priorities under RCW 70.105.150, and all funds expended under this chapter.

~~(5) ((The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020 and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.~~

~~(6))~~ (6)) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

~~((7))~~ (6) For all facilities where an environmental covenant has been required under subsection (1)(f) of this section, including all facilities where the department has required an environmental covenant under an order, agreed order, or consent decree, or as a condition of a written opinion issued under the authority of subsection (1)(i) of this section, the department shall periodically review the environmental covenant for effectiveness. Except as otherwise provided in (c) of this subsection, the department shall conduct a review at least once every five years after an environmental covenant is recorded.

(a) The review shall consist of, at a minimum:

(i) A review of the title of the real property subject to the environmental covenant to determine whether the environmental covenant was properly recorded and, if applicable, amended or terminated;

(ii) A physical inspection of the real property subject to the environmental covenant to determine compliance with the environmental covenant, including whether any development or redevelopment of the real property has violated the terms of the environmental covenant; and

(iii) A review of the effectiveness of the environmental covenant in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances. This shall include a review of available monitoring data.

(b) If an environmental covenant has been amended or terminated without proper authority, or if the terms of an environmental covenant have been violated, or if the environmental covenant is no longer effective in limiting or prohibiting activities that may interfere with the integrity of the remedial action or that may result in exposure to or migration of hazardous substances, then the department shall take any and all appropriate actions necessary to ensure compliance with the environmental covenant and the policies and requirements of this chapter.

(c) For facilities where an environmental covenant required by the department under subsection (1)(f) of this section was required before July 1, 2007, the department shall:

(i) Enter all required information about the environmental covenant into the registry established under RCW 64.70.120 by June 30, 2008;

(ii) For those facilities where more than five years has elapsed since the environmental covenant was required and the department has yet to conduct a review, conduct an initial review according to the following schedule:

(A) By December 30, 2008, fifty facilities;

(B) By June 30, 2009, fifty additional facilities; and

(C) By June 30, 2010, the remainder of the facilities;

(iii) Once this initial review has been completed, conduct subsequent reviews at least once every five years.

Oil Heat Advisory Committee

Sec. 11. RCW 70.149.040 and 2007 c 240 s 1 are each amended to read as follows: The director shall: (1) Design a program, consistent with RCW 70.149.120, for providing pollution liability insurance for heating oil tanks that provides up to sixty thousand dollars per occurrence coverage and aggregate limits, and protects the state of Washington from unwanted or unanticipated liability for accidental release claims;

(2) Administer, implement, and enforce the provisions of this chapter. To assist in administration of the program, the director is authorized to appoint up to two employees who are exempt from the civil service law, chapter 41.06 RCW, and who shall serve at the pleasure of the director;

(3) Administer the heating oil pollution liability trust account, as established under RCW 70.149.070;

(4) Employ and discharge, at his or her discretion, agents, attorneys, consultants, companies, organizations, and employees as deemed necessary, and to prescribe their duties and powers, and fix their compensation;

(5) Adopt rules under chapter 34.05 RCW as necessary to carry out the provisions of this chapter;

(6) Design and from time to time revise a reinsurance contract providing coverage to an insurer or insurers meeting the requirements of this chapter. The director is authorized to provide reinsurance through the pollution liability insurance program trust account;

(7) Solicit bids from insurers and select an insurer to provide pollution liability insurance for third-party bodily injury and property damage, and corrective action to owners and operators of heating oil tanks;

(8) Register, and design a means of accounting for, operating heating oil tanks;

(9) Implement a program to provide advice and technical assistance to owners and operators of active and abandoned heating oil tanks if contamination from an active or abandoned heating oil tank is suspected. Advice and assistance regarding administrative and technical requirements may include observation of testing or site assessment and review of the results of reports. If the director finds that contamination is not present or that the contamination is apparently minor and not a threat to human health or the environment, the director may provide written opinions and conclusions on the results of the investigation to owners and operators of active and abandoned heating oil tanks. The agency is authorized to collect, from persons requesting advice and assistance, the costs incurred by the agency in providing such advice and assistance. The costs may include travel costs and expenses associated with review of reports and preparation of written opinions and conclusions. Funds from cost reimbursement must be deposited

in the heating oil pollution liability trust account. The state of Washington, the pollution liability insurance agency, and its officers and employees are immune from all liability, and no cause of action arises from any act or omission in providing, or failing to provide, such advice, opinion, conclusion, or assistance;

(10) Establish a public information program to provide information regarding liability, technical, and environmental requirements associated with active and abandoned heating oil tanks;

(11) Monitor agency expenditures and seek to minimize costs and maximize benefits to ensure responsible financial stewardship;

(12) ~~((Create an advisory committee of stakeholders to advise the director on all aspects of program operations and fees authorized by this chapter, including pollution prevention programs. The advisory committee must have one member each from the Pacific Northwest oil heat council, the Washington oil marketers association, the western states petroleum association, and the department of ecology and three members from among the owners of home heating oil tanks registered with the pollution liability insurance agency who are generally representative of the geographical distribution and types of registered owners. The committee should meet at least quarterly, or more frequently at the discretion of the director, and~~

~~(13)) Study if appropriate user fees to supplement program funding are necessary and develop recommendations for legislation to authorize such fees.~~

Parks Centennial Advisory Committee

Sec. 12. RCW 79A.75.900 and 2004 c 14 s 5 are each amended to read as follows:

This act expires ~~((December 31, 2013))~~ June 30, 2009.

Prescription Drug Purchasing Consortium Advisory Committee

Sec. 13. RCW 70.14.060 and 2005 c 129 s 1 are each amended to read as follows:

(1) The administrator of the state health care authority shall, directly or by contract, adopt policies necessary for establishment of a prescription drug purchasing consortium. The consortium's purchasing activities shall be based upon the evidence-based prescription drug program established under RCW 70.14.050. State purchased health care programs as defined in RCW 41.05.011 shall purchase prescription drugs through the consortium for those prescription drugs that are purchased directly by the state and those that are purchased through reimbursement of pharmacies, unless exempted under this section. The administrator shall not require any supplemental rebate offered to the department of social and health services by a pharmaceutical manufacturer for prescription drugs purchased for medical assistance program clients under chapter 74.09 RCW be extended to any other state purchased health care program, or to any other individuals or entities participating in the consortium. The administrator shall explore joint purchasing opportunities with other states.

(2) Participation in the purchasing consortium shall be offered as an option beginning January 1, 2006. Participation in the consortium is purely voluntary for units of local government, private entities, labor organizations, and for individuals who lack or are underinsured for prescription drug coverage. The administrator may set reasonable fees, including enrollment fees, to cover administrative costs attributable to participation in the prescription drug consortium.

~~(3) ((The prescription drug consortium advisory committee is created within the authority. The function of the prescription drug advisory committee is to advise the administrator of the state health care authority on the implementation of the prescription drug purchasing consortium.~~

~~(4) The prescription drug consortium advisory committee shall be composed of eleven members selected as provided in this subsection.~~

~~(a) The administrator shall select one member of the prescription drug consortium advisory committee from each list of three nominees submitted by statewide organizations representing the following:~~

~~(i) One representative of state employees, who represents an~~

~~employee union certified as exclusive representative of at least one bargaining unit of classified employees;~~

~~(ii) One member who is a licensed physician;~~

~~(iii) One member who is a licensed pharmacist;~~

~~(iv) One member who is a licensed advanced registered nurse practitioner;~~

~~(v) One member representing a health carrier licensed under Title 48 RCW; and~~

~~(vi) One member representing unions that represent private sector employees;~~

~~(b) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing consumers. One of the consumer members shall have knowledge or experience regarding senior citizen prescription drug cost and utilization issues;~~

~~(c) The administrator shall select two members of the advisory committee from a list of nominees submitted by statewide organizations representing business, one of whom shall represent small businesses who employ fifty or fewer employees and one of whom shall represent large businesses; and~~

~~(d) The administrator shall select one member who is versed in biologic medicine through research or academia from the University of Washington or Washington State University.~~

~~(5) The administrator shall consult with the advisory committee on at least a quarterly basis on significant policy decisions related to implementation of the purchasing consortium.~~

~~(6)) This section does not apply to state purchased health care services that are purchased from or through health carriers as defined in RCW 48.43.005, or group model health maintenance organizations that are accredited by the national committee for quality assurance.~~

~~((7)) (4) The state health care authority is authorized to adopt rules implementing chapter 129, Laws of 2005.~~

~~((8)) (5) State purchased health care programs are exempt from the requirements of this section if they can demonstrate to the administrator that, as a result of the availability of federal programs or other purchasing arrangements, their other purchasing mechanisms will result in greater discounts and aggregate cost savings than would be realized through participation in the consortium.~~

Risk Management Advisory Committee

NEW SECTION. **Sec. 14.** RCW 4.92.230 (Risk management--Advisory committee created--Duties) and 2002 c 332 s 19 & 1989 c 419 s 7 are each repealed.

Sec. 15. RCW 4.92.130 and 2002 c 332 s 14 are each amended to read as follows:

A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expediently pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager (~~(with the consultation and advice of the risk management advisory committee)~~). An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the risk management division. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the risk management division in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds.

Securities Advisory Committee

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) RCW 21.20.550 (State advisory committee--Composition, appointment, qualifications) and 1973 1st ex.s. c 171 s 3 & 1959 c 282 s 55;

(2) RCW 21.20.560 (State advisory committee--Chairperson, secretary--Meetings) and 1979 ex.s. c 68 s 39, 1973 1st ex.s. c 171 s 4, & 1959 c 282 s 56;

(3) RCW 21.20.570 (State advisory committee--Terms--Vacancies) and 1959 c 282 s 57;

(4) RCW 21.20.580 (State advisory committee--Duties) and 1981 c 272 s 10, 1979 ex.s. c 68 s 40, & 1959 c 282 s 58; and

(5) RCW 21.20.590 (State advisory committee--Reimbursement of travel expenses) and 1981 c 272 s 11, 1975-'76 2nd ex.s. c 34 s 65, & 1959 c 282 s 59.

Radiologic Technologists Ad Hoc Committee

Sec. 17. RCW 18.84.040 and 2008 c 246 s 4 are each amended to read as follows:

(1) In addition to any other authority provided by law, the secretary may:

(a) Adopt rules, in accordance with chapter 34.05 RCW, necessary to implement this chapter;

(b) Set all registration, certification, and renewal fees in accordance with RCW 43.70.250;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, examination, and conduct requirements for certification; and

(g) Issue a registration to an applicant who meets the requirement for a registration.

(2) The secretary may hire clerical, administrative, and investigative staff as needed to implement this chapter.

(3) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of registrations and certifications, unregistered and uncertified practice, and the discipline of registrants and certificants under this chapter. The secretary is the disciplining authority under this chapter.

~~((4) The secretary may appoint ad hoc members of the profession to serve in an ad hoc advisory capacity to the secretary in carrying out this chapter. The members will serve for designated times and provide advice on matters specifically identified and requested by the secretary. The members shall be compensated in~~

~~accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.040 and 43.03.060.)~~

Sec. 18. RCW 18.84.070 and 1994 sp.s. c 9 s 507 are each amended to read as follows:

The secretary (~~(ad hoc committee members)~~) or individuals acting on ~~(their)~~ his or her behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

Foster Care Endowed Scholarship Advisory Board

NEW SECTION. Sec. 19. RCW 28B.116.040 (Foster care endowed scholarship advisory board) and 2005 c 215 s 5 are each repealed.

Sec. 20. RCW 28B.116.020 and 2005 c 215 s 3 are each amended to read as follows:

(1) The foster care endowed scholarship program is created. The purpose of the program is to help students who were in foster care attend an institution of higher education in the state of Washington. The foster care endowed scholarship program shall be administered by the higher education coordinating board.

(2) In administering the program, the higher education coordinating board's powers and duties shall include but not be limited to:

(a) Adopting necessary rules and guidelines; and

(b) Administering the foster care endowed scholarship trust fund and the foster care scholarship endowment fund ~~((and~~

~~(c) Establishing and assisting the foster care endowed scholarship advisory board in its duties as described in RCW 28B.116.040)).~~

(3) In administering the program, the higher education coordinating board's powers and duties may include but not be limited to:

(a) Working with the department of social and health services and the superintendent of public instruction to provide information about the foster care endowed scholarship program to children in foster care in the state of Washington and to students over the age of sixteen who could be eligible for this program;

(b) Publicizing the program; and

(c) Contracting with a private agency to perform outreach to the potentially eligible students.

Higher Education Coordinating Board--Work Study

Sec. 21. RCW 28B.12.040 and 1994 c 130 s 4 are each amended to read as follows:

~~((With the assistance of an advisory committee,))~~ The higher education coordinating board shall develop and administer the state work-study program. The board shall be authorized to enter into agreements with employers and eligible institutions for the operation of the program. These agreements shall include such provisions as the higher education coordinating board may deem necessary or appropriate to carry out the purposes of this chapter.

~~((The members of the work-study advisory committee may include, but need not be limited to representatives of public and private community colleges, technical colleges, and four-year institutions of higher education; vocational schools; students; community service organizations; public schools; business; and labor. When selecting members of the advisory committee, the board shall consult with institutions of higher education, the state board for community and technical colleges, the workforce training and education coordinating board, and appropriate associations and organizations.))~~ With the exception of off-campus community service placements, the share from moneys disbursed under the state work-study program of the compensation of students employed under such program in accordance with such agreements shall not exceed eighty percent of the total such compensation paid such students.

By rule, the board shall define community service placements and may determine any salary matching requirements for any community service employers.

Sexual Offender Treatment Providers Advisory Committee

NEW SECTION. Sec. 22. RCW 18.155.050 (Sexual offender treatment providers advisory committee) and 1990 c 3 s 805 are each repealed.

Vendor Rates Advisory Committee

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) RCW 74.32.100 (Advisory committee on vendor rates--Created--Members--Chairman) and 1971 ex.s. c 87 s 1 & 1969 ex.s. c 203 s 1;

(2) RCW 74.32.110 (Advisory committee on vendor rates--"Vendor rates" defined) and 1969 ex.s. c 203 s 2;

(3) RCW 74.32.120 (Advisory committee on vendor rates--Meetings--Travel expenses) and 1975-'76 2nd ex.s. c 34 s 170 & 1969 ex.s. c 203 s 3;

(4) RCW 74.32.130 (Advisory committee on vendor rates--Powers and duties) and 1971 ex.s. c 87 s 2 & 1969 ex.s. c 203 s 4;

(5) RCW 74.32.140 (Investigation to determine if additional requirements or standards affecting vendor group) and 1971 ex.s. c 298 s 1;

(6) RCW 74.32.150 (Investigation to determine if additional requirements or standards affecting vendor group--Scope of investigation) and 1971 ex.s. c 298 s 2;

(7) RCW 74.32.160 (Investigation to determine if additional requirements or standards affecting vendor group--Changes investigated regardless of source) and 1971 ex.s. c 298 s 3;

(8) RCW 74.32.170 (Investigation to determine if additional requirements or standards affecting vendor group--Prevailing wage scales and fringe benefit programs to be considered) and 1971 ex.s. c 298 s 4; and

(9) RCW 74.32.180 (Investigation to determine if additional requirements or standards affecting vendor group--Additional factors to be accounted for) and 1971 ex.s. c 298 s 5.

Organized Crime Advisory Board

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) RCW 43.43.858 (Organized crime advisory board--Created--Membership--Meetings--Travel expenses) and 2000 c 38 s 1, 1987 c 65 s 1, 1980 c 146 s 14, 1975-'76 2nd ex.s. c 34 s 115, & 1973 1st ex.s. c 202 s 5;

(2) RCW 43.43.860 (Organized crime advisory board--Terms of members) and 1987 c 65 s 2, 1980 c 146 s 15, & 1973 1st ex.s. c 202 s 6;

(3) RCW 43.43.862 (Organized crime advisory board--Powers and duties) and 1973 1st ex.s. c 202 s 7;

(4) RCW 43.43.864 (Information to be furnished board--Security--Confidentiality) and 1973 1st ex.s. c 202 s 8;

(5) RCW 10.29.030 (Appointment of statewide special inquiry judge--Procedure--Term--Confidentiality) and 2005 c 274 s 204 & 1980 c 146 s 3;

(6) RCW 10.29.040 (Scope of investigation and proceeding--Request for additional authority) and 1980 c 146 s 4;

(7) RCW 10.29.080 (Special prosecutor--Selection--Qualifications--Removal) and 1980 c 146 s 8; and

(8) RCW 10.29.090 (Operating budget--Contents--Audit) and 2005 c 274 s 205 & 1980 c 146 s 9.

Sec. 25. RCW 43.43.866 and 1980 c 146 s 16 are each amended to read as follows:

There shall be a fund known as the organized crime prosecution revolving fund which shall consist of such moneys as may be appropriated by law. The state treasurer shall be custodian of the revolving fund. Disbursements from the revolving fund shall be subject to budget approval given by the ~~((organized crime advisory board pursuant to RCW 10.29.090))~~ chief of the Washington state patrol, and may be made either on authorization of the governor or the governor's designee, or upon request of ~~((a majority of the members of the organized crime advisory board))~~ the chief of the Washington state patrol. In order to maintain an effective expenditure and revenue control, the organized crime prosecution revolving fund shall be subject in all respects to chapter 43.88 RCW but no appropriation shall be required to permit expenditures and payment of obligations from the fund.

Sec. 26. RCW 43.10.240 and 1985 c 251 s 1 are each amended to read as follows:

The attorney general shall annually report to the ~~((organized crime advisory board))~~ chief of the Washington state patrol a summary of the attorney general's investigative and criminal prosecution activity conducted pursuant to this chapter. Except to the extent the summary describes information that is a matter of public record, the information made available to the ~~((board))~~ chief of the Washington state patrol shall be given all necessary security protection in accordance with the terms and provisions of applicable laws and rules and shall not be revealed or divulged publicly or privately ~~((by members of the board))~~.

Lieutenant Governor Appointments and Assignments

Sec. 27. RCW 43.15.020 and 2008 c 152 s 9 are each amended to read as follows:

The lieutenant governor serves as president of the senate and is responsible for making appointments to, and serving on, the committees and boards as set forth in this section.

(1) The lieutenant governor serves on the following boards and committees:

(a) Capitol furnishings preservation committee, RCW 27.48.040;

(b) Washington higher education facilities authority, RCW 28B.07.030;

(c) Productivity board, also known as the employee involvement and recognition board, RCW 41.60.015;

(d) State finance committee, RCW 43.33.010;

(e) State capitol committee, RCW 43.34.010;

(f) Washington health care facilities authority, RCW 70.37.030;

(g) State medal of merit nominating committee, RCW 1.40.020;

(h) Medal of valor committee, RCW 1.60.020; and

(i) Association of Washington generals, RCW 43.15.030.

(2) The lieutenant governor, and when serving as president of the senate, appoints members to the following boards and committees:

(a) ~~((Organized crime advisory board, RCW 43.43.858;~~

~~((b))~~ Civil legal aid oversight committee, RCW 2.53.010;

~~((c))~~ (b) Office of public defense advisory committee, RCW 2.70.030;

~~((d))~~ (c) Washington state gambling commission, RCW 9.46.040;

~~((e))~~ (d) Sentencing guidelines commission, RCW 9.94A.860;

~~((f))~~ (e) State building code council, RCW 19.27.070;

~~((g))~~ (f) Women's history consortium board of advisors, RCW 27.34.365;

~~((h))~~ (g) Financial literacy public-private partnership, RCW 28A.300.450;

~~((i))~~ (h) Joint administrative rules review committee, RCW 34.05.610;

~~((j))~~ (i) Capital projects advisory review board, RCW 39.10.220;

~~((k))~~ (j) Select committee on pension policy, RCW 41.04.276;

~~((l))~~ (k) Legislative ethics board, RCW 42.52.310;

~~((m))~~ (l) Washington citizens' commission on salaries, RCW 43.03.305;

~~((n))~~ (m) Legislative oral history ~~((advisory))~~ committee, RCW ~~((43.07.230))~~ 44.04.325;

~~((o))~~ (n) State council on aging, RCW 43.20A.685;

~~((p))~~ (o) State investment board, RCW 43.33A.020;

~~((q))~~ (p) Capitol campus design advisory committee, RCW 43.34.080;

~~((r))~~ (q) Washington state arts commission, RCW 43.46.015;

~~((s))~~ (r) Information services board, RCW 43.105.032;

~~((t))~~ (s) K-20 educational network board, RCW 43.105.800;

~~((u))~~ (t) Municipal research council, RCW 43.110.010;

~~((v))~~ (u) Council for children and families, RCW 43.121.020;

~~((w))~~ (v) PNWER-Net working subgroup under chapter 43.147 RCW;

~~((x))~~ (w) Community economic revitalization board, RCW 43.160.030;

~~((y))~~ (x) Washington economic development finance authority, RCW 43.163.020;

~~((z)) Tourism development advisory committee, RCW 43.330.095;~~

~~((aa)) (y) Life sciences discovery fund authority, RCW 43.350.020;~~

~~((bb)) (z) Legislative children's oversight committee, RCW 44.04.220;~~

~~((cc)) (aa) Joint legislative audit and review committee, RCW 44.28.010;~~

~~((dd)) (bb) Joint committee on energy supply and energy conservation, RCW 44.39.015;~~

~~((ee)) (cc) Legislative evaluation and accountability program committee, RCW 44.48.010;~~

~~((ff)) (dd) Agency council on coordinated transportation, RCW 47.06B.020;~~

~~((gg)) (ee) Manufactured housing task force, RCW 59.22.090;~~

~~((hh)) (ff) Washington horse racing commission, RCW 67.16.014;~~

~~((ii)) (gg) Correctional industries board of directors, RCW 72.09.080;~~

~~((jj)) (hh) Joint committee on veterans' and military affairs, RCW 73.04.150;~~

~~((kk) Washington state parks centennial advisory committee, RCW 79A.75.010;~~

~~((ll) Puget Sound council, RCW 90.71.030;~~

~~((mm)) (ii) Joint legislative committee on water supply during drought, RCW 90.86.020;~~

~~((nn)) (jj) Statute law committee, RCW 1.08.001; and~~

~~((oo)) (kk) Joint legislative oversight committee on trade policy, RCW 44.55.020.~~

NEW SECTION. Sec. 28. (1) All documents and papers, equipment, or other tangible property in the possession of the terminated entity shall be delivered to the custody of the entity assuming the responsibilities of the terminated entity or if such responsibilities have been eliminated, documents and papers shall be delivered to the state archivist and equipment or other tangible property to the department of general administration.

(2) All funds held by, or other moneys due to, the terminated entity shall revert to the fund from which they were appropriated, or if that fund is abolished to the general fund.

(3) All contractual rights and duties of an entity shall be assigned or delegated to the entity assuming the responsibilities of the terminated entity, or if there is none to such entity as the governor shall direct.

NEW SECTION. Sec. 29. Subheadings used in this act are not any part of the law.

NEW SECTION. Sec. 30. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 30, 2009."

Correct the title.

Representatives Hunt, Alexander and Priest spoke in favor of the adoption of the amendment.

Amendment (999) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 5995, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5995, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier,

Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

ENGROSSED SENATE BILL NO. 5995, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
SUBSTITUTE SENATE BILL NO. 5499,
SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 6122,
SENATE BILL NO. 6126,
SUBSTITUTE SENATE BILL NO. 6161,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5073,
SUBSTITUTE SENATE BILL NO. 5285,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5288,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5352,
SENATE BILL NO. 5354,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5421,
SUBSTITUTE SENATE BILL NO. 5431,
SUBSTITUTE SENATE BILL NO. 5537,
SENATE BILL NO. 5554,
SUBSTITUTE SENATE BILL NO. 5574,
SUBSTITUTE SENATE BILL NO. 5777,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5811,
ENGROSSED SUBSTITUTE SENATE BILL NO. 5889,
SUBSTITUTE SENATE BILL NO. 5913,
ENGROSSED SENATE BILL NO. 5915,
SENATE BILL NO. 6002,
SENATE BILL NO. 6121,
SENATE BILL NO. 6157,
SENATE BILL NO. 6165,
ENGROSSED SENATE BILL NO. 6166,
SENATE BILL NO. 6167,
SENATE BILL NO. 6168,
SENATE BILL NO. 6173,
SENATE BILL NO. 6179,
ENGROSSED SUBSTITUTE SENATE BILL NO. 6180,
SENATE BILL NO. 6181,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5321,
SUBSTITUTE SENATE BILL NO. 5436,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendments to the following bills and passed the bills as amended by the House:

SUBSTITUTE SENATE BILL NO. 5963,

SUBSTITUTE SENATE BILL NO. 6171,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2357 with the following amendment:

On page 1, after line 6, strike all of section 1.
and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED HOUSE BILL NO. 2357 and advanced the bill as amended by the Senate to final passage.

**FINAL PASSAGE OF HOUSE BILL
AS SENATE AMENDED**

Representatives Cody and Alexander spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 2357, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2357, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwell, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

ENGROSSED HOUSE BILL NO. 2357, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 6171 and asks the House to recede therefrom, and the same is herewith transmitted.

Thomas Hoemann, Secretary

HOUSE AMENDMENT TO SENATE BILL

There being no objection, the House receded from its amendment to SUBSTITUTE SENATE BILL NO. 6171. Under suspension of the rules, the bill was returned to second reading for the purpose of amendment.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 6171, by Senate Committee on Ways & Means (originally sponsored by Senator Prentice)

Concerning savings in programs under the supervision of the department of health.

Representative Campbell moved the adoption of amendment (991):

On page 11, line 25, after "health" strike "~~(shall)~~ may" and insert "shall"

On page 11, line 26, after "pesticides" insert "according to the degree of risk that the exposure presents to the individual and the greater population as well as the level of funding appropriated in the operating budget"

Representatives Campbell and Chase spoke in favor of the adoption of the amendment.

Amendment (991) was adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill, as amended by the House, was placed on final passage.

Representatives Cody and Taylor spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 6171, as amended by the House.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 6171, as amended by the House, and the bill passed the House by the following vote: Yeas, 95; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwell, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong, Hasegawa and Walsh.

SUBSTITUTE SENATE BILL NO. 6171, as amended by the House, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1776 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28A.500.030 and 2006 c 372 s 904 and 2006 c 119 s 1 are each reenacted and amended to read as follows:

Allocation of state matching funds to eligible districts for local effort assistance shall be determined as follows:

(1) Funds raised by the district through maintenance and operation levies shall be matched with state funds using the following ratio of state funds to levy funds:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; to

(b) The statewide average twelve percent levy rate.

(2) The maximum amount of state matching funds for districts eligible for local effort assistance shall be the district's twelve percent levy amount, multiplied by the following percentage:

(a) The difference between the district's twelve percent levy rate and the statewide average twelve percent levy rate; divided by

(b) The district's twelve percent levy rate.

(3) Calendar year 2003 allocations and maximum eligibility under this chapter shall be multiplied by 0.99.

(4) From January 1, 2004, to December 31, 2005, allocations and maximum eligibility under this chapter shall be multiplied by 0.937.

(5) From January 1, 2006, to December 31, 2006, allocations and maximum eligibility under this chapter shall be multiplied by 0.9563. Beginning with calendar year 2007, allocations and maximum eligibility under this chapter shall be fully funded at one hundred percent and shall not be reduced.

(6) From January 1, 2010, through December 31, 2011, allocations and maximum eligibility under this chapter may be reduced as determined in the 2009-2011 omnibus appropriations act.

Sec. 2. RCW 84.52.0531 and 2009 c 4 s 908 are each amended to read as follows:

The maximum dollar amount which may be levied by or for any school district for maintenance and operation support under the provisions of RCW 84.52.053 shall be determined as follows:

(1) For excess levies for collection in calendar year 1997, the maximum dollar amount shall be calculated pursuant to the laws and rules in effect in November 1996.

(2) For excess levies for collection in calendar year 1998 and thereafter, the maximum dollar amount shall be the sum of (a) plus or minus (b) and (c) of this subsection minus (d) of this subsection:

(a) The district's levy base as defined in subsections (3) and (4) of this section multiplied by the district's maximum levy percentage as defined in subsection (5) of this section;

(b) For districts in a high/nonhigh relationship, the high school district's maximum levy amount shall be reduced and the nonhigh school district's maximum levy amount shall be increased by an amount equal to the estimated amount of the nonhigh payment due to the high school district under RCW 28A.545.030(3) and 28A.545.050 for the school year commencing the year of the levy;

(c) For districts in an interdistrict cooperative agreement, the nonresident school district's maximum levy amount shall be reduced and the resident school district's maximum levy amount shall be increased by an amount equal to the per pupil basic education allocation included in the nonresident district's levy base under subsection (3) of this section multiplied by:

(i) The number of full-time equivalent students served from the resident district in the prior school year; multiplied by:

(ii) The serving district's maximum levy percentage determined under subsection (5) of this section; increased by:

(iii) The percent increase per full-time equivalent student as stated in the state basic education appropriation section of the biennial budget between the prior school year and the current school year divided by fifty-five percent;

(d) The district's maximum levy amount shall be reduced by the maximum amount of state matching funds for which the district is eligible under RCW 28A.500.010.

(3) For excess levies for collection in calendar year 2005 and thereafter, a district's levy base shall be the sum of allocations in (a) through (c) of this subsection received by the district for the prior school year and the amounts determined under subsection (4) of this section, including allocations for compensation increases, plus the sum of such allocations multiplied by the percent increase per full time equivalent student as stated in the state basic education

appropriation section of the biennial budget between the prior school year and the current school year and divided by fifty-five percent. A district's levy base shall not include local school district property tax levies or other local revenues, or state and federal allocations not identified in (a) through (c) of this subsection.

(a) The district's basic education allocation as determined pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

(b) State and federal categorical allocations for the following programs:

(i) Pupil transportation;

(ii) Special education;

(iii) Education of highly capable students;

(iv) Compensatory education, including but not limited to learning assistance, migrant education, Indian education, refugee programs, and bilingual education;

(v) Food services; and

(vi) Statewide block grant programs; and

(c) Any other federal allocations for elementary and secondary school programs, including direct grants, other than federal impact aid funds and allocations in lieu of taxes.

(4) For levy collections in calendar years 2005 through ~~(2011)~~ 2014, in addition to the allocations included under subsection (3)(a) through (c) of this section, a district's levy base shall also include the following:

(a) The difference between the allocation the district would have received in the current school year ~~((had RCW 84.52.068 not been amended by chapter 19, Laws of 2003 1st sp. sess.))~~ using the Initiative 728 base and the allocation the district received in the current school year pursuant to RCW 84.52.068 ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(a) by any additional per student allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004)); and~~

(b) The difference between the allocations the district would have received the prior school year ~~((had RCW 28A.400.205 not been amended by chapter 20, Laws of 2003 1st sp. sess.))~~ using the Initiative 732 base and the allocations the district actually received the prior school year pursuant to RCW 28A.400.205. ~~((The office of the superintendent of public instruction shall offset the amount added to a district's levy base pursuant to this subsection (4)(b) by any additional salary increase allocations included in a district's levy base pursuant to the enactment of an initiative to the people subsequent to June 10, 2004.))~~

(5) A district's maximum levy percentage shall be twenty-two percent in 1998 and twenty-four percent in 1999 and every year thereafter, except as provided in subsection (6) of this section; plus, for qualifying districts, the grandfathered percentage determined as follows:

(a) For 1997, the difference between the district's 1993 maximum levy percentage and twenty percent; and

(b) For 1998 and thereafter, the percentage calculated as follows:

(i) Multiply the grandfathered percentage for the prior year times the district's levy base determined under subsection (3) of this section;

(ii) Reduce the result of (b)(i) of this subsection by any levy reduction funds as defined in subsection ~~((6))~~ (7) of this section that are to be allocated to the district for the current school year;

(iii) Divide the result of (b)(ii) of this subsection by the district's levy base; and

(iv) Take the greater of zero or the percentage calculated in (b)(iii) of this subsection.

(6) The maximum levy percentages provided in subsection (5) of this section shall be increased by four percentage points not to exceed a maximum levy percentage of thirty-five percent for levies approved by voters in 2009 after the effective date of this section through December 31, 2011.

(7) "Levy reduction funds" shall mean increases in state funds from the prior school year for programs included under subsections (3) and (4) of this section: (a) That are not attributable to enrollment changes, compensation increases, or inflationary adjustments; and (b) that are or were specifically identified as levy reduction funds in the

appropriations act. If levy reduction funds are dependent on formula factors which would not be finalized until after the start of the current school year, the superintendent of public instruction shall estimate the total amount of levy reduction funds by using prior school year data in place of current school year data. Levy reduction funds shall not include moneys received by school districts from cities or counties.

~~((7) For the purposes of this section,))~~ (8) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Prior school year" means the most recent school year completed prior to the year in which the levies are to be collected.

~~((8) For the purposes of this section,))~~ (b) "Current school year" means the year immediately following the prior school year.

(c) "Initiative 728 base" means the allocation to the student achievement fund for the prior year that would have been made under chapter 3, Laws of 2001, as approved by the voters, if all annual adjustments to the initial 2001 allocation had been made in previous years and in each subsequent year as provided for under chapter 3, Laws of 2001.

(d) "Initiative 732 base" means the prior year's annual salary cost-of-living increases as they would have been calculated under chapter 4, Laws of 2001, as approved by the voters, if each annual cost-of-living increase had been made in previous years and in each subsequent year as provided for under chapter 4, Laws of 2001.

(9) Funds collected from transportation vehicle fund tax levies shall not be subject to the levy limitations in this section.

(10) The superintendent of public instruction shall develop rules ~~((and regulations))~~ and inform school districts of the pertinent data necessary to carry out the provisions of this section.

(11) For calendar year 2009, the office of the superintendent of public instruction shall recalculate school district levy authority to reflect levy rates certified by school districts for calendar year 2009.

NEW SECTION. Sec. 3. A new section is added to chapter 84.52 RCW to read as follows:

The legislature recognizes that school districts request voter approval for two-year through four-year levies based on their projected levy capacities at the time that the levies are submitted to the voters. It is the intent of the legislature to permit school districts with voter-approved maintenance and operation levies to seek an additional approval from the voters, if subsequently enacted legislation would permit a higher levy.

Sec. 4. RCW 84.52.053 and 2007 c 129 s 3 are each amended to read as follows:

(1) The limitations imposed by RCW 84.52.050 through 84.52.056, and 84.52.043 shall not prevent the levy of taxes by school districts, when authorized so to do by the voters of such school district in the manner and for the purposes and number of years allowable under Article VII, section 2(a) of the Constitution of this state. Elections for such taxes shall be held in the year in which the levy is made or, in the case of propositions authorizing two-year through four-year levies for maintenance and operation support of a school district, authorizing two-year levies for transportation vehicle funds established in RCW 28A.160.130, or authorizing two-year through six-year levies to support the construction, modernization, or remodeling of school facilities, which includes the purposes of RCW 28A.320.330(2)(f), in the year in which the first annual levy is made.

(2) Once additional tax levies have been authorized for maintenance and operation support of a school district for a two-year through four-year period as provided under subsection (1) of this section, no further additional tax levies for maintenance and operation support of the district for that period may be authorized, except for additional levies to provide for subsequently enacted increases affecting the district's levy base or maximum levy percentage. For the purpose of applying the limitation of this subsection, a two-year through six-year levy to support the construction, modernization, or remodeling of school facilities shall not be deemed to be a tax levy for maintenance and operation support of a school district.

(3) A special election may be called and the time therefor fixed by the board of school directors, by giving notice thereof by publication in the manner provided by law for giving notices of general elections, at which special election the proposition

authorizing such excess levy shall be submitted in such form as to enable the voters favoring the proposition to vote "yes" and those opposed thereto to vote "no".

Sec. 5. 2006 c 119 s 3 (uncodified) is amended to read as follows:

This act expires January 1, ~~((2012))~~ 2015.

Sec. 6. 2009 c 4 s 909 (uncodified) is amended to read as follows:

Section 908 of this act expires January 1, ~~((2012))~~ 2015.

NEW SECTION. Sec. 7. State grant funding for the 21st century after-school program is suspended during the 2009-2011 fiscal period.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect immediately.

NEW SECTION. Sec. 9. Section 1 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

On page 1, line 1 of the title, after "levies;" strike the remainder of the title and insert "amending RCW 84.52.0531 and 84.52.053; amending 2006 c 119 s 3 (uncodified); amending 2009 c 4 s 909 (uncodified); reenacting and amending RCW 28A.500.030; adding a new section to chapter 84.52 RCW; creating a new section; providing an effective date; providing expiration dates; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

MOTION

Representative Ericks moved to concur in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 1776.

Representatives Ericks, Haigh and Hunter spoke in favor of the motion to concur.

Representatives Priest, Cox, Dammeier, Anderson, Parker, Johnson, Chandler, Kretz, Short, Angel, DeBolt, Hinkle, Schmick, Alexander, Pearson, Hope, Taylor, Sullivan, Bailey, Roach, Miloscia, Haler and Smith spoke against the motion to concur.

There being no objection, the House deferred action on SUBSTITUTE HOUSE BILL NO. 1776, and the bill held its place on the concurrence dispute calendar.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1272, by Representatives Dunshee and White

Concerning state general obligation bonds and related accounts.

The bill was read the second time.

There being no objection, Substitute House Bill No. 1272 was substituted for House Bill No. 1272 and the substitute bill was placed on the second reading calendar.

SUBSTITUTE HOUSE BILL NO. 1272 was read the second time.

With the consent of the House, amendments (930) and (932) were withdrawn. Amendment (931), which was drafted to amendment (930) was ruled out of order.

Representative Bailey moved the adoption of amendment (897):

Beginning on page 3, line 32, strike all of section 8
Correct the title.

Representatives Bailey and Ericksen spoke in favor of the adoption of the amendment.

Representative Dunshee spoke against the adoption of the amendment.

Amendment (897) was not adopted.

Representative Dunshee moved the adoption of amendment (936):

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. For the purpose of providing funds to finance the projects described and authorized by the legislature in the capital and operating appropriations acts for the 2007-2009 and 2009-2011 fiscal bienniums, and all costs incidental thereto, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of two billion two hundred nineteen million dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 2. The proceeds from the sale of the bonds authorized in section 1 of this act shall be deposited in the state building construction account created by RCW 43.83.020. The proceeds shall be transferred as follows:

(1) One billion nine hundred forty-seven million dollars to remain in the state building construction account created by RCW 43.83.020;

(2) Twenty-seven million dollars to the outdoor recreation account created by RCW 79A.25.060;

(3) Twenty-seven million dollars to the habitat conservation account created by RCW 79A.15.020;

(4) Six million dollars to the riparian protection account created by RCW 79A.15.120;

(5) Ten million dollars to the farmlands preservation account created by RCW 79A.15.130;

(6) One hundred fifty-nine million dollars to the state taxable building construction account. All receipts from taxable bond issues are to be deposited into the account. If the state finance committee deems it necessary or advantageous to issue more than the amount specified in this subsection (6) as taxable bonds in order to comply with federal internal revenue service rules and regulations pertaining to the use of nontaxable bond proceeds or in order to reduce the total financing costs for bonds issued, the proceeds of such additional taxable bonds shall be transferred to the state taxable building construction account in lieu of any transfer otherwise provided by this section. The state treasurer shall submit written notice to the director of financial management if it is determined that any such additional transfer to the state taxable building construction account is necessary. Moneys in the account may be spent only after appropriation.

These proceeds shall be used exclusively for the purposes specified in this section and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this section, and shall be administered by the office of financial management subject to legislative appropriation.

NEW SECTION. Sec. 3. (1) The debt-limit general fund bond retirement account shall be used for the payment of the principal of and interest on the bonds authorized in section 2 (1), (2), (3), (4), (5), and (6) of this act.

(2) The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements on the bonds authorized in section 2 (1), (2), (3), (4), (5), and (6) of this act.

(3) On each date on which any interest or principal and interest payment is due on bonds issued for the purposes of section 2 (1), (2), (3), (4), (5), and (6) of this act the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the debt-limit general fund bond retirement account an amount equal to the amount certified by the state finance committee to be due on the payment date.

NEW SECTION. Sec. 4. (1) Bonds issued under sections 1 through 3 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

(2) The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 5. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 1 of this act, and sections 2 and 3 of this act shall not be deemed to provide an exclusive method for the payment.

Sec. 6. RCW 47.10.867 and 2003 c 147 s 7 are each amended to read as follows:

For the purpose of providing funds for the planning, design, construction, reconstruction, and other necessary costs for transportation projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of ~~((three))~~ two hundred forty-nine million five hundred thousand dollars, or as much thereof as may be required, to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 8. In order to provide funds necessary for the location, design, right-of-way, and construction of the state route number 520 corridor projects, as allowed in section 2, chapter . . . (Engrossed Substitute House Bill No. 2211), Laws of 2009, there shall be issued and sold upon the request of the department of transportation a total of one billion nine hundred fifty million dollars of general obligation bonds of the state of Washington first payable from toll revenue and excise taxes on motor vehicle and special fuels in accordance with section 12 of this act.

NEW SECTION. Sec. 9. Upon the request of the department of transportation, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by this act in accordance with chapter 39.42 RCW. Bonds authorized by this act shall be sold in the manner, at time or times, in amounts, and at the price as the state finance committee shall determine. No bonds may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds.

NEW SECTION. Sec. 10. The proceeds from the sale of bonds authorized by this act shall be deposited in the state route number 520 corridor account created under chapter . . . (Engrossed Substitute House Bill No. 2211), Laws of 2009, and shall be available only for the purposes enumerated in section 8 of this act, for the payment of bond anticipation notes or other interim financing, if any, capitalizing interest on the bonds, and for the payment of bond issuance costs, including the costs of underwriting.

NEW SECTION. Sec. 11. The toll facility bond retirement account is created in the state treasury for the purpose of payment of the principal of and interest and premium on bonds. Both principal of and interest on the bonds issued for the purposes of this act shall be payable from the toll facility bond retirement account. The state finance committee may provide that special subaccounts be created

in the account to facilitate payment of the principal of and interest on the bonds. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount required for principal and interest on the bonds in accordance with the bond proceedings.

NEW SECTION. Sec. 12. Bonds issued under the authority of this section and sections 8, 13, and 14 of this act shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on the bonds shall be first payable in the manner provided in this section and sections 8, 13, and 14 of this act from toll revenue and then from proceeds of excise taxes on motor vehicle and special fuels to the extent toll revenue is not available for that purpose. Toll revenue and the state excise taxes on motor vehicle and special fuels imposed by chapters 82.36 and 82.38 RCW are hereby pledged to the payment of any bonds and the interest thereon issued under the authority of this section and sections 8, 13, and 14 of this act, and the legislature agrees to continue to impose these toll charges on the state route number 520 corridor, and on any other eligible toll facility designated by the legislature and on which the imposition of tolls is authorized by the legislature in respect of the bonds, and excise taxes on motor vehicle and special fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of this section and sections 8, 13, and 14 of this act.

NEW SECTION. Sec. 13. For bonds issued under the authority of this section and sections 8, 12, and 14 of this act, the state treasurer shall first withdraw toll revenue from the state route number 520 corridor account created under chapter . . . (Engrossed Substitute House Bill No. 2211), Laws of 2009, and, to the extent toll revenue is not available, excise taxes on motor vehicle and special fuels in the motor vehicle fund and deposit in the toll facility bond retirement account, or a special subaccount in the account, such amounts, and at such times, as are required by the bond proceedings.

Any excise taxes on motor vehicle and special fuels required for bond retirement or interest on the bonds authorized by this section and sections 8, 12, and 14 of this act shall be taken from that portion of the motor vehicle fund that results from the imposition of excise taxes on motor vehicle and special fuels and which is, or may be, appropriated to the department for state highway purposes. Funds required shall never constitute a charge against any other allocations of motor vehicle fuel and special fuel tax revenues to the state, counties, cities, and towns unless the amount arising from excise taxes on motor vehicle and special fuels distributed to the state in the motor vehicle fund proves insufficient to meet the requirements for bond retirement or interest on any such bonds.

Any payments for bond retirement or interest on the bonds taken from other revenues from the motor vehicle fuel or special fuel taxes that are distributable to the state, counties, cities, and towns shall be repaid from available toll revenue in the manner provided in the bond proceedings or, if toll revenue is not available for that purpose, from the first excise taxes on motor vehicle and special fuels distributed to the motor vehicle fund not required for bond retirement or interest on the bonds. Any excise taxes on motor vehicle and special fuels required for bond retirement or interest on the bonds authorized by this section and sections 8, 12, and 14 of this act shall be reimbursed to the motor vehicle fund from toll revenue in the manner and with the priority specified in the bond proceedings.

NEW SECTION. Sec. 14. Bonds issued under the authority of sections 8, 12, and 13 of this act and this section and any other general obligation bonds of the state of Washington that have been or that may be authorized and that pledge motor vehicle and special fuels excise taxes for the payment of principal and interest thereon shall be an equal charge against the revenues from such motor vehicle and special fuels excise taxes.

Sec. 15. RCW 47.56.850 and 2008 c 122 s 7 are each amended to read as follows:

(1) Unless these powers are otherwise delegated by the legislature, the transportation commission is the tolling authority for the state. The tolling authority shall:

(a) Set toll rates, establish appropriate exemptions, if any, and make adjustments as conditions warrant on eligible toll facilities;

(b) Review toll collection policies, toll operations policies, and toll revenue expenditures on the eligible toll facilities and report annually on this review to the legislature.

(2) The tolling authority, in determining toll rates, shall consider the policy guidelines established in RCW 47.56.830.

(3) Unless otherwise directed by the legislature, in setting and periodically adjusting toll rates, the tolling authority must ensure that toll rates will generate revenue sufficient to:

(a) Meet the operating costs of the eligible toll facilities, including necessary maintenance, preservation, renewal, replacement, administration, and toll enforcement by public law enforcement;

(b) Meet obligations for the ~~((repayment))~~ timely payment of debt ((and interest on the)) service on bonds issued for eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves, minimum debt coverage or other appropriate contingency funding, ((and)) insurance, and compliance with all other financial and other covenants made by the state in the bond proceedings; ((and))

(c) Meet obligations to reimburse the motor vehicle fund for excise taxes on motor vehicle and special fuels applied to the payment of bonds issued for eligible toll facilities; and

(d) Meet any other obligations of the tolling authority to provide its proportionate share of funding contributions for any projects or operations of the eligible toll facilities.

(4) The established toll rates may include variable pricing, and should be set to optimize system performance, recognizing necessary trade-offs to generate revenue for the purposes specified in subsection (3) of this section. Tolls may vary for type of vehicle, time of day, traffic conditions, or other factors designed to improve performance of the system.

(5) In fixing and adjusting toll rates under this section, the only toll revenue to be taken into account must be toll revenue pledged to bonds that includes toll receipts, and the only debt service requirements to be taken into account must be debt service on bonds payable from and secured by toll revenue that includes toll receipts.

(6) The legislature pledges to appropriate toll revenue as necessary to carry out the purposes of this section. When the legislature has specifically identified and designated an eligible toll facility and authorized the issuance of bonds for the financing of the eligible toll facility that are payable from and secured by a pledge of toll revenue, the legislature further agrees for the benefit of the owners of outstanding bonds issued by the state for eligible toll facilities to continue in effect and not to impair or withdraw the authorization of the tolling authority to fix and adjust tolls as provided in this section. The state finance committee shall pledge the state's obligation to impose and maintain tolls, together with the application of toll revenue as described in this section, to the owners of any bonds.

NEW SECTION. Sec. 16. If and to the extent that the state finance committee determines, in consultation with the department of transportation and the tolling authority, that it will be beneficial for the state to issue any bonds authorized in sections 8 and 12 through 14 of this act as toll revenue bonds rather than as general obligation bonds, the state finance committee is authorized to issue and sell, upon the request of the department of transportation, such bonds as toll revenue bonds and not as general obligation bonds. Notwithstanding section 12 of this act, each such bond shall contain a recital that payment or redemption of the bond and payment of the interest and any premium thereon is payable solely from and secured solely by a direct pledge, charge, and lien upon toll revenue and is not a general obligation of the state to which the full faith and credit of the state is pledged.

Toll revenue is hereby pledged to the payment of any bonds and the interest thereon issued under the authority of this section, and the legislature agrees to continue to impose these toll charges on the state route number 520 corridor, and on any other eligible toll facility designated by the legislature and on which the imposition of tolls is authorized by the legislature in respect of the bonds, in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the authority of this section.

NEW SECTION. Sec. 17. The state finance committee may determine and include in any resolution authorizing the issuance of any bonds under this act, such terms, provisions, covenants, and conditions as it may deem appropriate in order to assist with the marketing and sale of the bonds, confer rights upon the owners of bonds, and safeguard rights of the owners of bonds including, among other things:

(1) Provisions regarding the maintenance and operation of eligible toll facilities;

(2) The pledges, uses, and priorities of application of toll revenue;

(3) Provisions that bonds shall be payable from and secured solely by toll revenue as provided by section 16 of this act, or shall be payable from and secured by both toll revenue and by a pledge of excise taxes on motor vehicle and special fuels and the full faith and credit of the state as provided in sections 8 and 12 through 14 of this act;

(4) In consultation with the department of transportation and the tolling authority, financial covenants requiring that the eligible toll facilities must produce specified coverage ratios of toll revenue to debt service on bonds;

(5) The purposes and conditions that must be satisfied prior to the issuance of any additional bonds that are to be payable from and secured by any toll revenue on an equal basis with previously issued and outstanding bonds payable from and secured by toll revenue;

(6) Provisions that bonds for which any toll revenue are pledged, or for which a pledge of any toll revenue may be reserved, may be structured on a senior, parity, subordinate, or special lien basis in relation to any other bonds for which toll revenue is pledged, with respect to toll revenue only; and

(7) Provisions regarding reserves, credit enhancement, liquidity facilities, and payment agreements with respect to bonds.

Notwithstanding the foregoing, covenants and conditions detailing the character of management, maintenance, and operation of eligible toll facilities, insurance for eligible toll facilities, financial management of toll revenue, and disposition of eligible toll facilities must first be approved by the department of transportation.

The owner of any bond may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon the tolling authority and the department of transportation and their respective officials, including any duties imposed upon or undertaken by them or by their respective officers, agents, and employees, in connection with the construction, maintenance, and operation of eligible toll facilities and in connection with the collection, deposit, investment, application, and disbursement of the proceeds of the bonds and toll revenue.

NEW SECTION. Sec. 18. (1) For the purposes of this act, "toll revenue" means all toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of eligible toll facilities. However, for the purpose of any pledge of toll revenue to the payment of particular bonds issued under this act, "toll revenue" means and includes only such toll revenue or portion thereof that is pledged to the payment of those bonds in the resolution authorizing the issuance of such bonds. Toll revenue constitutes "fees and revenues derived from the ownership or operation of any undertaking, facility, or project" as that phrase is used in Article VIII, section 1(c)(1) of the state Constitution.

(2) For the purposes of this act, "tolling authority" has the same meaning as in RCW 47.56.810.

NEW SECTION. Sec. 19. Sections 8 through 14 and 16 through 18 of this act are each added to chapter 47.10 RCW.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately."

Correct the title.

Representative Dunshee spoke in favor of the adoption of the amendment.

Representative Warnick spoke against the adoption of the amendment.

Amendment (936) was adopted. The bill was ordered engrossed.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Dunshee, Clibborn and Campbell spoke in favor of the passage of the bill.

Representatives Warnick, Roach, Klippert, Bailey, Alexander, Anderson and Condotta spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1272.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1272 and the bill passed the House by the following vote: Yeas, 60; Nays, 36; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Liias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Erickson, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Probst, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Taylor and Warnick.

Excused: Representatives Armstrong and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed SENATE BILL NO. 6096, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendment(s) to the following bills and passed the bills as amended by the House:

ENGROSSED SENATE BILL NO. 5013,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fourth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

SB 6096 by Senator Tom

AN ACT Relating to the taxation of the manufacturing and selling of fuel for consumption outside the waters of the United

States by vessels in foreign commerce; amending RCW 82.04.433; creating new sections; and declaring an emergency.

There being no objection, SENATE BILL NO. 6096 was read the first time, and under suspension of the rules, the bill was placed on the second reading calendar.

MESSAGES FROM THE SENATE

April 25, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SUBSTITUTE SENATE BILL NO. 5263,
SUBSTITUTE SENATE BILL NO. 5499,
SUBSTITUTE SENATE BILL NO. 5510,
SUBSTITUTE SENATE BILL NO. 5795,
SENATE BILL NO. 6126,
ENGROSSED SENATE BILL NO. 6158,
SUBSTITUTE SENATE BILL NO. 6161,
SUBSTITUTE SENATE BILL NO. 6162,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The President has signed the following:

ENGROSSED SENATE BILL NO. 5013,
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809,
SUBSTITUTE SENATE BILL NO. 5963,
ENGROSSED SENATE BILL NO. 5995,
ENGROSSED SENATE BILL NO. 6137,
SUBSTITUTE SENATE BILL NO. 6171,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 2122, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2363 with the following amendment:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 28A.400.205 and 2003 1st sp.s. c 20 s 1 are each amended to read as follows:

(1) School district employees shall be provided an annual salary cost-of-living increase in accordance with this section.

(a) The cost-of-living increase shall be calculated by applying the rate of the yearly increase in the cost-of-living index to any state-funded salary base used in state funding formulas for teachers and other school district employees. Beginning with the 2001-02 school year, and for each subsequent school year, except for the ~~((2003-04))~~ 2009-10 and ~~((2004-05))~~ 2010-11 school years, each school district shall be provided a cost-of-living allocation sufficient to grant this cost-of-living increase.

(b) A school district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and compensation policies. No later than the end of the school year, each school district shall certify to the superintendent of public instruction that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) Any funded cost-of-living increase shall be included in the salary base used to determine cost-of-living increases for school employees in subsequent years. For teachers and other certificated instructional staff, the rate of the annual cost-of-living increase funded for certificated instructional staff shall be applied to the base salary used with the statewide salary allocation schedule established under RCW 28A.150.410 and to any other salary models used to recognize school district personnel costs.

(d) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, school districts shall receive additional cost-of-living allocations in equal increments such that by the end of the 2014-15 school year school district employee base salaries used with the statewide salary allocation schedule established under RCW 28A.150.410 and any other state salary models used to recognize school district personnel costs are, at a minimum, equal to what they would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years.

(2) For the purposes of this section, "cost-of-living index" means, for any school year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 2. RCW 28B.50.465 and 2003 1st sp.s. c 20 s 3 are each amended to read as follows:

(1) Academic employees of community and technical college districts shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "academic employee" has the same meaning as defined in RCW 28B.52.020.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, except as provided in (d) of this subsection, each college district shall receive a cost-of-living allocation sufficient to increase academic employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A college district shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the district's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each college district shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for academic employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year except for the ~~((2003-04))~~ 2009-2010 and ~~((2004-05))~~ 2010-2011 fiscal years, the state shall fully fund the cost-of-living increase set forth in this section.

(e) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, community and technical college districts shall receive additional cost-of-living allocations in equal increments such that, by the end of the 2014-15 academic year, average salaries of academic employees of community and technical college districts will be, at a minimum, equal to what salaries would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

Sec. 3. RCW 28B.50.468 and 2003 1st sp.s. c 20 s 4 are each amended to read as follows:

(1) Classified employees of technical colleges shall be provided an annual salary cost-of-living increase in accordance with this section. For purposes of this section, "technical college" has the same meaning as defined in RCW 28B.50.030. This section applies to only those classified employees under the jurisdiction of chapter 41.56 RCW.

(a) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year, except as provided in (d) of this subsection,

each technical college board of trustees shall receive a cost-of-living allocation sufficient to increase classified employee salaries, including mandatory salary-related benefits, by the rate of the yearly increase in the cost-of-living index.

(b) A technical college board of trustees shall distribute its cost-of-living allocation for salaries and salary-related benefits in accordance with the technical college's salary schedules, collective bargaining agreements, and other compensation policies. No later than the end of the fiscal year, each technical college shall certify to the college board that it has spent funds provided for cost-of-living increases on salaries and salary-related benefits.

(c) The college board shall include any funded cost-of-living increase in the salary base used to determine cost-of-living increases for technical college classified employees in subsequent years.

(d) Beginning with the 2001-2002 fiscal year, and for each subsequent fiscal year except for the ~~((2003-2004))~~ 2009-2010 and ~~((2004-2005))~~ 2010-2011 fiscal years, the state shall fully fund the cost-of-living increase set forth in this section.

(e) During the 2011-2013 and 2013-2015 fiscal biennia, in addition to cost-of-living allocations required by (a) of this subsection, technical college districts shall receive additional cost-of-living allocations in equal increments such that, by the end of the 2014-15 academic year, average salaries of classified employees of technical college districts will be, at a minimum, equal to what salaries would have been if cost-of-living allocations had not been suspended during the 2009-10 or 2010-11 school years.

(2) For the purposes of this section, "cost-of-living index" means, for any fiscal year, the previous calendar year's annual average consumer price index, using the official current base, compiled by the bureau of labor statistics, United States department of labor for the state of Washington. If the bureau of labor statistics develops more than one consumer price index for areas within the state, the index covering the greatest number of people, covering areas exclusively within the boundaries of the state, and including all items shall be used for the cost-of-living index in this section.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2009."

On page 1, line 2 of the title, after "employees," strike the remainder of the title and insert "amending RCW 28A.400.205, 28B.50.465, and 28B.50.468; providing an effective date; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 25, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2361 with the following amendment:

On page 1, line 11, after "the client." insert the following:

"To the extent permitted under federal law, the provisions of this subsection shall not apply if the family member providing care is older than the client."

On page 2, after line 15, insert the following:

NEW SECTION. Sec. 2. A new section is added to chapter 74.39A RCW to read as follows:

(1) Beginning July 1, 2010, the department shall not pay a home care agency licensed under chapter 70.127 RCW for in-home personal care or respite services provided under this chapter, Title 71A RCW, or chapter 74.39 RCW if the home care agency does not verify agency employee hours by electronic time keeping.

(2) For purposes of this section, "electronic time keeping" means an electronic, verifiable method of recording an employee's presence in the client's home at the beginning and end of the employee's client visit workday."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 1 of the title, after "care", strike the remainder of the title and insert "; adding new sections to chapter 74.39A RCW; creating a new section; and declaring an emergency."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 2361 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representatives Cody, Alexander and Ericksen spoke in favor of the passage of the bill.

Representatives Condotta and Simpson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute House Bill No. 2361, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2361, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Goodman and Grant-Herriot.

Excused: Representatives Armstrong and Walsh.

SUBSTITUTE HOUSE BILL NO. 2361, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 6170, by Senate Committee on Ways & Means (originally sponsored by Senators Hobbs and Prentice)

Concerning environmental tax incentives.

The bill was read the second time.

There being no objection, the committee amendment by the Committee on Finance was not adopted. (For committee amendment, see Journal, Day 101, April 22, 2009.)

With the consent of the House, amendments (884) and (938) were withdrawn.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Hunter and McCoy spoke in favor of the passage of the bill.

Representatives DeBolt, Orcutt and Hasegawa spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 6170.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 6170 and the bill passed the House by the following vote: Yeas, 85; Nays, 11; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Conway, Cox, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Goodman, Grant-Herriot, Green, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kristiansen, Lias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Ross, Schmick, Seaquist, Sells, Short, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Wood and Mr. Speaker.

Voting nay: Representatives Angel, Cody, Condotta, Crouse, Flannigan, Hasegawa, Kretz, Nelson, Shea, Simpson and Williams.
Excused: Representatives Armstrong and Walsh.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6170, having received the necessary constitutional majority, was declared passed.

SENATE BILL NO. 6096, by Senator Tom

Concerning the taxation of the manufacturing and selling of fuel for consumption outside the waters of the United States by vessels in foreign commerce.

Representative Ericksen moved the adoption of amendment (1000):

On page 2, beginning on line 22, after "applies" strike "both prospectively and retroactively" and insert "prospectively only"

Representatives Ericksen and Kessler spoke in favor of the adoption of the amendment.

Representative Hunter spoke against the adoption of the amendment.

Division was demanded and the demand was sustained.

The Speaker (Representative Morris presiding) divided the House. The result was 46 – YEAS; 50 – NAYS.

Amendment (1000) was not adopted.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representative Hunter spoke in favor of the passage of the bill.

Representatives Ericksen and Orcutt spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6096.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6096, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kirby, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Lias, Linville, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor and Warnick.

Excused: Representatives Armstrong and Walsh.

SENATE BILL NO. 6096, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The President has signed SUBSTITUTE SENATE BILL NO. 6122, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The President has signed the following:

SECOND SUBSTITUTE SENATE BILL NO. 5433,
SENATE BILL NO. 6096,

ENGROSSED SUBSTITUTE SENATE BILL NO. 6170,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendment to ENGROSSED SENATE BILL NO. 5995, passed the bill as amended by the House, and the same is herewith transmitted.

Thomas Hoemann, Secretary

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate concurred in amendment 5963-S AMH CONW REIN 077 (#556) to SUBSTITUTE SENATE BILL NO. 5963. The Senate refuses to concur in the House amendments 5963-S AMH GREE REIN 072 (#549) and 5963-S AMH GREE REIN 071 (#550) to the same bill and asks the House to recede therefrom, and the same are herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

HOUSE AMENDMENT TO SENATE BILL

Representative Conway moved that the House recede from amendments (#549) and (#550) to SUBSTITUTE SENATE BILL NO. 5963.

POINT OF ORDER

Representative Simpson: "Mr. Speaker, under the rules of the House, is it ordinary for us to recede from both amendments or can we ask the division of the amendments?"

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "The good gentleman from the 47th District, I am going to take your point as a request to divide the question. The question will be divided into a motion to recede from amendment (549) and a motion to recede from amendment (550)."

Representative Williams demanded an electronic roll call on both motions. The demand was sustained.

Representative Chandler spoke in favor of the motion to recede from amendment (549).

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to recede from amendment (549) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the adoption of the motion to recede from amendment (549) to Substitute Senate Bill No. 5963 and the motion was adopted by the following vote: Yeas, 67; Nays, 29; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Carlyle, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Morris, O'Brien, Orcutt, Orwall, Parker, Pearson, Pettigrew, Priest, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Campbell, Chase, Cody, Conway, Dunshee, Goodman, Green, Hasegawa, Hudgins, Kenney, Kirby, Lias, Miloscia, Moeller, Morrell, Nelson, Ormsby, Pedersen, Probst, Roberts, Sells, Simpson, Sullivan, Upthegrove, Van De Wege, White, Williams and Wood.

Excused: Representatives Armstrong and Walsh.

The House receded from amendment (549) to Substitute Senate Bill No. 5963.

The question before the House was the motion to recede from amendment (550) to Substitute Senate Bill No. 5963.

Representative Condotta spoke in favor of the motion to recede from amendment (550).

Representatives Van De Wege, Williams and Simpson spoke against the motion to recede from amendment (550).

The Speaker (Representative Morris presiding) stated the question before the House to be the motion to recede from amendment (550) to Substitute Senate Bill No. 5963.

ROLL CALL

The Clerk called the roll on the motion to recede from amendment (550) to Substitute Senate Bill No. 5963 and the motion was adopted by the following vote: Yeas, 64; Nays, 32; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Carlyle, Chandler, Clibborn, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Eddy, Ericks, Ericksen, Finn, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hunter, Hurst, Johnson, Kagi, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Morris, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Takko, Taylor, Wallace, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Campbell, Chase, Cody, Conway, Darneille, Dickerson, Dunshee, Flannigan, Goodman, Green, Hasegawa, Hudgins, Hunt, Jacks, Kenney, Kirby, Lias, Miloscia, Moeller, Morrell, Nelson, Ormsby, Roberts, Sells, Simpson, Sullivan, Upthegrove, Van De Wege, White, Williams and Wood.

Excused: Representatives Armstrong and Walsh.

The House receded from amendment (550) to Substitute Senate Bill No. 5963.

There being no objection, the House advanced the bill without the House amendments to final passage.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENT

Representative Condotta spoke in favor of the passage of the bill.

Representatives Conway, Green and Simpson spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Substitute Senate Bill No. 5963, without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5963, without House amendments (549) and (550), and the bill passed the House by the following vote: Yeas, 71; Nays, 25; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Bailey, Blake, Campbell, Carlyle, Chandler, Clibborn, Cody, Condotta, Cox, Crouse, Dammeier, Darneille, DeBolt, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Grant-Herriot, Haigh, Haler, Herrera, Hinkle, Hope, Hudgins, Hunter, Hurst, Johnson, Kagi, Kelley, Kessler, Klippert, Kretz, Kristiansen, Linville, Maxwell, McCoy, McCune, Morris, O'Brien, Orcutt, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Rodne, Rolfes, Ross, Santos, Schmick, Seaquist, Shea, Short, Smith, Springer, Sullivan, Takko, Taylor, Wallace, Warnick and Mr. Speaker.

Voting nay: Representatives Appleton, Chase, Conway, Dickerson, Goodman, Green, Hasegawa, Hunt, Jacks, Kenney, Kirby, Lias, Miloscia, Moeller, Morrell, Nelson, Ormsby, Roberts, Sells, Simpson, Upthegrove, Van De Wege, White, Williams and Wood.

Excused: Representatives Armstrong and Walsh.

SUBSTITUTE SENATE BILL NO. 5963, having received the necessary constitutional majority, was declared passed.

RECONSIDERATION

There being no objection, the House immediately reconsidered the vote by which SENATE BILL 6096 passed the House.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Bill No. 6096, on reconsideration.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 6096, on reconsideration, and the bill passed the House by the following vote: Yeas, 51; Nays, 45; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Carlyle, Chase, Clibborn, Cody, Conway, Darneille, Dickerson, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kenney, Kirby, Maxwell, McCoy, Miloscia, Moeller, Morrell, Nelson, Ormsby, Orwall, Pedersen, Pettigrew, Roberts, Rolfes, Santos, Seaquist, Sells, Simpson, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Campbell, Chandler, Condotta, Cox, Crouse, Dammeier, DeBolt, Driscoll, Ericksen, Grant-Herriot, Haler, Herrera, Hinkle, Hope, Johnson, Kelley, Kessler, Klippert, Kretz, Kristiansen, Liias, Linville, McCune, Morris, O'Brien, Orcutt, Parker, Pearson, Priest, Probst, Quall, Roach, Rodne, Ross, Schmick, Shea, Short, Smith, Springer, Taylor and Warnick.

Excused: Representatives Armstrong and Walsh.

SENATE BILL NO. 6096, on reconsideration, having received the necessary constitutional majority, was declared passed.

MESSAGES FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SENATE BILL NO. 6137, and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has passed SUBSTITUTE SENATE BILL NO. 6138, and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 6171, passed the bill as amended by the House and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House reverted to the fourth order of business.

SECOND SUPPLEMENTAL INTRODUCTION AND FIRST READING

ESB 6137 by Senator Prentice

AN ACT Relating to common schools fund transfers during fiscal year 2009; amending 2008 c 329 s 516 (uncodified); and declaring an emergency.

SSB 6138 by Senate Ways & Means (originally sponsored by Senator Prentice)

AN ACT Relating to making corrections to implement 2009 Substitute House Bill No. 1776 regarding temporary maximum levy percentages for common schools; amending RCW 84.52.0531; providing an expiration date; and declaring an emergency.

There being no objection, the bills listed on the second supplemental introduction sheet under the fourth order of business were read the first time, and under suspension of the rules, the bills were placed on the second reading calendar.

POINT OF ORDER

Representative DeBolt: "Mr. Speaker, we have an amendatory process in the legislature. We have not had time to put amendments

to this bill on the bar. We are working on a striking amendment for it currently. I am sure you do not want to stifle debate and the opportunity to amend this bill. The amendment is being walked over."

SPEAKER'S RULING

Mr. Speaker (Representative Morris presiding): "Thank you. The Speaker will consider your point."

There being no objection, the House deferred further consideration of SUBSTITUTE SENATE BILL NO. 6138 and the bill held its place on the second reading calendar.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216 with the following amendment:

- On page 31, on line 35, increase the amount by \$550,000
- On page 32, on line 3, increase the amount by \$550,000
- On page 32, on line 28, decrease the amount by \$469,000
- On page 33, on line 4, decrease the amount by \$469,000
- On page 33, delete all material on line 34
- On page 33, on line 21, increase the amount by \$938,000
- On page 33, after line 34, insert the following:
"Small Community Jobs - Connell Infrastructure
..... \$1,100,000"

On page 33, on line 23, after "agreement with" delete "Kalspel" and insert "Kalispel"

- On page 33, delete all material on line 31
- On page 33, delete all material on line 35
- On page 34, delete all material on line 11
- On page 148, after line 3, insert the following:

"NEW SECTION. Sec. 4009. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL PROGRAMS--PROGRAM Z--CAPITAL

Freight Mobility Multimodal Account--State Appropriation
 \$700,000
 TOTAL APPROPRIATION \$700,000

The appropriation in this section is subject to the following conditions and limitations: The entire appropriation is provided solely for the west Vancouver freight access project (4LP701F) as identified on LEAP Transportation Document ALL PROJECTS 2009-2 as developed April 24, 2009, Program - Local Program (Z) referenced in section 311, chapter . . . (Engrossed Substitute Senate Bill 5352), Laws of 2009."

On page 238, after line 36, insert the following:
"Sec. 6028 RCW 28A.335.210 and 2006 c 263 s 327 are each amended to read as follows:

(1) The superintendent of public instruction shall allocate, as a nondeductible item, out of any moneys appropriated for state assistance to school districts for the original construction of any school plant facility the amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed in accordance with Article IX, sections 2 and 3 of the state Constitution on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. The Washington state arts commission shall, in consultation with the superintendent of public instruction, determine the amount to be made available for the purchase of works of art under this section, and payments therefor shall be made in accordance with law. The designation of projects and sites, selection, contracting, purchase, commissioning, reviewing of design, execution and placement, acceptance, maintenance, and sale, exchange, or disposition of works of art shall be the responsibility of the Washington state arts

commission in consultation with the superintendent of public instruction and representatives of school district boards of directors. The superintendent of public instruction and the school district board of directors of the districts where the sites are selected shall have the right to:

~~((+))~~ (a) Waive its use of the one-half of one percent of the appropriation for the acquisition of works of art before the selection process by the Washington state arts commission;

~~((+))~~ (b) Appoint a representative to the body established by the Washington state arts commission to be part of the selection process with full voting rights;

~~((+))~~ (c) Reject the results of the selection process;

~~((+))~~ (d) Reject the placement of a completed work or works of art on school district premises if such works are portable.

Rejection at any point before or after the selection process shall not cause the loss of or otherwise endanger state construction funds available to the local school district. Any works of art rejected under this section shall be applied to the provision of works of art under this chapter, at the discretion of the Washington state arts commission, notwithstanding any contract or agreement between the affected school district and the artist involved. In addition to the cost of the works of art the one-half of one percent of the appropriation as provided in this section shall be used to provide for the administration, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, or other buildings of a temporary nature.

The executive director of the arts commission, the superintendent of public instruction, and the Washington state school directors association shall appoint a study group to review the operations of the one-half of one percent for works of art under this section.

(2) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state.

Sec. 6029 RCW 28B.10.027 and 2005 c 36 s 3 are each amended to read as follows:

(1) All universities and colleges shall allocate as a nondeductible item, out of any moneys appropriated for the original construction or any major renovation or remodel work exceeding two hundred thousand dollars of any building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission with the approval of the board of regents or trustees for the acquisition of works of art. The works of art may be placed on public lands of institutions of higher education, integral to or attached to a public building or structure of institutions of higher education, detached within or outside a public building or structure of institutions of higher education, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities.

(2) In addition to the cost of the works of art, the one-half of one percent of the appropriation shall be used to provide for the administration of the visual arts program, including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the work of art. For the purpose of this section building shall not include sheds, warehouses, and other buildings of a temporary nature.

(3) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state.

Sec. 6030 RCW 43.17.200 and 2005 c 36 s 4 are each amended to read as follows:

(1) All state agencies including all state departments, boards, councils, commissions, and quasi public corporations shall allocate, as a nondeductible item, out of any moneys appropriated for the original construction of any public building, an amount of one-half of one percent of the appropriation to be expended by the Washington state arts commission for the acquisition of works of art. The works of art may be placed on public lands, integral to or attached to a public building or structure, detached within or outside a public building or structure, part of a portable exhibition or collection, part of a temporary exhibition, or loaned or exhibited in other public facilities. In addition to the cost of the works of art, the one-half of one percent of the appropriation as provided herein shall be used to provide for the administration of the visual arts program,

including conservation of the state art collection, by the Washington state arts commission and all costs for installation of the works of art. For the purpose of this section building shall not include highway construction sheds, warehouses or other buildings of a temporary nature.

(2) The Washington state arts commission shall restrict the purchase of works of art to artists residing in Washington state."

and the same is herewith transmitted.

Thomas Hoemann, Secretary

There being no objection, the House advanced to the seventh order of business.

SENATE AMENDMENT TO HOUSE BILL

There being no objection, the House concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216 and advanced the bill as amended by the Senate to final passage.

FINAL PASSAGE OF HOUSE BILL AS SENATE AMENDED

Representative Dunshee spoke in favor of the passage of the bill.

Representatives Ross and Warnick spoke against the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1216, as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1216, as amended by the Senate, and the bill passed the House by the following vote: Yeas, 61; Nays, 35; Absent, 0; Excused, 2.

Voting yea: Representatives Appleton, Blake, Campbell, Carlyle, Clibborn, Cody, Conway, Darneille, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Hasegawa, Hudgins, Hunt, Hunter, Hurst, Jacks, Kagi, Kelley, Kenney, Kessler, Kirby, Lias, Linville, Maxwell, McCoy, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Ormsby, Orwall, Pedersen, Pettigrew, Probst, Quall, Roberts, Rolfes, Santos, Seaquist, Sells, Springer, Sullivan, Takko, Upthegrove, Van De Wege, Wallace, White, Williams, Wood and Mr. Speaker.

Voting nay: Representatives Alexander, Anderson, Angel, Bailey, Chandler, Chase, Condotta, Cox, Crouse, Dammeier, DeBolt, Ericksen, Haler, Herrera, Hinkle, Hope, Johnson, Klippert, Kretz, Kristiansen, McCune, Orcutt, Parker, Pearson, Priest, Roach, Rodne, Ross, Schmick, Shea, Short, Simpson, Smith, Taylor and Warnick.

Excused: Representatives Armstrong and Walsh.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216, as amended by the Senate, having received the necessary constitutional majority, was declared passed.

There being no objection, the House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 6137, by Senator Prentice

Relating to common schools. (REVISED FOR PASSED LEGISLATURE: Concerning common schools fund transfers.)

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

Representatives Linville, Alexander, Anderson and Ericksen spoke in favor of the passage of the bill.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Engrossed Senate Bill No. 6137.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 6137 and the bill passed the House by the following vote: Yeas, 96; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Representatives Alexander, Anderson, Angel, Appleton, Bailey, Blake, Campbell, Carlyle, Chandler, Chase, Clibborn, Cody, Condotta, Conway, Cox, Crouse, Dammeier, Darneille, DeBolt, Dickerson, Driscoll, Dunshee, Eddy, Ericks, Ericksen, Finn, Flannigan, Goodman, Grant-Herriot, Green, Haigh, Haler, Hasegawa, Herrera, Hinkle, Hope, Hudgins, Hunt, Hunter, Hurst, Jacks, Johnson, Kagi, Kelley, Kenney, Kessler, Kirby, Klippert, Kretz, Kristiansen, Liias, Linville, Maxwell, McCoy, McCune, Miloscia, Moeller, Morrell, Morris, Nelson, O'Brien, Orcutt, Ormsby, Orwall, Parker, Pearson, Pedersen, Pettigrew, Priest, Probst, Quall, Roach, Roberts, Rodne, Rolfes, Ross, Santos, Schmick, Sequist, Sells, Shea, Short, Simpson, Smith, Springer, Sullivan, Takko, Taylor, Upthegrove, Van De Wege, Wallace, Warnick, White, Williams, Wood and Mr. Speaker.

Excused: Representatives Armstrong and Walsh.

ENGROSSED SENATE BILL NO. 6137, having received the necessary constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272, and the same is herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker signed the following:

- SUBSTITUTE HOUSE BILL NO. 1062
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782
- SUBSTITUTE HOUSE BILL NO. 2122
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125
- ENGROSSED HOUSE BILL NO. 2194
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245
- HOUSE BILL NO. 2331
- SUBSTITUTE HOUSE BILL NO. 2341
- SUBSTITUTE HOUSE BILL NO. 2346
- ENGROSSED HOUSE BILL NO. 2357
- SUBSTITUTE HOUSE BILL NO. 2361
- SUBSTITUTE HOUSE BILL NO. 2362
- SUBSTITUTE HOUSE BILL NO. 2363
- ENGROSSED SENATE BILL NO. 5013
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5073
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5263
- SUBSTITUTE SENATE BILL NO. 5285
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5288
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5321
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5352
- SENATE BILL NO. 5354
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5421
- SUBSTITUTE SENATE BILL NO. 5431
- SECOND SUBSTITUTE SENATE BILL NO. 5433

- SUBSTITUTE SENATE BILL NO. 5436
- SUBSTITUTE SENATE BILL NO. 5499
- SUBSTITUTE SENATE BILL NO. 5510
- SUBSTITUTE SENATE BILL NO. 5537
- SENATE BILL NO. 5554
- SUBSTITUTE SENATE BILL NO. 5574
- SUBSTITUTE SENATE BILL NO. 5777
- SUBSTITUTE SENATE BILL NO. 5795
- ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5809
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5811
- ENGROSSED SUBSTITUTE SENATE BILL NO. 5889
- SUBSTITUTE SENATE BILL NO. 5913
- ENGROSSED SENATE BILL NO. 5915
- SUBSTITUTE SENATE BILL NO. 5963
- ENGROSSED SENATE BILL NO. 5995
- SENATE BILL NO. 6002
- SENATE BILL NO. 6096
- SENATE BILL NO. 6121
- SUBSTITUTE SENATE BILL NO. 6122
- SENATE BILL NO. 6126
- ENGROSSED SENATE BILL NO. 6137
- SENATE BILL NO. 6157
- ENGROSSED SENATE BILL NO. 6158
- SUBSTITUTE SENATE BILL NO. 6161
- SUBSTITUTE SENATE BILL NO. 6162
- SENATE BILL NO. 6165
- ENGROSSED SENATE BILL NO. 6166
- SENATE BILL NO. 6167
- SENATE BILL NO. 6168
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6170
- SUBSTITUTE SENATE BILL NO. 6171
- SENATE BILL NO. 6173
- SENATE BILL NO. 6179
- ENGROSSED SUBSTITUTE SENATE BILL NO. 6180
- SENATE BILL NO. 6181

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

April 26, 2009

Mr. Speaker:

The President has signed the following:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1216,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1272,
- ENGROSSED HOUSE BILL NO. 2122,
- ENGROSSED HOUSE BILL NO. 2357,
- SUBSTITUTE HOUSE BILL NO. 2361,
- SUBSTITUTE HOUSE BILL NO. 2363,

And the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8407, and the same is herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

The Senate has adopted SENATE CONCURRENT RESOLUTION NO. 8408, and the same is herewith transmitted.

Thomas Hoemann, Secretary

RESOLUTION

HOUSE RESOLUTION NO. 2009-4653, by Representatives Kessler and Kretz

WHEREAS, It is necessary to provide for the continuation of the work of the House of Representatives after its adjournment and during the interim periods between legislative sessions;

NOW, THEREFORE, BE IT RESOLVED, That the Executive Rules Committee is hereby created by this resolution and shall consist of three members of the majority caucus and two members of

the minority caucus, to be named by the Speaker of the House of Representatives and Minority Leader respectively; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee may assign subject matters, bills, memorials, and resolutions to authorized committees of the House of Representatives for study during the interim, and the Speaker of the House of Representatives may create special and select committees as may be necessary to carry out the functions, including interim studies, of the House of Representatives in an orderly manner and shall appoint members to such committees with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That, during the interim, the schedules of and locations for all meetings of any committee or subcommittee shall be approved by the Executive Rules Committee, and those committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That, during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall complete the work of the 2009 Regular Session of the Sixty-First Legislature during interim periods, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may approve vouchers of the members of the House of Representatives, covering expenses incurred during the interim for official business of the Legislature in accordance with policies set by the Executive Rules Committee, at the per diem rate provided by law and established by the Executive Rules Committee, for each day or major portion of a day, plus mileage at the rate provided by law and established by the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall, during the interim, and as authorized by the Speaker of the House of Representatives, retain or hire any necessary employees and order necessary supplies, equipment, and printing to enable the House of Representatives to carry out its work promptly and efficiently, and accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House of Representatives and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall have authority to carry out the directions of the Executive Rules Committee regarding the authorization and execution of any personal services contracts or subcontracts that necessitate the expenditure of House of Representatives appropriations; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives shall execute the necessary vouchers upon which warrants are drawn for all legislative expenses and expenditures of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Speaker of the House of Representatives and the Chief Clerk of the House of Representatives may authorize the attendance of members and employees at conferences and meetings in accordance with the policies adopted by the Executive Rules Committee and may authorize the expenditure of registration or other fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members and employees of the Legislature be reimbursed for expenses incurred in attending conferences and meetings at the rate provided by law and established by the Executive Rules Committee, plus mileage to and from the conferences and meetings at the rate provided by law and established by the Executive Rules Committee, which reimbursement shall be paid on vouchers from any appropriation made to the House of Representatives for legislative expenses; and

BE IT FURTHER RESOLVED, That, during the interim, the use of the House of Representatives Chamber, any of its committee rooms, or any of the furniture or furnishings in them is permitted upon such terms and conditions as the Chief Clerk of the House of Representatives shall deem appropriate; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives may express the sympathy of the House of Representatives by sending flowers and correspondence when the necessity arises; and

BE IT FURTHER RESOLVED, That this Resolution applies throughout the interim between sessions of the Sixty-First Legislature, as well as any committee assembly.

FLOOR RESOLUTION NO. 4653 was adopted.

There being no objection, the House reverted to the fourth order of business.

THIRD SUPPLEMENTAL INTRODUCTION AND FIRST READING

SCR 8407 by Senators Eide and Schoesler

Returning bills to their house of origin.

SCR 8408 by Senators Brown and Hewitt

Adjourning SINE DIE.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8407 was read the first time, and under suspension of the rules, the resolution was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8407, by
Senators Eide and Schoesler**

Returning bills to their house of origin.

The bill was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the bill was placed on final passage.

SENATE CONCURRENT RESOLUTION NO. 8407 was adopted.

There being no objection, the House reverted to the fourth order of business.

There being no objection, SENATE CONCURRENT RESOLUTION NO. 8408 was read the first time, and under suspension of the rules, the resolution was placed on the second reading calendar.

There being no objection, the House advanced to the sixth order of business.

SECOND READING

**SENATE CONCURRENT RESOLUTION NO. 8408, by
Senators Brown and Hewitt**

Adjourning SINE DIE.

The resolution was read the second time.

There being no objection, the rules were suspended, the second reading considered the third and the resolution was placed on final passage.

The Speaker (Representative Morris presiding) stated the question before the House to be the final passage of Senate Concurrent Resolution No. 8408.

SENATE CONCURRENT RESOLUTION NO. 8408 was adopted.

MESSAGE FROM THE SENATE

April 26, 2009

Mr. Speaker:

The President has signed the following:

- SENATE CONCURRENT RESOLUTION NO. 8407,
- SENATE CONCURRENT RESOLUTION NO. 8408,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

The Speaker assumed the chair.

SIGNED BY THE SPEAKER

The Speaker has signed the following:

- SENATE CONCURRENT RESOLUTION NO. 8407,
- SENATE CONCURRENT RESOLUTION NO. 8408,

The Speaker called upon Representative Morris to preside.

MESSAGES FROM THE SENATE

April 26, 2009

Mr. Speaker:

The President has signed the following:

- SUBSTITUTE HOUSE BILL NO. 1062,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1244,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1379,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1619,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1782,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2125,
- ENGROSSED HOUSE BILL NO. 2194,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 2245,
- HOUSE BILL NO. 2331,
- SUBSTITUTE HOUSE BILL NO. 2341,
- SUBSTITUTE HOUSE BILL NO. 2346,
- SUBSTITUTE HOUSE BILL NO. 2362,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8407, the following House Bills were returned to the House of Representatives:

- SUBSTITUTE HOUSE BILL NO. 1001,
- SUBSTITUTE HOUSE BILL NO. 1008,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1009,
- HOUSE BILL NO. 1016,
- HOUSE BILL NO. 1028,
- HOUSE BILL NO. 1037,
- HOUSE BILL NO. 1060,
- HOUSE BILL NO. 1075,
- SUBSTITUTE HOUSE BILL NO. 1079,
- HOUSE BILL NO. 1080,
- SUBSTITUTE HOUSE BILL NO. 1085,
- HOUSE BILL NO. 1088,
- HOUSE BILL NO. 1089,
- SECOND SUBSTITUTE HOUSE BILL NO. 1090,
- SECOND SUBSTITUTE HOUSE BILL NO. 1095,
- HOUSE BILL NO. 1101,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1114,
- HOUSE BILL NO. 1132,
- SUBSTITUTE HOUSE BILL NO. 1135,
- HOUSE BILL NO. 1139,

- SUBSTITUTE HOUSE BILL NO. 1140,
- SUBSTITUTE HOUSE BILL NO. 1152,
- HOUSE BILL NO. 1171,
- SECOND SUBSTITUTE HOUSE BILL NO. 1180,
- HOUSE BILL NO. 1204,
- HOUSE BILL NO. 1212,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1234,
- SUBSTITUTE HOUSE BILL NO. 1250,
- ENGROSSED HOUSE BILL NO. 1251,
- SECOND SUBSTITUTE HOUSE BILL NO. 1252,
- HOUSE BILL NO. 1302,
- SUBSTITUTE HOUSE BILL NO. 1304,
- HOUSE BILL NO. 1310,
- HOUSE BILL NO. 1312,
- SUBSTITUTE HOUSE BILL NO. 1321,
- SUBSTITUTE HOUSE BILL NO. 1329,
- HOUSE BILL NO. 1331,
- SUBSTITUTE HOUSE BILL NO. 1357,
- SUBSTITUTE HOUSE BILL NO. 1369,
- SUBSTITUTE HOUSE BILL NO. 1371,
- HOUSE BILL NO. 1374,
- HOUSE BILL NO. 1389,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1393,
- SUBSTITUTE HOUSE BILL NO. 1408,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1409,
- SUBSTITUTE HOUSE BILL NO. 1418,
- SECOND SUBSTITUTE HOUSE BILL NO. 1429,
- HOUSE BILL NO. 1431,
- SECOND SUBSTITUTE HOUSE BILL NO. 1450,
- HOUSE BILL NO. 1456,
- SUBSTITUTE HOUSE BILL NO. 1457,
- ENGROSSED HOUSE BILL NO. 1460,
- HOUSE BILL NO. 1462,
- HOUSE BILL NO. 1463,
- HOUSE BILL NO. 1468,
- HOUSE BILL NO. 1483,
- HOUSE BILL NO. 1491,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1496,
- ENGROSSED HOUSE BILL NO. 1499,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1514,
- HOUSE BILL NO. 1541,
- HOUSE BILL NO. 1544,
- ENGROSSED HOUSE BILL NO. 1547,
- SUBSTITUTE HOUSE BILL NO. 1554,
- HOUSE BILL NO. 1561,
- SUBSTITUTE HOUSE BILL NO. 1564,
- SUBSTITUTE HOUSE BILL NO. 1572,
- SUBSTITUTE HOUSE BILL NO. 1575,
- SUBSTITUTE HOUSE BILL NO. 1595,
- SUBSTITUTE HOUSE BILL NO. 1597,

and the same are herewith transmitted.

Thomas Hoemann, Secretary

April 26, 2009

Mr. Speaker:

Under the provisions of the SENATE CONCURRENT RESOLUTION NO. 8407, the following House Bills were returned to the House of Representatives:

- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1614,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1618,
- SUBSTITUTE HOUSE BILL NO. 1647,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1669,
- ENGROSSED HOUSE BILL NO. 1679,
- SUBSTITUTE HOUSE BILL NO. 1683,
- HOUSE BILL NO. 1690,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1698,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1703,
- HOUSE BILL NO. 1722,
- ENGROSSED HOUSE BILL NO. 1728,
- ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1747,
- ENGROSSED SUBSTITUTE HOUSE BILL NO. 1752,
- HOUSE BILL NO. 1753,
- HOUSE BILL NO. 1757,
- SUBSTITUTE HOUSE BILL NO. 1761,
- SECOND SUBSTITUTE HOUSE BILL NO. 1762,
- SUBSTITUTE HOUSE BILL NO. 1774,
- HOUSE BILL NO. 1785,
- SECOND SUBSTITUTE HOUSE BILL NO. 1797,
- SUBSTITUTE HOUSE BILL NO. 1802,
- HOUSE BILL NO. 1818,

HOUSE BILL NO. 1822,
HOUSE BILL NO. 1830,
SUBSTITUTE HOUSE BILL NO. 1831,
ENGROSSED HOUSE BILL NO. 1836,
SUBSTITUTE HOUSE BILL NO. 1838,
SUBSTITUTE HOUSE BILL NO. 1841,
SUBSTITUTE HOUSE BILL NO. 1864,
ENGROSSED HOUSE BILL NO. 1876,
HOUSE BILL NO. 1880,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1883,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1886,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1887,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1889,
SUBSTITUTE HOUSE BILL NO. 1898,
SUBSTITUTE HOUSE BILL NO. 1900,
HOUSE BILL NO. 1912,
SUBSTITUTE HOUSE BILL NO. 1914,
SUBSTITUTE HOUSE BILL NO. 1952,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1956,
ENGROSSED HOUSE BILL NO. 1965,
SUBSTITUTE HOUSE BILL NO. 1981,
SECOND SUBSTITUTE HOUSE BILL NO. 1985,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1996,
SUBSTITUTE HOUSE BILL NO. 2010,
ENGROSSED HOUSE BILL NO. 2044,
SUBSTITUTE HOUSE BILL NO. 2068,
SECOND SUBSTITUTE HOUSE BILL NO. 2113,
SECOND SUBSTITUTE HOUSE BILL NO. 2114,
HOUSE BILL NO. 2117,
SECOND SUBSTITUTE HOUSE BILL NO. 2130,
ENGROSSED HOUSE BILL NO. 2138,
HOUSE BILL NO. 2142,
SUBSTITUTE HOUSE BILL NO. 2147,
HOUSE BILL NO. 2164,
SECOND SUBSTITUTE HOUSE BILL NO. 2167,
HOUSE BILL NO. 2185,
SUBSTITUTE HOUSE BILL NO. 2196,
SUBSTITUTE HOUSE BILL NO. 2198,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2252,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2267,
HOUSE BILL NO. 2271,
SUBSTITUTE HOUSE BILL NO. 2275,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2278,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2295,
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2318,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2338,
HOUSE BILL NO. 2360,
SUBSTITUTE HOUSE JOINT MEMORIAL NO. 4004,
and the same are herewith transmitted.

Thomas Hoemann, Secretary

Under the provisions of SENATE CONCURRENT RESOLUTION NO. 8407, the following Senate bills were returned to the Senate:

SENATE BILL NO. 5002
SUBSTITUTE SENATE BILL NO. 5005
SUBSTITUTE SENATE BILL NO. 5007
ENGROSSED SENATE BILL NO. 5014
SUBSTITUTE SENATE BILL NO. 5026
SENATE BILL NO. 5031
ENGROSSED SUBSTITUTE SENATE BILL NO. 5032
SUBSTITUTE SENATE BILL NO. 5048
SUBSTITUTE SENATE BILL NO. 5061
SENATE BILL NO. 5074
SENATE BILL NO. 5076
SUBSTITUTE SENATE BILL NO. 5115
SENATE BILL NO. 5127
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5138
SUBSTITUTE SENATE BILL NO. 5141
SUBSTITUTE SENATE BILL NO. 5152
SUBSTITUTE SENATE BILL NO. 5179
SENATE BILL NO. 5193
SENATE BILL NO. 5205
SENATE BILL NO. 5211
SUBSTITUTE SENATE BILL NO. 5212
SENATE BILL NO. 5218
SUBSTITUTE SENATE BILL NO. 5219
ENGROSSED SUBSTITUTE SENATE BILL NO. 5225
SUBSTITUTE SENATE BILL NO. 5232
SUBSTITUTE SENATE BILL NO. 5269
SUBSTITUTE SENATE BILL NO. 5295
SENATE BILL NO. 5297

SUBSTITUTE SENATE BILL NO. 5301
SENATE BILL NO. 5316
SUBSTITUTE SENATE BILL NO. 5317
SENATE BILL NO. 5320
SUBSTITUTE SENATE BILL NO. 5332
SENATE BILL NO. 5370
SENATE BILL NO. 5374
SENATE BILL NO. 5378
SUBSTITUTE SENATE BILL NO. 5383
ENGROSSED SUBSTITUTE SENATE BILL NO. 5400
ENGROSSED SUBSTITUTE SENATE BILL NO. 5403
ENGROSSED SUBSTITUTE SENATE BILL NO. 5406
SENATE BILL NO. 5412
SUBSTITUTE SENATE BILL NO. 5424
ENGROSSED SUBSTITUTE SENATE BILL NO. 5449
SUBSTITUTE SENATE BILL NO. 5451
SENATE BILL NO. 5453
SECOND SUBSTITUTE SENATE BILL NO. 5484
ENGROSSED SUBSTITUTE SENATE BILL NO. 5485
SECOND SUBSTITUTE SENATE BILL NO. 5491
SENATE BILL NO. 5498
SENATE BILL NO. 5500
ENGROSSED SUBSTITUTE SENATE BILL NO. 5502
SENATE BILL NO. 5507
ENGROSSED SENATE BILL NO. 5519
SUBSTITUTE SENATE BILL NO. 5528
ENGROSSED SUBSTITUTE SENATE BILL NO. 5529
SUBSTITUTE SENATE BILL NO. 5553
ENGROSSED SUBSTITUTE SENATE BILL NO. 5555
ENGROSSED SUBSTITUTE SENATE BILL NO. 5557
ENGROSSED SENATE BILL NO. 5617
SUBSTITUTE SENATE BILL NO. 5638
SUBSTITUTE SENATE BILL NO. 5659
SENATE BILL NO. 5661
SUBSTITUTE SENATE BILL NO. 5678
ENGROSSED SUBSTITUTE SENATE BILL NO. 5682
SECOND SUBSTITUTE SENATE BILL NO. 5691
SUBSTITUTE SENATE BILL NO. 5698
SUBSTITUTE SENATE BILL NO. 5704
SUBSTITUTE SENATE BILL NO. 5708
ENGROSSED SENATE BILL NO. 5714
ENGROSSED SUBSTITUTE SENATE BILL NO. 5716
SENATE BILL NO. 5717
SUBSTITUTE SENATE BILL NO. 5727
ENGROSSED SUBSTITUTE SENATE BILL NO. 5742
SENATE BILL NO. 5751
ENGROSSED SUBSTITUTE SENATE BILL NO. 5763
SUBSTITUTE SENATE BILL NO. 5779
SUBSTITUTE SENATE BILL NO. 5780
ENGROSSED SUBSTITUTE SENATE BILL NO. 5800
SUBSTITUTE SENATE BILL NO. 5802
ENGROSSED SUBSTITUTE SENATE BILL NO. 5807
SUBSTITUTE SENATE BILL NO. 5826
ENGROSSED SUBSTITUTE SENATE BILL NO. 5828
SUBSTITUTE SENATE BILL NO. 5833
SUBSTITUTE SENATE BILL NO. 5879
ENGROSSED SUBSTITUTE SENATE BILL NO. 5880
ENGROSSED SENATE BILL NO. 5886
ENGROSSED SUBSTITUTE SENATE BILL NO. 5890
SUBSTITUTE SENATE BILL NO. 5893
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5895
SUBSTITUTE SENATE BILL NO. 5899
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5916
SENATE BILL NO. 5940
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5941
ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 5943
SENATE BILL NO. 5951
SUBSTITUTE SENATE BILL NO. 5957
SENATE BILL NO. 5986
ENGROSSED SUBSTITUTE SENATE BILL NO. 6032
ENGROSSED SUBSTITUTE SENATE BILL NO. 6035
ENGROSSED SUBSTITUTE SENATE BILL NO. 6037
ENGROSSED SENATE BILL NO. 6048
SUBSTITUTE SENATE BILL NO. 6052
SENATE BILL NO. 6053
SENATE BILL NO. 6103
SUBSTITUTE SENATE BILL NO. 6172
SENATE BILL NO. 6183
SENATE JOINT RESOLUTION NO. 8209

MOTIONS

On motion of Representative Kessler, the reading of the Journal of the 105th Day of the 2009 Regular Session of the 61th Legislature was dispensed with and ordered to stand approved.

On motion of Representative Kessler, the 2009 Regular Session of the 61st Legislature was adjourned SINE DIE.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

HOUSE LEGISLATIVE LEADERS

Sixtieth First Legislature
2009 Regular Session














DEMOCRATIC LEADERSHIP















Frank Chopp	Speaker
Jeff Morris	Speaker Pro Tempore
Jim Moeller	Deputy Speaker Pro Tempore
Lynn Kessler	Majority Leader
Dawn Morrell	Majority Caucus Chair
Sharon Tomiko Santos	Majority Whip
Zachary Hudgins	Majority Floor Leader
Larry Springer	Majority Caucus Liaison
Deb Eddy	Majority Caucus Vice Chair
Tami Green	Majority Caucus Assistant Floor Leader
Kevin Van De Wege	Deputy Majority Whip
Reuven Carlyle	Assistant Majority Whip
Fred Finn	Assistant Majority Whip
Scott White	Assistant Majority Whip
Jim Jacks	Assistant Majority Whip
Brendan Williams	Majority Caucus External Relations Leader















REPUBLICAN LEADERSHIP















Richard Debolt	Minority Leader
Joel Kretz	Deputy Minority Leader
Dan Kristiansen	Minority Caucus Chair
Bill Hinkle	Minority Whip
Doug Ericksen	Minority Floor Leader
Maureen Walsh	Minority Caucus Vice Chair
Charles Ross	Assistant Minority Floor Leader
Jaime Herrera	Assistant Minority Floor Leader
Kevin Parker	Assistant Minority Whip
Mike Hope	Assistant Minority Whip
Jan Angel	Assistant Minority Whip















2009 HOUSE MEMBERSHIP ROSTER















MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	
	Alexander, Gary District 20 (R) Lewis, Thurston (P)	1997-2008	7915 Loma Dr SE Olympia WA 98503	1944 - WA	Deputy Auditor, Finance
	Anderson, Glenn District 5 (R) King (P)	2001-2008	PO Box 1682 Issaquah WA 98027	1958 - AL	Business Consultant
	Angel, Jan District 26 (R) Kitsap (P), Pierce (P)		PO Box 40600 Olympia WA 98504	CO	Business Owner
	Appleton, Sherry District 23 (D) Kitsap (P)	2005-2008	PO Box 2112 Poulsbo WA 98370	1942 - RI	Legislator
	Armstrong, Mike District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2001-2008	PO Box 40600 Olympia WA 98504	1957 - WA	Chelan Public Utilities Dist
	Bailey, Barbara District 10 (R) Island, Skagit (P), Snohomish (P)	2003-2008	PO Box 40600 Olympia WA 98504	1944 - MI	Mgmt / Training Consultant
	Blake, Brian District 19 (D) Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	Appt. 12/17/2002, 2003-2008	PO Box 40600 Olympia WA 98504	1960 - WA	Env. Specialist, Logger
	Campbell, Tom District 2 (R) Pierce (P), Thurston (P)	1993-1996, 1999-2008	PO Box 40600 Olympia WA 98504	1954 - NY	Chiropractic Physician
	Carlyle, Reuven District 36 (D) King (P)		PO Box 40600 Olympia WA 98504	1965	Wireless Software Entrepreneur
	Chandler, Bruce District 15 (R) Clark (P), Klickitat, Skamania, Yakima (P)	1999-2008	PO Box 40600 Olympia WA 98504	1952 - WA	Orchardist
	Chase, Maralyn District 32 (D) King (P), Snohomish (P)	Appt. 1/7/2002, 2003-2008	18560 1st Ave NE Ste E-750 Shoreline WA 98155	1942 - WA	Legislator
	Chopp, Frank District 43 (D) King (P)	1995-2008	PO Box 40600 Olympia WA 98504	1953 - WA	Community Service
	Clibborn, Judy District 41 (D) King (P)	2003-2008	PO Box 40600 Olympia WA 98504	1943 - OK	Chamber of Commerce Ex Dir (Retired)















MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION	
	Cody, Eileen District 34 (D) King (P)	Appt. 6/2/1994, 1995-2008	5209 36th Ave SW Seattle WA 98126	1954 - IA	Registered Nurse
	Condotta, Cary District 12 (R) Chelan, Douglas, Grant (P), Okanogan (P)	2003-2008	PO Box 40600 Olympia WA 98504	1957 - WA	Self-Empl. Motor Sports Dealer
	Cox, Don District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	Appt. 1/28/1999; 2000-2006; Appt. 1/19/2009	PO Box 40600 Olympia WA 98504	1939 - TX	Public Education (Retired)
	Conway, Steve District 29 (D) Pierce (P)	Appt. 1/26/1993, 1994-2008	PO Box 40600 Olympia WA 98504	1944 - OR	Labor Relations Specialist
	Crouse, Larry District 4 (R) Spokane (P)	1995-2008	PO Box 40600 Olympia WA 98504	1944 - WA	Legislator
	Dammeier, Bruce District 25 (R) Pierce (P)		2803 41 st St SE Puyallup WA 98374	1961 - WA	Printer
	Darneille, Jeannie District 27 (D) Pierce (P)	2001-2008	PO Box 7753 Tacoma WA 98417	1949 - AK	Executive Director
	DeBolt, Richard District 20 (R) Lewis, Thurston (P)	1997-2008	PO Box 40600 Olympia WA 98504	1965 - WA	Public Relations
	Dickerson, Mary Lou District 36 (D) King (P)	Appt. 11/28/1994, 1995-2008	2208 NW Market St Ste 310 Seattle WA 98107	1946 - OR	Legislator
	Driscoll, John District 6 (D) Spokane (P)		PO Box 40600 Olympia WA 98504	1957 - Illinois	Health Care Adm.
	Dunshee, Hans District 44 (D) Snohomish (P)	1993-1994; 1997-2008	506 10th St Snohomish WA 98290	1953 - CA	Former Septic Designer
	Eddy, Deborah District 48 (D) King (P)	2007-2008	PO Box 40600 Olympia WA 98504	1950 - WV	Law Professor/Legal Consultant
	Ericks, Mark District 1 (D) King (P), Snohomish (P)	2005-2008	8818 192nd St SE Snohomish WA 98296	1951 - WA	Chief of Police (Ret.)
	Ericksen, Doug District 42 (R) Whatcom (P)	1999-2008	PO Box 40600 Olympia WA 98504	1969 - WA	Legislator

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
 Finn, Fred District 35 (D) Grays Harbor (P), Kitsap (P), Mason, Thurston (P)		PO Box 40600 Olympia WA 98504	1945 - NY	Attorney/Real Estate Renovator
 Flannigan, Dennis District 27 (D) Pierce (P)	2003-2008	1521 N 5th St Tacoma WA 98403	1939 - WA	Observer
 Goodman, Roger District 45 (D) King (P)	2007-2008	PO Box 40600 Olympia WA 98504	1961 - RI	Attorney
 Grant, Bill District 16 (D) Benton (P), Columbia, Franklin (P), Walla Walla	1987-2008, died 1/3/2009	527 Boyer Avenue Walla Walla WA 99362	1937 - WA	Farmer
 Green, Tami District 28 (D) Pierce (P)	2005-2008	PO Box 40600 Olympia WA 98504	1959 - NE	RN/Healthcare Organizer
 Haigh, Kathy District 35 (D) Grays Harbor (P), Kitsap (P), Mason, Thurston (P)	1999-2008	81 SE Walker Park Rd Shelton WA 98584	1950 - OH	Veterinarian
 Hailey, Steve District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	2007-2008; died 12/28/2008	691 Hailey Rd Mesa WA 99343	1945 - WA	Farmer/Rancher
 Haler, Larry District 8 (R) Benton (P)	2005-2008	719 Jadwin Ste 6 Richland WA 99352	1951 - IO	Program Manager
 Hasegawa, Bob District 11 (D) King (P)	2005-2008	PO Box 84331 Seattle WA 98124	1952 - WA	Teamster Leader (Ret.)
 Herrera, Jaime District 18 (R) Clark (P), Cowlitz (P)	Appt. 11/29/2007; 2008	PO Box 40600 Olympia WA 98504	1978 - CA	Legislator
 Hinkle, Bill District 13 (R) Grant (P), Kittitas, Yakima (P)	2003-2008	311 Anderson Ln Cle Elum WA 98922	1956 - WA	Proj Dev & Mrkting Consultant
 Hope, Mike District 44 (R) Snohomish (P)		PO Box 40600 Olympia WA 98504	1975 - OH	Police Officer
 Hudgins, Zack District 11 (D) King (P)	Appt. 12/09/2002, 2003-2008	PO Box 40600 Olympia WA 98504	1968 - TX	High Technology Manager
 Hunt, Sam District 22 (D) Thurston (P)	2001-2008	4030 San Mar Dr NE Olympia WA 98506	1942 - MT	Retired

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
	Hunter, Ross District 48 (D) King (P)	PO Box 40600 Olympia WA 98504	1961 - PA	Retired Software Executive
	Hurst, Christopher District 31 (D) King (P), Pierce (P)	PO Box 40600 Olympia WA 98504	1954 - WA	Retired Police Detective
	Jacks, Jim District 49 (D) Clark (P)	PO Box 40600 Olympia WA 98504	1970 - WA	Business Development
	Johnson, Norm District 14 (R) Yakima (P)	55 W Washington Ave #83 Yakima WA 98903	1938 - WA	Retired Educator
	Kagi, Ruth District 32 (D) King (P), Snohomish (P)	19553 35th Ave NE Lk Forest Park WA 98155	1945 - WA	Legislator
	Kelley, Troy District 28 (D) Pierce (P)	PO Box 40600 Olympia WA 98504	1964 - CA	Small Business Owner
	Kenney, Phyllis District 46 (D) King (P)	12345 30th Ave NE Ste E Seattle WA 98125	MT	Consultant, Community Relation
	Kessler, Lynn District 24 (D) Clallam, Grays Harbor (P), Jefferson	PO Box 40600 Olympia WA 98504	1941 - WA	Legislator
	Kirby, Steve District 29 (D) Pierce (P)	9415 Tacoma Ave S Tacoma WA 98444	1951 - WA	Legislator
	Klippert, Brad District 8 (R) Benton (P)	1101 W Canal Dr Kennewick WA 99336	1957 - WA	Legislator
	Kretz, Joel District 7 (R) Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens	1014 Toroda Creek Rd Wayconda WA 98859	1957 - WA	Rancher
	Kristiansen, Dan District 39 (R) King (P), Skagit (P), Snohomish (P), Whatcom (P)	PO Box 2007 Snohomish WA 98291	1962 - WA	Legislator
	Liias, Marko District 21 (D) Snohomish (P)	PO Box 20600 Olympia WA 98504	1981 - WA	Legislator
	Linville, Kelli District 42 (D) Whatcom (P)	3123 Eldridge Ave Bellingham WA 98225	1948 - WA	Legislator /Small Business

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
	Maxwell, Marcie District 41 (D) King (P)	PO Box 2048 Renton, WA 98055	WA	Realtor/Business Owner
	McCoy, John District 38 (D) Snohomish (P)	PO Box 40600 Olympia WA 98504	1943 - WA	General Manager
	McCune, Jim District 2 (R) Pierce (P), Thurston (P)	Appt. 11/19/1997, 1998; 2005-2008 PO Box 40600 Olympia WA 98504	1950 - WA	Copper River Salmon Prod Prvdr
	Miloscia, Mark District 30 (D) King (P)	30720 19th Ave S Federal Way WA 98003	1958 - MS	Legislator
	Moeller, Jim District 49 (D) Clark (P)	PO Box 40600 Olympia WA 98504	1955 - WA	Substance Abuse Counselor
	Morrell, Dawn District 25 (D) Pierce (P)	2106 Manorwood Dr SE Puyallup WA 98374	1949 - ID	Registered Nurse
	Morris, Jeff District 40 (D) San Juan, Skagit (P), Whatcom (P)	1004 Commercial Ave #303 Anacortes WA 98221	1964 - WA	Director of NWETC
	Nelson, Sharon District 34 (D) King (P)	Appt. 11/5/2007; 2008 PO Box 40600 Olympia WA 98504	1951 - MN	Legislator
	Newhouse, Daniel District 15 (R) Clark (P), Klickitat, Skamania, Yakima (P)	2003-2008; Resigned 2/17//2009 2521 S Emerald Rd Sunnyside WA 98944	1955 - WA	Self-Employed Farmer
	O'Brien, Al District 1 (D) King (P), Snohomish (P)	1997-2008 PO Box 40600 Olympia WA 98504	1943 - WA	Retired Seattle Police Dept.
	Orcutt, Ed District 18 (R) Clark (P), Cowlitz (P)	Appt. 1/4/2002, 2003-2008 PO Box 1280 Kalama WA 98625	1963 - ME	Consulting Forester
	Ormsby, Timm District 3 (D) Spokane (P)	Appt. 9/30/2003, 2004-2008 PO Box 40600 Olympia WA 98504	1959 - WA	Cement Mason
	Orwall, Tina District 33 (D) King (P)	19005 4 th Ave SW Normandy Park WA 98166	FL	Strategic Planner
	Parker, Kevin District 6 (R) Spokane (P)	8 W 28 th Ave Spokane WA 99203	1973 - OR	Business Owner

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
 Pearson, Kirk District 39 (R) King (P), Skagit (P), Snohomish (P), Whatcom (P)	2001-2008	105 Pearson Ln Monroe WA 98272	1958 - WA	Former Congressional Aide
 Pedersen, Jamie District 43 (D) King (P)	2007-2008	PO Box 40600 Olympia WA 98504	1968 - WA	Lawyer
 Pettigrew, Eric District 37 (D) King (P)	2003-2008	PO Box 28660 Seattle WA 98118	1960 - CA	Director of Urban Development
 Priest, Skip District 30 (R) King (P)	2003-2008	PO Box 40600 Olympia WA 98504	1950 - NY	Land Mgmt. & Bus. Consultant
 Probst, Tim District 17 (D) Clark (P)		3205 NE 160 th St Ridgefield WA 98642	1970 - OH	CEO - WA Workforce Assn.
 Quall, Dave District 40 (D) San Juan, Skagit (P), Whatcom (P)	1993-2008	P O Box 1142 Mount Vernon WA 98273	1936 - WA	Counselor
 Roach, Dan District 31 (R) King (P), Pierce (P)	2001-2008	5914 Graham Ave E Sumner WA 98390	1972 - CA	Owner, Roach Gymnastics, Inc.
 Roberts, Mary Helen District 21 (D) Snohomish (P)	2005-2008	3924 149th Pl SW Lynnwood WA 98087	1947 - OR	Legislator
 Rodne, Jay District 5 (R) King (P)	Appt. 1/20/2004, 2005-2008	PO Box 40600 Olympia WA 98504	1966 - MN	Attorney
 Rolfes, Christine District 23 (D) Kitsap (P)	2007-2008	PO Box 40600 Olympia WA 98504	1967 - NY	Legislator
 Ross, Charles District 14 (R) Yakima (P)	2007-2008	PO Box 845 Naches WA 98937	1971 - VA	Funeral Director
 Santos, Sharon Tomiko District 37 (D) King (P)	1999-2008	PO Box 40600 Olympia WA 98504	1961 - CA	Legislator
 Schmick, Joe District 9 (R) Adams, Asotin, Franklin (P), Garfield, Spokane (P), Whitman	Appt. 11/26/2007; 2008-2008	PO Box 40600 Olympia WA 98504	1958 - WA	Farmer
 Seaquist, Larry District 26 (D) Kitsap (P), Pierce (P)	2007-2008	PO Box 40600 Olympia WA 98504	1938 - ID	Writer

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
 Sells, Mike District 38 (D) Snohomish (P)	2005-2008	2812 Lombard Ave. Rm 210 Everett WA 98201	1945 - WA	Labor Official
 Shea, Matthew District 4 (R) Spokane (P)		17828 E Elliot Rd Mead WA 99021	1974 - WA	Attorney
 Short, Shelly District 7 (R) Ferry, Lincoln, Okanogan (P), Pend Oreille, Spokane (P), Stevens		PO Box 37 Addy WA 99101	1962 - WA	Legislator
 Simpson, Geoff District 47 (D) King (P)	2001-2008	16624 SE 254th Pl Covington WA 98042	1962 - WA	Fire Fighter
 Smith, Norma District 10 (R) Island, Skagit (P), Snohomish (P)	Appt. 1/8/2008; 2008	PO Box 40600 Olympia WA 98504	1951 - FL	Communications
 Springer, Larry District 45 (D) King (P)	2005-2008	700 20th Ave West Kirkland WA 98033	1947 - WA	Retail Store Owner
 Sullivan, Pat District 47 (D) King (P)	2005-2008	26513 168th Pl SE Covington WA 98042	1962 - MT	Legislator
 Takko, Dean District 19 (D) Cowlitz (P), Grays Harbor (P), Pacific, Wahkiakum	Appt. 12/21/2004, 2005- 2008	PO Box 40600 Olympia WA 98504	1950 - WA	Retired
 Taylor, David District 15 (R) Clark (P), Klickitat, Skamania, Yakima (P)	Appt. 3/30/2009	PO Box 40600 Olympia WA 98504	1972	Consultant
 Uptegrove, Dave District 33 (D) King (P)	Appt. 1/7/2002, 2003-2008	21925 7th Ave S Apt 119 Des Moines WA 98198	1971 - WA	Legislator
 Van De Wege, Kevin District 24 (D) Clallam, Grays Harbor (P), Jefferson	2007-2008	PO Box 40600 Olympia WA 98504	1974 - WA	Firefighter/Paramedic
 Wallace, Deb District 17 (D) Clark (P)	2003-2008	822 NE 130th Ct Vancouver WA 98684	1957 - WA	Economic Development Director
 Walsh, Maureen District 16 (R) Benton (P), Columbia, Franklin (P), Walla Walla	2005-2008	1227 Murphy Lane SE College Place WA 99324	1960 - OH	Small Business Owner
 Warnick, Judy District 13 (R) Grant (P), Kittitas, Yakima (P)	2007-2008	PO Box 40600 Olympia WA 98504	1950 - WA	Small Business Owner

MEMBER DISTRICT/PARTY COUNTIES IN DISTRICT	PREVIOUS YEARS OF SERVICES	MAILING ADDRESS	BIRTH YEAR/PLACE	OCCUPATION
 White, Scott District 46 (D) King (P)		9009 27 th Ave NE Seattle WA 98115	WA	Legislator
 Williams, Brendan District 22 (D) Thurston (P)	2005-2008	PO Box 40600 Olympia WA 98504	1968 - OR	Attorney
 Wood, Alex District 3 (D) Spokane (P)	1997-2008	935 W Glass Ave Apt 103 Spokane WA 99205	1946 - Canada	Legislator

BILLS, MEMORIALS AND RESOLUTIONS PASSED

*indicates multiple effective dates

**indicates emergency clause

***indicates both of the above

Sixty First Legislature
2009 Regular Session

CHAPTER	BILL	DESCRIPTION	EFFECTIVE	VETO
	SHB 1518	Accountancy practices		Vetoed
	HB 1527	Boarding home medicaid rates		Vetoed
	SSB 5286	Exemptions from WorkFirst		Vetoed
	SB 5542	LEOFF plan 2/disabled		Vetoed
	SB 6181	Intensive resource pilot		Vetoed
1	I-1000	Death With Dignity Act	3/5/2009	
2	I-1029	Long-Term Care Services	3/3/2009*	
3	ESHB 1906	Unemployment compensation	4/5/2009	
4	ESHB 1694	Fiscal matters 2007-2009	2/18/2009	
5	ESSB 5460	Administrative cost/st govt	2/18/2009	
6	HB 1113	School construction grants	2/18/2009	
7	HB 1066	Noncharter code cities	2/18/2009	
8	ESHB 1978	Econ stimulus trans funding	3/5/2009	
9	SHB 2061	Publ deposit protection comm	3/6/2009	
10	SSB 5130	Prisoner publ records access	3/20/2009	
11	ESSB 5344	Emergency towing vessels	7/26/2009	
12	ESSB 5595	Motor vehicle franchises	3/25/2009	
13	SB 5164	Check cashers and sellers	7/26/2009	
14	SSB 5417	Flood insurance coverage	7/26/2009	
15	SB 5221	Distressed property conveyance	3/25/2009	
16	SB 5348	Mitigation banking project	7/26/2009	
17	HB 1562	Graduating w/out certificate	3/30/2009	
18	ESSB 5671	Suitability of annuities	7/26/2009	
19	SSB 5131	Crisis referral services	7/26/2009	
20	SSB 5012	Missing persons recovery	7/26/2009	
21	SSB 5030	Militia	7/26/2009	
22	SSB 5035	Veterans' access to services	7/26/2009	
23	SSB 5043	Student college info portal	7/26/2009	
24	SSB 5055	UTC proceedings/customers	7/26/2009	
25	SB 5156	Washington peace officers	7/26/2009	
26	ESB 5135	King Co. distr court judges	7/26/2009	
27	SB 5184	Digital forensic crime lab	7/26/2009	
28	SSB 5190	Community custody provisions	8/1/2009	
29	ESSB 5228	Construction/county forces	7/26/2009	
30	ESSB 5238	Retirement systems mailings	7/26/2009	
31	SSB 5261	Unified sex offender program	7/26/2009	
32	SSB 5290	Gas or electr cmpy discounts	7/26/2009	
33	SHB 1254	Grain commission	7/26/2008	
34	HB 1034	Armory rental or lease	7/26/2009	
35	EHB 1049	Veterans' relief	7/26/2009	
36	SHB 1055	Construction trade workers	7/26/2009	
37	HB 1218	Contempt of court sanctions	7/26/2009	
38	SHB 1221	Civil commitment witnesses	7/26/2009	
39	SHB 1280	Explosives lic expiration	7/26/2009	
40	SHB 1291	Library district annexations	7/26/2009	
41	HB 1322	School scoliosis screening	7/26/2009	
42	ESHB 1401	Standrd health questionnaire	7/26/2009	
43	SHB 1414	Health care assistants	7/26/2009	
44	SHB 1510	Birth certificates	7/26/2009	
45	HB 1569	Local public works fund	7/26/2009	
46	SHB 1843	Motor carrier regulation	7/26/2009	
47	HB 1878	St schools for blind & deaf	7/26/2009	
48	SB 5944	Lake Whatcom/phosphorus	7/26/2009	
49	SSB 5388	Car dealer damage disclosure	7/26/2009	
50	SSB 5009	Experience rating accounts	7/26/2009	
51	SSB 5136	Solar energy panel use	7/26/2009	
52	SSB 5369	Counseling professions	7/1/2009 *	
53	SSB 5380	Statute of limitations	7/26/2009	
54	ESB 5423	Critical access hospitals	7/26/2009	
55	ESSB 5437	Conservation commission	7/26/2009	
56	SSB 5481	Veterans' burials	7/26/2009	
57	SB 5487	Employee contract nonrenewal	4/10/2009	
58	SB 5680	Nonprofit organizations	7/26/2009	

CHAPTER	BILL	DESCRIPTION	EFFECTIVE	VETO
59	SB 5739	Concealed pistol license	7/26/2009	
60	ESSB 5808	Fire protection districts	7/26/2009	
61	SB 5832	Sex offense prosecution	7/26/2009	
62	SB 5903	Public works contracts	7/26/2009	
63	SSB 5904	Independent contractor	7/26/2009	
64	SHB 1328	Associate transfer degrees	7/26/2009	
65	E2SHB 1007	Sustainable energy trust	7/26/2009	
66	SHB 1011	ID device use	7/26/2009 *	Partial veto
67	HB 1030	Special commitment center	7/26/2006	
68	SHB 1041	Occupational therapy meds	7/26/2009	
69	HB 1076	Victim input re: wrk release	8/1/2009	
70	E2SHB 1078	Exchange facilitators	7/26/2009	
71	HB 1121	State flag account	7/26/2009	
72	SHB 1128	Innovation partnership zones	7/26/2009	
73	HB 1155	Spec ed prog medical billing	7/26/2009	
74	HB 1196	Small works roster projects	7/26/2009	
75	HB 1197	Alternative public works	7/26/2009	
76	SHB 1202	Life insur policy benefits	7/26/2009	
77	SHB 1205	Court of appeals judges	7/26/2009	
78	HB 1217	Amusement game locations	7/26/2009	
79	EHB 1227	RV's as primary residences	7/26/2009	
80	EHB 1464	Affordable housing incentive	7/26/2009	
81	SHB 1261	Adult guardianship	1/1/2010	
82	SHB 1308	Organ transplants	7/26/2009	
83	HB 1338	Good cause for late filing	7/26/2009	
84	ESHB 1794	Calculating child support	10/1/2009	
85	SHB 2071	Parents of needy families	7/26/2009 *	Partial veto
86	SB 5102	Benton Co. distr crt judges	7/26/2009	
87	SB 5125	Horse racing commission/acct	7/26/2009 *	
88	SB 5147	Criminal libel statutes	7/26/2009	
89	ESHB 1926	Hospice agency exemption	7/26/2009	
90	HB 1366	Boilers & pressure vessels	7/26/2009	
91	SHB 1388	Pipeline safety fees	7/26/2009	
92	HB 1394	Workforce training & edu	7/26/2009	
93	HB 1475	Agency rule-making info	7/26/2009	
94	HB 1536	Household goods carriers	7/26/2009	
95	HB 1678	LEOFF plan 2/disabled	7/26/2009	
96	HB 1682	Hort pest & disease boards	7/26/2009	
97	SHB 1730	Regulatory assistance office	7/26/2009	
98	SHB 1765	Impaired physician program	7/26/2009	
99	HB 1997	Puget Sound science research	7/26/2009	
100	SHB 2042	Motion pic competitiveness	4/15/2009	
101	SHB 2095	Driver training schools	7/26/2009	
102	ESHB 2126	Cemetery & funeral dir brds	7/26/2009	
103	SB 5017	Inactive voter ballots	7/26/2009	
104	SSB 5195	Life settlements model act	7/26/2009	
105	SB 5233	County elected officials	7/26/2009	
106	SSB 5271	Candidate filing	7/26/2009	
107	SSB 5327	Election provisions	4/16/2009	
108	SB 5695	State patrol/donations	7/26/2009	
109	SB 5284	Truth in music advertising	7/26/2009	
110	SB 5305	Obsolete retirement statutes	7/26/2009	
111	SB 5315	Survivor annuity option	7/26/2009	
112	SB 5322	Sheriffs' offices	7/26/2009	
113	SSB 5343	CPA's and enrolled agents	7/26/2009	
114	SSB 5350	Poultry slaughter and sale	7/26/2009	
115	SB 5426	Fire prot district annexing	7/26/2009	
116	SSB 5434	Accountancy practices	7/26/2009	
117	SB 5699	Public guardianship office	7/26/2009	
118	SB 5767	WA clean air act provisions	7/26/2009	
119	SHB 2013	Self-service storage insur	7/1/2010	
120	SHB 1621	Consumer loan companies	7/26/2009 *	
121	SHB 1825	Growth management act	7/26/2009	
122	HB 1826	Foreclosure sales	7/26/2009	
123	ESHB 1939	Vehicle documentary fees	7/26/2009	
124	SHB 2214	Airport transportation	4/17/2009	
125	SSB 5469	Intermediate vehicle license	7/26/2009	
126	SB 5492	Site certificate employees	7/26/2009	
127	SB 5511	City-county assistance accts	7/26/2009	
128	SSB 5793	One-occupant farm conveyance	7/26/2009	
129	SB 5980	School plant funding	7/26/2009	
130	SSB 6000	Homeowners' associations	7/26/2009	

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131	SSB 6019	Employee wellness programs	7/26/2009	
132	SHB 1010	Definition of a biofuel	7/26/2009	
133	EHB 1053	Raffle ticket price increase	7/26/2009	
134	SHB 1303	Child mortality reviews	7/26/2009	
135	HB 1257	Deferred prosecution files	7/26/2009	
136	SHB 1271	Veterinary drugs	7/26/2009	
137	HB 1273	Raffles by counties & cities	7/26/2009	
138	HB 1281	Victim and witness rights	7/26/2009 *	
139	HB 1324	Peace officer psych exams	7/26/2009	
140	SSB 5151	Court commissioners	7/26/2009	
141	SB 5413	Assaulting a law enf officer	7/26/2009	
142	ESB 5581	Sunscreening devices	7/26/2009	
143	SSB 5677	Dairy nutrient mgmt program	7/26/2009	
144	SSB 5705	Special distr voting rights	7/26/2009	
145	SSB 5839	Irrigation district admin	7/26/2009	
146	SSB 5987	Corrections dept. personnel	7/26/2009	
147	SB 5989	Greenhouse gas emissions	7/26/2009	
148	HB 1492	Independent youth housing	7/26/2009	
149	EHB 1311	Reverse mortgage lending	7/26/2009	
150	SHB 1565	Business continuity plans	1/1/2011	
151	SHB 1323	Workforce & econ development	7/26/2009	
152	HB 1375	Foster care citizen boards	7/26/2009	
153	HB 1380	Lease w/ option to purchase	7/26/2009	
154	SHB 1435	Cigarette & tobacco licenses	7/26/2009	
155	ESHB 1441	Malt beverage distr & prod	7/26/2009	
156	HB 1506	Firefightr survivor benefits	7/26/2009	
157	SHB 1953	Fish & wildlife officers	7/26/2009	
158	HB 1474	Border county higher ed proj	7/26/2009	
159	HB 1478	Deployed military personnel	7/26/2009	
160	ESHB 1512	Rail freight service funding	7/26/2009	
161	HB 1567	Insurance	7/26/2009	
162	EHB 1568	Persons selling insurance	7/1/2009	
163	HB 2165	Forest biomass energy proj	7/26/2009	
164	HB 1596	Woman's right to breastfeed	7/26/2009	
165	SHB 1663	Relocation assistance rights	7/26/2009	
166	HB 1675	Alternative route program	7/26/2009	
167	SHB 1692	Publ facilities district brd	7/26/2009	
168	SHB 1808	Paramedic & nursing training	7/26/2009	
169	HB 1844	Dept of licensing employees	7/26/2009	
170	HB 1852	Fingerprint record checks	7/26/2009	
171	HB 2206	OASI fund and account	7/26/2009	
172	SSB 5044	State work-study program	7/26/2009	
173	SSB 5267	Joint oper agencies & PUD's	7/26/2009	
174	SB 5298	Natural resource infractions	7/26/2009	
175	SSB 5480	WA health care discount plan	7/26/2009	
176	SSB 5571	Electr methods/revenue dept	7/26/2009	
177	SSB 5752	Dentists	7/26/2009	
178	SSB 5797	Solid waste handling permits	7/26/2009	
179	SSB 5776	Student fees and charges	7/26/2009	
180	SB 5952	Sexual orientation/defining	7/26/2009	
181	SB 6068	Definition of "conviction"	7/26/2009	
182	SSB 5551	Elem student recess periods	7/26/2009	
183	2SHB 1580	Pilot local water mgmt prog	7/26/2009	
184	HB 1000	Extending state route 397	7/26/2009	
185	HB 1042	Notices of dishonor	7/26/2009	
186	HB 1058	RCW editorial standards	7/26/2009	
187	EHB 1059	Statute corrections	7/26/2009	
188	SHB 1067	Limited partnership act	7/26/2009 *	
189	HB 1068	Business corporation act	7/26/2009	
190	SHB 1110	Home-based instruction	7/26/2009	
191	HB 1288	Home school declaration	7/26/2009	
192	HB 1156	Alternative route program	7/26/2009	
193	HB 1195	Undisputed claims payment	7/26/2009	
194	SSB 5117	Intensive behavior support	7/26/2009	
195	SB 5356	Direct retail endorsements	7/26/2009	
196	SSB 5613	L & I stop work orders	7/26/2009	
197	ESSB 5873	Apprenticeship utilization	7/26/2009	
198	SSB 6024	Publ assistance applications	11/1/2009	
199	HB 1063	Salmon & steelhead recovery	7/26/2009	
200	SB 5562	Active forestry operations	7/26/2009	
201	HB 1270	Electr signatures/pub assist	7/26/2009	
202	HB 1264	Public agency entities	7/26/2009	

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203	SHB 1397	Nurse authority delegation	7/26/2009	
204	HB 1437	Fish & wildlife chaplain	7/27/2009	
205	HB 1548	Military service credit	7/26/2009	
206	SB 5015	Foster parent licensing	7/26/2009	
207	SSB 5276	University engineering progs	7/26/2009	
208	SSB 5765	Fruit & veg district fund	7/26/2009	
209	SB 5303	From PERS 2 to SERS 2	7/26/2009	
210	SSB 5326	Juvenile sex offender notice	7/26/2009	
211	SB 5587	Heavy rail short lines	7/26/2009	
212	2SSB 5676	Middle sch student tech edu	7/26/2009 **	
213	SSB 5882	Racial disproportionality	7/26/2009	
214	EHB 2279	First degree child assault	8/1/2009	
215	E2SHB 2021	Student financial aid	8/1/2009	Partial veto
216	2SHB 1052	Firearm licenses for aliens	7/26/2009	
217	SHB 1071	Nurse practitioners	7/26/2009	
218	HB 1120	Uniform law commission	7/26/2009	
219	HB 1199	Public works funds retainage	7/26/2009	
220	HB 1487	Resident students	7/1/2009	
221	SHB 1283	Publ water supply operators	7/26/2009	
222	SHB 1286	Candidates for public office	7/26/2009	
223	HB 2132	Instruction in civics	7/26/2009	
224	SHB 1319	School distr employee ethics	7/26/2009	
225	HB 1339	Employer contribution rates	7/26/2009	
226	HB 1551	Survivor benefits	7/26/2009	
227	HB 1361	Supervised community options	7/26/2009	
228	SHB 1415	Wine at legislative gift ctr	7/26/2009	
229	ESHB 1847	Bid limits	7/26/2009	
230	EHB 1513	Water and sewer facilities	7/26/2009	
231	HB 1515	Electronic records approval	7/26/2009	
232	ESHB 1664	Motorsport franchise agrmnts	7/26/2009	
233	HB 1888	Mobile homes titling	7/26/2009	
234	2SHB 1938	Postadoption sibling contact	7/26/2009	
235	E2SHB 1961	Increasing adoptions act	7/26/2009 *	
236	ESHB 1954	Sealing juvenile records	7/26/2009	
237	EHB 2285	Local improvement districts	4/25/2009	
238	2SHB 1355	Opportunity internship prog	7/26/2009	
239	EHB 1461	County employee pay periods	7/26/2009	
240	SHB 1022	Statutory costs	7/26/2009	
241	2SHB 1025	Higher edu course materials	7/26/2009	
242	2SHB 1021	DOH authority in hospitals	7/26/2009	
243	ESHB 1033	Lead wheel wgt alternatives	7/26/2009	
244	ESHB 1123	Methicillin-resistant staph	7/26/2009	
245	SHB 1038	Specialized forest products	7/26/2009	
246	SSB 5401	Habitat open space	7/26/2009	
247	SB 5804	Leaving PT work voluntarily	7/26/2009	
248	HB 1050	Veterans' scoring criteria	7/26/2009	
249	SHB 1413	Water discharge fees	7/26/2009	
250	SHB 1419	Sexually aggressive youth	7/26/2009	
251	HB 1426	Use of certified mail	7/26/2009	
252	SHB 1505	Sexually exploited juveniles	7/26/2009	
253	SHB 1532	Reclaimed water systems	7/26/2009	
254	HB 1578	Air pollution control authty	7/26/2009	
255	SHB 1733	Current use valuation progs	7/26/2009	
256	SHB 1984	Vehicle air conditioning	7/26/2009	
257	SHB 2052	Health insurance partnership	7/26/2009	
258	ESHB 2105	Diagnostic imaging services	4/28/2009	
259	SSB 5001	Indian scholarship program	7/26/2009	
260	SB 5028	Jurisdictional transfers	7/26/2009	
261	SB 5976	Tire replacement fees	7/26/2009	
262	SB 5642	State route 164	7/26/2009	
263	SB 5580	School impact fees	7/26/2009	
264	SB 5599	Electing US pres by pop vote	7/26/2009	
265	HB 1048	Free public parking property	7/26/2009	
266	SSB 5881	Truancy	7/26/2009	
267	ESSB 5901	Local infrastructure	7/26/2009	
268	SB 5909	High tech sales & use tax	7/26/2009	
269	SB 5008	Hunting licenses/military	7/26/2009	
270	2SSB 5045	Community revitalization	7/26/2009	
271	SSB 5367	Spirits, beer & wine license	7/26/2009	
272	SSB 5556	Photo enforcement system	7/26/2009	
273	ESSB 5011	Novelty lighters	7/26/2009	
274	SB 5180	Public transit vehicle stops	7/26/2009	

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275	SB 5482	2- and 3-wheeled vehicles	7/26/2009	
276	SSB 5610	Driving record abstracts	7/26/2009	
277	SB 5289	Scenic system ferry routes	7/26/2009	
278	SSB 5340	Tobacco product mail order	7/26/2009	
279	ESSB 5513	Unlawful transit conduct	7/26/2009	
280	SB 5540	High capacity trans service	7/26/2009	
281	SSB 5724	Biomass energy	7/26/2009	
282	SSB 5565	Solid fuel burning devices	7/26/2009	
283	ESSB 5583	Water bank provisions	7/26/2009	
284	SSB 5719	Kit vehicle requirements	7/26/2009	
285	2SHB 1522	Elec product repair & reuse	7/26/2009	
286	ESSB 5651	Dog breeding practices	1/1/2010	
287	SSB 5402	Preventing animal cruelty	7/26/2009	
288	ESHB 1002	Certificate of discharge	7/26/2009	Partial veto
289	SSB 5566	Excise and sales & use taxes	7/26/2009	
290	SSB 5318	Newborn transfer locations	7/26/2009	Partial veto
291	SB 5452	Debt limit/housing fin comm	7/26/2009	
292	ESB 5810	Deeds of trust foreclosures	7/26/2009	
293	HB 1498	Involunt commitment/firearms	7/26/2009	
294	HB 2328	State government admin cost	4/30/2009	
295	SB 5173	Honorary doctorate degrees	7/26/2009	
296	SSB 5616	Business customized training	7/26/2009	
297	ESB 5925	Higher ed study abroad insur	7/26/2009	
298	2SSB 5346	Health care admin procedures	7/26/2009	
299	SSB 5360	Community health grant prog	7/26/2009	Partial veto
300	SSB 5501	Secure health info exchange	7/26/2009	
301	ESSB 5601	Speech-language pathology	7/26/2009	
302	SSB 5608	Genetic counselors	8/1/2010	Partial veto
303	SB 5629	Pregnancy prevention progs	7/26/2009	
304	SB 5731	Health plan information	7/26/2009	
305	SSB 5891	Primary care medical	7/26/2009	
306	SB 5355	Rural city library districts	7/26/2009	
307	SSB 5461	Condominium associations	7/26/2009	
308	SSB 5368	Annual property valuation	7/26/2009	
309	SB 5568	Tax collection tools	7/26/2009	
310	ESSB 5414	Assessments and curricula	7/26/2009 *	Partial veto
311	SSB 5468	Nonprofit housing orgs	7/26/2009	
312	SB 5547	Care provider respite care	7/26/2009	
313	SSB 5561	Carbon monoxide alarms	7/26/2009	
314	SSB 5665	Affordable housing entities	1/1/2010	
315	SB 5673	Certificates of need	7/26/2009	
316	SB 5720	Tuition waivers/stepchildren	7/26/2009	
317	SSB 5738	OSPI review of compliance	7/26/2009	
318	SSB 5921	Clean energy initiative	5/4/2009	
319	SHB 1201	Community integration prog	7/26/2009	
320	SHB 1300	Mental health information	7/26/2009	
321	SHB 1309	Dental hygiene	7/1/2009	
322	HB 1589	Conditional release orders	7/26/2009	
323	ESHB 1349	Less restrictive treatment	7/26/2009	
324	EHB 1385	Sch employee sex1 misconduct	7/26/2009	
325	HB 1517	Restoration of right to vote	7/26/2009	
326	SHB 1529	Telemedicine	7/26/2009	
327	SHB 1740	Dentistry license issuance	5/4/2009	
328	HB 2014	Prescription pads	7/26/2009	
329	SHB 2160	Wellness incentives	7/26/2009	
330	HB 1158	Electronic juror signatures	7/26/2009	
331	ESHB 1326	Pacific sardines	7/26/2009	
332	ESHB 1571	Water rights adjudication	7/26/2009	
333	SHB 1778	Fish & wildlife Title 77 RCW	7/26/2009 *	Partial veto
334	EHB 1530	Asset protection waiver act	7/26/2009	
335	EHB 1566	Insurance commissioner	7/26/2009	
336	SHB 1552	Rule-making hearings access	7/26/2009	
337	SHB 1583	County auditors	7/26/2009	
338	HB 1717	Milwaukee Road corridor	6/30/2009	
339	SHB 2223	Agribusiness vehicle drivers	7/26/2009	
340	2SHB 1951	Salmonid hatcheries	7/26/2009	
341	SHB 1957	Wildlife and recreation prog	7/26/2009	
342	EHB 1967	One hundred year floodplains	7/26/2009	
343	SHB 2079	Health prof licensing info	7/26/2009	
344	HB 2146	Water or sewer facilities	7/26/2009	
345	SHB 2157	Salmon recovery	7/26/2009	
346	SSB 5509	Rental car companies	7/26/2009	

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347	SB 5974	Live nonambulatory livestock	7/26/2009	
348	EHB 1087	Minority & women's business	7/26/2009	Partial veto
349	HB 1137	Christmas tree protections	7/26/2009	
350	E2SHB 1208	Property tax administration	7/26/2009	
351	SHB 1215	Motor vehicle warranties	7/26/2009	
352	SHB 1225	Trans systems/fuel tx effect	7/26/2009	
353	HB 1395	Workforce & econ development	7/26/2009	
354	2SHB 1484	Habitat open space	7/26/2009	Partial veto
355	ESHB 1516	Dungeness crab fishery gear	7/26/2009	
356	SHB 2287	State agency paper use	7/26/2009	
357	SSB 5040	Gambling under age 18	7/26/2009	
358	SSB 5042	Small business paperwork	7/26/2009	
359	SSB 5056	Violent injury reporting	7/26/2009	
360	SB 5060	Manufactured wine & beer use	7/26/2009	
361	ESSB 5110	Serving wine and beer	7/26/2009	
362	SB 5120	Agricultural structures	7/26/2009	
363	SB 5153	Money judgments recog act	7/26/2009	
364	SSB 5160	Service of seizure notice	7/26/2009	
365	SSB 5171	Principal and income act	7/26/2009	
366	ESSB 5262	Driver license photo access	7/26/2009	
367	SSB 5199	Publ water supply operators	7/26/2009	Partial veto
368	SSB 5268	Fish & wildlife equipment	7/26/2009	
369	SSB 5270	Voter registration	7/26/2009	
370	SSB 5273	Landscape architecture	7/26/2009 *	
371	SSB 5531	Consumer protection act	7/26/2009	
372	SB 5277	District court clerk fees	7/26/2009	
373	SSB 5834	Alcoholic beverages	7/26/2009	
374	ESSB 5978	Consumer rebate requirements	7/26/2009	
375	ESSB 5288	Supervision of offenders	7/26/2009	Partial veto
376	SSB 6162	Community custody	7/26/2009 **	Partial veto
377	HB 1835	Respectful language/statutes	7/26/2009	
378	SHB 1036	Military justice code	7/26/2009	
379	E2SSB 5649	Energy efficiency/buildings	5/7/2009	Partial veto
380	SSB 5248	Military children	7/26/2009	
381	E2SHB 1879	Deaf & hard of hearing	7/26/2009	
382	HB 1127	Credit and debit card info	7/26/2009	
383	HB 1448	Tribal reservtn speed limits	7/26/2009	
384	HB 1166	Linked deposit program loans	7/26/2009	
385	EHB 1167	Linked deposit program study	7/26/2009	Partial veto
386	ESB 6033	Owner-occupied foreclosure	7/26/2009	Partial veto
387	ESHB 1362	Vehicles/prostitution	7/26/2009	
388	2SHB 1373	Children's mental health	7/26/2009 **	
389	SHB 1791	Alternative sentencing	8/1/2009 *	
390	ESHB 1792	Search and arrest authority	7/26/2009	
391	SHB 1402	Industrial insurance appeals	7/26/2009	
392	SHB 1793	Alternative student trans	7/26/2009	
393	HB 1433	Damages to state property	7/26/2009	
394	HB 1640	U of W consol endowment fund	7/26/2009	
395	SHB 1856	Tenants who are victims	7/26/2009	
396	ESHB 1741	School employees dismissal	7/26/2009	
397	SHB 1769	Housing & dependency matters	7/26/2009	
398	HB 2025	Health care info sharing	7/26/2009	
399	HB 1789	Offender release dates	8/1/2009	
400	HB 1790	Domestic violence crt orders	8/1/2009	
401	SHB 1816	Wireless phone numbers	7/26/2009	
402	HB 1295	Annexing agri fair areas	7/26/2009	
403	2SHB 1899	Retired active physician lic	7/26/2009	
404	SHB 1812	Wine labels	7/26/2009	
405	HB 2199	Shifts in shoreline location	7/26/2009	
406	SHB 1943	Early learning workforce	7/26/2009	
407	2SHB 1946	Higher ed online technology	7/26/2009 **	
408	SSB 5166	Failure to pay child support	7/26/2009	
409	SSB 5718	Sexually violent predators	5/7/2009	
410	SSB 5229	Legislative youth adv council	5/7/2009	
411	SSB 5252	Correctional facil meds mgmt	7/26/2009 **	
412	SSB 5391	Tatooing/body art & piercing	7/26/2009 *	
413	ESHB 1018	Special election dates	7/26/2009 *	
414	SB 5359	Identifying marks on ballots	7/26/2009	
415	SSB 6122	Sec of state/elections div	7/26/2009	Partial veto
416	HB 1184	Conservation project loans	7/26/2009	
417	ESB 5013	County clerks	7/26/2009	
418	ESB 6166	State trust lands timber	7/26/2009	Partial veto

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419	SB 5107	Energy overlay zones	7/26/2009	
420	ESSB 5421	Salmon & steelhead stamps	7/26/2009 *	
421	ESSB 5473	Projects/statewide signif	5/8/2009	
422	SB 6165	Shorelines hearings board	7/26/2009	
423	E2SSB 5854	Built environment pollution	7/26/2009	
424	SSB 5931	Mental health practitioners	7/26/2009	
425	E2SSB 6015	Commercialization/innovation	7/26/2009	
426	SB 6070	Dredged riverbed materials	7/26/2009	
427	SSB 6088	Commute trip reduction	7/26/2009 **	
428	SB 6104	State agency hours	7/26/2009	
429	SB 6126	Boxing & similar events	7/26/2009	
430	SB 6157	Publ retirement compensation	7/26/2009	
431	SB 6167	Crimes against property	7/26/2009	
432	SHB 1555	Underground economy/construc	7/26/2009 *	
433	ESHB 1553	Damages claims against govt	7/26/2009	
434	SHB 1062	Electrolytic process tx exem	7/26/2009	
435	2SHB 1081	Railroad crossing protection	7/26/2009	
436	SHB 1119	Nonprofit institution funds	5/11/2009	
437	SHB 1592	Registering w/ sec of state	7/26/2009	
438	ESHB 1138	Retail store restroom access	7/26/2009	
439	HB 1148	Protection of animals	7/26/2009	
440	HB 1238	Juvenile case records access	7/26/2009	
441	EHB 2194	Offender medical placement	8/1/2009	
442	2SHB 1290	Local tourism promotion	7/26/2009	
443	SHB 1347	Financial education	7/26/2009	
444	ESHB 1379	Shoreline mgmt act/moratoria	7/26/2009	
445	SHB 1919	Drug court funding	7/26/2009	
446	EHB 1986	Peer mentoring pilot program	7/26/2009	
447	E2SHB 2078	Developmental disabilities	7/26/2009	
448	HB 2129	Greenhouse gas emissions	7/26/2009	Partial veto
449	ESHB 2222	Stormwater discharge permits	7/26/2009	
450	2SHB 2119	Dual credit opportunities	7/26/2009	
451	ESHB 2289	Energy freedom program	5/11/2009 *	
452	HB 2313	Farm vehicle permits	7/26/2009	
453	ESSB 5263	Electr shock devices/schools	7/26/2009	
454	ESSB 5746	Sentencing juveniles/crimes	7/26/2009	
455	SB 5525	State institutions/release	7/26/2009 *	Partial veto
456	SSB 5504	Reclaimed water permitting	7/26/2009	
457	SSB 6036	Water cleanup planning & imp	7/26/2009	
458	ESSB 5768	SR 99 Alaskan Way viaduct	7/1/2009	
459	2SHB 1481	Electric vehicles	7/26/2009	
460	ESHB 1619	School capital projects	7/26/2009	
461	EHB 2122	Newspaper industry B & O tax	7/1/2009 ***	
462	HB 2331	Homeless services docmnt fee	7/26/2009	
463	ESHB 2128	Children's health coverage	7/26/2009	Partial veto
464	SB 5071	Olympic mamot	7/26/2009	
465	SSB 5172	U of W human rights center	7/26/2009	
466	SSB 5177	Global Asia institute	7/26/2009	
467	ESSB 5967	Public community athletics	7/26/2009	
468	2SSB 5973	Student achievement gap	7/26/2009	
469	ESSB 6170	Environmental tax incentives	7/1/2009 *	
470	ESSB 5352	Trans budget 2009-11	5/13/2009	Partial veto
471	SSB 5684	Highway construction	7/26/2009	
472	ESHB 2211	SR 520 corridor tolls	8/1/2009	
473	SSB 5499	DOT highway contract bonds	7/26/2009	Partial veto
474	2SHB 1172	Development rights transfer	7/26/2009	
475	EHB 1824	Concussion mgmt/youth sports	7/26/2009	
476	SHB 1845	Medical support obligations	10/1/2009	
477	ESHB 1782	Dependency matters/parents	7/26/2009	
478	HB 2359	Long-term care workers	7/26/2009	
479	ESSB 5073	Consolidating accts/gen fund	7/1/2009	
480	SSB 5285	Guardians ad litem	7/26/2009	
481	SB 5354	Hospital capital facil areas	7/26/2009	
482	SSB 5431	Subseq foster home placement	7/26/2009	
483	SB 5470	Low-income senior housing	8/1/2009	
484	SSB 5510	Dependency matters	7/26/2009	
485	SSB 5574	Consumer data in vehicles	7/26/2009 *	
486	SSB 5723	Small business assistance	7/26/2009	
487	SSB 5725	Organ transplants	7/26/2009	
488	SB 6002	WA state quality forum	7/26/2009	
489	SSB 6009	Long-term care facilities	7/26/2009	
490	SSB 5732	Traffic infractions	7/26/2009	

CHAPTER	BILL	DESCRIPTION	EFFECTIVE	VETO
491	ESSB 5811	Foster child placements	7/26/2009	
492	E2SSB 5850	Human trafficking violations	7/26/2009 **	Partial veto
493	SSB 5963	Unemployment insurance	5/14/2009	
494	SB 6096	Vessels in foreign commerce	5/14/2009	
495	SSB 6171	Dept of health programs	5/14/2009 *	
496	SSB 6095	Puget Sound pilotage tariff	7/26/2009	
497	ESHB 1216	Capital budget 2009-2011	5/15/2009 *	Partial veto
498	ESHB 1272	State bonds and accounts	5/15/2009	
499	ESHB 2254	Colleges & construction	7/26/2009	
500	SSB 5537	Statutory debt limit	7/1/2009	
501	ESHB 1004	Energy efficiency code	7/26/2009	
502	SHB 1170	Parenting plan modification	7/26/2009	
503	HB 1287	Intrastate commuter aircraft	7/26/2009	
504	SHB 1332	Watershed mgmt partnerships	7/26/2009	
505	SHB 1420	Real estate sellers	7/26/2009	
506	EHB 2040	Beer & wine regulation comm	7/26/2009	
507	EHB 2358	Liquor license fees	7/26/2009	
508	HB 1579	Nonprofit legal services	7/26/2009	
509	E2SHB 1701	Dept of information systems	7/1/2009 **	
510	ESHB 1709	Small loan default risk	1/1/2010	
511	SHB 1751	Rural cnty public facilities	7/26/2009	
512	SHB 2339	State parks system donation	7/26/2009	
513	EHB 1815	Property tax open space prog	7/26/2009	
514	ESHB 1959	Marine container ports	7/26/2009 **	
515	ESHB 2072	Special transportation needs	7/26/2009	Partial veto
516	ESHB 2125	Community preservation	7/26/2009	
517	SHB 2208	Motorsports vehicle dealers	5/15/2009	
518	ESHB 2327	State agency reports	7/26/2009	Partial veto
519	E2SSB 5560	Agency climate leadership	7/26/2009 **	Partial veto
520	2SHB 2106	Child welfare system	7/26/2009 *	Partial veto
521	E2SSB 5688	Registered domestic partners	7/26/2009 *	
522	ESHB 1445	Domestic partners/WSPRS	7/26/2009	
523	EHB 1616	Domestic partner pensions	7/26/2009	
524	SHB 1758	High school diplomas/options	7/26/2009	
525	SHB 1103	Vulnerable adults' estates	7/26/2009	
526	SHB 1239	Dependency proceedings	7/26/2009	
527	HB 2347	Review of support payments	7/26/2009	
528	SHB 1749	Mortgage broker practices	7/26/2009 *	
529	SHB 1869	Health care cost information	7/26/2009	
530	E2SHB 1935	Adult family homes	7/26/2009	
531	SHB 2003	Prof educator standards brd	7/26/2009 *	
532	ESHB 2035	Sex offender e-mail address	7/26/2009	
533	EHB 2299	Public facilities districts	7/26/2009	
534	ESHB 2049	Exempt employment practices	7/26/2009	
535	ESHB 2075	Excise taxation	7/26/2009	
536	E2SHB 2227	Evergreen jobs act	7/26/2009	Partial veto
537	ESHB 2245	PEBB eligibility	1/1/2010	
538	HB 2349	Hospital adjustments	7/26/2009	
539	SHB 2343	Education program savings	7/1/2009	
540	ESHB 2344	Resident undergrad tuition	7/26/2009	
541	SHB 2356	Student achievement fund	7/1/2009	
542	SSB 5410	Online learning	7/26/2009 **	
543	SHB 1292	180-day school year waivers	7/26/2009	
544	ESB 6158	Family leave insurance prog	7/26/2009	
545	2SSB 5945	WA health partnership plan	7/26/2009	Partial veto
546	SSB 6016	Students with dyslexia	7/26/2009	
547	ESB 6137	Common school fund transfers	5/18/2009	
548	ESHB 2261	State's education system	7/26/2009 *	Partial veto
549	SB 5038	Gender-based terms	7/26/2009	Partial veto
550	ESSB 5321	Local & state sales & use tx	7/26/2009	
551	2SSB 5433	Local option tax provisions	7/26/2009	Partial veto
552	SSB 5436	Direct practices payment	7/26/2009	Partial veto
553	SSB 5539	County investment expenses	7/26/2009	
554	SB 5554	Job skills program	7/26/2009	
555	SSB 5777	State health insurance pool	7/26/2009 **	
556	ESSB 5889	Education system flexibility	7/26/2009	
557	ESB 5894	Utilities & trans commission	7/26/2009	
558	SSB 5913	U of W health sci library	7/26/2009	Partial veto
559	ESB 5915	Budget implementation	5/19/2009	
560	ESB 5995	Eliminating boards and comms	6/30/2009	
561	SSB 6161	Pension systems funding	7/1/2009	
562	ESSB 6169	Tax collection tools	7/26/2009	

CHAPTER	BILL	DESCRIPTION	EFFECTIVE	VETO
563	SB 6173	Sales tax compliance	1/1/2010	
564	ESHB 1244	Operating 2007-09 & 2009-11	5/19/2009	Partial veto
565	EHB 2242	Department of commerce	7/26/2009	Partial veto
566	E2SSB 5809	Workforce training/unemplmnt	5/19/2009	Partial veto
567	SSB 5795	Tacoma Narrows toll account	7/26/2009	
568	SHB 2341	Basic health plan program	7/26/2009 *	
569	SHB 2346	Crisis residential centers	7/26/2009	
570	EHB 2357	Nursing facilities/medicaid	5/19/2009	
571	SHB 2361	In-home care/state payments	5/19/2009	
572	SHB 2362	Judicial branch agencies	7/1/2009	
573	SHB 2363	Educational employees	7/1/2009	
574	SSB 5734	Higher educ tuition fees	7/26/2009	Partial veto
575	ESSB 5892	State purchased health care	5/19/2009	
576	ESSB 6108	State lottery/Powerball	7/26/2009	
577	SB 6121	Biotoxin testing, monitoring	7/1/2009	
578	SB 6168	Education program costs	7/26/2009	Partial veto
579	SB 6179	Chemical dependency services	7/26/2009	
580	ESSB 6180	Long-term care workers	7/26/2009 *	

NUMBER	DESCRIPTION	DATE	ACTION
HJM 4000	County health care costs	4/21/2009	Filed with Secretary of State
HJM 4005	Nisei veterans postage stamp	04/21/2009	Filed with Secretary of State
HJM 4014	Trucking industry	04/03/2009	Filed with Secretary of State
HCR 4400	Legislature organized	01/15/2009	Filed with Secretary of State
HCR 4401	Legislature joint sessions	01/15/2009	Filed with Secretary of State
HCR 4402	Legislature cutoff dates	01/15/2009	Filed with Secretary of State
SJM 8001	Endangered species act	04/21/2009	Filed with Secretary of State
SJM 8003	Health info technology	4/13/2009	Filed with Secretary of State
SJM 8006	State routes 503 & 502	04/17/2009	Filed with Secretary of State
SJM 8012	Discrimination against women	04/17/2009	Filed with Secretary of State
SJM 8013	Medicare waiting period	04/18/2009	Filed with Secretary of State
SCR 8400	Legislature joint rules adoption	01/14/2009	Filed with Secretary of State
SCR 8401	Legislature deceased former members	01/14/2009	Filed with Secretary of State
SSCR 8404	State workforce training plan	04/25/2009	Filed with Secretary of State
SCR 8407	Legislature bills returned house of origin	04/26/2009	Filed with Secretary of State
SCR 8408	Legislature adjourning SINE DIE	04/26/2009	Filed with Secretary of State

GOVERNOR'S VETO MESSAGES

Sixty First Legislature
2009 Regular Session

April 30, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 4, Engrossed Substitute House Bill 1002 entitled:

"AN ACT Relating to allowing a certificate of discharge to be issued when an existing order excludes or prohibits an offender from having contact with a specified person or business, or coming within a set distance of any specified location."

Section 4 contains an emergency clause. An emergency clause is to be used where it is necessary for the immediate preservation of the public peace, health or safety or whenever it is essential for the support of state government. I do not believe an emergency clause is needed to implement this legislation. "

For this reason, I have vetoed Section 4 of Engrossed Substitute House Bill 1002.

With the exception of Section 4, Engrossed Substitute House Bill 1002 is approved.

Respectfully submitted,
Christine Gregoire

April 13, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 3, Substitute House Bill 1011 entitled:

"AN ACT Relating to regulating the use of identification devices."

Section 3 places a requirement on the Attorney General to make annual recommendations to the Legislature with respect to potentially invasive technologies which may warrant further action by the Legislature. This requirement is unfunded and will require the Attorney General's Office to divert its scarce financial resources away from other higher priority activities. Additionally, a presumptive label as "personally invasive" may stifle emerging technologies with high potential in the research and commercial fields.

For these reasons, I have vetoed Section 3 of Substitute House Bill No. 1011.

With the exception of Section 3, Substitute House Bill No. 1011 is approved.

Respectfully submitted,
Christine Gregoire

May 6, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 1 and 3, Engrossed House Bill 1087 entitled:

"AN ACT Relating to improving the effectiveness of the office of minority and women's business enterprises."

Engrossed House Bill 1087 requires the Office of Financial Management (OFM), in consultation with the Office of Minority and Women's Business Enterprises (OMWBE), to develop a strategic plan to improve the effectiveness of all state agencies in carrying out the purposes of Chapter 39.19 RCW.

I agree with the intended purpose of this bill, which is to provide for increased participation by minority and women-owned and controlled businesses in public works projects and in providing goods and services to state government. However, OFM was not provided the financial resources necessary to carry-out requirements of Section 1 of this bill. Therefore, I am vetoing Section 1.

Section 3 prescribes the structure of advisory committees that may be established by OMWBE. The proposed language is unnecessarily prescriptive. In fact OMWBE has established an advisory committee that meets the criteria outlined in Section 3. The committee has been meeting since September 2008. As a result, I am also vetoing Section 3.

While I am vetoing Sections 1 and 3 of this bill, I am signing Section 2 because it supports my efforts to achieve supplier diversity. I am also directing OFM to assist OMWBE in identifying ways of increasing participating of minority and women-owned and controlled business in providing services to the state.

For these reasons, I have vetoed sections 1 and 3 of Engrossed House Bill 1087. With the exception of Sections 1 and 3, Engrossed House Bill 1087 is approved.

Respectfully submitted,
Christine Gregoire

May 7, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 1 and 2, Engrossed House Bill 1167 entitled:

"AN ACT Relating to the linked deposit program."

Sections 1 and 2 would have created a new obligation to produce a report by the Office of Minority and Women's Business Enterprises. While I support the aim of identifying ways the linked deposit program can be improved and how small businesses can access capital more readily, this bill places a large, unfunded financial burden on a small agency during very tough budget times. For this reason, I have vetoed Sections 1 and 2 of Engrossed House Bill 1167.

With the exception of Sections 1 and 2, Engrossed House Bill 1167 is approved.

Respectfully submitted,
Christine Gregoire

May 15, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 2063, page 70, lines 12 through 15; 6028; 6029; 6030; and 6049 of Substitute House Bill 1216 entitled:
"AN ACT Relating to the capital budget."

Section 2063, page 70, lines 12 through 15, Department of Corrections

This proviso requires the Office of Financial Management to undertake a budget evaluation study of the project to expand the reception center at the Washington Corrections Center. Because no funding was provided to continue this project, the study is unnecessary at this time. Therefore, I am vetoing this section.

Section 6028, pages 239-240, Superintendent of Public Instruction

Section 6029, pages 240-241, Universities and Colleges

Section 6030, page 241, State Agencies

These sections direct the Washington State Arts Commission to restrict the purchase of artwork to artists residing in Washington State for projects involving state-assisted K-12 school construction, state colleges and universities, and all state agencies. This restriction could have negative impacts on Washington artists who may be performing work on public works projects in other states. Therefore, I have vetoed these sections.

Section 6049, page 257, Puget Sound Partnership

I am vetoing this section because it is duplicative of Section 6010 on page 225.

For these reasons, I have vetoed Sections 2063, page 70, lines 12 through 15; 6028; 6029; 6030; and 6049. With the exception of Sections 2063, page 70, lines 12 through 15; 6028; 6029; 6030; and 6049, Substitute House Bill 1216 is approved.

Respectfully submitted,
Christine O. Gregoire

May 19, 2009

The Honorable Speaker and Members
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Sections 103(6); 105(3); 105(5); 117(2); 117(4); 117(5); 124(3); 126(5); 128(7); 128(11); 128(15); 128(17); 128(24); 137(4); 148(5); 152, page 39, lines 20-26; 153, page 39, lines 34-36 and page 40, lines 1-4; 204(4)(a); 205(1)(h); 205(1)(q); 207(4); 209(10); 209(11); 209(14); 209(15); 209(33); 218(12); 218(13); 218(14); 222(3); 222(20); 223(2)(b); 223(2)(f); 302 page 104, lines

18 and 19; 302(11); 302(18); 303(2); 303(4); 307(5); 309(4); 309(5); 401, page 120, lines 7, 17 and 18; 401(3); 402(3); 614(1); 616(8); 805, page 205, lines 29-31; 805, page 206, lines 33-35; 936; 948; 955; 1104(1); 1104(2); and 1105(1) of Engrossed Substitute House Bill 1244 entitled:

"AN ACT Relating to fiscal matters."

I have vetoed the following appropriation items because of concerns with policy or technical issues relating to the legislative provisions:

Section 105(3), page 6, Office of the State Actuary, University of Washington Medical Center and Harborview Medical Center Financial Reporting

Funding is provided from the Department of Retirement Systems Expense Account for the Office of the State Actuary to assist the University of Washington Medical Center and Harborview Medical Center with the financial reporting of their postretirement benefits liabilities. Because the University of Washington will reimburse the State Actuary for its assistance, no appropriation is needed for this purpose. For this reason, I have vetoed Section 105(3).

Section 105(5), page 6, Office of the State Actuary, Health Benefits Study

The Legislature provided \$735,000 for the State Actuary to conduct an actuarial study comparing the cost of providing health benefits to employees of the Washington state retirement systems and the cost paid by employees and employers for those benefits. The study cannot be completed with the funding provided, nor is it an authorized use of the Health Care Authority Administrative Account. For these reasons, I have vetoed Section 105(5).

I recognize that this approach was intended to reflect the intentions of Second Substitute Senate Bill 5491, which did not pass. This measure would have required the Health Care Authority to develop a strategy to reduce the cost of providing health benefits for K-12 employees. This is an appropriate goal and I will work with the Legislature and the Office of the Superintendent of Public Instruction on this goal.

Section 117(2), (4) and (5), pages 13-15, Office of the Governor, Coal-Fired Energy Plants

These provisos require convening of a joint legislative and executive task force on coal-fired energy plants to evaluate alternatives for how existing plants can meet the greenhouse gas emissions performance standards mandated by Engrossed Second Substitute Senate Bill 5735. While I support the goal of reducing greenhouse gas emissions and am committed to working toward that end with the owners of the state's remaining coal-fired plant, this measure did not pass and I have therefore vetoed Section 117(2),(4), and (5).

Section 124(3), page 18, State Auditor, Performance Audit Reporting

The State Auditor is required to report to the Legislature on state expenditure savings achieved from the implementation of performance audits, with legislative intent to reduce the scheduled transfer from the Performance Audits of Government Account to the General Fund when actual savings are demonstrated. Because the Auditor's Office cannot require agencies to implement performance audit recommendations, the appropriation should not be based on savings the Auditor cannot direct. Therefore, I have vetoed Section 124(3).

Section 126(5), pages 19-20, Attorney General, Human Trafficking Violations

Funding is provided for the Attorney General's Office to implement Section 4 of Engrossed Second Substitute Senate Bill 5850. On May 14, 2009, I vetoed Section 4 of this measure, thus eliminating the need for the Attorney General's Office to engage in this effort. For this reason, I have vetoed Section 126(5).

Section 128(7), page 23, Department of Community, Trade and Economic Development, Associate Development Organizations

This proviso requires associate development organizations receiving funding from the Department of Community, Trade and Economic Development to coordinate workforce and economic development activities with community and technical colleges, and to identify clusters of related industries. While I am supportive of these coordination efforts, the proviso is in conflict with Substitute House Bill 1323, which assigns responsibility for identification and alignment of industry clusters to the Workforce Training and Education Coordinating Board and local Workforce Development Councils. For this reason, I have vetoed Section 128(7).

Section 128(15), pages 24-25, Department of Community, Trade and Economic Development, County Life-Cycle Cost Analysis

This proviso requires counties receiving certain state affordable housing funds to include life-cycle cost analysis as a criterion in housing award decisions and to submit annual reports to the state on distribution of funds. Two bills with similar provisions did not pass the Legislature during the 2009 Session. While I encourage analytical tools like life-cycle cost analysis, I do not believe the budget bill is an appropriate vehicle for these policy provisions. For this reason, I have vetoed Section 128(15).

Section 128(17), page 25, Department of Community, Trade and Economic Development, Economic Development Commission Study

This proviso requires the Economic Development Commission to conduct a review of state infrastructure programs and deliver a report on policy and funding options to the Legislature and the . No funding was provided to the Economic Development Commission for this work. Additionally, I would expect that such a review would occur within the Department of Community, Trade and Economic Development's work to develop recommendations for its core mission and programs as the Department of Commerce. For these reasons, I have vetoed Section 128(17).

Section 148(5), page 37, Liquor Control Board, Increasing Appropriations

This proviso would increase funding to the Liquor Control Board in the event that Senate Bill 6065 was not passed by the Legislature. That bill did not pass. I remain committed to reorganizing the agency so that it is administered by a single director, with a voluntary board providing policy oversight. Therefore, I do not believe it is appropriate to increase its funding at this time. For this reason, I have vetoed Section 148(5).

Section 204(4)(a), pages 57-58, Department of Social and Health Services, Report on Competency Evaluations

The Department of Social and Health Services is required to report on the waiting periods experienced for competency evaluations and competency restoration treatment. No funding was provided for these activities. For this reason, I have vetoed Section 204(4)(a).

Section 205(1)(h), page 61, Department of Social and Health Services, New Freedom Waiver Program

This proviso allows the Department of Social and Health Services to expand the New Freedom Waiver Program. However, the program is administered in the Long Term Care Program, and identical language is included in that program's section of the budget. For this reason, I have vetoed Section 205(1)(h).

Section 205(1)(q), page 63, Department of Social and Health Services, Developmental Disabilities Employment and Day Services

The Department of Social and Health Services is directed to establish a minimum number of service hours for employment and day services offered as part of a Medicaid waiver program. This requirement creates a potential conflict with federal requirements that a client's individual assessed need is the only determinant for the number of authorized service hours. For this reason, I have vetoed Section 205(1)(q).

Section 207(4), page 72, Department of Social and Health Services, Refugee and Immigrant Assistance Reorganization Report

This proviso requires the Department of Social and Health Services to provide detailed reports on outcomes of reorganizing the Office of Refugee and Immigrant Assistance. No funding was provided for these reports. For this reason, I have vetoed Section 207(4). The Department will keep the Legislature fully apprised of the progress of the reorganization.

Section 209(10), page 77, Department of Social and Health Services, Funds for Podiatry Services

This proviso declares that sufficient funds exist within Medical Assistance appropriations for the delivery of podiatry services as a part of the state's medical program. While there currently are sufficient funds, we need to allow the Department of Social and Health Services the widest range of fiscal flexibility to administer its programs should revenues continue to decline. For this reason, I have vetoed Section 209(10).

Section 209(11), page 77, Department of Social and Health Services, Funds for Adult Dental Services

This proviso declares that sufficient funds exist within Medical Assistance appropriations for the delivery of adult dental services as a part of the state's medical program. While there currently are sufficient funds, we need to allow the Department of Social and Health Services the widest range of fiscal flexibility to administer its programs should revenues continue to decline. For this reason, I have vetoed Section 209(11).

Section 209(14), page 77, Department of Social and Health Services, Funds for Family Planning Nurses

This proviso declares that sufficient funds exist within Medical Assistance appropriations for the staffing of family planning nurses in the state's community service offices as a part of the state's medical program. While there currently are sufficient funds, we need to allow the Department of Social and Health Services the widest range of fiscal flexibility to administer its programs should revenues continue to decline. For this reason, I have vetoed Section 209(14).

Section 209(15), page 77, Department of Social and Health Services, Analysis of Home Dialysis

The Department of Social and Health Services is directed to conduct an analysis of potential savings that may be generated by using home-based kidney dialysis. The state already provides this service when appropriate. Additionally, no funding was provided for this analysis. For these reasons, I have vetoed Section 209(15).

Section 209(33), page 81, Department of Social and Health Services, Graduate Medical Education payments

This proviso requires the Department of Social and Health Services to direct payments for the federal Graduate Medical Education Program (GME) to graduate programs that focus on primary care training. While I commend the effort to increase the level of primary care training, the method proposed by the proviso is not feasible. The University of Washington Medical Center and Harborview Medical Center are the only two participating GME programs. GME program payments are included as a part of their reimbursement for inpatient hospital services provided to state clients. There is no way for the Department to direct the payments exclusively to primary care training. For this reason, I have vetoed Section 209(33).

Section 222(3), page 94, Department of Health, Pesticide Incident Report and Review Panel

The Department of Health is required to continue the operations of the Pesticide Incident Report and Review Panel. The budget includes a 50 percent reduction in funding for this activity and for human pesticide exposure and poisoning programs. It is inappropriate to prioritize the activity of the panel over other activities and programs administered by the Department. For this reason, I have vetoed Section 222(3).

Section 222(20), page 96, Department of Health, Health Care Workforce Survey

This proviso declares that sufficient funds are provided for the continuation of the Health Care Workforce survey. Like all state agencies, the Department of Health is being asked to make significant service reductions. We need to allow the agency the widest range of fiscal flexibility to administer its programs should revenues continue to decline. For this reason, I have vetoed Section 222(20).

Section 223(2)(b), page 97, Department of Corrections, Pet Partnership Program at Women's Corrections Center

While this program has demonstrated benefits, the agency should have flexibility to prioritize its expenditures to accommodate the significant reductions reflected in this budget. For this reason, I have vetoed Section 223(2)(b).

Section 223(2)(f), page 98, Department of Corrections, Correction Savings Bills

This statement on bills that generated budget savings includes two bills that did not pass, Engrossed Senate Bill 6183 (Illegal Immigrant Offenders) and Substitute Senate Bill 6160 (Criminal Justice Sentencing). Therefore, I have vetoed Section 223(2)(f).

Section 302, page 104, lines 18-19, Department of Ecology, Emissions Reduction Assistance Account Appropriation

This section includes an appropriation from the Emissions Reduction Assistance Account, a new account created in Engrossed Second Substitute Senate Bill 5735 (Reducing Greenhouse Gas Emissions), a bill that did not pass. For this reason, I have vetoed this appropriation.

Section 303(4), page 110, State Parks and Recreation Commission, Actively Pursue Transfers of State Parks

This proviso would require the State Parks and Recreation Commission to actively pursue transferring ownership of state parks to local governments, tribes, or other entities. It also would require biennial updates of this effort to the Office of Financial Management and the appropriate fiscal committees of the Legislature. The Commission is already pursuing the transfer of certain state parks that are inconsistent with its long-range strategic Centennial plan. For this reason, I have vetoed section 303(4). However, I encourage the Commission to pursue the transfer of parks to other operators when it is appropriate and mutually beneficial and to provide updates to OFM and the appropriate fiscal committees of the Legislature no later than September 1, 2009.

Section 309(4), page 118, Department of Agriculture, Milk Price Stabilization Work Group and Report

This proviso requires the Department of Agriculture, within existing funds, to convene a meeting of dairy industry members to consider methods to stabilize milk prices, and to report findings to the Legislature. No funding was provided for these activities. For this reason, I have vetoed Section 309(4). I encourage the Department to work with the dairy industry to develop strategies to pursue with our congressional delegation.

Section 401, page 120, lines 7, 17 and 18, Cemetery Account and Funeral Directors and Embalmers Account

Funds from the Cemetery Account and the Funeral Directors and Embalmers Account are appropriated to the Department of Licensing. These accounts were repealed on April 15, 2009, when I signed Engrossed Substitute House Bill 2126, the Cemetery and Funeral Directors Boards bill. For this reason, I have vetoed Section 401, lines 7, 17, and 18.

Section 402(3), page 122, Washington State Patrol, King Air Cost Recovery

The State Patrol will continue to charge other agencies for the use of its planes, but State Patrol security responsibilities have historically been funded in the agency's aviation budget. For this reason, I have vetoed Section 402(3).

Section 614(1), pages 186-187, Workforce Training and Education Coordinating Board

This proviso attempts to direct the 's discretionary Workforce Investment Act (WIA) funds to the Workforce Training and Education Coordinating Board to begin work on the Opportunity Internship Program. While I am committed to the success of this new effort, the Board does not control the federal WIA funds, and it is inappropriate to direct the 's flexible pool in this manner. I will work with the Board to find a solution that will enable this important work to begin, but have vetoed Section 614(1).

Section 805, page 205, lines 29-31, Transfers from the State Convention and Trade Center Account to the State General Fund

This appropriation implements the transfer from the State Convention and Trade Center Account to the State General Fund authorized in Section 948. Since I have vetoed that authorization, I have also vetoed Section 805, lines 29-31.

Section 805, page 206, lines 33-35, Transfer from the Performance Audits of Government Account to the State General Fund

Although the Performance Audits of Government Account has accumulated a surplus fund balance during initiation of the State Auditor's program, a transfer of \$29.24 million would significantly detract from the state's ability to conduct performance audits in the future. However, because all of state government must make reductions in these tough economic times, the Auditor has committed to a \$15 million transfer that can be accomplished in the next legislative session. For these reasons, I have vetoed Section 805, lines 33-35.

Section 936, pages 231-232, Savings Incentive Program Report

This section amends RCW 43.79.460 and Section 902, Chapter 4, Laws of 2009, delaying the requirement for the annual Savings Incentive Report until December 2010. Engrossed Substitute House Bill 2327 amends the same statute, but eliminates the report permanently, causing conflicting language. To eliminate conflicting amendments, I have vetoed Section 936.

Section 948, pages 246-248, State Convention and Trade Center Account

Section 948 amends RCW 67.40.040 and Section 917, Chapter 329, Laws of 2008 and Section 6011, Chapter 328, Laws of 2008, defining eligible uses of funds in the State Convention and Trade Center Account, and suspends for the 2009-11 Biennium the retention requirement and transfers to tourism accounts. With the 2010 Olympics being held in Vancouver, British Columbia, we have a unique opportunity to attract tourists to the state of Washington in the next fiscal year. Tourism spending in Washington directly supports nearly 150,000 jobs for our residents -- jobs that are vital to our economic recovery. In addition, while I believe the Fiscal Year 2009 transfer can be accomplished, it may

be called into question because of the language in this proviso. This would adversely affect the 2009 supplemental budget. A clean transfer of funds can be accomplished in the 2010 supplemental budget. For these reasons, I have vetoed Section 948.

Section 955, pages 258-259, Department of Fish and Wildlife, Eastern Washington Pheasant Enhancement Account

This section requires that no less than 80 percent of the funds from the Eastern Washington Pheasant Enhancement Account are to be used to purchase or produce pheasants. Substitute House Bill 1778 which I signed on May 5, 2009, removes the 80 percent requirement, which allows the Department more flexibility for habitat development and other long-term actions to improve pheasant production. For this reason, I have vetoed Section 955.

Section 1104(1), page 302, lines 14-15, Department of Social and Health Services, Mental Health Services

Section 1104(2), page 306, lines 22-23, Department of Social and Health Services, Mental Health Services

Section 1105(1), page 310, lines 3-4, Department of Social and Health Services, Developmental Disabilities Community Services

These reductions to Fiscal Year 2009 appropriation are vetoed in order to retain a total of \$32.276 million to ensure that the Department of Social and Health Services has sufficient resources to cover caseload and related costs in Medical Assistance. For this reason, I have vetoed Section 1104(1), lines 14-15; Section 1104(2), lines 22-23; and Section 1105(1), lines 3 and 4.

A number of appropriations in Engrossed Substitute House Bill 1244 are contingent upon separate legislation, with legislative direction that the appropriations will lapse if the bills are not enacted. The following vetoes relate to bills that did not pass:

Section 103(6), page 4, Joint Legislative Audit and Review Committee, Engrossed Substitute House Bill 2338, (Growth Management Hearings Board)

Section 128(11), pages 23-24, Department of Community, Trade and Economic Development, Engrossed Substitute Senate Bill 5840, (Energy Independence)

Section 128(24), page 26, Department of Community, Trade and Economic Development, Second Substitute House Bill 1797, (Rural and Resource Lands Study)

Section 137(4), page 33, Department of Revenue, Substitute House Bill 1597, (Tax Administration)

Section 152, page 39, lines 20-26, Public Employment Relations Commission, Substitute House Bill 1329, (Child Care Center Collective Bargaining)

Section 153, page 39, lines 34-36, page 40, lines 1-4, Department of Archaeology and Historic Preservation, Second Substitute House Bill 1090, (Human Remains)

Section 218(12), page 90, Department of Labor and Industries, Engrossed Second Substitute Senate Bill 5895, (Residential Real Property)

Section 218(13), page 90, Department of Labor and Industries, Engrossed Substitute Senate Bill 6035, (Retrospective Rating Plans)

Section 218(14), page 90, Department of Labor and Industries, Engrossed Second Substitute House Bill 1393, (Residential Construction)

Section 302(11), page 106, Department of Ecology, Engrossed Second Substitute Senate Bill 5735, (Reducing Greenhouse Gas Emissions)

Section 302(18), page 107, Department of Ecology, Substitute Senate Bill 5282, (Bisphenol A Use)

Section 303(2), page 109, State Parks and Recreation Commission, Substitute House Bill 2109, (State Parks and Recreation Funding)

Section 307(5), page 113, Department of Fish and Wildlife, Substitute House Bill 1972, (Outdoor Recreation Information)

Section 309(5), page 118, Department of Agriculture, Substitute Senate Bill 5005, (Naturally Raised Beef Cattle)

Section 401(3), page 120, Department of Licensing, Engrossed Substitute Senate Bill 5529, (Architects)

Section 616(8), page 189, Department of Early Learning, Substitute House Bill 1329, (Child Care Center Collective Bargaining).

For these reasons, I have vetoed Sections 103(6); 105(3); 105(5); 117(2); 117(4); 117(5); 124(3); 126(5); 128(7); 128(11); 128(15); 128(17); 128(24); 137(4); 148(5); 152, page 39, lines 20-26; 153, page 39, lines 34-36 and page 40, lines 1-4; 204(4)(a); 205(1)(h); 205(1)(q); 207(4); 209(10); 209(11); 209(14); 209(15); 209(33); 218(12); 218(13); 218(14); 222(3); 222(20); 223(2)(b); 223(2)(f); 302 page 104, lines 18 and 19; 302(11); 302(18); 303(2); 303(4); 307(5); 309(4); 309(5); 401, page 120, lines 7, 17 and 18; 401(3); 402(3); 614(1); 616(8); 805, page 205, lines 29-31; 805, page 206, lines 33-35; 936; 948; 955; 1104(1); 1104(2); and 1105(1) of Engrossed Substitute House Bill 1244.

With the exception of Sections 103(6); 105(3); 105(5); 117(2); 117(4); 117(5); 124(3); 126(5); 128(7); 128(11); 128(15); 128(17); 128(24); 137(4); 148(5); 152, page 39, lines 20-26; 153, page 39, lines 34-36 and page 40, lines 1-4; 204(4)(a); 205(1)(h); 205(1)(q); 207(4); 209(10); 209(11); 209(14); 209(15); 209(33); 218(12); 218(13); 218(14); 222(3); 222(20); 223(2)(b); 223(2)(f); 302 page 104, lines 18 and 19; 302(11); 302(18); 303(2); 303(4); 307(5); 309(4); 309(5); 401, page 120, lines 7, 17 and 18; 401(3); 402(3); 614(1); 616(8); 805, page 205, lines 29-31; 805, page 206, lines 33-35; 936; 948; 955; 1104(1); 1104(2); and 1105(1), Engrossed Substitute House Bill 1244 is approved.

Sincerely,
Christine O. Gregoire

May 6, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 1, Second Substitute House Bill 1484 entitled:

"AN ACT Relating to habitat open space."

I am vetoing Section 1 of this bill, regarding the use of the riparian open space program to protect critical habitat for threatened or endangered species. The language in Section 1 of this bill is identical to language adopted into law when I signed SSB 5401 earlier this session. For this reason, I have vetoed Section 1 of Second Substitute House Bill 1484.

With the exception of Section 1, Second Substitute House Bill 1484 is approved.

Respectfully submitted,
Christine Gregoire

April 21, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill 1518 entitled:

"AN ACT Relating to prohibited practices in accountancy."

This bill is identical to Substitute Senate Bill 5434 which I signed on April 16, 2009. Because the provisions of that identical bill are already law, I am vetoing Substitute House Bill 1518 to avoid duplication and confusion.

For this reason I have vetoed Substitute House Bill 1518 in its entirety.

Respectfully submitted,
Christine Gregoire

May 18, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

I am returning, without my approval, House Bill 1527 entitled:

"AN ACT Relating to Medicaid payment rates for boarding homes."

This bill requires that prior to adjusting boarding home Medicaid rates, the Department of Social and Health Services (Department) must convene at least one public hearing to inform boarding home providers how the adjustments were calculated and to review all factors considered in implementing the adjustments.

With such a hearing already required under the Administrative Procedures Act, this bill would lead to confusion, unnecessary duplication, and additional costs. There are better ways for the Department to improve communication regarding the boarding home reimbursement system, and I have directed them to undertake such communication efforts in lieu of placing this requirement in statute.

For this reason, I have vetoed House Bill 1527 in its entirety.

Respectfully submitted,
Christine O. Gregoire

May 5, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 53, Substitute House Bill 1778 entitled:

"AN ACT Relating to modernizing certain provisions in Title 77 RCW regarding fish and wildlife."

Section 53 provides the legislative intent and findings for the wildlife interactions portion of this bill. I am concerned that this section of the bill is overly broad and may lead to unintended consequences regarding expectations of the wildlife interaction program modified by this act. I do not believe that vetoing this section will in any way hinder the implementation of this program. For these reasons, I have vetoed Section 53 of Substitute House Bill 1778.

With the exception of Section 53, Substitute House Bill 1778 is approved.

Respectfully submitted,
Christine Gregoire

April 25, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning, without my approval as to Section 11, Engrossed Second Substitute House Bill 2021 entitled:

"AN ACT Relating to revitalizing student financial aid."

Section 11 duplicates changes to the State Work-Study Program made in Substitute Senate Bill 5044 which I signed on April 22, 2009. I agree with the policy, but as the other bill amends the same statute in the same way, there is no need for this section.

For this reason, I have vetoed Section 11 of Engrossed Second Substitute House Bill 2021.

With the exception of Section 11, Engrossed Second Substitute House Bill number 2021 is approved.

Respectfully submitted,
Christine Gregoire

April 13, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to Section 1, Substitute House Bill 2071 entitled:

"AN ACT Relating to increasing the earning potential of parents of needy families."

I am vetoing the intent section, Section 1 of the bill, because it is broader than the substantive language in the bill. The substantive language of the bill was changed during the legislative process and the language of Section 1 reflects the content of the original bill, rather than the substitute. The intent section could cause unintended consequences and might result in increased liability for the state. Vetoing the intent section does not impede implementation of the bill.

For these reasons, I have vetoed Section 1 of Substitute House Bill 2071.

With the exception of Section 1, Substitute House Bill 2071 is approved.

Respectfully submitted,
Christine Gregoire

May 15, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 2, 5, 6, 7 and 19, Engrossed Substitute House Bill 2072 entitled:

"AN ACT Relating to advancing effective transportation for persons with special transportation needs."

Section 19 of the bill makes the provisions of the legislation null and void if sufficient funding to implement the legislation is not included in the 2009-11 Transportation Budget. The 2009-11 Transportation Budget does include sufficient funding to implement portions of the legislation, but not the entire bill. I have decided to veto Sections 2, 5, 6 and 7 of the legislation that do not have sufficient funding for implementation, as well as the null and void clause in Section 19. As a result, we will be able to move forward with providing special needs transportation services in a more coordinated and efficient manner, without imposing unfunded mandates on state agencies.

For these reasons, I have vetoed Sections 2, 5, 6, 7 and 19 of Engrossed Substitute House Bill 2072.

With the exception of Sections 2, 5, 6, 7 and 19, Engrossed Substitute House Bill 2072 is approved.

Respectfully submitted,
Christine Gregoire

May 19, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 1, 14 and 19, Second Substitute House Bill 2106 entitled:

"AN ACT Relating to improving child welfare outcomes through the phased implementation of strategic and proven reforms."

Section 1 of the bill is an intent section and includes a sentence that says "It is the duty of the state to provide children at risk of out-of-home placement and their families with reasonable opportunities to access supportive services that enhance their safety and well-being." The bill does not define the term "children at risk of out-of-home placement," but does define "child welfare services" broadly. This section may be interpreted as creating a broad new entitlement that I do not believe was intended.

Section 14 amends RCW 74.15.030 to specify that unfounded allegations of child abuse or neglect shall be disclosed to supervising agencies. This language is in direct conflict with existing statutory language in RCW 26.44.031(4) which specifies that an unfounded, screened-out, or inconclusive report may not be disclosed to any licensed provider.

Section 19 directs the Department of Social and Health Services (Department) to, "within existing resources...develop a curriculum to train child protective services staff in forensic techniques used for investigating allegations of child abuse and neglect." The Department cannot absorb costs associated with unfunded new activities at this time. I agree with the goal of ensuring the quality of our investigations and the local investigation protocols involving the Department, law enforcement and prosecutors are an existing mechanism that can be used to further this goal.

For these reasons, I have vetoed Sections 1, 14 and 19 of Second Substitute House Bill 2106.

With the exception of sections 1, 14 and 19, Second Substitute House Bill 2106 is approved.

Respectfully submitted,
Christine O. Gregoire

May 12, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 3, Engrossed Substitute House Bill 2128 entitled:

"AN ACT Relating to meeting the goal of all children in Washington having health care coverage by 2010."

Section 3 requires the Department of Social and Health Services to identify a staff position as the single point of contact and coordination for the Apple Health for Kids program. While I appreciate the intent of this section, I believe it inappropriate to direct in statute how an agency must staff a particular program. Especially in this difficult economic time, agencies must have the flexibility to allocate limited staff resources in the way which best suits all of their activities. Nonetheless, I will direct the Department to appoint someone to oversee this program.

For this reason, I have vetoed Section 3 of Engrossed Substitute House Bill 2128.

With the exception of Section 3, Engrossed Substitute House Bill 2128 is approved.

Respectfully submitted,
Christine O. Gregoire

May 11, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 4, House Bill 2129 entitled:

"AN ACT Relating to the greenhouse gas emissions performance standard under chapter 80.80 RCW."

Section 4 allows the governing boards of public utilities to exempt themselves from performance standards if they find "extraordinary cost impacts on utility ratepayers." I am vetoing this section because there is no clear definition of what these impacts may be on ratepayers, no process by which other parties would have the opportunity to present evidence and argument opposing a proposed exemption, and no clear legal framework that assures transparency and accountability.

For these reasons, I have vetoed Section 4 of House Bill 2129.

With the exception of Section 4, House Bill No. 2129 is approved.

Respectfully submitted,
Christine Gregoire

May 18, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 1, 3, 5, 6, 7, 13, 14 and 16, Engrossed Second Substitute House Bill 2227 entitled:

"AN ACT Relating to green jobs."

The Evergreen Jobs Act is another important step toward Washington's leadership in the emerging green economy.

The bill provides for improved information about employer needs and builds on the Employment Security Department's great effort around defining and forecasting green jobs. The bill promotes the development of green job training programs and more effective utilization of apprenticeships in filling green job employment demands. Finally, the bill creates the Evergreen Jobs Training Account which lays the foundation for future investments in workers and skills in this key segment of the economy.

In addition to these important steps forward, the bill includes some administrative provisions and other requirements that were not funded in the final budget. As a result, the intent sections in Section 1; the leadership team, duties, and related definitions in Sections 3, 5 and 6; requirements around training development that are not consistent with federal timelines in Section 7; and some technical provisions in Sections 13, 14 and 16 are vetoed.

Although the reporting requirements of Section 4 are not being vetoed, they have raised concerns about data availability, duplication of effort, and staff burden. Section 4 is retained with the understanding that the sponsor, the Department, and others will work together to identify appropriate measures and reporting.

Having vetoed the specific requirements around procedures, task forces, and reports, it must be noted that the goal of a more unified strategy for green jobs and some necessary, immediate steps forward are retained from this bill. Although some of the mechanisms in the bill are removed by veto, the state commitment to developing world class curricula and promoting green jobs remains vital and the sections of the Evergreen Jobs Act that are retained are a significant contribution to that effort.

For these reasons, I have vetoed Sections 1, 3, 5, 6, 7, 13, 14 and 16 of Engrossed Second Substitute House Bill 2227.

With the exception of Sections 1, 3, 5, 6, 7, 13, 14, and 16 Engrossed Second Substitute House Bill 2227 is approved.

Respectfully submitted,
Christine O. Gregoire

May 19, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 56, Engrossed House Bill 2242 entitled:

"AN ACT Relating to creating a department of commerce."

Section 56 inadvertently removes the State Energy Program from the Revised Code of Washington. De-codifying the Energy Office was not the intent of this executive request legislation. I, therefore, have vetoed Section 56.

For these reasons, I have vetoed Section 56 of Engrossed House Bill 2242.

With the exception of Section 56, Engrossed House Bill 2242 is approved.

Respectfully submitted,
Christine O. Gregoire

May 19, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Sections 115 and 709, Engrossed Substitute House Bill 2261 entitled:

"AN ACT Relating to education."

In this legislation a number of programs and formulae are to be developed to expand our state's definition of basic education. Section 115 initiates the development of an early learning program for at-risk three- and four-year olds. The bill indicates that this program is to become part of the definition of basic education. If early childhood education is to become part of our definition of basic education it cannot be made available only to at-risk children. I am deeply and personally committed to providing quality early learning programs for all of our children and will continue to work to develop an early learning program worthy of our earliest learners. I am asking Superintendent of Public Instruction Randy Dom and Department of Early Learning Director Betty Hyde to work together to bring a proposal forward that ensures all Washington children have the benefit of early childhood education.

One of the several tasks in Engrossed Substitute House Bill 2261 is the creation of funding formulas to support the program components of a new definition of basic education and to develop a timeline for the implementation of the funding formulas along with programmatic changes. Section 709 requires the state to provide a safety net of resources for students identified by school districts as meeting local requirements for participation in a highly capable program, but for which the allocation does not provide enough support.

Section 709 is not necessary because Section 708 of the bill makes it clear that the highly capable program is not intended to be an entitlement to individual students. This section also has two troubling features: First, local school districts make the determination as to the qualifications for their highly capable programs and the types of programs offered, and by this language locally defined costs are forwarded to the state for payment without regard to other basic education program or other funding needs. Second, the state is required to provide a highly capable program safety net.

As the basic education definition evolves in this legislation, the timeline for implementation of various programs and formulae is left to the Quality Education Council. This specific provision makes the highly capable program the first task for funding, in essence prioritizing this program over all other aspects of basic education funding under consideration. Much work is left to be done to establish standards, guidelines and definitions for what constitutes a highly capable program and what the funding level should be for such a program.

For these reasons I am vetoing Sections 115 and 709 of Engrossed Substitute House Bill 2261.

With the exception of Sections 115 and 709, Engrossed Substitute House Bill 2261 is approved.

Respectfully submitted,
Christine O. Gregoire

May 15, 2009

To the Honorable Speaker and Members,
The House of Representatives of the State of Washington

Ladies and Gentlemen:

I have approved, except for Section 7, Engrossed Substitute House Bill 2327 entitled:

"AN ACT Relating to eliminating or reducing the frequency of reports prepared by state agencies."

Section 7 of Engrossed Substitute House Bill 2327 conflicts with Section 13 of Substitute Senate Bill 6171 that I signed on May 14, 2009. Section 7 eliminates a report on adverse events and incidents at medical facilities because there is no funding for this task. However, Section 13 of Substitute Senate Bill 6171 clarifies that this report is contingent on available funding.

For this reason, I have vetoed Section 7 of Engrossed Substitute House Bill 2327.

With the exception of Section 7, Engrossed Substitute House Bill 2327 is approved.

Respectfully submitted,
Christine O. Gregoire

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	President Signed	1290
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1006	Introduction & 1st Reading	15
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1010	Introduction & 1st Reading	16
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1010-S	Second Reading	458
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1011	Introduction & 1st Reading	16
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1019	Introduction & 1st Reading	16
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1021-S2	Second Reading	673
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	Speaker Signed	1796
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1022	Introduction & 1st Reading	16
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1022-S	Second Reading	526
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	Speaker Signed	1378
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1023	Introduction & 1st Reading	16
1024	Introduction & 1st Reading	17
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1025	Introduction & 1st Reading	17
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1025-S2	Second Reading	590
	Third Reading Final Passage	590
	Speaker Signed	1574
	Messages	1480
	President Signed	1575
	Governor's Action	2361
1026	Introduction & 1st Reading	17
1027	Introduction & 1st Reading	17
1028	Introduction & 1st Reading	17
	Committee Report	86
	Second Reading	294
	Third Reading Final Passage	294
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1029	Introduction & 1st Reading	17
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1030	Introduction & 1st Reading	17
	Committee Report	125
	Second Reading	434
	Third Reading Final Passage	434
	Speaker Signed	1192
	Messages	1104
	President Signed	1213
	Governor's Action	2359
1031	Introduction & 1st Reading	17
1032	Introduction & 1st Reading	17
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Final Passage	1415
Other Action	1415
Speaker Signed	1574
Messages	1414
President Signed	1575
Governor's Action	2361
1034	
Introduction & 1st Reading	17
Committee Report	69
Second Reading	94
Third Reading Final Passage	95
Other Action	86
Speaker Signed	1099
Messages	1092
President Signed	1103
Governor's Action	2358
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Third Reading Final Passage	294
Final Passage	1512
Other Action	1512
Speaker Signed	1796
Messages	1507
President Signed	1814
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1037	
Introduction & 1st Reading	18
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Second Reading	294
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Second Reading	620
Third Reading Final Passage	620
Final Passage	1423
Other Action	1422
Speaker Signed	1574
Messages	1415
President Signed	1575
Governor's Action	2361
1039	
Introduction & 1st Reading	18
Committee Report	299
1040	
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Committee Report	231
Other Action	458
1041	
Introduction & 1st Reading	18
Committee Report	231
Second Reading	295
1041-S	
Second Reading	295
Third Reading Final Passage	295
Speaker Signed	1103

	Messages	1102
	President Signed	1185
	Governor's Action	2359
1042	Introduction & 1st Reading	18
	Committee Report	64
	Second Reading	295
	Third Reading Final Passage	295
	Speaker Signed	1282
	Messages	1230
	President Signed	1290
	Governor's Action	2360
1043	Introduction & 1st Reading	18
1044	Introduction & 1st Reading	18
1045	Introduction & 1st Reading	18
1046	Introduction & 1st Reading	18
1047	Introduction & 1st Reading	18
1048	Introduction & 1st Reading	18
	Committee Report	54
	Second Reading	295
	Third Reading Final Passage	295
	Speaker Signed	1574
	Messages	1480
	President Signed	1575
	Governor's Action	2361
1049	Introduction & 1st Reading	18
	Committee Report	69
	Second Reading	94
	Amendment Offered	94
	Third Reading Final Passage	94
	Other Action	80
	Speaker Signed	1099
	Messages	1092
	President Signed	1103
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1050	Introduction & 1st Reading	19
	Committee Report	69
	Second Reading	94
	Third Reading Final Passage	94
	Other Action	80
	Speaker Signed	1574
	Messages	1444
	President Signed	1575
	Governor's Action	2361
1051	Introduction & 1st Reading	19
	Committee Report	260
1052	Introduction & 1st Reading	19
	Committee Report	131,414
	Second Reading	514
1052-S2	Second Reading	514
	Third Reading Final Passage	514
	Final Passage	1426
	Other Action	1426
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	President Signed	51
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4648 Kenny Hoefner	
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President Signed	1390
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5008	
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President Signed	1575
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Speaker Signed	1797
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	President Signed	1218
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	Speaker Signed	1574
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	President Signed	1390
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	President Signed	1092
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	Other Action	2347
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5032-S		
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Speaker Signed	1100
Messages	806
President Signed	1092
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Other Action	1238
Speaker Signed	1797
Messages	514
President Signed	1575
Governor's Action	2365

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Committee Report	827
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Third Reading Final Passage	1195
Speaker Signed	1797
Messages	127
President Signed	1575
Governor's Action	2363

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Other Action	1238
Speaker Signed	1797
Messages	127
President Signed	1575
Governor's Action	2363

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Speaker Signed	1100
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President Signed	1092
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President Signed	1378
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President Signed	1733
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Speaker Signed	1100
Messages	478
President Signed	1092
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Speaker Signed	1797
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President Signed	1575
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President Signed	2331
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5074	
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5076	
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Other Action	2347
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5102	
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President Signed	1185
Governor's Action	2359

5107	Introduction & 1st Reading	130
	Committee Report	924
	Second Reading	1195
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	Speaker Signed	1896
	Messages	127, 1825
	President Signed	1878
	Governor's Action	2364
5110-S	Introduction & 1st Reading	812
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	Speaker Signed	1797
	Messages	806, 1733
	President Signed	1795
	Governor's Action	2363
5115-S	Introduction & 1st Reading	806
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5117-S	Introduction & 1st Reading	581
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	Speaker Signed	1378
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	President Signed	1378
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5120	Introduction & 1st Reading	692
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	Other Action	1090
	Speaker Signed	1192
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	President Signed	1185
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Other Action	1090
Speaker Signed	1192
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5151-S	
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Speaker Signed	1282
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5153	
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Speaker Signed	1797
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President Signed	1575
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Speaker Signed	1797
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Speaker Signed	1797
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President Signed	1575
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President Signed	1575
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	President Signed	1092
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5261-S		
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	President Signed	1092
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5262-S		
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	Speaker Signed	1797
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	President Signed	1661
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5267-S		
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	President Signed	1661
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5270-S		
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	Speaker Signed	1797
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Other Action	1090
Speaker Signed	1218
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President Signed	1218
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Speaker Signed	1378
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President Signed	1378
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Speaker Signed	1797
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President Signed	1575
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5284	
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Speaker Signed	1218
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5286-S	
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5289		
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	Other Action	1238
	Speaker Signed	1797
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	Committee Report	834
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	Speaker Signed	1100
	Messages	479
	President Signed	1092
	Governor's Action	2358
5295-S		
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	Other Action	2347
	Messages	645
5297		
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5298		
	Introduction & 1st Reading	542
	Committee Report	827
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	Third Reading Final Passage	1288
	Other Action	1238
	Speaker Signed	1378
	Messages	512
	President Signed	1378
	Governor's Action	2360
5301-S		
	Introduction & 1st Reading	732
	Committee Report	1166
	Other Action	1282, 2347
	Messages	692
5303		
	Introduction & 1st Reading	812
	Committee Report	941
	Second Reading	1288
	Third Reading Final Passage	1288
	Other Action	1238
	Speaker Signed	1378
	Messages	806
	President Signed	1378
	Governor's Action	2361
5305		
	Introduction & 1st Reading	488
	Committee Report	941
	Second Reading	1198
	Third Reading Final Passage	1199
	Speaker Signed	1218
	Messages	487
	President Signed	1218
	Governor's Action	2359

5315	Introduction & 1st Reading	618
	Committee Report	933
	Second Reading	1199
	Third Reading Final Passage	1199
	Speaker Signed	1218
	Messages	580
	President Signed	1218
	Governor's Action	2359
5316	Introduction & 1st Reading	476
	Committee Report	906
	Other Action	2347
	Messages	433
5317-S	Introduction & 1st Reading	732
	Committee Report	907
	Other Action	2347
	Messages	692
5318-S	Introduction & 1st Reading	812
	Committee Report	1069
	Second Reading	1199
	Third Reading Final Passage	1200
	Speaker Signed	1797
	Messages	727, 1733
	President Signed	1795
	Governor's Action	2362
5320	Introduction & 1st Reading	618
	Committee Report	967
	Other Action	2347
	Messages	580
5321-S	Introduction & 1st Reading	806
	Committee Report	1069
	Second Reading	1390, 1845
	Amendment Offered	1390, 1845
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	Other Action	1845
	Speaker Signed	2344
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	President Signed	2331
	Governor's Action	2365
5322	Introduction & 1st Reading	646
	Committee Report	824
	Second Reading	1187
	Third Reading Final Passage	1187
	Other Action	1090
	Speaker Signed	1218
	Messages	620
	President Signed	1218
	Governor's Action	2359
5326-S	Introduction & 1st Reading	646
	Committee Report	836
	Second Reading	1288
	Third Reading Final Passage	1288
	Other Action	1238
	Speaker Signed	1378
	Messages	603
	President Signed	1378
	Governor's Action	2361
5327-S	Introduction & 1st Reading	693
	Committee Report	871
	Second Reading	1187
	Third Reading Final Passage	1187
	Other Action	1090
	Speaker Signed	1218
	Messages	645
	President Signed	1218

	Governor's Action	2359
5332-S		
	Introduction & 1st Reading	806
	Other Action	2347
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5340-S		
	Introduction & 1st Reading	646
	Committee Report	971, 1121
	Second Reading	1288
	Third Reading Final Passage	1289
	Other Action	1238
	Speaker Signed	1797
	Messages	603, 1575
	President Signed	1661
	Governor's Action	2362
5343-S		
	Introduction & 1st Reading	812
	Committee Report	971
	Second Reading	1187
	Third Reading Final Passage	1188
	Other Action	1090
	Speaker Signed	1218
	Messages	806
	President Signed	1218
	Governor's Action	2359
5344-S		
	Introduction & 1st Reading	646
	Committee Report	819
	Second Reading	825
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	Speaker Signed	831
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5346-S2		
	Introduction & 1st Reading	618
	Committee Report	971, 1122
	Second Reading	1289
	Third Reading Final Passage	1289
	Other Action	1238
	Speaker Signed	1797
	Messages	580, 1733
	President Signed	1795
	Governor's Action	2362
5348		
	Introduction & 1st Reading	542
	Committee Report	666
	Second Reading	811
	Third Reading Final Passage	811
	Other Action	804
	Speaker Signed	827
	Messages	512
	President signed	819
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5350-S		
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	Committee Report	871
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	Third Reading Final Passage	1200
	Speaker Signed	1218
	Messages	512
	President Signed	1218
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5352-S		
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	Speaker Signed	2344
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	President Signed	2331
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5354		
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	Committee Report	974, 1108
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	Third Reading Final Passage	1393, 1842
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	President Signed	2331, 2344
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	Committee Report	974
	Second Reading	1200
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	Speaker Signed	1797
	Messages	645, 1575
	President Signed	1661
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	Second Reading	1222
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	Other Action	1217
	Speaker Signed	1378
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	Other Action	1238
	Speaker Signed	1797
	Messages	692, 1575
	President Signed	1661
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5367-S		
	Introduction & 1st Reading	581
	Committee Report	857
	Second Reading	1344
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	Third Reading Final Passage	1344
	Other Action	1238
	Speaker Signed	1797
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5368-S		
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	Committee Report	975
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	Speaker Signed	1797
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	President Signed	1103
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5370	Introduction & 1st Reading	542
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5374	Introduction & 1st Reading	693
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5378	Introduction & 1st Reading	581
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5380-S	Introduction & 1st Reading	813
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	Speaker Signed	1103
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	President Signed	1103
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5383-S	Introduction & 1st Reading	582
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5388-S	Introduction & 1st Reading	480
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5400-S	Introduction & 1st Reading	813
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5401-S	Introduction & 1st Reading	646
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	Speaker Signed	1797
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5402-S	Introduction & 1st Reading	693
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Speaker Signed	1797
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	Speaker Signed	1797
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	Speaker Signed	1378
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	President Signed	1378
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5481-S	Introduction & 1st Reading	582
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5485-S	Introduction & 1st Reading	582
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5487	Introduction & 1st Reading	732
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Adoption support program, prospective adoptive parent to receive information describing limits of: ***ESSB 5811, CH 491**
Federal fostering connections to success and increasing adoptions act of 2008, implementation: HB 1961
Postadoption contact with siblings, children's interests in maintaining: HB 1938

ADULT FAMILY HOMES

Provider health benefits collective bargaining: HB 2158
Providers, geriatric specialty certification: HB 1935
Restrictive covenants, void if limits placed on location of certain adult family homes: HB 1935

ADVERTISING

Home-based instruction, school district advertising and marketing to students prohibited: HB 1110
Music, truth in music advertising act: ***SB 5284, CH 109**
Promotional, deceptive advertising of prizes: HB 1192

AFRICAN-AMERICANS (See also MINORITY AND WOMEN'S BUSINESS ENTERPRISES)

Black history month, recognizing: ***HR 4622**
Child welfare services, remediating racial disproportionality in: HB 2164
Dr. Martin Luther King Jr., remembering his dream: ***HR 4603**

Racial disproportionality advisory committee, recommendations concerning child welfare system: *SSB 5882, CH 213

AGRICULTURE (See also COMMODITY COMMISSIONS; FARMS; LIVESTOCK)

AgJOBS legislation, requesting that the United States Congress enact: HJM 4017
 Agribusiness drivers, exemption from certain commercial driver's license requirements: HB 2223
 Agricultural fairs, annexation by cities or towns of territory used for: *HB 1295, CH 402
 Agricultural land preservation, purchase of land development rights as option for environmental mitigation of transportation projects: HB 1660
 Agricultural structures, definition: *SB 5120, CH 362
 Agricultural structures, fees for permitting, plan review, building, and inspection: *SB 5120, CH 362
 Anaerobic digesters for processing livestock manure and organic waste-derived material, requirements for exemption from solid waste handling permitting: HB 1135, *SSB 5797, CH 178
 Animal identification, voluntary participation in a state or national animal identification system: HB 2086
 Aplets and Cotlets, official state candy: HB 1024 Commodity commissions, exemption from certain administrative cost reductions: HB 2291, HB 2292
 Community agricultural worker safety grant program to be implemented by nonprofit opportunities industrialization center: HB 2032
 Crops on leased lands, wastage when landowner interferes with harvest: HB 1242 Crops, current use valuation under property tax open space program: HB 1979
 Current use land classifications for property tax purposes, interest rate and penalty provisions: SSB 5424
 Dairy nutrient management program, violations: *SSB 5677, CH 143
 Farm and agricultural land, commercial agricultural purposes defined for property taxation: HB 1232
 Field of dreams program, access to postsecondary education for agricultural industry employees: HB 1428
 Fruit and vegetable district fund, district two manager authorized to transfer funds to plant pest account: HB 1681, *SSB 5765, CH 208
 Fully contained communities, approval by county if land not designated agricultural land: HB 1456
 Grain commission, created to succeed wheat and barley commissions: HB 1254, SB 5076
 Horticultural pest and disease boards, membership: *HB 1682, CH 96
 Meat and poultry inspection program, establishment and requirements: HB 1613
 Milk products used for animal food consumption, standards and licensing: SSB 5678
 New farm structures, permits and inspection fees: HB 1557 Outdoor burning provisions of Washington clean air act, clarifications: *SB 5767, CH 118
 Pesticide poisoning and exposure, department of health flexibility in investigation of: *SSB 6171, CH 495
 Poultry slaughter and sale, special permits: *SSB 5350, CH 114
 Propane, sales and use tax exemption for nonhighway use by farmers: HB 2248, HB 2275, HB 2323
 Property tax, specifications for farm and agricultural land classification: *EHB 1815, CH 513
 Single-occupancy farm conveyances, definition and use: *SSB 5793, CH 128
 Washington heritage livestock and poultry breed recognition program: SB 5002
 Washington's agricultural economy, protecting the long-term viability of: HB 2241
 Wastage of crops on leased lands due to landowner interference with harvest: HB 1242
 Water rights, liberal construal of nonuse provisions according to legislative intent: HB 1267
 Water rights, partial relinquishment eliminated: HB 1268 Water rights, sufficient cause for nonuse: HB 1266
 Water rights, sufficient cause for nonuse involving crop rotation: HB 1269
 Water, public groundwater withdrawal for stock-watering: HB 1091
 Wildlife damage, compensation when crops damaged or livestock injured or killed by wildlife: HB 1626

AGRICULTURE, DEPARTMENT (See also COMMODITY COMMISSIONS)

Community agricultural worker safety grant program to be administered by department: HB 2032
 Dairy nutrient management program, violations: *SSB 5677, CH 143
 Dogs under twelve months of age, department to identify minimum proper veterinarian care standard for: HB 2202
 Meat and poultry inspection program, establishment and requirements: HB 1613
 Mobile custom farm slaughtering unit loan program: HB 2102

AIDS

Grants for AIDS programs, consolidation of administrative services in department of health: HB 2360
 HIV testing, infants placed in out-of-home care: HB 1046

AIR POLLUTION (See also ECOLOGY, DEPARTMENT)

Air operating permits, SEPA exemptions: HB 1253, HB 1584
 Carbon dioxide emissions, disclosure to electric customers of emissions associated with their electricity consumption: HB 1994
 Climate leadership, reducing greenhouse gas emissions and energy consumption by state government: *E2SSB 5560, CH 519 PV
 Control authorities, board of directors: *HB 1578, CH 254, SB 5374
 Greenhouse gas emissions performance standard, compliance provisions: HB 1854
 Greenhouse gas emissions reduction, land use and transportation requirements: HB 1490
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: HB 1819
 Greenhouse gas emissions, multisector emissions reduction program including emissions caps and offset credits: E2SSB 5735
 Greenhouse gases, comprehensive plan for reducing: HB 1718
 Outdoor burning provisions of Washington clean air act, clarifications: *SB 5767, CH 118
 Outdoor burning, limitations within urban growth areas: HB 1265, HB 1987
 Passenger vehicles purchased to reduce air pollution, conditions for sales and use tax incentives: HB 2059
 Solid fuel burning devices, restrictions: HB 1691, *SSB 5565, CH 282
 State funding for local projects, greenhouse gas emissions criteria: HB 2010

AIRLINES AND AIRPORTS

* - Passed Legislation

Airline operator rate of return when funding consolidated car rental facilities and common use transportation equipment and facilities: HB 2214
 Aviation and marine fuel, unleaded gasoline to be made available for: HB 1903
 Commuter air carriers, sales and use tax exemptions for intrastate operations: ***HB 1287, CH 503**
 General authority peace officers employed by airports to be considered uniformed personnel for interest arbitration: HB 1822
 NextGen capabilities, implementation to modernize and improve the nation's air transportation system: HJM 4019
 Wildlife trapping at airports, authority and requirements: HB 2260

ALCOHOL AND DRUG ABUSE

Chemical dependency services, mental health treatment, and therapeutic courts, permissible uses of local sales and use tax for: SSB 5301
 Chemical dependency specialist services at children and family services offices, department of social and health services contracting for: ***SB 6179, CH 579**
 Drug court program, funding to support operation and administration of: HB 1919
 Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: HB 1615
 Housing, focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219
 Local sales and use tax for chemical dependency services, mental health treatment, and therapeutic courts: ***SSB 5433, CH 551 PV**
 Overdose, seeking treatment in good faith for self or other: HB 1796

ALCOHOLIC BEVERAGES

Art galleries, serving wine or beer to customers: ***ESSB 5110, CH 361**
 Beer and strong beer, tax revenues to be deposited in reserve account and benefits account: HB 1892
 Beer and wine, manufactured for exhibition or private consumption: ***SB 5060, CH 360**
 Beer commission, provisions: HB 1171
 Driving under the influence of liquor or drugs while transporting a person under age eighteen, penalties: HB 2233
 Furnishing liquor to a minor, violation and penalties: HB 2232
 Joint select committee on beer and wine regulation, modifying current three-tier system of manufacturing, distributing, and retailing: ***EHB 2040, CH 506**
 Liquor license fees, increases for various establishments: ***EHB 2358, CH 507**
 Malt beverages, contractual relationships between wholesale distributors and suppliers: HB 1441, ESSB 5403
 Malt liquor, sale in kegs or certain other containers by holders of certain retail licenses: HB 1462
 Minor, penalties for furnishing liquor to: HB 2232 Online wine retailers, shipping limitations: HB 2099
 Regulation, licensing and licensee provisions: HB 1988, ***SSB 5834, CH 373**
 Spirits, beer, and wine nightclub license created: HB 1434, ***SSB 5367, CH 271**
 Spirits, tax revenues from sale of spirits to be deposited in reserve account and benefits account: HB 1892
 Wedding boutiques, serving wine or beer to customers: ***ESSB 5110, CH 361**
 Wine and beer, manufactured for exhibition or private consumption: ***SB 5060, CH 360**
 Wine sales at legislative gift center: HB 1415
 Wine, labels for Washington wine: HB 1812
 Wineries, reporting requirements for small domestic: HB 1538

ANIMALS (See also DOGS; HORSES AND HORSE RACING; LIVESTOCK)

Companion animal spay/neuter assistance program: HB 1406 Companion animals, damages to: HB 1150
 Cruelty to animals, violations and penalties: HB 1968, ***SSB 5402, CH 287**
 Dog breeding, humanitarian requirements for certain practices: HB 1936, ***ESSB 5651, CH 286**
 Dogs, requirement for sheriff to kill any dog at large without a metal identification tag eliminated: ESB 5200
 Dogs, requirements for humane treatment and penalties: HB 2387
 Domestic violence, animal protection orders: ***HB 1148, CH 439**
 Identification, voluntary participation in a state or national animal identification system: HB 2086
 Live nonambulatory livestock, violations and penalties for knowingly transporting or accepting delivery of in certain situations: ***SB 5974, CH 347**
 Livestock, crimes against when belonging to another person: HB 1849
 Milk products used for animal food consumption, standards and licensing: SSB 5678
 Pet and livestock owners, rights when residing in unincorporated areas subject to annexation by a city or town: HB 1831
 Pets, protecting from perpetrators of domestic violence: ***HB 1148, CH 439**
 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294**
 Trapping, licensing and regulations: HB 1115
 Wolf-hybrid classified as a potentially dangerous wild animal: SSB 5383

APPLIANCES (See also ELECTRONIC EQUIPMENT)

Appliance efficiency rebate program, department of community, trade, and economic development authority to create: ***E2SSB 5649, CH 379 PV**
 Energy efficiency code, products added: HB 1004

APPRENTICES AND APPRENTICESHIP PROGRAMS

Evergreen jobs act, provisions relating to apprenticeship council and apprenticeship programs: HB 2227
 Public works projects by four-year higher education institutions, requirements for labor hours to be performed by apprentices: ***ESSB 5873, CH 197**

ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT

Abandoned cemeteries and historic graves, department authority: HB 2126
 Human remains, state anthropologist to make determination of Indian origin: HB 1090
 Professional archaeologist, definition: HB 2062
 Replacement of department by office of archaeology and historic preservation within parks and recreation commission: HB 2019

ARCHITECTS

Landscape architects, licensing: HB 1359, ***SSB 5273, CH 370**
 Licensure board for landscape architects: HB 1359, ***SSB 5273, CH 370**
 Registration provisions: HB 1634, ESSB 5529

ART AND ART WORKS

Art for state transportation-related buildings, suspension of requirement for: HB 2076
 Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: HB 1304, ***SB 5680, CH 58**
 Arts education, recognizing the importance of: ***HR 4640**
 Cultural access authorities, creation, organization, and funding: HB 1666

ATTORNEY GENERAL

Advisory committee of public and governmental entity representatives to make recommendations on adoption of advisory model rules: HB 1676
 Home construction board to be created within office of consumer education for home construction: E2SSB 5895
 Manufactured/mobile home dispute resolution program and account, provisions repealed: HB 1352
 Office of consumer education for home construction, creation in office of attorney general and duties: HB 1393, E2SSB 5895

ATTORNEYS

Motor vehicle owner information, requirement for notice of disclosure to an attorney or private investigator: HB 1900
 Motor vehicle owner information, requirement for notice of disclosure to an attorney or private investigator eliminated: HB 1991
 Statutory costs, provisions: HB 1022
 Supreme court, requirement that all practice of law and administration of justice regulatory and related functions reside with: HJR 4210
 Supreme court, transferring all mandatory, regulatory, licensing, and disciplinary functions of the state bar association to: HB 2216

AUDITORS AND AUDITING

County auditors, provisions: HB 1583
 Hospitals, prior notice of audits and surveys: HB 1021
 Voter registration, devising and implementing uniform statewide system: HB 1798

AUTISM

Autism spectrum disorders, insurance coverage: HB 1210 Individuals with autism, honoring and supporting: ***HR 4627**

AVIATION (See also AIRLINES AND AIRPORTS)

Aerospace competitiveness, department of community, trade, and economic development to take steps to increase: HB 2337
 Aerospace manufacturing, creation of a joint legislative task force on: HB 2324
 Aerospace technology and manufacturing studies, creation of Washington institute of: HB 2318
 Lobbying restrictions, certain threats to relocate commercial airplane manufacturing jobs prohibited: HB 2316
 NextGen capabilities, implementation to modernize and improve the nation's air transportation system: HJM 4019

BANKS AND BANKING (See also FINANCIAL INSTITUTIONS)

Public deposit protection commission, modernization and clarification of powers in regard to banks and savings associations as public depositaries: HB 2061

BICYCLES

Motor vehicle overtaking and passing pedestrian or bicycle, legal requirements: HB 1491

BLIND

State school, transfers of accumulated leave of employees: ***HB 1878, CH 47**

BOATS (See also COMMERCIAL VESSELS AND SHIPPING)

Boating safety and marine law enforcement, parks and recreation commission to develop plan to implement recommendations for: HB 1848
 Marine and aviation fuel, unleaded gasoline to be made available for: HB 1903
 Maritime historic vessel restoration and preservation program: HB 2379
 Recreational boating programs, process for improving: HB 2237, 2SSB 5691
 Registration, fee collected with application to fund saltwater algae control account: HB 1231, SB 5412

BODY PIERCING

Sterilization requirements and standard universal precautions: HB 1085
 Tattooing, body art, body piercing, comprehensive regulations: ***SSB 5391, CH 412**

BOILERS

Boiler and unfired pressure vessel statutes, technical changes: ***HB 1366, CH 90**

BONDS

Baseball stadium construction bonds, lodging and local sales and use taxes to be used for retiring: HB 2252
 Community revitalization financing, use of general obligation bonds for public improvements: ***2SSB 5045, CH 270**
 Department of transportation highway contracts, bond amounts: HB 1533, ***SSB 5499, CH 473 PV**
 Energy efficiency projects, promoting state-chartered bond authorities' involvement in financing of: ***E2SSB 5649, CH 379 PV**
 General obligation bonds for state route 520 corridor, payment of principal and interest: HB 2326

General obligation bonds, capital and operating budget project financing: HB 1272
 General obligation bonds, economic stimulus capital budget project financing: HB 1451
 General obligation bonds, funding safety, health, and energy efficiency improvements to public facilities to create jobs: HB 2334
 General obligation bonds, high capacity transportation corridor area authority to issue: HB 1677, ***SB 5540, CH 280**
 General obligation bonds, school construction assistance grant program financing: ***HB 1113, CH 6**
 Public-private transportation projects, capital improvements or preservation funded by bond sales to be done only with prior legislative approval: HB 2190
 Revenue bonds to provide funding for transportation infrastructure improvement zone projects: HB 2036
 State route 520 corridor, issuance of general obligation bonds to fund projects and improvements on: HB 2326

BOUNDARY REVIEW BOARDS

Boundary review boards, authority to expand annexation limited: HB 1457

BRIDGES

Bob Oke bridge, naming the new Tacoma Narrows bridge: HJM 4011
 Interstate 90 floating bridge, toll authorization, administration, collection, and enforcement: HB 2319, HB 2335
 State boundary bridge, construction requirements and funding: HB 1524
 State route 520 floating bridge, requirement that state first use previously allocated funding: HB 2238
 State route 520 floating bridge, toll authorization, administration, collection, and enforcement: HB 2211, HB 2319, HB 2335
 Tacoma Narrows bridge, department of licensing to make recommendations regarding toll payment time period: ***SSB 5556, CH 272**
 Tacoma Narrows toll bridge account, toll charges, other revenue, and interest to be used only for tolled facility: HB 2191, ***SSB 5795, CH 567**
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: HB 2192, ***SSB 5556, CH 272**
 Tolls, interstate 90 and state route 520 floating bridges: HB 2319, HB 2335

BUDGET

Appropriation and revenue bills, seventy-two hour budget review period prior to hearings or votes on: HB 2386
 Balanced legislative budget requirement: HB 1655
 Basic health plan changes necessary to implement 2009-2011 operating budget: HB 2341
 Budget documents from governor to include listing of all new programs funded in previous two years: HB 1702
 Budget stabilization account, transfer of extraordinary revenue growth to: HJR 4209, SJR 8209
 Capital and operating budgets, general obligation bond issuance authority: HB 1272
 Capital, 2009-2011: HB 1216
 Economic stimulus capital budget: HB 1452
 Economic stimulus capital budget, general obligation bond issuance authority: HB 1451
 Economic stimulus transportation funding and appropriations: HB 1978 Fiscal matters, 2007-2009: HB 1694
 K-12 basic education and other programs, appropriations to be made separate from and before other omnibus appropriations legislation: HB 1657, HJR 4203
 Omnibus appropriations bills, public and legislative review period: HB 1654
 Operating, 2009-2011: HB 1244
 Operating, 2009-2011, revisions to education programs to implement budget: HB 2370
 Operating, 2009-2011, revisions to general government programs to implement budget: HB 2365
 Operating, 2009-2011, revisions to health care programs to implement budget: HB 2364
 Operating, 2009-2011, revisions to higher education programs to implement budget: HB 2367
 Operating, 2009-2011, revisions to human services programs to implement budget: HB 2366
 Operating, 2009-2011, revisions to natural resources programs to implement budget: HB 2368
 Operating, supplemental 2009: HB 1243 Sustainable operating budgets, requirements: HB 2228
 Tax expenditure report required as part of biennial budget documents: HB 2110
 Transparency improvement, consolidating various accounts into state general fund: HB 1902, ***ESSB 5073, CH 479**
 Transportation, 2009-2011: HB 1314, ***ESSB 5352, CH 470 PV**
 Transportation, economic stimulus funding and appropriations: HB 1978
 Transportation, supplemental 2007-2009: HB 1313
 Tuition for higher education, resident undergraduate tuition fees to be set in omnibus appropriations act: HB 2344

BUILDING CODE COUNCIL (See also BUILDING CODES/PERMITS)

Carbon monoxide alarms, council to require installation in certain residential occupancies: ***SSB 5561, CH 313**
 Electric vehicles, adoption of rules for infrastructure development and transition from combustion to electric vehicles: HB 1481
 International Wildland Urban Interface Code, adoption by reference: HB 2383
 Solar water heater systems, standards and requirements: HB 1187
 State energy code, adoption of rules to aid strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in built environment: HB 1747, ***E2SSB 5854, CH 423**
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: HB 1747, ***E2SSB 5854, CH 423**

BUILDING CODES/PERMITS

Agricultural structures, definition: ***SB 5120, CH 362**
 Agricultural structures, fees for permitting, plan review, building, and inspection: ***SB 5120, CH 362**
 Carbon monoxide alarms, building code council to require installation in certain residential occupancies: ***SSB 5561, CH 313**
 International Wildland Urban Interface Code, adoption by reference: HB 2383
 Lighting, exterior light pollution and wasteful energy consumption reduction: HB 1069

BUSINESSES (See also CORPORATIONS; MINORITY AND WOMEN'S BUSINESS ENTERPRISES; PARTNERSHIPS)

Adult entertainment materials and services, sales and use tax provisions: HB 2103
 Advertising, deceptive promotional advertising of prizes: HB 1192
 Aerospace competitiveness, department of community, trade, and economic development to take steps to increase: HB 2337
 Airline operator rate of return when funding consolidated car rental facilities and common use transportation equipment and facilities: HB 2214
 Architects, registration: HB 1634, ESSB 5529
 Art galleries, serving wine or beer to customers: ***ESSB 5110, CH 361**
 Bags, restrictions on retail carryout bags: HB 1189
 Beer and wine, modifying current three-tier system of manufacturing, distributing, and retailing: ***EHB 2040, CH 506**
 Billing statements, tax information to be included on customer billings: HB 1855
 Bisphenol A in products, prohibition and alternatives: HB 1180
 Boxing, martial arts, and wrestling events, payment of certain event and license fees into business and professions account: ***SB 6126, CH 429**
 Breaches of security involving unencrypted consumer personal information, consumer protections: HB 1149
 Bullion and rare earth metals, business and occupation tax provisions for sales for investment purposes: HB 1297
 Business and occupation tax credit for qualified employment positions with eligible businesses in Washington: SSB 5899
 Car rental businesses, authority of counties to impose local sales and use tax on retail rentals for special funding: HB 2252
 Commercial web sites, privacy policies regarding personally identifiable information: HB 1005
 Commercialization and innovation, department of community, trade, and economic development and life sciences and technology trade associations to encourage growth of: ***E2SSB 6015, CH 425**
 Commercialization of technologies, fostering in part through the investing in innovation grants program: SSB 5553
 Commuter air carriers, sales and use tax exemptions for intrastate operations: ***HB 1287, CH 503**
 Construction contractors, trade workers to be in possession of licenses, certificates, or permits while working: HB 1055
 Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: HB 1621
 Debt management services: HB 1213
 Department of licensing oversight, removing from certain businesses and professions: ESSB 6037
 Digital products, business and occupation, sales, and use tax provisions: HB 2320
 Drywall installation and finishing business owners, mandatory industrial insurance coverage: HB 1351
 Electrolytic processing businesses, tax exemption for electricity use: HB 1062
 Employer-assisted housing program, business and occupation tax credits for participating employers: HB 1696
 Exchange facilitators, consumer protections: HB 1078
 Exchange facilitators, requirements and consumer protections: ESSB 6032
 Food services, exemptions from cold-holding temperature standards for older equipment: HB 1662
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Foreign workers, disclosure statement from employers and international labor recruitment agencies to be given to: ***E2SSB 5850, CH 492 PV**
 Household goods carriers, permits and conditions for advertising: ***HB 1536, CH 94**
 Identification devices, limits on scanning: HB 1011
 Interior design, registration provisions and creation of state board for registered interior designers: HB 1608
 Landscape architects, licensing: HB 1359, ***SSB 5273, CH 370**
 Legislative gift center, sales of wine: HB 1415
 Lighting, exterior light pollution and wasteful energy consumption reduction: HB 1069
 Limousine carriers, regulation by counties, cities, and port districts: HB 1775
 Liquor license fees, increases for various establishments: ***EHB 2358, CH 507**
 Locksmith service providers, background checks: HB 1531
 Lodging businesses, exemption from imposed charge when within a tourism promotion area: HB 1290
 Log trucks, public utility tax on log transportation businesses: ***ESSB 6170, CH 469**
 Malt beverages, contractual relationships between wholesale distributors and suppliers: HB 1441, ESSB 5403
 Malt liquor, sale in kegs or certain other containers by holders of certain retail licenses: HB 1462
 Minority business enterprises linked deposit program, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 PV**
 Motor carriers, safety requirements and compliance reviews: HB 1843
 Motor homes, application of motor vehicle warranty provisions: HB 1559
 Motor vehicle dealers and manufacturers, termination, cancellation, or nonrenewal of franchises between: HB 1704, ***ESSB 5595, CH 12**
 Motor vehicle dealers, disclosure of damage and repair to new or previously unregistered vehicle: ***SSB 5388, CH 49**
 Motor vehicle dealers, disclosure of damage to new or previously unregistered vehicle: HB 1927
 Motor vehicle dealers, tax relief: HB 2060
 Motor vehicle wholesalers, retailers, and associated service providers, business and occupation tax rate reduction: HB 2182
 Motorsports vehicles, return of unsold new vehicles or cancellation of order by dealer: HB 2208
 Motorsports, termination or cancellation of manufacturer and dealer franchise agreements: HB 1664
 Music, truth in music advertising act: ***SB 5284, CH 109**
 Newspaper industry, decreasing business and occupation tax burden for: ***EHB 2122, CH 461**
 Newspaper, magazine, and periodical publishing, business and occupation tax reductions for: HB
 2123
 Nightclubs, spirits, beer, and wine nightclub license created: HB 1434, ***SSB 5367, CH 271**
 Office of regulatory assistance, program for improving function of environmental and business regulatory processes: HB 1730
 Online wine retailers, shipping limitations: HB 2099
 Parking and business improvement areas, procedures for establishment: HB 2189
 Parking, harmonizing certain excise tax statutes with the streamlined sales and use tax agreement in the case of commercial parking: ***SSB 5566, CH 289**
 Printing businesses, business and occupation tax reductions for: HB 2123
 Public contracting, defining microbusiness, minibusiness, and small business for purposes of: HB 1830
 Registered collectors, repair and reuse of electronic products: HB 1522
 Regulatory reform, reducing regulatory burden for Washington businesses: HB 1617
 Rental car businesses, child restraint systems availability requirements: HB 2198

Rental car companies, clarifying charges and fees in rental car agreements: HB 1779, ***SSB 5509, CH 346**
 Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563**
 Retail stores, restroom access for persons with certain medical conditions: HB 1138
 Rural county tax credit, modification: HB 1981 Sales tax compliance, improving: ***SB 6173, CH 563**
 Scrap processors, vehicles demolished by licensed processor excluded from definition of junk vehicle: HB 2258
 Self-service storage facilities, issuance of insurance to occupants by licensed self-service storage specialty producers: HB 2013
 Small business employee wellness program, business and occupation tax credit for small businesses or nonprofit organizations implementing:
 HB 2183
 Small businesses, business assistance account: ***SSB 5723, CH 486**
 Small, access to state personal service contracting opportunities: HB 1095
 Small, business and occupation tax credit for employers of certain military personnel: HB 1126
 Small, business and occupation tax exemption for new small businesses: HB 1442
 Small, department of ecology to prepare an economic impact analysis for draft general permits covering small businesses: HB 2210
 Small, establishment of small business employee wellness program: HB 2183
 Small, first-time paperwork violations: HB 1650, ***SSB 5042, CH 358**
 Small, health care insurance plan discount for employee wellness programs: ***SSB 6019, CH 131**
 Small, participation in state purchasing: HB 1096 Small, Washington voluntary retirement accounts program: HB 1893
 Small-scale powered equipment carbon emissions fee: HB 1186 State highways, existing uses on highway rights-of-way: HB 2307
 Tattooing, body art, body piercing, comprehensive regulations: ***SSB 5391, CH 412**
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Tobacco products, sale by mail order or internet: HB 1249, ***SSB 5340, CH 278**
 Unfair business practices, recovery of damages due to: HB 1683, ***SSB 5531, CH 371**
 Unsolicited goods or services, charging customer prohibited: HB 1192
 Vehicle dealer documentary service fees, disclosure that fee is negotiable required: HB 1939
 Vending machines in places of employment, display of any receipts from vending machine paid to employer: HB 2203
 Veteran-owned businesses linked deposit program, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 PV**
 Veteran-owned, state contracts: HB 1648
 Voice over internet protocol and protocol-enabled services, limits on governmental regulation: HB 1585
 Washington customized employment training program, provision of training assistance to employers locating or expanding in state: ***SSB 5616, CH 296**
 Washington's economic gardening program, community colleges eligible to host entrepreneurial program to aid small- and medium-sized businesses: HB 2153
 Wedding boutiques, serving wine or beer to customers: ***ESSB 5110, CH 361**
 Wineries, reporting requirements for small domestic: HB 1538 Wireless communications, provisions related to wireless phone numbers used by directory providers: HB 1816
 Women's business enterprises linked deposit program, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 PV**

CAMPAIGNS (See also PUBLIC DISCLOSURE)

Advertising, identification of sponsor: HB 1787
 Candidate filing, provisions modified: HB 1363, ***SSB 5271, CH 106**
 Candidates for public office, false statements about constituting libel or defamation: HB 1286, SB 5211
 Commissioner of public lands, contributions to candidates for: HB 1289
 Contribution and disclosure laws, revisions: HB 2016
 Election provisions, technical corrections: HB 1364, ***SSB 5327, CH 107**
 Funding and disclosure laws, reorganization and technical clarification: HB 1029
 Party preference on primary ballots, clarifying candidates' choices: HB 1731
 State officials, time limitations on soliciting or accepting of campaign-related contributions: HB 1472
 Supreme court campaigns, public funding provisions: HB 1738

CAPITOL CAMPUS

Capitol campus design advisory committee, membership: HB 1016
 Capitol city district, creation: HB 2030
 Heritage center, state capitol committee to approve names for public spaces: HB 1404
 Legislative gift center, sales of wine: HB 1415
 Official state Christmas tree, tree placed in capitol rotunda to be designated: HB 1301
 State capitol campus special height district, creation: HB 2082

CEMETERIES (See also HUMAN REMAINS)

Abandoned cemeteries and historic graves, department of archaeology and historic preservation authority: HB 2126
 Autopsy of a child under three years of age, authorized locations: HB 2084
 Cemetery board and board of funeral directors and embalmers, consolidating as funeral and cemetery board: HB 2126

CENTRAL WASHINGTON UNIVERSITY

Board of trustees, adding a faculty member to board: HB 1841
 Capital projects account, use of funds for certificates of participation authorized: HB 2254
 Opportunity grant program, establishment: HB 2306
 President, compensation subject to certain limitations: HB 2240
 Safety, health, and energy efficiency improvements to university facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 PV**

CHARITABLE ORGANIZATIONS (See also NONPROFIT ORGANIZATIONS)

Raffles, increasing ticket prices: ***EHB 1053, CH 133**
 Registration provisions: HB 2047

CHECKS AND CHECK CASHING

Cashers and sellers, additional sixty day payment plan option for small loans: HB 1685
 Cashers and sellers, fee and installment plan assistance for borrowers at risk of default on small loans: HB 1709
 Cashers and sellers, limiting small loan fees: HB 1805
 Cashers and sellers, limiting the amount of small loans: HB 1806
 Cashers and sellers, prohibiting small loan rollovers: HB 1807
 Cashers and sellers, requirement that lenders inform potential borrowers of alternatives to small loans: HB 1851
 Cashers and sellers, restricting and enforcing eligibility for small loans: HB 1684
 Cashers and sellers, restrictions on communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13**
 Cashers and sellers, rollovers: HB 1073
 Dishonored checks, notices of dishonor and penalties: ***HB 1042, CH 185**
 Small loan monitoring system, director of financial institutions to develop and implement: HB 1684
 Small loans, additional sixty day payment plan option: HB 1685
 Small loans, fee and installment plan assistance for borrowers at risk of default: HB 1709
 Small loans, limiting fees: HB 1805
 Small loans, limiting the amount of: HB 1806
 Small loans, prohibiting: HB 1425
 Small loans, prohibiting rollovers: HB 1807
 Small loans, requirement that lenders inform potential borrowers of alternatives to: HB 1851
 Small loans, restricting and enforcing eligibility: HB 1684
 Small loans, restrictions on check cashers' and sellers' communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13**
 Small loans, rollover violations and penalties: HB 1073

CHEMICAL DEPENDENCY

Chemical dependency services, mental health treatment, and therapeutic courts, permissible uses of local sales and use tax for: SSB 5301
 Chemical dependency specialist services at children and family services offices, department of social and health services contracting for: ***SB 6179, CH 579**

CHILD CARE

Child care center directors and workers, collective bargaining over state support for centers: HB 1329
 Child support obligations, notification of day care expenses: HB 2187
 Maternity care access program, child care as part of support services provided under: HB 2161
 Working connections child care, promoting continuity of care for children also enrolled in early learning and care programs: HB 1754

CHILD CUSTODY

Abduction prevention orders: HB 1182
 Dependency proceedings, guardian ad litem background information records and procedures for appointment: ***SSB 5285, CH 480**
 Guardians ad litem, background information records and procedures for appointment: ***SSB 5285, CH 480**
 Parenting plans, modification due to parent's military service: HB 1170, SSB 5212
 Parenting plans, shared parental responsibility: HB 1982
 Visitation rights for grandparents, petitioning process: HB 1607, HB 2056, HB 2091

CHILD SUPPORT

Calculation of support, economic tables and provisions: HB 1794 License suspension program: HB 1771
 License suspension program for failure to pay child support: ***SSB 5166, CH 408**
 Medical support obligations as part of child support order, provisions: HB 1845
 Pass through funds, provisions: HB 2201 Payments, review by secretary of department of social and health services: ***HB 2347, CH 527**
 Support obligations, notification of day care expenses: HB 2187

CHILDREN (See also CHILD CARE; CHILD CUSTODY; CHILD SUPPORT; FOSTER CARE; JUVENILE COURT AND JUVENILE OFFENDERS)

Abandonment of a dependent person in the fourth degree, penalties: HB 1234
 Abduction prevention orders: HB 1182
 Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688
 Adolescents at risk or in crisis, residential and other services: HB 2137
 Adoption support program, prospective adoptive parent to receive information describing limits of: ***ESSB 5811, CH 491**
 Amber alert plan, state patrol to develop and implement: ***SSB 5012, CH 20**
 Assault of a child in the first degree, increasing punishment: HB 1724
 Assault of a child in the first degree, increasing the seriousness level: HB 1455
 Autism spectrum disorders, insurance coverage: HB 1210
 Chief for a day program, state patrol providing a day of special attention to chronically ill children: HB 1785
 Child mortality reviews to be conducted by local health departments and collected by department of health: HB 1303
 Child predatory drug act of 2010, crimes and penalties: HB 2340
 Child support, medical support obligations as part of child support order: HB 1845
 Child welfare services, crisis residential centers to be subject to availability of appropriations: HB 2346
 Child welfare services, performance-based contracts for the provision of: E2SSB 5943
 Child welfare services, remediating racial disproportionality in: HB 2164
 Child welfare system, improving outcomes through phased implementation of evidence-based and promising programs: HB 2106

Child welfare system, recommendations of racial disproportionality advisory committee: ***SSB 5882, CH 213**
 Child welfare transformation design committee, establishment: E2SSB 5943
 Children in public schools, eliminating copayment for breakfast and reduced-price lunch and funding summer food service programs: HB 1416
 Children's Day, celebrating: ***HR 4604**
 Consent for medical or dental care by a minor, conditions: HB 2073
 Crisis residential centers for children to be subject to availability of appropriations: HB 2346
 Dependency proceedings, guardian ad litem background information records and procedures for appointment: ***SSB 5285, CH 480**
 Dependency proceedings, housing assistance for the child: HB 1769
 Dependency proceedings, legal representation of children: HB 1183
 Dependency proceedings, notices of custody and out-of-home care placement to encourage parental engagement in process: HB 1782
 Dependency proceedings, notifying parent or parents of child placement options after entry of dispositional order: ***SSB 5510, CH 484**
 Dependency proceedings, parenting plans and residential schedules: HB 1239
 Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: HB 2092
 Dependency proceedings, searches for relatives of children requiring out-of-home placement: HB 2085
 Developmental disabilities, infant toddler early intervention program: HB 1161
 Developmental disabilities, intensive behavior support services: HB 1226, ***SSB 5117, CH 194**
 Developmental screenings through medicaid program: HB 1337
 Developmental screenings, public medical assistance to include: 2SSB 5484
 Disabilities, infant toddler early intervention program: HB 1161
 Endangered missing person advisory plan, state patrol to develop and implement: ***SSB 5012, CH 20**
 Federal fostering connections to success and increasing adoptions act of 2008, implementation: HB 1961
 Foster care placement, placement of child with a relative or other suitable person: ***ESSB 5811, CH 491**
 Foster family homes, placement of child returning to out-of-home care: ***SSB 5431, CH 482**
 GET ready for college program and account, establishment: HB 2111
 Grandparent visitation rights, petitioning process: HB 1607, HB 2056, HB 2091
 Guardians ad litem, background information records and procedures for appointment: ***SSB 5285, CH 480**
 Health care, affordable nonsubsidized state coverage for children: HB 1237
 Health care, community health care collaborative grant program established: HB 1620, ***SSB 5360, CH 299 PV**
 HIV testing, infants placed in out-of-home care: HB 1046
 Hunting, requirements for hunters under age of fourteen: HB 1114
 Immunization of children, required documentation for exemption from: HB 1703
 Independent youth housing program, provisions: ***HB 1492, CH 148**
 Lead levels in blood, assessments for children younger than twenty-one years: HB 1345
 Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342
 Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346
 Liquor, penalties for furnishing to a minor: HB 2232
 Mental health services, access to care standards: HB 1373
 Minors in need of lifesaving medical treatment, department of social and health services to investigate refusal of treatment: HB 1759
 Minors, minimum wage rate: HB 1928
 Missing children, state patrol to develop and implement amber alert plan: ***SSB 5012, CH 20**
 Newborn children, appropriate locations for transfer: ***SSB 5318, CH 290 PV**
 No child left behind act, reauthorization to include health and fitness: HJM 4002
 Notifying parent, guardian, or custodian when taken into law enforcement custody: HB 1054
 Novelty lighters, prohibition of sale and distribution: HB 1015, ***ESSB 5011, CH 273**
 Placement in out-of-home care, HIV testing of infants: HB 1046
 Postadoption contact with siblings, children's interests in maintaining: HB 1938
 Relocation of a child, principal residence defined in context of legal separation: SB 5453
 Rental car businesses, child restraint systems availability requirements: HB 2198
 Rental car companies, child restraint system rental fee: ***SSB 5509, CH 346**
 Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: HB 2113
 Safe house programs for juveniles under sixteen, fingerprinting and background checks for owners of houses: HB 2136
 School employees having contact with children, crimes requiring dismissal or certificate revocation: HB 1240
 Scoliosis screening in schools, eliminating: ***HB 1322, CH 41**
 Scoliosis screening in schools, eliminating requirements for: SB 5074
 Sexually aggressive youth, treatment eligibility and funding: HB 1419
 Sexually explicit material, restricting access of children to: HB 2286
 Sexually exploited juveniles, diversion of juvenile offenders authorized in certain circumstances: HB 1505
 Smoking prohibited in motor vehicles containing children: HB 1151
 Victims and witnesses to crimes, rights and proper interviewing of children who are: HB 2304
 Viewing minors engaged in sexually explicit conduct on the internet, penalties: HB 1247
 Voting, preregistration of youth: HB 1193
 Washington state center for childhood deafness and hearing loss, replacement of state school for the deaf by: HB 1879
 Youth sports, adoption of policies for the management of concussions and head injuries: ***EHB 1824, CH 475, ESSB 5763**

CHIROPRACTORS

Chiropractic adjustments of the spine not included in definition of physical therapy: HB 1918

CITIES AND TOWNS (See also METROPOLITAN PARK DISTRICTS; PARKING)

Affordable housing for all program: HB 1173
 Agricultural fairs, annexation by cities or towns of territory used for: ***HB 1295, CH 402**
 Annexation methods in counties with more than one million five hundred thousand residents: HB 2173
 Annexation of a city or town by a library district, requirements: HB 1291

Annexation of a portion of a fire protection district, procedures and employee notification requirements: HB 2020, ***ESSB 5808, CH 60**
 Annexation of clear zone areas, sales and use tax funding provisions: HB 1378
 Annexation, direct petition method assessed valuation requirements: HB 1207
 Annexation, petitioning and other procedures related to: HB 2074
 Annexed areas, maximum local sales and use tax rate a city may impose for: HB 1710
 Boundary review boards, authority to expand annexation limited: HB 1457
 City-county assistance account, changes in distribution of moneys: HB 1667, ***SB 5511, CH 127**
 Claims for damages against local governmental entities, procedures and claim forms: HB 1553
 Code cities, special election for changing noncharter city's form of government: ***HB 1066, CH 7**
 Community facilities districts, formation and operation: HB 2069
 Community preservation and development authorities, creation and functioning: HB 2125
 Community revitalization financing, use of general obligation bonds for public improvements: ***2SSB 5045, CH 270**
 Community revitalization financing, use of tax allocation revenues for public improvements: HB 1285, HB 1525, ***2SSB 5045, CH 270**
 Community trail advisory authority, establishment and grant program: HB 1810
 Component cities and towns within Indian reservations, supplemental income exemption: HB 1864
 Comprehensive plans and development regulations, department of community, trade, and economic development authority to approve: HB 2301
 Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416**
 Electric vehicles, local government role in infrastructure development and transition from combustion to electric vehicles: HB 1481
 Electrical equipment incentive grants, funding programs to support alternatives to small-scale powered equipment: HB 1186
 Emergency responses to properties, notification required to owners: HB 1537
 Facilities, levy limitations and leasing of city land for construction: HB 1465
 Fire protection districts, certain areas in cities and towns authorized to annex to a district: HB 1241, HB 1561, ***SB 5426, CH 115**
 Greenhouse gas emissions reduction, land use and transportation requirements: HB 1490
 Greenhouse gases, comprehensive plan for reducing: HB 1718
 Growth management act compliance, department of community, trade, and economic development to report on: HB 1715
 Growth management act review and revision requirements, cities to be allowed to defer review and revision for up to two years: HB 2006
 Growth management act review and revision requirements, qualifying cities to be allowed to forgo one review and revision cycle: HB 2005
 Growth management appeals legal assistance account: HB 1629
 Growth management hearings boards, fees for review requests: HB 1629
 High capacity transportation corridor areas, establishment and funding: HB 1677, ***SB 5540, CH 280**
 Housing authorities, annual reporting of housing program revenue use to department of community, trade, and economic development: HB 2247
 Housing development for low-income persons, affordable housing incentive programs: ***EHB 1464, CH 80**
 Jurisdictional public highway transfers from a city or county to the state, state responsibility for buried pipelines under public highways: HB 1894
 Juror expenses, compensation: HB 1937
 Liens against rental premises for utility charges when tenant vacates or is delinquent: HB 1298
 Livestock and pet owners, rights when residing in unincorporated areas subject to annexation by a city or town: HB 1831
 Local government crime-free rental housing programs: HB 1299, ESSB 5742 Local improvement districts, formation when comprised of property in more than one city or town: HB 2274, ***EHB 2285, CH 237**
 Local improvement districts, railroad crossing protection device financing: HB 1081
 Local infrastructure financing tool, provisions: ***ESSB 5901, CH 267**
 Local infrastructure financing tool, use for downtown development and redevelopment: HB 1109
 Local sales and use tax, crediting against state sales and use tax extended: ***ESSB 5321, CH 550**
 Lodging businesses, exemption from imposed charge when within a tourism promotion area: HB 1290
 Medically underserved communities, family medicine residency training grant program: HB 1047
 Mental health treatment, chemical dependency services, and therapeutic courts, permissible uses of local sales and use tax for: SSB 5301
 Moratoria and interim official controls, local government authority to adopt under shoreline management act: HB 1379
 National pollutant discharge elimination system municipal separate storm sewer systems permit program, certain cities exempted: HB 2053
 Natural heritage plants, permitting process consideration of impacts on: HB 2134
 New farm structures, permits and inspection fees: HB 1557
 Noncharter code cities, majority vote of the people required to change existing ward boundaries: ESSB 5716
 Olympia isthmus, creation of a special height district on: ESSB 5800
 Parking and business improvement areas, procedures for establishment: HB 2189
 Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: HB 1810
 Pet and livestock owners, rights when residing in unincorporated areas subject to annexation by a city or town: HB 1831
 Plants, impacts of projects when certain species identified by natural heritage program are present: HB 1136
 Projected population growth, allocation for planning purposes among cities in same county and with common borders: HB 1605
 Projects of statewide significance, qualifications and procedures for designation: ***ESSB 5473, CH 421**
 Public community athletics programs and facilities, discrimination on the basis of sex prohibited: ***ESSB 5967, CH 467**
 Public corporations, leasing property owned and controlled by the corporation and contracting for public works: HB 2270
 Public facilities districts, formation and authority: HB 1377
 Public facilities districts, formation, operation, and nonstate funding: ***EHB 2299, CH 533**
 Public funds, credit unions added to list of approved public depositories: HB 1669
 Public transit governing bodies, required appointment of organized labor member with full voting rights and privileges: HB 1590
 Raffles, city or town authority to conduct as bona fide nonprofit organization: ***HB 1273, CH 137**
 Rail freight service, funding through grants from essential rail assistance account: HB 1512
 Railroad crossing protection devices, local improvement district financing: HB 1081
 Railroads, expending existing real estate excise taxes on municipally owned heavy rail short lines: HB 1910, ***SB 5587, CH 211**

Real estate excise tax expenditures for parks and capital projects: HB 1744
 Recovering costs when a county declines to file a charge in a felony case and refers it to a city or town: HB 1823
 Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79**
 Revenue options for local government in counties of one million five hundred thousand or more residents: HB 2249
 Sewer or water facility construction, contract requirements: ***HB 2146, CH 344**
 Shopping bags, prohibition of charges for transfer of disposable paper bags: HB 1154
 Shoreline management act, local government authority to adopt moratoria and interim official controls: HB 1379
 Small forest landowners, compensation when participating in forest riparian easement program: HB 1637
 Special purpose districts, purchase of materials and equipment for construction or improvements: HB 1230
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: HB 1747
 Street utility services, citizen's appeal boards to hear appeals concerning rates and related matters: HB 1947
 Street utility services, formation of a local option street utility: HB 1947
 Supplemental transportation improvements within a transportation benefit district, cities authorized to provide and contract for: HB 2179
 Task forces for affordable housing and ending homelessness: HB 1173
 Tax requirements, compliance with sales, use, and business and occupation tax requirements: HB 1874
 Transfer of development rights program, central Puget Sound region: HB 1172
 Transportation facilities, prohibition of development under local comprehensive plans: HB 1736
 Tree canopies in large cities, consideration of impact of governmental actions on: HB 2083
 Urban passenger transportation systems, clarifying limits of special fuel tax exemption: HB 1225
 Utility facilities, notice of necessary relocation from public agency: EHB 1499
 Utility local improvement districts, formation when comprised of property in more than one city or town: HB 2274, ***EHB 2285, CH 237**
 Viaduct damaged by earthquake, transportation infrastructure improvement zone financing for razing viaduct and replacing it with a tunnel: HB 2036
 Water and/or sewer districts, assumptions of districts by cities in counties with more than one million five hundred thousand residents: HB 2172
 Water or sewer facility construction, municipal participation in funding and reimbursement amounts: ***EHB 1513, CH 230**
 Water-sewer districts, city assumption provisions: HB 1897
 Watershed management partnerships, eminent domain authority granted: HB 1332

CIVIL PROCEDURE (See also ACTIONS AND PROCEEDINGS)

Asbestos-related liabilities of corporations, limitations: HB 2054
 Commitment proceedings, counseling for sex offense victim who testifies: HB 1221
 Commitment proceedings, sexually violent predators: HB 1246, ***SSB 5718, CH 409**
 Companion animals, civil remedies for damages to: HB 1150
 False claims involving state funds, qui tam proceedings authorized in the case of: HB 2329
 Motor vehicle impoundment, civil cause of action for damages abolished: HB 1795
 Motor vehicle impoundment, civil cause of action for damages abolished under certain conditions: SSB 5780
 Natural resource infraction proceeding, failure to sign infraction notice no longer a misdemeanor: HB 1335, ***SB 5298, CH 174**
 Navigational aids used to mark hazards, public agency immunity from liability for use of: HB 1989
 Public hazards, provisions: ESB 5886
 Qui tam proceedings authorized in the case of false claims involving state funds: HB 2329
 Service of process, process server qualifications: HB 1913
 Statutory costs, provisions: HB 1022
 Unfair business practices, recovery of damages due to: HB 1683, ***SSB 5531, CH 371**

CIVIL SERVICE

Sheriffs, five-member civil service commissions authorized: HB 1760, ***SB 5322, CH 112**

CLEMENCY AND PARDONS BOARD

Hearings, right of victims or their survivors to present a statement: ***HB 1281, CH 138**

CLIMATE

Greenhouse gas emissions performance standard, compliance provisions: HB 1854
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: HB 1819
 Greenhouse gas emissions, multisector emissions reduction program including emissions caps and offset credits: E2SSB 5735
 Integrated climate change response strategy, department of ecology to coordinate with agencies and other groups: E2SSB 5138, ***E2SSB 5560, CH 519 PV**
 State agency climate leadership, reducing greenhouse gas emissions and energy consumption by state government: ***E2SSB 5560, CH 519 PV**
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: HB 1747, ***E2SSB 5854, CH 423**

CODE REVISER

RCW, gender-based term technical corrections: HB 1540, ***SB 5038, CH 549 PV**
 RCW, revising editorial standards for publication: ***HB 1058, CH 186**
 RCW, technical corrections: ***EHB 1059, CH 187**
 RCW, technical corrections to community custody provisions: HB 1263, ***SSB 5190, CH 28**
 Respectful language in state laws, code reviser directed to replace "mental retardation" with "intellectual disability": ***HB 1835, CH 377**
 Rule-making information, each state agency to post on its web site: ***HB 1475, CH 93**
 State registered domestic partnerships, removal of all statutory references to: HB 1980

COLLECTION AGENCIES

* - Passed Legislation

Contracts with governmental entities for collection of public debts, reporting of debt by collection agency prohibited: HB 1974
 Dishonored checks, notices of dishonor and penalties: ***HB 1042, CH 185**

COLLECTIVE BARGAINING

Adult family home providers, collective bargaining relationship with governor: HB 2158
 Agreements, termination date for public employees: HB 1245
 Child care center directors and workers, collective bargaining over state support for centers: HB 1329
 Community and technical college academic employees, modifying collective bargaining law to allow additional compensation: HB 1340
 Exempt employment, practices regarding: HB 2049
 Exempt state employees, protecting collective bargaining rights in certain cases: HB 2267
 Extension lecturers in English language programs permitted to engage in collective bargaining: SB 5986
 General authority peace officers employed by port districts and airports to be considered uniformed personnel for interest arbitration: HB 1822
 Higher education institution employees, provisions: HB 1560
 Juvenile detention employees to be considered uniformed personnel for interest arbitration: HB 1801
 Public agency bargaining records, exceptions to exemption from disclosure: HB 1471
 Symphony orchestras, operas, and performing arts theaters, public employment relations commission jurisdiction: HB 1276
 Uniformed personnel, alternative arbitration process for joint operating agency employees at a commercial nuclear power plant: HB 1389, ***SB 5492, CH 126**

COLLEGES AND UNIVERSITIES (See also COMMUNITY AND TECHNICAL COLLEGES)

Admissions, equitable and consistent treatment of students: HB 1763
 Advisory committee on tuition policy, higher education coordinating board to convene: HB 2118
 Art for public buildings, removing requirement to purchase during 2009-2011 biennium: HB 1376
 Bellevue College, creating: HB 1726
 Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158**
 Building or capital projects accounts, use of funds for certificates of participation authorized: HB 2254
 Capital projects, setting priorities for: HB 1898
 Collective bargaining, employees of institutions of higher education: HB 1560
 Collegiate learning assessment, annual administration: HB 1672
 Commercialization of technologies, higher education institutions to work with Washington technology center to foster: SSB 5553
 Consumer report card for higher education, cooperative development: HB 1673
 Course materials, information disclosure as cost saving measure: HB 1025
 Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541
 Educational opportunity grant program: HB 2021
 Effectiveness and efficiency work group, higher education review and recommendations: HB 1674
 Engineering, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, ***SSB 5276, CH 207**
 Environmental cleanup opportunity grant program and account, higher education coordinating board to award conditional scholarships: HB 1594
 Field of dreams program, access to postsecondary education for agricultural industry employees: HB 1428
 Financial aid, residency requirements for state need grant program: HB 1706
 Financial aid, state need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098
 Governing boards of four-year state colleges and universities, adding a faculty member: HB 1841
 Harassment, intimidation, and bullying at regional universities, policies and procedures: HB 1643
 Higher education employees, annuities and retirement accounts: HB 1545
 Higher education programs, revisions to implement 2009-2011 state operating budget: HB 2367
 Higher education technology transformation task force to be convened by K-20 educational network board: HB 1946
 Honorary doctorate degrees, authorizing regional universities to confer: ***SB 5173, CH 295**
 Information web-based access portal for students seeking college information, work group: HB 1130, ***SSB 5043, CH 23**
 Joint comprehensive commute trip reduction plan for certain state agencies, including institutions of higher education: ***SSB 6088, CH 427**
 Maintenance and operations financing, use of certificates of participation: HB 1914
 Opportunity grant programs, creation at four-year institutions of higher education: HB 2306
 Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: HB 1355
 Physician training, primary care physician conditional tuition waiver program: ESSB 5502
 Precollege remedial math and English coursework, to be offered at four-year public colleges only as a self-supporting program: HB 1336
 Procurement contracts, veteran-owned businesses: HB 1648
 Public employees' benefits board, employee eligibility for benefits: HB 2245
 Public funds, credit unions added to list of approved public depositories: HB 1669
 Public works projects by four-year higher education institutions, requirements for labor hours to be performed by apprentices: ***ESSB 5873, CH 197**
 Purchasing, small business participation: HB 1096
 Resident student, classification as: ***HB 1487, CH 220**
 Running start program, provisions: HB 2119
 Running start program, revising provisions: HB 1915
 Scholar-athletes, recognizing: ***HR 4647**
 Social workers, degree in social work from council on social work education-accredited program required: HB 1357
 State need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098
 State student loan program with dedicated revenue source, creation: HB 2239
 Student fees and assessments, approval by student body and use: HB 1466, ***SSB 5776, CH 179**
 Study or research abroad, insurance requirements for higher education students participating in: HB 2001, ***ESB 5925, CH 297**

Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446
 Tuition fees for full-time students, determination of reductions and increases by governing boards of four-year institutions: HB 2306
 Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316**
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 PV**
 Tuition, resident undergraduate tuition fees to be set in omnibus appropriations act: HB 2344
 Tuition, students other than resident undergraduates: HB 1235
 University of Washington Snohomish county branch campus, establishment: HB 1467
 Washington scholars program, changes: HB 2021
 Washington teach initiative for recruitment and development of mathematics and science teachers, each institution to develop and implement:
 HB 2000
 Work-study program, state: ***SSB 5044, CH 172**

COMMERCIAL VESSELS AND SHIPPING

Bunker fuel, business and occupation taxation of manufacturing and selling for use outside United States waters by foreign commercial vessels:
 ***SB 6096, CH 494**
 Emergency response towing vessels for Strait of Juan de Fuca and west coast of Washington state: ***ESSB 5344, CH 11**
 Marine container ports, land use and transportation planning for: HB 1959
 Marine transportation facilities for sand and gravel, permit requirements: HB 1970
 Pilotage tariffs, board of pilotage commissioners to fix annually: HB 2120
 Sand and gravel, permit requirements for marine transportation facilities for: HB 1970
 Strait of Juan de Fuca and west coast of Washington state, emergency response towing vessels: ***ESSB 5344, CH 11**
 Strait of Juan de Fuca, emergency response system: HB 1409

COMMODITY COMMISSIONS

Administrative cost reductions, exemption from certain reductions: HB 2291,
 HB 2292 Barley commission, to be replaced by grain commission: HB 1254, SB 5076
 Beer commission, provisions: HB 1171
 Grain commission, creation and rules: HB 1254, SB 5076
 Wheat commission, to be replaced by grain commission: HB 1254, SB 5076

COMMUNITY AND TECHNICAL COLLEGES (See also COLLEGES AND UNIVERSITIES)

Academic employee salary increments: HB 1423
 Academic employees, modifying collective bargaining law to allow additional compensation: HB 1340
 Admissions, equitable and consistent treatment of students: HB 1763
 Advisory committee on tuition policy, higher education coordinating board to convene: HB 2118
 Art for public buildings, removing requirement to purchase during 2009-2011 biennium: HB 1376
 Associate transfer degrees from public technical colleges: HB 1328, SSB 5007
 Board of trustees, certain community college boards to include a student member as part of a pilot program: HB 1949
 Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158**
 Capital projects account, use of funds for certificates of participation authorized: HB 2254
 Capital projects, setting priorities for: HB 1898
 Collective bargaining, employees of institutions of higher education: HB 1560
 Community college boards of trustees, required appointment of at least one member from labor: HB 1941
 Cost-of-living increases for college district employees, suspension of: HB 2363
 Course materials, information disclosure as cost saving measure: HB 1025
 Dropout reengagement system, interlocal agreements with educational service districts to provide programs: HB 1418
 Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541
 Educational opportunity grant program: HB 2021
 Effectiveness and efficiency work group, higher education review and recommendations: HB 1674
 Employees of college districts, suspension of cost-of-living increases: HB 2363
 Environmental cleanup opportunity grant program and account, higher education coordinating board to award conditional scholarships: HB
 1594
 Faculty, increasing full-time tenured positions and opportunities for adjunct faculty to teach full-time: HB 1353
 Field of dreams program, access to postsecondary education for agricultural industry employees: HB 1428
 Financial aid, residency requirements for state need grant program: HB 1706
 Financial aid, state need grant award limits and institutional incentive grants for institutions placing students in highdemand occupations: HB
 2098
 Global affairs centers, recognition and support by state board for community and technical colleges: HB 2055
 Higher education employees, annuities and retirement accounts: HB 1545
 Higher education programs, revisions to implement 2009-2011 state operating budget: HB 2367
 Higher education technology transformation task force to be convened by K-20 educational network board: HB 1946
 Information web-based access portal for students seeking college information, work group: HB 1130, ***SSB 5043, CH 23**
 Joint comprehensive commute trip reduction plan for certain state agencies, including institutions of higher education: ***SSB 6088, CH 427**
 Lifelong learning account steering committee: HB 1129, ESSB 5555
 Maintenance and operations financing, use of certificates of participation: HB 1914
 Mathematics and science teachers, qualified community college to be approved to offer preparation options for: HB 2000
 Nurses and paramedics, community and technical colleges board to create interdisciplinary work group to consider articulation between nursing
 and paramedic programs: HB 1808
 Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: HB 1355
 Peer mentoring pilot program, Western Washington University to collaborate with a community or technical college: ***EHB 1986, CH 446**

Procurement contracts, veteran-owned businesses: HB 1648
 Public employees' benefits board, employee eligibility for benefits: HB 2245
 Public funds, credit unions added to list of approved public depositories: HB 1669
 Public technical colleges, offering associate transfer degrees: HB 1328, SSB 5007
 Purchasing, small business participation: HB 1096
 Resident student, classification as: ***HB 1487, CH 220**
 Running start program, provisions: HB 2119
 Running start program, revising provisions: HB 1915
 Safety, health, and energy efficiency improvements to college facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Salary increments for academic employees: HB 1423
 Scholar-athletes, recognizing: ***HR 4647**
 Shoreline Community College, plug-in hybrid vehicle conversion program: HB 1734
 State need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098
 State student loan program with dedicated revenue source, creation: HB 2239
 Student fees and assessments, approval by student body and use: HB 1466, ***SSB 5776, CH 179**
 Study or research abroad, insurance requirements for higher education students participating in: HB 2001, ***ESB 5925, CH 297**
 Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446
 Tuition fees for full-time resident undergraduates, reductions and increases to be provided in the omnibus appropriations act: HB 2306
 Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316**
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 PV**
 Tuition, resident undergraduate tuition fees to be set in omnibus appropriations act: HB 2344
 Tuition, students other than resident undergraduates: HB 1235
 Washington scholars program, changes: HB 2021
 Washington's economic gardening program, community colleges eligible to host entrepreneurial program to aid small- and medium-sized businesses: HB 2153
 Work-study program, state: ***SSB 5044, CH 172**
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353, SSB 5317**

COMMUNITY AND TECHNICAL COLLEGES, BOARD

Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: HB 1813
 Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119
 Evergreen jobs act, provisions relating to community and technical colleges: HB 2227
 Global affairs centers at community and technical colleges, recognition and support by board: HB 2055
 High school graduation and reengagement goals, establishing and meeting: ESSB 5449
 High-demand occupation training program funds, role of board in use by workforce development councils to help certain economically disadvantaged adults and unemployed workers: ***E2SSB 5809, CH 566 PV**
 Higher education employees, annuities and retirement accounts: HB 1545
 Job skills program, funding and applications for: ***SB 5554, CH 554**
 Nurses and paramedics, board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: HB 1808
 Peer mentoring pilot program, board and Western Washington University to choose a community or technical college to collaborate in: ***EHB 1986, CH 446**
 Running start program, provisions: HB 2119
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 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 PV**
 Washington's economic gardening program, board to develop criteria and provide guidance: HB 2153
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Local infrastructure financing and competitive project awards, provisions: HB 1651
 Local infrastructure financing tool, use for downtown development and redevelopment: HB 1109
 Project selection, wage criteria: HB 1252

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Aerospace competitiveness, department to take steps to increase: HB 2337
 Affordable housing for all program: HB 1173
 Appliance efficiency rebate program, department authority to create: ***E2SSB 5649, CH 379 PV**
 Building communities fund program, competitive application process: HB 1952
 Commercialization and innovation, department and life sciences and technology trade associations to encourage growth of: ***E2SSB 6015, CH 425**
 Community development financial institutions, linked deposit program loans to: ***HB 1166, CH 384**
 Community schools program, grants for development of community schools and conversion of empty schools into community facilities: HB 1618
 Comprehensive plans and development regulations, department authority to approve: HB 2301
 Department of commerce, changing department's name to and adding duties: ***EHB 2242, CH 565 PV**
 Economic and workforce development, coordination of: HB 1323, SSB 5048
 Electric vehicles, department role in infrastructure development and transition from combustion to electric vehicles: HB 1481
 Energy efficiency upgrade pilot programs, department collaboration with Washington State University extension energy program on elements of: ***E2SSB 5649, CH 379 PV**
 Energy freedom program, expanding: HB 2289

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 Evergreen jobs act, provisions relating to evergreen jobs account and evergreen jobs authority: HB 2227
 Financial services intermediary, department to establish jointly with department of financial institutions: HB 1829
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 Housing authorities, annual reporting of housing program revenue use to department: HB 2247
 Housing everyone financing tool program, creation: HB 1973
 Housing self-sufficiency income standards, department to establish and maintain: HB 1963
 Independent youth housing program, provisions: ***HB 1492, CH 148**
 Industrial projects of statewide significance, name changed to projects of statewide significance: ***ESSB 5473, CH 421**
 Innovation partnership zone program: HB 1128
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 Low-income households, sustainable residential weatherization: HB 1060
 Military improvement zone pilot program to encourage high-quality development near military bases: HB 1756
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 Personal hygiene and cleaning product program for low-income persons, department to conduct a pilot project to evaluate: SB 6053
 Projects of statewide significance, designation by department: ***ESSB 5473, CH 421**
 Renewable resources, large utilities to obtain certain percentages of their electricity from: HB 1294
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 Special needs housing, financing loans or grant projects through the housing trust fund: HB 1250
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: HB 1747, ***E2SSB 5854, CH 423**
 Sustainable residential weatherization, low-income households: HB 1060
 Task forces for affordable housing and ending homelessness: HB 1173
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 Weatherization, department role in creation of low-income programs through grants: ***E2SSB 5649, CH 379 PV**
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353, SSB 5317**
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Commute trip reduction tax credit, limitations: HB 1432
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Broadband technologies, creation of broadband adoption and deployment authority and council on digital inclusion: HB 1698
 Commercial web sites, privacy policies regarding personally identifiable information: HB 1005
 Digital products, business and occupation, sales, and use tax provisions: HB 2320
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 High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts in the state: HB 2170, E2SSB 5916
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 HB 1701 High-speed internet, department of information services to assess and map broadband and related services in state: HB 2171
 High-speed internet, inventory of publicly owned infrastructure: HB 1700
 Higher education technology transformation task force to be convened by K-20 educational network board: HB 1946
 Identification devices, labeling requirements: HB 1006
 Online learning, development, approval, implementation, and administration of alternative learning experience online courses and programs for students: ***SSB 5410, CH 542**
 Server equipment to be installed in an eligible computer data center, sales and use tax exemptions: HB 2283

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Adjourning SINE DIE: ***SCR 8408**
 Bills, cutoff dates: ***HCR 4402**
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 Deceased former legislature members, joint session to honor: ***SCR 8401**
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 Legislative session, limiting 2010 session to no more than forty-five days: HCR 4405
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Associations, exemption from reserve account and study requirements for smaller associations: ***SSB 5461, CH 307**
 Solar energy systems, unnecessary installation constraints on owners removed: HB 1112

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Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: HB 1334
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Energy conservation and renewable energy targets, load growth as an exception in meeting: HB 1686
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 Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: HB 1134
 Solar water heating systems, tax exemptions: HB 1857
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Asbestos in products, manufacturer duty to warn user of risks: HB 2054
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 In-home care, drug screening testing of employees to protect a consumer receiving services: HB 2253
 Motor vehicle dealer failure to disclose known defects, consumer protections in cases of: HB 1772
 Office of consumer education for home construction, created in office of attorney general and duties: E2SSB 5895
 Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493
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Construction defects, warranty of habitability for homes: HB 1045
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 Construction trade worker licenses, certificates, or permits to be in possession while working: HB 1055
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 Unemployment compensation, corporate officer eligibility: HB 1274
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 Community corrections officers, increasing supervision effectiveness through searches of offenders and recommendations of sanctions for violations: HB 1839
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 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections, criminal justice, and other public safety personnel: ***SSB 5131, CH 19**
 Electronic monitoring devices, removing or tampering with while in community custody: HB 1145
 Electronic monitoring mandatory for certain registered sex offenders: HB 1834
 Extraordinary medical placement, conditions: ***EHB 2194, CH 441**
 Fifty percent release time, continuing availability for certain nonviolent offenders: HB 1924
 Firearms, correctional officers and sergeants who have completed training exempt from certain restrictions: HB 1755
 Illegal alien offenders, release to citizenship and immigration services for early deportation: HB 2188
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 Internet solicitations posted by an incarcerated felon, notice of felon's incarcerated status to be posted with: HB 2063
 Mandatory overtime limits for corrections officers and sergeants employed by city or county jail: HB 1800
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 Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317
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Counseling professions subject to authority of secretary of health under the uniform disciplinary act: HB 1514, ***SSB 5369, CH 52**
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 Assessors to give notice of true and fair real property value even if value has not changed: HB 1950
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 Autopsy of a child under three years of age, authorized locations and reimbursement policies: HB 2084
 Border county higher education opportunity project, provisions revised: ***HB 1474, CH 158**
 Bottled water, local sales and use tax to fund local health jurisdiction core public health functions: HB 1307
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 Canvassing board, counting absentee ballots: HB 1623
 Chemical dependency services, mental health treatment, and therapeutic courts, local sales and use tax for: ***2SSB 5433, CH 551 PV**
 Chemical dependency services, mental health treatment, and therapeutic courts, sales and use tax: HB 1147
 City-county assistance account, changes in distribution of moneys: HB 1667, ***SB 5511, CH 127**
 Claims for damages against local governmental entities, procedures and claim forms: HB 1553
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 County investment pool, reimbursement of actual expenses incurred by a county establishing a pool: HB 1639, ***SSB 5539, CH 553**
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 County supervised community options, offenders with standard sentence range under one year: HB 1933
 Court commissioners, appointed by superior court presiding judge to assist with criminal cases: ***SSB 5151, CH 140**
 Cultural access authorities, creation, organization, and funding: HB 1666
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 Elected county officers, keeping offices at the county seat: HB 1369
 Elected county officers, location of offices provided by boards of county commissioners: ***SB 5233, CH 105**
 Electric vehicles, having public and private parking spaces ready for: HB 1481
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 Emergency responses to properties, notification required to owners: HB 1537
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 Energy overlay zones, siting renewable resource projects: ***SB 5107, CH 419**
 Enhanced 911 emergency communications, counties to establish countywide or multicounty-wide service: HB 2029
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 Fire protection purposes, sales and use tax: ***SSB 5433, CH 551 PV**
 Flood control districts, provisions for creation of districts that contain three or more counties: SSB 5704
 Forest land, impact on property taxation of removal of forest land designation in counties of a certain size: HB 1570
 Fully contained communities, approval by county if land not designated agricultural, forest, or mineral resource lands: HB 1456
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 Homeless services, document recording fee charged by auditor for: ***HB 2331, CH 462**
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 Housing authorities, annual reporting of housing program revenue use to department of community, trade, and economic development: HB 2247
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 Jurisdictional public highway transfers from a city or county to the state, state responsibility for buried pipelines under public highways: HB 1894
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 Law enforcement services, funding additional in unincorporated areas of counties exceeding one million five hundred thousand people through tax on real estate sales: HB 2262
 Leasing of county property, authority to lease with an option to purchase: ***HB 1380, CH 153**
 Libraries, certain rural county library districts required to have seven trustees: HB 1468
 Liens against rental premises for utility charges when tenant vacates or is delinquent: HB 1298
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 Lodging businesses, exemption from imposed charge when within a tourism promotion area: HB 1290
 Manufactured and mobile homes, siting new parks and communities: HB 1065
 Mental health treatment, chemical dependency services, and therapeutic courts, permissible uses of local sales and use tax for: SSB 5301
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 Natural heritage plants, permitting process consideration of impacts on: HB 2134
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 Parking and business improvement areas, procedures for establishment: HB 2189
 Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: HB 1810
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 Projected population growth, allocation for planning purposes among cities in same county and with common borders: HB 1605
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 Public community athletics programs and facilities, discrimination on the basis of sex prohibited: ***ESSB 5967, CH 467**
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 Public facilities in rural counties, time period during which sales and use tax may be collected for: HB 1751
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 Public health services, voter approval required for additional property tax levy to finance: HB 2152
 Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481**
 Public trails, counties allowed to use local sales and use tax for: HB 1659

Public transit governing bodies, required appointment of organized labor member with full voting rights and privileges: HB 1590
 Public transportation benefit area authorities, increasing membership: HB 1139 Public works, local assistance funds: ***HB 1569, CH 45**
 Raffles, county authority to conduct as bona fide nonprofit organization: ***HB 1273, CH 137**
 Rail freight service, funding through grants from essential rail assistance account: HB 1512
 Railroads, expending existing real estate excise taxes on municipally owned heavy rail short lines: HB 1910, ***SB 5587, CH 211**
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 Revenue options for local government in counties of one million five hundred thousand or more residents: HB 2249
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 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: HB 1747
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 Juvenile case records, center for court research and office of public defense access: ***HB 1238, CH 440**
 Juveniles, transfer to adult court: HB 1260
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 Local sales and use tax for chemical dependency services, mental health treatment, and therapeutic courts: ***SSB 5433, CH 551 PV**
 Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317
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 Assault of a child in the first degree, increasing punishment: HB 1724
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 Firearm gun show and event sales, violation of gun dealer license requirement: HB 2264
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 Property, threshold values for crimes against: HB 1144, ESSB 5225, ***SB 6167, CH 431**
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 Sexual misconduct with an enrolled student by a school employee: SSB 5232
 Sexually explicit material, failing to restrict access of children to: HB 2286
 Standard sentencing range under one year, delayed sentencing for offenders with: HB 2077
 Statute of limitations, six years for certain crimes: ***SSB 5380, CH 53**
 Tobacco sales, selling certain products by mail order or internet to someone other than a wholesaler or retailer: HB 1249, ***SSB 5340, CH 278**
 Unlawful public transit conduct, violations and penalties: ***ESSB 5513, CH 279**
 Vehicular assault, provisions: HB 2028
 Vehicular homicide, provisions: HB 2028
 Vehicular homicide, sentencing provisions: HB 1746
 Viewing minors engaged in sexually explicit conduct on the internet, penalties: HB 1247

CRIMINAL JUSTICE TRAINING COMMISSION

Corrections personnel, commission to adopt standards and provide basic training only for corrections personnel not employed by the department of corrections: HB 2156
 Corrections personnel, commission to adopt standards and provide basic training only for corrections personnel not employed by the department of corrections prisons division: ***SSB 5987, CH 146**

Crisis services, commission to offer recognition and intervention services training for corrections and criminal justice personnel: HB 1194
 Crisis services, commission to offer recognition and intervention services training for corrections, criminal justice, and other public safety personnel: ***SSB 5131, CH 19**
 Hearings, certification actions of peace officers: HB 1325, ***SB 5156, CH 25**
 Psychological examinations for peace officer certification: ***HB 1324, CH 139**

CRIMINAL OFFENDERS (See also SEX OFFENSES AND OFFENDERS; VICTIMS OF CRIMES)

Assault of a child in the first degree, offender sentencing review requirements and conditions of release: ***EHB 2279, CH 214**
 Body armor, possession by certain convicted felons unlawful: HB 1922
 Categories of offenders supervised by department of corrections, revisions: ***ESSB 5288, CH 375 PV**
 Certificate of discharge, issuance in relation to existing no-contact order: HB 1002
 Community custody, developing an evidence-based community custody system for adult felons: HB 1689
 Community custody, increasing effectiveness of supervision by community corrections officers through searches of offenders: HB 1840
 Community custody, increasing effectiveness of supervision by community corrections officers through searches of offenders and recommendations of sanctions for violations: HB 1839
 Community custody, provisions: HB 2325
 Community custody, provisions for alternative sentencing: HB 1791
 Community custody, supervision requirement for offenders with a current conviction for a serious violent offense when sentenced to: ***SSB 6162, CH 376 PV**
 Community custody, technical corrections to RCW provisions: HB 1263, ***SSB 5190, CH 28**
 Competency evaluation and restoration, procedural reform: ESB 5519
 County supervised community options: ***HB 1361, CH 227**
 County supervised community options, offenders with standard sentence range under one year: HB 1933
 Death penalty, reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration: HB 1909
 Delayed sentencing, offenders with a standard sentencing range under one year: HB 2077
 DNA identification system, collection of biological sample when conviction is the result of a plea agreement: SSB 5026
 DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382
 Domestic violence offenders, ensuring punishment: HB 1220
 Drug offenses, provisions for alternative sentencing: HB 1791
 Earned release time, incentive time for offenders completing evidence-based programming: HB 2371
 Extraordinary medical placement, conditions: ***EHB 2194, CH 441**
 Fifty percent release time, continuing availability for certain nonviolent offenders: HB 1924
 Housing, focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219
 Illegal alien offenders, release to citizenship and immigration services for early deportation: HB 2188
 Illegal alien offenders, release to immigration and customs enforcement agency for early deportation: ESB 6183
 Improving sentencing and supervision in confinement and in the community in order to improve public safety: HB 2294
 Internet solicitations posted by an incarcerated felon, notice of felon's incarcerated status to be posted with: HB 2063
 Medical care for persons incarcerated in city or county correctional facilities: HB 2284
 Medication management in jails, jail medication management work group to develop a model policy: ***SSB 5252, CH 411**
 Nonviolent offenders, continuing availability of fifty percent release time for certain offenders: HB 1924
 Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400**
 Prostitution-related offenses, impoundment of conveyances used in: HB 1362
 Registered sex and kidnapping offenders, submission of information regarding their e-mail addresses and web sites: HB 2035
 Registration, juvenile sex or kidnapping offender relief of duty to register: HB 1259
 Registration, state patrol annual notification of juvenile sex or kidnapping offenders of ability to petition for relief from registration: ***SSB 5326, CH 210**
 Release dates for offenders, department approval of jail certification from a correctional agency calculating earned release time: ***HB 1789, CH 399**
 Release from state institutions, earned release time and provision of rental vouchers for certain offenders: ***SB 5525, CH 455 PV**
 Right to vote, conditions for restoration for convicted felons: ***HB 1517, CH 325**
 Search and arrest of offenders, authority provisions: HB 1792
 Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364**
 Sex offenders, residence location and electronic monitoring after release into community: HB 1277
 Unemployment compensation, disqualification from benefits after absence from work due to incarceration: HB 1305
 Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488
 Work release, crime victims to submit input: ***HB 1076, CH 69**

CRIMINAL PROCEDURE

Child victims and witnesses, rights and proper interviewing of: HB 2304
 City or town recovery of costs when a county declines to file a charge in a felony case and refers it to a city or town: HB 1823
 Competency evaluation and restoration, procedural reform: ESB 5519
 Criminal proceedings before a court, statement of victim rights and availability of victim rights flier: HB 1476
 Death penalty, reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration: HB 1909
 Deferred prosecution, treatment plan to be filed with court: ***HB 1257, CH 135**
 Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: HB 1615
 Juveniles, transfer to adult court: HB 1260
 Safe house programs for juveniles under sixteen, fingerprinting and background checks for owners of houses: HB 2136
 Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364**
 Sentencing grid, amended to allow greater judicial discretion and address mitigating and aggravating circumstances: SSB 6160

Serious violent offense, supervision requirement for community custody sentence when offender has a current conviction for a: ***SSB 6162, CH 376 PV**

Sex offenders, residence location and electronic monitoring after release into community: HB 1277

Victims and witnesses, right to present a statement at sentence review or clemency and pardons hearing: ***HB 1281, CH 138**

CULTURAL FACILITIES

Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: HB 1304, ***SB 5680, CH 58**

Cultural access authorities, creation, organization, and funding: HB 1666

DEAF

State school, transfers of accumulated leave of employees: ***HB 1878, CH 47**

Washington state center for childhood deafness and hearing loss, replacement of state school for the deaf by: HB 1879

DEATH PENALTY

Elimination in favor of life incarceration to reduce criminal justice expenses: HB 1909

DEEDS

Deeds of trust, foreclosure: HB 1942, ***ESB 5810, CH 292**

Deeds of trust, reconveyances: HB 1644

DENTISTS AND DENTISTRY

Consent for medical or dental care by a minor, conditions: HB 2073 Dental quality assurance commission, members: HB 1061

Disciplinary proceedings, dental quality assurance commission to assess a partial recovery of state's hearing expenses in certain cases: ***SSB 5752, CH 177**

Hygienists, licensing and duties: HB 1309

Licensing of dentists, dental quality assurance commission approval for issuance of limited license: HB 1740, SB 5751

Mercury amalgam, alternatives to be provided: HB 1860

DEVELOPMENTAL DISABILITIES, PERSONS WITH

Autism spectrum disorders, insurance coverage: HB 1210

Community residential programs, vendor rates for supported living providers: HB 1104

Developmental disabilities council, creation of simple screening tool for identifying offenders with developmental disabilities: HB 2078

Developmental screenings for children, public medical assistance to include: 2SSB 5484

Identifying and accommodating persons with developmental disabilities serving time in correctional facilities and jails: HB 2078

Infant toddler early intervention program: HB 1161

Insurance, autism spectrum disorders: HB 1210

Insurance, health benefit plan coverage of neurodevelopmental therapies: HB 1412

Intensive behavior support services: HB 1226, ***SSB 5117, CH 194**

Intermediate care facilities, requirements for allowing residents to exercise control over life decisions: HB 1407

Less restrictive treatment, renewal of orders for persons with developmental disabilities released from involuntary mental health treatment: HB 1349

Medical services, training projects for improvement of services for adults with developmental disabilities, grant program: HB 1446

Neurodevelopmental therapies, health benefit plan coverage: HB 1412

Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: HB 2113

Respectful language in state laws, code reviser directed to replace "mental retardation" with "intellectual disability": ***HB 1835, CH 377**

Respite care for primary care providers, eligibility: HB 1429, ***SB 5547, CH 312**

Supported living providers, vendor rates: HB 1104

DIKING AND DRAINAGE

Diking districts, provisions: HB 1887

Removal of gravel from waterways to reduce impact of flooding, provisions: HB 2007

DISABILITIES, PERSONS WITH (See also DEVELOPMENTAL DISABILITIES, PERSONS WITH)

Autism spectrum disorders, insurance coverage: HB 1210

Dyslexia, development of dyslexia handbook and educator training program to enhance skills of students with: ***SSB 6016, CH 546**

Fishing licenses, special low-priced license for senior veterans with a service-connected disability: HB 1748

Governor's committee on disability issues and employment: HB 1739

Harassment, commission of a sex offense against a person with a disability: HB 1803

Independent living, supporting: ***HR 4633**

Infant toddler early intervention program: HB 1161

Long-term care services, supporting autonomy and informal caregivers for the aging and persons with disabilities: HB 1330

Notification stickers, providing to drivers with certain disabilities or impairments: HB 1152

Property tax deferral for persons retired because of disability, eligibility: HB 1439

Property tax exemption, impact of health care insurance premiums on eligibility: HB 2288

Property tax exemption, social security benefits excluded from calculation of disposable income: HB 1405

Property tax relief for persons retired due to physical disability, requirements for eligibility: HB 2218

Property tax relief, disposable income limits for persons retired because of disability: HB 1764

Senior citizens, property tax exemption when retired due to disability: HB 1284
 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294**
 Veterans with one hundred percent service-connected disability, property tax exemption: HB 1284
 Vision impairments/orientation and mobility coordinator, position to be established at Washington State University Vancouver: HB 2181
 Visual impairments, bi-state partnership for teachers of children with: HB 2181
 Wheelchair and stairway chair lifts, definitions and use: ***SSB 5793, CH 128**
 Wheelchair and stairway chair lifts, inspections: HB 2184
 Wheelchair users, drivers required to take all necessary precautions to avoid injury to: HB 1966

DISCRIMINATION

Employee termination for actions opposing employer violations of public policy, cause of action separate from wrongful discharge created: HB 2186
 Lawful source of income, discrimination on basis of: HB 1766
 Malicious harassment, modifying the definition of "sexual orientation" for prosecution purposes: HB 2219, ***SB 5952, CH 180**
 Public community athletics programs, discrimination on the basis of sex prohibited: HB 2124, ***ESSB 5967, CH 467**
 Racial disproportionality advisory committee, recommendations concerning child welfare system: ***SSB 5882, CH 213**
 Women, adoption of a treaty fighting discrimination against: HJM 4013, ***SJM 8012**

DISSOLUTION OF MARRIAGE

Parenting plans, modification due to parent's military service: HB 1170, SSB 5212

DISTRICT COURT

Benton county, increase in number of judges: HB 1204, ***SB 5102, CH 86**
 Employees, PERS retirement benefits for: HB 1742
 Fees collected by district court clerks, allowed as court costs: ***SB 5277, CH 372**
 Hosting jurisdictions, services provided by: HB 1862
 Juror expenses, compensation: HB 1937
 King county, increase in number of judges: HB 1159, ***ESB 5135, CH 26**
 Statutory costs, provisions: HB 1022

DNA (DEOXYRIBONUCLEIC ACID)

DNA identification system, collection of biological sample when conviction is the result of a plea agreement: SSB 5026
 DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382

DOGS

Breeding, humanitarian requirements for certain practices: HB 1936, ***ESSB 5651, CH 286**
 Companion animal spay/neuter assistance program: HB 1406
 Companion animals, damages to: HB 1150
 Dogs under twelve months of age, minimum proper veterinarian care standard: HB 2202
 Humane treatment of dogs, requirements and penalties: HB 2387
 Requirement for sheriff to kill any dog at large without a metal identification tag eliminated: ESB 5200
 Wolf-hybrid classified as a potentially dangerous wild animal: SSB 5383

DOMESTIC PARTNERS (See also DISCRIMINATION)

State insurance and pension benefits: ***EHB 1616, CH 523**
 State patrol retirement system benefits: HB 1445
 State registered domestic partners, rights and responsibilities: HB 1727, ***E2SSB 5688, CH 521**
 State registered domestic partnerships prohibited: HB 1980

DOMESTIC RELATIONS (See also CHILD CUSTODY; DISSOLUTION OF MARRIAGE; FAMILY LIFE; MARRIAGE AND MARRIED PERSONS)

Adoption support program, prospective adoptive parent to receive information describing limits of: ***ESSB 5811, CH 491**
 Child support obligations, notification of day care expenses: HB 2187 Child support pass through funds, provisions: HB 2201
 Child support, calculation of: HB 1794
 Child support, review of support payments by secretary of department of social and health services: ***HB 2347, CH 527**
 Domestic partners, rights and responsibilities of state registered partners: HB 1727, ***E2SSB 5688, CH 521**
 Domestic partners, state insurance and pension benefits: ***EHB 1616, CH 523**
 Domestic partners, state patrol retirement system benefits: HB 1445
 Domestic partners, state registered domestic partnerships prohibited: HB 1980
 Foster care placement, placement of child with a relative or other suitable person: ***ESSB 5811, CH 491**
 Grandparent visitation rights, petitioning process: HB 1607, HB 2056, HB 2091
 Initial point of contact program, technical nonsubstantive corrections: SSB 5528
 Marriage, only between a man and a woman: HB 1980, HJR 4204
 Medical support obligations as part of child support order, provisions: HB 1845
 Minors in need of lifesaving medical treatment, department of social and health services to investigate parental refusal of treatment: HB 1759
 Parenting plans, shared parental responsibility: HB 1982
 Postadoption contact with siblings, children's interests in maintaining: HB 1938
 Relocation of a child, principal residence defined in context of legal separation: SB 5453

DOMESTIC VIOLENCE

Animal protection orders: ***HB 1148, CH 439**

Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400**
 Offenders, ensuring punishment: HB 1220

DRIVER TRAINING AND DRIVER TRAINING SCHOOLS

Schools, clarification of permitting, training, and licensing process: HB 2095

DRIVERS' LICENSES

"Conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181**
 Agribusiness drivers, exemption from certain commercial driver's license requirements: HB 2223
 Applicants, verification that presence in United States is lawful: HB 1026
 Commercial drivers, "conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181**
 Driving records, release of certified abstracts: EHB 1251
 Intermediate licenses, limitations modified: HB 1371, ***SSB 5469, CH 125**
 Law enforcement access to driver's license photographs for identity verification: HB 1224, ***ESSB 5262, CH 366**
 Negligent driving, retaking and passing driver licensing exam required for certain persons convicted of: HB 2273
 Visual acuity, certification by an ophthalmologist or optometrist for licensing purposes: HB 2100

DRIVING UNDER THE INFLUENCE

Felony DUI, driving or being in control of vehicle with two or more prior offenses within seven years: HB 2027

DRUGS

Child predatory drug act of 2010, crimes and penalties: HB 2340
 Controlled substances, marketing to minors: HB 1012
 Driving under the influence of liquor or drugs while transporting a person under age eighteen, penalties: HB 2233
 Drug court program, funding to support operation and administration of: HB 1919
 Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as schedule III controlled substances: HB 1236
 Felony DUI, driving or being in control of vehicle with two or more prior offenses within seven years: HB 2027
 Marijuana possession, reclassifying from misdemeanor to civil infraction: HB 1177
 Marijuana, knowingly possessing forty grams or less: HB 1695
 Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: HB 2046
 Overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: HB 1615
 Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364**
 Testing for peace officers, provisions: HB 1511
 Unwanted, disposal by pharmaceutical product stewardship programs: HB 1165
 Veterinary prescription drugs, technician performance of certain drug preparation functions when delegated by licensed veterinarian: HB 1271
 Violence reduction and drug enforcement account, elimination: HB 1453

EARLY LEARNING, DEPARTMENT

Continuity of child care for children enrolled in early learning and care programs receiving working connections child care subsidies: HB 1754
 Early learning advisory council, membership: ESB 5617
 Home visitation programs for high-risk families, department to fund jointly with the early learning private-public partnership: HB 2107
 Kindergarten assessment, early learning advisory council and superintendent of public instruction to develop and implement: HB 1944
 Professional development consortium to develop recommendations for statewide preparation and development for the early learning and school-age program workforce: HB 1943

EASTERN WASHINGTON UNIVERSITY

Board of trustees, adding a faculty member to board: HB 1841
 Capital projects account, use of funds for certificates of participation authorized: HB 2254
 Opportunity grant program, establishment: HB 2306
 President, compensation subject to certain limitations: HB 2240
 Safety, health, and energy efficiency improvements to university facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 PV**

ECOLOGY, DEPARTMENT (See also AIR POLLUTION; WATER POLLUTION)

Air operating permits, SEPA exemptions: HB 1253, HB 1584
 Ambient groundwater and surface water monitoring and assessment program, department to enhance in phases: HB 2235
 Bisphenol A in products, prohibition and alternatives: HB 1180
 Cleanup and compliance at facilities with large releases of hazardous wastes, provisions: HB 2150
 Draft general permits, department to prepare an economic impact analysis for permits covering small businesses: HB 2210
 Electrical equipment, retailer requirements and incentive grants: HB 1186
 Emergency response towing vessels for Strait of Juan de Fuca and west coast of Washington state: ***ESSB 5344, CH 11**
 Greenhouse gas emission reduction, funding from emissions reduction assistance account: E2SSB 5735
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: HB 1819
 Greenhouse gas emissions, multisector emissions reduction program including emissions caps and offset credits: E2SSB 5735
 Groundwater information within water resource inventory areas, department to prepare a data gap analysis: HB 2235
 Groundwater, permit to use public groundwaters to water lawn: HB 1179
 Integrated climate change response strategy, department to coordinate with agencies and other groups: E2SSB 5138, ***E2SSB 5560, CH 519**

PV

Lakes management advisory committee and comprehensive lakes management strategic plan: HB 1635
 Lead wheel weights, advisory committee created to recommend alternatives: HB 1033
 Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346

Mercury-added general purpose lights, research and development for recycling program: HB 1799, HB 1809
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469
 Oil spills, emergency response towing vessels for Strait of Juan de Fuca and west coast of Washington state: ***ESSB 5344, CH 11**
 Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118**
 Petroleum-based beverage bottles, prohibitions: HB 1859
 Pharmaceutical product stewardship programs: HB 1165
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636
 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456**
 Registered collectors, repair and reuse of electronic products: HB 1522
 Saltwater algae control account and grant program: HB 1231, SB 5412
 Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405**
 State agency climate leadership, reducing greenhouse gas emissions and energy consumption by state government: ***E2SSB 5560, CH 519**

PV

Storm water, construction and industrial storm water general permits: HB 2222
 Strait of Juan de Fuca and west coast of Washington state, emergency response towing vessels: ***ESSB 5344, CH 11**
 Strait of Juan de Fuca, emergency response system: HB 1409
 Waste reduction and hazardous substance use reduction consultation program: HB 1014
 Waste reduction and safer chemical alternatives research and development program: HB 1014
 Waste reduction and sustainable production, office duties: HB 1014
 Waste tire piles, efforts to clean up and prevent the creation of in the future: ***SB 5976, CH 261**
 Water banking, trust water rights program used for: ***ESSB 5583, CH 283**
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494
 Water discharge fees, changes: HB 1413
 Water pollution control facilities, department may award grants or loans to publicly owned industrial wastewater treatment facilities: SB 5940
 Water pollution control revolving fund, use of moneys in fund by department: HB 2116
 Water quality account, elimination: HB 1453
 Water quality standards, amendment by department to authorize compliance schedules for discharge permits in certain cases: HB 2243, ***SSB 6036, CH 457**
 Water rights adjudication, procedures: HB 1571
 Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: HB 1653

ECONOMIC DEVELOPMENT COMMISSION

Duties and membership: HB 1131
 Entrepreneurial education and training, commission to foster in conjunction with workforce training and education coordination board: SSB 5879
 Innovation partnership zone program: HB 1128
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353**, SSB 5317
 Workforce and economic development, coordination of: HB 1323, SSB 5048

EDUCATION, STATE BOARD

Assessments and curricula, implementing recommendations of WASL legislative work group: ***ESSB 5414, CH 310 PV**
 Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: HB 1813
 Civics instruction added to requirements for receiving a high school diploma: ***HB 2132, CH 223**
 Financial education, to be included in social studies courses required for graduation: HB 1649
 High school graduation and reengagement goals, establishing and meeting: ESSB 5449
 High school success, increasing student motivation by eliminating the statewide assessment and providing incentives to pursue postsecondary education: HB 1341
 School year, waivers from one hundred eighty-day requirement for school districts proposing a four-day week: HB 1292
 Statewide student assessment system, redesign of: HB 1976
 WASL legislative work group, implementation of recommendations concerning statewide assessments and curricula: ***ESSB 5414, CH 310**

PV

WASL, adjustments of assessment in mathematics and sciences: HB 1646

EDUCATIONAL SERVICE DISTRICTS

District treasurer, authority of district to designate: HB 1971, ESSB 5828
 Dropout reengagement system, interlocal agreements with school districts to oversee dropout reengagement programs: HB 1418
 Employee basic benefits to be determined and administered by health care authority: HB 1940
 Health insurance, requirement for districts to purchase coverage through health care authority: HB 2177
 State schools for blind and deaf, transfers of accumulated leave of employees: ***HB 1878, CH 47**

ELECTIONS (See also CAMPAIGNS; INITIATIVE AND REFERENDUM)

Absentee ballot envelopes, requirements: HB 1880
 Absentee ballots, counting: HB 1623
 Accessible community advisory committees to assist election officials in ensuring accessible polling places: HB 1739
 Advertising, identification of sponsor: HB 1787
 Ballots, inactive voters: HB 1019, ***SB 5017, CH 103**
 Ballots, prepaid postage requirement for primary and general election voting by mail: HB 2112
 Ballots, protecting voter's signature and telephone number on envelopes for the return of: SB 5951
 Ballots, titles to indicate property tax levy's financial impact: HB 1057
 Ballots, voter identification marks by election officials not allowed: ***SB 5359, CH 414**
 Candidate filing, provisions modified: HB 1363, ***SSB 5271, CH 106**

Constitutional amendments and state measures, notice method and contents: HB 2311
 Constitutional amendments, notice method and contents: HJR 4212
 Designated major party election observers, requirements: HB 1752
 Election provisions, technical corrections: HB 1364, ***SSB 5327, CH 107**
 Internet voting for service voters and overseas voters: HB 1624
 Manual recounts, counting original ballots only: HB 1917
 Party preference on primary ballots, clarifying candidates' choices: HB 1731
 President of United States, interstate agreement for election by national popular vote: HB 1350, HB 1598, ***SB 5599, CH 264**
 Providing false information to voters about voting in an upcoming election: SSB 5727
 Registration, preregistration of youth to vote: HB 1193
 Right to vote, conditions for restoration for convicted felons: ***HB 1517, CH 325**
 Secret ballots, constitutional amendment guaranteeing: HJR 4211
 Secretary of state, reducing costs of elections division of office of: HB 2310, ***SSB 6122, CH 415 PV**
 Special, changing noncharter code city's form of government: ***HB 1066, CH 7**
 Special, dates they may be held modified: HB 1018
 State measures and constitutional amendments, notice method and contents: HB 2311
 Voter registration, allowance for to include election day: HB 1798
 Voter registration, qualifications and procedures: HB 1622, ***SSB 5270, CH 369**
 Voting age, certain seventeen year olds allowed to vote: HJR 4202
 Voting, adopting all mail voting: HB 1572
 Youth, preregistration to vote: HB 1193

ELECTRIC UTILITIES (See also ELECTRICITY)

Alternative energy resource purchase programs, incentives for voluntary participation by utilities: HB 1658
 Biomass fuels for electricity generation, tax incentives for use: HB 1610
 Biomass fuels in renewable energy production, tax incentives for use: ***ESSB 6170, CH 469**
 Biomass fuels, electricity generation facilities using: ***SSB 5724, CH 281**
 Carbon dioxide emissions, disclosure to electric customers of emissions associated with their electricity consumption: HB 1994
 Carbonless energy parks, definition and procedures for creating: HB 2002
 Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416**
 Customer interest protections in proceedings before utilities and transportation commission: ***SSB 5055, CH 24**
 Electric vehicles, utilities encouraged to use: HB 1481 Electrolytic processing businesses, tax exemption for electricity use: HB 1062
 Eligible distributed generators, certain providers required to purchase service from: HB 1086
 Energy conservation and renewable energy targets, load growth as an exception in meeting: HB 1686
 Energy independence act, renewable energy and conservation requirements: HB 1133, ESSB 5840
 Generation machinery and equipment, expiration dates for sales and use tax exemptions: HB 1009
 Greenhouse gas emission reduction, funding for programs from climate protection account: HB 1819
 Greenhouse gas emission reduction, funding from emissions reduction assistance account: E2SSB 5735
 Greenhouse gas emissions performance standard, compliance provisions: HB 1854 Greenhouse gases emissions performance standard, electric utility compliance required before long-term financial commitment is allowed: ***HB 2129, CH 448 PV, *SB 5989, CH 147**
 Hog fuel, tax exemptions when used for production of electricity: HB 1633, ***ESSB 6170, CH 469**
 Hydroelectric generation, electricity from smaller facilities identified as an eligible renewable resource: HB 1811
 Intermittent alternative energy sources, utility plans for energy sources to be used when intermittent sources are unavailable: HB 1955
 Light and power businesses, public utility tax credit against sales and use tax paid for development of eligible renewable resources: HB 2131
 Light and power businesses, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Rates, discounts for low-income and low-income senior customers of gas and electric companies: ***SSB 5290, CH 32**
 Renewable energy plants, electric utilities to enter into power purchase agreements with: HB 2135
 Renewable energy sources, electricity generation sales and use tax exemption: HB 1719
 Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: HB 1610, ***ESSB 6170, CH 469**
 Renewable energy systems, investment cost recovery incentives: HB 1399
 Renewable energy targets, utilities to be considered in compliance in certain cases: HB 1833
 Renewable energy targets, utility waiver from targets related to integration into the electrical grid: HB 1693
 Renewable resource requirements for utilities, using eligible renewable resources or renewable energy credits to meet: HB 2009
 Renewable resources, electricity generation facilities using biomass fuels: ***SSB 5724, CH 281**
 Renewable resources, large utilities to obtain certain percentages of their electricity from: HB 1294
 Solar energy, commercial customer-generated solar electricity: HB 1191
 Solar energy, community solar projects incentives: ***ESSB 6170, CH 469**
 Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: HB 1134
 Sustainable energy trusts, monthly smart and sustainable energy charge: HB 1007
 Thermal electric generating facilities, distributions of tax proceeds from: SB 5717
 Underground facilities, requirements for notification prior to excavation: HB 1996
 Vegetation removal by utility, procedures and utility liability: HB 2163

ELECTRICITY (See also ELECTRIC UTILITIES)

Carbon dioxide emissions, disclosure to electric customers of emissions associated with their electricity consumption: HB 1994
 Carbonless energy parks, definition and procedures for creating: HB 2002
 Conservation of electricity in public educational facilities: HB 1630
 Electric vehicles, infrastructure development and transition from combustion to electric vehicles: HB 1481
 Electrician licenses, certificates, or permits to be in possession while working: HB 1055

Energy independence act, renewable energy and conservation requirements: HB 1133, ESSB 5840
 Generation machinery and equipment, expiration dates for sales and use tax exemptions: HB 1009
 Hog fuel, tax exemptions when used for production of electricity: HB 1633, *ESSB 6170, CH 469
 Hydroelectric generation, electricity from smaller facilities identified as an eligible renewable resource: HB 1811
 Registered collectors, repair and reuse of electronic products: HB 1522
 Renewable energy sources, electricity generation sales and use tax exemption: HB 1719
 Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: HB 1610, *ESSB 6170, CH 469
 Renewable energy targets, utility waiver from targets related to integration into the electrical grid: HB 1693
 Renewable energy, sales and use tax exemptions: *ESSB 6170, CH 469
 Renewable resource project siting, county energy overlay zones: *SB 5107, CH 419
 Renewable resources, electricity generation facilities using biomass fuels: *SSB 5724, CH 281
 Renewable resources, large utilities to obtain certain percentages of their electricity from: HB 1294
 Small wind energy systems, permit requirement standards: HB 1008
 Solar energy, commercial customer-generated solar electricity: HB 1191
 Thermal electric generating facilities, distributions of tax proceeds from: SB 5717

ELECTRONIC EQUIPMENT

Registered collectors, repair and reuse of electronic products: HB 1522

ELEVATORS

Worker licenses, certificates, or permits to be in possession while working: HB 1055

EMERGENCY MEDICAL TECHNICIANS

Paramedics and nurses, community and technical colleges board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: HB 1808
 Violent injuries, reporting: *SSB 5056, CH 359

EMERGENCY SERVICES

CBRNE response program, statewide: HB 1039
 Emergency management, preparedness, and assistance account, military department to administer: HB 2031
 Emergency medical equipment, sales and use tax exemptions in certain cases: HB 2293
 Emergency response towing vessels for Strait of Juan de Fuca and west coast of Washington state: *ESSB 5344, CH 11
 Enhanced 911 emergency communications systems, coordination office, advisory committee, and account: HB 2351
 Enhanced 911 emergency radio network, work group to study delivery of emergency information: HB 1157
 Flooding, insurer disclosure that policy does not cover flood damage: HB 1564, *SSB 5417, CH 14
 Medical care and services, property tax limit for levies to fund: HB 1318
 Radio communications systems, television reception improvement districts to provide: HB 1028
 Statewide enhanced 911 emergency communications service, coordination office, advisory committee, and account: HB 2029
 Strait of Juan de Fuca and west coast of Washington state, emergency response towing vessels: *ESSB 5344, CH 11
 Strait of Juan de Fuca, emergency response system: HB 1409
 Volunteer health practitioners, registration requirements for volunteering during emergency declaration: HB 1400
 Volunteer search and rescue account: HB 1214

EMINENT DOMAIN

Exercise of eminent domain, restrictions: HB 1392
 Repurchase of property, owner may retain right: HB 1392

EMPLOYMENT (See also WAGES AND HOURS)

Absence from work, disqualification from unemployment benefits after return when absence due to incarceration: HB 1305
 County employees, options for determining pay periods: *EHB 1461, CH 239
 Driving record abstracts, release to current or prospective employer or volunteer organization for employment purposes related to driving: *SSB 5610, CH 276
 Employer-assisted housing program, business and occupation tax credits for participating employers: HB 1696
 Family and medical leave, provisions of family security act: HB 1609
 Family leave insurance program, delaying implementation: HB 2353, *ESB 6158, CH 544
 Family leave insurance program, elimination: HB 1160
 Foreign workers, disclosure statement from employers and international labor recruitment agencies to be given to: *E2SSB 5850, CH 492 PV
 Governor's committee on disability issues and employment: HB 1739
 Language service providers, exemption from definitions of employment and worker for industrial insurance and unemployment compensation purposes: HB 1990
 Minimum hourly wage, establishing a set wage: HB 1603
 Minimum wage and overtime compensation complaints, good faith defense: HB 2176
 Minimum wage, defining "employ" for purposes of: HB 2144
 Minimum wage, increasing: HB 1735
 Voluntarily leaving part-time work, qualifying for unemployment benefits under certain circumstances: *SB 5804, CH 247

EMPLOYMENT SECURITY DEPARTMENT

Administrative contingency fund, high-demand occupation training program funds for certain unemployed persons to come from separate account within: *E2SSB 5809, CH 566 PV
 Field of dreams program, department to administer program to provide access to postsecondary education for agricultural industry employees: HB 1428

High-demand occupation training program funds, role of department in use by workforce development councils to help certain economically disadvantaged adults and unemployed workers: ***E2SSB 5809, CH 566 PV**
 Median wages, computation for unemployment compensation purposes: HB 1711
 Unemployment benefits, improvement of: HB 2385
 Unemployment compensation, improving economic security through: HB 1906
 Washington state essential worker pilot program, established by department: HB 1896

ENERGY (See also ELECTRIC UTILITIES; ELECTRICITY)

Alternative energy resource purchase programs, incentives for voluntary participation by utilities: HB 1658
 Appliance efficiency rebate program, department of community, trade, and economic development authority to create: ***E2SSB 5649, CH 379 PV**
 Biomass energy, department of natural resources to develop and implement forest biomass energy demonstration projects: ***HB 2165, CH 163**
 Biomass fuels for electricity generation, tax incentives for use: HB 1610
 Biomass fuels in renewable energy production, tax incentives for use: ***ESSB 6170, CH 469**
 Biomass fuels, electricity generation facilities using: ***SSB 5724, CH 281**
 Carbon dioxide emissions, disclosure to electric customers of emissions associated with their electricity consumption: HB 1994
 Carbonless energy parks, definition and procedures for creating: HB 2002
 Clean energy leadership initiative created and clean energy leadership council appointed and convened: ***SSB 5921, CH 318**
 Conservation of electricity in public educational facilities: HB 1630
 Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416**
 Efficiency code, products added: HB 1004
 Energy conservation and renewable energy targets, load growth as an exception in meeting: HB 1686
 Energy efficiency improvements to public facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Energy efficiency upgrade pilot programs, Washington State University extension energy program authority to implement grants for: ***E2SSB 5649, CH 379 PV**
 Energy freedom program, expanding: HB 2289
 Energy freedom program, requirement for alternative, renewable, efficient energy sources: HB 2268
 Energy independence act, renewable energy and conservation requirements: HB 1133, ESSB 5840
 Gas companies, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Greenhouse gas emission reduction, funding for programs from climate protection account: HB 1819
 Greenhouse gas emission reduction, funding from emissions reduction assistance account: E2SSB 5735
 Greenhouse gas emissions performance standard, compliance provisions: HB 1854
 Hog fuel, tax exemptions when used for production of electricity, steam, heat, or biofuel: HB 1633, ***ESSB 6170, CH 469**
 Hydroelectric generation, electricity from smaller facilities identified as an eligible renewable resource: HB 1811
 Intermittent alternative energy sources, utility plans for energy sources to be used when intermittent sources are unavailable: HB 1955
 Light and power businesses, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Lighting, exterior light pollution and wasteful energy consumption reduction: HB 1069
 Public utility tax credit against sales and use tax paid by light and power businesses for development of eligible renewable resources: HB 2131
 Publicly funded housing, energy audits and retrofits: ***E2SSB 5649, CH 379 PV**
 Renewable energy manufacturing facilities, tax incentives: HB 2130
 Renewable energy plants, electric utilities to enter into power purchase agreements with: HB 2135
 Renewable energy sources, electricity generation sales and use tax exemption: HB 1719
 Renewable energy sources, tax incentives for use of biomass fuels in renewable energy production: ***ESSB 6170, CH 469**
 Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: HB 1610
 Renewable energy systems, investment cost recovery incentives: HB 1399
 Renewable energy targets, electric utility waiver from targets related to integration into the electrical grid: HB 1693
 Renewable energy targets, utilities to be considered in compliance in certain cases: HB 1833
 Renewable energy, sales and use tax exemptions: ***ESSB 6170, CH 469**
 Renewable resource requirements for utilities, using eligible renewable resources or renewable energy credits to meet: HB 2009
 Renewable resources, electricity generation facilities using biomass fuels: ***SSB 5724, CH 281**
 Renewable resources, large utilities to obtain certain percentages of their electricity from: HB 1294
 Small wind energy systems, permit requirement standards: HB 1008
 Solar energy panels, regulating use by homeowners' association members: ***SSB 5136, CH 51**
 Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469**
 Solar energy systems, unnecessary installation constraints on property owners removed: HB 1112
 Solar energy, commercial customer-generated solar electricity: HB 1191
 Solar energy, community solar projects incentives: ***ESSB 6170, CH 469**
 Solar hot water components, sales and use tax exemption: HB 1188
 Solar water heater systems, requirements for new homes: HB 1187
 Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: HB 1134
 Solar water heating systems, tax exemptions: HB 1857
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: HB 1747, ***E2SSB 5854, CH 423**
 Sustainable energy office created, director to oversee state agency sustainable energy work group: HB 1520
 Sustainable energy trusts, monthly smart and sustainable energy charge: HB 1007
 Workforce training, state comprehensive plan for 2008-2018 to include emphasis on renewable energy industry: ***SSCR 8404**

ENGINEERS AND ENGINEERING

* - Passed Legislation

College engineering programs, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, *SSB 5276, CH 207

ENVIRONMENT

Agricultural land preservation, purchase of land development rights as option for environmental mitigation of transportation projects: HB 1660
 Air operating permits, SEPA exemptions: HB 1253, HB 1584
 Bisphenol A in products, prohibition and alternatives: HB 1180
 Cleaning in state facilities, reducing environmental impact: HB 1168
 Climate leadership, reducing greenhouse gas emissions and energy consumption by state government: *E2SSB 5560, CH 519 PV
 Environmental cleanup opportunity grant program and account, higher education coordinating board to award conditional scholarships: HB 1594
 Green jobs, provisions of evergreen jobs act: HB 2227
 Greenhouse gas emissions reduction, land use and transportation requirements: HB 1490
 Greenhouse gas emissions, efforts to reduce to be funded by auctioning of emissions allowances as part of a cap and trade program: HB 1819
 Greenhouse gas emissions, multisector emissions reduction program including emissions caps and offset credits: E2SSB 5735
 Greenhouse gases, comprehensive plan for reducing: HB 1718
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, *SSB 5401, CH 246
 Hydraulic project approval requirements, penalties for violations: HB 1178
 Integrated climate change response strategy, department of ecology to coordinate with agencies and other groups: *E2SSB 5560, CH 519 PV
 Marine ecosystem, protection against petroleum extraction risks: HB 1100
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469
 Office of regulatory assistance, program for improving function of environmental and business regulatory processes: HB 1730
 Oil and gas, leasing of ocean coastline for exploration and production: HB 1100
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636
 Plants, impacts of projects when certain species identified by natural heritage program are present: HB 1136
 Projects of statewide significance, qualifications for designation to include environmental benefit: *ESSB 5473, CH 421

 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, *SSB 5504, CH 456
 Refrigerants in motor vehicle air conditioning equipment, use of safe alternative refrigerant authorized: HB 1984
 State environmental policy, incorporating human health analysis into environmental review: HB 1891
 Tax incentives, various environmental: *ESSB 6170, CH 469
 Tree canopies in large cities, consideration of impact of governmental actions on: HB 2083
 Water discharge fees, changes: HB 1413
 Workforce training, state comprehensive plan for 2008-2018 to include emphasis on the green economy: *SSCR 8404

ESTATES

Declaration of completion of probate, procedure for filing: SB 5297
 Estate distribution documents, certified public accountants exempted from restrictions on marketing for certain purposes: HB 1331, *SSB 5343, CH 113
 Vulnerable adults, financial exploitation by an abuser: HB 1103

ETHICS IN GOVERNMENT

Ethics and integrity in state government, plans for improving: HB 1175
 Legislators, "normal and regular conduct" applied to discussion of ballot propositions by: HB 2322
 Personal gain, selling merchandise or services under official state agency wellness program contract: HB 1256

EVERGREEN STATE COLLEGE, THE

Board of trustees, adding a faculty member to board: HB 1841
 Capital projects account, use of funds for certificates of participation authorized: HB 2254
 Opportunity grant program, establishment: HB 2306
 President, compensation subject to certain limitations: HB 2240
 Safety, health, and energy efficiency improvements to college facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Tuition, resident and nonresident undergraduates: *SSB 5734, CH 574 PV

EVIDENCE

Negligence, failure to safely perform body piercing and body art: HB 1085

EXPLOSIVES

Licenses, expiration dates: HB 1280

FAIRS AND EXHIBITIONS

Agricultural fairs, annexation by cities or towns of territory used for: *HB 1295, CH 402

FAMILY LIFE

Adoption support program, prospective adoptive parent to receive information describing limits of: *ESSB 5811, CH 491
 Civil marriage equality, including same-sex couples: HB 1745
 Dependency proceedings, guardian ad litem background information records and procedures for appointment: *SSB 5285, CH 480
 Dependency proceedings, housing assistance for the child: HB 1769
 Dependency proceedings, legal representation of children: HB 1183
 Dependency proceedings, notices of custody and out-of-home care placement to encourage parental engagement in process: HB 1782
 Dependency proceedings, notifying parent or parents of child placement options after entry of dispositional order: *SSB 5510, CH 484
 Dependency proceedings, parenting plans and residential schedules: HB 1239

Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: HB 2092
 Dependency proceedings, searches for relatives of children requiring out-of-home placement: HB 2085
 Family and medical leave, provisions of family security act: HB 1609
 Family leave insurance program, delaying implementation: HB 2353, ***ESB 6158, CH 544**
 Family leave insurance program, elimination: HB 1160
 Family policy council, participation in building bridges advisory committee efforts to improve graduation and reengagement rates: HB 1813
 Family policy council, participation in efforts to improve graduation and reengagement rates: ESSB 5449
 Foster care placement, placement of child with a relative or other suitable person: ***ESSB 5811, CH 491**
 Grandparent visitation rights, petitioning process: HB 1607, HB 2056, HB 2091
 Guardians ad litem, background information records and procedures for appointment: ***SSB 5285, CH 480**
 Initial point of contact program, technical nonsubstantive corrections: SSB 5528
 Juvenile offender programs, pilot program to increase family participation: SSB 5141
 Medical support obligations as part of child support order, provisions: HB 1845
 Minors in need of lifesaving medical treatment, department of social and health services to investigate parental refusal of treatment: HB 1759
 Postadoption contact with siblings, children's interests in maintaining: HB 1938
 Relocation of a child, principal residence defined in context of legal separation: SB 5453
 Sexually aggressive youth, treatment eligibility and funding: HB 1419
 TANF, drug testing requirement prior to job search: HB 1233
 WorkFirst program, exemption from participation following birth of child and subsequent notification of services: ***SSB 5286 V**
 WorkFirst, drug test requirement for TANF recipients: HB 1233
 Working families' tax rebate, funding from temporary sales tax increase to be submitted to voters: HB 2377

FARMS (See also LIVESTOCK)

AgJOBS legislation, requesting that the United States Congress enact: HJM 4017
 Animal identification, voluntary participation in a state or national animal identification system: HB 2086
 Crops on leased lands, wastage when landowner interferes with harvest: HB 1242
 Current use land classifications for property tax purposes, interest rate and penalty provisions: SSB 5424
 Dairy nutrient management program, violations: ***SSB 5677, CH 143**
 Energy assessments, Washington State University extension energy program to form team to develop and offer new methods for: ***E2SSB 5649, CH 379 PV**
 Farm and agricultural land, commercial agricultural purposes defined for property taxation: HB 1232
 Farm vehicle trip permit, extending time period covered by: HB 2282, ***HB 2313, CH 452**
 Labor contractors, licensing and related provisions: HB 1814
 Livestock nutrient management equipment and facilities, sales and use tax exemption: HB 2278, ***ESSB 6170, CH 469**
 Milk products used for animal food consumption, standards and licensing: SSB 5678
 Mobile custom farm slaughtering unit loan program: HB 2102 New farm structures, permits and inspection fees: HB 1557 Propane, sales and use tax exemption for nonhighway use by farmers: HB 2248, HB 2275, HB 2323
 Property tax, specifications for farm and agricultural land classification: ***EHB 1815, CH 513**
 Rural and resource lands study: HB 1797
 Single-occupancy farm conveyances, definition and use: ***SSB 5793, CH 128**
 Water rights, liberal construal of nonuse provisions according to legislative intent: HB 1267
 Water rights, partial relinquishment eliminated: HB 1268
 Water rights, sufficient cause for nonuse: HB 1266
 Water rights, sufficient cause for nonuse involving crop rotation: HB 1269
 Wildlife damage, compensation when crops damaged or livestock injured or killed by wildlife: HB 1626

FERRIES

Anacortes to San Juan Islands ferry route, added to scenic and recreational highway system: ***SB 5289, CH 277**
 Commission, Washington state ferries commission: HB 1084
 Comprehensive incident and accident investigation policy and procedures proposal to be provided to legislature by Washington state ferries: EHB 2044
 Design-build and commercial off-the-shelf procurement strategies, ferry system to shift to: HB 2026
 Elimination of requirement that certain ferries be constructed in Washington: HB 1652
 Fare media, expiration of monetary value: HB 1082
 Fares, reduction: HB 1083
 Ferry partnership advisory committee, creation for purpose of recommending ferry fare schedules annually to transportation commission: HB 2314
 Ferry system, modernizing ferry fleet and organization: HB 2193
 Ferry vessels and terminals, cost limitations when using state forces for work performed on: HB 2271
 Fuel sales, sales and use tax exemptions: HB 2255
 Lake Chelan, study of appropriateness of rate and service regulation of commercial ferries operating on: ***ESB 5894, CH 557**
 Marine highway system, changing ferry system name to: HB 2230
 Naming, transportation commission to consider selling naming rights: SSB 5440
 Naming, tribal government involvement in process: HB 1447, SSB 5440
 Passenger-only ferries, funding for construction: HB 1209
 Property tax, ferry district levy rates: ***2SSB 5433, CH 551 PV**
 Rate and service regulation of certain commercial ferry services, utilities and transportation commission authority to forebear from: ***ESB 5894, CH 557**
 Scenic and recreational highway system, all state ferry routes added to: ***SB 5289, CH 277**
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: HB 2192, ***SSB 5556, CH 272**

FINANCIAL INSTITUTIONS

Community development financial institutions, linked deposit program loans to: ***HB 1166, CH 384**
 Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: HB 1621
 Credit and debit cards, information security requirements for retailers: ***HB 1127, CH 382**
 Credit card interest rates, maximum: HB 2195
 Credit unions, participation in linked deposit program authorized: HB 1358
 Energy efficiency projects, promoting financial institution involvement in financing of: ***E2SSB 5649, CH 379 PV**
 Financial exploitation of vulnerable adults, response by financial institution when suspected: HB 1788
 Nontraditional mortgages, definitions and guidelines: HB 1586
 Public deposit protection commission, modernization and clarification of powers in regard to banks and savings associations as public depositaries: HB 2061
 Residential mortgage loan fees, financial institution authority to charge: HB 1588
 Reverse mortgage loans and debt collection, requirements and limitations: ESSB 5400
 Reverse mortgage loans, requirements and limitations: ***EHB 1311, CH 149**

FINANCIAL INSTITUTIONS, DEPARTMENT

Financial services committees of legislature, department to report concerning small loan payment plans: HB 1709
 Financial services intermediary, department to establish jointly with department of community, trade, and economic development: HB 1829
 Mortgage brokers, compliance with secure and fair enforcement for mortgage licensing act of 2008: HB 1749
 Mortgage brokers, consideration of mitigating factors for enforcement actions against: HB 1587, SSB 5659
 Nontraditional mortgages, definitions and guidelines: HB 1586
 Prevent or reduce owner-occupied foreclosure program, housing finance commission to implement and administer with department: ***ESB 6033, CH 386 PV**
 Reverse mortgage loans and debt collection, department authority to develop rules to interpret requirements and limitations: ESSB 5400
 Reverse mortgage loans, department authority to develop rules to interpret requirements and limitations: ***EHB 1311, CH 149**
 Small loan database, director to study merits of implementing: HB 1073
 Small loan monitoring system, director to develop and implement: HB 1684

FINANCIAL MANAGEMENT, OFFICE

Allotment revisions, office of financial management to notify legislative fiscal committees when revisions are significant: HB 1945
 Climate leadership, office to develop strategies for reducing greenhouse gas emissions and energy consumption by state government: ***E2SSB 5560, CH 519 PV**
 Education data center, annual reports on higher education graduates employed in Washington: HB 1671
 Education data center, cooperative development of a consumer report card for higher education: HB 1673
 Education data center, data governance group to be established within: E2SSB 5941
 Health professional licensing information, office of financial management access to: HB 2079
 Office of minority and women's business enterprises, requirement and schedule for submission of data by state agencies and educational institutions to: ***EHB 1087, CH 348 PV**
 Small businesses, director to develop procurement policies and procedures to support: ***SSB 5723, CH 486**
 State technology entities, office to implement a single fiscal agent for: HB 1521
 Sustainable operating budgets, office to publish four-year outlook based on governor's budget: HB 2228

FIRE PROTECTION

Fire department vehicles, lights designated for law enforcement purposes: HB 1169
 Forest fire protection assessment rate structure and refunds, revisions: HB 2315
 Impact fees, facilities authorized to use: HB 1080
 Local sales and use, fire protection purposes: ***2SSB 5433, CH 551 PV**
 Novelty lighters, prohibition of sale and distribution: HB 1015, ***ESSB 5011, CH 273**
 Sprinkler systems, voluntary installation in residences: HB 2224

FIRE PROTECTION DISTRICTS

Annexation of a portion of a fire protection district by a city, procedures and employee notification requirements: HB 2020, ***ESSB 5808, CH 60**
 Annexation, certain areas in cities and towns authorized to annex to a fire protection district: HB 1241, HB 1561, ***SB 5426, CH 115**
 Contracts for fire service protection, adequate compensation and expressed consent requirements: SSB 5638
 Emergency responses to properties, notification required to owners: HB 1537

FIREARMS

Alien firearm license, exception for a nonimmigrant alien hunting with a Washington-licensed hunter: SB 5193
 Alien firearm license, requirements and violations: HB 1052
 Concealed pistol license, renewal by armed forces members: ***SB 5739, CH 59**
 Correctional officers and sergeants who have completed training exempt from certain firearm restrictions: HB 1755
 Firearms and certain nonfirearm-related weapons, possession on school premises and related areas prohibited: HB 2048
 Gun show and event sales, dealer license requirement: HB 2264
 Noise suppressors, restrictions: HB 1604
 Possession by an involuntarily committed person, provisions: ***HB 1498, CH 293**
 Possession during an emergency, protection of right: HB 1832
 Retired law enforcement officers, issuance of firearms certificate and annual qualification certificate to: HB 2065, HB 2226
 Safety education programs, K-12 instruction: HB 2011
 Violence reduction and drug enforcement account, elimination: HB 1453

FIREFIGHTERS (See also LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM; VOLUNTEER FIREFIGHTERS AND RESERVE OFFICERS, STATE BOARD)

Occupational diseases, methicillin-resistant staphylococcus aureus and esophageal cancer considered to be in certain cases: HB 1932
 Special volunteer firefighter license plates: HB 2175 Survivors of certain firefighters, benefits: ***HB 1506, CH 156**

FISH (See also SALMON; STEELHEAD)

Dungeness crab coastal fishery, recovery of gear: HB 1516
 Fish passage improvement projects, incentives: HB 1163
 Geoduck diver licenses, limitations: HB 1921
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, ***SSB 5401, CH 246**
 Modernizing certain fish and wildlife provisions in title 77 RCW: HB 1778
 Pacific sardines commercial fishery, requiring purse seine fishery license or temporary annual fishery permit: HB 1326, SSB 5269
 Rainbow trout, raffle-only limited recreational fishery in Spirit Lake: HB 1838
 Riparian protection account and habitat conservation account provisions, references to mitigation banking projects removed: HB 1846, ***SB 5348, CH 16**
 Salmonid hatcheries closed or scheduled for closure, public-private partnerships for operation and management: HB 1951
 Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: HB 1653

FISH AND WILDLIFE COMMISSION

Dungeness crab coastal fishery, abandoned gear declaration system: HB 1516
 Fishing poles, licensee use of two if two-pole stamp purchased: HB 1993
 Modernizing certain fish and wildlife provisions in title 77 RCW: HB 1778
 Trapping, commission to convene trap type advisory panel: HB 1115

FISH AND WILDLIFE, DEPARTMENT

Approved boating program, department to be designated as: HB 2237, 2SSB 5691
 Chaplain, department authorized to use services of a volunteer chaplain: ***HB 1437, CH 204**
 Columbia river recreational salmon and steelhead pilot stamp program: ***ESSB 5421, CH 420**
 Columbia river salmon and steelhead recreational anglers board to advise department for pilot stamp program: ***ESSB 5421, CH 420**
 Commercial licenses, department process for accepting applications after deadline: HB 1995
 Direct retail endorsement for commercial fishing, alternate operator eligibility: ***SB 5356, CH 195**
 Dungeness crab coastal fishery, recovery of gear: HB 1516
 Feeding wildlife, regulations and enforcement actions: HB 1885
 Fish and wildlife equipment revolving account: HB 1327, ***SSB 5268, CH 368**
 Fish passage improvement projects, incentives: HB 1163
 Fishing licenses, special low-priced license for senior veterans with a service-connected disability: HB 1748
 Fishing poles, licensee use of two if two-pole stamp purchased: HB 1993
 Geoduck diver licenses, limitations: HB 1921
 Governance of department: SB 5127
 Grazing on department lands, grazing privilege requirements: HB 1306
 Hydraulic project approval requirements, penalties for violations: HB 1178
 Hydraulic project approval, enforcing chapter 77.55 RCW when construction commences without: HB 1117
 Integrated climate change response strategy, department of ecology to coordinate with department and other agencies and other groups: E2SSB 5138
 Modernizing certain fish and wildlife provisions in title 77 RCW: HB 1778
 Natural heritage plants, department consideration of impact on plants of activities on department lands: HB 2134
 Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: HB 1730
 Pacific sardines commercial fishery, requiring purse seine fishery license or temporary annual fishery permit: HB 1326, SSB 5269
 Predatory wildlife damage, reimbursing commercial livestock owners for livestock injured or killed: HB 1354
 Removal of gravel from waterways to reduce impact of flooding, provisions: HB 2007
 Salmon fishing gear, department to adopt commercial gear rules to minimize lethality in the case of released fish: HB 2266
 Salmonid hatcheries closed or scheduled for closure, public-private partnerships for operation and management: HB 1951
 Signs, posting when department lands are closed to the public: HB 1118
 Spirit Lake, raffle-only limited recreational rainbow trout fishery in: HB 1838
 State wildlife account, funding to include proceeds from online keno game account: HB 2305
 Trapping, licensing and regulations: HB 1115
 Wildlife damage, compensation when crops damaged or livestock injured or killed by wildlife: HB 1626
 Wildlife viewing opportunities, department authority to provide web-based information regarding: HB 1972

FISHING, COMMERCIAL

Direct retail endorsement for commercial fishing, alternate operator eligibility: ***SB 5356, CH 195**
 Dungeness crab coastal fishery, recovery of gear: HB 1516
 Geoduck diver licenses, limitations: HB 1921
 Licenses, department of fish and wildlife process for accepting applications after deadline: HB 1995
 Modernizing certain fish and wildlife provisions in title 77 RCW: HB 1778
 Pacific sardines commercial fishery, requiring purse seine fishery license or temporary annual fishery permit: HB 1326, SSB 5269
 Salmon fishing gear, department of fish and wildlife to adopt gear rules to minimize lethality in the case of released fish: HB 2266

FISHING, RECREATIONAL (See also SALMON; STEELHEAD)

Fishing poles, licensee use of two if two-pole stamp purchased: HB 1993
 Licenses, special low-priced license for senior veterans with a service-connected disability: HB 1748
 Shellfish, biotoxin testing and monitoring surcharge: ***SB 6121, CH 577**

Spirit Lake, raffle-only limited recreational rainbow trout fishery in: HB 1838

FLOOD CONTROL

Countywide flood control zone districts, liability protection for: HB 1960
 Dredged riverbed materials from Mt. St. Helen's eruption, disposal: ***SB 6070, CH 426**
 Flood control districts, provisions: HB 1886
 Flood control districts, provisions for creation of districts that contain three or more counties: SSB 5704
 Flood control districts, removal of gravel from waterways to reduce impact of flooding: HB 2007
 Mt. St. Helen's eruption, disposal of dredged riverbed materials from: ***SB 6070, CH 426**
 Special purpose districts, flood control construction and maintenance contracts: HB 1153

FOOD AND FOOD PRODUCTS

Aplets and Cotlets, official state candy: HB 1024
 Expanded polystyrene food service products, prohibitions, violations, and penalties: HB 2089
 Food service programs for children, school breakfast and lunch and summer programs: HB 1416
 Food service rules, cold temperature exemption for older equipment: HB 1365
 Food services, exemptions from cold-holding temperature standards for older equipment: HB 1662
 Meat and poultry inspection program, establishment and requirements: HB 1613
 Milk products used for animal food consumption, standards and licensing: SSB 5678
 Petroleum-based beverage bottles, prohibitions: HB 1859
 Poultry slaughter and sale, special permits: ***SSB 5350, CH 114**
 Safe and healthful food, establishment of commission on: HB 2309
 Vending machines in places of employment, display of any receipts from vending machine paid to employer: HB 2203

FORENSIC INVESTIGATIONS COUNCIL

Membership increase to strengthen oversight of state crime laboratory: HB 1770
 Membership, city and county representation: HB 2084

FOREST LAND (See also FOREST PRACTICES AND PRODUCTS; TIMBER AND TIMBER INDUSTRIES)

Commercial forestry operations, act of owning forested land defined as forest practice: HB 1483, ***SB 5562, CH 200**
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 PV**
 Current use land classifications for property tax purposes, interest rate and penalty provisions: SSB 5424
 Department of natural resources authority to manage forest lands: SSB 5957
 Forest fire protection assessment rate structure and refunds, revisions: HB 2315
 Forest practices board to develop a single-tier riparian buffer rule for small acreage timber: HB 1725
 Fully contained communities, approval by county if land not designated forest land: HB 1456
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, ***SSB 5401, CH 246**
 Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118**
 Property tax current use valuation programs, provisions: HB 1733
 Property taxation, impact of removal of forest land designation in counties of a certain size: HB 1570
 Rural and resource lands study: HB 1797
 Single-tier riparian buffer rule for small acreage timber, forest practices board to develop: HB 1725
 Small forest landowners, alternate harvest restrictions to enable keeping land in active working forestry: HB 1665
 Small forest landowners, compensation when participating in forest riparian easement program: HB 1637
 State forest lands with harvest encumbrances, transfer: HB 1595
 State trust lands, contract harvesting: ***ESB 6166, CH 418 PV**

FOREST PRACTICES AND PRODUCTS (See also FOREST LAND; TIMBER AND TIMBER INDUSTRIES)

Christmas trees, harvesting: HB 1038
 Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349**
 Commercial forestry operations, act of owning forested land defined as forest practice: HB 1483, ***SB 5562, CH 200**
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 PV**
 Forest practices board to develop a single-tier riparian buffer rule for small acreage timber: HB 1725
 Greenhouse gas emissions reduction, forestry offset projects: E2SSB 5735
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, ***SSB 5401, CH 246**
 Huckleberries, regulations: HB 1038
 Log trucks, public utility tax on log transportation businesses: ***ESSB 6170, CH 469**
 Single-tier riparian buffer rule for small acreage timber, forest practices board to develop: HB 1725
 Small forest landowners, alternate harvest restrictions to enable keeping land in active working forestry: HB 1665
 Specialized forest products outreach and education account: HB 1038
 Specialized forest products, permitting process and theft protections: HB 1038
 State trust lands, contract harvesting: ***ESB 6166, CH 418 PV**

FOSTER CARE

Adoption support program, prospective adoptive parent to receive information describing limits of: ***ESSB 5811, CH 491**
 Citizen review boards, elimination of: ***HB 1375, CH 152**
 Federal fostering connections to success and increasing adoptions act of 2008, implementation: HB 1961
 Foster children and their participation in extracurricular activities: ***HR 4644**
 Foster family homes, placement of child returning to out-of-home care: ***SSB 5431, CH 482**
 Foster parent license, licensee to notify licensor before moving to new location: HB 1031, HB 1101, ***SB 5015, CH 206**
 Placement of child with a relative or other suitable person: ***ESSB 5811, CH 491**

FUELS (See also OIL AND GAS)

Alcohol fuel, tax incentives for production, distribution, sale, and use: HB 1743, HB 1804
 Alternative fuel, biodiesel fuel definition: HB 1010
 Aviation and marine fuel, unleaded gasoline to be made available for: HB 1903
 Biodiesel fuel and biodiesel feedstock, tax incentives for production, distribution, sale, and use: HB 1743, HB 1804
 Biodiesel fuel, definition: HB 1010
 Biofuels, tax exemptions for use of hog fuel to produce: HB 1633, ***ESSB 6170, CH 469**
 Bunker fuel, business and occupation taxation of manufacturing and selling for use outside United States waters by foreign commercial vessels:
 ***SB 6096, CH 494**
 Exported fuel, fuel tax exemptions and credits: HB 2277
 Home heating fuel, sales and use tax exemption: HB 1977
 Marine and aviation fuel, unleaded gasoline to be made available for: HB 1903
 Motor vehicle fuel, handling loss tax deduction eliminated: HB 1504
 Natural gas and manufactured gas, sales and use tax provisions: HB 1422
 Propane, sales and use tax exemption for nonhighway use by farmers: HB 2248, HB 2275, HB 2323
 Solid fuel burning devices, restrictions: HB 1691, ***SSB 5565, CH 282**
 Unleaded gasoline to be made available for marine and aviation use: HB 1903
 Wood biomass fuel, tax incentives for production, distribution, sale, and use: HB 1743, HB 1804

FUNERALS

Cemetery board and board of funeral directors and embalmers, consolidating as funeral and cemetery board: HB 2126

GAMBLING (See also LOTTERY)

Amusement games, gambling commission authority to determine locations: ***HB 1217, CH 78**
 Definition of gambling, changes: SB 6103
 Definition of gambling, clarifying for purpose of assisting in the regulation and control of gambling: HB 2355
 House-banked social card games, local government authority to limit within jurisdiction: HB 2162
 Problem gambling account, funding to include proceeds from online keno game account: HB 2305
 Raffles, city or town authority to conduct as bona fide nonprofit organization: ***HB 1273, CH 137**
 Raffles, increasing ticket prices: ***EHB 1053, CH 133**
 Underage gambling, penalties: HB 1040, ***SSB 5040, CH 357**

GAMBLING COMMISSION

Amusement games, commission authority to determine locations: ***HB 1217, CH 78 GAS COMPANIES**
 Customer interest protections in proceedings before utilities and transportation commission: ***SSB 5055, CH 24**
 Natural gas and manufactured gas, sales and use tax provisions: HB 1422
 Pipeline safety fees, date utilities and transportation commission sets fees: SSB 5451
 Pipeline safety fees, date utilities and transportation commission sets fees changed: HB 1388
 Public utility tax credit for gas companies to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Rates, discounts for low-income and low-income senior customers of gas and electric companies: ***SSB 5290, CH 32**
 Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: HB 1134
 Underground facilities, requirements for notification prior to excavation: HB 1996

GENERAL ADMINISTRATION, DEPARTMENT

Capitol campus design advisory committee, membership: HB 1016
 Cleaning in state facilities, reducing environmental impact: HB 1168
 Climate leadership, department to develop strategies for reducing greenhouse gas emissions and energy consumption by state government:
 ***E2SSB 5560, CH 519 PV**
 Energy efficiency and greenhouse gases in built environment, creating state portfolio manager master account and standardized report as part
 of strategic plan: HB 1747, ***E2SSB 5854, CH 423**
 Energy efficiency improvements to public facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Living wage requirement for state contracts with private contractors: HB 1716
 Procurement contracts, veteran-owned businesses: HB 1648
 Small businesses, access to state personal service contracting opportunities: HB 1095
 Small businesses, department to convene working group and develop procurement policies and procedures to support: ***SSB 5723, CH 486**
 Small businesses, participation in state purchasing: HB 1096
 State contracts, prohibiting work under state contracts from being performed outside the United States: HB 2154

GEOLOGY AND GEOLOGISTS

Soil and wetland science, advisory committee: HB 1881
 Soil and wetland scientists, certification: SSB 5698
 Soil and wetland scientists, licensing: HB 1881

GOVERNOR

Adult family home providers, collective bargaining relationship with governor: HB 2158
 Antiharassment policy and procedure, education ombudsman to work with superintendent of public instruction on model policy and procedure
 and an ongoing antiharassment work group: HB 2015
 Boards and commissions, elimination: HB 2151
 Budget documents to include listing of all new programs funded in previous two years: HB 1702
 Budget, capital 2009-2011: HB 1216

Budget, operating 2009-2011: HB 1244
 Budget, operating supplemental 2009: HB 1243
 Budget, transportation 2009-2011: HB 1314, ***ESSB 5352, CH 470 PV**
 Budget, transportation supplemental 2007-2009: HB 1313
 Child care center directors and workers, collective bargaining relationship with governor: HB 1329
 Clean energy leadership council to be appointed and convened by governor as part of clean energy leadership initiative: ***SSB 5921, CH 318**
 Committee on disability issues and employment: HB 1739
 Declaration of a state of emergency, insurance commissioner granted authority to issue an order addressing claims and related matters: ***EHB 1566, CH 335**
 Education advisory committee, governor to establish: HB 1762
 Education ombudsman's office, exemption from disclosure of certain conflict resolution process records: HB 2207
 Energy and climate change initiatives within state agencies, governor to designate an FTE position to provide accountability for: ***SSB 5921, CH 318**
 Governor's integrity and ethics award program: HB 1175
 Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: HB 1730
 Report on vision for technology development, to include statewide technology strategy: HB 1521
 Reports to legislature and governor, mandatory electronic filing: HB 1753
 Rules qualifying as significant legislative rules, governor's signature required: HB 1853
 Sustainable operating budgets, requirements: HB 2228
 Tax expenditure report required as part of biennial budget documents, governor to prepare: HB 2110

GROWTH MANAGEMENT

Counties, identifying specific facilities planning requirements: HB 1825
 Fully contained communities, approval by county if land not designated agricultural, forest, or mineral resource lands: HB 1456
 Greenhouse gas emissions reduction, land use and transportation requirements: HB 1490
 Growth management act compliance, department of community, trade, and economic development to report on: HB 1715
 Growth management act review and revision requirements, cities and counties to be allowed to defer review and revision for up to two years: HB 2006
 Growth management act review and revision requirements, qualifying cities and counties to be allowed to forgo one review and revision cycle: HB 2005
 Growth management appeals legal assistance account: HB 1629
 Hearings boards, administration and operations: HB 2338
 Hearings boards, fees for review requests: HB 1629
 Hearings boards, member substitution in certain cases: HB 1079
 Office of growth management hearings boards, creation: HB 2338
 Removal of potentially harmful trees and vegetation, prohibiting conditions or restrictions imposed under growth management act: HB 1828
 Signage on private property for public benefit, prohibiting local governments and state agencies from requiring: HB 1827

GUARDIANSHIP

Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688
 Public guardianship office, references to advisory committee: HB 1417, ***SB 5699, CH 117**
 Uniform adult guardianship and protective proceedings jurisdiction act: HB 1261

HAZARDOUS MATERIALS

Bisphenol A in products, prohibition and alternatives: HB 1180

HAZARDOUS WASTE

Cleanup and compliance at facilities with large releases of hazardous wastes, provisions: HB 2150
 Cleanup for waste sites, applicability of radioactive waste clean-up business and occupation tax classification to kinds of work performed at Hanford site: ***ESSB 6170, CH 469**
 Cleanup for waste sites, reduced business and occupation tax rate for cleanup at Hanford and other nuclear sites: HB 1321 Environmental cleanup opportunity grant program and account, higher education coordinating board to award conditional scholarships: HB 1594
 Mercury and mercury-added general purpose lights, provisions for sales, recycling, and disposal: HB 1799, HB 1809

HEALTH CARE (See also HEALTH CARE PROFESSIONS)

Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688
 Acupuncture profession, name of and titles within modified: HB 1390, SB 5320
 Acupuncture quality assurance commission, creation: HB 1398
 Advanced diagnostic imaging services, work group appointed by legislative leaders to identify best practice guidelines: HB 2105
 Advanced registered nurse practitioners, mental health care involving commitment: HB 1071
 AIDS program grants, consolidation of administrative services in department of health: HB 2360
 Autism spectrum disorders, insurance coverage: HB 1210
 Certificate of need program for health facilities and services, abolished: HB 1867
 Children, affordable nonsubsidized state coverage for children: HB 1237
 Children, developmental screenings through medicaid program: HB 1337
 Colon hydrotherapy, indirect supervision by naturopath of unlicensed practitioner performing procedure: HB 2004
 Community health care collaborative grant program, established: HB 1620, ***SSB 5360, CH 299 PV**
 Complementary and alternative health care practitioners, practice requirements: HB 1861
 Comprehensive health options, incentives, and consumer empowerment (CHOICE) act: HB 2174
 Consent for medical or dental care by a minor, conditions: HB 2073
 Contracts for health care with a health care provider, required provisions: HB 2213

Core benefit plans for state employees, health savings accounts in the form of: HB 1870
 Cosmetic medical services, modifying taxation of certain: HB 2221
 Cost information, all fees and charges for services and procedures to be disclosed by provider: HB 1869
 Critical access hospitals not subject to certificate of need review under some circumstances: EHB 1460, ***ESB 5423, CH 54**
 Developmental screenings for children, public medical assistance to include: 2SSB 5484
 Direct patient-provider primary care practices, payment arrangements: HB 1459, ***SSB 5436, CH 552 PV**
 Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: HB 1615
 Drug overdose, seeking treatment in good faith for self or other: HB 1796
 Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: HB 1165
 Durable medical equipment, tax exemptions when prescribed for home use: HB 1411, HB 1485
 Electronic registry of emergency contact persons, to be accessed by health care providers or law enforcement officers: HB 1278
 Emergency medical care and services, property tax limit for levies to fund: HB 1318
 Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as schedule III controlled substances: HB 1236
 Eye care, insurance plan enrollees to have direct access to medical eye care providers without prior referral: HB 1396
 Facilities construction and development, certificate of need program: HB 1777, ***SB 5673, CH 315**
 Facility initial medicare certification surveys, fee requirement: HB 2296
 Family and medical leave, provisions of family security act: HB 1609
 Financing, tax revenues and accounts to fund: HB 1892
 Genetic counselors, licensing: HB 1723, ***SSB 5608, CH 302 PV**
 Health care assistants, administration of medications and vaccines: HB 1414
 Health care facility employees, expanding the application of the prohibition on mandatory overtime: HB 1850
 Health care facility employees, limiting exceptions to prohibition on mandatory overtime: HB 1680
 Health care facility employees, meal and rest periods: HB 1642
 Health care trust account, funding for various health care programs to be appropriated from: HB 2377
 Health information technology, uniform national standard of interoperability compliance date: ***SJM 8003**
 Health maintenance organizations, maximum capital and reserves accumulations: HB 1858
 Health services account, elimination: HB 1453
 Holistic medicine, work group to study: HB 1032
 Hospice care agencies, certificate of need exemption when serving unique needs of religious groups or ethnic minorities: HB 1926
 Immunization of children, required documentation for exemption from: HB 1703
 Influenza vaccination pilot program, school-based: HB 1282
 Information, sharing to promote coordination of behavioral and medical care services: ***HB 2025, CH 398**
 Insurance, access for small employers and their employees: HB 1868
 Insurance, adult family home provider health benefits collective bargaining: HB 2158
 Insurance, association health plan premium rates: HB 1714
 Insurance, association health plan provisions: HB 1712
 Insurance, autism spectrum disorders: HB 1210
 Insurance, basic health plan modified to include economic recovery enrollees: HB 2117
 Insurance, basic health plan option for enrollees wishing to purchase individual health insurance: HB 2169
 Insurance, basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341
 Insurance, business and occupation tax credit for certain employers providing health care insurance for employees: HB 1872
 Insurance, carriers allowed to implement alternative methods of communicating information to enrollees: ***SB 5731, CH 304**
 Insurance, comprehensive health options, incentives, and consumer empowerment (CHOICE) act: HB 2174
 Insurance, coverage for surgical treatment of morbid obesity: SSB 6052
 Insurance, eligibility for Washington state health insurance pool: HB 1713, ***SSB 5777, CH 555**
 Insurance, enforcement of primacy of coverage when third-party liability exists regarding claims under plans administered by the state: HB 2330
 Insurance, enlisted Washington national guard members: HB 1125
 Insurance, enrollees to have direct access to medical eye care providers without prior referral: HB 1396
 Insurance, exemptions from filling out standard health questionnaire: HB 1401, ESSB 5406
 Insurance, guaranteed health benefit program created: HB 2121
 Insurance, guaranteed health benefits board created: HB 2121
 Insurance, health benefit plan coverage of neurodevelopmental therapies: HB 1412
 Insurance, health care authority to convene work group concerning health benefits for K-12 employees: 2SSB 5491
 Insurance, health care discount plan organizations: HB 2012, ***SSB 5480, CH 175**
 Insurance, health care insurance partnership timeline revisions: HB 2052
 Insurance, health savings accounts in the form of core benefit plans for state employees: HB 1870
 Insurance, issuers of medicare supplement insurance policies or certificates providing coverage: ***HB 1567, CH 161**
 Insurance, limited restrictions on an endorsing practitioner's authority to write a prescription to dispense only as written through state purchased health care plans: ***ESSB 5892, CH 575**
 Insurance, offering a separate health plan targeted at young adults: HB 1866
 Insurance, organ transplant coverage terms and conditions: ***SSB 5725, CH 487**
 Insurance, out-of-state health carrier certificate of authority requirements: HB 1871
 Insurance, pharmacy services coverage through open pharmacy networks: HB 1905
 Insurance, providing coverage not subject to RCW 48.43.045(1): HB 1865
 Insurance, reducing organ transplant benefit waiting periods based on prior creditable coverage: HB 1308
 Insurance, requirement for school districts and educational service districts to purchase coverage through health care authority: HB 2177
 Insurance, small employer discount for employee wellness programs: ***SSB 6019, CH 131**
 Insurance, streamlined and uniform administrative procedures for payors and providers of health care services: HB 1647, ***2SSB 5346, CH 298**
 Insurance, wellness incentives paid by health carrier: HB 2160

Language access services, persons with limited English proficiency: HB 1519
 Lead levels in blood, assessments for children younger than twenty-one years: HB 1345
 Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342
 Long-term care services, supporting autonomy and informal caregivers for the aging and persons with disabilities: HB 1330
 Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: HB 2046
 Medical pregnancy resource centers: HJM 4016
 Medically intensive home health care, rates: HB 1503
 Medications, occupational therapists authorized to purchase, store, and administer: HB 1041
 Methicillin-resistant staphylococcus aureus: HB 1123
 Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375 Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500
 Midwives, fees for licensure: HB 2168
 Minors in need of lifesaving medical treatment, department of social and health services to investigate refusal of treatment: HB 1759
 Mobility enhancing equipment, tax exemptions when prescribed: HB 1411, HB 1485
 Morbid obesity, insurance coverage for surgical treatment: SSB 6052
 National nurse, establishment of office of the: HJM 4018
 Neurodevelopmental therapies, health benefit plan coverage: HB 1412
 Newborn children, appropriate locations for transfer: ***SSB 5318, CH 290 PV**
 Nurses, meal and rest periods when employed by health care facilities: HB 1642
 Occupational diseases of firefighters, methicillin-resistant staphylococcus aureus and esophageal cancer considered to be in certain cases: HB 1932
 Organ transplant benefit waiting periods, reducing based on prior creditable coverage: HB 1308
 Organ transplant insurance coverage, terms and conditions: ***SSB 5725, CH 487**
 Personnel, health care provider right of conscience: HB 1687
 Pharmaceutical product stewardship programs: HB 1165
 Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493
 Primary care medical home reimbursement pilot projects, evaluation of by health care authority and department of social and health services: HB 2114, ***SSB 5891, CH 305**
 Professionals, reporting violent injuries: ***SSB 5056, CH 359**
 Programs, revisions to implement 2009-2011 state operating budget: HB 2364
 Provider billing statements, admissibility in certain proceedings: HB 1737
 Providers, credential surcharge: HB 2348
 Public employees' benefits board, employee eligibility for benefits: HB 2245
 Respite care for primary care providers of persons with developmental disabilities, eligibility: HB 1429, ***SB 5547, CH 312**
 School nurses, increasing number of: HB 1502
 Scoliosis screening in schools, eliminating: ***HB 1322, CH 41**
 Scoliosis screening in schools, eliminating requirements for: SB 5074
 Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: ***SSB 5501, CH 300**
 Service contractors, maximum capital and reserves accumulations: HB 1858
 Sexually transmitted diseases, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303**
 Special education programs, billing for medical services through: ***HB 1155, CH 73**
 Telemedicine, delivery of medical assistance program home health care services through: HB 1529
 Tobacco and tobacco products, prohibition of sales if retail establishment located on same premises as a health care clinic: HB 2257
 Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446 Unintended pregnancy, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303**
 Vaccines, universal vaccine purchase account created: HB 2342
 Volunteer health practitioners, registration requirements for volunteering during emergency declaration: HB 1400
 Washington health security trust, creation and replacement of health care authority by: HB 1892
 Youth sports, adoption of policies for the management of concussions and head injuries: ***EHB 1824, CH 475, ESSB 5763**

HEALTH CARE AUTHORITY

Abolished, to be replaced by Washington health security trust: HB 1892
 Adult family home providers, considered employees for collective bargaining purposes: HB 2158
 Advanced diagnostic imaging services, authority to implement for all state purchased health care programs the best practice guidelines identified by the legislative work group: HB 2105
 Basic health plan modified to include economic recovery enrollees: HB 2117
 Basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341
 Community health care collaborative grant program, established: HB 1620, ***SSB 5360, CH 299 PV**
 Core benefit plans, health savings accounts in the form of: HB 1870
 Domestic partners, state insurance benefits: ***EHB 1616, CH 523**
 Electronic signatures as part of benefit application process: ***HB 1270, CH 201**
 Eligibility for benefits, determination and periodic review of state employees concerning: HB 2245
 Guaranteed health benefit program, created under the management of the authority: HB 2121
 Health benefits for K-12 employees, convening work group concerning: 2SSB 5491
 Insurance, enforcement of primacy of coverage when third-party liability exists regarding claims under plans administered by the state: HB 2330
 Interpretation services, persons with limited English proficiency: HB 1519
 Office of the health care authority ombudsman to be established in office of the insurance commissioner: HB 1958
 Prescriptions, limited restrictions on an endorsing practitioner's authority to write a prescription to dispense only as written through state purchased health care plans: ***ESSB 5892, CH 575**

Primacy of insurance coverage, enforcement when third-party liability exists regarding claims under health plans administered by the state: HB 2330
 Primary care medical home reimbursement pilot projects, evaluation of by authority and department of social and health services: HB 2114, ***SSB 5891, CH 305**
 School district and educational service district employees' basic benefits to be determined and administered by health care authority: HB 1940
 School districts and educational service districts, requirement to purchase coverage through authority: HB 2177
 Secure exchange of health information, authority to designate lead organization(s) to coordinate development of system for: ***SSB 5501, CH 300**
 Washington state quality authority, eliminated: HB 2159, ***SB 6002, CH 488**

HEALTH CARE PROFESSIONS (See also COUNSELORS AND COUNSELING; HEALTH CARE)

Acupuncture profession, name of and titles within modified: HB 1390, SB 5320
 Acupuncture quality assurance commission, creation: HB 1398
 Advanced registered nurse practitioners, mental health care involving commitment: HB 1071
 Colon hydrotherapists, licensure and standards of competence and conduct: HB 1638
 Complementary and alternative health care practitioners, practice requirements: HB 1861
 Contracts for health care with a health care provider, required provisions: HB 2213
 Cost information, all fees and charges for services and procedures to be disclosed by provider: HB 1869
 Credentials, surcharge: HB 2348
 Direct patient-provider primary care practices, payment arrangements: HB 1459, ***SSB 5436, CH 552 PV**
 Disciplining of health professionals, various provisions: HB 1424
 Family medicine residency training grant program: HB 1047
 Genetic counselors, licensing: HB 1723, ***SSB 5608, CH 302 PV**
 Health care assistants, administration of medications and vaccines: HB 1414
 Health care facility employees, expanding the application of the prohibition on mandatory overtime: HB 1850
 Health care facility employees, limiting exceptions to prohibition on mandatory overtime: HB 1680
 Holistic physicians, work group to study: HB 1032
 Human trafficking course, all persons licensed to practice medicine required to take: ***E2SSB 5850, CH 492 PV**
 Impaired physician program, requirements for licensing surcharge funding: HB 1765
 Licensing information, office of financial management access to: HB 2079
 Long-term care worker training and background checks, changes to provisions: ***ESSB 6180, CH 580**
 Long-term care worker training and credentialing, changes to provisions: HB 2352
 Medical eye care providers, insurance plan enrollees to have direct access to providers without prior referral: HB 1396
 Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: HB 2046
 Mental health service providers, disclosure of information concerning services received by persons who have been committed: HB 1300
 Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375
 Midwives, fees for licensure: HB 2168
 Naturopathy, creation of Washington state board of: HB 2381
 Naturopathy, indirect supervision by naturopath of unlicensed practitioner performing colon hydrotherapy: HB 2004
 Nurses, meal and rest periods when employed by health care facilities: HB 1642
 Occupational therapists, authorized to purchase, store, and administer medications: HB 1041
 Osteopathic physicians and surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Pharmacy technicians to complete continuing education requirements established by board of pharmacy: HB 2064
 Physical therapists, conditions when performing spinal manipulation: HB 1918
 Physicians and surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Physicians, health care provider right of conscience: HB 1687
 Physicians, retired active license: HB 1899
 Prescription pads, tamper-resistant: ***HB 2014, CH 328, SSB 5826**
 Primary care physician conditional tuition waiver program: ESSB 5502
 Providers and payors of health care services, streamlined and uniform administrative procedures to be established: HB 1647, ***2SSB 5346, CH 298**
 Registered nurses, delegation of authority for various tasks to nurse by optometric physician: HB 1397
 Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: ***SSB 5501, CH 300**
 Speech-language pathology assistants, certification provisions: ***ESSB 5601, CH 301**
 Speech-language pathology assistants, licensing provisions: HB 1631
 Surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446
 University of Washington health sciences library, online access to by certain health care providers: HB 1611, ***SSB 5913, CH 558 PV**
 Violent injuries, health care professionals to report: ***SSB 5056, CH 359**
 Volunteer health practitioners, registration requirements for volunteering during emergency declaration: HB 1400

HEALTH DEPARTMENTS, LOCAL

Child mortality reviews to be conducted by local health departments and collected by department of health: HB 1303

HEALTH MAINTENANCE ORGANIZATIONS

Contracts for health care with a health care provider, required provisions: HB 2213
 Health care coverage, access for small employers and their employees: HB 1868
 Health care facilities construction and development, certificate of need program: ***SB 5673, CH 315**
 Health care, providing coverage not subject to RCW 48.43.045(1): HB 1865

Maximum capital and reserves accumulations: HB 1858

HEALTH, DEPARTMENT (See also HEALTH DEPARTMENTS, LOCAL)

Acupuncture profession, name of and titles within modified: HB 1390, SB 5320
 Acupuncture quality assurance commission, creation: HB 1398
 Advisory committee on genetic counseling, establishment: HB 1723
 AIDS program grants, consolidation of administrative services in department: HB 2360
 Birth and death certificates, surcharge for certified copies: HB 2348
 Birth certificates, disclosure of confidential information: HB 1510
 Body piercing and body art, sterilization requirements and standard universal precautions: HB 1085
 Child mortality reviews to be conducted by local health departments and collected by department of health: HB 1303
 Colon hydrotherapists, licensure and standards of competence and conduct: HB 1638
 Community health center funds to be transferred to reserve account and benefits account: HB 1892
 Counseling professions subject to authority of secretary of health under the uniform disciplinary act: HB 1514, *SSB 5369, CH 52
 Death and birth certificates, surcharge for certified copies: HB 2348
 Disciplining of health professionals, various provisions: HB 1424
 Genetic counselors, licensing: HB 1723, *SSB 5608, CH 302 PV
 Group B public water systems, waiver of some requirements by state board of health for systems with fewer than five connections: *SSB 6171, CH 495
 Health care assistants, administration of medications and vaccines: HB 1414
 Health care providers, surcharge for credentials: HB 2348
 Health professional licensing information, office of financial management access to: HB 2079
 Human remains, electronic approval of vital records by medical examiner, funeral director, and others: *HB 1515, CH 231, SB 5370
 Impaired physician program, requirements for licensing surcharge funding: HB 1765
 Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342
 Medicare initial certification surveys of health care facilities, fee requirement: HB 2296
 Medication management in jails, department to review annually medication practices of five jails: *SSB 5252, CH 411
 Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375 Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500
 Midwives, fees for licensure: HB 2168
 Neurodevelopmental therapies, department to identify and review therapies: HB 1412
 Osteopathic physicians and surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Pesticide poisoning and exposure, department flexibility in investigation of: *SSB 6171, CH 495
 Physician training, primary care physician conditional tuition waiver program: ESSB 5502
 Physicians and surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Programs under supervision of department, changes to provisions relating to certain programs: *SSB 6171, CH 495
 Public water systems, chlorine residual measurement requirements for certain group A water systems: *SSB 5199, CH 367 PV
 Public water systems, operator certification and responsibilities: HB 1283
 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, *SSB 5504, CH 456
 Shellfish, biotoxin testing and monitoring surcharge: *SB 6121, CH 577
 Small business employee wellness program to be administered by department: HB 2183
 Social worker, definition and degree requirements: HB 1357
 Speech-language pathology assistants, certification provisions: *ESSB 5601, CH 301
 Speech-language pathology assistants, licensing provisions: HB 1631
 Surgeons, pre-surgical methicillin-resistant staphylococcus aureus testing and related requirements and prohibitions: HB 2375
 Tattooing, body art, body piercing, comprehensive regulations: *SSB 5391, CH 412
 Vaccines, use of funds from universal vaccine purchase account to be determined by department: HB 2342
 Veterinary board of governors, administration and disciplining authority: HB 1176
 Volunteer health practitioners, registration requirements for volunteering during emergency declaration: HB 1400
 Washington state quality authority, eliminated: HB 2159, *SB 6002, CH 488

HEALTH, STATE BOARD

Food service rules, cold temperature exemption for older equipment: HB 1365
 Food services, exemptions from cold-holding temperature standards for older equipment: HB 1662
 Group B public water systems, waiver of some requirements by board for systems with fewer than five connections: *SSB 6171, CH 495
 Immunization of children, required documentation for exemption from: HB 1703
 School environmental health and safety rules, phasing-in period: HB 2070, SSB 5779
 Sewage systems, limitations on board authority to regulate: HB 1661

HEATING

Solar hot water components, sales and use tax exemption: HB 1188
 Solar water heater systems, requirements for new homes: HB 1187

HIGHER EDUCATION COORDINATING BOARD

Advisory committee on tuition policy, board to convene: HB 2118
 Border county higher education opportunity project, provisions revised: *HB 1474, CH 158
 College information web-based access portal for students, work group: HB 1130, *SSB 5043, CH 23
 Conditional scholarship programs to be subject to availability of appropriations: HB 2343
 Consumer report card for higher education, cooperative development: HB 1673
 Effectiveness and efficiency work group, higher education review and recommendations: HB 1674

Environmental cleanup opportunity grant program and account, board to award conditional scholarships: HB 1594
 Field of dreams program, board to administer GET units for program to provide access to postsecondary education for agricultural industry employees: HB 1428
 Financial aid, state need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098
 GET ready for college program and account, establishment: HB 2111
 Health sciences and services authorities, establishment by board: HB 1901
 High-cost critical college programs, identifying and managing competitive processes for awarding funds for: HB 1904
 Higher education employees, annuities and retirement accounts: HB 1545
 Initiative to develop a higher education system plan: HCR 4404
 State need grant award limits and institutional incentive grants for institutions placing students in high-demand occupations: HB 2098
 Training projects for improvement of medical services for adults with developmental disabilities, grant program: HB 1446
 Washington institute of aerospace technology and manufacturing studies, board to collaborate with other public and private entities concerning: HB 2318
 Work group for creating an online service for verifying higher education degrees and certificates: HB 1671
 Work-study opportunity fund for high-demand occupations, creation: HB 2021
 Work-study program, state: ***SSB 5044, CH 172**

HISTORIC PRESERVATION (See also ARCHAEOLOGY AND HISTORIC PRESERVATION, DEPARTMENT)

Maritime historic vessel restoration and preservation program: HB 2379

HISTORICAL SOCIETIES

State historical society, grant program and proposal solicitation for maritime historic vessel restoration and preservation program to be established by: HB 2379

HOLIDAYS AND OBSERVANCES

Official state Christmas tree, tree placed in capitol rotunda to be designated: HB 1301

HOMELESS PERSONS

Affordable housing for all program: HB 1173 Church property, housing homeless persons on: HB 1956
 Homelessness, additional county document recording surcharge to fund certain affordable housing and homeless purposes: HB 2166
 Housing homeless persons on church property: HB 1956
 Housing, focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219
 Services for the homeless, document recording fee charged by county auditor for: ***HB 2331, CH 462**
 Task forces for affordable housing and ending homelessness: HB 1173
 Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488

HOMEOWNERS' ASSOCIATIONS

Real estate disclosure requirements regarding homeowners' associations: ***SSB 6000, CH 130**
 Solar energy panels, regulating use by association members: ***SSB 5136, CH 51**

HORSES AND HORSE RACING

Washington bred owners' bonus fund and breeder awards account: HB 1315, ***SB 5125, CH 87**

HOSPICE CARE

Agencies, certificate of need exemption when serving unique needs of religious groups or ethnic minorities: HB 1926

HOSPITALS

Audits and surveys, prior notice: HB 1021
 Certificate of need program for health facilities and services, abolished: HB 1867
 Critical access hospitals not subject to certificate of need review under some circumstances: EHB 1460, ***ESB 5423, CH 54**
 Disproportionate share hospital adjustments by department of social and health services, appropriation of funds for: ***HB 2349, CH 538**
 Employees, limiting exceptions to prohibition on mandatory overtime for nurses and certain other employees: HB 1680
 Health care facilities construction and development, certificate of need program: HB 1777, ***SB 5673, CH 315**
 Health care facility employees, expanding the application of the prohibition on mandatory overtime: HB 1850
 Health care facility employees, meal and rest periods: HB 1642
 Hospital benefit zones, funds and improvements: HB 1449
 Medicare initial certification surveys of health care facilities, fee requirement: HB 2296
 Methicillin-resistant staphylococcus aureus: HB 1123
 Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375 Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500
 Nurses, meal and rest periods: HB 1642
 Physicians and personnel, health care provider right of conscience: HB 1687
 Provider billing statements, admissibility in certain proceedings: HB 1737
 Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481**
 Real or personal property leased to a public hospital, property tax exemption: HB 1882 Violent injuries, reporting: ***SSB 5056, CH 359**

HOUSE RESOLUTIONS

4-H youth development program: ***HR 4615**
 Achievers scholarship program, Washington state: ***HR 4631**
 Aguilar, Ernest: ***HR 4635**

Apple Blossom Festival: *HR 4649
 Arts education, importance of: *HR 4640
 Autism, individuals with: *HR 4627
 Black history month: *HR 4622
 Catholic schools week: *HR 4609
 Child's play charity: *HR 4620
 Childhaven: *HR 4616
 Children's Day, celebrating: *HR 4604
 Civic Education Day: *HR 4611
 Classified school employees: *HR 4642
 DeLisle, Arthur: *HR 4612
 Dennis Schatz: *HR 4646
 Des Moines, fiftieth birthday: *HR 4619
 Dr. Martin Luther King Jr., remembering his dream: *HR 4603
 Equal suffrage amendment, centennial of submission to the people of Washington: *HR 4618
 Foster children and their participation in extracurricular activities: *HR 4644
 Girls and women in sports: *HR 4613
 Hoefner, Kenneth "Kenny": *HR 4648
 House interim business: *HR 4653
 House organized, notification of senate: *HR 4601
 House rules, amending: *HR 4621
 House rules, permanent: *HR 4608
 House rules, temporary: *HR 4600
 Independent living for persons with disabilities: *HR 4633
 Japanese-American internees and WWII veterans from Washington state, recognizing: *HR 4617
 Kids in Action: *HR 4652
 McIntyre, Dr. Jerilyn: *HR 4606
 Military children: *HR 4651
 Miss Washington 2008: *HR 4626
 Mount Baker community and Mount Baker Martin Luther King, Jr. scholarship program: *HR 4607
 Navy Day: *HR 4630
 Olson, Logan: *HR 4639
 Olympia, 150th birthday: *HR 4610
 PEAK leadership program participants: *HR 4637
 Presidents' Day: *HR 4614
 Red hat day: *HR 4641
 Scholar-athletes: *HR 4647
 Seattle children's home: *HR 4624
 Seattle Post-Intelligencer: *HR 4638
 Skagit Valley tulip festival: *HR 4632
 Skinner, Mary: *HR 4605
 Teacher of the year, Washington state: *HR 4634
 The Evergreen State College men's basketball team: *HR 4645
 Vandeman, Dr. Philip: *HR 4643
 Veterans, preferred employment opportunities for: *HR 4650
 Washington national guard, recognition: *HR 4602
 Wilkeson, 100th birthday: *HR 4636

HOUSING (See also MANUFACTURED HOUSING; MOBILE HOMES; REAL ESTATE AND REAL PROPERTY; RENT)

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138
 Affordable housing entities, joint self-insurance programs covering property or liability risks: *SSB 5665, CH 314
 Affordable housing for all program: HB 1173
 Affordable housing near military bases, sales and use tax to fund through military improvement zone pilot program: HB 1756
 Affordable housing, additional county document recording surcharge to fund certain affordable housing and homeless purposes: HB 2166
 Affordable housing, county authorization to fund through surcharge: HB 1934
 Affordable, sales and use tax refund for materials and services related to construction: HB 1141
 Church property, housing homeless persons on: HB 1956
 Construction defects, warranty of habitability: HB 1045
 Consumer loan act, exemption from requirements for nonprofit housing organizations and for loans and persons making loans in certain cases:
 *SSB 5468, CH 311
 Dependency proceedings, housing assistance for the child: HB 1769
 Employer-assisted housing program, business and occupation tax credits for participating employers: HB 1696
 First-time home buyers, property tax exemption: HB 2090
 Focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219
 Homeless persons, housing on church property: HB 1956
 Homelessness, focus group to examine the need for housing for individuals at a high risk of being homeless: SSB 5219 Homeowner's bill of rights: HB 1045
 Homeowners' associations, real estate disclosure requirements regarding: *SSB 6000, CH 130
 Housing authorities, annual reporting of housing program revenue use to department of community, trade, and economic development: HB 2247
 Housing everyone financing tool program, creation: HB 1973

Independent youth housing program, provisions: ***HB 1492, CH 148**
 Local government crime-free rental housing programs: HB 1299, ESSB 5742
 Low-income households, sustainable residential weatherization: HB 1060
 Low-income housing development, affordable housing incentive programs: ***EHB 1464, CH 80**
 Low-income housing, state funding process: HB 2018
 Low-income senior citizen housing, exemptions: ***SB 5470, CH 483**
 Low-income, funding from special county arts, regional center, low-income housing, and community development fund: HB 2252
 New home construction sales tax, reduction to increase economic activity: HB 2057
 Nonprofit housing organizations, exemption from consumer loan act: ***SSB 5468, CH 311**
 Office of consumer education for home construction, created in office of attorney general and duties: E2SSB 5895
 Organizations receiving affordable housing funding required to pay employees and contractors according to housing self-sufficiency income standards: HB 1963
 Prevent or reduce owner-occupied foreclosure program: ***ESB 6033, CH 386 PV**
 Publicly funded housing, energy audits and retrofits: ***E2SSB 5649, CH 379 PV**
 Rental, limitations on inspections: HB 1296
 Residential housing, improving home construction through consumer education, warranties, and contractor and worker requirements: HB 1393
 Residential real property construction, improving through multiple strategies: E2SSB 5895
 Residential real property homeowner and construction professional early resolution mediation program: E2SSB 5895
 Self-sufficiency income standards, department of community, trade, and economic development to establish and maintain: HB 1963
 Seller's disclosure statement, questions about wood burning appliances added: HB 1577
 Sex offender safe housing study: HB 1143
 Solar water heater systems, requirements for new homes: HB 1187
 Special needs housing, financing loans or grant projects through the housing trust fund: HB 1250
 Sustainable residential weatherization, low-income households: HB 1060
 Task forces for affordable housing and ending homelessness: HB 1173
 Vacant homes, real estate excise tax exemptions to encourage sales to low-income buyers: HB 1495
 Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488
 Weatherization, expansion of low-income programs: ***E2SSB 5649, CH 379 PV**

HOUSING FINANCE COMMISSION

Debt limit of commission, increase: HB 1384, ***SB 5452, CH 291**
 Employer-assisted housing program, business and occupation tax credits for participating employers: HB 1696
 Prevent or reduce owner-occupied foreclosure program, commission to implement and administer with department of financial institutions: ***ESB 6033, CH 386 PV**

HUMAN REMAINS

Autopsy of a child under three years of age, authorized locations: HB 2084
 Cemetery board and board of funeral directors and embalmers, consolidating as funeral and cemetery board: HB 2126
 Discovery, determination of Indian origin and disposition: HB 1090
 Electronic approval of vital records by medical examiner, funeral director, and others: ***HB 1515, CH 231, SB 5370**

HUMAN RIGHTS COMMISSION

Lawful source of income, discrimination on basis of: HB 1766

HUNTING

Alien firearm license, exception for a nonimmigrant alien hunting with a Washington-licensed hunter: SB 5193
 Hunting season, visible clothing requirements in mixed-use areas during: HB 1116
 Licenses, requirements for members of military: ***SB 5008, CH 269**
 Trapping, licensing and regulations: HB 1115
 Youth hunting, requirements for hunters under age of fourteen: HB 1114

HYDRAULIC PERMITS AND PROJECTS

Project approval requirement, enforcing chapter 77.55 RCW when violated: HB 1117
 Project approval requirements, penalties for violations: HB 1178

IDENTIFICATION

Animals, voluntary participation in a state or national animal identification system: HB 2086
 Drivers' licenses, verification that applicant's presence in United States is lawful: HB 1026
 Identicards, verification that applicant's presence in United States is lawful: HB 1026
 Identification devices, labeling requirements: HB 1006
 Identification devices, limits on scanning: HB 1011
 Identity verification, law enforcement access to driver's license photographs: HB 1224, ***ESSB 5262, CH 366**
 Radio frequency identification technology, monitoring of sex offenders: HB 1142
 Radio frequency identification technology, privacy standards for state agencies: HB 1044

IMPACT FEES

Fire protection facilities authorized to use fees: HB 1080
 School facilities, extension of time limit for fee use: HB 1975, ***SB 5580, CH 263**

INDETERMINATE SENTENCE REVIEW BOARD

Hearings, right of victims or their survivors and witnesses to present a statement before parole or community custody release: ***HB 1281, CH 138**

INDIANS

American Indian endowed scholarship program, matching fund requirement eliminated: ***SSB 5001, CH 259**
 Child welfare services, remediating racial disproportionality in: HB 2164
 Component cities and towns within Indian reservations, supplemental income exemption: HB 1864
 Ferries, tribal government involvement in naming process: HB 1447, SSB 5440
 Human remains, determination of Indian origin and disposition: HB 1090
 Public facilities, definition modified in the case of federally recognized tribes: HB 1450
 Racial disproportionality advisory committee, recommendations concerning child welfare system: ***SSB 5882, CH 213**
 State highways within reservation boundaries, tribal authority for setting maximum speed limits: ***HB 1448, CH 383**
 Tax exemptions for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999
 Tribal property, conditions for exemption from property tax: HB 1526 Tribal schools, allocation of education moneys: HB 1890
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494

INFORMATION SERVICES, DEPARTMENT

High-speed internet work group renamed advisory council on digital inclusion and reconvened by department: HB 2170, E2SSB 5916
 High-speed internet work group to be reconvened by department: HB 2171
 High-speed internet, department authority for overseeing broadband adoption and deployment efforts in the state: HB 2170, E2SSB 5916
 High-speed internet, department implementation of deployment and adoption strategy on behalf of the state: HB 1699, HB 1701
 High-speed internet, department to assess and map broadband and related services in state: HB 2171
 High-speed internet, department to conduct inventory of publicly owned infrastructure: HB 1700
 Information services board to develop procurement policies and procedures to support small businesses: ***SSB 5723, CH 486**
 Information services board, developing privacy standards for radio frequency identification: HB 1044
 Interoperability executive committee, changing membership: HB 1496
 Radio frequency identification technology, privacy standards: HB 1044

INITIATIVE AND REFERENDUM

Absentee ballot envelopes, requirements: HB 1880
 Absentee ballots, counting: HB 1623
 Advertising, identification of sponsor: HB 1787
 Annexation ordinances subject to referendum, provisions: HB 2074
 Ballots, prepaid postage requirement for primary and general election voting by mail: HB 2112
 Ballots, titles to indicate property tax levy's financial impact: HB 1057
 Bond issuance to create jobs by funding construction of safety, health, and energy efficiency improvements to public facilities, submission to people as referendum: HB 2334
 Initiative 1029, delaying implementation: HB 2373,
 HB 2376 Legislators, "normal and regular conduct" applied to discussion of ballot propositions by: HB 2322
 Manual recounts, counting original ballots only: HB 1917
 Sales tax, revenues from temporary increase to be deposited in health care trust account and used for working families' tax rebate if increase approved by voters: HB 2377
 Special elections, dates they may be held modified: HB 1018
 Voting, adopting all mail voting: HB 1572

INSURANCE

Health care, enforcement of primacy of coverage when third-party liability exists regarding claims under plans administered by the state: HB 2330
 Adjusters, revised regulations: ***EHB 1568, CH 162**
 Affordable housing entities, joint self-insurance programs covering property or liability risks: ***SSB 5665, CH 314**
 Annuities, sales by insurers subject to suitability provisions: ***ESSB 5671, CH 18**
 Annuities, sales by producers and insurers subject to suitability provisions: HB 1563
 Autism spectrum disorders: HB 1210
 Automobile, usage-based rating factors for motor vehicle insurance: SSB 5708
 Business continuity plans, domestic insurers required to create plans for local, state, or national emergencies: HB 1565
 Companies, actions against violators to recover damages: HB 1707, SSB 5893
 Contracts for health care with a health care provider, required provisions: HB 2213
 Core benefit plans for state employees, health savings accounts in the form of: HB 1870
 Declaration of a state of emergency by governor, insurance commissioner granted authority to issue an order addressing claims and related matters: ***EHB 1566, CH 335**
 Dental, alternatives to mercury amalgam to be provided: HB 1860
 Disclosure of information concerning mental health services received by persons who have been committed: HB 1300
 Domestic partners, state insurance benefits: ***EHB 1616, CH 523**
 Eye care, enrollees to have direct access to medical eye care providers without prior referral: HB 1396
 Family leave insurance program, delaying implementation: HB 2353, ***ESB 6158, CH 544**
 Family leave insurance program, elimination: HB 1160
 Flooding, insurer disclosure that policy does not cover flood damage: HB 1564, ***SSB 5417, CH 14**
 Guaranteed asset protection waiver account, created: ***EHB 1530, CH 334**
 Guaranteed asset protection waivers, provisions: ***EHB 1530, CH 334**
 Health care discount plan organizations: HB 2012, ***SSB 5480, CH 175**
 Health care insurance partnership timeline revisions: HB 2052

Health care, access for small employers and their employees: HB 1868
 Health care, adult family home provider health benefits collective bargaining: HB 2158
 Health care, association health plan premium rates: HB 1714
 Health care, association health plan provisions: HB 1712
 Health care, autism spectrum disorders: HB 1210
 Health care, basic health plan modified to include economic recovery enrollees: HB 2117
 Health care, basic health plan option for enrollees wishing to purchase individual health insurance: HB 2169
 Health care, basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341
 Health care, business and occupation tax credit for certain employers providing health care insurance for employees: HB 1872
 Health care, carriers allowed to implement alternative methods of communicating information to enrollees: ***SB 5731, CH 304**
 Health care, commissioner to study language issues affecting purchasers of health insurance: HB 1519
 Health care, community health care collaborative grant program established: HB 1620, ***SSB 5360, CH 299 PV**
 Health care, comprehensive health options, incentives, and consumer empowerment (CHOICE) act: HB 2174
 Health care, coverage for surgical treatment of morbid obesity: SSB 6052
 Health care, direct patient-provider primary care payment arrangements: ***SSB 5436, CH 552 PV**
 Health care, enlisted Washington national guard members: HB 1125
 Health care, enrollees to have direct access to medical eye care providers without prior referral: HB 1396
 Health care, exemptions from filling out standard health questionnaire: HB 1401, ESSB 5406
 Health care, guaranteed health benefit program created: HB 2121
 Health care, guaranteed health benefits board created: HB 2121
 Health care, health care authority to convene work group concerning health benefits for K-12 employees: 2SSB 5491
 Health care, health plan benefit coverage of neurodevelopmental therapies: HB 1412
 Health care, health savings accounts in the form of core benefit plans for state employees: HB 1870
 Health care, issuers of medicare supplement insurance policies or certificates providing coverage: ***HB 1567, CH 161**
 Health care, LEOFF plan 2 member access to catastrophic disability medical insurance: EHB 1679
 Health care, limited restrictions on an endorsing practitioner's authority to write a prescription to dispense only as written through state purchased health care plans: ***ESSB 5892, CH 575**
 Health care, maximum capital and reserves accumulations for service contractors and health maintenance organizations: HB 1858
 Health care, offering a separate health plan targeted at young adults: HB 1866
 Health care, organ transplant coverage terms and conditions: ***SSB 5725, CH 487**
 Health care, out-of-state health carrier certificate of authority requirements: HB 1871
 Health care, pharmacy services coverage through open pharmacy networks: HB 1905
 Health care, providing coverage not subject to RCW 48.43.045(1): HB 1865
 Health care, reducing organ transplant benefit waiting periods based on prior creditable coverage: HB 1308
 Health care, requirement for school districts and educational service districts to purchase coverage through health care authority: HB 2177
 Health care, small employer discount for employee wellness programs: ***SSB 6019, CH 131**
 Health care, streamlined and uniform administrative procedures for payors and providers of health care services: HB 1647, ***2SSB 5346, CH 298**
 Health care, wellness incentives paid by health carrier: HB 2160
 Higher education students, insurance requirements when studying or researching abroad: HB 2001, ***ESB 5925, CH 297**
 Language access services, persons with limited English proficiency: HB 1519
 Life insurance, noninsurance benefits included in policies: HB 1202 Life settlement contracts, life settlements model act: ***SSB 5195, CH 104**
 Local government, public records claims liability and defense costs for self-insurance programs: HB 1107
 Morbid obesity, health care coverage for surgical treatment: SSB 6052
 Neurodevelopmental therapies, health benefit plan coverage: HB 1412
 OASI revolving fund, expenditures from fund for costs of program administration authorized: ***HB 2206, CH 171**
 Organ transplant benefit waiting periods, reducing based on prior creditable coverage: HB 1308
 Organ transplant insurance coverage, terms and conditions: ***SSB 5725, CH 487**
 Primacy of coverage, enforcement when third-party liability exists regarding claims under health plans administered by the state: HB 2330
 Producers, revised regulations: ***EHB 1568, CH 162**
 Public employees' benefits board, employee eligibility for benefits: HB 2245
 Rental car companies, rental agreements and vehicle license cost recovery fees: HB 1779, ***SSB 5509, CH 346**
 Residential property, underwriting actions: HB 1670
 School district and educational service district employees' basic benefits to be determined and administered by health care authority: HB 1940
 Self-insurance programs, costs of public records claims liability and defense: HB 1107
 Self-service storage specialty producers, issuance of insurance to occupants by licensed producers: HB 2013
 State retirement system, participation in insurance plans and contracts by separated members of certain plan 2 retirement systems: HB 1601
 Surplus line brokers, revised regulations: ***EHB 1568, CH 162**
 Title insurance agents, revised regulations: ***EHB 1568, CH 162**
 Various provisions: ***HB 1567, CH 161**
 Viatical settlements, life settlements model act: ***SSB 5195, CH 104**
 Washington state health insurance pool, eligibility for: HB 1713, ***SSB 5777, CH 555**

INSURANCE COMMISSIONER

Declaration of a state of emergency by governor, commissioner granted authority to issue an order addressing claims and related matters: ***EHB 1566, CH 335**
 Insurance company actions against violators to recover damages: SSB 5893
 Insurance company actions against violators to recover damages, reporting to commissioner: HB 1707
 Office of the health care authority ombudsman to be established in commissioner's office: HB 1958
 Self-service storage specialty producers, licensing requirements for producers who wish to sell insurance to occupants: HB 2013

INTERNET

Broadband technologies, creation of broadband adoption and deployment authority and council on digital inclusion: HB 1698
 Commercial web sites, privacy policies regarding personally identifiable information: HB 1005
 Digital forensic crime lab, work group to evaluate need: HB 1248, ***SB 5184, CH 27**
 High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts in the state: HB 2170, E2SSB 5916
 High-speed internet, department of information services implementation of deployment and adoption strategy on behalf of the state: HB 1699, HB 1701
 High-speed internet, department of information services to assess and map broadband and related services in state: HB 2171
 High-speed internet, inventory of publicly owned infrastructure: HB 1700
 Higher education technology transformation task force to be convened by K-20 educational network board: HB 1946
 Online learning, development, approval, implementation, and administration of alternative learning experience online courses and programs for students: ***SSB 5410, CH 542**
 Sex offenders, internet access prohibited for certain offenders on community custody: HB 1072
 Sexually explicit material, restricting access of children to: HB 2286
 Solicitations posted by an incarcerated felon, notice of felon's incarcerated status to be posted with: HB 2063
 Student college information web-based access portal, work group: HB 1130, ***SSB 5043, CH 23**
 Tobacco products, sale by mail order or internet: HB 1249, ***SSB 5340, CH 278**
 University of Washington health sciences library, online access to by certain health care providers: HB 1611, ***SSB 5913, CH 558 PV**
 Viewing minors engaged in sexually explicit conduct on the internet, penalties: HB 1247
 Voice over protocol and protocol-enabled services, limits on governmental regulation: HB 1585
 Voting over the internet for service voters and overseas voters: HB 1624

IRRIGATION

Districts, administration: ***SSB 5839, CH 145**

IRRIGATION DISTRICTS

Administration: ***SSB 5839, CH 145**

JAILS

Booking photographs and electronic images to be open to public: HB 2115
 Correctional facility inmates prohibited from inspecting or copying nonexempt public records: HB 2259
 Corrections officers and sergeants, mandatory overtime limits for corrections officers and sergeants employed by city or county jail: HB 1800
 Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259
 Developmental disabilities, identifying and accommodating offenders with: HB 2078
 Medical care for arrestees, financial responsibility: HB 1780
 Medical care for incarcerated persons: HB 2284
 Medication management in jails, conditions for the provision of: ***SSB 5252, CH 411**
 Medication management in jails, jail medication management work group to develop a model policy: ***SSB 5252, CH 411**
 Release dates for offenders, department approval of jail certification from a correctional agency calculating earned release time: ***HB 1789, CH 399**

JOINT MEMORIALS

AgJOBS legislation, requesting that the United States Congress enact: HJM 4017
 Air transportation system, implementation of NextGen capabilities to modernize and improve: HJM 4019
 Bob Oke bridge: HJM 4011
 California's motor vehicle emissions standards, supporting: HJM 4015
 Columbia Basin project, funds for phase II: HJM 4012
 County health care costs, federal act to restore payment of: ***HJM 4000**
 Discrimination against women, adoption of an anti-discrimination treaty: HJM 4013, ***SJM 8012**
 Ecumenical Patriarchate, petitioning government of Turkey to respect human and property rights of: HJM 4003
 Endangered species act, federal and state cooperation: ***SJM 8001**
 Health information technology, uniform national standard of interoperability compliance date: ***SJM 8003**
 Inflation of unbacked paper money, unprecedented losses due to: HJM 4010
 Medical pregnancy resource centers: HJM 4016
 Medicare 24-month waiting period, elimination for participants in social security disability insurance: ***SJM 8013**
 National nurse, establishment of office of the: HJM 4018
 Nisei veterans, postage stamp: ***HJM 4005**
 No child left behind act, reauthorization to include health and fitness: HJM 4002
 Older adults, recognition and celebration of: HJM 4001
 Pledge of Allegiance: HJM 4006
 Puget Sound Energy/Puget Holdings merger proposal, urging utilities and transportation commission to rehear: HJM 4007
 Special transportation needs, services for those who have: HJM 4008
 State route 110, renaming a portion as the "Operations Desert Shield and Desert Storm Memorial Highway": HJM 4004
 State route 502, naming a portion as the "Lewisville Highway": ***SJM 8006**
 State route 503, to be named "Battle Ground Highway": ***SJM 8006**
 State sovereignty under tenth amendment: HJM 4009
 Trucking industry, requesting the passage of legislation to stabilize: ***HJM 4014**

JOINT OPERATING AGENCIES

Checks, policies and procedures for issuance as payment of claims or other obligations: EHB 1728, ***SSB 5267, CH 173**

JOINT RESOLUTIONS

Budget stabilization account, transfer of extraordinary revenue growth to: HJR 4209,
 SJR 8209 Constitutional amendments, notice method and contents: HJR 4212
 Current use valuation for property taxes for land with mobile homes or similar structures: HJR 4201
 Emergency clauses, requiring a sixty percent vote for: HJR 4205
 Expenditure limits, state constitutional amendment to include: HJR 4207
 Marriage, only between a man and a woman: HJR 4204
 Real property, assessed value: HJR 4200
 Secret ballots, constitutional amendment guaranteeing: HJR 4211
 Supreme court, requirement that all practice of law and administration of justice regulatory and related functions reside with: HJR 4210
 Tax increases, restrictions: HJR 4208
 Value averaging in taxation of property: HJR 4206
 Voting age, certain seventeen year olds allowed to vote: HJR 4202

JUDGES (See also JUDICIAL CONDUCT COMMISSION)

District court, increase in number of judges for Benton county: HB 1204, ***SB 5102, CH 86**

JUDGMENTS

Uniform foreign-country money judgments recognition act: ***SB 5153, CH 363**

JUDICIAL CONDUCT COMMISSION

Membership, numbers and terms: SSB 5115

JURIES

Declarations, electronic juror signatures: ***HB 1158, CH 330**
 Jurors, electronic signatures for declarations: ***HB 1158, CH 330**

JUVENILE COURT AND JUVENILE OFFENDERS

Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688
 Adolescents at risk or in crisis, residential and other services: HB 2137
 Case records, center for court research and office of public defense access: ***HB 1238, CH 440**
 Dependency proceedings, guardian ad litem background information records and procedures for appointment: ***SSB 5285, CH 480**
 Dependency proceedings, housing assistance for the child: HB 1769
 Dependency proceedings, legal representation of children: HB 1183
 Dependency proceedings, notices of custody and out-of-home care placement to encourage parental engagement in process: HB 1782
 Dependency proceedings, notifying parent or parents of child placement options after entry of dispositional order: ***SSB 5510, CH 484**
 Dependency proceedings, parenting plans and residential schedules: HB 1239
 Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: HB 2092
 Dependency proceedings, searches for relatives of children requiring out-of-home placement: HB 2085
 Dependency summons, petitioner to give notice: HB 1003
 Diversions for offenses in juvenile court, option in certain cases: HB 2215
 DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382
 Family participation in juvenile offender programs, pilot program to increase: SSB 5141
 Foster care citizen review boards, elimination of: ***HB 1375, CH 152**
 Foster care placement, placement of child with a relative or other suitable person: ***ESSB 5811, CH 491**
 Gambling when underage, juvenile court jurisdiction: ***SSB 5040, CH 357**
 Guardians ad litem, background information records and procedures for appointment: ***SSB 5285, CH 480**
 Juvenile detention employees to be considered uniformed personnel for interest arbitration: HB 1801
 Juvenile offender basic training camp program, elimination: HB 2345
 Juvenile, definition: HB 1258
 Juveniles, transfer to adult court: HB 1260
 Life imprisonment without possibility of release or parole, ending sentence for certain juvenile offenders: HB 1507, HB 2023
 Newborn children, appropriate locations for transfer: ***SSB 5318, CH 290 PV**
 Notifying parent, guardian, or custodian when taken into law enforcement custody: HB 1054
 Offender score, limiting use of juvenile prior offenses in: HB 1593
 Records of vacated deferred dispositions to be automatically sealed upon juvenile's eighteenth birthday: HB 1954
 Registration, juvenile sex or kidnapping offender relief of duty to register: HB 1259
 Registration, state patrol annual notification of juvenile sex or kidnapping offenders of ability to petition for relief from registration: ***SSB 5326, CH 210**
 Sentence for treatment program, department of social and health services to maintain a medium security youth camp for: HB 2234
 Sentencing juveniles as adults, mitigating circumstances: HB 1501
 Sentencing provisions, standard ranges including community supervision, electronic monitoring, and commitment to the juvenile rehabilitation administration: ***ESSB 5746, CH 454**
 Sexually exploited juveniles, diversion of juvenile offenders authorized in certain circumstances: HB 1505
 Vulnerable persons discharged from state institutions, plans for eliminating discharge into homelessness: HB 1488

LABOR

Adult family home providers, considered employees for collective bargaining purposes: HB 2158
 AgJOBS legislation, requesting that the United States Congress enact: HJM 4017
 Apprentices, labor hour requirements for public works projects by four-year higher education institutions: ***ESSB 5873, CH 197**
 Child care center directors and workers, collective bargaining over state support for centers: HB 1329

Community agricultural worker safety program: HB 2032
 Community and technical college academic employees, modifying collective bargaining law to allow additional compensation: HB 1340
 Community college boards of trustees, required appointment of at least one member from labor: HB 1941
 Corrections officers and sergeants, mandatory overtime limits when employed by city or county jail: HB 1800
 Employee termination for actions opposing employer violations of public policy, cause of action separate from wrongful discharge created: HB 2186
 Employer communications about political or religious matters, prohibitions, violations, and penalties: HB 1528
 Exempt state employees, protecting collective bargaining rights in certain cases: HB 2267
 Family and medical leave, provisions of family security act: HB 1609
 Family leave insurance program, delaying implementation: HB 2353, ***ESB 6158, CH 544**
 Family leave insurance program, elimination: HB 1160
 Farm labor contractors, licensing and related provisions: HB 1814
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Foreign workers, disclosure statement from employers and international labor recruitment agencies to be given to: ***E2SSB 5850, CH 492 PV**
 Health care facility employees, meal and rest periods: HB 1642
 Higher education institution employees, collective bargaining provisions: HB 1560
 Lawful source of income, discrimination on basis of: HB 1766
 Living wage requirement for state contracts with private contractors: HB 1716
 Minimum hourly wage, establishing a set wage: HB 1603
 Minimum wage and overtime compensation complaints, good faith defense: HB 2176
 Minimum wage rate, minors: HB 1928
 Minimum wage, defining "employ" for purposes of: HB 2144
 Minimum wage, increasing: HB 1735
 Minors, minimum wage rate: HB 1928
 Nurses, meal and rest periods when employed by health care facilities: HB 1642
 Prevailing rate of wage to be paid on construction projects involving tax incentives, loans, or public land or property that is sold or leased: HB 1992
 Prevailing wage, definition of independent contractor: HB 1786, ***SSB 5904, CH 63**
 Public agency collective bargaining records, exceptions to exemption from disclosure: HB 1471
 Public transit governing bodies, required appointment of organized labor member with full voting rights and privileges: HB 1590
 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294**
 Symphony orchestras, operas, and performing arts theaters, public employment relations commission jurisdiction: HB 1276
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 University of Washington, extension lecturers in English language programs permitted to engage in collective bargaining: SB 5986
 Workers' compensation violations, department of labor and industries authority to issue stop work orders: HB 1554, ***SSB 5613, CH 196**
 Working families' tax rebate, funding from temporary sales tax increase to be submitted to voters: HB 2377

LABOR AND INDUSTRIES, DEPARTMENT

Boiler and unfired pressure vessel statutes, technical changes: ***HB 1366, CH 90**
 Construction trade worker licenses, certificates, and permits: HB 1055
 Contractors in the construction industry, identification and records requirements: HB 1555
 Crane inspectors, restrictions: HB 2298
 Crane safety, exemption for telecommunications trucks: HB 1111
 Death benefit for public employees, duty-related: EHB 1547
 Explosives licenses, expiration dates: HB 1280
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Health care facility employees, meal and rest periods: HB 1642
 Home construction improvement, warranty protections and contractor registration and worker certification requirements: HB 1393
 Industrial insurance appeals, restrictions on contact with medical providers after filing: HB 1402
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 Industrial insurance funds, proper and improper use of accident fund, medical fund, and supplemental pension fund: HB 1386
 Interagency advisory committee on the underground economy, created: HB 1555
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 Locksmith service providers, background checks: HB 1531
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 Minimum hourly wage, establishing a set wage: HB 1603
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 Nurses, meal and rest periods when employed by health care facilities: HB 1642
 Prevailing rate of wage to be paid on construction projects involving tax incentives, loans, or public land or property that is sold or leased: HB 1992
 Prevailing wage, definition of independent contractor: HB 1786, ***SSB 5904, CH 63**
 Residential real property construction, improving through multiple strategies: E2SSB 5895
 Single-occupancy farm conveyances, definition and use: ***SSB 5793, CH 128**
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Violations of certain workers' compensation provisions, department authority to issue stop work orders: HB 1554, ***SSB 5613, CH 196**
 Wheelchair and stairway chair lifts, definitions and use: ***SSB 5793, CH 128**
 Wheelchair and stairway chair lifts, inspections: HB 2184

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Lake Whatcom, demonstration project to reduce phosphorus loading in: ***SB 5944, CH 48**
 Lakes management advisory committee and comprehensive lakes management strategic plan: HB 1635
 Olympia isthmus, designation as a shoreline of statewide significance under the shoreline management act: HB 2081, ESSB 5800
 Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636
 Spirit Lake, raffle-only limited recreational rainbow trout fishery in: HB 1838
 Vegetation management in freshwater lakes, public notice requirements: HB 1074

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Marine container ports, land use and transportation planning for: HB 1959
 Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: HB 1730
 Transportation facilities, prohibition of development under local comprehensive plans: HB 1736

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Carbon monoxide alarms, building code council to require installation in certain residential occupancies: ***SSB 5561, CH 313**
 Carbon monoxide alarms, required installation in rental units: HB 1333
 Deceased tenant's personal property, disposition: HB 1228
 Inspections of rental housing, limitations: HB 1296
 Liens against premises for utility charges when tenant vacates or is delinquent: HB 1298
 Local government crime-free rental housing programs: HB 1299, ESSB 5742

Manufactured home communities, compliance with notification requirements when community offered for sale: HB 1907
 Manufactured home communities, minimum terms for closure or conversion notices: HB 1581
 Manufactured housing and mobile home communities, dispute resolution program: HB 1140
 Manufactured/mobile home dispute resolution program and account, provisions repealed: HB 1352
 Manufactured/mobile home landlord tenant act, clarifications: HB 1908
 Mobile home and manufactured housing communities, dispute resolution program: HB 1140
 Mobile home parks, compliance with notification requirements when park offered for sale: HB 1907
 Mobile home parks, minimum terms for closure or conversion notices: HB 1581
 Month to month and other periodic tenancies, termination of: HB 1773
 Nontransient tenants of places of transient lodging, relocation assistance rights when lodging shut down by government action: HB 1663
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 Personal property, disposition when tenant is deceased: HB 1228
 Quieting title, prohibition of adverse possession claims: HB 1479
 Tenants who are victims of sexual assault, sexual harassment, or stalking by a landlord, legal protections: HB 1856
 Tenants who are victims of sexual assault, unlawful harassment, or stalking by a landlord, legal protections: SSB 5833 Unauthorized occupation of rental units: HB 1064

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Landscape architects, licensing: HB 1359, ***SSB 5273, CH 370**
 Licensure board for landscape architects: HB 1359, ***SSB 5273, CH 370**

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Additional law enforcement services, funding in unincorporated areas through tax on real estate sales in counties exceeding one million five hundred thousand people: HB 2262
 Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: HB 1381, HB 1440, ***SB 5413, CH 141**
 Boating safety and marine law enforcement, parks and recreation commission to develop plan to implement recommendations for: HB 1848
 Community corrections officers, increasing supervision effectiveness through searches of offenders: HB 1840
 Community corrections officers, increasing supervision effectiveness through searches of offenders and recommendations of sanctions for violations: HB 1839
 Counties exceeding one million five hundred thousand people, funding police operations in unincorporated areas with tax on real estate sales: HB 2262
 Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259
 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: HB 1194
 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections, criminal justice, and other public safety personnel: ***SSB 5131, CH 19**
 DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382
 Driver's license photographs, law enforcement access for identity verification: HB 1224, ***ESSB 5262, CH 366**
 Drug testing for peace officers, provisions: HB 1511
 Electronic registry of emergency contact persons, to be accessed by health care providers or law enforcement officers: HB 1278
 Emergency responses to properties, notification required to owners: HB 1537
 Firearms, correctional officers and sergeants who have completed training exempt from certain restrictions: HB 1755
 General authority peace officers employed by port districts and airports to be considered uniformed personnel for interest arbitration: HB 1822
 Hearings, certification actions of peace officers: HB 1325, ***SB 5156, CH 25**
 Medication management in jails, jail medication management work group to develop a model policy: ***SSB 5252, CH 411**
 Motor vehicle impoundment, civil cause of action for damages abolished: HB 1795
 Motor vehicle impoundment, civil cause of action for damages abolished under certain conditions: SSB 5780
 Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317
 Psychological examinations for peace officer certification: ***HB 1324, CH 139**
 Retired law enforcement officers, issuance of firearms certificate and annual qualification certificate to: HB 2065, HB 2226

Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364**
 Sex offenders, electronic statewide unified sex offender notification and registration program: ***SSB 5261, CH 31**
 Sex offenders, electronic statewide unified sex offender registry program: HB 1223 Unlawful public transit conduct, law enforcement authority:
***ESSB 5513, CH 279**

LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT SYSTEM

Actuarial funding of state retirement systems: ***SSB 6161, CH 561**
 Death benefit for public employees, duty-related: EHB 1547 Domestic partners, pension benefits: ***EHB 1616, CH 523**
 Fish and wildlife enforcement officers allowed to transfer service credit from PERS to LEOFF plan 2: HB 1953 Interruptive military service credit: ***HB 1548, CH 205**
 Military service credit for retirement, transferred LEOFF plan 1 service credit in relation to: HB 2196
 Plan 1, lowering general salary increase assumption for actuarial funding of system: HB 1543
 Plan 2, access to catastrophic disability medical insurance: EHB 1679
 Plan 2, minimum retirement allowance to members disabled in line of duty before January 1, 2001: ***HB 1678, CH 95, *SB 5542 V**
 Survivor spouses of members, industrial insurance death benefits: HB 1212
 Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: ***HB 1551, CH 226**
 Transfer of service credit from PERS to LEOFF plan 2, allowed for fish and wildlife enforcement officers: HB 1953

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Lead levels in blood, assessments for children younger than twenty-one years: HB 1345
 Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342
 Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346
 Wheel weights, environmentally preferred alternatives: HB 1033

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City-county assistance account, recommendations for handling distribution of moneys: HB 1667, ***SB 5511, CH 127**

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 Advanced diagnostic imaging services, work group appointed by legislative leaders to identify best practice guidelines: HB 2105
 Aerospace manufacturing, creation of a joint legislative task force on: HB 2324
 Allotment revisions, office of financial management to notify legislative fiscal committees when revisions are significant: HB 1945
 Appropriation and revenue bills, seventy-two hour budget review period prior to hearings or votes on: HB 2386
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 Deceased former members, joint session to honor: ***SCR 8401**
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 K-12 basic education and other programs, appropriations to be made separate from and before other omnibus appropriations legislation: HB 1657, HJR 4203
 Legislative web sites, ethical use: HB 1761
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 Legislative youth advisory council, solicitation of grants and donations: HB 1783
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 Lobbying restrictions, threatening legislators with the relocation of manufacturing jobs prohibited in certain cases: HB 2316
 Omnibus appropriations bills, public and legislative review period: HB 1654
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 Reports to legislature and governor, mandatory electronic filing: HB 1753
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 Rules qualifying as significant legislative rules, governor's signature required: HB 1853
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 Statutory construction, legislative task force: SSB 5152
 WASL legislative work group, recommendations concerning statewide assessments and curricula: ***ESSB 5414, CH 310 PV**

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Annexation of a city or town by a library district, requirements: HB 1291
 Intercounty rural library districts, withdrawal and governance provisions: HB 2200
 Rural county library districts, certain districts required to have seven trustees: HB 1468
 Rural county library districts, initial levy rates: ***SB 5355, CH 306**

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Amateur radio operator license plates: HB 2317
 Attachment, exceptions to license plate attachment requirements: HB 2096
 Purple heart recipients, issuance of special license plates and exemption from licensing fees and motor vehicle excise tax: HB 1470
 Replacement requirement, modified to allow retention during functional life of plates: HB 1368
 Retention fee, elimination of: HB 1367
 Special license plates, In God We Trust license plates: HB 1877
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"Conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181**
 Alien firearm license, exception for a nonimmigrant alien hunting with a Washington-licensed hunter: SB 5193
 Architects, registration provisions: HB 1634, ESSB 5529
 Boxing, kickboxing, mixed martial arts, and wrestling events, licensing: HB 1348
 Boxing, martial arts, and wrestling events, payment by department of certain event and license fees into business and professions account: ***SB 6126, CH 429**
 Businesses and professions, removing department oversight from certain: ESSB 6037
 Child support license suspension program: HB 1771
 Child support, license suspension program for failure to pay: ***SSB 5166, CH 408**
 Collector vehicles, licensing and special license plates: HB 1802
 Commercial drivers, "conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181**
 Criminal history record checks of employees issuing enhanced drivers' licenses and identicards: ***HB 1844, CH 169**
 Drivers' licenses, verification that applicant's presence in United States is lawful: HB 1026
 Drivers, relicensing diversion program: ***SSB 5732, CH 490**
 Driving records, release of certified abstracts: EHB 1251
 Electronic registry of emergency contact persons, to be accessed by health care providers or law enforcement officers: HB 1278
 Farm vehicle trip permit, extending time period covered by: HB 2282, ***HB 2313, CH 452**
 Human remains, electronic approval of vital records by medical examiner, funeral director, and others: ***HB 1515, CH 231**, SB 5370
 Identicards, verification that applicant's presence in United States is lawful: HB 1026
 Interior design, registration provisions and creation of state board for registered interior designers: HB 1608
 Kit vehicles, title and registration requirements: ***SSB 5719, CH 284**
 Landscape architects, licensing: HB 1359, ***SSB 5273, CH 370**
 Licensure board for landscape architects: HB 1359, ***SSB 5273, CH 370**
 Motor vehicle owner information, requirement for notice of disclosure to an attorney or private investigator: HB 1900
 Motor vehicle owner information, requirement for notice of disclosure to an attorney or private investigator eliminated: HB 1991
 Motor vehicle registration for United States armed forces members, determining registration year for deployed military personnel: ***HB 1478, CH 159**
 Motor vehicle registration, state parks system donation to be collected by department as part of: HB 2339
 Polygraph examiner's advisory committee, creation: HB 1929
 Polygraph examiners, licensing: HB 1929
 Soil and wetland scientists, certification: SSB 5698
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 State parks system donation, collection by department as part of vehicle registration: HB 2339
 Tattooing, body art, body piercing, comprehensive regulations: ***SSB 5391, CH 412**
 Vessel registration, fee collected with application to fund saltwater algae control account: HB 1231, SB 5412

LIGHTING

Exterior, light pollution and wasteful energy consumption reduction: HB 1069
 Mercury-added general purpose lights, provisions for sales, recycling, and disposal: HB 1799, HB 1809
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469

LIQUOR CONTROL BOARD

Alcoholic beverage regulation, licensing and licensee provisions: HB 1988, ***SSB 5834, CH 373**
 Cigarettes and tobacco products, liquor control board licensing administration authority: HB 1435
 Director of board, position established: HB 2205, SB 6065
 Liquor license fees, increases for various establishments: ***EHB 2358, CH 507**
 Liquor-related products, sale in state liquor stores: HB 2321
 Malt liquor, sale in kegs or certain other containers by holders of certain retail licenses: HB 1462
 Spirits, beer, and wine nightclub license created: HB 1434, ***SSB 5367, CH 271**
 Structure and authority of board, provisions: HB 2205, SB 6065

LIVESTOCK

Anaerobic digesters for processing livestock manure and organic waste-derived material, requirements for exemption from solid waste handling permitting: HB 1135, ***SSB 5797, CH 178**
 Beef cattle, certification and marketing as naturally raised: SSB 5005
 Crimes against when belonging to another person: HB 1849
 Cruelty to animals, violations and penalties: HB 1968, ***SSB 5402, CH 287**
 Grazing on public land, grazing privilege requirements on fish and wildlife department lands: HB 1306
 Identification, voluntary participation in a state or national animal identification system: HB 2086
 Live nonambulatory livestock, violations and penalties for knowingly transporting or accepting delivery of in certain situations: ***SB 5974, CH 347**

Manure, requirements for anaerobic digesters for processing: HB 1135, ***SSB 5797, CH 178**
 Meat and poultry inspection program, establishment and requirements: HB 1613
 Milk products used for animal food consumption, standards and licensing: SSB 5678
 Mobile custom farm slaughtering unit loan program: HB 2102
 Nutrient management equipment and facilities, sales and use tax exemption: HB 2278, ***ESSB 6170, CH 469**
 Owners, rights when residing in unincorporated areas subject to annexation by a city or town: HB 1831
 Predatory wildlife damage, reimbursing commercial livestock owners for livestock injured or killed: HB 1354
 Stock watering, definition for water rights purposes: HB 1509
 Stock watering, exemption from public groundwaters withdrawal permit requirement: HB 1489
 Washington heritage livestock and poultry breed recognition program: SB 5002
 Water, public groundwater withdrawal for stock-watering: HB 1091
 Wildlife damage, compensation when crops damaged or livestock injured or killed by wildlife: HB 1626

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Check cashers and sellers, additional sixty day payment plan option for small loans: HB 1685
 Check cashers and sellers, fee and installment plan assistance for borrowers at risk of default on small loans: HB 1709
 Check cashers and sellers, limiting small loan fees: HB 1805
 Check cashers and sellers, limiting the amount of small loans: HB 1806
 Check cashers and sellers, prohibiting small loan rollovers: HB 1807
 Check cashers and sellers, requirement that lenders inform potential borrowers of alternatives to small loans: HB 1851
 Check cashers and sellers, restricting and enforcing eligibility for small loans: HB 1684
 Check cashers and sellers, restrictions on communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13**
 Check cashers and sellers, rollover violations and penalties: HB 1073
 Consumer loan act, exemption from requirements for nonprofit housing organizations and for loans and persons making loans in certain cases:
***SSB 5468, CH 311**
 Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: HB 1621 Nonprofit housing organizations, exemption from consumer loan act: ***SSB 5468, CH 311**
 Nontraditional mortgages, definitions and guidelines: HB 1586
 Repayment period, expanded for conservation project loans from municipal utilities and public utility districts: ***HB 1184, CH 416**
 Residential mortgage loan fees, financial institution authority to charge: HB 1588
 Reverse mortgage loans and debt collection, requirements and limitations: ESSB 5400
 Reverse mortgage loans, requirements and limitations: ***EHB 1311, CH 149**
 Small loan monitoring system, director of financial institutions to develop and implement: HB 1684
 Small loans, additional sixty day payment plan option: HB 1685
 Small loans, fee and installment plan assistance for borrowers at risk of default: HB 1709
 Small loans, limiting fees: HB 1805
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 Small loans, restricting and enforcing eligibility: HB 1684
 Small loans, restrictions on check cashers' and sellers' communications when collecting delinquent loans: HB 1310, ***SB 5164, CH 13**
 Small loans, rollover violations and penalties: HB 1073

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Campaign contribution and disclosure laws, revisions: HB 2016
 Electronic report filing requirement for lobbyists, lobbyists' employers, and agencies: HB 1436
 Restrictions on lobbying, certain threats to relocate manufacturing jobs prohibited: HB 2316

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Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138
 Affordable housing for all program: HB 1173
 Boundary review boards, authority to expand annexation limited: HB 1457
 Claims for damages against local governmental entities, procedures and claim forms: HB 1553
 Cleaning in government facilities, reducing environmental impact: HB 1168
 Community revitalization financing, use of general obligation bonds for public improvements: ***2SSB 5045, CH 270**
 Community revitalization financing, use of tax allocation revenues for public improvements: HB 1285, HB 1525, ***2SSB 5045, CH 270**
 Community trail advisory authority, establishment and grant program: HB 1810
 Comprehensive plans and development regulations, department of community, trade, and economic development authority to approve: HB 2301
 Electric vehicles, local government role in infrastructure development and transition from combustion to electric vehicles: HB 1481
 Emergency responses to properties, notification required to owners: HB 1537
 Facilities, levy limitations and leasing of city land for construction: HB 1465
 Fiscal notes concerning local government, joint legislative process for: HB 2336
 Greenhouse gases, comprehensive plan for reducing: HB 1718
 High-speed internet, inventory of publicly owned infrastructure: HB 1700
 House-banked social card games, local government authority to limit within jurisdiction: HB 2162
 Land surveying, definition and public agency requirements for professional land surveying: HB 1391
 Local government archives account, use of excess fund balance: HB 1374
 Local government crime-free rental housing programs: HB 1299, ESSB 5742
 Local improvement districts, railroad crossing protection device financing: HB 1081

Local infrastructure financing and competitive project awards, provisions: HB 1651
 Local infrastructure financing tool, provisions: ***ESSB 5901, CH 267**
 Local infrastructure financing tool, use for downtown development and redevelopment: HB 1109
 Local sales and use tax, crediting against state sales and use tax extended: ***ESSB 5321, CH 550**
 Military improvement zone pilot program to encourage high-quality development near military bases: HB 1756
 Moratoria and interim official controls, local government authority to adopt under shoreline management act: HB 1379 Navigational aids used to mark hazards, public agency immunity from liability for use of: HB 1989
 New farm structures, permits and inspection fees: HB 1557
 Nonprofit corporations, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202**
 Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: HB 1810
 Partnerships, creation and registration with governmental body or agency as registered agent: ***HB 1264, CH 202**
 Plants, impacts of projects when certain species identified by natural heritage program are present: HB 1136
 Projects of statewide significance, qualifications and procedures for designation: ***ESSB 5473, CH 421**
 Public agency collective bargaining records, exceptions to exemption from disclosure: HB 1471
 Public facilities districts, formation and authority: HB 1377
 Public facilities districts, formation, operation, and nonstate funding: ***EHB 2299, CH 533**
 Public facilities, definition modified in the case of local governments: HB 1450
 Public works projects, loans to local governments: HB 1164
 Public works projects, payment of undisputed claims: ***HB 1195, CH 193**
 Public works, local assistance funds: ***HB 1569, CH 45**
 Rail freight service, funding through grants from essential rail assistance account: HB 1512
 Railroad crossing protection devices, local improvement district financing: HB 1081
 Recording of closed executive session meetings, requirements and violations: HB 1676
 Renewable energy systems, investment cost recovery incentives: HB 1399
 Revenue options for local government in counties of one million five hundred thousand or more residents: HB 2249
 Self-insurance programs, public records claims liability and defense costs: HB 1107
 Shopping bags, prohibition of charges for transfer of disposable paper bags: HB 1154
 Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405**
 Shoreline management act, local government authority to adopt moratoria and interim official controls: HB 1379
 Signage on private property for public benefit, prohibiting local governments from requiring: HB 1827
 Solar energy, community solar projects incentives: ***ESSB 6170, CH 469**
 State funding for local projects, greenhouse gas emissions criteria: HB 2010
 Task forces for affordable housing and ending homelessness: HB 1173
 Transportation facilities, prohibition of development under local comprehensive plans: HB 1736
 Utility facilities, notice of necessary relocation from public agency: EHB 1499
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494
 Watershed management partnerships, eminent domain authority granted: HB 1332

LONG-TERM CARE

Home care, modifying state payments to agencies by prohibiting payment for in-home care by agency employees living with or related to the client: HB 2361
 Initiative 1029, delaying implementation: HB 2373, HB 2376
 Medicaid acceptance policy, facility disclosure to residents: ***SSB 6009, CH 489**
 Training and background checks for long-term care workers, changes to provisions: ***ESSB 6180, CH 580**
 Training and credentialing of long-term care workers, changes to provisions: HB 2352
 Workers, delaying implementation of initiative 1029: HB 2373, HB 2376
 Workers, peer mentoring implementation date delay: ***HB 2359, CH 478**

LOTTERY (See also GAMBLING)

Multistate shared games account: HB 2300
 Multistate shared games, state lottery authority to enter into agreement to conduct Powerball: ***ESSB 6108, CH 576**
 Multistate shared games, state lottery authority to enter into contracts to conduct: HB 2300
 Online keno game account, transfer of some proceeds to problem gambling account and state wildlife account: HB 2305
 Tickets and shares, registration: HB 2141
 Veterans, certain lottery games to benefit: HB 1070

LOW-INCOME PERSONS

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138
 Affordable housing, additional county document recording surcharge to fund certain affordable housing and homeless purposes: HB 2166
 Building communities fund program, competitive application process: HB 1952
 Children in public schools, eliminating copayment for breakfast and reduced-price lunch and funding summer food service programs: HB 1416
 Electric and gas utility rates, discounts for low-income and low-income senior customers: ***SSB 5290, CH 32**
 Health care, basic health plan modified to include economic recovery enrollees: HB 2117
 Health care, basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341
 Health care, community health care collaborative grant program established: HB 1620, ***SSB 5360, CH 299 PV**
 Housing development for low-income persons, affordable housing incentive programs: ***EHB 1464, CH 80**
 Housing everyone financing tool program, creation: HB 1973
 Housing organizations receiving affordable housing funding required to pay employees and contractors according to housing self-sufficiency income standards: HB 1963
 Housing self-sufficiency income standards, department of community, trade, and economic development to establish and maintain: HB 1963
 Housing, funding from special county arts, regional center, low-income housing, and community development fund: HB 2252
 Legal services provided by nonprofit organizations, business and occupation tax exemption: ***HB 1579, CH 508**

Low-income housing, state funding process: HB 2018
 Personal hygiene and cleaning product program for low-income persons, department of community, trade, and economic development to conduct a pilot project to evaluate: SB 6053
 Senior citizen housing, exemptions: ***SB 5470, CH 483**
 Sustainable residential weatherization: HB 1060
 Vacant homes, real estate excise tax exemptions to encourage sales to low-income buyers: HB 1495
 Weatherization programs for low-income persons, expansion: ***E2SSB 5649, CH 379 PV**
 WorkFirst temporary assistance for needy families, encouraging parents to pursue available educational and training opportunities: HB 2071
 Working families' tax rebate, funding from temporary sales tax increase to be submitted to voters: HB 2377

MANUFACTURED HOUSING (See also MOBILE HOMES)

Communities, compliance with notification requirements when community offered for sale: HB 1907
 Communities, dispute resolution program: HB 1140
 Communities, minimum terms for closure or conversion notices: HB 1581
 Communities, property tax exemption: HB 1582
 Communities, siting new: HB 1065
 Consignment contracts, restriction in favor of listing contracts: HB 1539
 Current use valuation for property taxes for land with mobile homes or similar structures: HJR 4201
 Manufactured/mobile home dispute resolution program and account, provisions repealed: HB 1352
 Manufactured/mobile home landlord tenant act, clarifications: HB 1908
 Property tax, administration and tax payment verification: HB 1208
 Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79**

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"Manufacturer," definition modified in certain cases for tax purposes: HB 2229
 Aerospace manufacturing, creation of a joint legislative task force on: HB 2324
 Aerospace technology and manufacturing studies, creation of Washington institute of: HB 2318
 Asbestos in products, manufacturer duty to warn user of risks: HB 2054
 Bisphenol A in products, prohibition and alternatives: HB 1180
 Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346
 Lobbying restrictions, certain threats to relocate manufacturing jobs prohibited: HB 2316
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469
 Petroleum-based beverage bottles, prohibitions: HB 1859 Renewable energy manufacturing facilities, tax incentives: HB 2130 Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563**
 Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469**

MARIJUANA

Medical marijuana, health care professionals to be excepted from liability and prosecution for authorizing use of: HB 2046
 Misdemeanor possession, knowingly possessing forty grams or less: HB 1695
 Possession, reclassifying from misdemeanor to civil infraction: HB 1177

MARRIAGE AND MARRIED PERSONS

Civil marriage equality, including same-sex couples: HB 1745
 Legal marriage, only between a man and a woman: HB 1980, HJR 4204

MEDICARE

Health care facility initial medicare certification surveys, fee requirement: HB 2296
 Washington state health insurance pool, eligibility for: ***SSB 5777, CH 555**

MEDICINE AND MEDICAL DEVICES

Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: HB 1165
 Durable medical equipment, tax exemptions when prescribed for home use: HB 1411, HB 1485
 Emergency medical equipment, sales and use tax exemptions in certain cases: HB 2293
 Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as schedule III controlled substances: HB 1236
 Mobility enhancing equipment, tax exemptions when prescribed: HB 1411, HB 1485
 Power wheelchairs, sales and use tax exemptions when prescribed: HB 2104
 Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493
 Veterinary prescription drugs, technician performance of certain drug preparation functions when delegated by licensed veterinarian: HB 1271
 Wheelchair users, drivers required to take all necessary precautions to avoid injury to: HB 1966

MENTAL HEALTH (See also COUNSELORS AND COUNSELING; SEX OFFENSES AND OFFENDERS)

Advanced registered nurse practitioners, mental health care involving commitment: HB 1071
 Children's services, access to care standards: HB 1373
 Commitment proceedings, consideration of respondent's recent and past acts: HB 1275
 Commitment proceedings, sexually violent predators: HB 1246, ***SSB 5718, CH 409**
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 Conditional release from commitment to outpatient treatment, venue for hearing to modify or revoke order for: ***HB 1589, CH 322**
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Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: **HB 1194**

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections, criminal justice, and other public safety personnel: ***SSB 5131, CH 19**

Disclosure of information concerning mental health services received by persons who have been committed: **HB 1300**

Firearms possession by an involuntarily committed person, provisions: ***HB 1498, CH 293**

Health care information, sharing to promote coordination of behavioral and medical care services: ***HB 2025, CH 398**

Housing, focus group to examine the need for housing for individuals at a high risk of being homeless: **SSB 5219**

Involuntary or restrictive alternative treatment, probable cause hearing to include pertinent information from relative: **HB 1486**

Less restrictive treatment, renewal of orders for persons released from involuntary mental health treatment: **HB 1349**

Local sales and use tax for chemical dependency services, mental health treatment, and therapeutic courts: ***SSB 5433, CH 551 PV**

Mental health treatment, chemical dependency services, and therapeutic courts, permissible uses of local sales and use tax for: **SSB 5301**

Privilege, provisions for licensed mental health practitioners: ***SSB 5931, CH 424**

Professionals authorized to work with people with serious mental illnesses: **HB 1930**

Sexually violent predators, commitment proceedings: **HB 1246, *SSB 5718, CH 409**

Sexually violent predators, computer access to be controlled for residents of special commitment center and less restrictive alternatives: **SB 5218**

Sexually violent predators, need to expeditiously site and construct facilities to house predators who have been committed: **HB 1912**

Special commitment center and private detention facilities, security information disclosure exemption: **ESB 5014**

Special commitment center, log of phone calls by residents: **HB 1099**

Special commitment center, resident access to computers to be controlled: **SB 5218**

Special commitment center, security information disclosure exemption: ***HB 1030, CH 67**

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Amalgam, alternatives to be provided: **HB 1860**

Lights containing mercury, establishment of product stewardship recycling programs with producer participation: **HB 1469**

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Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192**

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Children of military families, interstate compact on educational opportunity: **HB 1075, *SSB 5248, CH 380**

Code of military justice, provisions: **HB 1036, ESSB 5032**

Concealed pistol license, renewal by armed forces members: ***SB 5739, CH 59**

Emergency management, developing guidelines for responding to needs of persons with disabilities in disasters: **HB 1739** Emergency management, preparedness, and assistance account, military department to administer: **HB 2031**

Employers of certain military personnel, business and occupation tax credit: **HB 1126**

Enhanced 911 advisory committee, adjutant general to appoint members: **HB 2029**

Enhanced 911 emergency communications systems, coordination office, advisory committee, and account: **HB 2351**

Enhanced 911 emergency radio network, work group to study delivery of emergency information: **HB 1157**

Health insurance, enlisted Washington national guard members: **HB 1125**

Hunting license requirements, members of military: ***SB 5008, CH 269**

Internet voting for service voters and overseas voters: **HB 1624**

Interstate commission on educational opportunity for military children: **HB 1075, *SSB 5248, CH 380**

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Military children, recognizing: ***HR 4651**

Military improvement zone pilot program to encourage high-quality development near military bases: **HB 1756**

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Militia, adjutant general's duties: **HB 1035, *SSB 5030, CH 21**

Motor vehicle registration for United States armed forces members, determining registration year for deployed military personnel: ***HB 1478, CH 159**

Navy Day, observing: ***HR 4630**

Nisei veterans, postage stamp: ***HJM 4005**

Parenting plans, modification due to parent's military service: **HB 1170, SSB 5212**

Retirement systems, interruptive military service credit: ***HB 1548, CH 205**

State enhanced 911 coordination office established in emergency management division: **HB 2029**

Statewide enhanced 911 emergency communications service, adjutant general to establish rules for automatic location identification: **HB 2029**

Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: ***HB 1551, CH 226**

Volunteer health practitioners, registration requirements for volunteering during emergency declaration: **HB 1400**

Volunteer search and rescue account: **HB 1214**

Washington national guard, recognition: ***HR 4602**

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 Fully contained communities, approval by county if land not designated mineral resource land: HB 1456
 Maury Island aquatic reserve, requirements for wells on industrial or mining sites on lands adjacent to: HB 1708
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Linked deposit program for minority and women's business enterprises, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 PV**
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 Nontraditional mortgages, definitions and guidelines: HB 1586
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 Reverse mortgage loans and debt collection, requirements and limitations: ESSB 5400
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Agribusiness drivers, exemption from certain commercial driver's license requirements: HB 2223
 Airline operator rate of return when funding consolidated car rental facilities and common use transportation equipment and facilities: HB 2214
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 Car rentals, county authority to impose local sales and use tax on retail rentals for special funding: HB 2252
 Collector vehicles, licensing and special license plates: HB 1802
 Dealer documentary service fees, disclosure that fee is negotiable required: HB 1939
 Dealer failure to disclose known defects, consumer protections in cases of: HB 1772
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 Dealers, tax relief: HB 2060
 Disabled veterans assistance account, voluntary donations at time of vehicle registration to fund: EHB 1876
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 Enclosed three-wheeled passenger vehicles, exemption from motorcycle license endorsement requirement: HB 1344
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 Felony DUI, driving or being in control of vehicle with two or more prior offenses within seven years: HB 2027
 Fire department vehicles, lights designated for law enforcement purposes: HB 1169
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 Impoundment, civil cause of action for damages abolished: HB 1795
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 Junk vehicle, vehicles demolished by a licensed scrap processor excluded from definition of: HB 2258
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 Off-road vehicles, increasing distribution of moneys for off-road vehicle purposes: HB 2101
 Owner information, requirement for notice of disclosure to an attorney or private investigator: HB 1900
 Owner information, requirement for notice of disclosure to an attorney or private investigator eliminated: HB 1991
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 Public transit vehicles, stops at unmarked stop zones allowed in certain circumstances: ***SB 5180, CH 274**
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 Recreational vehicles, serving as primary residences in manufactured and mobile home communities: ***EHB 1227, CH 79**
 Refrigerants in air conditioning equipment, use of safe alternative refrigerant authorized: HB 1984
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 State parks system donation, collection by department of licensing as part of vehicle registration: HB 2339
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 Motorcycle license endorsement, enclosed three-wheeled passenger vehicles exempt from requirement: HB 1344
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Adjutant general of militia, duties: HB 1035, ***SSB 5030, CH 21**
 Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192**
 Concealed pistol license, renewal by armed forces members: ***SB 5739, CH 59**

Health insurance, enlisted Washington national guard members: HB 1125
 Recognition of Washington national guard: ***HR 4602**
 Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: ***HB 1551, CH 226**
 Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316**

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Biomass energy, department to develop and implement forest biomass energy demonstration projects: ***HB 2165, CH 163**
 Commercial, natural resource, and forest lands, department authority to manage: SSB 5957
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 PV**
 Forest fire protection assessment rate structure and refunds, revisions: HB 2315
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Consumer loan act, exemption from requirements for nonprofit housing organizations and for loans and persons making loans in certain cases: ***SSB 5468, CH 311**
 Legal services for low-income individuals, business and occupation tax exemption: ***HB 1579, CH 508**
 Nonprofit housing organizations, exemption from consumer loan act: ***SSB 5468, CH 311**
 Property tax deductions and exemptions, recommendations of citizen commission for performance measurement of tax preferences adopted: ESSB 5557
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 Hanford nuclear site, applicability of radioactive waste clean-up business and occupation tax classification to kinds of work performed at: ***ESSB 6170, CH 469**
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 Radioactive waste, applicability of radioactive waste clean-up business and occupation tax classification to kinds of work performed at Hanford site: ***ESSB 6170, CH 469**
 Radioactive waste, reduced business and occupation tax rate for cleanup at Hanford and other nuclear sites: HB 1321
 Uniformed personnel, alternative arbitration process for joint operating agency employees at a commercial nuclear power plant: HB 1389, ***SB 5492, CH 126**

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 Health care facility employees, limiting exceptions to prohibition on mandatory overtime: HB 1680
 Health care provider right of conscience: HB 1687
 Meal and rest periods when employed by health care facilities: HB 1642
 National nurse, establishment of office of the: HJM 4018
 Nurses and paramedics, community and technical colleges board to create interdisciplinary work group to consider articulation between nursing and paramedic programs: HB 1808
 Registered nurses, delegation of authority for various tasks to nurse by optometric physician: HB 1397
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- Nursing facility medicaid payment advisory council, establishment of: HB 2290
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- Marine ecosystem, protection against petroleum extraction risks: HB 1100
- Oil and gas, leasing of ocean coastline for exploration and production: HB 1100

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- English, official state language: HB 1645
- International peace arch, official state peace monument: HB 2312
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- Marine ecosystem, protection against petroleum extraction risks: HB 1100
- Natural gas and manufactured gas, sales and use tax provisions: HB 1422
- Natural gas sustainable energy trusts, monthly smart and sustainable energy charge: HB 1007
- Oil spill advisory council, elimination of: HB 2372
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- Petroleum products in storm water, mitigation and prevention projects: HB 1614
- Propane, sales and use tax exemption for nonhighway use by farmers: HB 2248, HB 2275, HB 2323
- Unleaded gasoline to be made available for marine and aviation use: HB 1903
- Water pollution account, fee imposed on first possession of petroleum products contributing to storm water pollution: HB 1614

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- Advisory committee of public and governmental entity representatives to make recommendations on adoption of advisory model rules: HB 1676
- Board for public records and open public meetings, committee to study feasibility of creating: HB 1017
- Public access, formal public testimony and recording or documentation of meeting required: HB 1552
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- Recording of closed public agency executive session meetings, requirements and violations: HB 1676

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- Boating safety and marine law enforcement, parks and recreation commission to develop plan to implement recommendations for: HB 1848
- Community trail advisory authority, establishment and grant program: HB 1810
- Habitat conservation account and riparian protection account provisions, references to mitigation banking projects removed: HB 1846, ***SB 5348, CH 16**
- Hunting season, visible clothing requirements in mixed-use areas during: HB 1116
- Motorsports vehicles, return of unsold new vehicles or cancellation of order by dealer: HB 2208
- Off-road vehicles, increasing distribution of moneys for off-road vehicle purposes: HB 2101
- Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: HB 1810
- Public trails, counties allowed to use local sales and use tax for: HB 1659
- Wildlife and outdoor recreation viewing opportunities, department of fish and wildlife authority to provide web-based information regarding: HB 1972
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- Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688
- Adoption support program, prospective adoptive parent to receive information describing limits of: ***ESSB 5811, CH 491**
- Dependency proceedings, guardian ad litem background information records and procedures for appointment: ***SSB 5285, CH 480**
- Dependency proceedings, housing assistance for the child: HB 1769
- Dependency proceedings, legal representation of children: HB 1183
- Dependency proceedings, notices of custody and out-of-home care placement to encourage parental engagement in process: HB 1782
- Dependency proceedings, notifying parent or parents of child placement options after entry of dispositional order: ***SSB 5510, CH 484**
- Dependency proceedings, parenting plans and residential schedules: HB 1239
- Dependency proceedings, qualified grandparents as priority placement option for children needing out-of-home care: HB 2092
- Dependency proceedings, searches for relatives of children requiring out-of-home placement: HB 2085
- Foster care placement, placement of child with a relative or other suitable person: ***ESSB 5811, CH 491**
- Grandparent visitation rights, petitioning process: HB 1607, HB 2056, HB 2091
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- Medical support obligations as part of child support order, provisions: HB 1845
- Minors in need of lifesaving medical treatment, department of social and health services to investigate parental refusal of treatment: HB 1759
- Newborn children, appropriate locations for transfer: ***SSB 5318, CH 290 PV**
- Parenting plans, modification due to parent's military service: HB 1170, SSB 5212
- Parenting plans, shared parental responsibility: HB 1982

* - Passed Legislation

Relocation of a child, principal residence defined in context of legal separation: SB 5453
 WorkFirst program, exemption from participation following birth of child and subsequent notification of services: ***SSB 5286 V**
 WorkFirst temporary assistance for needy families, encouraging parents to pursue available educational and training opportunities: HB 2071

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Public parking facilities, sale, lease, or conveyance of municipal property in commercial areas: ***HB 1048, CH 265**

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Historical parks and historic reserves, tax incentive program: HB 1093
 Local sales and use tax to provide funding for parks, recreation, trails, and open space allocation: HB 1810
 Public community athletics programs and facilities connected with metropolitan park districts and park and recreation districts and service areas, discrimination on the basis of sex prohibited: ***ESSB 5967, CH 467**
 Real estate excise tax expenditures for parks and capital projects: HB 1744
 State parks system donation, collection by department of licensing as part of vehicle registration: HB 2339
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 Washington park arboretum, natural resource collections: SSB 5061

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 Natural heritage plants, commission consideration of impact on plants of activities on commission lands: HB 2134
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 Signs, posting when commission lands are closed to the public: HB 1118
 State parks, volunteer hosts: HB 2333
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 Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294**

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 Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: HB 1165
 Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as schedule III controlled substances: HB 1236
 Health care insurance, pharmacy services coverage through open pharmacy networks: HB 1905
 Health care provider right of conscience: HB 1687
 Pharmaceutical product stewardship programs: HB 1165
 Pharmacy technicians to complete continuing education requirements established by board of pharmacy: HB 2064
 Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493
 Prescription pads, tamper-resistant: ***HB 2014, CH 328, SSB 5826**
 Prescriptions, limited restrictions on an endorsing practitioner's authority to write a prescription to dispense only as written through state purchased health care plans: ***ESSB 5892, CH 575**

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Ephedrine, pseudoephedrine, and phenylpropanolamine, reclassified as schedule III controlled substances: HB 1236
 Pharmacy technicians to complete continuing education requirements established by board: HB 2064

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Pilotage tariffs, board to fix annually: HB 2120

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Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: HB 1194

Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections, criminal justice, and other public safety personnel: ***SSB 5131, CH 19**

DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382

Drug testing for peace officers, provisions: HB 1511

Emergency responses to properties, notification required to owners: HB 1537

Medication management in jails, jail medication management work group to develop a model policy: ***SSB 5252, CH 411**

Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317

Retired law enforcement officers, issuance of firearms certificate and annual qualification certificate to: HB 2065, HB 2226

Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364**

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Polygraph examiner's advisory committee, creation: HB 1929

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Clean technology development within port district properties, sales tax exemption: HB 1895

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General authority peace officers employed by port districts to be considered uniformed personnel for interest arbitration: HB 1822

Limousine carriers, regulation by counties, cities, and port districts: HB 1775

Property tax levies, limitations for large port districts: HB 1343

Puget Sound port authority, feasibility study of creating: HB 1421

Rail freight service, funding through grants from essential rail assistance account: HB 1512

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Unintended, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303**

PRISONS AND PRISONERS

Correctional facility inmates prohibited from inspecting or copying nonexempt public records: HB 2259

Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259

Developmental disabilities, identifying and accommodating offenders with: HB 2078

Public records, inmate access: HB 1181, ***SSB 5130, CH 10**

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Commercial web sites, privacy policies regarding personally identifiable information: HB 1005

Identification devices, labeling requirements: HB 1006

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Common school provisions, various sections suspended or amended to provide flexibility in the educational system: ESSB 5880

Duties and membership, provisions: HB 2003, SSB 5802

Mathematics and science teachers, board to serve as lead agency in coordinated approach to creating an adequate supply of: HB 2000

National board for professional teaching standards certification, funding for teachers to pursue: ESB 5714

Student achievement gap, board to identify cultural competency model standards and provide partnership grant program assistance to school districts: ***2SSB 5973, CH 468**

Teachers, alternative pathways to endorsement to teach career and technical education at middle schools: HB 1356

PSYCHOLOGISTS

Human trafficking course, all licensed psychologists required to take: ***E2SSB 5850, CH 492 PV**

PUBLIC ASSISTANCE

* - Passed Legislation

Adolescents at risk or in crisis, residential and other services: HB 2137
 Adoption support program, prospective adoptive parent to receive information describing limits of: ***ESSB 5811, CH 491**
 Apple health for kids program, department of social and health services to authorize: HB 2127,
 HB 2155 Apple health for kids program, department of social and health services to manage in cooperation with state and local agencies: HB 2128
 Applications for assistance from persons currently ineligible to receive assistance: ***SSB 6024, CH 198**
 Boarding homes, notice to providers and hearing required before medicaid daily payment rate adjustments: ***HB 1527 V**
 Child support license suspension program: HB 1771
 Child support, license suspension program for failure to pay: ***SSB 5166, CH 408**
 Child support, review of support payments by secretary of department of social and health services: ***HB 2347, CH 527**
 Child welfare services, crisis residential centers to be subject to availability of appropriations: HB 2346
 Child welfare services, performance-based contracts for the provision of: E2SSB 5943
 Child welfare services, remediating racial disproportionality in: HB 2164
 Child welfare system, improving outcomes through phased implementation of evidence-based and promising programs: HB 2106
 Child welfare transformation design committee, establishment: E2SSB 5943
 Children's mental health services, access to care standards: HB 1373
 Children, affordable nonsubsidized state coverage for children: HB 1237
 Correctional facilities and jails, identifying and continuing medical assistance for persons with developmental disabilities serving time: HB 2078
 Crimes against vulnerable adults, reporting and investigations: HB 1788
 Criminal background checks for employees and providers, provisions: HB 2068
 Crisis residential centers for children to be subject to availability of appropriations: HB 2346
 Developmental screenings for children: 2SSB 5484
 Developmental screenings for children through medicaid program: HB 1337
 Disproportionate share hospital adjustments, appropriations of funds for: ***HB 2349, CH 538**
 Electronic applications and signatures as part of benefit application process: ***HB 1270, CH 201**
 Family planning waiver program, department of social and health services to submit applications for: ***2SSB 5945, CH 545 PV**
 Federal fostering connections to success and increasing adoptions act of 2008, implementation: HB 1961
 Foster family homes, placement of child returning to out-of-home care: ***SSB 5431, CH 482**
 Health services account, elimination: HB 1453
 Home care agency workers, wage and benefit parity: HB 2272
 Home care, intensive resource home pilot implementation to be subject to funds availability: ***SB 6181 V**
 Home care, modifying state payments to agencies by prohibiting payment for in-home care by agency employees living with or related to the client: HB 2361
 In-home care, drug screening testing of employees to protect a consumer receiving services: HB 2253
 Intensive resource home pilot implementation to be subject to funds availability: ***SB 6181 V**
 Long-term care services, supporting autonomy and informal caregivers for the aging and persons with disabilities: HB 1330
 Long-term care worker training and background checks, changes to provisions: ***ESSB 6180, CH 580**
 Long-term care worker training and credentialing, changes to provisions: HB 2352
 Maternity care access program, child care as part of support services provided under: HB 2161
 Medicaid acceptance policy, long-term care facility disclosure to residents: ***SSB 6009, CH 489**
 Medicaid in-home personal care program, department of social and health services payment of licensed home care agencies under: HB 1948
 Medicaid, enforcement of primacy of coverage when third-party liability exists regarding claims under plans administered by the state: HB 2330
 Medicaid, establishment of nursing facility medicaid payment advisory council: HB 2290
 Medicaid, notice to boarding home providers and hearing required before adjustments to daily payment rate: ***HB 1527 V**
 Medicaid, nursing facility payment system clarifications: ***EHB 2357, CH 570**
 Medicaid, nursing home reimbursement rate setting in nonurban counties: HB 2280
 Medicaid, simplifying nursing facility payment system: HB 2290
 Medical assistance program, department of social and health services to submit waiver request to expand and revise: ***2SSB 5945, CH 545 PV**
 Medical support obligations as part of child support order, provisions: HB 1845
 Medically intensive home health care, rates: HB 1503
 Mental health services for children, access to care standards: HB 1373
 Nursing facility medicaid payment advisory council, establishment of: HB 2290
 Nursing facility medicaid payment system, clarifying legislative intent regarding statewide weighted average and other factors: ***EHB 2357, CH 570**
 Nursing facility medicaid payment system, simplifying: HB 2290
 Nursing home medicaid reimbursement rate setting in nonurban counties: HB 2280
 Persons with developmental disabilities serving time in correctional facilities and jails, continuing medical assistance while confined: HB 2078
 Pharmacy payments, department of social and health services audit program: HB 1821
 Sexually aggressive youth, treatment eligibility and funding: HB 1419
 TANF, drug testing requirement prior to job search: HB 1233
 Telemedicine, delivery of medical assistance program home health care services through: HB 1529
 WorkFirst program, exemption from participation following birth of child and subsequent notification of services: ***SSB 5286 V**
 WorkFirst temporary assistance for needy families, encouraging parents to pursue available educational and training opportunities: HB 2071
 WorkFirst, drug test requirement for TANF recipients: HB 1233
 Working connections child care, promoting continuity of care for children also enrolled in early learning and care programs: HB 1754

PUBLIC DEFENSE, OFFICE

Funds appropriated for office, city moneys increased and county moneys decreased: HB 1781

Juvenile case records, center for court research and office of public defense access: ***HB 1238, CH 440**

PUBLIC DISCLOSURE (See also CAMPAIGNS)

Campaign contribution and disclosure laws, revisions: HB 2016
 Campaign funding and disclosure laws, reorganization and technical clarification: HB 1029
 Commission authority to include open public meetings act and open public records act: HB 1784
 Controversies, exemption for records: HB 1105
 Correctional facility inmates prohibited from inspecting or copying nonexempt public records: HB 2259
 Criminal justice agencies, disclosure exemption for personal information that can be used to locate employees: HB 1317
 Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259
 Education ombudsman's office, exemption from disclosure of certain conflict resolution process records: HB 2207
 Enjoining the examination of a specific public record, agency's ability: HB 1106
 Home schooling, annual parental declaration of intent to be exempt from public disclosure: ***HB 1288, CH 191**, SB 5661
 Lobbying, electronic report filing requirement for lobbyists, lobbyists' employers, and agencies: HB 1436
 Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317
 Political advertising, identification of sponsor: HB 1787
 Public agency collective bargaining records, exceptions to exemption from disclosure: HB 1471
 Records, process for enjoining disclosure if request was for purpose of public agency harassment: HB 1316
 State officials, time limitations on soliciting or accepting of campaign-related contributions: HB 1472
 University of Washington consolidated endowment fund, disclosure of private investment information related to: ***HB 1640, CH 394**

PUBLIC EMPLOYEES' BENEFITS BOARD

Employee eligibility for benefits: HB 2245

PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Actuarial funding of state retirement systems: ***SSB 6161, CH 561**
 Default provisions for plan membership: HB 1722
 Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: HB 1549
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541
 Educational staff associates: HB 1023
 Fish and wildlife enforcement officers allowed to transfer service credit from PERS to LEOFF plan 2: HB 1953
 Interruptive military service credit: ***HB 1548, CH 205**
 Lowering general salary increase assumption for actuarial funding of system: HB 1543
 Plan 3, vesting after 5 years in defined benefit portion: HB 1600
 Plans 2 and 3, earlier benefits: HB 1599
 Postretirement employment provisions: HB 1602
 Postretirement employment restrictions, reduction: HB 2143
 Survivor annuity option for preretirement death, extending to PERS members who die after leaving active service: HB 1550, ***SB 5315, CH 111**
 Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: HB 1546, ***SB 5303, CH 209**
 Transfer of service credit from PERS to LEOFF plan 2, allowed for fish and wildlife enforcement officers: HB 1953

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Collective bargaining agreements, termination date: HB 1245
 Symphony orchestras, operas, and performing arts theaters, under commission jurisdiction for collective bargaining: HB 1276

PUBLIC FACILITIES DISTRICTS

Board of directors, authority for promotional activities: HB 1692
 Formation and authority: HB 1377
 Formation, operation, and nonstate funding: ***EHB 2299, CH 533**

PUBLIC FUNDS AND ACCOUNTS

Accessible communities account: HB 1739
 Administrative contingency fund, high-demand occupation training program funds for certain unemployed persons to come from separate account within: ***E2SSB 5809, CH 566 PV**
 Afghanistan-Iraq war memorial account: HB 1020
 American Indian endowed scholarship program, matching fund requirement eliminated: ***SSB 5001, CH 259**
 Annual property revaluation grant account: HB 1056, ***SSB 5368, CH 308**
 Benefits account, expenditures to be used for health care services and maintenance of the account: HB 1892
 Biotoxin account: ***SB 6121, CH 577**
 Broadband development and deployment account: HB 2171
 Business and professions account, payment of certain boxing, martial arts, and wrestling event and license fees into: ***SB 6126, CH 429**
 Business assistance account: ***SSB 5723, CH 486**
 Carbon-free commercial scale energy generation account: HB 1191
 CBRNE response account, statewide: HB 1039
 City-county assistance account, changes in distribution of moneys: HB 1667, ***SB 5511, CH 127**
 Climate protection account: HB 1819
 Colleges and universities, use of funds from building or capital projects accounts for certificates of participation authorized: HB 2254
 Columbia river recreational salmon and steelhead pilot stamp program account: ***ESSB 5421, CH 420**
 Companion animal spay/neuter assistance account: HB 1406

County enhanced 911 excise tax account: HB 2351
 Deposit of public funds, credit unions added to list of approved public depositories: HB 1669
 Digital inclusion account: HB 1698
 Disabled veterans assistance account: EHB 1876
 Displaced worker training account: HB 1892
 Education legacy trust account, funds transferred into state general fund: HB 1902
 Electrical equipment incentive account: HB 1186
 Emergency management, preparedness, and assistance account: HB 2031
 Emissions reduction assistance account: E2SSB 5735
 Enhanced 911 account: HB 2029, HB 2351
 Environmental cleanup opportunity grant account: HB 1594
 Equal justice subaccount, funds transferred into state general fund: HB 1902, *ESSB 5073, CH 479
 Essential rail assistance account, funding rail freight service through grants: HB 1512
 Evergreen jobs account: HB 2227
 Family medicine residency training account: HB 1047
 Financial education public-private partnership account: HB 1347
 Fish and wildlife equipment revolving account: HB 1327, *SSB 5268, CH 368
 Fruit and vegetable district fund, district two manager authorized to transfer funds to plant pest account: HB 1681, *SSB 5765, CH 208
 Full funding of basic education account: HB 1817
 Funeral and cemetery account: HB 2126
 General fund, improving budget transparency by consolidating various accounts into: HB 1902, *ESSB 5073, CH 479
 GET field of dreams account: HB 1428
 GET ready for college account: HB 2111
 Growth management appeals legal assistance account: HB 1629
 Guaranteed asset protection waiver account: *EHB 1530, CH 334
 Guaranteed benefit program reserve trust account: HB 2121
 Guaranteed benefit program trust account: HB 2121
 Health care trust account: HB 2377
 Health services account, funds transferred into state general fund: HB 1902, *ESSB 5073, CH 479
 Health services account, violence reduction and drug enforcement account, and water quality account, elimination: HB 1453
 High-speed internet account: HB 1699
 Ignition interlock device revolving account: HB 1732
 Industrial insurance funds, proper and improper use of accident fund, medical fund, and supplemental pension fund: HB 1386
 Investing in innovation account: SSB 5553
 Judicial election reform act fund: HB 1738
 Judicial stabilization trust account: HB 2362
 Lake Washington transportation corridor account: HB 2335
 Landscape architects' license account: HB 1359, *SSB 5273, CH 370
 Lobbying electronic filing account: HB 1436
 Local government archives account, use of excess fund balance: HB 1374
 Maritime historic restoration and preservation account, availability of appropriated moneys for maritime historic vessel restoration and preservation program: HB 2379
 Military improvement zone account: HB 1756
 Mobile custom farm slaughtering unit loan account: HB 2102
 Motor vehicle fund, savings from suspension of requirement for art for transportation-related buildings to be credited to: HB 2076
 Multistate shared games account: HB 2300
 Near general fund, expenditure limitations: HB 1656
 Near general fund, to be included in official state quarterly economic and revenue forecasts: HB 1656
 Nondebt-limit reimbursable bond retirement account: HB 2334
 Novelty lighter fire safety account: HB 1015
 OASI revolving fund, expenditures from fund for costs of program administration authorized: *HB 2206, CH 171
 Pension funding stabilization account, funds transferred into state general fund: HB 1902
 Pharmaceutical product stewardship program account: HB 1165
 Prevent or reduce owner-occupied foreclosure program account: *ESB 6033, CH 386 PV
 Problem gambling account, funding to include proceeds from online keno game account: HB 2305
 Product stewardship programs account: HB 1469
 Public deposit protection commission, modernization and clarification of powers in regard to banks and savings associations as public depositories: HB 2061
 Public health improvement account: HB 1307, HB 1820, HB 1985
 Public safety and education account, funds transferred to state general fund: HB 1902, *ESSB 5073, CH 479
 Real estate and property tax administration assistance account: *SSB 5368, CH 308
 Renewable energy trust account: HB 2135
 Reserve account, expenditures to be used for health care services and maintenance of the account: HB 1892
 Residential infrastructure account: HB 1360
 Rural and resource lands study account: HB 1797
 Saltwater algae control account, department of ecology: HB 1231, SB 5412
 Shoreline Community College revolving fund for plug-in hybrid vehicle conversion program: HB 1734
 Small school district contingency fund account: HB 1757
 Social emotional learning public-private partnership account: HB 1162
 Special county arts, regional center, low-income housing, and community development fund: HB 2252
 Specialized forest products outreach and education account: HB 1038

Stabilization debt payment account: HB 2334
 State portfolio manager master account: HB 1747, ***E2SSB 5854, CH 423**
 State route 520 corridor account, general obligation bond proceeds to be deposited in: HB 2326
 State route number 520 corridor account: HB 2211
 State route number 520 corridor and Interstate 90 floating bridge account, creation in the motor vehicle fund: HB 2319
 State wildlife account, funding to include proceeds from online keno game account: HB 2305
 Student achievement fund appropriations, transfer by superintendent of public instruction: ***ESB 6137, CH 547**
 Student achievement fund, funds transferred into state general fund: HB 1902, ***ESSB 5073, CH 479**
 Student achievement fund, omnibus operating appropriations act to specify allocation rates for: HB 2356
 Tacoma Narrows toll bridge account, toll charges, other revenue, and interest to be used only for tolled facility: HB 2191, ***SSB 5795, CH 567**
 Tobacco settlement account, transfer of moneys to reserve account and benefits account: HB 1892
 Universal vaccine purchase account: HB 2342
 University of Washington botanic gardens endowed curatorship account: SSB 5061
 Violence reduction and drug enforcement account, funds transferred into state general fund: HB 1902, ***ESSB 5073, CH 479**
 Volunteer firefighter license plate account: HB 2175
 Volunteer search and rescue account: HB 1214
 Washington bred owners' bonus fund and breeder awards account: HB 1315, ***SB 5125, CH 87**
 Washington state economic development commission program fund: HB 1131
 Washington state flag account: ***HB 1121, CH 71**
 Washington state patrol retirement system expense account: HB 1444
 Washington voluntary retirement accounts partnership program account: HB 1893
 Washington works account: HB 2334
 Water pollution account: HB 1614
 Water pollution control revolving fund, use of moneys in fund by department of ecology: HB 2116
 Water quality account, funds transferred into state general fund: HB 1902, ***ESSB 5073, CH 479**

PUBLIC HEALTH AND SAFETY

AIDS program grants, consolidation of administrative services in department of health: HB 2360
 Anaerobic digesters for processing livestock manure and organic waste-derived material, requirements for exemption from solid waste handling permitting: HB 1135, ***SSB 5797, CH 178**
 Asbestos-related liabilities of corporations, limitations: HB 2054
 Bags, restrictions on retail carryout bags: HB 1189
 Basic health plan modified to include economic recovery enrollees: HB 2117
 Basic health plan program changes necessary to implement 2009-2011 operating budget: HB 2341
 Birth and death certificates, surcharge for certified copies: HB 2348
 Bisphenol A in products, prohibition and alternatives: HB 1180
 Body piercing and body art, sterilization requirements and standard universal precautions: HB 1085
 Carbon monoxide alarms, building code council to require installation in certain residential occupancies: ***SSB 5561, CH 313**
 Carbon monoxide alarms, installation in dwelling units: HB 1333
 CBRNE response program, statewide: HB 1039
 Cleaning in state facilities, reducing environmental impact: HB 1168
 Community agricultural worker safety program: HB 2032
 Consent for medical or dental care by a minor, conditions: HB 2073
 Crane inspectors, restrictions: HB 2298
 Crane safety, exemption for telecommunications trucks: HB 1111
 Death and birth certificates, surcharge for certified copies: HB 2348
 Drug overdose prevention, limited liability from prosecution for people who seek medical assistance in an overdose situation: HB 1615
 Drugs, disposal of unwanted drugs by pharmaceutical product stewardship programs: HB 1165
 Expanded polystyrene food service products, prohibitions, violations, and penalties: HB 2089
 Health care providers, surcharge for credentials: HB 2348
 HIV testing, infants placed in out-of-home care: HB 1046
 Immunization of children, required documentation for exemption from: HB 1703
 In-home care, drug screening testing of employees to protect a consumer receiving services: HB 2253
 Influenza vaccination pilot program, school-based: HB 1282
 Inhalants, possession with intent to induce intoxication: HB 1146
 Lead levels in blood, assessments for children younger than twenty-one years: HB 1345
 Lead levels in blood, pilot program for screening children at risk for elevated levels: HB 1342
 Lead wheel weights, environmentally preferred alternatives: HB 1033
 Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346
 Lighting, exterior light pollution and wasteful energy consumption reduction: HB 1069
 Local health jurisdictions, funding core public health functions while maintaining compliance with public health standards: HB 1307, HB 1820, HB 1985
 Long-term care worker training and background checks, changes to provisions: ***ESSB 6180, CH 580**
 Long-term care worker training and credentialing, changes to provisions: HB 2352
 Low-income households, sustainable residential weatherization: HB 1060
 Manlifts, provisions for privately operated: HB 2184
 Medical pregnancy resource centers: HJM 4016
 Mercury reduction, provisions for sales, recycling, and disposal: HB 1799, HB 1809
 Mercury vapor lamps or fixtures, prohibition for outdoor use: HB 1069
 Methicillin-resistant staphylococcus aureus: HB 1123

Methicillin-resistant staphylococcus aureus, pre-surgical testing and related requirements and prohibitions: HB 2375 Methicillin-resistant staphylococcus aureus, screening for and reporting of: SB 5500
 Novelty lighters, prohibition of sale and distribution: HB 1015, ***ESSB 5011, CH 273**
 Pesticide poisoning and exposure, department of health flexibility in investigation of: ***SSB 6171, CH 495**
 Pharmaceutical product stewardship programs: HB 1165
 Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493
 Public health services, voter approval required for additional county property tax levy to finance: HB 2152
 Public hospital capital facility areas, establishment as quasi-municipal corporations and independent taxing units within counties: ***SB 5354, CH 481**
 Public water systems, chlorine residual measurement requirements for certain group A water systems: ***SSB 5199, CH 367 PV**
 Public water systems, operator certification and responsibilities: HB 1283
 Railroad crossing protection devices, local improvement district financing: HB 1081
 Reclaimed water use, permitting requirements and violations and penalties: HB 1482, ***SSB 5504, CH 456**
 Rental car businesses, child restraint systems availability requirements: HB 2198
 Restroom access in retail stores for persons with certain medical conditions: HB 1138
 Safe and healthful food, establishment of commission on: HB 2309
 Safety and health improvements to public facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 School districts, annual reporting on efforts to improve health and social-emotional learning performance: HB 1632
 Secure exchange of health information, health care authority to designate lead organization(s) to coordinate development of system for: ***SSB 5501, CH 300**
 Sexually transmitted diseases, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303**
 Shellfish, biotoxin testing and monitoring surcharge: ***SB 6121, CH 577**
 Single-occupancy farm conveyances, definition and use: ***SSB 5793, CH 128**
 Small business employee wellness program, establishment: HB 2183 Solid fuel burning devices, restrictions: HB 1691, ***SSB 5565, CH 282**
 Solid waste handling, requirements for anaerobic digesters for processing livestock manure: ***SSB 5797, CH 178**
 Solid waste handling, requirements for anaerobic digesters for processing livestock manure and organic waste-derived material: HB 1135
 Tattooing, body art, body piercing, comprehensive regulations: ***SSB 5391, CH 412**
 Tobacco and tobacco products, prohibition of sales if retail establishment located on same premises as a health care clinic: HB 2257
 Unintended pregnancy, sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303**
 Vaccines, universal vaccine purchase account created: HB 2342
 Waste reduction and sustainable production, department of ecology duties: HB 1014
 Wheelchair and stairway chair lifts, definitions and use: ***SSB 5793, CH 128**
 Wheelchair and stairway chair lifts, inspections: HB 2184 Wildlife trapping at airports, authority and requirements: HB 2260

PUBLIC INSTRUCTION, SUPERINTENDENT

Achievement gap advisory committee, establishment within office of the superintendent: HB 2147, HB 2148
 Annual school district compliance reports, superintendent to review: ***SSB 5738, CH 317**
 Antiharassment policy and procedure, superintendent to provide an updated model harassment, intimidation, and bullying prevention policy and procedure: HB 2015
 Assessments and curricula, implementing recommendations of WASL legislative work group: ***ESSB 5414, CH 310 PV**
 Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: HB 1813
 Capital projects funds, accounting guidelines for use by school districts to be developed by superintendent: HB 1619, ESSB 5807
 Career and technical student organizations, support services to be subject to availability of appropriations: HB 2343
 Classified staff training, development and offering to be subject to availability of appropriations: HB 2343
 Commission for quality education in Washington to include superintendent as permanent member: HB 1817
 Common school provisions, various sections suspended or amended to provide flexibility in the educational system: HB 2167, ESSB 5880, ***ESSB 5889, CH 556**, ESSB 5890
 Community schools program, superintendent's role in: HB 1618
 Construction, implementation of school construction safety net grant program through rule adoption by superintendent: HB 2276
 Construction, school construction assistance appropriations: ***HB 1113, CH 6**
 Diagnostic assessments, school district access to assessments to be subject to availability of appropriations: HB 2343
 Digital learning programs, rules concerning: SB 5378
 Dropout reengagement system, superintendent to develop contracts and agreements and allocate funding: HB 1418
 Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119
 Dyslexia, development of dyslexia handbook and educator training program to enhance skills of students with: ***SSB 6016, CH 546**
 Elementary and secondary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 PV**
 Elementary school recess periods, survey of Washington elementary schools: ***SSB 5551, CH 182**
 Financial education public-private partnership: HB 1347
 Financial education, standards and requirements: HB 1347
 Financial education, to be included in social studies courses required for graduation: HB 1649
 Firearms safety education programs, K-12 instruction: HB 2011
 Food service programs, funding summer programs with state support and grants: HB 1416
 Health benefits for K-12 employees, health care authority to convene work group in coordination with superintendent: 2SSB 5491
 High school graduation and reengagement goals, establishing and meeting: ESSB 5449
 High school success, increasing student motivation by eliminating the statewide assessment and providing incentives to pursue postsecondary education: HB 1341
 Impact fees for school facilities, superintendent to develop criteria for extension of time limit for use: HB 1975, ***SB 5580, CH 263**
 Influenza vaccination pilot program, school-based: HB 1282
 K-12 basic education, plan for full funding: HB 1817
 K-12 programs, enrollment calculations: HB 1558
 Kindergarten assessment, early learning advisory council and superintendent of public instruction to develop and implement: HB 1944

Millennium schools, superintendent to award planning grants for up to three schools to aid certain demographic groups: HB 2148, HB 2149
 Online learning, development, approval, implementation, and administration of alternative learning experience online courses and programs: *SSB 5410, CH 542
 Online learning, superintendent to create office of: *SSB 5410, CH 542
 Paraeducator tutor certification requirements: HB 1889
 Residential education, funding for school districts providing: HB 1969
 Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: HB 2113
 Running start program, provisions: HB 2119
 Safety, health, and energy efficiency improvements to K-12 facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Savings in education programs, revision of various provisions in order to achieve: HB 2343
 School buses, automated bus stop signal cameras pilot program: HB 1427
 School construction safety net grant program, implementation: HB 2276
 School district employees, superintendent to adopt disciplinary guidelines for the use of public resources for personal benefit: HB 1319
 School district funding, basic education allocation from superintendent to exclude certain state forest land revenues: HB 1774
 School nurses, increasing allocation for: HB 1502
 School plant funding, renaming components of appropriations allotment formula: HB 2142, *SB 5980, CH 129
 Secondary and elementary programs, implementation of certain programs to be subject to availability of funds: *SB 6168, CH 578 PV
 Sexual health education, to include legal elements and consequences of sex offenses when a minor is the victim: HB 1473
 Social emotional learning public-private partnership: HB 1162
 Statewide student assessment system, redesign of: HB 1976
 Student achievement fund appropriations, transfer by superintendent: *ESB 6137, CH 547
 Student achievement gap, superintendent to identify districts to receive workforce cultural competency skills assistance: *2SSB 5973, CH 468
 Student transportation financing, updating funding formula: HB 2041
 Teachers pursuing national board for professional teaching standards certification, superintendent to adopt repayment rules for conditional funding: ESB 5714
 Teachers, professional development programs and national board certification bonuses to be subject to availability of appropriations: HB 2343
 Teachers, teacher assistance program to be subject to availability of appropriations: HB 2343
 Tribal schools, allocation of education moneys: HB 1890
 WASL legislative work group, implementation of recommendations concerning statewide assessments and curricula: *ESSB 5414, CH 310 PV
 WASL, adjustments of assessment in mathematics and sciences: HB 1646

PUBLIC LANDS

Aquatic lands, permission to install and maintain docks and boat lifts on state-owned land: HB 1556, HB 1750
 Christmas trees, harvesting: HB 1038
 Christmas trees, removing from or injuring on public or private land: *HB 1137, CH 349
 Columbia river basin water supply development program, using state moneys for potential water storage sites under the program prohibited: HB 1627
 Commercial, natural resource, and forest lands, department authority to manage: SSB 5957
 Community trail advisory authority, establishment and grant program: HB 1810
 Contract harvesting on state trust lands: *ESB 6166, CH 418 PV
 Dredged riverbed materials from Mt. St. Helen's eruption, disposal: *SB 6070, CH 426
 Fish and wildlife department lands, grazing privilege requirements: HB 1306
 Highway construction review and site selection process, prioritizing use of public land: *SSB 5684, CH 471
 Huckleberries, regulations: HB 1038
 Maury Island aquatic reserve, requirements for wells on industrial or mining sites on lands adjacent to: HB 1708
 Mt. St. Helen's eruption, disposal of dredged riverbed materials from: *SB 6070, CH 426
 Natural heritage plants, process for setting aside natural area preserves to include awareness of: HB 2134
 Off-road vehicles, increasing distribution of moneys for off-road vehicle purposes: HB 2101
 Parks, recreation, trails, and open space allocation, local sales and use tax to provide funding for: HB 1810
 Plants, impacts of projects when certain species identified by natural heritage program are present: HB 1136
 Removal of gravel from waterways to reduce impact of flooding, provisions: HB 2007
 Signs, posting when certain public lands are closed to the public: HB 1118
 Specialized forest products, permitting process and theft protections: HB 1038
 State forest land revenues to be excluded in part from basic education allocation from superintendent of public instruction to school districts: HB 1774
 State forest lands with harvest encumbrances, transfer: HB 1595
 State trust lands, contract harvesting: *ESB 6166, CH 418 PV
 Wildlife and recreation program, qualified applicants and procedures for funding from accounts: HB 1957

PUBLIC LANDS, COMMISSIONER

Candidates for commissioner, contributions to campaign: HB 1289

PUBLIC OFFICERS AND EMPLOYEES

Campaign contribution and disclosure laws, revisions: HB 2016
 Candidates for public office, false statements about constituting libel or defamation: HB 1286, SB 5211
 Citizens' commission on salaries for elected officials, definition of "immediate family" for purpose of membership on: HB 2033
 Collective bargaining agreements, termination date: HB 1245
 Commissioner of public lands, contributions to candidates for: HB 1289
 Criminal justice agencies, disclosure exemption for personal information that can be used to locate employees: HB 1317

Employee termination for actions opposing employer violations of public policy, cause of action separate from wrongful discharge created: HB 2186

Employees, attendance at informational or educational meetings regarding legislative issues: HB 1920

Ethics, selling merchandise or services under official state agency wellness program contract: HB 1256

Exempt employees, protecting collective bargaining rights in certain cases: HB 2267

Gifts, acceptance by state officers and employees: HB 1124

Legislative web sites, ethical use: HB 1761

Legislative web sites, legislator or legislative employee responsibility for nonlegislative material on nonlegislative web sites: HB 1729

Political advertising, identification of sponsor: HB 1787

Public employees' benefits board, employee eligibility for benefits: HB 2245

Records, process for enjoining disclosure if request was for purpose of agency harassment: HB 1316

Reducing state administrative costs through 12-month salary and wage freeze and reduction in expenditures and services agreements: ***ESSB 5460, CH 5**

School district and educational service district employees' basic benefits to be determined and administered by health care authority: HB 1940

Service animal training, attendance by state agency employees with sensory disabilities: EHB 1965, ***HB 2328, CH 294**

Sick leave, using for volunteer work: HB 2133

State officials, time limitations on soliciting or accepting of campaign-related contributions: HB 1472

State schools for blind and deaf, transfers of accumulated leave of employees: ***HB 1878, CH 47**

Vacation leave, accrual rate for former school district employees: HB 1098

Whistleblower program for state employees, clarifying provisions: HB 1293

PUBLIC POLICY, INSTITUTE

Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by institute with assistance of state actuary: HB 1549

PUBLIC SAFETY EMPLOYEES' RETIREMENT SYSTEM

Actuarial funding of state retirement systems: ***SSB 6161, CH 561**

Interruptive military service credit: ***HB 1548, CH 205**

Lowering general salary increase assumption for actuarial funding of system: HB 1543

PUBLIC TRANSIT

Governing bodies, required appointment of organized labor member with full voting rights and privileges: HB 1590

High capacity transportation corridor areas, establishment and funding: HB 1677, ***SB 5540, CH 280**

High-speed rail, establishment of joint select committee on: HB 1873

Property tax, public transit levy rates: ***2SSB 5433, CH 551 PV**

Special transportation needs, services for those who have: HJM 4008

Special transportation needs, work group appointed by agency council on coordinated transportation to generate a report with recommendations: HB 2088

Stops at unmarked stop zones, allowed in certain circumstances: ***SB 5180, CH 274**

Supplemental transportation improvements within a transportation benefit district, cities authorized to provide and contract for: HB 2179

Unlawful transit conduct, violations and penalties: HB 1606, ***ESSB 5513, CH 279**

PUBLIC UTILITY DISTRICTS

Checks, policies and procedures for issuance as payment of claims or other obligations: EHB 1728, ***SSB 5267, CH 173**

Conservation project loans from public utility districts, repayment period expanded: ***HB 1184, CH 416**

Electric vehicles, utility districts encouraged to use: HB 1481

Electricity generation facilities using biomass fuels, authority of county to construct or purchase if county contains a public utility district meeting certain conditions: ***SSB 5724, CH 281**

Taxes and gross revenue, prospective clarification: HB 1088

Thermal electric generating facilities, distributions of tax proceeds from: SB 5717

PUBLIC WATER SUPPLY SYSTEMS

Chlorine residual measurement requirements for certain group A water systems: ***SSB 5199, CH 367 PV**

Group B public water systems, waiver of some requirements by state board of health for systems with fewer than five connections: ***SSB 6171, CH 495**

Operators, certification and responsibilities: HB 1283

Safe and reliable drinking water supply, maintaining through consistency of water system plans with comprehensive plans or development regulations: HB 1998

Underground facilities, requirements for notification prior to excavation: HB 1996

Water facility construction, contract requirements: ***HB 2146, CH 344**

PUBLIC WORKS

Alternative contracting procedures: ***HB 1197, CH 75**

Alternative public works contracting procedures, authorization and restrictions: HB 1690

Art for state transportation-related buildings, suspension of requirement for: HB 2076

Assistance funds, local: ***HB 1569, CH 45**

Bid limits: HB 1847

Bid limits, contracts: HB 1198

Bid price, adjustment negotiation expanded to municipalities: HB 1200

Capital projects advisory review board, alternative public works contracting procedures approval: HB 1690

Colleges and universities, use of funds from building or capital projects accounts for certificates of participation authorized: HB 2254

Community economic revitalization board, wage criteria for projects: HB 1252

Contracting procedures, University of Washington and Washington State University: HB 1916, SSB 5760
 Contracting, defining microbusiness, minibusiness, and small business for purposes of: HB 1830
 Contractors to list all subcontractors for public works projects: HB 1837
 Contracts, bid limits: HB 1847
 Contracts, veteran-owned businesses: HB 1648
 Flood control construction and maintenance contracts: HB 1153
 Higher education capital projects, setting priorities for: HB 1898
 Living wage requirement for state contracts with private contractors: HB 1716
 Off-site prefabrication, requirement that contractors and subcontractors report certain nonstandard, project-specific items: EHB 1836
 Prevailing rate of wage to be paid on construction projects involving tax incentives, loans, or public land or property that is sold or leased: HB 1992
 Prevailing wage, definition of independent contractor: HB 1786, ***SSB 5904, CH 63**
 Project bids, requirement that bidder is not out of compliance with apprenticeship rules: ***ESSB 5873, CH 197**
 Projects by four-year higher education institutions, requirements for labor hours to be performed by apprentices: ***ESSB 5873, CH 197**
 Projects, bid limits: HB 1198
 Projects, bid price adjustment negotiation expanded to municipalities: HB 1200
 Projects, loans to local governments: HB 1164
 Projects, payment of undisputed claims: ***HB 1195, CH 193**
 Projects, retainage of funds: ***HB 1199, CH 219**
 Public facilities in rural counties, time period during which sales and use tax may be collected for: HB 1751
 Residential construction, public works meeting definition of: ***SB 5903, CH 62**
 Small businesses, participation in state purchasing: HB 1096
 Small works roster projects, dollar limit: ***HB 1196, CH 74**
 Special purpose districts, purchase of materials and equipment for construction or improvements: HB 1230
 State funding for local projects, greenhouse gas emissions criteria: HB 2010
 Transportation facilities, prohibition of development under local comprehensive plans: HB 1736
 University of Washington, contracting procedures: HB 1641, HB 1916, SSB 5760
 Veteran-owned businesses, state contracts: HB 1648
 Wage criteria for community economic revitalization board projects: HB 1252
 Washington State University, contracting procedures: HB 1916, SSB 5760

PUBLIC WORKS BOARD

Projects, loans to local governments: HB 1164
 State funding for local projects, greenhouse gas emissions criteria: HB 2010

PUGET SOUND

Port authority, feasibility study of creating: HB 1421
 Scientific research, Puget Sound science panel and scientific research account provisions: ***HB 1997, CH 99**

RADIO

Amateur radio operator license plates: HB 2317
 Emergency communications systems, television reception improvement districts to provide: HB 1028
 Tax deductions and exemptions, recommendations of citizen commission for performance measurement of tax preferences adopted: ESSB 5557

RAILROADS

Crossing protection devices, local improvement district financing: HB 1081
 Heavy rail short lines, expending existing city and county real estate excise taxes on municipally owned rail lines: HB 1910, ***SB 5587, CH 211**
 High-speed rail, establishment of joint select committee on: HB 1873
 Milwaukee Road corridor, extending the time period for the department of transportation to enter into a franchise agreement for a rail line: ***HB 1717, CH 338**
 Rail freight service, funding through grants from essential rail assistance account: HB 1512

REAL ESTATE AND REAL PROPERTY

Affordable housing development, use of surplus property owned by governmental entities for: EHB 2138
 Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: HB 1304, ***SB 5680, CH 58**
 Assessed valuation appeals, extension of deadline for filing petition: HB 1480
 Assessed value, limits: HJR 4200
 Assessors to give notice of true and fair real property value even if value has not changed: HB 1950
 Boundaries, procedures for resolving disputes: HB 1122
 Carbon monoxide alarms, building code council to require installation in certain residential occupancies: ***SSB 5561, CH 313**
 Carbon monoxide alarms, installation in dwelling units: HB 1333
 Columbia river basin water supply development program, using state moneys for potential water storage sites under the program prohibited: HB 1627
 Condominium associations, exemption from reserve account and study requirements for smaller associations: ***SSB 5461, CH 307**
 Construction defects, warranty of habitability for homes: HB 1045
 Construction trade worker licenses, certificates, or permits to be in possession while working: HB 1055
 Consumer loan companies, compliance with the secure and fair enforcement for mortgage licensing act of 2008: HB 1621
 Crimes against property, threshold values: HB 1144, ESSB 5225, ***SB 6167, CH 431**

Current use valuation for property taxes for land with mobile homes or similar structures: HJR 4201
 Deeds of trust, foreclosure: HB 1942, ***ESB 5810, CH 292**
 Deeds of trust, reconveyances: HB 1644
 Distressed property conveyances, equity skimming: HB 1132, ***SB 5221, CH 15**
 Emergency responses to properties, notification required to owners: HB 1537
 Eminent domain, restrictions on exercise of: HB 1392
 Fire sprinkler systems, voluntary installation in residences: HB 2224
 First-time home buyers, property tax exemption: HB 2090
 Flooding, insurer disclosure that policy does not cover flood damage: HB 1564, ***SSB 5417, CH 14**
 Foreclosure sales, applying surplus proceeds to all interests or liens: ***HB 1826, CH 122**
 Forested land, act of owning defined as forest practice: HB 1483, ***SB 5562, CH 200**
 High technology sales and use tax deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268**
 Homeowner's bill of rights: HB 1045
 Homeowners' associations, real estate disclosure requirements regarding: ***SSB 6000, CH 130**
 Housing development for low-income persons, affordable housing incentive programs: ***EHB 1464, CH 80**
 Inspections of rental housing, limitations: HB 1296
 Insurance on residential property, underwriting actions: HB 1670
 Leased to a public hospital, property tax exemption: HB 1882
 Liens against rental premises for utility charges when tenant vacates or is delinquent: HB 1298
 Manufactured home communities, compliance with notification requirements when community offered for sale: HB 1907
 Manufactured home communities, minimum terms for closure or conversion notices: HB 1581
 Manufactured home communities, property tax exemption: HB 1582
 Mobile home parks, compliance with notification requirements when park offered for sale: HB 1907
 Mobile home parks, minimum terms for closure or conversion notices: HB 1581
 Mobile home parks, property tax exemption: HB 1582
 New home construction sales tax, reduction to increase economic activity: HB 2057
 Office of consumer education for home construction, created in office of attorney general and duties: E2SSB 5895
 Outdoor burning provisions of Washington clean air act, clarifications: ***SB 5767, CH 118**
 Plat approval, time limit extension: HB 2220
 Prevent or reduce owner-occupied foreclosure program: ***ESB 6033, CH 386 PV**
 Property owned by organizations eligible for property tax exemption, eligibility maintained in certain cases when used by a noneligible entity: HB 1477
 Property owners, contractor registration provisions when working on, or contracting for work on, own property: HB 2017
 Property tax, administration of: HB 1208
 Public parking facilities, sale, lease, or conveyance of municipal property in commercial areas: ***HB 1048, CH 265**
 Quieting title, prohibition of adverse possession claims: HB 1479
 Real estate and property tax administration assistance account, creation: ***SSB 5368, CH 308**
 Real estate excise tax expenditures for parks and capital projects: HB 1744
 Real property sales, tax revenues to be deposited in accounts for residential infrastructure: HB 1360
 Reclassification of property enrolled in current use property tax programs: HB 1508
 Rental housing, limitations on inspections: HB 1296
 Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563**
 Residential housing, improving home construction through consumer education, warranties, and contractor and worker requirements: HB 1393
 Residential mortgage loan fees, financial institution authority to charge: HB 1588
 Residential real property construction, improving through multiple strategies: E2SSB 5895
 Residential real property homeowner and construction professional early resolution mediation program: E2SSB 5895
 Residential real property transfers, wood burning appliance questions added to seller's disclosure statement: HB 1577
 Retail crime task force: ESSB 5225, ***SB 6167, CH 431**
 Revaluation of property by counties for property tax purposes, annual: ***SSB 5368, CH 308**
 Revaluation of property impacted by government restrictions, procedures: SSB 5179
 Revaluations of taxable property, annual: HB 1056
 Sales tax compliance, improving: ***SB 6173, CH 563**
 Seller's disclosure, various requirements: HB 1420
 Senior citizen property tax provisions, modifications: HB 2050
 Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405**
 Solar energy panels, regulating use by homeowners' association members: ***SSB 5136, CH 51**
 Solar energy systems, unnecessary installation constraints on home or condominium owners removed: HB 1112
 Strategic plan for enhancing energy efficiency and reducing greenhouse gas emissions in the built environment: HB 1747, ***E2SSB 5854, CH 423**
 Vacant homes, real estate excise tax exemptions to encourage sales to low-income buyers: HB 1495
 Valuation change notices: HB 1092
 Valuation, assessors to give notice of true and fair real property value even if value has not changed: HB 1950
 Valuation, mid-year valuation required when home price index shows significant annual decline: HB 1372
 Valuation, procedures for ensuring accuracy and fairness: HB 2067
 Water or sewer facility construction, municipal participation in funding and reimbursement amounts: ***EHB 1513, CH 230**
 Weatherization programs for low-income persons, expansion: ***E2SSB 5649, CH 379 PV**

RECORDS

Birth and death certificates, surcharge for certified copies: HB 2348
 Birth certificates, disclosure of confidential information: HB 1510
 Board for public records and open public meetings, committee to study feasibility of creating: HB 1017

Correctional facility inmates prohibited from inspecting or copying nonexempt public records: HB 2259
 Criminal justice agencies, disclosure exemption for personal information that can be used to locate employees: HB 1317
 Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259
 Death and birth certificates, surcharge for certified copies: HB 2348
 Disclosure of public agency records, process for enjoining if records request was for purpose of agency harassment: HB 1316
 Document recording surcharges, additional county surcharge to fund certain affordable housing and homeless purposes: HB 2166
 Education ombudsman's office, exemption from disclosure of certain conflict resolution process records: HB 2207
 Health professional licensing information, office of financial management access to: HB 2079
 Hours of availability of state agency records for inspection and copying, mandatory minimum: ***SB 6104, CH 428**
 Juvenile case records, center for court research and office of public defense access: ***HB 1238, CH 440**
 Local government archives account, use of excess fund balance: HB 1374
 Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317
 Public agency collective bargaining records, exceptions to exemption from disclosure: HB 1471
 Public disclosure commission authority to include open public records act: HB 1784
 Public records and open public meetings board, committee to study feasibility of creating: HB 1017
 Public records exemptions accountability committee, unanimous recommendations: SSB 5295
 Public records, access to by correctional facility inmates: HB 1181, ***SSB 5130, CH 10**
 Public records, agency's ability to enjoin the examination of a specific record: HB 1106
 Public records, claims liability and defense costs for local government self-insurance programs: HB 1107
 Public records, requirements for disclosure when controversy: HB 1105
 Public records, special commitment center and private detention facility security information disclosure exemption: ESB 5014
 Public records, special commitment center security information disclosure exemption: ***HB 1030, CH 67**
 Recording of closed executive session meetings, requirements and violations: HB 1676
 University of Washington consolidated endowment fund, disclosure of private investment information related to: ***HB 1640, CH 394**

RECREATION AND CONSERVATION OFFICE

Recreation and conservation funding board, overseeing funding from accounts associated with wildlife and recreation program: HB 1957
 Recreational boating programs, process for improving to include preparing a report on multiple issues: HB 2237, 2SSB 5691
 Salmon recovery, consolidation of certain activities and programs within the office: HB 2157

RECREATIONAL VEHICLES

Manufactured and mobile home communities, recreational vehicles serving as primary residences: ***EHB 1227, CH 79**
 Motorsports vehicles, return of unsold new vehicles or cancellation of order by dealer: HB 2208

RECYCLING

Mercury-added general purpose lights, provisions for sales, recycling, and disposal: HB 1799, HB 1809
 Mercury-containing lights, establishment of product stewardship recycling programs with producer participation: HB 1469
 Paper, state agencies required to use one hundred percent recycled content paper: HB 2287

RENT (See also LANDLORD AND TENANT)

Unauthorized occupation of units: HB 1064

RESTAURANTS

Liquor license fees, increases: ***EHB 2358, CH 507**
 Local sales and use tax, county authority to impose upon the retail sale or use of certain food and beverages for special funding: HB 2252

RETIREMENT AND PENSIONS

Actuarial funding of state retirement systems: HB 2369, ***SSB 6161, CH 561**
 Court employees, PERS retirement benefits for: HB 1742
 Death benefit for public employees, duty-related: EHB 1547
 Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: HB 1549
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541
 Firefighters, survivor benefits: ***HB 1506, CH 156**
 Fish and wildlife enforcement officers allowed to transfer service credit from PERS to LEOFF plan 2: HB 1953
 Higher education employees, annuities and retirement accounts: HB 1545
 LEOFF plan 2, access to catastrophic disability medical insurance: EHB 1679
 LEOFF plan 2, minimum retirement allowance to members disabled in line of duty before January 1, 2001: ***HB 1678, CH 95. *SB 5542 V**
 Mailings to certain state retirement systems' members, department of retirement systems to provide assistance: HB 1219, ***ESSB 5238, CH 30**
 Military service credit for retirement, transferred LEOFF plan 1 service credit in relation to: HB 2196
 PERS plan 3, vesting after 5 years in defined benefit portion: HB 1600
 PERS plans 2 and 3, providing earlier benefits: HB 1599
 PERS retirement benefits for court employees: HB 1742
 PERS, calculation of average final compensation for plan 1, 2, and 3 members during 2009-2011 fiscal biennium: ***SB 6157, CH 430**
 PERS, plan membership default provisions: HB 1722
 PERS, postretirement employment provisions: HB 1602
 PERS, postretirement employment restrictions reduction: HB 2143
 Postretirement employment restrictions for TRS, SERS, and PERS, reduction: HB 2143
 Retirement system, obsolete statutes repealed: HB 1542, ***SB 5305, CH 110**
 Retirement systems, interruptive military service credit: ***HB 1548, CH 205**
 SERS plan 3, vesting after 5 years in defined benefit portion: HB 1600

SERS plans 2 and 3, providing earlier benefits: HB 1599
 SERS, postretirement employment provisions: HB 1602
 SERS, postretirement employment restrictions reduction: HB 2143
 State retirement system, participation in insurance plans and contracts by separated members of certain plan 2 retirement systems: HB 1601
 State retirement systems, actuarial funding of: HB 2369, ***SSB 6161, CH 561**
 State retirement systems, benefits at earlier ages for plans 2 and 3 of PERS, SERS, and TRS: HB 1599
 State retirement systems, lowering general salary increase assumption for actuarial funding of system: HB 1543
 State retirement systems, postretirement employment provisions for PERS, SERS, and TRS: HB 1602
 State retirement systems, state actuary to consider long-term demographic assumptions when making recommendations to pension funding council: HB 1544
 State retirement systems, vesting after 5 years in defined benefit portion of PERS, SERS, and TRS plan 3: HB 1600
 Survivor benefits, employees who die while honorably serving in the national guard or military reserves during a period of war: ***HB 1551, CH 226**
 Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: HB 1546, ***SB 5303, CH 209**
 Transfer of service credit from PERS to LEOFF plan 2, allowed for fish and wildlife enforcement officers: HB 1953
 TRS plan 3, vesting after 5 years in defined benefit portion: HB 1600
 TRS plans 2 and 3, providing earlier benefits: HB 1599
 TRS, postretirement employment provisions: HB 1602
 TRS, postretirement employment restrictions reduction: HB 2143
 Washington voluntary retirement accounts program: HB 1893
 WSPRS administration, state patrol retirement board and retirement system expense account created: HB 1444
 WSPRS pension issues, select committee on pension policy formation of a function-specific subcommittee focusing on: SSB 5332
 WSPRS, benefits for domestic partners: HB 1445
 WSPRS, deferred option plan eligibility and policies: HB 1443

RETIREMENT SYSTEMS, DEPARTMENT (See also RETIREMENT AND PENSIONS)

Interruptive military service credit: ***HB 1548, CH 205**
 Mailings to certain state retirement systems' members, department to provide assistance: HB 1219, ***ESSB 5238, CH 30**
 Obsolete statutes repealed: HB 1542, ***SB 5305, CH 110**
 PERS, calculation by department of average final compensation for plan 1, 2, and 3 members during 2009-2011 fiscal biennium: ***SB 6157, CH 430**
 Postretirement employment provisions for PERS, SERS, and TRS: HB 1602
 Separated plan 2 members, participation in insurance plans and contracts by members of certain plan 2 retirement systems: HB 1601

REVENUE, DEPARTMENT

Annual property revaluation grant program: HB 1056
 Annual property revaluation grant program for counties: ***SSB 5368, CH 308**
 City-county assistance account, department to certify amounts to be distributed: HB 1667, ***SB 5511, CH 127**
 Economic and revenue forecast, official state quarterly forecasts to include all near general fund revenues: HB 1656
 Electronic methods for filing, payment, and assessment of taxes administered by department: HB 1767, ***SSB 5571, CH 176**
 Enhanced 911 service fees, department to adopt rules to enforce both state and county fees: HB 2029
 Enhanced 911 state and county excise taxes, department to adopt rules for enforcement and administration of: HB 2351
 Intangible property, funding public schools through taxation of: HB 2350, HB 2354
 Listing of tax revenue reductions for current and next biennium, department to prepare and submit to governor: HB 2110
 Pilot project on one or more counties, department to conduct in order to examine move from cyclical to annual revaluation of property: ***SSB 5368, CH 308**
 Resale certificates, improper use of and replacement with seller's permits issued by department: ***SB 6173, CH 563**
 Sales tax compliance, improving: ***SB 6173, CH 563**
 Tax collection, enhancing department's tools for collection in order to promote fairness and efficiency: HB 1931, ***SB 5568, CH 309, *ESSB 6169, CH 562**

REVISED CODE OF WASHINGTON

Campaign funding and disclosure laws, recodification: HB 1029
 Certified mail with a return receipt requested, use of term in RCW: ***HB 1426, CH 251**
 Editorial standards for publication, revision: ***HB 1058, CH 186**
 Gender-based terms, technical corrections: HB 1540, ***SB 5038, CH 549 PV**
 Initial point of contact program, technical nonsubstantive corrections: SSB 5528
 Respectful language in state laws, code reviser directed to replace "mental retardation" with "intellectual disability": ***HB 1835, CH 377**
 State registered domestic partnerships, removal of all statutory references to: HB 1980
 Statutory construction, legislative task force: SSB 5152
 Technical corrections, various statutes: ***EHB 1059, CH 187**

RIVERS

Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: HB 1334
 Dredged riverbed materials from Mt. St. Helen's eruption, disposal: ***SB 6070, CH 426**
 Hydraulic project approval, enforcing chapter 77.55 RCW when construction commences without: HB 1117
 Instream flows, setting: HB 2022 Mt. St. Helen's eruption, disposal of dredged riverbed materials from: ***SB 6070, CH 426**
 Removal of gravel from waterways to reduce impact of flooding, provisions: HB 2007

ROADS AND HIGHWAYS

* - Passed Legislation

Alaskan Way viaduct deep bore tunnel project, transportation commission appointment of expert review panel for: HB 2217
 Anacortes to San Juan Islands ferry route, added to scenic and recreational highway system: ***SB 5289, CH 277**
 County road construction budget restrictions, recalculating county forces construction project cost limits: ***ESSB 5228, CH 29**
 Department of transportation highway contracts, bond amounts: HB 1533, ***SSB 5499, CH 473 PV**
 Ferry system, all state ferry routes added to scenic and recreational highway system: ***SB 5289, CH 277**
 High capacity transportation corridor areas, establishment and funding: HB 1677, ***SB 5540, CH 280**
 High occupancy vehicle lanes, opening during nonpeak hours: HB 2038
 Highway construction review and site selection process, prioritizing use of public land: ***SSB 5684, CH 471**
 Highways of statewide significance, certain state routes designated as: HB 1431
 Interstate 90 floating bridge, toll authorization, administration, collection, and enforcement: HB 2319, HB 2335
 Jurisdictional public highway transfers from a city or county to the state, state responsibility for buried pipelines under public highways: HB 1894
 Jurisdictional route transfers, transferring responsibility for: ***SB 5028, CH 260**
 Lake Washington transportation corridor, tolls: HB 2335
 Light pollution, reduction of: HB 1069
 Marine container ports, land use and transportation planning for: HB 1959
 Marine highway system, changing ferry system name to: HB 2230
 Motorcycle toll rates, including motorcycles with trailers in tow: HB 2093
 Projects of statewide significance, expedited permit process: HB 2039
 Scenic and recreational highway system, all state ferry routes added to: ***SB 5289, CH 277**
 Scenic and recreational highway system, Anacortes to San Juan Islands ferry route added: ***SB 5289, CH 277**
 Scenic and recreational highway system, portion of state route 7 to be excluded: HB 1302 School buses, automated bus stop signal cameras pilot program: HB 1427
 Special category C projects, prioritizing of funding: HB 1705
 State boundary bridge, construction requirements and funding: HB 1524
 State funding for local projects, greenhouse gas emissions criteria: HB 2010
 State highways within tribal reservation boundaries, tribal authority for setting maximum speed limits: ***HB 1448, CH 383**
 State highways, existing uses on highway rights-of-way: HB 2307
 State property damage, liability of person operating vehicle illegally: ***HB 1433, CH 393**
 State route 110, renaming a portion as the "Operations Desert Shield and Desert Storm Memorial Highway": HJM 4004
 State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463
 State route 164, designation as highway of statewide significance: HB 1037, ***SB 5642, CH 262**
 State route 195 and Cheney-Spokane Road intersection, department of transportation to design and construct right turn lane: HB 2225
 State route 2, development plan: HB 1575
 State route 2, providing funding through implementation of state auditor's department of transportation performance audit recommendations: HB 2140
 State route 397 extended to I-82: ***HB 1000, CH 184**
 State route 502, designated as Battle Ground highway: HB 1094
 State route 502, naming a portion as the "Lewisville Highway": ***SJM 8006**
 State route 503, designated in part as Lewisville highway: HB 1094
 State route 503, to be named "Battle Ground Highway": ***SJM 8006**
 State route 520 bridge, authorization, administration, collection, and enforcement of tolls on: HB 2211
 State route 520 corridor, issuance of general obligation bonds to fund projects and improvements on: HB 2326
 State route 520 corridor, toll authorization, administration, collection, and enforcement: HB 2319, HB 2335
 State route 520 floating bridge, requirement that state first use previously allocated funding: HB 2238
 State route 7, portion of route to be excluded from scenic and recreational highway system: HB 1302
 State route 99 Alaskan Way viaduct replacement project finance plan: ***ESSB 5768, CH 458**
 Tacoma Narrows toll bridge account, toll charges, other revenue, and interest to be used only for tolled facility: HB 2191, ***SSB 5795, CH 567**
 Tolls, interstate 90 floating bridge and state route 520 corridor: HB 2319, HB 2335
 Traffic control at thoroughfare work sites, requirements: HB 1535
 Transportation regions, realignment: ESSB 5682
 Viaduct damaged by earthquake, transportation infrastructure improvement zone financing for razing viaduct and replacing it with a tunnel: HB 2036

SALES

Bisphenol A in products, prohibition and alternatives: HB 1180
 Bullion and rare earth metals, business and occupation tax provisions for sales for investment purposes: HB 1297
 Cigarettes and tobacco products, liquor control board licensing administration authority: HB 1435
 Crimes against property, threshold values: ESSB 5225, ***SB 6167, CH 431**
 Digital products, business and occupation, sales, and use tax provisions: HB 2320
 Direct sellers, harmonizing certain excise tax statutes with the streamlined sales and use tax agreement: ***SSB 5566, CH 289**
 Expanded polystyrene food service products, prohibitions, violations, and penalties: HB 2089
 Firearm gun show and event sales, dealer license requirement: HB 2264
 Lead-containing products, labeling requirements for manufacturers and wholesalers: HB 1346
 Liquor license fees, increases for various establishments: ***EHB 2358, CH 507**
 Manufactured homes, restricting consignment contracts in favor of listing contracts: HB 1539
 Mobile homes, restricting consignment contracts in favor of listing contracts: HB 1539
 Motor homes, application of motor vehicle warranty provisions: HB 1559
 Motor vehicle dealers, tax relief: HB 2060
 Motor vehicle wholesalers, retailers, and associated service providers, business and occupation tax rate reduction: HB 2182
 Motor vehicles, dealer disclosure of damage and repair to new or previously unregistered vehicle: ***SSB 5388, CH 49**

Motor vehicles, dealer disclosure of damage to new or previously unregistered vehicle: HB 1927
 Motorsports vehicles, return of unsold new vehicles or cancellation of order by dealer: HB 2208
 Online wine retailers, shipping limitations: HB 2099
 Petroleum-based beverage bottles, prohibitions: HB 1859
 Prescription drugs, excluding disclosure of patient health care information from definition of appropriate marketing of: HB 1493
 Rebates, consumer protections: ***ESSB 5978, CH 374**
 Resale certificates, improper use of and replacement with seller's permits issued by department of revenue: ***SB 6173, CH 563**
 Retail crime task force: ESSB 5225, ***SB 6167, CH 431**
 Retailers, benefits of electric and battery-powered to equipment to be stressed: HB 1186
 Retailers, restrictions on carryout bags: HB 1189
 Sales tax compliance, improving: ***SB 6173, CH 563**
 Shopping bags, prohibition of charges for transfer of disposable paper bags: HB 1154
 Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469**
 Tobacco and tobacco products, prohibition of sales if retail establishment located on same premises as a health care clinic: HB 2257
 Tobacco products, sale by mail order or internet: HB 1249, ***SSB 5340, CH 278**
 Wholesalers and manufacturers, labeling requirements for lead-containing products: HB 1346

SALMON

Columbia river recreational salmon and steelhead pilot stamp program: ***ESSB 5421, CH 420**
 Commercial fishing gear, department of fish and wildlife to adopt gear rules to minimize lethality in the case of released fish: HB 2266
 Fish passage improvement projects, incentives: HB 1163
 Recovery, consolidation of certain activities and programs within the recreation and conservation office: HB 2157
 Recovery, program and monitoring board for lower Columbia: ***HB 1063, CH 199**
 Salmonid hatcheries closed or scheduled for closure, public-private partnerships for operation and management: HB 1951

SCHOLARSHIPS

Achievers scholarship program, Washington state: ***HR 4631**
 American Indian endowed scholarship program, matching fund requirement eliminated: ***SSB 5001, CH 259**
 Conditional scholarship programs to be subject to availability of appropriations: HB 2343
 Environmental cleanup opportunity grant program and account, higher education coordinating board to award conditional scholarships: HB 1594

SCHOOL EMPLOYEES' RETIREMENT SYSTEM

Actuarial funding of state retirement systems: ***SSB 6161, CH 561**
 Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: HB 1549
 Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541
 Interruptive military service credit: ***HB 1548, CH 205**
 Lowering general salary increase assumption for actuarial funding of system: HB 1543
 Plan 3, vesting after 5 years in defined benefit portion: HB 1600
 Plans 2 and 3, earlier benefits: HB 1599
 Postretirement employment provisions: HB 1602
 Postretirement employment restrictions, reduction: HB 2143
 Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: HB 1546,
***SB 5303, CH 209**

SCHOOLS AND SCHOOL DISTRICTS (See also PUBLIC INSTRUCTION, SUPERINTENDENT; TEACHERS)

Achievement gap advisory committee, establishment within office of the superintendent of public instruction: HB 2147, HB 2148 Achievement gap oversight and accountability committee, establishment and duties: ***2SSB 5973, CH 468**
 Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192**
 Annual school district compliance reports, superintendent of public instruction to review: ***SSB 5738, CH 317**
 Antiharassment policy and procedure, each school district to adopt: HB 2015
 Art for public buildings, removing requirement to purchase during 2009-2011 biennium: HB 1376
 Arts education, recognizing the importance of: ***HR 4640**
 Assessments and curricula, implementing recommendations of WASL legislative work group: ***ESSB 5414, CH 310 PV**
 Basic education program development, basic education steering committee to oversee new definition of basic education: HB 2244
 Basic education steering committee to oversee new basic education definition and program development: HB 2244
 Basic education, refining and redefining: HB 2261, ESB 6048
 Buses, automated school bus stop signal cameras pilot program: HB 1427
 Capital levy proceeds, limiting percentage of proceeds that can be used for technology systems and support: HB 2094
 Capital projects funds, use by school districts: HB 1619, ESSB 5807
 Career and technical student organizations, state support: HB 1697
 Career and technical student organizations, support services to be subject to availability of appropriations: HB 2343
 Certificated employees, notification date for nonrenewal of contracts of: ***SB 5487, CH 57**
 Civics instruction added to requirements for receiving a high school diploma: ***HB 2132, CH 223**
 Classified employees, honoring: ***HR 4642**
 Classified staff training, development and offering to be subject to availability of appropriations: HB 2343
 Cleaning in school facilities, reducing environmental impact: HB 1168
 Commission for quality education in Washington, creation: HB 1817
 Common school provisions, various sections suspended or amended to provide flexibility in the educational system: HB 2167, ESSB 5880,
***ESSB 5889, CH 556, ESSB 5890**

- Community schools program, grants for development of community schools and conversion of empty schools into community facilities: HB 1618
- Construction, implementation of school construction safety net grant program through superintendent of public instruction rule adoption: HB 2276
- Construction, school construction assistance grant program financing: ***HB 1113, CH 6**
- Cost-of-living increases for district employees, suspension of: HB 2363
- Diagnostic assessments, school district access to assessments to be subject to availability of appropriations: HB 2343
- Digital learning programs, accreditation: SB 5378
- District employees, using public resources for personal benefit: HB 1319
- District funding, basic education allocation from superintendent of public instruction to exclude certain state forest land revenues: HB 1774
- District property, siting personal wireless service facilities: HB 1185
- District treasurer, authority of district to designate: HB 1971, ESSB 5828
- Dropout reengagement system, establishing through statewide model contracts and interlocal agreements: HB 1418
- Dual credit opportunities, high school-college collaborations as part of college in the high school program to make possible: HB 2119
- Dyslexia, development of dyslexia handbook and educator training program to enhance skills of students with: ***SSB 6016, CH 546**
- Education advisory committee, governor to establish: HB 1762
- Education programs, revisions to implement 2009-2011 state operating budget: HB 2370
- Educational employment, granting half-time PERS and SERS plans 2 and 3 credit for half-time employment prior to January 1, 1987: HB 1541
- Educational staff associates, providing salary bonuses when nationally certified: HB 2384
- Educational staff associates, service credit for nonschool employment: HB 1023
- Educational supplies, annual sales and use tax holiday: HB 2058
- Electric shock devices, prohibited in schools: HB 1222
- Electric shock devices, prohibited in schools with certain exceptions: ***ESSB 5263, CH 453**
- Electricity conservation in public educational facilities: HB 1630
- Elementary and secondary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 PV**
- Elementary school students, recess periods: ***SSB 5551, CH 182**
- Employee basic benefits to be determined and administered by health care authority: HB 1940
- Employee benefits, definitions for health care: HB 1842
- Employees of districts, suspension of cost-of-living increases: HB 2363
- Employees, crimes requiring dismissal or certificate revocation: HB 1240, HB 1741
- Facilities, lease by districts: HB 2251
- Financial education, standards and requirements: HB 1347
- Financial education, to be included in social studies courses required for graduation: HB 1649
- Financial, student, and educator data, establishment of comprehensive K-12 education data improvement system and a data governance group: E2SSB 5941
- Fingerprint-based record checks, state patrol to provide to school and educational service districts free of charge: ***HB 1852, CH 170**
- Firearms and certain nonfirearm-related weapons, possession on school premises and related areas prohibited: HB 2048
- Firearms safety education programs, K-12 instruction: HB 2011
- Fitness, no child left behind act reauthorization to include: HJM 4002
- Food service, eliminating copayment for breakfast and reduced-price lunch and funding summer food service programs: HB 1416
- Funding public schools through taxation of intangible property: HB 2350, HB 2354
- Graduation without a certificate of academic achievement or certificate of individual achievement, change in requirements: ***HB 1562, CH 17, SB 5498**
- Health and social-emotional learning performance, annual school reporting on efforts to improve: HB 1632
- Health benefits for K-12 employees, health care authority to convene work group concerning: 2SSB 5491
- Health insurance, requirement for districts to purchase coverage through health care authority: HB 2177
- Health, no child left behind act reauthorization to include: HJM 4002
- High school diplomas, expanding options for students to earn: HB 1758
- High school success, increasing student motivation by eliminating the statewide assessment and providing incentives to pursue postsecondary education: HB 1341
- Home schooling, annual parental declaration of intent to be exempt from public disclosure: ***HB 1288, CH 191, SB 5661** Home-based instruction, school district advertising and marketing to students prohibited: HB 1110
- Immunization of children, required documentation for exemption from: HB 1703
- Impact fees for school facilities, extension of time limit for fee use: HB 1975, ***SB 5580, CH 263**
- Influenza vaccination pilot program: HB 1282
- K-12 basic education and other programs, appropriations to be made separate from and before other omnibus appropriations legislation: HB 1657, HJR 4203
- K-12 basic education, plan for full funding: HB 1817
- K-12 programs, enrollment calculations: HB 1558
- Kindergarten assessment, early learning advisory council and superintendent of public instruction to develop and implement: HB 1944
- Leasing of facilities by districts, provisions: HB 2251
- Levies and bonds, state property tax levy for supporting common schools eliminated: HB 1027
- Levies, calculation of levy base: HB 1776
- Levies, calculation of temporary maximum levy percentages: SSB 6138
- Levies, changing maximum levy percentage for districts with voter-approved levy before May 1, 2009: HB 2378
- Levies, funding capital projects: ESSB 5807
- Levies, levy base calculation modification as part of statewide salary equalization process: HB 1383
- Levies, limiting percentage of capital levy proceeds that can be used for technology systems and support: HB 2094
- Mathematics and science teachers, professional educator standards board to serve as lead agency in coordinated approach to creating an adequate supply of: HB 2000
- Middle school students, career and technical education programs: HB 1356, ***2SSB 5676, CH 212**

Military children, interstate compact on educational opportunity: HB 1075, ***SSB 5248, CH 380**
 Millennium schools, superintendent of public instruction to award planning grants for up to three schools to aid certain demographic groups: HB 2148, HB 2149
 National board for professional teaching standards certification, funding for teachers to pursue: ESB 5714
 Online learning, development, approval, implementation, and administration of alternative learning experience online courses and programs: ***SSB 5410, CH 542**
 Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: HB 1355
 Paraeducator tutor certification requirements: HB 1889
 Public education, creating a comprehensive system of programs, finance, and accountability: HB 1410
 Public schools, reducing administrative and regulatory burdens on: HB 2108
 Residential education, funding for school districts providing: HB 1969
 Residential habilitation centers, local school district eligibility for residential habilitation center impact assistance for providing educational services to center residents: HB 2113
 Rights of students and their parents or guardians, annual school district notification to students and parents or guardians: HB 1762
 Running start program, provisions: HB 2119
 Running start program, revising provisions: HB 1915
 Safe routes to school program, department of transportation to administer a competitive grant program and fund an ongoing state center: HB 1793
 Safety, health, and energy efficiency improvements to K-12 facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Salary allocations for districts, six-year statewide equalization process: HB 1383
 Savings in education programs, revision of various provisions in order to achieve: HB 2343
 School construction safety net grant program, implementation: HB 2276
 School environmental health and safety rules, phasing-in period: HB 2070, SSB 5779
 School nurses, increasing number of: HB 1502
 School plant funding, renaming components of appropriations allotment formula: HB 2142, ***SB 5980, CH 129**
 School year, waivers from one hundred eighty-day requirement for school districts proposing a four-day week: HB 1292
 Scoliosis screening in schools, eliminating: ***HB 1322, CH 41**
 Scoliosis screening in schools, eliminating requirements for: SB 5074
 Secondary and elementary programs, implementation of certain programs to be subject to availability of funds: ***SB 6168, CH 578 PV**
 Sexual health education, to include legal elements and consequences of sex offenses when a minor is the victim: HB 1473
 Sexual misconduct with a minor in first and second degree, school employee perpetrators: HB 1320, ***EHB 1385, CH 324**
 Sexual misconduct with a student by a school employee: HB 1013
 Sexual misconduct with an enrolled student by a school employee: SSB 5232
 Small school district contingency fund program: HB 1757
 Social emotional learning public-private partnership: HB 1162
 Special education programs, billing for medical services through: ***HB 1155, CH 73**
 State schools for blind and deaf, transfers of accumulated leave of employees: ***HB 1878, CH 47**
 Statewide student assessment system, redesign of: HB 1976
 Student achievement fund allocation rates to be specified in omnibus operating appropriations act: HB 2356
 Student achievement fund appropriations, transfer by superintendent of public instruction: ***ESB 6137, CH 547**
 Student achievement gap, superintendent of public instruction to identify districts to receive workforce cultural competency skills assistance: ***2SSB 5973, CH 468**
 Student transportation financing, updating funding formula: HB 2041
 Teacher of the year, Washington state: ***HR 4634**
 Teachers, alternative route program for certification for veterans and national guard members: ***HB 1156, CH 192**
 Teachers, funding for pursuing national board for professional teaching standards certification: ESB 5714
 Teachers, professional development programs and national board certification bonuses to be subject to availability of appropriations: HB 2343
 Teachers, teacher assistance program to be subject to availability of appropriations: HB 2343
 Transfer from PERS plan 2 to SERS plan 2, required for members employed by school districts and educational service districts: HB 1546, ***SB 5303, CH 209**
 Tribal schools, allocation of education moneys: HB 1890 Truancy provisions: ***SSB 5881, CH 266**
 Video monitoring, provisions: HB 1262
 Visual impairments, bi-state partnership for teachers of children with: HB 2181
 Washington state center for childhood deafness and hearing loss, replacement of state school for the deaf by: HB 1879 WASL legislative work group, recommendations concerning statewide assessments and curricula: ***ESSB 5414, CH 310 PV**
 WASL, adjustments of assessment in mathematics and sciences: HB 1646
 Youth sports, adoption of policies for the management of concussions and head injuries: ***EHB 1824, CH 475**, ESSB 5763

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Archaeologist, definition of professional: HB 2062
 Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: HB 1304, ***SB 5680, CH 58**
 Commercialization and innovation, department of community, trade, and economic development and life sciences and technology trade associations to encourage growth of: ***E2SSB 6015, CH 425**
 Cultural access authorities, creation, organization, and funding: HB 1666
 Integrated climate change response strategy, department of ecology to coordinate with agencies and other groups: E2SSB 5138
 Mathematics and science teachers, professional educator standards board to serve as lead agency in coordinated approach to creating an adequate supply of: HB 2000
 Puget Sound science panel and scientific research account, provisions: ***HB 1997, CH 99**
 Science advisory group to assist and advise integrated climate change response strategy: E2SSB 5138
 Soil and wetland science, advisory committee: HB 1881

Soil and wetland scientists, certification: SSB 5698
 Soil and wetland scientists, licensing: HB 1881

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Constitutional amendments and state measures, notice method and contents: HB 2311
 Constitutional amendments, notice method and contents: HJR 4212
 Corporations and partnerships, registration provisions: HB 1592
 Elections division, reducing costs of: HB 2310, *SSB 6122, CH 415 PV
 Partnerships and corporations, registration provisions: HB 1592
 Preregistration of youth to vote: HB 1193
 State measures and constitutional amendments, notice method and contents: HB 2311
 Voter registration database, statewide: HB 1622, *SSB 5270, CH 369
 Voter registration, devising and implementing uniform statewide system: HB 1798

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Electric and gas utility rates, discounts for low-income and low-income senior customers: *SSB 5290, CH 32
 Fishing licenses, special low-priced license for senior veterans with a service-connected disability: HB 1748
 Housing facilities for low-income senior citizens, exemptions: *SB 5470, CH 483
 Long-term care services, supporting autonomy and informal caregivers: HB 1330
 Property tax deferral, eligibility: HB 1439
 Property tax exemption when retired due to disability: HB 1284
 Property tax exemption, impact of health care insurance premiums on eligibility: HB 2288
 Property tax exemption, social security benefits excluded from calculation of disposable income: HB 1405
 Property tax provisions, modifications: HB 2050
 Property tax relief for senior citizens, requirements for eligibility: HB 2218
 Property tax relief, disposable income limits for senior citizens: HB 1764

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Abandonment of a dependent person in the fourth degree, penalties: HB 1234
 Alien firearm license, violations and penalties: HB 1052
 Assault of a child in the first degree, increasing punishment: HB 1724
 Assault of a child in the first degree, increasing the seriousness level: HB 1455
 Assault of a child in the first degree, offender sentencing review requirements and conditions of release: *EHB 2279, CH 214
 Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: HB 1381, HB 1440, *SB 5413, CH 141
 Body armor, possession by certain convicted felons: HB 1922
 Certificate of discharge, issuance in relation to existing no-contact order: HB 1002
 Child predatory drug act of 2010, crimes and penalties: HB 2340
 Christmas trees, removing from or injuring on public or private land: *HB 1137, CH 349
 Community custody, developing an evidence-based community custody system for adult felons: HB 1689
 Community custody, provisions: HB 2325
 Community custody, provisions for alternative sentencing: HB 1791
 Community custody, supervision requirement for offenders with a current conviction for a serious violent offense when sentenced to: *SSB 6162, CH 376 PV
 Community custody, technical corrections to RCW provisions: HB 1263, *SSB 5190, CH 28
 Contempt of court sanctions, location of imprisonment: *HB 1218, CH 37
 Controlled substance possession, requirement for offender to knowingly possess: HB 1695
 Controlled substances, marketing to minors: HB 1012
 County supervised community options: *HB 1361, CH 227
 County supervised community options, offenders with standard sentence range under one year: HB 1933
 Crimes against property, threshold values: HB 1144, ESSB 5225, *SB 6167, CH 431
 Crimes against vulnerable adults, including abuse, neglect, financial exploitation, and abandonment: HB 1788
 Criminal libel, repealing statutes: *SB 5147, CH 88
 Cruelty to animals, violations and penalties: HB 1968, *SSB 5402, CH 287
 Death penalty, reducing criminal justice expenses by eliminating the death penalty in favor of life incarceration: HB 1909
 Delayed sentencing, offenders with a standard sentencing range under one year: HB 2077
 Domestic violence offenders, ensuring punishment: HB 1220
 Driving under the influence of liquor or drugs while transporting a person under age eighteen, penalties: HB 2233
 Drug offenses, provisions for alternative sentencing: HB 1791
 Earned release time, incentive time for offenders completing evidence-based programming: HB 2371
 Electronic monitoring devices, removing or tampering with while in community custody: HB 1145
 Electronic monitoring devices, sex offender removing or disabling while in community custody: HB 1277
 Extraordinary medical placement, conditions: *EHB 2194, CH 441
 Felony DUI, driving or being in control of vehicle with two or more prior offenses within seven years: HB 2027
 Firearm noise suppressors, failure to properly register: HB 1604
 Firearms possession by an involuntarily committed person, provisions: *HB 1498, CH 293
 Furnishing liquor to a minor, violation and penalties: HB 2232
 Gambling, underage: HB 1040, *SSB 5040, CH 357

Grid, amended to allow greater judicial discretion and address mitigating and aggravating circumstances: SSB 6160
 Harassment, commission of a sex offense against a person with a disability: HB 1803
 Illegal alien offenders, release to citizenship and immigration services for early deportation: HB 2188
 Illegal alien offenders, release to immigration and customs enforcement agency for early deportation: ESB 6183
 Improving sentencing and supervision in confinement and in the community in order to improve public safety: HB 2294
 Inhalants, possession with intent to induce intoxication: HB 1146
 Juvenile offenders, ending the sentence of life imprisonment without possibility of release or parole for certain juveniles: HB 1507, HB 2023
 Livestock, crimes against when belonging to another person: HB 1849
 Malicious harassment, modifying the definition of "sexual orientation" for prosecution purposes: HB 2219, ***SB 5952, CH 180**
 Manslaughter in the second degree, seriousness level increased: HB 1279
 Marijuana possession, reclassifying from misdemeanor to civil infraction: HB 1177
 Motor carriers, violations and penalties: HB 1843
 Prostitution-related offenses, impoundment of conveyances used in: HB 1362
 Rape in the third degree, imposing a mandatory minimum sentence for: HB 2374
 Registration, juvenile sex or kidnapping offender relief of duty to register: HB 1259
 Registration, state patrol annual notification of juvenile sex or kidnapping offenders of ability to petition for relief from registration: ***SSB 5326, CH 210**
 Residential burglary to be considered a crime against persons: HB 2034
 Retail crime task force: ESSB 5225, ***SB 6167, CH 431**
 Sentencing grid, adjusting by twenty-five percent for certain crimes: HB 1720, HB 2263
 Sentencing grid, amended to allow greater judicial discretion and address mitigating and aggravating circumstances: SSB 6160
 Sentencing guidelines commission, developing an evidence-based community custody system for adult felons: HB 1689 Sentencing guidelines commission, technical corrections to RCW community custody provisions: HB 1263, ***SSB 5190, CH 28**
 Serious violent offense, supervision requirement for community custody sentence when offender has a current conviction for a: ***SSB 6162, CH 376 PV**
 Sex offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61**
 Sexual misconduct with a minor in first and second degree, school employee perpetrators: HB 1320, ***EBB 1385, CH 324**
 Sexual misconduct with a student by a school employee: HB 1013
 Sexual misconduct with an enrolled student by a school employee: SSB 5232
 Sexually explicit material, penalties for failing to restrict access of children to: HB 2286
 Tobacco sales, selling certain products by mail order or internet to someone other than a wholesaler or retailer: HB 1249, ***SSB 5340, CH 278**
 Unlawful public transit conduct, violations and penalties: ***ESSB 5513, CH 279**
 Vehicular assault, provisions: HB 2028
 Vehicular homicide, provisions: HB 2028
 Vehicular homicide, sentencing provisions: HB 1746
 Viewing minors engaged in sexually explicit conduct on the internet, penalties: HB 1247
 Work release, crime victims to submit input: ***HB 1076, CH 69**

SEWAGE AND SEWERS (See also STORM SEWERS; WATER-SEWER DISTRICTS)

Mobile home parks, protecting sole source aquifers in certain Eastern Washington counties by providing sewer utility service: SB 5507
 Sewer facility construction, contract requirements: ***HB 2146, CH 344**
 State board of health, limitations on authority to regulate sewage systems: HB 1661
 Underground facilities, requirements for notification prior to excavation: HB 1996

SEX OFFENSES AND OFFENDERS (See also CRIMINAL OFFENDERS; MENTAL HEALTH)

Commitment proceedings, counseling for sex offense victim who testifies: HB 1221
 Commitment proceedings, sexually violent predators: HB 1246, ***SSB 5718, CH 409**
 Community custody, provisions relating to sex offenses and offenders: HB 2325
 Community custody, technical corrections to RCW provisions: HB 1263, ***SSB 5190, CH 28**
 Competency evaluation and restoration, procedural reform: ESB 5519
 Computer access, offenders in special commitment center and less restrictive alternatives to have access controlled: SB 5218
 Electronic monitoring devices, removing or tampering with while in community custody: HB 1145
 Electronic monitoring mandatory for certain registered offenders: HB 1834
 Electronic monitoring, use of radio frequency identification technology: HB 1142
 Electronic statewide unified sex offender notification and registration program: ***SSB 5261, CH 31**
 Electronic statewide unified sex offender registry program: HB 1223
 Harassment, commission of a sex offense against a person with a disability: HB 1803
 Housing, sex offender safe housing availability: HB 1143
 Internet access, prohibited for certain offenders on community custody: HB 1072
 Notification and registration program for sex offenders, electronic statewide unified: ***SSB 5261, CH 31**
 Offender residence approval, consideration of number of registered offenders within one mile as a factor: HB 1430
 Offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61**
 Rape in the third degree, imposing a mandatory minimum sentence for: HB 2374
 Registered sex and kidnapping offenders, submission of information regarding their e-mail addresses and web sites: HB 2035
 Registration, juvenile sex or kidnapping offender relief of duty to register: HB 1259
 Registration, state patrol annual notification of juvenile sex or kidnapping offenders of ability to petition for relief from registration: ***SSB 5326, CH 210**
 Registry program for sex offenders, electronic statewide unified: HB 1223
 Release, residence location and electronic monitoring: HB 1277
 Residence after release, proximity to victim: HB 1768

School employee perpetrators, sexual misconduct with a minor in first and second degree: HB 1320, ***EHB 1385, CH 324**
 School employees, sexual misconduct with a student: HB 1013
 School employees, sexual misconduct with an enrolled student: SSB 5232
 Sexual health education, to include legal elements and consequences of sex offenses when a minor is the victim: HB 1473
 Sexual misconduct with a minor in first and second degree, school employee perpetrators: HB 1320, ***EHB 1385, CH 324**
 Sexually violent predators, commitment proceedings: HB 1246, ***SSB 5718, CH 409**
 Sexually violent predators, need to expeditiously site and construct facilities to house predators who have been committed: HB 1912
 Special commitment center and private detention facilities, security information disclosure exemption: ESB 5014
 Special commitment center, log of phone calls by residents: HB 1099
 Special commitment center, resident access to computers to be controlled: SB 5218
 Special commitment center, security information disclosure exemption: ***HB 1030, CH 67**
 Special sentencing alternatives limited to offenses against an immediate family member: HB 2209
 Viewing minors engaged in sexually explicit conduct on the internet, penalties: HB 1247

SEXUAL ORIENTATION (See also DISCRIMINATION)

Civil marriage equality, including same-sex couples: HB 1745
 Domestic partners, state insurance and pension benefits: ***EHB 1616, CH 523**
 State registered domestic partners, rights and responsibilities: HB 1727, ***E2SSB 5688, CH 521**

SEXUALLY TRANSMITTED DISEASES

Sexual health education funding for programs to help prevent: HB 1612, ***SB 5629, CH 303**

SHERIFFS

Assault of law enforcement officer or other employee with firearm, special jury verdict and increased sentence range: HB 1381, HB 1440, ***SB 5413, CH 141**
 Civil service commissions, five-member commissions authorized: HB 1760, ***SB 5322, CH 112**
 Criminal justice facility and agency employee personal information, release prohibited in various cases: HB 2259
 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections and criminal justice personnel: HB 1194
 Crisis services, criminal justice training commission to offer recognition and intervention services training for corrections, criminal justice, and other public safety personnel: ***SSB 5131, CH 19**
 DNA identification system, mandatory collection of sample at time of arrest for felony, misdemeanor, or patronizing a prostitute: HB 1382
 Dogs, requirement for sheriff to kill any dog at large without a metal identification tag eliminated: ESB 5200
 Drug testing for peace officers, provisions: HB 1511
 Emergency responses to properties, notification required to owners: HB 1537
 Medication management in jails, jail medication management work group to develop a model policy: ***SSB 5252, CH 411**
 Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317
 Retired law enforcement officers, issuance of firearms certificate and annual qualification certificate to: HB 2065, HB 2226
 Seizure under uniform controlled substances act, service of notice from law enforcement agencies: ***SSB 5160, CH 364**

SHERIFFS AND POLICE CHIEFS, ASSOCIATION OF

Annual firearms qualification certificate for retired law enforcement officers, association to develop form for: HB 2065, HB 2226
 Electronic monitoring of sex offenders, study using radio frequency identification technology: HB 1142
 Jail medication management work group to be convened by the association to develop a model policy: ***SSB 5252, CH 411**
 Sex offenders, electronic statewide unified sex offender notification and registration program: ***SSB 5261, CH 31**
 Sex offenders, electronic statewide unified sex offender registry program: HB 1223

SHORELINES AND SHORELINE MANAGEMENT

Aquatic lands, permission to install and maintain docks and boat lifts on state-owned land: HB 1556,
 HB 1750
 Olympia isthmus, designation as a shoreline of statewide significance under the shoreline management act: HB 2081, ESB 5800
 Shoreline location shifts, regulatory relief for property owners when shift is due to habitat restoration projects: ***HB 2199, CH 405**
 Shoreline management act, local government authority to adopt moratoria and interim official controls: HB 1379
 Shorelines hearings board, use of short boards for appeals: ***SB 6165, CH 422**
 Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: HB 1653

SMOKING

Novelty lighters, prohibition of sale and distribution: HB 1015, ***ESSB 5011, CH 273**
 Smoking prohibited in motor vehicles containing children: HB 1151
 Tobacco and tobacco products, prohibition of sales if retail establishment located on same premises as a health care clinic: HB 2257
 Tobacco products, sale by mail order or internet: HB 1249, ***SSB 5340, CH 278**

SNOWMOBILES

Snowmobile account, fuel tax rate for determining fuel tax distributions to: HB 1668

SOCIAL AND HEALTH SERVICES, DEPARTMENT

Abolishing department and creating new departments to take over its functions: HB 2197
 Adolescents at risk or in crisis, residential and other services: HB 2137
 Adoption support program, prospective adoptive parent to receive information describing limits of: ***ESSB 5811, CH 491**
 Adult family home providers, department to establish geriatric specialty certification: HB 1935
 Apple health for kids program, department to authorize: HB 2127, HB 2155
 Apple health for kids program, department to manage in cooperation with state and local agencies: HB 2128

Applications for assistance from persons currently ineligible to receive assistance: ***SSB 6024, CH 198**
 Boarding homes, department notice to providers and hearing required before medicaid daily payment rate adjustments: ***HB 1527 V**
 Chemical dependency specialist services at children and family services offices, department contracting for: ***SB 6179, CH 579**
 Child support license suspension program: HB 1771
 Child support obligations, notification of day care expenses: HB 2187
 Child support, license suspension program for failure to pay: ***SSB 5166, CH 408**
 Child support, review of support payments by secretary of department: ***HB 2347, CH 527**
 Child welfare services, crisis residential centers to be subject to availability of appropriations: HB 2346
 Child welfare services, performance-based contracts for the provision of: E2SSB 5943
 Child welfare services, remediating racial disproportionality in: HB 2164
 Child welfare system, improving outcomes through phased implementation of evidence-based and promising programs: HB 2106
 Child welfare system, recommendations of racial disproportionality advisory committee: ***SSB 5882, CH 213**
 Child welfare transformation design committee, establishment: E2SSB 5943
 Children's mental health services, access to care standards: HB 1373
 Community integration assistance program: HB 1201
 Correctional facilities and jails, identifying and continuing medical assistance for persons with developmental disabilities serving time: HB 2078
 Crimes against vulnerable adults, reporting and investigations: HB 1788
 Criminal background checks for employees and providers, provisions: HB 2068
 Crisis residential centers for children to be subject to availability of appropriations: HB 2346
 Dependency proceedings, notices of custody and out-of-home care placement to encourage parental engagement in process: HB 1782
 Dependency proceedings, notifying parent or parents of child placement options after entry of dispositional order: ***SSB 5510, CH 484**
 Developmental disabilities, eligibility for respite care for primary care providers: HB 1429, ***SB 5547, CH 312**
 Developmental disabilities, intensive behavior support services: HB 1226, ***SSB 5117, CH 194**
 Developmental disabilities, vendor rates for supported living providers: HB 1104
 Developmental screenings for children through medicaid program: HB 1337
 Developmental screenings for children, public medical assistance to include: 2SSB 5484
 Disproportionate share hospital adjustments, appropriations of funds for: ***HB 2349, CH 538**
 Electronic applications and signatures as part of benefit application process: ***HB 1270, CH 201**
 Family planning waiver program, department to submit applications for: ***2SSB 5945, CH 545 PV**
 Federal fostering connections to success and increasing adoptions act of 2008, implementation: HB 1961
 Foster care, foster parent licensee to notify licensor before moving to new location: HB 1031, HB 1101, ***SB 5015, CH 206**
 Foster family homes, placement of child returning to out-of-home care: ***SSB 5431, CH 482**
 Health care, affordable nonsubsidized state coverage for children: HB 1237
 Home care agency workers, wage and benefit parity: HB 2272
 Home care, intensive resource home pilot implementation to be subject to funds availability: ***SB 6181 V**
 Home care, modifying state payments to agencies by prohibiting payment for in-home care by agency employees living with or related to the client: HB 2361
 Human services programs, revisions to implement 2009-2011 state operating budget: HB 2366
 In-home care, drug screening testing of employees to protect a consumer receiving services: HB 2253
 Independent youth housing program, provisions: ***HB 1492, CH 148**
 Infant toddler early intervention program: HB 1161
 Intensive resource home pilot implementation to be subject to funds availability: ***SB 6181 V**
 Intermediate care facilities, requirements for allowing residents to exercise control over life decisions: HB 1407
 Juvenile offender programs, pilot program to increase family participation: SSB 5141
 Lead levels in blood, assessments for children younger than twenty-one years: HB 1345
 Less restrictive treatment, renewal of orders for persons released from involuntary mental health treatment: HB 1349
 Long-term care services, supporting autonomy and informal caregivers for the aging and persons with disabilities: HB 1330
 Long-term care worker training and background checks, changes to provisions: ***ESSB 6180, CH 580**
 Long-term care worker training and credentialing, changes to provisions: HB 2352
 Maternity care access program, child care as part of support services provided under: HB 2161
 Medicaid in-home personal care program, department payment of licensed home care agencies under: HB 1948
 Medicaid, department notice to boarding home providers and hearing required before adjustments to daily payment rate: ***HB 1527 V**
 Medicaid, developmental screenings for children: HB 1337
 Medicaid, enforcement of primacy of coverage when third-party liability exists regarding claims under plans administered by the state: HB 2330
 Medicaid, establishment of nursing facility medicaid payment advisory council: HB 2290
 Medicaid, nursing facility payment system clarifications: ***EHB 2357, CH 570**
 Medicaid, nursing home reimbursement rate setting in nonurban counties: HB 2280
 Medicaid, simplifying nursing facility payment system: HB 2290
 Medical assistance program, department to submit waiver request to expand and revise: ***2SSB 5945, CH 545 PV**
 Medical support obligations as part of child support order, provisions: HB 1845
 Medically intensive home health care, rates: HB 1503
 Mental health services for children, access to care standards: HB 1373
 Mental health, community integration assistance program: HB 1201
 Minors in need of lifesaving medical treatment, department of social and health services to investigate refusal of treatment: HB 1759
 Newborn children, appropriate locations for transfer: ***SSB 5318, CH 290 PV**
 Nursing facility medicaid payment advisory council, establishment of: HB 2290
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Personal information, disclosure exemption when it can be used to locate employees of criminal justice agencies: HB 1317

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 Boards, committees, and commissions, elimination, and transfer of duties: HB 2087
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 Columbia river basin water supply development program, using state moneys for potential water storage sites under the program prohibited: HB 1627
 Construction projects, standards: HB 1190 Debt limit, eliminating the statutory debt limit: HB 1454, ***SSB 5537, CH 500**
 Electric vehicles, state government role in infrastructure development and transition from combustion to electric vehicles: HB 1481
 Emergency rule making, agency authority to use when implementing requirements or reductions in appropriations for 2009, 2010, or 2011: ***ESB 5915, CH 559**
 Employee termination for actions opposing employer violations of public policy, cause of action separate from wrongful discharge created: HB 2186
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 Reducing state administrative costs through 12-month salary and wage freeze and reduction in expenditures and services agreements: ***ESSB 5460, CH 5**
 Regulatory reform, reducing regulatory burden for Washington businesses: HB 1617
 Reports prepared by certain state agencies, elimination or reduction in frequency of: HB 2327
 State contracts, prohibiting work under state contracts from being performed outside the United States: HB 2154
 State environmental policy, incorporating human health analysis into environmental review: HB 1891
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 State property damage, liability of person operating vehicle illegally: ***HB 1433, CH 393**
 State technology entity boards, implementing governor's statewide technology strategy: HB 1521
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Environmental incentives, various: ***ESSB 6170, CH 469**

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Newspaper, magazine, and periodical publishing, tax reductions for: HB 2123

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 Unemployment compensation contributions, tax credit in certain cases: HB 2269
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 Electric vehicle infrastructure, exemption from leasehold excise tax: HB 1481
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 Property owned by organizations eligible for exemption, eligibility maintained in certain cases when used by a noneligible entity: HB 1477
 Public health services, voter approval required for additional county levy to finance: HB 2152
 Public transit levy rates: ***2SSB 5433, CH 551 PV**
 Real estate and property tax administration assistance account, creation: ***SSB 5368, CH 308**
 Real or personal property leased to a public hospital, exemption: HB 1882
 Reclassification of property enrolled in current use property tax programs: HB 1508
 Reduction, excess sales and use tax to be used for: HB 1923
 Relief for senior citizens and persons retired due to physical disability, requirements for eligibility: HB 2218
 Relief, disposable income limits for senior citizens, persons retired because of disability, and veterans: HB 1764
 Revaluation of property by counties for property tax purposes, annual: ***SSB 5368, CH 308**
 Revaluation of property impacted by government restrictions, procedures: SSB 5179
 Revaluations, annual: HB 1056
 Revenue options for local government in counties of one million five hundred thousand or more residents: HB 2249
 Senior citizen exemption, impact of health care insurance premiums on eligibility: HB 2288
 Senior citizen provisions, modifications: HB 2050
 Senior citizens and persons retired because of disability, tax deferral eligibility: HB 1439
 Senior citizens and persons retired due to physical disability, social security benefits excluded from calculation of disposable income for exemption: HB 1405
 Senior citizens, exemption when retired due to disability: HB 1284
 State and local tax programs, improving administration through comprehensive revisions: HB 1597
 Taxing districts, levy for reimbursement for certain refunds and abatements of property tax: HB 2231
 Tribal property, conditions for exemption from property tax: HB 1526
 Valuation change notices: HB 1092
 Valuation, assessors to give notice of true and fair real property value even if value has not changed: HB 1950
 Valuation, mid-year valuation required when home price index shows significant annual decline: HB 1372
 Valuation, procedures for ensuring accuracy and fairness: HB 2067
 Valuations, burden of proof for corrections to valuations made by public officials: HB 1523
 Value averaging in taxation of property: HJR 4206
 Veterans with one hundred percent service-connected disability, exemption: HB 1284
 Veterans, levy for county assistance programs: HB 1102

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Commute trip reduction tax credit, limitations: HB 1432
 Customer billings, tax information to be included on billing statements: HB 1855
 Electrolytic processing businesses, exemption for electricity use: HB 1062
 Exemptions, electrolytic processing businesses: HB 1062
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Gas companies, credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Historical parks and historic reserves, tax incentive program: HB 1093
 Light and power businesses, credit against sales and use tax paid for development of eligible renewable resources: HB 2131
 Light and power businesses, credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Log trucks, tax on log transportation businesses: ***ESSB 6170, CH 469**

Public utility districts, prospective clarification of taxes and gross revenue: HB 1088
 Renewable energy systems, investment cost recovery incentives: HB 1399
 Solar energy, community solar projects incentives: ***ESSB 6170, CH 469**
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: HB 1134
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625

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Adult entertainment materials and services, sales and use tax provisions: HB 2103
 Affordable housing, sales and use tax refund for materials and services related to construction: HB 1141
 Annexation of a clear zone area by a city, sales and use tax funding provisions: HB 1378
 Biomass fuels for electricity generation, exemption available for forest derived biomass: HB 1610
 Biomass fuels in renewable energy production, exemption for forest derived biomass: ***ESSB 6170, CH 469**
 Bottled water, local sales and use tax to fund core county public health functions: HB 1307
 Capitol city district, levy for capital improvements: HB 2030
 Clean technology development within port district properties, exemption: HB 1895
 Community revitalization financing, use of local sales and use tax allocation revenues for public improvements: ***2SSB 5045, CH 270**
 Community revitalization financing, use of tax allocation revenues for public improvements: HB 1285, HB 1525
 Commuter air carriers, exemptions for intrastate operations: ***HB 1287, CH 503**
 Compliance, improving: ***SB 6173, CH 563**
 Cosmetic medical services, modifying taxation of certain: HB 2221
 Digital products, sales and use tax provisions, including exemptions: HB 2075
 Digital products, tax provisions: HB 2320
 Durable medical equipment, exemption when prescribed for home use: HB 1411, HB 1485
 Educational supplies, annual sales and use tax holiday: HB 2058
 Electric vehicle infrastructure and product exemption: HB 1481
 Electricity generation, expiration dates for exemptions: HB 1009
 Emergency medical equipment, exemption in certain cases: HB 2293
 Environmental incentives, various: ***ESSB 6170, CH 469**
 Exemption for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999
 Ferry fuel sales, exemption: HB 2255
 Health care programs, funding from temporary sales tax increase to be submitted to voters: HB 2377
 High capacity transportation corridor areas, funding: HB 1677, ***SB 5540, CH 280**
 High technology deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268**
 Hog fuel, exemption when used for production of electricity, steam, heat, or biofuel: HB 1633, ***ESSB 6170, CH 469**
 Home heating fuel, exemption: HB 1977
 Housing facilities for low-income senior citizens, exemption: ***SB 5470, CH 483**
 Hybrid technology vehicles, exemption: ***ESSB 6170, CH 469**
 Livestock nutrient management equipment and facilities, exemption: HB 2278, ***ESSB 6170, CH 469**
 Local sales and use, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: HB 2252 Local sales and use, changes in tax and effective dates: HB 1874
 Local sales and use, chemical dependency services, mental health treatment, and therapeutic courts: HB 1147, SSB 5301, ***2SSB 5433, CH 551 PV**
 Local sales and use, community revitalization financing for public improvements, including demonstration projects: ***2SSB 5045, CH 270**
 Local sales and use, counties allowed to use existing revenues for public trails: HB 1659
 Local sales and use, county authority to impose upon car rentals and restaurant sales for special funding: HB 2252
 Local sales and use, crediting against state sales and use tax extended: ***ESSB 5321, CH 550**
 Local sales and use, electric vehicle infrastructure and product exemption: HB 1481
 Local sales and use, exemption for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999
 Local sales and use, fire protection purposes: ***2SSB 5433, CH 551 PV**
 Local sales and use, funding for parks, recreation, trails, and open space allocation: HB 1810
 Local sales and use, imposed for local infrastructure financing: HB 1109, ***ESSB 5901, CH 267**
 Local sales and use, limits on public facilities district authority to impose: ***EHB 2299, CH 533**
 Local sales and use, local government authority to impose when approved for housing everyone financing: HB 1973
 Local sales and use, maximum rate a city may impose for annexed areas: HB 1710
 Local sales and use, revenue options for local government in counties of one million five hundred thousand or more residents: HB 2249
 Local sales and use, tax imposed by local government in connection with local infrastructure financing: HB 1651
 Local sales and use, tax on bottled water to fund core county public health functions: HB 1307
 Local sales and use, time period during which tax may be collected for public facilities in rural counties: HB 1751
 Local sales and use, transportation benefit district authority to impose: HB 1490
 Local sales and use, various environmental incentives: ***ESSB 6170, CH 469**
 Local sales and use, voted tax to fund cultural access authorities: HB 1666
 Military improvement zone pilot program, tax to fund affordable housing near military bases: HB 1756
 Mobility enhancing equipment, exemption when prescribed: HB 1411, HB 1485
 Motor vehicle dealers, tax relief: HB 2060
 Motor vehicle rebate given by a manufacturer, excluded from sales taxation: HB 2066
 Natural gas and manufactured gas, sales and use tax provisions: HB 1422
 New home construction tax, reduction to increase economic activity: HB 2057
 Nonresident exemptions from retail sales tax, repeal of: HB 1387
 Passenger vehicles purchased to reduce air pollution, conditions for tax incentive: HB 2059
 Plug-in hybrid electric vehicles, exemption for: HB 2180
 Power wheelchairs, exemption when prescribed: HB 2104

Propane, exemption for nonhighway use by farmers: HB 2248, HB 2275, HB 2323
 Property tax reduction, excess sales and use tax to be used for: HB 1923
 Renewable energy sources, electricity generation exemption: HB 1719
 Server equipment to be installed in an eligible computer data center, exemptions: HB 2283
 Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469**
 Solar hot water components, exemption: HB 1188
 Solar water heating systems, exemption: HB 1857
 Spirits, revenues from sale of spirits to be deposited in reserve account and benefits account: HB 1892
 State and local tax programs, improving administration through comprehensive revisions: HB 1597
 State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463
 Streamlined sales and use tax agreement, harmonizing certain excise statutes with: ***SSB 5566, CH 289**
 Streamlined sales and use tax agreement, harmonizing excise statutes with: HB 1089
 Temporary sales tax increase, revenues to be deposited in health care trust account and used for working families' tax rebate if increase approved by voters: HB 2377
 Transportation benefit districts, period for taxation extended when revenues dedicated to repayment of general obligation bonds: HB 1591
 Wood biomass fuel, exemption: HB 1743, HB 1804
 Working families' tax rebate, funding from temporary sales tax increase to be submitted to voters: HB 2377

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Exported fuel, exemptions and credits: HB 2277
 State route 520 corridor general obligation bonds, use of tax revenues to pay principal and interest: HB 2326
 Urban passenger transportation systems, clarifying limits of special fuel tax exemption: HB 1225

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 Affordable housing, sales and use tax refund for materials and services related to construction: HB 1141
 Annexation of a clear zone area by a city, sales and use tax funding provisions: HB 1378
 Biomass fuels for electricity generation, exemption for forest derived biomass: HB 1610
 Biomass fuels in renewable energy production, exemption for forest derived biomass: ***ESSB 6170, CH 469**
 Bottled water, local sales and use tax to fund core county public health functions: HB 1307
 Capitol city district, levy for capital improvements: HB 2030
 Community revitalization financing, use of local sales and use tax allocation revenues for public improvements: ***2SSB 5045, CH 270**
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 Digital products, tax provisions: HB 2320
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 Educational supplies, annual sales and use tax holiday: HB 2058
 Electric vehicle infrastructure and product exemption: HB 1481
 Electricity generation, expiration dates for exemptions: HB 1009
 Emergency medical equipment, exemption in certain cases: HB 2293
 Environmental incentives, various: ***ESSB 6170, CH 469**
 Exemption for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999
 Ferry fuel sales, exemption: HB 2255
 Health care trust account and general fund, certain use taxes to be deposited in: HB 2377
 High capacity transportation corridor areas, funding: HB 1677, ***SB 5540, CH 280**
 High technology deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268**
 Hog fuel, exemption when used for production of electricity, steam, heat, or biofuel: HB 1633, ***ESSB 6170, CH 469**
 Home heating fuel, exemption: HB 1977
 Housing facilities for low-income senior citizens, exemption: ***SB 5470, CH 483**
 Livestock nutrient management equipment and facilities, exemption: HB 2278, ***ESSB 6170, CH 469**
 Local sales and use, certain revenues to be deposited in accounts after retirement of baseball stadium construction bonds: HB 2252
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 Local sales and use, electric vehicle infrastructure and product exemption: HB 1481
 Local sales and use, exemption for administration and programs of any landless Washington state federally recognized Indian tribe: HB 1999
 Local sales and use, fire protection purposes: ***2SSB 5433, CH 551 PV**
 Local sales and use, funding for parks, recreation, trails, and open space allocation: HB 1810
 Local sales and use, imposed for local infrastructure financing: HB 1109, ***ESSB 5901, CH 267**
 Local sales and use, limits on public facilities district authority to impose: ***EHB 2299, CH 533**
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 Solar energy systems using photovoltaic modules or semiconductor materials, tax modifications: HB 1911, ***ESSB 6170, CH 469**
 Solar hot water components, exemption: HB 1188
 Solar water heating systems, exemption: HB 1857
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 State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463
 Streamlined sales and use tax agreement, harmonizing certain excise statutes with: ***SSB 5566, CH 289**
 Streamlined sales and use tax agreement, harmonizing excise statutes with: HB 1089
 Wood biomass fuel, exemption: HB 1743, HB 1804

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Alternative route partnership grant program, changing work experience provisions: ***HB 1675, CH 166**
 Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192**
 Certification, alternative route program for veterans and national guard members: ***HB 1156, CH 192**
 Dyslexia, development of dyslexia handbook and educator training program to enhance skills of students with: ***SSB 6016, CH 546**
 Educator data, establishment of comprehensive K-12 education data improvement system and a data governance group: E2SSB 5941
 Mathematics and science teachers, professional educator standards board to serve as lead agency in coordinated approach to creating an adequate supply of: HB 2000
 National board certification bonuses to be subject to availability of appropriations: HB 2343
 National board for professional teaching standards certification, funding for teachers to pursue: ESB 5714
 Professional development programs to be subject to availability of appropriations: HB 2343
 Savings in education programs, revision of various provisions in order to achieve: HB 2343
 School district employee benefits, definitions for health care: HB 1842
 School employees, crimes requiring dismissal or certificate revocation: HB 1741
 Teacher assistance program to be subject to availability of appropriations: HB 2343
 Teacher of the year, Washington state: ***HR 4634**
 Visual impairments, bi-state partnership for teachers of children with: HB 2181

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Actuarial funding of state retirement systems: ***SSB 6161, CH 561**
 Disability benefit options for PERS, SERS, and TRS plans 2 and 3, study by state institute for public policy: HB 1549
 Interruptive military service credit: ***HB 1548, CH 205**
 Lowering general salary increase assumption for actuarial funding of system: HB 1543
 Plan 3, vesting after 5 years in defined benefit portion: HB 1600
 Plans 2 and 3, earlier benefits: HB 1599
 Postretirement employment provisions: HB 1602
 Postretirement employment restrictions, reduction: HB 2143

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 Broadband technologies, creation of broadband adoption and deployment authority and council on digital inclusion: HB 1698
 Clean energy leadership initiative created and clean energy leadership council appointed and convened: ***SSB 5921, CH 318**
 Clean technology development within port district properties, sales tax exemption: HB 1895
 Commercialization and innovation, department of community, trade, and economic development and life sciences and technology trade associations to encourage growth of: ***E2SSB 6015, CH 425**
 Commercialization of technologies, fostering in part through the investing in innovation grants program: SSB 5553
 Cultural access authorities, creation, organization, and funding: HB 1666
 Digital products, sales and use tax provisions, including exemptions: HB 2075
 Greenhouse gas emission reduction technologies, funding to come from climate protection account: HB 1819
 High technology sales and use tax deferral, clarifying eligibility of multiple qualified buildings: HB 1818, ***SB 5909, CH 268**
 High-speed internet, department of information services authority for overseeing broadband adoption and deployment efforts in the state: HB 2170, E2SSB 5916
 High-speed internet, department of information services implementation of deployment and adoption strategy on behalf of the state: HB 1699, HB 1701
 High-speed internet, department of information services to assess and map broadband and related services in state: HB 2171
 High-speed internet, inventory of publicly owned infrastructure: HB 1700
 Higher education technology transformation task force to be convened by K-20 educational network board: HB 1946
 Plug-in hybrid vehicle conversion program at Shoreline Community College: HB 1734

State technology entity boards, implementing governor's statewide technology strategy: HB 1521

TELECOMMUNICATIONS (See also UTILITIES AND TRANSPORTATION COMMISSION)

Ancillary services, harmonizing certain excise tax statutes with the streamlined sales and use tax agreement: ***SSB 5566, CH 289**
 Broadband technologies, business and occupation tax credits: HB 1698
 Broadband technologies, creation of broadband adoption and deployment authority and council on digital inclusion: HB 1698
 Cell phone use while driving, removal of requirement that a violation be enforced only as a secondary action: HB 2265
 Companies, business and occupation tax credit for contributions to Washington community technology opportunity account: HB 2170
 Digital products, sales and use tax provisions, including exemptions: HB 2075
 Driving while holding a wireless communications device to one's ear, removal of requirement that a violation be enforced only as a secondary action: HB 2265
 Facilities, notice of necessary relocation from public agency: EHB 1499
 Parks and recreation lands, leasing for telecommunications services facilities: HB 2109
 School districts, siting personal wireless service facilities: HB 1185
 Trucks, crane safety requirements exemption: HB 1111
 Underground facilities, requirements for notification prior to excavation: HB 1996
 Wireless communications, provisions related to wireless phone numbers used by directory providers: HB 1816
 Wireless communications, siting personal service facilities on school district property: HB 1185

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Tax deductions and exemptions, recommendations of citizen commission for performance measurement of tax preferences adopted: ESSB 5557
 Television reception improvement districts, providing emergency radio communications systems: HB 1028

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Artistic, scientific or historical purposes or activities, property tax exemption for organizations using property for: HB 1304, ***SB 5680, CH 58**
 Cultural access authorities, creation, organization, and funding: HB 1666
 Symphony orchestras, operas, and performing arts theaters, under public employment relations commission jurisdiction for collective bargaining: HB 1276

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Christmas trees, harvesting: HB 1038
 Christmas trees, removing from or injuring on public or private land: ***HB 1137, CH 349**
 Commercial forestry operations, act of owning forested land defined as forest practice: HB 1483, ***SB 5562, CH 200**
 Contract harvesting on state trust lands: ***ESB 6166, CH 418 PV**
 Current use land classifications for property tax purposes, interest rate and penalty provisions: SSB 5424
 Forest fire protection assessment rate structure and refunds, revisions: HB 2315
 Forest land, impact on property taxation of removal of forest land designation in counties of a certain size: HB 1570
 Forest practices board to develop a single-tier riparian buffer rule for small acreage timber: HB 1725
 Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, ***SSB 5401, CH 246**
 Huckleberries, regulations: HB 1038
 Log trucks, public utility tax on log transportation businesses: ***ESSB 6170, CH 469**
 Single-tier riparian buffer rule for small acreage timber, forest practices board to develop: HB 1725
 Small forest landowners, alternate harvest restrictions to enable keeping land in active working forestry: HB 1665
 Specialized forest products, permitting process and theft protections: HB 1038
 State trust lands, contract harvesting: ***ESB 6166, CH 418 PV**

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Lead wheel weights, environmentally preferred alternatives: HB 1033

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Aerospace competitiveness act: HB 2308
 Long-term care services funding act of 2009: HB 2380
 Restructuring ferry districts and the property tax levied by such districts act of 2009: HB 2302, HB 2303
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Cigarettes and tobacco products, liquor control board licensing administration authority: HB 1435
 Cigarettes, tax revenues to be deposited in reserve account and benefits account: HB 1892
 Moist snuff, excise taxation of: HB 2382
 Sales, prohibition if retail establishment located on same premises as a health care clinic: HB 2257
 Tobacco products, tax revenues to be deposited in reserve account and benefits account: HB 1892
 Tobacco settlement account, transfer of moneys to reserve account and benefits account: HB 1892

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Lodging businesses, exemption from imposed charge when within a tourism promotion area: HB 1290

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Bicyclists, legal requirements for overtaking and passing when driving: HB 1491
 Congestion, making traffic congestion relief a higher state transportation system priority: HB 2037
 High occupancy vehicle lanes, opening during nonpeak hours: HB 2038

Joint comprehensive commute trip reduction plan for certain state agencies, including institutions of higher education: ***SSB 6088, CH 427**
 Pedestrians, legal requirements for overtaking and passing when driving: HB 1491
 School buses, automated bus stop signal cameras pilot program: HB 1427
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: HB 2192, ***SSB 5556, CH 272**
 Traffic control at thoroughfare work sites, requirements: HB 1535
 Two-wheeled and three-wheeled vehicles, definitions and requirements: ***SB 5482, CH 275**
 Vehicle-activated traffic control signals, reliable detection of motorcycles and bicycles to be required: HB 1403
 Wheelchair users, drivers required to take all necessary precautions to avoid injury to: HB 1966

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"Conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181**
 Cell phone use while driving, removal of requirement that a violation be enforced only as a secondary action: HB 2265
 Driving under the influence of liquor or drugs while transporting a person under age eighteen, penalties: HB 2233
 Driving while holding a wireless communications device to one's ear, removal of requirement that a violation be enforced only as a secondary action: HB 2265
 Liability for damage to state property of person operating vehicle illegally: ***HB 1433, CH 393**
 Motorcycle helmet use, provisions: HB 1964
 Negligent driving, retaking and passing driver licensing exam required for certain persons convicted of: HB 2273
 Recording devices in vehicles, vehicle systems data privacy and disclosure provisions: HB 1500, ***SSB 5574, CH 485**
 Relicensing diversion program: ***SSB 5732, CH 490**
 Smoking prohibited in motor vehicles containing children: HB 1151
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: HB 2192, ***SSB 5556, CH 272**
 Victim impact panels, requirements: HB 1408

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Agribusiness drivers, exemption from certain commercial driver's license requirements: HB 2223
 Art for state transportation-related buildings, suspension of requirement for: HB 2076
 Benefit districts, period for sales tax extended when revenues dedicated to repayment of general obligation bonds: HB 1591
 Budget, 2009-2011: HB 1314, ***ESSB 5352, CH 470 PV**
 Budget, supplemental 2007-2009: HB 1313
 Commercial drivers, "conviction" defined for purposes of the uniform commercial driver's license act: ***SB 6068, CH 181**
 Economic stimulus transportation funding and appropriations: HB 1978
 Electric vehicle and alternative fuel vehicle infrastructure program, implementation: E2SSB 5735
 Facilities, prohibition of development under local comprehensive plans: HB 1736
 Ferries, purchase of passenger-only ferries by department of transportation: HB 1209
 Ferries, Washington state ferries commission: HB 1084
 Ferry partnership advisory committee, creation for purpose of recommending ferry fare schedules annually to transportation commission: HB 2314
 Ferry system, modernizing ferry fleet and organization: HB 2193
 Ferry vessels and terminals, cost limitations when using state forces for work performed on: HB 2271
 Ferry vessels, elimination of requirement that certain ferries be constructed in Washington: HB 1652
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 High capacity transportation corridor areas, establishment and funding: HB 1677, ***SB 5540, CH 280**
 High-speed rail, establishment of joint select committee on: HB 1873
 Household goods carriers, permits and conditions for advertising: ***HB 1536, CH 94**
 Interstate 90 floating bridge, toll authorization, administration, collection, and enforcement: HB 2319, HB 2335
 Jurisdictional route transfers, transferring responsibility to commission from improvement board: ***SB 5028, CH 260**
 Lake Washington transportation corridor, tolls: HB 2335
 Limousine carriers, regulation by counties, cities, and port districts: HB 1775
 Lobbying restrictions, certain threats to relocate commercial airplane manufacturing jobs prohibited: HB 2316
 Log trucks, public utility tax on log transportation businesses: ***ESSB 6170, CH 469**
 Marine container ports, land use and transportation planning for: HB 1959
 Marine transportation facilities for sand and gravel, permit requirements: HB 1970
 Motor carriers, safety requirements and compliance reviews: HB 1843
 Motor vehicle fund, savings from suspension of requirement for art for transportation-related buildings to be credited to: HB 2076
 Projects of statewide significance, expedited permit process: HB 2039
 Property tax levy rates for ferries and public transit: ***2SSB 5433, CH 551 PV**
 Public transit governing bodies, required appointment of organized labor member with full voting rights and privileges: HB 1590
 Public transportation benefit area authorities, increasing membership: HB 1139
 Public transportation infrastructure improvements, crediting against impact fees: SB 5548
 Public-private transportation projects, capital improvements or preservation funded by bond sales to be done only with prior legislative approval: HB 2190
 Rate and service regulation of certain transportation services, utilities and transportation commission authority to forebear from: ***ESB 5894, CH 557**
 Special transportation needs, agency council on coordinated transportation to propose statewide policies and objectives to aid persons with: HB 2072
 Special transportation needs, services for those who have: HJM 4008
 Special transportation needs, statewide oversight to be combined with local coordination of service providers to aid persons with: HB 2072
 Special transportation needs, work group appointed by agency council on coordinated transportation to generate a report with recommendations: HB 2088
 State route 16 corridor improvements project, repayment of deferred sales and use taxes on the project: HB 1463

State route 520 bridge tolls, imposition to help finance critical safety and associated projects: HB 2211
 State route 520 corridor, issuance of general obligation bonds to fund projects and improvements on: HB 2326
 State route 520 corridor, toll authorization, administration, collection, and enforcement: HB 2319, HB 2335
 Supplemental transportation improvements within a transportation benefit district, cities authorized to provide and contract for: HB 2179
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Tolls, interstate 90 floating bridge and state route 520 corridor: HB 2319, HB 2335
 Traffic, making congestion relief a higher state transportation system priority: HB 2037
 Transportation benefit districts, impact fees to be used exclusively for transportation improvements within and constructed by a district or other agency or entity: HB 2045
 Transportation budget, 2009-2011: HB 1314, ***ESSB 5352, CH 470 PV**
 Transportation budget, supplemental 2007-2009: HB 1313
 Trucking industry, requesting the passage of legislation to stabilize: ***HJM 4014**
 Urban passenger transportation systems, clarifying limits of special fuel tax exemption: HB 1225
 Viaduct damaged by earthquake, transportation infrastructure improvement zone financing for razing viaduct and replacing it with a tunnel: HB 2036

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Sales tax, period for taxation extended when revenues dedicated to repayment of general obligation bonds: HB 1591

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Alaskan Way viaduct deep bore tunnel project, commission appointment of expert review panel for: HB 2217
 Ferries, commission to consider selling naming rights: SSB 5440
 Ferries, fare reduction: HB 1083
 Ferries, tribal government involvement in naming process: HB 1447, SSB 5440
 Jurisdictional route transfers, transferring responsibility to commission: ***SB 5028, CH 260**

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Agricultural land preservation, purchase of land development rights as option for environmental mitigation of transportation projects: HB 1660
 Bond amounts for department highway contracts: HB 1533, ***SSB 5499, CH 473 PV**
 Commute trip reduction tax credit, limitations: HB 1432
 Contracts, veteran-owned businesses: HB 1648
 Design-build and commercial off-the-shelf procurement strategies, department to create proposal for ferry system shift to: HB 2026
 Ferries, expiration of monetary value of fare media: HB 1082
 Ferries, purchase of passenger-only ferries by department: HB 1209
 Ferry partnership advisory committee, creation for purpose of recommending ferry fare schedules annually to transportation commission: HB 2314
 Ferry system, comprehensive incident and accident investigation policy and procedures proposal to be provided to legislature by Washington state ferries: EHB 2044
 Ferry vessels, elimination of requirement that certain ferries be constructed in Washington: HB 1652
 High occupancy vehicle lanes, opening during nonpeak hours: HB 2038
 Highway construction review and site selection process, prioritizing use of public land: ***SSB 5684, CH 471**
 Integrated climate change response strategy, department of ecology to coordinate with department and other agencies and other groups: E2SSB 5138
 Interstate 90 floating bridge, toll authorization, administration, collection, and enforcement: HB 2319, HB 2335
 Joint comprehensive commute trip reduction plan for certain state agencies, including institutions of higher education: ***SSB 6088, CH 427**
 Lake Washington transportation corridor, tolls: HB 2335
 Marine highway system, changing ferry system name to: HB 2230
 Milwaukee Road corridor, extending the time period for the department to enter into a franchise agreement for a rail line: ***HB 1717, CH 338**
 Motorcycle toll rates, including motorcycles with trailers in tow: HB 2093
 Projects of statewide significance, expedited permit process: HB 2039
 Public-private transportation projects, capital improvements or preservation funded by bond sales to be done only with prior legislative approval: HB 2190
 Safe routes to school program, department to administer a competitive grant program and fund an ongoing state center: HB 1793
 Special category C projects, prioritizing of funding: HB 1705
 Special transportation needs, agency council on coordinated transportation to propose statewide policies and objectives to aid persons with: HB 2072
 Special transportation needs, statewide oversight to be combined with local coordination of service providers to aid persons with: HB 2072
 State property damage, liability of person operating vehicle illegally: ***HB 1433, CH 393**
 State route 195 and Cheney-Spokane Road intersection, department to design and construct right turn lane: HB 2225
 State route 520 bridge tolls, department authority to administer tolling program: HB 2211
 State route 520 corridor, toll authorization, administration, collection, and enforcement: HB 2319, HB 2335
 State route 520 floating bridge, requirement that state first use previously allocated funding: HB 2238
 State route 99 Alaskan Way viaduct replacement project, contracting and financing requirements: ***ESSB 5768, CH 458**
 State route 99 deep bore tunnel traffic and revenue study, to be conducted by the department: ***ESSB 5768, CH 458**
 Toll penalties for infractions detected through photo enforcement system, reduction prohibited: HB 2192, ***SSB 5556, CH 272**
 Tolls, interstate 90 floating bridge and state route 520 corridor: HB 2319, HB 2335
 Traffic, making congestion relief a higher state transportation system priority: HB 2037
 Transportation regions, realignment: ESSB 5682

TRUSTS AND TRUSTEES

Deeds of trust, foreclosure: HB 1942, ***ESB 5810, CH 292**

* - Passed Legislation

Deeds of trust, reconveyances: HB 1644
 Guardianship, uniform adult guardianship and protective proceedings jurisdiction act: HB 1261
 Washington principal and income act of 2002, revisions: ***SSB 5171, CH 365**

UNEMPLOYMENT COMPENSATION

Administrative contingency fund, high-demand occupation training program funds for certain unemployed persons to come from separate account within: ***E2SSB 5809, CH 566 PV**
 Business and occupation tax credit for certain employer unemployment compensation contributions: HB 2008
 Corporate officers, eligibility: HB 1274
 Economic security, improving through unemployment compensation: HB 1906
 Employer contribution rates, revisions: HB 2204, ***SSB 5963, CH 493**
 Employer experience rating chapter, correcting statutory references: ***HB 1339, CH 225**
 Employers, good cause for late filing of reports, contributions, penalties, or interest: ***HB 1338, CH 83**
 Experience rating accounts of employers, military service benefit charge exemption: HB 2332, ***SSB 5009, CH 50**
 Incarceration, disqualification from benefits after absence from work due to: HB 1305
 Language service providers, exemption from definitions of employment and worker: HB 1990
 Leaving work, good cause reasons for: HB 1628
 Median wages, computation for unemployment compensation purposes: HB 1711
 Payment relief for employers: HB 2236
 Reforming the unemployment compensation system, various provisions: HB 2269
 Unemployment benefits, improvement of: HB 2385
 Voluntarily leaving part-time work, qualifying for benefits under certain circumstances: ***SB 5804, CH 247**
 Washington state essential worker pilot program, established by department of employment security HB 1896

UNIVERSITY OF WASHINGTON

Alternative public works contracting procedures, authorization and restrictions: HB 1690
 Board of regents, adding a faculty member to board: HB 1841
 Botanic gardens endowed curatorship: SSB 5061
 Building account, use of funds for certificates of participation authorized: HB 2254
 Consolidated endowment fund, disclosure of private investment information related to: ***HB 1640, CH 394**
 Engineering, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, ***SSB 5276, CH 207**
 Extension lecturers in English language programs permitted to engage in collective bargaining: SB 5986
 Global Asia institute and institute advisory board, creation within Henry M. Jackson school of international studies: ***SSB 5177, CH 466**
 Health sciences library, online access to by certain health care providers: HB 1611, ***SSB 5913, CH 558 PV**
 Human rights center, creation: HB 2246, ***SSB 5172, CH 465**
 Opportunity grant program, establishment: HB 2306
 President, compensation subject to certain limitations: HB 2240
 Primary care physician conditional tuition waiver program to be administered by university: ESSB 5502
 Public works contracting procedures: HB 1641, HB 1916, SSB 5760
 Safety, health, and energy efficiency improvements to university facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Shellfish biotoxins, surcharge to fund monitoring by Olympic region harmful algal bloom program of the Olympic natural resources center: ***SB 6121, CH 577**
 Snohomish county branch campus, establishment: HB 1467
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 PV**
 Washington park arboretum, natural resource collections: SSB 5061
 Washington technology center, university to contract with: SSB 5553

UTILITIES (See also ELECTRIC UTILITIES; TELECOMMUNICATIONS)

Alternative energy resource purchase programs, incentives for voluntary participation by utilities: HB 1658
 Billing statements, tax information to be included on customer billings: HB 1855
 Carbon dioxide emissions, disclosure to electric customers of emissions associated with their electricity consumption: HB 1994
 Conservation project loans from municipal utilities and public utility districts, repayment period expanded: ***HB 1184, CH 416**
 Electric vehicles, utilities encouraged to use: HB 1481
 Emergency responses to properties, notification required to owners: HB 1537
 Energy conservation and renewable energy targets, load growth as an exception in meeting: HB 1686
 Energy efficiency and greenhouse gases in built environment, maintaining energy consumption data on certain nonresidential and public agency buildings as part of strategic plan concerning: HB 1747, ***E2SSB 5854, CH 423**
 Energy independence act, renewable energy and conservation requirements: HB 1133, ESSB 5840
 Facilities, notice of necessary relocation from public agency: EHB 1499
 Gas companies, date utilities and transportation commission sets pipeline safety fees: SSB 5451
 Gas companies, date utilities and transportation commission sets pipeline safety fees changed: HB 1388
 Gas companies, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Greenhouse gas emissions performance standard, compliance provisions: HB 1854
 Intermittent alternative energy sources, utility plans for energy sources to be used when intermittent sources are unavailable: HB 1955
 Liens against rental premises for utility charges when tenant vacates or is delinquent: HB 1298
 Light and power businesses, public utility tax credit against sales and use tax paid for development of eligible renewable resources: HB 2131
 Light and power businesses, public utility tax credit to recover up to fifty percent of rebates given for solar water heating systems installations: HB 1134
 Local utility districts, new withdrawal of water from a well prohibited within service area in certain cases: HB 1534
 Public service companies, customer interest protections in proceedings before utilities and transportation commission: ***SSB 5055, CH 24**
 Puget Sound Energy/Puget Holdings merger proposal, urging utilities and transportation commission to rehear: HJM 4007

Rates, discounts for low-income and low-income senior customers of gas and electric companies: ***SSB 5290, CH 32**
 Renewable energy plants, electric utilities to enter into power purchase agreements with: HB 2135
 Renewable energy sources, tax incentives for use of biomass fuels to generate electricity: HB 1610, ***ESSB 6170, CH 469**
 Renewable energy systems, investment cost recovery incentives: HB 1399
 Renewable energy targets, utilities to be considered in compliance in certain cases: HB 1833
 Renewable energy targets, utility waiver from targets related to integration into the electrical grid: HB 1693
 Renewable resource requirements for utilities, using eligible renewable resources or renewable energy credits to meet: HB 2009
 Renewable resources, large utilities to obtain certain percentages of their electricity from: HB 1294
 Solar energy, community solar projects incentives: ***ESSB 6170, CH 469**
 Solar water heating systems, grant program and rebate for installation to customers of light and power businesses and gas companies: HB 2185
 Solar water heating systems, installation cost rebate to customers of light and power businesses and gas companies: HB 1134
 Sustainable energy trusts, monthly smart and sustainable energy charge: HB 1007
 Underground facilities, requirements for notification prior to excavation: HB 1996
 Watershed management partnerships, eminent domain authority granted: HB 1332

UTILITIES AND TRANSPORTATION COMMISSION

Eligible distributed generators, commission role in purchase of electric service from: HB 1086
 Energy independence act, renewable energy and conservation requirements: HB 1133, ESSB 5840
 Gas companies, date commission sets pipeline safety fees: SSB 5451
 Gas companies, date commission sets pipeline safety fees changed: HB 1388
 Household goods carriers, permits and conditions for advertising: ***HB 1536, CH 94**
 Motor carriers, commission responsibility for adoption and enforcement of safety requirements: HB 1843
 Public service companies, customer interest protections in proceedings before commission: ***SSB 5055, CH 24**
 Puget Sound Energy/Puget Holdings merger proposal, urging utilities and transportation commission to rehear: HJM 4007
 Rate and service regulation of certain transportation services, commission authority to forebear from: ***ESB 5894, CH 557**
 Rates, discounts for low-income and low-income senior customers of gas and electric companies: ***SSB 5290, CH 32**
 Renewable energy plants, commission to establish standards for interconnection with grid system: HB 2135
 Renewable resources, large utilities to obtain certain percentages of their electricity from: HB 1294
 Solar energy, community solar projects incentives: ***ESSB 6170, CH 469**
 Solid waste collection companies, keeping regulated and unregulated business activities separate to ensure fair competition: HB 1863

VETERANS

Access to services, department of veterans affairs to study ways to improve: HB 1051, ***SSB 5035, CH 22**
 Afghanistan-Iraq war memorial: HB 1020
 Alternative route teacher certification program for veterans and national guard members: ***HB 1156, CH 192**
 Assistance programs, county property tax levy: HB 1102
 Burials, liability regarding transfer of remains: ***SSB 5481, CH 56**
 Burials, liability related to transfer of remains: HB 1001
 Businesses owned by veterans, state contracts: HB 1648
 Disabled veterans assistance account, voluntary donations at time of vehicle registration to fund: EHB 1876
 Fishing licenses, special low-priced license for senior veterans with a service-connected disability: HB 1748
 Interstate commission on educational opportunity for military children: HB 1075, ***SSB 5248, CH 380**
 Japanese-American internees and WWII veterans from Washington state, recognizing: ***HR 4617**
 Linked deposit program for veteran-owned businesses, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 PV**
 Lottery, certain games to benefit veterans: HB 1070
 Military children, interstate compact on educational opportunity: HB 1075, ***SSB 5248, CH 380**
 Nisei veterans, postage stamp: ***HJM 4005**
 Preferred employment opportunities for veterans: ***HR 4650**
 Property tax exemption for veterans with one hundred percent service-connected disability: HB 1284
 Property tax relief, disposable income limits for veterans: HB 1764
 Public employment, scoring criteria in competitive examinations: ***HB 1050, CH 248**
 Purple heart recipients, issuance of special license plates and exemption from licensing fees and motor vehicle excise tax: HB 1470 Relief, definition of veteran: ***EHB 1049, CH 35**
 Residential mortgage loan fees, financial institution authority to charge in connection with veterans administration home loan: HB 1588
 State contracts, veteran-owned businesses: HB 1648
 Tuition waivers, stepchildren to be included as eligible children of veterans and national guard members: ***SB 5720, CH 316**

VETERINARIANS

Companion animal spay/neuter assistance program, participation eligibility: HB 1406
 Dogs under twelve months of age, minimum proper veterinarian care standard: HB 2202
 Technician performance of certain drug preparation functions when delegated by licensed veterinarian: HB 1271
 Veterinary board of governors, administration and disciplining authority: HB 1176

VICTIMS OF CRIMES

Child victims and witnesses, rights and proper interviewing of: HB 2304
 Compensation, changing definition of criminal act for purposes of: HB 1108
 Counseling for sex offense victim who testifies in civil commitment proceedings: HB 1221
 Crime victims' compensation program, funds for counseling for sex offense victim who testifies in civil commitment proceedings: HB 1221
 Criminal act, changing definition for purposes of victim compensation: HB 1108
 Criminal proceedings before a court, statement of victim rights and availability of victim rights flier: HB 1476
 Notification of sex offender release into community to be sent to victim: HB 1277

Notification of victims and witnesses, domestic violence court order violations added to list of eligible offenses: ***HB 1790, CH 400**
 Right to present a statement at sentence review or clemency and pardons hearing: ***HB 1281, CH 138**
 Sex offender residence after release, proximity to victim: HB 1768
 Sex offenses against minor victims, prosecution until victim's twenty-eighth birthday to be allowed in certain cases: ***SB 5832, CH 61**
 Special sentencing alternatives limited to offenses against an immediate family member: HB 2209
 Tenants who are victims of sexual assault, sexual harassment, or stalking by a landlord, legal protections: HB 1856
 Tenants who are victims of sexual assault, unlawful harassment, or stalking by a landlord, legal protections: SSB 5833
 Traffic offenses, victim impact panel requirements: HB 1408
 Work release, crime victims to submit input: ***HB 1076, CH 69**

VOCATIONAL EDUCATION

High-demand occupation training program funds, use by workforce development councils to help certain economically disadvantaged adults and unemployed workers: ***E2SSB 5809, CH 566 PV**
 Job skills program, funding and applications for: ***SB 5554, CH 554**
 Lifelong learning account steering committee: HB 1129, ESSB 5555
 Middle school students, career and technical education programs: HB 1356, ***2SSB 5676, CH 212**
 Opportunity internship program, career and technical education opportunities to be increased for low-income high school students: HB 1355
 Washington award for vocational excellence program to be phased out: HB 2021
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353**, SSB 5317
 Workforce and economic development, coordination of: HB 1323, SSB 5048
 Workforce training, state comprehensive plan for 2008-2018: HCR 4403, ***SSCR 8404**

VULNERABLE ADULTS

Abandonment of a dependent person in the fourth degree, penalties: HB 1234
 Christian Science treatment, exemption from neglect and abuse provisions: HB 1925
 Crimes against vulnerable adults, including abuse, neglect, financial exploitation, and abandonment: HB 1788
 Estates, financial exploitation of vulnerable adult by an abuser: HB 1103
 Financial exploitation of a vulnerable adult, provisions: HB 1788
 Searchable electronic database of findings of abuse, neglect, financial exploitation, and abandonment, establishment and maintenance: HB 1788

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Apprentices, requirements for labor hours on public works projects by four-year higher education institutions to be performed by: ***ESSB 5873, CH 197**
 Citizens' commission on salaries for elected officials, definition of "immediate family" for purpose of membership on: HB 2033
 Health care facility employees, meal and rest periods: HB 1642
 Living wage requirement for state contracts with private contractors: HB 1716
 Minimum wage and overtime compensation complaints, good faith defense: HB 2176
 Minimum wage rate, minors: HB 1928
 Minimum wage, defining "employ" for purposes of: HB 2144
 Minimum wage, increasing: HB 1735
 Minors, minimum wage rate: HB 1928
 Nurses, meal and rest periods when employed by health care facilities: HB 1642
 Overtime, mandatory limits for corrections officers and sergeants employed by city or county jail: HB 1800
 Prevailing rate of wage to be paid on construction projects involving tax incentives, loans, or public land or property that is sold or leased: HB 1992
 Prevailing wage, definition of independent contractor: HB 1786, ***SSB 5904, CH 63**
 Residential construction wage rates for public works projects: ***SB 5903, CH 62**

WARRANTIES

Motor vehicle warranties, provisions: HB 1215

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Office of regulatory assistance, procedures for improving function of environmental and business regulatory processes: HB 1730
 Rule-making information, each state agency to post on its web site: ***HB 1475, CH 93**
 Rules qualifying as significant legislative rules, governor's signature required: HB 1853

WASHINGTON STATE UNIVERSITY

Board of regents, adding a faculty member to board: HB 1841
 Building account, use of funds for certificates of participation authorized: HB 2254
 Energy efficiency upgrade pilot programs, extension energy program authority to implement grants for: ***E2SSB 5649, CH 379 PV**
 Engineering, programs in chemical, mechanical, and civil engineering no longer restricted to UW and WSU: HB 1312, ***SSB 5276, CH 207**
 Opportunity grant program, establishment: HB 2306 President, compensation subject to certain limitations: HB 2240
 Public works contracting procedures: HB 1916, SSB 5760
 Safety, health, and energy efficiency improvements to university facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Small business development center, duties of center and establishment and expansion of satellite offices: ***SSB 5723, CH 486**
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 PV**
 Vision impairments/orientation and mobility coordinator, position to be housed at WSU-Vancouver: HB 2181

WATER

Bottled water, local sales and use tax to fund local health jurisdiction core public health functions: HB 1307
 Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: HB 1334

Columbia river basin water supply development program, using state moneys for potential water storage sites under the program prohibited:
HB 1627

Mobile home parks, protecting sole source aquifers in certain Eastern Washington counties by providing sewer utility service: SB 5507

Petroleum products in storm water, mitigation and prevention projects: HB 1614

Rainwater collection facilities, permits and permit exemptions: HB 2097

Reclaimed water systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: ESSB 5485

Reclaimed water use, permitting requirements and violations and penalties: HB 1482, *SSB 5504, CH 456

Solar hot water components, sales and use tax exemption: HB 1188

Solar water heater systems, requirements for new homes: HB 1187

Walla Walla watershed community, establishing a water management board and pilot local water management program: HB 1580

Water banking, trust water rights program used for: *ESSB 5583, CH 283

Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494

Water pollution account, fee imposed on first possession of petroleum products contributing to storm water pollution: HB 1614

Water pollution control facilities, department of ecology may award grants or loans to publicly owned industrial wastewater treatment facilities:
SB 5940

Water reclamation systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: HB 1532

Watershed management partnerships, eminent domain authority granted: HB 1332

Wells, new withdrawal of water from a well prohibited in certain cases: HB 1534

WATER COMPANIES (See also PUBLIC WATER SUPPLY SYSTEMS)

Group B public water systems, waiver of some requirements by state board of health for systems with fewer than five connections: *SSB 6171,
CH 495

Public water systems, chlorine residual measurement requirements for certain group A water systems: *SSB 5199, CH 367 PV

Public water systems, operator certification and responsibilities: HB 1283

Safe and reliable drinking water supply, maintaining through consistency of water system plans with comprehensive plans or development regulations: HB 1998

Water facility construction, contract requirements: *HB 2146, CH 344

WATER POLLUTION (See also ECOLOGY, DEPARTMENT)

Dairy nutrient management program, violations: *SSB 5677, CH 143

Lake Whatcom, demonstration project to reduce phosphorus loading in: *SB 5944, CH 48

National pollutant discharge elimination system municipal separate storm sewer systems permit program, certain cities exempted: HB 2053

Petroleum products in storm water, mitigation and prevention projects: HB 1614

Reclaimed water use, permitting requirements and violations and penalties: HB 1482, *SSB 5504, CH 456

Storm water, construction and industrial storm water general permits: HB 2222

Water discharge fees, changes: HB 1413

Water pollution account, fee imposed on first possession of petroleum products contributing to storm water pollution: HB 1614

Water pollution control facilities, funding from water pollution control revolving fund: HB 2116

Water pollution control revolving fund, use of moneys in fund by department of ecology: HB 2116

Water quality standards, amendment by department of ecology to authorize compliance schedules for discharge permits in certain cases: HB
2243, *SSB 6036, CH 457

WATER QUALITY

Ambient groundwater and surface water monitoring and assessment program, department of ecology to enhance in phases: HB 2235

Groundwater information within water resource inventory areas, department of ecology to prepare a data gap analysis: HB 2235

Habitat of threatened or endangered species, program for purchase as part of riparian open space program: HB 1484, *SSB 5401, CH 246

Lake Whatcom, demonstration project to reduce phosphorus loading in: *SB 5944, CH 48

Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636

Reclaimed water use, permitting requirements and violations and penalties: HB 1482, *SSB 5504, CH 456

Standards, amendment by department of ecology to authorize compliance schedules for discharge permits in certain cases: HB 2243, *SSB
6036, CH 457

Water discharge fees, changes: HB 1413

Water pollution control facilities, department of ecology may award grants or loans to publicly owned industrial wastewater treatment facilities:
SB 5940

Water quality account, elimination: HB 1453

WATER RIGHTS

Adjudication, procedures: HB 1571

Columbia and lower Snake rivers, using conservation operation and maintenance savings for water resource management: HB 1334

Columbia Basin project, funds for phase II: HJM 4012

Groundwater, permit to use public groundwaters to water lawn: HB 1179

Groundwater, public water withdrawal for stock-watering: HB 1091

Instream flows, setting: HB 2022

Maury Island aquatic reserve, requirements for wells on industrial or mining sites on lands adjacent to: HB 1708

Nonuse, liberal construal according to legislative intent: HB 1267

Nonuse, sufficient cause: HB 1266

Nonuse, sufficient cause involving crop rotation: HB 1269

Phosphorus-containing turf fertilizer, restrictions on use to protect lake water quality: HB 1636

Public groundwaters, exemption from permit requirement for stock watering: HB 1489

Rainwater collection facilities, permits and permit exemptions: HB 2097

Reclaimed water use, permitting requirements and violations and penalties: HB 1482, *SSB 5504, CH 456

Relinquishment, eliminating partial relinquishment: HB 1268
 Stock watering, definition: HB 1509
 Walla Walla watershed community, establishing a water management board and pilot local water management program: HB 1580
 Water banking, trust water rights program used for: ***ESSB 5583, CH 283**
 Water banks, interlocal agreements for operation by watershed management partnerships: HB 1494
 Water discharge fees, changes: HB 1413
 Wells, new withdrawal of water from a well prohibited in certain cases: HB 1534
 Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: HB 1653

WATER-SEWER DISTRICTS

Assumption of districts by cities, provisions: HB 1897
 Assumptions of districts by cities in counties with more than one million five hundred thousand residents: HB 2172
 Jurisdictional public highway transfers from a city or county to the state, state responsibility for buried pipelines under public highways: HB 1894
 Reclaimed water systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: ESSB 5485
 Water or sewer facility construction, municipal participation in funding and reimbursement amounts: ***EHB 1513, CH 230**
 Water reclamation systems, water-sewer districts authorized to construct, condemn and purchase, add to, maintain, and operate: HB 1532
 Watershed management partnerships, eminent domain authority granted: HB 1332

WELLS

Maury Island aquatic reserve, requirements for wells on industrial or mining sites on lands adjacent to: HB 1708

WESTERN WASHINGTON UNIVERSITY

Board of trustees, adding a faculty member to board: HB 1841
 Capital projects account, use of funds for certificates of participation authorized: HB 2254
 Opportunity grant program, establishment: HB 2306
 Peer mentoring pilot program in collaboration with a community or technical college: ***EHB 1986, CH 446**
 President, compensation subject to certain limitations: HB 2240
 Safety, health, and energy efficiency improvements to university facilities, creating jobs by issuing bonds to fund construction of: HB 2334
 Termination of football team, review by legislative task force of decision: HB 1884
 Tuition, resident and nonresident undergraduates: ***SSB 5734, CH 574 PV**

WETLANDS

Soil and wetland science, advisory committee: HB 1881
 Soil and wetland scientists, certification: SSB 5698
 Soil and wetland scientists, licensing: HB 1881

WILDLIFE

Airport wildlife trapping, authority and requirements: HB 2260
 Cruelty to animals, violations and penalties: HB 1968, ***SSB 5402, CH 287**
 Damage, compensation when crops damaged or livestock injured or killed by wildlife: HB 1626
 Endangered species act, federal and state cooperation: ***SJM 8001**
 Feeding by humans, regulations: HB 1885
 Habitat conservation account and riparian protection account provisions, references to mitigation banking projects removed: HB 1846, ***SB 5348, CH 16**
 Modernizing certain fish and wildlife provisions in title 77 RCW: HB 1778
 Olympic marmot, official state endemic mammal: ***SB 5071, CH 464**
 Predatory wildlife damage, reimbursing commercial livestock owners for livestock injured or killed: HB 1354
 State wildlife account, funding to include proceeds from online keno game account: HB 2305
 Trapping at airports, authority and requirements: HB 2260
 Trapping, licensing and regulations: HB 1115
 Viewing opportunities, department of fish and wildlife authority to provide web-based information regarding: HB 1972
 Wetlands and fish and wildlife habitat conservation areas, to be protected through local government's shoreline master program: HB 1653
 Wildlife and recreation program, qualified applicants and procedures for funding from accounts: HB 1957
 Wolf-hybrid classified as a potentially dangerous wild animal: SSB 5383

WOMEN (See also DISCRIMINATION)

Abortion, informed consent and related provisions in the case of minor females and females subject to guardianship: HB 1688
 Breastfeeding, protecting women's right to do so in certain public places: ***HB 1596, CH 164**
 Discrimination against women, adoption of an anti-discrimination treaty: HJM 4013, ***SJM 8012**
 Equal suffrage amendment, centennial of submission to the people of Washington: ***HR 4618**
 Linked deposit program for women's business enterprises, setting interest rates of time certificate of deposits for: ***EHB 1167, CH 385 PV**
 Office of minority and women's business enterprises, requirement and schedule for submission of data by state agencies and educational institutions to: ***EHB 1087, CH 348 PV**

WORKERS' COMPENSATION

Contracts for health care with a health care provider, required provisions: HB 2213
 Drywall installation and finishing business owners, mandatory industrial insurance coverage: HB 1351
 Employee information, handling for compensation purposes: HB 2256
 For-hire vehicle operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Industrial insurance appeals, restrictions on contact with medical providers after filing: HB 1402

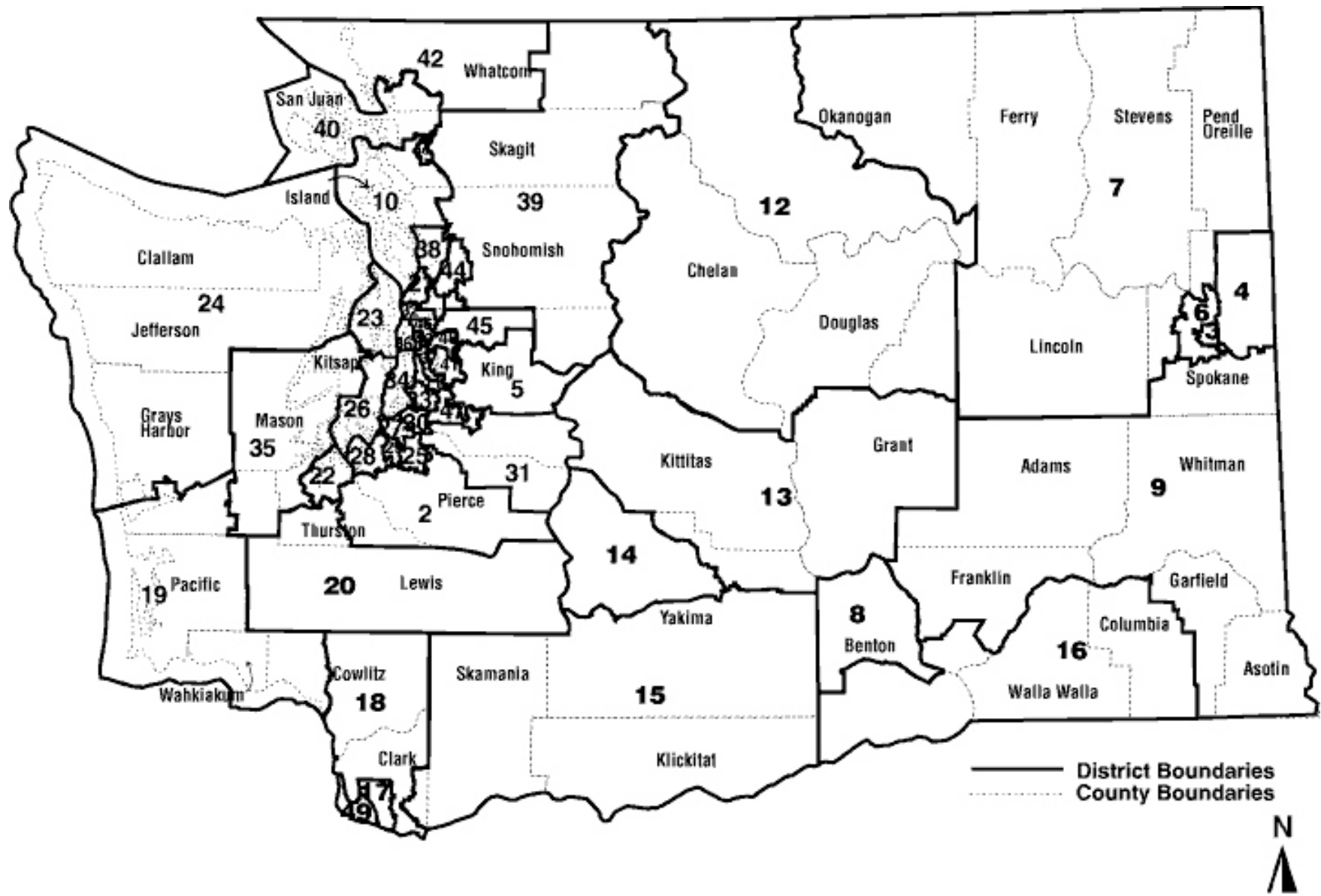
Industrial insurance final settlement agreements, requirements: HB 2145
 Industrial insurance funds, proper and improper use of accident fund, medical fund, and supplemental pension fund: HB 1386
 Language service providers, exemption from definitions of employment and worker for industrial insurance purposes: HB 1990
 Occupational diseases of firefighters, methicillin-resistant staphylococcus aureus and esophageal cancer considered to be in certain cases: HB 1932
 Retrospective rating plans, evaluation and increased transparency of retrospective rating system: ESSB 6035
 Social security retirement benefits, industrial insurance offset: HB 1211
 Surviving spouses of members of certain retirement systems, industrial insurance death benefits: HB 1212
 Taxicab and limousine operators, mandatory industrial insurance coverage funded by public utility tax: HB 1625
 Violations, department of labor and industries authority to issue stop work orders: HB 1554, ***SSB 5613, CH 196**

WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD

Building bridges advisory committee, establishing and meeting high school graduation and reengagement goals: HB 1813
 Comprehensive plan for workforce training and education, timeline for submission and updates by board revised: ***HB 1394, CH 92**, SB 5316
 Entrepreneurial education and training, board to help foster in conjunction with economic development commission: SSB 5879
 Evergreen jobs act, provisions relating to vocational education: HB 2227
 High school graduation and reengagement goals, establishing and meeting: ESSB 5449
 High-cost critical college programs, identifying and managing competitive processes for awarding funds for: HB 1904
 High-demand occupation training program funds, role of board in use by workforce development councils to help certain economically disadvantaged adults and unemployed workers: ***E2SSB 5809, CH 566 PV**
 Lifelong learning account steering committee: HB 1129, ESSB 5555 Opportunity internship program, board to study outcome: HB 1355
 Workforce and economic development, clarifying terms for: ***HB 1395, CH 353**, SSB 5317
 Workforce and economic development, comprehensive plan for coordination of: HB 1323, SSB 5048
 Workforce training, state comprehensive plan for 2008-2018: HCR 4403, ***SSCR 8404**

ZOOS AND AQUARIUMS

Cultural access authorities, creation, organization, and funding: HB 1666



Statewide Legislative Districts